



# LAW LIBRARY NEWS

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## In This Issue

New & Updated Resources	1
FBC Bar News	1
Featured Resource	2
Technology Corner	2
Community News	3
Useful Articles & Links	3
Texas Case Law Update	4

## New & Updated Resources

### ***O'Connor's Texas Series***

- *Probate Law Handbook*
- *Criminal Offenses & Defenses*
- *Criminal Codes Plus*
- *2021 Editions*

### ***Texas Business Litigation***

- *2021 Edition*

### ***Texas Practice Guide***

- *Torts*
- *2021 Edition*

### ***Texas Limited Liability Companies***

- *2021 Update*

### ***Plea Bargaining***

- *5th Edition*
- *2021 Pub Date*

### ***Drafting Wills and Trust Agreements***

- *4th Edition*
- *2021 Update*

### ***Defense of Drunk Driving Cases***

- *2021 Update*

### ***Texas Family Law Practice & Procedure***

- *2021 Update*

## FBC Bar News

### **Fort Bend County Bar Association**

The **Fort Bend County Bar Association** does not have a monthly CLE in November. Monthly CLE's will resume in January.

### **Family Bar of Fort Bend County**

The **Family Bar of Fort Bend** does not have a CLE in November. CLE's will resume in January.

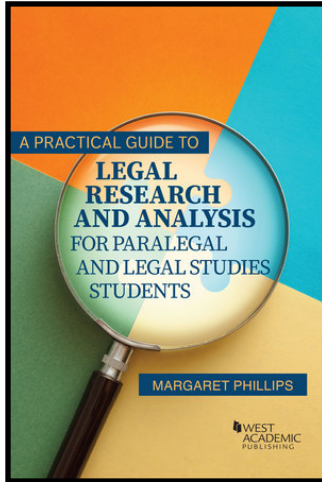
### **Fort Bend County Criminal Defense Attorneys Association**

The **Fort Bend County Criminal Defense Attorneys Association** may have a CLE in December. Check their website and Facebook page.



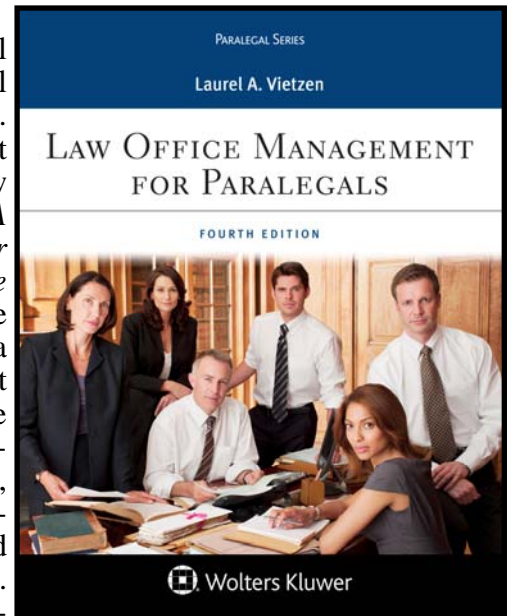
## Featured Resource: Paralegal Section Refresh

By Andrew Bennett



The Law Library has a small but effective Paralegal section. Mostly, this section is for those Paralegal students needing access to a text book or resource. However, we are adding some additional titles that might be helpful for the practitioner as well. New titles include the *Paralegal Ethics Handbook*, *A Practical Guide to Legal Research and Analysis for Paralegal and Legal Studies Students*, and *The Complete Paralegal Certification Handbook*. These guides aim to help the student and practitioner on a variety of topics. In addition, we've added some text books from Wolters Kluwer including *Law Practice Management*, *Basic Wills, Trusts, and Estates*, *Family Law for Paralegals*, *Legal Research and Writing*, and more. Many of these titles are used at the Wharton County Junior College Paralegal program and

other Paralegal schools. The books are all new and published in 2020 or 2021. These books are only available in print, so you will need to come into the library. Copies of the books can be made for \$0.10 a page. Scanning is FREE. For more information, visit the Law Library or our website at [www.fortbend.lib.tx.us](http://www.fortbend.lib.tx.us).



## Technology Corner: Update on Law Library Computer Resources



By Jonathan Briggs

As we have dealt with the Covid-19 pandemic we have gone through various permutations as to accessibility here at the Law Library in an attempt to keep our patrons and staff as safe as possible. Part of those protocols involved having every other public computer out of service to facilitate social distancing. Those restrictions are no longer in effect...all public computers are now available for use by our patrons. Thus, it is a good time to give an update on the capabilities of the Law Library's computers. First, as would be expected, our computers have the full range of basic services via the Microsoft line of products and other basic word processing programs: Word, Word Perfect, Adobe (Reader and Acrobat), Excel, PowerPoint, Publisher, etc. For internet use Firefox is the best for full capability for accessing websites and printing from the web. A link to [efiletexas.gov](http://efiletexas.gov) is on the desktop of each computer to assist you in your e-filing needs. Fort Bend County's portal for attorneys also has an icon on each computer. Materials from the State Bar of Texas are available via PDF files on each computer, such as: the various practice guides such as the Texas Family Practice Manual, the Pattern Jury Charges, and the esteemed Texas Juvenile Law. As for legal databases, Westlaw and Lexis are the two heavy-hitters, both with complete U.S. coverage as to primary law (cases and statutes) for Texas, all other states, and the federal system. Westlaw and Lexis also provide extensive forms, practice guides (such as the O'Connor's series and Matthew Bender publications), and other secondary resources primarily in the areas of Texas and federal law. The Law Library subscribes to other legal databases that provide a variety of resources: Hein Online and Erisman's Reversible Errors. Further, Hein, Lexis, and Westlaw provide access to a wide variety of current and archival law reviews and journals from all over the country. Access to these databases and programs is at no charge. Copies and prints are 10 cents per page for black and white and \$1.00 for color. Much of the materials on these databases can be e-mailed to your or downloaded to a thumbdrive for free. For more information, contact us at: 281-341-3718 or [LLpublic@fortbend.lib.tx.us](mailto:LLpublic@fortbend.lib.tx.us). The Law Library has a depth and breadth of computer and online resources to aid attorneys and our pro se patrons in their legal work and to provide as much convenience and useful tools as possible. Come by and see us, we are glad to help!



## Community News

- The **Fort Bend County Law Library** still has three remote databases including *Gale Legal Forms Library*, *Legal Information Reference Center*, and *Lexis Digital Library*. You will need a library card to access. Visit our website at [www.fortbend.lib.tx.us](http://www.fortbend.lib.tx.us).
- 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 open again to the public by appointment ONLY. 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,

## 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](mailto:abennett@fortbend.lib.tx.us) with "Newsletter" as the subject. To unsubscribe, write "unsubscribe."

## Useful Articles and Links

- **Stop Losing Your Hard-Earned Money.** *Texas Bar Journal*. November 2021. <https://www.texasbar.com/AM/Template.cfm?Section=articles&Template=/CM/HTMLDisplay.cfm&ContentID=55050>.
- **Aiding Lawyers in Succession Planning.** *Texas Bar Journal*. November 2021. <https://www.texasbar.com/AM/Template.cfm?Section=articles&Template=/CM/HTMLDisplay.cfm&ContentID=55069>.
- **HIPAA in the Age of COVID.** *Voice for the Defense*. November 2021. <https://www.voiceforthedefenseonline.com/hipaa-in-the-age-of-covid-2/>.



## Texas Case Law Update

### Local Cases

- In re the Estate of Myrtle D. Brown, No. 01-19-00953-CV (October 28, 2021): Aff'd. TC Judgment. (CCL#3)
- Lawrence Sobogun v. Velimir Rasic, No. 01-21-00117-CV (October 28, 2021): Appeal Dism'd. (CCL#5)
- In Re Greg Abbott, Governor, No. 01-21-00440-CV (November 2, 2021): Pet. Writ Mand. Dism'd. (434th)
- Mary Redmond, as Rep. of Estate of Brown, et al. v. Fred Clasen, et al., No. 01-20-00209-CV (November 9, 2021): Aff'd. TC Judgment. (458th)
- Linda Moroney v. St. John Missionary Baptist Church, et al., No. 14-20-00203-CV (November 4, 2021): Rev'd. & Rendered. (268th)
- Nicholas A. Harper v. The State of Texas, No. 14-19-00736-CR (November 9, 2021): Aff'd. TC Judgment. (434th)
- Ronald S. Catt. v. Christopher Delozier, et al., No. 14-19-00631-CV (November 23, 2021): Aff'd. TC Judgment. (CCL#4)
- In Re Ronald S. Catt, No. 14-21-00438-CV (November 23, 2021): Pet. Writ Mand. Denied. (268th)
- Giovanni Laguan v. Wilmington Trust, N.A., et al., No. 14-21-00072-CV (November 23, 2021): Appeal Dism'd. (CCL#3)

### Family Law—Protective Order and evidence required—Spousal maintenance and division of property

Lei Yang v. Yuzhuo Cao, 629 S.W.3d 666 (Tex.App.-Houston [1st Dist.] 2021, no pet. h.). Respondent/Appellant Yang had a lifetime protective order entered against him on application of his wife Cao, Petitioner/Appellee, by the District Court of Harris County. On appeal Appellant contends that the trial court abused its discretion by issuing a lifetime protective order without sufficient evidence of serious bodily injury, by ordering appellant to surrender his vehicle to appellee, and by ordering spousal maintenance, amongst other issues on appeal. Appellee presented evidence of extensive physical assault and forced sexual intercourse. Under the Family Code typically the duration of a protective order is not to exceed two years except where there are findings of the commission of felony family violence, causing serious bodily injury, or that he was the subject of two or more previous protective orders in favor of the applicant for the current protective order. Appellant contends that the injuries he inflicted were not of a character to create a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of a bodily function or organ. The 1st Court of Appeals agreed with Appellant. The opinion goes into detail parsing the differences between the levels of injury that distinguish the nature of the protective order granted. A harsh reality to this area of the law. Protective order applications are often requested by patrons here at the Law Library and it is an issue the district courts deal with regularly. The Court stated: "Because there is insufficient evidence to support the trial court's affirmative finding of "serious bodily injury," we modify the judgment to delete the "serious bodily injury" finding and reduce the period of the protective order from the "life of the respondent" to the maximum-allowed period of two years. We affirm the protective order as hereinabove modified." The Court of Appeals upheld the trial court's findings as to the division of property and spousal maintenance. This opinion is worth a read for any family law practitioner or anyone dealing with these types of protective order requests.

### Civil Litigation—Suit against towing company for improper towing—Texas Towing and Booting Act

Brazos Valley Roadrunners, LLC v. Randall Hargrove, 628 S.W.3d 607 (Tex.App.-Texarkana 2021, pet. denied). Case arising out of Brazos County where Plaintiff/Appellee Hargrove had brought suit against Defendant/Appellant Roadrunners (towing company) and Dixie Chicken, Inc. (property owner), for authorizing the towing of his vehicle without probable cause and in violation of the Texas Towing and Booting Act. Mr. Hargrove had parked his vehicle in the Coyote Parking Lot owned by Dixie Chicken, Inc., in College Station. He realized he did not have the necessary \$5 cash on him so he walked to a nearby business to get change. In the intervening five minutes his vehicle was towed. He brought suit in the Justice of the Peace Court alleging violation of the Act and requested a tow hearing. He obtained a default judgment in his favor. Roadrunners and the Dixie Chicken brought an appeal in the County Court at Law. The County Court at Law also found that his vehicle had been towed without probable cause and there was insufficient signs as required under the Texas Occupations Code section 2308.001. Hargrove was awarded \$297.50 in actual damages for the cost of retrieving his vehicle, \$48.46 in court costs, and post-judgment interest. Only Defendant Roadrunners appealed to the Court of Appeals, which was transferred to the Texarkana court pursuant to docket equalization. The Court of Appeals found that "sufficient evidence supported the trial court's conclusion that the signs that demanded that Lot users pay before they walked away did not comply with the requirements of Subchapter G of the ACT, even though each sign prohibiting unauthorized vehicles was required to do so. We conclude that Roadrunners was not authorized to tow Hargrove's vehicle under the Act." Affirmed. A fairly extensive opinion on this area of the law and interesting reading for Aggie alumni or anyone who has ever had their vehicle towed.