



The Advocates' Society La Société des plaideurs

February 8, 2024

VIA EMAIL: Budget2024@fin.gc.ca

The Honourable Chrystia Freeland, P.C., M.P.
Deputy Prime Minister and Minister of Finance
House of Commons
Ottawa, Ontario K1A 0A6

Dear Deputy Prime Minister:

RE: Prioritizing Funding for Civil and Family Justice in Budget 2024

The Advocates' Society calls on the Government of Canada to urgently dedicate additional resources to the civil and family justice system in Budget 2024, in order to improve access to justice for Canadians across the country.

Why does the civil and family justice system matter?

Broadly speaking, the Canadian justice system deals with three main types of cases – criminal prosecutions, civil disputes, and family matters. While an effective and well-resourced criminal justice system is essential to the maintenance of a just society in Canada, The Advocates' Society wishes to highlight that the civil and family justice system is equally critical to every person, family, organization and business in Canada, to the peaceful and democratic society in which we live, and to the health of our economy. Nearly all Canadians will experience at least one civil or family justice issue in their lifetime.¹ The civil and family courts can resolve these disputes between people, businesses and governments in a just and fair way. The resolution, or lack thereof, of these issues by the justice system can alter the course of an individual's life – affecting health, family, work and finances.

What is the problem?

Canada's civil and family justice system is unfortunately in crisis, nationwide. Delay has become endemic in civil and family courts across Canada. Many Canadians, their families (including children), and businesses wait months or years to have basic civil, commercial, and family disputes heard and decided by the courts. This lengthy delay in the delivery of justice is a critical barrier to access to justice for Canadians. Access to timely justice can be the difference between having a roof over one's head, putting food on the table, being safe from a violent ex-spouse, keeping a business going – or not. Justice delayed is justice denied, and for many, the consequences of justice being delayed are life-altering. Delays in the

¹ Trevor C. W. Farrow *et al.*, "Everyday Legal Problems and the Cost of Justice in Canada: Overview Report" (2016), online: <https://www.cfcj-fcjc.org/sites/default/files/Everyday%20Legal%20Problems%20and%20the%20Cost%20of%20Justice%20in%20Canada%20-%20Overview%20Report.pdf>

court system compromise access to justice, damage the rule of law, impact the economy,² and deeply undermine public confidence in the administration of justice and in the government.

How can the Government help fix this problem?

The civil and family justice system has been chronically underfunded for decades. It is time for governments, including the federal Government, to remedy this longstanding neglect and make real, forward-looking investments in the civil and family justice system commensurate with investments made in and attention afforded other critical democratic institutions. Delay and backlogs simply cannot be remedied, and will continue to grow, without allocating more dollars to justice.

One key federal funding priority is investment in greater judicial resources for superior courts across the country. The experiences of members of The Advocates' Society strongly indicate that there are simply not enough judges at present to handle the caseload before the courts – to manage matters, hear matters, and issue decisions after hearings in a timely fashion. We need more judges overall, and we need judicial vacancies to be filled as quickly as possible while adhering to our high standards for judicial appointment.³ To the extent that a lack of resources is a barrier to filling judicial vacancies on a timely basis, The Advocates' Society strongly recommends that additional resources be provided to support the efficient and robust functioning of the federal judicial appointment system.

Delay in the civil justice system is negatively affecting the rights of thousands of Canadian individuals, families, businesses and other organizations. The Advocates' Society encourages your Government to address this issue and prioritize funding for the civil and family justice system in Budget 2024. Below, we have linked The Advocates' Society's full call to action to stakeholders regarding delay in the civil justice system, entitled *Delay No Longer. The Time to Act Is Now*. We invite you to contact The Advocates' Society should you have any questions.

Thank you for the opportunity to make these submissions.

Yours sincerely,



Dominique T. Hussey
President

Links:

1. The Advocates' Society, [Delay No Longer. The Time to Act Is Now](#). (aussi disponible [en français](#))

CC: The Honourable Arif Virani, P.C., M.P, Minister of Justice and Attorney General of Canada
Vicki White, Chief Executive Officer, The Advocates' Society

² See Carolyn Gruske, "[Court delays hamper dispute resolution](#)" *Lexpert* (November 23, 2023).

³ As of February 1, 2024, there are 75 vacancies on superior courts and courts of appeal across Canada: Office of the Commissioner for Federal Judicial Affairs Canada, *Number of Federally Appointed Judges as of February 1, 2024*, online: <https://fja.gc.ca/appointments-nominations/judges-juges-eng.aspx>.

More about The Advocates' Society

Established in 1963, The Advocates' Society is a not-for-profit organization representing approximately 5,500 diverse lawyers and students across the country—unified in their calling as advocates. As the leading national association of litigation counsel in Canada, The Advocates' Society aims to create a community of advocates who aspire to excellence in all aspects of the profession. We do so by providing skills-based professional development, publishing best practices, and fostering mentorship and collegiality among advocates. As the voice of advocates in the justice system, we are also dedicated to promoting a fair and accessible system of justice and a strong, independent, and courageous bar. The Advocates' Society intervenes in court cases that impact the profession, and makes submissions to governments, regulators, and other organizations on legislation and policy that impact access to justice, the administration of justice, the independence of the bar and the judiciary, the practice of law by advocates, and equity, diversity, inclusion, and reconciliation with Indigenous peoples in the justice system and legal profession. For more information about The Advocates' Society, please visit our website at <https://www.advocates.ca/>.