



For Immediate Release
Wednesday, August 9, 2023

LDF Media
212-965-2200 / media@naacpldf.org

LDF Defends ADA Compliance in Supreme Court Case

Today, the [Legal Defense Fund](#) (LDF) filed an [amicus brief](#) in the U.S. Supreme Court along with eight other organizations in [Acheson Hotels, LLC vs Laufer](#). The case focuses on whether “testers” whose rights under the Americans with Disabilities Act (ADA) are violated by virtue of a hotel’s failure to provide disability accessibility information have standing to challenge that violation of their rights when they do not personally plan to stay at the hotel. LDF’s amicus brief argues that under longstanding precedent, people who have personally experienced unlawful discrimination suffer dignitary harm that gives them standing to sue in federal court. Further, the brief pushes back on the argument that dignitary harms from discrimination can be “self-inflicted,” and unequivocally argues that the person who discriminates is always the one who inflicts the harm.

The case concerns a lawsuit brought by Deborah Laufer, a disabled person in Florida, against Acheson Hotels, LLC, a hotel operator based in Maine. Laufer, a “tester” who has tested hundreds of hotel websites and their online reservation systems to determine if they comply with the ADA, found the website did not provide accessibility information. After a lower court dismissal, the United States Court of Appeals for the First Circuit issued a ruling in favor of Laufer last October, concluding that Laufer does, in fact, have legal grounds to sue because the website she personally visited violated her rights under the ADA. Acheson Hotels, LLC appealed this decision to the Supreme Court, which accepted the case earlier this year. The case is scheduled to be heard on October 4.

“For decades, the Supreme Court has recognized that discrimination inflicts dignitary harm on those who experience it, and that when someone personally experiences discrimination in violation of federal law, they therefore have access to federal courts to enforce their rights,” said Michael Skocpol, LDF Assistant Counsel. “We encourage the Court to reaffirm these important principles, and to hold that they apply with full force to testers whose work is critical to enforcing the important rights protected by the ADA.”

“It is undisputed that discrimination itself causes cognizable dignitary harm that gives plaintiffs standing to sue,” said Molly Cain, LDF John Payton Appellate and Supreme Court Advocacy Fellow. “Decades of civil rights litigation in the Supreme Court has shown that this fact does not change even if a plaintiff had the motivation to enforce the law. We encourage the Court to follow its precedent and affirm the rights of testers to sue. The onus should never fall on the person who is discriminated against to avoid harm, but rather is the one who inflicts the harm to be held responsible.”

In its [amicus brief](#) filed in support of Laufer, LDF and eight other civil rights organizations outline the legal rights of all who face discrimination to seek relief in federal court when that discrimination violates federal law. The brief emphasizes that a “tester” seeking to enforce the ADA or any other antidiscrimination statute has standing under Article III to challenge a place of public accommodation’s failure to comply with federal law, as discrimination by its very nature injures the personal dignity of those who experience it.

LDF, in its longstanding commitment to securing equal justice, has long supported and been active in cases supporting the fundamental rights of those who have experienced discrimination, including *Havens Realty Corp. v. Coleman*, *Bailey v. Patterson*, and *Evers v. Dwyer*.

###

Founded in 1940, the [Legal Defense Fund](#) (LDF) is the nation’s first civil rights law organization. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the Legal Defense Fund or LDF. Please note that LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights.