



LAW LIBRARY NEWS

a publication of the Fort Bend County Willie Melton Law Library

May/June 2023 ♦ Volume 31, Issue 4

Westlaw and Lexis CLE's

The Law Library will be hosting two CLE's in July. First is the Lexis + Training and CLE on Friday, July 7th at 2:30 pm. This class will focus on the new features of Lexis + that the library has just upgraded to. This will include how to login, search, and new features. The second class will be a Westlaw Training and CLE on Friday, July 21 at 2:00 pm. This class will show any updates to Westlaw and the use of Practical Law. Registration is required. Contact the Law Library by phone at 281-341-3718 or go online at www.fortbend.lib.tx.us to register.

In This Issue

Upcoming Programs	1
New & Updated Resources	1
Featured Resource	2
Technology Corner	2
Texas Case Law Update	3,4
Community & FBC Bar News	5
Useful Articles & Links	6

New & Updated Resources

Texas Practice Series

- *Handbook of Lawyer and Judicial Ethics*
- *Jury Charge in Civil Litigation*
- *Civil Appeals*
- *2023 Editions*

Texas Foreclosure Manual

- *2023 Edition*

Family Lawyer's Essential Toolkit

- *2023 Edition*

Is It Admissible?

- *2023 Edition*

Texas Practice Guide

- *Business Transactions*
- *2023 Editions*

O'Connor's Texas Series

- *Civil Forms*
- *2023 Editions*

Texas Pattern Jury Charges

- *Oil and Gas*
- *Business*
- *General Negligence*
- *Malpractice*
- *2022 Editions*

O'Connor's Federal Series

- *Intellectual Property Codes*
- *2023 Edition*



Librarian Musings: Estate Planning: Necessary and Doable

By Jonathan Briggs

I am not an estate planning and probate attorney. And I am not here to give legal advice on this topic. However, my personal experience and six years as a law librarian gives me a bit of an insight that I think allows me to impart some guidance and information that I hope will be of benefit to our readers.

Estate planning and probate is an area of the law that I am reasonably confident will impact every single person. Despite the sad statistics regarding divorce, there are still many people who will never have to set foot in a courtroom and sit across the aisle from their soon to be ex-spouse. And you may go through your life without ever being charged with a crime or having to become involved in some kind of civil suit. But, it is a sad and inevitable fact of life that it ends in death for everyone single one of us and for all the people we know, love, and care about.

Thus, in this column I am advocating for everyone to make the time to take some fairly simple, reasonable, and doable steps to ensure the smoothest transition as possible for when you die: your funeral arrangements, what will happen to your property, and how will your affairs be settled.

The tools available to pro-se and represented parties when it comes to estate planning are pretty vast and ever-evolving. Estate planning can encompass making arrangements regarding your financial interests such as bank accounts, retirement, and investments to take them out of the probate realm by executing what is commonly called "payable on death" (POD) paperwork...forms with your financial institutions designating beneficiaries to whom the monies will be disbursed upon your death. Thus, you do not have to seek the probate/disposition of these assets through the courts. A common occurrence at the Law Library is a family member trying to get access to their loved one's bank account after they die where no POD paperwork was executed. They will likely have to go through the courts when it could have been simply avoided.

Real property such as your home, often the most valuable single asset a person owns, can be taken out of the probate courts realm via a Transfer on Death Deed (TODD) executed prior to death designating who gets the property with alternate beneficiaries which can often the case is spouses will designate each other and their children will be alternate beneficiaries. Is a TODD the way to go? We have materials and forms or you can consult an attorney to weight the relative benefits of this mode of property disposition.

And there is just the good old-fashioned Last Will and Testament. Even if you take substantial steps to make your assets transferable on death without probate, having a Will in place just in case its probate is needed to handle some non-covered assets. We have Will information and forms from various sources and the Supreme Court of Texas recently approved standard Will forms which are available via the forms tab at www.txcourts.gov.

And do not forget to make funeral arrangements of some sort. Though simple cremations can be relatively inexpensive, depending on how you want things handled funeral and burial expenses can quickly add up to a five-figure bill. Get something figured out including your wishes and ideally some provision for paying for it whether it is setting aside money, pre-planning and paying, insurance, or some other means. It will ease the emotional, logistical, and financial burden on your surviving family

How to accomplish this estate planning? Can the Law Library provide you the statutes, practical information, resources, and forms? Yes. But should you go it alone and forego an attorney in favor of doing it yourself or should you enlist the help of an attorney? I am not advocating either way. All I can say is in my own experience we have benefitted from the expertise and assurance of an attorney and I have found the cost of some fairly basic services and solid legal advice is truly affordable and a wise expense to undertake for some peace of mind and tangible benefit. Often, the avoided costs of some basic estate planning will be dwarfed by the time and expense to try and sort it out postmortem.



Librarian Musings: Estate Planning: Necessary and Doable, Pt. 2

And you want to get it right. Estate planning and probate requires precision and thoroughness. What are your options? What is best? What are possible tax implications? Just some of the considerations you will face. We cannot recommend specific attorneys here at the Law Library, but I know from my personal experience and my experience as a law librarian there are some solid folks out there willing to help.

I have some personal experience with the probate courts of Fort Bend County and have found them to be professional, helpful, respectful, and courteous to the parties who find themselves there trying to sort out the affairs of their loved ones. Thankfully they are there if you need them. Probate court is not something to be feared but it is an expense and process that can be avoided. Handling the estate of a loved one will take time and some expense no matter what...the goal is to make things as simple as predictable as possible.

And then there are so many other little things you will have to take care of that you may not even think of until you have to deal with it: 1) what do you do with their passport?; 2) changing credit cards and utility accounts from both spouses' names to that of the surviving spouse only; 3)

contacting their health insurer and canceling their prescriptions; 4) dealing with the Social Security Administration; etc., etc. What procedures will you need to undertake and what will you need such as certified copies of Death Certificates? (order several just in case).

The wrapping up of your family member's financial and personal affairs will be a transition process that takes some time and

patience. Make it as painless and organized as possible.

If this column does anything I hope that it will spur you to action...to take the steps to aid your family and heirs as they deal with your passing. The law cannot ease the emotional pain of the loss of a loved one...but the logistics and aftermath of death can be made as smooth as possible and the orderly disposition of your estate can be assured, whether that is through taking care of things yourself or with the assistance of an attorney, and with or without the assistance of the probate courts. The Fort Bend County Law Library is here to help you.





Featured Resource: Texas State Bar Books

By Christine France

The Texas State Bar publishes Practice Manuals, Civil Pattern Jury Charges, Criminal Pattern Jury Charges, and more. Some of the practice manuals include the Texas Family Law Practice Manual, Texas Real Estate Forms Manual, and the Texas Business Organizations Manual. These books are a great resource and the Family Law Practice Manual I reach for almost daily. The Family Law Practice Manual includes two volumes of practice notes and offers an extensive four volume form collection.



The Real Estate Forms Manual contains over 400 forms and discusses the laws affecting Real Estate and information to adapt the forms to a person's needs. For example, these books provide great information on deeds as well as forms and consideration clauses. The Texas Business Organizations Manual provides extensive information on business entities to help readers choose which business best fits their needs and the forms to create it.

The Texas Civil Pattern Jury Charges is a five-volume set, which cover business, family and probate, malpractice oil and gas, and general negligence. These are available in print and on our legal database, Lexis Nexis. The Texas Criminal Pattern Jury Charges includes in depth material of legal issues, provides information for drafting criminal charges and covers numerous crimes and criminal defenses. These books are available only digitally on Lexis Nexis and the Texas State Bar Website. To access these materials, visit the Law Library.

Technology Corner: Annotated Codes on Lexis Digital Library

By Andrew Bennett



Soon the Law Library will have access to the Texas annotated codes from Lexis Nexis both in print and on the Digital Library. While we have Vernon's Annotated Codes, this provides our patrons with access to these codes at home and not just in the library. The series from Lexis includes, Texas Civil Practice and Remedies Code, Texas Insurance Code, and Texas Property Code. In addition, this code series includes the Texas Local, State, and Federal Court Rules. To access these annotated codes and rules, you will need to have a Fort Bend County Library Card to access them online. The code books will be for unlimited access remotely so do not worry about returning the book after 1 week. Just make sure to login each time you need to view the book from your home or office. We hope to have this for our patrons very soon. For more information, contact the Law Library.



Community News

- The **Fort Bend County Willie Melton Law Library** still has three remote databases, including *Gale Legal Forms Library*, *Legal Information Reference Center*, and *Lexis Digital Library*. You will need a library card to access. Visit our website at www.fortbend.lib.tx.us.
- 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>.
- **Harris County Law Library** is OPEN to the general public from 8 am to 5 pm. Go to their website here: <https://www.harriscountylawlibrary.org/>
- On **June 2, 2022**, the **Fort Bend County Willie Melton Law Library** returned to a **hybrid format for all of its classes**. This means all programs are offered online and in person.

FBC Bar News

Fort Bend County Bar Association

The Fort Bend County Bar Association is finished with their CLEs for 2022. Check their website or Facebook page for more details.

Family Bar of Fort Bend County

The Family Bar of Fort Bend County has their monthly meeting on the first Thursday of the month at Buena Vista restaurant. Entrance is free. Pay for your own meal. Check their website or Facebook page for details.

Fort Bend County Criminal Defense Attorneys Association

The Fort Bend County Criminal Defense Attorneys Association has their monthly meetings on the last Thursday of each month. Check their website or Facebook page for details.





Useful Articles and Links

- ***Extraordinary Circumstances.*** David F. Johnson and Matt Johnson. Texas Bar Journal. June 2023. [Texas Bar Journal Online.](#)
- ***Error Preservation.*** Steven K. Hayes. Texas Bar Journal. June 2023. [Texas Bar Journal Online.](#)
- ***A Supersedeas Checklist.*** Charlie Frazier. Texas Bar Journal. June 2023. [Texas Bar Journal Online.](#)
- ***Train Hard, Race Easi(er).*** Gretchen Sween. Voice for the Defense. May 2023. [Voice for the Defense Online.](#)
- ***Immigration Enforcement Priorities and Noncitizen Defendants.*** Julie Pasch. Voice for the Defense. May 2023. [Voice for the Defense Online.](#)
- ***A DNA Profile: From Your Trash to Police Treasure.*** Steve Miers. Voice for the Defense. May 2023. [Voice for the Defense Online.](#)

Texas Lawyers Assistance Program

Through its [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.

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.

Contact

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, with “Newsletter” as the subject, to llpublic@fortbend.lib.tx.us.

To unsubscribe, write “unsubscribe.”