



The Jacob Journal

A Newsletter from Supervisor Dianne Jacob

May 2005

Predatory Lawsuits Exploit the ADA

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County, State fighting back after flurry of identical lawsuits hit small businesses

Gary Clasen was shocked. The small business owner from La Mesa spent upwards of \$8,000 to make the building which houses his catering kitchen—which is closed to the general public—accessible for people with disabilities.

Gary thought he was doing the right thing when he got slapped with a lawsuit alleging that his building wasn't accessible to a woman in a wheelchair. The language of the suit was aggressive: we'll see you in court.

Gary wanted the opportunity to tell his side of the story. If he was at fault, he was willing to make changes. But, there was no interest in mediation and to get to court would have cost Gary upwards of \$20,000. It was far cheaper to settle than to go to trial, and that's just what opportunistic lawyers behind the predatory lawsuit wanted.

Gary is one of hundreds of local victims of a scam that exploits the landmark Americans with Disabilities Act (ADA) for financial gain. The swindlers behind the scam aren't interested in ensuring that people with disabilities can enter, use and exit facilities

with relative ease. Instead, the scammers are extorting business owners out of settlement dollars in exchange for dropping expensive legal cases. The practice demeans the ADA, hurts businesses, clogs the courts and must be stopped.

State Senator Chuck Poochigian has authored legislation that aims to crack down on predatory ADA lawsuits by giving business owners a reasonable window of time to come into compliance with the requirements of the law. It is a bill that is long overdue and the County of San Diego, at my request, is glad to back it.

Legal minds agree that the ADA is highly technical and contains thousands of mandatory requirements that can be overwhelming to a mom-and-pop business. The specifications for flush handles on toilets, hand rails and door knobs are exacting, often outlined down to the very last inch.

Some say that the stricter rules encourage business owners to adhere to the ADA. But, because of the complexity of the regulations, minor and unintentional violations are commonplace, say inspectors. Some experts estimate that less than two percent of public buildings are in compliance.

That California is one of only three states which allows people injured by ADA violations to sue for attorney's fees and punitive damages adds further confusion to the law. Unethical lawyers have learned to capitalize on this murky situation and take

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- Dianne Jacob



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Predatory Lawsuits

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advantage of businesses fearful of lawsuits.

Recently, seven struggling businesses in the Spring Valley area were hit with ADA-related lawsuits on the very same day. Each suit was identical, filed about two minutes apart in in Superior Court, one of the defendants said.

Last year, an investigation by a local news team identified one lawyer who'd filed 340 ADA lawsuits in our region. Many of businesses named in the suit complained that the plaintiffs

had never stepped foot in their shops or stores. One plaintiff admitted as much to reporters saying he'd never shopped at any of the businesses named in the suit.

Some people with disabilities aren't happy with the attention that questionable suit cause.

"I think people with disabilities have been perceived as sort of predatory, there to make a buck," Louis Frick, executive director of Access Center of San Diego told *The San Diego Union-Tribune* last year. "While certainly there are those people, it is not all the people."

Taking advantage of the ADA for financial gain is especially despicable because this important law is designed to ensure access and equality to all.

Senator Poochigian's legislation (SB- 855) would restore integrity to the ADA. It allows victims to sue for legitimate injuries and flagrant abuse. It stops schemers from shaking down businesses who are eager and willing to open their doors to everyone.

Tightening the Safety Net Around Sexually Violent Predators



The County of San Diego is throwing its muscle behind State legislation designed to protect communities from Sexually Violent Predators.

These offenders are a subgroup of convicted sex offenders currently committed to a State mental hospital but eligible for release if they graduate from a multi-phase treatment program.

The State announced that two such offenders, Matthew Hedge and Douglas Badger, are scheduled for release into our region and there is nothing the County or the Courts can do to intervene. That's why the County is supporting six bills that would strengthen the safety net around this dangerous population. They are:

- Assembly Bill 1109 requires local officials to be notified 65 days in advance of any hearing on the placement of a Sexually Violent Predator and requires local officials to notify the public of the hearing.

- AB 1683 requires the State to provide local

law enforcement with written conditions of a Sexually Violent Predator's release and give notice if those conditions are changed.

- AB 603 increases the amount of time Sexually Violent Predators can be committed to a state mental hospital from two years to five years.

- AB 113 prevents Sexually Violent Predators on parole from living within a mile of schools or daycare centers.

- AB 1603 makes publicly known the number of Sexually Violent Predators that violate the conditions of their release.

- Senate Bill 722 formulates a plan to place sexually violent predators in a secure and remote housing facility.

You can help San Diego County strengthen State laws governing Sexually Violent Predators. To keep tabs on this legislation or make your feelings known to State legislators visit: www.leginfo.ca.gov.

Targeting Female Meth Use

Any Sheriff's Deputy will tell you that meth use leads irrational, bizarre behavior. Meth is at the root of all kinds of crime including property crimes, assaults, child abuse and domestic violence.

It's particularly appealing to women because it gives users energy and helps them lose weight. Recent statistics show that four out of 10 women arrested for crimes in this region test positive for meth— that's a sky-high percentage for a single drug.

District Attorney Bonnie Dumanis, Sheriff Bill Kolender and I are testing a pamphlet that we hope might impact the problem. Recovering addicts and communications experts are helping design the pamphlet with the goal of steering users into treatment. It will also include information about childcare and domestic violence. It will be handed to every female released from a County-run detention facility and the County will keep tabs on how many women seek treatment as a result of the pamphlet.

Cancer Navigator Guiding Thousands

Over 21,000 visitors have taken advantage of the San Diego County Cancer Navigator. The website has become an indispensable resource for cancer patients and their caregivers who are searching for information and support.

Cancer Navigator is designed to provide a comprehensive resource for patients, families, providers and the public by integrating a web site and a help line, creating a one-of-a-kind solution to cancer education, intervention and outreach.

You can visit this important tool on the web at:

www.cancer.navigator.org.

Lakeside Revitalization

Got an idea that will improve or enhance public services in Lakeside? Join Supervisor Jacob for a community revitalization meeting!

Friday, May 27, 2005 at 9:00 a.m.
Lakeside Community Center
9841 Vine Street

LOOKING GOOD ON SPRING VALLEY ROADS



Supervisor Jacob spent a fun Saturday with the Highway 94 Beautification Committee last month. The group spread mulch along road ways in Spring Valley to prepare for a larger landscaping project. Join our next mulching event on May 21 at 9:00 a.m. along Sweetwater Springs Boulevard at the 94 overpass.

Debbie Reynolds Headlines Vital Aging Conference

The star of "Singing in the Rain" and "The Unsinkable Molly Brown" will share the secrets of her healthy lifestyle when she serves as keynote speaker for the annual Vital Aging Conference hosted by the County on June 9.

With 30 films, Broadway shows and countless TV appearances to her name, Ms. Reynolds, 73, still performs 40 weeks each year in Las Vegas and other cities.

The conference takes place from 8:30 a.m. to 2:00 p.m. at the Town and Country Convention Center, 500 Hotel Circle North. The cost is \$5.

For more information call (800) 82-SHARP or visit the County's Network of Care for Seniors and People with Disabilities website at:
www.sandiegonetworkofcare.org.

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