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Most foodservice outlets ensure their premises are accessible, but an increasing number of suits are being filed by lawyers on behalf of disabled customers who are unable to access websites

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engage in unnecessary litigation and pursue costly legal settlements.”

The Center’s Angelo Amador told *Foodservice Consultant* in an email that the Domino’s case is finally before the Supreme Court, so he hopes they take up the issue and decide on it once and for all. The Center has filed a brief in support of Domino’s appeal, and at press time, the appellee had not filed his before the deadline of August 14.

Indeed, Rahman-Porras notes, the lawsuits appear to be stemming from a group of about 10 to 20 attorneys from sole or small firms attempting to collect >

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thousands of dollars in attorney fees on the back of one or a few plaintiffs. The other issue with these lawsuits, Rahman-Porras points out, is that because the ADA laws are federal laws, a plaintiff in California, say, can sue a restaurant anywhere else around the country.

“It seems the majority of restaurants – and even many website developers – do not know about this issue until they see a demand letter from an attorney or complainant,” says Rahman-Porras. “Without any official DOJ guidelines or a reprieve period, they have to scramble to make sure their websites are updated and compliant.”

### Make clients aware

So what can a restaurant do and how can consultants help? They could do nothing and risk an ADD lawsuit (Seyford Shaw’s report predicts the number of which will increase four-fold to 9,000 lawsuits by 2020). To be proactive Rahman-Porras suggests the first step is to ask the web developer what, if any, accessibility adjustments have been made or implemented on the site.

If it’s the case that a relative or close friend developed the website, chances are it’s not accessible. That said, it’s probably best to seek out more seasoned website developers or companies when updating or redoing a website entirely.

This may sound a little self-serving coming from a website development company, but the fact is as these lawsuits only continue and the DOJ drags its feet, restaurants (and other types of foodservice outlets) will have to make important decisions about their online



presence, and perhaps make steeper financial investments in this area or risk even steeper financial consequences.

“For the past few years we have been working closely with two accessibility partners to make changes to our platform that would support restaurants potentially facing this issue,” says Rahman-Porras, who noted this year, BentoBox’s platform was declared certifiably accessible by Accessible360, one of those partners.

Even with the certification, Rahman-Porras says, without guidelines from the DOJ or any official “rulebook,” no website platform – not even BentoBox – can be 100% fully compliant. Still, she notes, BentoBox’s customers have been able to at least decrease the dollar amount of a potential settlement or ward off false claims completely with their updated websites, because no restaurant wants the expense of going to trial. “It’s still a very tricky space,” she says.

Going forward, there is no telling what type of restaurant or foodservice outlet could get hit next. While it’s highly unlikely that these suing attorneys – whom one might call “ambulance chasers”

– would go after a major chain with its own roster of powerful attorneys, who’s to say they wouldn’t target a national chain franchisee (they have), a small coffee shop, emerging chain, or even a community college foodservice operator with a website and/or an online ordering component. On the flipside of the art

By understanding this issue, even though it has nothing to do with cooking equipment, consultants can help by simply by making their clients more aware of this risk when making website updates, implementing online ordering or further expanding their presence in the Internet of Things space. Investing the dollars in accessible online spaces can save them dollars in the long run – or simply keep them open – which frees up the budget for other important design features and enhancements in the future. ■

### Helpful resources

[eeoc.gov/facts/restaurant\\_guide.html](http://eeoc.gov/facts/restaurant_guide.html)  
[w3.org/TR/WCAG21/](http://w3.org/TR/WCAG21/)