

HOUSE BILL NO.

BY

AN ACT AMENDING SECTION 4101 COMPILED OKLAHOMA STATUTES, 1921, RELATING TO ATTORNEY'S LIEN.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

"SECTION 1. That Section 4101 Compiled Oklahoma Statutes 1921, be, and the same is, hereby amended to read as follows:

"Section 4101. CONTINGENT FEE MAY BE CONTRACTED FOR:

It shall be lawful for an attorney to contract for a percentage or portion of the proceeds of a client's cause of action or claim not to exceed fifty per centum of the net amount of such judgment as may be recovered, or such compromise as may be made, whether the same arises ex contractu or ex delicto, and no compromise or settlement entered into by a client without such attorney's consent shall affect or abrogate the lien provided for in this chapter; provided, however, where the cause of action covered by the contract relates to real estate or any interest therein; in order for any such lien to continue to be effective as against any adverse claimants, or their successors in interest, such contract of employment must be filed for record in the office of the County Clerk of the County in which such real estate is located, within ten (10) days from the date such contract is executed, and after such contract is so filed for record, then the lien created by such contract shall continue in force and effect as to all adverse claimants and their successors in interest for a period of sixty (60) days from the date of such filing for record and if suit be instituted upon such cause of action in a proper court of record, and summons served, as provided by law, within sixty (60) days from the date of the filing of such contract for record then such lien shall thereafter continue in force and effect as to all adverse claimants and their successors in interest as in this chapter provided,

so long as such suit shall be diligently prosecuted, but if such attorney shall fail to do, or cause to be done, any one of the above things necessary to be done to continue such lien effective, the same shall become null and void as to all adverse claimants and their successors in interest, and the Court shall upon motion of the defendant or defendants, at any time during the progress of the suit determine whether the same is being prosecuted with diligence, and if it shall find that the suit is not being prosecuted with diligence, it shall decree the lien to be void and order it discharged,

SECTION 2. The lien of all attorney's contracts now of record shall expire within sixty (60) days from the passage and approval of this Act unless suit be instituted as herein provided within said sixty (60) days, provided, that any such contract not yet filed for record shall be recorded within thirty (30) days from and after the passage and approval of this Act, and suit brought thereon as herein provided within sixty (60) days from the date of such filing for record; otherwise, the lien created thereby shall become null and void as to all adverse claimants and their successors in interest.

SECTION 3. The provisions of Section 4101 Compiled Oklahoma Statutes, 1921, as amended by Section 1 of this Act, shall apply to any and all deeds, conveyances, assignments, mortgages, affidavits, or other written instruments executed in lieu of any such written contract of employment, or made for the purpose of evidencing any such employment or lien claimed by reason of any such employment.

SECTION 4. If upon the final determination of the suit the Court shall find that the suit was groundless and brought in bad faith, then the Court shall tax as costs reasonable attorney's fees of all the defendants and shall adjudge all costs against the plaintiff or plaintiffs.

SECTION 5. The invalidity of any section, sentence or clause in or of this Act shall not in any manner affect the validity of the remaining portion hereof.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this Act shall take effect and be in full force from and after its passage and approval.