



# LAW LIBRARY NEWS

a publication of the Fort Bend County Law Library

Edited by: Andrew Bennett, Law Librarian

July 2018 ♦ Volume 26, Issue 7

## New Library Space Update

The Law Library is now tentatively scheduled to open in its' new space in early August and is currently on schedule. However, the dates for opening are subject to change. The new space will be on the 2nd Floor of the Justice Center where the Grand Jury Room used to be. The location will be roughly 3,100 square feet with four conference rooms, additional study tables, shelf space, and computers. For more information, please contact the Law Library at 281-341-3718.

## IN THIS ISSUE

<a href="#">New Library Space</a>	1
<a href="#">New &amp; Updated Resources</a>	1
<a href="#">FBC Bar News</a>	1
<a href="#">Featured Resource</a>	2
<a href="#">Technology Corner</a>	2
<a href="#">Community News</a>	3
<a href="#">Texas Case Law Update</a>	4

## New & Updated Resources

### ***Texas Criminal Forms***

- 2018 Update
- Digital Forms Coming

### ***United States Code Annotated***

- 2018 Labor Code Update

### ***Texas Practice Guide***

- Business Transactions
- Employment Practice
- 2018 Editions

### ***Federal Jury Practice and Instructions***

- Civil & Criminal Companion Handbooks
- 2018 Editions

### ***Qualifying and Attacking Expert Witnesses Texas Practice Series***

- 2018 Edition
- Digital Forms Coming

- DWI Law and Practice
- 2018 Edition

### **NOTICE:**

**ALL BOOKS ONLY AVAILABLE AT GEORGE MEMORIAL LIBRARY UNTIL THE NEW SPACE OPENS IN JULY —  
ASK STAFF FOR ASSISTANCE**

## FBC Bar News

The **July luncheon and meeting** of the Fort Bend County Bar Association will be held at **12:00 pm** on Thursday, **July 26th** at the [Pecan Grove Plantation Country Club](#) located at 3000 Plantation Drive, Richmond, Texas. The program topic is **The President's Update**. The Speaker will be Joe Longley, President of the State Bar. The program is approved for 1 hour CLE credit and .25 hours ethics credit. The luncheon cost is \$25 for members and \$30 for non-members. [Membership information](#) and the [RSVP Policy for Luncheons](#) are also on the website.

**Please RSVP** no later than 12:00 p.m. on Thursday, **July 24th** by using the form on the [Next CLE Luncheon](#) page.

### **Member Resources**

[Click here for Member Resources](#)

## **Featured Resource: *Law Library Print Resources***

***By Jonathan Briggs***

Since the Law Library has been going through renovation since the end of March, we wanted to remind our patrons of what we have on offer both in books and online. We have a compact yet comprehensive and deep collection of books and other printed publications focusing on Texas and related law. Our printed collection includes: Vernon's Texas statutes, Texas cases from the southwest reporter; Texas Jurisprudence and Corpus Juris Secundum; Matthew Bender publications including Dorsaneo's Litigation Guide, Criminal Practice Guide, Family Law Practice & Procedure and more. We also have the full collection of the O'Connor's series; Texas Pattern Jury Charges; the Texas Practice Guide series; West's Texas Forms; James Publishing's materials; and numerous other individual publications concerning criminal law, estate and probate, family law, civil litigation, and many other topics and areas of the law. On the federal side we have: Supreme Court case reporters; the U.S. Code Annotated; Federal Practice and Procedure; Collier on Bankruptcy; and individual publications on areas such as intellectual property, criminal law, and immigration. The library subscribes many Texas' law school journals as well as other legal magazines/journals and periodicals of general interest such as newspapers and magazines. For the pro se patron, we have many self-help publications, including the Nolo series which covers a number of topics such as financial issues, landlord-tenant, and family law. We strive to maintain a collection of printed materials that fully serves our patrons. To that end, we are open to consider suggestions from patrons for additions to the library collection. If you think we are missing something necessary and useful, please contact branch manager and law librarian Andrew Bennett at [abennett@fortbend.lib.tx.us](mailto:abennett@fortbend.lib.tx.us). We look forward to returning soon to our full operation and normal hours. 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: *Current and Coming Digital Resources***



The Law Library's online and digital materials are substantial via our subscriptions to Westlaw, Lexis Advance, O'Connor's Online, James Publishing Digital Forms, HeinOnline, Erisman's Reversible Errors on CD, and the State Bar Manuals and Pattern Jury Charges in PDF. These resources provide access to federal cases from the Supreme Court, 5<sup>th</sup> Circuit, and Texas District Courts; all Texas cases; all Texas and federal statutes; numerous practice guides; forms; commentaries; scholarly journals; and much more. Many of these we also have in print and a few we do not. Further, the website Texas Law Help continues to be a major source of standard forms

for our pro se patrons for family law matters and other issues. In addition to these resources which we will continue to have, we are adding some unique resources to Westlaw coming in October. Our jurisprudence and practice guides collections on Westlaw will expand from only Texas to include all states. In addition, we will finally have Corpus Juris Secundum online for those needing to quickly print off a section. For those who do not need these additional jurisdictions, we are also going to be including court filings, trial court orders, briefs, jury verdicts, and more for our Texas only attorneys. Finally, the database will now add the public records search, company investigator, crime records, and real property reports that many patrons have been asking about. In addition to all of this, we will be adding a fourth terminal for Westlaw access as well as you can access the database through your device as long as you are within the Law Library and connected to our wifi. For more information, feel free to contact the Law Library.

### Community News

- **Fort Bend Lawyers Care** is holding a **Community Legal Assistance Clinic** on **August 8th** from **6:30 to 8:30 pm** and a **Low-Income Legal Aid Clinic** on Saturday, **August 18th** from **10 am to 1 pm** at the Calvary Episcopal Church. They are also hosting 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, contact Tasha by email at [Tasha@fortbendlawyerscare.org](mailto:Tasha@fortbendlawyerscare.org).
- The **Katy Bar Association** is holding its **June meeting and CLE** on Tuesday, **July 31st** from **11:30 am to 1 pm** at Landry's Restaurant in Katy. For more information, visit the Katy Bar website at [www.katybar.org](http://www.katybar.org).
- The **Fort Bend County Law Library** is hosting a **FREE Lexis Advance Training and CLE** on Tuesday, **August 7th** at **1 pm** at the new Law Library on the 2nd Floor. This date is subject to change. Seating is limited. To RSVP, contact the Law Library.



### Express Class

Do you need a brush up on the Microsoft Office Programs? We are here to help! **Sign up now for Microsoft Word, Excel or PowerPoint EXPRESS CLASSES!** 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, Westlaw, Lexis Advance, and O'Connor's Online. Registration is required. Call **281-341-3718** to register.

### 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](mailto:abennett@fortbend.lib.tx.us) with "Newsletter" as the subject.

#### 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](mailto:abennett@fortbend.lib.tx.us) with "Unsubscribe" as the subject and include the email address to be removed.

## Texas Case Law Update

### Local Cases

- [David H. Hamilton, Trustee v. Pate](#), No. 01-18-00093-CV (June 21, 2018): Appeal Dism'd. (434th)
- [Sherry Rainer v. Footlocker d/b/a Champs Sports](#), No. 01-17-00573-CV (June 26, 2018): Aff'd. TC judgment. (400th)
- [In the Matter of A.M.](#), No. 01-18-00017-CV (June 28, 2018): Vacate TC Judgment. & Dism'd. (CCL#1)
- [Dominique D. Giddens v. State of Texas](#), Nos. 01-17-00085-CR/01-17-00086-CR (June 28, 2018): Aff'd. TC judgment. (268th)
- [Hanna Elias v. Steve Griffith and Douglas Brinkley](#), No. 01-17-00333-CV (July 3, 2018): Aff'd. TC judgment. (268th)
- [Diogu K. Diogu, II v. Yaowapa Aporn](#), No. 01-17-00392-CV (July 3, 2018): Aff'd. TC judgment. (505th)
- [Derek A. Anthony v. Jodi Diercks](#), No. 01-18-00198-CV (July 3, 2018): Appeal Dism'd. (505th)
- [Carmine's LLC & Donald Dankowich v. R1 Mgmt., LLC](#), No. 01-18-00321-CV (July 10 2018): App. Dism'd. (458th)
- [Daniel A. Rice v. State of Texas](#), Nos. 01-17-00391-CR (July 12, 2018): Aff'd. TC judgment. (400th)
- [Ex Parte Jesse A. Lopez](#), Nos. 01-17-00586-CR (July 12, 2018): Rev'd. TC judgment and Remand. (268th)
- [Helmerich & Payne, Inc., et al. v. Schlumberger](#), No. 14-17-01013-CV (June 21, 2018): Appeal Dism'd. (434th)
- [Delfino Guzman v. State of Texas](#), No. 14-17-00498-CV (June 26, 2018): Aff'd. TC judgment. (268th)
- [Lillian Garrick v. Autoliv ASP, Inc., et al.](#), No. 14-17-00818-CV (July 12, 2018): Aff'd. TC judgment. (458th)
- [In the Guardianship of A.A., a Minor](#), No. 14-18-00255-CV (July 12, 2018): Appeal Dism'd. (CCL#1)

### Criminal Law

- *Albert L. Love v. State of Texas*, 543 S.W.3d 835 (Tex.Crim.App. 2016, reh'g. denied): Defendant was convicted of capital murder and sentenced to death. Defendant had filed a motion to suppress evidence (cell phone records/text messages) contending they were seized without a warrant supported by probable cause. The motion was denied by the trial court and the records were admitted. The Court of Criminal Appeals found that the impact on the jury of the improperly admitted text messages was great and the Court could not say beyond a reasonable doubt that the text messages did not contribute to the jury's guilty verdict. The Court held the error was not harmless. Reversed and remanded for a new trial.
- *Alvaro A. Lopez v. State of Texas*, 544 S.W.3d 499 (Tex.App.-Houston [14th Dist], 2018, no pet. h.): Defendant was convicted of murder and sentenced to 60 years. On appeal Defendant challenged his conviction on the ground that the Court did not give a punishment mitigation charge for defendant's voluntary intoxication during the commission of the crime. Defendant claimed that he did not recall what he had done and that the Court on its own motion/*sua sponte* should have provided a punishment charge on temporary insanity due to voluntary alcohol intoxication. Defendant made no such motion at trial. Court found that this type of instruction is defensive and is waived if not sought. Further, even if he had sought the instruction or if the Court did have a duty to issue it *sua sponte*, the mere fact that he was intoxicated, even if extremely so, or had a lack of memory is not sufficient for this type of instruction. No error found to exist in the charge. .Affirmed.