STAND. COM. REP. NO. 956

Honolulu, Hawaii

MAR 2 4 2011

RE: H.B. No. 1138 S.D. 1

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

Sir:

Your Committee on Judiciary and Labor, to which was referred H.B. No. 1138 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 allow an attorney's lien to attach to an arbitration proceeding.

Prior to holding a hearing on this measure, a proposed S.D. 1 was prepared and made available for public review. The proposed S.D. 1 establishes by statute a debt obligation on the part of the attorney or the attorney's firm for the billing of a certified court reporter.

Your Committee received testimony in support of the proposed S.D. 1 from the Carnazzo Court Reporting Company, Ltd.

Your Committee finds that the billings of court reporters for transcripts of depositions, statements, arbitrations, and hearings often take up to six months to be paid. When the court reporter follows up with the attorney on payment, the attorney commonly tells the reporter to seek payment from the attorney's client. The reporter is not usually told of this in advance of the recorded proceeding; otherwise, the reporter may have required payment to be made up front. The lapse of several months is usually too late to be of any help in collecting the bill.

Your Committee has amended this measure by adopting the proposed S.D. 1 and making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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

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

Labor

CLAYTON HEE, Chair

The Senate Twenty-Sixth Legislature State of Hawaiʻi

Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:*	Committee Referral: Date:				
HB1138	JDL	WAM		3/22/	
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)		V			
SHIMABUKURO, Maile (VC)		V			
GABBARD, Mike					
IHARA, Jr., Les					
SLOM, Sam		Almania (governo arr. arr. arr. arr. arr. arr. arr. arr	- Challed a	ro - se competitionia a s. s.	- Lambied Stateston, The artificial test and
	Cannot Strommon (1985) 188 (1986) 187 (1986)	The state of the s			
TOTAL		5			
Recommendation: Adopted Not Adopted					
Chair's or Designee's Signature					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

*Only one measure per Record of Votes