

REQUEST FOR CASE REFERRAL OR LEGAL ASSISTANCE
ATTORNEY-CLIENT PRIVILEGE - DO NOT RELEASE WITHOUT CONSENT OF LEGAL UNIT

Assigned to DOSH counsel: _____ Date: _____
ACC instructions: _____

LEGAL RECEIPT
DATE STAMP

GENERAL INSTRUCTIONS:

- Complete each section and mark all boxes that apply
- Send the completed form and a copy of the entire case file and all related case file(s) to the RM for approval
- If approved, add a scanned copy of the completed Form 23 and entire case file and all related case file(s) to the Legal Unit shared drive (Legal-DO\\sfo37cvc)
- Email the Legal Unit (doshlegal_oak@dir.ca.gov) when the case referral is added to the shared drive

Employer: _____
Inspection no. _____ District office: _____ CSHO name: _____
Hearing date set: _____ Conference date(s) set: _____
For related inspections, list employer name(s) and inspection no(s): _____

Have the related cases been referred to Legal? Yes No
If "No", indicate status of related cases (e.g., no citations, not appealed, etc.): _____

Comments (any additional information Legal should consider regarding referral): _____

Part 1 - Case referral for legal representation

Note: DOSH Legal must receive referrals of expedited cases within 10 business days after receipt of the Docket.

1. **Mandatory referral:** Yes No
- Division jurisdiction is a core issue
 - Consent to inspect or other inspection procedure is a core issue
 - Case involves one or more of the following:
 - Accident actively investigated by BOI
 - Citation alleging willful violation
 - Health citation requiring implementation of engineering controls
 - High-profile case*
 - Requires expert witness other than issuing compliance officer
 - Special Order or Order to Take Special Action
 - Permit revocation or suspension
2. **Discretionary referral:** Yes No
- Factually complex case (Explain in "Comments" below)
 - Question as to whether the cited regulation applies (Explain in "Comments" below)
 - Other (Explain in "Comments" below)
- Comments: _____

Part 2 - Request to approve settlement with stipulated penalties inconsistent with T8CCR section 336 or to remove accident-related characterization

- If you check "yes" to item 3 or 4 (or both), provide a Form 10 showing proposed modifications and a written justification for the proposed settlement, including a detailed explanation of underlying evidentiary problems. This is in addition to providing a scanned copy of the entire case file and all related case file(s).
- RM must allow at least 5 workdays for Legal Unit review and approval.

3. Are you proposing a settlement that includes removal of an "accident-related" characterization?: Yes No

4. Are you proposing a settlement with stipulated penalties that are inconsistent with 8 CCR 336?: Yes No

District Manager Signature: _____ Date: _____

Regional Manager Approved Yes No Signature: _____ Date: _____

* Examples of high profile cases: jumbo penalties of \$100K or more, media interest, interest from elected officials, active involvement by union or other advocates, and significant health-related inspections (including significant workplace violence inspections).