



The Information Edge

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

ISSUE 2022-04 WWW.COLINCOUNTYTX.GOV NOVEMBER 2022

Useful Internet Sites and Articles

Justice for Veterans

Trial, August 2022 (Susan Steinman)

Congress is on the cusp of creating a landmark remedy for people—particularly veterans and their family members—who resided, worked, or were otherwise exposed to contaminated water at Marine Corps Base Camp Lejeune in North Carolina and suffered latent disease. The Marine Corps discovered volatile organic compounds in drinking water from two water treatment plants on the base in the 1980s. The exposure has since been linked to cancer, chronic disease, and birth defects.

A new cause of action

The Camp Lejeune Justice Act creates a new federal cause of action for anyone exposed to contaminated water at the base for at least 30 days between 1953 and 1987. It includes many provisions to help those injured. For example, it establishes a lower burden of proof than what is traditionally required in toxic exposure cases.

However, like other claims against the government, no punitive damages are available, and claimants must first pursue an administrative remedy.

Once the legislation is enacted, injured veterans and their families will have two years to file a claim or 180 days after an administrative remedy is denied under 28 U.S.C § 2675.

Federal Tort Claims Act (FTCA)

The Camp Lejeune Justice Act also specifically forbids the government from asserting immunity under the FTCA's discretionary function exception. The federal government commonly uses this defense, including to dismiss many past Camp Lejeune toxic exposure cases.

The legislation precludes remedies for any claim arising out of combatant-related activities. However, by creating a federal cause of action for exposure claims, the *Feres* doctrine, - The U.S. Supreme

Court doctrine that typically blocks active-duty servicemembers' claims—will not apply to these claims.

A broader effort to help injured vets

The House bill, as introduced this Congress, is sponsored by Rep. Matt Cartwright (D-Pa.) and has over 160 co-sponsors. The Senate bill was introduced by Senators Thomas Tillis (R-N.C.) and Richard Blumenthal (D-Conn.). Efforts to pass this legislation in previous Congresses were stymied, mostly due to cost concerns.

However, this year, the Camp Lejeune Justice Act was added as one section of a much larger House bill, the Honoring Our Promise to Address Comprehensive Toxics (PACT) Act (H.R. 3967). The PACT Act passed the House in March 2022 and contains many other provisions to help servicemembers and veterans, including

- Establishing a presumption of service connection for 23 respiratory illnesses and cancers related to burn pits and airborne hazards exposure
- Conceding exposure to airborne hazards and burn pits based on locations and dates of service
- Expanding the presumption of service connection for Agent Orange exposure to veterans who served in Cambodia, Guam, Laos, Thailand, and other locations.

In May, Senate Veterans Committee Chair Jon Tester (D-Mont.) and Ranking Member Jerry Moran (R-Kan.) reached a bipartisan agreement. The Senate then considered its own version of the PACT Act, the Sergeant First Class Heath Robinson PACT Act, which also contains the Camp Lejeune Justice Act provision.

In June, the Senate voted 84-14 to pass its legislation. While the Senate PACT Act is similar, it is not identical to the House-passed bill, so the House now needs to pass the Senate version before the legislation is sent to President Biden for signature.

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

The Samaritan Inn

Information about the charity and its programs can be found at www.saminn.org

The following text is pulled directly from their “About Us” and “Frequently Asked Questions” sections on their webpage.

- A Legacy of Service

The Samaritan Inn has been serving the Collin County community since 1984. Since then, our services have made a positive impact in the North Texas area and in the lives of thousands of people experiencing homelessness.

- Our Mission Statement

We are a comprehensive homeless program that helps willing people gain dignity and independence.

- Our Vision Statement

To alleviate homelessness by equipping vulnerable populations with the tools they need to succeed

- What We Do

The Samaritan Inn is more than just a place to spend the night. Our program takes a holistic approach that supports those experiencing homelessness with everything they need and teaches them life skills to expedite their journey back to self-sufficiency. On a given night, approximately 160 people sleep at the Inn, of which 1 out of 3 are children.

- ◆ How much does it cost to stay at The Samaritan Inn?

All the services provided to our residents are free of charge. Residents are required to work while in our care, but they are able to use the money they earn to pay down debt, pay their personal bills or save for their future.

- ◆ What if I am disabled and unable to work?

The success of our The Samaritan Inn program is partially dependent on the resident’s ability to work and save money. We find that those with a disability or unable to work because they may lose their disability payments are better served by an agency that will not put their disability status in jeopardy. Please contact us for a referral list of other providers in our area.



Tech Tips: More Useful Sites and Law Blogs

- www.noradsanta.org/en/

- NORAD Tracks Santa is an annual Christmas-themed program in which North American Aerospace Defense Command (NORAD) simulates the tracking of Santa Claus, who is said to leave the North Pole to travel around the world on his mission to deliver presents to children every year on Christmas Eve. The program starts on December 1, but the actual Santa-tracking simulation starts at midnight annually on December 23. It is a community outreach function of NORAD, and has been held annually since 1955.



Texas Supreme Court 56th Emergency Order

On October 31, 2022, the Supreme Court issued the Fifty-Sixth Emergency Order, replacing the Court's Fifty-Fourth Emergency Order, continuing the processes related to actions under the Texas Eviction Diversion Program. The following is a summary of some of the key provisions of the order:

- provides citation language that must be included in an action for eviction to recover possession of residential property to include a link to information regarding rental assistance programs;
- continues previous emergency order requirements in cases in which the plaintiff-landlord has a pending application for rental assistance (i.e., abate case for 60 days, make the case confidential, inform the parties how to reinstate the case, dismiss the case after the abatement period expires without the need for a party to file a motion or request the court to do so) and expands these requirements to proceedings in which the plaintiff-landlord has provided information or documentation directly to a rental assistance provider for purposes of receiving rental assistance, a pending application is not mandatory;
- clarifies that an eviction action can be reinstated during the abatement period if the landlord files a motion to reinstate the eviction as provided under the order (by filing a motion showing that the application for assistance has been denied, canceled, or withdrawn or that the plaintiff-landlord no longer wishes to participate in and receive funds from the program);
- provides that if rental assistance is available, the judge should discuss available rental assistance programs and the procedures in the Fifty-Sixth Emergency Order with the parties.

Additional information can be found here: txcourts.gov/court-coronavirus-information/emergency-orders/



Did You Know?

Refugee Services of Texas (RST), founded in 1978, is a social-service agency dedicated to providing assistance to refugees and other displaced persons fleeing persecution based on race, religion, nationality, political opinion, or membership in a particular social group - as well as to the communities that welcome them.

RST provides services to hundreds of refugees, asylees, survivors of human trafficking, and related vulnerable populations from over 30 different countries of origin each year. Originating in Dallas, RST now has service centers in Amarillo, Austin, Dallas, Fort Worth, Houston, the Rio Grande Valley, and San Antonio.

More info can be found on their website: www.rstx.org



Important Announcement

Please keep in mind that if you are not comfortable visiting the library in person to do research during the pandemic, we have a number of resources available online. While we cannot provide legal advice, we may be able to guide you to the resources or forms necessary to assist you in your situation.

Library staff may be reached at 972-548-4255 or 972-548-4260.



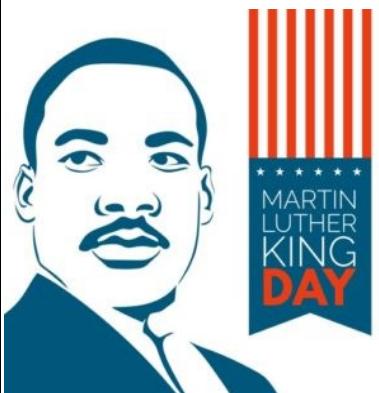
New on the Shelf



The Law Library will be closed November 24-25 for Thanksgiving Day.



The Law Library will be closed December 23 and 26 for Christmas.



The Law Library will be closed January 16, 2023, for Martin Luther King, Jr. Day.

- ◆ Federal Criminal Appeals—2022 Edition
- ◆ Federal Court of Appeals Manual—Seventh Edition (2022)
- ◆ Federal Criminal Code and Rules—2022 Edition
- ◆ Federal Civil Judicial Procedure and Rules—2022 Edition
- ◆ Handbook of Texas Lawyer and Judicial Ethics—2022 Edition
- ◆ O'Connor's Federal Civil Forms—2022 Edition
- ◆ O'Connor's Texas Civil Appeals—2022 Edition
- ◆ O'Connor's Texas Causes of Action Pleadings—2022 Edition
- ◆ O'Connor's Texas Family Law Forms—2022 Edition
- ◆ Davis's Texas Estate Planning Forms—2022 Edition
- ◆ Texas Pattern Jury Charges: Family & Probate—2022 Edition



Legal Humor

