

28 (3) An attorney's lien commences at the time of employment of the attorney by the client.

29 (4) An attorney may enforce a lien under this section by moving to intervene in a pending
30 legal action in which the attorney has assisted or performed work, or by filing a separate legal
31 action. An attorney may not move to intervene in an action or file a separate legal action to
32 enforce a lien before 30 days has expired after a demand for payment has been made and not been
33 complied with.

34 (5) An attorney may not be required to file a notice of lien as a prerequisite to enforcing
35 a lien as provided by Subsection (4). However, an attorney may file a notice of lien in a pending
36 legal action in which the attorney has assisted or performed work for which the attorney has a lien
37 under this section. In addition, an attorney may file a notice of lien with the county recorder of the
38 county in which real property that is subject to a lien under this section is located.

39 (6) Any person who takes an interest in any property that is subject to an attorney's lien
40 with actual or constructive knowledge of the attorney's lien, takes their interest subject to the
41 attorney's lien. Priority between competing attorney's liens shall be determined by the date the
42 work is performed by the attorney for the client, with the earlier work receiving the higher priority.

43 (7) This section does not alter or diminish in any way an attorney's common law retaining
44 lien rights.

45 Section 2. **Coordination clause.**

46 If this bill and S.B. 13, Repeal of Attorneys and Counselors Provisions, both pass, it is the
47 intent of the Legislature that the Office of Legislative Research and General Counsel in preparing
48 the database for publication, shall renumber Section 78-51-41 in this bill to Section 38-2-7 as
49 provided in S.B. 13.

Legislative Review Note
as of 1-2-01 3:26 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel