



# LAW LIBRARY NEWS

a publication of the Fort Bend County Law Library

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## Lexis Advance Training and CLE

Continuing Legal Education class which will cover the basics of form searching in Lexis Advance. The topic for this program is ***Avoiding the Million Dollar Comma: The Use of Forms in Legal Drafting***. This class will be a webinar and is open to the public. It is at **10 am** on **Friday, March 22nd**. You do not need to be an attorney to attend. Coffee and snacks will be provided. The class is approved for 1 hour MCLE credit. Registration is required. Register online at [www.fortbend.lib.tx.us](http://www.fortbend.lib.tx.us).

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## New & Updated Resources

### ***Law Office Management El Libro Del Crimen for Paralegals***

- 2015 Edition



- Spanish Collection
- 2018 Pub Date



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

- *Methods of Practice*

### ***Inmigracion Las Nuevas Reglas***

- Spanish Collection
- 2018 Pub Date



### ***Corpus Juris Secundum***

- *Table of Cases*
- *Internal Revenue Code*
- 2018 Edition

### ***O'Connor's Texas Oil and Gas Statutes & Regulations***

- 2019 Edition

### ***O'Connor's Federal Criminal Rules & Codes***

- 2019 Edition

### ***Texas Administrative Code***

- 2019 Edition

### ***Family Law Depositions***

- 2018 Update

### ***Texas Transaction Guide***

- 2019 Update

## FBC Bar News

The **March luncheon and meeting** of the Fort Bend County Bar Association will be held at **12:00 pm** on Thursday, **March 28th** at the Sugar Creek Country Club located at 3000 Plantation Drive, Richmond, Texas. ***The Speaker and Program Topic is TBD. Check the Bar website for additional details.*** 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.

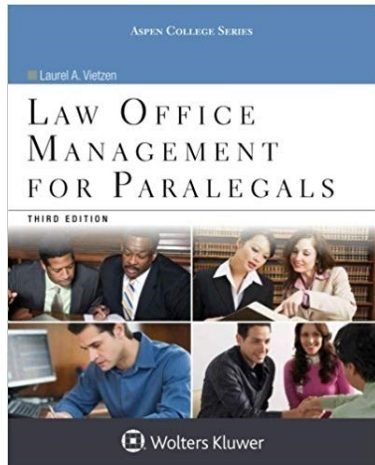
Please **RSVP** no later than 12:00 p.m. on Tuesday, **March 26th** by using the form on the [Next CLE Luncheon](#)

## **Member Resources**

[Click here for Member Resources](#)

## Featured Resource: Paralegal Collection

*By Andrew Bennett*



The Law Library has a small but burgeoning Paralegal collection. We have a small and underserved professional paralegal group that uses our library. In addition, we have the Wharton County Junior College Paralegal School down the street. To this end, we have tried to develop a collection that is in addition to our Lawyering Skills collection which many of the titles in that collection paralegal professionals and students can learn from as well. Books we have included in this area cover a variety of subjects including legal writing, law office management, legal research, and dealing with issues in various areas of law including family and probate. The textbooks in this collection are all from Aspen Publishers, a division of Wolters Kluwer, who produce many of the titles in paralegal schools across the county. These titles include *Law Office Management for Paralegals*, *Basic Contract Law for Paralegals*, *Introduction to Paralegal Studies*, *Legal Research and Writing for Paralegals*, and *Family Law for Paralegals*. As with the rest of our books, copies can be made for \$0.10 a page. Scanning of the books is FREE. For more information, contact the Law Library.

## 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:** Hein Online—A Unique Database

Hein Online is a legal and historical database providing a unique and broad spectrum of informative and practical materials useful to attorneys and paralegals, students, historians, and more. Its materials are drawn from a wide array of primary and secondary legal resources and historical documents. It would be fair to say that the variety on the Hein database is somewhat eclectic, including: the Code of Federal Regulations (CFR); Martindale-Hubbell Law Directory; State Attorney General Reports and Opinions; U.S. Treaties and Agreements; the Pentagon Papers; Canadian and English legal materials; U.S. and international law journals; extensive materials regarding slavery (statutes, cases, periodicals, scholarly journals); and many other legal and historical collections. A particularly interesting and useful item is the National Survey of State Laws, a compendium of comparative law across the 50 states on dozens of topics....from Abortion to Marital Property to Wills. (In addition to being online, the National Survey of State Laws is also contained in an updated bound volume in our collection). The Law Library pays a yearly subscription fee for access to Hein Online and it is available on patron computers 1, 2, 5, and 7. Also, when in the Law Library a patron can access Hein via their laptop by utilizing the county's Wi-Fi (accessed via "fbcguest" – no password, simply agree to the terms of use). Documents can be downloaded to a thumb-drive or e-mailed to you at no cost from the Hein website or they can be printed on-site in black and white for 10 cents per page and in color for \$1.00 per page. Come in and explore Hein Online and all it has to offer. Law Library staff will be glad to assist you with using any computer and the Hein Online database. Hein Online is also the subject of one of our Express Classes that are held on a rotating basis. 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 [Simmons@fortbendlawyerscare.org](mailto:Simmons@fortbendlawyerscare.org).
- 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** 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

- [Jorge A. Perez v. State of Texas](#), No. 01-18-00380-CR (February 21, 2019): Appeal Dismissed. (458th)
- [Alma J. Bass v. Deborah Bass, Executrix of Estate of Roberta Stanbrough](#), No. 01-18-00837-CV (February 26, 2019): Appeal Dismissed. (CCL#2)
- [In the Matter of J.C.B.](#), No. 14-18-00796-CV (February 21, 2019): Aff'd. TC Judgment. (CCL#5)
- [Jason Lara v. State of Texas](#), No. 14-17-00419-CR (February 21, 2019): Aff'd. TC Judgment. (240th)
- [Eliza L. Ford v. State of Texas](#), No. 14-18-00560-CR (February 28, 2019): Appeal Dismissed. (268th)
- [Paul Gutierrez v. Nationstar Mortgage, LLC](#), No. 14-18-00856-CV (March 5, 2019): Appeal Dismissed. (CCL#2)
- [Tyrone Tanner v. Kathleen Black](#), No. 01-17-00883-CV (March 7, 2019): Aff'd. TC Judgment. (434th)

### Civil Litigation/Negligence/Livestock

- *Joshua Garcia v. Shary Pruski*, 563 S.W.3d 333 (Tex.App.-San Antonio 2018, pet. filed): Plaintiff Garcia brought a personal injury suit against Defendant Pruski following an automobile-bull collision, the animal being loose on the roadway. Defendant's traditional and no-evidence motions for summary judgment were granted. Plaintiff appealed and the Court of Appeals concluded that he had produced sufficient evidence to raise a genuine issue of material fact as to all of the challenged essential elements of his negligence claim based on Defendant's violation of the stock law provisions of Chapter 143 of the Texas Agriculture Code. Plaintiff did not challenge the trial court's granting of summary judgment on Defendant's common law duty or specific violation of Section 143.02. Therefore, the case was affirmed in part and reversed in part and was remanded to the trial court.

### Criminal Law

- *Durwin Young v. The State of Texas*, 563 S.W.3d 325 (Tex.App.-Houston [1st Dist.] 2018, pet. ref'd): Appellant/Defendant was convicted of possession of methamphetamine and with enhancement was sentenced to 45 years in prison. At trial Defendant moved to suppress evidence found in a pill bottle. Police had pulled over the car in which he was a passenger for failing to come to a complete stop at a stop sign in an area known for criminal and narcotics activity. The officer patted down and felt what he thought was a pill bottle that he presumed contained narcotics given many factors. He then removed the bottle from the Defendant's pocket. On appeal Defendant contended that the officer unlawfully removed and seized the bottle from his pocket without probable cause. His motion to suppress was denied without the Court making findings of fact and conclusions of law. State argued that based on the officer's "plain feel" it was immediately apparent the item was contraband and thus no 4th Amendment violation. The Court of Appeals disagreed with the State. Defendant was not under arrest or the subject of a search warrant, it was only an investigative detention. Thus, without a legal exception, the officer was required to have probable cause to conduct a search for non-weapon contraband or other evidence. The removal of the pill bottle was unconstitutional and the trial court erred in denying the motion to suppress. The record contained no other evidence of possession of methamphetamine. Reversed and remanded.
- *Ex Parte Steven Mark Chaney*, 563 S.W.3d 239 (Tex.Crim.App. 2018): Appellant/Defendant was convicted of murder and sentenced to life imprisonment. Court of Appeals affirmed. Via habeas corpus he sought relief on four grounds: new scientific evidence contradicted bite-mark evidence relied on at trial; false evidence was used to secure his conviction; the State violated the Brady rule; and, that he is actually innocent. The State and habeas court agreed that Chaney is entitled to relief on all grounds. The Court of Criminal Appeals reviewed the record, agreed, and granted the relief requested.

### Family Law

- *Ryan Kelsall v. Rachel Haisten*, 564 S.W.3d 157 (Tex.App.-Houston [1st Dist.] 2018, no pet. h.): Mr. Kelsall and Ms. Haisten, the parents of a child, divorced in 2010. Since that time he has returned to the trial court often seeking relief. He brought a modification suit which resulted in an agreed modification order being signed in 2016. Not long thereafter he brought another modification suit. After trial the court found that the second modification suit was frivolous (that it was not brought out of concern for his daughter and was done for ulterior motive and to harass) and ordered him to pay her attorney's fees under Section 156.005 of the Family Code. The First Court of Appeals affirmed the trial court finding that it did not abuse its discretion.

For more information on recent cases, visit the Law Library.