



LAW LIBRARY NEWS



a publication of the Fort Bend County Law Library

December 2020 ♦ Volume 28, Issue 12

Virtual Open House in January

The Law Library will be hosting a virtual **Open House** on Friday, **January 15th** from **10 am to 4:30 pm**. We will be hosting three classes including **two CLE's** on Westlaw and Lexis Advanced and an **Attorney Lecture Series** on Marketing and Branding your solo or small firm practice. Registration is required for all three classes. Class will be hosted over zoom. For more information, contact the Law Library.

In This Issue

Virtual Open House	1
New & Updated Resources	1
FBC Bar News	1
Featured Resource	2
Technology Corner	2
Community News	3
Texas Case Law Update	4
Librarian Musings	5

New & Updated Resources

Texas Practice Guide

- *Alternative Dispute Resolution*
- *Probate*

Handbook of Federal Evidence

- *9th Edition*
- *2020 Update*

Texas Practice Series

- *Medical Malpractice*
- *Contract Law*

U.S. Master Tax Guide

- *2021 Edition*

O'Connor's Texas Series

- *Rules of Evidence Handbook*
- *Family Law Handbook*

Elder Law Portfolio

- *2020 Update*

Texas Probate Estate and Trust Administration

- *2020 Update*

Texas Litigation Guide

- *2020 Update*

FBC Bar News

Fort Bend County Bar Association

The Fort Bend County Bar Association may have another virtual CLE. Date and topic is TBD. Check their website for more information.

Family Bar of Fort Bend County

The Family Bar may have another virtual CLE. Date and topic is TBD. Check their website for information.

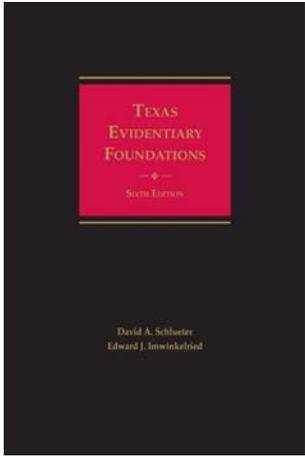
Monthly in-person meetings for both organizations have been postponed until further notice.

Please check updated court procedures on the Fort Bend County website at www.fortbendcountytexas.gov.



Featured Resource: Books on Evidence - New Arrivals

By Jonathan Briggs

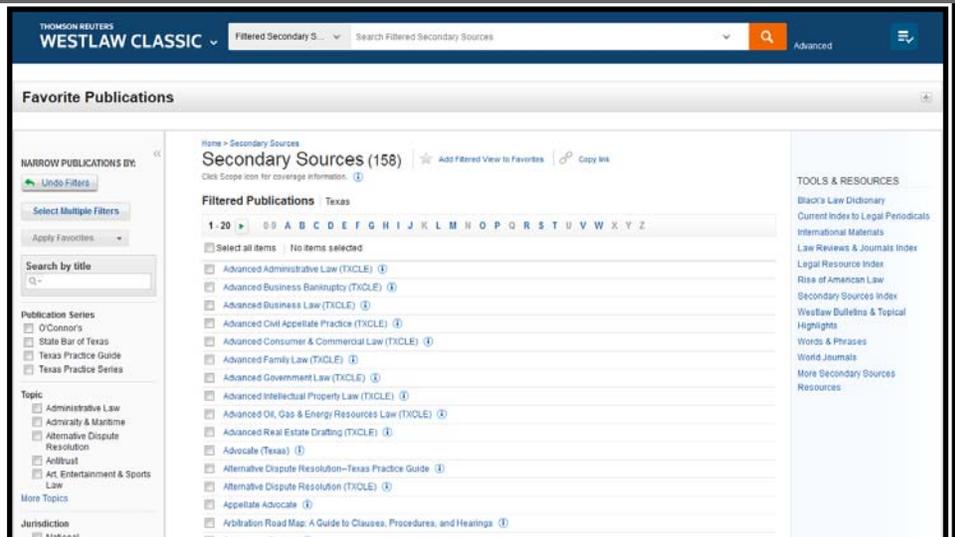


The Law Library has recently received new and updated publications on the law of Evidence in Texas that can assist both our attorney and *pro se* patrons. Understanding the Texas Rules of Evidence and properly putting them into practice at trial and in other stages of the litigation of civil, family, and criminal matters is essential to the success of your case. The mastery of the law of evidence is a career-long endeavor for attorneys and is something that *pro se* parties often struggle with. Common types of proposed evidence such as photographs, text messages, e-mails, financial records, medical records...how are these to be admitted into evidence and what objections may be asserted or how can these objections be overcome? These publications (among others) are here to provide litigants and their attorneys with the resources to understand and put into play this essential part of any case. *Juris* publishes two companion books by Professor David Schlueter of St. Mary's Law School: the *Texas Rules of Evidence Manual* (11th Ed.) and the *Texas Rules of Evidence Trial Book* (4th Ed.). At over 1,000 pages the *Manual* is an in-depth text covering such crucial topics as relevancy, privileges, opinion and expert testimony, hearsay, authentication and identification, and the content of writings, recordings, and photographs. The *Trial Book* is intended for lawyers and judges who try cases in Texas courts and is "designed to ease the task of dealing with [the mechanics of] evidence issues under the time constraints and pressures" of jury trials. Both of these books are available in our print collection only. *Lexis* has recently published the 6th edition of its *Texas Evidentiary Foundations*, also written by Prof. Schlueter. This book provides nut and bolts information on all kind of issues related to the admission of evidence: foundations, authentication, objections, etc., and is available at the Law Library in print and online. Finally, we have recently received the 2021 edition of *O'Connor's Texas Rules of Evidence Handbook* from publisher Thomson Reuters. This essential practice guide is available in our print collection and via our patron computers with the *Westlaw* online legal database. Depending on the resource, these materials can be either downloaded to your thumbdrive or e-mailed to you in Word, Word Perfect, or PDF for free. Copies of the books and printouts can be made for 10 cent a page. Evidence is at the heart of most any case and we are proud to offer these resources to our patrons. For more information please contact the Law Library.

Technology Corner: Searching Secondary Sources on Westlaw

By Andrew Bennett

Did you know you can search multiple secondary sources on Westlaw at the same time? Well, you can. It's also easy to do! From the main search screen, select "Secondary Sources." From here, you'll want to select your jurisdiction, which I am sure, will be "Texas." Please be aware that our plan only has secondary material from Texas and Federal. At this point, you will be able to select which sources you which to search including the ever popular O'Connor's series. Once you have done that, you will



be able to use the search bar at the top to be able to add keywords to your search. If you have any questions, or wish to watch a demonstration, contact us by phone or email. Replays of our classes on Westlaw can be found on our Law Library page on the Fort Bend County Libraries' website at www.fortbend.lib.tx.us.



Community News

- The **Fort Bend County Law Library** has started **virtual classes** including **Pro Se Basics** and **Express Classes**. Check out schedule at <https://www.fortbend.lib.tx.us/about-us/location-hours-map/law-library>.
- The **Harris County Law Library** has started **virtual classes**. Upcoming classes are on **December 18** and **January 21**. Check out the variety of classes they offer for online training at <https://www.harriscountylawlibrary.org/training-opportunities-calendar/?category=Online+Events>
- 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>.
- **E-File Texas** allows you to file your documents electronically to Fort Bend County courts or any other courts in the state of Texas. Go to <http://>



Texas Lawyers

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,

To Include Items

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

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

- [Lorianne Galvan v. Ronald B. Groover](#), No. 01-19-00721-CV (November 24, 2020): Appeal Dismissed. (505th)
- [Ether L. Thomas v. The State of Texas](#), No. 01-18-00504-CR (December 1, 2020): Aff'd. TC Judgment. (400th)
- [Jonathan Bradshaw v. The State of Texas](#), No. 01-19-00611-CR (December 3, 2020): Aff'd. TC Judgment. (240th)
- [Michael Spradley v. Michael E. Orsak, L.P.](#), No. 01-19-00186-CV (December 15, 2020): Aff'd. TC Judgment In Part, Re versed in Part, and Remanded. (CCL#5)
- [Jerrod P. Roland v. The State of Texas](#), No. 01-19-00752-CR (December 15, 2020): Vacated TC Judgment and Dismissed. (CCL#6)
- [J.R. Richard Enterprises, Inc. v. Claudia V. Niz, et al.](#), No. 01-20-00124-CV (December 17, 2020): Modified. TC Judgment, and Affirmed as Modified. (CCL#3)
- [Richard Rodriguez v. Mark Albright, et al.](#), No. 14-20-00593-CV (December 3, 2020): Appeal Dismissed. (240th)
- [Pejman Maadani v. Kristy K. Ward](#), No. 14-20-00687-CV (December 3, 2020): Appeal Dismissed. (387th)
- [Annapurna Rachapadi v. Srinivasa Rachapadi](#), No. 14-20-00773-CV (December 10, 2020): Appeal Dismissed. (328th)

Criminal Law—Driving While Intoxicated—Seizure and Testing of Blood

Robert Lee Crider, Jr. v. The State of Texas, 607 S.W.3d 305 (Tex.Crim.App. 2020): Defendant/Appellant was convicted of driving while intoxicated. On appeal to the San Antonio Court of Appeals the conviction was affirmed. A sample of Defendant's blood had been withdrawn pursuant to a search warrant which alleged probable cause to believe he had been driving while intoxicated. The warrant specifically allowed for the extraction of the blood but did not expressly authorize the blood to be chemically tested to determine the blood-alcohol concentration. On petition for discretionary review the Defendant citing a violation of the 4th Amendment challenged the introduction of evidence obtained via the testing when it was not specifically authorized by the warrant or obtained via separate warrant. The Court of Appeals recognized that the testing involved a discrete invasion of privacy separate from the extraction but that when blood is drawn pursuant to a warrant it is reasonable to assume that it also allows for testing of it (otherwise, why extract it?). The Court of Criminal Appeals using a reasonableness standard stated: "A neutral magistrate who has approved a search warrant for the extraction of a blood sample, based upon a showing of probable cause to believe that a suspect has committed the offense of driving while intoxicated, has necessarily also made a finding of probable cause that justifies chemical testing of that same blood. Indeed, that is the purpose of the blood extraction." Affirmed.

Family Law—Protective Orders

In Re George Eric Saldana, Relator, 607 S.W.3d 448 (Tex.App.-Houston [14th Dist.] 2020), no pet. h.); and *In Re V.K., Relator*, 607 S.W.3d 471 Tex.App.-Houston [14th Dist.] 2020, reh'g. denied): In these two cases the 14th Court of Appeals ruled on issues relating to protective orders. In *Saldana*, the amicus attorney in this SAPCR case applied for a protective order, which was granted. On mandamus the issuance of the order and the denial of the motion to dissolve the order were challenged. Relator contended that the amicus attorney lacked standing to seek such an order and the issuance of the order by a different district court than the one that had continuing exclusive jurisdiction (CEJ) was improper as it lacked jurisdiction. Under an abuse of discretion/no adequate remedy at appeal standard, the Court of Appeals found that the Family Code only required that the protective order be filed in the court with the CEJ, but that another court can hear the application and issue the order. Further, the Court of Appeals found that an amicus attorney is appointed to serve the court in protecting the best interests of the child and that any adult may apply for a protective order to protect a child from family violence. Thus the petition for writ of mandamus was denied. In the *V.K.* case the relator against whom an ex parte protective order was granted sought mandamus for the court's failure to hold an evidentiary hearing either in person or via Zoom on the motion to vacate the protective order. All non-essential hearings had been canceled (due to Covid-19) and the trial court did not consider the motion to vacate as essential. Thus, it was to be heard by submission. Relator contended this violated Family Code §83.004. The Court of Appeals essentially held that Constitutional due process requirements are not suspended by emergency orders of the Supreme Court. The Court of Appeals found that the Relator has the right to due process in regard to the care, custody, and control of his children and found mandamus to be the proper remedy to preserve this statutory right. Thus, relator showed an abuse of discretion by the court in failing to hold the hearing and he had no adequate remedy by appeal. Petition conditionally granted in part, trial court ordered to vacate its order and hold a live hearing either in person or via video-conferencing.

Contact the Library for more recent cases.

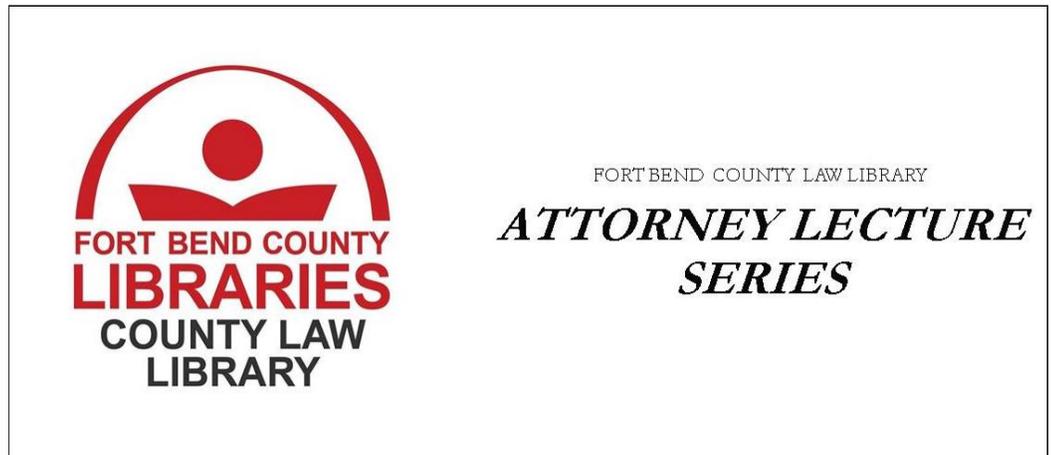
Librarian Musings: Attorney Lecture Series for 2021

By Andrew Bennett

In our new column, we will cover a variety of topics including library programming, database reviews, interesting search strategies, and more.

Many of you have been enjoying our Attorney Lecture Series this year. Mostly focused on pro se litigants, but informative for attorneys, we have had classes on Intellectual Property, Estate Planning and Probate, Nondisclosures and Expunctions, Family Law, Civil Litigation, and DWI and Traffic Law. All of our presenters have done a fantastic job and we thank them for giving these courses to us. Our pro se litigants who have taken the courses have had nothing but kind things to say.

Next year, we are going to take a bit of a different approach to our Attorney Lecture Series. This time, we are going to focus on attorneys themselves and help them create better law practices. The focus this year will be on lawyering skills, law practice management, and marketing.



We already have a lot planned for this next year! Our first class, which will be during our annual open house, will be given by local attorney Lauren Flathouse and she will be speaking on Marketing and Branding in your solo or small firm. This is extremely important for those who are just starting out and need to build a client base. In March, attorney Rocky Pilgrim will be speaking about starting your new Law Practice and beginning to take those client interviews. This will be extremely important for attorneys just getting out of law school and wanting to get out on their own.

We plan on having another three classes throughout the year. All of the classes will remain virtual for the time being, however, we will be recording the classes so that you can view them even if you are unable to make the class. Our classes from 2020 will all be on YouTube and on our Facebook page.

For questions, or ideas on what we can cover next, please contact us by phone or email.