



## As Drive-By ADA Lawsuits evolve into Google Earth Lawsuits – how to protect yourself

Since 1993 when the Americans With Disabilities Act went into effect, keeping a hotel ADA compliant has always been a challenge. Compared to a retail store or restaurant, there is so much more exposure for possible issues. Such exposure has made the lodging industry prime targets for serial litigators.

Allow me a moment to draw an important distinction between serial litigators and disabled people who simply want access to public spaces and are well within their rights to advocate through the legal process to gain it. I personally have a family member with a disability and have experienced first-hand the frustration of not being able to access a restaurant or hotel.

However, there are roughly twenty-five law firms across California who specialize in ADA lawsuits. These suits are driven by the lawyers, not the plaintiffs, and they sue multiple businesses every day. At ADA Compliance Pros, we hear the same names over and over again. They are prolific and only getting more sophisticated in their techniques.

Being on the front-lines, we are now seeing a new and concerning development in how these lawsuits originate. Ninety-five percent of ADA lawsuits cite the exterior. This is due to how easily a savvy person can determine if a property is indeed ADA compliant. For years, ADA lawsuits have therefore been coined “drive-by lawsuits” as enough info could be gleaned without ever getting out of the car.

However, we are starting to see these serial plaintiffs opt for leaving the car in the garage and simply hopping on the computer. With Google Earth having visually captured all of California (and the entire globe for that matter!) we are now seeing lawsuits being filed by use of this new technology. Serial litigators can zoom in close enough to survey a parking lot and determine if it appears compliant.

The good news is that while the techniques from these serial ADA litigators are indeed growing more sophisticated, the best defense for protecting yourself has not – be proactive! The more you know, the better you can prepare. The first step is getting an Access Survey and learning what is indeed non-compliant with your facility. From there, a plan of attack can be put in place to bring your property into compliance. Getting ahead of the problem will save time and money and keep you from getting blindsided by a Google Earth lawsuit.

*For assistance with your ADA needs, contact David LoPresti at [david@adacp.com](mailto:david@adacp.com) or 626-486-2201*

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