

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 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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Antitrust Law

1. **State antitrust enforcement handbook**

By the ABA Section of Antitrust Law

This book focuses on how state attorneys general exercise their rights to investigate antitrust concerns and to secure remedies for antitrust violations. Chapters address specific aspects of how state attorneys general act, such as multi-state investigations and litigation, state merger enforcement, state criminal enforcement, health care markets, confidentiality issues, and state settlements. American Bar Association, 2008. 388 pages.
KF 1649 S72 2008

Capital Punishment

2. **Task force report**

By the Task Force on Habeas Counsel
Training & Qualifications

The result of a task force appointed by State Bar President Martha Dickie, this report outlines recurring problems with capital habeas practice. In addition to discussing the problems in great detail and presenting recommendations to remedy them, the report acknowledges commendable actions of the Court of Criminal Appeals in habeas cases. This would be informative reading for anyone involved with criminal defense or capital habeas cases. State Bar of Texas, 2007. 14 pages.
Online at: <http://www.lrl.state.tx.us/scanned/archive/2007/3273.pdf>
KFT 9690 T38 2007

Civil Rights

3. **Federal civil rights acts**

By Rodney A. Smolla

The third edition of Rodney A. Smolla's "Federal civil rights acts" is an in depth examination of laws and court decisions that have shaped the civil rights climate in America today. Covering

everything from voting rights to equal pay to age discrimination, this volume is an excellent resource for those researching civil rights. Appendices contain the text of important civil rights legislation. Thomson/West, 1994, updated 2008. 2 vols., Loose-leaf.
KF 4750 A5 1994

Construction Law

4. **Design professional and construction manager law**

By Stephen A. Hess

Covering a wide variety of topics concerning design work and construction management, this publication focuses on three basic concepts: state regulation of professionals, contractual responsibilities of these professionals, and potential liability in tort. The text follows the evolution of the fields and offers insight into both the similarities and differences between the fields that have developed. American Bar Association, 2007. 644 pages.
KF 2925.3 D47 2007

Consumer Protection

5. **Online consumers at risk and the role of State Attorneys General**

By Reece Rushing

This report looks at the types of consumer complaints for each state related to Internet crime and discusses the role of the state attorneys general in addressing these complaints. It offers some case examples where attorneys general combated online fraud and abuse. The authors offer several suggestions for attorneys general to protect online consumers. Center for American Progress, 2008. 37 pages. Online at: http://www.cdt.org/privacy/20080812_ag_consumer_risk.pdf
KF 1610 R87 2008

Corporations

6. **Handbook on corporate governance: all the issues in one place**

By Charles Henry Still

This handbook presents a detailed discussion of some important cases and key authorities on corporate governance. Some major topics covered in this handbook include standards of review for director conduct, board committees, compliance issues, indemnification of directors, and shareholder proposals. Fulbright & Jaworski L.L.P., 2008. 1 vol.

KF 1422 S84 2008

Courts

7. **Which states have the best (and worst) high courts?**

By Stephen J. Choi, Mitu Gulati, and Eric A. Posner

This paper ranks the high courts of the fifty states, based on their performance during the years 1998-2000, along three dimensions: opinion quality (or influence as measured by out-of-state citations), independence (or non-partisanship), and productivity (opinions written). The authors compared their approach and results with those of other scholars and the U.S. Chamber of Commerce, whose influential rankings are based on surveys of lawyers at large corporations. Law School, University of Chicago, 2008. 50 pages.

Online at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1130358

KF 8736 C56 2008

Criminal Justice

8. **Actual innocence: when justice goes wrong and how to make it right**

By Jim Dwyer

Actual Innocence tells the real life stories of innocent men that were incarcerated in the United

States. The authors look at the flaws in the criminal justice system that put the wrong people behind bars. They also discuss the positive impact DNA evidence has made to release these men from prison. New American Library, 2003. 407 pages.

KF 9756 S34 2003

Education Law

9. **Law of higher education: a comprehensive guide to legal implications of administrative decision making**

By William Kaplin

Kaplin's two-volume set aims to aid university attorneys, administrators, faculties and staff in evaluating the legal implications of seemingly common university issues. "Law of higher education" addresses such varied topics as personnel and trustees, faculty, the student-institution relationship, rights of students, and the institution-government relationship. This work is particularly informative given the large university presence in Austin. Jossey-Bass, 2006. 2 vols.

KF 4225 K36 2006

Election Law

10. **Election controversies: the basics of election-related litigation.**

By the Election Law Program, a joint venture of the College of William and Mary School of Law and the National Center for State Courts
This two-DVD set is described as a "guide for judges, lawyers, journalists and others interested in our election process." Legal challenges to election results are increasingly common. Most of the litigation is being brought in state courts in front of judges who may not be experienced in this area of law. This presentation is designed to "provide practical assistance to those judges who are called upon to resolve these disputes."

Additional information and an online Election Law Manual created by these collaborators is available on the website <http://law.wm.edu/academics/intellectuallife/researchcenters/election-law/index.php> National Center for State Courts, 2008. 2 DVD set.
VIDEO KF 4886 E45 2008

11. Election law primer for corporations

By Jan Baran

This book is an introduction to election law and a summary of its basic principles. It covers federal campaign finance law, the regulation of lobbying activities, ethics rules and tax laws. Some of the chapters included are political action committees, use of corporate facilities for political purposes, tax considerations, and the federal election commission and enforcement. Included in its appendices are FEC forms, sample PAC articles of organization, and lobbying forms. American Bar Association, 2008. 431 pages.
KF 4886 B37 2008

Family Law

12. Implementing performance measures for children: a training aid

By the National Center for State Courts, the ABA Center on Children and the Law and the National Council of Juvenile and Family Court Judges

The entities involved in making this DVD are working to improve the court's responses to the needs of children and their families who have come into the court system due to abuse or neglect. There is growing interest in this area as evidenced by the creation of the Permanent Judicial Commission for Children, Youth and Families by the Texas Supreme Court. Both continued research into best practices for family courts and the implementation of performance measures to ensure the goals are being met are needed

to strengthen the court's goals of achieving the safety, permanency and well-being of children in the court system. National Consumer Law Center, 2007. 1 DVD.
VIDEO KF 9323 I47 2007

Health and Health Care Law

13. Patient care decision-making: a legal guide for providers

By Claire C. Obade

This book combines general discussion, case law, and practical guidance to help health care clients achieve a balance between their responsibilities to the patient and the patient's individual rights. The author addresses issues such as consensual treatment, the right to refuse treatment, forced treatment of the mentally ill, organ donation, and privacy and confidentiality. Thomson/West, 1991, updated 2007. 1 vol.
KF 3825 O2 1991

Identity Theft

14. Who's on first: challenges facing prosecutors and financial institutions in responding to identity theft

By Lisa M. Budzilowicz

As the topic of identity theft becomes more pressing for consumers, it necessarily becomes more pressing for prosecutors. Budzilowicz's examination of the challenges prosecutors and district attorneys are encountering in identity theft cases offers an alternative perspective to the frustration that consumers feel with their personal identity theft problems. The report is concluded with a list of laws, agencies, task forces, and contact information for entities that can support financial institutions and prosecutors in cooperation to solve identity theft issues. National District Attorneys Association, 2007. 59 pages.

Online at: http://www.ndaa.org/pdf/pub_whos_on_first_07.pdf

KF 9365 B83 2007

Insurance

15. **Texas insurance law guide: basic solutions to contemporary liability insurance**

By Randall L. Smith

This book was primarily written to investigate the ramifications of the Supreme Court of Texas decision in *State Farm Fire & Casualty v. Gandy* in which the court invalidated certain types of settlements between insureds and tort plaintiffs as violations of public policy. In order to fairly treat the subject of sweetheart deals, the authors explore both Texas law and cases from other jurisdictions. American Lawyer Media, 2008. 467 pages.

KFT 1164 S65 2008

16. **Handbook on insurance coverage disputes**

By Barry R. Ostrager

Now in its fourteenth edition, this set includes revised and updated coverage of such issues as allocation of defense costs among insurers, the insurer's duty to defend, the trigger and scope of occurrence-based coverage, hazardous waste/environmental cleanup litigation, excess insurance, notice requirements, bad faith and wrongful refusals to settle, and reinsurance. There is coverage of over 250 important recent decisions that have clarified or changed insurance law in many jurisdictions. Aspen, 2008. 2 vols.

KF 1164 O77 2008

Judges and Judicial Conduct

17. **The Nine: inside the secret world of the Supreme Court**

By Jeffrey Toobin

Based on exclusive interviews with the justices, Jeffrey Toobin brings his award winning journal-

istic skills to an intriguing topic-- the inner workings of United States Supreme Court. He focuses on the Justices who served together from 1994 through 2005, providing an interesting narrative on how politics shaped the nomination process and the court. He reveals the personalities on the bench and how these individuals worked together on the court. Toobin closes the book with a discussion on the "transition" of the court with the death of Justice Rehnquist and the retirement of Justice O'Connor. 2007. 369 pages.

KF 8748 T66 2007

Judicial Selection

18. **New politics of judicial elections in the Great Lakes states, 2000-2008**

By the Justice at Stake Campaign

The Justice at Stake website states "Judges must be free to decide cases fairly and impartially, relying only on the facts and the law. This means that judges are protected from political pressure, legislative pressure, special interest pressure, media pressure, public pressure, financial pressure, or even personal pressure." There is an increasing awareness that courts wield significant power in American life. Various factions want to elect judges they feel can be counted on to decide cases to further their agenda; however, money from special interests is pouring into judicial campaigns making these races increasingly political. The public perception is that judges are being bought by special interests and the public is often skeptical that a judge can remain impartial and the court system neutral. In this particular publication, Justice at Stake looks at five Midwestern states that have had elections for the state Supreme court which became expensive, politically charged "bloodbaths". This and other publications on this topic can be found at <http://temp.justiceatstake.org>. Justice at Stake

Campaign, 2008. 34 pages. Online at: <http://www.justiceatstake.org/files/NPJEGreat-Lakes2000-2008.FINAL.pdf>

KF 8776 N49

Juvenile Law

19. **Protecting Texas's most precious resource: a history of juvenile justice policy in Texas, Pts 1 and 2**

By William S. Bush

This two-part publication traces the history of what we now call the Texas Youth Commission. In doing so it also provides a rich history of the swings and twists in the philosophy of how the State should deal with delinquent youths. The recent scandals of Youth Commission are not new. In fact, the programs and facilities for incarcerated youth have progressed from neglect to scandal to reform since their inception in 1887. These publications provide a brief but comprehensive overview for anyone interested in juvenile law. Texas Criminal Justice Coalition, 2008. Pt.1 31 pages, Pt. 2 61 pages. Online at: http://www.criminaljusticecoalition.org/files/userfiles/juvenilejustice/tcjc_publications/History_of_JJ_Policy_In_TX,_Pt.1.pdf; http://www.criminaljusticecoalition.org/files/userfiles/juvenilejustice/reports/TCJC_Report_Part_2_for_web.pdf

KFT 9779 T45 2009 v. 1-2

Nonprofit Corporations and Charities

20. **Legal responsibilities of nonprofit boards**

By Bruce R. Hopkins

This publication provides guidance on the legal duties of the board and board members of nonprofit organizations. It includes chapters on the legal context in which the board operates, managing legal liability, and understanding the framework through which its organizations functions. Each chapter includes a section on questions the

board should ask and highlights key phrases and important concepts. The text also includes a primer of useful legal terms and a list of suggested resources. BoardSource, 2003. 36 pages.

KF 1388.7 H67 2003

21. **Nonprofit legal landscape**

By Thomas K. Hyatt

This publication serves as a useful reference tool for key laws and legal concepts for nonprofit directors and executives. It provides information on how to form a nonprofit corporation, tax considerations and the legal obligations of the board. Information is also provided on lobbying and electioneering, the basic concepts of intellectual property, employment law and employee benefits law. It also includes a tour of federal form 990 and schedule A, a glossary of terms, a sample whistleblower policy and suggested resources. BoardSource, 2005. 137 pages.

KF 1388 N67 2005

Oil & Gas

22. **Hemingway oil and gas law and taxation**

By Owen L. Anderson

This text presents a comprehensive treatment of the basic rules, principles, and issues related to oil and gas law. Some topics addressed are the definition of a mineral estate and how landowners acquire interests, conveyances, partition, and adverse possession of the mineral estate, trespass, surface and sub-surface, and third-party claims. This book also reviews the fundamentals of an oil and gas lease, and provides samples of basic forms. Thomson/West, 2004. 804 pages.

KF 1849 H44 2004

Real Property

23. **Introduction to the law of real property: an historical background of the common law of real property and its modern application**

By Cornelius J. Moynihan

This casebook contains a good introduction to the law of real property including references to the historical development of property law. The author includes chapters on freehold and non-freehold estates, future interests, common law methods of conveyancing, uses and effects of the statute of uses, and information on concurrent ownership. Thomson/West, 2005. 314 pages.
KF 570 M6 2005

It presents examples of effective trial techniques mainly from personal injury and criminal trials. Some of the subjects covered are the trial process, the psychology of persuasion, jury selection, opening statements, direct examination, cross-examination and experts. Aspen, 2007. 584 pages.
KF 8915 M38 2007

Tort Law

24. **Law of torts**

By Dan B. Dobbs

This text is a “detailed and comprehensive treatment of basic rules, principles and issues relating to tort law.” It seeks to pick up from where Prosser and Keeton left off, covering all of the same ground as well as new legal issues in tort law such as economic torts. Topics include defamation, privacy, misrepresentation and nondisclosure, wrongful death, the negligence cause of action, proximate cause, public entities and officers, and direct and intentional interference with property. Thomson/West, 2001, updated 2008. 2 vols.
KF 1250 D59 2001

Trial Practice

25. **Trial techniques**

By Thomas Mauet

This book presents a method of trial preparation. It covers each phase of a jury trial and “discusses and gives examples of the basic technical courtroom skills that must be developed to present evidence and arguments persuasively to the jury.”

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February/March 2009

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