

N(30)000-337 is revised to be N(30)000-337a

Department  
of the  
Treasury

Internal  
Revenue  
Service

Office of  
Chief Counsel

# Notice

N(30)000-337a

May 24, 2000

**Subject:** Assisting Appeals in Reducing  
CDP Hearing Inventory

**Cancel Date:** Upon incorporation  
into the CCDM

## Purpose

The purpose of this notice is to provide instructions for assisting Appeals in reducing its Collection Due Process ("CDP") inventory. These procedures apply to all field and National Office Chief Counsel functions and provide instructions for coordinating requests for advice from Appeals regarding legal issues that arise in CDP hearings.

## Background

The Restructuring and Reform Act of 1998 (RRA) added Internal Revenue Code sections 6320 and 6330. They provide in part that after a Notice of Federal Tax Lien is filed, or after a notice of intent to levy is given, a taxpayer is entitled to receive an independent hearing before an Appeals officer who has no prior involvement in the taxpayer's case for the tax period at issue.

Over the period of time since the new law went into effect a significant backlog of CDP hearing cases has developed and Appeals has requested the assistance of Counsel in reducing this inventory. As a result of discussions among representatives of the regional and national offices of Counsel and Appeals, a program for providing tailored legal assistance to Appeals offices with significant CDP inventories was developed. It is believed that such assistance will facilitate the reduction of these inventories. This program will commence April 4, 2000.

## CDP Hearing Inventory Reduction Assistance

To support Appeals in reducing its CDP hearing inventory, Counsel will provide the following program of legal assistance at the request of local Appeals offices:

- Counsel in requesting districts will designate experienced local attorneys as direct contacts to serve as a dedicated resource to Appeals offices needing prompt resolution of legal questions arising in CDP hearings.

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- The designated attorneys will provide prompt oral and written legal advice as needed.
- Where appropriate, the designated attorneys will coordinate requests for advice that present complicated or novel legal issues needing more intense consideration with National Office experts on an expedited basis. Requests for advice in such cases reviewable by the Tax Court should be directed to the Assistant Chief Counsel (Field Service) CC:DOM:FS. Requests for advice in cases reviewable by the district court or in nondocketed cases should be directed to the Chief, Branch 1 (General Litigation) CC:EL:GL:Br 1. National Office advice should be coordinated with other functions as is appropriate.
- Local Counsel will work with their Appeals offices to identify significant and recurring legal issues. To ensure uniformity of treatment in these cases, copies of advice given on such issues will be forwarded to National Office Counsel for possible dissemination to all Appeals offices.
- Counsel at both the local or national levels will provide direct assistance to Appeals in the design and implementation of training programs, as requested.

### **CASE Opening and Reporting Instructions**

To facilitate tracking and reporting, local Counsel will open a case for any CDP hearing inventory reduction inquiry that takes two or more hours to process and requires substantive written legal advice or referral to the National Office for Chief Counsel advice. The case should be opened as a 701 advisory opinion and the "CDP" - Due Process Appeals - aspect code added. Cases will be opened under the taxpayer's name with a cross-reference to the specific legal issue(s) involved. In addition, field attorneys should carefully document informal oral advice they provide in these cases. One informal CDP case will be opened for each participating office and all time spent in rendering informal advice in these matters will be charged to that file.

The principal author of this notice is Joseph W. Clark of the Office of the Assistant Chief Counsel (General Litigation). For further information regarding this notice contact him at (202) 622-3620 (not a toll-free call).

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/s/  
MARLENE GROSS  
Deputy Chief Counsel (Operations)