

Social Impact and Technology: Issues of Access, Inequality and Disputing in the Collaborative Economy

An Interview with Mitch Kapor*

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Abstract

This article explores the value of focusing on the social impact of technology in business and in furthering the integration of online dispute resolution into the collaborative economy. The keynote presentation at ODR2014 by technology industry leader and entrepreneur Mitch Kapor serves as the cornerstone of this discussion. Speaking to an audience from the dispute resolution, legal, technological and financial communities, Kapor discusses the potential of businesses to increase their positive social impact, particularly with regard to access to equality, mutual gains and dispute prevention within the sharing economy. The examples from innovative tech companies illustrate the important role that information management, systems design and impact-savvy business practices play in this endeavour. Building on the keynote, the article suggests how the exploration of questions of social impact and inclusion and the application of related principles can lead to a deeper integration of ODR systems into the collaborative economy and more effective ODR dispute systems design.

Keywords: online dispute resolution, access, inequality, dispute systems design, collaborative economy.

I don't think the issues of access and diversity go away just because we have the collaborative economy [...]. Folks like yourselves, whose mission in professional work is to figure out ways to keep cyberspace civilized by helping it be a more human kind of place, where people can come together, and if there are disconnects, get them resolved, and if there are problems, to set up systems and communities where there is more trust than mistrust, that allows more of those good things to happen [...] (Mitch Kapor, ODR2014).

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1 Introduction

A unique gathering took place in June 2014, with entrepreneurs and innovators from the tech industry and the online dispute resolution field meeting to explore our shared interests in harnessing technology for mutual gain in a collaborative economy. Launching our discussion was a keynote interview with Mitch Kapor, a visionary in technological advancements whose ideas have changed the landscape of digital communications and media more than once in the past several decades. His intervention centered on the relationship between technology and social impact, raising questions that pose us to significantly expand the traditional ecosystems of business and dispute resolution and result in greater synergy between the two. His central premise is that businesses are not neutral and have a social impact on their stakeholders, customers and, often, on society at large – a view that, despite the rhetoric of mainstream dispute resolution theory and practice, has been argued about dispute resolution systems as well from both inside¹ and outside the field.² It is in this context that Kapor raises the questions, Where are there opportunities to join together the economic and the social that have been overlooked? And where does technology enable that, that it has not before? Specifically, Kapor hones in on the gap in accessibility for some to key components of human welfare, such as health and financial security, arguing that inequality and access are issues with direct relevance to the business of digital technology. They permeate the inner workings of companies but also the product development and delivery systems in ways that could, if altered, produce more positive social good and more benefits to business. While his recent work on social impact has concentrated on Silicon Valley and tech businesses more broadly, the questions he

- 1 See R.M. Goldberg, 'How Our Worldviews Shape Our Practice', *Conflict Resolution Quarterly*, Vol. 26, 2009, pp. 405-431; I.R. Gunning, 'Diversity Issues in Mediation: Controlling Negative Cultural Myths', *Journal of Dispute Resolution*, Vol. 1, 1995, pp. 55-93; B. Mayer, *Beyond Neutrality: Confronting the Crisis in Conflict Resolution*, Jossey-Bass, San Francisco, 2004; J. Rifkin, J. Millen & S. Cobb, 'Toward a New Discourse for Mediation: A Critique of Neutrality', *Mediation Quarterly*, Vol. 9, No. 2, 1991, pp. 151-165; M.A. Trujillo, S.Y. Bowland & L.J. Myers, et al. (Eds.), *Re-Centering Culture and Knowledge in Conflict Resolution Practice*, Syracuse University Press, Syracuse, 2008; O. Rabinovich-Einy & E. Katsh, 'Digital Justice: Reshaping Boundaries in an Online Dispute Resolution Environment', *International Journal of Online Dispute Resolution*, Vol. 1, No. 1, 2014, pp. 5-36; G.D. Paul & J.A. Dunlop, 'The Other Voice in the Room: Restorative Justice Facilitators' Constructions of Justice', *Conflict Resolution Quarterly*, Vol. 31, No. 3, 2014, pp. 257-283; and L. Wing, 'Mediation and Inequality Reconsidered: Bringing the Discussion to the Table', *Conflict Resolution Quarterly*, Vol. 26, 2009, pp. 383-404.
- 2 See R. Delgado, 'Prosecuting Violence: A Colloquy on Race, Community and Justice', *Stanford Law Review*, Vol. 52, 2000, pp. 751-775; R. Delgado, C. Dunn & P. Brown, et al., 'Fairness and Formality: Minimizing the Risk of Prejudice in Alternative Dispute Resolution', *Wisconsin Law Review*, Vol. 6, 1985, pp. 1359-1404; T. Grillo, 'The Mediation Alternative: Process Dangers for Women', *Yale Law Journal*, Vol. 100, 1991, pp. 1545-1610; C. Harrington, 'Voluntariness, Consent and Coercion in Adjudicating Minor Disputes: The Neighborhood Justice Center', in J. Brigham & D. Brown (Eds.), *Policy Implementation: Choosing Between Penalties and Incentives*, Sage, Beverly Hills, 1980, pp. 131-158; and C. Izumi, 'New Directions in ADR and Clinical Legal Education: Implicit Bias and the Illusion of Mediator Neutrality', *Washington University Journal of Law & Policy*, Vol. 34, 2010, pp. 71-153.

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raises also have direct relevance to ODR systems and the application of information and communications technology (ICT) to dispute prevention and resolution mechanisms. For, not only are there increasing numbers of ODR businesses thus overtly placing some in our field within the technology business sector, but another important potential link for hundreds of practitioners within our field is the role that ODR can play in assisting businesses (as well as non-profits and governmental agencies) to identify, prevent and resolve accessibility problems across their ecosystems. An example may help illustrate the untapped potential that this thinking can unleash.

Dispute systems design provides an important context in which we can consider Kapor's call to address issues of inequality of access. It offers a variety of intervention locales in space and time for expanding ODR's ability to contribute to making a positive social impact and to increase its integration into the collaborative economy. For example, Kapor encourages businesses to collect data on their social impact, identifying areas where they can improve – such as where accessibility gaps remain – and highlighting the positive contributions they are already making – the ways in which the technological innovation that their business offers is contributing as part of a collaborative economic system. The collection and management of data for problem identification and resolution are part and parcel of good ODR systems,³ although they are perhaps not often enough framed that way. As ODR practitioners further expand how we frame what we do to include attention to inclusion and accessibility, the relevance of our work within the collaborative economy will increase, and its positive impact will expand. This literally means expanding the view of ODR systems design to include activities such as multicultural organizational development, research and development, trust and safety and community engagement. Similar to work on multicultural organizational development⁴ and effective strategies for collaborative media design,⁵ Kapor advises businesses to see addressing accessibility and

- 3 For in-depth analyses of the impact of ICT on information flow in innovating dispute resolution processes, as well as on the conceptual views of what constitutes such systems, see O. Rabinovich-Einy & E. Katsh, 'Technology and the Future of Dispute Systems Design', *Harvard Negotiation Law Review*, Vol. 17, 2012, pp. 151-199; O. Rabinovich-Einy & E. Katsh, 'Digital Justice: Reshaping Boundaries in an Online Dispute Resolution Environment', *International Journal of Online Dispute Resolution*, Vol. 1, No. 1, 2014, pp. 5-36.
- 4 For insights into the value added of a multicultural organizational systems approach to organizational development, see B. Jackson, 'Theory and Practice of Multicultural Organizational Development', in B. Jones & M. Brazzel (Eds.), *The NTL Handbook of Organization Development and Change: Principles, Practices, and Perspectives*, 2nd edn, NTL Institute for Applied Behavioral Science, San Francisco, 2014, pp. 175-192; F.G. Stevens, V.C. Plaut & J. Sanchez-Burks, 'Unlocking the Benefits of Diversity: All-inclusive Multiculturalism and Positive Organizational Change', *The Journal of Applied Behavioral Science*, Vol. 44, No. 1, 2008, pp. 116-133; see S.E. Page, *The Difference: How the Power of Diversity Creates Better Groups, Firms, Schools, and Societies*. Princeton University Press, Princeton, 2007, for a research-based analysis of the role of diversity and inclusion in high-performing teams and organizational systems.
- 5 See J. Löwgren and B. Reimer's 2013 (*Collaborative Media: Production, Consumption, and Design Interventions*). The MIT Press, Cambridge) exploration of stakeholder inclusion in the various phases of production, delivery and engagement in the systems and webs of relationships involved in collaborative media.

inclusion not only as a moral issue but also as good for innovation and the bottom line. As companies consider his advice to populate their boards and senior management, as well as their product design teams, with members reflective of the constituencies that will use their products and services, questions and opportunities are raised that are directly related to dispute prevention and resolution when considered in the broadest sense.

We may more effectively foster these opportunities if we too consider questions of the social impact of our work and how it intersects with the business of technology. If we consider that our designs and interventions are not impact neutral, what might we discover when applying that lens to building ODR mechanisms or integrating technology into dispute resolution processes? How might using a lens of accessibility and inclusion alter who participates in the design? How might that, in turn, influence the structure, data collected, procedures and flow of information and thus – crucially – the problems that are identified and how they are handled? How might that improve who is served and how? In what ways might it broaden the tool set and the reach of what ODR can offer to e-commerce and other realms of disputing and human interaction? Kapor's ideas invite us to think more deeply about how a framework of attention to 'social impact' can enhance ODR systems design and our partnerships and engagement in the collaboration economy. Beyond that, his ideas remind us of the importance of integrating social values with technology, of keeping human relationships and community central to our endeavours.

2 Interview⁶

Leah Wing [LW]:

Well, despite the fact that he needs no introduction, I am honored to do a very brief introduction of our guest, our keynote speaker today, and I love the format; it is going to be more conversational, but it is really an opportunity for us to hear his insights, his wisdom, his suggestions for the fields that have gathered in the room. Mitchell Kapor has been a pioneer for over 30 years in the infotech field: an entrepreneur, an investor and a software designer, and I know you've heard his name affiliated as a founder of Lotus Development Corporation, of Lotus 1-2-3; he co-founded the very vital, even to this day, Electronic Frontier Foundation [EFF]. He is the founding chair of Mozilla. He founded the first successful virtual world, Second Life. Many, many other organizations have his name, his fingerprints and his vision attached to them. More recently, he and his wife, Freada Kapor Klein, are co-chairs of the Kapor Center for Social Impact, and he serves on the board of an institute that she developed called the Level Playing Field Institute, and I think we will be hearing a little bit more about some of the values and visions connected to those organizations soon. His vision and his work have left a lasting impact, not just on the tech industry, but really I would say on

6 This interview transcript is only lightly edited for clarity and topical focus. It is presented verbatim except where noted by use of brackets, ellipses and footnotes.

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society's relationship or societies' relationships with technology. And I am very honored to have him be the first speaker, the keynote for today as we explore together the best practices for preventing and resolving disputes in a collaborative economy.

And I was thinking about – it's very exciting to be a member of one of the fields in the room – I am a member of the Dispute Resolution field for 25+ years now, member of the ODR (Online Dispute Resolution) field, and I have colleagues in the room who are lawyers, who are entrepreneurs, people from the tech industry are here, and we are having, in a way, the first formal conversation. A lot of side conversations and private conversations and individual conversations have been happening, but to host the first formal conversation between these fields to explore our commonalities, our possibilities for synergy, is very exciting. I was thinking about how to frame the beginning of our conversation, and it seemed to me that all of us in the room are interested in harnessing technology and collaboration for mutual gain. So, I think, as we turn to talk with Mitch:

You have been focusing a lot, most recently, I would say, on the social impact of technology, and for those of us that are interested in making a positive social impact, through the collaborative economy, through collaboration with Online Dispute Resolution: what are your thoughts?

Mitch Kapor [MK]:

First of all, thank you so much for inviting me to come today to speak, thank you for the warm intro, and, despite the fact that this is exactly where we said we would start, I want to insert, if I may, a little improvisation, because I realize, as you were talking about who is here in the room today, I think you folks are extremely important, and I want to start by recognizing that and putting it in context, which is the following: So, 25+ years ago, I was one of the small band of crazy people who thought that the Internet was going to be a big deal socially and globally; not just co-founding the EFF, but other work that I did, including a piece I wrote that was the cover story of *Wired Magazine* in its third issue, which was a very idealistic account, in 1993 (so two years before Netscape, really it was at the inception), and it was kind of a Jeffersonian view of cyberspace; that the great decentralization, the lack of authority was going to unleash human creativity and would be an empowering medium and all sorts of wonderful things would happen, and I became known for that. And as we've seen, while an almost uncountable number of good things have resulted, an at least equally large number of bad things are also happening, as we speak, that the Internet is a gigantic amplifier of every single human tendency, so the thing that we, back then, were unaware of at the time, is that every bad thing that people have ever done, every bad kind of thought and action, has its counterpart in cyberspace, and there are people who are doing it; and they are stealing and defaming and inventing new ways of taking advantage of people. And folks like yourselves, whose mission in professional work is to figure out ways to keep cyberspace civilized by helping it be a more human kind of place, where people can come together, and if there are disconnects, get them resolved, and if there are problems, to set up systems and communities where there is more trust than mistrust, that allows more of those good

things to happen; so I want to recognize a few of them – and the reason that I am here, invested in Modria and so on, is to sort of help fulfil the idea that these digital media and digital communications systems can actually be put to positive human purposes.

We have not won that battle, but we are all in that together, and in that context now, to get to your opening, the work that Freada and I have been doing of late is focused on finding businesses and investing in them, tech start-ups that cannot only be economically successful, but also have positive social impact, by which we mean something quite specific. So, for instance, when we look at start-ups, which may be in the field of education, or in health or financial inclusion or other areas, we ask, is it closing some kind of gap in access or opportunity? Is the playing field really level in this area, and if it's not, is this start-up doing something to make a more level playing field in terms of educational opportunities or access to capital or any of the dimensions of important human welfare: housing, employment, education help, and so on? We are finding that there is good news and there is bad news. I mean, the good news is there are a lot of very hard-core but socially minded entrepreneurs who come to us with terrific ideas that we invest in, who are doing all sorts of good things from helping to reform payday lending to helping reduce dramatically the cost of a college education. At the same time, we also find, and this is where the challenge is, as I said, we brought all our problems with us into cyberspace. Silicon Valley thinks of itself, likes to think of itself as a meritocracy where the best ideas win, but, in fact, we bring all of our hidden biases to it, and we do that in hiring, and if you look at who gets funded and who doesn't get funded, and who gets ahead and who doesn't get ahead, we are actually much further behind than we think we are. We have decided to work on and tackle to the extent we can, or to be a voice in the mix of all of those issues and problems.

So just to give one example on our non-profit side, and then I'll turn it back to you [...] Google has asked us to work with them on fixing their diversity problem. Now, when they came out with their numbers recently, and it was that one percent of their employees are African American, I thought it was a courageous admission that should have been made years ago of just how bad the numbers are and how unrepresentative, but Google gets credit for being the first of the new wave of big companies to do that, and they have now been followed by LinkedIn and Yahoo, and I guarantee Facebook and Twitter and others will follow, and that kind of transparency, first of all, is a good baseline because it tells us where we stand. This is on the issue of employment, and with that kind of honesty, then, it begins to be possible to look at what are strategies for change. How can hiring change, how can the internal culture change, how can we build the pipeline of candidates? And so we spend a lot of time also on projects like that. And so that is just by way of introduction [...] of the world that we live in, and I'm going to let you guide the conversation to be relevant to the folks here in the room.

LW: So, one of the things that I want to open up for us to talk more about is: why talk about access, why talk about diversity? If people are interested, and so many are, in collaborative economy, incredible ingenious inventions are being made,

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and we're crowdsourcing all sorts of things; we have many, many ideas floating around, we have incredible dispute resolution mechanisms that are being developed and utilized online, or technology that is being used face-to-face as well, and there is so much that is working well, why is access and diversity something that you want to focus on?

MK: I can probably answer that in a couple of ways: I don't think the issues of access and diversity go away just because we have the collaborative economy. And so let me take a subject about which I know nothing, which is Airbnb, but in this huge collaborative economy a set of questions immediately occurs to me, like: are the experiences of people of colour, under-represented Latinos and African Americans, who are Airbnb customers, not hosts, but guests, how are their experiences? Better or worse than in public accommodations in general? I have a completely open mind about that. Now I don't know what the data says if data isn't collected, either anecdotal or formal; [but if it was,] that would be very interesting. [...] By analogy, something I do know a little bit about – and now a little transparency, we were one of the first investors in Uber, [although] we do not always agree with Uber management [...] but if you're an African-American male of about my age and a professional, and wearing a jacket – you still can't get picked up by a taxi in many major cities. That is the state of things; they'll just cruise right past you, but you can get into Uber. And my colleagues say, 'I love Uber for that reason. [...] because it increases my access'. So I think it is a fair question [...] Well, how is the access working? Which ways is it better, which ways is it worse? Are there problems? [...] The companies who are the providers of these services, what is their level of responsibility? Because they have independent contractors, they are not employees who are actually on the supply side in the market. And I've observed that in some cases, [regarding] the operator – that attitudes vary, sometimes it's 'well, we just let that stuff happen and it sorts itself out' versus 'we have certain standards for our providers because we want to see that this thing operates in an orderly kind of way'. I think it is a terribly interesting question. What strategies for managing these collaborative economies seem to be working? So, we're in an era [with] lots of great, interesting questions, you know. We know that access is always an issue, so how could it not be an issue?

LW: So, again, speaking to a room of problem solvers, innovators around problem solving, how do we bring the social justice lens to the table best around solving problems; especially as we're gathered here today to focus on the collaborative economy?

MK: So, I did not come to this as a social justice person. Now, Freada, my wife, was cutting high school back when she was in high school, quite a while ago, in order to picket for the farm workers. And what we do is sort of this hybrid of my background, which is just sort of a math and software guy, and her background. So, I've come to my understanding very incrementally, and hard won. So, one belief that I now have is that, first of all, no business is actually impact-neutral. I mean, it's like trying to balance a mattress on a screwdriver. It doesn't work like that. It flops one way or, you know, flops another, which is to say, if you look at

the impact of a business on all of its various constituents and stakeholders, its customers, its employees, the communities that it's in, its shareholders, and you try to assess the impacts across a variety of dimensions, whether it's environmental or social and the different subdimensions of social, if you really take care to go do that, you find out that there are impacts that are positive and impacts that are negative. And I think the first thing is to say that an appropriate standard for business ought to be to consider those impacts and the running of the business, and we see some regulatory reform to allow people to start social benefit corporations to actually make it legal to think about things besides making money for shareholders, and I think there is an opportunity to move the norms in business away from the Darwinian. I think we have to put social justice considerations inside the tent, not outside the tent, and work isn't going to be done until that happens. And then, once it is legitimate to talk about the impacts of the business (which by and large it still isn't; I mean, this is a struggle in which we are in in the early days), then I think it gives rise to all sorts of opportunities to consider those things.

So, for instance, when I think about Uber, and I should say I'm not on the board, I have no ability to influence Uber other than putting something in my Twitter feed – (no, I know a couple of the directors) – I think about its impact from the social justice perspective [...]. It's certainly bringing together supply and demand in a very different kind of architecture that is collaborative, and there are all sorts of incredibly positive impacts, so this is an example of the kind of analysis that I think is worth doing in each and every case, and some of them are just the convenience of being able to, you know, get a ride when you need it. For women, it's particularly valuable because women feel safer calling Uber than otherwise. It's actually very good for the environment. The amount of wasted fuel in idling and cars circling in the old style, inefficient, car service world, is actually huge, and I'm hoping Uber will publish some of its studies about that. It's a very no-trivial reduction when you're talking about a scale of hundreds of cities, and they published an interesting thing – I haven't vetted the research – but the claim is, that when they introduced it to Seattle, drunk-driving arrests actually went down because Uber is a designated driver of choice and was available enough and is becoming more of a cultural norm.

So, impact, impact, impact [...]. On the other hand, if you were a struggling immigrant entrepreneur who bought a taxi medallion and you didn't sell it soon enough, you're probably screwed, so that is the impact on the other side of the ledger. And there are, you know, other negative impacts as well. And I think the standard, if I were on the board of an Uber, I would want to see that the discussion about how this business is changing the world for better and for worse, and within the context of being a profit-making business, what were we going to be doing about that? That is what we ought to be shooting for, and people who work on the inside, in community management and trust and safety, and who are sort of charged with the part of the business that, you know, deals most centrally with this, I think, become a very potent voice to operate within the system to try to reach those kinds of goals. And I understand that it's very challenging. A cover story of *Business Week* was about the safety whistle-blower who called the shot on

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the problem with the ignition switches and was hounded out of the company, and sued GM and that – you know, I can't independently evaluate that, the extent to which I completely believe that story – but that story painted that the culture of GM was designed for them not to take care of their problems and it killed people. And if you spoke up, you got in trouble.

LW: That kind of goes to the next question I was thinking we could explore, which would be this idea it seems, as organizations think about the possibility of placing social justice or access or diversity as a front-and-centre agenda item and decision-making tool, it seems like there is a bit of tension between the perspective of: 'this is good for the bottom line' or 'is this good for the bottom line'? or 'this is a moral issue'. And I wondered what your approach to that is?

MK: Well, that's definitely the dominant paradigm in business, and that is really ultimately what the struggle will be about; it will be about a reframing that says [...] that [the]framing that moral considerations are external to and secondary to business ought to be [changed to] one ultimately where we have a broader social norm that says 'that's not acceptable', and societies do change around that. There are things – having grown up in the 1960s – I can tell you that there are attitudes that you used to be able to hold in public that you can't really hold in public without getting in trouble anymore, about racism and other forms of exclusion. That doesn't mean we've solved the problems of racism, they've taken a different form, but I think it's hard to argue that certain kinds of progress actually have been made, so in the main, to your question, there is broad work to do overall. What does that mean for an individual? Well, it means a variety of things. It means pick who[m] you choose to work for, because not all businesses are the same, not all businesses in the collaborative economy are the same; some have a kind of more integrative view of what their mission is about, and it has to do with who the founders are, and some less so. Pick your battles about, internally, if you're working somewhere, what you think can be changed. Don't try to take on impossible tilting at windmills, even if those need to be dealt with because you always want to be set up to succeed, you know, pragmatically.

We have gravitated – I mean, I've always been a start-up guy – to the social impact start-ups because we have found there was actually an oversupply of socially minded entrepreneurs who couldn't really secure the funding on the terms that they wanted to. They were securing funding, but at the price of squelching themselves, so there was a kind of latent demand in the market, and oftentimes, when people start these interesting new things in the collaborative economy, you find out there is latent demand for things. There is actually more demand for good private urban transportation than people thought. It is just that the existing system was so fraught with issues and problems, so this is another way of looking at it, which is, you know, where are there opportunities to join together the economic and the social that have been overlooked? And where does technology enable that, that it hasn't before? Then, now there is an opportunity to innovate and to take risks, and that exists, interestingly, in virtually every sector of the economy.

LW: Well, I was thinking about that, and for those of us who are interested in dispute systems design, as we step back and look at new ways of doing that or integrating that with technology, and looking at online dispute resolution design, or the flexibility of using technology on and offline, it seems that we have an opportunity to look at who is the 'we' at the table in defining what problems need to be solved; what systems help to structurally determine what problems come to our door? And the folks who have already presented this morning have raised some fabulous questions, but also provided a lot of data about how, when problems are named and resolved quickly, it builds customer satisfaction, it builds trust. And so I'm thinking, how do we relate that to exactly what you've just said: considering who the 'we' is that is at the table around design, and about naming what the problems are? I was looking at the Kapor Center for Social Impact website ([to the audience:] which I commend to you), and it has a wonderful clip; and one of the things that came forward was the fact that there are thousands of weather apps, but there are very few apps that are designed specifically to address the needs that are urgent for communities that are under-resourced, particularly black and Latino communities, I think, are front and center, and so how do we combine attention to both of these when we're thinking about design in particular?

MK: So, you know I think I can actually best answer that by an analogy because I don't want to speak in generalities, and I don't have design principles to offer about this specific thing, but we've been thinking a lot lately about equitable hiring in start-ups, so that's [...] similar. What are your design principles? If you're assembling a team of people, how do you avoid being exclusionary? I would articulate one principle as: the goal isn't to treat everybody the same; the goal is to treat everybody fairly, and there can be cases where peoples' circumstances are different enough that you want to treat them differently. Now you've got, 'well doesn't that violate common sense'? Let me give you a use case, because I suspect there's an analogy in designing systems to manage collaborative economies. Start-ups are always – should be – frugal. They tend to be very careful in what kinds of salaries they pay people when they don't have the money, or if they do, they don't want to run out of it. But if the salaries are too low, it is going to wind up excluding people who don't have a safety net. If you have a safety net, like, you know, you went to Stanford and you can go live with your parents, or live on noodles, you could maybe work for \$30,000 a year. Most people actually can't do that, and you wind up excluding people, and actually who winds up being excluded in this case are people who graduate with a lot of student debt [...]. So, why not have a program that says, if you come in with a lot of student debt, that is a particular benefit we'll give you to help repay that. Not everybody gets that, just the people who do [have] that [student debt], but that is the way of making it more equitable. You're not treating everybody the same, but it makes it possible for everybody to work there. So I would say in designing dispute resolution systems [...] if you look at your constituents and who is there, do you need to identify certain groups of people who actually ought to get some extra help or extra consideration as part of the policy for how things are handled?

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[...] When we're dealing with companies that are trying to have social impact, we find the following kinds of conversations to be very compelling around diversity, which is: if you have on your founding team members of the community whose products or services you're seeking to sell to, their lived experience of the issues and problems are likely to be a source of advantage for you [...] having a diverse team and a team that is reflective of who is being served and especially to the extent you're doing a consumer-facing product, an international product, products that are designed to be at massive scale and serving everyone, how you could not have a more diverse team from the outset, including at the senior level? I think in that case you can make a very strong case that, among many other things, it is just plain good business. We've been doing pretty well on that argument. We don't win it all the time, but, you know, I just think it's right.⁷

LW: So, I am aware of the time and that I am not the only one here that wants to ask Mitch questions, so I thought I would just maybe give you an opportunity to close what you want to share and then we can take questions from the floor [...] so [...] as someone who has, for decades now, often been able to see over the mountaintop, what thoughts do you want to leave us with [...]

MK: Well, you know, I did have a thought that the algorithms are just getting better and better in big data that can sort of match supply and demand, and you know, intuit what peoples' preferences are, and we're just at the beginning of that. I think the better the algorithms get, the better we're going to have to become, as people, to do the kinds of things that algorithms could never do; in other words, to use creativity, judgment and empathy to tackle the fundamental and most difficult problems of living together in society. So the stakes keep going up, and I think the tendency of Silicon Valley is to pick the algorithms that are going to solve all of our problems. My view now is all those algorithms are actually going to make the highs higher and the lows lower, and it is folks like us that have to be the ones in the middle to be the glue that really holds everything together.

3 Closing

As we consider how we can expand the ways we contribute from the position of being 'the ones in the middle', we are challenged to explore who the 'we' is and how to address the issues of inclusion and accessibility affecting our own field, as well as those arenas in which we increasingly work, such as the collaborative economy. The shared ethos of valuing innovative and collaborative problem solving offers fertile ground for this undertaking and poises us well to foster greater synergy as we collectively work to expand and integrate the positive social impact of technology in dispute resolution systems and the collaborative economy.

⁷ The comments in this paragraph were given in response to a follow-up question on the topic.