

AN INTERVIEW WITH LAINEY FEINGOLD: INJECTING STRUCTURE IN HUMAN RIGHTS CLAIMS THROUGH STRUCTURED NEGOTIATION

Interview prepared by Martha Simmons*



Lainey Feingold is an American disability rights lawyer and author of the book Structured Negotiation: A Winning Alternative to Lawsuits (American Bar Association, 2016). She works with the blind community on technology, digital, and information access issues.

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RAM/JAM: What is Structured Negotiation?

Structured Negotiation is a process for resolving legal disputes without lawsuits. The model has inherent flexibility but also a defined structure. Structured negotiations differ from mediation and other forms of alternative dispute resolution because no third party is typically involved. Instead, both sides collaborate closely as a team to solve a problem.

I have used the method for twenty years in my work representing the blind community in the United States. My cases focus on digital and information access, and the process has been extremely successful with both public and private organizations. But Structured Negotiation is suitable for other types of claims as well. The method is cost-effective, builds relationships, is client-centered, and avoids much of the conflict and stress that is part of a typical lawsuit.

Lawsuits play a critical role in society, and they are an important tool in any advocate's toolbox. I wrote my book to offer advocates and lawyers another tool.

RAM/JAM: You have had some great successes with Structured Negotiation. Could you describe some of your cases so that readers can get an understanding of the scope of cases you deal with?

Structured Negotiation grew out of blind people's need for Automated Teller Machines (ATMs) they could use independently. The first Structured Negotiation cases were with large U.S. banks, including Wells Fargo and Bank of America. These cases resulted in some of the first Talking ATMs in the world. Canadian readers will want to know that the very *first* Talking ATMs in the world were installed in the late 1990's by the Royal Bank of Canada.

From there, Structured Negotiation was used to resolve claims for accessible on-line banking. In 2000 Bank of America became the first bank in the United States to agree to design its webpages so everyone can use them, including blind people who have software on their computers that reads web pages aloud. Ever since then, Structured Negotiation has been a very effective tool for digital accessibility issues.

Digital access means that disabled people can read and interact with websites and mobile applications. It requires, among other things,