

Duly Noted



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Texas State Law Library

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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 a 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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Administrative Law

1. A guide to federal agency adjudication

By Jeffrey Litwak

Administrative procedures have increasingly become the first step an individual must take in resolving a dispute, especially in the area of government benefits. Agency adjudications affect individuals in very important ways. When individuals view the adjudication process as giving them a fair chance to have their say, they are more likely to feel satisfied with the decision which prevents every dispute from escalating to formal court proceedings. This handbook covers due process under the Administrative Procedures Act (APA), as well as how to ensure the same protection under proceedings not governed by the APA. The 2012 “A Blackletter Statement of Federal Administrative Law,” prepared by the Section of Administrative Law and Regulatory Practice of the American Bar Association is included as Appendix A. American Bar Association, 2012. 304 pages.
KF 5407 G838 2012

Artifacts

2. Buried treasure: finders, keepers, and the law

By Cecil Kuhne, III

Using exciting, real-life cases, this title looks at the legal issues surrounding forgotten and abandoned property. The book is divided into three parts which discuss items found in the ground, under the sea, and “everywhere in between.” The author’s retellings of these cases make for a fun read while presenting the complexities of the issues surrounding these cases. American Bar Association, 2013. 178 pages.
KF 713 T7 K84 2013

Consumer Protection

3. Texas consumer law: cases and materials 2013-2014

By Richard Alderman

Written by one of the leading experts on the Texas Deceptive Trade Practices Act, this is a great resource for anyone who is researching or involved in consumer law litigation in Texas. It tackles many common issues—DTPA violations as well as exemptions and defenses, DTPA remedies, proper parties in DTPA suits, warranties, products liability, and debt collection practices—and provides hefty annotations to both statutes and relevant case law. This is a very detailed title that provides a great amount of value to anyone interested in consumer protection and DTPA litigation. A CD-ROM with supplemental information is also available and can be requested at the reference desk. Grail & Tucker Legal Publishing, L.C., 2013. 722 pages.
KFT 1610 A4 2013-2014

Civil Rights

4. Collateral consequences of criminal convictions: law, policy and practice

By Margaret Love

Many opportunities and privileges may be lost because of a conviction and there is little the convicted person can do about it. This text is an attempt to educate readers, the convicted person and those in the legal profession on the unintended consequences of a conviction. It also provides a comprehensive resource for civil practitioners seeking to mitigate these unintended consequences. This title includes a table of laws and rules, table of cases, comparison charts and state profiles, and model rules and standards. National Association of Criminal Defense Lawyers, 2013. 1 volume.
KF 390 E87 L685 2013

Criminal Law

5. Criminal law forms

By Kenneth Vercammen

While this volume contains forms for criminal and traffic cases, it provides much more. Written to assist attorneys not experienced in minor criminal or traffic matters, it provides a step-by-step manual on handling all aspects of these cases. The author includes advice on finding clients and how to support them throughout representation. In addition to pleadings and discovery forms, he includes numerous sample letters. I was impressed with the variety and number of sample letters that can be used to communicate with clients. Many of our callers complain that their attorney does not provide enough information. Vercammen emphasizes the need to nurture that attorney-client relationship and provides letters that can be adapted to touch base with clients so that they do not feel forgotten. An accompanying CD-ROM allows electronic access to this wealth of information and can be requested at the reference desk. American Bar Association, 2013. 591 pages. KF 9216 V47 2013

Criminal Procedure

6. Lethal injection: capital punishment in Texas during the modern era

By Jonathan Sorensen

This work examines capital punishment since 1976, the year the death penalty was reinstated after a brief hiatus. Since then, Texas has led the nation in sentencing and execution. Author Jonathan Sorensen explores implications of Texas' stance on capital punishment by asking why Texas is much more aggressive than other states, whether or not capital punishment has been effective in deterring violent crime, and if it has any negative repercussions. University of Texas Press, 2006. 222 pages. KF 9227 S67 2006

Debtor and Creditor

7. How to collect your own judgment in Texas

By Harvey Cox

There are many guides on navigating small claims or the justice court system for the self-represented litigant, but what happens once the judgment is rendered? This title from attorney Harvey Cox picks up at the point when the judgment has been issued and counsels the creditor on how to actually collect. Cox presents a step-by-step system that discusses locating the debtor and their assets as well as the different legal avenues available to collect on the judgment. An appendix with forms is included. CreateSpace Independent Publishing Platform, 2013. 225 pages. KFT 1501 C69 2013

Drivers and Driving

8. DWI investigation & prosecution

By Richard Alpert

This book offers a very detailed dissection of a DWI case in Texas and serves as a great reference for criminal defense attorneys. It begins with a look at warrantless stops, roadblocks and sobriety checkpoints, the detention of a suspect, and the collection of evidence such as blood samples and breath tests. It then moves on to discuss pretrial motions and hearings and trial preparation which details jury selection, jury charges, and the type of evidence used in a trial. It ends by looking at the punishment phase and the special case of juvenile offenders. Also included are a table of cases and applicable statutes. A CD-ROM with forms and trial aids is also available and can be requested at the reference desk. Texas District and County Attorneys Association, 2012. 1 volume. KFT 2231 A46 2012

*Elder Law***9. Alzheimer's and the law: counseling clients with dementia and their families**

By Kerry Peck

This title was written to educate attorneys about the legal and ethical issues that arise when working with clients with dementia, specifically Alzheimer's. Chapters focus on ABA rules for clients with diminished capacity, advanced directives, power of attorney, special-needs trusts, government benefits, guardianships and conservatorships, elder exploitation, and personal-care agreements. American Bar Association, 2013. 380 pages.

KF 3803 A56 P43 2013

10. Divorce in the golden years: estate planning, spousal support, and retirement issues for clients at midlife and beyond

By Leslie Shaner

The issues faced by couples who decide to divorce later in life present several unique challenges for family lawyers working with these clients. This title helps family lawyers navigate those challenges. Topics covered include: nonprobate assets, divorce cases and intestate succession, wills, power of attorney, spousal support, and retirement plans. A range of appendices provide additional information. Also available is a CD-ROM which can be requested at the reference desk. American Bar Association, 2010. 369 pages.

KF 535 S49 2010

11. Ethics in the practice of elder law

By Roberta Flowers

This book was written for lawyers new to elder law practice and is an overview of the more common ethical considerations in elder law. It is not a comprehensive treatment of the subject, but will provide the reader examples of some of the main issues involved. This text includes ABA Model Rules of Professional Conduct, National Academy of Elder Law Attorneys Aspirational

Standards, select ABA ethics opinions, checklists, and letters. American Bar Association, 2013. 418 pages.

KF 390 A4 F59 2013

*Environmental Law***12. Climate change and insurance**

By Christina Carroll

Storms such as Superstorm Sandy and the May tornado in Moore, OK, have shown us, violent weather has huge financial costs. This title provides a brief overview of the insurance issues that arise from climate change. Chapters provide a background on climate change, the likely claimants of climate change litigation, climate change-related regulation, current climate change-related litigation, and potential claims liability. American Bar Association, 2012. 238 pages.

KF 3783 C578 2012

13. The law of adaptation to climate change: U.S. and international aspects

By Michael Gerrard

This volume, written by climate change law experts, examines laws that are currently being enacted both in the U.S. and internationally to deal with effects of climate change such as droughts, heat waves, extreme weather, and shifts in sea level. It is divided into two parts, one dealing with U.S. law and one dealing with international law. The U.S. law section addresses a wide range of topics including water supplies, energy demand, infrastructure, coastal retreat, ecosystems, agriculture, forestry, public lands, disaster preparedness and response, and insurance. American Bar Association, 2012. 888 pages.

KF 3783 L39 2012

Evidence

14. Social media as evidence: cases, practice pointers, and techniques

By Joshua Briones

Written by attorneys who specialize in social media legal practice, this title aims to help you understand the use of social media as evidence in a civil trial. The book begins with an introduction to social media—an “evidentiary gold mine for impeaching witnesses and undermining a party’s litigation position” —then moves on to topics such as the retrieval, retention, and admissibility of social media data. It also discusses related issues such as social media in relation to juries, jury selection, real-time “live blogging” of trials, and how social media may lead to a mistrial. American Bar Association, 2013. 109 pages.
KF 8947.5 B75 2013

Juvenile Law

15. Handbook on questioning children: a linguistic perspective

By Anne Walker

The authors believe that children involved in court proceedings need to clearly understand what is being asked of them and that they have the right to be clearly understood. Questioning children demands a great deal of patience and an understanding of communication issues presented by a child’s developmental stage as well as each child’s individual facility with language. The third edition contains new research findings and numerous tips on how to phrase effective questions and words to avoid or use with caution. The authors stress that actively listening to the child is just as important as the questions you ask and often follow-up questions are needed to ensure the child is able to credibly communicate to the court what the child has experienced. Numerous appendices and research references provide additional value to this important book. American Bar Association, 2013. 157 pages.
KF 9673 W35 2013

16. Trial manual for defense attorneys in juvenile delinquency cases

By Randy Hertz

This publication is geared exclusively to defense attorneys. The authors do not examine juvenile law from the prosecution’s perspective. It eschews theory and provides practical guidance from the point of taking on a juvenile case through the possible resolutions. The book’s chapters follow the usual sequence of events in a juvenile case. Rather than providing references to elsewhere in the book, information is repeated as needed, relating to the topic at hand. Practical advice is given on working with clients, their parents, and the court system so you can provide the best advocacy possible to ensure the best outcome for the child. American Bar Association, 2013. 948 pages.
KF 9815 H47 2013

17. Who gets a childhood?: race and juvenile justice in twentieth-century Texas

By William Bush

In this work, historian William Bush uses Texas as a case study to analyze the cycles of scandal, reform, and retrenchment within the juvenile justice system. He observes that historically, these cycles tend to produce results that are preferential to white middle and upper class juveniles, while harshly punishing black, Latino, and poor white juveniles. University of Georgia Press, 2010. 257 pages.
KFT 9779 B87 2010

Labor and Employment

18. ERISA and employee benefit law: the essentials

By David Pratt

This title serves as a great introduction to the many complicated issues related to pension and benefit plans. The authors begin by presenting the legal background of these topics before providing a closer look at various types of retirement plans: defined benefit, defined contribution, and hybrid plans. They also look at pensions in relation to divorce and bankruptcy, employee welfare benefits, social security benefits, Medicare, the taxation of retirement plans, and litigation under ERISA. Each chapter tackles a specific topic in a straightforward manner helping to better delve into the complex laws that govern benefit plans. American Bar Association, 2010. 570 pages.
KF 3512 P66 2010

Law Practice Management

19. Technology solutions for today's lawyer

By Jeffrey Allen

This text seeks to level the playing field between small firms and large firms by helping smaller offices utilize technology more efficiently. Some of the topics covered include choosing hardware for your office, mobile computing, implementing new software, cloud computing, security considerations, and backing up your data. It also includes a glossary of important computing terms and important practice tips are peppered throughout the text. American Bar Association, 2013. 281 pages.
KF 320 A9 A428 2013

20. The paralegal's guide to professional responsibility

By Arthur Garwin

This handbook was written for paralegals to serve as a practical reference on the basics of professional conduct. It explains the law of professional responsibility, provides tools for identifying and resolving ethical problems, and provides tips to use in everyday practice. It has several appendices, which include codes of ethics, model guidelines for utilizing paralegal services, legal research resources, and a glossary of important terms. American Bar Association, 2012. 221 pages.
KF 306 G37 2012

Legal Research and Writing

21. Legal writing in plain English: a text with exercises

By Bryan Garner

Bryan Garner, the author of noted writing and usage resources such as *The Redbook*, *The Elements of Legal Style*, *Garner's Dictionary of Legal Usage*, and many more, offers this volume on how to write legal documents in clear, concise language. Garner provides principles for framing your thoughts, phrasing your sentences, and choosing your words, as well as exercises to practice putting these principles into action. University of Chicago Press, 2013. 268 pages.
KF 250 G373 2013

*Practice of Law***22. Jiu jitsu jurisprudence: a guide to balance your life practice and law practice with Brazilian jiu jitsu**

By Ryan Danz

Ryan Danz presents a unique perspective on the psychological aspects of practicing law by examining it through the lens of the Brazilian martial art jiu jitsu. Danz contends that the guiding principles of jiu jitsu—focus, discipline, and camaraderie—can be applied to the practice of law to make you a better, more confident attorney. A thought-provoking read for those looking for a fresh approach to their practice. American Bar Association, 2013. 200 pages. KF 300 D36 2013

*Real Property***23. Land surveys: a guide for lawyers and other professionals**

By Mitchell Williams

This title, updated with the latest developments, is intended to help the practitioner understand and use land surveys during real estate transactions. Each chapter is written by different experts and covers such topics as reading survey maps, ALTA/ACSM Land Title Survey requirements, title insurance, land descriptions, boundary disputes, and professional and ethical requirements for surveyors. American Bar Association, 2012. 341 pages. KF 683 A75 L36 2012

*Trial Practice***24. Anatomy of a trial: a handbook for young lawyers**

By Paul Sandler

Many young lawyers beginning their careers have an excellent grasp of litigation theory but lack the real-world experience of actual trials. This volume from Paul Sandler looks at each stage of two real trials (one criminal and one civil) and gives advice and strategies for success. Learning points are presented at the end of each chapter to distill the text into the main ideas to remember at each stage of a trial. Appendices contain the text of the opening statements and closing arguments from the cases examined. American Bar Association, 2011. 391 pages. KF 8915 S24 2011

*Water Law***25. Spanish water, Anglo water: early development in San Antonio**

By Charles Porter

In this work, Charles Porter discusses the development of Spanish water usage and law in San Antonio. It covers the period of initial European settlement in 1718 through 1902 when the city appraised and purchased the privately owned San Antonio Water Works Company. Porter examines the natural water resources which first drew Spanish settlers to the area and how their unique system of management and ownership developed along with the city. Texas A&M University Press, 2009. 181 pages. KFT 645 P676 2009

ORDER FORM

October/November 2013

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This card will allow you to access the databases for three months. After three months, the card can be renewed an additional three months. To check out print materials or access our full set of library databases, you must come to the library in person and present a valid form of Texas identification.

The following databases are available for remote access:

- **Aspen Treatise Libraries:** treatises on a variety of topics such as bankruptcy, construction law, elder law, employment law, trial practice, family law, estate planning, and more
- **National Consumer Law Center:** information for NCLC titles including *Collection Actions*, *Fair Debt Collection*, *Foreclosures*, *Repossessions*, *Student Loan Law*, and more
- **Legal Information Reference Center:** hundreds of “plain English” books from Nolo and thousands of legal forms on topics such as family law, immigration, and debt collection
- **Legal Source:** over 1,200 scholarly law journal articles on topics such as criminal justice, international law, federal law, environmental law, and ethics
- **Loislaw:** case law, statutes, administrative rules and regulations, and court rules for all state and federal jurisdictions also Texas AG Opinions and Texas Business and Nonprofit Entity Forms
- **Stevenson’s Legal Forms and Practice Guide:** Texas legal forms in more than 23 practice areas including adoption and termination, civil litigation, probate, personal injury, and more
- **TexShare Databases** from the Texas State Library and Archives Commission

The library is also pleased to announce three new databases for **in library use only**:

- **AILALink** from the American Immigration Lawyers Association
- **Bloomberg BNA** includes U.S. Law Week and Tax Management Portfolios
- **LexisNexis** including Matthew Bender Publications such as the *Texas Litigation Guide*

We also continue to offer access to the following databases for **in library use only**:

- **Gale Virtual Reference Library**
- **HeinOnline**
- **Shepards**
- **Westlaw**