

Propeller Media Works - Website Development
Accessibility.Works - Digital Accessibility Consulting

Summary of the current digital ADA legal climate.

Given recent studies, such as the WebAIM One Million Study (makers of the popular WAVE tester) which tested the top 1M homepages, and revealed 96.8% fail to meet WCAG ADA requirements, it is no wonder to find the number of lawsuits growing every single year..

This year, I studied the results of three different studies of web-related ADA lawsuits and here are my key findings.

Growth of Federal lawsuits didn't grow dramatically. What's hidden here is the number of demand letters, which go uncounted, however estimates put that number around 250K per year.

Less than a dozen firms generate more than 75% of lawsuits. Given how simple this workflow is, the barrier to entry for more plaintiff firms to copy-cat is extremely low.

Repeat lawsuits are growing. Once a lawsuit is filed it become a public record which attorneys can scan for and then pig-pile.

Overlay widgets/toolbars/plugins fail to protect or deliver on claims. Over 600 lawsuits targeted websites with an overlay.

DOJ - (Eye roll) While rule-making input will open for Title ii, nothing scheduled yet for Title iii.

Congress - (Another eye roll) New legislation was introduced in September. Breath will be held by none.

MY FULL ANALYSIS

Why does digital accessibility matter?

Legal - Almost all websites are covered by either the ADA or Section 508 of the Rehabilitation Act. And in addition to legitimate plaintiffs and advocacy

groups actively defending web accessibility rights, there is also a throng of trolls taking easy settlements.

DEI - Diversity, Equity and INCLUSION, includes the rights of people with disabilities to digital inclusion. Nothing has highlighted the value of digital access and the disparity of access better than the pandemic, when the world turned inward to the Web for nearly everything.

Opportunity - Not only are there 61M people with a disability in the US, but also consider the 71M boomers who carry \$548B in discretionary spending and who also share similar challenges with vision, hearing, cognition and fine motor skills.

If the website's compliance falls on your shoulders, reach out to me. You will get unvarnished advice and pragmatic solutions that will meet with your budget.

We do this the right way. We will get you where you need to be and allow you to proudly say "Hell ya. We're ADA compliant and inclusive to all."

Sound like a nice goal for 2023?

David Gibson | President

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Recent testimonials:

"The Accessibility.Works team has been excellent to work with. They delivered what they promised on time and were very responsive throughout. Their audit reporting was very thorough. And during remediation they worked directly with our development team to iron out the technical nuances. They had both the accessibility and coding expertise to get us into compliance, and that was key."

- Gerhard Spari, CIO head.com

"Propeller's Accessibility.Works team was great to work with. The audit of our site was thorough and provided my team the details needed to make our site accessible. Any questions we had were answered quickly and had all the info we needed to move forward.

We use some automated tools to monitor our site, but human testing is a key ingredient for an organization that wants to really commit to goals of Web Accessibility.

- Mike Hoefer, Dir of Web Development, kingarthurbaking.com

"I reached out to Accessibility.Works with an urgent request for a manual website audit. Dave was quick to meet with me and provide a proposal based on what we were looking for. The Accessibility.Works team was unbelievably fast in their audit and finished a whole week ahead of their schedule.

The detailed audit report provided us with crucial insights into potential accessibility roadblocks for users and how we can overcome them."

- Joe Volp, Marketing Director, ablenetinc.com

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