



LAW LIBRARY NEWS

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Upcoming Programs for 2022

The Law Library will be hosting more **Attorney Lecture Series** programs this year as well as continuing the **Pro Se Basics and Express Classes**. As of now, programs will remain **VIRTUAL**. We will resume in person classes when we are able. The next Attorney Lecture Series will be in March. The topic is still “to be determined.” If you have an suggestions, please email the Law Library at LLpublic@fortbend.lib.tx.us or call us at 281-341-3718. More information on programs, check out our Librarian Musings article.

In This Issue

Upcoming Programs	1
New & Updated Resources	1
Librarian Musings	2
Featured Resource	3
Technology Corner	3
Texas Case Law Update	4
Community & FBC Bar News	5
Useful Articles & Links	6

New & Updated Resources

Texas Practice Guide

- *Business and Commercial Litigation*
- *Alternative Dispute Resolution*
- *Creditor's Rights*
- *Wills, Trusts, and Estate Planning*
- *Financial Transactions*
- *2021-2022 Editions*

Texas Practice Series

- *Handbook of Texas Family Law*
- *DWI Law and Practice*
- *Elements of an Action*
- *Summary Judgments and Related Motions*
- *Environmental Law*
- *2022 Editions*

Texas Small Firm Practice Tools

- *2021 Edition*

Drafting Wills and Trust Agreements

- *2021 Update*

Texas DWI Manual

- *2021 Edition*

O'Connor's Series

- *Texas Causes of Action*
- *Texas Family Law Handbook*
- *Federal Rules * Civil Trial*
- *Texas Rules * Civil Trial*
- *2021-2022 Editions*

Lane Medical Litigation Guide

- *2021 Update*

Federal Jury Practice and Instructions

- *Civil Companion Handbook*
- *2021 Edition*



Librarian Musings: 2022 and the Law Library

By Andrew Bennett

Welcome to 2022! We hope this is going to be a great year for the Fort Bend County Law Library. I wanted to let you know of our plans for the upcoming year as far as programs go. As you know, the library is still OPEN to the public for reference use. We are still not having in person programs for the foreseeable future. However, we still will be offering our regular and special programs virtually. Which leads me to talking about our Open House! On Friday, January 14, will be the first time we will be offering three FREE CLE programs at the Law Library. This is in celebration of the Libraries'

32nd Anniversary. We will be having an Attorney Lecture Series on Guardianships, a Westlaw Training and CLE on Probate and Estates resources, and finally a Lexis Training and CLE on conducting legal research focusing as well on Probate and Estates resources. We are extremely excited for these programs.



In addition, we hope to expand our Attorney Lecture Series programs this year. This includes adding CLE credit but also expanding the number of programs and the focus. The first year we focused on Pro Se litigants and providing them with solid and important information from attorneys on various topics that are important to them. Last year, we focused on our attorneys and gave presentations on

various aspects of running a law practice and getting appointments. This year, we are going to give classes to both groups of patrons. The hope is to take the feedback we've gotten the past two years and improve these programs.

Also, we are planning expand our Pro Se Basics classes and Express classes. We want to know what Tech training you might need. Please let us know at our general email at LLpublic@fortbend.lib.tx.us. Even if it is something we may not have experience with, we may be able to find a speaker who does. As far as Pro Se Basics classes, we are always trying

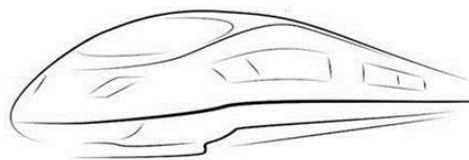
to add something relevant to our patrons as well. We are working on a few ideas and hope to unveil something later in the year.



FORT BEND COUNTY LAW LIBRARY

ATTORNEY LECTURE SERIES

FORT BEND COUNTY LAW LIBRARY



EXPRESS CLASS

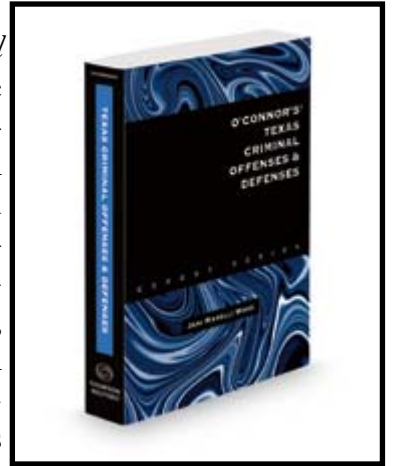


Featured Resource: O'Connor's Texas Criminal Offenses & Defenses

By Andrew Bennett

O'Connor's has put out its first new title in a few years. *O'Connor's Texas Criminal Defenses and Offenses* is a new expert commentary on this topic in Criminal Law. The guidebook has plenty of charts that help explain some of the most common offenses and the defenses to those charges. The book is intended to be a companion to both the *Texas Criminal Codes Plus* and *Texas Crimes and Consequences* (both owned by the Law Library as well). The book is broken up by parts on each offense category including homicide, kidnapping, sexual offenses, assaultive offenses, property offenses, offenses against public administration, offenses against public decency, DWI, Health and Safety offenses, and general defenses. Then each part is broken up by specific offenses including capital murder, manslaughter, kidnapping, aggravated assault, burglary, controlled substances, and more. The format of the book is identical to any other O'Connor's title and is easy to follow. The book is written by

Jani Maselli Wood who has been the chief of the appellate division of the Harris County Public Defender's Office and has been working in there since 2011. Prior to that, she was in private practice for 13 years dealing with state and federal appeals and post conviction matters. She also has been an adjunct professor at University of Houston Law Center since 1999 and has authored papers on various topics and spoken at seminars throughout Texas. Copies of the book can be made for \$.10 a page. Digital edition can also be found on Westlaw. For more information, visit the Law Library.



Technology Corner: Update on the Lexis Advance legal database

By Jonathan Briggs

The Fort Bend County Law Library provides a broad range of basic services for our patrons, both attorneys and pro se, such as: 10 computers with various legal databases and all the standard programs you'd expect; small meeting rooms (one with a TV and DVD player); plenty of tables to work at; copiers; scanners; black & white and color printers; a fax machine; and a staff that is knowledgeable and glad to assist you. The heart of a law library though is its collection. A law library is obligated to provide access to thorough and up to date legal materials in a variety of mediums. The Fort Bend County Law Library definitely achieves this goal and duty to its patrons. A key part of our legal collection is Lexis Advance, one of the two primary online databases that we subscribe to. Lexis Advance is excellent, providing a breadth and depth of primary and secondary legal resources. The primary law materials include: case law and statutes for Texas and the other 49 states; case law for the entirety of the federal system (district and bankruptcy courts, the circuit courts of appeal, and the U.S. Supreme Court); and the U.S. Code and Code of Federal Regulations. Backing up these resources is Shepard's which provides the up to date direct history and the citing history for all these cases and statutes. Lexis Advance's secondary resources are second to none and is really where Lexis shines, encompassing practice guides, forms, most U.S. law reviews and journals, and other resources. The practice guides on Lexis Advance, including those from Matthew Bender, are comprehensive and excellent providing information and all-manner of forms: Dorsaneo's Texas Litigation Guide provides a vast but user-friendly compendium of information and forms on seemingly every topic in civil litigation; the Texas Criminal Practice Guide does the same thing for the criminal side of the law; Texas Family Law Practice & Procedure is something we use every day to aide attorneys and persons handling their own family law cases; Texas Probate, Estate & Trust Administration is one of our go to sources in providing estate planning and probate information and forms; and the Texas Transaction Guide is a great source of non-litigation forms and info on such things as leases, contracts, etc. Materials from James Publishing are also available via Lexis' secondary materials including Texas Criminal Forms and Texas Probate Forms & Procedures (that includes a chapter on selecting an appropriate probate proceeding that we often provide to pro se persons dealing with this issue). Another great feature of Lexis are the Texas Pattern Jury Charges both civil and criminal, an excellent and crucial resource for anyone preparing for trial. Access to Lexis 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 Lexis 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. Come by and see us, we are glad to help!





Texas Case Law Update

Local Cases

- [Hector Cortez v. Veronica G. Cortez](#), No. 01-19-00296-CV (December 28, 2021): Rev'd. & Rem. (505th)
- [In Re Zachary C. McNeil](#), No. 01-21-00538-CV (January 13, 2022): Pet. Writ Mand. Denied. (387th)
- [Sandeep Patel, et al., v. Warwick Construction, Inc.](#), No. 01-20-00208-CV (January 20, 2022): Rev'd. & Rem. (268th)
- [In the Matter of J.M.R. v. The State of Texas](#), No. 01-21-00536-CV (January 25, 2022): Appeal Dism'd. (CCL#3)
- [In Re Prince U. Nwakanma and Stella C. Andrews](#), No. 01-20-00592-CV (January 27, 2022): Pet. Writ Mand. Denied. (240th)
- [Holland D. Jones v. Christyna P. Carter](#), No. 01-21-00338-CV (January 27, 2022): Appeal Dism'd. (505th)
- [Purple Martin Land Co., LLC v. Diana G. Offord, et al.](#), No. 14-20-00265-CV (December 23, 2021): Rev'd. & Rem. (268th)
- [Giovanny Laguan v. Fort Bend County, et. al.](#), No. 14-21-00434-CV (December 30, 2021): Appeal Dism'd. (434th)
- [Elijah Overton, et al., v. Wilmington Trust, et al.](#), No. 14-21-00237-CV (January 11, 2022): Appeal Dism'd. (434th)
- [Obinna Richards v. Samuel Diminas](#), No. 14-21-00586-CV (January 13, 2022): Appeal Dism'd. (400th)
- [Justin G. Fredrichsen v. The State of Texas](#), No. 14-21-00579-CR (January 25, 2022): Appeal Dism'd. (240th)

Civil Litigation—Arbitration Clause

Taylor Morrison of Texas, Inc., et al., v. Andrew Kohlmeyer, et al., 634 S.W.3d 297 (Tex.App.-Houston [1st Dist.] 2021, pet. filed). The Kohlmeys, Plaintiffs-Appellees were the subsequent purchasers/third owners of a home built by Appellant Taylor Morrison. Appellants brought an accelerated appeal from the trial court's order denying arbitration. Appellees brought claims for violation of the DTPA, common law breach of implied warranties of habitability and workmanship, and negligent construction arising from mold growth from moisture and water sources as a result of alleged construction defects. Appellants unsuccessfully made a plea in abatement and motion to compel arbitration pursuant to a purchase agreement with the original owner, the predecessor in interest to the two subsequent sets of homeowners. In this appeal Taylor Morrison "argues that the trial court abused its discretion because the Kohlmeys, although nonsignatories to the purchase agreement, were subject to the arbitration provision in the purchase agreement under the theories of direct benefits estoppel and implied assumption." In fairly lengthy opinion affirming the trial court's interlocutory order the First Court of Appeals held as follows: "Without commenting on the ultimate viability of the Kohlmeys' claims that are independent of the contract, we hold that those claims are not susceptible to arbitration because they are just that—independent of the contract. We conclude that Taylor Morrison has not shown that the Kohlmeys, as nonsignatories, are bound by the arbitration provision in the original purchase agreement, and therefore it has not established the existence of a valid agreement to arbitrate." Taylor Morrison filed a Petition for Review with the Supreme Court of Texas on December 22, 2021.

Family Law—Post-decree Action—Exclusive Jurisdiction

M.B. individually and as next friend of I.C. v. S.C., 630 S.W.3d 102 (Tex.App.-Fort Worth 2020, pet. granted). Husband and wife executed an agreement incident to divorce (AID) following a mediated settlement agreement (MSA) pursuant to Family Code §7.06. Three years later the wife filed suit against her ex-husband in a separate civil district court asserting that four real estate partnerships that were part of the community estate had not been included in his inventory and had thus not been divided by the divorce court pursuant to the terms of the AID and MSA. She made claims for breach of the MSA, the AID, and the divorce decree; a money had and received (MHAR) claim for failure to distribute funds; a declaratory judgment regarding interests in partnerships; and a partition claim for the undivided community partnership interests. Husband filed a plea to the jurisdiction as to the MHAR claim, declaratory judgment, and partition claim contending that the divorce court had exclusive jurisdiction these matters, not the district court as chosen by the wife. The trial court agreed and dismissed for lack of jurisdiction. Wife was allowed to pursue a permissive appeal only as to the determination of jurisdiction over the partition claim. The Court of Appeals held as follows: "We conclude that the district court had subject-matter jurisdiction over Wife's partition action because the plain language of Family Code Section 9.201 does not vest exclusive jurisdiction of a postdecree division action in the divorce court. Therefore, the district court erred by granting Husband's plea to the jurisdiction regarding Wife's partition claim. We reverse that portion of the district court's amended order granting Husband's plea to the jurisdiction as to Wife's partition claim and remand.....". The Supreme Court of Texas has granted husband's Petition for Review



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.
- 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 CLOSED to the general public. They are continuing their virtual programs and virtual reference desk by phone and email. To find more information, visit their website here: <https://www.harriscountylawlibrary.org/>



FBC Bar News

Fort Bend County Bar Association

The **Fort Bend County Bar Association** has a **monthly meeting and CLE** on Thursday, **February 24** at **noon**. Contact the Bar for more information.

Family Bar of Fort Bend County

The **Family Bar of Fort Bend** will have their **monthly meeting and CLE** on Monday, **March 3** at **noon** at Buena Vista. RSVP not required. Free CLE. No reservations necessary. Buy your own lunch.

Fort Bend County Criminal Defense Attorneys Association

The **Fort Bend County Bar Association** has a **monthly meeting and CLE** on Thursday, **February 24** at **noon**. Contact the Bar for more information.





Useful Articles and Links

- ***Win Referrals in 2022! Launch a Referral Marketing Campaign Now!*** Martha Newman. Texas Bar Journal. January 2022. <https://www.texasbar.com/AM/Template.cfm?Section=articles&Template=/CM/HTMLDisplay.cfm&ContentID=55347>.
- ***Ethics and the Law.*** Robert Pelton and Jack Zimmerman. Voice for the Defense. December 2021. <https://www.voiceforthedefenseonline.com/newsletters/2021/Dec2021.pdf>.
- ***Blue Dot Marks the Spot? Questioning Location Service Data in Legal Cases.*** Steve Watson and Lance Sloves. Voice for the Defense. December 2021. <https://www.voiceforthedefenseonline.com/newsletters/2021/Dec2021.pdf>.
- ***A Great Criminal Defense Attorney is a Zealot, Despite its Negative Connotation.*** Lara Bazon. Voice for the Defense. December 2021. <https://www.voiceforthedefenseonline.com/newsletters/2021/Dec2021.pdf>.
- ***New Year, New You, New Normal.*** Jennifer A. Hasley. Houston Lawyer. November/December 2021. <https://www.thehoustonlawyer.com/>.
- ***Space Law, The Exhibit. A Constellation of Resources from the Harris County Robert W. Hainsworth Law Library.*** Heather Holmes. Houston Lawyer. November/December 2021. <https://www.thehoustonlawyer.com/>.
- ***The Narrowed Texas Citizens Participation Act.*** Amy Leila Saberian Prueger & Zackery L. Horton. Texas Bar Journal. February 2022. <https://www.texasbar.com/AM/Template.cfm?Section=articles&Template=/CM/HTMLDisplay.cfm&ContentID=55765>.
- ***Attorney Immunity.*** Jason Fulton. Texas Bar Journal. February 2022. <https://www.texasbar.com/AM/Template.cfm?Section=articles&Template=/CM/HTMLDisplay.cfm&ContentID=55712>.

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.

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 llpublic@fortbend.lib.tx.us with "Newsletter" as the subject.

To unsubscribe, write "unsubscribe."