Americans with Disabilities Act (ADA) Compliance and Litigation

Experienced in ADA litigation ranging from employment discrimination to construction cases to high-impact class action lawsuits involving digital accessibility, Perkins Coie attorneys regularly defend clients in federal and state court actions alleging violations of the ADA and state anti-discrimination laws.

We also represent clients in connection with investigations and compliance reviews by federal and state agencies, and assist with agency rulemakings relating to accessibility standards and other regulations.

DIGITAL ACCESSIBILITY

We not only defend digital accessibility cases, we provide comprehensive guidance on the laws designed to improve access to information and communications technologies, such as the Twenty-First Century Communications and Video Accessibility Act (CVAA), Section 508 of the Rehabilitation Act and standards adopted by the U.S. Access Board. Our technology-focused attorneys assist clients in their efforts to implement appropriate compliance programs and engage experts for website accessibility assessments.

THE WORKPLACE

When ADA compliance concerns carry labor and employment underpinnings, we help employers understand the fundamental requirements and prohibitions of the ADA and how they apply to all aspects of the employment relationship. This can include hiring practices, training accommodations, evaluation process, promotions, leave circumstances and termination.

HIGHER ED AND PROFESSIONAL LICENSING

On behalf of higher education institutions, standardized testing entities, professional licensing boards and various other covered entities, our team has handled numerous lawsuits and government enforcement actions under Title II and Title III of the ADA, Section 504 of the Rehabilitation Act and similar state laws involving requests for accommodations, disability-based challenges to policies or remedial actions, or professional standards. We also provide compliance advice and training.

CONSTRUCTION

Our attorneys also regularly advise clients on construction accessibility requirements under Title III of the ADA, the Fair Housing Act, and counterpart state laws, with respect to requirements for both new construction and for building renovations. Our team includes experienced construction attorneys who are familiar with the construction-related accessibility requirements of the Americans with Disability Act for public accommodations, as well as the Fair Housing Act’s design and construction requirements and guidelines for multifamily residential housing.

INSURANCE RECOVERY

Insurance recovery can often become a component of ADA claims. Perkins Coie insurance recovery attorneys assist clients by securing coverage for claims alleging discrimination under the ADA and related laws through negotiation, mediation, arbitration and litigation. In addition, our attorneys provide insurance counseling and guide clients in procuring adequate insurance by working directly with brokers and carriers to remove exclusions that impair coverage for ADA claims at the time of placement or renewal.

EXPERIENCE

Visually Impaired Plaintiffs v. Client
Represented client in putative class action litigation alleging violation of the ADA related to accessibility of products and services by blind and visually impaired customers.

Visually Impaired Plaintiff v. Client
U.S. District Court for the Western District of Pennsylvania
Client sued in multi-state putative class action alleging violation of the ADA related to accessibility of products and services by blind and visually impaired customers.

Visually Impaired Plaintiff v. Client
U.S. District Court for the Eastern District of Pennsylvania
Client sued in multi-state putative class action litigation alleging violation of the ADA related to accessibility of services by blind and visually impaired customers.

Multiple Disabled Groups
Represented client in threatened class action by multiple disabled groups with mobility and visual limitations alleging denial of access to client’s services and products.

Hearing Impaired Plaintiff v. Client
U.S. District Court for the Central District of California
Represented client in putative class action alleging ADA violations and false advertising related to accessibility of products by deaf and hearing impaired customers. ADA claims dismissed on motion to dismiss.

Washburn v. Gymboree
U.S. District Court for the Western District of Washington
Lead trial counsel for Gymboree and two individual managers in FMLA, ADA and WLAD suit where the plaintiff alleged failure to accommodate, harassment, disparate treatment and interference with FMLA rights. Defense judgment after a four-day bench trial.

Walker v. Qwest Corporation
U.S. District Court for the Southern District of Iowa
Defense of discrimination and retaliation claims under the Family Medical Leave Act (FMLA), Americans with Disabilities Act (ADA) and Iowa Civil Rights Act. (2007)

Downey v. Crowley Maritime Inc.
Successful summary dismissal of tug boat operator's claim for failure to provide reasonable accommodation under the ADA.

U.S. District Court for the Northern District of Georgia
Defense of ADEA, ADA and FMLA claim. (2013)

Digital Accessibility
Assisted a leading retailer in adopting companywide accessibility policies and procuring technology to ensure conformance to internationally accepted standards for websites and accessible point-of-sale devices.

Building Accessibility Under ADA
Federal Courts in Arizona and California (various)
Represented commercial building/complex owners in federal court actions alleging violations of accessibility requirements under the Americans with Disabilities Act (ADA) and counterpart state laws.

* Prior Experience

PUBLICATIONS

01.23.2017
How Retailers Can Steer Clear of ADA Lawsuits
Articles
Retail DIVE
The Americans with Disabilities Act (ADA), first enacted in 1990, generally requires that retailers — as “places of public accommodation” — provide access for those with disabilities to the goods and services offered.
Avoiding Lawsuits under the ADA

Updates
As retailers enter the holiday season amid a period of increased compliance lawsuits related to the ADA, we offer some timely ways to steer clear of potential ADA pitfalls.

Litigation trend: Website accessibility under the ADA

Articles
Corporate Counsel Connect
In 2016, companies should consider examining the issue of website accessibility under Title III of the Americans with Disabilities Act.

5 Things You Need to Know About Web Accessibility

Articles
Entrepreneur.com
This fall, the Department of Justice postponed its proceeding to adopt regulations on web accessibility for a few more years.

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