

How to Assert Your Rights as a Consumer



The Office of the
Minnesota Attorney General
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Most companies understand that it is usually beneficial to try to find a solution to a consumer's concerns. Companies don't want unhappy consumers to complain and use a competitor's service or product. Keep in mind the following points when filing a complaint about a product or service with a business.

Step 1: Get Your Ducks in a Row

Gather the documents that support your complaint. Collect price tags, receipts, warranties, contracts, advertisements, manuals, photographs, and correspondence, as appropriate.

Step 2: Determine What You Want

Figure out the solution you want. Do you want a replacement or a repair? Do you want to dispute a charge, have a fee waived, or receive a discount? A complaint is not effective unless you say what you think is fair to resolve the problem.

Step 3: Call or Visit to Let the Company Know You Have A Problem

A company cannot help you if it does not know you have a problem. If you call or visit the company to file a complaint, you may be able to quickly determine the company's position on the matter and, possibly, resolve the issue immediately. By calling or visiting the company, you put a "face" on the problem. A call or visit should be attempted before writing a letter that may get no more than a form letter response.

When you speak with a company, you may have to work your way through the company's chain of command by starting with a customer service representative. Be sure to ask for the representative's name and write down the date and time of the call as well as the response.

If you feel that the representative is not addressing your concerns, ask to speak with the representative's supervisor. Once again, keep a log of the discussion, and be sure to write down the name of the supervisor.

Step 4: Write a Letter

You may also wish to send a letter or email if the call or visit does not result in a timely or appropriate response. The letter should be sent to the company's chief executive officer or president. He or she will then likely route the letter to the person most appropriate to respond. Keep your letter brief. The most effective letters are no more than one page and summarize the important facts. You may include with the letter a more detailed outline which is specific in terms of the product purchased, the date of purchase, the amount of the purchase, the problem encountered, your attempt to resolve the problem, and, once again, the resolution that you believe would fairly resolve the problem. The outline should attach copies of documentation supporting your complaint.

The letters and outline should be concise. Do not include derogatory comments about the company, its products or its advertisements. Do not include extraneous information that is not helpful to resolving the complaint.

In your letter, you may wish to set a reasonable time limit by which the company should respond to your concerns, such as ten business days. It is important to include your contact information, such as your day and evening phone numbers, so the business knows how to reach you. Make a copy of the letter for your files and send it certified mail with a request for a return receipt.

When a business agrees to resolve the issue, write a confirmation letter, keep a copy for your files, and send the letter via certified mail as well.

Step 5: File a Lawsuit in Conciliation Court

If you are unable to resolve your problem, you may wish to file a claim in Conciliation Court, which is a court for cases involving disputes up to \$15,000. In order to file with the court, you must complete a Conciliation Court form and pay the filing fee in the county where the company has an office. If you have low income, you do not have to pay the filing fee, but you must bring proof of your income. Copies of your Conciliation Court form will be mailed to the other party, so you will need the full name of the company you are suing and its address. Depending on the county where you file your claim, your court date should be within weeks after you file. For more information, you may want to review the Minnesota Attorney General's Office user guide entitled *Conciliation Court: A User's Guide to Small Claims Court*.

Step 6: Get an Attorney

If the problem is expensive enough, it may pay to hire an attorney. An attorney may be able to identify important legal consequences that may affect you, provide you with options, and give you advice about your next course of action. If you cannot identify an attorney to advise you, the Minnesota State Bar Association's Attorney Referral Service is available on the Internet at www.mnfindalawyer.com. You may also identify an attorney through the local Bar Association in your area by contacting the county bar association's referral service. If you select an attorney through the referral service, you should ask about any initial consultation fee since the fees vary.

Be Persistent, Be Persuasive, and Be Positive

Modern communication, in the form of voicemail, phone trees, the Internet, and email, can be cumbersome. An old fashioned face-to-face discussion is often the best means to resolve a consumer problem. If face-to-face communication is not practical, a personal call is often more effective than an email. Through effective communication, you will increase the likelihood that your rights will be asserted successfully.