

# 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.

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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## Administrative Law

### 1. **Administrative rulemaking: winning strategies when using or opposing federal agency rules**

By James T. O'Reilly

This annually updated text addresses the attorney's need to understand the rulemaking process and federal agency operations in order to adequately represent a client in the rule-writing or rule-opposing arena. All procedural steps are explained, including judicial review, regulatory analysis, and the petition process. Thomson/West, 2009, updated annually. 1 vol. KF 5411 O6 2009

## Civil Rights

### 2. **Manual on employment discrimination law and civil rights actions in federal courts**

By Charles R. Richey

This manual offers analysis of all employment and civil rights statutes on which the bench and bar rely in discrimination cases. It discusses elements of action, who may sue or be sued, notice requirements, time limits, class action considerations, use of statistical evidence, and available remedies. Additionally this manual includes highlights of recent decisions by the Supreme Court, federal appellate courts, and district courts. Also included are sample forms, checklists, charts, and proven-in-court management techniques for both prosecution and defense teams. Thomson/West, 1994, updated triannually. 2 vols. Loose-leaf. KF 3464 R51 1994

## Computer Law

### 3. **Law of computer technology: rights, licenses, liabilities**

By Raymond T. Nimmer

Nimmer's three volume set on the law of computer technology distinguishes itself from other, similar volumes by aiming to provide insight and analysis of the law rather than instructional material. The treatise provides extensive coverage of legal topics regarding software, licenses, intellectual property and liabilities that have developed within the computer industry in the last several decades. Thomson/West, 1997, updated biannually. 2 vols. Loose-leaf. KF 390.5 C6 N562 1997

## Courts

### 4. **The Supreme Court of Texas: a balanced court**

By Aaron M. Street

This Federalist Society White Paper examines the jurisprudence of the current Texas Supreme Court, noting that after a period of rapid turnover, the court membership has been stable since 2005. Despite this stability, it is difficult to make predictions about how the judges will rule. While many commentators view the court as conservative and pro-business, this author finds that the "court is conservative, but cannot be easily caricatured as ideological or activist." Reviewing recent decisions, the author describes several themes: the court has exhibited a protective stance to parental rights and religious liberties; it has demonstrated it is willing to use mandamus power over lower courts; and in tort and commercial cases, the court has rigorously enforced agreements to arbitrate, upheld the federal preemption of tort suits and has been generally skeptical of attempts to expand liability. The Federalist Society, 2008.

7 pages. Online at: [http://www.fed-soc.org/doclib/20081014\\_TexasIssueReport.pdf](http://www.fed-soc.org/doclib/20081014_TexasIssueReport.pdf)  
KFT 353 S77 2008

Administrative Code provisions. Thomson/West, 2009. 326 pages.  
KFT 209 T4 V. 50 2009

## *Criminal Law*

### **5. Relief from the collateral consequences of a criminal conviction: a state-by-state resource guide**

By Margaret Colgate Love

In addition to the sentence given as punishment for a criminal act, often there are less obvious “collateral” penalties that follow a felon long after he has completed his sentence. These collateral consequences ensure the stigma of a criminal conviction continues to haunt the ex-felon and the impact of these negative consequences thwarts the goal of prison rehabilitation. Rather than “paying their debt to society” and moving on, ex-offenders find they are saddled with many restrictions on where they can live, what type of employment they can find and whether they can receive welfare benefits which contributes to high recidivism rates. This publication gives a state by state review of collateral consequences and how lost rights can be restored. William S. Hein, 2006. 1 vol.  
KF 390 E87 L68 2006

### **6. Texas DWI law and practice handbook**

By Julie Kay Baker and Kyle C. Simpson

Texas DWI law and practice handbook is the newest addition to Thomson West’s Texas Practice Series. This volume covers all aspects of preparing and defending a DWI case. The authors discuss the science and application of field sobriety tests and state administered tests, including tips on challenging the testimony of the administering officer. Additionally, there is a table of laws and rules that helps pinpoint the discussion of specific Texas Code and

## *Disabilities Law*

### **7. Disability discrimination law, evidence and testimony: a comprehensive reference manual for lawyers, judges and disability professionals**

By John Parry

This book covers key aspects of disability discrimination law in different settings such as employment, public accommodations, education, housing, and telecommunications. The book looks at the history of disability discrimination law and provides an overview of federal and state laws. Parry discusses ways to improve lawyer relationships with clients that have disabilities and provides a listing of United States Supreme Court decisions on the topic along with brief summaries of each case. American Bar Association, 2008. 703 pages.  
KF 480 P37 2008

### **8. Disability, civil rights law, and policy**

By Peter David Blanck

This treatise by Peter Blanck examines the legal and policy developments in the area of American disability law, with particular focus on the Americans with Disabilities Act of 1990. The treatise provides a historical background for the Act, as well as a review of studies that explore the causes of discrimination, and looks at the different titles of the ADA, state antidiscrimination law, anti-discrimination policies, and international laws. Thomson/West, 2004. 1 vol.  
KF 480 D57 2004

## *Environmental Law*

### 9. **Environmental law handbook**

By Thomas F. P. Sullivan

Now in its 19th edition, this book covers a wide variety of environmental law topics. This edition references recent regulatory changes and provides an overview of the fundamentals of environmental law. The book also addresses topics such as the Resources Conservation & Recovery Act, underground storage tanks, emergency planning, pesticides, the Clean Air Act, the Clean Water Act, and the Oil Pollution Act. Government Institutes, 2007. 915 pages.  
KF 3775 E474 2007

## *Evidence*

### 10. **Criminal evidentiary foundations**

By Edward Imwinkelreid

This text describes in detail how to create a foundation that ensures that the evidence presented in a criminal trial is admissible. Some of the topics covered are competency of witnesses, privilege, hearsay rule and motions to suppress evidence. Chapters include an evidentiary foundation, its doctrine, elements of the foundation and sample foundations. Lexis, 2007. 717 pages.  
KF 9660 I49 2007

## *Governmental Liability*

### 11. **Suing and defending governmental entities boot camp**

By Karen M. Kennard

The State Bar of Texas sponsored this one day course in San Antonio on July 23, 2008. The course includes the following topics, “The ABCs of the Use of Outside Counsel”, “Dos and Don’ts of Federal Court Practice”, “May It Please the Court”, “The Ethical Challenges of Representing Organizations”, “Blinded By the Light: Ethical Implications of ‘Sunshine Laws’ for Government

Lawyers”, “Municipal Annexation in Texas - ‘Is it Really that Complicated?’”, “Immigration Law 101”, “ABCs of Qualified and Official Immunity” and “An Overview of Unemployment Claims”. State Bar of Texas, 2008. 1 vol.  
KFT 1321 S8A 2008

## *Health and Health Care Law*

### 12. **Legal considerations for fire and emergency services**

By Curtis Varone

With years of experience as both a firefighter and a lawyer, Curtis Varone brings a unique perspective to the legal issues facing emergency service workers in “Legal considerations for fire and emergency services.” In addition to issues specific to emergency services, Varone also examines common legal topics such as employment law, employee rights, and sexual harassment with particular focus on cases involving firefighters and other emergency personnel. Each chapter is concluded with a set of review and discussion questions. Thomson Delmar Learning, 2007. 647 pages.  
KF 3826 E5 2007

### 13. **Health law practice guide**

By Alice G. Gosfield

This reference set provides guidance for both providers and payers on the many legal issues associated with health care. It is organized into five major categories: operational issues for health care facilities, patient care delivery issues, payment issues, transactions, and special legal concerns in the business environment. Features include coverage of legislative changes affecting key areas such as professional rights and responsibilities, employment policies, and enforcement policies. Thomson/West, 1993, updated triannually. 3 vols. Loose-leaf.  
KF 3821 H4 1993

### *Intellectual Property*

#### **14. McCarthy's desk encyclopedia of intellectual property**

By J. Thomas McCarthy

This is an encyclopedia of key intellectual property terms and concepts. It is a single volume desk reference that includes a table of cases and appendices that cover registers of copyrights, the number of trademark registrations and renewals from 1870 to 2000, number of applications and patents granted since 1790 and the names of key patent and trademark officials. Bureau of National Affairs, 2004. 736 pages.

KF 2976.4 M38 2004

#### **15. Copyright law: a practitioner's guide**

By Bruce P. Keller and Jeffrey Cunard

This title discusses major federal copyright legislation and court rulings. It covers the Copyright Act of 1909 through the Digital Millennium Copyright Act and recent case law. The authors explore what qualifies for copyright protection, ownership and transfer, exclusive rights, fair use doctrine, clearing rights, and infringement. It also contains an entire chapter devoted to copyright in the digital age. PLI Press, 2001, updated annually. 1 vol. Loose-leaf.

KF 2994 K45 2001

#### **16. Epstein on intellectual property**

By Michael Epstein

This treatise provides practical legal and business guidance on the law of trade secrets, copyright, trademarks and patents, ideas, and noncompetition agreements. Some specific topics include false advertising, non-competition agreements, Internet and multimedia law, and the protection of computer software. Aspen, 2006, updated annually. 1 vol. Loose-leaf.

KF 2979 E67 2006

### *Juries and Jury Instructions*

#### **17. Jury instructions in automobile actions**

By Ronald W. Eades

This volume is a collection of jury instructions for automobile actions, including a subject index, tables of cases and statutes. Each instruction provides supportive authority from among the 50 states, commentary on its use, and collateral references from law review articles. LexisNexis, 2001, updated annually. 1 vol. Loose-leaf.

KF 8984 D68 2001

#### **18. Jury instructions on medical issues**

By Ronald W. Eades

This volume provides current instructions on the most recent medical issues. It covers more than 200 medical issues including standards of care, childbirth, patient consent, pre-existing conditions, and allergies. Legal concepts and issues are presented in sample instructions using understandable terms. LexisNexis, 2004, updated annually. 1 vol. Loose-leaf.

KF 8984 A65 E22 2004

### *Law Practice Management*

#### **19. Lawyer's guide to collaborative tools and technologies: smart ways to work together**

By Dennis Kennedy and Tom Mighell

In this book the authors look at techniques available to lawyers when collaborating on documents, cases, transactions, and projects. They address how to select the right tools to understand the issues involved in using collaborative technologies. The authors also look at the trends in collaborative tools and how to develop a collaboration strategy. American Bar Association, 2008. 289 pages.

KF 320 A9 M54 2008

## *Legal Research and Writing*

### 20. **Legal writer**

By Mark P. Painter

“The Legal Writer,” a guide on improving legal writing skills from Judge Mark Painter, offers 40 rules for clarity, concision and form. Judge Painter persuasively, and often humorously, gives examples explaining the common mistakes that legal writers make. A handy appendix organizes state-by-state information on filing briefs, contacting the courts, and citation format. Jarndyce & Jarndyce Press, 2005. 168 pages.

KF 250 P35 2005

## *Pro Se Representation*

### 21. **Reaching out or overreaching: judicial ethics and self-represented litigants**

By Cynthia Gray

Self-represented litigants are an increasing reality for courts at all levels, but can be a challenge for the court systems and judges. The thesis of this publication, written by the director of the American Judicature Society’s Center for Judicial Ethics, is that “under the code of judicial conduct, no reasonable question is raised about a judge’s impartiality when the judge, in an exercise of discretion, makes procedural accommodations that will provide a diligent self-represented litigant acting in good faith the opportunity to have his or her case fairly heard and therefore, the judge should do so.” A “best practices” guide is included that provides practical suggestions to assist in fulfilling the lofty goal. State Justice Institute, 2005. 85 pages.

KF 8779 G73 2005

## *Telecommunications*

### 22. **Modern communications law**

By Harvey L. Zuckerman, et al.

This three volume treatise compiles information on communications law in the United States and the ways in which it has changed in the recent past. In particular, the authors have taken pains to address two key aspects of communication law: the convergence of different media and the volatility of the law with respect to rapidly emerging and developing methods of communication. Thomson/West, 1999, updated annually. 3 vols. Loose-leaf.

KF 2765 M63 1999

## *Tort Law*

### 23. **Writing with libel in mind: a guide for non-profits and bloggers**

By Paul Alan Levy

Many individuals and institutions are creating blogs. The ease of their creation and their proliferation seem to ensure that they will be fairly innocuous way to have your say. This publication alerts would-be bloggers to legal issues of which they need to be aware. It is written for nonlawyers and provides a good overview of basic libel issues and defenses. Due to the potential liability issues, it discusses employing a “libel reviewer” who has not participated in the writing of the report and should be reading the proposed text with an eye for possible libelous statements. A brief bibliography of additional online resources is included. Public Citizen, 2009. 22 pages. Online at: <http://www.citizen.org/documents/Writing-withLibelinMind.pdf>

KF 1266 L48 2009

*Trial Practice*

**24. Media law litigation: the effective use of depositions**

By Michael Conway and Miki Tesija

This how-to book discusses taking and defending depositions in defamation and media cases.

It looks at well-established constitutional standards governing defamation claims, newsgathering, and free speech while addressing issues arising out of technological advances such as Internet broadcasts, surreptitious surveillance equipment, and wiretaps. The book includes sample depositions conducted by the authors.

Juris Pub, 2005. 355 pages.

KF 2750 C54 2005

*Water*

**25. Law of water rights and resources**

By A. Dan Tarlock

Designed for lawyers who want a basic knowledge of water law, this treatise offers insights into the regulation and administration of water rights, along with water allocation and distribution law.

It includes expert presentation of the major water doctrines, detailed analysis of water allocation law, proprietary water rights, federal water resource regulation, and water resource planning.

Thomson/West, 1988, updated annually. 1 vol.

Loose-leaf.

KF 645 T37

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