



TRUTH, JUSTICE AND INFORMATION FOR ALL

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Articles of Interest

Texas Supreme Court Opinion on Notice by Publication in Parental-Termination Case

<http://www.supreme.courts.state.tx.us/historical/2012/jul/110282.pdf>

In the case *In the Interest of E.R., J.B., E.G., and C.L., Children*, the Texas Supreme Court issued an opinion which may be of interest to family law attorneys using service by publication. The Court ruled that the state statute setting a six month limit to challenge parental termination is unenforceable if it violates due process. In this case the State, despite having spoken with the Respondent on previous occasions, used notice by publication as the method of serving the Respondent. The Court ruled that this notice was “poor, hopeless, and unjustifiable under these circumstances” and therefore held that the mother’s right to challenge the termination was not time-barred.

USA’s First Bookless Library is Coming to Bexar County

http://www.huffingtonpost.com/2013/01/17/bibliotech-bexar-county-bookless-library_n_2496069.html

After reading Walter Isaacson’s biography about Steve Jobs, Bexar County Judge Nelson Wolff developed the idea to open the first book-less library in the United States called BiblioTech. BiblioTech will be opening this Fall in San Antonio and is described as being a “4,989 foot, Apple Store-like place.” The library will offer 50 ereaders for loan and contain tablets, computers and even ebook loans for those who already own ereaders. The purpose of the library is not to replace existing libraries but rather to supplement them.

“Justices to Hear Case on Groups’ Free Speech”

http://www.nytimes.com/2013/01/12/us/supreme-court-takes-up-first-and-fifth-amendment-cases.html?_r=0

On January 11, 2013, the Supreme Court agreed to hear cases involving First and Fifth Amendment rights.

The First Amendment case involves a 2003 law that requires private groups fighting AIDS that receive federal aid to establish “a policy explicitly opposing prostitution.” The federal government asked the Supreme Court to hear the case because the United States Court of Appeals for the Second Circuit blocked the law as unconstitutional while the United States Court of Appeals for the District of Columbia Circuit upheld the law. Groups challenging the law allege in their brief that they “generally avoid taking policy positions or making statements that are likely to offend the nations they work in and the people they seek to help.”

The Fifth Amendment case will explore the following question: May the failure to answer a police officer’s questions before an arrest be used against a defendant at trial? The Fifth Amendment is fairly straightforward as far as what happens after arrest and at trial, but the Court has never decided “whether or under what circumstances pre-arrest silence” is afforded protection. The facts surrounding this Houston, Texas case involve Mr. Genovevo Salinas who refused to answer the officer when the officer asked Mr. Salinas if the shotgun shells from the murder scene would match his shotgun.

SEE JUSTICES TO HEAR CASE ON GROUPS’ FREE SPEECH, PAGE 2

Copies of these articles are available in the library, or from the law librarian via email: droberts@co.collin.tx.us

**Contact
Information:**

Diane Roberts
Law Librarian
Email: droberts@co.collin.tx.us

Bethany Fansler
Assistant
Law Librarian
Email:
bfansler@co.collin.tx.us

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

JUSTICES TO HEAR CASE ON GROUPS' FREE SPEECH, FROM PAGE 1

His silence as to this question was brought up by the prosecutor at his retrial. The jury found Mr. Salinas guilty and sentenced him to 20 years in prison. In their brief urging the Supreme Court not to hear the case, the Houston prosecutors argue that the Fifth Amendment does not attach "when there is no official compulsion to speak."

Satellite Lands

Texas Lawyer, Dec. 3, 2012, page 3

On November 29, 2012, the United States Patent and Trademark Office announced that it will be opening a new regional satellite office in the Terminal Annex Building in downtown Dallas. While the new opening date has not yet been announced, the USPTO's goal is to have three regional satellite locations open by September 2014. According to the USPTO, the Dallas-Ft. Worth area is "exceedingly rich in engineering talent, patent applications and patent grants."

Cybercrimes: Battling a New Kind of Home Intruder

<http://www.homesecurity.org/computer/cybercrimes-battling-a-new-kind-of%20home-intruder/>

Our daily lives are dominated by electronic devices used for a variety of tasks. While these devices improve our lives in a number of ways, it's important to remember that they all carry with them the potential of being hacked. Since cybercrime is no longer limited to PCs and laptops, this website serves as a helpful reminder of the types of cybercrime in existence and tips on how to protect against such crimes.

Attorney IOUs

As a professional courtesy, the law library provides attorney IOUs. We do not want to discontinue this service so please remember that these IOUs need to be paid! Also, when you are filling out the IOU, be sure to fill out the form in its entirety, particularly your email address for billing purposes. Thank you in advance for your attention to this matter!



Library News and Announcements

Happy One Year Anniversary to Law Librarian Diane Roberts!

Most patrons of the Curt B. Henderson Law Library know Diane Roberts by face, if not by name. Diane has been the librarian for just over one year now and was willing to take some time out of her busy day for a brief interview:

Q: Most people may not be aware that you were a litigation paralegal for almost 20 years. How does that experience assist you as a law librarian?

A: Actually, it was over 20 years and as I worked contract for many of those years, I was fortunate to work for small, medium, and large firms as well as corporations in almost every area of law. It is very helpful to understand how the courts work, how the rules apply, and the terminology of torts, probate, real estate, family law, etc. You never know from day-to-day what question you will need to field, and it is wonderful to hear patrons state how much you have helped them and that you are great at your job. All of my education, knowledge and experience is being well-utilized.

Q: What, to date, has been the most enjoyable aspect of the position?

A: Meeting other law librarians and visiting their libraries and courts. I find librarians to be tremendously generous with sharing information and support and it is helpful to me to see how different counties manage their collections and their patrons.

Q: Often times, people assume that librarians have an easy job or that librarians really don't do anything, especially in an age where so many resources are available online. What is your response to these statements and how would you describe the role of law librarian?

A: With information, as well as other things, quality vs. quantity is always a factor. Sometimes finding the right case, correct statute or rule can be as difficult as finding a needle in a haystack. A good librarian knows their collection, how the information is organized, and the most efficient way to access the information. In addition to being relied on to direct the patron to the appropriate resource, the reference librarian is also frequently tasked with assisting the patron in figuring out exactly what they need or want. Law librarians cannot tell patrons what they need; instead, they have to work with patrons to help them articulate what they need and then show them what might be the appropriate resource.



WestlawTips

Using the Graphical Statute Function

The Graphical Statutes function is available on Westlaw Classic and WestLaw Next. However, the Westlaw Classic “charts” the legislative history for easy reference. Both Westlaw Classic and WestlawNext are available on the public computers located in the law library. Graphical Statutes provides the legislative changes to the code being researched (below is the history of Texas Family Code §8.055, “Amount of Maintenance”). The chart allows the researcher to track changes in the law, locate relevant legislative history materials, read important case law and check for any possible amendments.

To display a statute in graphical view, click Graphical Statutes on the Links tab on the left side of the screen while in the split screen view.

Find Result - TX FAMILY § 8.055 - Windows Internet Explorer

https://web2.westlaw.com/Find/default.wl?mt=NewLigator&db=TX-ST-ANN&ss=WLW13.01&docname=UU079FD2A09C-8F11E0B048-88A74A0D8F5&pg=%2fFind%2fdefault.wl&findtype=ls&pa=003252808-4000&ordoc=10591067&v=2.0&fne_top&nav=Split

Westlaw Classic

Find Result - TX FAMILY § 8.055

Links for TX FAMILY § 8.055

Full Screen List
Locate in Result
Find citations: [Go]

Citing References available
History
Citing References
Monitor With KeyCite Alert

Graphical Statutes

Full-Text Document
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ResultsPlus™
View All Results

Employment Coordinator
1. State Laws Regarding Compensation Records and Notices, Texas Records

Am.Jur.2d: Bankruptcy
2. Allowance or Disallowance of Claim, Grounds for Disallowance of Claim, Certain Claims for Reimbursement or Contribution of Debtor, Surety, Guarantor, and the Like-Election Between Subrogation or Reimbursement and Contribution

Am.Jur.2d: Mines and Minerals
3. Rights in Public Mineral Lands, in General, Other Lands, Construction and Validity of Statutes

View All Results
List of ResultsPlus Publications

FORMS FOCUS About View All Results

American Jurisprudence Legal Forms
1. Elder - Social Security - Request for withdrawal of application for benefits

American Jurisprudence Legal Forms
2. Elder - Social Security - Worksheet - Information required for application for wife's or husband's insurance benefits

V.T.C.A., Family Code § 8.055

Vernon's Texas Statutes and Codes Annotated [Currentness](#)
Family Code ([Refs & Anns](#))
Title 1. The Marriage Relationship ([Refs & Anns](#))
Subtitle C. Dissolution of Marriage
Chapter 8. Maintenance ([Refs & Anns](#))
Subchapter B. Court-Ordered Maintenance
§ 8.055. Amount of Maintenance

(a) A court may not order maintenance that requires an obligor to pay monthly more than the lesser of:

(1) \$5,000; or

(2) 20 percent of the spouse's average monthly gross income.

(a-1) For purposes of this chapter, gross income:

(1) includes:

(A) 100 percent of all wage and salary income and other compensation for personal services (including commissions, overtime pay, tips, and bonuses);

(B) interest, dividends, and royalty income;

(C) self-employment income;

(D) net rental income (defined as rent after deducting operating expenses and mortgage payments, but not including noncash items such as depreciation); and

(E) all other income actually being received, including severance pay, retirement benefits, pensions, trust income, annuities, capital gains, unemployment benefits, interest income from notes regardless of the source, gifts and prizes, maintenance, and alimony; and

(2) does not include:

(A) return of principal or capital;

(B) accounts receivable;

(C) benefits paid in accordance with federal public assistance programs;

(D) benefits paid in accordance with the Temporary Assistance for Needy Families program;

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2/5/2013

Upon clicking the Graphical Statutes link, the statute will be “charted” as follows:

The screenshot shows the Westlaw Classic interface for Texas Family Code § 8.055. The page is titled "V.T.C.A., Family Code § 8.055" and "Current: § 8.055. Amount of Maintenance". It features a timeline of the statute's history, with links to "KeyCite History", "List of Versions", "Coverage", and "Text View". The timeline is divided into three periods: "Sep. 1, 2001 to Aug. 31, 2003", "Sep. 1, 2003 to Aug. 31, 2011", and "Sep. 1, 2011 to Current". Each period has a "Prior Text" and a "Current Text" section, along with an "Act" section. The "Act" section for the current period lists "Acts 2011, 82nd Leg., ch. 486 (H.R. 901), § 6, § 9(a), eff. Sept. 1, 2011". The "Reports" section for the current period lists "TX B. An., H.B. 681, 8102001, Texas Bill Analysis, 2001 Regular Session, House Bill 681, Jul. 18, 2001" and "TX B. An., H.B. 681, 8102001, Texas Bill Analysis, 2001 Regular Session, House Bill 681, May 10, 2001". The "Journals" section for the current period lists "TX H.R. Jour., 2001, Reg. Sess. No. 85, Texas House Journal, 77th Legislature, Regular Session, 85th, Jun. 2, 2003" and "TX H.R. Jour., 2001, Reg. Sess. No. 85, Texas House Journal, 77th Legislature, Regular Session, 85th, May 28, 2001".

Tech Tips: “There’s An App For That”

Legal research is continuing to evolve, first from books to the computer and now from the computer to the palm of your hand. Below is a just a small sample of the apps currently available for your smartphones and tablets:

- *Nolo*—free alternative to Black’s Law Dictionary App (which is available for \$54.99)
- *Courtroom Objections*—Hybrid of the federal and Texas rules of evidence, displays common objections to form and admissibility and the rule it is based on.
- *Fastcase*—free case law research of U.S. cases and statutes
- *MobileLaw*—free legal text navigation platform that includes more than 250 legal texts, including Texas State Law
- *SmartDockets*—free access to over 675 federal, state and local court rules sets to calculate court deadlines. Ability to add deadlines to your calendar via Outlook and iCal files.
- *Wolfram Lawyer’s Professional Assistant*—\$4.99, provides access to a legal dictionary, statutes of limitations for each state, a calendar calculator, and a damages determination feature.
- *JuryPad*—\$19.99, track jury challenges and jurors struck for cause. Add juror information, map their addresses and take a look at their front doors.



The Law Library

will be closed

on Friday, March

29th, for Good

Friday.

New on the Shelf:

- O'Connor's Texas Causes of Action, 2013.
- O'Connor's Federal Rules * Civil Trials, 2013.
- O'Connor's Texas Rules * Civil Trials, 2013.
- Handbook of Texas Family Law, 2012-2013.
- Texas Pattern Jury Charges: General Negligence, 2012
- Texas Legal Practice Forms, Volume 1 2012-2013
- Handbook on Texas Discovery Practice, 2012-2013
- Texas Consumer Law Handbook, 2012-2013
- Scientific Evidence, 5th Edition
- Federal Sentencing Guidelines Manual, Volumes 1, 2, and 3, 2012 ed.

A Little Legal Humor



"I never accept a first offer."