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Virtually Inaccessible: Resolving ADA Title III Standing in Click-and-Mortar Cases

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As the electronic age has taken hold of the global community, and digital devices have become the mainstay of human interaction, new accessibility barriers have emerged for people with disabilities. Although most courts now conclude virtual inaccessibility is an injury cognizable under Title III of the Americans with Disabilities Act, great ambiguity surrounds the injury-in-fact requirement of Article III standing in online accessibility cases. Despite pleading for elucidation and clarifying principles, federal district courts have been left to navigate the uncharted territory of the digital injury-in-fact inquiry with exiguous guidance from higher courts. The resultant confusion in the federal courts has manifested itself as diametrically contradictory injury-in-fact holdings in factually identical cases, both inter- and intra-circuit.

Related People



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