



## *Hans Bader: Ambulance chasers feast on Americans with Disabilities Act claims*

By [Isaac Gorodetski](#) on April 23, 2012 8:27 AM

[Hans Bader](#), senior attorney and counsel for special projects with the Competitive Enterprise Institute, [comments](#) on a recent [New York Times story](#) that sheds light on a phenomenon [Walter Olson](#) of the Cato Institute tags as the creation of "[ADA filing mills](#)."

[Bader writes](#):

Thanks to generous attorney-fee provisions contained in federal civil-rights law, trial lawyers are feasting on Americans with Disabilities Act claims at the expense of small businesses, consumers, and indirectly the public. [As I noted earlier](#), a trial lawyer can collect thousands of dollars in attorney fees for "winning" a discrimination or ADA lawsuit, even if his client collects only \$1.

...When it comes to ADA compliance, small businesses are subjected to legal harassment no matter what they do. Many small businesses don't have the freedom to unilaterally modify their entrances or facilities to make them handicapped-accessible, due to municipal code compliance regulations. Instead, they have to submit costly, detailed applications to code enforcers first, and sometimes have to wait months or years for approval, during which time they are sitting ducks for greedy trial lawyers bringing ADA claims. If they make their facilities ADA compliant without receiving the required municipal permits, they get fined by municipal officials.

As the owner of the Cha Cha Chicken restaurant on Pico Boulevard in Santa Monica noted, "We wanted to renovate our bathroom areas to make it more handicap-accessible and it took us almost three years to get all the permits. . . We kept giving all the paperwork they need, but it took forever. We needed the Pico Improvement Organization to plead our case."

As alarming as this practice by trial lawyers sounds, the New York Times article did recognize a valid question generating a great deal of debate; whether the lawsuits are a laudable effort, because they force businesses to make physical improvements to comply with the disabilities act, or simply a form of ambulance-chasing, with no one actually having been injured?