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Useful Internet Sites and Articles

Discovery Changes Afoot?

"Discovery Changes Proposed," Texas Lawyer, March 4, 2013

Two nonprofit advocacy groups, Texas Appleseed and the Texas Defender Service, joined by pro bono attorneys from Locke Lord, LLP released a report on February 27 after speaking with more than 60 prosecutors and criminal defense attorneys and analyzing open record requests regarding the discovery policies of 43 Texas counties. According to these groups, their research suggested that there is a lack of standardized rules and the rules vary from county to county. The report, entitled "Improving Discovery in Criminal Cases in Texas," also finds that the Texas statute requires little by way of disclosures by both prosecutors and criminal defense attorneys when compared to the American Bar Association best practices and standards. The report recommends five considerable changes to current discovery practices in criminal cases. The suggested amendments are as follows: 1) provide criminal-defense attorneys with automatic access to discovery without a motion; 2) require prosecutors always to disclose police reports, witness statements, expert reports and criminal histories; 3) require some disclosures by the defense; 4) set deadlines; and, 5) impose a continuing obligation to disclose. A full copy of the report is available at the law library or at the following site: <http://www.prosecutorialaccountability.com/wp-content/uploads/2013/03/Improving-Discovery-in-Criminal-Cases-in-Texas-2-27-13.pdf>.

Crime Victims' Immigration Status Could Be Off-Limits

<http://www.star-telegram.com/2013/05/02/4822531/bill-would-keep-peace-officers.html>

On Thursday, May 2, the House State Affairs Committee approved HB 3738 which prohibits law enforcement officers from asking both victims of crime and witnesses to crimes about their immigration status. Representative Lon Burnam of Fort Worth sponsored the bill and states, "what the bill accomplishes is to bring anybody and everybody under the law, and that means victims of crimes and witnesses of crime have the opportunity of free exchange with our law enforcement personnel." Senator Jose Rodriguez from El Paso is sponsoring a companion bill in the Senate.

Spotlight on the Supremes

As of March 1, 2013, the following new rules ordered by the Texas Supreme Court on February 12, 2013, are now in full effect. The additions and amendments are designed "to improve the efficiency of the Texas court system while protecting the rights of the litigants." Below is a brief description of some of the changes.

Rule 91a (Dismissal of Baseless Causes of Action) is intended to enable a party to seek dismissal of a claim having no basis in law or fact. Note that cases brought under the Family Code or under Chapter 14 of the Texas Civil Practice and Remedies Code (Inmate Litigation) are excluded from this Rule. There are deadlines that the parties need to be aware of when filing under this Rule or responding to motions filed under this Rule. Under Rule 91a, the Court will not consider any evidence, except that which is attached to the petition or the answer. This Rule also affects the due order of pleadings, as a Rule 91a motion can be filed before filing a jurisdictional challenge.

Copies of these articles are available in the library, or from the law librarian via email:

droberts@co.collin.tx.us

Spotlight on the Supremes

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

Rule 169, Expedited Actions, applies to a suit in which all claimants are seeking monetary relief in the amount of \$100,000 or less (including attorney fees and expenses). Note that cases must be removed from the expedited process for “a showing of good cause or if any claimant, other than a counter-claimant, files a pleading or an amended or supplemental pleading that seeks any relief other than the monetary relief.”

The February 12, 2013, Order also announced a revised civil case information sheet as required by Rule 78a of the TRCP. The new civil case information sheet must accompany all cases filed on or after March 1, 2013. Copies of the revised case information sheet are available in the law library.

On April 15, 2013, the Supreme Court signed the Final Approval of Rules for Justice Court Cases. As of August 31, 2013, Rules 523-591 and 737-755 of the TRCP will be repealed and Rules 500-510 will go into effect. Civil case information sheets will also be required, per Rule 502.

More changes could be underway as well. Supreme Court Chief Justice Wallace Jefferson spoke of the necessity of lowering court costs in his March 6 biennial State of the Judiciary speech. In his speech, he noted that attorneys will begin electronically filing their documents and stated how quickly the price-per-document will add up. He backed two bills, Senate Bill 1146 and House Bill 2302, which aim to decrease filing fees by implementing a one time fee charged at the beginning of a case, as opposed to the current fee-per-document.

Did you know? You can track cases or released opinions with CaseMail. You can sign up for a free account on the Texas Supreme Court website at: <https://www.supreme.courts.state.tx.us/members/members.aspx>.

Library Reminders

The Library is a public facility and, as such, is responsible for establishing rules of conduct to protect the rights and safety of Library patrons and staff, as well as to preserve and protect the Library's materials and facility. Areas of the facility which are posted by signage such as Employees Only, are indeed reserved for employees only. Additionally, please keep in mind that cellphone use is not permitted in the library. Thank you for your continued observance of this rule.



WestlawNext Tips

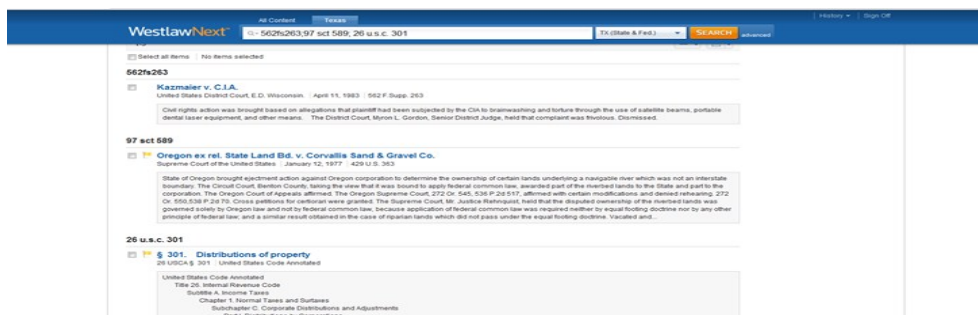
Retrieving Multiple Citations at Once

With this tip, the WestlawNext user can pull up to 30 citations at once and can either save them or deliver them to a folder for offline review by print, email or download.

In order to retrieve the desired citations, simply enter the citations in the search box, making sure each citation is separated by a semi-colon.



Once the citations are submitted, a list of documents will appear with all the entered citations.



Next time you're in, take a moment to try out our new Westlaw databases. Featured in this month's newsletter are Texas Pleadings, Motions and Memoranda and Texas Appellate Court Briefs. Pleadings, Motions and Memoranda provides the user with selected trial pleadings, motions and memos from Texas state courts, with coverage from 1997. Texas Appellate Court Briefs provides the user with access to appellate briefs and petitions filed in Texas state courts.

Tech Tips: More Useful Apps and Law Blogs

- **CamScanner**- uses the camera on your smartphone or tablet to scan a text, photo, or document. It then allows the user to outline with his or her finger the part of the photo the user wants to save. The app makes the date more viewable, converts to a PDF and allows the user to email or fax the document and even upload to a social media site.
- **America's Economy**— app from the Census Bureau that provides an overview and trending for 16 indicators, including employment, manufacturing, trade, retail sales and residential construction and sales.
- <http://openstates.org/> - allows the reader to search all state legislation from a single portal. The blog includes all 50 states, plus D.C. and Puerto Rico.
- <http://abovethelaw.com/> - News, Insights, and Opinions on Law Firms, Lawyers, Law School, Law Suits, Judges and Courts.
- www.lawyerist.com— self described as “the law practice survival guide.”



The Law Library

will be closed

on Monday, May
27th for Memorial
Day and on Thurs
day, July 4th for In
dependence Day.

New on the Shelf:

- Texas Criminal Pattern Jury Charges—Property Crimes (2012)
- Trial Objections Handbook, 2nd Edition
- Texas Civil Appeals, 2013 Edition
- Texas Guardianship Manual, 3rd Edition
- Family Lawyer's Essential Toolkit, 2013 Edition
- Dividing Pensions in Divorce: Negotiations and Drafting Safe Settlements with QDROs and Present Values
- Collier's Bankruptcy Practice Guide
- Texas Causes of Action Pleadings, 2013 Edition

A Little Legal Humor

Stu's Views

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