



# LAW LIBRARY NEWS

a publication of the Fort Bend County Law Library

Edited by: Andrew Bennett, Law Librarian

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## Temporary Locations and Hours

The Law Library is currently undergoing renovation. Our new location will be on the second floor. However, until this is finished, we will be occupying two temporary locations. The first is at the **Justice Center in Courtroom 3G** (CCL # 6). The hours are **9—4** Monday-Friday. We have two computers with Westlaw, Lexis, and O'Connor's and a photocopier. The second location is at **George Memorial Library**. The hours are **9—5** Monday-Friday. This location has two computers with Westlaw and O'Connor's. For more information, contact the Library.

## IN THIS ISSUE

<a href="#">Temporary Locations</a>	1
<a href="#">New &amp; Updated Resources</a>	1
<a href="#">FBC Bar News</a>	1
<a href="#">Featured Resource</a>	2
<a href="#">Technology Corner</a>	2
<a href="#">Community News</a>	3
<a href="#">Texas Case Law Update</a>	4

## New & Updated Resources

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| <b><i>O'Connor's Texas Series</i></b>  | <b><i>Texas Pattern Jury Charges</i></b>   |
| <ul style="list-style-type: none"> <li><i>Estate Planning Forms</i></li> <li><i>2018 Edition</i></li> </ul>  | <ul style="list-style-type: none"> <li><i>Family &amp; Probate</i></li> <li><i>2018 Edition</i></li> </ul>                   |
| <b><i>Texas Rules of Court</i></b>   | <b><i>Texas Search and Seizure</i></b>   |
| <ul style="list-style-type: none"> <li><i>2018 Editions</i></li> <li><i>State, Federal, Local</i></li> </ul> | <ul style="list-style-type: none"> <li><i>7th Edition</i></li> <li><i>2018 Publication Date</i></li> </ul>                   |
| <b><i>Federal Criminal Appeals</i></b>   | <b><i>Texas Practice Series</i></b>  |
| <ul style="list-style-type: none"> <li><i>2018 Edition</i></li> </ul>  | <ul style="list-style-type: none"> <li><i>Handbook of Lawyer and Judicial Ethics</i></li> <li><i>2018 Edition</i></li> </ul> |

### **NOTICE:**

**ALL BOOKS ONLY AVAILABLE AT GEORGE MEMORIAL LIBRARY—  
ASK STAFF FOR ASSISTANCE**

## FBC Bar News

The **April luncheon and meeting** of the Fort Bend County Bar Association will be held at **12:00 pm** on Thursday, **April 26th** at the [Pecan Grove Plantation Country Club](#) located at 3000 Plantation Drive, Richmond, Texas. The program topic is **Successfully Executing a 1031 Exchange**. The Speakers will be Jeff Noblin and Theresa Anne Quartaro. The program is approved for 1 hour MCLE credit and .25 hours ethics credit. The luncheon cost is \$25 for members and \$30 for nonmembers. [Membership information](#) and the [RSVP Policy for Luncheons](#) are also on the website.

**Please RSVP** no later than 12:00 p.m. on Tuesday, **April 24th** by using the form on the [Next CLE Luncheon](#) page.

### **Member Resources**

[Click here for Member Resources](#)

**Featured Resource: *Law Library Resource Guides***

**By Andrew Bennett**

The Law Library has many useful Resource Guides for use in your practice! Not only do they give you a list of resources in print and digital and where to find them, but they also detail what the Law Library has on a given topic. Our professional resource guides include Texas Criminal Law, Texas Family Law, Texas Probate and Estates, Texas Transactional Practice, and Federal Law. Additional more general topics include Medical Law, Lawyering Skills, Elder Law and Guardianship, Cross Examination, and more. The resources guides are free to pick up at either Law Library location. If you have a request on a list of resources the Law Library has that are not mentioned here, please let us know. We are always happy to create a Resource Guide for you. The guides will also be available on our website in the coming months. Contact the Law Library at 281-341-3718.

FORT BEND COUNTY LAW LIBRARY TEXAS FAMILY LAW RESOURCE GUIDE	
<p><b>TEXAS STATUTES &amp; CODES</b>  <b>O'Connor's Family Code Plus</b>  <i>Joan Foss Jenkins &amp; Randall B. White, O'Connor's</i></p> <p><b>Sampson &amp; Tindall's Texas Family Code Annotated</b>  <i>John L. Sampson, et al., Thomson-Reuters</i></p> <p><b>Texas Constitution and Statutes: Family Code</b>  <a href="http://www.statutes.legis.state.tx.us/">http://www.statutes.legis.state.tx.us/</a></p> <p><b>Vernon's Texas Codes Annotated: Family</b>  <i>Thomson Reuters</i></p> <p><b>West's Texas Family Code</b>  <i>Thomson Reuters</i></p>	<p><b>PRACTICE GUIDES &amp; TREATISES</b>  <b>Divorce Taxation</b>  <i>Wing Brian C &amp; Melyne B. Frankes, James Publishing</i></p> <p><b>Family Law Depositions</b>  <i>John F. Nichols, Jr. and Joe Phillips, Lexis Publishing</i></p> <p><b>Family Lawyers Essential Toolkit</b>  <i>Family Law Section, State Bar of Texas</i></p> <p><b>O'Connor's Texas Family Law Handbook</b>  <i>Joan Foss Jenkins &amp; Randall B. White, O'Connor's</i></p> <p><b>Qualified Domestic Relations Orders</b>  <i>Diarioch, Raymond, Lexis Nexis</i></p> <p><b>Texas Family Law Practice and Procedure</b>  <i>John D. Montgomery, et al., Matthew Bender</i></p> <p><b>Texas Practice Guide: Family Law</b>  <i>Stewart W. Gagnon, et al., Thomson-Reuters</i></p> <p><b>Texas Practice: Handbook of Texas Family Law</b>  <i>John F. Elder, Thomson-Reuters</i></p>
<p><b>FORMS</b>  <b>O'Connor's Texas Family Law Forms</b>  <i>Randall B. White, O'Connor's</i></p> <p><b>Texas Family Law Practice Manual</b>  <i>Council of the Family Law Section of the State Bar of Texas, State Bar of Texas</i></p> <p><b>Texas Jurisprudence Pleading and Practice Forms</b>  <i>Thomson Reuters</i></p> <p><b>West's Texas Forms: Family Law (Vol. 16-18A)</b>  <i>John F. Elder, Thomson Reuters</i></p>	<p><b>CONTINUING LEGAL EDUCATION</b>  <b>Advanced Family Law Course 2010—2017</b>  <i>State Bar of Texas</i></p> <p><b>Child Abuse and Neglect Workshop Course Guide 2013—2014, 2016—2017</b>  <i>State Bar of Texas</i></p> <p><b>Family Law on the Front Lines 2009</b>  <i>University of Texas School of Law</i></p> <p><b>Handling Your First (or Next) Divorce Case Course Guide 2013</b>  <i>State Bar of Texas</i></p> <p><b>Parent-Child Relationships Course Guide 2011</b>  <i>University of Texas School of Law</i></p>
<p><small>LIBRARY STAFF CANNOT PROVIDE LEGAL ADVICE OR RECOMMEND SPECIFIC FORMS</small></p>	
<p><b>Electronic Resources at the Law Library:</b>                      WestlawNext                      Lexis Advance                      O'Connor's Online</p>	<p><b>Additional Resources on the Fort Bend County Library Catalog</b>  <a href="http://catalog.fortbend.lib.tx.us/">http://catalog.fortbend.lib.tx.us/</a></p>

**Technology Corner**

**By Jonathan Briggs**

**This Month's Featured Technology:** *Accessing the Libraries' Resources during Renovation*

With the Law Library in two temporary locations during the construction of our new space, we are using this month's column to discuss the technology and print resources available during this period. The Law Library's operations are currently divided into two locations: at the Justice Center in the conference rooms of Courtroom 3G on the 3rd floor with hours from 9 a.m.-4 p.m., and the nearby George Memorial Library (1001 Golfview Ln., Richmond) with hours from 9 a.m. to 5p.m. At the Justice Center we have two computers. The computers have O'Connor's, Lexis, Westlaw, James Publishing, Hein, Erisman's CD, and the State Bar Practice Manuals and Jury Charges. Most of our print resources can be found on the databases. We offer the same printing, copying, and scan to e-mail services. No fax machine. At George Memorial, we have two computers offering the same services including Westlaw, O'Connor's, Hein, and Lexis which can be accessed but you must ask for assistance. There is a printer dedicated to the law section, but copying, scanning, and fax services are via the public machines controlled by the George staff. Further, the George Memorial Location is less busy, so if you need extended time on a computer we recommend going there as the Justice Center location can be cramped and busy. Most of our books were put into storage for the renovation. There are none available at the Justice Center and a limited collection at George Memorial including the full O'Connor's series, James publishing practice guides, Texas Pattern Jury Charges, and a few others. We apologize for the inconvenience and we are doing our best to provide a continuity of services to our attorney and resident patrons whom we value greatly.

### Community News

- **Fort Bend Lawyers Care** is holding a **Community Legal Assistance Clinic** on Wednesday, **May 2nd** from **6:30 to 8 pm**. They are also hosting a **Low Income Legal Aid Clinic** on Saturday, **May 12th** from **10 am to 1 pm**. They are both held at the Calvary Episcopal Church in Richmond. They also host a weekly **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, information about volunteering is available by email at [Tasha@fortbendlawyerscare.org](mailto:Tasha@fortbendlawyerscare.org).
- The **Katy Bar Association** is having their monthly meeting and CLE on Tuesday **April 24th** from **11:30 to 1 pm** at **Landry's Restaurant** in Katy. This CLE is approved for 1 hour CLE credit. For more information, visit the Katy Bar Association website at [www.katybar.org](http://www.katybar.org).
- The **Family Bar of Fort Bend** is having a CLE on **May 18th** at the Swinging Door. The CLE is entitled **Understanding Drug Test Results and Which Drugs Provide False Positives**. For more, visit their website at [www.familybarfortbend.org](http://www.familybarfortbend.org).
- **Family Bar of Fort Bend** is supporting the **Fort Bend Family Courts** with **"Bears for the Bench"**. Gifts are given to adopted children with a stuffed animal. All money collected will be used to purchase bears for the children who are adopted in Fort Bend County. Donations can be made online at <https://familybarfortbend.org/bears-for-the-bench>.

### 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.

### Express Class

Need to brush up on your database skills? We are here to help! **Sign up now for an EXPRESS CLASS!** Classes are **15-minutes each**, on **Thursday** mornings from **10 am – 12 pm** or by appointment at the **George Memorial Library**. **We teach you the basics of each program.** Classes include Westlaw, Hein Online, Adobe Pro, Lexis Advance, Microsoft Office programs, and O'Connor's Online. Registration is required. Call **281-341-3718** to register.

#### 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

- [Hari Qutiefan v. Lubna Safi](#), No. 01-17-00925-CV (Mar. 18, 2018): Appeal Dism'd. (505th)
- [Afshan Ansari v. Bank of America](#), No. 01-17-00495-CV (Mar. 22, 2018): Appeal Dism'd. (434th)
- [In Re Oyedami & Assoc., P.C.](#), No. 01-18-00203-CV (Apr. 5, 2018): Pet. Writ Mand. Denied. (268th)
- [Burns/Tex. Paralegal Serv. v. Block, et al.](#), No. 01-17-00642-CV (Apr. 10, 2018): Appeal Dism'd. (434th)
- [Rita Lemons v. Don Trustclaire, et al.](#), No. 01-17-00642-CV (Apr. 10, 2018): Appeal Dism'd. (240th)
- [McKeenhan, et al., v. Wilmington Savings, et al.](#), No. 10-16-00534-CV (Apr. 12, 2018): Aff'd. TC judgment. (434th)
- [Harres Exezidis v. State of Texas](#), No. 14-17-00087-CR (Mar. 13, 2018): Aff'd. TC judgment. (CCL#2)
- [Reyna Taborda, et al., v. Srinivaschary Tamirisa, et al.](#), No. 14-16-00545-CV (Mar. 27, 2018): App. Dism'd. W.O.J. (400th)
- [Jan Voda v. State of Texas](#), No. 14-16-00857-CR (Mar. 27, 2018): Aff'd. TC judgment. (CCL#2)
- [In the Matter of the Marriage of Jian Zou and Xia Li](#), No. 14-18-00125-CV (Apr. 3, 2018): Appeal Dism'd. (387th)

### Criminal Law

- *Battaglia v. State of Texas*, 537 S.W.3d 57 (Tex.Crim.App. 2017): Defendant convicted of capital murder for killing his 6 and 9-year-old daughters. Court of Crim. App. affirmed. Def.'s substantial efforts at habeas relief at state and federal were denied. Subsequent incompetency claims finally resulted in U.S. 5th Cir. reversing the denial of request for inquiry. Evidentiary hearing found him competent to be executed. Def. appealed to Court of Crim. App., which held that trial court did not abuse its discretion in disregarding opinions of defense experts and that evidence supported conclusion that def. was malingering and did not suffer from mental illness that would lead him to not understand the reason he was to be executed, thus he was competent to be executed. Affirmed, stay of execution lifted, and remanded.
- *Gamino v. State of Texas*, 537 S.W. 3d 507 Tex.Crim.App. 2017): Def. appealed conviction for agg. assault with a deadly weapon. Ft. Worth Court of Appeals reversed and remanded holding that trial court erred in failing to grant def.'s request for a jury charge on self defense. State appealed and Court of Crim. App. affirmed. Def. put on evidence that he and girlfriend were threatened including with sexual assault of her and he drew his handgun in response. State had put on evidence that Defendant said things such as "I got something for you." Def. was entitled to have jury weigh his conduct was justified as self defense.

### Attorney Discipline

- *Hamlett v. Comm. for Lawyer Discipline*, 538 S.W.3d 179 (Tex.App.-Amarillo 2017): Atty. appealed judgment publicly reprimanding her for violation of Tex. Disciplinary Rule of Prof. Conduct concerning false or reckless statements concerning the integrity of a judge when she had actual knowledge that negated the truthfulness of her statement. Appeals court found legally sufficient evidence to sustain the judgment. Public reprimand affirmed.

### Family Law

- *In the Interest of J.H. III, a Child*, 538 S.W.3d 121 (Tex.App.-El Paso 2017): Grandmother who had taken care of grandson for 2 years while both parents in prison was denied access to child by father (mother had been deported after release) sought to be named sole managing conservator. Trial court made father sole managing conservator with grandmother as possessory conservator. Father appealed challenging standing to bring the action, however, standing was not based on status as grandparent, but that she had had actual care, control, and possession of the child for at least 6 months. Further, trial court's latitude in not requiring absolute conformity in pleading of grandmother and what was ultimately awarded by the court was upheld because technical pleading rules pales in importance compared to issue of child custody. TC judgment affirmed.

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