



# LAW LIBRARY NEWS

*a publication of the Fort Bend County Law Library*

August 2020 ♦ Volume 28, Issue 8

## Attorney Lecture Series

In September, we will host our rescheduled **Attorney Lecture Series** from July. It is scheduled for **September 11th at 2 pm**. Attorney Scott Broussard will be speaking about **Family Law** and what Pro Se Litigants and young attorneys would need to know. This includes how to interact with the courts, where to find information, and any tips and strategies for you to know. Registration is required. Visit our website at [www.fortbend.lib.tx.us](http://www.fortbend.lib.tx.us) to register.

## In This Issue

Attorney Lecture Series	1
New & Updated Resources	1
FBC Bar News	1
Featured Resource	2
Technology Corner	2
Community News	3

## New & Updated Resources

- |                                       |   |
|---------------------------------------|---|
| <b><i>Criminal Law Advocacy</i></b>   | <b><i>Texas Criminal Forms</i></b>          |
| • <i>2020 Loose Leaf Update</i>       | • <i>2020 Edition</i>                       |
| <b><i>O'Connor's Texas Series</i></b> | <b><i>Texas Practice Series</i></b>         |
| • <i>Family Code Plus</i>             | • <i>Methods of Practice</i>                |
| • <i>Property Code Plus</i>           | • <i>2020 Edition</i>                       |
| • <i>2020-21 Editions</i>             |   |
| <b><i>Texas Practice Guide</i></b>    | <b><i>Sampson &amp; Tindall's Texas</i></b> |
| • <i>Employment Practice</i>          | <b><i>Family Code Annotated</i></b>         |
| • <i>2020 Edition</i>                 | • <i>2020 Edition</i>                       |

## FBC Bar News

### **Fort Bend County Bar Association**

The Fort Bend County Bar Association may have another virtual CLE. Date and topic is TBD. Check their website for more information.

### **Family Bar of Fort Bend County**

The Family Bar may have another virtual CLE. Date and topic is TBD. Check their website for information.

**Monthly in-person meeting's for both organizations have been postponed until further notice.**

**Please check updated court procedures on the Fort Bend County website at [www.fortbendcountytexas.gov](http://www.fortbendcountytexas.gov).**



## Featured Resource: Elder Law Resources

**By Jonathan Briggs**

**Elder Law**...it is an area of the law that most people from all walks of life are going to deal with in some manner and at some level, for themselves or their loved ones. However, you might even be asking yourself what is "Elder Law?".....*Black's Law Dictionary* defines it as "the field of law dealing with the elderly including issues such as estate planning, retirement benefits, social security, age discrimination and healthcare." The Fort Bend County Law Library has extensive resources covering this topic. There are publications solely covering Elder Law and areas of law that come under this topic are included in broader range of publications and resources. One publication solely devoted to this topic is *Texas Elder Law*, a volume in the *Texas Practice Series* from publisher Thomson Reuters. We recently received the updated 2020 edition. In over 600 pages this book covers Elder Abuse, Exploitation, and Neglect; Advance Directives; Social Security and Retirement Plans; Medicare and Health Insurance issues; Long-Term Medical Care; Medicaid Estate Recovery; Veterans' Benefits; Special Needs Trusts; and much more. This is also available online via Westlaw. A book with the same title authored by Texas Tech law professor Vaughn E. James, *Texas Elder Law*, is from Texas Lawyer/ALM Publications and covers many of these same topics along with chapters on Family and Marital Issues; Dementia, Alzheimer's Disease, and the Elderly; Homestead Rights; estate and probate issues; and more. The *Elder Law Portfolio Series* is an extensive and regularly updated 3-volume national practice guide and compendium on a vast number of topics within Elder Law from Wolters Kluwer available in print here at the Law Library. The *Texas Guardianship Manual* is a publication of the State Bar of Texas that we have in print and in desktop folders of our patron computers. Guardianship materials are also located in the Lexis/Matthew Bender treatise *Texas Probate, Estate, and Trust Administration* both online and in book form. *Texas Probate Forms & Procedures* from James Publishing, available in print and via Lexis, is an excellent publication that has been very useful to our *pro se* patrons with information and forms to help them analyze their options and initiate probate actions. Elder Law is a broad area of the law covering parts of many practice areas...we are here to help you access this information whether you are preparing for the future or dealing with an immediate need. Much of these materials be it information or forms can be downloaded to your thumb drive or e-mailed to you in Word, Word Perfect, or PDF for free.

## Technology Corner: Temporary Access to Databases

**By Andrew Bennett**

Need access to Westlaw and Lexis Advance from home and you do not have subscription? You are in luck! While we are closed, both Thomson Reuters and LexisNexis have given access to our subscription for you to access from home with a temporary login. To access Westlaw visit [https://](https://legal.thomsonreuters.com/en/forms/try-westlaw)

[legal.thomsonreuters.com/en/forms/try-westlaw](https://legal.thomsonreuters.com/en/forms/try-westlaw). Sign up for a temporary account for 20 hours or until August 30. For Lexis Advance visit [https://](https://www.lexisnexis.com/en-us/pa-access.page)  
[www.lexisnexis.com/en-us/pa-access.page](https://www.lexisnexis.com/en-us/pa-access.page). Also, sign up for a free account to get started and you get 30 days or until August 30. Both may be extended into September. If you need help using either service, feel free to call us at 281-341-3718. You can watch our instructional videos on our website at [https://](https://www.fortbend.lib.tx.us/about-us/location-hours-map/law-library)  
[www.fortbend.lib.tx.us/about-us/location-hours-map/law-library](https://www.fortbend.lib.tx.us/about-us/location-hours-map/law-library).

Scroll down to our Legal Informational Videos. You can find replays of our various Express Classes or Pro Se Basics classes on these databases on our Facebook page.





## Community News

- The **Fort Bend County Law Library** has started **virtual classes** including **Pro Se Basics** and **Express Classes**. Check out schedule at <https://www.fortbend.lib.tx.us/about-us/location-hours-map/law-library>.
- The **Fort Bend County Law Library** will have two **Lexis Advance CLE's** in September. The class will be virtual. The dates will be **September 9th and 23rd**. Visit our website in late August for registration and info.
- The **Fort Bend County Law Library** will be hosting an **Attorney Lecture Series** on **October 9th** at 10 am. More information on this to come. It will focus on Civil Litigation and Landlord/Tenant Issues. Class will be given by Attorney Will Colgin. Registration will be required.
- 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>.
- **E-File Texas** allows you to file your documents electronically to Fort Bend County courts or any other courts in the state of Texas. Go to <http://www.efiletexas.gov/>.

## Texas Lawyers

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,

## To Include Items

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

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

- [Oluwafemi Otunbalogun v. The State of Texas](#), No. 01-19-00601-CR (July 14, 2020): Aff'd. TC Judgment. (434th)
- [James Harris v. Secretary of Veterans](#), No. 01-19-00950-CV (July 16, 2020): Appeal Dismissed. (458th)
- [William & Samuel Rosenberg, LLC, et al. v. Ameris Bank](#), No. 01-20-00164-CV (July 16, 2020): Appeal Dismissed. (268th)
- [Hasan Abdel Meguid, et al. v. Sami Barsoum](#), No. 01-20-00268-CV (July 16, 2020): Appeal Dismissed. (240th)
- [Abramson Broussard v. Bre Apartment Holdings, III, LLC-Bre](#), No. 01-20-00054-CV (July 21, 2020): Appeal Dismissed. (CCL#2)
- [In Re T.H. Trust](#), No. 01-20-00440-CV (July 21, 2020): Pet. Writ Mand. Denied. (434th)
- [In Re Jason T. Pegues](#), No. 01-20-00392-CV (July 28, 2020): Pet. Writ Mand. Denied. (434th)
- [Oak Bend Medical Center v. Dawn Simmons](#), No. 01-19-00044-CV (August 4, 2020): Reversed & Rendered. (240th)
- [Dimension Homes, Inc. v. Lawrence E. Young, et al.](#), No. 01-19-00247-CV (August 4, 2020): Aff'd. TC Judgment. (400th)
- [Robert Finch, II v. Angela Stegman](#), No. 01-19-00109-CV (August 6, 2020): Aff'd. TC Judgment. (387th)
- [In Re Stuart N. Wilson, et al.](#), No. 01-20-00154-CV (August 6, 2020): Pet. Writ Mand. Dismissed. (268th)
- [Kevin Untray Hines v. The State of Texas](#), No. 01-18-00816-CR (August 6, 2020): Aff'd. TC Judgment. (240th)
- [Scott Lindberg v. Scott Callahan](#), No. 01-19-00559-CV (August 13, 2020): Aff'd. TC Judgment. (458th)
- [Estate of Michael John Farrelly, Deceased](#), No. 01-2000272-CV (August 13, 2020): Appeal Dismissed. (CCL#4)
- [In Re Stephen McCarty](#), No. 14-20-00340-CV (July 2, 2020): Pet. Writ Mand. Denied. (505th)
- [Noris Rogers v. Houston Community College](#), No. 14-18-00591-CV (July 14, 2020): Aff'd. in Part, Rev. & Rem. in Part. (268th)
- [Miriam LaTouche, et al. v. Perry Homes, LLC](#), No. 14-19-00133-CV (July 14, 2020): Aff'd. TC Judgment. (268th)
- [Law Office of Joseph Onwuteaka, P.C. v. Rolando Serna](#), No. 14-18-01063-CV (July 16, 2020): Aff'd. in Part, Rev. & Rem. in Part. (CCL#5)
- [William D. Lucas v. Carrington Mortgage Services, LLC](#), No. 14-19-00568-CV (July 16, 2020): Appeal Dismissed. (CCL#2)
- [ATTIP Group LLC v. City of Fulshear](#), No. 14-20-00472-CV (July 23, 2020): Appeal Dismissed. (434th)
- [John Bran, et al. v. Vishakh Mantri, et al.](#), No. 14-20-00191-CV (August 6, 2020): Appeal Dismissed. (434th)
- [In the Estate of Estanislada Rodriguez, Deceased](#), No. 14-19-00146-CV (August 13, 2020): Appeal Dismissed. (CCL#3)
- [In Re FAF Holding Company, LLC, et al.](#), No. 14-20-00475-CV (August 13, 2020): Pet. Writ Mand. Denied. (240th)
- [Derrick G. Blackshire, II v. The State of Texas](#), No. 14-20-00410/00411-CR (August 13, 2020): Appeal Dismissed. (CCL#3)

### Criminal Law/Sentencing—Enhancement of Punishment

*Henry Lee Rogers v. The State of Texas*, 599 S.W.3d 321 (Tex.App.-Houston [14th Dist.] 2020, no pet, h.): Defendant was convicted of attempted sexual assault, a third-degree felony. His punishment was enhanced to that of a second-degree felony based on a prior felony conviction. Defendant's sole issue on appeal concerns this past conviction, that the evidence was legally insufficient. To obtain an enhancement the State must prove beyond a reasonable doubt that there is a final conviction linked to Defendant. For enhancement purposes a conviction is not final until affirmed by the appellate court and the mandate of affirmance becomes final. The record as to the 1982 conviction alleged as the enhancement contains no evidence of the mandate of affirmance. There is no presumption of finality when the record is silent. Defendant's sentence to a punishment as a second-degree felony was improper. He is entitled to a new trial on punishment. Judgment reversed and remanded for new punishment hearing.