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## Able Advocate: David Capozzi '85, A String Voice for the Rights of Persons with Disabilities

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# Able Advocate

*David Capozzi '85, a strong voice for the rights of persons with disabilities*

**D**avid M. Capozzi knew it was ridiculous. He was at one end of Dulles International Airport, in Washington, D.C. His car was at the other end. All he wanted was to hitch a ride on the bus that ferried passengers back and forth through the sprawling facility.

But the airport had a policy: People who used wheelchairs had to have their own attendant with them. No attendant, no bus.

Capozzi argued common sense, but to no avail. So he did what lawyers do: He filed a lawsuit, charging Dulles and the federal Department of Transportation with discriminating against him because of his disability.

He won that 1989 lawsuit. The airport changed its policy, and the DOT — which had dragged its feet for four years on implementing proposed rules for access on airlines — issued those regulations. But that showdown at Dulles represents the kind of frustration that people with disabilities face day after day.

Capozzi, who graduated in UB Law School's Class of 1985, is working to make such frustrations a thing of the past. As a nationally known advocate for disabled persons, he was one of the authors of the landmark Americans With Disabilities Act — the federal government's guarantee of fair access on the job and in restaurants, hotels and public transportation.

The act takes effect in stages. Most recently, on July 26, 1992, employers with more than 25 workers came under its umbrella. And its requirement of accessibility for public accommodations

—hotels, restaurants, wherever people gather — has been law since Jan. 1, 1992.

"It's very satisfying," Capozzi says, "to have something you can point to in the future and say, 'I had a little bit of effect on that.'"

"There's been a great deal of awareness-raising right now. The other day my boss and I were out to lunch at a restaurant, one of those all-you-can-eat buffets, and the buffet table was a little high. I wasn't saying anything, but the gentleman in front of us in line was saying, 'Boy, you would think they would lower the table because of the ADA.' So awareness is really heightened in business and in the press."

Capozzi works to further that awareness as director of the Office of Technical and Information Services, a part of the U.S. Architectural and Transportation Barriers Compliance Board. He and his staff of 14 people develop accessibility guidelines for the Americans With Disabilities Act — helping businesses and employers to interpret the voluminous document with its thousands of specifications, for everything from handrails to Braille menus to sidewalk design. The calls for technical assistance to the office's toll-free (800) USA-ABLE hot line, he says, run to 5,000 a week.

Capozzi and his staff also conduct training seminars nationwide to educate business owners about the ADA, and the office sponsors more than \$500,000 in research on ways to improve accessibility.

It's a specialized and rapidly developing field of law — one that fate played a part in helping him choose.

Capozzi, 35, a native of Cheektowaga, was a college freshman when he became paralyzed. As he was heading to school in Tennessee in a blinding snowstorm, his MG convertible went out of control, rolled over and crashed on a Kentucky road. A passing Army paramedic pulled him from the car, which was in flames. "He literally saved my life," Capozzi says. "We still keep in touch."

In the aftermath of the crash, Capozzi decided to stick closer to home for his education, and studied psychology at UB. He graduated with honors, Phi Beta Kappa, and enrolled in the Law School — partly because its design offered few physical barriers.

"The Law School prepared me to think critically," he says. "That's probably the best you can expect, to be able to think like a lawyer — think on your feet and think critically and quickly."

"That's needed in policy development, because you often need an answer that day, that minute."

Capozzi met his future wife, Patti, while playing wheelchair basketball; she was in the stands. They now have a son, Matthew, born in 1991. Patti's father, Richard M. Pfeiffer '52, and brother Raymond M. Pfeiffer '88, are both UB Law graduates.

After graduating from the Law School, Capozzi served as national advocacy director for the Paralyzed Veterans of America. He then became vice president for advocacy of the National Easter Seal Society. Among his accomplishments there was managing Project ACTION, a \$15 million effort that brought together persons with disabilities and representatives of the public transit industry to work cooperatively on access issues.

Before Project ACTION, Capozzi says, the transit industry and persons with disabilities were bitter enemies. "They didn't



David Capozzi '85

get along very well at all," he says. "People would chain themselves to buses. ... This project was to bring people together, to soothe the ill will between the groups and develop workable models that can be replicated across the country."

It was also at the Easter Seal Society that Capozzi became involved in the creation of the Americans With Disabilities Act. Working with Sen. Tom Harkin, D-Iowa, who chaired the Subcommittee on the Handicapped of the Senate's Labor and Human Resources Committee, Capozzi and five other lawyers hammered out the language for the act. Each took charge of a specific area — employment, public accommodations, telecommunications. Capozzi's area, because of his expertise, was transportation.

Now the act has largely taken effect; the remaining deadlines cover long-distance buses, telecommunications (requiring phone companies to offer relay services to help hearing-impaired customers communicate with businesses that lack TDD devices) and extend the laws to smaller businesses.

And Capozzi and his staff continue to shepherd American business through the intricacies of this landmark act.

"We're already seeing a great deal of compliance," he says. "You're starting to see restaurants, theaters, hotels taking this seriously. It's very rewarding."

And when he flies into Dulles now, he can get home without a fight. ■

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