

New evidence on the justice crisis: making the case for reform

TORONTO, Sept. 2, 2020 – Access to justice is one of the most basic rights of democratic citizenship. However, over the past decade, there has been a growing consensus that in many parts of Canada’s justice system, unmet legal needs are at a crisis point. According to new research:

- Canadians spend just under \$8 billion annually on their everyday legal problems – on average about \$6,000 per problem – and likely much more. By comparison, this is about 75 per cent of what households spend on food each year, half of what they pay for transportation, and a third of what they spend on housing.
- Canada ranks around the middle of sample comparison countries regarding some aspects of justice (e.g. access to laws and legal information), but lower than average when it comes to affordable justice or the efficiency of civil justice.
- Less than seven per cent of people use courts to resolve their problems and less than 20 per cent get legal advice.
- Access to justice costs and barriers are higher and more complex for domestic violence survivors.
- Some access to justice reforms designed to assist lower-income users may not be working the way policy makers intended, according to one landlord-tenant study.
- Within Indigenous communities, the justice system has retraumatized and revictimized some claimants, particularly in the context of the residential schools litigation.

These are just some of the findings and conclusions included in a new collection of research from 24 Canadian and U.S. scholars – *The Justice Crisis: The Cost and Value of Accessing Law* – edited by York University Professors Trevor C.W. Farrow and Lesley A. Jacobs. It is the first book to provide an in-depth overview based on new empirical research of what is working and not working to improve access to civil and family justice in Canada.

The Justice Crisis is part of the [Cost of Justice](#) project, a seven-year \$1-million project of the Canadian Forum on Civil Justice, located at Osgoode Hall Law School. The Cost of Justice project was funded by the Social Sciences and Humanities Research Council.

“Having access to justice primarily means having available options to prevent, address and resolve the legal problems and challenges that people face in their daily lives. This requires more than traditional courts and lawyers. Of course those are important. But we also need to properly recognize and support other legal services and initiatives, such as public legal education, alternative dispute settlement, paralegals, innovation in regulation, robust legal aid, and others,” said Farrow, principal investigator on the Cost of Justice project and a Professor at Osgoode Hall Law School.

“There are significant knowledge gaps, disconnects and insufficiencies when analyzing peoples’ legal needs, what they do about their legal problems, and government spending on justice,” adds Jacobs, a professor who holds the York Research Chair in Human Rights and Access to Justice. “Our particular focus is on reporting groundbreaking empirical research that

address two main research questions: what does it cost to deliver an effective civil justice system, and what does it cost – economically and socially – if we fail to do so. Our findings are important because they enable us to identify what paths to justice are working best for people in meeting their legal needs and resolving their problems.”

Focusing on reducing lawyer fees is not the answer to solving the access to justice crisis. Rather, a full culture shift is needed, with foundational reforms, if access to justice is to be improved, the research shows. Social enterprise and social innovation initiatives – including justice innovation hubs, NGO initiatives, justice information centres, and public/private collaborations – can provide new ways to address access to justice barriers.

The research also concludes that although liberalizing the market for legal services may assist with some aspects of accessibility, maintaining some form of self-regulation of the legal profession continues to be important to protect the justice system from unwarranted intrusions from problematic state actors.

Other important issues and themes canvassed by the research include the role and importance of public funding, self-help assistance in family law, litigation risk and cost assessments, and the disproportionate social impact of unmet legal needs on certain vulnerable populations including Indigenous communities

The Justice Crisis: The Cost and Value of Accessing Law is edited by Trevor C.W. Farrow, Professor, Osgoode Hall Law School and Chair, Canadian Forum on Civil Justice, and Lesley A. Jacobs, FRSC, Vice-President, Research and Innovation, Ontario Tech University, and a Professor and York Research Chair in the Faculty of Liberal Arts & Professional Studies, York University. For more information on *The Justice Crisis*, please visit [UBC Press](#).

View release online [here](#).

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