

# 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 circulating items listed in *Duly Noted* are temporarily housed on the library's new book shelves. 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.

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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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## *Administrative Law*

### **1. Federal administrative procedure sourcebook**

By William F. Funk

Federal Administrative Procedure Sourcebook provides access to and explanations of the key procedural laws and presidential directives that apply across-the-board to federal agencies. In addition to the primary sources, this volume includes pertinent legislative history, bibliographies of related sources, and the editors' commentary on each of the source documents. It also includes the Attorney General's Manual on the APA. The fourth edition includes new coverage on the E-Government Act of 2002, the Information Quality Act, important amendments to Executive Order 12,866 and the major December 2007 amendment to the Freedom of Information Act. American Bar Association, 2008. 1172 pages.

KF 5406 A3 2008

## *Capital Punishment*

### **2. Decline of the death penalty and the discovery of innocence**

By Frank Baumgartner

This work is a compelling look at the death penalty, its (often flawed) implementation in the United States, and the shift in political and public support away from the policy. Chapter 3, documenting the innocence phenomenon, is fascinating and often heartbreaking as it lists the developments in death penalty investigations, convictions, executions, and exonerations. Personal touches are added by anecdotes and photographs of those wrongfully placed on death row. Cambridge University Press, 2008. 292 pages.

KF 9227 C2 B38 2008

## *Constitutional Law*

### **3. The bill of rights in modern America**

By David J. Bodenhamer

This book examines the contentious national debate about the nature and extent of our individual rights. Twelve distinguished scholars discuss topics such as church and state, right to bear arms, property rights, rights of the accused, equal protection, right to privacy, and affirmative action. Informed by a historical perspective, this book focuses on contemporary issues and has been revised and expanded to address the impact of the Rehnquist years. Indiana University Press, 2008. 322 pages.

KF 4550 A2 B49 2008

### **4. Landmark decisions of the United States Supreme Court**

By Paul Finkelman and Melvin I. Urofsky

Finkelman and Urofsky's volume contains information on the importance and historical context of almost 1200 Supreme Court Decisions. The authors summarize the cases, provide references to other related cases, and suggest additional reading material for further understanding. In addition to the treatment of the cases themselves, the authors provide extensive historical material such as a table of membership changes in the court, a table of confirmed Supreme Court nominations by President, and pictures of the justices. Indexes by case name and by subject make this an extremely interesting and useful volume on the history of the United States Supreme Court. CQ Press, 2008. 791 pages.

REF KF 4550 F54 2008

## *Elder Law*

### **5. Texas elder law**

By Molly Dear Abshire

Texas Elder Law is the newest addition to Thomson West's Texas Practice Series. The authors are practicing Texas lawyers specializing in elder law. Medicare and Medicaid legislation is the cornerstone of the elder law practice. The authors cover these topics in depth, including the specifics of the Texas Medicaid system and its estate recovery provisions. Other areas included in this publication are advance directives, estate planning, guarding the client against physical and financial abuse, housing concerns and long term care issues. The volume will be updated and re-issued annually. Thomson/West, 2008. 480 pages. KFT 209 T4 V.51 2008-09

## *Evidence*

### **6. Electronic evidence: law and practice**

By Paul Rice

Electronic Evidence: Law and Practice explores the range of problems encountered with electronic communications from discovery to trial, and offers practical solutions to both existing and potential problems. It examines the new discovery rules and how they relate to past practices, and fundamental evidentiary issues governing the admissibility of electronic evidence. Particular emphasis is given to the unique problems evolving around the way in which parties are asserting the attorney-client privilege and judges are applying it to e-mail communications. American Bar Association, 2008. 500 pages. KF 8947 R53 2008

### **7. Improving the practice and use of forensic science: a policy review**

By Justice Project

This title suggests ways to improve the use of forensic science in criminal investigations by con-

sidering solutions to current problems, describing the legal landscape surrounding the use of forensic science and citing several examples where misleading forensic evidence lead to wrongful convictions. The policy review also includes model policy for forensics laboratories and a list of suggested readings. Justice Project, 2008. 27 pages. Online at: <http://www.thejusticeproject.org/wp-content/uploads/forensics-fin.pdf>  
KF 8964 J87 2008

## *Family Law*

### **8. Family law client's essential handbook**

By Family Law Section

This handbook was designed to give family law clients a broad and general understanding of family law issues, with an emphasis on divorce. It includes answers to frequently asked questions, options when considering divorce, information on the divorce process and links to online resources. State Bar of Texas, 2006. 36 pages. KFT 505 F15 2006

## *Health and Health Care Law*

### **9. Legal medicine**

By Shafeek S. Sanbar

This text explores and illustrates the legal implications of medical practice and the special legal issues arising from managed care. Edited by the American College of Legal Medicine Textbook Committee, it features comprehensive discussions on a myriad of legal issues that health care professionals face every day. Topics include medical licensure, business aspects, medicolegal and ethical concerns, medical liability, care of special patients, forensic science, public health, and international issues. Mosby/Elsevier, 2007. 748 pages. KF 3821 L44 2007

## *Immigration*

### **10. Law of immigration**

By Margaret C. Jasper

This title provides a history of immigration in the United States, including recent changes to immigration legislation and the restructuring of immigration-related agencies. It also explores the rights and obligations of aliens, the process of becoming a citizen through naturalization and “the role and responsibility of the U.S. Customs and Border Protection in protecting the U.S. borders from illegal immigration, drug smuggling and terrorist infiltration.” Oceana, 2008. 386 pages.

KF 4819.3 J37 2008

## *Intellectual Property*

### **11. Intellectual property: patents, trademarks, copyrights and trade secrets**

By Catherine J. Holland

This self help guide, aimed at business owners, provides thorough instruction on how to legally protect intellectual property. Holland guides the reader through identifying intellectual property, taking the proper legal steps to protect it, taking precautions to avoid infringing on others’ intellectual property, and litigating infringements. Sample forms, documents, and an extensive glossary make this a very usable work, despite the complicated nature of the subject matter.

Entrepreneur Press, 2007. 402 pages.

KF 2980 I53 2007

## *Internet Law*

### **12. Virtual law: navigating the legal landscape of virtual worlds**

By Benjamin Duranske

*Virtual Law* examines cases and legislation that impact providers and users of virtual worlds.

This book looks at how different aspects of the law, such as intellectual property law, criminal

law, property law, and contract law affect virtual worlds. The author also discusses how to create your own presence inside virtual worlds.

461 pages.

KF 390.5 C6 D87 2008

## *Labor and Employment Law*

### **13. Preventing and managing workplace violence: legal and strategic guidelines**

By Mark Lies

A guide for addressing workplace violence concerns on behalf of employers and clients, this book provides information on forms workplace violence can take, the psychological factors that may cause workplace violence, and legal issues such as employer liability. The authors examine tools available to avert or reduce the likelihood of workplace violence and discuss proactive planning ideas such as conducting background checks on employees and implementing an employee assistance program. American Bar Association, 2008. 381 pages.

KF 3319 L57 2008

## *Legal Research and Writing*

### **14. Preparing legal documents nonlawyers can read and understand**

By Wayne Schiess

Communication of legal rights and responsibilities is the fundamental goal of legal writing. However, too often consumers and clients are presented with legal documents they cannot understand. Schiess provides instruction in how to write for a nonlegal audience, assuring writers that complex legal information can be conveyed without sacrificing accuracy. He offers tips on choice of language and format as well as examples of poor writing and common errors.

American Bar Association, 2008. 127 pages.

KF 250 S34 2008

**15. Lay words for lawyers**

By William Drennan

Aimed at the lawyer looking to spice up his courtroom dialogue, William Drennan's *Lay Words for Lawyers* provides a listing of key phrases intended to resonate with listeners. Most phrases included are cultural, including references to pop songs and historical figures. Divided into categories (four generational, four categorical), Drennan identifies the ideal age range for the reference and provides a brief explanation, the situation in which it is best used, and a sample bit of dialogue in which the reference is being used. Use this work with caution, as the pop-culture references especially can be a little obscure. American Bar Association, 2008. 109 pages. KF 156 D74 2008

**16. Researching Texas law**

By Brandon D. Quarles

This book discusses the process for researching Texas laws and notes the resources necessary for research. It focuses on statutory and administrative research as well as court rules, jury instructions, attorney general opinions, and legal citation. The book also includes a listing of law libraries, legal publishers, and state and national legal associations. Hein, 2008. 339 pages. REF DESK KFT 240 Q37 2008

***Legislative Intent*****17. Statutes in court: the history and theory of statutory interpretation**

By William D. Popkin

Judicial interpretation of statutes and legislative intent is and has always been a contentious issue in this country. Popkin begins by providing the historical perspective that gives rise to current thinking on statutory interpretation. He then explains "ordinary judging", his theory that asks the judge to use modest judicial discretion to assist

the legislature in implementing good government. Popkin demonstrates how judges who strive to be conscientious in interpreting the law are often hampered by the lack of both a framework in which to fit their approach and a well-understood common vocabulary to explain what they do. *Statutes in Court* is intended to fill that gap. Duke University Press, 1999. 340 pages. KF 425 P67 1999

**18. Statutory default rules: how to interpret unclear legislation**

By Einer Elhauge

Judges must often interpret unclear wording in the cases presented to them; however, there is no consensus on how to determine the meaning of statute. In the case of an unclear contract clause, there are "default rules" that can be applied. The author explores the possibility that such default rules could be developed and used for statutory interpretation as well. Harvard University Press, 2008. 386 pages. KF 425 E44 2008

***Native American Law*****19. Rights of Indians and tribes: the authoritative ACLU guide to Indian and tribal rights**

By Stephen L. Pevar

This book is part of the ACLU handbook series, which is designed to inform individuals of a particular legal subject area. It includes information on the history of federal Indian policy, Indian treaties, federal and state power over Indian affairs, tribal self-government, civil rights of Indians and Indian gaming. It also provides a map of the various Indian reservations and communities throughout the United States. New York University Press, 2004. 421 pages. KF 8205 P4 2004

*Patients Rights***20. Consent to treatment: a practical guide**

By Fay Rozovsky

This book contains an analysis of case law, legislation and regulatory law as it relates to consent to treatment. It includes chapters on the rules for consent, exceptions to the rules, reproductive matters, the right to refuse treatment, documentation of consent, and information for special populations such as prisoners, minors, and the elderly. Aspen, 2007. Loose-leaf.  
KF 3827 I5 R68 2007

*Privacy***21. Federal dataveillance: implications for constitutional privacy protections**

By Martin Kuhn

Modern computers can receive, store and manipulate a massive amount of data on consumers which can be used to target individuals who may be interested in consumer products or services. The law enforcement community is also interested in this same data. Sophisticated programming, known as “knowledge discovery in databases” (KDD) is employed to sift through these “digital dossiers” and look for patterns of behavior that fit the profile of an individual planning terrorist activity. The author posits that rights to personal information privacy are in conflict with the intelligence community’s belief that this data mining is the best tool available protect the public by identifying possible terrorists. Kuhn discusses the current “conceptualizations” of privacy and proposes a synthesis that will protect individual privacy interests in personal information. LFB Scholarly Publishing, 2007. 223 pages.  
KF 1263 C65 K84 2007

**22. Guarding life’s dark secrets: legal and social controls over reputation, propriety, and privacy**

By Lawrence Meir Friedman

This title examines the connections between the law, reputation, and propriety in the United States and how these concepts have changed since 19th century. The book notes what defines good behavior and good reputation and then discusses how the law acts to protect people and their reputations. Topics include libel, privacy, and blackmail. Stanford University Press, 2007. 348 pages.  
KF 1262 F75 2007

*Veterans***23. When duty calls: military leave and veterans’ rights**

By Cynthia L. Hackerott

Especially relevant at this point in our country’s history, *When Duty Calls* provides an in-depth overview and analysis of the issues facing servicemen and women when they take military leave. The Uniformed Services Employment and Reemployment Rights Act of 1994 is explained and organized into topics such as reemployment rights, benefits, and protection from retaliation and discrimination. Hackerott includes throughout the text helpful examples and references to online resources. This book also contains a listing of state laws regarding members of the military. Statute citations are followed by summaries of the state laws. CCH Inc., 2003. 231 pages.  
KF 7270 H33 2003

## *Workers' Compensation*

### **24. Workers' compensation law**

By Margaret C. Jasper

Provides a general discussion of a workers' compensation system. This includes an overview of the Federal Workers' Compensation Program, the Longshore and Harbor Workers' Compensation Program, the Black Lung Benefits Program and the Energy Employees' Occupational Illness Compensation Program. There is also an appendix which provides sample forms, statutes and other important information and data. Oceana, 2008. 269 pages.

KF 3615 Z9 J37 2008

### **25. Workers' compensation subrogation: in all 50 states**

By Gary Wickert

A thorough primer on workers' compensation subrogation, this book contains a detailed synopsis of the relevant laws in each of the 50 states, complete with tables and footnotes. Topics which receive detailed treatment include statutory subrogation rights, third parties, allocation of third party recovery, attorneys fees and costs, workers' compensation authority within that state, and statutes of limitations. Juris Pub, 2007. 1270 pages.

KF 3623 S8 W53 2007

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October/November 2008

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