



# LAW LIBRARY NEWS

a publication of the Fort Bend County Law Library

Edited by: Andrew Bennett, Law Librarian

December 2018 ♦ Volume 26, Issue 12



## IN THIS ISSUE

<a href="#">Happy Holidays</a>	1
<a href="#">New &amp; Updated Resources</a>	1
<a href="#">FBC Bar News</a>	1
<a href="#">Featured Resource</a>	2
<a href="#">Technology Corner</a>	2
<a href="#">Community News</a>	3
<a href="#">Texas Case Law Update</a>	4

## New & Updated Resources

- |   |  |
|---|--|
| <b>O'Connor's Texas Series</b>  | <b>Social Security Disability Practice</b>                       |
| <ul style="list-style-type: none"> <li>• Texas Rules of Evidence Handbook</li> <li>• Texas Employment Codes</li> <li>• Texas Family Law Handbook</li> </ul> | <ul style="list-style-type: none"> <li>• 2018 Edition</li> </ul> |
| <b>Texas Practice Series</b>  | <b>Handbook of Federal Evidence</b>                              |
| <ul style="list-style-type: none"> <li>• Handbook of Texas Family Law</li> <li>• Methods of Practice</li> <li>• Environmental Law</li> </ul>                | <ul style="list-style-type: none"> <li>• 2018 Update</li> </ul>  |
| <b>Texas Practice Guide</b>   | <b>Texas Litigation Guide</b>                                    |
| <ul style="list-style-type: none"> <li>• Alternative Dispute Resolution</li> <li>• Business &amp; Commercial Litigation</li> </ul>                          | <ul style="list-style-type: none"> <li>• 2018 Update</li> </ul>  |
| <b>Texas Pattern Jury Charges</b>   | <b>Texas Probate, Estate, &amp; Trust Administration</b>         |
| <ul style="list-style-type: none"> <li>• Malpractice &amp; Ethics</li> <li>• 2018 Edition</li> </ul>  | <ul style="list-style-type: none"> <li>• 2018 Update</li> </ul>  |
| <b>Texas Drunk Driving Law</b>  | <b>Solo and Small Firm Legal Technology Guide</b>                |
| <ul style="list-style-type: none"> <li>• 2018 Edition</li> </ul>  | <ul style="list-style-type: none"> <li>• 2018 Edition</li> </ul> |

## FBC Bar News

There will not be a December Luncheon or CLE.

Remember, Attorney Badge Applications must be renewed every year!

Attorney Badge application can be found [here](#).

2019 Badge Application are available on the Fort Bend County website.



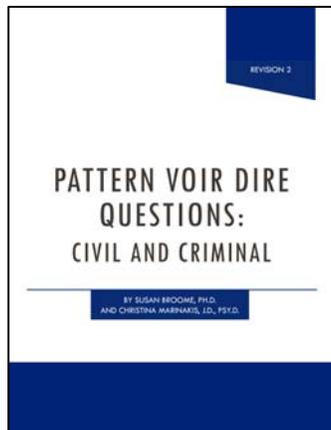
## Member Resources

[Click here for Member Resources](#)

## Featured Resource: *Pattern Voir Dire Questions*

*By Jonathan Briggs*

Some attorneys go to trial several times a year; then there are lawyers who try one or two cases a year; and there are others for whom trial is a fairly infrequent occurrence. No matter what your trial experience or comfort level is with the trial process the newly arrived 2018 revised edition of James Publishing's *Pattern Voir Dire Questions: Civil and Criminal* will help you navigate the art and science of voir dire (a/k/a jury selection). It is user-friendly with a general table of contents and index as well as a detailed table of contents for each chapter. At just under 500 pages it is comprehensive without being overly dense. The first chapter is packed with general information and tips on voir dire practice and procedure. The following chapters thoroughly cover voir dire in civil and criminal cases...with standard questions for these types of cases and then specific questions depending on the nature of the charges (sexual assault, violent crimes, drug charges, property crimes, etc.) or causes of action (personal injury, business litigation, etc.). This book provides an incredible depth of useful and usable information and questions for potential jurors on almost any type of civil or criminal case you will encounter that will give practitioners confidence in conducting an effective voir dire on behalf of their client. Most of the material contained in the print copy of the book may also be accessed via the James Publishing icon on the desktop of all of our patron computers in Word or PDF format and may be downloaded for free to your thumbdrive or it can be e-mailed to you. Copies and prints may be made in the library for 10 cents per page. For more information, please contact the Law Library.



## Technology Corner

*By Andrew Bennett*

In this column, we examine technology in the Law Library that you can use in your practice.

### **This Month's Featured Technology:** Scanning Documents in PDF Format

The Law Library has two multipurpose copiers that allow scanning to email or USB drive in PDF format. These can be used for easy e-filing. To begin, select the tab at the top labeled "Image Send." Then select the option on the left for "Address Entry." Then follow the instructions to enter your email address. You can also select "CC" to enter another email address. Once finished, hit the "OK" button. Next, hit the begin scanning button to scan. To scan to USB, make sure you select the "USB Memory Scan" tab after you hit "Image Send." Scanning is FREE in the Law Library. Ask a staff member for a demonstration.



## Community News

- **Fort Bend Lawyers Care** is holding a **Legal Line** every Friday from **10 am to 12 pm**. **Volunteer attorneys are needed!** If you would like to help low-income residents and veterans of Fort Bend County, contact by email at [Tasha@fortbendlawyerscare.org](mailto:Tasha@fortbendlawyerscare.org).
- The **Fort Bend County Law Library** will be having it's Book Club on Wednesday, **December 19th** at **2 pm** in the Law Library. The book for this discussion is "Lincoln's Last Trial." Registration is not required.
- The **Fort Bend County Law Library** and the **Justice Center** will be **CLOSED** for Christmas on Monday and Tuesday, **December 24th and 25th**. We will reopen for normal business hours on Wednesday, December 26th. We will also be **CLOSED** on Tuesday, **January 1st** for New Year's Day.
- The **Fort Bend County Law Library** has its **Pro Se Basics Classes** on **Tuesday's at 10 am**. These classes focus on Procedural Information and Legal Resources for Pro Se's in Court. Contact the Library for dates and classes. Registration is required as space is limited. Contact the Law Library at 281-341-3718 to register.
- The **Fort Bend County Law Library** has its **Express Classes** on **Thursday's at 10 am**. These classes focus on Technology Software you can use in your practice. Contact the Library for dates and classes. Registration is required as space is limited. Contact the Law Library at 281-341-3718 to register.
- The **Harris County Law Library** offers the **Legal Tech Institute** where you can learn new technology skills for your practice. Many of these courses offer 1 hour of **FREE CLE Credit**. Please visit their website at <http://www.harriscountylawlibrary.org/legal-tech-institute-events>. There you can find dates and times of classes. Registration is required.
- The **Fort Bend County Libraries'** will be unveiling it's **new website** next month. This includes the Branch page and Resources page for the Law Library. New features include calendar view for events and programs and being able to make reservations for seminar viewing or for programs. For more information, contact the Law Library.

## Texas 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 through its [Lawyers Assistance Program](#). 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.

### To Include Items in the Newsletter

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 [abennett@fortbend.lib.tx.us](mailto:abennett@fortbend.lib.tx.us) with "Newsletter" as the subject.

### To Unsubscribe from the Newsletter

If you do not want to receive the Law Library newsletter, please send an email to [abennett@fortbend.lib.tx.us](mailto:abennett@fortbend.lib.tx.us) with "Unsubscribe" as the subject and include the email address to be removed.

## Texas Case Law Update

### Local Cases

- [Monaj K. Asthappan v. The State of Texas](#), No. 01-18-00899-CR (November 20, 2018, 2018): Appeal Dism'd. (458th)
- [Texas Dept. of Public Safety v. John B. Marshall](#), No. 01-17-00603-CV (November 27, 2018): Aff'd. TC Judgment. (CCL#5)
- [Vanessa E. Browning v. B. Rose Lockhart](#), No. 01-17-00874-CV (November 27, 2018): Appeal Dism'd. (505th)
- [Mario A. Tejada v. The State of Texas](#), No. 01-17-00799-CR (November 29, 2018): Aff'd. TC Judgment. (CCL#1)
- [Charles E. Shearn, Jr., v. Jennifer A. Brinton-Shearn](#), No. 01-17-00222-CV (December 4, 2018): Aff'd. TC Judgment. (505th)
- [In Re AJBJK, LLP](#), No. 01-18-00772-CV (December 6, 2018): Pet. Writ Mandamus Denied. (240th)
- [Anthony J. Stento v. The State of Texas](#), No. 01-17-00164-CR (December 6, 2018): Aff'd. TC Judgment. (268th)
- [Donald Dankowich & Carmines LLC, v. R-1 Management, LLC](#), No. 01-18-00799-CV (December 11, 2018): Appeal Dism'd. (458th)
- [Ex Parte Joshua J. Nelson](#), No. 01-18-00842-CR (December 13, 2018): Appeal Dism'd. (458th)
- [In the Interest of C.F., Jr., K.F., and C.F., Children](#), No. 14-18-00509-CV (December 4, 2018): Aff'd. TC Judgment. (328th)
- [Nicole Jefferson v. Marion J. Pirtle a/n/f Harold Adams](#), 14-17-00817-CV (December 11, 2018): Appeal Dism'd. (434th)

### Criminal Law

- *Cameron A. Marson v. The State of Texas*, 556 S.W.3d 924 (Tex.App.-Eastland 2018, no pet. h.): Defendant/Appellant was the passenger in a stolen vehicle pursued by Troopers Alston and Caro in a marked DPS unit. During the chase Defendant shot at the Troopers. The pursuit began in Ector County and continued into Andrews County. Defendant fired at the DPS unit in both counties. He was indicted in Andrews County for and pled guilty to two counts of aggravated assault of a public servant for shooting at the two Troopers and was sentenced to 25 years. Defendant was also indicted for the same two counts in Ector County. He filed a motion to dismiss the indictments based on double jeopardy. The trial court denied the motion, the case proceeded to trial, and Defendant was again convicted on both counts. On appeal the State acknowledged that its position was contrary to settled precedent but proceeded anyway to defend the second set of convictions by contending that each shot was a violation and that multiple violations occurred in each county. The Court of Appeals vacated the Ector County convictions and entered a judgment of acquittal, holding that the number of victims (2) is the allowable unit of prosecutions, not the number of shots fired.

### Family Law

- *In the Matter of the Marriage of Lori E. Russell and Charles W. Russell*, 556 S.W.3d 451 (Tex.App.-Houston [14th Dist.], no pet. h.): Trial court entered a final decree of divorce. It later modified the decree pursuant to a motion for judgment nunc pro tunc by Ms. Russell. Mr. Russell appealed and brought a petition for writ of mandamus claiming the trial court lacked jurisdiction to sign the order and that the substantive changes made to the decree after the trial court lost plenary power made the nunc pro tunc order and modified judgment void. He also appealed the denial of his bill of review. In a consolidated action the Court of Appeals reversed the trial court's nunc pro tunc order and reinstated the final decree, finding that the changes were substantive and were made after the trial court lost plenary power.

### Civil Litigation/Medical Malpractice

- *Melissa Wendt Ind. and as Exec. Of Estate of Donald Wendt v. Milan K. Sheth, M.D.*, 556 S.W.3d 451 (Tex.App.-Houston [1st Dist.], no pet. h.): Malpractice suit brought regarding death due to complications during heart surgery. Defendant anesthesiologist misidentified as "Smith" instead of "Sheth" in Original Petition. Name corrected via supplemental petition filed after limitations expired. Doctor granted summary judgment. Plaintiff/Appellant claimed that doctrine of misnomer of parties applied so as to allow the corrected filing to relate back to the timely filing of the original petition. Court of Appeals disagreed. Judgment affirmed.

For more information on recent cases, visit the Law Library.