

**WASHINGTON CIVIL &
DISABILITY ADVOCATE:
SHARING OUR WORK**

By Conrad Reynoldson, WACDA Founder & VP

Here at the Washington Civil & Disability Advocate (WACDA) we work to make the world a more accessible and inclusive place. Not only do we litigate, we also work to educate and advocate for accessibility. Often this means the less flashy but equally as important nonlitigation work. We work hard to connect in our communities and educate everyone on the Americans Disability Act (ADA) as a law. We do this in hopes of litigation becoming less necessary if more people are aware of and appreciate the importance of accessibility and inclusion. As part of this, we have educational speaking events so that the disability community knows their rights, when they're being violated, and how best they can speak up.

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Lawyers Conrad and Michael work hard at WACDA to help further disability rights.

We also conduct legislative advocacy so that we can ensure that citizens with disabilities are receiving the same level of access to the community as everyone else beyond minimal ADA compliance. The intent of this quarterly newsletter is to keep our entire community up to date on our key cases, speaking events, legislative advocacy, and any of our other events in the community so that we can all work together to multiply our efforts.

Our newsletters will be posted on our website and also distributed via our email subscription. To subscribe to our updates, please follow the link here: <https://www.wacda.com/contact>.



WACDA holds the field where the Mariners play at home has been found to be in violation of the ADA.

WACDA's LATEST COURT CASE

By Conrad Reynoldson, WACDA Founder & VP

From October 15 to October 24, WACDA went to trial regarding unresolved issues between plaintiffs who were unable to enjoy the defendant's baseball stadium due to the placement, pricing, sightlines, and distribution of accessible seating.

The problem of insufficient accessible seating distribution at the stadium is a serious one. Under the ADA, tickets must be provided at all of the same price points as everyone else, meaning there must be a proportionally equal amount of accessible seating in all seating levels, from common seats, ground seats, to booth seats. However, the stadium has a disproportionate number of accessible seats in several areas. Currently, the vast majority of the wheelchair accessible seating on the 100 level is in the back row; the worst seats on that level as they are both the furthest away from the field and have the most obstructed view.

Aside from accessible seating pricing and distribution, another key issue is the sightlines

over standing spectators. The accessible seats located in the back rows of the 100 and 200 levels do not provide comparable sightlines over standing spectators. This means that if people stand to cheer excitedly in front of you, and you use a wheelchair... you can't see what's going on like everyone else. Our position is that this issue must be addressed by raising and/or otherwise moving accessible seating in order to provide a comparable view of the playing surface to all patrons with disabilities regardless of where their accessible seats are located.

The trial judge did not find in our favor; however we disagree with the decision and have filed our notice of appeal. Fortunately in the meantime, positive changes are coming soon.

KNOW YOUR RIGHTS!

By Conrad Reynoldson, WACDA Founder & VP

I recently had the honor of speaking at the Spina Bifida Adult Conference in October regarding common myths that surround the ADA, and did a crash course in disability rights and the social model of disability. Often people with disabilities as well as those without are not fully aware what the ADA



If the appeal is accepted by the 9th Circuit, then there may be additional proceedings on this case.

covers in terms of being both a civil rights bill and a loose guide on accessibility standards. WACDA is asked to speak at events both to inform a wide range of members of the community on their responsibilities under this landmark civil rights law and how they can become as accessible and barrier free as possible, as well as to inform the disability community on how to both recognize and enforce their rights under the law.

In this particular presentation I had the opportunity to break down the definition of the social model of disability with the help of one of WACDA's legal intern, Emily Erickson. For example, we helped explain through an exercise how disability is not defined as a problem due to an individual's inability to use stairs, but the stairs themselves. Stairs disable an individual who uses a wheelchair, and the social model shows how changing the environment itself can alleviate a disability, like using ramps instead of stairs. This is how the ADA is designed to work; by eliminating as many barriers as possible with the use of universally designed solutions. Universal design solutions mean things that everyone can generally use without accommodation, such as ramps are used instead of stairs which are only usable by some of the population.

This presentation was also an opportunity to touch on what WACDA does as an organization in order to inform the public and disability community of the legal rights that flow from the ADA. Many assume the ADA is a tool that is frequently used to file superfluous lawsuits, and that the lawyers and plaintiffs benefit from these "drive-by" lawsuits. However, we presented a series of examples to show that this is simply not true, and how the vast majority of the time the law is used to justly protect the rights of citizens with disabilities and that it is only abused by a select few exploitative individuals. Those who follow both the spirit and the letter of the ADA know it is practical and common sense and that it is not an onerous obligation for the government or businesses to follow.



Adult Summit Conference

October 25, 2019 | Vista Court Cafe-UW | 8am to 3pm

A flyer for the Spina Bifida Adult Summit Conference

Please visit the link here to see the full presentation: <https://tinyurl.com/r6qw9jn>. If you have any questions regarding the ADA or wish to have a member of WACDA speak on the topic at an upcoming event, contact us here: office@wacda.com.

CAREGIVER ADMISSIONS BILL

By Conrad Reynoldson, WACDA Vice President

WACDA is an active advocate for disability rights legislation, and currently passing legislation which would require that places of public accommodation which charge admission not do so for caregivers of people with disabilities who need their assistance.

This legislation would simply level the playing field so that people with disabilities who require the assistance of a caregiver would only have to pay the same amount as other patrons. Instead of being potentially priced out because they always have to pay twice wherever they go, many people with disabilities who require a caregiver would be much more able to afford to pay for simply their admission. The person with the disability would still pay for their own admission just like anyone else, and the caregiver would be granted access along with them. In many cases the caregiver would not be there

potentially spending additional money at all if it were not for the person for which they are assisting.

WACDA has assisted to help provide clear guidance on how to effectively implement this requirement. Numerous places of public accommodation have already implemented similar policies voluntarily, however each one implements the policy in different ways. This clear and concise legislation would provide much needed guidance on how best to implement such a policy in a way that is effective. We enthusiastically support this legislative effort because it would give countless people with disabilities across our state greater inclusion and access to their communities

If you want to support this vital proposed legislation, please contact us at office@wacda.com so we can add your name to our growing list of supporters of this legislation. The more voices that stand behind us, the harder we are to ignore and the closer we get to ensuring disabled patrons everywhere can have full, equal access to the public!



People with disabilities are able to participate in most public accommodations under the ADA; this should include not needing to pay extra for a necessary caregiver.

ADA STILL UNDER FIRE

By Lindsey Muszkiewicz, WACDA Intern

Barry Fagin wants to repeal the American's with Disabilities Act. A professor at a US Air Force Academy in Colorado Springs, he's received awards from civil rights and religious freedom organizations, so Fagin should know better than to advocate for the eradication of what is essentially a civil rights bill for disabled people. But perhaps he truly doesn't know better; he's been published in Newsday, who's "about" page features only inaccessible, uncaptioned videos without transcripts or a way for screen readers to reliably navigate the page. This very newspaper he's been featured in is evidence enough that we still desperately need the ADA to remain on the books.

He states a law's ambiguity gives it weakness; "it requires "reasonable accommodation," and gives some examples, but it never says what reasonable accommodation means." The ADA also fails to list and name

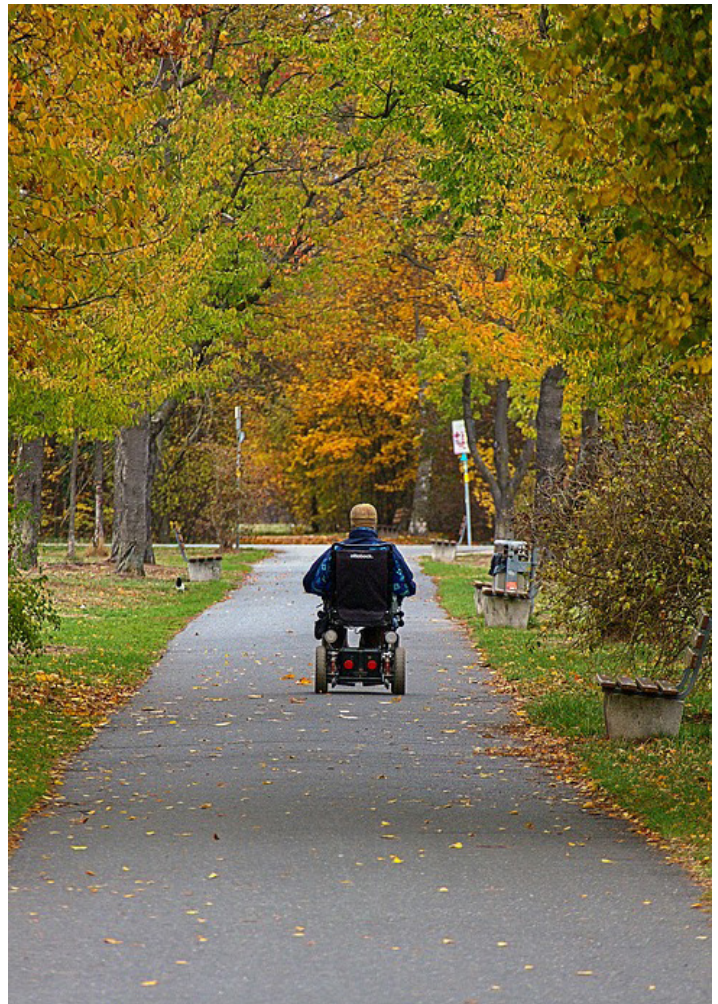


Often, caregivers need to accompany people with disabilities to events to provide help to the person enjoying it.

all disabilities and variances of function that exist, but disability is not ambiguous. However, it still can't be listed and defined in such a law, as the way each person experience's their disability is different. The same reasoning can be used to understand the term "reasonable accommodation."

Reasonable accommodations have to be just that, reasonable. The ADA takes into account a series of factors, such as the size and financial resources of the defendant and even puts the burden of proposing solutions on the plaintiff. Fagin says that the ADA is a bad law because it "attempts to achieve a public good through private means." The fact that ADA enforcement is primarily through private means is a feature, not a bug of the law. The ADA's enforcement mechanism was modeled after the Civil Rights Act because lawmakers rightly knew that given that almost the entire country was not accessible, there's no way any government agency would have the resources to even make a dent in inaccessibility anytime soon. Even though the DOJ does do some enforcement of the ADA, the fact that it is a public-private partnership for enforcement massively increases the scope and effectiveness of enforcement efforts. When a disabled person's rights aren't being met, they have a right like anyone else to ensure the situation is corrected, and the government simply cannot large-scale enact those rights when they come with a need to change physical environments. So how do we hold business's and people accountable? Through the law, and enforcing that law through lawsuits.

Fagin claims the ADA has caused a chilling effect with disability hiring in addition to being an undue burden on businesses. However, the primary problem with disability hiring both before the ADA and after remains the same: ableism. When someone in a wheelchair rolls into an interview, most employers still immediately start thinking about unrealistic cost estimates and ideas that even the most qualified disabled applicant somehow wouldn't be able to



People with disabilities have a right to access all parts of life, such as parks, which can be made accessible with paved paths.

produce the same as their peers. The laws are necessary, full stop. Without such legal protection, people with disabilities would be in far worse shape and wouldn't have any potential recourse in many instances.

The ADA is a basic civil rights law just like the Civil Rights Act. A disabled person has the same right to access the world as anyone else; does the government have time to stop and check all website accessibility standards, such as the uncaptioned and unnavigable page of Newsday? And with the ADA's removal, what standard of Civil Rights could the government look to when addressing access needs? The ADA is a way to make sure disabled people have the power to protect their rights, and with new access issues arising, such as web accessibility, the importance of leaving terms

vague for “reasonable accommodations” becomes quite clear. We cannot predict which access solutions will work where and best for everyone, and leaving it open to be used as needed is essential. A ramp will not solve every access need, and a reasonable accommodation will look different for everyone depending on who needs the accommodating and who is providing it.



People with disabilities fought long and hard for their rights in the nineties, and continue to today.

About WACDA:

WACDA is guided by the simple but powerful proposition that all lives have equal dignity and worth. As a result, this organization is committed to providing legal services to people with disabilities without charging attorney fees. WACDA is committed to an “all of the above” approach to increasing accessibility and inclusion in Washington state and, in addition to litigation, assists with disability education and awareness efforts, including informing the disability community on disability rights.

For further information, to be placed on the WACDA mailing list, request this newsletter or other materials in an alternate format, or for any additional comments or questions, please feel free to contact us at:



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