

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 54.1-3932 of the Code of Virginia, relating to lien for attorney fees;*
3 *written notice requirements; validity and amount determinations.*

4
5 Approved

[S 817]

6 **Be it enacted by the General Assembly of Virginia:**

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

8 **§ 54.1-3932. Lien for fees.**

9 A. Any person having or claiming a ~~right~~ cause of action (i) sounding in tort, ~~or~~ (ii) for liquidated or
10 unliquidated damages on contract, or ~~for a cause of action~~ (iii) for annulment or divorce, may contract
11 with any attorney to prosecute the same, and ~~the~~, upon contracting such attorney, the attorney shall have
12 a lien upon the cause of action as security for his fees for any services rendered in relation to the cause
13 of action or claim. When any such contract is made, and written notice of the claim of such lien is
14 given to the client or former client, the opposite party, his or such party's attorney or agent, and the
15 clerk of court in which a case may be pending, any settlement or adjustment of the cause of action shall
16 be void against the lien so created, except as proof of liability on such cause of action. Written notice
17 of the lien shall be given either within 45 days of the end of representation or (a) in causes of action
18 sounding in tort or for liquidated or unliquidated damages on contract, before settlement or adjustment,
19 whichever is earlier or (b) in cases of annulment or divorce, before final judgment is entered, whichever
20 is earlier. Nothing in this section shall affect affects the existing law in respect to champertous
21 contracts. In causes of action for annulment or divorce an attorney, the court may not exercise his claim
22 determine the validity or amount of the lien until the divorce judgment is final and all residual disputes
23 regarding marital property are concluded. Nothing in this section shall affect affects the existing law in
24 respect to exemptions from creditor process under federal or state law.

25 B. Notwithstanding the provisions in subsection A, a court in a case of annulment or divorce may, in
26 its discretion, exclude spousal support and child support from the scope of the attorney's lien.

27 C. The validity and amount of the lien may be determined either by motion in the case in which the
28 lien is claimed, or by separate action after final judgment has been entered therein or if no case has
29 been filed. The validity and amount of the lien shall be determined by the court without a jury.

30 **2. That the Office of the Executive Secretary of the Supreme Court of Virginia shall promulgate a**
31 **form to be filed with the clerk of the circuit court.**

ENROLLED

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