

HOUSE BILL 153

Introduced by Smith, C., et al.

1/13	Introduced
1/14	Referred to Judiciary
1/24	Hearing
1/25	Tabled in Committee

1 House BILL NO. 153
2 INTRODUCED BY Smith
3 BY REQUEST OF THE WORKERS' COMPENSATION DIVISION
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THAT AN
6 ATTORNEY MAY NOT HAVE A LIEN ON THE WORKERS' COMPENSATION OR
7 OCCUPATIONAL DISEASE BENEFITS OF A CLIENT WHOM THE ATTORNEY
8 ASSISTS TO OBTAIN THE BENEFITS; AND AMENDING SECTION
9 37-61-420, MCA."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 37-61-420, MCA, is amended to read:

13 "37-61-420. Judgment lien for compensation. (1) The
14 compensation of an attorney and counselor for his services
15 is governed by agreement, express or implied, which is not
16 restrained by law.

17 (2) From the commencement of an action or the service
18 of an answer containing a counterclaim, the attorney who
19 appears for a party has a lien upon his client's cause of
20 action or counterclaim which attaches to a verdict, report,
21 decision, or judgment in his client's favor and the proceeds
22 thereof in whose hands they may come, except as provided in
23 39-71-743. Such lien cannot be affected by any settlement
24 between the parties before or after judgment.

25 (3) An attorney may not have a lien upon a claim,

1 payment, settlement, report, decision, or judgment for
2 workers' compensation or occupational disease benefits."

3 **Section 2.** Extension of authority. Any existing
4 authority to make rules on the subject of the provisions of
5 {this act} is extended to the provisions of {this act}.

-End-