



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB1216**

Introduced 2/18/2005, by Sen. John J. Cullerton - Emil Jones, Jr.

**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.

LRB094 04859 LCB 34888 b

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

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

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

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