

STAND. COM. REP. NO. 445 -08

Honolulu, Hawaii

Feb 14, 2008

RE: H.B. No. 2698
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2698, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COURT-APPOINTED COUNSEL AND GUARDIANS AD LITEM IN FAMILY COURT,"

begs leave to report as follows:

The purpose of this bill is to clarify the rates paid to court-appointed counsel and guardians ad litem by establishing the following rates:

- (1) \$90 an hour for in-court services provided by an attorney licensed to practice law in the state; and
- (2) \$60 an hour for:
 - (A) Out-of-court services provided by an attorney licensed to practice law in the state; and
 - (B) All services provided by a person who is not an attorney licensed to practice law in the state, whether performed in-court or out-of-court.

The Judiciary supported this bill.

Your Committee understands the importance of court-appointed counsel and guardians ad litem in protecting the interests of many members of our society. Your Committee also understands that,

HB2698 HD2 HSCR JUD HMS 2008-2026

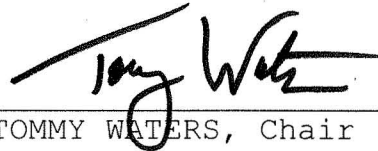


despite the current and proposed statutory fee structure based on hourly services, compensation for a large number of cases in our state is based on several fixed-fee contracts for services. Your Committee continues to seek clarification of the statutory basis required, if any, for payment for these services by fixed-amount contract, and also wishes to reconcile the amounts appropriated to the Judiciary based on hourly fees with the aggregate value of such contracts, both in recent years and as proposed for the upcoming fiscal year 2008-2009. Your Committee also requests the Committee on Finance to examine current and proposed payment methods for these important services based on these circumstances.

Your Committee has amended this measure by changing its effective date to July 1, 2112, to promote further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2698, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.B. No. 2698, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



TOMMY WATERS, Chair



