

WHAT ARE THE BENEFITS OF MEDIATION?

- Mediation allows the parties (not the judge) to have control over the outcome of a case.
- Mediation is faster than going to trial.
- Mediation is less costly than going to trial.
- Mediation is informal.
- Even if parties do not reach an agreement, mediation can help parties clarify the issues, and what information is still needed.
- Mediation can help parties resolve some issues, even if some issues still need to go before a judge.

WHAT SHOULD I BRING TO THE MEDIATION?

Bring any documents, medical records, bills, wage or employment records you have that are relevant to the claim.

WHAT IF I WANT TO COME BACK TO MEDIATION?

Even after the case has been set for trial, it is still possible to ask for another mediation or settlement conference.

A settlement conference is held with a mediator or judge, and is another chance for the parties to work out a solution for themselves. (For more information, see our *Lump Sum Settlement brochure*.)



New Mexico Workers' Compensation Administration

Main Office

Mailing Address:

PO Box 27198
Albuquerque, NM 87125-7198
Location: 2410 Centre SE
(Near Yale and Gibson)
In-state toll-free phone:
1-800-255-7965
Local phone: 841-6000

Regional Offices

Call the nearest regional office to reach the Ombudsman and Safety programs, and for forms and publications.

Farmington

2700 Farmington Ave.,
Bldg. E, Ste. 2
Farmington, NM 87401
Phone: 505-599-9746
In-state toll-free phone:
1-800-568-7310

Hobbs

2120 North Alto, Unit 3
Hobbs, NM 88240
Phone: 575-397-3425
In-state toll-free phone:
1-800-934-2450

Las Cruces

2407 W. Picacho, Ste. D
Las Cruces, NM 88007
Phone: 575-524-6246
In-state toll-free:
1-800-870-6826

Las Vegas

32 NM 65
Las Vegas, NM 87701
Phone: 505-454-9251
In-state toll-free phone:
1-800-281-7889

Roswell

Penn Plaza Building
400 N. Pennsylvania Ave.,
Ste. 425
Roswell, NM 88201
Phone: 575-623-3997
In-state toll-free phone:
1-866-311-8587

Santa Fe

Aspen Plaza Building
1596 Pacheco St., Ste. 202
Santa Fe, NM 87505
Phone: 505-476-7381

Help & Hotline

1-866-WORKOMP

1-866-967-5667

<https://workerscomp.nm.gov>



State of New Mexico



Workers' Compensation Mediation Services



STATE OF NEW MEXICO

Workers' Compensation Administration

ONE TEAM | ONE GOAL

A Better New Mexico for Workers and Employers

DISPUTE RESOLUTION SERVICES

The New Mexico Workers' Compensation Administration (WCA) has its own administrative court to resolve disputed cases. The court is staffed with administrative law judges, professional mediators, and the official court clerk who keeps records. The WCA's Dispute Resolution Bureau handles all complaints that fall under workers' compensation law.

WHAT IS A MEDIATION?

A mediation is an informal meeting involving both sides of a workers' compensation dispute. It takes place with a WCA mediator, who helps resolve the dispute.

WHAT HAPPENS IN MEDIATION?

A mediator will meet with you and the other people involved in the dispute. The mediator is an attorney or a judge who is neutral and does not advocate for either side. Mediation is informal and the mediator does not have the power to order the parties to do anything they do not want to do.

Everyone at the mediation will have a chance to talk. The mediator will help everyone talk about what has happened, what the issues are, and possible ways to resolve those issues.

HOW SHOULD I PREPARE FOR MEDIATION?

Think about what you want and why it is important. If you want more than one thing, think about what is the most important. Think about whether you are willing to compromise on any of the issues, and why or why not.

WHO CAN ATTEND THE MEDIATION?

Generally, the injured worker and a representative from the insurance company will attend the mediation. A representative from the employer may also attend.

Frequently, one or more of the participants will bring an attorney to the mediation. The injured worker may bring a non-attorney support person, such as a spouse or friend.

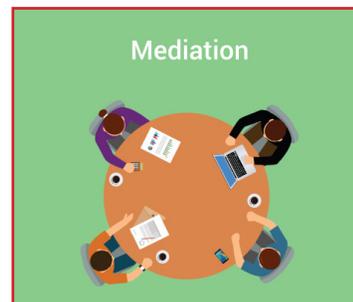
The mediator makes the final determination about who can attend the mediation.

DO I HAVE TO MEDIATE?

All complaints filed with the WCA are referred to the mediation program and all parties must participate.

DO I NEED AN ATTORNEY?

The decision about whether to hire an attorney is up to you. Everyone has the right to bring their attorney to the mediation, and anyone can choose to participate in the mediation without an attorney.

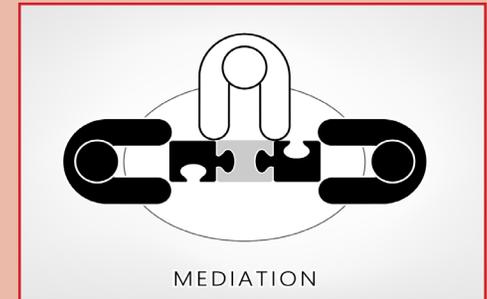


DO I HAVE TO COMPROMISE?

During the mediation, the mediator will help the parties talk about what has happened and what they want. The mediator will help the parties think about possible ways to resolve the situation and may suggest compromises. Sometimes the parties are willing to compromise to resolve the issue, but no one will have to agree to anything unless they want to.

WHAT HAPPENS IF WE AGREE?

The mediator will write a Recommended Resolution (RR) that includes the terms of the agreement. The mediator will file the RR with the clerk of court and all parties will receive a copy.



WHAT HAPPENS IF WE DON'T AGREE?

The mediator will write a Recommended Resolution (RR) with a suggested outcome. The mediator will file the RR with the clerk of court and all parties will receive a copy.

WHAT HAPPENS AFTER THE RECOMMENDED RESOLUTION IS FILED?

You will have 30 days from the day you receive the RR to read it over and decide whether to accept or reject the recommendation.* The RR will come with instructions about how to file your acceptance or rejection.

If you do not file an acceptance or rejection within the 30 days, you will be deemed to have accepted the RR.

If EVERYONE *accepts* the RR then it is binding on the parties, just like an order from a judge.

If ANYONE *rejects* the RR, then a judge will be assigned to the case and it will be set for trial.

*See Rule 11.4.4.10 for more information:
<https://workerscomp.nm.gov/sites/default/files/documents/rules/rule4.pdf>