**I WANT TO HAND IT OFF TO OUR EXECUTIVE DIRECTOR, ANGELA JEMMOTT, TO START THE INTRODUCTIONS.**

 **>> THANK YOU AGAIN FOR THIS OPPORTUNITY TO FOCUS ON OUR GOAL, OUR THEME FOR THIS YEAR AND THE TOPIC OF CASE LAW WITHIN TITLE 3 WITHIN CALIFORNIA AND HOW TO IMPACT AND REFINE THINGS WITHIN CCDA.**

 **SO AS I SHARED THIS MORNING, WE'RE JUST BEGINNING THIS DISCUSSION, SO WE WANT IT TO BE MORE OF A CASUAL CONVERSATION, AN INTRODUCTION OF CCDA STAKEHOLDERS TO COME TOGETHER ON THIS TOPIC SO WE'RE SO PLEASED AND HAVE SUCH A GREAT RESPONSE TO THIS DISCUSSION. THE WAY WE HAVE THE DAY SET UP IS THAT WE HAVE A MODERATOR AND THAT IS NONE OTHER THAN OUR PAST CHAIR, GUY LEEMHUIS, AND WE HAVE INTRODUCING THE ROUND TABLE DISCUSSION IS OUR JUDGE, JOSEPH ARTURO.**

 **SO YOU'D LIKE TO BEGIN BY INTRODUCING OUR MODERATOR AND HE WILL INTRODUCE OUR GUEST SPEAKERS AND LEAD THE ROUND TABLE DISCUSSION.**

 **MANY OF YOU ARE FAMILIAR WITH OUR PAST CHAIR -- AS OUR PREVIOUS CHAIR OF OUR COMMISSION FOR SEVERAL YEARS, I WANTED TO SHARE THE PRIVATE PRACTICE WITHIN THE STATE OF CALIFORNIA. THAT IS GUY LEEMHUIS HAS BEEN AN ATTORNEY IN PRIVATE PRACTICE IN CULLIVER CITY WITHIN FAMILY LAW AND FAMILY LAW AND PROBATE MATTERS THE DISTRICT OF LOS ANGELES COUNTY SUPERIOR COURT. HE HAS BEEN APPOINTED MINOR COUNCIL IN VARIOUS DEPARTMENTS IN DIFFERENT DISTRICTS --**

 **>> [TALKING OVER EACH OTHER]**

 **>> HE HAS ALSO BEEN INTRODUCED AS GUEST SPEAKER FROM THE UNITED STATES DISTRICT COURTS NORTHERN DISTRICT OF CALIFORNIA. SO WITHOUT FURTHER ADIEU, I WOULD LIKE YOU TO WELCOME COMMISSIONER GUY LEEMHUIS.**

 **>> GOOD TO BE WITH EVERYONE THIS MORNING. I WOULD LIKE TO INTRODUCE JUSTICE SPARROW WHO WAS THE CHIEF JUSTICE FOR THE NORTHERN DISTRICT OF CALIFORNIA. HE'S BEEN A MAGISTRATE FOR 21 YEARS AND CHIEF FOR THE PAST FIVE YEARS. HE HAS PROVIDED AS TRIAL JUDGE IN CRIMINAL AND CIVIL CASES IN A VARIETY OF SUBJECT AREAS INCLUDING PATENT, EMPLOYMENT, CIVIL RIGHTS INCLUDING DISABILITY RIGHTS, COMMERCIAL CONTRACT, TRADEMARK AND FEDERAL MISDEMEANOR CASES. HE HAS SERVED AS SETTLEMENT JUDGE IN OVER 1500 CASES. HE WORKED AS AN ASSOCIATE OF -- AS ASSOCIATE, THEN PARTNER, JUDGE SPARROW IS GOING TO BEGIN OUR DISCUSSION DISABILITY ACCESS AND PUBLIC ACCOMMODATION CASES IN CALIFORNIA. PLEASE WELCOME JUDGE SPARROW TO THE CALIFORNIA ON DISABILITY ACCESS. JUDGE SPARROW.**

 **>> THANK YOU, COMMISSIONER LEEMHUIS. THANK YOU TO THE COMMISSIONERS FOR WANTING ME TO TALK AND PARTICIPATE IN THE ROUND TABLE. THANK YOU FOR GUIDING ME THROUGH THE PROCESS OF GETTING HERE. I APPRECIATE THE EXCELLENT WORK. I CAN HOPEFULLY ADD A SMALL AMOUNT OF INFORMATION TO THE INFORMATION YOUR STAFF CAN GET TO THE OTHER INDIVIDUALS ON THE ROUND TABLE CAN GET YOU. THAT IS THE EXPERIENCE IN THE FEDERAL COURT FOR NORTHERN CALIFORNIA. OUR DISTRICT EXTENDS FROM MONTEREY TO THE OREGON BORDER AND INCLUDES ALL THE SAN FRANCISCO BAY AREA COUNTIES.**

 **IN THE -- OUR EXPERIENCE WITH ADA ACCESS CASES IS PROBABLY NOT DISSIMILAR FROM MOST PEOPLE'S EXPERIENCE WITH ADA ACCESS CASES. THAT IS, THEY WILL RESOLVE, BUT THEY HAVE TREMENDOUS CONSEQUENCES. FIRST THEY HAVE THE CONSEQUENCE OF THEY DELAY THE IMPLEMENTATION OF WHATEVER THE ACCESS BARRIER ELIMINATION THAT THE PARTIES AGREE TO. ALSO IMPORTANT IS THE FACT THAT IF THERE IS A DELAY IN THE SETTLEMENT, ATTORNEYS FEES ARE INCURRED. THAT INCREASES THE COST OF THE SETTLEMENT BY INCREASING THE ATTORNEY'S FEES INVOLVED BOTH IN THE SENSE OF PAYING THE ATTORNEY FEES AND IT MAY BE PART OF THE SETTLEMENT THAT THE DEFENDANT IS REQUIRED TO PAY TO THE PLAINTIFF. SO IT INCREASES COST OF COMPLIANCE.**

 **WHAT'S FRUSTRATED US FOR MANY YEARS AT THE BEGINNING OF MY TENURE IS HOW DO WE CUT DOWN ON THAT SORT OF PROBLEM AND HAVE THEM NOT BURDENED BY SOME UNNECESSARY LITIGATION EXPENSES. SO THEY COME UP WITH A PROCESS WHICH MIGHT BE CONSTRUCTIVE IN SOME WAYS, I SUPPOSE WE COME UP WITH A GENERAL ORDER APPLICABLE TO ALL TITLE 3 CASES TO WHICH FOCUS ON RESOLUTION IMMEDIATELY UPON THE FILING OF THE CASE. WE DID THAT IN A NUMBER OF WAYS. FIRST WE STOP THE LITIGATION. STAY LITIGATION SO NO ONE IS WASTING THEIR TIME ON UNNECESSARY LITIGATION TEST. SO I SHOULD SAY THAT THAT STAY CAN BE LIFTED AND IS IN PARTICULAR CASES WHERE IT IS NECESSARY TO DO SOME LITIGATION TASKS, BUT IN THE VAST MAJORITY OF CASES, IN THE OVERWHELMING MAJORITY OF CASES, THAT REMAINS IN PLACE.**

 **AND THEN SECOND, THE PARTIES ARE DIRECTED -- ORDERED WITHIN 60 DAYS OF THE COMPLAINT DAY SERVED -- RIGHT AWAY TO DO A JOINT SITE INSPECTION. THEY HAVE TO ACTUALLY GO PHYSICALLY TO THE SITE -- OBVIOUSLY, THERE'S BEEN VARIOUS DIFFICULTIES WITH THAT. LAWYERS MUST ATTEND. AND SOMEONE FROM EACH PARTY WHO HAS AUTHORITY TO MAKE DECISIONS INCLUDING SETTLEMENT. IN THE EMPHASIZE INSPECTION, THEY GET THE INFORMATION THAT IS SIMILAR TO THE INFORMATION REQUIRED IN THE STATES-OF-DEMAND LETTERS. DEFENDANT HAS TO INDICATE WHAT THEY THINK OF THE BARRIERS AND PROPOSE CORRECTIVE ACTIONS AND WHAT THEY'RE WILLING TO DO IF THE DEFENDANT HAS A VIEW THAT IT'S NOT SOMETHING THAT IS REQUIRED BY THE DISABILITY RULES BECAUSE IT'S NOT REASONABLY READILY ACHIEVABLE, DEFENDANT HAS TO GIVE INFORMATION ABOUT THAT. NOT NECESSARILY DISABILITY ACCESS SPECIALIST CERTIFIED. BUT CERTAINLY THE EXPERTS THEY WOULD BE RELYING ON IN THE CASE.**

 **TO THOSE INSPECTIONS -- THE HOPE IS THAT WE GET TO EVERYBODY RIGHT AWAY AND FOCUS ON WHAT THE BARRIERS ARE AND WHAT PEOPLE WILL DO, WE CAN GET THIS RESOLVED MORE QUICKLY. WITHIN THE NEXT 35 DAYS AFTER THE SITE INSPECTION, THEY HAVE TO HAVE A SETTLEMENT MEETING. THEY HAVE TO HAVE A SETTLEMENT MEETING WHERE PARTIES ATTEND AND LAWYERS ATTEND, PLAINTIFF HAS TO MAKE APPROPRIATE DEMANDS STARTING FIRST WITH THE FIX AND ULTIMATELY IF THE FIX IS AGREED UPON WITH SOME MONETARY DEMANDS, DEFENDANT HAS TO RESPOND AFTER THAT. SO THE WHOLE FOCUS FOR THE FIRST 90 DAYS IS ENTIRELY ON SETTLEMENT. WHEN I SAY ENTIRELY ON SETTLEMENT, IT'S NOT CONDUCT THAT WILL BE WITHOUT VALUE IF THEY PROCEED TO LITIGATION, THEY MAY HAVE EXPERTS OUT THERE, THEY'LL KNOW WHAT THE ISSUES IN THE CASE ARE, BUT THE HOPE IS WHAT THEY REALLY ARE TRYING TO DO IS SETTLE THE CASE.**

 **AND THEN THEY HAVE TO TRY TO SETTLE THE CASE. IF THEY DON'T, THEN THEY GET REFERRED TO A MEDIATION. SO SOMEONE ELSE WILL HELP THEM SETTLE THE CASES. ONLY AFTER THEY GO THROUGH ALL THOSE STEPS AND THAT IS ABOUT THE FIRST I WOULD SAY 130, 140 DAYS OF THE LITIGATION, CAN THEY ACTUALLY START TO INCUR ATTORNEY'S FEES. THEY CAN ASK THE -- THE HOPE IS THAT THIS PROCESS WOULD ENCOURAGE SETTLEMENT WITHOUT -- NOT NECESSARILY LITIGATION ACTIVITIES. I CAN TELL YOU AS A PERSON WHO WAS HERE BEFORE THE GENERAL ORDER CAME INTO EFFECT AND AFTER THE GENERAL ORDER CAME INTO EFFECT, THE IMPACT IS QUITE DRAMATIC. WHEN I WAS FIRST A MAGISTRATE JUDGE FOR THE FIRST TEN YEARS, WE DIDN'T HAVE A GENERAL ORDER. THE PARTIES WOULD DO IT ALL AT THE SAME TIME. THEY WOULD BE LITIGATING AND TAKING DEPOSITIONS. THEY WOULD BRING MOTIONS TO THE COURT ALL WHILE THEY'RE TRYING TO SETTLE THE CASE IN SOME FASHION. SO THEY SPENT A GREAT DEAL OF MONEY AND THE ATTORNEY'S FEES ARE QUITE SIGNIFICANT LITIGATING IN COURT. WE WOULD SEE THEM A LOT. SEE THEM IN CASE MANAGEMENT AND ON MOTIONS.**

 **SINCE THE GENERAL ORDERS COME INTO PLACE, WE ALMOST NEVER SEE ONE IN PERSON. THERE ARE EXCEPTIONS, OF COURSE, BUT THE CASES SETTLE BEFORE THEY GET TO A JUDGE FOR RESOLUTION OF ANYTHING SUBSTANTIVE. WE THINK BECAUSE WE'RE FORCING THE PARTIES TO FOCUS ON THAT FIRST TO TRY TO FIGURE OUT WHETHER THERE CAN BE A SETTLEMENT AND BECAUSE I THINK WE'RE SAVING MONEY FOR THE PARTIES BY NOT HAVING LITIGATION GO ON SIMULTANEOUSLY. MERELY ALL CASES SETTLE WITHOUT THE NEED FOR CASE MANAGEMENT CONFERENCE.**

 **CAN I USE THE SHARE SCREEN? AM I ALLOWED TO DO THAT?**

 **>> YEAH. I'M GOING TO SHOW YOU A CHART THAT SHOWS SOME OF THE FILINGS. CAN YOU ALL SEE THAT?**

 **>> YEAH.**

 **>> THIS IS A CHART OF THE FILINGS IN THE NORTHERN -- CALIFORNIA FOR THE LAST FIVE YEARS. YOU CAN SEE CERTAINLY WITHIN THE LAST FEW YEARS, WE'VE BEEN HOVERING BETWEEN 800-900 CASES PER YEAR. YEAR, THE FIRST FEW MONTHS, THERE WAS A HUGE NUMBER THAT WERE FILED. I'M NOT QUITE SURE WHY THAT IS, BUT THERE'S BEEN ABOUT 800 ALREADY THIS YEAR. SO WE'RE EXPECTING TO HAVE AN INCREASE THIS YEAR ALTHOUGH THAT 1999 IS PROBABLY A LITTLE BIT HIGH. YOU CAN SEE THAT WE'VE BEEN GETTING MORE AND MOREOVER TIME AND THAT -- BUT THE INTERESTING THING ABOUT THIS IS THAT IN EACH OF THE LAST FEW YEARS, YOU COULD SEE ABOUT 50% OF THE CASES WERE REFERRED TO A MEDIATION OR SETTLEMENT CONFERENCES SO THE TWO LINES -- THE BLUE LINE IS THE TOTAL AND THE ORANGE LINE ISED MEDIATION AND THE GREY LINE IS SETTLEMENT CONFERENCES BEFORE IMAGINE STRAIGHT JUSTICES. SO ABOUT 50% OF THEM DID NOT HAVE TO BE REFERRED TO REMEDIATION. THE REMAINDER WENT TO A MEDIATION OR IMAGINE STRAIGHT JUDGE AND AS I SAID, THOSE VIRTUALLY -- THERE WERE -- YOU KNOW, EACH YEAR THERE ARE A FEW THAT END UP BEING DECIDED BY THE COURT ON MOTION AND EVERY FOUR OR FIVE YEARS WE GET A TRIAL. BUT OTHER THAN THAT, VERY LITTLE LITIGATION ACTIVITY IN ANY OF THESE CASES IN OUR THINKING -- AND OUR HOPE IS THAT THIS IS A RESULT OF -- AT LEAST WE'RE COMPARING NOW TO THE GENERAL ORDERS THAT HAVING THE PARTIES FOCUS ON THE MEDIATION, FOCUS ON SETTLEMENT, FOCUS ON THE SITE VISIT, DISCUSSIONS BEFORE THEY DO LITIGATION HAS HAD BENEFICIAL EFFECTS HAS RESULTED IN A TYPICAL ADA CASE HAVING VERY LITTLE IN THE WAY OF LITIGATION ACTIVITY. AS I SAID, THERE ARE EXCEPTIONS. THERE ARE CASES WHERE THERE ARE UNSETTLED ISSUES OF LAW THAT THE PARTIES REALLY HAVE TO LITIGATE AND PROBABLY LITIGATE IN ANY NUMBER OF CASES BEFORE THEY'RE GOING TO BE ABLE TO MAKE MUCH HEADWAY. THERE MAY BE INDIVIDUAL CASES WHERE THE PARTIES ARE SO DRAMATICALLY DIFFERING IN THEIR VIEWS OF WHAT THE REGULATIONS AND THE STATUTES REQUIRE. THEY HAVE TO LITIGATE FOR A WHILE. THOSE ARE ALWAYS PAINFUL TO ME BECAUSE I KNOW THAT AFTER -- YOU KNOW, TWO, THREE, FOUR, $500,000 IN ATTORNEY'S FEES, WE'RE GOING TO TURN BACK TO SETTLEMENT WITH THE ADDITIONAL BURDEN OF HAVING TO DEAL WITH ATTORNEY'S FEES. SO IT'S UNFORTUNATE. IT'S MOSTLY NOT. MOSTLY BY FORCING THE PARTIES -- IT'S INTERESTING -- ONE OF THE TOPICS THIS ROUND TABLE ADDRESSES COMPLIANCE WITH THE STATUTE THAT I MIGHT SHARE A LITTLE BIT OF OUR EXPERIENCE WITH THAT. GENERAL ORDER REQUIRES THE PARTIES TO DO ANY NUMBER OF THINGS. WHEN THEY DO IT, THEY HAVE TO CERTIFY TO THE COURT IT'S BEEN DONE. SORT OF LIKE THE REPORTS THEY FILE WITH YOU ALL.**

 **THOSE COMPLIANCE WITH THOSE REQUIREMENTS HAS BEEN -- I WOULD SAY SPOT I. WE'RE WORK ON THAT MORE NOW TRYING TO MAKE SURE EVERYBODY GETS INTO COMPLIANCE EVENTUALLY. BUT WE'VE HAD TO TAKE MORE ACTIONS THAN WE WOULD LIKE TO MAKE SURE PEOPLE HAD THE SITE VISIT. PEOPLE THAT COULD MAKE DECISIONS ABOUT IT ET CETERA ET CETERA. AND ONE OF THE WAYS WE'VE DONE THAT IS TO GET THE MAGISTRATES INVOLVED. THAT IS, IN A NUTSHELL, HOW OUR PROCESS WORKS. I WOULD BE HAPPY TO ANSWER ANY QUESTIONS YOU HAVE. IF YOU HAVE ANY QUESTIONS ABOUT ANYTHING -- IN FACT, ADA ACCESS FILINGS FEDERAL COURT OR ANYTHING ELSE THAT YOU MIGHT HAVE. THANKS SO MUCH.**