

ADA Title III Practice

Title III of the Americans with Disabilities Act (ADA) requires public accommodations such as hotels, shopping centers, retailers, health care providers, restaurants, and private educational institutions to have facilities that are accessible to individuals with disabilities. It also requires public accommodations to make their goods and services accessible to individuals with disabilities by making reasonable modifications to policies, practices and procedures, and providing auxiliary aids and services. These obligations raise challenging compliance issues in an ever changing landscape that is further complicated by the issuance of revised regulations by the U.S. Department of Justice. Because this law gives individuals with disabilities, advocacy groups, and the U.S. Department of Justice, the right to file enforcement suits, non-compliance with the law can result in significant litigation risk.

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

Seyfarth's ADA Title III team consists of attorneys with extensive experience in ADA Title III litigation located in many offices across the United States. With additional litigators admitted to practice in virtually every jurisdiction in the country, we have the resources to defend our clients against lawsuits and investigations on a nationwide basis and provide consistent and efficient service in national engagements. We have successfully defended against or resolved hundreds of lawsuits brought under Title III of the ADA and applicable state law.

Seyfarth attorneys have handled many ADA Title III compliance investigations and enforcement actions initiated by the U.S. Department of Justice as well as state and local anti-discrimination enforcement agencies. Seyfarth counts among its attorneys a former official from the Department of Justice who enforced Title III of the ADA while in public service, allowing Seyfarth to bring an unparalleled capability and perspective to our clients. Seyfarth has handled some of the most complex and high-profile DOJ matters involving issues about facilities accessibility, website accessibility, website accessibility, effective communication, and service animals.

Regulatory Expertise

We are national ADA counsel to the nation's leading national lodging industry association, The American Hotel & Lodging Association. This engagement provides us with a deep understanding of the issues that affect not only the lodging industry, but every business in America. Minh Vu, a partner in Seyfarth's Washington D.C. office, prepared the comments on behalf of the American Hotel & Lodging Association in the public rulemaking process that resulted in the revised ADA Title III regulations that were published in September 2010 and we continue to represent the lodging industry on cutting edge issues such as website accessibility.

Seyfarth is a Trusted Advisor to the Nation's Top Businesses on ADA Title III Issues.

Some of America's most well-known 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, and financial services industries. The counseling services that Seyfarth provides its clients include the following:

- Advising clients on how to comply with new ADA Title III regulations, including new requirements for event ticketing, hotel reservations, and the new 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;

- Advising clients on how to ensure that renovations and new construction projects comply with the changing ADA accessibility requirements to avoid future retrofits;
- 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;
- Working with consultants and client IT representatives to improve the accessibility of websites for individuals with sight and hearing disabilities;
- Developing ADA Title III compliance policies and training programs regarding service animals, reasonable accommodations for customers with disabilities, and effective communication with customers with disabilities;
- Advising businesses on how to handle disability-related guest complaints quickly and effectively to avoid litigation; and
- Advising franchisors on how to minimize the risk of becoming an "operator" of a franchised hotel to avoid liability under ADA Title III.

Although the ADA is over 20 years 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 their first-hand experience in handling ADA Title III matters and their ongoing dialogue with clients, disability advocates, and the U.S. Department of Justice on cutting edge issues. ■

If you have any questions concerning Seyfarth's ADA Title III practice, please contact one of the following attorneys:

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