

Why is ADA litigation at an all-time high?

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(Photo by Alex Wong/Getty Images)



The trend of rising federal lawsuits stemming from alleged violations of the Americans with Disabilities Act ...at an *all-time high* and serving as a cautionary tale for employers.

According to the Chicago-based law firm Seyfarth Shaw LLP, **plaintiffs filed 11,053** such cases last year... That marked the highest since Seyfarth began tracking these suits in 2013, when there were only 2,722. The Title III lawsuits were filed on all grounds—including issues with websites and mobile applications, physical facilities, service animals, sign-language interpreters and more.

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According to Kristina Launey, a partner in Seyfarth's Sacramento, Calif., office and a member of the firm's ADA Title III Specialty Team, the **stats are "even more astonishing" considering they don't include the large numbers of Demand Letters that never turn into actual lawsuits**, nor lawsuits filed in state courts, of which there are many. ...

ADDED FOR CLARIFICATION: A demand letter is a formal legal document, drafted by a Lawyer and sent to another party requesting payment or the receiver bears the consequences of being sued. *Note: If you receive such a letter for ADA Title III non-compliance there is no grace period to remedy the violation.*

Launey explains that the record-setting litigation also was fueled by the **Department of Justice's withdrawal of all rulemaking efforts** in 2017 that would have provided guidance to companies on their obligations with respect to website accessibility.

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There also have been some **higher-profile lawsuits** by employees alleging violations of Title I of the ADA and state fair employment laws, due to their employer's alleged failure to provide internal computer systems that were accessible or compatible with the employees' assistive technologies.

"HR departments and employers are wise to understand what it means for websites and other technologies to be accessible, and what assistive technologies individuals with disabilities may need to use those technologies..." Launey says.

Tom Starner is a freelance writer based in Philadelphia who has been covering the human resource space and all of its component processes for over two decades.