

(f) Recommend revisions to the list of natural resource management and development permits contained in the 1974 edition of Minnesota Statutes, Section 116D.04, Subdivision 5.

(g) Recommend legislative or administrative modifications of existing permit programs to increase their efficiency and utility.

Subd. 3. The auditor of each county shall post in a conspicuous place in his office the telephone numbers of the permit information centers established in St. Paul and in the office of the applicable regional development commission; copies of any master applications or permit applications forwarded to the auditor pursuant to section 6, subdivision 1; and copies of any information published by any permit information center pursuant to subdivision 1 of this section.

Sec. 14. **REPORT TO LEGISLATURE.** The council, after consultation with other agencies and local governments, shall submit to the legislature by January 1, 1978, a report setting forth the results of the experiences under sections 1 to 14 including any recommendations concerning methods to improve the procedures.

Sec. 15. **EFFECTIVE DATE.** Sections 1 to 4 and 10 to 16 shall be effective the date following final enactment. Sections 5 to 9 shall be effective on February 15, 1977.

Sec. 16. **APPROPRIATION.** The sum of \$140,000 is appropriated from the general fund to the director of the state planning agency for the biennium ending June 30, 1977, for purposes of sections 1 to 14 of this act. Of this amount, \$60,000 is appropriated for grants to regional development commissions, excluding the metropolitan council, for the purpose of establishing permit information centers. Not more than \$5,000 of this second amount may be awarded by the director to any regional development commission for the purpose of establishing a permit information center.

Approved April 13, 1976.

CHAPTER 304—S.F.No.1051

[Coded in Part]

An act relating to attorneys; authorizing change of attorney at any time; abolishing lien of an attorney upon money and papers of his client in his possession; providing for investigation of accusations against attorneys; amending Minnesota Statutes 1974, Sections 481.11; 481.13; 481.14; and 481.15, by adding a subdivision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1974, Section 481.11, is amended to

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read:

481.11 ATTORNEYS; REGULATIONS; CHANGE OF ATTORNEY.

The attorney in ~~an a~~ civil action or proceeding may be changed at any time ~~upon his consent; or, by order of the court; upon the application of the client for cause; but no change can be made on application of the client unless the charges of the attorney be paid~~. When such change is made, written notice of the substitution of a new attorney shall be given to adverse parties; until such notice, they shall recognize the former attorney.

Sec. 2. Minnesota Statutes 1974, Section 481.13, is amended to read:

481.13 LIEN FOR ATTORNEY FEES. An attorney has a lien for his compensation whether the agreement therefor be expressed or implied:

(1) ~~Upon the papers of his client coming into his possession in the course of his employment;~~

(2) ~~Upon money in his hands belonging to his client;~~

(3) ~~(1)~~ Upon the cause of action from the time of the service of the summons therein, or the commencement of the proceeding, and upon the interest of his client in any money or property involved in or affected by any action or proceeding in which he may have been employed, from the commencement of the action or proceeding, and, as against third parties, from the time of filing the notice of such lien claim, as provided in this section;

(4) ~~Upon money or property in the hands of the adverse party to the action or proceeding in which the attorney was employed; from the time such party is given notice of the lien: If the client has an interest in any real or personal property, whether held by any bailee, pledgee, judgment creditor or otherwise, the attorney shall be entitled to a lien upon such property wherever situated; for the value of his services, whether under a special agreement as to compensation or for the reasonable value thereof; and shall also have a lien for any contributions in money or services which the attorney makes for the preservation of the client's interest in the property or for the enhancement of the value thereof: If the client is not a resident of this state, jurisdiction may be had by service of notice of order to show cause without the state or by mailing a copy thereof to the client outside of the state; without the need of further jurisdictional requirements; provided the property itself is within the state of Minnesota;~~

(5) ~~(2)~~ Upon a judgment, and whether there be a special agreement as to compensation, or whether a lien is claimed for the reasonable value of the services, the lien shall extend to the amount thereof from the time of giving notice of his claim to the judgment debtor, but

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this lien is subordinate to the rights existing between the parties to the action or proceeding;

~~(6)-(3)~~ The liens provided by clauses ~~(3)-(1)~~; ~~(4)~~; and ~~(5)-(2)~~ may be established, and the amount thereof determined, by the court, summarily, in the action or proceeding, on the application of the lien claimant or of any person or party interested in the property subject to such lien, on such notice to all parties interested therein as the court may, by order to show cause, prescribe, or such liens may be enforced, and the amount thereof determined, by the court, in an action for equitable relief brought for that purpose.

Judgment shall be entered under the direction of the court, adjudging the amount due and the sale of the property subjected to the lien, or some part thereof, to satisfy said amount, and directing the sheriff to proceed to sell the same according to the provisions of law relating to the sale of real estate on execution, and to make report to the court .

A certified transcript of the judgment shall be delivered to the sheriff, and shall be his authority for making the sale.

If the property so sold is real estate, the same shall be subject to redemption in the manner provided by law for redemption of real property sold on execution.

Such liens shall not affect the right or title of bona fide purchasers or encumbrancers of the property subject thereto, for value and without notice; but a duly verified notice of intention to claim such lien, specifying the property on which the lien is claimed, and the amount thereof, if under express agreement; or, if not, then the reasonable value of the services for which such lien is claimed; filed as herein provided; shall charge subsequent purchasers and encumbrancers of such property with notice of said lien from the time of such filing.

(4) If the lien is claimed on the client's interest in real estate involved in or affected by the action or proceeding, such notice of intention to claim a lien thereon shall be filed in the office of the register of deeds or registrar of titles, where appropriate, and therein noted on the certificate or certificates of title affected, in and for the county within which the same is situated. If the lien is claimed on the client's interest in personal property involved in or affected by the action or proceeding, the notice shall be filed in the same manner as provided by law for the filing of a chattel mortgages security interest .

Sec. 3. Minnesota Statutes 1974, Section 481.14, is amended to read:

481.14 REFUSAL TO SURRENDER PROPERTY TO CLIENTS.

When an attorney shall refuse to deliver money or papers to a person from or for whom he has received them in the course of his profes-

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sional employment, he may be required to do so, upon petition, by an order of court. Such order may be granted by the court in which the action was prosecuted, or, if no action was prosecuted, by the district court of the county where he resides, or by the supreme court, and may require him to make delivery within a time specified, or show cause why he should not be punished for contempt. In the event an attorney shall retain money of a client under a claim of right, including a claim for fees and expenses, the court shall determine the amount, if any, due such attorney, and shall order that any surplus amount remaining after deduction thereof be surrendered to the client. If the attorney claims a lien upon the property, the court may:

(1) As a condition of making the order, require the client to give security, in form and amount as directed; to satisfy the lien when determined in an action; or

(2) Summarily inquire into and determine the facts upon which the lien claim is founded; or

(3) Direct a trial of the controversy by a jury, or refer it, and determine the same upon the verdict or report as in other cases.

Sec. 4. Minnesota Statutes 1974, Section 481.15, is amended by adding a subdivision to read:

Subd. 3. NOTICE TO ATTORNEY GENERAL. The administrative director of the state board of professional responsibility shall notify the attorney general of each complaint made to him directly or reported to him by a district ethics committee. The administrative director and each district ethics committee shall inform each complainant that if he is not satisfied with the disposition made by them, he may take his complaint to the attorney general. The attorney general may investigate accusations of dishonesty, fraud, or professional misconduct made against attorneys, and may petition the state board of professional responsibility for the disbarment, suspension, or reprimand of the attorney complained against whenever, in the opinion of the attorney general, the action is necessary to protect the public of this state. The attorney general may appeal the decision of the state board of professional responsibility to the supreme court. The accusation and all proceedings thereon shall remain private within the meaning of section 15.162, subdivision 5a, except as necessary to support a petition for disciplinary action.

Approved April 13, 1976.

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