

The Cost of Experiencing Everyday Legal Problems

RELATED TO PHYSICAL AND MENTAL HEALTH



THE COST OF JUSTICE





THE CANADIAN FORUM ON CIVIL JUSTICE is a national not-for-profit organization dedicated to civil justice reform and access to justice research and advocacy. Established by the Canadian Bar Association and affiliated with Osgoode Hall Law School, the CFCJ envisions an accessible, sustainable and effective justice system for all Canadians.

Overview of the Cost of Justice Project

The Cost of Justice project (2011-2018) examines the social and economic costs of Canada's justice system. It is guided by two questions: What is the cost of delivering access to justice? And, what is the cost of not delivering access to justice? Comprised of leading access to justice researchers investigating various dimensions of cost across the country, the Cost of Justice project is producing empirical data that will inform the future of access to justice in Canada and abroad. The lead research team includes: Trevor C.W. Farrow (Principal Investigator), Nicole Aylwin, Les Jacobs and Lisa Moore.

The Cost of Justice project has been commented on by the Chief Justice of Canada, the Right Honourable Beverley McLachlin, P.C., who stated that:

"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... identify concrete solutions to the problem of access to justice."

— The Right Honourable Beverley McLachlin, P.C. (2011)

The Cost of Justice project is funded by a \$1 million grant from the Social Sciences and Humanities Research Council of Canada. For more details please visit www.cfcj-fcjc.org/cost-of-justice.

Overview of the Everyday Legal Problems and the Cost of Justice

The data from this report was drawn from a nationwide survey with over 3,000 respondents conducted in 2014 as part of the "Everyday Legal Problems and the Cost of Justice in Canada" study.



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THE COST OF EXPERIENCING EVERYDAY LEGAL PROBLEMS RELATED TO PHYSICAL AND MENTAL HEALTH

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Introduction

In 2016, spending on health care in Canada amounted to approximately \$228.1 billion (or an average of \$6,299 per person).¹ In several provinces and territories health care spending per capita surpassed \$7,000.² These amounts represent a significant economic commitment to spending on health care. And while many of the costs associated with maintaining and providing health care are unavoidable, there are also many external factors that adversely affect physical and mental health that, if addressed, can offer avenues for reduced spending and contribute to quality of life.³ This summary report explores the relationship between health issues, civil and family justice problems in Canada and public spending on health care. Using findings from the Canadian Forum on Civil Justice's (CFCJ) national *Everyday Legal Problems and the Cost of Justice in Canada* study this report will look at different civil justice problem types, identify trigger problems and explore an often overlooked factor that impacts physical and mental health and public spending on health care in Canada: civil and family justice problems.

Everyday Legal Problems

Everyday legal problems are problems that arise out of the normal activities of daily life.⁴ They are civil or family problems that have a legal aspect to them and a potential solution within the justice system. The problems are therefore justiciable and could be resolved within the formal legal system though they may be dealt with in other ways.⁵

In 2014 the Canadian Forum on Civil Justice conducted a national survey of Canadians aged 18 years and older, located in the 10 provinces. One of the primary goals of the CFCJ's *Everyday Legal Problems and the Cost of Justice in Canada* survey (Cost of Justice survey) was to determine the prevalence of everyday legal problems in Canada and their resulting economic, social and health costs. To do this, 3,051 adults in Canada were interviewed by landline and a further 212 adults were interviewed via cell phone.⁶ This summary report presents data based on the survey's 3,051 randomly selected landline respondents.⁷

¹ Canadian Institute for Health Information, *National Health Expenditure Trends, 1975 to 2016* (Ottawa: Canadian Institute for Health Information, 2016) at 4, online: CIHI: <https://secure.cihi.ca/free_products/NHEX-Trends-Narrative-Report_2016_EN.pdf>.

² Per capita spending on health care in Newfoundland and Labrador in 2016 was estimated at \$7,256 and in Manitoba per capital spending amounted to approximately \$7,120 in 2016. *National Health Expenditure Trends, 1975 to 2016, ibid.* at 20.

³ Canada, Public Health Agency of Canada, *Investing in Prevention: The Economic Perspective* (Ottawa: Public Health Agency of Canada, 2009) at 3 [Investing in Prevention].

⁴ Everyday legal problems are often called "justiciable problems" The term originates with Hazel Genn who, in her seminal *Paths to Justice* study explains that, "a justiciable event is a matter which raises legal issues, whether or not it is recognized as being 'legal' and whether or not any action taken to address the issue involved the use of any part of the civil justice system". Hazel Genn et al, *Paths to Justice: What People Do and Think About Going to Law* (Oxford: Hart Publishing, 1999) at v-vi, 12, ch 2 at 21ff. Everyday legal problems include a range of (non-criminal) problems experienced in the course of daily life that can go unrecognized by the person experiencing the problem. As such they are sometimes not immediately determined to be potentially serious problems.

⁵ Canadians deal with civil and family justice problems in a number of ways, including with legal advice, non-legal assistance and by speaking with the other party in the dispute. For more on service options used to address civil and family justice problems, see Trevor C.W. Farrow, Ab Currie, Nicole Aylwin, Les Jacobs, David Northrup and Lisa Moore, *Everyday Legal Problems and the Cost of Justice in Canada: Overview Report* (Toronto: CFCJ, 2016) at 9, online: CFCJ <<http://www.cfcj-fcjc.org/sites/default/files/Everyday%20Legal%20Problems%20and%20the%20Cost%20of%20Justice%20in%20Canada%20-%20Overview%20Report.pdf>> [CFCJ, "Overview Report"].

⁶ For a detailed discussion of the Cost of Justice survey methodology, see David Northrup, Ab Currie, Trevor C.W. Farrow, Les Jacobs and Nicole Aylwin, *Design and Conduct of the Cost of Justice Survey* (Toronto: Canadian Forum on Civil Justice, 2016), online: CFCJ <<http://www.cfcj-fcjc.org/sites/default/files//De-sign%20and%20Conduct%20of%20the%20Cost%20of%20Justice%20Survey.pdf>>.

⁷ For additional details on the national Cost of Justice survey's respondent pool see David Northrup et al., *Design and Conduct of the Cost of Justice Survey, ibid* at 2.

Weighted to the population, this is an estimated 23,590,697 people in Canada. In keeping with earlier legal problems studies,⁸ respondents to the CFCJ's Cost of Justice survey were asked follow-up questions for the first seven legal problems experienced only. Further, as relates specifically to questions about physical and mental health and personal problems, respondents who indicated that they experienced other problems because of their legal issues were asked for details of experiences related to their first and second legal problems only.⁹

Results from the CFCJ's national study reaffirm the prevalence of everyday legal problems in the lives of Canadians.¹⁰ The study's results also highlight the far-reaching consequences of experiencing serious civil or family justice problems. During a given 3-year period, 48.4% of adults in Canada face at least one everyday legal problem.¹¹ This is equivalent to

approximately 11.4 million people. In addition, virtually every adult in Canada will experience a serious civil or family justice problem during their life. Of the 11.4 million Canadians who experience one or more serious civil or family justice problems over a 3-year period, approximately 10.5 million people experience between 1 and 7 problems and approximately 877,000 people experience more than 7 problems within the same period. In terms of the number of problems experienced, this translates to approximately 35,745,000 separate everyday legal problems over a given 3-year period.

Figure I shows the 17 everyday legal problem types experienced by people in Canada and the percentage of people who experience one or more problems within each problem type.¹²

⁸ See Ab Currie, "A National Survey of the Civil Justice Problems of Low and Moderate Income Canadians: Incidence and Patterns" (2006) Vol. 13, No. 3 *International J of the Legal Professions* presents the results of a 2004 Canadian survey of legal problems; See also Ab Currie, "The Legal Problems of Everyday Life: The Nature, Extent and Consequences of Justiciable Problems Experienced by Canadians" (Ottawa: Justice Canada, 2009); Ab Currie, "Lives of Trouble: Criminal Offending and the Problems of Everyday Life," paper presented at the International Legal Aid Group Conference, Wellington April, 2010.

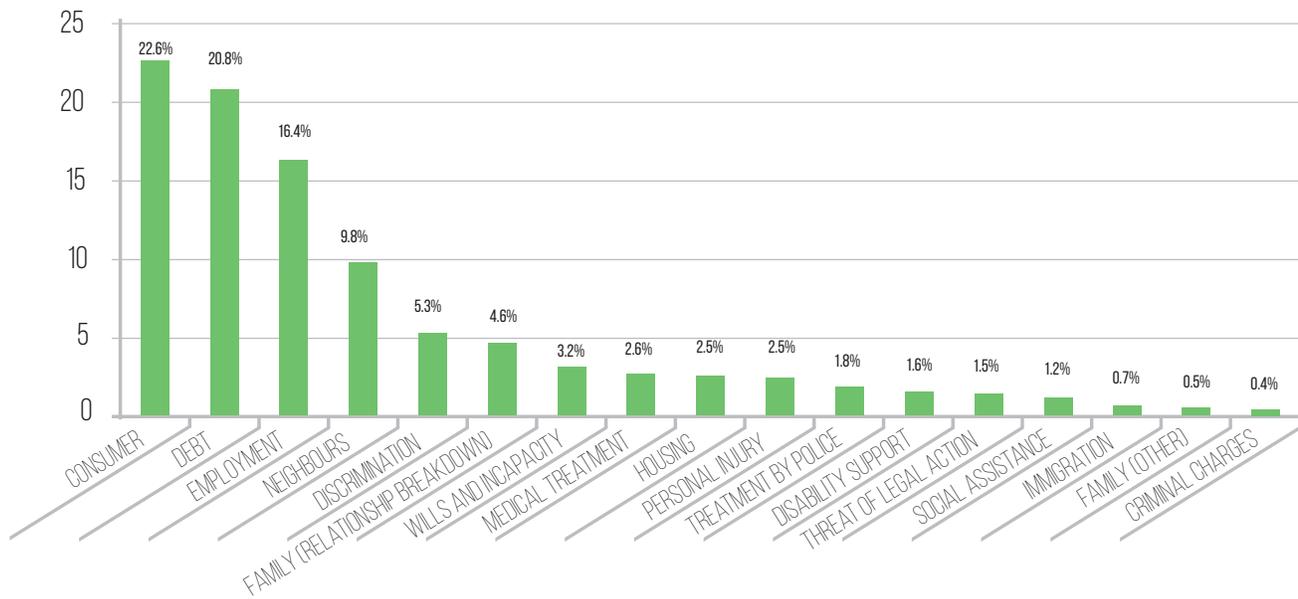
⁹ The two legal problems are distinct and could have occurred at any time within the three-year time frame for the study.

¹⁰ The pervasiveness of everyday legal problems has been discussed in several publications. See e.g. Ab Currie, "A National Survey of the Civil Justice Problems of Low and Moderate Income Canadians: Incidence and Patterns", *supra* note 8.

¹¹ For more on the key findings from the Cost of Justice survey, see CFCJ, "Overview Report", *supra* note 5.

¹² For further reports that explore experiences of specific everyday legal problem types reported in the Cost of Justice survey, see Canadian Forum on Civil Justice, "Cost of Justice: Subprojects", online: CFCJ < <http://www.cfcj-fcjc.org/cost-of-justice>>.

Figure I: PERCENTAGE OF PEOPLE EXPERIENCING ONE OR MORE LEGAL PROBLEMS WITHIN PROBLEM TYPES¹³



Of the everyday legal problems identified,¹⁴ consumer, debt and employment problems are the most frequently experienced types, with 22.6%, 20.8% and 16.4% of Canadians respectively (or 5.3 million, 4.9 million and 3.9 million people respectively) experiencing one or more problems within these problem types during a given 3-year period.¹⁵ Immigration problems, family problems (not related to relationship breakdown) and criminal charges (related to experiences of serious civil or family justice problems) are the least frequently experienced problem types at 0.7%, 0.5% and 0.4% respectively (or 170,000, 123,000 and 99,000 people respectively). Perhaps unsurprisingly, these experiences of everyday legal problems often result in significant monetary and non-monetary costs for individuals, and also impact spending on publicly-funded services and programs that are accessed for support and for legal help.

Monetary and Non-Monetary Costs of Everyday Legal Problems

The everyday legal problems experienced by Canadians result in a variety of costs. These include the direct and indirect monetary costs that are incurred by people seeking to resolve their problems, as well as other, intangible costs. These intangible costs are the “non-legal” issues that arise as a result of legal problems, and can include things like decreasing health, high levels of stress, strain and damage to relationships, and the loss of employment and housing.¹⁶ 49.6% of people say that dealing with just one serious civil or family justice problem over a 3-year period made it difficult for them to carry on with normal life. This is an estimated 5,023,001 people.

¹³ Figure I presents 2 categories of family problems. 4.6% of Canadians experience family problems related to relationship breakdown. 0.5% of Canadians experience “family (other)” problems that involve child-related matters, including custody, guardianship, and education related issues.

¹⁴ Respondents were asked about experiences related to 84 specific legal problems that were classified into 17 problem types. For example, “Consumer Problems” are a problem type. As part of the Cost of Justice survey, participants were asked about a variety of problems that they may have experienced as a consumer. These problems included things like, spending money on a large purchase and not getting what was paid for, having a dispute over a bill or invoice because of inaccurate information and having an insurance claim unfairly rejected. Respondents were asked about experiences that took place within the 3-year reference period of the Cost of Justice survey.

¹⁵ For more information on the number of people who experience each of the 84 problems from the Cost of Justice survey, see Canadian Forum on Civil Justice, “Everyday Legal Problems and the Cost of Justice in Canada Fact Sheets” (March 2015), online: CFCJ <<http://cfcj-fcjc.org/a2jblog/everyday-legal-problems-and-the-cost-of-justice-in-canada-fact-sheets>>.

¹⁶ Measuring and accounting for intangible costs is not a new or innovative practice. These costs have been recognized as significant in a number of other projects. See for e.g. Maurits Barendrecht, José Mulder and Ivo Giesen, “How to Measure the Price and Quality of Access to Justice?” (November 2006), online: <<https://ssrn.com/abstract=949209>>; *Investing in Prevention*, *supra* note 3.

Furthermore, 52.6% or approximately 2,728,584 people say that the dealing with their second serious civil or family justice problem during three years made it difficult for them to carry on with normal life.

Table I: EXTENT OF DIFFICULTY IMPOSED ON NORMAL LIFE BY FIRST SERIOUS CIVIL OR FAMILY JUSTICE PROBLEM WITHIN THREE YEARS ¹⁷

LEVEL OF DIFFICULTY	POPULATION ESTIMATE	ESTIMATED PERCENTAGE
Extremely difficult	921,419	9.1%
Very difficult	1,237,706	12.2%
Somewhat difficult	2,863,877	28.3%
Not very difficult	2,136,795	21.1%
Not at all difficult	2,817,772	27.9%
Don't know	111,948	1.1%
Refused	24,903	0.3%

Table II: EXTENT OF DIFFICULTY IMPOSED ON NORMAL LIFE BY SECOND SERIOUS CIVIL OR FAMILY JUSTICE PROBLEM WITHIN THREE YEARS ¹⁸

LEVEL OF DIFFICULTY	POPULATION ESTIMATE	ESTIMATED PERCENTAGE
Extremely difficult	5,350,525	10.3%
Very difficult	661,176	12.7%
Somewhat difficult	1,532,357	29.5%
Not very difficult	9,728,46	18.8%
Not at all difficult	1,422,283	27.4%
Don't know	56,028	1.1%
Refused	10,094	0.2%

¹⁷ The extent to which one everyday legal problem affected normal life was asked of respondents who experienced up to 7 serious civil and family justice problems within three years.

¹⁸ The extent to which a second everyday legal problem affected normal life was asked of respondents who experienced up to 7 serious civil and family justice problems within three years.

While it can be useful to restrict the discussion of cost to its financial dimensions, the larger Cost of Justice study, and thus this report, engages the wider conception of cost that takes into account monetary costs as well as the “non-legal” consequences of everyday legal problems that indirectly impact spending because of legal problems. Insomuch as a legal issue can cause increased stress for example, and may require additional visits to a healthcare professional, the cost of which is passed on to a public service, the consideration of direct and

indirect monetary costs, as well as “non-legal” costs makes for a more accurate overall assessment of the “cost of justice.”

With respect to one everyday legal problem experienced during a 3-year period, almost 30% of people say that the problem caused or worsened (physical) health, social or family problems in their life.

Table III: PERCENTAGE OF PEOPLE AND ESTIMATED POPULATION WHO EXPERIENCE A (PHYSICAL) HEALTH, SOCIAL OR FAMILY PROBLEM BECAUSE OF THE FIRST EVERYDAY LEGAL PROBLEM THEY EXPERIENCE ¹⁹

(PHYSICAL) HEALTH, SOCIAL OR FAMILY PROBLEM RESULTING THE FIRST EVERYDAY LEGAL PROBLEM	POPULATION ESTIMATE	ESTIMATED PERCENTAGE
Yes	2,929,252	28.3%
No	7,275,896	70.3%
Don't know	117,456	1.2%
Refused	21,161	0.2%

With respect to the second everyday legal problem experienced during 3 years, more than 60% of people say that it caused or worsened other (physical) health, social or family problems in their life.

Table IV: PERCENTAGE OF PEOPLE AND ESTIMATED POPULATION WHO EXPERIENCE A (PHYSICAL) HEALTH, SOCIAL OR FAMILY PROBLEM BECAUSE OF THE SECOND EVERYDAY LEGAL PROBLEM THEY EXPERIENCE ²⁰

(PHYSICAL) HEALTH, SOCIAL OR FAMILY PROBLEM RESULTING THE SECOND EVERYDAY LEGAL PROBLEM	POPULATION ESTIMATE	ESTIMATED PERCENTAGE
Yes	652,065	62.6%
No	366,053	35.2%
Don't know	16,101	1.5%
Refused	6,877	0.7%

¹⁹ The “first problem” refers to the first serious civil and family justice problem (and for some respondents, the only serious civil and family justice problem) experienced within three years.

²⁰ The “second problem” refers to the second serious civil and family justice problem experienced within three years. Respondents were not asked about (physical) health, social or family problems that were worsened or caused by three or more serious civil or family justice problems within the three-year reference period of the Cost of Justice study.

Physical Health Problems

Cost of Justice survey respondents who indicated that their legal problem(s) caused or worsened other problems in their life were asked follow-up questions that related specifically to physical health problems. Of the estimated 2,929,252 people whose first everyday legal problem during three years caused or worsened (physical) health, social or family problems in their life (see Table III, above), approximately 2,002,304 indicated that those problems specifically affected their physical health. Further, of this number, 65.2% (or approximately 1,306,024 people) indicated that they visited a physician or used the healthcare system more frequently than normal as a result. This amounts to more than 10% of all individuals experiencing

one or more everyday legal problems during the three-year reference period of the Cost of Justice survey.

For the second legal problem mentioned, approximately 765,706 people said that these problems affected their physical health. Of this number, 81.2% (or approximately 621,538 people) said they visited a physician or used the health care system more than normal as a direct consequence of having experienced that problem.

Table V lists, in order of frequency, the problem types²¹ that were identified as having directly contributed to physical health issues.

Table V: PROBLEM TYPES IDENTIFIED BY RESPONDENTS AS HAVING DIRECTLY CONTRIBUTED TO PHYSICAL HEALTH ISSUES²²

CIVIL OR FAMILY JUSTICE PROBLEM TYPE	PERCENTAGE OF PEOPLE
1. Employment Problems	25.9%
2. Family Law (Relationship Breakdown) Problems	13.4%
3. Neighbour Problems	12.4%
4. Wills & Incapacity	11.1%
5. Medical Treatment	7.8%
6. Debt	6.8%
7. Disability Assistance	4.9%

CIVIL OR FAMILY JUSTICE PROBLEM TYPE	PERCENTAGE OF PEOPLE
8. Consumer	4.0%
9. Personal Injury	3.8%
10. Discrimination	3.8%
11. Housing	1.6%
12. Threat of Legal Action	1.5%
13. Treatment by Police	0.9%
14. Social Assistance	0.9%

Table VI lists the 10 specific legal problems that were most frequently mentioned in connection with physical health issues.

²¹ This table lists the 14 legal problem types, of the 17 problems types identified in Figure I, that were most frequently mentioned. Three of the 17 problems types— Family (Other), Immigration and Criminal Charges – were mentioned at levels that were not statistically significant.

²² This ranking is based on two serious problems experienced within a three-year period. Specifically, respondents were asked: *Of the two problems, which one do you think contributed most to the physical health issues you mentioned.* In the Cost of Justice survey, this is question health5. See Canadian Forum on Civil Justice, *Everyday Legal Problems and the Cost of Justice in Canada: Survey* (Toronto: CFCJ, 2016) at 26, online: CFCJ < <http://www.cfcj-fcjc.org/sites/default/files//Everyday%20Legal%20Problems%20and%20the%20Cost%20of%20Justice%20in%20Canada%20-%20Survey.pdf>>.

Table VI: LEGAL PROBLEMS MOST COMMONLY MENTIONED AS CAUSING OR CONTRIBUTING TO PHYSICAL HEALTH ISSUES

LEGAL PROBLEM	ESTIMATED POPULATION EXPERIENCING PROBLEM	CIVIL/FAMILY JUSTICE PROBLEM TYPE
1. Harassment at work	75,977	Employment
2. Managing someone’s medical care	50,521	Wills & Incapacity
3. Health and safety issues at workplace	38,168	Employment
4. Threats or harassment in neighbourhood	31,946	Neighbourhood
5. Regular/excessive noise in neighbourhood	31,525	Neighbourhood
6. Division of marital property/money	27,696	Family (Relationship Breakdown)
7. Harassment by collection agency	26,464	Debt
8. Unfair disciplinary work procedures	25,783	Employment
9. Harm by physician or dentist	22,551	Medical Treatment
10. Child custody or access arrangements	21,399	family (Relationship Breakdown)

In Table V, employment, neighbourhood, wills and incapacity and family (relationship breakdown) legal problem types feature prominently as causes of physical health issues. This could in part be a function of the frequency with which these problems were reported overall – of the 17 serious civil justice problem types these problems rank among the seven most commonly experienced types. In terms of the specific problems that are more likely than others to be associated with physical health problems, Table VI indicates that legal problems involving workplace harassment, medical care and health and safety at work are the most likely to be connected to a physical health problem. Problems within one’s neighbourhood, as well as problems involving a separation of assets, custody issues (following a relationship breakdown) and harassment owing to debt problems also have high correlations with physical health problems.

Stress And Mental Health Problems

In addition to physical health problems, everyday legal problems also affect mental health and cause extreme stress among Canadians. An estimated 5,309,024 people who experience a serious civil or family justice problem over a given three-year period will experience increased stress or emotional problems because of at least one problem that they experience. Further, 41.2% (or approximately 2,188,143 people) people say they visited a doctor or used counselling services more frequently than normal as a result of at least one legal problem that they experienced. This suggests that within a three-year period, everyday legal problems result in more than 2 million additional visits to a healthcare professional for counselling or to address stress.

For the second legal problem experienced within a three-year period, 2,933,518 people say that problem two affected their mental health or caused extreme stress. Of this number, 38.1% or approximately 1,116,877 people visit a doctor or use counselling services more than before as a result.

Table VII lists the problem types most frequently mentioned as causing high stress or emotional health problems.

Table VII: PROBLEM TYPES IDENTIFIED BY RESPONDENTS AS HAVING DIRECTLY CONTRIBUTED TO HIGH STRESS OR EMOTIONAL HEALTH PROBLEMS ²³

CIVIL OR FAMILY JUSTICE PROBLEM TYPE	PERCENTAGE OF PEOPLE
1. Employment	24.8%
2. Debt	15.5%
3. Family Law (Relationship Breakdown) Problems	11.5%
4. Neighbourhood	8.2%
5. Wills and Incapacity	7.5%
6. Consumer	5.7%
7. Discrimination	5.6%
8. Police Treatment	4.3%
9. Medical Treatment	3.9%
10. Disability Assistance	3.0%
11. Threat of Legal Action	2.5%
12. Personal Injury	1.9%
13. Housing	1.4%
14. Immigration	1.1%
15. Family Law (Other)	0.8%

Table VIII lists the 10 most commonly mentioned problems, and the corresponding problem types, that were identified as having directly caused high stress or emotional health problems.

²³ This table lists the 15 legal problem types of the 17 problems types identified in Figure I, that were most frequently mentioned. Two of the 17 problems types—Social Assistance and Criminal Charges – were mentioned at levels that were not statistically significant.

Table VIII: LEGAL PROBLEMS MOST COMMONLY MENTIONED AS CAUSING OR CONTRIBUTING TO HIGH STRESS OR EMOTIONAL HEALTH PROBLEMS

LEGAL PROBLEM	ESTIMATED POPULATION EXPERIENCING PROBLEM	CIVIL/FAMILY JUSTICE PROBLEM TYPE
1. Harassment at work	134,271	Employment
2. Getting wages/overtime pay/vacation pay	101,828	Employment
3. Managing someone's medical care	99,711	Wills and Incapacity
4. Health and safety issues at work	93,878	Employment
5. Being separated (and had problems)	92,106	Family (Relationship Breakdown)
6. Harassment by a collection agency	79,095	Debt
7. Regular/excessive noise in your neighbourhood	71,776	Neighbourhood
8. Unreasonably stopped/questioned by police	71,034	Treatment by police
9. Threat of legal action for debt reasons	62,444	Debt
10. Unfairly fired or dismissed from work	57,600	Employment

Not unlike physical health issues, emotional and high stress problems were reported as most frequently occurring as a result of problems in the workplace, problems related to wills and incapacity, family relationship breakdown problems and problems within a neighbourhood of residence. Debt problems, including harassment by a collection agency and unreasonable or threatening interactions with law enforcement were also among the top ten most frequently mentioned legal problems associated with stress and emotional health issues. In terms of which problems are more likely than others to be associated with health problems Tables VII and VIII indicate that employment problems generally, and serious and persistent workplace harassment specifically are most likely to trigger physical health problems and emotional or stress-related problems. Legal problems that pertain to someone's medical care and health and safety workplace problems are also strongly associated with reports of physical and emotional health problems and increased stress.

Worsening Social, Family or Personal Problems

Beyond the physical and mental health problems that Canadians experience as a result of their everyday legal problem(s), many adult Canadians also indicate that their legal problems create and/or worsen social, family and personal problems. Of the Canadians who experience one or more everyday legal problems within a three-year period, almost 21% will experience and/or have worsening social, family or personal issues as a result. This is an estimated 2,160,460 adult Canadians. The specific types of family and personal problems affecting these more than 2,000,000 Canadians vary. Table IX indicates some social, personal and family problems, in order of frequency, that were caused by, or worsened as a result of civil or family justice problems.

Table IX: SOCIAL, FAMILY AND PERSONAL PROBLEMS CAUSED OR WORSENER BY EVERYDAY LEGAL PROBLEMS

SOCIAL, PERSONAL OR FAMILY PROBLEM	ESTIMATED NUMBER OF CANADIANS
1. Relationship problems between other family members	548,382
2. Marital problems/Problems with a partner	448,187
3. Relationship problems between parent or grandparent and a child	322,851
4. Child behaviour problems	110,040
5. Problems with alcohol (self or someone else in family)	40,389
6. Problems with drugs (self or someone else in family)	7,882

Cost of Justice survey respondents who experienced multiple social, family or personal problems were asked to indicate the specific legal problem that had taken the most serious toll on their family, or had resulted in the most serious social or personal consequences. Table X indicates that consumer problems were overwhelmingly mentioned as the legal problem type that most often caused social, family or personal problems. Specifically, consumer problems related to spending on large purchases and spending on repairs were the most frequently mentioned.

Table X: LEGAL PROBLEMS MOST COMMONLY MENTIONED AS CAUSING OR CONTRIBUTING TO SOCIAL, FAMILY AND PERSONAL PROBLEMS

LEGAL PROBLEM	ESTIMATED NUMBER OF CANADIANS	CIVIL/FAMILY JUSTICE PROBLEM TYPE
1. Spending money on a large purchase and not getting what you paid for	97,538	Consumer
2. Spending money for repairs, renovations that were poorly done	59,997	Consumer
3. Getting your wages/overtime pay/vacation pay	46,412	Employment
4. Where you didn't get what you paid for/and they never fixed it	42,376	Consumer
5. With the safety of your purchase	33,794	Consumer
6. With an insurance claim being rejected	10,001	Consumer

Multiple Problems

Data from the Cost of Justice survey indicates that, for many Canadians, having one or more everyday legal problems contributes to the likelihood of experiencing a physical or mental health issue as well as a social, family or personal problem.

Of the estimated 6,668,335 Canadians who experience up to two, serious civil or family justice problems within a 3-year period, there are almost 3 million related incidences of physical health problems.²⁴ In addition, many Canadians who don't experience physical health problems as a result of their legal problems experience other serious problems. More than 1.3 million Canadian adults say that their first and second

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Canadian adults experiencing serious civil and family justice problems made more than 5 million visits to physicians, counsellors and other healthcare professionals to help address physical health problems and stress and emotional health problems in addition to what they considered their normal level of visits to doctors. Over a three-year period the additional cost to the healthcare system as a direct consequence of people experiencing everyday legal problems is an estimated \$304,274,643, based on a cost of \$58.15 per visit.²⁷ On an annual basis, the cost is estimated at \$101.4 million.²⁸ These costs to the publicly funded healthcare system are one of the measures of the importance of early intervention and the extent to which it can mitigate costs to the public purse.

legal problems led to or exacerbated social or family problems in their life. The numbers are even higher for emotional and mental health problems. Of the Canadians who experience up to two serious civil or family justice problems over a three-year period, there are an estimated 8 million related emotional or mental health problems.²⁵ Canadians who experience physical and mental health problems as a result of their civil or family justice problems often end up seeking help from a healthcare professional for these accompanying problems. Conservative estimates suggest that this amounts to approximately 5,232,582 additional visits to a healthcare professional over a given 3-year period.²⁶

Conclusion

When considering the cost of everyday legal problems, our analysis often stops short at a limited consideration of the costs associated with securing legal support, financing courts and other dispute resolution spaces, and providing various forms of legal aid. This report strongly suggests that the true costs of everyday legal problems extend well beyond the framework of monetary costs, incurred primarily through the formal justice system. Though it is true that indirect health costs can transform into substantial healthcare expenditures, the health issues themselves, experienced by Canadians as a product of common legal problems, ought to be of more pressing concern. The age-old adage “health is the first wealth” certainly does ring true in a country where healthcare is prioritized as an essential service. Upholding health as a priority demands that actions be taken to diminish the negative impact of everyday legal problems on health.

²⁴ 2,768,010 people experienced physical health problems owing to one or both of the everyday legal problems that they experienced over a 3-year period.

²⁵ 8,242,542 in total reported experiencing emotional or mental health problems because of the first or second legal problem that they experienced over 3 years.

²⁶ These estimates assume that to address physical health problems, high stress and emotional health problems, individuals who visit a healthcare professional do so only one time.

²⁷ At the time of the Cost of Justice survey the average cost of a physician visit was \$58.15. This included office visits, consultations, surgeries and diagnostic tests, but did not include radiology and laboratory costs. Canadian Institute for Health Information, *Physicians in Canada, 2013: Summary Report* (Ottawa: Canadian Institute for Health Information, 2014) at 13, online: CIHI <https://secure.cihi.ca/free_products/Physicians_In_Canada_Summary_Report_2013_en.pdf>. The Canadian Institute for Health Information puts the average cost of a physician visit in 2016 at \$64.05. Canadian Institute for Health Information, *Physicians in Canada, 2016: Summary Report* (Ottawa: Canadian Institute for Health Information, 2017) at 21, online: CIHI <https://www.cihi.ca/sites/default/files/document/physicians_in_canada_phys2016_en.pdf>. Based on the average cost of physician visits in 2016, the estimated cost of additional use of the health care system owing to an experience with an everyday legal problem (all other factors remaining equal) is estimated at roughly \$335.1 million over a three-year period.

²⁸ For more on knock-on healthcare costs caused by everyday legal problems, see CFCJ, “Overview Report”, *supra* note 5 at 17-19.