Ken Nakata

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PROFESSIONAL SUMMARY

Former U.S. Department of Justice trial attorney and technologist. Strong commitment to public sector and civil rights. Proven ability to rapidly adapt to changing subject matters and facilitate smart decisions. Skilled at creating consensus among competing stakeholders and directing successful implementation and compliance. Comfortable working in both technical and legal subject matters and switching between investigative, litigation, and counseling roles. Regularly presents at conferences on various legal and technical subjects. Collaborative work style and approach projects passionately to ensure that all people enjoy equal opportunities.

AREAS OF EXPERTISE

- ADA Title II and III
- Rehabilitation Act Section 504
- Rehabilitation Act Section 508
- Web and Digital Accessibility
- ADA Compliance Reviews
- Pretrial Practices and Litigation
- Briefs and Written Advocacy
- Compliance Strategies
- Presentations and Oral Advocacy

EXPERIENCE

Principal, CONVERGE ACCESSIBILITY LLC **May 2020 – Present**

Co-founded consulting firm to promote digital and built environment accessibility. Won over 40 projects for digital and built environment accessibility.

- **Legal and Technology Strategy:** Advised three nationwide law firms defending web and digital accessibility claims to separate legitimate from frivolous claims—then led clients to embrace accessibility, both helping improve opportunities for people with disabilities and saving clients hundreds of thousands of dollars in future litigation.
- **Web Accessibility Audits:** Educated public and private sector organizations on WCAG 2.1 A/AA compliance and upcoming changes in worldwide accessibility requirements, both opening doors for people with disabilities while improving compliance with new laws and regulations.
- **Title II Self-Evaluations and Transition Plans:** Worked with Texas Department of Transportation and the City of Austin Public Transit (CapMetro) to reach customers with disabilities by making their websites more accessible. Independently approached King County, Washington and won project to enable the County to meet the needs of its residents with disabilities, in both digital and traditional accessibility. Created an innovative strategy to help local governments of all sizes comply with ADA Title II and meet the needs of people with disabilities far more quickly, effectively, and at less cost than existing approaches.
- **WCAG 2.1 A/AA Framework (WebAlign):** Created the first WCAG 2.1 A/AA compliance framework (WehAlign) that simplifies web accessibility while giving organizations the power to track WCAG compliance precisely through each stage of the development lifecycle.
- **Thought Leadership and Presentations:** Invited and served as Keynote Speaker for *2021 Digital Accessibility Legal Summit.* Demonstrated thought leadership through yearly presentations at CSUN Assistive Technology Conference, Accessing Higher Ground Conference, Pacific Rim International Conference on Disability and Diversity, and EduCause.

Director of Accessibility Consulting Practice, APPGATE INC. (and Predecessor Companies) **2008 – May 2020**

Led small team in providing consulting services to customers of a large technology company.

- **NASA Section 504 Compliance Reviews**: Reached out to the National Aeronautics and Space Administration (NASA) and won the agency's only contract for Section 504 compliance reviews of NASA grantees. Created a team of national experts in built environment and digital accessibility. Conducted innovative Section 504 reviews of ten science centers and STEM programs, thus opening opportunities for tomorrow's scientists, engineers, and doctors with disabilities. Reports available on NASA's website at https://missionstem.nasa.gov/civil-rights-compliance-reports-section-504.html.

Director of Disability Initiatives and Government Compliance, BAYFIRST SOLUTIONS LLC **2004 – 2020**
Developed accessibility practice for DC-based technology consulting firm.

- **Veterans Health Administration Section 508 Practice:** Approached agency leadership and won $2.1 million contract to make the Federal government's (then) second-largest IT program accessible to our nation's veterans with disabilities.
- **Congressional Testimony.** Testified before House Subcommittee on Telecommunications and the Internet on 21st Century Communication and Video Accessibility Act (CVAA). Final legislation, which enabled blind patrons to meaningful access popular movies and gave all people with disabilities equal access to the latest communication technologies, included both elements recommended in my testimony.

Trial Attorney / Attorney Adviser, U.S. DEPARTMENT OF JUSTICE, DISABILITY RIGHTS SECTION **1992 – 2004**
One of the first attorneys to join a newly-formed section to enforce Titles II and III of the Americans with Disabilities Act.

- **Section 508 Implementation and Rulemaking:** Represented the Attorney General in all Section 508 matters. Worked directly with U.S. Access Board staff to develop Section 508 regulations and wrote its technical assistance for coding accessible web pages. Worked with Office of Management and Budget (OMB) and over 80 Federal agencies to implement Section 508. Oversaw three government-wide surveys of Section implementation and co-authored the Attorney General's Reports to the President and Congress on Section 508 implementation.
- **Police Misconduct Task Force**. Volunteered for the Department's Police Misconduct Task Force and was part of a nimble three-attorney team that quickly developed and negotiated the nation's first consent decree under 42 U.S.C. §14141 against the Pittsburgh Bureau of Police.
- **ADA Web Accessibility Policy**. Helped shape the Department's web accessibility enforcement policy. Authored *Accessibility of State and Local Government Websites to People with Disabilities*, which provided the Department's only technical guidance on web accessibility until 2022.
- **Investigations and Litigation**. Managed caseload of over 100 active ADA investigations. Participated in litigation of several cases. Wrote briefs and presented oral arguments in numerous amicus curiae cases of first impression.
    - ***Clark v. Virginia Board of Bar Examiners*.** Won FRCP 59 motion and convinced Chief Judge Cacheris (E.D. Va) to reverse his judgment for the defendant. Represented the United States in one of the nation's first cases limiting mental health inquiries by a state licensing association.
    - ***Greyhound Bus Lines*.** Investigated and settled nationwide case involving Greyhound Bus Lines, changing a company from a reluctant adopter of the ADA into a nationwide leader in accessible transportation. This settlement provided accessible bus service to over 3,500 passengers with disabilities before the ADA required Greyhound and other bus lines to purchase accessible buses
- **Awards and Recognition**. Awarded the *Attorney General's Award for Excellence in Information Technology* (2000) and numerous Division-level awards.

EDUCATION

Juris Doctor (JD) – UNIVERSITY OF PENNSYLVANIA LAW SCHOOL, Juris Doctor (JD), Philadelphia, Pennsylvania.
Bachelor of Arts (BA), Mathematics – JOHNS HOPKINS UNIVERSITY, Baltimore, Maryland.

PROFESSIONAL AFFILIATIONS AND CERTIFICATIONS

Former Board of Directors and Founding Member – International Association of Accessibility Professionals (IAAP)
Certified Professional in Accessibility Core Competencies (CPACC)(IAAP)
Certified Information Privacy Professional (CIPP/US) (International Association of Privacy Professionals)
Certified Programmer for the Java 2 Platform (Sun Microsystems)
Bar Memberships: New York, Washington, and District of Columbia.