



# LAW LIBRARY NEWS

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## Attorney Lecture Series

The Law Library's next **Attorney Lecture Series** will be on Friday, **February 12** at **2 pm**. This class will focus on **Marketing and Branding**. The class will be taught by Attorney Lauren Flathouse. This is rescheduled from January 15. This virtual program will last for one hour. Questions may be asked at the end. Registration is required and twenty spots should be available. Please visit [www.fortbend.lib.tx.us](http://www.fortbend.lib.tx.us) for more information and registration.

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## New & Updated Resources

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| <i>Guidebook to Texas Taxes</i><br>• 2021 Edition  | <i>Texas DWI Manual</i><br>• 2020 Edition  |
| <i>Texas Drunk Driving Law</i><br>• 2020 Edition   | <i>Texas Small Firm Practice Tools</i><br>• 2020 Edition   |
| <i>Texas Criminal Jury Charges</i><br>• 2020 Edition   | <i>Texas Practice Series</i><br>• <i>Discovery Practice</i><br>• <i>Summary Judgment and Related Motions</i> |
| <i>Texas Practice Guide</i><br>• <i>Creditor's Rights</i><br>• <i>Wills, Trusts, Estate Planning</i> | <i>O'Connor's Texas Series</i><br>• <i>Causes of Action</i><br>• 2021 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.

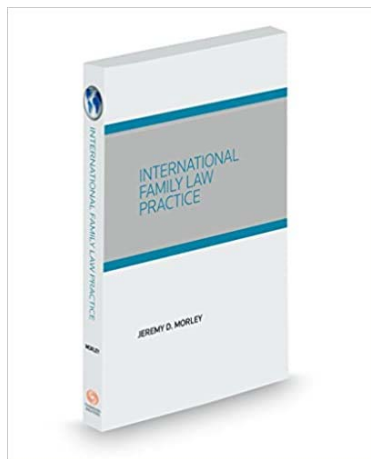
### Member Resources

[Click here for Member Resources](#)



## Featured Resource: International Family Law Practice, 2020 Ed.

**By Andrew Bennett**



Due to an increase in interest in International Family Law issues such as foreign divorces, marriages, and custody agreements, the Law Library has updated its copy of **International Family Law Practice**. The new 2020 edition covers topics, including those listed above, such as prenuptial agreements, Hague Convention issues, child abduction, specific marriages relating to Islamic Law, Brazilian marital regimes, and cases dealing with the United Kingdom's Supreme Court's *Radmacher v. Granatino* dealing with premarital agreements. The author is Jeremy D. Mobley who has been practicing in civil litigation since 1975 and has been practicing specifically in Family and International Law for the last 10 years. From England, Mr. Mobley has been practicing both in Europe, Canada, and the United State and is a member of the American Bar Association. His website, [www.international-divorce.com](http://www.international-divorce.com) and his many publications are commonly cited. The Library only has this title in print. Copies of the book can be made for \$0.10 a page. Please be aware of the Libraries' limited services and capacity limits. For more information, contact the Law Library.

## Technology Corner: Online Materials Regarding Changes to Texas Rules of Civil Procedure

**By Jonathan Briggs**

Hopefully all Texas attorneys are by now aware of the recent amendments to the Texas Rules of Civil Procedure (TRCP) that took effect at the New Year. These changes apply to all litigants be they parties represented by counsel or pro se. They also apply to family law cases such as divorces or SAPCR proceedings. The changes concern Rules 47, 106, 108A, 169, 190, 192, 193, 194, and 195. Below are links to the two orders from the Supreme Court of Texas regarding these amendments to the TRCP. This order deals with changes to Rule 106 and Rule 108A: <http://txcourts.gov/media/1449613/209103.pdf>; and this order concerns changes to Rules 47, 169, 190, 192, 193, 194, and 195: <http://txcourts.gov/media/1449614/209101.pdf>. Two of the biggest changes are to Rule 106 which now allows for service of citation via e-mail or social media if standard means fail (and on a showing such as which already existed for seeking substituted service); and to Rule 194 which now requires Disclosures to be made by both parties early in the litigation. The Law Library's various online resources have been updated to include these recent Rule changes. **O'Connor's Texas Rules Civil Trials** available via our **Westlaw** database has already updated these Rules showing the text of the previous versions of these Rules and the amended Rules as well as discussing the effective dates. Both **Westlaw** and our **Lexis** database have the complete Vernon's Texas Statutes that provide the text of the old and the new Rules and their respective effective dates. **TexasLawHelp**, our online resource for many standard family law and civil forms and information, also has links to helpful materials regarding these changes on this webpage: <https://texaslawhelp.org/article/required-initial-disclosures-texas-civil-cases>. 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 **Harris County Law Library** has started **virtual classes**. Next class will be on **January 21**. Check out the variety of classes they offer for online training at <https://www.harriscountylawlibrary.org/training-opportunities-calendar/?category=Online+Events>
- 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](mailto:abennett@fortbend.lib.tx.us) with “Newsletter” as the subject.

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## Texas Case Law Update

### Local Cases

- [Maliha M. Beg v. Omar Shakeed](#), No. 01-19-00765-CV (December 22, 2020): Aff'd. TC Judgment. (387th)
- [In Re Gyaneda Patra](#), No. 01-20-00651-CV (December 22, 2020): Pet. Writ Habeas Corpus granted. (400th)
- [Hector Cortez v. Veronica G. Cortez](#), No. 01-19-00296-CV (December 28, 2020): Aff'd. TC Judgment. (505th)
- [Choctaw Construction Services, LLC v. Rail-Life Railroad Services, LLC, et al.](#), No. 01-20-00216-CV (December 29, 2020): Reversed TC Judgment and Remanded. (240th)
- [Ken L. Chong v. The State of Texas](#), No. 01-20-00051-CR (January 14, 2021): Appeal Dismissed. (240th)
- [Gerardo Ortiz v. Builders First Source-South Texas-LP](#), No. 14-19-00394-CV (Dec. 29, 2020): Aff'd. TC Judgment. (400th)
- [Fort Bend I.S.D. v. Christopher Moore](#), No. 14-18-01041-CV (December 31, 2020): Reversed and Rendered. (268th)
- [ATTIP Group LLC v. City of Fulshear, Texas](#), No. 14-20-00620-CV (January 7, 2021): Appeal Dismissed. (434th)
- [Ex Parte Justin Frank](#), No. 14-20-00441-CR (January 12, 2021): Appeal Dismissed. (400th)
- [Green Valley Place Community Improvement Assoc., et al. v. Debra DeShazor, et al.](#), No. 14-19-00865-CV (January 14, 2021): Appeal Dismissed. (458th)

### Civil Law—Litigation—Authentication of Documents

*George Fleming and Fleming & Associates, L.L.P. v. Rebecca Wilson et al.*, 610 S.W.3d 18 (Tex., 2020): This case arises out of the Fen-Phen diet pill litigation where plaintiffs alleged that the prescription drug caused heart problems. The Fleming firm represented 8,000 of the plaintiffs in this mass-tort action and settled their cases for a total of \$340 million. Fleming had screened over 40,000 potential plaintiffs at its own cost of \$20 million to determine the viability of their potential health claims. For the settling plaintiffs Fleming deducted the pro-rata share of their screening costs from the settlement proceeds (thus they recouped roughly 20% of the costs of the screenings). About 4,000 of these plaintiffs turned around and sued Fleming alleging that it breached its contractual and fiduciary duties by charging for their screenings but not charging the potential clients who did not pass muster. An initial trial group of six random plaintiffs was severed out. Jury found for the Fleming defendants and a final take-nothing judgment was entered. Fleming then sought a traditional summary judgment against the remaining plaintiffs asserting that the plaintiffs had waived and released their claims against Fleming when they had settled their suits, and alternatively that the trial verdict and judgment collaterally estopped them from pursuing their claims against Fleming. As supporting evidence to the MSJ Fleming attached uncertified copies of the jury verdict and judgment from the trial. No supporting affidavit for these documents was attached. The copies were stamped with the watermark "Unofficial Copy Office of Chris Daniel District Clerk" and bore the clerk's typical file-stamp. The remaining plaintiffs objected to this evidence as being uncertified, not properly authenticated, and thus not proper summary judgment evidence. The trial court overruled the objection and granted the MSJ. Court of Appeals reversed. One of Fleming's arguments on appeal was that the documents were properly authenticated under T.R.E. 901. The Supreme Court agreed finding that Fleming did "produce evidence sufficient to support a finding that" the documents were what Fleming claimed them to be. Extrinsic evidence is not necessarily required in all instances and was not required as to these documents. A certified copy would have been automatically self-authenticating under Rule 902. But an uncertified copy of a public record could itself contain sufficient evidence that it was filed or kept in a public office under Rule 901, such as the watermark and file-stamp. The trial court was found to have not abused its discretion by finding them authentic. Reversed and remanded back to the Court of Appeals on the issues it did not reach in its review of the trial court. A relatively short opinion from the Supreme Court worth reading for the detailed discussion of this issue and the potential import it may have on admission of documents into evidence.

### Criminal Law—Homicide—Voluntariness of Confession

*Antonio Lopez v. The State of Texas*, 610 S.W.3d 487 (Tex.Crim.App. 2020): Defendant convicted of the murder of his 11 month old foster daughter. He appeals the denial of his motion to suppress his confession stating that it was inadmissible as it was not made freely and voluntarily without compulsion or persuasion. The police had threatened to arrest his wife as well. Court of Appeals held that since there was probable cause to arrest his wife when the threat was made, this did not impact the voluntariness of the confession. Court of Criminal Appeals agreed it was voluntary but not because of the probable cause issue but based on a determination of voluntariness from the totality of the circumstances. Affirmed. A lengthy opinion worth reading for the analysis.

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





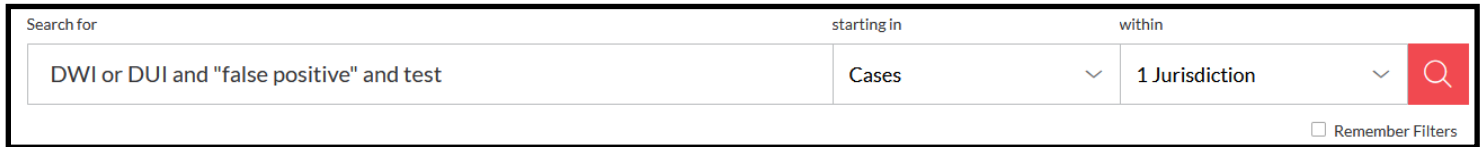
## Librarian Musings: Database Search Tips

**By Andrew Bennett**

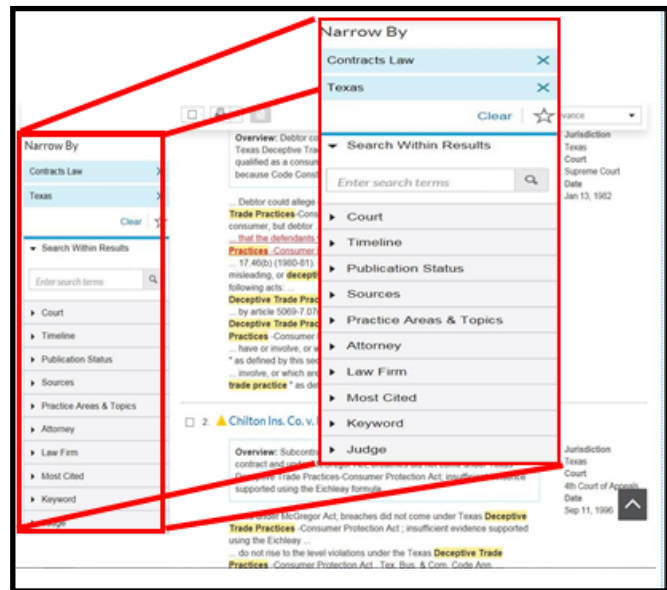
In our new column, we will cover a variety of topics including library programming, database reviews, interesting search strategies, and more.

Database searching can be time consuming, frustrating, and confusing. However, I believe I have some quick and easy strategies that can make your searching more effective and possibly less time consuming. My goal here is to show you how I might approach the issue and some tips on how to research it.

As an example, a patron is looking for case law regarding driving while intoxicated and false positives regarding breathalyzer tests. First, what are the keywords in this sentence? I would pull out "DWI," "false,"



"positives," "breathalyzer" and "test." I recommend creating a list with synonyms of the five keywords I just pulled out of this sentence. These words could include but not limited to "DUI," "inaccurate," or "screen" and so on. This is because an attorney or judge who



writes a brief, motion, pleading, or opinion might use a different word for the same thing. One, English is a language that has many different words that mean the same thing and second, the database won't know what you are looking for if you do not enter it. The database can find all versions of the word you entered, but it will not find synonyms of it.

Now you have your list of keywords and their synonyms and we know we are looking for case law. I always recommend to my patrons to use them all and plug and play keywords to find the cases you need. In addition, make sure to narrow your search to eliminate cases either by date, topic, or jurisdiction. Research can become very overwhelming if your initial search returns thousands of cases. Narrowing will limit your search to a couple hundred to as few as twenty or thirty cases which makes things much easier. Also, search by one document type. Searching for

cases, statutes, and secondary material can confuse and frustrate many researchers with so many document types.

Finally, I do recommend using both Westlaw and Lexis Advance. This is because while there will be some overlap in results, you may very well find different cases on each database even if your search strategy is the same. This is because the search algorithms on each database are different. This wouldn't apply to statutes and codes, but it would apply to case law and secondary searching. Do not miss a case that might be relevant.

I hope that these strategies make your searching more effective. You can see more of my search strategies by viewing my Advanced Legal Research class LIVE or replays on Facebook or YouTube. Contact us for dates and times.