

ACT 223

H.B. NO. 1138

A Bill for an Act Relating to Attorney's Liens.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 507, Hawaii Revised Statutes, is amended by adding a new section to part IV to be appropriately designated and to read as follows:

"§507- Liens on attorneys; certified shorthand reporter services. (a) Subject to the notice requirements in subsection (b) and the exemptions described in subsection (d), a certified shorthand reporter furnishing a stenographic record of any judicial proceeding, deposition, statement, or interview of a party in a proceeding or a copy of the stenographic record to an attorney at the attorney's request shall create a debt owing to the certified shorthand reporter by the attorney's firm, partnership, corporation, company, or other legal entity pursuant to which the attorney practices law, which may be enforced by the certified shorthand reporter in circuit or district court, as applicable. The amount of the debt shall not exceed the payment agreed to between the attorney and the certified shorthand reporter at the time the stenographic services are requested.

(b) Concurrently with the delivery to the requesting attorney of the completed stenographic record or the final component or part thereof, or as soon as a tally of recoverable costs can be calculated, the certified shorthand reporter shall deliver an invoice listing the amount due for the stenographic services. If the requesting attorney does not pay for the stenographic record within sixty days of the receipt of the completed stenographic record and the invoice, the certified shorthand reporter may send a notice to the attorney that a lien in the amount described in subsection (a) shall be imposed on the assets of the attorney's firm, partnership, corporation, company, or other legal entity pursuant to which the attorney practices law, within fifteen calendar days. Thereafter, if payment is not made to the certified shorthand reporter, the lien may be enforced by the certified shorthand reporter as allowed by law.

(c) The requesting attorney, or the attorney's firm, partnership, corporation, company, or other legal entity pursuant to which the attorney practices law, may dispute the amount due to the stenographic services listed in the invoice or the completeness or accuracy of the stenographic record at any time, and may seek declaratory relief from the circuit court that the debt is not owed.

Nothing in this section shall prohibit an attorney or the attorney's firm, partnership, corporation, company, or other legal entity pursuant to which the attorney practices law, from pursuing a third-party claim against the requesting attorney's client for payment of stenographic services.

(d) This section shall not apply when:

- (1) Payment to the certified shorthand reporter is otherwise provided by law; or
- (2) The attorney expressly disclaims responsibility for payment of the stenographic service or record, in writing, at the time that the attorney orders or requests that a record be made.”

SECTION 2. New statutory material is underscored.¹

SECTION 3. This Act shall take effect on July 1, 2011.

(Became law on July 12, 2011, without the governor's signature, pursuant to Art III, §16, State Constitution.)

Note

1. Edited pursuant to HRS §23G-16.5.