

Procedure on Appeal for OPD Offices

Effective January 1, 2012

- 1. Inform the Appellate Defender Office (ADO) the appeal is coming by phone or email (406-444-9505 or ado@mt.gov). The ADO has the right to assume **all** appeals filed in OPD cases, including contract and conflict OPD cases.

- 2. The following is a list of responsibilities you must be aware of when referring a case to the ADO:
 - The **Attorney** must complete the [Appellate Referral Form](#) (ARF) online and submit it electronically to the ADO.
 - For criminal appeals, ARF should be completed within 20 days of final judgment.
 - For D/N and mental health commitments, ARF must be completed within 7 days of final judgment.

 - Upon electronic submission of the ARF, you must file a Notice of Substitution of Counsel.

 - Upon electronic submission of the ARF, you must send within three days, the district court case register report, along with all minute entries in the case. Please send by email to ado@mt.gov. (**It is not necessary for you to send us your entire file with your case notes etc.**) Our office will copy from the district court case file all documents that we need for the appeal.

 - The ADO will file the notice of appeal on behalf of the Appellant within the appropriate deadlines and submit a request for production of transcripts.

It is very important this process is completed in a timely matter so the ADO has time to review the case and decide which transcripts will be needed prior to the expiration of the appeal deadline.