

Hacked by Big Corporations, America’s Civil Justice System Has Crashed,
Consumer Advocates Say

Report Details Impact on Consumers – and Democracy – of Corporate Attack on the Rule of Law, Proposes New Protections and Legal Procedures

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America’s civil justice system has been corrupted by corporations and no longer protects average Americans from the countless non-stop thefts of their money, time, and privacy, according to a new report by two nationally recognized consumer advocates.

The 259-page study, published by #REPRESENT, a California-based non-profit, documents how business goliaths and their front groups like the U.S. Chamber of Commerce sponsored a fifty-year campaign to reprogram the nation’s civil laws and judicial procedures to favor corporations and the elites.

Reboot Required: The Civil Justice System Has Crashed details the most common costly and abusive tactics that consumers face in the U.S. marketplace – against which they have virtually no legal rights or remedies.

It chronicles how corporations seized control of the legislative, executive, and judicial branches beginning in the 1970s to erode landmark consumer protection laws and block the passage of badly needed new ones, crippling the class action system and stripping Americans of their cherished right to their “day in court” and trial by jury.

And it sounds an urgent call to action. The advocates present a detailed blueprint for the restoration of the civil justice system, in the form of a model state consumer protection law, The Represent Act.

“The relentless corporate assault on the rule of law has deeply damaged Americans’ confidence in the legal system, a development with dire implications for U.S. democracy,” warn Harvey Rosenfield and Laura Antonini, the authors of the report. “We have lately learned how fragile our institutions are, how quickly anger and despair can turn to violence when the rules do not apply to everyone. We must reclaim control of our civil justice system from the corporations so that it serves the American people and empowers them to meet the challenges of the 21st Century.”

Two preeminent consumer advocates hailed the project:

“Emanating from Bellwether California is this comprehensive counterattack against decades of corporate attrition or demolition of consumer protections, armed with a long-overdue updated consumer protection model statute that rises to the necessity of finally going on the offensive,” said Ralph Nader, the consumer advocate, author, and lawyer. “By advancing this ‘Reboot’ to strengthen the nation’s shattered consumer protection infrastructure, #REPRESENT brings ‘law and order’ and direct consumer empowerment to the corporate outlaws bent on commercializing and exploiting every sector of our society – private and public.”

“*Reboot Required* reveals what everyone knows but no one wants to admit: corporations have spent fifty years and vast resources to rig the legal system so they win – and everyone else loses,” said Jamie Court, the President of Consumer Watchdog and author of *Corporateering: How Corporate Power Steals Your Personal Freedom*. “Their tactics and propaganda have endangered the rule of law. This report shows why Americans must begin the hard work of reclaiming our legal rights and offers a plan for doing it.”

Read *Reboot Required: The Civil Justice System Has Crashed* [here](#).

Read The Represent Act [here](#). Read a Fact Sheet [here](#). Read a Q&A on how the proposal would help average Americans [here](#).

Consumers at the Mercy of Corporations

The corporate hack of the civil justice system has left Americans powerless against everyday offenses in the U.S. marketplace that range from high tech scams to the small-dollar pocketbook plundering: charging bogus fees buried in the fine print, imposing crippling interest rates, imprisoning people into unfair or hidden contracts, with terms that a corporation can unilaterally change at any time, and cannot be cancelled. Surveilling consumers through innocuous devices like phones or refrigerators that steal and profit from people’s personal information, weaponizing it to deny people jobs, housing, education, or medical care. Lying about products through fake reviews. Engineering secret algorithms that confuse, mislead, and discriminate against consumers. Making it practically impossible for consumers to reach a human being at customer service to resolve disputes.

The Corporate Capture of the Court System

The report surveys the last fifty years to show how corporations got away with it: by financing an army of corporate law firms, trade associations, think tanks, and public relations businesses, all united in the lucrative, self-serving cause of undermining civil justice in America, with the help of friendly elected officials and judges disposed to favor corporate power over people, making it harder or even impossible for consumers to protect themselves:

- Denying people the right to their day in court to challenge widespread corporate lawbreaking unless they can prove their case before it even begins.
- Forcing people to surrender their constitutional right to a trial by jury and instead submit to arbitration - secret “trials” decided by “judges” hired by the corporations, with no right to appeal.
- Limiting how much money wrongdoers have to pay to the people they injure or rip off, and even preventing them from hiring an attorney to represent them.
- Employing byzantine legal procedures to derail class action lawsuits or force consumers to settle them on terms that let corporations profit from their wrongdoing.

System Update: The Represent Act

Reboot Required draws a direct connection between the successful five decade-long corporate campaign to undermine the rule of law and the current collapse of public confidence in the judicial branch and the legal system – warning that this crisis poses a threat to democracy. Accompanying *Reboot Required* is a call to action to state lawmakers across the country in the form of legislation that would reclaim and restore the balance of power between people and corporations. The Represent Act, a 143-page draft model law, reverses the steady erosion of rights and remedies that has been architected by corporate lawyers and lobbyists through legislation and favorable judicial decisions. It creates new rights and protections that:

- Stop the technology-fueled abuses and traditional scams perpetuated by corporations and their executives.
- Empower citizens and nonprofits to sue corporations on behalf of a group of harmed citizens and streamline the judicial process.

- Dramatically expand the type of compensation victims can get, including requiring defendants to pay people for the time they spend trying to resolve problems with customer service agents, and automatic minimum payments of \$1,000 per victim every time a company violates the law.
- Eliminate unjust corporate “defenses” that block legitimate civil cases from going forward.
- Outlaw “red flags” in settlements that discourage consumer participation, such as unnecessary paperwork to get paid, meaningless “coupons” that can only be used to purchase products from the defendant, and terms that allow defendants to keep unclaimed or unpaid money intended for consumers.
- Require high rates of consumer participation in settlements where claim forms are permitted.
- Destigmatize and incentivize citizens and nonprofits that want to voice their concerns about a settlement.
- Give consumers the right to hold corporate executives personally liable in a civil suit challenging corporate misconduct.
- Expand the protection and compensation of whistleblowers who come forward when they learn of corporate lawbreaking.

The Represent Act would apply to companies with gross annual revenues over \$25 million. The Represent Act addresses only the civil justice system, and not criminal laws.

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Learn about the authors [here](#).

About #REPRESENT

#REPRESENT is a project of the Consumer Education Foundation, a California nonprofit consumer advocacy organization. Visit www.representconsumers.org.

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