



LAW LIBRARY NEWS

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Attorney Lecture Series

The Law Library will be hosting another **Attorney Lecture Series** on Friday, **October 9**, at **10:00 am**. This class will be on **Civil Litigation as a Defendant and Landlord/Tenant Issues**. It will be taught by attorney Will Colgin. The class will be virtual and hosted on Zoom. Registration is required, and space is limited. To register, go to www.fortbend.lib.tx.us or call us at 281-341-3718.

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New & Updated Resources

O'Connor's Texas Series

- *CPRC Plus*
- *2020 Edition*

Tex Jur—Pleading & Practice Forms

- *Volume 9B*
- *2020 Update*

Accommodating Disabilities

- *2020 Update*

Texas Litigation Guide

- *Release 138*
- *2020 Update*

Texas Practice Guide

- *Civil Pretrial and Trial*
- *2020 Editions*

Texas Criminal Practice Guide

- *Release 109*
- *2020 Update*

Texas Rules of Court—Federal

- *2020 Edition*

Lane Medical Litigation Guide

- *2020 Update*

FBC Bar News

Fort Bend County Bar Association

The Fort Bend County Bar Association may have another virtual CLE. Date and topic is TBD. Check their website for more information.

Family Bar of Fort Bend County

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

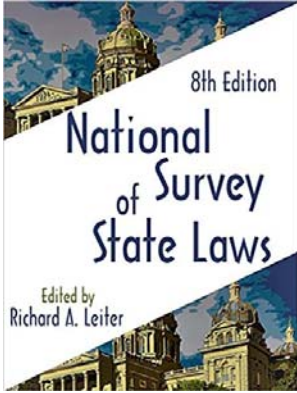
Monthly in-person meetings for both organizations have been postponed until further notice.

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



Featured Resource: National Survey of State Laws

By Andrew Bennett



Now in its 8th Edition, which was published in 2019, *National Survey of State Laws* is an essential resource for law students or attorneys wishing to compare issues across jurisdictions. This guide compares state and federal laws across numerous topics including criminal laws such as capital punishment, gun control, controlled substances, and seat belts. Other topics include education, employment, family law, real estate, and tax law. Each section breaks down the legal definition of a particular topic with any relevant history of the laws. Then it gives an organized table listing each state in alphabetical order. Each law is broken down by listing the code section in which the law can be found and any other important information pertaining to that topic. The book is written by Richard A. Leiter, who has been publishing and editing the book since 1993. This book is also available online through Hein Online and is updated more regularly than the print book. You can find this in the Law Library or through WiFi at the Justice Center through the HeinOnline app. For more information, contact the Law Library.

Technology Corner: Lexis Advance

By Jonathan Briggs

In my last Tech Corner column, we discussed features and materials available via our Westlaw databases here in the Law Library. This month, we are giving an update on our other primary legal database, Lexis Advance. Lexis is available on three of our patron computers and the librarians are also able to access it via their own accounts. The breadth and depth of our Lexis subscription cannot be overstated. These materials benefit both attorneys and our pro se patrons. First, Lexis provides comprehensive coverage of Texas primary law (cases, statutes, etc.) and secondary resources (practice guides, treatises, forms, and journals). Our subscription also provides extensive federal materials and access to the cases and statutes of every other U.S. state. For our patrons, the primary interest is Texas materials of course. Where Lexis really shines in this regard are its secondary resources. The practice guides and treatises that provide crucial information and forms on all manner of procedures and topics across many practice areas via publications such as: *Dorsaneo's Texas Litigation Guide*; *Texas Family Law: Practice & Procedure*; *the Texas Criminal Practice Guide*; and *Texas Probate, Estate, and Trust Administration*. These are available online and in printed form. These materials can be printed, downloaded, or e-mailed to you. *Texas Drunk Driving Law*, a well-regarded practice guide is published by Lexis. And on Lexis, the appellate history and status of a case can be verified via *Shepard's Texas Citations*. The materials of James Publishing are available in print and online via Lexis, including: the two-volume *Texas Criminal Lawyer's Handbook* and the indispensable *Texas Probate Forms and Procedures*. Our Lexis team also takes the time to offer our patrons valuable instruction and CLE courses at various times of the year through the Law Library. On Wednesday, September 23, Lexis is conducting a CLE webinar at 10:00 a.m. Lexis has a lot to offer and is an essential and valuable resource that we are proud to offer to our patrons. For more information, please contact the Law Library.





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 another **Lexis Advance CLE** in September. The class will be virtual. The date is **September 23**. Visit our website for registration and info.
- The **Fort Bend County Law Library** will be hosting two **Westlaw CLEs** in October. These classes are virtual. The dates are **October 7 and 21**. Visit our website in late September for registration and info.
- 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://www.efiletexas.gov/>.

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, call 1-800-343-8527.

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

- [Jeffrey Mahoney, et al. v. Webber, LLC](#), No. 01-18—01105-CV (August 18, 2020): Aff'd. TC Judgment. (400th)
- [Lisa Rodriguez v. Surgical Associates, Inc.](#), No. 01-19-00236-CV (August 18, 2020): Aff'd. TC Judgment. (458th)
- [Fred L. Rodgers v. The State of Texas](#), No. 01-19-00181-CR (August 25, 2020): Aff'd. TC Judgment. (CCL#2)
- [Christian Sauder v. The State of Texas](#), No. 01-19-00239-CR (August 25, 2020): Aff'd. TC Judgment. (CCL#1)
- [In the Matter of Brandon M. Smith, Deceased](#), No. 01-19-00014-CV (September 3, 2020): Aff'd. TC Judgment. (CCL#1)
- [Deluxe Barber School, LLC, et al. v. Chioma G. Nwakor](#), No. 14-18-00515-CV (August 25, 2020): Aff'd. TC Judgment. (268th)
- [Ex Parte S.T.](#), No. 14-19-00771-CV (September 1, 2020): Reversed & Remanded. (458th)
- [Michael S. Dowling v. The State of Texas](#), No. 14-19-00122-CR (September 15, 2020): Aff'd. TC Judgment. (434th)

Criminal Law—Motion for New Trial

Isaac Zuniga Gutierrez v. The State of Texas, 602 S.W.3d 17 (Tex.App.-Houston [14th Dist.] 2020, pet. filed.): Defendant/Appellant was convicted of aggravated sexual assault of a child under 6 years of age pursuant to Texas Penal Code §22.021 and was sentenced to 40 years in prison. The victim's family were neighbors and close friends of the Defendant's family and she was his goddaughter. The incident occurred in the bathroom of the Appellant's home just as a get-together of the families was coming to an end. In his voluntary statement to police the Defendant characterized what happened as an accident and misunderstanding. This statement was given in Spanish and the Spanish-speaking officer who interviewed the Defendant testified during the State's case. Defendant brought forth no witnesses during the guilt-innocence phase of the trial. During the punishment phase the Defendant put on three witnesses in attempt to get the sentence to be 25 years...the minimum allowed for this offense. Appellant's wife, son-in-law, and daughter testified. They tried to offer positive testimony on his behalf but on cross-examination his daughter admitted that she had previously called the police on her father because his granddaughter had told her Defendant had sexually assaulted her. Following the conviction and sentencing Defendant filed a Motion for New Trial which was denied by operation of law. On appeal Defendant complained that the trial court abused its discretion in not conducting a hearing on his Motion for New Trial. While discussing the purpose of and importance a new trial hearing can have, the Court of Appeals also noted that the Defendant does not have an absolute right to a hearing. To be entitled to such a hearing a defendant must raise one or more matters not determinable from the record and establish the existence of reasonable grounds showing that he could be entitled to relief. Reviewing the trial court's ruling under an abuse of discretion standard the Court of Appeals ruled that the trial court did not do so, rejecting Defendant's arguments of ineffective assistance of counsel and newly discovered evidence (18 affidavits from family members and friends). Trial court affirmed.

Family Law—Name Change of Child

In the Interest of I. D. Z., a Child, 602 S.W.3d 1 (Tex.App.-El Paso 2020, no pet, h.): Biological father sought name change of child once his paternity was established. A bit of a complicated backstory. Mother while dating Father informed him of her pregnancy. He requested she get an abortion. She broke up with him and told him baby was not his. She rekindled old relationship. Child born. Mother gives the child her current boyfriend's first and last name but gave him the middle name Damian which is how she referred to the child. She shortly thereafter broke up with that boyfriend and informed the Petitioner that he was in fact the biological father which was confirmed via DNA testing. He initiated Paternity-SAPCR proceedings in addition to the name change petition. Mother filed a counter-petition to the SAPCR but did not address the name change request. Parties came to an agreement on the conservatorship, visitation, and support issues, but not on the name change. The name change issue was taken up before the Associate Judge. Father wanted child to carry on his family name. Mother wanted the child's first name to be changed to Damian as the child has been called this since birth, responded to it, etc.; and that the child have her surname as Petitioner had been unsupportive of her pregnancy. The Associate Judge made a proposal to have the Father's surname and the given name Damian. This satisfied neither party and the Father sought de novo review by the Presiding Judge. Trial court held the de novo hearing and ruled that the child should carry on the Father's name, thus granting his petition. However, the court advised the Mother that she could seek modification of the name if the Father continued to show a continued lack of interest in the child. Mother filed a motion to reconsider alleging that the Father did not present any evidence that it was in the child's best interest nor good cause to change his name. That motion was denied. Mother appealed contending the trial court abused its discretion in making the name change without evidence of the best interest or good cause and requested that the Associate Judge's decision be reinstated. The Court of Appeals agreed with the Mother that the Presiding Judge abused their discretion but found no legal basis to reinstate the Associate Judge's decision. Reversed and remanded.



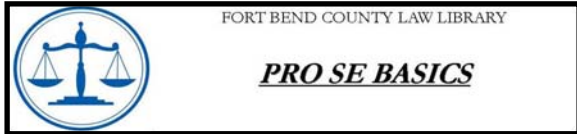
Librarian Musings: Virtual Programs of 2020

By Andrew Bennett

In our new column, we will cover a variety of topics including library programming, database reviews, interesting search strategies, and more.



Since March of this year, we have been trying to figure out the best way to continue to provide services to our patrons but also protect their health. There was a lot of uncertainty about how we might do this. One option was to provide the programs virtually. However, would it be better to present those programs live-streaming or a pre-recorded program? Both options had their drawbacks and their advantages. A live-streamed program has the advantage of being presented real time with the viewers and being able to interact and provide direct responses and giving the patron that connection. But, it can go overly long and, with all the uncertainty in people's schedules and time, it limits us one specific time. Pre-recorded programs, on the other hand, enable viewers to watch at anytime but does not give



the viewer that personal connection. We compromised and decided to do both. We started our live programs in June. This included our Pro Se Basics Series, Express Class, Attorney Lecture Series, and our database Continuing Legal Education courses. They all went VERY well. We had a good turnout for all of our classes, averaging between 3—5 viewers per class. That is very close to what we would average in a normal in-person setting. We also began to record each program and then post them on our Facebook page where those who could not attend could still view the class and get the information. We decided, as well, to post a replay after each course. Classes can be different depending on the patrons who join us. They tend to have different questions and almost no class goes exactly the same. We also continued to provide our Legal Informational videos from our time of being closed that covered various other topics in a shorter, more direct way. Those videos last anywhere from 10 to 15 minutes instead of 30 to 35 minutes. We hope you have enjoyed our services we have provided over this tough time. We plan on continuing some sort of hybrid even after we reopen to the public. Please be safe!



To find replays of our Pro Se Basics and Express Classes, visit our Facebook page by searching for Fort Bend County Law Library—Richmond, FBCL.

To view our Legal Informational videos or Attorney Lecture Series, please visit our YouTube page at Fort Bend County Libraries—Adult Programs.