

Consumer Interest and the Administration of Justice

The Honourable Madam Justice Anne-Marie TRAHAN*

For many of us Charter law, environmental law, immigration law and even consumer protection law are not fields of law we studied in university.

During this session, we will deal more particularly with consumer interests in commercial litigation. We will discuss the topic from two different points of view, one as interesting as the other.

In the context of consumer protection legislation in Quebec, as I believe it is the same elsewhere in the country, the consumer is an individual. However in its ordinary, non legal, meaning (at least in French), the word *consumer* refers to the person who uses a thing or a service. In that sense, whoever goes before the Courts, whether a physical or a moral person, is a consumer of legal services.

During the first part of this session, the focus will be on the special protection awarded to an individual consumer in Quebec with respect to his or her private life.

I don't know if newspapers outside Quebec spoke about the *International Conference on Private Life* which took place in Montreal in September 1997. It was described as being a High Mass about private life. The Conference discussed many aspects of the question of protection of private life, amongst which :

1. the rights of paparazzi and the rights of persons who are being pursued by paparazzi;
2. the right of governmental agencies and departments to exchange information to prevent frauds;
3. the right of private enterprises to exchange information about their clients.

This was the first international conference on this topic. One of the reasons why it took place in Montreal is that Quebec, in legislating on the matter a few years ago, is at *l'avant-garde* concerning the protection of private life.

Me Christine Carron is particularly well qualified to explain to us the purpose of this law and its consequences as she represented the Canadian Bankers Association before the National Assembly where she debated its view of this particular law.

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During the second part of the session, we will hear Me Françoise Guénette who has been working since the beginning of her career in the corporate milieu.

Professor Resnick was saying in her excellent presentation earlier during this Conference that the studies on the administration of justice in the U.S. were incomplete because they did not encompass the point of view of the client concerning trials and more particularly how to regulate or manage legal fees. Corporations are often present in commercial litigation (judicial and privatized).

Me Guénette is the Vice-President of a corporation which is a consumer of legal services. When she was Vice-President, Legal Services, at La Laurentienne, Me Guénette established guidelines for outside counsels who were representing La Laurentienne. It created some turmoil amongst the various law firms representing her company. However, it was a necessary step to control quality and costs. Me Guénette will share with us the results of her experience and reflections on this topic.