



LAW LIBRARY NEWS

a publication of the Fort Bend County Willie Melton Law Library

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Lawyer in the Library

The Fort Bend County Willie Melton Law Library and Lone Star Legal Aid have restarted the **Lawyer in the Library** program. On **Mondays**, from **8:30 am to 12 pm**, attorneys and staff from Lone Star Legal Aid in Richmond will host a clinic in Conference Room C. This allows those needing assistance while at the Law Library to get information about whether they qualify for services. If they do, they can submit a preliminary application. Attendees can register on the library website or walk in during the hours they are available on Monday. For more information, call the Library or Lone Star Legal Aid.

In This Issue

Lawyer in the Library	1
New & Updated Resources	1
Featured Resource	2
Technology Corner	2
Texas Case Law Update	3,4
Community & FBC Bar News	5
Useful Articles & Links	6

New & Updated Resources

Texas Practice Series

- *Handbook of Texas Discovery Practice*
- *2023 Edition*

Texas Disaster Law Guide

- *2021 Edition*

Texas Practice Guide

- *Real Estate Transactions*
- *Discovery*
- *2023 Editions*

Texas Legal Practice Forms

- *2023 Edition*

Texas Civil Litigation Commentaries & Rules

- *2023 Edition*

Litigating Employment Discrimination Cases

- *2023 Edition*

O'Connor's Texas Series

- *Family Law Forms*
- *Estate Planning Forms*
- *2023 Editions*

Texas Estate Planning

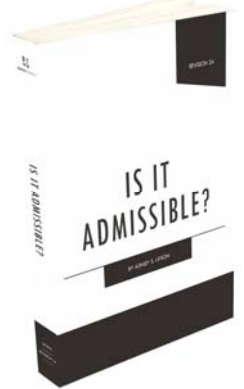
- *2023 Edition*



Featured Resource: Is It Admissible?

By Andrew Bennett

By patron request, the Library has added the book *Is It Admissible?* by James Publishing. This book asked the question of its title and covers many different situations to try and answer the question referring to statutes and case law. The book covers issues that arise from Testimonial Evidence, Documentary Evidence, Real Evidence, and Demonstrative Evidence. Author Ashley S. Lipson is a full professor of law and has taught at many universities across the country and has been practicing law for more than 45 years. The book includes commentaries and citations from the author as well as how the evidence could be admissible in various states across the country. The book is available in print and in ebook at the Law Library. You can also get the ebook from home with the Lexis Digital Library database, which can be accessed with an FBCL library card. Copies or computer prints at the library cost \$0.10 a page. For more information, visit the library.



Technology Corner: Legal Information Reference Center

By Christine France

Fort Bend County Libraries (FBCL) offers access to several legal databases available from the FBCL website. One database, titled “Legal Information Reference Center,” focuses primarily on digital books for individuals that are pro se, meaning that a person is a self-represented litigant. These books provide a great place for individuals to start their legal research. The publisher, NOLO, provides an extensive collection on a broad range of topics. While most of these books are not specific to Texas, they provide a wealth of general information on topics including divorce, landlord tenant, probate, and more. NOLO offers several books on divorce, such as *Divorce & Money*, *Divorce After 50*, *Divorce Without Court*, and NOLO’s *Essential Guide to Divorce*. For example, *Divorce & Money* helps readers with financial decisions, dividing property and debts fairly, and negotiating a comprehensive settlement. NOLO’s *Essential Guide to Divorce* simplifies the divorce process, helping individuals avoid costly court battles by assisting readers in understanding the divorce process.

The Law Library is a reference-only library, which means that materials cannot be checked out. However, the NOLO books collection can be accessed from the FBCL website from anywhere with internet access with an FBCL library card. If you don’t have an FBCL library card, you can visit any of our locations to obtain one.

Here’s how to access the NOLO collection online:

- Open an internet browser and enter the URL www.fortbend.lib.tx.us.
- Hover over the “Research” tab with your mouse and click on “Digital Resources and Databases.”
- Then click on “By Subject” and then select “Legal.”
- Next, scroll down the page and select “View Resource” under “Legal Information Reference Center.”
- Enter your FBCL library card number and browse these books by category or by entering search terms. Once a selection is made, readers can navigate the book by clicking on a chapter from the table of contents, read the book from start to finish, or perform a search on a specific topic.



Texas Case Law Update, Part 1

Local Cases

- [Kennard Law, P.C. v. Linda Patton](#), No. 01-22-00305-CV (March 30, 2023): TC Judgment Affirmed as Modified. (400th)
- [Eduardo Ayala v. City of Meadows Place, et al.](#), No. 01-22-00329-CV (April 6, 2023): Appeal Dismissed. (268th)
- [Rick Rivas v. Lake Shore Harbour Community Association](#), No. 01-22-00121-CV (April 25, 2023): Aff'd. TC Judgment. (458th)
- [Leroy Greer and Bernice Greer v. JP Morgan Mortgage Acquisition Corp.](#), No. 14-21-00583-CV (March 28, 2023): Appeal Aff'd. TC Judgment. (CCL#5)
- [In Re Maryann Dirden](#), No. 14-23-00170-CV (March 28, 2023): Pet. Writ. Mand. Denied. (434th)
- [Jose Huerta v. Zhongtian International Trade Company](#), No. 14-21-00564-CV (April 6, 2023): Aff'd. TC Judgment. (240th)
- [Fort Bend County, Texas v. Robert Risher](#), No. 14-22-00546-CV (April 11, 2023): Appeal Dismissed. (240th)
- [In Re Dena Hall and De'Von Bankett](#), No. 14-22-00776-CV (April 18, 2023): Pet. Writ. Mand. Denied. (400th)
- [In Re Dena Hall and De'Von Bankett](#), No. 14-22-00797-CV (April 18, 2023): Pet. Writ. Mand. Denied. (CCL#5)
- [Tiffany Floyd v. Zifei Yang](#), No. 14-23-00065-CV (April 25, 2023): Appeal Dismissed. (CCL#6)
- [Carolyn R. Dawson v. Kevin J. Pakenham, et al.](#), No. 14-23-00190-CV (April 27, 2023): Appeal Dismissed. (434th)





Texas Case Law Update, Part 2

Civil Rights Litigation—Wrongful Conviction—Maintaining Suit after Compensation

In *Alfred Dewayne Brown v. City of Houston, et al.*, 660 S.W.3d 749 (Tex. 2023), the Texas Supreme Court answered a certified question from the U.S. 5th Circuit Court of Appeals following an appeal out of the Southern District of Texas. Brown was exonerated of the capital murder of a Houston police officer, for which he had served 12 years in the TDCJ. Following his release, he filed a claim with the Texas Comptroller under Chapter 103 of the Texas Civil Practice & Remedies Code, commonly called the “Time Cole Act,” designed to financially compensate those wrongfully convicted. This claim was twice denied based on the contention that his habeas relief was not based on a finding of actual innocence. Having failed in this attempt, he brought this civil rights violation suit under 42 U.S.C. 1983 against Houston, Harris County, and various officers. While this was taking place, a special prosecutor with Harris County issued a report that concluded that Brown was actually innocent. These findings ultimately led to the district court dismissing the charges. With this judicial finding of innocence, he re-applied for compensation via the Comptroller and again was denied. Brown sought mandamus in the Supreme Court and was ultimately granted the compensation. (See 614 S.W.3d 712). Meanwhile, the federal civil rights suit was still pending and, based on the grant of compensation, the defendants sought and received dismissal pursuant to CPRC section 103.153(b) which states: “A person who receives compensation under this chapter may not bring any action involving the same subject matter, including an action involving the person’s arrest, conviction, or length of confinement, against any governmental unit or an employee of any governmental unit.” Brown argued that the plain-text use of the word “bring” means once he received compensation he could not then begin an action, but in this instance, he had already brought the suit prior to receiving compensation. The defendants argued for a broader interpretation of the word “bring” to include maintaining a suit, not just to “file” or “initiate.” On certification from the 5th Circuit, the Supreme Court went through a long analysis and agreed with the defendants, finding: “The foregoing textual and contextual analysis, we think, is sufficient to decide this case. But even if any doubt remained, we would still read “bring” in a way that preserves immunity. In the Tim Cole Act, the legislature has exercised its constitutional authority to allow the Comptroller to pay compensation despite sovereign immunity and to allow this Court to compel the Comptroller to do so if the law and the record so require. In re Brown reflects the consequences of this legislative decision. But that choice came with the caveat in § 103.153(b), and we cannot read that subsection outside its immunity-waiving context. The caveat is part of and inseparable from the waiver of immunity. Especially in light of the statute’s context and history, we cannot conclude that § 103.153(b) authorizes the maintenance of a suit like Brown’s absent a textual mandate compelling that result.”

Criminal Law—Self Defense—Jury Instructions

In *Demekayla D. Durden v. The State of Texas*, 659 S.W.3d 26 (Tex.App.-Houston [14th Dist.] 2021, pet. filed), the Defendant was denied a self-defense instruction and was convicted of murder and sentenced to 35 years. Defendant brought several issues, including that the decedent tried to rape her, thus she killed him, therefore she was entitled to a self-defense instruction, and the “court erred in failing to instruct the jury regarding the right to use deadly force in self-defense to prevent the other’s imminent commission of sexual assault. The State does not dispute that there was error in the form of the court’s charge on self-defense, but contends that any error was harmless because appellant was not entitled to the instruction.” The 14th regarded this as a threshold issue and found that she was entitled to the instruction and that it was harmful error. Reversed and remanded. Petition for review has been filed.



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 Judiciary 101.*** Eric Quitugua. *Texas Bar Journal.* [Texas Bar Journal Online.](#)
- ***Shades of Blue and Yellow.*** Celese Keene. *Texas Bar Journal.* [Texas Bar Journal Online.](#)
- ***Rise Above the Noise.*** Robert Tharp. *Texas Bar Journal.* [Texas Bar Journal Online.](#)
- ***TLAP is a Treasure of Resources for the Texas Lawyer.*** Melanie Bragg. *Houston Lawyer.* [Houston Lawyer Online.](#)
- ***Small Law, Big Time.*** Jonny Havens. *Houston Lawyer.* [Houston Lawyer Online.](#)
- ***Improving the Indoor Environment to Promote Attorney Wellness.*** Xperanza Uviedo. *Houston Lawyer.* [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.

To unsubscribe, write “unsubscribe.”