

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Dowd**

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 16-22-304 CONCERNING THE
9 LIEN OF ATTORNEYS; AND FOR OTHER PURPOSES."

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11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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13 SECTION 1. Arkansas Code 16-22-304 is amended to read as follows:

14 "16-22-304. Lien of attorney created.

15 (a) (1) From and after service upon the adverse party of a written
16 notice signed by the client and by the attorney at law, solicitor, or
17 counselor representing the client, which notice is to be served by certified
18 mail, a return receipt being required to establish actual delivery of the
19 notice, the attorney at law, solicitor, or counselor serving the notice upon
20 the adversary party shall have a lien upon his client's cause of action,
21 claim, or counterclaim, which attaches to any settlement, verdict, report,
22 decision, judgment, or final order in his client's favor, and the proceeds
23 thereof in whosoever's hands they may come.

24 (2) The lien cannot be defeated and impaired by any subsequent
25 negotiation or compromise by any parties litigant.

26 (3) However, the lien shall apply only to the cause or causes of
27 action specifically enumerated in the notice.

28 (b) In the event that the notice is not served upon the adverse party
29 by an attorney at law, solicitor, or counselor representing his client, the
30 same lien created in this section shall attach in favor of the attorney at
31 law, solicitor, or counselor from and after the commencement of an action or
32 special proceeding or the service upon an answer containing a counterclaim, in
33 favor of the attorney at law, solicitor, or counselor who appears for and
34 signs a pleading for his client in the action, claim, or counterclaim in which
35 the attorney at law, solicitor, or counselor has been employed to represent

1 the client.

2 (c) This lien shall apply to proceedings before the Worker's
3 Compensation Commission. The lien shall attach from the date a notice of
4 claim is filed with the Commission, if served by certified mail, return
5 receipt requested, or from the date the Commission mails notice of the claim
6 to the employer or carrier, regardless of whether this mailing by the
7 Commission is by certified mail or regular mail, whichever date occurs first.

8 (d) The court or Commission before which an action was instituted, or
9 in which an action may be pending at the time of settlement, compromise, or
10 verdict, or in any chancery court of proper venue, upon the petition of the
11 client or attorney at law, shall determine and enforce the lien created by
12 this section."

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14 SECTION 2. All provisions of this act of a general and permanent
15 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
16 Code Revision Commission shall incorporate the same in the Code.

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18 SECTION 3. If any provision of this act or the application thereof to
19 any person or circumstance is held invalid, such invalidity shall not affect
20 other provisions or applications of the act which can be given effect without
21 the invalid provision or application, and to this end the provisions of this
22 act are declared to be severable.

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24 SECTION 4. All laws and parts of laws in conflict with this act are
25 hereby repealed.

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