



ADA Q&A: Is Your Website Compliant? Dos and Don'ts From Website Pros

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As law firm marketers, we strive to be as inclusive as possible, especially when it comes to website accessibility. But what does the law actually require, and what do we consider to be “best practices”? I asked Erica Kramer, a partner in Hudson Cook’s Tennessee office who works with financial services companies, for clarification.

Erica tells me that the Americans with Disabilities Act (ADA) is silent on the issue of whether accessibility of web content is required, which is likely because the ADA was passed in 1990, well before the internet occupied its current place in everyday life. Plus, the drafters of the ADA could have never imagined a global pandemic would drive consumers to conduct business almost exclusively via the web for months.

Although the ADA does not directly address the issue, the **Department of Justice (DOJ) has stated that the web content of public accommodations must be accessible to all users**. In addition, some states, such as California, are beginning to **pass legislation** requiring accessibility for certain companies, including a **section in the California Consumer Privacy Act**, which addresses the accessibility of privacy disclosures.

But what does accessible mean?

While the DOJ has not adopted standards by which accessibility should be measured, courts and regulators typically have required businesses to measure and improve the accessibility of their web content by following the Web Content Accessibility Guidelines (WCAG), now in version 2.1. The WCAG were designed to make web content more accessible to individuals with various disabilities, including visual, auditory, physical, speech, cognitive, language, learning and neurological disabilities.

There are three levels of compliance in the WCAG guidelines: A, AA and AAA, connoting the level of

compliance. Many firms choose to comply with the AA level, which is the acceptable accessibility level for legal purposes ([see Ohio Bar blog post](#)).

Despite the lack of clarity from the ADA and DOJ, you want to ensure that anyone with a disability can easily access your website. Whether you are embarking on a full website redevelopment or simply reviewing your current site, there are specific steps you can take to make your website accessible. I solicited the top dos and don'ts of website accessibility from three law firm website developers who work with firms in our region – [John Albert](#) from Herrmann Advertising, [Amy Knapp](#) from Knapp Marketing, and [JT Kent](#) and [Hannah Collinson](#) from Cubicle Fugitive.

Color and Images

Do: Pay attention to color contrast during the design phase. Amy says that color contrast is the most obvious of all ADA accessibility issues. At a minimum, your design team needs to understand and apply a color contrast ratio for large text of three to one and smaller text of four and a half to one. The foreground text color needs to have that sufficient level of contrast. If you think of dark blue text on a light blue background, that's probably not going to be sufficient. It should be similar to, but not as extreme as, black text on a white background, particularly with smaller text. The smaller the text, the starker the contrast ratio must be.

Hannah suggests using a [contrast checker tool](#). Further details on understanding WCAG 2.1 contrast and color requirements can be found on [WebAIM](#).

Do: Apply ALT text to your images. Most marketers understand that images should have the alt text describing an image's content, which not only helps Google to index non-written content, but also helps people with accessibility issues understand your website content. Amy notes that many websites often neglect to include descriptive alt text on social media links (icons, logos, etc.), header images and other types of icons. Alt text should be applied to all images, icons and links. Other website elements, such as a search bar, forms or the "x" to close a pop-up box, should utilize ARIA labeling, a code element that is not visible on the front end, to describe the element to users with accessibility issues.

Third-party Accessibility Plugins or Software

Don't: Rely solely on these plugins or software. John notes that there are third-party plugins available, especially for WordPress websites, that claim to provide automated web accessibility at a very minimal cost. While these plugins do have value and will certainly improve aspects of ADA compliance with your website, they are not infallible and don't always address all of the relevant criteria for compliance. Just like with automated language translation plugins, they may work great most of the time, but sometimes dialects or other intended meanings can get lost and the translation isn't entirely accurate. Although the WCAG provide a comprehensive list of criteria a site should meet to be considered compliant, the guidelines don't specify how to code your website in order to meet these criteria. As a result, there often are multiple approaches

developers can take to meet certain guidelines. When different software programs scan a website to check for compliance, they sometimes can flag different items and offer different solutions. John suggests using multiple tools during the development stage to scan and test a site's compliance and then strategically think through the best path to implementation. Be wary of allowing AI to automate all of these decisions. If possible, manually test on an actual screen reader, or if you know someone who uses assistive technology to view websites, consider asking them to review your site for ease of use.

While we're on the topic of plugins, John also reminds us to check any third-party code on your website. If your website incorporates third-party plugins or other third-party code to handle certain elements or functionality, those third-party elements may not be compliant by default. For example, the code that some publications provide for lawyer award badges to be promoted online isn't always ADA compliant. Even some plugins from Google, such as Google Maps, embed code that isn't ADA compliant by default. In certain cases, your development team may be able to modify third-party code to meet compliance criteria, but other times, editing that code will not be an option.

Read More, Click Here, Download PDF

Don't: Use these generic terms or URLs with no context. JT and Amy both stress that one of the most common ADA compliance problems on websites is the use of repetitive, generic text such as "read more" or "click here" to lead the visitor to the detail page of an article, news item, etc. These terms do not provide enough information for the accessibility-challenged reader. Use longer, clearer text such as "view the case study" or "download our resource guide."

Video and Animation

Hannah notes that video and animation can be a great way to increase visual interest and increase user engagement. However, for individuals with certain disabilities, video and animation can pose an overwhelming and unwelcome distraction.

Do: Include a media player that allows the user to play/pause/stop the video at their convenience. Volume levels also should be adjustable wherever applicable. Provide closed captions for any media containing audio.

Headings

Do: Ensure that headings are logically structured on the page. JT advises that pages should start with an H1 heading, followed by H2, H3, H4, etc. as sub-sections require.

Don't: Skip levels in the heading hierarchy and don't use headings as a form of styling.

More information on using headings for usability and web accessibility can be found in this [**Yale University**](#)

article.

Final Thoughts

John: Although coding a website to meet ADA criteria may increase the development time and costs, making the effort shows that your firm is socially responsible and concerned with inclusivity – traits that will resonate with a market that is increasingly factoring a firm's corporate values into its own decision-making processes. If a firm is working in an area where types of disability issues are more likely to arise, such as labor and employment, clients appreciate if a firm can show it takes these issues seriously as well. Additionally, there are search engine optimization benefits to having an ADA-compliant website, as Google factors usability and content accessibility into its ranking algorithm. Plus, investing now in ADA compliance can help ensure your firm won't face penalties down the road, as lawsuits related to non-compliant websites in various industries continue to increase.

Hannah: Don't look at ADA compliance as a limitation to your creativity on the web. Just because some feature or media type is inaccessible to some users does not mean that it cannot be used on your website. It simply means that you must ensure that there is an alternative available and that it does not get in the way of Assistive Tech users. ADA is all about providing alternatives and removing stumbling blocks. It's about providing more options for your users, not less.

Erica: Add an accessibility statement to your website, affirming your commitment to accessibility. Consider soliciting user feedback in your accessibility statement, encouraging users to let you know if they find a problem or encounter a barrier. If you decide to take this approach, make certain to be responsive and fix the issues once they are brought to your attention.

As the COVID-19 pandemic continues, social distancing requirements and concerns about virus transmission, particularly for those in high-risk groups, continue to result in many more consumers conducting their daily business online via websites and mobile apps, and is almost certain to lead to a surge in plaintiff filings and demand letters alleging inaccessible web content. As a result, it is more important than ever to give your web content a check-up to ensure that it is accessible to all.