

HB1921



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1921

Introduced 2/1/2023, by Rep. Tony M. McCombie

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.

LRB103 28216 LNS 54595 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
14 reasonable fee, for the services of such suits, claims,
15 demands or causes of action, plus costs and expenses. In the
16 case of a claim, demand, or cause of action with respect to
17 which the total amount of all liens under the Health Care
18 Services Lien Act meets or exceeds 40% of the sum paid or due
19 the injured person, the total amount of all liens under this
20 Act shall not exceed 30% of the sum paid or due the injured
21 person. All attorneys shall share proportionate amounts within
22 this statutory limitation. If an appeal is taken by any party
23 to a suit based on the claim or cause of action, however, the

1 attorney's lien shall not be affected or limited by the
2 provisions of this Act.

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

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