

Digital Accessibility is a Civil Right:

Digital Accessibility Legal Update for the 2025 Axe-Con Community

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****No legal advice in this talk****

Check-in



- Fear
- Uncertainty
- Pain
- Frustration
- Overwhelm
- Absence of hope
- Feeling of powerlessness

Check-in



- Strong legal protections
- Sources of hope + power
- Accurate information
- Community

Today's roadmap



- What is digital accessibility
- US a11y legal framework
- Remedies
- Enforcement
- Risks +power sources
- Talking about the law
- Staying current and resources

The background of the slide features a dark teal color with a faint, semi-transparent image of two dolphins swimming together. The dolphins are positioned in the upper half of the frame, moving towards the right. The overall aesthetic is clean and modern.

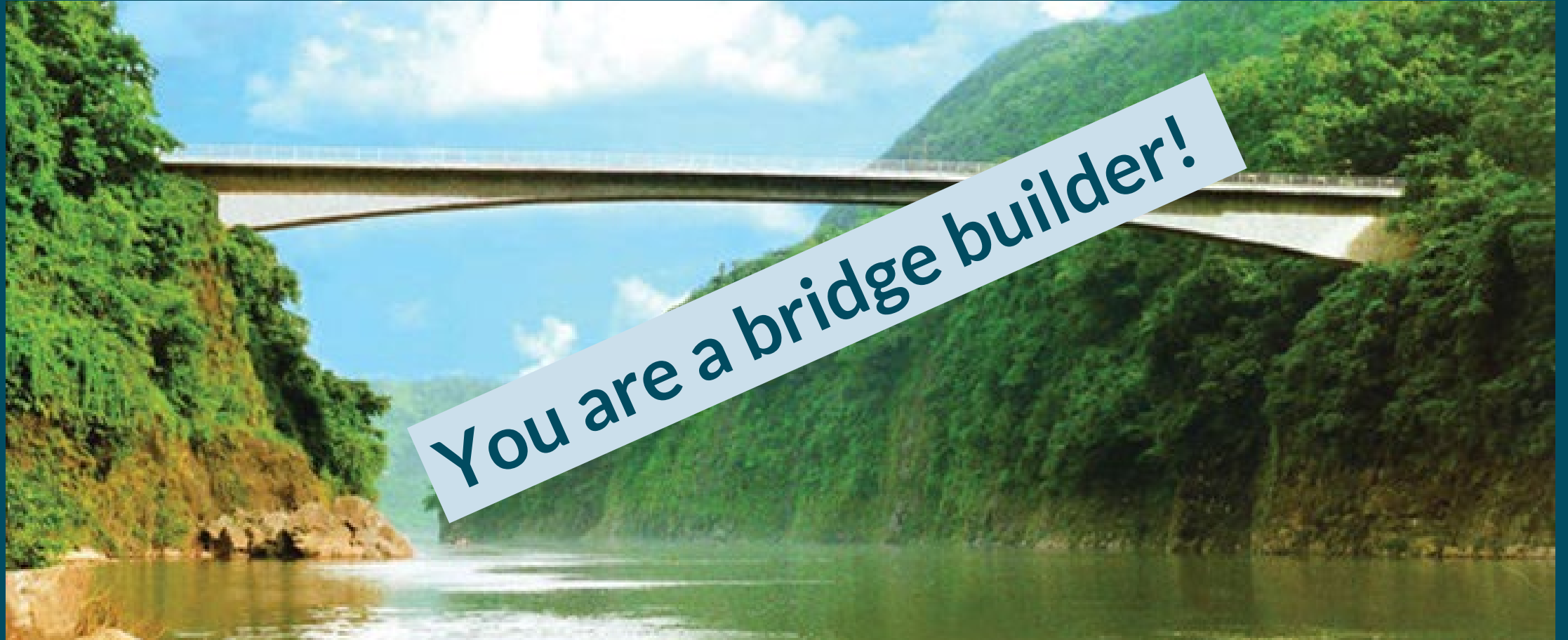
What is digital accessibility?

Engine of disability inclusion in tech

- The difference between **in**clusion + **ex**clusion for disabled people
- Intentional practices that make inclusion happen
- Privacy, security, safety +++ for disabled people
- Essential to **DEI** and ethics



Digital access is a bridge to everything



Accessibility is a Human / Civil Right

Human rights are rights we acquire by being alive

Civil rights are rights we obtain from the laws where we live

Digital accessibility is both because . . .



- Participation
- Inclusion (~~Exclusion~~)
- Communication
- Education
- Health and safety
- ++++

Rights are baked into laws



Today's roadmap



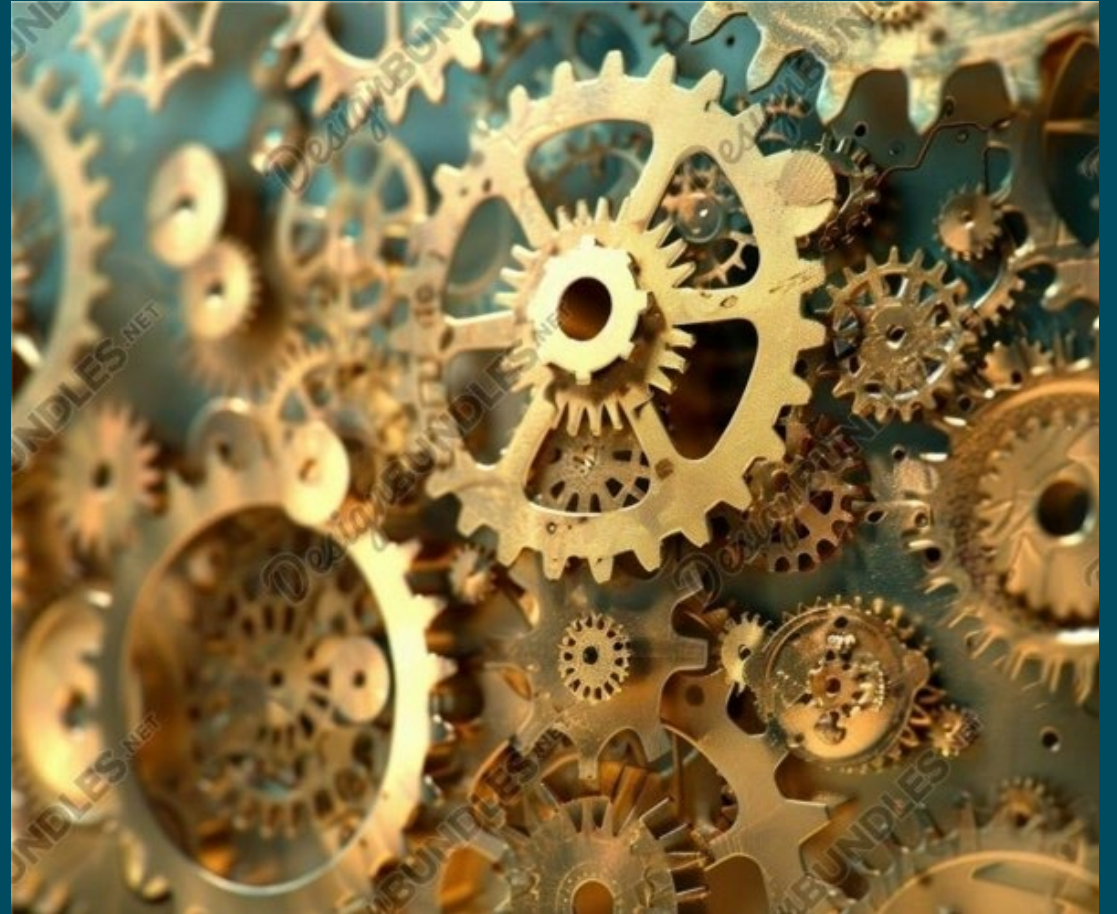
- ✓ What is digital accessibility
- A11y legal framework (US+)
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What is the Digital Accessibility Legal Framework in the US?

Federal | State + Local |
Global

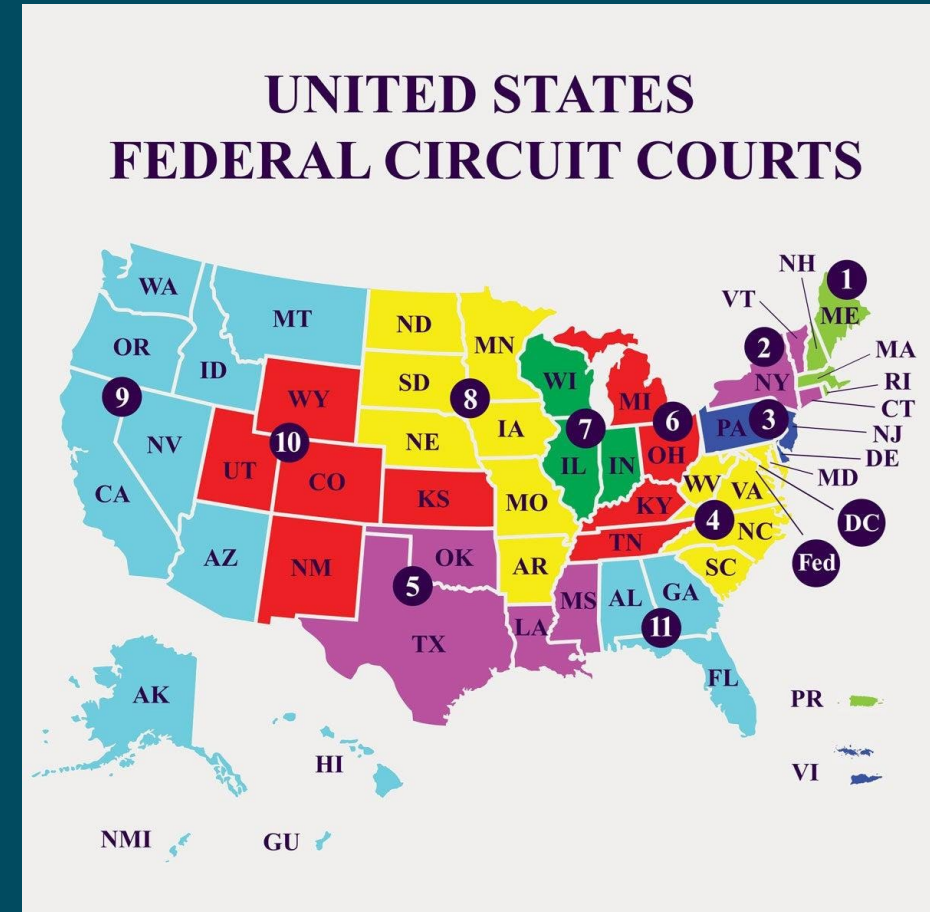
Federal framework components

- Federal laws
- Federal regulations based on federal laws
- Federal agency policy statements
- State and local laws and regulations
- Implementation + Enforcement



Existing federal laws + regulations

- ADA: Anti-discrimination
 - Effective communication
 - 2024 web + mobile rule
- Section 504 | 508
- CVAA + FCC regulations
- Air Carriers Access Act
- ACA section 1557



New: ADA web + mobile rule

- State and Local Government **only**
- WCAG 2.1 AA
- Time frame
 - But ADA not suspended!
 - Virginia Beach same month
- What's covered?
- Exceptions



What's at risk : Federal laws + regs



- Executive actions
- Congressional actions
- Changes to the ADA + regs
- DOJ in/actions
- Private lawsuits *challenging* regs or laws (pending 504 challenge)
- Conservative judges
- Likelihood of new laws + regs?

At risk (for now): Proposed #A11y Laws + Regs

- Websites and Software Apps Law (fed)
- Communications, Video, and Technology Accessibility Act (CVTA)
- ~~CA Bill AB 1757~~
- ~~Self-service transaction terminals (kiosks)~~
- EV charging stations
- Dept. of Education update



Where's the power : Fed'l laws + regs



- Disability rights lawyers
- Disabled advocates + orgs
- Bi-partisan support for ADA
- Courts are stopping illegal actions
- Complex process for rule change
- Fair judges

Beyond Regulations: US Agency Guidance

- Telehealth+ AI
- Workplace + Higher Ed
- EEOC, DOJ, HHS, DOE Deleted webpages
- **Resources:** [LFLegal.com](https://www.lflegal.com)



What's at risk : Federal Agency Guidance



- Rescind existing agency guidance
- No new helpful agency guidance

Where's the power: Federal laws and regs



- WayBack machine
- Deleted guidance may still be useful

Don't Obey in Advance

-- Timothy Snyder, *On Tyranny*



Framework Part 2: States + other countries

U.S. State and Local Framework

- Anti-discrimination
- State-funded + purchased
- State agencies
- K-12 procurement + accessible prescription
- **Resource:** LFLegal Global page (U.S.)



Global Framework



- US companies impacted by European Accessibility Act
- US Companies impacted by Rights for Persons with Disabilities (RPwD) Act in India
- [Legal.com/global-law-and-policy/](https://www.legal.com/global-law-and-policy/)

Risk + Power: State, local + global laws



- States could weaken disability rights
- States could strengthen laws
- Court interpretations
- Not affected by federal executive or agency actions
- EU, India ++ unaffected by US

Today's roadmap



- ✓ What is digital accessibility
- ✓ US a11y legal framework
 - Remedies
 - Enforcement+ Implementation

Risks + power

- Talking about the law
- Staying current and resources



What are the **remedies** if the
law is ignored?

Laws include legal remedies



- Fix barriers | fix systems
- Court / Agency oversight
- DOJ penalties (up to 150K)
- Pay the disabled person/s
- Pay disability rights lawyers
- Pay lawyers to 'defend'
- EAA fines, market loss, jail

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How are Laws Implemented and Enforced?

Who and How?



- People with disabilities
- Government agencies
- Private party lawsuits
- Structured Negotiations
- Covered organizations

Access to Healthcare

UNC Health Care System PRIVATE lawsuit

- \$150,000 from Nash Hospital (damages + fees)
- \$125,000 from UNC Health (damages)
- 3-year injunction against UNC Health to provide equally effective access to patient communications within entire UNC Health network
- More than \$1.2 million in attorneys' fees to plaintiffs' lawyers

Access to education

- LACCD (private party)
 - \$240,000 verdict (2023)
 - Verdict reduction + weak injunction (2024)
- Earlier settlements as roadmaps
 - CUNY
 - UC Berkeley
 - Harvard | MIT
 - Miami University Ohio



Voting (DOJ and private parties)



The web site numbers – 2024!

- 4,224 cases filed
- 961 against defendants already sued
- 99% about desktop websites
- 1,023 against companies using an overlay
- **Source:** UsableNet



Beyond Websites

Private Party Enforcement

- **Kiosks**
 - Quest and LabCorp
 - CVS Health hub
 - EAA
- **VR captions**
 - Panarra v. HTC
- **Podcast transcripts**
 - Sirius XM lawsuit
- **Resources on LFLegal.com**





**Using other laws to enforce
disability + accessibility rights**

Taking on False Claims



- California Parks Web case
 - False Claims Act
 - Contractor + the web dev + subcontractor
 - Resolved!!
 - Two million dollars
 - Fix barriers

Taking on an Overlay Company

- Tribeca Skin Care vs. AccessiBe
- Breach of contract
- Breach of “good faith and fair dealing”
- **Resource:** LFLegal.com



Risk to legal remedies and enforcement




- No DOJ / US Attorney action
 - No Statement of Interest
 - No Guidance
 - No lawsuits
 - No settlements
 - No investigation of agency complaints. No agency?!
- Harmful DOJ action
- Possible ADA change to lawsuit remedy

Where's the power : remedies + enforcement

- Private enforcement
- State enforcement
 - (NY Attorney General in 2009!)
- Orgs doing the right thing
- Disability community advocacy



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How to talk about the law and digital accessibility

Even now : Avoiding fear when talking about the law

- Civil rights
- Federal *and* state laws
- Focus on people
- Inclusion / Exclusion
- Privacy and security
- Diversity, Inclusion, Belonging
- Ethics | risk mitigation
- Better products for all



How to stay ahead of the law - resources

- ~~DOJ email list (ADA.gov)~~
- ~~Access Board email list~~
- LFLegal social media + email list (LFLegal.com)
- Seyfarth ADA Title III blog for (ethical) defense perspective
- Equal Entry Podcast
- Accessibility in the News



Take care of yourself



Questions!

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