

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 in the bookshelf at the entrance to the library. 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 a 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. Early neutral evaluation

By Wayne Brazil

Early neutral evaluation (ENE) is a process utilized at the pretrial stage of litigation to help parties hone in on the disputed issues in a lawsuit. Participants work with a “shared information base.” This focused sharing of information facilitates settlement before trial and can also streamline a case that goes to trial, saving money in either event. It helps litigants resolve disputes and helps the courts by having disputes resolved efficiently. ENE is particularly advantageous because the parties look at the issues early on even before the burdensome and costly discovery phase. It is nonbinding so there is no danger of losing your day in court. This volume explains what ENE is and its dispute resolution function. It also contains sample forms. Additionally, this title prepares the reader to work as a neutral evaluator which expands the dispute resolution options a practitioner can offer. American Bar Association, 2012. 218 pages.
KF 9084 B718 2012

Antitrust

2. Business torts and unfair competition handbook

By Michael Ferrill

Per the publisher, this new edition “revises, updates, and greatly expands the second edition to serve as a practical guide to the substantive and procedural issues that arise at the intersection of antitrust, business tort and unfair competition law.” The first half of the book examines substantive concepts such as the evolving role of business torts in antitrust litigation. The second half of the book is procedural, covering issues like jurisdiction, removal, and remand. American Bar Association, 2014. 434 pages.
KF 3195 B88 2014

Criminal Procedure

3. The rights of the accused under the Sixth Amendment: trials, presentation of evidence, and confrontation

By Paul Marcus

Most people think of the right to counsel when thinking of constitutional protections. This American Bar Association publication provides a concise look at the lesser known, but equally vital protections provided by the Sixth Amendment. A chapter is devoted to each protection such as speedy trial, public trial, jury trial, place of prosecution, and the confrontation clause. Each chapter begins with a discussion of the historical development of the right and continues with the current law. Numerous references to cases provide avenues for further research. American Bar Association, 2012. 223 pages.
KF 9625 M37 2012

Disabilities

4. Understanding the ADA

By William Goren

William Goren, an attorney with congenital hearing loss, felt compelled to write this book due to the absence of easy-to-understand guides to the Americans Disabilities Act, discussions of the ADA from the perspective of attorneys with disabilities, and discussions of preventative lawyering with respect to the ADA. Though the ADA is broad and comprehensive, this title summarizes it in a practical and straightforward manner. Specific cases are discussed in each chapter as illustrations. The final chapter contains checklists and forms for developing your ADA case. American Bar Association, 2013. 340 pages.
KF 480 G67 2013

Elder Law

5. Checklist for family survivors: a guide to practical and legal matters when someone you love dies

By Sally Hurme

Anyone who has lost a loved one knows how stressful figuring out what steps to take to organize the deceased's affairs can be when added to the grief of the loss. This title by Sally Hurme is a compassionate and practical guide to what must be done when a loved one dies. While this book does not address probate, it covers other legal considerations such as organ donation, survivor's benefits, and existing rental agreements. Families and professionals alike will appreciate the advice, organizational forms, and "to do" lists. Forms and checklists are also available on the accompanying CD-ROM, which can be requested from the reference desk. American Bar Association, 2014. 240 pages.

KF 750 H87 2014

Environmental Law

6. Implementing institutional controls at brownfields and other contaminated sites

By Amy Edwards

The second edition of this title provides an overview of institutional controls at contaminated sites and focuses on developments from the last 10 years to redevelopment issues of contaminated sites, especially brownfields. Part I provides an overview of institutional controls and looks at emerging tools—specifically, insurance, vapor intrusion, land use restrictions, and the costs of institutional controls. Part II looks at case studies in Mississippi, Texas, California, and New York. The third part discusses selected state laws, including Texas. Also available is a CD-ROM which can be requested from the reference desk. American Bar Association, 2012. 727 pages.

KF 3946 I48 2012

Family Law

7. How to examine mental health experts: a family lawyer's handbook of issues and strategies

By John Zervopoulos

This title presents 28 issues that may be used to examine mental health experts. These issues are presented under four main steps: determining if expert is qualified to testify, seeing if the expert's methods are in line with professional standards of the field, making sure the expert's conclusions are based in relevant fact, and comparing the expert's conclusion to the conclusions of other experts in the field. For the each of the 28 issues presented you learn to spot, analyze, and address the issue. American Bar Association, 2013. 238 pages.

KF 8965 Z474 2013

Health and Health Care

8. Health care IT: the essential lawyer's guide to health care information technology and the law

By Arthur Peabody, Jr.

The American Recovery and Reinvestment Act of 2009 provides for "incentives for adoption and meaningful use of certified electronic health records (EHR) technology" (Pub. L. 111-5, §4101). This title is intended to provide an introduction to health care technology and the federal regulations surrounding EHR technology. Chapters look at EHR technology, licensing issues, regional extension centers and how small practices are implementing EHR technology, patient portals and personal health records, health information exchange, telemedicine, health care and social media, data encryption, data breach notification law, and more. American Bar Association, 2013. 318 pages.

KF 3827 R4 H343 2013

Insurance

9. Texas insurance coverage litigation: the litigator's practice guide 2014

By Amy Stewart

This title is a practical guide to third party liability policies and litigation associated with them, primarily from the perspective of policyholders. The book begins by describing typical policy language, then covers the liability of various parties. The second half of the book guides the practitioner through all steps of litigation from pretrial concerns to appellate procedures. Texas Law Press, 2013. 424 pages.

KFT 1164 S74 2013

*Judges and Judicial Conduct***10. The judicial role: statutory interpretation and the pragmatic judicial partner**

By William Popkin

Should judges be pragmatists, textualists, or intentionalists when judging? Popkin, a leading scholar in this much debated issue of statutory interpretation, makes his case for pragmatic judicial decision making. He describes this type of judging as "a creative act of judgment." He provides a careful examination and analysis of the judge's role in a democratic system. In his epilogue, he reflects on the growing mistrust of judges and how that may alter judicial decision making in the years to come. Carolina Academic Press, 2013. 218 pages.

KF 425 P669 2013

*Law and Economics***11. Changing Texas: implications of addressing or ignoring the Texas challenge**

By Steve Murdock

This work analyzes demographic changes in Texas and forecasts the implications of those changes. The author explores how socioeconomic factors will affect areas such as education, healthcare, business, and unemployment. His

analysis indicates that without substantial policy changes, the "Texas Challenge" will likely be an increase in poverty and a decrease in competitiveness. He hopes to demonstrate how analyzing demographic information can help leaders craft policies to tackle the state's challenges in the future. Texas A&M University Press, 2014. 256 pages.

KFT 3720 T4 M868 2014

*Law Practice Management***12. Of counsel: a guide for law firms and practitioners**

By Jean Batman

This text explores the relationship between firm and of counsel lawyers. It provides information on planning and drafting of counsel agreements and includes several examples of these agreements. It also reprints the text of several ABA formal opinions addressing of counsel relationships. Various types of of counsel relationships are discussed, along with conflicts of interest, advertising and solicitation, and legal malpractice. Checklists are provided at the end of each chapter. American Bar Association, 2013. 363 pages.

KF 310 O34 W74 2013

13. The power of legal project management: a practical handbook

By Susan Lambreth

As many industries have embraced project management techniques to organize, streamline, and control their projects, this title makes the case that project management is also a valuable strategy for law firms and attorneys. Divided into four sections, the authors discuss benefits to legal project management (LPM), the implementation of LPM, and considerations for organizations and lawyers implementing LPM. Appendices contain case studies, templates, forms, and sample job descriptions. The companion CD-ROM can be

requested from the reference desk. American Bar Association, 2014. 523 pages.

KF 318 L255 2014

14. Time and workplace management for lawyers

By Amy Jarmon

This book is aimed at both new and more experienced lawyers. It provide advice on how to be more productive. There is information on basic work and time management strategies, from the arrangement of your physical space to the creation of a master task list. This title also includes information for balancing your professional and home life, preventing burnout, lowering stress, and dealing with demands on your time. American Bar Association, 2013. 223 pages.

KF 315 J37 2013

Legal Research and Writing

15. Legal guide to botnet research

By Jody Westby

This guide describes the legal issues surrounding cybersecurity research on botnets (defined as “a network of infected computers typically used to commit cybercriminal activities”). While it focuses on U.S. law, some issues related to international law are also discussed. This title highlights how researchers have approached potential ethical issues. It provides a table of key legal authorities that commonly come into play, case studies, information on data gathered through interviews, and a description of other research that has been conducted. Also included is a botnet research legal template that may be used to guide cybersecurity researchers through consideration of any associated legal issues. American Bar Association, 2013. 137 pages.

KF 1617 C65 W46 2013

Medical Malpractice

16. Physician law: evolving trends & hot topics 2013

By Wes Cleveland

This book was developed from the American Bar Association Health Law Section’s 2013 Physicians Legal Issues Conference. It is aimed at physicians and provides helpful explanations of the legal challenges they may face. Chapters examine “entrepreneurial medicine,” which refers to federal fraud and abuse laws, issues surrounding contracts between physicians and hospitals, medical professional liability, social media and academic media centers, HIPAA, accountable care organizations, coordinating roles between medical staff attorneys and hospital attorneys, and physician well-being. American Bar Association, 2014. 241 pages.

KF 3821 P478 2014

Miscellaneous Legal Topics

17. The little book of fitness law

By Cecil Kuhne

This title is divided into four sections that examine fitness-related lawsuits. The first section focuses on health clubs or gyms. Cases discussed include a suit dealing with a club’s duty to inspect equipment (specifically, a treadmill) after a runner sued after her foot became stuck to an “unknown substance” on a treadmill and she fell. The next section discusses running and cases look at issues such as runners and golf balls, as well as running and indecent exposure. Part three is entitled “Sports World” and looks at an injury sustained while retrieving a tennis ball, product liability and bicycles, and whether backyard basketball constitutes harassment. The final section looks at intellectual property—sport drinks and trademark infringement as well as swimsuits and antitrust claims. American Bar Association, 2014. 135 pages.

KF 2042 P49 K84 2014

Oil and Gas

18. Beyond the fracking wars: a guide for lawyers, public officials, planners, and citizens

By Erica Powers

Hydraulic fracturing, commonly known as “fracking,” is a very controversial topic, especially in Texas. This title from the American Bar Association Section of State and Local Government aims to provide lawyers, public officials, and citizens with a baseline understanding of fracking technology, oil and gas law, and various perspectives on the issue so that they can conduct further research. Written in accessible language, this is an excellent starting point for anyone curious about fracking. American Bar Association, 2013. 349 pages.
KF 1849 A2 B49 2013

Privacy

19. Dragnet nation: a quest for privacy, security, and freedom in a world of relentless surveillance

By Julia Angwin

The author begins the book with numerous examples of data that was collected without the knowledge of the individuals involved. She uses subsequent chapters to trace the development of tracking by government and commercial entities. She then chronicles her attempts to “opt out” in order to take charge of her privacy. She documents many conversations with data collectors and services that exist to enhance online privacy. *Dragnet Nation* is an interesting read and it encourages the reader to think about the trade off between privacy and connectivity. Times Books, 2014. 289 pages.
KF 1262 A54 2014

Probate

20. Texas probate system

By James Brill

Now in its fourth edition, *Texas Probate System* has been expanded to two volumes and centers on the Texas Estates Code, which superseded the Texas Probate Code on January 1, 2014. This title provides a thorough step-by-step overview of probate law from an initial consultation with a client to the estate closing by providing the necessary forms, letters, instructions, worksheets, and checklists, as well as a list of significant dates. These documents contain current, up-to-date citations to the Texas Estates Code. Also new in this edition is procedures for testate and intestate independent administration by agreement. State Bar of Texas, 2014. 2 volumes.
KFT 765 S7 2014

Social Media

21. Social media law: a handbook of cases & use

By Ursula Furi-Perry

Social media is increasingly relevant to many areas of law. This book aims to provide lawyers with a working knowledge of the types of social media issues that may arise in their practice of law. It does so by looking at specific cases that have involved social media and providing a discussion of the issues in each case. Some of the topics covered include privacy, anonymity and accountability, First Amendment issues, social media in the courtroom, copyright and fair use, blogging, file sharing, and the Digital Millennium Copyright Act (DMCA). Among others, it touches on entertainment law, criminal law, employment law, and education law. American Bar Association, 2013. 815 pages.
KF 390.5 C6 F87 2013

22. The legal side of blogging for lawyers

By Ruth Carter

Many attorneys and law firms have a presence on the Web, including a law blog with posts related to one's areas of practice. This title serves as a good read for any lawyer with a blog or who is thinking of starting a blog. It takes a look at key ethical issues such as whether a blog constitutes advertising or solicitation, as well as how to respond to requests for advice. This title also covers topics one may not have considered, such as copyright issues related to your content, blogging about your cases, defamation, legal ramifications of your posts, and privacy issues. The author also includes tips on how to promote your blog. American Bar Association, 2014. 216 pages.

KF 320 I57 C37 2014

*Trial Practice***23. What judges want: a former judge's guide to success in court**

By James Stanton

As stated in the foreword by former Texas Supreme Court Justice Scott Brister, trial practice has changed greatly in the past 20 years with judges, rather than juries increasingly making both substantive and procedural decisions. The author of this title, a former Texas district judge, draws from his personal experience as both a lawyer and a judge to help other attorneys understand what judges want. The book is divided into two parts. The first discusses strategy and how one should "think, write, and argue." The second looks at specific trial tactics and offers advice for both the movant and the respondent. American Lawyer Media, 2014. 175 pages.

KF 8915 Z9 S717 2014

*Veterans***24. Ripped off!: a servicemember's guide to common scams, frauds, and bad deals**

By Michael Archer

The author of this title has over 20 years of legal experience with the Marine Corps. As he states in the foreword, he has seen members of the military routinely targeted in scams and various abusive commercial practices. He first looks at why troops might be targeted before going into detail on various abusive practices, such as payday and high-interest loans, life insurance sales, internet/telephone/mail scams, identity theft, student loans, and a handful of automobile-related scams or ripoffs. This is a great resource for anyone in the military or anyone who advocates for military members. American Bar Association, 2014. 297 pages.

KF 1609 A77 2014

*Wills, Trusts, and Estate Planning***25. The American Bar Association guide to wills & estates: everything you need to know about wills, estates, trusts, & taxes**

By American Bar Association

The fourth edition of this title is written to help individuals make informed decisions about planning their estates. This new edition includes estate tax law updates, as well as issues surrounding digital assets, such as social media accounts. It is divided up into eight parts that focus on getting started, transferring property without a will, what to include in a will, trusts and living trusts, considerations for parents, taxes, advance directives and living wills, and plans to make now to help your survivors after your death. Appendices include an estate-planning checklist, a sample basic will, and a sample advance directive. Random House Reference, 2012. 402 pages.

KF 750 Z9 A47 2012

ORDER FORM

April/May 2014

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Remote Access at the Texas State Law Library

The Texas State Law Library is pleased to announce that we now offer remote access to many of our databases! Please visit: <http://guides.sll.texas.gov/electronic-databases> for more information. All Texas residents can access these databases by registering for a Texas State Law Library card. Texas residents can register for a Texas State Law Library card in person at the library or online by visiting: <http://www.sll.texas.gov/about-us/get-a-library-card/>

This card will allow you to access the databases for three months. After three months, the card can be renewed for an additional three months. To check out print materials or access our full set of library databases, you must come to the library in person and present a valid form of Texas identification.

The following databases are available for remote access:

- **Aspen Treatise Libraries:** treatises on a variety of topics such as bankruptcy, construction law, elder law, employment law, trial practice, family law, estate planning, and more
- **National Consumer Law Center:** information for NCLC titles including *Collection Actions*, *Fair Debt Collection*, *Foreclosures*, *Repossessions*, *Student Loan Law*, and more
- **Legal Information Reference Center:** hundreds of “plain English” books from Nolo and thousands of legal forms on topics such as family law, immigration, and debt collection
- **Legal Source:** over 1,200 scholarly law journal articles on topics such as criminal justice, international law, federal law, environmental law, and ethics
- **Loislaw:** case law, statutes, administrative rules and regulations, and court rules for all state and federal jurisdictions also Texas AG Opinions and Texas Business and Nonprofit Entity Forms
- **Stevenson’s Legal Forms and Practice Guide:** Texas legal forms in more than 23 practice areas including adoption and termination, civil litigation, probate, personal injury, and more
- **TexShare Databases** from the Texas State Library and Archives Commission

The library is also pleased to announce three new databases for **in library use only**:

- **AILALink** from the American Immigration Lawyers Association
- **Bloomberg BNA** includes U.S. Law Week and Tax Management Portfolios
- **LexisNexis** including Matthew Bender Publications such as the *Texas Litigation Guide*

We also continue to offer access to the following databases for **in library use only**:

- **Gale Virtual Reference Library**
- **HeinOnline**
- **Shepards**
- **Westlaw**