

Selling Accessibility

[00:00:00.50] JENA WALLACE: Thank you so much for joining us for today's session, Selling Accessibility, presented by Karl Groves. Before we dive into the presentation, I just want to briefly introduce myself and take care of a few housekeeping items. My name is Jena Wallace. I'm on the marketing team here at 3Play Media. And I'll be moderating today's session. Just a quick self-description. I'm a white woman in my 30s with wavy, light brown hair and green cat-eye glasses. And with all that taken care of, I will pass things off to Karl, who has a great presentation for us today.

[00:00:33.83] KARL GROVES: All right. Thank you. Thank you very much. And I also want to thank 3Play for having me, for reaching out, and also for tolerating a couple of reschedules along the way. So as Jena said, there's going to be plenty of time for questions. As a matter of fact, this will not go the full hour. So feel free to ask any questions that you want along the way. We'll have plenty of time. Ask anything you want.

[00:00:59.42] So also, happy opening day for anybody who celebrates-- any baseball fans here, it's opening day for a lot of baseball teams, including my favorite, the Baltimore Orioles, because that's where I'm from. And as-- as a matter of fact, let me go ahead and introduce myself. My name is Karl Groves. I'm the founder of a company called AFixt. AFixt is a brand new company I just launched in October.

[00:01:25.88] Prior to that, I've been doing accessibility for about 20 years. I started out as a web developer myself. I got into accessibility via a job at a usability company. Decided I liked the accessibility side way more, worked for SSP BART Group, which is now Level Access, worked for DQ, worked for TPGI when it was called TPG. Founded my own company called Tenon in 2014. Tenon was acquired by Level Access in 2021. And then, like I said, I started AFixt just last year.

[00:02:01.84] You can find me on the socials. I'm Karl Groves everywhere, on every social media outlet. If you see another one, another guy named Karl Groves, who spells his name exactly like mine, but he's a bodybuilder, that's not me. I wish I had his body. But I don't. And so there we go. So let's dive into the presentation, Selling Accessibility, if I can figure out how to operate my slides.

[00:02:29.74] All right. So-- so let's talk first about those things which could be roadblocks for access-- for selling accessibility. Because before we even get started to selling, we got to sort of clear some roadblocks. And there are a lot of mistakes that accessibility advocates tend to make when trying to convince others that accessibility is important. And so the best thing you can do, the first thing you need to do, is not be a jerk. It's really hard to not get frustrated in this line of work. Trust me. I know.

[00:03:04.23] But ultimately, adversarial behavior begets more adversarial behavior. So right or wrong, the outcome is easy to predict. When another person comes to believe that you're difficult, and that you'll accept nothing but perfection, and that you-- what you want will stand in the way of what they want, they're just going to shut you out. So you have to balance this-- you

have to balance criticism and praise. And so instead of being a nag, try to focus on things that celebrate success.

[00:03:39.64] We know that things aren't going to be perfect. We know that accessibility always has room for improvement. But when we see people making an effort, when we see people doing something, and being successful at it, it's always better to be encouraging-- encouraging rather than saying, well, yeah, you did that, but it's not enough.

[00:04:00.04] Everybody wants to be a winner. So celebrating even really small wins is better than beating people up for failures. No matter how kindly you're going to word your criticism, the other person is still going to feel attacked. And trust me, if you know me rather well, I'm kind of a well-known critic. And there's really no way to do-- to be critical of people without getting a clear reputation that kind of sticks with you forever. As a case in point, again, pointing to my own self, I've been working on softening my own reputation for years now.

[00:04:40.93] And I still have that reputation that precedes me wherever I go. And sometimes, I feel like it's never going to go away. But back to the point. Know who you're talking to. Everybody has goals relating to what their specific role is in the organization. And so never let accessibility be perceived as working against those goals. Never talk about how accessibility is going to help with irrelevant goals.

[00:05:13.24] If you're talking to a certain person and you're trying to mention some benefits to making things accessible, make sure that you mention those in the context of-- in the context of the goals that that person has. Seek to make it clear that accessibility helps their goals, if it does. And if you don't know their goals, then ask them. And then adapt your talking points to those goals. That stuff is really, really important.

[00:05:45.58] The next thing we want to do when trying to help sell accessibility is to stop the BS. And what I mean by that, we're going to stop perpetuating a lot of the BS arguments for things like selling accessibility through a business case. OK? This is going to be a little on the controversial side.

[00:06:11.92] But as the note at the very top says, "Conjecture isn't evidence." What most people out there consider to be a good business case argument is never really based on any sort of reality. And so the problem that this presents for us is that executives, who are people who do live in a world of numbers, and calculations relating to business outcomes, and OKRs, and KPIs, and all that sort of stuff, is that they're going to see through those arguments. Right? They're going to see through a lot of those silly arguments that people make.

[00:06:48.80] So for instance, in the accessibility world, a lot of people like to talk about this case study from Legal & General. Legal & General is an insurance company in the UK. It's got-- there's a really well-trafficked-- there's a really well-trafficked case study that talks about how Legal & General improved accessibility of their website and made boatloads of money. And the numbers and stuff that they come up with about this are really solid like, oh my God. This is a huge difference.

[00:07:22.20] But if you actually look at the case study, they went from a-- this was a long time ago, by the way. They went from a pretty static brochureware-type website, all information, and all that sort of stuff, no calls to action, no applications to get insurance, no way to sign up, no way to convert. We talked about conversions.

[00:07:42.77] And then they redesigned the entire website. They added all these calls to action. They added all these conversion flows. They added all these other features. And it was more accessible. Arguably, the site was way more accessible than it had been before that. And then I said, oh, look at all these business improvements that we had from accessibility. And that's just bogus. Right? It's a bit like restoring a car, putting a new engine in it, powerful engine, painting the car blue, and saying, it was the blue paint that made the car go fast.

[00:08:16.12] No. It wasn't. You can't just revamp a website, make it more accessible than the predecessor, and say accessibility made all these business things happen.

[00:08:26.42] So when you go down the path of attempting to prove that the company is going to make new money from accessibility, you need to be prepared to prove a direct correlation between the input and the output. In other words, you need to prove that spending x amount of dollars on accessibility will return you with x times y in return.

[00:08:52.01] So in that process, you need two things. You need to-- you should never, ever, ever, ever, ever claim a break even. OK? So if you're ever going to go down this path of making a business case and trying to use real numbers, do not ever talk about a break even. Because a break even is actually a net zero. OK? A break even is you put, I don't know, a thousand dollars in, you get a thousand dollars back. It's equivalent to doing nothing at all. OK?

[00:09:21.95] So in other words, they're going to-- the business case here is going to say, well, why do why should we do that? We're not going to get anything in return other than breaking even.

[00:09:32.51] And in general, when we're talking about sort of the kind of ROIs that we want from an investment of some kind, try to aim for something that gets you a 3x return, 3x to 5x. That's sort of generally what you're going to want to get out of an investment, especially if it's a sizable one.

[00:09:50.20] The second thing is you should really, really understand the costs and benefits with your argument. You need to know the actual dollars behind what you're going to spend, what you're going to earn, what you're going to save, all that sort of stuff.

[00:10:05.54] So this is where I get into that-- sort of some of those BS arguments, which is people are like, oh, accessibility is going to reduce bandwidth usage. Or accessibility is going to improve the performance of our website. That's BS. You can't do anything to improve accessibility that's going to reduce bandwidth better than taking the 20,000-pixel-wide hero image off the home page, or using lazy loading, or something like that. Actual performance best practices are going to improve that better than accessibility ever will.

[00:10:39.98] So the people who really know that stuff are going to just-- they're just going to call you out for making stuff up. And frankly speaking, I don't really think that there's a business case argument that successfully proves that new money will be earned from making something more accessible.

[00:10:58.67] Here's what I mean by new money, by the way. It's money from people who we would never have done business with in the first place. And ostensibly, at least in this conversation, that new money comes from people who are disabled, or have some other visual, auditory, sensory, some sort of impairment that would have prevented them from doing business with us before.

[00:11:24.71] So why do I think this is a thing that doesn't happen? Well, the other problem that exists is that nobody markets around the change. Right? Ask anybody who's ever built a business, especially one that exists solely online, like a e-retailer or something like that. You're not going to make any sales if you don't market. Right?

[00:11:50.52] And you're not going to make any sales from your target buyer if you don't market to those target buyers. So if we make our website more accessible, and we expect to get more money as a result of making it more accessible, expanding our reach to a new buying population, we don't market to that buying population, we're not going to do that. We're not going to get any money.

[00:12:14.47] And so this goes for accessibility. And it seems preposterous for people to expect that that money is just going to come flowing in because you have a more accessible system, as if people with disabilities are just sort of hunting around the web for, which website is more accessible so I can give them money? It just doesn't work like that. Right? If you want to get real, direct, net-new business from accessibility, you need to make your system accessible and then market the hell out of it. And you will draw new net business if you are, in fact, accessible. Right?

[00:12:50.25] And like I said, the problem is nobody ever does that. So nobody sees that new business. The case, as a case in point, the IAAP tweeted a couple of months ago that said, a survey run by return on disability revealed that fewer than 2% of companies mention people with disabilities in their diversity efforts. So how can we ever get ROI from new money if nobody knows you're doing stuff to help people with disabilities?

[00:13:20.26] So I propose that we reset our approach just a little bit. OK, any discussion that you have when it comes to selling accessibility should be from the perspective that the organization will be spending money on accessibility. Now, I realize that this can be seen as a little bit unrealistic. Very small businesses don't have budgets for this kind of stuff. Some companies have extremely low-risk profiles based upon their business type, their customer profile, their geography, and so on.

[00:13:54.67] And so they don't have a compelling need to be accessible other than the fact that it's the right thing to do. But assuming we're talking with someone who's not one of those, there's only one perspective needed. Right? The money will be spent eventually. The issue to be

addressed really is, how much money will be spent, when will it be spent, and what will we spend it on? The primary roadblock to selling accessibility is one of awareness. OK?

[00:14:25.81] Once the awareness exists, the single universal reality is that you will be spending money on accessibility. So let this be the mindset that you use when walking into any conversation about accessibility. Your message to the other people that you're talking to is that you will be spending money on accessibility. It's your choice whether that money is good money or bad money.

[00:14:55.21] So what do I mean by good money versus bad money? So the good money is going to be money that we spend on tools, on infrastructure, on services, and on salaries that are intended to go directly, or indirectly, towards generating revenue for the company. All of this money has a direct line between those inputs and outputs that I talked about earlier. On the left-hand side of this slide, the good money costs-- development of new features, right, increases in efficiency of the company and stuff.

[00:15:32.88] That's good money because that money has an input and an output. We're developing new features. Those new features make us more money. We've increased in efficiency. That increase in efficiency gives us new money. So the-- like I said, the salaries of the design, development, QA staff, that's the input. That leads to the net profit output. Tools and things that make those people more efficient makes their jobs easier, also contributes to that input. And that is good money.

[00:16:04.28] Bad money is all money spent that diverts resources away from the good money activities. So when it comes to web and software development, for instance, fixing bugs is bad money. So if we ever want to-- if you ever want to think through about, Why do we have all these accessibility bugs in the backlog, and they're just sitting there rotting, and where the team never fixes them? the reason why is that's bad money. Fixing bugs is actually bad money. Fixing bugs is doing work for a second time.

[00:16:41.49] So the cost of fixing a bug on a feature adds the cost of the feature and, in return, reduces the net profit on that feature. That's why that stuff happens. So in the spirit of honesty, we need to be open about the fact that consultants are bad money. The thing with accessibility consultants and all that sort of stuff is, yes, it's bad money. But they prevent us from spending more bad money, or other bad money.

[00:17:12.86] And so done well, that actually reduces future bad money expenses. So I don't mean to say that we never want to spend bad money. We have to. That's called tech debt, right? And so tech debt gets paid one way or another. But tech debt that gets paid could either be in our consultants, and in our tools, and in our other stuff, or it could be in lawyers and those sorts of things. So the tech debt does get paid. But we do need to understand that consultants and things like that, that's actually still bad money.

[00:17:47.05] So I sort of lied a bit ago when I said the decision is whether you spend good money or bad money. When it comes to accessibility, it's always bad money, at least at first. Accessibility is disruptive. Right? Almost nobody in this-- these attendees, there's 121 people

here. And I guarantee you almost none of you are working on a greenfield project. What I mean by a greenfield project is it's one that's brand new, we're just starting out on a brand new project, we have a blank slate, we can choose everything right from the beginning.

[00:18:22.31] We can shift left, as a lot of people try to say, and then avoid problems. Right? Very few of you are doing that. So the accessibility work on an existing system is disruptive. Right? It's inevitable that getting started in your accessibility journey in an in-progress project or system that's already been deployed is going to find issues. I've never seen an error-free website or software application of any complexity. And in fact, the historic average number of issues logged by an accessibility audit in my prior company, Tenon, is 134 in a single audit.

[00:19:04.14] In other words, when a post-production system gets audited by an accessibility consultant, your system is likely going to have dozens, perhaps dozens of dozens, of issues. And so fixing those is going to be disruptive. What is it going to be? How disruptive is that? So this big, nasty math thing that I have on here basically is a calculation of how disrupted that's going to be.

[00:19:35.60] The money fixing these issues is disruptive to our investment that is intended to be generating profit. So for instance, hiring a consultant to perform an audit and then fixing everything found in the audit offers a total cost of disruption for about \$350,000 for a \$10 million SaaS business. This all depends on how many developers you have and all that sort of stuff. But it's based on the reduction of profit from the business.

[00:20:07.36] And here's what I mean. If we have a company that has a gross profit of 10 million, and then we make a simple calculation of the annual profit per developer, we divide that by 2080, which is the number of work hours in a year, that's going to give us our profit per hour per developer. And so pretty easily, the cost of disruption is the reduction in profit per developer based on the amount of time that those developers are redirected to fix accessibility problems.

[00:20:42.55] During the a11yTO conference, a friend of mine named Dirk Ginader, who works for Google, shared a stat that Google found that for every hour a UX designer spends on accessibility, they save up to four hours by not having to fix bugs. And again, for every hour a UX designer spends, they save four hours. Time is money, right? So four hours times whatever the fully-loaded salary is for their developers, that will give you the saved cost of disruption.

[00:21:19.50] Accessibility stays disruptive so long as it's treated as a one-time project or a series of one-time projects. Every single time we do an audit and then fudge our way through fixing the issues in the audit, we're spending the maximum amount of bad money. And as a result of this audit, fix, audit, fix, audit, fix mentality that a lot of companies have, they're just compounding this bad money investment. All they're doing is compounding this.

[00:21:54.82] Post-deployment remediation, that is fixing your website or software after it's already released to the world, is the most expensive, most time consuming, least-likely-to-succeed approach to accessibility. And that's why everybody talks about shift left, shift left, shift left. But again, the problem is, of course, that we do have to spend that money, at least once, until we get our stuff together as it were.

[00:22:24.17] So the real business case for accessibility is actually to fix your stuff and keep it fixed. Given that you will be spending money on accessibility, the best business case argument is that the sooner you fix your issues and keep them fixed, the less disruptive it's going to be. So as I said before, the best way to look at accessibility is as technical debt. Technical debt is the cumulative impact on businesses caused by the decisions that we make that reduce quality or reduce our ability to make improvements to the system that are going to increase sales.

[00:23:02.58] And the thing, like I said earlier, about technical debt, it is always paid in some form or another. That debt becomes due. It could be direct costs. It could be indirect costs, indirect costs, of course, being like lawyers, and lawsuits, and that sort of business. But that debt is always collected. Always.

[00:23:25.37] But-- I'll take a drink real quick and say none of this matters. So I just talked about a business case. Right? And I talked about the cost of disruption. And it is real. And I've calculated it. And I have tracked it down. I've seen in my own companies what disruption can cost in terms of money and actual reduction of net revenue.

[00:23:56.96] And so should we be concerned about the cost of disruption? Absolutely. Is it a stronger business case argument than every other option I've heard from people? I believe so. Does it excel accessibility? In other words, does it cause-- is it going to cause your coworkers, your executives at your company, to actually get down with accessibility to start giving a crap? No. It's not. None of the business case stuff actually matters. So while you-- when you get into these conversations with people, you might be asked stuff like, if we spend money on accessibility, what will we get in return?

[00:24:40.20] Your answer to that question will never matter. Nothing you say when talking about business cases will ever actually matter until you shift the conversation to the moral case by saying, would you also apply this logic of trying to get ROI from supporting the needs of other minority groups before you actually do so?

[00:25:07.48] In other words, don't waste your time formulating an answer to a business case question about how many-- how is this going to increase conversions? How much money-- how much disabled people do we have? Don't waste your money on any-- your time on any of that sort of stuff. Respond only with a question like I said before. What other group of people have to prove their value before we can give a crap about them? Don't say it that way. Like I said, I have a reputation for being a little bit confrontational.

[00:25:40.84] Find another way of saying that. But really, that's the actual response to the question. And here's why I say that none of that business case stuff matters. So as I mentioned, my company, Tenon, got purchased by Level Access. Level Access then merged with the central accessibility and then recently just bought UserWay. As a result, Level Access is the single biggest accessibility company on the planet right now.

[00:26:07.07] The next biggest company, for instance, the total number of people at the next biggest company in accessibility isn't even as big as the development team at Level Access. Level Access is based-- backed by KKR. They're a private equity firm worth almost \$6 billion.

And as a result, Level Access has the resources necessary to study what actually motivates people to sign checks that fund accessibility efforts. Right?

[00:26:37.57] So in other words, it's not just getting people to care about accessibility or anything like that. But what actually sells accessibility? What actually gets them to increase the size of your team, hire additional people to do it, get some-- what actually signs those checks? And through Level Access's investigation into this, what has been found is that it is never any sort of business case argument that makes people buy accessibility. It dictates how and when they buy, but not their decision to buy in the first place.

[00:27:16.79] In other words, the business case stuff definitely helps do the t-shirt sizing. Right? Especially when I was just talking about the cost of disruption. That does the t-shirt sizing for you in terms of, How much do we need to spend? How urgently do we need to spend? That stuff matters. But the thing that gets checked signed is doing the right thing. This is going to sound really weird for a lot of you who've been pounded on with these business case questions.

[00:27:47.06] But really, when it comes time to selling the concept of accessibility to people, the first hurdle is actually awareness. That's your first hurdle. Some people just don't really have a concept of what digital accessibility is. Right? They just don't know what they don't know. So awareness is step one. The second hurdle is going to be empathy. Right? I hate to say this, but if you are by chance working for people who've explicitly said they don't give a crap about people with disabilities, it's time for some real talk. You probably should find a different place to work.

[00:28:24.41] And I realize this is like, saying the most privileged thing in the world I could say. Find a different place to work. But the reality is, if you've gotten to a point where if somebody has said, we don't care about people with disabilities, you aren't saying anything to them that's going to change anything. You're in a toxic environment. And that's all there is to it.

[00:28:45.59] Thankfully, most people don't do that. At least in my experience. I've never had people say to me, I don't care about people with disabilities. I've had various other deflections. But all of the business case arguments really fail in one specific way. They try to make the argument of accessibility about money. The winning argument is about people. If you-- if someone is asking you questions relating to the business case, it's because you have not yet convinced them about what the right thing is.

[00:29:19.49] They're sort of grasping for that business case stuff because they don't really know what else to ask. It's elusive. It's squishy. It's hard for them to put a handle on. So that's what they grasp for. So let's spend the rest of our time here talking about putting these two concepts together, the business case arguments and the moral arguments. OK?

[00:29:47.85] How do we-- how do I click that thing? OK. How do we sell accessibility? I don't mean to suggest that the business case stuff has no value. Like I said, it does have value. It just has no value in convincing people to get started on accessibility. So the value of the numbers and stuff that I shared earlier really helps steer how we do accessibility. We need to first, like I said, confront our two hurdles, awareness and empathy. So resist that smokescreen of business case arguments because that's not what's going to change their mind.

[00:30:22.29] Resist arguments, hostility, nagging, and accusations. And always try to redirect the conversation to a discussion of the human aspects of accessibility. So what I like to do is a thing called assuming the sale. If you've ever heard of salespeople talk about that, it's called assuming the sale. And actually, I'll take it another direction even more. Assuming the sale in sales means you're kind of being pushy, and you're assuming that they're just going to buy and that you're going to push them into it.

[00:30:53.02] But I used to work for a guy. I think I mentioned earlier in my talk that I worked for a usability company. And the owner of that usability company was the single best salesman I've ever met in my entire life. And he never sold. The best salesman was not a salesman. What we would do, though-- let's say we had a meeting scheduled to talk to somebody. They wanted to talk about doing a usability study or something like that. And the sales call was often him at the company whiteboard sort of writing down notes, and taking notes like it was a-- he'd already gotten the job. Right?

[00:31:28.09] This was the kickoff meeting. And he's talking about what we're doing. That's what I want you to talk about. Assume the sale. So assume that they're already going to adopt accessibility. They're already going to do this. You just need to steer them in the direction of what they need to do. So the next thing you're going to do is ask questions. And I'll talk about that next, is you're going to start learning to ask questions instead of arguing. Ask questions.

[00:31:57.13] And then the other thing people need to learn how to do is shut up. This is a problem with a lot of salespeople in general anyway. But it's also a thing that people fail at when they're trying to convince someone of something. When we're trying to convince someone of something, we always want to just pound them over the head with facts. Right? We want to say, don't you know that there are-- 20% of the US population is people with disabilities? Don't you know that-- blah, blah, blah. That's 540 million people. Whatever. We want to beat them over the head with facts.

[00:32:33.07] And actually, let's learn to ask questions instead. So during conversations in which you're trying to persuade someone of something, it's always better to ask questions than to bombard them with those facts. You don't want that person to-- you don't want that person to be persuaded. That part's easy. Right? What you want for them is to take action. You want for them to actually start fixing stuff. So the best way to do that is to ask them questions because the answer to those questions is going to give you the data you need to ask more questions, and ultimately get them to decide to take action on their own.

[00:33:13.98] So I had some questions on this slide like, what have we done to address accessibility in the past? Now, the answer might be nothing. That's fine. Or they might talk about things that they've tried to do that they failed at. Right? What they've tried to do that did work, but they didn't stick with it. Then your follow-up question is, well, why didn't we stick with that? What happened to sidetrack that? And then they're going to answer that. And then you're going to say, what can we do to make sure that doesn't happen again?

[00:33:41.92] These are the things that you need to start practicing doing so that you can steer that conversation where you want it to go. So how disruptive would an accessibility lawsuit be to

our business? The answer might be like, well, in the past, we've had these people that we had to settle. We paid \$25,000 to settle it. And we had to fix the site. And we had to fix the site, and within one year. And we hired-- so that's going to be-- they're describing how disruptive it's going to be. And then your follow-on question to that is going to be, well, what would it take for us to avoid having to deal with that again?

[00:34:25.09] Or what are we doing to avoid dealing with that again? How are we going to reduce that disruption? Again, ask the question. Ask a follow-up question. There we go. Another powerful one, if you are in a situation where you can be a little confrontational, do you agree that the civil rights of people with disabilities is as important as race, gender, sexuality, and ethnicity?

[00:34:50.93] This is really good in a situation where you already know that the company mission statement talks about equal access or if they have a active DEI program, or something like that. Do you agree that these civil rights are just as important? They're going to say, yes. Right? They're going to say yes.

[00:35:12.32] So-- so then, we can carry on. What is preventing us from taking a more proactive approach to accessibility now? I want to interrupt real quick because there's a question in the Q&A. We have an attendee who says, they're disappointed they're not utilizing CART services or live captioning. No, actually there is a live captioner on this. So just wanted to mention that.

[00:35:38.63] Anyway, getting back to it. But in this process of asking questions, it's really vital that you shut up and let the other person do the talking. I could do a really long talk on the psychology of persuasion. But the important part is that the more you let the other person talk, the more they are invested in the outcome. And from a selfish perspective, offers us the ability to learn more about what motivates that person. Have we ever lost a sale due to accessibility issues?

[00:36:11.45] This is a really big one. For a business-to-business company or a company that sells to government entities, this is really great because a good sales organization is going to be tracking the reason that the deals are lost. So the executive leadership is going to be regularly reviewing those reasons. If your company sells to the federal government or to higher ed clients, this can be the only argument you need. Have we ever lost sales due to accessibility issues?

[00:36:42.71] If they say we don't, or we haven't, say, are you sure? Do we track that as a loss reason? If we're not tracking that as a loss reason, why not? Because that way, we'll know. And we'll be able to put real money to the-- to this process to say, look. We've lost a sale. We are-- massive government contracting company. We've lost a bunch of money.

[00:37:09.19] Now, you know what your budget could be. Right? We don't want to lose any more of those sales. Do we? How much was that? What do we need to do to make sure that doesn't happen again? That sort of thing. Another one that I like to use, do we currently track accessibility issues as a specific type of issue? If they say, no, then ask, who do we need to talk to so we can start doing so? Again, getting that data. Do we currently track accessibility issues as a specific type of issue? They'll probably say, no. But if they do, that's great.

[00:37:41.95] Or if you can talk them into doing it, that's great as well. Because now, you have data to say, hey, look. This is a quality issue in our product. We currently have 500, I'm just making numbers up, issues here relating to accessibility. That's kind of a big problem. What do we need to do to start working on those? Who would be responsible for allocating resources to accessibility? Hopefully, they know who this is. They're going to tell you. Because that's actually the person you should be talking to. What have we done to address the accessibility in the past?

[00:38:12.50] If they have done stuff in the past, then follow up with, What went well? What went poorly? that sort of stuff. Selling accessibility is a nonstop exercise. If you're really trying to make the case for accessibility at your company, then understand that it's not going to stop. Right? So selling accessibility is a nonstop exercise. You're going to probably be having the same conversations over and over at your company, or even over and over in your career.

[00:38:50.03] You'll be having them over and over with multiple people in your company. Sometimes, you'll be having the same conversations with the same people. And that's kind of OK. Right? Everyone has priorities and passions. And there's just might not be the same as yours. And that's OK too. But the best advice I can give you is to make asking questions the way that you approach all conversations when you're trying to persuade people. So I have a five-step plan to be truly persuasive.

[00:39:21.16] First, don't use silly business case arguments, especially those that don't move the needle on revenue. They're not going to matter. Don't be a jerk. Don't be combative, argumentative, or accusatory. Do ask questions. In fact, practice asking questions to steer the conversation in the direction that leads directly to the outcome that you want. And on that note, don't engage in a conversation that doesn't have a specific attainable goal. Right?

[00:39:52.81] Some other studies that I've seen around this sort of thing have shown that executive sponsorship is one of the most important things you could ever do to get accessibility throughout the company. As a matter of fact, there's a friend of mine named Chris Law. And he-- you could look up his PhD paper. Chris Law is-- I think it's Responding to Accessibility Issues in Business, or something like that. If anybody needs a link to the paper, needs to get an introduction to Chris, let me know. And I'll do it.

[00:40:26.53] But his paper-- in his PhD paper, what he did was sort of track down the common traits of companies that were successful at accessibility and companies that were unsuccessful. And the successful ones, one of the universal traits among them was executive sponsorship. So imagine you are now trying to get that executive sponsorship. You don't want to-- you don't want to get into a conversation with an executive about accessibility that you're not prepared for.

[00:40:57.66] So make sure you're prepared. And make sure you're prepared to leave the conversation with a specific attainable goal at the end of it. Right? If you don't have that, reschedule it for a time that you're going to be better prepared. It's totally fine. So but make sure that you're prepared to have a discussion. Keep the discussion focused on one thing. Attain that thing. Come back for more. It's way better than trying to eat the elephant all at once.

[00:41:26.57] Use the conversations that you do have as ways of gathering data that you can use later. Again, just using the example I just mentioned before, do we track accessibility as an issue type? That's your question. The answer you get is data. Right? If they say yes, now you have the data point that opens the door to more questions about how many. What kind? And so on.

[00:41:51.68] If they say no to that question, now you have a data point that allows you to steer the conversation to say, who should we talk to so that we can start tracking it? Just learn to use asking questions as a way forward. So this is my last slide. Use the data. When you have the data, use the data. Ultimately, the lesson on the business case for accessibility isn't one in which we use the case to prove that accessibility is important. Accessibility is important. Right? You don't need to prove that. You don't need to prove that to anyone.

[00:42:27.57] The business aspects, though, the business case stuff, is to decide what to do, and how to do it, and when to do it. So just actively discourage those questions relating to the business case, because that's not why people are going to do it anyway. Again, like I said, those questions come from ignorance. Repair their ignorance, shift the conversation towards action, and the business data is how you steer the eventual conversations by asking questions related to the specific actions to be taken around accessibility.

[00:43:00.81] Ask questions, use the data, and you will succeed in selling accessibility. And now, we have time for questions.

[00:43:13.19] JENA WALLACE: Yeah, thanks so much, Karl. This really does seem to resonate with a lot of folks in our audience today. We have a very lively chat. We've gotten some great insight and questions. Several folks in the chat were asking about that Google stat where you mentioned, let's see, for every hour a designer spends, they say--

[00:43:38.69] KARL GROVES: [INAUDIBLE]

[00:43:40.04] JENA WALLACE: Yeah, the 4-to-1 stat. And they were curious if that's published anywhere.

[00:43:46.80] KARL GROVES: I don't know. It was just-- I took note of it when Dirk mentioned it in his presentation at a11yTO. Let me take-- let me take a note I'll see if I can find that, if I can get Dirk to share it on Twitter or something.

[00:44:02.75] JENA WALLACE: Cool. Yeah. I know there are a lot of people that were very interested in that.

[00:44:07.49] KARL GROVES: Yeah.

[00:44:08.66] JENA WALLACE: Another question that came up that I think you kind of answered, but we'll just go through it for due diligence. Is it fair to say that providing more access does increase visibility to business opportunities just in number of clicks?

[00:44:25.44] KARL GROVES: So I guess one of the things I'll say about business cases is that a lot of them are very-- they make sense. Right? On the surface, prima facie, it's like, yeah, this is obvious. Right? The problem is that there's no evidence for it. So is it fair to say that providing more access does increase visibility? I would say, the answer is more like, it can increase-- it can increase visibility.

[00:44:55.04] But again, going back to the other statement, which is it's not a, if you build it, they will come thing. People aren't just randomly getting filtered through Google to wherever. It's got to be-- you got to market to people in order to see that sort of-- see that sort of effect is by marketing to people.

[00:45:20.90] JENA WALLACE: All right. Next question we have is, what is your advice for spreading accessibility knowledge and confidence through an organization of over a hundred people?

[00:45:35.60] KARL GROVES: I'm going to steal something from a friend of mine named Billy Gregory. He actually is one of the organizers of a11yTO. And that is just to do it. So he worked for, I believe it was Deloitte and Canada before he worked for TPG. And his way of spreading accessibility was to just do it. And what's cool about that is just do it, and then talk about it, and show how cool it is. Like, hey, let's take a video player for an example. Because you guys do videos.

[00:46:10.99] So let's say you go in there and you fix a problem with the video player's accessibility. And then you show somebody like, hey. Check this out. Before, I couldn't use my keyboard to adjust the volume on this. And now, I can use that. Think about all the people who eat lunch while they're watching videos, or who have dexterity problems, or whatever. Demonstrate it. And I think that show-- that helps to show people it's not as hard as they think it is. It's not as nebulous as they think it is.

[00:46:49.13] It's super easy to do. It's not a big lift. It's a large number of incremental changes and that sort of thing. And that sort of-- it tends to take on its own life. I've seen it at companies where there was one or two developers who really cared a lot about it. And as they were improving things and talking about it, it sort of spread through like a virus of people saying, oh yeah. This isn't that big. Look at all this. And it's almost like a challenge.

[00:47:19.58] Because I believe strongly that people like to do good work. People don't want to do a bad job. You know what I mean? So when they see a new way to do their job better, they actually tend to like it.

[00:47:33.99] JENA WALLACE: So kind of along those same lines, but kind of broadening it, and bringing it to a bigger picture, how would you navigate situations where there is a disconnect between the leadership's stated commitment to accessibility and then the actual allocations of resources or support?

[00:47:54.66] KARL GROVES: I probably would start by asking questions. We do know that companies make-- they have certain things that they say in their mission and vision statement

and all that sort of stuff. And they're often rather aspirational in nature anyway. But I'd start with asking questions about where the disconnect is, like why that disconnect is there. And I would also start putting that mission and vision statement, or variations thereof, in my conversations as I'm asking questions. You know what I mean?

[00:48:30.85] So I'm aware-- I'm aware of an organization that talks about creating equal access to consumers of all kinds. Right? That's almost-- that's my paraphrase of their thing. And so then, the conversation can become that-- is there a way that we can include disability as one of those things-- as those consumers of all kinds? If we're going to meet our vision, we need to do these other things. How can we start doing that?

[00:49:03.33] So that's kind of where I would start with that is to start using the specific language, or paraphrasing that specific language, around the mission and vision statement almost as a subtle reminder that it's there, and that you're thinking about it, and using that in your arguments. And then, of course, again, like I said, ask questions about why we're not doing that.

[00:49:29.12] JENA WALLACE: So we have another question. It's a little long. But I think it gives a good idea of the context. I know toxic scenarios should be avoided. But as a disabled disability consultant, it's one of the most common scenarios. An org knows it should be accessible but doesn't really want it. So hiring an accessibility consultant is the only step they're willing to take. They say, yes, we should be accessible. So make our existing assets accessible. But don't change our branding, writing standards, designs, or development processes.

[00:50:02.65] Yes, it's not a great situation that should be avoided. But I don't want to walk away because they're taking the first step and at least letting the disabled voice in the room. How could I deal with this scenario?

[00:50:16.73] KARL GROVES: Well, by staying-- it's hard to-- it's hard to answer this. But I would say that by staying there as the consultant and helping them, helping hold their hand in the right direction. You might not think it's working, but it really is. I know that people feel-- because I've been doing this consulting thing for a long time. And I know that there's-- that it is extremely frustrating for me to see companies that have the same problems over and over.

[00:50:52.81] I can't tell you how many times I've done audits for a customer who then come back with another product, a newer product, that should have-- they should have learned their lesson the first time around, and next thing you know, it's just as bad or worse than the prior one. And just going through that over and over.

[00:51:14.11] And so that is frustrating. It's disheartening. But I would just say, definitely continue the fight. You are making a difference. And try to steer them into more effective things. And say, hey, look. I realize that these are not on the top of your radar. But asking the question, when do you think we can start tackling that? And just not-- just not stop. Don't be too dissuaded.

[00:51:43.74] JENA WALLACE: That was some great advice. More questions keep rolling in. So we'll do as many as we can in the time we have left. Our next one, as someone who's not a

legal expert, and I know about Lainey Feingold, but is the legal threat approach really that effective? People would want specific cases. And getting access to that stuff feels like a minefield. Any sort of advice around that?

[00:52:09.72] KARL GROVES: Again, I don't really-- well, I don't have the data for this. But I'll tell you what my gut says. I don't agree with some of the lawsuits that are out there. Now, Lainey aside, because Lainey is amazing, Brown, Goldstein, and Levy, they're amazing. There are ethical disability rights lawyers out there who are amazing. And then there's the ADA trolls. Right? Southern District of New York, Pittsburgh, Florida, they're filled with them. And I don't agree with that approach that they're doing.

[00:52:46.68] But it's hard to ignore the fact that I'm starting to see accessibility more and more all over the place compared to what it was like in the earlier days in my career. Because in the early days of my career, lawsuits just weren't a thing. So it's hard to say that that doesn't work. But I would say that you've got to be really careful about that one and focus, again, like I talked about, the cost of disruption, which is the cost of disruption you-- that was focused on development resources and things like that.

[00:53:26.19] But the cost of disruption also can include legal fees and settlement fees. So based on some private conversations I've had with lawyers, the average settlement fee for one of these drive-by ADA trolls is about \$23,000. So you add that to our cost of disruption. And then add what your lawyer is going to cost you, which mine is \$500 an hour. And so even if you're-- even if you settle that quickly, you still could be in the \$10,000 range if you're just settling that sort of thing quickly.

[00:53:59.61] So that cost of disruption is also a big deal. The other thing, too, to note is the lawsuit thing can be really powerful depending on the industry. If you're in retail, yeah, you got a really high risk profile. If you are in banking, insurance, that sort of stuff, those have always been pretty big-- really active areas for lawsuits. So that's another one. But if you're in-- let's say you're a company that manufactures starters for cars, and it's a purely B2B thing, you're not even selling to consumers, your risk profile is nothing.

[00:54:41.10] And so you don't want to use that as part of your argument because it's bogus. So you want to understand your industry. You want to understand your risk profile. If you can leverage the cost of disruption for lawsuits, I totally would.

[00:54:57.35] JENA WALLACE: Just a quick note about since Lainey Feingold was mentioned. We love her here at 3Play. And we actually did a two-part webinar session towards the end of late last year. And I would highly recommend checking that out for anyone interested more in the current-- digital accessibility legal landscape. She gives a really great nuanced perspective. And yeah. We will pop that link in the chat for you.

[00:55:27.26] KARL GROVES: Yes.

[00:55:28.91] JENA WALLACE: I think this will probably be our last question. Thanks so much, everyone, for engaging and asking really amazing questions and putting-- having a great

conversation in our chat. It's always nice to see. Curious if you have any best practices for those who work in the public sector. We are supposed to comply with federal regulations. However-, we often, if not almost always, fall short. How can we persuade people that this is necessary?

[00:56:01.51] KARL GROVES: Well, I guess that's another really great case where you need to start with the executives. The executives-- just like in private sector, the executives are the ones who have budget. They allocate that budget. And those budget allocations go towards the things that they find most important for the mission of the organization. The difference in private sector and public sector is private sector, the outcome is more revenue. Share value for if they're a-- if they have investors, that sort of thing. That's the outcome that is desired for the private sector.

[00:56:45.23] Public sector is different. It's meeting whatever the mission is of that particular agency. But at-- that starts just-- and in both circumstances, it starts at the top. It starts with the people who actually allocate the budget. Budget is really where you see what they think is important. Right? The things that they think is most important, the things they spend the most money on. The things they think are least important are the things they don't think is really important. And sometimes, oftentimes, that's our compliance with 508 or whatever our other regulations are.

[00:57:21.13] So start with those people. If you're not talking to them, you're just talking to the wrong people. And so I would start my journey trying to climb the ladder of ears, so to speak, to talk to the executives. And then ask. Ask the questions, like I said before. Ask the questions. What are we doing? How can we do it better? What do we need to do it better? That sort of thing. That's where I would go with the public sector stuff.

[00:57:51.65] JENA WALLACE: I think that is a great note to end on. So I'm just going to get through some of our final housekeeping items. Thank you, Karl, for being here with us today. We really appreciate it. I'd also like to thank our interpreter and our very own 3Play captioner for making this session accessible today. And thank you to all of you who-- everyone who attended today for asking great questions, and again, sharing wonderful insights. Was a great chat. Thanks again. And I hope everyone has a great day.