

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
31 State of Illinois.

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

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

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

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