



LAW LIBRARY NEWS

a publication of the Fort Bend County Law Library

July 2020 ♦ Volume 28, Issue 7

Upcoming Programs

This month, the Law Library is hosting a **Westlaw Training and CLE** on Wednesday, **July 22 at 10 am**. This class will be virtual and cover the basics of the database including an introduction to the new Westlaw database, Westlaw Edge! This class has been approved for 1 hour MCLE credit. Please register online at www.fortbend.lib.tx.us. For more information, please contact us at 281-341-3718 or by email at llpublic@fortbend.lib.tx.us.

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New & Updated Resources

Texas Practice Series

- *Elder Law*
- *Law of Wills*
- *Consumer Law Handbook*

Qualifying and Attacking Expert Witnesses

- *2020 Edition*

Pronske's Texas Bankruptcy

- *2020 Edition*

Defense of Drunk Driving Cases

- *Release 116*
- *2020 Update*

O'Connor's Texas Series

- *Civil Forms*
- *2020 Edition*

Forensic DNA Evidence

- *2020 Update*

Texas Transaction Guide

- *Release 130*
- *2020 Update*

Collier on Bankruptcy

- *Release 154*
- *2020 Update*

FBC Bar News

Fort Bend County Bar Association

The Fort Bend County Bar Association is having a **LIVE webinar** on **July 30th at noon** entitled **“Ethical Duties & Electronically Stored Information.”** Registration is FREE. Click [here](#) to register.

Family Bar of Fort Bend County

The Family Bar may have another virtual CLE. Date and topic is TBD. Check their website for information.

Monthly in-person Meeting's for both Organizations have been postponed un-

Please check updated court procedures on the Fort Bend County website at www.fortbendcountytexas.gov.



Featured Resource: Law Review Collection

By Andrew Bennett

This month, we are going to be featuring our Law Review collection. We carry many of the Law Reviews in the state in print including *Baylor Law Review*, *Houston Law Review*, *Texas Law Review*, *Texas Tech Law Review*, and *South Texas Law Review*. These titles are available in our periodical section, which is on the back side of the library near the windows. We try to keep three years of back issues for all of our law reviews in print. On Hein Online, they keep a comprehensive collection of all of the Law Reviews in the State of Texas among others. To access Hein Online, you will need to be in the Justice Center or in the Law Library. It can be accessed through the county Wifi with the Hein Online app. Select “Law Review Collection” and you will be taken to an alphabetical list of law reviews in the collection. It can also be searched by title of the law review. If you would like a copy of the print version, you can give us a call at 281-341-3718 and we can either print you a copy for pick up or send you a copy in PDF format.



Technology Corner: Practical Law

By Jonathan Briggs



In the July 2019 edition of this Newsletter we discussed *Practical Law*, which was then a new feature of **Westlaw/Thomson Reuters**, one of our primary online legal databases. This month’s column gives an update on this resource with particular focus on two areas that are most applicable to our attorneys and pro se patrons. Practical Law is accessible on Westlaw’s opening page via a tab on the upper right hand side or the link under “Browse/All Content”. It provides regularly updated attorney-drafted information and resources in six practice areas for Texas and all other states: Commercial Transactions; Corporate and M&A; Labor & Employment; Litigation; Real

Estate; and Trusts & Estates, including individual forms and toolkits covering various legal scenarios with pleadings, checklists, etc. Federal materials are also available in areas such as Intellectual Property and Bankruptcy. The two areas most relevant to our Law Library patrons are the Texas sections on Litigation and Trusts & Estates. In Litigation there are numerous standard documents that most attorneys utilize on a regular basis, such as: engagement letters; various affidavits and declarations; Rule 11 agreements; petitions; answers; motions; notices of hearing; orders; notice of appearance; motion to withdraw; deposition notices; privilege logs; and settlement agreements. The most useful of the Toolkits in the Litigation section concerns Temporary Injunctive Relief (such as Temporary Restraining Orders/TROs), providing complete materials on a topic that many lawyers do not deal with on a regular basis and is usually something that has to be addressed quickly and there are Practice Notes, Standard Documents & Clauses, and Checklists to provide a complete package on this topic in aid of attorneys and pro se persons in tackling this task. Estate planning and probate matters are an area of the law that pro se patrons often deal with and many of the attorneys who practice at the Justice Center handle this area of the law. In the Trusts & Estates section there many Standard Documents & Clauses such as wills, trusts, powers of attorney, transfer on death deeds, medical directives, and more. There are also practice notes providing detailed information on wills, trusts, probate, and powers of attorney specifically geared toward Texas and comprehensive toolkits on issues such as wills and trusts. These documents can be e-mailed or downloaded in various formats. For more information, please contact the Law Library via phone or e-mail.



Community News

- The **Fort Bend County Law Library** has started **virtual classes** including **Pro Se Basics** and **Express Classes**. Check out schedule at <https://www.fortbend.lib.tx.us/about-us/location-hours-map/law-library>.
- The **Fort Bend County Law Library** will have two **Westlaw CLE's** in July. The class will be virtual. The dates will be **July 22nd**. Visit our website in late June for registration and info.
- The **Fort Bend County Law Library** will be hosting an **Attorney Lecture Series** on **July 17th** at 2 pm. More information on this to come. This is a reschedule of our class from April. It will focus on Family Law. Class will be given by Attorney Scott Broussard.
- 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/>.
- **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://>

Texas Lawyers

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,

To Include Items

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

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

We are still not able to provide the recent dispositions of Fort Bend County cases in the 1st and 14th Court of Appeals because the website of the Texas Judicial Branch (www.txcourts.gov) was hacked in May and has not been restored to full functionality. The last date for which issued opinions were posted was May 7. Thus, we are not able to view the recently released opinions of these two courts that originated in Fort Bend County. Hopefully it is fully back up and running in time for our next newsletter.

Family Law/Modification-Possession

- *In the Interest of S.V. and S.V., Children*, 599 S.W.3d 25 (Tex.App.-Dallas 2017, no pet. h.): We usually try to concentrate these briefs on cases from the Supreme Court of Texas, the Court of Criminal Appeals, or the two Courts of Appeal sitting in Houston. However, an issue presented in this case out of Dallas was interesting enough to warrant inclusion here. A modification was sought by the mother. Father filed a counter-petition. Trial court signed an that named the mother the sole managing conservator, etc. Numerous issues were presented on appeal by the father though we are focusing on just one of those issues, the father's possession of the children. The trial court ordered that the father "shall have the right to possession of the child only at such times as are agreeable to the child or children" and that mother's "obligation to surrender the children to [father] shall be conditioned upon the children's expressed desire for [father] to exercise any such possession period." The possession was limited to 3 hours every other Saturday in a public place, the time and location of which to be determined by the children. Father argued that this improperly restricts his access to his children and delegates the trial court's authority to the children. Father cited to cases where one parent has been given complete control of possession of the children by the other parent and is in effect a denial of access with no remedy. Mother cited to the Holley case which does include among its factors the desires of the child, though she provided no basis for the notion that this factor would support the proposition that a child could have complete discretion over possession by a parent. The Court of Appeals found that placing the access entirely within the control of the children created the potential for a denial of all access to the father and took away his ability to enforce possession access by contempt. The Court ruled that the trial court abused its discretion. Reversed and remanded with a command to the trial court to issue an appropriate order consistent with the Court of Appeals opinion. This opinion was in place of an opinion issued in 2017 that was withdrawn and vacated.

Criminal Law/Habeas—Defective Indictment—Enhancement of Punishment

- *Ex Parte Rodney Keith Rodgers*, 598 S.W.3d 262 (Tex.Crim.App. 2020): Defendant/Applicant was indicted for DWI wherein it was alleged that he had two prior felony DWI convictions thus raising the potential punishment range to 25 to 99 years or life in prison as a habitual offender. He thus pled guilty to a charge with one prior conviction with a punishment range for a second degree felony and was sentenced to 15 years. He did not appeal. He later sought post-conviction habeas relief. The indictment charging him with a felony DWI based on two prior convictions was found to be flawed, as the same conviction was counted twice. But, it turns out he had other convictions for DWI that were not in the indictment which could have been used for enhancement. Habeas relief was denied. The Court of Criminal Appeals in reviewing the case did a harm analysis and found that he failed to meet his burden to show that he was harmed by the invalid enhancement. Application for Writ of Habeas Corpus denied..