

Duly Noted



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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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Alternative Dispute Resolution

1. Challenging conflict: mediation through understanding

By Gary Friedman

“Challenging conflict” presents a unique and sensitive approach to conflict mediation. The authors urge mediators to strive for understanding of the best interests of both parties so that as a group they can work towards the optimal solution. The book provides techniques and methods for moving past traditional stumbling blocks in conflict situations with the goal of promoting more harmonious and advantageous negotiations. American Bar Association, 2008. 305 pages. KF 9084 H56 2008

also examines the statistical application of the death penalty according to characteristics such as age, gender and race. Oceana, 2008. 174 pages. KF 9227 C2 J37 2008

Constitutional Law

4. Supreme Court

By Lawrence Baum

In this book the author describes how the Supreme Court has evolved over the years. He covers the appointments of two new justices and the possible effects of the shift from the Rehnquist Court to the Roberts Court. The book looks at the implications from recent major decisions and attempts to explain the actions and behavior of the justices. CQ Press, 2007. 255 pages.

KF 8742 B3 2007

5. Constitutional law: principles and policies

By Erwin Chemerinsky

This student treatise offers thorough treatment of all areas of constitutional law covered in both beginning and advanced courses, presenting both the doctrines and the underlying policy issues of the law. Now in its third edition, this text pays special attention to recent developments regarding presidential power in the war on terrorism, decisions concerning state sovereign immunity, rulings concerning the takings clause, decisions concerning affirmative action by colleges and universities, developments concerning the Establishment Clause, as well as the most recent and significant court cases. Aspen, 2006. 1328 pages. KF 4549 C44 2006

Appellate Practice

2. Appellate courts: structure, functions, processes and personnel

By Daniel John Meador

This is a casebook designed for use as a teaching tool. A study of the appellate courts and the appellate process, it presents an overview of the appellate courts and their work, jurisdiction and procedure. This book also explores the impact of the rise in the volume of appeals on the courts and their response to this increase. Additionally, it presents information about the appellate judges, “including who they are and how they come to the bench.” LexisNexis, 2006. 1 volume. KF 8750 M43 2006

Capital Punishment

3. Law of capital punishment

By Margaret C. Jasper

This book offers a history and overview of capital punishment in the United States, including its abolition in 1972, and subsequent reappearance in 1976. It discusses which crimes mandate capital punishment, both at a state and federal level and

Criminal Justice

6. Eligible for justice: guidelines for appointing defense counsel

By Brennan Center for Justice

Although the Supreme Court has stated that there is a constitutional right to appointed counsel for indigent individuals accused of a crime, there is no consensus on the application of this right. In many places, the accused must force himself and his family into destitution to qualify for counsel. In other areas access to free counsel is perhaps too easily obtained. In this paper, the Brennan Center for Justice provides an “easy-to-follow blueprint for creating a screening process that; 1) complies with the Sixth Amendment to the U.S Constitution, as interpreted by Gideon and its progeny; 2) can be adapted to different jurisdictions with their particular needs and resources; and 3) conserves taxpayer dollars.” Brennan Center for Justice, 2008. 39 pages.
KF 9646 E45 2008

Discovery

7. e-Discovery: current trends and cases

By Ralph C. Losey

With the majority of corporate communication and documentation moving towards electronic transmission and storage, a litigator must be prepared to undertake electronic discovery efforts. Ralph C. Losey, author of a popular blog on e-Discovery, discusses current e-discovery processes, rules, cases, and tactics for successful discovery. American Bar Association, 2008. 315 pages.
KF 8902 E42 2008

Evidence

8. Foundations of digital evidence

By George Paul

This book provides a primer on the shift from physical evidence to items that only exist electronically. The author examines how courts have had to adjust the legal record to reflect an understanding of the digital realm, including concerns of authenticity, data storage and access. The author includes explanations of technologies such as encryption, time stamps and authenticity processes. American Bar Association, 2008. 450 pages.
KF 9650 P385 2008

9. Litigator's guide to DNA: from the laboratory to the courtroom

By Ron C. Michaelis

An extensive scientific guide to DNA typing and analysis aimed at the legal professional, “A litigator's guide to DNA” carefully examines DNA evidence in both scientific and legal terms. The majority of the book is aimed at understanding the methodology and analysis of DNA evidence, but ample text is devoted to creating sound legal arguments based on it. Elsevier Academic Press, 2008. 429 pages.
KF 9666.5 M53 2008

Family Law

10. Representing the child client

By Mark I. Soler

This is a practice manual for the attorney who represents children and youth. It covers such topics as institutional liability, legal rights of children in institutions, legal status of minors, representing children in dependency and juvenile justice proceedings, children as witnesses, school discipline, representing children in school related matters, health care for low income children and practical considerations in representing children.

It includes sample forms, interview checklists, a table of cases and a table of statutes. LexisNexis Matthew Bender, 1987, updated 2008. 2 vol. KF 9779 R46 1987

Internet Law

11. **Law of the Internet**

By George B. Delta

Law of the Internet covers the legal disciplines influenced by the Internet, with special focus on electronic commerce, online contracts, privacy and network security, intellectual property, and online content management. Topics include: secure electronic transactions, cryptography, digital signatures, protecting intellectual property online through link licenses, frame control, electronic commerce and contracting, online financial services and securities transactions, antitrust, internal network security, taxation, jurisdiction, libel and slander, and obscenity. Aspen, 2009.

2 vols. Loose-leaf.

KF 390.5 C6 D45 2009

Judges and Judicial Conduct

12. **Convincing the judges: practical advice for litigators**

By Cecil Kuhne

This book distills the advice of judges to practitioners appearing in their courtrooms by looking at what judges like and do not like. The author provides practical advice on case management, all phases of a trial, and the appeals process. He also explains the judicial role and suggests tips for dealing with a difficult judge. American Bar Association, 2008. 197 pages.

KF 380 K84 2008

Judicial Opinions

13. **Right to cite: why fair and accountable courts should abandon no-citation rules**

By Jessie Allen

In many courts, no-citation rules bar discussion of most of the judges' recent routine decisions. Allen argues that such bans may have been legitimate at one point, but that the current environment of searchable databases renders no-citation rules outdated and possibly unconstitutional. This publication offers a critical analysis of no-citation rules currently in effect in several federal circuits and in many state courts. It also provides both constitutional and policy arguments for why the U.S. Judicial Conference should adopt proposed Federal Rule of Appellate Procedure 32.1, mandating open citation. Brennan Center for Justice, 2005. 27 pages. Online at: http://brennan.3cdn.net/656114433a58ac72a5_xbm6ivzii.pdf

KF 250 A45 2005

Judicial Selection

14. **Professionals or politicians: the uncertain empirical case for an elected rather than appointed judiciary**

By Stephen Jung Choi

This working paper is a scientific study of the widely held belief that appointed judges are "better" than elected judges. The authors examine a dataset of state high court opinions measuring judicial effort, skill and independence. Contrary to their assumption, the study finds no significant evidence that appointed judges are more hard-working, skilled or independent than their elected brethren. The authors conclude that their findings warrant further research into the assumptions regarding judicial selection. University of Chicago Law School, 2007. 98 pages. Online at: <https://www.law.uchicago.edu/files/357.pdf>

KF 8776 C56 2007

Juries and Jury Instructions

15. Jury instructions on products liability

By Ronald W. Eades

This updated volume explains the products liability issues likely to arise in a trial in everyday language for the layperson. Each instruction has been actually used successfully in court and cites supporting case law, including relevant law review articles and annotations to American Law Reports. Some concepts discussed include duty to warn, strict products liability, unavoidably unsafe products, warranty liability and misrepresentation, design defect liability, risk-utility doctrines, and assumption of risk. LexisNexis, 2006.

Loose-leaf.

KF 8984 E162 2006

Juvenile Law

16. Joint report on indigent defense in the Texas juvenile justice system

By Task Force on Indigent Defense

This report explains the Fair Defense Act, which establishes that every juvenile board in Texas must provide a plan for the appointment of defense counsel for indigent juveniles. Information is provided for juveniles, their families, attorneys, counties and juvenile boards. Some of the questions addressed are: Who has the right to an attorney, how does the court decide who cannot afford an attorney, who can serve as appointed counsel, and what should be included in a county's indigent defense plan. The report also lists other relevant juvenile board statutes. Texas Task Force on Indigent Defense, 2007. 14 pages.

KFT 9779 I54

Lawyers and Professional Conduct

17. The attorney-client privilege in civil litigation

By Vincent S. Walkowiak

This new edition is written for practitioners wishing to find information regarding confidential communication. It explores topics such as the work product for discovery and corporate communications as well as the application of attorney-client privilege during internal investigations. It also discusses the loss of attorney-client privilege through inadvertent disclosure of privileged documents. American Bar Association.

Tort, Trial & Insurance Practice Section, 2008.

729 pages.

KF 8959 A7 A93 2008

Legal Ethics

18. Texas lawyers' professional ethics: a project of the Texas Young Lawyers Association

By Texas Young Lawyers Association

Now in its 4th edition, this volume covers legal ethics and standards applicable to the practice of law in Texas. It provides the text of various professional rules including the Texas Disciplinary Rules of Professional Conduct and Rules of Disciplinary Procedure. In addition to the text of the rules, William J. Chriss and John F. Sutton, Jr. have written a chapter explaining the development of the rules and commentary on their application. The authors have also included indexed and summarized opinions of the Texas State Bar Committee on Professional Ethics. State Bar of Texas, 2007. 1 vol.

KFT 308 S8 2007

19. Ethical standards in the public sector

By Patricia E. Salkin

Governmental officials are held to high ethical standards. Egregious betrayals of the public trust make great headlines and raise suspicions about the ethical standards of all governmental

entities and officials. Government lawyers have the responsibility to uphold the ethical standards of the legal profession. Additionally, they must be aware of and follow the laws and regulations governing them as public sector employees. This volume consists of articles written by experts in the complexities of public sector ethics. American Bar Association, 2008. 380 pages.
KF 299 G6 E87 2008

20. Doing justice: a prosecutor's guide to ethics and civil liability

By Amie Clifford

This book is "an authoritative resource for practical, thorough and accurate information on a prosecutor's ethical and civil liability obligations." Some of the topics covered are conflicts of interest, ethics in cross-examination, responding to charges of prosecutorial misconduct, prosecutorial liability and immunity pitfalls, prosecutors' ethics strategies and perception and reality in ethics. National College of District Attorneys, 2007. 302 pages.
KF 306 D65 2007

Legal Research and Writing

21. Thinking like a writer: a lawyer's guide to writing and editing

By Stephen V. Armstrong

Stephen V. Armstrong and Timothy P. Terrell's guide to effective writing and editing is an informative and practical handbook for all legal professionals from lawyers to law students. "Thinking like a writer" offers valuable pointers to improve clarity, precision, organization, and impact in legal writing. The authors present numerous examples of writing before and after revision using their principles to illustrate the effectiveness of their techniques. Practicing Law Institute, 2003. 415 pages.
KF 250 A76 2003

Legislative Intent

22. Statutory interpretation: the search for legislative intent

By Ronald Benton Brown

This handbook was written to provide judges, lawyers and law students with the tools to understand methods for statutory interpretation, by providing different approaches to the interpretation of legislative intent. It discusses plain meaning, purpose, strict versus liberal construction, remedial statutes and dynamic interpretation, to name a few. There are also a chapters on linguistic canons, canons based on the normal legislative process, canons based on the substance of the law and using what happened before, during and after enactment in the interpretation process. Additionally, the handbook provides a list of research sources for statutory interpretation. National Institute for Trial Advocacy, 2002. 178 pages.
KF 425 B76 2002

23. Using legislative history in American statutory interpretation

By Christian E. Mammen

This book examines the U.S. Supreme Court's actual use of legislative history in statutory interpretation, distills the theoretical issues presented by the Court's practices, then analyzes those issues in light of the arguments of several leading theorists.

Rather than basing an argument for using legislative history on legislative intention, Mammen argues that legislative history conveys a certain degree of expertise and provides certain contextual information about the subject matter of the statute. This approach--justifying the Court's discretionary use of legislative history without reference to legislative intention--accounts for and undermines most of the major objections to using legislative history, such as objections based

on the theoretical problems surrounding legislative intentions, objections based on the perceived unconstitutionality of relying on legislative history, and objections based on its frequent inutility. AT Kluwer Law International, 2002. 199 pages. KF 425 M36 2002

contain helpful information such as a full list of VA forms, details on Veterans Affairs Medical Centers, and contact information for different organizations, agencies and centers that exist to support veterans. Kensington, 2008. 480 pages. KF 7701 G39 2008

Science & the Law

24. **Science for lawyers**

By Eric Drogin

According to the preface, “This is the book to consult when the realization dawns that it is now time to represent a scientist, consult a scientist, or for some other reason absorb a basic working knowledge of a particular applied scientific discipline.” The text covers 13 scientific disciplines. The reader can obtain an overview of the field, what a researcher or practitioner in that area of study might do and what standards or ethical codes govern professionals working in the field. By reading the coverage on a topic, a lawyer can become conversant with the major personalities and important studies in a discipline. Additionally, the ways science could come into play in a legal situation are presented. Each topic concludes with references for additional information. American Bar Association, 2008. 347 pages. KF 8961 D76 2008

Veterans

25. **For service to your country: the insider’s guide to veterans’ benefits**

By Peter S. Gaytan

Peter Gaytan and Marian Edelman Borden’s book on veteran benefits outlines benefits available to veterans and important information about the procedures to acquire them. Chapters are divided into short sections with bolded subject headings, with insets of important information. The majority of the book consists of the appendices, which

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