

STAND. COM. REP. NO. 2618

Honolulu, Hawaii

FEB 28 2008

RE: S.B. No. 3200
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 3200, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO GOVERNMENTAL RETENTION OF
ATTORNEYS,"

begs leave to report as follows:

The purpose of this measure is to address the retention of an
outside attorney for a department if the State Attorney General
declares a conflict of interest.

Specifically, this measure provides that if the State
Attorney General discloses a conflict of interest that requires
the State Attorney General to decline representation, a department
may waive the conflict and require the State Attorney General to
represent the department. However, if the State Attorney General
still declines the representation, then the State Attorney General
is required to employ or retain and employ an outside attorney
whose selection is subject to the department's approval.

The measure also expands the definition of "department" to
include the Legislature and the Judiciary.

Your Committee received testimony in support of this measure
from the Judiciary. Testimony in opposition was received from the
State Attorney General.

Your Committee finds that this measure would ensure that when
the Legislature or the Judiciary seeks legal counsel from the



Attorney General, the Attorney General must provide such legal counsel. However, if there is a legitimate conflict that calls into question whether the Attorney General can provide legal representation, the Attorney General can either endeavor to establish adequate ethical screens within the Department of the Attorney General, or if that is not viable, ensure that private counsel is retained by assisting with the procurement process and financing the procured legal representation.

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 S.B. No. 3200, S.D. 1, and recommends that it pass Third Reading.

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



BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Fourth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 3200 JDI	Committee Referral: TSG, JDL	Date: 2-22-08														
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313																
Members	Aye	Aye (WR)	Nay	Excused												
TANIGUCHI, BRIAN T. (C)	✓															
HEE, Clayton (VC)				✓												
GABBARD, Mike	✓															
KOKUBUN, Russell S.				✓												
NISHIHARA, Clarence K.	✓															
SLOM, Sam			✓													
TOTAL	3	0	1	2												
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted																
Chair's or Designee's Signature: 																
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*Only one measure per Record of Votes