

## **Consumers and Access to Justice: One-Stop Shopping for Consumers?**

*Executive summary*  
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The ability of citizens, theoretically equal before the law, to assert their supposedly equal rights, is flagrantly unequal. This paradox has long provoked debates and demands. Indeed, the difficulties in gaining access to justice are a constant concern.

Economic constraints, long delays, rising costs, high legal fees and complex procedures are among the problems that have been identified in the system on many occasions as factors that discourage complainants from bringing their case before the courts or incite them to give up along the way. Evidently, consumer disputes also face these obstacles.

The recurrent issue of access to consumer justice leads us to search for ambitious – if not definitive – solutions to this problem. This study thus asks the following question: could the centralization of consumer legal services to a single court, legal or quasi-legal, constitute this type of ambitious solution likely to significantly improve access to consumer justice? Could the establishment of a consumer court provide an effective and comprehensive solution to problems of access to consumer justice?

In the first chapter, our report takes the time to reflect, following a review of the literature, on the very concept of access to justice: when discussing access to justice, what do we really mean by the word *justice*? What should we mean, ideally? And if we want to offer effective solutions, how should we understand the problems of access to justice?

In the second chapter, we review traditional solutions to problems of access to justice, in the light of the justice criteria identified in the preceding chapter.

Chapter 3, the heart of the report, presents our findings regarding foreign institutions specifically intended for dealing with consumer disputes. Each institution is described in some detail, and is followed by a summary of the various modalities where significant differences were observed. The following chapter presents comments by three academics, consumer rights experts, whom we asked, on the basis of a summary document on the seven institutions we studied, to comment on the Canadian jurisdictions' opportunity to establish some type of consumer court.

Our study of consumer courts abroad did not aim to find a model that would simply be imported here as is. Rather, to improve access to justice and the effectiveness of consumer law, we took inspiration from foreign solutions in order to adapt them to our context and implement innovative solutions here.

Our study leads us to conclude that the creation of a consumer court, a specialized institution, entirely dedicated to consumer issues and adapted to problems of access to consumer justice, would be a way to meet the objective of efficient access to justice. Indeed, such an approach

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would integrate in a single institution many of the advantages of models hitherto adopted to improve access to justice – advantages that are now dispersed among several approaches, services or institutions: information, orientation, assistance and mediation services offered under one roof, in a one-stop venue easily identifiable and accessible to consumers. It would be a low-cost, efficient, reliable and impartial dispute-resolution mechanism specializing in consumer law in order to make better decisions, and faster; its actions could thus have real preventive, remedial and deterrent effects.

This specialization would be of benefit in a field where the issues are very specific, particularly regarding the constant imbalance of power between consumers and merchants. Such a court could thus acquire a comprehensive view of the consumer field, put in perspective the practices of merchants as well as the obstacles confronting consumers in their dealings both with the law and with merchants, and develop coherent and efficient consumer law.

Such a court would certainly send a strong signal in defence of consumer rights. It would also be an effective means for consumers to assert those rights and could thus establish a certain balance between consumers and merchants.

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