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IN THE SPOTLIGHT

Articles and Websites of Interest

“Bad Call” Ira H. Leesfield and Mark A. Sylvester, Trial, August 2010, p.17-20.

If you have a client that has been injured in an auto accident, and the driver was using a cell phone for work-related purposes, then the employer may be liable. Authors Leesfield and Sylvester report summaries of some cases in which employers have been found liable, the two theories of liability which can apply in these cases, helpful hints on investigation and discovery, and anticipating defenses.

“Ethics in Client Relations” Betty Blackwell, Voice for the Defense, v. 39 no. 5 (2010), p. 29-41.

For the last ten years, the State Bar of Texas has received an average of 8700 complaints per year, approximately 3200 of which proceed as a grievance against an attorney. This article discusses the most common complaints and how to avoid them. There is also a summary of the proposed new disciplinary rules currently under consideration. The most common complaints are:

- Neglect
- Failure to communicate
- Fee disputes
- Trust account violations
- Duty upon termination
- Perjury
- Perjury by criminal defendant

According to the author, the best ways to avoid the grievance system are:

- Have a written contract
- Return phone calls if only to say that there is nothing new to report
- Communicate with clients in writing to document
- Return files on termination of employment
- Keep the attorney's address current with the State Bar at all times
- Do not represent co-defendants
- Do not advise anyone to avoid or ignore a subpoena
- Have a trust account for all fees that are prepaid or advance fees paid for services in the future.
- Answer the grievance!!!

Supreme Court of Texas Blog

www.scotxblog.com

The Supreme Court of Texas Blog is authored by attorney Don Cruse, and covers “important cases as they happen — from the petition through briefing on the merits, through oral argument and rehearing — giving readers a deeper view of what issues have the Court's attention.” The blog also publishes articles about other issues of Texas law and offers practical tips and strategic observations about handling cases in the Court.

Copies of these or other articles may be obtained in the Law Library or from the Law Librarian via email:

ldodds@co.collin.tx.us

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IN THE SPOTLIGHT**Articles and Websites of Interest (continued)**

“The Financial Side of Expert Witnesses” Stanley Schneider, Texas Bar Journal , v. 73, no. 7 (2010), p.552-554.

This article emphasizes the importance of attorneys learning about forensics (the author recommends Texas Criminal Defense Lawyers Association seminars, being held in October in Dallas). The article stresses the fact that even when clients cannot afford to pay experts, attorneys must make every effort to find other resources to pay them, or it can be found that their counsel was ineffective. Schneider outlines the steps that must be taken:

- Show that an expert is needed by filing an ex parte confidential request for advance payment of expenses to investigate potential defenses.
- Prove that the defendant is entitled to funding.

These steps should be taken even when the client has retained his own attorney—often a client has exhausted his resources by paying for bail and the attorney’s fees, but this should not preclude the hiring of experts for his defense.

In Black and White: Legal Marketing Strategies and Insights
www.inblackandwhiteblog.com

Business development tips, advice and strategies for busy attorneys. Blogger Paula Black runs weekly surveys, but she also picks up on interesting links; for example: What Lawyers Can Learn from Toyota: <http://blog.marketyourlawpractice.com/2010/03/07/client-service-reminders-what-lawyers-can-learn-from-toyota/>

Law Library Holiday Closures

The Collin County Courthouse (and the Law Library) will be closed on the following upcoming holidays:

September 6, for Labor Day.

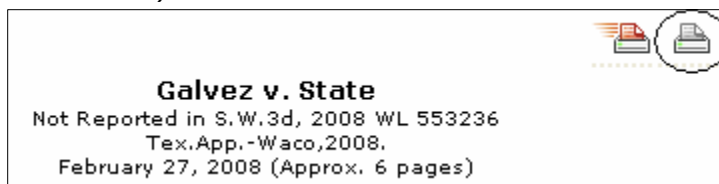
November 25 and 26, for Thanksgiving.

Westlaw Tips: Printing too many pages? Convert Westlaw Cases to PDFs.

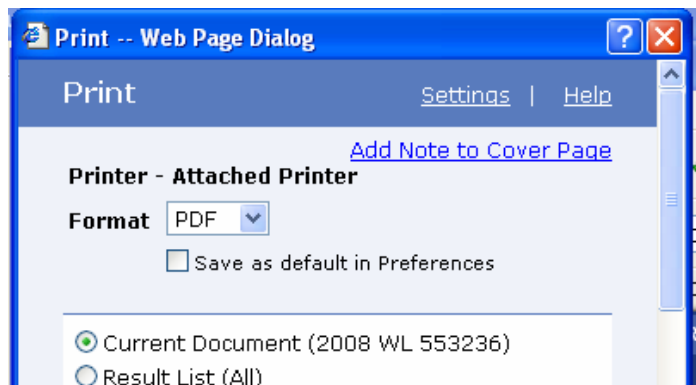
Many attorneys have complained that when printing out cases through Westlaw, it's difficult to estimate how many pages will print out. You can avoid that problem by converting the case to a PDF—you can then see how many pages will print before the pages start rolling off the printer.

To convert a case to a PDF file:

- Click on the print icon to the far right of the case heading (the one on the far right, not the red one!)



- A print dialog box will open with a number of options. You can choose different options, or just click on the print button at the bottom.



- Now the PDF window will open with your case formatted. PDF formatting is more condensed than the formatting that appears in the Westlaw window, so the document will be shorter. The number of pages will appear in the toolbar on the bottom of the window.
- To print, use the print icon, just as you would in any PDF document.

How do I . .

???

Missing Books

Has anyone seen our Texas Practice Series Volumes 17 and 18? These are our probate volumes. They are brown with gold titles, and disappeared from our shelves sometime in the past few weeks. If you inadvertently picked them up, please call or email and let us know!



New on the Shelf:

- Samson & Tindall's Family code annotated: with related state and federal statutes and accompanying CD-ROM, 2010.
- O'Connor's Texas Civil Forms, 2010.
- O'Connor's Federal Forms, 2010.
- Navigating the Federal Trial, 2010.
- South Texas Law Review.
- St. Mary's Law Journal, v. 41 no. 4 , 2010.

A Little Legal Humor

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Stu's Views

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You're from the same firm-- you can't represent both sides!

Sure we can--we have waivers AND we hate each other way more than we hate lawyers at other firms.



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