

6270-S

Sponsor(s): Senate Committee on Judiciary (originally sponsored by Senators Esser, Haugen, Sheahan and Kline)

Brief Description: Revising provisions relating to attorneys' liens.

SB 6270-S.E - DIGEST

(DIGEST AS ENACTED)

Declares that the purpose of this act is to end double taxation of attorneys' fees obtained through judgments and settlements, whether paid by the client from the recovery or by the defendant pursuant to a statute or a contract. Through this legislation, Washington law clearly recognizes that attorneys have a property interest in their clients' cases so that the attorney's fee portion of an award or settlement may be taxed only once and against the attorney who actually receives the fee.

Declares that this act is curative and remedial, and intended to ensure that Washington residents do not incur double taxation on attorneys' fees received in litigation and owed to their attorneys. Thus, except for RCW 60.40.010(4), the statute is intended to apply retroactively.

Declares that attorneys have the same right and power over actions to enforce their liens under this act and over judgments to enforce their liens as their clients have for the amount due thereon to them.

Declares that the lien created by this act upon an action and proceeds and the lien upon a judgment for money is superior to all other liens.

Declares that the lien created by this provision is not affected by settlement between the parties to the action until the lien of the attorney for fees based thereon is satisfied in full.

Provides that child support liens are exempt from this act.