



LAW LIBRARY NEWS

a publication of the Fort Bend County Willie Melton Law Library

May 2022 ♦ Volume 30, Issue 4

June 2022 CLE's @ the Law Library

The Law Library will be hosting three CLE's at the Law Library this June! First, we have a **Westlaw Training and CLE** on Friday **June 3** at **2 pm**. Next, we will have an **Attorney Lecture Series** on going from Private Practice to Public Defender. This class will be on Wednesday **June 15** at **noon**. Finally, we have a **Lexis Digital Library Training and Refresher** on Friday, **June 17** at **10 am**. The first two classes are approved for 1 hour MCLE and .25 Ethics. The final class is for .5 hour MCLE credit. Register on our website.

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New & Updated Resources

O'Connor's Texas Series

- *Family Law Forms*
- *Civil Appeals*
- *Causes of Action Pleadings*
- *2022 Editions*

Federal Criminal Appeals

- *2022 Edition*

Texas Family Lawyer's Essential Toolkit

- *2022 Edition*

Texas Courthouse Guide

- *2022 Edition*

Texas Legal Practice Forms

- *2022 Edition*

Texas Practice Guide

- *Personal Injury*
- *Criminal Practice & Procedure*
- *2022 Editions*

Divorce Taxation

- *2022 Edition*

Texas Family Law Practice & Procedure

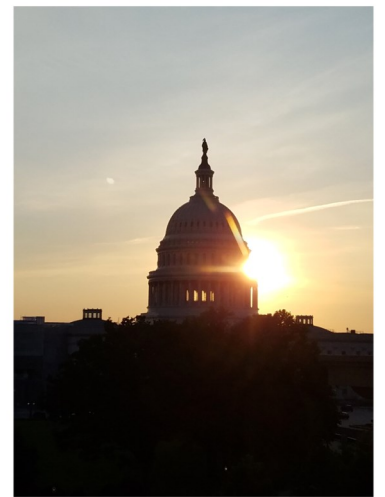
- *2022 Update*



Librarian Musings: Professional Conventions & Staff Development

By Jonathan Briggs

Meetings. They often conjure dread or at the very least they are pre-judged as boring, unnecessary, and an annoyance in the minds of required attendees. I worked at a law firm and for a period of time where we would have a team meeting of attorneys, paralegals, and legal secretaries to discuss cases and issues related to a large docket. And it was held at 2:00 P.M. every Friday!! And now everyone is somewhat weary of Zoom/Webex/Teams meetings, though those platforms were crucial during the height of the pandemic and are convenient. But there are some meetings that should not be met with dread or other negative thoughts. We are returning to in-person meetings as we are hopefully in a phase of Covid where risks have been minimized as much as possible. The meetings that I contend should be met with positivity are those that deal with employee/workplace and professional development. The Fort Bend County Library System (of which the Law Library is a unique branch of) recently held its Staff Development Day (SDD) in person for the first time since 2019. The entire library system is shut down for one day and all employees from all branches and the administrative offices (almost 300 people) gather in a large meeting venue. It is the one day each year everyone who works for the library system gets to interact during breakfast, lunch breaks, and group and team-building activities. There are also speakers and informational forums. One of the best features at SDD a few years ago were three large maps...one of Texas, one of the United States, and one of the World...each employee was to place a pin in their hometown in Texas, the U.S., or a foreign country...seeing the sheer diversity of origins that led each person to be part of the Fort Bend library team was fascinating and was a perfect microcosm of Fort Bend County, arguably the most diverse county in the U.S. It showed that though our beginnings are vast and varied, we are united in our mission to serve the people of this community. I think most people outside the world of law libraries would be surprised to learn that we have organizations dedicated to our profession, and not just the national American Association of Law Libraries (AALL) but the chartered regional chapters and local groups. I myself am not just a member of the AALL but am also in the Southwestern Association of Law Libraries (SWALL), and the Houston Area Law Librarians (HALL). My term as an at-large board member of HALL is just now coming to an end after two years and Andrew Bennett, my colleague here at the Fort Bend County Law Library, is beginning his third year as the treasurer of SWALL. After a two-year absence SWALL held its annual meeting in person and with the assistance of HALL the Fort Bend County Willie Melton Law Library served as the organizers and host for law librarians from Texas, Arkansas, Oklahoma, Colorado, New Mexico, and Arizona. We were privileged to have the President of AALL as our keynote speaker and over the course of two and a half days information, ideas, and fellowship were shared during classes, lectures, meals, happy hours, and in a luxury box at a Sugar Land Space Cowboys baseball game. Andrew and I were both featured speakers sharing our perspectives and experiences with Andrew lecturing on the ins and outs of expanding the law library in his role as Law Librarian and Branch Manager and I spoke on serving pro se/self-represented litigants as a government law librarian. This summer Andrew will be going to Denver for the AALL national convention. I have had the privilege of attending this twice, in 2018 in Baltimore and 2019 in Washington, D.C. There are always worthwhile classes and special events where you learn something or meet someone that has value or makes and impact on you. And frankly, it is refreshing to get away from work and home for a few days....travel, enjoy good meals, drinks, and a nice hotel room and get a different perspective in a fresh venue. Two things stick with me from my experiences at the 2019 AALL in D.C. The first was the keynote speaker, Professor Shon Hopwood from Georgetown University Law School. His unique story...beginning as a state prison inmate using law library resources to write a brief in his own case that got to the U.S. Supreme Court definitely served to point up the importance of law library resources and to re-inspire me to give my best to our patrons as a conduit to our justice system. The second was the closing reception in the grand main entrance hall of the Library of Congress....as the sun set over the adjacent Capitol the Law Librarian of Congress gave an address on our profession. Events such as this are re-invigorating, fulfilling, even humbling. They give you a unique opportunity to interact, broaden your horizons, to learn, re-charge, and even to reflect and get inspired all over again for the valuable work we have chosen and are privileged to do day-in and day-out across our country and here in Texas and in Fort Bend County. I am thankful for those opportunities to grow and enjoy the experiences these meetings offer. Whatever your profession I hope you are able to educate, enrich, and rejuvenate yourself by attending conferences, meetings, classes, and social events.



Capitol Building from the Library of Congress 7/15/2019



Featured Resource: O'Connor's Texas Causes of Action Pleadings

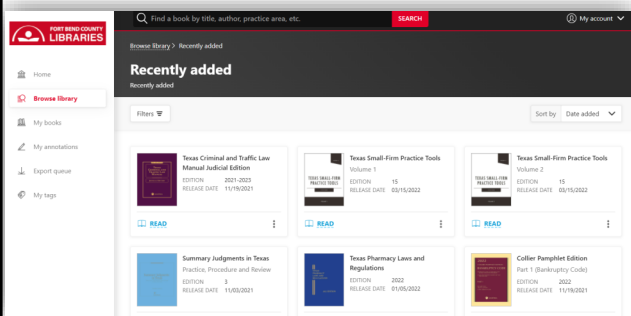
By Jonathan Briggs

Forms. They are the currency of the court system. At the Fort Bend County Law Library we strive to always maintain a collection of forms both in print and online from multiple resources that cover both a depth and breadth of legal practice areas and topics. One of the tried and true resources on the civil side is O'Connor's Texas Causes of Action Pleadings and we have just received the 2022 edition. This is the companion volume to O'Connor's Texas Causes of Action. The latter provides detailed descriptions of all manner of causes of action and associated information. For anyone initiating a civil lawsuit, whether you are an attorney or are self-represented, these two books are your go-to starting points for thorough descriptions and accurate forms. Across almost 1,300 pages Causes of Action Pleadings has forms providing the basic framework of petitions to draft civil petitions along with the templates for all manner of civil causes of action from "Abuse of Process" to "Wrongful Discharge" and everything in between....Contracts, Fraud, Insurance-based claims, Libel & Slander, Negligence, Texas Tort Claims Act, and so many more. Additionally, there numerous templates for Damages, Interests, Costs, and Attorney Fees allegations. We have two copies in print and it is also available online via Westlaw. Copies and prints can be made for 10 cents a page and from Westlaw forms can be downloaded in editable formats such as Word to a thumbdrive or e-mailed to yourself for free. Let the Law Library be your resource for forms! We are on the 2nd floor of the Justice Center or contact us via phone at 281-341-3718 or by e-mail at: llpublic@fortbend.lib.tx.us.



Technology Corner: New Resources on Lexis Digital Library

By Andrew Bennett



you can see exactly when those titles were updated. Another new recent update to Lexis digital Library is the new Lexis Federal Documents collection that includes the United States Constitution, Federal Rules of Civil Procedure, Federal Rules of Evidence, and more. The final new feature to our database is the subject section at the bottom of "Browse Library." Topics can be selected where you can see a full list of titles in that subject area. There are 38 subjects in all and can be sorted by Jurisdiction, collection, or practice type. These new editions make Lexis Digital Library easier to use. You will need a library card for access. For more information, contact the Law Library.

Have you checked out the new resources on Lexis Digital Library? Through this service, you now have access to some additional resources in eBook format. These include *Summary Judgments in Texas*, *Texas Pharmacy Laws and Regulations*, *Texas Criminal and Traffic Law Manual (Judicial Edition)*, *Qualified Domestic Relations Orders*, and updates to other titles. You can find updates by clicking on "Browse Library" on the left hand side, and then click on "Recently Added." This will give you a complete list of new and updated titles over the last year or so. This means new editions of James Publishing or Lexis Nexis/Matthew Bender titles including any loose leaf updates even if the edition has not changed. In the

All 38			
Jurisdiction 6			
Practice area 27			
Content type 5			
Other subjects 0			
Jurisdiction			
Federal 52	International 1	Louisiana 1	Mississippi 1
National 95	Texas 129		
Practice area			
Bankruptcy 62	Business Law 1	Civil Practice & Procedure 6	Civil Practice & Procedure: State 27
Civil Rights Law 1	Commercial Law 1	Construction Law 1	Criminal Justice 20
Criminal Law & Procedure 42	Employment & Labor Law 12	Energy 3	Estate Gift & Trust Law 10
Evidence 2	Family Law 14	Forms 51	General Practice 7
Health Care Law 1	Immigration Law 2	Law Practice Management 7	Litigation 38
Mergers & Acquisitions 25	Motor Vehicle and Traffic Law 5	Personal Injury Law/Medico-Legal 16	Social Security Disability 11
Tax and Accounting Law 1	Torts 5	Trial Advocacy 1	



Texas Case Law Update

Local Cases

- [Carl C. Icahn v. XL Specialty Insurance Company, et al.](#), No. 01-22-00185-CV (May 12, 2022): Appeal Dism'd. (434th)
- [Kennard Law, PC v. Linda Patton](#), No. 01-20-00560-CV (May 17, 2022): Motion Reh'g. Denied. (400th)
- [In Re Arya Rezaei](#), No. 01-22-00339-CV (May 24, 2022): Pet. Writ Mandamus Denied. (458th)
- [Linda A. Stewart, et al. v. Bonbrook Plantation Community Association, Inc.](#), No. 14-22-00112-CV (May 3, 2022): Appeal Dism'd. (268th)
- [Celil Kakin v. Erin Nicole Eaton](#), No. 14-21-00647-CV (May 5, 2022): Appeal Dism'd. (328th)
- [Ex Parte Amy Amanda Regalado](#), No. 14-21-00529/00530-CR (May 5, 2022): Appeal Dism'd. (240th)
- [Michael Floeck v. Crescent Continuing Care Center Company](#), No. 14-21-00101-CV (May 10, 2022): Aff'd. TC Judgment. (400th)
- [Suniverse, LLC, as Trustee v. Nationstar Mortgage, LLC, et al.](#), No. 14-21-00689-CV (May 10, 2022): Appeal Dism'd. (268th)
- [Garrett Houston Hannes v. The State of Texas](#), No. 14-21-00416-CR (May 17, 2022): Appeal Dism'd. (268th)
- [Ruhul A. P. Ahmed v. Khaleda Parvin](#), No. 14-21-00143-CV (May 19, 2022): Aff'd. TC Judgment. (505th)
- [Johnathan Pappie, et al. v. Gagan Batra](#), No. 14-21-00290-CV (May 26, 2022): Reversed & Rendered. (400th)

Civil Litigation—Motion Practice—Mandamus

In Re GTG Solutions, Inc., Relator, 642 S.W.3d 41 (Tex.App.-El Paso 2022, no pet. h.). FLX Energy Services, LLC, filed a declaratory judgment action arising from its business relationship with GTG Solutions, Inc., concerning the amount of money it owed for septic services provided by GTG. As part of this action GTG served written discovery on FLX. Based on FLX's responses and objections to this discovery GTG filed a motion to compel. Both parties submitted proposed orders. The trial court failed to rule on the motion for sixteen months. During this pendency GTG formally requested that the court rule on its motion to no avail. GTG thus filed for mandamus relief for the court's failure to rule within a reasonable time. GTG contended that mandamus was proper for the court's failure to carry out a ministerial act. "To obtain mandamus relief based on a trial court's failure to perform a ministerial duty, the relator must show that the trial court: (1) had a legal duty to perform a non-discretionary act; (2) was asked to perform that act; and (3) refused to do so." In this instance did the court fail to timely rule on a properly filed motion? The Court of Appeals reviewed several other opinions that granted relief for much shorter delays. Courts have a ministerial, non-discretionary duty to consider and rule on motions that are properly filed and brought before the court within a reasonable amount of time. The reasonableness of the time period can be affected by various factors but nothing was brought forward by the trial court to support the reasonableness of the delay (including any Covid protocols). The Court of Appeals ultimately ruled that the trial court's failure to rule was a refusal to rule. The trial judge was ordered to rule within 30 days or mandamus will issue.

Family Law—Protective Orders—Family Violence

J.A.T. v. C.S.T., 64 S.W.3d 596 (Tex.App.-Houston [14th Dist.] 2022, pet. filed). (Note: The Fort Bend County Willie Melton Law Library regularly has patrons requesting paperwork to seek a protective order. It is an issue the District Courts of Fort Bend County regularly have to contend with. This recent case is thus included to provide a reference to the state of the law and the standards applicants must meet for a Court to be able to issue a family violence protective order.) Trial court issued a family violence protective order against the father. He brought an appeal challenging both the legal and factual sufficiency of the evidence underlying the trial court's ruling. The Court of Appeals reviewed the statutory standard that must be followed by the trial court. To issue a protective order under Section 85.001(a) of the Texas Family Code the Court must find that "(1) family violence has occurred, and (2) family violence is likely to occur in the future. If the trial court finds that family violence has occurred and that family violence is likely to occur in the future, the trial court: (1) shall render a protective order as provided by Family Code section 85.022 applying only to a person found to have committed family violence; and (2) may render a protective order as provided by Family Code section 85.021 applying to both parties that is in the best interest of the person protected by the order or a member of the family or household of the person protected by the order. *See* Tex. Fam. Code Ann. *See id.* § 85.001(b)." In a detailed opinion reviewing the evidence the Court of Appeals ultimately found that the trial court properly granted the protective order. Affirmed.



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 OPEN to the general public by appointment. 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/>
- The **Fort Bend County Law Library** will be returning to a **hybrid format for all of its classes** starting in **June 2**. This means all programs will be virtual and in person.



FBC Bar News

Fort Bend County Bar Association

The Fort Bend County Bar Association will have their monthly CLE on Thursday June, 30 2022. Check their website or Facebook page for more details.

Family Bar of Fort Bend County

The Family Bar of Fort Bend has their monthly meeting on the first Thursday of the month at Buena Vista. Entrance is free. Pay for your own meal. Check their website or Facebook page for details.

Fort Bend County Criminal Defense Attorneys Association

The Fort Bend Criminal Defense Attorneys Association has their monthly meetings on the last Thursday of each month. Check their website or Facebook page for details.





Useful Articles and Links

- ***Developing Doctrine.*** Ben Allen & Dreu Dixon. *Texas Bar Journal*. May 2022. <https://www.texasbar.com/AM/Template.cfm?Section=articles&Template=/CM/HTMLDisplay.cfm&ContentID=56671>
- ***COVID-19'S Impact on the Practice of Employment Law.*** Christine E. Reinhard & Michael J. Ritter. *Texas Bar Journal*. May 2022. <https://www.texasbar.com/AM/Template.cfm?Section=articles&Template=/CM/HTMLDisplay.cfm&ContentID=56665>.
- ***Delegation Is Key. Solo/ Small Firm.*** Ruby L Powers. *Texas Bar Journal*. May 2022. <https://www.texasbar.com/AM/Template.cfm?Section=articles&Template=/CM/HTMLDisplay.cfm&ContentID=56599>.
- ***Ethics and the Law: Sharing the Wealth.*** Thomas Brent Mayr. *Voice for the Defense*. May 2022. <https://www.voiceforthedefenseonline.com/ethics-and-the-law-sharing-the-wealth-what-you-need-to-know-about-shared-fees-and-referrals/>
- ***From the Front Porch: Practicing Law in Rural Areas.*** Todd Steele. *Voice for the Defense*. May 2022. <https://www.voiceforthedefenseonline.com/from-the-front-porch-practicing-law-in-rural-areas/>.



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."