

LexisNexis® Publication Select 2013 Releases by Month

January 2013

- **Rassp, The Lawyer's Guide to the AMA Guides and California Workers' Compensation:** The new 2013 Edition analyzes the impact of the SB 863 reforms on permanent disability benefits and what constitutes a catastrophic injury for a psychiatric disorder. Also includes an SB 863 Checklist & Reference Guide.
- **Planning for Large Estates:** Includes new discussion of the portability concept; updated and expanded coverage of the defined value cases that have resulted in favorable verdicts for taxpayers; and regulations to I.R.C. Section 2036 that provide the actual method to be used to determine the portion of trust corpus includible in the grantor's gross estate if the grantor reserves a graduated retained interest in a trust.

February 2013

- **Weinstein, Korn and Miller, New York Civil Practice: CPLR:** Features completely updated analysis of the following: CPLR 303, Designation of attorney as agent for service; CPLR 304, Method of commencing action or special proceeding; CPLR 306-b, Service of the summons and complaint, summons with notice, third-party summons and complaint, or petition with a notice of petition or order to show cause; Article 80, Fees; Article 81, Costs Generally; and ARTICLE 82, Amount of Costs.
- **Dorsaneo, Texas Litigation Guide:** Includes recent amendments to Texas Rules of Appellate Procedure, providing new guidelines for length and format of briefs and other appellate documents prepared by computer; also includes analysis of recent Texas Supreme Court and court of appeals cases on a wide range of topics including statutes of limitations, new trial orders, medical malpractice, government tort liability, and eminent domain, among many other subjects.
- **Financial Management and Accounting for the Construction Industry:** Includes new discussions and analyses of topics including Privatization (the rise of "small government" philosophy), Employee Benefits (Health Savings Accounts), Risk Management and Insurance (the need for computer fraud and funds transfer insurance), and Surety (the "building blocks" of the project life cycle).
- **Federal Income Taxation of Inventories (Release 67):** Discusses the implications of new proposed regulations under IRC Section 263A, analyzes recent IRS authorities affecting securities and commodities traders and dealers, and provides a fresh analysis of the recognition of revenue from the sale of goods where a portion of the sales price is contingent.

[\[Back to Top\]](#)

March 2013

- **Weinstein's Federal Evidence (Release 106):** Chapter 502, *Attorney-Client Privilege and Work Product; Limitations on Waiver*, has been completely revised and updated for easier access to the latest case law. Other updates include discussion of proposed amendments to Rules 801 and 803. Additionally, discussion of numerous, significant evidence cases is also included. Issues addressed include Confrontation Clause decisions, discovering and admitting electronically stored information, excluding witnesses under Rule 615, and the admission of former testimony under Rule 804.
- **Water and Water Rights:** Incorporates discussion of the U.S. Supreme Court's 2012 opinion, *PPL Montana, LLC v. Montana*, as well as updates throughout the treatise on recent case law developments. Introduces new author Benjamin Rajotte of North Eastern University, School of Law, adding to our panel of legal experts.
- **Tax Planning for Partners, Partnerships, and LLCs (Release 30):** Recent tax legislation impacting the Medicare Contribution Tax; Recent revenue procedure impacts Publicly Traded Partnership Income From Cancellation of Debt; regulations issued regarding foreign corporations; and reversal of Tax Court decision.
- **California Real Estate Law & Practice (Release 100):** Features updates reflecting (1) 2012 California real estate legislation, including new statutes covering the home foreclosure crisis and repeal of the Davis-Stirling Common Interest Development Act (effective January 1, 2014); (2) recent real estate cases; and (3) completely revised Chapters 460 Rehabilitating the Project and Ch. 461 Claims Against Sureties.
- **Ballantine & Sterling California Corporation Laws (Release 118):** This release contains revisions and amendments to the California Corporations Code; Rules and Regulations from the Commissioner; Commissioner's Releases; and the Delaware General Corporation Law. Additionally, Stats. 2012 ch. 419 (SB 323) repealed the existing Beverly-Killea Limited Liability Company Act and enacted the California Revised Uniform Limited Liability Company Act, operative January 1, 2014.
- **California Forms of Pleading & Practice (Release 196):** This release contains a Chapter Revision: Ch. 304, *Insane and Other Incompetent Persons*, has been replaced by a new Ch. 361A, *Mental Health and Mental Disabilities: Judicial Commitment, Health Services, and Civil Rights* in light of new legislation [Stats. 2012 ch. 457] which has redefined the terms used for persons with intellectual disabilities. In addition, it addresses the Electronic Discovery Act "Cleanup" Legislation. effective January 1, 2013 [Stats. 2012, ch. 72].

[\[Back to Top\]](#)

April 2013

- **California Points & Authorities:** This release includes changes to California legislation, Rules of Court, and regulations effective January 1, 2013, as well as 2012 state and federal case law. Updates also include Depositions, Electronic Discovery Act Cleanup Legislation, Privilege Logs and Intentional Interference with Expected Inheritance.
- **Rhoades & Langer, U.S. International Taxation and Tax Treaties (Release 131):** Updates include: Treasury Has Issued Final FATCA Regulations; exclusions for U.S. Citizens Abroad; Foreign Tax Credit; Foreign Reorganizations; Withholding; and Foreign Trusts.

May 2013

- **Moore's Federal Practice:** Includes new sections covering: redressability in equal protection cases (Ch. 101, *Issues of Justiciability*); suits to enjoin state interference with federal rights (Ch. 103, *Federal Question Jurisdiction*); and the inapplicability of the Tucker Act to statutes with self-executing remedial schemes (Ch. 105, *Other Subject Matter Jurisdiction Statutes*).
- **Taxation of Financial Institutions:** This release reflects changes or updates to Final Regulations Regarding Publicly-Traded Property; Final and Temporary Treasury Regulations Regarding Debt Instruments; Temporary Notional Principal Contracts (NPCs) Regulations; Favorable Treatment on Dispositions of Built-in Gain Properties by S Corporations; and Financial Institutions Tax in Ohio.
- **California Forms of Pleading & Practice (Release 197):** This release includes a new chapter 171 Corporations: Hybrid Corporations—Benefit Corporations and Flexible Purpose Corporations which discusses two new types of corporate entities in California: benefit corporations and flexible purpose corporations. Two new forms relating to the recently enacted seven-hour deposition limit have been added to Ch. 193 Discovery: Depositions. Finally, Ch. 577 Workers' Compensation is extensively updated throughout to reflect the sweeping overhaul of workers' compensation statutes and regulations for 2013 due to SB 863 [2012 Stats. Ch. 363] as well as the latest case law.
- **Ohio Jury Instructions:** Includes revisions to several chapters including those covering negligence; robbery, burglary and trespass; gambling; and wildlife violations.
- **Anderson's Ohio Probate Practice and Procedure:** Features a new section on the Ohio Legacy Trust Act (Chapter 5816 of the Ohio Revised Code), new discussion of the Adult Guardianship and Protective Proceedings Jurisdiction Act and guardianships involving multiple jurisdictions, and more.

June 2013

- **Federal Banking Laws:** Provides comprehensive coverage of the federal banking laws, with statutes drawn from 15 different titles of the United States Code Service. Plus, each print volume is accompanied by a companion eBook that features the same content as the print, together with annotated statutes and critical material from the Code of Federal Regulations.
- **Kentucky Instructions to Juries:** Incorporates changes to chapters including Miscellaneous Guilt Phase Instructions; Offenses Against Public and Judicial Administration; Penalty Phase Instructions; Definitions Relating to Negligence; and Animals. A new chapter entitled Miscellaneous Civil Instructions has been added.

August 2013

- [Current Legal Forms with Tax Analysis:](#) Ch. 3B, Computer Agreements has been revised to include new forms in the Software Agreements Section; the E Commerce and Internet

Agreements Section and the Privacy and Security Agreements Section. In addition, the Tax Background in Ch. 7, Wills has been completely revised and the Tax Background for Ch. 11, Contributions to Charities has been completely revised and a new Practice Background has been added to the chapter.

- [Criminal Jury Instructions for the District of Columbia](#): Includes both new instructions and modifications to existing instructions to reflect changes required by case law. The new instructions are: 1) 4.115, Assault on Public Vehicle Inspection Officer; 2) 5.211, Uttering a Check, Draft or Order with Intent to Defraud; and 3) 6.604, Fleeing from Public Vehicle Inspection Officer.
- [Dorsaneo, Texas Litigation Guide](#): Features a completely revised chapter on dismissal to reflect the new Texas Rule of Civil Procedure 91a, authorizing the dismissal of claims that have no basis in law or fact; also includes a complete revision and expansion of the condemnation chapter, and the latest case developments regarding compensation for maritime and railroad employee injuries; Special Alerts have been added discussing the new “expedited actions” rules in Texas, which affect a wide range of civil procedure topics and will be incorporated into the publication in the next release
- [Chisum on Patents](#)
- [Rocky Mountain Mineral Law Foundation, American Law of Mining, 2nd Edition](#): Includes recent developments relating to cultural resource protection, including the section 106 process and the use of programmatic agreements; a comprehensive update of the chapter on mining safety and health; updates on mining claim topics; and more.
- [Drafting the Union Contract](#): Features a reorganization of the treatise to group existing chapters into three new parts—Part I: Fundamentals; Part II: Law, Logic and Language; and Part III: Analysis of “Real Life” Contracts. There are also substantive revisions to the chapters on good faith bargaining, costing the collective bargaining agreement, checkoff, non-discrimination, and arbitration. A newly added Chapter SK, Skilled Services Industry Agreement, covers employees engaged in the construction, conversion and repair of sea-going vessels.
- [Virginia Domestic Relations Handbook](#): Includes 2012 and 2013 case law and legislative changes on topics including in vitro fertilization, adoption, marital property, the doctrine of necessities, child custody, child support, child abuse and termination of parental rights, and the effect of divorce on death benefits.
- [World Trademark Law and Practice](#)
- [Applying GAAP and GAAS](#): Presents an overview of AICPA’s Statement on Quality Control Standards No. 8, which requires public accounting firms to have firm-wide systems of quality control in place to provide standards for the conduct of all accounting and auditing engagements.
- [Steinman's Bergerman and Roth, New York Real Property Forms Annotated](#): Includes new case law updates on the right to obtain contact information of condominium unit owners and the measure of damages for a buyer’s breach of a contract to purchase real estate. Other highlights include discussions on timely motions for a deficiency in a foreclosure, mechanics liens and although a nuisance or trespass may undeniably be intentional, and damage result, a high threshold is required to impose punitive damages.

- [Ohio Transaction Guide](#): The new Ohio statute, Section 5808.18 of the Ohio Revised Code, is described in detail at Section 103.37 and may be useful in a variety of situations for reforming an irrevocable trust to address concerns which arise after the trust is created. Chapter 103 was also updated to include a discussion of the Legacy Trust Act, which was adopted in Ohio by the addition of Ohio Revised Code Sections 5816.01 to 5816.14. Volumes 4, 5 and 6, all dealing with aspects of estate planning, were updated with references to The American Taxpayer relief Act of 2012 and its impact on estate, gift and generation-skipping transfer tax planning.

[\[Back to Top\]](#)

September 2013

- [Collier on Bankruptcy](#): Features the U.S. Supreme Court's decision in *Bullock v. BankChampaign*, 2013 U.S. LEXIS 3521 (May 13, 2013), which ruled on the scienter requirement of "defalcation" as that term is used in the Bankruptcy Code; United States Trustee Fee Guidelines for use in larger chapter 11 cases in reviewing applications for compensation and expense reimbursement filed by attorneys under section 330 of the Bankruptcy Code; a new treatise chapter analyzing the intersection of environmental regulation and bankruptcy law.
- [Widiss' Uninsured and Underinsured Motorist Insurance, 3rd Edition](#): Features updates and revisions on the following topics: whether umbrella policies provide underinsured motorist coverage even if the policy language does not explicitly require it; whether a "self-insured" party can be defined as "uninsured" within the meaning of relevant statutory definitions; whether uninsured motorist benefits can be triggered by the applicability of governmental immunity to the alleged tortfeasor; whether the term "uninsured vehicle" includes equipment designed primarily for use off the roads (e.g. tractor); whether the delay resulting from an insurer's investigation to determine if the requirements of the policy have been met constitutes bad faith; whether uninsured motorist coverage should be reduced because of benefits provided by other sources (Medical Expenses); and whether a "long-term companion" who is not married or related to the named insured qualifies as a class (1) insured.
- [Moore's Federal Practice](#): Features an article by Moore's Editorial Board member Georgene Vairo commemorating the 75th year since the first publication of *Moore's*. Includes the complete rewriting of 11 chapters--revised, reorganized, and updated with analysis of the latest case law. Presents Special Alerts with early analysis of important United States Supreme Court decisions in the 2012-2013 term.
- [Nimmer on Copyright](#): In 2013, Author David Nimmer added new Chapter 20, "Coda, Copyright Around Us," exploring aspects of copyright law that stand outside the realm of law, including a detailed look at the ongoing saga of the Google Book Search project, and the Commerce Department's Report on IP and the U.S. Economy. He analyzed the latest round of exemptions from anti-circumvention provisions, and the application of damages under anti-circumvention strictures. The author examined whether the Copyright Clause allows granting of copyright to works that have entered the public domain, and explained the effect of the laches defense on remedies.

- **Institute on Oil and Gas Law:** Features papers presented at the 64th Annual Institute on Oil and Gas Law in Houston, Texas, in February 2013. Paper topics include: 2012 oil and gas law developments; Gulf of Mexico compliance challenges; shale gas and fracking; title and HBP issues in Appalachia; continuous development/retained acreage clauses in oil and gas leases; climate change; and more.
- [California Damages: Law and Proof, 5th Edition:](#) Contains recent California and Federal Court decisions on personal injuries, property damage, false imprisonment, intentionally caused emotional distress, punitive or exemplary damages, contribution and indemnity, and other topics. Chapter on personal injuries also includes an updated U.S. life expectancy table.
- [California Forms of Pleading and Practice Annotated:](#) September update (Rel 199) features a completely revised coverage of trusts, with 12 new chapters on the topics of trust administration and litigation, along with extensive case updating throughout the publication's 52 analytical volumes.
- [New York Civil Practice: CPLR \(Weinstein, Korn & Miller\), Second Edition:](#) Features completely revised discussion of Right of Cross-Examination Under CPLR 3113(c), Depositions of Non-Parties, and Law of the Case, as well as examination of timely issues including the ability of counsel for a non-party to participate at deposition; whether an at-will prepayment services agreement, which lacked any obligation to continue services or to engage in future dealings, constitutes a property interest or debt subject to a restraining order, levy or turnover order; if, in order for a court to issue a postjudgment turnover over against a bank, the bank itself must have actual, not merely constructive, possession or custody of the assets sought; and whether orders granting or denying motions to amend are reviewable on an appeal from a final judgment.
- [Bergman on New York Mortgage Foreclosures](#)
- [Police Civil Liability:](#) Includes significant revisions to Chapter 3 (Negligence During Police Emergencies), Chapter 9 (Duty to Protect), and to Appendices D (Immunity in Federal Civil Rights Actions), E (Factual Synopses of Entrapment Cases), and F (Brady Claims).
- [University of Miami Institute on Estate Planning:](#) Includes all significant developments for 2012 concerning estate, gift and income taxation of trusts and estates. Also includes coverage of: best strategies to plan and report the generation-skipping transfer tax exemption, fiduciary drafting issues, rehabilitation of IRA that have encountered slip-ups, and more.

[\[Back to Top\]](#)

October 2013

- **Appleman on Insurance Law and Practice**
- [European Merger Control Law](#)
- [Mental Disability Law: Civil and Criminal, 2nd Edition:](#) Significant developments include those in the areas of the interaction between international human rights law and mental disability law, with references to supporting scholarly literature. Also included is recent case law and discussion on aspects of the civil commitment process, most notably cases involving the relationship between mental disability and the death penalty.

- [Michie's Jurisprudence of Virginia and West Virginia](#): Replacement Volume 7B
- [Pritchard on the Law of Wills and Administration of Estates, 7th Edition](#): Includes 2013 legislative changes related to new and amended provisions of Tennessee estates practice laws, and specifically incorporates changes related to the Tennessee Uniform Trust Code and the Small Estates Act. Also includes legislative changes to the Declaratory Judgment Act, as well as case law updates.
- [Warren's Forms of Agreements](#): Ch. 12, Manufacture and Sale of Goods has been revised to improve and modernize the legal analysis at the beginning of the chapter including, among other things, updating the statutory and legal treatise references, adding UCC references where needed and making improvements in the form and substance of the text. In addition, Vol. 8, containing boilerplate provisions has been completely revised to include, among other things, updating the statutory and legal treatise references (see, for example, Chapters 93, 100 and 109), adding discussion needed to cover developments in electronic commerce, adding updated cases and statutory references where needed and making improvements in the form and substance of the text. Further, boilerplate form provisions that are representative of current transactions, particularly corporate M&A and other business transactions were added.
- [Handbook on Evidence for West Virginia Lawyers, Fifth Edition](#)
- [Nevada Civil Practice Manual, Fifth Edition](#): The 2013 update includes legislative, rule, and case updates to chapters throughout, including revision of the Nevada Bond and Lien Law and changes to the guardianship statutes, as well as coverage of the new 10th Judicial District (Churchill County).
- [Virginia Forms](#): Replacement Volume 1B, Civil Litigation - A new edition of Volume 1B includes detailed updates to numerous forms, including divorce checklists, child support checklists, complaint to enforce joint will as a contract, complaint for debt, and petition for payment of funds into court, among many others.
- [Virginia Model Jury Instructions - Criminal](#): Recent updates by The Supreme Court of Virginia's Model Jury Instruction Committee include new instructions: 2.110, Identity of Defendant As the Perpetrator; G13.500 and P13.500, Harassment by Computer; G26.400 & P26.400, Filing False Lien of Encumbrance Against Another; and seven new instructions relating to child pornography in Chapter 29, Family Offenses and Crimes Against Children. Additional updates include revisions to over 25 existing instructions and inclusion of recent case, statutory, and rule authority throughout.

[\[Back to Top\]](#)

November 2013

- [Accounting for Public Utilities](#)
- [Current Legal Forms with Tax Analysis](#): Several chapters have been revised and updated with this release. Specifically, Ch. 7, Wills has been revised to include, among other things, a discussion of the Supreme Court case of *United States v. Windsor*, 570 U.S. ____ (2013), which addresses whether same-sex couples who are recognized as married under state law may claim the marital deduction for property bequeathed to the surviving spouse in Sections 7.10, Federal Gift Taxation: Marital Deduction, and 7.48, Deduction from Gross Estate, Marital Deduction.
- [Federal Rules of Evidence Manual, 10th Edition](#)
- [Federal Taxation of Municipal Bonds, Third Edition](#): Issue 24
- [Manual of Federal Practice](#)

- [Michie's Jurisprudence of Virginia and West Virginia](#): 2013 Cumulative Supplement
- [United States Supreme Court Reports, Lawyers' Edition 2d](#): 2013 Index Set
- [Robinson on North Carolina Law, 7th Edition](#)
- [Tennessee Jurisprudence](#): Updates the Copyright topic with an expanded discussion of access and damages, based on recent court decisions; in Contempt, expands the discussion of criminal contempt's status as a quasi-crime; in Contracts, expands discussions of formation of contracts and the requirements of exculpatory contracts; and in Corporations, expands discussion of fraud under the Securities and Exchange Act.
- [The Law of Evidence in Virginia, 7th Edition](#)

[\[Back to Top\]](#)

December 2013

- [Corbin on Contracts: Supplement](#) includes new citations to and analysis of dozens of important cases to provide an up-to-date account of the current status of the law of contracts. **New Volume** presents new Volume 16, the Corbin on Contracts Answer Guide, designed to provide concise answers to contract law issues while also providing an immediate gateway for further elaboration and citation to additional authority in the treatise.
- [Kintner's Federal Antitrust Law](#): With regard to claims “alleging unlawful exclusive dealing arrangements, plaintiffs are likely to have their claim dismissed if their definition of relevant geographic market is vague and conclusory; alternatively, if their definition of relevant product market is implausible and overly broad.” See *Orchard Supply Hardware LLC v. Home Depot USA, Inc.*, 2013 U.S. Dist. LEXIS 53214 (N.D. Cal. Apr. 11, 2013) and *Sidibe v. Sutter Health*, 2013 U.S. Dist. LEXIS 78521 (N.D. Cal. June 3, 2013), respectively. Additionally, especially in Chapter 50 – “Deceptive and Unfair Disclosure”, there is significant discussion on the increased enforcement activity of the FTC with bringing actions against companies alleging breaches in their disclosure requirements which resulted in customer harm. This chapter goes through the many cases, not only where the courts dismissed the claims brought by the FTC, but also where the FTC was successful. Last, but not least, there is discussion about the statute of limitations in antitrust cases, specifically through “*In re Sulfuric Acid Antitrust Litig.*, 703 F.3d 1004 (7th Cir. 2012) (noting that “statutes of limitations in federal civil cases [including antitrust cases], begin to run upon discovery of the injury from the alleged violation’ and not from the date of the actual injury; the ‘fact that [Zenith] mentioned only injury as the statute of limitations trigger in an antitrust case in which there was no issue regarding discovery does not imply the inapplicability of the discovery rule to antitrust cases in which, as in this case, the date of discovery might matter’).”
[Liability of Corporate Officers and Directors](#): New Release
- [Virginia Forms](#): Supplements to each of the volumes of Virginia Forms have been updated, including forms related to initial offensive and defensive pleadings in civil action; interlocutory procedural forms, motions, and orders; verdicts, final judgments, and decrees; post-judgment motions and orders; equitable claims; statutory and special remedies; discovery; appellate procedure; commercial transactions; medical malpractice; criminal procedure; corporations; partnerships; limited liability companies; business trusts; contracts; domestic relations; wills and administration of estates; and real estate transactions.
- [U.S. Supreme Court Digest, Lawyers' Edition](#): 2013 Supplement

- [Collier on Bankruptcy](#): Includes 2013 amendments to the Fed. R. Bank. P. 1007, 4004, 5009, 9006, 9013 and 9014; new forms on cross-border insolvency cases; review of the developments on the types of core proceedings that the courts have determined are governed (or not) by the rationale of Stern v. Marshall; the final rules promulgated by the Executive Office for United States Trustees for prebankruptcy credit counseling and postfiling management courses.
- [United States Supreme Court Reports, Lawyers' Edition 2d](#): 2013 Quick Case Table with Annotation References
- [Moore's Federal Practice](#): Features (1) analysis of the latest civil and appellate cases law developments; (2) text and analysis of the 2013 amendments to the civil and appellate rules; (3) a substantively and entirely rewritten Ch. 45, Subpoena, incorporating analysis of the 2013 amendments to Civil Rule 45; and (4) the revised U.S. Supreme Court Rules, effective July 1, 2013.

[\[Back to Top\]](#)