



MONTANA STATE PUBLIC DEFENDER

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Appellate Referral Instructions

When to Submit an Appellate Referral

DO NOT SUBMIT AN APPEAL REFERRAL UNTIL A WRITTEN JUDGMENT OR APPEALABLE FINAL ORDER HAS BEEN FILED

- DNAs, and private DPAs/DGs where the State is not a party: Within 10 days of the filing date of the final order or written judgment
- All other cases: Within 20 days of the filing date of the final order or written judgment
- ONLY after consulting with the client regarding the advantages and disadvantages of seeking an appeal, and upon the client's explicit instructions to initiate an appeal, or upon a good faith belief that the client desires to appeal

How to Submit an Appellate Referral

- In AdvOPD, open the matter you want to refer for appeal and upload the Judgment/Final Appealable Order into the Filing Cabinet.
- Click on the "Related Matter" tab at the top of the matter record page.

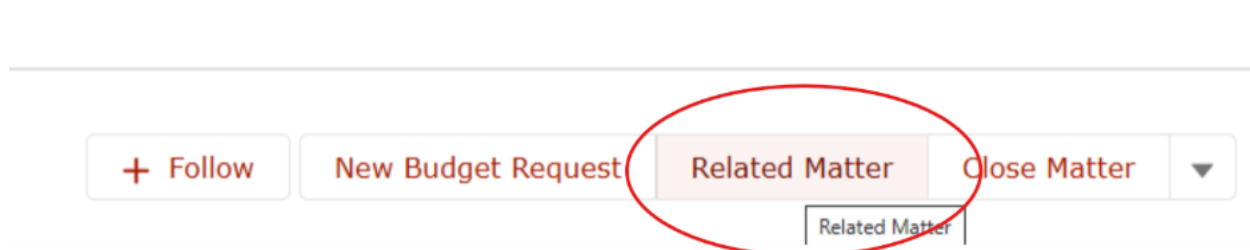
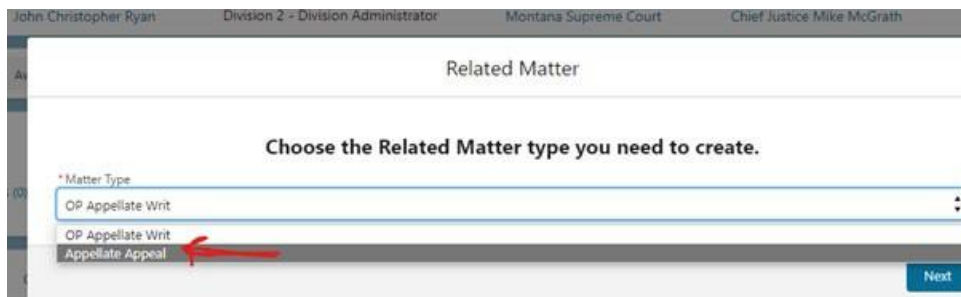


Figure 1

- In the dropdown that opens, select “Appellate Appeal”



John Christopher Ryan Division 2 - Division Administrator Montana Supreme Court Chief Justice Mike McGrath

Related Matter

Choose the Related Matter type you need to create.

*Matter Type

OP Appellate Writ

OP Appellate Writ

Appellate Appeal

Next

Figure 2

- A new pane will open, and you will need follow the instructions and complete all the fields marked with a red asterisk.
- After you select “Next,” the case will be submitted to the Appellate Defender Division, and the status of the trial-level case should change to **“On Appeal”**.
- After this process is completed, the Office of the State Public Defender will file a Notice of Assignment of Co-Counsel for The Appellate Defender Division Administrator.

**The trial-level attorney should not file anything in the District Court, nor the Montana Supreme Court.*