



## **The Legal Problems of Everyday Life**

*The Nature, Extent and Consequences of  
Justiciable Problems Experienced by Canadians*

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Experienced by Canadians

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rr07-lar1e

*The views expressed herein are solely those  
of the author and do not necessarily reflect those  
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## Chapter I: Introduction

The problems of civil justice, of access to civil justice and of unmet need for service in civil justice are most commonly studied from the point of view of the justice system, mainly with regard to the courts. The large, and reportedly increasing, number of self-representing litigants crowding the courts is the issue that currently dominates both public and professional discourse. This is certainly an important problem, one that is as much a problem for the courts, mainly with respect to justice system efficiencies, as it is for the individuals who find themselves adrift without professional assistance in the complex and unfamiliar environment of the civil courts.

However, a wider perspective than one that begins with the courts is required to understand the full breadth of civil justice problems. It is widely accepted that many people with serious civil justice problems do not have access to the courts and thus do not appear as un-represented litigants. It is also part of the growing orthodoxy that many problems could be better resolved using alternative means, without engaging in expensive and lengthy court proceedings.

That larger unknown landscape of civil justice problems that exist apart from, or in some cases, prior to, their appearing as unrepresented litigants in the civil justice system is the subject of this research. Research carried out previously in Canada and in other countries suggests that the incidence of such problems might be quite high. It should not be surprising to find that civil justice problems occur frequently in societies with extensive regimes of civil law. Civil laws regulate a great many aspects of life in western legal-bureaucratic societies such as family relations, the purchase of goods and contracting debt, conditions pertaining to rental housing, and other areas. Civil law defines rights and obligations in many areas of life; it is designed to protect people against the unscrupulous actions of others, and it allows people to pursue a just claim. However, these defining features of civil law do not take effect only at the court house door; they operate in all the corners and crevices of daily life where activities regulated by civil laws take place. Thus, because civil laws regulate so many aspects of everyday life, it is important to determine the full extent of civil law problems, extending from those that may be resolved by the parties themselves, perhaps with limited assistance, to those that must be resolved by the courts. This research addresses the broader landscape of civil justice problems experienced by the public regardless of whether the formal justice system was used to reach a resolution or not.

The purpose of this project is to inform policy makers about the incidence of civil justice problems and the extent of unmet need for assistance that justiciable problems<sup>1</sup> in civil matters might represent. The study assumes a broad view of civil justice problems and unmet need. The broad view looks at the problem of civil justice and access to justice in terms of the prevalence<sup>2</sup>

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<sup>1</sup> Hazel Genn, *Paths To Justice: What People Do and Think About Going to Law*, Hart Publishing, 1999 defines a justiciable event as “a matter experienced by a respondent which raised legal issues, whether or not it was recognized by the respondent as being “legal” and whether or not any action taken to deal with the event involved the use of any part of the civil justice system.” p. 12.

<sup>2</sup> Throughout this report prevalence will refer to the occurrence of justiciable events or problems in the population. Incidence will refer to persons experiencing justiciable events. Clinical Epidemiology Glossary, <http://www.med.ualberta.ca/emb/define.htm>

of civil justice problems in the population. This involves identifying, by means of a sample survey, civil justice problems people have experienced that meet some reasonable threshold of seriousness. The broad view contrasts with the narrow view of civil justice and access to the justice system. The narrow view takes as a starting point the problems that come to the attention of the courts or other formal dispute resolution mechanisms.

The narrow view of access to the justice system is inadequate in at least two ways. First, people may face a variety of barriers to the formal justice system that limit the problems that are taken to the courts. Barriers can include low literacy, learning disabilities, limited English or French language skills, lack of knowledge about where to find help or, indeed, not knowing whether the problem has a legal solution or not. Second, the courts and tribunals may not always be the most appropriate or effective ways to deal with justiciable problems. Even though problems may not be brought to the justice system for resolution, they are, nonetheless, legal problems. Logically, they should not be ignored, assumed not to be serious, or not deserving of assistance because they are not brought to the formal justice system. It is in this sense that Laura Nader wrote about “little injustices”, the problems of the poor that, although serious and consequential to the people experiencing them, were largely ignored by the civil justice system.<sup>3</sup>

Taking the wide-angle view of civil justice problems emphasizes that justiciable problems are very frequently aspects of, and one in the same with, the problems of everyday life. In a way, the ubiquitous quality of civil justice problems has a tendency to obscure their importance, submerged in the normal activities of people’s daily lives. A number of surveys of civil justice problems conducted in various countries over the past ten or fifteen years have shown that large proportions of national or regional populations experience civil justice problems that may be characterized as serious and difficult to resolve.<sup>4</sup> Percentages of respondents experiencing one or more civil justice problems within some specified time frame varies from about one quarter to about sixty percent.<sup>5</sup>

Typical of research that reflects the broad view of civil justice problems rather than the narrow view from the formal justice system, this research is an attempt to move away from demand-led definitions of need to measured need. Need is frequently treated as synonymous with expressed demand. However, demand is only one type of unmet need that appears in the form of people queuing up at a service agency requesting assistance.<sup>6</sup> Unmet need viewed as demand is a limited view for much the same reasons that the narrow view of civil justice problems is limited. People with problems deserving of assistance may not seek assistance, or if they do, may not find effective assistance. Consequently, demand is not a valid and reliable measure of need.

The rationing and filtering mechanisms that determine what problems are taken to the law have the advantage of automatically identifying a part of the universe of need, even though the need identified is only the small “demand” portion of all needs. Attempting to identify unmet need by proceeding from the broad view of civil justice problems carries with it the disadvantage that

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<sup>3</sup> Laura Nader, *No Access to Law*,

<sup>4</sup> These include Japan, 19.5%; the U.K., 37 % to 39%; the United States, 49%; New Zealand, 29% and the Netherlands, 67%

<sup>5</sup> Results are sensitive to the number of problems included in the survey, the time period covered, the methodology employed and national or regional cultures related to defining and revealing problems.

<sup>6</sup> Jonathan Bradshaw, *The Concept of Social Need*, *New Society*, January 1972. p. 641.



need is more difficult to discern. In fact, it is rare for researchers to attempt to define need precisely or to quantify the amount of unmet need; however attractive this might be to policy makers who wish to determine the magnitude of the problem for government in committing funds to address unmet need. Neither the major American research nor the British studies attempt to precisely define unmet need. Dignan points out that the Comprehensive Legal Needs Study in the U.S. treats the existence of any problem with legal content as unmet need.<sup>7</sup> The “paths to justice” studies<sup>8</sup> and the subsequent “causes of action” research<sup>9</sup> carried out by the Legal Services Research Centre at the Legal Services Commission make extensive and well-reasoned qualitative judgements about the nature and extent of unmet need without attempting to precisely quantify it.

The complexity of the concept of need in civil justice matters is evident by contrasting it with need in criminal justice. Unlike being charged with a criminal offence, civil justice problems may be dealt with in a variety of ways. One can attempt to solve the problem on his or her own, one can seek advice and assistance from a variety of sources other than people with legal training and having varying levels of competence, or one can ignore the problem at least for a while. The problems of everyday life with potentially significant legal aspects can have a long life history, becoming more serious with the passage of time. Thus, the need may be for assistance of a preventative nature before the problem becomes more serious requiring crisis intervention. This variety of circumstances is what makes defining unmet need precisely so difficult. It is not as simple as in criminal justice matters where one can be said to have a legal problem if he or she is arrested and must appear in court to answer the charge.

Notwithstanding the inherent problems of definition posed by this type of research, studies of this type that attempt to depart from demand-led approaches have a major advantage. Based on a survey that is statistically representative of national or regional populations, this approach is a way to give voice to the public that is at risk of experiencing civil justice problems. It enables a statistically representative sample of the public to point out the civil justice problems they have experienced, tell enough about how they dealt with those problems and, provide insight of their experience in seeking assistance to present a basis for making judgements about unmet need. There are inherent limitations in survey research that reduce the quantity of detail that can be gathered and amount of contextual and other qualitative information that give depth of understanding to the problems identified. Nonetheless, the survey approach is the best instrument for gauging the overall extent of civil justice problems and of unmet need for a large population.

Chapter II discusses the methodology and how it reflects the assumptions underlying the broad approach to civil justice needs that forms the paradigm of this research. Chapter III reports the basic data on the incidence of civil justice problems and considers the seriousness threshold that is fundamental to this type of research. Chapter IV examines the occurrence of multiple problems and the extent to which multiple problems reflect unmet need. Chapter V identifies the varied responses to civil justice problems and Chapter VI examines the outcomes of

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<sup>7</sup> T. Dignan, *Legal Need in Northern Ireland: Literature Review*, Northern Ireland Legal Services Commission, 2004. p. 49

<sup>8</sup> *Ibid.*, p. 71

<sup>9</sup> Pascoe Pleasence, Alexy Buck, Nigel Balmer, Aoife O’Grady, Hazel Genn, and Marisol Smith, *Causes of Action: Civil Law and Social Justice*, Legal Services Commission 2004; Pascoe Pleasence, *Causes of Action: Civil Law and Social Justice (Second Edition)*, Legal Services Commission, 2006.

justiciable problems. The non-legal consequences of justiciable problems; in particular, the physical and mental health impacts are the subject of Chapter VII. Chapter VIII looks at the connection between the experience of civil justice problems and attitudes toward the law and the justice system.

## Chapter II: Theory and Method

### General Approach

**R**esearch on the nature and extent of civil justice problems attempts to support the development of publicly funded legal services on the basis of sound empirical knowledge. There are a number of ways in which legal services have traditionally been developed. Demand from potential consumers of the service is a common one. According to Bradshaw, expressed demand is a type of need reflecting people who show up at the door to request service.<sup>10</sup> The problem with expressed demand as an indicator of unmet need is that the expression of need is mediated by a number individual and systemic barriers that determine who is likely to show up to demand service. Consequently, for a variety of reasons, not all people have equal access to the law and to justice. Pressure applied by interest groups, intuitive judgements by administrators and the perceptions of service providers of their professional roles are other factors that might determine the ways in which services are planned and delivered.<sup>11</sup>

Demand-led and intuitive ways of assessing the level of unmet need are not without value. This is especially true historically when, characteristically during the early years of the development of legal aid, and probably similar to the early phase of the life cycle of any institution, demand so obviously exceeds both funding and the supply of service that it might seem absurd to question the “wisdom” of demand. The demand-led and intuitive approaches to assessing need are, however, all subject to biases of one kind or another. Empirical research is a way to represent, in a manner that is as unbiased as the research design will permit, a record of the problems experienced by the public, their difficulties in responding to problems, and the consequences of not having access to the assistance required to deal effectively with serious problems. In a way, admittedly lacking in qualitative depth, empirical research gives a voice to the public on a mass scale. In the case of legal services that are publicly funded, the presence of some reliable approach to gauging the needs of the public is all the more essential precisely because they are funded from the public purse. Research is one element in the complex mix of planning and developing legal services that encourages needs-based as a complement to the more traditional bases of demand-led program development.

### Unmet Need

The idea of a needs-based approach to developing legal services is attractive and appeals to common sense. However, unmet need is an elusive concept. In the introduction to *Paths to Justice*: Scotland Hazel Genn and Alan Paterson remark that if policy makers are dismayed that

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<sup>10</sup> Jonathan Bradshaw, *The Concept of Social Need*, *New Society*, No. 484, January 1972 p. 641.

<sup>11</sup> Peter Hanks, *Social Indicators and the Delivery of Legal Services*, Legal Aid Branch, Attorney General's Department, Australian Government Publishing Service, Canberra, 1986, p. 1.



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“access to justice” and “the purpose of legal aid” are issues about which there is substantial disagreement, they will find that concepts such as “unmet need for legal services” or even the question as to what is a “legal problem” do not lend themselves to easy analysis either.<sup>12</sup>

Johnsen suggests two conditions that define a legal need. Legal needs are the legal problems that individuals cannot resolve effectively using their own means. A second condition is that the improvement brought about by the resolution of the problem ought to lead to improved welfare for the individual.<sup>13</sup> Although this may seem simple enough on the surface, there are many complexities in determining unmet need. The paths to justice are not always sure and certain. People may not recognize that what they experience as a problem of everyday life has a legal solution. The person may fail to take action based on the erroneous assumption that the problem is not important only to realize later on that the consequences are greater than had been anticipated. The person may take care of the problem on her or his own, only to find that because of the lack of professional or specialized assistance the resolution obtained without help was less than satisfactory. Even though a great many of the problems and disputes encountered in the daily lives of people have a legal aspect, owing to the plethora of legislation regulating so many aspects of modern life, the best solution may not be legal action. Philip Lewis made the perceptive observation that calling a problem a legal one says more about one possible solution to the problem than about the nature of the problem itself. He famously illustrates the point by saying that “if a tenant in a flat has a leaking roof he may be regarded as having a legal problem; does his lease provide that the landlord should do the repairs, and is the mechanism of the courts adequate to ensure quick action? But he may choose to get a ladder and not a lawyer...”<sup>14</sup>

Often research does not attempt to define legal need explicitly or to measure it precisely. Dignan observes that there is no common definition across the extant research about what constitutes legal need or unmet legal need. In American studies unmet need is defined very broadly. The incidence of legal need is equated with the incidence of legal problems. The recent “paths to justice” studies conducted in the UK avoid defining legal need. Qualitative conclusions about the amount of unmet needs are drawn on the basis of the difficulties people have in accessing advice.<sup>15</sup>

## Justiciable Events

This research is designed to examine the degree to which Canadians experience problems with aspects of legality and the extent to which some people experiencing certain problems may need assistance. The project attempts to take account of the conceptual issues described above. The design of this research follows the general approach developed by Hazel Genn in

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<sup>12</sup> Hazel Genn and Alan Paterson, *Paths to Justice: Scotland*, Hart Publishing, 2001. p. 3

<sup>13</sup> J. T. Johnsen, “Legal Needs in a Market Context”, in F. Regan, A. Paterson, T. Goriely and D. Fleming (eds.), *The Transformation of Legal Aid*, Oxford University Press, 1999.

<sup>14</sup> Philip Lewis, “Unmet Legal Needs” in Pauline Morris, Richard White and Philip Lewis, *Social Needs and Legal Action*, Martin Robertson, 1973. p. 79

<sup>15</sup> T. Dignan, *Northern Ireland Legal Needs Study: Literature Review*, Northern Ireland Legal Services Commission, 2004. p. v.

the pioneering Paths to Justice<sup>16</sup> research in the U.K. and followed by most subsequent legal needs research projects.<sup>17</sup>

As with the studies noted above, the first step in conducting this research is to establish the prevalence of justiciable problems experienced by people in a population. As noted in the previous chapter, a justiciable event is defined by Genn as “a matter experienced by a respondent which raised legal issues whether or not it was recognized by the respondent as being “legal” and whether any action taken by the respondent to deal with the event involved the use of any part of the civil justice system.”<sup>18</sup> Justiciable events or problems may not represent needs. However, determining the prevalence of justiciable events among the population is the starting point that provides the basic framework for the analysis of people’s experience in seeking assistance with problems and the consequences of experiencing justiciable problems.

To determine the prevalence of justiciable problems a national sample covering the ten provinces with a sample size of 6665 adults aged 18 years of age and older was carried out in March 2006. Interviews were conducted by telephone and the average interview time was 16 minutes. The margin of error for a sample of this size, for results representing the entire sample, is +/- 1.2 percent 19 times out of 20.<sup>19</sup> Detailed sample completion results are shown in Appendix A.

In the problem identification part of the questionnaire, respondents were asked if they had experienced any of 80 specific justiciable events or problems. The questionnaire is shown in Appendix B. These questions were similar to the 76 specific problems used in a previous survey conducted in 2004.<sup>20</sup> Based on the experience of the 2004 research, changes to several questionnaire items were made to make problem definitions more precise on the 2006 survey instrument. The wording of the questions was designed to maintain a high threshold level in order to eliminate trivial problems. Respondents were told at the beginning of the interview that the survey would inquire only about problems they felt were serious and difficult to resolve. The term “legal” was not used to describe the subject matter because it could not be assumed that respondents would define problems as being legal. However, each of the 80 questions was carefully designed to include legal content. Thus, the screen for problems of a “legal” nature was in the design of the 80 specific problems. Only problems with legal aspects were included in the list of problems from which respondents were asked to indicate whether or not they had experienced them. The problems were presented to respondents with wording that attempted to assure that the problem had a legal aspect and a possible legal solution. This was not difficult for most problems. Family law problems such as divorce or child support are unambiguously legal in nature. On the other hand, developing wording for consumer, employment and debt problems that narrows them to justiciable issues required greater caution. Every attempt was made to define the specific problems making up the broader problem categories included in the research so that only truly justiciable problems were discussed and analyzed. Although in

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<sup>16</sup> Hazel Genn, *Paths to Justice*:

<sup>17</sup> Genn and Paterson, *Causes I and II, Paths to Justice in the Netherlands, Northern Ireland, New South Wales, Australia*.

<sup>18</sup> Genn, 1999, p.12.

<sup>19</sup> This means if the survey were repeated 20 times the results would be expected to fall within a range of plus or minus 1.2 % in 19 of the 20 repeated surveys.

<sup>20</sup> A. Currie, *A National Survey of the Civil Justice Problems of Low and Moderate Income Canadians: Incidence and patterns*, Department of Justice, Ottawa, 2005



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surveys of self-reported justiciable problems there is always the possibility of ambiguity, the control for the legal nature of problems through the careful wording of the questions should assure validity.

The screen for seriousness was the high threshold wording of the questions. Respondents were asked if in the past three years they had experienced a problem that was *serious* and *difficult to resolve* in each of the specific problems they had experienced. The success of the threshold language relies on qualitative judgements of respondents as to the meaning of serious and difficult to resolve and is, admittedly, more ambiguous than the controls for the legal nature of problems.<sup>21</sup> The implications of this will be discussed in greater detail in chapter four. In addition, the wording of questions instructed respondents that the problem being queried should not relate to any other problem already mentioned.

In most cases, the 80 specific problems will be grouped into 15 problem categories for purposes of analysis, since presenting the results of a detailed analysis on all 80 specific problems would be overwhelming. Following the problem identification section, subsequent parts of the questionnaire dealt with respondents' attempts to resolve problems, the connections between the problems they had experienced, general non-legal impacts of experiencing justiciable problems, general attitudes toward society and the justice system and socio-demographic characteristics.

## Other Problems

After being asked about the 80 pre-designed problems respondents were asked if they had experienced other problems that had not already been mentioned. Up to five additional problems could be identified by each respondent. About 5.6 percent of all problem mentions fell into the *other* category. Respondents identified a total of 9,398 problems, of which 8,873 fell within the 80 specific problems and 525 in the *other* category. Coders recorded some limited information about the nature of the *other* problems mentioned. The vast majority could be related to the existing 80 problem types. This inspires some confidence that the 80 specific problems provide comprehensive coverage of the types of problems commonly experienced by Canadians. Of course, the incidence of some problems might be related to seasonal factors, for example, employment issues in regions with seasonal resource-based economies or financial problems generally throughout the country when income tax filings are due. One cluster of problem types stood apart. This was a group of financial or business-related problems that were coded as: taxes/income tax issues, financial problems/financial aid/extortion/investments/stealing, property issue, business disputes with partners. These made up 76 of the 525 other problems.

It was decided not to recode the other problems into the pre-set categories for two reasons. First, it was not possible to tell if the other problem mentions were related to aspects of problems already mentioned. This is a distinct possibility since about 85 percent of all other problems mentioned were related to the existing problem types. Second, the legal content of the other problems volunteered by respondents could not be controlled. Including them would

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<sup>21</sup> Interviewers were provided with definitions illustrating serious and difficult to resolve if asked by respondents to clarify. However, the interviewers reported that only a few respondents asked for clarification.

compromise the screening for legal content that was carefully designed into the survey instrument.

Excluding the other problems mentioned by respondents makes little difference to the overall measure of prevalence of problems. The average number of problems for the entire sample of 6,665 is 1.41 including the other problems and 1.33 excluding them. The average number of problems for respondents experiencing one or more problems, including the 525 other problems is 3.05 and 2.99 excluding them. Finally, the percentage of respondents reporting one or more problems, including other problems, is 46.2 percent. The same figure is 44.6 percent excluding the other problems.

## Sample Description

The sample is equally balanced in terms of gender; 50.1 percent of respondents are male and 49.9 are female. With regard to language of the interview, 76.6 percent of respondents completed the interview in English and 33.4 percent did so in French.

Respondents self-identifying as members of a visible minority group comprise 16.7 percent of the sample. This compares with about 15.9 percent according to the 2001 Census. Aboriginal people represent 2.2 percent of all respondents. It appears that respondents were very reluctant to reveal their ethnic origin. The response rate to the detailed ethnic origin question was only 16 percent. On the other hand, the response rate for the question asking if respondents were members of a visible minority group was 97.6 percent. Analysis in terms of detailed ethnic origin will not be possible. In the sample 15.9 percent of respondents reported they were born outside Canada. This is not far off the 18.4 percent Canada based on the 2001 Census.

The age distribution of the sample is a concern when interviews are conducted by telephone. It can be expected that older people might be more accessible by telephone and therefore are likely to be overrepresented in a telephone survey. This appears to be the case. The table below presents the age distribution for the sample and for the national population aged 18 years and older based on the 2001 Census.

**Table 1: The Age Distribution of the Sample and the National Population**

Percent in Each Age Category		
Age Group	2001 Census	Sample
18 to 29	26.8%	10.5%
30 to 44	28.7%	27.5%
45 to 64	29.0%	42.9%
65 and older	15.5%	19.1%

People under 30 are significantly under-represented in the sample. The sample population in the 30 to 44 age group represents about the same proportion as in the total population. The 45 to 64 age group is especially heavily represented in the sample and people 65 and older less heavily over-represented.

Respondents also appear to exaggerate educational achievement. The table below compares educational achievement reported by respondents with 2001 Census figures.



**Table 2: Educational Attainment of the Sample and the National Population**

Percent in Each Educational Attainment Group		
Level of Education	2001 Census	Sample
Less Than High School	31.3%	11.2%
High School or Other Post-Secondary Training	50.8%	56.1%
University	17.9%	32.7%

This is most certainly not an “accessibility effect” similar to what might explain the age distribution of the sample. It seems as if education reflects status such that people are reluctant to acknowledge low levels of educational attainment and, on the other hand, prone to exaggerate university education.

Just over 65 per cent of the sample, 65.9 per cent, reported being married or living as a couple. 34.1 percent were unattached including single, widowed and divorced. Couples with dependent children make up 37.3 percent of all respondents. Couples with children represent 28.7 percent. Among all unattached individuals combined, 27.1 percent have no children and 6.9 percent have dependent children.

With respect to employment, 61.5 percent of the sample were working, full or part-time, or were self-employed and 5.0 percent reported being unemployed at the time of the survey. The remaining 33.5 percent comprised respondents who were students, retired, staying at home full time or on some form of disability pension.

In terms of disability status, 11.6 percent of the sample reported that they had a physical or mental disability that *frequently* limited their ability to function at home, at work or at school or in other activities outside the home. About 1.3 percent of respondents reported being on a long-term disability pension.

Table 3 shows the income distribution of respondents and the same distribution according to the 2001 census of Canada.

**Table 3: Income Distribution of the Sample and the National Population**

Per Cent in Each Income Group		
Income Category	Sample	2001 Census
Less than \$24,999	23.9%	54.2%
\$25,000 to \$44,999	29.5%	25.4%
\$50,000 to 64,999	19.9%	12.2%
\$65,000 to \$84,999	12.5%	4.8%
\$85,000 and Over	14.2%	3.4%

The survey covered the ten provinces.<sup>22</sup> Table 4 shows the percentage of respondents by province.

<sup>22</sup> A separate study of civil justice problems was conducted in the three northern territories. See: Focus Consultants, Study of Civil Justice Problems in the Northwest Territories, Yukon and Nunavut, Department of Justice, Ottawa, 2006

**Table 4: Respondents by Province**

Number and Per Cent of Respondents by Province			
Province	Number in the Sample	Percent in the Sample	Percent in the 2001 Census
Newfoundland and Labrador	260	3.9%	1.7%
Prince Edward Island	100	1.5%	0.5%
Nova Scotia	320	4.8%	3.0%
New Brunswick	320	4.8%	2.4%
Quebec	1565	23.4%	24.1%
Ontario	1700	25.5%	38.0%
Manitoba	350	5.3%	3.7%
Saskatchewan	350	5.3%	3.3%
Alberta	600	9.0%	9.9%
British Columbia	1100	16.5%	13.0%
Total	6665	100.0%	100.0%

By comparing the percentages of respondents with the percentage distribution of the population, it can be seen that the Atlantic Provinces, Manitoba and Saskatchewan were over-sampled to increase sample sizes for those small populations. Over-sampling also occurred in British Columbia. The sample size is disproportionately low in Ontario. However, the sample size for Ontario is large enough to support a robust analysis.

Finally, the sample is representative of communities of all sizes. Table 5 shows the percentage of respondents by community size.

**Table 5: Respondents by Community Size**

Per cent Distribution of Respondents by Community Size	
Community Size	Per Cent
Less than 5000	24.5
5000 to 24,999	10.4
25,000 to 99,999	11.8
100,000 to 999,999	24.4
1,000,000 and over	29.1

## Chapter III: At Risk of Unmet Need: The Incidence of Justiciable Problems

The entire sample of 6,665 respondents identified 8,873 justiciable events or problems during the three-year reference period. On average, this is about 1.3 problems per individual for all respondents. The average number of problems reported by the 2,971 respondents who experienced at least one justiciable problem is 3.0. Expressed differently, 44.6 per cent of all respondents reported that they had experienced one or more justiciable problems during the three years prior to the survey. The survey is representative of all Canadians 18 years of age and over. The population group 18 years of age and older represents about 75% of the total population. This is about 25.9 million people based on the January 2006 population estimate of 32.5 millions in the total population. Therefore, out of the 25.9 million Canadians



aged 18 and older, about 11.6 million experienced at least one justiciable event or problem during the three-year reference period.

## Comparisons with other Surveys

Different surveys employ different time periods within which respondents can report the occurrence of problems. Time frame, along with other factors such as the number of problems queried, the specificity of problem definitions, the methodology employed and, possibly, variations in cultural and other factors affecting the propensity of regional or national groups to report problems can all influence the incidence of problems reported for particular populations. One would expect that a shorter time frame, a smaller number of problems included in the survey and problems that are more narrowly or specifically defined would tend to produce a lower percentage of problems reported and of individuals reporting problems.

The American Bar Foundation Comprehensive Legal Needs Study conducted in 1993, in which 50 per cent of respondents reported one or more justiciable problems<sup>23</sup>, and the more recent study carried out in New Zealand in 2006 in which 29 per cent of individuals reported one or more problems<sup>24</sup> asked respondents to report on problems occurring within the previous year. The Causes of Action studies conducted in the U.K. in 2001 and 2004, in which 36 percent and 33 per cent of respondents, respectively, reported one or more justiciable problems use a three and one half year time frame<sup>25</sup>. The recent Northern Ireland legal needs survey carried out in 2005, in which 35 per cent of respondents reported at least one problem, employed a three-year time period.<sup>26</sup> The Paths to Justice research carried out earlier in the U.K.<sup>27</sup> and in Scotland<sup>28</sup> employed a five-year time period. In these studies 39 per cent and 24 per cent of respondents, respectively, reported at least one problem. The Paths to Justice in the Netherlands research carried out in 2005, employing a five-year time frame, reported 67 per cent of respondents with one or more problems.<sup>29</sup> A survey carried out in Japan in 2005 reported that 19.5 per cent of the population had experienced one or more justiciable problems during a five-year period.<sup>30</sup>

There is no clear advantage in choosing one time period over another. The practical advantage in employing a longer timeframe is that the larger number of problems facilitates more detailed

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<sup>23</sup> Legal Needs and Civil Justice: A Comprehensive Survey of Americans, American Bar Foundation, Chicago, 1994.

<sup>24</sup> Ignite Research, Report on the 2006 National Survey of Unmet Legal Needs and Access to Services, Legal Services Agency, Wellington, New Zealand, 2006

<sup>25</sup> Pascoe Pleasence, Alexy Buck, Nigel Balmer, Aoife O'Grady, Hazel Genn and Marisol Smith, Causes of Action: Civil Law and Social Injustice, Legal Services Commission., London, 2004 and Pascoe Pleasence, Causes of Action: Civil Law and Social Injustice, 2<sup>nd</sup> Edition, Legal Services Commission, London, 2006.

<sup>26</sup> Tony Dignan, The Northern Ireland Legal Needs Survey, Economic Research and Evaluation, Belfast, 2006.

<sup>27</sup> Hazel Genn, Paths to Justice: What People Do and Think About Going to Law, Hart Publishing, Oxford, 1999.

<sup>28</sup> Hazel Genn and Alan Paterson, Paths to Justice, Scotland: What People Do and Think About Going to Law Hart Publishing, Oxford, 2001.

<sup>29</sup> Ben C.J. van Velthoven and Marijke ter Voert, Paths to Justice in the Netherlands, paper presented at the International Legal Services Research Centre Conference, Cambridge, 2004.

<sup>30</sup> M. Murayama, S. Minamikata, R. Hamano, K. Ageishi, I Ozaki and I. Sugino, Legal Problems and Their Resolution: Disputing Behaviour in Japan, paper presented at the Annual Meeting of the Research Committee on the Sociology of Law, Paris, July, 2005. p. 2

and sophisticated statistical analysis. However, the resulting lack of standardization makes the results difficult to compare.

Not all of the observable differences in incidence are attributable to the time frame. However, the time frame is the factor that can be most easily adjusted to produce an estimate of the incidence of problems that is comparable to the results of other surveys. The present study was carried out in March 2006 and employed a three-year time frame. Because the year in which the problem occurred was recorded it is possible to produce an estimate of the number of individuals experiencing one or more problems for a shorter time period to allow a degree of comparability with some other surveys. Thus, recalculating the incidence of problems for a fifteen month period, covering 2005 and January to March 2006, 26 per cent of Canadians experienced one or more justiciable problems. Keeping in mind that the time period is only one factor that influences basic incidence rates, the 26 per cent figure is slightly lower than the 2006 New Zealand estimate and considerably lower than the 50 per cent in the American survey conducted in 1993

## The Incidence of Justiciable Problems

Not all problem types occur with equal frequency, nor are individuals equally likely to experience different types of justiciable events. Table 6 shows the incidence of respondents experiencing at least one justiciable event in each of the fifteen problem categories and an estimate of the number of people in the population who have experienced all justiciable problems.<sup>31</sup>

**Table 6: The Incidence of Civil Justice Problems**

Problem Category	Percent of Respondents Reporting at Least One Problem in the Category	Number of Respondents	Estimated Number of People in the Population (95% Confidence Interval)
Consumer	22.0%	1469	5,698,000 (5,441,700 to 5,954,400)
Employment	17.8%	1184	4,619,200 (4,379,000 to 4,859,400)
Debt	20.4%	1356	5,263,600 (5,010,900 to 5,516,300)
Social Assistance	1.2%	78	310,800 (241,700 to 380,100)
Disability Benefits	1.0%	66	259,000 (196,300 to 321,700)
Housing	1.7%	116	440,300 (361,900 to 518,700)
Immigration	0.6%	40	155,400 (105,100 to 204,700)
Discrimination	1.9%	130	492,100 (408,000 to 575,300)
Police Action	2.0%	133	518,000 (429,900 to 660,100)
Family: Relationship Breakdown	3.6%	239	932,400 (815,900 to 1,048,900)

<sup>31</sup> The specific problem making up the problem categories are shown in the questionnaire in Appendix A.



Problem Category	Percent of Respondents Reporting at Least One Problem in the Category	Number of Respondents	Estimated Number of People in the Population (95% Confidence Interval)
Other Family	1.4%	93	362,600 (287,542 to 437,658)
Wills and Powers of Attorney	5.2%	348	1,346,800 (1,197,300 to 1,482,827)
Personal Injury	2.9%	192	751,100 (646,800 to 855,500)
Hospital Treatment or Release	1.6%	108	414,400 (337,700 to 491,100)
Threat of Legal Action	1.2%	82	310,800 (245,100 to 376,400)

The main feature of the overall pattern of justiciable problems is the predominance of consumer, employment and debt problems. About one fifth of the adult population can be expected to experience at least one problem in each of these three problem categories within a three-year period. There is a very large gap in terms of incidence between the top three problem types and all others. Fourth, following the top three categories, about 5 per cent of the population can be expected to experience problems related to wills and powers of attorney. Family law problems relating to relationship breakdown, separation divorce, child custody and related problems, rank fifth with about 3.6 per cent of the population experiencing one or more justiciable problems of this type. Finally, almost 3 percent (2.9%) can be expected to experience a justiciable problem related to a personal injury within a three-year period.

The numbers and percentages in the sample represent large estimates of the absolute numbers of people experiencing justiciable problems in the population. The estimated numbers of people who experience consumer, employment and debt problems is very large, numbering in the range of 4 ½ to 5 ½ millions within a three-year period. Even the small percentages and numbers at the sample level represent large estimated numbers of Canadians experiencing justiciable problems. Based on the sample data, over 1.3 million people can be expected to have one or more problems related to settling wills and establishing powers of attorney. An estimated 932,000 will have a family law: relationship breakdown problem. Just over 750,000 can be expected to have a justiciable problem related to a personal injury.

## The Prevalence of Justiciable problems

Table 7 shows the frequency of problem types reported by respondents and the frequency of each problem type as a percentage of all problems. The patterns of occurrence of justiciable problems measured in terms of the incidence of problems experienced by individuals shown in Table 6 and the prevalence of problems shown in Table 7 are similar. Debt, consumer and employment problems are the three most frequently occurring problems. Family law: relationship breakdown problems, problems involving wills and powers of attorney and justiciable problems related to personal injury are the three most frequently occurring problem types.

The rank ordering of problem types is slightly different comparing Tables 6 and 7. The percentage of respondents experiencing one or more employment problems is smaller than the proportion that employment problems comprise of all problems. This indicates a greater tendency for people to report multiple employment problems compared with other problem

areas. Family law: relationship breakdown is the most common problem type for which people experience one or more problems. The situation is similar with respect to family law: relationship breakdown problems. About 7.7 per cent of all problems are within the relationship breakdown category. About 3.6 per cent of individuals experienced one or more relationship breakdown problems. Similar to the situation with employment problems, this indicates that people are likely to experience multiple relationship breakdown problems. On the other hand, the percentage of individuals experiencing at least one personal injury problem and the number of personal injury problems as a percent of all problems are about the same. This is evidence of few multiple problems, as one might expect. Multiple problems will be examined more closely in chapter five.

**Table 7: The Prevalence of Civil Justice Problems**

Problem Category	Number of Problems in Each Category	Problems in Each Category as Percent of All Problems
Consumer	1723	19.4%
Employment	2280	25.7%
Debt	2068	23.3%
Social Assistance	91	1.0%
Disability Benefits	101	1.1%
Housing	255	2.5%
Immigration	82	0.9%
Discrimination	201	2.3%
Police Action	303	3.4%
Family: Relationship Breakdown	661	7.7%
Other Family	133	1.5%
Wills and Powers of Attorney	446	5.0%
Personal Injury	270	3.0%
Hospital Treatment or Release	164	1.8%
Threat of Legal Action	95	1.1%
Total	8873	100.0%

## The Most Frequent Problems

The occurrence of specific types of problems is very unevenly distributed. A few specific problems make up a disproportionate share of all problems. Table 8 shows the 80 specific problems ordered from the most to the least frequent. Just 5% of all specific problems make up 25% of all problems mentioned by respondents. These include four specific problems, two in the consumer category and two in the debt category. Consumer problems were ones in which repairs or renovations were unsatisfactory and the service provider failed to set things right and in which large purchases in which the seller would not honour a warranty. The two types of debt problems involved a dispute over a bill or invoice and collecting money owed. About 12.5% of the specific problems, ten problems falling within three problem categories, represent 50% of all problems reported by respondents. This adds four employment problems one consumer and one debt problem. Relationship breakdown problems and problems related to wills and powers of attorney are included in the top 50 % of all problems. Twenty-one specific problems, or 25.3% of all problems mentioned, make up 75% of all problems. This adds eleven problems to the ten already listed, notable police action and personal injury problems to the three problem



categories already making up 50% of all problems. The remaining 59 specific problems, or 73.8% of all specific problems in the questionnaire, represent the remaining 25% of all problems reported by respondents.

**Table 8: Most Frequently Occurring Problems**

Specific Problems in According to Frequency of Occurrence					
Problem Type	%	Cum. %	Problem Type	%	Cum. %
1.Consumer,repairs	7.48	0.00	45.Other Family, legal rep for child	0.43	92.40
2.Debt,dispute over bill	6.66	14.14	46.Disability Pension, Canada pension	0.42	92.82
3.Debt,collecting money owed	5.32	19.46	47.Disability Pension, provincial	0.39	93.22
4.Consumer,large purchase	4.87	24.33	48.Discrimination, disability	0.39	93.61
5.Debt,collection agency	4.81	29.24	49.Rel Breakdown, restraining order	0.39	94.00
6.Employment,wages owed	4.64	33.79	50.Discrimination, gender	0.35	94.35
7.Employment,health and safety	4.54	38.33	51.Housing, utilities	0.34	94.69
8.Consumer,services	4.37	42.70	52.Immigration, perm residence	0.30	95.00
9.Employment,unfair disciplinary	4.01	46.71	53.Social Assistance, other types	0.30	95.30
10.Employment,harassment	4.00	50.72	54.Housing, property standards	0.29	95.59
11.Employment,unfair dismissal	3.60	54.31	55.Housing, harassment	0.28	95.88
12.Debt,unfair refusal of credit	3.32	57.64	56.Housing, amount of rent	0.28	96.16
13.Consumer,product safety	2.69	60.33	57.Other Family, suspension from school	0.28	96.44
14.Employment,benefits denied	2.65	62.98	58.Housing, property boundaries	0.27	95.71
15.Consumer,insurance claim	2.28	65.25	59.Police Action, physical assault	0.27	96.98
16.Employment, EI claim	2.25	67.51	60.Discrimination, religion	0.25	97.23
17.Power of Att,medical	2.18	69.68	61.Housing, eviction	0.25	97.48
18.Rel.Breakdown,separation	1.60	71.28	62.Other family, child apprehension	0.21	97.69
19.Power of Att,financial	1.32	72.60	63.Disability Pension, worker's Compensation	0.20	97.89
20.Rel Breakdown,custody	1.21	73.81	64.Immigration, sponsor family	0.19	98.08
21.Rel Breakdown,divorce	1.21	75.01	65.Hospital release, discharge	0.18	98.26
22.Rel Breakdown,division of property	1.16	76.17	66.Hospital Release, conditions after discharge	0.18	98.44
23.Rel Breakdown,child support	1.13	77.30	67.Social Assistance, old age pension	0.18	98.63
24.Wills,dispute about will	1.04	78.34	68.Housing, lease	0.16	98.78
25.Police Action, verbal threat	1.03	79.35	69.Personal Injury, crime	0.16	98.94
26.Police Action, unfairly stopped	0.95	80.31	70.Housing, rent deposit	0.15	99.09
27.Hospital Treatment, care in hospital	0.92	81.24	71.Discrimination, sexual orient.	0.14	99.22
28.Debt, bankruptcy	0.91	82.15	72.Immigration, citizenship	0.14	99.36
29.Personal Injury, at work	0.89	83.04	73.Disability Pension, private	0.12	99.48
30.Rel Breakdown, spousal support	0.76	83.79	74.Housing, mortgage foreclosure	0.11	99.59
31.Housing, repairs	0.74	84.54	75.Other Family, child abduction	0.11	99.71
32.Personal Injury, in public place	0.70	85.24	76.Immigration, student visa	0.09	99.80
33.Personal Injury, medical treatment	0.69	85.92	77.Immigration, legal assistance	0.07	99.86
34.Discrimination, race	0.64	86.57	78.Immigration,humanitarian	0.06	99.92
35.Personal Injury, traffic	0.61	87.17	79.Immigration, judicial review	0.06	99.98
36.Police Action, unreasonable arrest	0.61	87.78	80.Immigration, refugee claim	0.02	100.00
37.Legal Action, threatening letter	0.59	88.37			
38.Hospital Treatment, care after release	0.56	88.93			
39.Police Action, physical threat	0.56	89.50			
40.Social Assistance, obtaining or amount	0.54	90.04			
41.Discrimination, age	0.50	90.53			
42.Wills, inheritance	0.50	91.03			
43.Legal Action, court	0.48	91.51			
44.Other Family, guardian	0.46	91.98			

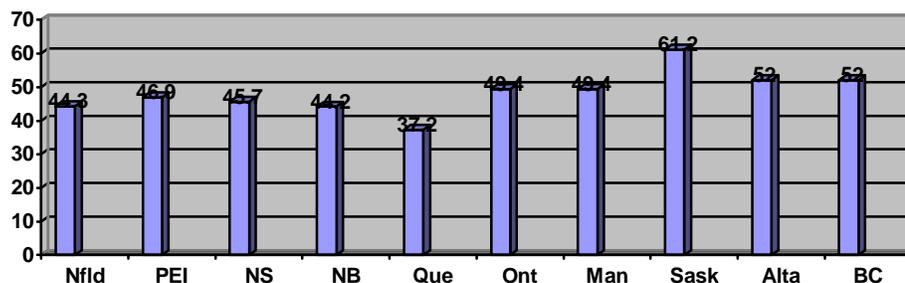
## Justiciable Problems and the Risk of Unmet Need

The objective of this research is to understand unmet need for assistance of legal problems. It was mentioned earlier that the incidence and patterns of justiciable events or problems are important because this provides the framework for studying aspects of unmet need. However, the patterns of justiciable problems are important in themselves. This is because they do not occur randomly. They are not evenly distributed among the population, and thus the risk of unmet need is similarly not evenly distributed. It is important to understand how the risk of unmet need varies within the population. This section of the report examines the factors that describe the landscape of justiciable problems in Canada.

## The Geography of Justiciable Problems

*Provincial Differences.* Overall 44.6 per cent of the population experienced one or more justiciable problems and people with at least one problem experienced an average of 2.9 problems over the three-year reference period. Figure 1 shows the percentage of respondents reporting one or more justiciable problems for provinces.<sup>32</sup> Quebec stands out as having the lowest incidence of problems with 37.1 percent reporting one or more problems.

**Figure 1: Percent of Individuals Reporting One or More Problems**



Generally there is an East – West difference with the percentages lower in the eastern provinces and higher in the western ones.

The average number of problems reported by respondents in Figure 2<sup>33</sup> shows the same overall pattern. Using this measure, respondents in Newfoundland and Labrador report the smallest number of justiciable problems, followed closely by Quebec.

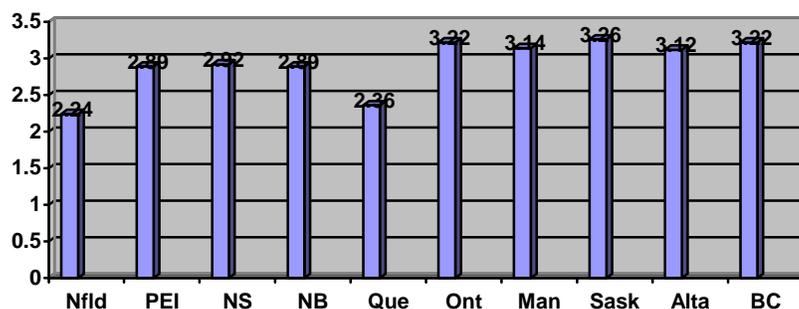
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<sup>32</sup> Actual numbers for each province for Figure 1 are: Newfoundland and Labrador=260, Prince Edward Island=100, Nova Scotia=320, New Brunswick=320, Quebec=1565, Ontario=1700, Manitoba=300, Saskatchewan=350, Alberta=600, British Columbia=100.

<sup>33</sup> Supra, footnote 2. The absolute numbers are the same.



**Figure 2: Average Number of Problems**



The average number of problems shows the same East – West difference as the percentage of people reporting one or more problems. The average number of problems is higher in Ontario, the Prairies and in British Columbia and lower in the four Atlantic provinces. Quebec remains low relative to the rest of the country.

## Provincial Differences by Type of Problem

For this analysis the percentages of respondents in each province reporting at least one problem in each of the fifteen problem categories were ranked from low to high across provinces. Since there are ten provinces the ranks go from one to ten, representing the lowest percentage reporting at least one problem in the category in any province to highest percentage reported for a province. Table 9 summarizes the rankings among provinces for the percentage of respondents reporting one or more problems in each of the fifteen problem categories.

For Quebec, twelve of the fifteen problem categories were ranked five or lower, that is, fifth or lower compared with all other provinces. Respondents from Quebec reported the lowest percentage of problems in six problem types; employment, debt, disability pensions, family: relationship breakdown, other family, wills and powers of attorney and hospital treatment and release. Only one problem type ranked higher than six, housing at eighth among provinces.

**Table 9: Rank Order of the Incidence of Justiciable Problems (Percentage of Respondents Reporting One or More Problems) by Problem Type and Province**

Problem Type	Province									
	Nfld.	PEI	NS	NB	Que	Ont	Man	Sask	Ab	BC
Consumer	5	1	4	2	3	7	9	10	8	6
Employment	2	4	3	5	1	7	9	7	6	10
Debt	2	7	6	3	1	5	4	10	9	8
Social Services	1	--	6	5	2	4	3	9	8	7
Disability Pensions	3	--	2	6	1	9	7	8	5	4
Housing	1	2	5	4	8	7	--	9	3	6

	Province									
Discrimination	1	2	4	5	3	9	6	10	7	8
Police Action	1	3	7	2	5	9	6	4	10	8
Relationship Breakdown	3	7	2	6	1	4	9	10	8	5
Other Family	1	3	4	7	2	5	10	6	8	9
Wills and Powers of Att	2	3	4	7	1	6	10	5	8	9
Personal Injury	3	2	6	1	2	7	10	5	6	9
Hospital Treatment	8	3	4	1	2	7	10	5	6	9
Immigration	4	7	9	3	1	8	6	--	2	5
Threat of Legal Action	1	2	10	3	4	8	6	7	2	5

Newfoundland and Labrador also has twelve problem categories ranked fifth or lower compared with all other provinces. Similar to Quebec, Newfoundland and Labrador had the lowest percentage reporting a problem in six problem categories. Respondents from that province reported the lowest percentage of problems in social assistance, housing, discrimination, police action, other family and immigration problems. Problems related to hospital release and treatment ranked eighth compared with other provinces in Newfoundland and Labrador.

Respondents in Prince Edward Island reported the second lowest percentages of problems in two problem categories; disability benefits and family: relationship breakdown problems. On the other hand, debt, welfare, police action and immigration were reported relatively frequently by respondents in PEI compared with those in other provinces.

In both Nova Scotia and New Brunswick, nine problem categories ranked fifth or lower while six ranked from sixth to tenth compared with the same problem types in other provinces. Respondents in New Brunswick reported the lowest percentages of problems related to personal injury and hospital treatment and release but reported comparatively high levels of problems in other areas such as family and wills and powers of attorney. Nova Scotia respondents ranked second lowest compared with other provinces with respect to problems in the disability pensions and family: relationship breakdown problem categories and third lowest with respect to employment problems. However, respondents from Nova Scotia reported a moderately high incidence of problems related to debt, social assistance, police action and personal injury problems.

Respondents from Ontario reported a moderately high incidence of debt, personal injury and other family law problems compared with other problems. Consumer problems, employment problems, problems with disability pensions, with problems arising from police action and discrimination problems were reported relatively frequently by Ontario respondents.

In Manitoba, social assistance, which was ranked third in terms of relative frequency of occurrence, and debt, ranked fourth compared with other provinces were the least frequently occurring types of problems. Consumer, employment, family: relationship breakdown, wills and



powers of attorney and personal injury all ranked ninth or tenth in terms of frequency of occurrence relative to other provinces.

In Saskatchewan, the least frequent problem types were police which ranked fourth relative to other provinces, and wills and power of attorney, ranked fifth, and hospital treatment and release, also ranked fifth compared with other provinces. The most frequently occurring problems reported by Saskatchewan respondents were consumer, debt, family: relationship breakdown and discrimination problems, all ranked tenth or highest relative to other provinces. Close behind in terms of frequency of occurrence was housing problems, ranked ninth out of ten compared with all other provinces.

The problems mentioned least frequently in Alberta were housing, ranked third among all provinces and immigration ranked second compared with incidence levels in the other jurisdictions. Alberta ranked highest in problems related to police action, personal injury problems and problems related to debt, all ninth or tenth compared with the other provinces.

Finally, in British Columbia, problems with disability pensions, ranked fourth in terms of frequency of occurrence compared with other provinces, and family; relationship breakdown and immigration problems, both ranked fifth compared with other provinces, were the ones least frequently reported by respondents. The most frequently reported problems were, in the employment category, ranked tenth, wills and powers of attorney, ranked ninth and hospital treatment and release, also ranked ninth, and other family law problems, ranked ninth compared with other provinces were the most frequently reported problems by B.C. respondents.

## Urban Size Differences

Urban size was a significant factor in only two problem types, housing and police action. In both cases there is a statistically significant, but weak, linear relationship between urban size and the incidence of problems. The larger the size of the community, ranging from under five thousand to over one million, the larger the number of respondents reporting a problem with housing<sup>34</sup> and with police action.<sup>35</sup>

## The Demography of Justiciable Problems

*Age.* A number of problems types are related to age, occurring mainly to younger people. Employment<sup>36</sup>, debt<sup>37</sup>, social assistance<sup>38</sup>, disability benefits<sup>39</sup>, housing<sup>40</sup>, immigration<sup>41</sup>, discrimination<sup>42</sup> and police action<sup>43</sup>, and personal injury<sup>44</sup> problems were reported most

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<sup>34</sup>  $\chi^2 = 13.5$ ,  $p = .009$

<sup>35</sup>  $\chi^2 = 11.7$ ,  $p = .02$

<sup>36</sup>  $\chi^2 = 300.1$ ,  $p = .0001$

<sup>37</sup>  $\chi^2 = 155.9$ ,  $p = .0001$

<sup>38</sup>  $\chi^2 = 13.0$ ,  $p = .005$

<sup>39</sup>  $\chi^2 = 19.5$ ,  $p = .0002$

<sup>40</sup>  $\chi^2 = 46.3$ ,  $p = .0001$

<sup>41</sup>  $\chi^2 = 11.8$ ,  $p = .008$

<sup>42</sup>  $\chi^2 = 20.3$ ,  $p = .0001$

frequently by people aged 18 to 29. In all of these except disability benefits problems, age group with the next greatest likelihood of reporting problems was the 30 to 44 group. In the case of problems with disability benefits, the age group most frequently reporting some type of specific problems was 45 to 64, rather than 30 to 44. Consumer problems were most likely to occur to respondents in the 30 to 44 age group, followed in terms of frequency of occurrence by the 18 to 29 group. Problems related to wills and powers of attorney were unique in that the age group most frequently reporting a problem was 45 to 64.

*Gender.* Gender was less frequently related to the incidence of problems than age. Males were slightly more likely to report problems in both debt problems and threat of legal action. Men were more than twice as likely as women to report problems related to police action. Because the gender variable is binary, the relationship with reporting a problem in any particular problems type (also a binary yes-no variable) can be reported as an odds ratio. Men were 1.2 times more likely than women to experience debt problems<sup>45</sup> and 2.3 times more likely to experience problems related to police action<sup>46</sup>. On the other hand, women were slightly more likely than men to report problems in both family law categories. Women were 1.4 more likely than men to experience a problem in the relationship breakdown category<sup>47</sup> and 1.5 times more likely to experience one of the problems in the other family law category<sup>48</sup>.

*Language.* Speaking English as a primary language (the language of the interview) was related to a higher incidence of problems in eleven of fifteen problem types. English speakers were 1.4 times more likely than francophones to have experienced a consumer problem<sup>49</sup>, 1.7 times more likely to have experienced an employment problem<sup>50</sup>, debt: 2.3 times more likely<sup>51</sup>, social assistance: 2.9 times more likely<sup>52</sup>, disability benefits: 9.3 times more likely<sup>53</sup>, immigration: 11.3 times more likely<sup>54</sup>, disability pensions: 1.9 times more likely<sup>55</sup>, hospital treatment and release: 2.9 times more likely<sup>56</sup>, wills and powers of attorney: 3.1 times more likely<sup>57</sup>, family: relationship breakdown: 2.4 times more likely<sup>58</sup> and, finally, in other family law problems<sup>59</sup> English speakers were 3.6 times more likely than francophones were more frequently by English-speakers than French-speakers to have experienced one or more problems. This reflects the lower overall incidence measures reported above for Quebec.

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<sup>43</sup>  $\chi^2 = 78.0, p = .0001$

<sup>44</sup>  $\chi^2 = 10.0, p = .02$

<sup>45</sup>  $\chi^2 = 7.3, p = .007$ ; confidence interval of the odds ratio = 1.1 to 1.3.

<sup>46</sup>  $\chi^2 = 18.6, p = .0001$ ; confidence interval of the odds ratio = 1.5 to 3.2.

<sup>47</sup>  $\chi^2 = 5.8, p = .02$ ; confidence interval of the odds ratio = 1.1 to 1.8.

<sup>48</sup>  $\chi^2 = 3.9, p = .05$ ; confidence interval of the odds ratio = 1.0 to 2.3.

<sup>49</sup>  $\chi^2 = 19.8, p = .0001$ ; confidence interval of the odds ratio = 1.2 to 1.6.

<sup>50</sup>  $\chi^2 = 40.5, p = .0001$ ; confidence interval of the odds ratio = 1.5 to 2.0.

<sup>51</sup>  $\chi^2 = 90.3, p = .0001$ ; confidence interval of the odds ratio = 1.9 to 2.7.

<sup>52</sup>  $\chi^2 = 8.1, p = .004$ ; confidence interval of the odds ratio = 1.4 to 6.4.

<sup>53</sup>  $\chi^2 = 14.3, p = .0001$ ; confidence interval of the odds ratio = 2.3 to 38.1.

<sup>54</sup>  $\chi^2 = 9.3, p = .003$ ; confidence interval of the odds ratio = 1.6 to 82.4.

<sup>55</sup>  $\chi^2 = 6.6, p = .01$ ; confidence interval of the odds ratio = 1.6 to 3.2.

<sup>56</sup>  $\chi^2 = 10.8, p = .001$ ; confidence interval of the odds ratio = 1.5 to 5.5.

<sup>57</sup>  $\chi^2 = 38.3, p = .0001$ ; confidence interval of the odds ratio = 2.1 to 4.5.

<sup>58</sup>  $\chi^2 = 18.8, p = .0001$ ; confidence interval of the odds ratio = 1.6 to 3.6.

<sup>59</sup>  $\chi^2 = 11.9, p = .0005$ ; confidence interval of the odds ratio = 1.7 to 7.8.



*Marital and Family Status.* The most problem-free respondents were those without children. Single, separated, widowed and divorced respondents without children and couples without children were less likely to experience problems than other respondents with children in every problem category. Couples with children were 1.4 times more likely than all others experience consumer<sup>60</sup>, 1.5 times more likely to experience an employment problem<sup>61</sup> and 1.4 times more likely to experience a debt problem<sup>62</sup> than all other respondents. Couples with children were 1.5 times more likely to experience a problem in the other family law category<sup>63</sup>, and 1.8 times more likely to report problems involving the threat of legal action<sup>64</sup>. Single, widowed, separated or divorced respondents with children reported problems in the largest number of problem categories. These respondents were 1.7 times more likely than all others to report having experienced consumer problems<sup>65</sup>, employment: 1.7 times more likely<sup>66</sup>, debt: 2.0 times more likely<sup>67</sup>, housing: 2.5 times more likely<sup>68</sup>, discrimination: 2.0 times more likely<sup>69</sup>, police action: 3.2 times more likely<sup>70</sup>, and problems related to the threat of legal action<sup>71</sup>. Of course, unattached individuals with children were very much more likely to experience problems in both categories of family law matters; 10.8 times more likely than all others to experience family law: relationship breakdown problems<sup>72</sup> and 10.0 times more likely to experience other family law problems<sup>73</sup>.

*Education.* Respondents with at least a high school education plus some post secondary training were more likely than other groups to report justiciable problems in debt, police action, wills and powers of attorney, relationship breakdown and other family law problems.<sup>74</sup> Respondents in this middle level of education were 2.6 times more likely than others to report problems related to police action.<sup>75</sup> The group was also more likely than other respondents to report having experienced family law problems; 1.5 times more likely to experience problems related to relationship breakdown<sup>76</sup> and 1.8 times more likely to experience other family law problems<sup>77</sup>.

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<sup>60</sup>  $\chi^2 = 22.7$ ,  $p = .0001$ ; confidence interval of the odds ratio = 1.2 to 1.5.

<sup>61</sup>  $\chi^2 = 38.2$ ,  $p = .0001$ ; confidence interval of the odds ratio = 1.3 to 1.7.

<sup>62</sup>  $\chi^2 = 29.1$ ,  $p = .0001$ ; confidence interval of the odds ratio = 1.2 to 1.6.

<sup>63</sup>  $\chi^2 = 3.9$ ,  $p = .05$ ; confidence interval of the odds ratio = 1.0 to 2.3.

<sup>64</sup>  $\chi^2 = 6.9$ ,  $p = .009$ ; confidence interval of the odds ratio = 1.2 to 2.8.

<sup>65</sup>  $\chi^2 = 23.5$ ,  $p = .0001$ ; confidence interval of the odds ratio = 1.4 to 2.1.

<sup>66</sup>  $\chi^2 = 20.1$ ,  $p = .0001$ ; confidence interval of the odds ratio = 1.3 to 2.1.

<sup>67</sup>  $\chi^2 = 47.5$ ,  $p = .0001$ ; confidence interval of the odds ratio = 1.6 to 2.5.

<sup>68</sup>  $\chi^2 = 12.1$ ,  $p = .0005$ ; confidence interval of the odds ratio = 1.5 to 4.1.

<sup>69</sup>  $\chi^2 = 6.7$ ,  $p = .0009$ ; confidence interval of the odds ratio = 1.2 to 3.4.

<sup>70</sup>  $\chi^2 = 28.1$ ,  $p = .0009$ ; confidence interval of the odds ratio = 2.0 to 5.0.

<sup>71</sup>  $\chi^2 = 8.4$ ,  $p = .004$ ; confidence interval of the odds ratio = 1.3 to 4.5.

<sup>72</sup>  $\chi^2 = 402.7$ ,  $p = .0001$ ; confidence interval of the odds ratio = 8.1 to 14.3.

<sup>73</sup>  $\chi^2 = 165.9$ ,  $p = .0001$ ; confidence interval of the odds ratio = 6.5 to 15.3.

<sup>74</sup> These were the only statistically significant relationships that were obtained.

<sup>75</sup>  $\chi^2 = 22.7$ ,  $p = .0001$ ; confidence interval of the odds ratio = 1.7 to 3.8.

<sup>76</sup>  $\chi^2 = 8.6$ ,  $p = .03$ ; confidence interval of the odds ratio = 1.1 to 2.0.

<sup>77</sup>  $\chi^2 = 6.1$ ,  $p = .01$ ; confidence interval of the odds ratio = 1.4 to 2.8.

Respondents with a university education were slightly more likely than others to experience three problem types. They were 1.2 times more likely to experience consumer problems<sup>78</sup>, 1.4 times more likely to report problems related to some form of discrimination<sup>79</sup> and 1.6 times more likely to experience problems with wills and powers of attorney<sup>80</sup>. On the other hand, the university-educated group were unlikely, compared with others with lower levels of education, to have problems related to police action and disability benefits. The most highly educated group was only .28 as likely as all others to have problems related to disability benefits<sup>81</sup> and only .47 as likely as others with lower educations to have problems related to police action<sup>82</sup>.

Respondents with less than high school education were the group least likely to report problems in any problem categories for which statistically significant results were obtained. These respondents were only .55 times as likely to report consumer problems<sup>83</sup>, .57 times as likely to report employment problems<sup>84</sup>, .65 times as likely to report debt problems<sup>85</sup> and .43 times as likely to report having experienced problems arising from police action.<sup>86</sup> These are among the problems that one might expect respondents with a lower level of education to experience. In view of the extensive literature reporting that low-income people experience consumer problems<sup>87</sup>, this may reflect an under-reporting problem rather than a true picture of relative incidence.

*Employment Status.* Being unemployed is related to an increased likelihood of reporting problems in several categories. The three problem types which the unemployed are most likely to experience compared with working people are, as one might expect and in order of importance, employment problems, debt problems and consumer problems. However, the unemployed are more likely than the employed or people in other situations, such as retired or staying at home full time, to experience problem related to disability, housing, threatened legal action, relationship breakdown and other family problems. Respondents who were employed at the time of the survey were more likely to report problems related to wills and powers of attorney.

*The Non-Standard Work Force.* Research on labour force issues suggests that an increasing segment of the labour force is characterized by employment in part-time work, marginal self-employment and temporary work that lacks long-term security. This is a departure from the pattern typical of the 1950's and 1960's in which full time long term employment, frequently in unionized work groups was more typical.<sup>88</sup> This is significant in that it signals a long-term structural change in the work force that carries with it greater vulnerability for workers in the

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<sup>78</sup>  $\chi^2 = 7.5$ ,  $p = .006$ ; confidence interval of the odds ratio = 1.0 to 1.3.

<sup>79</sup>  $\chi^2 = 3.5$ ,  $p = .05$ ; confidence interval of the odds ratio = 1.0 to 2.0.

<sup>80</sup>  $\chi^2 = 17.4$ ,  $p = .0001$ ; confidence interval of the odds ratio = 1.3 to 2.0.

<sup>81</sup>  $\chi^2 = 12.4$ ,  $p = .0004$ ; confidence interval of the odds ratio = 0.10 to 0.60.

<sup>82</sup>  $\chi^2 = 17.4$ ,  $p = .0001$ ; confidence interval of the odds ratio = 0.31 to 0.74.

<sup>83</sup>  $\chi^2 = 30.8$ ,  $p = .0001$ ; confidence interval of the odds ratio = 0.44 to 0.68.

<sup>84</sup>  $\chi^2 = 22.7$ ,  $p = .0001$ ; confidence interval of the odds ratio = 0.45 to 0.72.

<sup>85</sup>  $\chi^2 = 16.5$ ,  $p = .0001$ ; confidence interval of the odds ratio = 0.52 to 0.80.

<sup>86</sup>  $\chi^2 = 4.7$ ,  $p = .02$ ; confidence interval of the odds ratio = 0.20 to 0.94.

<sup>87</sup> David Caplovitz, *The Poor Pay More*,

<sup>88</sup> Richard P. Chaykowski, *Non-Standard Work and Economic Vulnerability*, Canadian Policy Research Networks, 2005



non-standard segment of the labour force. Participation in the non-standard workforce was related to the increased likelihood of reporting problems in four types; personal injury, debt, disability pensions and social assistance. This possibly reflects the increased vulnerability associated with the emergence of the non-standard work force and has several implications for future demands for assistance with legal problems.

*Income.* Level of income has a weak but statistically significant relationship with reporting a problem in several problem categories. Predictably, the lower the income the more likely people are to report problems related to social services, disability benefits, debt and housing. The lowest income group, people with annual incomes of less than \$25,000, are 1.4 times more likely to have a debt problem than other respondents, 2.9 times more likely to have a housing problem, 3.7 times more likely to have a problem with disability benefits and 5 times more likely to have a problem related to social services. The lowest income respondents are also more likely to report problems related to hospital treatment and release conditions, discrimination and relationship breakdown. Respondents with incomes between \$45,000 and \$64,000 were more likely to report problems related to employment than all other income levels. Respondents with the highest incomes, \$85,000 and more, were more likely than people in other income groups to experience consumer problems and problems related to wills and powers of attorney.

## Justiciable Problems and Vulnerable Groups

*Justiciable Problems and the Risk of Unmet Need.* Members of certain social groups that experience diminished life circumstances and limited opportunities are more likely to report problems and therefore to be at a greater risk of need for assistance.

*Self-Reported Aboriginal Status.* Aboriginal people are among the lowest income earners in Canada. This is reflected in the results of this research showing that Aboriginal people are more likely to report problems in ten of the fifteen problem categories. Aboriginal people are 3.6 times more likely than non-Aboriginal people to report a problem with social assistance<sup>89</sup>, 3.3 times more likely to report a problem with discrimination<sup>90</sup> and 3.2 times more likely to report a problem related to disability benefits<sup>91</sup>. These problems are followed closely by police action, in which Aboriginal people are 2.9 times more likely to report a problem<sup>92</sup>, 2.9 times more likely to report other family problems<sup>93</sup>, 2.1 times more likely to report a problem related to relationship breakdown, twice as likely to report a housing problem<sup>94</sup>, 1.9 times as likely to report an employment problem<sup>95</sup> and, finally, 1.8 times more likely than non-Aboriginal people to report a problem in the debt category<sup>96</sup>.

*Place of Birth.* Being foreign-born is associated with the greater likelihood of reporting in three problem areas. The leading problem is immigration in which foreign-born respondents were 2.9

<sup>89</sup>  $\chi^2 = 16.4$ ,  $p = .0001$ ; confidence interval of the odds ratio = 1.3 to 2.5.

<sup>90</sup>  $\chi^2 = 16.1$ ,  $p = .0001$ ; confidence interval of the odds ratio = 1.8 to 6.0.

<sup>91</sup>  $\chi^2 = 7.7$ ,  $p = .006$ ; confidence interval of the odds ratio = 1.7 to 7.3.

<sup>92</sup>  $\chi^2 = 11.7$ ,  $p = .0006$ ; confidence interval of the odds ratio = 1.5 to 5.4.

<sup>93</sup>  $\chi^2 = 9.2$ ,  $p = .002$ ; confidence interval of the odds ratio = 1.4 to 6.2.

<sup>94</sup>  $\chi^2 = 3.2$ ,  $p = .05$ ; confidence interval of the odds ratio = 0.09 to 4.4.

<sup>95</sup>  $\chi^2 = 17.3$ ,  $p = .0001$ ; confidence interval of the odds ratio = 1.4 to 2.6.

<sup>96</sup>  $\chi^2 = 16.4$ ,  $p = .0001$ ; confidence interval of the odds ratio = 1.3 to 2.5.

times more likely to report a problem<sup>97</sup>. Respondents born outside Canada were 1.9 times more likely than all others to report a problem related to discrimination<sup>98</sup>.

*Visible Minorities.* Self-reporting as a member of a visible minority is related to a relatively high probability of reporting justiciable problems in ten of the fifteen problem areas. Members of visible minorities are 3.6 times more likely than whites to report problems related to discrimination and 3.4 times as likely to report problem related to police action<sup>99</sup>. Next in order of importance is problems related to disability benefits. Visible minority respondents were 2.5 times more likely to report a problem in this area<sup>100</sup>. Members of visible minority groups were 2.1 times more likely to report a problem related to threat of legal action<sup>101</sup>. Visible minority respondents were also 1.7 times more likely to report a debt problem, 1.6 times more likely to report a problem in the employment category,<sup>102</sup> 1.6 times more likely to report a consumer problem<sup>103</sup> and 1.9 times more likely to report a problem in the other family category<sup>104</sup>.

*Ethnicity.* The analysis of more detailed ethnic origins highlighted the degree to which Black Canadians experience justiciable problems. Compared with East Asian, Aboriginal, White Canadians and other non-Whites, Blacks were most likely to report having experienced problems related to police action<sup>105</sup>, discrimination<sup>106</sup>, immigration<sup>107</sup>, debt<sup>108</sup>, employment<sup>109</sup> and consumer problems<sup>110</sup>. Blacks were second to Aboriginal people in the frequency of reporting relationship breakdown problems<sup>111</sup>.

*Disability.* For this analysis people who indicated that they frequently limited in a range of everyday activities; seeing, hearing, communicating, learning, walking or climbing stairs were counted as disabled. This follows the methodology established by Statistics Canada Health, Activity and Learning Survey.<sup>112</sup> People with a self-reported disability have a greater likelihood of experiencing problems in all fifteen categories of justiciable problems. As one might expect the greatest problem area is disability benefits where the disabled are 13.7 times more likely to experience a problem compared with non-disabled people<sup>113</sup>. The disabled are 6.5 times higher

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<sup>97</sup>  $\chi^2 = 6.3$ ,  $p = .01$ ; confidence interval of the odds ratio = 1.1 to 4.5.

<sup>98</sup>  $\chi^2 = 9.3$ ,  $p = .002$ ; confidence interval of the odds ratio = 1.2 to 2.8.

<sup>99</sup>  $\chi^2 = 54.9$ ,  $p = .0001$ ; confidence interval of the odds ratio = 2.5 to 5.1.

<sup>100</sup>  $\chi^2 = 11.5$ ,  $p = .0007$ ; confidence interval of the odds ratio = 1.4 to 4.2.

<sup>101</sup>  $\chi^2 = 9.8$ ,  $p = .002$ ; confidence interval of the odds ratio = 1.3 to 3.42.

<sup>102</sup>  $\chi^2 = 34.6$ ,  $p = .0001$ ; confidence interval of the odds ratio = 1.4 to 1.8.

<sup>103</sup>  $\chi^2 = 43.1$ ,  $p = .0001$ ; confidence interval of the odds ratio = 1.4 to 1.9.

<sup>104</sup>  $\chi^2 = 7.7$ ,  $p = .005$ ; confidence interval of the odds ratio = 1.2 to 3.0.

<sup>105</sup>  $\chi^2 = 16.2$ ,  $p = .02$

<sup>106</sup>  $\chi^2 = 14.4$ ,  $p = .006$

<sup>107</sup>  $\chi^2 = 12.5$ ,  $p = .01$

<sup>108</sup>  $\chi^2 = 9.1$ ,  $p = .05$

<sup>109</sup>  $\chi^2 = 15.4$ ,  $p = .003$

<sup>110</sup>  $\chi^2 = 15.3$ ,  $p = .004$

<sup>111</sup>  $\chi^2 = 9.3$ ,  $p = .05$

<sup>112</sup> A New Approach to Disability Data: Changes Between the 1991 Health and Activity Limitation Survey and the 2001 Participation and Activity Limitation Survey, Housing and Family Statistics Division, Statistics Canada, 2002. Catalogue no. 89-578-XIE.

<sup>113</sup>  $\chi^2 = 169.4$ ,  $p = .0001$ ; confidence interval of the odds ratio = 8.2 to 22.7.



than all others to have a problem related to a personal injury<sup>114</sup> and 5.5 times more likely of have a problem related to hospital treatment and release<sup>115</sup>. The probability of experiencing problems in a number of other categories is also high compared with the non-disabled population; 4.2 times higher for social assistance problems<sup>116</sup>, 4.2 times higher for problems related to discrimination<sup>117</sup>, 3.0 times higher for housing problems, 2.4 times higher for problems arising out of police action<sup>118</sup>, 2.2 times more likely to experience relationship breakdown problems<sup>119</sup>, 2.7 times more likely to experience other family problems<sup>120</sup> and 2.6 times more likely to experience immigration problems<sup>121</sup>. Turning to financial problems, the disabled are 1.9 times more likely than all others to report debt-related problems<sup>122</sup>, 1.8 times more likely to report employment problems<sup>123</sup> and 1.6 times more likely to report having experienced some type of consumer problem<sup>124</sup>.

*Social Assistance.* Respondents who were receiving social assistance at the time of the survey were, as one would expect, 5.6 times more likely than all others to report a welfare problem<sup>125</sup> and 4.4 times more likely to report a problem related to disability benefits<sup>126</sup>. However, these respondents were also more likely to report justiciable problems in a number of other problem areas. These include being 4.4 times more likely to have a housing problem<sup>127</sup>, 3.0 times more likely to have a hospital treatment or release problem<sup>128</sup>, 2.9 times more likely to report a discrimination problem<sup>129</sup>, 2.9 times more likely to report a family law: relationship breakdown problem<sup>130</sup> and 3.2 times more likely to report experiencing an other family law problem<sup>131</sup>, 2.2 times more likely to experience a personal injury problem<sup>132</sup>, 2.1 times more likely than other respondents to report a problem relating to police action<sup>133</sup>, 1.9 times more likely to experience a debt problem<sup>134</sup>, 1.9 times more likely to experience the threat of legal action<sup>135</sup>, 1.7 times

<sup>114</sup>  $\chi^2 = 200.8$ ,  $p = .0001$ ; confidence interval of the odds ratio = 4.9 to 8.7.

<sup>115</sup>  $\chi^2 = 90.8$ ,  $p = .0001$ ; confidence interval of the odds ratio = 3.7 to 8.1.

<sup>116</sup>  $\chi^2 = 41.8$ ,  $p = .0001$ ; confidence interval of the odds ratio = 2.6 to 6.7.

<sup>117</sup>  $\chi^2 = 68.4$ ,  $p = .0001$ ; confidence interval of the odds ratio = 2.9 to 6.1.

<sup>118</sup>  $\chi^2 = 20.5$ ,  $p = .0001$ ; confidence interval of the odds ratio = 1.7 to 3.7.

<sup>119</sup>  $\chi^2 = 23.2$ ,  $p = .0001$ ; confidence interval of the odds ratio = 1.6 to 3.0.

<sup>120</sup>  $\chi^2 = 18.5$ ,  $p = .0001$ ; confidence interval of the odds ratio = 1.7 to 4.4.

<sup>121</sup>  $\chi^2 = 7.0$ ,  $p = .008$ ; confidence interval of the odds ratio = 1.2 to 5.3.

<sup>122</sup>  $\chi^2 = 57.6$ ,  $p = .0001$ ; confidence interval of the odds ratio = 1.6 to 2.2.

<sup>123</sup>  $\chi^2 = 43.0$ ,  $p = .0001$ ; confidence interval of the odds ratio = 1.5 to 2.1.

<sup>124</sup>  $\chi^2 = 33.4$ ,  $p = .0001$ ; confidence interval of the odds ratio = 1.4 to 1.9.

<sup>125</sup>  $\chi^2 = 71.5$ ,  $p = .0001$ ; confidence interval of the odds ratio = 3.6 to 8.8.

<sup>126</sup>  $\chi^2 = 41.3$ ,  $p = .0001$ ; confidence interval of the odds ratio = 2.7 to 7.3.

<sup>127</sup>  $\chi^2 = 71.2$ ,  $p = .0001$ ; confidence interval of the odds ratio = 3.0 to 6.4.

<sup>128</sup>  $\chi^2 = 31.0$ ,  $p = .0001$ ; confidence interval of the odds ratio = 2.0 to 4.5.

<sup>129</sup>  $\chi^2 = 33.9$ ,  $p = .0001$ ; confidence interval of the odds ratio = 2.0 to 4.2.

<sup>130</sup>  $\chi^2 = 61.7$ ,  $p = .0001$ ; confidence interval of the odds ratio = 2.2 to 3.9.

<sup>131</sup>  $\chi^2 = 31.7$ ,  $p = .0001$ ; confidence interval of the odds ratio = 2.1 to 5.0.

<sup>132</sup>  $\chi^2 = 24.2$ ,  $p = .0001$ ; confidence interval of the odds ratio = 1.6 to 3.1.

<sup>133</sup>  $\chi^2 = 14.8$ ,  $p = .0001$ ; confidence interval of the odds ratio = 1.4 to 3.2.

<sup>134</sup>  $\chi^2 = 74.5$ ,  $p = .0001$ ; confidence interval of the odds ratio = 1.7 to 2.3.

<sup>135</sup>  $\chi^2 = 6.6$ ,  $p = .01$ ; confidence interval of the odds ratio = 1.2 to 3.2.

more likely to report an employment problem<sup>136</sup>, 1.4 times more likely to report both consumer problems<sup>137</sup> and problems relating to wills and powers of attorney<sup>138</sup>.

## The Best Predictors of Justiciable Problems

A series of binary multiple logistic regressions<sup>139</sup> were carried out to determine which social and demographic variables are the strongest predictors of experiencing each of the fifteen civil justice problems. The descriptive data in the section above describes the groups and demographic categories that are most likely to experience the various problems taking one variable at a time. The results of the multivariate analysis show which variables, net of the statistical effects of the other variables, best predict certain problems. Each of the summary tables below shows only the variables that remained in the regression models with statistically significant results<sup>140</sup> and an odds ratio of at least 2.0, indicating that a respondent with the particular characteristic is at least twice as likely to have experienced a problem of that type. The r-square figure expresses the total amount of the variation in experiencing a problem or not explained by all the variables in the regression equation. Essentially, the lower the r-square, the weaker the regression model overall.

Over all, being disabled is a significant predictor of all 15 problem types. The predictive power of disability status is, as one might expect, strongest for problems related to disability pensions. This certainly adds strength to Howard's assessment of the degree to which the disabled suffer multiple disadvantages. "It has been said that 'of all the disadvantaged groups in society, the disabled are the most socially excluded', and that as a consequence, 'life opportunities remain severely restricted for many'."<sup>141</sup> In addition, being relatively young, in this case under 29 years of age is also a strong predictor of experiencing justiciable problems. Age was a statistically significant predictor of reporting problems in consumer, employment, debt, social assistance, police action and threat of legal action. Other variables were important predictors for a smaller number of problem types. The following sections briefly describe the most powerful predictors of the fifteen problem types.

*Consumer Problems.* Being disabled, young and having three or more children were the most important predictors of experiencing consumer problems.

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<sup>136</sup>  $\chi^2 = 41.9$ ,  $p = .0001$ ; confidence interval of the odds ratio = 1.4 to 2.0.

<sup>137</sup>  $\chi^2 = 13.6$ ,  $p = .0002$ ; confidence interval of the odds ratio = 1.2 to 1.5.

<sup>138</sup>  $\chi^2 = 6.5$ ,  $p = .01$ ; confidence interval of the odds ratio = 1.1 to 1.9.

<sup>139</sup> This is a statistical technique in which the effect of several characteristics or factors, called independent variables, on another variable, called the dependent variable, is determined. Most of the variables were original two-category variables, and the few remaining ones were converted to that form for consistency. Thus the multiple regression is termed binary multiple regression.

<sup>140</sup> There are many sources of error in survey research; problems with the questionnaire, respondent bias, mistakes by interviewers and problems coding the data, for example. Statistical significance is one source of error that arises from the sampling procedure. The level of statistical significance expresses the probability that the results are incorrect due to sampling error. A level of statistical significance of .05 is accepted by convention as the highest acceptable level of risk that the results are incorrect. A level of statistical significance of .05 means that there is a 95 % chance that the results are not incorrect due to sampling error 19 times out of 20.

<sup>141</sup> M. Howard, "Enabling Government: Joined Up Policies for a National Disability Strategy", Fabian Society, London, 1999 cited in Pleasence, 2005, p. 47.



**Table 10: Best Predictors of Consumer Problems**

Consumer Problems	Estimate	Chi-Square	Probability	Odds Ratio
Intercept	- 2.3	255.6	.0001	--
Disabled	0.69	55.2	.0001	2.1
Under 30 Years of Age	0.78	33.4	.0001	2.3
30 to 44 years of age	0.75	34.2	.0001	2.1
Three or more Children	0.44	14.6	.0001	2.0
R-Square for the Regression Equation = 0.06				

Looking at the odds ratios, young people have a slightly greater likelihood of experiencing a consumer problem, taking all other effects into account.

*Employment Problems.* Being disabled and being young appear again as significant predictors do having employment problems. In addition, as one would expect, being unemployed is also a statistically significant predictor of these types of problems. See table 11.

**Table 11: Best Predictors of Employment Problems**

Employment Problems	Estimate	Chi-Square	Probability	Odds Ratio
Intercept	- 4.5	409.0	.0001	--
Disabled	0.86	68.1	.0001	2.4
Under 30 Years of Age	2.2	114.1	.0001	8.6
Unemployed	1.5	99.6	.0001	4.6
R-Square for the Regression Equation = 0.15				

In this case being under 30 years of age has a far greater effect on experiencing employment problems than the other variables. Respondents under the age of 30 are 8.6 times more likely than people of all other ages to experience an employment problem. Interestingly, being unemployed is less strongly related than age. In this case, disability remains an important predictor variable. Disabled respondents are 2.4 times more likely than other respondents to experience problems of this type.

*Debt.* Being disabled and being and younger people are the two best predictors of experiencing a debt problem. Being young is the more powerful predictor.

**Table 12: Best Predictors of Debt Problems**

Debt Problems	Estimate	Chi-Square	Probability	Odds Ratio
Intercept	- 3.5	429.0	.0001	--
Disabled	0.69	50.7	.0001	2.2
Under 30 Years of Age	1.2	68.4	.0001	3.2
R-Square for the Regression Equation = 0.11				

*Social Assistance.* Disability, age and income are the important predictor variables for experiencing problems relating to social assistance. People earning less than \$25,000 are more than seven times more likely than others to have experienced a problem related to social services. Age is a significant predictor of social services problems. Compared with the problem types discussed above, the middle age group of 30 to 44 year olds are more likely to experience

problems of this type. Again the disabled are more likely than non-disabled persons to experience problems related to social services.

**Table 13: Best Predictors of Social Assistance Problems**

Social Assistance Problems	Estimate	Chi-Square	Probability	Odds Ratio
Intercept	- 7.5	120.8	.0001	--
Disabled	0.93	10.6	.01	2.6
Under 30 Years of Age	0.92	3.4	.001	2.5
Aged 30 to 44 Years	1.13	5.7	.02	3.1
Less Than \$25,000	2.0	20.9	.0001	7.4
\$25,000 to \$44,000	1.2	8.3	.004	3.4
R-Square for the Regression Equation = 0.14				

*Disability Pensions.* As might be expected, the disabled have a far greater likelihood of experiencing a problem with a disability pension than others.

However, being older, in this case being between 45 and 64 years old, increases one's likelihood of experiencing problems with disability pensions, independent of the effect of being disabled.

**Table 14: Best Predictors of Disability Pension Problems**

Disability Pension Problems	Estimate	Chi-Square	Probability	Odds Ratio
Intercept	- 9.2	87.2	.0001	--
Disabled	2.0	45.0	.0001	7.6
Aged 45 to 64 Years	1.8	11.2	.0008	6.3
R-Square for the Regression Equation = 0.24				

*Housing Problems.* Four characteristics are good predictors of experiencing housing problems; being disabled, being on social assistance, being unemployed and having an income of less than \$25,000. Disability and unemployment are equally important as predictors of housing problems. People with lower incomes are 2.7 times more likely to have housing problems and those on social assistance are twice as likely as all other to have problems of this kind.

**Table 15: Best Predictors of Housing Problems**

Housing Problems	Estimate	Chi-Square	Probability	Odds Ratio
Intercept	- 5.1	118.7	.0001	--
Disabled	1.1	20.9	.0001	3.0
Receiving Social Assistance	0.99	4.1	.04	2.0
Unemployed	1.1	10.1	.002	3.0
Income Less than \$25,000	1.0	11.1	.0009	2.7
R-Square for the Regression Equation = 0.13				



*Discrimination.* Being disabled, young and a member of a visible minority group are all good statistical predictors of reporting problems related to discrimination. Being disabled is the strongest predictor of discrimination followed in order of importance by being a member of a visible minority, 3.4 times more likely to experience discrimination than non-minority people, and young people who are about 2.7 times more likely to report discrimination.

**Table 16: Best Predictors of Discrimination Problems**

Discrimination	Estimate	Chi-Square	Probability	Odds Ratio
Intercept	- 5.5	135.9	.0001	--
Disabled	1.4	39.7	.0001	3.9
Under 30 Years of Age	1.2	10.2	.001	3.4
Visible Minority	1.2	24.6	.001	2.7
R-Square for the Regression Equation = 0.13				

*Police Action.* Being disabled, young and male are the main predictors of experiencing problems related to police action. Clearly being young trumps all other variables in predicting problems with the police. Net of the effects of other variables, people under 30 are 16 times more likely to report experiencing problems related to contact with the police than all other age groups. The disabled are 3.3 times more likely to report problems with the police, all other things being equal. Men are 2.4 times more likely than women to report problems with the police.

**Table 17: Best Predictors of Police Action Problems**

Police Action	Estimate	Chi-Square	Probability	Odds Ratio
Intercept	- 7.6	119.0	.0001	--
Disabled	1.2	25.6	.0001	3.3
Under 30 Years of Age	2.8	19.6	.0001	16.0
Age 30 to 34	1.9	9.3	.002	7.1
Male	1.9	19.7	.0001	2.4
R-Square for the Regression Equation = 0.17				

*Family Law: Problems Related to Relationship Breakdown.* The two statistically significant predictors of experiencing relationship breakdown problems controlling for the effects of other variables are the presence of dependent children and being disabled. The likelihood of reporting a problem related to a relationship breakdown increases with the number of dependent children. Disability status is significantly and substantially related to having experienced a relationship breakdown problem.

**Table 18: Best Predictors of Relationship Breakdown Problems**

Family Law: Relationship Breakdown	Estimate	Chi-Square	Probability	Odds Ratio
Intercept	- 57	173.9	.0001	--
Disabled	.79	17.7	.0001	2.2
Three or More Children	1.5	39.4	.0001	4.4
Two Children	1.4	48.8	.0001	4.1
One Child	1.2	43.7	.0001	3.1
R-Square for the Regression Equation = 0.16				

*Other Family Law Problems.* The variables are strong predictors relationship breakdown are also good predictors of other family law problems.

The presence of three or more dependent children has a particularly strong effect, with an associated odds ratio indicating that people with three or more children are over 12 times more likely to have experienced a problem of this type than respondents with fewer dependent children.

**Table 19: Best Predictors of Other Family Law Problems**

Other Family Law Problems	Estimate	Chi-Square	Probability	Odds Ratio
Intercept	- 7.7	76.6	.0001	--
Disabled	1.0	13.6	.002	2.8
Three or More Children	2.5	54.5	.0001	12.8
Two Children	1.7	25.1	.0001	5.7
One Child	1.7	27.8	.0001	5.6
R-Square for the Regression Equation = 0.18				

*Wills and Powers of Attorney.* Age and disability are significant predictors of problems in this area. Being disabled and middle aged are the two statistically significant predictors of problems involving the settlement of a will or obtaining a power of attorney (refer to table 20).

**Table 20: Best Predictors of Problems Related to Wills and Powers of Attorney**

Wills and Powers of Attorney	Estimate	Chi-Square	Probability	Odds Ratio
Intercept	- 3.6	166.5	.0001	--
Disabled	0.81	29.6	.0001	2.3
Age 45 to 64	0.67	11.9	.0001	2.0
R-Square for the Regression Equation = 0.07				

*Personal Injury Problems.* It is not surprising that disability would be inherently related to personal injury problems. The disabled are 6.9 times more likely to report a personal injury problem than people who are not disabled.

Being less than 30 years old also has a statistically significant effect on experiencing a personal injury problem. Younger people are slightly more than twice as likely as others to report problems in this category.

**Table 21: Best Predictors of Personal Injury Problems**

Personal Injury	Estimate	Chi-Square	Probability	Odds Ratio
Intercept	- 4.8	178.8	.0001	--
Disabled	1.9	128.2	.0001	6.9
Under30 Years of Age	.0.77	5.6	.02	2.1
R-Square for the Regression Equation = 0.11				

*Hospital Treatment and Release Conditions.* Only one variable met the two criteria for consideration in this analysis, a positive statistically significant effect with an odds ratio of more than 2.0 in the regression equation for this problem type. It is not surprising that disability and



hospital treatment and release should be strongly linked, although it is somewhat unexpected that disability is the only variable.

The disabled are 4.8 times more likely than non-disabled persons to have problems of this kind.

**Table 22: Best Predictors of Problems Related to Hospital Treatment and Release**

Hospital Treatment and Conditions of Release	Estimate	Chi-Square	Probability	Odds Ratio
Intercept	- 5.9	126.0	.0001	--
Disabled	1.6	46.2	.0001	4.8
R-Square for the Regression Equation = 0.10				

*The Threat of Legal Action.* Age is the primary factor predicting having received a threatening letter from a lawyer or a summons to appear in court. People under 30 years of age are 6.5 times more likely to receive a legal threat than others. Being disabled and having three or more dependent children have less independent predictive strength compared with age. Nonetheless, the disabled are 2.7 times more likely and people with three or more children are 2.2 times more likely than all others to report this sort of problem.

**Table 23: Best Predictors of Problems Related to the Threat of Legal Action**

Threat of Legal Action	Estimate	Chi-Square	Probability	Odds Ratio
Intercept	- 7.1	72.8	.0001	--
Disabled	1.0	11.3	.008	2.7
Under 30 Years of Age	1.9	5.1	.01	6.5
Age 30 to 44	1.8	5.2	.02	5.9
Three or More Children	0.78	4.5	.03	2.2
R-Square for the Regression Equation = 0.07				

*The Risk of Unmet Need.* First and foremost, the disabled and, second, the young are likely to experience a number of types of justiciable problems. Disability is a statistically significant predictor of all fifteen types of justiciable problems and age is a predictor of ten problem types. Other predictors relate mainly to specific problem types. For instance, being male is a strong predictor of problems related to the police and being a member of a visible minority is a predictor of problems related to discrimination. The disabled and the young are at the greatest risk of unmet need.

## Chapter IV: The Degrees of Seriousness of Justiciable Problems

The objective of the research was to identify justiciable problems experienced by the public that met two criteria. First, the problems had to represent legal problems with legal content and for which a legal solution was a possible option. Second, the problems had to meet some basic threshold of seriousness. Satisfying the first criterion was not difficult. Because the legal content of the 80 specific questions about the occurrence of justiciable problems was carefully controlled in the design of the questionnaire, there is little doubt about the legal nature

of the problems reported by respondents. Respondents were asked to respond either “yes” or “no” to whether they had experienced particular problems each with a legal aspect.

However, controlling the level of seriousness of the self-reported justiciable problems is not as straightforward as controlling the legal content of problems. By using the high threshold language of “serious” and “difficult to resolve” in the questions, an attempt was made to limit the problems identified by respondents to ones that were not trivial in nature. However, because the research relies on the subjective judgments by respondents as to the meaning of “serious” and “difficult to resolve”, some ambiguity can arise because of the variability of people’s judgments. This chapter examines the variability inherent in responses based on subjective assessments by examining the problems reported as being serious and difficult to resolve in the problem identification section in relation to two measures of the seriousness of, and the importance of resolving problems.

The threshold language used in the questionnaire asked respondents to identify only problems that they considered serious and difficult to resolve. This was done at the beginning of the interview. Later in the interview respondents were asked a specific question related to seriousness; how difficult the problem made their daily lives. Also, respondents were asked how important it was for them to resolve the problem. This was linked to the difficult to resolve criterion. Of course, judging a problem to be serious does not necessarily imply that it would make a person’s daily life difficult. Characterizing a problem as difficult to resolve is not the same as indicating that it must therefore be important to resolve the problem. Therefore, the additional data relating to serious and difficult to resolve do not negate the results obtained by the initial threshold language. However, the additional data allow an assessment of the robustness of the threshold language, serious and difficult to resolve employed in the problem identification part of the questionnaire for discriminating between serious and non-serious problems. As well, the results will provide an assessment of the variability or elasticity of the concepts being discussed will allow the reader to better understand the results.<sup>142</sup>

## The Importance of Resolving Problems

In the present study respondents were asked how important it was for them to resolve the problem, using a scale of one to five ranging from very important to not important at all. This scale relates to the part of the threshold language of the question specifying that a problem should have been or should currently be difficult to resolve. There is not a perfect logical concurrence between saying that a problem was difficult to resolve and how important it was to resolve the problem. However, one would expect that respondents would have a desire to resolve any problem that they considered serious and difficult to resolve. Table 24 shows respondents’ assessments of the importance of resolving the problem.<sup>143</sup> A substantial proportion of respondents, 86.7 per cent, indicated that it was important in some degree to resolve their justiciable problem. In fact, more than sixty percent said that it was either extremely or very important to resolve the problem. This is a confirmation of the robustness

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<sup>142</sup> The two measures are not sufficiently strongly related to combine them. Therefore, they will be used separately in the analysis. Spearman correlation = 0.50, p = .0001

<sup>143</sup> This question was asked for up to three problems mentioned by respondents. Thus data are captured for only 5706 out of the total of 8873 problems mentioned. This has the effect of eliminating that important segment of fourth and higher order problems.



of the threshold language in the screening questions for discriminating problems that are difficult to resolve.

**Table 24: Importance of Resolving Problems.**

Importance of Resolving the Problem	Number	Per Cent	Cumulative Per Cent
Extremely Important	1726	30.1	30.1
Very Important	1879	32.8	62.9
Somewhat Important	1365	23.8	86.7
Not very Important	478	8.3	95.1
Not Important at All	284	5.0	100.0

## Seriousness of Problems in Causing Difficulty in the Daily Lives of Respondents

Respondents were also asked how difficult each problem made their daily lives. This relates to the serious element of the threshold language. However, it is entirely possible that respondents could accurately characterize a problem as having a high degree of seriousness without characterizing it as being disruptive to their daily lives. Table 25 shows the overall percentage of respondents who indicated that the problem, in some measure, made their daily lives difficult. Almost sixty per cent (58.9 %) of respondents indicated that the problem made life somewhat to extremely difficult. Although the percentages are not quite as high as those for importance of resolving the problem, the results inspire confidence in the robustness of the threshold language used to identify serious problems. It can be assumed for the most part, that the problems identified in the survey can be reasonably characterized as serious and difficult to resolve for the people experiencing them.

**Table 25: Difficulty Problems Made in Daily Life**

Difficulty the Problem Made in Daily Life	Number	Per Cent	Cumulative Per Cent
Extremely Difficult	629	11.0	11.0
Very Difficult	843	14.7	25.7
Somewhat Difficult	1902	33.2	58.9
Not Very Difficult	1074	18.7	77.6
Not Difficult at All	1281	22.4	100.0

## The Perceived Seriousness of Problem Types

Not all types of problems are perceived by the people experiencing them as being equally serious. Only 10.4 per cent of respondents experiencing a consumer problem said that it was extremely or very disruptive to their daily lives, compared with 59.3 per cent who said that the problem was not very disruptive or not at all disruptive. On the other hand, 47.5 per cent of respondents with a consumer problem said it was extremely important to resolve the problem, compared with 18.8 per cent saying that it was either not very important or not important at all. This contrasts with family law problems in which 32.9 percent indicated that a relationship breakdown problem was severely disruptive to their daily lives compared with 16.4 per cent who said the situation was not very disruptive or not disruptive at all. In this case, 50 per cent chose

the middle ground, indicating that the situation was somewhat disruptive. Similarly, with other family law problems, respondents indicated that 59.4 per cent of the problems were extremely or very disruptive to their daily lives, while only 6.5 per cent said the problem was not very disruptive. Table 26 shows seriousness indicators for all problem types.

**Table 26: The Perceived Seriousness of Civil Justice Problems**

Problem Type	Problem Was Disruptive to Daily Life				Important to Resolve Problem			
	Extremely or Very	Somewhat	Not Very or Not At All	Number	Extremely or Very	Somewhat	Not Very or Not at All	Number
Consumer	12.6%	29.9%	57.5%	1463	47.9%	32.9%	19.2%	1467
Employment	33.8%	34.8%	37.4%	1413	67.3%	21.3%	11.4%	1412
Debt	18.7%	30.9%	50.4%	1432	59.6%	26.4%	14.0%	1432
Social Assistance	79.1%	12.5%	8.4%	48	62.5%	12.5%	25.0%	24
Disability Pensions	60.4%	29.2%	10.4%	48	81.3%	12.5%	6.2%	48
Housing	31.2%	36.6%	32.2%	93	71.3%	18.1%	10.6%	94
Immigration	35.3%	47.1%	17.6%	34	85.1%	11.8%	2.1%	34
Discrimination	38.5%	31.9%	29.6%	91	65.1%	15.7%	19.2%	89
Police Action	27.5%	29.4%	43.1%	102	54.9%	30.4%	14.7%	102
Relationship Breakdown	41.2%	44.0%	14.8%	243	81.5%	11.5%	7.0%	243
Other Family Law Problems	52.9%	39.7%	7.4%	68	94.1%	4.5%	1.4%	67
Wills and Powers of Attorney	28.0%	40.4%	31.6%	322	78.1%	15.1%	6.8%	324
Personal Injury	53.1%	31.3%	15.6%	160	83.2%	11.9%	4.9%	160
Hospital Treatment or Release	55.4%	24.1%	20.5%	83	83.3%	11.9%	4.8%	84
Threat of Legal Action	21.6%	35.3%	43.1%	51	70.6%	15.7%	13.7%	51

## The Elasticity of Serious and Difficult Justiciable Problems

Table 27 shows the number of justiciable problems overall compared with the number where the respondent indicated that it was very or somewhat important to resolve the problem.<sup>144</sup> The percentage reduction in the number of problems between all problems and only problems for which the respondent thought it important to resolve it provides an indication of the robustness of the threshold language in the questionnaire. As well, the difference in the overall number of problems and the number of problems for which respondents said it was important to resolve it

<sup>144</sup> This part of the analysis is based on 63 per cent of all problems reported. This is because the questions about problem resolution were asked for up to three problems per respondent. The total of problems respondents said was important to resolve is estimated using ratios for separate problem types of total reported problems to problems for which the questions regarding importance to resolve and difficulty caused in daily life were asked..



is a measure of the elasticity of concept of justiciable problems. The lower the percentage, the more elastic is the concept of a justiciable problem that may be considered serious and difficult. About 80 per cent (80.9%) of respondents who initially indicated that they had a consumer problem, they characterized as serious and difficult to resolve, later said that it was in some degree important for them to resolve it. Although the threshold language stipulating difficult to resolve in the questionnaire was least discriminating for consumer problems, it is remarkable that 80 per cent concordance is the lowest among all problem types. This does not mean that the other 20 per cent of consumer problems should be eliminated from the calculation of the incidence of justiciable problems. It was argued elsewhere that respondents' indicating they did not attempt a resolution to a problem does not necessarily mean that the problem is trivial. Similarly, saying that it was not very important or, for that matter not important at all, to resolve a problem does not necessarily mean that the problem does not meet a threshold criterion of difficulty necessary for inclusion. It means that the elasticity of this problem type, although it does not appear to be great, should be kept in mind in considering aspects of the analysis involving consumer problems. Other problem types show varying degrees of elasticity. The remaining problems show between 80 and nearly 100 per cent concordance between the initial threshold language and subsequent assessments of the importance attached to resolving the problem.

**Table 27: Justiciable Problems: Important to Resolve**

Problem Type	Number of Problems Overall	Number of Problems Important to Resolve	Per Cent
Consumer	1480	1197	80.9%
Employment	1421	1261	88.7%
Debt	1444	1243	86.1%
Social Assistance	49	45	91.8%
Disability Pensions	48	45	93.8%
Housing	95	85	89.5%
Immigration	35	34	97.1%
Discrimination	91	74	81.3%
Police Action	103	88	85.4%
Family: Relationship Breakdown	224	227	93.0%
Other Family Law Problems	68	67	98.5%
Wills and Powers of Attorney	330	308	93.3%
Personal Injury	161	153	95.0%
Hospital Treatment and Release	86	82	95.3%
Threat of Legal Action	51	44	86.3%
Total	5655	4953	87.6%

Table 28 shows the reduction in the number of justiciable problems if they were limited to problems that respondents said made their daily lives either very or somewhat difficult. Of course, one can have a serious problem that does not make daily life difficult. On the other hand, a problem that makes one's day-to-day life difficult is clearly more serious, at least based on the qualitative assessment of the person experiencing the problem. The difference between problems that respondents said were serious and problems that people said were serious

enough to make their daily lives difficult provides a second indication of the elasticity of the concept of a serious and difficult problem. These results should dispel any reservations about the reliability of the methodology even though the responses are subjective and the data qualitative.

Compared to the reduction in the incidence of problems when respondents expressed a positive desire to resolve the problem, the incidence of serious justiciable problems is reduced much more when only problems that adversely affected the daily lives of respondents are included. However, a situation in which a problem makes the normal day-to-day life of the person difficult is a strong measure of the seriousness of the problem. Again, consumer problems show the greatest difference between all reported problems and ones that made the daily lives of respondents difficult. It is, nonetheless, remarkable that between about 40 and 90 per cent of problems, depending on problem type, were serious enough to make the normal day-to-day lives of people difficult. Again, this inspires confidence that the threshold language of the problem identification part of the research instrument has succeeded in discriminating serious problems.

**Table 28: Justiciable Problems: Causing Difficulty for Daily Life**

Problem Type	Number of Problems Overall	Number of Problems That Made Daily Life Difficult	Per Cent
Consumer	1480	639	43.2%
Employment	1421	978	68.8%
Debt	1444	721	49.9%
Social Assistance	49	38	77.6%
Disability Pensions	48	43	89.6%
Housing	95	65	68.4%
Immigration	35	29	82.9%
Discrimination	91	64	70.3%
Police Action	103	59	57.3%
Family: Relationship Breakdown	224	208	85.2%
Other Family Law Problems	68	63	92.6%
Wills and Powers of Attorney	330	228	79.0%
Personal Injury	161	136	88.9%
Hospital Treatment and Release	86	69	84.1%
Threat of Legal Action	51	29	65.9%
Total	5655	3369	59.6%

Table 29 shows the estimated number of problems by problem type if the more stringent standard of both important and day-to-day life having been made difficult are applied. Comparing Tables 5 and 6, the reduction in the number of serious justiciable problems achieved by applying both criteria is not great compared with that achieved by applying the standard of their having made daily life difficult.



**Table 29: Justiciable Problems: Important and Causing Difficulty for Daily Life**

Problem Type	Number of Problems Overall	Number of Problems That Were Important to Resolve and Made Daily Life Difficult	Per Cent
Consumer	1480	600	40.5%
Employment	1421	929	65.4%
Debt	1444	701	48.5%
Social Assistance	49	38	77.5%
Disability Pensions	48	43	89.6%
Housing	95	63	66.3%
Immigration	35	29	82.9%
Discrimination	91	64	65.9%
Police Action	103	56	54.5%
Family: Relationship Breakdown	224	204	83.6%
Other Family	68	62	91.2%
Wills and Powers of Attorney	330	225	68.2%
Personal Injury	161	135	83.9%
Hospital Treatment and Release	86	69	84.1%
Threat of Legal Action	51	28	54.9%
Total	5655	3234	57.3%

## The Range of Individuals Experiencing Problems

Table 30 shows the estimated numbers of individuals in the population with one or more problems in each problem category. This provides a range of estimates about the numbers of people experiencing types of justiciable problems applying the progressively more stringent criteria for a serious and difficult problem discussed above.

The dollar value of the lowest 50% of problems related to purchases of large consumer items is \$5,000 and of problems related to repairs is \$1,800. Clearly the cost of engaging a lawyer might exceed the value of the transactions. Providing people with assistance to deal with these problems would have to involve effective alternative means.

**Table 30: Population Estimate of the Number of Individuals with One or More Problems by Problem Type: Progressive Criteria for Seriousness**

Population Estimates of the Number of Individuals with one of more Problems by Problem Type				
Problem Type	All Problems	Problems That Were Important to Resolve	Problems That Made Daily Life Difficult	Problems That Were Both Important and Difficult
Consumer	5,698,000	4,609,900	2,461,500	2,307,700
Employment	4,619,200	4,097,200	3,178,000	3,021,000
Debt	5,263,600	4,508,700	2,626,400	2,552,800
Social Assistance	310,800	285,300	241,200	240,900
Disability Pensions	259,000	242,900	232,100	232,100
Housing	440,300	394,100	301,200	291,900
Immigration	155,400	150,900	128,800	128,800
Discrimination	492,100	400,100	345,900	342,300
Police Action	518,000	442,400	296,800	282,300
Family: Relationship Breakdown	932,400	867,100	794,400	779,500
Other Family	362,600	357,200	350,300	330,900
Wills and Powers of Attorney	1,346,800	1,256,600	996,632	918,500
Personal Injury	751,100	713,500	667,800	630,200
Hospital Treatment and Release	414,400	394,932	348,500	348,500
Threat of Legal Action	310,800	268,200	204,800	170,600

## Money as the Measure

For certain types of problems, the monetary value attached to the problem is often, although incorrectly, used as a very rough indicator of the level of seriousness. This is not a sound assumption because the seriousness attached to any given amount of money is relative to one's level of income. For low- to moderate-income people, several hundreds or thousands of dollars can represent a very serious problem. Therefore, the relatively small dollar values attached to many problems are not completely reliable measures of seriousness. The low dollar values may equally serve as an indication that problems that are important to people may require dispute resolution mechanisms that are cost-effective, commensurate with the monetary value of the problem or dispute.

For consumer and debt problems, respondents were asked the monetary value of the purchase or transaction. The following two tables express the monetary value attached to consumer and debt problems. Each table shows the highest monetary value for the lowest 25 per cent, the lowest 50 per cent and 75 per cent of all problems reported. Generally, the low monetary value attached to many justiciable problems is evident. The monetary value of 50 per cent of problems related to product safety is only \$300 and \$500 for the purchase of services.

**Table 31: The Monetary Value of Consumer Problems**

Problem	Percentile	Approximate Value
Large Purchase	25%	\$1500
	50%	\$5000
	75%	\$25,000
	100%	\$575,000
Purchase of Services	25%	\$200
	50%	\$500
	75%	\$1800
	100%	\$70,000
Major Repairs	25%	\$500
	50%	\$1800
	75%	\$6000
	100%	\$60,000
Return or Repair Related to Product Safety	25%	\$100
	50%	\$300
	75%	\$1000
	100%	\$38,000
Insurance Claim Unfairly Rejected	25%	\$1200
	50%	\$4000
	75%	\$75,000
	100%	\$500,000

Table 32 shows the monetary value of problems relating to money and debt. Apart from bankruptcy, half of all debt problems involve relatively small amounts of money. Sensible ways of resolving problems involving these amounts of money would probably not include engaging private counsel at normal rates.

**Table 32: The Monetary Value of Debt Problems**

Problem	Percentile	Approximate Value
Bankruptcy	25%	\$13,000
	50%	\$30,000
	75%	\$120,000
	100%	\$1,000,000
Harassment by a Collection Agency	25%	\$300
	50%	\$1800
	75%	\$9000
	100%	\$280,000
Refused Credit on the Basis of Inaccurate Information	25%	\$1000
	50%	\$4500
	75%	\$36,000
	100%	\$500,000
Dispute Over a Bill or Invoice	25%	\$100
	50%	\$300
	75%	\$800
	100%	\$60,000
Collecting Money Owed	25%	\$750
	50%	\$2500
	75%	\$12,500
	100%	\$500,000

Even though the monetary value attached to many of the consumer and debt problems is low, the importance that people attach to those problems is high. As one would expect, it is generally true that the higher the monetary value, the higher the level of importance people attach to resolving the problems and the greater the extent to which the problem was disruptive for their daily lives. Table 33 shows the strength of the relationship between the quartile, first to fourth, and the importance attached to resolving the problem for specific problem types within the consumer and debt categories. The higher the correlation, the greater the tendency there is for respondents to want to resolve problems with a higher monetary value. The table also shows the percentage of respondents in the lowest and highest quartiles that want to consider it important to resolve the problem. The percentage of respondents indicating that it is important to resolve the problem is always higher for the problems of greater monetary value in the fourth quartile than for problems in the first quartile with lower monetary value attached. However, the percentage of people who want to resolve problem in the first quartile is sufficiently large to conclude that even the problems with a low monetary value are perceived by those experiencing them to be important.

**Table 33: Importance of Resolving Problems of Different Monetary Value**

Problem	Correlation Between Monetary Value and Importance of Resolving the Problem	Percent Indicating It is Important to Resolve the Problem,	
		Lowest Quartile	Highest Quartile
<b>Consumer Problems</b>			
Purchase of Expensive Item	Phi = .26 $\chi^2 = 23.9, p = .02$	62.0	89.8
Repairs or Renovations	Phi = .20 $\chi^2 = 22.7, p = .03$	71.3	85.6
Purchase of Services	Phi = .26 $\chi^2 = 20.6, p = .05$		
Product Safety	Not statistically significant	--	--
Rejection of Insurance Claim	Phi = .41 $\chi^2 = 22.9, p = .02$	81.9	96.2
<b>Debt Problems</b>			
Bankruptcy	Not statistically significant		
Harassment by Collection Agency	Phi = .36 $\chi^2 = 34.2, p = .0006$	79.5	87.5
Unfairly Refused Credit	Not statistically significant	--	--
Dispute over Bill or Invoice	Phi = .24 $\chi^2 = 24.0, p = .02$	84.2	100.0
Collecting Money Owed	Phi = .30 $\chi^2 = 26.5, p = .009$	76.6	88.8



For example, the Phi correlation of .41 between the value of the rejected insurance claim and the importance attached to resolving it shows that the higher the monetary value the greater the desire to have the matter resolved. However, even for insurance matters in the lowest 25 per cent of the range in terms of monetary value, 81.9 per cent of all respondents with that particular problem said it was somewhat to extremely important to resolve the matter. In the lower panel dealing with debt problems, the strongest relationship between the monetary value of the problems and importance of resolving the problem is for harassment by a collection agency. The strength of the correlation, represented by the Phi statistic is .36. For problems with monetary values falling within the lowest quartile (the lowest 25%), a substantial 79.5 per cent of respondents said it was somewhat to extremely important to resolve the problem. This is less than the 87.5 per cent of respondents with the highest valued problems (the fourth quartile) who said it was important to resolve the problem. Nonetheless, 79.5 per cent is a large proportion, indicating that people attach a high level of seriousness to problems of lower monetary value. This pattern is consistent for all problems with statistically significant results. This demonstrates that people attach importance to justiciable problems that are serious and difficult to resolve even if the monetary value is very modest.

Table 34 presents a similar analysis using as a measure of importance of problems respondents' perception that the problem made their daily lives difficult.

**Table 34: Difficulty Caused in Daily Life by Problems of Different Monetary Value**

Problem	Correlation Between Monetary Value and Difficult for Daily Life	Percent Indicating the problem Caused Difficulties in Daily Life	
		Lowest Quartile	Highest Quartile
<b>Consumer Problems</b>			
Purchase of Expensive Item	Phi = .31 $\chi^2 = 33.7, p = .0008$	29.3	61.1
Repairs or Renovations	Not statistically significant	--	--
Purchase of Services	Phi = .31 $\chi^2 = 29.2, p = .004$	37.5	53.6
Product Safety	Not statistically significant	--	--
Rejection of Insurance Claim	Phi = .43 $\chi^2 = 24.5, p = .02$	18.2	65.4
<b>Debt Problems</b>			
Bankruptcy	Not statistically significant		
Harassment by Collection Agency	Phi = .33 $\chi^2 = 28.5, p = .005$	47.5	74.6
Unfairly Refused Credit	Not statistically significant	--	--
Dispute over Bill or Invoice	Phi = .26 $\chi^2 = 26.9, p = .008$	26.4	45.3
Collecting Money Owed	Phi = .24 $\chi^2 = 22.4, p = .03$	26.5	62.2

Using the degree to which the problem made daily life difficult as a measure of the seriousness of the problem produces the same conclusion as importance to resolve the problem as an indicator of seriousness. Generally, the higher the monetary value of the problems, the greater the extent to which respondent's said it made their normal day-to-day lives difficult. This is reflected in the phi statistics showing the strength of the correlation between the quartile range of monetary value and the self-reported degree of difficulty caused for people's daily lives. However, the percentages of respondents having problems with monetary values in the lowest quartile who said the problem made their daily lives somewhat to extremely difficult suggests that even the problems representing low monetary value are important to the people experiencing them.

Looking at problems from the point of view of the people who experience them, problems that might, from an external point of view, be considered minor are viewed as serious and important. It is clear, based on these observations, that problems that are perceived to be important are legitimately so regardless of their monetary value, and there ought to be mechanisms available to assist people to resolve them.

## Chapter V: Multiple Problems

**P**roblems often do not occur in isolation. They occur in clusters in which certain problems can sometimes serve as triggers for other problems. The significance of experiencing multiple problems is that they may have a compounding effect. Similar to the principle of whole being greater than the sum of its parts, or in this case, more problematic than the sum of its parts, experiencing multiple justiciable problems can set in motion a process in which the cluster of problems creates out of the series of individual problems, lives of trouble. This is what is often referred to as social exclusion. A frequently cited definition of social exclusion is "a shorthand term for what can happen when people or areas suffer from a combination of linked problems such as unemployment, poor skills, low income, poor housing, high crime, bad health and family breakdown".<sup>145</sup> Justiciable problems are frequently treated as aspects of the Gordian knot of problems that constitute social exclusion.<sup>146</sup>

### Multiple Problems

Tables 35 and 36 present two ways to look at the extent of multiple problems. Table 35 shows the percentages of the respondents that experienced two or more and progressively higher numbers of problems.

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<sup>145</sup> Preventing Social Exclusion, Social Exclusion, Cabinet Office, U.K. March 2001, p. 10

<sup>146</sup> Alexy Buck, Nigel Balmer and Pascoe Pleasence, Social Exclusion and Civil Law: Experience of Civil Justice Problems Among Vulnerable Groups, *Social Policy and Administration*, Vol. 39, No. 3, June 2005 and A. O'Grady, P. Pleasence, N.J. Balmer, A. Buck and H. Genn, Disability, Social Exclusion and the Consequential Experience of Justiciable Problems, *Disability and Society*, Vol. 9, No. 3, 2004.



**Table 35: Respondents Reporting One or More Problems**

Individuals Reporting one or more and Higher Order Numbers of Problems	
No Problems	55.4%
One or More	44.6%
Two or More	26.4%
Three or More	17.6%
Four or More	12.0%
Five or More	8.4%
Six or More	6.0%

Table 36 shows the percentages reporting specific numbers of problems. In subsequent parts of the analysis, three problems will be used as the threshold for multiple problems.

**Table 36: Respondents experiencing Specific Numbers of Multiple Problems**

Individuals Reporting Specific Numbers of Problems	
No Problems	55.4%
One Problem	18.3%
Two Problems	8.8%
Three problems	5.7%
Four Problems	3.4%
Five Problems	2.4%
Six Problems or More	6.0%

## The Cumulative Nature of Justiciable Problems

The risk of experiencing justiciable problems appears to be cumulative. That is, the risk of additional problems increases as the number of problems already experienced increases. Table 37 shows the proportions likely to experience additional problems given that a certain number have already occurred. The proportion of respondents who experienced one problem who then had a second problem is 0.323.<sup>147</sup> Since a simple proportion can be interpreted as risk, we can say that the risk of experiencing a second problem, having already experienced one problem is 0.323.

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<sup>147</sup> This is derived by dividing the number of respondents experiencing two problems (2) by the sum of respondents experiencing one problem (1) plus the number experiencing two problems (2), since those experiencing two problems have already experienced their first problem. Thus  $2/(1 + 2)$  provides a true proportion. Similar calculations are made for calculating the risk of successive problems.

**Table 37: Cumulative Risk of Experiencing Justiciable Problems**

Cumulative Risk of Experiencing Justiciable Problems	
Number of Problems Already Experienced	Probability of Experiencing Additional Problems
One	Two Problems .323
Two	Three Problems .394
Three	Four Problems .457
Four	Five Problems .406
Five	Six Problems .410
Six	Seven Problems .416
Seven	Eight Problems .385
Eight	Nine Problems .456
Nine	Ten Problems .400

The progression is not perfectly linear. However, probability of experiencing three problems if the individual already has two increases to .394 compared with the probability of .323 of having a second problem for respondents who have already experienced one problem. The probability of experiencing four problems, among those who experienced three, increases to 0.457. After four problems the risk of each additional problem varies but, with one exception, remains higher than the risk of moving from one problem to two or from two problems to three. This provides some evidence that experiencing civil justice problems has a momentum. Problems tend to generate more problems, suggesting the trigger and cascade effect that is the core dynamic of the process of social exclusion.

## The Social and Demographic Factors Related to Multiple Problems

Like the experience of justiciable problems generally, experiencing multiple problems does not occur equally to all people in the population. People in certain demographic categories and social groups are more likely to experience multiple problems, and with increasing numbers of problems may increase the risk of unmet need.

Respondents with a self-reported disability are more likely to have multiple problems. For example, among all respondents reporting only one problem 10.8 per cent report some form of disability. This increases to 35.3 per cent for respondents reporting more than six problems. Thus, 24.5 per cent more disabled people report a high number of multiple problems that only one problem. Exactly the opposite is true for non-disabled respondents. Twenty-four per cent fewer respondents report more than six problems compared with the percentage reporting one problem.<sup>148</sup> When the number of problems is split into a two category variable, less than three problems and more than three problems, for purposes of binary analysis and producing an odds ratio measuring the increased likelihood of multiple problems, disabled respondents are 2.5 times more likely to report multiple problems that people who are not disabled.<sup>149</sup>

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<sup>148</sup>  $\chi^2 = 109.9, p < .0001$

<sup>149</sup>  $\chi^2 = 45.7, p < .0001$



People indicating they are members of a visible minority group are also more likely to experience multiple problems. Among all respondents reporting one problem, slightly over seventeen per cent, 17.3 per cent, are visible minorities. This increases to 35.1 per cent for respondents reporting more than six problems. The percentage of respondents who are not visible minorities decreases by about seventeen per cent comparing respondents reporting one problem with those reporting more than six.<sup>150</sup> Comparing respondents with less than three and more than three problems, members of visible minorities are 2.4 times more likely to experience multiple problems.<sup>151</sup>

The percentage of Aboriginal respondents reporting one problem is 3.3 per cent. The percentage of people reporting more than six problems who are Aboriginal rises to 8.7 per cent, a percentage difference of plus 5.4 per cent.<sup>152</sup> This corresponds with a percentage difference of 5% fewer people among non-Aboriginal respondents. Aboriginal people are 1.7 times more likely than non-Aboriginals to experience three or more problems.<sup>153</sup>

Black Canadians are also more likely to experience multiple problems. The number of respondents reporting more than six problems who are Black is 9.6 per cent greater than the corresponding number reporting only one problem.<sup>154</sup> Blacks are 1.3 times more likely than people from other origins to report three or more problems.<sup>155</sup>

The percentage of people with one problem who are receiving social assistance is 15.0 per cent, rising to 33.1 per cent among those respondents who reported more than six problems, a percentage difference of 14.9 per cent. The percentage difference is in the opposite direction for respondents not on social assistance. Among that group, 19.1 per cent fewer people report more than six problems compared with the percentage reporting one problem.<sup>156</sup> People on social assistance are 1.7 times more likely to experience three or more problems compared with all others.<sup>157</sup>

Younger people are more likely to experience multiple problems. The percentage of respondents reporting more than six problems is 8.8 per cent greater than reporting one problem among 18 to 29 year olds, and 9.6 per cent greater among people 30 to 44 years of age. The opposite is true among people over 45 years of age from whom the percentage of respondents with more than six problems decreased compared with the percentage with one problem.<sup>158</sup> People in the 18-29 group are 1.3 times more likely to experience three or more problems<sup>159</sup> and respondents in the 30 to 44 age range are also 1.3 times more likely to report they experienced three or more problems within the three-year survey period.<sup>160</sup>

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<sup>150</sup>  $\chi^2 = 50.1, p < .0001$

<sup>151</sup>  $\chi^2 = 13.1, p < .0003$

<sup>152</sup>  $\chi^2 = 34.6, p < .0001$

<sup>153</sup>  $\chi^2 = 7.8, p < .005$

<sup>154</sup>  $\chi^2 = 6.8, p < .005$

<sup>155</sup>  $\chi^2 = 7.6, p < .005$

<sup>156</sup>  $\chi^2 = 89.2, p < .0001$

<sup>157</sup>  $\chi^2 = 30.1, p < .0001$

<sup>158</sup>  $\chi^2 = 82.9, p < .0001$

<sup>159</sup>  $\chi^2 = 26.9, p < .0009$

<sup>160</sup>  $\chi^2 = 12.8, p < .0003$

People with high school educations and those with some post-secondary are more likely to report multiple problems and people who are university-educated are less likely. People with high school plus are 1.4 times more likely than all others to report three or more problems.<sup>161</sup> The effect of education on experiencing multiple problems may be confounded by respondents with less than high school. These respondents show less likelihood of reporting multiple problems. It is possible that this reflects a reporting effect where people with the lowest levels of education are less likely to report problems rather than experience them.

With respect to family status, being a single parent is related to experiencing multiple problems. Among respondents reporting only one problem, 6.0 per cent are single parents. This percentage rises to 22.1 percent who are single parents among all those reporting more than six problems.<sup>162</sup> Single parents are 2.5 times more likely to report three or more problems.<sup>163</sup> Couples, with or without children are less likely to report multiple problems. Unattached individuals, including single, widowed, divorced and separated, are only slightly more likely to experience multiple problems.

Being unemployed is related to multiple problems. Among people reporting one problem, 4.8 per cent are unemployed, compared with respondents with more than six problems in which 12.3 per cent are unemployed. This is a percentage difference of 8.5 per cent, compared with no percentage difference for people who are employed.<sup>164</sup> People who are unemployed are 1.7 times more likely to experience multiple problems, that is, three or more, than all others.<sup>165</sup>

The lowest income groups are more likely to report multiple problems. Among respondents reporting incomes of less than \$25,000 there is a percentage difference of 10.5 per cent in favour of experiencing more than six problems. This decreases to 7.3 per cent for the \$25,000 to \$45,000 income bracket.<sup>166</sup> Expressed in terms of odds ratios, people earning under \$25,000 show a modest 1.4 times greater likelihood of experiencing three or more problems and 1.3 times more likely for the \$25,000 to \$45,000 income group.<sup>167</sup> Higher income groups are less likely to have multiple problems.

Finally, living in the province of Quebec is related to a lower occurrence of multiple problems. The percentage difference for Quebec between people reporting one problem (22.6%) and reporting more than six problems (9.0%) is 13.6 per cent; that is, 13.6 per cent fewer people report more than six problems. Comparing this with the two other big provinces, 6.9 per cent more people report over six problems in Ontario and 2.9 per cent in British Columbia. People living in Quebec are only 0.56 times as likely to experience multiple problems as people living elsewhere in Canada. Reversing the odds ratio, people elsewhere in Canada are 1.8 times more likely than Quebecers to experience multiple problems.<sup>168</sup> Coincidentally, respondents who

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<sup>161</sup>  $\chi^2 = 15.5, p < .0001$

<sup>162</sup>  $\chi^2 = 116.8, p < .0001$

<sup>163</sup>  $\chi^2 = 53.0, p < .0001$

<sup>164</sup>  $\chi^2 = 49.7, p < .0001$

<sup>165</sup>  $\chi^2 = 13.0, p < .0003$

<sup>166</sup>  $\chi^2 = 54.0, p < .0004$

<sup>167</sup>  $\chi^2 = 9.9, p < .002$  and  $\chi^2 = 7.3, p < .009$ , respectively

<sup>168</sup>  $\chi^2 = 31.6, p < .0001$



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completed the interview in French were 1.7 times more likely than their English counterparts to experience multiple problems.<sup>169</sup>

Binary logistic regression was carried out to determine the factors that have an independent statistically significant effect on experiencing multiple problems. Two variables, disability status and receiving social assistance predicted that respondents would experience multiple problems. People self-reporting some form of disability were 2.8 times more likely than all others, net of the effects of other variables,<sup>170</sup> and people on social assistance were 1.3 times more likely to experience multiple problems.<sup>171</sup> People living in Quebec, living in places with a population of less than 5000 and employed were less likely to experience three or more problems. Having less than high school education also predicted reporting less than three problems although, as already mentioned, it is possible that this is a reporting effect.

## Multiple Problems and Social Exclusion

The term social exclusion describes more than a condition in which people experience a cluster of interrelated problems. According to Giddens, social exclusion may also be viewed as a process by which people fall away from the social mainstream, from lives of self-sufficiency to lives of dependency<sup>172</sup>. If this is the case, then problems related debt, social assistance, disability pensions and housing should tend to occur more frequently as the overall number of justiciable problems increases. This appears to be true. Whereas 20.4 per cent of all respondents indicated they had experienced a debt problem of some type, 62.7 per cent of respondents with at least three problems reported a debt problem, and 78.5 per cent of all respondents who reported six or more problems reported a debt problem. Debt appears to be an overwhelming problem for respondents with multiple problems. However, Figure 3 shows the same pattern for other problems types related to social exclusion; welfare benefits, disability pensions and housing. Housing, for example, was reported by 5.4 per cent of the total sample. About eight per cent of respondents who had three or more problems reported a housing problem and 15 per cent of respondents experiencing six or more problems reported a housing problem. Similarly, there is a pattern of increasing frequency of problems with social assistance and disability pensions as the size of problem clusters increases. Among all respondents 3.5 per cent reported one or more social assistance problems. This increases to 4.9 per cent of respondents among those reporting at least three problems and to 10.3 per cent of respondents who experienced six or more problems. In a similar pattern, 2.6 per cent of all respondents reported a problem with disability pensions. This increases to 4.6 per cent and 8.5 per cent, respectively, for respondents with three or more and six or more problems.

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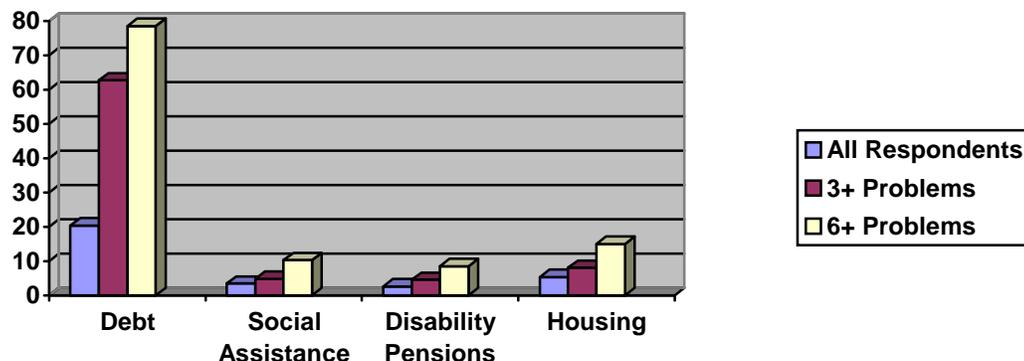
<sup>169</sup>  $\chi^2 = 24.7$ ,  $p < .0001$

<sup>170</sup>  $\chi^2 = 42.5$ ,  $p < .0001$

<sup>171</sup>  $\chi^2 = 5.2$ ,  $p < .02$

<sup>172</sup> Giddens, A. 1998. *The Third Way*, Polity Press, Cambridge, p.104.

**Figure 3: Multiple Problems and Problems Related to Social Exclusion**



This does not appear to be a simple reflection of the random distribution of these types of problems. Taking social assistance problems as an example, 3.5 per cent of all respondents reporting at least one problem have a problem of this type. The 4.9 per cent of respondents with three or more problems having a social assistance problem represents a 40 per cent increase. The 10.3 per cent of respondents having six or more problems reporting a social assistance problem represents a 110 per cent increase over the group with three or more problems. This is a geometric pattern of increase that also holds for both disability pensions and housing problems. Problems related to debt display a different pattern. There is a large 200 per cent increase from the 20.4 per cent of all respondents having at least one problem with a debt problem to 62.7 per cent of all respondents with three or more problems. The percentage increase from the 62.7 per cent of respondents with at least three problems to the 78.5 per cent of respondents with six or more problems is 25 per cent. This is a progressive increase, but not a geometric pattern. Overall, the predominant geometric pattern of increase in the incidence of these types of problems for people with at least one, at least three and at least six problems suggests that the progressively larger number of problems typifying social exclusion is systematic rather than random. It suggests that social exclusion is a property of increasingly large clusters of justiciable problems. Refer to table 38.

**Table 38: Problems Related to Social Exclusion: Patterns of Increase**

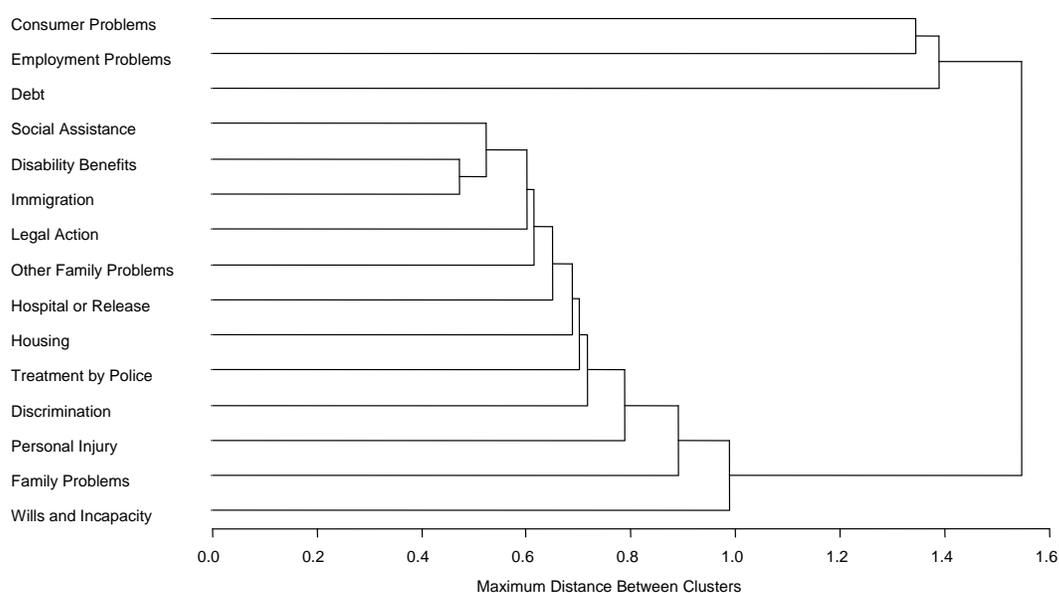
Number of Problems	Debt		Social Assistance		Disability Pensions		Housing	
	%	% Increase	%	% Increase	%	% Increase	%	% Increase
At Least One	20.4%	--	3.5%		2.6%	--	5.4%	--
Three or More	62.7%	200%	4.9%	40%	4.6%	77%	8.1%	50%
Six or More	78.5%	25%	10.3%	110%	8.5%	85%	15.0%	85%

## Problem Clusters

Previous research has focused on the clustering of justiciable problems. Not only do problems tend not to occur in isolation, in fact, they tend to occur in according to distinct patterns. In analyses of data collected in 2001 and in 2004 Pleasence has identified a number of problem clusters, connecting family law problems and domestic violence, homelessness and police action and an economic cluster linking consumer to debt and several other problem types<sup>173</sup>.

A standard cluster analysis with the correction for chaining was performed on the data.<sup>174</sup> The tree diagrams shown below present the results of the cluster analysis.

**Figure 4: Dendrogram for Cluster Analysis Two or more Problems**



The cluster analysis including all multiple problems did not distinguish a very clear pattern of clustering. The only clear pattern of clustering links consumer, employment and debt problems. Consumer and employment problems are most closely linked. These two are linked in a cluster of three problem types with debt problems. Immigration problems are linked with disability benefits problems. In turn, this pair is linked with problems related to social assistance. Otherwise the tree diagram seems to grow progressively as the remaining problem types are added, showing little evidence of clustering.<sup>175</sup>

Figure 5 shows the results of a similar cluster analysis carried out using respondents reporting five or more problems. Clusters appear much more distinctly for this high order multiple problem

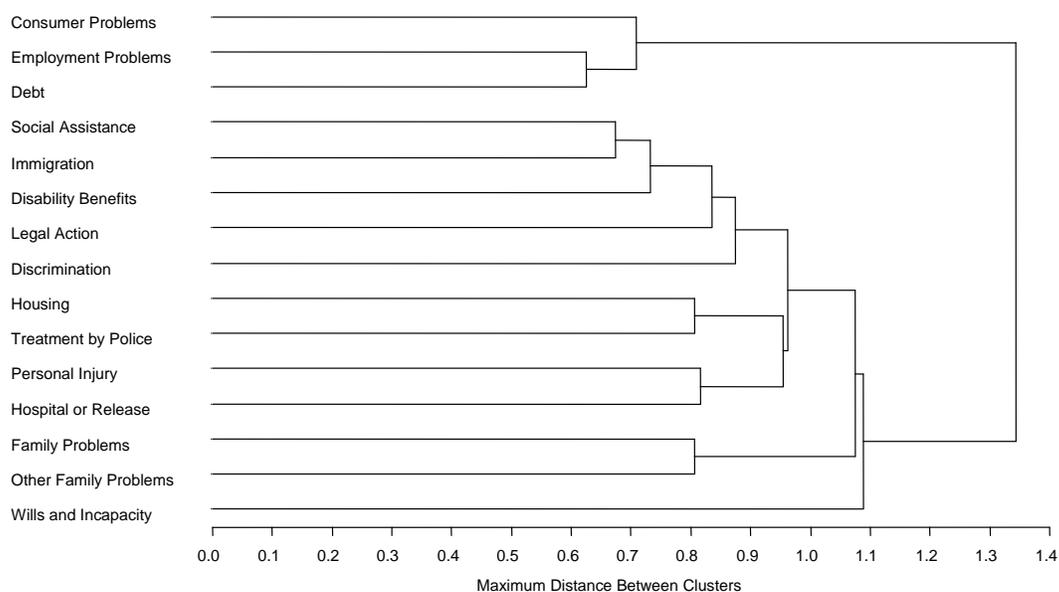
<sup>173</sup> Pascoe Pleasence, et. al., *Causes of Action and Pascoe Pleasence, Causes of Action*, 2<sup>nd</sup> Edition, pp. 65 - 72.

<sup>174</sup> (reference from Paul)

<sup>175</sup> This pattern resembles the chaining effect described in footnote 29, although the correction for chaining was used.

group.<sup>176</sup> The same cluster of debt, employment and consumer problems appears clearly. Again, immigration, disability pensions, and social assistance problems appear as a cluster. However, for the multiple problem group, threat of legal action appears as part of the cluster. This could be linked either to appeals related to aspects of the refugee or immigration process, or to problems related to obtaining social services and disability pensions. Problems related to housing and to problems stemming from police action are linked in the tree diagram showing the results of the cluster analysis of multiple problem respondents. The exact nature of the linkage is unclear. It is possible this represents a set of general background circumstances in which the people most likely to report housing problems live in lower socio-economic status neighbourhoods and are more likely to come into contact with the police.

**Figure 5: Dendrogram for Cluster Analysis Five or more Problems**



Personal injury problems and problems related to hospital treatment and release are clearly related. These are linked to the housing and police action problems and, in turn, to the cluster containing social assistance and disability benefits problems. Finally, relationship breakdown problems and other family law problems form a primary link for multiple problem respondents. These two problem types are connected more generally with other types of problems. Finally, problems related to wills and powers of attorney appear to stand apart from the others.

This shows clearly that the clustering of justiciable problems becomes more pronounced for people experiencing multiple problems, especially higher order multiple problems. This draws attention to the process of social exclusion, which can be defined in terms of multiple, linked

<sup>176</sup> Cluster analysis was performed for respondents with two or more, three or more and four or more problems. Clear clustering patterns did not emerge for any but the group with five or more problems. Small numbers precluded cluster analysis on higher order problem groups.



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problems that define the lives of disadvantaged individuals. The fact that clustering appears more clearly with multiple problem respondents provides evidence of social exclusion.

## Trigger Problems

The standard cluster analysis portrayed above links problems using statistical methods. The causal connections among the problem types making up clusters are inferred theoretically. Pleasence, et. al point out “[p]roblem types do not have to cause or follow on from one another in order for a connection between them. Connections can also stem from coinciding characteristics of vulnerability to problem types, or coinciding defining circumstances of problem types.”<sup>177</sup> However, the extent to which problems are connected is important because of the possibility that one problem can trigger another, and in turn, at least in some cases potentially setting off the cascade effect of multiple problems that produces social exclusion. Respondents with at least two problems were asked if they felt that one of the problems had been a trigger problem for the other(s).<sup>178</sup> In 29.2 per cent of the problems reported, respondents felt that one problem had been a trigger for subsequent problems.<sup>179</sup> In other words, there had been a causal relationship between the problems. Figure 6 represents the pattern of trigger and consequent problems. The arrows turning back on the boxes indicating problem categories represent trigger and consequence linkages involving specific problems within problem categories. The arrows between the problem types represent triggers and consequences between problem types. The arrows indicate the direction of the trigger-consequence links. The numbers beside the arrows represent the number of times a problem of that type was reported as a trigger problem.

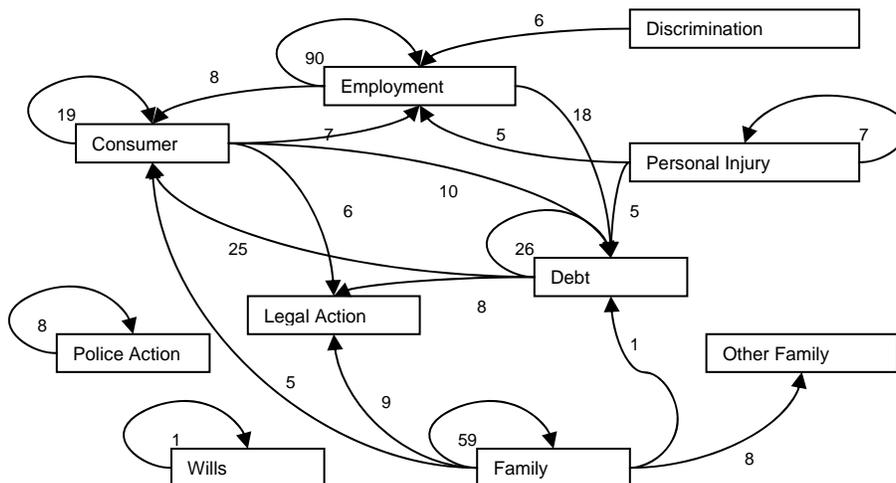
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<sup>177</sup> Pleasence, et, al, 2006. p. 65.

<sup>178</sup> The questionnaire did not attempt to identify time ordered strings of problems or to ask respondents about causal chains of multiple problems. Experience from the 2004 survey was that asking year and month of the occurrence of problems to allow time ordering produced too much missing data at the month level. Thus the ability to create problem strings was limited. Therefore, in the 2006 survey respondents were asked to identify triggers. In this case, however, it was decided that asking respondents with higher order multiple problems about sequences was too complex and time-consuming for the telephone interview .

<sup>179</sup> The specific wording of the questions was: “Do you feel that any of these problems are connected with one another? That is, one of them might have caused or contributed in some way to the other.” Then: “If yes, which one of these problems would you say was the trigger problem?”

**Figure 6: Trigger Effects Among Problem Types**



Problems in ten of the fifteen problem types produced trigger effects within- and between problem categories. Problems related to social assistance, disability pensions, immigration, hospital treatment and release and housing were not triggers for other problems in this sample.

The largest number of trigger effects occurred within problem types, with 227 incidents reported across all categories. Employment problems had the greatest number of trigger effects, a total of 90. Other problem types that were triggers within the same problem categories were: family: relationship breakdown (59), consumer (19), debt (25), wills and powers of attorney (12), police action (9) and personal injury (7).

Respondents reported about half as many triggering events between problem categories as within problem categories, 150 in all. Debt problems as a trigger for consumer problems was the most frequently-reported causal connection: debt → consumer (25). This was followed by trigger and consequence linkages between employment → debt (18), relationship breakdown → debt (10), relationship breakdown → legal action (9), relationship breakdown → other family (8), employment → consumer (8), debt → legal action (8), discrimination → employment (8), personal injury → employment (8), consumer → employment (7), consumer → legal action (6), relationship breakdown → consumer (5) and personal injury → debt (5).

Problems related to police action and problems involving wills and powers of attorney are self-contained, with no linkages to other problem types. Other family problems are related only to relationship breakdown problems. Discrimination problems are related only to employment problems. The threat of legal action is a consequence of three problems, family: relationship breakdown, debt and consumer but has no triggering effect.

## Problem Clusters Based on Trigger Problems

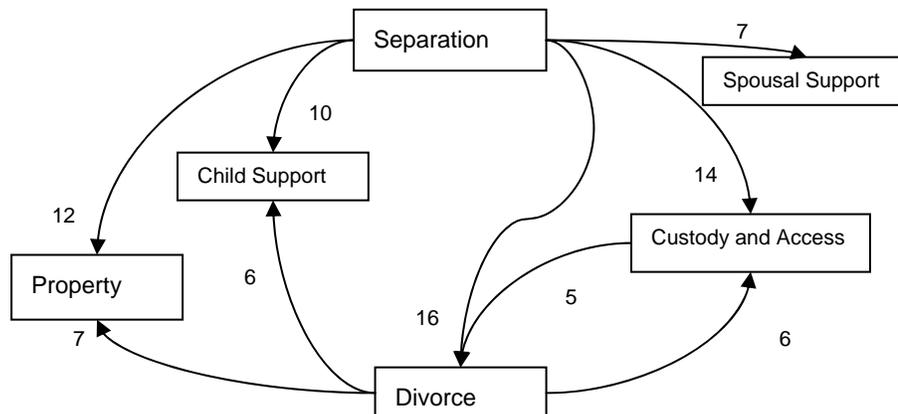
The standard cluster analysis did not produce clearly defined problem clusters. It is possible, having identified problem triggers, to revisit problem clustering around trigger problems. Approaching the data this way, there are five identifiable clusters. The largest cluster of problem



types revolves around family law: relationship breakdown; debt (10), threat of legal action (9), other family law problems (8) and consumer (5) cluster around relationship breakdown.

*Trigger Patterns Within Problem Types.* Some problem types exhibit a considerable amount of within-category triggering. This would be expected within the family law: relationship breakdown category.

**Figure 7. Trigger Patterns Among Relationship Breakdown Problems**



It is not surprising that there are trigger patterns involving particular family law problems. Separation normally leads to divorce. Both separation and divorce trigger problems involving marital property, child support, spousal support, child custody and access. There has been a long-standing recognition, expressed in the development since the late 1970's of unified family courts that family law matters are connected and there ought to be a venue to resolve family law matters holistically. Resolving only some issues while leaving others unresolved in family courts of split jurisdiction risks prolonging and exacerbating the consequences of family break-up.

However, it is important that there are also patterns of triggers and consequences within other problem types. Figure 8 shows the trigger patterns for employment problems. It is clear from the trigger patterns that certain problems trigger several others, seemingly compounding the problem cluster experienced by the individual.

**Figure 8. Trigger Patterns Among Employment Problems**

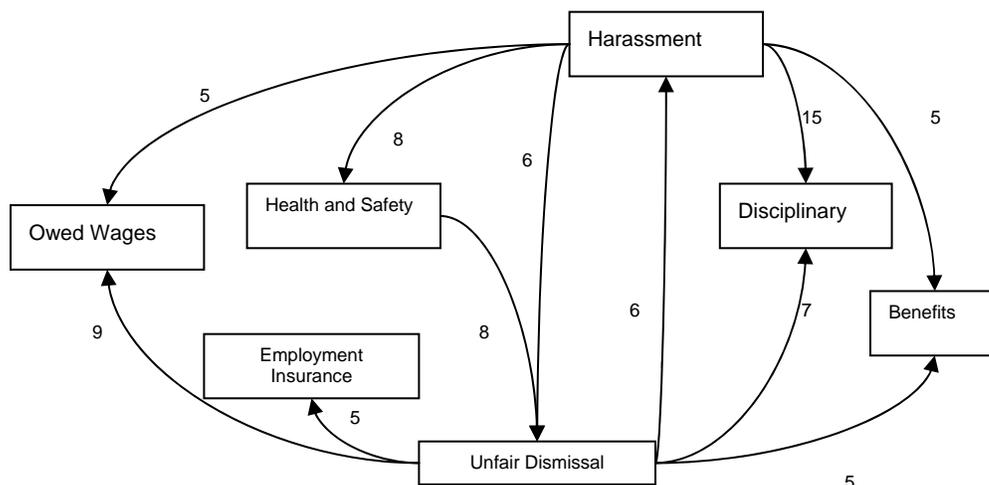


Figure 8 also shows a relatively large number of trigger problems within both consumer and debt problems. However, the pattern of triggers and consequences are less concentrated than for family or employment problems, thus making it difficult to portray the trigger patterns with a diagram uncluttered by too many boxes and lines.

Within consumer problems the main trigger patterns was between problems with large purchases and problems with repairs. Presumably, after failing to have seller make good on the warranty for some large purchase, some people have problems with the subsequent repairs to the item originally purchased. Other links were observed between problems having repairs carried out properly and product safety, and between having and insurance claim unfairly denied and repairs not done properly. Some of the trigger patterns observed in the data make intuitive sense. It is evident, however, that many of the connections reported between trigger problems and consequent problems have stories that can only be understood with greater detail than was, or could have been, gathered in a telephone survey.

As well, there were many links that occurred with low frequency among specific problems in the debt category. The most common trigger patterns reported by respondents were between bankruptcy and harassment by a collection agency, harassment by a collection agency and being unfairly refused credit, between dispute over a bill and being unfairly refused credit and between harassment by a collection agency and bankruptcy (the reverse of the first trigger pattern). Other trigger patterns observed involved bankruptcy and being unfairly refused credit, dispute over a bill or invoice and collecting money owed, and between being harassed by a collection agency and a dispute over a bill or invoice. Again, the analysis of these data made clear that greater richness of detail is required to fully understand the trigger patterns.

Nearly 18 percent of all respondents reported having experienced three or more problems, the lower limit for the number of problems defining the multiple problem group. The risk of problem is cumulative. That is, the more problems one experiences, the greater likelihood that the individual will experience even more problems. There is some preliminary evidence that multiple problems signal the presence of social exclusion among the multiple problem respondents. The



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clustering patterns seem more clear for the high multiple problem group. Further, the greater the number of problems the more likely respondents are to experience certain types of problems that would seem to be particularly related to social exclusion, debt, social assistance, disability pensions and housing. This suggests that legal services providers should concentrate on identifying and addressing the needs of multiple problem individuals and families.

## Chapter VI: Action and Inaction: Responses to Justiciable Problems

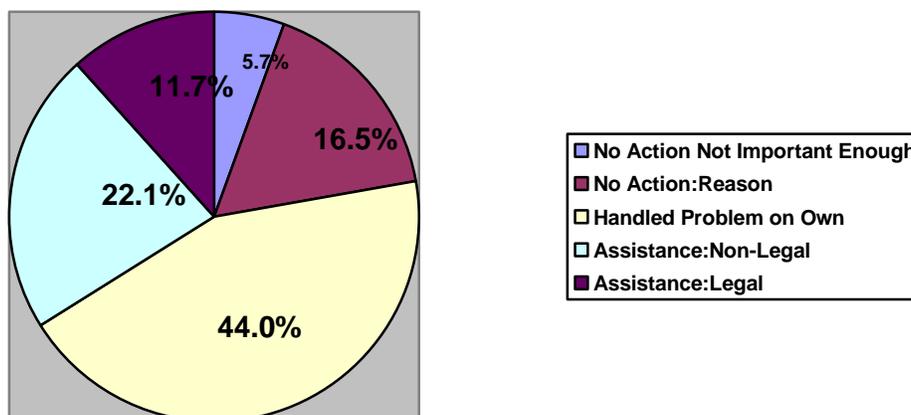
**W**ithin the justiciable problems paradigm, resorting to the formal justice system in order to resolve legal problems is not a requirement for their being considered serious, and being a need for some form of assistance. A basic assumption underlying this approach is that the legal option may not be the best one to resolve civil justice problems. Depending on their level of self-efficacy and the nature of the problem with which they are faced, some people might require only information or advice to enable effective self-help. Although some people may not require the courts or other formal mechanisms to resolve their legal problems, others who would benefit from legal assistance and court decisions may not receive the help they need because of barriers that prevent them from accessing the justice system. This chapter examines how people respond to legal problems.

Most people deal with their justiciable problems on their own without any form of assistance. In this sample, the unassisted self-helpers comprise slightly less than half of all respondents. Just over a third seek some form of assistance. Among those people about twice as many seek non-legal assistance<sup>180</sup> as those who seek the help of a lawyer. About one fifth of the respondents said that they made no attempt to resolve their problems, even though these problem had definite legal content and were identified the them as being serious and difficult to resolve. Figure 9, presents the basic responses to justiciable problems. A minority of respondents sought assistance with their problems.

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<sup>180</sup> The sources of non-legal information include friends and relatives, government offices, unions, support groups or other organizations, the police, the internet or conventional library sources.

**Figure 9: Responses to Justiciable Problems**



*Took No Action for a Reason.* Most of the people who took no action, 16.5 per cent failed to act for a reason. These respondents clearly contemplated taking some action. However, barriers of one type or another prevented them from doing so. Reasons for not taking action are shown in Table 39. The reasons for not taking action are varied. Several reasons suggest that respondents lack sufficient information to make decisions about appropriate courses of action.

**Table 39: Reasons for Not Taking Action**

Reasons for Not Taking Action	Number	Percent
Thought nothing could be done	317	33.6%
Was uncertain of my rights	99	10.5%
Didn't know what to do	22	2.3%
Thought it would take too much time	94	10.0%
Thought it would damage relationships with the other side	83	8.8%
Thought it would cost too much	60	6.4%
Thought the other side was right	47	5.0%
Was too afraid to take action	25	2.7%
Thought it would be too stressful	49	5.2%
Other reasons	146	15.5%
Total	942	100.0%

Taken together, thinking that nothing could be done, being uncertain about one's rights and not knowing what to do comprise almost half of all responses, 46.4 per cent. Not knowing one's rights makes up just over ten per cent of all reasons for not taking action. Other responses suggest that many people require support to overcome fear or anxiety that may prevent action. Being afraid to take action and thinking that the necessary action would be too stressful combine to make up 7.9 per cent of all responses. Being inhibited by perceived cost represents 6.4 per cent of reasons for not acting to resolve justiciable problems. Not wanting to damage relationships with the other side, represents 8.8 per cent of responses to problems suggesting that respondents might benefit from a consideration of alternatives to resolving the problem that



would be appropriate to the situation. Thinking that resolving the other party might be right, amounting to 5.0 per cent of all reasons is a judgement on the part of the respondent that may not have been made with the benefit of reliable information. Only one reason, thinking that resolving the problem might require too much time, 10.0 per cent, has a tendency to trivialize the problem from the point of view of the respondent.

Problems related to discrimination were the type that respondents wanted to act upon but most frequently did not for one of the reasons given above in Table 39. This occurred in 39.6 per cent of the 91 problems of this type. Problems related to police action were not acted upon for various reasons in 36.7 per cent of the 103 problems for which data are available. Respondents were less likely to fail to act on other types of justiciable problems although they had reasons that reflect barriers to accessibility; employment, 19.3 per cent (n = 1421); consumer, 17.7 per cent (n = 1480); hospital treatment and release, 18.6 per cent (n = 86); Immigration, 17.2 per cent (n = 35); discrimination, 16.7 per cent (n = 91); housing, 15.8 per cent (n = 95); wills and powers of attorney, 15.5 per cent (n = 330); personal injury and threat of legal action, both 13.7 per cent (n = 161 and 330, respectively); debt, 12.3 per cent (n = 1444); family law: relationship breakdown, 9.4 per cent (n = 244); other family law problems, 8.8 per cent (n = 68) and social assistance, 8.2 per cent (n = 49).<sup>181</sup>

Most of the responses suggest the potential value of initial legal information and advice to assist the person in understanding the nature of the problem and the courses of action that may be open. This is consistent with the findings of the Hughes Commission in Scotland that characterized knowledge of the law and of the options available for dealing with a problem as the first step in achieving access to justice.<sup>182</sup> In that report Lord Hughes writes that legal need consists of two parts: first, information that will enable people to choose a way to resolve a problem and 2) if a legal path is chosen, access to the means to pursue a legal solution. “[I]n assessing the need for legal services we must therefore think in terms of two stages – firstly, enabling the client to identify and, if he judges it appropriate, to choose a legal solution and, secondly, enabling the client to choose a legal solution.”<sup>183</sup> Again, Lord Hughes writes; “when we speak of ‘unmet need’ we are concerned about instances where a citizen is unaware that he has a legal right, or where he would prefer to assert or defend that right but fails to do so for want of legal services of adequate Quality or supply.”<sup>184</sup> The reference in the Hughes report relating to knowledge of rights can be extended to related barriers to taking action summarized above in Table 39. An approach that emphasizes the requirement for knowledge as a basis for making choices about choosing the most appropriate approach to dealing with a justiciable problem also addresses the comment by Philip Lewis that justiciable problems may have solutions other than purely or solely legal responses.

*Took No Action, It Wasn't Important Enough.* In a small percentage of cases, 5.7 per cent of all problems, respondents indicated that no action was taken because they felt that the problem was not important enough. Following Genn in *Paths to Justice*, it has been common practise to eliminate these from the sample on the basis that they are trivial problems that have slipped through the threshold language of the questionnaire, problems that are serious and difficult to

<sup>181</sup>  $\chi^2 = 1299.9$ ,  $p = .0001$ ,  $\Phi = .48$

<sup>182</sup> Royal Commission on Legal Services in Scotland, The Rt. Hon Lord Hughes, Volume One, HMSO, Edinburgh, 1980.

<sup>183</sup> *Ibid.*, Section 2.9, p. 21

<sup>184</sup> *Ibid.*, Section 2.10, p. 21

resolve.<sup>185</sup> However, there is a theoretical possibility that respondents who make the judgement that a problem is not important enough to attempt to resolve are incorrect. Problems may have unforeseen consequences or may trigger other problems that become serious as they develop into inter-related problem clusters. Genn's initial concern in applying the triviality screen was to avoid being swamped by trivial problems. It has generally not been the case that so-called trivial problems are numerous.<sup>186</sup> The threshold language commonly used in research of this type appears to control the triviality problem. Thus, the respondents who failed to respond to their problem because they thought it was not serious enough will be included in the analysis of outcomes and demographic differences.

Problems stemming from police action were the type for which respondents most frequently considered not important enough to act upon. This occurred in 11.7 per cent of the 103 problems of this type. Problems related to discrimination were not acted upon because respondents felt the problem was not sufficiently important in 9.9 per cent of the 91 problems for which data are available. Problems in other categories were much less likely to be considered too trivial to act upon them; employment, 7.4 per cent (n = 1421); consumer, 6.8 per cent (n = 1480); hospital treatment and release, 5.8 per cent (n = 86); Immigration, 5.7 per cent (n = 35); debt, 4.3 per cent (n = 1444); social assistance, 4.1 per cent (n = 49); family law: relationship breakdown, 4.1 per cent (n = 244); threat of legal action, 3.9 per cent (n = 51); wills and powers of attorney, 3.3 per cent (n = 330) and housing, 3.2 per cent (n = 95). No respondents indicated that other family problems or problems related to disability pensions were not important enough to attempt a resolution.<sup>187</sup>

*I Took Care of It Myself.* The largest category is the respondents who took care of the problem themselves. In almost half of all problems, 44.0 per cent, respondents attempted to resolve the problem on their own without any form of assistance.

Self-helpers were most frequent for debt problems, 59.4 per cent (n = 1444); consumer, 58.7 per cent (n = 1480) and problems related to social assistance. 55.1 per cent (n = 49). Self-helpers made up less than half of respondents for problems related to hospital release and treatment, 48.8 per cent (n = 86); threat of legal action, 37.3 per cent (n = 51); immigration, 34.3 per cent (n = 35); disability pensions, 33.3 per cent (n = 46); housing, 30.5 per cent (n = 95); employment, 30.1 per cent (n = 1421); personal injury, 26.7 per cent (n = 161); discrimination, 25.3 (n = 91); wills and powers of attorney, 24.2 per cent (330) and police action, 21.4 per cent (n = 103). Self-helpers were least frequent for family law problems. Only 20.1 per cent of respondents with other family law problems (n = 68) and 20.1 per cent of respondents with relationship breakdown problems (n = 244) attempted to resolve the problem on their own without outside assistance.<sup>188</sup>

*Would Assistance Have Been Beneficial?* Respondents who indicated they had attempted to resolve the problem on their own were asked if, in retrospect, they thought the outcome of their problem would have been better if they had some form of assistance. About 42 per cent (42.1%) of the self-help group indicated that assistance would have improved the outcome for

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<sup>185</sup> Genn, p.

<sup>186</sup> % ages for various studies

<sup>187</sup>  $\chi^2 = 1299.9$ ,  $p = .0001$ ,  $\Phi = .48$

<sup>188</sup>  $\chi^2 = 1299.9$ ,  $p = .0001$ ,  $\Phi = .48$



them.<sup>189</sup> This was most pronounced for respondents with immigration problems. Respondents with immigration or refugee problems who attempted to help themselves indicated that assistance would have improved the outcome for 72.7 per cent of all problems (n = 11). This was closely followed by respondents with problems in the other family law category. Self-help respondents indicated that some assistance would have been improved the outcome in 71.4 per cent of all other family law problems (n = 49). In descending order, respondents felt that, in retrospect, assistance would have resulted in a better outcome in 62.5 per cent of problems involving disability benefits (n = 16); 55.0 per cent of personal injury problems (n = 40); 54.5 per cent of problems stemming from police action (n = 22); 52.5 per cent of employment problems (n = 421); 48.1 per cent of problems related to wills and powers of attorney (n = 77); 47.8 per cent of discrimination problems (n = 23); 46.7 per cent of problems related to hospital treatment and release (n = 41); 44.4 per cent of social assistance problems (n = 27); 42.3 per cent of consumer problems (n = 866); 41.4 per cent of housing problems (n = 29); 38.8 per cent of relationship breakdown problems (n = 49) and 36.8 per cent of problems related to the threat of legal action (n = 19).<sup>190</sup>

Overall 67.6 per cent of respondents who said they believed in retrospect that some assistance would have improved the outcome of their justiciable problem felt that public legal information would have been beneficial, while 30.4 per cent felt that having someone explain the law and assistance in completing letters and documents would have brought about a better outcome. Only 1.2 per cent of respondents felt that an advocate to actively intervene on his or her behalf would have improved the outcome.<sup>191</sup>

*Sought Some Form of Assistance.* Overall, in just over one third of all problems, 33.8 per cent, respondents attempted to obtain some form of assistance to resolve their problem.

*Non-Legal Assistance.* In the majority of cases respondents who sought some form of assistance did so from a variety of non-legal sources. Table 40 outlines the types of assistance respondents sought. Trade unions rank as the single most frequently mentioned source of assistance. In all, 22.1 per cent of respondents said they sought assistance from non-legal sources. Only 9.7 per cent (n = 103) of respondents having a problem related to police action resorted to non-legal assistance. Understandably, respondents experiencing problems involving the threat of legal action were least likely to use a non-legal source of assistance, 9.8 per cent (n = 51). On the other hand, respondents experiencing a personal injury problem were most likely to consult a non-legal source of assistance, 42.2 per cent of all people experiencing a problem of that type (n = 161). Employment, 35.8 per cent (n = 1421), housing, 33.7 per cent (n = 95) and problems related to disability benefits, 33.3 per cent (n = 48) are other areas in which respondents were relatively highly likely to resort to non-legal sources of assistance. It is particularly interesting that 35.8 per cent (n = 330) of respondents who experienced a problem related to wills and powers of attorney said they used some form of non-legal assistance. This is a problem area that would seem to be pre-eminently within the legal domain. The use of non-legal sources of assistance were moderately low compared with other areas among respondents reporting debt problems, 15.7 per cent (n = 1444) and consumer problems, 11.4 per cent (n = 1480). In other problem areas, the percentage of respondents reporting the use of

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<sup>189</sup> n = 2442

<sup>190</sup>  $\chi^2 = 81.3$ , p = .0001, Phi = .18

<sup>191</sup> n = 1051

non-legal forms of assistance were; immigration, 28.6 per cent (n = 35); social assistance, 24.5 per cent (n = 49); other family law problems, 23.5 per cent (n = 68); hospital treatment and release, 23.3 per cent (86) and discrimination, 22.0 per cent (n = 91).<sup>192</sup>

Trade unions are the largest single source of non-legal assistance used by respondents, making up 20 per cent of all sources. The next largest source of assistance was government offices, comprising 18.5 per cent of all problems. Friends and relatives ranked third in term of frequency as a source of assistance with problems. Respondents consulted friends and relatives for assistance in 13.7 per cent of all problems. The police were named as a source of assistance in 4.0 per cent of all problems, followed by support groups in 1.9 per cent of all cases. It is perhaps a little surprising that the internet was used so infrequently as a source of assistance. Respondents indicated the internet as a source of assistance in only 0.5 per cent of all problems. Libraries and hard copy sources of information were cited by respondents for only 0.2 per cent of all problems. The small percentages in the latter two categories strongly suggest that people decidedly prefer sources of assistance that offer some form of in-person contact. Finally, there is a very large “other” category. Although, respondents were prompted to name any other sources of assistance the responses did not yield many additional specific sources of information. The Better Business Bureau and banks were the two most frequent mentions when respondents were asked to specify the choice of the “other” category.

**Table 40: Sources of Non-Legal Assistance**

Information Source	Number	Per Cent
Unions	317	20.0%
Government Offices	241	18.3%
Friends and Relatives	216	13.7%
Other Organizations	83	5.3%
Police	63	4.0%
Support groups	30	1.9%
Internet	9	0.5%
Libraries/books	3	0.2%
Other sources	616	36.1%
Total	1578	100.0%

*Sought Legal Assistance.* Finally, respondents turned to legal assistance for 9.2 per cent of the justiciable problems they experienced. Among those who indicated they sought legal assistance, 79.8 per cent said they did so from a privately retained lawyer, and 9.6 per cent sought assistance form legal aid. The remaining 11.0 per cent said they were uncertain about the nature of the legal assistance they sought.

Comparing across problem types, respondents were most likely to receive legal assistance for both types of family law problems. Respondents with problems related to relationship breakdown reported using legal assistance for almost half of all reported problems; 48.8 per cent of relationship breakdown problems (n = 244) and other family law problems, 47.1 per cent (n = 68). Legal assistance was used least frequently in discrimination problems, 3.3 per cent of respondents with that type of problem (n = 91) and, similarly, relatively infrequently in resolving

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<sup>192</sup>  $\chi^2 = 1299.9$ ,  $p = .0001$ ,  $\Phi = .48$



problems related to consumer issues, 5.3 per cent of all respondents with a consumer problem (n = 1480); employment, 7.5 per cent (n = 1421); social assistance, 8.2 percent (n = 49) and debt, 8.5 per cent (n = 1444). Legal help was used by 35.3 per cent of respondents who experienced threat of legal action (n = 51), just slightly less than the 37.3 per cent who attempted to deal with the problem without any outside help. Between about 14 and 20 per cent of respondents experiencing other problem types resorted to legal assistance to resolve the problem; immigration, 14.3 per cent (n = 35); personal injury, 15.5 per cent (n = 161); disability benefits, 16.7 per cent (n = 48); housing, 16.8 per cent (n = 95); police action, 20.4 per cent (n = 103) and wills and powers of attorney, 21.2 per cent (n = 330).

*Legal Aid.* Because of very small numbers it is not possible to say much about the assistance respondents received from legal aid. About 9.5 per cent of all people who received any legal assistance (11.7 per cent or 677 respondents<sup>193</sup>), about 9.5 per cent (n = 64) received legal aid. Most people who apply for legal aid, 72.3 per cent, are approved for service. Almost half of all problems for which people receive legal aid are in the family law areas, 44.5 per cent. Respondents received legal aid for about 15.6 per cent of debt problems, 8.9 per cent of employment problems. Legal aid was reportedly received for about 2 to 4 percent of other problem types. The results relating to legal aid were not statistically significant.

## Vulnerable Groups and Problem Responses

*Took No Action, It Wasn't Important Enough.* Younger people aged 29 and under were twice as likely as people in older age groups to take no action because they thought the problem was not important enough.<sup>194</sup> Members of visible minorities were also slightly more likely than others to have taken no action because of a perceived lack of importance, with an odds ratio indicating that these respondents were 1.5 times more likely to take no action.<sup>195 196</sup>

*Took No Action for a Reason.* Respondents who were foreign-born<sup>197</sup>, unemployed<sup>198</sup>, had less than a high school education<sup>199</sup> and who had an income of less than \$25,000<sup>200</sup> were all more likely to have said they took no action to resolve their problem, but did so for one of the reasons noted above. However, the relationships were all very weak, with odds ratios of well below 2.0 (twice as likely), intuitively the level at which the relationship is strong enough to merit attention.

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<sup>193</sup> See Figure I in Chapter VI.

<sup>194</sup>  $\chi^2 = 34.2$ ,  $p = .0001$ , odds ratio = 2.1, Confidence Interval for the Odds Ratio (1.6 to 2.6)

<sup>195</sup>  $\chi^2 = 9.2$ ,  $p = .0001$ , odds ratio = 1.5, Confidence Interval for the Odds Ratio (1.1 to 1.9)

<sup>196</sup> Binary multiple regression confirmed that these two variables, had an independent effect on responding to problems by failing to act, feeling that the problem was not important enough. However, the amount of variance explained overall was extremely low and the effects were weak. This was the case with logistic regressions relating demographic variables to other problem strategies and the results are not discussed.

<sup>197</sup>  $\chi^2 = 25.5$ ,  $p = .0001$ , odds ratio = 1.5, Confidence Interval for the Odds Ratio (1.3 to 1.9)

<sup>198</sup>  $\chi^2 = 9.0$ ,  $p = .003$ , odds ratio = 1.4, Confidence Interval for the Odds Ratio (1.1 to 1.8)

<sup>199</sup>  $\chi^2 = 28.8$ ,  $p = .0001$ , odds ratio = 1.8, Confidence Interval for the Odds Ratio (1.5 to 2.3)

<sup>200</sup>  $\chi^2 = 21.9$ ,  $p = .0001$ , odds ratio = 1.5, Confidence Interval for the Odds Ratio (1.3 to 1.8)

*I Took Care of It Myself.* People who were married or in a common law relationship<sup>201</sup> and who were between 30 and 34 years of age<sup>202</sup> were more likely to choose the self-help strategy. However, although statistically significant, the relationships were very weak.

*Non-Legal Assistance.* The disabled were slightly more likely than non-disabled respondents to choose some form of non-legal assistance to address their justiciable problems.<sup>203</sup> People between the ages of 45 to 64<sup>204</sup>, working or self-employed<sup>205</sup> and with middle-level incomes of \$45,000 to \$64,000<sup>206</sup> were also slightly more likely than others to seek non-legal assistance.

*Sought Legal Assistance.* Similar to those who sought non-legal help, people aged 45 to 64<sup>207</sup> and the disabled<sup>208</sup> were also more likely to seek legal help for their problems. In addition, respondents on social assistance<sup>209</sup> were slightly more likely than others to seek legal help. This suggests the possibility that eligibility for legal aid by people on social assistance might explain this effect.

## Problem Responses and the Seriousness of Justiciable Problems

It should come as no surprise that the more seriously respondents perceive their problem, the greater the likelihood they will seek some form of assistance, particularly legal assistance. Among respondents who took no action because they thought the problem was not serious enough, 13.5 per cent said that the problem was either extremely or very disruptive to their daily lives. The comparable percentages are 21.9 per cent of respondents who took no action but had some reason that suggested a barrier to access to assistance, 18.6 per cent of the self-helpers indicated that the problem was extremely or very disruptive to their daily lives. Among those respondents who sought non-legal assistance 35.3 per cent said that the problem was extremely or very disruptive and 41.8 per cent of respondents who had legal assistance said the problem was extremely or very disruptive.<sup>210</sup>

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<sup>201</sup>  $\chi^2 = 20.3$ ,  $p = .0001$ , odds ratio = 1.2, Confidence Interval for the Odds Ratio (1.0 to 1.4)

<sup>202</sup>  $\chi^2 = 8.2$ ,  $p = .004$ , odds ratio = 1.2, Confidence Interval for the Odds Ratio (1.1 to 1.3)

<sup>203</sup>  $\chi^2 = 16.2$ ,  $p = .004$ , odds ratio = 1.4, Confidence Interval for the Odds Ratio (1.2 to 1.6)

<sup>204</sup>  $\chi^2 = 6.5$ ,  $p = .004$ , odds ratio = 1.2, Confidence Interval for the Odds Ratio (1.0 to 1.3)

<sup>205</sup>  $\chi^2 = 3.7$ ,  $p = .05$ , odds ratio = 1.1, Confidence Interval for the Odds Ratio (1.0 to 1.3)

<sup>206</sup>  $\chi^2 = 7.6$ ,  $p = .006$ , odds ratio = 1.2, Confidence Interval for the Odds Ratio (1.1 to 1.4)

<sup>207</sup>  $\chi^2 = 5.9$ ,  $p = .01$ , odds ratio = 1.2, Confidence Interval for the Odds Ratio (1.0 to 1.4)

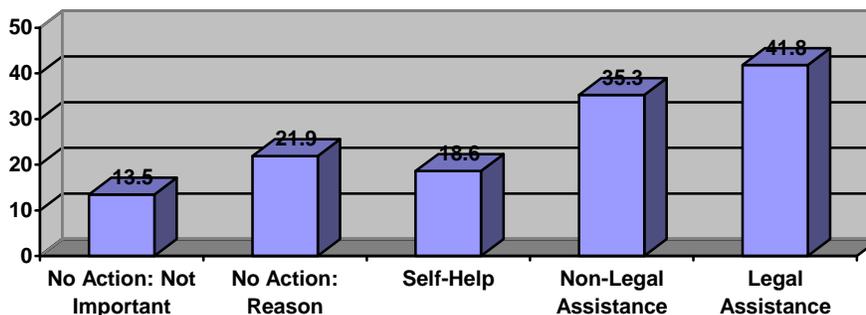
<sup>208</sup>  $\chi^2 = 9.9$ ,  $p = .02$ , odds ratio = 1.3, Confidence Interval for the Odds Ratio (1.0 to 1.5)

<sup>209</sup>  $\chi^2 = 5.7$ ,  $p = .02$ , odds ratio = 1.3, Confidence Interval for the Odds Ratio (1.0 to 1.5)

<sup>210</sup>  $\chi^2 = 423.2$ ,  $p = .0001$ , Phi = .27

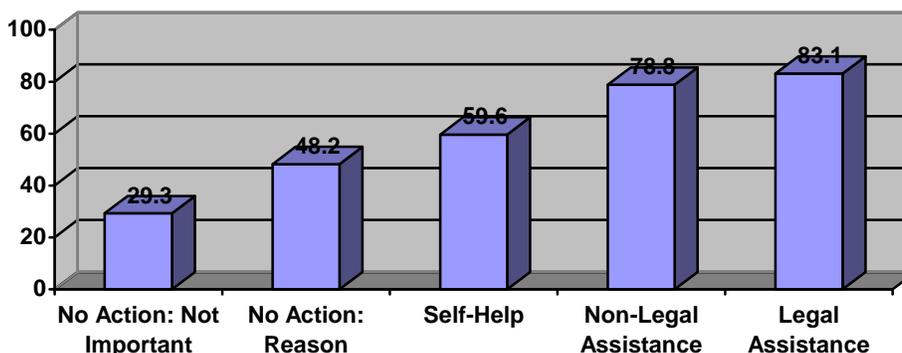


**Figure 10: Percent Experiencing Disruption in Daily Living by Response to Justiciable Problems**



Using as an indicator of seriousness the desire to have the problem resolved produces a more consistent pattern. Although it is more likely a second, although inconsistent judgement, about the importance the problem first mentioned than a judgement about the degree of seriousness of the problem, 29.3 per cent of respondents who took no action because the problem as not serious enough said it was extremely or very important to resolve the problem. Among people who identified a reason for taking no action, 48.2 per cent thought it was extremely or very important to resolve the problem. This percentage increases to 59.6 per cent for the self-helpers, 78.8 per cent for respondents who sought non-legal assistance and to 83.1 per cent for people who received legal assistance.<sup>211</sup>

**Figure 11: Percent Expressing a Strong Desire to Resolve Problem by Response to Justiciable Problems**



Even though it makes sense to take the wide-angle view of access to justice, assuming that problems that do not come to the attention of the formal justice system are nonetheless important, it is clear that the greater the perceived seriousness of the problem the greater the likelihood that the person will seek legal assistance.

<sup>211</sup>  $\chi^2 = 721.2$ ,  $p = .0001$ ,  $\Phi = .36$

## Problem Responses and Problem Types

As one might expect, respondents tend to respond to the different types of problems differently. Respondents most frequently took no action thinking the problem was not important enough for problems related to police action and, interestingly, problems arising with respect to social assistance. Respondents took no action thinking that the problems was not important enough in 11.7 per cent of all police action problems, and in 10.0 per cent of all problems related to social assistance. The percentages of other types of problems for which no action was taken because of a lack of perceived importance were closer to the overall average of 5.7 per cent; personal injury (1.9%), housing (3.2%), Threat of legal action (3.9%), social assistance (4.0%), relationship breakdown (4.1%), debt (4.3%), hospital treatment and release (5.8%), immigration (5.7%), consumer (6.2%) and employment (6.8%).

Respondents were most likely to take no action for one of the reasons described above in 39.6 per cent of all discrimination problems, in 36.9 per cent of all problems related to police action, in 19.6 per cent of all employment problems, 18.6 per cent of all problems related to hospital treatment and release, 17.7 per cent of all consumer problems, 17.1 per cent of all immigration problems and in 16.7 per cent of all disability pension problems. This compares with an average of 16.6 per cent of respondents taking not action for some specific reason overall. The no action with reason response made up 15.5 per cent of responses to problems with wills and powers of attorney, 13.7 per cent of responses to both threats of legal action and to personal injury problems, 12.3 per cent of debt problems, 9.3 per cent of all relationship breakdown problems and 8.8 percent of all other family law problems, and finally in 8.2 per cent of all problems related to social assistance.

Most respondents attempted to resolve the problem on their own. This was most frequent in relation to debt problems in which respondents chose the self-help option 59.4 per cent of the time and for consumer problems, where respondents chose the self-help option in 58.7 per cent of all problems of this type. Respondents attempted to resolve the problem without any other form of assistance in 48.8 per cent of all hospital treatment and release problems and in 55.1 per cent of all social assistance problems. The other problem types for which the self-help option was less than the average of 44.3 per cent were: immigration (34.3%), disability benefits (3.3%), housing (30.5%), Employment problems (30.1%), personal injury 26.7%), discrimination (25.3%) and wills and powers of attorney (24.7%) The two problem categories for which respondents were least likely to opt for the self-help option were other family law problems ((20.6%) and relationship breakdown (20.1%). It is surprising that in 37.3 per cent of all problems involving the treat of legal action respondents indicated that they tried to handle the problem on their own. This no doubt involved attempting to talk to the other party, as with many of the other problem types. This response may reflect the anticipated high cost of retaining legal counsel.

Respondents resorted to non-legal assistance most frequently for personal injury problems, in 42.2 per cent of all problems of this type. Taking all problems combined, respondents opted for non-legal sources of assistance in 22.3 per cent of all problems. Respondents attempted to obtain assistance from non-legal sources more frequently that the average in 35.8 per cent of all employment problems, in 35.8 per cent of all problems involving wills and powers of attorney, 33.6 per cent of housing problems, 33.3 per cent of all problems relating to disability pensions, 28.6 per cent of immigration problems, in 24.5 per cent of all problems relating to social assistance, in 23.3 per cent of hospital treatment and release problems and in 23.5 per cent of other family law problems. Respondents sought non-legal assistance with less than the average



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frequency in discrimination problems (22.0%), family law: relationship breakdown problems (17.6%), debt problems (15.7%) and in 9.7 per cent of problems arising from police action.

On average respondents sought legal assistance for 11.1 per cent of all types of problems. Respondents were most likely to seek legal assistance for family law problems. Respondents sought out legal assistance for slightly less than half, 48.8 per cent, of all relationship breakdown problems and for 47.1 per cent of other types of family law problems. Other problem types for which people sought legal assistance to a greater extent than the overall average were threat of legal action (35.3), wills and powers of attorney (21.2%), police action (20.4%), housing (16.8%), disability benefits (16.7%), personal injury (15.3%) and immigration (14.2). Problem areas for which respondents sought legal assistance less than average were debt (8.5%), social assistance (8.2%), employment (7.5%), consume problems (5.3%), hospital treatment and release (3.5%) and, finally, discrimination (3.3%).

## **Satisfaction with Assistance**

On the whole respondents seem to feel that any form of assistance they receive when dealing with a civil justice problem is helpful. Of the 645 respondents who responded to the question just over 75 per cent indicated that the assistance received was helpful; 44.9 per cent indicated that the help they received was very helpful and 31.0 per cent said the assistance was somewhat helpful. In total 20.8 per cent said that the assistance was either not very helpful or not at all helpful, 10.9 per cent in each case. Only 1.0 per cent said it was too early to tell and 1.5 per cent said they did not know.

Evidently, assistance or advice from friends is typically considered helpful. Considering all problem types combined, an overwhelming 88.2 per cent of respondents indicated that the advice they received from friends or relatives was very or somewhat helpful (n = 51). Of the respondents who consulted privately retained lawyers, 75% said that the assistance they received was either very or somewhat helpful (n = 184). This compares with respondents who received advice or assistance from legal aid lawyers. In this case, 66.6 per cent indicated that the assistance they received was very or somewhat helpful, while 22.2 per cent said it was not very helpful or not helpful at all (n = 27). People who received advice from organizations other than government offices (excluding unions) indicated that in 78.8 per cent of all problems the assistance was very or somewhat helpful. This compares with assistance from government offices. In this case respondents indicated that they were very or somewhat satisfied with the assistance they received for 56.2 per cent of problems and that the advice was somewhat or not helpful at all in 43.9 per cent of cases (N = 57). Respondents who resorted to unions for assistance reported that they were very or somewhat satisfied in 65.6 per cent of all cases and not satisfied in 18.3 per cent (n = 71).

## **Appearing in Court**

Overall, respondents had to appear in court or at a tribunal for 14.9 per cent of all problems (n = 637). The highest percentage of problems in which respondents had to appear in court was for family law problems; 45.8 per cent (n = 48) for the other family law problems and 39.5 per cent (n = 64) for relationship breakdown. These percentages are not particularly high. It is possible that over the life span of family law problems a higher percentage would involve a court appearance. However, it does seem possible that many people do not obtain assistance in a timely manner.

Table 41 shows the proportions of problems for which a court appearance was involved for separate problem types.

**Table 41: Frequency of Court Appearance for Problem Types**

Problem Type	Number	Per Cent
Other Family Law	48	45.8%
Relationship Breakdown	62	39.5%
Threat of Legal Action	23	39.1%
Police Action	31	38.7%
Housing	48	31.3%
Disability Pensions	24	29.2%
Social Assistance	16	18.8%
Personal Injury	93	14.0%
Immigration	15	13.3%
Debt	348	12.1%
Discrimination	25	12.0%
Employment	616	9.2%
Hospital Treatment and Release	23	8.7%
Consumer	248	7.6%
Wills and Powers of Attorney	188	3.7%

$\chi^2 = 218.9$ ,  $p = .0001$ ,  $\Phi = .34$

The problem type for which respondents appear in court the least is wills and powers of attorney, at 3.7 per cent. Also, consumer problems, although numerous, are infrequently dealt with in court.

In most cases where the problem did involve an appearance at a court or administrative tribunal, respondents were represented. Overall, respondents had no representation of any kind in 27.5% per cent of all problems. Conversely, people were represented for 72.5% of problems proceeding to a court or tribunal ( $n = 291$ ). In 58.1 per cent of all cases the respondent was represented by a lawyer, by a non-lawyer advocate in 10.7 per cent of all cases and by a friend or relative in 3.1 per cent of all matters.

Respondents were most likely to be represented in family law matters. Representation was present for relationship breakdown problems in 79.7 per cent of all cases and, conversely there was no representation in was present in 20.1 percent of all relationship breakdown problems going to court ( $n = 162$ ). In almost all cases representation was by a lawyer, 75.6% and reportedly by a friend or relative in 3.1% of problems. The percentage of problems for which respondents had representation in other family law matters was 81.9 per cent, with 10.2 per cent having no representation. In this case all representation was by lawyers ( $n = 48$ ). The level of representation was lowest for problems arising from police action. Respondents reported having representation in 33.3% of all problems involving an appearance at a court or tribunal, and, conversely, no representation for 67.7 Per cent of all problems of this type. ( $n = 31$ ). Table IV shows percentages of problem types in which respondents were represented.

**Table 42: Representation in Court or at Tribunals**

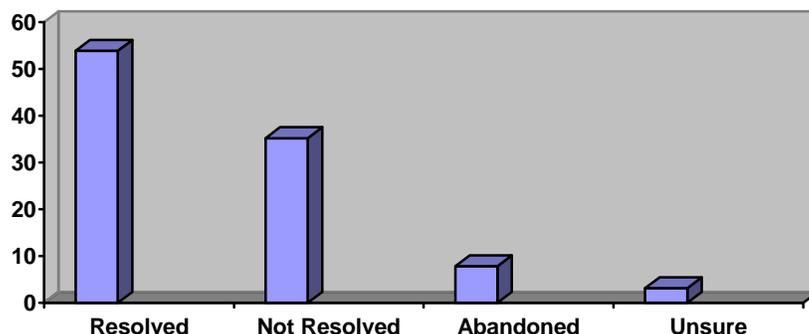
Problem Type	Represented				Not Represented	
	Total	Lawyer	Advocate		Total	Lawyer
Hospital Treatment and Release	100.0%	50.0%	50.0%	Hospital Treatment and Release	100.0%	50.0%
Discrimination	100.0%	85.7%	14.3%	Discrimination	100.0%	85.7%
Disability Pensions	100.0%	85.7%	14.3%	Disability Pensions	100.0%	85.7%
Threat of Legal Action	89.9%	66.7%	22.2%	Threat of Legal Action	89.9%	66.7%
Wills and Powers of Attorney	85.7%	57.1%	28.6%	Wills and Powers of Attorney	85.7%	57.1%
Personal Injury	84.6%	61.5%	23.1%	Personal Injury	84.6%	61.5%
Other Family Law	81.9%	81.9%	0.0%	Other Family Law	81.9%	81.9%
Relationship Breakdown	79.7%	75.6%	0.0%	Relationship Breakdown	79.7%	75.6%
Debt	69.1%	47.6%	16.7%	Debt	69.1%	47.6%
Social Assistance	66.6%	33.3%	33.3%	Social Assistance	66.6%	33.3%
Employment	59.6%	35.1%	15.7%	Employment	59.6%	35.1%
Housing	53.3%	33.3%	20.0%	Housing	53.3%	33.3%
Immigration	50.0%	50.0%	0.0%	Immigration	50.0%	50.0%
Consumer	47.4%			Consumer	47.4%	
Police Action	33.3%	33.3%	0.0%	Police Action	33.3%	33.3%

$\chi^2 = 87.9$ ,  $p = .004$ ,  $\Phi = .56$

## Chapter VII: Problem Outcomes

Respondents reported that more than half, 53.9 per cent of all problems had been resolved at the time of the interview. Just over one third, 35.2 per cent of all problems were unresolved. Respondents said that they had abandoned attempts to resolve the problems in 7.8 per cent of all problems. Respondents felt it was too early to tell in about 1 per cent of all cases and did not know in 2.1 per cent of problems.

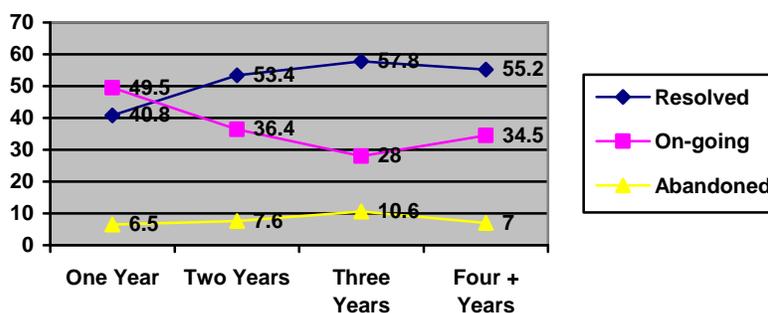
**Figure 12: Problem Outcomes**



As would be expected, the percentage of problems that are resolved increases with each year. About 40 per cent (40.8%) of problems that occurred within one year of the survey date had been resolved. The percentage rises to 53.4 for problems that occurred between a year and two years prior to the survey and 57.8 per cent of problems occurring between two and three years earlier had been resolved. The patterns of increasing numbers of problems resolved with time drops slightly for problems that first occurred four or more years ago. This pattern is mirrored by the pattern of decreasing percentages of problems left unresolved from one year to the next. The percentage decreases with the length of time the problem began, from slightly under half for problems that began one year ago (49.5%) to a little over one quarter (28.0%) for problems that began two to three years ago. The percentage of problems unresolved that first began four or more years ago increases to 34.5 per cent.

Of greatest interest are the problems where people abandon attempts to resolve them. The proportion of problems for which respondents said they had abandoned attempts to resolve them increases from 6.5 per cent for problems that are one year old to 10.6 per cent for problems that began between two and three years prior to the survey. Seven per cent (7.0) of problems that began four or more years ago were abandoned.

**Figure 13: Problem Outcomes By Number of Years Since Problem Began**





## Problem Outcomes and Problem Types

The problems least likely to be resolved were related to disability pensions. These problems were unresolved in 64.6 per cent of all cases. As well, problems related to social assistance were reported to be unresolved 51.0 per cent of the time. Immigration problems were also reported as unresolved relatively frequently. Most of these problems were related to gaining refugee status and the percentage reported unresolved, 57.1 per cent, probably reflects the length of the refugee determination process. Problems related to discrimination were also relatively likely to be reported as unresolved at 50.6 per cent. A similar percentage of personal injury problems were reported to be unresolved at the time of the interview, 50.9 per cent. As well, a relatively high percentage of family law problems were unresolved; 49.5 per cent of problems involving relationship breakdown and 48.5 per cent of other family law problems.

Consumer problems are the type in which respondents were most likely to have abandoned attempts to find a resolution; 12.8%. Consumer problems were closely followed by problems related to discrimination. Respondents said they had abandoned attempts to resolve the problem in 12.1 per cent of all discrimination problems. Also a relatively high percentage of respondents, 9.1 per cent, reported they had abandoned attempts to resolve employment problems. Table 43 shows the proportions of resolved and unresolved problems for all problem types.

**Table 43: Resolution of Problem Types**

Problem Type	Resolved	Unresolved	Abandoned	Too Early to Tell	Don't Know	Total "N"
Consumer	58.3%	27.9%	12.8%	0.7%	2.2%	1480
Employment	55.2%	32.5%	9.1%	1.1%	2.0%	1421
Debt	56.4%	34.6%	5.6%	1.6%	1.8%	1444
Social Assistance	40.8%	51.0%	4.1%	0.0%	4.1%	49
Disability Pensions	29.2%	64.6%	4.2%	0.0%	2.1%	48
Housing	54.7%	35.8%	7.4%	0.0%	2.1%	95
Immigration	37.1%	57.1%	2.9%	0.0%	2.9%	35
Discrimination	34.1%	57.1%	0.0%	12.1%	2.2%	91
Police Action	65.1%	25.2%	4.9%	1.0%	3.9%	103
Relationship Breakdown	47.1%	49.6%	1.0%	1.0%	1.3%	244
Other Family Law	48.5%	48.6%	0.0%	0.0%	2.9%	68
Wills and Powers of Attorney	52.4%	42.2%	2.1%	0.0%	3.0%	330
Personal Injury	41.6%	50.9%	6.2%	0.6%	0.7%	161
Hospital Treatment and Release	55.8%	31.4%	7.0%	1.1%	4.7%	86
Threat of Legal Action	50.9%	47.1%	0.0%	2.0%	0.0%	51

$\chi^2 = 244.8, p = .0001$

## Problems Resolved, But Unfair Outcomes

Most problems were resolved at the time of the interview. However, a large percentage of the outcomes were perceived by respondents to be unfair. Overall, for all problem types, respondents felt that the outcome of problems they considered to have been unfairly resolved in 44.4 percent of all problems. Respondents felt outcomes to have been fair in 53.2 per cent of all problems. Respondents did not know in a very small 2.5 per cent of all problems.

Again the pattern varies according to problem type. Table 44 shows the perceived fairness for problem types.

**Table 44: Perceived Fairness of Problem Outcomes**

Problem Types	Fair	Unfair	Don't Know	Total "N"
Consumer	45.1%	52.9%	1.1%	1022
Employment	46.7%	50.7%	2.6%	914
Debt	65.6%	32.4%	2.0%	896
Social Assistance	45.5%	50.0%	4.5%	22
Disability Pensions	62.5%	37.5%	0.0%	16
Housing	59.3%	37.3%	3.4%	59
Immigration	78.6%	21.4%	0.0%	14
Discrimination	38.1%	61.9%	0.0%	42
Police Action	31.9%	61.1%	7.0%	72
Relationship Breakdown	66.7%	29.1%	4.2%	117
Other Family Law	45.5%	51.5%	3.0%	33
Wills and Powers of Attorney	68.9%	27.8%	3.3%	180
Personal Injury	54.6%	42.8%	2.6%	77
Hospital Treatment and Release	53.7%	42.6%	3.7%	54
Threat of Legal Action	61.5%	34.6%	3.9%	26

$\chi^2 = 164.9, p = .0001$

It is perhaps not surprising, although somewhat ironic, that respondents who took no action to resolve their problem were relatively highly likely to perceive that the outcome was unfair. People who took no action for specific reasons as discussed above in chapter five were most likely to perceive the outcome of problems that had been resolved to be unfair. Table 45 shows that people who took no action thinking that the problem was not important enough were also very likely to perceive that the outcome was unfair. Respondents who dealt with the problem were much less likely to perceive outcomes to have been unfair. The percentages were similar for respondents who sought both non-legal and legal assistance. This is a clear indication that taking no action is a poor strategy. Some form of assistance at the outset to help people understand the nature and seriousness of the problem, and to choose an appropriate course of action is highly desirable. This suggests that some form of active offer of assistance would be desirable to help people who are not inclined to take action to resolve problems. Further, similar to the findings of the Hughes Commission discussed in the previous chapter, this highlights the importance of legal information and knowledge about where readily accessible information can be obtained.



**Table 45: Perceptions of Fairness and Courses of Action**

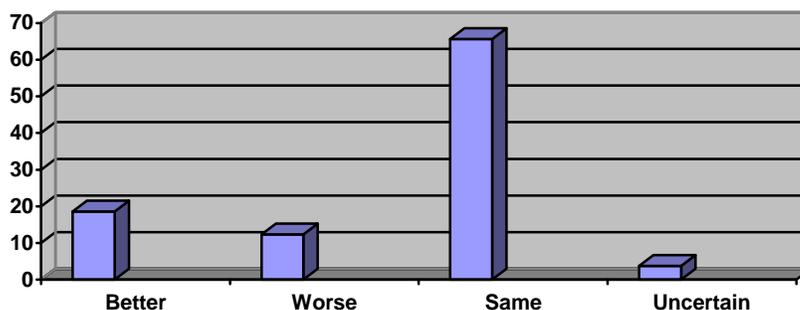
Perceived Fairness	Action Taken to Resolve Problem				
	No Action: Not Important	No Action: Reason	Self-Help	Non-Legal Assistance	Legal Assistance
Fair	39.5%	31.8%	58.7%	60.0%	56.2%
Unfair	55.6%	64.4%	39.5%	37.8%	41.7%
Don't Know	4.9%	3.8%	1.8%	2.2%	2.1%
Total "N"	243	556	1710	735	324

$\chi^2 = 159.9, p = .0001$

### Unresolved Problems That Became Worse

Another indicator of possible unmet need is a situation in which problems remain unresolved and the situation has become worse or has not improved. Figure 14 shows that among those respondents who said that the problem remained unresolved, 18.6 per cent of respondents indicated that the situation had improved, 12.3 per cent said that the situation had become worse, and the large majority of 65.7 per cent said that the situation had remained about the same since the problem began.

**Figure 14: The Consequences of Unresolved Problems**



Focusing attention on a comparison between respondents who said the situation had improved and those for whom the situation had become worse, there is a relation between the action taken to resolve problems and deteriorating circumstances. All other things being equal, the situation improved more than it became worse. However, Table 46 shows that taking some action is more likely to result in an improved situation than in one that deteriorates.

**Table 46: Action taken to Resolve Problems and Outcomes**

Action Taken to Resolve Problem	Situation Improved	Situation Became Worse	Percentage Difference	Total "n"
No Action: Not Important Enough	58.8%	41.2%	17.6%	17
No Action: Reason	53.4%	46.5%	6.9%	101
Self-Help Only	59.8%	40.2%	19.6%	224
Sought Non-Legal Assistance	65.5%	34.1%	31.8%	214
Sought Legal Assistance	57.0%	43.0%	14.0%	128

$\chi^2 = 76.3, p = .0001$

Seeking some form of non-legal assistance makes the greatest difference in whether the situation improved or not. The percentage difference between the proportion of respondents who sought non-legal assistance compared with the proportion who reported that the situation improved is 31.8 per cent. On the other hand, the percentage difference between the proportion of people who took no action for a reason and reported that the situation had improved compared with respondents for whom the situation had become worse is only 6.9 per cent. Comparing these two groups, the percentage reporting that the situation had improved is greater for the people who sought non-legal assistance compared with those who did not seek assistance. In addition, the difference that seeking assistance made was much greater, a 38.1 per cent difference between matters becoming better compared with becoming worse for respondents who sought non-legal help, compared with those who took no action, a 6.9 per cent difference.

The percentage difference between the situation improving and the situation deteriorating is 19.6 per cent for the self-helpers, 17.6 percent for people who sought no help because they felt the problem was not important enough and 14.0 per cent for people who sought legal assistance. The fact that seeking legal assistance makes the least difference in whether the situation has improved is likely due to the complexity of the problems that people take to lawyers. Also, the legal process can be long due to successive court adjournments and long periods between them. In research examining the problems people experience in accessing the courts, Stratton and Anderson showed that in some cases people indicated that the situation deteriorated when they received legal assistance.<sup>212</sup> The percentage difference between the situation improving and becoming worse for self-helpers is 19.6 per cent. Apparently, if one makes any attempt to resolve a problem it is better than taking no action. There is a smaller percentage difference between the situation becoming better or worse for respondents who took no action because they felt the problem was not important enough compared with either the self-helpers or the no action–not important group.

There appears to be no relationship between experiencing multiple problems and problems remaining unresolved, becoming worse or the outcome of problems being perceived as unfair.

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<sup>212</sup> Mary Stratton and Travis Anderson, *The Social, Economic and Health Consequences of Lack of Access to the Courts*, Department of Justice, Ottawa, unpublished, 2006. p. 22



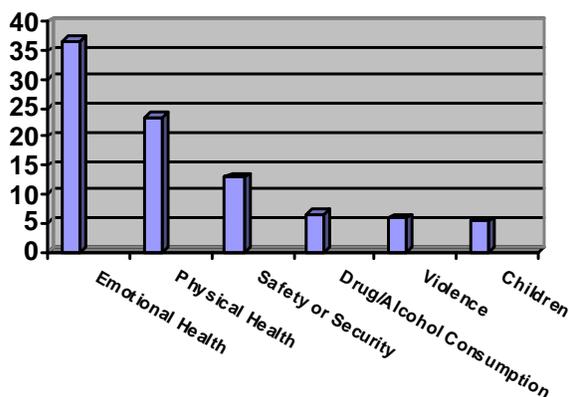
Demographic characteristics of respondents do not predict differences in the various outcomes. Overall, being unemployed is weakly related to abandoning attempts to resolve problems<sup>213</sup> and to perceiving outcomes to be unfair<sup>214</sup>. People with incomes of less than \$25,000 are most likely to report that unresolved problems have become worse<sup>215</sup>.

## Chapter VIII: The Health Care and Social Consequences of Justiciable Problems

Justiciable problems are so-named because they are the problems of everyday life, although they are problems that have legal aspects and potential legal solutions. Because life is more seamless than compartmentalized, justiciable problems occur in clusters, not only of types of justiciable problems, but also with types of problems that do not have clearly legal aspects. Other research suggests there are many connections between justiciable problems and social and health-related problems that are non-legal but, in the seamlessness of life, are integrally related to legal problems.<sup>216</sup>

In the present survey, respondents were asked if the justiciable problems they experienced had contributed to or caused adverse effects in several areas of life. These were: consequences for physical and mental health, on patterns of alcohol or drugs use, on the occurrence of violence in family and other areas of personal life and on feelings of personal safety and security. Overall, 38.1 per cent of all respondents with one or more problems reported having a health or social problem that they attributed directly to a justiciable problem.

**Figure 15: The Health and Social Impacts of Justiciable Problems**



<sup>213</sup>  $\chi^2 = 35.0$ ,  $p = .0001$

<sup>214</sup>  $\chi^2 = 42.3$ ,  $p = .0001$

<sup>215</sup>  $\chi^2 = 11.3$ ,  $p = .02$

<sup>216</sup> P. Pleasence, N.J. Balmer, A. Buck, A. O'Grady and H. Genn, Civil Law Problems and Morbidity, *Journal of Epidemiology and Community Health*, 58, 2004 and Alexy Buck, Nigel Balmer and Pascoe Pleasence, Social Exclusion and Civil Law: Experience of Civil Justice problems Among Vulnerable Groups, *Social Policy and Administration*, Vol. 39, No. 3, 2005.

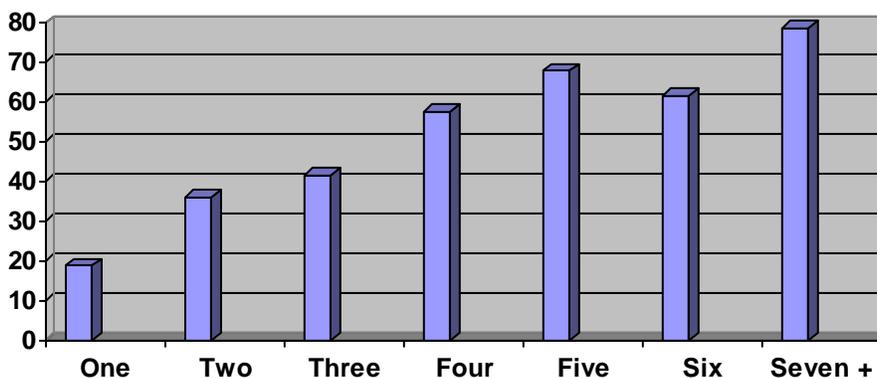
Extreme stress or emotional problems were the most frequently cited impact of experiencing justiciable problems, with 36.6 per cent indicating they had experienced a problem of this nature (n = 1137). This was followed by physical health problems, 23.5 per cent (n = 731), feelings of threats to one's security and safety, 12.9 per cent (n = 401), increased consumption of alcohol or drugs, 6.4 per cent (n = 198), threatened or actual violence, 5.7 per cent (n = 176) and, finally, problems with children, 5.3 per cent (n = 164).

*Problem Types:* The percentage of respondents reporting a health or social problem related to a justiciable problem is considerably higher than the average for particular problem types. For example, respondents experiencing a problem in the other family law category reported that they experienced a health or social problem in 81.7 per cent of all cases (n = 76). Respondents experiencing problems in the relationship breakdown category indicated that they had a health or social problem that could be related directly to the justiciable problem in 69.0 per cent of all problems (n = 165). Respondents reported a health or social problem related to 63.1 per cent of all problems related to discrimination. On the other hand, respondents reported a health or social problem in 37.8 per cent of all consumer problems (n = 555) and in 43.0 per cent of all problems related to debt (n = 583).

## The Number of Justiciable Problems

Health and social problems that can be directly attributed to justiciable problems are highly related to the number of problems experienced. Figure 16 shows the percentage of respondents reporting a health or social problem according to the number of justiciable problems they reported during the three year period. Clearly, the likelihood of health care or social problem impacts of justiciable problems is very sensitive to the number of justiciable problems experienced.<sup>217</sup>

**Figure 16: Percent of Respondents Reporting a Health or Social Problem By Number of Justiciable Problems**



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<sup>217</sup> One problem = 18.7% (n = 227), two problems = 36.0% (n = 209), three problems = 41.5% (n = 157), four problems = 57.6% (n = 136), five problems = 67.7% (n = 109), six problems = 61.6% (n = 69), seven or more problems = 78.5% (n = 226).  $\chi^2 = 528.3$ ,  $p = .0001$ ,  $\Phi = .42$ .



This suggests that social exclusion, viewed as an interlocking complex of justiciable and non-legal problems, is related to the increasing number of justiciable problems experienced.

## Vulnerable Groups and the Experience of Health and Social Consequences

People self-reporting as being disabled were 3.3 times more likely than the non-disabled to report health and social problems overall as a consequence of justiciable problems.<sup>218</sup> It is assumed that the disability existed prior to the justiciable problem. As well, the consequences include all six types of health and social consequences combined. Thus, the link between justiciable problems and health and social consequences is assumed to represent a generalized high degree of vulnerability of the disabled to a range of consequences related to experiencing justiciable problems. As well, the unemployed<sup>219</sup>, people on social assistance<sup>220</sup> and people with incomes below \$25,000 per year<sup>221</sup> are all somewhat less than twice as likely as others to report health and social consequences. Several other groups also showed weaker tendencies to report health and social consequences of their justiciable problems. Respondents with three or more children were 1.4 times more likely than respondents with no children to experience consequences overall.<sup>222</sup> Members of visible minority groups<sup>223</sup> and people aged 45 to 64 years of age<sup>224</sup> were also slightly more likely than other respondents to experience health or social consequences of justiciable problems.

Binary logistic regression showed that being disabled, on social assistance, unemployed, having three or more children and being middle aged (45 to 64 year of age) all have a statistically significant independent effect on experiencing health or social problems as a consequence of justiciable problems. The predictive power of the variables is relatively weak with the exception of disability as it is shown in table 47.

**Table 47: Predictors of Health and Social Consequences of Justiciable Problems**

Health and Social Consequences Combined	Estimate	Chi-Square	Probability	Odds Ratio
Intercept	- 1.8	71.1	.0001	--
Disabled	1.1	92.4	.0001	3.1
Social Assistance	0.3	7.2	.007	1.3
45 to 64 years of age	0.1	10.2	.001	1.7
Unemployed	0.6	10.8	.001	1.8
Three or more Children	0.5	10.5	.001	1.6
R-Square for the Regression Equation = .15				

<sup>218</sup>  $\chi^2 = 140.59$ ,  $p < .0001$ , confidence interval of the OR (2.7 to 4.0)

<sup>219</sup>  $\chi^2 = 18.5$ ,  $p < .0001$ , OR = 1.9, confidence interval of the OR (1.4 to 2.5)

<sup>220</sup>  $\chi^2 = 32.0$ ,  $p < .0001$ , OR = 1.7, confidence interval of the OR (1.4 to 2.0)

<sup>221</sup>  $\chi^2 = 32.0$ ,  $p < .0001$ , OR = 1.8, confidence interval of the OR (1.4 to 2.1)

<sup>222</sup>  $\chi^2 = 8.4$ ,  $p < .004$ , OR = 1.4, confidence interval of the OR (1.1 to 1.8)

<sup>223</sup>  $\chi^2 = 7.0$ ,  $p < .0001$ , OR = 1.3, confidence interval of the OR (1.1 to 1.5)

<sup>224</sup>  $\chi^2 = 13.3$ ,  $p < .0001$ , OR = 1.3, confidence interval of the OR (1.1 to 1.5)

## Justiciable Problems Effecting Emotional Health or Causing Extreme Stress

An increased likelihood of increased use of health care services was a further consequence of experiencing emotional health problems as a consequence of justiciable problems. Among the 1,137 respondents who said they experienced a physical health problem as a consequence of the justiciable problem, more than three quarters, 77.9 per cent, said that the health problem had resulted in an increase in the number of visits to doctors or other health care facilities.

Four employment problems, harassment in the workplace, unfair dismissal from a job, health and safety in the workplace, and unfair disciplinary action at work, ranking one, two, four and six, respectively, make up 27.8 per cent of all problems that respondents linked to experiencing emotional problems or extreme stress. Two family law problems, separation and divorce; a consumer problem involving a large purchase; harassment by a collection agency; and collecting money owed, added to the problems mentioned previously, make up 51 per cent of all problems related to emotional problems.

**Table 48: Principal Problems Having Emotional Health Consequences for Respondents**

Problem	Number	Per Cent	Cumulative Per Cent
Harassment in the workplace	91	12.2%	--
Unfair Dismissal From a Job	57	7.7%	19.9%
Harassment by a Collection Agency	50	6.7%	26.6%
Workplace Health and Safety	33	4.4%	31.0
Power of Attorney, Medical Incapacity	33	4.4%	35.4%
Unfair Disciplinary Action in the Workplace	26	3.5%	38.9%
Separation	24	3.2%	42.1
Debt, Collecting Money Owed	23	3.1%	45.2%
Divorce	22	3.0%	48.2%
Consumer, Large Purchase	21	2.8%	51.0%
All Other Problems	364	49.0%	100.0%

## Vulnerable Groups and the Emotional Health Consequences

People with less than high school education were 3.4 times more likely than people with more education to report they had experienced extreme stress or emotional health problems.<sup>225</sup>

Respondents with incomes of less than \$25,000 were also highly likely to report emotional health problems as a consequence of justiciable problems compared with others, in this case 2.6 times more likely.<sup>226</sup> The disabled were almost twice as likely to report an emotional or stress-related problem, 1.9 times, and members of visible minorities were 1.6 times more likely than all other respondents to report a problem of this type.

<sup>225</sup>  $\chi^2 = 4.7$ ,  $p < .01$ , OR = 3.4, confidence interval of the OR (1.1 to 10.9)

<sup>226</sup>  $\chi^2 = 10.3$ ,  $p < .001$ , OR = 2.6, confidence interval of the OR (1.4 to 4.7)



Binary logistic regression showed that having lower education and lower income have a statistically significant independent effect on experiencing self-reported high level of stress or emotional problems as a consequence of justiciable problems.

**Table 49: Predictors of Stress and Emotional Health Consequences of Justiciable Problems**

Stress and Emotional Health Consequences	Estimate	Chi-Square	Probability	Odds Ratio
Intercept	0.3	0.41	.52	--
Less Than High School Education	1.4	4.8	.03	4.0
Income Less Than \$25,000	0.9	3.7	.05	2.6
R-Square for the Regression Equation = .12				

### Justiciable Problems Affecting Physical Health

Similar to the emotional problems discussed above, table 50 shows that employment problems are clearly the ones that most frequently effect people’s physical health. Three problems, harassment in the workplace, workplace health and safety issues and unfair dismissal from a job taken together make up slightly more than 25% of all problems mentioned. Only seven additional problems, added to the three employment problems already mentioned, comprise one half of all justiciable problems related to physical health problems. These are harassment by a collection agency; two family law problems, separation and divorce; two personal injury problems, one related to traffic accidents and one related to the workplace; consumer problems related to the purchase of expensive items and unfair disciplinary action at work.

**Table 50: Principal Problems Having Physical Health Consequences for Respondents**

Problem	Number	Per Cent	Cumulative Per Cent
Harassment in the workplace	69	13.1%	--
Workplace Health and Safety	35	6.6%	19.7%
Unfair Dismissal from Job	30	5.7%	25.4%
Harassment by a Collection Agency	24	4.5%	29.9%
Separation	22	4.2%	34.1%
Personal Injury, Traffic Accident	19	3.6%	37.7%
Consumer problem with Large Purchase	17	3.2%	40.9
Divorce	17	3.2%	44.1%
Personal Injury at Work	17	3.2%	47.3%
Unfair Disciplinary Action at Work	14	2.7%	50.0%
All Other Problems	264	50.0%	100.0%

An increased likelihood of increased use of health care services was a further consequence of experiencing emotional health problems as a consequence of justiciable problems. Among the 702 respondents who said they experienced a physical health problem as a consequence of the

justiciable problem, more than three quarters, 77.9 per cent, said that the health problem had resulted in an increase number of visits to doctors or other health care facilities.

Four groups were highly likely to experience physical health problems as a consequence of justiciable problems. The disabled were 3.2 times more likely than all others to report having experienced physical problems as a direct consequence of justiciable problems<sup>227</sup>, people with incomes of less than \$25,000, 1.8 times more likely than other income groups<sup>228</sup>, people aged 45 to 64, 1.5 times more likely than all other age groups<sup>229</sup> and members of visible minority groups were 1.4 times more likely than all others<sup>230</sup>. This is exemplified in table 51.

The binary logistic regression retained only disabled as having an independent statistically significant effect on experiencing a physical health problem as a consequence of justiciable problems.

**Table 51: Predictors of Physical Health Consequences of Justiciable Problems**

Physical Health Consequences	Estimate	Chi-Square	Probability	Odds Ratio
Intercept	0.6	2.7	.10	--
Disabled	1.1	35.3	.0001	4.9
R-Square for the Regression Equation = .12				

## Adverse Lifestyle Consequences, Justiciable Problems Relating to Increased Drug and Alcohol Use

A much smaller number of respondents attributed increased drug and alcohol use to their having experienced a justiciable problem. Table 52 shows that two justiciable problems related to employment, workplace harassment and unfair dismissal from a job were the two problems most frequently mentioned as having this particular consequence.

**Table 52: Justiciable Problems and Increased Alcohol and Drug Use**

Problem	Number	Per Cent	Cumulative Per Cent
Harassment in the workplace	22	14.2%	--
Unfair Dismissal From a Job	13	8.4%	22.6%
Harassment by a Collection Agency	10	6.5%	29.1%
Personal Injury at Work	8	5.2%	34.3%
Health and Safety Issue at Work	7	4.5%	38.8%
Unfair Disciplinary Action in the Workplace	7	4.5%	43.3%
Personal Injury, Traffic	6	3.9%	47.2%
Personal Injury, Medical Care	6	3.9%	51.1%
All Other Problems	76	48.9%	100.0%

<sup>227</sup>  $\chi^2 = 54.7$ ,  $p < .0001$ , OR = 3.2, confidence interval of the OR (2.3 to 4.4)

<sup>228</sup>  $\chi^2 = 13.9$ ,  $p < .0002$ , OR = 1.8, confidence interval of the OR (1.3 to 2.5)

<sup>229</sup>  $\chi^2 = 10.8$ ,  $p < .001$ , OR = 1.5, confidence interval of the OR (1.2 to 1.9)

<sup>230</sup>  $\chi^2 = 4.3$ ,  $p < .04$ , OR = 1.4, confidence interval of the OR (1.0 to 1.8)



Being disabled and young were the two groups more likely than others to report increased drug or alcohol consumption as a consequence of their justiciable problems, although the effects were not particularly strong. The disabled were 1.5 times more likely than the non-disabled to report increased consumption of alcohol or drugs.<sup>231</sup> Young people under the age of 29 were 1.6 times more likely than older respondents to report increased consumption of drugs or alcohol.<sup>232</sup>

In the multiple regression model only age under 29 remained as a statistically predictor of increased drug and alcohol consumption independent of other variables.

**Table 53: Predictors of Increased Drug and Alcohol Consumption as Consequences of Justiciable Problems**

Increased Drug and Alcohol Consumption	Estimate	Chi-Square	Probability	Odds Ratio
Intercept	- 3.8	43.2	.0001	--
Disabled	0.8	3.9	.05	2.3
R-Square for the Regression Equation = .07				

## Justiciable Problems and the Threat of Violence

Table 54 shows that threats of violence or actual violence were reported by 6.4 per cent of respondents as a consequence of experiencing justiciable problems.

**Table 54: Justiciable Problems and Threats of Violence**

Problem	Number	Per Cent	Cumulative Per Cent
Harassment in the workplace	11	7.9%	--
Separation	9	6.5%	14.4%
Consumer, Major Item	8	5.8%	20.2%
Divorce	8	5.8%	26.0%
Custody and Access	8	5.8%	31.8%
Unfair Disciplinary Action in the Workplace	7	5.0%	36.8%
Harassment by Collection Agency	5	3.6%	40.4%
Threat of Legal Action	5	3.6%	44.0%
Collecting Wages Owed	4	3.1%	47.1%
Workplace Health and Safety	4	3.1%	50.2%
All Other Problems	69	48.8%	100.0%

Having three or more children was the variable with the strongest relationship to fear of, or actual, violence against oneself or one's family. Respondents with three or more children were twice as likely as all others with children to report this consequence.<sup>233</sup> People on social assistance were 1.9 times more likely than all others to experience violence or the threat of

<sup>231</sup>  $\chi^2 = 5.4$ ,  $p < .02$ , OR = 1.5, confidence interval of the OR (1.1 to 2.1)

<sup>232</sup>  $\chi^2 = 6.1$ ,  $p < .01$ , OR = 1.6, confidence interval of the OR (1.1 to 2.2)

<sup>233</sup>  $\chi^2 = 9.6$ ,  $p < .002$ , OR = 2.0, confidence interval of the OR (1.3 to 3.1)

violence as a consequence of some justiciable problem.<sup>234</sup> Younger people aged 29 and under<sup>235</sup>, the unemployed<sup>236</sup> and people with incomes of less than \$25,000 were all 1.6 times more likely than all others to say they had experienced violence or the threat of violence.<sup>237</sup> Refer to table 55.

In the binary logistic regression used to predict independent effects having three or more children and having a lower income remained in the model as statistically significant predictors of experiencing violence or the threat of violence.

**Table 55: Predictors of Violence or the Threat of Violence as Consequences of Justiciable Problems**

Violence or the Threat of Violence	Estimate	Chi-Square	Probability	Odds Ratio
Intercept	- 1.9	16.9	.0001	--
Income Under \$25,000	0.7	6.1	.01	2.1
Three or More Children	1.2	18.1	.0001	3.2
R-Square for the Regression Equation = .07				

## Justiciable Problems and Problems with Children

Justiciable problems experienced by parents can affect their children in a variety of ways. Problems are not always confined to behaviour problems at home or at school. Table 56 shows the general types of problems experienced by children in response to the justiciable problems experienced by their parents. Most of the problems are related to behaviour in the home. Just over one third involve problems that manifest themselves in school. In about 11 per cent of problems for which the parent's justiciable problems impacted on their children involved conflict with the law and police contact.

**Table 56: Types of Problems Experienced by Children**

Type of Problem	Number	Percent
Problem at Home	94	35.3%
Problem at School	143	53.8%
Problems Involving Conflict With the Law	29	10.9%
Total	266	100.0%

Table 57 depicts that the problems that impacted negatively in the behaviour of children related mainly to family law problems. Relationship breakdown problems, including problems related to custody and access, separation, divorce and child support comprise 36.6 per cent of all problems mentioned. Perceived harassment at work or by a collection agency also have impacts on children.

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<sup>234</sup>  $\chi^2 = 14.7$ ,  $p < .0001$ , OR = 1.9, confidence interval of the OR (1.4 to 2.8)

<sup>235</sup>  $\chi^2 = 3.9$ ,  $p < .05$ , OR = 1.6, confidence interval of the OR (1.0 to 2.5)

<sup>236</sup>  $\chi^2 = 3.9$ ,  $p < .04$ , OR = 1.6, confidence interval of the OR (1.0 to 2.7)

<sup>237</sup>  $\chi^2 = 6.6$ ,  $p < .04$ , OR = 1.6, confidence interval of the OR (1.1 to 2.3)



**Table 57: Justiciable Problems and Impacts on Children**

Problem	Number	Per Cent	Cumulative Per Cent
Custody and Access	15	12.2%	--
Separation	14	11.4%	23.6%
Divorce	11	8.9%	32.5%
Suspension of Child from School	6	4.9%	37.4%
Harassment in the Workplace	6	4.9%	42.3%
Harassment by Collection Agency	5	4.1%	46.4%
Child Support	5	4.1%	44.0%
Powers of Attorney, Medical Care	5	4.1%	50.5%
All Other Problems	56	49.5%	100.0%

Having three or more children was strongly related to experiencing problems related to children as a consequence of justiciable problems (refer to table 58). People with three or more children were 2.9 times more likely to have problems related to children<sup>238</sup>. In addition, people on social assistance were almost twice, 1.9 times, more likely to have child-related problems.<sup>239</sup>

In the logistic regression only having three or more children exerted a statistically significant independent effect.

**Table 58: Predictors of Child-related Problems as Consequences of Justiciable Problems**

Child-Related Problems	Estimate	Chi-Square	Probability	Odds Ratio
Intercept	- 2.6	22.3	.0001	--
Three or More Children	2.1	48.5	.0001	7.8
R-Square for the Regression Equation = .16				

## Justiciable Problems and Feelings of Safety and Security

Experiencing justiciable problems also compromises people’s feelings of security and safety. Problems related to employment together make up almost 25 per cent of problems that undermine people’s sense of security. If personal injury at work is added to harassment at work, unfair dismissal from a job and health and safety issues at work, this increases to nearly 30 per cent of all problems. Problems that result from things going wrong with the purchase of expensive consumer goods or with major renovations or repairs are also relatively prominent, as are separation and divorce.

<sup>238</sup>  $\chi^2 = 25.5$ ,  $p < .0001$ , OR = 2.9, confidence interval of the OR (1.9 to 4.4)

<sup>239</sup>  $\chi^2 = 12.4$ ,  $p < .0004$ , OR = 1.9, confidence interval of the OR (1.3 to 2.7)

**Table 59: Justiciable Problems and General Feelings of Security and Safety**

Problem	Number	Per Cent	Cumulative Per Cent
Harassment in the Workplace	34	12.7%	--
Unfair Dismissal from a Job	17	6.2%	18.9%
Workplace Health and Safety	16	5.8%	24.7%
Separation	12	4.3%	29.0%
Harassment by a Collection Agency	11	4.0%	33.0%
Personal Injury at Work	11	4.0%	37.0%
Consumer, large Purchase	10	3.6%	40.6%
Consumer, Major Repairs	9	3.3%	43.9%
Collecting Money Owed	9	3.3%	47.2%
Divorce	9	3.3%	50.5%
All Other Problems	137	49.5%	100.0%

A number of variables had relatively weak relationships with reporting the safety and security of the individual or family as a consequence of justiciable problems. Respondents who were disabled, on social assistance, under age 29, unemployed and a member of a visible minority group were all more likely to report fears of safety and security as a consequence of experiencing a justiciable problem.

The binary logistic regression indicates that being disabled and unemployed are the two variables that have a statistically significant and independent effect on feelings related to a lack of safety and security. Refer to table 60.

**Table 60: Predictors of Fears for Personal or Family Safety and Security as Consequences of Justiciable Problems**

Fears for Personal or Family Safety and Security	Estimate	Chi-Square	Probability	Odds Ratio
Intercept	- 0.8	4.8	.03	--
Disabled	0.4	7.9	.005	1.6
Unemployed	0.6	4.6	.03	2.9
R-Square for the Regression Equation = .06				

Overall, health and social consequences are more negatively affected by adverse problem outcomes. Among respondents with unresolved problems, 56.1 percent experienced one or more negative health or social consequences and 43.9 per cent did not, a 21.2 per cent difference. In comparison, among respondents with unresolved problems that became worse, 69.9 per cent experienced a negative or social consequence and 30.1 per cent did not, a much larger percentage difference of 40.3 per cent. This indicates that having an unresolved problem that became worse has a very strong effect on experiencing a negative health or social impact.<sup>240</sup>

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<sup>240</sup>  $\chi^2$  47.9, p<.0001



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Failing to obtain useful assistance with problems also is related to negative health and social impacts. For instance, there is virtually no difference in the percentage of respondents with and without negative health and social consequences among people who considered the advice they received to be very helpful. Among the people who were very satisfied with advice given, 50.8 per cent reported a negative health or social consequence and 49.2 per cent did not, a small percentage difference of 1.6 per cent. Compare this with respondents who felt that the advice they received was not helpful at all. In this case, 72.7 per cent reported adverse health and social consequences compared with 27.3 per cent. The percentage difference of 45.4 per cent between respondents with and without negative health and social impacts indicates that receiving poor advice is strongly related to the adverse effects.<sup>241</sup>

## Chapter IX: Justice, Justiciable Problems and Perceptions of the Fairness of the Justice System

**T**he idea of justice is a thread that runs through all social institutions, embodying very fundamental social values of fairness and equality of treatment. Confidence in the laws and the justice system does not require that individuals have contact with the formal justice system. Civil laws touch a very broad and varied spectrum of activities in everyday life. Employment, consumer transactions, debt and credit, family relations, managing the financial affairs and the health care of the elderly and many other areas of social and commercial activity are regulated by civil laws. Experiencing adverse consequences or the weight of multiple justiciable problems appears to engender negative attitudes toward the justice system because the system is what people normally think about when they perceive injustice. The formal justice system is the lightning rod of discontent when the fundamental values that the laws and the justice system embody are offended, even though the justice system has not actually been engaged. The discontent may be focus on the justice system but it is the quality of justice *writ large* that characterizes the quality and integrity of the society that is the issue. The implication is that failing to provide assistance to deal with justiciable problems has the potential to erode the fibers that bind the social fabric.

This chapter explores the connection between experiencing justiciable problems and respondents' attitudes toward the laws and the justice system. Respondents were asked on a four point scale ranging from strongly agree to strongly disagree to respond to the statement that the laws and the system of justice are essentially fair, allowing a "neither disagree or disagree" response only as a volunteered response to minimize the tendency for responses to regress toward the mean.

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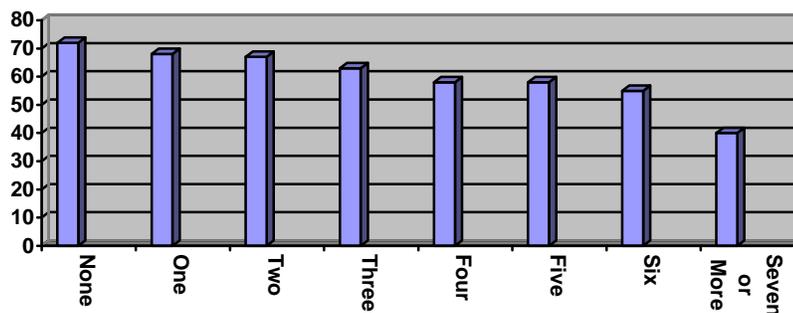
<sup>241</sup> The small sub-sample of 233 produced 60% of cell with less than 5 observations. Thus the chi-square test was inappropriate in this case.

**Table 61: Fairness of the Laws and Justice System in Canadian Society**

The Laws and the Justice System Are Essentially Fair	Number	Per Cent
Strongly Agree	1584	23.8
Somewhat Agree	2932	44.0
Somewhat Disagree	1103	16.6
Strongly Disagree	798	12.0
Not Sure	146	2.1
No Answer	102	1.5

The more justiciable problems people have, the less favourably they view the justice system. Figure 17 shows the percentages of respondents<sup>242</sup> who indicated they strongly or somewhat agreed with the statement that the laws and the justice system in Canadian society are essentially fair according to the number of justiciable problems they had experienced during the three-year reference period.

**Figure 17: Percent of Respondents With a Favourable Perception of the Law and the Justice System by Number of Justiciable Problems**



The data shows that the greater the number of justiciable problems experienced, the less likely respondents are to perceive the laws and justice system as fair. About 72 per cent of people who experienced no problems expressed a favourable view about the fairness of the laws and the justice system. This percentage declines steadily as the number of reported problems increases. Only 40 per cent of respondents with seven or more problems feel that the laws and the justice system are essentially fair. This may appear to present something of a *pons asinorum* since the vast majority of the respondents had no connection with the formal justice system in dealing with their problems. While the nature of this connection might be profitably examined in greater detail than is possible here, it appears that respondents are generalizing about justice 'writ large'. Justice is a universal value. It is a thread that runs through all of the structures of society, by virtue of the fact that the civil laws permeate virtually all aspects of social activity.

<sup>242</sup> The exact percentages and n's are: none, 72.0% (n = 2658); one, 67.7% (n = 823); two, 66.9% (n = 389); three, 62.7% (n = 237); four, 58.5% (n = 138); five, 57.8% (n = 93); six, 54% (n = 62); seven+, 40.3% (n = 116).  $\chi^2 = 324.7$ ,  $p = .0001$ ,  $\Phi = .22$ .



It was emphasized in Chapter One that a person could experience a justiciable problem whether or not he recognized the problems as having a legal aspect or had involved the formal justice system in attempts to resolve the problem. However, justiciable problems exist in the shadow of the law and it seems that people implicitly recognize the legal nature of the problems of every day life, forming perceptions of the fairness of laws and the justice system based on their experience with civil justice problems regardless of whether they actually go the law to resolve the problem. To the extent that this is true, and it appears to be, we have the paradox that people's experience with justiciable problems that are rarely taken to the formal justice system, and perhaps should not be (assuming that they may be more appropriate ways of dealing with them) may still have an impact on their perceptions of the justice system generally. Breton, et. al. assert that "fairness...is a standard in the assessment of laws and regulations, government policies and programs, business practices, job opportunities, and the administration of justice. 'That's not fair' is a definitive condemnation of the state of affairs in any domain of life".<sup>243</sup>

## Perceptions of Fairness and Appearing in Court

Having to appear in court or at a tribunal makes a difference in terms of respondents' perceptions of the fairness of Canada's laws and system of justice. People who appeared in court or at a tribunal to resolve their justiciable problems are less favourable toward the justice system than people who do not.

**Table 62: Fairness of the Justice System and Appearing in Court**

Feel that the Laws and Justice System are Essentially Fair	Appeared in Court or at a Tribunal to Resolve Problem	Did not Appear at a Court or Tribunal
Strongly Agree	14.2% (40)	17.7% (288)
Somewhat Agree	35.6% (100)	42.1% (685)
Somewhat Disagree	18.9% (53)	16.7% (325)
Strongly Disagree	31.2% (88)	20.3% (331)

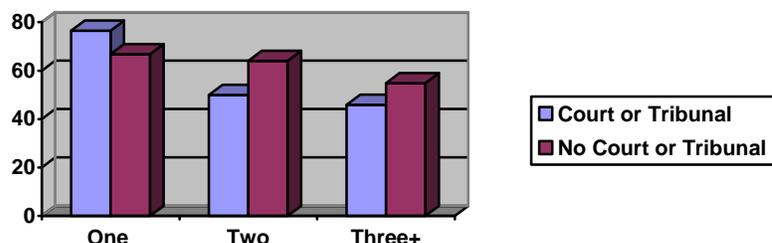
$\chi^2 = 17.6, p = .008$

Combining the two positive response categories, 49.8 per cent of respondents who appeared in court or at a tribunal to resolve their problem felt that the laws and the justice system are essentially fair. This compares with 59.7 per cent who did not use the courts or tribunals.

People who have larger numbers of justiciable problems are less likely to agree that the laws and the justice system are fair declines for number of problems, and this is true for both those who used the courts or tribunals in an attempt to resolve their dispute and those who did not.

<sup>243</sup> Breton, Raymond, Norbert J. Hartmann, Jos. A. Lennards and Paul Reid, (2005) *A Fragile Social Fabric? Fairness, Trust and Commitment in Canada*, McGill-Queens University Press. p. 32

**Figure 18: Percent Who Feel the Laws and the Justice System are Fair, by Number of Problems and Appearing in Court or at a Tribunal**



An interesting aspect of this pattern is that people with only one problem who appeared in court are more likely to judge the laws and the justice system as fair than those who did not use the formal justice system; 76.5 per cent of respondents who used the courts or tribunals compared with 66.8 per cent who did not. The pattern reverses for people with two problems and with three or more problems. A smaller percentage of people with two justiciable problems and who used the formal system in an attempt to resolve their problems, 50.0 per cent, feel that the laws and the justice system are essentially fair compared with those who did not go to the law to resolve their problems, 64.1 per cent. Respondents with three or more problems who used the formal justice system are even less likely to view the laws and the justice system as fair, 45.9 per cent, compared with those who did not use the justice system, 54.9%.<sup>244</sup>

## Perceived Fairness of the Law and the Justice System and Problem Outcomes

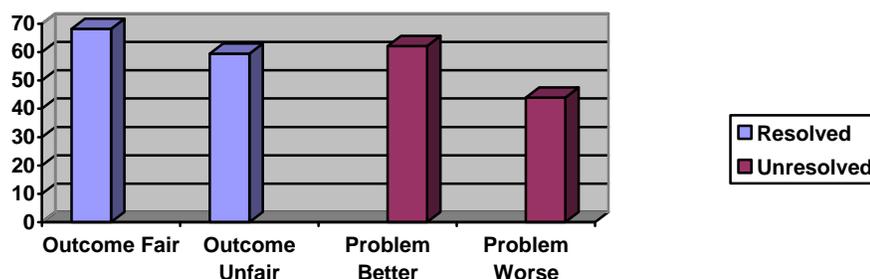
Problem outcomes also have an effect on respondent's perceptions of the fairness of the laws and the justice system. Outcomes that are perceived to be unfair have a tendency to produce negative attitudes toward the laws and the justice system. As one might expect, respondents who had resolved their problems and for whom the outcome was perceived to be unfair, are more likely to feel that the laws and the justice system are essentially unfair compared with people who resolved their problems with outcomes that they considered fair.

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<sup>244</sup> The percentages and n's are: one problem and no court, 66.8% (n=185); two problems and no court, 64.1% (n=209) and three or more problems and no court, 54.9% (n=579);  $\chi^2 = 46.3$ ,  $p = .0001$ ; One problem and court 76.5% (n=13); two problems and court, 50.0% (n=14); three or more problems and court, 45.9% (n=113);  $\chi^2 = 21.6$ ,  $p = .02$ .



**Figure 19: Percent Perceiving that the Laws and the Justice System are Fair and the Outcome of Resolved and Unresolved Problems**



The first pair of bars in figure 19 shows the percentage of respondents whose problems were resolved and who felt that the laws and the justice system are fair, comparing those who felt the outcome of the problem was fair or unfair. The pair of bars to the right shows the percentage of respondents with unresolved problems who strongly or somewhat agreed that that the justice system was essentially fair, comparing respondents who said the unresolved problem had become better or worse.<sup>245</sup>

## **Perceived Fairness of the Law and the Justice System and Assistance With Justiciable Problems**

Regardless of the type of assistance received, people are more likely to have positive perceptions about the fairness of the justice system if they feel that the assistance they received was helpful. For three sources of assistance<sup>246</sup>, friends and relatives, privately retained lawyers and legal aid offices/law clinics having received assistance that was perceived as helpful is related to a perception that the laws and the justice system are essentially fair. Table 63 summarizes the data, showing the percentages of respondents who feel that the laws and the justice system are essentially fair, comparing respondents who said that the assistance they received was very helpful with those who said the assistance was not helpful at all for the three sources of assistance that produced statistically significant results.

<sup>245</sup> For resolved problems, outcome fair, 68.2% (n = 1217) and outcome unfair, 59.4% (n = 916),  $\chi^2 = 39.1$ ,  $p = .0001$ . For unresolved problems, became better, 62.1% (n = 251) and became worse, 44.0% (n = 117),  $\chi^2 = 39.5$ ,  $p = .0001$ .

<sup>246</sup> The relationships between helpfulness of the assistance and perceived fairness of the justice system were not statistically significant for several sources of assistance; police, government offices, other organizations, the internet, libraries, support groups and labour unions.

**Table 63: Percent of Respondents Who Perceive the Laws and the Justice System As Fair by Helpfulness of Assistance**

Assistance From Friends or Relatives	
Assistance Very Helpful	Assistance Not Helpful at All
66.4% (75)	40% (4)
$\chi^2 = 39.5, p = .0001, \text{Phi} = .34$	
Assistance From Private Bar Lawyers	
Assistance Very Helpful	Assistance Not Helpful at All
62.9% (163)	36.7% (25)
$\chi^2 = 46.4, p = .0001, \text{Phi} = .28$	
Assistance From Legal Aid Offices or Legal Clinics	
Assistance Very Helpful	Assistance Not Helpful at All
54.6% (18)	22.2 (17)
$\chi^2 = 30.2, p = .01, \text{Phi} = .54$	

Among respondents who received assistance from friends or relatives and who found the assistance very helpful, 66.4 per cent felt that the laws and the justice system are essentially fair. Among respondents who did not find the assistance helpful, only 40 per cent felt that the laws and the justice system are fair. Similarly, 62.9 per cent who received assistance from private lawyers and who found the assistance very helpful felt that the laws and the justice system were essentially fair, compared with 36.7 per cent who said the assistance they received was not helpful at all. The same relationship holds true for people who obtained legal assistance from legal aid offices or legal clinics.

## Chapter X: The Paths to Civil Justice in Canada

The introductory chapter set out a broad framework for this research, the broad view of access to justice compared with the more narrow view of access to the justice system. We see the sense of this when we compare access to criminal justice with access to civil justice. Access to criminal justice is strongly system-driven. The need for assistance in criminal matters is triggered by the criminal charge and the court appearance, and is related in the number of unrepresented accused at various stages of the criminal justice process. Because people have many more options for resolving justiciable problems in civil matters, including not acting on them at all, and because the number of areas of life touched by the civil law is so great, access to civil justice is a far more complex matter. Civil justice is not as system-centered as criminal justice. The number of unrepresented litigants in family and civil courts, while an important problem, is only the tip of a very large iceberg in civil justice.

This research shows that civil justice problems are pervasive in the lives of Canadians. People can and do choose many paths to justice, with varying degrees of success. Many people do, indeed, experience a problem, resolve it satisfactorily largely by on the strength of their own resources and get on with life. However, many people fail to act to resolve their justiciable problems, mainly because of common barriers to access to justice; not knowing that something could be done, not knowing their rights and not knowing where to find assistance among the most frequent of them. Many of the self-helpers achieve outcomes that they consider to be



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unfair and, among those, some feel, in retrospect, that some help would have produced a better outcome. Many people who do not resolve their problems feel that the situation is becoming worse.

Just under a fifth of all people who report justiciable problems experience multiple problems, defined in this study as three or more problems occurring simultaneously. These are not random occurrences. Problems tend to cluster and justiciable problems can trigger others. This trigger effect suggests the presence of the process of social exclusion, in which multiple problems bind together to form a sort of Gordian knot. It was observed that people who experience multiple problems are more likely to experience the problems related to debt, housing, social services and disability pensions; all indicative of social exclusion and dependency on forms of social assistance. There is evidence that the fall into social exclusion is a descent into troubled lives of dependency on publicly funded services.

Life is seamless and experiencing justiciable problems can trigger not only other justiciable problems, but problems related to health and other aspects of social well-being. One third of respondents who experienced a justiciable problem said that the legal problem triggered a problem related to high levels of stress and emotional difficulties. About one quarter indicated they experienced physical health problems as a direct consequence of the justiciable problems. In both cases, people were likely to rely more heavily on the health care system as a consequence. This represents a direct cost to the health care system that arises as a result of experiencing civil justice problems. Other aspects of social well being can be adversely affected by peoples' experiencing justiciable problems. Adverse life-style consequences such as increased drug or alcohol consumption, violence or the threat of violence, behavioural consequences for the children of people experiencing justiciable problems and an erosion of a sense of safety and security of life are all causally related to experiencing justiciable problems.

It is abundantly clear that justiciable problems are not contained within legal silos. There is a causal relationship between experiencing justiciable problems and health and social problems. Experiencing multiple problems, not achieving a satisfactory outcome to problems and having unresolved problems grow worse all predict a greater likelihood of health and social problems. What we do as a society to deal with justiciable problems has a direct effect on the well being of many people experiencing them and, more generally, on the kind of society we are constructing for ourselves and for our children.

The evidence also suggests that experiencing justiciable problems produces a lack of confidence in the fairness of the laws and the justice system. People who experience multiple problems, who perceive that the outcomes of their problems were unfair, who feel that the situation relating to unresolved problems has become worse and who fail to obtain helpful assistance with their problems feel that the justice system is less fair than their more fortunate counterparts. Because justice is a central social institution embodying core social values, this is likely an expression of a lack of justice and fairness characterizing the society in general. The laws and the formal justice system are the symbolic embodiment of this disenchantment and this is not to say, however, that the justice system and just nature of the society are not being tarred with the same brush.

Certain social groups are more vulnerable than others to a variety of negative outcomes related to justiciable problems. In particular, the disabled stand out as a group that is particularly vulnerable. Targeting of services should take into account the combinations of factors that signal increased vulnerability, including multiple problems.

Overall, these results suggest that it would pay dividends in social terms to put in place mechanisms to assist people in resolving justiciable problems. This applies not only to assistance for self-representing litigants appearing in court. It suggests the potential value of a continuum of service approach that would assist a wider range of people with a much broader range of problems. Law lines that provide telephone assistance already exist in several jurisdictions. One Self Help Centre that provides assistance to self-representing litigants in family and civil matters has been tried successfully. The self help center concept could easily be expanded to meet the needs of a broader range of clients, for instance, people who must appear at administrative tribunals to resolve justiciable problems and people who might be able to resolve problems largely on their own with reliable public legal information and some limited hands-on assistance. These kinds of legal services are the possible foundation of a “continuum of service” approach to providing legal services that could address the range of justiciable problems identified in this research. This envisions an access to justice network approach to justiciable problems in which a range of services is linked, providing the appropriate level and type of service to the particular problem. Traditional legal aid with its emphasis on in-court representation services becomes one element in the network of access to justice services. In view of the connections between justiciable problems and problems related to health care and other aspects of social well-being, the network of access to justice services linked by referrals to the full range of services implicated in the cluster of inter-related problems experienced by individuals. Also, the clear evidence of multiple problems and trigger effects suggests that early intervention and preventative strategies might be of considerable value. This is a vision of “joined-up” justice services inspired not primarily by, although at the same time not ignoring, the over-crowded courts and the miseries of people who have to appear in them without legal counsel. It looks at justice services from the point of view of the range of problems that are experienced by the public and not only from the perspective of the courts.



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## Appendix A: Questionnaire

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### Department of Justice 2006 Survey of Justiciable Problems in Civil Matters FINAL Questionnaire

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#### *Introduction*

Good afternoon/evening. My name is \_\_\_\_\_ and I am calling from the Environics Research Group. Today we are conducting a survey on behalf of the Government of Canada about various issues that affect people's lives.

This survey is being conducted with a randomly selected group of several thousand Canadians, aged 18 and over. All of the answers provided will remain completely confidential and anonymous. The purpose of this research is to better understand Canadians' need for different kinds of legal and other types of assistance, which will help in the development of new programs and services.

IF ASKED: The survey will take between 10 and 25 minutes, depending on your answers to some of the questions.

IF ASKED: I can give you a contact name at the Government of Canada at the end of the survey [PROVIDE UPFRONT IF RESPONDENT INSISTS]

IF ASKED: This survey is registered with the National Survey Registration System. The registration system has been created by the Canadian survey research industry to allow the public to verify that a survey is legitimate, get information about the survey industry or register a complaint. The registration systems toll-free telephone number is 1-800-554-9996.

A. May I confirm that you are over 18?

01 – Yes CONTINUE

02 – No This survey must be completed by someone who is over 18. Would there be someone else in your household who is over 18?

**IF YES ASK TO SPEAK TO THAT PERSON**

CONFIRM WHETHER RESPONDENT WOULD LIKE TO BE INTERVIEWED IN ENGLISH OR FRENCH

#### ***I. Problem Identification***

I would like to begin by reading to you a list of the types of problems and disputes that people sometimes experience. In each case, I'd like to know whether you or your spouse or life partner (if you have one) has experienced this type of problem in the past three years; that is since

March 2003. Problems that started **before** March 2003 should be mentioned so long as you were still dealing with them after that date.

We are interested in problems that **you felt were serious and difficult to resolve**. Please feel free not to answer any question you might not feel comfortable answering.

IF ASKED WHAT A SERIOUS PROBLEM IS, SAY: By “serious” we mean it was a large enough problem that you felt it could not be easily answered or solved, and that if you ignored it there would be negative consequences.

INTERVIEWER: IF RESPONDENT INDICATES THEY DO NOT HAVE A PARTNER/HAVE NOT HAD ONE FOR THREE YEARS, DO NOT READ “OR YOUR PARTNER” IN THE FOLLOWING QUESTIONS.

## A. Consumer Problems

1. I will start with problems or disputes you may have experienced **as a consumer**. In the past three years, have you or your partner experienced any of the following problems or disputes that were serious and difficult to resolve:  
READ IN SEQUENCE
2. [ASK IMMEDIATELY AFTER EACH YES IN Q.1] Can you recall the year this problem first started?
3. [ASK IMMEDIATELY AFTER EACH RESPONSE IN Q.2] And can you tell me approximately how much money was involved with this purchase, repair or service with which you had a problem?  
ROUND TO NEAREST \$50 INCREMENTS – IF NOT PROVIDED IN CDN DOLLARS ASK FOR CDN DOLLAR EQUIVALENT
  - a. Spent money on a large purchase (such as a home, a boat, a car, a major appliance) and then you found you didn't get what you paid for AND the seller failed to make things right.
  - b. Spent money to have repairs, renovation or other work done (such as to your home, your car, or to an appliance) and then you found you didn't get what you paid for AND the repair person or contractor failed to make things right.
  - c. Paid for a service (such as a moving company, a health club or tax preparation) then found out you didn't get what you paid for or the service was poor and the service provider would not make things right.
  - d. A problem with the **safety** of a product you purchased and the seller would not repair, replace or take back the product.

01 - Yes

02 - No

99 - DK/NA

\_\_\_ \_\_\_ \_\_\_ \_\_\_ Year problem started

9999 - DK/NA

\_\_\_ \_\_\_ \_\_\_ \_\_\_ \_\_\_ Dollars

9999999



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## B. Employment Problems

4. In the past three years, have you or your partner experienced a problem or dispute involving any of the following with respect to **employment**, that was serious and difficult to resolve:  
READ AND RANDOMIZE  
IF NECESSARY CONFIRM: by partner I mean spouse or life partner rather than a business partner
5. [ASK IMMEDIATELY AFTER EACH YES IN Q.4] Can you recall the year this problem first started?
- a. Obtaining Employment Insurance (EI)
  - b. Obtaining wages, overtime pay, vacation pay or severance pay that you believe were owed to you
  - c. Being dismissed from a job unfairly (NOT A SITUATION WHERE A FIXED PERIOD OF EMPLOYMENT ENDED AND WAS NOT RENEWED)
  - d. Being refused rights that were part of agreed conditions of work, such as maternity leave, holidays, sick leave
  - e. Health or safety issues in the workplace
  - f. Unfair disciplinary procedures
  - g. Serious and persistent harassment at work

01 - Yes

02 - No

VOLUNTEERED

03 - RETIRED (THREE YEARS OR MORE) – SKIP TO Q6

99 - DK/NA

\_\_\_ \_\_\_ \_\_\_ Year problem started

9999 - DK/NA

INTERVIEWER – USE CODE 3 ONLY IF RESPONDENT/PARTNER HAS BEEN PERMANENTLY RETIRED FOR THREE YEARS OR MORE. DO NOT USE IF UNEMPLOYED, LAID OFF, STUDENT OR LOOKING FOR WORK

## C. Debt

6. In the past three years, have you or your partner experienced a problem or dispute involving any of the following with respect to **money and debt** that was serious and difficult to resolve, **not related to any problems already mentioned**.  
READ AND RANDOMIZE
7. [ASK IMMEDIATELY AFTER EACH YES IN Q.6] Can you recall the year this problem first started?
8. [ASK IMMEDIATELY AFTER EACH RESPONSE IN Q.7] And can you tell me approximately how much money was involved with this purchase, repair or service with which you had a problem?  
ROUND TO NEAREST \$50 INCREMENTS – IF NOT PROVIDED IN CDN DOLLARS ASK FOR CDN DOLLAR EQUIVALENT

- a. The need to declare personal bankruptcy
- b. Being harassed persistently at home or work by a collection agency seeking to recover outstanding amounts
- c. Being unfairly refused credit because of inaccurate information
- d. A dispute over a bill or invoice because of inaccurate information
- e. Problems collecting money owed to you
- f. Having an insurance claim unfairly rejected

01 - Yes

02 - No

99 - DK/NA

\_\_\_\_ Year problem started

9999 - DK/NA

\_\_\_\_\_ Dollars

9999999

## D. Social Assistance/Welfare Benefits

9. In the past three years, have you or your partner experienced any type of problem or dispute involving **government income assistance** that was serious and difficult to resolve? This does not include disability pensions.)

01 - Yes

02 - No                      SKIP TO Q.12

99 - DK/NA                SKIP TO Q.12

10. (IF YES TO Q.9) Which of the following types of problems did you or your partner experience?  
READ IN SEQUENCE

11. [ASK IMMEDIATELY AFTER EACH YES IN Q10] Can you recall the year this problem first started?

a. Problems obtaining social assistance or with the amount of social assistance

b. Problems obtaining old age security, or the Guaranteed Income Supplement

c. Problems with any other type of government assistance, such as housing, benefits for disabled children.

01 - Yes

02 - No

99 - DK/NA

\_\_\_\_ Year problem started

9999 - DK/NA



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## E. Disability Assistance

12. In the past three years, have you or your partner experienced any serious type of problem or dispute that was difficult to resolve involving **income assistance provided to people with disabilities, not including problems already mentioned.**

01 - Yes  
02 - No                   SKIP TO Q.15  
99 - DK/NA            SKIP TO Q.15

13. (IF YES TO Q.12) Which of the following types of problems did you or your partner experience?  
READ IN SEQUENCE

14. [ASK IMMEDIATELY AFTER EACH YES IN Q.13] Can you recall the year this problem first started?

- a. Problems obtaining a federal Canada Pension Plan disability pension
- b. Problems obtaining a provincial disability pension
- c. Problems obtaining a disability pension from a private insurance company
- d. Problems obtaining workers compensation in relation to a disability

01 - Yes  
02 - No  
99 - DK/NA

\_\_\_ \_\_\_ \_\_\_ \_\_\_ Year problem started  
9999 - DK/NA

## F. Housing

15. In the past three years, have you or your partner experienced any serious problem or dispute involving your **housing** that was difficult to resolve, **not including problems already mentioned.?**

01 - Yes  
02 - No                   SKIP TO Q.18  
99 - DK/NA            SKIP TO Q.18

16. (IF YES TO Q.15) Which of the following types of problems did you or your partner experience?  
READ IN SEQUENCE

17. [ASK IMMEDIATELY AFTER EACH YES IN Q.16] Can you recall the year this problem first started?

- a. Problems over arbitrary changes to your rent
- b. Eviction from a rented accommodation
- c. Getting a rent deposit back
- d. Getting a landlord to carry out building repairs or maintenance
- e. Problems with a landlord over hydro, water or heating of your home

- f. Problems with a lease or the absence of a lease
- g. Harassment of any type from a landlord
- h. Problems with a foreclosure or mortgage
- i. Problems with compliance with municipal property standards
- j. Problems involving boundaries, access or right of way to property

01 - Yes  
02 - No  
99 - DK/NA

\_\_\_ \_\_\_ \_\_\_ \_\_\_ Year problem started  
9999 - DK/NA

## G. Immigration

18. In the past three years, have you or your partner experienced any serious problem or dispute involving **immigration or refugee status**, that was difficult to resolve.

01 - Yes  
02 - No                SKIP TO Q.21  
99 - DK/NA            SKIP TO Q.21

19. (IF YES TO Q.18) Which of the following types of problems did you or your partner experience?  
READ IN SEQUENCE

20. [ASK IMMEDIATELY AFTER EACH YES IN Q.19] Can you recall the year this problem first started?

- a. Claiming refugee protection from within Canada
- b. Applying for permanent residence status
- c. Applying for a work or student visa
- d. Sponsoring a family member to immigrate to Canada
- d. Obtaining Canadian citizenship
- e. Filing a Pre-removal Risk Assessment or a Humanitarian and Compassionate Application
- f. Appealing an immigration or refugee decision through judicial review
- g. Obtaining assistance (e.g. health or social) while awaiting a refugee hearing or other immigration matter

01 - Yes  
02 - No  
99 - DK/NA

\_\_\_ \_\_\_ \_\_\_ \_\_\_ Year problem started  
9999 - DK/NA



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## H. Discrimination

21. In the past three years, have you or your partner experienced any serious problem or dispute involving **discrimination** against you, that was difficult to resolve, **not related to any other problem already mentioned**.

01 - Yes

02 - No                   SKIP TO Q.24

99 - DK/NA            SKIP TO Q.24

22. (IF YES TO Q.21) Which of the following types of problems did you or your partner experience?  
READ IN SEQUENCE

23. [ASK IMMEDIATELY AFTER EACH YES IN Q.22] Can you recall the year this problem first started?

- a. Discrimination because of your gender
- b. Discrimination because of your race
- c. Discrimination because of your sexual orientation
- d. Discrimination because of a disability
- e. Discrimination on the basis of age
- f. Discrimination on the basis of religion

01 - Yes

02 - No

99 - DK/NA

\_\_\_\_ Year problem started

9999 - DK/NA

## I. Treatment by Police

24. In the past three years, have you or your partner experienced any serious problem or dispute that was difficult to resolve involving the **treatment you received from police**?

01 - Yes

02 - No                   SKIP TO Q.27

99 - DK/NA            SKIP TO Q.27

25. (IF YES TO Q.24) Which of the following types of problems did you or your partner experience?  
READ IN SEQUENCE

26. [ASK IMMEDIATELY AFTER EACH YES IN Q.25] Can you recall the year this problem first started?

- a. Being unreasonably stopped and questioned by police
- b. Being unreasonably arrested
- c. Feeling threatened by verbally aggressive police officers

d. Feeling threatened by physically aggressive police officers

e. Being assaulted by a police officer

01 - Yes

02 - No

99 - DK/NA

\_\_\_\_ Year problem started

9999 - DK/NA

## J. Family Problems

27. In the past three years, have you or your partner experienced any serious problem or dispute involving **family break-up, divorce or child custody**, that was difficult to resolve.

01 - Yes

02 - No                    SKIP TO Q.30

99 - DK/NA            SKIP TO Q.30

28. (IF YES TO Q.27) Which of the following types of problems did you or your partner experience?  
READ AND ROTATE

29. [ASK IMMEDIATELY AFTER EACH YES IN Q.28] Can you recall the year this problem first started?

a. Divorce

b. Separation

c. Problems applying for, making changes to or enforcing child support

f. Problems over the division of money or property following a family break-up

g. Dispute over child custody or access arrangements involving children

h. Problems with spousal support

i. Problems with obtaining or enforcing a restraining order

01 - Yes

02 - No

99 - DK/NA

\_\_\_\_ Year problem started

9999 - DK/NA

## K. Other Family Problems

30. In the past three years, have you or your partner experienced any serious problem or dispute that was difficult to resolve involving a child?

IF ASKED THIS WOULD INCLUDE GRANDCHILDREN



- 01 - Yes
- 02 - No           SKIP TO Q.32
- 99 - DK/NA       SKIP TO Q.32

30.1. (IF YES TO Q.30) Which of the following types of problems did you or your partner experience?  
READ IN SEQUENCE

31. [ASK IMMEDIATELY AFTER EACH YES IN Q.30.1] Can you recall the year this problem first started?

- a. Becoming the guardian of a child
- b. The apprehension of a child by a family services agency
- c. Getting legal representation for a child involved in a dispute
- d. A child abduction or potential abduction
- e. A child unfairly suspended from school

- 01 - Yes
- 02 - No
- 99 - DK/NA

\_\_\_\_ Year problem started  
9999 - DK/NA

## L. Wills and Incapacity

32. In the past three years, have you or your partner experienced any serious problem or dispute that was difficult to resolve involving:

READ IN SEQUENCE

IF ASKED, SOMEONE WHO IS UNABLE TO LOOK AFTER HIM OR HERSELF DOES NOT REFER TO HEALTHY MINOR CHILDREN

33. [ASK IMMEDIATELY AFTER EACH YES IN Q.32] Can you recall the year this problem first started?

- a. Disagreement over settling a will
- b. Disagreement over settling an inheritance in which there was no will
- c. Managing financial matters for someone who is unable to look after him or herself
- d. Managing the medical care of someone who is unable to look after him or herself

- 01 - Yes
- 02 - No
- 99 - DK/NA

\_\_\_\_ Year problem started  
9999 - DK/NA

## M. Personal Injury

34. In the past three years, have you or your partner experienced any serious problem or dispute that was difficult to resolve involving an **injury or personal health problem**, not related to any problems you already mentioned?

01 - Yes

02 - No                   SKIP TO Q.38

99 - DK/NA            SKIP TO Q.38

35. (IF YES TO Q.34) Which of the following types of problems did you or your partner experience?  
READ AND ROTATE

36. [ASK IMMEDIATELY AFTER EACH YES IN Q.35] Can you recall the year this problem first started?

a. An injury or health problem at work

b. An injury or health problem in a public place or commercial establishment

c. An injury sustained as a result of a traffic accident

d. Obtaining compensation as a victim of a crime

e. Harm done to you while under the care of a health professional, such as a doctor, dentist, or chiropractor

01 - Yes

02 - No

99 - DK/NA

\_\_\_ \_\_\_ \_\_\_ \_\_\_ Year problem started

9999 - DK/NA

37. (ASK FOR EACH YES TO Q.36a and Q.36b) Did you seek medical attention as a result of this injury or health problem?  
RECORD SEPARATELY FOR Q.36a and Q.36b)

01 - Yes

02 - No

99 - DK/NA

## N. Hospital Treatment or Release

38. In the past three years, have you or your partner experienced any serious problem or dispute that was difficult to resolve involving **hospitalization** for a mental or physical problem?

01 - Yes

02 - No                   SKIP TO Q.41

99 - DK/NA            SKIP TO Q.41

39. (IF YES TO Q.38) Which of the following types of problems did you or your partner experience?  
READ AND ROTATE



- 
40. [ASK IMMEDIATELY AFTER EACH YES IN Q.39] Can you recall the year this problem first started?
- a. Treatment received while hospitalized
  - b. Difficulty obtaining a discharge from a hospital
  - c. Restrictions or conditions placed on getting discharged from a hospital
  - d. Care received or not received after release from a hospital

01 - Yes  
02 - No  
99 - DK/NA

\_\_\_\_ Year problem started  
9999 - DK/NA

## O. Legal Action

41. In the past three years, have you or your partner experienced any serious problem or dispute that involved:  
READ IN SEQUENCE
42. [ASK IMMEDIATELY AFTER EACH YES IN Q.41] Can you recall the year this problem first started?
- a. Receiving a letter from a lawyer threatening legal action
  - b. Having a court proceeding started against you over a civil matter, one not involving criminal or family law issues.

01 - Yes  
02 - No  
99 - DK/NA

\_\_\_\_ Year problem started  
9999 - DK/NA

43. (ASK FOR EACH YES IN Q.42 IF AT LEAST ONE OTHER PROBLEM IDENTIFIED IN Q.1-39)  
Does this problem relate to any of the problems you mentioned earlier on this survey?

01 - Yes  
02 - No           SKIP TO Q.45  
99 - DK/NA       SKIP TO Q.45

44. (ASK FOR EACH YES TO Q.41) Which problems?  
CODE FROM LIST OF YES RESPONSES TO Q.1 – Q.39) – UP TO MAXIMUM OF FIVE

\_\_\_\_ Problem 1  
\_\_\_\_ Problem 2  
\_\_\_\_ Problem 3  
\_\_\_\_ Problem 4  
\_\_\_\_ Problem 5

## P. Other Problems

45. And finally, has there been any **other type of problem or dispute**, apart from anything you already mentioned, that you or your partner have experienced in the past three years that has been serious or difficult to resolve?

SPECIFY - ACCEPT UP TO FIVE

\_\_\_\_\_

99 - None/NA

46. (FOR EACH PROBLEM MENTIONED IN Q.45) Do you recall the year this problem first started?

\_\_\_\_ Year problem started

9999 - DK/NA

**IF NO PROBLEMS IDENTIFIED IN Q.1 - Q.45 SKIP TO Q.87**

## II. Assistance with Specific Problems

FOR RESPONDENTS WITH UP TO THREE PROBLEMS IN Q.1 TO Q.45 -- SELECT ALL PROBLEMS.

FOR RESPONDENTS WITH PROBLEMS IN MORE THAN THREE AREAS, RANDOMLY SELECT **THREE** PROBLEMS BUT DO **NOT** SELECT MORE THAN ONE PROBLEM FROM THE SAME AREA

**ASK Q.47 to Q.65 FOR EACH OF THE THREE PROBLEMS SELECTED**

I would now like to ask you about the kinds of assistance you or your partner may have sought and received in connection with [IF ONE PROBLEM: the problem/IF TWO PROBLEMS: two of the problems or disputes/IF THREE OR MORE PROBLEMS: three of the problems or disputes] you mentioned. [IF MORE THAN THREE PROBLEMS MENTIONED: We will just select three of the problems you mentioned at random.]

Let me ask you [IF MORE THAN ONE PROBLEM: first/second/third] about [PROBLEM ONE/TWO/THREE] . . .

47. Did you do something or attempt to do something to resolve this problem?  
INTERVIEWER: IF RESPONDENT MENTIONS THEY COULD NOT GET HELP  
(E.G. DID NOT QUALIFY FOR LEGAL AID) CODE AS YES

01 - Yes                      SKIP TO Q.49

02 - No

03 - DK/NA

48. (IF NO OR DK/NA TO Q.47) Why did you NOT attempt to resolve this problem?  
DO NOT READ – CODE ALL THAT APPLY

01 - Not important enough

02 - Did not think anything could be done

03 - Didn't know what to do

04 - Was uncertain of my rights

05 - Would take too much time

05 - Thought it would cost too much

06 - Was too scared to do anything



53. (IF NO/DK IN Q.52) Do you recall why your application for legal aid was refused?  
DO NOT READ – CODE MORE THAN ONE IF VOLUNTEERED

01 - Earned too much money  
02 - Problem not covered by legal aid  
03 - Legal aid required information I could not provide  
04 - Legal aid required information I did not want to provide  
05 - Legal aid required contribution from me to cover portion of fees I was not able to pay  
06 - Legal aid required contribution from me to cover portion of the legal I did not want to pay  
98 - Other (SPECIFY \_\_\_\_\_)  
99 - DK/NA

54. (ASK SEPARATELY FOR EVERY RESPONSE GIVEN IN Q.50) Was the assistance you received from (RESPONSE FROM Q50) very helpful, somewhat helpful, not very helpful or not at all helpful? [IF MORE THAN ONE AT Q50: How about (NEXT CODE FROM Q50).. Was that assistance...]

01 - Very helpful  
02 - Somewhat helpful  
03 - Not very helpful  
04 - Not at all helpful  
VOLUNTEERED  
05 - Too early to tell  
99 - DK/NA

55. Are you still trying to obtain assistance to help you with this problem?

01 - Yes, still trying  
02 - No  
99 - DK/NA

56. Did you have to appear at a court or other tribunal because of this problem?

IF NEED TO CLARIFY SAY: This could include a provincial court, a superior court, an employment appeal, or an appeal relating to social assistance or pensions.

01 - Yes  
02 - No                   SKIP TO Q.58  
99 - DK/NA            SKIP TO Q.58

57. (IF YES TO Q.56) Did you have anyone represent or assist you when attending this court, hearing or tribunal?  
DO NOT READ

01 - Yes, a lawyer  
02 - Yes, a trained advocate but not a lawyer  
03 - Yes, a friend or relative  
04 - No  
99 - DK/NA

58. Did you attend any mediation or conciliation sessions in an attempt to resolve this problem?

01 - Yes  
02 - No  
99 - DK/NA



---

ASK ALL

59. Has this problem or dispute now been resolved, or is it still on-going?

- 01 - Now resolved                      SKIP TO Q.61
- 02 - Still ongoing
- VOLUNTEERED
- 03 - Too early to say
- 04 - Dropped it/gave up
- 99 - DK/NA                              SKIP TO Q.61

60. (IF PROBLEM STILL ONGOING/TOO EARLY TO SAY, OR DK IN Q.59) Would you say this problem is now better, now worse, or about the same as when it first occurred?

- 01 - Now better
- 02 - Now worse
- 03 - About the same
- VOLUNTEERED
- 04 - Depends
- 99 - DK/NA

61. (IF NOW RESOLVED OR DROPPED IT IN Q.59) Do you feel the outcome of this problem was basically fair or unfair?

- 01 - Fair
- 02 - Unfair
- VOLUNTEERED
- 99 - DK/NA

62. (IF ADDRESSED PROBLEM ON OWN WITHOUT HELP IN Q.49) Looking back on this problem and how things turned out, do you feel the situation might have worked out better if you had some assistance?

- 01 - Yes
- 02 - No                                      SKIP TO Q.64a
- 99 - DK/NA                              SKIP TO Q.64a

63. (IF YES TO Q.62) Do you think that any of the following types of assistance would have helped you to achieve a better outcome for the problem?

READ AND ROTATE

- a. Additional or better information, to help you deal with or understand the problem
- b. Someone to explain the legal aspects to you or to help with forms, letters or documents
- c. Someone (for example an advocate or mediator) to deal with or intervene with the other party on your behalf
- d. A lawyer to deal with the problem using the legal system or courts

- 01 - Yes
- 02 - No
- VOLUNTEERED
- 03 - Maybe/Depends
- 99 - DK/NA

64a. (IF RESOLVED OR DROPPED IT IN Q.59) Now looking back on this problem, to what extent did it make it difficult for you to carry on with your normal life? Did it make your life:

- 01 - Extremely difficult
- 02 - Very difficult
- 03 - Somewhat difficult
- 04 - Not very difficult
- 05 - Not at all difficult
- VOLUNTEERED
- 99 - DK/NA

64b. (IF STILL ONGOING OR TOO EARLY TO SAY OR DK IN Q.59) To what extent is this problem making it difficult for you to carry on with your normal life? Is it making your life:

- 01 - Extremely difficult
- 02 - Very difficult
- 03 - Somewhat difficult
- 04 - Not very difficult
- 05 - Not at all difficult
- VOLUNTEERED
- 99 - DK/NA

65a. (IF RESOLVED OR DROPPED IT IN Q.59) And how important was it for you to resolve this problem? Was it...

- 01 - Extremely important
- 02 - Very important
- 03 - Somewhat important
- 04 - Not very important
- 05 - Not at all important
- VOLUNTEERED
- 99 - DK/NA

65b. (IF STILL ONGOING OR TOO EARLY TO SAY OR DK IN Q.59) And how important is it for you to resolve this problem? Is it...

- 01 - Extremely important
- 02 - Very important
- 03 - Somewhat important
- 04 - Not very important
- 05 - Not at all important
- VOLUNTEERED
- 99 - DK/NA

**REPEAT Q47-Q65 FOR SECOND/THIRD PROBLEM AS APPLICABLE**



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### III. *Connections Between Problems*

ASK IF MORE THAN ONE PROBLEM IDENTIFIED IN Q.1 TO Q.45 – OTHERS SKIP TO Q.67

66. Earlier you mentioned [TOTAL NUMBER OF PROBLEMS IDENTIFIED] problems in the past three years. Do you feel that [IF MORE THAN TWO PROBLEMS: any of] these problems are connected with one another? That is, one of them might have caused or contributed in some way to [IF TWO PROBLEMS: the other problem/IF MORE THAN TWO PROBLEMS: another of the problems] you mentioned?

01 - Yes

02 - No                   SKIP TO Q.69

99 - DK/NA            SKIP TO Q.69

67. (IF YES TO Q.66) Which **one** of these problems would you say was the trigger problem, the one that may have caused or contributed to others you've experienced?

READ CODES ONLY IF RESPONDENT NEEDS ASSISTANCE RECALLING PROBLEMS

INCLUDE CODES FOR PROBLEMS IDENTIFIED IN Q.1-45

99 - DK/NA

68. [IF THREE OR MORE PROBLEMS ASK Q68]: And which problem or problems did this trigger problem end up causing or contributing to?

READ CODES ONLY IF RESPONDENT NEEDS ASSISTANCE RECALLING PROBLEMS

INCLUDE CODES FOR PROBLEMS IDENTIFIED IN Q.1-40

99 - DK/NA

### IV. *Other Problem Impacts*

*I would now like to ask about possible impacts that the problem(s) you mentioned may have had on **you personally**. Please be assured that your responses will be kept completely confidential. These questions will help in the development of new programs and services for Canadians who experience legal and other types of serious problems.*

69. Did the problem (or problems) you have already mentioned cause or contribute to other **health, social or family problems in your life**?

01 - Yes

02 - No                   SKIP TO Q.87

98 - REFUSED        SKIP TO Q.87

99 - DK/NA            SKIP TO Q.87

70. (IF YES TO Q.69) Did the problem(s) you mentioned affect **your physical** health?

01 - Yes

02 - No                   SKIP TO Q.73

98 - REFUSED        SKIP TO Q.73

99 - DK/NA            SKIP TO Q.73

71. (IF YES TO Q.70) Did these issues with your physical health require you to visit doctors or use the health care system more than before?

- 01 - Yes
- 02 - No
- 98 - REFUSED
- 99 - DK/NA

72. (IF MORE THAN ONE PROBLEM MENTIONED IN Q.1-45 AND YES TO Q70) What **one** problem would you say was **most** associated with the physical health issues you just mentioned?  
READ CODES IF NECESSARY – CODE ONE ONLY

INCLUDE CODES FOR PROBLEMS IDENTIFIED IN Q.1-45

- 99 - DK/NA

73. Did the problem(s) you mentioned affect **your mental health or cause extreme stress**?

- 01 - Yes
- 02 - No               SKIP TO Q.76
- 98 - REFUSED       SKIP TO Q.76
- 99 - DK/NA           SKIP TO Q.76

74. (IF YES TO Q.73) Did you visit doctors or use counselling services more than before because of this/these problems?

- 01 - Yes
- 02 - No
- 98 - REFUSED
- 99 - DK/NA

75. (IF MORE THAN ONE PROBLEM MENTIONED IN Q.1-45 AND YES TO Q73) What **one** problem would you say was **most** associated with your emotional health or stress issues?  
READ CODES IF NECESSARY – CODE ONE ONLY

INCLUDE CODES FOR PROBLEMS IDENTIFIED IN Q.1-45

- 99 - DK/NA

76. Did the problem(s) you mentioned lead to an increase in your typical consumption of alcohol or other drugs?

- 01 - Yes
- 02 - No               SKIP TO Q.79
- 98 - REFUSED       SKIP TO Q.79
- 99 - DK/NA           SKIP TO Q.79

77. (IF YES TO Q.76) Did you seek any counseling or other assistance for your increased consumption of alcohol or other drugs?

- 01 - Yes
- 02 - No
- 98 - REFUSED
- 99 - DK/NA



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78. (IF MORE THAN ONE PROBLEM MENTIONED IN Q.1-45 AND YES TO Q76) What **one** problem would you say was **most** associated with your increased consumption of alcohol or drugs?  
READ CODES IF NECESSARY – CODE ONE ONLY

INCLUDE CODES FOR PROBLEMS IDENTIFIED IN Q.1-45

99 - DK/NA

79. Did the problem(s) you mentioned involve or lead to anger or the threat of violence or actual violence toward you or your children by a partner or another person?

01 - Yes

02 - No                   SKIP TO Q.82

98 - REFUSED       SKIP TO Q.82

99 - DK/NA           SKIP TO Q.82

80. (IF YES TO Q.79 AND MORE THAN ONE PROBLEM MENTIONED IN Q1-45) What **one** problem would you say was **most** associated with this anger or violence?  
READ IF NECESSARY – CODE ONE ONLY

INCLUDE CODES FOR PROBLEMS IDENTIFIED IN Q.1-45

99 - DK/NA

81. (IF YES TO Q79) Was the violence or anger you experienced by:  
READ – CODE ALL THAT APPLY

01 - An intimate partner

02 - Someone else in your household or family

03 - Another person

VOLUNTEERED

98 - REFUSED

99 - DK/NA

82. Did the problem(s) mentioned lead to behaviour problems **with children**?

01 - Yes

02 - No                   SKIP TO Q.85

VOLUNTEERED

03 - Do not have children   SKIP TO Q.85

98 - REFUSED           SKIP TO Q.85

99 - DK/NA           SKIP TO Q.85

83. (IF YES TO Q82) Did the behaviour problems with children involve:  
READ – CODE ALL THAT APPLY

01 - Problems at school

02 - Problems with the law/the police

03 - Behaviour problems at home

VOLUNTEERED

97 - Other (SPECIFY \_\_\_\_\_)

98 - REFUSED

99 – DK/NA

84. (IF YES TO Q82 AND IF MORE THAN ONE PROBLEM MENTIONED IN Q.1-45) What one problem would you say was most associated with the behaviour problems?  
READ IF NECESSARY – CODE ONE ONLY

INCLUDE CODES FOR PROBLEMS IDENTIFIED IN Q.1-45

99 - DK/NA

85. Do you feel that the [problem/problems] you've mentioned have led to your feeling concerned about your safety or security?

01 - Yes

02 - No                    SKIP TO Q.87

98 - REFUSED        SKIP TO Q.87

99 - DK/NA            SKIP TO Q.87

86. (IF YES TO Q.85 AND MORE THAN ONE PROBLEM MENTIONED IN Q 1-45) What **one** problem would you say was **most** associated with your concerns about personal safety?  
READ IF NECESSARY – CODE ONE ONLY

INCLUDE CODES FOR PROBLEMS IDENTIFIED IN Q.1-45

99 - DK/NA

## V. **General Attitudes**

*I would now like to ask you the extent to which you agree or disagree with each of the following general statements about life in Canada.*

87. Would you strongly agree, somewhat agree, somewhat disagree or strongly disagree that:  
READ AND ROTATE STATEMENTS – REPEAT SCALE AS NECESSARY
- a. You feel that the laws and the justice system in Canadian society are essentially fair.
  - b. You think you have to be careful about trusting others because too many people are out for themselves.
  - c. You feel like you belong in Canadian society.
  - d. You feel grateful to Canadian society for all the things you enjoy and have.
  - e. You feel an obligation to help other Canadians who are in trouble.

01 - Strongly agree

02 - Somewhat agree

03 - Somewhat disagree

04 - Strongly disagree

VOLUNTEERED

05 - Neither agree/disagree

99 - DK/NA



## VI. Respondent Characteristics

To finish up, I'd like to ask a few final questions to help us analyze the survey. Please be assured that your answers will remain completely confidential.

88. In what year were you born?

\_\_\_\_ Year  
99 - REFUSE/NA

89. Were you born in Canada or in another country?

01 - In Canada  
02 - Another country  
99 - REFUSE/NA

90. Would you consider yourself a member of a visible minority?

01 - Yes  
02 - No                   SKIP TO Q.92  
99 - REFUSE/NA   SKIP TO Q.92

91. Could you please tell me your **ethnic or cultural background**?

Group	Includes
Aboriginal	Indian, Inuit, Metis. If even part aboriginal, respondent is considered aboriginal
Chinese	China, Hong Kong, Taiwan
East Asia	Japanese, Korean
South Asian/ East Indian	Bangladeshi, Bengali, Brunei, Gujarati, East Indian, Indo Pakistani, Mauritius, Mayotte, Mongolian, Pakistani, Punjabi, Singhalese, Sri Lankan, Tamil
South East Asian	Vietnamese, Cambodian, Malaysian, Laotian, Indonesian, Singaporean, Burmese, Kampuchean, Thai
Filipino	
Black (Africa, Caribbean)	Angolan, Anguillan, Antiguan, Aruba/Netherlands Antilles, Bahamian, Barbadian, Belizean, Benin, Bermudan, Botswanan, West Indian, Burkina Faso, Burundi, Cameroon, Cape Verde Islands, Cayman Islands, Central African Republic, Chad, Comoros Islands, Congo, Dominica, Equatorial Guinea, Ethiopian, Gabonese, Gambian, Ghanaian, Grenadian, Guadeloupe, Guinea, Guinea-Bissau, Guyanese, Haitian, Ivory Coast, Jamaican, Kenyan, Lesotho, Liberia, Madagascar, Malawi, Mali, Martinique/French Guiana, Montserrat, Mozambique, Namibian, Nevisitian, Niger, Nigerian, Rwandan, Vicentian/Grenadines, Saint Lucian, Senegalese, Trinidadian, Tobagonian, West Indian, Other Caribbean, Other African
Latin American	All Central and South American countries, Mexico, Cuba, Puerto Rico
West Asian/North African/Arabs	Afghan, Algerian, Armenian, Bahrain, Bhutanese, Egyptian, Iranian, Iraqi, Israeli, Jordanian, Kurdish, Kuwaiti, Lebanese, Libyan, Maghrebi origins, Mauritanian, Moroccan, Nepalese, Oman, Palestinian, Republic of Yemen, Saudi Arabian, Syrian, Turk
Pacific Islands	Fijian, Melanesian, Micronesian, Polynesian, Tonga, Tuvalu, Wake Island, Western Samoa, American Samoa, Coral Sea Islands, Territory, Kiribati, Nauru, Norfolk Island, Northern Mariana Island, Tokelau, Pitcairn Islands, Trust Territory of the Pacific Islands, Vanuatu, Wallis and Futuna Island, Cook Islands, Johnston Atoll, Guam, Midway Islands, New Caledonia
Other Visible Minorities	RECORD _____
White	Non - Visible Minority
REFUSE/NO ANSWER	

92. (IF WHITE OR OTHER VISIBLE MINORITY AT Q91)

Are you an Aboriginal person?

CLARIFY IF NECESSARY: A First Nations, Métis or Inuit person?

01 - Yes

02 - No

VOLUNTEERED

03 - Neither

99 - DK/NA

93. What is the highest level of education that you have reached?

DO NOT READ - CODE ONE ONLY

01 - Some elementary (Grades 1-6)

02 - Completed elementary (Grade 7 or 8)

03 - Some high school (Grades 9-11)

04 - Completed high school (Grades 12 or 13 or OAC)

05 - Some community college, vocational, trade school (or some CEGEP)

06 - Completed community college, vocational, trade school (or complete CEGEP)

07 - Some university (no degree)

08 - Completed university (Bachelor's Degree)

09 - Post graduate/professional school (Master's Degree, Ph.D., etc.)

10 - No schooling

VOLUNTEERED

99 - DK/NA

94. Which of the following best describes your current marital status:

READ – CODE ONE ONLY

01 - Married or living as a couple

02 - Single

03 - Widowed

04 - Separated or

05 - Divorced

VOLUNTEERED

99 - NA/REFUSE

95. How many children, aged 18 or younger, if any, are currently living in your household, or you are otherwise supporting financially?

\_\_\_ \_\_\_ Number of children

99 - NA/REFUSE

96. Which of the following best describes your own present employment status?

READ – PROBE FULL OR PART-TIME HOURS – CODE ONE ONLY

01 - Working full-time

02 - Working part-time

03 - Unemployed or looking for a job

04 - Self-employed

05 - Stay at home full-time

06 - Student, or

07 - Retired

VOLUNTEERED

08 - Disability pension

99 - REFUSAL



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97. Have you or others in your household received social assistance, housing supplements, child or income support in the past three years? [INCLUDES DISABILITY PENSION/BENEFITS]

- 01 - Yes
- 02 - No
- 99 - REFUSE/NA

98. Do you have any difficulty hearing, seeing, communicating, walking, climbing stairs, bending, learning or doing any similar activities?  
IF YES, PROBE FOR SOMETIMES VS. OFTEN

- 01 - Yes, sometimes
- 02 - Yes, often
- 03 - No
- 99 - DK/NA

99. Does a physical or mental condition or health problem reduce the amount or the kind of activity you can do:  
READ IN SEQUENCE -- IF YES, PROBE FOR SOMETIMES VS. OFTEN

- a. At home?
- b. At work or at school?
- c. In other activities, for example transportation or leisure?

- 01 - Yes, sometimes
- 02 - Yes, often
- 03 - No
- 99 - DK/NA

100a. And finally, would your total household annual income for 2005 for everyone in your household (before taxes and deductions) be **above or below \$50,000**?  
IF RELUCTANT READ: We ask for an income range so that we can group your responses with those of other Canadians.

- 01 - Above \$50,000            SKIP TO Q.100e
- 02 - Below \$50,000
- 99 - DK/NA/REFUSE        SKIP TO Q.101

100b (IF BELOW \$50,000) And would your total household income be **above or below \$25,000**?  
IF RELUCTANT: We ask for an income range so that we can group your responses with those of other Canadians.

- 01 - Above \$25,000        SKIP TO Q.100d
- 02 - Below \$25,000
- 99 - DK/NA/REFUSE        SKIP TO Q.101.

100c. (IF BELOW \$25,000) Would your total household income be:

READ CATEGORIES – STOP ONCE RESPONSE IDENTIFIED  
IF RELUCTANT: We ask for an income range so that we can group your responses with those of other Canadians.





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101. And to better understand how results vary by region, may I have your **6-digit postal code**?  
ACCEPT FIRST THREE DIGITS IF THAT IS ALL RESPONDENT IS WILLING TO GIVE

\_\_\_\_\_  
999999 - DK/NA

This completes the survey. On behalf of the Government of Canada, thank you very much for your time and cooperation.

In case my supervisor would like to verify that I conducted this interview, may I have your first name?

First Name: \_\_\_\_\_

IF RESPONDENT ASKS FOR INFORMATION ABOUT THIS SURVEY: You can get more information about this research by contacting Albert Currie at the Department of Justice at 613-957-3184.

RECORD:

102. Gender

01 - Male

02 - Female

103. Language of Interview

01 - English

02 - French

104. Province

01 - British Columbia

02 - Alberta

03 - Saskatchewan

04 - Manitoba

05 - Ontario

06 - Quebec

07 - Newfoundland

08 - Nova Scotia

09 - New Brunswick

10 - Prince Edward Island

105. Community Size

01 - One million +

02 - 100,000 to one million

03 - 10,000 to 100,000

04 - 5,000 to 10,000

05 - Less than 5,000

## Appendix B: Sample Completion Results

A total of 6,665 interviews were completed for this survey. The margin of error for a sample of this size is +/- 1.2 percentage points, 19 times in 20. The margins are wider for regional and demographic sub-samples. The effective response rate for the survey is 13 percent: the number of completed interviews (6,665) divided by the total dialed sample (66,200) minus the non-valid/non-residential numbers, the numbers not in service and the numbers that presented a language barrier (14,915). The actual completion rate is 23 percent: the number of completed interviews (6,665) divided by the number of qualified respondents contacted directly (29,009).

	#	%
A) Total dialled sample	66,200	100
Not eligible/quota full	286	*
Non residential/NIS	12,511	19
Language barrier	2,118	3
B) Subtotal	14,915	23
C) New base (A - B)	51,285	100
D) No answer/line busy/respondent not available/callbacks/answering machine	22,276	43
Refusals and mid-interview terminations	22,344	45
E) Subtotal	44,620	87
F) Net completions (C - E)	6,665	13
Completion rate $[F/(C - D) \times 100]$		23

\* Fewer than one percent

Note: percentages may not sum exactly due to rounding.