



LAW LIBRARY NEWS

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Attorney Lecture Series

The Law Library will be hosting another **Attorney Lecture Series** on Friday, **October 23**, at **2:00 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.

In This Issue

Attorney Lecture Series	1
New & Updated Resources	1
FBC Bar News	1
Featured Resource	2
Technology Corner	2
Community News	3
Texas Case Law Update	4
Librarian Musings	5

New & Updated Resources

Texas Criminal Lawyers' Handbook

- 2020 Edition

Bankruptcy Court and Procedures

- 2020 Edition

Texas Torts and Remedies

- Release # 65
- 2020 Update

Criminal Defense Techniques

- Release # 130
- 2020 Update

O'Connor's Texas Series

- Estates Code
- Crimes & Consequences
- Business Org. Code

Texas Practice Guide

- Torts
- Real Estate Transactions

Guerilla Discovery

- 2020 Edition

Kinkeade & McCulloch Texas Penal Code Anno.

- 2020 Edition

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.

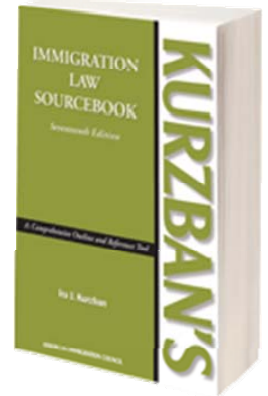
Please check updated court procedures on the Fort Bend County website at www.fortbendcountytexas.gov.



Featured Resource: Kurzban's Immigration Law Sourcebook

By Jonathan Briggs

The Law Library has just received the updated print edition of *Kurzban's Immigration Law Sourcebook* and thus it is a good time to inform our patrons of the resources that the Law Library has on Immigration Law. We will start with *Kurzban's* that is considered the preeminent manual and practice guide on immigration law and is authored by Ira Kurzban, a renowned immigration lawyer and law professor. The new manual published by the American Immigration Council in 2020 is the 17th edition and is subtitled "A Comprehensive Outline & Reference Tool" which it is. Over 2,500 pages *Kurzban's* covers in-depth such key topics as: Admission & Removal; Asylum & Refugee issues; Nonimmigrant Visas; Permanent Resident Status; Employment-Based Immigration; Administrative & Judicial Review; and, Naturalization & Citizenship. While *Kurzban's* is a definitive secondary resource, the Law Library also has other immigration-related materials in both our print and online resources. In our Texas Bar CLE course materials we have several editions of the Advanced Immigration Law course from 2018, 2017, 2015, 2014, and 2012. Westlaw under its "Practice Areas" tab has a section dedicated to Immigration Law where you can search among cases, statutes, and secondary resources (such as Steel's on Immigration). Lexis, our other primary online legal database, has similar offerings under its Immigration Law practice area tab. Westlaw, Lexis, and Hein Online (another of our online legal databases) all provide access to law reviews and journals that cover immigration law, in whole or in part, including the Georgetown Immigration Law Journal. In our print materials we have the U.S. Code, of which several Titles have laws on immigration and related issues. Depending on the resource, these materials can be either downloaded to your thumb drive or e-mailed to you in Word, Word Perfect, or PDF for free. Copies of the books and printouts can be made for 10 cent a page. Immigration is an important area of the law affecting people, families, and businesses and we are fortunate to be able to offer comprehensive resources for our attorney, county staff, and pro se patrons. For more information please contact the Law Library.



Technology Corner: Pro Se Handbook: Forms and Information

By Andrew Bennett



The Fort Bend County Library is proud to introduce to you the newest iteration of the *Pro Se Handbook: Forms and Information*. The fourth edition is now fully online and available on our website. This guide introduces the pro se patron to various forms and information on representing themselves in Fort Bend County Courts. The first few sections give information and policies for the District, Justice of the Peace, and County courts in Fort Bend County. In addition, there is forms and information given out by both the District Clerk and County Clerk offices. Next, there are forms and information on mostly civil related issues including divorce, child custody, visitation enforcement, name change, and more. There are some criminal issues including nondisclosure and expunction and traffic law. The forms and information in these sections come from the website Texas Law Help, some combined sets from the Harris County Law Library and Travis County Law Library, and various state agencies. The handbook can be found on our website at www.fortbend.lib.tx.us. All documents are in PDF format and can be downloaded or printed. If you need to make any edits, you will need to convert it before using. As usual, this guide is for information purposes only and is not substitute for the advice of an attorney. For more information, contact us at 281-341-3718 and by email at llpublic@fortbend.lib.tx.us.



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 be hosting a **Westlaw CLE** on **October 21** at 2 pm. Visit our website in late September for registration and info.
- The **Fort Bend County Law Library** is hosting a **Lexis Training and CLE** on **November 10th** at **10 am**. Registration is required and will open in late October.
- 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,

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

- [In Re Frank](#), No. 01-20-00457-CR (September 24, 2020): Pet. Writ Habeas Corpus Dismissed. (400th)
- [In Re Wendy Quan, et al.](#), No. 01-20-00628-CV (October 1, 2020): Pet. Writ Mand. Denied. (240th)
- [Anthony A. Johnson v. The State of Texas](#), No. 01-19-00602-CR (October 15, 2020): Aff'd. TC Judgment. (434th)
- [Jerel C. Igboji v. The State of Texas](#), No. 14-17-00838-CR (September 22, 2020): Reversed and Remanded. (240th)
- [In Re Kimberly A. Jacson](#), No. 14-20-00239-CV (September 29, 2020): Appeal Dismissed. (387th)
- [Jarrow Formulas, Inc., v. Arif Rahim](#), No. 14-20-00568-CV (October 1, 2020): Appeal Dismissed. (400th)
- [Quad Shop, LLC, et al., v. Freddy J. O'Pry, et al.](#), No. 14-20-00085-CV (October 13, 2020): Appeal Dismissed. (268th)
- [Fort Bend Co. Appraisal Dist. V. McGee Chapel Baptist Church](#), No. 14-19-00334-CV (October 15, 2020): Aff'd. in Part, Rev'd. in Part, Rem. In Part. (240th)
- [Glenn C. Portwood v. The State of Texas](#), No. 14-19-00377-CR (October 15, 2020): Aff'd. TC Judgment. (434th)

Criminal Law—Right to Counsel

Billy Ray Parker v. The State of Texas, 604 S.W.3d 555 (Tex.App.-Houston [14th Dist.] 2020, no pet. h.): Defendant/Appellant was convicted of aggravated robbery and sentenced to 38 years in prison. On the same day he was convicted his appointed trial counsel was allowed to withdraw and the trial court granted Defendant's request for court-appointed appellate counsel. However, the trial court failed to actually appoint appellate counsel until almost two months later. Defendant filed a Notice of Appeal. Defendant contended that he was denied his right to counsel under the Sixth Amendment during the critical 30-day period following conviction when a Motion for New Trial can be asserted and that harm to him is presumed under these circumstances. Defendant requested an abatement of the appeal to allow for the filing of an "out-of-time" motion for new trial. The 14th Court of Appeals agreed that he rebutted the presumption of continued representation and that he was without counsel for the entire period. Thus, they abated the appeal and remanded the case to the trial court for the limited purpose of allowing Defendant to file and present the motion and for the court to hear and rule on the motion.

Family Law—Conservatorship/Modification

In Re C.J.C., Relator, 603 S.W.3d 804 (Tex. 2020): Parents of child had been named joint managing conservators and the mother had been granted the right to designate the primary residence of the girl and the Father/Relator was granted regular periods of possession. Mother later sought modification of child support and possession. During the pendency of this modification suit the mother died. Father filed a motion to dismiss but in the meantime the maternal grandparents filed an intervention seeking joint managing conservatorship with the father. Jason, the mother's live-in partner also filed a petition in intervention. Both sets of intervenors sought visitation while the case was pending. Father objected to visitation and moved to strike both petitions in intervention for lack of standing. Trial denied father's motions. Father sought mandamus relief in the Fort Worth Court of Appeals. Father's grounds as to the grandparents were that an intervention by such a party requires evidence that his conservatorship "would significantly impair [the child's] physical health or emotional development." The Court of Appeals agreed with the Father that no such evidence was presented as required by statute and thus the grandparents lacked standing. However, as to Jason, since he had exercised "actual care, control, and possession" of the girl/Abigail for at least six months while she resided with Jason and her mother, he had standing. Father did not object to Jason being able to see Abigail while she was visiting with her grandparents, but he did object to Jason having any legal right to possession of Abigail on his own. Nevertheless, Jason was given temporary possessory rights to Abigail. The Father then filed a second mandamus petition in the Court of Appeals challenging the temporary orders, which was denied. He thus sought mandamus relief in the Supreme Court. The Father contended that there is no evidence that he is an unfit parent. Thus there is no basis for the trial court to name Jason as a possessory conservator. The Father cited to the U.S. Supreme Court's decision in *Troxel v. Granville* and opinions of the Supreme Court of Texas asserting that he has a "fundamental due process right to the presumption that, as a fit parent, he is acting in the best interests of his child and should be able to do so free from state interference." He further argued that Jason's lack of evidence to rebut this presumption under *Troxel* and Texas common law renders the trial court's orders an abuse of discretion. However, to this point, Texas had only recognized this presumption in original custody proceedings (via statute) and not in modification proceedings and this presumption had not yet been extended to modification via case law. The Supreme Court went through a length analysis (that is worth reading for the family law practitioner) ultimately concluding that the trial court abused its discretion and conditionally granted the petition for writ of mandamus, holding, "When a nonparent requests conservatorship or possession of a child, the child's best interest is embedded with the presumption that it is the fit parent—not a court—who makes the determination whether to allow that request. No party alleges, no evidence demonstrates, and no court finding exists that Abigail's father is unfit to be her parent. Nor is there evidence or findings rebutting the resulting presumption that Abigail's father acts in her best interest."



Librarian Musings: Making of the Pro Se Handbook

By Andrew Bennett

In our new column, we will cover a variety of topics including library programming, database reviews, interesting search strategies, and more. The *Pro Se Handbook: Forms and Information* started back in the mid-2000's. The genesis of it was that the family judges needed access to one source that had basic fill in the blank style forms for litigants who cannot afford representation. Knowing both the judges and librarians cannot give legal advice, having a source with all of these things would prove invaluable, especially since some of the forms and information are from different websites and locations, the patron wouldn't know where they come from or how to find them.

The first edition included family law forms on topics such as divorce, suits against the parent-child relationship, and modification. The forms came from TexasLawHelp.org. The website is run by Texas Legal Services Center and the forms are created by attorneys for default and uncontested issues. The Law Librarian put the manual together and had it approved by the Law Library Committee, at the time was the officers of the Fort Bend County Bar Association, and Fort Bend Lawyers Care, a non profit legal aid organization. It was decided that the handbook would be made available to all of the Fort Bend County Library branches so that all patrons could have access to it, whether they were at the Law Library or not.

Having a handbook like this, we knew that it would need to be updated every so often. The goal was to update it every 3-5 years. The forms change, the codes and statutes change, and information is updated. Every few years the handbook would be updated with updated forms and new forms were added with each edition. The second edition added some additional family law forms including name change, protective orders, paternity, and visitation enforcement. Some civil related forms were included like general civil answer, legal service of process, and basic court forms like continuance and transfer of venue.

The third edition, the first edition that I was involved in, we added additional information and forms the patron might need. TexasLawHelp.org provides information in addition to the packets. Those packets provide general information on how to fill out the forms and where and how to file. However, the additional information added some good information as well that did not overlap with the packet information. We also added nondisclosure and expunction forms, the new transfer on death deeds, forms from the courts and clerk's offices, and as many forms in Spanish as we could. This made the handbook two volumes and became very hard to update and print even if the new information was valuable. However, we did print this full update and made it available to all of the branches.

With this new edition, it became apparent that the printing of the handbook became cost prohibitive. The library system had added another branch since the third edition was printed as well as we were adding more to the handbook. With the approval of the committee and our director, we decided that the best place to put it was on the website. Not only because of COVID-19 concerns, but also because it allowed us to update it easier and more effectively.

We would like to thank the Fort Bend County Bar Association, Fort Bend Lawyers Care, Fort Bend County Courts, TexasLawHelp.org, various state agencies, Harris County Law Library, Travis County Law Library and my staff at the Fort Bend County Law Library for creating the forms, combining the forms into packets, and the information we have included in this manual. We hope that you enjoy our new handbook!

PRO SE HANDBOOK

FORMS & INFORMATION

VOLUME 1

Provided as a public service by

Fort Bend Lawyers Care

and

Fort Bend Bar Association

Nothing contained in this handbook shall constitute legal advice. Nothing in this handbook creates an attorney-client relationship. This handbook has been prepared for informational purposes only and is not a substitute for legal advice. This handbook is intended to cover UNCONTESTED cases only.