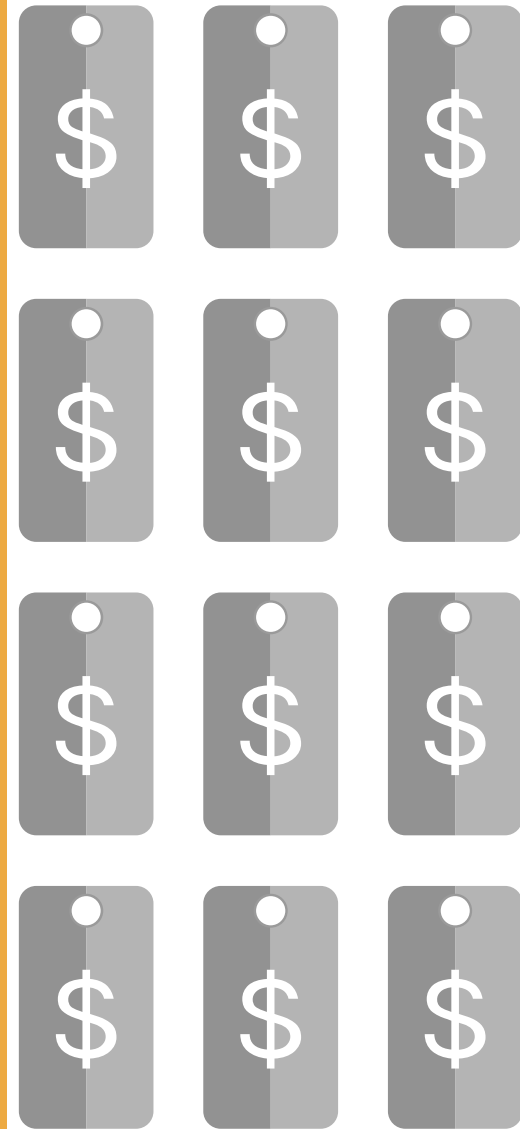

EVERYDAY LEGAL PROBLEMS AND THE COST OF JUSTICE IN CANADA

SPENDING ON EVERYDAY LEGAL PROBLEMS



“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., Chief Justice of Canada (2011)

The Canadian Forum on Civil Justice (CFCJ) 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 researchers investigating various dimensions of access to justice and 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), Lisa Moore, Nicole Aylwin and Les Jacobs.

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 Canadian Forum on Civil Justice, “Cost of Justice”, online: CFCJ <www.cfcj-fcjc.org/cost-of-justice>.



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EVERYDAY LEGAL PROBLEMS AND THE COST OF JUSTICE IN CANADA
SPENDING ON CIVIL AND FAMILY JUSTICE PROBLEMS

OVERVIEW

INTRODUCTION

The national “Everyday Legal Problems and the Cost of Justice in Canada” (Cost of Justice) survey was conducted with a random sample of 3,263 adults ages 18 years and older. 3,051 resided in households with land lines and 212 used cell phones only. The data presented in the following pages are based on the 3,051 land line calls. Weighted to the Canadian population, this represents an estimated 23,590,697 people from the ten provinces.¹

For this first national legal needs survey in ten years, respondents were asked questions aimed at measuring the frequency and ways in which the Canadian public experience civil and family justice problems. Based on our survey results, it is estimated that, within a 3-year period, approximately 11.4 million adult Canadians (or 48.4%) will experience at least one everyday legal problem that they consider to be serious or difficult to resolve. This report presents some of the key data from the Cost of Justice survey

based on spending to resolve justice problems, including average spending amounts based on respondent characteristics and spending based on options used to try to resolve legal problems.

¹ For more information see: Canadian Forum on Civil Justice, Everyday Legal Problems and the Cost of Justice in Canada: Overview Report (Toronto, Canadian Forum on Civil Justice, 2016), online: <http://www.cfcj-fcjc.org/sites/default/files/Everyday%20Legal%20Problems%20and%20the%20Cost%20of%20Justice%20in%20Canada%20-%20Overview%20Report.pdf>.

EVERYDAY LEGAL PROBLEMS IN CANADA

Almost 50% of people in Canada over the age of 18 will experience an everyday legal problem in a given 3-year period. Furthermore, essentially every Canadian will experience an everyday legal problem over the course of their lifetime.

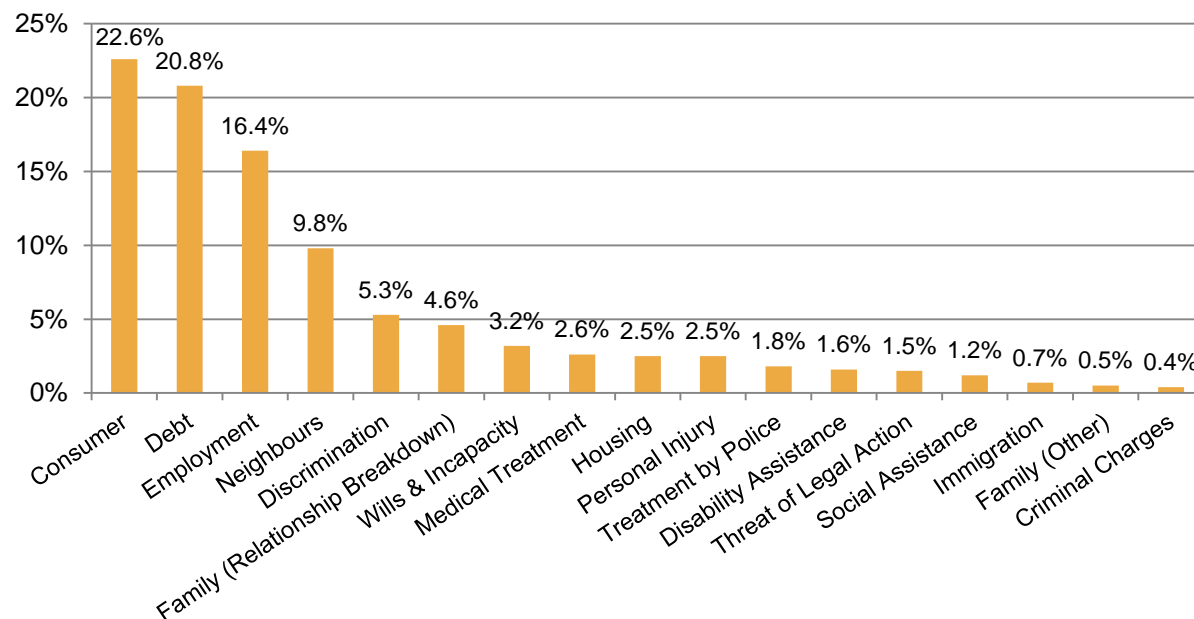
For the Canadian Forum on Civil Justice's (CFCJ's) national Cost of Justice survey, 1,416 respondents in total indicated that they experienced one or more civil or family justice problems during the 3-year reference period of the Cost of Justice survey. Weighted to the population, this represents an estimated 11,420,890 adults in Canada who experience at least one serious civil or family justice problem within a 3-year period.

Among these 1,416 respondents, 1,321 people were asked to provide details about their experiences with at least one and up to seven serious civil or family justice problems.

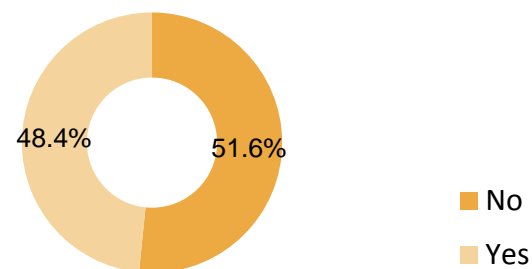
EVERYDAY LEGAL PROBLEM TYPES

Canadians experience a range of civil and family justice problems. Consumer, debt, employment and problems with neighbors are the most frequently occurring problem types, followed by family problems (related to relationship breakdown), problems with wills and incapacity and medical treatment problems.

Percentage of People Experiencing One or More Legal Problems within Problem Types



Percentage of Canadians Who Will Experience an Everyday Legal Problem Over the Course of Any Given Three Years



TAKING ACTION ON EVERYDAY LEGAL PROBLEMS

Most people try to resolve their legal problem(s) - approximately 95% of people indicate that they take one or more steps to try to resolve their legal problems.²

For people who do not try to resolve their everyday legal problems, there are a number of reasons for that decision. Among the 5% of people who do not take any action to resolve their legal problems, 21.3% (or approximately 241,884 people) who experience one or more serious civil or family justice problems in a given 3-year period say that cost influenced their decision not to take action to resolve their legal problem(s).

Other reasons for not taking action include:

- Problem was not that serious
- Did not think anything could be done about the problem(s)
- Didn't know what to do or where to go to get help
- Uncertain about their rights
- Would take too much time
- Too scared to do anything
- Worried that it would just cause more trouble
- Thought that the other person was right
- Would have been too stressful
- Help was too far away or hard to reach
- Had a previous problem and knew there was no use in getting help

² For more information on actions taken to resolve legal problems, see *Everyday Legal Problems and the Cost of Justice in Canada: Overview Report*, *ibid* at 9-10.

TYPES OF EXPENSES

Approximately 42.9% (or 4,386,612 people) spend some money trying to resolve their legal problem(s).³

People incur different types of expenses when trying to resolve their legal problem(s). The following pages include data on the types of expenses and the approximate number of people who incur those expenses while trying to resolve one or more legal problems.

³ Among the estimated 4,386,612 people who spend some money trying to resolve their legal problems, 4,343,916 pay for the specific services and materials listed on the following pages. Cost of Justice survey respondents also indicated if they spent money on “other” types of expenses that were not included in the survey question. Details on “other” expenses are not included in this report.

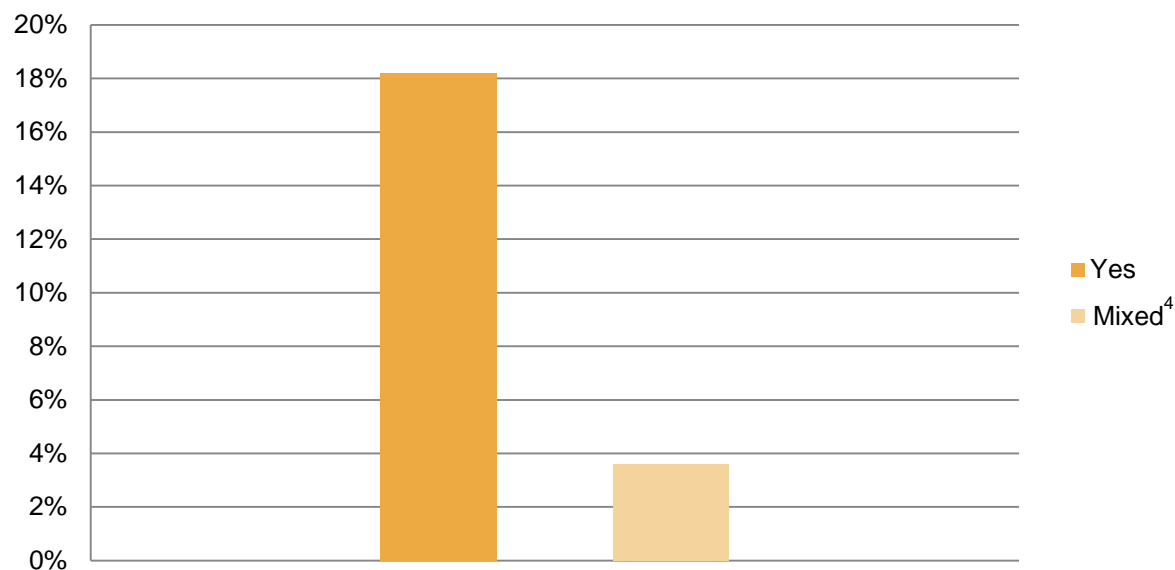
LAWYER'S FEES

Among people who spend money to deal with their legal problem(s):

18.2% (or approximately 790,758 people) spend on lawyer's fees for their legal problem(s).

3.6% (or approximately 156,406 people) spend on lawyer's fees for one of two problems.

Spending on Lawyer's Fees



Spending on Lawyer's Fees		Estimate
Population Size	No	3,396,752
	Yes	790,758
	Yes for one of two problems	156,406
	Total	4,343,916
% of Total	No	78.2%
	Yes	18.2%
	Yes for one of two problems	3.6%
	Total	100.0%

⁴ Mixed responses indicate spending on one of two problems.

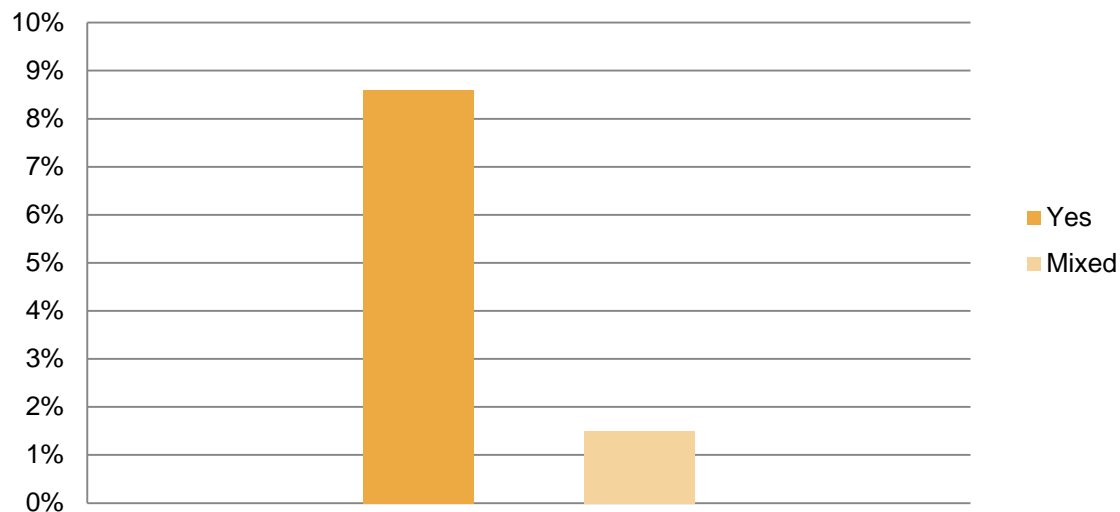
OTHER ADVISORS OR MEDIATORS

Among people who spend money to deal with their legal problem(s):

8.6% (or approximately 374,233 people) spend on other advisors or mediators.

1.5% (or approximately 64,796 people) spend on other advisors or mediators for one of two problems.

Spending on Other Advisors or Mediators



Spending on Other Advisors or Mediators		Estimate
Population Size	No	3,904,887
	Yes	374,233
	Yes for one of two problems	64,796
	Total	4,343,916
% of Total	No	89.9%
	Yes	8.6%
	Yes for one of two problems	1.5%
	Total	100.0%

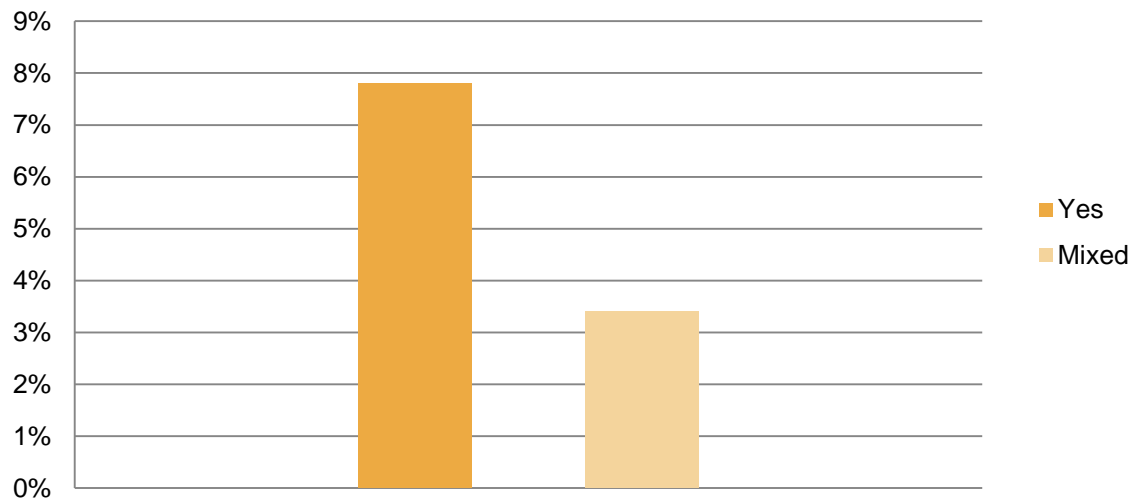
COURT FEES

Among people who spend money to deal with their legal problem(s):

7.8% (or approximately 340,152 people) spend on court fees.

3.4% (or approximately 146,787 people) spend on court fees for one of two problems.

Spending on Court Filings or other Court Fees



Court Fees		Estimate
Population Size	No	3,856,977
	Yes	340,152
	Yes for one of two problems	146,787
	Total	4,343,916
% of Total	No	88.8%
	Yes	7.8%
	Yes for one of two problems	3.4%
	Total	100.0%

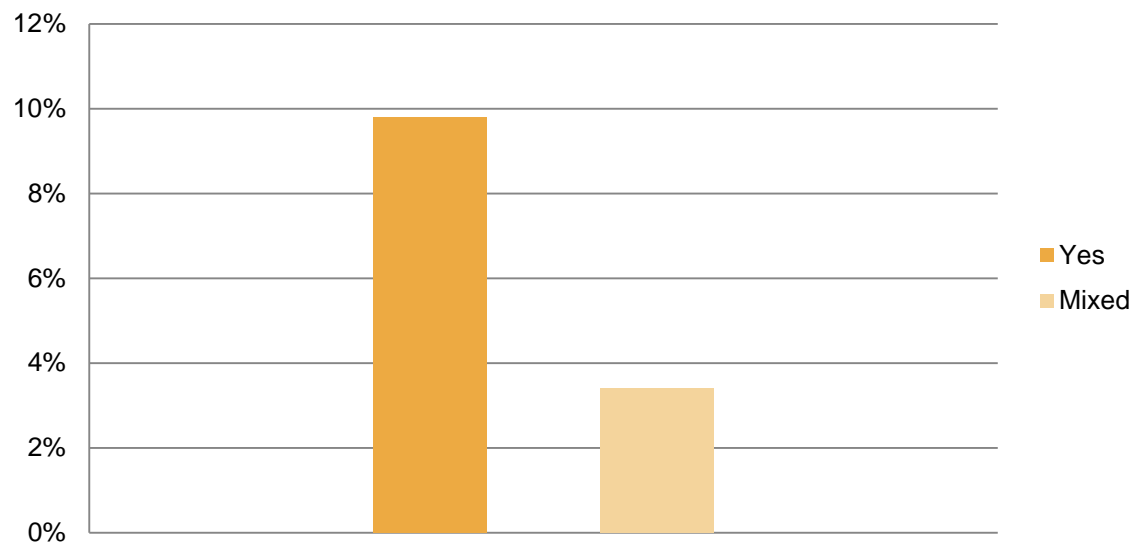
PURCHASE OF MATERIALS, COPYING AND PRINTING

Among people who spend money to deal with their legal problem(s):

9.8% (or approximately 426,350 people) spend on materials, copying and printing.

3.4% (or approximately 145,502 people) spend on materials, copying and printing for one of two problems.

Spending on Materials, Copying and Printing



Purchase of Materials, Copying and Printing		Estimate
Population Size	No	3,772,064
	Yes	426,350
	Yes for one of two problems	145,502
	Total	4,343,916
% of Total	No	86.8%
	Yes	9.8%
	Yes for one of two problems	3.4%
	Total	100.0%

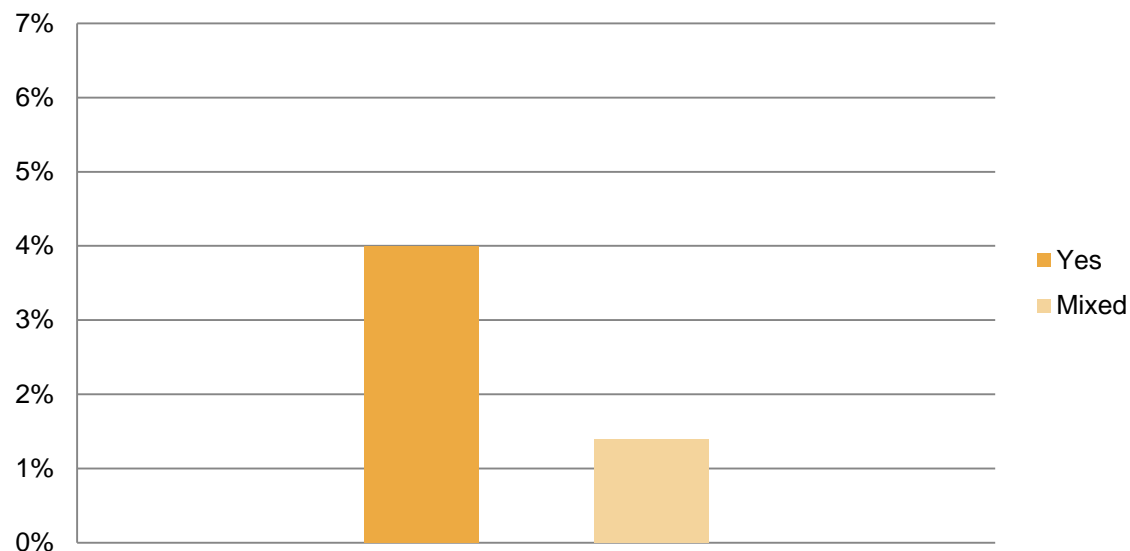
TELEPHONE, LONG DISTANCE AND FAX

Among people who spend money to deal with their legal problem(s):

4.0% (or approximately 173,034 people) spend on telephone, long distance and fax.

1.4% (or approximately 59,256 people) spend on telephone, long distance and fax for one of two problems.

Spending on Telephone, Long Distance and Fax



Telephone, Long Distance and Fax		Estimate
Population Size	No	4,111,626
	Yes	173,034
	Yes for one of two problems	59,256
	Total	4,343,916
% of Total	No	94.6%
	Yes	4.0%
	Yes for one of two problems	1.4%
	Total	100.0%

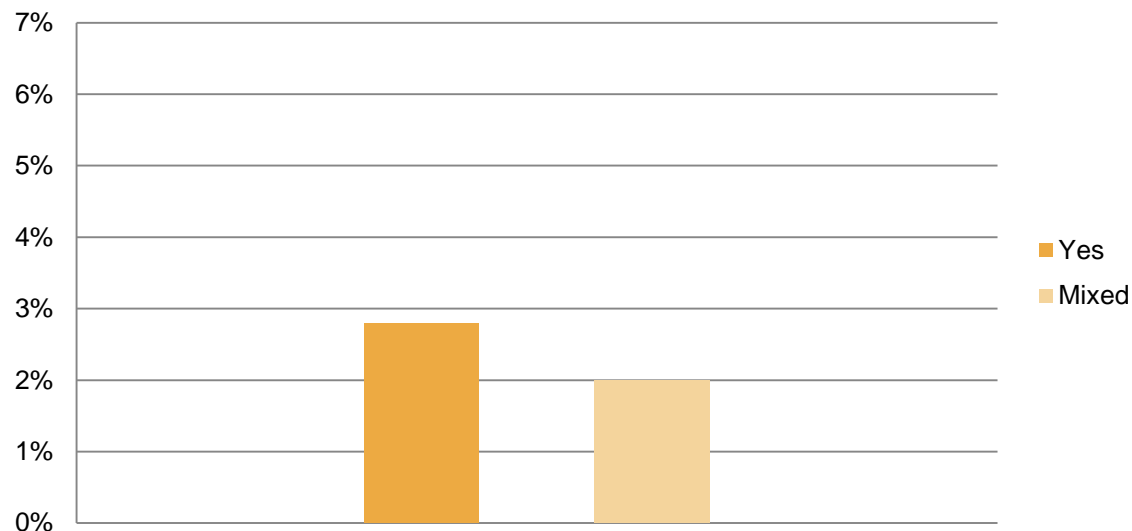
CHILD CARE AND OTHER HOUSEHOLD EXPENSES

Among people who spend money to deal with their legal problem(s):

2.8% (or approximately 120,587 people) spend on child care and other household expenses.

2.0% (or approximately 85,450 people) spend on child care and other household expenses for one of two problems.

Spending on Child Care and Other Household Expenses



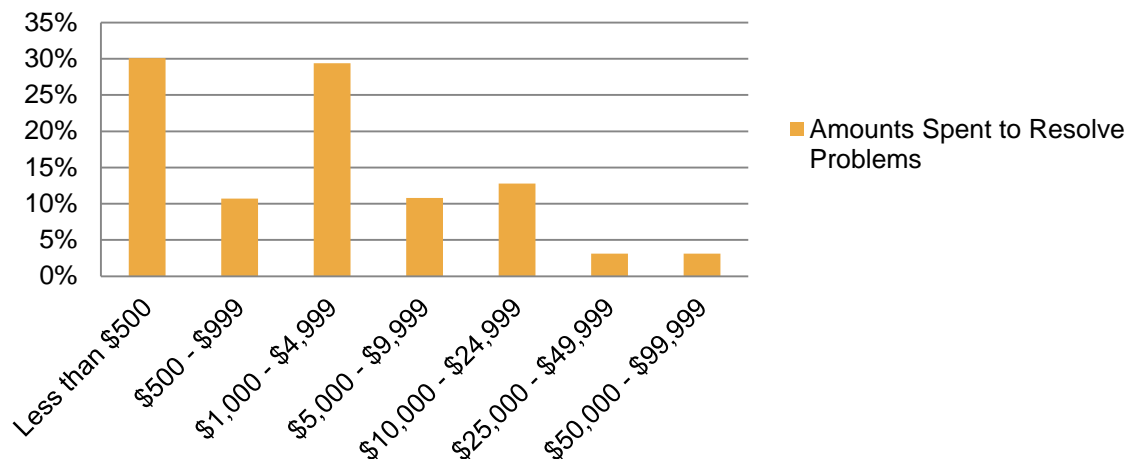
Child Care and Other Household Expenses		Estimate
Population Size	No	4,137,879
	Yes	120,587
	Yes for one of two problems	85,450
	Total	4,343,916
% of Total	No	95.2%
	Yes	2.8%
	Yes for one of two problems	2.0%
	Total	100.0%

TOTAL AVERAGE SPENDING

42.9% of people report spending some money to try to resolve their civil or family justice problem.

Based on spending details provided by respondents to the CFCJ's Cost of Justice survey, the average spending amount when dealing with legal problems is \$6,109.99.⁵

Percentage of People and Amounts Spent to Resolve Legal Problems



Amount Spent to Resolve Legal Problems		Estimate
Population Size	Less than \$500	1,146,786
	\$500 - \$999	409,277
	\$1000 - \$4999	1,119,375
	\$5000 - \$9,999	409,640
	\$10,000 - \$24,999	485,798
	\$25,000 - \$49,999	118,309
	\$50,000 - \$99,999	119,228
	Total	3,808,413
% of Total	Less than \$500	30.1%
	\$500 - \$999	10.7%
	\$1000 - \$4999	29.4%
	\$5000 - \$9,999	10.8%
	\$10,000 - \$24,999	12.8%
	\$25,000 - \$49,999	3.1%
	\$50,000 - \$99,999	3.1%
	Total	100.0%

⁵ Of the respondents who provided an exact cost figure, 12 unusually high totals of \$100,000 and more from 13 respondents were excluded from these calculations because of their potential to have a misleading, incorrect inflating effect on the average spending total. For additional details see "Overview Report", *supra* note 1 at 13.

SPENDING AND DEMOGRAPHIC CHARACTERISTICS

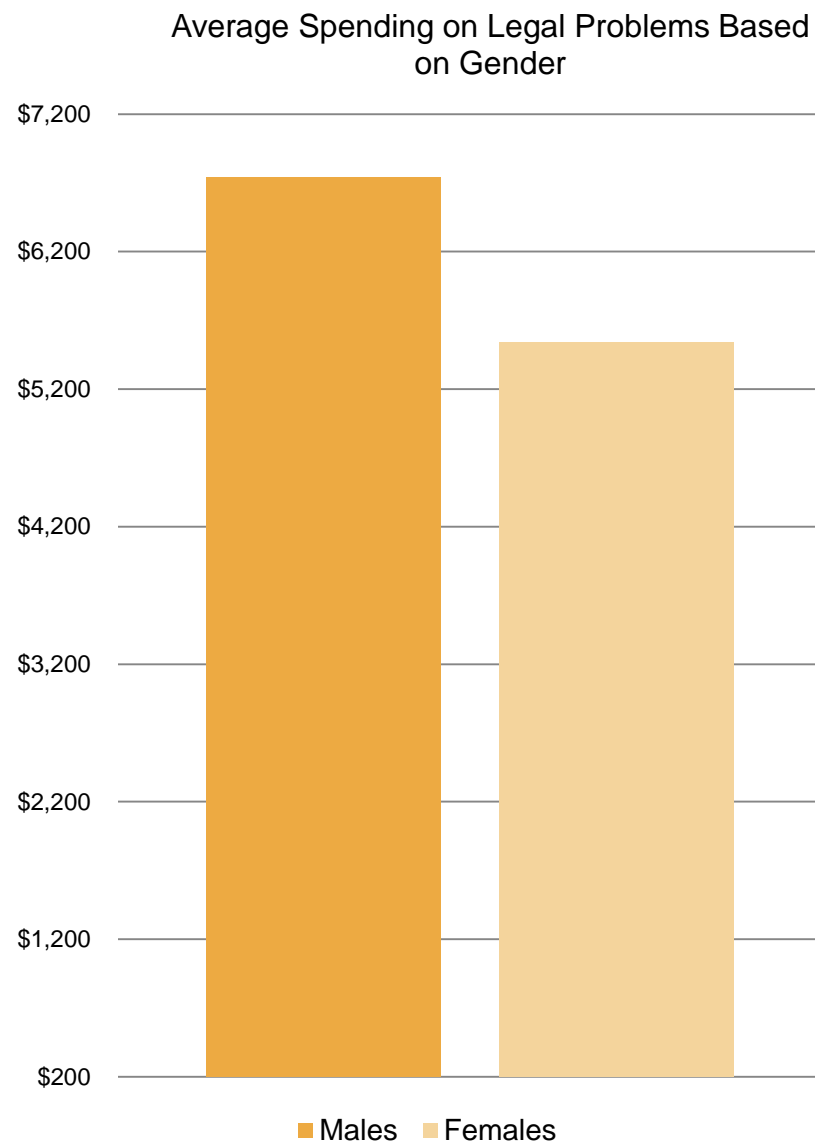
The following pages provide the total average spending on legal problems based on the following characteristics: gender, age, education, employment status and region.

SPENDING AND GENDER

Based on gender, average spending to resolve legal problems is:

Approximately
\$6,739.52
among males

Approximately
\$5,537.91
among females



SPENDING AND AGE

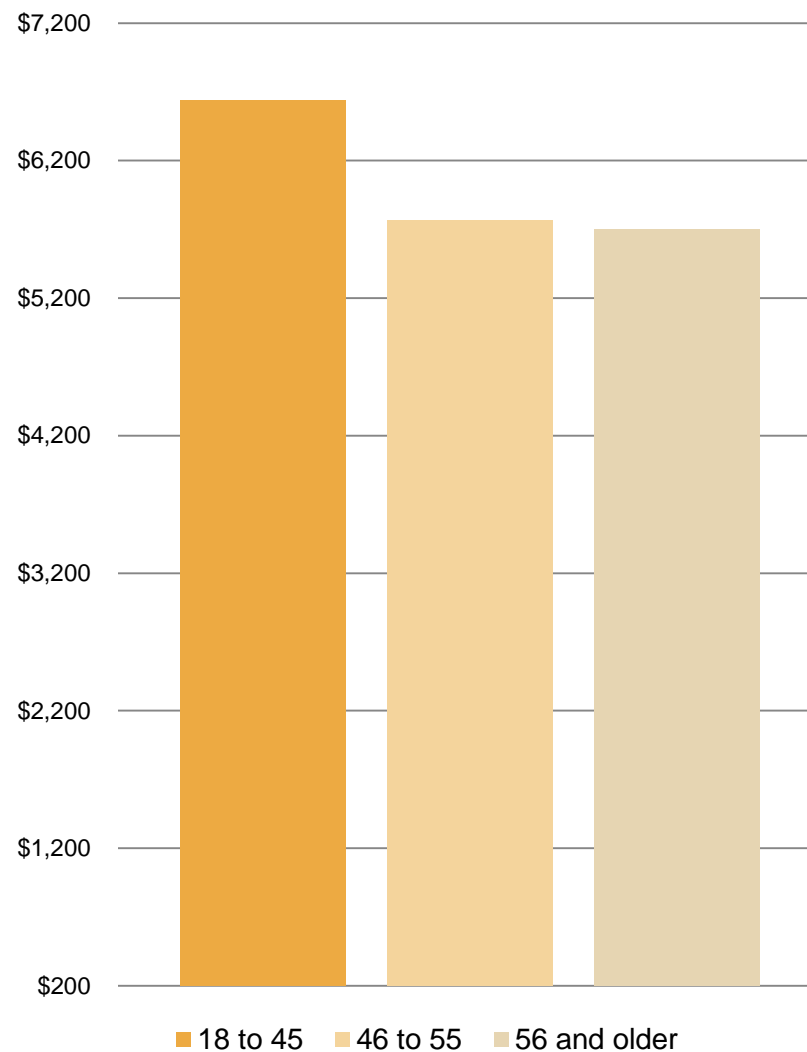
Based on age, average spending to resolve legal problems is:

Approximately
\$6,642.04
among people 18 to 45

Approximately
\$5,767.04
among people 46 to 55

Approximately
\$5,698.45
among people 56 and older

Average Spending on Legal Problems Based on Age



SPENDING AND EDUCATION

Based on education level, average spending to resolve legal problems is:

Approximately

\$4,116.60

among people with a high school degree or equivalent and less than a high school degree.

Approximately

\$6,136.97

among people with post high school education, without a degree being granted.

Approximately

\$8,487.60

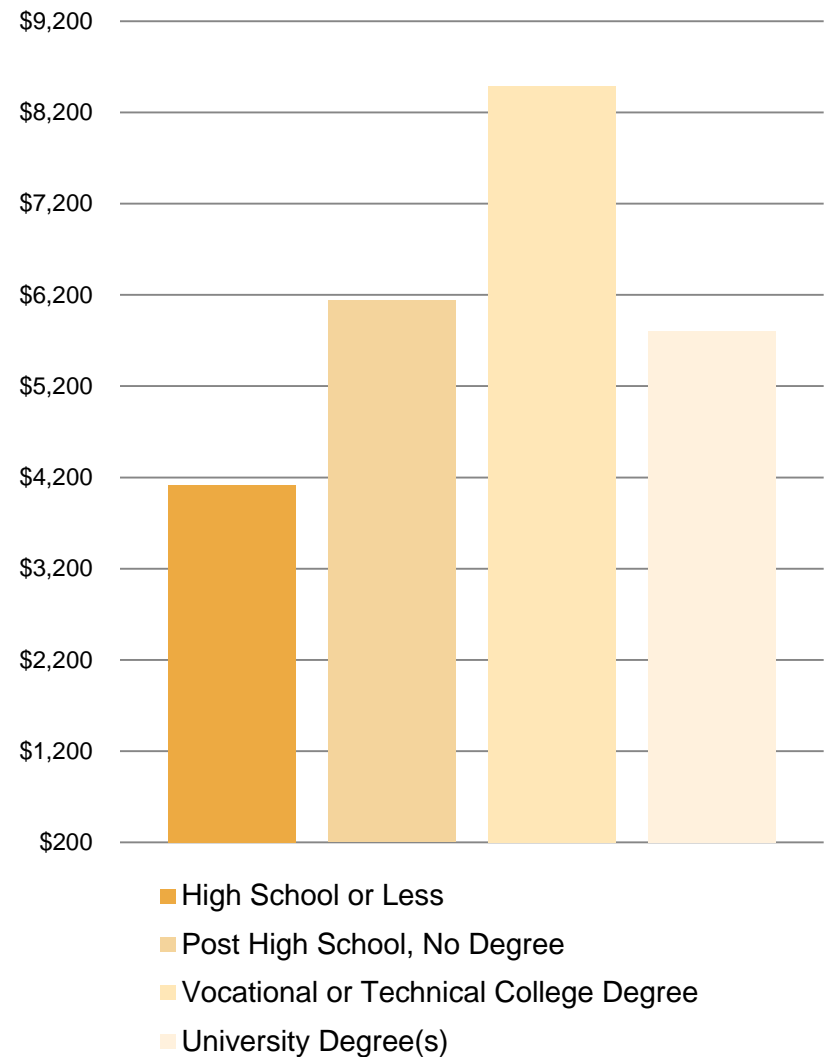
among people with a vocational or technical college degree.

Approximately

\$5,799.75

among people with university degrees.

Average Spending on Legal Problems Based on Education Level



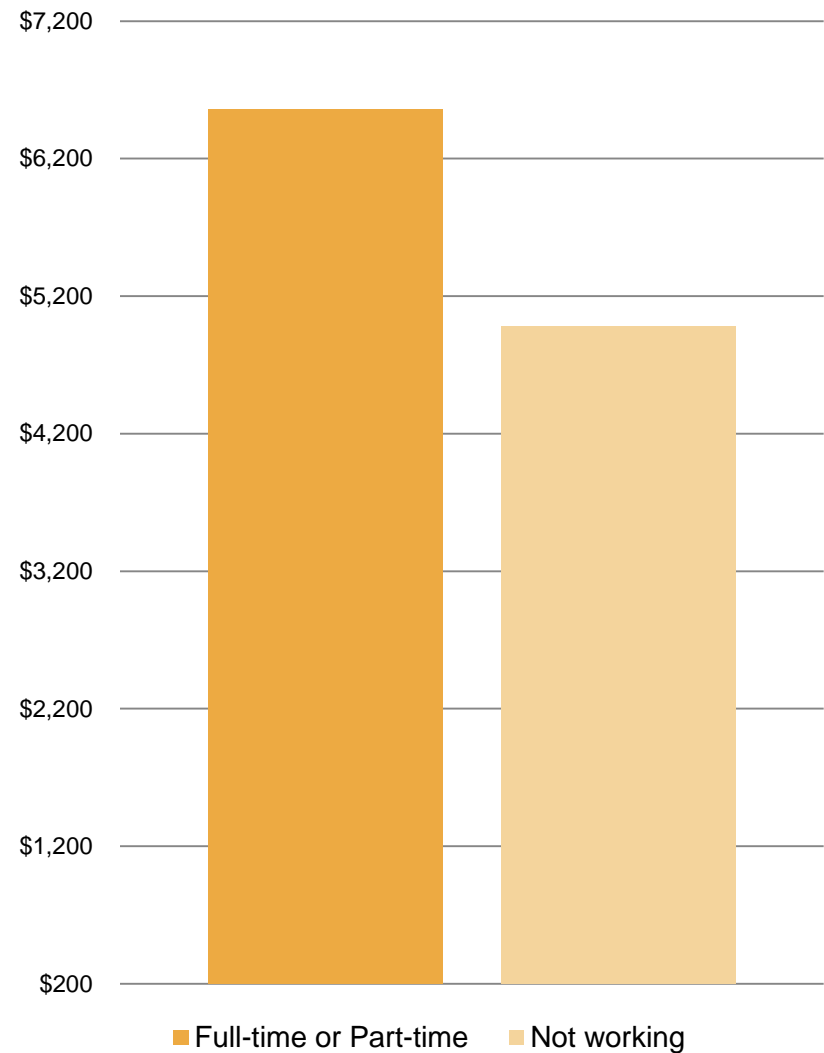
SPENDING AND EMPLOYMENT

Based on employment status, average spending to resolve legal problems is:

Approximately
\$6,557.19
 among people with full-time or part-time employment.

Approximately
\$4,983.63
 among people who are not working.

Average Spending on Legal Problems Based on Employment Status



SPENDING AND REGION

Based on location, average spending to resolve legal problems is:

Approximately
\$4,713.10

among people in the Atlantic region - Newfoundland and Labrador, Prince Edward Island, Nova Scotia and New Brunswick

Approximately
\$5,871.25

among people in Quebec

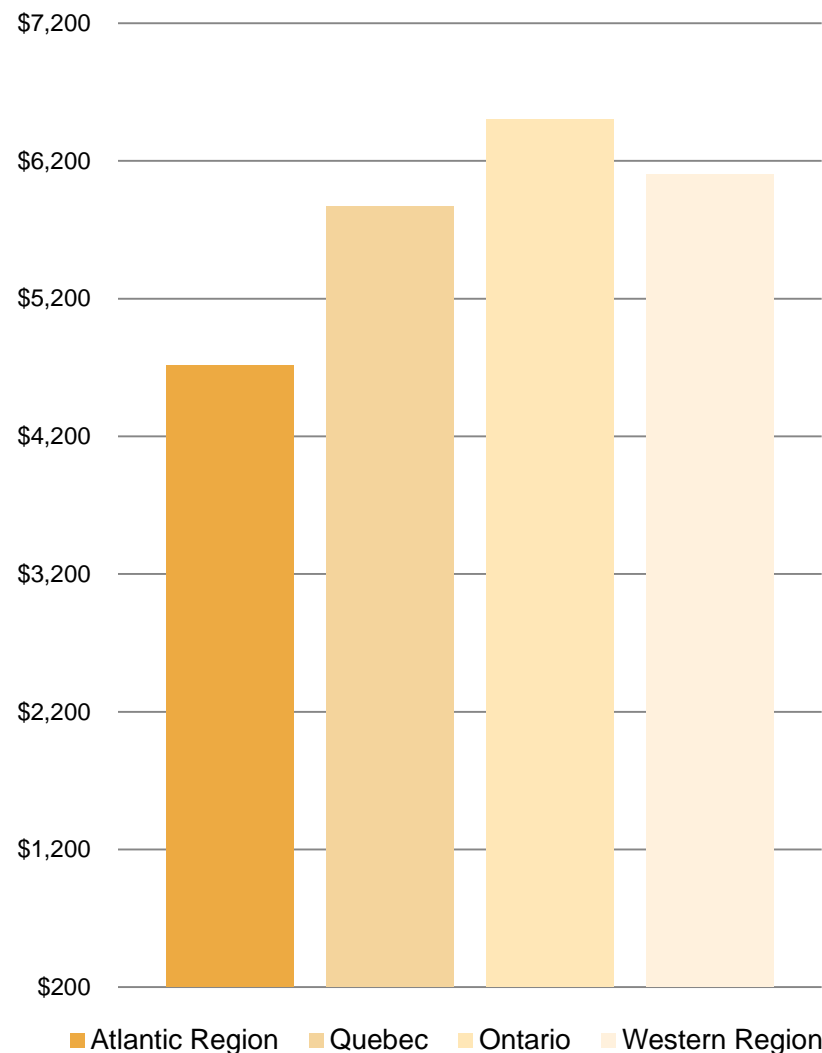
Approximately
\$6,496.59

among people in Ontario

Approximately
\$6,099.83

among people in the Western region - Manitoba, Saskatchewan, Alberta and British Columbia

Average Spending on Legal Problems Based on Region



SPENDING AND SERVICE OPTIONS

Among respondents who provided details about the amounts spent trying to resolve their legal problems, people with legal problems that were ongoing (during the three-year reference period of the survey) indicated that they had already spent approximately \$7,016.35.

People who indicated that their problem was resolved or dropped indicated that they spent approximately \$5,322.58 to deal with their legal problem.

SPENDING AND SERVICE OPTIONS Searched the Internet

The data appears to suggest a connection between increased cost and the likelihood of searching the Internet.

Among respondents who provided details about the amounts spent trying to resolve their legal problem(s), people who indicated that they searched the Internet for help or for a place to go for assistance when trying to resolve their legal problem(s) spent an average of \$9,003.82 to try to resolve their problem(s).

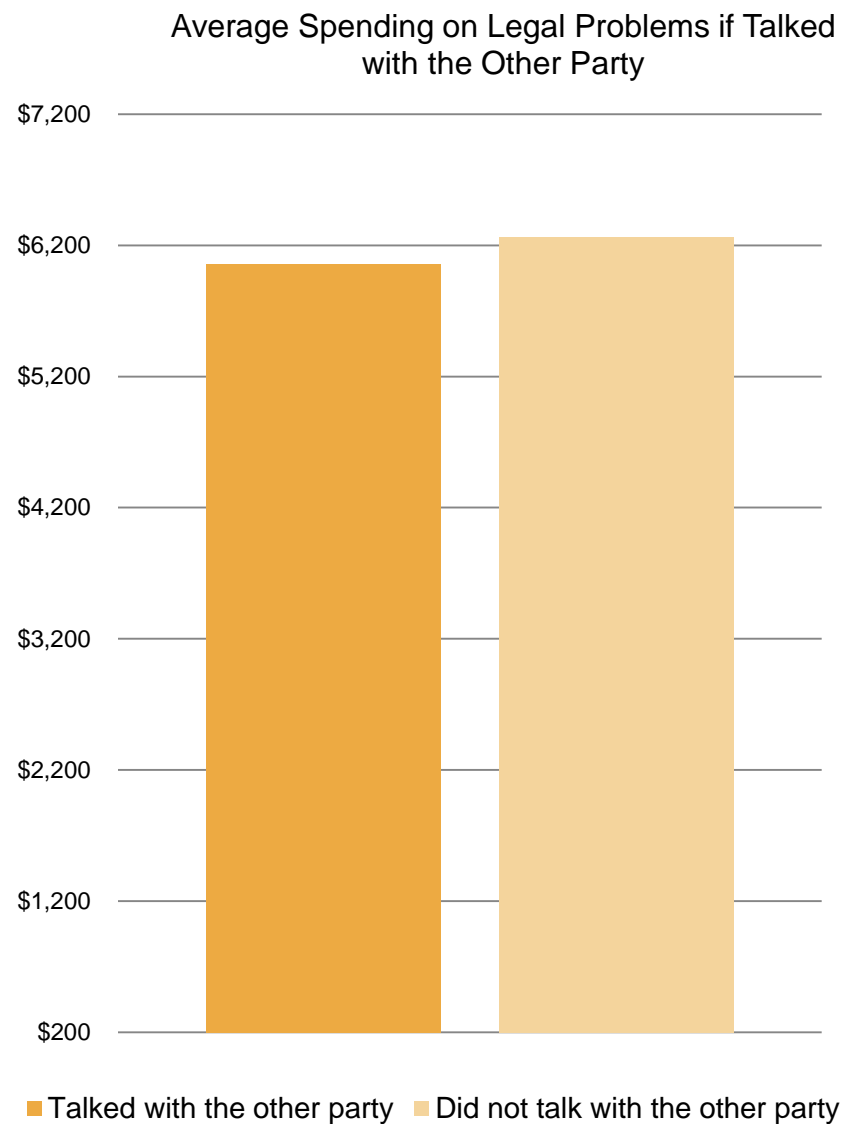
People who indicated that they did not search the Internet for help spent an average of \$3,975.73.



SPENDING AND SERVICE OPTIONS Talked with the Other Party

Among respondents who provided details about the amounts spent trying to resolve their legal problems, people who indicated that they talked the problem over with the other party involved in the dispute spent an average of \$6,058.54 to try to resolve their problem(s).

People who indicated that they did not talk with the other party involved in the dispute spent approximately \$6,261.82.

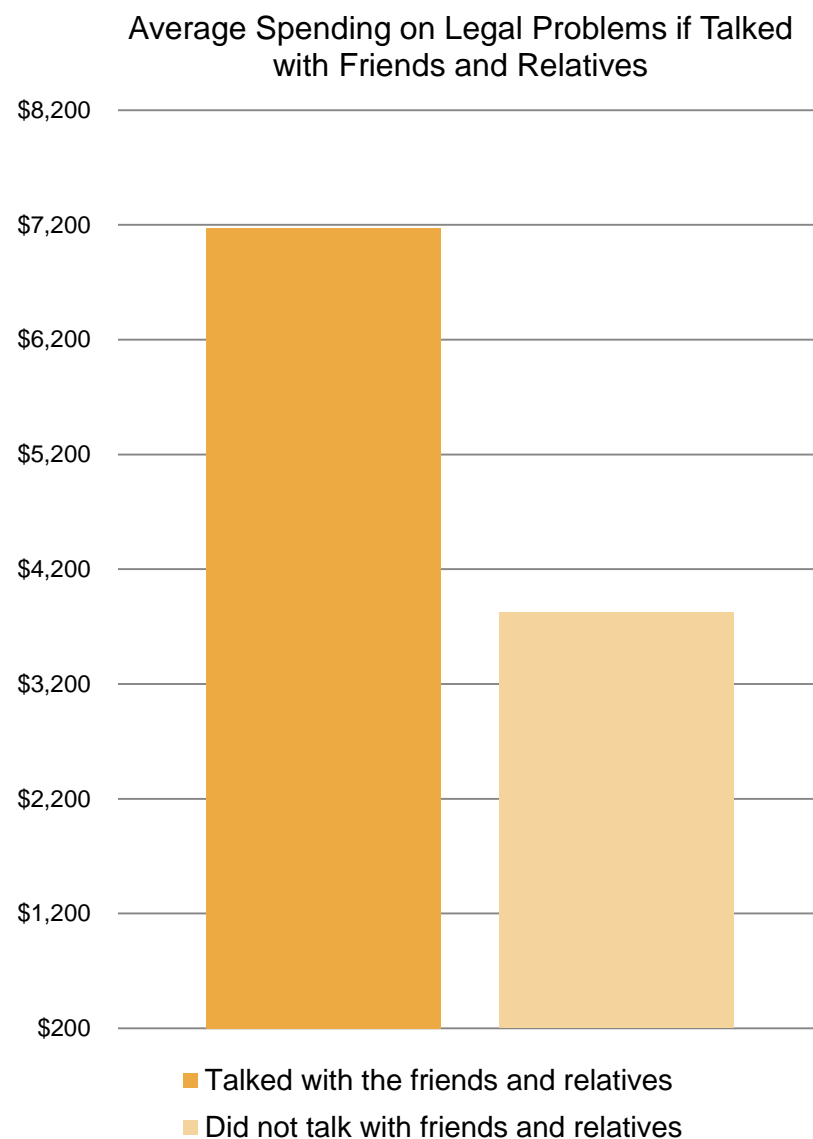


SPENDING AND SERVICE OPTIONS Talked with Friends and Relatives

The data appears to suggest a connection between increased cost and the likelihood of talking to friends and relatives who might be able to help.

Among respondents who provided details about the amounts spent trying to resolve their legal problems, people who indicated that they sought advice from friends and relatives spent an average of \$7,171.91 to try to resolve their problem(s).

People who indicated that they did not talk with friends and relatives spent approximately \$3,822.54.



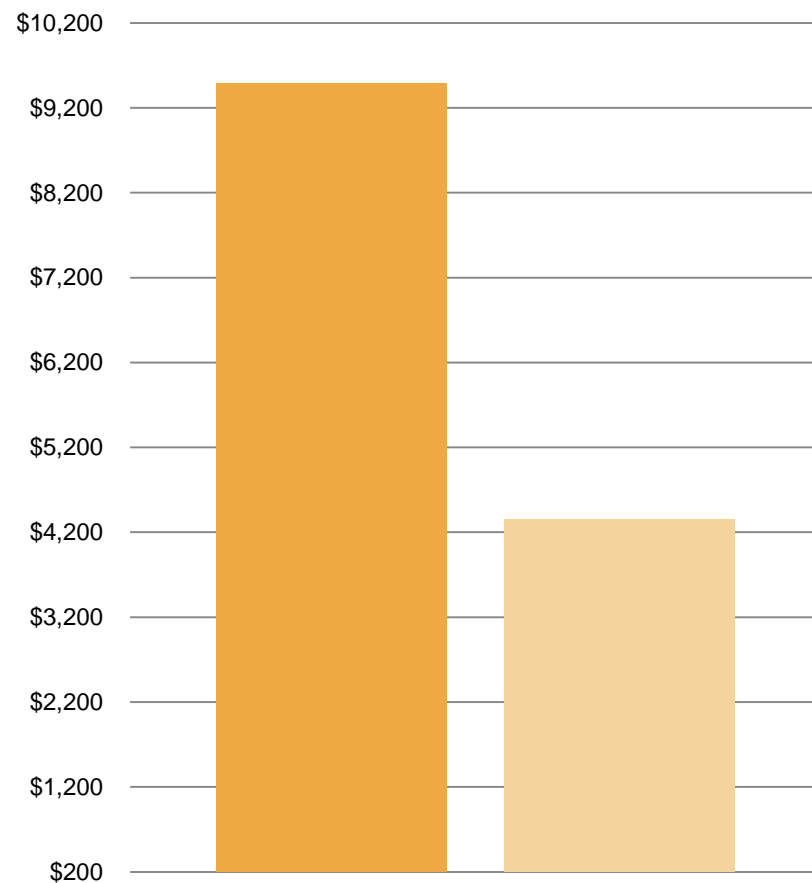
SPENDING AND SERVICE OPTIONS Contacted an Organization such as a Union or an Advocacy Group

The data appears to suggest a connection between increased cost and the likelihood of contacting an organization such as a union or advocacy group for help.

Among respondents who provided details about the amounts spent trying to resolve their legal problems, people who indicated that they contacted an organization for help spent an average of \$9,487.70 to try to resolve their problem(s).

People who indicated that they did not contact an organization for help spent approximately \$4,348.76.

Average Spending on Legal Problems if an Organization such as a Union or an Advocacy Group is Contacted for Help



- Contacted an organization such as a union or advocacy group
- Did not contact an organization for help

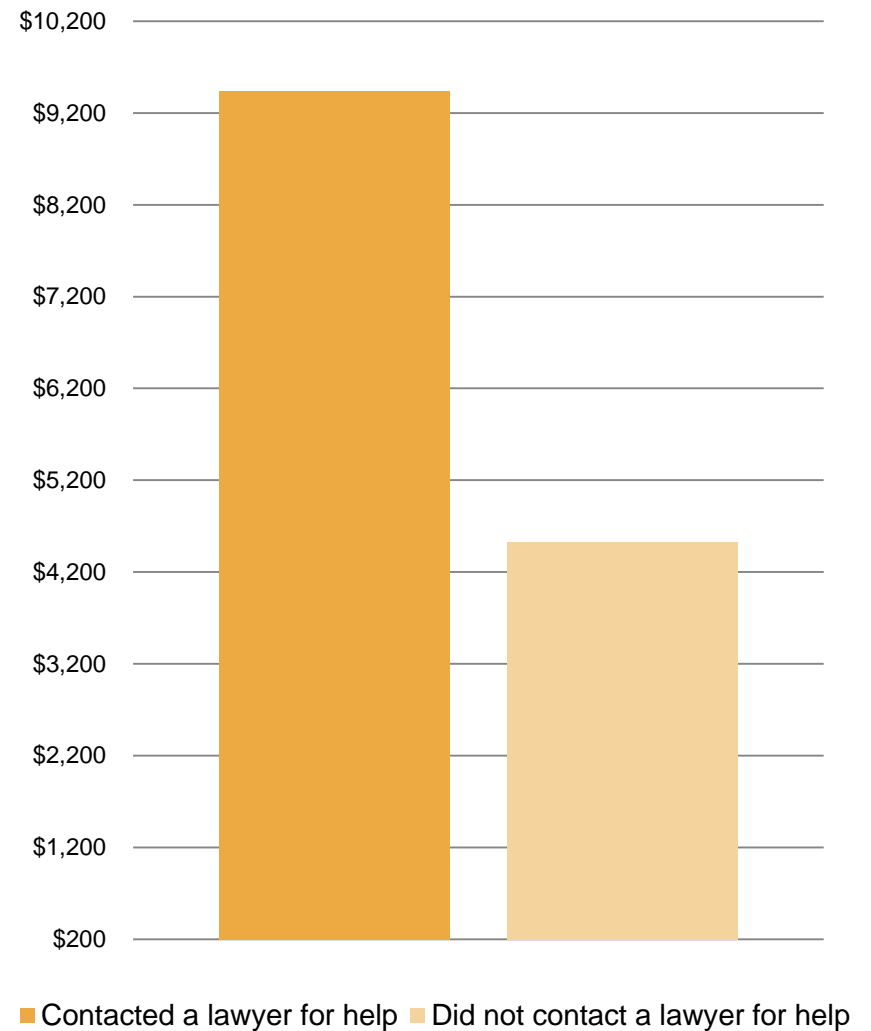
SPENDING AND SERVICE OPTIONS Contacted a Lawyer for Help

The data appears to suggest a connection between increased cost and the likelihood of contacting a lawyer for help.

Among respondents who provided details about the amounts spent trying to resolve their legal problems, people who indicated that they contacted a lawyer for help spent an average of \$9,438.01 to try to resolve their problem(s).

People who indicated that they did not contact a lawyer for help spent approximately \$4,526.35.

Average Spending on Legal Problems if a
Lawyer is Contacted



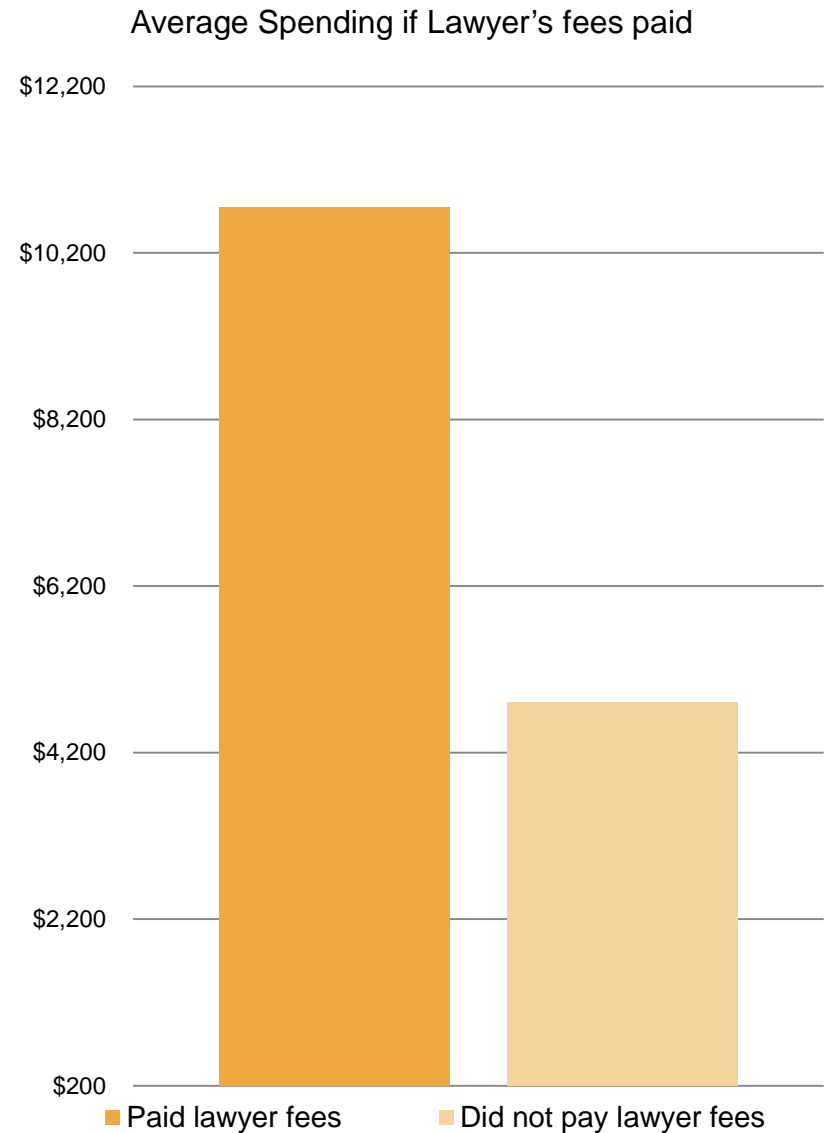
SPENDING AND SERVICE OPTIONS

Paid Lawyer's Fees

The data appears to suggest a connection between increased cost and the likelihood of paying a lawyer for assistance.

Among respondents who provided details about the amounts spent trying to resolve their legal problems, people who indicated that they paid lawyer's fees spent an average of \$10,750.14 to try to resolve their problem(s).

People who indicated that they did not pay lawyer's fees spent approximately \$4,797.71.

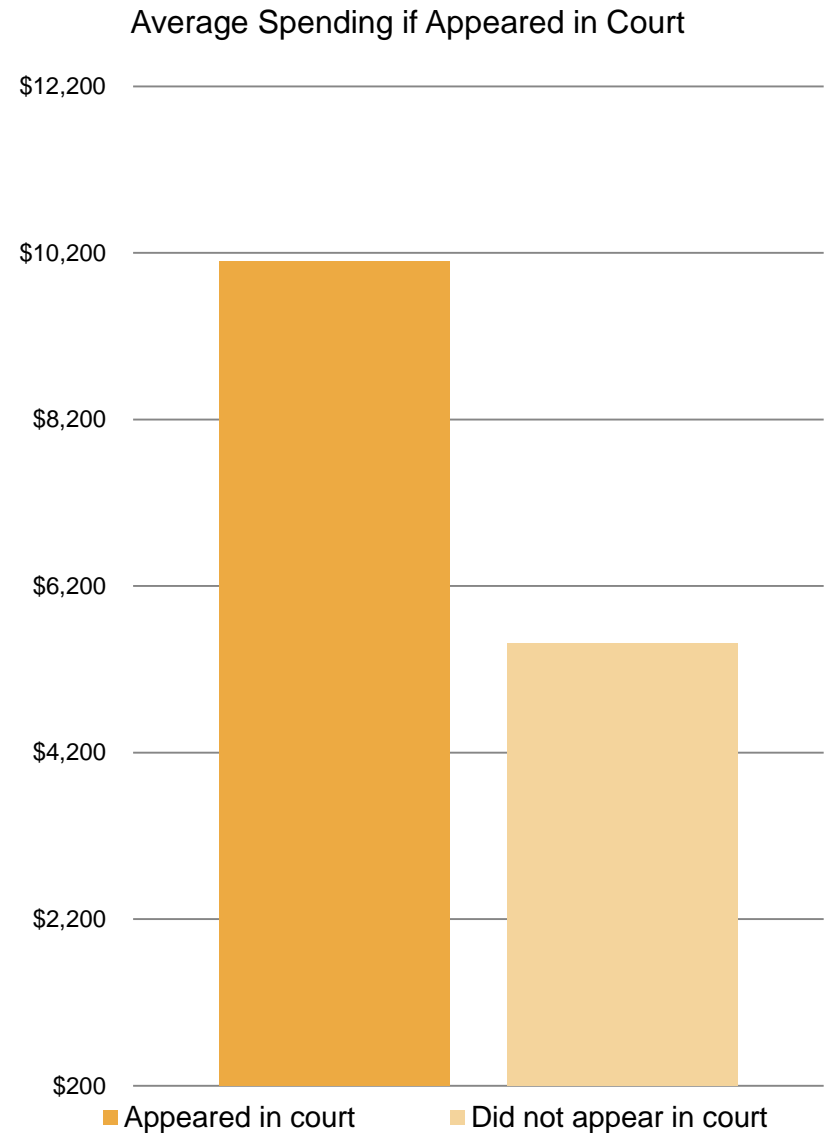


SPENDING AND SERVICE OPTIONS Appeared in Court

The data appears to suggest a connection between increased cost and the likelihood of appearing in court.

Among respondents who provided details about the amounts spent trying to resolve their legal problems, people who indicated that they appeared in court spent an average of \$10,098.19 to try to resolve their problem(s).

People who indicated that they did not appear in court spent approximately \$5,516.47.



AVERAGE SPENDING RELATED TO ACTIONS TAKEN

The data from the Cost of Justice survey suggests that there is a connection between increased cost and the likelihood of people to look for help to deal with their legal problem.

The single largest mean for dollars spent based on actions taken to resolve legal problems results from paying lawyer fees: \$10,750. This is followed closely by average spending of \$10,098 for people who end up in court. This compares to an average of \$6,109.99 spent by people in Canada trying to resolve their legal problem(s).

CANADIAN FORUM ON CIVIL JUSTICE FORUM CANADIEN SUR LA JUSTICE CIVILE

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