



# LAW LIBRARY NEWS

a publication of the Fort Bend County Law Library

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## Law Library Contact Information

The Law Library is currently **CLOSED** through **Apr 30**. However, for library resources you can access, please see our **Stay at Home Resource Guide** on our website, [here](#). If you have questions, please do not hesitate to email us at [LLpublic@fortbend.lib.tx.us](mailto:LLpublic@fortbend.lib.tx.us). Or, you can call us at 281-341-3718. We will respond to your message as soon as we can. We hope that you are staying home and are healthy and happy!

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## Databases Available Online

Here is a quick list of resources available online through our Library.

- *Lexis Digital Library*

**Note: You will need your barcode and PIN from your FBCL Library Card**

- *Gale Legal Forms Library*

**Note: Please have your barcode from your FBCL Library Card**

- *Legal Information Reference Center*

**Note: Please have your barcode from your FBCL Library Card**

- *Lexis Advance*

**Note: You will need to create a 30 day temporary ID. Follow the Instructions.**

To access our database please go here on our website below or check out our Technology Corner on the next page:

<https://www.fortbend.lib.tx.us/about-us/location-hours-map/law-library/databases>



## Featured Resource: Information Concerning Status of Courts and Government Offices

by *Jonathan Briggs*

Owing to the current public health emergency and the substantial closure of most in-person services by the Fort Bend County government, we are dedicating this month's Featured Resource column to identifying links to helpful information about the status of Court and related services here in Fort Bend and on the State and Federal level.

- **Fort Bend County's current "Stay at Home" order:**  
<https://www.fortbendcountytexas.gov/home/showdocument?id=53748>
- **District Courts' webpage (look to each Court's page for specific info re: operations):**  
<https://www.fortbendcountytexas.gov/government/departments/administration-of-justice/district-courts>
- **Family Law District Courts' order concerning operations:**  
<https://www.fortbendcountytexas.gov/home/showdocument?id=53521>
- **Order of Supreme Court of Texas concerning child possession schedules during health emergency:**  
<https://www.fortbendcountytexas.gov/Home/ShowDocument?id=53475>
- **District Clerk's Notice concerning closure and alternative methods to conduct business with clerk:**  
<https://www.fortbendcountytexas.gov/home/showdocument?id=53495>

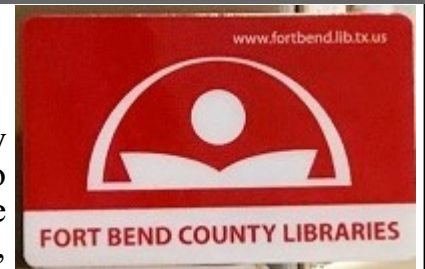
- **County Courts' at Law webpage (look to each Court's page for specific info re: operations):**  
<https://www.fortbendcountytexas.gov/government/departments-a-d/courts-at-law>
  - **County Clerk's Notice concerning closure and alternative methods to conduct business with clerk:**  
<https://www.fortbendcountytexas.gov/home/showdocument?id=53517>
  - **Justices of the Peace Courts webpage:**  
<https://www.fortbendcountytexas.gov/government/departments/administration-of-justice/justice-of-the-peace>
  - **Texas Judicial Branch webpage** (provides info and links to state courts such as the 1st and 14th Court of Appeals, the Supreme Court, and the Court of Criminal Appeals):  
<https://www.txcourts.gov/>
  - **Southern District of Texas** (including COVID-19-related info and orders):  
<https://www.txs.uscourts.gov/>
  - **Fort Bend County Library System:**  
<https://www.fortbend.lib.tx.us/>
- We hope this information is helpful. We look forward to getting back to normal operations as soon as we are allowed to safely do so. For more information please contact the Law Library via e-mail at [LLpublic@fortbend.lib.tx.us](mailto:LLpublic@fortbend.lib.tx.us).

## Technology Corner

By *Andrew Bennett*

**This Month's Featured Technology:** *Access to the Libraries' Databases*

To access the libraries' databases you will need your Fort Bend County Library Card. Unfortunately, since we are closed, you will not be able to get one at this time. However, if you have one, you will need the barcode number located on the back of your card. Then, if you know your PIN, you will have access to our **Lexis Digital Library**. This database contains ebooks of our Lexis Nexis, Matthew Bender, American Bar Association, and James Publishing titles. This includes *Dorsaneo's Texas Litigation Guide*, *Texas Estate Planning*, and more. Another database you have access to will be **Gale Legal Forms Library**. This database has many commonly used Civil Forms related to Family Law, Estates and Probate, Civil Litigation, and more. These forms can be downloaded in Word format. In addition, you have access to **Legal Information Reference Center** where there are many of the Nolo titles that contain general information on legal topics. To get to any of the above resources, go to <https://fortbend.lib.tx.us> then scroll down and hit Law Library and then Databases & Digital Resources. Finally, for 30 days, patrons have access to **Lexis Advance** through their 30 day temporary ID. This will last for 30 days or until May 31. To create an account, please go to this website here at <https://www.lexisnexis.com/en-us/pa-access.page>. Follow the instructions to create an account. For more information, contact us at [LLpublic@fortbend.lib.tx.us](mailto:LLpublic@fortbend.lib.tx.us).





## Community News

- The **Fort Bend County Law Library** has postponed **all classes** including Pro Se Basics and Express Classes until further notice. Check out our resource guides, databases, and newsletters at <https://www.fortbend.lib.tx.us/about-us/location-hours-map/law-library>.
- The **Texas State Law Library** has a lot of **digital resources** at your disposal. Please **create a digital library account** for access. For more information, visit their website at <https://www.sll.texas.gov/about-us/get-a-library-account/>.
- Check out the **Legal Tech Institute** from the **Harris County Law Library** for some quick legal technology tips at <http://www.harriscountylawlibrary.org/tech>.
- **Re:Search TX** allows you to research case law from all 254 Texas Counties. Some documents do require payment to access. Account set up is free. Go to <https://research.txcourts.gov/CourtRecordsSearch/Home>. Or you can check out Google Scholar for case law research at <http://scholar.google.com>.
- **E-File Texas** allows you to file your documents electronically to Fort Bend County courts or any other courts in the state of Texas. Go to <http://www.efiletexas.gov/>
- **Texas Primary Resources** are available online at **Texas Legislature Online** and **Texas Courts Online**. Find Statutes and Codes at <https://statutes.capitol.texas.gov/> and the Texas Courts website at <http://www.courts.state.tx.us/>.

***Remember, please stay home as much as possible and be safe.***

***For more information or assistance, please email us at [LLpublic@fortbend.lib.tx.us](mailto: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](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

- [Brackenridge Property Fund 2016, LLC v. Claudia and Kumar Machani](#), No. 01-19-00528-CV (March 24, 2020): Appeal Dismissed. (CCL#4)
- [Aja Crawford v. The State of Texas](#), No. 14-18-00983-CR (March 31, 2020): Affirmed. (CCL#3)
- [Amanda P. Hayes v. The State of Texas](#), No. 14-19-00789-CR (April 7, 2020): Affirmed. (400th)

### Briefs

#### Criminal Law/Stored Communications Act

*Christopher J. Holder v. The State of Texas*, No. PD-1269-16 (Tex.Crim.App. 2020): Appellant/Defendant was convicted of capital murder. After being arrested and charged he filed two motions to suppress, one of which addressed the access by the State of his “cell site location information” (CSLI) under the federal “Stored Communications Act” (SCA) in order to investigate his alibi. The CSLI showed that his alibi was not true. The motion to suppress contended that the government had failed to show “specific and articulable facts” underpinning its request as required by the SCA. The motion was denied by the trial court and that ruling was affirmed by the Fifth Court of Appeals via direct appeal. The Court of Criminal Appeals agreed to review his claims under the SCA and under Article 1, Section 9 of the Texas Constitution (essentially the Texas version of the Fourth Amendment requiring searches and seizures to be reasonable and supported by probable cause). In a detailed opinion the Court extensively reviewed the facts of the case under the SCA, the Texas Constitution, and federal and state case law. The CCA found that the State lacked probable cause, thus the search was unreasonable, and that the motion to suppress should have been granted. The Court then turned to the harm analysis issue: was Appellant harmed by the failure of the trial court to suppress? As the Dallas Court of Appeals never addressed the harm issue, the Court of Criminal Appeals therefore reversed and remanded to the Court of Appeals for a harm determination.

#### Family Law/Termination of Parental Rights

*In the Interest of L.G., a Child*, No. 19-0488 (Tex. 2020): Father’s rights to his child were terminated. He appealed to the Texarkana Court of Appeals and then to the Supreme Court. The issues presented are whether his parental rights were terminated because of his indigence (in violation of his Constitutional rights) and whether the Court of Appeals erred in failing to provide a detailed analysis of the trial court’s findings that clear and convincing evidence supported the termination of parental rights under Family Code section 161.001(b)(1)(D) and (E). The Supreme Court looked at the factors leading to the termination itself and found no error. However, the Court of Appeals did err by not detailing its analysis as required. Affirmed in part, reversed in part, and remanded.

#### Civil Litigation/Insurance/PIP Coverage

*Farmers Texas County Mutual Insurance Company v. Rodney Beasley*, No. 18-0469 (Tex. 2020): Plaintiff was a covered person under an auto policy and was injured in a motor vehicle collision. His medical bills were \$2,662.54 under the listed rates of the providers. His health insurer was Blue Cross Blue Shield and it negotiated reimbursement to his healthcare providers for this care in the amount of \$1,068.90. This squared his accounts with these medical providers. However, Beasley contended that he was entitled to reimbursement in the amount of \$1,431.10 from Farmers, the balance of the \$2,500.00 in Personal Injury Protection (PIP) coverage under the auto policy. The trial court disagreed. The Tyler Court of Appeals reversed the trial court. The Supreme Court reversed finding that the Plaintiff had not alleged a concrete injury sufficient to meet the standing requirement, thus upholding the trial court’s granting of Farmers’ plea to the jurisdiction dismissing Beasley’s suit.