



# LAW LIBRARY NEWS

a publication of the Fort Bend County Law Library

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January 2019 ♦ Volume 27, Issue 1

## Westlaw Training and CLE

The Library is hosting a FREE Westlaw Training and CLE on Wednesday, **January 16th** at **11 am** in the Law Library. It will be in **Conference Room C**. CLE for this course has been approved for one hour. The class will focus on the basics of Westlaw and any new features of the database. Questions are encouraged. The class is open to the public but registration is required. Please contact the Law Library at 281-341-3718 or register online at [www.fortbend.lib.tx.us](http://www.fortbend.lib.tx.us).

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## New & Updated Resources

### ***Texas Practice Series***

- *Handbook of Texas Discovery Practice*
- *Texas Elements of an Action*
- *Summary Judgments*
- *Texas Law of Wills*
- *2018-2019 Editions*

### ***Texas Small-Firm Practice Tools***

- *2018 Edition*

### ***Texas Civil Practice***

- *2018 Update*

### ***Texas Pattern Jury Charges***

- *General Negligence*
- *2018 Edition*

### ***Texas Personal Injury Law Handbook***

- *2019 Edition*

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

- *Creditor's Rights*
- *Torts*
- *Family Law*
- *Probate*
- *Business Entities*
- *2018-2019 Editions*

### ***Guidebook to Texas Taxes***

- *2019 Edition*

### ***Texas Criminal Pattern Jury Charges***

- *2019 Edition*

### ***Maslanka's Texas Field Guide to Employment Law***

- *2019 Edition*

### ***O'Connor's Federal Rules \* Civil Trial***

- *2019 Edition*

## FBC Bar News

The **January luncheon and meeting** of the Fort Bend County Bar Association will be held at **12:00 pm** on Thursday, **January 31st** at the [Pecan Grove Plantation Country Club](#) located at 3000 Plantation Drive, Richmond, Texas. The program topic is **"Cellphone Forensics: Applications in Discovery and Investigations."** The Speaker will be Fred Behning, Director of Digital Forensics. 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 Tuesday, **January 29th** by using the form on the [Next CLE Luncheon](#)

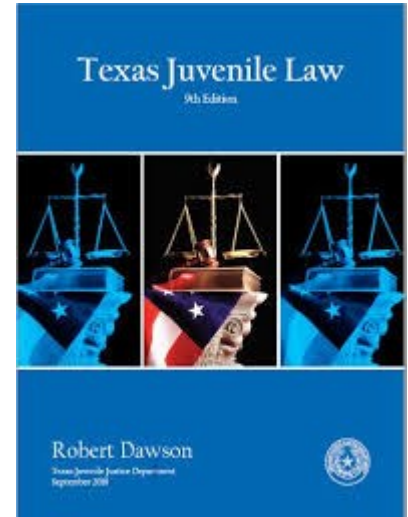
### **Member Resources**

[Click here for Member Resources](#)

## Featured Resource: *Texas Juvenile Law, 9th Edition*

**By Andrew Bennett**

The Law Library has gotten the brand new edition of Texas Juvenile Law, the definitive source for Juvenile statutes, case decisions, and annotations. This is the first update of the book since the 2014 statutory update of the 8th Edition. Updated by a select group of Juvenile Law experts, this continues to be one of the most important sources for Criminal Law attorneys. This title is now available in both print and digital here at the Law Library. This title, in particular, includes all legislative updates from the 84th (2015) and 85th (2017) legislative sessions with noted 2018 decisions. A 2019 supplement is likely to follow. This edition has also been condensed to one volume from two. As with other editions, it details the basics of juvenile law and what boards and courts make the decisions. Going into detail, the book also covers areas of law including age limits, violations, intake, facilities, trial proceedings, right to counsel, powers of the court, and confidentiality, among others. Copies of the book can be made for \$0.10 a page. For more information, visit the Law Library or call at 281-341-3718.



## Technology Corner

**By Jonathan Briggs**

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

**This Month's Featured Technology:** Additions to Law Library Technology and Resources



In the coming weeks and months the Law Library will be making some technology and resource additions that have been made possible by the physical expansion of the Law Library and by working with our vendors. Three new patron computers are going to be added bringing the total number to ten. These three computers along with computer #7 are general-use computers providing the full range of Microsoft Office programs such as Word, Excel, Publisher, and PowerPoint as well as WordPerfect, Internet Explorer, Adobe, and the State Bar Practice Guides and Pattern Jury Charges. These four computers will be placed on the long table parallel to the windows and adjacent to the copiers.

The proprietary databases such as Westlaw and Lexis will remain on computers 1 – 6, which also offer all the same general programs described above. We also look forward to the Lexis Digital Library coming online. This new offering will allow patrons in any Fort Bend County library branch to have a level of access to view and print Lexis/Matthew Bender publications such as *Dorsaneo's Texas Litigation Guide* and the criminal defense, family law, transaction, and probate and estate practice guides and numerous other publications from library computers or your own laptop. When the Lexis Digital Library comes online we will provide more detailed information on what it offers and how it may be accessed and used. Law Library staff will be glad to assist you with using any computer and the Lexis Digital Library. For more information, please 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, contact by email at [Tasha@fortbendlawyerscare.org](mailto:Tasha@fortbendlawyerscare.org).
- The **Fort Bend County Law Library** and the **Justice Center** will be **CLOSED** for Martin Luther King Jr. Day on Monday, **January 21st**. We will reopen for normal business hours on Tuesday, January 22nd.
- The **Fort Bend County Law Library** has its **Pro Se Basics Classes** on **Tuesday's at 10 am**. These classes focus on Procedural Information and Legal Resources for Pro Se's in Court. Contact the Library for dates and classes. Registration is required as space is limited. Contact the Law Library at 281-341-3718 or online at [www.fortbend.lib.tx.us](http://www.fortbend.lib.tx.us) to register.
- The **Fort Bend County Law Library** has its **Express Classes** on **Thursday's at 10 am**. These classes focus on Technology Software you can use in your practice. Contact the Library for dates and classes. Registration is required as space is limited. Contact the Law Library at 281-341-3718 or online at [www.fortbend.lib.tx.us](http://www.fortbend.lib.tx.us) to register.
- The **Harris County Law Library** offers the **Legal Tech Institute** where you can learn new technology skills for your practice. Many of these courses offer 1 hour of **FREE CLE Credit**. Please visit their website at <http://www.harriscountylawlibrary.org/legal-tech-institute-events>. There you can find dates and times of classes. Registration is required.
- The **Family Bar of Fort Bend** is having a CLE for members on **February 1st** on Expert Witnesses in the **387th District Court**. Also, every month they have a **monthly luncheon** that is approved for .75 MCLE credit. This is always the **1st Thursday of the month** at Buena Vista. No reservation required. For more information, visit their website at <https://familybarfortbend.org>.



## 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

- [Michael R. Silberstein d/b/a Silberstein Investments v. Gloria Lewis](#), No. 01-17-00294-CV (December 20, 2018): Reversed TC Judgment and Remanded for New Trial. (268th)
- [In Re Jesse A. Lopez](#), No. 01-18-00353-CV (December 20, 2018): Pet. Writ Mandamus Denied. (328th)
- [Texas Education Agency v. S.E.H.](#), No. 01-16-00420-CV (December 28, 2018): Aff'd. TC Judgment. (268th) [Interesting case regarding expunction]
- [Roderick McCormick v. The State of Texas](#), No. 14-17-00072-CR (December 21, 2018): Aff'd. TC Judgment. (328th)

### Criminal Law / Appellate

- *Fernando Smith v. The State of Texas*, 559 S.W.3d 527 (Tex.Cr.im.App. 2018): Defendant/Appellant was convicted of family violence assault (choking) and sentenced. He appealed. Defendant subsequently filed a motion for shock probation in the trial court that was granted but Defendant had some issues with the restitution amount, etc., and he sought to have those issues addressed on appeal as well. However, he did not file a second notice of appeal, instead relying solely on the first notice to perfect his appeal. The Waco Court of Appeals dismissed the appeal related to the shock probation issue as the Defendant never filed a separate notice of appeal following the complained-of order. The Court of Criminal Appeals affirmed the Waco court holding that the appeal of an order granting shock probation is independent from an appeal from adjudication and sentencing. The first notice of appeal did not cover the appeal of any subsequent trial court action. Since no notice of appeal was filed following the issuance of the shock probation order, the appeal of this issue was properly dismissed.

### Family Law

- *In the Interest of A.J., a Child*, 559 S.W.3d 713 (Tex.App.-Tyler 2018, no pet. h.): Texas Department of Family and Protective Services sought to terminate the parental rights of A.J.'s parents and to be appointed his conservator. Mother voluntarily relinquished her parental rights. Father who was incarcerated throughout the proceedings had his rights terminated by the trial court as he was found to have engaged in one or more acts/omissions under Section 161.001(b) of the Texas Family Code that supported termination. The Court never advised the Father of his right to be represented by counsel in this matter or of his right to have counsel appointed for him if he were indigent. The Father also never waived his right to be represented by counsel. Despite this the trial court allowed the trial to commence without anyone present to cross-examine witnesses brought to testify for the Department. A parent's interest in the care, custody, and management of their child is a fundamental liberty not affected by the parent's status as an inmate. What transpired in the termination proceedings was thus a violation of the Father's right to procedural due process and was harmful error. Based on this denial of procedural due process the Court of Appeals reversed the termination and remanded the case.

### Civil Litigation / Discovery / E-Commerce

- *Glassdoor, Inc., Doe 1, and Doe 2 v. Andra Group, LP*, 560 S.W.3d 281 (Tex.App.-Dallas 2017, no pet. h.): Glassdoor maintained a website that allowed people to post anonymous reviews of employers such as appellee Andra Group. Some negative reviews were posted. Appellee filed a TRCP Rule 202 pre-suit petition to conduct discovery to determine the identify of the anonymous reviewers with a view to pursuing claims such as libel/slander against said reviewers. Appellants responded by seeking dismissal of the Rule 202 petition pursuant to Chapter 27 of the CPRC ("If a legal action is based on, relates to, or is in response to a party's exercise of the right of free speech, right to petition, or right of association, that party may file a motion to dismiss the legal action."). The trial court denied the motion to dismiss and granted relief to appellee under Rule 202. Court of Appeals found that the trial court did not abuse its discretion in granting the relief requested under Rule 202 as Andra raised a genuine issue of material fact as to whether it had a viable action for business disparagement that was not time-barred and the reviews complained of contain a disparaging statement that is a verifiable statement of fact. Further, it was held that Appellants did not meet their burdens under Chapter 27 to have the case dismissed. Court of Appeals thus affirmed the trial court's denial of the motion to dismiss and granting of the Rule 202 petition.