



# LAW LIBRARY NEWS

a publication of the Fort Bend County Willie Melton Law Library

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## Attorney Lecture Series

The Law Library will be hosting another **Attorney Lecture Series** on **Criminal Law** this Summer, likely in **June**. Topic is to be determined. This course will have **1 hour of FREE CLE credit**. Please stay tuned to this newsletter or emails regarding this upcoming CLE you shouldn't miss. Additional ideas for programs, please contact **Andrew Bennett, Manager**, by email at [Andrew.bennett@fortbend.lib.tx.us](mailto:Andrew.bennett@fortbend.lib.tx.us). For more information, contact the Law Library at 281-341-3718 or [llpublic@fortbend.lib.tx.us](mailto:llpublic@fortbend.lib.tx.us).

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## New & Updated Resources

### ***O'Connor's Federal Series***

- *Federal Criminal Rules and Codes Plus*
- *Federal Employment Codes Plus*
- *2022 Editions*

### ***Handling Federal Discovery***

- *2022 Edition*

### ***Summary Judgments in Texas***

- *2021 Update*

### ***Texas Pharmacy Laws and Regulations***

- *2022 Edition*

### ***Texas Estate Planning Forms***

- *2022 Edition*

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

- *Real Estate Litigation*
- *Discovery*
- *2022 Editions*

### ***Texas Pattern Jury Charges***

- *2022 Edition*

### ***Texas Personal Injury Handbook***

- *2022 Edition*





## Librarian Musings: Tour of the Historic Fort Bend Courthouse

*By Andrew Bennett*

Recently, I had the opportunity to get a tour of the historic Fort Bend Courthouse. I have been in there before, for Commissioner's Court hearings, but I had not been in there to learn the history of the building. I had the opportunity during our annual Southwestern Association of Law Libraries' conference, which happened to be in Sugar Land. This year, I was part of the Local Arrangements committee and one of the items on the agenda I wanted our members to see was the historic courthouse.

Built in 1908, it is the fourth Fort Bend courthouse and is an example of classic revival architecture. It cost about \$75,000 to build and the land was purchased for \$6,750. It was added to the National Register of Historic Places in 1980. It has seen a couple renovations and expansions over the years including the most recent one in 2012. The Law Library used to be housed in that building on the 3rd floor and was there for 20 years. We now currently reside in the sixth Fort Bend Courthouse, the Justice Center.

I was surprised to know that the historic building used to be bigger than it is now. Additions were added in the 1930s and 1950s that were removed in the 2012 renovation. The renovations at that time returned the building to what it looked like before the 1930s renovation as they were able to find the original paint color after removing many layers of paint. They found some of the doors from the third Fort Bend Courthouse, which they have added to building. The rotunda is astounding as it rises up from the first floor. Surprisingly enough, there are windows on the outside you cannot actually see form the rotunda floor but bring in extra light.



On the second floor, there is the renovated historic courtroom which has some original elements including the balcony and jury box. The judges bench is not original but has been remade to look like it would have at that time.

Today, the County Judge has his offices as well as the Commissioner's Courtroom is located there. The County Attorney's office is located there and many of the areas of the building are not available to the public. However, the Fort Bend Museum gave a wonderful tour.

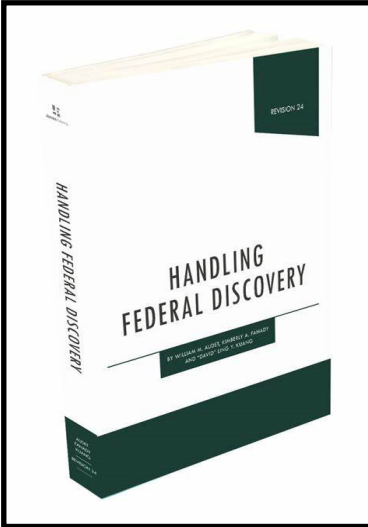
If you have time, please go and see the historic courthouse especially if you have not seen it since before the renovation.





## Featured Resource: Handling Federal Discovery

By Andrew Bennett



The Law Library has added a new title in *Handling Federal Discovery* from James Publishing. This title goes well with some of our other Federal resources. This one in particular focuses on the admission of evidence and the use of discovery. The new revision also adds a discussion of digital discovery including new technologies, remote depositions, and how these technologies change discovery practice. There is also ample discussion on how the COVID 19 pandemic has altered the landscape as well. The book is broken up into sections detailing discovery from beginning to end including planning, investigation, privilege, disclosures, interrogatories, requests for production, inspections, requests for admissions, and more. Each section details the primary law that governs this area as well as any forms you might need. The forms can be found both on our Lexis Advance database or Lexis Digital Library. If you get them from Lexis Advance, they will download in Word format. From Lexis Digital Library, they will be in PDF. Copies of the print book can be made for \$0.10 a page. The book is written by William M. Audet, Kimberly A. Fanady, and David Link Y. Kuang. All three authors have years of practice in federal court in

all areas of civil litigation and have numerous awards and honors. For more information, please contact the Law Library at 281-341-3718 or email us at [llpublic@fortbend.lib.tx.us](mailto:llpublic@fortbend.lib.tx.us).

## Technology Corner: Update on Hein Online



By Jonathan Briggs

I think most of our patrons are familiar with our two primary online legal databases Westlaw and Lexis that provide an incredible depth and breadth of primary (cases and statutes) and secondary (practice guides, forms, etc.) resources. Hein Online, one of our other legal databases, gets overlooked. It is not directly comparable to Westlaw or Lexis but it provides a broad collection of legal resources that range from the practical to the more historical and academic. Starting with the practical, Hein offers a much deeper collection of law reviews and law journals than Westlaw or Lexis, especially in terms of the date range available....for example, an attorney patron recently asked for a 1965 article from the Washington & Lee Law Review....I started on Lexis but found it only went back 30 years or so, but Hein had it so I e-mailed it to myself, saved it on my thumbdrive in PDF and forwarded it to her. Other materials available on Hein are the U.S. Code and the Code of Federal Regulations. Some other great resources are: the Manual of Patent Examining Procedure, which is the go-to publication for patent attorneys and their dealings with the U.S. Patent & Trademark Office; the National Survey of State Laws, a compendium of comparative law across the 50 states on all manner of issues from abortion to drug laws minimum wage laws, and martial property – 60 areas of law in all; State Attorney General Reports and Opinions; Congressional, Presidential, and Supreme Court materials; foreign legal materials; U.S. Treaties; historical documents such as the “Pentagon Papers”; a vast collection of materials on slavery in the U.S.; and much more. Access to Hein Online is at no charge and is available on 8 of our 10 patron computers. Printing from Hein is 10 cents per page for black and white. The materials on Hein can be e-mailed to you or downloaded to a thumbdrive for free. Another interesting feature is that Hein Online can be accessed by all Justice Center visitors via laptop though the County’s wi-fi: [fbcguest](http://fbcguest). For more information, contact us at: 281-341-3718 or [LLpublic@fortbend.lib.tx.us](mailto:LLpublic@fortbend.lib.tx.us). Come by and see us, we are glad to help!





## Texas Case Law Update

### Local Cases

- [Clyde J. Moore v. Todd Tanner & Drop Zone Fitness, LLC](#), No. 01-21-00690-CV (March 31, 2022): Appeal Dism'd. (240th)
- [Lamelvin D. Johnson v. The State of Texas](#), No. 01-19-00776-CR (March 31, 2022): Aff'd. TC Judgment. (434th)
- [Lamelvin D. Johnson v. The State of Texas](#), No. 01-19-00818-CR (March 31, 2022): Aff'd. TC Judgment. (434th)
- [Cecelia Molina, et al. v. Ali Al Rikabi, et al.](#), No. 01-21-00661-CV (April 12, 2022): Appeal Dism'd. (CCL#3)
- [Rina S. Hutagaol v. Jaka Janaka](#), No. 01-20-00684-CV (April 19, 2022): Reversed & Remanded. (328th)
- [Firas Alhadi v. Grand Lakes Municipality Util. Dist. #2](#), No. 01-22-00551-CV (April 21, 2022): Appeal Dism'd. (458th)
- [The State of Texas v. Audie Gray Family, L.P.](#), No. 14-20-00206-CV (March 31, 2022): Reversed & Remanded. (CCL#1)
- [Carolyn R. Dawson v. Fort Bend County, Texas](#), No. 14-21-00174-CV (April 7, 2022): Aff'd. TC Judgment. (434th)
- [Caroline N. Ogu v. Solomon E. Bowers](#), No. 14-21-00134-CV (April 21, 2022): Reversed & Remanded. (CCL#6)
- [Barbara Washington v. Whole Foods Market Rocky Mountain-Southwest, LP](#), No. 14-21-00341-CV (April 21, 2022): Appeal Dism'd. (CCL#1)
- [In Re Renee Sizemore](#), No. 14-21-00542-CV (April 21, 2022): Pet. Writ Mandamus Granted. (505th)
- [In Re Frederick Gene Taylor](#), No. 14-21-00638-CV (April 26, 2022): Pet. Writ Mandamus Denied. (5328th)
- [Awestruck Group LLC, et al. v. Amos Financial LLC](#), No. 14-21-00698-CV (April 26, 2022): Appeal Dism'd. (434th)
- [Charmian I. Strifert v. Fort Bend ISD, et al.](#), No. 14-22-00136-CV (April 26, 2022): Appeal Dism'd. (400th)

### Criminal Law—Habeas Corpus—Actual Innocence vs. Involuntary Plea

*Ex Parte Ray Anthony Hicks*, 640 S.W.3d 232 (Tex.Crim.App., 2022). Defendant/Applicant pled guilty to forgery of a government instrument, to wit a \$100 bill, and was sentenced to 180 days in state jail. Defendant subsequently filed an application for writ of habeas corpus based on actual innocence as the \$100 bill thought to be a forgery was determined to be genuine by the U.S. Secret Service. Not so fast said the Court of Criminal Appeals....despite these facts he is not actually innocent based on factual impossibility because he possessed the requisite intent to commit the crime at the time his knowledge was that the currency was a forgery. However, the Court of Criminal Appeals found that his guilty plea under these circumstances was involuntary.....he made the plea under a mistaken belief regarding the specific evidence to be used against him. Relief was thus granted and Defendant was allowed to withdraw his plea, judgment was set aside, and Defendant was remanded back to the trial court to answer the indictment.

### Family Law—Divorce—MSAs—Fiduciary Duty

*In the Matter of the Marriage of Leticia G. Moncur and Ross S. Moncur*, 640 S.W.3d 309 (Tex.App.-Houston [14th Dist.] 2022, no pet. h.). This somewhat lengthy opinion in this divorce case is fairly fact-driven with the law as applied and is worth a read for any family law attorney dealing with marital estates and marital settlement agreements (MSA). Wife appeals on several issues, notably seeking to rescind the MSA because her husband had a fiduciary duty to her and failed to disclose material facts. As the 14th Court noted, her "task in this appeal is decidedly an uphill one. She contends that she reasonably relied on information that was obtained piecemeal, but she failed to engage in a complete discovery process before mediating and, indeed, agreed to waive further discovery in signing the MSA. It should go without saying that a contested divorce is an adversarial proceeding. Parties must act to protect their own interests. On this record, Leticia has not established either that the evidence conclusively established all elements of her fraud by non-disclosure claim or that the trial court's adverse finding on that claim was against the great weight and preponderance of the evidence." The Court pointed out that "While it is true that marriage creates a fiduciary relationship, the fiduciary nature of the relationship terminates when each spouse is independently represented by counsel in a contested divorce proceeding." On this issue ultimately the Court found that the wife "has not established that the trial court abused its discretion in refusing to set aside the MSA" thus overruling this issue. In the end the Court of Appeals affirmed the trial court's final decree that incorporated the MSA by overruling all the wife's issues on appeal.





## 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 to the general public. They are continuing their virtual programs and virtual reference desk by phone and email. To schedule an appointment to visit, go to their website here: <https://www.harriscountylawlibrary.org/>



## FBC Bar News

### Fort Bend County Bar Association

The **Fort Bend County Bar Association** is updating it's **Ad Litem Series** with a new seminar on **Tax and Guardian Ad Litem for Probate**. The program will be on Friday **April 29**. Check in is at **8:30 am** and the **CLE** runs from **9 am to 12 pm**. This is part 1 of a new series. Register online at [fortbendbar.org](http://fortbendbar.org). For more information, contact the bar.

### Family Bar of Fort Bend County

The **Family Bar of Fort Bend** is hosting a seminar on Friday **May 6** at **1 pm** in the 328th District Court. The program topic is **Domestic Violence Custody Cases**. The program will be given by Peggy Wright. Please register to attend.







## Useful Articles and Links

- ***The Updated Performance Guidelines in Criminal Cases.*** Jami Maselli Wood, et al. *Texas Bar Journal*. April 2022. [Layout 1 \(texasbar.com\)](#)
- ***Access Denied? Think Twice Before Sharing Your Device's Passcode.*** Pierre Grosdidier. *Texas Bar Journal*. April 2022. [State Bar of Texas | Articles \(texasbar.com\)](#)
- ***Customer Relations: Five Ways to Improve Client Communication during the Pandemic and Beyond.*** Ruby L. Powers. *Texas Bar Journal*. April 2022. [State Bar of Texas | Articles \(texasbar.com\)](#)
- ***Ethics and the Law: The Ethics of Voir Dire and the Topic of Venue in Texas.*** *Voice for the Defense*. April 2022. [Ethics and the Law: The Ethics of Voir Dire and the Topic of Venue in Texas | Voice for the Defense Online](#)
- ***Federal Corner: No Federal Habeas Relief Despite Sleeping Lawyer.*** *Voice for the Defense*. April 2022. [Federal Corner: No Federal Habeas Relief Despite Sleeping Lawyer | Voice for the Defense Online](#)
- ***Who Shot the Sheriff? The South Plains Trial of the Century.*** Chuck Lanehart. *Voice for the Defense*. April 2022. [Who Shot the Sheriff? The South Plains Trial of the Century | Voice for the Defense Online](#)



# 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](mailto:llpublic@fortbend.lib.tx.us) with “Newsletter” as the subject.

To unsubscribe, write "unsubscribe."

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