

# Duly Noted



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

Subject	Title	Page
<i>Administrative Law</i>	A guide to federal agency rulemaking .....	3
<i>Arts</i>	Entertainment law: legal concepts and business practices .....	3
<i>Biotechnology</i>	Genetics: a handbook for lawyers.....	3
<i>Business Organizations</i>	Social enterprise: empowering mission-driven entrepreneurs .....	3
<i>Class Actions</i>	McLaughlin on class actions: law and practice .....	4
<i>Commercial Law</i>	Advising the small business: forms and advice for the legal practitioner .....	4
<i>Consumer Protection</i>	Model family financial protection act.....	4
	Navigating HUD programs: a practitioners' guide to the labyrinth....	4
<i>Criminal Procedure</i>	How to try a murder case : pretrial and trial guidelines for prosecution and defense .....	5
	Prisoners' self-help litigation manual .....	5
<i>Discovery</i>	Electronic discovery and records management guide: rules, checklists, and forms.....	5
<i>Environmental Law</i>	Environmental issues in business transactions .....	5
<i>Evidence</i>	Forensic science.....	6
	Real and demonstrative evidence: a real world practice manual for winning at trial .....	6
<i>Health and Health Care</i>	Practitioner's guide to hospital liability .....	6
<i>Insurance</i>	Texas personal automobile insurance policy .....	6
<i>Intellectual Property</i>	The legal strategist's guide to trademark, trial, and appeal board practice .....	7
<i>Juries and Jury Instructions</i>	Mastering voir dire and jury selection .....	7
<i>Labor and Employment</i>	Especially for Texas employers .....	7
	Maslanka's field guide to the Family & Medical Leave Act, 2013 ...	7
<i>Legal Ethics</i>	Professional responsibility in litigation .....	7
<i>Oil and Gas</i>	Primer on the Texas law of oil and gas .....	8
<i>Real Property</i>	Landlords and tenants guide .....	8
<i>Torts</i>	Formulas for calculating damages .....	8
<i>Wills, Trusts, and Estate Planning</i>	The boomer burden: dealing with your parents' lifetime accumulation of stuff .....	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.

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## *Administrative Law*

### **1. A guide to federal agency rulemaking**

By Jeffrey Lubbers

The fifth edition of this comprehensive title includes information on rule changes enacted during President Bush's second term and during the first three years of President Obama's administration. The first of the title's four parts provides an overview of rulemaking for Federal agencies. The second part provides a statutory framework covering acts such as the Administrative Procedure Act, the Paperwork Reduction Act, and other acts that affect rulemaking. Part three discusses informal rulemaking and part four discusses judicial review of agency rulemaking. American Bar Association, 2012. 608 pages.  
KF 5411 L83 2012

## *Arts*

### **2. Entertainment law: legal concepts and business practices**

By Thomas Selz

This multi-volume set provides information about various types of litigation involving celebrity clients with citations to state and federal laws, rules, and case law. It covers topics such as talent representation and contracts, privacy, defamation, and rights management. Included is an appendix of useful forms and checklists to assist in preparing for trial. Latest update is Rel. 7 received by the library in July 2012. Thomson West, 2006. 5 volumes.  
KF 4290 S4 2006

## *Biotechnology*

### **3. Genetics: a handbook for lawyers**

By A. Jamie Cuticchia

Part of the ABA fundamentals series, this title seeks to provide practitioners a clear explanation of genetics as it intersects with the law. Specific chapters provide information on legal implications of a wide range of topics including the human genome project, genetic variation, paternity testing and DNA fingerprinting, DNA forensics, the health effects of genetics, genetic rights, and talking to juries about genetics. Each chapter is heavily annotated to help the researcher begin their research. American Bar Association, 2009. 217 pages.  
KF 9666.5 C88 2009

## *Business Organizations*

### **4. Social enterprise: empowering mission-driven entrepreneurs**

By Marc Lane

This book discusses the legal considerations that attorneys should know when advising mission-driven entities that engage in socially conscious or progressive activities. These are both non-profit and for-profit businesses that are "applying market-based strategies to achieve a social purpose." Chapter topics include "Empowering the Social Sector," "Vetting the Social Enterprises Business Model," "Capitalizing the Social Enterprise," and "Zeroing In on the Right Business Form." Also includes a brief chapter-by-chapter overview. American Bar Association, 2011. 283 pages.  
KF 1355 L326 2011

## *Class Actions*

### **5. McLaughlin on class actions: law and practice**

By Joseph McLaughlin

This two volume set does not reach the detail of *Newberg on Class Actions*, but it does provide an excellent discussion of the current law on class actions. The impact of the “Class Action Fairness Act” and the amendments to the FRCP 23 are covered in depth. Attention is given to recent developments in state and federal case law. The authors note that their coverage is geared to judges and practitioners. The text provides an in-depth explanation of the law as well as strategic guidance on evaluating and developing a class action and pursuing the action through trial and subsequent appeals. A chapter is also devoted to settlement considerations. Thomson West, 2011. 2 volumes.

KF 8896 M342 2011

## *Commercial Law*

### **6. Advising the small business: forms and advice for the legal practitioner**

By Jean Batman

Though there are a number of legal guides for small businesses intended for the founding entrepreneurs, this publication from the American Bar Association is written for the practitioner counseling small businesses. This guide provides extensive guidance and advice on many topics that small businesses encounter from hiring employees to contracts to organizing a corporation, LLC or partnership. Each chapter contains sample documents and checklists for use in practice. Also available is a CD-ROM that can be requested at the reference desk. American Bar Association, 2011. 843 pages.

KF 1659 B38 2011

## *Consumer Protection*

### **7. Model family financial protection act**

By Robert Hobbs

Though the Credit CARD Act of 2009 has made great strides in protecting consumers against abuse from credit card companies, critical areas were left unaddressed. This model act, drafted by attorneys at the National Consumer Law Center, addresses gaps in protection and suggests measures for further protecting consumers from abuse from credit card companies and debt collectors. The model provisions and commentary provide excellent food for thought at a time when many Americans are struggling with issues of debt. National Consumer Law Center, 2012. 44 pages. Online at: [http://www.nclc.org/images/pdf/debt\\_collection/model\\_family\\_financial\\_protection\\_act.pdf](http://www.nclc.org/images/pdf/debt_collection/model_family_financial_protection_act.pdf)

KF 1040 H63 2012

### **8. Navigating HUD programs: a practitioners' guide to the labyrinth**

By George Weidenfeller

Written by former Housing and Urban Development (HUD) staff as well as attorneys with specialized HUD expertise, this title takes a detailed look at the various HUD programs available to the public. Each program is addressed in its own chapter, giving the authors the opportunity to go in-depth and explain the intricacies of each program's rules and regulations. The overarching regulations that apply to all HUD programs are also taken into account. This resource is invaluable to those who are having trouble navigating the rules of FHA insurance, affordable housing assistance, community development grants, secondary market support, and fair housing oversight, among other programs. American Bar Association, 2012. 486 pages.

KF 5729 N38 2012

*Criminal Procedure***9. How to try a murder case: pretrial and trial guidelines for prosecution and defense**

By Michael Wims

The authors posit that that a murder case is a very distinct type of criminal case. Even a seasoned criminal lawyer or prosecutor has a lot to learn to prepare for a murder trial. This book is geared to supply that specific knowledge. The chapters are presented as they would unfold in a typical murder case from the initial investigation through pretrial and jury trial. The development of a case is examined from the prosecution and defense perspective. Particular attention is given to mental health issues that often involved in a murder case. Appendices include helpful information such as sample motions sample psychological assessment. American Bar Association, 2011. 361 pages. KF 9306 W56 2011

**10. Prisoners' self-help litigation manual**

By John Boston

This title focuses solely on civil actions involving prisoner rights. An introductory chapter provides an overview on changes since the previous editions highlighting the challenges of the Prisoner Litigation Reform Act. There is a well presented section on what a litigant needs to know before considering filing a law suit. The requirement of exhaustion of remedies is spelled out, as well as other basic, but often not well explained issues such as, whom to sue, where to sue, and by what deadline you must sue. Additional chapters cover prisoner's rights, civil liberties, and due process rights. These would be helpful to any reader wanting a broad grounding in this area of law because they are clearly written and include footnotes for further research. A chapter on the basics of legal research and brief and memorandum writing are available as well as forms and sample papers. Oceana, 2010. 928 pages. REF DESK KF 9731 M36 2010

*Discovery***11. Electronic discovery and records management guide: rules, checklists, and forms**

By Jay Grenig

This title is divided into four parts. It begins with an introduction to the various types of electronically stored information (ESI) before moving on to a discussion of best practices for storing, managing, and destroying large volumes of ESI. The third part focuses on discovery procedures and the different methods of requesting that ESI be produced for litigation. The last part approaches these issues from the perspective of someone asked to produce ESI—that is, how to respond to a discovery request. This title has an accompanying CD-ROM and also includes sample forms and checklists to help practitioners. Thomson West, 2011. 691 pages. KF 8902 E42 G74 2011

*Environmental Law***12. Environmental issues in business transactions**

By Lawrence Schnapf

This title covers both the federal and state environmental regulatory programs affecting businesses as well as commercial transactions. It continues by providing practical information on the impact of these requirements. The focal point is providing transactional lawyers information and tools that they can use to identify, evaluate, and address environmental issues. Chapters 1 and 2 explain some of the technical issues commonly found in environmental law. Other topics discussed include CERCLA, RCRA, the Clean Water Act, and environmental due diligence. Also included are a CD-ROM which can be requested at the reference desk and a table of cases. American Bar Association, 2011. 584 pages. KF 1298 E585 2011

## *Evidence*

### **13. Forensic science**

By D. P. Lyle

Written by a physician who has consulted on television shows like CSI: Miami and written his own thriller series, this is an interesting introduction to forensic science. Forensic science is the “application of scientific disciplines to the law.” The book begins with an introduction to the development of this field and how medical examiners and crime labs currently work. Lyle covers the issues of the “CSI effect,” noting the impact on defense and prosecution of crime. Chapters are devoted to specific topics including biological evidence such as DNA or blood and physical evidence such as fingerprints or tires. The author concludes with a chapter on criminal psychology. An appendix “Forensic Science Timeline” is included which quickly shows the development of this area of study. American Bar Association, 2012. 420 pages.

KF 8961 L95 2012

### **14. Real and demonstrative evidence: a real world practice manual for winning at trial**

By Ronald Rychlak

This guide is intended to assist trial attorneys present physical evidence persuasively to a jury. It addresses practical matters such as rules of evidence and how to select the best type of presentation. Additionally, this resource provides tips for different kinds of media, such as maps, photographs, films, diagrams, and graphs. Juris, 2012. 779 pages.

KF 8967 R93 2012

## *Health and Health Care*

### **15. Practitioner’s guide to hospital liability**

By James O’Reilly

This book studies hospital liability for injuries sustained by patients and visitors. It is structured to help the attorney who is unfamiliar with hospital tort actions. It starts with an explanation of how hospitals are organized, how a duty of care is established, and causes of action. It then moves on to intentional acts, negligent acts and accidents. And finally, it discusses shared supervision and shared responsibility as well the influence of government oversight on hospital liability. A table of cases is included. American Bar Association, 2011. 317 pages.

KF 3825.3 O74 2011

## *Insurance*

### **16. Texas personal automobile insurance policy**

By Janet Colaneri

This manual guides practitioners through the legal issues that routinely arise from Texas standard automobile insurance policies. Topics addressed include: endorsements, policy and extracontractual issues, punitive damages, subrogation, insurer insolvency, fraud and misrepresentation, and Stover doctrine updates. The title begins with an annotated version of the Texas Personal Auto Policy which contains helpful citations to case law. American Lawyer Media, 2012. 350 pages.

KFT 1218 C65 2012

## *Intellectual Property*

### **17. The legal strategist's guide to trademark, trial, and appeal board practice**

By Jonathan Hudis

This guide from the American Bar Association provides analysis of practice as well as procedural information for the Trademark Trial and Appeal Board. Multiple contributing authors bring years of experience in trademark litigation and intellectual property law to the material within. Chapters cover disclosures and discovery, motion practice, trial procedures, appeals, and more. American Bar Association, 2012. 439 pages.  
KF 3193 L44 2012

## *Juries and Jury Instructions*

### **18. Mastering voir dire and jury selection**

By Jeffrey Frederick

This new and expanded edition, written by the director of the Jury Research Services Division of the National Legal Research Group, provides comprehensive information on jury selection, focusing on the skills needed to help in conducting effective voir dire and jury selection. Specific chapters cover the effect of jurors' backgrounds, awareness of nonverbal juror communication, voir dire preparation, common voir dire situations and problems, juror questionnaires, potential juror evaluation, and finally jury selection. Also available is a CD-ROM which can be requested at the reference desk. American Bar Association, 2011. 589 pages.  
KF 8979 F73 2011

## *Labor and Employment*

### **19. Especially for Texas employers**

By Texas Workforce Commission

This book is intended to help employers understand legal concepts in the workplace. Avoiding "legalese," it covers a range of typical concerns

such as hiring practices, payment of wages, work separation, and policies. This resource includes an appendix with sample policies and forms. Texas Workforce Commission, 2012. 398 pages. Online at: <http://www.twc.state.tx.us/news/efte/efte.pdf>  
REF DESK KFT 3319 E87 2012

### **20. Maslanka's field guide to the Family & Medical Leave Act, 2013**

By Michael Maslanka

This guide will help employers and employees understand their rights and obligations under the Family and Medical Leave Act. Maslanka covers the federal statutes and regulations section by section, providing commentary and emphasizing relevant Texas and Fifth Circuit cases. The very last section contains model forms. Texas Lawyer Press, 2012. 389 pages.  
KF 3531 M37 2012

## *Legal Ethics*

### **21. Professional responsibility in litigation**

By Douglas Richmond

This book is organized with each chapter assisting in tracing a lawsuit from beginning to end. The book begins with a discussion of professional responsibility issues found in pre-suit investigations and lawyer liability to co-counsel. It then moves on to issues in the initiation of litigation and concludes with discussions of ethics, expert witnesses and the professional responsibilities of appellate lawyers. Chapter topics covered include pre-suit investigation, frivolous claims, co-counsel and referral relationships, lawyer's litigation privilege, ex parte communications, ethics of e-discovery, expert witness conflicts of interest, and false testimony. Also includes examples of various cases to illustrate the points discussed. American Bar Association, 2011. 808 pages.  
KF 306 R53 2011

## *Oil and Gas*

### **22. Primer on the Texas law of oil and gas**

By Joseph Shade

This publication from LexisNexis is meant to serve as an introduction to the basics of Texas oil and gas law. Author John Shade summarizes the primary concepts of oil and gas law with the goal of providing the reader with a general understanding of the subject matter. For readers wishing to research more deeply into oil and gas law, the author suggests continuing research with Ernest E. Smith's "Texas Law of Oil and Gas," which is also available in the State Law Library's collection. Lexis Nexis Matthew Bender, 2012. 1 volume.

KFT 1849 S53 2012

## *Real Property*

### **23. Landlords and tenants guide**

By Judon Fambrough

This report from the Real Estate Center at Texas A&M University was revised in October 2012. It explains in everyday language the sections of the Texas Property Code dealing with landlord/tenant law. Specific sections cover the residential landlord's responsibility and liability for repairs, retaliation, the rental application, evictions, security deposits, lockouts, smoke alarms, utility cutoffs, and many other topics. Texas A&M Real Estate Center, 2012. 124 pages.

Online at: <http://recenter.tamu.edu/pdf/866.pdf>

REF DESK KFT 586 F35 2012

## *Torts*

### **24. Formulas for calculating damages**

By Mark Guralnick

Written for practicing attorneys, this title aims to demystify the process of calculating damages in various areas of law and serves as a great reference tool for civil practitioners. The first half of the book lays out basic strategies and math formulas as well as other considerations to keep in mind such as interest, key rates of return, probabilities, and financial ratios. In the second half, the author applies these concepts to various areas of law: personal injury and wrongful death damages, business damages, employment law damages, real estate damages, environmental damages, intellectual property damages, and family law damages. American Bar Association, 2012. 555 pages.

KF 1251 G87 2012

## *Wills, Trusts, and Estate Planning*

### **25. The boomer burden: dealing with your parents' lifetime accumulation of stuff**

By Julie Hall

This book serves as a guide to those who might face the need to dispose of their deceased parents' personal property. Written by an "estate liquidator" and certified personal property appraiser, it provides guidance on how to divide your parents' estate quickly and effectively while avoiding in-family arguments and fights that tend to muddy these procedures. The author also provides tips on how to identify valuable personal property that one should consider preserving versus "junk." Also included are notes and helpful information for older parents who wish to ease the estate liquidation process for their children. Thomas Nelson, 2007. 228 pages.

KF 750 H35 2007

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October/November 2012

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