

Duly Noted



New titles from the Texas State Law Library

Subject	Title	Page
<i>Banking and Finance</i>	Consumer banking and payments law: bank accounts; remittances; money orders; prepaid cards; electronic benefit payments; electronic records and signatures	3
	Repossessions	3
<i>Class Actions</i>	The law of class action: fifty-state survey, 2012-2013	3
<i>Consumer Protection</i>	The Texas judgment debtor handbook	3
<i>Criminal Law</i>	Texas punishment 2013-2014: a source book for defense lawyers	4
<i>Debtor and Creditor</i>	National Consumer Law Center guide to surviving debt	4
<i>Eminent Domain</i>	The law of eminent domain: condemnation, zoning & land use committee	4
<i>Environmental Law</i>	The Clean Air Act handbook	4
	Foundations of sustainable development	5
<i>Family Law</i>	Attacking and defending marital agreements	5
	Family law trial evidence handbook: rules and procedures for effective advocacy	5
<i>Guns</i>	What every Texas lawyer needs to know about firearms law course	5
<i>Juries and Jury Instructions</i>	Winning the jury's attention: presenting evidence from Voir Dire to closing	6
<i>Labor and Employment</i>	Maslanka's field guide to the 2014 Fair Labor Standards Act	6
	Taxation and funding of nonqualified deferred compensation: a complete guide to design and implementation	6
<i>Law Practice Management</i>	Adobe acrobat in one hour for lawyers	6
	The 2014 solo and small firm technology guide: critical decisions made simple	6
	WordPress in one hour for lawyers: how to create a website for your law firm	7
<i>Legal Research and Writing</i>	The amicus brief: how to write it and use it effectively	7
<i>Local Government</i>	How cities work	7
<i>Practice of Law</i>	Lawyer: a brief 5,000-year history	7
	What if I say the wrong thing?: 25 habits for culturally effective people	8
<i>Real Property</i>	Foreclosure prevention counseling: preserving the American dream	8
<i>Sexual Orientation</i>	Transgender persons and the law	8
<i>Veterans</i>	Veterans appeals guidebook: representing veterans in the U.S. Court of Appeals for Veterans Claims	8

Texas State Law Library

Duly *Noted*

Items listed in *Duly Noted* include a sampling of recently received books, reports, and documents. Most items listed are available for circulation with the exception of some reference materials. All items listed in *Duly Noted* are temporarily housed in the bookshelf at the entrance to the library. If you are interested in checking any of these items out, you may contact us by phone, email, or by returning the order form on the last page of this issue. If you are a registered borrower with the library, we can have your selections ready for pick-up at the circulation desk. If you are not already registered with us, you will first need to come by the circulation desk with a photo ID to register.

The library can provide photocopies or scans of sections of these publications as part of our document delivery service.

When checking out, non-state employees are subject to a \$1.00 circulation fee per item.

The library also has a variety of other resources to meet your research needs. Please let us know how we may assist you.

Texas State Law Library

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Banking and Finance

1. Consumer banking and payments law: bank accounts; remittances; money orders; prepaid cards; electronic benefit payments; electronic records and signatures

By Lauren Saunders

The newest edition of the National Consumer Law Center's *Consumer Banking and Payments Law* continues and expands coverage of a broad section of financial law. Topics covered include changes in electronic transfers, electronic delivery of government benefits, stored value systems, and the consumer protections built in to each form of payment. Ten appendices provide primary source material including federal law, regulations, and opinions and guidance from federal agencies. Access to the companion website is available from the National Consumer Law Center database, online at <http://guides.sll.texas.gov/electronic-databases>. National Consumer Law Center, 2013. 766 pages.
KF 974 B83 2013

2. Repossessions

By Carolyn Carter

This work is a useful overview of the laws surrounding repossessions for both practitioners and laypersons. Through its coverage of the repossession of motor vehicles, mobile homes, and household goods, it addresses the Uniform Commercial Code provisions common to every state, as well as state-specific laws. It includes a companion website which provides sample forms and the text of relevant statutes. Access to the companion website is available from the National Consumer Law Center database, online at <http://guides.sll.texas.gov/electronic-databases>. National Consumer Law Center, 2013. 812 pages.
KF 1058 C3 2013

Class Actions

3. The law of class action: fifty-state survey, 2012-2013

By Elizabeth Cabraser

This volume is a product of the Class Actions and Derivative Suits Committee of the American Bar Association's Section of Litigation. The editors chose expert litigators from each state to provide a concise statement of their state's class action law. The Texas chapter was written by Stephen Gardner, Director of Litigation for the Center for Science in the Public Interest. This handy volume allows the practitioner to see the differences between the various states' laws as well as how each state's law compares with federal law. American Bar Association, 2013. 649 pages.
KF 8896 L39 2013

Consumer Protection

4. The Texas judgment debtor handbook

By Harvey Cox

This title provides detailed legal information from an uncommon point of view, that of the person against whom a judgment is obtained: the "judgment debtor." It examines various methods that a prevailing party may use to collect a judgment and also provides information on how those methods may be attacked. The author takes a close look at liens, writs of execution, exempt property, writs of garnishment, post-judgment discovery, and turnover statutes. It also contains sample forms—for example, a homestead affidavit as release of judgment lien and a release of judgment lien. CreateSpace Independent Publishing Platform, 2012. 112 pages.
KFT 1501 C695 2012

Criminal Law

5. Texas punishment 2013-2014: a source book for defense lawyers

By Keith Hampton

What first began as a seminar paper by the author has now turned into an invaluable reference source on punishments for criminal offenses in Texas. This title is divided into five parts. It begins by providing a general overview of the types of punishments set out by state law. It then looks at unseen consequences of a conviction, such as parole eligibility, deportation, firearm possession, civil rights, and the ability to hold a professional license. The third part focuses on drug crimes and their consequences. The author then provides a detailed chart of drug offenses and a look at the penalty groups for each controlled substance. It then ends with a list of all of the amendments to Section 42.12 of the Code of Criminal Procedure, "Community Supervision." Texas Criminal Defense Lawyers Association, 2013. 1 volume. REF DESK KFT 9685 H36 2013

Debtor and Creditor

6. National Consumer Law Center guide to surviving debt

By Deanne Loonin

This work provides practical advice for dealing with debt collection issues, as well as the relevant laws. The author aims to help consumers understand their options, appreciate the consequences of certain actions, and make wise choices. Topics include credit reports, student loans, home foreclosure, credit cards, bankruptcy, and repossession. It also includes a glossary of legal terms. National Consumer Law Center, 2013. 503 pages. REF DESK KF 1539 S87 2013

Eminent Domain

7. The law of eminent domain: condemnation, zoning & land use committee

By William Blake

This 50-state survey of the law of eminent domain is the result of a project by the Condemnation, Zoning and Land Use Committee of the American Bar Association's Section of Litigation. Experts in the field from each state were chosen to write their state's survey. The committee wanted uniform coverage for each state and so they provided a list of questions to be addressed, which assists in making comparisons between states' laws. H. Dixon Montague, attorney with Vinson & Elkins, wrote the Texas entry. American Bar Association, 2012. 598 pages. KF 5599 L278 2012

Environmental Law

8. The Clean Air Act handbook

By Julie Domike

The third edition of this comprehensive Clean Air Act title examines recent developments with the act and greenhouse gas emission regulation. It covers the entire act, not simply the 1990 amendments, and is intended for the practitioner who needs to review specific sections. Some of the topics in this edition covered include setting national ambient air quality standards, meeting those standards through state implementation plans, state implementation plans and transportation requirements, the Visibility Protection program, and hazardous pollutants. This title also offers a very helpful list of commonly used CAA abbreviations and measurements. American Bar Association, 2011. 739 pages. KF 3812 C55 2011

9. Foundations of sustainable development

By Dean Frieders

This title was written for both public and private groups who are planning sustainable developments. It explores many challenges to sustainable developments and attempts to describe them in language that is understandable to individuals without extensive engineering knowledge. Chapters examine working with code and ordinances, engineering and wastewater, “preventing green clutter,” and considering the construction aspects of a sustainable project. American Bar Association, 2012. 158 pages. KF 5505 F68 2012

*Family Law***10. Attacking and defending marital agreements**

By Brett Turner

According to the authors, the primary purpose of this treatise is “to address what happens after the [marital] agreement is signed by the two parties.” “Their primary focus is upon the twin issues of validity and construction.” This book provides practical guidance to attorneys facing questions regarding these issues. It includes a table of cases and the following appendices: “A Mini-Encyclopedia of Ambiguous Marital Agreement Provisions and their Construction by the Courts,” “Discovery Materials on the Validity of Marital Agreements,” and “Discovery for Premarital Agreements.” American Bar Association, 2012. 581 pages. KF 529 T87 2012

11. Family law trial evidence handbook: rules and procedures for effective advocacy

By Steven Peskind

This book serves as a guide to fundamental trial practice when litigating contested family law matters. Its purpose is to help lawyers develop their cases for trial. Some of the topics covered are trial process and procedure, fundamentals of evidence, evidence of character and habit, hearsay exceptions, competency of witnesses, and expert witnesses. American Bar Association, 2013. 383 pages. KF 505 P47 2013

*Guns***12. What every Texas lawyer needs to know about firearms law course, 2013**

By State Bar of Texas

With recent open carry protests and stand your ground cases, thorough knowledge of Texas firearms laws is important. This CLE from September 2013, looks at current issues surrounding firearms laws in Texas including gun legislation from the 83rd Legislature, insurance coverage and gunshot accidents, concealed handgun licenses, jury perspective of gun case defendants, National Firearms Act trusts, restoration of firearm rights, federal licenses, establishing self-defense, protective orders and firearms law, and criminal defense in gun cases. State Bar of Texas, 2013. 1 volume. KFT 3941 W5 2013

Juries and Jury Instructions

13. Winning the jury's attention: presenting evidence from Voir Dire to closing

By Trey Cox

To illustrate the struggles attorneys face in connecting with jurors, author Trey Cox begins the first chapter of this volume with the following quote by Herbert Simon: "A wealth of information creates a poverty of attention." Combating that poverty of attention is the impetus for the creation of this concise volume, which offers advice on how to grab the limited attention of a jury who may be restless, distracted, or bored. Cox provides seven basic principles for more effective communication with jurors. For each principle, Cox offers the theory behind it, its importance at various points in the trial, and ways to put the principle into action. This title is an invaluable resource for any attorney who finds it difficult to present themselves effectually to jurors. American Bar Association, 2011. 191 pages.
KF 8972 C69 2011

Labor and Employment

14. Maslanka's field guide to the 2014 Fair Labor Standards Act

By Michael Maslanka

While the Fair Labor Standards Act is a federal law, this title is written for Texas attorneys. It provides current annotations to relevant Code of Federal Regulation sections, United States Code sections, Department of Labor opinion letters, and cases from the Eastern, Northern, and Western Districts of Texas. Specifically, information is provided on undocumented workers, the effect of *Christopher v. Smithkline Beecham Corp.* (132 S.Ct. 2156 (2012)) on DOL regulations, and laws surrounding unpaid interns. Texas Lawyer Press, 2013. 380 pages.
KF 3455 M37 2013

15. Taxation and funding of nonqualified deferred compensation: a complete guide to design and implementation

By Michael Goldstein

Now in its second edition, this title informs employers and employees about the intricacies of nonqualified deferred compensation (NQDC) plans. Chapters cover a range of topics related to NQDC plans including tax-related consequences for the employer, income tax-related consequences for the employee, FICA and payroll taxes, death benefits and tax consequences, ERISA, informal funding, non-profits, employee risk, state taxation, and other plans such as 401(k)s. American Bar Association, 2012. 351 pages.
KF 3509 G65 2012

Law Practice Management

16. Adobe Acrobat in one hour for lawyers

By Ernie Svenson

The ABA Law Practice Division publishes a series of one-hour technical manuals on topics to help lawyers learn the basics of the latest technology quickly. This Adobe Acrobat manual will help lawyers work more efficiently with PDFs. You will learn how to create searchable PDFs from Microsoft Office and other programs, rearrange pages, redact sensitive and confidential information from PDFs, and take a scanned PDF and make it searchable—as required for e-filing. American Bar Association, 2013. 175 pages.
KF 320 S84 2013

17. The 2014 solo and small firm technology guide: critical decisions made simple

By Sharon Nelson

This annual guide is intended to help smaller law practices invest their technology dollars wisely. It provides recommendations on electronics such as computers, smart phones, servers, iPads, and more. It also includes recommendations for legal software, cloud computing programs, and

apps. Written in easy to understand language, this work is useful for attorneys, office staff, and IT professionals. American Bar Association, 2014. 376 pages.
KF 320 A9 N45 2014

18. WordPress in one hour for lawyers: how to create a website for your law firm

By Jennifer Ellis

This short, instructional book—part of the ABA’s “In One Hour” series on technologies for lawyers—walks you through all the steps required to set up a website for your practice or law firm. It begins with the basics of finding a web host and choosing a domain name, then guides you through building a website using WordPress, a very popular content management system that is easy to set up and customize. A great resource for those who need a website but are perhaps intimidated by the process or cannot afford to hire IT staff. American Bar Association, 2014. 162 pages.
KF 320 I57 E45 2014

Legal Research and Writing

19. The amicus brief: how to write it and use it effectively

By Reegan Simpson

This text provides a discussion on what an amicus brief is and its history. It discusses who files and why, and how and when to write a brief. It explains what should be included in an effective brief and why, along with a template. Information is provided on ethical issues to consider and excerpts from examples of amicus briefs are included. American Bar Association, 2010. 278 pages.
KF 8748 S53 2010

Local Government

20. How cities work

By Texas Municipal League

“City government is where the rubber meets the road,” this brief publication’s introduction states. Many governmental services that citizens use on a daily basis are provided by their municipality, and so this title helps to elucidate how these services function. The authors take a look at sources of revenue for a city and then explain how public safety, law enforcement, economic development, waste management, electrical utilities, and libraries work. Texas Municipal League, 2013. 32 pages.

Online at: <http://www.tml.org/HCW/HowCitiesWork.pdf>

KFT 5304 H69 2013

Practice of Law

21. Lawyer: a brief 5,000-year history

By R. Blain Andrus

In an attempt to answer the question “who was the first lawyer?” author R. Blain Andrus has written an engrossing history of the legal profession, from the first appearance in biblical times to the evolution of the modern attorney. Equal parts comedian and scholar, Mr. Andrus’s account of the worldwide development of a canon of law and its practitioners is humorous, well-researched, and historically rich. Mr. Andrus provides definitions of key vocabulary terms and biographies of important historical figures that are interspersed throughout the text. This title is worthwhile reading for anyone who has pondered the history of the legal profession. American Bar Association, 2009. 465 pages.
KF 353 A53 2009

22. What if I say the wrong thing?: 25 habits for culturally effective people

By Verna Myers

Writing from a welcoming, understanding, and forgiving position, author Verna Myers details 25 habits that encourage diversity and inclusion. She briefly provides an anecdote illustrating each habit and describes “culturally ineffective” and “culturally effective” ways of employing it. Myers offers positive tips for putting each habit into practice and provides realistic and practical ways for the reader to focus their words and actions to foster diversity and understanding in their firm, their lawyer-client relationships, or in their personal life. This title is a companion to *Moving Diversity Forward*, which is also available in our library. American Bar Association, 2013. 132 pages.

KF 300 M944 2013

Real Property**23. Foreclosure prevention counseling: preserving the American dream**

By Odette Williamson

This book provides practical advice for homeowners facing foreclosure. It covers the latest changes in the federal Home Affordable Modification Program as well as Consumer Financial Protection Bureau regulations. Access to the companion website, which contains sample forms, the text of primary law, and many other practice aids, is available from the National Consumer Law Center database, online at <http://guides.sll.texas.gov/electronic-databases>. National Consumer Law Center, 2013. 460 pages.

KF 697 F6 W54 2013

Sexual Orientation**24. Transgender persons and the law**

By Ally Howell

There are very few books focusing on the legal needs of transgender persons. This volume begins with an explanation of the “what or who” and then discusses the unique legal issues that transgender persons may face. Some chapters are devoted to practice aspects such as identification documents, public facilities, immigration, and employment issues. While other chapters cover health care and personal safety. There are state law appendices on identification documents, driver’s licenses laws, and marriage. Other appendices provide city and county level nondiscrimination ordinances. An accompanying CD provides forms for name and birth certificate changes. American Bar Association, 2013. 316 pages.

KF 4754.5 H69 2013

Veterans**25. Veterans appeals guidebook: representing veterans in the U.S. Court of Appeals for Veterans Claims**

By Ronald Smith

Bar Associations around the country realize that active service members and veterans often need legal assistance with a variety of issues. Many state bar associations are organizing veteran assistance programs. This concise volume is a how-to book on representing veterans appealing a decision by the Board of Veterans’ Appeals to the Court of Appeals for Veterans Claims. Sample forms, briefs, and memorandums are included. American Bar Association, 2013. 110 pages.

KF 7713 V48 2013

ORDER FORM

February/March 2014

If you would like to check out any of the books and reports described in this issue, please:

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The Texas State Law Library is pleased to announce that we now offer remote access to many of our databases! Please visit: <http://guides.sll.texas.gov/electronic-databases> for more information. All Texas residents can access these databases by registering for a Texas State Law Library card. Texas residents can register for a Texas State Law Library card in person at the library or online by visiting: <http://www.sll.texas.gov/about-us/get-a-library-card/>

This card will allow you to access the databases for three months. After three months, the card can be renewed for an additional three months. To check out print materials or access our full set of library databases, you must come to the library in person and present a valid form of Texas identification.

The following databases are available for remote access:

- **Aspen Treatise Libraries:** treatises on a variety of topics such as bankruptcy, construction law, elder law, employment law, trial practice, family law, estate planning, and more
- **National Consumer Law Center:** information for NCLC titles including *Collection Actions*, *Fair Debt Collection*, *Foreclosures*, *Repossessions*, *Student Loan Law*, and more
- **Legal Information Reference Center:** hundreds of “plain English” books from Nolo and thousands of legal forms on topics such as family law, immigration, and debt collection
- **Legal Source:** over 1,200 scholarly law journal articles on topics such as criminal justice, international law, federal law, environmental law, and ethics
- **Loislaw:** case law, statutes, administrative rules and regulations, and court rules for all state and federal jurisdictions also Texas AG Opinions and Texas Business and Nonprofit Entity Forms
- **Stevenson’s Legal Forms and Practice Guide:** Texas legal forms in more than 23 practice areas including adoption and termination, civil litigation, probate, personal injury, and more
- **TexShare Databases** from the Texas State Library and Archives Commission

The library is also pleased to announce three new databases for **in library use only**:

- **AILALink** from the American Immigration Lawyers Association
- **Bloomberg BNA** includes U.S. Law Week and Tax Management Portfolios
- **LexisNexis** including Matthew Bender Publications such as the *Texas Litigation Guide*

We also continue to offer access to the following databases for **in library use only**:

- **Gale Virtual Reference Library**
- **HeinOnline**
- **Shepards**
- **Westlaw**