

Duly Noted



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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 behind the circulation desk. 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 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.

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

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Commercial Law

1. Business torts institute, 2010

By State Bar of Texas

This continuing legal education course examines all business torts. It covers topics such as non-compete laws in Texas, breach of fiduciary duty, trade secret misappropriation, procedural issues, computer forensics, business divorce claims, libel and slander, fraudulent misrepresentation, legal malpractice, and deceptive business practices. State Bar of Texas, 2010. 1 volume. KFT 1250 B87 2010

Constitutional Law

2. Modern constitutional law

By William Rich

This three-volume treatise is a highly in-depth study of modern constitutional law by Rich, a professor of law at Washburn University's School of Law. Broadly speaking, it covers constitutional litigation; speech, association, and religion; liberty and equality; federalism; separation of powers; civil justice; and criminal justice. Thomson West, 2011. 3 volumes. KF 4546 R47 2011

Construction Law

3. Alternative clauses to standard construction contracts

By Eugene Heady

This electronic resource keeps you current with the changes to the construction industry's standard form contracts, including the American Institute of Architects (AIA) and Engineer Joint Contract Documents Committee (EJCDC) documents. It also includes "Consensus DOCS created by agreement among various construction contractor, subcontractor, owner, and surety trade associations." It provides clause by clause comparisons highlighting the difference between the standard

contracts and guidance on what text to include depending on the desired result. This resource is available for use on our legal research terminals. Aspen, 2009. 1221 pages. Online at: <http://www.loislaw.com/pns/index.htm?content=/pns/teresult.htm&logauto=TCAUTO&alias=ASALCSCC>

4. Construction checklists: a guide to frequently encountered construction issues

By American Bar Association

This title provides construction lawyers with checklists to assist in drafting of contracts and preparing for litigation. The checklists cover a range of topics including contracts, contract administration, and all phases of claims and disputes (pre-filing, pre-trial, discovery, and trial). It includes topical lists on labor and employment, government contracting, international contracting, and general lists. Also available is a CD-ROM that contains the checklists. American Bar Association, 2008. 556 pages. KF 902 C59 2008

Consumer Protection

5. Consumer litigation and insurance defense

By Willy Rice

This casebook explains how to collect damages in a defective-trade-and-products lawsuit by presenting "a comprehensive analysis of state and federal consumer-law and insurance-defense decisions." Statutes covered include the Uniform Deceptive Trade Practices Act, the NAIC Model Unfair Methods of Competition and Unfair or Deceptive Practices Act, and the NAIC Model Unfair Claims Settlement Practices Act. Cognella, 2011. 740 pages. KFT 1609 R53 2011

Contracts

6. Civil false claims and qui tam actions

By John Boese

This treatise provides a comprehensive analysis of the Civil False Claims statute, from establishing the merits of a whistleblower claim to determining the amount of the plaintiff's award. This title collects, organizes, and interprets controlling case law as well as relevant statutory whistleblower provisions, rules and regulations that apply to the issues under discussion. Aspen, 2011. 2 volumes. KF 849 B622 2011

Courts

7. New media and the courts: the current status and a look at the future

By Christopher Davey

This report provides thorough coverage of the numerous new media technologies (microblogging, media sharing, etc.), discusses the impact of these services on court administration and ethics, and offers insight into future trends to help court public information officers strategically plan. Conference of Court Public Information Officers, 2010. 102 pages. Online at: <http://www.ccpio.org/documents/newmediaproject/New-Media-and-the-Courts-Report.pdf>
KF 8732 D39 2010

Criminal Law

8. Costly confinement and sensible solutions: jail overcrowding in Texas

By Texas Criminal Justice Coalition

This report provides an overview of the demographics, funding sources, and expenditures of County Jails in Texas. It discusses the ramifications of jail overcrowding and provides a list of the ten major contributors to jail overcrowding, with suggested policy solutions to specific stakeholders in the system, including Judges, district attorneys, county commissions and jail administrators. It is intended to be a guide for Texas agencies and organizations interested in creating more efficient and cost-effective County Jails. Texas Criminal Justice Coalition, 2010. 99 pages. Online at: http://www.criminaljusticecoalition.org/files/userfiles/TCJC_Jail_Overcrowding_Report.pdf
KFT 9730 C67 2010

9. Criminal law in a nutshell

By Arnold Loewy

From the publisher's description: "this guide helps you gain an overview of and develop perspective on particular areas of criminal law. Expert discussion explores punishment, specific crimes, and the ingredients of a crime such as mens rea and actus reus. Other topics covered include special defenses, the burden of proof, and inchoate and group criminality. It also reflects on the limitations of criminal law." Thomson West, 2009. 347 pages.
KF 9219 L6 2009

*Discovery***10. You will be a credible witness at your deposition!: witness preparation for deposition**

By Jan Mills Spaeth

This video assists in preparing witnesses for depositions. Topics covered include what a deposition is and why it is needed, how to be a good witness and the 10 C's of credible deposition testimony. It also includes a take-home booklet to further reinforce the lessons learned. Please request this item at the reference desk. American Bar Association, 2008. 1 DVD.
DVD KF 8900 S68 2008

*Drivers and Driving***11. Drunk driving defense**

By Lawrence Taylor

This treatise includes information on the chemical, biological and technological concepts and issues underlying DUI prosecution and defense. Key areas include defects inherent in blood and breath analysis, correlations between blood alcohol concentration and actual impairment, the effects of stress and cold weather on alcohol absorption, and the affect of acetone in breath tests taken by diabetics and dieters are also covered. In addition, this title provides a walkthrough of legal process and procedure tailored to DUI cases. Aspen, 2010. 1580 pages.
KF 2231 T39 2010

*Elder Law***12. You and your aging parents: guide to legal, financial, and health care issues**

By American Bar Association

This book focuses on the issues affecting the elderly. It's a reference guide for caregivers that offers practical guidance on navigating legal issues, developing a care plan, choosing housing options, making healthcare decisions, and helping your parents manage a changing lifestyle. Some of the topics discussed are money matters, in-home assistance, transportation and protecting your parent. American Bar Association, 2009. 300 pages.
KF 390 A4 Y67 2009

*Environmental Law***13. Land use planning and the environment: a casebook**

By Charles Haar

The authors of this text identify and explore intersections between land-use planning law and environmental regulation. Increasingly, local and state governments share in the regulatory responsibility for environmental protection with the federal government. Also discussed are the hot-button topics of regulatory takings issues and zoning. According to the publisher this text "offers a unique strategy for addressing these overlapping and, at times, conflicting administrative regimes. Throughout the book, the authors explicitly identify and explore intersections between land-use planning law and environmental regulation. Professors, students, and law and planning practitioners with strong backgrounds and exposure to "traditional" environmental law will find these intersections a timely opportunity to examine familiar topics from a different perspective." Environmental Law Institute, 2010. 608 pages.
KF 5692 H23 2010

Juvenile Law

14. Juvenile justice administration in a nutshell

By Barry Feld

The publisher describes this second edition as providing “a succinct overview of the law for students studying juvenile justice, for lawyers who do not regularly practice in juvenile court, and for legislators and policy officials involved in juvenile justice law reform efforts.” New topics covered in this edition include sections on the “Get Tough” policies of the 1970’s and 1990’s, reassessing adolescent competence, and “blended sentencing.” Thomson West, 2009. 377 pages. KF 9780 F45 2009

15. Juvenile justice handbook: a practical reference guide including updates from the 81st legislative session

By Office of the Attorney General,

This title’s introduction says it “provides an overview of the modern juvenile justice system in Texas. It is intended for law enforcement, parents, educators and anyone seeking information about the juvenile court process and the youth who become involved in the system.” Special attention is given to “the new chapter in the Texas Family Code titled Rights and Responsibilities of Parents and Other Eligible Persons.” The volume includes updates from the 81st Legislative Session. Texas Attorney General, 2009. 45 pages. Online at: http://www.oag.state.tx.us/AG_Publications/pdfs/juvenile_justice.pdf
KFT 9779 J8 2009

16. Juveniles

By Chris Hubner

The publisher’s description introduces this second edition by saying it “covers law enforcement roles such as a police officer taking juvenile offenders into custody as well as detaining and releasing a juvenile. It also covers the prosecutor’s role in the juvenile system with chapters on Pretrial Procedures and Adjudications, the Disposition Hearing, and Post Disposition Proceedings.” Texas District and County Attorneys Association, 2010. 182 pages. KFT 9810 H83 2010

Labor and Employment

17. Nuts and bolts of employment law, 2011

By State Bar of Texas

This half day continuing legal education course was held the day prior to the Advanced Employment Law Course in Austin on January 12, 2011. Presentations focused on the following topics FLSA and payday claims, discrimination statutes, non-statutory claims, administrative procedures, how to avoid retaliation claims after receiving a discrimination claim, pleading, damages, and demand letters. State Bar of Texas, 2011. 1 volume.
KFT 3319 A3N 2011

Medical Malpractice

18. Medical malpractice: discovery and trial

By Thomas Moore

Thomas Moore, a noted medical malpractice expert and author of this two volume set prepares you to represent an injured client or oppose such an action. He guides you from the initial evaluation of a client's claim through the pleadings and discovery phase of the action and on to preparation for trial. In case you do not win there, the appeals process is also covered. Further guidance is given by the numerous exhibits from actual cases. Last looseleaf update received is from January, 2011. Practising Law Institute, 2002. 2 volumes.
KF 8925 M3 M66 2002

Oil and Gas

19. Advanced oil, gas, & energy resources law course, 2010

By State Bar of Texas

This two day continuing legal education course was held in Houston in September 2010. Topics covered include a case law update, geothermal resources, federal and state regulatory issues, pipelines under Texas, ethics in negotiations, production payments, letter agreements, municipal regulation, executive rights, oil and gas taxation, and internal investigations. State Bar of Texas, 2010. 1 volume.
KFT 1849 S7 2010

20. Oil, gas and energy resources 101, 2010

By State Bar of Texas

This one day seminar on oil and gas resources was originally presented on September 15, 2010 in Houston. It covers the basics of oil and gas leases, implied covenants in the oil patch, and gives an overview of the Texas Title Examination Standards. It also includes a section on wellness and the Texas Lawyers Assistance Program. State Bar of Texas, 2010. 1 volume.
KFT 1849 S7N 2010

Privacy

21. Protecting consumer privacy in an era of rapid change: a proposed framework for business and policymakers

By Federal Trade Commission

This December 2010 preliminary staff report by the Federal Trade Commission develops a framework for businesses to follow with respect to privacy and consumer information. This framework is specifically aimed at all commercial entities that collect or use consumer data that can be reasonably linked to a specific consumer, computer, or other device and was spurred by the rapid shift to doing business electronically. This title is highly recommended for any entity that deals with consumer privacy. 2010. 1 volume. Online at: <http://www.ftc.gov/os/2010/12/101201privacyreport.pdf>
KF 1262 P7 2010

Real Property

22. Texas homeowners association law: the essential legal guide for Texas homeowners associations and homeowners

By Gregory Cagle

Written by an Austin-based attorney experienced in representing homeowners and homeowners associations, this title serves as an all-encompassing guide to the Texas and federal laws governing homeowners associations. Cagle writes about both the administration and operation of associations, the rights, duties, and responsibilities of associations, and answers common questions along the way. Also included are sample forms, case citations, and subject indexes. Two Harbors Press, 2010. 587 pages. KFT 576 C34 2010

Taxation

23. Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010: Regulated Investment Company Modernization Act of 2010

By CCH

This volume is a handy compilation of the major 2010 tax legislation that extends the Bush-era individual and capital gains/dividend tax cuts for all taxpayers for two years. It includes the full text of the Tax Relief Act, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, and the Regulated Investment Company Modernization Act of 2010. Also included is the Joint Committee on Taxation's technical explanation of both Acts. Commerce Clearing House, 2010. 1 volume. KF 6289 T39 2010

Torts

24. Attacking adverse experts

By Stephen Easton

This volume provides detailed information on challenging the opinions of adverse experts. The guide is divided into six sections with the first section discussing gathering information on adverse experts through discovery and independent methods. The second section covers taking a deposition: how to prepare, questioning techniques, and post-deposition assessments. The next section discusses filing a motion to disqualify. The last two sections deal with the actual trial looking first at cross-examining the adverse expert and finally "finishing the job" in closing statements and appeals. Also available is a CD-ROM which contains appendix materials on critical rules, statutes, and cases in every state. American Bar Association, 2008. 770 pages. KF 8961 E17 2008

Trial Practice

25. You will be a credible witness at trial!: the 3 steps and 10 c's for clients and lay witnesses testifying at trial

By Jan Spaeth

This is a video for trial witnesses. The do's and don't's of trial testimony are discussed. The DVD addresses what the witness should expect in terms of environment, questioning, procedure, and provides good, conservative advice for attire, demeanor, grooming, and attitude. It features sample questions, positive and negative responses (some filmed in an actual courtroom setting), and stresses the essentials for credible, convincing testimony. It also includes a take-home booklet to further reinforce the lessons learned. Please request this item at the reference desk. American Bar Association, 2008. 1 DVD. DVD KF 9672 S63 2008

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February/March 2011

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