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When it comes to job-creation barriers, there's a litany of tax and regulatory impediments contributing to high unemployment and preventing employers from putting people back to work. Often missing from the discussion on what's holding back job creators is the threat many businesses face under the Americans With Disabilities Act.

Twenty years ago, the ADA was enacted to improve access to places of public accommodation for disabled Americans. It was never intended to be a vehicle for personal profit, which is now the case for a number of predatory attorneys and individuals that are cleverly leveraging existing law against honest and unsuspecting small-business owners.

In California, one lawyer alone has filed more than 200 lawsuits against small businesses under questionable or misleading pretenses. These lawsuits come at a price. Each legal pursuit costs businesses time, money and resources that, aside from helping to make payrolls and pay other expenses, could otherwise go toward meeting compliance standards once a complaint is filed and determined valid.

A more recent example of such a lawsuit involved a small business in San Diego County. After refusing to settle out of court, the business decided to go forward with litigation. Only after 17 months and more than \$100,000 in legal fees, the business won its motion for judgment on the alleged violations.

Other lawsuits have been filed alleging that a sign was the wrong color or the use of certain words were offensive. In the worst cases, violations or comments considered offensive might imply bad judgment on the part of business owners, but rarely, if not ever, are actions willfully intended to circumvent the law or upset patrons.

In these cases, the instance of the San Diego business winning its judgment is not an irregularity. Neither is the fact that tens of thousands of lawsuits have been filed for issues of minor noncompliance. Not surprisingly, almost half of all ADA lawsuits nationwide are filed in California.

What most predatory lawyers and plaintiffs understand is that some businesses might choose to take the fight to court, but there are others that simply don't want the headache. For those businesses that decide to refrain from the legal process, the only alternative is to settle out of court, even if they think or even know nothing is wrong.

For California businesses in particular, this is proving to be a drain on profitability and in some cases threatens survival.

It's necessary that businesses fully comply with the ADA. However, the unrelenting assault by a few attorneys and individuals who knowingly exploit a well-intended federal law needs to stop.

That's why I have introduced legislation in Congress, H.R. 881, the ADA Notification Act, to require businesses comply with the ADA, but prevent any real abuse of the law. The legislation stipulates that before legal action can begin, a claimant is required to first notify a business of any potential violation. The business would then have 90 days to evaluate and correct the problem if necessary. If the complaint is ignored, then the business owner goes to court and the process resumes.

It's a straightforward approach to protecting small businesses from baseless lawsuits, while also ensuring better access for disabled Americans.