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March 17, 2026

WCA Office of General Counsel
New Mexico Workers' Compensation
Administration
P.O. Box 27198
Albuquerque, NM 87125-7198

Re: Opposition to Proposed Amendments to Rule 11.4.4.15(A) – Approval of Attorney Fees and Liens

Dear WCA Office of General Counsel,

I write in opposition to the proposed amendments to Rule 11.4.4.15(A) regarding the approval of attorney fees and liens.

The current rule already provides sufficient instructions for NM Attorneys seeking an award of fees. As written, the rule requires that applications include “sufficient information to determine if the fee request is appropriate” and “any other relevant information for the determination of fees”. The proposed amendments do little to assist in this area and may encourage further burdens on time and resources as well as increased litigation.

At the outset, the proposed language introduces subjective and ambiguous terminology that is inappropriate for a rule intended to guide judicial decision-making. Phrases such as “miserly fees” inject opinion-based standards into what should remain an objective, evidence-driven analysis. The inclusion of such wording risks inconsistent application and invites unnecessary litigation over interpretation, rather than promoting clarity and uniformity.

Additionally, the current rule already requires inclusion of the hourly billing rate of counsel, which inherently reflects the locality, ability, experience, skill, and reputation of the attorney. Mandating these factors explicitly is unnecessary and burdensome.

Similarly, considerations such as local fee norms, cost-of-living adjustments, and economic impact on goods, services, and workers' compensation premiums are already accounted for in existing fee caps which were recently adjusted in Statute and are impractical to apply on a case-by-case basis.

Finally, directing attorneys to include the broader economic impact of fees—on goods, services, and workers' compensation premiums—places an undue burden on their time and resources. This may inadvertently increase fees and generate additional litigation, contrary to the intent of streamlined fee approval.

In sum, the proposed amendments:

- Introduce subjective and potentially harmful language;
- Duplicate considerations already accounted for in current law and recent fee cap adjustments;
- Encourage increased litigation over attorney fees thus further inflating costs;

For these reasons, the proposed amendments are unnecessary and may undermine efficiency and fairness. I respectfully request that Section 11.4.4.15 A remain as currently written.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tana Lucero-Ranke', written in a cursive style.

Tana Lucero-Ranke, Administrator
Food Industry Self-Insurance Fund