Crowdsourcing Justice

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I. INTRODUCTION

Social media has become ubiquitous in the daily lives of Canadians. Beyond connecting with friends and family, people also turn to social media to find information and seek advice on any number of topics, be it home cooking, workout routines, or automobile purchases. Indeed, social media is a flexible vehicle that can be leveraged for communication on almost any topic. It is not surprising, therefore, that individuals are also turning to social media to help resolve their legal problems. Even a cursory examination of social media will reveal that it is not uncommon for individuals who are experiencing legal difficulties to post about their problems online and to solicit information and advice on how to deal with them. This crowdsourcing of legal services raises numerous issues that warrant further examination. From a professional and regulatory perspective, there are legitimate concerns about the quality of information and advice that is provided. Far from being benign, there is the potential for serious legal harm should one act upon bad information or advice. Yet, there is also an ongoing and pressing access to civil justice crisis wherein professional legal services are simply beyond the reach of most people.[1] In such a context, social media presents a potential path to justice for those who would otherwise have no access to legal assistance. The inherent tension between these two concerns, coupled with the fact that social media is firmly embedded within society, demands that the legal community examine this phenomenon so that it can respond to it appropriately.

This article presents the findings of a study examining the crowdsourcing of legal research and legal advice and is intended to provide an empirical foundation that can inform future discussions on how to respond to, integrate, or regulate crowdsourced legal services. Specifically, this article examines conversations posted to the social media platform called Reddit to assess whether the crowdsourcing of legal services can be a viable access to civil justice solution. Reddit is a moderated news aggregator wherein people can post content such as questions, comments, pictures, videos, or links to third party sites. Users

[1] See Action Committee on Access to Justice in Civil and Family Matters, *Canada's Justice Development Goal:2020* (2021); See also Roderick A Macdonald, "Access to Civil Justice" in Peter Cane & Herbert M Kritzer, eds, *The Oxford Handbook of Empirical Legal Reserach* (Oxford: Oxford University Press, 2010) 493; Trevor Farrow et al, *Everyday Legal Problems and the Cost of Justice in Canada: Overview Report* (Toronto: Canadian Forum on Civil Justice, 2016).

will then comment on the posted content, which in turn generates additional comments, thus creating a vibrant discourse about the particular subject. Reddit is an ideal platform for the study of crowdsourced legal services because it is, in essence, a public forum that is used by people to express their views and opinions and thus allows an analysis of how people understand, struggle with, and respond to their problems. While conversations posted to Reddit about legal problems can be seen as a troubling indicator of unmet legal needs, they also present an opportunity to better understand the nature and scope of those needs. That understanding can then be incorporated into the access to civil justice dialogue.

The first section of this article explores the context in which conversations about legal problems occur. Specifically, it discusses the legal services market and how this connects to the access to civil justice crisis. Given the parochial nature of law, this article focuses on the province of Ontario, although the reader can draw analogies with other jurisdictions sharing similar characteristics. The second section discusses the particulars of the design and conduct of the study. It notes that the study involved an analysis of 441 conversations about three problem types: housing, employment, and family. The third section then reports on the findings in regard to crowdsourced legal research while the fourth section does so in regard to crowdsourced legal advice. This approach recognizes that there are differing implications for the provisions of legal information than for the provision of legal advice, and that the two should not necessarily be treated the same. Indeed, law societies jealously guard the provision of legal advice and limit the practice of law to select individuals. In Ontario, for example, the provision of legal services is highly regulated. Under section 26.1 of the *Law Society Act*, no person other than one who is licensed under that Act is allowed to provide legal services in Ontario.[2] The Act defines the provision of legal services as engagement in ". . .conduct that involves the application of legal principles and legal judgment with regard to the circumstances or objectives of a person."[3] This effectively gives a monopoly on the provision of legal advice to lawyers and, in limited circumstances, paralegals. However, there is no such limitation on the provision of legal *information*. Here the main distinction is that legal information is generally applicable and does not speak to the specific circumstances or objectives of any particular individual. This distinction opens the door for non-legal professions to provide legal information and is seen by some as a potential method of improving access to justice as the high cost of legal services are often cited as a barrier to justice.[4] The final section draws some conclusions from these findings and comments on how organizations can better leverage social media to improve access to civil justice. It notes that both crowdsourced legal research and crowdsourced legal advice may be appropriate

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[2]   *Law Society Act,* RSO 1990, c L.8, s 26.1.

[3]   *Ibid.,* s 1(5).

[4]   Action Committee on Access to Justice in Civil and Family Matters, *supra* note 1.

in certain contexts and that the legal community should make room for these as an access to civil justice solution.

(a)   The Context: the Legal Services Market

(i) Cost of legal services

Individuals who experience legal problems may encounter numerous issues that make resolution more difficult. These so called "barriers" to justice are varied and multifaceted.[5] For example, institutional barriers, including the complexity of proceedings or even the physical location of a courthouse, may present difficulty for some. Others may experience systemic marginalization due to social demographic factors like poverty, mental health, or race. One of the most commonly cited barriers to justice, however, is the cost of legal services.[6] According to data from 2009 to 2014, the average rate for a Canadian lawyer ranged from $204 to $386 per hour.[7] This rate has not gone down in the intervening years, nor is it expected to. A 2019 survey conducted by *Canadian Lawyer* magazine found that the national average hourly rate ranged from $195 per hour for a lawyer called to the bar within the previous year to $452 per hour for a call of more than 20 years.[8] Moreover, lawyers practicing in Ontario or in larger firms charge more per hour than lawyers practicing in other regions or in smaller firms.[9] Thus, it is not surprising that recent survey data has put the average cost for a civil action resulting in a two-day trial in Canada at $31,330; in Ontario that same action would cost $47,605.[10] Yet, despite recommendations from the profession to change billing practices to something more affordable, such as a flat fee structure, billable hours are still the standard practice, with 88.6% of lawyers surveyed stating they use billable hours.[11] These astronomical costs means that private legal representation for any legal problem beyond the most simple and administrative is simply unaffordable for most Canadians.

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[5]   See Macdonald, *supra* note 1.

[6]   See e.g. Julie Macfarlane, *The National Self-Represented Litigants Project: Identifying and Meeting the Needs of Self-Represented Litigants* (Windsor, 2013); Pascoe Pleasence & Nigel J Balmer, *Legal Needs Surveys and Access to Justice* (Paris: OECD Publishing, 2019).

[7]   Noel Semple, "The Cost of Seeking Civil Justice In Canada" (2015) 93:3 Can Bar Rev 639 at 650 [Semple, "The Cost of Civil Justice"].

[8]   Marg Bruineman, "Steady Optimism," *Canadian Lawyer Magazine* (April 2019), online: <www.canadianlawyermag.com/surveys-reports/legal-fees/steady-optimism-2019-legal-fees-survey/276027>.

[9]   *Ibid.*

[10]   Michael McKiernan, "The Going Rate," *Canadian Lawyer Magazine* (June 2015), online: <www.canadianlawyermag.com/staticcontent/images/canadianlawyermag/images/stories/pdfs/Surveys/2015/CL_June_15_GoingRate.pdf>.

[11]   *Ibid.*

Unfortunately, publicly funded legal representation is equally out of reach for most Canadians. In Ontario, for example, the sole provider of publicly funded legal services is Legal Aid Ontario, a non-profit corporation established by the *Legal Aid Services Act, 1998*[12] and continued by the *Legal Aid Services Act, 2020*.[13] Legal Aid Ontario funds three programs: the certificate program, the duty counsel program, and the law clinic program.[14] All three of these programs have strict eligibility requirements that ensure only a small minority of the population can access them. For example, under the certificate program, which is the largest of the three programs, a person can apply to Legal Aid Ontario and, if they qualify, receive a certificate that can then be used to pay for the private legal services of any lawyer who accepts them. However, most Ontarians are barred from this program due to two threshold requirements: financial eligibility and type of legal problem. In 2020, to qualify for a legal aid certificate, a household's gross annual income had to be less than $17,731 for an individual living alone and less than $48,173 for a family of five or more individuals.[15] The threshold is slightly higher for cases of domestic abuse, where the cutoff ranged from $22,720 to $50,803.[16] These numbers mean that one has to be living at or close to the official poverty line in order to meet the financial eligibility requirements for a legal aid certificate.[17] Further, Legal Aid Ontario will only provide legal certificates for problems related to criminal law, domestic violence, family law, refugee and immigration, and mental health consent and capacity issues.[18] This reality is particularly troubling given that recent empirical surveys have shown that nearly half of the adult population of Canada will experience a legal problem within a three-year period and that almost 60% of those problems experienced are related to areas of law that legal aid certificates will not cover, notably consumer, debt, or employment issues.[19] Legal Aid Ontario's other two programs are just as exclusive for mostly the same two reasons. First, there are equally stringent financial eligibility requirements to receive services under both the duty counsel and legal clinic programs. Second, the scope of services offered

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[12] *Legal Aid Services Act, 1998,* SO 1998, c 26.

[13] *Legal Aid Services Act, 2020*, SO 2020, c 11, Schedule 15.

[14] The *Legal Aid Services Act, 2020* removed any statutory requirement to fund these programs, delegating the authority to Legal Aid Ontario to determine how best to provide services. At this time, however, Legal Aid Ontario has continued to operate through these three programs.

[15] Legal Aid Ontario, "Details on Legal Aid Ontario's Financial Eligity Increase for 2019" (2019), online: <www.legalaid.on.ca/news/details-on-legal-aid-ontarios-financial-eligibility-increase-for-2019/>.

[16] *Ibid.*

[17] Statistics Canada, "Canadian Income Survey, 2017" (2019), online: <www150.statcan.gc.ca/n1/daily-quotidien/190226/dq190226b-eng.htm>.

[18] Legal Aid Ontario, "Services" (2021), online: <www.legalaid.on.ca/services/>.

[19] Farrow et al, *supra* note 1 at 8.

by duty counsel offices and legal clinics are limited to specific areas of law, most commonly criminal, family, or immigration.[20]

From a supply side perspective, the availability of legal services is also constrained. Even if one had the resources to afford legal representation, a lawyer may be unavailable to assist with one's problem for two reasons. First, geographically, most legal professionals are located in large metropolitan areas.[21] This means that rural communities are chronically underserviced and may not have a lawyer with the relevant skill set available to deal with a particular problem. Related to this is the fact that market forces will inevitably push practitioners into more profitable areas of law such that some legal problems, such as poverty law, are underserviced. For example, in Ontario, the most common practice area for lawyers was corporate law, with 20% of all lawyers practicing in this field, whereas only 3% of lawyers were working within the area of immigration law.[22] This reality is confirmed by the fact that many lawyers will not accept legal aid certificates, which pay well below the market rate.[23] The current rate for a legal aid certificate ranges from $109.13 to $161.05 per hour, which is just over half the average market rate for a newly called lawyer.[24] Further, Legal Aid Ontario also regulates the maximum amount of time one is allowed to work on a file. For example, a lawyer is allowed to spend a maximum of four hours on the preparation and delivery of pleadings.[25] Likewise, they are allowed to spend a maximum of seven hours on the production of documents for discovery, the inspection of documents, and the preparation for any motion associated with documentary discovery.[26] This means that if a particular case is complicated, the lawyer is likely going to be forced to either rush their work or spend many hours on the file *pro bono*. Neither of these options is particularly attractive from a business perspective.

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[20] *Ibid;* Legal Aid Ontario, "Financial Eligibilty Test for Duty Counsel Services" (2016), online: <www.legalaid.on.ca/wp-content/uploads/Financial-Eligibility-Test-for-Duty-Counsel-Services-EN-1.pdf>; Legal Aid Ontario, "Financial Eligibility Test For Legal Aid Certificates" (2016), online: <www.legalaid.on.ca/en/publications/downloads/Certificate-Financial-Eligibility-Criteria.pdf>.

[21] Jamie Baxter & Albert Yoon, "No Lawyers for a Hundred Miles? Mapping the New Geography of Access to Justice in Canada" (2014) 52:1 Osgoode Hall LJ 9.

[22] Law Society of Ontario, "Statistical Snapshot of Lawyer in Ontario" (2019), online: <lawsocietyontario.azureedge.net/media/lso/media/lawyers/practice-supports-resources/equity-supports-resources/snapshot-lawyers2019_eng-aoda.pdf>

[23] According to the 2019 survey, only 28% of Ontario law firms accept legal aid certificates. See Bruineman, *supra* note 8.

[24] O Reg 107/99.

[25] *Ibid.*

[26] *Ibid.*

(ii) Previous reform efforts

The cost and availability of legal representation has been an ongoing concern for some time and is often perceived as one of the main barriers to pursuing one's rights and entitlements.[27] The justice sector has attempted to address this issue numerous times over the years through various institutional reform efforts, three of which are of particular note for this discussion because of their intended impact on the legal services market. These are the creation of small claims courts, the growth of the alternative dispute resolution movement, and the legalization of contingency fee agreements.

Beginning in the early 1970s, various jurisdictions, including New York, Australia, England, and British Columbia, created small claims courts and tribunals with the belief that they would not only reduce the cost of litigation by redirecting certain disputes out of the sluggish court system to more specialized and ostensibly efficient forums, but also allow individuals to litigate effectively without lawyers.[28] Over time, however, the monetary jurisdiction of these small claims courts began to creep up, as did their procedural rigour. For example, in Ontario one can currently pursue a claim in Small Claims Court for any action with a monetary value of $35,000 or less excluding costs and interest.[29] Once legal costs and interest are added to an order, both of which can be quite substantial, it is evident that small claims courts are no longer limited to just simple low-cost matters. The result of this jurisdictional expansion is that individuals are more loath to represent themselves, and judges are stricter with procedural requirements. Indeed, small claims courts have been criticized as being increasingly inaccessible to lower income individuals and primarily used by wealthier litigants and business enterprises for debt collection.[30]

A second reform movement began in the early 1980s, during what is often characterized as a "third wave" of access to civil justice thinking, when scholars started to examine ways of addressing legal problems outside of the formal institutions through various alternative dispute resolution (ADR) mechanisms, such as consensus arbitration or industry ombudsman.[31] Many of the arguments in favour of ADR echoed earlier claims made in favour of small claims courts: the courts were inaccessible because they were too slow and costly.[32] Not only would ADR mechanisms address these concerns, but they would also give parties

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[27] See e.g. Macfarlane, *supra* note 6.

[28] See e.g. Mauro Cappelletti & Bryant Garth, "Access to Justice: The Newest Wave in the Worldwide Movement to Make Rights Effective" (1978) 27:2 Buff L Rev 181 at 243-245, 271-274.

[29] O Reg 626/00.

[30] Anthony Niblett & Albert H Yoon, "Unintended Consequences: The Regressive Effects of Increased Access to Courts" (2017) 14:1 J Empirical Leg Stud 5.

[31] Cappelletti & Garth, *supra* note 28 at 232-233; Macdonald, *supra* note 1 at 506-507.

[32] See e.g. Jack B Weinstein, "Some Benefits and Risks of Privatization of Justice Through ADR" (1996) 11:2 Ohio St J Disp Resol 241.

more control over their outcomes in an environment that was less hostile than traditional litigation.[33] In 1991, Ontario passed its *Arbitration Act, 1991*, which created a regime that permitted parties to enter into enforceable arbitration agreements and limited court intervention in such matters.[34] The ADR movement also gave rise to the widespread adoption of court-managed ADR processes such as mandatory mediation. Ontario, for example, amended its *Rules of Civil Procedure* in 1998 to provide for mandatory mediation in certain types of civil litigation cases and a year later did the same for estate matters.[35] Since then, the use of court-managed ADR mechanisms has only increased in Canada.[36] However, there is little evidence that ADR has made accessing a dispute resolution forum easier, especially considering that many of these arbitral proceedings have become just as complicated and expensive as any court, and that they are dominated by institutional litigants who are able to leverage them strategically.[37] Indeed, recent survey data show that the cost of an ADR process is on average comparable to the cost of a civil action leading to a two-day trial.[38]

A third reform effort that was intended to make legal services more available and affordable is the legalization of contingency fee agreements.[39] Under the typical contingency fee arrangement, the lawyer will not demand an upfront retainer and will not invoice for billable hours. Rather, the lawyer will take a percentage of the award or settlement secured in compensation for their services. In this manner, the risk of litigation is shifted to the lawyer since payment is contingent on success. However, in compensation for this added risk, the client would typically pay the lawyer much more under a contingency fee than they would under a standard fee structure. In theory, this type of arrangement allows a plaintiff who cannot afford the upfront legal fees of a lawyer an opportunity to

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[33] See e.g. Pepper A Randy, "Why Arbitrate: Ontario's Recent Experience with Commercial Arbitration" (1998) 38:4 Osgoode Hall LJ 807.

[34] *Arbitration Act, 1991,* SO 1991, c 17.

[35] O Reg 453/98; O Reg 290/99.

[36] Prevention Triage and Referral Working Group, *Responding Early, Responding Well: Access to Justice through the Early Resolution Services Sector* (Ottawa, 2013) at 18-19.

[37] See e.g. Marc Galanter, "The Vanishing Trial: An Examination of Trials and Related Matters in Federal and State Courts" (2004) 1:3 J Empirical Leg Stud 459; Jack B Weinstein, "Some Benefits and Risks of Privatization of Justice Through ADR" (1996) 11:2 Ohio St J Disp Resol 241; Trevor C W Farrow, *Civil Justice, Privatization, and Democracy* (Toronto: University of Toronto Press, 2014).

[38] In 2015, the average cost of an ADR process, including mediation, was $23,462, which is about 75% of the average cost of a civil action, including a two-day trial ($31,330). See McKiernan, *supra* note 10.

[39] In 2002, the *Solicitors Act* was amended to allow for these types of agreements to exist. See *Justice Law Amendment Act, 2002,* SO 2002, c 24, schedule A. Shortly thereafter, the Law Society of Ontario amended its Rules of Professional Conduct to allow lawyers to charge contingency fees for non-criminal, non-quasi criminal, and non-family matters. See The Law Society of Ontario, *Rules of Professional Conduct*, Toronto: Law Society of Ontario, 2013, ch 3.6-2.

pursue their claim in court.[40] However, contingency fee arrangements add a whole new set of problems for obtaining legal representation.[41] For one, individuals without legal expertise may have difficulty assessing whether the contingency fee arrangements are fair and economically sound, and such arrangements arguably create an incentive for lawyers to seek quick payouts on files.[42] This brings into question whether the individual is getting the best representation possible. Moreover, due to their inherent risk, contingency fees only make economic sense from the lawyer's perspective for high value cases, which excludes an entire class of legal problems. Thus, although contingency fees are generally accepted as facilitating access to legal services for certain types of litigation, they also allow for the exploitation of clients who do not have the legal sophistication to judge the fairness of such agreements.[43]

Although unique to the province of Ontario, a fourth reform effort deserves mention. In 2006, Ontario's *Law Society Act* was amended to allow for the regulation of paralegals as a new class of legal professional who would be allowed to practice in limited areas of law such as summary convictions, small claims, or residential tenancies.[44] Allowing paralegals to offer their services on the open market was intended to improve access to justice by making legal services more readily available and thereby increasing consumer choice.[45] Although paralegals may offer a more affordable alternative for some types of legal problems,[46] their overall impact on the cost of legal services appears to be negligible.[47]

[40] Michael Trebilcock, "The Case For Contigent Fees: The Ontario Legal Profession Rethinks its Position" (1989) 15:3 Can Bus LJ 360.

[41] In October 2020, in order to address some of the concerns over contingency fees, both the Ontario government and the Law Society of Ontario approved certain reforms to the contingency fee regime to take effect in July 2021. These reforms include the requirement to disclose the maximum fee percentage charged, to provide fee-related reporting to the client, and to use a plain-language, standard Contingency Fee Agreement form drafted by the Law Society of Ontario. See O Reg 563/20.

[42] See Allan C Hutchinson, "Improving Access to Justice: Do Contingency Fees Really Work?" (2020) 36:1 Windsor YB Access Just 184.

[43] See e.g. Noel Semple, "Regulating Contingency Fees: A Consumer Welfare Perspective" in Trevor C W Farrow & Lesley A Jacobs, eds, The *Justice Crisis: the Cost and Value of Access to Law* (Vancouver: UBC Press, 2021) (The Law Society of Ontario now mandates that lawyers use a standard form contingency fee agreement in an attempt to address this concern).

[44] Bill 14, *An Act to Promote Access to Justice by Amending or Repealing Various Acts and by Enacting the Legislation Act, 2006*, 2nd Sess, 38th Parl, Ontario, 2006 (assented to 19 October 2006) SO 2006, c 21.

[45] Legislative Assembly of Ontario, *Official Report of Debates (Hansard)*, 38th Parl, 2nd Sess, No 11 (27 October 2005) at 494 (Hon Michael Bryant), online: < www.ola.org/en/legislative-business/house-documents/parliament-38/session-2/2005-10-27/hansard > .

[46] Semple, "The Cost of Civil Justice," *supra* note 7.

[47] Despite Paralegals being able to offer legal services on the open market since 2007, the cost of legal services has only gone up. See above.

While all these reform efforts were intended to either increase an individual's ability to access the legal services market or make individuals less reliant on the legal services market, none proved to be the panacea some had hoped for. Currently, the high cost of private legal services coupled with the strict eligibility requirements for public legal aid means that most Canadians are priced out of the market. Add to this the fact that rural regions are chronically underserved by legal services and certain types of legal problems are not viewed as profitable enough to warrant attention, it is easy to appreciate why the legal services market remains inaccessible for most Canadians. It is therefore understandable why some people would turn to social media for assistance when dealing with a legal problem. Given the justice sector's history of reform, a legitimate question that follows this discussion is whether social media can be leveraged as another solution to current access to civil justice challenges.

(b)   The Study

To better understand the growing phenomenon of crowdsourcing legal research and legal advice from an access to civil justice perspective, I conducted a study that examined conversation about legal problems posted to social media. Specifically, this study examined conversations posted to the website Reddit, a moderated online news aggregator and discussion board. Reddit is a particularly interesting case study because it allows for extended discussions on community forums and, as such, seems tailor-made for public conversations about legal needs. Here, 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, users should upvote content that they believe contributes to the conversation and downvote content that does not contribute or is off-topic.[48] The website is divided into almost innumerable "subreddits" or communities, each focusing on its own topic. For example, the subreddit "/r/Ontario" caters to content about the province of Ontario, subscribers to the subreddit "/r/Music" post links to various music videos on video streaming sites, and 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 prohibiting the posting of personal information or obscene material. Any user that has met a minimum activity requirement can create a new subreddit on whatever topic they want and recruit additional moderators who, in turn, determine and enforce the new subreddit's rules.

Discussions on Reddit begin with a user posting some content, such as a question, a statement, or a link to a webpage. Other users will then comment on

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[48]   Reddit, "Reddiquette" (2020), online: *Reddit Help* < www.reddithelp.com/en/categories/reddit-101/reddit-basics/reddiquette > .

these posts, and some of these comments gain even further comments, creating a conversation tree. Just as the posts themselves are "upvoted" and "downvoted," so too are the comments. Thus, the highest-rated comments will appear higher in the conversation, suggesting that the community deems these comments to contribute the most to the conversation. Interestingly, it is not uncommon for individuals to post questions about their legal problems. Even more interesting are the extensive conversations that these questions garner.

To conduct this study, I chose to examine nine location-focused subreddits and two advice-focused subreddits. The subreddits were chosen with three constraints in mind: first, the subreddits needed to allow for conversations about legal problems; second, they needed to be focused on the province of Ontario; third, they needed to have sufficient membership that would allow for vibrant discussion. In each of these eleven subreddits, I used the Reddit search engine to conduct a keyword search to pull conversations about three problem types: housing, employment, and family. I chose to examine three problem types in recognition of the fact that not everyone who posts about their legal problems on Reddit is equally situated. Examining multiple problem types thus allows a basis of comparison between the nature of problems discussed and the quality of information or advice provided. In total, I was able to gather 441 conversations for analysis, broken down as follows: 193 conversations about housing problems, 142 conversations about employment problems, and 106 conversations about family problems. The conversations were then coded, and overlapping themes were identified through inductive reasoning. During this analysis, I concurrently assessed the seriousness of the problem along with the quality of advice provided based on my own experience as a practicing lawyer. This exercise was somewhat complicated by the fact that the poster may have provided misleading information or may not have presented all relevant facts. Conversations were thus considered within this context. For example, conversations that asked for further details were often of a higher quality than those that did not. After analyzing these conversations, it became evident that Redditors use the platform as a tool to help resolve their problems in two ways: as a way to crowdsource legal research and as a way to crowdsource legal advice.

(c) Crowdsourced Legal Research

(i) Challenges to effective legal research

Although there is lots of legal information available online, effective legal research is still a difficult and nuanced task that many struggle with, even in the digital era.[49] One difficulty with legal research has to do with the overwhelming amount of information that is readily available. The Action Committee on Access to Justice in Civil and Family Matters stated the issue succinctly: "It is

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[49] One reason individuals are often compelled to conduct research about a legal problem is that professional legal assistance is either unattainable, or perceived to be unattainable, for most people.

not always clear to the user what information is authoritative, current, or reliable."[50] Indeed, if one searches online for legal information on any given topic, one might come across numerous authoritative websites, including CLEO's Steps to Justice, Legal Aid Ontario's LawFacts, the Law Society of Ontario's YourLaw, the CBA's Legal Health Checks, the National Self-Represented Litigants Projects' SRL Resources as well as various government websites, tribunals' websites, and the Ontario Courts website. One would also come across dozens of websites for lawyers and law offices that include help pages and blogs of varying quality, some of which are presented to look like public legal assistance. Links to numerous non-profit websites that offer assistance in particular areas of law would also be returned, as would links to reciprocal information for jurisdictions outside of Ontario. Needless to say, a search for legal information can quickly become overwhelming. Moreover, without some background knowledge of who these organizations are and how they are situated within the legal framework, it may be difficult to determine which websites are authoritative and trustworthy and which ones are less so.

As well as the sheer volume of legal information that is available, much of the legal information that is posted presumes a basic understanding of the legal framework. Without this basic understanding, the information is difficult to navigate. For example, in Ontario, a help guide about the division of matrimonial property after a divorce will not apply to a common-law couple who are separating. Thus, someone who is experiencing a relationship breakdown and is looking for legal information would first have to recognize that there is a differing legal status between married and common-law couples in order to know whether this guide is relevant to them. Similarly, they would need to recognize which jurisdiction they are subject to and which jurisdiction they are pulling legal information from. A law blog about divorce law in North Dakota will not apply to an Ontario couple seeking divorce. Finally, despite the plethora of legal information, one might have difficulty finding information that is actually relevant to one's own situation, as legal problems are highly contextual and good research requires the ability to draw analogies from like situations.

It is clear that many Redditors struggle with locating relevant legal information. Apart from the fact that the majority of conversations analyzed involve a Redditor asking about a legal problem, many of the Redditors explicitly state that they could not find relevant legal information elsewhere. For example, one poster states the following: "I hope there's some info out there. Google gave me nothing, and the tenancies act appears to have nothing about this either."[51] Similarly another poster states, "I just can't seem to find information around this regarding month-to-month leases."[52] Even where the Redditor was able to find information on their own, they often wanted

[50]   Action Committee on Access to Justice in Civil and Family Matters, *supra* note 1 at 13.

[51]   Housing 195.

[52]   Housing 183.

confirmation that it was accurate: "As far as I can tell from what I've googled, there's no restriction on number of tenants as long as it doesn't compromise safety. Is this correct?"[53] Given this context, it is not surprising that more than half of the conversations for both housing and employment problems directed the poster to some kind of legal information (see Figure 1).
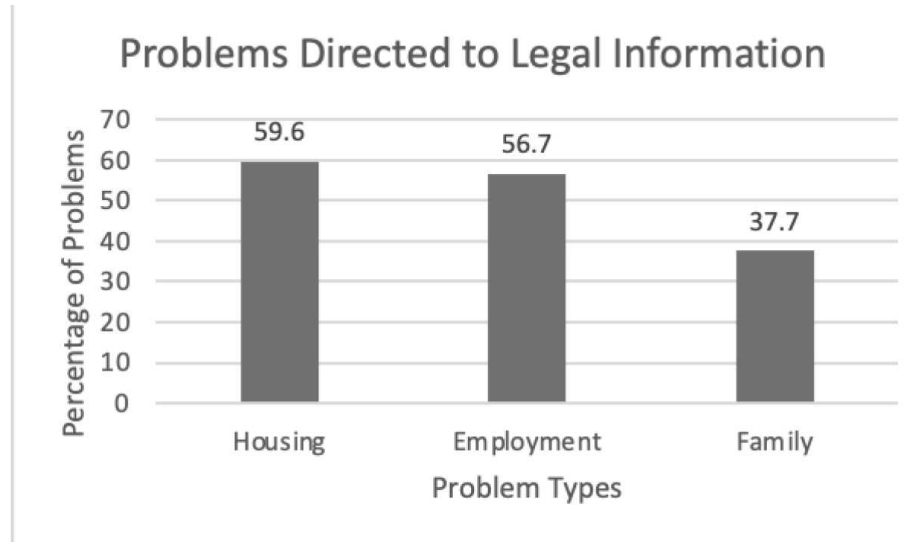

Figure 1 Percentage of Conversations Directing Poster to Legal Information

Family law problems, on the other hand, are notable in that, unlike the other two problem categories examined, less than half of the conversations (37.7%) directed the user to legal information. This idiosyncrasy of family law discussions on Reddit manifests itself in two ways. First, people who post about family law problems are often simply looking for a referral to a lawyer rather than for legal information.[54] In one illustrative post, for example, the poster simply states the following: "Can anyone recommend a really good divorce lawyer to protect wife's rights and assets? Literally asking for a friend."[55] In response to such questions, commentors will often provide referrals but will not direct the poster to legal information. Second, Redditors who respond to questions about family law problems far more frequently limit their comments to "speak to a lawyer" than they do with other problems. Indeed, family law conversations directed posters to seek legal advice far more frequently than did conversations about the

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[53] Housing 031.

[54] The poster simply asked for a referral to a lawyer in nearly a quarter (24.5%) of all family conversations analyzed.

[55] Family 050.

other problem types (see Figure 2). With that said, using Reddit as a means to find legal information is still a common practice even for family problems.

Figure 2 Percentage of Conversations Directing Poster to Legal Information

(ii) Benefits and risks of crowdsourcing legal research

The potential benefit of using Reddit to crowdsource preliminary legal research is manifold. First, it allows the Redditor to cut through the noise of irrelevant, inaccurate, or poor information that pervades the internet and quickly locate relevant sources. For example, after being told that employees who work in information technology are exempt from overtime pay, one poster states that they cannot find this information among the Government of Ontario's numerous publications on employment standards.[56] The commentor responds by posting a link to the Ontario government's guide on exceptions to overtime pay, and another Redditor replies with a link to the relevant regulation.[57] In directing those with legal problems to relevant and authoritative legal information, commentors can help the poster determine their next steps. For example, in one post asking about a landlord's responsibility for pest control, the poster is directed to some information on the City of Toronto's website. The poster responds to the information as follows: "I wasn't sure if that was only with respect to bed bugs, but I see now it says it's the landlord's responsibility for all pest control. Thanks!"[58] Similarly, in another post asking about an employer's

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[56]   Employment 200.

[57]   *Ibid.*

[58]   Housing 022.

obligation to provide transportation, the poster is directed to an employment FAQ on the Ministry of Labour's website that directly answers the question. The poster responds, ''Great link. Thanks.''[59] Crowdsourced legal research also provides an opportunity to personalize a legal question with specific facts and context, thus increasing the likelihood that the information provided is relevant. For example, one Redditor relates that their landlord owns two cats and does not clean up after them.[60] The first response to this post asks if they share a kitchen or bathroom with the landlord, noting that this will impact their options.[61]

Despite the potential benefits of crowdsourcing legal research, individuals should still approach the provision of such legal information with caution, as some commentors may link to sources that are either incorrect, out of date, or out of jurisdiction. For example, in one post asking about breaking a tenancy agreement, someone directed the poster to an American source.[62] Fortunately, another poster identified the link as being American and provided a link to Ontario's governing legislation.[63] This concern, however, can be addressed if one takes certain precautions. Specifically, one should be critical of what one is looking at and confirm that the information is recent. One should also look at the organization and read the ''About'' page to make sure it is a legitimate organization situated in the right jurisdiction. If these cautions are applied, then social media may be an effective way to crowdsource legal research and help promote the distribution of relevant and authoritative legal information. Organizations that produce publicly available legal information could play a very important role in leveraging crowdsourced legal research as an access to civil justice solution by using crowdsourcing platforms to connect with specific communities and distribute relevant legal information to a targeted audience.

(iii) Crowdsourced legal research as an access to justice solution

Perhaps one of the more impactful initiatives on improving access to civil justice is the proliferation of publicly available sources of legal information. Numerous organizations have gone to great lengths to develop legal information that is clear and insightful. However, as noted by the Canadian Forum on Civil Justice, ''Information content that communicates clearly is an essential first step, but it is only effective if people know that the resource is available and how to access it.''[64] Simply digitizing the legal information and posting it online will not resolve this issue. The veracity of this observation is evident in how few of the conversations referenced many of these great sources of legal information

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[59] Employment 045.

[60] Housing 208.

[61] *Ibid.*

[62] Housing 009.

[63] Housing 009.

[64] Barbara Billingsley, Diana Lowe & Mary Stratton, *Civil Justice System and the Public: Learning from Experiences to find Practices that Work* (Edmonton, 2006) at 42.

available online. For example, CLEO's Steps to Justice Website, launched in 2017, is a fantastic source of legal information that is easy to navigate and understand.[65] However, it was only referenced a total of four times in the 441 conversations examined. Similarly, the National Self-Represented Litigants Project, which has published excellent online resources for self-represented litigants, was not mentioned once in the conversations.[66] Clearly there is a disconnect between the availability of good quality legal information and the public's awareness of it.

In order to promote their resources, some organizations have engaged with community intermediaries who are better equipped not only to introduce relevant legal information to the audiences that need it, but also to help them understand and navigate it.[67] Social media is just one more tool that these community intermediaries could use to promote legal information. CLEO, for example, recognizes this and encourages organizations and members of the public to embed and share its content and has even provided sample images for organizations to include in their own social media postings in order to promote its Steps to Justice Website (see Figure 3).[68] Many other organizations have also acknowledged the importance of social media in distributing legal information. For example, the Canadian Bar Association mentions social media as an example of a technological initiative that can provide the public with access to legal information.[69] Similarly, the National Action Committee on Access to Justice in Civil and Family Matters sees social media as a potential tool to engage with the public.[70] These organizations recognize that using social media to refer people to legal information can help overcome some difficulties with connecting individuals with the information they need.

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[65] Community Legal Education Ontario, "Steps to Justice," (2021), online: < stepstojustice.ca > .

[66] National Self-Represented Litigants Project, "Welcome to the NSRLP!" (2021), online: < representingyourselfcanada.com/ > .

[67] Community Legal Education Ontario, *Don't Smoke, Don't Be Poor, Read Before Signing: Linking Health Literacy and Legal Capability* (Toronto, 2015) at 40-42; see also Billingsley, Lowe & Stratton, *supra* note 64.

[68] Community Legal Education Ontario, *supra* note 65.

[69] Canadian Bar Association, *Reaching Equal Justice: An Invitation to Envision and Act* (Ottawa: Canadian Bar Association, 2013) at 76.

[70] Action Committee on Access to Justice in Civil and Family Matters, *supra* note 1 at 20.

Source: https://stepstojustice.ca/share/social

Figure 3 Images Promoting the Steps to Justice Website (Source: https://stepstojustice.ca/share/social)

Reddit, as one of the fastest-growing social media platforms, should be used as such a space.[71] Organizations could leverage Reddit to promote legal information in several ways. First, they could periodically post information about themselves along with a link to their website on selected subreddits such as /r/LegalAdviceCanada. This would act as an effective marketing tool as they would be able to target specific audiences. Second, they could monitor specific subreddits and respond to users who post legal questions. In their response, they could direct the poster to legal information that is not only relevant but also timely and up-to-date. Finally, they could create their own subreddit and use it as a forum to engage with the public. For example, they could solicit feedback about information, respond to questions, or even post sample forms and pleadings that are commonly used in certain forums. By leveraging Reddit in this manner, public legal education and information organizations may be able to reach a wider audience and ensure that their legal information has a greater impact.

Despite the concerns raised above, the access to civil justice community should encourage the use of social media for crowdsourcing legal research. When using Reddit for crowdsourced legal research, the information referred to was consistently relevant and authoritative. In many instances, the referral appears to have provided the poster with enough guidance to take next steps in resolving their problems. Moreover, if public legal education and information organizations were to become embedded within these communities, there would be a real opportunity for them to promote their materials and increase public awareness of their resources. Crowdsourced legal research is therefore not only a method of resolution that the public wants to engage with, but it is also

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[71] Anatoliy Gruzd & Philip Mai, *The State of Social Media in Canada 2020: A Canada-Wide Survey About Social Media Adoption and Use in Canada* (Toronto, 2020).

one that can provide practical solutions for an individual's legal needs. The main drawback from an access to civil justice perspective is that people still want help understanding and applying the information. In other words, Redditors are also crowdsourcing legal advice.

(d)   Crowdsourced Legal Advice

(i) Seriousness of problem versus quality of advice

Another observation that becomes evident from reading about legal problems posted to social media is that many people use it to crowdsource legal advice. That is, people are willing to post about their legal problems in a public forum and solicit legal advice from an anonymous community, most of whom are not likely to be legal professionals.[72] They do this despite the fact that common sense dictates that one should not take advice of any kind — be it medical, financial, or legal — from an unqualified, anonymous source. Not only could such advice potentially damage an individual's interests, but that individual would also have no recourse for compensation for the advice giver's negligence should the advice prove harmful. Yet despite the evident risks inherent in soliciting crowdsourced legal advice, many continue to do so for both serious and non-serious matters. To assess this phenomenon, each conversation analyzed was given a seriousness rating from 1 to 5, wherein 1 represented inconsequential or mundane problems and 5 represented a life-changing issue that required professional assistance to resolve. For all three problem types examined — being housing, employment, and family — most of the conversations were given a seriousness rating of 3 and thus could be categorized as mildly serious; that is, they warranted attention and had the potential to escalate, but could likely be resolved through negotiation or discussion (see Figure 4). While not as immediately serious as category 5 problems, category 3 problems should still be approached with thoughtful consideration given their potential to escalate, especially if an individual follows bad advice. There were also a fair number of conversations that could be considered more serious in nature for all three problem categories, further displaying that crowdsourced legal advice is not limited to problems of lesser importance.

[72]   For example, there are about 55,000 licenced lawyers and about 9,000 licensed paralegals in Ontario, and the /r/Ontario subreddit has approximately 134,000 members. Even if every single licensee was an active member of /r/Ontario, less than half of that subreddit's membership would be legal professionals. See Law Society of Ontario, "FAQs" (2021), online: <lso.ca/about-lso/osgoode-hall-and-ontario-legal-heritage/faq#how-many-lawyers-and-paralegals-are-there-in-ontario–5>.
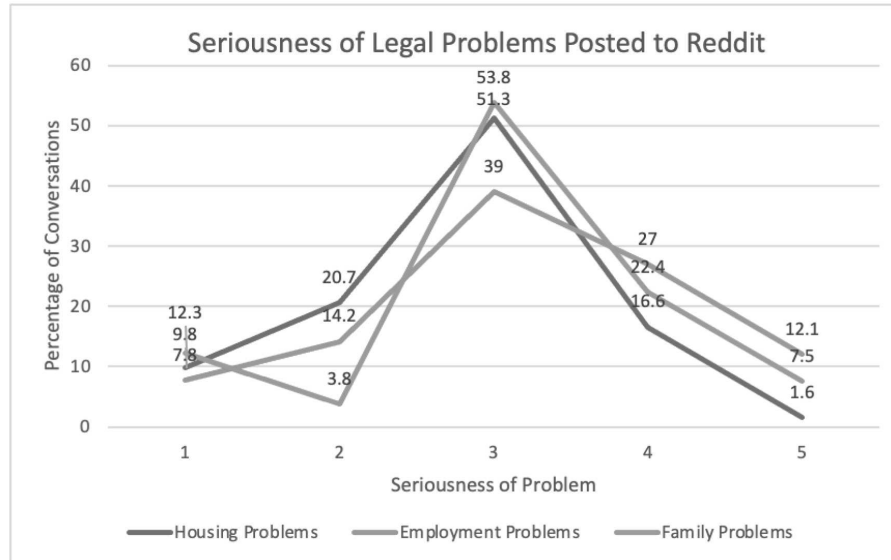
Figure 4 Seriousness of Legal Problems Posted to Reddit

Despite the fact that many people solicit legal advice from Reddit, the quality of legal advice provided by Redditors is overwhelmingly below what one would expect from a competent lawyer or paralegal. Like seriousness, each conversation analyzed was given a rating of between 1 and 5 for the aggregate quality of advice provided. A rating of 1 meant that the advice was incorrect and/or misleading, whereas a rating of 5 was reserved for accurate and comprehensive advice that reviewed options, provided authorities, and was overall helpful in terms of providing direction to the poster. For reference, a rating of 4 is the minimum rating one would expect from a competent lawyer acting in the best interest of their client. The overwhelming majority of advice given for all three problem categories examined were rated at 3 or below (see Figure 5). Interestingly, while both housing and employment problems had a similar distribution, advice for family law problems was noticeably of a poorer quality. Specifically, family problems had far more conversations rated at either a 1 or a 2 and fewer conversations rated at a 3, 4, or 5 than either of the other two problem types.
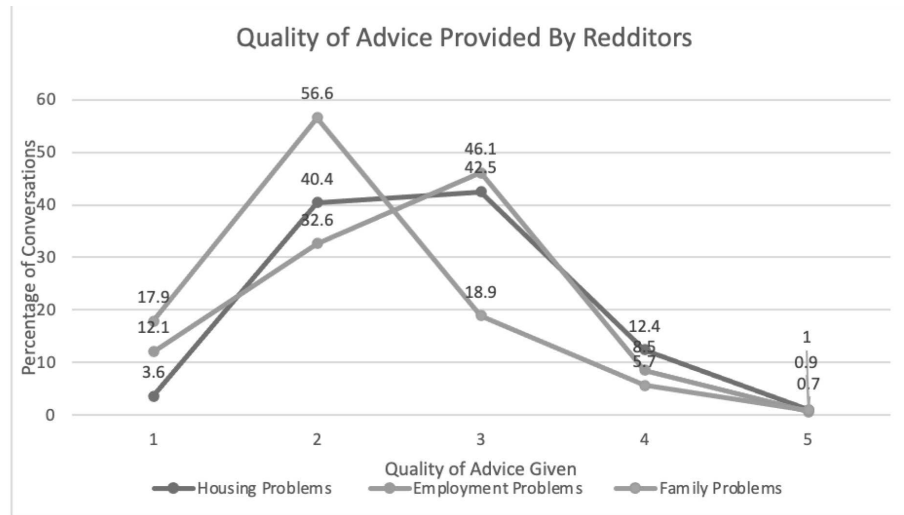
Figure 5 Quality of Advice Provided by Redditors

While this divergence is notable, the reason that advice for family problems is of a poorer quality has more to do with how Redditors interact with family problems than with the substance of the advice itself; that is, the advice is of a poorer quality not because Redditors understand family law less than other problems, but because both posters and commentators do not wish to engage with the problem on Reddit. Redditors are far more likely to limit their questions to "anyone know a lawyer" and their advice to "speak to a lawyer" when discussing family law problems than they are with the other two problems categories. Conversations wherein advice was simply limited to "speak to a lawyer" was given a rating of 2 since these comments are of no practical assistance to the poster, even if they are technically correct. However, if the contact information for a specific lawyer was provided, then the conversation would be given a rating of 3 since this at least provides the poster with some practical next steps. Thus, the high number of conversations dealing with family problems that were limited to advising the poster to speak to a lawyer somewhat skewed the overall quality of advice for that problem set.

(ii) Reasons for crowdsourcing legal advice

Even though legal advice provided on Reddit is typically of a poorer quality than what one would expect to receive from a legal professional, people still crowdsource legal advice from this online, anonymous, and unqualified community. There are two reasons why a person might do this: either they feel comfortable with the risk, or their desperation outweighs the risk. Understanding why someone might feel comfortable seeking advice from Reddit requires us to examine their advice-seeking behaviour within the context of their general use of

Reddit. As noted above, Reddit is composed of innumerable subreddits, each of which centers around a specific topic or theme. Individual users can subscribe to a subreddit in order to have posts from that subreddit appear on their news feed. Those members that subscribe to a subreddit form a community of users that in some instances are quite active. These active users frequently create new posts and respond to other users' posts in a way that promotes vibrant interaction and discussion between members. Members in turn develop reputations even though they are only known by a username. This reputation is encouraged by "karma" points, a system that measures how many upvotes one's posted content earns. This interaction and discussion removes some sense of anonymity among users and thus individuals may — rightly or wrongly — feel that they are seeking advice not from an anonymous stranger but from trusted members of a particular community to which they belong. While this may help to explain why individuals may feel comfortable seeking advice from what is objectively an anonymous source, it still does not address concerns regarding unqualified advice. Though it is true that most posters on Reddit are not legal professionals, this does not mean that any given poster is necessarily and completely unqualified in a particular subject area. For example, a human resources manager may have extensive experience with employment problems and could offer high-quality advice on employment matters despite not being a lawyer. Likewise, an individual may have experienced a similar problem when dealing with their landlord, for example, and would therefore be able to share some insight into how they resolved it.

One major problem associated with crowdsourcing advice from anonymous and unqualified individuals is that the conversations often contain multiple and sometimes contradictory comments, such that good advice is mixed in with poor advice. Individuals reading through these multiple contradictory comments may have difficulty deciding which to follow and which to ignore. Users, however, may attempt to assess the quality of advice from proxies such as the commentor's ability to source material, the level of detail provided, and even the proper use of grammar. Moreover, posts can be upvoted or downvoted, allowing the entire community — not just the individual user — an opportunity to assess the quality of advice. This function helps provide some authority to highly upvoted comments. Moreover, it is not uncommon for one poster to clarify or correct another poster's advice. Thus, conversations that involve multiple users can actually be a positive thing because they allow for second opinions. At the end of the day, however, what might drive this behaviour is recognizing that advice is simply that_advice. It is a non-binding recommendation that the user can take or reject. Moreover, it is not exclusive: one can consider what one reads on Reddit and still call a legal help line, speak to a lawyer or a paralegal, or conduct one's own research.

Some users may feel competent enough to weigh the merits of the advice they solicit on Reddit. Others, however, may not, and another explanation is needed for the behaviour of those who do not feel comfortable engaging in this critical

exercise. The above discussion presumes that the individual seeking advice is doing so by choice. The reality, however, is that some individuals are turning to Reddit because they have no other options, and they are desperate. As stated in a post by one Redditor who was having difficulty finding housing (possibly due to discrimination), "I'm desperate for any type of help and it's weird coming to Reddit for this kind of thing by who knows, right?"[73] Another Redditor who suffered from a chronic disability and was having difficulty at work expressed a similar sentiment: "I don't know what I'm asking for specifically, but I've become very desperate."[74] This theme is pervasive in the data and reflects the reality about the availability of legal services in Canada. As discussed above, the cost of private legal services excludes all but the wealthiest of Canadians from the market, while publicly funded legal services are equally unavailable to most Canadians. Other potential sources of advice, such as courthouses or community organizations, are limited to providing legal information, which requires a certain level of legal capability to utilize effectively. In such a context, it does not matter that crowdsourced legal advice is anonymous or unqualified, since the individual believes that they have nowhere else to turn.

(iii) Crowdsourced legal advice as an access to justice solution

When it comes to crowdsourced legal advice, the very nature of it being anonymous and unregulated means that the responsibility of "regulation" falls to the individual user. An individual with a legal problem could benefit from crowdsourced legal advice provided they take into account three parameters or safeguards: first, one should limit one's question to simple or straightforward problems; second, one should contextualize the advice in terms of source and community; third, one should assess the advice against other sources. In regard to the first parameter, the data presented above shows that it is rare to receive high-quality advice from Reddit. Within the employment context, for example, most advice (46.1%) was given a rating of a 3, meaning that it was generally correct and there was little conflicting information within the conversation. However, the advice was not practical in terms of next steps. Less than 10% of advice given for employment problems could be rated 4 or higher, whereas almost 45% of advice could be considered worse than a 3. Where one could argue that advice rated at 1 or 2 is never acceptable, a simple or straightforward problem might only need advice rated at a 3. The guidance one receives from crowdsourced legal advice may therefore be sufficient. More serious or complicated problems that require better advice should not be crowdsourced due to the simple fact that very little of the advice given would meet the standard required for complicated problems. The second parameter builds on the first, wherein the poster must be aware of the context of the advice given. Generally, all subreddits give advice of comparable quality (see Figure 6). The quality of

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[73] Housing 128.

[74] Employment 061.

advice on the subreddit /r/LegalAdviceCanada, for example, was no better than on the subreddits /r/Toronto and /r/Ontario. In fact, the quality of advice on some of the geography-based subreddits such as /r/Hamilton and /r/Ottawa was slightly better than on /r/LegalAdviceCanada. On aggregate, the two advice-based subreddits — /r/askTO and /r/LegalAdviceCanada — actually provided the worst advice.
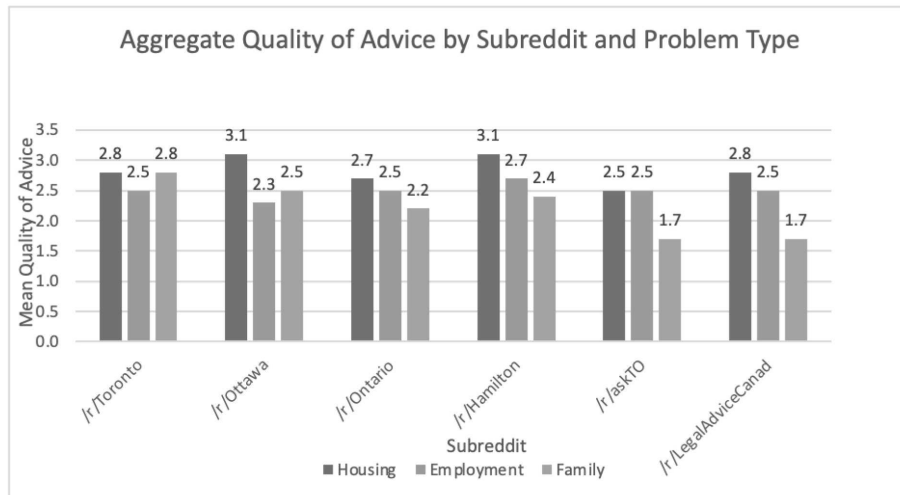

Figure 6 Aggregate Quality of Advice by Subreddit and Problem Type

No subreddit can claim that its advice is of notably better quality than other subreddits, and advice-seekers need to be aware of this. With that said, certain users within each community give better or worse advice. Thus, someone seeking crowdsourced advice would be prudent to research the user who is offering advice and see where else they posted to get a better sense of an individual's authority to speak on a topic. The voting function on Reddit can also assist here. The community upvotes content it deems to positively contribute and downvotes content it deems otherwise. Thus, an advice-seeker might approach heavily downvoted content with a little more caution.

The third and final parameter of which an advice-seeker needs to be aware is that they are following crowdsourced advice at their own risk. Users still need to weigh the advice and compare it with other legal information they researched before they choose whether or not to follow it. Perhaps the biggest challenge for the advice-seeker is to refrain from simply seeking out and following the advice they want to hear, but to give such advice a proper critique. This last parameter might be difficult for some to follow; however, the fact remains that individuals *are* crowdsourcing legal advice. While it may not be ideal, the complete lack of affordable legal assistance makes crowdsourced legal advice a reality, and

educating individuals on how to approach crowdsourced legal advice might actually help some achieve better access to civil justice.

Despite the obvious concerns, the access to civil justice community should allow and encourage limited crowdsourced advice from social media. In most instances, the benefits outweigh the risks. The most compelling argument is that many users have no other options, and some advice is better than none. However, it is also evident that people are choosing to seek crowdsourced legal advice despite formal censure, and there is merit to respecting people's agency. Moreover, people are not looking for full representation but just some direction on next steps to take. The concerns raised above could be further tempered if organizations that already provide summary legal advice were to enter the Reddit space, wherein they could better control crowdsourced legal advice. These organizations could set up their own subreddits and directly respond to users who post questions there. In doing so, they could provide a more reputable forum for this advice-seeking behaviour. They could also seek out legal questions on other subreddits such /r/LegalAdviceCanada and offer summary advice to those individuals. This proactive approach may have an effect of greatly increasing the quality of advice available on Reddit and, along with targeted legal information, have an immensely positive impact on increasing access to civil justice.

II.   CONCLUSION

Conversations posted to social media websites like Reddit show that the public is leveraging social media to assist them in resolving their legal problems through the crowdsourcing of legal research and advice. This article examined this behaviour and its potential for improving access to civil justice, concluding that crowdsourcing on social media is a viable way to make legal research and advice more accessible. Crowdsourced legal research mainly takes the form of directing posters to relevant legal information. It is an effective way to connect those in need with authoritative sources that they otherwise may not have found. In doing so, it equips the individual with the knowledge to determine next steps on their path to justice. Using social media to promote and distribute legal information is not a controversial solution. Indeed, many organizations are either already doing this or are endorsing it. The reason that it is accepted is because legal information is understood to be general in nature and not particular to any one problem. As such, there is less concern that crowdsourcing legal information will run afoul of the various law societies' prohibition on non-licensees providing legal advice.

Crowdsourced legal advice is admittedly the more controversial proposal. Here, Redditors are not only providing links to relevant legal information, but they are also providing their opinion on how the poster should attempt to resolve their problem. This is obviously concerning because the poster is seeking legal advice from anonymous and unqualified sources. When seeking advice from a lawyer, ". . .the client is entitled to assume that the lawyer has the ability and

capacity to deal adequately with all legal matters to be undertaken on the client's behalf."[75] If a lawyer were to offer advice of comparable quality to most of the advice offered on Reddit, the lawyer would likely be in breach of their professional obligations. This is the case even for problems that would be considered mundane or trivial, as the quality of advice is independent of the seriousness of the problem: a client should be able to expect high-quality advice from a legal professional even for insignificant problems. Based on the data, it is evident that crowdsourced legal advice rarely meets the standard required of lawyers. However, one can query if it is appropriate to hold non-legal professionals to the same standard given the reality that legal advice from a lawyer remains unattainable for most people. In some less serious contexts, such as when one experiences a minor problem or when one is simply looking for some basic information, the quality of advice one receives from Reddit might be seen by many as sufficient: it may not be ideal or perfect, but it is arguably better than no assistance. As noted by Chief Justice Wagner, "Ultimately, [access to justice] is about getting good justice for everyone, not perfect justice for a lucky few."[76] Nonetheless, there are still legitimate concerns that poor-quality advice will not only fail to assist in resolving problems but may aggravate those problems. For example, advising someone to litigate in an improper forum could result in extra costs and delays. This concern, however, could be addressed through a combination of self-regulation and professional guidance.

In regard to self-regulation, people should approach crowdsourced legal advice with caution. They need to consider who is providing the information, seek advice from multiple sources, and review the answers they are provided against authoritative legal information. While this approach does have an air of *caveat emptor* about it, it can also be viewed as providing agency to those with legal needs. The ubiquity of legal problems coupled with the crisis in access to civil justice means that crowdsourced legal advice from social media is a reality: it is easy to obtain, requires no upfront costs, and is available to anyone with an internet connection. The legal profession could take a leadership role to improve the quality of crowdsourced advice by allowing certain non-legal professionals to give legal advice on social media. In such a case, legal organizations and other non-profits could moderate their own subreddits and leverage the knowledge and experience of non-lawyers to provide high-quality advice to those who need it the most. Currently, organizations are allowed to produce and distribute legal information. Legal information alone, however, only provides a baseline of assistance. Complimented with timely summary legal advice, legal information can provide a level of assistance comparable to full legal representation.[77] In

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[75] *Rules of professional Conduct,* supra note 39, ch 3.1-2.

[76] Right Honourable Richard Wagner, "Access to Justice: A Societal Imperative" (Address delivered at the 7th Annual Pro Bono Conference, Vancouver, 4 October 2018), online: <www.scc-csc.ca/judges-juges/spe-dis/rw-2018-10-04-eng.aspx>.

[77] A recent study measuring the impact of legal information on process and outcome quality found that there was no discernable difference in process or outcome quality

other words, by allowing and encouraging people to use a readily accessible medium to crowdsource both legal research and legal advice, policy makers could have a real and positive impact on access to civil justice. There is some indication that the provincial law societies are open to such a novel approach. For example, the law societies of British Columbia, Alberta, Manitoba, and Ontario have all proposed regulatory "sandboxes," wherein organizations can test new ways of providing legal information and legal advice within a controlled environment.[78] However, it has yet to be seen what tools and strategies will develop from these sandboxes.

Using Reddit to crowdsource legal research and legal advice can offer a practical and effective method of improving access to civil justice. When measured against the constraints within the legal services market, it is evident that initiatives that would leverage Reddit to promote legal information or offer summary advice would align with the public's legal needs. In terms of system design, such initiatives would reduce the monetary cost associated with having a legal problem by providing free information and advice. This is particularly true for simple or straightforward questions that may not otherwise warrant expensive professional help. Moreover, Reddit can be used to better inform individuals of processes and procedures and thereby help to reduce perceived complexities, which may make the formal system less intimidating. Using Reddit to promote legal information and provide summary advice would also help improve legal capacity. By informing people about their legal rights and entitlements and how to assert them, Reddit can be used to reduce the reliance that individuals have on lawyers and thereby help promote equal standing before the law, particularly in those instances where one side is represented and the other is not. Finally, in terms of resolution, Reddit can be used to move disputes away from a "winner takes all" situation by helping people articulate their rights. It can also be used to educate users about the role of lawyers and perhaps promote a more conciliatory approach to litigation. These are just some possible ways that Reddit can be leveraged as a practical tool to assist people with resolving their problems and to improve access to civil justice for Ontarians.

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between those who accessed public legal information and received some summary advice at key junctures, and those who had full personalized legal representation. See Lesley A Jacobs, *Evolving Justice Services Involving Public Legal Information in Canada* (Toronto, 2020).

[78] See e.g. The Law Society of British Columbia, "Innovation Sandbox" (2022), online: <www.lawsociety.bc.ca/our-initiatives/innovation-sandbox/>