



# LAW LIBRARY NEWS

a publication of the Fort Bend County Law Library

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May 2018 ♦ Volume 28, Issue 5

## Express Classes

What's the one extra service we are still offering during renovation? **EXPRESS CLASS!** Classes are **15-minutes each**, on **Thursday** mornings from **10 am – 12 pm** or by appointment at the **George Memorial Library**. We teach you the basics of each program. Classes include Westlaw, Hein Online, Adobe Pro, Lexis Advance, Microsoft Office programs, and O'Connor's Online. Registration is required. Call **281-341-3718** to register.

## IN THIS ISSUE

<a href="#">Express Classes</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

### *O'Connor's Series*

- *Texas Family Law Forms*
- *Texas Causes of Action Pleadings*
- *Texas Civil Appeals*
- *Federal Employment Codes*
- *2018 Edition*

### *Texas Practice Guide*

- *Criminal Practice and Procedure*
- *Discovery*
- *Personal Injury*
- *2018 Editions*

### *Texas State Bar Digital Manuals and PJC's*

- *Foreclosure*
- *Real Estate Forms*
- *Collections*
- *Guardianship*
- *Probate System*
- *Family & Probate PJC*
- *2018 Editions*

### *Texas Legal Practice Forms*

- *Volumes 1—4*
- *2018 Edition*

### **NOTICE:**

**ALL BOOKS ONLY AVAILABLE AT GEORGE MEMORIAL LIBRARY—  
ASK STAFF FOR ASSISTANCE**

## FBC Bar News

The **May luncheon and meeting** of the Fort Bend County Bar Association will be held at **12:00 pm** on Thursday, **May 31st** at the [Pecan Grove Plantation Country Club](#) located at 3000 Plantation Drive, Richmond, Texas. The program topic is **Following the Digital Footprints to Build Your Case**. The Speaker will be Noel Kersh. The program is approved for 1 hour MCLE 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.

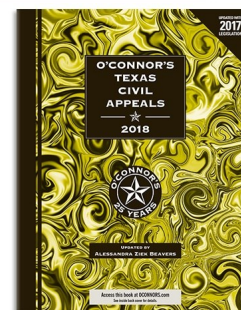
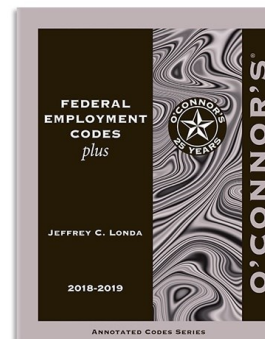
**Please RSVP** no later than 12:00 p.m. on Tuesday, **May 29th** by using the form on the [Next CLE Luncheon](#) page.

### **Member Resources**

[Click here for Member Resources](#)

## Featured Resource: *New O'Connor's Guides*

The Law Library is going through its renovation and our collection of books is mostly in storage until our re-opening this summer. However, we continue to receive new and updated materials. Two recent arrivals are from O'Connor's are the 2018-2019 edition of Federal Employment Codes *plus* and the 2018 Texas Civil Appeals. The employment volume is loaded with information, statutes, commentaries, and charts concerning numerous areas of federal employment law such as discrimination, Fair Labor Standards Act, Family & Medical Leave Act, veterans' issues, disabilities, OSHA, labor organizations, Civil Service, immigration and aliens, ERISA, employee benefits, wages, civil rights, Long Shore & Harbor Workers', retaliation, railroad employees, and drug and alcohol testing and more. The Texas civil appeals volume has a deep amount of information including the Texas Rules of Appellate Procedure, hundreds of pages of forms, details concerning practice before each of the Courts of Appeals and the Supreme Court, commentaries containing the nuts and bolts of appellate practice, and of course the all-important timetables all of which has been updated with the 2017 legislation. The O'Connor's series of books are part of the very small collection that we retained for use by our patrons during this period, available only at our secondary temporary location at the George Memorial Branch library, 9-5 M-F. 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:** *Upcoming Technology Resources at the Law Library*

While we are still in renovation mode, let's look at some of the new upcoming technology resources the library will have very soon. First, the Law Library is adding 5 additional public computers. These computers will have the same resources as the current computers all have including software such as Adobe Pro, Microsoft Office, and WordPerfect. They will also include the legal resources Hein Online, James Publishing Forms, Erisman's Reversible Errors CD, and the State Bar Practice Manuals and Jury Charges. We will also be adding an one additional Westlaw portal and one Lexis Advance portal to our existing computers. This will bring our Westlaw portal total to four and Lexis Advance to three. Second, in our large conference room, we will be adding a multipurpose presentation TV and clickshare adapter. This will allow speakers to hook up their laptop or tablet to our presentation equipment easily. We will be having full length computer training classes and CLE presentations in this room starting in the Fall. For more information, contact the Law Library.

## Community News

- **Fort Bend Lawyers Care** is holding a **Community Legal Assistance Clinic** on Wednesday, **June 13th** from **6:30 to 8 pm** and a **Veterans Walk-In Clinic** on Saturday, **June 2nd**. They are both held at the Calvary Episcopal Church in Richmond. They also host a weekly **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](mailto:Tasha@fortbendlawyerscare.org).
- The **Family Bar of Fort Bend** is having a CLE on **May 18th at 2 pm** at the Swinging Door. The CLE is entitled **Understanding Drug Test Results and Which Drugs Provide False Positives**. For more, visit their website at [www.familybarfortbend.org](http://www.familybarfortbend.org).
- The **Katy Bar Association** is having their monthly meeting and CLE on Tuesday **May 22nd** from **11:30 to 1 pm** at **Landry's Restaurant** in Katy. The topic is on **Trusts** and is going to be given by Tanya Castro of Credence Bank. This CLE is approved for 1 hour CLE credit. For more information, visit the Katy Bar Association website at [www.katybar.org](http://www.katybar.org).
- **Family Bar of Fort Bend** is supporting the **Fort Bend Family Courts** with **"Bears for the Bench."** Gifts are given to adopted children with a stuffed animal. All money collected will be used to purchase bears for the children who are adopted in Fort Bend County. Donations can be made online at <https://familybarfortbend.org/bears-for-the-bench>.



## 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

- [Edith Ugwu, et al. v. Chichi Ugwu](#), No. 01-17-00247-CV (Apr. 24, 2018): Aff'd. TC judgment. (328th)
- [Khistina Dejean v. Clenton Brown](#), No. 01-17-00949-CV (May 1, 2018): Appeal Dism'd. (328th)
- [Diana Offord, et al. v. West Houston Trees, Ltd.](#), No. 14-16-00532-CV (Apr. 19, 2018): Otherwise Disposed. (CCL#2)
- [Harvella Jones, v. Jonathan Anderson](#) No. 14-16-00727-CV (May 1, 2018): Aff'd. TC judgment. (CCL#2)
- [Treveia McCurdy v. The State of Texas](#), No. 14-16--00322-CR (May 8, 2018): Aff'd. TC judgment. (CCL#1)
- [In Re Sweet Melissa's WE, Ltd., et al.](#), No. 14-18-00298-CV (May 15, 2018): Pet. Writ. Mand. Dism'd.. (434th)

### Criminal Law

- *Keith Lamerand v. State of Texas*, 540 S.W.3d 252 (Tex.App.-Houston[1st Dist.] 2018, Pet. Ref'd.): Defendant convicted of aggravated sexual assault of a child sentenced to 30 years. On appeal he challenged admission of various pieces of testimonial evidence. School counselor's outcry testimony concerning the sexual assault (which was first reported to her by victim) was admissible under the outcry exception to the hearsay rule because of many indicia of reliability. Though detective was not first person to hear victim's report and thus outcry exception to hearsay inapplicable, admittance of his testimony was found to be harmless. Error was also claimed by allowing into evidence Defendant's suicide attempt following his arrest as being irrelevant and unfairly prejudicial, especially in light that he had written a suicide note proclaiming his innocence. Court found it to be relevant and not outweighed by danger of unfair prejudice. Trial court judgment affirmed.

### Family Law

- *In the Interest of J.J.G, L.K.G., H.A.G, and A.G.G., Children*, 540 S.W. 3d 44 (Tex.App.-Houston[1st Dist.] 2017, en banc reh'g. denied): Following a bench trial parents rights to their four children were terminate and managing conservatorship granted to Department of Family & Protective Services. On appeal mother claimed due process violations and father claimed evidence was factually and legally insufficient to support the judgment. Three-judge panel agreed with parents and reversed the trial court. DFPS granted accelerated en banc reconsideration. En banc panel found evidence was sufficient to support determination that parents as managing conservators would impair the children's physical and mental health and vesting the DFPS with managing conservatorship was in the best interests of the children. Previous judgment of Court of Appeals vacated and opinion withdrawn. Trial court judgment affirmed.

### Civil Litigation

- *Altesse Healthcare Solutions, Inc., et al. v. Allen Wilson et al.*, 540 S.W.3d 570 (Tex. 2018): Dispute regarding sale of business led to trial court entering a TRO on various issues. Defendants did not fully comply with TRO and trial court imposed sanctions beyond death penalty sanctions and the Dallas Ct. of Appeals upheld. Sup. Ct. found that sanctions made plaintiffs better off than if they had succeeded on the merits. Though the violations of the TRO were serious and warranted sanction, the Sup. Ct. held that their conduct did not justify the extreme punishment imposed thus the judgment of the Ct. of App. was reversed and remanded.
- *In Re FDB Pool, Inc.*, 541 S.W.3d 391 (Tex.App.-Amarillo 2018, reh'g denied): Krisu Hospitality had a default judgment overturned via motion for new trial. FDB had incorrectly listed the address of Krisu's registered agent as "Shinecock Dr." instead of "Shinnecock Dr." Process server never even tried to physically serve the papers because that address did not exist via search of the county appraisal district's website. Service was thus made on the Sec. St. and Krisu did not timely answer. Ct. of Appeals denied FDB's mandamus petition finding that the TC had good cause to vacate the default judgment.