



The Real Cost of Accessibility Complaints and Lawsuits

Fortune 100 experiences, data, and conclusions

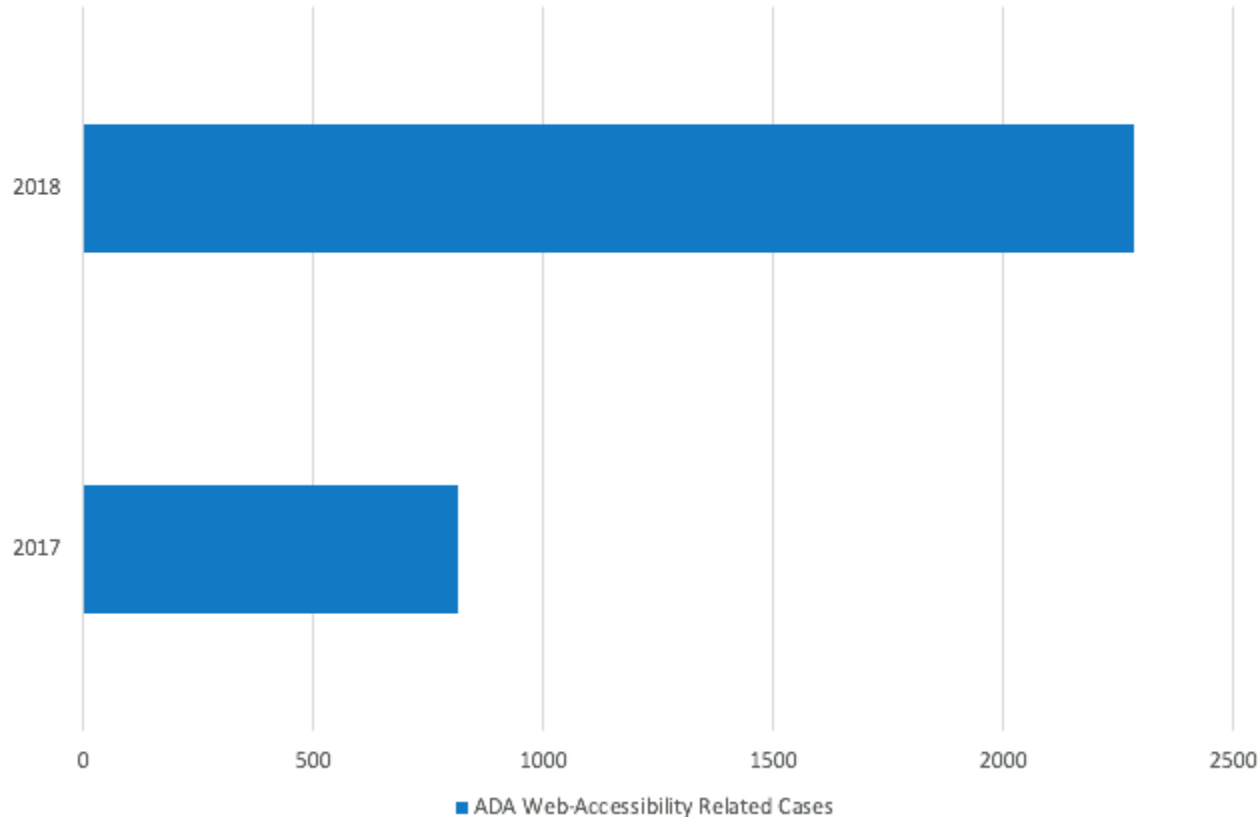


An abstract graphic at the top of the slide features several thin, white, curved lines that sweep across the upper portion of the frame. Three white circles are positioned along these lines: one on the left, one in the center, and one on the right. The lines and circles are white, contrasting with the dark blue background.

What's going on out there?

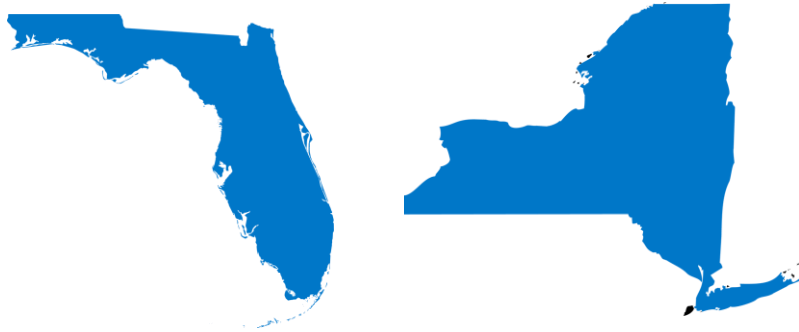
2018 ADA Web Accessibility Lawsuit Recap

ADA Web Accessibility-Related Lawsuits exploded 181% -
from 2017 (814) to 2018 (2285)



2018 ADA Web Accessibility Lawsuit Recap

Two stand out states for lawsuits: Florida and New York



726

Number of web
accessibility lawsuits in
2018 as of December 20

142

61

Average number of
cases filed per month

123

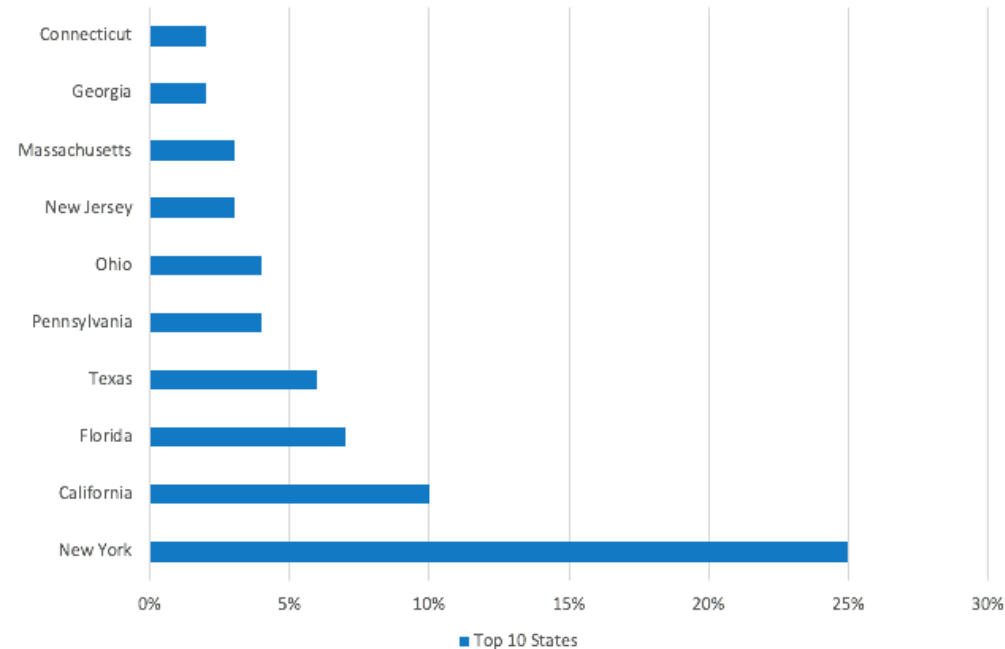
32%

Percentage of lawsuits
that came from each
state in 2018

64%

2018 ADA Web Accessibility Lawsuit Recap

Top Ten States in order from highest number of lawsuits to lowest: New York, California, Florida, Texas, Pennsylvania, Ohio, New Jersey, Massachusetts, Georgia, Connecticut



Additionally, 11% of companies sued are headquartered internationally, including Italy, France, Japan and Brazil

2018 ADA Web Accessibility Lawsuit Recap

The industries that received the biggest focus in web accessibility litigation include:



Retail

**Food Service
Industry**



**Travel/
Hospitality**

**Banking/
Financial**



Entertainment

Self-Service





The Complaint

We have a chance!

Your company has received an accessibility complaint – what now?

- How was the initial complaint handled?
- How long did it take to get to someone who could help?
- Was all of this done with empathy and speed?

Your company has received an accessibility complaint – what now?

- Do we have an unhappy customer?
- Did they miss out on some time-sensitive opportunity?
- Motivated customer with a real issue and real damage?
- Have we made them whole with a delightful experience?

What is all of this costing us?

- Blended rate of \$120/hour
 - Call center personnel and call center management
 - Compliance or regulatory personnel
 - Product management
 - Developers
 - Quality assurance/testing
 - Deployment/operations

What is all of this costing us?

Action	Participant	Hours/Participant	Total Hours	Extended Cost
CSO/Email/Chat Receipt	1	.75	.75	\$90.00
CSO/Email/Chat Accommodation	2	.75	1.5	\$180.00
Documentation of Issue	1	.75	.75	\$90.00
Processing of Issue	1	1.5	1.5	\$180.00
Spool Up Fix Project	5	4.5	22.5	\$2,700.00
Design	1	4.5	4.5	\$540.00
Code	1	9	9	\$1080.00
QA	1	7.5	7.5	\$900.00
Prod Issuance	5	4.5	22.5	\$2,700.00
Spool Down Project	5	2.5	12.5	\$1,500.00
Customer Follow Up	1	.75	.75	\$90.00

What is all of this costing us?

Scale Factor Design vs Product Defect		100x
Proactive Fix Cost		\$100.50
Reactive Fix Loss		\$9949.50
100 complaints per year and the resultant activities to address could be costing your company as much as		\$994,950.00

What can we do?

- Eliminate defects making it to production (shift left)
- Ensure your automated reports are 100% clear (no false positives)
- Enable your response channels for customer complaints to handle contacts with
 - Expediency
 - Empathy
 - Efficiency
 - Permanent Fix



The Lawsuit

Now things get interesting...

Your company has received an accessibility lawsuit – what now?

- Lawsuit requires new and more expensive resources
- Lawsuit demands protracted response, which will be burdensome
- Lawsuit involves senior levels of your company – aggregate risk
- Lawsuit (generally) calls for outside counsel representation

What is all of this costing us?

- Blended rate of \$225/hour
 - Senior company leadership
 - Compliance or regulatory personnel
 - Internal legal counsel
 - Internal legal support
 - Internal subject matter experts
 - External subject matter experts
 - Centralized accessibility team leadership
 - Developers and Quality assurance/testing
 - Deployment/operations/marketing

What is all of this costing us?

Action	Participant	Hours/Participant	Total Hours	Extended Cost
Lawyers Assigned, Business Notified	8	2	16	\$3,600.00
Outside Counsel Retainer (Estimate)	-	-	-	\$150,000.00
Initial communication to involved	45	2	90	\$20,250.00
Hold Order Processing	45	3	135	\$30,375.00
Outside Counsel documents	8	8	64	\$14,400.00
Initial Discovery (ordered by judge)	10	24	240	\$54,000.00
Status meetings	7	10	70	\$15,750.00
Prep court status hearing	6	5	30	\$6,750.00
Prep for negotiation	6	5	30	\$6,750.00
Negotiation	3	3	9	\$2,025.00

What is all of this costing us? (continued)

Action	Participant	Hours/Participant	Total Hours	Extended Cost
Settlement Draft	5	5	25	\$5,625.00
Settlement Draft review	10	4	40	\$9,000.00
Settlement Finalization	5	2	10	\$2,250.00
Settlement Processing	3	2	6	\$1,350.00
Hold Order Release	45	2	90	\$20,250.00
Close Project, File, Documentation	8	8	64	\$14,400.00
Litigation Grand Total				\$356,775*



What Do We Do?

Risks and Strategies

What do we do? (These still apply!)

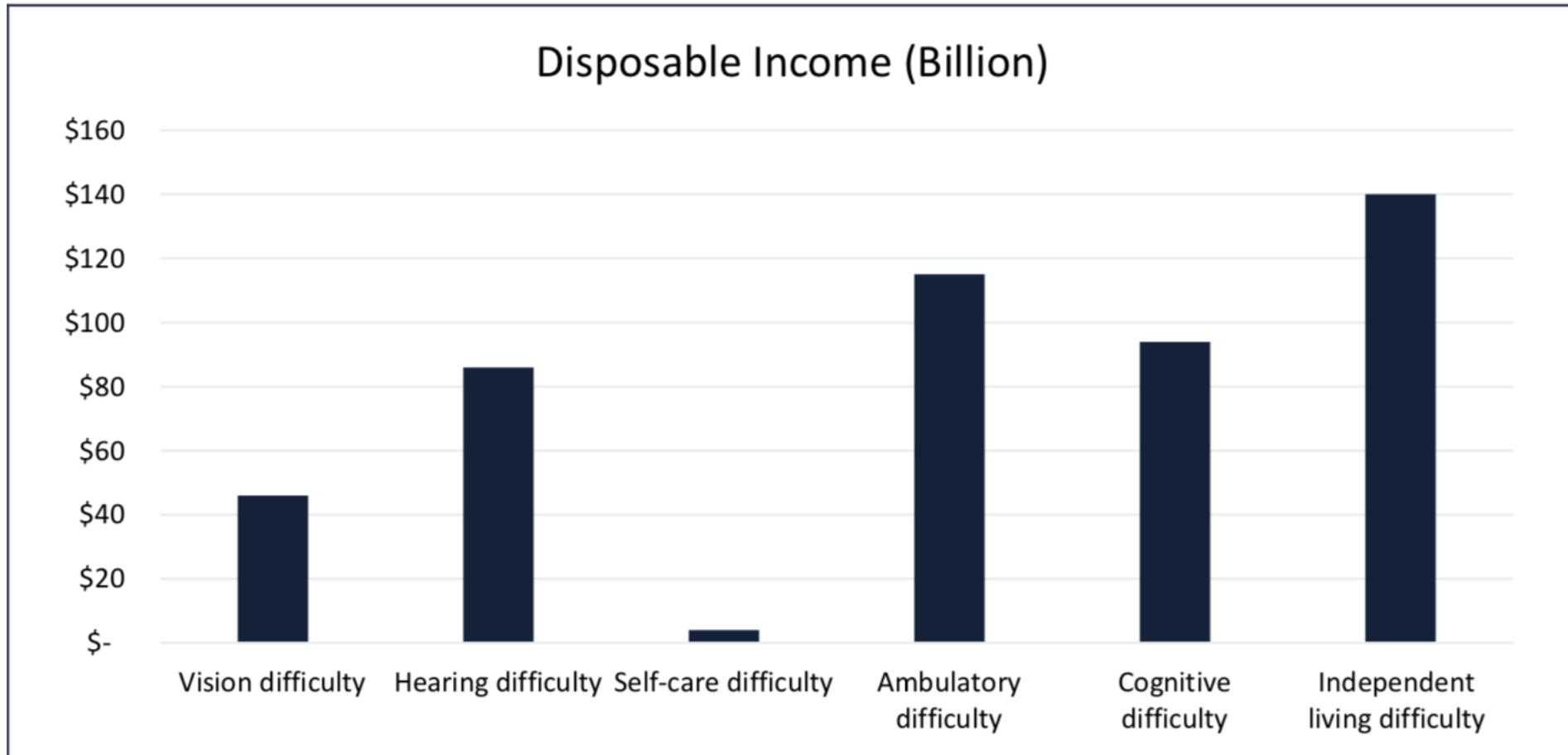
- Eliminate defects making it to production (shift left)
- Ensure you automated reports are 100% clear (no false positives)
- Enable your response channels for customer complaints to handle contacts with
 - Expediency
 - Empathy
 - Efficiency
 - Permanent Fix

Prevent a complaint from becoming a lawsuit

What do we do?

- We already know that litigation year over year has risen a dramatic 181% across a spectrum of industries with both federal and state action
- We already know that focusing heavily on complaint handling can avoid litigation
- We already know that having an accessible digital presence is the best strategy for complaint and litigation cost avoidance

There Are a Lot of People and Money Involved



Pending Study by Nucleus and Deque

- People who are blind abandon two companies a month because of accessibility issues
- Nine out of 10 blind Internet users are vocal anti-advocates for inaccessible companies
- Blind Internet users call customer service once a week because of accessibility issues.
- Related to government, people with disabilities frequently report inability to participate in the political process due to accessibility issues

Efforts to limit ADA lawsuits

- Federal - HR 620
- State (Virginia) - HB 2296

...these are NOT answers to the situation

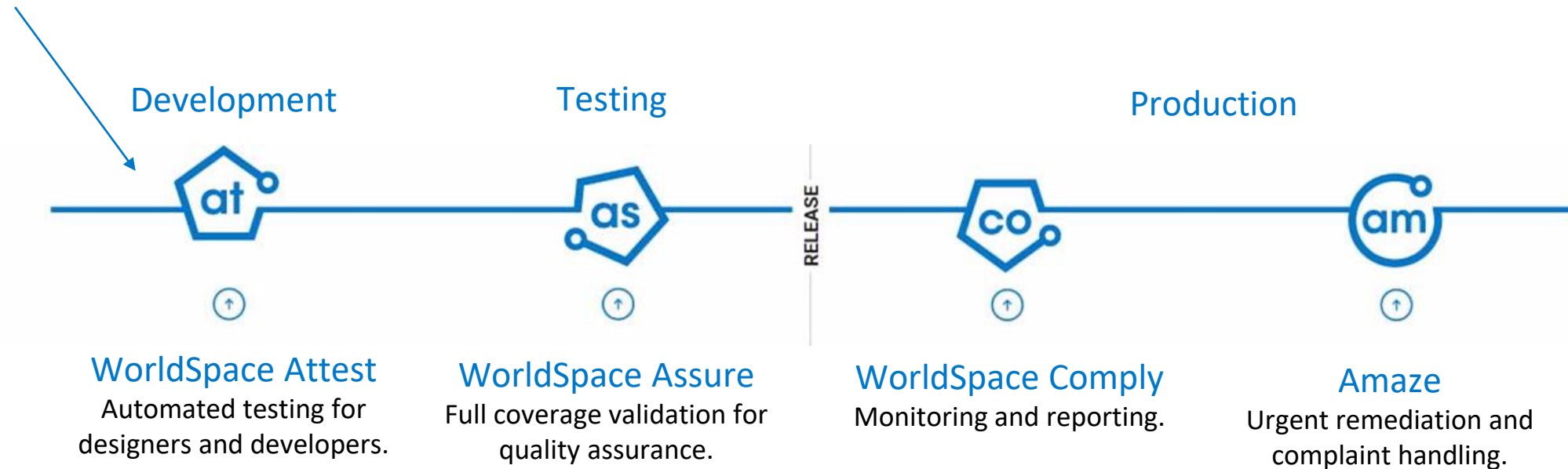


Conclusion

The Best Defense is a Good Offense

Be Accessible – And *Start* from the *Left*

- The Software Development Life Cycle (SDLC), beginning to end
- Start Left



Use This Information to Build Business Cases

- Use your own company data to build your business case from this and reference documents
- Demonstrate that Digital Accessibility isn't really a cost-center
- Share your success with others!

\$490B Disposable Income

35% Working Age Adults

20 Million Working Age Adults

\$356K Lawsuit Cost

181% lawsuit increase

**\$994K 100
Complaints**



Questions?

Now, the Audience Rules

Connect with us



[@dequesystems](https://twitter.com/dequesystems)



[dequelabs](https://github.com/dequelabs)



[deque-systems-inc](https://www.linkedin.com/company/deque-systems-inc)



[dequesystemsinc](https://www.youtube.com/dequesystemsinc)



Appendix

References

- <https://blog.usablenet.com/2018-ada-web-accessibility-lawsuit-recap-report>
- A Hidden Market: The Purchasing Power of Working-Age Adults With Disabilities APRIL 2018
- Anonymized F100 data and stories
- Deque Shift Left (<https://www.deque.com/shift-left/>)