

## Handling Accessibility Complaints: Keeping Out of Court

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### I. Requests, Complaints and Grievances

#### A. Procedures to catch requests and complaints early...and deal with them

1. Assess your current status of compliance
2. Set up a fully functional ADA Task Force
3. Head off complaints with a well-documented barrier removal plan.
4. Allocate 5% to 10% of your budget to requests and complaints.
5. Watch and Listen for inconveniences and grumbling.
6. Develop and USE a barrier removal request form / procedure.
  - a) Document the request and the individual who requested it.
  - b) Route the request by an access specialist if it looks too expensive.
  - c) Get a commitment and a budget to remove barriers.
  - d) Follow up with the individual – don't wait for them to call you back.
    - (1) Call if there are any questions or delays.
    - (2) Call as soon as commitment to remove barrier is firm.
    - (3) Call as soon as barrier is actually removed.
7. Integrating complaints into your barrier removal plans.
8. Physical barriers **and** employee attitudes cause 90% of facilities lawsuits.
9. Train your customer contact employees.
10. Be proactive but don't be paranoid – most people want accessibility and compliance but not lawsuits...if you're working on it, they'll be patient.
11. Use the modifications you make to attract new customers. The disability community has considerable buying power and is often surprisingly loyal to organizations that make sincere efforts to serve their needs.

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### **II. Responding to a Lawsuit**

- A. Don't overreact. Most plaintiffs want to settle, they just file suits:
  - 1. To get your full attention, or
  - 2. To make sure that YOU pay their lawyer and expenses when you settle, or because
  - 3. They believe that your organization has decided to fight.
- B. Be careful of any attorney who wants to take an uncooperative stance and tightly control your response process unless you want an expensive fight. If you do plan to fight, make certain that your attorney is a real expert in disability law.
- C. Consider an early meeting with the plaintiff(s) to see if they want a quick resolution.
- D. Remember that settlement of any one lawsuit does not prevent future lawsuits by other plaintiffs. If the suit has pointed out weaknesses in your compliance efforts, settling it won't solve all your future problems. You need to review all of your responsibilities.