



LAW LIBRARY NEWS

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Lawyer in the Library and Kiosk

The Fort Bend County Willie Melton Law Library has two ongoing opportunities for you to connect with Legal Aid and Legal Assistance. First, the Library hosts Lone Star Legal Aid and their Lawyer in the Library program every Monday from 8:30 am to 12 pm. The staff lawyers will be doing preliminary intake and answering simple legal questions that you may have. You must qualify financially to use their wide range of services. Second, we have the Legal Kiosk from Texas Legal Services Center where you can have your Virtual Hearings but also use their chat service daily, from 10 am to 2 pm, to answer some simple questions if you qualify. Call the Law Library for more information.

In This Issue

Ongoing Programs	1
New & Updated Resources	1
Librarian Musings	2
Featured Resource	3
Technology Corner	4
Texas Case Law Update	5,6
Community & FBC Bar News	7
Useful Articles & Links	8

New & Updated Resources

Texas Practice Guide

- *Real Estate Litigation*
- *Employment Practice*
- *2023 Editions*

Dorsaneo, Texas Litigation Guide

- *2023 Update*

Qualifying and Attacking Expert Witnesses

- *2023 Edition*

Texas Legal Malpractice & Lawyer Discipline

- *2023 Edition*

Texas Practice Series

- *Texas Workers Comp. Law & Practice*
- *2023 Edition*

Defense of Drunk Driving Cases

- *2023 Update*

Texas Transaction Guide

- *2023 Update*

Texas Criminal Practice Guide

- *2023 Update*



Librarian Musings: AALL Boston 2023: Map Our Future

By Christine France

I attended the American Association of Law Libraries Conference in Boston July 15-18. The conference focused on the future of libraries. This was my first-ever conference, which I was very excited to attend. My goals were to learn, meet people, and have fun, and I feel like I accomplished all three.

While in Boston, I attended several classes beginning with the keynote speaker, Charles Vogl. He spoke about creating a community of belonging and about how connections can be made through offering invitations to people. Invitations build community even when people decline the invitation.

Another program I attended was “State Trial Court Research and Analytics - What’s New @ Trellis,” given by Mike Swartz from Trellis. Trellis provides users access to state court records. This allows us to not only view docket sheets, but they are searchable and easier to navigate. Trellis also allows users to view documents that have been filed in the courts and includes access to Fort Bend County records. Currently, Trellis is actively adding additional states to their database. This may be a new addition coming soon to the library!

Finally, I attended a class titled, “Generative AI and KM: A New Paradigm,” with Zach Warren from the Thomson Reuters Institute as the moderator; speakers included Harris Crooks from Stroock & Stroock & Lavan, LLP; Andrew Davison of Orrick, LLP; and Leanna R. Simon from Honigman, LLP. This was the most interesting class I attended discussing ChatGPT. ChatGPT stands for Chat Generative Pre-Trained Transformer and is just one of these chatbots available online. It is an advanced Artificial Intelligence that has the ability to have human-like conversations, however its capabilities can do much more. It can

assist you with writing essays, providing quick answers, and drafting documents. At this point, it sounds like an incredible tool that can assist you; however, in a way, it sounds scary, too. As chatbots progress, it makes me wonder, “Will it take our jobs?” This topic is certainly intriguing and something to watch in the future.

I also enjoyed my time outside of the conference. Boston is a beautiful place full of universities, restaurants, and people enjoying the sights. My goal was to find good Italian food,

and Boston certainly had some of the best Italian food I have ever had. The area was very accessible by walking, so I hopped on the tram and went to the North End. The North End looked like Italy with narrow streets and more Italian restaurants and bakeries than I have ever seen. I had to stop at one of the bakeries and enjoy a piece of Boston cream pie!

The conference was a great place to meet new people. I did not know anyone attending beforehand, but met numerous people visiting exhibits, classes, on the plane, and of course at happy hour with the Houston-area law librarians. I look forward to the next one!





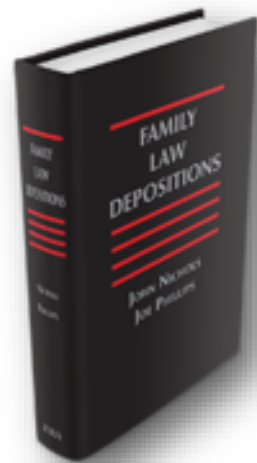
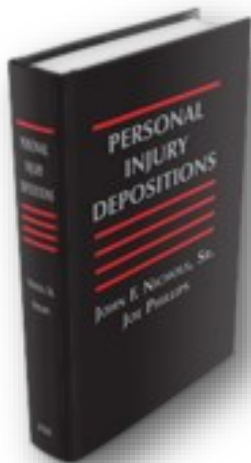
Featured Resource: Family Law and Personal Injury Depositions

By Andrew Bennett

The Fort Bend County Willie Melton Law Library subscribes to two Deposition guide books for the two most-requested areas of law. Both titles are from Juris Publishing and cover the most commonly asked questions in Family Law and Personal Injury Depositions. Both titles include strategies and sample questions that a lawyer will need to know in winning their case. This also includes detailed preparation techniques, checklists, information sheets, discovery strategies (written and digital), and useful outlines covering various topics. These books can be useful for those taking or defending depositions. Both books also offer information on dealing with expert witnesses. The sample forms are also included in the books.

Family Law Depositions, now in its second edition, and *Personal Injury Depositions*, were both written by John Nichols, Sr. and Joe Phillips, both practiced litigators and well versed in Family Law. Nichols is a graduate of University of Houston College of Law and is a practiced litigator in Texas. He also has a Texas Board of Legal Specialization in Family Law. Joe Phillips, a graduate of California Berkeley School of Law, practices mainly in civil litigation, including personal injury and family law.

Both books are only available in print. Copies of both books can be made for \$.10 a page. For more information, contact the Law Library.





By Jonathan Briggs

The resources we use to assist our patrons here at the Fort Bend County Willie Melton Law Library are vast and ever-growing. The materials we provide come from a lot of different places. Some of our resources, such as **Westlaw** and **Lexis Plus** (our two primary legal databases), have a vast catalogue of items that we provide to our patrons. For example, in my six years here at the Law Library, I have either emailed to myself (or directly to patrons) or have downloaded thousands of documents from chapters and sections from Westlaw and Lexis practice guides, cases, statutes, forms, journal articles, and more. Those subscriptions are the backbone of our online resources. They are comprehensive, up-to-date, and excellent; we simply could not exist without them and we could not really call ourselves a law library without Westlaw and Lexis and their corresponding print materials. They comprise a substantial amount of our budget.

A free website that we use to provide a significant amount of forms and informational articles is www.texaslawhelp.org. I've probably mentioned before in writings the importance of this website. Without it, our jobs would be more difficult and, more importantly, it would be immensely more difficult for our patrons. Family law comprises a great deal of the matters that bring pro se patrons to the Law Library, and **TexasLawHelp** is our first resource for family law forms for divorce, modification, name change, and so much more. It also provides information and forms on many other topics, such as responding to a general civil suit, expunction of criminal records, occupational driver license, etc. It is indispensable.

Beyond these big-ticket items are many websites and resources that we use to provide responsive materials to all manner of patron requests. There are websites that we use to provide many, a handful, or even just one useful document. **Gale Legal Forms** is available through the Databases portal, subcategory Legal, on the main library system website (https://www.fortbend.lib.tx.us/databases?field_db_type_target_id%5B466%5D=466.) It is only in recent months that I have truly begun to explore and utilize it to assist our patrons. For example, it has been a great resource for Texas deeds covering a variety of circumstances. Access to these forms is crucial because the County Clerk's office (the office that records deeds) regularly refers people to us seeking deeds to fit their situation. Gale is just one of the resources on the **Fort Bend County library system's** legal databases page.

The Tarrant County (Fort Worth, <https://www.tarrantcountytexas.gov/en/law-library/forms.html>) and Travis County (Austin, <https://lawlibrary.traviscountytexas.gov/>) law library websites are a great source of a wide variety of forms covering the most basic issues (a simple notice of hearing form or general motion form with order) to some of the more precise forms (such as for gender identifier change). I use those two websites daily.

The main website of the Texas courts system (www.txcourts.gov) provides us with all the forms we refer people to seeking Orders of Non-Disclosure of criminal records, and it now has Supreme Court-approved Last Will and Testament forms.

Aside from Lexis Plus and Westlaw, all of these websites are available to anyone on any computer for free with a library card. These are just some of the resources we tap into to assist our patrons. Explore these websites on your own or come by the Law Library; we are glad to help you find what you need!



Texas Case Law Update, Part 1

Local Cases

- [Lance Pearson, et al., v. My Parent's Basement L.L.C., et al.](#), No. 01-23-00027-CV (July 6, 2023): Appeal Dismissed. (268th)
- [Ex Parte Carlos Refugio Gomez-Rodriguez](#), No. 01-22-00300-CR (July 6, 2023): Aff'd. TC Judgment. (400th)
- [Shannon R. Conway v. Twin Villas at Cinco Homeowners Association, Inc.](#), No. 01-22-00459-CV (July 11, 2023): Appeal Dismissed. (458th)
- [Xiaobei Han v. Mingfa Qu, et al.](#), No. 01-23-00348-CV (July 18, 2023): Appeal Dismissed. (505th)
- [Courtney Wilkinson v. Vincent C. Morille, Jr., et al](#), No. 01-23-00492-CV (July 25, 2023): Appeal Dismissed. (268th)
- [Bernadette McZiel Smith v. The State of Texas](#), No. 01-23-00227-CR (July 25, 2023): Aff'd. TC Judgment. (CCL#5)
- [Jessica Jimenez v. Robert Berleth](#), No. 01-23-00264-CV (July 27, 2023): Appeal Dismissed. (458th)
- [Ubaid Seth v. Najwa Aejaz](#), No. 01-22-00949-CV (August 8, 2023): Appeal Dismissed. (387th)
- [In Re Brian David Walker](#), No. 14-23-00433/00434-CR (July 6, 2023): Appeal Dismissed. (268th)
- [In Re Robert Scott Catt](#), No. 14-23-00374-CV (July 18, 2023): Appeal Dismissed. (268th)
- [In Re Paula Gist, Individually and as Heir to J. Steven Gist](#), No. 14-23-00489-CV (July 18, 2023): Appeal Denied. (CCL#2)
- [Zhen Qin, et al., v. Yuanyuan Yang](#), No. 14-22-00197-CV (July 27, 2023): Affirmed as Modified. (268th)
- [Anthony Kon v. Misrak Abdi](#), No. 14-23-00470-CV (August 1, 2023): Appeal Dismissed. (387th)
- [Darrell Wayne Holmes v. The State of Texas](#), No. 14-22-00007-CR (August 1, 2023): Aff'd. TC Judgment. (434th)
- [In Re Andrew Blake](#), No. 14-23-00516/00517/00518-CR (August 3, 2023): Appeals Dismissed. (458th)





Texas Case Law Update, Part 2

Civil Litigation—Mandamus—Homeowners' Associations

In *Re Christopher S. Kappmeyer and Roxana P. Kappmeyer, Relators*, 668 S.W.3d 651 (Tex. 2023), the Supreme Court of Texas took up a mandamus action in a suit involving the Kappmeyers, homeowners, and their homeowner's association, Key Allegro Canal and Property Owners Association. The homeowners had brought a declaratory judgment action against the Association seeking rulings related to the enforceability of amended deed restrictions they claim were instituted without the required approval from the requisite amount of owners as well as other claims. The Association moved to abate the declaratory judgment action pending the joinder of all necessary parties (all Key Allegro homeowners) as it affects all homeowners. The trial court granted the motion and ordered the Kappmeyers to join and serve all the owners within 90 days or face dismissal. The Court of Appeals denied their petition for writ of mandamus and thus such relief was sought in the Supreme Court. The court analyzed this under the abuse of discretion standard and also being a mandamus the relator had to show a lack of an adequate remedy on appeal. Further, the court looked to TRCP 39 as governing law, "Persons to be Joined if Feasible." In applying Rule 39 and case law to the situation, the court found that the Rule did not require the joinder of the other owners, in that, among other things, that simply because "the ultimate judgment could affect nonparties does not in itself require their joinder under Rule 39." Thus, the trial court abused its discretion in compelling their joinder. The Supreme Court further found that the Kappmeyers did not have an adequate remedy on appeal. The court also noted that the required joinder of hundreds of parties would cost tens of thousands of dollars and would likely cause them to abandon their case. Petition for writ of mandamus conditionally granted and trial court ordered to vacate its order lest writ will be issued. Suits involving homeowners' associations are fairly common, and this is worth a read for the pro se parties and attorneys involved in these cases.

Criminal Law—Expunction

In *J.C. v. Harris County District Attorney's Office*, 667 S.W.3d 376 (Tex.App.-Houston [1st Dist.] 2022, no pet. h.) Petitioner sought expunction of records related to his arrest for harassment under Texas Penal code section 42.07(a)(7). I labeled this above as in the context of criminal law because the genesis of this matter is a criminal case, however, expunction is a civil remedy under Article 55.01 of the Texas Code of Criminal Procedure. In the criminal case, Petitioner had sought to quash the information based on the contention that the Penal code provision was facially unconstitutional. The information was quashed and dismissed. He then sought expunction, which was denied. The petitioner in an expunction case must show they have met the requirements of the statute. However, the State had appealed. Thus the case was still "pending" and not ripe for expunction pursuant to 55.01(a)(2). Affirmed the trial court's denial of expunction.





Community News

- The **Fort Bend County Willie Melton Law Library** 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.

NOTE: Legal Information Reference Center will no longer be available after August 31, 2023.
- 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 check out Google Scholar for case law research at <http://scholar.google.com>.



FBC Bar News

Fort Bend County Bar Association

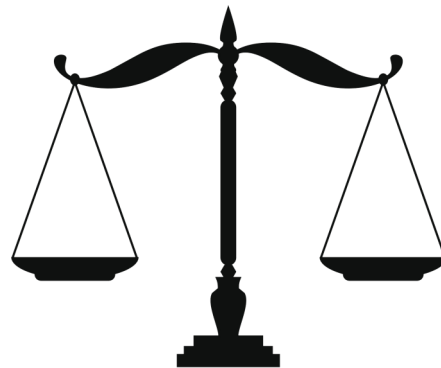
The Fort Bend County Bar Association has their monthly meetings on the last Thursday of the month. Check their website or Facebook page for more details.

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

- ***Help Us, Help You.*** Elana Einhorn et al. Texas Bar Journal. July/August 2023. [Texas Bar Journal Online.](#)
- ***Voir Dire.*** David Brenner. Texas Bar Journal. July/August 2023. [Texas Bar Journal Online.](#)
- ***Concurrent Jurisdiction in Post-Conviction Misdemeanor Writs of Habeas Corpus.*** Hank Wilkins. Texas Bar Journal. July/August 2023. [Texas Bar Journal Online.](#)
- ***Managing Expectations: Personal Cloud Storage Account Warrantless Search Breached The Fourth Amendment.*** Pierre Grosdidier. Texas Bar Journal. July/August 2023. [Texas Bar Journal Online.](#)
- ***How to Use Technology to Help Your Client Better and Protect Yourself from a Grievance.*** Benson Varghese. Voice for the Defense. July/August 2023. [Voice for the Defense Online.](#)
- ***Juvenile Justice and Determinate Sentencing, Parole Basics for Kids.*** Abner Burnett. Voice for the Defense. July/August 2023. [Voice for the Defense 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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