



LAW LIBRARY NEWS

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Lexis Training and CLE

Hosted by the **Fort Bend County Law Library** in collaboration with **LexisNexis** on Friday, **June 18** at **2 pm**. This class is on **Email Best Practices**. Emails are essential and indispensable for all legal professionals. However, given the increased speed in which we can communicate using email, coupled with the unmanageably large volume of emails exchanged daily, the potential for mistakes is high. In this course we will be reviewing how to avoid common mistakes in email communications as well as best practices for effective email communications. **Register online at www.fortbend.lib.tx.us**.

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New & Updated Resources

Criminal Defense Techniques

- 2021 Update

Texas Litigation Guide

- 2021 Update

Texas Practice Series

- *Workers Compensation*
- *Courtroom Handbook on Texas Evidence*
- 2021 Editions

Texas Practice Guide

- *Criminal Practice & Procedure*
- *Civil Appeals*
- 2021 Editions

Accommodating Disabilities

- 2021 Update

O'Connor's Federal Series

- *Intellectual Property*
- *Civil Forms*
- 2021 Editions

Texas Real Estate Forms Manual

- 2020 Edition

Texas Civil Pattern Jury Charges (2020 Editions)

- *Malpractice*
- *General Negligence*
- *Business*

FBC Bar News

Fort Bend County Bar Association

The Fort Bend County Bar Association is having their monthly meeting and CLE on Thursday, **June 24** at **noon**. Their program is entitled "**The SBOT Grievance process and How to Navigate It.**" It will be taught by attorney Anita Kawaja on Zoom. Register on the FBCBA website.

Family Bar of Fort Bend County

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

Fort Bend County Criminal Defense Attorneys Association

The Fort Bend County Criminal Defense Attorneys Association has a CLE on Thursday **June 17** at **noon** entitled "**Organizing for Trial**" given by Pat McCann. Register on their website.



Featured Resource: O'Connor's Guides

By Jonathan Briggs



The **O'Connor's** series of practice guides from publisher Thomson Reuters is one of the most used and well-regarded publications both in print form and online via the **Westlaw** legal database. Most attorneys are very familiar with titles such as *Texas Rules Civil Trials*, long a staple of library and office bookshelves and desktops, and *Texas Crimes & Consequences*, a compact volume filled with essential information. However, we have 26 distinct O'Connor's books on our shelves. We have recently received updated editions of three of the more specialized/lesser-used but no less essential and in-depth volumes of this venerable series. So, it is a good time to re-visit the contents and features of these excellent resources: ***Federal Intellectual Property Codes plus*** (2021-2022 ed.), ***Federal Employment Codes plus*** (2021-2022 ed.), and ***Texas Oil & Gas*** (2021 ed.). Clocking in at over 1,500 pages *Federal Intellectual Property Codes plus* covers this ever-growing area of the law, including such features as the entirety of the U.S. Code titles and chapters on Trademarks, Copyrights, and Patents providing extensive notes and annotations as well as the text of many other applicable federal laws and helpful charts and tables. Employment law is an active area of practice and *Federal Employment Codes plus* in its 1,400+ pages provides numerous sections of the U.S. Code on this topic with notes and annotations as well as several charts and tables such as the "Summary Chart of Federal Employment Laws." Finally, *Texas Oil & Gas* has long been a part of the O'Connor's collection and across its 1,500 pages are relevant sections from the Administrative Code, Natural Resources Code, Property Code, and many others along with annotations, etc. As mentioned above these and all O'Connor's volumes are also available via the **Westlaw** legal database on four of our patron computers. From Westlaw these materials can be either downloaded to your thumbdrive or e-mailed to you in Word, Word Perfect, or PDF for free or printed in black and white for 10 cents per page. Copies of the bound books can be also made at 10 cents per page.

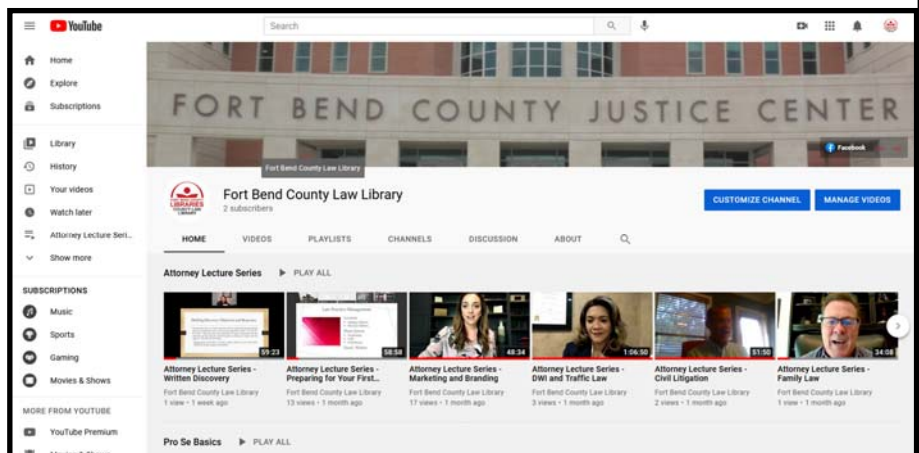
Technology Corner: Law Library



Page

By Andrew Bennett

Recently, the Law Library activated its own **YouTube page** where we can post replays of various programs including our **Attorney Lecture Series, Pro Se Basics, Express Classes, and Legal Informational Videos**. Recent programs have included the Attorney Lecture Series on **Marketing and Branding, Starting Your own Law Practice, and Written Discovery**. All of our Express Classes



detailing how to use our databases are here as well. Even quick tips and tricks such as **Converting Documents in Adobe Pro** from our Express Classes. All of our future programs will also be posted here for you to view. Additional replays can be found on our Facebook page. Please subscribe so you know of updated programs especially those you could not attend. For more information, visit our **YouTube Page** at <https://www.youtube.com/channel/UCUt93hwKzu93DwEC37xavxQ>.



Community News

- The **Fort Bend County Law Library** will host an **Attorney Lecture Series** on **July 23 at 2 pm** given by attorney Rocky Pilgrim. The follow up to her April presentation, she will be talking about keeping accurate accounting an tax related issues in running your own practice. Register online in late June.
- 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>.
- **Harris County Law Library** is hosting a **Westlaw Training** on Thursday, **June 17 at 2 pm**. This virtual class will focus on secondary sources on divorce, probate, and landlord/tenant issues. Register online at <https://www.harriscountylawlibrary.org/legal-tech-institute-events/2021/6/17/vendor-visit-secondary-sources-on-westlaw-with-focus-on-divorce-probate-landlordtenanteviction-resources>.

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,

Contact

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, write "unsubscribe."

Useful Articles and Links

- ***Attorney Client Disagreements: Who is the Decider?*** Voice for the Defense May 2021. <https://www.voiceforthedefenseonline.com/attorney-client-disagreements-whos-the-decider/>
- ***From the Front Porch: The Fear and Future of Remote Jury Proceedings.*** Voice for the Defense June 2021. <https://www.voiceforthedefenseonline.com/from-the-front-porch-the-fear-future-of-remote-jury-proceedings/>
- ***Are You Prepared? Technology for disaster-proofing your practice.*** Texas Bar Journal. <https://www.texasbar.com/AM/Template.cfm?Section=articles&Template=/CM/HTMLDisplay.cfm&ContentID=53553>



Texas Case Law Update

Local Cases

- [In Re Brian D. Noel](#), No. 01-21-00241-CV (May 18, 2021): Pet. Writ. Mand. Denied. (458th)
- [Damian van Flowers v. The State of Texas](#), No. 01-18-11059/01062-CR (May 27, 2021): Aff'd. TC Judgment in Part, Rev'd. in Part, and Remanded. (458th)
- [Fort Bend Central Appraisal Dist. V. American Furniture Warehouse Co.](#), No. 01-20-00396-CV (June 3, 2021): Rev'd. TC Judgment and Rendered. (400th)
- [Robert Lawrence v. Joe W. Bailey, III, Administrator of the Estate of Steven R. Lawrence, Deceased](#), No. 01-19-00799-CV (June 15, 2021): Rev'd. TC Judgment and Remanded. (CCL#3)
- [WFG National Title Co. of California v. Marcus Schultz](#), No. 14-19-00570-CV (May 18, 2021): Rev'd. TC Judgment and Rendered. (268th)
- [Azhar Chaudhary v. Wenshan Zhang](#), No. 14-19-00469-CV (May 25, 2021): Aff'd TC Judgment. (CCL#5)
- [Jonathan Fabeyo v. Geico County Mutual Insurance Co.](#), No. 14-20-00819-CV (May 27, 2021): Appeal Dism'd. (CCL#6)
- [In Re Precision-Hayes International, Inc.](#), No. 14-21-00190-CV (June 1, 2021): Pet. Writ. Mand. Cond. Granted (400th)
- [Alleyton Resource Co., et al., v. Joseph Ball](#), No. 14-19-00816-CV (June 3, 2021): Aff'd TC Judgment. (268th)
- [Noris Rogers v. City of Houston, et al.](#), No. 14-19-00196-CV (June 8, 2021): Aff'd. in Part and Rev'd. and Rem. in Part. (240th)
- [Advanced Technology Transfer, et al. v. Tricia Krenck](#), No. 14-19-00459-CV (June 8, 2021): Aff'd. in Part and Rev'd. and Rem. in Part. (434th)
- [Nary Khaoung v. Qui D. Le](#), No. 14-20-00626-CV (June 8, 2021): Appeal Dism'd. (240th)

Family Law—Divorce—Default Judgment

In the Matter of Sandoval and in the Interest of A.M.S., a Child, 619 S.W.3d 716 (Tex. 2021). Wife filed for divorce. A no-answer default judgment was entered wherein wife was named sole managing conservator of their child and awarded as her sole property the residence where the husband's mother resided and all its contents. Husband filed a motion for new trial which was denied. Waco Court of Appeals affirmed the trial court's denial of the motion for new trial. Wife had been granted substituted service under TRCP 106 and the petition had been left with husband's mother at her home. Mr. Sandoval executed an affidavit in support of his motion which argued the equitable grounds found in *Craddock*, the seminal Texas Supreme Court case on the issue. Wife made hearsay objections to the affidavit which were sustained by the trial court and this rejection of the affidavit was upheld on appeal, though the Waco court did not agree that the affidavit was hearsay but rather that it was not an affidavit "under the Texas Rules of Evidence because Angel failed to provide a "translation for the presumed certification" evidencing that Angel swore to it before an authorized officer." The affidavit had been executed in Mexico. In a per curiam opinion issued without need for oral argument the Supreme Court reversed finding that the error upon which the Waco court sustained the objection to the affidavit was not preserved for appeal and that his uncontroverted affidavit satisfied the *Craddock* test for the reversal of a default judgment via a motion for new trial.

Civil Litigation—Government Immunity

City of League City, v. Jimmy Chngas, Inc., 619 S.W.3d 819 (Tex.App.-Houston [14th Dist.] 2021, no pet h.). Defendant/Appellant League City appealed the trial court's denial of its plea to the jurisdiction asserting governmental immunity on a breach of contract suit brought by Plaintiff/Appellee Jimmy Chngas, Inc. The City and the restaurant chain had entered into a "Chapter 380 Economic Development Incentives Grant Agreement" under the Texas Local Government Code. Jimmy Chngas alleged in its suit that it had fully performed its part of the contract but that the City had failed to pay as agreed. The City contended that it was immune from suit pursuant to sovereign immunity as it was carrying out a governmental function. The restaurant contended that the City's actions in this regard were a proprietary functions and thus immunity did not apply. The trial court denied the City's plea and they brought an interlocutory appeal. In an opinion that provides a good discussion of the law, the Court of Appeals applying the standard established in *Wasson Interests, Ltd. v. City of Jacksonville*, 559 S.W.3d 142, 150 (Tex. 2018) held that the City performed a proprietary function in entering into the agreement (with the key factor being that the Agreement did not primarily benefit the general public but benefited the City and its residents). Therefore governmental immunity does not apply and the Court of Appeals this affirmed the trial court's denial of the City's plea to the jurisdiction.



Librarian Musings: What Do We Mean to Our Patrons

By Jonathan Briggs

The services and resources the ideal law library provides are pretty consistent, I would think. We are open to all, be they students, attorneys, or pro se (that catch-all term for “everyone else”). The books, the computers with the legal databases and all the other standard programs, and everything else that is in our libraries are here for everyone. Often when I conduct classes or am talking about what our law library has to offer, I tell them that from a truly objective standpoint (as someone who practiced law for a long time and has spent thousands of hours in law libraries as a student, attorney, and law librarian), the Fort Bend County Law Library is excellent and packs a lot in to a relatively small footprint. I hope that all law librarians are lucky enough to feel this way about where they work.

For attorneys such as the solo practitioner who truly needs what we have to conduct their practice on a daily basis, or the attorney who is here for a hearing or trial and needs copies of a case from Westlaw or Lexis...I feel we are indispensable. And, for the pro se folks, we are the starting point and primary resource for their efforts to navigate the legal world on issues that are often crucial to their lives. We only get a few students here...but those that do come have a good place to study and get some of their first exposure to a courthouse and a government law library.

I hope the first thing that all our patrons feel when they come in here is that they are welcome. The second thing is that we care...about them and their case, their practice, their studies. The third thing is the resources...that we have a breadth and depth of up to date legal materials, because, above anything else, that is what a law library must provide. The Fort Bend County Law Library, though unique in its operation and mission, is part of the wider Fort Bend County Library System, which has 11 other branches and over 300 employees. We recently had our annual Staff Development Day where we had an opportunity to gather (virtually this year) and participate in activities, listen to a keynote address, eat breakfast and lunch with our colleagues, and just take a day to be re-inspired in our roles as library workers...what we can mean to the communities and patrons we serve.

I am thankful to be able to use my education (largely gained at STCLH and its Law Library), knowledge, experience, and skills to do something as worthwhile as to serve the students of the law, the attorneys (and thus their clients), and the self-represented patrons who come to the law library in their quest and determination to seek justice and peace of mind. This past year has forced us to find and adapt to new ways to do our jobs and fulfill our mission and our duties to our patrons.

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