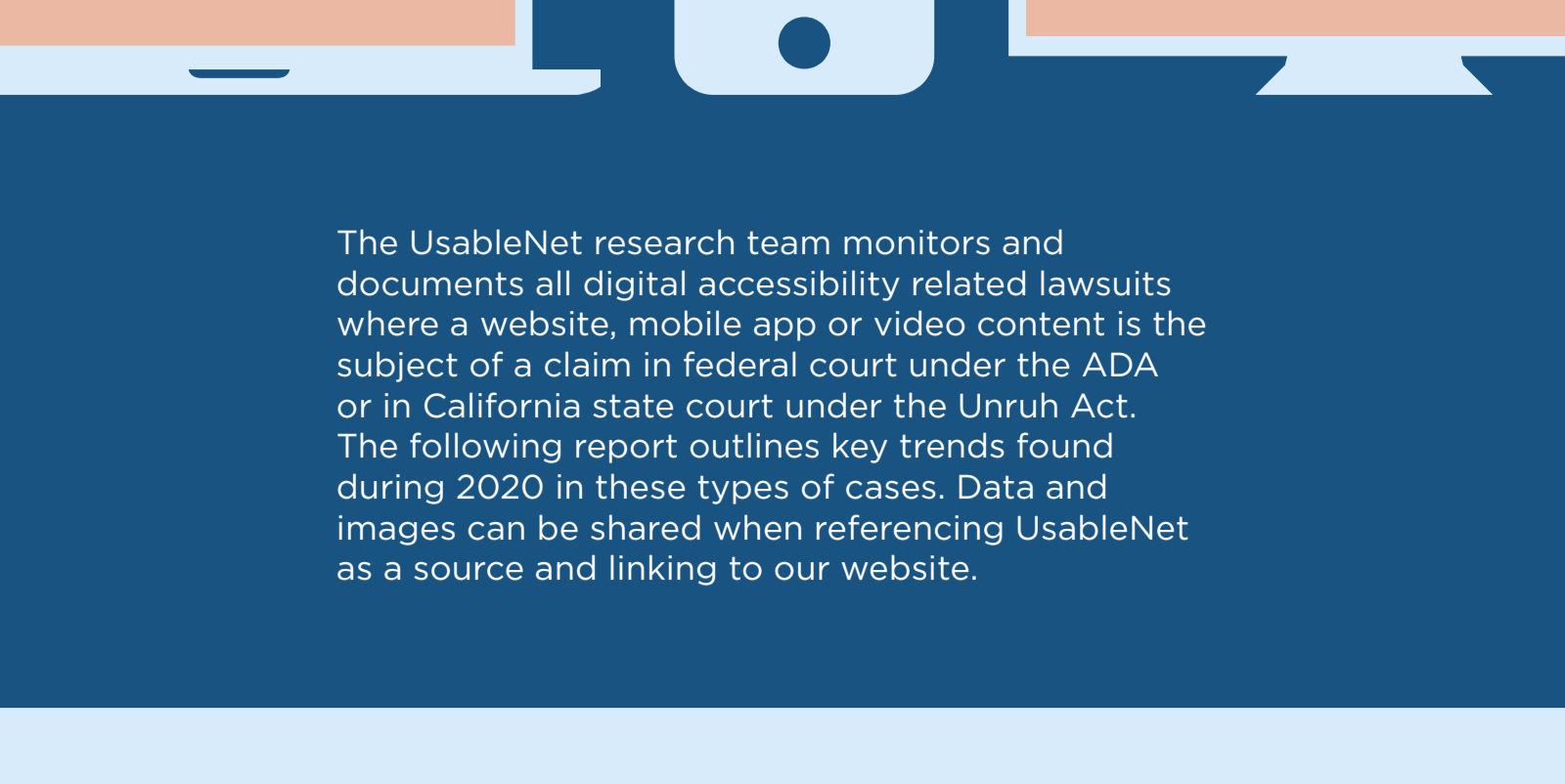


2020 FULL YEAR REPORT

ADA DIGITAL ACCESSIBILITY LAWSUITS

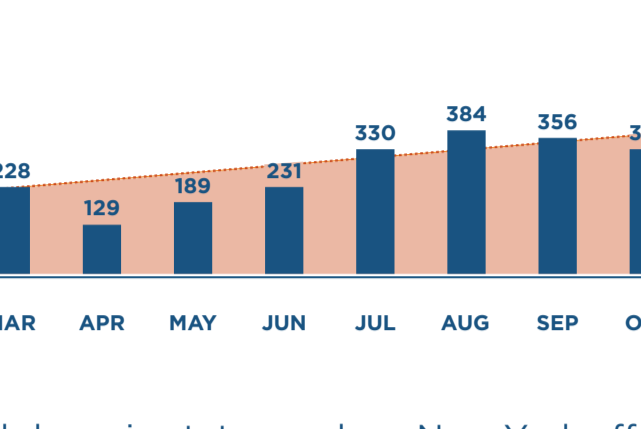
Websites, Mobile, Apps, Video



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 California state court under the Unruh Act. The following report outlines key trends found during 2020 in these types of cases. Data and images can be shared when referencing UsableNet as a source and linking to our website.

YEARLY TREND OF ADA RELATED DIGITAL LAWSUITS

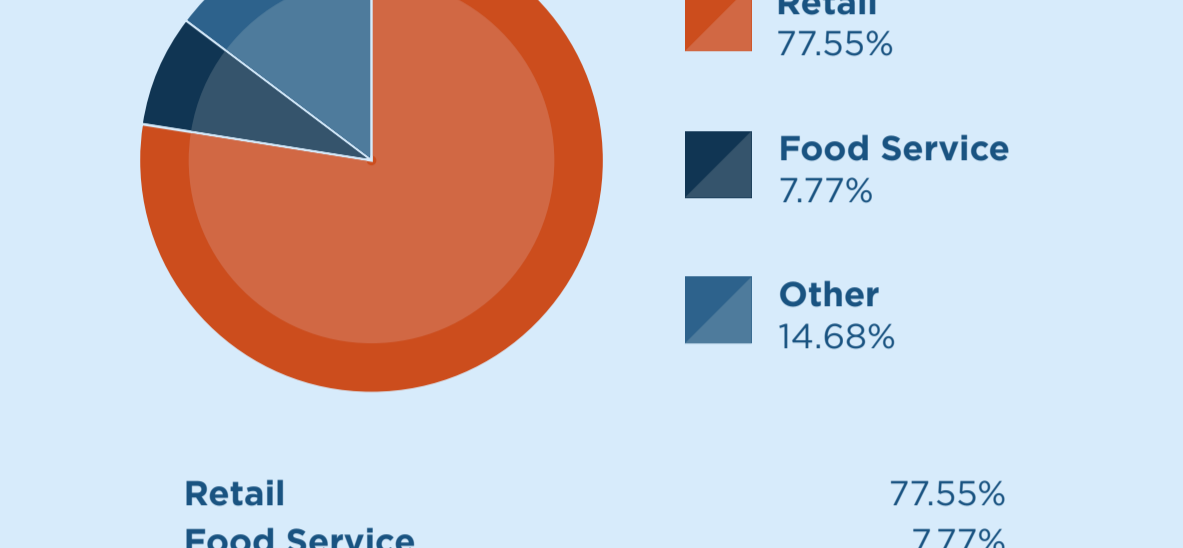
23% increase in 2020.
Almost 10 lawsuits every business day.



ADA related cases in 2020 increased 23% over 2019. This includes cases filed in federal court and those filed in California state court under the Unruh Act with a direct reference to violation of the ADA.

THE COVID-19 EFFECT

Cases rose 50% after slowing during the initial COVID-19 lockdowns.



The lockdown in states such as New York affected filing numbers during the initial lockdown period. After July, plaintiffs increased the rate of filing. By the end of 2020, lawsuits increased by over 50% above the pre-pandemic rate of filing.

INDUSTRY ANALYSIS

Retailers were cited the most in digital accessibility lawsuits. Food Service surpassed Entertainment and Leisure year over year. Education made the top 5 for the first time.



Retail	77.55%
Food Service	7.77%
Other	3.38%
Education	2.45%
Entertainment & Leisure	1.44%
Banking/Financial	1.38%
Insurance	1.32%
Healthcare	1.21%
Travel/Hospitality	1.04%
Automotive	0.99%
Digital Media & Agencies	0.68%
Fitness & Wellness	0.39%
Real Estate Agencies & Properties	0.31%
Telecommunications	0.08%

Retail continued to be the number one targeted industry with almost 2000 retailers being sued in 2020. The Food Service Industry moved up to the number two spot in 2020 adding to an already tough year due to COVID-19 restrictions.

MULTIPLE LAWSUITS, SAME BRAND



OVER 20%
of lawsuits in 2020 were filed against a company that had already been sued at least once in past two years.



Companies and brands are receiving multiple ADA related lawsuits. Sometimes the first is for a website and then for a mobile app. Other times the second is for an additional brand website, or in some cases the same website is targeted multiple times by different plaintiffs. In short, if you are not accessible you are not safe from another lawsuit.

TOP STATES IN 2020



New York	1756 cases	49.46%
California	989 cases	27.86%
Florida	542 cases	15.27%
Pennsylvania	187 cases	5.27%
Illinois	32 cases	0.90%
Massachusetts	25 cases	0.70%
Connecticut	12 cases	0.34%
Indiana	7 cases	0.20%

The top three states make up over 90% of cases. The filing state does not represent where defendants are headquartered. If a company does business in any of these states they can be sued in that state.

LEADING ADA LAW FIRMS

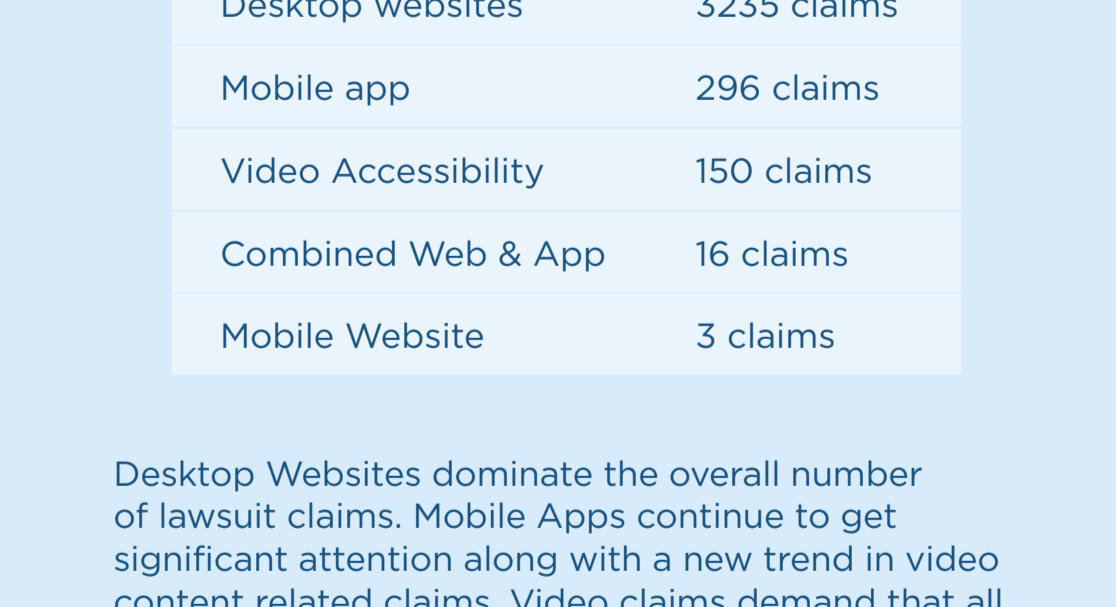
70% OF ALL CASES
are brought by only 10 Plaintiff Law Firms

DEFENDANT LAWYERS <i>"We will defend you, but you should be accessible."</i>	PLAINTIFF LAWYERS <i>"We will sue you if you do not provide an accessible website."</i>
DENTONS US LLP 81 cases	1 PACIFIC TRIAL ATTORNEYS 395 cases
JACKSON LEWIS P.C. 67 cases	2 STEIN SAKS, PLLC 371 cases
OGLETREE, DEAKINS, NASH, SMOAK & STEWART P.C. 60 cases	3 COHEN & MIZRAHI LLP 286 cases
MORGAN, LEWIS, BOCKIUS LLP 48 cases	4 JEFFREY A. GOTTLIEB, ESQ. 238 cases
LEWIS BRISBOIS BISGAARD & SMITH LLP 41 cases	5 CHUNNINGAM LAW PLLC 222 cases
SEYFARTH SHAW LLP 30 cases	6 MARS KHAIMOV LAW, PLLC 189 cases
O'HAGAN MEYER LLC 27 cases	7 BEVERLY HILLS TRIAL ATTORNEYS P.C. 173 cases
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP 26 cases	8 SHAKED LAW GROUP, P.C. 148 cases
LITTLER MENDELSON P.C. 26 cases	9 WILSHIRE LAW FIRM 148 cases
KAUFMAN DOLOWICH & VOLUCK, LLP 17 cases	10 NYE, STIRLING, HALE & MILLER, LLP 108 cases
Grand total 423 cases	Grand total 2278 cases

More than 1,000 different lawyers across hundreds of law firms work as defense for active ADA-based web and app accessibility cases. The majority of plaintiffs are represented by a small group of law firms.

DIGITAL TARGETS EXPANDING

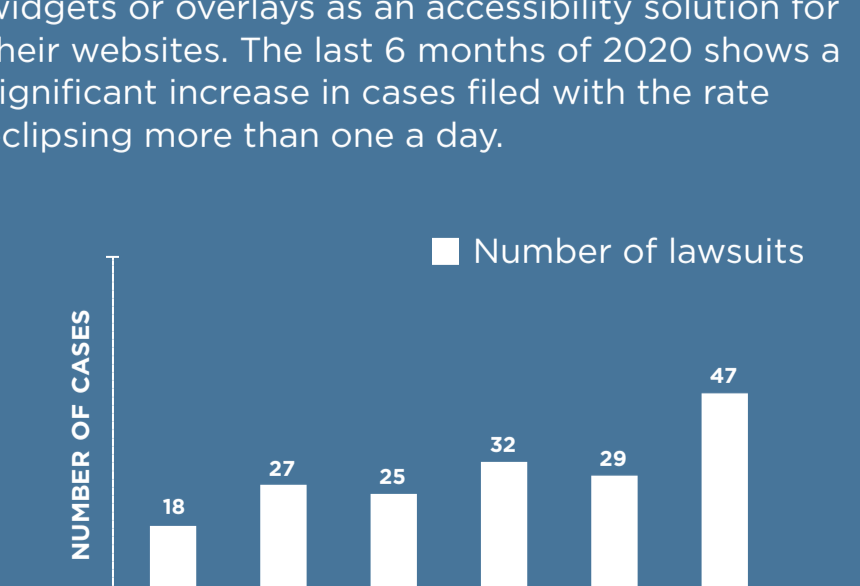
Lawsuits in 2020 reflect the importance of considering accessibility for all digital channels and content.



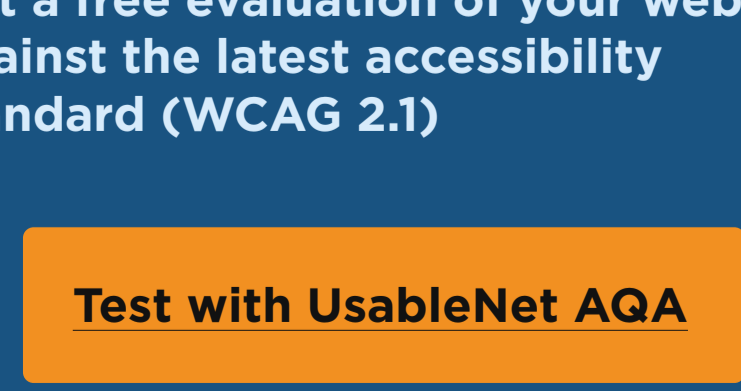
Desktop websites	3235 claims
Mobile app	296 claims
Video Accessibility	150 claims
Combined Web & App	16 claims
Mobile Website	3 claims

Desktop Websites dominate the overall number of lawsuit claims. Mobile Apps continue to get significant attention along with a new trend in video content related claims. Video claims demand that all video have closed captions and audio descriptions.

WIDGETS AND OVERLAYS OFFER NO GUARANTEES



MORE THAN 250
lawsuits were filed in 2020 against companies using widgets or overlays as an accessibility solution for their websites. The last 6 months of 2020 shows a significant increase in cases filed with the rate eclipsing more than one a day.



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

Test with UsableNet AGA

Methodology

The UsableNet research team reviews all lawsuits filed in federal courts under the ADA and in California state court under Unruh. The cases are reviewed to identify ones where a digital property, including websites, mobile apps and video are the subject of the claim. This allows UsableNet to keep our clients informed and provides them with the most up-to-date advice for planning their digital accessibility initiatives.

Source

Data is based on UsableNet's research team's collection across multiple legal sources. Total year numbers are based on 50 weeks of collected data plus trends based on previous data collected in last two weeks of 2020.

Why UsableNet?

We make ADA web compliance easier and faster. Learn why website accessibility matters, and how UsableNet can help.

Go to [UsableNet.com](https://usablenet.com)