

## Season 4, Episode 12: “Navigating Website Accessibility Laws: What Every Employer Must Know”

Speakers: Rosemary Enright, Michael Sciotti, and Rob Thorpe, Barclay Damon

**[Rosemary Enright]:** Welcome, everyone, to Barclay Damon’s... Mike, should I let them know it’s award-winning? What do you think? Award-winning...

**[Mike Sciotti]:** What award did we win?

**[Rosemary]:** Well, it’s right here, Mike. We won two of them. But, in all seriousness, dear listeners, I’m Rosemary Enright, and Mike Sciotti, your fearless co-host here. I’m in Buffalo. He’s in Syracuse. And we’re so glad you’re joining us for yet another episode of our *Labor & Employment Podcast*. It’s a beautiful day here in Buffalo. A lot of our recordings in the past were done in the winter, so lots of cold and snow and ice, and it’s gorgeous here today. So how is it in Syracuse, Mike?

**[Mike]:** I am in Oswego at my house, and it is gorgeous and hot.

**[Rosemary]:** There you go. Perfect. That’s right. I forgot you’re in Oswego. So today we are joined by one of our esteemed colleagues, Rob Thorpe. Rob, you want to take a moment and just introduce yourself?

**[Rob Thorpe]:** Hello, all. Thanks for having me. Been on the podcast once before. So sort of know the drill. My primary practice is in labor and employment. I also do some commercial litigation. I am maybe 15 years out. It feels like 30, 50? I don’t know. It feels like a long time. But what we’re going to talk today about is website accessibility, which has become a huge part of my practice. A problem in many respects, but a huge part of my practice. And I think it would be educational for employers who happen to be businesses.

**[Rosemary]:** Great. Well, we’re so happy that you agreed to join us, Rob, because I do know how busy you are, but before we jump in, Rob, Mike and I always like to start every episode with a question, all right? And just so everybody gets to know a little bit about us. So, the question for this episode and all three of us will give an answer. The question for this episode is, what has given you joy in the past week?

**[Rob]:** Okay. The thing that has given me the most joy this past week is the thing that gives me the most joy (and perhaps stress) every week, which is my little man, my nine-year-old, Walker. Quite the handful, but he’s my monster, so I love him. But this week, he had a lacrosse game on Monday and he played great: four goals, I think he had three assists. But the highlight for me was when I see the little man come up, he’ll sneak me a wave or sneak me a smile. He was dance ...some dancing at midfield... Who knows whatever is going on his mind. But those moments where I see that he’s still a kid, even though he’s on the path to unfortunately being much older.

**[Rosemary]:** Yeah. That’s great. That’s great. I love it... well I love that he sneaks you a wave here and there. That would bring me joy too.

**[Rob]:** Yeah. He just goes like this on the sideline.

**[Rosemary]:** That’s awesome. Well, and congratulations to Walker. I love Walker stories.

**[Rob]:** You’ve heard a lot of them.

**[Rosemary]:** Yes I have. So Mike what about you now. Joy in the past week?

**[Mike]:** The joy was it looks like we have clearance and we're going to be closing on our new house next week. Thank god. Finally. It's been like a never-ending drama over it. But I think the end is in sight, and then we're in there.

**[Rosemary]:** That's awesome. Congratulations. And, Rob. So, you know, I've told Mike he's got to have a party and have us all there. Yeah. So looking forward to that.

**[Mike]:** Yeah. And it needs a little work so it'll be more like Labor Day because we bought it out of foreclosure. But we got everyone's been chomping at the bit wanting to get in there, and it's just my god so slow these people are.

**[Rosemary]:** Yeah. Well. Well, good. I'm glad. I'm glad that it's coming along. Well, my little bit of joy. Well, I've had a lot of joy, but I think the most joy was... I had hurt my ankle about a month ago, and so I haven't been able to really like get out and walk or hike or do any of those types of things that I like to do. And so this weekend, on Sunday, I was able to go to Reinstein Woods, which is a local... here in, in Western New York, beautiful local reserve, and was able to do a three-mile walk, which was terrific. And so that brought me joy. But what added to it was it was a gorgeous day. You're through the woods, come around a turn and there's a lake and there were hundreds, and I mean hundreds, of lily pads. And the flowers on them were the color of, like, watermelon, that color. And I mean, as far as and they were they had not opened. So they were all up. So it was just this beautiful lake, not moving and just all of these magnificent flowers across it. And it was breathtaking. And I literally I stopped and just like took like two minutes to be in the moment and completely, you know, bliss, peace, everything. So that was my joy for the past week.

**[Mike]:** Good for you.

**[Rosemary]:** Yeah, So and I'm just pleased at my ankle is coming along, so. All right, well, enough of the fun stuff. Let's jump right in. So, Mike, if you don't mind, I'll kick it off. I know you've probably got a bunch of questions, too, for Rob. But, Rob, the first question, I'm sure all of our listeners, if they've stayed with us, please do. Please do, you know, listen to our story. And then they're like, website accessibility, whatever... has nothing to do with me. So it is an L&E podcast, Rob. So why would we talk about website accessibility? Why do our listeners care about that? Or need to care about it?

**[Rob]:** Yeah. Well, any business with one employee is an employer, and any business with a website is at risk of being targeted in one of these website accessibility lawsuits we're going to talk about... there are 50 plus firms in the United States, each of which has multiple, sometimes dozens of we call them "serial plaintiffs." Plaintiffs file one lawsuit after another against businesses in a variety of different industries. It could be business that sells products on the website, a business that offers services, businesses that just use the website to provide information to the public. They're all at risk of being targeted in one of these lawsuits. And I mean, it's been going on for a decade, but I'd say the last few years, the uptick has been substantial. I mean, there's hundreds filed a day and nobody's safe.

**[Rosemary]:** Wow. That's crazy. So does that mean Rob? Like so, for example, Barclay Damon, we've got our website with, you know, all of our attorneys listed and that. So are we at risk?

**[Rob]:** Yeah. You could have a plaintiff visit the website, claim they wanted to read Mike Sciotti's profile, but our website wasn't compatible with their screen reader, and therefore they were denied access to information that would allow them to select a law firm. I will say good news for us is law firms aren't really being targeted in these because

**[Rosemary]:** Now they will because we said that! I know, we've just put it out there. But in all seriousness. So that means, you know, we work with assume now, you know, the small mom and pop pizza place who has a website where you can order, you know, your food through and have DoorDash deliver it. You know, up to, you know, national and multinational and so literally and I'm just making this point, correct me if I'm wrong, Rob, but literally pizza place that's got, you know, three or four employees and you're just using it to order, they're at risk, just like a, you know, I'll just use my former employer, Oracle, who's in, you know, 150 countries and everything in between. Right?

**[Rob]:** Exactly right. I mean, I've defended a pizza joint. It's good you give that example. I've defended a company that manufactures and sells barbecue sauces, a company that sells custom-made jewelry. I mean, there are hotels that... where the plaintiffs. There's one in particular, Deborah Laufer. She stopped filing lawsuits, but she was up over 600, went all the way up to the Supreme Court. But it was... these weren't hotels she actually, she admitted she was a tester. She didn't plan to visit the hotels. She claimed that she went to the website for the hotel and it didn't provide her enough information about, for example, the accessible rooms, the width of the doorway for wheelchairs, a grab bar in the bathroom... so it can just be an informational deficiency that that triggers a tester to pursue a business.

**[Rosemary]:** Oh, interesting. So it isn't just necessarily the accessibility to the actual website itself, but it's, as you just said, also informational. That's interesting. I didn't realize that.

**[Rob]:** Right? Yeah. Yeah. I mean that those were probably five years ago, those were hot with the Deborah Laufer situation. It kind of quieted down. And now it's mostly e-commerce. So you sell a widget...I went to the website, my screen reader, and I'm... whether it was a screen reader or whether it was a website that wasn't accessible, I could not complete the purchase for that widget. And rather than calling the company or sending an email, it's yet another lawsuit.

**[Mike]:** Hey, Rob, could you sort of explain to the listeners the disabilities these plaintiffs have and when they go to the website what they're...what they can or what they cannot do, I guess would be the concern.

**[Rob]:** Yeah, most of what we're talking about are visually impaired individuals. I mean there are some lawsuits, right. Hearing impaired. But for the blind or visually impaired, they use screenwriting software like Jaws for example. And so, they visit a website and it literally there's... it dictates back whatever they're scrolling on to describe the earring or the barbecue sauce or whatever the product is to describe the price. And so the screen reader is capturing all the information on the website and... in audio format, back to the visually impaired person.

**[Mike]:** And then as a follow-up, have you run into situations where they've gone after employers because a job applicant could not access the application materials on an employer's website?

**Rob:** I have not, but you just probably triggered a new trend with that question. No, we've certainly dealt with—the three of us—have dealt with sort of pre-hire or accommodation type issues. That's not one that I've personally dealt with and I'm not seeing it in the broader context of these website lawsuits.

**[Mike]:** And it is though arguably something a potential plaintiff could bring a case for. I was not able to apply for the job because the employer's website was not in compliance. Would you? Is that fair?

**[Rob]:** Yeah. I completely agree. I compare it to I won't throw... usernames, but the individuals who have prior criminal convictions that are kind of combing the job ads and if there's anything... it says don't apply if you have a criminal conviction, they may ...likely we're not interested in actually getting that job, but they're interested in filing a complaint with the Division of Human Rights or the EEOC.

**[Rosemary]:** Yeah. And, you know, that made me just think of this. Tell me what the two of you think of this. So, yes, you know, I can't apply; I can't read the application. What about the job description or the job post that has requirements, that talks about the physical requirements and that does not comply with what the ADA has said is permissible to include in a job description. What ...could that fall under this? Could they go out and serve someone, go out and say, hey, listen, I went and read this job post, and this violates the ADA. When you look at it, says, I have to be able to stand or something like that. Would that ...what you thoughts on that, Rob?

**[Rob]:** From my perspective and that's going to trigger kind of the applicant pre-hire interactive process. You need an accommodation to fulfill one or more of these job duties listed on the description of the posting. That's where you're going back and forth to see whether we got a comment. But you're right. If the job description is blatantly discriminatory, it's going to be a problem. But there's usually, in my experience, going to be a discussion with the applicant as to what the restrictions are and whether we can accommodate them.

**[Rosemary]:** Yeah. Okay. All right. Oh I'm sorry Mike. We're going to ask something?

**[Mike]:** So I no, I was just going to say how... let's say employers and businesses have a website. How would a employer know if they are or are not in compliance?

**[Rob]:** The key question, the threshold question, part of the problem. And keep in mind, listeners, that I'm coming at it from a defense lawyer's perspective. So I'm not saying every plaintiff out there hasn't been wronged or doesn't have a claim. The ADA was passed in 1990, and at that time Congress wasn't contemplating websites, let alone website accessibility. You fast forward 36 years, and the Department of Justice still hasn't issued regulations under Title III of the ADA to govern what standard applies. What's the technical standard businesses, employers should be using to make the website accessible? So I think, again, from a defense lawyer's perspective, that's the ambiguity in the law that's really being exploited here. Because what the heck does it mean to be "accessible" if you don't have a law setting the standard... like they do for commercial facilities. Business owners now, are you you're going to construct a new building. You got to comply with the ADA architectural guidelines. You're going to make substantial alterations to an existing building. There's code, there's guidelines to follow. It's just not the same in the website space. There's international standards like the Web Content Accessibility guidelines, but that's what the plaintiffs are demanding. It's not what the law requires. At the same time, if you don't do anything, you're subjecting yourself to one of these lawsuits. So it behooves businesses to take steps to remediate the website to make it as most accessible as possible.

**[Rosemary]:** Right. And and what does that look like? What does that mean, Rob? You know.

**[Rob]:** Yeah. So most of all...

**[Rosemary]:** I know you're not a website designer, but you're handling these cases and you put in a defense in that. So what should they do?

**[Rob]:** Most of my clients, if they're not me, some are sophisticated. They have an in-house IT web development team. And they go through the coding and make the website accessible. I mean line by line, item by item. Others retain third-party consultants. And these lawsuits have sort of created this industry—not for just for plaintiffs and for defense lawyers—but for, ADA website consultants.

**[Rosemary]:** Wow.

**[Rob]:** Rosemary. I have no idea what they do on the back end. I just... I'm not tech-savvy enough to know.

**[Mike]:** When you hire the consultant and I know we've run into this, you and I, they usually have you execute a contract with the employer. And a lot of times counsel is not brought in on the contract. They sort of just sign it and say, okay, you're doing this for us. But employers really have to pay attention to those contracts with the consultants fixing their websites for like, are there disclaimers, are there indemnification provisions, things like that. Could you sort of just explain the importance of that document the employer enters into with a consultant to fix their website?

**[Rob]:** Five years ago, ten years ago, I mean, again, I wasn't thinking about website accessibility. Businesses certainly weren't thinking about it. But contracts as of as of late, it's almost necessary that you know what you're getting and what you're paying for. And ADA, if there's a website consultant or vendor out there that doesn't know about these lawsuits, that's a problem. And so the contracts at a minimum should have an agreement, representation that they're going to make the website ADA compliant substantially conform to the WCAG standards, something. And I said at a minimum, at the best-case scenario, you're going to get a defense and indemnification provision. If you make changes to my website, you say it's ADA compliant, whatever that means, and in me, the business down there is subsequently sued as it in one of these cases, you better step in my shoes, defend the work you did and indemnify me if you got it wrong.

**[Mike]:** Yeah, and I'll add one thing to Rob's comment. Like I agree with everything. Rob and I ran into this once where the indemnification clause required notice within like five days of the lawsuit or something ridiculous being filed. So you really need to pay attention if you get a demand letter or lawsuit. If you have one of these consultant agreements to really make sure you know what it says and to get that request for indemnification in front of them in the time required under the agreement.

**[Rob]:** There are very few. I mean, I deal with a lot of website vendors, and I understand why they don't want to include a defense and indemnification. And then with occasion, a lot of times they don't mean... they might do the initial product, whatever work or project, whatever that is. But a business adds a new SKU, a new product, a new service like the vendor doesn't have control over that. So we, the business is making changes and now we're caught in the lawsuit. The website vendor is going to say, well, you did that. We set you up to be successful. But changes you made impacted the analysis, which is why I think periodic monthly monitoring audit scans the website. That way you can address issues, accessibility issues as they arise in real time.

**[Rosemary]:** Yes. And I think that's a great point, Rob, because you don't realize constantly updating like even the nonprofits we work with, they add new services, so they add a new page to their website. So you're right. And having come from Oracle, you know that you make this change, or you add this, there's going to be a change. You know, there's a whole chain of events that happens. And this may not be connected to that. And all of a sudden this isn't accessible. And the other is. So I think that's a great suggestion for our listeners, which is, you know, a monthly audit, you know, and I think probably once you get a baseline that first, that initial audit, is probably going to be significant, right? It's going to take a lot of time and effort. You get everything where, you know, in theory needs to be whatever that is. And then from there, you're then just checking maybe these things that you've added or updated along the way.

**[Rob]:** And there's two reasons to take it seriously. One is you want to broaden your customer base, any business does. And the second is you want to avoid being the target of a lawsuit. I mean, those are... there's a reason to make the investment and to, again, to do the monthly monitoring or... quarterly monitoring, whatever you're we going to do.

**[Rosemary]:** And the third I'd say is let's be honest, you want I don't think anybody listening right now is thinking, well, I don't want it to be accessible. I don't want to prevent someone who genuinely is hearing impaired or visually impaired. I don't want them to lose the opportunity to access our website, the services we have, or the products we have. So I'd add that as a third.

**[Rob]:** So I've never had... defended 300 more of these cases, which says less about me than the sheer volume of lawsuits being filed. I've never had a client say, well, I don't want a disabled person to access my website to purchase a product. I mean, it's the complete opposite. So from their perspective, being accused of discrimination, it really is the opposite. I mean, right, they didn't know the person was... They don't know the person at all, but they certainly didn't want to deny him access.

**[Rosemary]:** Exactly, exactly.

**[Mike]:** Rob, when these cases are sued, what damages are they looking for from the employer or company? And then sort of as a corollary, do employers, do you have you seen insurance coverage for employers and these type of cases.

**[Rob]:** So there are no damages under Title III of the ADA. It is attorney's fees and injunctive relief. And it's the attorney's fees which courts have recognized; that's what's driving this litigation. And so it's the plaintiff may claim they were harmed and may have been harmed by the experience on the website, but there's no damages going to the plaintiff or the plaintiff's law firm. It is attorney's fees and injunctive relief on the insurance coverage side. Again, all those cases, I can count on one hand the number of times their insurance kicked in to provide coverage. And even when they have, it's usually under a strained reading of, EPLI, a private practice's liability policy. There may be somebody, a client recently asked me, is there separate insurance coverage solely for these types of claims? There may be

**[Rosemary]:** And related, Rob so just tell, could you explain to us how these are sued. So I'm you know I'm the pizza place that you that you represented. Like what how does this even start like what? So just take us through the process.

**[Rob]:** Yeah. The business usually has no idea that that this is even in the works. More recently, some of these firms have started to send demand letters. We'll give you 30 days, fix your website and give us money. I mean, that's the gist of the letter, but the lawsuits filed, they are filed all over the country. I mean, I'm defending them in, in Massachusetts and Illinois, obviously in New York, Indiana, Wisconsin. I got admitted in those two jurisdictions because of these lawsuits. So they start with the lawsuit. And typically before a business is even served, they hear about the lawsuit from not me, but from other defense lawyers who are out kind of soliciting this type of work or from, and/or from website vendors. So they must be trolling the court dockets and saying, here's a new website case. The business finds out about ...that there's a complaint filed. A lot of businesses say this is a scam. Like we all fear being caught up in some scam, right? And so they maybe ignore it or they reach out to their counsel and say, is this is this legit? After that happens, the business will eventually be served. And once they're served, I mean federal court, you'll have 21 days to respond and then

**[Rosemary]:** And so and just take us through. So they've got the 21 days to respond. So let's say that one of our clients, you know, retained got hit with one of these website accessibility... And you step in to assist them. So what happens at that point. So think about like when somebody with the DHR complaint and it's new to them what happens. And we explain to them well this is the process and this is where we're going and where, you know, we hope to land.

**[Rob]:** So starting with you, you have the 21 days to respond. Maybe you didn't reach out to me, waited until there's four days left. We're going to get an extension. But the next step, I mean, the aspect of the discussion is one, is any remediation required? What do you know about website accessibility? What have you done? The other aspect of the conversation is what do you want to do? There are three options. There's settle. There is you file a motion to dismiss, or you file an answer and proceed with discovery. And every business has a different reaction. Some to say, make this thing go away. I don't want to be caught up in any litigation. Some say we've been monitoring the website for years. We take this very seriously. It's offensive that we'd

even be accused of this. It's a matter of principle, and we're going to fight it. And we're going to either fight it with emotion or we're going to fight it with an answer and proceed with discovery.

**[Mike]:** Rob, you said some of these plaintiffs are what I call "frequent filers." They file lots of lawsuits. Have you had any success with the argument that basically says, hey, look, they are not serious. They were not going to go to a hotel in downtown Syracuse. They had no intention of actually doing it. And therefore they don't really have standing to bring a lawsuit. Is there been any success in that?

**[Rob]:** Yeah, I'd say that's been the leading defense for the last few years. Where we've seen courts dismiss cases is based on lack of standing. The plaintiff is a serial filer with no interest. Again, I'm not saying all plaintiffs. I'm just generally speaking ...serial filer with no interest in, the product or service they substitute throughout their dozens of boilerplate complaints. They had no interest or intent to return to the website. They filed the lawsuit for the point of extracting a settlement rather than any genuine interest in the product or service. So standing, it's been a huge defense. Another one has been that the website in and of itself is not a place of public accommodation. If you look at the ADA—again passed in 1990—it lists all these failed restaurants and hotels and amusement parks. There's nothing about websites. And so a standalone website, say, for an e-commerce business not connected to any physical structure, the argument is that's not a place of public accommodation. A third would be mootness. It's another subject matter jurisdiction defense. We remedied any alleged deficiencies on the website. The website's fully accessible and therefore your claims are moot. You're seeking injunctive relief. A court can't grant injunctive relief on claims that are moot. There's no case or controversy for the court to decide. And so again, that's why I think it's important for all the reasons we said. But from a defense perspective, to take steps to make sure the website is accessible.

**[Mike]:** And Rob, let's say you have a website, it is not accessible to someone who is either visually or hearing impaired or whatever the case may be, and you hired the consultant to actually fix it. How long do they really need, generally, in your experience, to make it in compliance? Is this a quick and easy fix? Or is this something that might take a few months?

**[Rob]:** It goes back to the issue of what is compliance. And what standard are we chasing? There are AI overlays, widgets, a number of companies offer these; accessiBe, UserWay, AudioEye. You search website accessibility on Google and going to be those three that pop up. Whether they work or not. I mean those companies obviously say they do. But it's a widget you see on some websites a stick figure, you see up to the bottom right- or left-hand corner, and you can click on it and increase the font size, change the color. Some have screen reader components. Those are cheap, they're ...and they're popular for that reason. But I'm also seeing businesses who have those widgets. It seems like they're being targeted and it's not a knock at the product. They may very well work, but there was a *New York Times* article a couple of years ago that the takeaway was that those AI overlays, widgets often do more harm than good. I don't know how that's possible, but that was the gist of the article. One of these AI widget companies was fined by the FTC last year for \$1 million for misrepresenting that the widget makes the website accessible, and now there's a class action lawsuit pending against one of those companies. So that's the widget side of things, which scares the heck out of me.

**[Rosemary]:** Yeah,

**[Rob]:** They may work very well and I'm sure those companies maintain that they do, but it doesn't help when you're then hit with a lawsuit, you're back in the same spot. And of course they're not going to defend and indemnify you.

**[Rosemary]:** Right?

**[Rob]:** There are alternatives there. There's a company UsableNet, for example, that much more expensive, at least the quotes I've seen. But they do agree, defend, indemnify the business if they're subsequently hit

with a website accessibility lawsuit. And then there's some options in the middle. So I think it's important for employers, for businesses, as you're evaluating this, to explore many options because there are reputable vendors out there. I'd say as far as timeline, there's a company I work with often at, Cleveland, Ohio, they're called 216Digital, seven to 10 days to get in and out. It's not bullet proof. It's never going to be. But that's a pretty quick turnaround. I think the companies like Usablenet that do a manual remediation over phases and a period of time could be several months. The widgets, on the other hand, takes about an hour.

**[Rosemary]:** Yeah. You get what you pay. Well, again, I mean, I'm sure they I won't say any that ..we'll stop there with that comment. But in the interest of time, Rob, we try to keep these to 30 minutes. So you know and generally Mike and I might at the end say, all right, here's your call to action and your next steps. If you had to, you know, tell our listeners, you know, and relative to website accessibility, what should they, when they finish listening to this. What would you advise they do?

**[Rob]:** Yeah, I would take an hour right after this, an hour at your convenience, I suppose, reading about it, reading about the cases, reading about website accessibility, possible vendors exploring with your IT team, with your website vendor. What's the status of our website? Run an audit, run a scan. There's free ones online. Purchase a software like our firm did for the defense of these cases to see what the plaintiffs are saying. What issue, what issues do we have that we need to fix? So I think step one is become knowledgeable and work with your IT department or an outside consultant to see what you might need to do to make the website compliant. The alternative is okay. As you say, if you're hit, you're hit with one of these lawsuits. What do you do? The first step, and any lawyer is going to say this, but consult with your attorney. Find an attorney who's experienced in this subject area. It's not every solo practitioner out there. In fact, few attorneys are dealing in the in this space of website accessibility. It's kind of a niche area. So find an attorney who's experienced it doesn't have to be me. It doesn't have to be Barclay Damon, but find somebody who knows what they're talking about, because if you're not practicing in this, this landscape, you're not in the know. You have to know the plaintiffs. You have to know the law firms to get the best result for the client. From step two after hit with a lawsuit. Go through what I just said, conduct your own audit, or work with your vendor to conduct an audit of the website and remediate any of the deficiencies that are alleged in the lawsuit. Step three is going to be go back to your counsel and come up with your plan. What do you want to do here? Do you want to settle, make this go away? Do you want to fight because this is important to you, it's a matter of principle? And explore those options. And then I think the last step is what I mentioned before: the constant monitoring. Make sure you're not going to get... I mean again you want to address issues monthly, quarterly, annually. Make sure you're staying on top of accessibility issues as they arise and promptly remediate them if there's no issues.

**[Rosemary]:** That's awesome. Rob. Wow. Well, I mean, that's just great...

**[Rob]:** A lot to digest. I probably scared away some listeners...

**[Rosemary]:** No, not at all! But I mean, I think and Mike, I think you'd agree, Rob you just made it so crystal clear. Boom, boom, boom. I mean, that's why people listen. They want, what is our call to action. What should we be doing. So that is awesome. Thank you. Mike, I think you wanted to add something in.

**[Mike]:** Rob, I think we... you have written some legal alerts on this and that people listening to this can go to our website and just grab those, read them.

**[Rob]:** Of course. I mean I write one a month probably on the topic.

**[Rosemary]:** All right. Well great. Well Rob, thank you so much for joining us. This has been awesome and very informative. As always we love learning and hearing about these, the different matters that are that our colleagues are handling. So thank you for that.

**[Rob]:** You're very welcome. Thanks for having me.

**[Rosemary]:** Of course. And before we before we sign off, everyone and I have to read it because it's the first time that we're going to be letting you all know this, but we're going to suggest... ask that all of you mark your calendars. So, Barclay Damon's 2026 Labor & Employment Law Conference, also known as our symposium, is coming up. So we've got it scheduled. Mike and I are working on it right now. It is scheduled for Thursday, October 29 at Turning Stone Resort Casino in Verona, New York. You can join us. It's a daylong event. We're going to cover hot topics, things that we've talked about for years, but everybody still struggles with. There'll be a keynote we'll be, you know, letting you all know who that will be in the coming months. But we hope that you'll join us again. That's, October 29 at Turning Stone in Verona, New York. And with that, I think we'll wrap it up. Remember, as we always say, you can listen to us on Spotify, YouTube and all those other cool places. And we'll catch you on the on the next episode. Mike, you want to add anything?

**[Mike]:** That's that is absolutely a perfect conclusion. Nothing to add other than I would question your initial characterization of Rob though as "esteemed."

**[Rob]:** I thought that would come back to bite me.

**[Rosemary]:** Thanks, guys. We'll see you. Have a good weekend.

**[Mike]:** Take care. Thanks. Bye bye.

**[Rosemary]:** The *Labor & Employment Podcast* is available on [barclaydamon.com](http://barclaydamon.com), Spotify, and all major podcast platforms. Be sure to like, follow, and stay connected for future episodes.

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