



LAW LIBRARY NEWS

a publication of the Fort Bend County Law Library

Edited by: Andrew Bennett, Law Librarian

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Law Library Book Club

The Law Library is hosting it's quarterly **book club** on Wednesday, **February 20th** at the Fort Bend County Law Library's **Conference Room C** at **2 pm**. This month's book is ***Proof* by C.E. Tobisman**. Tobisman recently won the Harper Lee Award for Legal Fiction. Coffee and refreshments will be provided. The library, unfortunately, does not have any copies of the book. Registration is not required. Please feel free to join us.

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New & Updated Resources

Texas Employment Law O'Connor's Texas Series

- 2019 Edition
- *Texas Rules * Civil Trial*
- *Causes of Action*
- 2019 Editions

Texas Workers' Compensation Manual

- 2019 Edition

Texas Pattern Jury Charges

- *Oil and Gas*
- *Business*
- 2018 Editions

Texas Personal Automobile Insurance Policy

- 2018 Edition 

Texas Pleading and Practice Forms

- *Volume 5A*
- *Declaratory Relief to*
- *Depositions and Discovery*

Being Heard: Presentation Skills for Attorneys

- ABA Publication 

Building a Better Law Practice

- ABA Publication 

West's Texas Forms

- *Administration of Decedent Estates*
- 2019 Update

Tax Savvy for Small Business

- 2018 Edition

FBC Bar News

The **February luncheon and meeting** of the Fort Bend County Bar Association will be held at **12:00 pm** on Thursday, **February 28th** at the Sugar Creek Country Club located at 3000 Plantation Drive, Richmond, Texas. The program topic is "**A Primer on UPL: What Every Lawyer Needs to Know About the Unauthorized Practice of Law.**" The Speaker will be Jeff Jansen, Chairman of the District 4 Subcommittee of Unauthorized practice of Law. The program is approved for 1 hour CLE credit and .25 hours ethics credit. The luncheon cost is \$25 for members and \$30 for nonmembers. [Membership information](#) and the [RSVP Policy for Luncheons](#) are also on the website.

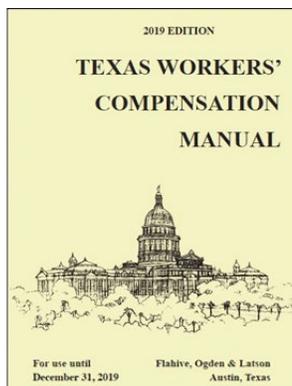
Please RSVP no later than 12:00 p.m. on Tuesday, **February 26th** by using the form on the [Next CLE Luncheon](#)

Member Resources

[Click here for Member Resources](#)

Featured Resource: *Texas Workers' Compensation Manual*

By *Jonathan Briggs*



Workers' Compensation is an area of law that personal injury litigators handling cases involving workplace injuries and deaths, attorneys with a general practice, labor & employment lawyers, and attorneys with a practice primarily in Workers' Compensation deal with on a regular basis. It is also an issue that workers or their surviving family members may be forced to face following an on-the-job injury or death. His title is written by the attorneys of Austin law firm Flahive, Ogden & Latson and published by Post Hoc Press. Written for a broad audience to include attorneys, employers, insurance company personnel, healthcare providers, court personnel, government employees, etc., this essential manual is detailed, full of info, and is an essential source and great reference for its readers. The primary sections of the book are: the Texas Labor Code; Summaries of Select Court Case Decisions; Summaries of Select Appeals Panel Decisions; Division of Workers' Compensation Rules; an Appendix containing several other key rules and statutes; and other handy charts and useful information. This edition is updated to reflect the current state of this area of Texas law. It is user-friendly with a general table of contents and index as well as a detailed table of contents for each chapter. Unlike much of the Law Library's materials, it is not published on-line. Copies of the book may be made in the library for 10 cents per page. For more information, please contact the Law Library.

Technology Corner

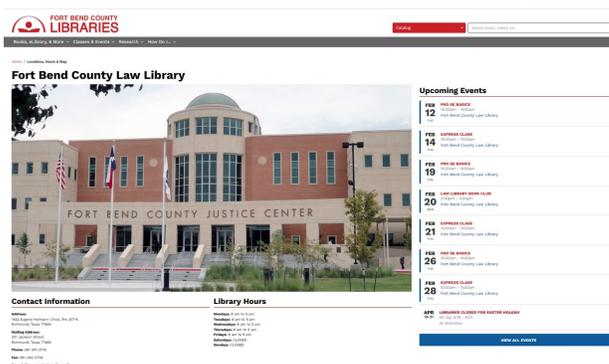
By *Andrew Bennett*

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

This Month's Featured Technology: The New Law Library Page on our Website

This month, we are going to focus on all of the items on our website and specifically what is on our Law Library page. First, go to our website at www.fortbend.lib.tx.us. This is the website for the entire Fort Bend County Library system. Other branch information is also located here as well as our online catalog where you can search what the Law Library has as well as the rest of the system. There are three different ways to get to our page. First, click on "Location/Hours" and select Law Library. Second, scroll down and select the big red "Law Library" icon. And third, select "Law Library" under "Research." On our page, we have a lot for you to see and access.

You can get access to our online databases from home, such as Gale Legal Forms Library and Legal Information Research Center. Both can be accessed by your library card. Also, we have Resource Guides, Recommended Websites, and the Law Library Newsletter. Finally, in addition, you can now request use of our Conference Room C and Viewing Room through our Calendar and Reservation system. To do this, use the drop down menu "Classes and Events." and select "Make a Reservation." Make sure to select Law Library to reserve our room. Also, you can reserve spots for our programs and CLE's by selecting the event on the calendar screen. For more information, contact the Law Library.



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 Simmons@fortbendlawyerscare.org.
- 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 or online at www.fortbend.lib.tx.us 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 or online at www.fortbend.lib.tx.us 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 **Family Bar of Fort Bend** is having a CLE for members on **March 1st** on the Texas Lawyers Creed in the **387th District Court**. Also, every month they have a **monthly luncheon** that is approved for .75 MCLE credit. This is always the **1st Thursday of the month** at Buena Vista. No reservation required. For more information, visit their website at <https://familybarfortbend.org>.
- The **Fort Bend County Law Library** is building a **Spanish language collection**. If you have any titles to suggest, please send them to andrew.bennett@fortbend.lib.tx.us. Thank you!



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 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 with "Unsubscribe" as the subject and include the email address to be removed.

Texas Case Law Update

Local Cases

- [Paula Sinclair v. State of Texas](#), No. 01-18-00480-CR/01-18-00481-CR/01-18-00482-CR (January 15, 2019): Appeal Dismissed. (240th)
- [Anthony Welch v. Fulgham, Inc.](#), No. 01-18-00868-CV (January 29, 2019): Appeal Dismissed. (CCL#4)
- [Stanley Bryant, et al. v. The Bank of New York Mellon et al.](#), No. 14-18-00895-CV (January 17, 2019): Appeal Dismissed. (CCL#5)
- [Anthony Welch v. Wells Fargo Bank](#), No. 14-18-00875-CV (January 24, 2019): Appeal Dismissed. (CCL#5)
- [Jesse Andrew Lopez v. Shari Grace Occhiogrosso](#), No. 14-17-00324-CV (January 29, 2019): Aff'd. TC Judgment. (328th)
- [Surveying & Mapping, LLC v. LeBlanc Farms Joint Venture](#), No. 14-18-00731-CV (January 29, 2019): Appeal Dismissed. (240th)
- [In Re Troy Wisley](#), No. 14-19-00059-CV (January 31, 2019): Pet. Writ Mandamus Denied. (434th)
- [Carlos Aleman v. State of Texas](#), No. 14-18-00346-CR (February 5, 2019): Appeal Dismissed. (240th)
- [Charles J. Germany v. Wells Fargo Bank, NA](#), No. 14-17-00916-CV (February 7, 2019): Aff'd. TC Judgment. (458th)
- [Cande Brandow v. Federal National Mortgage Association](#), No. 01-18-00895-CV (February 12, 2019): Appeal Dismissed. (CCL#2)
- [Michael Broussard v. Lovely Abraham](#), No. 14-18-00999-CV (February 14, 2019): Appeal Dismissed. (CCL#2)

Civil Litigation/HOA Law

- *S-G Owners Association, Inc. v. Lurdes Sifuentes*, 562 S.W.3d 614 (Tex.App.-Houston [1st Dist.] 2018, reh'g. denied): Appellee/Defendant homeowner faithfully paid her homeowners' association annual assessment fees from the time she purchased the home in 2006 through 2013. She experienced financial difficulties in 2014 and was unable to pay. In 2015 she contacted the HOA in an attempt to pay the past due amount and square her account, but the HOA would not talk to her. So, she sent a check for \$2,000 to the HOA, but they would not accept it because they had referred the case to their attorneys. She contacted the attorneys more than once to try and work things out, but they never got back with her. They filed suit against her seeking to recover the past due fees and to foreclose the lien they had put on her home. Following a bench trial in the County Court at Law of Harris County a take-nothing judgment was entered in favor of Defendant. The HOA filed a request for the Court to enter findings of fact and conclusions of law. The Court requested the parties file proposed findings of fact and conclusions of law. Neither the Court nor the parties filed such documents. Because the HOA failed to file a Notice of Past Due Findings of Fact and Conclusions of Law it waived any complaint in this regard on appeal. The HOA also made a factual insufficiency complaint on appeal asserting that the facts supporting their case were undisputed and thus they were entitled to judgment in their favor. Their burden on appeal was to show that the Court's adverse finding was contrary to the great weight and preponderance of the evidence. The Court of Appeals pointed to the lack of admissible evidence brought by the HOA in regard to the past due account and that the Appellee had testified to not receiving correspondence from the HOA about her account. The Court as factfinder had the power to weigh the facts and evidence presented to reach its conclusion. The Court of Appeals affirmed the take-nothing judgment. An interesting opinion out of a Houston Court of Appeals that is worth reading by defendants, plaintiffs, and courts that deal with these types of lawsuits.

Criminal Law

- *Lesley Diamond v. The State of Texas*, 561 S.W.3d 288 (Tex.App.-Houston [14th Dist.] 2018, pet. granted): Appellant/Defendant was convicted of misdemeanor DWI. After receiving a report from the Texas Forensic Science Commission concerning the self-report by an analyst from the HPD crime lab that it had violated quality control documentation protocols, she filed an application for writ of habeas corpus alleging that the State had suppressed favorable evidence in violation of her due process rights. The habeas court denied her petition and she appealed contending that the habeas court erred in concluding that the undisclosed evidence is not favorable to the defense or material to the jury's verdict under the *Brady* case. The Court of Appeals concluded that the undisclosed evidence is material to the jury's verdict and favorable to Defendant and thus reversed the trial court's order and remanded.

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