



LAW LIBRARY NEWS

a publication of the Fort Bend County Law Library

Edited by: Andrew Bennett, Law Librarian

January 2018 ♦ Volume 28, Issue 1


Annual Open House and CLE

The **Fort Bend County Law Library** will be having its Annual Open House on Friday, **February 16th** at **1 pm**. Staff will be giving tours, database training classes, and refreshments. Also, we will be having a **Westlaw CLE in County Court at Law #1** at **1:30 pm**. A representative from Thomson Reuters will be on hand to show you the database as well as to answer any questions you might have. For more information, contact the Law Library.

IN THIS ISSUE

Law Library Program	1
New & Updated Resources	1
FBC Bar News	1
Featured Resource	2
Technology Corner	2
Community News	3
Texas Case Law Update	4

New & Updated Resources

- | | |
|--|--|
| Maslanka's Texas Field Guide to Employment Law
• 2018 Edition | Collier on Bankruptcy
• Bankruptcy Rules 2018
• Bankruptcy Code 2018
• Collier Portable Pamphlet |
| Texas Practice Series
• Consumer Law
• Elder Law
• 2017-18 Editions | Federal Jury Practice & Instructions
• Civil Companion Handbook
• 2017-18 Edition |
| O'Connor's Texas Series
• Probate Law Handbook
• 2018 Edition  | Elder Law Portfolio
• 2017 Update |
| Texas Practice Guide
• Probate
• Family Law
• 2017-2018 Editions | Lane Medical Litigation Guide
• 2017 Update |
| Texas Drunk Driving Law
• 2017 Edition
• Full Revision | Texas Depositions
• 2017 Edition  |

FBC Bar News

The **October luncheon and meeting** of the Fort Bend County Bar Association will be held at **12:00 pm** on Thursday, **January 25th** at the [Pecan Grove Plantation Country Club](#) located at 3000 Plantation Drive, Richmond, Texas. The program topic is *Veteran Legal Issues*. The Speakers will be Sean C. Timmons and Tully Rinckey. The program is approved for 1 hour CLE credit and .25 hours ethics credit. The luncheon cost is \$25 for members and \$30 for nonmembers. [Membership information](#) and the [RSVP Policy for Luncheons](#) are also on the website.

Please RSVP no later than 12:00 p.m. on Thursday, **January 18th** by using the form on the [Next CLE Luncheon](#) page.

Member Resources

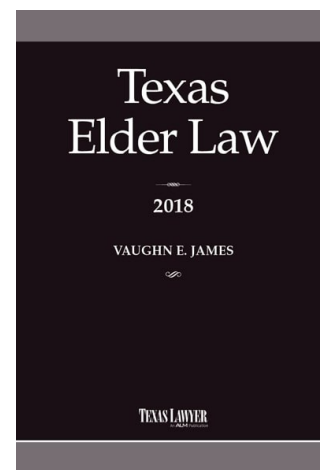
[Click here for Member Resources](#)

Featured Resource

By Jonathan Briggs

This Month's Featured Resource: *Texas Elder Law* by Vaughn James

With much of the Baby Boomer generation well into retirement age, longer life expectancies, and just a general concern with how we will deal with legal and other issues affecting our parents and other senior citizens, this month's Featured Resource is particularly relevant. The Law Library recently received the 2018 edition of ***Texas Elder Law*** by Vaughn James, published by Texas Lawyer/ALM Media. Mr. James is an attorney and professor of law at Texas Tech University School of Law, teaching courses in elder law, estate law, and tax law. This book is packed with information in a user-friendly form covering the full-breadth of topics in this area, including: elder rights and protection; family and marital issues; homestead rights; dementia and Alzheimer's; managing resources for the elderly, including power of attorney, guardianships, and trusts; paying for long-term care; advance directives for medical and end-of-life issues; wills; trusts; what to do when death occurs; and, probate. ***Texas Elder Law*** is a great resource for attorneys and lay-persons dealing with these important issues for clients and loved ones. Copies may be made for \$.10 per page. For more information, please contact the Law Library.



Technology Corner

By Andrew Bennett

In this column, we examine technology in the Law Library that you can use in your practice.

This Month's Featured Technology: *Tech Services at the Fort Bend County Law Library*

Coming to the court house can be hectic and forgetting documents can happen. Fortunately, we are right inside the court house to help! We have many services you need such as internet access including WiFi, printing and scanning services, photo copying, fax, and the ability to convert documents into different formats for editing. The only thing we charge you is \$0.10 a page for black and white copies or prints, and a \$1.00 a page for color prints. Faxing is \$1.00 a page for local, and \$2.00 a page for long distance. Scanning, document conversion, and internet access are free of charge. For more information, contact the Law Library.



Community News

- **Fort Bend Lawyers Care** is holding a **Legal Line** every Friday from **10 am to 12 pm**. **Volunteer attorneys are needed!** If you would like to help low-income residents and veterans of Fort Bend County, information about volunteering is available by email at Tasha@fortbendlawyerscare.org.
- The **Fort Bend County Criminal Defense Attorney's Association** will host a one-hour CLE at **noon** on Thursday, **January 18th** at County Court at Law # 4 in the Justice Center. It is approved for 1 hour CLE credit. For more information, visit the [FBCCDAA Events webpage](#).
- The **Family Bar of Fort Bend** is hosting a CLE on Friday, **January 19th** at **1:30 pm** in the **Jury Assembly Room** of the Fort Bend County Justice Center. The program is entitled **"Help Me, Help You"** and has been approved for 2 hours CLE credit. For more information, visit the Family Bar of Fort Bend's website at familybarfortbend.org.
- The **Fort Bend County Law Library** will be hosting its **Book Discussion** of *Benched* by Judge Jon O. Newman on Friday, **January 26th** at **1 pm**. For more information, contact the Law Library.



Texas Lawyers

Assistance Program

The State Bar of Texas offers confidential assistance to attorneys, judges, and law students who are facing substance abuse and mental health issues through its [Lawyers Assistance Program](#). Professional staff members are available 24/7 by phone to help with crisis counseling and referrals to local professionals and support groups. For assistance, call 1-800-343-8527.

To Include Items in the Newsletter

If you have any information on upcoming CLEs, conferences, etc. that you think would be useful to include in the newsletter, please send an email to abennett@fortbend.lib.tx.us with "Newsletter" as the subject.

Express Class

Do you need a brush up on Lexis Advance? We are here to help! **Sign up now for Lexis Advance EXPRESS CLASS!** Classes are **15-minutes each**, on **Thursday mornings from 10 am – 12 pm**. **We teach you the basics of each program.** You can choose from additional classes such as Hein Online, Adobe Pro, Lexis Advance, and O'Connor's Online. Registration is required. Call **281-341-3718** to register.

To Unsubscribe from the Newsletter

If you do not want to receive the Law Library newsletter, please send an email to abennett@fortbend.lib.tx.us with "Unsubscribe" as the subject and include the email address to be removed.

Texas Case Law Update

Local Cases

- [In Re Walmart](#), No. 01-17-00771-CV (Jan. 11, 2018): Pet. Writ Mand. Dism'd. (268th)
- [Gabriella Atkins-Bee v. Alfred Bee, Jr.](#) No. 01-17-00821-CV (Jan. 11, 2018): Appeal Dism'd. (387th)
- [Harper v. State of Texas](#), No. 01-14-00641-CR (Jan. 9, 2018): Aff'd. TC judgment. (434th)
- [In Re Jason Pegues](#), No. 01-17-00917-CR (Jan. 9, 2018): Pet. Writ Mand. Denied. (434th)
- [Richard Bryant v. Robin Bryant](#), No. 01-17-00446-CV (Dec. 128 2017): Appeal Dism'd. (505th)
- [American Surgical Assistants, v. Chaudhry and Universal Surgical Assistants](#), No. 14-17-00706-CV Jan. 4, 2018): Appeal Dism'd. (434th)
- [Darwin Fisher v. State of Texas](#), No. 14-17-00345-CR (Dec. 14, 2017): Affirmed. (400th)

Criminal Law

- *DeLeon v. State of Texas*, 530 S.W.3d 207 (Tex.App.-Eastland 2017): Defendant took a plea for offense of tampering with evidence (concealed marijuana in mouth) with prior felony enhancement, 4 years in TDCJ. This followed denial by the TC of a motion to suppress, which Defendant appealed. Court of Appeals found that officer had probable cause to search based on totality of circumstances, including odor, and warrantless search was justified as exigent circumstances existed to prevent imminent destruction of evidence. Affirmed.
- *Doremus v. State of Texas*, 530 S.W. 3d 277 (Tex.App.-Houston[14th Dist.] 2017): Defendant convicted of DWI appealed contending TC error in denying motion to suppress and in instructions to jury. Appeals court found that counsel did not properly preserve objection on issue of lack of probable cause to arrest. Court also found that Defendant consented to blood draw and there was no coercion by officer. Finally, Court of Appeals found that TC did not abuse discretion in denying jury instruction per CCP 38.23 o legality of evidence. Affirmed.

Family Law

- *Roberts v. Roberts*, 531 S.W.3d 224 (Tex.App.-San Antonio 2017): Husband appealed order of spousal support in favor of disabled wife. Court of Appeals found testimony of party seeking maintenance was alone insufficient to support TC's determination of incapacitating disability. Court modified decree per its ruling on support and affirmed decree. Given the finding on the basis for spousal maintenance, Court of Appeals reversed and remanded on the issue of division of community property.
- *In the Interest of C.V., a Child*, 531 S.W.3d 301 (Tex.App.-Amarillo 2017): Tex. Dept. of Fam. Serv. brought termination action against both parents. Only mother's rights were terminated and she appealed. Court of App. found that evidence was factually and legally sufficient to support termination in the best interests of the child. Appellant did not challenge TC's findings on dangerous conduct/conditions or that this was her 2nd child to whom her rights were terminated. Affirmed.
- *In the Interests of A.G. and A.F.G, Children*, 531 S.W.3d 329 (Tex.App.-Houston[14th Dist.] 2017): Eight years after divorce father sought modification seeking primary custody of one child. Mother challenged and countered. Contempt and enforcement actions also brought. TC found for mother and ordered that his visitation would now be supervised. He appealed and Court of App. found no merit to his arguments and affirmed TC judgment.

Civil Rights

- *Webb v. Schlager*, 530 S.W.3d 793 (Tex.App.-Eastland 2017): Defendant appealed lifetime protective order. Appeals court found that evidence supporting order was factually sufficient and the concordant restriction on firearm possession did not infringe on 2nd Am. rights as it is a reasonable and legitimate protective and restrictive measure. Affirmed.