DRAFTING ASSISTANT - ESSENTIAL USER GUIDE

SEPTEMBER 2022

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About Drafting Assistant Essential (Web Platform)

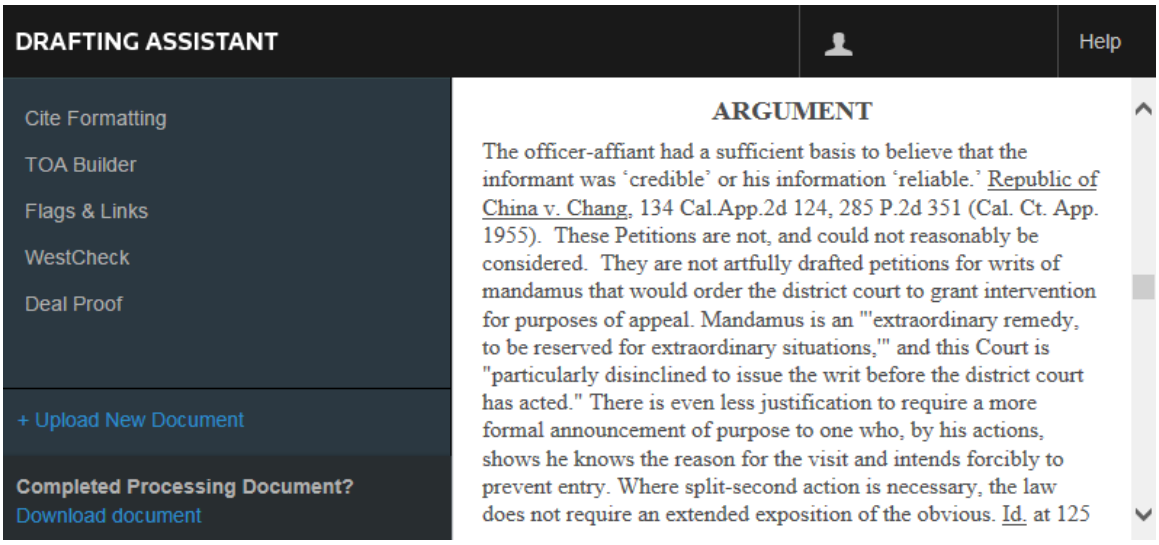
The Thomson Reuters Drafting Assistant Essential suite of productivity tools provide easy access to information, research, authority, and tools to help you draft legal documents. With Drafting Assistant Essential (Web Platform), you can produce your best work and shave hours off the drafting process – right from your word processor. With Drafting Assistant, you can:

- Insert **KeyCite** flags for easy review and citation verification using the **Flags & Links** and **WestCheck** tools (see "About Flags & Links" on page 19 and "About WestCheck" on page 24 for more information).
- Ensure correct citation formatting using *The Bluebook*, *ALWD*, or other jurisdiction-specific rules, with the **Cite Formatting** tool (see "About Cite Formatting" on page 5 for more information).
- Insert a table of authorities into your documents with the **TOA Builder** tool (see "About TOA Builder" on page 9 for more information).
- Check the status of your citations in KeyCite using **WestCheck** (see "Checking Citations" on page 26 for more information).
- Create a Cited Decisions list of cases cited by your case in **WestCheck**(see "Creating a Citations List" on page 29 for more information).
- Use WestCheck to access **QuoteRight** to verify the accuracy of quotations in your documents (see "Verifying Quotations with QuoteRight" on page 33 for more information).

Save hours of drafting time and speed up the review process with every brief, memorandum, or other legal document you draft. For detailed instruction on working with the Drafting Assistant tools, see:

- "About Cite Formatting" on page 5
- "About TOA Builder" on page 9
- "About Flags & Links" on page 19
- "About WestCheck" on page 24
- "About Deal Proof" on page 39

Once you launch Drafting Assistant, you can upload a .doc, .docx, .rtf, or PDF document. The tools available to you under your subscription will display in the left pane alongside your document. When uploading a PDF, Drafting Assistant will convert the document into a searchable text file for use with Drafting Assistant Essential website. Once processing is complete, the downloaded document will be in Word format. You will not be able to convert the document back to PDF format after you have converted it to a Word document.



About Cite Formatting

The Cite Formatting tool checks citations in your legal document and suggests the correct citation format. Use the Cite Formatting tool to:

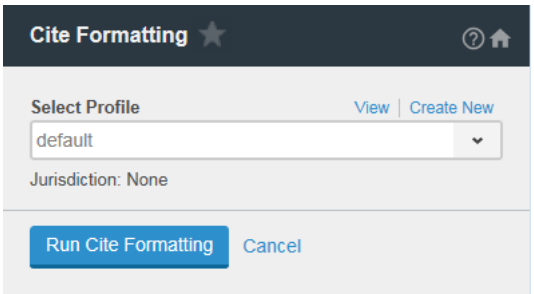
- Identify legal citations (cases, statutes, court rules, regulations, constitutions, administrative decisions, and journal and law review articles) in your document.
- Suggest citations from *The Bluebook: A Uniform System of Citation*, the *ALWD Citation Manual*, or a citation style specific to a state.
- Apply correct formatting directly to your document while giving you complete control over which citation changes to make.

Working with Profiles in Cite Formatting

If you are a new user, it is recommended that you define presets for common use cases using the **Profile** options. Profiles allow you to select, save, and reuse options you use frequently. Each time you access the Cite Formatting tool, you are provided with options to select an existing profile, view/edit profile settings for a selected profile, and create a new profile.

CREATING NEW CITE FORMATTING PROFILES

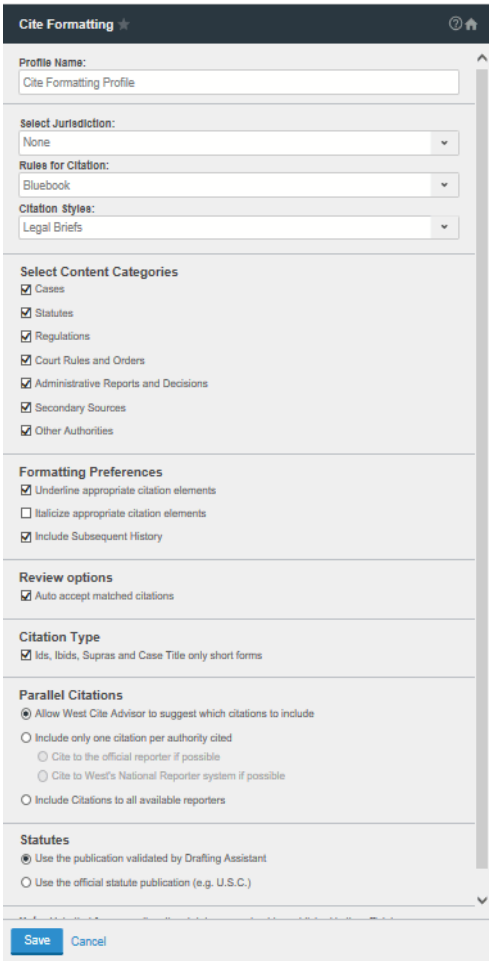
1. Click the **Cite Formatting** tool on the left side of your document.
2. Click **Create New**.



3. Type a name for the new profile in the **Profile Name** box (e.g., Underlined Citations).
4. Select a **Jurisdiction** from the list.
5. Select the **Rules for Citation** from the list.
6. Select a set of desired **Citation Styles** from the list (**Legal Briefs** or **Law Reviews**).
7. Select the content categories you would like to include in your citations list.
8. Select the **Formatting Preferences** you wish to apply to the citations. Options include:
    - **Underline appropriate citation elements**.
    - **Italicize appropriate citation elements**.
    - **Include Subsequent History**.
9. Select **Auto accept matched citations** to automatically mark a citation in the cite list as accepted (with the green checkmark symbol) when a citation matches any one of the suggested alternatives for that citation.
10. Select to include **Ids, Ibids, Supras, and Case Title only short forms** if desired.
11. Select an option to work with **Parallel Citations**:
    - **Allow West Cite Advisor to suggest which citations to include**.
    - **Include only one citation per authority cited**. If you select this option, you can choose whether to **Cite to the official reporter if possible** or to **Cite to West's National Reporter system if possible**.
    - **Include Citations to all available reporters**.
12. Select an option to apply to Statutes:

- Use the publication validated by Drafting Assistant.
- Use the official statute publication (e.g., U.S.C.).

13. Click **Save**.

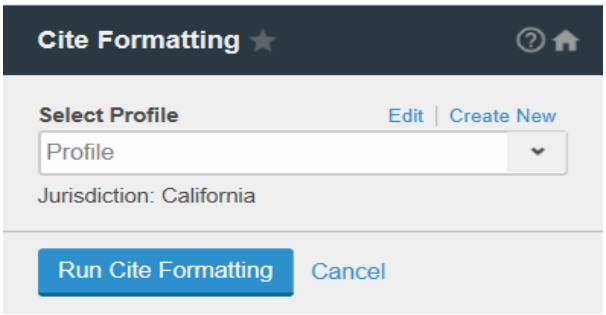


14. Utilize the new saved profile in the Cite Formatting tool by selecting it from the **Select Profile** list, then clicking **Run Cite Formatting**. For detailed information on checking citation formatting, see "Working with Cite Formatting" on page 7.

VIEWING, EDITING, AND DELETING CITE FORMATTING PROFILE SETTINGS

To edit the settings for a Cite Formatting profile:

1. Click the **Cite Formatting** tool on the left side of your document.
2. Select the profile you want to view or edit from the **Select Profile** list.
3. Click **Edit**. Note, the default profile can be viewed but not edited.

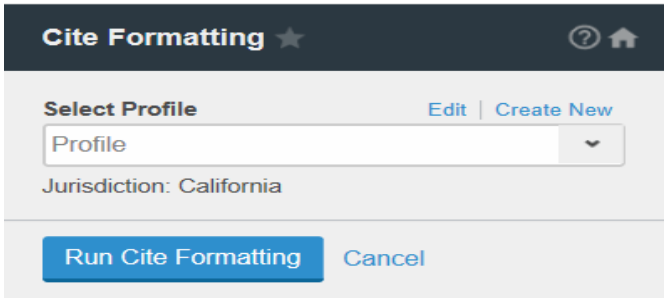


4. Edit the settings as desired and click **Save**. To delete the profile, click **Delete Profile** at the bottom of the left pane. Click **Continue** to confirm.

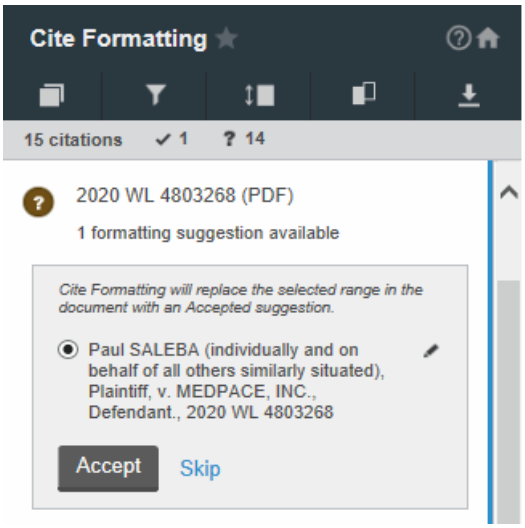
Working with Cite Formatting

Check citations in your legal document, view suggestions for the correct citation format, and make formatting changes using the Cite Formatting tool.

1. Click Cite Formatting.
2. If you are a new user, it is recommended that you define presets for common use cases using the **Profile** options. Profiles allow you to select, save, and reuse options you use frequently. For more information, see "Working with Profiles in Cite Formatting" on page 5. Click the **Cite Formatting** tool on the left side of your document.
3. Click **Run Cite Formatting**.



4. Each citation displays in a list in the left pane and the citations status is displayed at the top of the Cite Formatting tool. Citation formats are marked as:
   - Suggestion matches the document text or a suggestion has been accepted.
   - No suggestions are available.
   - Multiple suggestions available. Choose a suggestion and click **Accept**.
5. Optionally, click the **Group By** button at the top of the citations list to group citations by **Citation Status** or **All instances of a Citation**. You can also click the **Group By** button and select **Restore Default View** to return to the default view.
6. Optionally, click the **Filter** button at the top of the citations list to filter by content type, citation format, and citation type. Select the options you wish to view, then click **Apply**.
7. Optionally, click the Collapse/Expand All Suggestions button to display or hide all of the suggestions for each citation.
8. Optionally, click the **Show Changes** button to **Show Format Differences** or **Show Content Differences** between the existing citation and suggestion. You can also select the **Restore Default** button to return to the default view.
9. Optionally, click the **Download Cite Formatting Report** button to share a copy of the citations and suggestions with a colleague. The Cite Formatting Report will retain any filters, groupings and accepted suggestions applied.
10. Citations with formatting suggestions offer options for formatting. Select an option and click **Accept**. The status of the citation formatting displayed at the top of the Cite Formatting tool updates.



11. Optionally, you can revert to the original citation formatting after accepting a suggestion by clicking **Revert to original citation**.

12. Once you complete formatting your citations, click **Finish** to exit the tool.

About TOA Builder

Use the TOA Builder tool to build a properly formatted list of references (known as a Table of Authorities or TOA) in your legal document. The TOA is inserted where your cursor is positioned in the document at the time you run the tool and includes section headings for all content categories that are enabled when the profile settings are configured (see "Working with Profiles in TOA Builder" on page 9 for more information). It is considered best practice to use the TOA Builder tool in tandem with the Cite Formatting tool. Using both of these tools ensures that only valid citations are included in the table of authorities, and that those included are formatted correctly.

TOA Builder is integrated into Microsoft Word.

The following TOA Builder capabilities vary between Drafting Assistant platforms:

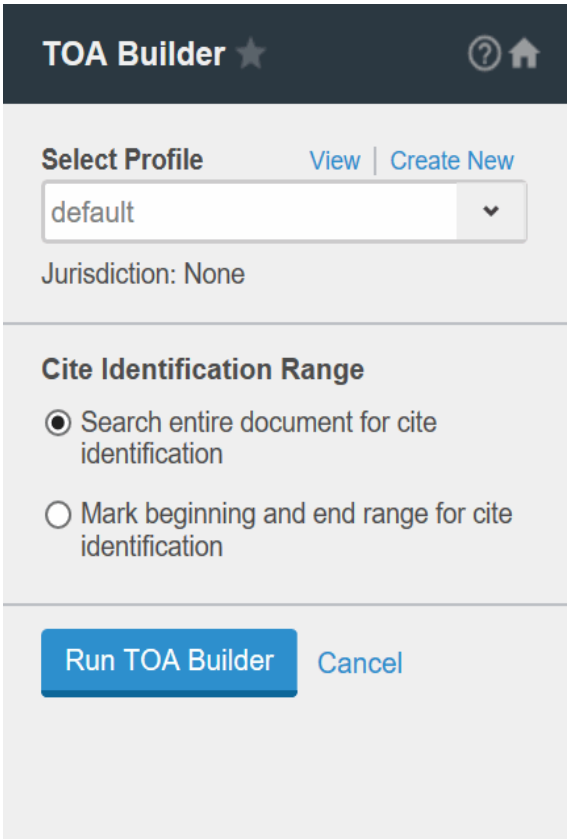
- Retention of edits on subsequent TOA Builder runs is available only in the Drafting Assistant desktop add-in and not other platforms.
- Edit citation range is available only in the Drafting Assistant desktop add-in and Drafting Assistant Essential (Web Platform) and is not available in Drafting Assistant for Word Online
- Tab leaders do not appear after inserting a Table of Authorities in Drafting Assistant for Word Online, however, they will appear once the document is downloaded, printed, or saved as PDF.

Working with Profiles in TOA Builder

If you are a new user, it is recommended that you define presets for common use cases using the **Profile** options. Profiles allow you to select, save, and reuse options you use frequently. Each time you access the TOA Builder tool, you are provided with options to select an existing profile, view/edit profile settings for a selected profile, and create a new profile.

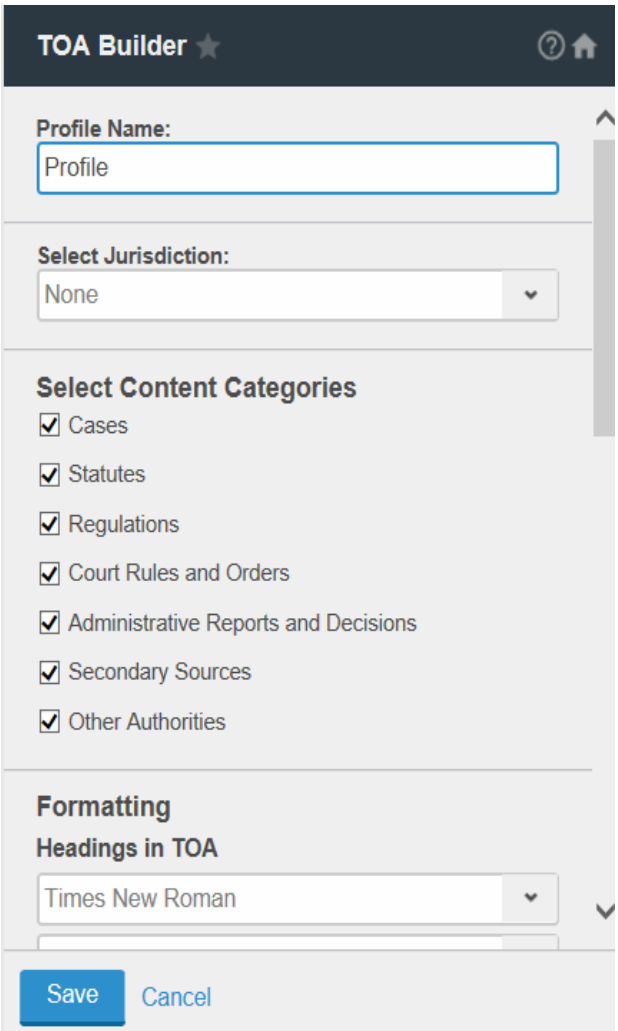
CREATING NEW TOA BUILDER PROFILES

1. Click the **TOA Builder** tool on the left side of your document.
2. Click **Create New**.



3. Type a name for the new profile in the **Profile Name** box (e.g., Combined Federal and State).
4. Select a **Jurisdiction** from the list.
5. Select the content categories you would like to include in your citations list.
6. Select the **Formatting** preferences you wish to apply to the headings in the TOA. Options include font type, size, and style (**Bold**, *Italic*, Underline).
    - You can also select the check box to **Add Page(s) label above page numbers**.
    - Select **Link page numbers to pages in body of document** to add links within the TOA that link from the page numbers to the location in the document.
7. Select an option to work with **Citations in TOA**:
    - **Match font and font size from citation in the document**.
    - **Apply Special Formatting.** If you select this option, you can choose a font type and size to apply to the citations.
8. Select an **Underline and Italicize** option for the citations in the TOA:
    - **Use underlining and italics that are applied to the cites in the text of the document**.
    - **Apply Special Formatting.** If you select this option, you can choose to **Underline Title**, **Italicize Title**, or both.
9. Select one or more of the following options:
    - **Case name on separate line**: List each case name on a separate line from reporter string.
    - **Include subsequent history from text**: Include history in citations in the table of authorities.
    - **Use Passim for Frequently Cited Sources**: Use passim rather than citing specific pages.
    - **Combine Federal and State categories**: Combine federal and state citations in each table of authorities category. For example, if this option is selected, federal and state citations are listed together under Cases. If this option is not selected, cases are listed under Federal Cases and State Cases separately.
    - **Display comma delimiter after case title**: Add or remove the comma delimiter after case titles.

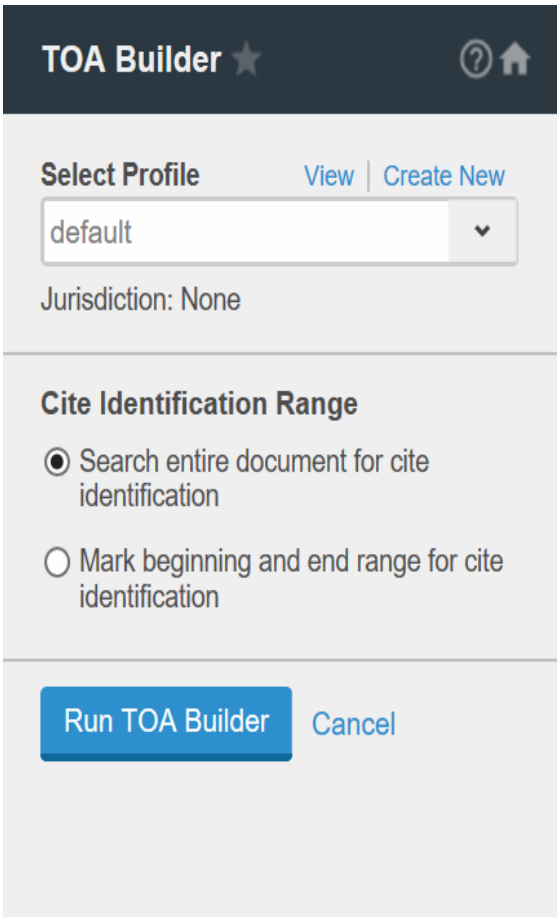
10. Select a **Tab Leader** from the list provided (a tab leader is a row of dots or lines that connect the TOA text to the page number).
11. Select a **TOA Spacing** option (Single or Double) from the list provided. This setting only applies to citations in the TOA. Headings are always double-spaced.
12. Click **Save**.



13. Utilize the new saved profile in the TOA Builder tool by selecting it from the **Select Profile** list, then clicking **Run TOA Builder**. For detailed information on inserting a TOA into your document, see "Working with TOA Builder" on page 12.

VIEWING, EDITING, AND DELETING TOA BUILDER PROFILE SETTINGS

1. Click the **TOA Builder** tool on the left side of your document.
2. Select the Profile you want to view or edit from the **Select Profile** list.
3. Click **Edit**. The default profile can be viewed but not edited.



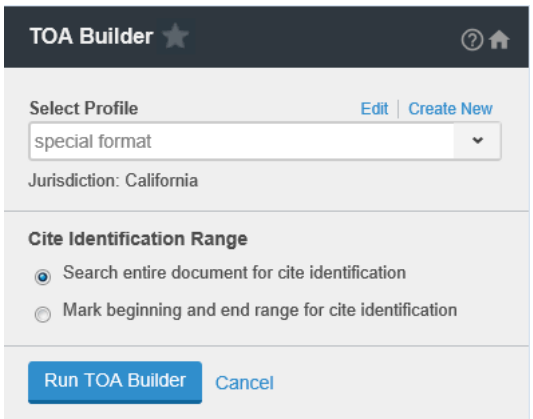
4. Edit the settings as desired and click **Save**. To delete the profile, click **Delete Profile** at the bottom of the left pane. Click **Continue** to confirm.

Working with TOA Builder

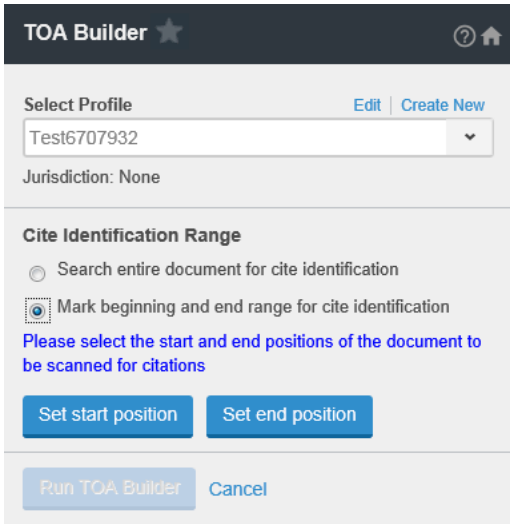
The Table of Authorities (TOA) Builder inserts a properly formatted list of references in your legal document.

BUILDING A TABLE OF AUTHORITIES

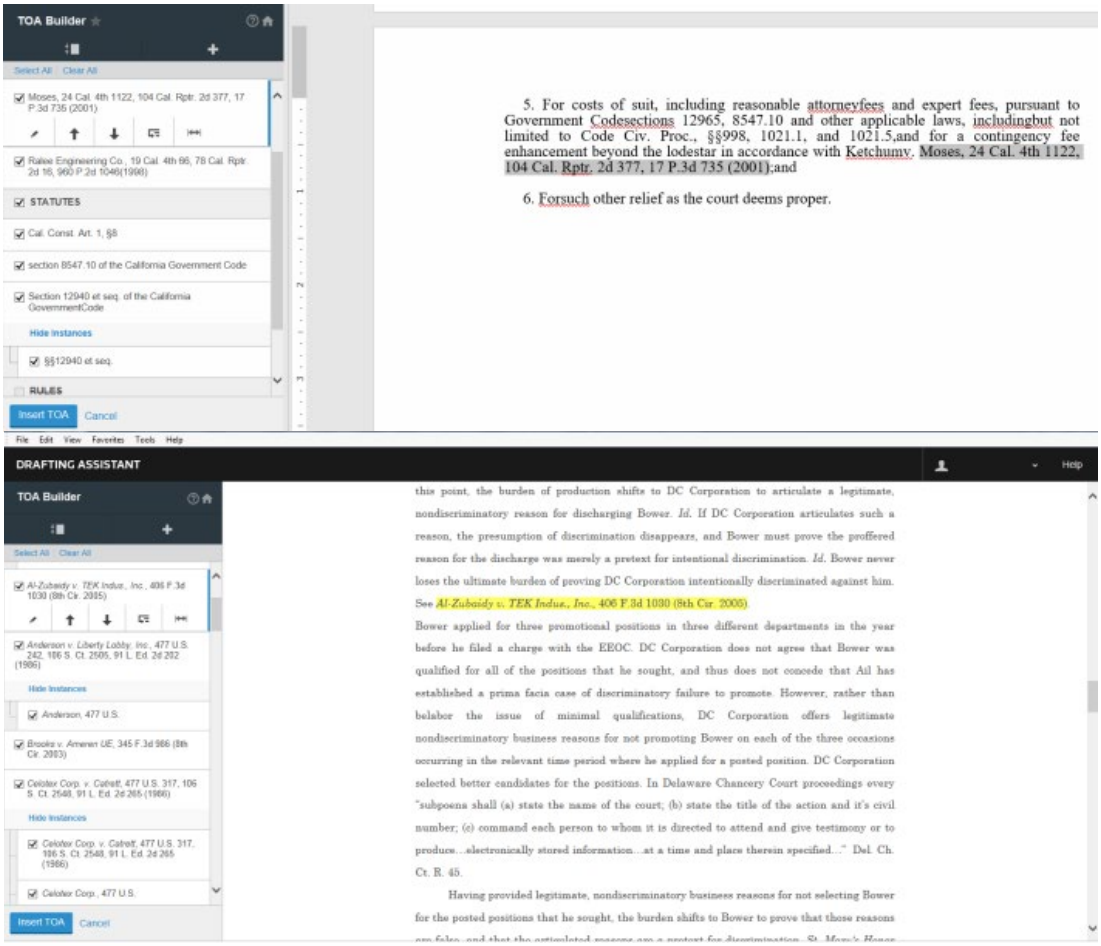
1. Click the **TOA Builder** tool on the left side of your document.
2. If you are a new user, it is recommended that you define presets for common use cases using the **Profile** options. Profiles allow you to select, save, and reuse options you use frequently. See "Working with Profiles in TOA Builder" on page 9 for more information.
3. Under Cite Identification Range, select one of the following:
    - **Search entire document for cite identification** to search the entire document for cite identification.



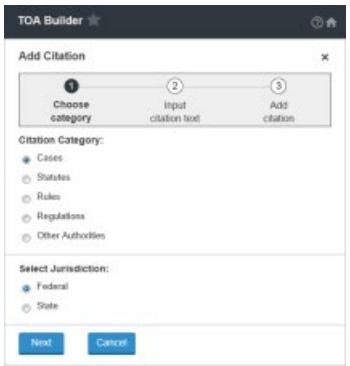
- **Mark beginning and end range for cite identification** to restrict the search to only part of the document. Place the cursor in the document at the beginning of the desired range and click the **Set start position** button. Place the cursor at the end of the desired range and click the **Set end position** button. You can also change the range by clicking either the **Update start position** or **Update end position buttons**.



4. Click **Run TOA Builder**. All authorities found in the document will display in the left pane.
5. Optionally, click the **Hide/Show All Instances** button ( ) to display or hide additional instances of citations.
6. To quickly locate a citation in your document, select it from the citations list in the left pane. The document view scrolls to the location of the citation and the citation is highlighted in your document.
7. Select individual check boxes, content category check boxes, or the **Select All** check box to select the citations you want to include in the TOA. All citations are selected by default.

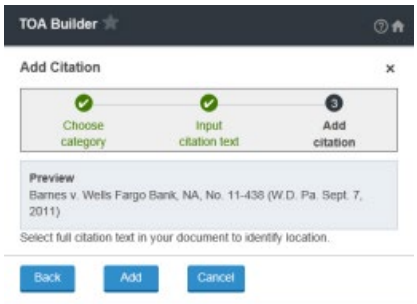


8. Click the **Plus** ( ) button to manually add a citation. Then, complete the following:
   - **Choose category**: Select the citation category and jurisdiction for the citation. Click **Next**.



   - **Input citation text**: Enter the **Title** and **Reporter String** in the appropriate fields. Confirm the citation is correct in the Preview window and then click **Next**.

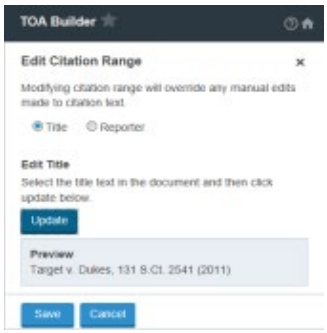
- **Add citation**: Highlight the full citation in the document and then click **Add**. The citation will be added to the list.
  Note You can also highlight the citation in your document before you click the **Plus** icon. Appropriate fields will be autopopulated based on your highlights and you can edit as appropriate.
  Note After you add a manual citation to the list, the list will re-alphabetize itself. If you plan to relocate a citation out of alphabetical order, be sure to add all necessary manual citations before you manually move citations to the desired locations.



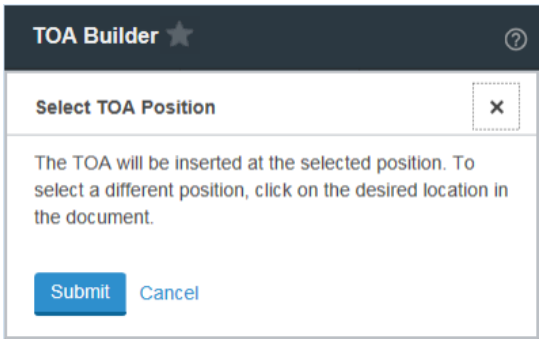
9. When selecting a citation in the list, you have the following options:
   - Click the **Edit Text** ( ) button to edit the citation. Edit the title or reporter string as appropriate, confirm the citation is correct in the Preview, and click **Save**.

   - Click the **Move Up** ( ) or **Move Down** ( ) button to move it up or down in the list. You can also drag and drop citations to any other part of the list.
   - Click the **Make Primary** ( ) button to change a secondary citation into a primary one in the list. Click the **Make Secondary** or **Make Instance** ( ) button to change the citation to a secondary citation of the citation immediately above it in the list.

- Click the **Edit Range** (|↔|) button to change the range of the cite in the document. Select to change the **Title** or **Reporter** as appropriate, highlight the complete title or reporter string in the document, confirm its correctness in the Preview, click the **Update** button, and then click **Save**.

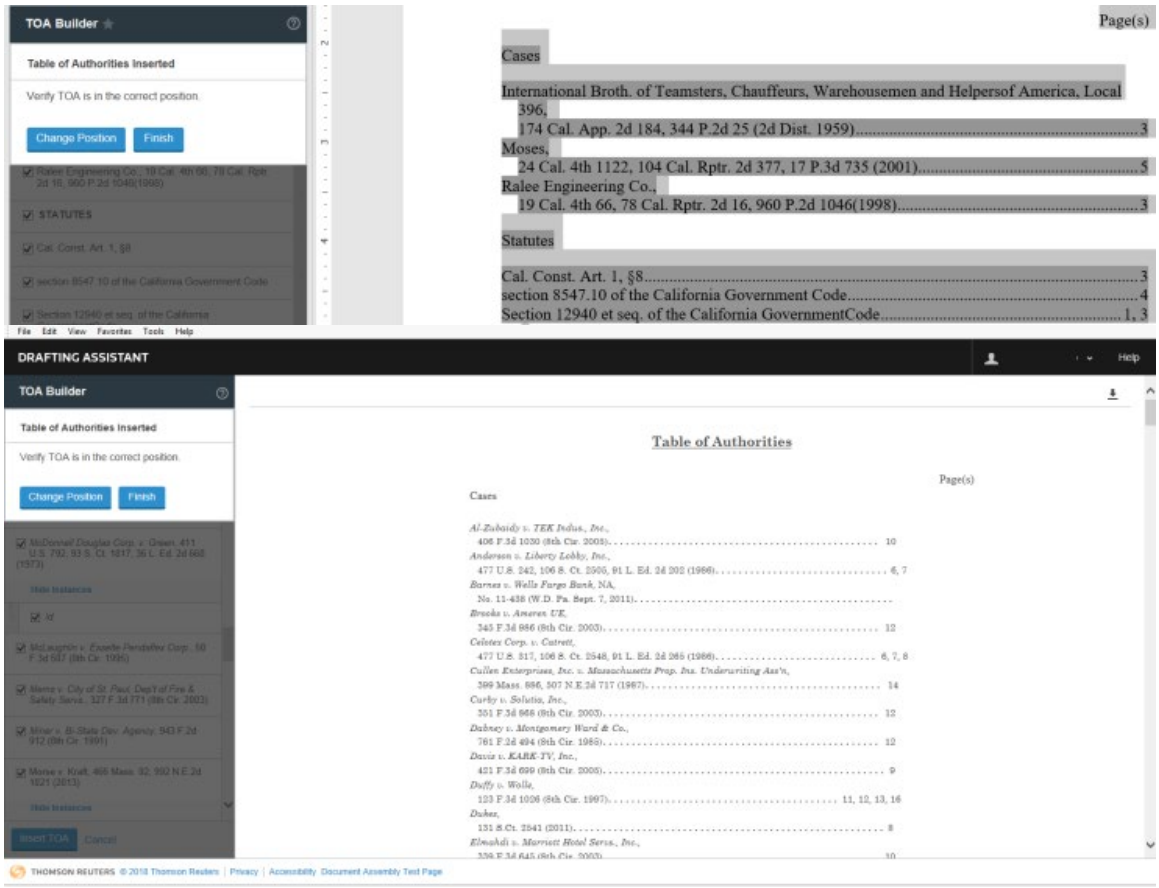


10. Click **Insert TOA**.
11. Click in the document to select a position in the document to insert your TOA, then click **Submit**.
12. Verify the TOA is in the correct position. Click **Change Position**, if needed. Click **Finish**.



13. A message verifying the TOA has been inserted displays. Click **X** to close.

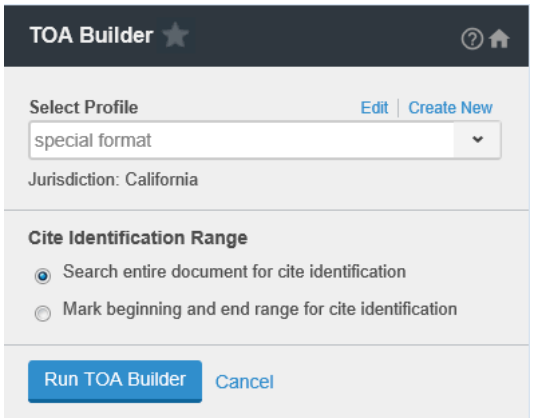
The table of authorities is inserted in your document at the cursor location. The table of authorities includes the following headings, dependent on the selected Profile settings: Cases, Federal Cases, State Cases, Statutes, Federal Statutes, State Statutes, Rules, Federal Rules, State Rules, Regulations, Federal Regulations, State Regulations, and Other Authorities.



EDITING CITATIONS AND ADDING ADDITIONAL CITATIONS AFTER THE TOA HAS BEEN CREATED

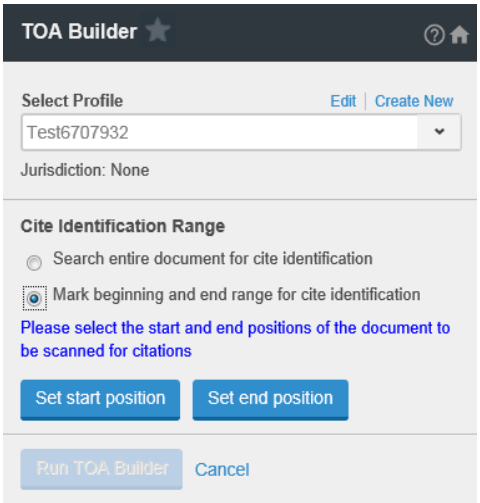
After you insert the Table or Authorities into your document, you can add additional citations or edit additional citations within both the text of the document and the Table of Authorities without undoing your previous work. Before you begin, add or edit any citations as appropriate.

1. Click the **TOA Builder** tool on the left side of your document.
2. Under Cite Identification Range, select one of the following:
   - **Search entire document for cite identification** to search the entire document for cite identification.

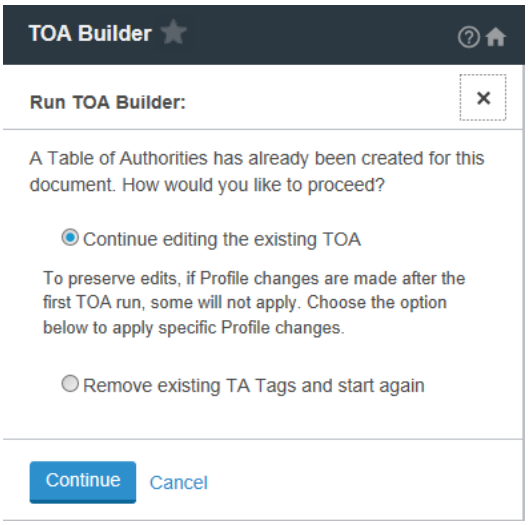


   - **Mark beginning and end range for cite identification** to restrict the search to only part of the document. Place the cursor in the document at the beginning of the desired range and click the **Set start position** button. Place the cursor at the end of the desired range and click the **Set end**

position button. You can also change the range by clicking either the **Update start position** or **Update end position buttons**.



3. Click **Run TOA Builder**.
4. Select one of the following:
   - **Continue editing the existing TOA** to maintain all edits that have been previously made.
   - **Remove existing TOA Tags and start again** to start from scratch with the Table of Authorities.
5. Click **Continue**. The citation list will appear in the left pane.



6. If you selected to keep the previous TOA, new or edited citations will appear with a New icon next to them in the list. Drafting Assistant classifies new citations as:
   - Citations that you added to the text after the first TOA was completed.
   - Citations that were removed from the TOA the first time. If you deselected a citation previously, it will reappear in the list and be selected by default.
7. Manipulate the list of citations as described above as necessary and click **Insert TOA** to begin the process of inserting the TOA into your document once more.
   Note After you run the TOA Builder again or insert a manual citation, the citation list will re-alphabetize itself. If you plan to relocate a citation out of alphabetical order, be sure to add all necessary manual citations before you manually move citations to the desired locations.

About Flags & Links

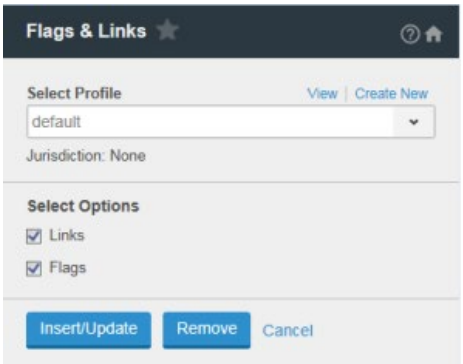
The Flags & Links tool allows you to view the status of cited cases, statutes, court rules, regulations, and administrative decisions in your document. Flags and links are applied to all standard long and short form citations, but you have the option to include Ids, Supras, Ibids, or to include case titles only in short form. Use the Flags & Links tool to link to full-text documents on Westlaw.

Working with Profiles in Flags and Links

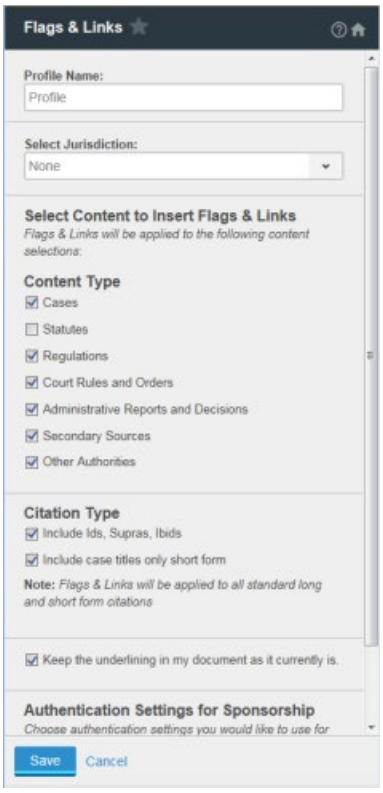
If you are a new user, it is recommended that you define presets for common use cases using the **Profile** options. Profiles allow you to select, save, and reuse options you use frequently. Each time you access the Flags & Links tool, you are provided with options to select an existing profile, view/edit profile settings for a selected profile, and create a new profile.

CREATING NEW FLAGS & LINKS PROFILES

1. Click the **Flags & Links** tool on the side of your document.
2. Click **Create New**.



3. Type a name for the new profile in the **Profile Name** box (e.g., Secondary Source Flags).
4. Select a **Jurisdiction** from the list.
5. Select the content categories you would like to include.
6. Select to **Include Ids, Supras, Ibids** if desired.
7. Select to **Include case titles only short form** if desired. Note that Flags & Links will be applied to all standard long and short form citations.
8. If you would like to share a document with links to Westlaw with others who do not have access to documents on Westlaw, select **Pooled Authentication**. This will allow the other users access to the links on Westlaw using you as a sponsor. Otherwise, select **Do Not Apply Authentication Settings**.
9. Click **Save**.

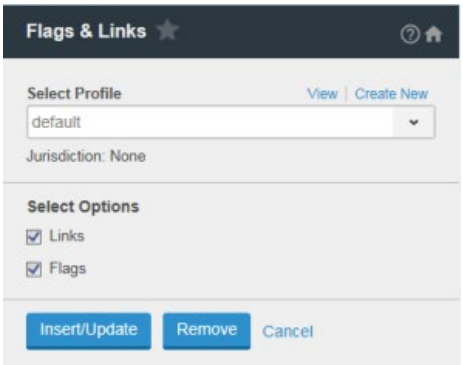


10. Utilize the new saved profile in the Flags & Links tool by selecting it from the **Select Profile** list, then clicking **Insert/Update**. For detailed information inserting Flags & Links, see "Working with Flags and Links" on page 20.

VIEWING, EDITING, AND DELETING FLAGS & LINKS PROFILE SETTINGS

To edit the settings for a Flags & Links profile:

1. Click the **Flags & Links** tool on the side of your document.
2. Select the profile you want to view or edit from the **Select Profile** list.
3. Click **Edit**. Note, the default profile can be viewed but not edited.



4. Edit the settings as desired and click **Save**. To delete the profile, click **Delete Profile** at the bottom of the left pane.

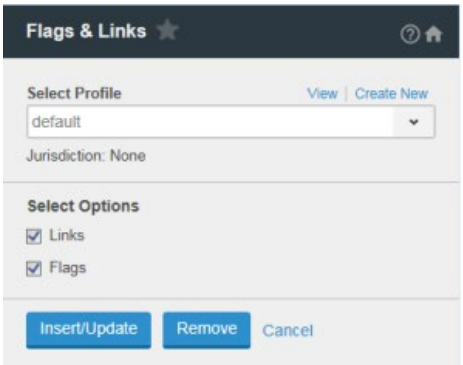
Working with Flags and Links

Insert, update, or remove KeyCite status flags and links from the citations in your document to the full-text documents on Westlaw.

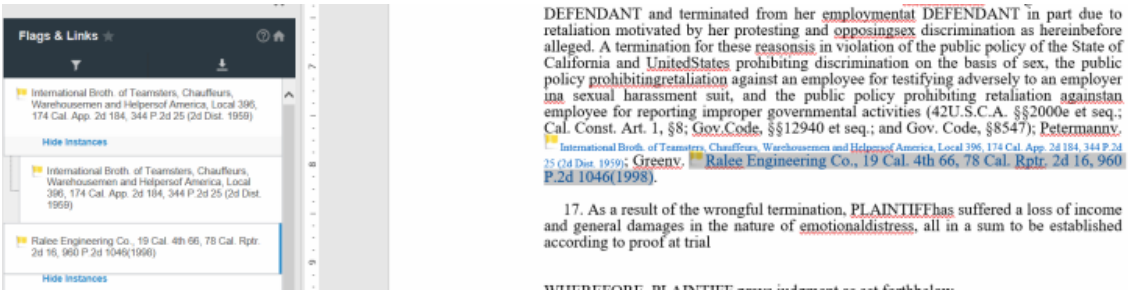
Note Some options may not be available in the Drafting Assistant for Word on Mac/iPad.

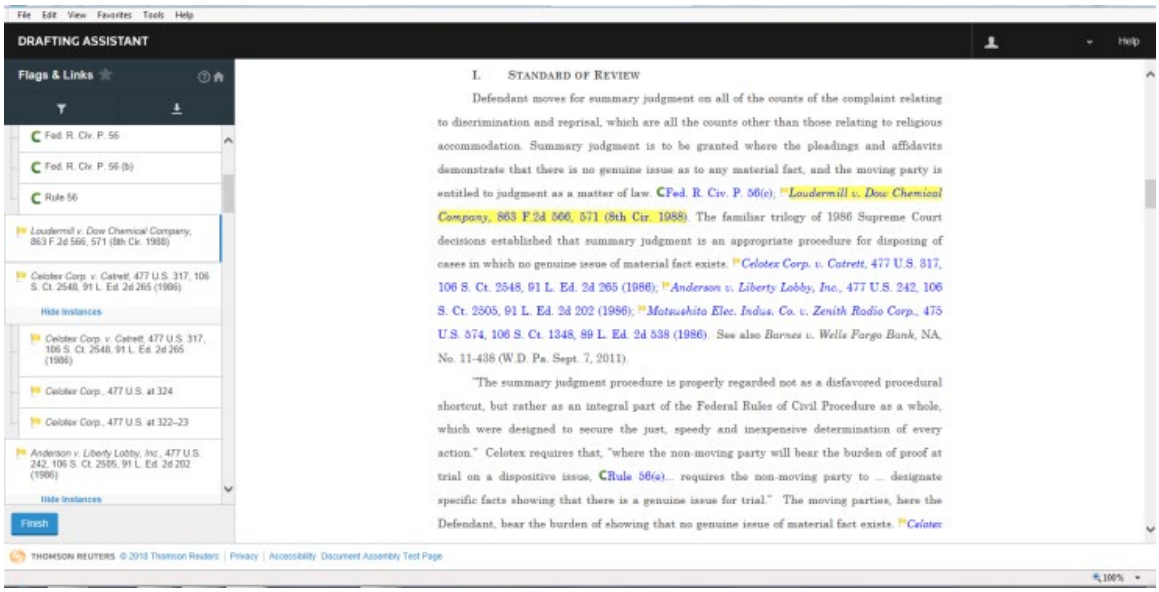
INSERTING AND UPDATING FLAGS AND LINKS

1. Click the **Flags & Links** tool on the side of your document.
2. If you are a new user, it is recommended that you define presets for common use cases using the **Profile** options. Profiles allow you to select, save, and reuse options you use frequently. For more information, see "Working with Profiles in Flags and Links" on page 19.
3. Select to insert **Links**, **Flags**, or both, then click **Insert/Update**.



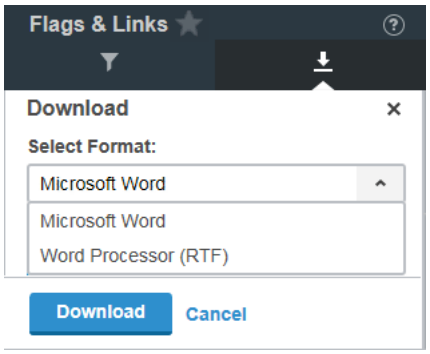
4. A list of KeyCite flags that have been added display. To quickly locate a citation in your document, select it from the list. The document view scrolls to the location of the citation and the citation is highlighted in your document. For more information, see "About KeyCite Status Flags" on page 27.





5. You have the following options:
   - **Filter**: Filter the list of citations by flag type. Click the **Filter** button ( ) at the top of the citations list, select the flags you wish to view, then click **Apply**.

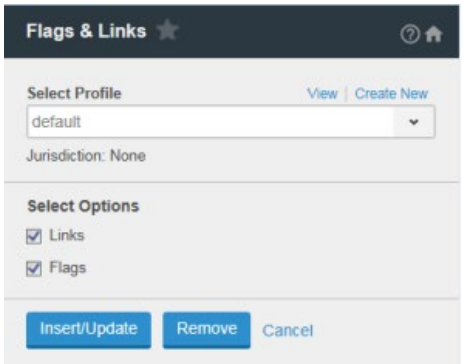
- **Download**: Download, print, and send the citations list. Click the **Download** button ( ) at the top of the citations list, select a format from the list provided, then click **Download**. Once downloaded, you can open and print the downloaded citations and you can send them to others via email.



6. Click **Finish** to return to the Drafting Assistant list of available tools. A message displays indicating the number of citations that were processed. Click **X** to close the message.

REMOVING FLAGS AND LINKS

1. Click the **Flags & Links** tool on the side of your document.
2. If you are a new user, it is recommended that you define presets for common use cases using the **Profile** options. Profiles allow you to select, save, and reuse options you use frequently. For more information, see "Working with Profiles in Flags and Links" on page 19.
3. Select to remove **Links**, **Flags**, or both, then click **Remove**.



4. Confirm the selection of **Links**, **Flags**, or both. Click **Remove**.
5. A message displays indicating the number of links and flags removed from the document. Click **X** to close the message.

About KeyCite Status Flags

KeyCite is a citation research service which helps you determine whether your case, statute, administrative decision, or federal regulation is good law and find cases and other sources that cite it. A red, yellow, or blue striped flag; blue H; or green C indicates that KeyCite information is available for the associated document. A KeyCite status flag lets you know immediately the status of a case, statute, regulation, rule, or administrative decision.

Red Flag

In cases and administrative decisions, a red flag warns that the case or administrative decision is no longer good law for at least one of the points of law it contains.

In statutes and regulations, a red flag warns that the statute or regulation has been amended by a recent session law or rule, repealed, superseded, or held unconstitutional or preempted in whole or in part.

Red Striped Flag

A red striped flag indicates that a case is no longer good for at least one identified point of law.

Overruling Risk Icon

In cases, an Overruling Risk icon warns that the case relies on another case or proposition from another case that has been explicitly overruled. For example, Case A is explicitly over-ruled or abrogated by Case B, but Case C, which cites case A for the same proposition that was overruled is not mentioned in Case B. Case C is implicitly overruled by Case B, and thus will display the Overruling Risk warning.

Yellow Flag

In cases and administrative decisions, a yellow flag warns that the case or administrative decision has some negative history, but has not been reversed or overruled.

In statutes and regulations, a yellow flag warns that the statute has been renumbered or transferred by a recent session law; that an uncodified session law or proposed legislation affecting the statute is available (statutes merely referenced, i.e., mentioned, are not marked with a yellow flag); that a proposed rule affecting the regulation is available; that the regulation has been reinstated, corrected, or confirmed; that the statute or regulation was limited on constitutional or preemption grounds or its validity was otherwise called into doubt; or that a prior version of the statute or regulation received negative judicial treatment.

Blue Striped Flag

A blue striped flag indicates a document has been appealed to the U.S. Courts of Appeals or the U.S. Supreme Court (excluding appeals originating from agencies).

H Blue H

In cases and administrative decisions, a blue H indicates that the case or administrative decision has some history.

C Green C

In cases and administrative decisions, a green C indicates that the case or administrative decision has citing references but no direct history or negative citing references. In statutes and regulations, a green C indicates that the statute or regulation has citing references.

U Unverified Red U

Citations that are unverified or that contain potential errors display with an Unverified tag next to them.

M Red M

The red M indicates that the case title provided in the document does not match the reporter citation that Drafting Assistant has validated. The validated reporter citation will display the Westlaw flag associated with that citation, if any. The red M flag will appear immediately in front of the potentially incorrect title. Additional revisions may be needed to ensure that the title cited is correct or if the reporter citation has been entered incorrectly.

About WestCheck

WestCheck is an automated citation-checking tool that verifies the status of citations in your legal document or in a citations list you create manually. Use the WestCheck tool to:

- Check the status of your citations in KeyCite (see "Checking Citations" on page 26 for more information).
- Create a Cited Decisions list of cases cited by your case (see "Creating a Citations List" on page 29 for more information).
- Access QuoteRight to verify the accuracy of quotations in your documents (see "Verifying Quotations with QuoteRight" on page 33 for more information).
- Retrieve full-text versions of cited documents.

WestCheck is available via:

- Software integrated into Microsoft Word.
- Online software at drafting.westlaw.com.
- Microsoft Word add-in
- Word Online.

Services Available in WestCheck

KEYCITE

Use Thomson Reuters KeyCite® citation checking service to instantly verify whether a case, statute, regulation, or administrative decision is good law, and to find citing references to support your legal argument. KeyCite integrates with the West Key Number System so you can track legal issues discussed in a case. In addition, KeyCite provides information such as:

- Direct appellate history of cases and administrative decisions.
- Negative citing references for cases and administrative decisions.
- Citations to cases, administrative decisions, secondary sources, briefs, and other court documents that have cited a case, statute, administrative decision, or regulation.
- Citations to session laws or rules amending or repealing a statute or regulation.
- Citations to proposed legislation affecting a federal or state statute.

KeyCite covers every case in the National Reporter System, as well as more than 1 million unpublished cases. KeyCite information is also available for federal and state statutes and regulations, administrative decisions from selected states, patents issued by the U.S. Patent and Trademark Office, American Law Reports (ALR) annotations, articles from hundreds of law reviews, and administrative decisions of selected federal agencies. In addition, KeyCite provides citing references from numerous texts and treatises.

FIND

When you know the citation of the document you want, WestCheck can retrieve the full text of the document and send it to a destination you choose. The Find service is available for many types of documents, including case law, statutes, regulations, administrative decisions, articles from publications such as law reviews and treatises, specialized materials (for example, OSHA inspection and enforcement reports), and materials published in foreign countries.

CITED DECISIONS

While KeyCite lists cases citing your case, the Cited Decisions service lists the cases cited by your case. Cited Decisions gives you an idea of whether the precedential value of the case you are citing has been eroded. Cited Decisions is also available for ALR annotations, law review articles, and selected administrative decisions.

Cited Decisions is a useful tool for finding hidden weaknesses in a case because it shows whether the cases on which your case relies have significant negative history. The Cited Decisions result allows you to determine at a glance which cited cases merit investigation.

- Cited cases are marked with KeyCite status flags, which indicate whether the cases have history or citing references available in KeyCite.
- Each cited case is marked with depth of treatment stars that indicate the extent to which the citing case discusses the cited case.
- Quotation marks indicate when a citing case directly quotes the cited case.

QUOTERIGHT

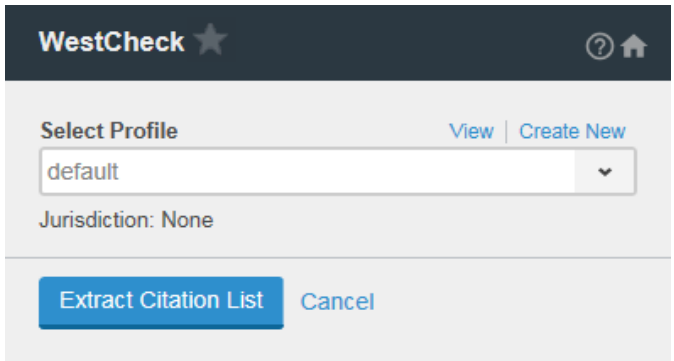
Use QuoteRight to verify the accuracy of quotations cited in your document. When WestCheck extracts citations from your document, it also creates a list of quotations found in your document. You can choose to have the QuoteRight service check these quotations against the full text of the documents.

Working with Profiles in WestCheck

If you are a new user, it is recommended that you define presets for common use cases using the **Profile** options. Profiles allow you to select, save, and reuse options you use frequently. Each time you access the WestCheck tool, you are provided with options to select an existing profile, view/edit profile settings for a selected profile, and create a new profile.

CREATING NEW WESTCHECK PROFILES

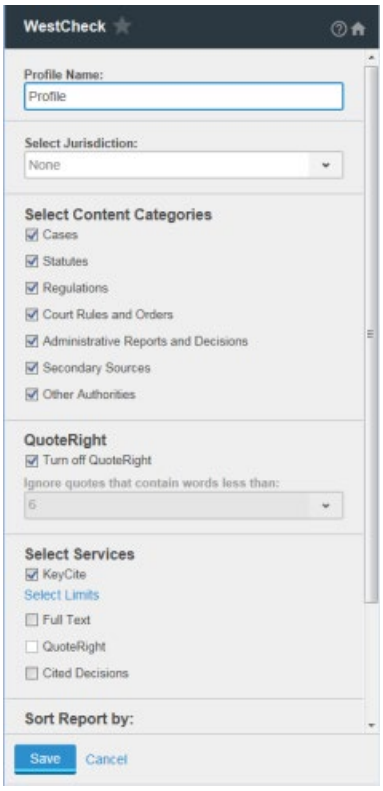
1. Click the **WestCheck** tool on the side of your document.
2. Click **Create New**.



3. Type a name for the new profile in the **Profile Name** box (e.g., KeyCite History).
4. Select a **Jurisdiction** from the list.
5. Select the content categories you would like to include in your citations list.
6. When the WestCheck tool extracts citations from your document, it also creates a list of quotations found in your document. When a quotation is attached to a citation, the WestCheck tool compares the quotation in the user's document against the actual quotation in the cited document. QuoteRight displays the quotation text from both the user's document and the cited document, noting if the quotation is identical or different. You can also choose to ignore quotes that contain less than two to six words. The WestCheck tool extracts the citation but QuoteRight does not attach quotations with less than the specified number of words to the citations (e.g., select **2** to indicate that QuoteRight should not process quotations of less than two words). Turn this feature off by selecting **Turn off QuoteRight**.
7. Select the services (KeyCite, Find, QuoteRight, and Cited Decisions) to use to check your citations. To set KeyCite limits, click the **Select Limits** link under the **KeyCite** option (see "Setting KeyCite Limits" on page 36 for more information).
8. Select to sort the WestCheck citation list report by **Citation** or **Services (KeyCite, Find, QuoteRight, Cited Decisions)**.
9. Select to **Include short form instances, unverified cites and cites for which no services have been requested** in the WestCheck summary, if desired. If you select this option you can choose whether to:

- **Include unverified citations and citations for which no services were selected into the report body**.
- **Include short form instances into the report body** and **Include QuoteRight for short form instances into the WestCheck Report**

10. Click **Save**.

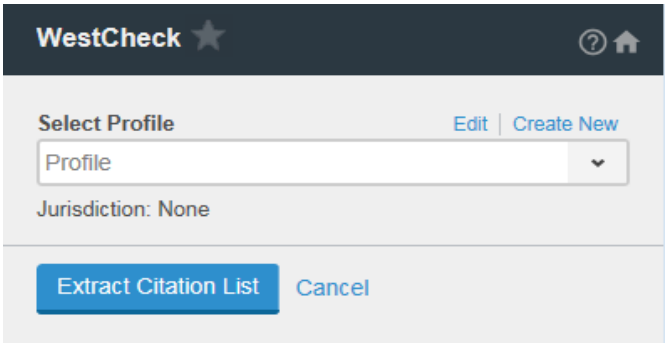


11. Utilize the new saved profile in the WestCheck tool by selecting it from the **Select Profile** list, then clicking **Extract Citation List**. For detailed information on creating a citations list, see "Creating a Citations List" on page 29.

VIEWING, EDITING, AND DELETING WESTCHECK PROFILE SETTINGS

To edit the settings for a WestCheck profile:

1. Click the **WestCheck** tool on the side of your document.
2. Select the profile you want to view or edit from the **Select Profile** list.
3. Click **Edit**. Note, the default profile can be viewed but not edited.

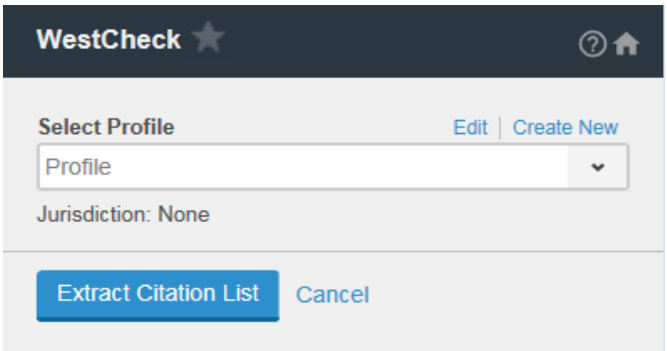


4. Edit the settings as desired and click **Save**. To delete the profile, click **Delete Profile** at the bottom of the left pane. Click **Continue** to confirm.

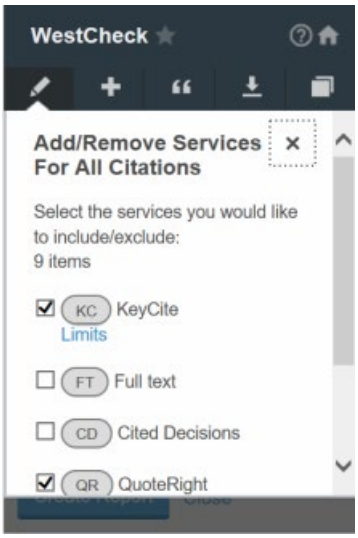
Checking Citations

You can check your citations in the WestCheck tool using the KeyCite, Find, QuoteRight, and Cited Decisions services then create an online or offline report. Note that citations that are unverified or that contain potential errors display with an unverified tag next to them. This tag remains until the citation is corrected and the new citations list is extracted or until the citation is manually added to the list.

1. Click the **WestCheck** tool on the side of your document.
2. If you are a new user, it is recommended that you define presets for common use cases using the **Profile** options. Profiles allow you to select, save, and reuse options you use frequently. See "Working with Profiles in WestCheck" on page 25 for more information.
3. Click **Extract Citation List**.



4. Select the services (KeyCite, Find, Cited Decisions, QuoteRight) to use to check your citations.
   - To add/remove services for all citations, click the **Add/Remove Services** button ( ), select the services you would like to include/exclude, and click **Apply to all citations**.



   - To add/remove services for individual citations, click to add/remove the services using the buttons below the citation. To set KeyCite limits, click the **Limits** link under the **KC** button (see "Setting KeyCite Limits" on page 36 for more information).

5. To generate a report of your citations, see "Working with Reports in WestCheck" on page 34.

About KeyCite Status Flags

KeyCite is a citation research service which helps you determine whether your case, statute, administrative decision, or federal regulation is good law and find cases and other sources that cite it. A red, yellow, or blue striped flag; blue H; or green C indicates that KeyCite information is available for the associated document. A KeyCite status flag lets you know immediately the status of a case, statute, regulation, rule, or administrative decision.

Red Flag

In cases and administrative decisions, a red flag warns that the case or administrative decision is no longer good law for at least one of the points of law it contains.

In statutes and regulations, a red flag warns that the statute or regulation has been amended by a recent session law or rule, repealed, superseded, or held unconstitutional or preempted in whole or in part.

Red Striped Flag

A red striped flag indicates that a case is no longer good for at least one identified point of law.

Overruling Risk Icon

In cases, an Overruling Risk icon warns that the case relies on another case or proposition from another case that has been explicitly overruled. For example, Case A is explicitly over-ruled or abrogated by Case B, but Case C, which cites case A for the same proposition that was overruled is not mentioned in Case B. Case C is implicitly overruled by Case B, and thus will display the Overruling Risk warning.

Yellow Flag

In cases and administrative decisions, a yellow flag warns that the case or administrative decision has some negative history, but has not been reversed or overruled.

In statutes and regulations, a yellow flag warns that the statute has been renumbered or transferred by a recent session law; that an uncodified session law or proposed legislation affecting the statute is available (statutes merely referenced, i.e., mentioned, are not marked with a yellow flag); that a proposed rule affecting the regulation is available; that the regulation has been reinstated, corrected, or confirmed; that the statute or regulation was limited on constitutional or preemption grounds or its validity was otherwise called into doubt; or that a prior version of the statute or regulation received negative judicial treatment.

Blue Striped Flag

A blue striped flag indicates a document has been appealed to the U.S. Courts of Appeals or the U.S. Supreme Court (excluding appeals originating from agencies).

H Blue H

In cases and administrative decisions, a blue H indicates that the case or administrative decision has some history.

C Green C

In cases and administrative decisions, a green C indicates that the case or administrative decision has citing references but no direct history or negative citing references. In statutes and regulations, a green C indicates that the statute or regulation has citing references.

U Unverified Red U

Citations that are unverified or that contain potential errors display with an Unverified tag next to them.

M Red M

The red M indicates that the case title provided in the document does not match the reporter citation that Drafting Assistant has validated. The validated reporter citation will display the Westlaw flag associated with that citation, if any. The red M flag will appear immediately in front of the potentially incorrect title. Additional revisions may be needed to ensure that the title cited is correct or if the reporter citation has been entered incorrectly.

ABOUT DEPTH OF TREATMENT CATEGORIES

Examined

The citing case, administrative decision, or brief contains an extended discussion of the cited case or administrative decision, usually more than a printed page of text.

Discussed

The citing case, administrative decision, or brief contains a substantial discussion of the cited case or administrative decision, usually more than a paragraph but less than a printed page.

Cited

The citing case, administrative decision, or brief contains some discussion of the cited case or administrative decision, usually less than a paragraph.

Mentioned

The citing case, administrative decision, or brief contains a brief reference to the cited case or administrative decision, usually in a string citation.

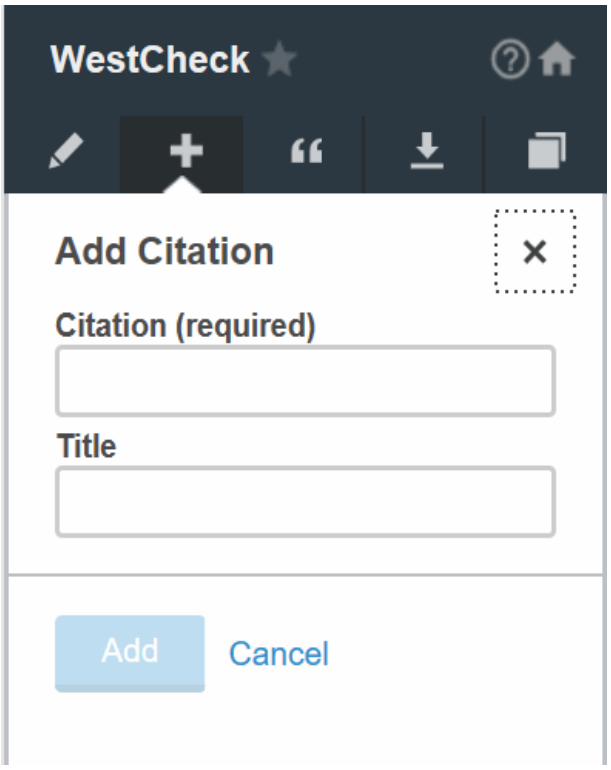
Creating a Citations List

Extract the citations from your document and create a citations list by clicking the **WestCheck** tool on the left side of your document, then clicking **Extract Citation List**.

ADDING CITATIONS TO THE CITATIONS LIST

Once you have extracted a citation list, you can manually add citations to that list.

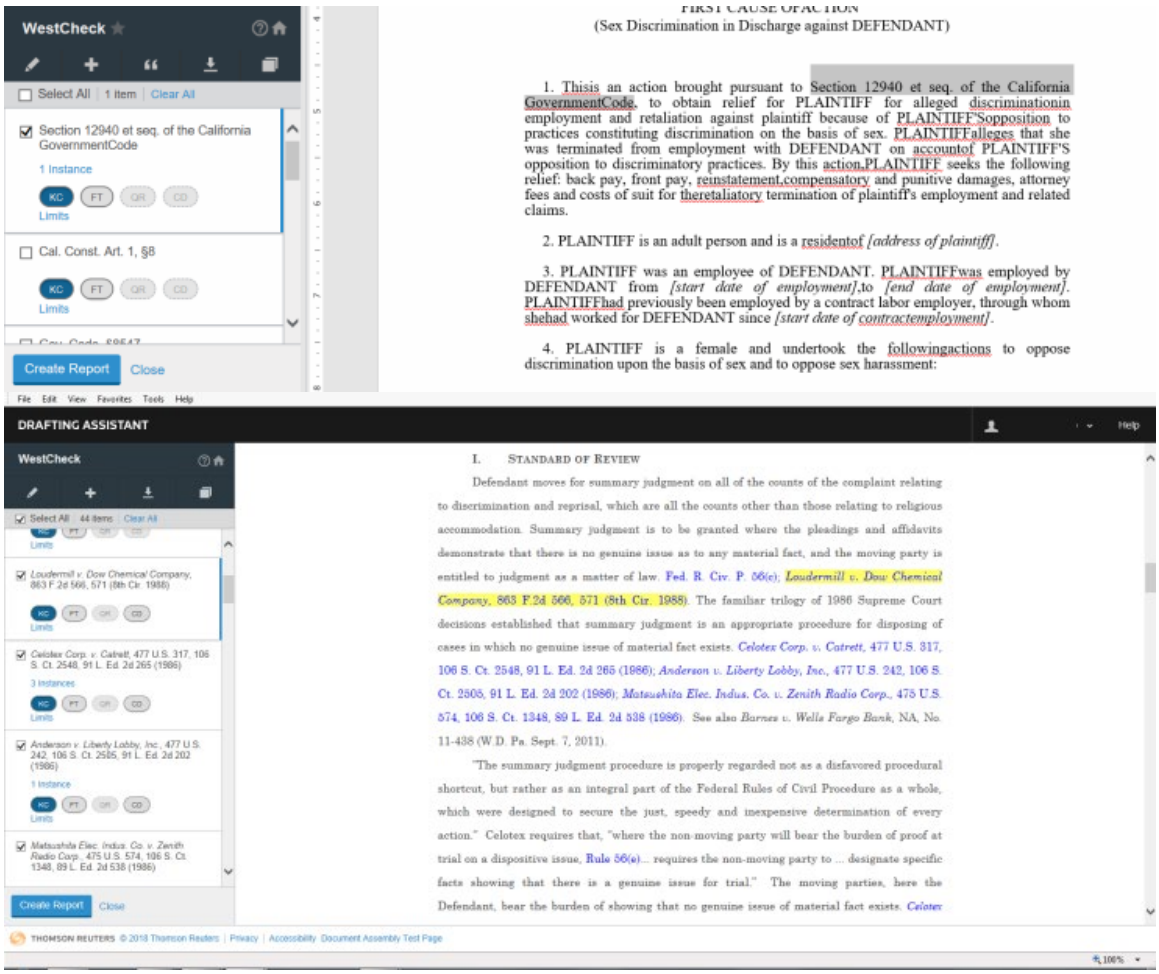
1. Click the **Add Citation** button ( ) at the top of the citations list.
2. In the **Citation** box, type the citation.
3. In the **Title** box, type a title for the citation.
4. Click **Add**.



LOCATING A CITATION IN YOUR DOCUMENT

Locating a Citation

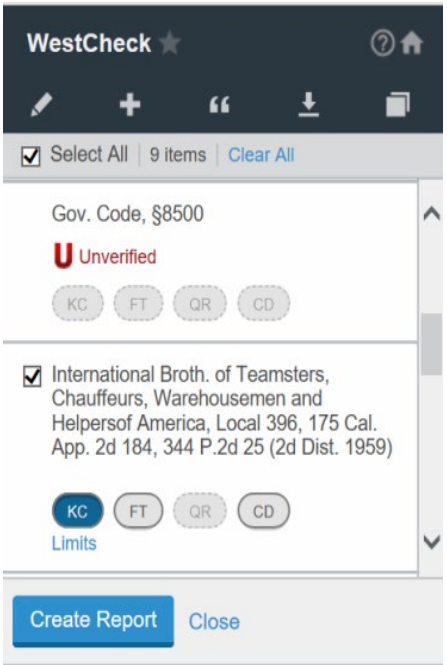
To quickly locate a citation in your document, select it from the citations list in the left pane. The document view scrolls to the location of the citation and the citation is highlighted in your document.



Locating Inaccurate Citations

Citations that are unverified or that contain potential errors display with an unverified tag next to them (Unverified). This mark remains until the citation is corrected and the WestCheck tool is run again or until the citation is manually added to the list.

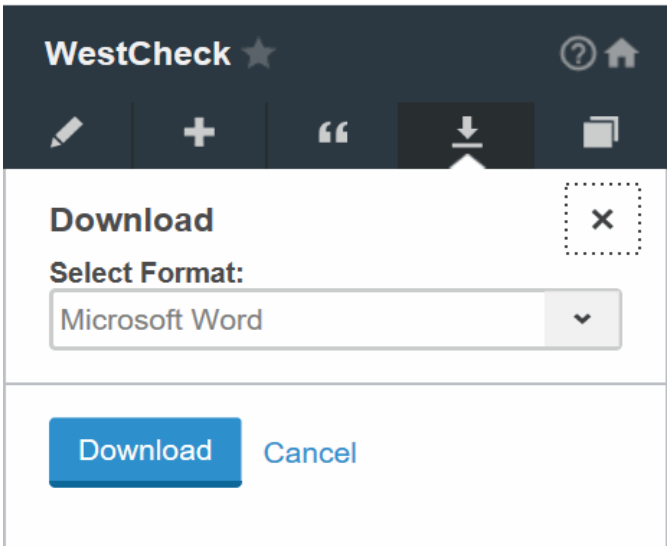
Citations that are not available with your subscription display with a red symbol displayed next to them.



DOWNLOADING, PRINTING, AND SENDING CITATIONS

Download, print, and send the entire citations list or individual citations in the list. This option is not available in the Drafting Assistant for Word on Mac/iPad application. For instruction using the Office add-in, see "Downloading, Printing, and Sending Citations with the Office add-in" on page 32.

1. Click the check box next to the citations you want to download. If you want to download all of the citations, click the **Select All** check box.
2. Click the **Download** button ( ) at the top of the citations list.
3. Select a format from the list, then click **Download**.

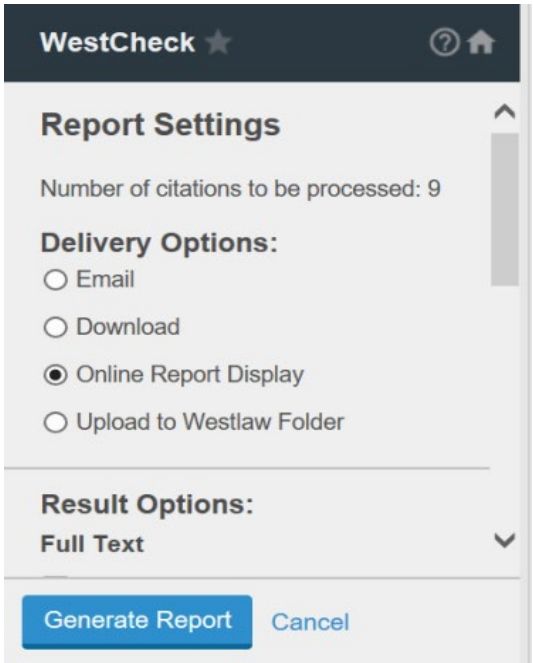


Once downloaded, you can open and print the downloaded citations and you can send them to others via email.

DOWNLOADING, PRINTING, AND SENDING CITATIONS WITH THE OFFICE ADD-IN

To download, print, and send the entire citations list or individual citations in the list using the Drafting Assistant Office add-in, complete the following:

1. Click the check box next to the citations you want to download in the WestCheck report (see "Working with Reports in WestCheck" on page 34 for more information). If you want to download all of the citations, click the **Select All** check box.
2. Complete the required fields and click **Generate Report**.



Once the email has be received, you can open and print the downloaded citations and you can send them to other via email.

GROUPING CITATIONS

1. Click the Group By ( ) button at the top of the citations list to group citations by Verified, Unverified & Non-Unique citations. You can also click the Group By button and select Restore Default View to return to the default view.

Verifying Quotations with QuoteRight

Use QuoteRight to verify the accuracy of statutory or case law quotations cited in your document. When the WestCheck tool extracts citations from your document, it also creates a list of quotations found in your document.

If a citation is linked to a quotation, the number of available quotations for the citation is listed after the citation in your citations list. WestCheck also creates a list of quotations found in your document. You can view the extracted quotations for the entire list or you can view the extracted quotations by individual citations.

When a quotation is attached to a citation, WestCheck compares the quotation in the user's document against the actual quotation. QuoteRight displays the quotation text from both the user's document and the cited document, noting if the quotation is identical or different.

VIEWING QUOTATIONS BY INDIVIDUAL CITATION:

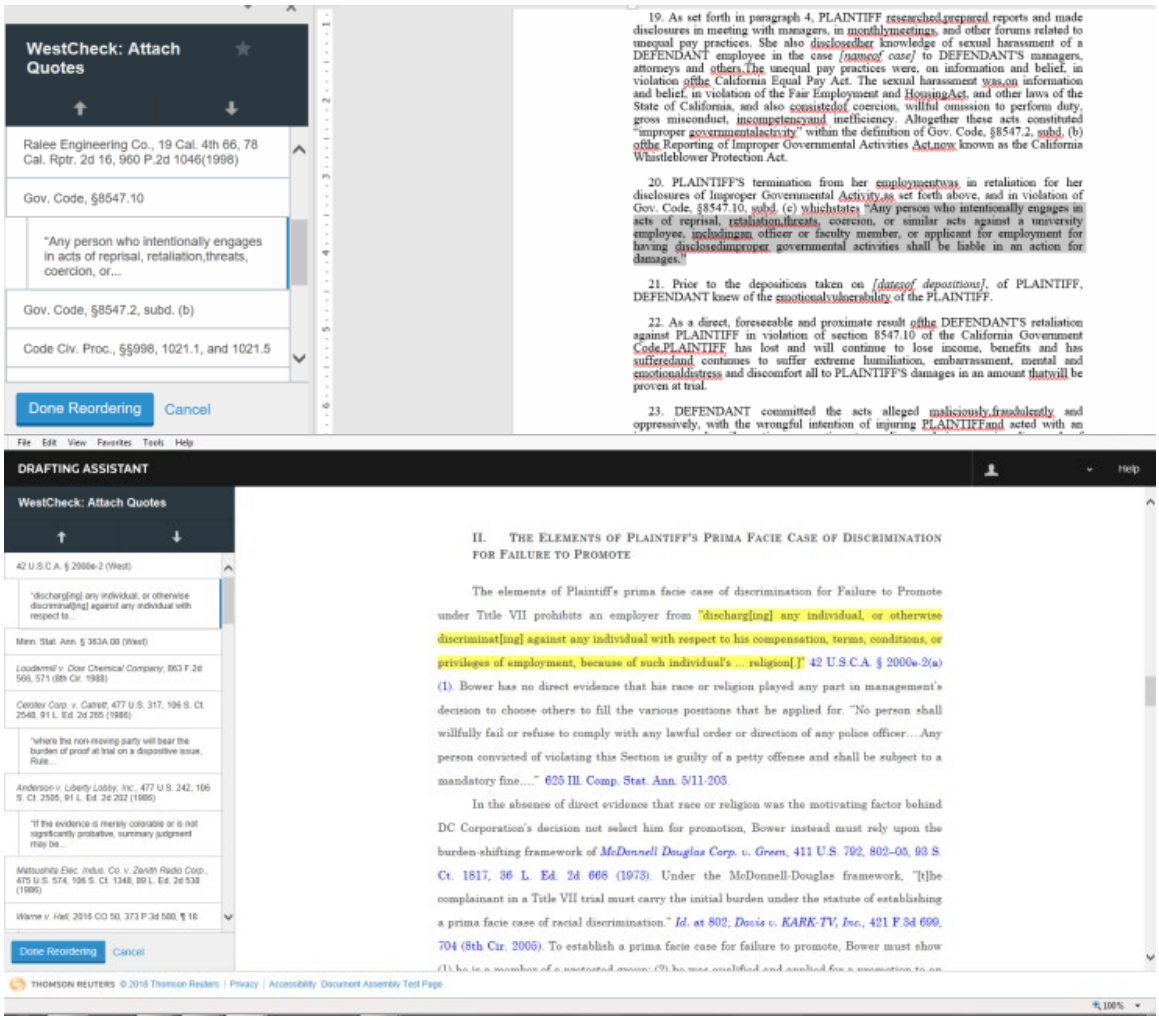
You must enable the QuoteRight service in the WestCheck profile that you use when extracting your citation list. When QuoteRight is enabled and citations are extracted, an **Attach Quotes** ( ) button displays at the top of the WestCheck citations list. For more information, see "Working with Profiles in WestCheck" on page 25.

1. Click the **Attach Quotes** ( ) button located at the top of the WestCheck citations list.
2. Select a quote from the list of quotes.
3. Detach a quotation from a citation by dragging the quotation to the **Unattached Quotes** area at the bottom of the quotes list.

4. Attach a quotation from **Unattached Quotes** at the bottom of the quotes list by dragging it to the citation you want to attach it to.

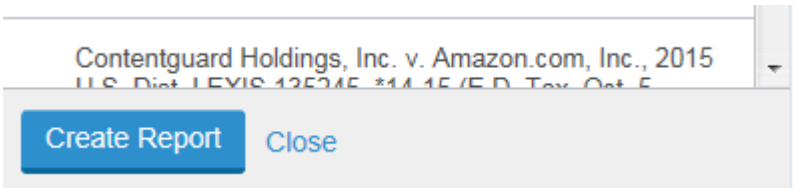
5. Optionally, select a quotation and click the Move Up ( ) or Move Down ( ) button to move it up or down in the list.

To quickly locate a quotation in your document, select it from the quotes list in the left pane. The document view will scroll to the location of the quote and the quote will be highlighted in your document.



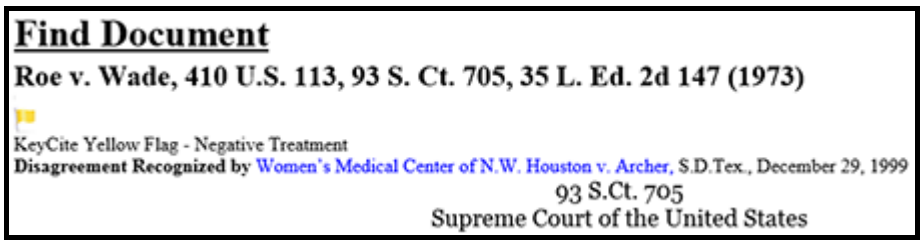
Working with Reports in WestCheck

1. Once you have checked your citations in WestCheck (see "Checking Citations" on page 26 for more information), click **Create Report**.



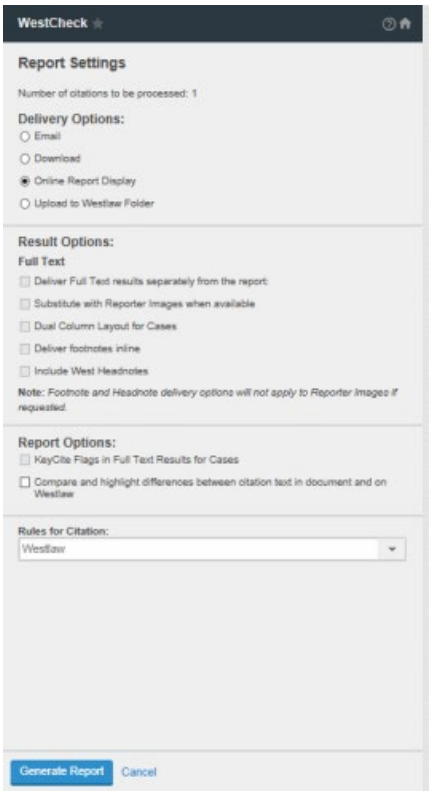
2. Select the **Report Settings**:
   - **Delivery Options**:
     - The **Email** option provides boxes for To, Subject, Email Note, and a Format list that allows you to choose to deliver the report in Word, PDF, or RTF format. You can deliver the report to multiple email addresses.

    - The **Download** option allows you to choose to download the report in Word, PDF, or RTF format. This option is not available in the Drafting Assistant for Word on Mac/iPad application.
    - The **Online Report Display** option allows you to view the report in your browser and includes links to the full-text documents on Westlaw, links to the KeyCite history and citing references, and a navigational index. This option is not available in the Drafting Assistant for Word on Mac/iPad application.
    - The **Upload to Westlaw Folder** option allows Drafting Assistant subscribers to deliver the report and any Full Text documents (Find results) to a selected Westlaw folder. Once you have selected this option, a Select Folder link will appear that allows you to choose a Westlaw folder. Any Full Text documents (Find results) will appear as links in the chosen Westlaw folder.
  - **Result Options**:
    - Select **Deliver Full Text results separately from the report** and select Word, PDF, or RTF format to deliver all Full Text requests in a separate document in that format. If you select this option, you may also want to select **Create one file for all Full Text Results** to deliver the Full Text requests separately and as one single document (instead of multiple documents).
    - Select **Substitute with Reporter Images when available** to deliver PDF images of case law documents exactly as they appear in the National Reporter System. If you select this option, you may also want to select **Create one PDF for all Reporter Images** to deliver the results as a single PDF (instead of multiple PDFs).
    - Select **Dual Column Layout for Cases** to format the results in two columns per page. This option is not available for the Online Report Display.
  - **Report Options**:
    - Select **KeyCite Flags in Full Text Results for Cases** to display KeyCite flags and information in the Full Text Results (see below for example).



- **Citation Options**:
  - If you have access to Cite Formatting through a Drafting Assistant subscription, you have an additional option to view your citations within the WestCheck report in a particular rule format. This option is not available in the Drafting Assistant for Word on Mac/iPad application.
  - Select the **Rules for Citation** you prefer from the list. This option is not available in the Drafting Assistant for Word on Mac/iPad application.
  - By default, the rule format is Westlaw which provides all of the citation details that may not be included in the citation formatting rules. For example, Westlaw format includes all possible parallel citations, the specific date of a case decision, and the docket number for the case. This option is not available in the Drafting Assistant for Word on Mac/iPad application.

3. Click **Generate Report**.



ABOUT WESTCHECK REPORTS

Reports generated using the WestCheck tool consist of a header, summary report, table of citations with services requested for each, detailed services reports, and a billing summary. Reports include linked KeyCite status flags (see "About KeyCite Status Flags" on page 27 for more information) and depth-of-treatment indicators (see "About Depth of Treatment Categories" on page 29 for more information) for cited documents so that you know at a glance whether your authority is good law.

The online report includes the KeyCite status flags, links to the full-text documents on Westlaw, links to the KeyCite history and citing references, and a navigational index.

Setting KeyCite Limits

Use KeyCite Limits in the WestCheck tool to restrict your KeyCite results for cases and statutes. Limiting your results is helpful if you are interested only in specific categories of KeyCite information.

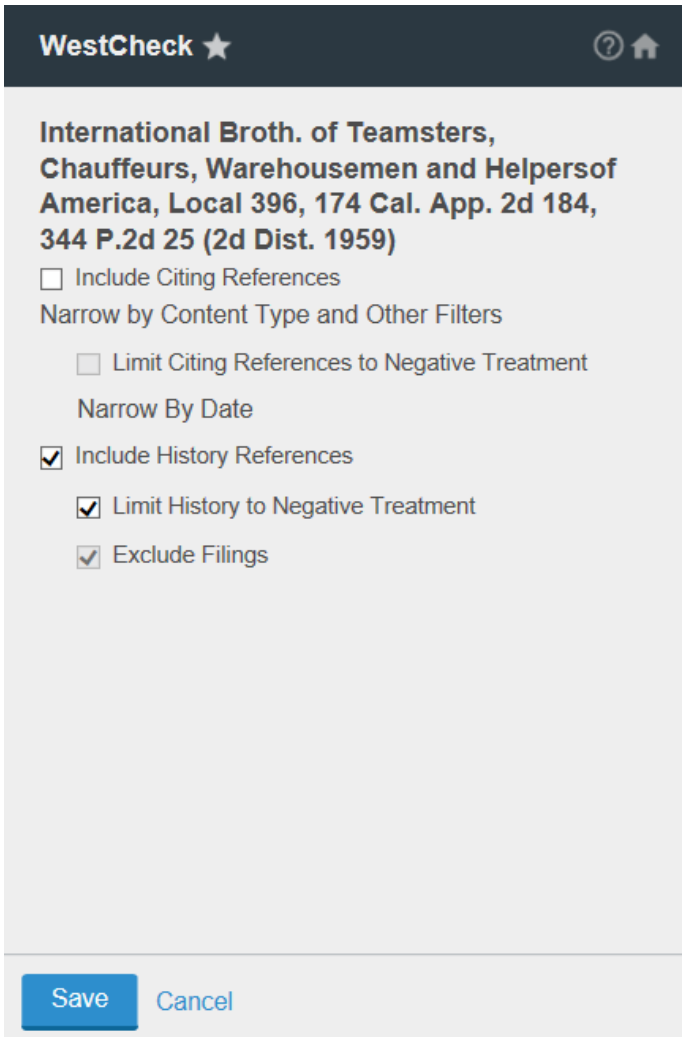
You can set KeyCite Limits to apply to all citations by setting and saving the Limits in WestCheck profiles (see "Working with Profiles in WestCheck" on page 25 for more information). You can also set KeyCite Limits for individual citations using the **Limits** link under the **KC** button once you extract a citation list (see "Creating a Citations List" on page 29 for more information).

KEYCITE LIMITS

Limits for Date, Content Type, Depth of Treatment and other filters are only applied to positive Citing References included in your WestCheck report. Negative Treatment can be limited by date.

Cases:

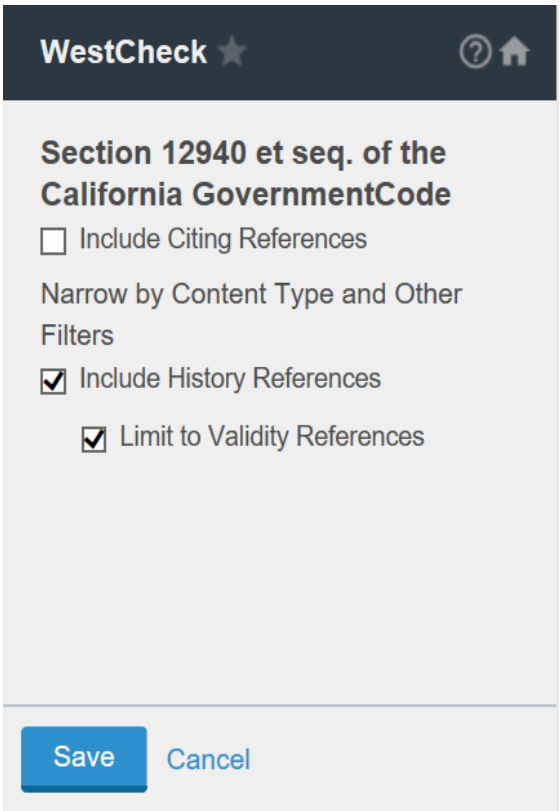
- Select **Include Citing References** to retrieve citing references for cases.
  - Click **Narrow by Content Type and Other Filters** to further restrict citing references from displaying. Clicking this link provides options to filter citing references by **Content Types**, **Depth of Treatment** (see "About Depth of Treatment Categories" on page 29), **Jurisdictions**, **Reported Status**, and **Date Range**.
  - If you select **Include Citing References**, you may also want to select **Limit Citing References to Negative Treatment** to retrieve only negative treatment citing references for the case. **Narrow by Content Type and Other Filters** will not apply to Negative Treatment. If you select **Limit Citing References to Negative Treatment**, you may limit by Date Range.
- Select **Include History References** to retrieve KeyCite history for cases. If you select this option, you may also want to select **Limit History to Negative Treatment** to retrieve only the negative treatment history for the case. If you select to limit the history, you can further select to **Exclude Filings** to retrieve negative history for the case but not include citations for related court documents.



Statutes:

- Select **Include Citing References** to retrieve citing references for statutes.
  - Click **Narrow by Content Type and Other Filters** to further restrict citing references from displaying. Clicking this link provides options to filter citing references by **Content Types**, **Depth of Treatment** (see "About Depth of Treatment Categories" on page 29), **Jurisdictions**, **Reported Status**, and **Date Range**.

- Select **Include History References** to retrieve statutory history, including proposed legislation, credits, and statutory and historical notes. If you select this option, you may also want to select **Limit to Validity References** to retrieve history for the statute but limit it to validity references.



Analytical & Law Reviews:

- Select **Include Citing References** to retrieve citing references for analytical and law reviews.
  - Click **Narrow by Content Type and Other Filters** to further restrict citing references from displaying. Clicking this link provides options to filter citing references by **Content Types**, **Depth of Treatment** (see "About Depth of Treatment Categories" on page 29), **Jurisdictions**, **Reported Status**, and **Date Range**.

Patents:

- Select **Include Citing References** to retrieve citing references for patents.
  - Click **Narrow by Content Type and Other Filters** to further restrict citing references from displaying. Clicking this link provides options to filter citing references by **Content Types**, **Depth of Treatment** (see "About Depth of Treatment Categories" on page 29), **Jurisdictions**, **Reported Status**, and **Date Range**.
  - If you select **Include Citing References**, you may also want to select **Limit Citing References to Negative Treatment** to retrieve only negative treatment citing references for the patent. **Narrow by Content Type and Other Filters** will not apply to Negative Treatment.
- Select **Include History References** to retrieve KeyCite history for patents. If you select this option, you may also want to select **Limit History to Negative Treatment** to retrieve only the negative treatment history for the patents. If you select to limit the history, you can further select to **Exclude Filings** to retrieve negative history for the patents but not include citations for related court documents.

About Deal Proof

Use the Deal Proof tool to analyze and review document drafts. You can quickly generate or review a first draft, as well as find and address potential errors, omissions, and inconsistencies that may occur in the process of drafting, negotiating, and reviewing your agreement. Deal Proof flags your document for potential errors and discrepancies, and references made in your document. After thoroughly reviewing your document, you can generate reports for flags, references, and the outline of the findings and then remove all markings and hypertext links in the documents.

The following Deal Proof capabilities are available only in the Drafting Assistant desktop add-in and are not available in other platforms:

- Real-Time Analysis
- Comments
- Analysis on redline version of documents
- Prompt to incorporate Cross-Referenced Documents in Defined Term analysis
- Analyze Drafting notes
- Analyze Included and Attached Contract Express Templates
- Display Options in Settings/Profile
- Open HTML report
- Cross-References
- Split Screen View

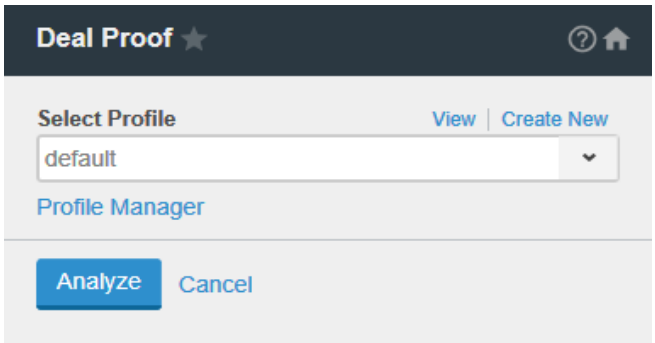
The Cross-References drop-down that allows a user to update a reference is available in Drafting Assistant for Word Online; the updated reference will be plain text and not linked. This functionality is not available on Drafting Assistant Essential (Web Platform).

Working with Profiles in Deal Proof

If you are a new user, it is recommended that you define presets for common use cases using the **Profile** options. Profiles allow you to select, save, and reuse options you use frequently. Each time you access Deal Proof, you are provided with options to select an existing profile, view/edit profile settings for a selected profile, and create a new profile.

CREATING NEW DEAL PROOF PROFILES

1. Click **Deal Proof**.
2. Click **Create New**.

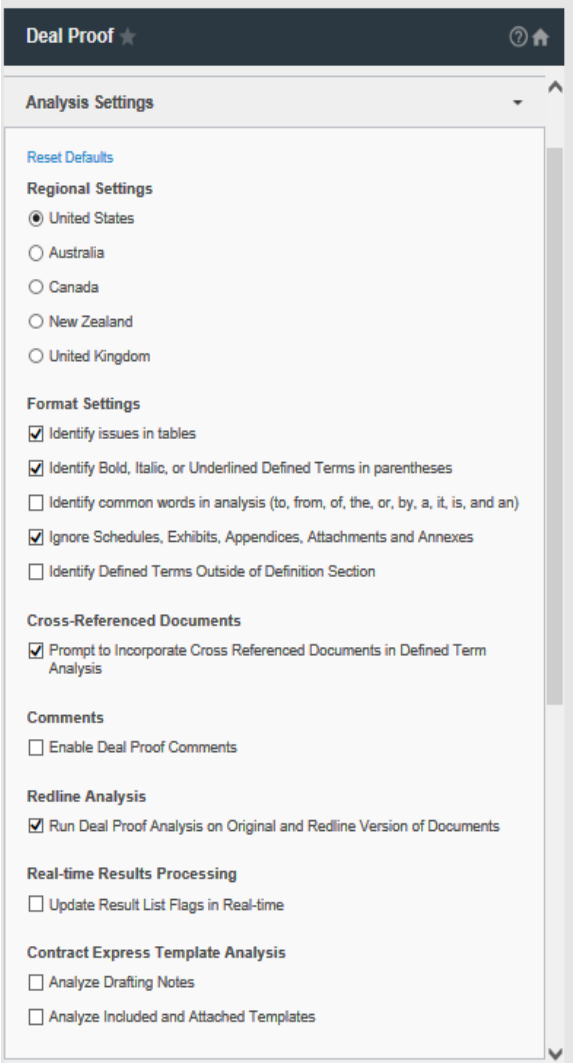


3. Type a name for the new profile in the **Profile Name** box (e.g., Purchase Agreements).
4. Choose from the options available under Analysis Settings, Display Options, Do Not Flag List, Suppress Flags and Custom Flag List, as further explained below.

ANALYSIS SETTINGS

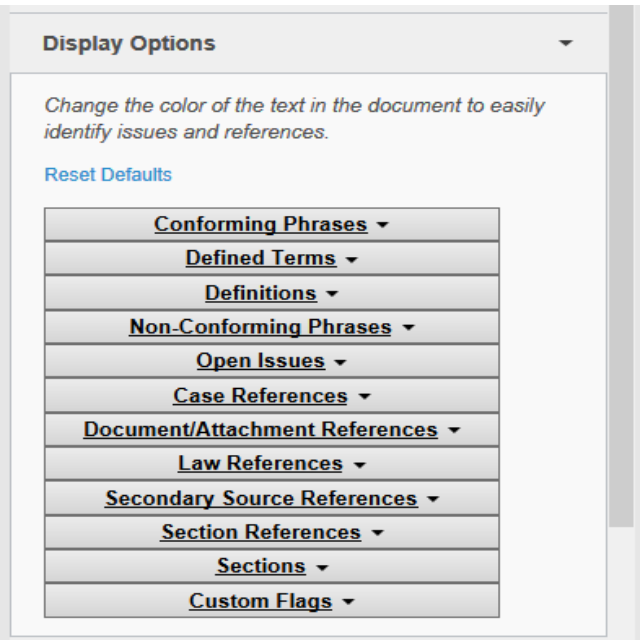
To select regional and formatting settings to be used during analysis, click **Analysis Settings**. The default settings are based on legal terminology and formatting that are typical for the registration key used to sign in. You can change the settings to reflect legal terminology and formatting for the United States, United Kingdom, Canada, Australia, and New Zealand, as needed.

1. Select a location to use the legal language styles of that region. During analysis, Deal Proof uses terminology typical of the region to help in identifying elements in your document. For example, a lawyer in the U.S. would typically use "Defined Terms" or "Definitions" to introduce the section of a document that lays out what the parties intend certain words to mean within the document. A lawyer in the U.K. would typically use "Interpretations."
2. To identify defined terms and other flag types within tables, select **Identify Defined Terms in Tables**. In the United Kingdom, it is common practice to place defined terms in tabular format, in which case you would want to select this setting. In the United States, tabular format is usually reserved for data that is not defined terms, in which case you would want to clear this setting.
3. To identify defined terms based on text treatment (bold, italic, or underlining) and enclosure within parentheses, select **Identify Bold, Italic or Underlined Defined Terms in Parentheses**. If this setting is selected, Deal Proof identifies these elements as potential defined terms.
4. To identify common words when analyzing, select **Identify common words in analysis (to, from, of, the, or, by, a, it, is, and an)**.
5. Select **Ignore Schedules, Exhibits, Appendices, Attachments and Annexes** to exclude these items from analysis.
6. To identify defined terms that are not in a Definition Section, select **Identify Defined Terms Outside of Definition Section**.
7. Select **Prompt to incorporate Cross Referenced Documents in Defined Term analysis**, if desired.
8. Select **Enable Deal Proof Comments**, if desired.
9. Select to **Run Deal Proof analysis on original and redline version of documents**, if desired.
10. To automatically update Flags in the Result List as the document is edited, select **Update Result List Flags in Real-time**.
11. For Contract Express subscribers, select to **Analyze Drafting Notes** and/or **Analyze Included and Attached Templates**, if desired.
12. Click **Reset Defaults** to return the settings to their defaults.



DISPLAY OPTIONS

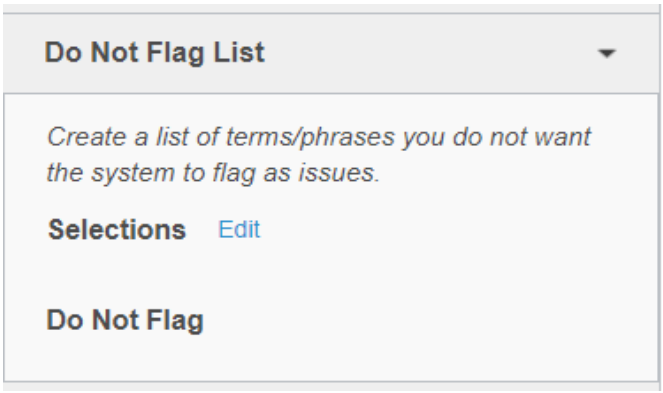
To change the display options and modify the text color in the document to easily identify issues and references, click **Display Options**. Use the Text Color list for each of the Flags and References and select a color. Click **Reset Defaults** to return the settings to their defaults.



DO NOT FLAG LIST

To customize reports and results by not flagging certain terms, click **Do Not Flag List**. You can create a list of terms that you do not want to flag.

1. Click **Edit**.



2. Type a term in the **Term (not case-sensitive)** box and click **Add**. The term displays in the **Do Not Flag** list.
3. To remove a term, select the term and click **Remove Selected**.
4. Click **Save** to apply changes.

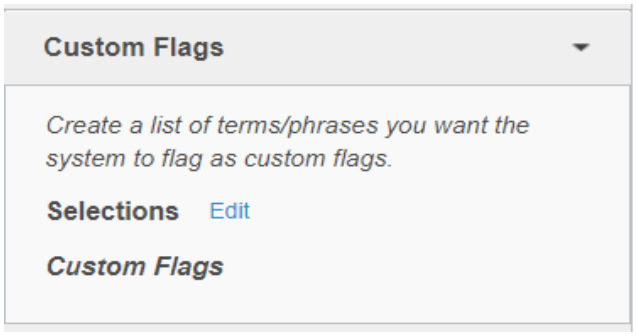
SUPPRESS FLAGS

To customize reports and results by suppressing flags, click **Suppress Flags**. Clear the check boxes next to the type of flags you would like to suppress. Suppressing a flag does not eliminate color mark-up of the flag, but suppresses the flag from appearing in the Results list. Click **Reset Defaults** to revert to the default and include all flags in the analysis list.

CUSTOM FLAG LIST

To designate terms you would like to be flagged during analysis, click **Custom Flags**. You can create a list of terms that you would like to flag in the current document and terms you would like to flag in all documents.

1. Click **Edit**.

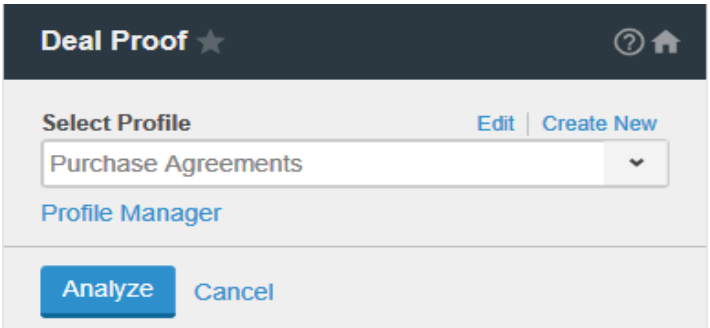


2. Type a term in the **Term (not case-sensitive)** box and click **Add**. The term displays in the **Custom Flags** list.
3. To remove a term, select the term and click **Remove Selected**.
4. Click **Save** to apply changes.

5. Once finished selecting profile options, click **Save**.

VIEWING, EDITING, AND DELETING DEAL PROOF PROFILE SETTINGS

1. Click **Deal Proof**.
2. Select the Profile you want to view or edit from the **Select Profile** list.
3. Click **Edit**. The default profile can be viewed but not edited.



4. Edit the settings as desired and click **Save**. To delete the profile, click **Delete Profile** at the bottom of the left pane. Click **Continue** to confirm.

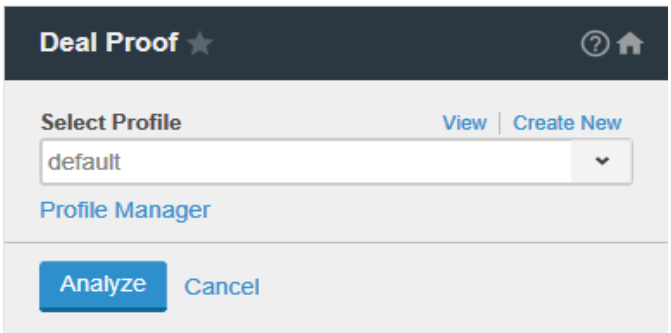
Working with Profile Manager in Deal Proof

Deal Proof profiles can be shared with other Deal Proof users at the same account. Once shared, any changes to the profile by the profile creator will automatically be available to the recipient on the shared profile – no further action is required. The shared profile will appear for the recipient under the recipient's Shared with Me heading in the Profile Manager and within the recipient's profile selection list prior to Analyzing.

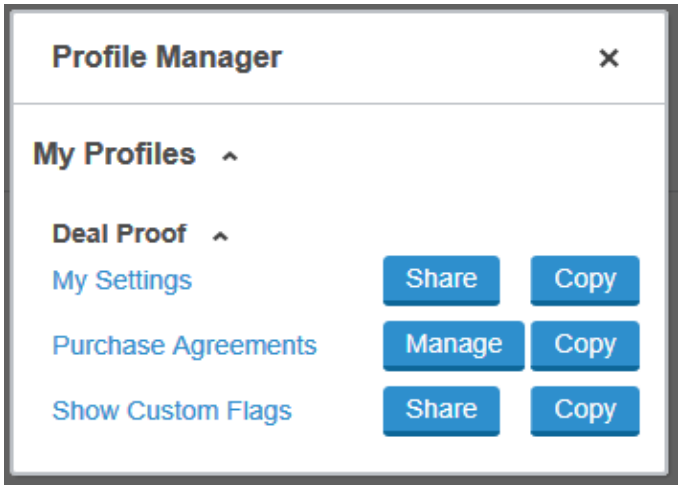
Please note that profiles under the recipient's Shared with Me heading will no longer be available to the recipient under that heading if the profile creator stops sharing with the recipient, deletes the profile or no longer has an active registration key on the account. Recipients may proactively Copy a profile that exists under the Shared with Me heading, and it will then be available under My Profiles.

SHARING PROFILES

1. Click Deal Proof.
2. Click Profile Manager.



3. Under My Profiles, choose the profile you would like to share and click Share. If you have already shared a profile and would like to manage who it is shared with, click Manage.



4. Search for people using the search box or select people from the alphabetical list. If desired, create a Group, by clicking Add Group and searching for people using the search box or selecting people from the list, then entering a Group Name and Clicking Save Group.
5. Once you have selected people or groups, click Share Profile.
6. For recipients, the profile will appear under the Shared with Me heading within Profile Manager (Fig. 1) and within the recipient's profile selection list prior to Analyzing (Fig. 2).

Fig. 1

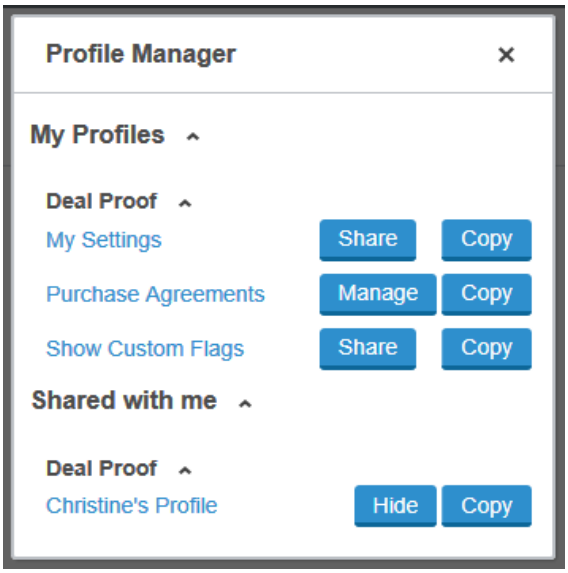
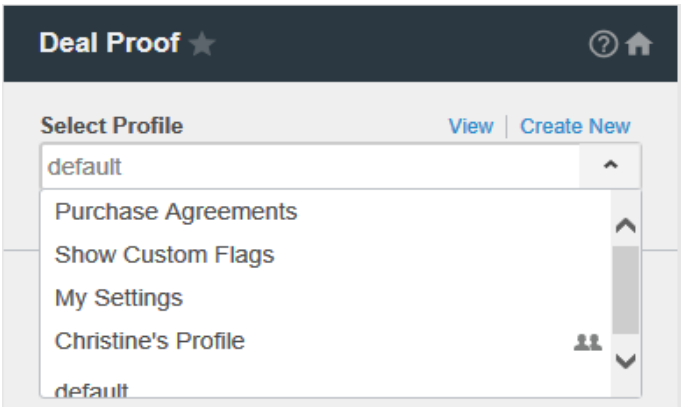


Fig. 2



Working with Deal Proof

Locate errors and inconsistencies in your document, analyze references, and generate reports using the Deal Proof tool.

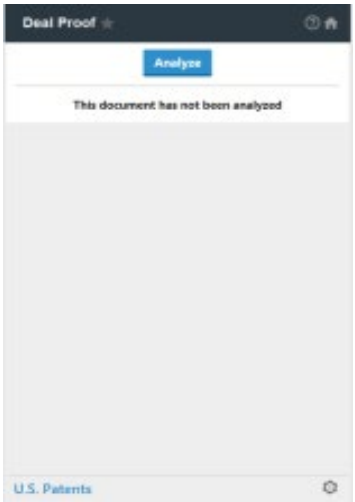
ANALYZING A DOCUMENT

These items are checked when a document is analyzed:

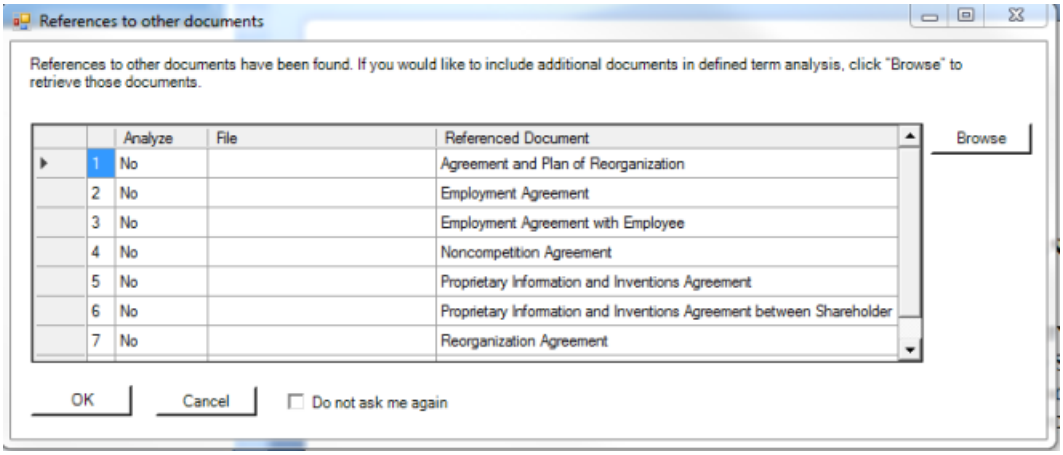
- Terms that appear to require definitions have been defined.
- Defined terms are located in the document and defined only once.
- Defined terms are located as stated in the document.
- Entries in the definition section are alphabetized.
- Punctuation is properly paired.
- Similar phrases and expressions are stated with consistency.
- Numeration is correct at all levels in the document.
- Open issues in the document have been addressed.
- Date errors that may need to be corrected.
- Internal cross-references that are invalid or not bookmarked.
- Inconsistencies between the Key Parties identified versus those that appear in the signature block of the document.

You can locate errors and inconsistencies in your document. Further, if your main document contains references to other documents, the referenced documents can be analyzed as well. For example, if your main document uses a term that is defined in a separate document, the software can verify that the term is defined in that document. When analyzing a document, no changes are made to the content of your document.

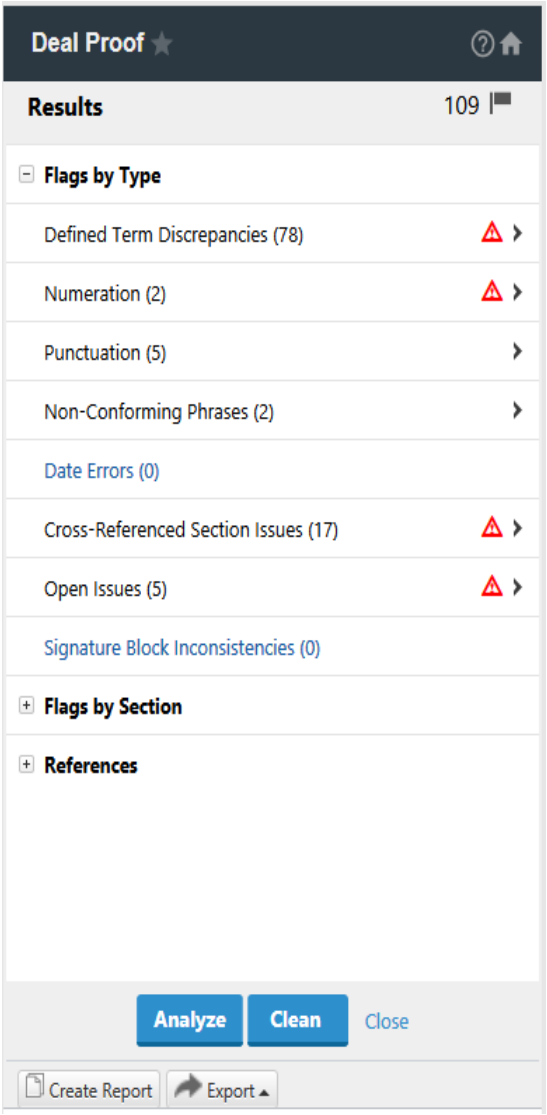
1. Click **Deal Proof**.
2. Click **Analyze.**



3. If references to other documents are detected, a list of references displays. For each referenced document you want to include in the analysis, click **Browse**, locate the file, and click **Open**.
4. When you are finished linking files to referenced documents, click **OK** to continue analysis. Your draft document and the selected referenced documents are analyzed.



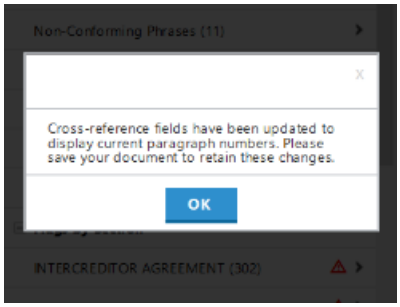
5. All potential errors and inconsistencies and references display in the left pane.
6. Expand/collapse the lists of flags and references found in the document and click the Flag and Reference types to go to the flag or reference link.
7. Click the flag or reference link to go to the flag or reference in the document text.



8. For more information on the types of flags and references listed, see "Understanding Flags" on page 49 and "Understanding References" on page 52.
9. If **Update Result List Flags in Real-time** has been enabled (see Working with Profiles in Deal Proof for more information), the results list will refresh each time a change is made to the document.
10. Click **Create Report** to generate a report of the analysis. For more information, see "Creating Reports" on page 48.
11. Click **Export** and select **Download** to open the results in a separate document. Select **Email** to send the results as a Microsoft Outlook attachment. Click **Deliver Report**.
12. Click **Clean** to remove all markings inserted in your document and close the Results pane. Cleaning a document does not remove any of the substantive changes you make to the content of the document during the analyzing process. After cleaning a document, you can forward it to others, with no evidence of analysis.

UPDATING CROSS-REFERENCE FIELDS

If you use Word bookmarks to link internal cross-references, fields need to be refreshed or updated to capture current paragraph numbers and correctly identify invalid cross-references. The update that will occur when you analyze a document in Deal Proof is as if you performed the same operation directly through Word. After analysis and review through Deal Proof, save the document to retain those updated fields.



HIGH RISK INDICATORS

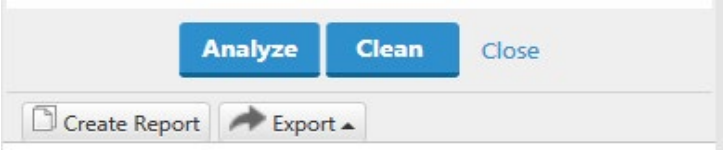
Within Deal Proof analysis results, you may see the High Risk Indicator icon (⚠). This icon identifies potentially high-risk errors in the document may lead to ambiguity or confusion, and potentially litigation. If you are pressed for time when reviewing the document, you can focus your attention on these errors.

Once the errors are corrected or dismissed, the icon will disappear.

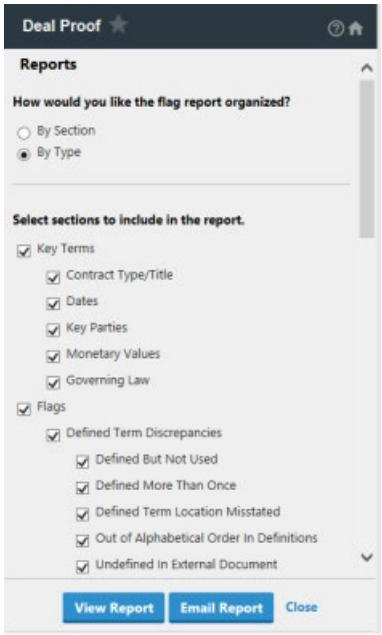
CREATING REPORTS

After analyzing a document (see "Analyzing a Document" on page 45 for more information), you can generate reports for key terms, flags, references and an outline.

1. Open your document in Microsoft Word (see Accessing Drafting Assistant Tools from Your Word Processor for more information) and click **Deal Proof** on the Drafting Assistant toolbar.
2. Click **Create Report**.



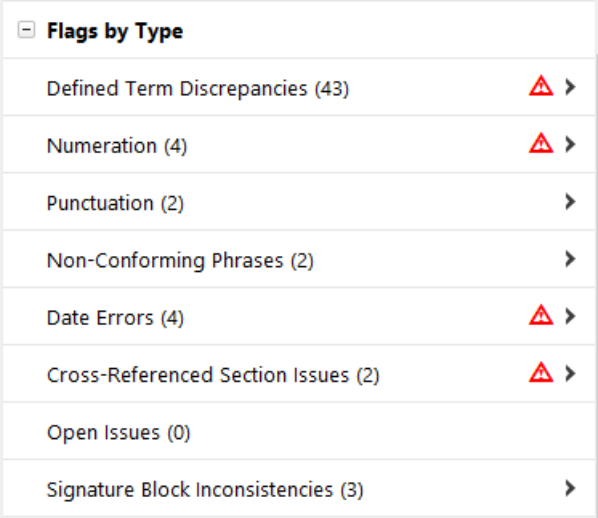
3. Select **By Section** or **By Type** to indicate the flag report organization.
4. Select **Download** or **Email** from the delivery options. Select a format from the **Format** list.
5. Select any or all Key Terms to include in your report.
6. Select any or all of the **Flags** and **References** you want to include in your report.
7. Select the **Outline** check box to create a report that shows an outline of key sections in your document.
8. Click **Generate Report**.



To customize reports and results by suppressing certain flags, see Working with Profiles in Deal Proof.

Understanding Flags

After analyzing your document, all potential errors and inconsistencies display in the results pane. For more information on analyzing a document, see "Working with Deal Proof" on page 45.



DEFINED TERM DISCREPANCIES

These flags show potential issues and inconsistencies in defined terms, including the following:

- Defined But Not Capitalized: A term is defined but not capitalized.
- Defined But Not Used: A term is defined but not used in the document.
- Defined More Than Once: A term is defined more than once in the document.
- Defined Term Location Misstated: A term is defined in the main document but references to the term incorrectly state the location of the definition.
- Out of Alphabetical Order: A term in the definition section appears to be out of alphabetical order.

- Undefined: A term is used with initial caps in the middle of a sentence but is not defined in the document. That is, the term appears to require a definition but is not covered in the definitions section of the document.

NUMERATION DISCREPANCIES

These flags help ensure that you use consistent numbering throughout your document. Deal Proof also flags numbers that are out of sequential order.

UNPAIRED PUNCTUATION

These flags help locate any unpaired punctuation in the document, including unpaired brackets, parentheses, and quotation marks. For example, unpaired punctuation might include using an opening parentheses or bracket but not the closing parentheses or bracket, or using an opening quotation mark but not a closing quotation mark.

NON-CONFORMING PHRASES

These flags help you focus on any inconsistent language in the document. Deal Proof finds the conforming phrases in the document and checks to see that similar phrases and expressions are used consistently throughout the document.

For example, suppose it is important that your document always use the expression "similar foreign, federal, state, or local statute." In one instance, however, you use "foreign or federal" instead. Deal Proof flags the latter instance as a non-conforming phrase.

DATE ERRORS

Flagged items will help identify dates that may need to be updated or corrected. Date Errors include incorrectly stated weekdays (*Monday March 5, 2019*), invalid dates (*September 31*), or dates that are ambiguous because they are missing a specific year or day of the month.

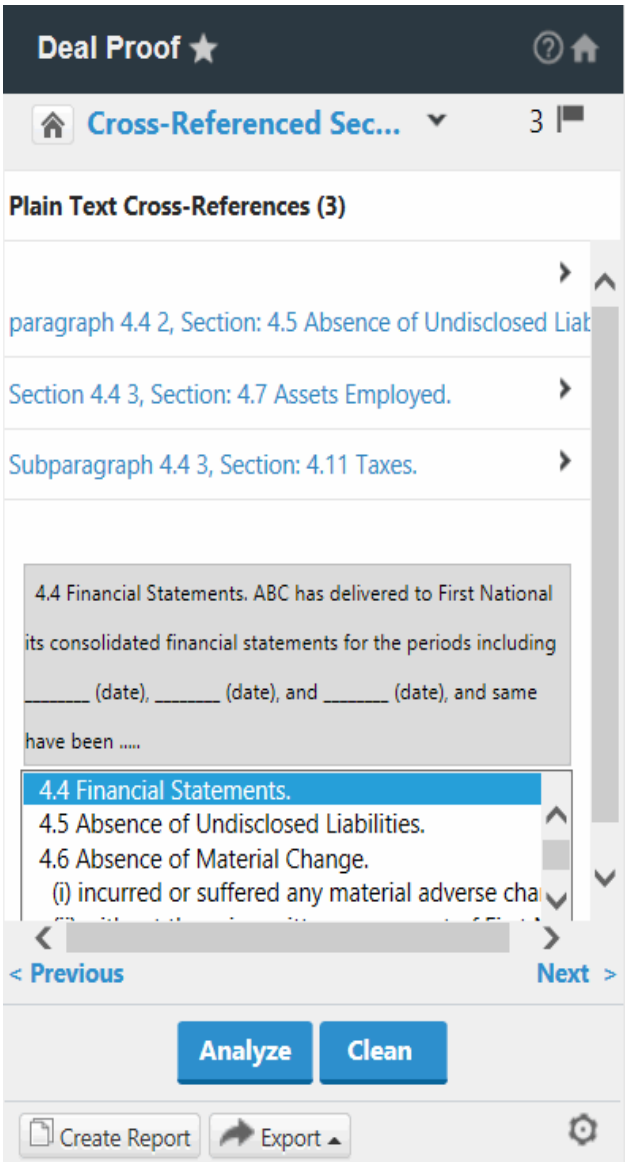
CROSS-REFERENCED SECTION ISSUES

Internal Cross-References can often be made inaccurate by edits and revisions made during made to the document. If the target of a bookmarked cross-reference is deleted from the document, Word will create a field code error which will be identified as an Invalid Cross-Reference.

Using Word bookmarking for internal cross-references is a helpful way to improve document navigation for the reader. Plain-text cross-references will be flagged so you can identify which references have not yet been bookmarked.

To help clarify which clause is being referenced drafters often indicate in parenthesis the title of the target clause (*Clause 22 (Indemnification)*). If the actual title of the referenced clause does not match what is provided, the item will be flagged.

For all cross-referenced sections, if corrections to the reference are required, select the correct reference from the dropdown to update the reference.



If the document contains auto-numbering, a link to the correct reference will be automatically created.

OPEN ISSUES

These flags show any blank spaces, multiple question marks, and dates or information that need to be finalized before the document is ready. Any open issues are flagged in brackets.

Open issues are identified as follows:

- Square/angle brackets (and the text between them).
- Bullet characters.
- Two or more consecutive uses of the letter "x", except as document numeration.
- Question marks and other characters (# * @ ! $).
- Underscores or underlined spaces (if not found in the Signature Section of a document).
- Words or phrases identified as incomplete, where the language is in **bold**, *italics*, or <u>underlined</u>.

SIGNATURE BLOCK INCONSISTENCIES

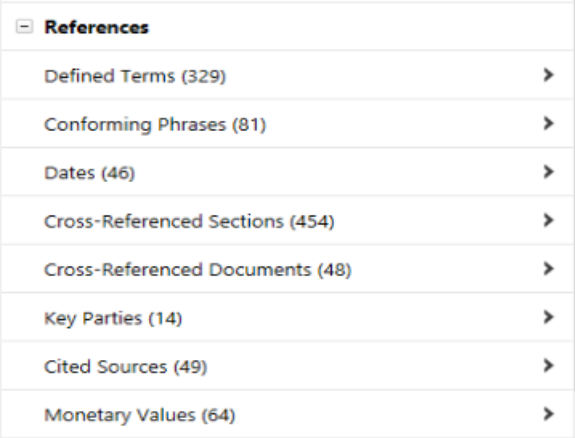
Key parties will be identified and compared to any signature blocks found in the document. Unidentified Key Parties are flagged if they are found in the signature block but have not been listed on a cover page or in the introductory paragraphs of the document. Key Parties identified in the document that do not appear in the Signature Block by name are flagged as Unrepresented Parties.

Suppressing Flags

To customize reports and results by suppressing certain flags, see Working with Profiles in Deal Proof.

Understanding References

After analyzing your document, all references in the document are marked in the document and listed in the results pane. For more information on analyzing a document, see "Working with Deal Proof" on page 45. The following types of references are marked:



DEFINED TERMS

Terms that have been defined in your document are marked.

CONFORMING PHRASES

For each main phrase, the instances of that phrase in your document are marked. Expressions in your document do not need to be identical to be considered conforming phrases. For example, consider the phrase *have been exercised*. The following conforming phrases would display:

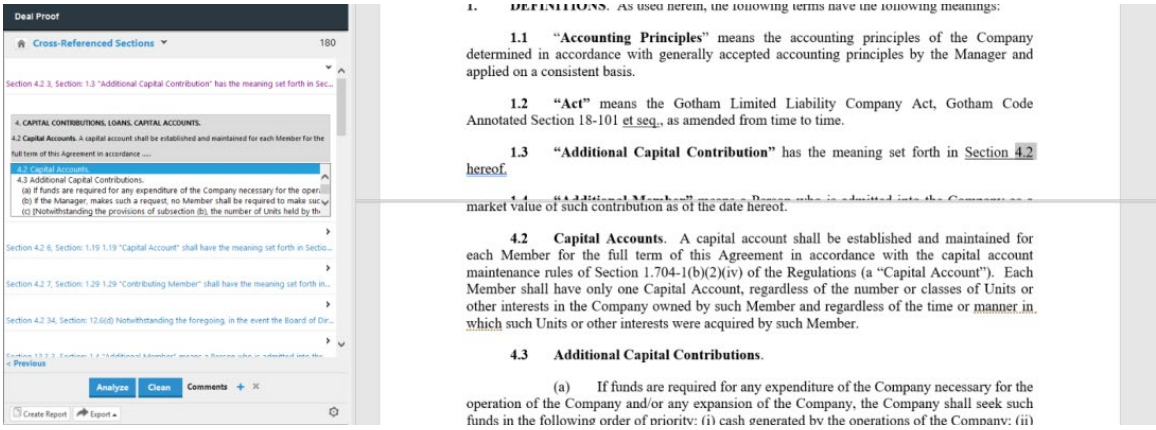
- deemed to *have been exercised* and such
- deemed to have been exercised immediately
- warrants have been exercised

DATES

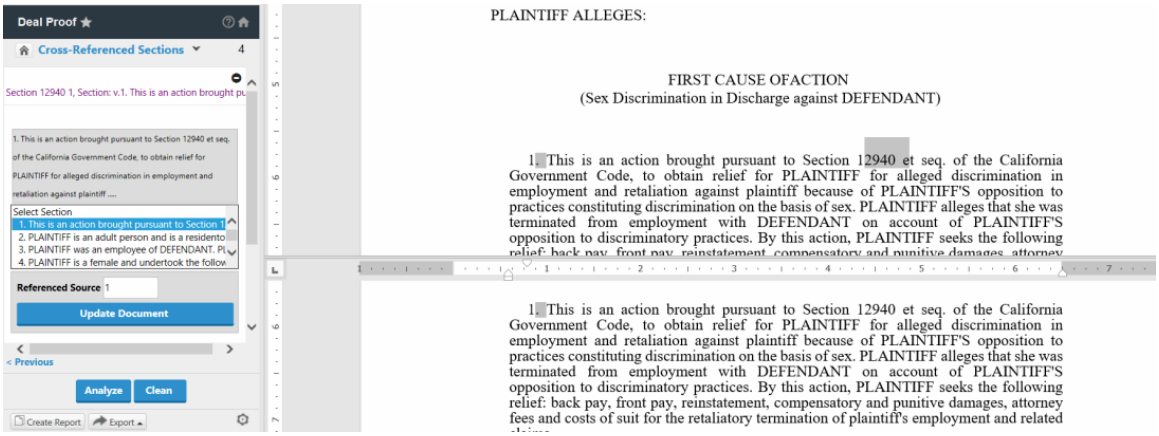
Dates identified in the document organized by Past, Future and Ambiguous. For more information, see Date Errors in "Understanding Flags" on page 49.

CROSS-REFERENCED SECTIONS

Sections of your document that cross-reference other sections in your document are marked. For cross-referenced sections that are valid, click the cross-reference to preview the reference, or click the arrow to open a split screen to easily view both the cross-reference and reference, without losing your place.



For all cross-referenced sections, if corrections to the reference are required, select the correct reference from the drop-down to update the reference.



If the document contains auto-numbering, a link to the correct reference will be automatically created..

CROSS-REFERENCED DOCUMENTS

Names of cross-referenced documents are marked.

KEY PARTIES

List of parties to the contract from the cover page and/or the introductory sections of the document. For more information, see Signature Block Inconsistencies in "Understanding Flags" on page 49.

CITED SOURCES

Sources such as law, cases, and secondary sources that are cited in your document are marked.

MONETARY VALUES

Monetary values included are the: US Dollar (USD), British Pound (GBP), Euro (EUR)Canadian Dollar (CAD), Australian Dollar (AUD), New Zealand Dollar (NZD) and associated symbols.

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