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Useful Internet Sites and Articles

Tips for Improving Appellate Oral Arguments

“Former Justice Preps Lawyers for Oral Argument” *Texas Lawyer*, March 31, 2014

Mediator and appellate attorney Adele Hedges is the former chief justice of the Fourteenth Court of Appeals in Houston. A chance encounter with a fellow attorney prompted her to aid attorneys in preparing for oral arguments. Ms. Hedges spent approximately twenty years as a judge which uniquely qualifies her to offer assistance to attorneys preparing their arguments. The most important tip for attorneys is to know that “what’s not effective is merely parroting what the brief said.” She believes that the oral argument should be used as an instrument to “focus the court’s attention on what’s most important.” Former chief justice Hedges suggests the following six tips for a successful oral argument: 1. Grab the court’s attention first and set the theme; 2. Anticipate questions and know the answers; 3. Know the record and authorities better than anyone else; 4. Be confident enough to say you don’t know and promise to research it; 5. Don’t forget the role of the court; and, 6. Argue the policy behind the law.

Navigating through a Notice of Appeal

“Avoid These Common Notice of Appeal Pitfalls” *Texas Lawyer*, March 31, 2014

Appellate practice attorney Martin J. Siegel authored a comprehensive how to article about writing a successful Notice of Appeal. Per Mr. Siegel, the notice of appeal is the trickiest step in the appeals process. Rule 25.1(d) of the Texas Rules of Appellate Procedure specifies what the notice of appeal must contain. The notice must include the following: the trial court, case number and style of the case; the date of the judgment or order that is being ap-

pealed; the name of the appealing party; the court to which the order or judgment is being appealed; and the name of each party filing the notice. A link to the Texas Rules of Appellate Procedure is available on the Supreme Court of Texas’ website: <http://www.supreme.courts.state.tx.us/rules/trap/TRAP-090108.pdf>. While Rule 25.1(d) is specific, Mr. Siegel states that there is some room for error and that the “cases hold that a defective filing suffices if it evinces a bona fide attempt to invoke the appellate court’s jurisdiction.” Rule 25.1(g) permits an amendment of the notice to cure defects and include missing information prior to the filing of the brief. Despite some leeway from the courts, there are still some pitfalls to avoid. First, the appellant must be careful not to list specific orders in the notice rather than stating that the final judgment is being appealed. Doing so will limit the appellate court’s review to only those orders mentioned, not the entire judgment. Rule 25.1(g) does not allow amendments to add orders that were not originally specified in the notice of appeal. Second, filing a notice of appeal prior to the denial of a motion for new trial or before fees are granted precludes the appellate court from reviewing these orders because they come after the notice of appeal is filed. Lastly, names and capacities of the parties must be accurate. If a party is named as an individual in the notice, the notice does not preserve his appeal in a representative capacity. It is therefore important to be as accurate as possible when drafting a notice of appeal.

Appeals Materials in the Law Library

The Law Library just received O’Connor’s 2014 Texas Civil Appeals as well as new CLE material about appeals. Please ask a librarian for help locating these materials.

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

On April 14, 2014, the Texas Supreme Court signed Order No. 14-9080, Order Adopting Amendments to Texas Rule of Evidence 902, Self-Authentication. The amendment alters Rule 902(10) concerning Business Records Accompanied by Affidavit. The amendment goes into effect on September 1, 2014. The signed order can be viewed at the following web-site:

<https://www.supreme.courts.state.tx.us/MiscDocket/14/14.908000.pdf>

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

Did You Know?

Any Texas resident can apply for a library card from the Texas State Law Library. The library card allows remote access to a number of electronic databases including LoisLaw, Aspen Treatise Libraries and TexShare. Additional information about registering for a library card is available at the following link: <http://www.sll.texas.gov/about-us/get-a-library-card/>

Library Reminders

Just as a reminder, the Collin County Law Library is open to members of the legal profession and to the public alike and as such, members of the public have the same access to the computers, materials, copiers and fax machine as attorneys. Part of the Collin County Law Library mission statement reads: The Law Library's mission is to serve at a place that is both convenient and accessible and to maintain a legal reference for the judges, litigants, and residents of Collin County.

Computer Usage – Library staff continues to keep track of the computer usage; please let the front desk know if a computer is needed. Also, a fifth computer has been added with a scanner to assist in e-filing. Note that the computers are now programmed to log off at 4:50pm every day.

Attorney IOU's– Outstanding balances remain. If a balance is six months or older, IOUs will not be accepted from that attorney or his or her firm until the balance is paid. The statements are e-mailed around the 15th of each month. Prompt payment of these statements ensures the service will continue.

Courtesy Phone–The courtesy phone is for patrons who need to make a quick 3-minute phone call, it is not intended for office use. There is an attorney lounge on the 1st floor if attorneys need to conduct a business call.



WestlawNext Tips

How to Look Up Jury Instructions on WestlawNext

Jury Instructions are available on WestlawNext and can be found a number of different ways. The easiest and most efficient method is on the homepage of WestlawNext. Select Trial Court Documents from the home page:



After clicking on Trial Court Documents, select Jury Instruction Filings:

Trial Court Documents

See specific court for coverage information. Search all Trial Court Documents content above or navigate to specific content below. ⓘ

By Type

Motions
Pleadings
[Jury Instruction Filings](#)
Exhibits
Interrogatories

From there, the user can search for the specific instructions he or she wants to look up:

Home > Trial Court Documents > Trial Court Documents - Jury Instruction Filings

Trial Court Documents - Jury Instruction Filings

Coverage varies by jurisdiction. Actual civil jury instructions submitted and filed with the state and federal trial courts.

Use the fields below to build a Boolean Terms & Connectors query.

Find documents that have		
All of these terms	<input type="text" value="abuse"/>	Term frequency
Any of these terms	<input type="text" value="e.g., physician surgeon (searched as physician OR surgeon)"/>	Term frequency
This exact phrase	<input type="text" value='e.g., medical malpractice (searched as "medical malpractice")'/>	Term frequency
Exclude documents that have		

Tech Tips: More Useful Apps and Law Blogs

- **Texasbar.com**—recently introduced a mobile site for smartphones. The mobile site provides the user with access to some of its most popular tabs such as links to blogs, Find a Lawyer, Contact Us and a calendar of events.
- **Attorneyatwork.com**—a website dedicated to providing attorneys with helpful practice and life-style tips. A free email subscription is available to receive either daily tips or weekly tips.
- **Wonderhowto.com**—provides how-to tutorials for a number of different areas of interest including smartphones, Microsoft Office and Internet research and includes navigation tips.
- **Legal Technology Resource Center**—Prepared by the ABA, this link provides reviews of the latest technology and technology updates. The site is available at: http://www.americanbar.org/groups/departments_offices/legal_technology_resources.html



The Law Library

will be closed

on Monday, May

26th for Memorial

Day and on Friday,

July 4th for In

dependence Day.



New on the Shelf:

- O'Connor's Texas Family Law Handbook, 2014
- O'Connor's Texas Rules Civil Trials, 2014 Edition
- Rights of Juveniles 2d, 2014 Edition
- Search and Seizure: A Manual on State and Federal Law, 2013-2014
- Texas Perspectives on E-Discovery
- Advanced Personal Injury Law Course, 2013
- Advanced Guardianship Law, 2013
- Essentials of Business Law, 2013
- Texas Business Organizations Manual, 2013
- Advanced Civil Appellate Practice Course, 2013
- Advanced Civil Trial Course, 2013
- O'Connor's Causes of Action Pleadings, 2014
- Family Lawyer's Essential Toolkit, 2014
- Texas Probate System, 4th Edition

A Little Legal Humor

Stu's Views

© Stu All Rights Reserved www.STUS.com



Wow, you
want to register
658 patents?!?
What do you
make?

