

Chapter 3 2003/04 Court Activity

Five-Year Trends

Statistical data about court activity is extracted from the Integrated Courts Offences Network (ICON), which is CSD's operational system for Ontario Court of Justice criminal proceedings, and from the Courts Input Statistical System (CISS), which is the case tracking system for civil, small claims and family matters and Superior Court of Justice criminal proceedings. The scope of data available from CISS is much narrower than that available from ICON.

CSD has developed a new case tracking system for civil, small claims and family cases, as well as for Superior Court criminal and Divisional Court proceedings. This system will be in place across the province by early 2005. The new system is designed to meet CSD's management information and operational needs and will provide extensive data about case processing. In developing the system, CSD has captured all of the information that is currently available from the SUSTAIN case management system in Toronto, Ottawa and Windsor, including time-standard tracking and case-aging data. The new system also includes some additional, important data elements, including detailed event information.

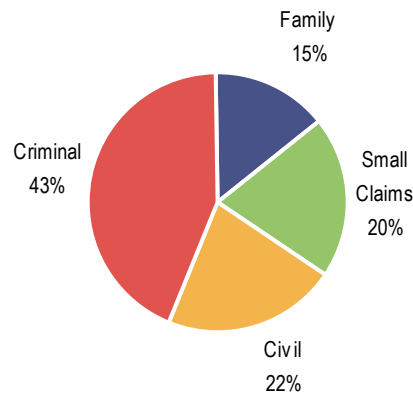
CSD is also enhancing the accuracy and scope of data available from ICON.

The following discussion outlines some of the trends that CSD is currently tracking for all practice areas. More detailed statistical information and definitions are included in the Appendix.

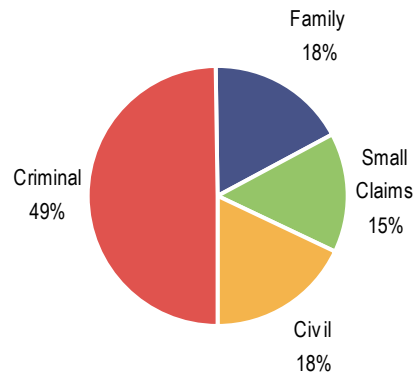
New Proceedings Received

Over the past 10 years, small claims and civil matters have declined as a proportion of total court activity while family and criminal matters have increased*.

1994/95 New Proceedings Received by Practice Area



2003/04 New Proceedings Received by Practice Area



* There are on average two charges per information filed in the criminal court of the Ontario Court of Justice. An information is roughly equivalent to a case. To compare practice area case volumes, Ontario Court of Justice criminal charges received were divided by two.

The Criminal Courts - The Ontario Court of Justice

Charges Received, Disposed and Pending

The Ontario Court of Justice receives over 500,000 criminal charges a year. There are on average two charges per information filed; an information is roughly equivalent to a 'case.' In 2003/04, there were therefore approximately 267,000 new criminal cases.

In 2003/04, adult *Criminal Code of Canada* charges comprised 75 percent of total charges received, while adult federally prosecuted charges comprised 8 percent and youth charges 16 percent.

Over the past five fiscal years, the number of charges received has increased by 11.5 percent. However, in the last two years, there has been a 2.4 percent drop in charges received, mostly due to a decline in youth charges and adult federally prosecuted charges (13.9 percent and 10 percent decrease, respectively).

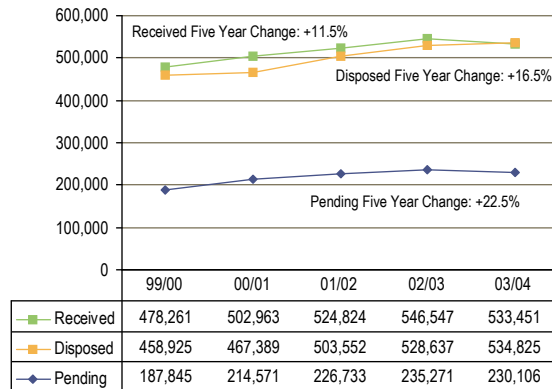
The Court disposed of 16.5 percent more charges last year than it did in 1999/2000, with adult *Criminal Code of Canada* and federally prosecuted charges accounting for most of the increase in charges disposed (21.1 percent and 11.5 percent increase, respectively).

The number of charges pending in 2003/04 was 22.5 percent higher than it was in 1999/2000. Over the past five years, the number of charges pending for adult *Criminal Code of Canada* charges has increased 27.4 percent, but has remained relatively stable over the last two years.

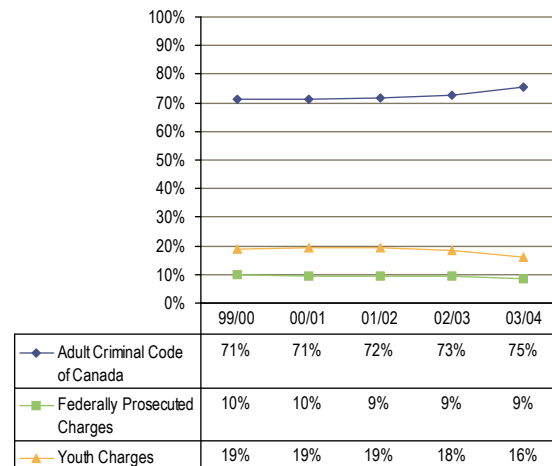
Number of Events

An event is a court appearance. Over the past five years, events heard in the Ontario Court of Justice have increased 38.6 percent. *Note: Criminal events heard in the Ontario Court of Justice are collected for each charge that was before the court. For example, if a person has been charged with two offences, the courts database shows two events for each court appearance.*

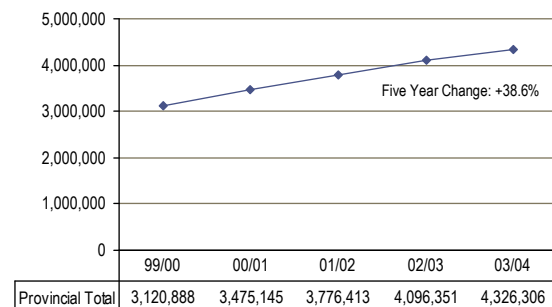
Charges Received, Disposed and Pending
in the Ontario Court of Justice 1999/00 to 2003/04



Percent of Charges Received by Statute
in the Ontario Court of Justice 1999/00 to 2003/04



Events Heard in the Ontario Court of Justice, Criminal
1999/00 to 2003/04



Courtroom Operating Hours

Over the past five years, courtroom operating hours in the Ontario Court of Justice have increased steadily across the province by 17.4 percent. *Note: Courtroom operating hours reflect hours during which courtrooms are in use; they do not measure working hours for court staff or judicial officers.*

**The Criminal Courts -
The Superior Court of Justice**

Cases Received, Disposed and Pending

The Superior Court of Justice received over 5,000 cases (indictments and appeals) in 2003/04. There has been little change in total cases received over the past five years. However, adult *Criminal Code of Canada* cases have decreased 2.3 percent while federally prosecuted matters have increased 9.4 percent.

The number of cases disposed in the Superior Court of Justice has decreased by 9.4 percent over the five-year period. In 2003/04, however, charges disposed increased 5.7 percent, primarily due to a 32 percent increase in the number of federally prosecuted charges disposed.

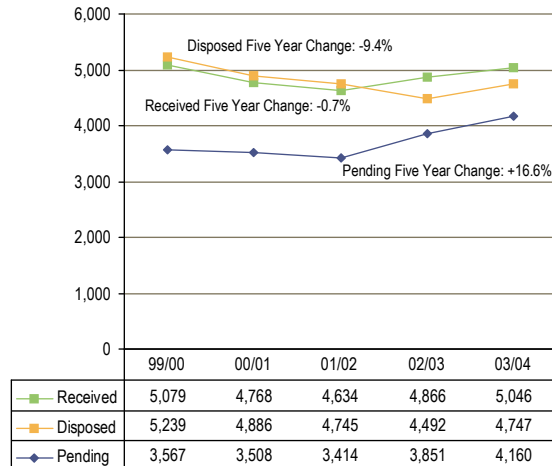
Number of Events

The number of events heard in the Superior Court of Justice has remained stable, despite a spike in 2001/02.

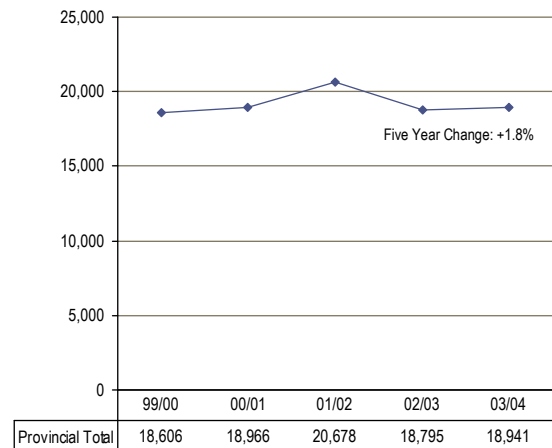
Courtroom Operating Hours

Over the past five years, courtroom operating hours in the Superior Court of Justice have decreased by 2.8 percent. In the last two years however, courtroom operating hours have been increasing. *Note: Courtroom operating hours reflect hours during which courtrooms are in use; they do not measure working hours for court staff or judicial officers.*

Proceedings Received, Disposed and Pending in the Superior Court of Justice, Criminal 1999/00 to 2003/04



Events Heard in the Superior Court of Justice, Criminal 1999/00 to 2003/04





The Civil Courts

New Proceedings

In 2003/04, over 93,000 new civil cases were received in the Superior Court of Justice. Approximately 1,300 of these cases were heard in the Divisional Court.

Over the past five years, the number of new proceedings appears to have increased 16 percent. The significant increase in new cases in 2002/03, however, was due to the first-time inclusion of bankruptcy and commercial data from the Toronto region.

Number of Events Heard

The number of events heard has increased 10.2 percent during the last five years. This upward trend began after 2001/02, and has been due, in part, to the inclusion of bankruptcy and commercial events data from the Toronto region in 2001/02 and to new civil case conferencing events in Toronto, Ottawa, and Windsor during the same year.

Courtroom Operating Hours

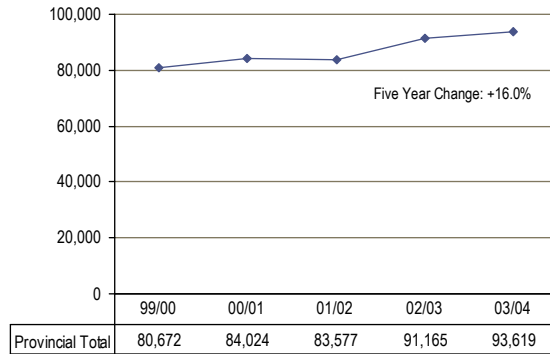
Over the past five years, courtroom operating hours have decreased 8 percent. *Note: Courtroom operating hours reflect hours during which courtrooms are in use; they do not measure working hours for court staff or judicial officers.*

Mediation Settlement

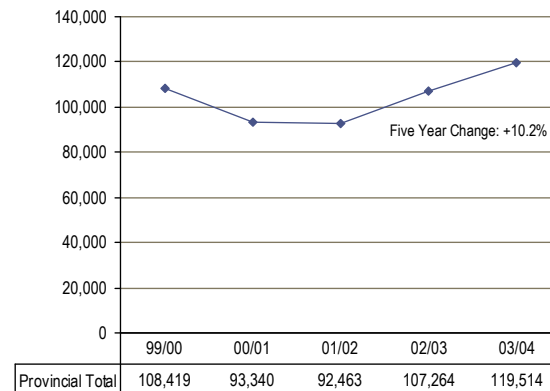
Mandatory mediation is a feature of civil case management in Toronto, Ottawa and Windsor. Full settlement rates for mandatory mediation have remained stable at approximately 40 percent. Partial settlement rates have decreased over the last five years, but have remained relatively stable over the last two years.

Photo opposite page:
Superior Court Dais, Thunder Bay

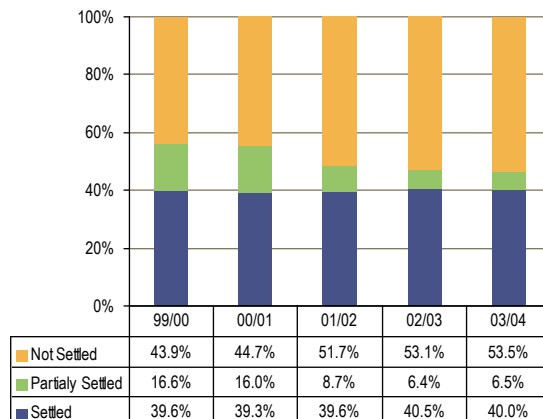
New Proceedings in the Superior Court of Justice, Civil
1999/00 to 2003/04



Events Heard in the Superior Court of Justice, Civil
1999/00 to 2003/04



Civil Mediation Settlement Rates for Toronto, Ottawa and
Windsor, 1999/00 to 2003/04



The Family Courts

As discussed earlier, family matters are heard in both the Ontario Court of Justice and the Superior Court of Justice. In 17 locations, a Family Court of the Superior Court of Justice (hereinafter Family Court) has been established to hear all family matters. Family Courts have been established in all locations in the Central East region, in most locations in the East region and in a small number of locations in the Central West and West regions.

The most recent expansion of the Family Court in 1999, together with the introduction of the new *Family Law Rules* that same year, has had a significant impact on court data. These changes affected the volume of incoming cases at various locations as well as family court procedures and coding practices.

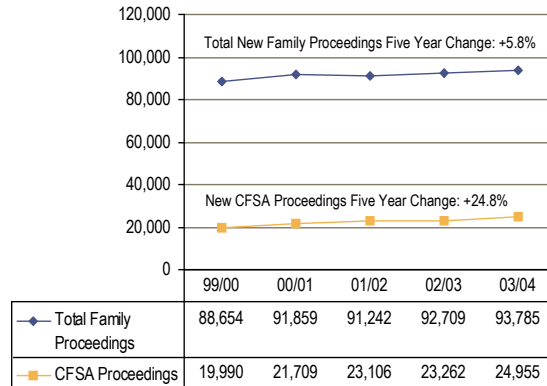
New Proceedings

In 2003/04, Ontario courts received 93,785 new family cases. Of these, 24,955 (26.5 percent) were child protection proceedings under the *Child and Family Services Act* (hereinafter CFSA). Overall, the total number of new proceedings increased 5.8 percent over the past five years. During that period, the number of new CFSA proceedings increased 24.8 percent.

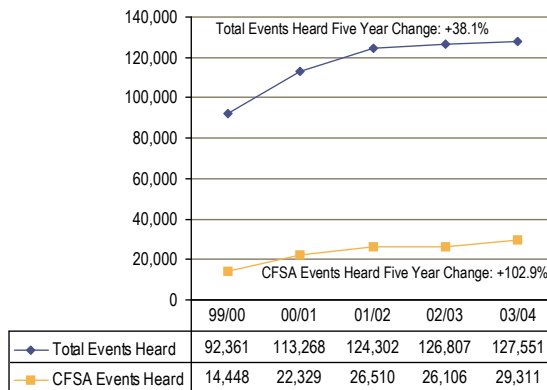
The largest increase in activity occurred in the Superior Court of Justice, due in part to the shift of cases from the Ontario Court of Justice as a result of Family Court expansion in 1999.

The Superior Court of Justice has experienced a 15.4 percent increase in new family proceedings, due in part to Family Court expansion in 1999. There has been a 53 percent increase in the East region and an almost 30 percent increase in the Toronto region. Both the Central East and North East regions had over 10 percent increases. Only the West region experienced a decrease in new proceedings (down almost 17 percent).

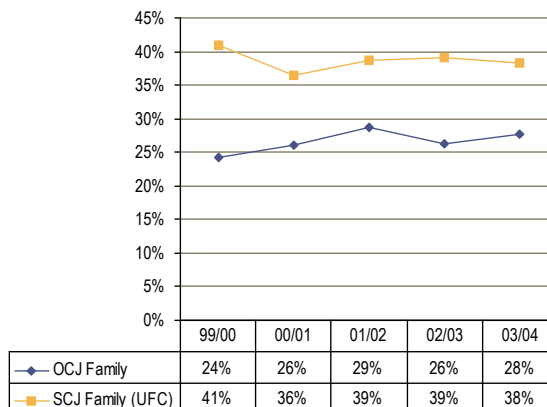
New Proceedings in the Ontario Court of Justice and the Superior Court of Justice, Family 1999/00 to 2003/04



Events Heard in the Ontario Court of Justice and the Superior Court of Justice, Family, 1999/00 to 2003/04



Percentage of CFSA Proceedings that took Over Four Months to be Disposed in the Ontario Court of Justice and the Superior Court of Justice, Family Court, 1999/00 to 2003/2004



The number of new cases commenced in the Family Court of the Superior Court of Justice has increased 47.8 percent over the past five years, while the non-Family Court experienced an 8 percent decline in the number of new cases. Since 2001/02, CFSA caseload in the Family Court has increased approximately 15 percent.

Over the past five years, the total number of new family proceedings in the Ontario Court of Justice has decreased 7.2 percent. This was due in part to the expansion of the Family Court of the Superior Court of Justice to the Central East and East regions in November 1999. Since 2001/02, however, a small increase in the number of new proceedings has occurred, due to increases in both CFSA and other family cases.

Number of Events

Over the past five years, the total number of events heard in family proceedings has increased 38 percent, while CFSA events have increased 102.9 percent.

CFSA Proceedings That Took Over Four Months to be Disposed

The percent of *Child and Family Services Act* cases that took over four months to be disposed has not changed dramatically over the five year period. The greatest percentage of cases that took over four months to be disposed occurred in regions where there is a Family Court of the Superior Court of Justice and in the Toronto region.

Mediation

Family mediation rates for full settlements remained fairly stable at approximately 64%.

Courtroom Operating Hours

Over the past five years, courtroom operating hours have increased 12 percent. *Note: Courtroom operating hours reflect hours during which courtrooms are in use; they do not measure working hours for court staff or judicial officers.*

**Family Mediation Full Settlement Rates
2000/01 to 2003/04**

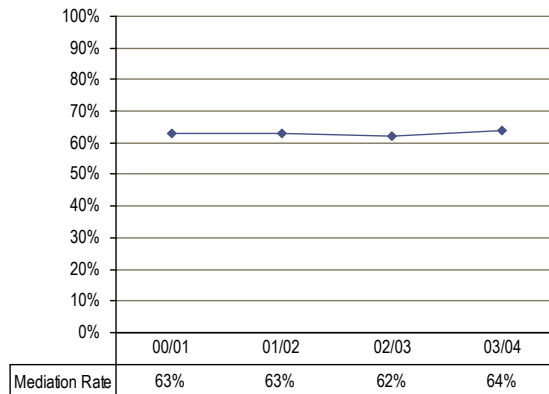


Photo: Ontario Court Dais, Old City Hall, Toronto

The Small Claims Court

New Proceedings

45 percent of all civil cases commenced in 2003/04 were Small Claims Court claims.

In 2003/04, almost 78,000 new cases were filed in Small Claims Court. Over the last five years, the number of new cases has decreased 5.5 percent; however over the past three years there has been little change.

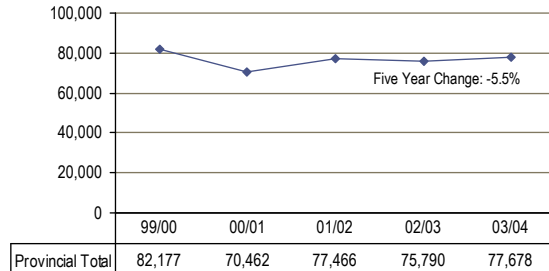
Number of Events

The number of events heard in the Small Claims Court has increased 20.3 percent over the past five years.

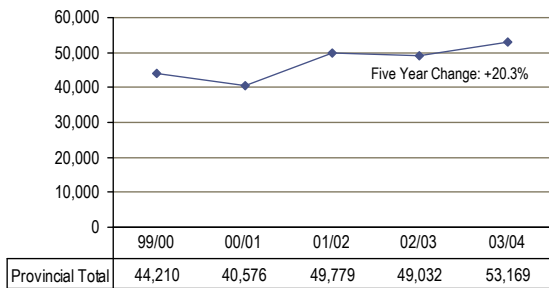
Courtroom Operating Hours

Over the past five years, the number of courtroom operating hours has increased 2.1 percent. *Courtroom operating hours reflect hours during which courtrooms are in use; they do not measure working hours for court staff or judicial officers.*

New Proceedings in Small Claims Court 1999/00 to 2003/04



Events Heard in Small Claims Court 1998/99 to 2002/03



The Court of Appeal

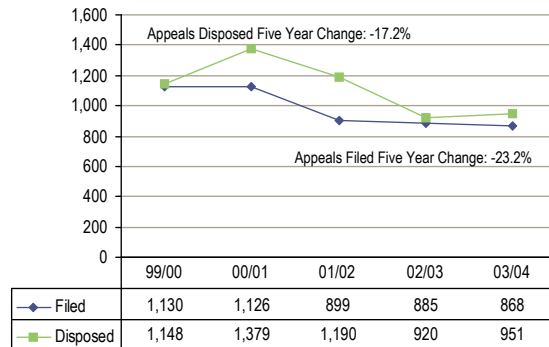
Criminal Appeals

In the last five years, the number of criminal appeals filed and disposed have declined 23 percent and 17 percent respectively. The number of appeals pending at the beginning of each fiscal year has dropped 34 percent.

Civil Appeals

In the last five years, the number of civil appeals filed and disposed have declined 10 percent and 33 percent respectively. The number of appeals pending at the beginning of each fiscal year has dropped 35 percent.

Criminal Appeals Filed and Disposed in the Ontario Court of Appeal 1999 to 2003



Civil Appeals Filed and Disposed in the Ontario Court of Appeal 1999 to 2003

