

March 20, 2013 RE: S.B. No. 1010 S.D. 1 H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1010, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LEGAL SERVICES,"

begs leave to report as follows:

SB1010 HD1 HSCR JUD HMS 2013-2683

The purpose of this measure to authorize a deputy attorney general, except for the Attorney General's First Deputy, to provide pro bono legal services at the discretion of the Attorney General.

The Department of the Attorney General testified in support of this measure.

Your Committee has amended this measure by:

(1) Deleting language that would have limited the Attorney General's discretion to allow deputy attorney generals to provide pro bono legal services where the pro bono activity created an actual or perceived conflict of interest or where services were conducted in a manner to indicate they are done as part of the deputy attorney general's official duties;

STAND. COM. REP. NO. 1038 Page 2

- (2) Clarifying that any deputy attorney general who provides pro bono legal services shall be subject to all applicable rules prescribed by the Hawaii Supreme Court pursuant to section 605-6, Hawaii Revised Statutes;
- (3) Removing language that would have limited the pro bono services a deputy could provide to certain persons or entities;
- (4) Requiring the Attorney General to defend a deputy attorney general who in good faith provides pro bono legal services under this section in an action or proceeding that arises from providing such services;
- (5) Making the measure effective upon its approval; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1010, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1010, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

> Respectfully submitted on behalf of the members of the Committee on Judiciary,

KARL RHOADS, Chair



State of Hawaii House of Representatives The Twenty-seventh Legislature



Record of Votes of the Committee on Judiciary

Bill/Resolution No.: SB1010, SD1	Committee Referral: Date: 3/2/13			
The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit) 				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	χ			
2. HAR, Sharon E. (VC)	<u> </u>			
3. BELATTI, Della Au				×
4. BROWER, Tom	<u> </u>			
5. CABANILLA, Rida T.R.				×
6. CARROLL, Mele	<u> </u>			<u> </u>
7. ITO, Ken	X			
8. KAWAKAMI, Derek S.K.	χ			
9. LEE, Chris	<u> </u>			
10. TSUJI, Clift	<u> </u>			
11. WOOLEY, Jessica	*			X
12. MCDERMOTT, Bob	X			
13. THIELEN, Cynthia	′ <u>v</u>			
TOTAL (13)	10			3
The recommendation is:				
if joint referral, did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				