



Canadian Forum on Civil Justice 
Forum canadien sur la justice civile

Cost of Justice Research

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Civil Justice and Economics: A Matter of Value

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Canadian Forum on Civil Justice “Cost of Justice” Project

The Research

- SSHRC CURA Grant
- 5 Year Empirical Study
- Two main questions:
 - i. What is the cost of delivering an effective justice system?
 - ii. What is the cost of not delivering an effective justice system?

“This research ... by the Canadian Forum on Civil Justice will be essential in helping us understand the true extent of the problem of cost and how it impacts on the justice system. I believe that it will prove to be of great assistance to ... identifying ... concrete solutions to the problem of access to justice.”

- Rt. Hon. Beverley McLachlin, P.C.



Everyday Legal Problems & the Cost of Justice in Canada

<http://cfcj-fcjc.org/a2jblog/everyday-legal-problems-and-the-cost-of-justice-in-canada-0>

- First legal needs study in Canada since 2008
 - Telephone survey of 3,051 adults (excludes territories; separate cell survey)
 - Asked if people experienced any problems from a list of 84 problem types (e.g. family, housing, employment, consumer problems, etc.)
 - Also asked people to report on costs – both monetary and intangible – incurred as a direct result of experiencing a problem
- First Canadian study of its kind to measure multi-dimensional costs of unresolved legal problems



Legal Problems of Everyday Life



- Approximately 50% of adult Canadians will experience a legal problem over any given 3-year period
- Approximately 11 million people (per 3-year period)
- Essentially all of us over the course of a lifetime
- Within any given 3-year period, adult Canadians experience approximately 35,745,000 separate everyday legal problems



Understanding Justiciable Problems

- **Number:** 58% of people experiencing one problem reported experiencing two or more problems
- **Cascade:** The more problems, the more likely people are to suffer further problems
- **Predictive variables:** age, disability, number of children, education, employment, gender, income, etc.
- **Unequal distribution:** low income, vulnerable, marginalized experience more problems



“What is Access to Justice?” Study (CFCJ, 2013)

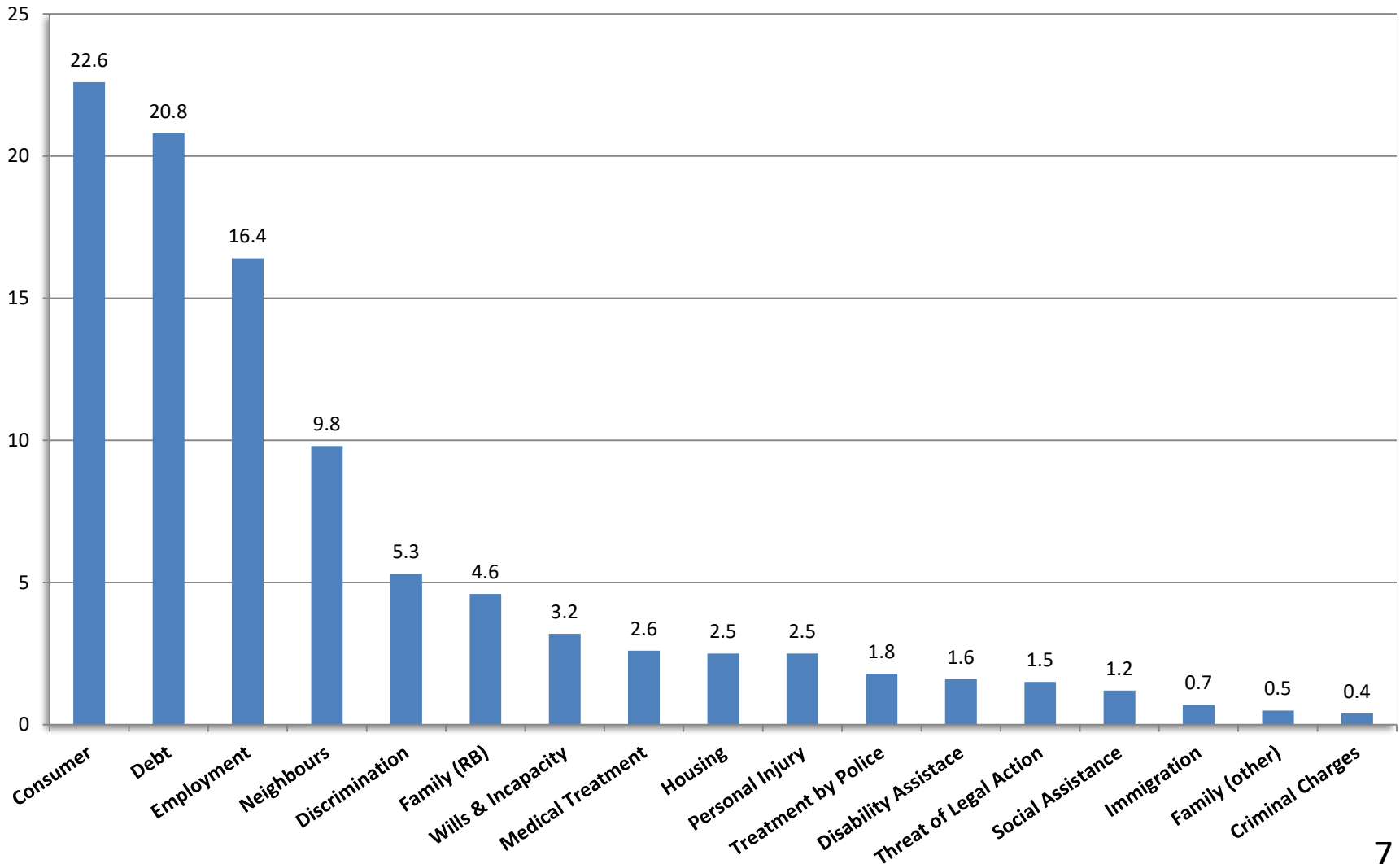


- *“Depends on what lawyer you can afford.”*
- *“The higher class have more access to justice.”*
- *“People with money have access to more justice.”*
- *“If I don’t have a good suit, the judge isn’t going to hear my case.”*
- *“I think immigrants are much more susceptible.”*
- *“It depends on class, race, ... money, socio-economic standing, everything.”*
- *“Language”, “Education”, “Culture”, “Age”, “Sexual orientation”, “Poverty”, “Homeless[ness]”, “Geography”.*

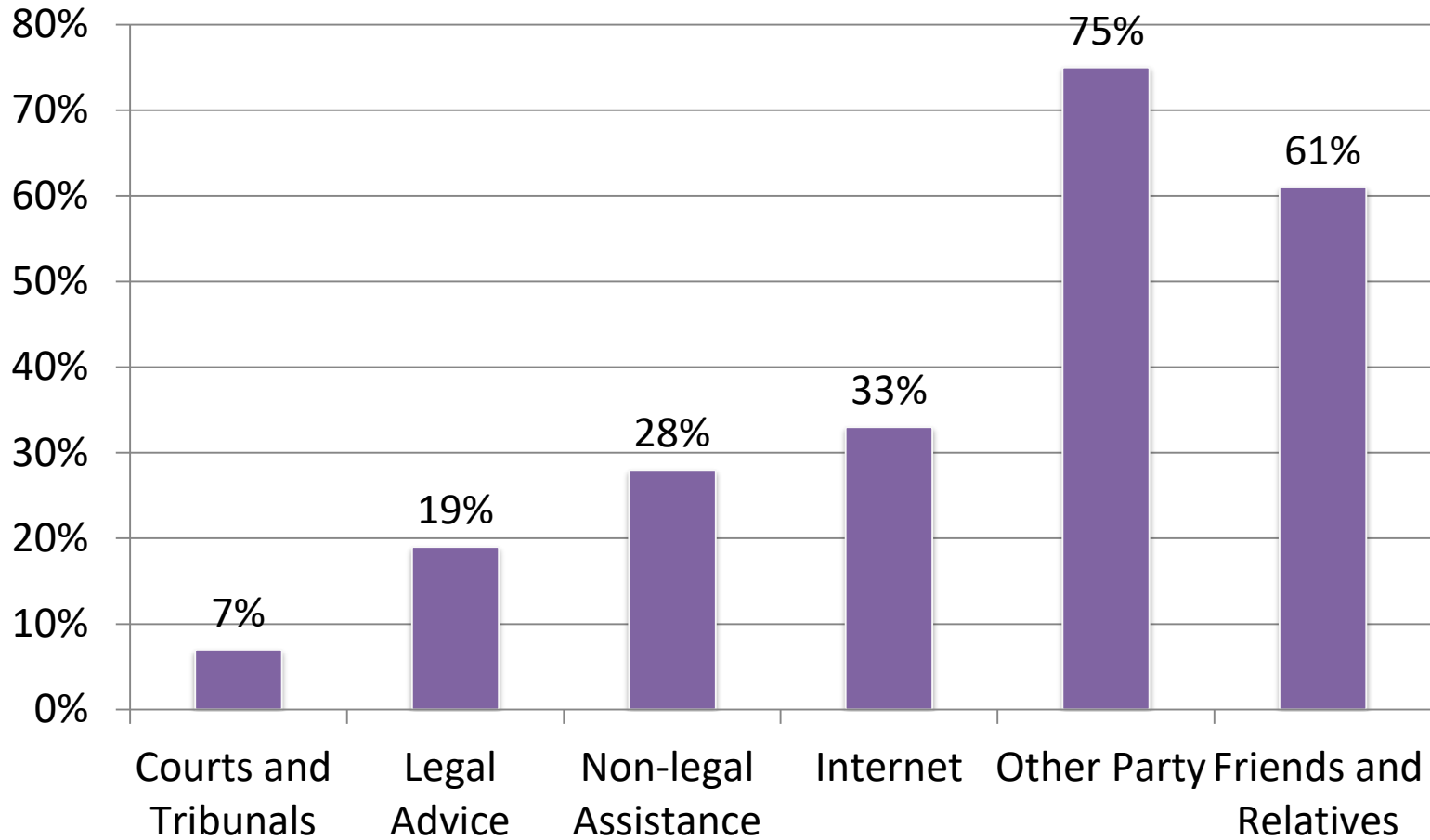


Most Common Problems: Consumer, Debt, Employment...

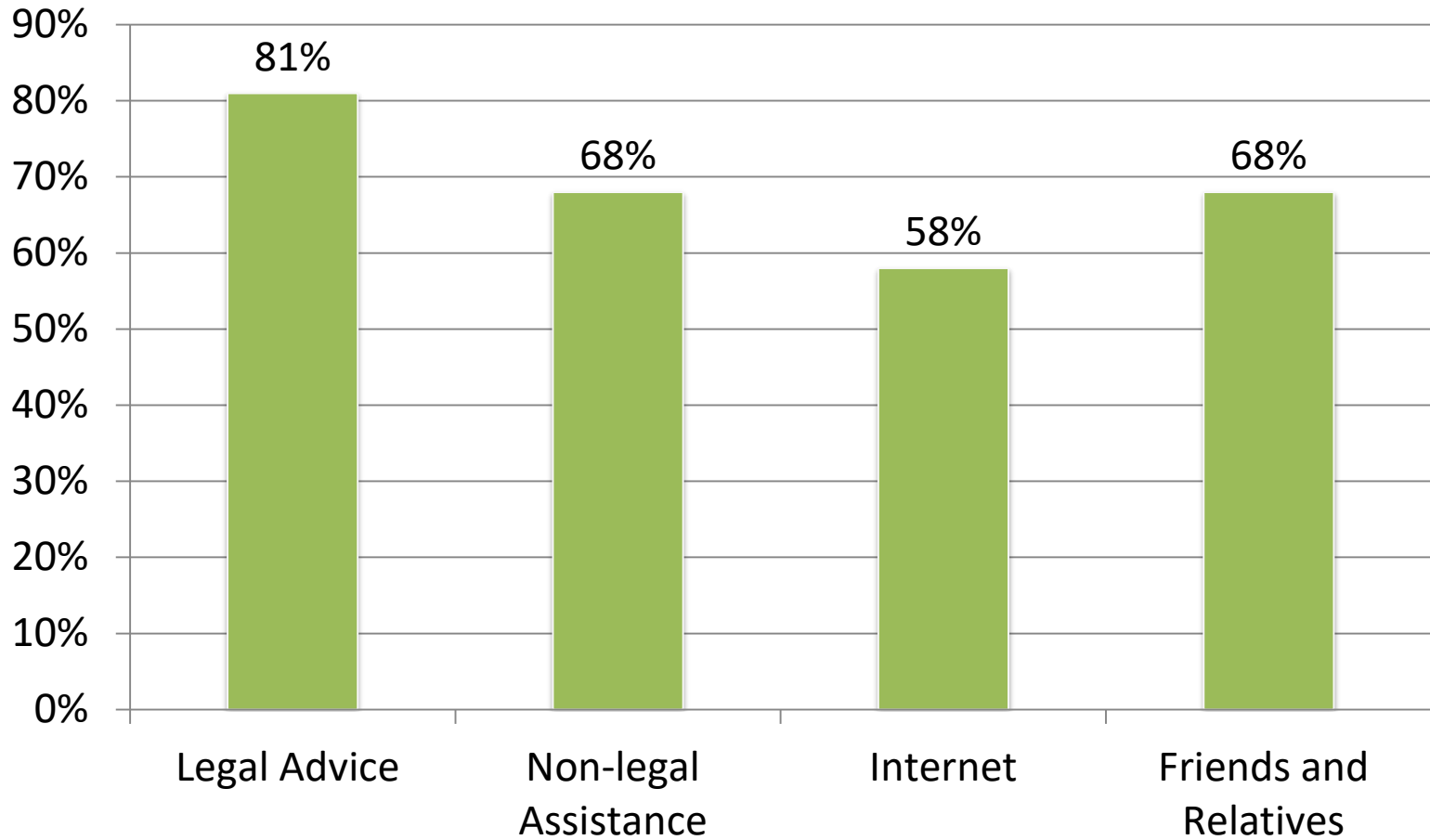
Percent with One or More Problems



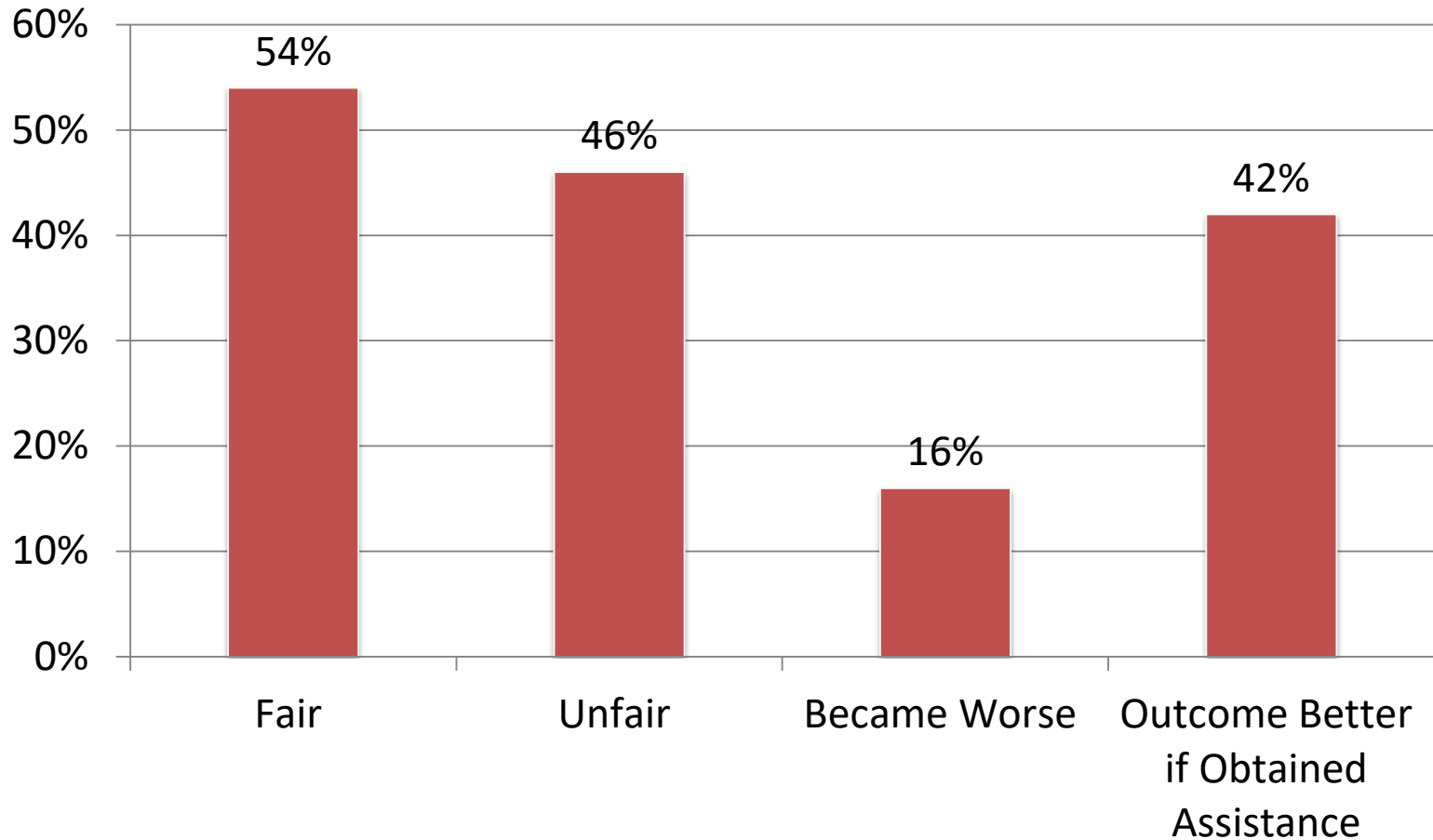
How Do People Address Their Problems?



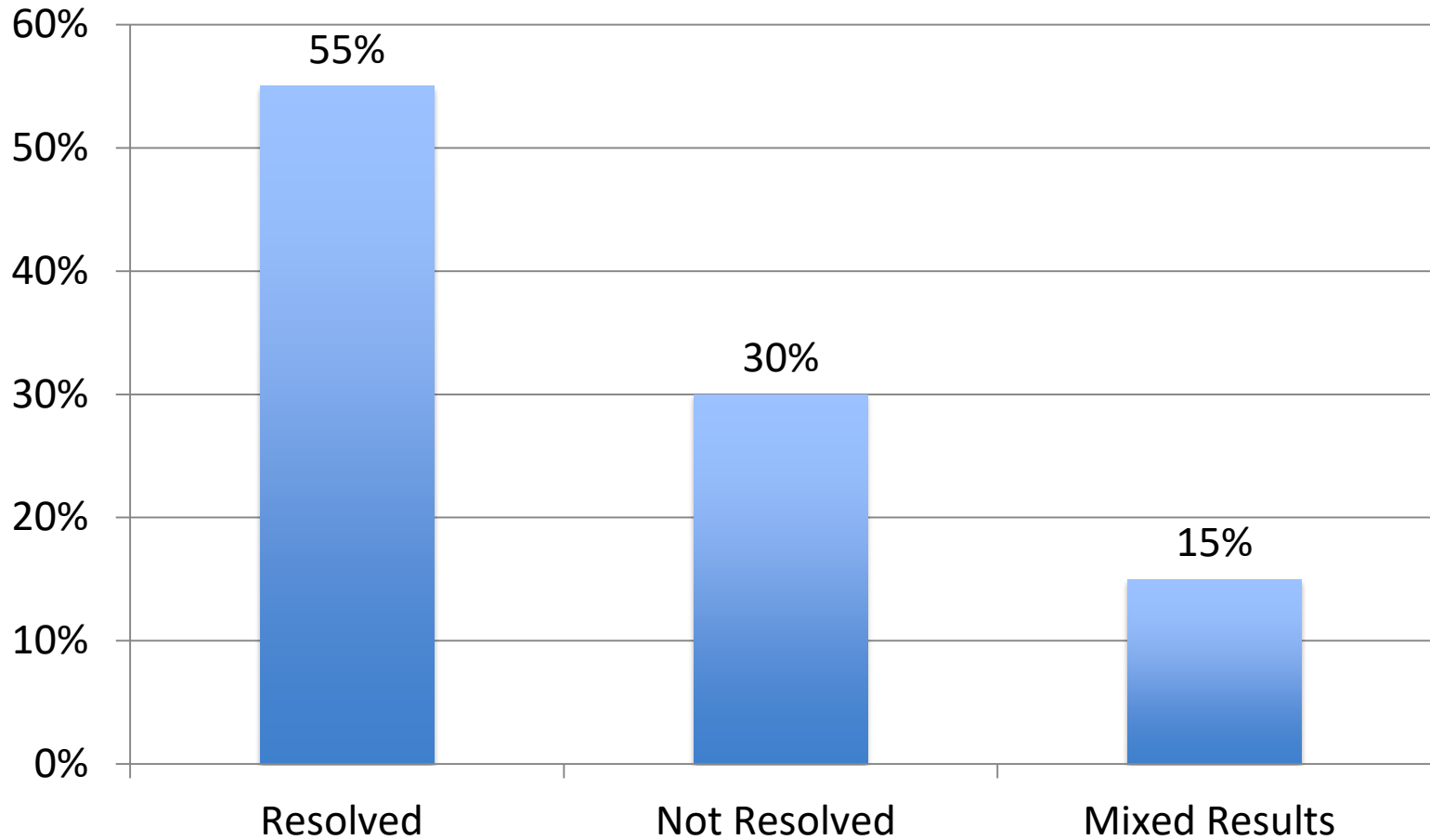
How Helpful Are the Various Service Options?



What Kinds of Outcomes Do People Report?



How Many People Resolve Their Problems?



“I have a family law situation that I can’t afford to address. I have to just let it go.”

(CFCJ, “What is Access to Justice?”, 2013)



What do we know about Costs in Canada?

- **Private Costs – most frequently reported (CFCJ 2016)**
 - Lawyers fees
 - Transportation
 - Purchase of materials, court fees, other advisors and mediators
 - Telephone, child care, etc.
- **Average hourly lawyer fees (Semple 2015)**
 - 10 years of experience: \$325
 - 5 years of experience: \$264
 - 1 year (or less) of experience: \$204
- **Time (CFCJ 2016)**
 - Problems can remain **unresolved** over several years
 - 30% of problems had not been resolved
 - Seeking justice can **consume hours** from peoples lives
 - “Searching” costs (time finding information)
 - Filling out forms, documents, travelling time



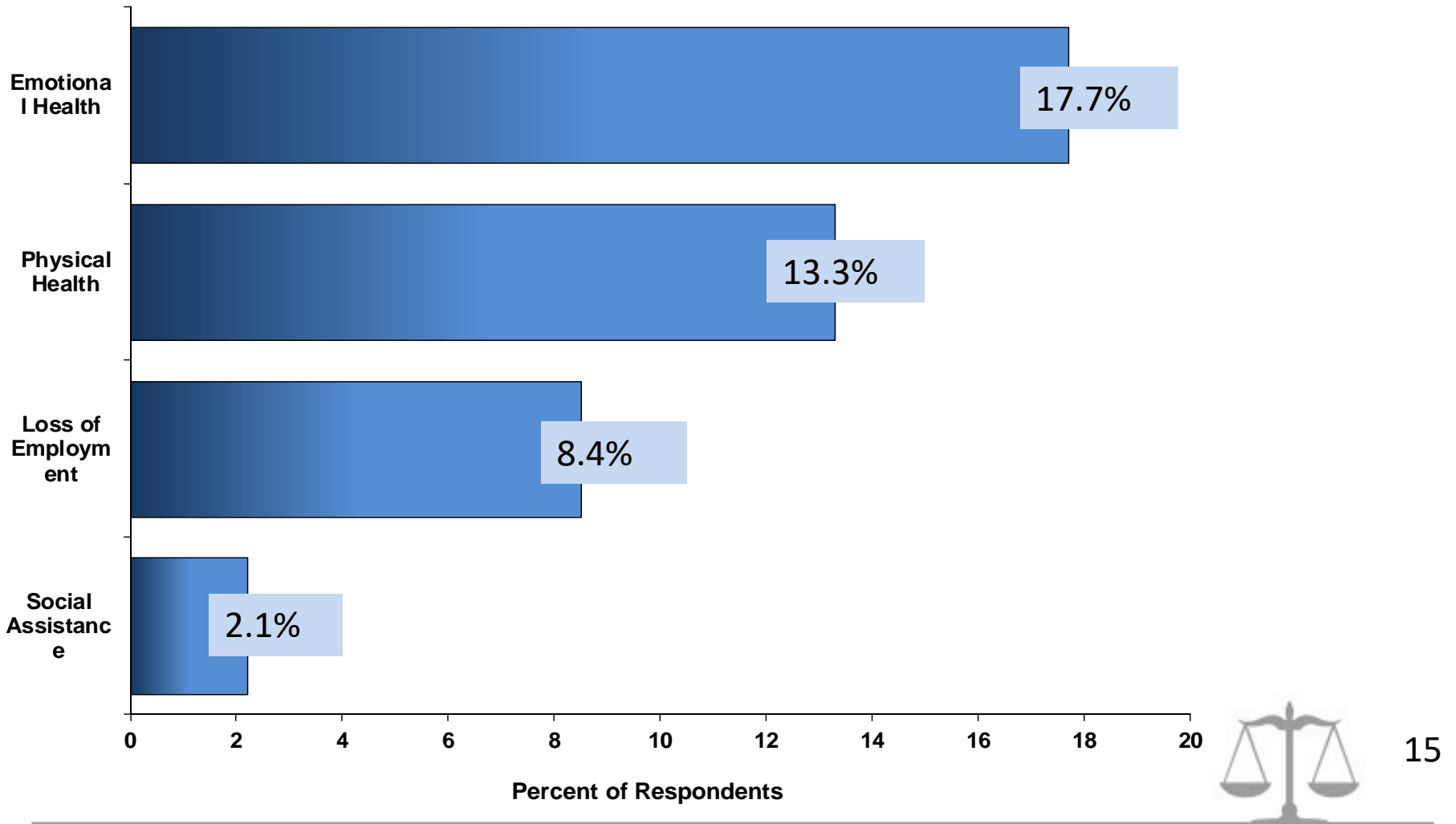
Cost of Delay/Opportunity Costs

- Canadians spend on average **\$6,100** to resolve their **legal problem**
 - Almost as much as Canadian households spend on average annually on **food** (\$7,739) (2012)
 - Almost half as much as Canadians spend on average annually on **shelter** (\$15,811) (2012)
- Canadians spend just over **\$7.7 billion** annually to deal with everyday legal problems (and likely much more)
- Inability to resolve problems can result in **missed opportunities, income loss** (e.g. vacation days, “non-paid” days), etc.



Justiciable Problems Trigger Health and Social Problems

- 51% (5.7 million people) report increased stress or emotional problems as a direct result of a legal problem



Annual State-incurred Costs as a Consequence of Legal Problems ...

- Social Assistance: **\$248 million**
 - 79,367 people annually
- Employment Insurance: **\$450 million**
 - 310,805 people annually
- Health Care: **\$101 million**
 - 1,744,194 more health care visits annually
- Housing
 - 2.7% (100,839) of Canadians lose housing every year
 - 3.6% of those (6,836 people) rely on emergency shelters

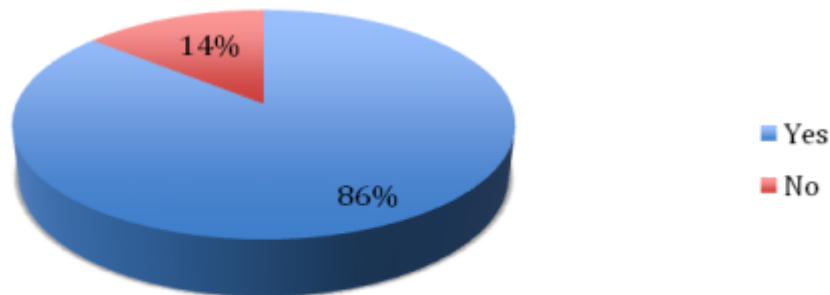
... And all likely much higher



“Do you think that justice is of fundamental importance to Canadians?” (CFCJ, 2013)

- *“Yes. Extremely.”*
- *“[S]hould be a number one right.”*
- *“I’m glad you’re asking these questions.”*
- *“It should be equally important as our health care system.”*

**Do you think justice is of
fundamental importance to
Canadians?**



Putting the public first:

Is our current data, research and understanding – across all justice sectors – up to the task?

- Governments
- Courts
- Law societies
- Law schools
- Public
- Other





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Thank You. Questions?

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