

Americans with Disabilities Act (ADA) Title III Defense Litigation

Leech Tishman's Americans with Disabilities Act Title III Defense Group has broad experience with ADA litigation defense.

In Brief

The ADA requires all public accommodations, such as banks, stores, shopping malls, hotels, restaurants, doctors' offices, day care centers, private educational facilities and theaters, to maintain in operable working condition facilities and equipment that are readily accessible to and usable by individuals with disabilities. A public accommodation is required to reasonably modify its policies, practices or procedures, if necessary, to avoid discrimination.

In recent years, litigation typically directed towards brick and mortar stores has been expanded to include websites when there is a nexus between the e-commerce website and the physical space of a public accommodation.

Our ADA Title III Defense Litigation Group is skilled in advising clients on current case law, including Department of Justice and private litigation against public accommodations, common mistakes in ADA compliance attempts, Web Content Accessibility Guidelines 2.0 and best practices to avoid ADA Title III litigation and to increase accessibility.

Practice Group Collaboration

Our ADA Title III Defense team works closely with our Litigation and Real Estate Practice Groups to effectively address any issues involved with complex client situations where both general litigation and real estate legal issues are important to the outcome.

Services

- Representation of property owners, developers, general contractors and subcontractors in ADA-related access claims
- ADA risk mitigation
- Obtaining successful settlements, verdicts or summary disposition in actions asserting breach of ADA Title III

- Representation of public accommodations in preventive counseling and defense of ADA Title III architectural barrier, website and auxiliary aid actions

Industries

- Banking/finance
- Convenience stores
- Consumer electronics
- E-commerce
- Higher education
- Property management
- Real estate brokerage firms
- REITs and shopping mall owners
- Restaurants
- Retail

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