

A Win For All

Return on Investment in Alberta's Justice System



THE CANADIAN
BAR ASSOCIATION
Alberta Branch



Public Opinion Research

Albertans support investment in the justice system, especially when it impacts them and their families



Economic Analysis

Investment in the justice system provides a significant direct and indirect return on investment



What do Albertans think?

The justice system is expensive,
complicated and needs
innovation.





CONCLUSIONS

1

The system needs improvement

2

Albertans are willing to invest, especially in personnel

3

There is support for innovation and investment in new technologies

4

Albertans value a well-functioning justice system

5

Increased funding is needed for legal aid

The system needs improvement

The system is “slow” and “inefficient”

Respondents see the system as broken

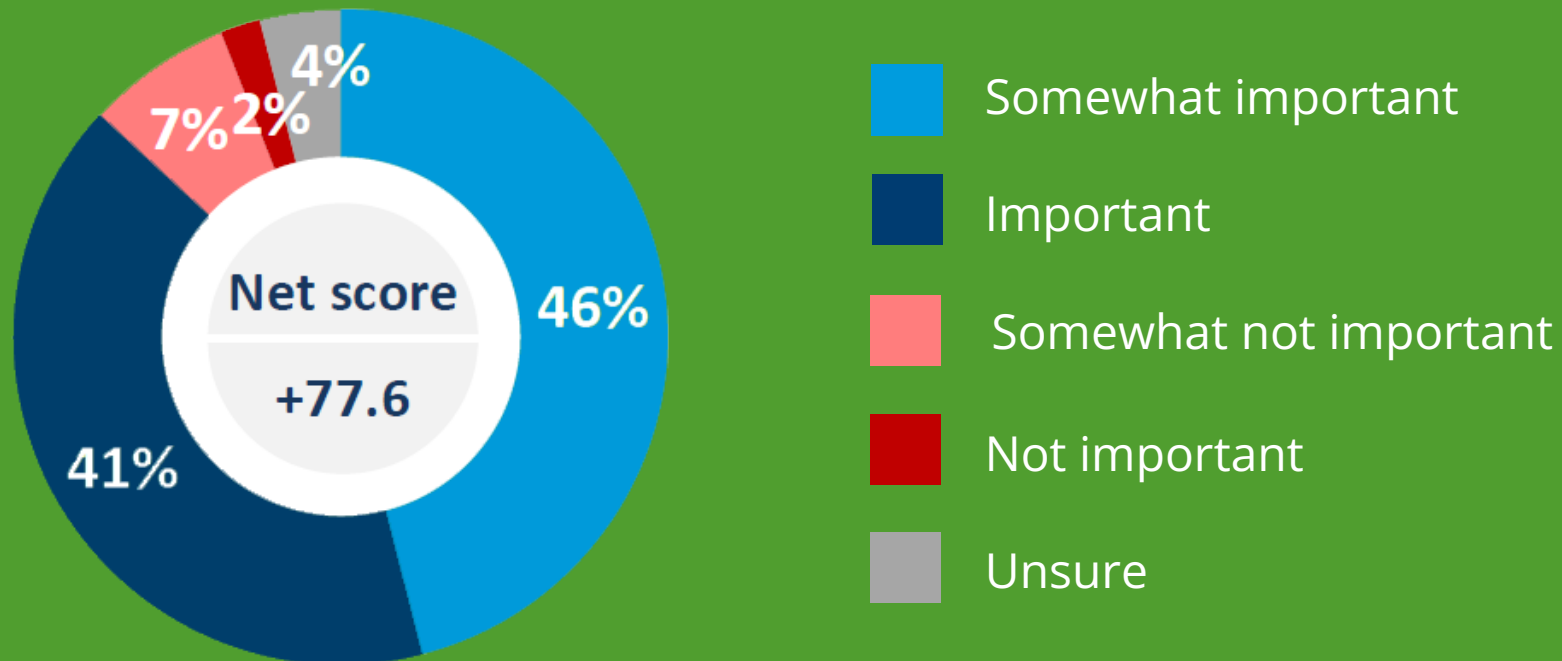
Wait times for family matters are seen as unreasonable and “shocking”

“If one year is the fastest, that’s absurd.”

**“It must be really hard on the children.
To be honest, I’m shocked, I don’t know,
it’s insane. Especially with kids.”**

Albertans are willing to invest, especially in personnel

How important is it to invest in the justice system to reduce delays?



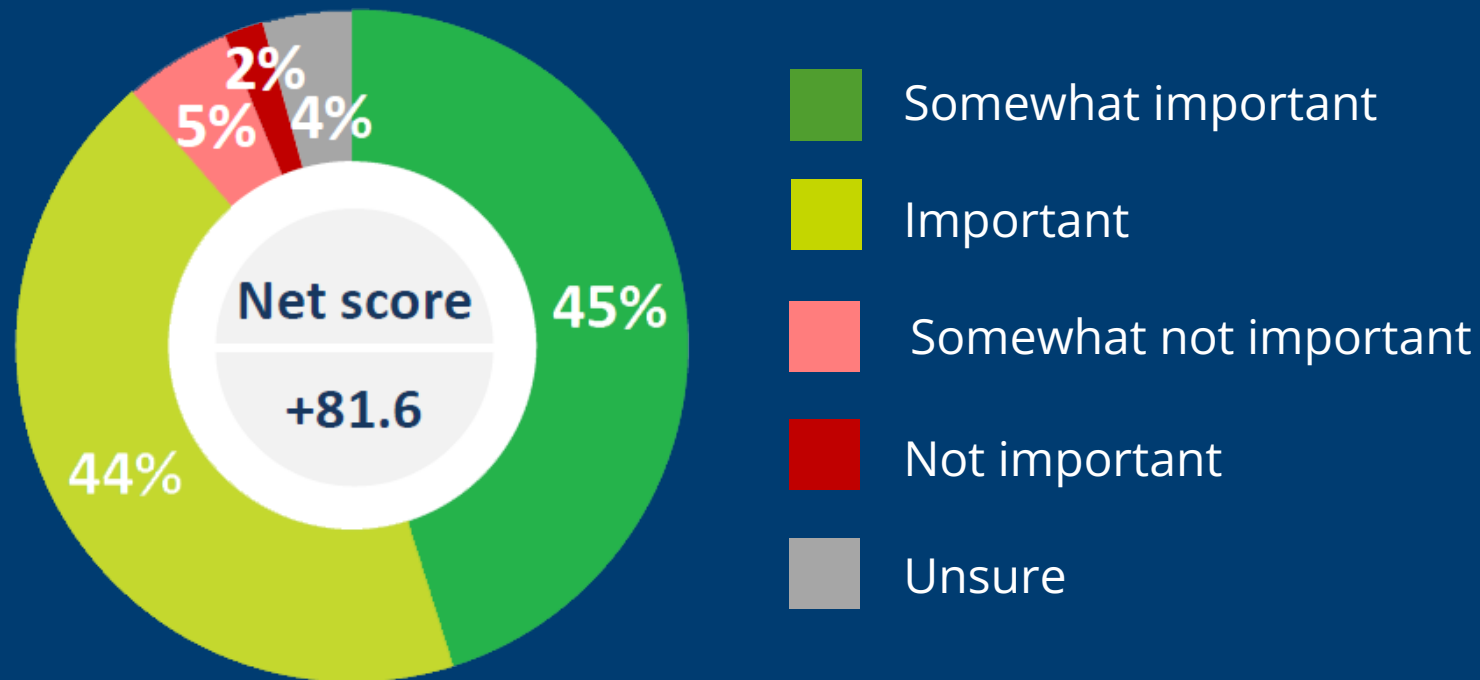
Albertans are willing to use their tax dollars to invest more in the justice system.

Investments must yield results.

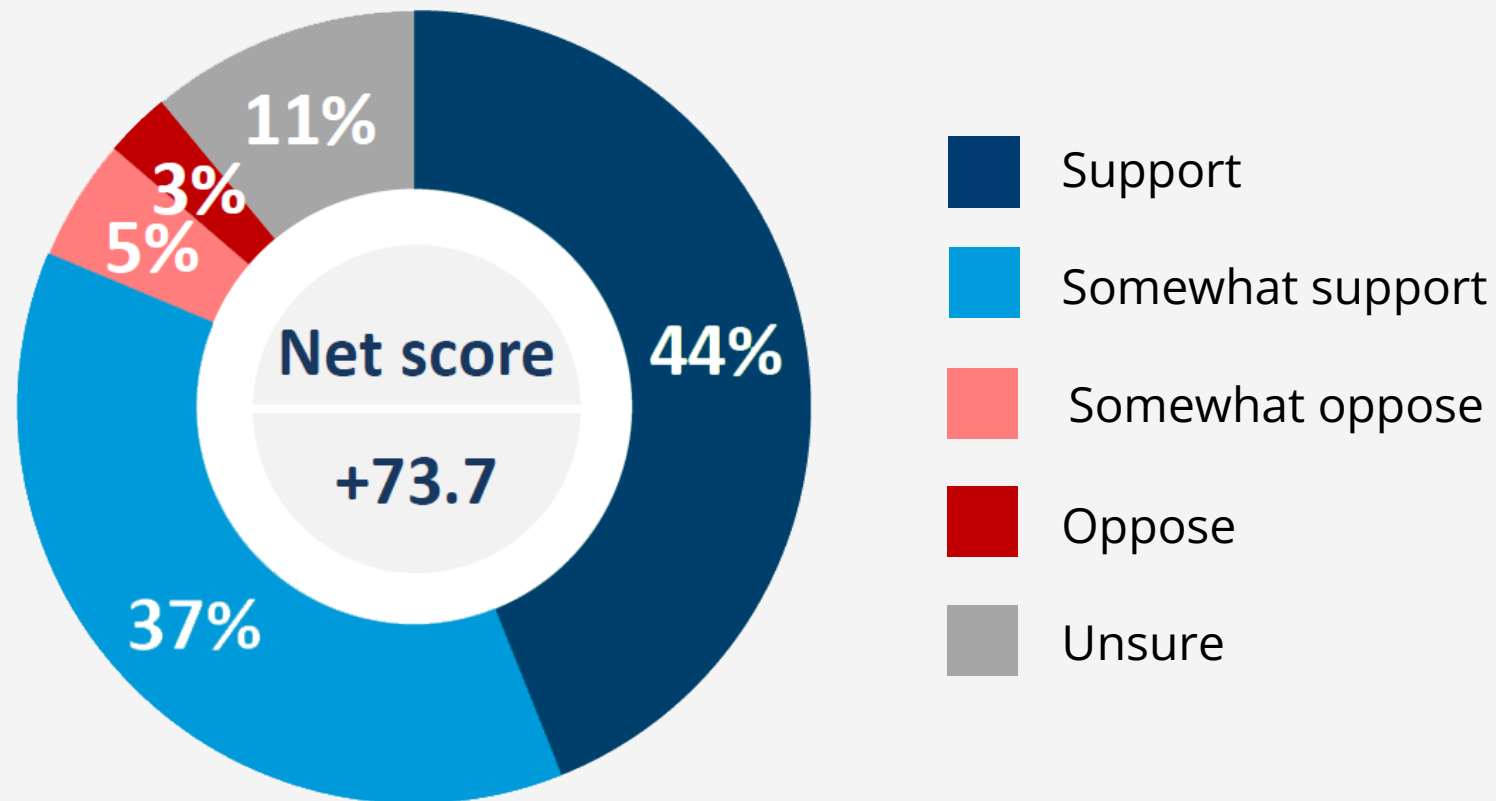
There is support for increased investment in personnel, though respondents were split on what type.

There is support for innovation and new technologies

How important is it to be open to technology to modernize the justice system?



Although it would cost money to do so, would you support **unifying the family courts** so that Albertans have a single point of contact and a single court system to handle these issues?



Mediation & Arbitration



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Mediation should be favoured over court time when possible.

Broad support for online arbitration among respondents





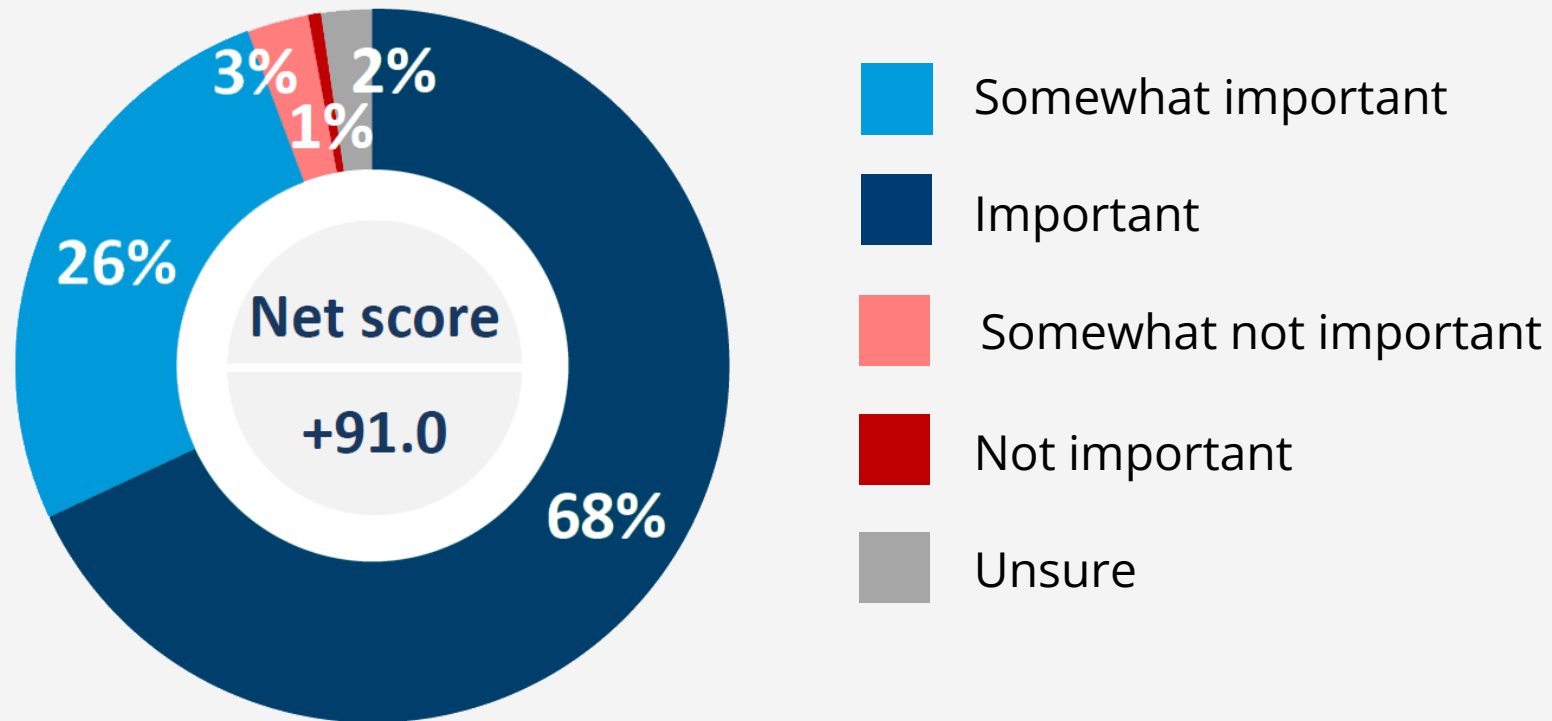
“I would agree, bringing in new technology, not all in one go, go with easier stuff first. More administrative type cases, big criminal ones a bit later. Let’s get efficient.”

Albertans value a well-functioning justice system

Speedy justice and access to a lawyer are seen as basic human rights.

Albertans see the system as too complicated to navigate without help.

How important is it to ensure that Albertans have access to a lawyer to ensure fair outcomes?



“Because of how difficult it is to understand, everybody needs a lawyer, that’s what they are there for. I wouldn’t know how it works or who to talk to. I think everybody needs one.”

Increased funding is needed for legal aid

Over half of Albertans agree that the legal aid threshold is too low.

Participants noted that the current legal aid threshold is below the poverty line.

Legal aid needs to be well-funded to attract good lawyers



**“\$20,000 is \$10 an hour wage,
there’s no way you can afford a
lawyer for anything with that
wage.”**



What does the economic analysis tell us?

Investment in legal aid provides a good return on investment



Self-litigation slows down the system



67% of self-litigants say navigating the court system is “difficult”

49% said lacking a lawyer made the process slower or much slower.

Why do people self-litigate?

1. They are ineligible for legal aid.
2. They believe they wouldn't get good value compared to other priorities for the scarce financial resources.
3. Lawyer increase the adversarial nature of proceedings.
4. Litigants believe they know enough for "simple" cases.
5. Litigants (falsely) believe lawyers increase the time and costs involved.

However...

The 2013 *Reaching Equal Justice Report* tells us that those who retained a lawyer were almost all satisfied that they had done so.



**Three ways
reducing self-
litigation
reduces court
costs**

Increased rate of
settling out of court

Reduction in the
duration of hearings

Reduction in the
number of bookings for
a specific hearing type

Translating that into dollars



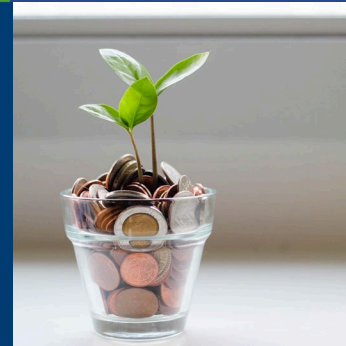
If legal aid were sufficient to eliminate all delays **directly** attributable to self-representation, how much would be saved in public funds?

Cost Savings



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The study found that direct hourly savings per court hour would be significant



Calculating hourly costs

The study found that hour savings per court hour saved are:

\$268.28
per hour

for
non-civil
matters

\$199.68
per hour

for civil
matters

Conservative estimates

The study quantifies only court time and the directly associated courtroom costs.

While judges are paid by salary regardless of number of cases, reduced workload can free up time for other duties or even reduce the number of judges (and support staff/resources) required.

Anticipated time and dollar savings

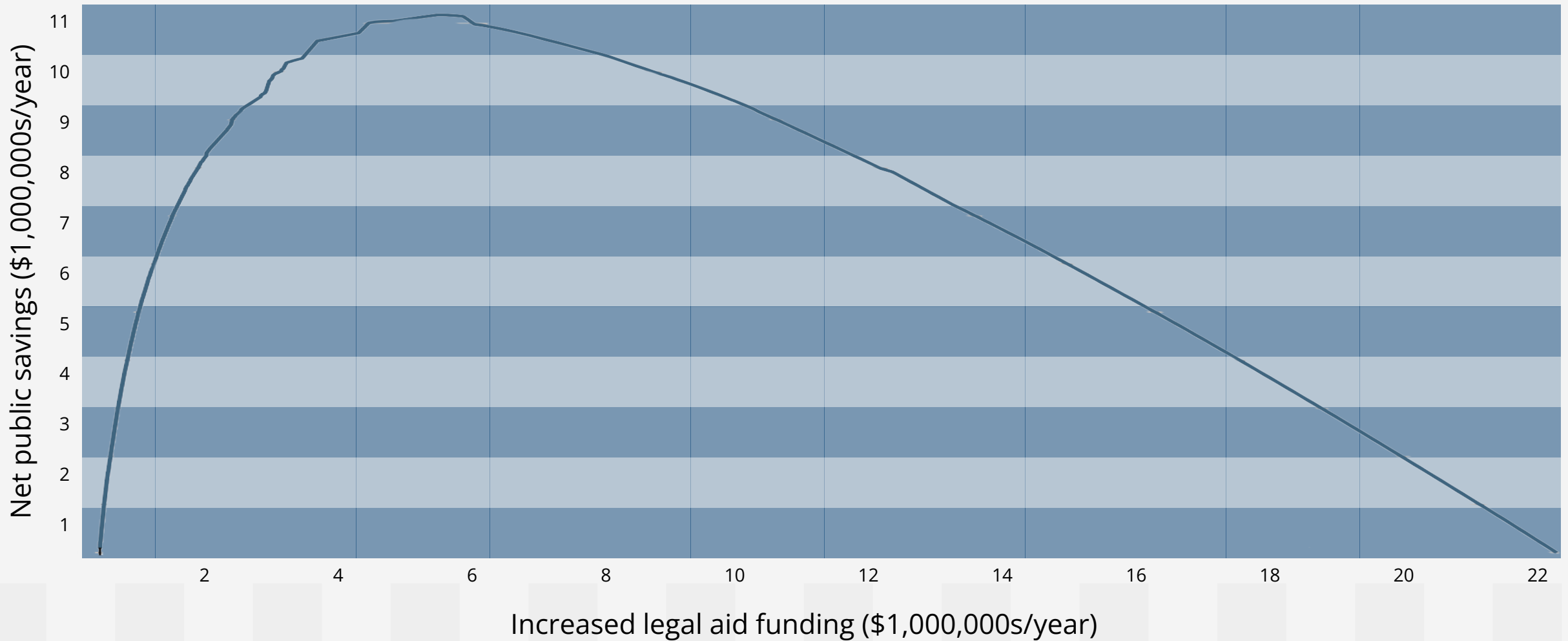
Adoptions	0.14	\$12,030
Bankruptcy	22.50	\$1,880,260
Divorce	32.92	\$2,751,730
Family	71.47	\$5,973,320
Provincial Court (Civil)	11.67	\$716,710
Provincial Court (Child Protection)	24.83	\$2,075,130
Provincial Court (Family)	101.25	\$8,462,500
Court of Queen's Bench	128.36	\$10,728,330
Surrogate (Dependent Adult)	5.48	\$457,620
Surrogate (Probate)	3.38	\$282,130
TOTALS	402.00 days	\$33,339,760/month



Adding it all up

The economic analysis suggests that a modest increase in legal aid funding of between \$4 million to \$6 million per year could pay for itself and generate a net public savings of \$11 million annually if appropriately triaged.

Projected net public savings as a function of increased legal aid funding



Return on investment

A modest (\$4 million to \$6 million) to moderate (up to \$22 million) investment in legal aid will at least pay for itself.

Potential to return a net cash benefit to the treasury.

Indirect benefits also accrue to counsel and litigants due to fewer bookings and delays, and quicker overall resolution.

Additional benefits

These cash savings are in addition to other non-cash benefits of legal representation for litigants.

Additional savings to the system accrue to any counsel/litigant who is facing to a self-represented litigant.

A self-represented litigant also generates a greater cost if taking time off work (e.g. not earning wages).



Benefits to Albertans

Improved access to the family justice system, especially for marginalized and vulnerable

Return on investment of tax dollars

Investment delivers returns across the government, and benefits those who need the system most

Agenda for Justice and Advocacy

The Agenda for Justice outlines CBA Alberta's advocacy priorities.

In 2019, this document was used to communicate these priorities to each party during the Alberta provincial election.



Next steps

A full report with the results of this research will be released publicly in the coming week.

Ongoing advocacy

Support for the legal profession

Agenda for Justice and 2023 provincial election

Questions?

Fellows, G.K. (Kent). *Estimates of Alberta Court Time and Public Expenditure Savings Resulting from Reduced Rates of Self Representation*. April 14, 2021.

Nanos Research (2020). *Albertans support improving access to legal aid and modernization investment in family courts [Poll]*.

Nanos Research (2020). *Impressions of the justice system in Alberta [Focus Groups]*.