



# LAW LIBRARY NEWS

a publication of the Fort Bend County Law Library

March 2021 ♦ Volume 29, Issue 3

## Lexis Advance Training and CLE

The Fort Bend County Law Library is hosting a LexisNexis CLE on **March 24 at 10 am** entitled - **“Importance of Time Management for Attorneys: Are You Managing Your Time or Is It Managing You?”** It is approved for 1 hour CLE credit. Register online at <https://www.fortbend.lib.tx.us/event/live-lexis-advance-training->

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## New & Updated Resources

### *O’Connor’s Texas Series*

- Oil and Gas
- Rules \*Civil Trial

### *Second Acts for Solo and Small Firm Attorneys*

- ABA Title
- 2020 Pub Date

### *Texas Personal Injury Handbook*

- 2021 Edition

### *Introduction to Paralegal Studies*

- 2021 Edition

### *Texas Administrative Code*

- T. 13, 26, 34
- 2021 Update

### *Accommodating Disabilities*

- Issue 342

### *Texas Transaction Guide*

- Release 132
- 2021 Update

### *Texas Practice Series*

- Methods of Practice
- 2021 Edition

## FBC Bar News

### Fort Bend County Bar Association

The Fort Bend County Bar Association has a **Coffee with the Court** with Judge J. Christian Becerra (434th District Court) on Tuesday, **March 18 at 8 am**. It will be held via Zoom and live in Courtroom 3I. Register on their website [here](#).

### Family Bar of Fort Bend County

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

### Fort Bend County Criminal Defense Attorneys Association

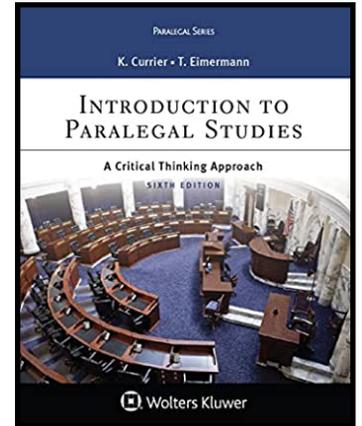
The FBCDAA will be hosting a CLE on Thursday, **March 25 at noon** on **“Motions for New Trial”** presented by Mandy Miller. Visit their website [here](#) for more information.



## Featured Resource: *Introduction to Paralegal Studies*

**By Andrew Bennett**

The Law Library has small but comprehensive Paralegal section. Books in this collection include textbooks, practice guides, and basic skills instruction. One of the series we try to have some titles of is the Paralegal Series from Wolters Kluwer. Many of these books are used as textbooks at our local paralegal school at Wharton County Junior College. The newest titles we own is *Introduction to Paralegal Studies*. This is one of the first textbooks a paralegal student will encounter and it gives a good overview of the practice. The book breaks down how paralegals fit in the American Legal System, areas of law that they might need to know, how to do some basic legal research, areas they need to be proficient in including interviewing, case management, and finding evidence. All three authors, Currier, Eimmermann, and Campbell, of the new seventh edition are program directors and professors at their Law Schools and are very knowledgeable about the field. The book is only available in print and copies of the book can be made for \$0.10 a page. For more information, contact the Law Library.



## Technology Corner: Law Library Re-Opening Update

**By Jonathan Briggs**



This past year has been a challenge to say the least as pretty much every part of society has had to make changes and adapt while we are going through COVID-19. Hopefully we are beginning to approach the end of this difficult chapter. Throughout this the Law Library has continued to do its best to provide the services our patrons need though the circumstances have not been ideal. As of **March 15, 2021**, the Law Library is physically open to all patrons with safety protocols in place such as social distancing, capacity and time limits as needed, and the requirement of masks. We hope that we can continue to remain open in this manner going forward and someday soon return to completely normal operations. Therefore, we want to inform our patrons of the current status of access to the technology portions of the Law Library's collection and facilities. To facilitate social distancing only 5 of our 10 patron computers are currently available for use: 1, 3, 5, 8, and 10. Computers 1 and 3 have the *Westlaw* legal database, 5 has *Lexis*, and all have *Hein Online*. All five of these computers have *Erisman's Reversible Errors*, State Bar of Texas materials, and Texas Juvenile Law. Additionally, all Law Library computers have general internet access, a link to E-File Texas, and standard word processing programs. We have two copiers with scanners, black and white and color printers, and a fax machine. Copies and black and white printing are 10 cents per page, color prints are \$1.00 per page, all incoming and local outgoing faxes are \$1.00 per page, and outgoing long distance faxes are \$2.00 per page. There is no charge for downloading documents to a thumb drive or e-mailing them to yourself. Free Wi-Fi is available throughout the Justice Center via "fbguest", no password required. Lexis Digital Library (which consists primarily of Lexis' secondary resources such as *Dorsaneo's Texas Litigation Guide*; *Texas Family Law: Practice & Procedure*; *Texas Probate, Estate, and Trust Administration*; the *Texas Criminal Practice Guide*; the *Texas Transaction Guide*, etc.) is accessible via the Fort Bend County Library system's main website with your library card and pin #. For more information, please contact the Law Library via phone or e-mail: 281-341-3718 and LLpublic@fortbend.lib.tx.us. We look forward to seeing you!



## Community News

- The **Fort Bend County Law Library** is hosting a **Westlaw CLE on April 9 at 10 am**. This class will focus on the Westlaw databases and teach you practical skills. Register online at <https://www.fortbend.lib.tx.us/about-us/location-hours-map/law-library>.
- The **Harris County Law Library** is hosting a class entitled **LexisNexis—Email Best Practices for Professionals** on **March 25 at 2 pm**. Find more classes 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/>.
- **Research 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://www.efiletexas.gov/>.
- **Texas Criminal Defense Lawyers** are hosting an online CLE on **March 17 at noon**. CLE is entitled **“Finding the Facts, Mitigation Investigation and Fact Investigation .”** Register at <https://www.tcdla.com/TCDLA/Events/>.

## 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](mailto: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](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

- [Prince U. Nwakanma v. Umawa Imo, et al.](#), No. 01-20-00090-CV (March 11, 2021): Aff'd. TC Judgment. (240th)
- [In Re T.M.](#), No. 14-20-00703-CV (March 9, 2021): Pet. Writ. Mand. Granted. (328th)
- [In Re M.D.M.](#), No. 14-20-00706-CV (March 9, 2021): Pet. Writ. Mand. Granted. (328th)
- [Roy R. Smith III, d/b/a Fort Bend Boat Storage v. Shawn Cousins, Trustee, et al.](#), No. 14-19-00612-CV (March 11, 2021): Aff'd. TC Judgment. (CCL#4)

### Criminal Law—Evading Arrest

*Jonathan W. Day v. The State of Texas*, 614 S.W.3d 121 (Tex.Crim.App. 2020). Case arose out of Tarrant County and the First Houston Court of Appeals. Defendant was convicted of evading arrest or detention. The chain of events leading up the arrest is a bit labyrinthine. A Richland Hills City Marshal was staked out on a residential street waiting to serve a warrant on a traffic offense on Danny Branton, though he did not know what Mr. Branton looked like. Two vehicles and two bicycles pulled up to the subject's residence, six people total. The marshal demanded everyone produce their identification. Defendant/Appellant Day complied, though others did not, some leaving the scene, some, including the subject went inside the home, and some remained in their vehicles. The marshal stated that he felt at this point he was investigating everyone for hindering apprehension and proceeded to identify everyone and check for warrants. Appellant told the officer he was not Danny Branton and that he needed to leave to go to work but the officer said to wait so he could ascertain who everyone was. Appellant admitted to warrants out of Fort Worth to which the officer replied he was not interested. He then ran checks on everyone revealing Appellant had a warrant for a jailable offense out of Haltom City in Tarrant County. Realizing the officer was going to arrest him for the warrant and the officer having told him he was under arrest and could not leave, Appellant fled on foot but was quickly apprehended. Appellant filed a motion to suppress all evidence obtained after the officer knew that he was not Mr. Branton, the subject of the North Richland Hills warrant. From that point he contends the detention was illegal. Trial court denied the motion, that the detention was not unreasonable and that an evidentiary instruction under CCP 38.23 could be available (which was ultimately given). Trial court also denied the defense's motion for a directed verdict based on lack of evidence of defendant's fleeing a lawful detention or arrest. Jury found him guilty. The Court of Appeals (applying an insufficient evidence standard that requires the state prove beyond a reasonable doubt that the detention was lawful) held that the detention of Day should have ended once the officer determined that he was not Branton. Further, the later discovery of the warrant did not change the illegal character of the detention. It therefore reversed the trial court's judgment of conviction and rendered a judgment of acquittal. The State appealed. The Court of Criminal Appeals wrote: "We granted the State Prosecuting Attorney's petition to address three issues. First, can the officer's attempt to detain or arrest a suspect, which is otherwise lawful, be tainted by an earlier illegality and thereby negate the lawful-arrest-or-detention element of evading, just as evidence is tainted under fruit-of-the-poisonous-tree? Second, and perhaps alternatively, will discovery of a valid arrest warrant necessarily render an attempted seizure on the warrant "lawful" (despite an earlier illegality) for purposes of evading arrest? Third, and finally, if an earlier illegality can taint the officer's attempted detention, does discovery of a warrant provide an independent source for the detention or attenuate the taint? The answer to the first question is "no." We are not dealing with a suppression of evidence issue; we are dealing with a sufficiency of the evidence issue. Evidentiary exclusionary rules serve a completely different purpose than the evading arrest or detention statute. The former deals with the penalty designed to deter future police misconduct, while the latter punishes a person who flees lawful police conduct. Doctrines such as "the fruit of the poisonous tree", "attenuation of the taint", and "the independent source doctrine" go to the question of whether evidence may be introduced at trial; they do not render otherwise lawful police conduct unlawful. In light of the answer to the SPA's first issue, there is no need to address the second or third issues, and we dismiss them as improvidently granted." After a lengthy analysis the Court went on to conclude: "Looking at the evidence before the jury, it is undisputed that at the time Appellant fled the scene there was an outstanding warrant for his arrest. From this evidence, a rational juror could have found that Appellant fled from an attempted and lawful arrest or detention regardless of whether the initial detention was unduly prolonged. Consequently, the evidence is legally sufficient to support the verdict. We reverse the judgment of the court of appeals and remand the case so it may address Appellant's remaining unaddressed claims."

### Family Law—Protective Orders

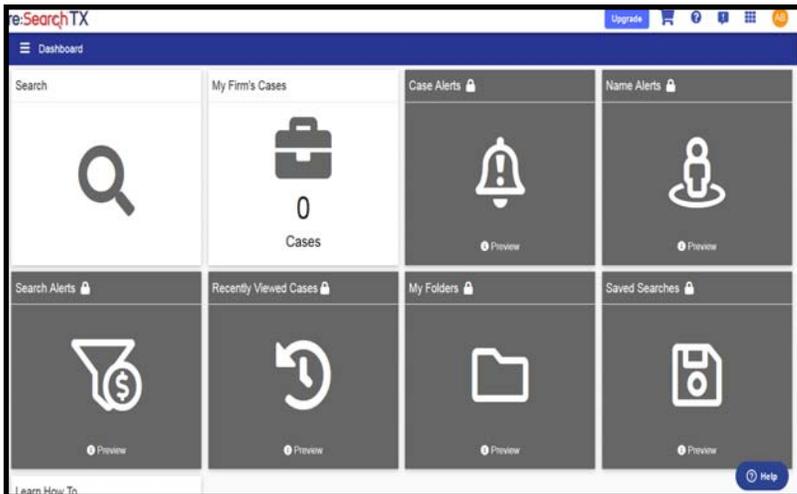
*Charles R. Rodriguez v. Jane Doe*, 614 S.W.3d 380 (Tex.App.-Houston [14th Dist.] 2020, no pet. h). In this case arising out of Brazoria County, the trial court granted a protective order in favor of Ms. Doe against Appellant. A component of the order was as follows: "Prohibited from going to or near, or within 500 feet of, any location where [Jane Doe] is known by [Rodriguez] to be and further prohibited from remaining within 500 feet after [Rodriguez] becomes aware of [Jane Doe's] presence." Mr. Rodriguez appealed contending that the provision exceeded what a protective order is allowed to prohibit under section 85.022(b) of the Texas Family Code in that the court cannot prohibit him from "any location." The Court of Appeals disagreed.... "There is no authority that the provisions of section 85.022 were intended to be an exhaustive list of remedies available to a trial court when issuing a protective order that will effectively prevent family violence, and Rodriguez has not cited to any such authority." The Court of Appeals thus affirmed the trial court.

## Librarian Musings: Strategies when Using re:Search TX

*By Andrew Bennett*

One of the most frustrating parts of legal research is trying to find one source for trial court research. In the past, researchers would need to search each county separately to be able to find the cases that they need. Now we no longer have to do that. **Re:Search TX** allows you to search all 254 Texas counties simultaneously. It also works seamlessly with **E:File TX** so that when you file a document with the court, you can have access to your case there as well. Creating an account is free, however, there is a charge for any documents that are not yours. I plan on showing you some quick and easy search strategies for this database.

First, you do need to create an account if you have a **E:File TX** account, in which case, you will login with that account. Go to [research.txcourts.gov](http://research.txcourts.gov) to access the site. Once you are logged in, you will be sent to this screen below. If you have a paid account, you will get extra features like alerts. If not, they will be greyed out. To search, click on the magnifying glass in the top left corner. It is more effective to do a narrowing search than a keyword search. This is because there is not many keywords to search other than case type, parties, and jurisdiction. That is because the filings are behind a paywall so that means you either pay for them to be accessed or they were your filings to



begin with. Next, select the type of document you wish to search. It can be cases or filings. Then, under location, select the courts which you want to search. Please be aware that not all 254 counties are on this database yet, however, the major counties are including Fort Bend and Harris Counties. For my search, I selected Fort Bend and Harris. **Note: putting county to either Fort Bend or Harris may not find any results. Simply type "Fort Bend" and "Harris."** Typically, the cases are broken up by court or clerk. So, for example, all cases in Fort Bend are attributed to the County or District Clerk. However, Harris County, by contrast, has them broken up by

court. If you are searching for family law cases, you'll need to select each Family Court for Harris County. By selecting only the Harris County District Clerk, you may miss cases. From here, you can select case category to make sure you are searching for **ONLY** family law cases. Next, you can also narrow it down by type of family case (i.e. divorce, parent child relationship, etc.) under case type. I selected annulments no children and cases that are closed to narrow down my search.

From here, I already have it down to 82 cases and I haven't even entered a search. Now, annulments without children is isn't as common as others so you will likely have more. I also can narrow it down by cases in the last year in the last option on the left and that has me down to 27 cases. You can now see just how effective these narrowing tools are and are more effective than a regular search. This now allows me to search for some more in-depth keywords in my search if I so choose. Now I can select my cases I would like to view, pay for them if need be, and print or email the filings. If you have any questions or would like us to walk you through it, contact the Law Library.

