

Public Perceptions of Access to Justice in Ontario

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TAG

The Action Group
on Access to Justice

Groupe d'action
sur l'accès à la justice

Public Perceptions of Access to Justice

By David Coletto

Background

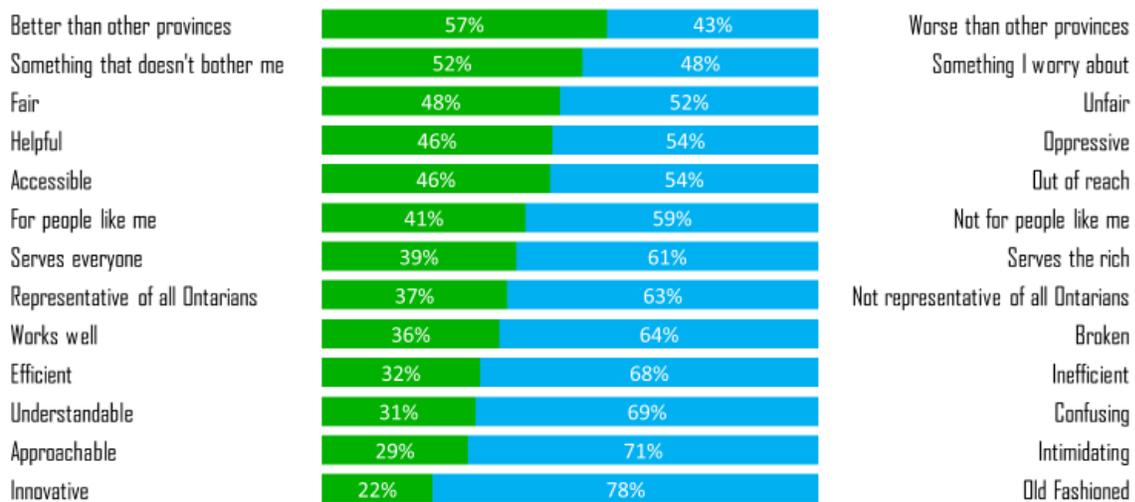
On behalf of The Action Group on Access to Justice (TAG), Abacus conducted an extensive online province-wide study of Ontarians’ views of justice and justice accessibility. The survey was conducted with a representative sample of 1,500 adult Ontario residents and the survey was conducted from August 22 to 25, 2016.

Ontario’s justice system has an image problem

Respondents were asked to choose between two words to describe how they felt about the Ontario justice system. Most Ontarians had fairly negative views of the province’s justice system including large majorities who felt it is old fashioned (78%), intimidating (71%), confusing (69%), inefficient (68%), and broken (64%). Strikingly, over half of Ontarians (52%) believe the justice system is unfair. Negative perceptions tended to be more likely from Northern Ontarians, older Ontarians, those with less formal education, and those with household incomes of \$35k or less.

On a more positive note, most Ontarians (57%) believe that Ontario’s justice system is better than other provinces.

THE IMAGE OF THE JUSTICE SYSTEM IN ONTARIO



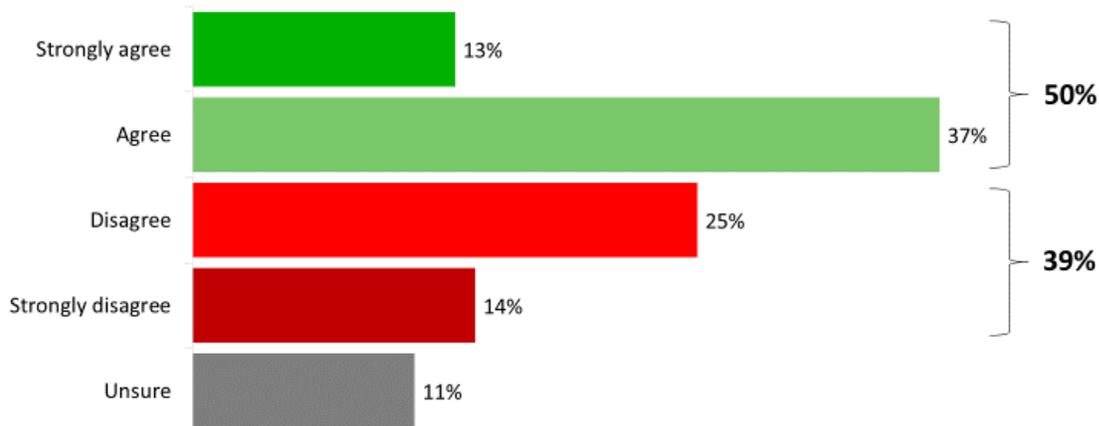
Which of the following words best describe how you feel about the justice system in Ontario?

4 in 10 Ontarians do not believe that they have equal and fair access to the justice system

Respondents were asked how strongly they agreed or disagreed with the idea that all Ontarians, no matter their circumstances, had equal and fair access to the Ontario justice system.

Overall, 50% agreed that all people had fair access while 39% disagreed. People living in southwestern Ontario, those aged 60+, women, and those with household incomes of less than \$35k were less likely to agree that Ontarians have equal and fair access to the justice system.

EQUAL AND FAIR ACCESS TO ONTARIO JUSTICE SYSTEM



How strongly do you agree or disagree with the following statement: All people living in Ontario have equal and fair access to the Ontario justice system no matter their race, citizenship status, language, gender, class, geographic location, sexual orientation, religion, etc.

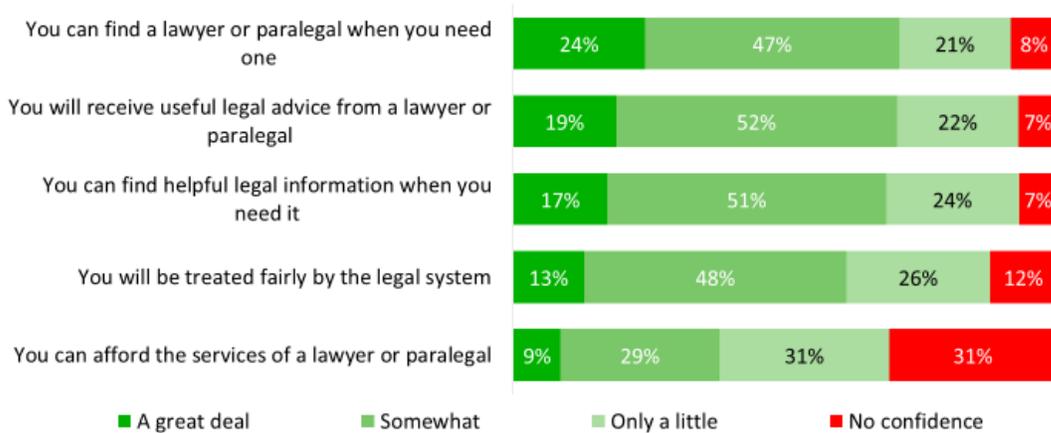
36

3 in 10 Ontarians have little confidence in their ability to access a legal professional or being treated fairly by the legal system. A majority have little to no confidence that they would be able to afford the services of a lawyer or paralegal.

Respondents were asked how much confidence they had in several scenarios surrounding access to justice. Affordability is the biggest issue for the most Ontarians with over 6 in 10 (62%) reporting to have little or no confidence in their ability to afford a lawyer or paralegal.

Those with household incomes of \$35k and under, renters, and the unemployed were more likely to have little or no confidence in being able to afford a lawyer. Of note women are significantly more likely to feel this way compared to men.

CONFIDENCE IN THE FOLLOWING



Based on what you know about accessing information to engage with the Ontario legal system, how much confidence do you have that... ?

69

Ontarians more likely to seek legal advice from friends or family than online resources.

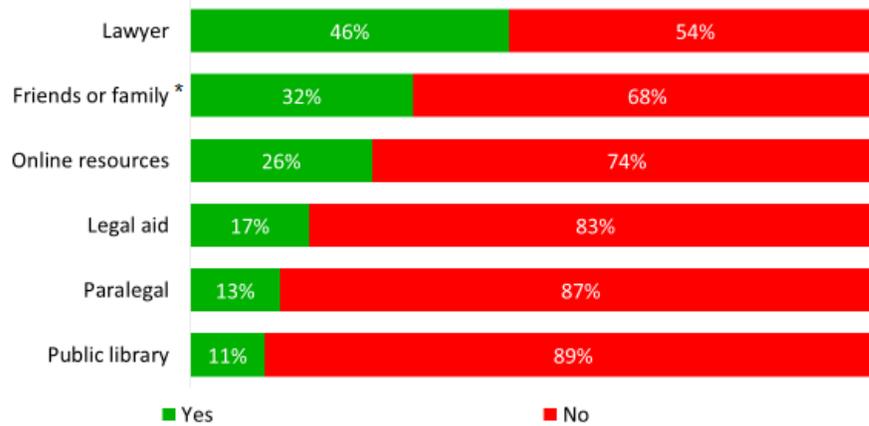
Respondents were asked if they had ever sought legal advice for legal problems. A majority of Ontarians, 57%, have sought some kind of legal advice. Those aged 30 to 59-ywere more likely to have ever sought legal advice than younger Ontarians, as well as those with household incomes under \$35k.

Lawyers are the most popular source of legal advice with almost half (46%) of Ontarians saying that they have sought a legal professional for their legal issues.

More surprisingly perhaps, in this age of abundant information and technological connection, is that those closest to us, friends and family (32%), are still looked to for legal advice more often than online legal resources (26%).

Delving into the issue of friend/family advice versus online legal advice more deeply, we find that online advice seekers are more likely to have a college education or greater while those who seek advice from friends or family are less educated, under 60 years of age and more likely to be female.

HAVE YOU SOUGHT LEGAL ADVICE FROM...



Have you ever had to address a personal legal matter where you sought legal counsel or advice for a legal problem through any of the following?

24

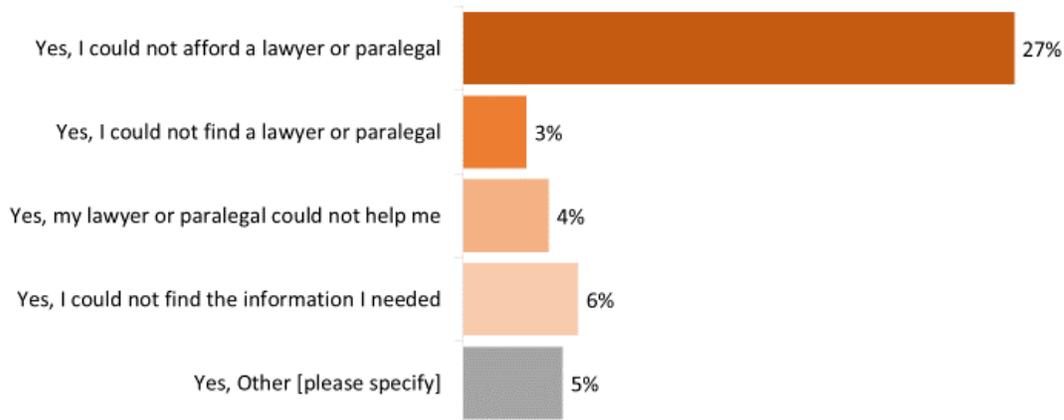
Over 1 in 4 (27%) Ontarians have faced at least one obstacle when seeking legal advice

Of the 57% of respondents who had sought legal advice, 45% faced barriers when seeking this advice. By far the biggest issue facing Ontarians who seek legal advice was affordability of legal services from a lawyer or paralegal (27%).

Those with lower household incomes (less than \$35k to \$75k) were less likely to be able to afford a lawyer as were Northern Ontarians, those aged 30 to 44, renters, and racialized Ontarians.

As well as affordability issues, 6% of those who sought legal advice claim they could not find the information they needed while 4% said that a lawyer or paralegal could not help them.

FACE ANY BARRIERS SEEKING LEGAL ADVICE



Still thinking of that legal situation, did you face any barriers when you were seeking legal advice?

32

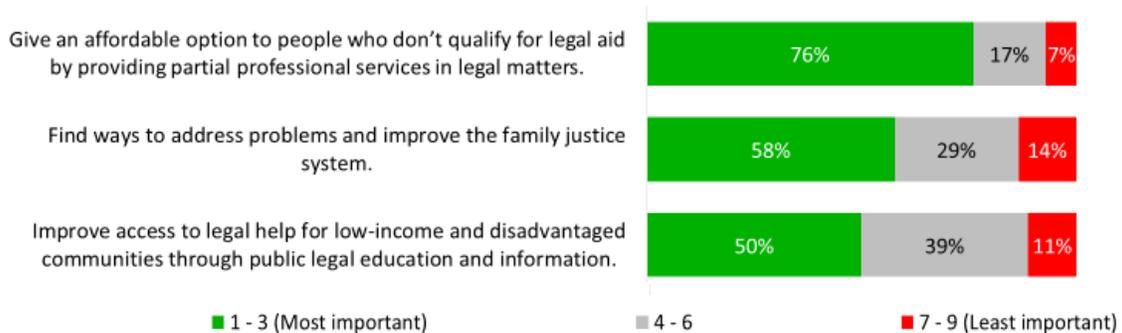
Unbundled or partial legal services is the most preferred initiative to increase access to justice.

Respondents were asked to rank multiple The Action Group initiatives from most important to least important.

Continuing the theme of affordability issues, creating affordable options for those who don't qualify for legal aid was by far the most popular choice with 76% of Ontarians choosing this initiative in their top 3. Surprisingly, this view was shared by everyone from the lowest to highest income brackets.

Addressing problems within, and improving, the family justice system was the next most popular initiative with 58%, followed by improving access to legal help to the disadvantaged (50%) and publishing practical legal info (48%).

IMPORTANCE OF INITIATIVES



Please read the following initiatives carefully and rank them from most important to least important to you personally.

79

The Upshot

Ontario's justice system faces two major challenges. Perceptually, it is seen as unfair, inaccessible, and intimidating to most of the province's residents. Only a slight majority report having a great deal or some confidence in the system and four in ten disagree that everyone in the province, regardless of their race, gender, age, or income have fair and equal access to the system.

Beyond the perceptual challenges, affordability is the primary obstacle preventing access to the system. The largest barrier cited by Ontarians who have sought legal advice is the prohibitive expense of a lawyer or paralegal, and a majority of all Ontarians say they have little or no confidence that they can currently afford either. This is important because our data shows that almost 6 in 10 Ontarians (57%) seek legal advice at some point in their lives and almost half (45%) of those face barriers.

Given the concern about affordability and an inability to access advice, it's not surprising that the highest level of support to increase access to justice would be a program to offer unbundled or partial legal services for those who do not qualify for legal aid.

Access can also be enhanced by publishing practical information on how to deal with common legal issues that is accessible by everyone. Although more Ontarians now have access to the internet, only one in four have used it to find legal advice or information. Developing new tools and resources online represents an opportunity for the legal community to increase access and connect Ontarians with valid legal information.

Young Ontarians, a group of interest for our research, had more positive views of the justice system compared to older residents; they were more likely to describe the the system as fair, representative, and understandable. However, younger Ontarians were also least likely to need to seek legal advice and

their opinions are probably based more in perception than real experiences interacting with the system. Other groups of interest, such as lower income and less educated Ontarians, are most likely to have negative views and experiences with the justice system, as well as most likely to face barriers when attempting to access justice.

It should be noted that due to the online methodology used, and relatively low incidence rate in the general population, the opinions of groups most likely to be vulnerable to access to justice issues were possibly underrepresented, especially for questions involving barriers to access issues.

Methodology

The survey, commissioned by The Action Group on Access to Justice (TAG) was conducted online with 1,500 Ontarians aged 18 and over from August 22 to 25, 2016. A random sample of panelists was invited to complete the survey from a large representative panel of over 500,000 Canadians, recruited and managed by Research Now, one of the world's leading providers of online research samples.

The Marketing Research and Intelligence Association policy limits statements about margins of sampling error for most online surveys. The margin of error for a comparable probability-based random sample of the same size is +/- 2.6%, 19 times out of 20. The data were weighted according to census data to ensure that the sample matched Ontario's population according to age, gender, educational attainment, and region. Totals may not add up to 100 due to rounding.

The Action Group on Access to Justice

The Action Group on Access to Justice (TAG) is catalyzing solutions to Ontario's access to justice challenges by facilitating collaboration with institutional, political and community stakeholders. It is funded by the Law Foundation of Ontario with support from the Law Society of Upper Canada. For more information, contact Sabreena Delhon at sdelhon@lsuc.on.ca, or visit their website at www.theactiongroup.ca

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