

Duly Noted



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Texas State Law Library

Duly *Noted*

Items listed in *Duly Noted* include a sampling of recently received books, reports and documents. Most items listed are available for circulation with the exception of some reference materials. All items listed in *Duly Noted* are temporarily housed in the bookshelf at the entrance to the library. If you are interested in checking any of these items out, you may contact us by phone, email, or by returning the order form on the last page of this issue. If you are registered borrower with the library, we can have your selections ready for pick-up at the circulation desk. If you are not already registered with us, you will first need to come by the circulation desk with a photo ID to register.

The library can provide photocopies or scans of sections of these publications as part of our document delivery service.

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The library also has a variety of other resources to meet your research needs. Please let us know how we may assist you.

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Banking and Finance

1. Banking law in the United States

By Alfred Pollard

This updated work on the law of financial institutions covers the new regulatory, legislative, and judicial environment following the implementation of recent federal legislation—the Dodd Frank Wall Street Reform and Consumer Protection Act of 2010. In addition, the work provides a similar primer on banking law to previous editions. It contains discussion of the structure of banks and their regulation as well as relevant federal law on many aspects of banking practice. Juris, 2011. 2 volumes.

KF 974 P64 2011

Civil Procedure

2. Texas methods of practice

By Nancy Saint-Paul

This title provides coverage of real estate transactions, including changes made by the decisions of the Texas and federal appellate courts through March 2012 and statutory amendments through the 82nd Texas Legislature. It also provides UCC coverage in Volume 12 with each chapter covering a different UCC article. Volume 13 covers business organization and includes information on choice of business organization form, partnerships, limited partnerships, limited liability companies, and corporations. It also has coverage of family law, alternative dispute resolution, and special proceedings like mandamus, receivership, partition, and garnishment. Thomson West, 2012. 5 volumes.

KFT 209 T4 2012

Commercial Law

3. The law of commercial surety and miscellaneous bonds

By Bruce King

This publication was prepared for use in the American Bar Association's Spring Surety Program on the Law of Commercial Surety and Miscellaneous Bonds. With contributions from more than four dozen practicing surety attorneys, this publication builds on the first edition and aims to be the most comprehensive and authoritative treatment on commercial bonds. Topics range from Medicare and Medicaid surety bonds to public official bonds to notary bonds. American Bar Association, 2012. 664 pages.

KF 1225 M36 2012

Criminal Law

4. Crime victim rights and remedies

By Peggy Tobolowsky

The crime victim's "right" to recover against the criminal who wronged him waned with the emergence of the school of thought that saw crime as an act against society or public order rather than harm to an individual. Criminal prosecution was to serve society's need to create an orderly society and a law abiding citizenry. Fines and fees went to fund a professional criminal justice system to protect society as a whole, rather than to repay the individual victim for his direct losses. Partly in reaction to the expanding "rights of the accused," came the movement advocating for the "rights of crime victims." The volume includes numerous references and the text of the states' victim rights statutes. Carolina Academic Press, 2010. 348 pages.

KF 9763 T63 2010

5. Texas practice guide: criminal practice & procedure

By D. Mark Elliston

This three-volume criminal practice guide, last updated in 2012, goes through most of the aspects one may encounter in a criminal trial. It is aimed at attorneys, but it may also be of value to anyone who chooses to represent himself or herself or to anyone curious about criminal procedure in Texas. With a total of 32 chapters, this set takes a close look at many of the issues that arise during criminal proceedings. There are chapters dedicated to jurisdiction and venue, statutes of limitations, searches and seizure, arrests and detentions, competency to stand trial, grand juries, discovery and disclosure, juries and jury charges, penalties, and opening/closing arguments. The third volume focuses on post-trial proceedings such as writs of habeas corpus, motions for a new trial, appeals, expunctions, and discretionary reviews. Also included are tables of laws and rules, a table of cases, and a subject index. Includes legal forms. Thomson West, 2012. 3 volumes.
KFT 209 T5 CRIM

Criminal Procedure

6. Plea bargaining

By G. Nicholas Herman

The preface to the book says that plea bargaining “disposes of approximately 95% of all criminal cases,” so it is surprising to find that so few books are written on the topic. The author provides practical, how-to advice on the plea bargaining process to assist both the defense lawyer and prosecutor. Copious footnotes are provided for further research. Special attention is given to the plea bargaining process under the federal guidelines. United States Sentencing Commission Guidelines and the Justice Department’s policies on plea bargaining are included in the appendix. Additional relevant national standards are also provided for the reader’s convenience. Juris, 2012. 1 volume.
KF 9654 H38 2012

Entertainment Law

7. The American Bar Association’s legal guide to video game development

By Ross Dannenberg

Austin is home to a surprising number of video game companies, a booming subdivision of the tech industry. The law surrounding video game development involves an interesting intersection of art, intellectual property, technology, and business law. This guide from the American Bar Association touches on major legal aspects of video game development, including copyrights and trademarks, intellectual property, and the use of licensed or open source material. Also available is a CD-ROM which can be requested at the reference desk. American Bar Association, 2011. 163 pages.
KF 3024 C6 A94 2011

Environmental Law

8. Law of environmental protection

By Sheldon Novick

This biannual three volume set is written to provide detailed guidance on navigating federal environmental protection laws. While many books look at only one federal statute such as the Clean Water Act or the Clean Air Act, this set looks at all the federal environmental protection statutes and how those laws interact. The set is divided into five parts: an introduction, principles and methods, functional programs, media-specific program, and regulation of products and manufacturing. Thomson West, 2012. 3 volumes.
KF 3775 L39 2012

*Evidence***9. Eyewitness testimony: civil and criminal**

By Elizabeth Loftus

In the foreword, the authors note that “the conversation between working lawyers, investigators and psychologists—between the lab, the street, and the courtroom—is constant.” This was not always the case, much to the detriment of justice. Now, with this active collaboration, eyewitness testimony has been much more thoroughly researched and its strengths and weaknesses better understood. A great deal has been learned about how people experience, see, and remember events. This volume will assist the attorney in evaluating eyewitness testimony from the defense and prosecution perspectives. Valid science is described in accessible terms and contrasted with “junk science.” Numerous “real-life” examples make this an interesting and valuable read. Lexis Nexis Matthew Bender, 2007. 1 volume. KF 9672 L63 2007

*Family Law***10. Confronting mental health evidence: a practical guide to reliability and experts in family law**

By John Zervopoulos

The growing reliance on the testimony of mental health professionals in family law cases has presented attorneys with a challenge—how to best use and analyze the mental health expert in an emotional divorce or custody case? This handbook by John Zervopoulos guides family law attorneys through critically assessing expert testimony on the basis of reliability, admissibility using the Frye-Daubert test, logical gaps, and personal bias. This title is a thought-provoking read for the family law practitioner. American Bar Association, 2008. 206 pages. KF 8965 Z47 2008

11. The forensic accounting deskbook: a practical guide to financial investigation and analysis for family lawyers

By Miles Mason

This title provides an introduction to the core financial concepts that are present in most divorces. A step-by-step explanation is provided for each concept, which includes asset identification, classification, valuation, expenses, and income determination. The author explores concerns specific to high-asset cases as well as high-conflict cases. The book also includes an appendix with a deposition checklist, sample company financial statements, sample forensic examination report and a CD-ROM with copies of exhibits and copies of the appendix items. Please request the CD-ROM at the library’s reference desk. American Bar Association, 2011. 385 pages. KF 8968 M37 2011

*Immigration***12. The national security implications of immigration law**

By Arthur Rizer

This is an historical overview of immigration law used for national security purposes. It provides a discussion of the law, as well as relevant case law. The topics discussed are embedded national security tools, material support and denaturalization, protection of classified information, detention, use of criminal information as a tool, and “liberty concerns.” There is also a brief discussion on how the Clinton, George W. Bush, and Obama administrations have defined national security. American Bar Association, 2012. 264 pages. KF 4819 R59 2012

Insurance

13. Fundamentals of insurance coverage in all 50 states

By Bradley Matthiesen

This work is a comprehensive guide to state insurance law, particularly focusing on environmental claims. Per the publisher, “the purpose of this book is to compile all of the relevant law, regulations and case decisions in these areas from all 50 states into one easy to understand and easy to use reference book.” It would be useful to any practitioner or insurance professional who handles multi-state claims or cases. Juris, 2011. 1 volume.

KF 1164 M38 2011

Juries and Jury Instructions

14. The science of persuasion: a litigator’s guide to juror decision-making

By Brad Bradshaw

Bradshaw notes, “[t]he ability to persuade is dependent on several things, including the speaker’s credibility and likability, his or her understanding of the audience and how the message is framed.” Having earned his PhD in psychology specifically studying persuasion and juror decision making, the author now practices as a litigation consultant. He succeeds in presenting a very accessible book that will assist the trial lawyer in presenting his side to the jury and deflecting the negatives presented by the other side. Numerous pointers for all stages of litigation from jury selection to closing argument are provided. American Bar Association, 2011.

209 pages.

KF 8972 B73 2011

Labor and Employment

15. Employment discrimination depositions: law, strategy and sample depositions

By Anthony Oncidi

This title, designed to be used by both plaintiffs and defendants, provides essential information on depositions in employment discrimination cases. It walks the reader through all the steps of a deposition including determining who to depose, scheduling, preparing, general techniques, “retaining control of the deposition,” and videotaping. Additional chapters cover preparing to defend a deposition, preparing witnesses, common deposition topics, specific types of discrimination claims, and damages. The latest update received by the State Law Library is December, 2012. Juris, 2001. 1 volume.

KF 8925 D5 O54 2001

Law Practice Management

16. How to recover attorneys’ fees in Texas, 2013

By Trey Cox

This text provides a step by step outline for recovering attorneys’ fees. It includes a discussion of the legal requirements for recovery, including by contract and by statute. Some of the examples provided are through the Declaratory Judgment Act, the DTPA and chapter 38 of the Civil Practice and Remedies Code. It also includes chapters on the specifics of the legal requirements, the discovery process, and assembling your evidence. The appendix includes charts, sample letters, checklists, and forms. The 2013 volume includes interviews on attorneys’ fees with Judges, a sample of a transcript from a trial on attorneys’ fees, as well as an outline for direct examination. Texas Lawyer Press, 2012. 238 pages.

KFT 446 C69 2012

17. Lawyer's guide to Microsoft Word 2010

By Ben Schorr

The updated edition of this title was written specifically to assist legal professionals in using Microsoft Word 2010. This title is excellent for attorneys or paralegals with little or no Microsoft Office experience. Basic functions such as saving are covered, as well as, tasks that are appropriate for more advanced users such as HotDocs or encrypting a document. American Bar Association, 2011. 267 pages.
KF 322 M53 S36 2011

*Legal Research and Writing***18. Law in American History**

By Edward White

This is the first volume in Edward White's planned three volume set on the role the law has played in shaping American history. This volume focuses on the legal history from the earliest European settlements until the Civil War. In his introduction, White explains the scope of the set saying that the set is "concerned with how 'law,' in the multiple senses in which I will be using that term, was connected to themes that I am claiming helped define particular periods of American history." Oxford University Press, 2012. 1 volume.
KF 352 W48 2012

*Local Government***19. Greening local government: legal strategies for promoting sustainability, efficiency, and fiscal savings**

By Keith Hirokawa

In an effort to promote sustainable, efficient, and fiscally smart strategies that can be taken at a local level, this title draws from many examples of local governments across the country that have taken "green" measures. Each of the 21 chapters is written by a different author, and some of the topics discussed include economic development

strategies, procurement policies, paperless governments, building and development codes, waste management, electrical grids, water quality, and litigation issues that may affect a local government. The last part of the book has in-depth case studies that take close looks at New Orleans after Katrina, Miami's zoning code, and the master plan adopted by a small community in South Carolina. This title also includes a table of cases and a subject index. American Bar Association, 2012. 471 pages.
KF 5305 G74 2012

20. Special and dedicated funds

By Texas Association of Counties

This publication takes a close look at county funds that lie outside of the general fund. In general, these special and dedicated funds are either (a) under the control of an elected official instead of the county commissioners, (b) funds administered by both an elected official and the commissioners, or (c) funds that the commissioners may spend only for specific purposes. The authors emphasize that this is not an exhaustive list of special and dedicated funds, but it does go over the most common. Included are citations to the statutory authority for the fund, Attorney General opinions regarding the fund, as well as a description of the fund and who controls it. Texas Association of Counties, 2012. 26 pages. Online at: <http://www.county.org/member-services/legal-resources/publications/Documents/Special-Funds.pdf>
KFT 6740 S64 2012

*Non-profits***21. The law of tax-exempt organizations**

By Bruce Hopkins

The latest edition of Bruce R. Hopkins' authoritative treatise on tax-exempt organization updates the ninth edition with new legislative, administrative rulings, and case law. Due to the breadth of

the subject matter, the author has chosen to limit analysis in an effort to control the size of the book, so this title may be best used as an introduction to the many facets of tax-exempt organizations. The print edition is supplemented by additional forms and tables online at: <http://www.wiley.com/go/hopkinstaxexempt>. J. Wiley, 2011. 1014 pages.
KF 6449 H6 2011

Real Property

22. Guide to affordable housing in the greater Austin area: safe, decent, fair housing for all

By Austin Tenants' Council

This guide, produced by the Austin Tenants' Council, helps renters navigate Austin's affordable housing options. It walks the reader through calculating income level to identify qualifying housing programs and local resources. Of interest to all readers may be tips to protect your rights, information about accessible housing, and descriptions of statewide programs. Austin Tenants' Council, 2012. 52 pages. Online at: http://www.housing-rights.org/PDF/GAHGAA_2012.pdf
KFT 5729 G85 2012

Taxation

23. The private equity and venture capital tax manual

By Ivan Mitev

This is a reference tool for tax practitioners counseling clients in private equity transactions. Specific chapters cover fund formation issues, fund reporting issues, issues at the operating company, inbound issues, and outbound issues. There's also a section on non-federal income tax issues, which includes criminal law, ethics issues, state and local tax, estate and gift tax, tort and malpractice and fiduciary suits against the fund. American Bar Association, 2011. 389 pages.
KF 6495 I55 M58 2011

Torts

24. The False Claims Act: fraud against the government

By Claire Sylvia

This work discusses the law surrounding the federal False Claims Act, which is the U.S. Government's primary tool for addressing fraud against the Government. It begins with a general overview of its theory, history, and constitutional foundations and then discusses the practicalities of commencing and arguing a claim under this act. Also included are sections on qui tam actions and state false claim laws. Latest update received March 2012. Thomson West, 2010. 1 volume.
KF 9365 S968 2010

Trial Practice

25. Texas practice guide: civil pretrial

By Kim Askew

This two-volume civil pretrial practice set, updated in 2012, is a comprehensive guide to pretrial proceedings. While it is directed at attorneys, it can also be an invaluable resource to anyone who chooses to represent himself or herself in a civil trial. It starts with the basics of assessing a case, including how to interact with a potential client, and gradually moves on to various other steps that are available pretrial. There are fifteen chapters, some of which focus on plaintiff and defendant pleadings, pleading requirements, venue, statutes of limitations, intervention, injunctions, counterclaims, discovery, and default as well as summary judgments. Also included are tables of laws and rules, a table of cases, and a subject index. Includes legal forms. Thomson West, 2011. 2 volumes.

KFT 209 T5 CIV. PRE

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