



The Internet: An EPLI Minefield, *National Underwriter Property & Casualty*

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ADA requires web access for the disabled, spurring lawsuits

What business doesn't have a presence in cyberspace? What business doesn't design and continually develop its website to reach the largest number of consumers? What business uses a website that complies with the Americans with Disabilities Act (ADA)? If the amount of litigation is a measure, the answer to the last question is, "not enough."

This "new" exposure is firmly rooted in Title III of the ADA, which covers "public accommodations" and is enforced by the U.S. Department of Justice (DOJ). Despite a clear split among the federal circuit courts regarding whether a website is covered under Title III, DOJ has declared that all forms of electronic and digital communication, including websites, are covered. Borrowing from the Rehabilitation Act, which requires federal electronic technology to be accessible to disabled employees and the public, DOJ determined that the private sector's electronic technology had to comply with the ADA as well. The plaintiffs' bar pounced, and hundreds of businesses have been sued.