

# Duly Noted



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## Texas State Law Library

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# 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.

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.

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## *Alternative Dispute Resolution*

### **1. Collaborative law course, 2011**

By State Bar of Texas

This title contains 22 articles examining the practice of collaborative law in Texas, including an overview of the Uniform Collaborative Law Act, two “case autopsies” focusing on a “case from heaven” and a “case from hell,” and an example of a collaborative case appeal. Four workshops deal specifically with preparing for and negotiating financial settlements. Other workshop titles include, “Learning from Each Other: Things You Always Wanted the Other Disciplines to Know,” “A Little Constructive Criticism: How to Give It and How to Take It,” and “Expanding our Horizons: Innovative Ways to Grow Your Collaborative Practice.” State Bar of Texas, 2011. 1 volume.

KFT 505 C73 2011

### **2. Lawyer’s guide to negotiation**

By Xavier Frascogna

This text offers lawyers a consistent approach to the art of negotiation. It offers practical advice on the power of leverage and how to use it. Other topics covered are preparation, how to seize control, tactics to improve your bargaining position, counterattacks, and how to deal with setbacks. There is also some discussion of guidelines for successful business negotiations and negotiating settlements.

American Bar Association, 2009. 239 pages.

KF 300 F7 2009

## *Appellate Practice*

### **3. Handling your first civil appeal, 2011**

By State Bar of Texas

This CLE course book is from the State Bar’s one-day seminar held in Austin, Texas, on February 18, 2011. The course directors were Brett Busby, Chat Baruch, and Abhay Dhir. Some of the topics covered include how to draft and perfect appellate briefs and filings, “the role of reasoning and persuasion in appeals,” a lawyer’s first oral argument, rehearing and petition practice in the higher courts, and mandamus and interlocutory appeals. Also included is bonus reading material detailing strategies for practicing lawyers on how to deal with anxiety, addiction, and depression. State Bar of Texas, 2011. 1 volume.

KFT 9050 H36 2011

## *Banking and Finance*

### **4. Forms under Article 9 of the UCC**

By Uniform Commercial Code Committee

This title is intended for practitioners working for either party involved in a secured transaction. The second edition includes 15 types of security agreements as well as a closing checklist, a lien search chart, and a payoff letter. Specific chapters cover creating, perfecting, and enforcing the security interest as well as a chapter containing miscellaneous forms. Also available is a CD ROM containing the forms.

American Bar Association, 2009. 444 pages.

KF 1048.5 F67 2009

## *Bankruptcy*

### **5. Advanced consumer bankruptcy course, 2010**

By State Bar of Texas

This two day seminar was presented in Dallas in June 2010. Topics covered include recent developments in consumer bankruptcy, post-filing collection activity, chapter 13, tax issues in bankruptcy litigation, RESPA, domestic support obligations, and the bankruptcy appeals process. State Bar of Texas, 2010. 1 volume.  
KFT 1524 S7AC 2010

### **6. Family lawyer's guide to bankruptcy: forms, tips, and strategies**

By Shayna Steinfield

This title focuses on bankruptcy in divorce proceedings. It discusses domestic support obligations including those that cannot be discharged and how bankruptcy may modify or void divorce decrees. It looks at different types of bankruptcy cases, such as chapter 11, and includes several appendices for bankruptcy terms and forms. Also available is a CD-ROM which contains digital copies of the appendices including the official forms. American Bar Association, 2008. 346 pages.  
KF 1535 D58 S74 2008

## *Commercial Law*

### **7. Essentials of business law, 2011**

By State Bar of Texas

This annual course covers such business law topics as commercial loans, selling a business, business insurance, and choice of entity. The workshop also offers primers for the corporate attorney on potentially unfamiliar areas such as intellectual property, litigation, and family law. State Bar of Texas, 2011. 1 volume.  
KFT 1649 A75 E87 2011

## *Contracts*

### **8. Contracts**

By John Calamari

These outlines are designed to help the reader recognize and understand the basic principles and issues of contracts. They can be used both as a study aid and as a review of the law of contracts. Some of subjects covered include legal capacity, conditions, performance and breach, defenses, and contract remedies. Thomson West, 2010. 576 pages.  
KF 801 Z9 C27 2010

## *Criminal Law*

### **9. Texas search and seizure**

By Robert Barton

This title is designed to be a practical guide for attorneys and judges on issues of search and seizure. It includes section synopses, practice aids, a topical index as well as cross-references and covers arrests, searches and seizures with and without warrants. It addresses current issues such as search warrants for electronic communications and mobile tracking devices. Juris, 2010. 925 pages.  
KFT 9630 B3 2010

## *Criminal Procedure*

### **10. Texas criminal pattern jury charges. Defenses**

By State Bar of Texas

This title contains general charge language, special instructions, a complete general charge, and extensive commentary. Instructions on most defenses are provided, including: entrapment, necessity, self-defense, defense of property, and defense of others. State Bar of Texas, 2010. 1 volume.  
KFT 8984 S7 C77 2010

## **11. A unifying framework for court performance measurement: final report**

By State Justice Institute

This report, from the group that created the Trial Court Performance Standards, discusses developing a framework to increase courts' ability to implement performance measures. Organized into the five sections; the report discuss the need for a framework; the idea of "the balanced scorecard" in the development of the framework; performance standards for child welfare courts, drug courts, and appellate courts; focus groups findings and possible framework revisions; and finally suggestions for future measures National Center for State Courts, 2008. 30 pages. Online at: <http://contentdm.ncsconline.org/cgi-bin/showfile.exe?CISOROOT=/ctadmin&CISOPTR=1079>  
KF 8732 U55 2008

## **Discovery**

### **12. Discovery problems and their solutions**

By Paul Grimm

This title outlines the multifarious pitfalls legal practitioners may encounter when preparing for pretrial civil litigation. Numerous subtypes of discovery are investigated and hypothetical issues are posed to help train those in legal practice to think strategically about pretrial problems. Examples are supplemented with applicable practice tips and law. The second edition of this resource includes updated material on electronic discovery and amendments to the Federal Rules of Civil Procedure. Topics as outlined in the general table of contents include interrogatories, document requests, mental and physical examinations, depositions, and experts. American Bar Association, 2009. 444 pages.  
KF 8900 G75 2009

## **Drivers and Driving**

### **13. Motor vehicle dealer manual**

By Texas Department of Transportation

This updated edition continues to focus on operational and licensing responsibilities for motor vehicle licensees. It focuses on the administration of the Transportation Code and Chapter 2301 of the Occupations code. In addition to licensing information it covers dealer operations, titling, sales tax, leasing, cash sales, and the lemon law. Texas Department of Transportation, 2010. 1 volume.  
REF DESK KFT 2230 M3

## **Family Law**

### **14. Family law, child abuse and neglect workshop, 2010**

By State Bar of Texas

This Continuing Legal Education workshop focuses on legal issues affecting children in crisis, including sections on representing the parents in an abuse and neglect case, DNA testing in a child support context, protecting children from the consequences of domestic abuse, an overview of assistance programs available in Texas to facilitate permanency goals, and resources available to attorneys ad litem for foster children. Additional topics include: an update of termination case law, an overview of a 263.404 hearing, and ethical considerations of mediation in CPS cases. State Bar of Texas, 2010. 1 volume.  
KFT 9323 F36 2010

## *Insurance*

### **15. Financial institution bonds**

By Duncan Clore

This title provides in-depth coverage of financial institution bonds and includes recent case law developments. Topics such as the history of financial institution bonds, employee dishonesty, the definition of a covered employee, discovery of loss, insuring agreements, and the loan loss exclusion are covered. The third edition includes recent revisions of the Financial Institution Bond, Standard Form No. 24, and the Financial Institution Crime Policy for Banks and Savings Institutions. American Bar Association, 2008.

1033 pages.

KF 1225 F55 2008

## *Judges and Judicial Conduct*

### **16. New politics of judicial elections 2000-2009: decade of change**

By James Sample

This report by the Justice at Stake Campaign, the Brennan Center for Justice at NYU School of Law, and the National Institute on Money in State Politics, provides a comprehensive review of special interest pressure on judicial courts. Notable trends unearthed by the report include an upsurge in judicial campaign spending with significant funding coming from organizations seeking to sway court decisions, a parallel growth in costly TV attack ads among state Supreme Court candidates, the emergence of state and national campaigns to tilt judicial elections, and growing public concern about the threat to fair and impartial justice. Justice at Stake Campaign, 2010. 108 pages. Online at: [http://justiceatstake.org/media/cms/JASNPJEDecadeONLINE\\_EC9663F6F7865.pdf](http://justiceatstake.org/media/cms/JASNPJEDecadeONLINE_EC9663F6F7865.pdf)

KF 8776 S26 2011

## *Juries and Jury Instructions*

### **17. Choosing and courting a jury, 2011**

By State Bar of Texas

This CLE course book is from the State Bar's 15th annual "Choosing and Courting a Jury" seminar held in Houston, Texas, on March 25, 2011. The course directors, Lisa Blue and Robert Hirschhorn, specialize in and are recognized for their work on jury selection. Covered are the law on voir dire, tips for an effective voir dire, the ethics of a litigator, the art of storytelling, voir dire demonstrations, and case presentations. State Bar of Texas, 2011. 1 volume.

KFT 8976 C5 2011

## *Law and Economics*

### **18. Economic analysis of law**

By Richard Posner

This is a textbook-treatise on the economic analysis of legal rules and institutions. The breadth of coverage includes almost the whole legal system with an emphasis on "the legal regulation of nonmarket behavior." Topics discussed include the nature of economic reasoning, property, the theory of monopoly, financial markets, taxation, and the process of legal rulemaking. Aspen, 2011. 1009 pages.

KF 381 P6 2011

## *Law Practice Management*

### **19. Meeting your interests: collaborative law and other options for dispute resolution**

By Denton County Collaborative Professionals, Inc.

Collaborative law places the emphasis on settling disputes by having both sides define their “fundamental interests” in the dispute. Once each party identifies the outcome they want to achieve, they each look for various options that will get them there. In addition to the parties and their respective attorneys, the “collaborative team” can include a neutral mental health professional and a neutral financial professional. Together this group assists the disputing parties negotiate a resolution that “honors” each party’s interests. Written by the Denton County Collaborative Professionals, Inc., this volume is of particular relevance to Texas. Additional publications and relevant websites are included for further research. Denton County Collaborative Professionals, 2010. 57 pages. KF 505 M44 2010

## *Legal Research and Writing*

### **20. Guidelines on citing to, capturing, and maintaining Internet resources in judicial opinions: using hyperlinks in judicial opinions**

By Judicial Conference of the United States

In 2009, the Judicial Conference “directed Administrative Office (AO) staff to work with the Court Administration and Case Management Committee to develop guidelines to assist judges in determining whether and how to use citations to Internet sites, preserve cited materials, and use hyperlinks in the opinions and orders.”

Increasingly Internet resources and web pages are being incorporated into legal opinions. The transitory nature of many of these sources is problematic. So that these Internet references can

be retrieved as part of the opinion, a method of preserving the citations to Internet resources is recommended. The guidelines also attempt to recommend best practices in citing to these resources over more traditional legal material. Judicial Conference of the United States, 2009. 5 pages. Online at: <http://www.inbar.org/Link-Click.aspx?fileticket=hptDW9DIhFY%3D&tabid=356>

KF 250 G85 2009

## *Local Government*

### **21. County subdivision regulation sourcebook: 2010**

By Paul Sugg

Intended primarily for commissioners courts, county attorneys, and county engineers, this title aims to help county officials devise subdivision regulations. The authors note that counties experiencing rapid residential development growth in unincorporated areas would benefit most from this treatise. This 2010 update reflects new legislation, recent judicial opinions, and modified state regulations. Included are the text of Chapter 232 of the Local Government Code, historical notes, a glossary of terms, related statutes, and sample subdivision regulations for both Hays County and Hunt County. Also of note are special sections on colonias, manufactured home rental communities, and Groundwater Availability Certification. Includes sample forms. Texas Association of Counties, 2010. 1 volume. Online at: <http://www.county.org/resources/legal/pdf/countysubdivisionregulation-sourcebook.pdf>

KFT 5698 C68 2010

## *Public Utilities*

### **22. FERC: Federal Energy Regulatory Commission**

By James McGrew

This book is a good starting point for those who want to research FERC related issues. It looks at the history of FERC and discusses the applicable statutes. It also covers FERC rules of procedure and the various ratemaking and rulemaking covered by FERC. Also included are several appendices which cover key cases and frequently asked questions. American Bar Association, 2009. 294 pages.

KF 2120 M34 2009

## *Torts*

### **23. Product liability litigation: current law, strategies, and best practices**

By Stephanie Scharf

This comprehensive treatment of product liability litigation includes case studies, checklists, sample documents, and other practical resources. This title is intended to assist the attorney in strategizing consumer product liability cases from start to finish. It provides up to date regulatory information, including product safety standards, which may assist in limiting liability exposure of clients. Practising Law Institute, 2009. 1 volume.

KF 1296 P76 2010

### **24. Punitive damages**

By Linda Schlueter

This two-volume set covers tort reform state by state, as well as pretrial, trial, and post-trial strategies. Due to the increased interest in foreign legal systems, this title now includes discussion on comparative law. Now in its sixth edition, this thorough treatise set has been cited by many courts including the United States Supreme Court. Lexis Nexis Matthew Bender, 2010. 2 volumes.

KF 1250 S34 2010

## *Trial Practice*

### **25. Modern American remedies: cases and materials**

By Douglas Laycock

This fourth edition of the title contains 36 new principal cases and includes a completely rewritten chapter on restitution that reflects changes in the Restatement (Third) of Restitution and Unjust Enrichment. Topics include compensatory damages, punitive remedies, injunctive relief, declaratory remedies, ancillary remedies, fluid-class, and cy pres remedies. Present value tables are included as an appendix, along with an updated table of cases. Aspen, 2010. 1062 pages.

KF 9010 L393 2010

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April/May 2011

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