

1 AN ACT in relation to Attorneys Lien Act.

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 adding  
5 Section 2 as follows:

6 (770 ILCS 5/2 new)

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

8 (a) The General Assembly finds as follows:

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

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

25 (3) Attorneys representing the State of Illinois  
26 have nevertheless filed a lien in the case of People of  
27 the State of Illinois v. Philip Morris et al. (Circuit  
28 Court of Cook County, No. 96-L13146), which lien such  
29 attorneys are attempting to enforce by claiming a right  
30 to recover fees based on a contract entered into with the

1 State of Illinois.

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

7 (b) This Act does not create a lien, nor has it ever  
8 created a lien, in favor of any attorney representing the  
9 State of Illinois in connection with (i) any claim, demand,  
10 suit, or cause of action pursued by the State of Illinois,  
11 (ii) any verdict, judgment, or order entered in favor of the  
12 State of Illinois, or (iii) any money or property recovered  
13 by the State of Illinois, and, as a particular application of  
14 the foregoing, the Act did not create a lien in favor of the  
15 attorneys representing the State of Illinois in the case of  
16 People of the State of Illinois v. Philip Morris et al.  
17 (Circuit Court of Cook County, No. 96-L13146).

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

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.