

## **How to Avoid and Defend Lawsuits For Violation of the Americans With Disability Act**

### **Avoiding the ADA Lawsuit**

The best way to avoid an ADA lawsuit is to correct conditions at the property that violate the ADA. This might include, for example, on the exterior of the hotel, handicapped parking spaces, disabled parking warning signs, and accessible paths of travel. Additional remedial work could be required in the rooms and other areas.

### **Assessing ADA Violations**

An expert ADA consultant retained by an attorney can identify ADA violations that should be corrected. A typical consultant's report will cite to the provisions of the governing standards for accessibility, and will include a series of photographs that refer to dimensions and measurements that purport to show the violations.

### **Defending the ADA Action**

If a business is sued in an ADA lawsuit, it can either settle or defend. This is not an easy choice, and requires an analysis of many factors. Typically, the cost of defending an ADA action is high not only because the cases are fact intensive, and require expert testimony, but because plaintiffs' attorneys tend to be aggressive since they know that attorney's fees can be recovered if they prevail in the case. On the other hand, settling an unmeritorious case to avoid payment of legal fees can make the business appear to be a soft touch, and invite more lawsuits. The guiding hand of an smart, savvy, and tenacious defense attorney is critical.

### **Conclusion**

Litigation is never fun, is usually expensive, and should be avoided if at all possible. A conscientious lawyer can help a business avoid litigation by eliminating conditions that can invite lawsuits. If a business is sued, an attorney can guide his client through the litigation process, and help it decide whether to settle or go to trial. If the decision is made to go to trial, the business should retain an attorney who has the experience, guile, intelligence, and tenacity to make sure that justice is ultimately served.

### **THIS DOCUMENT IS NOT INTENDED AS LEGAL ADVISE**

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