

MEDIATION FOR ACCESSIBILITY- AN OPPORTUNITY TO MAKE A DIFFERENCE

Shirley Confino-Rehder cid

www.univdesign.com scr@univdesign.com

Law, as it is written, very often is resolved in legal case history and sometimes decisions are made that destroy the intent of its writers. Either a judge or jury usually settles litigated issues. Very often no one really wins. And no one really understands what went wrong. Mediation is a process of alternative resolution and in 85% of the time every one wins.

Since the signing of the Americans with Disabilities Act (ADA) on July 26, 1990 the court system has become a playground for accessibility issues that could be settled more intelligently by using the process of mediation. Employment, commercial access, programs open to the public, and telecommunications are just a few issues covered. This civil rights law affects more than 54 million people with disabilities in America. Money has been allocated to teach the law to consumers (people with disabilities) and people are no longer afraid to fight for their rights. Responsible government agencies are litigating the complaints. Lawyers are hunting for ADA cases. Why are mediators so reluctant to charge ahead and open their practice to something that can really make a difference in this world?

Soon after the ADA was passed I was lucky to be taught the law by DREDF, an arm of the Department of Justice. With my background in interior design and my knowledge of the ADA and the Fair Housing Guidelines (FHA) I am now called on to resolve accessibility issues by both the plaintiffs and defendants and, in every case thus far, have resolved them successfully, without the interference of lawyers.

Resolving accessibility issues through mediation is a different process than what we are used to. In the process the mediator's responsibility is to level the playing field and use the law as a guideline for resolution. To be properly prepared to mediate issues of the Americans with Disabilities Act or Fair Housing issues you must know the law. It will take much of your time but there are a lot of agencies that will assist you. If you can find the time to learn the law, it will be worth the effort. If you have an opportunity to be involved in a dispute on accessibility and the ADA and you're not comfortable with your ability to handle it properly, call in an expert on the law. Now is the time to be part of one of the best laws this country has written. The writers of the ADA have made provisions for mediation and alternative resolution. As experienced mediators we can open our practice to include these disputes.

Most people want to do the right thing, but need guidance to accomplish it. Decisions on accessibility are usually agreed to because they are for the common good and make good economic sense. Anytime there is an opportunity to gain knowledge and to use what you learn within your profession, you are opening doors for your own advancement and are able to offer a more complete service to your clients. I have created a thriving, exciting extension to my design practice. As trained mediators you can expand your practice of mediation and help this civil rights law work. .

If there are any questions you may have in solving ADA issues, please feel free to write me at the above email and I will try to help you resolve it.