

Litigation Response



The Challenge



Tasked with handling a number of cases involving litigation on a regular basis, FedEx often finds itself having to respond to written discovery requests in the form of document requests, written interrogatories, and requests to admit (both in-house and via outside counsel). This means significant time and resources are spent addressing these issues, and though the legal team has worked for over a decade to streamline processes, reduce costs, and ensure consistency, handling these responses continued to take up thousands of hours' worth of attorney time annually, and given the sheer volume of requests and variations of attorneys assigned, that consistency became harder to ensure.

To combat this, the team decided to incorporate AI and other innovative technology into its processes. In an effort lead by managing directors Paula Allan and Jason Norris, internal stakeholders were identified and the next steps included selecting the right partner via a robust RFP process.

FedEx, Elevate, and an AI-Powered Discovery Tool



One of the main reason FedEx chose to engage with Elevate — what made them stand out — was their willingness to experiment with new technology. “Our department, like a lot of larger companies faces quite a bit of litigation, and Paula and I were challenging vendors and ourselves to see if there were ways that we could become more efficient in how we respond to lawsuits; in responding to discovery,” said Norris. “Part of what Elevate brought to the table was a desire to embrace technology, and then ultimately to use that technology to make the lives and the work of our teams internally, just a little bit easier.”

Introducing new technology and any outside partner or vendor requires effective change management. FedEx took this seriously, identifying internal champions to drive innovation and efficiency. With Elevate on board, they embarked on a year-long pilot using a “Team of Teams” approach, which consisted of identifying a team of internal stakeholders, lawyers, and paralegals from FedEx, along with project managers from Elevate’s integrated law firm to work together on developing an AI-powered tool and process for responding to discovery requests.

When it came to building the AI tool and determining who would be involved across teams, Nicole Auerbach, vice president and deputy general counsel at Elevate, said it involved a lot of preplanning with significant input and involvement from FedEx early in on development. “We knew what we wanted to accomplish, but we had not set out to build a tool of this type in the past, and so we spent a lot of time on the front end,” she explained.

To develop what is termed a “hybrid technology/human expertise approach,” Elevate (with an assist from legal tech company Casetext, now Thompson Reuters) started by building a repository of prior FedEx discovery responses. They then developed and trained a replicable AI tool to provide a first draft of appropriate objections and responses to new requests, followed by instituting a workflow that consisted of first drafts being reviewed, revised, and finalized by Elevate’s lawyers. In other words, the solution — consisting of **standardized intake templates and reporting** using Elevate’s ELM was introduced; an **AI-powered tool** was **developed, refined, and trained** to generate a first draft of objections and responses for attorney review and refinement; and a **custom process workflow** to incorporate intake, the AI tool, and the attorneys at Elevate — was implemented.

Emphasizing that the tool is simply a part of a larger workflow that requires both technology and human expertise to work, Norris stressed the importance of continuous improvement and communication, and again, effective change management. “You might be surprised, but attorneys sometimes are the most resistant to change management because they’ve been practicing for quite some time, and they’re comfortable with the ways in which they approach things like responding to discovery,” he explained. “I think one of the things that was successful in this pilot is that rather than just saying, ‘here’s what we’re doing now; please start using this process,’ we were very intentional about building materials and buy-in, so that folks could see how it works.”

In addition, throughout the process, when things needed to be changed or improvements made, the attorneys were involved. “We were able to get that feedback from them on a continuous basis, so that we could continue to improve how it works, which I think went a long way in winning the hearts and minds of the folks who are using this application in their in their legal practice,” Norris said.

Outcomes



The process is working. Since the solution went live in early 2024, the team reports that it has been used in more than 90 sets of discovery requests, and the AI has reduced the average time spent on first drafts by 30 percent without sacrificing quality and with increased efficiency. That increase in efficiency extends to FedEx’s intake process and reporting capabilities. The team attributes their achievements to the combination of AI, lawyers, paralegals, and in-house teams working together. Acknowledging that AI is a definite part of their success, Allan stressed that it did, in fact, just play a part. The rest was the workflow the teams developed to respond to the requests.

The workflow involves intake of a particular matter, learning about the underlying facts of a dispute, and then it's an iterative process between our attorneys, paralegal case teams at FedEx, and the dedicated professionals who are working with us from Elevate," she said, going on to describe all the touchpoints and meetings between the teams to discuss, make changes, and get a final work product out. "You really need both of those components for it to be a successful project."

"It was very much "technology plus lawyers," agreed Auerbach, who thinks this a good message for those embarking on similar journeys, but hesitant on AI. "When you talk about 'AI plus,' AI plus lawyers and paralegals, AI plus a good in-house team — that's also watching what's going on — AI and lawyers, and the in-house team, and their outside teams also, all together, I think that's a winning combination."

Parting Words of Advice



"Don't let perfect be the enemy of good," said Allan. Encouraging those who are embarking on their own journey of optimizing the processes within their legal departments and considering implementing new technology to do so. "What we started with is not what we ended with, but what we ended with is a much improved and better product," she said. "The key lesson is to just start; if you have an idea, don't be afraid to try it, and don't be afraid to change it."