

# **APPELLATE PROCEDURE**

## **FOR CONTRACT AND CONFLICT ATTORNEYS**

(Effective May 16, 2012)

OFFICE OF THE STATE PUBLIC DEFENDER  
**APPELLATE DEFENDER OFFICE**

555 Fuller  
P.O. BOX 200147  
Helena, MT 59620-0147  
(406) 444-9505 • (406) 442-6227 (fax)  
[ado@mt.gov](mailto:ado@mt.gov)

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

Upon final written judgment by the district court, contact the Office of the Appellate Defender Office (ADO) at 406-444-9505 and advise that you wish to proceed with an appeal. The ADO has the right to assume **all** appeal cases which a contract or conflict attorney handled at the district court level.

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 (Attachment A).
- 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](mailto: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.***

If you have any questions regarding this procedure please contact the Appellate Defender Office at (406) 444-9505.

ATTACHMENT A

NOTICE OF SUBSTITUTION OF COUNSEL

▶  
(Name of Firm)  
▶  
▶, MT ▶  
Telephone: (406) ▶

Attorney for Defendant/Appellant

MONTANA ▶ JUDICIAL DISTRICT COURT, ▶ COUNTY

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STATE OF MONTANA,	)	
	)	Cause No. ▶
Plaintiff,	)	
	)	
v.	)	NOTICE OF SUBSTITUTION
	)	OF COUNSEL
▶,	)	
	)	
Defendant.	)	

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COMES NOW ▶, counsel of record in this matter, and notifies this Court that the Appellate Defender Office will further represent the above-named Defendant for purposes of appeal of this case to the Montana Supreme Court. All future correspondence should be directed to their office at 555 Fuller, P.O. Box 200147, Helena, MT 59620-0147, telephone (406) 444-9505.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

By: \_\_\_\_\_  
▶

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and accurate copy of the foregoing Notice of Substitution of Counsel to be hand-delivered and/or mailed to:

▶  
County Attorney



TIM FOX  
Montana Attorney General  
C. MARK FOWLER  
Bureau Chief, Appellant Services Bureau  
P.O. Box 201401  
Helena, MT 59620-1401

▶ (Defendant)

OFFICE OF THE STATE PUBLIC DEFENDER  
APPELLATE DEFENDER OFFICE  
555 Fuller  
P.O. Box 200147  
Helena, MT 59620-0147

DATED: \_\_\_\_\_