FASTCASE® USER GUIDE

2010 Edition

LEGAL RESEARCH? THERE'S AN APP FOR THAT!

Introducing Fastcase for the iPhone®

Fastcase for the iPhone, the largest free law library on the iPhone, uses smart search technology from Fastcase's fully-featured legal research application. Mobile technologies are the future, and the Fastcase app is your best on-the-go tool putting the law in your hands. Get the leading mobile legal technology and open access to the law by downloading Fastcase for the iPhone today. Visit **http://www.fastcase.com/iphone** for more information.

1| GETTING STARTED

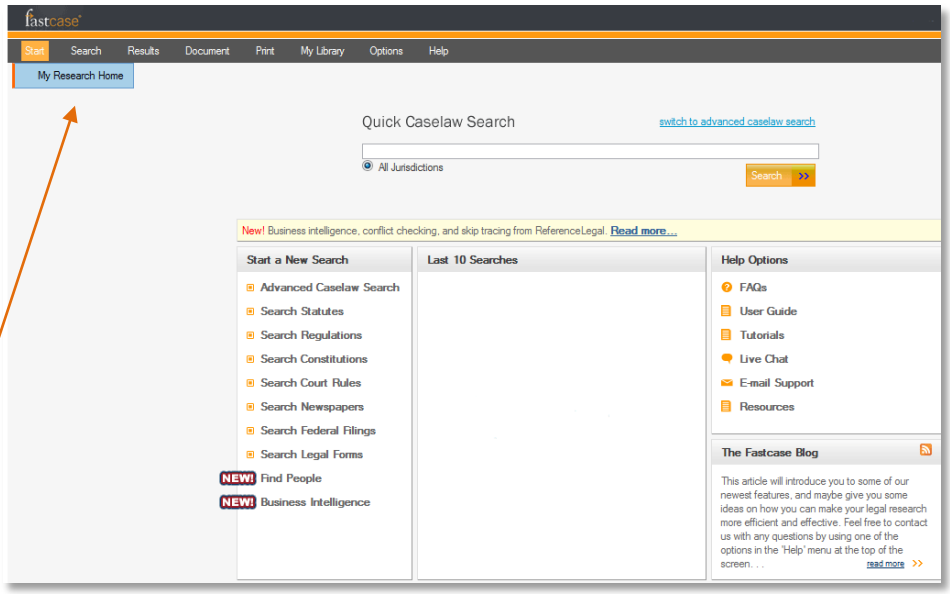
Logging In

- If you are a free trial user or you have purchased a National Appellate subscription or a Premium subscription directly from Fastcase, login at **http://www.fastcase.com** using your email address as your username and the password you selected when you signed up.
- If you access Fastcase through a bar or other membership association, login to Fastcase by visiting your association's website and clicking on the Fastcase link or logo.

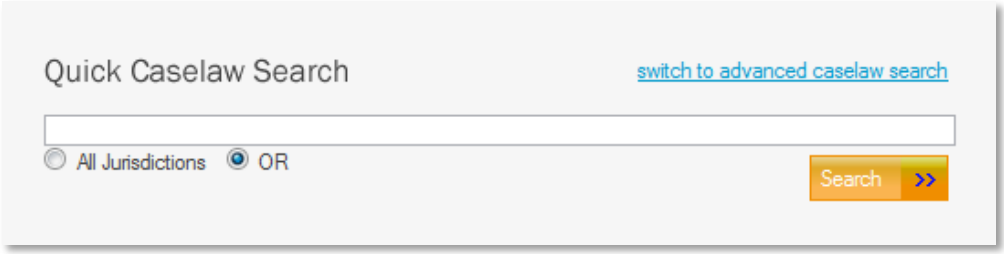
Personalized Start Page

Your research begins on a personalized start page, called the Quick Caselaw Search page. On this page, you will find your recent search history, hyperlinks to all of our integrated and transactional search options as well as our customer support and training resources.

You can always navigate back to this page by selecting "My Research Home" from the "Start" menu.



Quick Caselaw Search

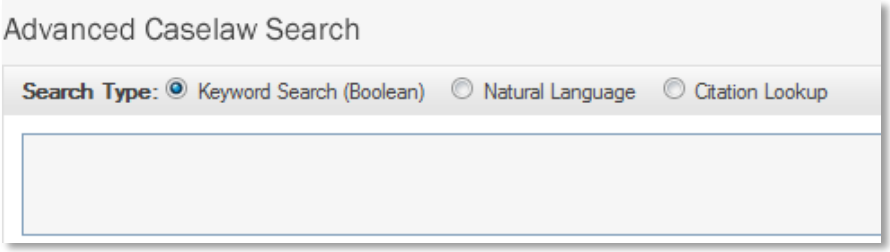


Quickly pull up a case you already have in mind using Quick Caselaw Search. This type of search works best with unique case identifiers such as reporter citations, docket numbers, or unique party names.

For more involved research projects, go directly to Advanced Caselaw Search.

Advanced Caselaw Search

Advanced Caselaw Search is our full-featured search function. Here you can perform three different types of searches: Keyword Search, Natural Language Search or Citation Lookup.

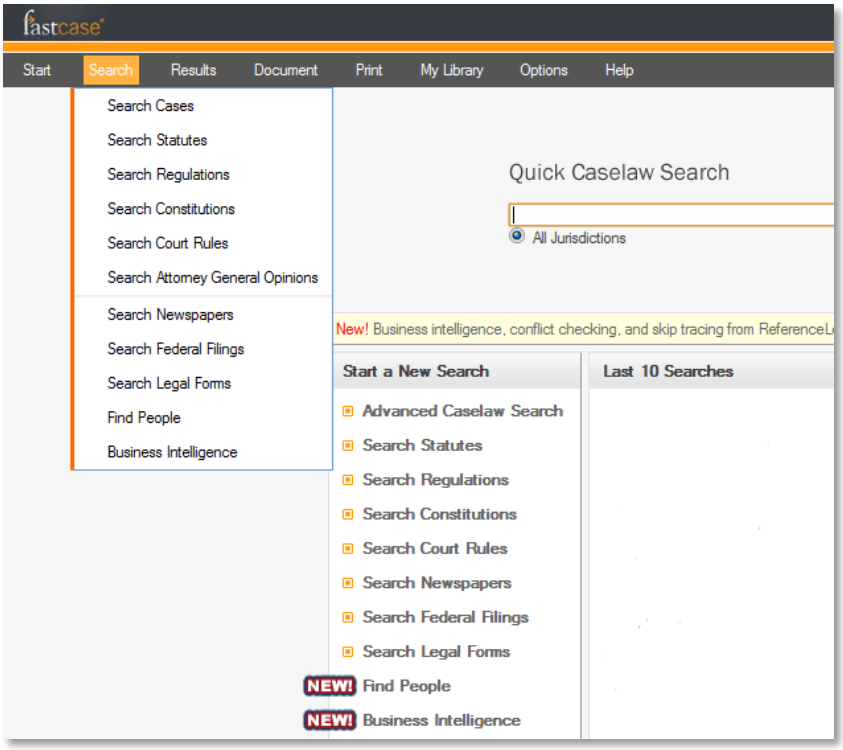


Statutes, Regulations, Court Rules, & Constitutions

Fastcase also includes statutes, regulations, court rules and constitutions from virtually all 50 states. In most cases, we have incorporated the content into our database so that you can browse and search the relevant statute, regulation, court rule or constitution within Fastcase.

In some cases, Fastcase provides hyperlinks to the free official versions of these resources from the Web as a convenience for our subscribers. Collecting them all in one place allows you to find these resources quickly without having to search for them each time.

You can find these materials under the “Search” menu.



Newspapers, Legal Forms, Federal Filings or Public Records

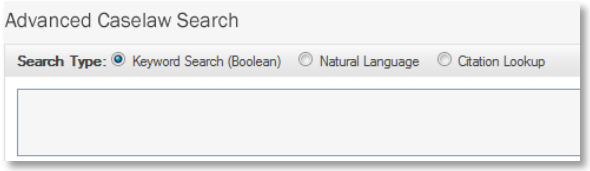
Fastcase also provides access to a newspaper archive, legal forms, a one-stop PACER search of federal filings, people finders, and business intelligence tools through our business partners. These transactional search options can be found under the “Search” menu as well. Please be advised that there are additional charges for accessing documents using these transactional search services from our partners

2 | SEARCH FOR DOCUMENTS

Case Law

There are three ways to search for cases on Fastcase: Keyword, Natural Language and Citation Lookup.

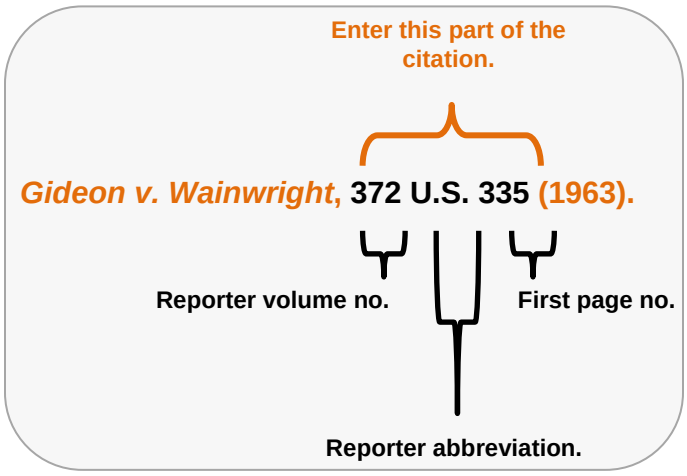
Select your search type using the radio buttons.



CITATION LOOKUP

- Pull up a case using the reporter citation by entering the reporter volume number, the reporter abbreviation, and the first page number.
- This type of search works in both Quick Caselaw Search and Advanced Caselaw Search.
- Pull up multiple cases at a time by separating the citations with a comma. For example:

  158 F.3d 693, 102 F.3d 132



KEYWORD SEARCH (with Boolean operators)

Searching by Keyword using Boolean operators is the most powerful and flexible way to search for electronic information. It is also very easy to use. Fastcase uses the six standard Boolean operators described below:

OPERATOR	EXAMPLE	DESCRIPTION
AND, &	Copyright **AND** Preemption	Results must contain *both* the words "Copyright" and "Preemption"
OR	Landlord **OR** Lessor	Results must contain *either* the word "Landlord" *or* the word "Lessor." (They may contain both words).
NOT	Vehicle **NOT** Car	Results *must contain* the word "Vehicle" but *must not contain* the word "Car."
w/3, /3	Capital **w/3** Punishment	Results must contain the word "Capital" within 3 words of the word "Punishment". Use any integer between **2** and **50**.
*	Litig*	Results must contain some variation of the stem "Litig" such as Litigation, Litigated, Litigator, etc.
" "	"Felony Murder"	Results must contain the precise phrase "Felony Murder."
( )	(Security OR Pledge) AND Assignment	Parentheses are used to define the order of operations when you use multiple Boolean operators.

Here are a few more things to keep in mind when you are performing a Keyword search on Fastcase:

- We are constantly improving the way our search engine handles the “within operator” (w/ [number]). However, at the moment, there are two types of search syntaxes that our search engine does not support.

INCORRECT	CORRECT
A w/3 (B OR C) e.g. arson w/3 (sentence or fine)	(A w/3 B) OR (A w/3 C) e.g. (arson w/3 sentence) OR (arson w/3 fine)
A w/3 (B AND C) e.g. granted w/3 (summary and judgment)	(A w/3 B) AND (A w/3 C) e.g. (granted w/3 summary) and (granted w/3 judgment)

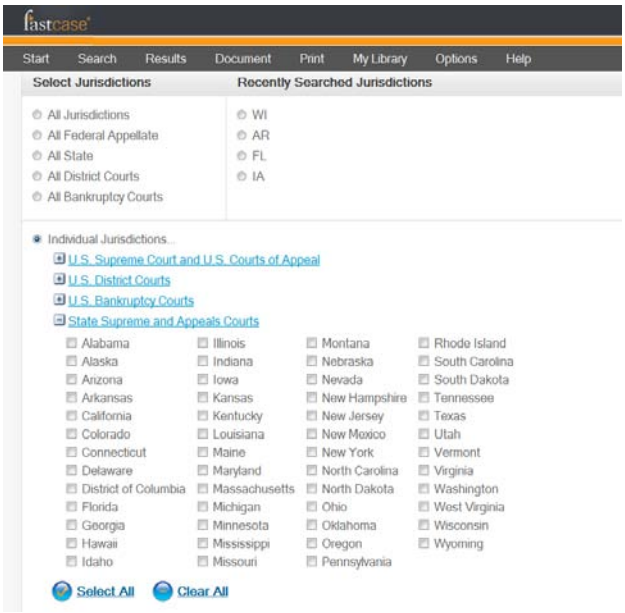
- Our search engine automatically **omits certain common words** (e.g. the, it, etc.) from your query. We do this because these “noise” words are so common that your search engine can get stuck trying to process this mountain of data.
- Fastcase uses an “implied AND” operator. This means that if there are multiple words in your search query and you do not specify a Boolean operator to connect them, Fastcase will treat your search as if you had placed an “AND” between each term. For example, if you type: **summary judgment order**, Fastcase will read that as: **summary AND judgment AND order**. Only cases containing ALL of those terms will be returned as results.
- At the moment, our search engine will accommodate a search up to **50 words long**. For the purposes of search length, Boolean operators count as a word.
- Check out our Frequently Asked Questions at **http://www.fastcase.com/faq** for more tips on how to trouble shoot your search queries.

NATURAL LANGUAGE SEARCH

Natural language searches are much less precise than Keyword searches, but they are good place to start if you are new to legal research, or if you are delving into a new area of the law. There are a few important aspects of a natural language search that you should bear in mind:

- You will always get 100 results.
- The results are the 100 cases with the highest relevance scores based on your overall mix of search terms.
- Your search results may not contain each and every one of your search terms.

SELECT A SPECIFIC STATE (OR COURT) FOR YOUR SEARCH



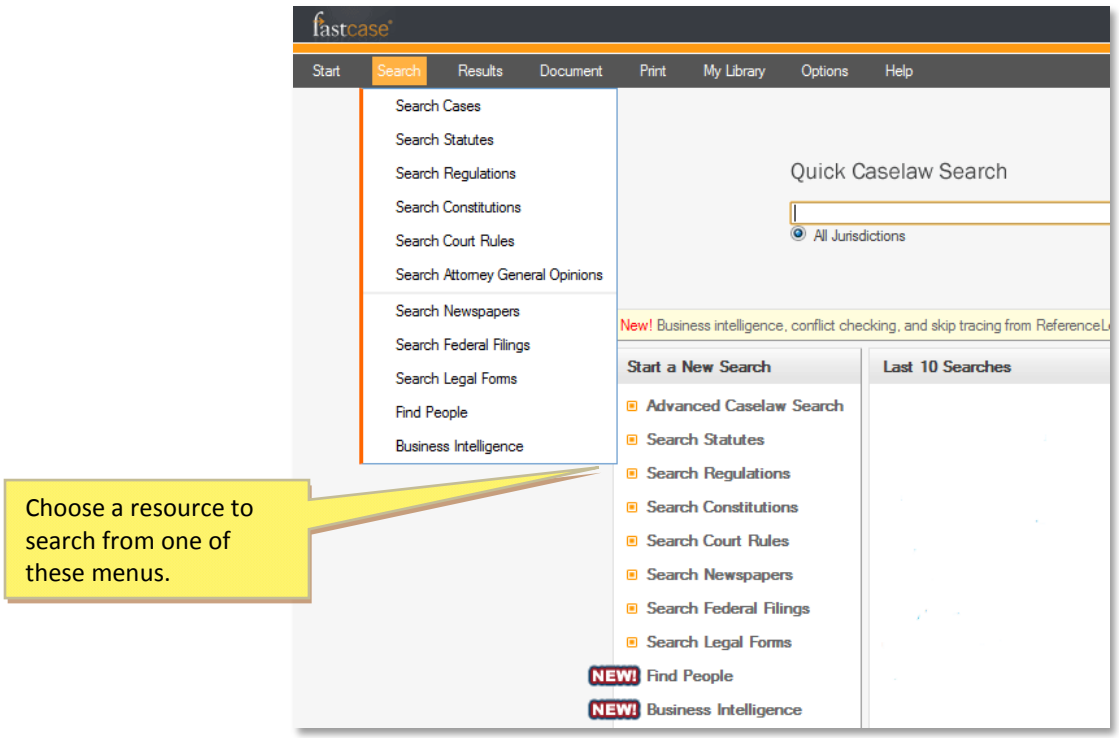
- Scroll down to the middle of the Advanced Caselaw Search page to the heading **Select Jurisdiction**.
- Select one of the groups of jurisdictions listed, or to specify a specific court or state, select **Individual Jurisdictions**.
- Expand any category under Individual Jurisdictions by clicking on the plus sign. Individual states are listed under the **State Supreme and Appeals Courts** category.
- Check the box next to the name of the state or court you wish to select.
- You can select as many courts as you would like and you can select courts across different categories.

Statutes, Regulations, Constitutions and Court Rules

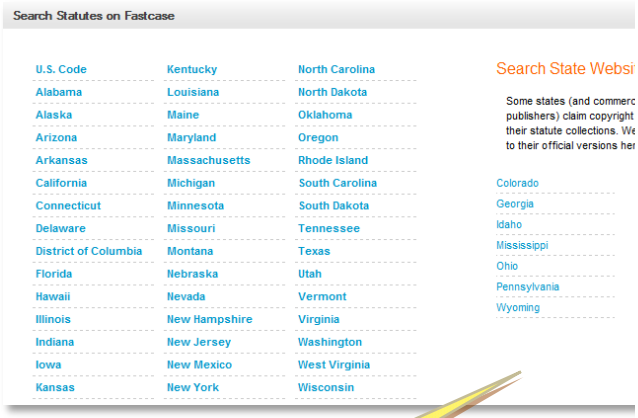
Fastcase offers a number of additional primary law resources including the U.S. Code and the official state statutes for 43 states and the District of Columbia.

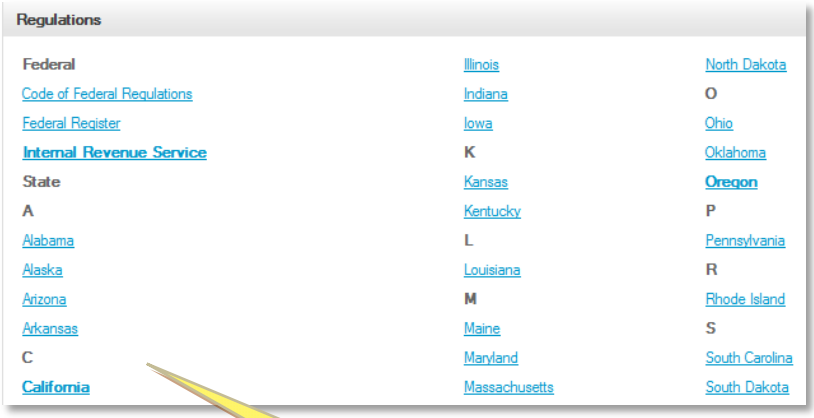
Select a Type of Document

- Begin your search by selecting the type of document you want to search from the “Search” menu or the panel on the Quick Case Law Search page (see example on next page).



- Next select a jurisdiction for the type of document you would like to search.





This is what the statute selection page looks like.

This is what the regulations selection page looks like.

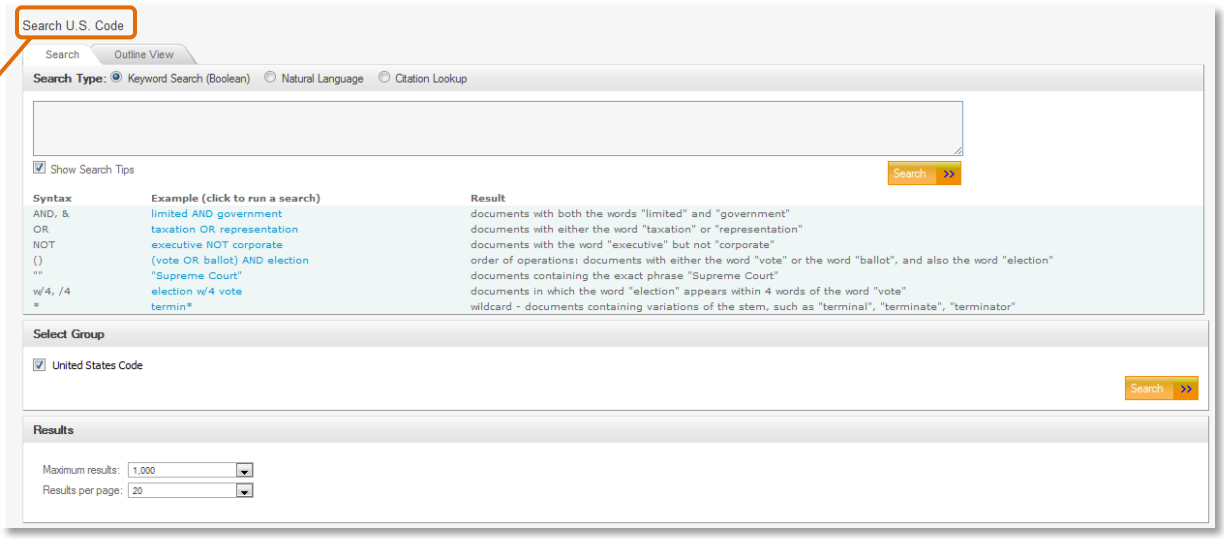
Search within a Statute, Regulation, Constitution or Court Rule

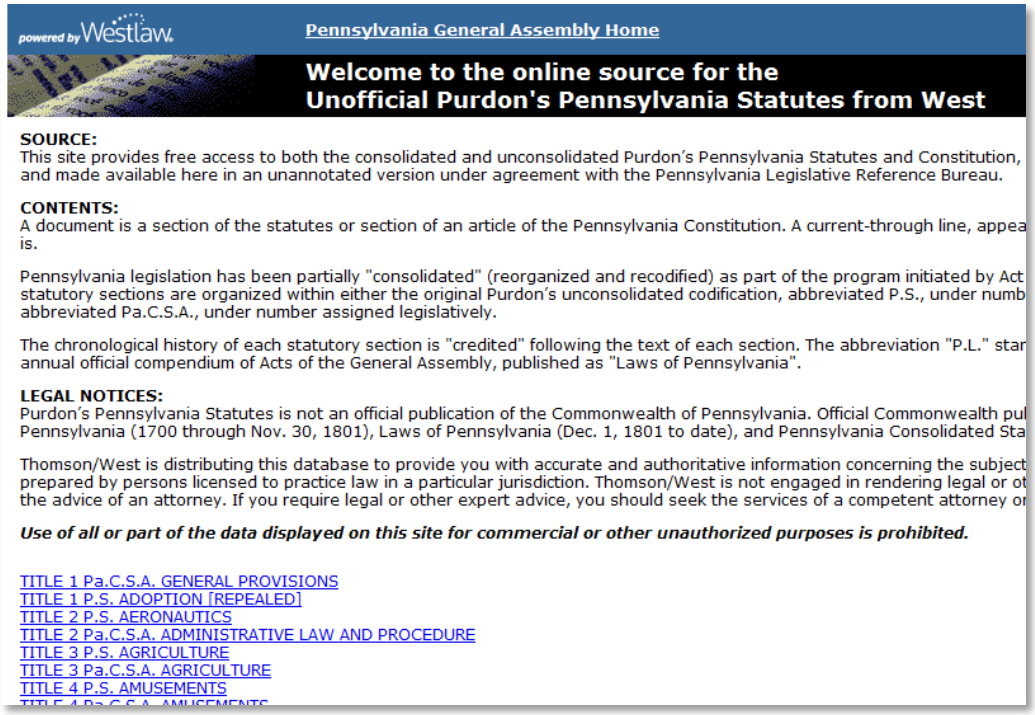
Search within the document set that you selected by keyword, natural language, or citation, just as you would search for case law.

- Remember: the bolded hyperlinks lead to content that is integrated within Fastcase. Non-bolded hyperlinks lead to the official versions of non-integrated content.

- For example, clicking on a **bolded hyperlink** like U.S. Code on the statute selection page, will lead to a Fastcase search page that looks like this.

- From here, you can search the statute or code you selected, just as you would case law.





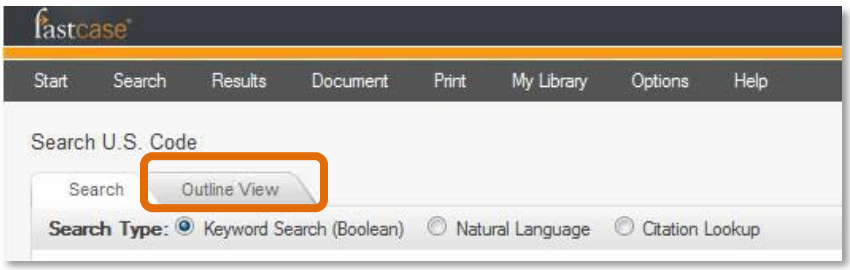
- By contrast, clicking on a non-bolded hyperlink like Pennsylvania on the statute selection page, will lead to the official version of the statute online.

Fastcase Tip: This page is outside of Fastcase and does not have Fastcase search functionality. You may still be able to search the page using your browser's search function (CTRL+F) or another search engine on the page. Check with the administrator of the third-party site for more information.

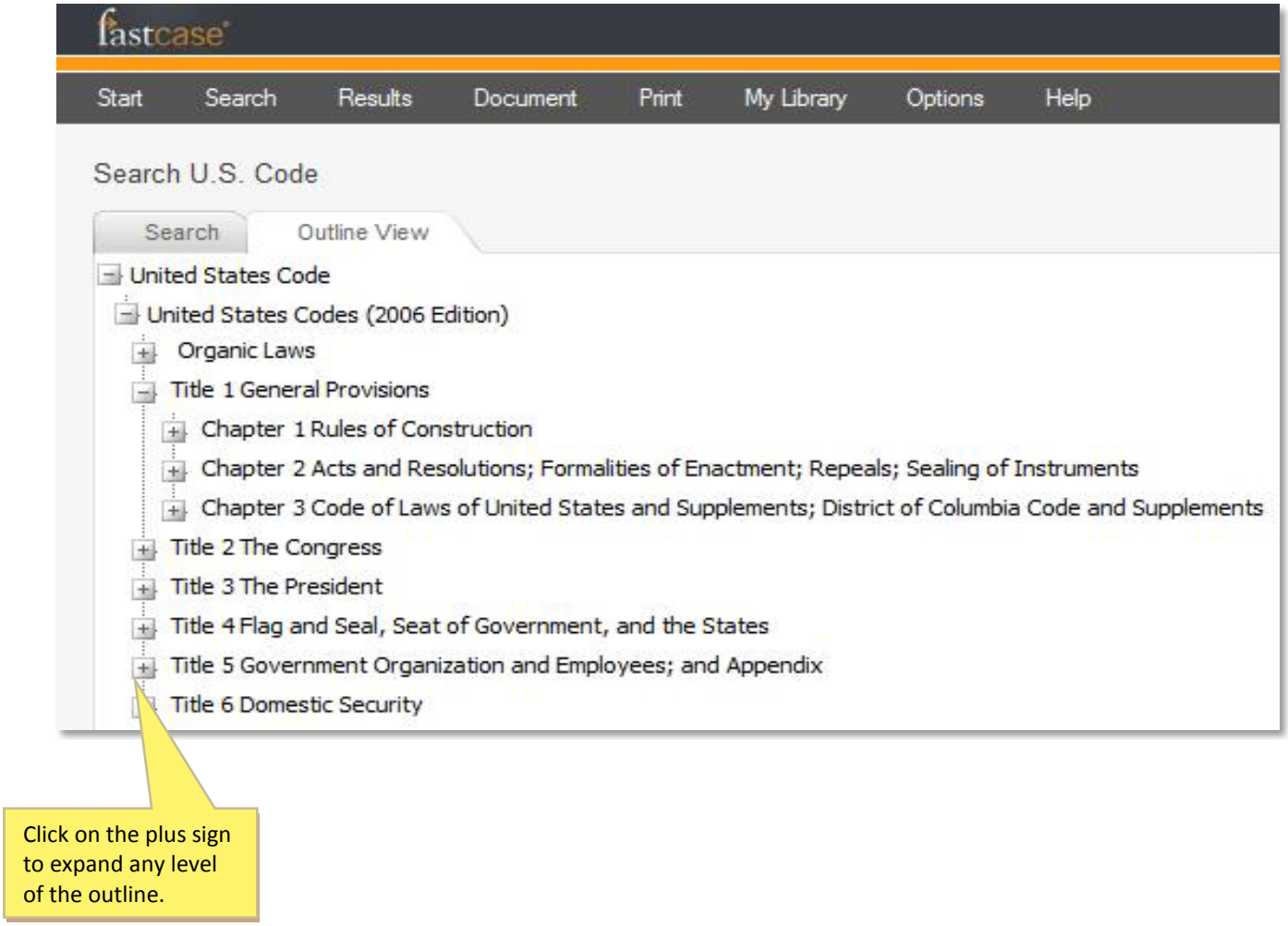
Browse Statutes Using Outline View

In addition to searching, Fastcase also allows you to browse integrated statutes in our Outline View format.

- To get started, select the statute you want to browse from the statute selection page, and then click the Outline View tab.



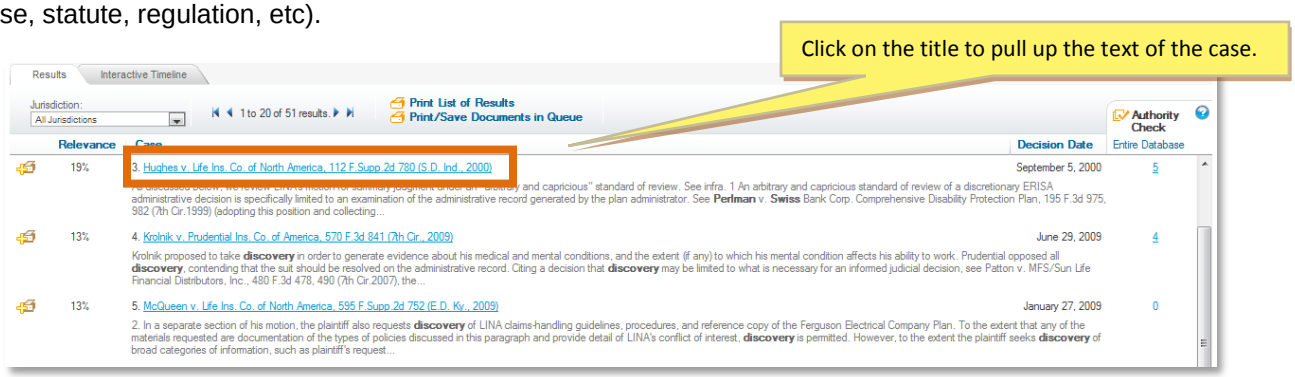
- This will display the statute or code you selected in an expandable outline format.
- Click the plus sign to expand any level and scroll up and down to find the section you are looking for.



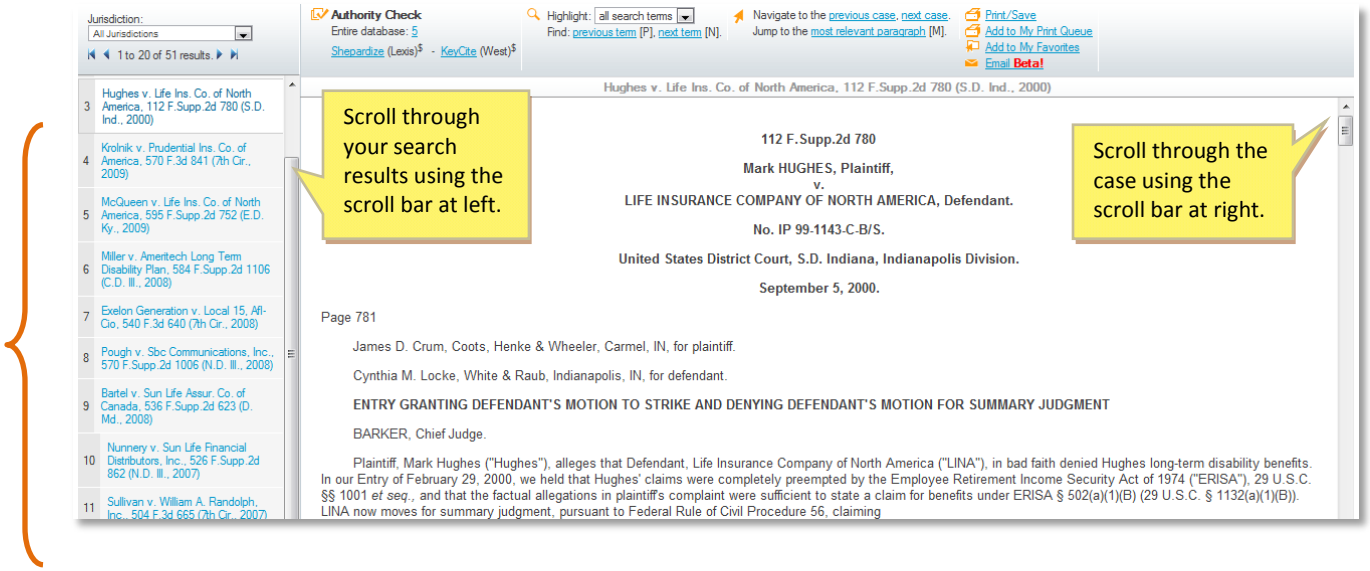
3 | VIEWING DOCUMENTS

View the Full Document Text

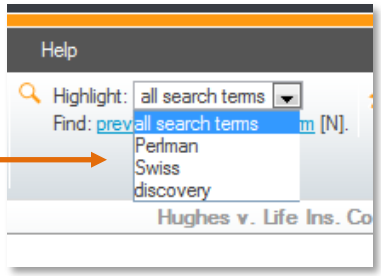
- After you successfully perform a search, you are taken directly to the results screen listing the search results based on your search query.
- To access the full text of a document from the search results list, click on the blue hyperlinked heading of the document (e.g. case, statute, regulation, etc).



- All of your search terms will be highlighted in the text of the case (including every term in a phrase search).

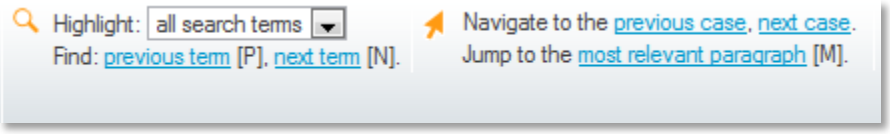


- All of your search results will appear on the narrower panel on the left.
- If you want to highlight a particular search term, select the term form the "Highlight" drop-down menu.



Navigate Within a Document

Use the navigation toolbar to navigate within a document.



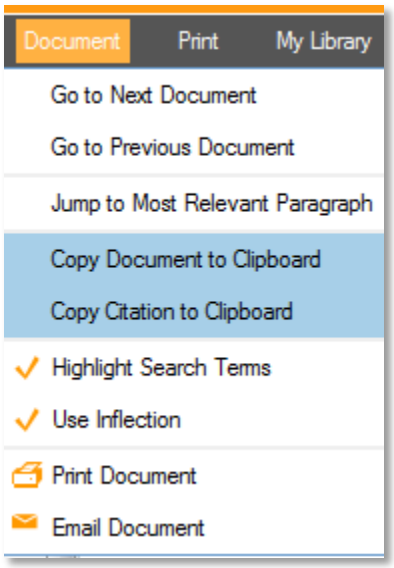
- Jump to the paragraph with the densest concentration of search terms by clicking the "most relevant paragraph" link.
  Note: This feature is currently compatible only with Internet Explorer.

- To search within your case, use your browser's find command by pressing Ctrl + F.
- Jump to the next search term by clicking the "next term" link.
- Jump to the previous search term by clicking the "previous term" link.

Fastcase Tip: These options are also available under the "Document" menu.

Bonus: Copy and Paste

If you are using Internet Explorer, Fastcase can help you save time drafting legal briefs and other pleadings with two handy copying tools.



- Copy the text of the document you are viewing to your clipboard by selecting "Copy Document to Clipboard" from the Document menu.

  -Or-

- Copy the citation for the document you are viewing to your clipboard by selecting "Copy Citation to Clipboard" from the Document menu.

- Next, open the brief or pleading that you are working in the appropriate word processing program (e.g. MS Word or Word Perfect).

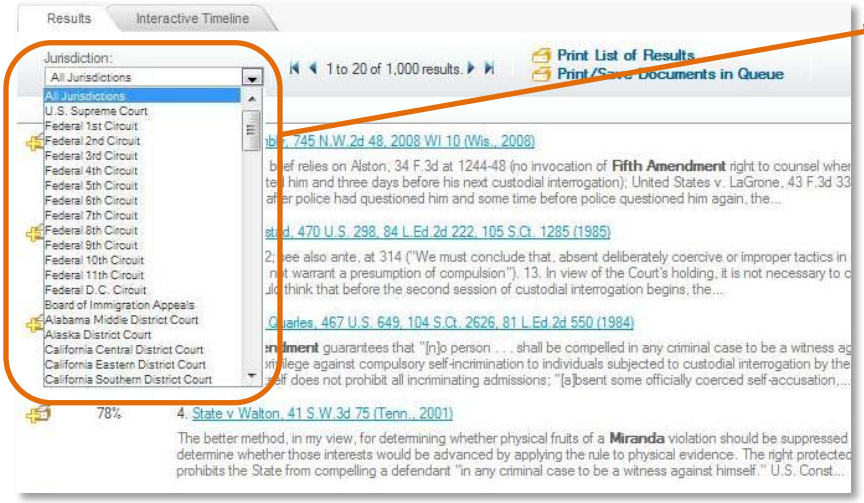
- Then use your program's paste function to paste the text into your document. If you are using MS Word, you can paste using the shortcut CTRL+V.

4 | CUSTOMIZING YOUR CASE LAW SEARCH RESULTS

Cases

Fastcase gives you nearly complete control over the way your case law search results are displayed. You can filter your results by jurisdiction, sort your results 6 different ways, and determine how much summary information will be displayed about each case.

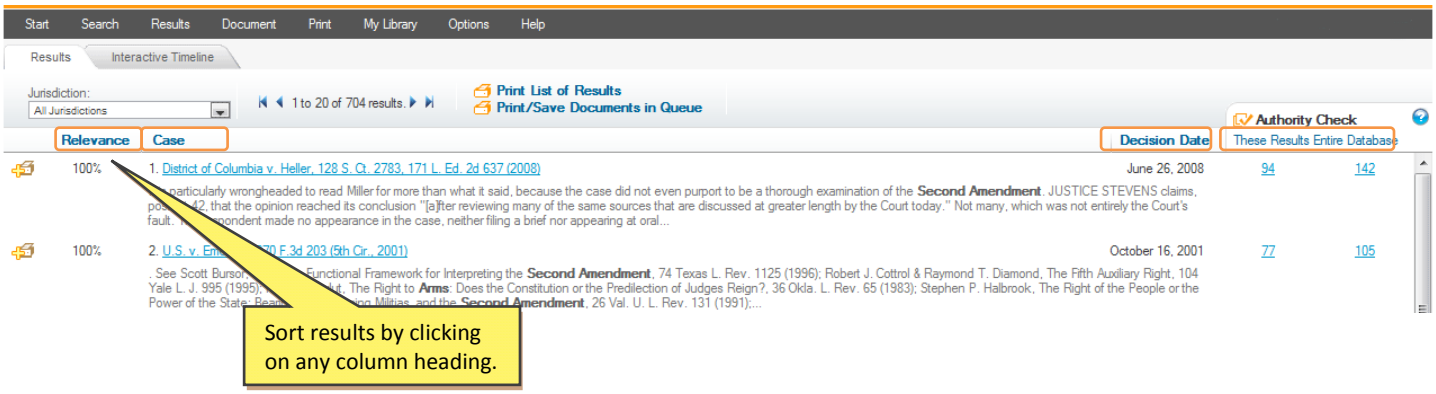
Filter Case Results by Jurisdiction



- Easily filter your results down to cases from one jurisdiction using the "Jurisdiction" dropdown menu.
- The menu will contain only jurisdictions that are represented in your search results – so there is no need to scroll through our entire list of jurisdictions every time.
- If you see a jurisdiction listed on the filter, there is at least one case associated with that jurisdiction in your search results.

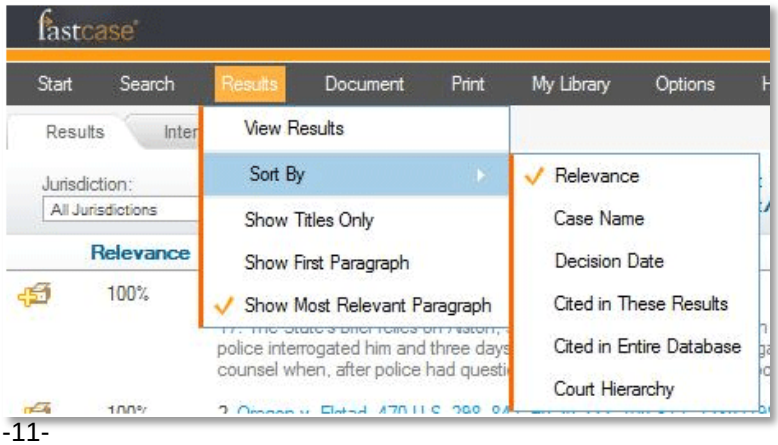
Sort Case Results to Suit Your Needs

- You have complete control over the way your search results are displayed. Choose the results view that is best suited to your research project by clicking on the heading for the column that you would like to sort by.



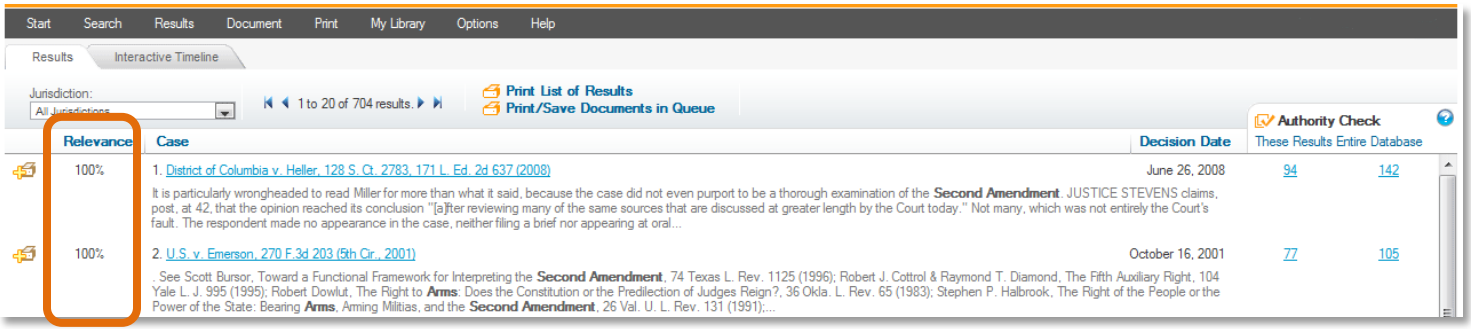
- You may also make your sorting selection from the Results menu:

- To sort results by Relevance Score, select "Relevance."
- To sort in chronological order, select "Decision Date."
- To sort in alphabetical order, select "Case Name."
- To sort by the number of subsequent citations, select "Entire Database."
- To sort by the number of subsequent citations within your search results, select "These Results."
- To sort your cases in order of court hierarchy, select "Court Hierarchy".



Fastcase Relevance Score

- Fastcase's smart search technology assigns a Relevance score (0%-100%) to each document in your search results based on the search terms used in the query.
- The score is displayed in the far left-hand column on the results page under the heading "Relevance."
- The purpose of the Fastcase Relevance score is to tell you which documents on your list of search results are more likely to discuss the topic you have in mind. The higher the percentage, the more likely that the document contains a substantive discussion of the topic.



- By default, your search results will be displayed in the relevance-score order (meaning 100% relevance scores at the top of the list) on the results page.

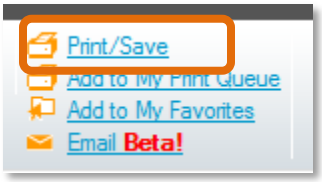
5| PRINTING & DOWNLOADING DOCUMENTS

Fastcase gives you the ability to print clean, professional looking documents in single or dual column format. You can even batch print up to 20 cases at a time.

One at a Time

- Click the Print/Save link on your toolbar.

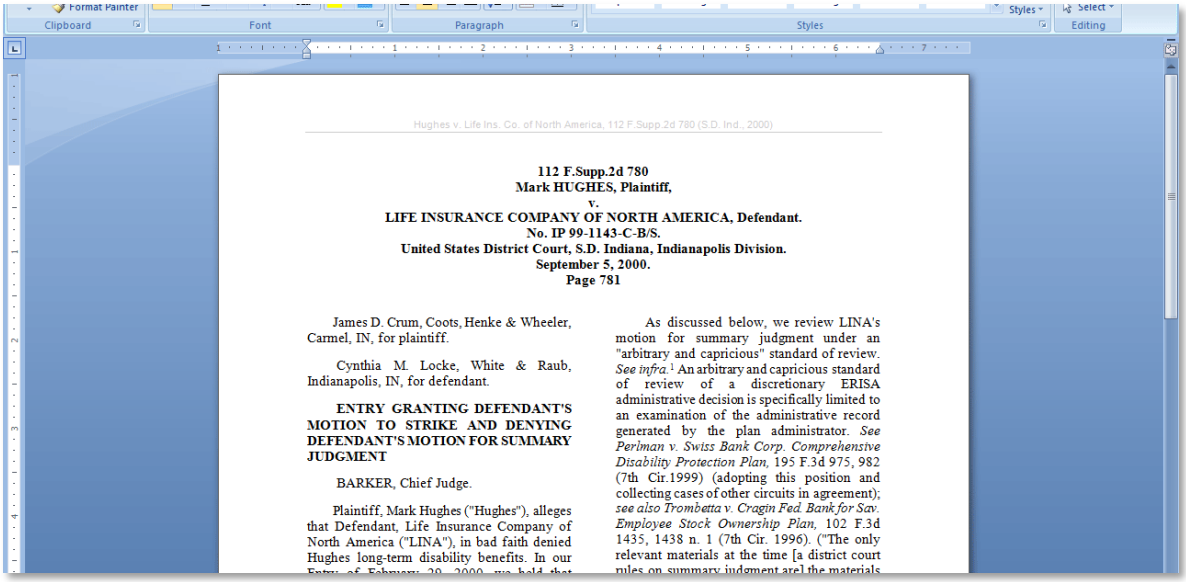
Hint: Look at the top, right-hand side of the screen.



- Make your formatting selections:
- Choose whether to highlight search terms.
- Choose single or dual-column formatting.
- Choose a file format: MS Word, Adobe PDF, or MS Rich Text File.

Fastcase Tip: Word Perfect users should select "MS Rich Text File".

- Click the Print/Save link again. Your browser will begin to download the file onto your computer.
- Once the download is complete, open the file using the appropriate application for the file format you selected.
- Now you can print and/or save the file like any other document on your computer.



Hughes v. Life Ins. Co. of North America, 112 F.Supp.2d 780 (S.D. Ind., 2000)

112 F.Supp.2d 780
Mark HUGHES, Plaintiff,
v.
LIFE INSURANCE COMPANY OF NORTH AMERICA, Defendant.
No. IP 99-1143-C-B/S.
United States District Court, S.D. Indiana, Indianapolis Division.
September 5, 2000.
Page 781

James D. Crum, Coots, Henke & Wheeler, Carmel, IN, for plaintiff.

Cynthia M. Locke, White & Raub, Indianapolis, IN, for defendant.

ENTRY GRANTING DEFENDANT'S MOTION TO STRIKE AND DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

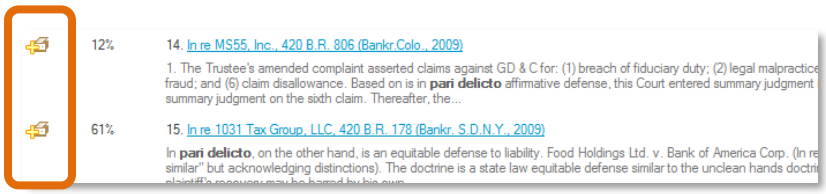
BARKER, Chief Judge.

Plaintiff, Mark Hughes ("Hughes"), alleges that Defendant, Life Insurance Company of North America ("LINA"), in bad faith denied Hughes long-term disability benefits. In our

As discussed below, we review LINA's motion for summary judgment under an "arbitrary and capricious" standard of review. *See infra.*[1] An arbitrary and capricious standard of review of a discretionary ERISA administrative decision is specifically limited to an examination of the administrative record generated by the plan administrator. *See Perlman v. Swiss Bank Corp. Comprehensive Disability Protection Plan,* 195 F.3d 975, 982 (7th Cir.1999) (adopting this position and collecting cases of other circuits in agreement); *see also Trombetta v. Cragin Fed. Bank for Sav. Employee Stock Ownership Plan,* 102 F.3d 1435, 1438 n. 1 (7th Cir. 1996). ("The only relevant materials at the time [a district court

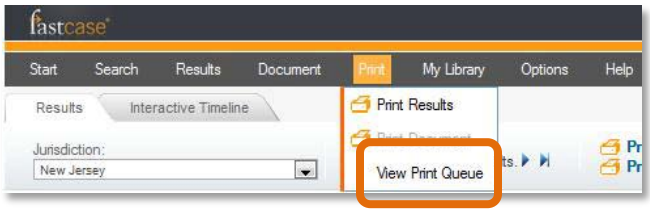
Batch Printing Cases

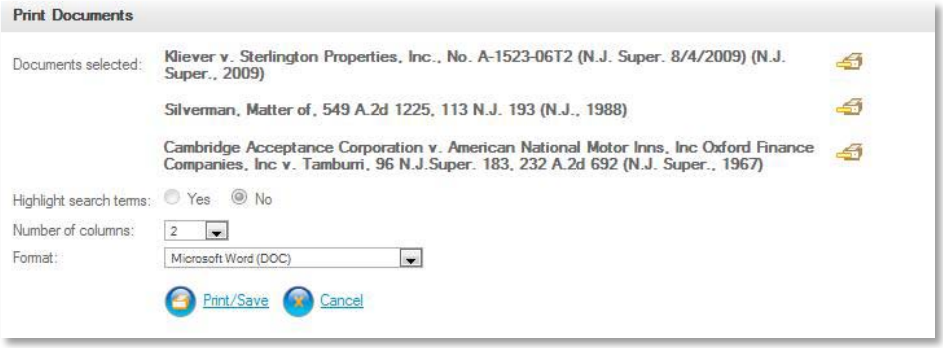
- Batch Printing allows you to download and print up to 20 cases as a single document.
- To add a case to your Print Queue from the results page, click on the printer icon to the left of the case.



- When you click the printer icon, the plus sign will change to a minus sign. This means that the case has been added to your print queue.

- You can add up to 20 cases to your print queue at a time.
- To print, select “View Print Queue” from the “Print” dropdown menu.





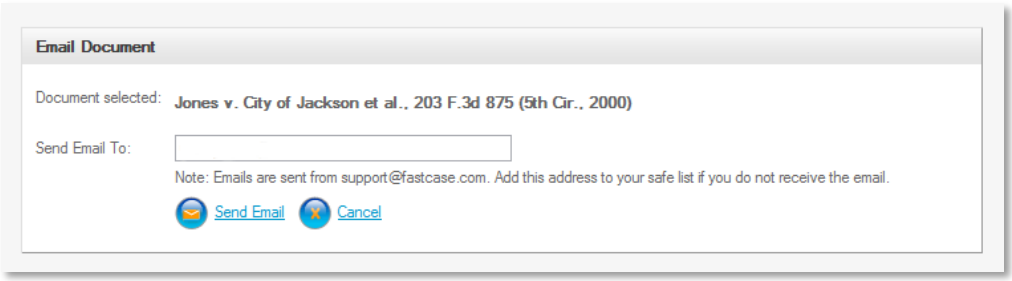
- You will have an opportunity to review the cases in your print queue. To remove a case from the queue, click the printer icon.
- Make your formatting selections, just as you would with a single case.
- Click the Print/Save link. Your browser will begin to download the file onto your computer.

Fastcase Tip: Batch printing is currently enabled for cases only.

Email a Case

Fastcase recently unveiled a new feature that allows you to email a document to any email address with just two clicks.

- Start by clicking on the Email link on the toolbar when you are viewing a document.
- This will bring you to the “Email Document” screen.



- Fastcase will auto-populate the addressee field with the email address associated with your account.
- Click in the box and type the address to change the recipient.
- The document you selected will be sent in plain text format in the body of the email.

- **Note**: This feature is still in its “Beta Testing” phase, which means we are still tweaking it. If you have trouble using this feature, please download the case and then email it using the Print/Save button.

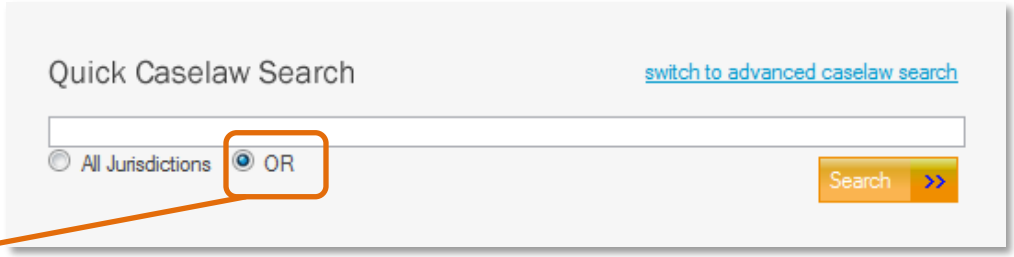
6 | PERSONALIZED FEATURES

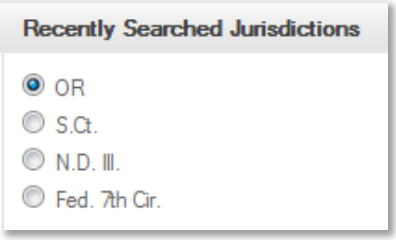
Fastcase dynamically keeps track of what you are searching for and uses this information to tweak your user interface in three ways, all with the goal of making your research more efficient. Fastcase also lets you set and automatically remembers certain display preferences.

Recently Searched Jurisdictions

Fastcase tracks the jurisdictions you have selected for your searches in two places, making it easier to select your most frequently search jurisdiction.

- The first time you search, there will be just one jurisdiction option under the Quick Caselaw Search box: "All Jurisdictions."
- Once you have run a search where you narrowed your search by jurisdiction, the last jurisdiction you selected will start to appear.

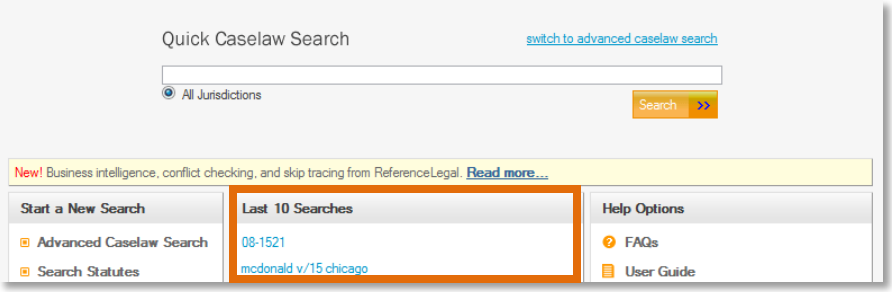


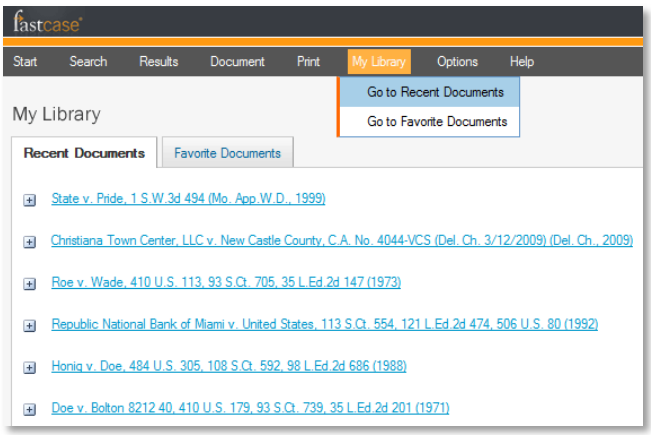


- Fastcase will also auto-populate the area of the Advanced Caselaw Search page labeled "Recently Searched Jurisdictions" with the last four jurisdictions that you have selected for your searches.

Last 10 Searches

- Fastcase records the last 10 searches that you performed on the Quick Caselaw Search page under the heading "Last 10 Searches."
- The searches are listed according to the search terms you used for each search.
- If you click on the any of the listed searches, you will be taken directly to the corresponding search results





My Library

Recently Viewed Documents:

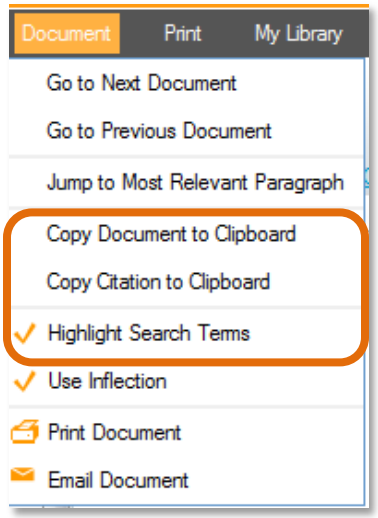
- Fastcase automatically tracks the last 10 documents that you have viewed and automatically stores them in your personalized library for easy access.

- To retrieve the 10 most recent documents you viewed, select “Go to Recent Documents” from the “My Library” menu.

Favorite Documents:

- Fastcase allows you to save up to 10 documents for later reference.
- To save a document, click the “Add to My Favorites” link on toolbar at the top, right.
- To retrieve your saved documents, select “Go to Favorite Documents” from the menu.

Highlighting Search Terms

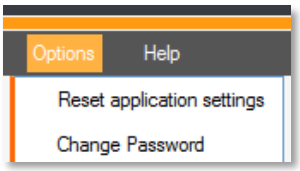


- By default, Fastcase highlights each of your search terms when you view the full text of a document. But you can turn highlighting off by clicking “Highlight Search Terms” from the “Document” menu.
- “Use Inflection” is another option on the “Document” menu and it also controls the highlighting function. When “Use Inflection” is enabled, regular plural forms of your search terms will be highlighted as well. For example, if one of your search terms is “vehicle”, the word “vehicles” will be highlighted as well.

  Note: This feature is currently compatible only with Internet Explorer.

- Once you activate these features, they will remain active for future searches until you deactivate them.

Reset Preferences



- To clear the personalization settings for your account, select “Reset Application Settings” from the Options menu. This will clear your “Favorite Documents,” and “Recently Searched Jurisdictions,” and it will return the highlighting feature to its default settings. Your “Last 10 searches” or your “Recently Viewed Documents” will not be cleared.

Password

- If you are a retail subscriber, then you can change your Fastcase password by selecting “Change Password” from the “Options” menu.
- Bar association subscribers: Your login information is controlled and maintained by your bar association. Contact the association directly for assistance.

7| USING AUTHORITY CHECK

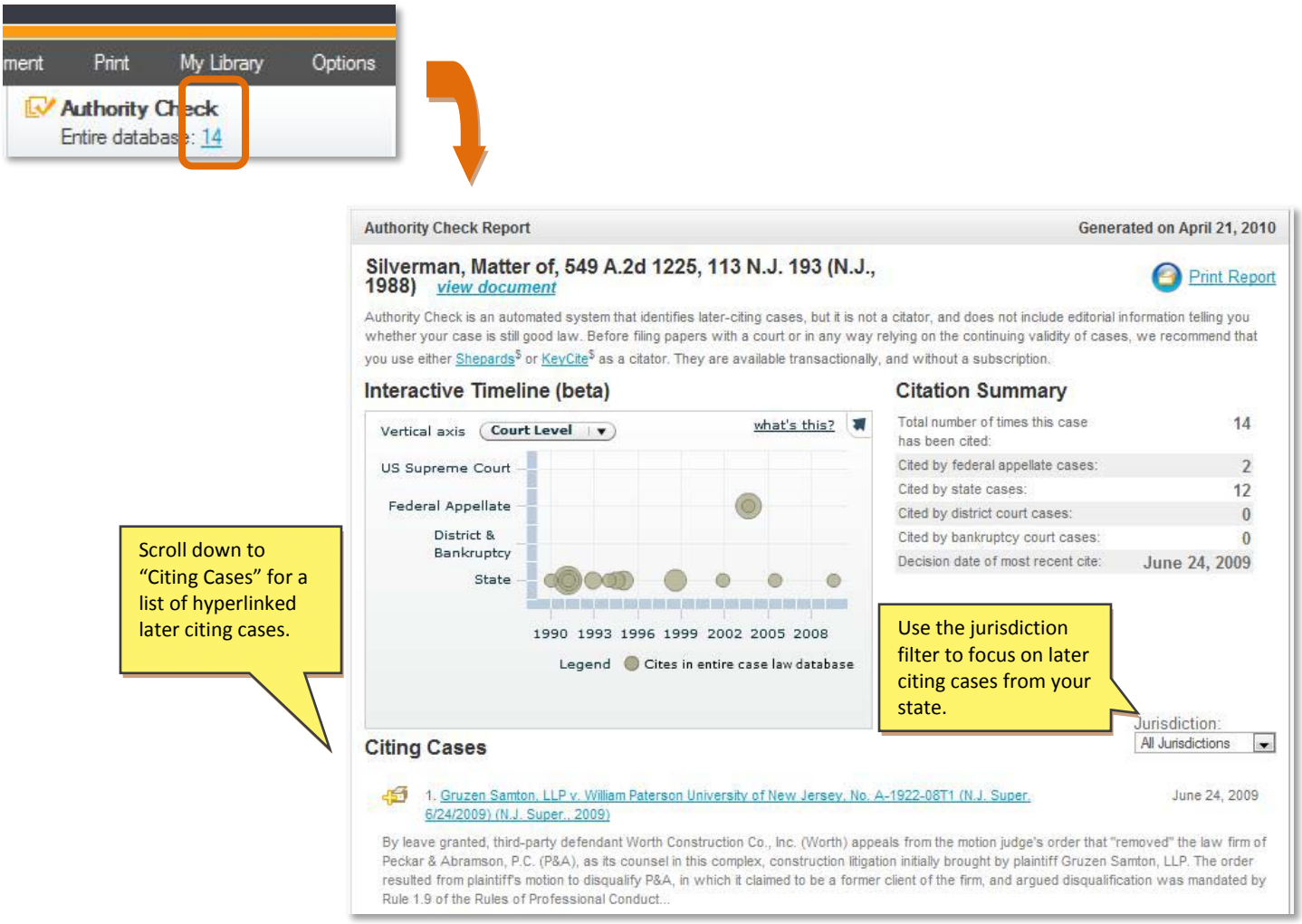
Overview

Authority Check is the name of Fastcase's integrated citation analysis tool. You can use Authority Check in many ways, including:

- To generate a list of later citing cases to find related authority on your topic.
- To prioritize your research by identifying the most frequently cited cases on your list of results.

Generate a List of Later Citing Cases

- Start by pulling up the case you are interested in. Make sure you are on the page with the full text of the case.
- The hyperlinked number under the Authority Check heading (top left side) corresponds to the number of times the case has been cited in the Fastcase database.
- Click on the hyperlinked number to generate the Authority Check Report with a list of later citing cases. The report will load in your browser a new tab or window.



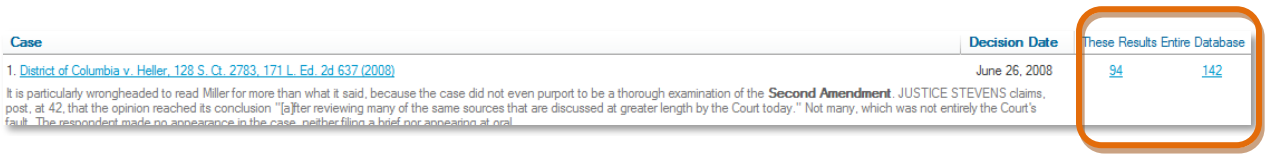
Remember:

Authority Check is not a citator; it does NOT include editorial information telling you whether a case is still good law and it does NOT check for subsequent cases overruling your case.

- **Before filing papers with a court or in any way relying on the continuing validity of cases, we recommend that you use either Shepard's (via Lexis-Nexis) or KeyCite (via Westlaw) as a citator.**
- **These resources are available transactionally—without a subscription—and we include hyperlinks to both within Authority Check.**

Identify Frequently Cited Cases

- On the results page, the number to the right of each case under the Authority Check heading corresponds to the number of times the case has been subsequently cited in other cases.



Case	Decision Date	These Results	Entire Database
1. District of Columbia v. Heller, 128 S. Ct. 2783, 171 L. Ed. 2d 637 (2008)	June 26, 2008	94	142

It is particularly wrongheaded to read Miller for more than what it said, because the case did not even purport to be a thorough examination of the **Second Amendment**. JUSTICE STEVENS claims, post, at 42, that the opinion reached its conclusion "[a]fter reviewing many of the same sources that are discussed at greater length by the Court today." Not many, which was not entirely the Court's fault. The respondent made no appearance in the case, neither filing a brief nor appearing at oral

- Sort the most frequently cited cases to the top of the list by clicking on the heading, "Entire Database."
- Sort the cases most frequently cited by other cases in your search results to the top of the list by clicking on the heading, "These Results."

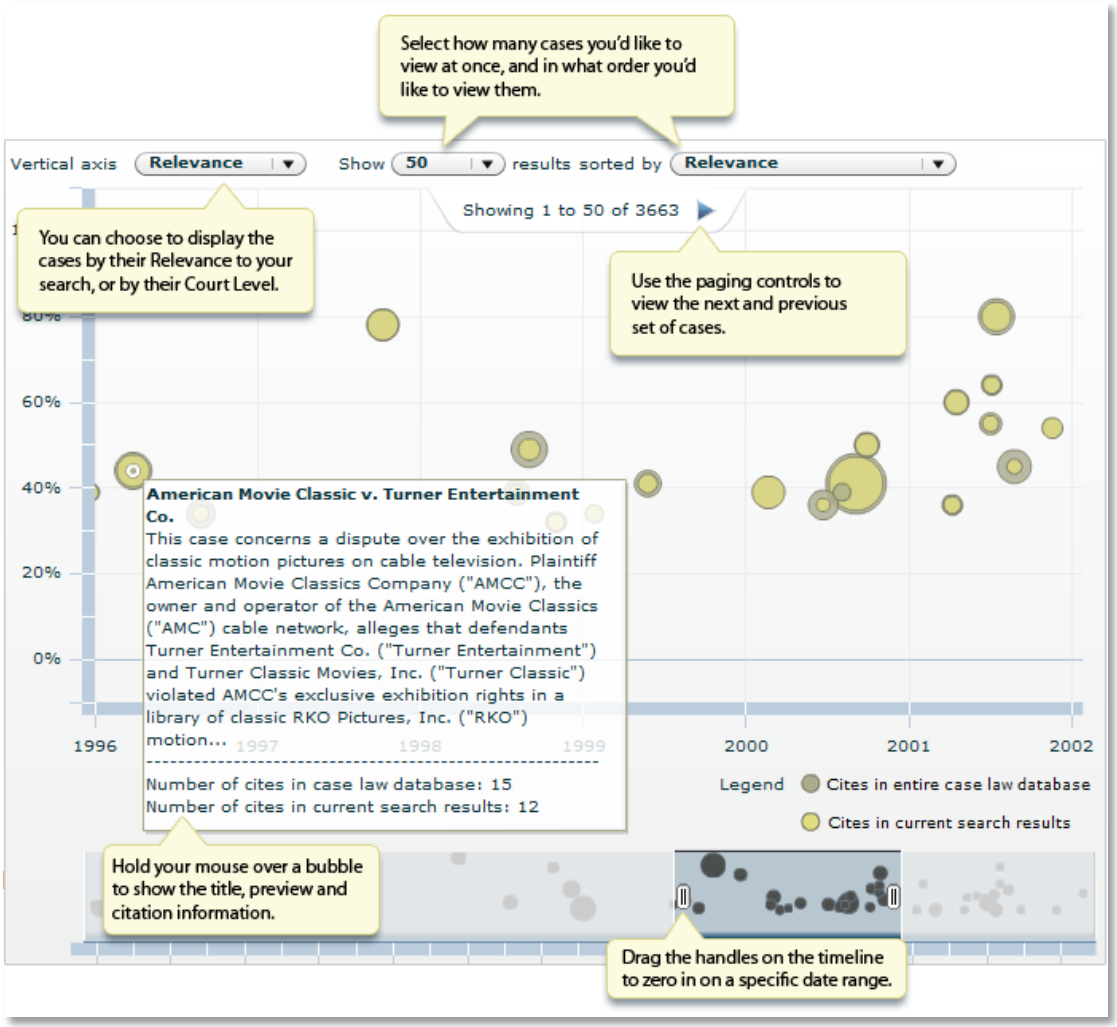
8 | USING THE INTERACTIVE TIMELINE

The Interactive Timeline is a powerful data visualization tool unique to Fastcase. By allowing you to view up to four different attributes of each case at a time, your search results jump off the page.

Reading the Timeline

- To access the Interactive Timeline, start by running a search and viewing your list of search results.
- On the results page click the "Interactive Timeline" tab at the top of the screen.

- The timeline will open on your screen:
- By default, your timeline will open in **Relevance View**:

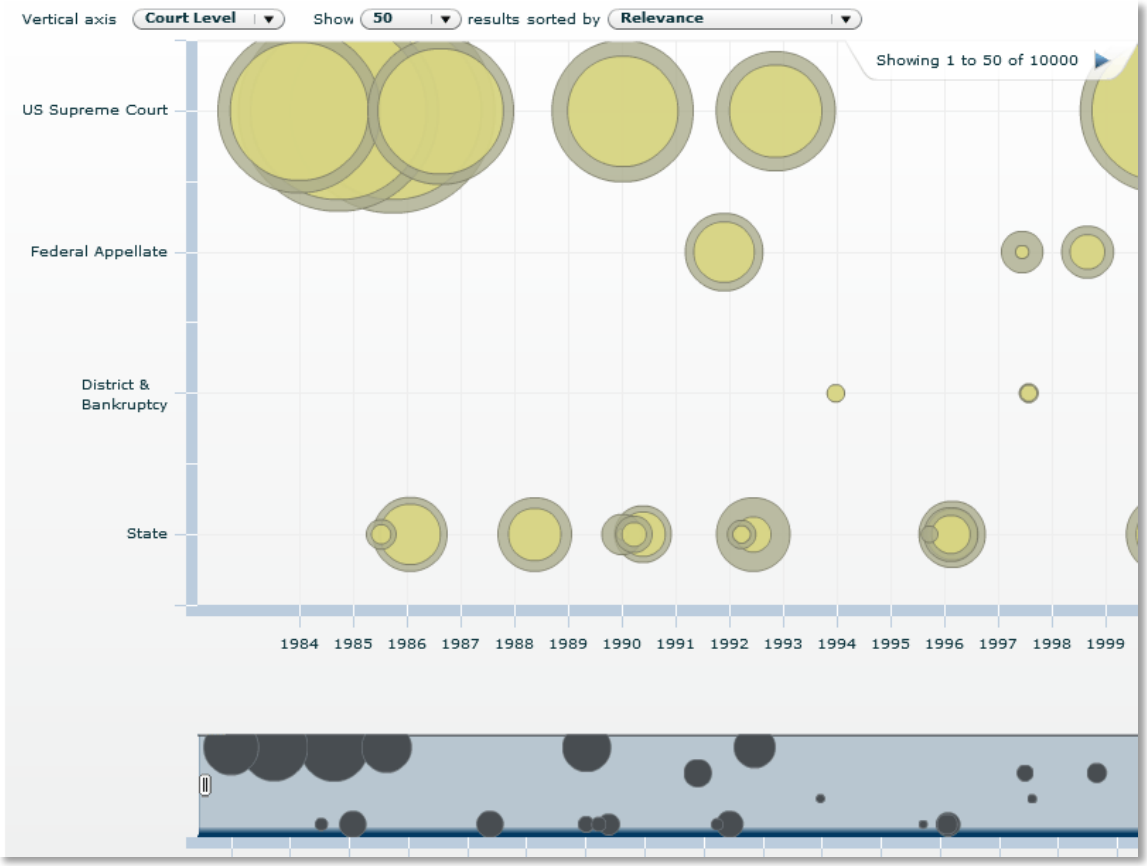


- Each case in your search results is represented on the Interactive Timeline by a gray circle. The Interactive Timeline tells you at least three things about each case:
- The date of each decision (x-axis).
- The Relevance score of each decision (y-axis).
- The number of times each case was cited (diameter of gray and gold circles).
- Rest your mouse over a circle for information about the case. Click on a circle to access the full case text.
- The Interactive Timeline will display up to 1000 search results at a time. You can choose to display fewer results using the "Show" menu at the top of the screen.

- You can switch to **Court Level View** by selecting “Court Level” from the “Vertical Axis filter “.

- This time, your timeline will look something like the image below:

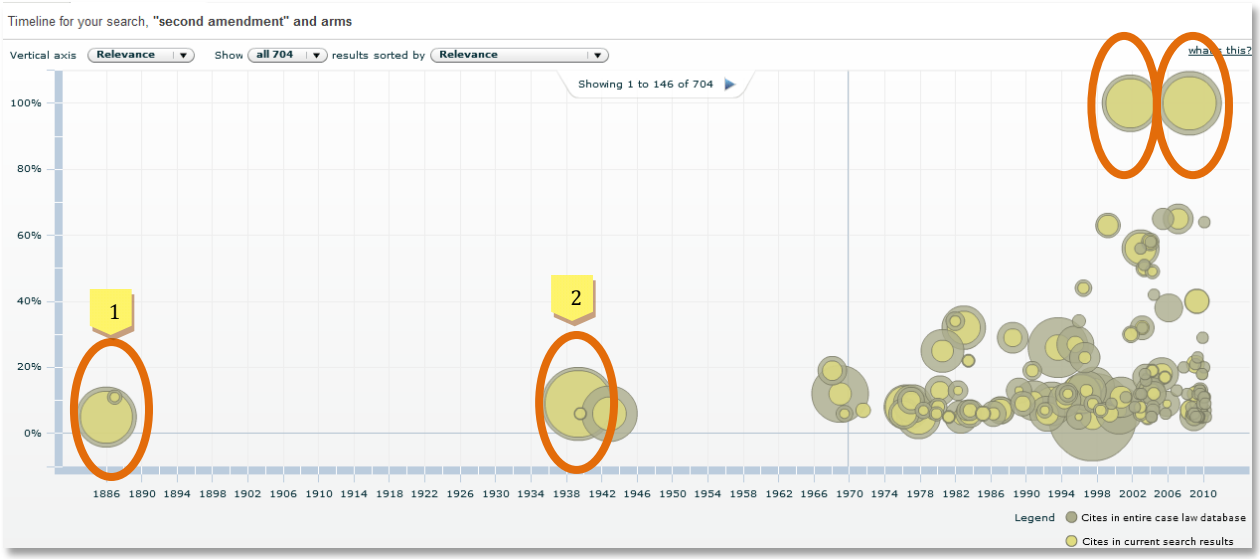
- The date of each decision (x-axis).
- The court level of each decision (y-axis).
- The number of times each case was cited (diameter of gray circle).
- The number of times each case was cited by other cases within the same set of search results (diameter of gold circle)



Identifying Authoritative Cases

By illustrating how relevant each case is based on your search terms, how many times each case has been cited by subsequent cases, the Interactive Timeline makes seminal and authoritative cases jump off the page.

- For the best results, first make sure that you are in **Relevance View**.
- Then look for cases with large diameters that appear towards to the top of the page because frequently cited cases with high relevance scores are the most likely to be authoritative.
- Here is an illustrative example: if you perform a keyword search for “second amendment” AND arms, and open the Interactive Timeline in Relevance View, you will see something that looks like this (see figure on next page):



- It is easy to spot authoritative cases on the timeline – look for circles with large gold and gray diameters as well as circles that appear higher up than other contemporaneous cases.

- On the timeline pictured above, these four cases – all key Second Amendment decisions – stand out.

  1 Presser v. Illinois, 116 U.S. 252 (1886).

  2 United States v. Miller, 307 U.S. 174 (1939).

  3 United States v. Emerson, 270 F.3d 203 (5th Cir. 2001).

  4 District of Columbia v. Heller, 554 U.S. 290 (2008).

- The timeline also illustrates the nearly 70-yr gap in Second Amendment cases presented to the Supreme Court as well as the surge of Second Amendment lawsuits in the last 40 years.

Fastcase Tip: Use the Interactive Timeline for Authority Check, too. When viewing an Authority Check report, the Interactive Timeline is minimized so it takes up less room. Click the arrow in the top-right corner to maximize and interact with the timeline.

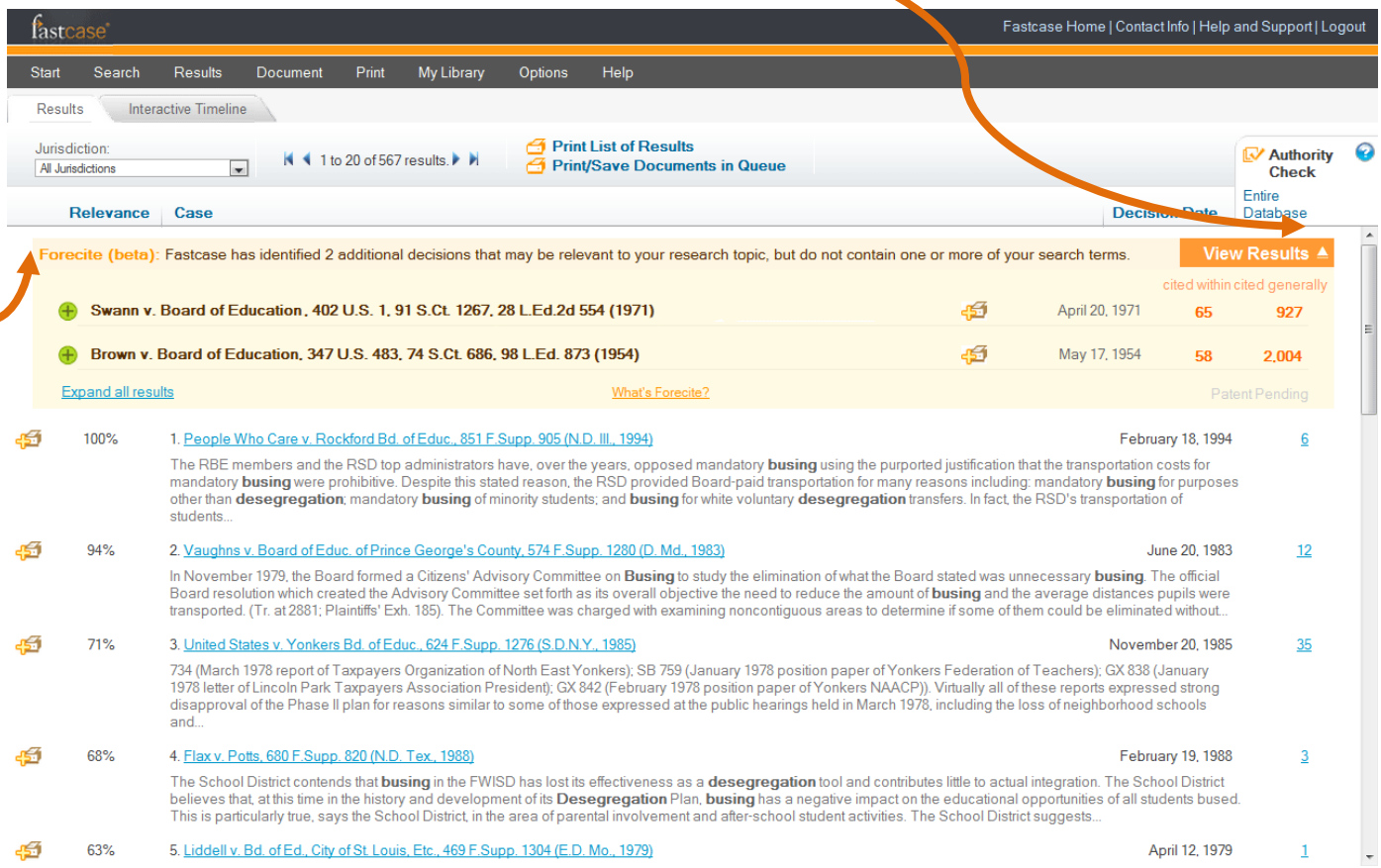
9 | USING FORECITE TO BACKSTOP YOUR CASE LAW RESEARCH

Forecite, a new addition to our suite of smarter legal research tools, is the perfect backstop to your case law research. When you perform a keyword search on Fastcase, Forecite goes the extra mile and identifies seminal cases that can easily be missed by ordinary keyword searches.

Forecite enhances your ordinary search results by carefully and comprehensively analyzing the citation structure of each decision and identifying decisions. When Forecite finds decisions that are **frequently cited by other decisions in your search results** but **do not contain all of your search terms**, it will notify you at the top of the results page.

The best part is that Forecite is completely automatic—you can perform keyword searches as you normally would and Forecite will automatically prompt you when additional results are available for your search.

- Start by performing a keyword search the way you normally would.
- On the results screen, a salmon-colored banner will notify you if Forecite has identified additional results based on your search terms.
- Clicking the arrow at the top right side will expand the results and clicking the case name will open the full text of the case (the same as for your ordinary search results).



- What's more, you can add Forecite results to your print queue and generate an Authority Check report for each decision.

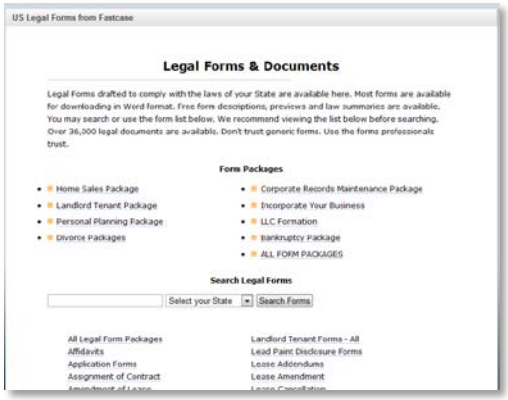
10| Transactional Search Options

Newspapers, Legal Forms, Federal Filings or Public Records

Transactional searches tools for newspapers, legal forms, federal filings, and public records can be found under the Search menu. There are additional charges for accessing documents using these transactional search services from our partners

Search newspapers on NewsLibrary.com.

- For help searching NewsLibrary, email their customer support team at **newslibrary@newsbank.com**.

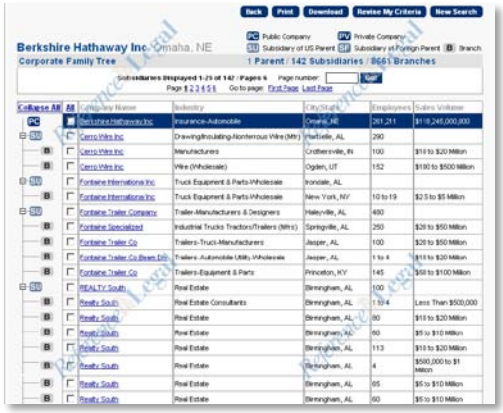


Search legal forms on U.S. Legal Forms.

- For help searching U.S. Legal forms, call their customer support team at **(877) 389-0141**.

Search federal filings on Justia.com.

- For help searching Justia, call their Filings & Dockets team at **(650) 810-1994**.



Search public records on ReferenceLegal.com

- For help searching ReferenceLegal, call their customer support team at **(800) 697-0141**.

11| ADDITIONAL ASSISTANCE

Customer Support

All Fastcase subscribers enjoy access to unlimited customer support. Our regular office hours are 8am to 8pm EST from Monday through Friday. Call, E-mail or Live Chat with us. Whether you have a technical question or need research assistance, we are here to help: **1-866-773-2782** or **support@fastcase.com**.

Training Videos

Access our library of 30 second to 5 minute training videos any time. Our video tutorials cover the basics and address frequently asked questions. They are available whenever you need them: **www.fastcase.com/video**.

Online Webinars

Sign up for one of our free online webinar training sessions today and learn how to use Fastcase from the comfort of your own computer screen. We offer webinars almost every day. For our complete webinar schedule and online registration, visit us at **www.fastcase.com/webinars**.

Reference Guides

Got a question? Chances are you are not the first person to scratch your head over a particular issue or feature. We have compiled a helpful library of FAQ's and downloadable reference guides describing different features. Download them to your computer or print them for ready reference whenever you have questions.

- FAQs: **www.fastcase.com/faq**.
- Others: **www.fastcase.com/documentations-and-downloads**.