Digital Accessibility: 2015 Annual Legal Update

Presented By: Lainey Feingold, Linda Dardarian

Updates in the legal space in the last 12 months. The law is one of the tools being used to increase accessibility.

# US Department of Justice

Is the US Dept of Justice slow bureaucrats? Or accessibility champions?

Slides are posted on [Slideshare](http://www.slideshare.net/lflegal/csun-2015-digital-accessibility-legal-update) and posted on [their website](http://lflegal.com/2015/03/legal-update-csun15/) (Linda Dardarian) (website also includes links to materials)

“The department has long considered websites to be covered by the ADA though there are no specific cases”

The justice department is putting a lot of good detail into their settlements:

* Apply to web and mobile
* WCAG 2.0 AA
* Web accessibility coordinator
* Independent consultant to assist (which the department will)
* Staff training requirements (custom service, web developers, etc.)
* Policy to be posted
* Accessibility information page (and link on home page)
* Adding accessibility compliance to job performance ratings (custom service rep, developers)
* Usability/accessibility testing tools

## Regulations…

Access board finally issued a 508 refresh (federal procurement, plus a lot of states have adopted it for state purchases as well)

* Broad application of WCAG 2.0 AA
* Documents
* Software
* Electronic content
* Public facing content and 8 categories of non-facing content (emergency information for federal employees and the public)
* Interoperability
* Real-time text requirements

When? Feb 27th published in Federal Register as a Notice of Proposed Rulemaking (open for comment through May 28th 2015)

Final date + 6 months is when it would become effective.

## ADA web regulations

We just don’t know. There are target dates, but the keep changing.

Title II web regulations (state and local govt)

Title III web regulations (private)

[www.ada.gov](http://www.ada.gov)

# Legal advocacy outside of the DOJ

Dept of Ed

Private firms filling lawsuits

Champions

Watching

## National association of the Deaf

Raised the issue of captioning

Lawsuits

Complaints to DOJ

Settlements

Negotiations

VUDU now has 100% captions on streaming video

NetFlix 100% captions on streaming video

National Accessibility Defense Fund sued Harvard and MIT for not having full captioning on their educational programs

## Learning

Math and Seattle (national association of the deaf is helping Alia Dudley?, an blind mom that is having difficulty with online course materials for her 3 kids in the public schools)

Dept of Ed everything related to student loans needs to be accessible to students who are blind or other disabilities

Dept of Ed OCR settlements with Youngstown State and Univ of Cincinnati (public and private intuitions)

Course materials

Registration materials

LSAC administers the LSAT. They had the right to appeal it to court, and within the last two weeks they appealed it.

## Reading

Scribd (for $8.99 per month unlimited items to read), need to make their content accessible to the blind (tried to work with them but it didn’t work). Filed in Vermont. Yesterday the motion to dismiss was thrown out.

HATHI trust case. Authors guild sued a collection of universities and judge ruled that it’s fair use.

Accessible medicine bottles. (agreements with CareMark, and Walgreens)

## Work

Access to employment is one of the reasons that ADA was passed.

National council of the blind has sued the general services administration over an inaccessible websites.

Mariott case (people not able to do work due to inaccessible software) has spawned two additional cases.

Homeland security case (employee not able to access online content)

Montgomery county (employee couldn’t use it, but they bought all new software, but even that wasn’t accessible. Currently with 4th circuit court of appeals)

## Other work

Disability rights advocates making sure people have information they need during an emergency (videos, captions, evacuation notice, websites) landmark settlement with NYC. Just started one in DC

Banking, NY state attorney general

Bank of America first bank in 2000 to make accessible ATM and website due to structured negotiations

Travel space

* taxi company’s in southern California payment issues,
* airport kiosks and JetBlue appeal

Shopping

* Ebay (web 2.0)
* RedBox

# Wrinkles

9th circuit court of appeals hearing course next Friday (Cullen vs. Netflix; \_\_\_ vs ebay) both are by deaf people.

US Dept of Justice

CDAA

Require captioning on video clips (but extended the waiver for certain types of ereaders)

Lots of items internationally

# Start and End

All via phone call or email. Someone needs to listen when a customer complains. It could end there if people listen and treat them with respect.

508 hearing Thursday at 9:30

Thursday at 2:20 Access board and DOJ

Wednesday at 3:20

Thursday at 3:20 intellectual property law

Defending digital accessibility lawsuits

@lflegal

lf@lflegal.com