

# SB1091



## 96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1091

Introduced 2/6/2009, by Sen. John J. Cullerton

### SYNOPSIS AS INTRODUCED:

770 ILCS 5/1

from Ch. 13, par. 14

Amends the Attorneys Lien Act. Makes a technical change in a Section concerning the creation of liens.

LRB096 07168 AJO 17254 b

A BILL FOR

1 AN ACT concerning civil law.

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 ~~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

1 shall not be affected or limited by the provisions of this Act.

2 To enforce such lien, such attorneys shall serve notice in  
3 writing, which service may be made by registered or certified  
4 mail, upon the party against whom their clients may have such  
5 suits, claims or causes of action, claiming such lien and  
6 stating therein the interest they have in such suits, claims,  
7 demands or causes of action. Such lien shall attach to any  
8 verdict, judgment or order entered and to any money or property  
9 which may be recovered, on account of such suits, claims,  
10 demands or causes of action, from and after the time of service  
11 of the notice. On petition filed by such attorneys or their  
12 clients any court of competent jurisdiction shall, on not less  
13 than 5 days' notice to the adverse party, adjudicate the rights  
14 of the parties and enforce the lien.

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