



LAW LIBRARY NEWS

a publication of the Fort Bend County Willie Melton Law Library

March 2023 ♦ Volume 31, Issue 2

Attorney Lecture Series

The Fort Bend County Willie Melton Law Library is hosting another **Attorney Lecture Series** program on Friday, **April 28, 2023**, at **2 pm**. The speaker will be attorney Andrea Barr, and she will be speaking about **Trial Preparation**. 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 programs 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

- *Oil and Gas Statutes & Regulations*
- *Estate Planning Forms*

Texas Commercial Causes of Action

- *2020 Edition*

Texas Worker's Compensation Manual

- *2023 Edition*

Social Security Disability Practice

- *2022 Edition*

O'Connor's Federal Series

- *Criminal Rules & Codes Plus*

Is It Admissible?

- *2022 Edition*

State Bar of Texas CLEs

- *Advanced Family*
- *Advanced Probate & Estates*
- *Advanced Criminal*
- *2022 Editions*

Texas Personal Injury Handbook

- *2023 Edition*



Librarian Musings: Virtual Court Access Project

By Andrew Bennett

The Fort Bend County Willie Melton Law Library and Texas Legal Services Center have entered a partnership to host the Virtual Court Access Project here at the Justice Center. This kiosk has a computer, camera, headphones, and a microphone so that pro se litigants who cannot afford the necessary equipment for a virtual court hearing can have the necessary access to them. It is free of charge, and patrons will need to sign up and reserve access to the kiosk on our website at www.fortbend.lib.tx.us. The kiosk will go LIVE on Tuesday, April 4, 2023.



This project helps fulfill the libraries' mission of serving the legal needs of our residents here in Fort Bend County, and we are proud to provide it for our patrons. I am also amazed how quickly this project came together. Last October, I was asked if the Law Library had a suitable space for this kiosk and what my thoughts were on how it could be accomplished. Our viewing room was a perfect space for it. The kiosk was recently installed in that room and it looks like it will fit in nicely! I thought it was a great idea given that we have had more than a few people over the last few years need access to a camera and computer for virtual hearings because they did not have a computer or smartphone at home. This project was put together in just a few short months including trainings, contract signings, and discussions of how each site would be able to contribute and host the kiosk itself. Each host site space is different, and we had to figure out where it would best fit in the space and how to handle reservations. Fort Bend County Libraries fortunately has an online reservation system already in place to handle meeting-room reservations, and it took a bit of tinkering with the online system to make it work for this project. Ultimately, there will be some problems to fix as we go along, but we feel we have done a good job tailoring it to Fort Bend County and its residents.

To begin with, this kiosk will be available twice a day each day the library is open to the public, which is Monday through Friday, from 8 am to 5 pm. This will cover both the morning and afternoon dockets. We will add more as time goes on once we get any kinks or bugs out of the process. We hope this will allow our patrons enough time to finish their hearings without interruption or overbooking.

The kiosk is available to anyone who needs to have a virtual court hearing. You do not need to have a Fort Bend County library card to access the kiosk. All you need to do is register on our website and enter your information regarding your hearing. Please call us at 281-341-3718 if you have any questions once the kiosk goes LIVE on April 4! You can also find more information here at <https://www.tlsc.org/kiosks>.

**TEXAS
LEGAL
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Featured Resource: Texas Practice Guide

By Christine France

Are you looking for the leading and most-recent case law, information on legal subjects, strategies to face common problems, and forms on a legal matter? The *Texas Practice Guide* covers more than 20 areas of legal topics and several recently-updated sections, such as Torts, Probate, Financial Transactions, and Evidence. The guide cites current cases and provides forms, checklists, and helpful tips to assist attorneys when drafting documents. Each volume begins with a table of contents, which provides an overview of the book, making it easy to find the material you are looking for. The chapters include research references if additional information is needed. The Law Library has numerous resources, however, don't overlook these books!



Technology Corner: The Broad Definition of “Technology” & Being in Two Worlds

By Jonathan Briggs

The use of “technology” today generally means something that has a power source...computers, phones, and the software, hardware, apps, and everything else associated with it. I’m not old by any measure, but I do think the time period I have been in the legal field has been one of distinct transition from the long-standing “old technology” to today’s “tech.”

From my days as a law student and law clerk beginning in 1995-96 to today, there has been a huge shift from books to the use of electronic resources as the primary mode of access to legal materials, cases, statutes, forms, practice guides, etc. The “old” way of doing things was yesterday’s “tech.” Up through at least the mid-1990s, books were the primary — if not only — mode that lawyers, law students, and the public could read legal materials.... the rows and rows of case books (*Southwestern Reporter*, *Federal Reporter*, *Federal Supplement*, etc.), statutes of all 50 states and the U.S. Code, practice guides, law reviews, bound Shepard’s reports, and so much more.

When you think about it, there was more than a 500-year period beginning with the invention of movable type leading to mass-market printing that, while it developed and was improved, was essentially unchanged until only relatively recently. Most towns of any size had multiple daily newspapers. As late as 1995, Houston had two major papers, the *Post* and the *Chronicle*. With a few exceptions, such as New York, today most major cities only have one daily newspaper. Anyone remember the *San Antonio Light* or the *Dallas Times Herald*? For a long time, daily and weekly printed newspapers provided news, commentary, information, and even serialization of books. In the space of a quarter century, they have radically lost print readership with the advent of 24-hour news stations, papers closing, and content moved online and often behind a paywall. Twenty years ago, of the 40 or so houses on my block, at least half took a morning paper, now it is maybe five, including me.

When I began law school, a portion of the first year’s instruction was learning what the legal publications were, how they were related, and how to use them...the digests, the case reporters, Shepard’s, et al. We were not allowed to use the nascent Westlaw and Lexis databases until the second semester. In early 1996, I got my first law clerk job. This was my first introduction to using computers on a daily basis — the

first time I ever used e-mail, typed a document using Word Perfect, made a spreadsheet, and used the internet. Google did not exist yet; the search engines I recall were AltaVista and Magellan. Remember CD-ROMs? As my career progressed, I have kept my feet in both worlds, combining the print and online for what is an effective blend for me. I think knowing the materials in print first gives attorneys a better foundation for understanding and maximizing the benefits of both. Knowing how to research beginning with a digest makes doing a keyword or natural language search on Westlaw more useful. That search bar on the opening page of Westlaw? Back then, the Texas Digest was our search bar. The content, capabilities, and convenience of Westlaw and Lexis as they exist today are amazing....just being able to e-mail to yourself (or around the world) or download a case is an incredible convenience instead of standing at a copier with a thick case book turning the page, putting it on the glass of the copier, pressing the print button, ad nauseum.

But, while firm, academic, and governmental law libraries have shrunk their print collection, I hope that at least some core print materials always remain. However, I expect that — just like one day there will be streets that the paperman no longer drives down in the morning — there will be some law libraries that only have computers. I like choice — the choice to reach over and flip to a page of O’Connor’s without having to go online or to go to the forms on Westlaw and e-mail myself a usable template in Word; the choice to browse in Half Price Books and take home a few paperbacks or to fire up the Kindle; or the choice and ability to peruse the printed sports page while drinking a cup of coffee at the table in the morning and then later catch the current Astros score on my phone.

Though I was pretty proficient with the card catalog (the one at my university’s library was 20-feet long and double sided), I’m not a Luddite. I just appreciate and value what both sides of the tech coin offer, and I hope for a future where both print and digital somewhat equally co-exist. I’m 52 years old... I wonder if I will make it?! The first telegraph transmission in 1844 was “What hath God wrought?” Indeed. Come by the Law Library... we still have our feet in both worlds!



Texas Case Law Update Pt. 1

Local Cases

- [Sigmah Home Health, Inc., v. Maxicare Therapeutic, LLC](#), No. 01-22-00592-CV (February 23, 2023): Appeal Dismissed. (434th)
- [Cory Lee Hale v. Attorney General of Texas, et al.](#), No. 01-22-00111-CV (February 28, 2023): Reversed and Remanded. (387th)
- [In Re Eric D. Burns](#), No. 01-23-00058-CV (March 2, 2023): Pet. Writ. Mand. Dismissed. (268th)
- [Rosendo Jesus Ruvalcaba v. The State of Texas](#), No. 01-22-00310-CR (March 7, 2023): Appeal Denied. (400th)
- [Clyde J. Moore v. Todd Tanner](#), No. 01-22-00742-CV (March 9, 2023): Appeal Dismissed. (240th)
- [In Re Wendy Hernandez](#), No. 01-22-00658-CV (March 14, 2023): Pet. Writ. Mand. Dismissed. (328th)
- [Arthur Dwight Bolton v. Wilmington Savings Fund Society, FSB, et al.](#), No. 14-22-00256-CV (February 23, 2023): Appeal Dismissed. (CCL#6)
- [Moshae Lavette Pettway v. The State of Texas](#), No. 14-22-00661-CR (February 28, 2023): Appeal Dismissed. (240th)
- [1435 Crescent Oak Trust v. U.S. Bank N.A., et al.](#), No. 14-21-00362-CV (March 7, 2023): Aff'd. TC Judgment. (434th)
- [Noris Rogers v. Houston Community College](#), No. 14-21-00557-CV (March 9, 2023): Aff'd. TC Judgment. (268th)
- [Ryan Kinnear v. Jennifer Umanzor](#), No. 14-22-00506-CV (March 21, 2023): Appeal Dismissed. (268th)
- [Gilberto Ramirez v. The State of Texas](#), No. 14-22-00200-CR (March 21, 2023): Aff'd. TC Judgment. (CCL#3)





Texas Case Law Update Pt. 2

Civil Litigation—Takings Claim—Governmental Immunity—Hurricane Harvey Flooding

In *San Jacinto River Authority v. Edgar Gonzalez, et al.*, 657 S.W.3d 713 (Tex.App.-Houston [14th Dist.] 2022, no pet. h.) 85 homeowners had brought suit against the San Jacinto River Authority (“SJRA”) for flood damage to their homes caused by the release of lake water into the river during Hurricane Harvey. Plaintiffs asserted that, though the SJRA is a governmental entity and usually entitled to immunity, since their claims were brought under the takings clause of the Texas Constitution, immunity is waived. They also brought other claims. The SJRA sought dismissal via a plea to the jurisdiction. Trial court denied the jurisdictional plea as to the takings clause claim, and the SJRA appealed. Key to the appeal was the issue of proximate cause as it is required to establish a viable takings claim such that immunity will be waived. In a lengthy opinion, the 14th Court found that as a matter of law, the release of water was not the cause of the flooding, that it would have occurred no matter what. Thus, the trial court erred in denying the plea to the jurisdiction. Reversed and rendered. The opinion goes into much more detail. An important legal opinion as the combined issues of weather, the continued development of this area, and flooding/drainage will continue to impact us in the future.

Family Law—Protective Orders

In *Joseph Bryan Dessens v. Victoria Argeroplos*, 658 S.W.3d 438 (Tex.App.-Houston [14th Dist.] 2022, no pet. h.) the appellee had obtained a lifetime protective order for stalking against her ex-husband pursuant to former Code of Criminal Procedure article 7A (now 7B). On appeal, he claimed factual insufficiency on various issues including whether he engaged in stalking and to support the imposition of certain conditions including its lifetime duration, the prohibition of firearm possession, etc. Unlike protective orders issued under the Family Code, orders issued upon a finding of stalking under the CCP do not require the establishment of certain factors or findings to be made for the court to grant a lifetime order (under the Family Code finding must be made to allow orders beyond two years). The evidence at hand allowed the court to issue a lifetime order pursuant to its authority and discretion. As to the limitation on possession of firearms, the Court of Appeals held that the trial court abused its discretion in issuing a lifetime ban as there was no relevant evidence justifying this ruling and the trial court thus abused its discretion as to this issue. Affirmed as modified.

Criminal Law—Bond

Bond being granted to criminal defendants is a hot-button political issue lately, especially in the context of defendants accused of violent crimes. Thus, understanding and keeping up with the law governing this issue and the case law construing it is especially important. In *Ex Parte Brenika Lott*, 659 S.W.3d 80 (Tex.App.-Beaumont 2022, no pet. h.) Murder defendant filed for a writ of habeas corpus seeking reduction of her \$1,000,000 bond which was denied by the trial court. Pursuant to CCP Art. 17.51, the Court of Appeals reversed and remanded requiring the court to set affordable bail as the prosecution had neither indicted or announced ready for trial in the 90 days since her arrest. Emergency Covid orders did not waive the requirement of granting affordable bail, only personal bond.



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

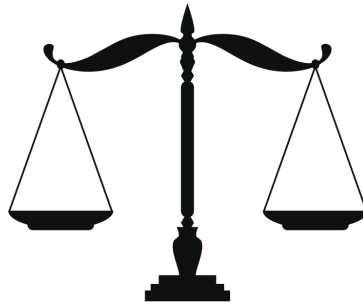
The Fort Bend County Criminal Defense Attorneys Association has their monthly meetings on the last Thursday of each month. Check their website or Facebook page for details.





Useful Articles and Links

- ***The Business of Education.*** Sarah S. Flournoy. Texas Bar Journal. March 2023. [Texas Bar Journal Online.](#)
- ***Texas Public Comment Law.*** Miles T. Bradshaw. Texas Bar Journal. March 2023. [Texas Bar Journal Online.](#)
- ***Affirmative Action: A Review of Caselaw.*** Shelby Boseman. Texas Bar Journal. March 2023. [Texas Bar Journal Online.](#)
- ***Small Law, Big Time. Maintaining Wellness and Balance as a Small Firm Lawyer.*** Johnny Havens. The Houston Lawyer. January/February 2023. [The Houston Lawyer Online.](#)
- ***When a Car Crash Case can also be a Medical Malpractice Case-And When Not.*** Randell Sorrels & Jessica Rodriguez-Wahlquist. The Houston Lawyer. January/February 2023. [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, with “Newsletter” as the subject, to llpublic@fortbend.lib.tx.us.

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