
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, the certified shorthand reporter
4 shall deliver an invoice listing the amount due for the
5 stenographic services. If the requesting attorney does not pay
6 for the stenographic record within sixty days of the receipt of
7 the completed stenographic record and the invoice, the certified
8 shorthand reporter may send a notice that a lien described in
9 subsection (a) shall be imposed within fifteen calendar days.
10 Thereafter, if payment is not made to the certified shorthand
11 reporter, the lien may be enforced by the certified shorthand
12 reporter as allowed by law.

13 (c) The requesting attorney, or the attorney's firm,
14 partnership, corporation, company, or other legal entity
15 pursuant to which the attorney practices law, may dispute the
16 amount due to the stenographic services listed in the invoice or
17 the completeness or accuracy of the stenographic record at any
18 time, and may seek declaratory relief from the circuit court
19 that the debt is not owed. Nothing in this section shall
20 prohibit an attorney or the attorney's firm, partnership,
21 corporation, company, or other legal entity, pursuant to which
22 the attorney practices law, from pursuing a thirty-party claim



1 against the requesting attorney's client for payment of
2 stenographic services.

3 (d) This section shall not apply when:

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

6 (2) The attorney expressly disclaims responsibility for
7 payment of the stenographic service or record, in
8 writing, at the time that the attorney orders or
9 requests that a record be made."

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

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

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

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

16 (2) Judgments, decrees, orders, settlements, and awards
17 entered by the court or an arbitrator in favor of the
18 client; and

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

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



1 "(d) When the attorney's lien attaches to a judgment,
2 decree, order, settlement, or [deeree] award allowing or
3 enforcing a client's lien, the attorney's lien has the same
4 priority as the client's lien with regard to personal or real
5 property subject to the client's lien."

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

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

9 ~~(1) Before the complaint is dismissed by stipulation,~~

10 ~~(2) Before the complaint is dismissed by order of the~~
11 ~~court, or~~

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

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

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



1 (i) A [~~judgment debtor~~] party may pay the full amount of a
2 judgment [~~or~~], decree, order, settlement, or award into court,
3 and the clerk of the court shall thereupon fully satisfy the
4 judgment [~~or~~], decree, order, settlement, or award on the
5 record, and the [~~judgment debtor~~] party shall be thereby
6 released from any further claims thereunder."

7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect upon its approval.

10



Report Title:

Attorney's Lien

Description:

Authorizes a lien on an attorney's firm for unpaid certified shorthand reporter services requested by the attorney. Provides that attorney's liens shall attach to judgments, decrees, orders, settlements, and awards pursuant to a court order or arbitration proceeding. (Proposed SD1)

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