



Canadian Forum on Civil Justice 
Forum canadien sur la justice civile

Accessible Justice: Cost and Research Issues

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The “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 adult (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

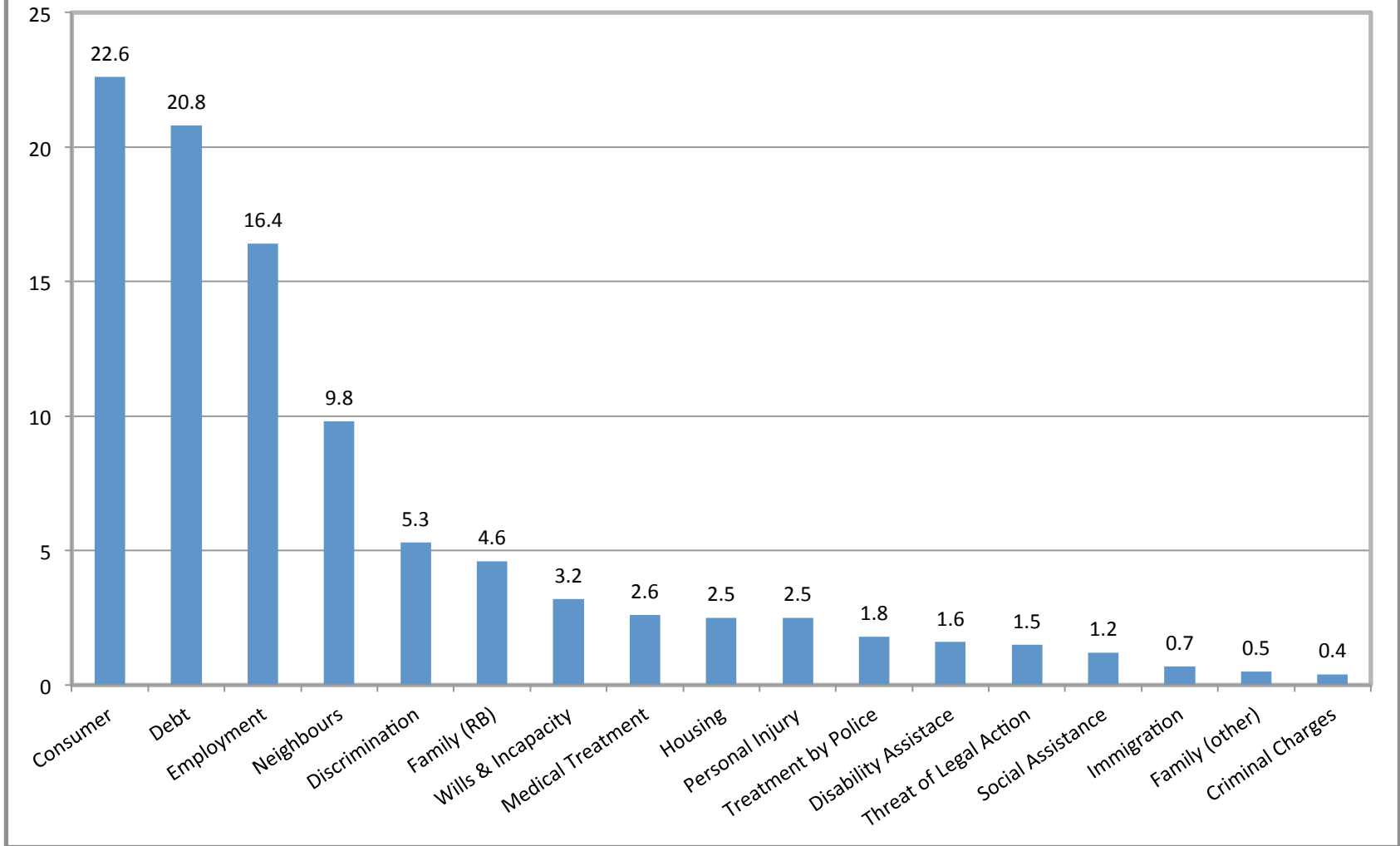


Legal Problems of Everyday Life

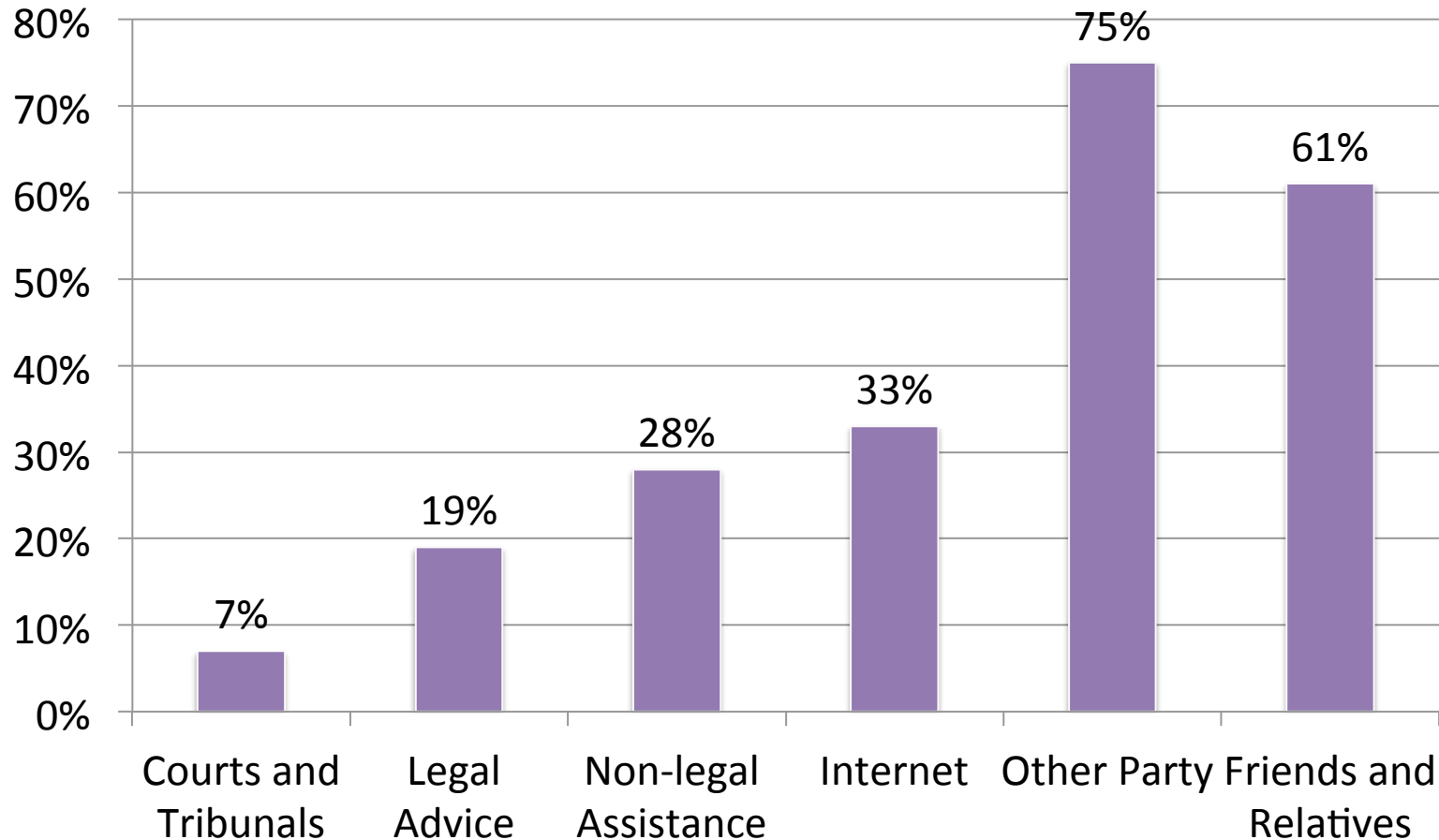
- Approximately 50% of adult Canadians will experience a legal problem over any given 3-year period
- This amounts to over 11 million people (per 3 year period)
- Essentially all of us over the course of a lifetime



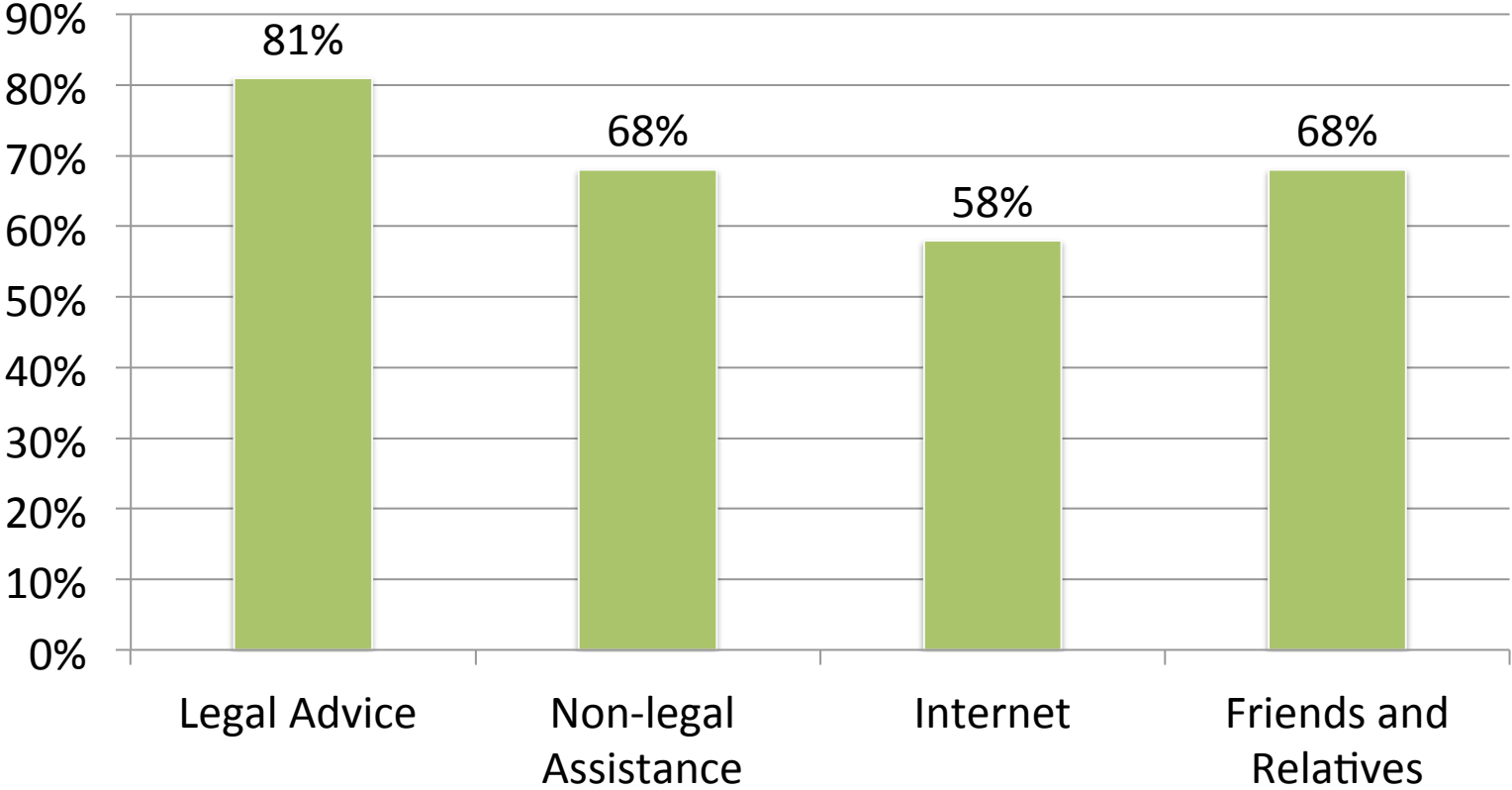
Percent with One or More Problems



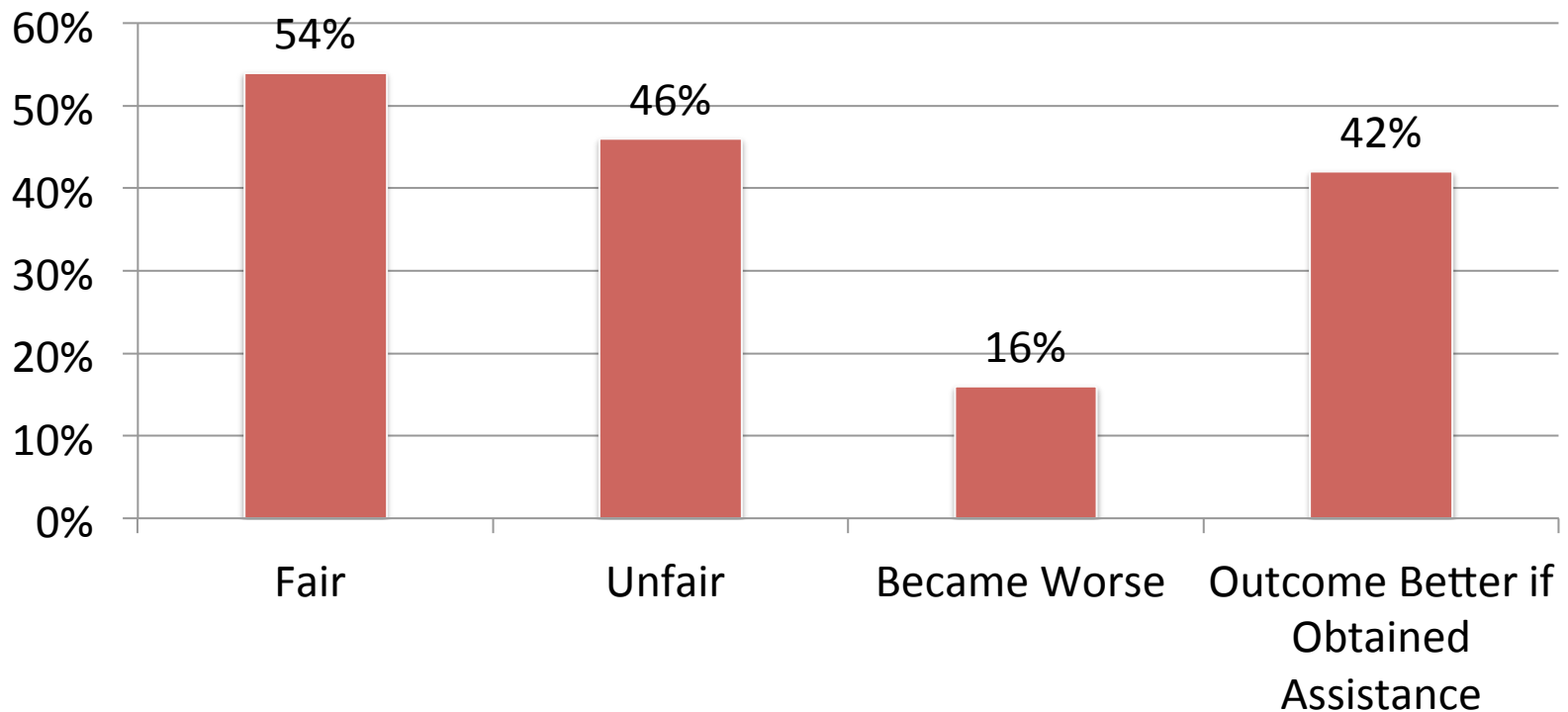
How Do People Address Their Problems?



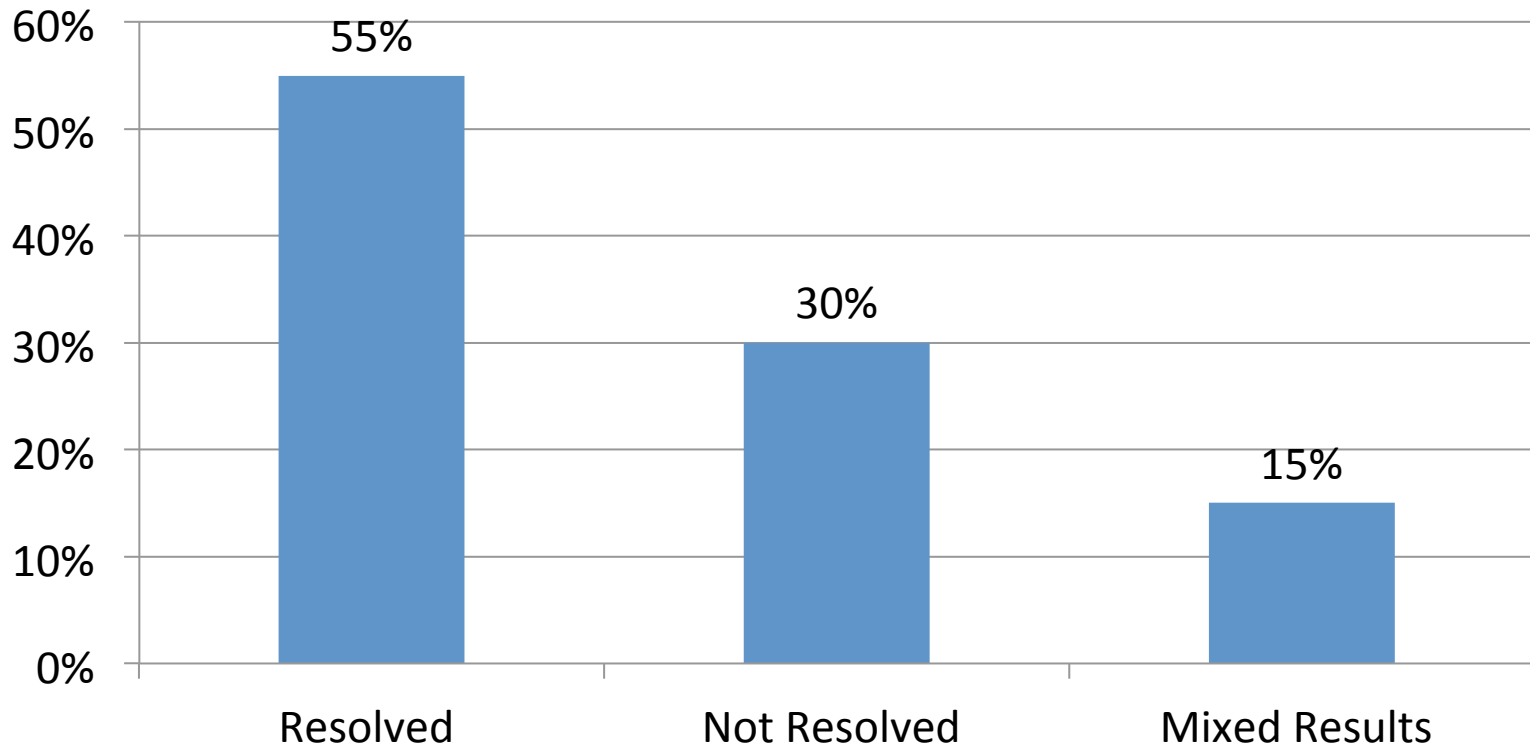
How Helpful Are the Various Service Options?



What Kinds of Outcomes Do People Report?



How Many People Resolve Their Problems?



What do we know about Costs in Canada?

- **Private Costs – most frequently reported (CFCJ 2016)**
 - Lawyers fees
 - Transportation
 - Purchase of materials
- **Average hourly lawyer fees (Semple 2015)**
 - 10 years of experience: \$325
 - 5 years of experience: \$264
 - 1 year (or less) of experience: \$204
- **Time**
 - Problems can remain unresolved over several years
 - CFCJ (2016): 30% of problems had not been resolved
 - Ontario Civil Legal Needs Survey (2009): In family disputes (in Ontario), 27% took more than 1 year to resolve; 44% had not resolved at time of survey
 - Seeking justice can **consume hours** from peoples lives
 - “Searching” costs (time finding information)
 - Filling out forms, documents, travelling time



What do we know about Costs in Canada?

- **Cost of Delay/Opportunity Costs**

- Canadians spend just over \$6,000 on average to resolve their legal problem
- Almost as much as Canadian households spend annually on average on food (\$7,739) (2012)
- Almost half as much as Canadians spend annually on average on shelter (\$15,811) (2012)
- Inability to resolve problems can result in missed opportunities, income loss (e.g. vacation days, “non-paid” days), etc.

- **Emotional Costs**

- Ontario survey: 46% reported stress related or mental health issues as a result of legal problem; 46% reported lack of confidence; 28% experienced relationship breakdown
- National level: 51% reported increased stress or emotional problems (this amounts to 5.7 million Canadians) (CFCJ, 2016)



Annual State-incurred Costs as a Consequence of Legal Problems

- Social Assistance: **\$248 million**
- Employment Insurance: **\$450 million**
- Health Care: **\$101 million**





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Thank You. Questions?

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