

# LAW LIBRARY NEWS

a publication of the Fort Bend County Law Library

Edited by: Andrew Bennett, Law Librarian

November 2018 ♦ Volume 26, Issue 11

## Law Library Book Club

The Law Library will host it's Book Club on Wednesday, December 19th at 2 pm in the Law Library in Conference Room C. The book is titled *Lincoln's Last Trial: The Murder Case That Propelled Him to the Presidency*. The library has three copies available in the system to check out. Visit our website and catalog at [www.fortbend.lib.tx.us](http://www.fortbend.lib.tx.us) to check out a copy. Snacks and coffee will be provided. For more information, contact the Law Library.

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## New & Updated Resources

### ***Texas Depositions***

- 2018 Edition

### ***Pattern Voir Dire Questions***

- 2018 Edition

### ***Texas Practice Guide***

- Real Estate Transactions
- 2018 Edition

### ***Guerilla Discovery***

- 2018 Edition

### ***Texas Practice Series***

- Civil Trial and Appellate Procedure
- 2018 Update

### ***Qualified Domestic Relations Orders***

- 2018 Edition

### ***Texas Wills, Trusts, and Estates***

- 2018 Edition

### ***Kurzban's Immigration Law Sourcebook***

- 2018-19 Edition

### ***O'Connor's Guides***

- Texas Forms \* Real Estate
- Business & Commerce Code

### ***LinkedIn Marketing***

- ***Techniques for Lawyers***
- 2017 Edition

## FBC Bar News

**There will not be a November Luncheon or CLE.**

The **Fort Bend County Bar Association** will be holding its **Annual Holiday Party** on **Friday, November 30th** from **6 to 10 pm** at the **Sugar Creek Country Club**. Tickets are \$50 for members and \$60 for guests. Contact the Bar by email at [info@fortbendbar.org](mailto:info@fortbendbar.org).

**Remember, Attorney Badge Applications must be renewed every year!**

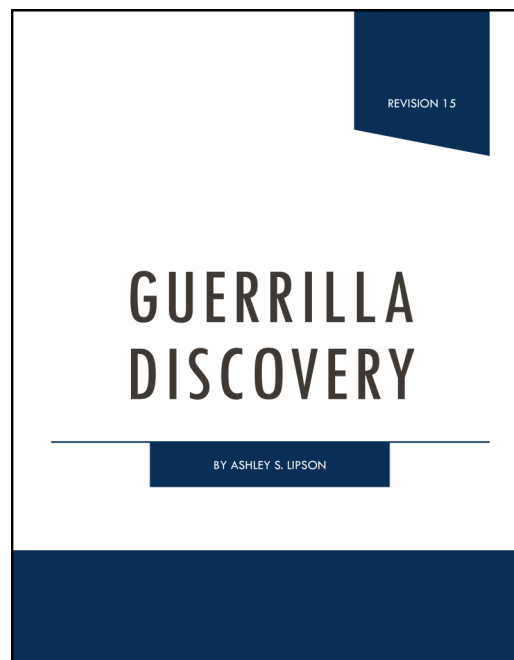
Attorney Badge application can be found [here](#).

**2019 Badge Application will be available soon on the Fort Bend County website.**

## Featured Resource: Guerilla Discovery

**By Andrew Bennett**

This month's Featured Resource is *Guerilla Discovery* from James Publishing. This book focuses on the issues that arise from troublesome discovery fights. These fights that lead to coercion and confrontation. This book alleviates those issues and gives you concrete solutions. Author Ashley Lipson has been a practicing attorney for over 40 years. She is also a professor at the University of La Verne, School of Law. She is the author of many articles and law books. In this title, she details many strategies, arguments, direct answers, cautionary instructions, timelines, rules, and forms to help you deal with these types of cases. All of the forms in this book can be found in Word format on the Libraries' computers. Just like all other James Publishing books, the chapters are easy to follow with a detailed table of contents and index. For more information, contact the Law Library.



## Technology Corner

**By Jonathan Briggs**

In this column, we examine technology in the Law Library that you can use in your practice.

**This Month's Featured Technology:** New Features of Westlaw

We have made some additions to our Westlaw plan and there have been some structural changes within Westlaw. First there is the addition of Practical Law. This feature 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 resources in several practice areas such as litigation and employment law for all 50 states and at the federal level including individual forms and toolkits covering various legal scenarios with pleadings, checklists, etc. We have also expanded our Westlaw subscription to now include cases, statutes, and other materials from all 50 states, not just Texas and Federal. To access the law of other states, from the opening page find the tab for "State Materials" and go from there. Finally, O'Connor's, acquired by Thomson Reuters/Westlaw in early 2018 is being integrated into the Westlaw website. We will maintain the separate O'Connor's desktop icon on computers 1 – 3 until the end of November, after which it only be available through Westlaw, which we have on computers 1 – 4. To access O'Connor's via Westlaw go to the opening page, click on "All Content", then "Secondary Resources", scroll down to "By Publication Series", and then click on "O'Connor's". Law Library staff will be glad to assist you with accessing these resources.

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## Community News

- **Fort Bend Lawyers Care** is holding a **Community Legal Assistance Clinic** on Wednesday, **December 5th** from **6:30 to 8 pm** at the Calvary Episcopal Church. They are also hosting 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 [Tasha@fortbendlawyerscare.org](mailto:Tasha@fortbendlawyerscare.org).
- The **Katy Bar Association** is holding its **November meeting and CLE** on Tuesday, **November 27th** from **11:30 am to 1 pm** at Willow Fork Country Club in Katy. It is entitled “Cellphone Forensics: Applications in Discovery and Investigations.” For more information, visit the Katy Bar website at [www.katybar.org](http://www.katybar.org).
- The **Family Bar of Fort Bend** is hosting a CLE on **HIPAA Privacy and Security Rules and HB 300 rules** on Thursday, **November 15th** in the Swinging Door in Richmond from 2—4 pm. Visit <https://familybarfortbend.org/events> for more information.
- The **Fort Bend County Law Library** has its **Pro Se Basics Classes** on **Tuesdays 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 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 to register.

## 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 Erin Broussard f/k/a Erin Arnel](#), No. 01-18-00011-CV (October 16, 2018): Pet. Writ Mandamus Denied. (328th)
- [In Re Anthony Welch](#), No. 01-18-00870-CV (October 30, 2018): Pet. Writ Mandamus Denied. (CCL#4)
- [Larry Marcel Vaughn v. State of Texas](#), No. 01-18-00657-CR (October 30, 2018): Appeal Dism'd. (240th)
- [Alma Phillipps, et al v. Nationstar Mortgage, LLC, et al.](#), No. 01-18-00691-CV (November 6, 2018): Appeal Dism'd. (400th)
- [In Re M.T.A, Inc., Flatonia Travel Plaza, Inc., et al.](#), No. 01-18-00197-CV (November 8, 2018): Pet. Writ Mandamus Denied. (268th)
- [Jesse A. Lopez v. State of Texas](#), No. 01-18-00631-CR (November 13, 2018): Appeal Dism'd. (268th)
- [In Re Diogu Law Firm, PLLC, et al.](#), No. 14-18-00878-CV (October 16, 2018): Pet. Writ Mandamus Denied. (434th)
- [Evangel Healthcare Charities, Inc., v. Texas Workforce Comm. And Jeneba I. Bangura](#), No. 14-17-00942-CV (October 18, 2018): Aff'd. TC Judgment. (400th)

### Medical Malpractice

- *Gunn v. McCoy*, 554 S.W.3d 645 (Tex. 2018, Reh'g. Denied): Medical malpractice case brought by husband on behalf of his wife who when 37 weeks pregnant underwent the delivery of a non-viable fetus due to placental abruption. During the procedure complications led to brain damage, quadriplegia, and ultimately her death. Some defendants settled pretrial. At trial in the Probate Court No. 2 in Harris County judgment was entered in favor of Plaintiff and that medical practice group was entitled to indemnity from physician. Fourteenth Court of Appeals affirmed the trial court though reduced the award for future medical. Doctor and medical group appealed bringing many points of error. The Supreme Court affirmed the Court of Appeals' judgment and among its holdings was that the evidence of causation was legally sufficient; though the trial erred in excluding the deposition testimony of a defense expert it probably did not cause the rendition of an improper judgment; and that his wife's death just prior to the Appeals' court decision was not a windfall for him in regard to the future medical damages.

### Criminal Law

- *State v. Smith*, 555 S.W.3d 760 (Tex.App.-Texarkana 2018, no pet. h.): State appeals the trial court's granting of Defendant's motion to suppress. Defendant had banged on a woman's door, was denied entry, and left peaceably. She called police to report incident, ID'ed Defendant, and gave a description of his vehicle. A similar vehicle was spotted by police, who ran the plate finding it registered to Defendant. On this basis alone he was pulled over. Officer testified that he smelled alcohol on his breath, determined he was intoxicated, and arrested him for DWI. The only articulated reason for the vehicle stop was his alleged banging on the door of the residence. No basis for a finding of reasonable suspicion was given by the officer that the Defendant had engaged in criminal activity or was about to do so. Appeals court held that the trial court did not abuse its discretion in granting the motion to suppress. Judgment affirmed.

### Family Law

- *Bos v. Smith, Indiv. and et al., Minors*, 556 S.W.3d 293 (Tex.-2018, Reh'g. Denied): Following bitter divorce mother of children employed egregious tactics to prevent husband from seeing his children, including coaching of child to make false sexual abuse allegations. Father sued the maternal grandparents alleging they assisted in their daughter's interfering with his visitation. Court found that grandparents on only one occasion aided in the violation of the possession order but found this was legally insufficient conduct to bring about liability under Chapter 42 of the Family Code for "assisting" in the violation. Court concluded it was mother's conduct that caused the harm and rendered a take-nothing judgment in favor of grandparents.