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**My Journey to Justice**

**by Lisa Irving**

**From the Editor: Lisa Irving is the past president of the San Diego Chapter. At fifty-seven, Lisa is pursuing her master’s degree in vision rehabilitation therapy (rehabilitation teaching) from Western Michigan University. Lisa resides outside of San Francisco with her husband and two cats, Waldo and Kismet. When she has free time, Lisa enjoys reading. Here is her article about the struggle to get good service and eventually some compensation from rideshare companies:**

Do you remember the Dr. Suess book, *Oh, the Places You’ll Go!* The lyrical and whimsical story ignites readers to pursue and to explore their world. That spirit is reflected in my previous occupation that necessitated travel throughout the San Diego region during some of the time when I encountered sixty acts of discrimination in and outside of San Diego. This included missing my shift or being late to work, drivers screaming at me or making demeaning remarks, and threatening to leave me and my guide dog on the side of the freeway. Like many of you, I used Uber and Lyft rideshare services to maximize time and to minimize stress. Too often, Uber rides were anything but stress-free.

So begins my real-life story about the misadventures when I attempted to use Uber. Five years ago I needed to drop off paperwork at the Social Security Office. I was refused service because the driver did not want my guide dog, Bernie, a phlegmatic Labrador retriever with chocolate brown eyes and flirty eyelashes, in his car. At that time I had no idea that I would document no less than sixty acts of discrimination. When I initially began to meticulously document ride denials, harassment, demeaning remarks, and egregious behaviors, I never in my wildest imagination believed that I would embark on an almost three-year journey to justice that culminated in what is thought to be the largest arbitration award against Uber for violating the Americans with Disabilities Act and California’s version of the ADA, the Unruh Act.

Prior to documenting and filing complaints against drivers, I excused or minimized the sometimes blatant and other times subtle violation of my lawful right to be accompanied by my service dog. For a time I assumed the role of educator and attempted to explain to the driver their legal responsibility to transport me and my clean and quiet dog guide. Unwittingly, I opened myself up to no-win situations and bad behavior aimed at me, not Uber.

In hindsight I recognized that I engaged in those dialogues because society and much of the blind community had convinced me that I was a 24x7 goodwill ambassador of blindness, and I was obligated to put others at ease and to overlook a multitude of ableist attitudes Over the past seven years, some life-changing opportunities have reshaped my mind-set: reviving, growing, and nurturing an NFB chapter; participating in the 2015 Washington Seminar; and, more recently, pursuing my master’s degree in the later part of my fifth decade of life.

In my evolving mind-set and strong background in documentation, in 2016 I began to record the discriminatory behaviors of Uber drivers in vivid detail. I will share tips for documenting discriminatory behavior and abelist conduct.

First, understand what constitutes discrimination against a disabled passenger and their service animal. Uber and Lyft are discriminating if they pass you by or otherwise refuse you a ride based on the fact that you use a guide dog. It is that simple—no excuses. Next, know Uber’s options for reporting service animal denials and discrimination against disabled passengers.

Next, learn how to take screen shots and how to activate the video feature on your smartphone. This article will not discuss how to use these features. For support, find your closest chapter or at-large chapter through the nfb.org website or the NFB state affiliate website for your state.

Other documenting preparation includes considering which communication method works best for you. Perhaps you are like me, and keyboarding works best. Maybe you prefer to use Braille or dark-lined paper and marker. Try to do the following: I created an electronic folder and named it “Uber Folder.” Within that folder I had sub-folders. Each folder identified the year. Creating other folders such as email folders, or a “work rides 2016” folder may also be helpful. Besides storing documentation on your computer or Braille device, also backup everything with an external hard drive or thumb drive. Avoid this lesson that I learned the hard way after my former laptop’s motherboard died.

Here is what I recommend when documenting rideshare-related incidents. After the ride has been requested, take a screen shot of the driver profile. This is particularly useful if the original driver passes your ride off to other drivers or Uber disputes the identity of a driver. If you text your driver, also take a screen shot. Particularly this important if you identify yourself as blind, having difficulty seeing, or the fact that you use your guide dog. I emailed the screen shots to myself and left those screen shots on my phone.

Generally, I used Word to write out my complaints. I wrote down information located in ride history within the Uber app. Each completed or canceled ride should show up in your ride history. Based on my experience, do not count on Uber to keep accurate records. Record everything found on the ride receipt in your ride history. Record the date and time you sent a text or made a call. If you contact Uber support through the app or online, be sure to write down who you contacted, the subject, the date and time, and whether a response was received. I pretty much corresponded from my laptop because I also created a few Uber folders through my email server.

It is also important to write about your interaction with the driver. In addition to including the driver’s name, color and make of car, include where you stood, names of witnesses and their contact information, the weather at the time, and capture as much as you can about who said what. Be honest if you snapped at the driver, and avoid perceptions and assumptions about drivers. If you felt demeaned or afraid, write it down.

Here are a few examples of what to include when documenting complaints. On April 15, 2017, driver Marc drove a pink Tesla. He arrived at my pick-up location, 4200 University Ave, at 2:56 p.m. Upon arrival the driver asked, “Is that your dog?”

I said, “Yes.”

The driver asked, “Is it coming with you?”

I replied, “Yes.” At that point, the driver drove away.

Here is what to include when interacting with an Uber Support employee when they call you to follow up with your discrimination complaint. Warning: You may not always receive a call.

On December 1, 2016, at 10:55 a.m., Juan P., Uber investigator, called my cell phone. He {they} was following up about the complaint that I submitted through the Uber app on November 29 at 8:57 a.m. I was informed the call was recorded; this point is important because attorneys can subpoena Uber for these recordings. Juan asked me to describe what happened. At this point you should describe what you told the Uber investigator. Also, provide in the greatest detail you can as much about the questions you were asked. Ask the investigator what steps are being taken to address the discrimination and when they will inform you of their decision to suspend or remove the driver from the platform. More than likely you will get a generic response. Also, do not hesitate to ask the investigator to read your email or comments from the app’s support portal. I would preface the request with a comment about wanting to be on the same page or wanting to ensure I came across clearly. Moreover, I was inclined to say as little as possible because I trust my documentation. Furthermore, you have connected written and verbal documentation trails that Uber may or may not accurately document. Please know that your detailed and organized documentation could be the crucial key that holds Uber accountable for discriminatory conduct.

In addition to detailed and fairly organized documentation, I also attempted to use the processes in place at the time of the discrimination. I believed, especially after the NFB settlement, that Uber would train its drivers and hold rogue drivers accountable. It did not take me long to recognize that my civil rights mattered very little to Uber.

In 2018 I sought legal counsel. I reached out to a law firm I previously worked with, the law office of Ms. Jana Eisinger, Esquire, a Denver-based disability rights attorney. Ms. Eisinger became the lead attorney in my case against Uber. Ms. Catherine Cabalo and Ms. Tracey Cown became co-counsel. They work for the San Francisco law firm, Peiffer Wolf Carr Kane & Conway. For almost three years, these highly accomplished women invested thousands of hours on my case.

Perhaps you are wondering why this case was not heard in court. Uber and Lyft require passengers to agree to arbitration or deny perspective passengers access to their rideshare platform. Initially, I believed that going through arbitration would allow me to make changes that would make the Uber experience better for me and you. The NFB settlement precludes blind Uber passengers from seeking injunctive relief. Injunctive relief basically means changes to policies and practices. However, you and I are not precluded from monetary relief. I had to work past the distortion that it is wrong to seek monetary relief. Society as a whole as well as some blind people would have you believe that you are that stereotypical angry blind person who just wants to sue everyone. This is not at all the reality. That is, if the laws that were approved by Congress and the President were upheld to protect our civil rights as people with disabilities, then we would have no need for arbitration or the courts. We are not the problem; I am not the problem.

I will try to explain the overall sequence of prescribed steps that ended with the arbitrator’s ruling in mid-March of this year. I participated in what is called a deposition. Under oath, I was asked a lot of questions in the presence of my attorneys. Prior to the deposition, the attorneys helped me to practice answering questions. All questions were answered truthfully and to the best of my memory. A few months later an arbitrator read my deposition, our claims against Uber, and their legal team’s responses. Uber delayed arbitration for a year or longer, which increased legal costs on both sides. An arbitration date was scheduled for mid-December 2020. My testimony and the testimony of my witness, Lyn Edward Gwizdak, and arguments from my legal team and Uber’s legal team and their experts lasted almost five days. The arbitrator, a retired judge, required both legal teams to provide lengthy summaries with case law and answers to a few questions. The arbitrator read those summaries and gave both sides the opportunity to respond to the other legal team’s information. Thereafter, the arbitrator had a month to make a decision on this case.

In Mid-March 2021, I received a phone call from two of my attorneys. They were elated to inform me that the arbitrator found in our favor. He praised the “high quality” work of my legal team and awarded me $324,000 in damages and my legal team more than $8,000. This is believed to be the highest award in the United States in a discrimination case involving Uber.

So why did I write and submit this article? It wasn’t to brag about a monetary settlement. It was because I believe that the civil rights of blind people are important and that Uber and Lyft still do not get the message. We have the right to go where we want and when we want, and we have the right to be accompanied by our guide.

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