

STAND. COM. REP. NO.

1203

Honolulu, Hawaii

APR 08 2011

RE: H.B. No. 1138  
S.D. 2

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred H.B. No. 1138, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ATTORNEY'S LIENS,"

begs leave to report as follows:

The purpose and intent of this measure is to establish a lien in favor of a certified shorthand reporter on the assets of an attorney's firm for unpaid services.

In addition, this measure:

- (1) Broadens attorney's liens to include arbitration proceedings; and
- (2) Eliminates the one year deadline for filing the lien.

Your Committee received comments in support of this measure from Bill Plum, Vice Chair, Collection Law Section, Hawaii State Bar Association; Sharon Mujtabaa, President, Hawaii Court Reporters and Captioners Association; and nine individuals.

Your Committee finds that with recognition of a certified shorthand reporter's lien upon an attorney's assets is consistent with the customs and practices of the majority of the states, in which attorneys, rather than their clients, handle and maintain control over all aspects of litigation, including hiring reporter services, and are therefore responsible for reimbursing the reporter.

HB1138 SD2 SSCR LRB 11-3039.doc



Your Committee further finds that the amendments regarding the attorney's lien are necessary to eliminate taxation problems associated with the one year deadline for filing the lien and to provide greater consistency and clarity in the statutory terms.

Your Committee has amended this measure by changing the effective date to July 1, 2117, to facilitate continued discussion of the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1138, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1138, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,

  
\_\_\_\_\_  
DAVID Y. IGE, Chair



The Senate  
Twenty-Sixth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1138, SD1	JDL, WAM	4-1-11		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	/			
KIDANI, Michelle N. (VC)	/			
CHUN OAKLAND, Suzanne	/			
DELA CRUZ, Donovan M.				/
ENGLISH, J. Kalani				/
ESPERO, Will	/			
FUKUNAGA, Carol	/			
KIM, Donna Mercado	/			
KAHELE, Gilbert	/			
KOUCHI, Ronald D.	/			
RYAN, Pohai	/			
TOKUDA, Jill N.	/			
WAKAI, Glenn	/			
SLOM, Sam	/			
<b>TOTAL</b>	12	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Kidani</i>				
<b>Distribution:</b>				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes