



LAW LIBRARY NEWS

a publication of the Fort Bend County Law Library

Edited by: Andrew Bennett, Law Librarian

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Bard and Bar Program

The Library is hosting it's annual **Bard and Bar Program** on Thursday, **April 18th**. This year's book is "**Presumed Innocent**" by Scott Turow. We will be having a book discussion on the book at **2 pm** in Conference Room C. In addition, we will have a book display on Citizen's Rights and Criminal Law in honor of the book. Also, before the discussion, we will have a **Westlaw Training and CLE** a **1 pm**. Registration is required for the CLE. For information, contact the Law Library.

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New & Updated Resources

Texas Practice Guide

- *Real Estate Litigation*
- *Discovery*
- *2019 Edition*

O'Connor's Texas Guides

- *Estate Planning Forms*
- *Causes of Action Pleadings*
- *2019 Editions*

Texas Practice Series

- *Criminal Forms & Trial Manual*
- *Handbook of Lawyer and Judicial Ethics*
- *Consumer Law*
- *Jury Charge in Civil Litigation*

Texas Litigation Guide

- *Release 132*
- *2019 Update*

Texas Rules of Court

- *2019 Editions*

Spanish Collection

- *Y Que Hora?*
- *Merl Spanish/English Dictionary*

Deposition Checklists and Strategies

- *2017 Edition*

Federal Criminal Appeals

- *2019 Edition*

How Small Law Firms Can Get More Referrals

- *2018 Edition*

Texas Torts & Remedies

- *Release 62*
- *2019 Update*

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 25th** at the Sugar Creek Country Club located at 420 Sugar Creek Blvd., Sugar Land, Texas. The program topic is "**Employment Law 101: Where the Office Meets the Law**" The Speaker will be Hesham Parzivand. The program is approved for 1 hour CLE credit and .25 hours ethics credit. The luncheon cost is \$25 for members and \$30 for non-members. [Membership information](#) and the [RSVP Policy for Luncheons](#) are also on the website.

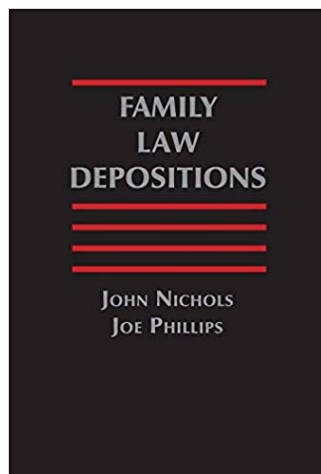
Please **RSVP** no later than 12:00 p.m. on Tuesday, **April 23rd** by using the form on the [Next CLE Luncheon](#)

Member Resources

[Click here for Member Resources](#)

Featured Resource: *Family Law Depositions*

By Jonathan Briggs



Attorneys who practice solely or partly in the area of family law make up a significant portion of our Law Library patrons. The dockets of three of Fort Bend County's District Courts are exclusively comprised of family law matters. And among our pro se patrons those dealing with a family matter make up the greatest proportion. Family law is a major part of the work of the Justice Center and greatly impacts the lives of Fort Bend County residents. Within these cases there may arise instances where the depositions of the petitioner, respondent, or other witnesses need to be taken as part of discovery. To aid in the preparation of and execution of these depositions the Law Library has in its collection Family Law Depositions by John F. Nichols, Sr., and Joe Phillips from Juris Publishing. This regularly-updated loose-leaf publication is stocked with comprehensive, in-depth, and user-friendly materials and features. This content spans various types of family law litigation and proceedings and lays out the particular areas of inquiry that depositions in these matters need to address providing detailed practical guidance that is indispensable to attorneys and parties. This manual includes checklists, forms, outlines, and deposition exemplars as well as discussion and information

on strategy, preparation, procedure, evidence, and more. Comprising several hundred pages and with a detailed table of contents and full index it is a deep but useable guidebook. In addition to being an indispensable for deposition preparation, even if you are not anticipating taking a deposition in a particular case Family Law Depositions helps provide a roadmap for the gathering of the necessary information and evidence in aid of any family law matter. Unlike much of the Law Library's materials, it is not published on-line. Copies may be made in the library for 10 cents per page. Contact the Law Library for more information.

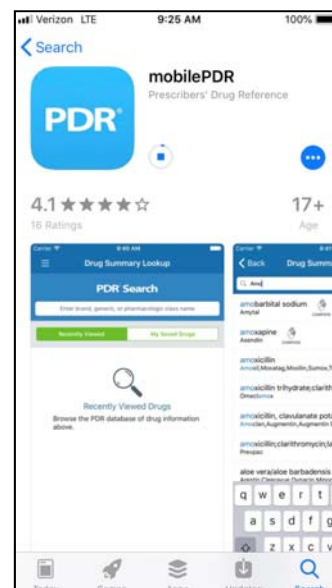
Technology Corner

By Andrew Bennett

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

This Month's Featured Technology: Physicians Desk Reference App

The Physician's Desk Reference is no longer being produced in print. As such, the Library only has the 71st Edition (2017 Pub Date) remaining in print. We will keep this edition for as long as we can. However, if you would like view the new edition, you will need to download the new FREE PDR Application on your smart phone or tablet. To do so, go to your Apple or Google Play store. The app is called "mobilePDR." Registration is required to use the application and it is intended for healthcare professionals. There may be a charge if you are not. The application will update automatically if updates are available. For more information, visit the PDR website at <https://www.pdr.net/resources/mobilePDR/>.



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 as space is limited. Contact the Law Library at 281-341-3718 or online at www.fortbend.lib.tx.us 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 or online at www.fortbend.lib.tx.us to register.
- 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 **Family Bar of Fort Bend** have a **monthly luncheon** that is approved for .75 MCLE credit. This is always the **1st Thursday of the month** at Buena Vista. No reservation required. For more information, visit their website at <https://familybarfortbend.org>.
- The **Family Bar of Fort Bend** is also having a CLE on Wednesday, **April 17th** at the Swinging Door. The topic is **HB 300 and Cybersecurity**. For more information, visit their website at <https://familybarfortbend.org>.
- **Do you have any suggestions for our book club titles?** Please let us know what you think. Email us at LLpublic@fortbend.lib.tx.us.
- **Want to learn something else in our Express Classes?** Please let us know if you have any ideas. Email us at LLpublic@fortbend.lib.tx.us.

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 LLpublic@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 LLpublic@fortbend.lib.tx.us with "Unsubscribe" as the subject and include the email address to be removed.

Texas Case Law Update

Local Cases

- [Craig Lacy v. Joy H. Lacy](#), No. 01-19-00021-CV (March 19, 2019): Appeal Dismissed. (505th)
- [Patrick & Crystal Rombs v. Ivan Mefford, M.D. and Elizabeth Prather, R.N.](#), No. 01-18-00360-CV (March 26, 2019): Aff'd. TC Judgment. (434th)
- [Mashawna Lewis v. Camillo A-1 Property Owner LLC](#), No. 01-18-00989-CV (March 26, 2019): Appeal Dismissed. (CCL#1)
- [In the Matter of B.M.](#), No. 01-18-00898-CV (March 28, 2019): Aff'd. TC Judgment. (CCL#2)
- [Ex Parte Patricio Estrada](#), No. 01-18-00792-CR (March 28, 2019): Aff'd. TC Judgment. (268th)
- [In Re Estate of Gloria B. Martinez](#), No. 01-18-00217-CV (April 2, 2019): Reversed TC Judgment and Remanded. (CCL#2)
- [State of Texas v. Gabriel S. Garcia](#), No. 14-18-0088-CR (March 14, 2019): Appeal Dismissed. (400th)
- [Kennedy K. Oguchi v. State of Texas](#), No. 14-19-00151-CR (March 19, 2019): Appeal Dismissed. (CCL#2)
- [Fort Bend County v. Melissa A. Norsworthy](#), No. 14-17-00520-CV (March 21, 2019): Aff'd. TC Judgment. (268th)
- [Steven King v. McNabb Equipment Services, LLC](#), No. 14-19-00045-CV (March 28, 2019): Appeal Dismissed. (400th)
- [In Re Jeffrey Burns d/b/a SW Tex. Paralegal Serv.](#), No. 14-19-00183-CV (March 28, 2019): Pet. Writ. Mand. Denied. (268th)
- [Christopher S. Artz v. State of Texas](#), No. 14-17-00973-CR (April 2, 2019): Aff'd. TC Judgment. (240th)

Civil Litigation/Defamation/Texas Citizens Participation Act

Rodriguez Trevino, et al. v. Gonzales, 566 S.W.3d 844 (Tex.App.-Houston [14th Dist.] 2018, r'hg. denied): Defamation suit arising out of race for the Harris Co. Constable Pct. 6. Candidate Gonzales sued candidate Trevino and his family members for defamation regarding statements made on social media. Appellants moved to dismiss the claims pursuant to the Texas Citizens Participation Act (TCPA), CPRC §§27.001-27.011. As the 14th Court of Appeals noted, the TCPA exists to balance the right to bring a meritorious lawsuit for a demonstrable injury with the need to safeguard the rights of free speech, etc. Trial court denied the motion to dismiss. On interlocutory appeal the COA concluded that Trevino, et al., established the applicability of the TCPA, thus shifting the burden to Gonzalez to make a prima facie case for his claim, which as a limited purpose public figure he failed to do (required to show malice) and did not show falsity of some statements. Reversed and remanded.

Criminal Law

Christopher D. Speck v. The State of Texas, 564 S.W.3d 497 (Tex.App.-Houston [14th Dist.] 2018, pet. re'fd.): Defendant pled guilty to DWI following the denial of his motion to suppress. At trial Defendant moved to suppress evidence of his intoxication alleging the arresting officer lacked reasonable suspicion to initiate the stop because a signal was not required to exit the highway. Defendant had been driving in the right lane which allowed for either option of exiting or continuing on the highway. The trial court found that in such instance a signal was required. On *de novo* review (as the resolution of the ultimate issue turned on an application of the law to undisputed facts) the 14th COA found that Defendant indeed "changed lanes" under sec. 545.104(a) of the Transportation Code and was required to signal. Therefore, the officer had reasonable suspicion to make the stop and the trial court correctly denied the motion to suppress. Affirmed.

Family Law

- *Thomas Gesswein v. Sharon Gesswein*, 566 S.W.3d 34 (Tex.App.-Corpus Christi-Edinburg 2018, en banc r'hg. denied, pet. filed): Ex-wife filed in Hidalgo County seeking domestication and enforcement of an Illinois judgment of \$39,000 in unpaid spousal maintenance. Ex-husband filed a Special Appearance challenging the personal jurisdiction of the Texas courts over him to enforce a foreign judgment alleging that he was not amenable to service of process in Texas and lacked minimum contacts. She was granted substituted service which was accomplished. The court denied his Special Appearance. The COA found that service was proper and that lack of minimum contacts is not a defense to enforcement of foreign judgments as long as the issuing court properly exercised personal jurisdiction over the defendant. The Full Faith and Credit Clause requires enforcement under these circumstances. Trial court affirmed.

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