



LAW LIBRARY NEWS

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Upcoming CLEs @ the Law Library

The Fort Bend County Willie Melton Law Library will be hosting three CLE's in October and November. The first will be a **Lexis CLE** on Friday, **October 14**, at **2 pm**. This will cover the basics of using Lexis Advance Patron Access. The second class will be an **Westlaw CLE** on Family Law Resources including using Practical Law, the companion database to Westlaw focusing on forms and documents. It will be on Friday, **November 4**, at **2 pm**. **CLE credit will be given to those in attendance at those two programs.** We also have an **Attorney Lecture Series** on Wednesday, **November 9**, at 2 pm. Seating is limited and reservations are required. Call 281-341-3718 or visit our website (www.fortbend.lib.tx.us) to register.

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New & Updated Resources

O'Connor's Texas Series

- *CPRC Plus*
- *Criminal Codes Plus*
- *Offenses and Defenses*
- *2022 Editions*

Uniform Commercial Code

- *2022 Update*

Texas Practice Series

- *Civil Trial*
- *Methods of Practice*
- *2022 Edition*

West's Texas Forms

- *Administrative Practice*
- *2022 Update*

Defending Specific Crimes

- *2022 Edition*

Family Law Depositions

- *2022 Edition*

Texas Criminal Forms

- *2022 Edition*

Criminal Defense Techniques

- *2022 Update*



Featured Resource: Vernon's Texas Statutes & Codes Annotated

By Jonathan Briggs

In this column, we often discuss the various practice guides and form books that assist our patrons (attorneys or pro se litigants) in navigating the legal world. These resources are invaluable and make up a large part of our online and print collections. Before we ever get to these secondary resources, there is a more fundamental resource: Statutes. This month, we are focusing on *Vernon's Texas Statutes and Codes Annotated*. Along with case law, they form the backbone of the law in Texas. These resources are the primary law of this State and they are the foundation and starting point for any inquiry on what the law is in almost any legal situation. The Fort Bend County Willie Melton Law Library provides access to *Vernon's* in two primary modes: the print edition, which encompasses approximately 270 volumes, and digitally (in their entirety) on our online legal databases **Westlaw** and **Lexis**. *Vernon's* includes the laws passed by the Texas Legislature. The set starts with the Constitution and then the codes from A to W, covering areas such as Agriculture, Business & Commerce, Civil Practice & Remedies, Estates, Family, Government, Health & Safety, Penal, Property, Tax, Transportation, and Water. Following this are the Civil Statutes, the Code of Criminal Procedure, the Texas Rules of Civil Procedure, the Rules of Evidence, and the Uniform Commercial Code. There are also indexes included for each code and a several-volume General Index. Within each code, there is the text of each section, historical and statutory notes for that section, followed by the annotations, especially the Notes of Decisions listing the cases that have cited it. Case law is invaluable to presenting the entire picture of what the status of the law is, especially when intertwined with the statutes. It is the statutes that state the law in any given area, and the case law then serves to enhance our defining of, understanding of, and application of the law. One of the clearest examples of this is presented by section 153.002 of the Family Code, which provides: "The best interest of the child shall always be the primary consideration of the court in determining the issues of conservatorship and possession of and access to the child." The *Holley v. Adams* case from the Supreme Court of Texas further defined factors the trial court is to consider to help them determine the best interests of the child. The statute and the case law thus make the complete picture. In my career as a practicing attorney and through my time as a law librarian, I have had to always remind myself to generally start with the statutes. Law school largely focuses on cases as the template upon which to teach the law via the Socratic method. Case law is essential. More often than not, it is the statutes and rules that tell us first what the law is, such as: How much time do you have to file an answer to a petition? What is the definition of hearsay? What is a joint managing conservator of a child? When is a guardian's annual report concerning the ward due? Start with the statutes and rules and go from there. We have these codes, statutes, and rules in the books, on the computers, and in other resources. *Vernon's* is available online from any computer at: <https://statutes.capitol.texas.gov/>. Downloading and e-mailing these to yourself from the computers is free. Copying and printing is 10 cents a page. Call (281-341-3718) or e-mail llpublic@fortbend.lib.tx.us for assistance.

Technology Corner: Should you get a Library Card or e-Card?

By Andrew Bennett

One of the most common questions I am asked is: To use Law Library resources, which library card should I get? The answer is, you could get either one. Both will allow you to access all the Law Library's resources, however, there are some important differences depending on what you plan to use the card for. For example, if you plan to use the card to check out books from one of the branch libraries for your kids or for personal use, then get the **full-service library card**. This allows you to do all of those things, as well as using our databases remotely. You do need to go to one of the branch libraries, not the Law Library, to get one of those. You will also need to bring with you a driver license or something with your current address on it. If you plan to ONLY use the libraries' remote databases, then you can get an **e-Card**. The e-Card provides access to the online databases, allows you to check out e-books and digital audiobooks, but it does NOT allow you to check out any physical books. The one caveat for an e-Card is that you must be a Fort Bend County resident and you must not already have a full-service card. You cannot have both types of cards. Visit any branch library to apply for either card, or ask for an e-Card application at the Law Library. For more information, see the FBCL website (www.fortbend.lib.tx.us) or call (281-341-3718).



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Texas Case Law Update

Local Cases

- [Azhar M. Chaudhary v. Victoria A. Mora, et al.](#), No. 01-21-00352-CV (August 30, 2022): Aff'd. TC Judgement. (434th)
- [Ivonne Gevara v. Target Corporation](#), No. 01-22-00465-CV (August 30, 2022): Appeal Dism'd. (240th)
- [Phillip M. Aweh v. The State of Texas](#), No. 01-20-00827-CR (August 30, 2022): Aff'd. TC Judgement. (434th)
- [Andrew P. Shannon v. The State of Texas](#), No. 01-21-00040-CR (August 30, 2022): Appeal Dism'd. (240th)
- [Sharion Nolden v. Crescent Health and Rehabilitation Center](#), No. 01-21-00132-CV (September 1, 2022): Appeal Dis m'd. (400th)
- [In Re Good Hearts Youth and Family Services, Inc., et al.](#), No. 14-21-00716-CV (September 8, 2022): Pet. Writ Mand. Denied. (268th)
- [Ex Parte Joseph A. Buks](#), No. 14-21-00023-CV (September 20, 2022): Affirmed in Part and Reversed and Remanded in Part. (458th)
- [Keerthana Angal v. Vinodh Angal](#), No. 14-21-00351-CV (September 22, 2022): TC Appeal Dism'd. (328th)

Personal Injury Litigation—Hospital Lien

Texas Health Harris Methodist Hospital Fort Worth v. Stephen Featherly, 648 S.W.3d 556 (Tex.App.-Fort Worth 2022, pet. filed). Appellee Featherly had been in a car accident and was treated and released from Appellant's emergency room. Appellee settled his own personal injury lawsuit arising from the accident. He had incurred total medical bills in the ER of just under \$25,000 which, owing to his status as an uninsured patient, were adjusted down to an open balance of about \$13,500. The hospital asserted a lien in this amount against any personal injury recovery by Mr. Featherly. He filed a personal injury suit against the other driver and ultimately settled it in his favor to the tune of \$500,000. Instead of just satisfying the lien out of the substantial settlement proceeds, Featherly decided to file a declaratory judgment action challenging the lien on various grounds. The trial court rendered a confusing and contradictory judgment, the hospital appealed, and Featherly cross-appealed. Featherly's sole point of error was that, despite being a patient and receiving treatment in the ER, he was never actually "admitted" to the hospital thus making the lien invalid. The Court of Appeals went through an extensive analysis to conclude that his treatment in the ER was an admittance. The Court went on to address the hospital's points of error and ultimately reversed and remanded for a new trial. A bit of a tortured opinion but one worth reading for p.i. attorneys who deal with hospital lien issues. And an opinion that would not have existed had the Plaintiff simply satisfied a substantially reduced hospital bill from more than ample settlement proceeds.

Public Health—Local and State Government

Greg Abbott, in his Official Capacity as Governor of Texas v. City of San Antonio and County of Bexar, 648 S.W.3d 498 (Tex.App.-San Antonio 2021, pet. filed). In an interlocutory appeal, Governor Abbott challenged a temporary injunction restraining him and his agents and employees from enforcing sections of Executive Order GA-38 to the extent it prohibited local officials and governmental entities from requiring masks or face coverings be worn in certain settings within the City of San Antonio and Bexar County. In two issues, the Governor contended that the trial court abused its discretion in issuing the temporary injunction and that the trial court lacked jurisdiction to enjoin the Executive Order. The San Antonio Court of Appeals in a long opinion affirmed the trial court's temporary injunction order. Some of the key provisions the Court of Appeals relied on were the power given to local governments to administer public health measures pursuant to the Health & Safety Code, the Government Code, and the Local Government Code. The Governor conversely cited to his power to issue such orders in contravention of what the city and county mandated. The Court disagreed with the Governor. The Governor has filed a petition for review with the Supreme Court of Texas.

Criminal Law—Mistrial

Robert F. Hallman v. The State of Texas, 647 S.W.3d 805 (Tex.App.-Fort Worth 2022, no pet. h.). Defendant/Appellant was convicted of numerous counts of sexual crimes involving children. On remand from the Court of Criminal Appeals in an extensive opinion, the Court of Appeals concluded that Defendant's substantial rights were affected by the State's untimely disclosure of impeachment evidence after the guilt-innocence phase of trial and reversed and remanded for a new trial.



Community News

- The **Fort Bend County Willie Melton Law Library** still 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.
- 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>.
- **Harris County Law Library** is OPEN to the general public by appointment. They are continuing their virtual programs and virtual reference desk by phone and email. To schedule an appointment to visit, go to their website here: <https://www.harriscountylawlibrary.org/>
- On **June 2, 2022**, the **Fort Bend County Willie Melton Law Library** returned to a **hybrid format for all of its classes**. This means all programs are offered online and in person.



FBC Bar News

Fort Bend County Bar Association

The Fort Bend County Bar Association will have their monthly CLE on Thursday, October 27, 2022. 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. 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

- **Going to Trial.** Eric Quitugua. *Texas Bar Journal* September 2022. [Texas Bar Journal Online](#).
- **Celebrating This Moment in Time (interview with Gladys Goffney).** Interview by Will Korn. *Texas Bar Journal*. September 2022. [Texas Bar Journal Online](#).
- **The Privacy Implications of Intel's Classroom AI.** Peggy Keene. *Texas Bar Journal*. September 2022. [Texas Bar Journal Online](#).
- **Ethics and the Law: Lawyers Who Seek Judicial Office.** Chuck Lanehart & Megan Gower. *Voice for the Defense*. September 2022. [Voice for the Defense Online](#).
- **From the Front Porch: Lawyer as Witness.** Dean Watts. *Voice for the Defense*. September 2022. [Voice for the Defense Online](#).
- **A Tribute to Frank Maloney.** David Botsford. *Voice for the Defense*. September 2022. [Voice for the Defense Online](#).
- **Trial by Agreement.** Johnny W. Carter. *The Houston Lawyer*. July/August 2022. [The Houston Lawyer Online](#).
- **Multidistrict Litigation.** Hon. Kristen B Hawkins & Hon. Sylvia A. Matthews. July/August 2022. [The Houston Lawyer 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 to llpub-lic@fortbend.lib.tx.us with "Newsletter" as the subject.

To unsubscribe, write "unsubscribe."