



LAW LIBRARY NEWS

a publication of the Fort Bend County Law Library

Edited by: Andrew Bennett, Law Librarian

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Lexis Digital Library Training

The Law Library will be hosting **two webinar's** on **July 12th** and **26th** at **10 am** on our **Lexis Digital Library** service. This online service allows you to download or print portions of ebooks from our legal publishers Lexis Nexis, James Publishing, Matthew Bender, and the American Bar Association. This training will teach you the basics of the service including searching and checking out items in the collection. For more information and registration, visit our website at www.fortbend.lib.tx.us.

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New & Updated Resources

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| <i>Texas Criminal Pattern Jury Charges</i> | <i>CLE Course Guides</i> |
| <ul style="list-style-type: none"> <i>Intoxication & Controlled Substances</i> <i>2019 Edition</i> | <ul style="list-style-type: none"> <i>Advanced Employment</i> <i>Advanced Civil Appellate</i> <i>Choosing and Courting a Jury</i> <i>Advanced Trial Strategies</i> <i>Advanced Personal Injury</i> |
| <i>Texas Practice Series</i> | <i>Celebrating Diversity</i> |
| <ul style="list-style-type: none"> <i>Courtroom Handbook on Texas Evidence</i> <i>2019 Edition</i> | <ul style="list-style-type: none"> <i>2nd Edition</i>  <i>2019 Pub Date</i> |
| <i>O'Connor's Texas Series</i> | <i>AALL State of the Profession</i> |
| <ul style="list-style-type: none"> <i>Civil Appeals</i> <i>2019 Edition</i> | <ul style="list-style-type: none"> <i>2019 Pub Date</i>  |
| <i>O'Connor's Federal Series</i> | <i>Annotated Manual for Complex Litigation</i> |
| <ul style="list-style-type: none"> <i>Civil Forms</i> <i>Intellectual Property Codes</i> | <ul style="list-style-type: none"> <i>2019 Edition</i> |
| <i>Texas Rules of Form</i> | <i>Texas Practice Guide</i> |
| <ul style="list-style-type: none"> <i>The Greenbook</i> <i>2018 Edition</i> | <ul style="list-style-type: none"> <i>Civil Appeals</i> <i>2019 Edition</i> |

FBC Bar News

The **June luncheon and meeting** of the Fort Bend County Bar Association will be held at **12:00 pm** on Thursday, **June 27th** at the Sugar Creek Country Club located at 420 Sugar Creek Blvd., Sugar Land, Texas. The program topic is "**Update on HOA Laws.**" The Speaker will be Bridget Fusilier. 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.

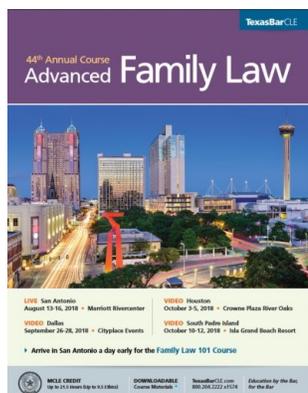
Please **RSVP** no later than 12:00 p.m. on Tuesday, **June 25th** by using the form on the [Next CLE Luncheon](#)

Member Resources

[Click here for Member Resources](#)

Featured Resource: 44th Annual Advanced Family Law Course CLE

By Jonathan Briggs



Attorney and pro se patrons dealing with family law matters make up a significant portion of our patrons and the Law Library has extensive publications and online resources covering this area of law. A yearly addition to this collection is the *Annual Advanced Family Law Course* from Texas Bar CLE and we recently received the 44th edition of this publication. This four-day course was conducted several times in various locations during the Fall of 2018 and provides updated information on key and current topics in family law. Though this course was presented to attorneys, the materials are clear and usable by anyone who is undertaking to represent themselves pro se in a family law matter looking to get a fresh take on the issues. This three-binder set has 74 articles, all written by family law attorneys covering a broad range of topics relevant to current practice in Texas, including: SAPCR Case Law Update; Tracing and Characterization Techniques; Safeguarding and Securing Your Cyberspace; Navigating Your Family Law Matter When Someone With a Personality Disorder is Involved; Jurisdiction and Enforcement of Foreign Judgments and Agreements; Parental Alienation and Childhood Trauma; Kids With Special Needs and Divorce; Obtaining and Properly Handling Medical and Drug Treatment Records; and How the New Tax Code Changes Family Law Practice. These articles are a good place to start when seeking practical, useful, and current information on family law issues you may face in your practice or in your own life. 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. Our State Bar CLE collection covers a wide variety of topics geared toward our patron base, including: Civil Trial and Appellate practice; Criminal Law; Estate Planning & Probate; Employment Law; Evidence & Discovery; Immigration Law; and, Personal Injury. For more information visit the Law Library.

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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: *Lexis Digital Library*

In conjunction with our upcoming trainings in July, we wanted to let you know what you can find on our new resource, Lexis Digital Library. The resource on the database are all e-books. These e-books are titles that the library subscribes or owns from the publishers Matthew Bender, Lexis Nexis, James Publishing, and the American Bar Association. Titles include *Texas Family Law Practice and Procedure*, *Texas Criminal Practice Guide*, *Texas Small-Firm Practice Tools*, *Texas Criminal Forms and Handbook*, and *Texas Probate Forms and Procedures* to name a few. Items in this database can be access from home or office with your Fort Bend County Library card. To get a card, you must go to one of the Libraries' branches, NOT the Law Library. We cannot give out Library Cards here. The whole process takes about five minutes. All you need to do is provide a photo ID (Drivers' License) and something with your current address on it (Drivers' License or telephone bill, etc). Then fill out an application. For the live webinar, register online here: <https://www.fortbend.lib.tx.us/event/lexis-nexis-digital-library-training-1>.



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>.
- **Lone Star Legal Aid** has opened an office in Richmond. For more information on Services, Clinics, and their Legal Hotline visit <https://lonestarlegal.blog/richmond-office/>.



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 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 with "Unsubscribe" as the subject and include the email address to be removed.

Texas Case Law Update

Local Cases

- [David and Trisha Mitchell v. D.R. Horton-Emerald, Ltd.](#), No. 01-18-00755-CV (May 16, 2019): Aff'd. TC Judgment. (458th)
- [In the Matter of A.M.](#), No. 01-18-00017-CV (May 21, 2019): TC Judgmt. Vacated and Appeal Dismissed. (CCL#1)
- [In Re Yousef Eldiraoui](#), No. 14-19-00379-CV (May 21, 2019): Pet. Writ. Mand. Denied. (240th)
- [In the Matter of J.K.](#), No. 14-18-00041-CV (June 11, 2019): Aff'd. TC Judgment. (CCL#4)
- [Stephanie L. Chatham v. Blake D. Doolan](#), No. 14-18-00927-CV (June 11, 2019): Appeal Dismissed. (328th)
- [In Re Rogerio R. Castillo, Jr.](#), No. 14-19-00444-CV (June 13, 2019): Appeal Dismissed. (387th)

Eviction/Appeal

Peter Q. Pichini v. Federal National Mortgage Association a/k/a Fannie Mae, 569 S.W.3d 192 (Tex.App.-Houston [1st Dist.] 2018, no pet. h.): In this forcible entry and detainer (eviction) case, Defendant/Appellant appeals from the County Court at Law's dismissal of his appeal from the Justice Court. In the JP Court judgment was entered on behalf of the plaintiff/appellee. Pichini posted an appeal bond. The County Clerk informed his attorney that the filing fee must be paid within 20 days or be subject to dismissal. The fee was not paid, thus since he had failed to perfect his appeal it was dismissed. Despite the requirements of Rule 143a of the TRCP, Defendant claims that he perfected his appeal by paying the bond and that his failure to timely pay the fee did not affect the jurisdiction of the County Court at Law. The Court of Appeals found this argument to be without merit and in direct contrast to the plain language of Rule 143a. The dismissal of his appeal by the County Court was affirmed.

Medical Malpractice

Texas Health Presbyterian Hospital of Denton, et al. v. D.A. and M.A., Individually and as Next Friends of A.A., a Minor, 569 S.W.3d 126 (Tex. 2018, reh'g denied): Parents filed suit against medical providers following injuries sustained by baby during birth. Defendants were granted partial summary judgment on the issue that their actions constituted emergency medical care and thus under the Texas Medical Liability Act (CPRC 74.001-74.507) plaintiffs were required to prove willful and wanton negligence by the medical care providers. Interlocutory appeal by the family was permitted by the trial court on the applicability of this standard and what constitutes willful and wanton negligence. The Court of Appeals accepted their permissive appeal only on whether the heightened standard applied. It held that it does not apply and thus reversed the summary judgment and remanded the case back to the trial court. On appeal to the Supreme Court it concluded that the plaintiffs were required to prove willful and wanton negligence as their claims arose from the provision of emergency medical care. Thus, the Court of Appeals was reversed, the trial court's granting of partial summary judgment was reinstated, and the case remanded to the trial court for further proceedings.

Guardianship

In Re Eunice Kelm, Relator, 569 S.W.3d 232 (Tex.App.-Houston [1st Dist.] 2019, no pet. h.): Ms. Kelm, the proposed ward in a guardianship proceeding in the County Court at Law of Washington County, sought mandamus relief in regard to two orders issued by the trial court. The first order compelled her to submit to an involuntary medical examination without allowing her to present her own evidence or argument at the hearing required by section 1101.101(c) of the Estates Code. The second order (issued without notice or hearing) struck the pleadings filed by her own attorney and ordered said attorney to disgorge the attorney's fees paid to him because he lacked the certification purportedly required under chapter 1054 of the Estates Code. On the first issue, the Court of Appeals found that no appellate remedy would be adequate to redress Kelm's lost procedural opportunity to present evidence and argument that there is no need for the guardianship proceeding to continue. On the second issue, the Court of Appeals found that the trial court abused its discretion in imposing a certification requirement that does not actually exist under the Estates Code in this particular instance as her attorney was not an attorney for a guardianship applicant or an attorney appointed by the trial court. The Court of Appeals thus granted mandamus on both issues and ordered the trial court to vacate both orders.