



RESEARCH ARTICLE / ARTICLE DE RECHERCHE

Using Social Media as a Tool to Inform Person-Centred Justice

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Abstract

Many leading access to justice organizations recognize the importance of including the public's perspective within programming and policy development. One key question underlying this approach is, how can organizations learn about the public's experience with legal problems and the law? Noting that conversations about legal problems provide evidence of such experiences, this paper presents a study that examines conversations posted to the social media platform Reddit. It argues that social media can be leveraged to better understand the public's experience with legal problems and the law and, in doing so, help to inform a person-centred perspective of justice.

Keywords: access to justice; person-centred justice; social media; legal needs; legal consciousness

Résumé

De nombreuses organisations favorisant l'accès à la justice reconnaissent l'importance de prendre en compte le point de vue du public dans l'élaboration des programmes et des politiques. L'une des questions clés qui sous-tend cette approche est la suivante: comment une organisation peut-elle connaître l'expérience du public en matière de problèmes juridiques et avec le droit ? Notant que les conversations sur les problèmes juridiques fournissent des preuves de telles expériences, cet article examine les conversations publiées sur la plateforme de médias sociaux Reddit. Cette étude soutient que les médias sociaux peuvent être utilisés afin de mieux comprendre l'expérience du public avec les problèmes juridiques et le droit et, ce faisant, ils contribuent à une perspective de justice centrée sur la personne.

Mots clés: accès à la justice; justice centrée sur la personne; médias sociaux; besoins juridiques; conscience du droit

I. Introduction

Within the Canadian legal community, there is a growing recognition that access-to-civil-justice initiatives must refocus its attention away from designs that primarily benefit those working within the system—namely judges, clerks, and lawyers—and place the needs of the public first through a person-centred perspective (see e.g., Macfarlane 2013). A person-centred perspective, however, could mean one of two things: first, it may mean that the formal justice system should become more user-friendly and responsive to the needs of the public; alternatively, it could mean that public conceptions of fairness and justice, as evidenced by their lived experiences of legal problems, should be included in programme and policy development. In other words, a person-centred perspective may demand that justice policy should account for the realities of how people understand and use the law in the design, implementation, and delivery of programming. While not mutually exclusive, the second definition is more expansive and one that has been increasingly endorsed by the access-to-justice community. For example, in their 2013 report entitled *Access to Civil & Family Justice: A Roadmap for Change*, the National Action Committee on Access to Justice in Civil and Family Matters identified nine goals for an access-to-justice roadmap, among which was a recognition that the public should play a central role in developing civil justice programming and policy (Action Committee on Access to Justice in Civil and Family Matters 2013). Similarly, the Canadian Bar Association explicitly recognized the importance of public involvement in the development of access-to-civil-justice policy in their 2013 report entitled *Reaching Equal Justice: An Invitation to Envision and Act* (Canadian Bar Association 2013). One key question underlying this approach, however, is: How exactly can an organization most effectively learn about the public's experience with legal problems?

The first significant turn towards an expansive approach of a person-centred perspective was signalled by the Canadian Forum on Civil Justice when they launched their *Civil Justice System and the Public* research project in 1999, with active research commencing in 2001 (Billingsley, Lowe, and Stratton 2006). This project sought to bring a public voice into civil justice reforms and did so by engaging in extensive one-to-one interviews with both members of the public and those working in the system over a five-year time span. Since then, many other access-to-civil-justice organizations have engaged with the public in order to inform both programming and policy. The Law Society of Upper Canada (now the Law Society of Ontario), for example, in collaboration with Pro Bono Law Ontario and Legal Aid Ontario, conducted a telephone survey of middle- and low-income Ontarians supplemented by focus-group sessions of front-line legal service providers in 2010 to better understand how their services are received and how they could address unmet civil legal needs (Ontario Civil Legal Needs Project 2010). Similarly, the Canadian Bar Association engaged the public through a series of community consultations over a four-month period with members of marginalized communities recruited through legal aid offices as well as other community-based organizations to inform their 2013 report referenced above (Canadian Bar Association 2013).

Although each of these organizations endorsed a person-centred perspective when developing access-to-civil-justice programming and policy, they all took a slightly different approach to learn about the public's experience with the law—be it telephone surveys, individual interviews, or focus groups. This paper argues that social media is one additional tool that could be effectively leveraged by access-to-civil-justice organizations to better understand the public's experience with the law. In doing so, this paper hopes to provide some practical direction in how to effectively incorporate the public's perspective into the access-to-justice conversation. The first section of this paper examines some common methods employed by researchers to better understand the public's experiences with the law from an access-to-justice perspective. The next section then introduces a study involving conversations about legal problems posted to the social media platform Reddit. It presents this study as an example of how social media can be used to better understand how the public engages with the law and legal system. The following section presents key findings from that study and discusses how the public's experience of the law, as evidenced by these online conversations, can be incorporated into the access-to-justice conversation. The final section then provides some concluding thoughts on how these insights may contribute to some practical strategies.

II. Person-Centred Perspective

A robust approach to access to justice, which is informed by a person-centred perspective, requires an understanding of how the public experiences the law (Canadian Bar Association 2013). Lessons on how to build this understanding can be taken from legal consciousness scholarship, which is the study of how particular communities perceive their legal rights and how they interact with the law (Jacobs, Goltz, and McManus 2014, 44–45). It originally developed as a critique of legal systems which recognized that the promises made by law often do not match the reality of law experienced by many groups (Silbey 2005). Given its concern with what the law does and how it works on the ground, legal consciousness scholarship is particularly helpful from an access-to-justice perspective, which seeks to make the law and system work better for people. Legal consciousness can help explain why people may or may not act upon a legal right, why they choose to resolve a problem in a particular manner, and what difficulties they have when approaching a legal problem. As explained by Young, by being able to identify how and where legal needs manifest, the legal community can better design outreach programmes that better target populations in need (Young 2021, 824). For example, in their book *Privacy Rights in the Global Digital Economy*, Jacobs, Goltz, and McManus found that, even though Canadian youth had no knowledge of the statutes and regulations that make up the law of privacy, they still believed that they had a right to privacy and that this right had something to do with the protection and control of personal information and identity (Jacobs, Goltz, and McManus 2014). This meant that, when a privacy right was breached, the youth did not seek a remedy from the formal legal institution, but rather relied on self-help mechanisms or on the dispute-

resolution process of the service provider. Such insight into how individuals not only understand their legal right, but also how they resolve their legal difficulties can help to inform policy and programming decisions.

Typically, theorists explore a community's legal consciousness through extensive ethnographic interviews (see e.g., Engel 1984; Merry 1990; Ewick and Silbey 1998). From these interviews, they identify common or overlapping points of data and use inductive reasoning to build meta-narratives that invoke normative claims about the law and the legal institutions. In doing so, theorists are better able to appreciate how individuals understand and interact with the law in their day-to-day lives. This methodological approach that underlies much legal consciousness scholarship can be illustrated through a brief examination of some of the foundational works within the field. One of the first scholars to explore legal consciousness was David Engel, who wanted to understand how a small rural county in Illinois understood personal injury litigation and why this particular county had lower rates of personal injury litigation in comparison with other forms of litigation and in comparison with other counties (Engel 1984). To examine these phenomena, Engel analyzed a sample of case files from the local county court, interviewed the parties involved in a subsample of these case files, and interviewed seventy-one "community observers" who included judges, lawyers, teachers, ministers, farmers, and numerous other assorted professionals, including a beautician and a funeral parlour operator. From this dataset, Engel found a common set of values among the residents of the county that focused on independence and self-reliance, and he theorized that these values informed their decisions not to pursue personal injury problems through the formal legal system. Such interview methods are common amongst legal consciousness studies. Sally Engle Merry, for example, interviewed 124 litigants to examine how people understand, engage with, and resolve four types legal problems: neighbour, marital, family, and boyfriend/girlfriend (Merry 1990). Likewise, Patricia Ewick and Susan Silbey interviewed 430 New Jerseyans who were randomly selected from four different counties of New Jersey to understand how people constructed legality outside of the formal setting generally (Ewick and Silbey 1998). In yet another foundational study, David Engel and Frank Munger interviewed sixty intended beneficiaries of the newly enacted *Americans with Disabilities Act* to see how it impacted their daily lives (Engel and Munger 2003).

While ethnographic interviews are the standard method for exploring how a particular community understands and interacts with the law, the study of legal consciousness need not be limited to interviews. As noted by Jacobs: "Evidence of this legal consciousness comes not only from people's statements about what their beliefs and attitudes are but also from what they do" (Jacobs 2007, 517). Many of the theorists mentioned above combined their interviews with other techniques. For example, Engel conducted quantitative analyses of court cases to find patterns and trends within litigation (Engel 1984). Merry engaged in observational methods in which she sat in on adjudicative hearings or mediation sessions to witness behaviour and dialogue among the various participants (Merry 1990). In one study about how differently situated actors perceived and balanced individual rights against public health security concerns, Jacobs drew

primarily from a plethora of other non-interview sources, including surveys, testimonials, and newspaper reports (Jacobs 2007). Conversations about legal problems that are posted on social media provide yet another potential avenue to gain insight into people's thoughts, experiences, and opinions of the law and legal system. Like letters to the editor, social media provides fora through which people can express their views and opinions. By examining how those with legal needs talk about their problems online, we can learn about the difficulties experienced by members of the public when trying to resolve their legal problems as well as gain insight into what the public believe would be the most effective way to assist them.

There are several advantages to utilizing social media conversations as a data source. First, by examining online postings, a researcher can draw information from a far larger pool of data than they would have been able to if they had conducted individual interviews. Part of this is due to the fact that interviews are extremely time-intensive, not only to conduct them, but also to plan, schedule, transcribe, code, and follow them up. Data from social media platforms, on the other hand, can be extracted much more easily and quickly. As such, even a modest and unfunded study of social media can draw from hundreds of data points in a short amount of time, which allows a greater capacity to identify trends or patterns. Moreover, conversations posted on social media are less constrained than quantitative surveys, which only "scratch the surface" when it comes to understanding how individuals experience the law (Canadian Bar Association 2013, 130)—that is, social media conversations are not limited to specific questions or answers. For example, the Canadian Forum on Civil Justice's Cost of Justice survey was designed to determine the number of respondents who had experienced eighty-four specific legal problems (Northrup et al. 2016). Potential problems that exist outside of those eighty-four identified by the survey designers are thus precluded from analysis. Conversations posted on social media, however, are organic displays of a community's collective knowledge. Conversations often begin with an unsolicited comment or question and other community members respond, creating an unscripted dialogue that evidences not just one individual's opinion, but a range of observations, sentiments, and beliefs that may or may not be in conflict with each other and that may or may not result in a consensus. These opinions thus provide a unique insight into how the public experience legal problems.

With that said, there are of course potential issues with utilizing such data. Depending on which social media platform is examined, certain populations may be over- or underrepresented. For example, a recent survey of Canadians' use of social media found that far more women used Instagram than men (Gruzd and Mai 2020). Such demographic distortions should be acknowledged by the researchers so that findings are not mistakenly generalized. There may also be ethical concerns regarding the privacy of participants. Simply because data are available from publicly accessible discussion fora does not mean that their use is necessarily ethical, especially if the data include identifying information, as individuals may not want their identity to be associated with the research (Boyd and Crawford 2012). In such cases, privacy concerns can be addressed by ensuring that the data are anonymized (Canadian Institutes of Health Research;

Natural Sciences and Engineering Research Council of Canada; Social Sciences and Humanities Research 2018). In anonymizing data, there is less opportunity for the researcher to violate the privacy of any individual, as the risk of identification is very low.

From a public-first perspective, one of the most important advantages of using online conversations as a data source is that social media provides researchers with an opportunity to examine the conversations of individuals who have experienced legal problems but have had no interaction with the formal legal system. As we know from research on legal needs, most people with legal problems never seek legal advice and even fewer people have their problem formally adjudicated by a court or tribunal (Farrow et al. 2016; Sandefur 2016). Some of the most obvious methods for recruiting respondents who have experienced legal problems—for example, through court dockets (Merry 1990) or through legal-clinic case files (Greiner, Pattanayak, and Hennessy 2012)—necessarily preclude those who have not entered the system. This can be problematic if the researcher wants to include the beliefs and attitudes of those members who have had no formal contact with the legal system in their study. As such, in order to find individuals who have no ties to the legal system but who have encountered legal problems, these researchers must engage in other methods of recruitment, such as purchasing telephone lists of potential recruits (Northrup et al. 2016) or randomly approaching individuals on the street (Farrow 2015), which can be both time-consuming and costly. Social media, however, grants the researcher easy access to public fora on which individuals who have not engaged with the formal system openly discuss legal problems and, in doing so, provides a tool that can help us understand the public's experience with the law.

III. Methods and Data

In order to assess whether social media is a viable source of data for informing access-to-justice research, I conducted a study to examine how Ontarians who are active on social media understand and negotiate their legal problems. Specifically, I engaged in an extensive analysis of conversations concerning legal problems posted by Ontarians on the website Reddit. Reddit is a moderated online news aggregator and discussion board. Registered members are able to post content as well as “upvote” or “downvote” other members' content. The more upvotes a post receives, the higher up on the webpage it will appear. According to Reddit etiquette, one should upvote content that they believe contributes to the conversation and downvote content that does not contribute or is off-topic (Reddit 2020). Reddit is a particularly interesting case study because it allows extended discussions on community fora and, as such, seems tailor-made for public conversations about legal needs. Redditors will post a legal question on the website and other members will in turn post a response, thus creating a publicly accessible conversation tree. The website is divided into almost innumerable “subreddits” or communities, each focusing on their own topic. For example, the subreddit “/r/Funny”—one of the most popular subreddits—is dedicated to posts that make an attempt at humour. These subreddits

are moderated by individuals who are responsible for ensuring that postings on the subreddit are related to the topic as well as for creating and enforcing rules regarding the content. For example, it is common to have rules that prohibit the posting of personal information or obscene material. Any user who has met a minimum contribution requirement can create a new subreddit on whatever topic they want and recruit additional moderators who in turn determine and enforce its rules.

As noted above, there are innumerable subreddits that could be studied; however, for the purpose of this study, three constraints limited my choices. First, and obviously, the topic and moderators for the subreddit had to allow conversations that regarded legal problems to take place. A subreddit that was devoted to music, for example, could not be used, as there would be no discussion regarding legal problems. Second, the subscribers to the subreddit had to reside primarily, if not entirely, within the province of Ontario. This project chose to keep the focus at the provincial level because the statutory and regulatory framework that governs the formal rights, remedies, and procedures of most civil legal problems are governed by provincial legislatures and executives. Finally, there had to be a sufficient number of subscribers to the subreddit such that the subreddit was active and vibrant. This ensured that there were enough recent conversations about legal problems to gather a dataset from. Based on these constraints, I chose to examine nine geographic-based subreddits and two advice-focused subreddits (see [Table 1](#)).

In each of these subreddits, I conducted a keyword search that focused on three types of legal problems: housing, employment, and family. I chose to focus on these three so that, on the one hand, I would have a basis for comparing differently situated groups of people, but also so that I would maintain a manageable dataset. Reddit's search function utilizes Boolean logic to pull data and therefore I needed to create a search phrase of keywords and operators that would be specific enough to capture a wide set of housing, employment, and family problems but would not exclude problems due to a poster's lack of legal terminology. This is because I wanted to capture conversations that, while legal in nature, were not necessarily framed by the participants as such. For housing problems, this was relatively simple. I searched each of the identified subreddits for posts that contained the following terms: "tenant OR landlord OR lease OR tenancy." For employment problems, I was able to find relevant conversations by searching the phrase: "employer OR boss OR manager OR employee OR labour OR employment OR work OR job." Finally, for family problems, I needed to include more keywords to capture relevant conversations. Eventually, my search settled on the following phrase: "(husband OR wife OR partner OR spouse OR 'common law' OR child OR son OR daughter OR kid OR family OR ex) AND (divorce OR custody OR support OR separate OR access OR restraining OR guardian OR property OR house OR agreement)."

I gathered the first twenty conversations about each problem type within each of the eleven selected subreddits for analysis, manually filtering out the irrelevant conversations. I did not include newspaper articles, or posts on how to find a job, or those looking for a rental apartment, for example, in my date. Interestingly, some of the subreddits with fewer members were unable to provide twenty relevant

Table 1. Characteristics of Ontario-Based Subreddits.

Subreddit	Number of subscribers*	Topic as described by the moderators
Location-focused		
/r/Toronto	147,751	News, People, Places, Events, Articles, and Discussion on Toronto; the largest city in Canada, and the provincial capital of Ontario
/r/Ottawa	50,598	News, events, discussions, and what not from Ottawa, ON
/r/Ontario	48,883	A subreddit to discuss all the news and events taking place within the province of Ontario, Canada
/r/Hamilton	15,479	Hamilton, Ontario, Canada
/r/LondonOntario	12,404	Subreddit for news, discussions, and anything else related to London, Ontario
/r/Waterloo	11,043	The Reddit of Waterloo includes news from throughout the Region of Waterloo in Ontario, Canada. Posts of interest to residents of Cambridge, Kitchener, Waterloo, and the surrounding townships are welcome
/r/KingstonOntario	5,415	A Subreddit for people who live in or care about Kingston, Ontario
/r/WindsorOntario	3,754	Official subreddit for Windsor Ontario, all are welcome!
/r/ThunderBay	2,083	N/A
Advice-focused		
/r/askTO	18,491	A subreddit for people to submit questions to Torontonians and about Toronto and receive constructive responses
/r/LegalAdviceCanada	8,932	A place to ask simple legal questions. Advice here is for informational purposes only and should not be considered final or official advice. See a local attorney for the best answer to your questions

Note:

*as of March 9, 2019.

posts. This problem occurred much sooner with employment problems, for which I could not find twenty relevant conversations in /r/Hamilton (a community of approximately 15,000 members), than with housing problems, for which I was unable to find twenty relevant conversations in /r/WindsorOntario (a community of approximately 3,700 members). Fortunately, by analyzing eleven different subreddits, I was able to gather sufficient data for each problem type. Even with the limited results in some subreddits, I was able to gather a total of 193 conversations for housing problems, 142 conversations for employment problems, and 106 conversations for family problems.

The analysis and coding of the data took place concurrently. I engaged in a mixed-methods approach in which I drew on elements of both qualitative and quantitative content analysis. Given that the purpose of this study was to examine how Redditors understand and frame their legal problems, I used an open coding strategy. As I coded each of the conversations, I took note of the themes that began to repeat themselves and I clustered them into categories. I then conducted a second cycle of coding in which I grouped these clusters into more even precise themes and patterns so that I could develop meta-narratives of how Ontario Redditors with housing, employment, and family problems understand and interact with the law. Here, I did not presume that these three groups would share the same experience and was thus able to use their problem types as a basis for comparison.

One difficulty with analyzing Reddit is the lack of demographic information that is available about individual users. Users are identified by a self-created username, which is often nonsensical, and their user profile does not provide any personal data such as age, gender, ethnicity, income, or education level. However, a general profile of the typical Reddit user can be created by examining recent surveys of Reddit users. In 2016, Pew Research Centre conducted a survey of 288 American Reddit users to support a study of news consumption during the 2016 presidential election campaign (Barthel et al. 2016). This survey examined users by sex, age, education, ethnicity, income, and political affiliation. Although this survey examined American Reddit users, the findings were similar to two other more recent Canadian user surveys. In 2019, the subreddit /r/Canada conducted a survey of its membership, which received 1,532 responses (r/canada 2019). This survey examined membership by sex, age, household income, education, religious affiliation, ethnicity, language spoken, sexual orientation, and political leanings. Similarly, the subreddit /r/Ontario conducted an annual survey in 2019 that had 912 respondents (r/ontario 2019). It too asked about, among other things, its membership's age, gender, religious beliefs, education, personal income, political affiliation, and ethnicity. Based on these three surveys, the typical profile of a Reddit user would be someone who is young (under forty years of age), White, and male, with at least some college education (see Table 2).

Although these surveys assist in creating a general profile for the typical Reddit user, they do not necessarily reflect the actual sample studied. Certain subreddits, for example, may attract a different subscriber base than others. For example, while anywhere from two-thirds to four-fifths of Redditors are male, there is certainly a greater gender balance among specific subreddits. In a 2018 study, researchers examined millions of comments and inferred genders to the authors of those comments based on the posters' usernames to see whether, among other things, the proportion of female participants varied substantially by subreddit (Thelwall and Stuart 2019). The study found that gender participation rates do in fact vary greatly between subreddits, although this could not be used as evidence of any particular gender-based interest due to numerous other factors that affect participation, such as the subreddit's commenting culture.

It should also be noted that the standard profile of a Redditor as being a young, White, college-educated male is very different from the standard profiles of users of other social media platforms. For example, there are more female users than

Table 2. Demographic Makeup of Redditors

		Pew Research Center Survey (<i>n</i> = 288)	/r/Canada Survey (<i>n</i> = 1,532)	/r/Ontario Survey (<i>n</i> = 912)
		percent of users	percent of users	percent of users
Sex	Men	67	84	78.6
	Women	33	10	17.5
Age (years)	Young adult	64 (age 18–29)	84 (age 15–39)	73.8 (age 13–35)
	Middle-aged adult	29 (age 30–49)	13 (age 40–54)	22.1 (age 36–55)
	Mature adult	7 (age 50+)	3 (age 55+)	4.1 (age 56+)
Education	College degree	42	–	66.4
	Some college	40	85 (did not distinguish between attainment and enrolment)	16.7
	High school or less	18	15	13.5
Income (personal or household)	Low	30 (under USD \$30,000) <i>personal</i>	21 (under CAD\$50,000) <i>household</i>	22.8 (under CAD\$30,000) <i>personal</i>
	Middle	34 (USD \$30,000–74,999)	40 (CAD\$50,000–99,999)	38.1 (CAD\$30,000–79,999)
	High	35 (USD\$75,000 and above)	41 (CAD\$100,000 and above)	27.9 (CAD\$80,000 and above)
Ethnicity	Caucasian	70 (White/non-Hispanic)	79.6 (European/White)	77.7 (Caucasian)
	Black	7 (Black non-Hispanic)	0.5 (Black)	1.8 (Black or African Canadian)
	Latin American	12 (Hispanic)	0.5 (Latin American)	0.9 (Hispanic or Latino)

Source: <https://www.journalism.org/2016/02/25/seven-in-ten-reddit-users-get-news-on-the-site/>; <https://www.reddit.com/r/canada/wiki/2019survey>; https://www.reddit.com/r/ontario/comments/f3tsh1/official_ontario_2019_survey_results/.

male users on Facebook, Instagram, Pinterest, Snapchat, and TikTok, with Pinterest having the widest gender gap among all social media platforms (Gruzd and Mai 2020). And, while most social media tends to be adopted by younger age groups, Facebook is ubiquitous among all age categories (Perrin and Anderson 2019). Likewise, while only 4 percent of Black Americans use Reddit, 77 percent of them use YouTube and 24 percent use WhatsApp (Pew Research Centre 2019). This displays that Reddit, like any other social media platform, cannot claim to be representative of the general population. However, from an access-to-justice perspective, social media is still a useful subject for analysis, as it is a place in which people use everyday language to discuss their experiences with the law and provide opinions and advice about legal problems. As a source of lay knowledge, social media can provide insight into how a particular population—namely social media users—understand and interact with the law, which in turn can be used to inform programme and policy.

IV. Findings

While questions about legal problems that are posted on social media platforms such as Reddit can be viewed as a troubling indicator of legal needs, they also present an opportunity to better understand how a community experiences the law. From the hundreds of conversations analyzed, this project identified several reoccurring themes that relate to the difficulties and concerns that this community has with the law and, as such, may help to guide future access-to-justice reform efforts. These themes are organized into two categories: concerns that relate to obtaining legal advice and assistance, and those that relate to interacting with the formal legal system.

4.1 Legal Advice

Throughout the conversations examined, it was common for individuals to express concerns over the extensive costs associated with obtaining legal advice. While concerns with costs were commented on in all three of the problem types examined, the issue was most acute among those with family problems who frequently stated that they were simply unable to afford legal representation. In one conversation, for example, a poster was looking for assistance to enforce a child support order that was in arrears. Anticipating unaffordable legal fees, the poster specifically asked for a lawyer who would take the case pro bono. “Do you know anyone who would be willing to take a pro-boo case? I am working an average job, have two children to feed who are both experiencing health issues.”¹ Of interest is the fact that this poster expressed the belief that the average worker with a family is priced out of the legal market. In another family-law case, the poster felt cheated that her ex-husband was selling a property for more than it was valued at in their separation agreement. She asked: “Is it worth going through a lawyer? They

¹ Family 192.

charge \$500/hr just to look through all the documents, and I have no idea how much this kind of thing would be worth in the end. I don't have much money left, I wonder if I should get a line of credit for this."² Here, the poster explicitly stated that she would need to take on debt in order to obtain legal assistance, again displaying the perceived financial burden of legal fees.

Within the employment context, there was a common perception that, even if one was able to afford their rates, lawyers are not worth the cost for most issues. As succinctly explained by one commentator: "Finding a lawyer doesn't make sense if you're just going to spend what you're due on fees."³ And, in another post: "The problem with employment law is that most employment cases just don't involve enough money to make seeing an employment lawyer practical."⁴ This opinion was deftly illustrated in one situation in which the poster was not paid for three days of work.⁵ The general consensus among the commentators was that the poster was out of luck. As stated by one of the comments: "It would be vastly more worthwhile to hustle looking for a new job than to go to court over \$300."⁶ In yet another conversation, the poster claimed to have been fired for no reason after inquiring into overtime that was owed.⁷ In seeking advice, the poster noted that "[g]oing to a lawyer seems too expensive."⁸ However, they stated that they were still willing to pursue the matter through another route. The common response, however, was that the matter was not worth pursuing. One commentator stated: "You won't see any money any time soon, better to spend your time looking for work."⁹ Another commentator agreed, saying: "you'll probably need a lawyer that will charge you 200\$/hr. Honestly, if I was you I would just chuck it to shit luck and move on."¹⁰ In another conversation, the poster, who worked part-time in a fast-food restaurant, asked for advice about the legality of being required to work night shifts.¹¹ From this question, a discussion ensued about termination pay in the event that the poster was fired. One commentator noted that a lawyer would charge more than a part-time employee would be entitled to: "You're right that (and why) these issues are almost never litigated. You get a p/t employee making a couple hundred bucks a week; as a lawyer, I'd probably bill more than his best case scenario recovery before we even filed the statement of claim."¹² Even when the stakes are potentially much higher and worth pursuing, there is a perception that the upfront cost of hiring a lawyer is prohibitive. For example, in one case, the poster's employer advised them not to report an injury to the Workplace Safety and Insurance Board.

² Family 204.

³ Employment 021.

⁴ Employment 023.

⁵ Employment 029.

⁶ Ibid.

⁷ Employment 028.

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Employment 206.

¹² Ibid.

A failure to report an injury has potentially massive repercussions including, among other items, the loss of wages, benefits, therapy, drugs, rehabilitation, and retraining. One commentator, clearly recognizing the high stakes of this legal issue, emphatically stated, “Holy shit. I would be consulting a lawyer on that one,” to which the poster simply replies: “Don’t have the kind of cash for that unfortunately.”¹³ Thus, even when the stakes are potentially very high, the cost of legal assistance is perceived as prohibitive.

Interestingly, issues regarding the cost of legal representation were not as commonly discussed within the housing context. Part of the reason for this has to do with the fact that Redditors with housing problems rarely raised the issue of legal assistance and were rarely advised to seek legal representation. Only 11.4 percent of those with housing problems were advised to speak to a lawyer compared with 78.7 percent of those with employment problems and 52.8 percent of those with family problems.¹⁴ This is somewhat strange, as it is clear that those with housing problems understood their problem as legal and that they were cognizant of the legal framework surrounding landlord–tenant matters. For example, in one dramatic conversation in which the poster discussed living under a “crack house,” they stated: “We are looking to end our fixed term tenancy (that would be ending August 31st), but will have to apply to the Landlord and Tenant Board for an order. I am wondering what approach would be best. Which form should I use? What options do I have?”¹⁵ Here, the tenant understood that they had to proceed through the Landlord and Tenant Board in order to get a remedy and that there were specific procedures that they had to follow. In another post, the tenant wanted to assign their lease, to which the landlord agreed on the condition that the tenant paid a substantial sum of money, ostensibly to recover costs. As noted by the poster: “So I took this as a refusal of consent based on unreasonable/arbitrary fees being charged, and as per Section 95 (4) and Section 96, I gave him an N9 with 30 days notice that I’ll be ending my tenancy. Now this is up to the Board to determine if this can be deemed as refusal of consent, but that’s not my question.”¹⁶ Like the last example, this poster clearly situated their problem within the legal framework; they were aware of the governing legislation, as well as specific legal procedures that had to be followed. But, despite this obvious legal context surrounding the conversations, neither posters were advised to seek legal advice.

The reason that most Redditors with housing problems were not advised to seek legal advice may have to do with the fact that there is a fairly robust legislative scheme that protects tenants, along with a tribunal dedicated to

¹³ Employment 066.

¹⁴ It should be noted that other forms of legal assistance were not frequently discussed either. Only 5.7 percent of those with housing problems were advised to speak to a paralegal compared with 6.6 percent of employment cases and 0.9 percent of family cases. Similarly, only 17.1 percent of those with housing problems were advised to speak to a legal aid clinic compared with 13.1 percent of employment cases and 7.5 percent of family cases.

¹⁵ Housing 041.

¹⁶ Housing 001.

enforcing it. Within such a context, there is a perspective that one should not be forced to retain a lawyer in order to stand on one's rights. As explained in one post about the purpose of legislative protection:

Without a base set of rules of engagement, every lease would be 10 or 20 pages long, and require lawyers to review, adding a significant expense to every rental. Yes, the tenant has a responsibility to read through the lease. But they shouldn't need to hire a lawyer and spend an extra month or two of rent to properly understand the deal, then decide they don't want to sign it.¹⁷

This framework is often seen as necessary, as tenants occupy a much weaker position than the landlord and are vulnerable to abuse: "Both parties need to know the law, obviously. However landlords are in a position of power over their tenants for the most part, so their ignorance has more negative effects than tenants' ignorance."¹⁸ The law therefore exists as a way to balance this relationship in order to ensure that the tenant is protected: "Landlord tenant laws are generally weighed to the side of the tenant since they have less power in the situation."¹⁹ Although there is almost universal agreement that the law is weighed in favour of the tenants, there is some disagreement about whether this is fair. Some see the laws as going too far and not protecting the interests of the landlord. As succinctly stated by one poster: "The reality is that Landlords have zero power in Ontario."²⁰ In either event, it appears that Redditors do not think that an individual with a housing problem necessarily needs to retain legal advice in order to access their rights.

This stands in notable contrast with the other two problem types, in which there is a persistent perception that, if an individual does not have a good lawyer, then their rights are meaningless. For example, Redditors who were discussing issues surrounding divorce frequently expressed opinions that, if one did not retain a good lawyer to protect their rights and entitlements, then they would be "taken to the cleaners."²¹ In one fairly representative conversation, a poster noted that their friend may be starting divorce proceedings; however, the poster was worried because the friend was meek, and the partner was uncooperative and berating. As such, the poster was looking for "a good and reputable firm but one that would be ruthless in advocating for everything they need/are supposed to/could get in the situation."²² Similarly, within the employment context, there is a belief that a lawyer is necessary if one wants to pursue a remedy through the courts. In one example, the poster—who worked in retail—was advised by their employer that their store would be closing for two weeks for renovations. The poster wanted to know whether they were entitled to any compensation. One

¹⁷ Housing 010.

¹⁸ Housing 024.

¹⁹ Housing 192.

²⁰ Housing 017.

²¹ Family 045.

²² Family 084.

commentator who was discussing the various remedies available noted: “I also do not think this would qualify as constructive dismissal (and even if it did you really need a lawyer to get a remedy for that, which is not economically viable in your case).”²³ This perception was repeated frequently, often with alternative routes suggested: “Unless you have a Human Rights complaint or are unionized or something, you probably won’t get far.”²⁴ A similar view was expressed by another commentator: “Also for a small cafe, if your boss fires you, because you want to get paid for overtime, what can you do, hire a lawyer, go to court [...] dream on, by the time you have paid all the fees you can not afford a coffee anymore. The only way you have is to bend over if you don’t get support from a Labour Organisation.”²⁵ Redditors with employment and family problems are thus left in a difficult position: although, they believe that many of their rights are dependent upon being able to retain a lawyer, they are nonetheless precluded from doing so due to perceived costs.

4.2 Legal System

Alongside concerns about obtaining legal advice and assistance, the legal system itself was commonly understood as a barrier to resolution. While there was some overlap between the problem types, each one emphasized differing concerns that reflected the different adjudicative fora available for resolution. Redditors with family problems, for example, often stated that they were unable to navigate courtroom procedures on their own and that they found the legal system overly complex. In one illustrative conversation, the poster needed to update, calculate, and collect child support; however, they did not have full income disclosure from their ex-partner and found the procedural step required to compel production too complicated to do on their own: “Need to get updated income disclosure, and agreement based on new amounts. I tried to do the motion to change on my own and was completely lost in the process.”²⁶ As well as being overly complex, there was also a common perception among Redditors that family law is an overly aggressive, antagonistic, and combative area of law that makes resolution particularly difficult: “Family law act of Ontario has effectively created a win or loose [*sic*] life situation in these cases. Don’t believe me? Ask around [...] talk to ANYONE who’s been there. The law in Canada effectively punishes one of the parents.”²⁷ Psychological manipulation, lying, and misrepresentation are believed to be the norm within family law. People frequently expressed scepticism about the other side’s position, believing that they were manipulating the facts or simply lying. One poster who was looking for a referral for a friend who was going through a divorce noted that: “Her ex is feigning disability in order to avoid working and just milking her for everything

²³ Employment 012.

²⁴ Employment 038.

²⁵ Employment 004.

²⁶ Family 192.

²⁷ Family 050.

he can.”²⁸ In another post, the husband was refusing to add his wife’s name to the title, claiming that it would cost thousands of dollars. The poster stated: “I don’t trust that he’s telling the truth, so I was hoping someone could tell me if that explanation sounds right/legitimate or if I’m right to be suspicious of this explanation.”²⁹ Frequently, it was the lawyers who were blamed for facilitating these deceptions: “[T]he lawyers are the ones who win in a contentious divorce and I have no doubt that in some cases they make situations much worse than they need to be.”³⁰ However, judges were also blamed: “The judge had clearly read only the first page of her suit of divorce, in which she alleged that I was an unemployable deadbeat who’d mooched off her for a dozen years and that I was verbally and financially abusive. The judge acted as though he’d read her allegations but none of my responses.”³¹ In sum, the family-law system in Ontario is seen by Redditors as a complicated system that allows and sometimes rewards deceptive behaviour.

Within the context of housing problems, the issue of complexity was most clearly evidenced by the difficulty that Redditors had in articulating a remedy. Redditors would frequently detail their problem, but not specify how they wanted it resolved, which, in turn, impacted how they pursued resolution. For example, one poster stated: “Our landlord has come into our unit several times before without prior written notice. We are fearful that something could have happened to our cat or the valuables in our apartment. How do we proceed and if you have any advice for this situation it is much appreciated.”³² One’s response to this situation depended on whether the poster wanted compensation for the unlawful entry, to terminate the tenancy, a guarantee that the landlord would provide them with notice before entry, or a guarantee that their landlord would not enter their unit again. In situations like these, individuals understood that they had suffered a wrong and that they had rights and entitlements; however, they did not know how to frame the issue nor how to pursue it, making it very difficult to participate meaningfully in the proceedings. Another major concern among those with housing problems centred on system delays, leading some Redditors to wonder whether it was worth pursuing a matter in the first place. Many Redditors noted that the Landlord Tenant Board was backlogged and it could take up to a year to have a hearing, at which point it would be moot. For example, in one discussion regarding who has the obligation to keep the entrance way free of snow, one discussant stated: “LTB is backed up to over a year currently as the Ford government didn[’]t bother appointing members. It will be 12 months at least to hear your case.” To which another discussant responded: “Yea, might be easier for the 4 of you to just buy salt and shovel it.”³³

²⁸ Family 055.

²⁹ Family 185.

³⁰ Family 045.

³¹ Family 202.

³² Housing 204.

³³ Housing 093.

Unlike the other two problem types, individuals with employment problems often sought the assistance of a regulatory agency—namely the Ministry of Labour—to help alleviate much of the burden of navigating a complex legal system alone. The ministry arguably offers a fairly accessible path to resolution because it shifts the cost and difficulty of investigation, prosecution, and enforcement to a government agency. As such, Redditors who could not afford legal representation were often advised to file a complaint with the Ministry of Labour. Indeed, it was far more common for Redditors to advise those with employment problems to file a complaint with the Ministry of Labour (18.4%) than to contact their human resources department (8.5%), to directly negotiate with their employer (4.3%), or to sue their employer (0.7%). With that said, like the Landlord Tenant Board, the Ministry of Labour was often perceived as suffering from system delays. As noted by one commentator: “Labour Board is really a mess as they’re totally overloaded.”³⁴ Some Redditors noted that they had waited years for the Ministry of Labour to make a decision regarding a fairly nominal amount of money. In one post regarding unpaid overtime, one commentator advised the poster to “try to work things out with your employer personally, because taking it to the Labour Board is going to take years.”³⁵ Other commentators agreed, seeing the problem as being due to the fact that the system was too slow:

FYI my fiancée worked at a startup for a crooked employer in Toronto. She was out of wages of over \$10k. Went to the labour board immediately and filed a complaint and has since gone through all the appropriate channels [...] but almost two years later, still no sign of the money [...]. I don’t think it’s worth the time spent dealing with the Labour board versus just finding another job.³⁶

Even when the complaints involved the physical health and safety of an employee, the Ministry of Labour was seen as being too slow to respond. In one conversation, the poster alleged that a friend was sexually harassed at work and that the human resource department ignored the complaint.³⁷ One commentator noted: “She can go to the labour rights boards (preferably with a lawyer). This will be slow, legalistic and may not got the way she wants anyway.”³⁸ The result of such delays was that some were advised to just abandon the problem and move on: “I don’t think it[’]s worth the time spent dealing with the Labour board versus just finding another job.”³⁹

Apart from system delays, Redditors also perceived the Ministry of Labour as being generally ineffective at enforcing employee rights. In one conversation regarding unpaid wages, the commentators did not have much faith that the

³⁴ Employment 021.

³⁵ Ibid.

³⁶ Employment 082.

³⁷ Employment 054.

³⁸ Ibid.

³⁹ Employment 082.

employee would be able to recover their loss through the Ministry of Labour: “I don’t know if you are right or not legally speaking, but even if you are, the ministry of labour had a terrible track record when it comes to recovering wages.”⁴⁰ Likewise, in another conversation about a restaurant that was violating employment standards, the poster noted: “The labour board has been called by at least 4 former employees in regards to being shorted on paycheques, not being given pay stubs, being fired for arbitrary reasons, etc. but nothing has ever actually become of these complaints.”⁴¹ In response to this post, one commentator noted: “The labour board is a powerless entity. They are laughable. Scamming employers know this and aren’t afraid of them.”⁴² The reason for this ineffectualness on the part of the Ministry of Labour was succinctly explained in another conversation in which one commentator argued that the problem was not with the laws per se, but with enforcement: “The laws are all well and good, but a combination of a severe lack of enforcement and negligible penalties is in basics making them a paper dragon of a threat.”⁴³ Here, the problem was understood to be structural in nature. Thus, while filing a complaint with the Ministry of Labour is seen as a more accessible path to justice, it is often criticized as being ineffectual.

V. Conclusion

In their report that examined best practices for designing a people-centred justice system, the Organization for Economic and Co-operation and Development noted the fundamental importance of not only locating legal needs within a community, but also identifying what services work and do not work (OECD 2021). While in-person interviews and surveys can provide an effective means to support these goals, social media is yet another tool that can be used to inform our understanding of how a community experiences legal problems and interacts with the legal system. Ontarians who are active on Reddit, for example, often express concerns about the difficulty in obtaining legal advice, and the difficulty in navigating the formal justice system. While these experiences in and of themselves are revealing and should encourage policymakers to address these persistent problems, they are not unexpected. Legal needs research has consistently identified both concerns as being significant barriers to accessing justice (see e.g., Macfarlane 2013). A more insightful observation learned from Reddit, however, is the fact that these difficulties manifest themselves in nuanced ways, depending on whether the individual has experienced a housing, employment, or family problem.

Regarding legal advice, Ontario Redditors typically found themselves priced out of the legal services market. These concerns over the cost of obtaining legal advice certainly reflect the empirical reality of the legal

⁴⁰ Employment 029.

⁴¹ Employment 032.

⁴² Ibid.

⁴³ Employment 017.

services market, where lawyers will charge anywhere from \$195 per hour to over \$500 per hour, depending on the year of call, area of law, and geographic location (see e.g., Canadian Lawyer Magazine 2019). However, each problem type examined approached this reality from a slightly different perspective. Those with family problems frequently stated that they were simply unable to afford legal representation, whereas those with employment problems often understood that the cost of legal representation would outweigh any potential benefit that they would receive. Redditors with housing problems, on the other hand, generally did not even consider legal representation as an option. The result of these perspectives, coupled with the nature of the legal problem itself, has a direct impact on how individuals attempt to resolve their issues. Most people with family problems cannot simply walk away from them and, as most family problems—especially acrimonious ones—have to be resolved in court, many individuals with family problems are left on their own to navigate a complicated system. In contrast, when the legal cost of advice is determined to outweigh any benefit from resolving the employment problem itself, individuals were told to either walk away from the problem or to seek assistance from the Ministry of Labour. Within the context of housing problems, Redditors did not spend much time dwelling on the costs of legal advice. This may have been to do with the robust legislative framework that surrounds residential tenancy issues in Ontario, which structures the landlord–tenant relationship in a very predictable manner. For example, the legislation requires the tenancy agreement to contain specific terms and prohibits other terms from being included. It also sets out a comprehensive list of the rights and responsibilities of both parties. And, while Redditors with housing problems had difficulty in articulating the remedy that they were seeking, there was still a sense that breaches of such entitlements could be resolved without the use of formal legal assistance, thus evidencing a greater level of legal capability among those suffering from housing problems. This finding confirms other legal needs research which has shown that the greatest predictor regarding the seeking of formal legal assistance is not the cost of legal services, but the legal problem itself (see e.g., Dylag 2018; Sandefur 2014). One practical implication of this is that access-to-justice programming that promotes summary legal advice may be more effective for housing problems than for both employment and family issues, where rights are understood as being more dependent on retaining good legal representation.

This dovetails into the second category of concern in which we again see nuance that depends on the type of legal problem. Those with family problems expressed emphatic concern over navigating the legal system, which was viewed as being too complex and too hostile. The other two problems, however, expressed greater concern over system delays. This difference likely had to do with the availability of alternative fora for resolving disputes. In terms of housing problems, disputes are typically brought before the Landlord and Tenant Board—a tribunal with simpler rules of procedure and relaxed rules of evidence. While not ideal, individuals are still able to navigate the tribunal on their own, only needing some intermittent guidance along the way. Within the employment context, complaints can be brought to a regulatory agency

who will bear the burden of enforcing legislated rights. Both of these organizations were seen by Redditors as providing a viable alternative for resolving disputes; however, their effectiveness was perceived to be hampered not so much by complexity, but by significant delays. Equally interesting, however, is what was not discussed by Redditors. Ontario has a Rental Housing Enforcement Unit that can investigate offences and issue fines and penalties for legislative breaches. Redditors, however, never advised those with housing problems to contact the Rental Housing Enforcement Unit, suggesting that this potential path to resolution is unknown among the community. From a person-centred justice perspective, these findings can again help inform organizations on where to direct their resources. For example, programmes that help those with family problems to navigate the system would be well received. Similarly, programmes that promote and advertise the existence of service providers such as the Rental Housing Enforcement Unit would help to connect those with legal needs to helpful services. Finally, even if available and known, such organizations need to be well resourced in order to be perceived as effective by the community.

This paper demonstrates that conversations posted on social media platforms such as Reddit provide a window into the concerns of the public and can be used to inform a more person-centred justice system. As defined by the OECD, a person-centred justice system “adopts the perspective of people as a starting point and places people at the core when designing, delivering, implementing and evaluating public policies, services and legal procedures within and beyond the justice system” (OECD 2023). Social media can assist in achieving this goal by providing insight into how the public approaches their legal problems such that policy and programming can better reach those with legal needs.

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