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Useful Internet Sites and Articles

Texas Legislative Update

The 85th Texas Legislative Session ran from January 10 to May 29, 2017, and called for a special session that began July 18th. Below are some of the legislative updates enacted by the 85th Legislature.

Changes to State Bar Disciplinary Process

Dallas Bar Association Headnotes, Volume 42, No. 8

Senate Bill 302 both extended the operations of the State Bar of Texas until 2029 as required by the Texas Sunset Act and included some substantial changes to the attorney discipline system. S.B. 302 will take effect on September 1, 2017, and establishes a Committee on Disciplinary Rules and Referenda. The committee will be comprised of seven attorneys and two non-attorneys, appointed by the State Bar of Texas President. The committee will consider requests for proposed revisions to the disciplinary rules. S.B. 302 increases the investigative power of the Chief Disciplinary Counsel in three ways. First, the Chief Disciplinary Counsel will now have the power to issue subpoenas during its investigations. Second, the State Bar will be able to obtain criminal history record information maintained by the Department of Public Safety or obtained by the Board of Law Examiners. Lastly, in order to identify discipline imposed on Texas attorneys by other states, the Chief Disciplinary Counsel will begin regular searches of the National Lawyer Regulatory Data Bank. S.B. 302 also changes the way public sanctions will be posted on the State Bar attorney profiles. Previously, sanctions would only appear for a period of 10 years. This bill removes the 10 year limit, meaning sanctions will remain on the attorney profiles indefinitely and will now provide links to the full text of the disciplinary judgment ordering those sanctions.

Changes in Family Law

There were several changes made to family law during the 2017 legislative session and not all of the changes are made available here. The Law Library just received the 2017-2018 O'Connor's Texas Family Code Plus which includes the entire summary of the legislative updates to family law.

Child-Custody Evaluation

Changes to §107.109 go into effect on September 1,

2017. A child custody evaluator is prohibited from offering an opinion about the conservatorship of a child until the evaluator first completes any additional elements ordered by the court, as well as the statutorily required basic elements. The interview will now be narrowed to only those parties seeking conservatorship, possession of, or access to the child and the statute no longer requires the evaluator to interview a child who is under the age of four. An evaluator appointed under Family Code Chapter 107 is immune from civil liability unless gross negligence, conscious indifference or bad faith can be proved. Newly enacted §107.1111 was enacted to allow a child-custody evaluator to obtain records that relate to any person living in a residence subject to a child-custody evaluation.

Appointment of Attorney in Enforcement Hearing

§157.163 was amended to add subsection (d-1) which allows the court to conduct a hearing on the issue of indigency in a motion for enforcement through the use of teleconferencing, videoconferencing, or other remote electronic means if the court determines that conducting the hearing in that manner will facilitate the hearing.

Marriage to Minor

§6.205 previously read that a marriage is void if either party to the marriage was younger than 16 years old. Effective September 1, 2017, a marriage is void if either party to the marriage is younger than 18 years old, unless a court order removing the disabilities of minority of the party for general purposes has been obtained. Similarly, §§2.102 and 2.103 were repealed. Those sections allowed a person younger than 16 to be married with parental consent or a court order.

Motion to Terminate Protective Orders

§85.025 was amended to limit the number of times a person subject to a protective order can file a motion asking the court to determine whether or not there is a continuing need for the protective order. Effective September 1, 2017, a person subject to a protective order can now only file one motion of this kind. It was also amended to prohibit a person subject to a protective order under Code of Criminal Procedure Chapter 7A from asking the court to determine whether or not there is a continuing need.

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

The Texas Supreme Court ended its 2017 session on Friday, June 30, 2017. During the 10 month session the Court issued 81 opinions. Of the 81 opinions, 21 of them concerned the area of oil and gas. According to Supreme Court of Texas Blog data, the Court in its 2017 term issued fewer dissents than the past couple of years. The Court issued only 11 dissents, down from 18 in 2016 and 15 in 2015. The Supreme Court of Texas will begin its 2018 session on the first Monday in October, October 2nd, 2017.

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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?

Best Practices for Authenticating Fake News—*AALL Spectrum*, July/August 2017

According to the author, Genevieve Zook, fake news is not a recent trend but rather a natural byproduct of socializing, both on-line and in person. A recent survey by the Pew Research Center found that Americans “believe fake news on the web is ‘sowing confusion,’ and 23 percent of those surveyed admit they have either knowingly or unknowingly shared a made-up story.” Fake news has even affected the legal profession with a number of lawsuits filed asking to define fake news as harmful. While there is no hard and fast cure to ending fake news, the author provides several helpful websites to assist in recognizing fake news, one of which is The News Literacy Project:

<http://www.thenewsliteracyproject.org/> and
<https://www.facebook.com/TheNewsLiteracyProject/>

State Fair of Texas

The 2017 theme for the State Fair of Texas is “Celebrating Texans.” The State Fair of Texas will run from September 29 to October 22nd. This year’s theme was designed to honor past, present and future Texans and will honor the importance of community within Texas. The inspiration for the theme is based on the sense of the community that the 131 year history of the fair celebrates. *Collin County Commercial Record*, August 1, 2017, Vol. 35, Issue 31.



Library Reminders

Kindly remember that the Curt B. Henderson Law Library charges fees for copying, printing and faxing. Copies and prints are \$0.10 per page and faxes are \$1.50 for the first page and \$1.00 for subsequent pages. The library will charge for faxes, prints or copies that are not picked up or left behind. Cash and checks are the only accepted forms of payment. The Law Library continues to offer attorney IOUs as a courtesy, but please keep in mind that the balances are due upon receipt of the emailed invoice.



New in the Library

From time to time the Curt B. Henderson Law Library orders new titles not previously available in an effort to continue to offer the best collection it can. The library staff is proud to announce two new books and new CLE material.

The library has in its collection **O'Connor's Texas Family Law Forms—Enforcement, 2015**. The book supplements O'Connor's Texas Family Law forms and makes available in a book format what was previously only available through O'Connor's Online. The book is not available for check-out, just in-house use and it is kept behind the reference desk.

Another recent edition to the books kept behind the reference desk is **Texas Forms-Real Estate 2017, Commercial & Residential**. The purpose of the book is to "provide a comprehensive collection of forms to cover most transactions encountered by a real estate practitioner from a simple hunting lease to complex financial arrangements and second, to make sure the forms are sophisticated and reliable enough to meet the ever growing complexity of real estate practice in Texas." The 2017 edition adds more information about leases, includes 7 new forms for lis pendens, and updates its sections on promissory notes and title affidavits. This book is also not available for check-out but for in-house use only.

The library recently updated its collection of CLE materials. One of the new CLEs is **Advanced Evidence and Discovery Course, 2016**. This course has several helpful articles including "Emerging Standards of Competence when Dealing with Protected Information," "Things to Do and Things Not to Do at Trial," and a Texas Supreme Court update. There are also several helpful articles dealing with trial objections, hearsay, and e-discovery.

Another new course is **Advanced Immigration Law 2016**. This CLE includes a two-part section on family issues and immigration, current issues in naturalization and citizenship, workforce compliance and enforcement issues, and how to take a case to immigration court.

The library ordered **Essentials of Business Law 2016**. This new course has sections explaining securities laws, an in-depth discussion on family owned businesses, and general contract provisions. The CLE also has model company agreements for simple LLCs. Each of the CLEs mentioned above are available for check-out for 72 hours.

The library received the **2017 Advanced Guardianship Law CLE**, which meets the requirements for Attorney Ad Litem Certification proceedings. The CLE is available for checkout for one week. The CLE comes with a flash drive and includes several useful articles including what's new in guardianship, a tool kit for contested guardianships, and creditors claims in guardianships. The 2017 Advanced Guardianship Law CLE is available at the reference desk.

Tech Tips: More Useful Apps and Law Blogs

- **NotaryCam**—available on iOS devices, this app allows its users to have their documents both legally and securely notarized in all 50 states. The purpose is on demand notary services and is available anytime and anywhere. The certified notaries create a digital document and verifies the identity of a signer via webcam. Additional information and details available here: <https://www.notarycam.com/>
- **TalksonLaw**—free to iOS users, the app provides the user with interesting and current content about law, both educational and entertaining. Content is searchable by topic and date.
- **Docubot**—Docubot is a chatbox that aids in drafting legal documents by going through a large number of legal websites and databases and analyzing all the data that may be relevant and helpful in drafting a particular document. Users can create custom folders, add descriptions and notes to their documents and add keywords to tag their personal documents.
- **Smokeball**—an app designed for law firms of 15 people or less, available for both iPhones and Androids. The cloud based app has over 12,000 automated forms. Smokeball is tailored to many practice areas and will interact with MS Word and Outlook for easy email and document management.



The Law Library

will be closed

Monday,

September 4th,

2017, for

Labor Day.

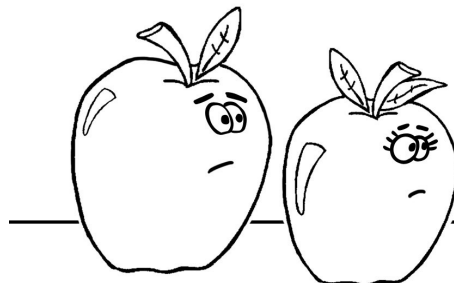


New on the Shelf:

- O'Connor's Federal Civil Forms—2017
- O'Connor's Texas Causes of Action Pleadings—2017
- O'Connor's Texas Family Law Forms—2017
- O'Connor's Federal Employment Codes Plus—2017-2018
- O'Connor's Texas Civil Appeals—2017
- Texas Criminal Forms—Revision 11
- Texas Criminal Pattern Jury Charges Crimes Against Persons—2016
- Texas Pattern Jury Charges Business, Consumer, Insurance & Employment—2016
- Texas Pattern Jury Charges Malpractice, Premises & Products—2016
- Texas Pattern Jury Charges General Negligence, Intentional Personal Torts & Worker's Compensation—2016
- Texas Pattern Jury Charges Family & Probate—2016
- Texas Real Estate Forms Manual—Third Edition
- Trial Objections Handbook—2017 Edition
- Courtroom Handbook on Texas Evidence—2017
- Guardianship Alternatives—2016
- Handbook of Texas Lawyer and Judicial Ethics: Attorney Tort Standards and Attorney Ethics Standards—2017
- Roach's Texas Rules of Evidence Annotated—2017 Edition

A Little Legal Humor

Leave!
And don't
come back until
you're ripe.



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