

**Practices & Sectors**

Labor &amp; Employment

## Seyfarth has Extensive Experience Representing Public Accommodations in ADA Title III Government Investigations and Lawsuits Across the United States

Seyfarth's ADA Title III Specialty Team is one of the largest and most experienced ADA Title III defense practices in the country, with attorneys in each of our U.S. offices regularly advising and representing clients in this substantive area. Our team is led by a former U.S. Department of Justice (DOJ) official who oversaw the enforcement of Title III of the ADA and the Fair Housing Act (FHA). The Team's blog, *ADA Title III News & Insights*, is considered by many attorneys and experts to be an important source of timely and thoughtful analysis about the most current developments in the ADA Title III world. Because the ADA Title III Team members work together on a regular basis and share information and resources, they are able to provide clients with consistent and efficient services nationwide. When clients call us with questions, we have the answers and rarely have to spend time on research. We have successfully defended against and/or resolved thousands of lawsuits of every type brought under Title III of the ADA and applicable state laws. We have also handled a number of fair housing discrimination matters which often dovetail with ADA Title III claims, as well as matters involving alleged violations of Title II of the ADA and the Rehabilitation Act. Because of the depth and scope of our practice, we can spot litigation trends early and we know all of the key players in the plaintiffs' bar. We use this insight to develop practical compliance and defense strategies for our clients.

### **U.S. Department of Justice and State Attorney General Compliance Investigations**

The DOJ investigates public accommodations alleged to have violated Title III of the ADA both in response to specific complaints as well as on its own initiative. Seyfarth attorneys have handled numerous DOJ ADA Title III compliance investigations and enforcement actions, including some of the most significant matters targeting industry leaders in the retail, hospitality, banking, and higher education worlds. Seyfarth has handled some of the most complex and high-profile DOJ matters involving issues such as facilities accessibility, website accessibility, effective communication, sign language interpreters, transportation services, and service animals. Seyfarth's ADA Title III Team members have also represented clients in state enforcement agency investigations of alleged public accommodations and housing discrimination.

### **Regulatory and Legislative Expertise**

Seyfarth's ADA Title III Team members have participated in every rulemaking under this law for more than a decade on behalf of the lodging, movie theater, retail, and real estate industries. We have served as national ADA counsel to the nation's leading national lodging industry association and have prepared comments for the lodging industry on every ADA Title III rulemaking since 2006. We have also prepared comments for leaders in the real estate, movie theater, and retail industries in connection with various rulemakings, including physical access standards, pool lifts, websites, furniture and equipment, and movie captioning. Team members have also provided expertise to support various legislative endeavors to reform Title III of the ADA, and have provided testimony to congressional committees on key ADA Title III issues.

### **Counseling and Compliance Programs**

Some of America's most well-known and innovative businesses have turned to Seyfarth to help them address their unique compliance challenges under Title III of the ADA, including leaders in the retail, hospitality, healthcare and financial services industries. The counseling services that

Seyfarth provides its clients include the following:

- Developing enterprise-wide ADA Title III compliance programs, including the drafting of policies, procedures, training materials, facility survey forms/checklists, and contract language
- Conduct employee training
- Developing compliance plans for website, mobile app, and other digital properties
- Advising clients on how to comply with ADA Title III regulations, including new requirements for event ticketing, hotel reservations, transportation services, and the 2010 ADA standards accessible for public accommodations and commercial facilities
- Providing practical advice to clients about how to comply with the physical accessibility requirements of the ADA, including conducting surveys of existing facilities and reviewing plans for new construction and/or renovations
- Reviewing prototypes of new equipment and fixtures such as point of sale devices, slot machines, sales kiosks, ATMs and sales counters for compliance with ADA requirements
- Advising businesses on how to handle disability-related guest complaints quickly and effectively to avoid litigation
- Advising franchisors on how to minimize the risk of becoming an “operator” of a franchised hotel to avoid liability under ADA Title III

#### **Fair Housing**

Facilities such as timeshares, condos, and apartment buildings can sometimes be covered by both the ADA and the FHA. Seyfarth’s ADA Title III team has experience handling FHA investigations and lawsuits concerning service animals, reasonable accommodations, and the failure to design and construct multi-family housing in accordance with FHA accessibility requirements. In fact, the leader of Seyfarth’s ADA Title III Team oversaw the enforcement of the FHA at the DOJ.

#### **California**

The laws are different, and often stricter, in California. The area of disability access is no different. More ADA Title III lawsuits are filed in California than any other state, largely due to state laws that make it easier to recover damages and certify class actions. California incorporates Title III of the ADA by reference, and makes any violation of the ADA a violation of California law. California takes it a step further by having its own set of accessibility standards in the California Building Code with which businesses must comply, which are stricter than the ADA Standards in many respects. Our ADA Title III Team members are well-versed in the California disability access laws, regulations, and plaintiffs’ bar, enabling effective and efficient representation of our clients to accomplish their goals — whether they be a quick settlement, aggressive litigation, or compliance.

Although the ADA is more than a quarter-century old, new and difficult questions arise everyday due to the changing regulatory and enforcement landscape as well as developments in technology. Seyfarth attorneys possess a unique depth of knowledge on these issues that comes from our first-hand experience in handling ADA Title III matters and our ongoing dialogue with clients, disability advocates, and the U.S. DOJ on the most cutting-edge issues.