

VIRGINIA ACTS OF ASSEMBLY -- 2001 SESSION

CHAPTER 495

An Act to amend and reenact § 54.1-3932 of the Code of Virginia, relating to attorney's lien for fees.

[H 1696]

Approved March 22, 2001

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3932 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-3932. Lien for fees.

A. Any person having or claiming a right of action sounding in tort, or for liquidated or unliquidated damages on contract *or for a cause of action for annulment or divorce*, may contract with any attorney to prosecute the same, and the attorney shall have a lien upon the cause of action as security for his fees for any services rendered in relation to the cause of action or claim. When any such contract is made, and written notice of the claim of such lien is given to the opposite party, his attorney or agent, any settlement or adjustment of the cause of action shall be void against the lien so created, except as proof of liability on such cause of action. Nothing in this section shall affect the existing law in respect to champertous contracts. *In causes of action for annulment or divorce an attorney may not exercise his claim until the divorce judgment is final and all residual disputes regarding marital property are concluded. Nothing in this section shall affect the existing law in respect to exemptions from creditor process under federal or state law.*

B. *Notwithstanding the provisions in subsection A, a court in a case of annulment or divorce may, in its discretion, exclude spousal support and child support from the scope of the attorney's lien. Any person having or claiming a right of action sounding in tort, or for liquidated or unliquidated damages on contract, may contract with any attorney to prosecute the same, and the attorney shall have a lien upon the cause of action as security for his fees for any services rendered in relation to the cause of action or claim. When any such contract is made, and written notice of the claim of such lien is given to the opposite party, his attorney or agent, any settlement or adjustment of the cause of action shall be void against the lien so created, except as proof of liability on such cause of action. Nothing in this section shall affect the existing law in respect to champertous contracts.*