



TRUTH, JUSTICE AND INFORMATION FOR ALL

THE OFFICIAL NEWSLETTER OF THE COLLIN COUNTY LAW LIBRARY

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AUGUST 2012

Useful Internet Sites and Articles

Hot Topic in August: Texas Supreme Court to Weigh Pro Se Divorce Forms Texas Lawyer's Tex Parte Blog

http://texaslawyer.typepad.com/texas_lawyer_blog/2012/08/hot-topic-in-august-texas-supreme-court-to-weigh-pro-se-divorce-forms-for-indigents.html

The Texas Supreme Court will discuss and possibly decide whether to go ahead with endorsing a set of pro se divorce forms some time in August. The forms have "spurred a fight" in the legal community, pitting those who believe standardized forms would be helpful against those who feel the use of forms without legal counsel is potentially harmful. There have been several rounds of reports and recommendations from organizations on both sides of the debate, and the Supreme Court Justices will discuss the issue at the upcoming administrative conference scheduled for Aug. 9, 10, 14, 22, and 23.

Detecting Photoshop Fraud

http://www.law.com/jsp/lawtechnologynews/PubArticleLTN.jsp?id=1202555918043&Detecting_Photoshop_Fraud

Photographs are often used in court as evidence and must be authenticated, but it is becoming increasingly easy to tamper with pho-

tographs using Photoshop or other editing programs. This article discusses ways to discover obvious tampering before calling in an expert. You can examine the photo for anything that might look a little "off" or strange. Lighting oddities, such as the direction a shadow is cast, is one of the obvious signs of tampering, but there are others such as certain "flat" areas that lack detail, and body parts that are out of proportion (it can be difficult to get forged objects to fit into a specific area) You can also look for repeating patterns, such as background crowds that may have been lifted from one section of the photo to another. For more techniques, see the full version of the article.

How to Find Out Where an Email Really Came From

<http://www.techsupportalert.com/content/how-find-out-where-email-really-came.htm>

This brief article outlines ways of finding out where emails come from. Anyone can fake an email address but you can look at the hidden "header" to help you track down the geographic origin of an email. So next time you get that spam email from your friend in Wisconsin, check it out and make sure it wasn't sent from Indonesia.

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Hours of Operation:
Monday–Friday
8:00 am–5:00 pm

**IMPORTANT Change to Writ of Withholding Forms for
Child Support and Spousal Maintenance****CORRECTION:**

Attorneys, please take note: there is a new Federal Income Withholding for Support form (IWO) for all orders that require income withholding (for child support or spousal maintenance). The new forms are available from the attorney general's website:

www.oag.state.tx.us/cs/forms/forms.shtml

or at the Law Library. This form was developed by the Federal Office of Child Support Enforcement in conjunction with the Office of Management and Budget in order to make enforcement of orders easier.

Please note that some employers have returned Income Withholding Orders that are not on the new form.

Tech Tips**The Worst Passwords**

www.techsupportalert.com/content/worst-passwords-use-these-and-hackers-will-love-you.htm

This brief article gives a list of the top 25 most common passwords used. You might want to check this list and see if your accounts are secure (hint: using the word "password" or "123456" is *not* a good idea).

CLE News

We now have a copy of the Texas Bar CLE "Representing Parents in Child Protection Litigation: From a Practitioner's Perspective." This includes the DVD from the 2011 presentation and 52 pages of written materials that go with the course. Unfortunately, self-study CLE credit is not available with this material. If you are interested in checking this material out, just ask a Law Librarian or call the library at (972) 548-4255.

WestlawNext Resource Spotlight

There is so much in our WestlawNext subscription that we'd like to highlight a few resources that you may have missed:

Jury Verdicts

Westlaw reports that "Jury Verdicts are written by experienced legal editors to provide a uniform presentation of facts, including type of case, type of liability, a list of attorney and experts involved, case analysis of the facts and an award breakdown." Jury Verdicts are easy to access: click on WestlawNext to the left of the search box to access the Browse feature and click on the **Jury Verdicts and Settlements** link.



You can then choose to search for verdicts and settlements by Circuit, State, or Topic, or just use the keywords box to search through all available verdicts.

Jury Verdicts & Settlements	
See specific court for coverage details. Search all Jury Verdicts & Settlements content above or navigate to specific content below.	
By Circuit	
1st Circuit	5th Circuit
2nd Circuit	6th Circuit
3rd Circuit	7th Circuit
4th Circuit	8th Circuit
By State	
Alabama	Kentucky
Alaska	Louisiana
Arizona	Maine
Arkansas	Maryland
California	Massachusetts
Colorado	Michigan
Connecticut	Minnesota
Delaware	Mississippi
District of Columbia	Missouri
Florida	Montana
Georgia	Nebraska

WestlawNext Resource Spotlight

Related Documents

After you have run a search in WestlawNext and have chosen a category of documents to go into (such as **Cases**) a list of **Related Documents** pops up on the right side of the page. These documents are from the categories of *Secondary Sources*, *Briefs*, and *Trial Court Documents*. Using the **Related Documents** category can be a way to get to documents (such as pleadings and briefs) that you cannot search for directly through our WestlawNext subscription.

For example:

If you put in the search terms “family and medical leave” and then click on **Cases** on the left, a list of cases will appear in the center of the page. On the right side of the page will be the **Related Documents** sorted by category. If you scroll down you will be able to click on documents such as a related ALR article or an Appellant’s Original Brief.

The screenshot displays a WestlawNext search interface. The search bar at the top contains the text "family and medical leave". Below the search bar, the results are categorized under "Cases (1,110)". The first three cases are listed:

- 1. Hunt v. Rapides Healthcare System, LLC**
United States Court of Appeals, Fifth Circuit. | December 26, 2001 | 277 F.3d 757
LABOR AND EMPLOYMENT - Discrimination. Medical center did not improperly retaliate against nurse for exercising leave rights.
...Medical center's reassignment of nurse's day shift position and offer of night shift position which involved same duties, hours and pay was not "adverse employment action," of kind which violated anti-retaliation provision of the Family Medical Leave Act (FMLA), notwithstanding that nurse, a single parent, may have much preferred working during the day. Family and Medical Leave Act of 1993, § 105(a)(1, 2), 29 U.S.C.A. § 2615(a)(1, 2)....
...Under Family Medical Leave Act (FMLA), employers have both a prescriptive obligation to grant employees substantive rights guaranteed by FMLA, and a proscriptive obligation not to penalize employees for exercising these rights, and employee need not establish a violation of substantive, prescriptive provisions of the FMLA to allege a violation of proscriptive provisions. Family and Medical Leave Act of 1993, § 2 et seq., 29 U.S.C.A. § 2601 et seq....
- 2. Richardson v. Monitronics Intern., Inc.**
United States Court of Appeals, Fifth Circuit. | December 21, 2005 | 434 F.3d 327
LABOR AND EMPLOYMENT - Discrimination. Fired employee was entitled to have Family Medical Leave Act retaliation claim reviewed under mixed-motive analysis.
...Background: Terminated employee brought action against former employer, alleging that she was terminated in retaliation for her previous Family Medical Leave Act (FMLA) suit against the employer....
...To make a prima facie case of retaliatory discharge under the Family Medical Leave Act (FMLA), an employee must show that (1) she engaged in a protected activity, (2) the employer discharged her, and (3) there is a causal link between the protected activity and the discharge. Family and Medical Leave Act of 1993 § 105(a)(2), 29 U.S.C.A. § 2615(a)(2)....
- 3. Roberson v. Game Stop, Inc.**
United States District Court, N.D. Texas, Dallas Division. | January 20, 2005 | 395 F.Supp.2d 463
LABOR AND EMPLOYMENT - Leaves. Employee's FMLA claim based on her failure to be reinstated after family leave expired was not ripe for review.
...Employer may terminate employee who is unable to return to work after exhaustion of 12-week period of family medical leave where employer has a legitimate, nondiscriminatory reason for terminating employee; this is true regardless of whether the organization has official

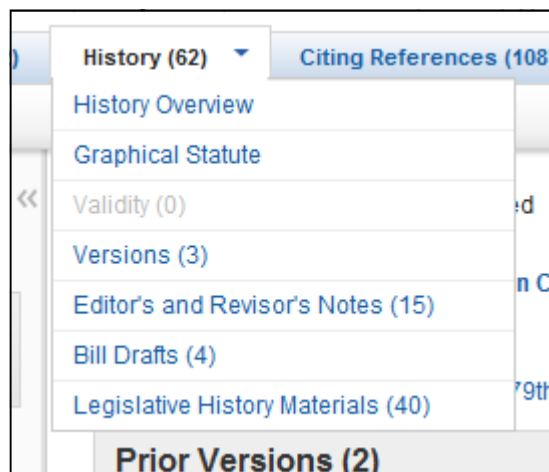
On the right side of the page, there is a sidebar titled "RELATED DOCUMENTS". It lists several documents under the "Secondary Sources" category:

- Establishing Employer's Discriminatory Motive in Action to Recover for Employer's Retaliation for Employee's Exercise of Rights Under Family and Medical Leave Act, in Violation of § 105(a) of Act [29 U.S.C.A. § 2615(a)]
- 190 A.L.R. Fed. 491 (Originally published in 2003)
- The ALR databases are made current by the weekly addition of relevant new cases.
- American Law Reports ALR Federal
- ...Employer's termination of employee was not in retaliation for her use of family medical leave, in violation of Family Medical Leave Act (FMLA) and Oregon Family Medical Leave Act (OFLA), even though she was fired immediately after her medical leave ended, and employer allegedly told her that "with your sister's diagnosis of breast cancer, we don't think you're going to be able to give your all"; care of sibling was not protected, and comment only addressed employee's use of unprotected personal leave....
- § 32:75. Proving a Family and Medical Leave Act (FMLA) claim or defense
- Employment Discrimination Coordinator
- 1 Emp. Discrim. Coord. Analysis of Federal Law § 32:75

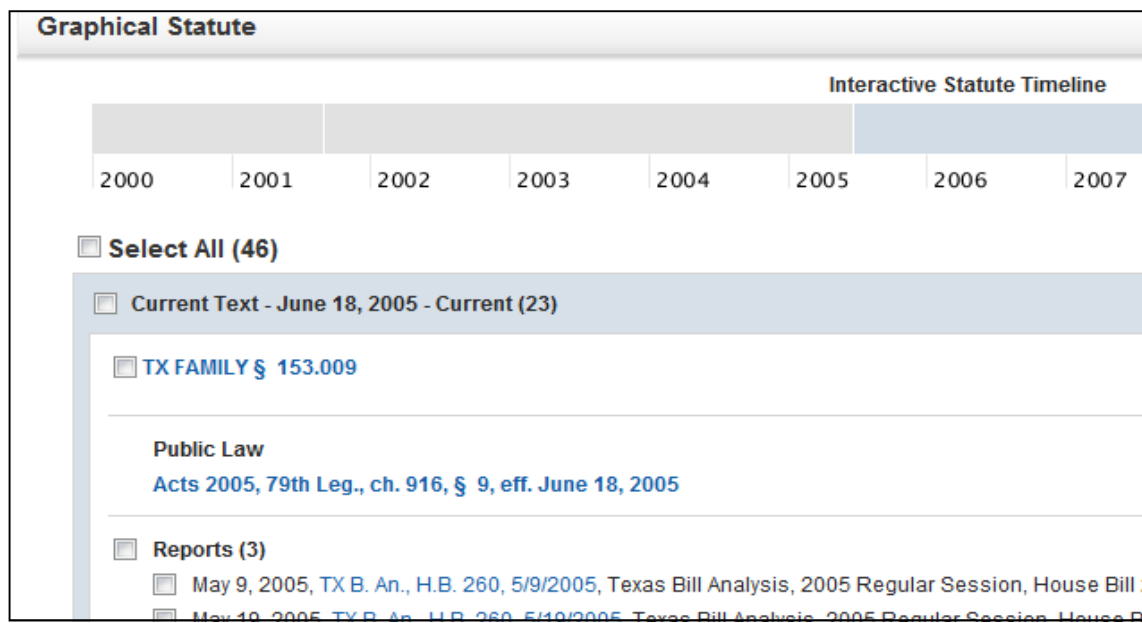
WestlawNext Resource Spotlight

Historical Statutes

The library often gets questions about past versions of statutes. In WestlawNext, you are able to access not only the current version of a statute but also the full text of any existing prior versions, a graphical representation of the previous versions, bill drafts, editor's and revisor's notes, and legislative history materials such as committee reports and floor testimony. To access the history of a statute, simply type in the statute you are interested in and then once in the statute click on the History tab at the top of the screen.



A drop down box will appear with the **Graphical Statute**, **Versions**, **Editor's and Revisor's Notes**, **Bill Drafts**, and **Legislative History Materials** (above). Clicking on the **Graphical Statute** link will let you view everything from one screen (as seen below).





The Law Library

will be closed

For Labor Day on

Monday,

September 3rd

2012.

New on the Shelf:

- O'Connor's Family Code Plus, 2012-2013.
- O'Connor's Property Code Plus, 2012-2013.
- O'Connor's Federal Employment Code Plus, 2012-2013.
- O'Connor's Causes of Action Pleadings, 2012.
- O'Connor's Texas Civil Forms, 2012.
- Texas Pattern Jury Charges: Family & Probate, 2012.
- Texas Forms Manual: A Guide to Texas Probate, 2011.

A Little Legal Humor

Stu's Views

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I wish to
have gone to
med school
instead of
law school.

I get
that a
lot.

