



# The Advocates' Society La Société des plaideurs

January 25, 2024

VIA EMAIL: [budget@novascotia.ca](mailto:budget@novascotia.ca)

The Honourable Allan MacMaster, M.L.A.  
Minister of Finance and Treasury Board  
Department of Finance and Treasury Board  
7th Floor, Provincial Building  
1723 Hollis Street, P.O. Box 187  
Halifax, Nova Scotia B3J 2N3

Dear Minister:

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

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

### ***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.<sup>1</sup> 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

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<sup>1</sup> Trevor C. W. Farrow *et al.*, "Everyday Legal Problems and the Cost of Justice in Canada: Overview Report" (2016), online: <https://www.fcj-fcj.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,<sup>2</sup> and deeply undermine public confidence in the administration of justice.

Delays can also have a profound impact on individuals' health. The anxiety and worry that comes about from being engaged in legal proceedings is well documented. At a time when our health systems are already taxed, the impact of delayed access to justice will only serve to compound pressure on our healthcare systems, including our mental health system.

### ***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 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. Key funding priorities include investments in judicial resources, court staff (including recruitment, training, and retention), technology, court facilities, legal aid, and data collection and analysis so continuous improvements can be made and measured.

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, I 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*. I invite you to contact The Advocates' Society should you have any questions.

Thank you for the opportunity to make these submissions.

Yours sincerely,



Michelle M. Kelly, K.C.  
Chair, Atlantic Advisory Committee

#### **Links:**

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

**CC:** The Honourable Brad Johns, M.L.A., Attorney General and Minister of Justice of Nova Scotia  
Vicki White, Chief Executive Officer, The Advocates' Society

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

### **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/>.