



LAW LIBRARY NEWS

a publication of the Fort Bend County Willie Melton Law Library

June 2022 ♦ Volume 30, Issue 5

July 2022 CLE's @ the Law Library

The Law Library will be hosting two CLE's this month. The first is from Lexis and will be titled *Docket Research and Effective Litigation Management* on Wednesday, July 13 at 10 am. The second is from Thomson Reuters focusing on *Civil and Criminal Federal Resources on Westlaw and Practical Law* on Friday, July 22 at 2 pm. Both courses have been approved for 1 hour MCLE credit. Visit our website at www.fortbend.lib.tx.us to register. Please mention in the "Special Notes" field if you plan to attend in person or virtually.

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New & Updated Resources

O'Connor's Federal Series

- *Intellectual Property Codes Plus*
- *Civil Forms*

Qualifying and Attacking Expert Witnesses

- *2022 Edition*

Texas Criminal and Traffic Law Manual

- *2022 Edition*

Texas Practice Series

- *Lawyer and Judicial Ethics*
- *Methods of Practice*
- *2022 Editions*

Texas Family Law Practice Manual

- *2022 Edition*

Texas Practice Guide

- *Civil Appeals*
- *2022 Edition*

Federal Criminal Practice

- *2022 Edition*

Pronske's Texas Bankruptcy

- *2022 Edition*



Librarian Musings: The Law Librarian without a JD

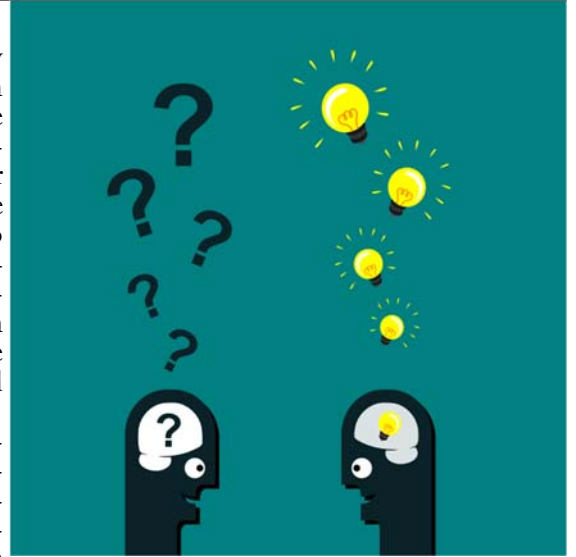
By Andrew Bennett

Recently, my coworker Jonathan Briggs spoke about his experiences as a Law Librarian at a conference we both attended. He also has a JD and has been able to fall back on that many times over the years and while he does not give Legal Advice here at the Library, he does use it to help patrons find information as well as recommend resources to them to start their research or work on a legal issue. Many Law Librarians all over the country are able to use the knowledge and skills they learned in Law School or while in practice to help their patrons. I come at this very differently as I do not have a background in the Law, in anyway shape or form. I didn't even study Political Science in college. But, I have some skills I learned in Library School as well as in my undergraduate program at Texas Tech in History to help me and over the last 8 years, I've used them to help my patrons and to grow in knowledge and experience.

One skill I do have is knowing how to do research, and not just research, but advanced research in many different areas. Both in my undergraduate and graduate programs, I had to do a lot of research, as you might imagine. In my History program, I did a lot of research deciphering and understanding historical documents. Some of which were legal texts like Justinian's Legal Code, although fortunately, I did not have to translate it from medieval Greek. But, I have to read the translated historical texts and try to understand what is said and what the intention was. For example, Pope Urban II gave a speech at Clermont initiating the First Crusade. During my Medieval History class, I had to read a direct translation, and figure out what his intended audience was and what was his ultimate goal. This is difficult as you are reading text from someone 1,000 years ago and trying to determine what he meant not only is there no one around to confirm any of it, it's likely been through numerous translations into what I've read today. Intentions and wording can be lost during that time. How does this relate to legal research? Well it taught me to become cautious in what I was reading. I needed to find multiple sources to back up what I thought was true. While researching the law, especially if it falls outside the code, one needs to find case law to back up their argument. My experience with historical texts gave me experience in finding as many sources as possible to back up my argument. In addition, in graduate school doing research was just part of my school work for my degree. We did research with government resources, medical databases, science databases, and more. I had to be able to use Boolean operators and construct an advanced search strategy. I had to be familiar with all types of databases and know how to adjust my search depending on the one I was using. This all helped me pick up doing legal research fairly easily.

Second, Library School taught me to ask questions. I don't know everything and do not pretend to. I was taught to not assume I know it either. I learned a process called the "reference interview." Through this process I ask questions to narrow down what it is a patron's needs. In the case of legal reference, for example, if the patron needs to file a divorce. I may follow up with questions such as "do you have minor children" and "are you both agreed on the divorce?" That helps me find the right paperwork to give them. That is a very simple example, and questions you might expect, but it can get much harder from there. One example, again in family law, would be dealing with community property. Patron comes in and asks for resources on that topic. I might follow up with a question like "what type of property do you need help with? Real property or personal property?" Or I could ask them if they know the difference between each. If not, I might lead them to a dictionary or a treatise explaining the difference. If they know the difference, I might send them right to a practice guide that talks about how community property might be divided. Another example in dealing with probate, I could ask some follow up questions such as "does the deceased have a will?" or "do the assets in the estate exceed \$75,000 excluding property?" They may very well not know any of those answers in which case I would lead them to a general guide, but if they can, I might lead them to something more direct such as if they do not have a will, I might lead them to a guide that speaks to intestate succession. If the estate is not above \$75,000, I might also include information on a small estate affidavit. Asking questions is not giving legal advice but simply being able to use the reference interview to not only narrow down what they might need but also for the patron to give you the information and to give them some legitimate help even if it does potentially involve a lot of reading, research, and study. Most of this revolves around self represented litigants but also can help me when I have an attorney who knows what he or she wants but they don't necessarily know how to find it or they haven't practiced in that area before. Of course, with any information we give out, we give the notice that anything we give them does not replace the advice of an attorney.

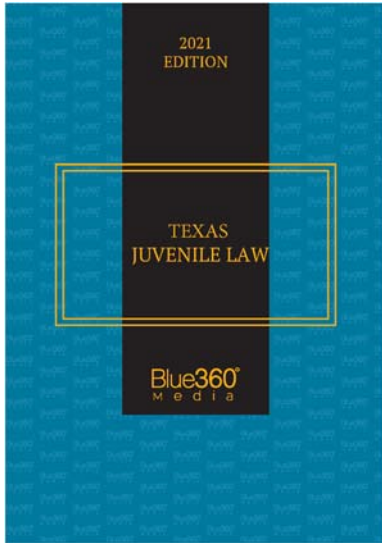
In conclusion, my experience, while very similar to Jonathan's as an attorney, I have to come from it from a slightly different angle. I don't have the knowledge or practice experience to fall back on, but I do know how to find it and I do know how to ask questions so that I can get the information they need to help themselves.





Featured Resource: *Texas Juvenile Law, 2021-2022 Edition*

By **Andrew Bennett**



A new title from Blue360 media is a resource on a aspect of criminal law that there are few treatises on. The one most people are familiar with is Dawson's from the Texas Juvenile Justice Department. This guide is updated more often and can provide a nice companion book to the older title. This guide designed mostly for law enforcement professionals it also is helpful to attorneys either in criminal defense or prosecution. The book starts with checklists, landmark cases, state resources, list of definitions and forms. The second section is devoted exclusively to the law itself including provisions from the Family Code, Juvenile Justice Code, Court proceedings and rules, Penal code, Code of Criminal Procedure, and more. The first section on checklists and landmark cases are organized in a table format allowing for easy understanding. Followed by a list of definitions and resources in alphabetical order. Forms for this guide are found on the Juvenile Law Section of the State Bar of Texas website and can be downloaded. Since the bulk of the book is focused on the code provisions, the over 1,000 page guide is full of annotations including historical statute citations. The index is fairly comprehensive but the type is very small and maybe hard for some. The book is only available in print and copies of the book can be made for \$0.10 a page or scanned free of charge. For more information, contact the Law Library.

Technology Corner: *Update on Practical Law via Westlaw/Thomson Reuters*

THOMSON REUTERS
PRACTICAL LAW

By **Jonathan Briggs**

The Law Library expends a significant amount of its budget subscribing to several crucial online legal databases, most notably Westlaw Next, Lexis Advance, and Hein Online. These subscriptions cover a breadth and depth of Texas, federal, and the law of other states as well as numerous other resources. Westlaw has an excellent feature called Practical Law that is worth revisiting and familiarizing our patrons with. The topic for this column came to mind while I was assisting an attorney this month. He had recently been appointed as the general counsel for a Texas-based company incorporated in Delaware and was seeking the relevant statutes and practices he would need to abide by and the forms necessary to carry out his duties and the business of the corporation. The first stop was the website of the Delaware Division of Corporations, which like the Texas Secretary of State, provides a great deal of information and standardized forms regarding formation, reporting, etc. As far as what our collection had to offer him, I was at first somewhat doubtful as to our ability to offer anything further than the primary law of another state as we focus on Texas and to a lesser degree the federal system. The cases and statutes of Delaware and all the other states are available via both Westlaw and Lexis but we generally do not have any secondary sources such forms or practice guides for other states. But then I remembered Practical Law! Practical Law via Westlaw/Thomson Reuters is an adjunct to the main database that was introduced a few years ago. In a nutshell, Practical Law provides access to lawyer-created content for all 50 states on a variety of topics and practice areas. The materials available can vary from state to state, but as far as Delaware corporation law there was a great deal of useful items including: 82 standard documents such as certificates of formation for various entities, certificate of incorporation, and certificate of dissolution; 35 checklists such as the corporate maintenance checklist; and, 35 practice notes on topics such as dissolving a corporation and fiduciary duties of corporate officers. This example from one interaction allows us to show the practicality and depth of materials available to you via one of our most expansive databases. As far as Texas goes, Practical Law offers materials on Commercial Transactions, Corporate and M&A, Labor & Employment, Litigation, Real Estate, and Trusts & Estates. Access to Westlaw and Practical Law is at no charge and is available on 4 of our 10 patron computers. Printing is 10 cents per page for black and white. The materials on Westlaw can be e-mailed to you 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

- [In Re Laurel Wendt](#), No. 01-22-00186-CV (June 2, 2022): Pet. Writ Mandamus Dism'd. (268th)
- [William D. Birchfield v. Kendra K. Birchfield](#), No. 01-21-00655-CV (June 7, 2022): Appeal Dism'd. (387th)
- [In the Matter of C.L.Z.](#), No. 01-20-00584-CV (June 9, 2022): Appeal Dism'd. (CCL#3)
- [Rodolfo Rico v. The State of Texas](#), No. 01-21-00051-CR (June 16, 2022): Aff'd. TC Judgment. (CCL#6)
- [Texas Dept. of Public Safety v. MMC](#), No. 01-22-00008-CV (June 21, 2022): Appeal Dism'd. (434th)
- [In the Interest of H.D.D.B.](#), No. 01-21-00723-CV (June 23, 2022): Aff'd. TC Judgment. (328th)
- [In Re Bilal Burki, et al.](#), No. 01-22-00062-CV (June 28, 2022): Pet. Writ Mandamus Dism'd. (268th)
- [In Re R. Wayne Johnson](#), No. 01-22-00456-CV (June 28, 2022): Pet. Writ Mandamus Denied. (458th)
- [In Re FAF Holding Company, LLC](#), No. 14-22-00055-CV (June 7, 2022): Appeal Dism'd. (240th)
- [Muzaffar H. Siddiqi, et al., v. Toorak Capital Partners, LLC](#), No. 14-21-00401-CV (June 9, 2022): Appeal Dism'd. (240th)
- [In Re Michael R. Bailey](#), No. 14-22-00374/00375-CR (June 14, 2022): Appeal Dism'd. (240th)
- [Kacy DePriest v. Sidney H. DePriest](#), No. 14-20-00032-CV (June 21, 2022): Affirmed as Modified. (328th)
- [Community Health Associates, Inc. v. Maxicare Therapy Services, Inc.](#), No. 14-22-00238-CV (June 23, 2022): Appeal Dism'd. (268th)
- [Eric D. Burns v. James A. White](#), No. 14-20-00646-CV (June 28, 2022): Aff'd. TC Judgment. (268th)

Criminal Law—Bail

Ex Parte David Ramirez-Hernandez, 642 S.W.3d 907 (Tex.App.-San Antonio 2022, no pet. h.). Defendant-Appellant was charged with three counts of aggravated sexual assault of his minor step-daughter. Bail was set at \$500,000 for one of the counts and \$250,000 each for the other two charges. In his pre-trial application for writ of habeas corpus he asserted this was excessive and asked for bail be set at \$50,000. The application was denied by the trial court and this appeal was pursued. Appellant contends that the cumulative bail of \$1 million is excessive under the Texas Code of Criminal Procedure, Texas Constitution, and the United States Constitution. At the trial court hearing on his habeas application three witness witnesses testified positively on Appellant's behalf and a letter from his employer was admitted speaking to his character and steady and dependable work history. The only thing admitted on behalf of the State was the probable cause affidavit. The San Antonio Court of Appeals noted that the Appellant was a Mexican national, is in the U.S. illegally, and does not have a Texas driver's license of identification card. The Court of Appeals went into a long analysis of bail law and the relevant facts of this case in light of this law. The Court of Appeals ultimately concluded: "We acknowledge that setting reasonable bail presents trial courts with the difficult task of weighing the specific facts of a case against many, often contravening factors, and often in the face of scant evidence. We also recognize that those determinations can turn largely on witness credibility, which trial courts are in the best position to evaluate. Accordingly, we reiterate that trial courts should be afforded considerable discretion in making those challenging determinations. Although there is no indication the combined \$1 million bail amount was used as an instrument of oppression, and the nature of the offense, possible sentence, and concerns Ramirez-Hernandez may be a flight-risk favor a higher bond, we conclude these factors when balanced against the other factors do not warrant a combined \$1 million bail amount. And, we again note the record does not indicate why three identical counts warranted two different bond amounts. The total of all three bonds is \$1 million, an amount twenty times higher than what Ramirez-Hernandez could reasonably provide, which constitutes a de facto setting of no bond. Therefore, after reviewing the evidence in the light most favorable to the trial court's ruling, considering the factors relevant to a bail determination, examining cases involving comparable offenses, and affording Ramirez-Hernandez the presumption of innocence to which he is constitutionally entitled, we conclude the trial court erred by denying Ramirez-Hernandez's application to reduce his cumulative bail of \$1 million. Accordingly, we reverse the trial court's Order Denying Writ of Habeas Corpus and remand for further proceedings consistent with this opinion." (citations omitted) Reversed and remanded. This case is definitely worth a read for criminal law practitioners.



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 July, 28 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

- ***Access to Justice for Texas Veterans.*** Terry O. Tottenham. Texas Bar Journal. June 2022. [State Bar of Texas | Texas Bar Journal Online.](#)
- ***The State of Access to Justice in Texas.*** Deborah Hankinson & Harry Reasoner. Texas Bar Journal. June 2022. [State Bar of Texas | Texas Bar Journal Online.](#)
- ***Access to Justice Transformed.*** Nathan Hect and Brett Busby. Texas Bar Journal. June 2022. [State Bar of Texas | Texas Bar Journal Online.](#)
- ***Should You Ever Plead Misdemeanors Before Felonies?*** Dean Watts. Voice for the Defense. June 2022. [Voice for the Defense Online.](#)
- ***Pretty Maps & Plea Bargains.*** Patrick Siewart. Voice for the Defense. June 2022. [Voice for the Defense Online.](#)
- ***The Value of Service to the Local Bar.*** Anna Archer. The Houston Lawyer. March/April 2022. [The Houston Lawyer.](#)
- ***Judicial Mentoring. The Judge/Clerk Relationship.*** Michelle Gray, Chevazz G. Brown, Krisina Zuniga. The Houston Lawyer. March/April 2022. [The Houston Lawyer.](#)



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

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