

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.

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Animal Rights

1. Equine regulatory law

By Robert Heleringer

This title was written by a professor of equine law when he was unable to find a thorough textbook on equine law. It looks at the Federal and state laws and regulations that govern the horse-racing industry. Written to be accessible to people working in the horse-racing industry as well as law students, it provides information on the origins of equine regulatory law, the role of the state racing commission, racing case law, the absolute insurer rule, and liability issues. Robert L. Heleringer, 2012. 972 pages.

KF 3989 H45 2012

2. Texas animal laws: an alpha-numerical reference

By Texas Academy of Animal Control Officers

This title, compiled by the Texas Academy of Animal Control Officers, contains all the Texas laws pertaining to animals. It is a helpful reference for individuals interested in Texas animal law topics such as domestic animals or wildlife. It is divided into six sections based on code. These sections are Texas Health & Safety Code, Texas Administrative Code, Texas Penal Code, Texas Parks & Wildlife Code, Texas Agriculture Code, and Miscellaneous Texas Codes. An index is provided for quick reference. This title is updated through the 82nd Legislature. Texas Academy of Animal Control Officers, 2011. 272 pages.

KFT 390.5 A5 T45

Business Organizations

3. Texas business organizations manual

By Casey Barthel

This new edition updates and reorganizes the State Bar's *Texas Business Entities Forms Manual: Corporations*. This volume is divided into sections on corporations and limited liability companies. It primarily consists of forms, including forms required by the Secretary of State. It also includes a few relevant CLE articles from recent State Bar courses. State Bar of Texas, 2013. 1 volume.

KFT 1384 T386 2013

Constitutional Law

4. I dissent: great opposing opinions in landmark Supreme Court cases

By Mark Tushnet

This compilation of dissenting opinions from the Supreme Court of the United States offers insight into the workings of the nation's highest court. The editor, a professor at Harvard Law School, first discusses the concept behind a "dissenting opinion" and then presents 13 "great opposing opinions" along with a contextual background of each case. He also offers brief commentary on the dissenting opinion and discusses how things might be different if the dissenting justices had prevailed. A great read for anyone interested in the history and impact of the Supreme Court of the United States. Beacon Press, 2008. 229 pages.

KF 8742 I35 2008

Construction Law

5. Construction damages and remedies

By Alexander Moseley

Winning a construction dispute claim is for naught if you have not pleaded and proven the damage claims and chosen the most effective remedy for your client. A host of construction law experts have contributed to the second edition of this handbook. They discuss the remedies possible for the various participants in construction litigation. They advise on how to calculate and effectively demonstrate evidence of damages related to construction. Chapters are also devoted to drafting construction contracts that limit remedies and damage awards. Appendices provide references to relevant state statutes. A lengthy table of cases and detailed index add to the value of this handbook. American Bar Association, 2013. 436 pages. KF 902 C66 2013

Consumer Protection

6. Fair credit reporting

By Chi Chi Wu

The eighth edition of The National Consumer Law Center's *Fair Credit Reporting* reaffirms its position as an essential resource for any consumer lawyer. This two volume set is a comprehensive examination of consumer credit reporting law, with footnotes to case law, reports, press releases, and agency documents throughout. Access to a companion website is available from library computers and as part of our remote access database collection. Available online through: <http://guides.sll.texas.gov/electronic-databases>. National Consumer Law Center, 2013. 2 volumes. KF 1040 O4 2013

Disabilities

7. Justice for all: challenges of the mentally ill in the legal system

By Sherrie Carter

This brief volume from the National Institute for Trial Advocacy provides an overview of common mental illness diagnoses, the legal relevance and applications of those diagnoses, and how to effectively assist and handle mentally diminished or ill clients. The author, Sherrie Carter, also provides the common treatment for each mental illness discussed and how that illness can impact attorney-client relations. Particular focus is given to criminal law and family law. National Institute for Trial Advocacy, 2009. 101 pages. KF 480 B68 2009

Drivers and Driving

8. Texas DWI manual

By Deandra Grant

This practice manual covers procedural aspects of DWI cases as well as relevant scientific concepts. It provides an in-depth treatment of the various tests used, such as field sobriety, blood, and breath tests. It also covers sentencing strategies and post-conviction issues and contains over 85 forms. A full-text, searchable CD-ROM is also available for checkout and can be requested at the reference desk. James Publishing, 2013. 1 volume. KFT 2231 G73 2013

*Elder Law***9. At liberty to die: the battle for death with dignity in America**

By Howard Ball

This book focuses on the liberty provided by the due process clauses of the U. S. Constitution and the fact that it extends to all terminally-ill, but competent persons' right to choose to die with dignity with the "passive assistance of a physician." It discusses the Terri Schiavo case and other related U.S. cases. It also discusses using legislation to allow death with dignity and focuses on Oregon and Washington, two states that have already passed pioneering death with dignity statutes. New York University Press, 2012. 229 pages.

KF 3827 E87 B357 2012

*Elections & Campaign Finance***10. Election law in the American political system**

By James Gardner

This casebook is organized into chapters dedicated to important aspects of election law. Each chapter provides an introduction to the concept with landmark cases and other background reading to help the reader understand the most important literature on each topic. Topics covered include the right to vote, redistricting, campaign finance, election administration, the Voting Rights Act, and political parties. Wolters Kluwer, 2012. 953 pages. KF 4886 G37 2012

*Environmental Law***11. The NEPA litigation guide**

By Albert Ferlo

This text discusses the National Environmental Policy Act (NEPA). Topics covered include its history, timing of NEPA compliance, regulations implementing the NEPA, litigating NEPA cases, and the NEPA and climate change. This book includes a table of cases and appendices of the "National Environmental Policy Act," "Council on Environmental Quality Regulations," and the "Forty most asked questions concerning CEQ's National Environmental Policy Act Regulations." American Bar Association, KF 3775 N473. 402 pages.

2012 KF 3775 N473

*Evidence***12. Eyewitness testimony: civil and criminal**

By Elizabeth Loftus

This valuable long-lived title was updated in 2013 to its fifth edition. In the foreword, the authors reiterate "the conversation between working lawyers, investigators and psychologists—between the lab, the street, and the courtroom—is constant." With this active collaboration, eyewitness testimony is constantly the subject of rigorous research. Based on psychological research and observation of the legal system's use of eyewitness testimony, the team of authors examines how to elicit reliable recollections and how to test the reliability in a courtroom setting. Valid science is described in accessible terms and contrasted with "junk science." Numerous examples taken from legal cases and scientific studies make this an interesting and valuable resource. Lexis Nexis Matthew Bender, 2013. 447 pages.

KF 9672 L63 2013 2013

13. Scientific evidence review: admissibility and use of expert evidence in the courtroom

By Cynthia Cwik

This volume begins with a brief overview of the United States Supreme Court decisions on the admissibility of expert evidence. The “Daubert trilogy” cases are discussed as well as more recent developments. Subsequent chapters are devoted to each federal circuit. For example, Chapter Five is entitled “Expert Evidence in the Fifth Circuit.” A Texas attorney provides an overview of the Fifth Circuit’s interpretation in general, followed by sections devoted to the federal courts in each state in the circuit. The author then compares the federal rules with each state’s rules of evidence. The reader then has an overview of the region’s handling of expert evidence. A final chapter looks at how the 2009 report on forensic sciences by the National Research Council of the National Academy of Science has impacted this area of law. American Bar Association, 2013. 500 pages. KF 8935 S27 2013

Guns**14. Gunfight: the battle over the right to bear arms in America**

By Adam Winkler

This title takes a historical look at the Second Amendment, commonly referred to as the right to bear arms. The author examines how this right to bear arms has been balanced by gun control efforts since the founding of the nation in the 1700s. He does not attempt to support any single viewpoint but instead offers perspective on how the nation’s attitude on guns and gun control has evolved since the days of the “Wild West” and frontier life. Also included are some historical accounts of how the National Rifle Association came to be and how its efforts have varied over the years. W.W. Norton & Company, 2011. 361 pages. KF 3941 W56 2011

Health and Health Care**15. A lawyer’s guide to understanding psychiatry**

By John Carbone

This title was written by John Carbone, MD, the Chief of Psychiatry and Mental Health Services for the North Carolina Department of Corrections. It is intended to provide attorneys with a basic knowledge of psychiatry to assist in working with offenders with mental illness. It is divided into seven sections which focus on mental illness classification, how individuals are diagnosed, disorders such as depression and anxiety, personality disorders, psychotropic medications, fabrication of symptoms, and risk assessments of future dangerousness for legal purposes. American Bar Association, 2012. 255 pages. KF 8965 C37 2012

16. Patient safety handbook

By Barbara Youngberg

The second edition of this title examines the past decade of improvements to patient safety. With more than 40 chapters, each written by different authors, this title provides in-depth coverage on reduction of risk and patient safety. Some of the topics covered include the patient safety movement’s recent progress, the role of senior hospital leaders and boards of directors in improving patient safety, investigating clinical incidents, “creating a just culture,” and reducing medical errors. Jones & Bartlett Learning, 2013. 646 pages. KF 3825 P38 2013

Judges and Judicial Conduct**17. Reflections on judging**

By Richard Posner

In his personal account of the state of the judiciary, Judge Posner—a judge for the United States Court of Appeals for the 7th Circuit since 1981—examines how the federal judiciary has evolved and the challenges it faces. Throughout

the work, Posner advocates for a more realistic approach to legal matters (“legal realism”) rather than the “legal formalism” preferred by other judges. Drawing from his decades of experience on the bench, Posner offers his own insight on many aspects of the legal profession and ends the book with suggestions on what could be done to improve the state of the judiciary. Harvard University Press, 2013. 380 pages.
KF 9050 P55 2013

Labor and Employment

18. Privacy in employment law

By Matthew Finkin

The fourth edition of the title examines the evolution of privacy law in the employment relationship. The first part, entitled “an analysis of privacy in the employment relationship,” examines current practices for things such as medical and psychological screening, drug testing, and background checks. Part two, entitled “statutory and regulatory references” looks at laws and regulations for lie detection, drug testing, tobacco or alcohol extracurricular usage policies, personnel records, and social security numbers. Finally, part three is comparative and looks at laws in the European Union, Canada, and Australia. Bureau of National Affairs, 2013. 1240 pages.
KF 3457.5 F56 2013

Legal Research and Writing

19. A lawyer writes: a practical guide to legal analysis

By Christine Coughlin

This book uses graphics and sample material to demonstrate how attorneys may write more effectively, including a step-by-step guide to building objective legal analyses. It also provides guidelines for writing professional client letters and emails. It shows the reader how to write

a persuasive argument and makes concepts understandable to users of varying learning styles. The appendices include examples of effective and less effective memos. Carolina Academic Press, 2013. 384 pages.
KF 250 C683 2013

20. Building your best argument

By Cecil Kuhne, III

While there is no shortage of legal writing and rhetoric treatises available, this one takes a slightly different approach. The author lists twelve elements that he feels are essential to a well-constructed argument, explains the basics, and then provides several examples of the concept being expertly applied to create a clear and convincing argument. For those who learn best by example, the author also includes two arguments in their entirety that he believes are exemplary of the concepts described in the book. American Bar Association, 2010. 243 pages.
KF 8915 K795 2010

21. Pleading your case: complaints and responses

By Janet Kole

This is a small handbook that walks the attorney through the pleading process. It takes the reader step by step through drafting a complaint and drafting a response. It answers basic questions along the way, like “What are the elements of the causes of action?,” “Does your client have standing?,” and “What court is proper?” It provides checklists for drafting a complaint and drafting a response and also includes a litigation budget template. American Bar Association, 2011. 119 pages.
KF 8870 Z9 K65 2011

Miscellaneous Legal Topics

22. Flash mob law: the legal side of planning and participating in pillow fights, no pants rides, and other shenanigans

By Ruth Carter

Flash mobs are a phenomenon which have gained increased visibility and popularity in recent years. Not surprisingly, these public displays of fun, performance art, advertising, or protest can often walk a fine legal line. This title from the American Bar Association briefly raises a wide variety of legal issues that should be considered when planning or participating in such an event, including privacy concerns, possible criminal offenses, intellectual property issues, and jurisdictional issues. Even if you are not actively involved in “flash mob law” (which is likely, as the author purports to be one of only two practicing specialists), the breadth of the relevant legal issues involved provides for an interesting and thought-provoking title. American Bar Association, 2013. 153 pages.

KF 3993 C37 2013

Prisoner Rights

23. Prison grievances: when to write, how to write

By Terri LeClercq

LeClercq writes extensively on legal writing. The comic or “graphic novel” format is used to explain the grievance process. The overview of the grievance process is presented through the story of a volunteer lawyer providing instructional classes to inmates and illustrates how one prisoner successfully won his grievance. The rules and the need to strictly follow them are illustrated. The story line is followed by a series of checklists to help the prisoner determine whether they have an actionable grievance. Additional checklists are included for specific types of grievances to ensure the required elements are included. Captive Audience Publishing, 2013. 57 pages.

REF DESK KFT 9731 Z9 L43 2013

Real Property

24. Landlords and tenants guide

By Judon Fambrough

This landlord/tenant guide from the Texas A&M Real Estate Center is a very popular, go-to resource at the library. It is valuable to both lawyers and non-lawyers because it summarizes landlord/tenant laws in “plain English,” yet it also includes citations to the relevant Texas statutes. This revised 2014 edition covers new legislation from the most recent 83rd legislative session. Some of the topics it covers are the landlord’s duty to repair, security deposits, utility cutoffs, various tenants’ rights, and evictions. It also briefly covers commercial tenancies and self-service storage facilities. Texas A&M Real Estate Center, 2014. 126 pages. Online at: <http://www.recenter.tamu.edu/pdf/866.pdf>
REF DESK KFT 586 F35 2014

Wills, Trusts, and Estate Planning

25. The ABA practical guide to estate planning

By Jay Soled

This title is intended to help attorneys explain important estate planning concepts to their clients. Chapters discuss protecting assets for beneficiaries, preserving a business, probatable and nonprobatable assets, federal, state and international taxes, various types of trusts, wills, other end of life decision making instruments, and special concerns for same-sex couples. American Bar Association, 2011. 523 pages.
KF 750 A733 2011

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December 2013/January 2014

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This card will allow you to access the databases for three months. After three months, the card can be renewed for 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**