

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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Animal Rights

1. Endangered Species Act: law, policy, and perspectives

By Donald Baur

This title, now in its second edition, contains a collection of articles contributed by experts to assist practitioners and land owners in navigating the Endangered Species Act. Specific topics covered include a historical background on the act, listing species process, critical habitats, recovery, Indian Rights, take prohibition, land owner incentives, habitat conservation plans, plants, State Endangered Species Acts, and the ESA and global warming. American Bar Association, 2010. 435 pages.
KF 5640 E482 2010

Criminal Law

2. O'Connor's federal criminal rules and codes plus

By Sean Buckley

This annual quick reference volume includes the annotated Federal Rules of Criminal Procedure, Federal Rules of Evidence, and Federal Rules of Appellate Procedure. The book also contains Rules Governing §2254 motions, Rules Governing §2255 motions, Alien Terrorist Removal Court Rules, Supreme Court Rules, Title 18 U.S.C., and selections from 9 other U.S.C. titles. Jones McClure, 2012. 1 volume.
KF 9606.99 D568 2012

3. When excessive public defender workloads violate the sixth Amendment right to counsel without a showing of prejudice

By Laurence Benner

Written by one of the directors of the National Legal Aid & Defender Association, this brief paper looks at excessive public defender workloads nationwide and how they negatively affect indigent defendants. The author first looks at *Strickland v. Washington*, which set up a two-pronged test for

the ineffective assistance of counsel (IOC) claim, but he then describes a litigation strategy that avoids the prejudice prong “by focusing on the absence of counsel at a critical stage of the proceedings, rather than the ineffectiveness of counsel’s conduct” (3). This title is recommended, especially for anyone involved with or interested in legal aid, public defenders, and attorneys working on appeals based on IOC claims. American Constitution Society for Law and Policy, 2011. 15 pages. Online at: http://www.acslaw.org/sites/default/files/bennerib_excessivepd_workloads.pdf
KF 9646 A33 B46 2011

Discovery

4. Art of advocacy: discovery

By Arthur Miltz

LexisNexis’s “Art of Advocacy series” provides practical, focused advice on various phases of litigation. This volume is on discovery. Successful discovery techniques can determine the outcome of the case before trial or avert trial altogether. The author gathered discovery questions from actual cases tried by successful trial lawyers. He provides his comments on points he feels are important and suggests supplementary discovery ideas to clearly establish the relevant facts of the case. Also in the “Art of Advocacy series” is a volume dedicated to settlement, as well as, volumes to assist at the trial and appellate level. Latest supplement received November, 2011 Lexis Nexis Matthew Bender, 1982. 1 volume.
KF 8900 M5

5. Effective depositions

By Henry Hecht

So much of winning a case is at the pre-trial stage. This updated second edition of *Effective Depositions* ensures you will go into depositions well prepared whether you are taking a deposition or defending a witness. This extensive title begins by explaining how to procedurally prepare for a deposition, how to secure a witness's attendance, and how to properly prepare a witness (including many special or non-standard situations). It also goes through the actual deposition process before discussing how to manage depositions once they've been taken and how to use them at trial. American Bar Association, 2010. 848 pages.

KF 8900 E35 2010

Environmental Law

6. Law of solid waste, pollution prevention, and recycling

By Jeffrey Gaba

Part of the "Environmental Law Series," this two volume set surveys the legal issues surrounding solid waste, pollution prevention, and recycling. All federal requirements are provided in addition to requirements from some states (including Texas) and municipalities. Specific topics covered include RCRA distinctions between solid waste and hazardous waste, regulations for the disposal of nonhazardous solid waste, requirements for the disposal of municipal solid waste, sewage sludge, regulation of Bevill and Bentsen wastes, CERCLA solid waste regulations, hazardous waste recycling, Federal pollution prevention and recycling programs, solid wastes of special concern (i.e. used oil, medical wastes, lead-acid batteries, and tires), and interstate solid waste management issues. Latest supplement received November, 2011. Thomson West, 2010. 2 volumes.

KF 3816 R4 G3

Family Law

7. ABA checklist for family heirs: a guide to family history, financial plans, and final wishes

By Sally Hurme

This guide helps the user complete a personal history for the use of loved ones, should the user become incapacitated or when the user passes away. It helps the user record personal information and family information. Using the checklists provided, the user can also record information about personal assets and property. Finally, the user can use several checklists to make any final wishes known. There are many checklists available to help record this information, along with a CD that includes electronic copies of all of the checklists provided. American Bar Association, 2011. 241 pages.

KF 750 H87 2011

8. Texas marital property rights

By J. Thomas Oldham

This is a general introduction to Texas marital property rights. Most of the major issues are addressed and discussed in relation to relevant case law. Some of the topics covered are the community property system, common-law and putative marriage, disputes between unmarried people, pensions and other benefits of employment, creditors' rights, marital agreements, divorce, and spousal gifts and partitions. Carolina Academic Press, 2011. 608 pages.

KFT 524 O4 2011

*Immigration***9. Business immigration: law and practice**

By Daryl Buffenstein

This comprehensive guide to business immigration law provides the practitioner with strategies, citations, and analyses to advise corporate clients in all phases of the hiring and transfer of foreign nationals. The set covers such topics as the various types of visas, consular status, and the visa waiver program. American Immigration Lawyers Association, 2011. 2 volumes.

KF 4829 B866 2011

10. Immigration law and the family: a practical guide to family-sponsored immigration

By Charles Wheeler

Published by the American Immigration Lawyers Association, this guide summarizes and clarifies the family-sponsored immigration process that allows for U.S. citizens and lawful permanent residents to sponsor their family members for immigration purposes. It is aimed at immigration lawyers and looks at status adjustments, consular processing, immigration through marriage, grounds of inadmissibility, waivers of inadmissibility, affidavits of support, self-petitions for abused spouses and children, and the ethical issues in family-based immigration law. The author does not intend it to be an in-depth legal reference; instead, it should serve as a straightforward explanation that addresses the complexities of the law. It also includes sample legal forms (motions and waivers), a very detailed table of contents, and a subject index. American Immigration Lawyers Association, 2010. 352 pages.

KF 4819 W55 2010

*Insurance***11. How insurance companies settle cases**

By Clinton Miller

This text seeks to help the reader understand the many factors that insurance companies take into account when evaluating and negotiating claims in order to efficiently negotiate a fair settlement. The text offers practical advice on areas such as bodily injury claims, settlement conferences, actions constituting “bad faith,” as well as lists of frequently asked questions and myths about the claims process. Also available is a CD-ROM which can be requested at the reference desk. Latest supplement received October, 2011. James Publishing, 1989. 1 volume.

KF 1164 M55 1989

*Intellectual Property***12. Advanced intellectual property law course, 2011**

By State Bar of Texas

This two day CLE was held in Dallas in March, 2011. Presentations covered topics including patent law updates, trade secret law updates, “trademark prosecutions strategies in the era of Bose and Winkelmann,” written description, social media and intellectual property, attorney’s fees recovery, IP ownership, false marking, ethics, open source software, and intellectual property lawsuit insurance. State Bar of Texas, 2011. 1 volume.

KFT 2980 I57 2011

Judges and Judicial Conduct

13. Judges on judging: views from the bench

By David O'Brien

This collection of essays aims to provide insight into the role of the judiciary and to unmask a little of what the editor describes as “the least well known branch of government.” Each of the 34 chapters was written by a judge, the authors range from Supreme Court justices (Roberts, Stevens, Ginsburg, Scalia, and Rehnquist) to judges from the U.S. Courts of Appeal, District Courts, and state courts. The scope of this book is quite broad, with topics ranging from trial court judges’ experiences to judicial activism and judicial restraint to “What I Ate for Breakfast and Other Mysteries of Judicial Decision Making.” This title is a recommended read for legal professionals as well as laypeople interested in the judicial process. CQ Press, 2009. 372 pages.
KF 8775 A75 J82 2009

Government Code, and Texas Administrative Code. It includes commentary for some sections of code, with relevant case annotations. There is also a table of cases to refer the reader back to the section of code that references the case. Texas Lawyer Press, 2010.
KFT 3319 M37 2010

16. Texas practice guide: employment practice

By Elizabeth Lang-Miers

This two-volume practice guide covers many of the most common employment law issues Texas practitioners face. Topics covered include avoiding litigation and settling claims, discrimination categories, antidiscrimination statutes, contracts, tort claims, whistleblower claims, wages, benefits, and privacy. Checklists and forms are provided for many of the topics covered. Thomson West, 2011. 2 volumes.
KFT 209 T5 EMPL.

Labor and Employment

14. Maslanka’s field guide to the Family and Medical Leave Act, 2011

By Michael Maslanka

Michael Maslanka is a Texas employment law attorney who has published the *Texas Employment Law Letter* since 1990. This field guide is a way for others to take advantage of his expertise. He provides commentary for each applicable Code of Federal Regulation section and forms prescribed by the Department of Labor. Texas Lawyer Press, 2010. 263 pages.
KF 3531 M37 2010

15. Maslanka’s field guide to the Texas Commission on Human Rights Act and Texas Labor Code 2011

By Michael Maslanka

This guide provides a handy reference to the Texas Commission on Human Rights Act and related statutes in the Texas Labor Code, Texas

Law Practice Management

17. How to recover attorneys’ fees in Texas, 2011

By Trey Cox

This text provides a step by step outline for recovering attorneys’ fees. It contains a discussion of the legal requirements for recovery, including by contract and by statute. Some of the examples provided are through the “Declaratory Judgment Act,” the DTPA, and chapter 38 of the Civil Practice and Remedies Code. It also includes chapters on the specifics of the legal requirements, the discovery process, and assembling your evidence. The appendix includes charts, sample letters, checklists, and forms. Texas Lawyer Press, 2011. 238 pages.
KFT 446 C69 2011

18. Way of the lawyer: strategies and tactics for negotiations, presentations, and litigation

By Chris Graham

This book provides advice on for trial lawyers who negotiating, presenting, and litigating a case. It provides real world examples and each chapter includes a quick summary of the most important points. Chapters deal with topics including what questions to ask, proper timing, “stopping when ahead is not quitting,” how to handle expectations, and avoiding arrogance. American Bar Association, 2010. 319 pages.
KF 8900 G73 2010

Privacy**19. Data breach and encryption handbook**

By Lucy Thomson

With so many recently reported incidents of data breaches and “cyberattacks” on businesses as well as government agencies, this book serves as a great explanation of data security. First the authors look at data breach risks—what type of information is vulnerable and why—and the potential liability and damages stemming from data breaches. The authors then take a case study approach by analyzing the anatomy of specific data breaches (Hannaford and TJX, among other private entities). Data security legislation—both state and federal—is discussed before the authors focus on the technology behind data security and encryption. Included are discussions on current encryption technologies and best practices, password vulnerabilities, cryptographic keys, and self-encrypting hard drives. Recommended for IT professionals, litigants working with the tech industry, and any business professional who needs to safeguard business data. American Bar Association, 2011. 328 pages.
KF 1263 C65 D37 2011

Probate**20. Texas probate passport: a guide to probate and estate planning in Texas**

By Texas Young Lawyers Association

Designed for the general public, this book is an extension of Texas Young Lawyer Association’s publication *To will or not to will*. It discusses the consequence of dying without a will and provides an overview of the probate process along with useful checklists for wills and probate. Texas Young Lawyers Association, 2011. 42 pages. Online at: <http://www.tyla.org/tyla/assets/File/38668TexasProbatePassportWebReady.pdf>
KFT 765 T47 2011

Social Security**21. Social security handbook: overview of Social Security programs, 2011**

By Bernan Press

This title is a great reference containing information about Social Security programs and related programs administered by other agencies. Specific chapters cover special age 72 payments, survivors’ benefits, disability benefits, cash benefit rates, special coverage provisions, self-employment, wages, filing a claim, representative payees, under and overpayments, black lung benefits, Medicare, and special veterans’ benefits. Bernan Press, 2011. 706 pages.
KF 3650 S59 2011

Trial Practice

22. 12 secrets of persuasive argument

By Ronald Waicukauski

The authors note that lawyers are “professional arguers.” While thinking like a lawyer is well covered in law school, arguing like a lawyer requires training and practice. The author admits that most of his 12 secrets have been out for quite awhile. Aristotle’s *Rhetoric* is still the most important exposition on the art of persuasion, however this text adds a modern scholar’s take on the art of persuasion in the legal setting. American Bar Association, 2009. 241 pages.
KF 8915 W35 2009

23. Law on display: the digital transformation of legal persuasion and judgment

By Neal Fergenson

This title is part of the *Ex Machina: Law, Technology, and Society* Series by New York University Press. It is not a “how to” book, but rather an examination of the impact digital technologies are having in the legal field. Digital images and multimedia “story telling” are outshining finely crafted wording. The book discusses how visual images can reach jurors in ways standard witness testimony cannot. The legal community needs to be aware and responsive to this new way of presenting a case and its affect on the justice system. New York University Press, 2009. 335 pages.
KF 8902 E42 F44 2009

24. Texas motions in limine: evidence exclusion guide

By Julie Baker

Chapter 1 of this title explains that Texas case law defines a motion in limine as “a motion used to preclude prejudicial or objectionable evidence before it is presented to the jury.” The remainder of the volume is an exhaustive examination of what might be considered prejudicial evidence and suggested text be used in a motion to excluding it. The authors note that taking care to ensure the jury will not be exposed to damaging evidence is by far preferable than striking it after it has been presented. Also available is a CD-ROM which can be requested at the reference desk. Knowles, 2011. 1 volume.
KFT 8900 B35 2011

Wills, Trusts, and Estate Planning

25. Irrevocable life insurance trust: forms with drafting notes

By Lawrence Brody

This book helps the estate planner differentiate between two types of irrevocable life insurance trusts—Single Life Policy Trust and Survivorship Policy Trust. Included are outlines, forms, sample memoranda, and drafting notes to assist the practitioner with drafting this document. Also available is a CD-ROM which can be requested at the reference desk. American Bar Association, 2011. 190 pages.
KF 736 L4 B76 2011

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February/March 2012

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