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Paths to Justice and the Resolution of Consumer Problems: Findings from the 2014 Everyday Legal Problems and the Costs of Civil Justice in Canada National Survey

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Paths to Justice and the Resolution of Consumer Problems:

Findings from the 2014 Everyday Legal Problems and the Costs of Civil Justice in Canada National Survey



Les Jacobs, David Kryszajtys, & Matthew McManus



Canadian Forum on Civil Justice  Forum canadien sur la justice civile

The Canadian Forum on Civil Justice is a national not-for-profit organization dedicated to civil justice reform and access to justice research and advocacy. Established by the Canadian Bar Association and affiliated with Osgoode Hall Law School, the CFCJ envisions an accessible, sustainable and effective justice system for all Canadians.

Overview of Cost of Justice Project

The Cost of Justice project (2011-2016) examines the social and economic costs of Canada's justice system. It is guided by two questions: What is the cost of delivering access to justice? And, what is the cost of not delivering access to justice? Comprised of leading access to justice researchers investigating various dimensions of cost across the country, the Cost of Justice project is producing empirical data that will inform the future of access to justice in Canada and abroad. The lead research team includes: Trevor C.W. Farrow (Principal Investigator), Nicole Aylwin, Les Jacobs and Diana Lowe.

The Cost of Justice project is funded by a \$1 million grant from the Social Sciences and Humanities Research Council of Canada. For more details please visit www.cfcj-fcjc.org/cost-of-justice.



Social Sciences and Humanities
Research Council of Canada

Conseil de recherches en
sciences humaines du Canada

Canada 

Table of Contents

Introduction

Part I: Consumer Problems, Ethnicity, And Conceptions Of The Legal System

1. Individuals Without Consumer Problems Who View The Legal System As Fair (By Ethnicity)
2. Individuals With Consumer Problems Who View The Legal System As Fair (By Ethnicity)
3. Individuals Without Consumer Problems Who Feel The Legal System Works Better For The Rich (By Ethnicity)
4. Individuals With Consumer Problems Who Believe The Legal System Works Better For The Rich (By Ethnicity)

Part II: Paths To The Resolution Of Consumer Problems As Determined By Education

5. Number Of Consumer Problems (By Education)
6. People With Consumer Problems Who Took No Action To Solve Problem (By Education)
7. People With Consumer Problems Who Talked To Other Party To Solve Problem (By Education)
8. People With Consumer Problems Who Talked With Family And Friends To Resolve Problem (By Education)
9. People With Consumer Problems Who Contacted A Lawyer To Solve Their Problem (By Education)
10. People With Consumer Problems Who Went To Organization To Solve Problem (By Education)
11. People with Consumer Problems who went to Court or Tribunal to Solve Problem (By Education)

Part III: Attitudes Towards The Justice System When Experiencing a Consumer Problem by Education

12. People Without And With Consumer Problems Who Agree That The Justice System In Canada Is Mostly Fair (By Education)
13. People Without And With Consumer Problems Who Agree That The Legal System Work Better For Rich People Than For Poor People (By Education)

Part IV: Consumer Problems And Income

14. Number Of Consumer Problems (By Income)
15. People With Consumer Problems Who Took No Action To Solve Problem (By Income)
16. People With Consumer Problems Who Talked To The Other Party To Solve Problem (By Income)
17. People With Consumer Problems Who Talked To Family And Friends To Solve Their Problem (By Income)
18. People With Consumer Problems Who Contacted A Lawyer To Solve Problem (By Income)
19. People With Consumer Problems Who Contacted An Organization To Solve Problem (By Income)
20. People With Consumer Problems Who Went To Court Or Tribunal To Solve Problem (By Income)

Part V: Attitudes Towards The Justice System When Experiencing a Consumer Problem (By Income)

21. Attitudes Towards The Justice System When Experiencing A Consumer Problem (By Income)
22. People Without and With Consumer Problems Who Agree That the Legal System in Canada Works Better for the Rich (By Income)

Conclusions

Introduction

This project analyzes the various ways Canadian citizens of different ethnicities try to resolve their consumer problems. Specifically; we look at whether respondents from some ethnic backgrounds are more likely than others to access the formal legal system as a means to resolve one or more consumer problems. We also try to link this to respondent's conceptions of the legal system, both in general and with regard to its value in resolving these issues.

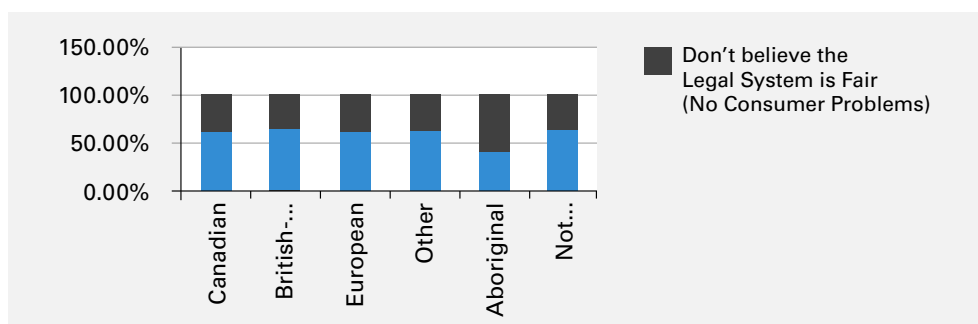
In 2014 the Canadian Forum on Civil Justice completed the first legal needs study conducted in Canada since 2008. It was the result of a 5 year empirical study based around answering two questions; 1) what is the cost of delivering an effective justice system and 2) what is the cost of not delivering an effective justice system. Data was acquired through a national telephone survey of 3264 Canadians 18 years old or older. Respondents were asked if they had experienced any problems from a list of 84 different problem scenarios. Respondents were encouraged to only report problems they considered serious and difficult to resolve. They were also asked what actions they took to respond to the problems, what their consequences were, what assistance they received, and the relation between the problems experienced and the costs to resolve them. These results were then analyzed.

Overall, we were somewhat surprised by the results. For instance, it appears that ethnicity has little bearing on whether citizens take steps to resolve their consumer problems through legal means. Instead, we found that education and income has a much more marked effect on citizen's paths to justice. In the following report we will briefly run through how respondents of different ethnicities with consumer problems regard the legal system, since there are some interesting deviations on these largely attitudinal lines. We will then go on to look at how respondents with different educational backgrounds and from different income brackets regard the legal system, and whether and how they used the law to resolve their consumer problems. Here, there are significant and marked differences which indicate that these variables seem to have a much greater impact on how respondents deal with their consumer problems and how they conceive the legal system.

Part I: Consumer Problems, Ethnicity, And Conceptions Of The Legal System

While there are marginal differences in how respondents of different ethnicities responded to consumer problems, these were fairly minimal. Most respondents were willing to take steps to deal their consumer problems, but few were willing to go so far as to access a third party to help resolve them. This became increasingly so as the steps taken would require accessing the formal legal system. In this next section, we will briefly look at how respondents from different ethnicities with consumer problems regard the legal system to provide some insight into this issue. Our data suggests that ultimately, ethnicity has comparably little bearing on how respondents with consumer problems (or indeed, without) regard the legal system.

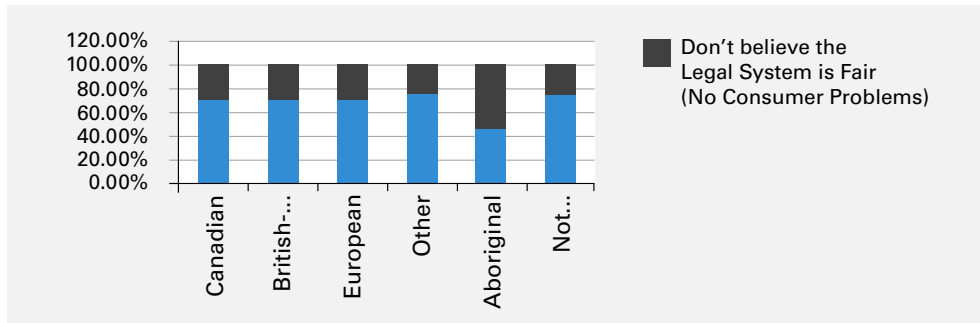
1) Individuals Without Consumer Problems Who View The Legal System As Fair (By Ethnicity)



As we can see, a healthy majority of respondents of almost all ethnicities tend to regard the legal system as fair. There were some variances, but the numbers were remarkably consistent. The only group for whom this

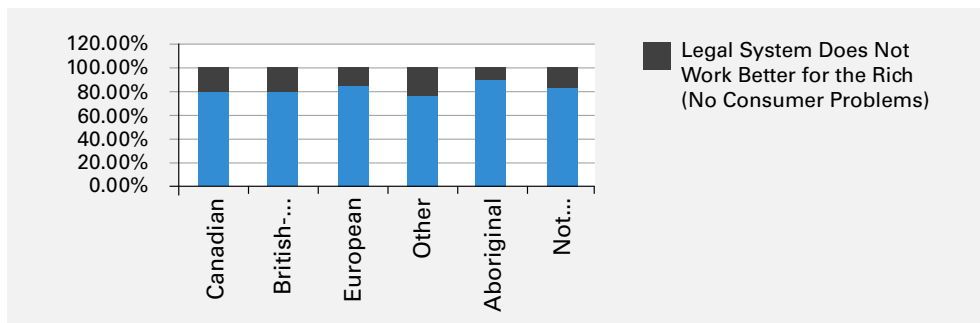
is not true, as one might expect, are those respondents who identified as Aboriginals. Aboriginal respondents generally tended to regard the legal system as unfair.

2) Individuals With Consumer Problems Who View The Legal System As Fair (By Ethnicity)



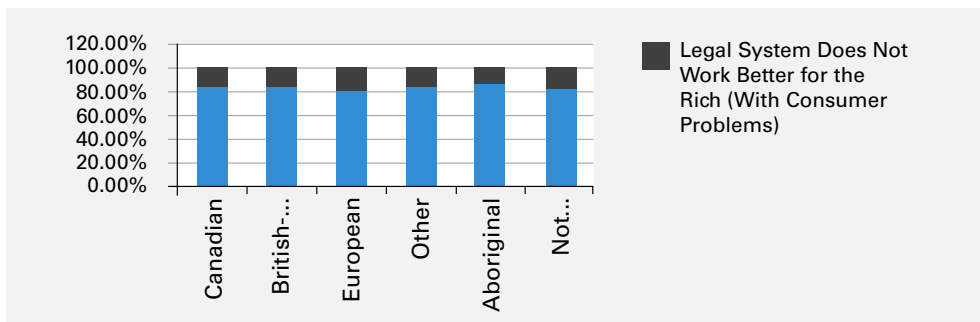
Interestingly, the percentage of respondents who regard the legal system as fair tends to increase when they experienced consumer problems. This is true regardless of ethnicity, though there was a marked shift upwards for those who identified as belonging to other ethnic groups than Canadian, British-French, or European. The percentage of Aboriginal respondents with consumer problems who regarded the legal system as fair remained consistent; they were quite a bit more skeptical than respondents of other groups.

3) Individuals Without Consumer Problems Who Feel The Legal System Works Better For The Rich (By Ethnicity)



Disturbingly, almost all respondents tended to feel that the legal system works better for the rich. This was especially true of those respondents who identified as of European descent and Aboriginals, but was a clear perception across the board. This finding is quite striking given that most respondents also tended to see the legal system as fair.

4) Individuals With Consumer Problems Who Believe The Legal System Works Better For The Rich (By Ethnicity)

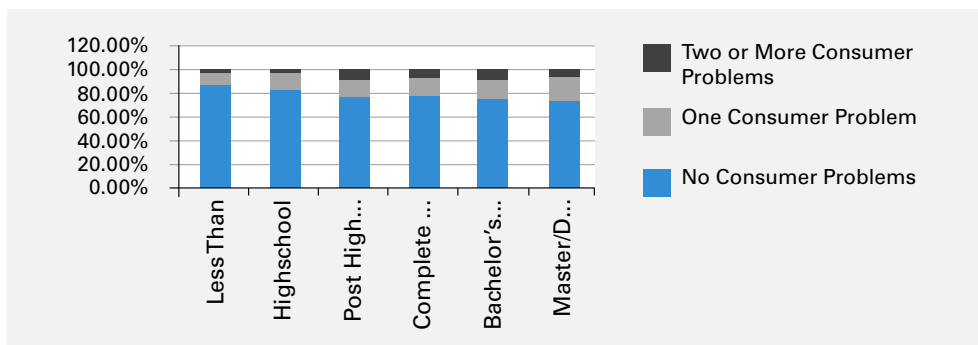


As one can see, the perception that the legal system works better for the rich remains consistently strong for respondents of all ethnicities experiencing consumer problems. Indeed, there has been a slight uptick in the number who feel that way. This suggests that experiencing consumer problems only reinforces an opinion that is now so very widespread it has almost become common-sensical.

Despite the large number of respondents from all ethnicities who regard the legal system as fair, through admittedly biased towards the rich, we found that there was little of interest to say about ethnicity and paths to resolving consumer problems. Respondents of all ethnicities were generally as likely as any others to take the same number and types of steps. The only exception to this rule was Aboriginal respondents. But the number was so low that we cannot generalize from these findings. By contrast, we found that education and income levels played a much larger role in determining how respondents dealt with their consumer problems. This appears to be the story of interest with regard to consumer problems.

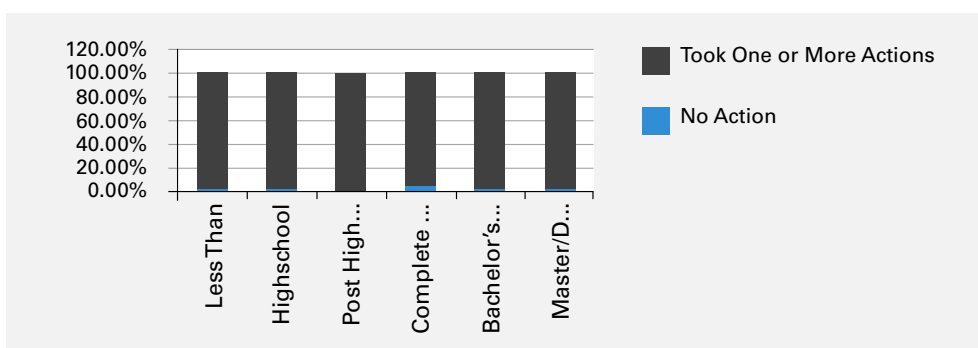
Part II: Paths To The Resolution Of Consumer Problems As Determined By Education

5) Number Of Consumer Problems (By Education)



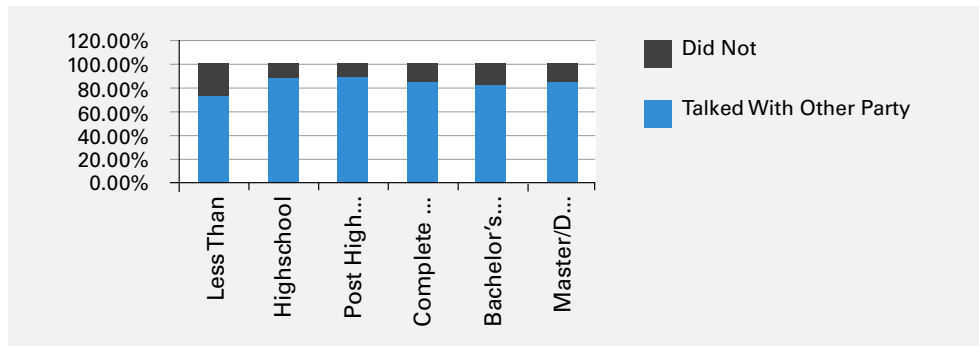
The findings displayed in this graph show a trend that indicates that as a respondent's level of education rises, their number of consumer problems also rises. The results show that those with a masters or doctorate are twice as likely to experience a consumer problem than those with less than a high school level of education.

6) People With Consumer Problems Who Took No Action To Solve Problem (By Education)



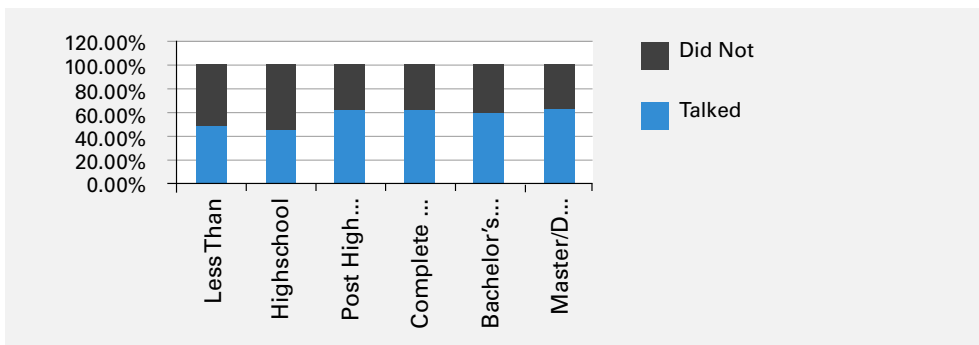
Our findings here show that respondents across all educational levels are pro-active when dealing with their consumer problems, considering that respondents in each educational level had at least a 95% rate of taking one or more action when experiencing a consumer problem. This result is surprising, as one would think that consumer problems are most likely to be lumped as problems, considering that consumer problems are usually low-cost problems with little to lose when no action is taken.

7) People With Consumer Problems Who Talked To Other Party To Solve Problem (By Education)



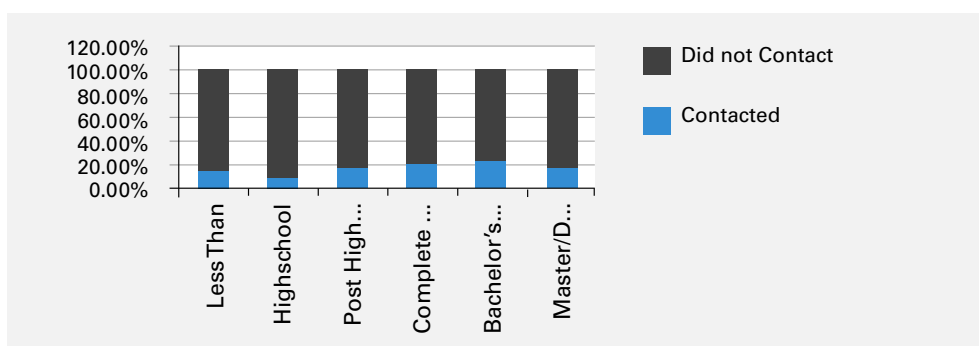
For respondents who reported experiencing one of more consumer problems, levels of education seem to influence the likelihood that they would try to solve their legal problem by talking to the other party. However, the largest difference seems to occur for those who have less than a high school education. Those who have less than a high school education are the least likely to talk to the other party to solve their problem, 10% less likely than those who have a bachelor's degree.

8) People With Consumer Problems Who Talked With Family And Friends To Resolve Problem (By Education)



These results show a similar pattern to that of the previous graph. Any educational level obtained beyond high school significantly increase the likelihood that a respondent with a consumer problem would talk to family and friends to resolve their problem. It is interesting to note that those respondents with a high school education are less likely to contact a family member or friend to solve their consumer problem, but just as likely as higher educational levels to contact the other party. This disparity is difficult to explain.

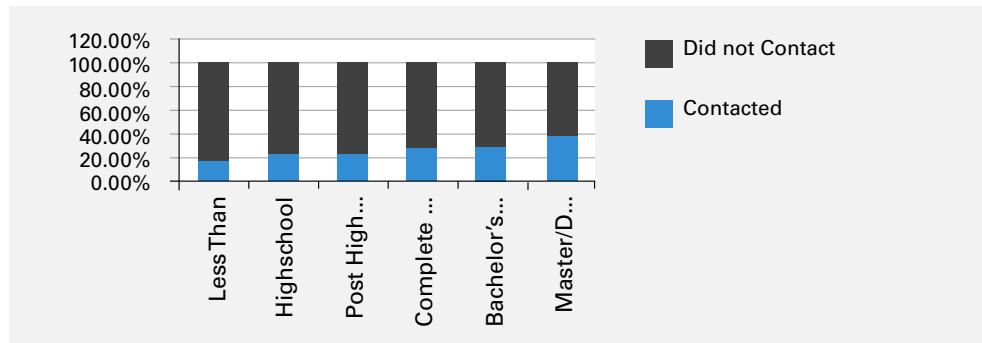
9) People With Consumer Problems Who Contacted A Lawyer To Solve Their Problem (By Education)



This graph shows no discernible pattern, with the exception that those respondents with consumer problems and an educational level between post high school/no diploma/degree and a bachelor's degree, are most likely to

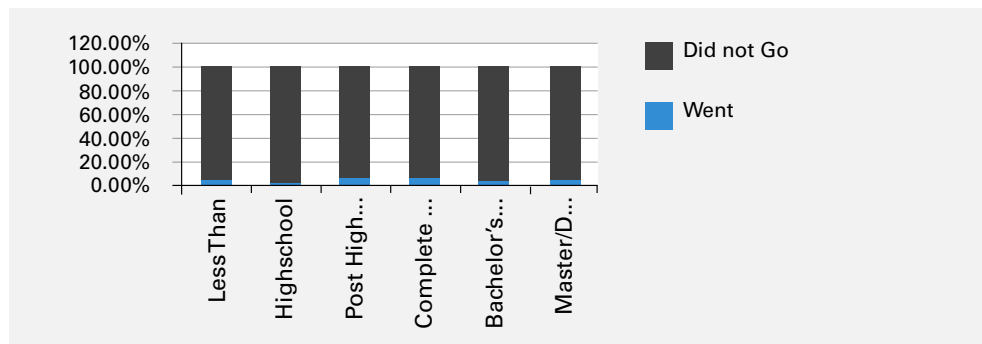
contact a lawyer. It is interesting to note that those with a master's or doctorate degree are just as likely as those with less than a high school level of education to contact a lawyer. These results suggest that educational levels may not be able to predict why someone does or does not contact a lawyer when they have experienced a consumer problem.

10) People With Consumer Problems Who Went To Organization To Solve Problem (By Education)



Our findings here show that the higher the respondents level of educational achievement, the more likely they are to contact an organization to solve their problem when they have experienced a consumer problem. These results may indicate that those with a higher education view contacting an organization as a more appropriate or efficient way of resolving a consumer problem than contacting a lawyer. Our results are not surprising, considering that consumer problems are usually of a low cost nature which does not justify the hiring of a lawyer.

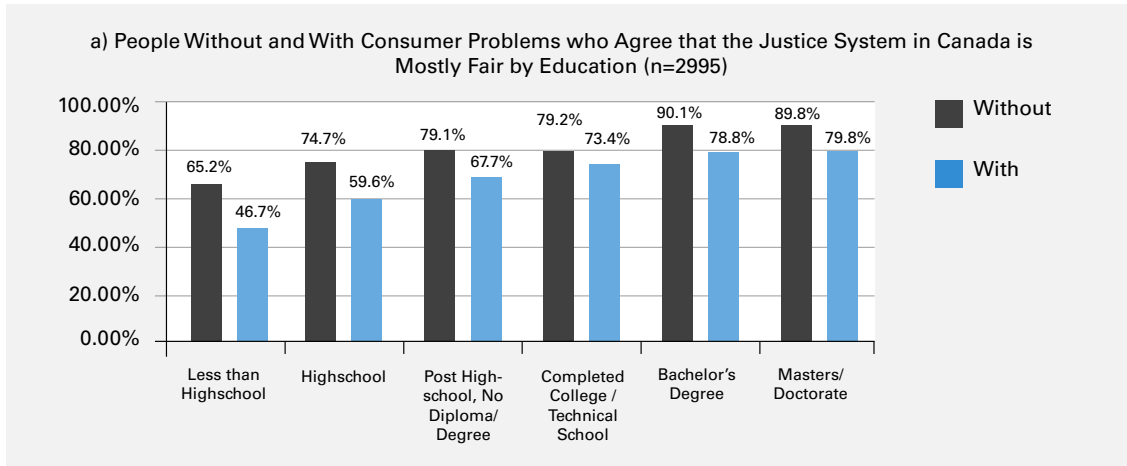
11) People with Consumer Problems who went to Court or Tribunal to Solve Problem (By Education)



Our results here are not surprising. Going to a court or tribunal to solve a consumer problem is, if anything, a desperate last attempt at solving the problem. Most consumer problems can be solved with lower cost and greater efficiency by alternative means. As we can see from this graph, among all educational levels, contacting a tribunal when experiencing a consumer problem occurs infrequently.

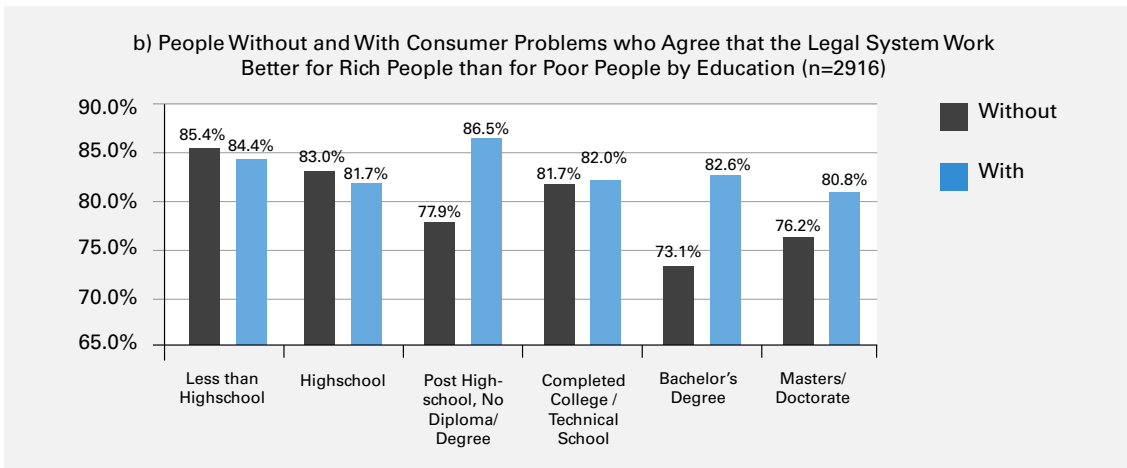
Part III: Attitudes Towards The Justice System When Experiencing a Consumer Problem by Education

12) People Without And With Consumer Problems Who Agree That The Justice System In Canada Is Mostly Fair (By Education)



Our findings here show that those without consumer problems are much more likely than those with to agree that the justice system in Canada is mostly fair. However, as educational levels rise these difference begin to narrow, suggesting that higher educational levels mean more positive evaluations on the justice system's fairness. This may mean that those with higher educational levels have better results and maybe better resources when dealing with consumer problems. Those with lower levels of education may have poorer results and low resources to deal with their consumer problems, leading to more negative evaluations of the justice system's level of fairness.

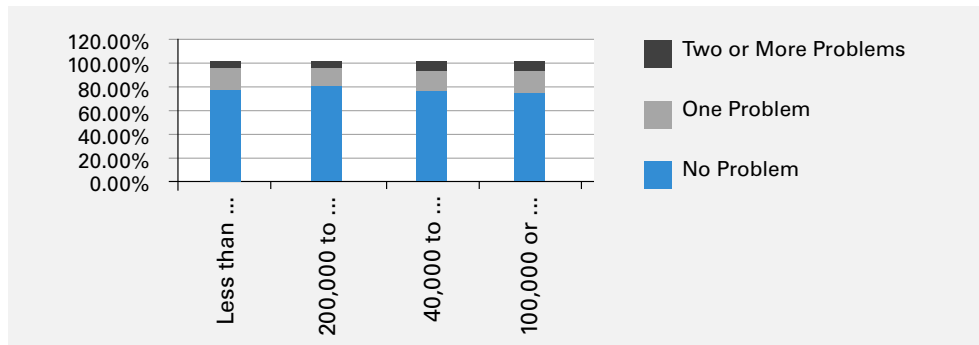
13) People Without And With Consumer Problems Who Agree That The Legal System Work Better For Rich People Than For Poor People (By Education)



Our findings do not show any obvious trends. There is a small indication that for those respondents with consumer problems, a higher level of education makes them less likely to agree that the justice system works better for rich people than for poor people. In addition, when a respondent has a less than high school or high school level of education, differences between those with or without a consumer problem are minimal. However, for those respondents with post high school/no diploma, a bachelor's degree, or a masters/doctorate, there are large differences between those with and without a consumer problem. Those without a consume problem are less likely to agree that the justice system works better for the rich than the poor, suggesting that experiencing a consumer problem makes those with higher levels of education agree that the justice system works better for rich people than for poor people.

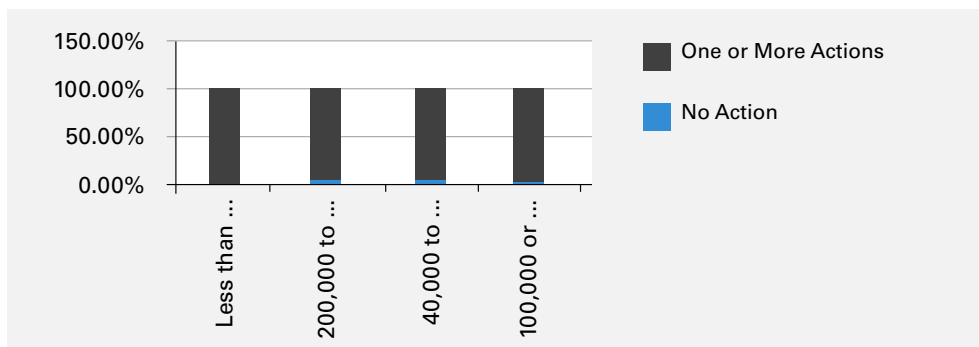
Part IV: Consumer Problems And Income

14) Number Of Consumer Problems (By Income)



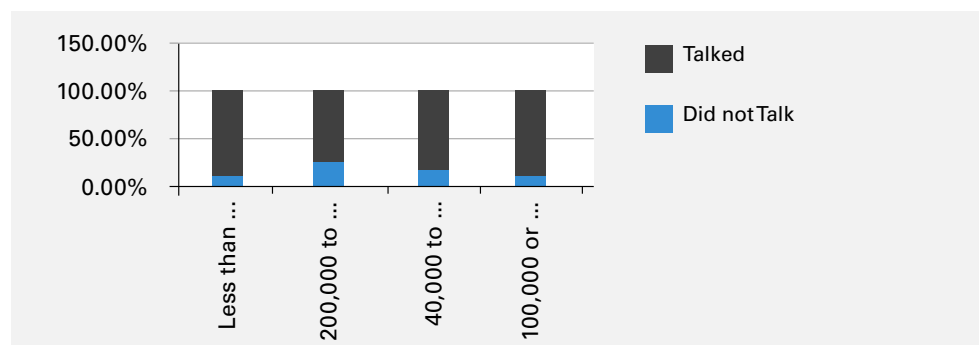
Our results here show that respondents in the lowest and highest income brackets are most likely to experience at least one consumer problem. However, as income levels rise, the likelihood that a respondent will experience two or more consumer problems also rises, with 7.8% respondents with income levels of \$100,000 experiencing two or more consumer problems. This may be because those with more money spend more money, and as a result, increase the chances that they will experience a consumer problem.

15) People With Consumer Problems Who Took No Action To Solve Problem (By Income)



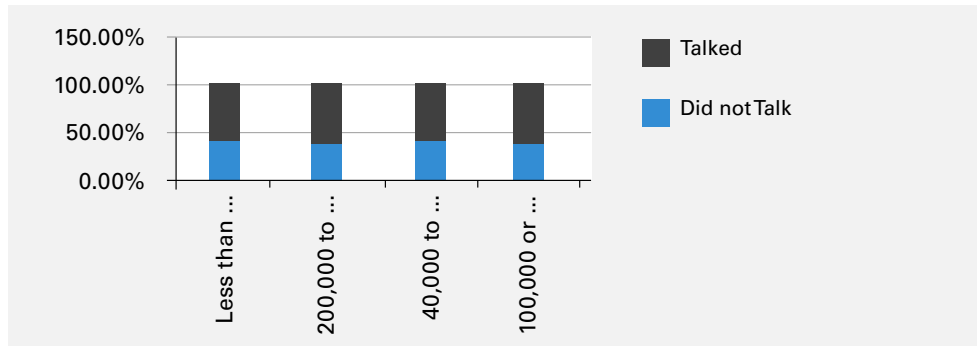
Again, as we see with the education analysis, consumer problems are dealt with aggressively across all levels of income.

16) People With Consumer Problems Who Talked To The Other Party To Solve Problem (By Income)



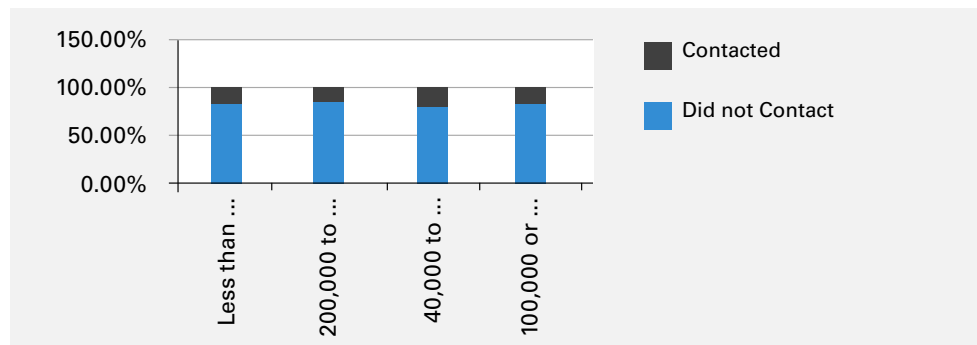
Our results in the graph show that those in the \$20,000 to \$39,000 income bracket are least likely to talk to another party. While those in the lowest (less than \$20,000) and highest (\$100,000 or more) are the most likely to talk to other party to solve their problem.

17) People With Consumer Problems Who Talked To Family And Friends To Solve Their Problem (By Income)



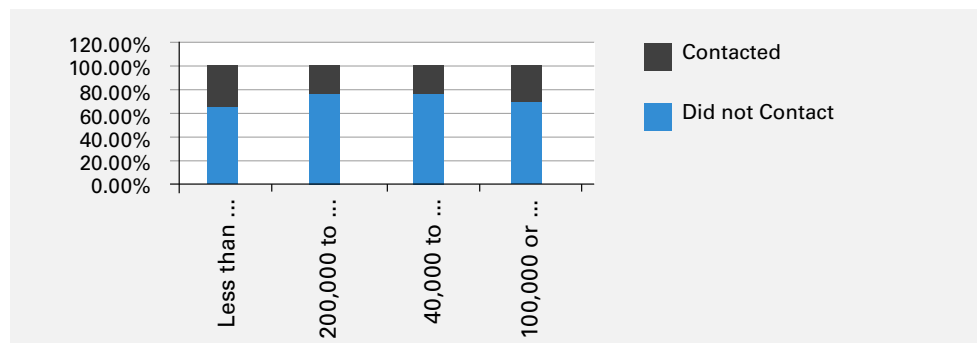
While our results on the relationship between education and paths to solving a problem varied slightly (with those in lowest educational levels less likely to do so) our results examining income show no large discernible differences between income levels.

18) People With Consumer Problems Who Contacted A Lawyer To Solve Problem (By Income)



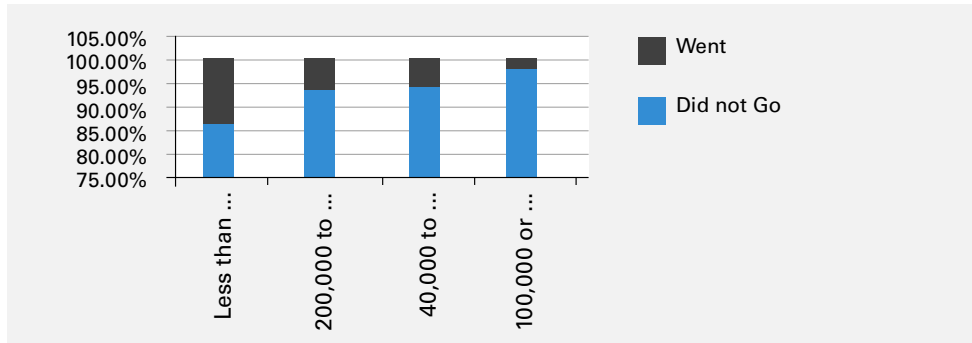
Our results in this graph show that people with consumer problems in the \$20k to \$39k income bracket were least likely to contact a lawyer to solve their problem. This may have to do with legal aid, as it would be available to those with less than \$20k, but not those with more than \$20k, and theoretically those with above \$40k in income would have more spending money to hire a lawyer. Overall, contacting a lawyer is not an option that is used very often among any income level to solve a legal problem.

19) People With Consumer Problems Who Contacted An Organization To Solve Problem (By Income)



Contacting an organization when experiencing a consumer problem is an option taken more than contacting a lawyer but is still used less than contacting the other party or friends and family. From this graph we can see that those in the highest and lowest income brackets are more likely to contact an organization to solve their legal problem.

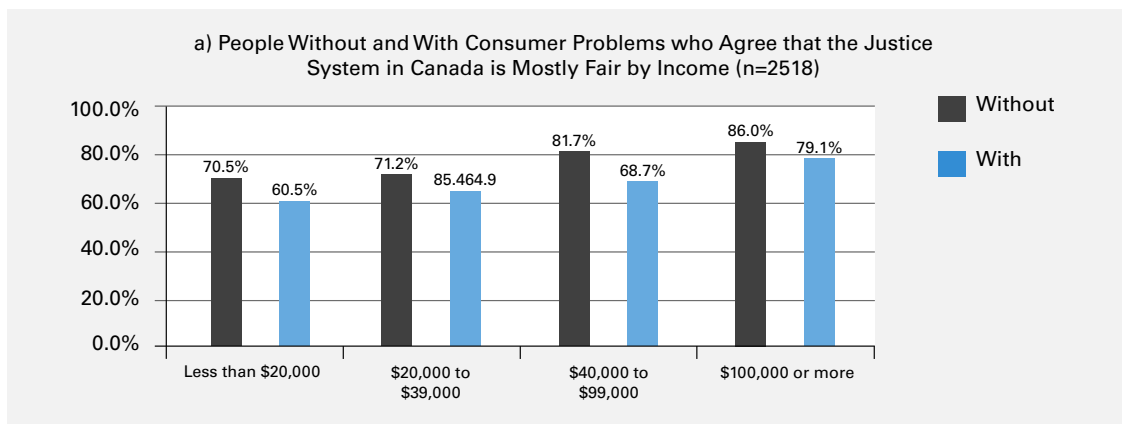
20) People With Consumer Problems Who Went To Court Or Tribunal To Solve Problem (By Income)



Usages of court and tribunals are below 15% as expected. However, interestingly enough, those in the lower income bracket of less than 20k are the most likely to use the courts and tribunals (13.8%).

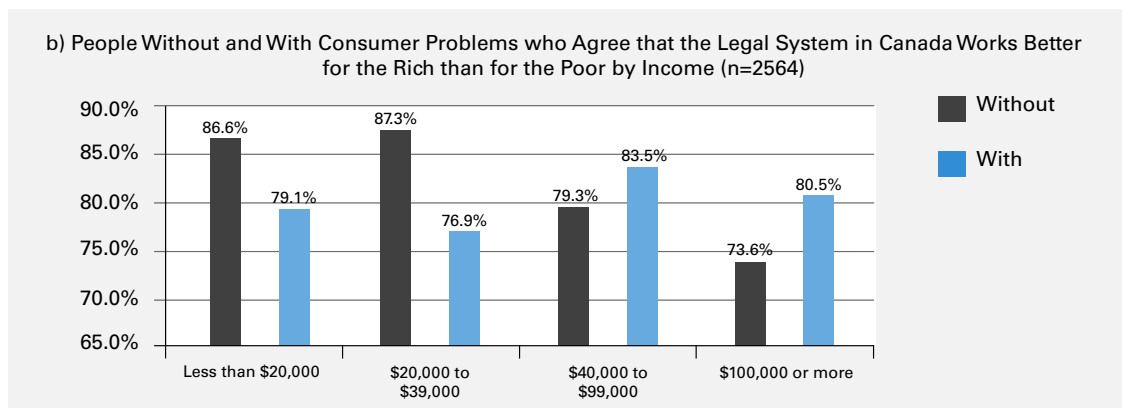
Part V: Attitudes Towards The Justice System When Experiencing a Consumer Problem (By Income)

21) Attitudes Towards The Justice System When Experiencing A Consumer Problem (By Income)



Our results show that experiencing a consumer problems makes one less likely to agree that the justice system in Canada is mostly fair, than not experiencing a consumer problem. These results predictably show that the lower a participants level of income, the less likely they are to think of the justice system as fair, and that having a consumer problem makes this even less likelier.

22) People Without and With Consumer Problems Who Agree That the Legal System in Canada Works Better for the Rich (By Income)



Our results here are somewhat surprising. They show that when a participant's income level is below \$39k, having a consumer problem actually makes them less likely to agree that the justice system works better for the rich than for the poor. However, when their income level is between \$40k to \$99k, having a consumer problem makes them more likely to agree that the justice system works better for the rich than for the poor, although not by much. The rates of agreeing that the just system works better for the rich than for the poor drop down again after \$100k to levels similar to that of those with less than \$20k.

Conclusions

We will admit that our findings struck us initially as counter-intuitive. All researchers expected that ethnicity would have a much larger impact on the consumer problems of respondents, and how they chose to resolve them. Perhaps unexpectedly, the only group that deviated significantly from the quantitative norm was Aboriginal peoples. However, the respondent group was smaller than average, so further research would have to be conducted to determine whether these results were significant.

Our analysis of the legal consciousness of respondents may provide some preliminary clues as to why this is. While respondents of almost all ethnicities, Aboriginal peoples again a notable exception, tended to view the legal system as fair, almost everyone saw it as biased in favour of the rich. These numbers only grew higher for respondents experiencing consumer problems. One might therefore hypothesize that economic factors may play a greater role in determining how individuals deal with their consumer problems than ethnicity; though the two might operate intersectionally in many instances, the former seems more determinative than the latter. To establish whether this is true or not, further research must be conducted.

Education and income appear much more determinative of how individuals resolve their consumer problems. For this reason, it was the focus of our report. Our findings, surprisingly, show that over 95% of respondents with a consumer problem will take one or more action on a problem no matter what educational level or income level. However, this may have to do with how respondents understood what a consumer problem meant. Perhaps the most surprising finding is that the results looking at the relationships of education and those looking at that of income level do not share many similarities. In fact, when running a correlation between levels of education and income, there is only a low-moderate positive correlation.