Pioneers and Pathfinders: Maya Markovich Returns

(This transcript was generated through AI technology.)

Steve Poor
Hi. This is Steve Poor, and you're listening to *Pioneers and Pathfinders*.

We're excited to welcome back Maya Markovich, a familiar voice on the podcast and a leading thinker in legal innovation and AI strategy. Since her last appearance with us, Maya has taken on a new role as vice president of the American Arbitration Association Institute, the thought leadership and R&D arm of the AAA-ICDR. She is also still serving as executive director of the Justice Technology Association, advising startups, and writing her monthly Scaling Justice column for Thomson Reuters Institute.

In this episode, Maya talks about her new role at the AAA, and how the organization is thinking about innovation—a fascinating case study on change management for a successful longtime organization. We also dig into the uneven landscape of AI oversight in dispute resolution, and hear her take on what's emerging and exciting in the world of justice tech.

Maya Markovich, how nice to see you again. Thanks for joining us as a repeat guest. I look forward to the conversation.

Maya Markovich
This is awesome. I'm such a fan. Steve, thanks for having me back.

Steve Poor
Thanks for joining. You were last on in March of last year. Before we talk about the exciting things that have happened in that in the last 14 or 15 months, for those few listeners who may not have heard your podcast episode before--and curses on all of you if you haven't listened--go back and listen. It was a great conversation. Remind us a little bit about your journey up till AAA.

Maya Markovich
Yeah, sure. It's all it's all coming together. Yeah. I mean, very briefly, you know, I have an academic background in behavioral economics and organizational psychology, that originally led me to change management consulting in tech. And then I decided that I wanted to have a broader social impact, so I decided to go to law school, practiced for a few years. I was always sort of being pushed towards the technology there. And then I realized, not only was that how the industry was going to go and how hard it would be, but also simultaneously, that I really didn't want to be a law firm partner, so I jumped over to The Legal tech provider side in product management, and I did that and product marketing for a number of different legal tech companies. And then next law labs found me just as it was getting off the ground back in 2015 the first law firm tech focused innovation catalyst, as well as the first legal tech focused venture fund, Next Law Ventures. So our mandate there was audaciously to reinvent the

business and practice of law via technology we worked with, of course, we worked internally with Dentons attorneys and Dentons clients. But our our mandate was actually much broader than that. Because of our portfolio, we were also attempting to accelerate usage of technology within the legal industry writ large. So we did a whole swath of different kinds of work under that umbrella, and then from there, after about six years, I unbundled my career. Became a startup advisor, an investment advisor, legal innovation consultant, and I was working with teams, you know, from legal ops to ALSPs and law firms, helping them deliver tech enabled services and make sense of the landscape and implement tech with kind of this long range change design perspective. Along the way, I also founded JTA three years ago, Justice tech Association, which is the first and only trade organization representing startups that are focused on building technology to bridge the access to justice gap, and that is a going concern. It's doing really well. And I also, as of January, recently joined American Arbitration Association as vice president of the Institute, which is a newly formed thought leadership arm, and AI Lab, where I focus primarily on alternative dispute resolution for increased access to justice, AI innovation, and entrepreneurship in ADR.

Steve Poor
Quite a journey so far. More exciting things to come. I know. What took you to the AAA?

Maya Markovich
Oh, well, there were a few things. So first of all, a lot of my work at Justice Technology Association dovetails really nicely with the organizational goals that AAA has put into place since Bridget McCormick took over right around two years ago. I believe now, and working with Bridget is a dream.

Steve Poor
She's amazing, isn't she?

Maya Markovich
Once in a generation, CEO and futurist and leader with this incredible mission focus front and center for the first time in my career, it's always been something that has been sort of a side hustle for me. I've done just a lot of pro bono and serving on boards and that kind of work, but the ability to have it be part of my day job and a mission focus is really incredibly rewarding.

Steve Poor
It must challenge your--I know we're going back in, the way back machine a little bit in your change management consulting, but here's a new CEO. You've come in bringing change to a very successful old, I shouldn't say old, but 100 years old.

Maya Markovich
It's a 99 year old organization.

Steve Poor
It's a 99 year old organization that's been incredibly successful has established ties in the legal community and is sort of the preeminent provider in its field. And you guys are changing the way people think that must be just an incredible professional challenge for you?

Maya Markovich
Yeah. I mean, it's just the kind of challenge that gets me up in the morning. Honestly. The way I look at it is that the opportunity to join American Arbitration Association, not only as part of its big transformation that it's undergoing as an organization, incredibly successfully, I might add. I've really never seen it happen so thoroughly and so smoothly anywhere else. And I think that's a big part of that, is the team, the mission, orientation, and, of course, the leadership. But the way I see it is. Is that it's widening the aperture, really, of how we can address impacted courts, the lack of access to the legal system. And of course, technology plays a big part in that, and can and should be part of the solution. Yeah, so I like to say it's just widened the aperture of what we can actually use to leverage what we've got and how we can transform what we've got into something that can really be just a much more functional justice system.

Steve Poor
You mentioned the Institute, and you gave sort of a brief description of it. Give us a little more detail around how does the institute fit within AAA? What does it do? What are your goals and objectives?

Maya Markovich
Yeah, it was a very fun exercise to actually sit down and kind of map that out, although much of the work was done right before I came on board. So it was formed last year, last summer, actually. And it's the, like I said, it's the thought leadership and kind of R&D arm of the AAA. Of course, there's a big part of it is to grow our position as the leading industry voice in alternative dispute resolution through these really bold ideas and strategic initiatives, a big part of it, of course, as an institute, is thought leadership. And we've got an excellent thought leadership vice president, Greg Kuchonski, at the Institute, and he is on a tear of really fundamentally mapping out the kind of thought leadership that needs to exist and putting out things that will lift the rising tide, that lifts all boats, so to speak. So our thought leadership mandate is, of course, advancing AAA strategic goals of blazing a trail for alternative dispute resolution and leading with innovation. And so, we just spend, all you know, as much of our time as possible on these targeted action in our primary areas of focus, which are access to justice, AI in ADR, court-focused ADR, and fairness in arbitration.

Steve Poor
Set no small goal, huh?

Maya Markovich
I like those.

Steve Poor
Yeah. Those are good. Those are good. What does innovation look like in the ADR standpoint?

Maya Markovich
Well, there are a number of different ways that we're able to have an impact. Of course, it's all new, right? We're kind of flying building the plane as we're flying it as an industry, I feel like but at the same time, there's these very, very solid foundations of things that work, and the overarching goal of AAA,

and why it was founded 99 years ago, is to create less conflict in the world, to make the world a less angry place. And that's really obviously inspirational on the daily what we do in terms of innovation, the organization itself has gone through an incredible innovation focused mindset transformation in the last couple of years. So much so actually, that we just put out six series, educational series of educational sessions on using the triple A's transformation as a case study, how law firms can actually affect an innovation transformation in their own organizations, and so that's, you know, obviously, what's happening internally, and there's an incredible energy around the kind of opportunities that we see now with respect to technology and also just new ways of thinking. Externally, I think there's a way that we can innovate people, process and technology, right? I mean, not everything is going to be automated and make it better. In fact, if you layer technology on bad workflows, it's not going to get any better.

Steve Poor
You just have faster, bad workflows,

Maya Markovich
Right? Exactly, exactly. And so the real innovation comes in rethinking those sometimes building them from the ground up, sometimes just getting the stakeholders in the room figuring out where the breakdowns occur, and having everyone invested in it, of course, helps a lot.

Steve Poor
Do you have challenges with the mediators, arbitrators, the professionals adapting the new tools and techniques and workflows? I mean, I would assume they're like every other lawyer in the world. I know the best way to do things.

Maya Markovich
You know, it's interesting. So the approach that AAA has taken thus far has been largely around providing tools, should there be interest in them. And so, they're picked up by folks that are interested in taking the opportunity, for example. We have that exact setup with clearbrief AI, and so arbitrators that are interested in using it are able to nothing is mandated. What we're really trying to do is figure out what the and I'm actually not, the Institute isn't directly involved in those rollouts. Who knows in the future? What's really happening is trying to gather information and feedback. You know, we're sit still early days. So what we're trying to do is figure out, how do we optimize and refine tools for their best use in the ADR setting.

Steve Poor
Where do you see the institute going over the next couple of years?

Maya Markovich
Oh, man. Well, we've got some very ambitious goals. I mean, right now, what we're doing is really sort of going through a process of being opportunistic around the projects that we can sustain and will have the most impact. We're prioritizing these big ideas at the same time and helping map the institute's approach to addressing them against these broader organizational goals of increasing public access to justice through alternative pathways to conflict resolution. A lot of what we're doing and will continue to do is defining the needs and challenges in the market, looking at the landscape, putting out information

that is helpful along those lines with people starting to pivot and looking more at things beyond litigation, in terms of resolving the, you know, massive avalanche of disputes that comes through, and a lot of them being people that are run with at least one unrepresented party. We're also identifying and vetting. We'll be doing more of this, prospective partners for some pretty cool and radical collaboration. There will be entrepreneurs in the mix, technology, obviously, academic institutions. We're already working with Suffolk on an incredible long-term project, and we're going to be doing projects with other law schools as well, and hopefully with with courts as well. And those kind of partnerships will probably have, I mean, the aim is to have them have the potential to address the needs, you know, advance our mission and also provide mutual benefit. So, there's a lot that's on the table--some stuff I can't talk about yet--but I think that the overarching sense is that the sky's the limit, really, in terms of if we can put something together and we can execute it, and we think it'll have impact that doing those kind of bold experiments is worthwhile regardless of whether or not they work. Right? We hope they work, but even if they don't, it's not a complete loss.

Steve Poor
You learn something, even if something doesn't work. Absolutely. What's been the evolution of the relationship with your partners and with the courts? In particular, my historic knowledge of the AAA is it always had a very good relationship with the court system as a general proposition. I mean, the system is so big, you're over generalizing when you say when I say that, but just general proposition, it's been an important part of the litigation-dispute resolution ecosystem as you embark on this change process, is that those relationships gotten more solidified. Have you had bumps?

Maya Markovich
I mean, no bumps that I know of. Okay, in my corner of the universe, things are going very well. On that front, we've got a project that we so so we have a very close relationship with National Center for state courts, for one thing, and we worked with them. They actually did a little matchmaking with AAA prior to my arrival, and a court in Lancaster County, Pennsylvania, which had a very successful diversion program for individuals with credit card debt, to divert them from from the courtroom and put them on, off that docket, and onto a separate way of resolving that issue. They were doing everything manually, of course, because these systems have all been put in place, you know, prior to the opportunities of of you know, technology at a feasible level to help out.

Steve Poor
Of course, there's a guy using electric typewriters.

Maya Markovich
Well, I mean, even if they're advanced. I mean, technology has advanced so much that you kind of just got to start from scratch in many ways. But we did not start at all from scratch with Lancaster County. They had an excellent program in place for this diversion program and the AAA innovation and development teams, which are incredibly robust and incredibly talented, built a platform to help with eligibility screening and case management for their existing program. So that is rolling out soon, imminently, and we are working with National Center for state courts to help find other courthouses around the country that would be also interested in implementing it. It's on a cost basis. It's free. The only cost, of course, is implementation. And also, we've gotten a lot of interest from law schools who

would like to kind of take on a project like that, that will also involve their students, and sometimes it's law students and computer science students, and so there are a lot of really interesting different flavors of the kinds of ways that we can help with these high-volume dockets. It's not restricted, of course, the tool isn't restricted just to credit card debt diversion. It's applicable much more broadly, and we'll be able to, hopefully help to streamline and unburden courts in a significant way with tools like that.

Steve Poor

I want to ask a broader question. I think it doesn't involve just the AAA, but it involves all the organizations, legal aid organizations, that are focused on closing the A2J gap. Historically, one of the sources for funding has been the government, particularly federal government, through LSC and other ways. That appears to be changing. What impact does that had on legal aid organizations, on the justice tech ecosystem, and the AAA?

Maya Markovich

So, I'm actually not sure about the long-term impact or the immediate, even the immediate impact on the AAA. From the justice tech side, I can tell you a couple things: first of all, justice tech founders are used to it being difficult, kind of a tough, tough road, so they just got their heads down working. It's not as difficult anymore to explain the need for technology to help fill the gap as it was, you know, maybe a couple of years ago. I'd like to think Justice tech Association played some small part, and kind of raising awareness and visibility of of the opportunity for technology to be part of the solution there.

Steve Poor

More than a small part, my friend.

Maya Markovich

Well, I mean, there's so many incredible people working on it. Our ecosystem is just, it's wonderful, and it's humbling and inspires me every time I hop on the phone with any of them. So there is that. I mean, I think that it's been tough going for a while. It's a nascent sector, and it's also something that people don't necessarily have a lot of understanding around, just the gravity and the magnitude of the issue that we're dealing with, and if you want to take a different lens on it, the total addressable market as a result. With respect to funding issues like with legal aid organizations, one thing that is really interesting: I just was in contact with a gentleman from one justice, which is an organization in California, which is a nonprofit that provides consulting and growth services. It's a nonprofit consulting agency for California legal aid organizations, I believe it's the only state that has something like this. They were in contact with me about some other issues. I'm on their strategic council, and they said, you know, we've seen a lot more legal aid of our clients trying to figure out how they're going to use technology to fill the gap that is being widened, right by, I mean, from an already very tricky and precarious situation, even more so, and so I'm hoping, I'm optimistic, fingers crossed, that there will be more willingness and openness to experiment, or at least patience with other people experimenting, to kind of figure out the ways in which that that can actually really support increasing access to justice, or at least keeping the status quo in terms of the number of people that they can help. And then, I'm also working with the Legal Aid of North Carolina's Innovation Lab, which is an incredible organization that is embedded within obviously Legal Aid of North Carolina. And they're building and exploring ways to

leverage technology to increase impact. And the idea behind those projects is to create models that then can be kind of lifted and shifted into other legal aid organizations nationwide.

Steve Poor

Let me ask a slightly different question. You talked about thought leadership, one of the examples of that is your blog, Scaling Justice, which you always write some interesting stuff. As of the day we record this yesterday, June 9, you posted a blog called how AI and ADR are reshaping legal access. And you talk about some of the things you've talked about here already, but you asked you posed some interesting questions at the end, but being the good writer that you are, you didn't answer any of the questions lawyers. I don't know what to say, but a couple of caught my eye, and one of them was: What role should public institutions play in shaping and overseeing these private resolution platforms? I hadn't really thought about that as a significant issue. Tell me about the issue as you see it, and sort of your thoughts around where you see it--the answer--coming.

Maya Markovich

Yeah. I mean, like, this is definitely an open question, and there are people who are very strongly of one opinion or another, but those opinions themselves are shifting, I think, just almost daily with what's available and kind of what should and shouldn't be regulated, right? I mean, I think there's obviously the resolution platforms like that exist, as I mentioned in that article, at Amazon and eBay, that have been in place forever, that are doing automated dispute resolution, always with the opportunity to advance to a human if you don't like the resolution. So that exists. There's precedent for that in the kind of buyer and seller consumer dispute issue arena. I think also there's a much larger question about overseeing AI writ large. And I think that, in fact, I got another article in the hopper, specifically around how AI--and honestly, it's going to be obsolete the minute it comes out...

Steve Poor

Most things about AI are.

Maya Markovich

I mean, but it's really about the genesis of it was, I went to an excellent convening from AISLES last winter, and it was all about the reg, the potential regulation of AI in the justice sector. And of course, part of that being the Justice tech world. And there's a lot of should it be regulated differently? Who should be doing the regulating? Are there ways that we can, as an ecosystem, as an industry, create standards that will be adhered to that don't necessarily include public institutions, per se, is in government, but could be more like trade associations or, you know, there are so there are many. There's just so many different angles there. And so I think that personally, overregulation is something that will potentially stifle the mission-focused tech founders more than others. I don't see anyone going after the big guys for some of the things that might necessarily constitute, for example, unauthorized practice of law. And so, my overarching thought is, to the extent that there's going to be oversight, that it needs to have the right people in the room, and it needs to include the people that are being impacted, as well as the people that are building and have a vested interest in their solution being the top one or whatever. So I don't have an answer to it.

Steve Poor

Great question though.

Maya Markovich

More of a thought. It's more of a thought process. You know, it's a thought experiment. What do we what do we really want to do about the fact that right now there is uneven oversight.

Steve Poor

So, your focus is on applying technology and AI to the dispute resolution world, and you're working with your partners, the courts, etc, as you're talking through solutions, or possible solutions, or or the utilization of technology. Are there concerns raised about transparency, about accuracy, about security, and how have you handled those questions? Because they sort of permeate the AI landscape. They shift over time.

Maya Markovich

Yeah, I will say so of the big sort of builds that are happening. I am more a fly on the wall than you know, intimately involved in the day to day. Our innovation team truly is visionary. And every single conversation that I sit in on those kinds of concerns are front and center, data, privacy, security, transparency, specifically, a lot of that is not and I have seen it go the other way many, many times. And so it's kind of a it's like a drink of cool water, really, to sit in these meetings and have people really think through that and not let it go until there's a really good answer. And I think that throughput makes what is being built trustworthy at the end of the day that and I see the same thing happening with the justice tech companies that are members of JTA, they are impact driven, while many of them are for profit. Their front and center goal North Star is access to justice for all. And so, when you work with people like that, it's not you take it for granted, but you just assume everyone does right. And then, you know, it's, it's really important to remember that buyers should be asking those questions. I mean, years ago, I thought it was a really good idea for folks to really have a set of questions we could distribute to, for example, to distribute to law firm tech buyers, some of the questions that they should be asking in their due diligence, about whether or not to adopt a tool, things about their supply chain, questions about who's involved in the development, just things like that. And I still think that's a good idea.

Steve Poor

That's a great idea. It's a great idea. Okay, last question, I know we're running out of time, but last question, you sort of sit at the epicenter of technology as it's applied dispute resolution, the a closing, the A2J gap, you must see. And there are all kinds of different approaches to solving this problem. There's people that come at it from the self service side, from the court side, from every angle you can think of. What trends are you seeing that get you really excited about the short-term future of technology and solving the A2J problem?

Maya Markovich

I'm cautiously optimistic on all fronts. I think number one, the increased awareness that we're seeing societally, of the issue, of the gravity of the issue and the size of the issue, makes me very, very optimistic, just the general kind of what's in the water about, you know, how ChatGPT has overhauled how the way that not only lawyers are working, but also how pretty much people are thinking about how to approach problems, you know, whether or not that's good or bad. It used to be Google. People would

just go to Google and say, you know, ask a legal question. Now they're asking ChatGPT. I think there are ways to harness that behavior change, as well as the kind of awareness of the opportunities to really bring them together in a way that increases people's ability to get resolution for a problem they have in their lives that is a legal problem of some kind or another. The other thing that I find really interesting is people making are making connections. They're connecting the dots between different types of legal issues in a way that I haven't seen before, other than people who have been on the ground, you know, in the trenches for as advocates, as you know, patient advocates and as people responsible for transitioning people from one stage of life to another, be it custody or foster care or incarceration. In or being discharged from a hospital. And I think now there's just, it seems to me, I just have noticed this is purely anecdotal, but I've noticed a few different ways in which people are saying, Yeah, okay, well, we can solve this one problem, but if they've got these other three problems, how can we also support them or channel them to somewhere that can and so that's not a very good explanation of what I'm talking about, but I'm seeing people are seeing these things in a constellation perspective, as opposed to a very, very siloed approach to problems. And lastly, of course, I think that, you know, the technology is getting less and less expensive now it is not as much of a barrier to build something low code or no code as an intake process, for example, for one thing that Legal Aid of North Carolina now is LIA, the legal information assistant, and that is drastically improving the number of people that they can respond to, which is, frankly, the first problem, right, right? The lack of capacity. And so, the ability for tech to take on and help existing assistance methodologies scale is where I where I'm really most excited.

Steve Poor
Oh, that's great. Thank you so much for making time. You're doing some great stuff. I'm very jealous of your work at the AAA, working with Bridget

Maya Markovich
Come join us. It's good stuff! Thank you so much.

Steve Poor
Thank you for making the time. I really appreciate it.

Maya Markovich
No problem. Thank you so much. Take care.

Steve Poor
Thanks for listening to Pioneers and Pathfinders. Be sure to visit thepioneerpodcast.com for show notes and more episodes, and don't forget to subscribe to our podcast on your favorite platform.