

JAN 26 2011

A BILL FOR AN ACT

RELATING TO ATTORNEY'S LIENS.

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

1 SECTION 1. Section 507-81, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending subsection (a) to read:

4 "(a) An attorney has a lien upon:

5 (1) Actions, suits, and proceedings after commencement of
6 the action[+] or arbitration proceeding;

7 (2) Judgments, decrees, orders, settlements, and awards
8 entered by the court or an arbitrator in favor of the
9 client; and

10 (3) Any proceeds paid in satisfaction of the judgment,
11 decree, order, settlement, or award."

12 2. By amending subsection (d) to read:

13 "(d) When the attorney's lien attaches to a judgment,
14 decree, order, settlement, or [deeree] award allowing or
15 enforcing a client's lien, the attorney's lien has the same
16 priority as the client's lien with regard to personal or real
17 property subject to the client's lien."

18 3. By amending subsection (f) to read:



1 "(f) To be enforceable under this section, a notice of
2 claim of the attorney's lien shall be filed[+]

3 ~~(1) Before the complaint is dismissed by stipulation;~~

4 ~~(2) Before the complaint is dismissed by order of the~~
5 ~~court; or~~

6 ~~(3) Not later than one year after entry of final judgment~~
7 ~~is filed and disposition of any appeal thereof.] with~~
8 ~~the court or arbitrator, as the case may be.~~"

9 4. By amending subsections (h) and (i) to read:

10 "(h) Except as provided by subsections (i) and (j), a
11 party to the action, suit, or proceeding or any other person
12 shall not have the right to discharge or dismiss any judgment,
13 decree, order, settlement, or award entered in the action, suit,
14 or proceeding until the lien and claim of the attorney for fees
15 based thereon is satisfied in full.

16 (i) A [~~judgment debtor~~] party may pay the full amount of a
17 judgment [~~or~~], decree, order, settlement, or award into court,
18 and the clerk of the court shall thereupon fully satisfy the
19 judgment [~~or~~], decree, order, settlement, or award on the
20 record, and the [~~judgment debtor~~] party shall be thereby
21 released from any further claims thereunder."



1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 3. This Act shall take effect upon its approval.

4

INTRODUCED BY: *Paul A.*



Report Title:

Attorney's Lien

Description:

Provides that attorney's liens shall attach to judgments, decrees, orders, settlements, and awards pursuant to a court order or arbitration proceeding.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

