



LAW LIBRARY NEWS

a publication of the Fort Bend County Law Library

September 2021 ♦ Volume 29, Issue 9

Attorney Lecture Series

The Law Library is hosting another **Attorney Lecture Series** on **October 22 at 2 pm**. Attorney James Stevens will be speaking about getting **Criminal Appointments in the Courts**. His discussion will include how to get on the appointment list, dealing with the courts, and how to get paid. Registration is required. Visit our website to register. For more information, contact the Law Library.

In This Issue

Attorney Lecture Series	1
New & Updated Resources	1
FBC Bar News	1
Featured Resource	2
Technology Corner	2
Community News	3
Texas Case Law Update	4
Librarian Musings	5

New & Updated Resources

Texas Practice Series

- *Elder Law*
- *Methods of Practice*
- *Consumer Law Handbook*
- *2021 Editions*

Internal Revenue Acts

- *2020 Edition*

Texas Practice Guide

- *Civil Trial*
- *2021 Edition*

Lanier's Texas Personal Injury Forms

- *2022 Edition*

O'Connor's Texas Series

- *CPRC Plus*
- *2021 Edition*

Texas Torts and Remedies

- *2021 Update*

Annotated Texas Family Code

- *2021 Edition*

Lane Medical Litigation Guide

- *2021 Update*

FBC Bar News

Fort Bend County Bar Association

The **Fort Bend County Bar Association** is having their monthly meeting and CLE on Thursday, **September 30 at noon**. This month's topic is the **State Bar update** from President Sylvia Borunda Firth.

Family Bar of Fort Bend County

The **Family Bar of Fort Bend** will have their monthly luncheon and CLE on Thursday, **September 23 at 2 pm**. The topic is **2021 Legislative Update**. It will be given by **Joseph Indelicato, Jr.**

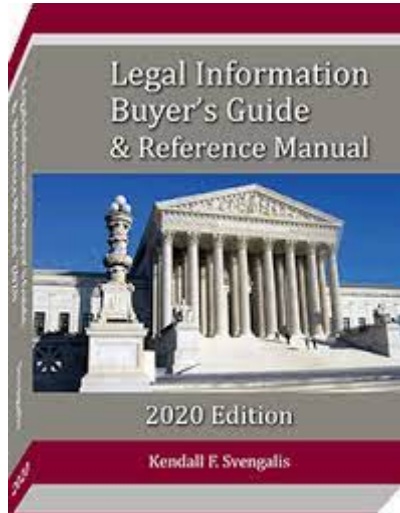
Fort Bend County Criminal Defense Attorneys Association

The **Fort Bend County Criminal Defense Attorneys Association** has a CLE on **September 30 at noon**. This month's topic is **Addiction and Fort Bend County Treatment Court**.



Featured Resource: Legal Information Buyer's Guide & Reference Manual

By **Andrew Bennett**



Looking to purchase some updated resources for your collection or do you need to know what resources are good for a particular area of law in another jurisdiction? Look no further than the *Legal Information Buyer's Guide and Reference Manual* from Kendall F. Svengalis. This guide now in its 24th edition details the best resources to purchase or use in any given topic or jurisdiction. The guide also breaks down basic instructions for dealing with Legal Publishers, building and maintaining your own law library at your office, evaluating materials how to integrate supplements, and should you pursue "used law books." The guide covers all of those things, but the main portion of the book covers valuable resources by jurisdiction and area of law. Major chapters are devoted to state and federal statutes, regulations, case reporters, digests, citators and various secondary material. The author is the President of New England LawPress and a former professor of Library and Information Studies at the University of Rhode Island where his major area of teaching was Law Librarianship. He has also been President of the Law Librarians of New England and

the New England Law Library Consortium. You can find our copy of the book in the Lawyering Skills section on the front row of shelves behind the research computers. Copies of the book can be made for \$0.10 a page. Scanning is free. For more information, visit the Law Library.

Technology Corner: Online Secondary Legal Resources

By **Jonathan Briggs**

When discussing the legal resources of the Law Library with our patrons and the pro se people who attend our classes we generally characterize our materials as either a "Primary" resource or a "Secondary" resource. Primary legal resources are those that come from legal authorities such as statutes from the legislatures and case law from the courts. We have these primary materials online, including: the Texas Cases from the Southwest Reporter; U.S. Supreme Court and all other federal cases; Vernon's Texas Statutes; the U.S. Code; and the cases and statutes of the other 49 states. But what are these **secondary resources**?...well, they are everything else!...practice guides; forms; treatises; law reviews and journals; etc. We have a depth and breadth of these secondary resources available via the online legal databases we subscribe to, including: **Westlaw**; **Lexis Advance**; and, **Hein Online**. Between these three databases practically every American law review and journal article written in the last century, such as the *Harvard Law Review* going back to 1887 or the *Texas Law Review* beginning in 1922...just this past week I retrieved an article for a patron from the *Texas Law Review* in 1949 on the topic of sovereign immunity. There are numerous practice guides covering varied areas of the law from Westlaw and Lexis. Westlaw has the distinguished **O'Connor's** series of practice guides on such areas as: *Texas Rules Civil Trials*; *Texas Civil Appeals*; *Texas Causes of Action*; *Texas Probate Law Handbook*; the *Texas Family Law Handbook*; and, *Federal Rules Civil Trials – Texas Edition*. Amongst the other practice guides Westlaw has available online are the *Texas Practice Series* and the *Texas Practice Guide*. Lexis Advance really shines with its breadth of practice guides from the **Matthew Bender** series such as the esteemed *Dorsaneo's Texas Litigation Guide*; *Texas Family Law Practice & Procedure*; the *Texas Transaction Guide*; *Texas Criminal Practice Guide*; and, *Texas Probate, Estate and Trust Administration*. The last category of secondary resources to be addressed are Forms. On Westlaw the O'Connor's series provides access to several form books. There are also *West's Texas Forms* and *Texas Forms: Pleading and Practice*. On Lexis Advance all of the previously listed practice guides have extensive forms as well. Additionally James Publishing's *Texas Small-Firm Practice Tools*; *Texas Probate Forms & Procedures*; and *Texas Criminal Forms* are great resources. You can download or e-mail items from all three of these databases at no charge. Copies and prints are 10 cents per page. For more information, contact us at: 281-341-3718 or LLpublic@fortbend.lib.tx.us. Secondary resources can be indispensable to understanding the practical application of the law and putting it to use. Let us assist you with accessing these materials!

**Secondary Sources:
What Are They and
Where Can I Find
Them?**



Community News

- The **Fort Bend County Law Library** will host an **Westlaw Training and CLE** on Wednesday, **October 20 at 2 pm**. The program topic is on Litigation and Using Practical Law. For more information and registration, visit our website. CLE credit will be given to those attorneys in attendance.
- 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 again closed to the public. They are continuing their virtual programs. To sign up or find more information, visit their website here: <https://www.harriscountylawlibrary.org/>



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



Texas Case Law Update

Local Cases

- [Zachary J. Williams v. Max B. Mutia](#), No. 01-19-00340-CV (August 24, 2021): Aff'd. TC Judgment In Part, Rev'd. In Part, & Remanded. (434th)
- [Brandon Lewis v. Fire Chief Larry Di Camillo, et al.](#), No. 01-19-00764 (August 26, 2021): Aff'd. TC Judgment. (434th)
- [Sunergon Oil, Gas & Mining Group, Inc. v. Arnulfo M. Cuen](#), No. 01-19-00998-CV (August 26, 2021): Reverse TC Judgment & Remanded. (434th)
- [City of Houston v. Young Ran Kim](#), No. 01-20-00333-CV (August 26, 2021): Aff'd. TC Judgment. (268th)
- [Jeff Quan, et al., v. Wendy Quan, et al.](#), No. 01-21-00362-CV (August 26, 2021): Appeal Dism'd. (240th)
- [Frederick L. Fuhr v. NUSRAT, Inc.](#), No. 01-21-00396-CV (August 26, 2021): Appeal Dism'd. (268th)
- [OakBend Medical Center v. Dawn Simons](#), No. 01-19-00044-CV (September 2, 2021): Aff'd. TC Judgment. (240th)
- [Thomasina Colbert-Noll v. Atty Gen. of Tex., et al.](#), No. 01-20-00660-CV (Sept. 9, 2021): Aff'd. TC Judgment. (387th)
- [Anna L. Pitre v. Texas Dept. of Aging & Disability Services, et al.](#), No. 01-21-00034-CV (September 9, 2021): Appeal Dism'd. (400th)
- [Randolph J. McClinton v. The State of Texas](#), No. 01-20-0079-CR (September 14, 2021): Aff'd. TC Judgment. (240th)
- [Birtan Yentur v. Munevver D. Korkmaz](#), No. 01-21-00153-CV (September 16, 2021): Appeal Dism'd. (387th)
- [In Re Memorial Hermann Health System, et al.](#), No. 01-21-00479-CV (September 16, 2021): Pet. Writ Mand. Dism'd. (268th)
- [In Re Jason D. Sheedy](#), No. 01-21-00476-CV (September 21, 2021): Pet. Writ Mand. Denied. (458th)
- [Derrick G. Blackshire, II v. The State of Texas](#), No. 14-20-00409-CR (August 24, 2021): Aff'd. TC Judgment. (CCL#3)
- [Darius M. Dunham v. The State of Texas](#), No. 14-21-00035-CR (September 2, 2021): Aff'd. TC Judgment. (400th)
- [Babatunde Aogo v. Nihinlola Olanrewaju](#), No. 14-19-00489-CV (September 16, 2021): Aff'd. TC Judgment. (328th)

Criminal Law—Assault—Judicial Commentary at Trial

Derek N. Moore v. The State of Texas, 624 S.W.3d 676 (Tex.App.-Houston [14th Dist.] 2021, pet. re'f'd.). Interesting case out of Harris County dealing with comments by the trial court injecting its opinion into the case and commenting on the weight of the evidence. The 14th Court of Appeals relied on long-standing precedence from the Texas Court of Criminal Appeals and Article 38.05 of the Texas Code of Criminal Procedure to find the trial court committed reversible error and reversed and remanded for a new trial.

Civil Litigation—Defamation—Ecclesiastical Abstention Doctrine

In Re Diocese of Lubbock, Relator, 624 S.W.3d 506 (Tex. 2021) and *Diocese of Lubbock v. Jesus Guerrero*, 624 S.W.3d 563 (Tex. 2021). These related cases arise out of a defamation and intentional infliction of emotional distress lawsuit filed by a former deacon. Suit was based on his inclusion by the Lubbock Catholic diocese on a list of clergy against whom it claimed were credible allegations of sexual abuse of a minor. In the first case the Diocese sought dismissal pursuant to the Texas Citizens Participation Act (TCPA) and also filed a plea to the jurisdiction arguing that the “ecclesiastical abstention doctrine” precluded the trial court from exercising jurisdiction over this suit under the First Amendment. (The ecclesiastical abstention doctrine prohibits civil courts from delving into matters of “theological controversy, church discipline, ecclesiastical government, or the conformity of the members of the church to the standards of morals required of them.”) The trial court denied the Diocese’s motions. The Diocese appealed the interlocutory order denying the motion to dismiss under the TCPA and sought mandamus relief on the denial of its plea to the jurisdiction. The Amarillo Court of Appeals affirmed in part and reversed in part the denial of the motion to dismiss under the TCPA and denied mandamus relief (reasoning that once the Diocese released the list to the public the dispute was no longer solely ecclesiastical). A lengthy opinion but worth the read. Ultimately the Supreme Court sided with the Diocese conditionally granting the mandamus petition, vacating the trial court’s order denying the plea to the jurisdiction, and directed the trial court to dismiss the case for want of jurisdiction. In the second opinion the Supreme Court further dealt with the interlocutory appeal on the TCPA issue finding it moot once the trial court was held to lack jurisdiction. It vacated the judgment of the Court of Appeals and dismissed the case.

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

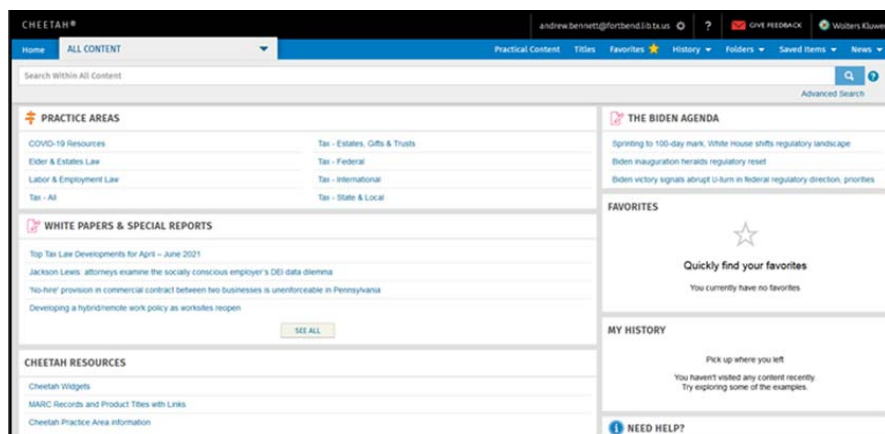
Librarian Musings: Wolters Kluwer Cheetah Review

By Andrew Bennett

The Fort Bend County Law Library will be getting a new database/website in the fall. This software from Wolters Kluwer is called Cheetah and is the name for the collections we have for Tax Professionals and Elder Law. I have not used this database before and being unfamiliar, I was pleasantly surprised at how intuitive it is. It is not nearly as sophisticated as Lexis or Westlaw, but it does the job effectively. Let's look at it.

One of the problems the Fort Bend County Law Library has is how to deal with print resources we don't have the digital equivalent. Resources we need to have but rarely get used. One of the collections is the Elder Law and Tax Resources we have from Wolters Kluwer. This includes our Tax Law resources such as the *U.S. Master Tax Guide* and *Guidebook to Texas Taxes*, and the Elder Law resources like the *Elder Law Portfolio* and *Accommodating Disabilities*. With the county changing their policy on how to order subscription items, we needed to have a contract. Fortunately, this new contract came with a digital component, Cheetah.

Once on the main page, you can look at the topics that are included and a general search bar for typing in keywords, titles of resources, or practice areas. The Law Library only has access to Elder Law and Estates, Labor and Employment, and Tax. These are resources that Wolters Kluwer has an abundance of both for Texas and Federal jurisdictions.



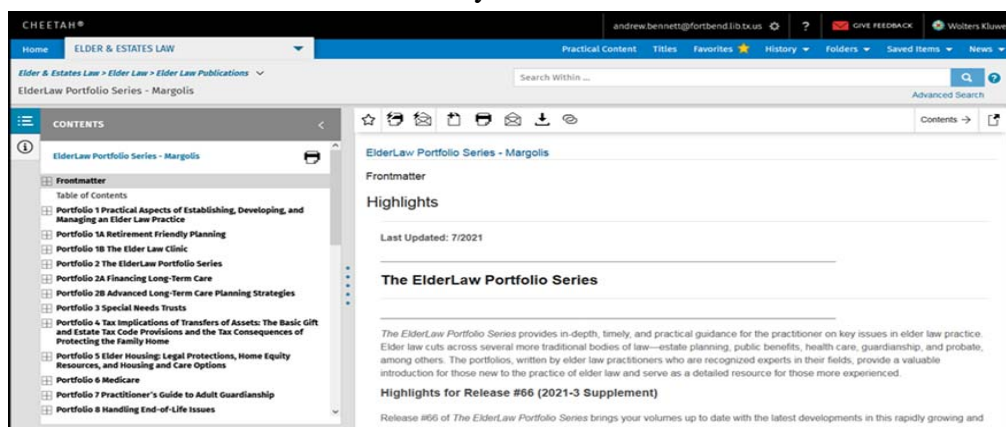
I was able to search for Elder Law resources and pulled up the ElderLaw Portfolio both by searching for Elder Law as a general resource (search was "Elder Law" and Trusts) and pulled up articles from that source. Once I pulled it up, I was able to browse and search the item on the left hand side and scroll and read on the right hand side. Your normal options of print, email, and download are available.

The other addition to the database I really did like was the ability to have multiple tabs open in the database. In Westlaw and Lexis, you have to have tabs open within your browser, Cheetah allows you to have them open simultaneously within the same browser window. You

can go back and forth between related topics easily.

The database does not allow you to cross search with primary material as it is mostly a resource to search their secondary material across their Tax, Elder Law, and Employment collections. Some of this is due to our subscription, as we have limited it to the items we have in print, but it also is just a lack of resources from Wolters Kluwer that limit the usefulness of the database for full legal research.

In conclusion, Cheetah does all the things you would expect from a legal database including browsing, searching with keywords and Boolean operators, being able to narrow and sort results, and of course, download, print, and email. However, the surprising addition of the tab feature makes it stand out a bit from the others. That being said, the database has a clear lack of resources, especially primary law, to be able to fully research a topic. Some of that is due to our plan, but also the resources Wolters Kluwer has access to and produces themselves. You would have to use this database in conjunction with Westlaw or Lexis. Overall though, it is a nice addition to your library.



Republished from HALLmarks.