

Public Comment Via Email

February 6, 2026

To whom it may concern:

I oppose the change to rule 11.4.4.15(A) because the current rule already provide instructions to attorneys seeking an award of fees to provide "sufficient information to determine if the fee requested is appropriate" and that the attorney should include "any other relevant information for the determination of fees." Attorneys appearing before the WCA should be sufficiently familiar with workers' compensation law to make a case for their own fees. The proposed rule requires workers' attorneys to provide information about the impact of their fee request on WC premiums, make an accounting for the rise in the cost of living, and other economic information that is not only a toll on the attorney's time, but will tend to cause discovery disputes over the attorney's right to this information from an insurance company. Moreover, WCJs are required to follow the guidance from the high courts outlined in the controlling case law without the proposed rule's requirement for each and every application. The WCJ should be free to take a variety of factors into account as they apply the law instead of being constrained by an administrative rule that seeks to interpret case law. This rule seeks to interpret the case law, contrary to the judiciary's exclusive function. See *Pub. Serv. Co. of N.M. Pub. Serv. Comm'n*, 112 N.M. 379, 382-83, 815 P.2d 1169, 1172-73 (1991). Moreover, it is contrary to the purpose of the Act to promote a quick and efficient administration of benefits under Section 52-5-1 or by rules in 52-5-9. Therefore, I strongly oppose the proposed rule change as it will not expedite adjudication, narrow issues or simply methods of proof at hearings.

March 18, 2026 – Jeremiah Ritchie, NM Mutual

We would also like to flag language in 11.4.4.15:

The inclusion of "as applicable" in its current form could be construed to mean that submission of supporting discussion is only "as applicable" and therefore discretionary. If the intent is to require a discussion of the statutory requirements in every instance of a disputed or max fee request, we would recommend moving the term "as applicable" to read as follows:

"...shall include a supporting discussion of statutory requirements, and the following factors, as applicable:"