

# Duly Noted



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# Duly *Noted*

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## *Alternative Dispute Resolution*

### 1. **Collaborative law spring conference 2009: growing our collaborative world**

By Scott Clarke

The articles in this book were prepared for the two day seminar Collaborative Law Course sponsored by the State Bar of Texas. Topics covered during the seminar include the Texas statute and the new Uniform Collaborative Law Act, client behavior, negotiation techniques, and the ABA opinion on ethical considerations in a collaborative law practice. State Bar of Texas, 2009. 1 vol. KFT 505 C73 2009

## *Bankruptcy Law*

### 2. **Environmental issues in bankruptcy cases**

By Adam P. Stochak

This title is an update to Collier on Bankruptcy and Collier Bankruptcy Practice Guide. It discusses how provisions in the Bankruptcy Code affect the environmental liabilities of parties to bankruptcy proceedings. It also looks at how courts have reconciled the sometimes competing goals of environmental law and bankruptcy law. The title looks at an overview of pertinent environmental laws and considers the environmental notification requirements of debtors and the application of protections offered by the bankruptcy code. LexisNexis, 2009. 189 pages. KF 1298 S77 2009

## *Civil Procedure*

### 3. **Texas key rules**

By ThomsonWest

This title is a new publication from West publishing. It is designed to be a practical procedural guide for civil practice in Texas state courts. The counties covered are Bexar, Dallas, Harris, Tarrant and Travis. For each county covered, the information is organized by type of filing under

the categories of pleadings motions and requests. Cites to the relevant Texas Rules of Civil Procedure and any local court rules are given along with references to secondary material and drafting guidance (West publications, of course). This publication should be handy for novice attorneys or pro se litigants who need to know the details of exactly what paperwork needs to be filed for a given court proceeding, the time considerations and service requirements. ThomsonWest, 2009. 1696 pages.

KFT 8820 T46 2009

## *Computer Law*

### 4. **Application service provider and software as a service agreements line by line: a detailed look at ASP and SaaS agreements and how to change them to meet your needs.**

By Kelly L. Frey, Sr. and Thomas J. Hall

As the Information Age progresses, more and more highly specialized third party application and software providers have emerged to offer high tech technology to businesses who would otherwise be unable to support their level of expertise on their own, financially or technically. With these third party vendors come highly detailed service agreements, which Frey and Hall's book examine and explain line-by-line. This guide will be extremely informative for attorneys or other professionals involved in negotiating agreements with third party software providers. Aspatore Books, 2007. 105 pages.

KF 3145 F74 2007

## *Criminal Justice*

### 5. **Justice denied: America's continuing neglect of our constitutional right to counsel**

By National Right to Counsel Committee

The National Right to Counsel Committee, formed in 2004, is comprised of representatives from all the stakeholder groups in the indigent

defense issue: the accused, law enforcement, prosecutors, defense attorneys and judges. "The Committee's two-fold mission was to examine, across the country, whether criminal defendants and juveniles charged with delinquency who are unable to retain their own lawyers receive adequate legal representation, consistent with decisions of the Supreme Court and rules of the legal profession and to develop consensus recommendations for achieving lasting reform." A great deal has been written about the current state of indigent defense. This report details the issues and also makes specific recommendations for improving the administration of justice. The key finding is that states should establish and legislatures should fund an independent, non-partisan agency responsible for all the components of indigent defense services headed by an oversight board made up of representatives from all the parties involved. National Right to Counsel Committee, 2009. 217 pages.  
KF 9646 J87 2009

### *Criminal Procedure*

#### **6. Post-conviction remedies: pursuant to article 11.07, C.Cr.P**

By John G. Jasuta

This paper provides information on general habeas corpus and article 11.07 litigation principles. It discusses such topics as waiver of remedies, finality of convictions, confinement, right to counsel, burden of proof and procedural considerations. According to the author, "the writ of habeas corpus for final, non-death penalty felony convictions, found in Article 11.07, § 3, et seq., has been heavily litigated, sometimes to conflicting results. This paper is an attempt to find some sort of order in the jurisprudence." BB Publications, 2009. 112 pages.  
REF DESK KFT 9690 J38 2009

#### **7. Postconviction remedies**

By Larry Yackle

West's Postconviction remedies is an extensive volume explaining and analyzing all aspects of postconviction remedies. The editors address state postconviction remedies, federal postconviction remedies for challenging state convictions, and federal postconviction remedies, walking attorneys through the variations and procedures of each. Appendices contain pertinent rules as well as forms. ThomsonWest, 2009. 1 vol.  
KF 9690 Y32 2009

### *Elder Law*

#### **8. Advanced elder law**

By State Bar of Texas. Continuing Legal Education

The articles in this book were prepared for the one day seminar Advanced Elder Law Course sponsored by the State Bar of Texas. Topics covered during the seminar include Medicaid estate recovery program final rules, real estate issues, longterm care issues, veterans' pension benefits, and contracting for long term care in Texas. as State Bar of Texas, 2009. 1 vol.  
KFT 337 A33 S7 2009

### *Estate Planning*

#### **9. Guide to wills and estates**

By American Bar Association

The foreword of this third edition notes that "Public education and public service are two of the most important goals of the American Bar Association. This book shows how the ABA takes an active role in providing the public with information it can use." This book first provides an excellent readable overview of the estate planning process and then follows with how the tools come into play when they are needed. The explanations will give the consumer an understanding of the various estate planning issues and other end of

life concerns. This book would be helpful to an attorney working with clients by providing an authoritative, but plain English, explanation of the legal concepts for his or her clients. American Bar Association, 2009. 366 pages.  
KF 750 Z9 A47 2009

## *Evidence*

### **10. Texas rules of evidence manual**

By David A. Schlueter

The most recent edition of the Texas rules of evidence manual provides an in depth analysis of the Texas Rules of Evidence for both civil and criminal trials. Each rule is examined individually, including the official text of the rule, an editorial analysis including summaries and applications in trials, and often comments from drafters. Footnotes provide supporting caselaw. As was the drafters' stated intention, this is a convenient guide for determining the correct usage and application of the Rules of Evidence. Juris, 2009. 1 vol.  
KFT 8935 W46 2009

## *Ex-Offenders*

### **11. Project RIO strategic plan, fiscal years 2008-2009**

By Texas Workforce Commission

Project RIO is a collaboration between the Texas Department of Criminal Justice, the Texas Youth Commission, and the Texas Workforce Commission. This project aims to help ex-offenders and adjudicated youth reenter the workforce by helping them get the skills needed to obtain post-release job opportunities. This book looks at the goals of Project RIO and their strategies to meet those goals. It also contains several appendices that detail partnering agencies, directories, budget planning, and a description of their strategic planning process. Texas Workforce Commission,

2008. 113 pages. Online at: [http://www.twc.state.tx.us/svcs/rio\\_plan\\_08.pdf](http://www.twc.state.tx.us/svcs/rio_plan_08.pdf)  
KFT 9227 W67 2008

## *Health and Health Care Law*

### **12. Hospital Liability Law**

By Margaret C. Jasper

Hospital Liability Law explores the area of law known generally as "hospital liability,"-- the duties and responsibilities a hospital owes to its patients, and the theories under which a hospital may be held liable, including negligence; lack of informed consent and/or informed refusal; unauthorized treatment which may lead to a cause of action for battery; breach of privacy for the unauthorized release of a patient's medical record; and breach of contract. This almanac also discusses the responsibility of the hospital for the actions of its employees, including physicians, residents, interns, nurses, hospitals, mental health professionals, anesthesiologists, and other persons who provide medical care. Oceana, 2008. 234 pages.  
KF 3825.3 Z9 J37 2008

## *Immigration*

### **13. Essentials of immigration law**

By Richard A. Boswell

This book serves as a comprehensive overview of immigration law. The author acknowledges immigration law is an extremely complex area of study with a profound impact on the lives of individuals trying to navigate through the "labyrinth." Changing policies on immigration have created a patchwork of laws and regulations and a dizzying array of agencies involved in enforcing the statutes. This book provides the essentials for understanding immigration law in a readable format and serves as a springboard for more in-depth research in other American Immigration Lawyers Association publications. It is compli-

mented by appendices that explain key concepts, abbreviations and acronyms. American Immigration Lawyers Association, 2009. 261 pages.  
KF 4819 B67 2009

### *Intellectual Property*

#### **14. Patent case management judicial guide**

By Peter Seth Menell

This is a comprehensive guide for effective patent case management. Patent litigation timelines, counterclaims, settlement and mediation are covered, along with discovery, summary judgment and procedural issues. It includes a glossary of terms, acronyms, patent local rules and standing orders, model patent jury instructions and a table of cases. Federal Judicial Center, 2009. 1 vol.  
JU 13.8:P 27

### *Judicial Selection*

#### **15. Is the ‘Missouri plan’ good for Missouri?: the economics of judicial selection**

By Joshua C. Hall

This study examines the relationship between the different judicial selection plans in practice in the United States and the resulting quality of the state’s legal system, as determined by the Institute for Legal Reform. The authors find a statistically significant correlation between judicial quality and the Missouri method of judicial selection (merit based appointment). It is an interesting and thought-provoking examination on the ramifications of judicial selection in the United States. Show-Me Institute, 2008. 52 pages. Online at: [http://www.showmeinstitute.org/docLib/20080515\\_smi\\_study\\_15.pdf](http://www.showmeinstitute.org/docLib/20080515_smi_study_15.pdf)  
KF 8776 H35 2008

### *Labor and Employment Law*

#### **16. Employee benefits law course 2008**

By John V. Jansonius

This is State Bar of Texas’ one-day seminar on employee benefits law, held in Dallas on May 1, 2008. Some of the articles included in the course are, “Anatomy of an ERISA claim”, “Who is Responsible?”, “Welfare Benefit Plans and Reporting and Disclosure”, “Division of Benefits in Marriage Dissolution”, “Privacy and Data Protection”, and “Who is your client: Ethics and ERISA.” State Bar of Texas, 2008. 1 vol.  
KFT 3509 E47 2008

#### **17. Common law of the workplace: the views of arbitrators**

By Theodore St. Antoine

In this collection by members of the National Academy of Arbitrators, 16 master arbitrators explain the profession’s most widely accepted arbitral principles concerning a variety of arbitration subjects. This text provides black-letter statements that summarize important points plus extensive commentary and references. Additionally there are sections on ethics in arbitration, application of external law, drug abuse and violence in the workplace, and the use of the Parol Evidence Rule. Bureau of National Affairs, 2005. 425 pages.  
KF 3424 C66 2005

## *Legal Ethics*

### **18. Annotated model rules of professional conduct**

By ABA Center for Professional  
Responsibility

Incorporating all of the amendments the ABA made to the Model Rules of Professional Conduct through 2007, this volume is ABA's definitive resource for information about lawyer ethics. This new edition includes changes to the rules on confidentiality, prospective clients, corporations as clients, limited-scope representation agreements, multijurisdictional practice, and the lawyer's duties when confronted by a client's criminal or fraudulent activities. American Bar Association, 2007. 693 pages  
KF 305 A2 A5A 2007

## *Native American Law*

### **19. American Indian law in a nutshell**

By William C. Canby

The most recent edition of American Indian Law in a Nutshell provides up to date, basic coverage of the complexities of American Indian law. Readers familiar with West's Nutshell series will find it to be a straightforward discussion of the history and topics of American Indian law. It is important to note that this book does not address problems specific to Oklahoma, New York, or native Hawaiians. Thomson West, 2009. 548 pages.  
KF 8205 C3 2009

## *Nonprofit Corporations*

### **20. How to form a nonprofit corporation**

By Anthony Mancuso

This book has a practical step-by-step approach to incorporating a nonprofit corporation in any state and obtaining 501(c)(3) status. The author also covers how to qualify as a public charity, how to satisfy IRS conflict of interest and excess-benefits guidelines, how to prepare minutes for board meetings, and how to handle post incor-

poration filings and tasks. The book contains information for each state and includes details on articles of incorporation and bylaws. Nolo Press, 2009. 348 pages.  
KF 1388 H6 2009

## *Real Property*

### **21. Evidence and procedures for boundary location**

By Walter G. Robillard

This text is a basic reference for practitioners who must understand the laws of boundaries and the evidence necessary for efficient and accurate boundary determination. Now in its 5th edition, it is brought up to date, with new material on the use of technology in surveying and its legal ramifications, the use of measurements as evidence, new case law examples throughout, new material on finding original evidence, and new exhibits help illustrate the concepts presented. Wiley, 2006. 630 pages.  
KF 639 B73 2006

## *Trial Practice*

### **22. The winning oral argument**

By Bryan A. Garner

Garner has completed an exhaustive survey of the literature on oral argument. His goal "was to codify the principles and illustrate them with the wisest, pithiest formulations in support of the principles." Garner uses quotes from the best sources to illustrate each principle he asserts. The reader can take the quotes as the definitive word on the subject or do further research himself using the extensive bibliography that is included in the book. ThomsonWest, 2009. 262 pages.  
KF 8870 G37 2009

**23. Fundamentals of Texas trial practice: civil and criminal**

By Robert R. Barton

This title discusses Texas practice in the context of Texas civil and criminal procedure and the Texas Rules of Evidence. Some of the topics covered are jury selection, direct examination, exhibits, impeachment and rehabilitation, expert witnesses and closing arguments. A bibliography and a section of cross-references are included for every topic covered. Juris, 2009. 197 pages.  
KFT 8915 B3 2009

every area addressed in this book, and contains provisions fairly typical of those found in the statutes of many states.” It also includes a summary of workers’ compensation subrogation laws from every state. Juris, 2009. 1404 pages.  
KF 3623 S8 W53 2009

**24. Conflict of laws**

By Eugene F. Scoles

This text deals with interstate and international private litigation, business planning, estate planning, and administration and introduces the development and current state of approaches to choice of law. Additionally it provides the basics for determining applicable law, reviews jurisdiction and discusses marriage, property, dissolution, and adoption. It also covers torts, contracts, succession, trusts, probate, corporations, and bankruptcy. ThomsonWest, 2004. 1565 pages.  
KF 411 S28 2004

*Workers’ Compensation***25. Workers’ compensation subrogation : in all 50 states**

By Gary L. Wickert

This text is a primer on multi-state workers’ compensation subrogation. It is intended for those who have responsibilities for subrogating in multiple states. “The author has chosen the laws of Texas, and a few other states, to exemplify the many issues and practical applications involving workers’ compensation subrogation. This is primarily because Texas workers’ compensation subrogation law is fairly well developed in almost



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