



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Risk Management



Phillip A. Lattimore, III
Chief Risk Officer

Administrative Order No. AO-13-04

Date: August 16, 2013

SUBJECT: Requests for Legal Assistance to Agency Counsel

DISTRIBUTION: Office of Risk Management Employees and Employees of the Public Sector Workers' Compensation Program Third Party Administrator

EXPIRATION: Until Superseded or Rescinded

1. Purpose

The purpose for this D.C. Office of Risk Management (ORM) Administrative Order (Order) is to provide guidance for the process for requesting legal assistance from ORM's agency counsel. This Order will also provide step-by-step instructions for completing the Request for Legal Assistance Form.

2. Applicability

Pursuant to Reorganization Plan No. 1 of 2003, effective December 15, 2003 (50 DCR 6504, amended 50 DCR 7298), this Order applies to all ORM employees and all employees of the Third Party Administrator.

3. Policy

- a. In order to maintain the orderly administration of legal requests, ORM has prepared a Request for Legal Assistance Form. The purpose of the form is to provide basic information to ORM's agency counsel regarding the issue or topic for which legal assistance is required. Additionally, the form will assist ORM in monitoring the function of its many programs and in measuring its efficiency and effectiveness.
- b. All requests for legal assistance shall be submitted through a Request for Legal Assistance Form, a copy of which is attached hereto and which may be periodically updated. Any questions regarding whether the attached form has been superseded with a new version should be directed first to your supervisor and then to ORM's agency counsel.
- c. The failure to follow the instructions indicated on the form will result in the request being returned for completion and resubmission.

d. Before approving the form, the supervisor should confirm the accuracy of the information entered by the individual requesting legal assistance, in particular whether the claimant is represented.

e. Guide for Completion of the form:

(1) The Top Section:

TO:		INITIALS	DATE
SUPERVISOR:			
REQUEST BY:			

All requests must be initialed and dated by both the individual making the request and that person’s supervisor. Before initialing the form, the supervisor should review the form and its attachments for completeness and accuracy. This will ensure that the request has undergone an initial level of review before it is submitted and that the form is properly completed before it is submitted to agency counsel.

(2) The “Purpose of Request” Section:

Purpose of Request	<input type="checkbox"/> Review Decision for Legal Sufficiency	<input type="checkbox"/> All Benefits	<input type="checkbox"/> Medical	<input type="checkbox"/> TTD	<input type="checkbox"/> PPD
	<input type="checkbox"/> NOD Denying	<input type="checkbox"/> All Benefits	<input type="checkbox"/> Medical	<input type="checkbox"/> TTD	
	<input type="checkbox"/> NOD Terminating	<input type="checkbox"/> All Benefits	<input type="checkbox"/> Medical	<input type="checkbox"/> TTD	
	<input type="checkbox"/> NOD Suspending	<input type="checkbox"/> All Benefits	<input type="checkbox"/> Medical	<input type="checkbox"/> TTD	
	<input type="checkbox"/> NOD Awarding PPD				
	<input type="checkbox"/> Final Decision on Reconsideration				
	<input type="checkbox"/> Tort Claim Decision				
	<input type="checkbox"/> Request Legal Opinion				
	<input type="checkbox"/> Request Subpoena				
	<input type="checkbox"/> Assist with Subrogation				
<input type="checkbox"/> Other					

Provide relevant facts (such as the basis for the decision being submitted for legal sufficiency review, the nature of the issue for which an opinion is sought, the information for the party to be subpoenaed, etc.) in the Notes section below. The failure to provide sufficient information will result in the request being returned for completion and resubmittal.

All requests must indicate the purpose of the request and should check no more than one box associated with the five purposes indicated (“Review Decision,” “Request Legal Opinion,” “Request Subpoena,” “Assist with Subrogation,” or “Other”). If the box for “Review Decision for Legal Sufficiency” is checked, the appropriate section marking the type of decision (*i.e.*, NOD Denying, Terminating, or Suspending benefits, etc.) and the benefits that are being affected, if applicable, should also be checked.

The request must also include a brief explanation of what is being asked in the “Notes” section as to why the action being proposed is being taken. For example, an NOD



Suspending All Benefits might state in the “Notes” section that “AOE/Tax records requested and not provided.” If the box for “Other” is checked, please include an explanation of what is being asked in the “Notes” section. If the request is for a subpoena to be issued, the name and address of the party being subpoenaed along with a description of the records being requested should be included in the “Notes” section.

The failure to provide sufficient information in this section, including the brief explanation in the “Notes” section, will result in the request being returned for completion and resubmittal.

(3) The “Background Info.” Section:

Background Info	Type of Claim:	<input type="checkbox"/> Workers' Comp.	<input type="checkbox"/> Tort	<input type="checkbox"/> RIAC	<input type="checkbox"/> Insurance
	Claimant Name:	_____			
	Claim No.:	_____			
	Represented:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	By:	_____
	Date of Loss:	_____			
Injury:	_____				
All items in this section <u>must</u> be completed or the request will be returned for completion and resubmittal.					

Each line in this section must be completed, including whether the claimant is represented and, if applicable, the nature of the injury. If an item in this section is not applicable, so indicate with “N/A.”

All items in this section must be completed or the request will be returned for completion and resubmittal.

(4) The “Type of Review” Section:

Type of Review	<input type="checkbox"/> Urgent (Same day)	<input type="checkbox"/> Routine (2 business days)	<input type="checkbox"/> Extended (Up to 20 business days)
Most requests should be marked “Routine.” “Urgent” requests should be marked only if there is a pressing deadline requiring immediate attention (i.e., an upcoming court ordered or statutory deadline). The basis for the “Urgent” review should be stated in the Notes/Background section below. Omission of a reason for an “Urgent” request will result in the matter being treated as a “Routine” request.			

Most reviews will be “Routine” and will be responded to by agency counsel within two business days. If the review is “Urgent” (i.e., requiring same day review), an explanation of the reason for the urgency is required and should be given in the “Notes/Background” section. Examples of why a request may need “Urgent” attention would include instructions from the Chief Risk Officer or General Counsel of ORM to complete the project that day, a pending 30 day deadline to issue a decision, or a court/ALJ order or statutory or regulatory requirement or provision directing something be done by a certain date. If no explanation as to the urgency is given, the request will be treated as a “Routine” review.



(5) The “Notes” Section:

Notes <input type="text"/>

This section should never be blank. There should always be a one or two line explanation providing details as to the purpose of the request, such as in the example given above. This section should also be used to provide a reason for an “Urgent” review.

(6) The Signature Section:

Counsel’s Remarks	<input type="checkbox"/> Approved	<input type="checkbox"/> Modify and Resubmit	<input type="checkbox"/> Let’s Discuss
Date <input type="text"/>	Signature <input type="text"/>	Comments: <input type="text"/>	
Resubmission Date	<input type="text"/>	Requester’s Initials <input type="text"/>	Supervisor’s Initials <input type="text"/>
Counsel’s Remarks	<input type="checkbox"/> Approved	<input type="checkbox"/> Modify and Resubmit	<input type="checkbox"/> Let’s Discuss
Date <input type="text"/>	Signature <input type="text"/>	Comments: <input type="text"/>	

This section indicates the agency counsel’s response to the legal assistance request. If the request requires re-submission, both the person making the request and the supervisor should initial where indicated. Before re-submitting the request, the supervisor should confirm that the changes recommended by the attorney after the first submission have been incorporated into the new draft of the document or that the questions raised by agency counsel have been answered. When submitting a revised draft, the submission should include the original marked up draft. If a second “Modify and Resubmit” is required, complete a new copy of the legal assistance request form and attach both the new and the previously completed copy to the document.

(f) How to submit the form:

The form can be submitted manually by delivering a copy of the completed form and any appropriate attachments to agency counsel (with the necessary approval of a supervisor). Alternatively, the form can be submitted electronically. To submit a form electronically, email a copy of the form, with the subject line “Request for Legal Assistance” and any appropriate attachments to the supervisor. The supervisor should review the form, enter his or her initials and the date where indicated and then forward the initialed form with the email from the person requesting legal assistance to agency counsel. Electronically



submitted forms will receive electronic responses. The email chain will constitute the “signature” of all parties involved.

If you are electronically submitting a document such as an NOD that may require editing, agency counsel’s comments and/or edits will be entered into the NOD itself using Microsoft Word’s “Track and Change” feature. If you are not familiar with or comfortable using “Track and Change,” either request training in that area or submit all forms manually.

4. Effective Date

This Order is effective immediately.



Phillip A. Lattimore, III, Esq.
Chief Risk Officer

