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**IN MEMORIAM: THE CANADIAN
RESEARCH INSTITUTE FOR LAW AND
THE FAMILY, 1987–2018**

John-Paul E. Boyd*

The Canadian Research Institute for Law and the Family was established by members of the University of Calgary's Faculties of Law and Social Work in 1987, with a mandate to pursue multidisciplinary research into the impact of the law on the family. In the original 1985 proposal for the founding of the Institute, the head of the university's steering committee described the void the new organization was intended to fill:

No body is presently undertaking interdisciplinary, ongoing research tying together law, statistics and methodology on issues relevant to the family. For example, the economic impact of recent social and legal change on men, women and children is not being examined . . . In light of impending new divorce legislation there have been many calls for the establishment of such a study, which would require the interdisciplinary focus of the proposed Institute.¹

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¹ Steering Committee, "Proposal for the foundation of the Institute" (Calgary, 1985) [unpublished].

Accordingly, the objectives of the Institute included contributing to a better understanding of how legal systems and laws affect the family, analyzing the impacts of such laws and whether those laws accomplish their policy objectives, and providing advice regarding the reform of such laws; all through a multidisciplinary lens combining learnings from social welfare, economics, psychology, health sciences, education, sociology, anthropology, and philosophy.

The Institute was governed by a board of directors made up of prominent judges, lawyers, and scholars elected from across Canada—as well as individuals appointed by the University of Calgary, the University of Alberta, and the Law Society of Alberta—many of whom were directly involved in the Institute’s research. Notable directors of recent years included Professor Nicholas Bala of Queen’s University, Professor Rachel Birnbaum of King’s University College, Justice R. James Williams of the Supreme Court of Nova Scotia, Justice Debra Yungwirth of the Court of Queen’s Bench of Alberta, Marie Gordon, QC (Alberta), Wendy Best, QC (Alberta), Eugene Raponi, QC (British Columbia), and David Day, QC (Newfoundland and Labrador). The Institute’s research staff has been composed of social workers, psychologists, and legal professionals; including the founding director, Dr. Joseph Hornick, whose tenure spanned almost twenty-five years.

During the three decades of its existence, the Institute engaged in a remarkable variety of work involving social scientists, academics, legal professionals, and mental health professionals. Among its notable early achievements is one of the first studies of the economic

implications of family breakdown.² Subjects addressed by the Institute included: child-abuse allegations made after separation, relocation disputes, parenting after separation, the experiences of parents involved in custody and access disputes, youth crime and youth victimization, elder abuse, child sexual abuse, the experiences of children in foster care, legal aid, children's participation in justice processes, and access to family justice. The Institute performed critical research that paved the way for the *Federal Child Support Guidelines*.³ It subsequently evaluated the performance of the *Guidelines* after their implementation.⁴ The Institute also assessed the impact of legislation such as Alberta's *Family Law Act*,⁵ Yukon's *Family Violence Prevention Act*,⁶ and the federal *Youth Criminal Justice Act*.⁷ The Institute conducted formal evaluations of court-

² See E Diane Pask & Marnie L McCall, eds, "How Much and Why? Economic Implications of Marriage Breakdown: Spousal and Child Support" (Calgary: Canadian Research Institute for Law and the Family, 1989).

³ SOR/97-175.

⁴ See Lorne D Bertrand, Joseph P Hornick & Nicholas MC Bala, *The Survey of Child Support Awards: Preliminary Analysis of Phase 2 Data (October 1998–May 1999)* (Ottawa: Department of Justice Canada, 2000) at 1.

⁵ See Leslie D MacRae et al, *An Evaluation of Alberta's Family Law Act* (Calgary: Canadian Research Institute for Law and the Family, 2009).

⁶ See Nicholas C Bala & Erika L Ringseis, *Review of Yukon's Family Violence Prevention Act* (Calgary: Canadian Research Institute for Law and the Family, 2002).

⁷ See Berenice DeGusti, *The Impact of the Youth Criminal Justice Act on Case Flow in Alberta and System Response in Calgary* (Calgary: Canadian Research Institute for Law and the Family, 2008).

connected programs, judicial and police responses to family violence, parenting after separation programs, elder-abuse initiatives, legal services in seniors' centres, early-childhood development programs, the federal Family Justice Strategy, summary legal-advice clinics, public legal-information services, and high-conflict intervention programs.

It is difficult to select highlights from the Institute's extensive catalogue of publications, a great number of which were genuinely innovative and often groundbreaking. Important recent work included a national study of the demographic characteristics and attitudes of people identifying as polyamorous;⁸ an evaluation of the views of Alberta judges and lawyers on litigants without counsel;⁹ a review of parenting coordination in Alberta, Ontario, and

⁸ See John-Paul E Boyd, *Perceptions of Polyamory in Canada* (Calgary: Canadian Research Institute for Law and the Family, 2017), DOI: <10.11575/PRISM/34544>; John-Paul E Boyd, *Polyamorous Relationships and Family Law in Canada* (Calgary: Canadian Research Institute for Law and the Family, 2017), DOI: <10.11575/PRISM/34641>.

⁹ See Lorne D Bertrand et al, *Self-represented Litigants in Family Law Disputes: Views of Alberta Lawyers* (Calgary: Canadian Research Institute for Law and the Family, 2012), DOI: <10.11575/PRISM/32514>; John-Paul E Boyd, Lorne D Bertrand, and Joanne J Paetsch, *Self-represented Litigants in Family Law Disputes: Views of Judges of the Alberta Court of Queen's Bench* (Calgary: Canadian Research Institute for Law and the Family, 2014), DOI: <10.11575/PRISM/32515>; John-Paul E Boyd & Lorne D Bertrand, *Self-represented Litigants in Family Law Disputes: Contrasting the Views of Alberta Family Law Lawyers and Judges of the Alberta Court of Queen's Bench* (Calgary: Canadian Research Institute for Law and the Family, 2014), DOI: <10.11575/PRISM/32513>.

British Columbia;¹⁰ a report on best practices for non-evaluative views-of-the-child reports;¹¹ an analysis of access to legal services among clients of Calgary's domestic-violence shelters;¹² and an evaluation of a superior court mandatory early-intervention case-conference program.¹³ Also notable is the Institute's study of client and lawyer satisfaction with unbundled legal services. This sixteen-month project involved the assembling of a roster of volunteer lawyers, the creation of a website, the development of practice and promotional

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- ¹⁰ See Lorne D Bertrand & John-Paul E Boyd, *The Development of Parenting Coordination and an Examination of Policies and Practices in Ontario, British Columbia and Alberta* (Calgary: Canadian Research Institute for Law and the Family, 2017), DOI: <10.11575/PRISM/34535>.
- ¹¹ See Rachel Birnbaum, Nicholas Bala & John-Paul E Boyd, "The Canadian Experience with Views of the Child Reports: A Valuable Addition to the Toolbox?" (2016) 30:2 Int JL Pol'y & Fam 158, DOI: <10.1093/lawfam/ebw004>.
- ¹² See Alysia C Wright & Lorne D Bertrand, *Access to Legal Services in Women's Shelters* (Calgary: Canadian Research Institute for Law and the Family, 2015), DOI: <10.11575/PRISM/32408>.
- ¹³ See Lorne D Bertrand, Joanne J Paetsch & John-Paul E Boyd, *An Evaluation of Alberta's Mandatory Early Intervention Case Conferencing Pilot Project* (Calgary: Canadian Research Institute for Law and the Family, 2018), DOI: <10.11575/PRISM/32898>; Joanne J Paetsch & John-Paul E Boyd, *An International Review of Early Neutral Evaluation Programs and Their Use in Family Law Disputes in Alberta* (Calgary: Canadian Research Institute for Law and the Family, 2016), DOI: <10.11575/PRISM/32614>.

materials,¹⁴ and a national study with significant implications for the reform of family justice processes.¹⁵

Despite its impressive body of work, the Institute ceased operations and closed on August 31, 2018 as a result of insufficient support. The causes of the funding crisis that led to the Institute's demise are various but point to the critical importance of providing non-profit research organizations with stable, multi-year funding; and, creating a national research fund without the restrictions imposed by the Social Sciences and Humanities Research Council and the territorial limitations inherent in grants from the provincial and territorial law foundations.¹⁶

The Institute's complete catalogue of work is hosted on its website,¹⁷ and will continue to be available on that site until sometime in 2020 when its prepaid hosting service expires. All of Institute's work that is available for public download is also hosted by the University of

¹⁴ See John-Paul E Boyd, *Client and Lawyer Satisfaction with Unbundled Legal Services: Conclusions from the Alberta Limited Legal Services Project* (Calgary: Canadian Research Institute for Law and the Family, 2018), DOI: <10.11575/PRISM/32968>.

¹⁵ See Joanne J Paetsch, Lorne D Bertrand & John-Paul E Boyd, *An Evaluation of the Cost of Family Law Disputes: Measuring the Cost Implication of Various Dispute Resolution Methods* (Calgary: Canadian Research Institute for Law and the Family, 2017), DOI: <10.11575/PRISM/32768>.

¹⁶ See John-Paul E Boyd, "The Problem of Supporting Family Law Research: Creating a National Research Fund", *Slaw* (1 February 2019), online: <slaw.ca/2019/02/01/the-problem-of-funding-family-law-research/>.

¹⁷ "Publications", online: *Canadian Research Institute for Law and the Family* <crilf.ca/publications.htm>.

Calgary Library's institutional repository;¹⁸ all of these publications may be redistributed, reused, and republished without the need to obtain permission from the Institute or individual authors.

The closure of the Institute is to be regretted and mourned. There was and is no other organization conducting practical family law research with the same scope and mandate as the Institute, and its winding up leaves a significant gap in the research landscape, much to the detriment of government policy-makers, the academy, the bench, and practitioners.

¹⁸ "Canadian Research Institute for Law and the Family", online: *University of Calgary PRISM* <prism.ucalgary.ca/handle/1880/107197>.