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15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 COUNTY OF ALAMEDA
17

18 NATIONAL FEDERATION OF THE
BLIND, the NATIONAL FEDERATION OF
19 THE BLIND OF CALIFORNIA, and DEEPA
20 GORAYA,

21 Plaintiffs,

22 v.

23 LAW SCHOOL ADMISSION COUNCIL,
INC.,

24 Defendant.
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Case No.:

**COMPLAINT FOR INJUNCTIVE AND
DECLARATORY RELIEF FOR
VIOLATIONS OF THE CALIFORNIA
DISABLED PERSONS ACT AND UNRUH
CIVIL RIGHTS ACT**

1 **INTRODUCTION**

2 Plaintiffs complain of Defendant and allege herein as follows:

3 1. This action, brought by the National Federation of the Blind, the National
4 Federation of the Blind of California, and Deepa Goraya, seeks to put an end to civil rights
5 violations committed by defendant Law School Admissions Council (hereafter “LSAC”) against
6 blind persons seeking to take the LSAT exam and apply to law schools. Plaintiff Deepa Goraya,
7 a blind law school applicant in California, has been and is being denied equal access to the
8 accommodations, advantages, and facilities LSAC provides its non-disabled customers through
9 <http://www.lsat.org> (hereafter “lsac.org” and “the website”). Plaintiffs National Federation of
10 the Blind and the National Federation of the Blind of California have members who are similarly
11 denied full and equal access to such accommodations, advantages and facilities. Lsat.org is
12 currently the only place online where prospective law students can register for the Law School
13 Admissions Test (“LSAT”), apply to law schools, and obtain official LSAT test preparation
14 materials and information. Lsat.org contains multiple access barriers that make it difficult if not
15 impossible for blind law school applicants and LSAT test takers to use the website and to obtain
16 practice materials without sighted assistance. LSAC thus excludes the blind, including Ms.
17 Goraya, from full and equal access to the accommodations, advantages, facilities, and privileges
18 of lsac.org.

19 **JURISDICTION**

20 2. This is a civil action under California’s Disabled Persons Act (Cal. Civ. Code §§
21 54, *et seq.*) and the Unruh Civil Rights Act (Cal. Civ. Code §§ 51, *et seq.*) and for declaratory
22 relief. This Court has jurisdiction over the claims alleged herein pursuant to California Civil
23 Code §§ 54, *et seq.* and California Civil Code §§ 51, *et seq.* and California Code of Civil
24 Procedure section 1060.

25 3. This Court has jurisdiction over LSAC because LSAC is a corporation authorized
26 to do business in California and LSAC conducts substantial business in California. LSAC owns,
27 maintains and operates its website, lsac.org, throughout California and in Alameda County.
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VENUE

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2 4. Venue is proper in Alameda County because liability arises in part in Alameda
3 County, where the National Federation of the Blind of California has its headquarters. LSAC
4 has been and is committing the acts alleged herein in Alameda County, has been and is violating
5 the rights of patrons in Alameda County, and has been and is causing injury to patrons in
6 Alameda County.

7 5. Plaintiff Goraya is a California citizen and has experienced injury in California as
8 a result of LSAC's inaccessible website and practice materials.

PARTIES

9
10 6. Plaintiff the National Federation of the Blind (hereafter "NFB") is a national
11 advocacy organization. The NFB, the oldest and largest national organization of blind persons,
12 is a non-profit corporation duly organized under the laws of the District of Columbia with its
13 principal place of business in Baltimore, Maryland. It has affiliates in all 50 states (including
14 California) as well as Washington, D.C. and Puerto Rico. The vast majority of the
15 approximately 50,000 members are blind persons. The NFB is widely recognized by the public,
16 Congress, executive agencies of government and the courts as a collective and representative
17 voice on behalf of blind Americans and their families. The purpose of the NFB is to promote the
18 general welfare of the blind by (1) assisting the blind in their efforts to integrate themselves into
19 society on terms of equality and (2) removing barriers and changing social attitudes, stereotypes
20 and mistaken beliefs that sighted and blind persons hold concerning the limitations created by
21 blindness resulting in the denial of opportunity to blind persons in virtually every sphere of life.
22 The NFB and many of its members have long been actively involved in promoting adaptive
23 technology for the blind, so that blind persons can live and work independently in today's
24 technology-dependent world. NFB members reside throughout the United States, including the
25 state of California, and many of its members would use the services of lsac.org if this website is
26 made independently usable by the blind.

27 7. Plaintiff the National Federation of the Blind of California (hereafter "NFB of
28 California") is a state affiliate of the National Federation of the Blind. NFB of California is a

1 California corporation and carries out NFB's objectives at the state level. It has local chapters
2 throughout California, including Alameda County, and has its headquarters in Fremont,
3 California, in Alameda County.

4 8. Plaintiff Goraya is a member of the NFB and the NFB of California. She is blind
5 and has been denied full and equal access to the accommodations, advantages, facilities and
6 privileges of lsac.org.

7 9. Defendant LSAC, is a non-profit corporation established to coordinate, facilitate,
8 and enhance the law school admissions process. LSAC owns, operates and/or maintains the
9 website lsac.com, a public accommodation. Plaintiffs seek access to the services provided by
10 LSAC in California through lsac.org.

11 **FACTS**

12 10. Lsac.org is owned, controlled and/or operated by LSAC. Lsac.org is a public
13 accommodation that offers its visitors comprehensive services for applying to law school. The
14 website functions as the official destination for guiding prospective law school applicants
15 through the fundamental steps of applying to law school. Among its services, lsac.org offers
16 information about the LSAT and law school application process, and extensive LSAT
17 preparation materials and resources. Lsac.org also serves as the exclusive online means for
18 registering for the LSAT and applying to ABA-accredited law schools.

19 11. According to the website, lsac.org's online services enable prospective law
20 students to do the following, among other things:

- 21 • Register for the LSAT
- 22 • Register for the LSDAS (Law School Data Assembly Service)
- 23 • Purchase publications and test preparation materials
- 24 • Have access to electronic applications for all ABA-approved law schools
- 25 • Apply online to law schools
- 26 • Register for law school forums
- 27
- 28

- Have 24-hour file access

12. In addition to facilitating the LSAT and law school application processes, a significant portion of the lsac.org website is devoted to preparing students to take the LSAT. Among the services offered in that regard are online information guides that explain how to prepare for the LSAT and free, downloadable sample practice tests and test questions. Lsac.org also offers for a fee an online LSAT practice test tool and the opportunity to purchase more than 40 official LSAT practice tests.

13. While sighted visitors to lsac.org can easily obtain the benefits and advantages offered by the website, blind individuals, including Ms. Goraya, have been and are being denied access to lsac.org due to LSAC's failure and refusal to remove access barriers to lsac.org. Specifically, blind visitors to the website, including Ms. Goraya, cannot independently apply to law school, register for the LSAT, or obtain in an accessible format the LSAT preparation materials and practice tests available through lsac.org.

14. The blind access websites by using keyboards in conjunction with screen-reading software. This software vocalizes or conveys to a refreshable Braille display information that appears visually on a computer screen. Unless websites are designed to allow for use in this manner, blind persons are unable to fully access the internet websites and the information, products and services contained therein.

15. There are well-established guidelines for making websites accessible to the blind. These guidelines have been in place for at least several years and have been followed successfully by other public accommodations in making their online services accessible. The Web Accessibility Initiative (WAI), a project of the World Wide Web Consortium, which is the leading standards organization for the Web, has developed guidelines for making information that is reached via the internet accessible. The federal government has also promulgated accessibility standards under Section 508 of the Rehabilitation Act. These guidelines have long

1 been readily available via the internet so that any public accommodation could easily secure the
2 necessary information.

3 16. Lsac.org contains a variety of access barriers that prevent free and full use by
4 blind persons using keyboards and screen reading software. These barriers include but are not
5 limited to: lack of or improperly labeled form controls; faulty keyboard navigation; and use of
6 tables and charts that are not formatted for accessibility. Form controls allow users to input data
7 on online forms and applications. These controls must be coded and labeled to allow screen-
8 access software to detect and vocalize the requested information. Keyboard navigation refers to
9 the ability to successfully navigate a website using keyboard commands, as opposed to requiring
10 a mouse as the exclusive means for navigation of the site. Further, charts and tables must be
11 formatted to work with screen-access software. Much of the lsac.org website, and in particular
12 the online law school application and LSAT registration sections of the website, lack these
13 fundamental accessibility components. As a result, blind visitors to the website cannot
14 independently use those and other critical features.

15 17. Lsac.org's test preparation materials that are available on the website in Adobe
16 Portable Document (PDF) format, are not properly "tagged." This means that the headings,
17 paragraphs, tables, image descriptions and form controls are not easily discernable to screen-
18 reading software. As a result, these materials are cumbersome, if not impossible, for a blind
19 visitor to navigate.

20 18. Finally, lsac.org fails to offer LSAT practice tests, available as part of its test
21 preparation services, in formats accessible to the blind. While the sighted can easily use the
22 website to obtain more than 40 formerly administered LSAT practice tests, the website fails to
23 offer the opportunity to purchase these practice materials in formats accessible to the blind, such
24 as Braille or an accessible electronic format.

25 19. As a result of lsac.org's accessibility barriers, blind law school applicants,
26 including Ms. Goraya, must go over extraordinary hurdles to register and prepare for the LSAT
27 and to apply to law school compared to their sighted counterparts. After unsuccessfully
28

1 attempting to use lsac.org independently to register for the LSAT and fill out her law school
2 applications, for example, Plaintiff Goraya was forced to select and rely upon a reader for over
3 50 hours simply to read aloud the content of the website and complete her law school
4 applications. Moreover, none of the LSAT practice materials, which include previously
5 administered versions of the test, were available to her in accessible electronic formats. Lsac.org
6 thus contains numerous access barriers which deny full and equal access to Plaintiff, who would
7 otherwise use the accommodations, advantages, and facilities of lsac.org.

8 20. On December 10, 2008, Plaintiff National Federation of the Blind notified LSAC
9 of the unlawful accessibility barriers on its website. LSAC responded by setting up and then
10 canceling a meeting with the NFB. On January 22, 2009, the NFB notified LSAC that it
11 intended to pursue legal action against LSAC for the unlawful barriers on its website.

12 **FIRST CAUSE OF ACTION**

13 (Violation of Cal. Civ. Code §§ 54, *et seq.* – the Disabled Persons Act)

14 21. The allegations contained in the previous paragraphs are incorporated by
15 reference.

16 22. The Disabled Persons Act (“DPA”) requires that individuals with disabilities have
17 “full and equal access, as other members of the general public, to accommodations, advantages,
18 facilities, . . . and other places to which the general public is invited, subject only to the
19 conditions and limitations established by law, or state or federal regulation, and applicable alike
20 to all persons.” Cal. Civ. Code 54.1(a)(1).

21 23. Lsac.org, which is owned, operated and/or maintained by LSAC, is an
22 accommodation, advantage, facility and/or place to which the general public is invited, as those
23 terms are used in Cal. Civ. Code § 54.1(a)(1).

24 24. Defendant’s conduct alleged herein violates the DPA, including Cal. Civ. Code §
25 54.1(a)(1), by denying the Plaintiffs full and equal access to the accommodations, advantages
26 and facilities of lsac.org.
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1 **THIRD CAUSE OF ACTION**

2 (Declaratory Relief, Cal. Civ. Proc. § 1060)

3 32. The allegations contained in the previous paragraphs are incorporated by
4 reference.

5 33. On information and belief, Defendants contend that they may lawfully deny
6 Plaintiffs access to their website and its contents. Plaintiffs contend that lsac.org, which LSAC
7 owns, operates, and/or controls, must provide blind patrons access to its website and website
8 contents under California Civil Code §§ 54, *et seq.* and California Civil Code §§ 51, *et seq.*,
9 which prohibit discrimination against the blind.

10 34. A judicial declaration is necessary and appropriate at this time in order that each
11 of the parties may know their respective rights and duties and act accordingly.

12 WHEREFORE, Plaintiffs request relief as set forth below.

13 **RELIEF REQUESTED**

14 WHEREFORE, Plaintiffs pray for judgment as follows:

15 1. An order enjoining LSAC from violating California Civil Code §§ 51, *et seq.* and
16 §§ 54, *et seq.*;

17 2. A declaration that LSAC is owning, maintaining and/or operating lsac.org in a
18 manner which discriminates against the blind and which fails to provide access for persons with
19 disabilities as required by law;

20 3. Plaintiffs' reasonable attorneys' fees and costs as authorized by California
21 California Civil Code §§ 54, *et seq.*, California Civil Code §§ 51, *et seq.*, and pursuant to
22 California Code of Civil Procedure § 1021.5.

23 4. Such other and further relief as the Court deems just and proper.

24
25 DATED:

DISABILITY RIGHTS ADVOCATES

26
27 By: _____
28 Laurence W. Paradis

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