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League of Southeastern Credit Unions & Affiliates joins CUNA in Amicus Brief filing

BIRMINGHAM, Ala./TALLAHASSEE, Fla., March 21, 2018 – The League of Southeastern Credit Unions & Affiliates (LSCU) and Credit Union National Association (CUNA) filed an amicus brief Tuesday supporting The Infirmary Federal Credit Union’s motion to dismiss a lawsuit in Alabama. The Infirmary FCU is facing a frivolous lawsuit alleging non-compliance with website accessibility standards under the Americans with Disabilities Act (ADA). This is the latest of multiple briefs CUNA has filed in conjunction with state leagues in similar cases.

Credit unions across the country have been threatened with predatory litigation from plaintiffs’ law firms seeking to profit from ambiguities in requirements for website accessibility under the Americans with Disabilities Act (ADA). While the ADA is important and necessary for the well-being of those protected by it, plaintiffs’ lawyers are exploiting compliance ambiguities to the detriment of all credit union members.

“We believe it is essential to join with credit unions in defending against frivolous lawsuits filed under the guise of the Americans with Disabilities Act,” said LSCU President/CEO Patrick La Pine. “While we seek clarity from the U.S. Department of Justice (DOJ) on website compliance with the ADA, we must not allow credit unions to be attacked using laws that are meant to truly protect disabled Americans.”

America’s credit unions need to know what is required of their websites under the ADA. Currently, there is no specific guidance from the DOJ or Congress.

“The mission of credit unions as a whole is to serve our memberships, and our objective has always been to help our members reach their financial goals in every way possible,” said Adena Whitman, president/CEO of The Infirmary FCU in Mobile. “We would never intentionally ignore any necessary accommodations to share information, and currently, there are no ADA website compliance requirements in place for credit unions to follow. Clearly, we must have distinct guidelines set forth, as well as a reasonable timeline in place in order for us to meet any regulatory requirements.”

Accordingly, the DOJ should follow necessary steps to clarify the matter for all involved.

Those steps include, but are not limited to:

- Issue a proposed rule so credit unions know what they must do to comply.



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- In lieu of a rule, since the 2010 ANPR has been rescinded, the DOJ should issue less formal guidance, such as weighing in on litigation with an amicus brief or issue a legal memo about the recent increase in litigation and provide additional clarity to help resolve it.

The League of Southeastern Credit Unions and Affiliates requests the DOJ move forward with formal or informal guidance to provide clarity on requirements.

The League of Southeastern Credit Unions & Affiliates represents 245 credit unions in Alabama and Florida with a combined total of more than \$84 billion in assets and more than 7.5 million members. LSCU provides advocacy and regulatory information; education and training; cooperative initiatives (including financial education outreach); media relations and information; and business solutions. For more information, visit www.lscu.coop. Follow the League on Twitter at twitter.com/LeagueofSECUs or [Facebook](#).

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