

IS YOUR COMPANY'S WEBSITE COMPLIANT WITH THE AMERICANS WITH DISABILITIES ACT (ADA)?

Recently, class action lawyers around the country have filed lawsuits against businesses and organizations (even the National Basketball Association) alleging that their websites are not compliant with the ADA. Attorneys on behalf of vision or hearing impaired individuals are alleging that websites available for use by the public must conform to certain standards of accessibility. These claims are based on the ADA's general prohibition that "No individual shall be discriminated against on the basis of disability in the full and equal enjoyment... of any place of public accommodation...." Although initially thought to cover only physical locations, plaintiffs' lawyers have argued that the changing technology landscape has modified the definition of "places of public accommodation" over the last twenty years or so. Courts around the country have disagreed as to whether websites constitute a "place of public accommodation," but litigation under the statute continues.

Part of this recent push may come from the Department of Justice's changed stance on accessibility standards for websites. In 2010, the DOJ stated that covered entities could comply with the ADA's requirements regarding websites by providing an accessible alternative, such as a staffed telephone line. However, in June 2015, the DOJ filed statements of interests in at least two lawsuits in support of claims that the defendants needed to make their websites immediately accessible. The DOJ was expected to issue proposed rules in spring 2016, but now it seems as though the DOJ will not complete rulemaking until 2017 or 2018.

If you own a business, you will want to speak with your website developer about these issues. Moreover, if your company has been the target of a letter or lawsuit threatening legal action based on your website, you should contact an attorney to discuss your options before agreeing to any settlement demands.

If you have any questions, please contact Attorney [Erica N. Reib](#) at O'Neil Cannon at 414-276-5000.