

# Albertans support improving access to legal aid and modernization investment in family courts

CBA Alberta Quantitative | Summary | Confidential | Draft

Conducted by Nanos for the Canadian Bar Association Alberta Branch, April 2020  
Submission 2020-1610



THE CANADIAN  
BAR ASSOCIATION  
Alberta Branch



## SUMMARY



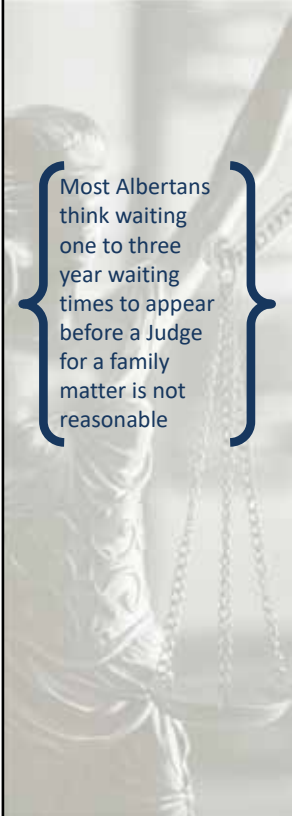
A majority of Albertans say that ensuring access to lawyers, investing more and modernizing technology is important or somewhat important to a well running justice system.

A majority of Albertans think that investing, ensuring access to lawyers and being open to new technology are all important or somewhat important to a well running justice system. Albertans believe that the income requirement for accessing legal aid should be increased, while also saying that the waiting times for appearing before a judge for a family matter is unreasonable or somewhat unreasonable. Seven tenths of Albertans support online arbitration without a judge for some civil claims.

- **More than four in five Albertans say that investing in the justice system is important or somewhat important** – Asked the importance of a number of actions for a well running justice systems, more than eight in ten Albertans say it is important (46%) or somewhat important (41%) to invest in the justice system, while seven per cent say this is somewhat not important and two per cent say not important. Four per cent say unsure. Older Alberta residents (61% important among those 55 plus) give a higher intensity of importance to investing in the justice system to minimize delays than younger Albertans (40% important among those 18 to 34 and 35 to 54 years old, respectively).
- **More than nine in ten Albertans say ensuring access to lawyers is important or somewhat important** – Over nine in ten Albertans say that ensuring that Albertans have access to a lawyer to ensure fair outcomes is important (68%) or somewhat important (26%) for a well running justice system. Three per cent say this is somewhat not important and less than one per cent say it is not important. Two per cent are unsure.
- **Close to nine in ten Albertans say that being open to new technology to modernize the justice system is important or somewhat important** – Almost nine in ten Albertans say that being open to new technology to modernize the justice system is important (45%) or somewhat important (44%) to a well running justice system. Five per cent say this is somewhat not important and two per cent say it is not important. Four per cent are unsure.
- **More than half of Albertans think the income requirement for legal aid should be increased** – Asked whether the current \$20,021 household income for one person to qualify for legal aid if they face legal problems such as a criminal charge or a family matter related to custody, child support or domestic violence should be increased or decreased, 56 per cent of Albertans say it should be increased, 21 per cent say it should be kept the same and 10 per cent say it should be lowered. Thirteen per cent of Albertans are unsure.

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## SUMMARY




Most Albertans think waiting one to three year waiting times to appear before a Judge for a family matter is not reasonable

- **A majority of Albertans think current waiting times to appear before a Judge for a family matter is not reasonable** – Asked whether the current one to three year wait for people to appear before a Judge in Alberta for a matter of family law is reasonable or unreasonable, nearly three quarters of Albertans say not reasonable (58%) or somewhat not reasonable (15%), while 15 per cent say somewhat reasonable and five per cent say reasonable. Six per cent are unsure. Older Albertans (77% of those 55 plus) are more likely to say the current wait time is unreasonable.
- **Just over four fifths of Albertans support or somewhat support unifying the Courts to handle family matters even if it costs money** – Just over eight in ten Albertans say they support (44%) or somewhat support (37%) unifying the Courts to handle family matters even if it costs money to have a single point of contact and avoid conflicting orders. Five per cent somewhat oppose and three per cent oppose unifying the courts. Eleven per cent are not sure. Older Alberta residents (60% of those 55 plus) are more likely to support unifying the Courts to handle family matters even if it costs money than younger Albertans (35% of those 18 to 34 years old).
- **Albertans divided over the path forward when it comes to investing more in the court system** – Asked which path forward they consider the most important priority for the Government of Alberta when it comes to investing more resources in the court system 31 per cent of Albertans say the government should balance future investments to hire both more Crown Prosecutors and invest in support for the court system, while 30 per cent say focus on investing in aspects of the court system like paralegals, legal assistants, clerks and courtroom staff to improve the speed and efficiency of the court system and 30 per cent say focus on hiring more Crown Prosecutors if it shortens the backlog in the courts. Nine per cent are unsure.
- **Seven in ten Albertans support or somewhat support online arbitration without a judge for some civil claims** – Seven tenths of Albertans support (26%) or somewhat support (44%) having some civil claims addressed through an online arbitration decision process without a judge that are usually resolved in Provincial Court Civil. Ten per cent somewhat oppose and six per cent oppose this. Fourteen per cent are unsure.

3

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## SUMMARY



Seven in ten Albertans support online arbitration without a judge for some civil claims

- **Those who support an online arbitration process for some civil claims, most frequently, say the maximum amount of the claim should be \$10,000 or less** – Asked what should be the maximum civil or small claim that should be arbitrated using an online process without a judge, those who support such online arbitration most frequently say \$10,000 or less (26%), followed by \$5,000 or less (25%), \$25,000 or less (13%), \$50,000 or less (11%), and \$2,500 or less (10%). Eight per cent say there should be no maximum or that they are not sure, respectively.

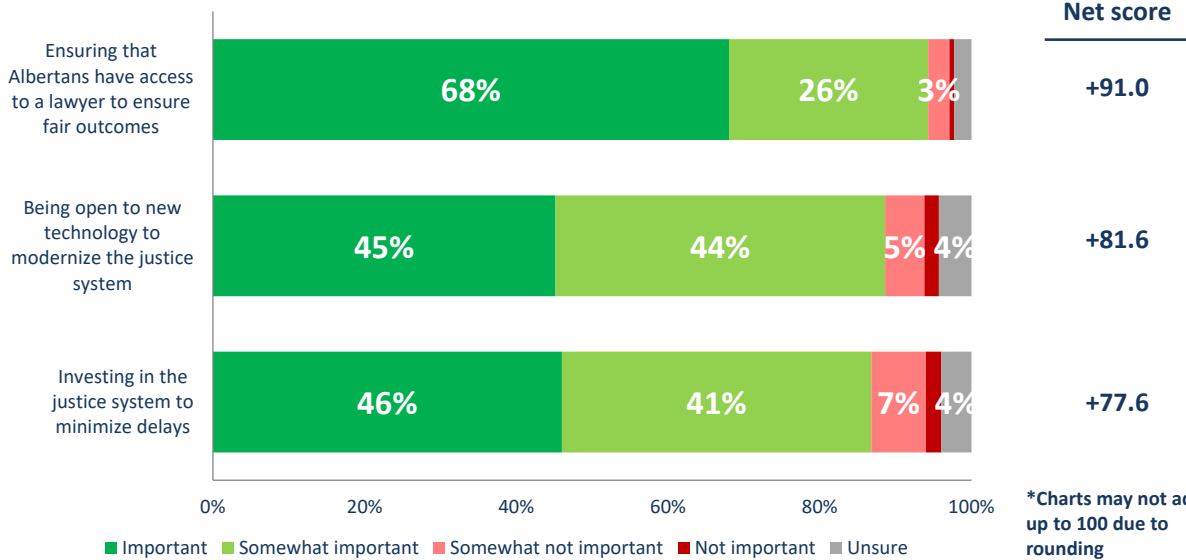
These observations are based a representative online survey of 1,009 residents of Alberta, 18 years of age or older, weighted to the true population profile and conducted between March 27<sup>th</sup> and 31<sup>st</sup>, 2020.

The research was commissioned by the Canadian Bar Association, Alberta Branch and was conducted by Nanos Research.

4

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# Importance of actions for a well running justice system



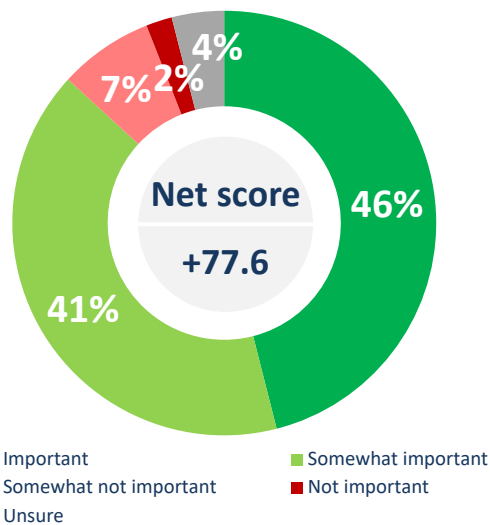
**QUESTION** – Are the following important, somewhat important, somewhat not important or not important for a well running justice system? [ROTATE]

Source: Nanos Research, representative online survey, March 27<sup>th</sup> to 31<sup>st</sup>, 2020, n=1009 Albertans, no margin of error applies to this survey.

5

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# Importance of investing in justice system



	Important/ somewhat important
Calgary (n=383)	85.5%
Edmonton (n=306)	89.9%
North (n=166)	87.7%
South (n=154)	84.5%
Male (n=431)	88.0%
Female (n=578)	85.6%
18 to 34 (n=408)	86.6%
35 to 54 (n=319)	84.5%
55 plus (n=282)	90.1%

\*Weighted to the true population proportion.  
\*Charts may not add up to 100 due to rounding.

**QUESTION** – Are the following important, somewhat important, somewhat not important or not important for a well running justice system? [ROTATE]

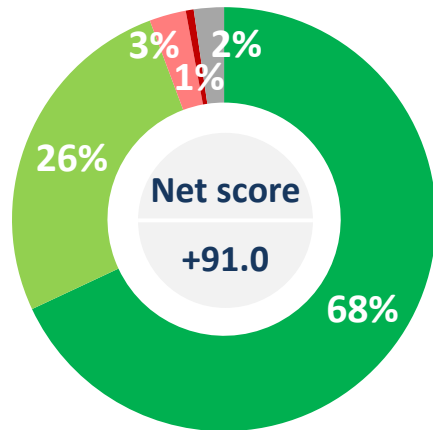
**Investing in the justice system to minimize delays**

Source: Nanos Research, representative online survey, March 27<sup>th</sup> to 31<sup>st</sup>, 2020, n=1009 Albertans, no margin of error applies to this survey.

6

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# Importance of ensuring access to a lawyer



■ Important  
■ Somewhat important  
■ Somewhat not important  
■ Not important  
■ Unsure

	Important/ somewhat important
Calgary (n=383)	94.7%
Edmonton (n=306)	95.4%
North (n=166)	94.6%
South (n=154)	92.6%
Male (n=431)	95.3%
Female (n=578)	93.4%
18 to 34 (n=408)	92.6%
35 to 54 (n=319)	95.9%
55 plus (n=282)	94.4%

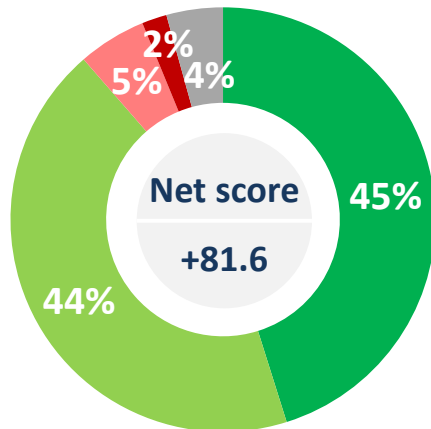
\*Weighted to the true population proportion.  
 \*Charts may not add up to 100 due to rounding.

**QUESTION** – Are the following important, somewhat important, somewhat not important or not important for a well running justice system? [ROTATE]

**Ensuring that Albertans have access to a lawyer to ensure fair outcomes**

Source: Nanos Research, representative online survey, March 27<sup>th</sup> to 31<sup>st</sup>, 2020, n=1009 Albertans, no margin of error applies to this survey.

# Importance of openness to technology in justice system



■ Important  
■ Somewhat important  
■ Somewhat not important  
■ Not important  
■ Unsure

	Important/ somewhat important
Calgary (n=383)	87.7%
Edmonton (n=306)	92.0%
North (n=166)	90.2%
South (n=154)	85.0%
Male (n=431)	89.1%
Female (n=578)	88.2%
18 to 34 (n=408)	89.7%
35 to 54 (n=319)	87.1%
55 plus (n=282)	89.4%

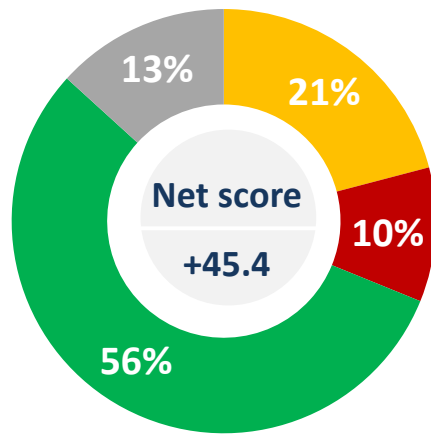
\*Weighted to the true population proportion.  
 \*Charts may not add up to 100 due to rounding.

**QUESTION** – Are the following important, somewhat important, somewhat not important or not important for a well running justice system? [ROTATE]

**Being open to new technology to modernize the justice system**

Source: Nanos Research, representative online survey, March 27<sup>th</sup> to 31<sup>st</sup>, 2020, n=1009 Albertans, no margin of error applies to this survey.

## Support for different paths regarding access to legal aid



- Keep things the same, no change in maximum income to qualify for legal aid
- Lower the income level so fewer Albertans qualify for legal aid
- Increase the income requirement so more Albertans qualify for legal aid
- Not sure

	Increase the income requirement
Calgary (n=383)	54.6%
Edmonton (n=306)	57.3%
North (n=166)	61.7%
South (n=154)	49.0%
Male (n=431)	54.9%
Female (n=578)	56.3%
18 to 34 (n=408)	51.8%
35 to 54 (n=319)	59.0%
55 plus (n=282)	55.6%

\*Weighted to the true population proportion.  
\*Charts may not add up to 100 due to rounding.

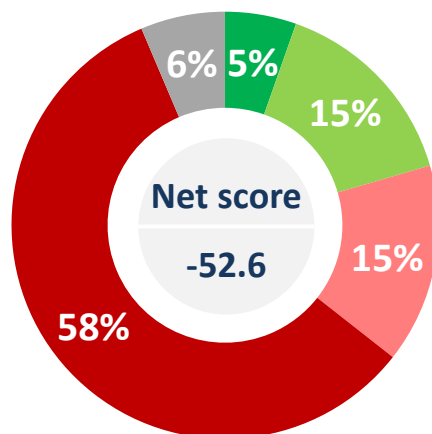
**QUESTION** – As you may know, Albertans may apply for a lawyer (with fees deferred) if they face legal problems such as a criminal charge, or a family matter such as custody, child support or domestic violence. Eligibility is based on income. The cut-off income for a household of one person to qualify for legal aid for an individual is \$20,021. Which of the following paths forward would you support for Albertans to access legal aid? [RANDOMIZE]

Source: Nanos Research, representative online survey, March 27<sup>th</sup> to 31<sup>st</sup>, 2020, n=1009 Albertans, no margin of error applies to this survey.

9

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## Reasonability of waiting times for resolving family disputes



- Reasonable
- Somewhat reasonable
- Somewhat not reasonable
- Not reasonable
- Unsure

	Somewhat not reasonable / not reasonable
Calgary (n=383)	69.7%
Edmonton (n=306)	68.8%
North (n=166)	77.3%
South (n=154)	78.3%
Male (n=431)	69.4%
Female (n=578)	76.8%
18 to 34 (n=408)	59.6%
35 to 54 (n=319)	74.4%
55 plus (n=282)	87.3%

\*Weighted to the true population proportion.  
\*Charts may not add up to 100 due to rounding.

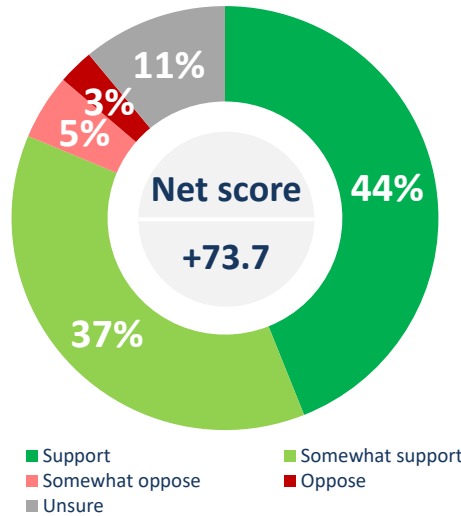
**QUESTION** – Judges hear family law applications with respect to child support, spousal support, parenting arrangements, child protection, and guardianship of and contact with a child. There is currently a waiting time to appear before a Judge in Alberta for a family law matter of at least one year and sometimes over three years. Do you think that one to three years to resolve a family dispute is reasonable, somewhat reasonable, somewhat not reasonable, or not reasonable?

Source: Nanos Research, representative online survey, March 27<sup>th</sup> to 31<sup>st</sup>, 2020, n=1009 Albertans, no margin of error applies to this survey.

10

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# Support for a unified family court in Alberta



	Support/ somewhat support
Calgary (n=383)	80.1%
Edmonton (n=306)	83.8%
North (n=166)	81.5%
South (n=154)	80.3%
Male (n=431)	82.1%
Female (n=578)	80.6%
18 to 34 (n=408)	78.1%
35 to 54 (n=319)	78.3%
55 plus (n=282)	89.2%

\*Weighted to the true population proportion.  
\*Charts may not add up to 100 due to rounding.

**QUESTION** – Because family matters can be complicated, both provincial and federal courts are often involved. In fact, Albertans sometimes have to appear in front of as many as four different Courts and these courts can sometimes issue conflicting orders. Although it would cost money to do so, would you support, somewhat support, somewhat oppose or oppose unifying those Courts so that Albertans have a single point of contact and a single court system to handle these issues?

Source: Nanos Research, representative online survey, March 27<sup>th</sup> to 31<sup>st</sup>, 2020, n=1009 Albertans, no margin of error applies to this survey.

11

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# Path forward for investment in Alberta’s court system



	Rank 1 (n=1009)	Rank 2 (n=898)	Rank 3 (n=843)
Balance future investments to hire both more Crown Prosecutors and invest in support for the court system	31.2%	34.2%	31.9%
Focus on investing in aspects of the court system like paralegals, legal assistants, clerks and courtroom staff to improve the speed and efficiency of the court system	30.2%	33.1%	33.2%
Focus on hiring more Crown Prosecutors if it shortens the backlog in the courts	29.8%	32.2%	34.6%
Unsure	8.8%	0.5%	0.3%

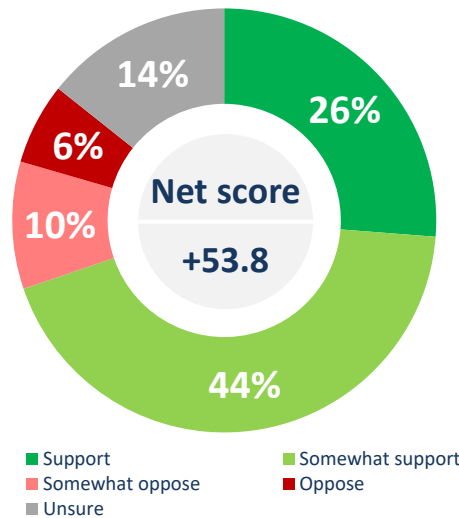
**QUESTION** – Thinking of possible paths forward for the Government of Alberta when it comes to investing more resources in the court system, please rank the following paths forward where 1 is the most important priority, 2 the second most important priority and so on. [ROTATE]

Source: Nanos Research, representative online survey, March 27<sup>th</sup> to 31<sup>st</sup>, 2020, n=1009 Albertans, no margin of error applies to this survey.

12

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# Support of online arbitration without a judge for small claims



	Support/somewhat support
Calgary (n=383)	69.1%
Edmonton (n=306)	71.3%
North (n=166)	69.1%
South (n=154)	69.5%
Male (n=431)	70.4%
Female (n=578)	69.0%
18 to 34 (n=408)	65.0%
35 to 54 (n=319)	74.1%
55 plus (n=282)	69.5%

\*Weighted to the true population proportion.  
\*Charts may not add up to 100 due to rounding.

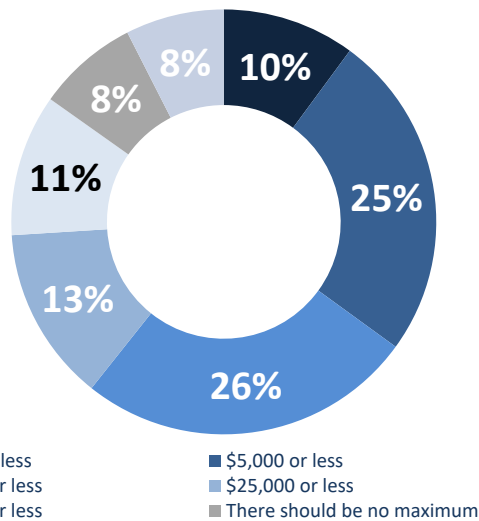
**QUESTION** – Currently Provincial Court Civil, often referred to as “small claims court” provides Albertans with a way to resolve disputes for matters less than \$50,000. Would you be open, somewhat open, somewhat not open or not open to having some civil claims addressed through an online arbitration decision process without a judge?

Source: Nanos Research, representative online survey, March 27<sup>th</sup> to 31<sup>st</sup>, 2020, n=1009 Albertans, no margin of error applies to this survey.

13

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# Opinions on maximum claim amount to be arbitrated online



	\$10,000 or less	\$5,000 or less
Calgary (n=265)	27.0%	20.0%
Edmonton (n=217)	24.6%	23.4%
North (n=116)	25.4%	25.8%
South (n=107)	25.3%	32.8%
Male (n=305)	29.7%	24.4%
Female (n=400)	21.4%	25.4%
18 to 34 (n=277)	26.7%	28.9%
35 to 54 (n=231)	24.3%	24.2%
55 plus (n=197)	26.5%	21.6%

\*Weighted to the true population proportion.  
\*Charts may not add up to 100 due to rounding.

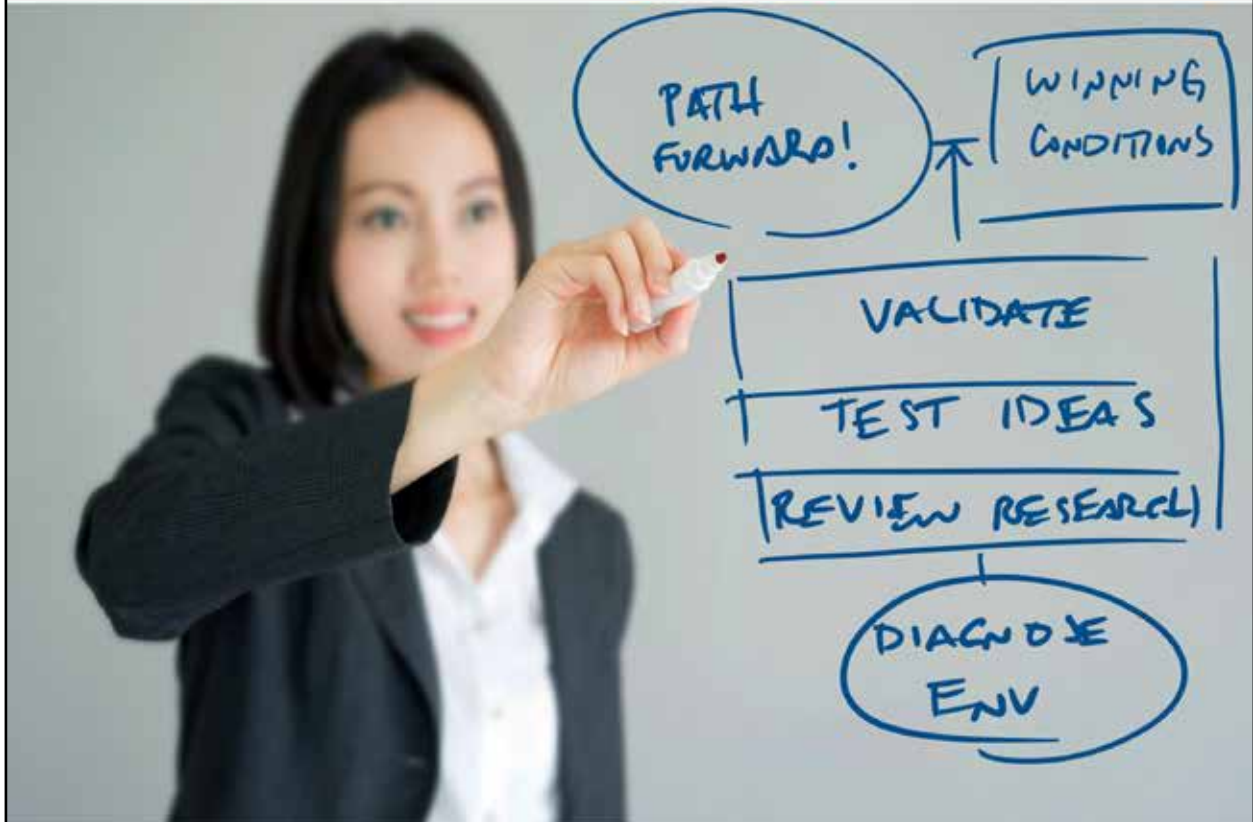
**QUESTION** – [IF SUPPORT OR SOMEWHAT SUPPORT HAVING SOME CIVIL CLAIMS ADDRESSED THROUGH AN ONLINE ARBITRATION DECISION PROCESS WITHOUT A JUDGE] What is the maximum civil or small claim that should be arbitrated using an online process without a judge?

Source: Nanos Research, representative online survey, March 27<sup>th</sup> to 31<sup>st</sup>, 2020, n=705 Albertans who support or somewhat support having some civil claims addressed through online arbitration, no margin of error applies to this survey.

14

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# METHODOLOGY



# METHODOLOGY



Nanos conducted a representative online survey of 1,009 Alberta residents, 18 years of age or older, between March 27<sup>th</sup> and 31<sup>st</sup>, 2020. Participants were administered a survey online. The results were statistically checked and weighted by age and gender using the latest Census information and the sample is geographically stratified to be representative of Alberta.

No margin of error applies to this survey.

The research was commissioned by the Canadian Bar Association, Alberta Branch and was conducted by Nanos Research.

Note: Charts may not add up to 100 due to rounding.

	Population	Population %	Unweighted n-value	Weighted n-value	Weighted %
Calgary	1,011,632	30%	383	320	32%
Edmonton	741,947	22%	306	235	24%
North	771,687	23%	166	223	22%
South	817,284	24%	154	222	22%
Total	3,342,550			1000	



# TECHNICAL NOTE



Element	Description	Element	Description
Research sponsor	Canadian Bar Association, Alberta Branch	Weighting of Data	The results were weighted by age and gender using the latest Census information (2016) and the sample is geographically stratified to ensure a distribution across all regions of Alberta. See tables for full weighting disclosure.
Population and Final Sample Size	1,009 Alberta residents drawn from a panel.	Screening	Screening ensured potential respondents did not work in the market research industry, in the advertising industry, in the media or a political party prior to administering the survey to ensure the integrity of the data.
Source of Sample	Prodege and Quest Mindshare	Excluded Demographics	Individuals younger than 18 years old; individuals without internet access could not participate.
Type of Sample	Representative non-probability	Stratification	By age and gender using the latest Census information (2016) and the sample is geographically stratified to be representative of Alberta.
Margin of Error	No margin of error applies to this research.	Estimated Response Rate	Not applicable.
Mode of Survey	Online survey	Question Order	Question order in the preceding report reflects the order in which they appeared in the original questionnaire.
Sampling Method Base	Non-probability.	Question Content	All questions asked are contained in the report.
Demographics (Captured)	Men and Women; 18 years or older. Six digit postal code was used to validate geography.	Question Wording	The questions in the preceding report are written exactly as they were asked to individuals.
Demographics (Other)	Age, gender, education, income	Research/Data Collection Supplier	Nanos Research
Field Dates	March 27 <sup>th</sup> to 31 <sup>st</sup> , 2020	Contact	Contact Nanos Research for more information or with any concerns or questions. http://www.nanos.co Telephone:(613) 234-4666 ext. 237 Email: info@nanosresearch.com.
Language of Survey	The survey was conducted in both English and French.		
Standards	Nanos Research is a member of the Canadian Research Insights Council (CRIC) and confirms that this research fully complies with all CRIC Standards including the CRIC Public Opinion Research Standards and Disclosure Requirements. <a href="https://canadianresearchinsightscouncil.ca/standards/">https://canadianresearchinsightscouncil.ca/standards/</a>		

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# Impressions of the justice system in Alberta

CBA Alberta | Summary | Confidential | Draft

Conducted by Nanos for CBA Alberta, May 2020  
Submission 2020-1617



## TABLE OF CONTENTS



- Executive Summary
- Policy Priorities
- Messages
- Technology and the justice system
- Methodology
- Tabulations

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## KEY FINDINGS



There is strong support among participants for spending to improve the Alberta justice system

Nanos conducted four focus groups on behalf of the Canadian Bar Association, Alberta Branch, with two groups held with Albertans from rural regions, one with Albertans from Calgary and another with Albertans from Edmonton. The focus groups were conducted online. Participants were asked about their impressions of the justice system, as well as their support for further investment in the justice system in Alberta and modernizing it with new technology.

- **Participants think the justice system is slow and inefficient** – Slow, inefficient and complicated were among the most frequent words that came to mind when participants were asked what they thought of the justice system in Alberta.
- **Participants expect efficiency could be improved with better staffing and new technology** – Asked for suggestions to improve the justice system in Alberta, participants thought that hiring more prosecutors, judges and support staff, as well as adopting modern technologies could improve the efficiency of the system.
- **Support is strong for spending money on the Alberta justice system** – Although a few participants noted that due to COVID-19 and the current economic downturn in the oil sector, the government of Alberta may be strained, the majority of participants thought that the justice system is an important spending priority.
- **Participants consider access to a lawyer as a basic right** – All participants agreed that having access to a lawyer is very important, saying that the justice system is too complicated for someone to navigate on their own.
- **Current one to three year delays in resolving family disputes are considered unreasonable** – Many of the participants said they consider the current delays in resolving family disputes unreasonable and shocking, especially since such cases may involve children in precarious situations.
- **Mediation and triage were most frequently suggested to reduce waiting times in family court** – Participants recommended that more family court cases should be sent to mediation, as well as triaged by priority, with those involving violence or abuse taking precedence, in order to reduce the backlog in family court. Participants also said they would be more likely to support spending on the justice system given the delays.

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3

## KEY FINDINGS



Participants think the legal aid limit should be increased

- **Participants think money should be spent on both Crown prosecutors and support staff** – Asked whether money should be spent on more Crown prosecutors or support staff, many participants said both are probably needed in order to make the system more efficient and push cases through. However, many think there is a shortage of judges and prosecutors, while many think support staff is more important.
- **Participants are divided with regards to unifying family courts** – Although a number of participants thought that it would be more efficient and less stressful for those involved to unify all family courts into one point of contact, many also expressed concerns about potential constitutional issues related to unifying the courts or about breaking up a system that was set up this particular way for a reason.
- **Most participants think the legal aid limit should be increased** – Many of the participants said that the current legal aid limit is too low given the poverty line and individual's earnings in Alberta, thus precluding some from having representation or access to the courts. Participants were in favour of raising the limit, especially if it was pro-rated to people's income.
- **Participants are in favour of adopting new technology to modernize the justice system, but raise security concerns** – Many say that they are in favour of adopting technology to modernize the justice system, noting that this is the way of the future and that in the long run it would improve access and reduce costs. A few raised objections related to security concerns.
- **Participants are open to online arbitration** – Asked if they were open to online arbitration without a judge for small claims, most participants thought this was a good idea and a majority also said they would be comfortable participating in such an arbitration themselves.

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4



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## Thoughts on the justice system in Alberta

### JUSTICE SYSTEM IS SEEN AS SLOW AND INEFFICIENT

Asked what words come to mind when thinking of the justice system in Alberta, participants say most frequently that the justice system in Alberta is slow and inefficient. Several participants also said that they thought the system is complicated, frustrating and unfair.

### PARTICIPANTS SAY THE JUSTICE SYSTEM NEEDS TO BE BETTER STAFFED AND MORE EFFICIENT

Asked what could be done to improve the justice system in Alberta, participants had a range of suggestions, starting with hiring more Crown prosecutors, judges and support staff. A number of the participants expressed the view that the Alberta justice system is understaffed. Many also thought that the system could be made better by improving efficiency, and particularly through modernizing and adopting new technology to keep up with the times. Several added that more mediation options should be offered and favoured. Other participant suggestions also included funding preventive and restorative solutions in order to prevent matters from reaching the justice system. Some participants also proposed that a legal review should be undertaken in order to simplify the language, make it understandable and streamline the judicial process. A few recommended that the hours be extended and that harsher penalties be imposed.

“*Slow, distant in a lot of cases if you are not in major urban centres.*

*They could extend their hours and be open on a Saturday. The court times are 9 to 2 or 3, it's very short days. For family matters, like custody or guardianship, there could be a different system to fast-track. It should be faster than the criminal route.*

*There should be more mediation, particularly in family court. The language is out of reach for a lot of people. Make it more user-friendly. Hire a lot more judges and lawyers to get stuff moving.*

*I agree that the language needs to be simplified, especially for things such as processes and terms. You could have a flow chart for the processes, with steps and forms. You try to navigate through old websites and documents, and you don't know if you are missing something.*

”

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**QUESTION** – What words come to mind when you think of the justice system in Alberta? Any others? [OPEN]

**QUESTION** – When you think of how the justice system in Alberta could be improved in terms of how it works what comes to mind? Do you have any other ideas? [OPEN]

## Spending money on the justice system



### PARTICIPANTS THINK SPENDING MONEY ON THE JUSTICE SYSTEM IN ALBERTA IS IMPORTANT

Most participants said that it is important to spend money to minimize delays in the justice system, although many added the caveat that the money should not be thrown at the justice system indiscriminately. These participants thought that there should be an assessment of the justice system in order to determine the most efficient way to spend the money to improve it. While not entirely against investing money in the justice system, a few participants raised concerns about the state of the government's finances, especially given the current economic situation in Alberta and the ongoing COVID-19 crisis.

Participants thought that spending money on the justice system is important because there may be cases that are thrown out of court due to process delays that exceed the statute of limitations, while on the flipside innocent people may be stuck in jail for prolonged periods of time because their cases are dragging out.

A few participants added that the money should be spent on technological updates or on preventive measures.

“

*I don't know, I tend to think we would do better to go upstream and look at what is happening, we should look upstream to find the root of the problem, the immediate issue, spend the money on that. We don't want to always throw money into a black hole.*

*Spending money to make things more efficient is beneficial. Delays get cases thrown out of court because of time limitations. That's a flaw in the justice system.*

*Spend more money to get up to date with technology. It shouldn't take a whole day to fight a traffic ticket. The justice system is going more through the route of you are guilty and then you have to prove your innocence. People shouldn't have to go through long line ups, there should be more technology.*

*Very important. It's just what we hear on the news, if a case is sitting for too long and they toss it out. It doesn't seem right to me.*

”

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**QUESTION** – Do you think spending money on the justice system aimed at minimizing delays is important or not important?  
Why do you have that opinion? [OPEN]

7

## Money spending priorities in the justice system



### PARTICIPANTS THINK MONEY SHOULD BE SPENT ON JUDGES, PROSECUTORS AND SUPPORT STAFF

Many of the participants expressed the view that the Alberta justice system is underfunded and lacks capacity. They recommended that the Alberta government invest in both more judges and more prosecutors, as well as staffers to do the legwork and get the cases to trial. A few participants also said that it would be good to invest more money in legal aid in order to ensure that people have better access to legal representations.

Several participants also noted that it would be important to invest in technology, including electronic filing systems, as well as online hearings for minor issues such as traffic tickets.

A number of participants thought that investment should go to mediation and social justice programs, because they thought that these save money in the long run.

“

*Spend more money in actual courtrooms, but maybe there would be an alternative way to mitigate that like a mediation system. Before it gets to the higher court level you would be required to go to mediation, if not successful, then you go to court.*

*There is an infrastructure in place, it won't work if you don't have resources. Eliminate the problem before it becomes a problem. Have guaranteed minimum wage. More money in education results in money saved in the justice system. Social justice programs actually save money in the long term. Attach funds to social justice programs.*

*More judges so that we can get things through quicker. Delays make it difficult to come to a conclusion. By the time it gets to trial, too much is lost. Have more judges.*

*We are concentrating a lot on judges, but we are lacking people working for the crown to do the leg work. Also more attention for legal aid for those that can't afford a lawyer.*

”

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**QUESTION** – What should money spent on the justice system focus on in order to ensure that it is running smoothly for all Albertans?  
Why do you think this a priority? [OPEN]

8

# Importance of access to a lawyer for Albertans



## PARTICIPANTS THINK ACCESS TO A LAWYER IS A RIGHT

Participants unanimously agreed that it is important to have access to a lawyer, and many considered it a basic human right.

A number of participants said that the legal system is too complicated to navigate alone and being faced with a legal matter is stressful and intimidating, which is why it is very important to have legal representation.

Participants also noted that legal aid should be well funded, in order to attract better lawyers, as well as give legal aid lawyers a fighting chance against expensive law firms.



*It's really important, as a citizen you have a right to be defended, if you don't understand you need someone to help you through that.*

*They are professionals to help you through the process.*

*Everybody is innocent until proven guilty. It's a process, the court experience is a process, you need someone to help you through it. Lawyers are critical.*

*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.*

*I think it's important. There is a good reason why there is a shortage of lawyers for legal aid. Go back to a place where you start from the bottom and rethink the system. They don't have a system in place to keep prices at a reasonable range.*

*Definitely have access, the average person would not know what to do.*



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**QUESTION** – Do you think ensuring that Albertans have access to a lawyer is important or not important?  
Why do you have that opinion? [OPEN]

9

## Messages



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## Reasonability of time to resolve family disputes



### PARTICIPANTS AGREE THAT CURRENT DELAYS IN RESOLVING FAMILY DISPUTES ARE UNREASONABLE

Participants thought that the delays to resolve family disputes are unreasonable, with several saying that they are shocking and unconscionable. Many participants expressed concern for the wellbeing of children who are in dangerous or abusive situations, saying that their cases should be expedited.

However, participants also thought that delays in cases involving children are generally unreasonable and can have a negative impact on the children, especially since, according to participants, three years can represent a significant proportion of their lives and children need to know where to belong. Participants also thought that these cases should be resolved quicker so that people can move on with their lives following a separation.

Some participants added that these delays are also unreasonable because they can have an impact on a multitude of people, not just the individuals directly involved in the case, but also all their children and their extended family.

A few participants noted that delays may also be due to the long appeals process, and noted that the right to appeal should be maintained.



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

*If one year is the fastest, that's absurd. For more than three years, I'd be curious to see how many of the over three years are delayed due to appeals. You should have the right to the appeal, so I'm not sure how you would change that. Having access to mediation and legal aid might help speed that up.*

*en. Children have got to know where they belong, unless we want little terrors. It will be the start on the road to become a juvenile delinquent. One year is too long, three years is ridiculous. We've got to spend more money to get more lawyers.*

*That's completely unacceptable, one year is a long time, 3 years is an entire period of schooling. They will end up in the system as well.*



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**QUESTION** – There is currently a waiting time to appear before a Judge in Alberta for a family law matter of at least one year and sometimes over three years. Do you think that one to three years to resolve a family dispute is reasonable, or not reasonable? Why do you have that opinion? [OPEN]

11

## Recommendations to reduce waiting time



### PARTICIPANTS SUGGEST MEDIATION AND TRIAGE AS OPTIONS FOR REDUCING WAITING TIMES IN FAMILY COURT

Asked if they had any recommendations for reducing waiting times in family court, a number of participants said that mediation should be favoured over court time. Many participants also noted that there should be a triage system that sorted the priority of cases based on the particular circumstances, allowing cases that involve violence or abuse to go through first.

Several participants also thought that the family justice system needs more workers, from judges to lawyers and support staff. Other suggestions from participants included having a legal review to make the law clearer in these matters and easier to interpret, as well as limiting the number of appeals to prevent the cases from dragging out indefinitely.



*Having a separate division such as a special court or team that is not tying up court time. It could be resolved in a better way. If it's two parties, they might not be telling the whole truth, but it could be decided before it goes up to the next level.*

*More family court judges, more family court lawyers.*

*I wonder if some cases could be handled by a mediator or some other trained professional.*

*We have a shortage of workers, we are always waiting for somebody, there's not enough people. Diversion is one technique they use in my area, and have proper training for diversion workers.*



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**QUESTION** – Do you have a recommendation that the government should do to reduce waiting times? [OPEN]

12

## Support of spending on the Alberta justice system



### KNOWING THAT THERE ARE DELAYS IN FAMILY COURT, PARTICIPANTS SAY THEY ARE MORE LIKELY TO SUPPORT SPENDING ON THE ALBERTA JUSTICE SYSTEM

Similar to views on spending on the justice system in general, spending in order to improve access to family court garners support from many of the participants, with some noting that as tax payers they would not object to their tax dollars going to fix a broken system, and making sure that communities are safe, especially for children.

Several participants also added that a review is necessary so that any money spent improves efficiency, as well as to ensure that it is clear where the money is spent.

Finally, a few participants raised concerns about additional spending, given the circumstances (the COVID-19 crisis and economic downturn in Alberta were happening at the time of the focus groups) and said that perhaps the status quo should be maintained.

“

*We've talked about the reasons why, we agree that more money needs to be spent, we are concerned about people mainly in family court. Some people spend time in lockup waiting for a trial. We have a shortage of judges so maybe that's where the money needs to go. We need to have a review of where fixes are needed.*

*If it hasn't already happened, a review is called for. The system is already broken. Put money into it to make it a better system. I'm in favour. Only if the government doesn't decide to make the decisions on their own. Have an independent study on how other countries are doing it. Look at plausible plans on how this money can be spent.*

*I would think that when it comes to diversion, mediation, getting more resources into it is important to get people into those things quickly. I think we need to probably put more money in it.*

”

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**QUESTION** – Knowing this, are you more or less likely to support more spending on the Alberta justice system?  
Why do you have that opinion? [OPEN]

13

## Investment priorities of the Alberta government in regards to the court system



### PARTICIPANTS ARE DIVIDED WHEN IT COMES TO SPENDING MONEY ON MORE CROWN PROSECUTORS OR SUPPORT STAFF

Asked whether it is a more important priority to hire Crown Prosecutors or to spend money on other aspects of the court system like paralegals, legal assistants, clerks and courtroom staff, participants are divided. Many say that both should be priorities, since likely all these resources are needed to ensure that cases move through the legal system quicker. However, some participants, especially in the rural groups, did mention that they have heard of shortages of Judges and Prosecutors in the province. Others say there is no point in hiring more prosecutors if they do not have the support staff necessary to push their cases through the system.

A few participants noted that they did not feel qualified to comment on this question and thought that an expert review should decide where the resources should be spent.

“

*I think that with every problem, we say to just throw more money at it. But it has to be thought out, if I was to direct the funding, I would suggest the latter as adding more Crown prosecutors is too late, and the most expensive. Administrative work funding might be more cost effective and resolve issues earlier and not end up at the Crown prosecutor's desk.*

*More prosecutors and judges. In my area, we have judges from Edmonton coming up to hear our cases. We don't want them coming up to charge fees. More prosecutors and judges are needed.*

*Without knowing a lot, there needs to be a balance, everyone has a role to play in this process. I would like to see these decisions made with an audit of the whole system to see where the money could be best used.*

”

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**QUESTION** – Do you think it is a more important priority for the Alberta government to focus on hiring more Crown Prosecutors to ensure more charges are laid against people who may have broken the law or to focus on spending money on aspects of the court system like paralegals, legal assistants, clerks and courtroom staff to improve the speed and efficiency of the court system?  
Why do you have that opinion? [OPEN]

14



## Support for unification of Courts to a single point of contact



### PARTICIPANTS ARE DIVIDED WHEN IT COMES TO UNITING ALL FAMILY COURTS INTO ONE POINT OF CONTACT

Participants were also divided on whether or not the family court system should be unified into one point of contact and a single system to handle family matters. Some thought that having up to four Courts issuing conflicting orders means there are inexcusable inefficiencies in the system and gave their full support to unifying the system.

Other participants said that the system may have been set up this way so that different types of cases would be dealt with by different courts. These participants said that they were not sure that unifying the system would improve it. In addition, some thought that the system may be set up as it is because of the division of powers between the federal and provincial governments. These participants were concerned that unifying the system would require constitutional change would be difficult to achieve or would not be desirable.

A few participants assumed that a unified system would operate at the federal level and said that this may not be suitable to meet the different needs in provinces that have different cultures and priorities. A few participants were more likely to support a unified provincial system.

*I feel both ways, I value efficiency, and I value fairness. My assumption is that some cases are going to need more than one hearing for fairness, including maintaining the right to appeal. There needs to be a point to be as efficient as possible. Especially considering the financial state our entire country is going to be in.*

*I do wonder, my thought would be that there would be a cost, but in the end it would be a reduced cost but I need evidence that the cost would be reduced. Save money in the long run, spend money only if it will be better and faster. Have fairness and access to both systems.*

*Not as big a fan of unifying things, cases should go where they belong. It might be opening a can of worms, if there is to be a federal system across the country - things are different across the country.*

*My concern would be why was the court system split in the first place. Usually it is dictated by the constitution. I'm concerned about opening a can of worms. I don't see why we don't streamline to two courts. If no can of worms, then yes, unify it. You can save time in investigating and charges. If you can speed it up, then yes.*

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**QUESTION** – Because family matters can be complicated, both provincial and federal courts are often involved. In fact, Albertans sometimes have to appear in front of as many as four different Courts and these courts can sometimes issue conflicting orders. Although it would cost money to do so, would you support, or oppose unifying those Courts so that Albertans have a single point of contact and a single court system to handle these issues?  
Why do you have that opinion? [OPEN]

15

## Change in limit for eligibility of fee deferment to apply for a lawyer



### PARTICIPANTS THINK LEGAL AID LIMIT SHOULD BE INCREASED

Participants thought that the \$20,021 limit for an individual in a single person household to be eligible to be represented by a legal aid defender is too low. Several participants noted that this is below the poverty level and that one would make more earning minimum wage in Alberta, meaning that they would be unable to get legal representation, especially given how expensive lawyers are. Thus most participants said that the limit should be increased to allow more people to access legal aid, with several participants saying that it should be prorated based on people's income.

One person said it would be better to keep it the same because if the limit were increased, then individuals living on social assistance would have to compete with those who earned a salary greater than \$20,021 to get a legal aid lawyer and this may prevent them from getting one.

Participants were also asked if they would support more spending on the justice system in order to ensure more people had access to legal aid, the majority said that they would since the limit seemed very low to them.

*The deeper question is how is the number arrived at. That sounds really low, my teenage kid could make that working at McDonald's. A family with \$30,000 is that enough? How much of an income should pay for a lawyer, and for an innocent person, because we assume innocence until proven guilty. \$20,000 doesn't seem high enough. Make it a more equitable metric.*

*Short answer is that it should be increased. Unless it's prorated. I would prefer to see prorated and at a reasonable amount.*

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

*Limit should be increased, I don't know of a single income person that could live off of that, even \$30,000. Increase it.*

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**QUESTION** – As you may know, Albertans may apply for a lawyer (with fees deferred) if they face legal problems such as a criminal charge, or a family matter such as custody, child support or domestic violence. Eligibility is based on income. The cut-off income for a household of one person to qualify for legal aid for an individual is \$20,021. Do you think that the limit should be lowered, kept the same or increased? Why do you have that opinion? [OPEN]

**QUESTION** – Knowing that the cut off limit for access to legal aid is \$20,021, are you more or less likely to support the Government of Alberta spending more money so that more people can have legal representation when they access the legal system? Why do you have that opinion? [OPEN]

16



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## Importance of adoption of new technology and modernizing the justice system

### PARTICIPANTS ARE IN FAVOUR OF ADOPTING NEW TECHNOLOGY TO MODERNIZE THE JUSTICE SYSTEM BUT WORRY ABOUT SECURITY

Most participants agreed that the court system should be modernized by adopting new technology. Participants thought that technology might be particularly useful for electronic filing of documents, as well as videoconferencing hearings in remote locations or for minor cases such as traffic tickets.

A few participants thought that the COVID-19 crisis might assist in the transition, since many law firms have had to get set up to allow employees to work from home.

Several participants also thought that transitioning to a more modern technology-based justice system may incur some initial costs, but would improve overall efficiency in the long run.

Those who were not fully in support of adopting new technologies in the justice system, frequently raised security concerns. They especially pointed out the sensitive nature of the information that the justice system deals with. A few also said they thought that face to face encounters are still important, and that everyone deserves their day in court and there is nothing that can replace that.

“It's very important. We spent a lot of money in a building in downtown Calgary. A bit of an investment initially, but long term, we need technology. We cannot continue with paper base.

*I'm going to take a slightly different opinion; I would be concerned about security. Nobody should be able to hack into it. I'm also concerned about issues of access, if you need a laptop or high-speed internet, you are locking out low-income people. Newer technologies are good but be very careful.*

*Technology is a solution to a problem, but you need to identify the problem. And then see if there is a technology that would support it. There is more concern with the insufficient number of prosecutors and judges. I don't think the bottle neck is with the process, but if it is then maybe the technology could help.*

*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.*”

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**QUESTION** – Do you think that adopting new technology and modernizing the justice system is important or not important?  
Why do you have that opinion? [OPEN]

## Support for an online arbitration process for some civil claims



### PARTICIPANTS ARE OPEN TO ONLINE ARBITRATION WITHOUT A JUDGE FOR SMALL CLAIMS

Participants thought it was a good idea to use an online arbitration without a judge for small claims because they thought it would improve efficiency and free up judges' time. They added that this could be run as a pilot to see how it works and noted that the \$50,000 limit is small enough that no major issues would be decided this way.

Some said they would be more comfortable with this if they knew that they had the possibility to appeal to a judge if they were not satisfied with the outcome.

“

*I'd be in support of that, that's not a lot of money, using technology to speed up the process, save money, that would be a great place to start.*

*I would support it, no great legal problems decided in a case with \$50,000. It's more administrative.*

*I agree, it's a good place to try a pilot, rather than doing it for serious cases.*

*If it can be done online for efficiency purposes, yes, if it makes it better. But if it doesn't work, then don't.*

*Using technology and a mediator to start and then go to court. That's one area of the law where a judge could hear both sides and come to a decision. Have small stuff in small claims court. Judges end up resolving a dispute between two people which is different than a legal problem.*

*It's a waste of the time for judges. Use Zoom and have both parties. Don't waste judges' time.*

”

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**QUESTION** – Currently Provincial Court Civil, often referred to as “small claims court” provides Albertans with a way to resolve disputes for matters less than \$50,000. Would you be open or not open to having some civil claims addressed through an online arbitration decision process without a judge? Why do you have that opinion? [OPEN]

19

## Participation in an arbitration process for small claims



### PARTICIPANTS SAID THEY ARE OPEN TO TRYING ONLINE ARBITRATION WITHOUT A JUDGE THEMSELVES

When asked if they would use the small claims online arbitration process without a judge themselves, many participants said that they would, noting that they expect the process would be less stressful, less costly, less time consuming and less intimidating for themselves. Participants also said they would participate in such a process because they would expect the matter to be resolved much sooner than when going through the regular justice system.

Others said that they would be open to trying such arbitration only with the caveat that they needed to be confident in the process or the qualifications of the arbitrator, or have the option of an appeal.

A few said they would decide on whether or not to participate in the arbitration process based on the particular situation and how much of a stake they had in the matter to be decided.

“

*It depends on the quality of the mediators and if they can bring people to an agreement because people will just appeal if they are not satisfied with the results.*

*I would use it I think. You look at the cost of going to court, and the cost of the lawyers. Half your claim can be caught up in costs so you don't get the \$50,000 at the end.*

*I feel the same way, sounds like it would make it more streamlined and easy access in less time.*

*I sort of agree. I would for only a certain amount. If it's a \$50,000 claim, I would be hesitant. It also depends on how much time it would take to go to court. If it saved me time even if I only got half of the amount, I would do it.*

*I would be cautious about the qualifications if it's not a judge. Who will make the decision? Would it be two judges, or is there a third person saying who is right and wrong? Maybe that's okay for a very low dollar amount but I would be cautious.*

”

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**QUESTION** – If you had a small claim, would you participate or not participate in such an arbitration process yourself? Why or why not? [OPEN]

20

## Maximum civil or small claim amount arbitrated online



### PARTICIPANTS ARE DIVIDED WITH REGARDS TO THE MAXIMUM AMOUNT FOR A CIVIL CLAIM TO BE DECIDED THROUGH ONLINE ARBITRATION WITHOUT A JUDGE

Several participants said that the maximum limit should be \$100,000 for civil claims to be decided through the online arbitration process without a judge. They thought that \$50,000 was too low given the value of money today. Some added that if there was a skilled mediator deciding the matter, then the risk would be low.

A number of participants thought that the limit for the online arbitration should be set lower at \$25,000 to reduce the risk to those involved.

Still others said there was no need to change the rules, and that if the limit to for small claims court is \$50,000 then that should be kept the same. A few noted that \$25,000 may be too low to cover the value of most civil claims filed.

“

*\$20,000. It goes back to previous comments. \$50,000 is usually a significant amount. I would need to know the qualification of the arbitrator but without knowing, I would be cautious.*

*\$100,000 because it seems reasonable for small claims court. Reasonable and round figure.*

*\$50,000. The same rules apply, same laws, same cases, I don't see a reason to change.*

*I'm thinking of scenarios such as a tree fell on your house, or flooding, a lot of ordinary scenarios, it's often more than \$25,000. So I would keep it at \$50,000.*

”

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**QUESTION** – What do you think should be the maximum civil or small claim amount that should be arbitrated using an online process without a judge? [OPEN]  
Why do you think this should be the limit? [OPEN]

21

## METHODOLOGY



# METHODOLOGY



On behalf of the Canadian Bar Association Alberta Branch, Nanos conducted online focus groups with 36 Albertans (11 of which reside in Edmonton, seven in Calgary and 18 in rural Alberta) between April 29<sup>th</sup> to 30<sup>th</sup>, 2020. Participants were recruited randomly. The focus groups were conducted in English.

Each focus group was a maximum of 90 minutes in length. Participants were given \$100 for their time.

Note: Charts may not add up to 100 due to rounding.

Readers should note that focus group research is qualitative in nature and should not be projected to the target populations.

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# TECHNICAL NOTE



Element	Description	Element	Description
Research sponsor	CBA Alberta	Statement of non-projectability	The results of the research are not statistically projectable but rather are directional in nature, as they are based on the responses of a small selection of respondents recruited to specific criteria using qualitative recruiting practices.
Research/Data Collection Supplier	Nanos Research	Question Order	Question order in the preceding report reflects the order in which they appeared in the original questionnaire.
Population and Final Sample Size	36 Albertans	Question Content	All questions asked are contained in the report.
Source of Sample	Randomly recruited from Nanos panel.	Question Wording	The questions in the preceding report are written exactly as they were asked to individuals.
Mode	Online focus groups	Research/Data Collection Supplier	Nanos Research
Field Dates	April 29 <sup>th</sup> and 30 <sup>th</sup> , 2019.	Standards	Nanos Research is a member of the Canadian Research Insights Council (CRIC) and confirms that this research fully complies with all CRIC Standards including the CRIC Public Opinion Research Standards and Disclosure Requirements. <a href="https://canadianresearchinsightscouncil.ca/standards/">https://canadianresearchinsightscouncil.ca/standards/</a>
Language of Survey	The focus groups were conducted in English.	Contact	Contact Nanos Research for more information or with any concerns or questions. <a href="http://www.nanos.co">http://www.nanos.co</a> Telephone:(613) 234-4666 ext. 237 Email: <a href="mailto:info@nanosresearch.com">info@nanosresearch.com</a> .

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