DIGITAL ACCESSIBILITY:
What have we learned and what does the future hold?

Presented by Albert Elia, Esq of TRE Legal Practice

What does the ADA do?

The ADA protects persons with disabilities from discrimination in:
- Employment (Title I)
- State and local government programs and services (Title II)
- Private places of public accommodation and transportation (Title III)

The ADA is older than the consumer internet:
- The ADA was signed into law in July 1990
- The first web browser was made available for general consumer use in late 1993
- The first search engines and online shopping outlets came online in 1994
- The first online bank was founded in 1995
- The first government employment website came online in 1996
- The first online tax preparation system came online in 1997
Then how might the ADA apply to digital access?

- Employers must provide reasonable accommodations to applicants and employees with disabilities
- Those accommodations must be effective in allowing the employee or applicant to perform all of the duties of the position held or sought
- State and local governments and private places of public accommodation and transportation must provide auxiliary aids and services for persons with disabilities
- Those auxiliary aids and services must communicate information in a manner that is equally effective as for persons without disabilities

How has this played out with respect to digital accessibility?

- “Accessible electronic information technology” is now listed as a potentially necessary auxiliary aid or service (28 C.F.R. §§ 35.104 and 36.303(b))
- Dear Colleague Letters from DOE and DOI to college and university presidents
- DOJ Statements of Interest, Interventions, Settlements, and Consent Decrees
- Robles v. Domino’s Pizza, LLC, 913 F.3d 898 (9th Cir. 2019)
- Other Laws broaden the scope and applicability of digital access
  - Sections 501, 504, and 508 of the Rehabilitation Act of 1973
  - Section 1557 of the Affordable Care Act
  - State analogues to Section 508
  - State laws that broaden scope of public accommodation
  - Interference provisions of state and federal law
Where are we going?

- WCAG
- Universal Access principles
- Automated restaurants and retail
- Virtual reality

QUESTIONS

Thank you!

Further questions or concerns? Legal questions? Reach out at:

- Phone: 415-873-9199
- Aelia at trelegal.com
Learn more and register at
www.ada-accessibletech.org

Mark Your Calendars for the Next Webinar:
September 17, 2020
Topic to be determined

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