

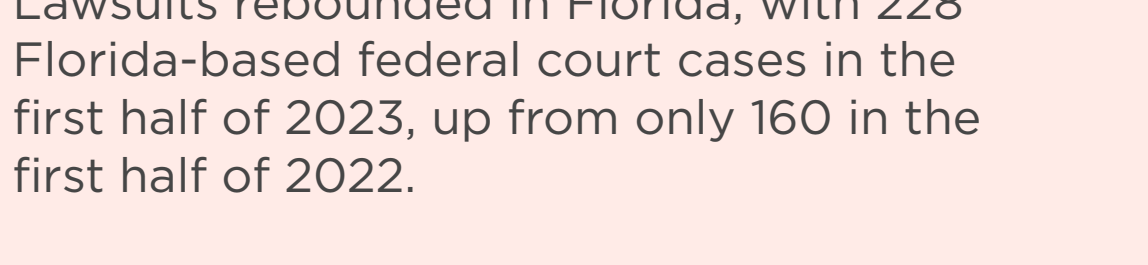
2023 MIDYEAR REPORT

ADA Digital Accessibility Lawsuits: Websites, Mobile, and Video

The UsableNet research team monitors and documents all digital accessibility-related lawsuits where a website, mobile app, or video content is the subject of a claim in federal court under the ADA or in state courts in New York and California. The following report outlines trends found as of midyear 2023. Data and images can be shared when referencing UsableNet as a source and linking to www.usablenet.com

Digital Accessibility Lawsuits Continue to Increase

Number of cases between 2018 and 2023

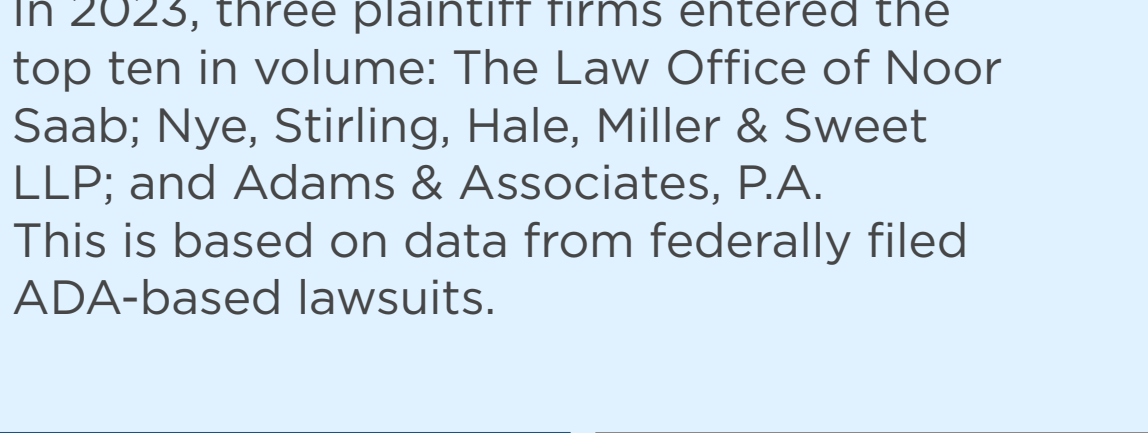


The data predicts another year of growth for digital accessibility lawsuits. This includes cases filed in federal court and those filed in state court in New York and California.

Florida Makes a Comeback

Lawsuits rebounded in Florida, with 228 Florida-based federal court cases in the first half of 2023, up from only 160 in the first half of 2022.

Number of 2023 cases filed in California, New York and Florida



New Plaintiff Firms Emerge

The Top 10 plaintiff firms file 82% of all digital ADA lawsuits. In contrast, the top ten defense firms represent less than 15%. In 2023, three plaintiff firms entered the top ten in volume: The Law Office of Noor Saab; Nye, Stirling, Hale, Miller & Sweet LLP; and Adams & Associates, P.A. This is based on data from federally filed ADA-based lawsuits.

DEFENDANT LAWYERS

"We will defend you, but you should be accessible."

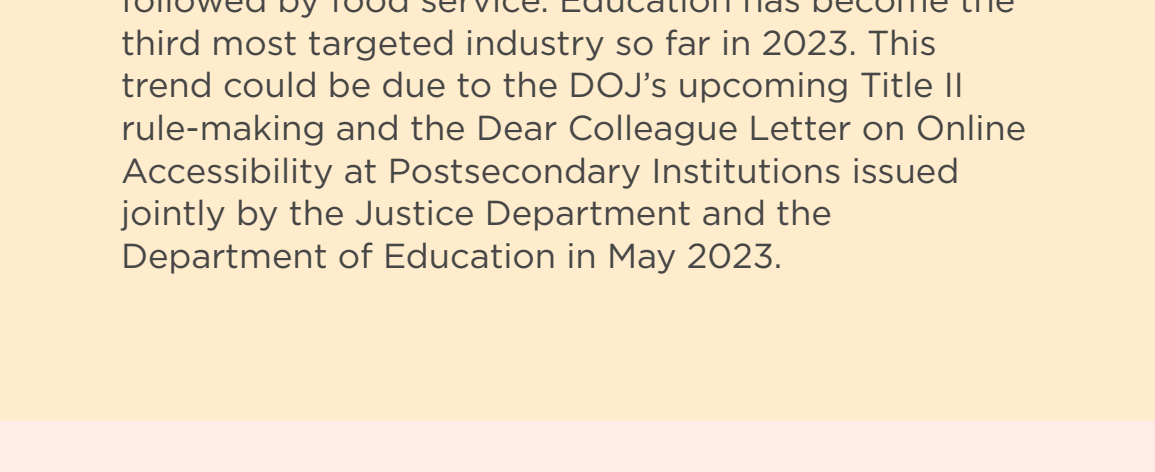


PLAINTIFF LAWYERS

"We will sue you if you do not provide an accessible website."



A New Industry in the Top 3

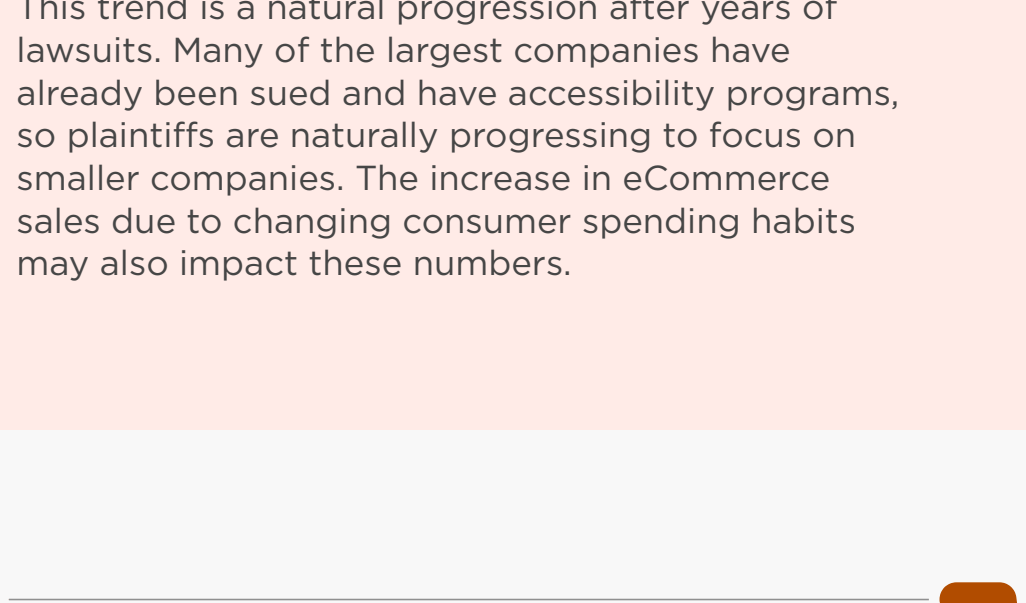


eCommerce websites receive the most lawsuits, followed by food service. Education has become the third most targeted industry so far in 2023. This trend could be due to the DOJ's upcoming Title II rule-making and the Dear Colleague Letter on Online Accessibility at Postsecondary Institutions issued jointly by the Justice Department and the Department of Education in May 2023.

No Company is Too Small

Most companies that received lawsuits have annual revenue under 25 million. This trend reflects how plaintiff firms submit claims in large volumes.

Cases filed among companies with less or more than 25M revenue in the first 6 months of 2023



This trend is a natural progression after years of lawsuits. Many of the largest companies have already been sued and have accessibility programs, so plaintiffs are naturally progressing to focus on smaller companies. The increase in eCommerce sales due to changing consumer spending habits may also impact these numbers.

Big eCommerce Brands in the Spotlight

13% of the top 500 eCommerce retailers received a lawsuit so far in 2023.

81% of the top 500 eCommerce retailers received lawsuits in the last four years. 406 of the top 500 have received ADA-based digital lawsuits since 2018.

Websites are the Most Targeted

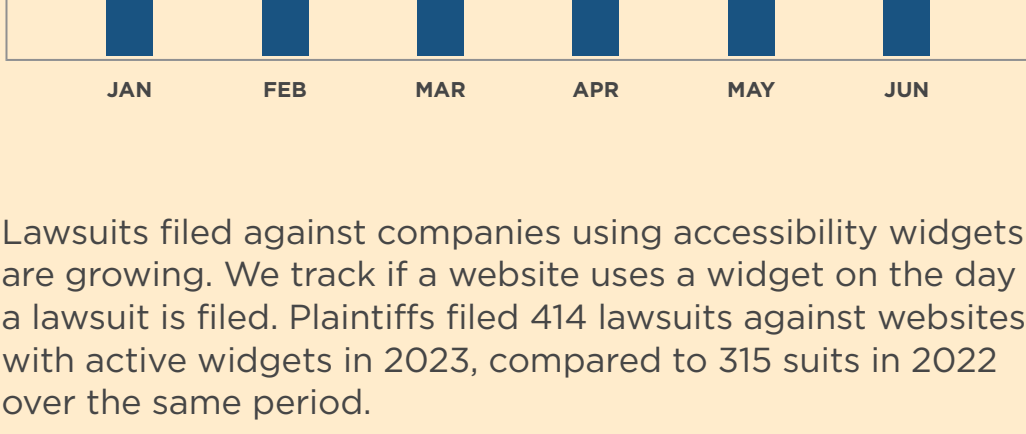
Lawsuits in 2023 focus on websites because they are easy to test and document. Plaintiff firms frequently list accessibility widgets as barriers to accessibility in ADA claims.

95% of cases claim accessibility issues on desktop websites. There are fewer video and app lawsuits than in previous years. Meanwhile, defense lawyers report increasing amounts of demand letters.

Platform	Total Percent
Desktop websites	95%
Mobile websites	3%
Mobile apps	1%
Video accessibility	< 1%
Combined web & app	< 1%
Grand Total	100%

Lawsuits Against Websites with Widgets Double

Number of 2023 cases filed against companies using widgets or overlay features on their websites



Lawsuits filed against companies using accessibility widgets are growing. We track if a website uses a widget on the day a lawsuit is filed. Plaintiffs filed 414 lawsuits against websites with active widgets in 2023, compared to 315 suits in 2022 over the same period.

Methodology

The UsableNet research team reviews all lawsuits filed in federal court under the ADA or filed in state court in New York or California. The cases are reviewed to identify where digital property, including websites, mobile, and video, is the claim's subject. This lets UsableNet keep our clients informed and provide the most up-to-date advice for planning digital accessibility initiatives.

Source

Data is based on UsableNet's research team's collection across multiple legal sources from January 1, 2023, to June 22, 2023.

A trusted partner can help you improve accessibility and reduce legal risk. [Contact us](#) for a free consultation with an accessibility expert.

Get a free evaluation of your website against the latest accessibility standard (WCAG 2.1)

[Test with UsableNet AQA](#)