



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/06/04, by Tom Cross

SYNOPSIS AS INTRODUCED:

770 ILCS 5/1

from Ch. 13, par. 14

Amends the Attorneys Lien Act. Makes a stylistic change in provisions concerning the creation of liens.

LRB093 14592 LCB 40099 b

1 AN ACT concerning liens.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Attorneys Lien Act is amended by changing
5 Section 1 as follows:

6 (770 ILCS 5/1) (from Ch. 13, par. 14)

7 Sec. 1. Attorneys at law shall have a lien upon all claims,
8 demands and causes of action, including all claims for
9 unliquidated damages, which may be placed in their hands by
10 their clients for suit or collection, or upon which suit or
11 action has been instituted, for the amount of any fee which may
12 have been agreed upon by and between such attorneys and their
13 clients, or, in the absence of such agreement, for a reasonable
14 fee, for the services of such suits, claims, demands or causes
15 of action, plus costs and expenses. In the case of a claim,
16 demand, or cause of action with respect to which the total
17 amount of all liens under the Health Care Services Lien Act
18 meets or exceeds 40% of the sum paid or due the injured person,
19 the total amount of all liens under this Act shall not exceed
20 30% of the sum paid or due the injured person. All attorneys
21 shall share proportionate amounts within this statutory
22 limitation. If an appeal is taken by any party to a suit based
23 on the claim or cause of action, however, the attorney's lien
24 shall not be affected or limited by the provisions of this Act.

25 To enforce ~~the such~~ lien, such attorneys shall serve notice
26 in writing, which service may be made by registered or
27 certified mail, upon the party against whom their clients may
28 have such suits, claims or causes of action, claiming such lien
29 and stating therein the interest they have in such suits,
30 claims, demands or causes of action. Such lien shall attach to
31 any verdict, judgment or order entered and to any money or
32 property which may be recovered, on account of such suits,

1 claims, demands or causes of action, from and after the time of
2 service of the notice. On petition filed by such attorneys or
3 their clients any court of competent jurisdiction shall, on not
4 less than 5 days' notice to the adverse party, adjudicate the
5 rights of the parties and enforce the lien.

6 (Source: P.A. 93-51, eff. 7-1-03.)