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1      **IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

2      **EUGENE W. TRUJILLO,**

3      Worker-Appellant,

4      v.

Court of Appeals of New Mexico  
Filed 12/18/2025 9:07 AM

  
Mark Reynolds

**No. A-1-CA-39842**

5      **LUNA COMMUNITY COLLEGE and**  
6      **NEW MEXICO PUBLIC SCHOOL**  
7      **INSURANCE AUTHORITY,**

8      Employer/Insurer-Appellees.

9      **APPEAL FROM THE WORKERS' COMPENSATION ADMINISTRATION**  
10     **Rachel A. Bayless, Workers' Compensation Judge**

11     Gerald A. Hanrahan  
12     Albuquerque, NM

13     for Appellant

14     Hoffman Kelley Lopez LLP  
15     Jeffrey L. Federspiel  
16     Albuquerque, NM

17     for Appellees

18     Michael J. Holt, General Counsel  
19     Sandra Gardner, Assistant General Counsel  
20     Albuquerque, NM

21     for Amicus Curiae Workers' Compensation Administration

## DISPOSITIONAL ORDER

2 ATTREP, Judge.

3 {1} This matter is before this Court on remand from certification to the New  
4 Mexico Supreme Court. Worker Eugene W. Trujillo appeals a Workers'  
5 Compensation Administration (WCA) order awarding him the maximum amount of  
6 attorney fees allowed under the fee cap (the Cap) in NMSA 1978, Section 52-1-54(I)  
7 (2013, amended 2025)<sup>1</sup> for the work his attorney performed before the WCA.  
8 Worker argues on appeal that the Cap violates the separation-of-powers doctrine  
9 embodied in Article III, Section 1 of the New Mexico Constitution on the ground  
10 that it infringes on the Judiciary's "absolute power and exclusive authority to  
11 regulate the practice of law." We affirm.

12 {2} Because Worker's argument required the resolution of questions involving  
13 our Supreme Court's inherent and constitutional authority to regulate the practice of  
14 law, *see, e.g.*, *State ex rel. Norvell v. Credit Bureau of Albuquerque, Inc.*, 1973-  
15 NMSC-087, ¶ 26, 85 N.M. 521, 514 P.2d 40 (“[T]he regulation of the practice of  
16 law is the exclusive constitutional prerogative of th[e Supreme Court].”), we  
17 certified this matter (and another raising the same issue) to the Supreme Court. *See*  
18 Order of Certification to the New Mexico Supreme Court, *Pena v. State*, A-1-CA-

<sup>1</sup>All citations in this opinion to Section 52-1-54 are to the 2013 version of that statute because it was the version in effect at the time Worker was awarded his attorney fees.

1 39744, *Trujillo v. Luna Cnty. Coll.*, A-1-CA-39842 (N.M. Ct. App. Sept. 6, 2023).

2 On July 3, 2025, the Supreme Court issued its decision in *Pena v. State*, \_\_\_-NMSC-

3 \_\_\_, \_\_\_ P.3d \_\_\_ (S-1-SC-40090, July 3, 2025). As relevant here, *Pena* held (1) the

4 Supreme “Court’s inherent authority is not infringed by legislative regulation of

5 pleading, practice, and procedure that occurs outside of the Judiciary’s courts,” *id.*

6 ¶ 38 (emphasis omitted); and (2) “quasi-judicial proceedings such as those within

7 the WCA exist outside the judicial branch,” *id.* ¶ 35. The Supreme Court thus

8 concluded that, although the “regulation of attorney fees generally falls within the

9 purview of th[e] Court’s inherent powers and power of superintending control, . . .

10 regulation of attorney fees specifically within the workers’ compensation context

11 does not.” *Id.* ¶ 42. Given this, Worker’s contention that the Cap as applied in his

12 case is unconstitutional is foreclosed by *Pena*.<sup>2</sup>

13 {3} Worker separately contends on appeal that an attorney “fee in the range of

14 \$73,000 to \$90,000 [for his attorney’s work done before the WCA] is reasonable,

15 proper and well-earned; and should be awarded by this Court.” As noted, however,

16 our Supreme Court held that the Cap—in this case, \$22,500—was constitutional for

17 work done before the WCA. *See id.* ¶¶ 33-42. Further, the Court rejected the idea

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<sup>2</sup> The Supreme Court additionally held that Section 52-1-54(I) is unconstitutional inasmuch as it attempts to impose a cap on the recovery of attorney fees for work performed on appeal to New Mexico courts. *See Pena*, \_\_\_-NMSC\_\_\_, ¶¶ 52-59. The issue of whether Worker is entitled to any such attorney fees, however, is not currently before us.

1 that judicial review of attorney fees in a quasi-judicial setting, such as the WCA,  
2 included the ability to award a fee beyond the Cap. *See id.* ¶¶ 44-51. In light of these  
3 conclusions, Worker's contention that his attorney should be awarded attorney fees  
4 in excess of the Cap is not well taken.

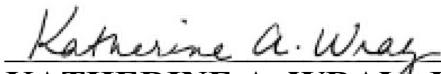
5 {4} We accordingly affirm the WCA order limiting Worker's recovery of attorney  
6 fees to \$22,500 for the work his counsel performed before the WCA.

7 {5} **IT IS SO ORDERED.**

8   
9 ~~JENNIFER L. ATTREP~~, Judge

10 **WE CONCUR:**

11   
12 **J. MILES HANISEE, Judge**

13   
14 **KATHERINE A. WRAY, Judge**