

Research Paper Proposal:

The Americans With Disability Act and Web Accessibility.

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Introduction

The Americans With Disability Act of 1990 (ADA) was written during a period when Internet communications were in their earliest stages of general adoption and use. Consequently, Congress established this legislation within the context of a physical and analog world. Since this time, however, the ADA has begun to be reinterpreted within the nonphysical and digital (or “cyberspace”) context of the Internet and World Wide Web.

The most significant case to directly address this issue in court is *National Federation of the Blind v. Target Corporation (2006 and 2007)*. However, the case has not yet been heard by the court, so only the initial arguments, subsequent decisions not to dismiss the case, and relevant commentary on these initial stages of the suit are available for review.

Why Focus on the ADA in a Web Context?

Because of its limited physical barriers, the Web can be highly accessible to people with various visual and physical disabilities, especially with assistive technologies. According to the noted Web designer, author, and LexisNexis expert commentator Jonathan Moock, it is estimated that 1.5 million visually-impaired Americans use the Internet, yet many Web sites are designed in ways that are incompatible with various assistive technologies for this population. For these reasons, it is important to understand how assistive technologies work, and how Web sites should be designed for compatibility with them.

Research and Analysis Plan

I will review the *Target* case as it currently stands, the 1990 ADA legislation (and related 1994 Title III regulations), related pre-*Target* cases, and relevant law and technology journal articles to discuss the overall background of Web accessibility. This includes the Unruh Civil Rights Act (CA), which has also been cited in some cases.

In doing this research, I plan to explore the following questions:

1. How have courts and legal analysts interpreted the ADA and its guidelines to address Internet communications?
2. Is the existing analysis comprehensive and reasonable, or are there areas where the analysis has either been incomplete, misguided, or misconstrued?
3. How, specifically, have courts and legal analysts interpreted the ADA in respect to assistive Web technologies and best practices for accessible Web design?
4. Based on what I know already and subsequently discover in further reading, how would I recommend that the court proceed with *Target*?
5. How do these items relate to liability for Web designers?
6. What are some practical best practices for Web designers to embrace, based on the findings of this legal research and analysis?

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