

Creating an Index of Authorities

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These instructions summarize how to use Westlaw's Drafting Assistant to easily create an accurate and professional-looking index of authorities. Additional instructions are available through Drafting Assistant, on the Help tab on the right hand side of the Drafting Assistant screen.

Drafting Assistant is available to all CDRC/Westlaw subscribers as part of the regular Westlaw package. These directions will work on a PC or a Mac, but you do need create your brief in Microsoft Word.

Drafting Assistant is not a perfect tool, but it is better than manually creating the index or using the cumbersome indexing tools in Microsoft Word. But once you know Drafting Assistant's quirks, you can accommodate for them and your work will become even more efficient.

The first time you use Drafting Assistant, you will need to go through all of the steps below. Once you establish a profile, you can re-use it as many times as you want, and skip Step III.

I. Before you begin

- A. Make sure you are familiar with basic Michigan citation style. The first page of the Michigan Appellate Opinion Manual ("MAOM") has a Quick Reference Chart that lists many of the citation forms regularly used in appellate briefs.¹

Drafting Assistant will identify substantive errors in your citations (*e.g.*, if you cite the wrong reporter volume or page number) but it will not identify form errors (*e.g.* if you don't use parallel citations). You need to watch for form errors, and make your own corrections.

- B. In the Word file that contains your brief, put an empty page at the front of the document and title it "Index of Authorities."

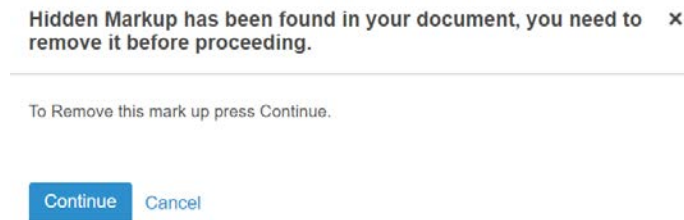
¹ The MAOM is available on the Michigan Courts website. Adherence to the MAOM is not mandatory, but the Court's administrative order adopting the MAOM explains that the Court "encourages" its use. Administrative Order No. 2014-22, 497 Mich ___ (2015).

Later, after Drafting Assistant builds the index, you will insert the index on this page.

II. Getting started

- A. To access Drafting Assistant, go to drafting.westlaw.com.
- B. If you are not already logged into Westlaw, log in to Drafting Assistant using your CDRC/Westlaw credentials.
- C. Click on *Upload Word Document* and follow the directions to upload the file containing your brief. The file you upload should be what you consider to be your final document – although you may find that Drafting Assistant catches a few errors, and you need to make corrections in the file and upload it again.

While the document is uploading, you may receive an error message like this one:



This message tells you that there are hidden codes in the file, which are usually the result of cutting and pasting text from various sources. Click on *Continue*.

- D. After the document is uploaded, click on *TOA Builder* on the left hand side of the screen.

III. Creating a profile

The first time you use Drafting Assistant, you must create a profile – a set of instructions for how you want your index to appear. You will save this profile and can re-use it with other briefs.

- A. Click on *Create New* and give your new profile a name.
- B. Go through each of the profile sections, and indicate how you want your index to appear. Following are the settings we rec-

commend, but you may find that you prefer to do something else instead.

1. *Jurisdiction*: Select Michigan, assuming your brief will be submitted in Michigan.
2. *Select Content Categories*: Make sure that all of the categories are selected. Each category will appear as a separate heading in the index, but if there are no citations in a particular category, the heading will not appear.
3. *Formatting*: Select either bold or underline,² and change the typeface and type size to what you've used in your brief. If your preferred typeface is not in the pull-down menu, you can change the typeface later, after Drafting Assistant builds the index.
4. *Citations in TOA*: Click on *Match font and size*.
5. *Other*: Several of these settings are a matter of style, and you should use them according to your preferences. For two settings, we recommend:
 - i. Use *passim*, for citations that occur frequently in the brief.
 - ii. The "..." tab leader (the default), to connect citations and page numbers in the index.
6. Click on *Save*.

IV. Creating the index

We recommend that you create the index twice – at least. The first time should be used to identify citation problems, so you can make corrections in the file containing your brief. Then, you will upload your brief a second time and re-create the index for the final version of your brief.

² If you select italics or leave the formatting blank, the headings may be hard for the reader to see – which defeats the purpose of using headings in the first place.

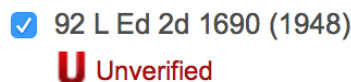
- A. Select the profile you want to use and then click on *Run TOA Builder*. You will see your brief on the right hand side of the screen.
- B. When Drafting Assistant is done building the index, a list of citations will appear on the left hand side of the screen. Go through this list and look carefully at anything Drafting Assistant identifies as *Unverified*. (If you're not sure what Drafting Assistant has identified, you can click on the citation and the questionable text will be highlighted on the right hand side of the page.)

In some instances, Drafting Assistant will mistakenly identify text from the brief – in this example, the text in the Brief referred to the “1 in 3 times this has happened” – as a citation:



To make sure this text doesn't appear in the index, de-select blue box. Drafting Assistant will also sometimes pick up citations to the OVs, PRVs, and transcript page numbers, so you should look carefully at this list and de-select anything that shouldn't appear in the index.

Much more often, Drafting Assistant will identify an incorrect citation – in this example, the reporter should be L Ed, and not L Ed 2d:



You can click on the citation to see where it appears in your brief, and then correct the citation in the file on your computer containing your brief.

Remember: each time you change the text in the file on your computer containing your brief, you potentially change the pagination within your brief. To be safe, if you correct any citations errors, you should use Drafting Assistant to re-create the index.

- C. Check the list of citations for other errors as well, even if not marked as *Unverified* by Drafting Assistant. For instance, § 1:9.1 of the MAOM requires parallel citations, and so you might discover that some of your citations are incomplete. Sometimes, particularly if you have borrowed text from one of your older briefs, you might have underlined case names. These need to be corrected, as § 1:7.2 of the MAOM instructs that case names should be in italics.
- D. After you've made all the necessary corrections to your Word file, upload it a second time and re-run the TOA Builder (IV.A, above). Re-check the index for errors. Once you've corrected all errors, move on to the next step.
- E. Click on *Insert TOA* on the bottom, left hand side of the screen. A pop-up box will appear on the upper left-hand-side of the screen; the text in the pop-up explains that the index will be inserted at the selected position, unless you instruct otherwise.

Scroll to the top of the brief in the right-hand-side of the screen; you will see a number of *INSERT TOA* buttons running along the left-hand margin of the brief. Click on the button where you want to index to appear, and then click on *Submit*.

The index will then appear in the selected spot. (Don't panic if it doesn't look quite right, as there are few steps left.) Assuming the index is in the position you want, click on *Finish*. Otherwise, change the position of the index and then click on *Finish*.

- F. Click on *Download Document*. Open the downloaded file and you will see the completed index, in the spot where you told the Drafting Assistant to put it.

V. **Checking and editing the index**

You should always take a few minutes to look through the index, to see if you need to make any changes. For instance, in using Drafting Assistant, we have found:

- A. Drafting Assistant does not have a federal constitution category, so it places those citations in the *Federal Statutes* category. To correct this, you can re-name the *Federal Statutes*

category to *Federal Constitutional Provisions*, after you generate the index and download the completed document. Or, if your brief cites to both federal statutes and the federal constitution, you can manually create a *Federal Constitutional Provisions* category, and cut and paste the federal constitutional provisions into the new category.

- B. Drafting Assistant doesn't put space between categories of cases in the index. To correct this, click on the Return key at the end of the federal case list and before the *State Cases* heading.
- C. Drafting Assistant sometimes introduces inexplicable errors into the index. Many of these errors are due to hidden codes in the Word file – which are often the result of cutting and pasting text from various sources. We recommend that you quickly proofread the index for any unusual errors – just as you would proofread the text in your brief – and delete them.
- D. Drafting Assistant usually strips out pinpoint cites in the index, but we've seen a couple of instances when it did not. Again, this is probably due to a hidden code in the Word file. We recommend that you review the index for pinpoint cites, and that you delete any that accidentally remain.

Once Drafting Assistant creates and inserts the index in your Word file, it is just like any other text in the file. You can edit it as you need to.

VI. A note about tab leaders

You may find that there are times when you've used Drafting Assistant but you still need to manually insert an entry into the index. To recreate a tab leader – the dots that connect citations and page numbers in the index – follow the directions in *Creating a Tab/Dot Leader in a Word Document*.

VII. Need more help?

Additional instructions are available through the Help tab, on the right hand side of the Drafting Assistant screen. In the alternative, please contact Kathy Swedlow at MAACS (swedlowk@mimaacs.org or (517) 334-1207).