

# Duly Noted



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## Texas State Law Library

# Duly *Noted*

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## *Alternative Dispute Resolution*

### **1. Law and practice of arbitration**

By Thomas E. Carbonneau

Under U.S. law, civil disputes are now nearly universally arbitrable. This third edition of the title defines arbitration and covers the basic concepts, principles and issues. The history of the law of arbitration in America is addressed, including the Federal Arbitration Act (FAA), as well as major decisions and their impact on the practice of arbitration. The increasing prominence of the obligation to arbitrate in consumer and employment adhesion contracts is addressed. A guide to the enforcement of awards is included, and a chapter is devoted to international arbitration. Juris, 2009. 569 pages.

KF 9085 C37 2009

## *Banking and Finance*

### **2. Suing, defending, and negotiating with financial institutions**

By State Bar of Texas

The articles in this volume were prepared for a two day CLE seminar held in Dallas in February of 2010. Topics covered include nonjudicial real property foreclosures, forgeries and counterfeits, arbitration, fair debt collection practice and legal ethics, lender liability, conventional loan workouts, foreclosure changes, data security, and bankruptcy. State Bar of Texas, 2010. 1 vol. Table of contents online at: <http://www.texasbarcle.com/materials/books/907/toc.pdf>

KFT 975 S7 2010

## *Bankruptcy*

### **3. Bankruptcy road map: navigating the landscape, avoiding the pitfalls**

By State Bar of Texas

This title guides one through the bankruptcy process for both Chapter 7 and Chapter 13 cases. Mapped for the nonbankruptcy practitioner, the journey begins with representation strategies for both debtors and creditors at the time of filing of the bankruptcy petition and ends with the treatment of dischargeability issues. Stops along the way include the automatic stay, means testing, proofs of claim, and avoidance actions. State Bar of Texas, 2010. 334 pages.

KFT 1524 B368 2010

### **4. Business bankruptcy essentials**

By Stanley B. Bernstein

This book is written for the non-bankruptcy practitioner. Information covered includes a chapter on approaching bankruptcy issues from the clients' perspective, sources for bankruptcy information, the history and structure of the bankruptcy code, types of bankruptcy, and the fundamental tenets of bankruptcy law. American Bar Association, 2009. 246 pages.

KF 1524 B47 2009

## *Business Organizations*

### **5. Law of cooperatives**

By Charles T. Autry

This publication is intended for the practitioner who has had limited exposure to the cooperative business model. It provides an overview of cooperative law and explains the ways cooperatives differ from other business organizations. Topics covered include the history of cooperatives, when to use the cooperative business model, types of cooperatives and their different business structures, the roles of the various cooperative

member types, capitalization, and taxation of cooperatives. Detailed notes and case citation are provided for further information. American Bar Association, 2009. 127 pages.  
KF 1470 A98 2009

## *Consumer Protection*

### **6. Consumer banking and payments law: credit, debit & stored value cards; checks; money orders; e-sign; electronic banking and benefit payments**

By Mark E. Budnitz

A comprehensive guide to the way banking works in the 21st century. This guide provides instruction in electronic transfers, electronic versions of checks, stored value cards and other modern innovations in banking, while continuing to relate the rudimentary elements of consumer checking, cashier's and traveler's checks, credit cards, and involuntary payments: garnishment, setoff, and collateral seizures. Guidance is given in the primary sources of consumer banking law: The UCC, The Electronic Fund Transfer Act, NACHA Rules, Electronic Signatures and Records, and The Truth in Lending Act. National Consumer Law Center, 2009. 782 pages.  
KF 974 B83 2009

### **7. Consumer law handbook 2009-2010**

By Dana Karni

This publication of the Houston Bar Association addresses, in question-and-answer format, basic consumer law issues in Texas. The Texas Deceptive Trade Practices Act is explained; contracts, warranties, payday loans, telemarketing fraud, landlord/tenant issues, repossession, and debt collection are all explained in layman's terms. This edition is current for the years 2009-2010. Houston Bar Association, 2009. 54 pages. Online at: <http://www.hba.org/folder-services/pdfs/Consumer-English.pdf>  
REF DESK KFT 1609 C66 2009

### **8. Cost of credit: regulation, preemption, and industry abuses**

By Elizabeth Renuart

This title analyzes consumer credit regulation in all 50 states and federal regulation, including points, refinancing, and RESPA requirements. It includes guidance on challenging excessive credit charges, credit insurance, equity-skimming, and loan flipping. National Consumer Law Center, 2009. 1244 pages.  
KF 1040 K43 2009

### **9. Credit discrimination**

By Alys I. Cohen

Now in its 5th edition this title provides an analysis of the equal credit opportunity act, fair housing act, and civil rights acts. It looks at state credit discrimination statutes and includes chapters on proving credit discrimination and litigating a credit discrimination case. It also contains an appendix of sample pleadings and sample discovery. National Consumer Law Center, 2009. 518 pages.  
KF 1040 C74 2009

## *Criminal Law*

### **10. Evidence-based sentencing to improve public safety & reduce recidivism: a model curriculum for judges**

By National Judicial College (U.S.)

This CD-ROM contains the material from an online course offered by the National Center for State Courts on how to incorporate the principles of "evidence-based practice" into sentencing policy and practice to reduce the risk of offender recidivism. All of the handouts from the course as well as the faculty handbook are available as .pdf files. This course teaches participants to select appropriate offenders for these reduction strategies, to assign effective probation conditions, to identify effective probation and

treatment programs, and to understand the benefits of implementing evidence-based practice. To check out this item, please request it at the reference desk. National Center for State Courts, 2010. 1 CD-ROM.  
CD KF 9685 E94 2010

### **11. State postconviction remedies and relief: with forms**

By Donald E. Wilkes

Donald E. Wilkes' resource covers the multifarious topic of state postconviction remedies. Recent changes regarding state postconviction procedure are discussed to provide the reader with up-to-date knowledge for each jurisdiction. Information regarding Federal habeas corpus is also presented to aid practitioners in understanding the relationship between state and federal remedies. A collection of forms is included to aid with postconviction practice and an extensive bibliography will be of use to those wanting to expand their knowledge base. Thomson West, 2009. 4 vols.  
KF 9690 W55 2009-10

### ***Criminal Procedure***

#### **12. Presiding over capital cases: a benchbook for judges**

By William J. Brunson

National Judicial College's benchbook on capital punishment provides judges with a host of information on all aspects of the death penalty process. Topics range from dealing with media in the courtroom to case management and include discussions of the unique issues presented to the judiciary in pretrial, trial, and postconviction phases. Sample forms and model orders and remarks are provided as are a series of checklists to aid judges in properly managing workflow and process when presiding over such austere cases.

National Judicial College, 2009. 490 pages.  
Online at: <http://www.capitalcasesresources.org/book.html>  
KF 9655 P73 2009

### ***Elder Law***

#### **13. Elder law handbook 2009-2010**

By Linda C. Goehers

This handbook deals with legal issues facing senior citizens. Issues are discussed in a convenient question and answer format. Some of the topics covered are consumer protection, losing a loved one, credit and debit card liability, driver's license, homestead, medicare and medicaid, social security and wills. It also includes a section of resource and referral numbers. Houston Bar Association, 2009. 44 pages. Online at: <http://www.hba.org/folder-services/pdfs/Elder-English.pdf>  
REF DESK KFT 337 E44 2009

### ***Eminent Domain***

#### **14. Regulatory takings**

By Steven J. Eagle

In its 4th edition, this book looks at the relationship between government's regulatory powers and private property owners' rights. The author provides a detailed analysis, including cases, statutes, and secondary sources on topics such as freedom of expression, rent controls, restrictions on development, and wetlands regulations. Lexis Nexis Matthew Bender, 2009. 1 vol.  
KF 5599 E18 2009

## *Family Law*

### **15. Family law handbook 2009-2010**

By Houston Bar Association

This handbook is an effort to educate the public on the basic procedures of the family court. Some of the topics covered are mediation, marriage and divorce, custody, grandparents rights, adoption and parental liability. It also includes a section of resource and referral numbers. Houston Bar Association, 2009. 41 pages. Online at: <http://www.hba.org/folder-services/pdfs/Family-English.pdf>

REF DESK KFT 505 F36 2009

## *Immigration*

### **16. U.S. immigration made easy**

By Ilona M. Bray

Nolo continues their tradition of producing easy to understand books on variety of legal topics with this title. Ilona Bray outlines the immigration process and the various types of visas and methods of obtaining green cards in straightforward and clear language. Also included are checklists of required documents, tips for expediting the process, and things to consider when applying. This is an excellent guide for readers of all levels of legal expertise beginning research on immigration processes. Nolo Press, 2009. 592 pages.

KF 4819 U2 2009

in Texas, Michigan, and Nevada during the 2005 term to see if campaign contributions affected judicial decisions. The results are inconclusive with a quid pro quo relationship seeming to exist in states with partisan supreme courts (Texas and Michigan) and not in states with nonpartisan supreme courts (Nevada). Social Science Electronic Publishing, Inc, 2009. 31 pages. Online at: <http://ssrn.com/abstract=1337668>.

KF 8776 B66 2009

## *Juries and Jury Instructions*

### **18. Model jury instructions in criminal antitrust cases**

By American Bar Association.

The American Bar Association's model jury instructions for criminal antitrust cases covers the gamut of issues pertinent to antitrust practitioners. This collection of instructions is applicable to multi-defendant and multi-count antitrust cases that involve aspects of price fixing, bid rigging, collusion, and more. Specific issue and witness instructions are included as are relevant general instructions that are not limited to use in antitrust cases. Discussion is presented through concise language and topics are organized in a manner that mirrors the most likely progression of an antitrust criminal case. American Bar Association, 2009. 166 pages.

KF 1657 C7 M63 2009

## *Judges and Judicial Conduct*

### **17. Effect of campaign contributions on judicial decisionmaking**

By Chris W. Bonneau

This article examines the relationship between judges and campaign contributors in states where judges are elected to see if a quid pro quo relationship exists. After a review of the current body of research, the authors examine high courts

## *Law Practice Management*

### **19. Impact of legal aid services on economic activity in Texas: an analysis of current efforts and expansion potential**

By The Perryman Group

This report, sponsored by the Texas Access to Justice Commission, seeks to provide a quantification of the economic impact of existing legal aid activities and the potential effects of expansion. There is currently a large unmet need for legal aid, and the authors explain how increased funding of these programs would lead to further gains in business activity in addition to the other social benefits of more equitable access to justice. The Perryman Group, 2009. 82 pages. Online at: <http://www.texasatj.org/files/file/Perryman%20Report.pdf>

KFT 336 I47 2009

### **20. Success strategies for new lawyers**

By State Bar of Texas

This is the State Bar one day seminar entitled "The New Lawyer Course", which was held in Houston on November 4, 2009. Topics include, 'FAQs regarding starting your own practice', 'Legal resources you never knew you had', 'How to succeed in your first trial or transaction', 'Texas residential landlord/tenant law', '21 Tips and tricks for the new family law practitioner' and 'Estate planning essentials'. Includes sample forms. State Bar of Texas, 2009. 1 vol.

KFT 300 S83 2009

## *Local Government*

### **21. Outline of official oath and bond requirements: 2008 update**

By Texas Association of Counties

Produced by the Texas Association of Counties, this publication provides oath and bond requirements for most county and precinct officers and officials. In addition to the listed requirements, the authors provide a brief historical background and explanation of the oath and bond process. Citations to statutes and the Constitution make this a useful reference guide for those involved in local government. Texas Association of Counties, 2008. 47 pages. Online at: <http://www.county.org/resources/legal/pdf/OutlineOfOath&Bond.pdf>

REF DESK KFT 5330 O28 2008

### **22. Public finance handbook for Texas counties**

By Thomas M. Pollan

Pollan's general overview of the county bond issuance process guides the reader step by step, with easy to understand explanations and descriptions. The author provides definitions, charts, and statutory references to supplement his explanations. This is an ideal starting point for the researcher looking into county finance laws, or, according to the author, counties who rarely issue bonds. Texas Association of Counties, 2008. 65 pages. Online at: <http://www.county.org/resources/legal/pdf/PublicFinanceHandbook.pdf>

REF DESK KFT 6740 P83 2008

### **23. Texas home rule charters**

By Terrell Blodgett

The state of Texas has granted cities the option of constitutional home rule since 1912. The publishers note that cities are increasingly adopting this form of local government. This update of Terrell Blodgett's 1994 edition brings that comprehensive work up to date. It introduces the development of local government law,

provides procedural information for cities that wish to gain the home rule status and gives in-depth information on governing the home rule city. Texas Municipal League, 2010. 134 pages. REF Desk KFT 5304 B6 2010

criminal trials, he notes that many of the articles are equally applicable to civil trials. American Bar Association, 2009. 505 pages. KF 8915 S299 2009

## *Taxation*

### **24. 2010 tax legislation: Patient Protection and Affordable Care; Health Care Reconciliation; HIRE and other recent tax acts.**

By Commerce Clearing House  
CCH provides an explanation of the tax provisions in the following legislation recently passed by Congress: The Patient Protection and Affordable Care Act, as amended by the Health Care and Education Reconciliation Act of 2010; Hiring Incentives to Restore Employment Act; Temporary Extension Act of 2010 and Legislation to Accelerate the Income Tax Benefits for Charitable Cash Contributions for the Relief of Victims of the Earthquake in Haiti. CCH provides a quick look at the highlights and identifies taxpayers who might be affected. For those looking for more in-depth information, the committee reports discussing legislative intent are also provided. Commerce Clearing House, 2010. 736 pages. KF 6276.5 P38 2010

## *Trial Practice*

### **25. Trial tactics**

By Stephen A. Saltzburg  
For many years Saltzburg has authored a column on trial tactics in the ABA Criminal Justice Magazine. This book is an updated compilation of his analyses, tips and cautions for defense counsel, prosecutors and judges. Saltzburg draws on actual witness examinations to illustrate his discussions. While generally written for

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April/May 2010

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