



# LAW LIBRARY NEWS

a publication of the Fort Bend County Law Library

Edited by: Andrew Bennett, Law Librarian

July 2019 ♦ Volume 26, Issue 7

## Lexis Nexis Digital Library Training

The Law Library will be hosting **two webinar's** on **July 26th** at **10 am** on our **Lexis Digital Library** service. This online service allows you to download or print portions of ebooks from our legal publishers Lexis Nexis, James Publishing, Matthew Bender, and the American Bar Association. This training will teach you the basics of the service including searching and checking out items in the collection. For more information and registration, visit our website at [www.fortbend.lib.tx.us](http://www.fortbend.lib.tx.us).

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## New & Updated Resources

### ***O'Connor's Texas Series***    ***Federal Jury Practice & Instructions***

- *Civil Forms*
- *2019 Edition*
- *Criminal Companion Handbook*
- *2019 Edition*

### ***Texas Criminal Forms***    ***Defense of Drunk Driving Cases***

- *Revision 13*
- *2019 Edition*
- *Release # 113*
- *2019 Update*

### ***Texas Evidence***    ***Collier on Bankruptcy***

- *Release # 13*
- *2019 Update*
- *Release # 150*
- *2019 Update*

### ***Texas Litigation Guide***    ***Texas Transaction Guide***

- *Release # 134*
- *2019 Update*
- *Release # 127*
- *2019 Update*

### ***Texas Jurisprudence***    ***USCA***

- *Vols. 2, 3, & 12*
- *2019 Update*
- *Title 28 & 34*
- *2019 Updates*

## FBC Bar News

The **July luncheon and meeting** of the Fort Bend County Bar Association will be held at **12:00 pm** on Thursday, **July 25th** at the Sugar Creek Country Club located at 420 Sugar Creek Blvd., Sugar Land, Texas. The program topic is "**US Attorneys Office.**" The program is approved for 1 hour CLE credit and .25 hours ethics credit. The luncheon cost is \$25 for members and \$30 for non-members. [Membership information](#) and the [RSVP Policy for Luncheons](#) are also on the website.

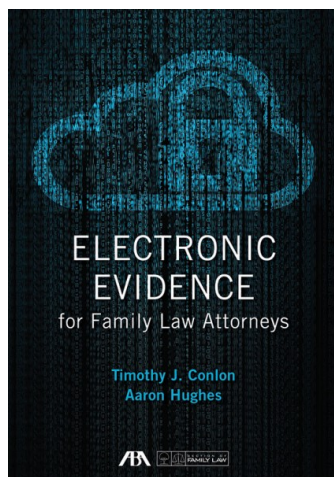
**Please RSVP** no later than 12:00 p.m. on Tuesday, **July 23rd** by using the form on the [Next CLE Luncheon](#)

### **Member Resources**

[Click here for Member Resources](#)

## Featured Resource: Electronic Evidence for Family Law Attorneys

*By Andrew Bennett*



This new title from the American Bar Association focuses on Electronic Evidence in Family Law cases. *Electronic Evidence for Family Law Attorneys* gives details on why electronic evidence in family law cases is different, how to bring this type of evidence into your practice, how to preserve the information, keeping access to it legal, how to find and select experts in the field, and how to acquire evidence from other parties.

The book includes appendices of evidence tracking services on the web and forms you may need in your case. The book includes tips and strategies given by Timothy J. Conlon and Aaron Hughes, the authors. Mr. Conlon is an attorney and has dealt with family law and child abuse cases in Rhode Island and throughout New England. He has worked at the Attorney Generals office in Rhode Island and has ben dealing with

computer crime prosecutions since the 1980s. Mr. Hughes is a testifying expert in information forensics and information security and is the founder of Vidoc Razor, LLC. He is a frequent speaker at Bar Association CLE presentations and has worked with the FBI. Copies of the book can be made for \$0.10 a page. For more information, visit the Law Library.

## Technology Corner

*By Jonathan Briggs*

**This Month's Featured Technology:** *Practical Law from Westlaw/Thomson Reuters*

In the November 2018 edition of this Newsletter, we introduced you to some of the new features of Westlaw, one of our two primary online legal databases. Practical Law is one of those new features and this column expands on what this resource has to offer to both the practitioner and pro se library patron. 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 information and resources drafted by attorneys 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. Examples of documents relevant to a large portion of our patron-base and drafted for use in Texas are from the Litigation section, which include: materials and forms related to noticing and taking depositions; subpoenas; summary judgment; injunctive relief such as temporary restraining orders; and much more. Likewise, the Trusts & Estates section has information and forms on such issues as: power of attorney; the probate process; trusts; wills, HIPAA releases, and more. Another part of Practical Law useful to attorneys is the Short-Form Documents Center (part of the Small Law Firm Resources Center) which provides numerous forms crucial for use in law office management, client relations, and for both litigation and transactional matters. Practical Law is an evolving and growing part of Westlaw with new materials being added regularly. Hopefully it will grow to include sections on Criminal and Family law, two areas of vital importance to our patrons. Law Library staff will be glad to assist you with accessing Practical Law. For more information, please contact the Law Library.

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## Community News

- **Fort Bend Lawyers Care** is holding a **Legal Line** every Friday from **10 am to 12 pm**. **Volunteer attorneys are needed!** If you would like to help low-income residents and veterans of Fort Bend County, contact by email at [Simmons@fortbendlawyerscare.org](mailto:Simmons@fortbendlawyerscare.org).
- The **Fort Bend County Law Library** has its **Pro Se Basics Classes** on **Tuesday's at 10 am**. These classes focus on Procedural Information and Legal Resources for Pro Se's in Court. Contact the Library for dates and classes. Registration is required as space is limited. Contact the Law Library at 281-341-3718 or online at [www.fortbend.lib.tx.us](http://www.fortbend.lib.tx.us) to register.
- The **Fort Bend County Law Library** has its **Express Classes** on **Thursday's at 10 am**. These classes focus on Technology Software you can use in your practice. Contact the Library for dates and classes. Registration is required as space is limited. Contact the Law Library at 281-341-3718 or online at [www.fortbend.lib.tx.us](http://www.fortbend.lib.tx.us) to register.
- The **Harris County Law Library** offers the **Legal Tech Institute** where you can learn new technology skills for your practice. Many of these courses offer 1 hour of **FREE CLE Credit**. Please visit their website at <http://www.harriscountylawlibrary.org/legal-tech-institute-events>. There you can find dates and times of classes. Registration is required.
- The **Family Bar of Fort Bend** have a **monthly luncheon** that is approved for .75 MCLE credit. This is always the **1st Thursday of the month** at Buena Vista. No reservation required. For more information, visit their website at <https://familybarfortbend.org>.
- **Lone Star Legal Aid** has opened an office in Richmond. For more information on Services, Clinics, and their Legal Hotline visit <https://lonestarlegal.blog/richmond-office/>.
- The **Wharton County Junior College Paralegal Program** will be offering two new classes. The new classes that the Studies Program will offer begin **Fall 2019**. They are offering a **Torts/Personal Inquiry Course** during fall 2019 and an **Immigration Law Course** during spring 2020. Both courses will initially be offered in a face to face format at the Richmond Campus. For more information on the program, visit their website at <https://www.wcjc.edu/Programs/technology-and-business/paralegal-studies/>.

## Texas Lawyers

### Assistance Program

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 in the Newsletter

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 the Newsletter

If you do not want to receive the Law Library newsletter, please send an email to [abennett@fortbend.lib.tx.us](mailto: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 Joseph Campitelli](#), No. 01-18-01096-CV (June 18, 2019): Pet. Writ. Mand. Dismissed. (505th)
- [The State of Texas v. Philip M. Aweh](#), No. 01-18-01111-CR (June 18, 2019): Appeal Dismissed. (434th)
- [Stuart N. Wilson & Assoc. v. Silvia Trevino & Eleazer Maldonado](#), No. 01-19-00441-CV (June 21, 2019): Appeal Dismissed. (387th)
- [In Re Keith Wilson](#), No. 01-19-00381-CV (June 27, 2019): Pet. Writ. Mand. Denied. (458th)
- [The State of Texas v. Samuel Hudson](#), No. 01-18-00257-CR (June 27, 2019): Rev. TC Judgment. & Remand to TC for further proceedings. (CCL#4)
- [Gilberto Antonio Guillen-Hernandez v. The State of Texas](#), No. 01-18-00461/00462-CR (July 2, 2019): Aff'd. TC Judgment. (458th)
- [Arian T-Zon Morgan v. Jennifer D. Morgan](#), No. 01-19-00206-CV (July 9, 2019): Appeal Dismissed. (328th)
- [In Re Nathan B. Hankins](#), No. 14-19-00462-CV (June 18, 2019): Pet. Writ. Mand. Denied. (328th)
- [Frederick K. Peters v. Claudia N. Galey](#), No. 14-19-00289-CV (June 20, 2019): Appeal Dismissed. (387th)
- [Matt Tahmasebi v. Elisa Tahmasebi](#), No. 14-18-01003-CV (July 2, 2019): Appeal Dismissed. (328th)
- [Edwin & Tonya Rodriguez v. Texas Leaguer Brewing Co., et al](#), No. 14-17-00872-CV (July 9, 2019): Aff'd. in Part & Rev'd. & Remanded in Part. (240th)

### Criminal Law

***Christian V. Sims v. The State of Texas*, 569 S.W.3d 634 (Tex.Crim.App. 2019):** Defendant pled guilty and was convicted of murder. Right to appeal was reserved in the plea agreement. He filed a petition for discretionary review seeking reversal of the denial of his motion to suppress by the trial court. In his motion he argued that the police violated the 4th Amendment when they searched his phone for real time location information on him. He also claimed that the search violated the federal statute known as the Stored Communication Act (SCA) and articles 18.21 and 38.23(a) of the Texas Code of Criminal Procedure. The Texarkana Court of Appeals affirmed the ruling of the trial court and review was granted by the Court of Criminal Appeals on two grounds: is suppression a remedy under the SCA or CCP 18.21 (which concerns access to stored communications and mobile tracking devices); and, is there a reasonable expectation of privacy in the real-time “cell-site location information” (CSLI) stored in a phone? The Court of Criminal Appeals concluded that suppression is not an available remedy under the SCA or Article 18.21 unless it is a violation of the U.S. and Texas Constitutions. Under this standard the Court further concluded that the Defendant/Appellant did not have an expectation of privacy in the real-time location information stored in his phone. The judgment of the Court of Appeals was affirmed.

### Wrongful Death/Texas Tort Claims Act

***Ellarene Farris, Individually and as Personal Representative of the Heirs and Estate of James Harris v. Jefferson County, Texas*, 569 S.W.3d 814 (Tex.App.-Houston [1st Dist.] 2018, pet. filed):** Judge James Farris was on the bench in Jefferson County from 1969 to 1996 with his courtrooms being in the main courthouse and an annex. It is alleged that during renovations Judge Farris was exposed to asbestos which caused his death from mesothelioma 8 years after his retirement. Suit was brought against 39 companies and later Jefferson County was added as a defendant. The case was transferred to the Asbestos MDL court in Harris County. Jefferson County filed a plea to the jurisdiction claiming that plaintiffs had failed to plead or cite evidence that would warrant waiver of its sovereign immunity. Plaintiffs amended their pleadings to allege that the county owed him the duty it would to a licensee on private property. The trial court granted the plea as to any claims based on acts or omissions occurring before 1970 (the year the Texas Tort Claims Act took effect), and denied the plea as to anything from 1970 forward. The county amended its plea and sought summary judgment based on plaintiffs’ failure to present her claim to Commissioners Court pursuant to Govt. Code §89.004 (which was a statutory prerequisite to the trial court’s jurisdiction) and other grounds. The plea was denied again as to the claims from 1970 forward. Interlocutory appeal was made by the county. The Court of Appeals reversed the trial court in part by rendering judgment dismissing any claims for exemplary damages and affirmed the remainder of the trial court’s order.