SENATE DOCKET, NO. 1890 FILED ON: 1/14/2009

SENATE . . . . . No. 1666

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to end double taxation of attorney's fees..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. It is hereby found and declared that the purpose of this act is to end the double taxation of attorneys' fees obtained through judgments and settlements and to clarify that attorneys have a sufficient 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.

SECTION 2. Section 50 of Chapter 221 of the General Laws, as appearing in the 2006 Official Edition is hereby amended by striking said section and inserting in place thereof the following:-"Section 50. From the authorized commencement of an action, counterclaim or other proceeding in any court, or appearance in any proceeding before any state or federal department, board or commission, the attorney who appears for a client in such proceeding shall have a lien to the extent of fees and compensation specially agreed upon with the client, or if there is no agreement, for his reasonable fees and expenses upon his client's cause of action, counterclaim or claim, upon the judgment, decree or other order in his client's favor entered or made in such proceeding, and upon the proceeds derived therefrom. Said lien shall be superior to all other

liens, except tax liens, and shall not be affected by a settlement between the parties to the action, suit or proceeding until the lien of the attorney is satisfied in full. The attorney shall have the same right and power over actions to enforce their liens under this section as their clients have for the amount due thereon to them. Upon request of the client or of the attorney, the court in which the proceeding is pending or, if the proceeding is not pending in a court, the superior court, may determine and enforce the lien; provided, that the provisions of this sentence shall not apply to any case where the method of the determination of attorneys' fees is otherwise expressly provided by statute."

SECTION 3. This act shall be effective as of December 31, 2009.