



# LAW LIBRARY NEWS

a publication of the Fort Bend County Willie Melton Law Library

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## All Law Library Programs are Hybrid

If you have not heard, all Law Library programs from here on out will be in hybrid format. This means that programs will be offered both virtually and in person. While we encourage you to come to the Law Library in person, we understand that circumstances dictate that you cannot always come at the times we offer. Because of that, we will offer the programs in both formats to accommodate our patrons. When you register, please mention in the "special notes" field which format you would like to attend. Contact us with questions.

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## New & Updated Resources

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

- *Family Code Plus*
- *2022 Edition*

### ***Guerilla Discovery***

- *2022 Edition*

### ***Texas Legal Malpractice & Lawyer Discipline***

- *2022 Edition*

### ***Texas Criminal Forms***

- *2022 Edition*

### ***Texas Transaction Guide***

- *2022 Update*

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

- *Business Transactions*
- *2022 Edition*

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

- *2022 Update*

### ***Bankruptcy Courts and Procedures***

- *2022 Edition*



## Librarian Musings: AALL Denver 2022: Advancing Justice for All

*By Andrew Bennett*

I attended the American Association of Law Libraries Conference July 16-19. This conference has a lot of training for law librarians of all backgrounds, including law firm, academic, and government. This year, the focus was on Access to Justice, and there were a lot of government-centric programs that were of benefit to me.

I am a member of the Government Law Libraries Special Interest Section, which provides mentoring, training, grants, scholarships, and networking for government librarians. I took part in a breakfast celebrating what Government Law Librarians have done in the past year. Awards and Grants were given out to some of the Librarians in attendance. The keynote speaker was Beth Wright, from the Native American Rights Fund. She spoke about some of the work they do, as well as the history of Native American schools and some of the atrocities that occurred at those locations. A member of the Pueblo of Laguna, Beth also spoke of her background as well.

The keynote speaker for the conference was Tani G. Cantil-Sakauye, Chief Justice of the California Supreme Court. She spoke about ways that Librarians can help with the theme of "Advancing Justice for All." She also spoke about how California is working on getting better



access for those in her state who need it. She had a fireside chat with AALL President, Diane Rodriguez, answering various questions about her career and what led her to her position as Chief Justice and why advancing legal aid is a priority for her.

Another government-centric program I attended was "Designing Access to Justice: User-Centered Design and Technology for Self-Represented Litigants." Panelists talked about how their use of technology enabled them to create an online application for those seeking help with legal aid. The program, "Research Your Rights: How Design and Plain-Language Writing Can Increase Accessibility to Legal Information," demonstrated how designing websites, forms, and flyers in plain language can increase usability of your resource guides, websites, and other informational pamphlets.

During the "LISP-SIS/GLL-SIS/SR-SIS Roundtable on Law Library Services to Prisoners and Public Patrons" program, we discussed some of the avenues we can reach patrons through programs, being part of Access to Justice Committees, and more. The main speakers talked about some of the things they do to help patrons with evictions and the housing crisis. Also, I attended "The Future of Library Collections: Collaborating to Become Better Builders" program about how collection development librarians need to maximize their resources to provide more concise and effective collections in multiple formats for their patrons. Another program I attended, "You, Too, Can YouTube: Making the Case for Law Library Channels," focused on how libraries can make useful and effective YouTube channels, and I got some ideas on how I can improve ours.

Finally, I did attend some trainings in regards to our legal databases, Westlaw and Lexis, and some of the improvements that they have made and are going to make soon. Westlaw is adding more streamlined access to Practical Law and allowing more integration of the two databases through Westlaw Edge, which we hope to have soon at the Law Library. Lexis is also adding more AI into their platform, Lexis +, so that when a patron, especially one who is Pro Se, types in a search, it gives them suggestions on what to search.

All in all, this conference was enjoyable, worthwhile, and as usual educational for Law Librarians. This year, with the heavy focus on Access to Justice, I was able to attend many government-centric programs that provided information on how we can improve the services we provide to you at the Fort Bend County Willie Melton Law Library!



## Featured Resource: *Texas Civil Litigation*



**By Jonathan Briggs**

It is not that often that we get a publication in the Law Library that is completely new to us. Much of our collection are tried-and-true proven resources that have been around for years and are updated regularly, such as publications in the O'Connor's series, Dorsaneo's *Texas Litigation Guide*, *Texas Pattern Jury Charges*, *Texas Juvenile Law*, etc. This month, we received volumes 1 and 2 of the 2022 edition of *Texas Civil Litigation: Commentaries & Rules*, published by Bearings. It may look a little familiar to those of you who always have an O'Connor's *Texas Rules Civil Trials* on your desk. That is not a coincidence.

Andrew Bennett and I met the founders of Bearings at the joint annual meeting of Southwestern Association of Law Libraries and Houston Association of Law Librarians that took place at the Marriott in Sugar Land Town Center in April. They were one of the vendors and were marketing their flagship publication developed since they all left O'Connor's and founded Bearings. Each of them had been a key member of the O'Connor's staff, but after its acquisition by Thomson Reuters, they decided to go out on their own.

My initial take on this book is that the folks at Bearings intend this to be a bit of a throwback to O'Connor's *Texas Rules Civil Trials* as it existed before it ceased to be independently published, while also providing an evolved and modernized version of this type of in-depth litigation resource. Using commentaries, charts, and annotations in its two volumes and more than 1,900 pages, it provides an in-depth look at all manner of civil litigation topics (and many subtopics therein): Client Intake; Plaintiff's Original Pleadings; Injunctive Relief; Defendant's Answer; and Motion Practice. It also provides the annotated Texas Rules of Civil Procedure, Texas Rules of Appellate Procedure, and Texas Rules of Evidence. Unlike the current incarnation of O'Connor's, the index provides reference to page numbers, not section numbers.

This is not simply a knock-off of O'Connor's *Texas Rules Civil Trials*. It covers the same broad topic of Texas Civil Litigation, but does so in its own way. It is not replacing O'Connor's, it is simply adding itself to the array of quality resources on this broad topic. We have one copy of the two-volume book in our print collection. We have not yet added it to our online offerings as we are still evaluating it from content quality and budget standpoint for institutional customers such as the Fort Bend County Willie Melton Law Library. Copies can be made for 10 cents a page. Civil litigation is complicated; the devil is in the details for both attorney and pro se alike. Let the Law Library be your resource for another great publication tackling this topic. 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](mailto:llpublic@fortbend.lib.tx.us). Come by and see us!

## Technology Corner: Using the Scanner

**By Andrew Bennett**

Did you know you can use our photocopier to scan documents to PDF? You can, and it is FREE.

You can scan documents to your email or to your flash/thumb drive. Once you get to the photocopier, select "image send" from the tabs on the screen. Then select "condition settings." Next, select "address entry" to send to email. Select "email" and then enter your email address, or the address you wish to send it to, and click "ok." Once that is done, hit the "ok" button on the photocopier.

The copier will scan the documents to your email. If you want to use a flash/thumb drive, instead of "address entry," hit the tab for "usb mem drive." Plug your drive into the machine on the right-hand side of the photocopier. You can save the document to a folder or just on the drive.

Quick tip — you do not have to enter anything with the screen. We have a pull-out keyboard! It is right below the screen; pull toward you for it to release. Remember, efilng must be done in PDF and we have made this easy for you to do at the courthouse. If you have any questions, let us know!





## Texas Case Law Update

### Local Cases

- [Lawsuit Financial, Inc., v. Wyatt D. Snider](#), No. 01-21-00234-CV (June 30, 2022): Appeal Dism'd. (CCL#1)
- [In Re Joey Wood](#), No. 01-22-00429/00431-CR (June 30, 2022): Pet. Writ Habeas Corpus Dism'd. (458th)
- [Azhar M. Chaudhary v. Deere & Company](#), No. 01-21-00713-CV (July 7, 2022): Appeal Dism'd. (CCL#2)
- [Stonebridge Consulting, LLC, et al., v. Joy Talk](#), No. 01-22-00244-CV (July 7, 2022): Appeal Dism'd. (CCL#2)
- [Eric D. Jackson v. The State of Texas](#), No. 01-22-00051-CR (July 19, 2022): Aff'd. TC Judgment. (434th)
- [Wylesha Fields v. Antoinette Fields](#), No. 01-21-00138-CV (July 21, 2022): Aff'd. TC Judgment. (CCL#2)
- [Ernisha Blackmon v. Houston Fed. Credit Union](#), No. 01-21-00366-CV (July 26, 2022): Aff'd. TC Judgment. (CCL#5)
- [Alfredo Cruz v. the State of Texas](#), No. 14-22-00266-CR (June 30, 2022): Appeal Dism'd. (268th)
- [In Re Ignacio Navarro](#), No. 14-22-00406/00407/00408-CV (June 30, 2022): Appeal Dism'd. (240th)
- [American Akaushi Assoc., et al., v. Twinwood Cattle Co., Inc.](#), No. 14-21-00701-CV (July 12, 2022): Appeal Otherwise Disposed. (458th)
- [In Re Kensington Commons Partners LP](#), No. 14-22-00088-CV (July 12, 2022): Appeal Dism'd. (400th)
- [In Re AB Land Company](#), No. 14-22-00501-CV (July 14, 2022): Pet. Writ Mand. Denied. (268th)
- [Ronald T. Drakos II v. The State of Texas](#), No. 14-22-00389-CR (July 14, 2022): Appeal Dism'd. (240th)
- [In Re Michael R. Bailey](#), No. 14-22-00486-CR (July 14, 2022): Appeal Dism'd. (240th)
- [In Re Alex D. Johnson](#), No. 14-22-00434/00435-CR (July 21, 2022): Appeal Dism'd. (458th)

### Civil Litigation—Service on Registered Agent

*U.S. National Bank Assoc., as Trustee, et al., v. Dennis Moss*, 644 S.W.3d 130 (Tex. 2022). Plaintiff had a mortgage and home equity deed of trust with his original bank. He then obtained a default judgment in a suit to quiet title against the bank that had acquired ownership of the deed by an assignment. Two statutes were at issue as regards service of suit on a financial institution acting as a fiduciary: Section 17.028 of the Civil Practice & Remedies Code requires service on a financial institution by serving its “registered agent”; whereas Section 505.004 of the Estates Code provides that a “foreign corporate fiduciary” (which can be a financial institution) must appoint the Texas Secretary of State as its agent for service of process. Bank was domiciled in Ohio and was thus a foreign corporate fiduciary under the Estates Code. Moss had served the bank via the Secretary of State pursuant to the Estates Code. Dallas Court of Appeals affirmed the trial court’s granting of default judgment thus approving of that manner of service. The various Courts of Appeal were divided on whether this is proper service with some of these courts and the U.S. Northern District of Texas holding that the two statutes are reconcilable and service under the Estates Code satisfies the requirements under the CPRC. The Supreme Court ultimately disagreed and reversed the judgment of the Court of Appeals, holding that: “A default judgment is improper against a defendant who has not been served in strict compliance with the law, accepted or waived process, or entered an appearance. Tex. R. Civ. P. 124; *Wilson v. Dunn*, 800 S.W.2d 833, 836 (Tex. 1990). As we have explained, Moss’s service of the Bank via the Secretary of State pursuant to Chapter 505 did not constitute service on the financial institution’s registered agent as required by section 17.028. Because section 17.028 is mandatory and provides the exclusive methods of service for financial institutions, the Bank was not properly served, and the default judgment rendered against it must be set aside.” This case again illustrates that proper service is a key step in any civil case.

### Family Law—Unsealing of Adoption Records

*In the Interest of H.L.S. and W.A.S., Children*, 643 S.W.3d 453 (Tex.App.-Corpus Christi 2022, no pet. h.). Step-great grandparent had adopted the children. Subsequent suit brought trying to challenge adoption. Court of Appeals held that a family member (even though she is the biological grandmother of the children and had formerly held powers of a caregiver under a temporary authorization) did not show good cause warranting the unsealing of adoption records. Worth a read for those dealing with challenges to adoption or issues relating to unsealing of these records.





## Community News

- The **Fort Bend County Willie Melton 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 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 Willie Melton Law Library** will be returning to a **hybrid format for all of its classes** starting **June 2, 2022**. 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 County 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 County 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

- ***Always Strive For Better Justice.*** Eric Quitugua. Texas Bar Journal. July/August 2022. [Texas Bar Journal Online.](#)
- ***Electronic Signatures Are Binding.*** Pierre Grosdidier. Texas Bar Journal. July/August 2022. [Texas Bar Journal Online.](#)
- ***Branding Essentials for Law Firms.*** Lisa Hopkins. Texas Bar Journal. July/August 2022. [Texas Bar Journal Online.](#)
- ***Ethics and the Law: Conflicting Interest in Criminal Cases.*** Kristin Brown. Voice for the Defense. June 2022. [Voice for the Defense Online.](#)
- ***From the Front Porch: Dealing with Marijuana in Rural Texas (and maybe everywhere else, too).*** Tip Hargrove and Daniel Mehler. Voice for the Defense. June 2022. [Voice for the Defense Online.](#)
- ***How New Texas Laws are Changing Our Legal Landscape.*** Christina Beeler et al. The Houston Lawyer. May/June 2022. [The Houston Lawyer Online.](#)
- ***Preserving Jury Charge Error.*** Marie Jamison. The Houston Lawyer. May/June 2022. [The Houston Lawyer Online.](#)



### Texas Lawyers Assistance Program

Through its [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.

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 [llpub-lic@fortbend.lib.tx.us](mailto:llpub-lic@fortbend.lib.tx.us) with “Newsletter” as the subject.

To unsubscribe, write “unsubscribe.”