



The Information Edge

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

ISSUE 2023-01

WWW.COLLINCOUNTYTX.GOV

FEBRUARY 2023

Useful Internet Sites and Articles

Judicial Highlights

Summaries of Selected Decisions from Around the Nation (As seen in West's Texas Cases January Periodicals)

- Civil Rights

Organizations That Led Protests for Racial Justice Had Standing to Seek Injunctive Relief Against Statute's New "Riot" Definition as Vague and Overboard

Members of organizations that led protests for racial justice faced an injury that was sufficiently imminent to satisfy the injury-in-fact requirement for Article III standing, as a component of associational standing, for organizations that sought preliminary injunction against enforcement of a new definition of "riot" in Florida's anti-riot statute as being unconstitutionally vague and overboard, where members wished to exercise their right to protest, which was speech that was affected with a First Amendment interest, but believed that new definition prevented them from doing so, organizations brought suit shortly after statutory amendment, Governor made a vigorous defense of statute, and there was no sequence of uncertain contingencies involving multiple independent actors that was required to occur before members would experience harm.

Dream Defenders v. Governor of the State of Florida, 2023 WL 140433 (C.A.11-Fla.)

- Government

North Carolina's Voter ID Law Violated State Constitution's Equal Protection Guarantee

Legislation requiring photographic identification (photo ID) to vote was enacted with discriminatory intent to target African American voters who were unlikely to vote for Republican candidates, in violation of state constitution's equal protection clause, even though amendment to state constitution required

General Assembly to pass voter ID law; amendment did not require passing law that was disproportionately burdensome on African American voters, even though General Assembly had reason to know that African American voters would be disproportionately affected, it still chose to pass law that required specific IDs African American voters disproportionately lacked, and General Assembly considered no data on effect legislation would have on its purported goal of eliminating voter fraud.

Holmes v Moore, 2022 WL 17725847 (N.C.)

- Health

Statutory Six-Week Restriction on Abortions Was an Unreasonable Invasion of Privacy Under State Constitution

Fetal Heartbeat and Protection from Abortion Act, which prohibited abortions after six weeks gestation, violated the State's Constitution's prohibition against unreasonable invasions of privacy; while the State had a legitimate interest in fetal health, a fetus could not be considered its own legal entity at the early stages of pregnancy implicated by Act, the State historically tied the potency of its interest in fetal life to quickening, and an average woman who determined she was pregnant at just over five weeks would not have had sufficient time, under the Act's six-week timeframe, to weigh her options, schedule an appointment, and comply with mandatory waiting periods before having an abortion with informed choice for a medical decision.

Planned Parenthood South Atlantic v. State, 2023 WL 107972 (S.C.)



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

Macon B. Allen

Macon Allen was born on August 4th in 1816. He was a teacher, lawyer and judge.

From Indiana, born Macon Bolling Allen, he grew up a free man. He learned to read and write on his own and eventually landed his first job as a schoolteacher, where he further improved his reading and writing skills. Allen moved to Portland, Maine in the early 1840s and studied law and worked as a law clerk for General Samuel Fessenden, a local abolitionist and attorney.

After passing the Maine bar exam, he was granted his license to practice law in Maine on July 3, 1844. Allen thus was one of the first Black men licensed to practice law in the United States. He experienced difficulty finding legal work in Maine because whites were unwilling to hire a Black attorney and few Black people lived in the state. In 1845 he moved to Boston, Massachusetts, walking fifty miles to the bar exam test site because he could not afford transportation, and passed the exam. Allen and Robert Morris together opened the first Black law office in the United States.

Racial prejudice in Boston again kept Allen from making a living as a lawyer, so he sought to become a judge to supplement his income. After passing a rigorous qualifying exam for Justice of the Peace for Middlesex County, Massachusetts in 1848, Allen became the first Black man in the United States to hold a judicial position; this despite not being a U.S. citizen under the Constitution. He moved to Charleston, South Carolina after the American Civil War to practice law and was elected to be a judge in the probate court of Charleston in 1874.

Following the Reconstruction Era, he moved to Washington, D.C., where he worked as an attorney for the Land and Improvement Association. He continued to practice law until his death at age 78. Macon Allen died on June 11, 1894.



Legal Aid of NorthWest Texas (LANWT)

Legal Aid of NorthWest Texas is offering free pro-se assistance to those who qualify every Thursday in the conference room of the 429th District Court in the Collin County Courthouse.

For more information please contact:
(972) 542-9405

Do I benefit from **LEGAL AID?** 

Legal Aid of NorthWest Texas (LANWT) offers free civil legal assistance to low-income Texans who wouldn't otherwise be able to secure such legal representation.

Practices include:

- Support for Families
- Preserving the Home
- Maintaining Economic Stability
- Safety, Stability and Health
- Individuals with Special Needs
- Problems Affecting Groups of Individuals

Texas Supreme Court Final Emergency Order

Emergency Order Authority Regarding Remote Proceedings Limited to Criminal Cases

Under the final emergency order, a court may require or allow anyone, in a criminal case, involved in any hearing, deposition, or other proceeding of any kind to participate remotely, such as by teleconferencing, videoconferencing, or other means, and to consider, in a criminal case, sworn statements made out of court or sworn testimony given remotely.

The following limitations regarding remote jury proceedings in criminal cases are continued in the final order:

- In district courts, statutory county courts and constitutional county courts, the court must not require lawyers, parties, or jurors to appear remotely for a jury trial, absent agreement of the parties.
- In justice and municipal courts, the court must not require lawyers, parties, or jurors to appear remotely for a jury trial unless the court has considered on the record or in a written order any objection or motion related to continuing with the jury proceeding at least seven days before the jury proceeding or as soon as practicable if the motion is made or filed within seven days of the jury proceeding

The Final Emergency Order allows a judge to conduct case proceedings away from the court if conducting proceedings away from the court's usual location will assist in managing court backlog and: (a) the court serves multiple counties, or (b) a visiting judge is assigned to the court.

Contact Information:

Jonathan Sims
Law Librarian
Email:
jsims@co.collin.tx.us

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?

Texas Law Help maintains an event page/calendar where those in need may be able to track down legal assistance from attorneys and discuss a legal issue one-on-one at a clinic hosted by a reliable nonprofit partner. Most clinics offer virtual appointments in order to maintain COVID-19 safety protocol.

Visit texaslawhelp.org/events for more info

**TEXAS
LAW
HELP
★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.





**The Law Library
will be closed
April 7th for Good
Friday.**



New on the Shelf

- ◆ Police Misconduct Law and Litigation
- ◆ O'Connor's Federal Rules: Civil Trials—2023 Edition
- ◆ Vehicle Search Law Deskbook—2022-23 Edition
- ◆ Bankruptcy Code, Rules & Official Forms—2022-23 Edition
- ◆ Texas Rules of Evidence Handbook—2023
- ◆ O'Connor's Texas Family Law Handbook—2023
- ◆ O'Connor's Texas Causes of Action—2023
- ◆ Texas Construction Law Manual—2022-23
- ◆ Uncharged Misconduct Evidence—2023 Edition
- ◆ O'Connor's Texas Rules: Civil Trials—2023
- ◆ Texas Workers' Compensation Manual—2023 Edition



Legal Humor

WWW.ANDERSTOONS.COM



"Objection! Witness is holding a flashlight under his face and speaking in a spooky fashion."