



LAW LIBRARY NEWS

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Attorney Lecture Series

In November and December, we will be hosting an **Attorney Lecture Series** given by Attorney Ira Domnitz. He will cover issues regarding **Self Publishing and Intellectual Property**. This will include creating copyrights and trademarks, where to find and file the paperwork, accessing publishing markets, and more. The first program will be on **November 20th** at 10 am and the second will be **December 11th** at 2 pm. Registration is required. It will open on the first week of November.

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New & Updated Resources

Kinkeade & McCulloch's Legal Research and Texas Penal Code Anno. Writing for Paralegals

- 2019-20 Edition
- 2019 Edition



Texas Probate Forms & Procedures Family Law for Paralegals

- 2019 Edition
- 2019 Edition



O'Connor's Texas Series Texas Practice Series

- CPRC Plus
- Estates Code Plus
- Criminal Codes Plus
- Crimes & Consequences
- 2019 Editions
- Methods of Practice
- DWI Law and Practice
- 2019 Editions

Texas Practice Guide Criminal Defense Techniques

- Civil Pretrial
- Real Estate Transactions
- 2019 Editions
- September 2019 Update

Texas Criminal Lawyers Handbook Employment in Texas

- 2019 Edition
- 2019 Update

FBC Bar News

Fort Bend County Bar Association

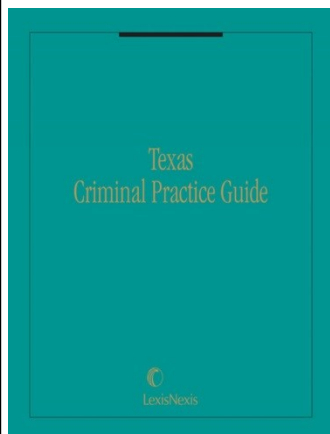
The **October luncheon and meeting** of the **Fort Bend County Bar Association** will be at **noon** on **October 31st** at the Sugar Creek Country Club located at 420 Sugar Creek Blvd., Sugar Land, Texas. The program topic is "**Legislative Updates 2019**" The speaker will be Will Adams, TTLA President. The program is approved for 1 hour CLE credit and .25 hours ethics credit. The luncheon cost is \$25 for members and \$30 for nonmembers. Please **RSVP** by Tuesday, **October 29th**.

Family Bar of Fort Bend County

The **November luncheon and meeting** of the Family Bar of Fort Bend County will be on **Thursday, November 7th** at **noon** at Buena Vista Restaurant on 100 Liberty St, Richmond Texas. These CLE's are **FREE** to members and are approved for .75 hours CLE credit. **RSVP is not required**. Please pay for your own lunch.

Featured Resource: Non-Disclosure and Expunction Resources

By Jonathan Briggs



Criminal defense attorneys make up a significant part of the Law Library's patrons. However, since Fort Bend County provides counsel for indigent defendants in criminal cases we generally do not get to directly assist them much. The primary exceptions to this is that we often have patrons coming in following the disposition of their criminal case seeking to pursue an expunction or order of non-disclosure, they want to get an early termination of their community service/probation, or they want to obtain an order for a law enforcement agency to release their seized property (usually handguns). In early 2020 as part of the Law Library's "Attorney Lecture Series" a prosecutor or criminal defense attorney will be giving a presentation on expunction and orders of non-disclosure of criminal records that will provide some useful information to *pro se* patrons and practicing attorneys interested in pursuing these remedies. In advance of these classes we wanted to highlight the up-to-date printed materials available at the Fort Bend County Law Library on these topics. The 2019 editions of the *Texas Criminal Lawyer's Handbook* and *Texas Criminal Forms* by James Publishing have sections on "Expunctions and Non-Disclosures" in Chapter 22, Volume 2 of both

publications that provide in-depth information and many forms. Volume 1, Chapter 11 of the *Texas Criminal Practice Guide*, published by Lexis-Nexis/Matthew Bender, also provides useful information and forms on expunction and to a lesser extent discusses non-disclosure. All of these materials are also available online via Lexis Advance on computers 4, 5, and 6 for your convenience. Other treatises and publications such as *Criminal Defense Techniques* (Vol. 1B, Ch. 42) and *O'Connor's Texas Crimes & Consequences* (Chapter 13) provide valuable and detailed information. We hope you can attend one of the lectures. For more information please contact the Law Library.

Technology Corner: Non-Disclosure and Expunction Resources

By Andrew Bennett

In conjunction with our upcoming Attorney Lecture Series in January, this month we are going to look at what Non-Disclosure and Expunction resources the library has. The forms and information can be found on a website called "Texas Law Help" where you can get all of the forms for Non-Disclosure and Expunction. These forms are fill in the blank style forms and are intended for pro se litigants to be able to file. However, they are useful for anyone who needs to file for these issues including attorneys who have clients. Both sets come with instructions and detail which particular offenses they cover. In addition to those resources, we have forms and information for both issues on our databases. They can be found on Westlaw and Lexis Advance. Both databases provide Practice Guides that

detail strategies for both issues in titles such as *Texas Practice Guide*, *Texas Practice Series*, *O'Connor's*, *Texas Criminal Forms*, and the *Texas Criminal Practice Guide*. Forms and information from these databases can be downloaded or emailed in PDF or Word format, and printed. In addition, there are forms and information through Lexis Digital Library, which you can get from home or your office with your Library Card and PIN. These titles include the *Texas Criminal Practice Guide* and *Texas Criminal Forms* from James Publishing. For more information, visit the Law Library.



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.
- 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. Contact the Law Library at 281-341-3718 or online.
- 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. Contact the Law Library at 281-341-3718 or online.
- The **Fort Bend County Law Library** is hosting a **Lexis Advance Training and CLE** on **October 18th at 10 am** in the Law Library. A representative from Lexis Nexis will show you the basics of the database. It has been approved for 1 hour CLE credit. For information and registration, visit our website.
- The **Fort Bend County Law Library** will also host a **Lexis Digital Library Training** on **November 7th at 2 pm** in the Law Library. This webinar will show you the basics of Lexis Digital Library and show you some special features. For information and registration, visit our website.
- 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 **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 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 with "Unsubscribe" as the subject and include the email address to be removed.

Texas Case Law Update

Local Cases

- [In the Interest of I.V.H, a Child v. Dept. of Family & Protective Services](#), No. 01-19-00281-CV (September 26, 2019): Aff'd. TC Judgment. (328th)
- [Kennedy K. Oguchi v. The State of Texas](#), No. 01-19-00117-CR (September 26, 2019): Appeal Dismissed. (CCL#2)
- [In Re Fort Bend Independent School District](#), No. 01-18-01113-CV (October 3, 2019): Pet. Writ. Mand. Dismissed. (434th)
- [Durable Printed Products v. The State of Texas](#), No. 14-19-00638/00639/00640-CR (September 17, 2019): Appeal Dismissed. (458th)
- [Tambria Lee v. CRP Riverstone, LP](#), No. 14-19-00109-CV (September 19, 2019): Appeal Dismissed. (CCL#1)
- [Roy R. Smith, III, d/b/a Fort Bend Boat Storage v. Shawn Cousins, et al.](#), No. 14-19-00612-CV (September 19, 2019): Appeal Dismissed. (CCL#4)
- [Olunmi Ajanaku v. Mardan Dadashev](#), No. 14-19-00583-CV (September 26, 2019): Dismissed. (CCL#1)
- [In Re Troy Wigley](#), No. 14-19-00749-CV (October 10, 2019): Pet. Writ. Mand. Denied. (434th)

Family Law

In the Interest of F.E.N., a Child, 579 S.W.3d 74 (Tex. 2019): Appeal out of Harris County and the 14th Court of Appeals regarding a termination of parental rights case brought by the Texas Department of Family & Protective Services against mother and father of child. The DFPS appealed the 14th's reversal of the trial court's order that had granted it sole managing conservatorship of the 9-year-old child as far as the father's parental rights were concerned. Parents never married and separated at the time of the child's birth. Despite working offshore the father visited the child regularly. However, due to the mother's drug abuse and neglect the child was removed by DFPS and placed in foster care. The father was unaware of these circumstances. His paternity had never been formally established though he was listed on the birth certificate. He was served and filed a general denial. By the time the case reached the Supreme Court many years had passed and the child had been with the same foster family. The mother relinquished her parental rights. Other family members had intervened seeking conservatorship. At bench trial the father's paternity was established but his rights were terminated on several grounds under Section 161.001 of the Family Code: voluntary abandonment, endangerment, failure to support, and constructive abandonment. The trial court found that vesting conservatorship in either parent, any relative, or anyone else would not be in the best interests of the child. The father appealed citing insufficient evidence to terminate and a violation of his fundamental rights in granting the DFPA conservatorship. The Court of Appeals reversed, finding that no evidence supported the termination and the termination of DFPS as conservator was an abuse of discretion. The Supreme Court cited to the preference of a parent being appointed as conservator pursuant to Family Code Section 153.131(a) unless it can be shown that the parent as conservator would significantly impair the child's physical health or emotional development. The burden is on the non-parent seeking conservatorship to establish that it would be a significant impairment. The Supreme Court agreed that the case should be remanded to the trial court on the issue of conservatorship because the record on this issue was not sufficiently developed as reflected in the inadequate boilerplate disposition on termination. With his paternity and parental rights established the case was remanded to the trial court for a new trial on conservatorship. The DFPS' petition for review was thus denied with a per curiam opinion of the Supreme Court. The Supreme Court also noted what it regards as the potential difficulties that may arise when termination and conservatorship are joined and litigated in a single proceeding.

Criminal Law

Casey Ray Tiller v. The State of Texas, 578 S.W.3d 143 (Tex.App.-Texarkana 2019, no pet. h.): Appeal out of Hunt County following defendant's conviction on two counts of aggravated sexual assault of a child. Jury charge was erroneous because there was only a general unanimity instruction, thus the jury may have believed it had to be unanimous about the offenses and not the criminal conduct constituting the offenses. Because defense counsel did not object to the charge the standard of review does not allow for reversal unless the record shows the error resulted in "egregious harm" and such harm must be shown to be actual and not theoretical. The Court of Appeals found the state of the jury charge to be egregious, but as for the state of the evidence, the testimony of one witness alone was sufficient to support the verdict. The Court of Appeals concluded that the defendant was not egregiously harmed by the charge error. The Court also found that defendant did not show that he had ineffective assistance of counsel. Thus, the trial court's judgment was affirmed.

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