

Making business websites accessible for the disabled, *Newsday*, ft. Philip Voluck

With lawsuits on the rise and federal rules lacking, experts advise following W3C guidelines.

Newsday, Long Island, New York (September 30, 2018) —

Philip R. Voluck, Esq., Co-Managing Partner of the Kaufman Dolowich & Voluck, LLP Pennsylvania offices, comments on ADA and web site accessibility.

Hundreds of companies, including at least three on Long Island, are facing lawsuits claiming their websites are not accessible to the disabled.

A person who is blind or deaf could not access the information on the sites, sometimes because the sites are not compatible with assistive technology such as software that reads text aloud, the suits claim.

The lawsuits are based on an interpretation of the Americans with Disabilities Act, which requires that public accommodations be accessible to disabled people. While the 1990 law does not specifically address websites, the U.S. Department of Justice has maintained in past court filings that they are covered.

But long-awaited DOJ regulations governing website accessibility, in the works since 2010, appear to have been tabled, leaving companies with no clear federal guidelines about what's required of them.

The issue continues to heat up, with at least 1,053 website accessibility lawsuits filed in the first six months of 2018, compared to 814 in all of 2017, according to Chicago-based law firm Seyfarth Shaw LLP.

The DOJ declined comment to *Newsday* on proposed regulations. It started the regulatory process in 2010 and at one point said proposed rules would be issued this year, but according to Vu, the whole regulatory process is now “dead.” The rules were put on the inactive list last July and then late last year formally “withdrawn,” she said.

In the absence of those guidelines, businesses should follow the voluntary guidelines set forth by the World Wide Web Consortium (W3C), said Philip Voluck, co-chair of the employment law department of Woodbury-based law firm Kaufman Dolowich & Voluck, which has developed a specialty in web accessibility.

Those guidelines—mandatory only for airline carriers, who are required to comply with them on their primary websites — are “still the holy grail,” he said, noting firms shouldn’t wait to get sued. And while adopting all of W3C’s recommendations might not be feasible due to cost, which can run in the thousands depending upon the complexity of the site, firms can “do what is reasonable within the context of their business,” Voluck said.

He recommended firms hire an IT expert to assist in determining deficiencies in their websites.

This isn’t only to avoid litigation, Voluck said. It “makes good business sense,” considering individuals with some type of disability represent more than 20 percent of the population, he said.