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HOUSE MEMORIAL 83

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Pamelya Herndon

A MEMORIAL

REQUESTING THE WORKERS' COMPENSATION ADMINISTRATION TO CONVENE
A TASK FORCE TO STUDY THE IMPACT AND EFFECT OF ATTORNEY FEES
AND ATTORNEY FEE CAPS ON THE WORKERS' COMPENSATION SYSTEM IN
NEW MEXICO.

WHEREAS, workers are the backbone of state industry and
commerce, and workers' compensation benefits are needed to
compensate workers injured on the job and to enable them to
return to work; and

WHEREAS, legal representation for workers and employers is
critical to the effective functioning of the workers'
compensation system; and

WHEREAS, the stakeholders' and the workers' compensation
administration's access to information regarding the impact and
effect of attorney fees and attorney fee caps on worker

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1 representation, the quick and efficient delivery of benefits to
2 injured workers, the impact of insurance premiums and other
3 information would be helpful to improving the workers'
4 compensation system in New Mexico, which strives to balance the
5 interests of the stakeholders;

6 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
7 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the director of
8 the New Mexico workers' compensation administration be
9 requested to convene a task force by May 1, 2023 to complete
10 the following:

11 A. gather and study information related to workers'
12 compensation attorney fees and attorney fee caps in New Mexico,
13 including determining how many workers' compensation claims
14 reach the attorney fee cap and the average attorney fees
15 received per claim in New Mexico and determining the impact of
16 attorney fee caps on the ability of claimants to obtain legal
17 representation;

18 B. identify issues and problems related to workers'
19 attorney fees and attorney fee caps in New Mexico;

20 C. make recommendations to resolve the issues and
21 problems related to workers' attorney fees and attorney fee
22 caps in New Mexico that the task force identifies; and

23 D. any other work related to workers' attorney fees
24 and attorney fee caps that the task force determines is
25 important; and

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1 BE IT FURTHER RESOLVED that the task force consist of the
2 following members, to be appointed by the director of the
3 workers' compensation administration:

4 A. the workers' compensation administration
5 director's designee, if appropriate;

6 B. four attorneys licensed to practice law in New
7 Mexico with practices generally limited to workers'
8 compensation claims, two representing workers and two
9 representing employers and insurers;

10 C. two employer representatives;

11 D. two insurance representatives, one of whom shall
12 be a representative from a group of self-insured individuals;

13 E. two labor or union representatives; and

14 F. two workers who have filed workers' compensation
15 claims that have been resolved; and

16 BE IT FURTHER RESOLVED that the task force be requested to
17 present a report of its findings and recommendations to the
18 advisory council on workers' compensation and occupational
19 disease disablement by April 30, 2024; and

20 BE IT FURTHER RESOLVED that copies of this memorial be
21 transmitted to the speaker of the house of representatives, the
22 president pro tempore of the senate, the governor and the
23 director of the workers' compensation administration.