

# Procedure on Appeal for OPD Offices

## Revised May 15, 2019

**Please follow this procedure to appeal to the Montana Supreme Court.**

Upon final written judgment by the district court, contact the Appellate Defender Division (ADD) at 406-444-9505 and advise that you wish to proceed with an appeal. ADD has the right to assume all appeals in OPD cases, including contract and conflict OPD cases.

The following is a list of responsibilities you must be aware of when referring a case to the ADD:

- The Attorney must complete the Appellate Referral Form (ARF) online and submit it electronically to the ADD.
  - For DN appeals, ARF must be completed within 7 days of final judgment.
  - For all other appeals, ARF should be completed within 20 days of final judgment.
- Upon electronic submission of the ARF, you must file a Notice of Substitution of Counsel with the district court and attach a copy to the ARF.
- With the electronic submission of the ARF, you must attach the *district court case register report, all minute entries in the case, and a filed copy of the final Judgment/Order.* (Do not send us your entire file with your case notes etc.) Our office will receive the entire record from the district court as the record on appeal.
- ADD 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 ADD has time to review the case and decide which transcripts will be needed prior to the expiration of the appeal deadline.***

If you have any questions regarding this procedure please contact ADD at (406) 444-9505.