



Are You Next? Trends in Digital
Accessibility Lawsuits

Understanding Compliance Baselines and Implementing Accessibility Initiative

Ken Nakata
Converge Accessibility LLC

2022

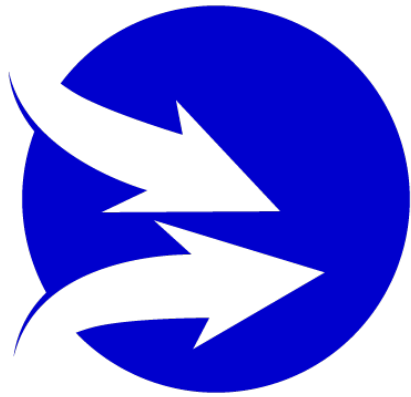
Ken Nakata

Principal, Converge Accessibility LLC

12 years as a Senior Trial Attorney with the U.S. Department of Justice

- Helped shape the government's policies for the Americans with Disabilities Act and Section 508 of the Rehabilitation Act
- Helps organizations manage the change towards accessibility in all aspects
- Crafts policies, develops stakeholder ownership, and forges awareness and commitment to the legal and business case supporting accessibility





CONVERGE ACCESSIBILITY

N A R R O W I N G T H E D I G I T A L D I V I D E

Problems with WCAG

Web Content Accessibility Guidelines (WCAG) 2.1

W3C Recommendation 05 June 2018



This version:

<https://www.w3.org/TR/2018/REC-WCAG21-20180605/>

Latest published version:

<https://www.w3.org/TR/WCAG21/>

Latest editor's draft:

<https://w3c.github.io/wcag/21/guidelines/>

Implementation report:

<https://www.w3.org/WAI/WCAG21/implementation-report/>

Previous version:

<https://www.w3.org/TR/2018/PR-WCAG21-20180424/>

Previous Recommendation:

<https://www.w3.org/TR/2008/REC-WCAG20-20081211/>

Editors:

[Andrew Kirkpatrick](#) (Adobe)

[Joshue O Connor](#) (Invited Expert, InterAccess)

[Alastair Campbell](#) (Normensa)

[Michael Cooper](#) (W3C)

WCAG 2.0 Editors (until December 2008):

Ben Caldwell (Trace R&D Center, University of Wisconsin-Madison)

Loretta Guarino Reid (Google, Inc.)

Gregg Vanderheiden (Trace R&D Center, University of Wisconsin-Madison)

Wendy Chisholm (W3C)

John Slatin (Accessibility Institute, University of Texas at Austin)

Jason White (University of Melbourne)

- WCAG is often too vague
- WCAG includes some requirements that don't directly benefit users with disabilities
- WCAG compliance is impossible because websites are complex and change constantly

Settling Web Accessibility Complaints



- Don't guarantee full WCAG level A/AA
- Don't use WCAG level A compliance only
- Focus on best efforts

Key Components of Accessibility Statements

- 1. Accessibility Commitment.** Organization strives to meeting WCAG 2.1 A/AA requirements for all new web content and existing web content.
- 2. Alternate Means of Accessing Goods and Services.** For instance, a telephone number to access the same goods and services as provided on the website.
- 3. Feedback Mechanisms.** Lets users with disabilities to report accessibility problems.

Baselining and Implement Accessibility

1. Automated Testing

2. Manual Audits

3. Lifecycle Improvements

Automated Testing



Limitations

- Too often, people look at automated testing solutions immediately
- Automated can't evaluate content written for humans

Advantages

- Automated solutions can test clear problems
- Automated solutions useful for metrics

Manual Audits



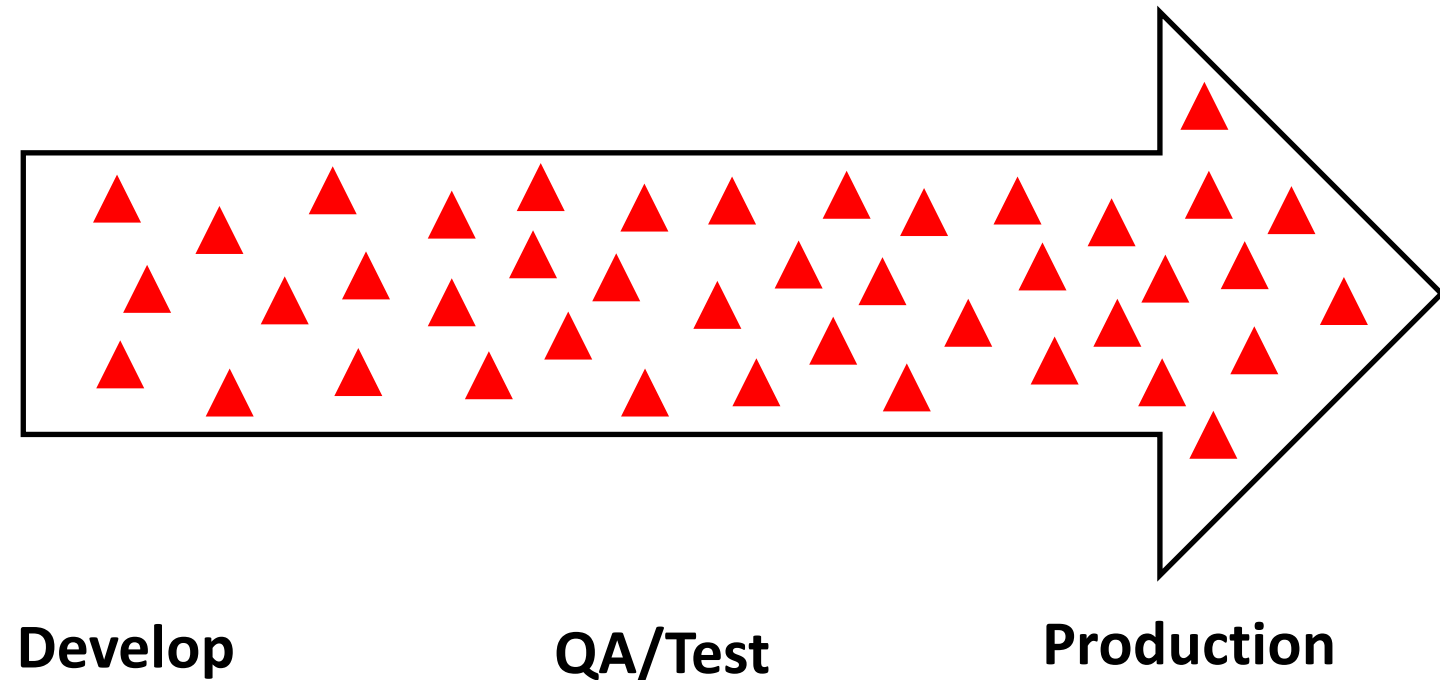
Limitations

- Expensive and difficult
- Lots of effort required for documentation
- No guarantee that all problems will be fixed
- Success difficult to track

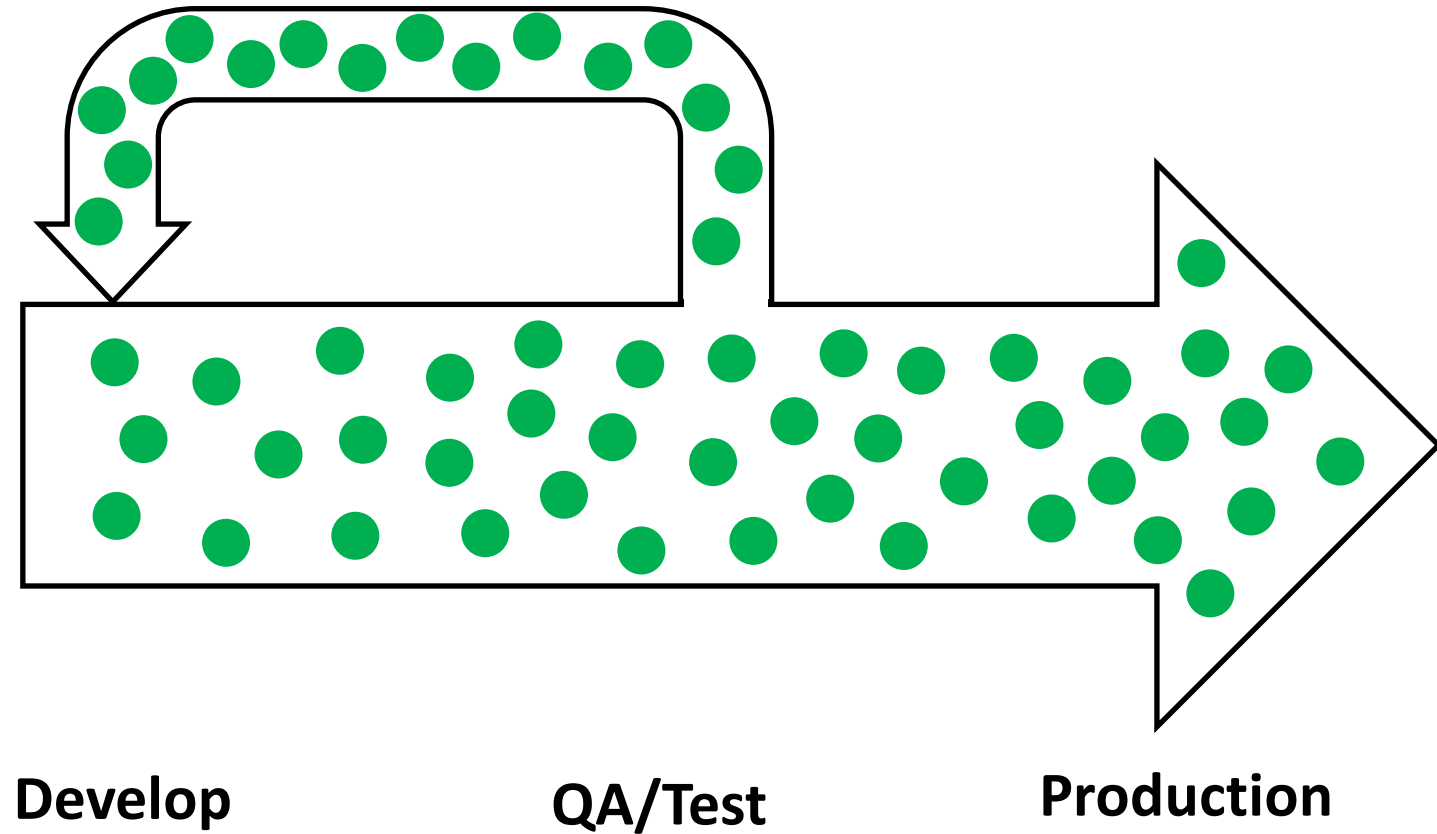
Advantages

- Only way to fully test to WCAG
- Provides clear direction for developers

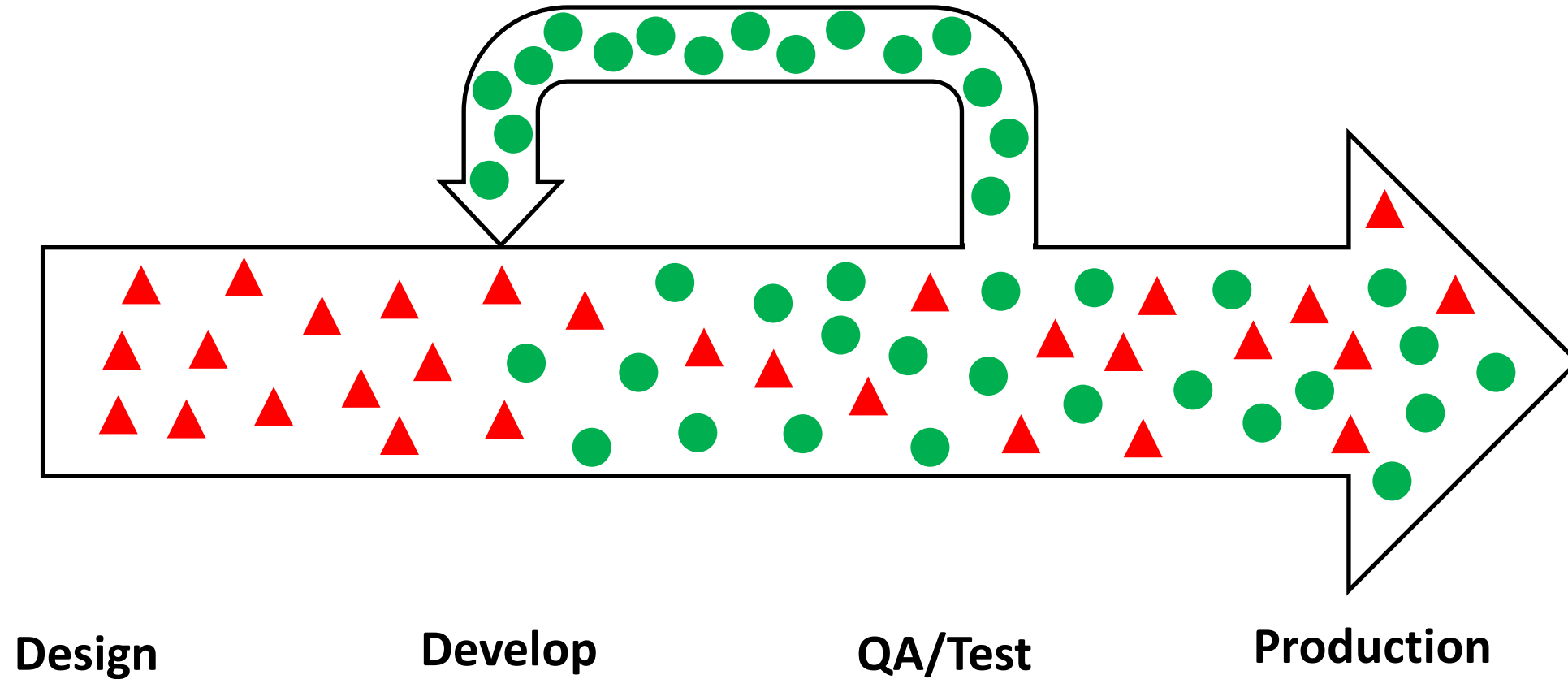
Limitations of Not Reaching Design



Limitations of Not Reaching Design



Limitations of Not Reaching Design









- Clear and objective requirements (aka “core concepts”)



- Clear and objective requirements (aka “core concepts”)
- Refine core concepts by roles



- Clear and objective requirements (aka “core concepts”)
- Refine core concepts by roles
- Clear checklists of what everyone needs to do



- Clear and objective requirements (aka “core concepts”)
- Refine core concepts by roles
- Clear checklists of what everyone needs to do
- Accountability between team members



- Complete set of WCAG requirements
- Training videos for each core concept
- Checklist for each role



Different Approaches:

- Implement WCAG all at once
- Focus on WCAG concept-by-concept
- Focus on WCAG ad hoc as needed



Clear Requirements

- Easy to track WCAG compliance at each stage of web development process
- Creates a culture of accessibility

Thank You!!

Ken Nakata

ken.nakata@convergeaccessibility.com

571.228.2091 (mobile)



CONVERGE ACCESSIBILITY
NARROWING THE DIGITAL DIVIDE