



GOV. MSG. NO. 1327

July 12, 2011

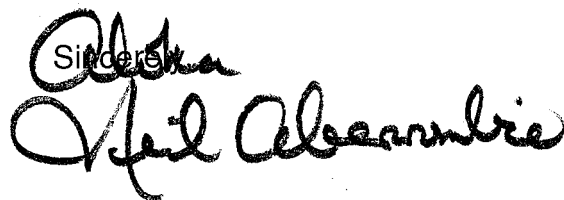
The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

Re: HB1138 SD2 CD1

On July 12, 2011, I intend to allow HB1138 SD2 CD1, entitled "RELATING TO ATTORNEY'S LIENS." to become law as Act 223 (11) without my signature, pursuant to Section 16 of Article III of the State Constitution.

Sincerely,
Neil Abercrombie

NEIL ABERCROMBIE
Governor, State of Hawaii

A BILL FOR AN ACT

RELATING TO ATTORNEY'S LIENS.

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

1 SECTION 1. Chapter 507, Hawaii Revised Statutes, is
2 amended by adding a new section to part IV to be appropriately
3 designated and to read as follows:
4 "§507- Liens on attorneys; certified shorthand reporter
5 services. (a) Subject to the notice requirements in
6 subsection (b) and the exemptions described in subsection (d), a
7 certified shorthand reporter furnishing a stenographic record of
8 any judicial proceeding, deposition, statement, or interview of
9 a party in a proceeding or a copy of the stenographic record to
10 an attorney at the attorney's request shall create a debt owing
11 to the certified shorthand reporter by the attorney's firm,
12 partnership, corporation, company, or other legal entity
13 pursuant to which the attorney practices law, which may be
14 enforced by the certified shorthand reporter in circuit or
15 district court, as applicable. The amount of the debt shall not
16 exceed the payment agreed to between the attorney and the
17 certified shorthand reporter at the time the stenographic
18 services are requested.



1 (b) Concurrently with the delivery to the requesting
2 attorney of the completed stenographic record or the final
3 component or part thereof, or as soon as a tally of recoverable
4 costs can be calculated, the certified shorthand reporter shall
5 deliver an invoice listing the amount due for the stenographic
6 services. If the requesting attorney does not pay for the
7 stenographic record within sixty days of the receipt of the
8 completed stenographic record and the invoice, the certified
9 shorthand reporter may send a notice to the attorney that a lien
10 in the amount described in subsection (a) shall be imposed on
11 the assets of the attorney's firm, partnership, corporation,
12 company, or other legal entity pursuant to which the attorney
13 practices law, within fifteen calendar days. Thereafter, if
14 payment is not made to the certified shorthand reporter, the
15 lien may be enforced by the certified shorthand reporter as
16 allowed by law.

17 (c) The requesting attorney, or the attorney's firm,
18 partnership, corporation, company, or other legal entity
19 pursuant to which the attorney practices law, may dispute the
20 amount due to the stenographic services listed in the invoice or
21 the completeness or accuracy of the stenographic record at any
22 time, and may seek declaratory relief from the circuit court



1 that the debt is not owed. Nothing in this section shall
2 prohibit an attorney or the attorney's firm, partnership,
3 corporation, company, or other legal entity pursuant to which
4 the attorney practices law, from pursuing a third-party claim
5 against the requesting attorney's client for payment of
6 stenographic services.

7 (d) This section shall not apply when:

8 (1) Payment to the certified shorthand reporter is
9 otherwise provided by law; or

10 (2) The attorney expressly disclaims responsibility for
11 payment of the stenographic service or record, in
12 writing, at the time that the attorney orders or
13 requests that a record be made."

14 SECTION 2. New statutory material is underscored.

15 SECTION 3. This Act shall take effect on July 1, 2011.

APPROVED this day of , 2011

GOVERNOR OF THE STATE OF HAWAII

