

# Duly Noted



## *New titles from the Texas State Law Library*

Subject	Title	Page
<i>Appellate Procedure</i>	The how-to-win appeal manual: winning appellate advocacy in a nutshell.....	3
<i>Consumer Protection</i>	Consumer credit regulation: credit cards, payday loans, auto finance, and other non-mortgage credit .....	3
	Mortgage lending.....	3
<i>Corporations</i>	Soderquist on corporate law and practice .....	3
<i>Discovery</i>	Managing e-discovery and ESI: from pre-litigation through trial .....	4
	Personal injury depositions .....	4
<i>Elections &amp; Campaign Finance</i>	America votes!: a guide to modern election law and voting rights ...	4
<i>Environmental Law</i>	Principles of constitutional environmental law.....	4
<i>Family Law</i>	Collaborative law: achieving effective resolution in divorce without litigation .....	5
	Sexual orientation and the law.....	5
<i>Health and Health Care</i>	Road to resolution: a physician's step-by-step guide through the Texas Medical Board Disciplinary Process .....	5
<i>Insurance</i>	Litigating insurance disputes .....	5
<i>Juries and Jury Instructions</i>	Modern federal jury instructions.....	5
<i>Law Practice Management</i>	iPad in one hour for lawyers .....	6
<i>Legal Research and Writing</i>	An introduction to the legal system of the United States.....	6
	How to find out anything: from extreme Google searches to scouring government documents, a guide to uncovering anything about everyone and everything .....	6
	Researching Texas law.....	6
	Word origins for lawyers.....	7
<i>Non-profits</i>	Nonprofit governance and management .....	7
<i>Privacy</i>	Privacy, security and information management: an overview .....	7
	Reporter's recording guide: a state-by-state guide to taping phone calls and in-person conversations .....	7
<i>Trial Practice</i>	Bensen & Myers on litigation management.....	8
	Texas practice guide: civil trial.....	8
<i>Wills, Trusts, and Estate Planning</i>	An estate planner's guide to family business entities: family limited partnerships, limited liability companies, and more.....	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.

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.

## **Texas State Law Library**

205 West 14th Street • Austin, Texas 78701-1614

Phone (512) 463-1722 • Fax (512) 463-1728

[www.sll.texas.gov](http://www.sll.texas.gov) • [library@sll.texas.gov](mailto:library@sll.texas.gov)

**Follow us on Twitter:** [Twitter.com/SLLTexas](https://twitter.com/SLLTexas)

## *Appellate Practice*

### **1. The how-to-win appeal manual: winning appellate advocacy in a nutshell**

By Ralph Fine

This title provides information on what constitutes a winning appeal from a judge's viewpoint. Written by Ralph Adam Fine, a Wisconsin Court of Appeals Judge for over 20 years, *The How-to-Win Appeal Manual* gives the practitioner insight into the court's thought process on appellate decision making. With numerous "how to" chapters, Fine directly addresses the difficulties faced by practitioners and offers insider advice on how to overcome these obstacles in the appellate process. For the third edition of this title, a new chapter on "Oral Argument in the Real World" has been added. Juris, 2012. 342 pages.  
KF 9050 F56 2012

## *Consumer Protection*

### **2. Consumer credit regulation: credit cards, payday loans, auto finance, and other non-mortgage credit**

By Carolyn Carter

This treatise, published by the National Consumer Law Center, examines federal and state restrictions on consumer credit transactions. The focus of this treatise is on the origination of consumer credit rather than remedies upon default. It covers such topics as interest rates, usury, fees, and late charges. A variety of types of consumer credit are discussed in detail with citations to relevant cases and statutes. National Consumer Law Center, 2012. 718 pages.  
KF 1040 C37 2012

## **3. Mortgage lending**

By Andrew Pizor

This title is part of the NCLC's "Consumer Credit and Sales Legal Practice Series," and it covers a large breadth of issues related to mortgage lending. It focuses on both federal and state statutes that regulate mortgage lending while also noting when federal rules preempt state rules. Some of the topics include underwriting, appraisals, brokers, third party fees, interest rates and loan terms, reverse mortgages, as well as litigation issues. National Consumer Law Center, 2012. 628 pages.  
KF 695 P59 2012

## *Corporations*

### **4. Soderquist on corporate law and practice**

By Linda Smiddy

This title seeks to aid corporate lawyers in gaining an enhanced skill set in the area of corporate law and practice. The fourth edition includes updated information on the Model Business Corporations Act and the corporate statutes of Delaware. It also covers the various forms of business organizations, duties of care and fairness, dividends, control distribution devices, and mergers and acquisitions. Practising Law Institute, 2012. 1 volume.  
KF 1384 S62 2012

## *Discovery*

### **5. Managing e-discovery and ESI: from pre-litigation through trial**

By Paul Grimm

Directed at litigators, this title takes a close and in-depth look at electronically stored information (ESI) as it relates to discovery. It starts by looking at the Federal Rules of Civil Procedure that pertain to e-discovery and then moves on to an explanation of the technologies and policies a litigator should be familiar with. The rest of the title looks at the duty to preserve, production, privilege, and ethical issues through the lens of electronic discovery and the discovery of ESI. American Bar Association, 2011. 847 pages. KF 8902 E42 M36 2011

### **6. Personal injury depositions**

By John Nichols

This book provides the practitioner with guidance, forms, and sample depositions to assist with preparing for, attacking, and defending personal injury depositions. Specific types of cases discussed include motor vehicle accidents, premises liability, product liability, and negligence. Latest update received September 14, 2012. Juris, 2005. 1 volume. KF 8900 N43 2005

## *Elections & Campaign Finance*

### **7. America votes!: a guide to modern election law and voting rights**

By Benjamin Griffith

With the presidential election looming, the topic of voting rights is a hot-button issue. This publication from the American Bar Association examines modern election law and voting rights in detail. Contributing authors discuss many topics relevant to modern voters, such as the Voting Rights Act, photo ID requirements, voting technology, and accommodating the needs of a language-minority voting population. American Bar Association, 2008. 375 pages. KF 4886 A86 2008

## *Environmental Law*

### **8. Principles of constitutional environmental law**

By James May

This title seeks to examine the intersection between constitutional law and environmental law. It is divided into four parts which each cover Federal and State authority, judicial review, individual rights, and emerging issues. Part one on Federal and State authority examines how topics such as the commerce clause, the nondelegation doctrine, executive power, the dormant commerce clause interact with environmental law. Part two on Judicial Review looks at standing as well as the political question doctrine. Part three which focuses on individual rights looks at the taking clause and due process. Part four examines emerging issues such as state constitutions and environmental rights, climate litigation, property rights, and worldwide environmental law. American Bar Association, 2011. 442 pages. KF 3775 P748 2011

## *Family Law*

### **9. Collaborative law: achieving effective resolution in divorce without litigation**

By Pauline Tesler

This title covers the three stages of a collaborative law case, effective collaborative law practice, and the key moments in representation. Other topics include statutory recognition and standards for collaborative legal practice. It includes practitioner forms and checklists as well as a copy of ABA Formal Ethics Opinion 07-447: Ethical Considerations in Collaborative Law Practice. Also available is a CD-Rom containing forms which can be requested at the reference desk. American Bar Association, 2008. 369 pages. KF 535 T47 2008

### **10. Sexual orientation and the law**

By Karen Moulding

This is a “comprehensive legal treatise dedicated to the concerns of lesbians, gay men, bisexuals, and others who form alternative families or conduct lives outside societal ‘norms’ regarding gender or sexuality.” Some of the subjects discussed include legal issues in relation to family and property, civil rights and discrimination, criminal law and working with clients with HIV or AIDS. Included is a table of cases and a table of laws and rules. Thomson West, 2012. 2 volumes. KF 4754 S493 2012

## *Health and Health Care*

### **11. Road to resolution: a physician’s step-by-step guide through the Texas Medical Board Disciplinary Process**

By Texas Medical Association

This publication from the Texas Medical Board was written to help physicians understand the board’s purpose and provide guidance to physicians throughout the disciplinary process. Chapters cover the entire disciplinary process

starting with the complaint through the review, the preliminary and formal investigations, the informal show compliance hearings, and any administrative hearings. Additional chapters cover reporting guidelines, the physician health program, and specific case studies. Texas Medical Association, 2010. 75 pages. Online at: [www.texmed.org/Work-Area/DownloadAsset.aspx?id=22308](http://www.texmed.org/Work-Area/DownloadAsset.aspx?id=22308)  
KFT 2907 T45 2010

## *Insurance*

### **12. Litigating insurance disputes**

By Edward Zulkey

This comprehensive source provides guidance on all aspects of the insurance litigation process. Specific topics include obtaining and understanding liability insurance policies, choice of law, declaratory judgments, and arbitration. Latest update received September 14, 2012. Also available, a CD-ROM containing forms which can be requested at the reference desk. Juris, 2001. 1 volume.  
KF 1189.5 Z86

## *Juries and Jury Instructions*

### **13. Modern federal jury instructions**

By Leonard Sand

Sand’s is considered the most exhaustive title on federal jury instructions available. The introduction to the treatise explains that each charge included in this 8 volume set “satisfies the following criteria:...1. It is an accurate statement of the law; 2. It is expressed in language which is comprehensible to the lay juror; and 3. It is as brief as the two other criteria will permit.” Expert commentary on the recommended charges assures the lawyer that they will be selecting the most effective language possible. Last update received July, 2012. Lexis Nexis Matthew Bender, 1984. 8 volumes.  
KF 8984 M64 1984

## *Law Practice Management*

### **14. iPad in one hour for lawyers**

By Tom Mighell

This volume is an excellent guide for legal professionals looking to integrate new technology into their practice. Author Tom Mighell gives detailed information on setting up the iPad, navigating and managing folders, being productive, and using your iPad for legal tasks. Popular legal apps are reviewed and recommended for various tasks. Advanced tips such as security and shortcuts are included as well. American Bar Association, 2011. 89 pages.  
KF 320 A9 M48 2011

## *Legal Research and Writing*

### **15. An introduction to the legal system of the United States**

By E. Allan Farnsworth

This is a brief introduction to the study of American law. The author provides a breakdown of the structure and function of the U.S. legal system. This includes an historical background, information on the judicial system, case law, the legislative system, statutes, and secondary authority. Appendix one, "Reading Case Law and Statutes," contains exercises to help with understanding statutes and cases and their meanings in relation to other statutes and similar cases. Appendix two is a list of selected readings to provide more information on the issues and topics raised. Oxford University Press, 2010. 227 pages.  
KF 387 F3 2010

### **16. How to find out anything: from extreme Google searches to scouring government documents, a guide to uncovering anything about everyone and everything**

By Don MacLeod

Many people's research starts and ends with a simple Google search query, but there are many other resources on the Web and in public libraries that can help you find what you seek. This book helps you understand the research process, what can and cannot be found on the Web, and how to formulate advanced Google queries. Beyond Google, it also looks at the resources offered by public libraries, the reference tools that can help you locate facts, how to locate people, how to do business research, and how to search for public and governmental documents. This is a great resource for anyone who would like to learn the ways of savvy researchers. Prentice Hall Press, 2012. 256 pages.  
KF 240 M33 2012

### **17. Researching Texas law**

By Brandon Quarles

Written by two Baylor law librarians, this text is a basic guide to the legal research process for Texas materials. It covers primary and secondary materials, including statutes, case law, court rules, jury instructions, administrative regulations, loose leaf treatises, form books, and practice guides. This resource provides a great overview of materials available online as well as in print. It also includes a guide to legal citations and a list of Texas law libraries. Please request this item at the library's reference desk. W. S. Hein, 2012. 324 pages.  
REF DESK KFT 240 Q37 2012

**18. Word origins for lawyers**

By Rick Autry

This book features a collection words and phrases that are common in the legal field. It focuses on the meaning in the legal context, and then provides the etymology of the word. The main focus is meanings that would be helpful to an attorney. It also has brief articles that explain the evolution of language. For example, it discusses when words shift to a negative meaning or neutral words take on positive connotations and the importance of being careful when choosing a general dictionary. American Bar Association, 2012. 235 pages.  
KF 156 A93 2012

**Non-profits****19. Nonprofit governance and management**

By Cheryl Sorokin

Intended for directors and senior managers of non-profit organizations, this volume examines the many issues involved in managing a non-profit. Topics covered include the Board of Directors, fundraising, fiduciary responsibilities, and volunteer and employee law. Each chapter provides several exhibits to illustrate the subject matter discussed in that chapter. Also available is a CD-ROM which can be requested at the reference desk. American Bar Association, 2011. 286 pages.  
KF 1388 A1 N65 2011

**Privacy****20. Privacy, security and information management: an overview**

By Andrew Serwin

The preface states that the books' purpose is "... to provide key insights and outlines from some of the leading practitioners..." rather than an exhaustive examination. The introduction gives a brief history of the international and US legal developments in privacy law. Subsequent chapters discuss specific areas such as internet privacy, employee privacy, data security and destruction, and constitutional and statutory privacy rights. Extensive footnotes give the reader additional research avenues. American Bar Association, 2011. 454 pages.  
KF 1263 C65 S47 2011

**21. Reporter's recording guide: a state-by-state guide to taping phone calls and in-person conversations**

By Reporters Committee for Freedom of the Press

This quick reference guide to each state's laws on electronic recordings is put out by the Reporters Committee for Freedom of the Press. While directed at journalists, it serves as a valuable reference tool with "plain English" summaries of the law. It is not an in-depth treatment of legal issues surrounding the taping of conversations, but it serves as a general introduction to the laws. Reporters Committee for Freedom of the Press, 2012. 27 pages. Online at: <http://www.rcfp.org/rcfp/orders/docs/RECORDING.pdf>  
REF DESK KF 4770 R46 2012

### *Trial Practice*

#### **22. Bensen & Myers on litigation management**

By Eric Bensen

This title provides a valuable “how to” approach to litigation. With numerous checklists and evaluation worksheets it guides you through a dispassionate analysis of a client’s case. This analysis can assist you in determining whether it is cost effective to take on a case, and if so, how to allocate resources for legal research and discovery. Additionally, it suggests effective mechanisms for communication with in-house counsel and opposing parties. Also available is a CD-ROM containing over 40 forms and templates which can be requested at the reference desk. Lexis Nexis Matthew Bender, 2009. 1 volume. KF 8900 B46 2009

#### **23. Texas practice guide: civil trial**

By Adele Hedges

This title is one of elements of the Texas Practice Guide. This set is West’s “answer” to the Texas Litigation Guide. For years this series was published in loose-leaf binders, but recently the format has changed so that each title in the series is published annually in pamphlet form. The series is written in outline format so information can be located with a quick scan of the contents. References to additional West Publishing’s titles are included as well as relevant Topic and Key Numbers. Procedural checklists and forms are provided with each chapter. The final volume of each title includes a Table of Statutes and Table of Cases that list all the statutes and cases included in the title. Additionally, West provides an index volume that covers the Texas Practice Guide in its entirety to help locate where a subject is covered within the series. Thomson West, 2011. 2 volumes. KFT 209 T5 CIV. TRIAL

### *Wills, Trusts, and Estate Planning*

#### **24. An estate planner’s guide to family business entities: family limited partnerships, limited liability companies, and more**

By Louis Mezzullo

This book provides guidance on choice of business entity to facilitate transferring wealth. Specific entities discussed include trusts, S corporations, C corporations, partnerships, and LLCs. This book also includes sample forms. Also available is a CD-ROM which can be requested at the reference desk. American Bar Association, 2010. 281 pages. KF 1380 M39 2010

#### **25. Estate planning for same-sex couples**

By Joan Burda

This book provides estate planning guidance tailored toward same-sex clients, addressing topics such as differences between states and issues affecting the entire LGBT community. Chapters include wills, trusts, planning for children, and funeral planning. Also available a CD-ROM which contains estate planning forms and documents which can be requested at the reference desk. American Bar Association, 2012. 460 pages. KF 750 B87 2012



## ORDER FORM

August/September 2012

If you would like to check out any of the books and reports described in this issue, please:

1. Locate the number beside the book or report you would like to check out and circle the corresponding number below. Because *Duly Noted* items are in demand, we ask that you limit your circulation to no more than three items at a time.
2. Complete the REQUESTOR information below.
3. Remove this page and return it to the State Law Library by mail or fax (512-463-1728) or call us at 512-463-1722.

---

1	2	3	4	5
6	7	8	9	10
11	12	13	14	15
16	<input checked="" type="radio"/>	18	19	20
<input checked="" type="radio"/>	22	23	24	25

REQUESTOR

Office of \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Phone Number \_\_\_\_\_

Library Card Number \_\_\_\_\_