

1 AMENDMENT TO HOUSE BILL 2828

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2828 by replacing  
3 the title with the following:

4 "AN ACT in relation to liens."; and

5 by replacing everything after the enacting clause with the  
6 following:

7 "Section 5. The Attorneys Lien Act is amended by adding  
8 Section 2 as follows:

9 (770 ILCS 5/2 new)

10 Sec. 2. Attorneys representing the State of Illinois.

11 (a) The General Assembly finds as follows:

12 (1) The Attorneys Lien Act provides a procedure  
13 for attorneys at law to obtain a lien upon claims,  
14 demands, and causes of action placed in their hands by  
15 their clients for suit or collection, or upon which suit  
16 or action has been instituted, for the amount of any fee  
17 which may have been agreed upon by and between such  
18 attorneys and their clients, or in the absence of such  
19 agreement, for a reasonable fee, for the services of such  
20 suits, claims, demands, or causes of action, plus costs  
21 and expenses.

1           (2) The Attorneys Lien Act does not now create, nor  
2           has it ever created, a lien for attorneys representing  
3           the State of Illinois in suits, claims, demands, or  
4           causes of action brought by such attorneys on behalf of  
5           the State of Illinois, for the amount of any fee from the  
6           State of Illinois which may be due such attorneys.

7           (3) Attorneys representing the State of Illinois  
8           have nevertheless filed a lien in the case of People of  
9           the State of Illinois v. Philip Morris et al. (Circuit  
10           Court of Cook County, No. 96-L13146), which lien such  
11           attorneys are attempting to enforce by claiming a right  
12           to recover fees based on a contract entered into with the  
13           State of Illinois.

14           (4) The Attorneys Lien Act therefore needs to be  
15           clarified that it does not give rise, nor has it ever  
16           given rise, to lien rights for attorneys in litigation in  
17           which they are representing the State of Illinois for  
18           fees allegedly owed by the State of Illinois.

19           (b) This Act does not create a lien, nor has it ever  
20           created a lien, in favor of any attorney representing the  
21           State of Illinois in connection with (i) any claim, demand,  
22           suit, or cause of action pursued by the State of Illinois,  
23           (ii) any verdict, judgment, or order entered in favor of the  
24           State of Illinois, or (iii) any money or property recovered  
25           by the State of Illinois, and, as a particular application of  
26           the foregoing, the Act did not create a lien in favor of the  
27           attorneys representing the State of Illinois in the case of  
28           People of the State of Illinois v. Philip Morris et al.  
29           (Circuit Court of Cook County, No. 96-L13146).

30           (c) This amendatory Act of the 92nd General Assembly is  
31           declarative of existing law.

32           Section 99. Effective date. This Act takes effect upon  
33           becoming law."