

Protect Your Business From Disability Lawsuits

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Litigation

Imagine a *professional plaintiff* visiting your company for the sole purpose of filing a disability discrimination lawsuit. Without intending to use your products or services, this person searches for doorways that are too narrow, bathrooms that are too small, potential parking issues, and a host of other reasons why your business might be said to discriminate against persons with disabilities. Then the professional plaintiff files a lawsuit against you in an attempt to extort a settlement or obtain a monetary judgment.

Unfortunately, this is not an imaginary problem, as these professional plaintiffs have been filing disability discrimination lawsuits on a regular basis since the enactment of anti-discrimination laws.[1] Because the process (e.g., scoping out businesses and filing suit) is relatively simple, it has become a steady source of income for these plaintiffs and their attorneys. And these plaintiffs often target business that actually comply with the disability laws, but, the threat of a lawsuit is so expensive and daunting that these businesses often throw money at the problem to make it go away.

Fortunately, there is something you can do to protect your business. The California Legislature has created the Certified Access Specialist program (“CASp”),[2] which is a voluntary program that allows you to use a CASp specialist to certify that your business is compliant with applicable disability laws. Having a specialist review your business under CASp will help you understand what, if anything, you need to change to comply with disability law. After all, fixing a potential disability discrimination issue is less expensive than defending a disability lawsuit.

Once certified, if someone sues your business for violating a disability law, you have the option to stop the proceedings, avoid expensive litigation requirements, and proceed to mediation. Not only will CASp help avoid the initial expenses of defending a lawsuit, but, a professional plaintiff will likely think twice about suing a business that is CASp certified. For more information on the CASp certification process or compliance with disability laws, call us.

[1] These laws consist of the American’s with Disabilities Act (“ADA”), the Unruh Civil Rights Act, and the California Disabled Persons Act.

[2] See *Munson v. Del taco, Inc.*, 46 Cal. 4th 661, 696–97 (2009).