

# DOJ Provides Guidance on Website Accessibility Programs

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February 12, 2025

Website accessibility lawsuits continue to be big business for plaintiffs' attorneys, with thousands of lawsuits filed every year. Part of the problem is the lack of clear guidance from the government in this area, given that neither the Americans with Disabilities Act nor related state laws specifically address website accessibility or what (if anything) companies need to do when they code their websites.

In April 2024, the DOJ published a [rule](#) that set forth technical requirements that state and local governments have to follow to ensure that their websites and mobile apps are accessible to people with disabilities. Last month, the DOJ published a [resource document](#) that is intended to help these entities comply with the rule.

Although the rule doesn't directly apply to private businesses, the resource document could serve as a helpful resource as businesses try to comply with the Web Content Accessibility Guidelines (or "WCAG") and reduce their exposure to website accessibility lawsuits. Here's a summary of some of the most relevant key steps in the DOJ's resource document:

- Entities should identify key individuals to be responsible for ensuring digital assets conform to WCAG 2.1 AA and ensure that those individuals are properly trained. The training should be tailored to each individual's role.
- Entities should identify what web content and mobile apps they provide, what specific content needs to comply with WCAG 2.1 AA, and what accessibility fixes are needed. The DOJ points to resources from the World Wide Web Consortium (or "W3C") to help businesses determine their level of conformance with WCAG 2.1 AA success criteria.
- Once entities have assessed their level of conformance, they should prioritize remediation actions. The DOJ suggests prioritizing issues that: (1) affect key tasks; (2) pertain to frequently accessed content; (3) have been flagged as inaccessible; (4) are newly in development; (5) appear across multiple web pages, like navigation menus, search features, and standardized footers; and (6) are based on a template.
- Entities should review contracts with vendors that provide content for their websites and mobile apps. The DOJ recommends that entities: (1) require vendors to provide information about the accessibility of their products; (2) require vendors to warrant they comply with certain technical standards and applicable accessibility laws; (3) prohibit vendors from disclaiming any accessibility warranties; (4) require vendors to provide indemnification for breach of any accessibility warranties; and (5) test the accessibility of vendor products.

- Entities should create policies for digital accessibility. The resource document includes links to various resources that can help companies draft those policies.

Although these steps won't necessarily prevent a company from facing a website accessibility lawsuit, they could provide a good framework for approaching website accessibility issues.