



LAW LIBRARY NEWS

a publication of the Fort Bend County Willie Melton Law Library

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Attorney Lecture Series

The Law Library is hosting another **Attorney Lecture Series** on Friday, **February 17, 2023**, at **2 pm**. The speaker is attorney Annie Scott who will be speaking on **Picking a Jury**. Annie has spoken at our Attorney Lecture Series before on Nondisclosures and Expunctions, and we welcome her back! The program will be both online and in person so please let us know which you plan to attend. Register online at www.fortbend.lib.tx.us. Also, all of our past Attorney Lecture Series can be found online on YouTube at Fort Bend County Willie Melton Law Library. For more information, call the Law Library at 281-341-3718.

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New & Updated Resources

O'Connor's Texas Series

- *Employment Codes Plus*
- *Rules of Evidence Handbook*
- *2022 Editions*

Texas Motions in Limine

- *2021 Edition*

Texas Practice Series

- *Law of Wills*
- *Elements of an Action*
- *Summary Judgment*
- *Handbook of Texas Family Law*
- *2023 Editions*

Texas Elder Law

- *2022 Edition*

O'Connor's Federal Series

- *Federal Rules * Civil Trial*
- *2023 Edition*

Civil Process for Texas

- *2022 Edition*

Texas Practice Guide

- *Wills, Trusts, and Estates*
- *Family Law*
- *Business and Commercial Litigation*
- *2023 Edition*

Texas Workers Compensation Manual

- *2023 Edition*



Librarian Musings: How I Help Library Patrons at the Law Library

By Christine France

As an Assistant Law Librarian, I face the issue on a daily basis of assisting patrons without giving legal advice. So, let's discuss what legal advice is defined as.

Legal advice is a written or oral statement that:

- Interprets some aspect of the law, court rules, or court procedures;
- Recommends a specific course of conduct a person should take in an actual or potential legal proceeding; or
- Applies the law to the individual person's specific factual circumstances.

(Retrieved from www.txcourts.gov)

So, this means that my co-workers and I CANNOT do the following:

- Interpret statutes, cases, regulations, and forms;
- Select statutes, cases, or regulations for patrons' situations;
- Choose specific forms or language to use in forms;
- Help patrons fill out legal forms;
- Tell patrons how to file a document, what document to file, or how to proceed with court actions;
- State opinions on legal matters;
- Do legal research for patrons;
- Recommend attorneys.

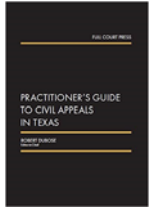
I know it sounds like a lot that we can't do. However, we have found ways to help patrons at the library by directing them to materials they need regarding the issue they are facing. We are a small library; however, we have a wealth of information available, such as the website <https://texaslawhelp.org>, Westlaw, Lexis, books, and much more.

I show patrons what forms and legal materials we have available in the library and online. Most commonly, I help patrons with family-law issues and utilize texaslawhelp.org. However, at times patrons are facing more complicated legal issues, so I rely mostly on Westlaw and Lexis. If they are unfamiliar with these databases, I help patrons get started by showing them the basics of how to use the databases. I assist patrons in developing search strategies with effective search terms, and I direct them to select an appropriate source. Online and print legal dictionaries and legal thesauruses are great for creating search terms. When a patron needs help filling out forms, I direct them to the instructions or sample forms when available, or I research the issue. We also refer patrons to other agencies or organizations for assistance. Often times, patrons need legal advice and we can't recommend attorneys. However, we do have our Legal Assistance Resources list, which provides contact information for legal aid and the Houston Lawyer Referral Service. As you can see, we can provide a tremendous amount of legal assistance, and it is never a boring day helping patrons at the Law Library.



Featured Resource: Practitioner's Guide to Civil Appeals in Texas

By Jonathan Briggs



We regularly assist our pro se and attorney patrons in their handling of appeals in civil cases. Attorney patrons generally only require a modicum of assistance, such as providing a current rule from the Texas Rules of Appellate Procedure (T.R.A.P.) or an example of a brief filed on a similar issue. Not surprisingly, pro se patrons often require more comprehensive assistance, which generally involves providing in a digestible manner practice-guide information, rules, and forms from various resources, including

Dorsaneo's Texas Litigation Guide, Texas Family Law: Practice & Procedure, O'Connor's Texas Civil Appeals, and primary law (statutes and cases) found in our online and print collections.

Whatever the situation, we have recently added a book that will be an excellent resource for any patron handling a civil appeal. ***The Practitioner's Guide to Civil Appeals in Texas*** was published in 2019 by Full Court Press (a part of Fastcase). The editor-in-chief is attorney Robert Dubose, a partner in a firm primarily handling appellate law, who is board certified in Civil Appellate Law and teaches appellate practice at the University of Houston Law Center. Contributing authors to the book include many who are also board certified in Civil Appellate Law by the Texas Board of Legal Specialization and a former Justice of the Supreme Court of Texas. Coming in at almost 475 total pages, it covers in user-friendly detail key topics such as: Preserving Issues for Appeal; Standards and Scope of Review; Reversible Error; Appealability and Notice of Appeal; Interlocutory Appeals; Petitions for Writ of Mandamus; The Record; Staying Execution and Superseding Judgement; Appellate Motions; Court of Appeal Briefs; Oral Argument; Petition for Review, Response and Reply in Texas Supreme Court; Briefs on the Merits and Oral Argument for the Supreme Court; Filing Procedures; and more. There is a detailed table of contents, tables of cases and other authorities, and an extensive index. This is most certainly going to be a welcome addition providing a one-volume compendium to augment our other excellent materials. I think it will be a great resource to obtain quick answers and give full guidance on all manner of civil appellate issues. *Practitioner's Guide to Civil Appeals in Texas* is in print only. Copying is 10 cents a page.

Technology Corner: Converting Documents

By Andrew Bennett

The Law Library offers Adobe Pro on all public computers, free of charge. Adobe Pro allows you to convert documents from MS Word to PDF and back again for efilng. To do this, select the document you wish to convert. Under the file menu on MS Word, select "Save As." Hit the drop-down menu on "File Type" and select PDF, and then hit "Save." It will then convert the document to PDF for you. It does not delete the MS Word document. This allows you to make changes and convert again if needed. Now you can log into your efile service and file your document.



To do the reverse, you can right click on the PDF document, then select Adobe Acrobat. Make sure it is the white logo with the red Adobe icon. Now you can hit "file" and "save as" again and select "file type" and then "Microsoft Word." This also can be done for Word Perfect or other word-processing files. We have an Express class on this subject on our YouTube page for more hands-on instruction.



Texas Case Law Update

Local Cases

- [In Re the Estate of Myrtle Brown, Deceased](#), No. 01-19-00953-CV (December 20, 2022): Aff'd. TC Judgment. (CCL#3)
- [Leroy Greer v. Rushmore Loan Mgmt. Services, JP, et al.](#), No. 01-21-00421-CV (December 22, 2022): Aff'd. TC Judgment. (400th)
- [Michael W. Gioffredi v. The Retreat at Riverstone](#), No. 01-21-00627-CV (December 29, 2022): Aff'd. TC Judgment. (CCL#1)
- [Jason T. Pegues v. The State of Texas](#), No. 01-21-00429-CR (December 29, 2022): Aff'd. TC Judgment. (434th)
- [Kenneth Davidson, et al. v. North American Lumber, LLC](#), No. 01-21-00445-CV (January 12, 2023): Aff'd. TC Judgment. (CCL#3)
- [Umuoji Improvement Union \(North America\), Inc., a Nebraska Corporation v. Umuoji Improvement Union \(North America\), Inc., a Massachusetts Corporation](#), No. 01-20-00732-CV (January 19, 2023): Set Aside TC Judgment and Remand for Rendition in Accordance with Parties Agreement. (268th)
- [Senior Care Living, VI, LLC v. Preston Hollow Capital, LLC, et al.](#), No. 01-21-00602-CV (January 31, 2023): Vacate and Remand to Trial Court. (458th)
- [Roland Cortez v. Teresa Lynn Cortez](#), No. 01-22-00879-CV (February 7, 2023): Set Aside TC Judgment and Remand for Rendition in Accordance with Parties Agreement. (328th)
- [In Re Good Hearts Youth and Family Services, et al.](#), No. 14-22-00915-CV (December 14, 2022): Pet. Writ. Mand. Denied. (268th)
- [Leroy Greer, et al. v. JP Morgan Mortgage Acquisition Corp.](#), No. 14-21-00583-CV (December 15, 2022): Aff'd. TC Judgment. (CCL#5)
- [In Re AB Land Company](#), No. 14-22-00777-CV (December 22, 2022): Pet. Writ. Mand. Denied. (268th)
- [Trask Vaughn v. Sharita S. Walker](#), No. 14-22-00668-CV (January 19, 2023): Appeal Dismissed. (505th)
- [Basmattie L. Abraham v. BiBi Shafiek](#), No. 14-22-00850-CV (February 7, 2023): Appeal Dismissed. (268th)

Criminal Law—Sexual Performance by a Child

In *Ex Parte Medger Chauncey Duckens*, 654 S.W.3d 571 (Tex.App.-Houston [14th Dist.] 2022, no pet. h.) Defendant/Appellant was charged with Sexual Performance by a Child under Penal Code section 43.25: "Knowing the character and content thereof, he employs, authorizes, or induces a child younger than 18 years of age to engage in sexual conduct or a sexual performance." In this instance, the sexual conduct was the lewd exhibition of genitals. Appellant brought an application for writ of habeas corpus seeking pretrial dismissal arguing in part that §43.25 is unconstitutionally facially overbroad "because it punishes the employment, authorization, or inducement of consensual expressive conduct by people who may effectively consent to that conduct" (the age of sexual consent in Texas being 17). The trial court denied the application to dismiss the indictment, and he appealed. The 14th Court, in affirming the denial of the application, stated: "We agree with the Fifth Court of Appeals and likewise conclude that section 43.25(b) does not reach a substantial amount of constitutionally protected speech, judged in relation to the statute's plainly legitimate sweep. We too hold that the statute is not unconstitutionally overbroad, and it is narrowly tailored to serve a compelling government interest. Accordingly, appellant's facial challenge under the United States Constitution must fail." Trial court affirmed. To get a full understanding of the Court's legal position, you will need to review the opinion in its entirety. Arguably, an opinion that sets up inconsistent standards. However, as of this writing, the Defendant/Appellant has not sought review in the Texas Court of Criminal Appeals.

Civil Litigation—Homeowners' Association—Texas Citizens Participation Act (TCPA)

In *Donald Welsh, et al. v. River Hollow Association*, 654 S.W.3d 505 Tex.App.-Houston [14th Dist.] 2022, no pet. h.), homeowners had brought suit against their HOA for its failure to maintain common properties. The HOA brought a motion to dismiss under the TCPA. The 14th Court ultimately held that the homeowner's claims were not based on the association's right of free speech or its interests relating to a matter of public concern and reversed the dismissal. An opinion worth reading for anyone dealing with HOA cases or where dismissal is sought by defendants pursuant to the TCPA.



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 CLEs 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 restaurant. 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

- ***Estate Planning and Probate for Same-Sex Couples.*** Elizabeth Brenner. Texas Bar Journal. February 2023. [Texas Bar Journal Online.](#)
- ***Same-Sex Couples.*** Matthew P. McChesney. Texas Bar Journal. February 2023. [Texas Bar Journal Online.](#)
- ***Work Productivity.*** Celes Keene. Texas Bar Journal. February 2023. [Texas Bar Journal Online.](#)
- ***Law Firm Search Engine Optimization.*** Stacey E. Burke. Texas Bar Journal. February 2023. [Texas Bar Journal Online.](#)
- ***Gestational Agreements.*** Marjorie Maxwell. Houston Lawyer. November/December 2022. [The Houston Lawyer.](#)
- ***Are Women Abandoned to Die without Roe v. Wade?*** Emily Cook. Houston Lawyer. November/December 2022. [The Houston Lawyer.](#)
- ***Think Whether, When, and How to Become a Parent is a Personal Decision? The State of Texas Disagrees.*** Robin O'Neil. Houston Lawyer. November/December 2022. [The Houston Lawyer.](#)
- ***Normalizing Paternity Leave.*** Lane Morrison. Houston Lawyer. November/December 2022. [The Houston Lawyer.](#)
- ***Guardianship: Protecting Your Child Past Minority.*** Lauren Veillon. Houston Lawyer. November/December 2022. [The Houston Lawyer.](#)



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, with "Newsletter" as the subject, to llpublic@fortbend.lib.tx.us.

To unsubscribe, write "unsubscribe."