



LAW LIBRARY NEWS

a publication of the Fort Bend County Willie Melton Law Library

November 2022 ♦ Volume 30, Issue 9

Attorney Lecture Series

The Fort Bend County Willie Melton Law Library will be hosting another **Attorney Lecture Series** on Wednesday, **December 7**, at **3 pm**. This time, we will be focusing on **Drafting and Probating Wills**. The speaker will be Attorney Kerri Graham. She practices in Estate Planning and Probate in the Katy and Fort Bend areas. Registration is required for this program. Please visit our website at www.fortbend.lib.tx.us to register. The program will be hybrid with in-person and virtual options. In the “special notes field,” mark whether you plan to attend in person or virtual. The speaker will be remote, but you can join us in person and watch in our Conference Room. For more information, please call at 281-341-3718 or email at llpublic@fortbend.lib.tx.us.

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New & Updated Resources

O'Connor's Texas Series

- *Texas Forms * Real Estate*
- *Business & Commerce Code*
- *2022 Editions*

Texas Small Firm Practice Tools

- *2022 Edition*

Texas Practice Series

- *Environmental Law*
- *2022 Edition*

Texas Limited Liability Companies

- *2022 Update*

Qualified Domestic Relations Orders

- *2022 Edition*

Handling Federal Discovery

- *2022 Edition*

Blue's Guide to Jury Selection

- *2022 Update*

Summary Judgments in Texas

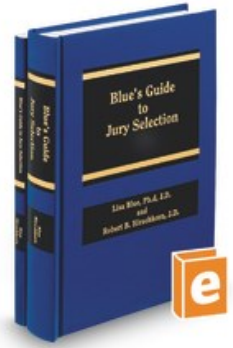
- *2022 Update*



Featured Resource: Blue's Guide to Jury Selection

By Christine France

Do you need help conducting voir dire, getting jurors to talk, and keeping good jurors on the panel? *Blue's Guide to Jury Selection*, by Lisa Blue and Robert Hirschhorn, provides excellent advice on how to conduct jury selection. Lisa Blue and Robert Hirschhorn are well-known experts in jury selection and discuss these issues extensively. Lisa Blue was named "Top 50 Women Litigators in the U.S." by the *National Law Journal* and "Trial Lawyer of the Year" by the Texas Chapter of the American Board of Trial Advocates. Robert Hirschhorn is a nationally known jury and trial consultant. *Blue's Guide to Jury Selection* explains how to choose your best jury by reading prospective jurors' body language and controlling your own. Blue and Hirschhorn explain how important jury selection is because it is the only time you can have a conversation with your jurors who decide the verdict. It contains sample questionnaire forms and sample pre-trial motions and briefs that improve voir dire, as well as helpful articles on "How to Conduct a Meaningful and Effective 30 Minute Voir Dire." You can find this book in print and digitally on our database, Westlaw.



Technology Corner: Westlaw and Lexis....What's the Difference?!

By Jonathan Briggs

Our two main online legal databases — **Westlaw** and **Lexis** — provide the full spectrum of Texas primary and secondary law along with up-to-date case law and statutes of all 50 states and the federal system and more. We use a lot of our budget to maintain a broad and deep collection of legal materials in print and online that our patrons need and expect. But what is the difference between them? Why both? I think it would be irresponsible to not have both of the key and recognized sources of legal materials. It would be like a restaurant offering coffee and not tea, or living in New York and not subscribing to the *New York Times* and the *Wall Street Journal*. To provide the broadest level of information, it requires both. Half of what the *Times* covers every day is also in the *Journal*...but the stories and the features that each uniquely provide makes them complementary while being valuable in their own right. We can easily describe the similarities...the text of the opinion of the U.S. Supreme Court case *Plessy v. Ferguson* is exactly the same from Westlaw or Lexis. The text of any statute is going to be exactly the same. The parts included with the *Plessy* opinion will have differences....with Lexis it is their case summary and the headnotes of key topics, whereas with Westlaw, it is the synopsis and West Headnotes. Or, if you were to do a search using particular terms, the results list may vary between the two based on how each's search engines process requests...a particular search on one might bring up a resulting list of cases, statutes, etc., with some variance from the other. I would expect there to be significant overlap, but there may be some key differences. Also, how things are presented may vary - such as with the results list of cases brought up by a particular search. I think Lexis provides a better description of the key aspects of each case. A crucial distinction is the secondary resources...both bring a lot to the table, and the ground they cover is the same. Some prefer the offerings of Lexis, whether it is the incomparable *Dorsaneo's Texas Litigation Guide*; *Texas Family Law: Practice & Procedure*; the *Texas Criminal Practice Guide*; *Collier on Bankruptcy*; etc. Others prefer the offerings of Westlaw, which most notably includes the entirety of the excellent *O'Connor's* 28-volume set of practice guides covering Texas and Federal civil and criminal law. Westlaw also has the *Texas Practice Series*; *Corpus Juris Secundum*; and many others. In assisting our patrons, I use both databases extensively every day. Working at an institution whose mission it is to provide the best possible breadth and depth of materials, I think it is essential to have both. Access to Westlaw and Lexis is free. Printing is 10 cents per page for black and white. The materials can be e-mailed to you or downloaded to a thumbdrive for free. Come by and see us and utilize the excellent offerings from Lexis and Westlaw!

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Lexis Advance



Texas Case Law Update

Local Cases

- [Wen Lian Patience v. Christine H. Hodson](#), No. 01-22-00599-CV (October 4, 2022): Appeal Dism'd. (458th)
- [Gov. Greg Abbott In His Official Capacity v. County of Fort Bend Texas](#), No. 01-21-00453-CV (October 13, 2022): Aff'd. TC Judgment. (43th)
- [Qui'Tria Downs v. Attorney General of Texas and Frederick F. Matthews](#), No. 01-22-00449-CV (October 25, 2022): Appeal Dism'd. (505th)
- [In Re Apolina Tejada](#), No. 01-22-00730-CR (October 27, 2022): Pet. Writ Mand. Denied. (268th)
- [In Re George Bishop](#), No. 01-22-00736-CV (November 8, 2022): Pet. Writ Mand. Denied. (434th)
- [In Re Highland Homes—Houston, LLC](#), No. 01-22-00788-CV (November 8, 2022): Pet. Writ Mand. Denied. (268th)
- [Hong Sheng Zhu v. Xin Wei Zhang](#), No. 01-21-00699-CV (November 10, 2022): Aff'd. TC Judgment. (505th)
- [In Re Matter of D.S.](#), No. 14-21-00480-CV (September 29, 2022): Aff'd. TC Judgment. (CCL#6)
- [In Re William D. Lucas](#), No. 14-22-00685-CV (October 4, 2022): Pet. Writ Mand. Denied. (CCL#4)
- [Shave HQ, LLC, et al. v. LJ Parkway, LLC](#), No. 14-22-00071-CV (October 11, 2022): Appeal Dism'd. (458th)
- [Suzanne S. Mundy v. ENE, Inc.](#), No. 14-21-00145-CV (October 13, 2022): Reversed & Remanded. (434th)
- [Suzanne S. Mundy, as personal rep. of the Estate of Jean L. Swindell, et al., v. ENE, Inc.](#), No. 14-21-00146-CV (October 13, 2022): Reversed & Rendered. (434th)
- [In Re Interest of L.G., a Child](#), No. 14-22-00335-CV (October 20, 2022): Aff'd. TC Judgment. (387th)
- [In Re Ronald Scott Catt](#), No. 14-22-00583-CV (October 20, 2022): Pet. Writ Mand. Denied. (268th)
- [In Re William Dexter Lucas](#), No. 14-22-00713-CV (October 20, 2022): Pet. Writ Mand. Dism'd. (CCL#4)
- [Valero Refining Company—Oklahoma d/b/a Valero Ardmore Refining v. Gregory Comeaux](#), No. 14-20-00862-CV (October 27, 2022): Reversed & Rendered. (268th)
- [WM Trucking & Excavating, Inc., v. Sprint Sand and Clay, LLC](#), No. 14-22-00481-CV (November 22, 2022): Appeal Dism'd. (400th)

Criminal Law—DWI

The State of Texas v. Jennifer A. Espinosa, 650 S.W.3d 849 (Tex.App.-Houston [14th Dist.] 2022, pet. granted). Defendant's/Appellee's motion to suppress all evidence seized and obtained during her DWI arrest was granted by the trial court. The State appealed. Defendant had been in a line of cars waiting to pick up children at an elementary school. Another citizen observed the Defendant in her parked but running vehicle apparently asleep and when she checked on her and smelled alcohol. Defendant asked the citizen to drive her home. A school employee intervened and said 911 had been called as to the Defendant. Defendant was no longer in her vehicle. A Houston police officer certified in DWI investigation came to the scene, interviewed witnesses including the citizen, the school employee, and a responding firefighter, as well as the Defendant. There were four empty wine bottles found in Defendant's car. None of the witnesses could testify as to seeing Defendant drive the vehicle nor did the officer observe this. The officer made observations of the Defendant that indicated alcohol consumption and her own statement was that she had come from home and was there at the school to pick up her child. She refused the field sobriety tests. She was arrested without warrant for suspicion of DWI. Her motion to suppress cited a lack of probable cause of DWI due to the lack of evidence of her actual operation of her vehicle while intoxicated. The trial court agreed. The First Court of Appeals disagreed with the State's contention that the officer had probable cause to believe that the Appellee had operated her vehicle legally intoxicated, stating: "The circumstantial evidence was insufficient to establish a temporal link between Appellee's intoxication and her driving. No one saw Appellee drive her car, and there was no evidence of Appellee's intoxication at the time she allegedly "operated" the car—as logically there could not be given that no witness could state when Appellee drove the car." The trial court's ruling was affirmed. A dissent was filed. Definitely worth a read for DWI counsel, et al.



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.
- 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 from 8 am to 6 pm. Go to their website here: <https://www.harriscountylawlibrary.org/>
- On **June 2, 2022**, the **Fort Bend County Willie Melton Law Library** returned to a **hybrid format for all of its classes**. This means all programs are offered online and in person.



FBC Bar News

Fort Bend County Bar Association

The Fort Bend County Bar Association is finished with their CLE's for 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. They also are having their Holiday Party on December 16, from 5:30-7:30 pm, at the Swinging Door restaurant in Richmond.

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

- **Frame Breaking Change.** Justin B. Jones. *Texas Bar Journal*. October 2022. [Texas Bar Journal Online](#).
- **The New Stop and Yield Law.** Brian Middleton. *Texas Bar Journal*. November 2022. [Texas Bar Journal Online](#).
- **Make Successful Pitches.** Martha M. Newman. *Texas Bar Journal*. November 2022. [Texas Bar Journal Online](#).
- **How to Leverage Client Management Software as a Criminal Practitioner.** Benson Varghese. *Voice for the Defense*. October 2022. [Voice for the Defense Online](#).
- **How Incarceration Affects Eligibility for VA Disability Benefits and Using the Information in Sentencing.** Rick Rousseau. *Voice for the Defense*. October 2022. [Voice for the Defense Online](#).
- **The Case to Repeal § 12.42(f) of the Texas Penal Code.** Warren Wolf. *Voice for the Defense*. October 2022. [Voice for the Defense Online](#).
- **Ehtical Considerations for Attorney Advertising.** Al Harrison. *The Houston Lawyer*. September/October 2022. [The Houston Lawyer.com](#).
- **Social Media 101: How to use Social Media as Attorneys.** Raffi Melkonian. *The Houston Lawyer*. September/October 2022. [The Houston Lawyer.com](#).



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 with "Newsletter" as the subject.

To unsubscribe, write "unsubscribe."