



LAW LIBRARY NEWS

a publication of the Fort Bend County Law Library

Edited by: Andrew Bennett, Law Librarian

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30th Anniversary Open House

The Law Library will be hosting a **30th Anniversary Open House** on Friday, **January 10, 2020** from **9 am to 3 pm**. This event will feature three programs to celebrate our 30 years of existence. Those programs include a Westlaw CLE at 10 am, an Attorney Lecture Series in Estate Planning at 11 am, and a training on re:Search TX at 1pm. We will have snacks, coffee, and tours of the library as well. For more information and registration for the three programs, visit our website.

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New & Updated Resources

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| <i>Texas Small Firm Practice Tools</i>
• 2019 Update | <i>U.S. Master Tax Guide</i>
• 2020 Edition |
| <i>O'Connor's Texas Series</i>
• Rules of Evidence Handbook
• Employment Codes Plus
• Real Estate * Forms | <i>Blue's Guide to Jury Selection</i>
• 2019-2020 Update |
| <i>Texas Practice Guide</i>
• Alternative Dispute Resolution
• Business & Commercial Litigation
• Family Law | <i>Deposition Checklist & Strategies</i>
• 2019 Update |
| <i>The Mueller Investigation & Beyond</i>
• 2019 Pub Date | <i>Transactional Skills</i>
• 2019 Pub Date |
| <i>The Reimagined Lawyer</i>
• 2019 Pub Date | <i>Handbook of Federal Evidence</i>
• 2019 Update |

FBC Bar News

Fort Bend County Bar Association

There is not a December meeting and CLE.

There will be a **Coffee with the Court** on Thursday, **December 12th** at **9 am** in County Court at Law # 1. It is approved for .5 CLE hours.

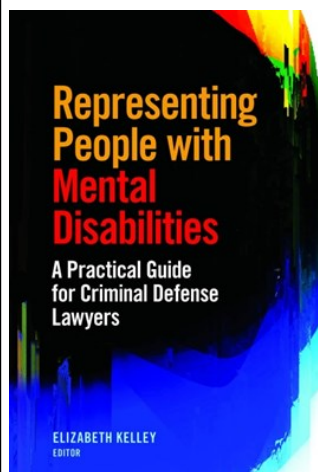
Family Bar of Fort Bend County

The **January luncheon and meeting** of the Family Bar of Fort Bend County will be on **Thursday, January 2nd** at **noon** at Buena Vista Restaurant on 100 Liberty St, Richmond Texas. These CLE's are FREE to members and are approved for .75 hours CLE credit. **RSVP is not required.** Please pay for your own lunch.



Featured Resource: Representing People with Mental Disabilities

by *Jonathan Briggs*



Criminal defense attorneys make up a significant part of the Law Library's patrons, and most at one time or another has represented a defendant who had mental health issues. A recent acquisition by the Law Library will hopefully aid in their understanding of these issues and assist them in representing these clients. *Representing People with Mental Disabilities: A Criminal Defense Lawyer's Best Practices Guide* (edited by Elizabeth Kelley, a criminal defense attorney) was published in 2018 by the American Bar Association. There are twenty in-depth chapters written by attorneys and psychologists on topics such as: Competency to Stand Trial; Criminal Responsibility; Mitigation: Mental Health and Sentencing; Malingering; Sex Offender issues; Juveniles; Mental Health Courts; Veterans Treatment Courts; Jail and Prison Conditions; Working with Clients; Working with Experts; Neuroscience and Abnormal Brain Function; and more. This kind of information written by practitioners and mental health professionals is an excellent resource for attorneys seeking to represent these defendants more effectively. *Representing People with Mental Disabilities* is available for use and copying at 10 cents a page in the Law Library. For more information please contact us.

Technology Corner : re:Search TX

By *Andrew Bennett*

The new service from the group that created E-File Texas has now created a database that allows users to search many trial courts in Texas. For years, attorneys and self represented litigants have had to search trial court

websites individually. Now, users have the opportunity to search all of them at once. Once a document is uploaded through E-File Texas, it is also simultaneously available through re:Search TX. Users can search by keyword, docket number, and parties to find the cases they are looking for. They can narrow by particular county. Please note that not all counties are available but they are looking to add all Texas counties. Counties available include Harris, Dallas, Travis, Bexar, and most recently, Fort Bend Counties. More counties are being added all the time. However, while searching documents is free, to print documents that are not your own, users will be charged \$0.10 a page. Documents that users uploaded themselves through E-File Texas, users have access to for free. The Library is offering a training on this database at our Open House on January 10 at 1 pm. To register, please visit our website.

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.
- 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. Contact the Law Library at 281-341-3718 or online.
- 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. Contact the Law Library at 281-341-3718 or online.
- The **Fort Bend County Law Library and the Justice Center** will be **CLOSED** on **December 24th and 25th** for Christmas.
- The **Fort Bend County Law Library** having its **30th Anniversary Open House** on **January 10, 2020** from **9 am to 3 pm** in the Law Library. The Open House will have a variety of programs including an Attorney Lecture Series on Estate Planning, a Westlaw Training and CLE, and a training class on the new Re:Search Texas! More information on these classes will be closer to the date.
- 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 **Wharton County Junior College Paralegal Program** will be offering two new classes. The new classes that the Studies Program will offer begin **Fall 2019**. They are offering a **Torts/Personal Inquiry Course** during fall 2019 and an **Immigration Law Course** during spring 2020. Both courses will initially be offered in a face to face format at the Richmond Campus. For more information on the program, visit their website at <https://www.wcjc.edu/Programs/technology-and-business/paralegal-studies/>.

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.

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

- [Osa Alohoneke v. The State of Texas](#), No. 01-18-00102-CR (November 26, 2019): Aff'd. TC Judgment. (400th)
- [Ex Parte Alan Nelson Crotts](#), No. 01-18-00666-CR (November 26, 2019): Aff'd. TC Judgment. (CCL#3)
- [Guozhang Gao v. The State of Texas](#), No. 01-18-00806-CR (November 26, 2019): Aff'd. TC Judgment. (CCL#3)
- [Ex Parte Joshua Jermaine Nelson](#), No. 01-19-00325-CR (November 26, 2019): Aff'd. TC Judgment. (458th)
- [Joshua A. Beach v. Christine N. Beach](#), No. 01-18-01037-CV (December 3, 2019): Appeal Dismissed. (328th)
- [Gary Baird v. Texas Fair Plan Association](#), No. 01-19-00753-CV (December 10, 2019): Appeal Dismissed. (CCL#1)
- [In the Interest of I.R.B., a Child](#), No. 14-18-00126-CV (November 26, 2019): Aff'd. TC Judgment. (328th)
- [William D. Lucas v. Donald R. Savage, et al.](#), No. 14-18-00836-CV (November 26, 2019): Aff'd. TC Judgment. (CCL#4)
- [In Re Babatunde Aogo](#), No. 14-19-00927-CV (December 5, 2019): Pet. Writ. Mand. Denied. (328th)
- [Damon K. Dove v. The State of Texas](#), No. 14-19-00815-CR (December 5, 2019): Appeal Dismissed. (268th)
- [In Re Damon K. Dove](#), No. 14-19-00944-CR (December 5, 2019): Appeal Dismissed. (268th)

Criminal Law

Lisandro Beltran de la Torre v. The State of Texas, 583 S.W.3d 613 (Tex.Crim.App. 2019): Appeal to the Court of Criminal Appeals out of a Houston Court of Appeals originating in Columbus, Texas. Drug possession case where the issues of “joint possession” and “mere presence” were considered in the context of jury instructions. In a scenario many attorneys (prosecution and defense) and judges regularly deal with, defendant driver of vehicle was charged with possession of drugs found in the center console of a vehicle that also had two passengers. Defendant contended that the instruction on joint possession (which stated that “two or more people can possess the same controlled substance at the same time”) was improper and that the denial of his request for a jury instruction on mere presence (which would have informed the jury that a person’s mere presence at a location where drugs are found is insufficient to demonstrate possession) was error. The Court of Criminal Appeals held that both instructions constituted improper comment on the weight of the evidence and should not be included in the charge, with the essential reasoning being that these instructions were unnecessary to clarify the applicable law, i.e., that possession under the Texas Health & Safety Code means “actual care, custody, control, or management.” Thus, the CCA reversed the Houston court’s error regarding the joint-possession instruction and remanded for a harm analysis. A lengthy opinion but on an important issue and from the state’s highest court.

Family Law

In the Interest of K.A.M.S. and K.A.S., Children, 583 S.W.3d 335 (Tex.App.-Houston [14th Dist.] 2019, no pet. h.): Mother brought suit to modify the parent-child relationship on issues of conservatorship, possession, and child support. Trial court ruled in her favor on all issues: appointed her sole managing conservator, modified the possession order; increased the father’s child-support and medical support obligations; and, awarded her attorney’s fees. Father appealed alleging abuse of discretion by the trial court. The Court of Appeals overruled all of the father’s points of appeal except on the issue of attorney’s fees, with the court finding the evidence for same legally insufficient. The Court of Appeals reversed and remanded on the issue of the attorney’s fees and otherwise affirmed the trial court.

In the Interest of M.V., a Minor, 583 S.W.3d 354 (Tex.App.-El Paso 2019, no pet. h.): Mother brought suit to modify the parent-child relationship to lift the geographic restriction requiring the mother and child to maintain residence in El Paso and contiguous counties. Mother had remarried and wanted to move to San Antonio. In applying the best interests of the child standard and the requirement of a material and substantial change, the trial court found for the mother, that the move would result in added benefit to many aspects of the child’s life and that the mother had come up with a plan to maintain ties with his father’s side of the family in El Paso. Affirmed.

Civil Litigation

AVPM Corp. v. Tracy L. Childers, et al., 583 S.W.3d 216 (Tex.App.-Dallas 2019, rehg. pet. rev. denied): Attorney brought suspiciously timed motion to recuse against 3-judge panel of Court of Appeals citing campaign contributions of the parties to two of the judges as the basis for the motion. Court reiterated standard that mere receipt of campaign contributions without evidence of improper communication or coordination re: the case is not a basis for recusal. Motion denied and counsel referred to State Bar for possible discipline.