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Civil Courts Study Report

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EXECUTIVE SUMMARY

Over the past several years, the Canadian Centre for Justice Statistics (CCJS) has studied data collection options in the area of civil courts. In November 1996, the Justice Information Council (JIC) asked the CCJS to develop ideas for Special Studies to be conducted the following year. The objective was to allow an analysis of caseload volume, case and litigant characteristics, and case processing patterns, to support research and policy development in the civil courts area. In 1997-1998, in conjunction with a national Civil Justice Work Group, the CCJS undertook two major activities in the civil justice area: 1) development and refinement of a set of National Data Requirements (NDR) for a civil court survey, and 2) data collection as the basis of four civil court Special Studies.

This report presents a review of existing civil justice research, as well as findings from four Special Studies. The four studies include: an analysis of Ottawa court data resulting from a manual data collection survey designed and undertaken by the CCJS; and an analysis of three extracts from existing civil databases in Nova Scotia, Alberta, and Saskatchewan. The primary objectives were to provide data to satisfy short-term civil court information needs, and to test national data specifications for the long-term development of a civil court survey in Canada.

A database and a set of data tables have been produced for each jurisdiction and are effective in providing a framework for addressing information needs in the civil justice area. The corresponding data analysis presented in this report responds to a variety of questions about civil court activity by describing basic case characteristics, annual volume of cases handled by the court, the frequency of various case outcomes, and time taken to reach disposition. In addition to meeting stated study objectives, conducting the Special Studies revealed some of the limitations of using multiple data sources. The exercise of using existing data and data-sets to derive information posed significant difficulties. Variation in variable definitions among the jurisdictions providing data prevented directly comparing results. Additionally, among the four jurisdictions studied, differences in reference and survey periods prohibited drawing general conclusions about elapsed time required for a case to reach trial or disposition. This situation highlights the benefits of establishing a national survey that produces comparable data.

The Special Studies provided findings related to the identification of who is using the civil courts. The Ottawa data show that a large proportion of parties bringing law suits were businesses, and businesses were most often involved in suing other businesses. Indeed, 72% of all statements of claim filed in Ottawa in 1994 involved businesses as either plaintiff or defendant, or both. Alberta data on the type of litigant suggest that businesses are substantially represented in the Alberta Court of Queen's Bench, General Division: about half of all statements of claim filed in 1991 were initiated by businesses in Calgary and Edmonton. Further, businesses made up 35% of all defendants in these two cities.

Information about the length of time spent in the civil system is a key element in understanding caseload patterns and managing caseload. In Ottawa, most cases initiated in 1994 that did not progress to the trial ready stage were completed within one year. Most divorce matters were completed within six months. Most cases with short elapsed time to completion were: undefended cases, default judgments, and withdrawn or abandoned cases. Sixty-nine percent of applications and 63% of divorce cases were disposed of by default judgment. In Nova Scotia, 40% of 1994-1995 initiated cases reached completion in less than one month, 60% in under three months, and 80% in under six months. In Regina, Saskatchewan, 44% of cases initiated during the first six months of 1996 reached completion within 20 months.

The data indicate that trial cases take longer to reach completion. Findings suggest, however, that very few cases actually have a trial hearing. For statement of claim cases initiated in 1994 in Ottawa, 1.1% reached a trial hearing. Only 0.3% of divorce petitions resulted in a trial. Similarly, Alberta data indicate that parties initiating a statement of claim in 1991 had a 2.2% chance of reaching trial. Just over 6% of the total number of cases initiated in the reference year in Calgary went to a trial ready list, with 1.8% proceeding to trial. In Edmonton, comparable percentages were 4.9 and 1.6.

The essential value of case processing measures emerges in findings relating to the time needed for cases to reach various stages of the civil process. For example, trial cases in Ottawa took a median of 780 days to reach a trial hearing. Alberta data indicate that cases proceeding to trial in Calgary took a median of 775 days to do so and in Edmonton 909 days. The lengthy survey period in the Alberta study (January 1991 to October 1997) gives strength to the assertion that half of the trial cases in Calgary and Edmonton reach a trial hearing within two and one-half years.

Figures demonstrating elapsed time for trial cases are in sharp contrast to the shorter number of days required for non-trial cases to reach completion. In Ottawa, completed statement of claim cases had a median elapsed time of 186 days. The non-trial ready cases reached completion in a median of 160 days. Keeping in mind jurisdictional variation in reference periods, in Nova Scotia, all cases initiated in 1994-1995 and disposed of by August 1996 took a median elapsed time of 56 days to reach completion. Similarly in Regina, Saskatchewan, for cases initiated in the first six months of 1996, the median elapsed time for those completed within a 20 month period was 61 days.

Findings reveal a characteristic unique to the civil court system; that is, in a substantial number of cases there is no way of knowing whether or not a case has reached completion. Just over 50% of statement of claim cases initiated in Ottawa in 1994 had no indicated disposition within the three and one-half year survey period. Although some cases proceeded to trial beyond the survey period, it is likely that most “undisposed of” cases were settled or abandoned without further court involvement. The absence of complete case disposition information impedes not only data collection, but case scheduling as well. Without information about case completion, accurately scheduling workload and court time is more difficult, because court administrators cannot calculate the size of their active pending inventory. This finding is not specific to non-automated

environments, but describes the state of affairs existing in courts that do not receive notification of case closure.

The Special Studies represent an effective demonstration of analytic possibilities in the civil justice area. Data presented here allow an exploration of disposition patterns for different types of subject matter and litigants that come to court. They reveal precisely the kind of information that a national civil court survey could provide on a regular basis. In addition, by defining the data collection limitations associated with the absence of complete case disposition information, the study results reveal some of the impediments facing administrators in non-case managed courts. They highlight the difficulties for court administrators in managing caseload and scheduling courtrooms, without the information needed to calculate pending case inventory.

The release of these findings is timely because a number of Canadian jurisdictions are currently engaged in building or modifying automated court systems, as a tool for introducing case management into the court system. Effective case management has the ability to proactively move cases through the courts, increasing the speed of case processing and decreasing backlog. Case management requires enhanced and specific information, both as a tool for managing aggregate caseload and for tracking individual case progress. Findings of the type presented here have the potential to facilitate effective case management in the civil justice system.

1.0 INTRODUCTION

This report presents a review of existing civil justice research and findings from four Special Studies – Ottawa, Alberta, Saskatchewan and Nova Scotia. The primary objective of the studies is to provide data to satisfy short-term information needs about the operation of civil courts in Canada. They also contribute to the development of an ongoing national civil court survey by helping to define survey scope and variable definitions.

The report examines data related to individual civil court cases and major case events. Included in the report is analysis of the volume of cases initiated, the volume of different types of cases, the frequency of case outcomes where a disposition is indicated, the number of case events for a variety of civil court events, the elapsed times between various stages of civil case processing, and other related information to profile the basic characteristics of civil cases.

2.0 BACKGROUND

Over the past several years, the Canadian Centre for Justice Statistics (CCJS), has studied data collection options in the area of civil courts. The impetus for these explorations has come from several different sources. They include:

- the mandate of the CCJS under the National Justice Statistics Initiative which includes the collection of comparable data on the operation of civil and criminal courts in Canada;
- the Centre’s involvement with the Canadian Judicial Council (CJC) and the “Delays Project” which was established to identify the extent and nature of court delays, and to assist in identifying their causes and remedies;
- the work of the Judicial Complement Project;
- the work by the Canadian Bar Association and its Systems of Civil Justice Task Force Report which included recommendations for civil court data collection; and
- the Justice Information Council (JIC) which proposed that the CCJS begin work on high level national indicators of judicial workload in civil courts.

As the governing body of the National Justice Statistics Initiative, the JIC is chaired by the Deputy Minister of Justice Canada, and consists of all federal, provincial, and territorial Deputy Ministers with justice responsibility, plus the Chief Statistician of Statistics Canada.

The CCJS, in consultation with a committee of external advisors (Civil Justice Work Group), has developed and refined a set of National Data Requirements for a possible ongoing national civil court survey. Work began in 1996 with the drafting of preliminary NDR as part of the Superior Courts Feasibility Study. In May 1998, after many refinements a set of NDR was approved by the Liaison Officers Committee, a national committee of justice system representatives. The NDR define the survey scope, content,

variable definitions, and standards that can support the development of automated information systems in the provinces and territories.

Because the design and implementation of a national civil court survey would take several years, and because data on the operation of civil courts were needed in the short-term, the JIC asked the CCJS to develop ideas for Special Studies to be conducted in 1997-98. Specifically, the objectives of the Special Studies were to allow an analysis of: 1) caseload volumes, 2) case and litigant characteristics, and 3) case processing patterns (e.g. case elapsed times pertaining to case initiation, the distribution of case events, and case disposition).

Accordingly, a Special Study was designed and approved by the Liaison Officers Committee (LOC) in the spring of 1997. This Special Study included analysis of data from two manual file reviews, in which information was extracted from civil court case files in two courts (Ottawa and Nova Scotia); and analysis of data extracted from automated information systems in two provinces (Alberta and Saskatchewan). The present report focuses on findings from this work.

3.0 LITERATURE REVIEW

3.1 United States

In the United States, concern with regard to the volume and complexity of civil cases filed in the state courts began to increase markedly as early as the 1950s. By the early 1980s, there was a state court administrative office in every state, documenting this concern and providing the impetus for rigorous examination of the nature and causes of delay in the courts.¹

In 1984, American Bar Association (ABA) standards for trial courts charged courts with the task of supervising and controlling the movement of cases so that no matters, trial or otherwise, incurred more elapsed time than was reasonably required. In grappling with the determination of the amount of time a case should reasonably take, standards for measuring timely disposition for general civil cases and felonies were introduced in 1992. The ABA general civil standards stated: “90% of all civil cases should be settled, tried or otherwise concluded within 12 months of the date of case filing; 98% within 18 months of such filing; and the remainder within 24 months of such filing except for individual cases in which the Court determines exceptional circumstances exist and for which a continuing review should occur.”² These standards were cast as goals for individual courts to reach and maintain; there was no enforcement feature recommended as a way of securing compliance.

¹ Steelman, David, C. (1997). “What Have We Learned About Court Delay, ‘Local Legal Culture,’ and Caseflow Management Since the Late 1970s?” *The Justice System Journal*, Vol 19, No 2, 147.

² Steelman, 149; American Bar Association Judicial Administration Division (1992). *Standards Relating to Trial Courts, 1992 Edition*, ABA, Chicago.

A variety of studies came to the general conclusion that the factors resulting in delay were not always under the control of the court.³ These studies also led to research on a group of factors which were broadly descriptive of the local legal culture of a courthouse.⁴ A number of factors which worked against timely adjudication were identified in the first comprehensive national study of the pace of civil and criminal litigation in 21 general jurisdiction state trial courts.⁵ One of the authors of this latter study later concluded that "...courts could be relatively speedy despite burdensome caseloads, high trial rates, limited judicial settlement activity and the absence of speedy-trial rules. Conversely, slower courts were frequently found among those with comparatively light caseloads, low trial rates, and all the other presumed determinants of speedy disposition time."⁶ This study advanced the notion that court delay is not inevitable but that innovation alone will not ensure successful solutions. Rather, "changes in case processing speed will necessarily require changes in the attitudes and practices of all members of a legal community. ... The crucial element is concern on the part of judges with the problem of court delay and a firm commitment to do something about it."⁷

The outcome of the US research was a series of delay reduction programs in the 1980s that stressed the following remedies: the removal of control over case processing from legal counsel, placing it in the hands of the court; the attainment of judicial commitment by supporting the individual calendar system as a way of assigning cases to judges; and the introduction of operational consequences in order to obtain compliance with speedy trial standards.

Together with the awareness that court control over case movement is a key element in confronting delay came the recognition that statistical information is a valuable resource for the courts in establishing and maintaining control. The initiative to develop National Data Requirements for state- and country-wide civil court statistics came from the National Centre for State Courts (NCSC). The Court Statistics Project at the NCSC, in consultation with the Court Statistics Committee of the Conference of State Court Administrators, has been gathering and reporting annual figures relevant to the management of state courts since the 1980s. Goals for case processing can now be pursued with the reasonable expectation that measurements for a range of indicators constituting successful implementation can be taken.

In 1995, a national study of tort and contract litigation in 45 large urban courts

³ Institute for Judicial Administration (1953-1974). *State Trial Courts of General Jurisdiction: Calendar Status Study*, IJA, New York.

⁴ See especially Mahoney, Barry et al. (1988). *Changing Times in Trial Courts: Caseflow Management and Delay Reduction in Urban Trial Courts*, National Centre for State Courts, Williamsburg.

⁵ Church, T.W. Jr., Carlson, J., Lee, J., and Tan, T., (1978). *Justice Delayed: The Pace of Litigation in Urban Trial Courts*, National Centre for State Courts, Williamsburg.

⁶ Church, T.W., Jr. (1982). "The 'Old and the New' Conventional Wisdom of Court Delay," *7 Justice System Journal*, 399.

⁷ Church (1978), 82.

demonstrated the feasibility of civil court data collection as a case management tool.⁸ The researchers in this study found that median times to disposition were generally well beyond the national standards suggested by the ABA as guidelines for expeditious case processing.

In a 1996 report on the work of the state courts in 1994, researchers at the NCSC reported on case filing trends and clearance (disposition) rates in more than 40 states.⁹ This report found that eleven states had civil and criminal clearance rates of 97% or more between 1992 and 1994. Whether this success was due mainly to the introduction of caseflow management, a decreasing numbers of filings, or adequate resources, was not determinable because of a mix of circumstances influencing the measurements. Overall, the conclusions suggest that case management techniques, even successfully implemented, cannot be viewed as a full solution to court delay.¹⁰

3.2 Canada

The traditional view in both Canada and the United States has been that the function of the courts is to provide trials for litigants. Supporting this perception is the fact that delay reduction proposals have been acutely sensitive to the possibility of interfering with due process rights. However, a competing view that began to develop in the United States in the 1950s has gained momentum in Canada, and focuses on case processing as the totality of business that comes before the courts. The notion that trial rates reflect the major work of the courts is not entirely consistent with a court administrator's day to day experience of managing pending caseload. One of the difficulties for those concerned with court management is that there is no way of accurately assessing what constitutes pending case inventory or backlog in the civil justice area.

Over the past several years in Canada, there have been a number of calls for statistical information in the area of civil justice.¹¹ In addition to the recent work of the Canadian Bar Association Systems of Civil Justice Task Force, several Canadian provinces have undertaken independent reviews of the justice system; all have discussed the need for management information in the civil courts as a prerequisite to introducing appropriate and effective court reforms.¹²

⁸ Goerdts, J.A. et al. (1995) "Litigation Dimensions: Torts and Contracts in Large Urban Courts," 19:1 *State Court Journal*.

⁹ Ostrom, B.J. and Kauder, N.B. (1996). *Examining the Work of State Courts, 1994: A National Perspective from the Court Statistics Project*, National Centre for State Courts, Williamsburg.

¹⁰ Steelman, 158.

¹¹ The McRuer Report (1969). The Royal Commission Inquiry into Civil Rights, Ontario; Ontario Law Reform Commission (1973). Report on the Administration of Ontario Courts, Ontario; The Zuber Report (1987). Report of the Ontario Courts Inquiry, Ontario; Joint Committee on Court Reform (December 1988). Report of the Joint Committee on Court Reform, Ontario.

¹² See for example, Canadian Bar Association (August 1996). *Report of the Task Force on Systems of Civil Justice*, Toronto, Canada; Ontario Court of Justice (March 1995). *Civil Justice Review, First Report*, Ministry of the Attorney General, Ontario; Ontario Court of Justice (November 1996). *Civil Justice Review, Supplemental and Final Report*, Ministry of the Attorney General, Ontario; Task Force on Access to Justice (June 1991). *Rapport synthèse: Jalon pour une plus grande accessibilité à la justice*, Québec; Manitoba

There has been a handful of empirical studies in Canada focusing on various aspects of civil justice.¹³ To date, however, the need for civil justice statistical information has not been completely defined. In 1995, in an introductory work prepared for the Ontario Civil Justice Review, Professor Rod Macdonald stated: “We really don’t know what most citizens expect of the civil justice system across the various fields of law that are currently managed through the courts. And we really don’t know much about overall patterns and rates of civil litigation.”¹⁴

Trebilcock agrees with Macdonald’s assertion that in Ontario either some cases are in the system consuming resources when they should not be, or other cases which should be in the system are discouraged from being there. Trebilcock notes: “...at this point, as far as I know, we have no clear empirical fix on what classes of civil cases consume most of the time and resources of the court system or what cases which are currently being deterred under the existing system would be forthcoming under a different set of arrangements.”¹⁵

Through an examination of civil court data from four separate jurisdictions, the study findings reported here contribute to Canadian civil justice information, and help establish a framework for examining some of the questions surrounding the nature of cases in the civil system and their progress through the courts.

Public Inquiry into the Administration of Justice and Aboriginal People (1991). *Report of the Aboriginal Justice Inquiry of Manitoba*, (A.C. Hamilton and C.M. Sinclair, Commissioners).

¹³ See for example, Twohig, John; Baar, Carl; Myers, Anna; and Predko, Anne Marie (December 1996). “Empirical Analyses of Civil Cases Commenced and Cases Tried in Toronto 1973-1994,” in Ontario Law Reform Commission, *Rethinking Civil Justice: Research Studies for the Civil Justice Review, Volume I*.

¹⁴ Macdonald, Roderick A. (March 1995). *Study Paper on Prospects for Civil Justice*, Ontario Law Reform Commission.

¹⁵ Trebilcock, Michael J. (March 1995). “An Economic Perspective on Access to Civil Justice,” in Ontario Law Reform Commission, *Study Paper on Prospects for Civil Justice*, 280.

Ottawa Study

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4.0 OTTAWA STUDY: HIGHLIGHTS

This chapter presents data from a manual review in July 1997 of a sample of non-trial cases and a census of trial cases that were initiated in the 1994 reference year in the Ottawa Civil Court (General Division).

- Of the 10,843 cases initiated in 1994 in Ottawa, 44% were initiated by application, 33% by statement of claim, and 23% by divorce petition.
- Civil matters initiated by statement of claim displayed the highest rate of progression to trial ready and trial. Even so, only 4.8% reached the trial ready stage within a three and one-half year survey period, while 1.1% actually went to trial. Only 0.3% of divorce petitions resulted in a trial.
- The small number of cases that did progress to the trial ready and trial stages generally required two years or more to complete.
- Most cases that did not go to the trial ready stage (76%) were completed within one year.
- The vast majority of cases initiated by application (85%) were completed in less than one month.
- Most divorce matters (77%) were completed within six months.
- Thirty percent of all statement of claim cases initiated in 1994 involved businesses in dispute with other businesses. Indeed, 72% of all statement of claim cases involved businesses as either plaintiff or defendant, or both.
- Divorce petitions were initiated by females in 58% of cases, by men in 31% of cases, and jointly in 11% of cases.
- For statement of claim and divorce cases, virtually all plaintiffs had legal representation at some point in the life of the case.
- Sixty-one percent of cases resulted in some type of court judgment during the three and one-half year survey period. Most were in favour of the plaintiff.
- Just over 50% of statement of claim cases had no indicated disposition within the survey period. Although a few will proceed to trial beyond the three and one-half year survey period, it is likely that most of these cases were settled or abandoned without further court involvement.
- Sixty-nine percent of applications and 63% of divorce cases were disposed of by default judgment.
- Of divorce judgments that spoke to custody, 56% were for joint custody, 41% sole custody for the mother, and 0.7% sole custody for the father.
- Of divorce cases resulting in a maintenance judgment, 181 (43%) were for children only, while 170 (40%) were for both spouse and children.
- The median award for cases that proceeded to trial was no higher than for cases that were disposed of at the non-trial ready stage.
- Completed statement of claim cases had a median elapsed time to disposition of 186 days, divorce cases 84 days, and applications eight days.
- The median elapsed time from start date to trial ready date was 532 days for statement of claim cases, and 469 days for divorce cases. As might be expected, the longest elapsed times were for the small number of cases that went to trial - 780 days for statement of claim cases to reach a trial hearing, and 644 days for divorce matters.

4.1 INTRODUCTION

This chapter presents data from a study of the Ottawa Civil Court (General Division). The primary objective of the study was to provide data to satisfy short-term civil court information needs, but it also contributes to the long-term development of a national civil court survey by helping to define survey scope, variable definitions, and data collection costs.

This chapter examines sample data related to individual civil court cases and major case events. Included in the analysis are the volume of cases initiated in the reference period, the volume of different types of cases, the frequency of case outcomes where a disposition is indicated, the number of case events for a variety of civil event types, the elapsed times between various stages of civil cases, and other information to profile the basic characteristics of civil cases.

In addition to providing general information on civil case processing, the Ottawa study establishes baseline information that can be used to assess the impact of Ottawa's new Sustain Case Management System. Data collection and analysis of information from the Sustain Case Management System is planned for the fiscal year 1998-99.

4.2 METHODOLOGY FOR OTTAWA STUDY

For several reasons, the Ottawa Court (General Division) was an ideal candidate for a manual file review survey. Ottawa is large enough to supply a substantial volume of civil court cases, and the proximity to the CCJS greatly reduces many costs typically associated with the design and implementation of a major data collection project. Further, as the fourth case management pilot site in Ontario, the Ottawa Court offered an excellent opportunity to assess the effectiveness of the new case managed civil court procedures, under the Sustain Case Management System implemented in January 1997.

The study includes all Superior Court general civil and divorce cases. Because of time constraints, probate and other family cases were excluded.¹⁶ Other family includes matters such as an application seeking enforcement of a support order, and an application to vary an existing order. The methodology undertaken for this study was manual data collection from a sample of cases that were initiated in the 1994 reference year. This data collection method involves manual review of the selected case files to extract specific data elements covering a range of case processing issues.

The design phase of this study involved four court site visits. The first visit was used to determine: the structure and organization of the filing system, the volume of case files,

¹⁶ Within the sampling frame, the following matters are included: assessments of legal bills (usually no legal representation for the respondent); enforcement of debt collection matters (classified as other civil with a non-monetary claim amount); orders enforcing restitution orders; and transfers to another court (claim requested is unknown). Other matters are excluded: those under the *Bulk Sales Act*; taxation appeals; and writs for seizure and sale (to execute an order).

the location of files, the type of information contained in the files, the format of the available information, and the quality and completeness of information.

Based on the information obtained from the initial site visit, a detailed sampling plan and data capture instrument (a hard copy questionnaire – see Appendix 1B) were developed and tailored to the requirements of the court site. A second site visit was required to test the ease and consistency of data capture among different researchers. Because of the complexity of the civil court process, the range of case types, and the variability of information in the files, a third and a fourth visit were made to ensure the comprehensiveness of the questionnaire design and the overall utility of the available data. The results of this pre-test were used to modify the questionnaire.

Staff from Statistics Canada undertook all aspects of data collection, and a methodologist performed a verification check. However, Ottawa court staff described the case filing system and answered file related questions that arose during data collection.

Data collection was undertaken during a three week period in July 1997. Two different samples were drawn from cases that were initiated in 1994. The survey collected:

1. a randomly generated sample of all cases that were initiated in 1994 but did not proceed to a trial ready list by July 1997. (A certificate of readiness for trial is filed by parties to the action which precipitates placement on a trial ready list to await a trial date.) These are referred to as “non-trial ready cases.”
2. a census of all cases that were initiated in 1994 and which reached final disposition prior to July 1997 after either being placed on a trial ready list (“trial ready cases”), or proceeding to trial (“trial cases”).

Taking a census of trial ready cases has the advantage of providing a full and complete picture of all cases that proceed to a trial ready status and to trial in the civil process. However, being placed on a trial ready list does not mean a case will proceed to trial. Cases that prepare for trial are placed on a trial ready list (or a peremptory ready list). Once on a list, any one of a number of factors can intervene to dispose of a case before trial. In fact, data on completed cases reveal that very few cases reached the trial ready list and even fewer proceeded to trial. Because the number of trial ready and trial cases was so small, the survey determined that it was essential to undertake census collection of this important group of cases.

The Ottawa study captured information from a total of 859 case files. Of these, 601 case files were captured as part of the sample collection of non-trial ready cases initiated in Ottawa in 1994. The remaining 258 case files were captured as part of the census collection of trial ready cases. In the data tables, non-trial ready cases, trial ready cases, and those that proceeded to trial are mutually exclusive. However, trial ready elapsed time calculations include both trial ready and trial cases.

For the purposes of this study, civil court data were divided into three separate categories:

1) general civil *statement of claim* cases (SOC); 2) general civil *applications* (Apps); and 3) *divorce* cases. These case types were separated because the case information, particularly the nature of the civil process and the details surrounding final disposition, are quite different. Data were collected pertaining to 693 general civil (split between statement of claim cases and applications), and 166 divorce cases.

The reader should take note of a number of issues surrounding the Ottawa data. First, the civil court rules for *applications* are different from the process for *statement of claim* cases. In the general civil sample, 42% of cases originate by *statement of claim* and 58% by *application* (Table 1). The vast majority of matters pursued by way of *application* are landlord and tenant disputes (79%). In a case commenced by an *application*, evidence is presented by affidavit and not in a continuous oral trial forum.¹⁷ This means that the court process for applications is less cumbersome and apt to move more quickly.

4.2.1 Data Qualifiers

The table below shows the distribution of the Ottawa study cases with respect to the type of initiated case. For non-trial ready cases, the sample size is given with an indication of the level of reliability. Counts given in this chapter and in the data tables (Appendix 1A) are based on weighted data for those records in the non-trial ready group. These counts are estimates of the number of cases in the 1994 total Ottawa (General Civil) population based on the findings in the sample cases. Thus, there is a sampling error associated with non-trial ready estimates. Counts for the trial ready and the trial groups are based on census data and therefore have no sampling error.

Ottawa Case Population and Sample Sizes (and Survey Weights)

1994 Initiated Cases	Total N (Population Size)	Total n (Sample Size)	Survey Weights	Confidence Level	Margin of Sampling Error
General SOC Total	3,542	404			
Non-Trial Ready	3,335	197	16.93	95%	5.0%
Trial Ready	169	169	1.00	100%	0%
Trial	38	38	1.00	100%	0%
General Apps Total	4,797	289			
Non-Trial Ready	4,791	283	16.93	95%	5.0%
Trial Ready	5	5	1.00	100%	0%
Trial	1	1	1.00	100%	0%
Divorce Total	2,504	166			
Non-Trial Ready	2,459	121	20.32	90%	10.0%
Trial Ready	38	38	1.00	100%	0%
Trial	7	7	1.00	100%	0%
TOTAL	10,843	859			

¹⁷ Twohig, 81.

In Ottawa, both survey sample and census approaches were used to collect data. Because of small total case numbers for trial ready and trial cases, a census was taken. The majority (97.6%) of the initiated cases in the population did not proceed to trial (non-trial ready cases). For this group, a systematic random sample of 601 cases was taken for the study. Confidence levels and margins of sampling error for percent distribution are shown for these non-trial ready cases. Estimates produced for the non-trial ready divorce cases are not as reliable as those for the statement of claim and application categories and therefore should be interpreted with more caution.

The analysis also generates numerous sub-totals and summary statistics for different case sub-categories. For the non-trial ready cases, these summary statistics are called domain estimates, with varying degrees of random error which depend on the sub-sample size. To reflect this fact, the coefficient of variation (ratio of standard error of the estimate to the estimate) was calculated based on rigorous survey design formulas. A maximum coefficient of variation of 50% is chosen as the acceptable limit of random sampling error.

Counts and statistics with a coefficient of variation greater than 50%, which usually happens in the smallest sub-categories, are suppressed in the chapter. In practical terms, this means that all summary categorical statistics (totals and percentages) based on fewer than four sampled cases are suppressed.

A number of fields were collapsed in order to accommodate small cell counts. The data tables (Appendix 1A), therefore, do not reflect precisely the data collection instrument. For example, type of civil action includes all employment matters as a sub-set of “contract” under statement of claim, even though on the questionnaire, employment is a separate category. This category was collapsed during data analysis because file notations revealed that some employment matters were classified as contract cases by court staff. “Other civil” includes bankruptcy, corporate/commercial, probate, small claims, and division of property, due to extremely small frequencies in these categories. For applications, all case types except landlord/tenant were collapsed into “other.”

Information related to some case processing events was not consistently available in the Ottawa court files. For example, all cases that reach the trial ready list are scheduled for a pretrial hearing. After a hearing occurs, pretrial briefs are either returned to counsel or they become part of the court file. If they are not left with the court file, there is no indication that a pretrial hearing occurred. For different reasons, the same is true of first motion hearings and discovery hearings. Hearings occur, therefore, without any record being placed on file. Because this raises data quality issues surrounding motion, discovery, pretrial, and alternative dispute resolution (ADR) hearings, tables were not constructed for these events. On the other hand, information relating to start date, trial ready list date, trial date, and end date was complete and comprehensive. These data are used to calculate elapsed time between events and time to disposition.

The survey period for the Ottawa study was three and one-half years, meaning that data collection tracked the progress of cases initiated in 1994, up until July 1997. Any case

processing activity occurring after July 1997 was not recorded. Without allowing time for all cases to exit the court system, conclusive statements cannot be made about award amounts and costs, or elapsed times between processing points. Therefore, data are presented either as initiated cases or completed cases, effectively distinguishing between all cases and disposed of cases only.

Coding instructions ensured that whenever a business was involved in a civil suit, that fact was recorded under type of plaintiff or type of defendant. In practical terms, this means that when a claim was initiated by a company and an individual or individuals, business rather than multiple was coded. It is important to note also that “type of defendant” data were collected in cases where no defence was filed. These data are analyzed in relation to the defendant named on the statement of claim and reflect exactly the number of plaintiffs.

Default judgments typically occur in cases where no defence is filed or in uncontested divorce actions. This means that they take place early in the process, a key characteristic when examining backlog and case processing patterns. There is some variability around the way dispositions are recorded by the court; e.g., an application for dismissal may be made under circumstances that are similar to those in which default judgments are issued. Wherever settlement was noted as a disposition, this was captured; e.g., consent judgments were always coded under settlement. The bulk of known settlements are in relation to trial ready cases because court staff always noted the type of disposition for trial ready cases.

Custody and maintenance are dealt with either in Provincial Court (Family Division) or as corollary issues to a divorce petition filed in Superior Court (General Division). A custody or maintenance judgment was coded in two instances, when brought as a corollary issue to a divorce petition, and when reiterated in the final divorce judgment.

The claim amount was tallied on behalf of all parties (excluding third party claimants) as it appeared on the original unamended statement of claim. General and punitive damages, if specified, were included. A non-monetary claim was not coded if it formed only a portion of the overall damages sought.

The award amount was tied to the claim; it was recorded only if it formed part of a final judgment on behalf of the plaintiff. Amounts awarded defendants, therefore, were not recorded; nor were single party awards at motion hearings, because there was no way to be sure of data consistency. Similarly, costs awarded for motion hearings were excluded. Costs were coded only if awarded to the successful party.

4.3 FINDINGS

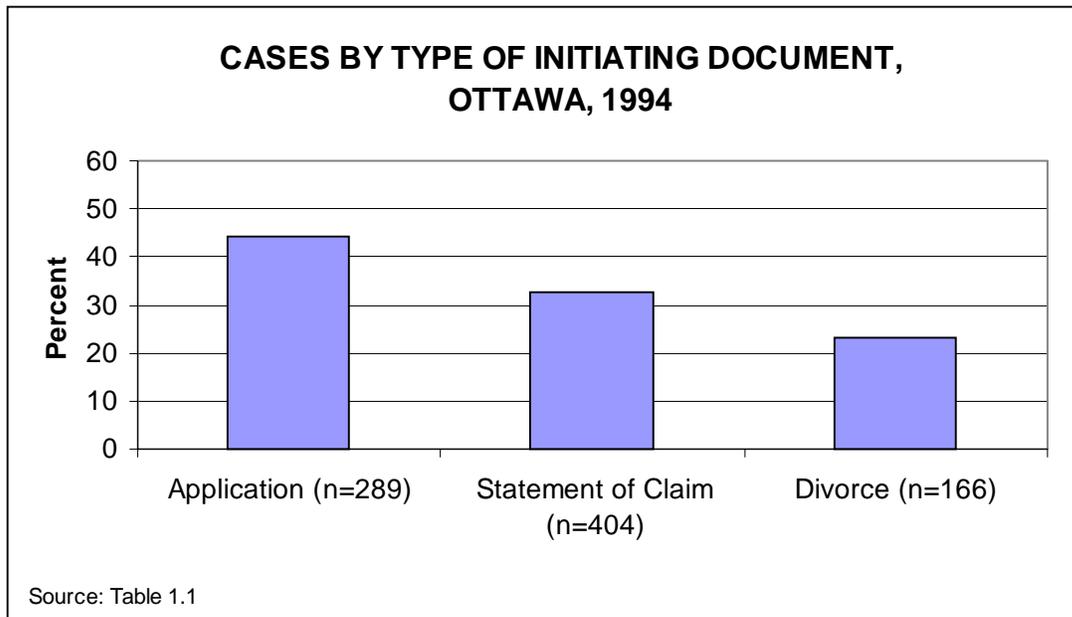
The main findings of the Ottawa civil court study are presented below. When examining the figures presented in this chapter, the reader should refer to the corresponding data tables (see Ottawa Data Tables, Appendix 1A). The reader is also directed to the

Methodology for Ottawa Study section, which contains important information needed to more accurately interpret the study results. For example, the foregoing discussion reflects weighted values as do the data tables (Appendix 1A) and the figures. However, the n's reported on the figures are sample amounts. In figures that display a combination of Census (N) and sample (n) values, there is potential for confusion because the proportions will vary from those discussed. Simply put, the n's on the figures are not reported for the purposes of calculating proportions. They are there to inform the reader of the actual number of cases that were examined as a basis for reporting the findings.

The Ottawa study examines civil cases that were initiated in 1994. Throughout this chapter, 1994 is referred to as the "reference year." The study tracks the progress of reference year civil cases until July 1997. The three and one-half year period between January 1994 and July 1997 is referred to as the "survey period." Please note that reference year cases that were not completed by July 1997 were excluded from all analysis incorporating completed case data.

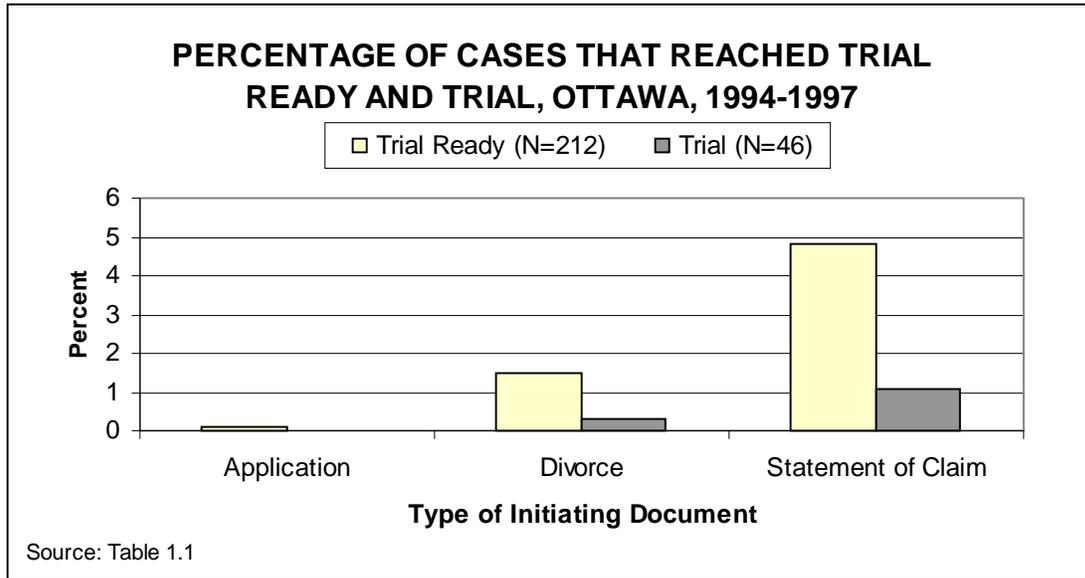
4.3.1 Type of Civil Action

This section provides an overview of the types of civil action initiated in the 1994 reference year. Of the 10,843 cases initiated in Ottawa, 4,797 (44%) were initiated by application, 3,542 (33%) by statement of claim, and 2,504 (23%) by divorce petition.

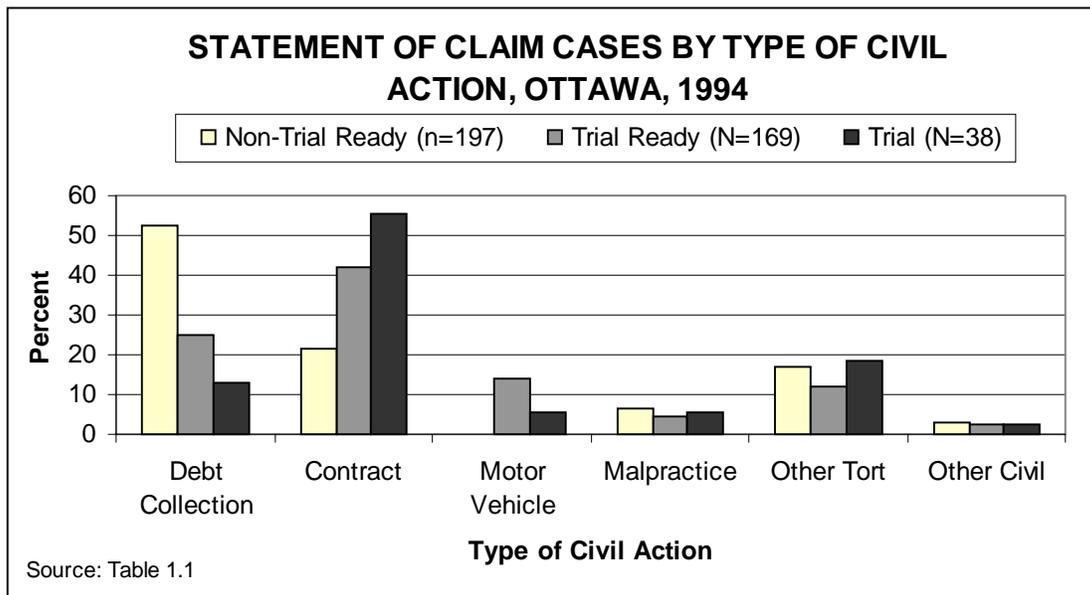


Most civil cases never reach the trial ready or trial stage. However, within the three categories of civil matters, cases proceeded to trial ready and trial status in different proportions by the end of the three and one-half year survey period. For matters initiated by application in 1994, only 5 cases (0.1%) proceeded to the trial ready stage, and just one case (0.02%) went to trial during the entire survey period. Completed divorce cases

indicated that 1.5% of total divorce cases reached the trial ready stage and 0.3% proceeded to trial. Completed civil matters initiated by statement of claim displayed the highest rate of progression to trial ready and trial. During the survey period, 169 cases or 4.8% of total statement of claim cases initiated in 1994 reached the trial ready stage, while 38 cases (1.1%) went to trial.



Different types of civil matters initiated by statement of claim varied in their rates of progression to the trial ready and trial stages of the civil process. For example, debt



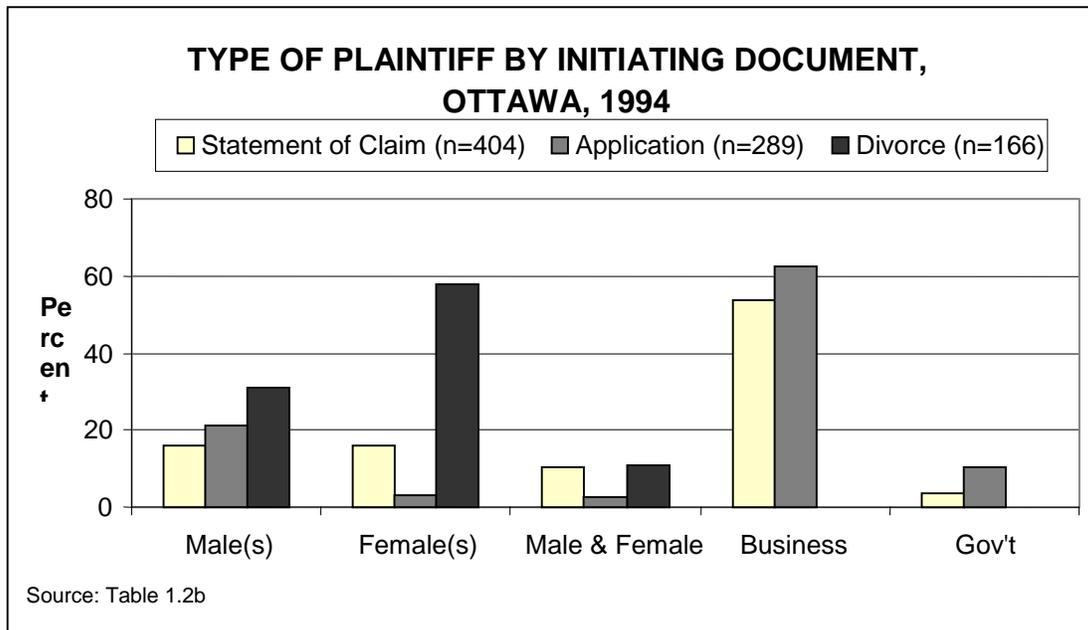
collection cases represented more than half of all non-trial ready cases, but comprised only 25% of trial ready cases and 13% of cases proceeding to trial. In contrast, contract

cases represented 21% of non-trial ready cases, but made up 42% of trial ready cases and 55% of cases reaching trial.

Cases initiated by application rarely reached the trial ready or trial stage. Indeed, 99.9% of applications initiated in the reference year failed to progress beyond the non-trial ready stage. The majority of these cases (79%) were related to landlord and tenant matters. Just 5 applications (0.1%) reached the trial ready stage, 4 being landlord and tenant matters. Only one landlord and tenant application initiated in 1994 went to trial during the survey period.

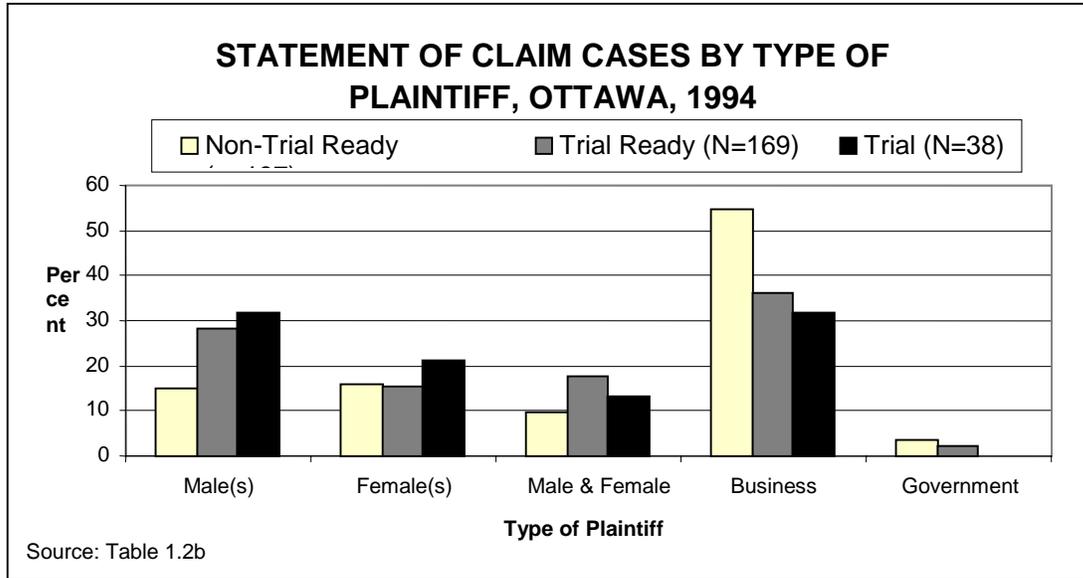
4.3.2 Type of Plaintiff

The data examined in this section help to illustrate the types of parties that sought dispute resolution in the civil courts during the reference year. They show that businesses comprised more than half (54%) of all plaintiffs in cases initiated by statement of claim in 1994. The remaining statement of claim cases were initiated by males (16%), females (16%), and by individuals (males and females) (10%). Governments initiated 3.5% of

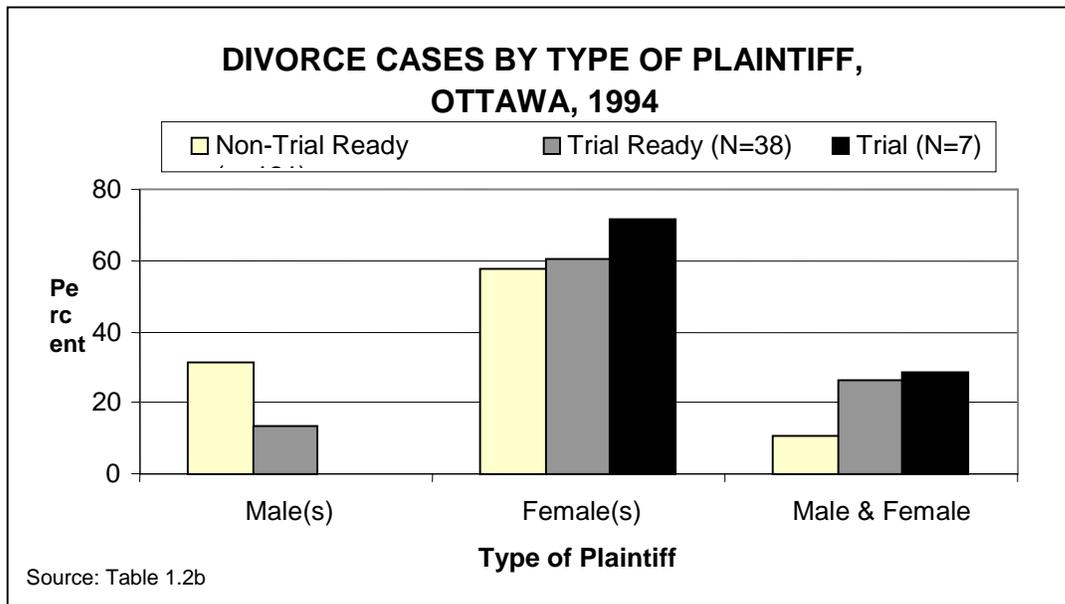


statement of claim cases. Cases initiated by application showed a pattern slightly different from statement of claim matters. Although the difference between males and females filing applications was greater (21% versus 3%), the primary difference was that businesses initiated a slightly higher proportion (63%) of cases, while males, females, and governments initiated a slightly lower proportion of application cases. Divorce petitions were initiated by females in 58% of cases, by men in 31% of cases, and by men and women in 11% of cases.

Once initiated, plaintiffs in statement of claim cases proceeded to trial ready and trial in different proportions. For example, during the reference year, businesses represented 55% of non-trial ready cases, but comprised only 36% of trial ready cases and 31% of trial cases. In comparison, males initiated just 15% of non-trial ready cases, but were involved in initiating 28% of trial ready cases and 32% of trial cases. These results suggest that while statement of claim cases are most likely to be initiated by businesses, business-initiated cases are somewhat less likely to go to trial, particularly within the three and one-half year survey period. On the other hand, while males initiate a lower proportion of cases, they appear much more likely to proceed to trial.



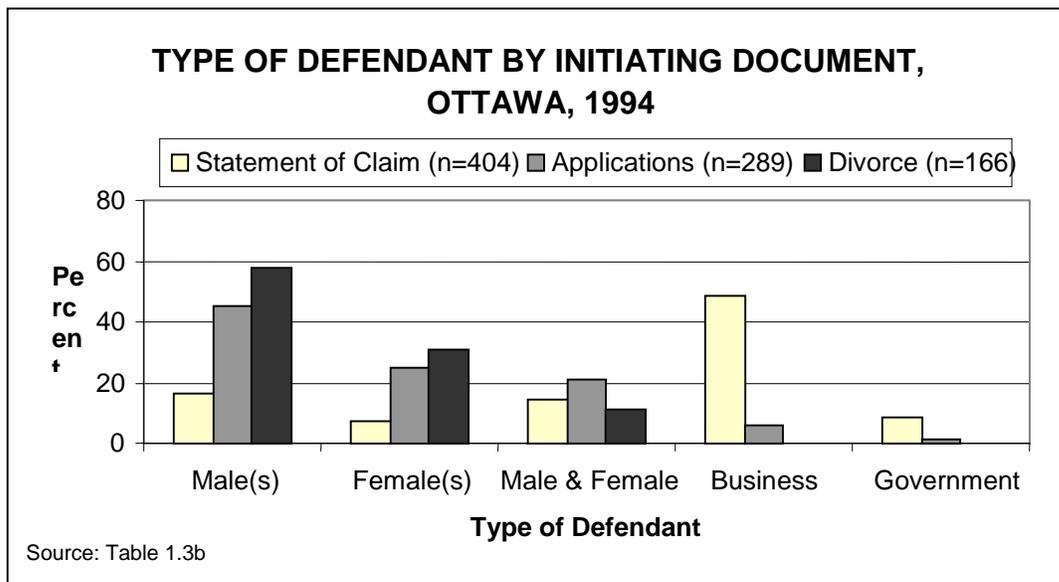
Divorce cases also display some variation in the rates at which parties proceed to trial



ready and trial. For cases initiated in the reference year, males comprised 31% of non-trial ready petitioners, and only 13% of trial ready petitioners. Conversely, females represented 58% of non-trial ready cases, 61% of trial ready cases, and 71% of trial cases. These results indicate that females are more likely to initiate divorce cases, and also that cases initiated by them are more likely than those initiated by males to go to trial.

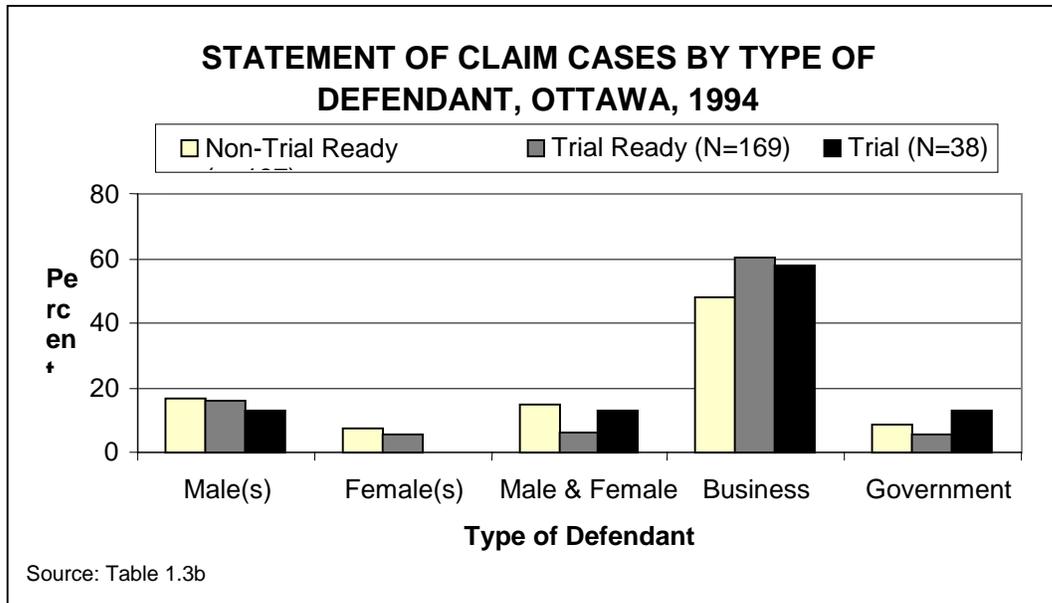
4.3.3 Type of Defendant

Defendants come to court in response to an initiating party. Consequently, the distribution of those defending a civil action should reflect the distribution of plaintiffs. For example, because females comprise 58% of petitioners in divorce cases, it is not surprising that males represent 58% of defendants. Similarly, males are petitioners in 31% of divorce cases, while females are defendants in 31% of these matters. Applications display a similar pattern. The majority of all defendants in applications are individuals, male and female, whereas the majority of plaintiffs are businesses. Because the vast majority of initiated applications are landlord and tenant disputes (79%), this

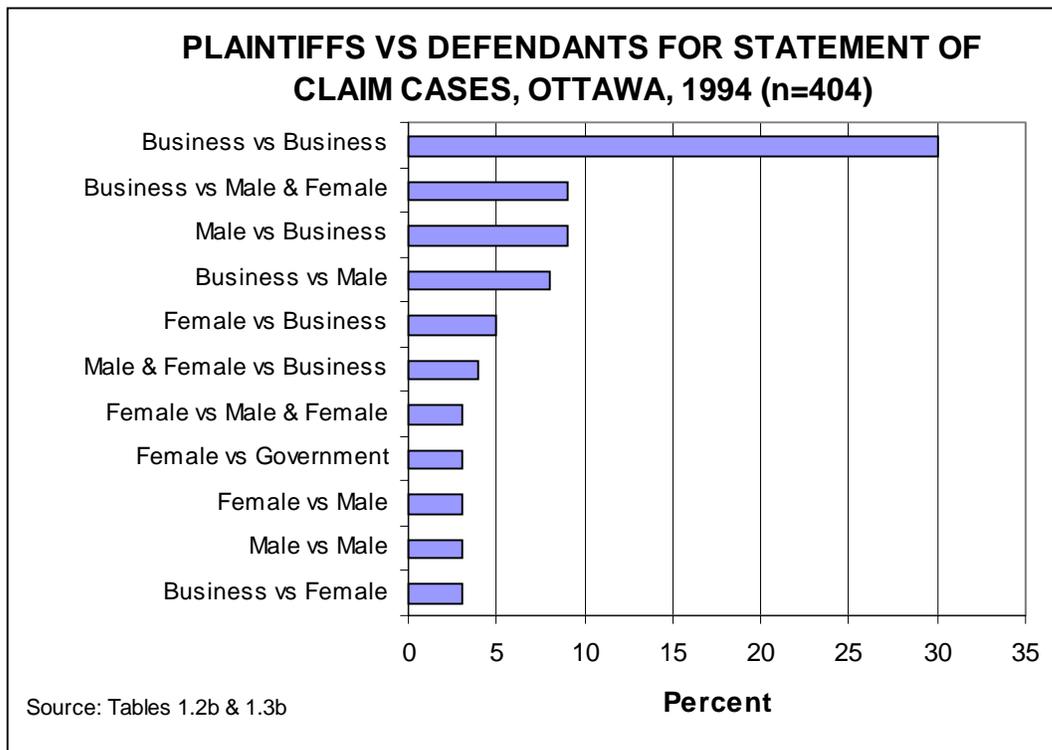


pattern suggests that rental companies are bringing individuals (tenants) to court in landlord and tenant disputes.

In statement of claim cases, the overall distribution of defendants is similar to the distribution of plaintiffs, except that businesses comprise a slightly higher proportion of defendants, while all other defendants have slightly reduced representation. Also, 60% of trial ready cases and 58% of trial cases involve businesses as defendants, indicating that business defendants are more likely to proceed to trial ready and trial than are business plaintiffs.



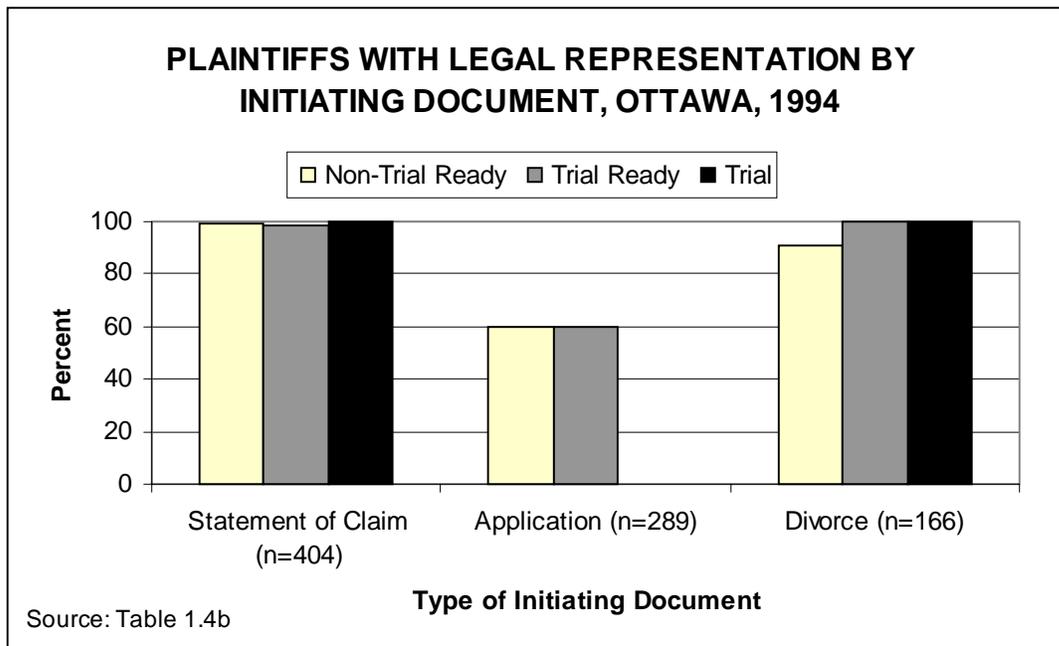
The distribution of defendants in divorce and application cases is closely linked to initiating parties because these are specialized areas with fairly predictable litigation patterns. In statement of claim cases, however, there is a much broader range of subject matter and consequently, a much wider range of litigation patterns. This complicates the relationship between plaintiffs and defendants. To examine more closely this relationship, plaintiff and defendant data were cross-tabulated. The figure below



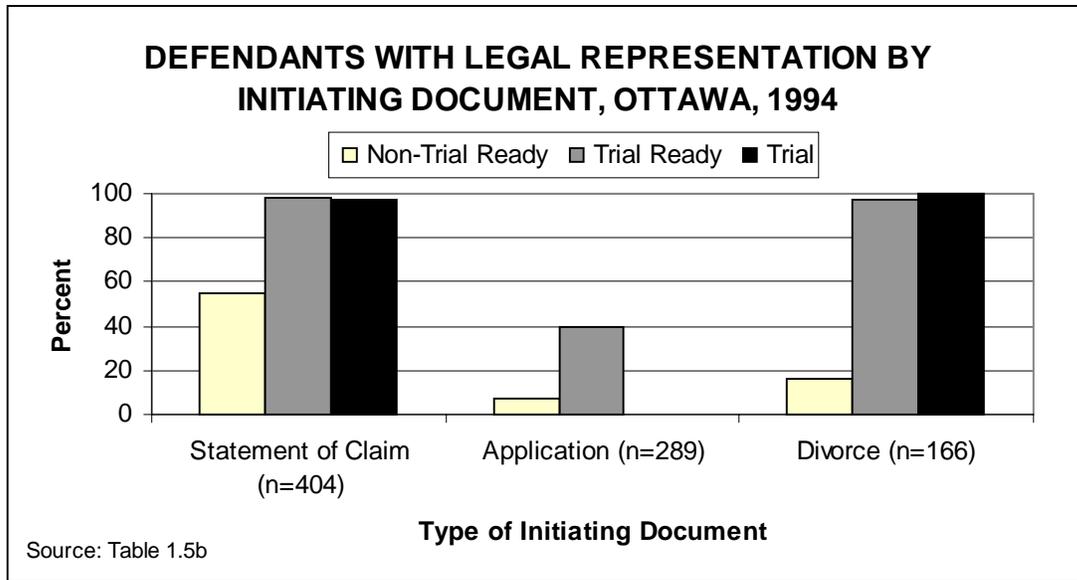
highlights the most common litigant combinations representing 80% of all statement of claim cases. It shows that 30% of all statement of claim cases initiated in 1994 involved businesses in dispute with other businesses. Indeed, 72% of all statement of claim cases involved businesses as either plaintiff or defendant, or both. Other frequent litigant combinations included businesses versus males and females (9%), males versus businesses (9%), businesses versus males (8%), and females versus businesses (5%).

4.3.4 Plaintiff and Defendant Legal Representation

Data collected from the Ottawa court indicated that virtually all plaintiffs had legal representation at some point in the life of statement of claim and divorce cases. The exception was in application cases where only 60% of plaintiffs had legal representation in non-trial ready and trial ready cases. Only one application went to trial, and in this case, no legal representation was indicated.

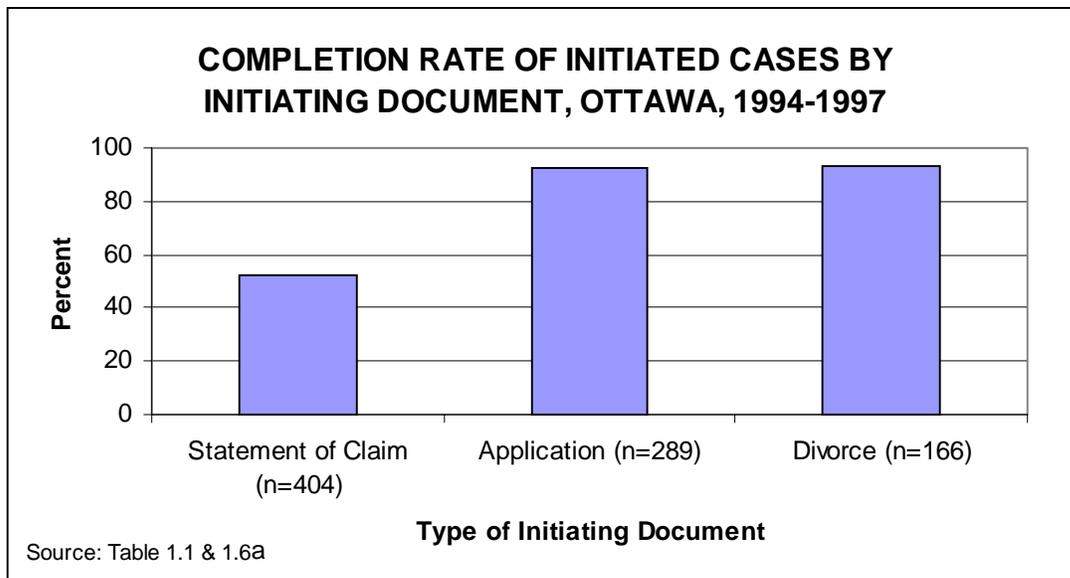


In cases initiated during the reference year, the data indicated some variability in defendant legal representation. As with plaintiff legal representation, virtually all defendants had legal representation in statement of claim and divorce cases that proceeded to trial ready and trial. However, fewer than 60% of defendants had legal representation indicated within the survey period in non-trial ready statement of claim cases, and fewer than 20% of defendants in non-trial ready divorce cases had secured legal representation within the survey period. Again, applications showed significant variation with only 7% of defendants securing legal representation for non-trial ready application cases. Two of five defendants obtained legal representation in trial ready application cases.

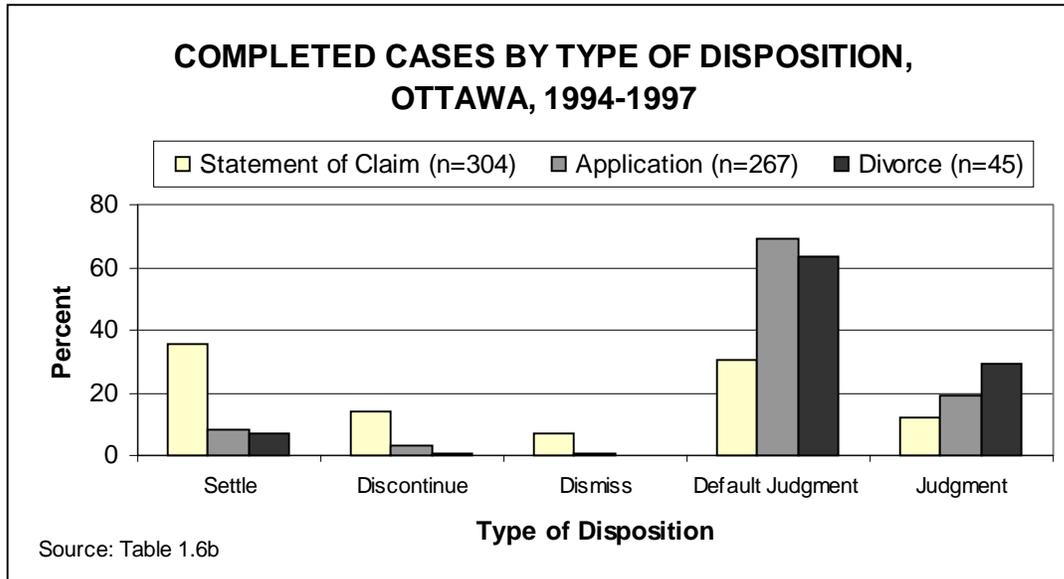


4.3.5 Type of Disposition

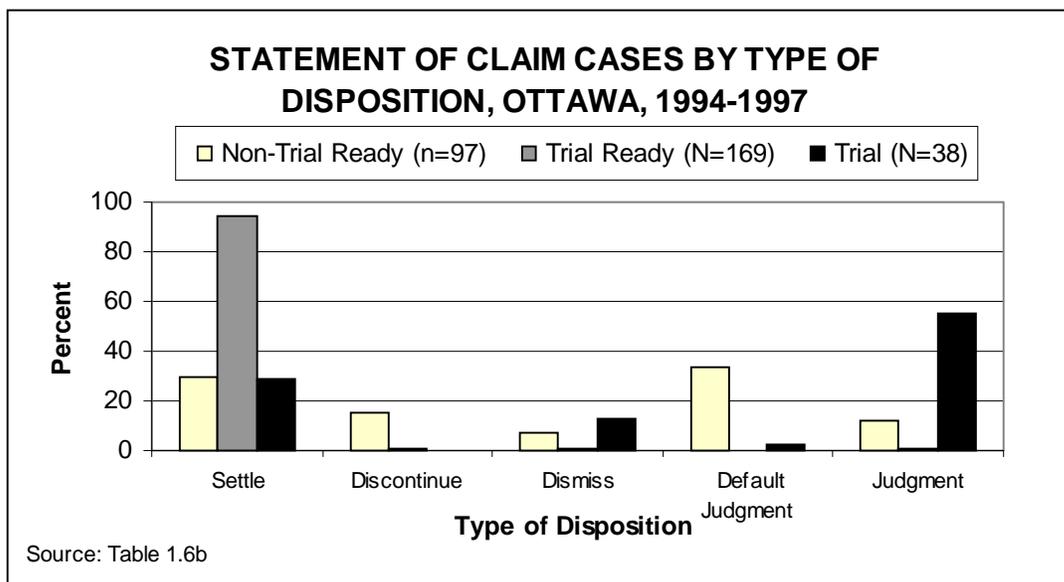
This section outlines the way in which civil cases are disposed of or completed. To be completed, a case must be formally removed from the pending inventory of the court. The types of dispositions that can remove a case from a court’s pending inventory include settled, discontinued, dismissed, default judgment, and final judgment. During the three and one-half year survey period, civil cases were disposed of at different rates. Just over 50% of statement of claim cases initiated in 1994 resulted in disposition during the survey period, compared to a 92% disposition rate for applications and a 94% disposition rate for divorce matters.



The way in which civil cases are disposed of varies by type of action. For instance, statement of claim cases are most likely to be disposed of through settlement (36%) or default judgment (30%). In contrast, applications and divorce cases are more likely to be disposed of by default or final judgment. For cases initiated in the 1994 reference year, 69% of applications and 63% of divorce cases were disposed of by default judgment.

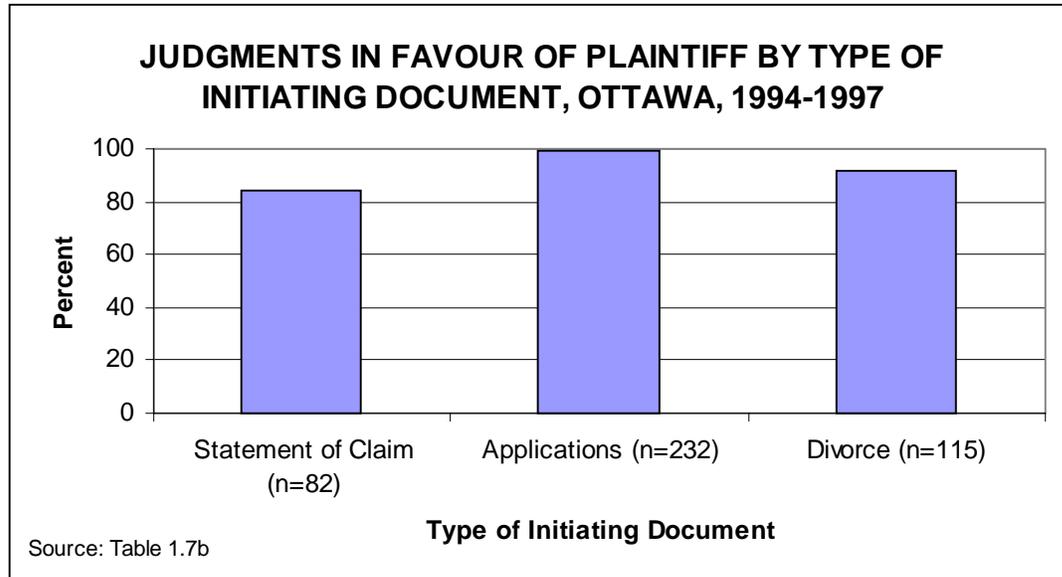


Disposition patterns varied according to the case type. Completed non-trial ready statement of claim cases were distributed across all disposition types, with settlements (30%) and default judgments (34%) comprising the highest proportion. In contrast, virtually all (95%) statement of claim cases that were disposed of at the trial ready stage were settled. Statement of claim cases that proceeded to trial were mostly disposed of through judgment (55%) or settlement (29%).



4.3.6 Nature of Judgment

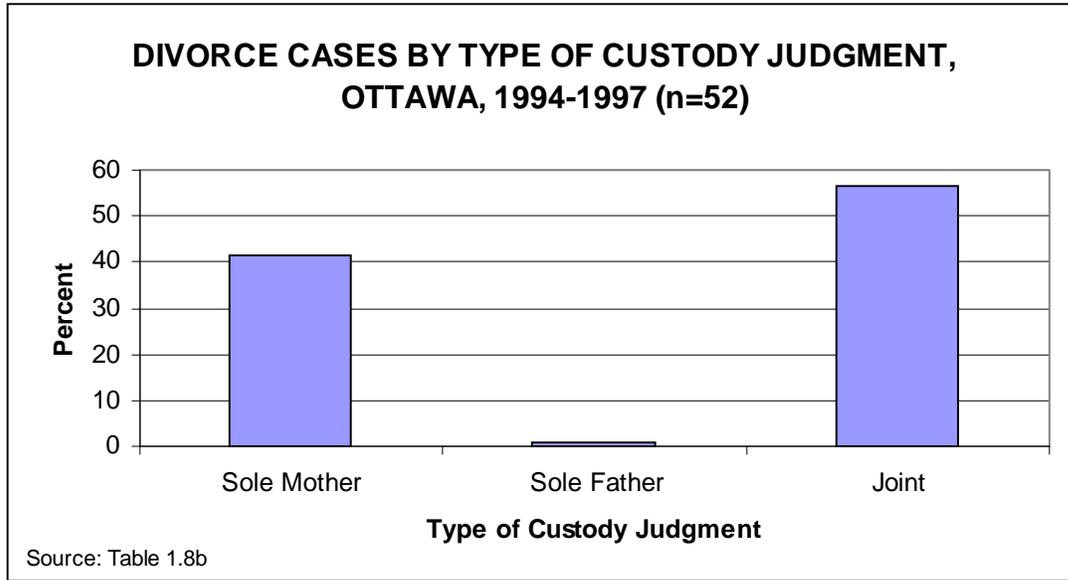
Of the 10,843 civil cases initiated in the reference year, 61% (6,639) resulted in some type of court judgment during the survey period. Most of these judgments were in favour



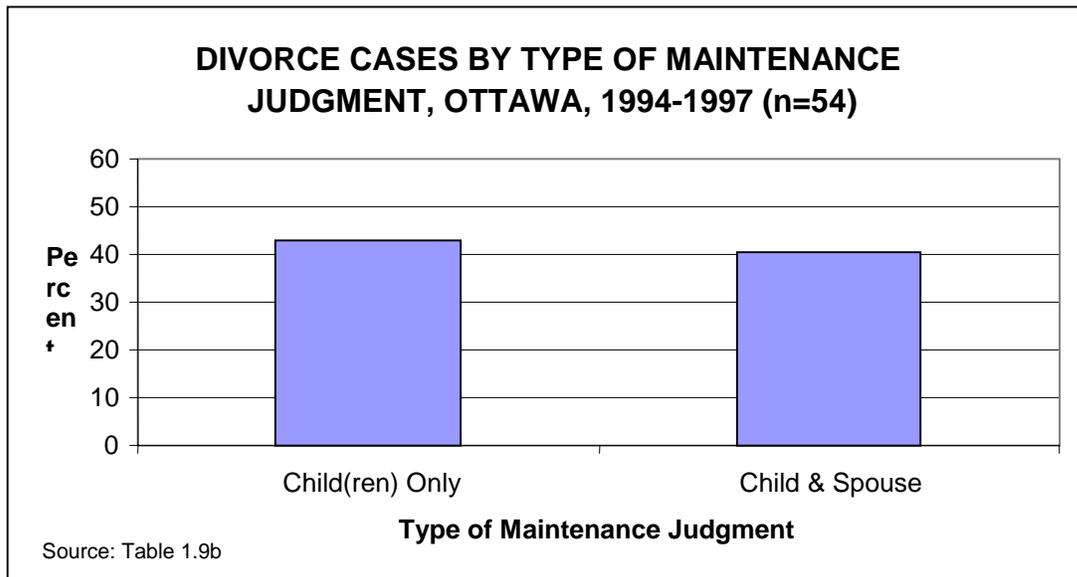
of the plaintiff. For example, judgments in favour of plaintiffs comprised 84% of statement of claim cases, 99% of applications, and 91% of divorce matters. The majority of these judgments were rendered in non-trial ready cases, with most being default judgments in cases where the defendant did not file a defence. Judgments in favour of plaintiffs declined slightly in cases that proceeded to trial. Just under 80% of statement of claim trial judgments, and 75% of divorce trial judgments were in favour of the plaintiff.

4.3.7 Custody and Maintenance Judgments

Custody cases included all divorces where custody issues were addressed as part of the judgment. These judgments involved either confirmation of existing custody arrangements, changes to existing arrangements, or original custody related judgments. Of the divorce cases initiated in the reference year, 419 included a custody judgment during the survey period. Of these, 237 (56%) were for joint custody, 174 (41%) sole custody for the mother, and 3 (0.7%) sole custody for the father. In those 3 instances, the father was awarded sole custody as a result of a trial hearing.

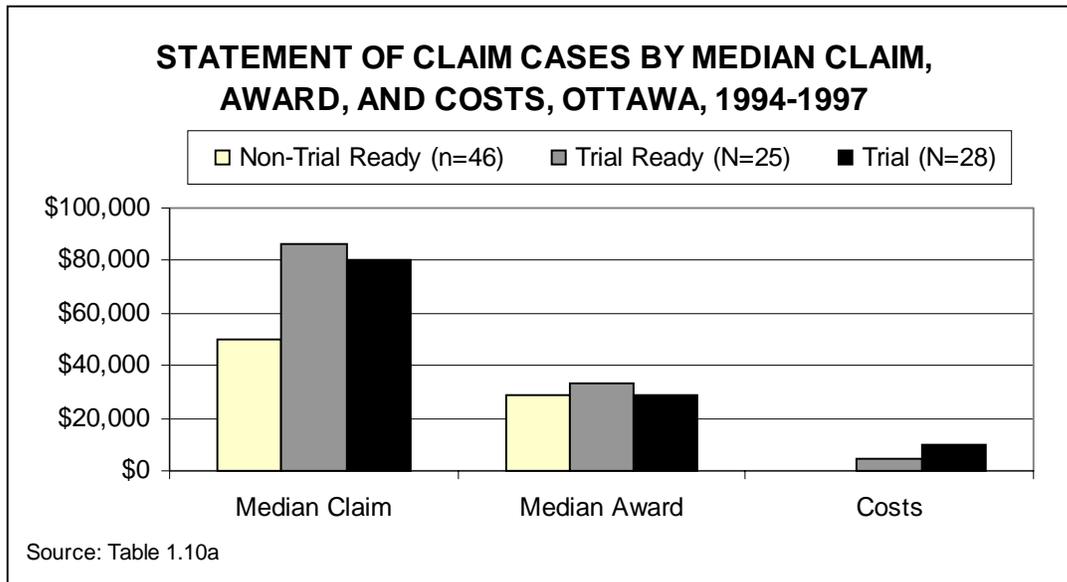


Maintenance cases included all divorces where maintenance issues were addressed as part of the judgment. Maintenance related judgments involved the confirmation of existing maintenance arrangements, changes to existing arrangements, or the rendering of original maintenance orders. Of the divorce cases initiated in the reference year, 421 resulted in a maintenance judgment during the survey period. Of these, 181 (43%) were for children only, while 170 (40%) were for both spouse and children. The remainder were either for a spouse or unknown, but sample numbers were too small to be discussed.

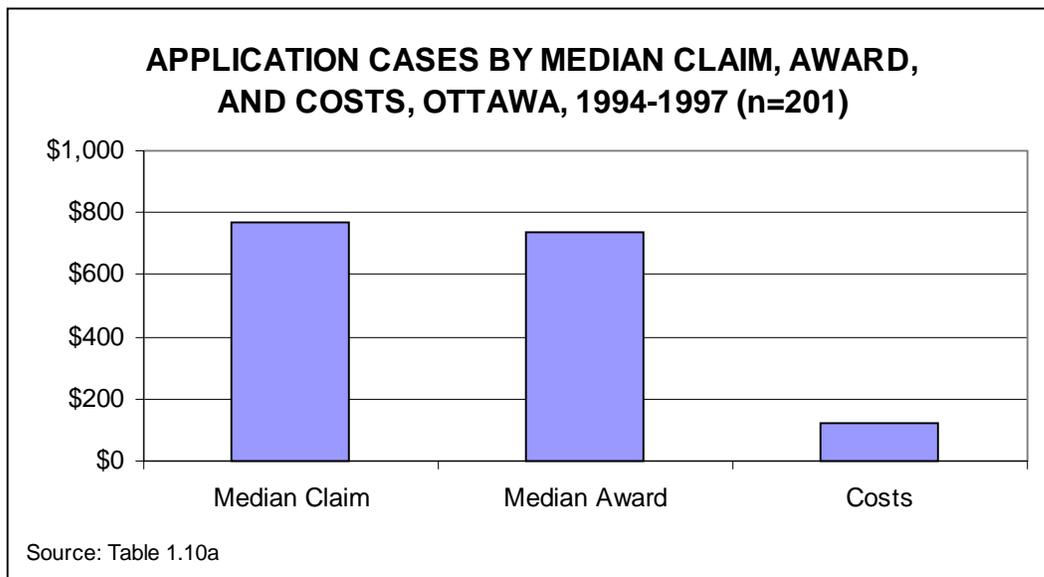


4.3.8 Median Claim, Award, Costs

For statement of claim cases disposed of during the survey period, median monetary awards were generally less than median claims. In non-trial ready cases, the median claim was \$50,000 compared to a median award of \$28,900. In contrast, the median claim in trial ready and trial cases was around \$80,000 compared to median awards in the \$30,000 range. It is interesting to note that the median award for cases that proceeded to trial was no higher than for cases that were disposed of at the non-trial ready stage. On the other hand, court costs rose as the case progressed further through the civil process. They ranged from \$308 for non trial-ready cases to \$10,000 for trial cases.

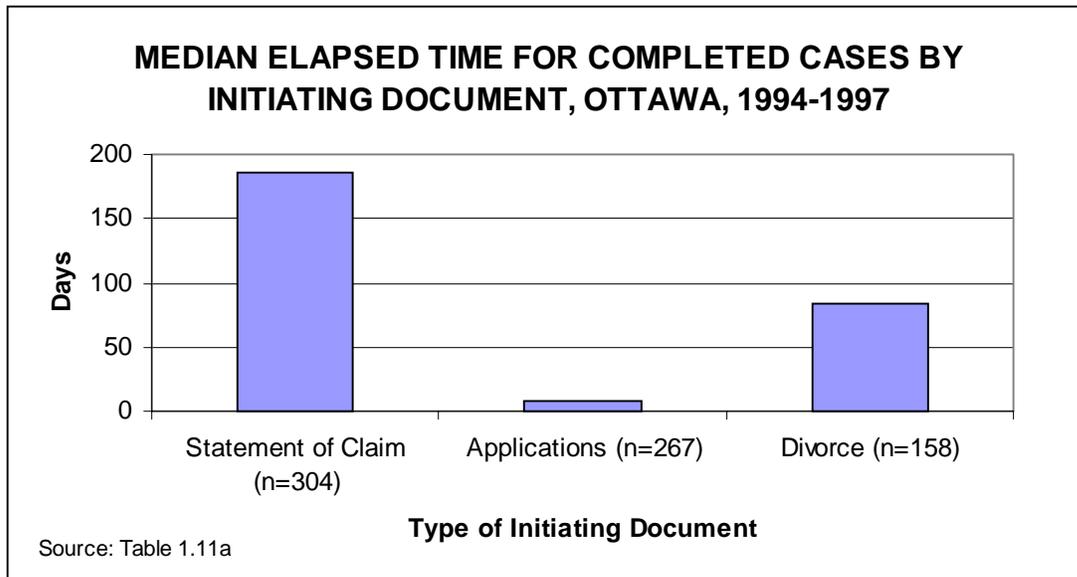


Application cases, which are dominated by landlord and tenant matters, were far more likely to obtain awards that were comparable to original claims. For applications disposed of during the survey period, the median claim was for \$767 compared to a median award of \$740. Median costs in application cases were \$125.



4.3.9 Case Processing

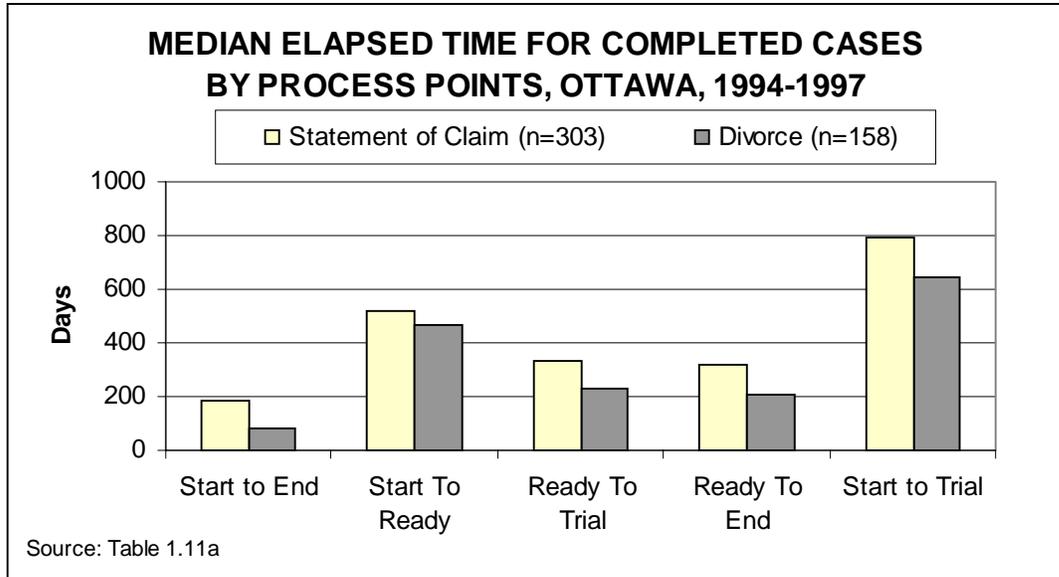
Case processing issues can be measured in a variety of ways. Key indicators include: case processing activity (the number of case appearances and types of appearances needed to process civil cases); case attrition (how many cases reach various stages of the civil process?); elapsed times (how long are cases active in the system?); delay (how long does it take a case to reach various stages of the civil process?); and pending case inventories (at any point in time, how many cases are active in the system?). This section presents data that can be used in the development of these measures. Case processing measures, particularly as they relate to the proportion of cases proceeding to trial; for example, percentage of cases reaching trial, time taken to do so, and trial duration, are necessarily presented using small counts. These, however, are census data and the importance of trial work for the court warrants using small counts for calculating case processing measures.



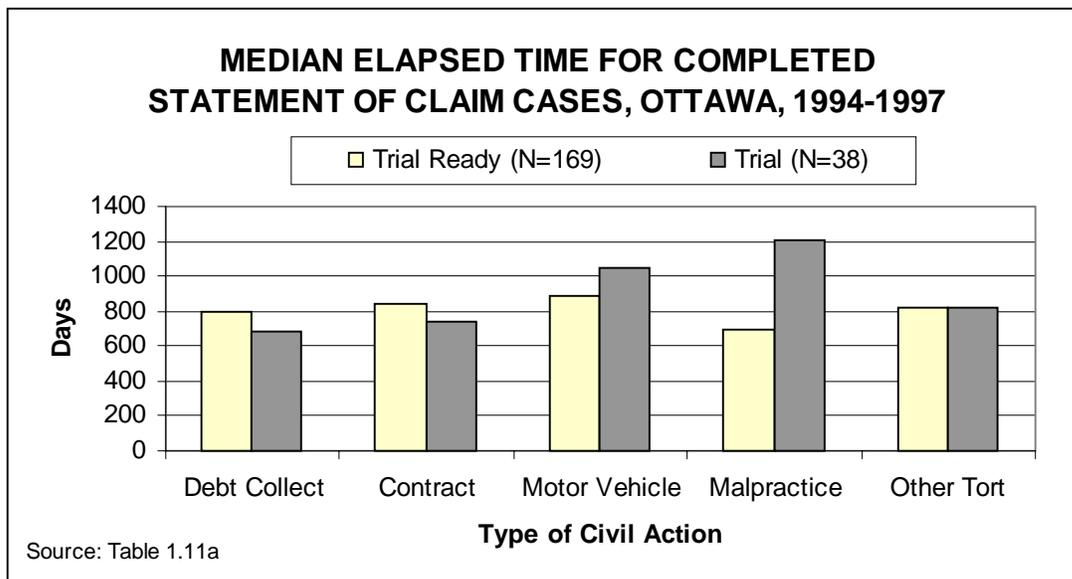
Calculating case elapsed times permits analysis of the amount of time required for cases to reach various points in the civil process. Just over 50% of statement of claim cases had no indicated disposition within the three and one-half year survey period, but for those cases initiated in 1994 and completed during the survey period, Ottawa data indicated that statement of claim cases had a median elapsed time to disposition of 186 days, divorce cases 84 days, and applications eight days.

The elapsed times for different case types depended on how far they proceeded in the civil process. For instance, the median elapsed time, from start date to end date, for all completed statement of claim cases was 186 days compared to an elapsed time of 84 days for all completed divorce cases. However, cases that proceeded to trial ready had much longer elapsed times. The median elapsed time from start date to trial ready date was 532 days for statement of claim cases, and 469 days for divorce cases. Trial ready elapsed times include cases that do not go to trial; however, all trial cases had a trial ready date

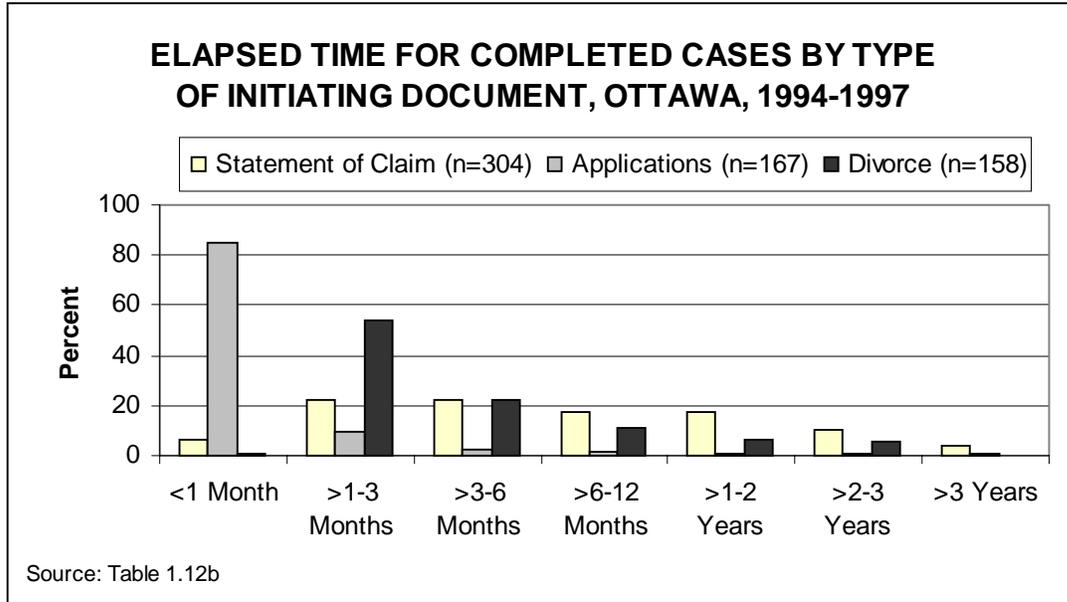
recorded and are included in trial ready elapsed times. As might be expected, the longest elapsed times were for the small number of cases that went to trial. The median elapsed time from start date to trial date was 780 days for statement of claim cases, and 644 days for divorce matters.



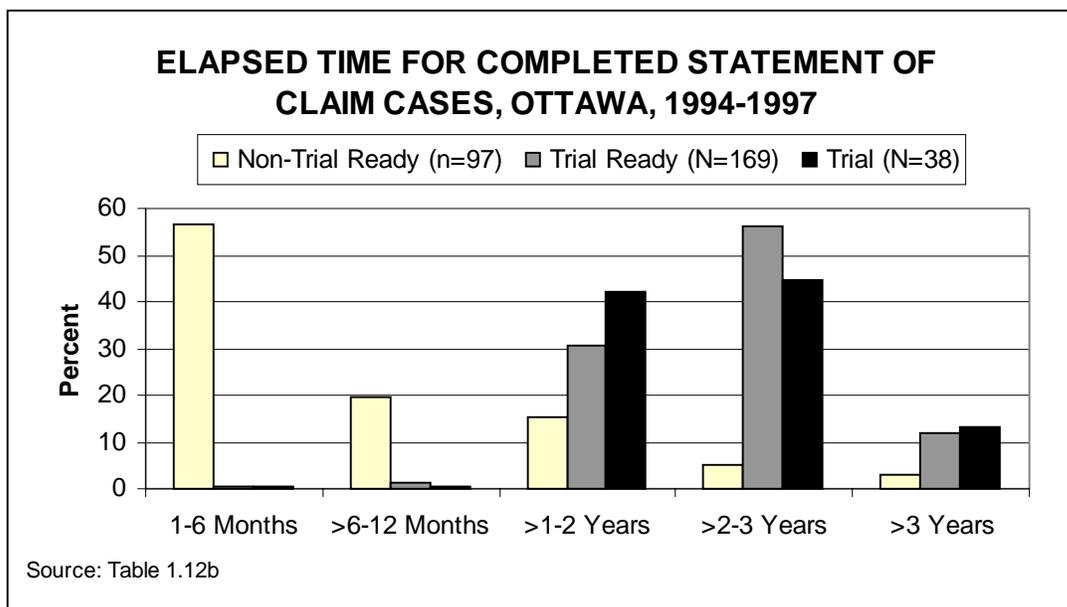
The Ottawa data also showed variation among different subject areas within case types. For statement of claim cases disposed of during the survey period, trial ready malpractice cases had the shortest elapsed time (696 days), while trial ready motor vehicle cases had the longest elapsed time (890 days). Even more variation was evident among cases that went to trial. The elapsed time for malpractice trial cases (1,206 days) was almost twice as long as the median elapsed time for debt collection cases (682 days).



Another way to gain increased understanding of how civil matters are processed involves establishing a profile of how the disposition of different types of completed civil cases is distributed over time. For cases disposed of during the survey period, statement of claim cases had the most even distribution with no one time period accounting for more than 22% of case dispositions. Application dispositions were significantly more clustered, with 85% of these cases completed in less than one month. Most divorce matters (77%) were completed within six months.



The distribution of case lengths in statement of claim matters confirms what previous data views had indicated. Firstly, most cases that do not progress past the non-trial ready stage are completed within one year. And secondly, for the small number of cases that do progress to the trial ready and trial stages, the majority require two years or more to



complete. However, it should also be noted that statement of claim cases are unique in that only about half of all initiated cases are represented in the disposed of data. The other 50% of initiated cases had no indication of disposition. It is likely that most of these cases were settled or abandoned without further involvement of the court.

4.4 CONCLUSIONS

The primary objectives of the study were to provide data to satisfy short-term civil court information needs, to test national data specifications for the development of an on-going civil court survey, and to establish baseline data for assessing the impact of case management in the Ottawa Court.

A database and a set of data tables have been produced which are effective in addressing information needs in the civil justice area. They respond to a variety of questions about civil court activity by describing basic case characteristics, the annual volume of cases handled by the Ottawa Civil Court – General Division, the frequency of case outcomes, and the related time taken to reach disposition.

The data collection instrument used for the Ottawa study reflects a preliminary set of National Data Requirements in the civil justice area. As a result of collecting data on a variety of case types in court, their broad applicability and utility has been firmly established. As an extension of the data collection instrument, the database structure displays frequencies in relation to type of case event for cases initiated by way of statement of claim, application, or divorce petition. A set of data tables sorts these frequencies into non-trial ready, trial ready, and trial cases. Information is tabulated for all cases, and more complete information emerges for those that reach disposition. In this way, the analytic potential of the national data elements has been effectively demonstrated.

4.4.1 Case Management

The Ontario Civil Reform Project was put in place as the implementation tool for the 1996 Ontario Civil Justice Review recommendations. It was charged with the task of introducing case management, together with time limits, electronic filing, and court-mandated mediation into the civil courts in Ontario. Case management represents a fundamental shift in the control of litigation away from the parties by giving the court the right to secure conformity with time restrictions for various stages of civil case processing. The goal is to promote early settlement while reserving court resources for those few cases that proceed to trial and would benefit from early and firm trial dates. A critical factor in case managed cases is earlier narrowing of the issues in dispute, affecting the efficiency with which a trial proceeds. Case management also opens up new possibilities for systems development, as a tool for managing aggregate caseload and tracking the progress of individual cases.

In January 1997, the Ottawa Court implemented the Sustain Case Management System. In February 1997, the Attorney General of Ontario announced the introduction of mandatory mediation as a way to promote more frequent and earlier case settlement. The findings presented above provide historical baseline data that can be used to assess the impact of all reforms recently undertaken in the Ottawa civil court.

Nova Scotia Study

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5.0 NOVA SCOTIA STUDY: HIGHLIGHTS

In 1996, the Nova Scotia Department of Justice undertook a study of civil caseflow in the Supreme Court of Nova Scotia, and produced a database containing a sample of Supreme Court civil cases initiated in Nova Scotia between January 1994 and June 1996. This chapter represents a secondary analysis of those data by dividing the analysis into two reference periods. The first reference period is referred to as “1994-1995” and extends from January 1994 to December 1995. The survey period extends from January 1994 to August 1996. The second reference period covers from “January to June 1996,” and the survey period is shorter - January 1996 to August 1996. For cases initiated in the Nova Scotia Supreme Court in 1994-1995:

- The distribution was: debt collection 6,665 (46%), other contract 2,499 (17%), tort/damages 2,083 (14%), landlord/tenant 1,833 (13%), employment 3%, and other civil 1%.
- The median overall claim was \$3,560. Claim amounts fell within a broad range, with other contract the highest at \$8,653, and landlord/tenant the lowest at \$573. The median claim amount for debt collection was \$4,486, and for employment \$1,355.
- Sixty-one percent of filings were initiated by plaintiffs, 37% by applicants, and 2% by “other.” Plaintiffs initiated 100% of tort/damage claims, and the majority of claims for employment (90%), debt collection (69%), and other contract (52%).
- All filed statements of claim prompted an intent to defend.
- Eleven percent of sampled cases were classified as “active,” just over half (53%) were “pending but inactive,” and about one-third (35%) “should be closed.”
- The types of civil action most likely to have an active status at the end of the survey period (August 1996) were tort/damages (24%) and other contract (10%).
- Employment matters had the highest completion rate, with 80% classified as “should be closed.”
- Five percent of cases reaching completion were settled, and were comprised of tort/damages (22%).
- Just over one-third of 1994-1995 initiated cases (38%) were completed by August 1996.
- Cases initiated in 1994-1995 took a median elapsed time of 56 days to reach completion.
- Tort/damages (295 days) took the longest median time to reach completion.
- Completed cases that were settled took a median elapsed time of 287 days to reach settlement.
- Tort/damages took a median of 338 days to reach settlement.
- Forty percent of cases reached completion in less than one month, 60% in under three months, and 80% in under six months.

5.1 INTRODUCTION

This chapter presents data from a manual file review of Supreme Court civil cases in Nova Scotia. The primary objective of the study was to provide data views to demonstrate the potential for satisfying short-term civil court information needs in Canada. In addition, it assesses the ability of the Nova Scotia 1996 filing system to supply data according to the Centre's civil court National Data Requirements (NDR). In this way it contributes to the long-term development of a national civil court survey by examining the feasibility of collecting NDR related data in an operational civil court setting.

This chapter examines sample data related to individual civil court cases in the Nova Scotia Supreme Court. Included in the analysis are the volume of cases initiated in the reference period, the volume of different types of cases, the frequency of settlements in completed cases, case elapsed time from start to end for completed cases, and other information to profile basic case characteristics.

5.2 METHODOLOGY FOR NOVA SCOTIA STUDY

In 1996, the Nova Scotia Department of Justice undertook a study of civil caseflow in the Supreme Court of Nova Scotia, and produced a database containing a sample of Supreme Court civil cases initiated in Nova Scotia between January 1994 and June 1996. This chapter represents a secondary analysis of those data. Numerous discussions between the CCJS and the Case Flow Management Administrator assisted in outlining the methodology and variable definitions used by the study. Hence, the format of the current analysis coincides with the information categories selected for the study originally undertaken by the province. However, Nova Scotia's type of civil action categories were not used but were mapped to the NDR fields. Additionally, some of the data received from the province have been subsequently re-coded by Nova Scotia researchers, so that there are differences between the data on which this analysis is based and the current source data residing in Nova Scotia. **It is critical, therefore, to note that this analysis is to be used primarily for demonstration purposes, revealing possibilities for analytic data views in the civil justice area.**

Some details as to type of civil action will assist in explaining the results of the NDR mapping exercise: "other contract" incorporates a variety of commercial and property actions or applications; "other civil" includes bar admission, health, and municipal related matters. Both types of civil action were typically initiated by a variety of documents including affidavits, orders, and notices.

Findings are presented in this chapter by grouping the first two years together to form a sample large enough to allow detailed analysis. The first reference period is referred to as "1994-1995" and extends from January 1994 to December 1995. The survey period extends from January 1994 to August 1996. By presenting findings from a second reference period, "January to June 1996," the 1994-1995 reference period findings can be

compared. However, the survey period for the more recent reference period is shorter - January 1996 to August 1996, and so case completion information is limited for this time period. Please note that reference period cases that were not completed by August 1996 were excluded from all analysis incorporating completed case data.

Nova Scotia results are based on random sample data, not census data. Therefore, the data tables show estimated population values. There is an associated level of confidence and margin of sampling error for each survey estimate as shown in the table below. Each estimated population count is based upon a weight, and each reference period has a different weight. As seen in the table, cases in 1996 were sampled heavily relative to the previous two-year period. Survey sampling weights for the two time periods are given below. The overall margin of error is calculated to be no more than 5.1% for the 1994-1995 period and 5.3% for the January to June 1996 period. At the cell level, a minimum count of four sampled cases is required to have a coefficient of variation of no more than 50%. This corresponds to a minimum weighted estimated count of 167 cases in a cell for the 1994-1995 period and a minimum weighted estimated count of 44 cases in a cell for the January to June 1996 period. Counts smaller than these are subject to too much variability to be considered reliable and have therefore been suppressed. Counts given in this chapter and in the data tables (Appendix 2A) are based on weighted data. The n's on the figures indicate the sample totals and have been inserted to inform the reader of the actual number of cases that were examined as a basis for reporting the findings.

Nova Scotia Case Population and Sample Sizes (and Survey Weights)

Time Period	Total N (Population Size)	Total n (Sample Size)	Survey Weights	Confidence Level	Margin of Sampling Error
1994-1995	14,788	355	41.7	95%	5.1%
Jan-June 1996	3,364	306	11.0	95%	5.3%

During data collection, each sampled case was coded according to type of civil action. CCJS matched these codes to the National Data Requirements for "Type of Civil Action" category. If coding did not take place, type of civil action was coded as "unknown" (refer to Table 2.1).

To assign "Case Status," student coders attached one of three case classifications to pending case files: "active," "pending but inactive," and "should be closed." In order for a file to be "active," the last document would have to have been filed six months or less prior to data collection (September 1996). For a file to be "pending but inactive," the last document would have to have been filed more than six months prior to data collection. A "should be closed" file contained something which gave the data collector the impression the case had reached completion; for example, a letter indicating a settlement had been reached or a letter indicating that the parties were going to elect to transfer to Small Claims Court. In such instances, the parties had not filed an order or a notice of discontinuance which would officially close the file (refer to Tables 2.4a and 2.4b). In

Nova Scotia, prior to case management, the parties were under no obligation to notify the court that the file could be closed.

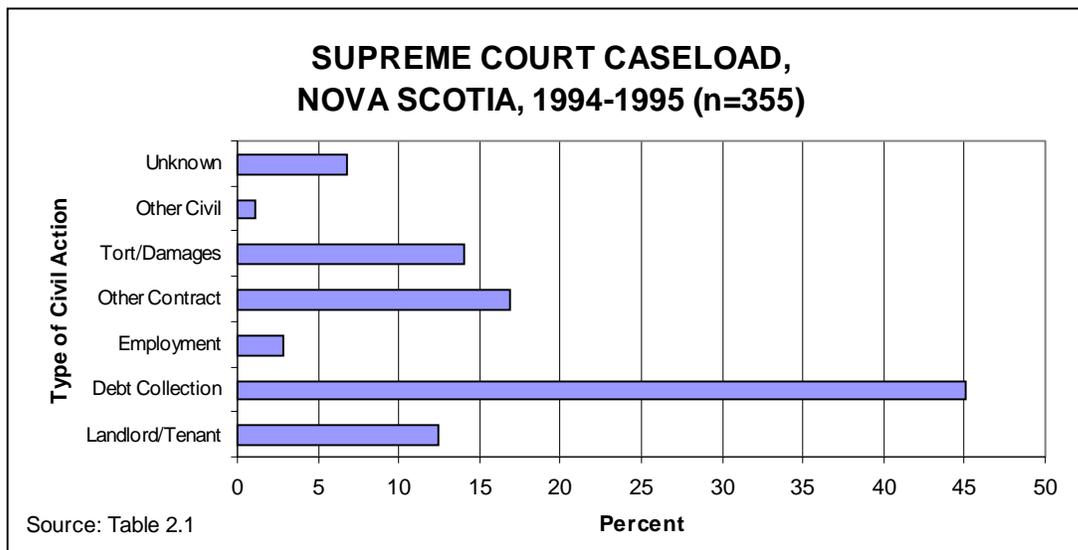
Two of the most useful variables derived from the Nova Scotia database were: case completed date and case settled date. Both are important variables for calculating case processing information, such as, case elapsed time from initiation to completion. Settled cases were defined as such by student coders in Nova Scotia if there was a consent order or notice of discontinuance on file. For the purposes of this analysis, CCJS counted a case as completed if the database indicated one or a combination of the following: a case completed date, a case settled date, and/or if the status of the file recommended that the case be closed. If a file was recommended for closure but had no case completion date, the date of the last document filed was used as a proxy. In this manner, the total number of “cases with a final disposition” was calculated and presented by type of civil action (Table 2.6). Thus, completed cases include those that were settled and data presented on cases settled are a sub-set of cases completed. Elapsed time to disposition findings are presented for the total number of cases completed.

The Nova Scotia caseload management tracking system was initiated in the Supreme Court as a pilot project in January 1996, and classifies files as “fast track, standard, or complex.” If a case has no contentious issues and is straightforward, the case is flagged as “fast track” (e.g., debt collection matters). If a case has slightly more complex legal issues or facts, it is deemed “standard” (e.g., tort/damages). And if a case has multiple litigants with a high number of legal issues, it is classified as “complex” (see Tables 2.5a and 2.5b). During data collection, and using the same criteria, coders retroactively assigned case complexity indicators to sampled files.

5.3 FINDINGS

5.3.1 Civil Case Volume

Within the 14,788 cases initiated in the Supreme Court of Nova Scotia in 1994-1995,



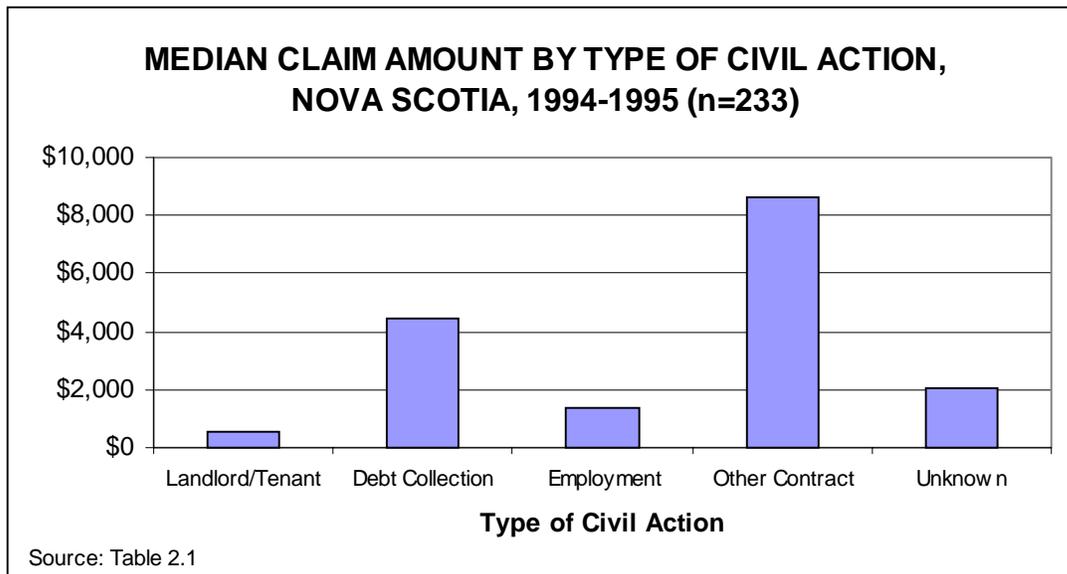
various types of civil action are represented. Debt collection comprised 46%, other contract 17%, landlord/tenant 13%, tort/damages 14%, employment 3%, and other civil 1%. The type of civil action was unknown 7% of the time.

The distribution by type of civil action for January to June 1996 initiated cases varied slightly from 1994-1995 data. For the first six months of 1996, debt collection comprised 39%, other contract 22%, landlord/tenant 16%, tort/damages 9%, other civil 3%, probate 2%, and unknown 8%.

5.3.2 Median Claim Amount

For Supreme Court cases initiated in 1994-1995, 66% sought monetary damages, and the median claim was \$3,560. For cases initiated between January and June 1996, 70% sought an award, and the median claim was \$3,295.

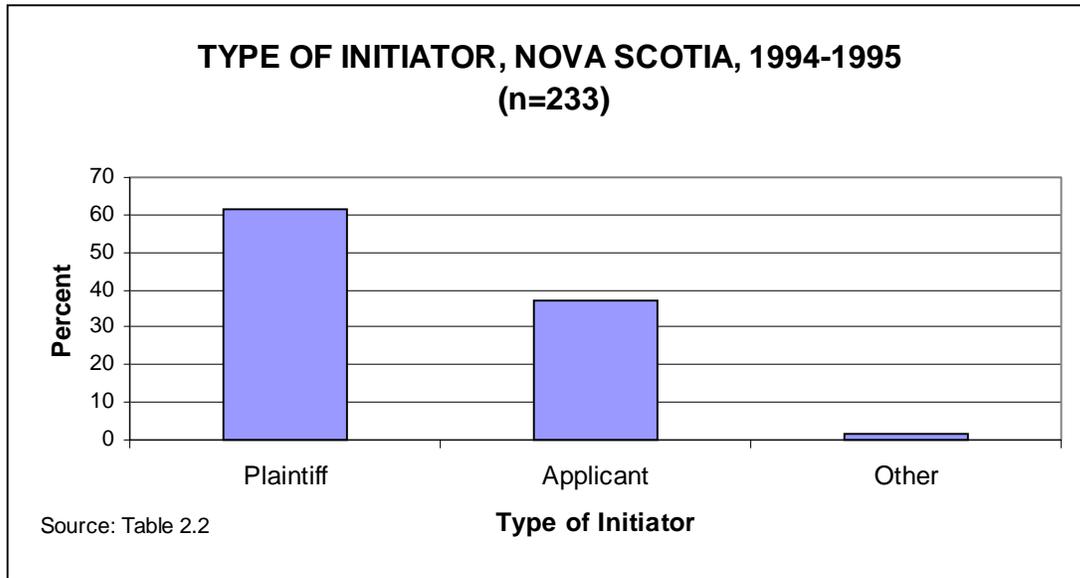
Median claim amount varied according to type of civil action. Figures reported for cases initiated in 1994-1995 indicate a broad range of claim amounts, with other contract the highest at \$8,653, and landlord/tenant the lowest at \$573. The median claim amount for debt collection was \$4,486, and for employment \$1,355.



5.3.3 Type of Initiator

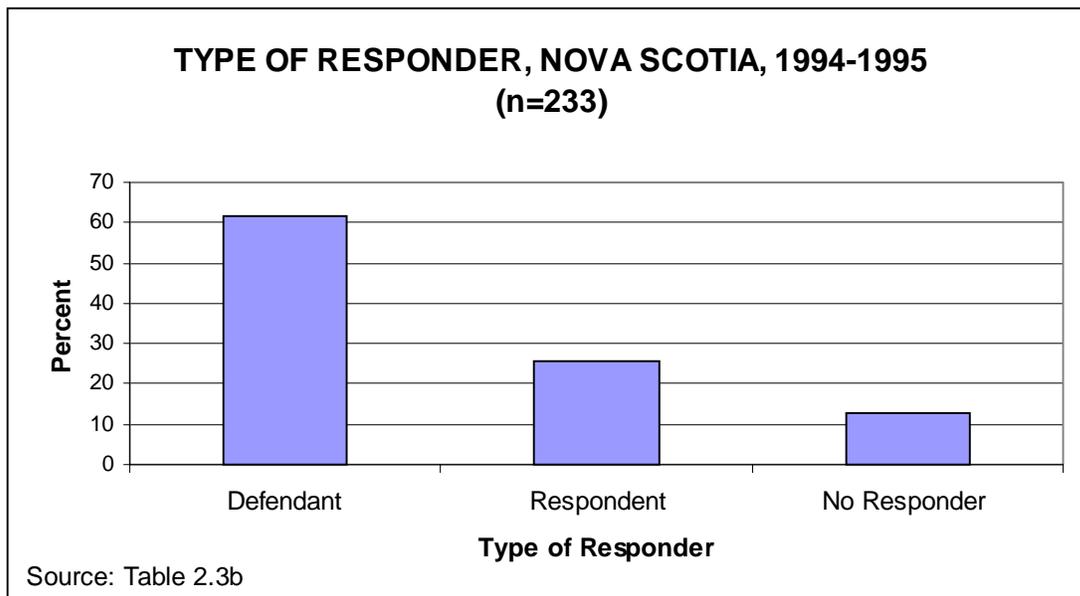
Information about whether a civil claim was filed by a plaintiff or an applicant was gleaned from a Nova Scotia litigant file specifying type of initiator. The data show that during 1994-1995, 61% of filings were initiated by plaintiffs, 37% by applicants, and 2% by "other." Please note that "other" designates a situation where coders could not make a judgment about type of initiator. With regard to type of civil action, plaintiffs initiated

100% of tort/damage claims, and the majority of claims for employment (90%), debt collection (69%), and other contract (52%). The vast majority of landlord/tenant (86%) and nearly half of the other contract disputes (47%) were brought to court by applicants.



5.3.4 Type of Responder

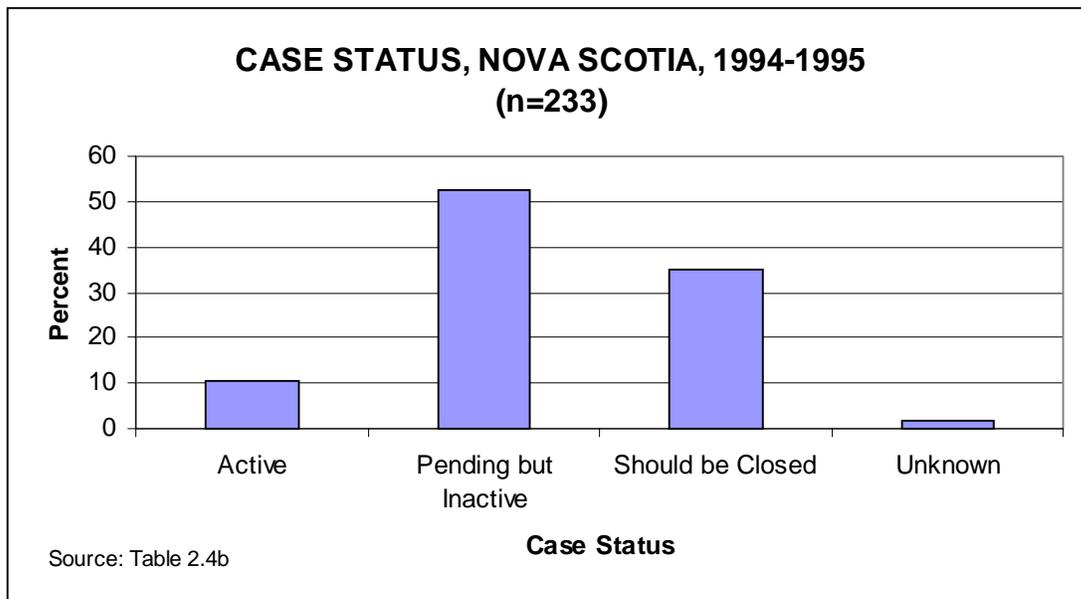
Information about those responding to a civil action is summarized by numbers named on an initiated claim: either a defendant named on a statement of claim, or a respondent named on an application. For the 1994-1995 reference period, data indicated that 61% of filings were statements of claim with a named defendant. Twenty-six percent of filings had named respondents, and 13% had no responder. Most “no responder” indications were due to missing data.



5.3.5 Case Status

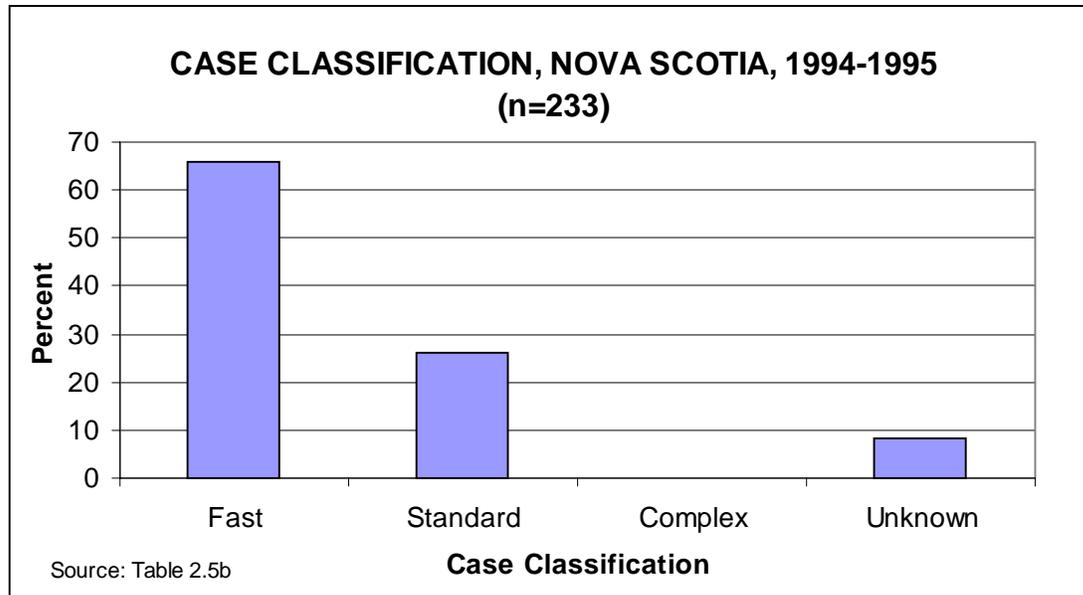
During the data collection exercise, sampled cases were assigned a file status. Looking at 1994-1995 initiated cases, 11% were classified as “active,” just over half (53%) were classified as “pending but inactive,” and about one-third (35%) were classified as “should be closed.” The status was unknown in 2% of cases. Not surprisingly, at the end of the survey period, 44% of more recently initiated cases (January to June 1996) were still “active,” 39% were “pending but inactive,” and only 16% of files were classified as “should be closed.” The status was unknown in 1% of cases.

Cases initiated in 1994-1995 suggested that the types of civil action most likely to be active at the end of the survey period (August 1996) were tort/damages (24%), and contract (10%). About half of all types of civil action were pending but inactive, except tort/damages (40%). Employment matters had the highest completion rate (according to the definition ascribed by CCJS analysts), with 80% classified as “should be closed.” It is important to note that files were not formally closed even though a disposition had been recorded.



5.3.6 File Classification

Probable case completion times can be estimated by assessing case complexity. Indicators were developed for the pilot Supreme Court caseload management tracking system initiated in January 1996. During data collection, researchers retroactively assigned case complexity indicators to sampled files. Of the 14,788 cases initiated in 1994-1995, 66% were labelled fast track, 26% were labelled standard track, and for 8% the tracking classification was recorded as unknown. Court administrators have suggested that there are probably complex cases that were not coded as such. There were no cases “placed” in the complex track during the 1994-1995 reference period.



A large proportion of cases were labelled fast track. Figures by type of civil action demonstrate that the majority of landlord/tenant (86%), debt collection (84%), employment (50%), and other contract (62%) cases initiated in 1994-1995 were labelled fast track. Most tort/damages (84%), 40% of employment, and 30% of other contract were labelled standard track.

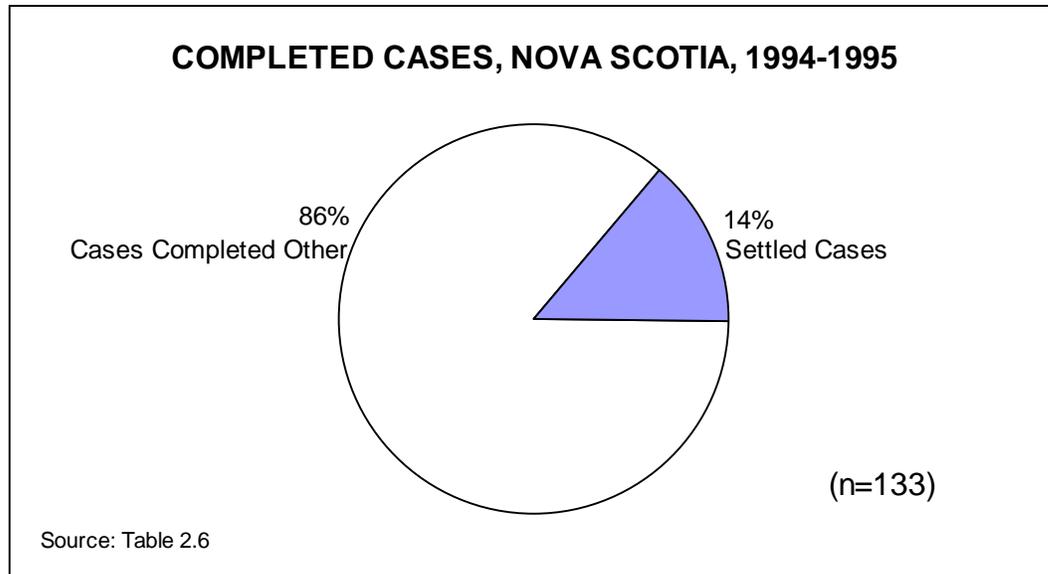
5.3.7 Type of Disposition

This section profiles the civil cases that were disposed of or completed during the survey period. To be completed, a case must be formally removed from the pending inventory of the court. The types of dispositions that can remove a case from a court's pending inventory include settled, discontinued, dismissed, default judgment, and final judgment. Thirty-eight percent of cases initiated in the 1994-1995 reference period reached completion within the survey period. Not surprisingly in view of a shorter survey period, January to June 1996 data indicate a lower rate of completion, with 19% of cases completed by the end of the survey period in August 1996.

Disposition patterns varied according to the type of civil action. For the 1994-1995 reference period, completed cases were distributed across all initiated case types, with employment (80%) comprising the highest proportion. In contrast, for January to June 1996 initiated cases, not a single employment matter reached disposition by the end of the survey period.

Nova Scotia data offer a more detailed view of a sub-set of completed cases that were formally indicated as settled within the survey period. For 1994-1995 initiated cases, 5% of cases were settled, representing 14% of cases completed by August 1996. For cases initiated in the January to June 1996 reference period, 6% of cases had reached

settlement, representing 32% of cases completed by August 1996. This preliminary figure provides a glimpse of the kind of information that can be used to assess the caseload management pilot project begun in the Supreme Court of Nova Scotia January 1, 1996.



In 1994-1995, the only completed cases disposed of through settlement were tort/damages (22%). In contrast, for the January to June 1996 reference period, 10% of other contract and 3% of debt collection were settled.

5.3.8 Case Processing

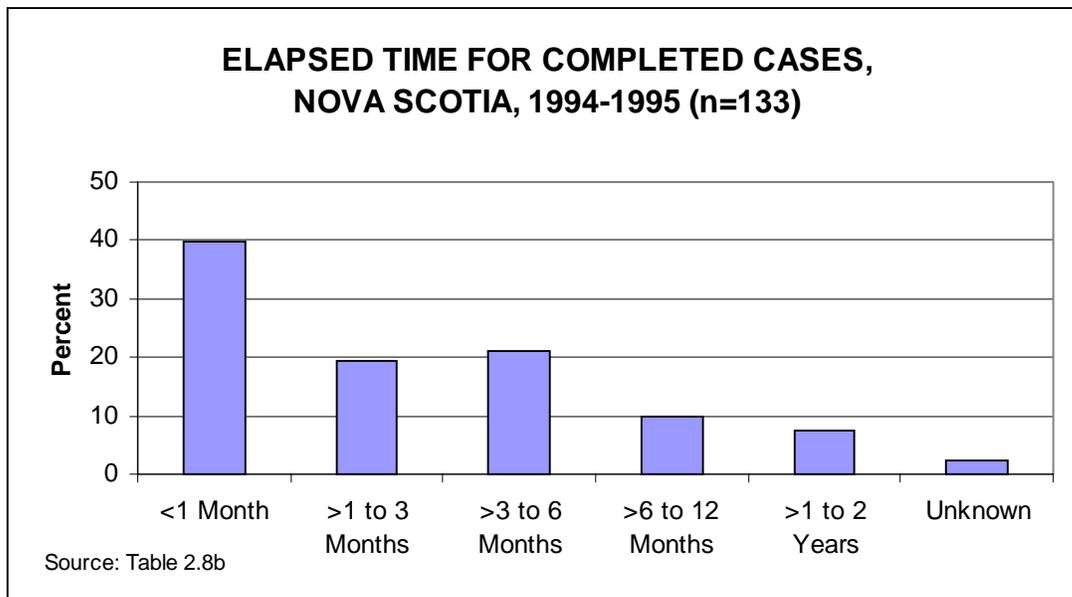
Case processing issues can be measured in a variety of ways. Key indicators include: case processing activity (the number of case appearances and types of appearances needed to process civil cases); case attrition (how many cases reach various stages of the civil process?); elapsed times (how long are cases active in the system?); delay (how long does it take a case to reach various stages of the civil process?); and pending case inventories (at any point in time, how many cases are active in the system?). This section presents data that can be used in the development of these measures.

Calculating case elapsed times permits analysis of the amount of time required for cases to reach various points in the civil process. Nova Scotia data indicate that just over one-third (38%) of cases initiated in the 1994-1995 reference period reached completion within the survey period. Cases initiated in 1994-1995 took a median elapsed time of 56 days to reach completion. Nineteen percent of those initiated between January and June 1996 reached completion, and took a median of 43 days to complete. The end of the survey period was August 1996 for cases initiated in both time periods. Therefore, elapsed time measures for 1994-1995 cases are taken from a longer survey period.

During the survey periods, different types of civil cases were completed at different rates. Keeping in mind that the data do not differentiate between cases initiated by statement of claim and those initiated by application, in 1994-1995, tort/damages (295 days) and employment (128 days) had the longest median elapsed times. For the more recent 1996 reference period, median elapsed times were fairly evenly distributed across case type with landlord/tenant (41 days) having the shortest median elapsed time and tort/damages (56 days) having the longest.

Comparable median time taken for cases to reach settlement were 287 days for 1994-1995 initiated cases, and 48 days for January to June 1996 initiated cases. In 1994-1995, tort/damages took a median of 338 days to reach settlement. For the January to June 1996 reference period, other contract had the longest time to completion – a median of 128 days.

Another way to gain increased understanding of how civil matters are processed involves establishing a profile of how the disposition of different types of civil cases is distributed over time. For 1994-1995 cases disposed of by August 1996, time taken to reach disposition was significantly clustered with 40% of cases reaching completion in less than one month, 60% reaching completion in under three months, and 80% reaching completion in under six months. Variation across time periods was evident in disposition by type of civil action with the less than one month time period accounting for 58% of other contract, 41% of debt collection, and 38% of landlord/tenant cases to reach completion.



For January to June 1996 cases disposed of during the survey period, 35% of cases reached completion in less than one month, 74% reached completion in under three months, and 88% reached completion in under six months. Even more clustering was evident for disposition by type of civil action with the less than one month time period accounting for 100% of other civil reaching completion.

5.4 CONCLUSIONS

The Nova Scotia Department of Justice study of civil caseflow has produced a database of civil cases initiated in the Supreme Court of Nova Scotia between January 1994 and June 1996. This study was able to analyze those data to produce a series of findings about types of cases and processing times in the civil court. It provides a basis for assessing the case tracking system put in place by the caseflow management pilot project January 1, 1996. Preliminary results above indicate that the proportion of cases completed within the three month and the six month period is higher under case management than for non-managed cases. A longer survey period is necessary for more detailed analysis. The benefits of event tracking increase with a longer survey period because a larger number of cases have an opportunity to reach completion.

The Nova Scotia findings also help to illustrate a broader issue. They document a situation prevalent in the civil system by demonstrating that courts maintain paper files without a clear understanding of the number that have been abandoned or completed. This suggests that courts do their daily work in the absence of firm information about number of appearances, types of appearances, and time needed to process civil cases. A major implication of this situation is that true pending case inventory cannot be calculated to inform effective case management.

Alberta Study

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6.0 ALBERTA STUDY: HIGHLIGHTS

This chapter presents data obtained from an automated extract of Alberta's Court of Queen's Bench "Civil and Sheriff Data Entry System" (CASES). The CASES extract includes microdata on cases initiated in 1991 in the Court of Queen's Bench, General Division in Calgary and Edmonton. The data extract is a census of all events that occurred during the survey period, January 1991 to October 1997.

- The number of civil court cases initiated in the Court of Queen's Bench in 1991 was 25% higher in Edmonton (22,599 cases) than Calgary (18,089 cases). For cases initiated in 1996, this gap widened to 51%.
- Cases initiated between 1991 and 1996 by statement of claim made up two-thirds of the court's caseload in Calgary. In Edmonton over the same period, statement of claim cases comprised just over half of the court's caseload.
- The defendant to case ratio in both cities was 1.3 : 1. In Calgary, the defendant to case ratio was 1.8 : 1, and in Edmonton, 1.6 : 1.
- About half of all statement of claim cases were initiated by businesses in Calgary and in Edmonton. The majority of these were contract disputes (88% in Calgary and 84% in Edmonton).
- In both Calgary and Edmonton, businesses comprised 35% of all defendants in cases initiated by statement of claim. Most businesses are sued in contract disputes.
- A large majority of plaintiffs, 88% in Calgary and 82% in Edmonton, had legal representation.
- The median claim in Calgary was \$3,889 and in Edmonton \$3,030, excluding motor vehicle claims. Statement of claim initiated cases in Calgary indicated a median claim of \$9,728 compared to \$10,937 in Edmonton, with tort/damages at \$50,000 accounting for the highest median claim amount in both cities.
- Sixty-nine percent of claims in Calgary were less than \$10,000 and 7% \$100,000 or more. In Edmonton, 61% were less than \$10,000; 14% \$100,000 or more.
- Just over 6% of the total number of cases initiated in the reference year in Calgary went to a trial ready list, with 1.8% proceeding to trial. In Edmonton, comparable percentages were 4.9 and 1.6. Statement of claim cases had a 2.2% chance of reaching trial in both cities.
- Median elapsed time until trial was 678 days in Calgary and 764 days in Edmonton. For statement of claim cases, median times were 775 and 909 days. Family matters had the shortest elapsed time until trial (404 days in Calgary; 719 days in Edmonton), while motor vehicle cases had the longest elapsed time (1,250 days in Calgary; 1,146 days in Edmonton).
- In Calgary, 55% of trial cases were completed within a two year period, compared to 48% in Edmonton. Just over 6% of cases in Calgary and 3% in Edmonton took more than five years to complete.
- Trials in Calgary (1.5 days) take one-third more court time than in Edmonton (1.0 days). Cases initiated by statement of claim take the bulk of court (judicial) time, at 2.0 days in Calgary and 1.5 days in Edmonton.
- Fifty-nine percent of trial hearings in Calgary and 74% in Edmonton take two days or less.

6.1 INTRODUCTION

This chapter presents data obtained from an automated extract of Alberta's Court of Queen's Bench "Civil and Sheriff Data Entry System" (CASES). The primary objective of the analysis is to contribute to short-term civil court information needs in Canada. In addition, it assesses the ability of Alberta's automated civil information system to supply data according to the CCJS civil National Data Requirements (NDR). In this way, it contributes to the long-term development of a national civil court survey by examining the feasibility of collecting NDR related data from a currently operating jurisdictional system. By assessing an existing jurisdictional information system, it also assists in the task of identifying potential technical challenges and estimating data collection costs.

This study examines data related to individual civil court cases and major case events in two Alberta cities: Calgary and Edmonton. Included in the analysis are annual case volume, litigant characteristics, median claim, and case processing events.

6.2 METHODOLOGY FOR ALBERTA STUDY

The CASES extract includes microdata on cases initiated in 1991 in the Court of Queen's Bench, General Division in Calgary and Edmonton. The data extract is a census of all events that occurred during the survey period, January 1991 to October 1997. All general civil cases are included with the exception of divorce, adoption, dependent adults, probate, bankruptcy, and civil Court of Appeal. Appeal includes appeals from Provincial Court decisions only.

With the exception of family matters, CASES data are comprised of a census of each type of civil action initiated in Calgary and Edmonton in the Court of Queen's Bench during the reference year. Keeping in mind that Provincial Court family cases are not included in the database, there are limitations on what is described here as "family" in the judicial districts of Calgary and Edmonton. Typically, family matters in this extract include the following kinds of things: guardianship, division of matrimonial property, and a number of enforcement related activities, such as, restraining orders, custody orders, judicial separation orders etc. Adoption, divorce files, and corollary matters within divorce files are excluded.

The first year of data entry, 1991, was chosen as the "reference year" for calculating the case initiated count. Individual cases brought to court in 1991 were then matched to all case processing events occurring between January 1991 and October 1997. Thus, two analytical files were created: a "case file" where every record is distinct and represents a case initiated in 1991; and an "event file" which contains all events from January 1991 to October 1997 pertaining to the 1991 reference year cases. The six and one-half year period between January 1991 and October 1997 is referred to as the "survey period."

Through a series of communications with the CASES Coordinator in Alberta, mapping the data extract to the NDR was achieved as accurately as time and resources permitted

(Alberta NDR Mapping Document is available on request). The case file and the event file were modified to match the NDR as closely as possible. Sometimes data were excluded when mapping could not be achieved. For example, in CASES, one case record may have several recorded judgments. It is possible for a case to receive a judgment after a chambers application, or other hearing, as well as at trial. As well, there may be several documents filed that relate to one or more of the judgments: reasons for judgment, formal judgment, judgment roll, etc. In addition, post-judgment events are recorded; for example, enforcement. Because working with the data extract to make a determination about the case completion date would be a problematic exercise, the judgment file was deemed to be unsuitable for analysis.

In the mapping exercise, two important variables were derived from the extracted data: type of initiating document and type of civil action. All study data in this chapter are presented by initiating document and type of civil action (see Alberta Data Tables, Appendix 3A).

All cases filed in the Court of Queen’s Bench in Calgary and Edmonton were classified into one of three types of initiating document: statement of claim, other, and appeal. Sometimes, the first chronological event in a case was not an obvious initiating event; for example, judgment, order to dismiss, or enforcement (Alberta Initiating Documents List is available on request). Thus, the “other” category for initiating document is large; it represents a third of Calgary’s caseload and nearly half of Edmonton’s, and includes a number of initiating activities that were not envisaged as falling within the NDR category “other” under Initiation Events, but did indeed point to initiated actions. This means that in automated civil courts, data collection is facilitated if initiating activities are distinguished from disposition activities by specific initiating document at the time of data entry.

Additionally, actions filed in both cities were broken down into six general types of civil action: contract, tort/damages, motor vehicle, enforcement, family, other civil, and unknown. The “unknown” category forms only 3% of Calgary’s caseload and 1% of Edmonton’s.

CASES has a defendant and a plaintiff file which captures information about all parties to an action. In working with the extract, all plaintiffs by counterclaim and all third parties were removed. CASES captures a single record for each plaintiff and defendant in a case. It does not, however, collect information about the sex of a litigant and in fact, categorizes on the basis of only two types of litigants; company and individual. For legal representation, CASES captures the name of the law firm that represents a litigant. Thus, if this field was blank, it was assumed that the litigant had no legal representation.

Although CASES does collect information surrounding the amount of claim, award, and costs, data quality issues prohibit analysis with respect to all except amount of claim. The difficulty stems from an inability to determine whether or not a case has been completed, and the date of case completion.

Historically, civil procedure typically fails to incorporate rules of closure - enforceable time limits and formal notification to the court that a case has been settled or abandoned. Such notice would allow formal removal of a case from the court's pending inventory. The lack of case disposition data in the Alberta database is not simply a reflection of civil procedure. Case completion information in CASES is incomplete because at times, there is no way of knowing from the database whether a case has received a judgment or whether it has been abandoned. In neither event are cases removed from the court's active pending inventory. Therefore, it is impossible to present case processing data for a cohort of completed cases.

However, CASES has a "hearing activity file" which enabled the matching of each initiated case to trial hearing information. From the hearing activity file, a sub-set of cases that proceeded to a trial ready list was created, and information for each case was attached. In this way, three case processing dates were available for examination: start date, trial ready list date, and trial hearing date. Although the date for the end of a case could not be determined, two variables were used as a proxy: the trial hearing date and actual length of time for the trial hearing. This decision was based on the assumption that the bulk of case delay occurs pre-trial.

Slight reporting differences in Calgary and Edmonton have the potential to distort comparative findings. The major reporting difference in the two cities is that Calgary does not capture claim amount in relation to motor vehicle actions. This difference is highlighted during the discussion on median claim amounts.

The following table represents the census counts that form the basis of analysis for all figures displayed in this chapter:

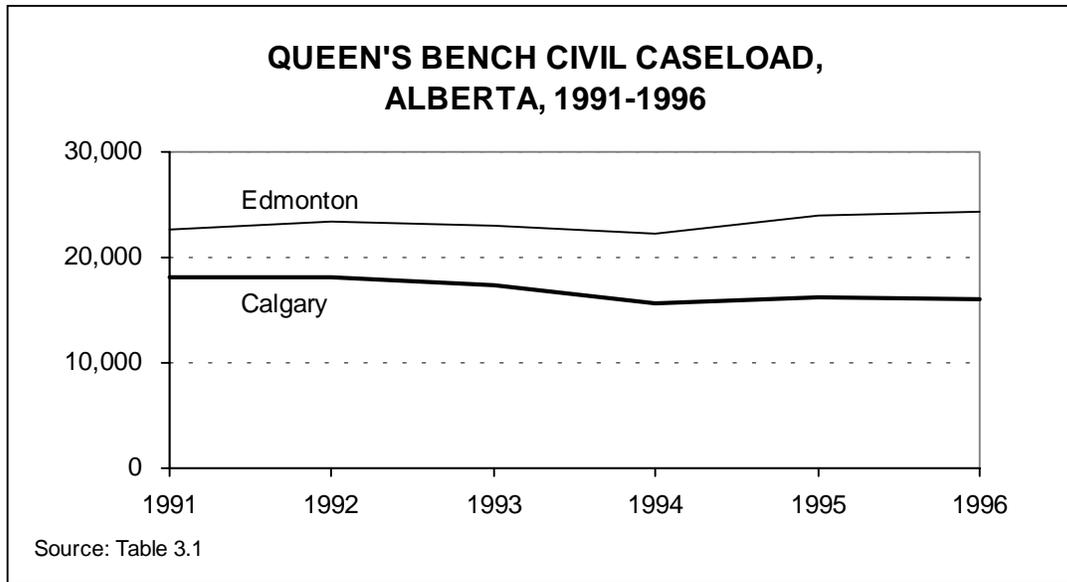
Alberta Case Population Size

Location	Statement of Claim Initiated 1991	Other Initiated 1991	Appeal 1991	TOTAL N
Calgary	12,259	5,677	153	18,089
Edmonton	12,420	10,089	90	22,599

6.3 FINDINGS

6.3.1 Civil Case Volume

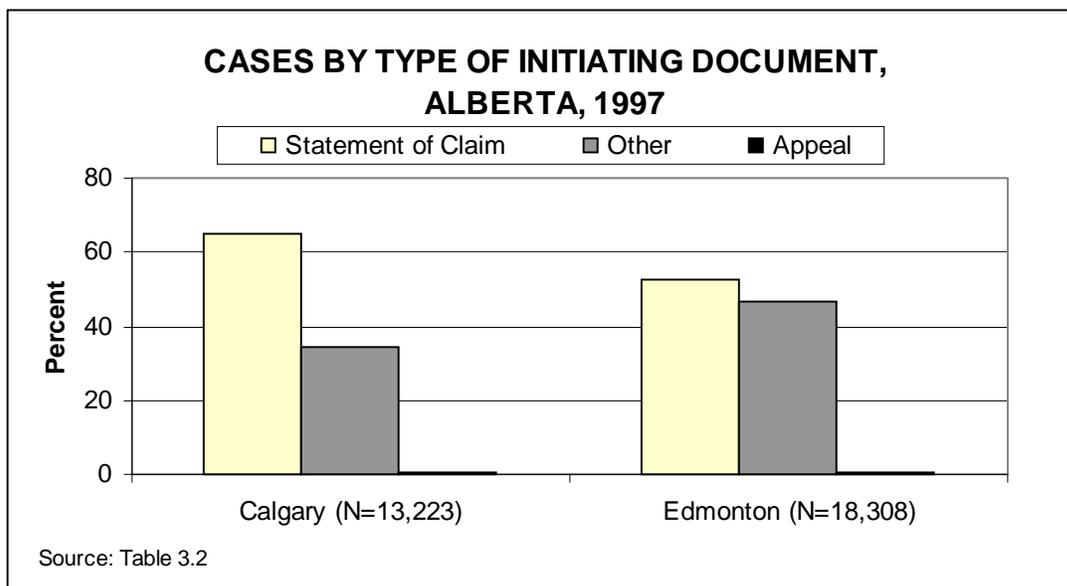
The figure below provides an overview of the case volume coming into the Court of Queen's Bench, for the 1991 reference year, and every successive year until 1996 (the last complete year of data entry).



In 1991, civil court initiated caseload was 25% higher in Edmonton (22,599 cases) than Calgary (18,089 cases). Between 1991 and 1996, initiated caseload dropped by 11% in Calgary and rose by 7% in Edmonton, widening the gap to 51% by 1996. The fact that the Judicial District of Edmonton is larger in population than the Judicial District of Calgary helps to explain the discrepancy in case volume between the two cities.

6.3.2 Type of Initiating Document

Looking at type of initiating document for each year reveals more information about the way in which cases come into court. Over the entire survey period, the proportion of cases initiated by statement of claim and “other” remained fairly stable in both cities.

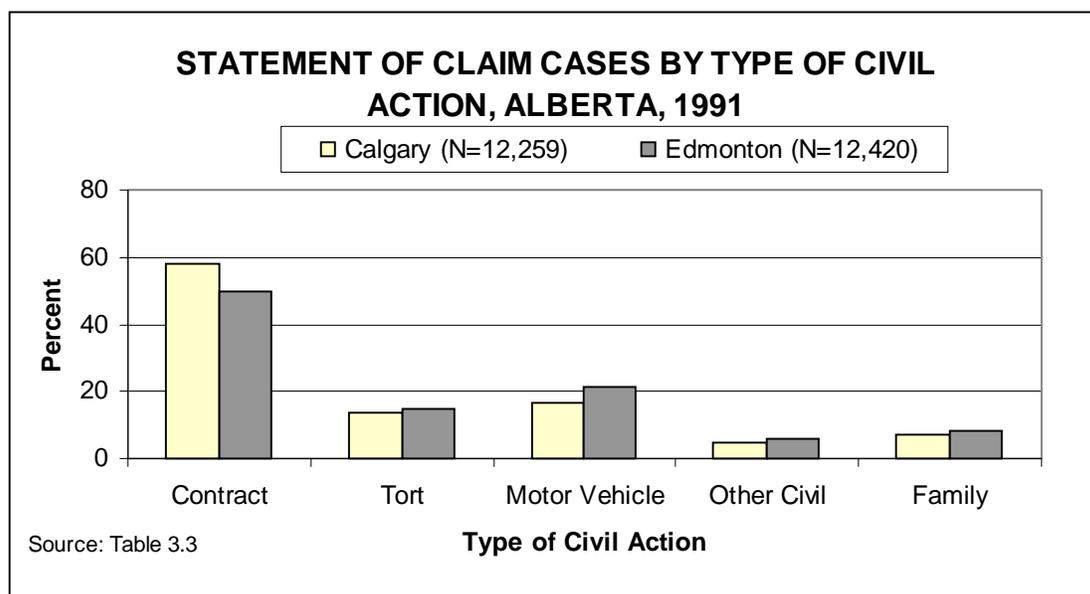


In Calgary, cases initiated by statement of claim made up between 65% and 68% of the court's caseload between 1991 and 1997, outpacing cases initiated by "other," which comprised between 31% and 35% of the annual caseload over the same seven year period. (Please note that 1997 is demonstrated here, unlike section 6.3.1, because incomplete but similar data are suitable for making proportional comparisons between the two cities.) Differences in type of initiating document were less pronounced in Edmonton, where statement of claim cases comprised between 52% and 55% of caseload, and the distribution of "other" filings was consistently higher over the same time period - between 45% and 47% of the annual caseload. As explained in the following section, the discrepancy between Calgary and Edmonton in the "other" category is due to the number of family enforcement matters filed in the Edmonton court. The 1991 proportions were maintained with little yearly variation through to 1997; Calgary consistently showed a larger percentage of statement of claim initiated matters than Edmonton.

The proportion of provincial civil appeals also remained fairly stable over a six year period in both cities. In Calgary, it fluctuated between 0.7% and 0.9% of annual caseload; and in Edmonton between 0.4% and 0.5%. The analysis in this chapter focuses primarily on matters initiated by statement of claim because these form the bulk of court work and, as shown below, they initiate a fairly even distribution of like case types between the two cities.

6.3.3 Type of Civil Action

The focus now shifts to cases initiated in the 1991 reference year. In Calgary, for matters initiated by statement of claim, the following types of civil action were noted: contract (58%), motor vehicle (17%), tort/damages (14%), family (7%) and other civil (5%). A similar breakdown was evident for Edmonton: contract (50%), motor vehicle (21%), tort/damages (15%), family (8%), and other civil (6%).



Data for the 1991 reference year indicate that differences in the number of family matters initiated by “other” largely account for the discrepancy in caseload volumes observed between the two cities. In Calgary, the proportion of family matters was 6%. By contrast, family matters made up 34% of the “other” civil caseload initiated in Edmonton. Non-Provincial Court family matters other than divorce include a large number of maintenance enforcement and affiliation files.

Because the provincial maintenance enforcement office is located in Edmonton, all orders for maintenance enforcement are filed in the Edmonton court. This helps explain the wide discrepancy between Calgary (359 cases) and Edmonton (3,388 cases) in the number of family matters initiated by “other.”

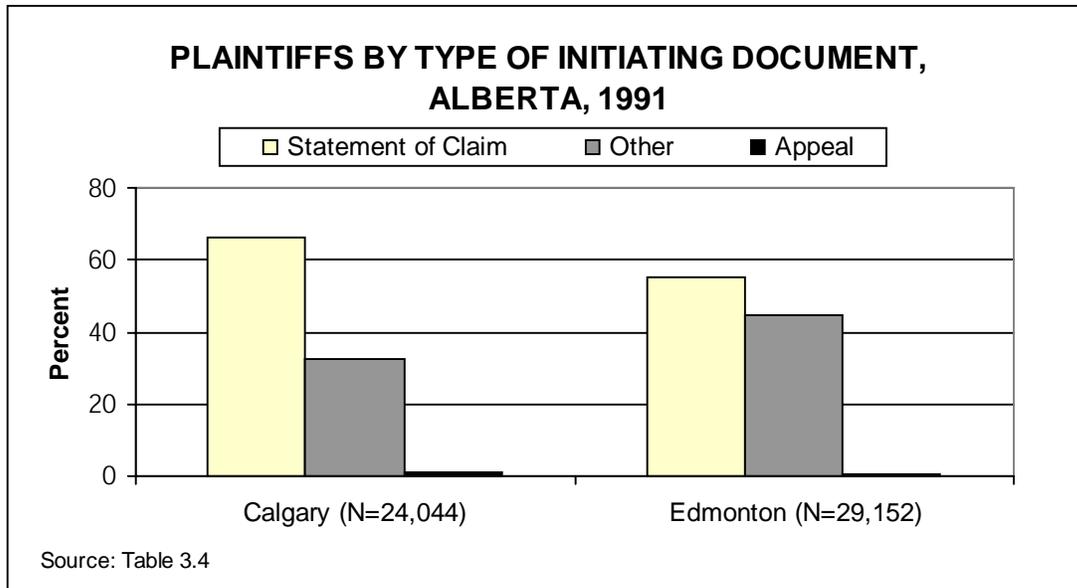
It was difficult to determine the type of civil action for appeals because for 83% of the provincial civil appeals begun in Calgary and 96% of those filed in Edmonton, type of civil action was unknown.

6.3.4 Number of Plaintiffs and Defendants

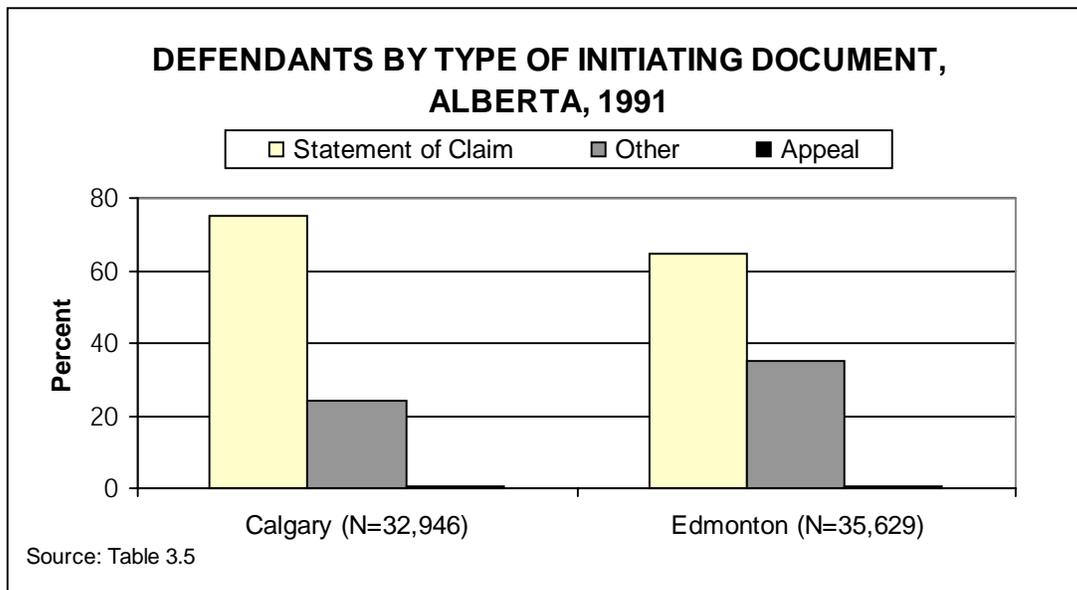
The data examined in the following two sections help to illustrate the types of parties that sought dispute resolution in the Court of Queen’s Bench during the reference year. They include all parties to an action and, therefore, reflect multiple plaintiffs and defendants rather than number of cases initiated.

In Calgary, two-thirds of plaintiffs came to court by statement of claim; in Edmonton, statement of claim plaintiffs comprised over half (55%). Filings initiated by “other” brought in one-third of the plaintiffs in Calgary, and 45% in Edmonton. Parties filing an appeal represented 0.9% of plaintiffs in Calgary and 0.4% in Edmonton.

For all cases initiated in the Court of Queen’s Bench, the plaintiff to case ratio in Calgary and Edmonton was 1.3 : 1. Within each category (statement of claim, “other,” and appeal), the plaintiff to case ratio was fairly constant, ranging between 1.3 : 1 and 1.4 : 1. As well, it was virtually identical in both cities within all three categories. For this reason, the number of plaintiffs by initiating document closely reflects the distribution of cases by initiating document (Table 3.2). It is notable that for all types of civil action in Calgary and Edmonton, the plaintiff to case ratio does not exceed 2 : 1 in Calgary, and 1.5 : 1 in Edmonton. The highest ratios in Calgary were in relation to tort/damages (2 : 1), and family (1.9 : 1) initiated by “other.” In Edmonton, the highest ratios were for tort/damages (1.4 : 1) and motor vehicle (1.4 : 1) initiated by statement of claim.



Defendant and plaintiff data show a similar distribution. During the reference year, three-quarters of defendants came to court by statement of claim in Calgary; in Edmonton, almost two-thirds came in by statement of claim. The initiated by “other” category brought in one-quarter of the defendants in Calgary, and 35% in Edmonton. Defendants brought to court by an appeal represented 0.7% in Calgary and 0.3% in Edmonton.

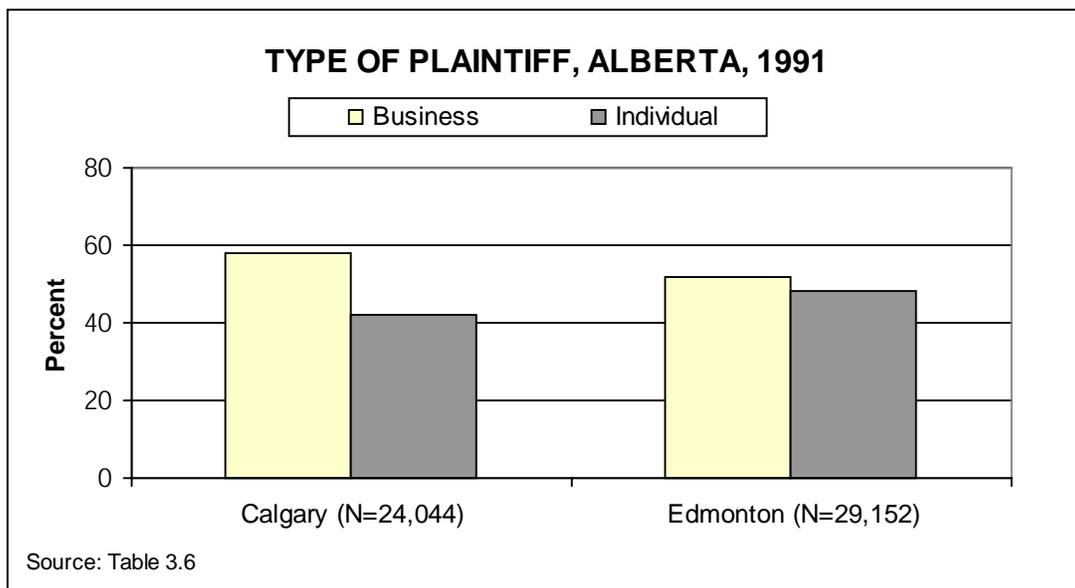


The defendant to case ratio was slightly higher in both cities than the plaintiff to case ratio. Also, the overall defendant to case ratio was slightly higher in Calgary than Edmonton. For the total Queen’s Bench caseload, Calgary’s defendant to case ratio was 1.8 : 1, and Edmonton’s 1.6 : 1. For total statement of claim cases, the ratio was 2 : 1 in

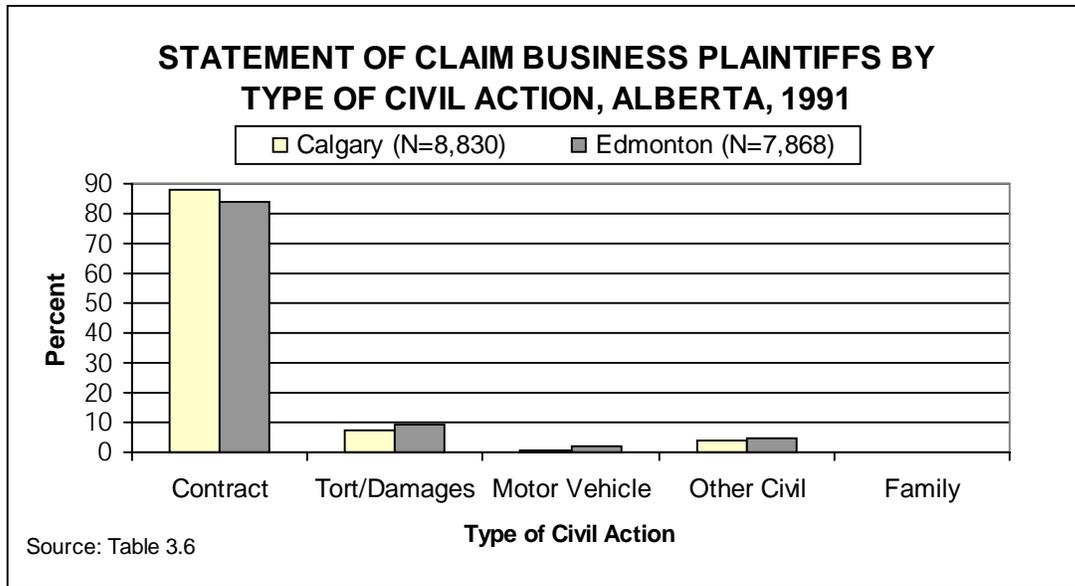
Calgary and 1.9 : 1 in Edmonton. For various types of civil action initiated by statement of claim, “other,” and appeal, the defendant to case ratio ranged between 1 : 1 and 2.7 : 1 in both Calgary and Edmonton. For all types of civil action within these categories, the ratio does not exceed 2 : 1 in Calgary and 2.7 : 1 in Edmonton. The highest ratios in Calgary were in relation to tort/damages (2.4 : 1), and other civil (2.7 : 1) initiated by statement of claim. In Edmonton, the highest ratios were for tort/damages (2.7 : 1), and other civil (2 : 1) initiated by statement of claim.

6.3.5 Type of Plaintiff

CASES data demonstrate that in Calgary, businesses comprised over half (58%) of plaintiffs, and individuals made up the remainder (42%) in all matters initiated in the Court of Queen’s Bench during the reference year. In Edmonton, businesses made up 52% of plaintiffs and individuals were 48%.

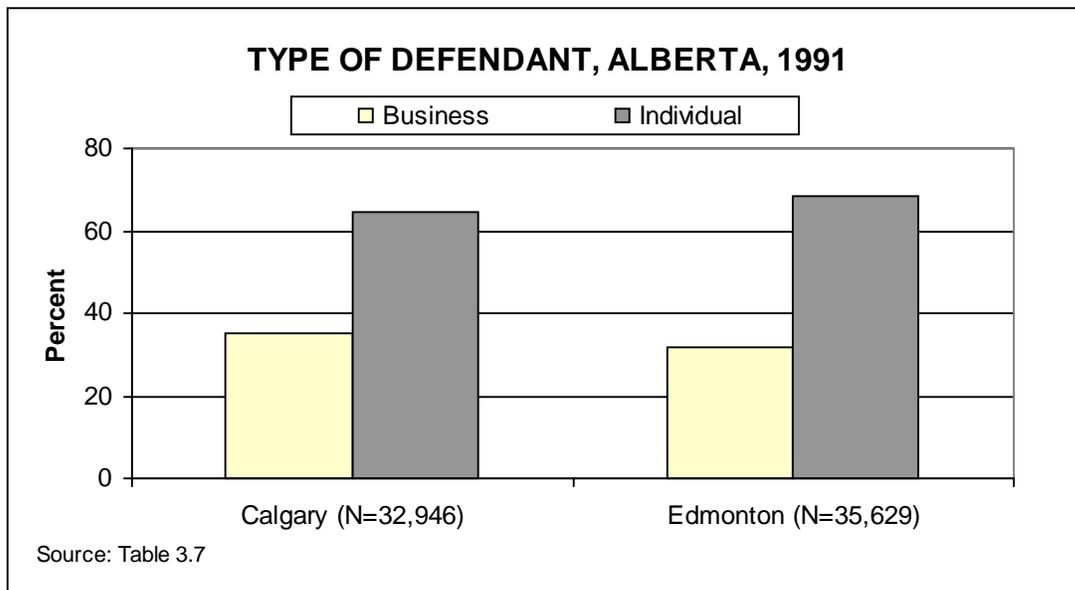


Data by type of initiating document show that in Calgary, over half (55%) of statements of claim were initiated by business plaintiffs, and in Edmonton, it was 49%. The majority of businesses initiating by statement of claim came to court for contract disputes (88% in Calgary and 84% in Edmonton). It is reasonable to look at cases initiated by statement of claim because they show a fairly even distribution of like case types between the two cities.

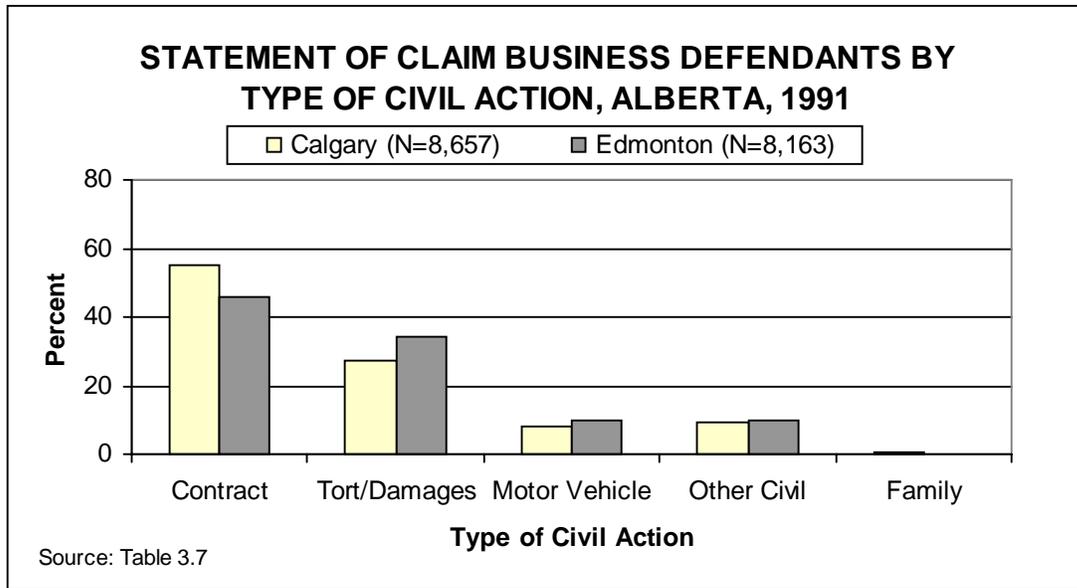


6.3.6 Type of Defendant

As multiple parties to an action, plaintiffs and defendants display a complementary pattern. For all cases initiated during the reference year in the Court of Queen’s Bench in Calgary, businesses comprised 35% of defendants, and individuals 65%. In Edmonton, businesses made up 32% of defendants and individuals 68%.

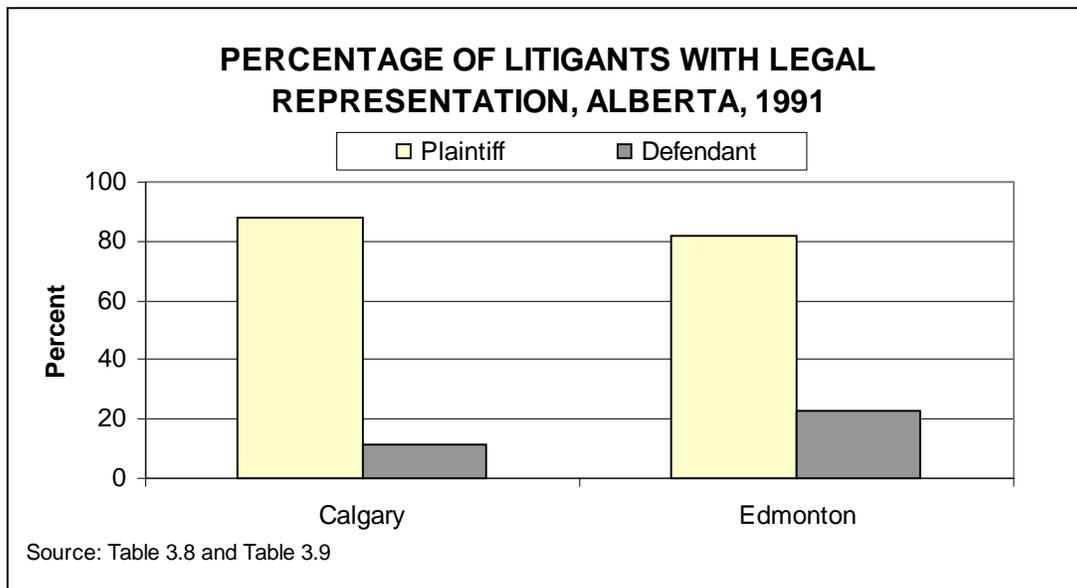


Data by type of initiating document show that in both Calgary and Edmonton, businesses comprised 35% of all defendants in cases initiated by statement of claim. The majority of businesses are sued for contract disputes (55% in Calgary and 46% in Edmonton), or for tort/damages actions (27% in Calgary and 34% in Edmonton).



6.3.7 Plaintiff and Defendant Legal Representation

Data collected in the Alberta court show that a large majority of plaintiffs had legal representation (either by a law firm or an agency) in Court of Queen’s Bench cases in both Calgary (88%) and Edmonton (82%). (In Calgary, N=24,044; in Edmonton, N=29,152.) Representation by an agency rather than a law firm is more likely reflected in the initiated by “other” category because of enforcement matters. There is variation in plaintiff legal representation between cases initiated by statement of claim (98% in Calgary and 96% in Edmonton), “other” (67% in Calgary and 64% in Edmonton), and appeal (56% in Calgary and 48% in Edmonton). However, there is little variation among types of action within the statement of claim category.



In contrast to plaintiffs, legal representation as indicated on the defendant side is comparatively low. This finding may reveal a data quality issue. “Plaintiff law firm” is a required field in CASES, but “defendant law firm” is not. Therefore, it is necessary to keep in mind that reported defendant legal representation may be an indication of how often the reporting option is exercised.

In the Court of Queen’s Bench, 32,946 defendants in Calgary had legal representation in 11% of cases. In Edmonton, 35,629 defendants had legal representation 23% of the time.

For cases initiated during the reference year, CASES data suggest some variability in defendant legal representation by type of initiating document. Defendants brought to court by statement of claim were more likely to retain counsel. For actions initiated by statement of claim in Calgary, the defendant had legal counsel 15% of the time, and in Edmonton, the defendant retained counsel 34% of the time. Depending on the type of civil action begun by statement of claim, between 9% (contract) and 23% (other civil) of defendants retained counsel in Calgary. In Edmonton, data show that between 23% (contract) and 47% (tort/damages) were represented.

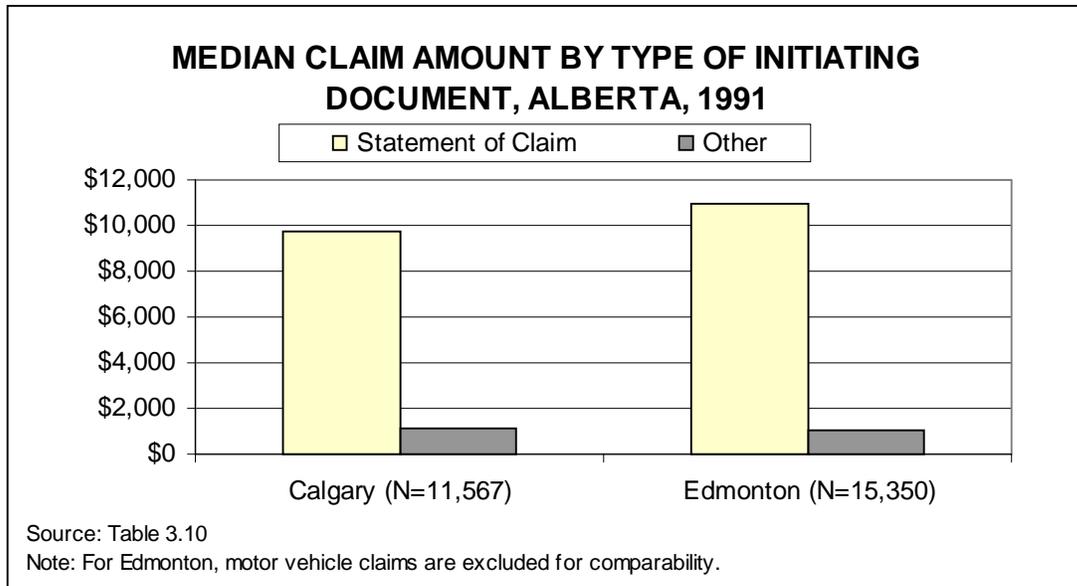
Defendants in cases initiated by “other” appeared to have reduced representation (either by agency or law firm. In Calgary, for the unknown type of civil action category, it was indicated that 5% of defendants were represented, and in Edmonton, 17% of defendants were represented.

For provincial civil appeals, CASES data show that defendants in Calgary had legal representation in only 1% of cases, and in Edmonton, they had legal representation 3% of the time.

6.3.8 Median Claim Amount

There are important reporting differences between Calgary and Edmonton for this data element. Edmonton amounts include claims in relation to motor vehicle cases, and Calgary amounts do not. For Court of Queen’s Bench cases overall, the median claim in Calgary was \$3,889 and in Edmonton \$4,712. Disregarding motor vehicle cases, the median claim in Edmonton was \$3,030.

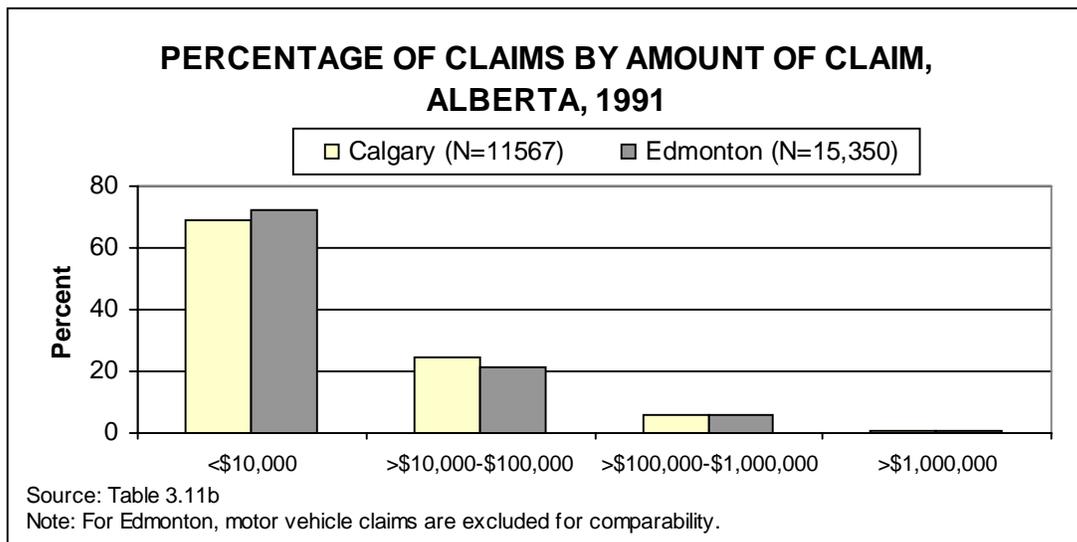
Median claim amount varied according to type of initiating document. Figures reported for statement of claim initiated cases in Calgary indicate a median claim of \$9,728 compared to \$23,427 in Edmonton. This discrepancy is largely due to the fact that amounts for motor vehicle, a type of civil action where the plaintiff typically seeks a substantial claim, is not captured in Calgary. For example, in Edmonton, the median claim for motor vehicle cases is \$100,000. If motor vehicle cases are disregarded, the median claim amounts for statement of claim initiated cases in Calgary and Edmonton are \$9,728 and \$10,937 (see figure).



These aggregate medians reflect median values for all types of civil action where damages are sought within the statement of claim category: for Calgary, contract (\$6,936) and tort/damages (\$50,000); for Edmonton, contract (\$7,344) and tort/damages (\$50,000).

In contrast to statement of claim initiated matters, claim amounts for cases initiated by “other” were substantially lower in both Calgary and Edmonton. For enforcement matters, Calgary’s median claim was \$1,110 and Edmonton’s \$1,000.

Grouping claim amounts provides a different way of looking at general civil damages sought. For those seeking a claim in Calgary, the distribution of categories were as follows: less than \$10,000 (69%), between \$10,000 and \$100,000 (24%), between \$100,000 and one million dollars (6%), over one million dollars (1%). Claims of more than one million dollars were sought in only 103 cases.

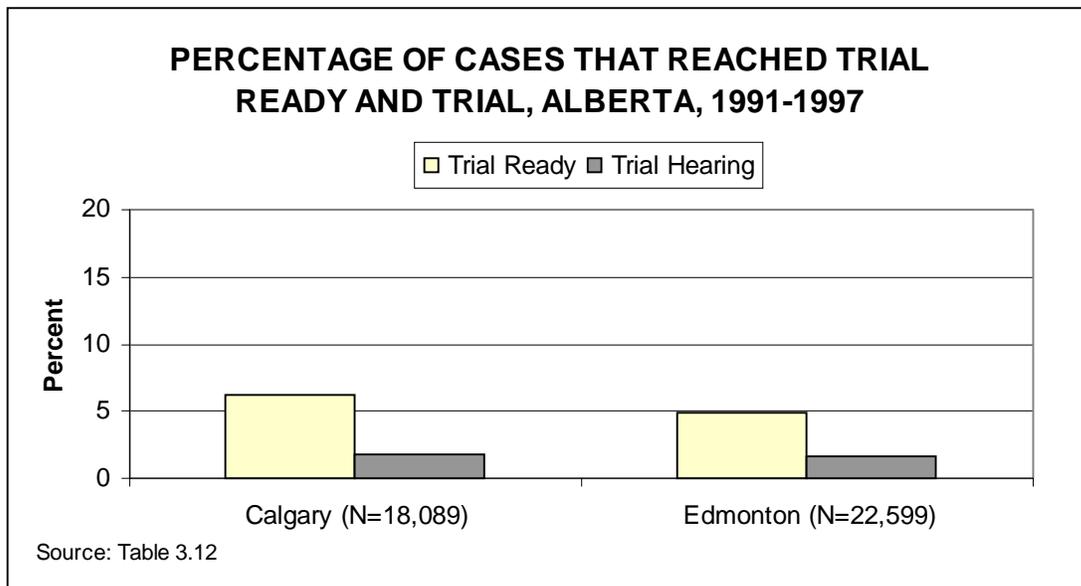


For cases in which a claim was sought in Edmonton, amounts were: less than \$10,000 (61%), between \$10,000 and \$100,000 (26%), between \$100,000 and one million dollars (12%), over one million dollars (2%). Those in Edmonton seeking over one million dollars represented 236 cases. Again, motor vehicle cases account for larger proportions in the higher claim categories in Edmonton. In order to present a comparative distribution of median claims in the two cities, motor vehicle cases in Edmonton have been excluded in the figure.

6.3.9 Case Processing

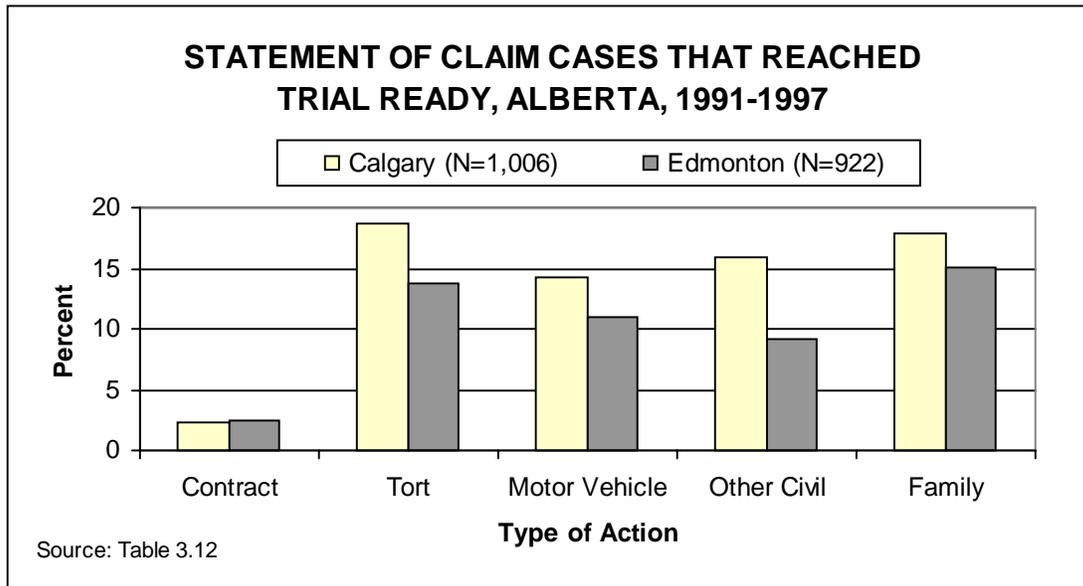
Case processing issues can be measured in a variety of ways. Key indicators include: case processing activity (the number of case appearances and types of appearances needed to process civil cases); case attrition (how many cases reach various stages of the civil process?); elapsed times (how long does it take to reach various stages?); delay (how long does it take a case to reach various stages of the civil process?); and pending case inventories (at any point in time, how many cases are active in the system?). This section presents data that can be used in the development of these measures. Case processing measures, particularly as they relate to the proportion of cases proceeding to trial; for example, percentage of cases reaching trial, time taken to do so, and trial duration, are necessarily presented using small counts. However, these are census data and the importance of trial work for the court warrants using small counts for calculating case processing measures.

Calculating case elapsed times permits analysis of the amount of time required for cases to reach various points in the civil process. Alberta data, however, do not permit an examination of completed cases. To obtain that perspective for a sub-sample of cases that go to trial, trial date was used as a proxy for date of completion.

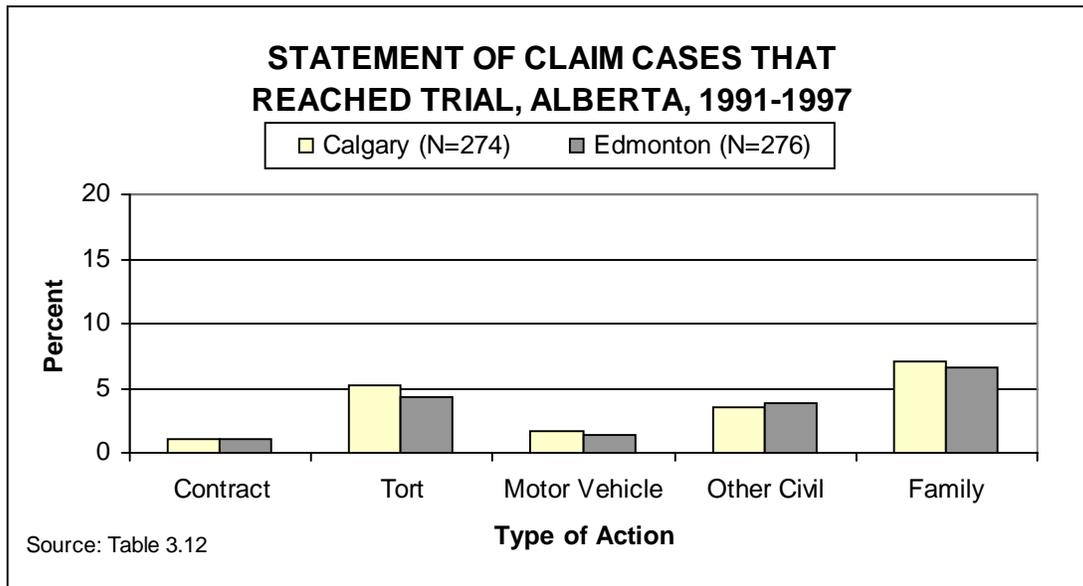


These data help address questions about the proportion of 1991 initiated cases that proceed to trial ready and to trial within the survey period, January 1991 to October 1997. There were similarities in the proportion of cases proceeding to trial between 1991 and 1997 in both cities. Just over 6% of the total number of cases initiated in the reference year in Calgary went to a trial ready list and 1.8% proceeded to trial. In Edmonton, comparable percentages were 4.9 and 1.6 for cases initiated in the 1991 reference year.

A more detailed examination of data for both cities indicates that most trial ready cases and trial cases were matters initiated by statement of claim. About 8% of statement of claim cases in Calgary and 7% in Edmonton went to a trial ready list. Two percent of statement of claim cases in Calgary and Edmonton went to trial.



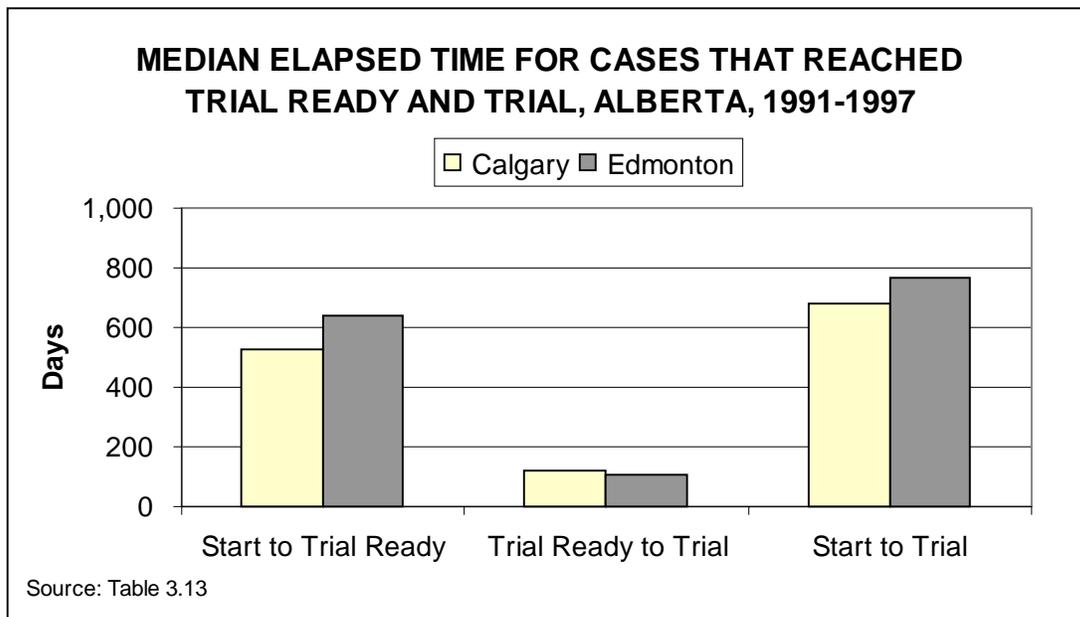
The distribution by case type under statement of claim indicates relatively small differences in the proportion of cases proceeding to trial ready in Calgary and Edmonton.



In both cities, tort/damages and family made up the largest proportion of cases going as far as trial ready and trial over the six and one-half year survey period.

In Calgary and Edmonton, 2% of “other” initiated cases went to a trial ready list and 1% proceeded to trial. By far, the largest trial component within “other” was family with 13% in Calgary and 2% in Edmonton going to trial.

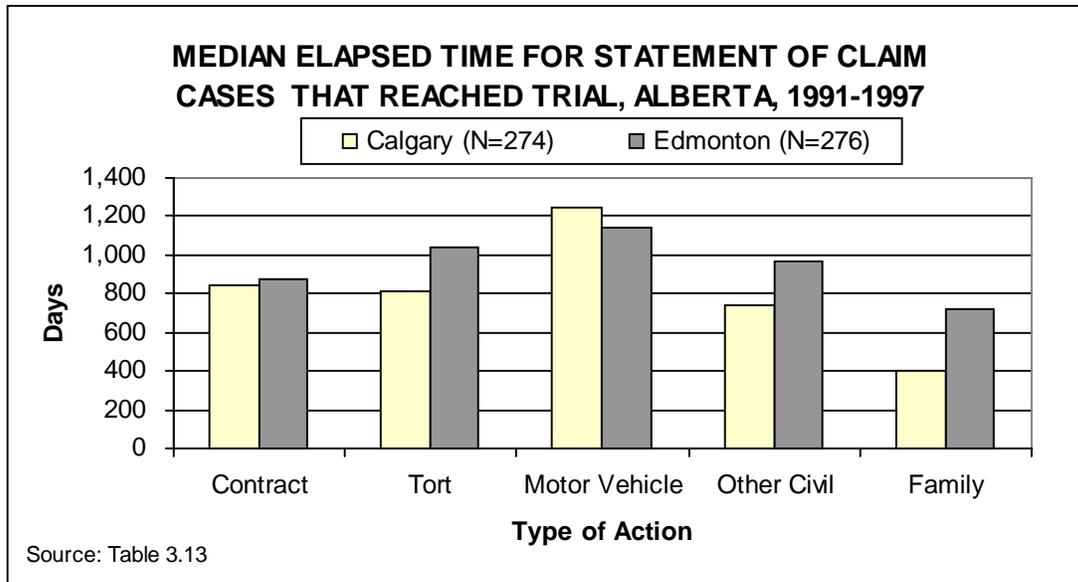
Calculating elapsed time from case initiation to trial provides information about the length of time trial cases stay active in the court’s pending inventory. In this study, trial date is used as a proxy for date of case completion. For all cases initiated in the 1991 reference year and reaching trial during the survey period in Calgary (334), Court of Queen’s Bench cases had a median elapsed time of 678 days, while Edmonton cases (355) had a median elapsed time of 764 days.



Cases that proceeded to court by statement of claim had much longer elapsed times. Calgary data indicate that statement of claim cases had a median elapsed time of 775 days until reaching trial, and “other” cases 236 days. In Edmonton, elapsed times were 909 days for statement of claim and 282 days for “other.” Case frequencies for appeals that resulted in a trial hearing are too small to be reported.

The Alberta data also showed variation among case types initiated by statement of claim. Family cases had the shortest elapsed time until trial (404 days in Calgary; 719 days in Edmonton), while motor vehicle cases had the longest elapsed time (1,250 days in Calgary; 1,146 days in Edmonton).

Variation in elapsed times was evident between Calgary and Edmonton for types of cases initiated by statement of claim that went to trial. The figure highlights the differences between Calgary and Edmonton for all types of statement of claim matters proceeding to trial, representing a total of 274 cases in Calgary, and 276 cases in Edmonton. Case



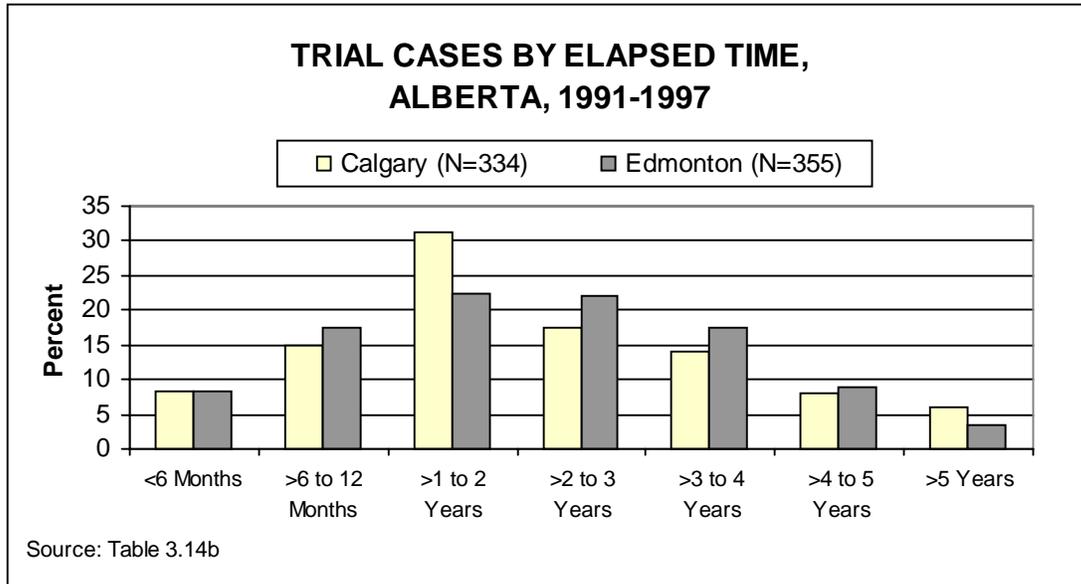
numbers proceeding to trial are small but they are census data, and because of the long survey period represent accurately the proportion of cases initiated in 1991 that proceed to trial. Note that for family cases, the median elapsed time from start date to trial date was nearly twice as long in Edmonton as in Calgary. The elapsed time for all tort cases was 815 days in Calgary compared to 1,035 days in Edmonton. Other civil and family matters showed variation as well; median elapsed times in Calgary were 737 and 404 days, and in Edmonton 964 and 719 days.

Another way to gain understanding of how civil matters are processed involves examining the amount of time taken for case completion by establishing a profile of how the disposition of different types of civil cases is distributed over time.

For cases disposed of during the survey period, Queen's Bench trial cases in Edmonton had the most even distribution with no one time period accounting for more than 22% of case dispositions. Calgary saw the "one to two" year period accounting for 31% of Queen's Bench trial cases.

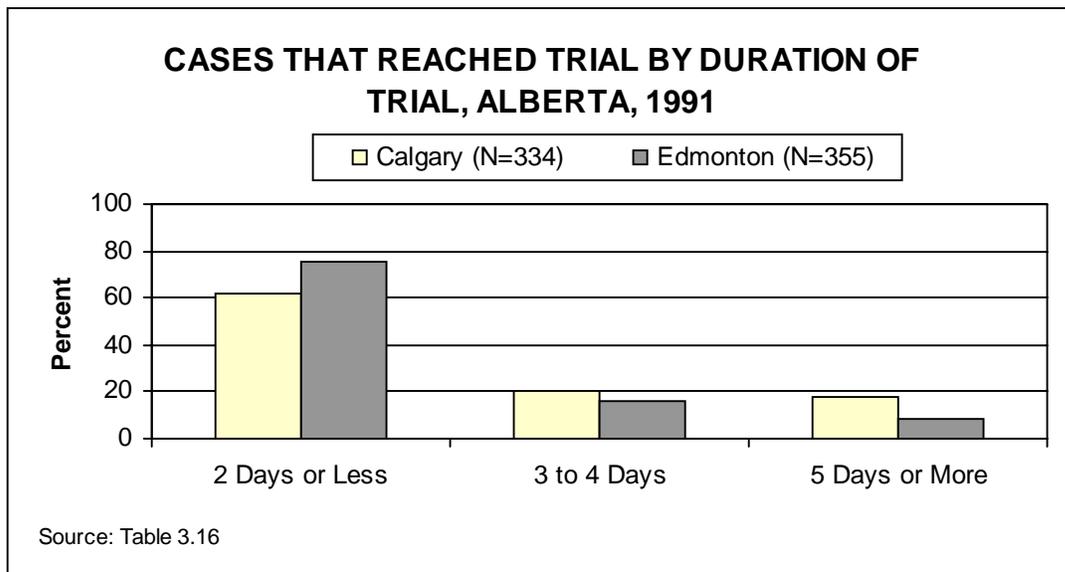
Statement of claim cases had a more even distribution than cases initiated by "other." For statement of claim cases in Calgary, no one time period accounted for more than one-third of case dispositions. In Edmonton, no one time period accounted for more than 28% of case dispositions. Dispositions for cases initiated by "other" dispositions were significantly more clustered, with two-thirds of these cases in Calgary completed in less than one year. In Edmonton, most matters (68%) were completed within one year.

The data invite analysis from another viewpoint. When are most trial cases completed? In Calgary, most Court of Queen's Bench trial cases (55%) were completed within a two year period. In Edmonton, just under half of the Queen's Bench trial cases initiated in the reference year (48%) were completed within the same time period. Six percent of these cases in Calgary, and 3% in Edmonton, took more than five years to complete.



In statement of claim matters that went to trial, 14% were completed within one year in both Calgary and Edmonton. For “other” initiated cases, 66% were completed within a one year period in Calgary, and 68% in Edmonton.

In both cities, estimated trial duration (in days) differs slightly from actual time taken for trial hearings. Trials in Calgary (1.5 days) take one-third longer than in Edmonton (1.0 days). Cases initiated by statement of claim take the bulk of court and judicial time, with 2.0 days as the estimated and actual median trial time in Calgary. In Edmonton, estimated median time (2.0 days) differed slightly from actual median time (1.5 days).



The majority of trial cases in Calgary (62%) and Edmonton (76%) take less than two

days at trial. (Included in this group are trial cases that took virtually no court time.) In fact, 82% of trial cases in Calgary and 92% in Edmonton are heard within four days. In Calgary, 18% take five days or more, and in Edmonton, 9% take five days or more.

6.4 CONCLUSIONS

The primary objectives of this study were to provide data to satisfy short-term civil court information needs, to demonstrate the ability of Alberta's Civil and Sheriff Data Entry System to supply data according to civil National Data Requirements, and to identify potential challenges for implementing a national civil courts survey. This study has offered an increased understanding of the current Alberta data collection environment, and has informed systems development planning by assessing the feasibility of collecting data from a currently operating civil information system.

An important step in assessing the feasibility of automated data collection in the civil courts involves conducting a detailed review of the existing technical environment in each province. This study takes preliminary steps in that regard and yields general as well as jurisdictionally specific information.

Particular to the civil justice system is the difficulty in determining if and when a case has reached disposition. This issue presents unique problems for collecting information about case processing. For data collection purposes, event tracking is critical because it contributes information about the frequency of case events, and the time it takes to reach a particular case processing stage. Event tracking in conjunction with case characteristics data, offer an indication of the time it takes for a case to reach completion under different conditions.

For the purpose of producing a comprehensive case record, a handful of key fields in the NDR have been deemed essential: five composite case identifier fields (Jurisdiction, Level of Court, Court Location, Type of Court, and Case Identification Number), initiating event, disposition event, and date of these events. The CASES hearing file provides information necessary for meeting many mandatory NDR event fields, although there are weaknesses in case completion data.

Saskatchewan Study

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7.0 SASKATCHEWAN STUDY: HIGHLIGHTS

This chapter presents data from an automated extract of the Queen's Bench Registry System in Saskatchewan. The most recent year of complete data (September 1996 to August 1997) was selected from both Saskatoon and Regina's Court of Queen's Bench General Division for detailed comparative analysis. Data collection on case processing began in January 1996 in Regina, making 20 months of Regina data available for case processing analysis. The 20 month period between January 1996 and August 1997 is referred to as the "survey period" and the reference period is the first six months of 1996.

- Between 1988 and 1996, cases initiated in the Court of Queen's Bench dropped by 32% in Regina and 54% in Saskatoon.
- In 1988, caseload volume in Regina was 6% lower than in Saskatoon. By 1996, Regina showed a caseload volume nearly one-third higher than Saskatoon.
- Most recent year caseload volume was 3,547 in Regina and 2,522 in Saskatoon.
- Regina reports that individuals comprised just over half (54%) of all plaintiffs; and Saskatoon reports that individuals comprised just under half (46%).
- Those bringing cases to court in Regina were businesses (35%) and government (12%) compared to businesses (39%) and government (16%) in Saskatoon.
- In Regina, individuals comprised almost three-quarters (72%) of defendants in cases begun between August 1996 and September 1997; in Saskatoon, the proportion was two-thirds.
- The remaining defendants in Regina were businesses (20%) and government (8%) compared to businesses (28%) and government (7%) in Saskatoon.
- Litigant data for the two cities demonstrate overall that businesses come to court most often as plaintiffs. Accordingly, individuals are more likely to respond to civil suits than to initiate dispute resolution in the courts.
- In Regina, two-thirds of plaintiffs and almost one-fifth of defendants had legal representation; in Saskatoon, corresponding figures are plaintiffs 65% and defendants 15%.
- In Regina, 51% of parties making a monetary claim received an award; in Saskatoon, it was 83%.
- Monetary awards were generally less than claim amounts. In Regina, the median award was 15% less than the median claim, and in Saskatoon, the median award was 17% less than the median claim.
- In Regina, the median claim (\$4,173) and the median award (\$3,548) was more than double comparable amounts in Saskatoon (\$1,844 and \$1,529).
- Forty-four percent of cases initiated in Regina during the reference period reached judgment within the 20 month survey period. The median elapsed time for these cases was 61 days.
- In Regina, about 10% of cases were withdrawn or discontinued, about 1% of cases were settled, 7% went to a discovery hearing, and only 4% went to a pre-trial hearing.
- Cases were withdrawn or discontinued within a median time of 180 days. Cases were settled within a median time of 214 days.

7.1 INTRODUCTION

This chapter presents data from an automated extract of the Queen's Bench Registry System in Saskatchewan. The primary objective of the study was to provide data to satisfy short-term civil court information needs. In addition, it assesses the ability of the Queen's Bench Registry System to supply data according to civil National Data Requirement (NDR) specifications. It therefore contributes to the long-term development of a national civil court survey by examining the feasibility of collecting NDR related data from a currently operating jurisdictional system, and assists in the task of identifying potential technical challenges.

The study examines data related to individual civil court cases and major case events in two cities: Regina and Saskatoon. Included in the analysis are caseload counts in Regina and Saskatoon Court of Queen's Bench from 1984-1997, characteristics on cases from Regina and Saskatoon Court of Queen's Bench, and a review of civil case processing in Regina.

7.2 METHODOLOGY FOR SASKATCHEWAN STUDY

In 1983, the Queen's Bench Registry System began aggregate data capture in the Court of Queen's Bench General Division in Regina and Saskatoon. The data extract from Regina and Saskatoon includes caseload information for cases initiated between January 1983 and August 1997. Microdata capture began as of January 1, 1996 in Regina, and June 1, 1996 in Saskatoon.

Case characteristics and processing data are available in Regina for cases initiated from January 1996 to August 1997 (20 months), and in Saskatoon for cases initiated from June 1996 to August 1997 (14 months). Additionally, Regina data are available for a broader range of case types. Saskatoon collects data for only the Court of Queen's Bench General Division. Since January 1996, Regina has collected electronic data for all cases initiated in the Court of Queen's Bench: estate matters (surrogate), divorce, family law, child protection, adoption, and *Victims of Domestic Violence Act* matters. All information is census data; that is, within a defined range of case types, all cases were observed.

The most recent year of complete data (September 1996 to August 1997) was selected from both Saskatoon and Regina's Court of Queen's Bench General Division for detailed comparative analysis. Since Saskatoon limits data collection to the Court of Queen's Bench General Division, these are the only data used in the comparative analysis (see Tables 4.2 to 4.5, Appendix 4A). Cases initiated in Regina between January and June 1996 were chosen to examine case processing for a time period extending to August 1997.

Saskatchewan's extract satisfies the Centre's National Data Requirements (NDR) for the following data elements: jurisdiction, court level, court location, type of court, case

identifier, amount of claim, amount of award. Partial NDR requirements can be obtained for type of civil action, type of family action, case event, date of case event, type of plaintiff, number of plaintiffs, plaintiff legal representation, type of defendant, number of defendants, defendant legal representation, costs, and enforcement. Data are not available for CRDP identification number, nature of judgment, custody judgment, custody arrangements, access judgment, support judgment, type of trial, trial days scheduled, and trial days used (Saskatchewan NDR Mapping Document is available on request).

A number of problems were encountered in analyzing the data extract. For example, mapping case events to the NDR was not a straight forward process. Through several telephone conversations with a local court registrar, however, a mapping process was identified and followed. A significant problem arose in attempting to match the case data to a specific type of civil action filed in the Court of Queen’s Bench because the subject matter of the case could not readily be identified. Table 4.6 displays how the Court of Queen’s Bench General Division is disaggregated to three types of civil action: debt, damages, other.

The first or initiating case event is typically either a statement of claim, application, petition, or appeal. In the Saskatchewan system, the mapping process was not successful in consistently identifying the initiating event. In fact, difficulties were encountered distinguishing accurately between initiating events, process events, and disposition events as identified by the NDR. For example, in Saskatchewan, a default judgment is comprised of two processing documents: “noted for default” and “judgment.” It is clear from examining the data that a case “noted for default” is usually followed by a “judgment.” But the data show that there are 300 more “noted for default” documents than there are judgments; these are placed under “default judgment” in Table 4.5. Thus, while Table 4.5 is exploratory in nature, it reveals the potential ability of the current system in Saskatchewan to meet the NDR (see Table 4.5, Appendix 4A).

Lack of an identifiable “disposition event,” is common among non-case managed civil court document tracking systems. A disposition event is the last event in a case and removes it from the court’s active pending inventory. In Saskatchewan, it is not always possible to know when a case has reached completion. This precludes calculating case attrition, elapsed times, delay, or pending case inventory on a significant sub-set of cases.

This chapter examines Saskatchewan civil court data in three different ways:

1) Caseload

Because 1983 represents the first year of data capture in Saskatchewan, data quality issues for 1983 information required that these data be excluded from the analysis. Thus, Table 4.1 (see Saskatchewan Data Tables, Appendix 4A) displays the civil court caseload in Regina and Saskatoon in the Court of Queen’s Bench General Division from 1984 until August 1997.

2) Case Characteristics

Most recent year data (August 1996 to September 1997) were used to look at civil case characteristics and to make comparisons between Regina and Saskatoon. With respect to identification of the sex of the parties, data are not reliable for all types of civil action. In 95% of divorce matters, the sex of the parties is indicated as unknown. Since it is feasible to expect that sex is an identifiable characteristic of parties involved in a divorce action, it would appear that these data were not consistently collected.

Figures for Regina from the first six months of 1996 offer a breakdown of type of litigant by sex. Figures clearly indicate that males and females came to court in equal numbers for other family and *Victims of Domestic Violence Act* as well as divorce. Slight differences can be seen in surrogate matters, where females comprised 42% and males 53% of litigants; child protection where females comprised 51% and males 43% of litigants; and adoption where 41% of litigants were female and 55% were male. The sex is unknown where figures do not add to 100%.

Legal representation is examined by displaying whether litigants had any legal representation at all for the duration of the case (Table 4.4). However, there are concerns about the interpretation of these data. Court staff in Regina and Saskatoon have indicated that a lawyer's name is not recorded for every plaintiff. For example, if three plaintiffs in a case are represented by the same counsel, this is recorded for the first plaintiff only. Defendant legal representation may be under-represented as well because it is often difficult for court staff to determine whether or not a defendant has retained counsel.

Type of plaintiff and type of defendant are broken down into three categories: individual, business, and government. In only 0.2% of cases, the type of litigant was unknown.

3) Case Processing

Regina civil court data were used to examine case processing. Because data collection on case characteristics and processing began in January 1996, there are only 20 months of data available for analysis. This study profiles civil cases initiated during the first six months of 1996. Throughout this chapter, that six month period is referred to as the "reference period." The study tracks the progress of reference period civil cases until August 1997. The 20 month period between January 1996 and August 1997 is referred to as the "survey period." Saskatoon did not begin to capture case processing information until June 1996; therefore, Saskatoon data were not used in this part of the analysis because the survey period was shorter.

Specific documents filed with the court identify if an event is scheduled to take place, such as a pre-trial hearing; however, the actual event is not recorded. This is particularly true in the case of hearings, such as, pre-trial hearings, trial hearings, etc. In such cases, the decision was made at the Canadian Centre for Justice Statistics to use the date of filing of notice of a hearing as a proxy for the hearing date. Data quality issues arise as a result of this decision, because the event will almost always occur several weeks or months after the document is filed. The reliability of information, however, about elapsed time from initiation until disposition is not affected. This is because in that

instance, the filing date is the actual date that the court receives notice that a case has been completed. For example, a notice of discontinuance filed months after a matter has been abandoned is common in civil courts.

Please note that slight reporting differences in Regina and Saskatoon have the potential to distort comparative findings. The following table represents the census counts that form the basis of analysis for all figures displayed in this chapter:

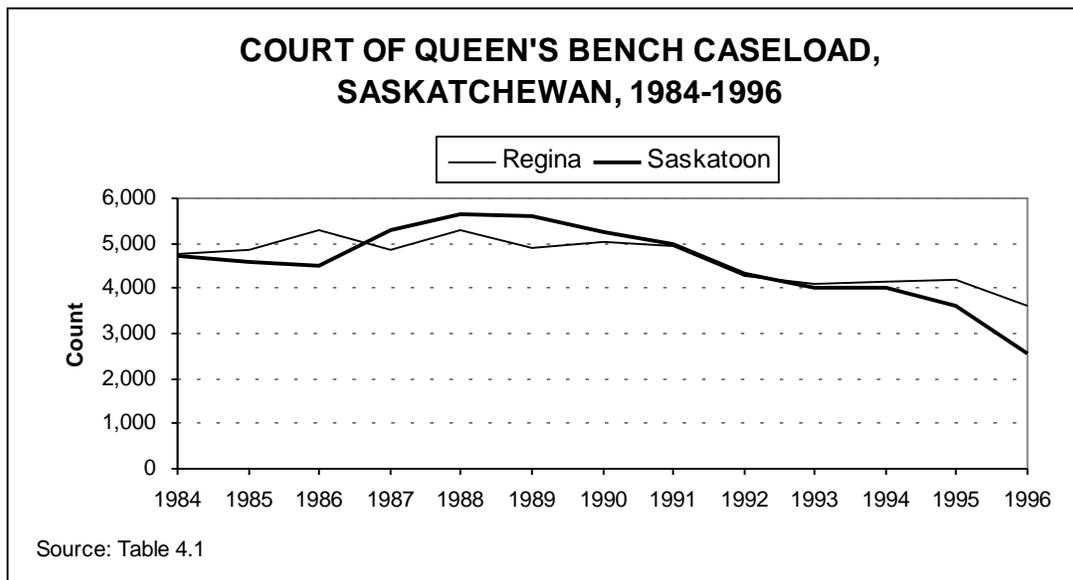
Saskatchewan Case Population Size

Location	Cases Initiated September 1996 to August 1997 (Total N)	Cases Initiated January to June 1996 (Total N) (Case Processing)
Regina	3,547	3,042
Saskatoon	2,522	

7.3 FINDINGS

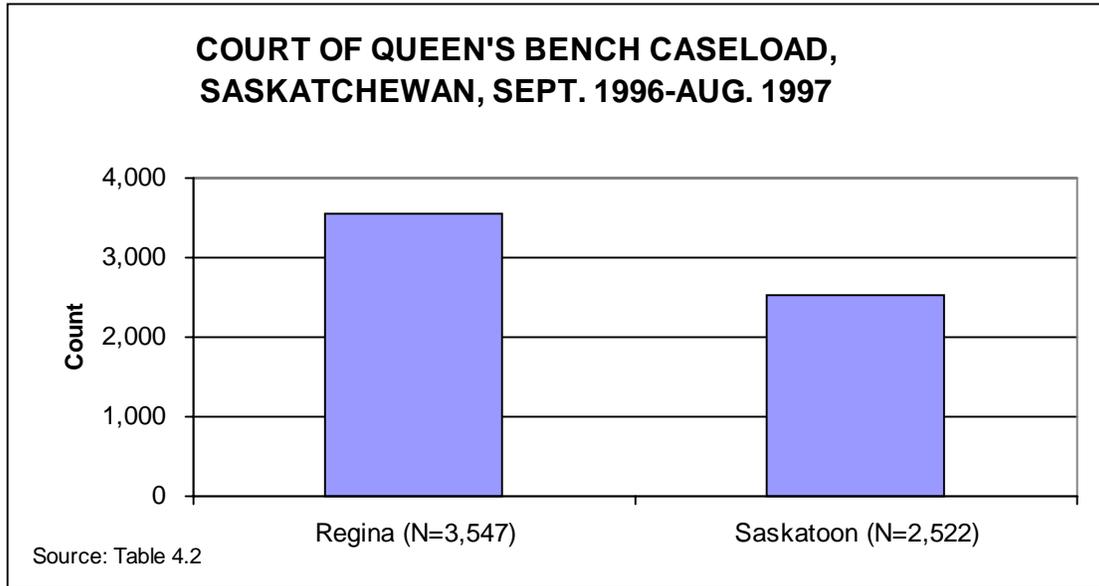
7.3.1 Civil Case Volume

For initiated cases, civil court caseload in both sites indicated declining volumes in the Court of Queen's Bench General Division over a recent eight year period. Between 1988 and 1996, cases initiated dropped by 32% in Regina and 54% in Saskatoon. Some possible explanations for the decline: after 1990, foreclosures were no longer double counted by the court; after 1995, for personal injury claims, award amounts were standardized. In 1988, caseload volume in Regina was 6% lower than in Saskatoon. By 1996, Regina showed a caseload volume 29% higher than Saskatoon. Saskatchewan officials remarked that the Regina court is busier than the Saskatoon court.



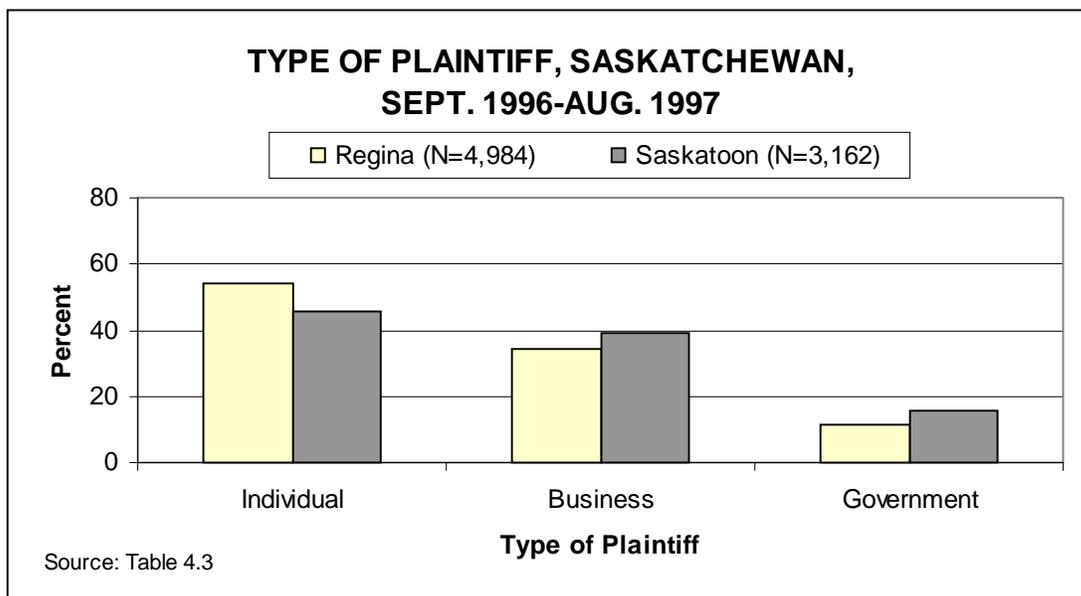
7.3.2 Case Characteristics

Most recent year data (September 1996 to August 1997) used to make analytic comparisons between Regina and Saskatoon are comprised of 3,547 cases in Regina and 2,522 cases in Saskatoon.



7.3.3 Type of Plaintiff

The data examined in this section help to illustrate the types of parties that sought dispute resolution in the civil courts during the reference year. Most recent year data for type of plaintiff are available for 4,984 plaintiffs in Regina and 3,162 plaintiffs in Saskatoon.



In Regina, they show that individuals comprised more than half (54%) of all plaintiffs in cases initiated between September 1996 and August 1997. The remaining plaintiffs initiating cases were: businesses (35%) and government (12%).

In Saskatoon, the distribution is similar, with 46% of civil cases initiated by individuals, 39% by businesses, and 16% by government.

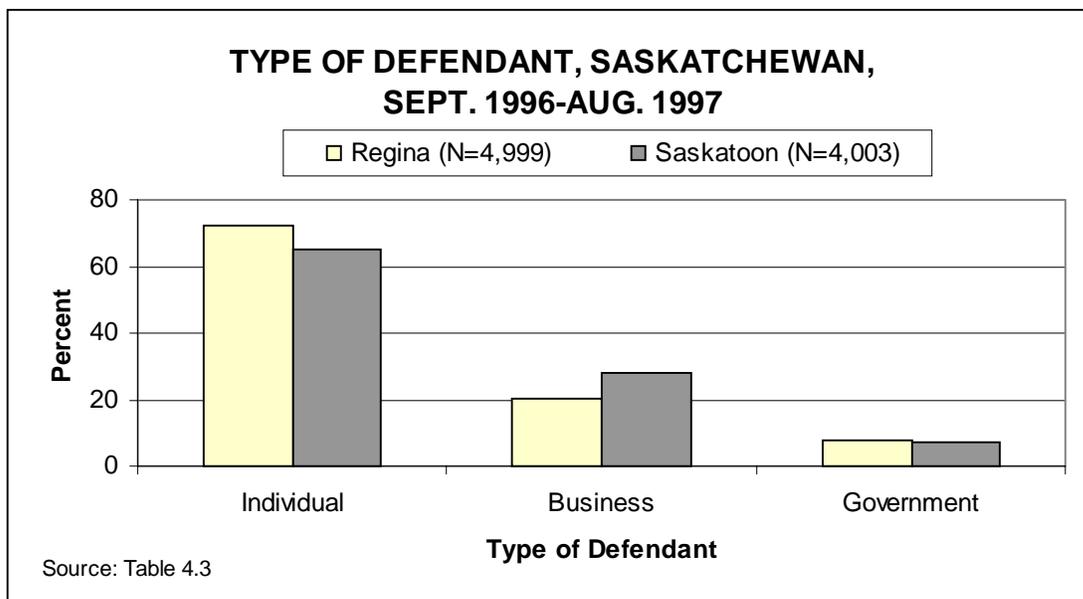
7.3.4 Type of Defendant

Defendants are called to court in response to an initiating action. Consequently, the distribution of those defending a civil action can be looked at in relation to the distribution of plaintiffs. Most recent year data for type of defendant are available for 4,999 defendants in Regina and 4,003 defendants in Saskatoon.

In Regina, data show that individuals comprised 72% of all defendants in cases begun between September 1996 and August 1997. The remaining defendants were: businesses (20%) and government (8%).

In Saskatoon, the proportional distribution is similar, with 65% of defendants comprised of individuals, 28% businesses, and 7% government.

Because of the broad range of civil actions in the Court of Queen's Bench General Division, the relationship between plaintiffs and defendants is complex. However, these data suggest that businesses come to court most often as plaintiffs. Thus, businesses are more likely to sue than to be named in a civil suit. Accordingly, individuals respond to civil suits more often than they initiate dispute resolution in the courts.

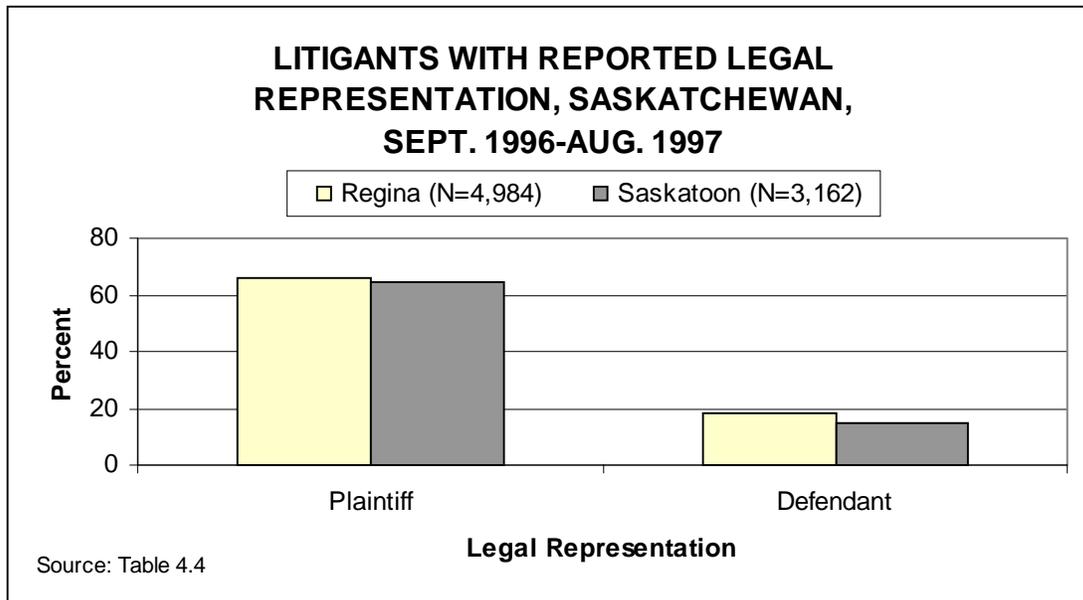


7.3.5 Plaintiff and Defendant Legal Representation

Cases initiated in the reference year were comprised of 9,983 litigants in Regina and 7,165 litigants in Saskatoon. In Regina, out of a total of 4,984 plaintiffs and 4,999 defendants, 66% of plaintiffs (3,279) and 18% of defendants (907) had legal representation indicated in the case file.

Saskatoon shows a legal representation pattern similar to that in Regina. Based on 3,162 plaintiffs and 4,003 defendants, legal representation was reported for 65% of plaintiffs (2,041) and 15% of defendants (592).

Legal representation was not indicated for the remaining parties, either because they did not retain counsel, it was unknown whether they retained counsel, or it was not recorded by court staff.



7.3.6 Median Claim, Award

At case completion, considerably fewer monetary claims were satisfied in Regina than in Saskatoon. In Regina, 51% of parties making a monetary claim received an award; in Saskatoon, it was 83%. Consultation with Saskatchewan officials did not provide an explanation for this discrepancy.

For cases completed between September 1, 1996 and August 31, 1997, median monetary awards were generally less than median claims. In Regina, the median award (\$3,548) was 15% less than the median claim (\$4,173), and in Saskatoon, the median award (\$1,529) was 17% less than the median claim (\$1,844).

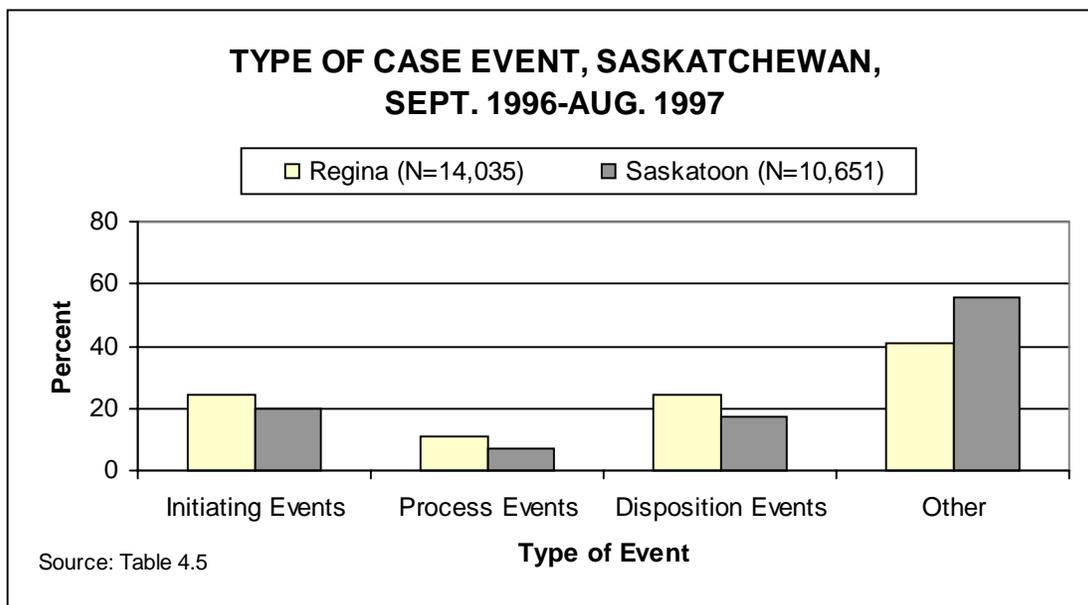
It is interesting to note that claims and awards in Saskatoon were significantly lower than in Regina, indicating possible variation in type of civil action and/or plaintiff characteristics between the two cities. In Regina, the median claim (\$4,173) and the median award (\$3,548) was more than double comparable amounts in Saskatoon (\$1,844 and \$1,529).

7.3.7 Case Processing

Court document tracking systems, like the Saskatchewan Queen's Bench Registry System, accommodate mandatory and optional filing requirements in the civil system. Such data are detailed and provide information about the volume of paper filings attached to an individual case.

From a data collection perspective, tracking systems merely reflect the case events that have taken place. In the absence of actual case event information, a filed notice for an event can be used as a proxy for the event itself; for example, a certificate of readiness served and filed with the court can serve as a proxy for a trial ready list. To the extent that proxies accurately reflected or predicted case events, they were mapped to the civil justice National Data Requirements (see Saskatchewan NDR Mapping, Appendix 4B). This was done as an adjunct to the current data analysis exercise in Saskatchewan, so that an assessment of Saskatchewan's readiness to participate in a national civil courts survey could be made.

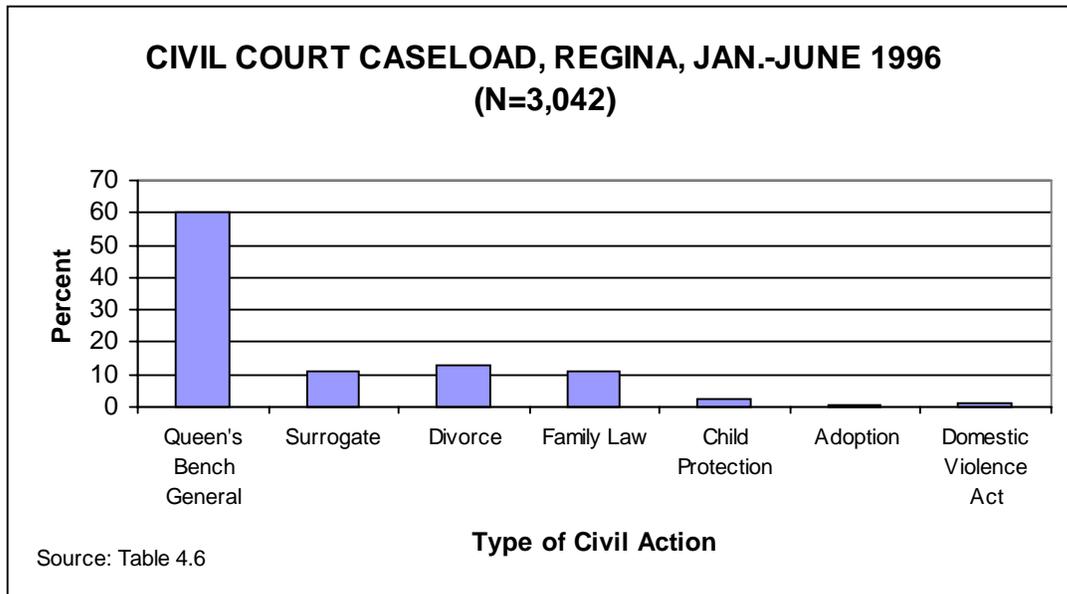
Many of the filings in the province's electronic documentation system have no utility for a national civil courts survey; for example, affidavits, memos to the judge, minutes of meetings, duplicate documents, etc. In Regina, 41% of the system's events are unrelated to the NDR. In Saskatoon, 56% of the events tracked by documents are unrelated to the NDR.



Conversely, the types of initiating, process, and disposition events tracked in the Queen's Bench Registry System in Saskatchewan that match the NDR make up 59% of events in Regina and 44% of events in Saskatoon.

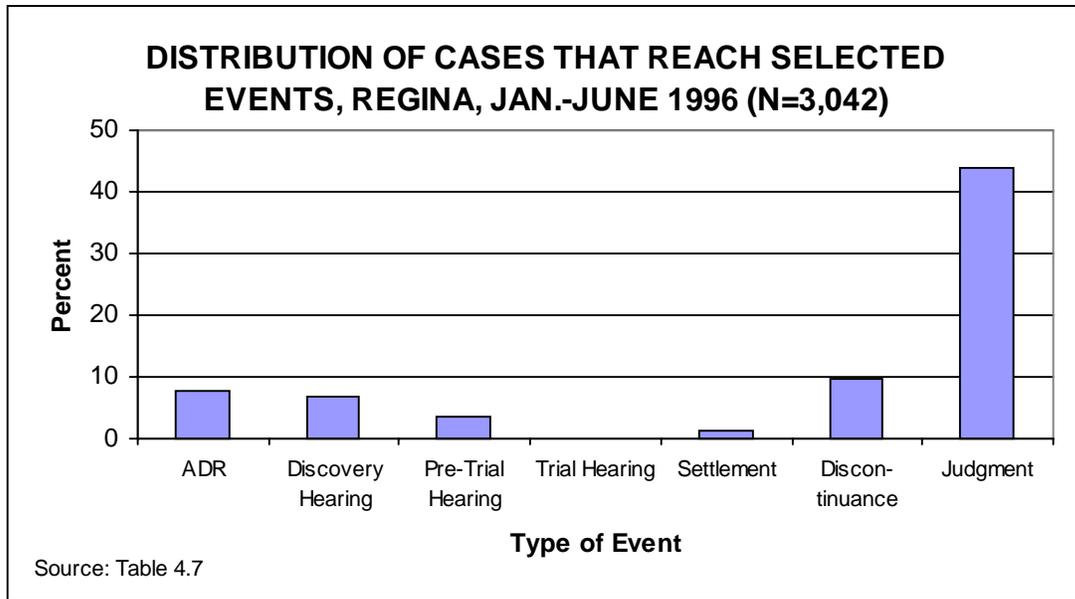
January to June 1996 initiated case data in Regina offer 20 months of case processing information for the purpose of calculating type of case event reached, elapsed time (days between case events), and case attrition (days until disposition). Throughout this chapter, the six month period from January to June 1996 is referred to as the "reference period." This study tracks the progress of cases initiated in the reference period in Regina until August 1997. The 20 month period between January 1996 and August 1997 is referred to as the "survey period." Please note that reference period cases that were not completed by August 1997 were excluded from all analysis incorporating completed case data.

A total of 3,042 cases were initiated in the Regina Court of Queen's Bench General Division between January and June 1996. The Court of Queen's Bench General Division caseload is comprised of debt (37%), damages (8%), and other (16%). Remaining Court of Queen's Bench civil caseload in Regina (40%) falls into the following categories: divorce (13%), family law (11%), surrogate (11%), child protection (3%), adoption (1%), and *Victims of Domestic Violence Act* (1%).

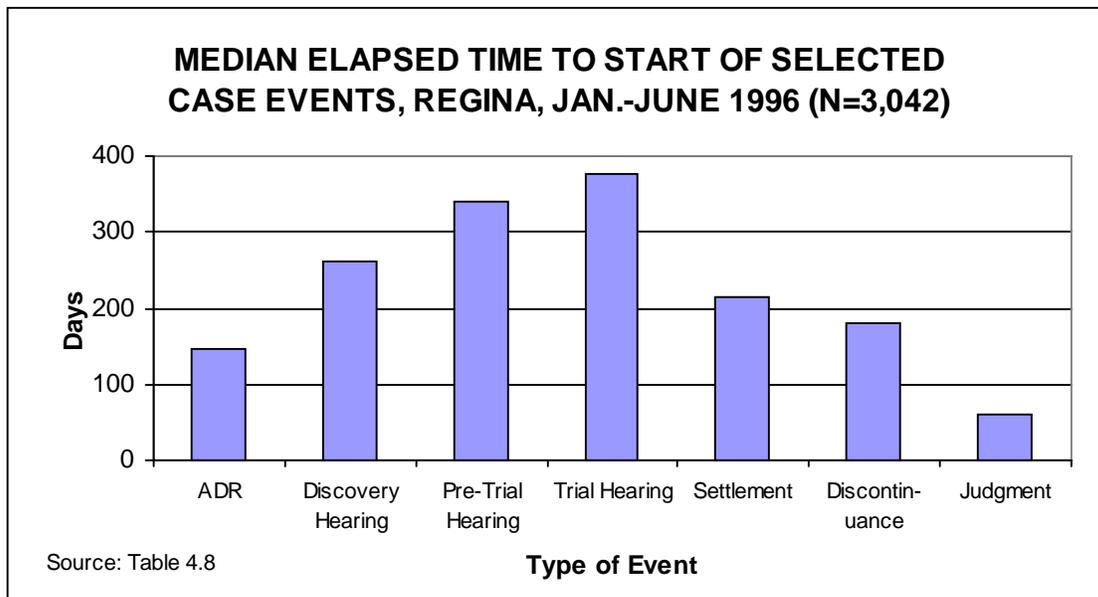


Case processing issues can be measured in a variety of ways. A broad array of processing events permits a measure for case attrition (how many cases reach various stages of the civil process?) and delay (how long does it take a case to reach various stages of the civil process?).

Forty-four percent of cases initiated in Regina during the reference period reached judgment within the 20 month survey period. Because more than one judgment per case can occur, the figure is likely inflated. However, it is as likely that difficulty mapping notices of events to NDR event categories has offset that inflation.



The median time until judgment for cases initiated during the reference period in Regina was 61 days. About 10% of cases were withdrawn or discontinued – this occurred within a median 180 days. Only 7% of cases went to a discovery hearing, and they did so within a median time of 261 days. The 1% of cases that settled required a median time of 214 days, well before the 340 day point at which a pre-trial hearing takes place (4%). However, cases that proceeded to trial ready had much longer elapsed times. Few cases proceed to trial and even fewer have an opportunity to do so within a 20 month survey period. Only 3 cases proceeded to a trial hearing (0.1%) within the 20 month survey period, and they took a median time of 377 days to do so.



7.4 CONCLUSIONS

The primary objectives of this study were to provide data to satisfy short-term civil court information needs, to demonstrate the ability of the Saskatchewan Queen's Bench Registry System in Saskatchewan to supply data according to civil National Data Requirement (NDR) specifications, and to identify potential challenges for implementing a national civil courts survey. This study has offered an increased understanding of the current Saskatchewan data collection environment, and has informed systems development planning by assessing the feasibility of collecting data from a currently operating civil information system.

An important step in assessing the feasibility of automated data collection in the civil courts involves conducting a detailed review of the existing technical environment in each province. This study takes preliminary steps in that regard and yields important general as well as jurisdictionally specific information.

For data collection purposes, civil court document tracking systems provide less information than event tracking systems. Findings demonstrate that many of the filings in document tracking systems, like the Saskatchewan Queen's Bench Registry System, have limited utility for a national civil courts survey.

In order to collect the kind of information that will produce a comprehensive record for each case, the CCJS has deemed essential a handful of key fields in the civil NDR. These mandatory requirements can be partially met under the conditions that prevail in document tracking systems; modifications or additions are needed for such systems to fully meet mandatory fields. In Saskatchewan, recording case event dates will allow hearing dates to be collected.

Particular to the civil justice system is the difficulty in determining if and when a case has reached disposition. This presents unique problems for collecting information about case progression and the work of the courts. For data collection purposes, case event information is critical because it contributes information about the stage of the civil process a case has reached, the number of cases that reach a specific stage, and the time it takes to do so. The benefits of event tracking increase with a longer survey period because a larger number of cases have an opportunity to reach selected points, such as trial or completion. Event tracking in conjunction with case characteristics data, offer an indication of the time it takes for a case to reach completion under different conditions.

CONCLUSION

In 1997-1998, in conjunction with a national Civil Justice Work Group, the CCJS undertook two major activities in the civil justice area: 1) development and refinement of a set of National Data Requirements (NDR) for a civil court survey, and 2) data collection as the basis of four civil court Special Studies. These two activities were mutually supportive; the NDR defined the information needs for the data collection and analysis conducted for each study. In this way, the studies served as a test for the NDR and, therefore, a confirmation of their applicability for national data collection.

As a result of these endeavors, the civil NDR underwent many refinements, and in May 1998, a set of NDR was approved by the Liaison Officers Committee, a national committee of justice system representatives. The NDR define the survey scope, content, variable definitions, and standards that will direct the implementation of a civil court survey in Canada. The Special Studies represent a timely and effective demonstration of analytic possibilities in the civil courts area. They reveal precisely the kind of information that a national civil court survey could provide on a regular basis.

The studies produced results that demonstrate the potential benefits of full case disposition information for the civil justice system. Data from the Special Studies allowed an exploration of disposition patterns for different types of subject matter and the kinds of litigants in the civil courts. By defining the data collection limitations associated with the absence of complete case disposition information, the study results revealed some of the impediments facing administrators in non-case managed courts, and highlighted the potential value of case management in the civil court system. The difficulty is that court administrators in non-case managed courts have no way of knowing whether or not cases have been completed. This means that they are involved in scheduling hearings and managing caseload without knowing the actual size of the pending caseload. Case management, by helping to give cases a known disposition status, would enable improved calculation of pending case inventories.

Quite apart from the stated study objectives, the Special Studies highlighted the limitations of using multiple data sources. The exercise of using existing data and data-sets to derive information posed significant difficulties. Variation in variable definitions prevented directly comparing results. Among the four jurisdictions studied, differences in reference and survey periods prohibited drawing general conclusions about elapsed time required for a case to reach trial or disposition. This situation highlights the benefits of establishing a national survey that produces comparable data.

The release of these findings comes at a critical time because a number of jurisdictions are fully engaged in building or modifying automated court systems. As well, jurisdictions are examining case management in an attempt to increase the speed of case processing and lessen backlog in the courts. Effective case management has the ability to proactively move cases through the courts. Case management requires enhanced and specific information, and opens up new possibilities for systems development, both as a tool for managing aggregate caseload and for tracking individual case progress.

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Appendices

APPENDIX 1A: Ottawa Data Tables

Table 1.1
Initiated Cases by Type of Civil Action, Ottawa, 1994

TYPE OF CIVIL ACTION	Count	Percent by Initiating Document	Percent by Sub-Category
TOTAL CASES	10,843		100.0
STATEMENTS OF CLAIM	3,542	100.0	32.7
Nontrial Ready	3,335	94.2	100.0
Debt Collection	1,744	49.2	52.3
Contract	711	20.1	21.3
Motor Vehicle	-	-	-
Malpractice	220	6.2	6.6
Other Tort	559	15.8	16.8
Other Civil	102	2.9	3.0
Trial Ready	169	4.8	100.0
Debt Collection	42	1.2	24.9
Contract	71	2.0	42.0
Motor Vehicle	24	0.7	14.2
Malpractice	8	0.2	4.7
Other Tort	20	0.6	11.8
Other Civil	4	0.1	2.4
Trial	38	1.1	100.0
Debt Collection	5	0.1	13.2
Contract	21	0.6	55.3
Motor Vehicle	2	0.1	5.3
Malpractice	2	0.1	5.3
Other Tort	7	0.2	18.4
Other Civil	1	0.0	2.6
APPLICATIONS	4,797	100.0	44.2
Nontrial Ready	4,791	99.9	100.0
Landlord/Tenant	3,792	79.1	79.2
Other	999	20.8	20.8
Trial Ready	5	0.1	100.0
Landlord/Tenant	4	0.1	80.0
Other	1	0.0	20.0
Trial	1	0.0	100.0
Landlord/Tenant	1	0.0	100.0
Other	-	-	-
DIVORCE PETITIONS	2,504	100.0	23.1
Nontrial Ready	2,459	98.2	100.0
Trial Ready	38	1.5	1.5
Trial	7	0.3	0.3

Table 1.2a
Initiated Cases by Type of Plaintiff, Ottawa, 1994

TYPE OF CIVIL ACTION	Male(s)	Female(s)	Male(s) & Female(s)	Business(es)	Gov't	Other	Row Total
TOTAL CASES	2,362	2,162	768	4,902	614	--	10,843
STATEMENTS OF CLAIM	568	559	357	1,901	123	--	3,542
Nontrial Ready	508	525	322	1,828	119	--	3,335
Debt Collection	119	85	--	1,371	102	--	1,744
Contract	169	102	68	372	-	-	711
Motor Vehicle	-	-	-	-	-	-	-
Malpractice	--	68	68	--	-	--	220
Other Tort	169	220	135	--	-	-	559
Other Civil	-	--	-	--	--	-	102
Trial Ready	48	26	30	61	4	-	169
Debt Collection	2	-	-	40	-	-	42
Contract	36	11	4	19	1	-	71
Motor Vehicle	3	6	14	-	1	-	24
Malpractice	2	3	2	1	-	-	8
Other Tort	3	5	10	1	1	-	20
Other Civil	2	1	-	-	1	-	4
Trial	12	8	5	12	-	1	38
Debt Collection	-	1	-	4	-	-	5
Contract	7	5	2	7	-	-	21
Motor Vehicle	1	-	1	-	-	-	2
Malpractice	2	-	-	-	-	-	2
Other Tort	2	2	2	1	-	-	7
Other Civil	-	-	-	-	-	1	1
APPLICATIONS	1,017	152	135	3,000	492	-	4,797
Nontrial Ready	1,016	152	135	2,996	491	-	4,791
Landlord/Tenant	643	102	--	2,573	440	-	3,792
Other	372	--	102	423	51	-	999
Trial Ready	-	-	-	4	1	-	5
Landlord/Tenant	-	-	-	3	1	-	4
Other	-	-	-	1	-	-	1
Trial	1	-	-	-	-	-	1
Landlord/Tenant	1	-	-	-	-	-	1
Other	-	-	-	-	-	-	-
DIVORCE PETITIONS	777	1,451	276	-	-	-	2,504
Nontrial Ready	772	1,423	264	-	-	-	2,459
Trial Ready	5	23	10	-	-	-	38
Trial	-	5	2	-	-	-	7

Table 1.2b
Initiated Cases by Type of Plaintiff, Percent Distribution, Ottawa, 1994

TYPE OF CIVIL ACTION	Male(s)	Female(s)	Male(s) & Female(s)	Business(es)	Gov't	Other	Row Percent	Row Total
TOTAL CASES	21.8	19.9	7.1	45.2	5.7	--	100.0	10,843
STATEMENTS OF CLAIM	16.0	15.8	10.1	53.7	3.5	--	100.0	3,542
Nontrial Ready	15.2	15.7	9.6	54.8	3.6	--	100.0	3,335
Debt Collection	6.8	4.9	--	78.6	5.8	--	100.0	1,744
Contract	23.8	14.3	9.5	52.4	-	-	100.0	711
Motor Vehicle	-	-	-	-	-	-	-	-
Malpractice	--	30.8	30.8	--	-	--	100.0	220
Other Tort	30.3	39.4	24.2	--	-	-	100.0	559
Other Civil	-	--	-	--	--	-	100.0	102
Trial Ready	28.4	15.4	17.8	36.1	2.4	-	100.0	169
Debt Collection	4.8	-	-	95.2	-	-	100.0	42
Contract	50.7	15.5	5.6	26.8	1.4	-	100.0	71
Motor Vehicle	12.5	25.0	58.3	-	4.2	-	100.0	24
Malpractice	25.0	37.5	25.0	12.5	-	-	100.0	8
Other Tort	15.0	25.0	50.0	5.0	5.0	-	100.0	20
Other Civil	50.0	25.0	-	-	25.0	-	100.0	4
Trial	31.6	21.1	13.2	31.6	-	2.6	100.0	38
Debt Collection	-	20.0	-	80.0	-	-	100.0	5
Contract	33.3	23.8	9.5	33.3	-	-	100.0	21
Motor Vehicle	50.0	-	50.0	-	-	-	100.0	2
Malpractice	100.0	-	-	-	-	-	100.0	2
Other Tort	28.6	28.6	28.6	14.3	-	-	100.0	7
Other Civil	-	-	-	-	-	100.0	100.0	1
APPLICATIONS	21.2	3.2	2.8	62.5	10.3	-	100.0	4,797
Nontrial Ready	21.2	3.2	2.8	62.5	10.2	-	100.0	4,791
Landlord/Tenant	17.0	2.7	--	67.9	11.6	-	100.0	3,792
Other	37.3	--	10.2	42.4	5.1	-	100.0	999
Trial Ready	-	-	-	80.0	20.0	-	100.0	5
Landlord/Tenant	-	-	-	75.0	25.0	-	100.0	4
Other	-	-	-	100.0	-	-	100.0	1
Trial	100.0	-	-	-	-	-	100.0	1
Landlord/Tenant	100.0	-	-	-	-	-	100.0	1
Other	-	-	-	-	-	-	-	-
DIVORCE PETITIONS	31.0	57.9	11.0	-	-	-	100.0	2,504
Nontrial Ready	31.4	57.9	10.7	-	-	-	100.0	2,459
Trial Ready	13.2	60.5	26.3	-	-	-	100.0	38
Trial	-	71.4	28.6	-	-	-	100.0	7

Table 1.3a
Initiated Cases by Type of Defendant, Ottawa, 1994

TYPE OF CIVIL ACTION	Male(s)	Female(s)	Male(s) &		Gov't	Other	Row Total
			Female(s)	Business(es)			
TOTAL CASES	4,225	2,227	1,801	1,987	370	233	10,843
STATEMENTS OF CLAIM	591	246	506	1,715	302	182	3,542
Nontrial Ready	559	237	491	1,591	288	169	3,335
Debt Collection	305	186	271	880	-	102	1,744
Contract	85	--	102	457	--	--	711
Motor Vehicle	-	-	-	-	-	-	-
Malpractice	--	--	--	--	102	--	220
Other Tort	102	--	--	220	135	--	559
Other Civil	--	--	--	--	--	-	102
Trial Ready	27	9	10	102	9	12	169
Debt Collection	5	2	4	24	-	7	42
Contract	7	1	1	55	3	4	71
Motor Vehicle	7	5	5	7	-	-	24
Malpractice	3	1	-	4	-	-	8
Other Tort	3	-	-	11	6	-	20
Other Civil	2	-	-	1	-	1	4
Trial	5	-	5	22	5	1	38
Debt Collection	-	-	2	3	-	-	5
Contract	2	-	2	14	3	-	21
Motor Vehicle	-	-	-	2	-	-	2
Malpractice	-	-	-	-	2	-	2
Other Tort	3	-	1	3	-	-	7
Other Civil	-	-	-	-	-	1	1
APPLICATIONS	2,184	1,204	1,019	272	68	--	4,797
Nontrial Ready	2,184	1,202	1,016	271	68	--	4,791
Landlord/Tenant	1,761	999	948	68	--	-	3,792
Other	423	203	68	203	--	--	999
Trial Ready	-	1	3	1	-	-	5
Landlord/Tenant	-	1	2	1	-	-	4
Other	-	-	1	-	-	-	1
Trial	-	1	-	-	-	-	1
Landlord/Tenant	-	1	-	-	-	-	1
Other	-	-	-	-	-	-	-
DIVORCE PETITIONS	1,451	777	276	-	-	-	2,504
Nontrial Ready	1,423	772	264	-	-	-	2,459
Trial Ready	23	5	10	-	-	-	38
Trial	5	-	2	-	-	-	7

Table 1.3b

Initiated Cases by Type of Defendant, Percent Distribution, Ottawa, 1994

TYPE OF CIVIL ACTION	Male(s)	Female(s)	Male(s) & Female(s)	Business(es)	Gov't	Other	Row Percent	Row Total
TOTAL CASES	39.0	20.5	16.6	18.3	3.4	2.1	100.0	10,843
STATEMENTS OF CLAIM	16.7	6.9	14.3	48.4	8.5	5.1	100.0	3,542
Nontrial Ready	16.8	7.1	14.7	47.7	8.6	5.1	100.0	3,335
Debt Collection	17.5	10.7	15.5	50.5	-	5.8	100.0	1,744
Contract	11.9	--	14.3	64.3	--	--	100.0	711
Motor Vehicle	-	-	-	-	-	-	-	-
Malpractice	--	-	--	--	46.2	--	100.0	220
Other Tort	18.2	--	--	39.4	24.2	--	100.0	559
Other Civil	--	--	--	--	--	-	100.0	102
Trial Ready	16.0	5.3	5.9	60.4	5.3	7.1	100.0	169
Debt Collection	11.9	4.8	9.5	57.1	-	16.7	100.0	42
Contract	9.9	1.4	1.4	77.5	4.2	5.6	100.0	71
Motor Vehicle	29.2	20.8	20.8	29.2	-	-	100.0	24
Malpractice	37.5	12.5	-	50.0	-	-	100.0	8
Other Tort	15.0	-	-	55.0	30.0	-	100.0	20
Other Civil	50.0	-	-	25.0	-	25.0	100.0	4
Trial	13.2	-	13.2	57.9	13.2	2.6	100.0	38
Debt Collection	-	-	40.0	60.0	-	-	100.0	5
Contract	9.5	-	9.5	66.7	14.3	-	100.0	21
Motor Vehicle	-	-	-	100.0	-	-	100.0	2
Malpractice	-	-	-	-	100.0	-	100.0	2
Other Tort	42.9	-	14.3	42.9	-	-	100.0	7
Other Civil	-	-	-	-	-	100.0	100.0	1
APPLICATIONS	45.5	25.1	21.2	5.7	1.4	--	100.0	4,797
Nontrial Ready	45.6	25.1	21.2	5.7	1.4	--	100.0	4,791
Landlord/Tenant	46.4	26.3	25.0	1.8	--	-	100.0	3,792
Other	42.4	20.3	6.8	20.3	--	--	100.0	999
Trial Ready	-	20.0	60.0	20.0	-	-	100.0	5
Landlord/Tenant	-	25.0	50.0	25.0	-	-	100.0	4
Other	-	-	100.0	-	-	-	100.0	1
Trial	-	100.0	-	-	-	-	100.0	1
Landlord/Tenant	-	100.0	-	-	-	-	100.0	1
Other	-	-	-	-	-	-	-	-
DIVORCE PETITIONS	57.9	31.0	11.0	-	-	-	100.0	2,504
Nontrial Ready	57.9	31.4	10.7	-	-	-	100.0	2,459
Trial Ready	60.5	13.2	26.3	-	-	-	100.0	38
Trial	71.4	-	28.6	-	-	-	100.0	7

Table 1.4a
Initiated Cases by Plaintiff Legal Representation, Ottawa, 1994

TYPE OF CIVIL ACTION	With Legal Representation	Without Legal Representation	Unknown	Row Total
TOTAL CASES	8,667	2,070	106	10,843
STATEMENTS OF CLAIM	3,505	--	1	3,542
Nontrial Ready	3,301	--	-	3,335
Debt Collection	1,710	--	-	1,744
Contract	711	-	-	711
Motor Vehicle	-	-	-	-
Malpractice	220	-	-	220
Other Tort	559	-	-	559
Other Civil	102	-	-	102
Trial Ready	166	2	1	169
Debt Collection	42	-	-	42
Contract	70	-	1	71
Motor Vehicle	24	-	-	24
Malpractice	6	2	-	8
Other Tort	20	-	-	20
Other Civil	4	-	-	4
Trial	38	-	-	38
Debt Collection	5	-	-	5
Contract	21	-	-	21
Motor Vehicle	2	-	-	2
Malpractice	2	-	-	2
Other Tort	7	-	-	7
Other Civil	1	-	-	1
APPLICATIONS	2,881	1,831	85	4,797
Nontrial Ready	2,878	1,828	85	4,791
Landlord/Tenant	2,319	1,439	--	3,792
Other	559	389	--	999
Trial Ready	3	2	-	5
Landlord/Tenant	2	2	-	4
Other	1	-	-	1
Trial	-	1	-	1
Landlord/Tenant	-	1	-	1
Other	-	-	-	-
DIVORCE PETITIONS	2,280	203	20	2,504
Nontrial Ready	2,235	203	20	2,459
Trial Ready	38	-	-	38
Trial	7	-	-	7

Table 1.4b
Initiated Cases by Plaintiff Legal Representation, Percent Distribution, Ottawa, 1994

TYPE OF CIVIL ACTION	With Legal Representation	Without Legal Representation	Unknown	Row Percent	Row Total
TOTAL CASES	79.9	19.1	1.0	100.0	10,843
STATEMENTS OF CLAIM	99.0	--	0.0	100.0	3,542
Nontrial Ready	99.0	--	-	100.0	3,335
Debt Collection	98.1	--	-	100.0	1,744
Contract	100.0	-	-	100.0	711
Motor Vehicle	-	-	-	-	-
Malpractice	100.0	-	-	100.0	220
Other Tort	100.0	-	-	100.0	559
Other Civil	100.0	-	-	100.0	102
Trial Ready	98.2	1.2	0.6	100.0	169
Debt Collection	100.0	-	-	100.0	42
Contract	98.6	-	1.4	100.0	71
Motor Vehicle	100.0	-	-	100.0	24
Malpractice	75.0	25.0	-	100.0	8
Other Tort	100.0	-	-	100.0	20
Other Civil	100.0	-	-	100.0	4
Trial	100.0	-	-	100.0	38
Debt Collection	100.0	-	-	100.0	5
Contract	100.0	-	-	100.0	21
Motor Vehicle	100.0	-	-	100.0	2
Malpractice	100.0	-	-	100.0	2
Other Tort	100.0	-	-	100.0	7
Other Civil	100.0	-	-	100.0	1
APPLICATIONS	60.1	38.2	1.8	100.0	4,797
Nontrial Ready	60.1	38.2	1.8	100.0	4,791
Landlord/Tenant	61.2	37.9	--	100.0	3,792
Other	55.9	39.0	--	100.0	999
Trial Ready	60.0	40.0	-	100.0	5
Landlord/Tenant	50.0	50.0	-	100.0	4
Other	100.0	-	-	100.0	1
Trial	-	100.0	-	100.0	1
Landlord/Tenant	-	100.0	-	100.0	1
Other	-	-	-	-	-
DIVORCE PETITIONS	91.1	8.1	0.8	100.0	2,504
Nontrial Ready	90.9	8.3	0.8	100.0	2,459
Trial Ready	100.0	-	-	100.0	38
Trial	100.0	-	-	100.0	7

Table 1.5a
Initiated Cases by Defendant Legal Representation, Ottawa, 1994

TYPE OF CIVIL ACTION	With Legal Representation	Without Legal Representation	Unknown	Row Total
TOTAL CASES	2,839	6,264	1,740	10,843
STATEMENTS OF CLAIM	2,031	662	848	3,542
Nontrial Ready	1,828	660	846	3,335
Debt Collection	728	474	542	1,744
Contract	508	119	85	711
Motor Vehicle	-	-	-	-
Malpractice	186	-	--	220
Other Tort	372	--	152	559
Other Civil	--	--	--	102
Trial Ready	166	1	2	169
Debt Collection	42	-	-	42
Contract	68	1	2	71
Motor Vehicle	24	-	-	24
Malpractice	8	-	-	8
Other Tort	20	-	-	20
Other Civil	4	-	-	4
Trial	37	1	-	38
Debt Collection	5	-	-	5
Contract	20	1	-	21
Motor Vehicle	2	-	-	2
Malpractice	2	-	-	2
Other Tort	7	-	-	7
Other Civil	1	-	-	1
APPLICATIONS	358	4,016	423	4,797
Nontrial Ready	356	4,012	423	4,791
Landlord/Tenant	169	3,470	152	3,792
Other	186	542	271	999
Trial Ready	2	3	-	5
Landlord/Tenant	1	3	-	4
Other	1	-	-	1
Trial	-	1	-	1
Landlord/Tenant	-	1	-	1
Other	-	-	-	-
DIVORCE PETITIONS	450	1,585	468	2,504
Nontrial Ready	406	1,585	467	2,459
Trial Ready	37	-	1	38
Trial	7	-	-	7

Table 1.5b
Initiated Cases by Defendant Legal Representation, Percent Distribution, Ottawa, 1994

TYPE OF CIVIL ACTION	With Legal Representation	Without Legal Representation	Unknown	Row Percent	Row Total
TOTAL CASES	26.2	57.8	16.0	100.0	10,843
STATEMENTS OF CLAIM	57.3	18.7	24.0	100.0	3,542
Nontrial Ready	54.8	19.8	25.4	100.0	3,335
Debt Collection	41.7	27.2	31.1	100.0	1,744
Contract	71.4	16.7	11.9	100.0	711
Motor Vehicle	-	-	-	-	-
Malpractice	84.6	-	--	100.0	220
Other Tort	66.7	--	27.3	100.0	559
Other Civil	--	--	--	100.0	102
Trial Ready	98.2	0.6	1.2	100.0	169
Debt Collection	100.0	-	-	100.0	42
Contract	95.8	1.4	2.8	100.0	71
Motor Vehicle	100.0	-	-	100.0	24
Malpractice	100.0	-	-	100.0	8
Other Tort	100.0	-	-	100.0	20
Other Civil	100.0	-	-	100.0	4
Trial	97.4	2.6	-	100.0	38
Debt Collection	100.0	-	-	100.0	5
Contract	95.2	4.8	-	100.0	21
Motor Vehicle	100.0	-	-	100.0	2
Malpractice	100.0	-	-	100.0	2
Other Tort	100.0	-	-	100.0	7
Other Civil	100.0	-	-	100.0	1
APPLICATIONS	7.5	83.7	8.8	100.0	4,797
Nontrial Ready	7.4	83.7	8.8	100.0	4,791
Landlord/Tenant	4.5	91.5	4.0	100.0	3,792
Other	18.6	54.2	27.1	100.0	999
Trial Ready	40.0	60.0	-	100.0	5
Landlord/Tenant	25.0	75.0	-	100.0	4
Other	100.0	-	-	100.0	1
Trial	-	100.0	-	100.0	1
Landlord/Tenant	-	100.0	-	100.0	1
Other	-	-	-	-	-
DIVORCE PETITIONS	18.0	63.3	18.7	100.0	2,504
Nontrial Ready	16.5	64.5	19.0	100.0	2,459
Trial Ready	97.4	-	2.6	100.0	38
Trial	100.0	-	-	100.0	7

Table 1.6a
Completed Cases by Type of Disposition, Ottawa, 1994-1997

TYPE OF CIVIL ACTION	Settled	Discontinued	Dismissed	Default Judgment	Judgment	Other	Row Total
TOTAL CASES	1,185	411	141	5,107	1,748	--	8,615
STATEMENTS OF CLAIM	662	255	125	560	226	--	1,849
Nontrial Ready	491	254	119	559	203	--	1,642
Debt Collection	186	119	68	440	152	-	965
Contract	169	--	--	102	--	-	339
Motor Vehicle	-	-	-	-	-	-	-
Malpractice	--	--	--	-	-	-	68
Other Tort	85	68	--	--	--	-	203
Other Civil	--	--	-	-	--	--	68
Trial Ready	160	1	1	-	2	5	169
Debt Collection	39	-	1	-	2	-	42
Contract	67	-	-	-	-	4	71
Motor Vehicle	24	-	-	-	-	-	24
Malpractice	8	-	-	-	-	-	8
Other Tort	19	-	-	-	-	1	20
Other Civil	3	1	-	-	-	-	4
Trial	11	-	5	1	21	-	38
Debt Collection	2	-	1	-	2	-	5
Contract	6	-	4	1	10	-	21
Motor Vehicle	2	-	-	-	-	-	2
Malpractice	-	-	-	-	2	-	2
Other Tort	1	-	-	-	6	-	7
Other Civil	-	-	-	-	1	-	1
APPLICATIONS	362	135	--	3,064	846	-	4,425
Nontrial Ready	356	135	--	3,064	846	-	4,419
Landlord/Tenant	322	85	--	2,996	220	-	3,640
Other	--	--	-	68	626	-	779
Trial Ready	5	-	-	-	-	-	5
Landlord/Tenant	4	-	-	-	-	-	4
Other	1	-	-	-	-	-	1
Trial	1	-	-	-	-	-	1
Landlord/Tenant	1	-	-	-	-	-	1
Other	-	-	-	-	-	-	-
DIVORCE PETITIONS	162	--	-	1,484	676	-	2,341
Nontrial Ready	122	--	-	1,484	671	-	2,296
Trial Ready	37	-	-	-	1	-	38
Trial	3	-	-	-	4	-	7

Table 1.6b
Completed Cases by Type of Disposition, Percent Distribution, Ottawa, 1994-1997

TYPE OF CIVIL ACTION	Settled	Discontinued	Dismissed	Default Judgment	Judgment	Other	Row Percent	Row Total
TOTAL CASES	13.8	4.8	1.6	59.3	20.3	--	100.0	8,615
STATEMENTS OF CLAIM	35.8	13.8	6.7	30.3	12.2	--	100.0	1,849
Nontrial Ready	29.9	15.5	7.2	34.0	12.4	--	100.0	1,642
Debt Collection	19.3	12.3	7.0	45.6	15.8	-	100.0	965
Contract	50.0	--	--	30.0	--	-	100.0	339
Motor Vehicle	-	-	-	-	-	-	-	-
Malpractice	--	--	--	--	--	-	100.0	68
Other Tort	41.7	33.3	--	--	--	-	100.0	203
Other Civil	--	--	-	-	--	--	100.0	68
Trial Ready	94.7	0.6	0.6	-	1.2	3.0	100.0	169
Debt Collection	92.9	-	2.4	-	4.8	-	100.0	42
Contract	94.4	-	-	-	-	5.6	100.0	71
Motor Vehicle	100.0	-	-	-	-	-	100.0	24
Malpractice	100.0	-	-	-	-	-	100.0	8
Other Tort	95.0	-	-	-	-	5.0	100.0	20
Other Civil	75.0	25.0	-	-	-	-	100.0	4
Trial	28.9	-	13.2	2.6	55.3	-	100.0	38
Debt Collection	40.0	-	20.0	-	40.0	-	100.0	5
Contract	28.6	-	19.0	4.8	47.6	-	100.0	21
Motor Vehicle	100.0	-	-	-	-	-	100.0	2
Malpractice	-	-	-	-	100.0	-	100.0	2
Other Tort	14.3	-	-	-	85.7	-	100.0	7
Other Civil	-	-	-	-	100.0	-	100.0	1
APPLICATIONS	8.2	3.1	--	69.3	19.1	-	100.0	4,425
Nontrial Ready	8.0	3.1	--	69.3	19.2	-	100.0	4,419
Landlord/Tenant	8.8	2.3	--	82.3	6.0	-	100.0	3,640
Other	--	--	-	8.7	80.4	-	100.0	779
Trial Ready	100.0	-	-	-	-	-	100.0	5
Landlord/Tenant	100.0	-	-	-	-	-	100.0	4
Other	100.0	-	-	-	-	-	100.0	1
Trial	100.0	-	-	-	-	-	100.0	1
Landlord/Tenant	100.0	-	-	-	-	-	100.0	1
Other	-	-	-	-	-	-	-	-
DIVORCE PETITIONS	6.9	--	-	63.4	28.9	-	--	2,341
Nontrial Ready	5.3	--	-	64.6	29.2	-	--	2,296
Trial Ready	97.4	-	-	-	2.6	-	100.0	38
Trial	42.9	-	-	-	57.1	-	100.0	7

Table 1.7a
Completed Cases by Nature of Judgment, Ottawa, 1994-1997

TYPE OF CIVIL ACTION	For Plaintiff(s)	Against Plaintiff(s)	For Plaintiff(s) & Defendant(s)	Unknown	Row Total
TOTAL CASES	6,639	142	185	--	7,001
STATEMENTS OF CLAIM	768	125	1	--	910
Nontrial Ready	745	119	-	--	880
Debt Collection	576	68	-	--	660
Contract	119	--	-	-	135
Motor Vehicle	-	-	-	-	-
Malpractice	-	--	-	-	--
Other Tort	--	--	-	-	--
Other Civil	--	-	-	-	--
Trial Ready	2	1	-	-	3
Debt Collection	2	1	-	-	3
Contract	-	-	-	-	-
Motor Vehicle	-	-	-	-	-
Malpractice	-	-	-	-	-
Other Tort	-	-	-	-	-
Other Civil	-	-	-	-	-
Trial	21	5	1	-	27
Debt Collection	2	1	-	-	3
Contract	11	4	-	-	15
Motor Vehicle	-	-	-	-	-
Malpractice	2	-	-	-	2
Other Tort	5	-	1	-	6
Other Civil	1	-	-	-	1
APPLICATIONS	3,894	--	-	--	3,928
Nontrial Ready	3,894	--	-	--	3,928
Landlord/Tenant	3,200	--	-	--	3,233
Other	694	-	-	-	694
Trial Ready	-	-	-	-	-
Landlord/Tenant	-	-	-	-	-
Other	-	-	-	-	-
Trial	-	-	-	-	-
Landlord/Tenant	-	-	-	-	-
Other	-	-	-	-	-
DIVORCE PETITIONS	1,977	1	184	1	2,163
Nontrial Ready	1,971	-	183	-	2,154
Trial Ready	3	-	1	1	5
Trial	3	1	-	-	4

Table 1.7b
Completed Cases by Nature of Judgment, Percent Distribution, Ottawa, 1994-1997

TYPE OF CIVIL ACTION	For Plaintiff(s)	Against Plaintiff(s)	For Plaintiff(s) & Defendant(s)	Unknown	Row Percent	Row Total
TOTAL CASES	94.8	2.0	2.6	--	100.0	7,001
STATEMENTS OF CLAIM	84.4	13.7	0.1	--	100.0	910
Nontrial Ready	84.6	13.5	-	--	100.0	880
Debt Collection	87.2	10.3	-	--	100.0	660
Contract	87.5	--	-	-	100.0	135
Motor Vehicle	-	-	-	-	-	-
Malpractice	-	--	-	-	100.0	--
Other Tort	--	--	-	-	100.0	--
Other Civil	--	-	-	-	100.0	--
Trial Ready	66.7	33.3	-	-	100.0	3
Debt Collection	66.7	33.3	-	-	100.0	3
Contract	-	-	-	-	-	-
Motor Vehicle	-	-	-	-	-	-
Malpractice	-	-	-	-	-	-
Other Tort	-	-	-	-	-	-
Other Civil	-	-	-	-	-	-
Trial	77.8	18.5	3.7	-	100.0	27
Debt Collection	66.7	33.3	-	-	100.0	3
Contract	73.3	26.7	-	-	100.0	15
Motor Vehicle	-	-	-	-	-	-
Malpractice	100.0	-	-	-	100.0	2
Other Tort	83.3	-	16.7	-	100.0	6
Other Civil	100.0	-	-	-	100.0	1
APPLICATIONS	99.1	--	-	--	100.0	3,928
Nontrial Ready	99.1	--	-	--	100.0	3,928
Landlord/Tenant	99.0	--	-	--	100.0	3,233
Other	100.0	-	-	-	100.0	694
Trial Ready	-	-	-	-	-	-
Landlord/Tenant	-	-	-	-	-	-
Other	-	-	-	-	-	-
Trial	-	-	-	-	-	-
Landlord/Tenant	-	-	-	-	-	-
Other	-	-	-	-	-	-
DIVORCE PETITIONS	91.4	0.0	8.5	0.0	100.0	2,163
Nontrial Ready	91.5	-	8.5	-	100.0	2,154
Trial Ready	60.0	-	20.0	20.0	100.0	5
Trial	75.0	25.0	-	-	100.0	4

Table 1.8a
Completed Divorce Cases Involving Custody by Type of
Custody Judgment, Ottawa, 1994-1997

TYPE OF CIVIL ACTION	Sole Mother	Sole Father	Joint	Unknown	Row Total
DIVORCE PETITIONS	174	3	237	6	419
Nontrial Ready	163	-	224	-	386
Trial Ready	11	2	11	6	30
Trial	-	1	2	-	3

Table 1.9a
Completed Divorce Cases Involving Maintenance by Type of
Maintenance Judgment, Ottawa, 1994-1997

TYPE OF CIVIL ACTION	Child(ren)	Spouse	Both	Unknown	Row Total
DIVORCE PETITIONS	181	--	170	--	421
Nontrial Ready	163	--	163	--	386
Trial Ready	16	4	7	4	31
Trial	2	2	-	-	4

Table 1.8b
Completed Divorce Cases Involving Custody by Type of
Custody Judgment, Percent Distribution, Ottawa, 1994-1997

TYPE OF CIVIL ACTION	Sole Mother	Sole Father	Joint	Unknown	Percent	Row Total
DIVORCE PETITIONS	41.4	0.7	56.4	1.4	100.0	419
Nontrial Ready	42.1	-	57.9	-	100.0	386
Trial Ready	36.7	6.7	36.7	20.0	100.0	30
Trial	-	33.3	66.7	-	100.0	3

Table 1.9b
Completed Divorce Cases Involving Maintenance by Type of
Maintenance Judgment, Percent Distribution, Ottawa, 1994-1997

TYPE OF CIVIL ACTION	Child(ren)	Spouse	Both	Unknown	Percent	Row Total
DIVORCE PETITIONS	42.9	--	40.3	--	--	421
Nontrial Ready	42.1	--	42.1	--	--	386
Trial Ready	51.6	12.9	22.6	12.9	100.0	31
Trial	50.0	50.0	-	-	100.0	4

Table 1.10a

Initiated and Completed Cases by Median Claim, Award, and Cost Amounts, Ottawa, 1994-1997

TYPE OF CIVIL ACTION	Median Claim for Disposed of			
	Median Claim (\$)	Cases (\$)	Median Award (\$)	Median Costs (\$)
STATEMENTS OF CLAIM	50,000	31,030	29,789	308
Nontrial Ready	50,000	29,367	28,920	308
Debt Collection	31,030	22,571	24,360	308
Contract	61,500	77,017	38,559	308
Motor Vehicle	...	...	...	...
Malpractice	730,000	...	...	...
Other Tort	200,000	130,000	500,000	...
Other Civil	...	...	...	...
Trial Ready	86,207	208,005	33,500	4,750
Debt Collection	28,598	78,993	35,306	...
Contract	67,360	63,828	17,323	5,321
Motor Vehicle	652,500	960,000	80,173	6,000
Malpractice	65,500	...	...	...
Other Tort	150,000	310,938	23,500	...
Other Civil	14,463	...	...	...
Trial	80,055	61,727	28,939	10,000
Debt Collection	33,585	109,917	109,917	...
Contract	72,910	55,700	22,000	8,750
Motor Vehicle	957,462	...	...	...
Malpractice	75,000	75,000	7,750	...
Other Tort	59,874	59,874	53,356	12,000
Other Civil	...	...	...	...
APPLICATIONS	767	769	740	125
Nontrial Ready	767	779	740	125
Landlord/Tenant	755	765	734	125
Other	22,826	16,913	11,000	500
Trial Ready	672	780	771	107
Landlord/Tenant	672	780	771	107
Other	...	...	...	...
Trial	...	...	...	...
Landlord/Tenant	...	...	...	...
Other	...	...	...	...
DIVORCE PETITIONS	...	...	...	1,350
Nontrial Ready	...	...	...	1,475
Trial Ready	...	...	...	1,675
Trial	...	...	...	...

Table 1.10b

Initiated and Completed Cases by Claim, Award, and Cost Frequencies, Ottawa, 1994-1997

TYPE OF CIVIL ACTION	Number of Initiated Cases with Claim	Number of Completed Cases with Claim	Number of Completed Cases with Award	Number of Completed Cases with Costs
STATEMENTS OF CLAIM	3,334	832	832	664
Nontrial Ready	3,132	779	779	643
Debt Collection	1,710	576	576	508
Contract	643	152	152	102
Motor Vehicle	-	-	-	-
Malpractice	203	-	-	-
Other Tort	559	--	--	--
Other Civil	--	-	-	--
Trial Ready	164	25	25	6
Debt Collection	42	8	8	1
Contract	68	8	8	2
Motor Vehicle	24	6	6	3
Malpractice	8	-	-	-
Other Tort	19	3	3	-
Other Civil	3	-	-	-
Trial	38	28	28	15
Debt Collection	5	3	3	1
Contract	21	15	15	8
Motor Vehicle	2	-	-	-
Malpractice	2	2	2	-
Other Tort	7	7	7	6
Other Civil	1	1	1	-
APPLICATIONS	767	769	740	125
Nontrial Ready	3,674	3,352	3,369	2,895
Landlord/Tenant	3,589	3,284	3,284	2,810
Other	85	68	85	85
Trial Ready	3	2	2	2
Landlord/Tenant	3	2	2	2
Other	-	-	-	-
Trial	1	1	1	-
Landlord/Tenant	1	1	1	-
Other	-	-	-	-
DIVORCE PETITIONS	-	-	-	46
Nontrial Ready	-	-	-	41
Trial Ready	-	-	-	4
Trial	-	-	-	1

Table 1.11a
Completed Case Process Points by Median Elapsed Time in Days, Ottawa, 1994-1997

TYPE OF CIVIL ACTION	Start Date to End Date (# Days)	Start Date to Ready List Date (# Days)	Ready List Date to Trial Date (# Days)	Ready List Date to End Date (# Days)	Start Date to Trial Date (# Days)	Trial Date to End Date (# Days)
STATEMENTS OF CLAIM	186	515	330	317	794	3
Nontrial Ready	160	...	...	...	...	...
Debt Collection	121	...	...	...	...	...
Contract	194	...	...	...	...	...
Motor Vehicle	...	...	...	...	...	...
Malpractice	868	...	...	...	...	...
Other Tort	284	...	...	...	...	...
Other Civil	85	...	...	...	...	...
Trial Ready	839	532	398	316	916	3
Debt Collection	802	609	...	221	...	...
Contract	840	521	...	324	744	172
Motor Vehicle	890	559	...	366	...	...
Malpractice	696	405	...	321	...	...
Other Tort	823	516	...	329	...	...
Other Civil	864	574	...	294	...	...
Trial	800	415	329	337	780	3
Debt Collection	682	327	283	287	678	3
Contract	741	385	331	334	718	3
Motor Vehicle	1,051	592	449	459	1,040	11
Malpractice	1,206	778	304	429	1,082	125
Other Tort	819	521	329	338	799	1
Other Civil	...	...	...	...	...	...
APPLICATIONS	8	474	...	200	...	...
Nontrial Ready	8	...	...	...	...	...
Landlord/Tenant	8	...	...	...	...	...
Other	37	...	...	...	...	...
Trial Ready	937	481	...	190	...	...
Landlord/Tenant	804	582	...	184	...	...
Other	...	...	...	...	...	...
Trial	...	...	...	...	...	...
Landlord/Tenant	...	...	...	...	...	...
Other	...	...	...	...	...	...
DIVORCE PETITIONS	84	469	227	204	644	1
Nontrial Ready	83	...	...	...	...	...
Trial Ready	789	482	...	204	...	...
Trial	644	434	227	228	644	1

Table 1.11b
Completed Case Process Point Frequencies, Ottawa, 1994-1997

TYPE OF CIVIL ACTION	Start Date to End Date (# Cases)	Start Date to Ready List Date (# Cases)	Ready List Date to Trial Date (# Cases)	Ready List Date to End Date (# Cases)	Start Date to Trial Date (# Cases)	Trial Date to End Date (# Cases)
STATEMENTS OF CLAIM	1,832	199	37	201	39	39
Nontrial Ready	1,625	...	...	...	...	...
Debt Collection	965	...	...	...	...	...
Contract	339	...	...	...	...	...
Motor Vehicle	-	...	...	...	...	...
Malpractice	68	...	...	...	...	...
Other Tort	203	...	...	...	...	...
Other Civil	--	...	...	...	...	...
Trial Ready	169	163	2	164	3	3
Debt Collection	42	42	1	42	1	1
Contract	71	67	1	67	2	2
Motor Vehicle	24	23	-	24	-	-
Malpractice	8	8	-	8	-	-
Other Tort	20	20	-	20	-	-
Other Civil	4	3	-	3	-	-
Trial	38	36	35	37	36	36
Debt Collection	5	5	5	5	5	5
Contract	21	20	18	20	19	19
Motor Vehicle	2	2	2	2	2	2
Malpractice	2	2	2	2	2	2
Other Tort	7	6	7	7	7	7
Other Civil	1	1	1	1	1	1
APPLICATIONS	4,340	6	1	6	1	1
Nontrial Ready	4,334	...	...	...	...	...
Landlord/Tenant	3,623	...	...	...	...	...
Other	711	...	...	...	...	...
Trial Ready	5	5	-	5	-	-
Landlord/Tenant	4	4	-	4	-	-
Other	1	1	-	1	-	-
Trial	1	1	1	1	1	1
Landlord/Tenant	1	1	1	1	1	1
Other	-	-	-	-	-	-
DIVORCE PETITIONS	2,341	44	6	204	7	7
Nontrial Ready	2,296	...	...	...	...	...
Trial Ready	38	38	-	38	-	-
Trial	7	6	6	6	7	7

Table 1.12a
Completed Cases by Elapsed Time, Ottawa, 1994-1997

TYPE OF CIVIL ACTION	<1 Month	>1 to 3 Months	>3 to 6 Months	>6 to 12 Months	>1 to 2 Years	>2 to 3 Years	>3 Years	Row Total
TOTAL CASES	3,897	2,073	1,036	672	485	357	95	8,615
STATEMENTS OF CLAIM	119	406	406	324	322	197	76	1,849
Nontrial Ready	119	406	406	322	254	85	--	1,642
Debt Collection	102	254	305	102	135	68	-	965
Contract	-	--	102	135	--	-	--	339
Motor Vehicle	-	-	-	-	-	-	-	-
Malpractice	-	-	-	-	--	--	--	68
Other Tort	-	68	-	85	--	-	--	203
Other Civil	--	--	-	-	--	-	-	68
Trial Ready	-	-	-	2	52	95	20	169
Debt Collection	-	-	-	1	16	21	4	42
Contract	-	-	-	1	20	44	6	71
Motor Vehicle	-	-	-	-	5	13	6	24
Malpractice	-	-	-	-	5	3	-	8
Other Tort	-	-	-	-	5	12	3	20
Other Civil	-	-	-	-	1	2	1	4
Trial	-	-	-	-	16	17	5	38
Debt Collection	-	-	-	-	4	-	1	5
Contract	-	-	-	-	10	11	-	21
Motor Vehicle	-	-	-	-	-	1	1	2
Malpractice	-	-	-	-	-	-	2	2
Other Tort	-	-	-	-	2	4	1	7
Other Civil	-	-	-	-	-	1	-	1
APPLICATIONS	3,758	406	102	85	--	--	--	4,425
Nontrial Ready	3,758	406	102	85	--	--	--	4,419
Landlord/Tenant	3,403	169	--	-	-	--	--	3,640
Other	356	237	68	85	--	--	-	779
Trial Ready	-	-	-	-	2	3	-	5
Landlord/Tenant	-	-	-	-	2	2	-	4
Other	-	-	-	-	-	1	-	1
Trial	-	-	-	-	1	-	-	1
Landlord/Tenant	-	-	-	-	1	-	-	1
Other	-	-	-	-	-	-	-	-
DIVORCE PETITIONS	--	1,260	528	264	143	124	2	2,341
Nontrial Ready	--	1,260	528	264	122	102	-	2,296
Trial Ready	-	-	-	-	16	20	2	38
Trial	-	-	-	-	5	2	-	7

Table 1.12b
Completed Cases by Elapsed Time, Percent Distribution, Ottawa, 1994-1997

TYPE OF CIVIL ACTION	<1 Month	>1 to 3 Months	>3 to 6 Months	>6 to 12 Months	>1 to 2 Years	>2 to 3 Years	>3 Years	Row Percent	Row Total
TOTAL CASES	45.2	24.1	12.0	7.8	5.6	4.1	1.1	100.0	8,615
STATEMENTS OF CLAIM	6.4	22.0	22.0	17.5	17.4	10.6	4.1	100.0	1,849
Nontrial Ready	7.2	24.7	24.7	19.6	15.5	5.2	--	100.0	1,642
Debt Collection	10.5	26.3	31.6	10.5	14.0	7.0	-	100.0	965
Contract	-	--	30.0	40.0	--	-	--	100.0	339
Motor Vehicle	-	-	-	-	-	-	-	-	-
Malpractice	-	-	-	-	--	--	--	100.0	68
Other Tort	-	33.3	-	41.7	--	-	--	100.0	203
Other Civil	--	--	-	-	--	-	-	100.0	68
Trial Ready	-	-	-	1.2	30.8	56.2	11.8	100.0	169
Debt Collection	-	-	-	2.4	38.1	50.0	9.5	100.0	42
Contract	-	-	-	1.4	28.2	62.0	8.5	100.0	71
Motor Vehicle	-	-	-	-	20.8	54.2	25.0	100.0	24
Malpractice	-	-	-	-	62.5	37.5	-	100.0	8
Other Tort	-	-	-	-	25.0	60.0	15.0	100.0	20
Other Civil	-	-	-	-	25.0	50.0	25.0	100.0	4
Trial	-	-	-	-	42.1	44.7	13.2	100.0	38
Debt Collection	-	-	-	-	80.0	-	20.0	100.0	5
Contract	-	-	-	-	47.6	52.4	-	100.0	21
Motor Vehicle	-	-	-	-	-	50.0	50.0	100.0	2
Malpractice	-	-	-	-	-	-	100.0	100.0	2
Other Tort	-	-	-	-	28.6	57.1	14.3	100.0	7
Other Civil	-	-	-	-	-	100.0	-	100.0	1
APPLICATIONS	84.9	9.2	2.3	1.9	--	--	--	--	4,425
Nontrial Ready	85.1	9.2	2.3	1.9	--	--	--	--	4,419
Landlord/Tenant	93.5	4.7	--	-	-	--	--	--	3,640
Other	45.7	30.4	8.7	10.9	--	--	-	--	779
Trial Ready	-	-	-	-	40.0	60.0	-	100.0	5
Landlord/Tenant	-	-	-	-	50.0	50.0	-	100.0	4
Other	-	-	-	-	-	100.0	-	100.0	1
Trial	-	-	-	-	100.0	-	-	100.0	1
Landlord/Tenant	-	-	-	-	100.0	-	-	100.0	1
Other	-	-	-	-	-	-	-	-	-
DIVORCE PETITIONS	--	53.8	22.6	11.3	6.1	5.3	0.1	--	2,341
Nontrial Ready	--	54.9	23.0	11.5	5.3	4.4	-	--	2,296
Trial Ready	-	-	-	-	42.1	52.6	5.3	100.0	38
Trial	-	-	-	-	71.4	28.6	-	100.0	7

APPENDIX 1B: Ottawa Questionnaire

CIVIL COURT SURVEY

Coder's Initials: ____

Case Identifier: _____

CASE INITIATION:

Province: ____ Court Location: _____	Level of Court: <input type="checkbox"/> Provincial <input type="checkbox"/> Superior Trial	Originating Document Filed: Year/Month/Day ____/____/____	
Type of Case: <input type="checkbox"/> Statement of Claim <input type="checkbox"/> Application <input type="checkbox"/> Appeal	Type of Court: <input type="checkbox"/> General <input type="checkbox"/> Probate <input type="checkbox"/> Small Claims <input type="checkbox"/> Unified Family Court <input type="checkbox"/> Family	Claim Requested: <input type="checkbox"/> Non-Monetary Only <input type="checkbox"/> Unknown <input type="checkbox"/> Not Applic.	
		Amount of Claim: \$ _____,_____,_____ Surname of Plaintiff: _____	
Type of Civil Action: <input type="checkbox"/> Landlord/Tenant Family: <input type="checkbox"/> Employment <input type="checkbox"/> Divorce <input type="checkbox"/> Debt Collection <input type="checkbox"/> Division of Property Only <input type="checkbox"/> Other Contract <input type="checkbox"/> Custody Only <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Access Only <input type="checkbox"/> Malpractice <input type="checkbox"/> Maintenance Only <input type="checkbox"/> Other Tort <input type="checkbox"/> Custody/Access/Maintenance <input type="checkbox"/> Bankruptcy <input type="checkbox"/> Child Protection <input type="checkbox"/> Corporate/Commercial <input type="checkbox"/> Adoption <input type="checkbox"/> Probate <input type="checkbox"/> Domestic Violence <input type="checkbox"/> Small Claims <input type="checkbox"/> Other Family <input type="checkbox"/> Other Civil		Type of Plaintiff: <input type="checkbox"/> Male(s) <input type="checkbox"/> Female(s) <input type="checkbox"/> Male(s) & Female(s) <input type="checkbox"/> Business(es) <input type="checkbox"/> Federal Government <input type="checkbox"/> Provincial Government <input type="checkbox"/> Municipal Government <input type="checkbox"/> Litigation Guardian(s) <input type="checkbox"/> Other <input type="checkbox"/> Multiple <input type="checkbox"/> Unknown	Type of Defendant(s): <input type="checkbox"/> Male(s) <input type="checkbox"/> Female(s) <input type="checkbox"/> Male(s) & Female(s) <input type="checkbox"/> Business(es) <input type="checkbox"/> Federal Government <input type="checkbox"/> Provincial Government <input type="checkbox"/> Municipal Government <input type="checkbox"/> Litigation Guardian(s) <input type="checkbox"/> Other <input type="checkbox"/> Multiple <input type="checkbox"/> Unknown

CASE EVENT:

Year/Month/Day First Motion Hearing: ____/____/____ Discovery Hearing: ____/____/____ Pre-Trial Hearing: ____/____/____ ADR: ____/____/____ Trial Ready List: ____/____/____ Trial/Application Start Date: ____/____/____ Final Disposition Date: ____/____/____	Final Disposition: <input type="checkbox"/> Settlement <input type="checkbox"/> Discontinuance/Withdrawal <input type="checkbox"/> Dismissal <input type="checkbox"/> Default Judgement <input type="checkbox"/> Final Judgement <input type="checkbox"/> Time Limit <input type="checkbox"/> Transfer to Another Court <input type="checkbox"/> Unknown Disposition <input type="checkbox"/> No Disposition		
Type of Trial: <input type="checkbox"/> Trial by Judge <input type="checkbox"/> Trial by Judge and Jury <input type="checkbox"/> Unknown <input type="checkbox"/> Other	Nature of Final Judgement: <input type="checkbox"/> Decision for Plaintiff(s) <input type="checkbox"/> Decision against Plaintiff(s) <input type="checkbox"/> Decision for Plaintiff(s) and Defendant(s) <input type="checkbox"/> Unknown <input type="checkbox"/> Not Applicable	Plaintiff(s) Legal Representation: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	Defendant(s) Legal Representation: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
Custody Judgement: <input type="checkbox"/> Sole Mother <input type="checkbox"/> Sole Father <input type="checkbox"/> Joint/Shared <input type="checkbox"/> Split <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Not Applicable	Maintenance Judgement: <input type="checkbox"/> Child(ren) Only <input type="checkbox"/> Spouse Only <input type="checkbox"/> Child(ren) and Spouse <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Not Applicable	Award: <input type="checkbox"/> Non-Monetary Only <input type="checkbox"/> Unknown <input type="checkbox"/> Not Applic.	
Trial Days Scheduled: ____ Trial Days Used: _____		Amount of Award: \$ _____,_____,_____ Cost Assessed: <input type="checkbox"/> Not Awarded <input type="checkbox"/> Unknown <input type="checkbox"/> Not Applicable	

APPENDIX 2A: Nova Scotia Data Tables

Table 2.1
Supreme Court Caseload and Median Claim Amount, Nova Scotia, 1994-1996

TYPE OF CIVIL ACTION	Caseload	Percent	Median Claim Amount (\$)	Number of Cases with Claim	Percent
1994-1995 Total	14,788	100.0	3,560	9,706	65.6
Landlord/Tenant	1,833	12.4	573	875	47.7
Debt Collection	6,665	45.1	4,486	6,498	97.5
Employment	417	2.8	1,355	167	40.1
Other Contract	2,499	16.9	8,653	1,750	70.0
Tort/Damages	2,083	14.1	...	-	-
Family	-	-	...	-	-
Probate	--	--	...	-	-
Other Civil	167	1.1	...	-	-
Unknown	1,000	6.8	2,073	417	41.7
Jan.-June 1996 Total	3,364	100.0	3,295	2,364	70.3
Landlord/Tenant	528	15.7	1,190	319	60.5
Debt Collection	1,308	38.9	3,855	1,253	95.8
Employment	--	--	...	-	-
Other Contract	737	21.9	7,187	638	86.6
Tort/Damages	286	8.5	...	-	-
Family	--	--	...	--	--
Probate	77	2.3	...	--	--
Other Civil	88	2.6	...	--	--
Unknown	275	8.2	3,003	121	44.0

Table 2.2
Supreme Court Cases by Type of Initiator, Nova Scotia, 1994-1996

TYPE OF CIVIL ACTION	Type of Initiator						Row Total	Percent
	Plaintiff	Percent	Applicant	Percent	Other	Percent		
1994-1995 Total	9,081	61.4	5,457	36.9	250	1.7	14,788	100.0
Landlord/Tenant	250	13.6	1,583	86.4	-	-	1,833	100.0
Debt Collection	4,582	68.8	1,875	28.1	208	3.1	6,665	100.0
Employment	375	90.0	42	10.0	-	-	417	100.0
Other Contract	1,291	51.7	1,166	46.7	42	1.7	2,499	100.0
Tort/Damages	2,083	100.0	-	-	-	-	2,083	100.0
Family	-	-	-	-	-	-	-	-
Probate	-	-	--	--	-	-	--	--
Other Civil	--	--	--	--	-	-	167	100.0
Unknown	458	45.8	542	54.2	-	-	1,000	100.0
Jan.-June 1996 Total	1,814	53.9	1,550	46.1	-	-	3,364	100.0
Landlord/Tenant	55	10.4	473	89.6	-	-	528	100.0
Debt Collection	781	59.7	528	40.3	-	-	1,308	100.0
Employment	--	--	-	-	-	-	--	--
Other Contract	506	68.7	231	31.3	-	-	737	100.0
Tort/Damages	286	100.0	-	-	-	-	286	100.0
Family	-	-	--	--	-	-	--	--
Probate	--	--	55	71.4	-	-	77	100.0
Other Civil	--	--	77	87.5	-	-	88	100.0
Unknown	121	44.0	154	56.0	-	-	275	100.0

Table 2.3a
Supreme Court Cases by Type of Responder, Nova Scotia, 1994-1996

TYPE OF CIVIL ACTION	Type of Responder			Row Total
	Defendant	Respondent	Responder	
1994-1995 Total	9,081	3,791	1,916	14,788
Landlord/Tenant	250	1,416	167	1,833
Debt Collection	4,582	708	1,375	6,665
Employment	375	-	--	417
Other Contract	1,291	1,041	167	2,499
Tort/Damages	2,083	-	-	2,083
Family	-	-	-	-
Probate	-	--	-	--
Other Civil	--	--	--	167
Unknown	458	458	--	1,000
Jan.-June 1996 Total	1,814	1,451	99	3,364
Landlord/Tenant	55	462	--	528
Debt Collection	781	495	--	1,308
Employment	--	-	-	--
Other Contract	506	209	--	737
Tort/Damages	286	-	-	286
Family	-	--	--	--
Probate	--	44	--	77
Other Civil	--	66	--	88
Unknown	121	154	-	275

Table 2.3b
Supreme Court Cases by Type of Responder, Percent Distribution, Nova Scotia, 1994-1996

TYPE OF CIVIL ACTION	Type of Responder			Row Total	Percent
	Defendant	Respondent	Responder		
1994-1995 Total	61.4	25.6	13.0	14,788	100.0
Landlord/Tenant	13.6	77.3	9.1	1,833	100.0
Debt Collection	68.8	10.6	20.6	6,665	100.0
Employment	90.0	-	--	417	100.0
Other Contract	51.7	41.7	6.7	2,499	100.0
Tort/Damages	100.0	-	-	2,083	100.0
Family	-	-	-	-	-
Probate	-	--	-	--	--
Other Civil	--	--	--	167	100.0
Unknown	45.8	45.8	--	1,000	100.0
Jan.-June 1996 Total	53.9	43.1	2.9	3,364	100.0
Landlord/Tenant	10.4	87.5	--	528	100.0
Debt Collection	59.7	37.8	--	1,308	100.0
Employment	--	-	-	--	--
Other Contract	68.7	28.4	--	737	100.0
Tort/Damages	100.0	-	-	286	100.0
Family	-	--	--	--	--
Probate	--	57.1	--	77	100.0
Other Civil	--	75.0	--	88	100.0
Unknown	44.0	56.0	-	275	100.0

Table 2.4a
Supreme Court Cases by Case Status, Nova Scotia, 1994-1996

TYPE OF CIVIL ACTION	Case Status				Total
	Active	Pending but Inactive	Should be Closed	Unknown	
1994-1995 Total	1,583	7,790	5,165	250	14,788
Landlord/Tenant	--	1,000	667	--	1,833
Debt Collection	583	3,874	2,124	--	6,665
Employment	-	--	333	-	417
Other Contract	250	1,333	875	--	2,499
Tort/Damages	500	833	750	-	2,083
Family	-	-	-	-	-
Probate	--	-	--	-	--
Other Civil	--	--	--	-	167
Unknown	--	583	333	--	1,000
Jan.-June 1996 Total	1,462	1,319	550	--	3,364
Landlord/Tenant	275	198	55	-	528
Debt Collection	627	539	121	--	1,308
Employment	--	--	-	-	--
Other Contract	231	297	209	-	737
Tort/Damages	143	110	--	-	286
Family	-	--	--	-	--
Probate	--	44	--	-	77
Other Civil	--	--	44	-	88
Unknown	143	66	55	--	275

Definitions:

Active: The last document was filed six months or less prior to data collection (which took place September 1996) and the case is still open.

Pending but Inactive: The last document was filed more than six months prior to data collection and the case is still open.

Should be Closed: The case has reached completion (either through judgment, withdrawal, etc.)

Table 2.4b
Supreme Court Cases by Case Status, Percent Distribution, Nova Scotia, 1994-1996

TYPE OF CIVIL ACTION	Case Status				Total Count	Percent
	Active	Pending but Inactive	Should be Closed	Unknown		
1994-1995 Total	10.7	52.7	34.9	1.7	14,788	100.0
Landlord/Tenant	--	54.5	36.4	--	1,833	100.0
Debt Collection	8.7	58.1	31.9	--	6,665	100.0
Employment	-	--	80.0	-	417	100.0
Other Contract	10.0	53.3	35.0	--	2,499	100.0
Tort/Damages	24.0	40.0	36.0	-	2,083	100.0
Family	-	-	-	-	-	-
Probate	--	-	--	-	--	--
Other Civil	--	--	--	-	167	100.0
Unknown	--	58.3	33.3	--	1,000	100.0
Jan.-June 1996 Total	43.5	39.2	16.3	--	3,364	100.0
Landlord/Tenant	52.1	37.5	10.4	-	528	100.0
Debt Collection	47.9	41.2	9.2	--	1,308	100.0
Employment	--	--	-	-	--	--
Other Contract	31.3	40.3	28.4	-	737	100.0
Tort/Damages	50.0	38.5	--	-	286	100.0
Family	-	--	--	-	--	--
Probate	--	57.1	--	-	77	100.0
Other Civil	--	--	50.0	-	88	100.0
Unknown	52.0	24.0	20.0	--	275	100.0

Definitions:

Active: The last document was filed six months or less prior to data collection (which took place September 1996) and the case is still open.

Pending but Inactive: The last document was filed more than six months prior to data collection and the case is still open.

Should be Closed: The case has reached completion (either through judgment, withdrawal, etc.)

Table 2.5a
Supreme Court Cases by Classification, Nova Scotia, 1994-1996

TYPE OF CIVIL ACTION	Case Classification				Total
	Fast	Standard	Complex	Unknown	
1994-1995 Total	9,748	3,832	-	1,208	14,788
Landlord/Tenant	1,583	--	-	--	1,833
Debt Collection	5,582	542	-	542	6,665
Employment	208	167	-	--	417
Other Contract	1,541	750	-	208	2,499
Family	-	-	-	-	-
Tort/Damages	167	1,750	-	167	2,083
Probate	-	--	-	-	--
Other Civil	--	--	-	--	167
Unknown	625	292	-	--	1,000
Jan.-June 1996 Total	1,858	1,352	44	110	3,364
Landlord/Tenant	363	165	-	-	528
Debt Collection	901	352	-	55	1,308
Employment	-	--	-	-	--
Other Contract	352	341	--	--	737
Tort/Damages	44	220	--	--	286
Family	--	--	-	-	--
Probate	--	55	-	-	77
Other Civil	55	--	--	-	88
Unknown	110	143	--	--	275

Definitions:

Fast Track: The case is straightforward and contains few contentious issues.

Standard Track: The case contains contentious issues and may have multiple plaintiffs and defendants.

Complex Track: The case has many contentious issues and multiple plaintiffs and defendants, including cross-claimants.

Unknown: Some cases coded as "unknown" may be complex cases.

Table 2.5b
Supreme Court Cases by Classification, Percent Distribution, Nova Scotia, 1994-1996

TYPE OF CIVIL ACTION	Case Classification				Total Count	Percent
	Fast	Standard	Complex	Unknown		
1994-1995 Total	65.9	25.9	-	8.2	14,788	100.0
Landlord/Tenant	86.4	--	-	--	1,833	100.0
Debt Collection	83.8	8.1	-	8.1	6,665	100.0
Employment	50.0	40.0	-	--	417	100.0
Other Contract	61.7	30.0	-	8.3	2,499	100.0
Family	-	-	-	-	-	-
Tort/Damages	8.0	84.0	-	8.0	2,083	100.0
Probate	-	--	-	-	--	--
Other Civil	--	--	-	--	167	100.0
Unknown	62.5	29.2	-	--	1,000	100.0
Jan.-June 1996 Total	55.2	40.2	1.3	3.3	3,364	100.0
Landlord/Tenant	68.8	31.3	-	-	528	100.0
Debt Collection	68.9	26.9	-	4.2	1,308	100.0
Employment	-	--	-	-	--	--
Other Contract	47.8	46.3	--	--	737	100.0
Tort/Damages	15.4	76.9	--	--	286	100.0
Family	--	--	-	-	--	--
Probate	--	71.4	-	-	77	100.0
Other Civil	62.5	--	--	-	88	100.0
Unknown	40.0	52.0	--	--	275	100.0

Definitions:

Fast Track: The case is straightforward and contains few contentious issues.

Standard Track: The case contains contentious issues and may have multiple plaintiffs and defendants.

Complex Track: The case has many contentious issues and multiple plaintiffs and defendants, including cross-claimants.

Unknown: Some cases coded as "unknown" may be complex cases.

Table 2.6
Supreme Court Cases Completed and Settled, Nova Scotia, 1994-1996

TYPE OF CIVIL ACTION	Cases		Percent of		Percent of	
	Initiated	Percent	Cases Completed	Cases Initiated	Cases Settled	Cases Initiated
1994-1995 Total	14,788	100.0	5,540	37.5	791	5.3
Landlord/Tenant	1,833	100.0	667	36.4	-	-
Debt Collection	6,665	100.0	2,249	33.8	--	--
Employment	417	100.0	333	80.0	--	--
Other Contract	2,499	100.0	1,000	40.0	--	--
Family	-	-	-	-	-	-
Tort/Damages	2,083	100.0	833	40.0	458	22.0
Probate	--	--	--	--	-	-
Other Civil	167	100.0	--	--	-	-
Unknown	1,000	100.0	375	37.5	-	-
Jan.-June 1996 Total	3,364	100.0	627	18.6	198	5.9
Landlord/Tenant	528	100.0	66	12.5	--	--
Debt Collection	1,308	100.0	176	13.4	44	3.4
Employment	--	--	-	-	-	-
Other Contract	737	100.0	209	28.4	77	10.4
Tort/Damages	286	100.0	44	15.4	--	--
Family	--	--	--	--	-	-
Probate	77	100.0	--	--	--	--
Other Civil	88	100.0	44	50.0	--	--
Unknown	275	100.0	55	20.0	--	--

Definitions:

Cases Initiated: The number of cases opened in the time period.

Cases Completed: The number of cases that have reached completion through judgment, settlement and/or the recommendation that the case be closed.

Cases Settled: A subset of cases completed that reached a settlement.

Table 2.7
 Supreme Court Cases Completed and Settled by Median Elapsed Time in Days,
 Nova Scotia, 1994-1996

TYPE OF CIVIL ACTION	Median Days for Completed Cases	Median Days for Settled Cases
1994-1995 Total	56	287
Landlord/Tenant	41	...
Debt Collection	47	--
Employment	128	--
Other Contract	26	--
Family	...	...
Tort/Damages	295	338
Probate	...	...
Other Civil	...	...
Unknown	2	...
Jan.-June 1996 Total	43	48
Landlord/Tenant	41	...
Debt Collection	49	38
Employment	...	...
Other Contract	47	128
Tort/Damages	56	--
Family	...	...
Probate	--	...
Other Civil	...	...
Unknown	59	...

Note: Median elapsed time measures the average number of days from the opening of a case to its completion/settlement.

Table 2.8a
Supreme Court Completed Cases by Elapsed Time, Nova Scotia, 1994-1996

TYPE OF CIVIL ACTION	Completed Case Elapsed Time						Row Total
	<1 Month	>1 to 3 Months	>3 to 6 Months	>6 to 12 Months	>1 to 2 Years	Unknown	
1994-1995 Total	2,208	1,083	1,166	542	417	125	5,540
Landlord/Tenant	250	375	--	-	-	-	667
Debt Collection	916	667	458	--	--	--	2,249
Employment	-	-	208	--	--	-	333
Other Contract	583	--	292	-	--	--	1,000
Family	...	...	...	...	...	...	...
Tort/Damages	--	-	83	333	250	--	833
Probate	-	-	--	-	-	-	--
Other Civil	--	-	-	-	-	-	--
Unknown	292	-	--	-	--	-	375
Jan.-June 1996 Total	220	242	88	55	-	--	627
Landlord/Tenant	--	44	--	-	-	-	66
Debt Collection	44	66	--	--	-	--	176
Employment	-	-	-	-	-	-	-
Other Contract	55	77	44	--	-	-	209
Tort/Damages	--	--	-	--	-	-	44
Family	--	-	-	-	-	-	--
Probate	--	-	-	-	-	-	--
Other Civil	44	-	-	-	-	-	44
Unknown	--	--	-	-	-	-	55

Note: No case took more than two years to complete.

Table 2.8b
 Supreme Court Completed Cases by Elapsed Time, Percent Distribution,
 Nova Scotia, 1994-1996

TYPE OF CIVIL ACTION	Completed Case Elapsed Time						Total Count	Percent
	<1 Month	>1 to 3 Months	>3 to 6 Months	>6 to 12 Months	>1 to 2 Years	Unknown		
1994-1995 Total	39.8	19.5	21.1	9.8	7.5	2.3	5,540	100.0
Landlord/Tenant	37.5	56.3	--	-	-	-	667	100.0
Debt Collection	40.7	29.6	20.4	--	--	--	2,249	100.0
Employment	-	-	62.5	--	--	-	333	100.0
Other Contract	58.3	--	29.2	-	--	--	1,000	100.0
Family	-	-	-	-	-	-	-	-
Tort/Damages	--	-	10.0	40.0	30.0	--	833	100.0
Probate	-	-	--	-	-	-	--	--
Other Civil	--	-	-	-	-	-	--	--
Unknown	77.8	-	--	-	--	-	375	100.0
Jan.-June 1996 Total	35.1	38.6	14.0	8.8	-	--	627	100.0
Landlord/Tenant	--	66.7	--	-	-	-	66	100.0
Debt Collection	25.0	37.5	--	--	-	--	176	100.0
Employment	-	-	-	-	-	-	-	-
Other Contract	26.3	36.8	21.1	--	-	-	209	100.0
Tort/Damages	--	--	-	--	-	-	44	100.0
Family	--	-	-	-	-	-	--	--
Probate	--	-	-	-	-	-	--	--
Other Civil	100.0	-	-	-	-	-	44	100.0
Unknown	--	--	-	-	-	-	55	100.0

Note: No case took more than two years to complete.

APPENDIX 3A: Alberta Data Tables

Table 3.1
Court of Queen's Bench Civil Caseload, Alberta, 1991-1997

Year	Calgary	Edmonton	Percent Difference
1991	18,089	22,599	24.9
1992	18,130	23,328	28.7
1993	17,321	22,950	32.5
1994	15,664	22,289	42.3
1995	16,307	24,041	47.4
1996	16,053	24,274	51.2
1997	13,223	18,308	38.5

Note: 1997 is from January to October.

Table 3.2
Initiated Cases by Type of Initiating Document, Alberta, 1991-1997

COURT OF QUEEN'S BENCH	Calgary	Percent of Annual Caseload	Edmonton	Percent of Annual Caseload
1991 Total	18,089	100.0	22,599	100.0
Statement of Claim	12,259	67.8	12,420	55.0
Other	5,677	31.4	10,089	44.6
Appeal	153	0.8	90	0.4
1992 Total	18,130	100.0	23,328	100.0
Statement of Claim	11,845	65.3	12,575	53.9
Other	6,128	33.8	10,653	45.7
Appeal	157	0.9	100	0.4
1993 Total	17,321	100.0	22,950	100.0
Statement of Claim	11,387	65.7	11,831	51.6
Other	5,808	33.5	11,015	48.0
Appeal	126	0.7	104	0.5
1994 Total	15,664	100.0	22,289	100.0
Statement of Claim	10,111	64.5	11,841	53.1
Other	5,440	34.7	10,339	46.4
Appeal	113	0.7	109	0.5
1995 Total	16,307	100.0	24,041	100.0
Statement of Claim	10,545	64.7	13,273	55.2
Other	5,626	34.5	10,666	44.4
Appeal	136	0.8	102	0.4
1996 Total	16,053	100.0	24,274	100.0
Statement of Claim	10,756	67.0	13,072	53.9
Other	5,181	32.3	11,101	45.7
Appeal	116	0.7	101	0.4
1997 Total	13,223	100.0	18,308	100.0
Statement of Claim	8,562	64.8	9,671	52.8
Other	4,576	34.6	8,557	46.7
Appeal	85	0.6	80	0.4

Note: "Other" includes many types of civil court cases; "other" denotes any document that starts a case but is not a statement of claim or an appeal. It includes registrations of decisions from quasi-judicial boards and enforcement orders (see Appendix 3C).

Table 3.3
Initiated Cases by Type of Action, Alberta, 1991

TYPE OF CIVIL ACTION	Calgary Caseload	Percent of Initiating Document	Edmonton Caseload	Percent of Initiating Document
Queen's Bench Total	18,089		22,599	
Statement of Claim	12,259	100.0	12,420	100.0
Contract	7,128	58.1	6,161	49.6
Tort/Damages	1,661	13.5	1,814	14.6
Motor Vehicle	2,038	16.6	2,644	21.3
Other Civil	570	4.6	752	6.1
Family	862	7.0	1,049	8.4
Other	5,677	100.0	10,089	100.0
Contract	7	0.1	9	0.1
Tort/Damages	1	0.0	-	-
Enforcement	4,893	86.2	6,408	63.5
Other Civil	2	0.0	128	1.3
Family	359	6.3	3,388	33.6
Unknown	415	7.3	156	1.5
Appeal	153	100.0	90	100.0
Contract	8	5.2	3	3.3
Tort/Damages	-	-	-	-
Enforcement	-	-	1	1.1
Other Civil	1	0.7	-	-
Family	17	11.1	-	-
Unknown	127	83.0	86	95.6

Note: In this database, motor vehicle actions can only be appropriately classified as a statement of claim, and enforcement actions are always initiated by "other."

Table 3.4
Number of Plaintiffs by Type of Action, Alberta, 1991

TYPE OF CIVIL ACTION	Calgary	Ratio of Plaintiffs to Cases	Edmonton	Ratio of Plaintiffs to Cases	Percent Difference of Ratios
Queen's Bench Total	24,044	1.33	29,152	1.29	-3.0
Statement of Claim	15,960	1.30	16,010	1.29	-1.0
Contract	8,763	1.23	7,322	1.19	-3.3
Tort/Damages	2,312	1.39	2,616	1.44	3.6
Motor Vehicle	2,980	1.46	3,803	1.44	-1.6
Other Civil	934	1.64	1,133	1.51	-8.1
Family	971	1.13	1,136	1.08	-3.9
Other	7,877	1.39	13,017	1.29	-7.0
Contract	7	1.00	9	1.00	-
Tort/Damages	2	2.00	-	-	-
Enforcement	6,556	1.34	8,372	1.31	-2.5
Other Civil	3	1.50	135	1.05	-29.7
Family	698	1.94	4,265	1.26	-35.3
Unknown	611	1.47	236	1.51	2.8
Appeal	207	1.35	125	1.39	2.7
Contract	8	1.00	3	1.00	-
Tort/Damages	-	-	-	-	-
Enforcement	-	-	1	1.00	-
Other Civil	1	1.00	-	-	-
Family	20	1.18	-	-	-
Unknown	178	1.40	121	1.41	0.4

Table 3.5
Number of Defendants by Type of Action, Alberta, 1991

TYPE OF CIVIL ACTION	Calgary	Ratio of Defendants to Cases	Edmonton	Ratio of Defendants to Cases	Percent Difference of Ratios
Queen's Bench Total	32,946	1.82	35,629	1.58	-13.4
Statement of Claim	24,803	2.02	23,064	1.86	-8.2
Contract	14,337	2.01	10,763	1.75	-13.1
Tort/Damages	3,996	2.41	4,858	2.68	11.3
Motor Vehicle	4,015	1.97	4,866	1.84	-6.6
Other Civil	1,518	2.66	1,482	1.97	-26.0
Family	937	1.09	1,095	1.04	-4.0
Other	7,928	1.40	12,443	1.23	-11.7
Contract	12	1.71	14	1.56	-9.3
Tort/Damages	1	1.00	-	-	-
Enforcement	6,830	1.40	8,552	1.33	-4.4
Other Civil	3	1.50	150	1.17	-21.9
Family	372	1.04	3,486	1.03	-0.7
Unknown	710	1.71	241	1.54	-9.7
Appeal	215	1.41	122	1.36	-3.5
Contract	10	1.25	5	1.67	33.3
Tort/Damages	-	-	-	-	-
Enforcement	-	-	2	2.00	-
Other Civil	1	1.00	-	-	-
Family	20	1.18	-	-	-
Unknown	184	1.45	115	1.34	-7.7

Table 3.6
Number of Plaintiffs by Type of Plaintiff, Alberta, 1991

TYPE OF CIVIL ACTION	Business	Percent	Individual	Percent	Row Total	Percent
CALGARY						
Queen's Bench Total	13,872	57.7	10,172	42.3	24,044	100.0
Statement of Claim	8,830	55.3	7,130	44.7	15,960	100.0
Contract	7,749	88.4	1,014	11.6	8,763	100.0
Tort/Damages	659	28.5	1,653	71.5	2,312	100.0
Motor Vehicle	73	2.4	2,907	97.6	2,980	100.0
Other Civil	344	36.8	590	63.2	934	100.0
Family	5	0.5	966	99.5	971	100.0
Other	4,958	63.3	2,919	37.3	7,835	100.0
Contract	7	100.0	-	-	7	100.0
Tort/Damages	-	-	2	100.0	2	100.0
Enforcement	4,296	65.5	2,260	34.5	6,556	100.0
Other Civil	3	100.0	-	-	3	100.0
Family	343	52.3	355	54.1	656	100.0
Unknown	309	50.6	302	49.4	611	100.0
Appeal	84	40.6	123	59.4	207	100.0
Contract	3	37.5	5	62.5	8	100.0
Tort/Damages	-	-	-	-	-	-
Enforcement	-	-	-	-	-	-
Other Civil	1	100.0	-	-	1	100.0
Family	4	20.0	16	80.0	20	100.0
Unknown	76	42.7	102	57.3	178	100.0
EDMONTON						
Queen's Bench Total	15,138	51.9	14,014	48.1	29,152	100.0
Statement of Claim	7,868	49.1	8,142	50.9	16,010	100.0
Contract	6,600	90.1	722	9.9	7,322	100.0
Tort/Damages	739	28.2	1,877	71.8	2,616	100.0
Motor Vehicle	138	3.6	3,665	96.4	3,803	100.0
Other Civil	383	33.8	750	66.2	1,133	100.0
Family	8	0.7	1,128	99.3	1,136	100.0
Other	7,213	55.4	5,804	44.6	13,017	100.0
Contract	8	88.9	1	11.1	9	100.0
Tort/Damages	-	-	-	-	-	-
Enforcement	5,932	70.9	2,440	29.1	8,372	100.0
Other Civil	132	97.8	3	2.2	135	100.0
Family	1,017	23.8	3,248	76.2	4,265	100.0
Unknown	124	52.5	112	47.5	236	100.0
Appeal	57	45.6	68	54.4	125	100.0
Contract	-	-	3	100.0	3	100.0
Tort/Damages	-	-	-	-	-	-
Enforcement	1	100.0	-	-	1	100.0
Other Civil	-	-	-	-	-	-
Family	-	-	-	-	-	-
Unknown	56	46.3	65	53.7	121	100.0

Table 3.7
Number of Defendants by Type of Defendant, Alberta, 1991

TYPE OF CIVIL ACTION	Business	Percent	Individual	Percent	Row Total	Percent
CALGARY						
Queen's Bench Total	11,652	35.4	21,294	64.6	32,946	100.0
Statement of Claim	8,657	34.9	16,146	65.1	24,803	100.0
Contract	4,766	33.2	9,571	66.8	14,337	100.0
Tort/Damages	2,347	58.7	1,649	41.3	3,996	100.0
Motor Vehicle	686	17.1	3,329	82.9	4,015	100.0
Other Civil	806	53.1	712	46.9	1,518	100.0
Family	52	5.5	885	94.5	937	100.0
Other	2,907	36.7	5,021	63.3	7,928	100.0
Contract	8	66.7	4	33.3	12	100.0
Tort/Damages	1	100.0	-	-	1	100.0
Enforcement	2,577	37.7	4,253	62.3	6,830	100.0
Other Civil	2	66.7	1	33.3	3	100.0
Family	20	5.4	352	94.6	372	100.0
Unknown	299	42.1	411	57.9	710	100.0
Appeal	88	40.9	127	59.1	215	100.0
Contract	6	60.0	4	40.0	10	100.0
Tort/Damages	-	-	-	-	-	-
Enforcement	-	-	-	-	-	-
Other Civil	1	100.0	-	-	1	100.0
Family	8	40.0	12	60.0	20	100.0
Unknown	73	39.7	111	60.3	184	100.0
EDMONTON						
Queen's Bench Total	11,248	31.6	24,381	68.4	35,629	100.0
Statement of Claim	8,163	35.4	14,901	64.6	23,064	100.0
Contract	3,716	34.5	7,047	65.5	10,763	100.0
Tort/Damages	2,811	57.9	2,047	42.1	4,858	100.0
Motor Vehicle	813	16.7	4,053	83.3	4,866	100.0
Other Civil	821	55.4	661	44.6	1,482	100.0
Family	2	0.2	1,093	99.8	1,095	100.0
Other	3,038	24.4	9,405	75.6	12,443	100.0
Contract	10	71.4	4	28.6	14	100.0
Tort/Damages	-	-	-	-	-	-
Enforcement	2,791	32.6	5,761	67.4	8,552	100.0
Other Civil	94	62.7	56	37.3	150	100.0
Family	32	0.9	3,454	99.1	3,486	100.0
Unknown	111	46.1	130	53.9	241	100.0
Appeal	47	38.5	75	61.5	122	100.0
Contract	2	40.0	3	60.0	5	100.0
Tort/Damages	-	-	-	-	-	-
Enforcement	-	-	2	100.0	2	100.0
Other Civil	-	-	-	-	-	-
Family	-	-	-	-	-	-
Unknown	45	39.1	70	60.9	115	100.0

Table 3.8
Number of Plaintiffs by Legal Representation, Alberta, 1991

TYPE OF CIVIL ACTION	With Legal Representation	Percent	Without Legal Representation	Percent	Row Total	Percent
CALGARY						
Queen's Bench Total	21,109	87.8	2,935	12.2	24,044	100.0
Statement of Claim	15,690	98.3	270	1.7	15,960	100.0
Contract	8,599	98.1	164	1.9	8,763	100.0
Tort/Damages	2,268	98.1	44	1.9	2,312	100.0
Motor Vehicle	2,937	98.6	43	1.4	2,980	100.0
Other Civil	918	98.3	16	1.7	934	100.0
Family	968	99.7	3	0.3	971	100.0
Other	5,303	67.3	2,574	32.7	7,877	100.0
Contract	7	100.0	-	-	7	100.0
Tort/Damages	2	100.0	-	-	2	100.0
Enforcement	4,011	61.2	2,545	38.8	6,556	100.0
Other Civil	3	100.0	-	-	3	100.0
Family	691	99.0	7	1.0	698	100.0
Unknown	589	96.4	22	3.6	611	100.0
Appeal	116	56.0	91	44.0	207	100.0
Contract	6	75.0	2	25.0	8	100.0
Tort/Damages	-	-	-	-	-	-
Enforcement	-	-	-	-	-	-
Other Civil	1	100.0	-	-	1	100.0
Family	18	90.0	2	10.0	20	100.0
Unknown	91	51.1	87	48.9	178	100.0
EDMONTON						
Queen's Bench Total	23,863	81.9	5,289	18.1	29,152	100.0
Statement of Claim	15,423	96.3	587	3.7	16,010	100.0
Contract	7,151	97.7	171	2.3	7,322	100.0
Tort/Damages	2,426	92.7	190	7.3	2,616	100.0
Motor Vehicle	3,747	98.5	56	1.5	3,803	100.0
Other Civil	1,071	94.5	62	5.5	1,133	100.0
Family	1,028	90.5	108	9.5	1,136	100.0
Other	8,380	64.4	4,637	35.6	13,017	100.0
Contract	9	100.0	-	-	9	100.0
Tort/Damages	-	-	-	-	-	-
Enforcement	3,839	45.9	4,533	54.1	8,372	100.0
Other Civil	132	97.8	3	2.2	135	100.0
Family	4,237	99.3	28	0.7	4,265	100.0
Unknown	163	69.1	73	30.9	236	100.0
Appeal	60	48.0	65	52.0	125	100.0
Contract	-	-	3	100.0	3	100.0
Tort/Damages	-	-	-	-	-	-
Enforcement	1	100.0	-	-	1	100.0
Other Civil	-	-	-	-	-	-
Family	-	-	-	-	-	-
Unknown	59	48.8	62	51.2	121	100.0

Note: Legal representation is defined as such by a law firm or an agency.

Table 3.9
Number of Defendants by Legal Representation, Alberta, 1991

TYPE OF CIVIL ACTION	With Legal Representation	Percent	Without Legal Representation	Percent	Row Total	Percent
CALGARY						
Queen's Bench Total	3,697	11.2	29,249	88.8	32,946	100.0
Statement of Claim	3,639	14.7	21,164	85.3	24,803	100.0
Contract	1,345	9.4	12,992	90.6	14,337	100.0
Tort/Damages	948	23.7	3,048	76.3	3,996	100.0
Motor Vehicle	827	20.6	3,188	79.4	4,015	100.0
Other Civil	342	22.5	1,176	77.5	1,518	100.0
Family	177	18.9	760	81.1	937	100.0
Other	55	0.7	7,873	99.3	7,928	100.0
Contract	-	-	12	100.0	12	100.0
Tort/Damages	-	-	1	100.0	1	100.0
Enforcement	10	0.1	6,820	99.9	6,830	100.0
Other Civil	-	-	3	100.0	3	100.0
Family	13	3.5	359	96.5	372	100.0
Unknown	32	4.5	678	95.5	710	100.0
Appeal	3	1.4	212	-	215	100.0
Contract	-	-	10	-	10	100.0
Tort/Damages	-	-	-	-	-	-
Enforcement	-	-	-	-	-	-
Other Civil	-	-	1	-	1	100.0
Family	1	5.0	19	-	20	100.0
Unknown	2	1.1	182	-	184	100.0
EDMONTON						
Queen's Bench Total	8,054	22.6	27,575	77.4	35,629	100.0
Statement of Claim	7,936	34.4	15,128	65.6	23,064	100.0
Contract	2,488	23.1	8,275	76.9	10,763	100.0
Tort/Damages	2,277	46.9	2,581	53.1	4,858	100.0
Motor Vehicle	2,163	44.5	2,703	55.5	4,866	100.0
Other Civil	666	44.9	816	55.1	1,482	100.0
Family	342	31.2	753	68.8	1,095	100.0
Other	114	0.9	12,329	99.1	12,443	100.0
Contract	-	-	14	-	14	100.0
Tort/Damages	-	-	-	-	-	-
Enforcement	42	0.5	8,510	99.5	8,552	100.0
Other Civil	3	2.0	147	98.0	150	100.0
Family	27	0.8	3,459	99.2	3,486	100.0
Unknown	42	17.4	199	82.6	241	100.0
Appeal	4	3.3	118	...	122	100.0
Contract	-	-	5	100.0	5	100.0
Tort/Damages	-	-	-	-	-	-
Enforcement	-	-	2	100.0	2	100.0
Other Civil	-	-	-	-	-	-
Family	-	-	-	-	-	-
Unknown	4	3.5	111	96.5	115	100.0

Note: Legal representation is defined as such by a law firm or an agency.

Table 3.10
Initiated Cases by Median Claim Amount, Alberta, 1991

TYPE OF CIVIL ACTION	Median Claim Calgary (\$)	Number of Cases with Claim	Median Claim Edmonton (\$)	Number of Cases with Claim
Queen's Bench Total	3,889	11,567	4,712	15,350
Statement of Claim	9,728	7,207	23,427	9,303
Contract	6,936	5,686	7,344	4,872
Tort/Damages	50,000	1,520	50,000	1,796
Motor Vehicle	...	-	100,000	2,635
Other Civil	...	1	...	-
Family	...	-	...	-
Other	1,127	4,360	1,003	6,047
Contract	...	1	...	-
Tort/Damages	...	1	...	-
Enforcement	1,110	4,306	1,000	6,010
Other Civil	...	-	...	1
Family	...	-	...	-
Unknown	13,880	52	4,529	36
Appeal	...	-	...	-
Contract	...	-	...	-
Tort/Damages	...	-	...	-
Enforcement	...	-	...	-
Other Civil	...	-	...	-
Family	...	-	...	-
Unknown	...	-	...	-

Note: In Calgary, claims in motor vehicle cases are never captured.

Table 3.11a
Trial Cases by Amount of Claim, Alberta, 1991

TYPE OF CIVIL ACTION	<\$10,000	>\$10,000- \$100,000	>\$100,000- \$1,000,000	>\$1,000,000	Total
CALGARY					
Queen's Bench Total	7,988	2,826	650	103	11,567
Statement of Claim	3,720	2,747	639	101	7,207
Contract	3,505	1,881	264	36	5,686
Damages	215	865	375	65	1,520
Motor Vehicle	-	-	-	-	-
Other Civil	-	1	-	-	1
Family	-	-	-	-	-
Other	4,268	79	11	2	4,360
Contract	-	1	-	-	1
Damages	1	-	-	-	1
Enforcement	4,244	55	6	1	4,306
Other Civil	-	-	-	-	-
Family	-	-	-	-	-
Unknown	23	23	5	1	52
EDMONTON					
Queen's Bench Total	9,306	3,917	1,891	236	15,350
Statement of Claim	3,314	3,869	1,887	233	9,303
Contract	2,893	1,751	210	18	4,872
Damages	286	927	489	94	1,796
Motor Vehicle	135	1,191	1,188	121	2,635
Other Civil	-	-	-	-	-
Family	-	-	-	-	-
Other	5,992	48	4	3	6,047
Contract	-	-	-	-	-
Enforcement	5,961	45	4	-	6,010
Other Civil	-	1	-	-	1
Family	-	-	-	-	-
Unknown	31	2	-	3	36

Note: In Calgary, claims in motor vehicle cases are never captured.

Table 3.11b
Trial Cases by Amount of Claim, Percent Distribution, Alberta, 1991

TYPE OF CIVIL ACTION	<10,000	>\$10,000- \$100,000	>\$100,000- \$1,000,000	>\$1,000,000	Total	Row Percent
CALGARY						
Queen's Bench Total	69.1	24.4	5.6	0.9	11,567	100.0
Statement of Claim	51.6	38.1	8.9	1.4	7,207	100.0
Contract	61.6	33.1	4.6	0.6	5,686	100.0
Damages	14.1	56.9	24.7	4.3	1,520	100.0
Motor Vehicle	-	-	-	-	-	-
Other Civil	-	100.0	-	-	1	100.0
Family	-	-	-	-	-	-
Other	97.9	1.8	0.3	0.0	4,360	100.0
Contract	-	100.0	-	-	1	100.0
Damages	100.0	-	-	-	1	100.0
Enforcement	98.6	1.3	0.1	0.0	4,306	100.0
Other Civil	-	-	-	-	-	-
Family	-	-	-	-	-	-
Unknown	44.2	44.2	9.6	1.9	52	100.0
EDMONTON						
Queen's Bench Total	60.6	25.5	12.3	1.5	15,350	100.0
Statement of Claim	35.6	41.6	20.3	2.5	9,303	100.0
Contract	59.4	35.9	4.3	0.4	4,872	100.0
Damages	15.9	51.6	27.2	5.2	1,796	100.0
Motor Vehicle	5.1	45.2	45.1	4.6	2,635	100.0
Other Civil	-	-	-	-	-	-
Family	-	-	-	-	-	-
Other	99.1	0.8	0.1	0.0	6,047	100.0
Contract	-	-	-	-	-	-
Enforcement	99.2	0.7	0.1	-	6,010	100.0
Other Civil	-	100.0	-	-	1	100.0
Family	-	-	-	-	-	-
Unknown	86.1	5.6	-	8.3	36	100.0

Note: In Calgary, claims in motor vehicle cases are never captured.

Table 3.12
Initiated Cases to Trial Ready and to Trial Hearing, Alberta, 1991-1997

TYPE OF CIVIL ACTION	Initiated 1991 Cases	Percent	Trial Ready	Percent	Trial Hearing	Percent
CALGARY						
Queen's Bench Total	18,089	100.0	1,127	6.2	334	1.8
Statement of Claim	12,259	100.0	1,006	8.2	274	2.2
Contract	7,128	100.0	160	2.2	72	1.0
Tort/Damages	1,661	100.0	310	18.7	86	5.2
Motor Vehicle	2,038	100.0	291	14.3	35	1.7
Other Civil	570	100.0	91	16.0	20	3.5
Family	862	100.0	154	17.9	61	7.1
Other	5,677	100.0	117	2.1	58	1.0
Contract	7	100.0	-	-	-	-
Tort/Damages	1	100.0	-	-	-	-
Enforcement	4,893	100.0	1	0.0	-	-
Other Civil	2	100.0	1	50.0	1	50.0
Family	359	100.0	91	25.3	45	12.5
Unknown	415	100.0	24	5.8	12	2.9
Appeal	153	100.0	4	2.6	2	1.3
Contract	8	100.0	1	12.5	1	12.5
Tort/Damages	-	-	-	-	-	-
Enforcement	-	-	-	-	-	-
Other Civil	1	100.0	1	-	-	-
Family	17	100.0	-	-	-	-
Unknown	127	100.0	2	1.6	1	0.8
EDMONTON						
Queen's Bench Total	22,599	100.0	1,108	4.9	355	1.6
Statement of Claim	12,420	100.0	922	7.4	276	2.2
Contract	6,161	100.0	152	2.5	62	1.0
Tort/Damages	1,814	100.0	251	13.8	79	4.4
Motor Vehicle	2,644	100.0	292	11.0	36	1.4
Other Civil	752	100.0	69	9.2	29	3.9
Family	1,049	100.0	158	15.1	70	6.7
Other	10,089	100.0	184	1.8	78	0.8
Contract	9	100.0	-	-	-	-
Tort/Damages	-	-	-	-	-	-
Enforcement	6,408	100.0	1	0.0	-	-
Other Civil	128	100.0	1	0.8	1	0.8
Family	3,388	100.0	168	5.0	71	2.1
Unknown	156	100.0	14	9.0	6	3.8
Appeal	90	100.0	2	2.2	1	1.1
Contract	3	100.0	-	-	-	-
Tort/Damages	-	-	-	-	-	-
Enforcement	1	100.0	2	200.0	1	100.0
Other Civil	-	-	-	-	-	-
Family	-	-	-	-	-	-
Unknown	86	100.0	-	-	-	-

Note: One case can have more than one event (i.e., referral to trial list or trial hearing).

Table 3.13
Trial Case Process Points by Median Elapsed Time in Days, Alberta, 1991-1997

TYPE OF CIVIL ACTION	<u>Start to Trial Ready</u>		<u>Trial Ready to Trial</u>		<u>Start to Trial</u>	
	Calgary	Edmonton	Calgary	Edmonton	Calgary	Edmonton
Queen's Bench Total	527	637	120	104	678	764
Statement of Claim	625	825	135	96	775	909
Contract	762	798	138	109	842	871
Tort	625	914	153	114	815	1,035
Motor Vehicle	1,209	1,001	168	140	1,250	1,146
Other Civil	696	852	115	76	737	964
Family	329	654	97	56	404	719
Other	174	104	72	145	236	282
Contract	...	...	...	...	...	...
Tort/Damages	...	...	...	...	...	...
Enforcement	...	...	...	...	...	...
Other Civil	...	...	...	...	...	...
Family	146	97	64	164	209	283
Unknown	327	82	87	57	414	140
Appeal	315	...	59	...	373	...
Contract	...	...	...	...	...	...
Tort/Damages	...	...	...	...	...	...
Enforcement	...	...	...	...	...	...
Other Civil	...	...	...	...	...	...
Family	...	...	...	...	...	...
Unknown	...	...	...	...	...	...

Table 3.14a
Trial Cases by Elapsed Time, Alberta, 1991-1997

TYPE OF CIVIL ACTION	<6 Months	>6 to 12 Months	>1 to 2 Years	>2 to 3 Years	>3 to 4 Years	>4 to 5 Years	>5 Years	Row Total
CALGARY								
Queen's Bench Total	28	50	104	58	47	27	20	334
Statement of Claim	8	31	91	54	44	27	19	274
Contract	-	4	24	13	10	16	5	72
Tort/Damages	1	8	27	24	14	7	5	86
Motor Vehicle	-	-	8	6	12	2	7	35
Other Civil	1	1	8	3	5	2	-	20
Family	6	18	24	8	3	-	2	61
Other	20	18	12	4	3	-	1	58
Contract	-	-	-	-	-	-	-	-
Tort/Damages	-	-	-	-	-	-	-	-
Enforcement	-	-	-	-	-	-	-	-
Other Civil	-	-	1	-	-	-	-	1
Family	17	16	7	2	2	-	1	45
Unknown	3	2	4	2	1	-	-	12
Appeal	-	1	1	-	-	-	-	2
Contract	-	1	-	-	-	-	-	1
Tort/Damages	-	-	-	-	-	-	-	-
Enforcement	-	-	-	-	-	-	-	-
Other Civil	-	-	-	-	-	-	-	-
Family	-	-	-	-	-	-	-	-
Unknown	-	-	1	-	-	-	-	1
EDMONTON								
Queen's Bench Total	30	62	79	78	62	32	12	355
Statement of Claim	11	27	58	77	60	32	11	276
Contract	2	4	15	26	8	4	3	62
Tort/Damages	1	3	15	21	24	13	2	79
Motor Vehicle	-	4	4	7	11	7	3	36
Other Civil	3	6	4	7	4	5	-	29
Family	5	10	20	16	13	3	3	70
Other	19	34	21	1	2	-	1	78
Contract	-	-	-	-	-	-	-	-
Tort/Damages	-	-	-	-	-	-	-	-
Enforcement	-	-	-	-	-	-	-	-
Other Civil	-	-	-	1	-	-	-	1
Family	15	34	20	-	1	-	1	71
Unknown	4	-	1	-	1	-	-	6
Appeal	-	1	-	-	-	-	-	1
Contract	-	-	-	-	-	-	-	-
Tort/Damages	-	-	-	-	-	-	-	-
Enforcement	-	1	-	-	-	-	-	1
Other Civil	-	-	-	-	-	-	-	-
Family	-	-	-	-	-	-	-	-
Unknown	-	-	-	-	-	-	-	-

Table 3.14b
Trial Cases by Elapsed Time, Percent Distribution, Alberta, 1991-1997

TYPE OF CIVIL ACTION	<6 Months	>6 to 12 Months	>1 to 2 Years	>2 to 3 Years	>3 to 4 Years	>4 to 5 Years	>5 Years	Row Total
CALGARY								
Queen's Bench Total	8.4	15.0	31.1	17.4	14.1	8.1	6.0	100.0
Statement of Claim	2.9	11.3	33.2	19.7	16.1	9.9	6.9	100.0
Contract	-	5.6	33.3	18.1	13.9	22.2	6.9	100.0
Tort/Damages	1.2	9.3	31.4	27.9	16.3	8.1	5.8	100.0
Motor Vehicle	-	-	22.9	17.1	34.3	5.7	20.0	100.0
Other Civil	5.0	5.0	40.0	15.0	25.0	10.0	-	100.0
Family	9.8	29.5	39.3	13.1	4.9	-	3.3	100.0
Other	34.5	31.0	20.7	6.9	5.2	-	1.7	100.0
Contract	-	-	-	-	-	-	-	-
Tort/Damages	-	-	-	-	-	-	-	-
Enforcement	-	-	-	-	-	-	-	-
Other Civil	-	-	100.0	-	-	-	-	100.0
Family	37.8	35.6	15.6	4.4	4.4	-	2.2	100.0
Unknown	25.0	16.7	33.3	16.7	8.3	-	-	100.0
Appeal	-	50.0	50.0	-	-	-	-	100.0
Contract	-	100.0	-	-	-	-	-	100.0
Tort/Damages	-	-	-	-	-	-	-	-
Enforcement	-	-	-	-	-	-	-	-
Other Civil	-	-	-	-	-	-	-	-
Family	-	-	-	-	-	-	-	-
Unknown	-	-	100.0	-	-	-	-	100.0
EDMONTON								
Queen's Bench Total	8.5	17.5	22.3	22.0	17.5	9.0	3.4	100.0
Statement of Claim	4.0	9.8	21.0	27.9	21.7	11.6	4.0	100.0
Contract	3.2	6.5	24.2	41.9	12.9	6.5	4.8	100.0
Tort/Damages	1.3	3.8	19.0	26.6	30.4	16.5	2.5	100.0
Motor Vehicle	-	11.1	11.1	19.4	30.6	19.4	8.3	100.0
Other Civil	10.3	20.7	13.8	24.1	13.8	17.2	-	100.0
Family	7.1	14.3	28.6	22.9	18.6	4.3	4.3	100.0
Other	24.4	43.6	26.9	1.3	2.6	-	1.3	100.0
Contract	-	-	-	-	-	-	-	-
Tort/Damages	-	-	-	-	-	-	-	-
Enforcement	-	-	-	-	-	-	-	-
Other Civil	-	-	-	100.0	-	-	-	100.0
Family	21.1	47.9	28.2	-	1.4	-	1.4	100.0
Unknown	66.7	-	16.7	-	16.7	-	-	100.0
Appeal	-	100.0	-	-	-	-	-	100.0
Contract	-	-	-	-	-	-	-	-
Tort/Damages	-	-	-	-	-	-	-	-
Enforcement	-	100.0	-	-	-	-	-	100.0
Other Civil	-	-	-	-	-	-	-	-
Family	-	-	-	-	-	-	-	-
Unknown	-	-	-	-	-	-	-	-

Table 3.15
Trial Cases by Median Estimated and Actual Length in Days, Alberta, 1991-1997

TYPE OF CIVIL ACTION	Estimated Length			Actual Length		
	Calgary (# Days)	Edmonton (# Days)	Percent Difference	Calgary (# Days)	Edmonton (# Days)	Percent Difference
Queen's Bench Total	1.5	1.0	-33.3	1.5	1.0	-33.3
Statement of Claim	2.0	2.0	-	2.0	1.5	-25.0
Contract	1.5	1.5	-	2.0	1.0	-50.0
Tort/Damages	2.0	2.0	-	2.5	1.5	-40.0
Motor Vehicle	2.5	3.0	20.0	2.5	2.5	0.0
Other Civil	2.8	1.0	-63.6	3.0	1.5	-50.0
Family	2.0	2.0	-	1.0	1.0	0.0
Other	0.5	0.5	-	0.5	0.5	0.0
Contract	...	...	...	...	...	...
Tort/Damages	...	...	...	...	...	...
Enforcement	...	...	...	...	...	...
Other Civil	...	...	...	...	...	...
Family	0.5	0.5	-	0.5	0.5	0.0
Unknown	1.3	0.5	-60.0	0.9	0.5	-42.9
Appeal	...	...	...	0.1	...	...
Contract	...	...	...	...	...	...
Tort/Damages	...	...	...	...	...	...
Enforcement	...	...	...	...	...	...
Other Civil	...	...	...	...	...	...
Family	...	...	...	...	...	...
Unknown	...	...	...	...	...	...

Table 3.16
Trial Cases by Length of Trial, Alberta, 1991

TYPE OF CIVIL ACTION	Number of Trials	Row Percent	2 Days or Less	Row Percent	3 to 4 Days	Row Percent	5 Days or More	Row Percent
CALGARY								
Queen's Bench Total	334	100.0	206	61.7	68	20.4	60	18.0
Statement of Claim	274	100.0	148	54.0	67	24.5	59	21.5
Contract	72	100.0	38	52.8	16	22.2	18	25.0
Tort/Damages	86	100.0	42	48.8	24	27.9	20	23.3
Motor Vehicle	35	100.0	15	42.9	9	25.7	11	31.4
Other Civil	20	100.0	7	35.0	7	35.0	6	30.0
Family	61	100.0	46	75.4	11	18.0	4	6.6
Other	58	100.0	56	96.6	1	1.7	1	1.7
Contract	-	-	-	-	-	-	-	-
Tort/Damages	-	-	-	-	-	-	-	-
Enforcement	-	-	-	-	-	-	-	-
Other Civil	1	100.0	1	100.0	-	-	-	-
Family	45	100.0	45	100.0	-	-	-	-
Unknown	12	100.0	10	83.3	1	8.3	1	8.3
Appeal	2	100.0	2	100.0	-	-	-	-
Contract	1	100.0	1	100.0	-	-	-	-
Tort/Damages	-	-	-	-	-	-	-	-
Enforcement	-	-	-	-	-	-	-	-
Other Civil	-	-	-	-	-	-	-	-
Family	-	-	-	-	-	-	-	-
Unknown	1	100.0	1	100.0	-	-	-	-
EDMONTON								
Queen's Bench Total	355	100.0	269	75.8	56	15.8	30	8.5
Statement of Claim	276	100.0	190	68.8	56	20.3	30	10.9
Contract	62	100.0	48	77.4	10	16.1	4	6.5
Tort/Damages	79	100.0	51	64.6	17	21.5	11	13.9
Motor Vehicle	36	100.0	17	47.2	8	22.2	11	30.6
Other Civil	29	100.0	19	65.5	8	27.6	2	6.9
Family	70	100.0	55	78.6	13	18.6	2	2.9
Other	78	100.0	78	100.0	-	-	-	-
Contract	-	-	-	-	-	-	-	-
Tort/Damages	-	-	-	-	-	-	-	-
Enforcement	-	-	-	-	-	-	-	-
Other Civil	1	100.0	1	100.0	-	-	-	-
Family	71	100.0	71	100.0	-	-	-	-
Unknown	6	100.0	6	100.0	-	-	-	-
Appeal	1	100.0	1	100.0	-	-	-	-
Contract	-	-	-	-	-	-	-	-
Tort/Damages	-	-	-	-	-	-	-	-
Enforcement	1	100.0	1	100.0	-	-	-	-
Other Civil	-	-	-	-	-	-	-	-
Family	-	-	-	-	-	-	-	-
Unknown	-	-	-	-	-	-	-	-

APPENDIX 4A: Saskatchewan Data Tables

Table 4.1
Court of Queen's Bench General Division Caseload, Saskatchewan, 1984-1997

Year	Regina	Saskatoon	Percent Difference
1984	4,768	4,714	1
1985	4,848	4,604	5
1986	5,286	4,491	15
1987	4,868	5,296	-9
1988	5,304	5,636	-6
1989	4,900	5,583	-14
1990	5,014	5,238	-4
1991	4,935	4,995	-1
1992	4,295	4,319	-1
1993	4,099	4,019	2
1994	4,147	4,009	3
1995	4,210	3,607	14
1996	3,604	2,573	29
1997	2,652	1,846	30

Note: 1997 is from January to August.

Table 4.2

Court of Queen's Bench General Division Caseload, Median Claim and Award Amount, Saskatchewan, September 1996 to August 1997

GENERAL DIVISION	Caseload	Median Claim (\$)	Number of Cases with Claim	Median Award (\$)	Number of Cases with Award
Regina	3,547	4,173	2,303	3,548	1,180
Saskatoon	2,522	1,844	1,403	1,529	693

Table 4.3

Number of Litigants by Type of Litigant, Saskatchewan, September 1996 to August 1997

TYPE OF LITIGANT	Regina	Percent	Saskatoon	Percent
Plaintiff				
Total	4,984	100.0	3,162	100.0
Ratio of Plaintiffs to Cases	1.41		1.25	
Individual	2,688	53.9	1,439	45.5
Business	1,722	34.6	1,230	38.9
Government	574	11.5	493	15.6
Defendant				
Total	4,999	100.0	4,003	100.0
Ratio of Defendants to Cases	1.41		1.59	
Individual	3,606	72.1	2,593	64.8
Business	1,014	20.3	1,125	28.1
Government	379	7.6	285	7.1

Table 4.4

Number of Litigants by Legal Representation, Saskatchewan, September 1996 to August 1997

LEGAL REPRESENTATION	Regina	Percent	Saskatoon	Percent
Plaintiff				
Total	4,984	100.0	3,162	100.0
With Legal Representation	3,279	65.8	2,041	64.5
Without Legal Representation	1,705	34.2	1,121	35.5
Defendant				
Total	4,999	100.0	4,003	100.0
With Legal Representation	907	18.1	592	14.8
Without Legal Representation	4,092	81.9	3,411	85.2

Table 4.5
Types of Events Associated with Cases Initiated, Saskatchewan,
September 1996 to August 1997

Identifiable NDR Events	Saskatchewan Events*	Regina		Saskatoon	
		Count	Percent	Count	Percent
	Total Events	14,035	100.0	10,651	100.0
	Events Unrelated to NDR	5,713	40.7	5,947	55.8
Initiating Events	Total	3,377	100.0	2,089	100.0
Appeal	Notice of Appeal	54	1.6	39	1.9
Appeal	Rentalsmans Appeal	3	0.1	29	1.4
Appeal	Notice of Appeal (Small Claims)	16	0.5	-	-
Appeal	Notice of Appeal (summary conviction)	10	0.3	-	-
Application	Exparte Application Filed	421	12.5	419	20.1
Application	Application for Protection Hearing	1	0.0	1	0.0
Application to Vary	Variation of Maintenance (Motion for)	1	0.1	-	-
Petition	Petition & Notice of Petition	16	0.5	6	0.3
Statement of Claim	Statement of Claim	2,855	84.5	1,595	76.4
Process Events	Total	1,497	100.0	761	100.0
ADR	Mediation Completed	307	20.5	-	-
Conference Hearing	Pre-Trial Set	16	1.1	1	0.1
Discovery Hearing	Examination of Discovery	250	16.7	100	13.1
Intent to Defend	Statement of Defence	703	47.0	477	62.7
Intent to Defend	Notice of Intent to Defend	220	14.7	182	23.9
Trial Hearing	Trial Set	1	0.1	1	0.1
Disposition Events	Total	3,448	100.0	1,854	100.0
Default Judgment	Noted for Default*	1,346	39.0	499	26.9
Discontinuance	Notice of Discontinuance	342	9.9	154	8.3
Judgment	Judgment	1,037	30.1	458	24.7
Judgment	Judgment (Small Claims)	118	3.4	199	10.7
Judgment	Arbitration Award	-	-	25	1.3
Judgment	Memo of Satisfaction of Judgment	45	1.3	20	1.1
Judgment	Final Order for Foreclosure	27	0.8	10	0.5
Order	Order	397	11.5	359	19.4
Order	Rentalsman Order	37	1.1	95	5.1
Order	Victims Assistance Order	1	0.0	-	-
Settlement	Minutes of Settlement	25	0.7	29	1.6
Stay of Proceedings	Bankruptcy (Stay of Proceedings)	33	1.0	6	0.3
Transfer to Another Court	File Transferred	40	1.2	-	-

Note: In Saskatchewan, "Noted for Default" is a process event; in the NDR, "Default Judgment" is a disposition event. A judgment must follow a notice for default for the judgment to be "Default Judgment."

Table 4.6

Type of Cases Initiated, Median Claim and Award Amount, Regina, January to June 1996

TYPE OF CIVIL ACTION	Total Cases Initiated	Percent	Median Claim (\$)	Number of Cases with Claim	Median Award (\$)	Number of Cases with Award
Total	3,042	100.0				
Queen's Bench General	1,831	60.2	3,966	1,138	2,997	810
<i>Debt</i>	1,114	36.6	3,914	1,113	3,705	614
<i>Damages</i>	229	7.5	24,384	8	16,235	2
<i>Other</i>	488	16.0	5,074	17	1,023	194
Surrogate	342	11.2			51,934	10
Divorce	399	13.1				
Family Law	327	10.7				
Child Protection	84	2.8				
Adoption	28	0.9				
Domestic Violence Act	31	1.0				

Table 4.7
Selected Case Events by Type of Civil Action, Regina, January to June 1996

TYPE OF CIVIL ACTION	Initiated Cases	Discovery ADR	Hearing	Pre-Trial Hearing	Trial Hearing	Settlement	Discontinuation	Judgment
Total	3,042	236	202	105	3	41	299	1,331
Queen's Bench General	1,831	189	161	32	1	36	282	881
Surrogate Matters	342	1	-	-	-	-	-	-
Divorce	399	23	34	50	1	4	7	314
Family Law	327	23	7	17	-	1	10	81
Child Protection	84	-	-	6	1	-	-	55
Adoption	28	-	-	-	-	-	-	-
Domestic Violence Act	31	-	-	-	-	-	-	-
PERCENT DISTRIBUTION								
Total	100.0	7.8	6.6	3.5	0.1	1.3	9.8	43.8
Queen's Bench General	100.0	10.3	8.8	1.7	0.1	2.0	15.4	48.1
Surrogate Matters	100.0	0.3	-	-	-	-	-	-
Divorce	100.0	5.8	8.5	12.5	0.3	1.0	1.8	78.7
Family Law	100.0	7.0	2.1	5.2	-	0.3	3.1	24.8
Child Protection	100.0	-	-	7.1	1.2	-	-	65.5
Adoption	100.0	-	-	-	-	-	-	-
Domestic Violence Act	100.0	-	-	-	-	-	-	-

Note: Although it appears none of the initiated cases under surrogate, adoption, and *Domestic Violence Act* have any resolution, that is highly unlikely. Rather, this points to the difficulty in mapping to the NDR.

More than one type of the same event may have been recorded (e.g., more than one judgment per case). Thus, these percentages are slightly inflated.

Table 4.8
Selected Case Events by Median Elapsed Time in Days, Regina, January to June 1996

TYPE OF CIVIL ACTION	ADR (# Days)	Discovery Hearing (# Days)	Pre-Trial Hearing (# Days)	Trial Hearing (# Days)	Settlement (# Days)	Discon- tinuance (# Days)	Judgment (# Days)
Total	147	261	340	377	214	180	61
Queen's Bench General	156	234	427	...	185	175	44
Surrogate Matters	...	...	...	...	...	...	...
Divorce	139	286	318	...	237	305	97
Family Law	78	273	310	...	...	245	103
Child Protection	...	...	84	...	...	...	117
Adoption	...	...	...	...	...	...	...
Domestic Violence Act	...	...	...	...	...	...	...