

Duly Noted



New titles from the Texas State Law Library

Subject	Title	Page
<i>Civil Procedure</i>	Federal standards of review.....	3
<i>Civil Rights</i>	Maslanka's field guide to the Americans with Disabilities Act and its amendments 2012.....	3
<i>Class Actions</i>	Complete CAFA: analysis and developments under the Class Action Fairness Act of 2005.....	3
<i>Commercial Law</i>	Guide to business divorce	3
	Hotel law	3
<i>Constitutional Law</i>	Treatise on constitutional law: substance and procedure	4
<i>Criminal Law</i>	Civil RICO: a definitive guide	4
	Sentencing sex offenders: a model curriculum for judges	4
<i>Evidence</i>	Digital evidence: computer forensics and legal issues arising from computer investigations.....	4
<i>Family Law</i>	Navigating emotional currents in collaborative divorce: a guide to enlightened team practice.....	5
<i>Guardianship</i>	Texas guardianship manual	5
<i>Immigration</i>	Forms and fundamentals	5
	Waivers book: advanced issues in immigration law practice.....	5
<i>Intellectual Property</i>	Advanced patent litigation: strategies and tactics, 2011	5
<i>Judges and Judicial Conduct</i>	New politics of judicial elections 2009-2010: how special interest "super spenders" threatened impartial justice and emboldened unprecedented legislative attacks on America's courts	6
<i>Juries and Jury Instructions</i>	Trials and deliberations: inside the jury room.....	6
<i>Labor and Employment</i>	Whistleblower and bounty law.....	6
<i>Legal Research and Writing</i>	Reading law: the interpretation of legal texts.....	6
	Report on the preservation of historical Texas state court records.....	7
<i>Legislative Process</i>	Theory and practice of statutory interpretation	7
<i>Native Americans</i>	The rights of Indians and tribes: the authoritative ACLU guide to Indian and tribal rights	7
<i>Real Property</i>	Texas real estate forms manual	7
<i>Torts</i>	Advising the qui tam whistleblower: from identifying a case to filing under the False Claims Act.....	8
<i>Trial Practice</i>	Litigation logic: a practical guide to effective argument.....	8
<i>Wills, Trusts, and Estate Planning</i>	Building blocks of wills, trusts, and estate planning, 2011	8

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 items listed in *Duly Noted* are temporarily housed in the bookshelf at the entrance to the library. 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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Civil Procedure

1. Federal standards of review

By Steven Childress

The preface to the 4th edition of this title reads: “the point of a standard of review is to help the judges focus on the heart of the appeal—the merits, policies, and issues—in a way that gives them a foothold to address that substance.” Unlike other appellate practice resources that focus on the procedural aspects of appellate review, the *Federal Standards of Review* attempts to shine light on the “essential language of appeals” used by the courts. Separate volumes cover civil, criminal, and administrative cases with a focus on the relationship between trial court findings and appellate court conclusions. A table of cases and a table of statutes and rules are also included. Lexis Nexis Matthew Bender, 2010. 3 volumes. KF 9050 C48 2010

Civil Rights

2. Maslanka’s field guide to the Americans with Disabilities Act and its amendments 2012

By Michael Maslanka

The 2012 edition of *Maslanka’s field guide to the Americans with Disabilities Act and its amendments* provides general analysis and annotations for America’s most complex federal employment law. Maslanka provides commentary for each section of this act, with cases as support. In the latter half of this volume, the author provides interpretive guidance that is informed by a detailed historical analysis of the ADA and its amendments over time. This text would be a good starting point for individuals seeking an understanding of the Americans with Disabilities Act and its evolution. Texas Lawyer Press, 2011. 197 pages. KF 480 M37 2011

Class Actions

3. Complete CAFA: analysis and developments under the Class Action Fairness Act of 2005

By Georgene Vairo

This volume puts the Class Action Fairness Act of 2005 in context. The author provides a brief history of class actions in order to explain why Congress passed the CAFA. He touches on the political “wrangling” that accompanied the passage. There are numerous citations to the statutory law, case law, and primary legislative history resources. This title is be a great starting point for creating a legislative history of the Act. Citations to law review articles provide additional theoretical discussions and references to Moore’s Federal Practice are provided for the practitioner. Lexis Nexis Matthew Bender, 2011. 211 pages. KF 8896 A31 V35 2011

Commercial Law

4. Guide to business divorce

By Richard Spore

This text discusses the legal issues involved in dissolving a business relationship. Topics include fact finding, business analysis, legal analysis and the role of litigation, and alternative dispute resolution in the business divorce. American Bar Association, 2011. 139 pages. KF 1355 S687 2011

5. Hotel law

By Ellen Smith

This volume from Law Journal Press serves as a comprehensive practice guide for the field of hotel law. Smith’s coverage examines the many unique and intersecting legal issues involved in running a hotel, such as real property, franchise and management agreements, liability issues, and financing. Law Journal Press, 2011. 1 volume. KF 2042 H6 S63 2011

Constitutional Law

6. Treatise on constitutional law: substance and procedure

By Ronald Rotunda

This treatise's primary focus is on the constitutional distribution of powers, including an explanation of the origins of judicial review, sources of national authority, and the powers of Congress and the President. The 2012 revisions include case law on the "War on Terror," President Obama "birthers," the Second Amendment, voter ID laws, and the Citizen United case. Thomson West, 2012. 6 volumes.
KF 4549 R6 2012

Criminal Law

7. Civil RICO: a definitive guide

By Gregory Joseph

This book provides an analysis of the major legal concerns in RICO actions. Specific attention is paid to the opinions of the U.S. Supreme Court and the federal courts of appeals. Primary authorities are analyzed with minimal editorial comment. Also included are footnotes, a copy of the RICO statutes, a table of cases, and a topical index. American Bar Association, 2010. 316 pages.
KF 9375 J67 2010

8. Sentencing sex offenders: a model curriculum for judges

By National Judicial College

From the National Judicial College, this CD-ROM contains the *Sentencing sex offenders* curriculum, consisting of the *Judicial Educator and Faculty Handbook*, seven training modules, and a resource center. The handbook provides an overview of curriculum and a description of each module. The modules cover: understanding sex offenders and sexual victimization, assessment of sex offenders, treatment and supervision of sex offenders, case studies, sentencing and its implications, evidence-based sentencing, and finally SORNA. The resource center contains the tools and citations referenced in the handbook, a static-99 coding form, and additional articles. National Judicial College, 2010. 1 CD-ROM.
Online at: <http://www.judges.org/sso/>
CD KF 9325 S46 2010

Evidence

9. Digital evidence: computer forensics and legal issues arising from computer investigations

By Michael Hannon

This title—aimed primarily at attorneys, judges, and anyone interested in the science of digital evidence and computer forensics—identifies and explains some of the most important issues in this field using language that is easy to understand and not particularly full of jargon. It covers basic hard drive technology (how files are stored, how to recover deleted files, and other computer forensics topics), sources of digital evidence (metadata associated with computer files, e-mails, log files, temporary internet files), and a discussion of the Fourth Amendment as it relates to computers. This title also cites to relevant case law throughout the text. W. S. Hein, 2011. 368 pages.
KF 8947 H36 2011

Family Law

10. Navigating emotional currents in collaborative divorce: a guide to enlightened team practice

By Kate Scharff

The authors provide easy to follow examples of complicated situations that surface in collaborative practice and offer helpful solutions for assisting divorcing couples. Topics discussed include couple dynamics, components of the collaborative process, collaborative team dynamics, developing durable parenting plans, and the role of the child specialist. American Bar Association, 2010. 197 pages.
KF 505 S33 2010

Guardianship

11. Texas guardianship manual

By State Bar of Texas

This title is a practice guide and form book for Texas attorneys who handle guardianship matters. The manual is arranged in order of the events of a guardianship from creating guardianships to final accounts and closing guardianships. Other chapters cover guardianship alternatives, guardianships for veterans, administration, litigation, and changing established guardianships. Each chapter has a detailed table of contents, forms, and practice notes. State Bar of Texas, 2012. 1 volume.
KFT 553 T4 2012

Immigration

12. Forms and fundamentals

By Emmie Smith

This book offers checklists, guidance, and sample forms to assist the practitioner with many common immigration forms. In addition to forms, the book also discusses concepts such as agencies that affect immigration law, ethical issues, initial interviews, and filing procedures. American Immigration Lawyers Association, 2011. 580 pages.
KF 4819 F67 2011

13. Waivers book: advanced issues in immigration law practice

By Irene Scharf

This publication from the American Immigration Lawyers Association is intended to provide assistance to all immigration attorneys working with waivers. Specific chapters cover status adjustment, cancellation for removal for lawful and non-lawful permanent residents, waivers for crimes over 15 years old, waivers for health-related issues, INA §212(k) waivers, special juvenile waivers, and refugees and asylees. American Immigration Lawyers Association, 2011. 392 pages.
KF 4819 W25 2011

Intellectual Property

14. Advanced patent litigation: strategies and tactics, 2011

By State Bar of Texas

This CLE course took place in July, 2011. Topics covered include various aspects of damages; ownership issues in litigation; technical aspects of briefs and depositions; joint, divided, and indirect infringement; and ethics and disciplinary rules in patent litigation cases. We have past editions of this course available from 2005, 2008, 2010, and 2011. Please request these volumes at the reference desk. State Bar of Texas, 2011.
KFT 3155 A75 A3 2011

Judges and Judicial Conduct

15. New politics of judicial elections 2009-2010: how special interest “super spenders” threatened impartial justice and emboldened unprecedented legislative attacks on America’s courts

By Adam Skaggs

This report was prepared by the Justice at Stake Campaign, a nonpartisan national organization seeking to keep the courts impartial and free from special interests. It takes a close look at campaign spending in judicial elections across the U.S. between 2009 and 2010. The authors contend that the intended effect of partisan, special interest campaign funding for elected judicial officers is to intimidate state judges and to make them accountable to money and ideologies instead of the law. The report takes a look at sources of funding, how the money was spent during the campaign season, and what this may imply for the future. Special attention is given to elections in Iowa, Michigan, Illinois, and Florida. Justice at Stake Campaign, 2011. 31 pages.

Online at: http://brennan.3cdn.net/23b60118bc49d599bd_35m6yyon3.pdf

KF 8776 S53 2011

Juries and Jury Instructions

16. Trials and deliberations: inside the jury room

By Amy Singer

This comprehensive set seeks to explain juries decision-making processes and perceptions as well as to provide techniques for the practitioner to maximize the chance of a favorable verdict. It also explores specific strategies to assist with the development of visual aids, direct and cross-examination questions, opening statements, and closing arguments. Additionally there are sections tailored to specific types of cases such as medical malpractice, personal injury, commercial, criminal, governmental, products liability, and torts. Latest updated received August, 2010. Thomson West, 1999. 6 volumes. KF 8972 S56 1999

Labor and Employment

17. Whistleblower and bounty law

By Steve Kardell

In the conclusion of his overview chapter, Steven Kardell writes “The book will hopefully, explain if not entirely reconcile, the issues raised by the new plethora of whistle-blowing choices (and further whet the appetite of rapacious bounty-hunters).” After his engaging introduction the author covers his subject with scholarly comprehensiveness, while keeping the tone witty and interesting. He concludes with a chart with citations, venue, SOL and remedies available of major whistleblower retaliation, and bounty provisions including the Texas provisions. American Lawyer Media, 2012. 731 pages. KFT 3471 K37 2012

Legal Research and Writing

18. Reading law: the interpretation of legal texts

By Antonin Scalia

This title, co-written by U.S. Supreme Court Associate Justice Antonin Scalia, tackles some of the issues one faces when interpreting constitutional, statutory, and contractual language. The authors take a close look at actual case law, posing questions to the reader as an exercise in legal interpretation then carefully guiding the reader through their legal reasoning. Because of this, this title gives insight to and serves as a great explanation of textualism, the approach to legal interpretation often associated with Justice Scalia. While this title is directed primarily to judges and attorneys, it is also an interesting read for anyone curious about how judges reach their decisions. Thomson West, 2012. 567 pages. KF 380 S33 2012

19. Report on the preservation of historical Texas state court records

By Texas Court Records Preservation Task Force

This report was published by the Texas Court Records Preservation Task Force in 2011. The report begins by discussing the significance of historical Texas state court records which can date back to the Republic of Texas and are kept in over 500 storage facilities located throughout the state. Some of the records discuss famous Texans such as Sam Houston or historical events such as the Battle of San Jacinto however most of the records simply document the lives of ordinary Texans during different historical eras. Sadly many of the records are being kept in sub-optimal conditions and the report provides a list of factors leading to their deterioration. The last section discusses the task force's recommendations for preservation of these records. Texas Court Records Preservation Task Force, 2011. 89 pages. Online at: <http://www.supreme.courts.state.tx.us/crptf/docs/TaskForceReport.pdf>
KFT 8733 T45 2011

Legislative Process**20. Theory and practice of statutory interpretation**

By Frank Cross

This work analyzes statutory interpretation in the courts with special attention paid to practice in the Supreme Court. The author also reviews disputed approaches to statutory interpretation such as the use of legislative history versus adherence only to the text and the extent to which the justices of Supreme Court have utilized these methods to further an ideological agenda. Stanford Law Books, 2009. 233 pages.
KFT 425 C76 2009

Native Americans**21. The rights of Indians and tribes: the authoritative ACLU guide to Indian and tribal rights**

By Stephen Pevar

This book is part of the ACLU handbook series, which is designed to educate individuals about particular areas of law. It includes information on the history of federal Indian policy, Indian treaties, federal and state power over Indian affairs, tribal self-government, civil rights of Indians, and Indian gaming. It also provides a map of the various Indian reservations and communities throughout the United States. The fourth edition contains updated case law and other recent developments in this expanding area of law. New York University Press, 2012. 522 pages.
KF 8205 P4 2012

Real Property**22. Texas real estate forms manual**

By State Bar of Texas

Designed as a practical resource for the real estate attorney, the Texas Real Estate Forms Manual focuses on forms and provides assistance in drafting documents for real estate transactions with useful commentary to help attorneys in modifying the forms to fit their clients' legal situations. Transactions covered in this three volume set include deeds, promissory notes, bills of sale, security agreements, ancillary loan documents, residential contracts for deed, documents dealing with foreclosure, water rights conveyances, and mechanic's lien forms. State Bar of Texas, 2011. 3 volumes.
KFT 568 S7 2011

Torts

23. Advising the qui tam whistleblower: from identifying a case to filing under the False Claims Act

By Robin West

The second edition of this title provides a comprehensive overview on qui tam cases from assessing a possible claim to settlement. Chapters cover claims that are not actionable, unique Qui Tam procedural requirements, parts of a Qui Tam case, defenses, Section 3730(h) retaliation claims, intervened and non-intervened cases, and fee agreements. New to the second edition is a discussion of *Allison Engine Co., Inc. et al v. United States ex rel. Sanders et al* as well as updated statistics and case law. There are also several forms and a CD-ROM which can be requested at the reference desk. American Bar Association, 2009. 163 pages.
KF 850 W55 2009

Trial Practice

24. Litigation logic: a practical guide to effective argument

By Paul Bosanac

Bosanac presents concrete (and true) examples of flawed logic used in legal argument. He notes that “informal fallacies” are powerful tools to sway opinion. They are so commonly used in legal argument that it is very difficult to constantly listen critically in order to identify and object to a fallacious statement. This book provides an interesting flow chart to assist in hearing the fallacies in your opposition’s argument and in crafting your argument to be free of flawed logic. He includes a chapter on the legal ethics issues of argument. Even if you are not particularly interested in the logics discussion, the critique he provides of statements made in legal settings is very enlightening. American Bar Association, 2009. 486 pages.
KF 8915 B577 2009

Wills, Trusts, and Estate Planning

25. Building blocks of wills, trusts, and estate planning, 2011

By State Bar of Texas

This CLE course took place in January, 2011. Specific topics covered included basic estate planning, assisting elderly clients with estate planning, probate procedures, alternatives to probate, ethical issues and estate planning, and finally estate administration issues. The State Law Library has past editions of this CLE available from 2002, 2003, 2006, 2008, and 2009. We also have the 2012 edition available. Please ask for assistance at the reference desk. State Bar of Texas, 2011. 1 volume.
KFT 753 A75 B8 2011

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