



LAW LIBRARY NEWS

a publication of the Fort Bend County Law Library

Edited by: Andrew Bennett, Law Librarian

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Express Classes and Pro Se Basics

The Law Library has two weekly classes. These are our Express Classes and Pro Se Basics series. These classes introduce you to introductory technology courses and procedural information. Classes include learning about Microsoft Word, PowerPoint, Adobe Pro DC, and our databases. Pro Se Basics classes include learning about legal research, courthouse procedures, and resources for your probate or family law issues. For more information visit our website at www.fortbend.lib.tx.us.

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New & Updated Resources

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| <p>O'Connor's Texas Series</p> <ul style="list-style-type: none"> Family Law Forms 2019 Edition | <p>Roadmap: Law Students Guide to Meaningful Employment</p> <ul style="list-style-type: none"> 2017 Pub Date  |
| <p>Family Lawyer's Essential Toolkit</p> <ul style="list-style-type: none"> 2019 Edition | <p>O'Connor's Federal Series</p> <ul style="list-style-type: none"> Employment Codes Plus 2019 Edition |
| <p>Texas Practice Series</p> <ul style="list-style-type: none"> Worker's Compensation Elder Law 2019 Editions | <p>National Survey of State Laws</p> <ul style="list-style-type: none"> 8th Edition 2019 Pub Date |
| <p>Texas Legal Practice Forms</p> <ul style="list-style-type: none"> 2019 Edition | <p>Texas Criminal Practice Guide</p> <ul style="list-style-type: none"> Release 105 |
| <p>Texas Practice Guide</p> <ul style="list-style-type: none"> Personal Injury 2019 Edition | <p>Texas Family Law Practice and Procedure</p> <ul style="list-style-type: none"> Release 79 2019 Update |

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 30th** at the Sugar Creek Country Club located at 420 Sugar Creek Blvd., Sugar Land, Texas. The program topic is "**Child Advocates of Fort Bend, who are they and how can we work together to protect children**". The Speaker will be Ruthanne Mefford. 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, **May 28th** by using the form on the [Next CLE Luncheon](#)

Member Resources

[Click here for Member Resources](#)

Featured Resource: Deposition Checklists and Strategies

By Andrew Bennett

The Library has a new book by James Publishing entitled *Deposition Checklists and Strategies*, now in its 9th revision from 2017. This one volume title, which is part of our Lawyering Skills collection, details hundreds of deposition questions which are prefaced by tips, strategies, outlines, annotations, and commentary. Areas of law included are medical malpractice, civil litigation, and employment discrimination. The guides help you create outlines with follow up questions so you are ready for your deposition and avoid errors or omissions. The book is written by T. Evan Schaeffer who is a thirty year practitioner in criminal defense and civil litigation. He is also the managing editor of the St. Louis University Law Journal and has American Jurisprudence Awards from the American Bar Association. As with all James Publishing titles, the Library has this title in digital format for easy retrieval and printing. Printing is \$0.10 a page. For more information, contact the Law Library.

DEPOSITION
CHECKLISTS
AND STRATEGIES

Revision 9

BY T. EVAN SCHAEFFER

Technology Corner: What the Law Library Has to Offer Its Patrons

By Jonathan Briggs



The law library is here to serve you, that is our *raison d'être* meaning the reason for our existence. The first and most important way we serve you is providing up to date printed and digital materials across a broad range of legal topics. Six of our public computers provide access to Westlaw, Hein Online, and Lexis among other databases. In addition to broad and deep coverage of Texas and Federal law of both primary and secondary law, our subscriptions to these databases also cover other states. Documents can be printed on-site, e-mailed to you, and/or downloaded to a thumbdrive. Additional access to other databases can be had at home with a Fort Bend County Library Card. All ten of our public computers offer internet access, Microsoft Office, WordPerfect, and Adobe. Attorneys and pro se patrons can e-file their pleadings from our computers. We have a high capacity black and white printer for the very reasonable rate of ten cents per page and a color printer at \$1.00 per page. We have two black & white copiers at the same cost. Additionally, these copiers allow you to scan a document into a PDF that is sent to your e-mail address for free. We have a fax machine that can both send and accept local and long distance faxes. Our viewing room has a DVD and TV set-up for viewing of bar association training videos by reservation or on a first-come first-served basis when not reserved. Our large conference room, available by reservation, has Click-Share which wirelessly integrates a laptop with the large flat-screen TV for presentations. Also, when in the Law Library, a patron can use the internet via their laptop or phone by utilizing the county's Wi-Fi. We offer our Express Classes on Thursday at 10:00 a.m. providing basic information on our databases and word-processing programs with an emphasis on their utilization in your law practice or legal matters.

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 as space is limited. Contact the Law Library at 281-341-3718 or online at 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 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>.
- **Do you have any suggestions for our book club titles?** Please let us know what you think. Email us at LLpublic@fortbend.lib.tx.us.
- **Want to learn something else in our Express Classes?** Please let us know if you have any ideas. Email us at LLpublic@fortbend.lib.tx.us.



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

- [Jokobai Z. Linton v. The State of Texas](#), No. 01-19-00138-CR (April 18, 2019): Appeal Dismissed. (240th)
- [Campbell Concrete & Materials, LLC, et al. v. Wells Fargo Bank, N.A.—Trustee](#), No. 01-19-00215-CV (April 25, 2019): Appeal Dismissed. (240th)
- [In the Matter of B.M.](#), No. 01-18-00898-CV (April 30, 2019): Concurring Memorandum Opinion issued. (CCL#2)
- [The State of Texas v. Jerold J. Griffin](#), Nos. 01-18-00678-CR/01-18-00680-CR/01-18-00681-CR (May 2, 2019): Aff'd. TC Judgment. (268th)
- [Anita Akpa v. Aghaegbuna Odelugo](#), No. 01-18-00963-CV (May 7, 2019): Appeal Dismissed. (CCL#1)
- [In Re Emerson Process Mgmt. Valve Automation, Inc., et al.](#), No. 01-19-00152-CV (May 7, 2019): Pet. Writ. Mand. Denied. (268th)
- [Rowena M. Klinker v. Kenneth A. Klinker](#), No. 14-19-00162-CV (April 25, 2019): Appeal Dismissed. (328th)
- [Jean Usen v. Mohammed R. Ali and Shahana Anjium](#), No. 01-18-01034-CV (May 9, 2019): Appeal Dismissed. (CCL#2)

Criminal Law

- *Ex Pre James McDonald*, 568 S.W.3d 688 (Tex.Crim.App. 2018): Defendant pled guilty to aggravated sexual assault of a child and was sentenced to 10 years in the TDCJ. His direct appeal was dismissed by the Fourth Court of Appeals for lack of jurisdiction. Defendant then brought an application for writ of habeas corpus with this Court. Defendant contended that his plea was involuntary as he was told that he was facing a first degree felony that carried with it the possibility of life imprisonment. However, the allegations only supported an indictment for a second degree felony and its maximum punishment of twenty years. Had he known this he would have rejected the plea offer he had accepted. The State and the trial court agreed that the Defendant was entitled to relief. The judgment was set aside.
- *Kaitlyn Lucretia Ritcherson v. The State of Texas*, 568 S.W.3d 667 (Tex.Crim.App. 2018): Defendant was convicted of murder and sentenced to 25 years in prison. Court of Appeals in Austin affirmed and this Court granted discretionary review. Defendant argued on appeal that she was entitled to a jury instruction on the lesser-included offense of manslaughter. During an altercation outside a bar involving several persons Defendant stabbed the victim in the chest resulting in a fatal injury. At trial her counsel's requested for the inclusion of the manslaughter instruction was rejected. The Court of Appeals affirmed finding that the jury could not have the Defendant guilty of only manslaughter. Defendant sought review claiming the Court of Appeals erred in not considering the opinion in *Saunders v. State*, 840 S.W.2d 390. The Court of Criminal Appeals found that the Austin court erred by analyzing the case under a legal sufficiency standard as opposed to the law of lesser-included offenses and by also relying on a factually distinguishable case. The Court thoroughly reviewed the evidence and ultimately concluded that "there is no reasonable interpretation of the evidence that would allow a jury to rationally find that Appellant acted only recklessly when she stabbed Fatima (the victim) in the chest." The Court of Appeals' judgment was affirmed though based on different reasoning.

Family Law

- *In the Interest of R.J., Jr., a Child*, 568 S.W.3d 734 (Tex.App.-Houston [1st Dist.] 2019, no pet. h.): Parental rights of both parents of a 3-year-old boy were terminated and managing conservatorship was vested with the Texas Department of Family and Protective Services and the child's placement with his fostering family to continue. Both parents appealed, with father bringing procedural challenges and both parents challenging the legal and factual sufficiency underpinning the termination itself and the determination that the termination was in the best interests of the child. In a lengthy opinion the majority gives a full discussion of the law and its reasons for affirming the judgment of the trial court. Essentially, long-standing issues of drug abuse along with criminal histories, domestic violence, unsanitary conditions, inability to support, the termination of their rights as to another child, and other factors were found to support from a legal and factual sufficiency standpoint the termination itself and that the termination was in the best interest of the child (under the clear and convincing standard). Another key factor was the child's current stable and caring home life with his foster family, his thriving and development while in their care, and their intentions to adopt him. The judgment of the trial court was affirmed. The dissenting opinion is also worth reading as it discusses the basis for that Justice's conclusion that the evidence supporting the finding that termination was in the child's best interest was factually insufficient.