

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.

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Consumer Protection

1. Consumer protection law developments

By August Horvath

The focus of the book is a complete perspective on consumer protection laws, with emphasis on developments regarding federal, state, and international law, as well as industry self-regulation. Additionally, it examines administrative litigation, consumer class actions, Lanham Act and Sherman Act litigation, and express, implied, and establishment claims; qualitative and quantitative consumer perception analysis; industry standard, modified industry standards, and nonstandard product testing; statistical analysis and more. In addition to advertising law, this book endeavors to identify all the applicable laws, touching on all of the relevant disciplines, including deception and unfairness, promotion and direct marketing, private remedies, privacy and data security, industry self-regulation, and international consumer protection. American Bar Association. Section of Antitrust Law, 2009. 833 pages.
KF 1609 C655 2009

Corporations

2. Business judgment rule: fiduciary duties of corporate directors

By Stephen A. Radin

The author explores the latest developments in the law in Delaware and other jurisdictions that have addressed business judgment rule and related corporate governance issues. Other topics covered include duty of loyalty issues, emerging good faith doctrine, disclosure obligations, deal protection measures, section 220 demands, and indemnification of directors and officers. Aspen, 2009. 4 vols.
KF 1423 B6 2009

3. Crime, incorporated: legal and financial implications of corporate misconduct

By Miriam F. Weismann

This text focuses on organizational and corporate crime and describes them in the context of traditional legal principles governing prosecution and defense of white collar crime. Additionally it provides insight into some of the nuts and bolts of the financial and accounting schemes utilized to achieve unlawful results and the business motivations fueling entity criminal behavior. *Crime, Incorporated* also includes information on the Sarbanes-Oxley Act, the theory of entity liability and the collective entity doctrine, the statutory tools used to prosecute organizational crimes, the application of constitutional amendments to corporations, work product privilege, attorney-client privilege for corporate management, corporate plea agreements, tax consequences, and organizational crime from a global perspective. The final chapter includes a post-Enron examination of new and proposed legislation with a focus on increased regulation in the field. American Bar Association. Criminal Justice Section, 2009. 248 pages.
KF 9351 W45 2009

Criminal Law

4. Criminal mental health and disability law, evidence and testimony: a comprehensive reference manual for lawyers, judges, and criminal justice professionals

By John Parry

Written for lawyers, judges and other professionals within the criminal justice system, this volume examines mental health and disability discrimination issues. It contains an overview of the insanity defense, competency, insanity and diminished capacity, as well as the basics of key legal concepts and developments. Special attention is given to discriminatory issues involving inmates.

The important legal construct of “dangerousness” is addressed in both its civil and criminal contexts, and a chapter is devoted to the assessment and diagnosis of the medical aspects of disability. American Bar Association. Commission on Mental and Physical Disability Law, 2009. 462 pages. KF 9242 P373 2009

5. Perfect plea

By John Bradley

Texas District and County Attorneys Association publications offer concise, no-nonsense coverage of legal topics pertinent to both prosecution and defense attorneys alike and the 2008 edition of John Bradley’s *The Perfect Plea* only adds to this bank of knowledge. Bradley acknowledges all stages of the plea agreement process with individual chapters dedicated to each step. Bargaining, community supervision, admonitions, waivers, evidence, sentencing, adjudication, revocation and plea rejection are all covered. Chapter 11 provides a host of forms tailored for Texas plea agreement practice. A companion CD-Rom is also available. Texas District & County Attorneys Association, 2008. 230 pages. KFT 9654 B73 2008

Discovery

6. Chasing paper: the keys to learning about and loving discovery

By Janet S. Kole

While most of the recently published resources on discovery focus on electronic documents, Janet Kole’s *Chasing Paper* provides us with advice and strategies for tackling physical documents discovery. While her first chapter focuses on building enthusiasm for document review, Kole later covers what to request, how to respond, and how to review documents during the discovery phase. As issues of ethics, privilege, and relevance

are inherent in document review, Kole makes sure to tackle the most persistent problems attorneys come to face during discovery. American Bar Association. Section of Litigation, 2009. 111 pages. KF 8900 K65 2009

Elder Law

7. Litigating the nursing home case

By James T. O’Reilly

With the number of Americans living in nursing homes expected to increase in the coming years, nursing home litigation is becoming increasingly important. O’Reilly provides an excellent overview of the entire process, first describing the context of nursing homes with a discussion about ownership and administration of nursing homes as well as the general environment. Different liabilities issues such as skin ulcers, fall injuries, neglect, abuse, and prescription drugs are all covered. Finally the elements necessary for preparing and trying a case are covered from assembling the complaint to verdicts and settlements. American Bar Association, 2009. 272 pages. KF 3826 N8 O74 2009

Elections

8. Better ballots

By Lawrence Norden

In response to continuing problems with lost or miscast votes due to poor ballot design, this publication from the Brennan Center for Justice examines the consequences of poorly designed ballots and provides tips for constructing informative, effective ballots. The authors address 13 main problems that can confuse voters and provide suggestions for how to correct them. Although it was published in anticipation of voting problems at the 2008 presidential election, the

suggestions it provides are timeless. Brennan Center for Justice, 2008. 86 pages.
KF 4886 N67 2008

Environmental Law

9. **Environmental litigation: law and strategy**

By Cary R. Perlman

The scope of what qualifies as “environmental litigation” is huge, covering a complex array of federal and state statutes, hundreds of common-law rules, and thousands of pages of regulations and increasing number of environmental cases. This text provides guidance on the most critical areas in this rapidly-changing area of the law including: litigation of government enforcement matters; citizen-suit provisions; toxic tort litigation; pesticides regulated under FIFRA and FFDCA; CERCLA litigation; natural resource damages law; insurance as an important potential source of recovery for environmental liabilities; and the growing importance for environmental lawyers to add to their expertise the constitutional features of judicial review, congressional authority, federalism, and individual rights. American Bar Association. Section of Environment, Energy, and Resources, 2009. 580 pages.
KF 8925 E5 E583 2009

Evidence

10. **Electronic evidence and discovery: what every lawyer should know now**

By Michele C. S. Lange

This ABA publication by legal technologies business women Michele Lange and Kristin Nimsger is a helpful companion for making sense of the technical aspects and practical implications of electronic evidence and discovery. This second edition will aid attorneys working in the growing eDiscovery sector with over 200 pages of new information added since its last printing. Lange

and Nimsger begin with a general discussion of applicable Federal Rules of Civil Procedure, provide the reader with a lengthy chapter on the practical legal implications of electronic evidence, and cover the basics of discovery technologies and computer forensics. The resource’s appendixes and figures provide the reader with case information, state statutes, and sample forms and correspondence for eDiscovery practice. American Bar Association. Section of Science & Technology Law, 2009. 429 pages.
KF 8947 L36 2009

Family Law

11. **Handling child custody, abuse and adoption cases**

By Ann M. Haralambie

This is a practice resource for child custody, abuse and adoption cases. It discusses the law, basic strategies and trial techniques. Some of the topics included are establishing parentage, proving abuse, termination of parental rights, rights of unmarried parents, the Indian Child Welfare act, assisted conception and surrogacy, third party custody and visitation, and guardianship. This new edition also contains expanded and reorganized sections on international child custody and an expanded discussion of legal issues related to the lesbian, gay, bisexual, transgender community, the mentally disabled parent and other special issues. Includes a table of laws and rules, table of cases and index. West, 2009. 3 vols.
KF 547 H27 2009

Insurance

12. **Law of performance bonds**

By Lawrence R. Moelmann

This second edition of the volume covers both the basics and the more advanced issues relating

to performance bonds. It begins by discussing the fundamentals of a suretyship relationship and proceeds to cover the surety's rights and remedies and contractual and extra-contractual obligations. Litigation issues are covered in detail, as well as a comprehensive review of the most recent caselaw in the field. American Bar Association. Tort Trial & Insurance Practice Section, 2009. 898 pages.

KF 1223 L388 2009

represent youth in these proceedings. The discussion includes the critical provisions of the Juvenile Justice and Delinquency Prevention Act and how to build relationships with youth clients. Also included are tips on how to use early intervention services for clients and strategies that may be used at trial, disposition or if a court order has been violated by a client. American Bar Association, 2010. 144 pages.

KF 9794 R47 2010

Juries and Jury Instructions

13. Texas criminal pattern jury charges: intoxication and controlled substances.

By State Bar of Texas

Although the State Bar of Texas has been regularly updating the civil pattern jury charges, the State Bar last published criminal jury charges in 1975. The Committee working on the charges noted the challenge of creating a charge that states the law in statutory terms and also makes the charge understandable to the jurors who must apply them. "The Committee designed an outline that explicitly states the relevant statutes and legal definitions and then applies the law to the facts in common-sense language." The law library has copies in print, but the charges can be purchased from the State Bar in electronic format. State Bar of Texas. Committee on Pattern Jury Charges, Criminal, 2009. 1 vol.

KFT 8984 S7 C75 2009

Juvenile Law

14. Representing juvenile status offenders

By Hannah Benton

This book is a guide for attorneys and others who advocate for youth, who have engaged in non-criminal misbehavior (status offenses). Each chapter is written by an expert in the field, to give the reader the tools to successfully

Legal Research and Writing

15. Citation of Wikipedia in judicial opinions

By Lee F. Peoples

This article discusses the ways Wikipedia citations have been used by the courts. Peoples discusses specific cases where Wikipedia citations were inappropriate for judicial review and cases where the use of Wikipedia as a source was acceptable. Many reasons why Wikipedia is not appropriate for citation are discussed such as the articles' lack of permanency and the lack of accountability for edits made to pages. Peoples also proposes developing best practices guidelines for citing Wikipedia articles including information on when citations are appropriate as well as guidelines for developing Wikipedia article citations. Yale Journal of Law and Technology, 2009. 36 pages. Online at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1272437

KF 250 P46 2009

Military Law

16. Military criminal justice: practice and procedure

By David A. Schlueter

This 5th edition commemorates the fiftieth anniversary of the Uniform Code of Military Justice. The military justice system was mandated

by Congress and is completely separate from the civilian justice system. It provides the same due process protections but includes unique criminal provisions, procedures and sanctions. This text is designed to lead readers through the maze of procedural and substantive military justice rules, military acronyms and related practices unique to military criminal law, with citations to pertinent case law, statutory and regulatory authority.

LexisNexis, 2008. 1,321 pages.

KF 7620 S3 2008

Freedom of information Act, passed in 1996; the Federal Advisory Committee Act, passed in 1972; and the Government in the Sunshine Act passed in 1976. This publication provides an overview of each of these laws and explains how journalists or any individual can use their provisions to obtain the information they are entitled to from government sources. Lengthy footnotes citing relevant legal opinions and statutes are included as well as sample requests for information. Reporters Committee for Freedom of the Press, 2009. 1 vol.
REF DESK KF 5753 Z9 H69 2009

Non-profits

17. Model nonprofit corporation act: official text with official comments and statutory cross-references adopted August 2008

By William H. Clark

This title contains all amendments to the text of the Model Act and official comments adopted in 2008. This third edition follows the Model Business Corporation Act provisions when possible. It distinguishes nonprofit corporations from for profit corporations and eliminates the classification scheme included in the revised Model Nonprofit Corporation Act. Other significant changes involve fundamental transactions, the use of governance arrangements, and the elimination of cumulative voting.

American Bar Association. Section of Business Law, 2008. 1 vol.

KF 1388 A4 2009

Religion

19. RLUIPA reader: religious land uses, zoning, and the courts

By Michael S. Giaimo

This book provides a general background of the Religious Land Use and Institutionalize Persons Act and puts the Act into context when it was passed by Congress in 2000. It also includes discussion about RLUIPA litigation from the perspective of the church and the community. It offers information and advice on initiating a RLUIPA law suit and defending against one.

American Bar Association. Section of State and Local Government Law, 2009. 195 pages.

KF 5698 R57 2009

Sexual Harassment

20. Harassment and discrimination: and other workplace landmines

By Gavin S. Appleby

Written for the business owner, Appleby's guide to harassment and discrimination issues in the workplace discusses common problems that employers face and how to protect themselves from them. With an emphasis on diversity and respect, Appleby provides advice on how to

Public Information and Records

18. Federal open government guide

By Reporters Committee for Freedom of the Press

The *Federal Open Government Guide*, published by the Reporters Committee for Freedom of the Press, is a well written resource on the core federal open government laws. These are the

prevent these problems from arising and how to successfully handle them legally should a lawsuit arise. Sample forms and documents can be found on a supplemental CD-ROM. Entrepreneur Media, 2008. 330 pages.
KF 3467 A96 2008

21. **Sexual harassment in the workplace: law and practice**

By Alba Conte

Alba Conte's *Sexual harassment in the workplace: law and practice* is a comprehensive guide to litigating sexual harassment claims. It includes current information on state and federal case law and guides to the various steps of a sexual harassment suit. This volume is the 2009 cumulative supplement to the base volumes published in 2000. Panel Publishers, 2009 update. 2 vols.
KF 3467 C66 2000 Supp 2009-2

Sports

22. **Sports law practice**

By Martin J. Greenberg

The third edition of *Sports law practice* has been thoroughly updated to provide the practitioner in-depth coverage of Sports law. Topics cover include collective bargaining agreements, endorsement contracts, licensing and sponsorship agreements, tax planning, agent agreements, team ownership, and workers' compensation. The two volume set also includes chapters that discuss contracts specific to basketball, football, and baseball players as well as college coaches. LexisNexis, 2009. 2 vols.
KF 3989 G69 2009

Trial Practice

23. **Texas elements of an action**

By Allen H. Gardner

This is a recent addition to the Texas Practice Series (volume 16). This resource takes you through the basic steps of drafting petitions and answers, as well as providing a table of Texas county-specific requirements, including district court provisions, statutory county court provisions, constitutional county court provisions and E-filing status. In addition, the title provides legal analysis of the required elements for various causes of action, which includes research references, statutes of limitation and jury instructions. An appendix includes tables addressing specific venue provisions, affirmative defenses, statutes of limitation, laws and rules, cases and an index that relates to the various causes of action. West, 2009. 1 vol.
KFT 209 T4 Vol. 16 2009-2010

Water Law

24. **Waters and water rights**

By Robert E. Beck

Now in its third edition, *Waters and Water Rights* is a comprehensive reference on this complex and rapidly evolving area of law. Primarily national in scope, but with interstate, state-specific and international coverage, this treatise contains in-depth information on legal issues involving water rights, water usage and water quality. Some specific topics covered are ripariansim, groundwater law, distribution and storage organizations, public right to use water, federal and Indian rights, and international waters. LexisNexis, 2009. 5 vols.
KF 645 W3 2009

*Wills, Trusts, and Estate Planning***25. Estate planning forms**

By Rush L. Hunt

From the introduction: “[T]his book is intended to be a user friendly will and trust manual. I have sought to make the book user friendly by having numerous comments throughout the various provisions of each of the documents. Just consider these comments my conversation with you as you use the forms.” Written by an attorney with 30 years experience in the field, the book contains sample documents and worksheets for wills, trusts, and attorney-client intake documents. The book emphasizes drafting for clients with children, and special attention is given to drafting for beneficiaries with special needs, e.g., handicapped children. American Bar Association, 2009. 294 pages.
KF 748 H86 2009

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