



The Information Edge

Current Legal News from Collin County's Curt B. Henderson Law Library

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Useful Internet Sites and Articles

Rules for Service Via Social Media

Texas Bar Journal, Vol 83 no. 10

Earlier this year, Texas joined a number of jurisdictions around the U.S. in formally recognizing the use of social media platforms as an accepted form of substituted service of process. With the adoption of Senate Bill 891, the Texas Civil Practice and Remedies Code was amended by adding section 17.033, titled "Substituted Service Through Social Media Presence." It provides that, in cases meeting the requirements for substituted service, a court "may prescribe as a method of service an electronic communication sent to the defendant through a social media presence." However, the new law left it up to the Texas Supreme Court to formulate and adopt rules providing for such service.

In its "Order Amending Texas Rules of Civil Procedure 106 and 108a," the Supreme Court provided guidance for lawyers in the form of rules issued on August 21, 2020 that will take effect on December 31, 2020. The court amended rule 106(b)(2) by stating that a court "may in proper circumstances permit service of citation electronically by social media, email, or other technology." This only applies to substituted service, after traditional methods of personal service have failed, where the plaintiff files a motion seeking the court's authorization for alternative service.

According to the Supreme Court, "in determining whether to permit electronic service of process, a court should consider whether the technology actually belongs to the defendant and whether the defendant uses or recently used the technology." A Texas litigant seeking authorization for substituted service via social media will need to be prepared to show that the party being served has an active presence on the platform selected for service and that this presence or profile actually belongs to the defendant. In addition, a litigant must be prepared to demonstrate that the party regularly uses the social media presence in question and could reasonably be expected to receive notice of the suit if served through that social media platform.



Protective Order Registry Now Operational Across the State

CourTex Newsletter, October 2020

The Office of Court Administration (OCA) launched the Protective Order registry on October 15. The registry was developed after the Texas Legislature passed SB 325 in 2019. This legislation is also known as "Monica's Law" in honor of Monica Deming, who was murdered by an abusive ex-boyfriend in 2015 in Odessa. Unbeknownst to Monica, the perpetrator had been the subject of two prior protective orders. While state and federal law currently provides peace officers access to limited information on issued protective orders, the Registry provides access to both applications and orders to other members of the justice community. In addition, the Registry contains images of both applications and orders to facilitate more comprehensive investigation and enforcement.

The statewide registry also provides limited public access to protective orders when the protected person has authorized access. This access is subject to strict confidentiality standards to protect victims of family violence, stalking, sexual assault, and human trafficking.

NOTE: Electronic access to court information regarding protection orders is restricted by federal and state law in addition to court rules and orders. The OCA Protective Order Registry does not provide access to either confidential or sealed case information. The information on the Registry is made available as a public service by the Office of Court Administration.

Information displayed on the Registry is not an official court record. The information may contain errors or omissions and should not be considered complete or used as an official court record. Accuracy of the information is not warranted. Official records of court proceedings may only be obtained directly from the court maintaining the record.

Learn more at the following link:

topics.txcourts.gov/



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

bfansler@co.collin.tx.us

Spotlight on the Supremes

On October 15, 2020, Governor Greg Abbot announced his appointment of Rebecca Huddle to the Texas Supreme Court. Huddle will replace Justice Paul Green, who retired in August.

Huddle, born and raised in El Paso, Texas, received her undergraduate degree from Stanford University and her law degree from the University of Texas at Austin. She previously served as a justice on the First Court of Appeals in Houston from 2011 to 2017. Her experience includes extensive work in private practice as a litigation attorney at Baker Botts, where she is the firm-wide co-chair of its commercial litigation practice group. She is a member of the State Bar of Texas, Houston Bar Association, and Mexican American Bar Association of Houston.

Huddle joins the court as the fourth woman on the bench.

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

Note: Computers will
automatically log off
at 4:50 p.m.

Did You Know?

On September 25, 2020, Emergency Order 27 was issued. It establishes eviction procedures (Texas Eviction Diversion Program) for tenants and landlords under a statewide housing-assistance program intended to avoid evictions for tenants behind on rent. The order allows an eviction proceeding to be abated by agreement for 60 days, requires courts to provide tenants with information about the program, and makes court records for participants confidential while eviction cases are delayed. The order also outlines procedure for reinstating evictions. Without such reinstatement, eviction cases will be subject to dismissal. The order expires December 18 and is effective October 12 for "pilot" counties established by the Office of Court Administration and November 9 for all other Texas counties. Further information regarding the order can be found at:

www.txcourts.gov/programs-services/eviction-diversion-program/

The Texas Eviction Diversion Program is supported by Gov. Greg Abbott's commitment of \$171 million in federal money for landlords to provide an eviction alternative. Eligibility for rental assistance under the program will be administered by the Texas Department of Housing and Community Affairs.

Important Announcement

Please keep in mind that as the holiday season approaches it may be necessary for the Law Library or other court offices to occasionally close for a brief period of time during normal work hours. Please call ahead of time to check the library's hours during this holiday period. Library staff may be reached at 972-548-4255 or 972-548-4244.



Texas Children's Commission

The Children's Commission's Legal Representation Committee created a **Tool Kit for Attorneys Representing Parents and Children in Child Protection Cases**. The tool kit covers essential legal basics at a glance, including pleadings; motions; evidentiary issues; hearing checklists; and related federal law issues. The tool kit also covers concurrent and special issues related to child protection cases including child well-being; normalcy; dual status; incarceration; and trauma-informed advocacy.

Learn more and access the toolkit at the following link:

texaschildrenscommission.gov/our-work/legal-practice-process/legal-representation-committee/



Tool Kit for Attorneys Representing Parents *and* Children in Child Protection Cases



Tech Tips: More Useful Sites and Law Blogs

- <https://www.samhsa.gov/> - The Substance Abuse and Mental Health Services Administration (SAMHSA) is the agency within the U.S. Department of Health and Human Services that leads public health efforts to advance the behavioral health of the nation. SAMHSA's mission is to reduce the impact of substance abuse and mental illness on America's communities.
- <https://www.nadcp.org/> - The National Association of Drug Court Professionals (NADCP) is the premier training, membership, and advocacy organization for the treatment court model, which now includes over 4,000 programs found in every state, four territories, and over 20 countries.



The Law Library will be closed November 26-27 for Thanksgiving Day.



The Law Library will be closed December 24-25 for Christmas.



The Law Library will be closed January 1, 2021, for New Year's Day.



The Law Library will be closed January 18, 2021, for Martin Luther King, Jr. Day.

New on the Shelf

- Is It Admissible? - Revision 22
- Texas Law of Wills—2020
- Texas Criminal and Traffic Procedure Manual—2020-2021
- Qualifying and Attacking Expert Witnesses—Revision 32
- O'Connor's Texas Civil Forms—2020
- Federal Jury Practice and Instructions Criminal Companion Handbook—2020
- Texas Elder Law—2020
- Social Security Disability Practice—Revision 26
- O'Connor's Texas Family Code Plus—2020-2021
- Federal Postconviction and Remedies and Relief Handbook—2020 Ed.
- Federal Criminal Code and Rules—2020 Revised Edition
- Sampson, Tindall & England's Texas Family Code Annotated—August 2020 Edition
- Texas Criminal Forms—Revision 14
- O'Connor's Texas Property Code—2020-2021
- Texas Evidentiary Foundations—Sixth Edition, 2020
- Texas Penal Code—2020-2021
- O'Connor's Texas Estates Code—2020-2021
- O'Connor's Texas Crimes and Consequences—2020-2021
- O'Connor's Texas Business & Commerce Code Plus—2020-2021

Happy Holidays from the Law Library

Happy Holidays

Bethany

Jonathan