



LAW LIBRARY NEWS

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Edited by: Andrew Bennett, Law Librarian

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Lexis Advance Training and CLE

The Law Library will host a **FREE Lexis Advance Training and CLE** on Friday, **October 18th** at **10 am** here in Conference Room C in the Law Library. Our instructor from Lexis Nexis will detail the basics of using the database as well as answer any questions you might have. CLE credit will be given to those attorneys in attendance. Coffee and snacks will be provided. For more information and registration, visit our website at www.fortbend.lib.tx.us.

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New & Updated Resources

Texas Torts & Remedies Internal Revenue Acts

- Release 63
- August 2019 Update
- 2018 Edition

Texas Practice Guide Vernon's Texas Session Law

- Civil Trial
- 2019 Edition
- 2019 Volume 2

O'Connor's Texas Series Federal Jury Practice & Instructions

- Property Code
- 2019-20 Edition
- 2019 Pocket Parts
- Vols. 1—3C

Texas Pleading & Practice Forms Collier on Bankruptcy

- Mechanic's Liens to Municipal Corporations
- 2019 Edition
- Local Rules of the 5th Circuit
- 2019 Update

West's Texas Forms Nichols Cyclopedia of Legal Forms Annotated

- Vols. 8 & 8A
- 2019 Update
- Mass. Trusts to Oaths
- 2019 Editions

FBC Bar News

The **September luncheon and meeting** of the Fort Bend County Bar Association will be on **September 26th** at the Sugar Creek Country Club located at 420 Sugar Creek Blvd., Sugar Land, Texas. The program topic is **"30 Benefits in 30 Minutes: How the State Bar benefits can impact and help attorneys."** The speaker will be Randy Sorrels, President of the State Bar of Texas. The program is approved for 1 hour CLE 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.

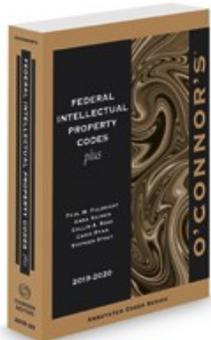
Please RSVP no later than 12:00 p.m. on Monday, **September 23rd** by using the form on the [Next CLE Luncheon](#)

Member Resources

[Click here for Member Resources](#)

Featured Resource: O'Connor's Federal Intellectual Property Codes Plus

By Andrew Bennett



In preparation for our upcoming Attorney Lecture Series, we will focus the next few months on resources related to our upcoming programs. This month, we are focusing on Intellectual Property. The most essential book in dealing with Intellectual Property is the *Federal Intellectual Property Codes Plus* from O'Connor's (or Thomson Reuters if you prefer). We have the current 2019-2020 edition. Like all Codes Plus books from O'Connor's, this book provides the relevant code sections as well as full annotations. These annotations can include relevant case law, links to forms in *O'Connor's Federal Civil Forms*, additional primary information from *O'Connor's Federal Rules*, or additional secondary material from O'Connor's. The

book is divided by code section i.e. United States Code or Code of Federal Regulations, etc. It also has a full index and table of contents. Copies of the book can be made for \$0.10 a page. You can also access the entire book on our Westlaw subscription. To do this, access Westlaw through the links on Computers # 1—#4. Then select "Secondary Sources" from the menu and then scroll to the bottom to select "O'Connor's." The book will be listed there. Prints from here are also \$0.10 a page. For more information, please contact the Law Library.

Technology Corner: Intellectual Property Resources Online

By Jonathan Briggs

Intellectual Property Law concerns (among other things) the means of establishing and protecting legal protections for artistic creations (music, literature, etc.), inventions and technology, and business names and symbols through copyright, patents, and trademarks/trade dress. Technology, individual creativity, and self-publishing are an increasing part of the lives of more and more people and thus the navigation of the law of intellectual property is relevant to a greater swath of the population. On November 20, 2019 at 10:00 a.m. and again on December 11, 2019 at 2:00 p.m., attorney Ira P. Domnitz will be giving a presentation on copyright and other intellectual property issues relevant to the general public and practicing attorneys. In advance of these classes we wanted to highlight the up-to-date online intellectual property ("IP") materials available at the Fort Bend County Law Library. On Westlaw, one of our two primary online legal databases, there are many IP resources available, such as the full text of O'Connor's Federal Intellectual Property Codes Plus; IP case opinions from the U.S. Districts Courts, the Circuit Courts of Appeal, and the Supreme Court; the entirety of the U.S. Code Annotated (Title 15, Trademarks and Unfair Competition; Title 17, Copyright; Title 18, Trade Secrets; and, Title 35, Patents); Title 37 of the Code of Federal Regulations ("CFR") concerning patents, trademarks, and copyrights; all articles from over 75 IP-specific law reviews and journals; and forms from various resources. Lexis, our other primary database, also provides the same case law, U.S. Code and CFR provisions, as well as numerous IP law reviews and journals. Lexis, through the Texas Transaction Guide also has some forms. Hein Online has the CFR and an extensive collection of IP periodicals as well. Additionally, Hein has the 1st through the 9th editions of Manual of Patent Examining Procedure published by the U.S. Department of Commerce. We hope you can attend one of the lectures. For more information please contact the Law Library and in the coming weeks you will be able to register on our website.



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. Contact the Law Library at 281-341-3718 or online.
- 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. Contact the Law Library at 281-341-3718 or online.
- **Fort Bend Lawyers Care** is hosting a **Guardianship Law CLE** on Tuesday, **September 20th at 10:30 am** at **George Memorial Library** in Richmond. **RSVP** by email at Dunbar@FortBendLawyersCare.org. It is approved for 4.5 hours CLE credit and satisfies the State requirement.
- The **Fort Bend County Law Library** is hosting a **Attorney Lecture Series** on **November 20th at 10 am** in the Law Library. The topic will be on **Self-Publishing and Copyright**. For information and registration, visit our website in October.
- 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 **Wharton County Junior College Paralegal Program** will be offering two new classes. The new classes that the Studies Program will offer begin **Fall 2019**. They are offering a **Torts/Personal Inquiry Course** during fall 2019 and an **Immigration Law Course** during spring 2020. Both courses will initially be offered in a face to face format at the Richmond Campus. For more information on the program, visit their website at <https://www.wcjc.edu/Programs/technology-and-business/paralegal-studies/>.

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

- [Vaman Investments LLC dba Victoria Gardens Apartments v. Texas Workforce Commission—Civil Rights Division](#) No. 01-19-00500-CV (August 20, 2019): Appeal Dismissed. (434th)
- [Julieth M. Hernandez v. Kroger Texas, L.P.](#), No. 01-18-00562-CV (August 22, 2019): Rev. TC Judgment. & Remand to TC for further proceedings. (240th)
- [In the Interest of A.L.P., a Child](#), No. 01-19-00144-CV (August 22, 2019): Aff'd. TC Judgment. (505th)
- [In Re Ferdinand Tamas](#), No. 01-18-01139-CV (August 29, 2019): Pet. Writ. Mand. Denied. (434th)
- [Kawther Kateeb v. Sugar Land/Fort Bend Real Estate, Inc., et al.](#), No. 01-19-00457-CV (August 29, 2019): Appeal Dismissed. (268th)
- [Corey D. Coleman v. The State of Texas](#), No. 01-18-00109-CR (August 29, 2019): Aff'd. TC Judgment. (434th)
- [The State of Texas v. Sean M. McGuire](#), No. 01-18-00146-CR (August 29, 2019): Aff'd. TC Judgment. (268th)
- [Aliana Medical Management, LLC, et al., v. Twin Oaks Village Associates, LLC](#), No. 01-19-00396-CV (September 10, 2019): Appeal Dismissed. (505th)
- [International Bank of Commerce v. Vu Vuong and Qui Phan](#), No. 14-19-00500-CV (August 27, 2019): Appeal Dismissed. (240th)
- [Jarvis Q. Winder v. The State of Texas](#), No. 14-18-00426-CR (August 27, 2019): Aff'd. TC Judgment. (268th)
- [Advanced Technology Transfer and Intellectual Property Group, LLC v. City of Fulshear and Tricia Krenek](#), No. 14-18-01065-CV (August 29, 2019): Appeal Dismissed. (434th)
- [Mark A. Fonseca, et al. v. Fifth Third Mortgage Co.](#), No. 14-18-00045-CV (August 30, 2019): Aff'd. TC Judgment and Pet. Writ. Mand. Denied. (CCL#1)

Criminal Law

Anthony Carter v. The State of Texas, 575 S.W.3d 892 (Tex.App.-Amarillo 2019, pet. granted): Defendant appealed his conviction for possession of a controlled substance with intent to deliver and the 90 year sentence. Defendant operated several smoke shops and sold a product that contained fluoro-ADB, which is not expressly identified as a controlled substance by Texas statute, though several components of it “allegedly” were within Penalty Group 2-A of §481.1031(b) of the Texas Health & Safety Code. On Appeal Defendant contended that the indictment was void because it did not allege an offense. Court of Appeals overruled that issue on whether the charging instrument was “clear enough that one can identify the offense alleged” while also finding that Defendant failed to object to the defective indictment before trial, thus waiving his complaint. Defendant’s issues on appeal on whether the State proved he knowingly sold a controlled substance under §481.1031(b)(5) and whether the substance he was convicted of possessing fell within that provision were also overruled. Testimony of a forensic chemist on behalf of the state was key to the issue on proof that it was a controlled substance. As to the *mens rea* issue, the court found sufficient evidence that he knowingly possessed a substance the State intended to outlaw. The Defendant also appealed on the grounds that his 90-year sentence was excessive. However, the Court of Appeals ruled he did not preserve this complaint and thus overruled the issue. Affirmed trial court judgment. Petition for discretionary review was granted on September 11, 2019.

Family Law

In the Interest of N.J.H., a Child, 575 S.W.3d 822 (Tex.App.-Houston [1st Dist.] 2018, pet. denied): Texas Dept. of Family & Protective Services sought termination of parental rights of the parents and to obtain managing conservatorship. Via an accelerated appeal the Father (as determined through a paternity proceeding) challenged the termination on factual and legal sufficiency grounds. Father tested positive for drugs on multiple occasions, had a long and current history of drug use, was convicted of domestic abuse, did not financially support all of his children, abandoned the child’s mother, and has been separated from the child and had not supported him since birth. The child has thrived with his foster parents. Appeals court found the evidence factually and legally sufficient to support the finding that it was in the child’s best interest to terminate the Father’s parental rights. Affirmed.

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