

Filing a Notice of Appeal

The Montana Supreme Court has adopted revisions to the Rules of Appellate Procedure. Rule 4(2) now requires a notice of appeal to be filed in the office of the Clerk of the Supreme Court. If you are appealing an order of the District Court, your appeal must substantially comply with the attached Form 1, M.R.App.P.

IN THE SUPREME COURT OF THE STATE OF MONTANA
Supreme Court Cause No. _____

_____,
Appellant,
v.

NOTICE OF APPEAL

_____,
Appellee.

NOTICE is given that _____, the Appellant above-named and who is the (plaintiff/petitioner) in that cause of action filed in the _____ Judicial District, in and for the County of _____, as Cause No. _____, hereby appeals to the Supreme Court of the State of Montana from the final judgment or order entered in such action on the ____ day of _____, 2____.

THE APPELLANT FURTHER CERTIFIES:

1. That this appeal ___ is/is not ___ subject to the mediation process required by M. R. App. P. 7. If subject to mediation, the money judgment being sought ___ is/is not ___ less than \$5,000.
2. That this appeal ___ is/is not ___ an appeal from an order certified as final under M. R. Civ. P. 54(b). If this is such an appeal, a true copy of the District Court's certification order is attached hereto as Exhibit "A."
3. That the notice required by M. R. App. P. 27 has been or will be given, within 11 days of the date hereof, to the Supreme Court and to the Montana Attorney General with respect to a challenge to the constitutionality of any act of the Montana Legislature.
4. That all available transcripts of the proceedings in this cause ___ have been/have not been ___ ordered from the court reporter contemporaneously with the filing of this notice of appeal. If all available transcripts have not been ordered, that Appellant has complied with the provisions of M. R. App. P. 8(3) contemporaneously with the filing of this notice of appeal.
5. That included herewith is the filing fee prescribed by statute, or the affidavit to proceed without payment of the required filing fee prescribed in the Appendix of Forms as Form 3.

Dated this _____ day of _____, 2____.

Appellant

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing NOTICE OF APPEAL with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing NOTICE OF APPEAL upon the Clerk of the District Court, each attorney of record, and each party not represented by an attorney in the above-referenced District Court action, as follows:

(list name and address of the Clerk of the District Court and each attorney or party served).

Dated this ___ day of _____, 2____.

Appellant