

Truth, Justice, and Information for All

The Official Newsletter of the Collin County Law Library

ISSUE 2005-01

www.co.collin.tx.us

Jan Feb Mar 2005



Courthouse News



CPS, PPE, CASA, & Hopes Door To Receive Funding

During a September 14, 2004, regular session of the Commissioners Court of Collin County, Texas, a majority vote approved funding from the Family Protection Fees (GC 51.961) to go towards the following agencies: Child Protective Services (CPS), Practical Parent Education (PPE), Court Appointed Special Advocates (CASA), and Hopes Door.

Collin County Residents Now Able To Pay Fines Online

Taken from the McKinney Courier-Gazette, v. 107, no. 293 (Dec. 19, 2004) p. 1.

As of January 5, 2005, Collin County residents are now able to pay fines due to the justice of the peace courts online. This includes filing small claims, payment for health and other miscellaneous violations. This service has been provided by County officials in order to reduce the amount off calls the JP clerks take per day and also to make it easier for residents to make payments. This will also reduce any need to hire additional staff and to also meet the county's growing demands. In order to use the service, residents MUST be over 21 years old and have NO outstanding arrest warrants. Go to www.collincounty.tx.gov to see more.

New Rules For the Fifth District Court of Appeals

Excerpt from DBA Headnotes, v. 29, no. 1 (Jan. 1, 2005) p. 16.

These rules were approved by the Supreme Court of Texas on November 22, 2004. See the Dallas Bar Association Headnotes issue listed above to see entire article. Below is just a brief excerpt.

“Rule 10: A party must file the original and seven (7) copies of any brief submitted to the Court.”

“Rule 11: Briefs in cross-appeals: *Rule 11.1-* Civil appeal in which a cross-appeal has been timely filed; *Rule 11.2-* Aggregate number of pages for all briefs filed by any party may not exceed 125; *Rule 11.3-* Deadlines for filing briefs; *Rule 11.4-* If appellant or cross-appellant's appeal is dismissed and the appeal remains pending on the undismissed notice of appeal; *Rule 11.5-* The court may change the requirements of this rule on its own motion or motion of any party to the appeal.”

?

**Research
Question of the
Day:**

**Why use
Am Jur's Proof of
Facts?**

To find the answer,
turn to Page 6!

?

**Receive This
Newsletter
Via E-mail!**

If you would like to receive this newsletter via e-mail rather than from U.S. postal mail, please call the Library at: 972-548-4260 or email us at: kgill@co.collin.tx.us



New on the Shelves...

The following titles have been added to the
Collin County Law Library collection:



Texas Rules of Form, Tenth Edition
O'Connor's Business Organization Codes Plus, 2004-2005 ed.
Police Misconduct, 3rd Ed.– by Michael Avery, David Rudovsky & Karen M. Blum
2005 U.S. Master Tax Guide
2005 Texas Workers' Compensation Manual - by Flahive, Ogden & Latson
Handbook of Texas Lawyer and Judicial Ethics, 2005 ed.:

- Attorney Tort Standards
- Attorney Ethics Standards
- Judicial Ethics Standards
- Recusal and Disqualification of Judges

U.S. Attorney's Manual w/CD
Federal Sentencing Guidelines Manual, 2004 ed. (2 vol.)
Texas Consumer Law Handbook, 2005 ed.
Social Security Disability Practice (2 vol.) - by Thomas E. Bush
Blue's Guide to Jury Selection (replaces Bennett's Guide to Jury Selection) - by Lisa Blue, Ph.D., J.D.
& Robert B. Hirschhorn, J.D.
How To Start A Solo Law Practice: The Nuts & Bolts of Starting & Running a Law Office - by Hal
Davis
New Techniques for Winning Jury Trials - by Dr. James Rasicot

- Formats include: print, DVD's, and audio tapes (see Librarian to checkout)
- ***Requested by Judge Copeland***

Federal Criminal Practice w/CD - by Barry Boss & Edward F. Marek
O'Connor's Federal Rules Civil Trials, 2005 ed.
Handbook of Texas Family Law, 2005 ed. (Texas Practice Series) - by Judge Don Koons

**For assistance in finding these new titles in the library
or for information about upcoming titles,
just ask a law librarian!**

Call 972-548-4255 or email: jmccullough@co.collin.tx.us

DON'T FORGET!!

**Westlaw training is available upon request.
Just call or stop by the library and schedule a
30 minute training session to learn
more about Westlaw.**



Internet Spotlight

KaiserEDU www.kaiseredu.org

A comprehensive site provided by the Kaiser Family Foundation. This site was primarily designed for **health policy** students and faculty, but anyone who has an interest in health policy topics and debates will find the resources located here beneficial. The primary part of this site is concentrated in the Issue modules and Reference Libraries areas. **There are eight reference libraries and topics range from Medicare to the role of states in health policy.** The Issue Modules focus on specific health policy issues, but also provides data, analysis, academic literature, public opinion, and many other areas concerning the topic of health care.



the Advanced search feature by selecting a specific topic or database.

Uniform Law Commissioners www.nccusl.org/nccusl/DesktopDefault.aspx

This is the National Conference of Commissioners on Uniform State Laws that is responsible for the drafting of the “Uniform Laws” that can be seen on so many standard subjects. **The main page allows one to search various Acts in order to view the status of various Uniform Laws, from draft to final legislation.** One can also search by committee in order to see what each group is working on. It is recommended that users verify the information found here as the site may not always be up-to-date.

NHGRI Policy & Legislation Database www.genome.gov/PolicyEthics/LegDatabase/pubsearch.cfm

This database is part of the National Human Genome Research Institute and contains federal and state laws, legislative materials, federal administrative materials, and executive materials on genomic issues. One can easily search by clicking on a state, or use

Blogs www.duiblog.com & <http://gvfhra.typepad.com>

DUI Blog and a Human Resources blog that cover various topics related to bad DUI laws and HR law stories, respectively.

The opinions expressed on these web sites are not representative of those of Collin County or the Collin County Law Library.

Check it Out: Law Library Circulation Policies

The Collin County Law Library is happy to permit attorneys and their legal assistants to borrow print, video, and some DVD materials from the library. Computer diskettes and CD-ROMs are the only items not available for check out; these items are licensed for use at the Law Library’s Attorney Workstation only.

To check out an item, simply complete a check out card located at the Reference Desk in the library and leave the completed card with the librarian.

Most items may be borrowed for up to 72 hours. Some of the more heavily used reference items must be returned within 24 hours. Some items that carry the 24-hour limit include *Vernon’s*, *The Texas Litigation Guide*, *O’Connor’s* pamphlets, and any items that contain forms.

We ask that attorneys be considerate of other users of the Law Library by returning materials promptly when they are due. **Remember:** The longer a book is checked out, the longer it is not available for other library users to use until you return it to the library. The ability of the Law Library to continue to offer this service depends upon attorneys returning materials in a timely manner.



Articles of Interest



“U.S Supreme Court Weighs In: Drunk Driving Is Not A Crime of Violence”
John A. Tarantino, Law & Science DWI Journal v. 19, no. 11 (November 2004), p. 1-5.

This article discusses the issue of whether a conviction for a DWI by a non-U.S. citizen can be labeled a “crime of violence”, which then is considered an “aggravated felony” that warrants deportation under the Immigration and Naturalization Act. There are multiple cases referenced in this article. Some examples include *Lee v. United States Attorney General*, 196 F.3d 1352 (11th Cir. 1999) and *Leocal v. Ashcroft*, 2004 WL 2514904.

“A TuneUp For Trial Presentations”
Brett Burney, Texas Lawyer v. 20, no. 43 (December 27, 2004), p. 27.

Mr. Burney gives attorney’s an easy to read (and brief) article about the importance of implementing technology into one’s trial presentation. Mr. Burney lists several types of software one can use (PowerPoint, Trial Director, & Sanction II). He also goes into the importance of selecting the right equipment (scanners, projectors, etc.) and their associated costs. For those wanting to “spice up” their presentations and leave a lasting impression on jurors, this is an excellent article on how to get started.

“Alter Ego Analysis to Find Hidden Assets”
Darrell D. Dorrell, American Journal of Family Law v. 18, no. 4 (Winter 2005), p. 213-233.

This article covers the topic of “solely owned entities” by husband and wife and how they’re affected during the dissolution of a marriage. Mr. Dorrell discusses the definition of “alter ego” and also discusses the topics of “Formal Alter Ego Relationships” and “Informal Alter Ego Characteristics”. Throughout the article he provides a list of related literature that readers may find helpful.

“Jurisdictional Issues”
Barbara Handschu & Mary Kay Kisthardt, The National Law Journal v. 27, no. 20 (January 24, 2005), p. 12.

This article discusses the issues of child custody and the problems that arise when the custodial parent moves out of state with the child and the matter of which state’s court has jurisdiction. It also discusses the 1997 Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) and how it is interpreted by the states when it comes to the issue of how “home state” is defined and also the conflicts between the UCCJEA and the PKPA (Parental Kidnapping Prevention Act). Other topics covered include: Exclusive, continuing jurisdiction; Emergency or temporary jurisdiction; and, Interstate Enforcement.

Copies of these articles are available at the Law Library.
Just ask a law librarian!
Call: 972-548-4260 or email: kgill@co.collin.tx.us



New in Town? Join a Local Bar Association!

One of the most important ways to get your new law practice established is to attend local bar association meetings. These organizations provide helpful networking opportunities and CLE programs, as well as providing professional resources and advice for attorneys new to the area. Collin County has several different bar associations available:

Collin County Bar Association

When: 3rd Friday of each month, 12 noon
Where: Brazos Cattle Company restaurant in Allen
President: Bob Hultkrantz 972-562-5291

Frisco Bar Association

When: 2nd Friday of each month, 12 noon
Where: Terrelli's Restaurant on Preston Rd. in Frisco
Web Site: www.friscoabar.org

Collin County Criminal Defense Lawyers Association

When: 2nd Thursday of each month, 12 noon
Where: Emilia's restaurant on the Square in McKinney
President: Deric Walpole deric@boyd-veigel.com

Plano Bar Association

When: 1st Friday of each month, 12 noon
Where: Tino's Mexican Restaurant in Collin Creek Mall in Plano
Web Site: www.planobar.com

Calling All Attorneys! CPS Resources Needed

Attorneys occasionally ask the librarians at the Collin County Law Library how to get started representing clients in CPS cases. The Law Library has a very limited number of CPS resources available to help attorneys become familiar with how CPS cases are handled and processed. Frequently, we recommend that they consult with other attorneys who practice in this area.

We would like to add some materials to the Law Library collection which address this need. If you practice or have practiced in this area, perhaps you have attended a seminar or have come across a book or journal article addressing this topic. If so, the Law Library is very interested in any recommendations attorneys may have concerning potential resources.

Thank you!

CLE Opportunities (On DVD)

Guardianship Ad Litem CLE Course is Available!

Who: One attorney at a time may take this course.
When: Attorneys have one week to view the materials.
Credit: 5.0 hours of self-study; 1.0 hour of Ethics.
Cost: No cost to the attorney.

Advanced Criminal Law Course 2004 is Available!

Who: A minimum of two attorneys must participate each time the course is administered.
When: The course must be completed within a single calendar month.
Credit: 26 hours participatory, 2.25 hours ethics
Cost: \$329.00 per person
This course, as well as the Guardianship course, are administered by the Collin County Law Library. For more information, contact Katy Gill at the Law Library at 972-548-4260.

Available March 1st: Juvenile CLE Course!

The Law Library has obtained a Juvenile CLE Certification course (6.0 credit hours) that is required by Judge Cynthia Wheelless in order to practice in her court. It is part of the "Practice Before the Texas Supreme Court 2004" CLE.

?

Why use Am Jur's Proof of Facts?

Answer:

Am Jur's Proof of Facts explains and provides facts that can be essential to a cause of action or a defense. This particular publication can provide defense counsel with considerations pertinent to specific topics.

Although this particular publication is NOT kept updated, the Law Library does carry the First, Second, and Third series for reference purposes only.

This is an appealing publication that can be a tool to answer even the most challenging scenarios.

Start by selecting the appropriate Index to search for the desired topic. Once you've found your topic, go the designated volume to find your answer. The desired topic will provide information such as:

- 1) Background of topic
- 2) Sample transcripts of testimonies
- 3) Elements of Damages
- 4) Model Discovery Division
- 5) Elements of Proof checklist
- 6) Model Jury Instructions
- 7) Bibliographies
- 8) ...and much more.

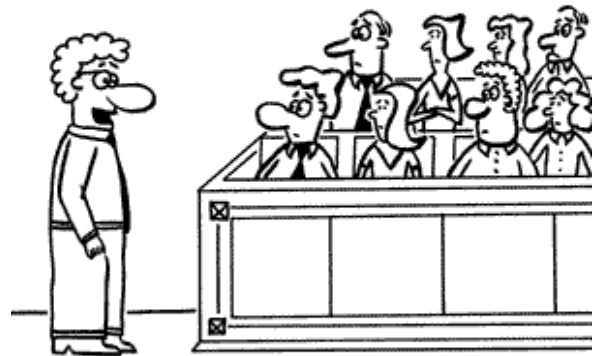
?

A Little Legal Humor...

Stu's Views

© 2002 Stu All Rights Reserved www.stus.com

Discount
Lawyer



"My client is totally innocent
of a few of the charges."

**Collin County Law Library
210 S. McDonald St., Suite 203
McKinney, TX 75069**

Judy McCullough, Director of Law Library
phone: 972-424-1460 ext. 4255
email: jmccullough@co.collin.tx.us

Katy Gill, Assistant Law Librarian
phone: 972-424-1460 ext. 4260
email: kgill@co.collin.tx.us

Hours of Operation:
Monday - Friday
8am - 5pm

Visit us on the Web:
www.co.collin.tx.us
www.texasjudge.com