

# Duly Noted



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## Texas State Law Library

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# Duly *Noted*

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## *Alternative Dispute Resolution*

### **1. Nuts and Bolts of the collaborative process**

By Harry L. Tindall

This state bar sponsored course on the collaborative process was held in Austin on February 27, 2008. The topics covered include an introduction to collaborative law, preparatory steps for the first joint client meeting, and the stages of the collaborative law process. State Bar of Texas. Continuing Legal Education, 2008. 1 vol. KFT 505 C75 2008

## *Animal Law*

### **2. Lawyer's guide to dangerous dog issues**

By Joan Schaffner

With breed-specific legislation becoming a common phenomenon across the country, editor Joan Schaffner has compiled a brief study of dangerous dog and reckless owner laws and their moral and legal ramifications. As Texas has recently adopted a law restricting chaining dogs outside (Health and Safety Code, Chapter 821), this book is an interesting evaluation of what could possibly be addressed in our legislative future. American Bar Association. Tort Trial & Insurance Section, 2009. 100 pages. KF 390.5 D6 L39 2009

## *Antitrust Law*

### **3. Antitrust law developments**

By American Bar Association. Section of Antitrust Law

For many years the American Bar Association's Section of Antitrust Law has published Antitrust Law Developments. The 6th edition came out in 2007 and like the earlier editions it reflects the work of many experts in the field. To keep

this treatise up to date the Section publishes the Annual Review covering "significant antitrust and consumer protection developments" of the previous year. The chapters in the annual update mirror the base volume, so you can easily get up to speed on an area antitrust law by reading the base volume and any subsequent annual reviews. American Bar Association. Section of Antitrust Law, 2009. 1959 pages. KF 1649 A74 2007

## *Bankruptcy Law*

### **4. Strategies for creditors in bankruptcy proceedings**

By Lynn M. LoPucki and Christopher R. Mirick

The authors describe this publication as a guide to the options available to a creditor of a person or business considering or in bankruptcy. The information is presented in plain English and geared to the general practitioner. A chapter is devoted to the representation of each of three types of claimants-- unsecured creditors, secured creditors, and lessors-- in each of four situations: (1) the period before the filing of a bankruptcy case; (2) cases under chapter 7; (3) cases under chapter 11; and (4) cases under chapter 13. This arrangement enables the user to easily locate and read the chapter applicable to their situation. Once the reader has an idea of the avenues available, he or she can chose a plan of action and consult a bankruptcy procedural guide to put the plan into effect. Aspen, 2007. 955 pages. KF 1524 L57 2007

## 5. Nuts and bolts of business bankruptcy

By Jonathan C. Bolton

The articles in this book were prepared for a one day course in Austin on April 30, 2008. Articles included in the course are “Who’s on First? Exploring First Day Pleadings,” “Cash Collateral Use and Debtor-In-Possession Financing,” “Litigating Avoidance Actions” and “Claims Obejctions.” State Bar of Texas, 2008. 1 vol. KFT 1524 S7AB Nuts and Bolts 2008

of copyright, trademark, and licensing brought about by digital formats and peer-to-peer file sharing with newly authored chapters dedicated to each subject. In addition, chapter 10 on Open Source Software is revised to include the U.S. Court of Appeals for the Federal Circuit’s recent finding in *Jacobsen v. Katzer* [535 F.3d 1373] that open source licenses create conditions to protect economic rights and are thus enforceable. ThomsonWest, 2009. 4 vols. Loose-leaf. KF 390.5 C6 N562 2009

## Commercial Law

### 6. Representing small business

By Michael P. Maslanka

Representing Small Business is the latest resource binder from TexasBarCLE on legal issues pertinent to small business owners in Texas. This resource covers the numerous presentations given during the 2-day course held in Dallas and Houston in March and April of 2009. The course binder’s 19 chapters offer insight into a diverse range of topics applicable to small business law. Articles include, but are not limited to, discussions on client engagement, entity creation, employment law, transfer of ownership, asset protection, bankruptcy, litigation for small business, and even Internet domain name disputes. State Bar of Texas, 2009. 1 vol. KFT 1649 A75 R4 2009

## Computer Law

### 7. The law of computer technology : rights, licenses, liabilities

By Raymond T. Nimmer

The 4th edition of *The Law of Computer Technology: Rights, Licenses, Liabilities* reorganizes, reworks, and expounds upon the issues presented in the previous edition with a focus on the current state of legal issues regarding computer technologies and internet communications. This 2009 release primarily examines changes to the areas

## Constitutional Law

### 8. Analyses of proposed constitutional amendments: November 3, 2009 election

By Texas Legislative Council

Texas Legislative Council publishes this analysis before each election that has proposed amendments to the Texas Constitution on the ballot. The publication includes the text of the joint resolution, ballot language, background and analysis of the proposal, and arguments for and against passage of the measure. This year voters will consider issues dealing with a national research university fund, property taxes, veterans hospitals, and open beaches among other topics. A condensed version, designed for easy incorporation into newsletters, is also available online. Texas Legislative Council, 2009. 60 pages. Online at: <http://www.tlc.state.tx.us/pubsconamend/pubsconamend.html> REF KFT 4557 A51 2009

## Construction Law

### 9. Construction law

By William Allensworth

Written by local attorney and UT faculty member, the ABA’s Forum on the Construction Industry’s new textbook *Construction Law* meets the need for a comprehensive law school textbook.

Appropriate for introductory survey courses or more advanced courses oriented towards litigation or transactions, *Construction Law* examines the roles of the various participants in the construction process and the vocabulary essential to understanding its cases and legal principles. The book tracks the construction process in a chronological way, beginning with the design process and ending with damages for construction defects. American Bar Association, 2009. 752 pages.  
KF 1950 C658 2009

### *Corporations*

#### **10. Choice of structuring of entities after margin tax first filing season and Texas Business Organizations Code**

By Byron F. Elgin

The items in this continuing legal education course were presented in San Antonio on May 23, 2008. The topics covered in this course include the choice of entity decision tree, a tax overview, company structure, liability of owners, dissolution of entities, and deciding where to organize. State Bar of Texas, 2008. 1 vol.  
KFT 6450 C56 2008

### *Criminal Justice*

#### **11. Do no wrong: ethics for prosecutors and defenders**

By Peter A. Joy and Kevin C. McMunigal

This publication grew out of the authors' ethics columns in the ABA periodical "Criminal Justice." It examines ethical issues of both the prosecutors and the defense bar. The ethical obligations peculiar to each role are examined. The authors note that there are many similarities between the ethical obligations of prosecutors and defense attorneys but explain when and why the standards are different. An additional section covers ethical issues involved in media coverage.

The authors cite to the ABA Model Rules of Professional Conduct and cases and ethics opinions and provide a brief bibliography of additional sources. American Bar Association, 2009. 217 pages.  
KF 9619 J69 2009

#### **12. Achieving justice: freeing the innocent, convicting the guilty**

By American Bar Association, Criminal Justice Section

The Ad Hoc Committee to Ensure the Integrity of the Criminal Process was created by the Criminal Justice Section of the American Bar Association in 2002 in response to the growing number of DNA exonerations. The Committee, made up of prosecutors, defenders, judges and academics, has researched the many practices that result in wrongful convictions. Based on their research, the committee drafted nine resolutions that were adopted by the American Bar Association which include recommendations for improvements in the problem areas identified: eyewitness identification, reliance on inaccurate forensic evidence, jail informants and false confessions as well as defense and prosecution practices. A chapter is devoted to each resolution developed by the committee and includes a discussion of the problem being addressed and recommendations and procedural guidelines to correct the problem. The final resolution covers compensation for the wrongfully convicted. American Bar Association. Criminal Justice Section, 2006. 137 pages.  
KF 9756 A26 2006

### *Criminal Law*

#### **13. Another bite at the apple: a guide to section 2255 motions for federal prisoners**

By Janice Bergmann

28 U.S.C. Section 2255 provides federal prisoners a mechanism to challenge the lawfulness of their incarceration. It was enacted in 1948 to

alleviate federal court workload imbalances resulting from the then existing federal habeas corpus requirement that required a prisoner to petition the court in the district of their incarceration. This publication is written as a guide for a practitioner with a Section 2255 proceeding. It provides a good, but not definitive overview of this type of post-conviction remedy and its relationship with other post-conviction remedies for the federal prisoner. American Bar Association. Criminal Justice Section, 2009. 320 pages. KF 9011 B47 2009

### *Family Law*

#### **14. Special needs child and divorce: a practical guide to evaluating and handling cases**

By Margaret S. Price

Written by an attorney whose practice is strictly family law and who also has a special needs child, this title derives from an expertly informed perspective. Price reviews issues that can arise during family law cases involving special needs children, how those issues can impact the child, and presents forms and samples as solutions to address these issues. Family law attorneys will find this book very useful in ensuring the best interest of clients with special needs. American Bar Association. Section of Family Law, 2009. 343 pages. KF 547 P75 2009

### *Franchises*

#### **15. Fundamentals of franchising**

By Rupert M. Barkoff

This title is written for both lawyers and non-lawyers to aid their examination of franchise law. Topics covered in this edition include trademark law, structuring the franchise relationship, franchise disclosure issues, franchise registration, franchise relationship laws, antitrust laws, and

counseling franchisees. This book includes a bibliography and a table of cases for further study. as American Bar Association. Forum on Franchising, 2008. 401 pages. KF 2023 F86 2008

### *Governmental liability*

#### **16. Suing and defending governmental entities course**

By State Bar of Texas

This continuing legal education course on suing and defending governmental entities was held in July 2008 in San Antonio. The topics discussed include local governmental immunity from contract claims, custodial liability for suicide and injury, common pitfalls in e-discovery, ethical issues in pursuing interlocutory appeals, immigration issues facing local governments, and state and federal individual immunity. State Bar of Texas, 2008. 1 vol. KFT 1321 S8 2008

### *Judicial Salaries*

#### **17. Survey of judicial salaries**

By National Center for State Courts

The January, 2009 issue of the Survey of Judicial Salaries by the National Center for State Courts is the latest volume in the center's series that began in 1974. The Survey of Judicial Salaries serves as a primary source for information on state judicial officer and court administrator compensation. This resource provides an at-a-glance view of the national judicial salary means, medians, and ranges broken down by court level. All 50 states are ranked on their judicial compensation for each court level. In addition, state specific statistics for all 50 states, as well as the Federal System, American Samoa, Guam, Northern Mariana Islands, Virgin Islands, and Puerto Rico

are included. Past issues of this NCSC publication are a part of the library collection and available for viewing. National Center for State Courts, 2009. 1 vol.  
KF 8777 N38

## *Juries and Jury Instructions*

### **18. Pattern jury instructions (civil cases)**

By District Judges Association, Fifth Circuit  
This work contains general civil jury instructions for the most frequently recurring federal question cases. Organized in a sequential format, the instructions are designed to facilitate rapid assembly and reproduction of a complete jury charge in a case, suitable for submission to the jury in written form. Special topics explored include admiralty, railroad employees, antitrust, securities act, RICO, patent infringement, civil rights, labor and employment, and tax refunds. ThomsonWest, 2009. 310 pages.  
REF KF 8984 P3 5TH CIR. 2009 CIV

### **19. Model jury instructions: copyright, trademark, and trade dress litigation**

By Todd S. Holbrook  
This publication from the American Bar Association offers a series of jury instruction examples for copyright, trademark, and tradedress litigation cases that are drafted in uncomplicated language to aid juror comprehension. The resource is divided into three separate chapters each dedicated to the topics of copyright, trademark, and tradedress litigation with sub-chapters delving in to more specific aspects of each area. Author comments give background information on the purpose and scope of each charge and authority sections compile relevant

citations to aid in legal research. American Bar Association, 2008. 301 pages.  
KF 8984 A65 M63 2008

### **20. Section 1983 litigation : jury Instructions**

By Martin A. Schwartz

Volume 4 in the Section 1983 Litigation library provides examples and at-length commentary on jury charges for various cases brought under Section 1983. Sample jury instructions are presented to the reader along with circuit-by-circuit annotations for the purposes of streamlining research. A quick reference guide to applicable passages from Section 1983 Litigation volumes 1 and 2 is also supplied. Charges include author commentary, jurisdictional and circumstantial variations, circuit specific supporting citations, and cross-referential annotations to information located in the preceding volumes of the series. Wolters Kluwer, 2009. 1 vol.  
KF 1325 C58 S36 2009 V. 4

## *Labor and Employment Law*

### **21. Employment law**

By Mark A. Rothstein

Integrating constitutional law, statutory employment law, administrative law, contracts, torts, antitrust law, intellectual property law, tax law, and bankruptcy law, this treatise follows the employment relationship from formation, through terms and conditions of employment, to termination. Specific topics include discrimination, worker's compensation, occupational safety, covenants not to compete, and unemployment compensation. ThomsonWest, 2009. 2 vol.  
KF 3455 E468 2009

**22. Advanced employment law course**

By State Bar of Texas

Held in San Antonio in January 2009, this advanced employment law course was put together by the State Bar of Texas. The topics covered include interstate battles over covenants not to compete, the Employee Free Choice Act, classification of workers, effective legal writing, immigration issues, emerging causes of action, religious discrimination, privacy issues in the modern workplace, and employment at will. State Bar of Texas, 2009. 1 vol. KFT 3319 A3 2009

objective is to illustrate how, in contrast to Ronald Reagan and Richard Nixon, George W. Bush via his conservative nominations, was able to move the court decisively to the right and shape its direction for the next three to four decades. Written for everyday readers rather than legal scholars, and partially sourced from interviews with nine of the justices who have served in the last four years, her account sidesteps theoretical subtleties for a compelling story of the personalities who breathe life into our laws. Penguin Books, 2008. 354 pages. KF 8742 G74 2008

*Legal Research and Writing***23. Subject compilations of state laws**

By Cheryl Rae Nyberg

Cheryl Rae Nyberg's newest edition of "Subject compilations of state laws" is an up to date annotated bibliography providing sources for locating information on state law surveys on a broad variety of topics and subtopics. This publication is also available through the library's Hein Online subscription, as are many of the law reviews referenced. Carol Boast and Cheryl Rae Nyberg, 2008. 389 pages. Online at: <http://zj9dj3at4k.search.serialsolutions.com/log?L=ZJ9DJ3AT4K&D=JFM&J=SCOSL&U=http%3A%2F%2Fwww.heinonline.org%2FHOL%2FIndex%3Findex%3Dscsl%2Fsubst%26collection%3Dscsl> KF 240 S9 2007-08

*Supreme Court, United States***24. Supreme conflict: the inside story of the struggle for control of the United States Supreme Court**

By Jan Crawford Greenburg

Written by an ABC News correspondent and attorney, this book seeks to reveal the battle over the composition and direction of the Supreme Court in the most recent decades. Her main

*Trial Practice***25. How brain science can make you a better lawyer**

By David A. Sousa

Although this title from David A. Sousa is framed as a scientific book, it is at heart a guide to communicating effectively. Sousa first explains the basic science of the brain and then provides concrete examples of how to use this information to maximize the effectiveness of your practice. The third chapter contains 19 brain science-derived tips for communicating, such as using your client's existing knowledge to build new facts, timing presentations to account for blood sugar levels in the brain, and limiting presentations to time increments that can most efficiently be processed by the brain. This is recommended for speakers who wish to examine their communication strategies and how best they might impart information to their audiences. American Bar Association, 2009. 126 pages. KF 300 S68 2009

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October/November 2009

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