



# LAW LIBRARY NEWS



a publication of the Fort Bend County Law Library **\*NOW OPEN\*** November 2020 ♦ Volume 28, Issue 11

## Attorney Lecture Series—Traffic Law

Our next **Attorney Lecture Series** will be a virtual discussion of **Traffic Law and DWI** on Friday, **December 11 at 10 am**. Our presenter will be Attorney Lisa Gonzalez who practices in criminal defense and DWI law. She will be discussing what to do if you find yourself in traffic court or have been charged with a DWI. What resources can you use, when and where to file paperwork, and when you might need to find an attorney. Register on our website.

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## New & Updated Resources

### *Texas Rules of Evidence Manual*

- 2020 Edition



### *The Bluebook*

- 21st Edition
- 2020 Pub Date

### *Texas Rules of Evidence Trial Book*

- 2020 Edition



### *Alternative Dispute Resolution*

- 2020 Update

### *O'Connor's Texas Series*

- Probate Law Handbook
- Employment Codes Plus
- 2020-21 Editions

### *Texas Business Litigation*

- 2019 Edition



### *Texas Personal Automobile Insurance Policy*

- 2020 Edition

### *Internet Legal Research on a Budget*

- 2020 Edition

### *Texas Insurance Coverage Litigation*

- 2020 Edition

### *Trial Objections*

- 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.

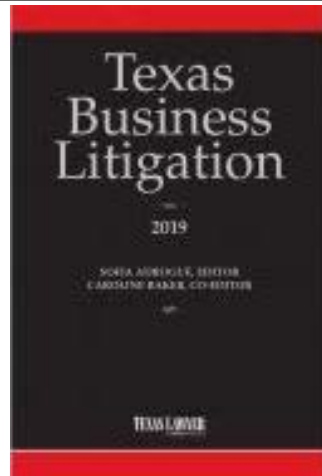
Please check updated court procedures on the Fort Bend County website at [www.fortbendcountytexas.gov](http://www.fortbendcountytexas.gov).



## Featured Resource: Texas Business Litigation

**By Andrew Bennett**

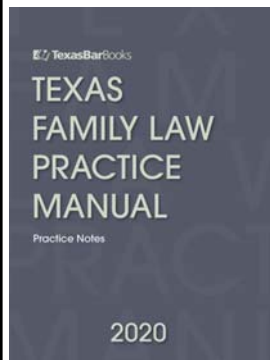
New to the collection is *Texas Business Litigation* from the Texas Lawyer. At the Law Library, we have been having a lot of people finding themselves in a business litigation suit with or without a lawyer. Many times we find it dealing with small businesses and various subcontractors. While we have some guides on this topic, this guide focuses specifically on these issues. The treatise from 2019, now in its third edition, breaks down each area of business litigation in chapters by subject. Topics include Alternative Dispute Resolution, Antitrust, Bankruptcy, Damages, Employment Law, finding Expert Witnesses, Fraud and Negligence, Business Divorce, and issues in E-discovery among others. The guide is edited by Sofia Adroque and Caroline Baker, both attorneys having more than 20 years experience in the field. Many contributing authors also have varied and extensive experiences in the chapters they write. The guide has an extensive table of contents and index. Make sure to look at the “Practice Pointers” in the guide as they may include some useful information from the editors that are not in the main text. The book is in print ONLY but copies can be made for \$0.10 a page. We also have scanners where you can email a portion of the book in PDF for free. We recommend using this guide in tandem with another source like *Dorsaneo’s Texas Litigation Guide*, which will have forms that this treatise does not have. If you have any questions, contact us by phone at 281-341-3718 or email at [LLpublic@fortbend.lib.tx.us](mailto:LLpublic@fortbend.lib.tx.us).



## Technology Corner: Online Family Law Materials

**By Jonathan Briggs**

Family Law is a significant portion of what bring patrons to the Law Library, be they attorneys practicing in this field or *pro se* litigants dealing with their own case. The Law Library has substantial online materials available via the legal databases and other materials on our patron computers. This column outlines these materials which include statutes, case law, practice guides and treatises, and forms. The **Westlaw** legal database is on patron computers 1-4. A general search on Westlaw will yield responsive materials in many categories including case law for all appellate courts in Texas (as well as the courts of the other 49 states and the Federal system if applicable), the Texas Family Code, practice guides and treatises such as the *Texas Practice Guide: Family Law* and the *Texas Practice Series Handbook of Family Law*. Westlaw is also where you will find the online version of the esteemed *O’Connor’s* series including: *Family Code Plus*; *Family Law Handbook*; and, *Family Law Forms*. **Lexis Advance** (on patron computers 4-6) also provides many of the features that Westlaw does such as case law and statutes. Lexis also has an in-depth practice guide, *Texas Family Law: Practice & Procedure* that provides detailed information and forms. The *Texas Family Practice Manual* and the accompanying forms (published by the State Bar of Texas) are in a desktop folder on all of the patron computers. Not exclusive to the Law Library but definitely worthy of mention is the webpage [www.texaslawhelp.org](http://www.texaslawhelp.org). **Texas Law Help** is an invaluable resource for information and forms on many aspects of family law. It is geared toward *pro se* parties and we use it extensively to assist these patrons. The materials from all these resources can be printed, downloaded, and/or e-mailed to you. The Law Library has a lot to offer in Family Law both online and in our print collection that we are proud to offer to our patrons. For more information, please contact the Law Library via phone or e-mail: 281-341-3718 and [LLpublic@fortbend.lib.tx.us](mailto: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 **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/>.
- The **Fort Bend County Law Library** will be hosting a virtual **OPEN HOUSE** on **January 15** from **10 am to 4:30 pm**. Programs include a **Westlaw and Lexis Advance Training and CLE** and an **Attorney Lecture Series on Marketing and Branding** for solo and small firm attorneys. More information will be given closer to the date.



## 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](mailto:abennett@fortbend.lib.tx.us) with “Newsletter” as the subject.

## To Unsubscribe from

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## Texas Case Law Update

### Local Cases

- [Diogu Law Firm PLLC, et al. v. David Melanson, et al.](#), No. 14-18-01053-CV (October 20, 2020): Aff'd. TC Judgment. (434th)
- [Eisenhauer Road Flea Market, Inc., v. Morgan Elite Specialist Services, Inc.](#), No. 14-20-0048-CV (October 22, 2020): Appeal Dismissed. (240th)
- [Pejman Maadani v. Kristy K. Ward](#), No. 14-20-00604-CV (October 22, 2020): Appeal Dismissed. (387th)
- [In Re Damon K. Dove](#), No. 14-20-00477-CR (October 27, 2020): Pet. Writ Mand. Denied. (268th)
- [Ex Parte Austin L. Robles](#), No. 14-20-00317-CR (October 29, 2020): Aff'd. TC Judgment. (458th)
- [Austin V. Greer v. The State of Texas](#), No. 14-18-01000-CR (November 3, 2020): Aff'd. TC Judgment. (458th)
- [Ashley John v. Service King Paint & Body, LLC, et al.](#), No. 14-19-00949-CV (November 17, 2020): Appeal Dismissed. (CCL#4)

### Criminal Law—Homicide/Solicitation—Abortion

*The State of Texas v. Jason Dean Hunter* 606 S.W.3d 836 (Tex.App.-Austin 2020, reh'g. denied.): State brought a pretrial appeal of the order quashing one count of the indictment. Defendant/Appellant was charged with solicitation to commit capital murder, a first degree felony. This indictment was based on text messages he sent to his girlfriend telling her to get an abortion. (Penal Code §15.03, criminal solicitation; and, Penal Code §19.03(a)(8), capital murder of a child under 10). Defendant filed a motion to quash contending that the indictment failed to allege an offense and violated his constitutional rights. The Court of Appeals noted that the District Court was correct in finding that the claimed offense that was being solicited provided exclusions to the applicability of 19.03(a)(8) in relation to actions by a mother in regard to her unborn child (essentially an exception for medical and pharmacological terminations of pregnancy). The Court discussed “legal impossibility”, i.e., that the conduct solicited actually has to be capital murder....the offense has to be cognizable under Texas law. The Court of Appeals concluded that under Texas law the mother would not have committed an offense and thus the Defendant could not have solicited an illegal act. The trial court’s quashing of this count in the indictment was thus affirmed.

### Criminal Law—Search and Seizure—Cell Phone

*Jerel C. Igboji v. The State of Texas*, 607 S.W.3d 157 (Tex.App.-Houston [14th Dist.] 2020, pet. filed): Appeal out of Fort Bend County following Defendant’s/Appellant’s conviction for aggravated robbery for which he was sentenced to 17 years in the TDCJ. Defendant raised one issue on appeal: that the trial court erred when it denied his motion to suppress evidence obtained from the warrantless seizure of his cell phone. Case arose out of a late night robbery of a KFC in Stafford. Defendant was an employee. A few days after the robbery the investigating officer contacted Defendant about making a formal statement and went and picked him up. At the station the officer took possession of the cell phone and two days later obtained a warrant to search it. Defendant was arrested a month later. Prior to trial he filed a motion to suppress evidence obtained from the warrantless seizure of his phone claiming that it violated his 4th Amendment rights which was denied following an evidentiary hearing. In a lengthy opinion the 14th Court of Appeals analyzed the case, finding among other things, that the Defendant did not voluntarily give the phone to the police, that the exigent circumstances exception did not apply, and that the admission of evidence obtained from the phone was not harmless error. Thus the conviction was reversed and remanded for a new trial. Dissenting opinion argued for the applicability of the exigent circumstances exception for justifying the seizure.

### Family Law—Child Support/Modification—Military Benefits

*In the Interest of K.M.B. and P.J.B., Minor Children*, 606 S.W.3d 889 (Tex.App.-Dallas 2020), no pet. h.): Trial court ordered an increase in Father’s/Appellant’s child support obligation. Issues on appeal were: trial court improperly included his military allowances in calculating net resources for child support; that the court abused its discretion in finding a material and substantial change in circumstances justifying the modification; and that an award of mother’s attorney’s fees was an abuse of discretion. Court of Appeals agreed with trial court’s finding that the military’s base housing expense and base allowance for subsistence are in-kind benefits that increase the Father’s income and thus must be included in the definition of resources and the calculation of his child support obligation. The other issues were also resolved against the Father. Trial court judgment affirmed.

For more information on recent cases, visit the Law Library.





## Librarian Musings: Opening Procedures and Guidelines

*By Andrew Bennett*

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

As you may be aware, the Law Library has now reopened to the General Public starting on November 5. It took us many months to reopen, but we feel now is the right time to begin the process. We are now in our phase 2 of re-



opening. However, we have some specific guidelines we would like you to follow when entering and using the library. First and foremost, we do ask you get your temperature taken upon entering the Justice Center. You will do that after going through security. You will be guided to the Information Desk on the First Floor where you can get your temperature taken and given a wristband to show your tem-

perature registered as normal. Next, please wear your mask while you are in the Justice Center and do your best to adhere to social distancing of six feet or more. Follow any guidelines throughout the Justice Center including two people or family per bench and the stickers on the floor (which are six feet apart) when needing to ask questions at the reference desk.

We also have limited services until further notice. Conference Rooms and in-person programming are still unavailable. However, we are going to continue our virtual programs that we started last June including new Attorney Lecture Series and CLE programming. You will have access to the following: reference services,

browsing the collection, limited use of the computers, make photocopies, make faxes at the reference desk, and use of our databases. Please limit usage on the computers to one hour at a time and please finish what you need in a timely manner. We are limiting access to the library at this time and only a small number may use it simultaneously.

As always, you may still contact us by email or phone if necessary. We want to be able to serve you to the best of our ability. Thank you very much for your cooperation.

Please contact us with questions. Our hours will remain 8 am to 5 pm.

