Americans with Disabilities Act (ADA) Compliance and Litigation

Experienced in a wide range of ADA litigation, from employment discrimination to construction cases and high-impact class action lawsuits involving digital accessibility issues, Perkins Coie attorneys defend clients in federal and state court actions alleging violations of ADA and state anti-discrimination laws. We also negotiate favorable settlements with private plaintiffs and government authorities. Our extensive counsel includes advising companies involved in proceedings to shape accessibility standards and regulations.

Increasingly, clients require 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. Perkins Coie technology-focused attorneys assist clients in their efforts to implement appropriate compliance programs and engage experts for website accessibility assessments.

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.

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**
U.S. District Court for the Northern District of California
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.

**Antonia Stephens v. The Boeing Company, et al.**  
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.

08.03.2016  
**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.

02.2016  
**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.

01.08.2016  
**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.

**CONTACTS**

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