

ADA & Website Accessibility

Common issues, WCAG guidelines, accessibility audits, circuit splits, and preventive and remedial steps businesses can take

Over the last several years, lawsuits claiming commercial websites are not in compliance with the Americans with Disabilities Act (the “ADA”) for the visually disabled have been on the rise. Any business that has a website is a potential target for such claims. Lawyers representing businesses with publicly accessible websites need to know the elements of an ADA website accessibility claim, the claims and defenses that can be raised, ways to resolve such a claim, and what preventative steps businesses can take to avoid being the target of an ADA website accessibility claim.

Hear the panelists explain the applicability of the ADA to websites, common accessibility issues on websites, how there is a circuit split over whether there needs to be a nexus between the website and a “brick and mortar” store to assert an ADA claim, the Web Content Accessibility Guidelines (“WCAG”) developed by the World Wide Web Consortium and their applicability to ADA website claims, how to conduct a website accessibility audit, ways to determine if a website has potential ADA accessibility issues, and steps businesses can take to make their websites more ADA compliant.

Agenda

- Overview of the Applicability of the ADA to Websites
- What Does Accessibility for People with Impairments Look Like on a Website?
- The Circuit Split on Whether There Needs to Be a “Brick & Mortar” Nexus
- The WCAG Standard and How It Is Applied to ADA Website Claims
- Companion Website Accessibility Claims Under the Massachusetts Equal Rights Act, Mass. Gen. Laws. Ch. 93, § 103
- How to Conduct a Website Accessibility Audit
- Ways to Assess Whether a Website Is Sufficiently ADA Compliant
- Steps Businesses Can Take to Make Their Websites More ADA Compliant

Speakers



MARC J. RACHMAN's practice at Davis+Gilbert LLP in New York, NY focuses on intellectual property litigation and counseling, especially with respect to issues concerning advertising, marketing and promotions. His experience includes the full range of trademark, copyright, and patent infringement, false advertising, entertainment, right of publicity and reputation management, trade secrets, ADA Website compliance and domain name disputes matters. He also handles complex commercial disputes, including matters relating to advertising agency-client agreements and digital advertising sales agreements. Mr. Rachman also handles the defense of Telephone Consumer Protection Act and other consumer class actions. He has been lead and second chair trial counsel in both jury and bench trials and has argued appeals before the U.S. Court of Appeals for the Second Circuit, the Ninth Circuit and the Appellate Division of the New York State Supreme Court.



EMILY WING is the lead designer and developer at NYB Creative in Boston. Her work centers around User Experience Design with an area of focus on website accessibility. Emily has received a certification in ADA compliance and continues her website accessibility education to maintain ADA Specialist criteria. She has provided consultations for a variety of websites spanning professional services, e-commerce, and non-profit companies.



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Tuesday, October 5, 2021
12:00 noon–1:00 pm

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Program Number: 2220053WBC

REBROADCAST CC

Wednesday, October 20, 2021
10:00 am–11:00 am

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REBROADCAST CC

Thursday, October 28, 2021
4:00 pm–5:00 pm

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ON DEMAND WEBCAST CC

View after Thursday, October 28, 2021

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