

COMPLETE REPORT

2021 WEBSITE ACCESSIBILITY LAWSUIT RECAP

Data, Trends, Comparisons

Sourced and presented by [Accessibility.com](https://www.accessibility.com)

This report contains comprehensive information about website accessibility lawsuits filed in the United States in the year 2021.

Please feel encouraged to reference the data presented here, citing [Accessibility.com](https://www.accessibility.com) as the source and providing a link to this full report or other appropriate pages on [Accessibility.com](https://www.accessibility.com).

2021 KEY TAKEAWAYS

2,352

web accessibility lawsuits filed



Consumer Goods, Services & Retail

Industry with the most accessibility lawsuits (955)



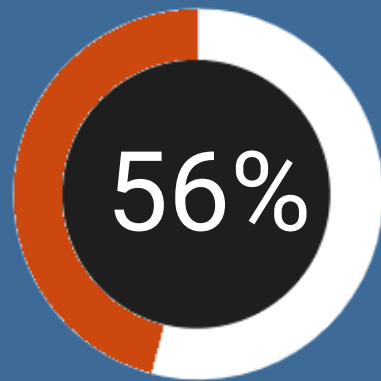
New York

State that filed the most accessibility lawsuits (1,474)



Pacific Trial Attorneys

Law firm that filed the most accessibility lawsuits (340)



More than 56% of all website accessibility lawsuits were filed by six law firms out of New York and California.

300

targeted websites were using **third-party overlays**

2021 WEBSITE ACCESSIBILITY LAWSUIT RECAP

2,352 CASES



In 2021, there were 2,352 web accessibility lawsuits filed in Federal Court and in California State Court under the Unruh Act. This represents a 14.3% increase from the 2,058 cases filed nationwide in 2020.

2021	2,352
2020	2,058
2019	2,260



Year-over-year: 2020-2021

The 14% jump in official filings from 2020 to 2021 signifies increasing and unwavering attention to formal website accessibility complaints.

Key considerations for the increase in cases:

- **The top-filing plaintiffs filed more lawsuits.** In 2021, Cristian Sanchez filed 139 website accessibility lawsuits (about 48% more than 2020's most litigious plaintiff).
- **Three law firms filed more than 270 lawsuits each — and one hit 340.** Six firms accounted for more than 56% of all website accessibility lawsuits.
- **Courts were not closed in 2021 due to COVID-19**, like they were during the first half of 2020.
- **Increased awareness of the need to provide equal access to websites** may be leading to more attention and higher rates of litigation.
- **There is an increase in lawsuits against websites using third-party overlays**, further calling their effectiveness into question.

Q4: A RECORD-SETTING QUARTER IN A RECORD-SETTING YEAR



Accessibility lawsuit momentum moving into 2022 is strong. In fact, the fourth quarter (Q4) of 2021 recorded the highest total of website accessibility lawsuits in our database's history.

Over the span of October, November, and December 2021:

- **711 web accessibility lawsuits** were filed (more than 30% of the year's total).
- **273 lawsuits were filed by one firm**, Mizrahi Kroub LLP (38.4% of Q4's total).
- **398 lawsuits were filed in November** (nearly 17% of the year's total).

Compared to historical data:

- **17.9% more lawsuits were filed in Q4** than in the quarter with the second-highest total in our database's history (Q1 2021).
- **26.9% more lawsuits were filed in Q4 2021 than in Q4 2020** (560 filed in Q4 2020).
- **60.5% more lawsuits were filed in November 2021** than in the month with the second-highest total in our database's history (March 2021).

A CONSERVATIVE APPROACH: ONLY TRUE WEBSITES ACCESSIBILITY CASES



The 2,352 cases referenced do not include physical or other accessibility cases – only true website accessibility cases.

For example, there are hospitality industry cases that mention websites, but the specific complaints are related to allegations of failing to identify physical accessibility features of hotels on those websites.

These types of lawsuits take aim at the failure of websites to describe physical accessibility characteristics, but do not make claims about the accessibility of the websites themselves. Therefore, our researchers have carefully excluded these types of lawsuits from our year-end analysis.

Accessibility.com's meticulous process produces conservative website accessibility lawsuit metrics. We will only include cases and calculate case totals that are:



Verifiable

Each case reflected in our tallies ties directly to a case in the dockets and pleadings we review.



Website accessibility cases

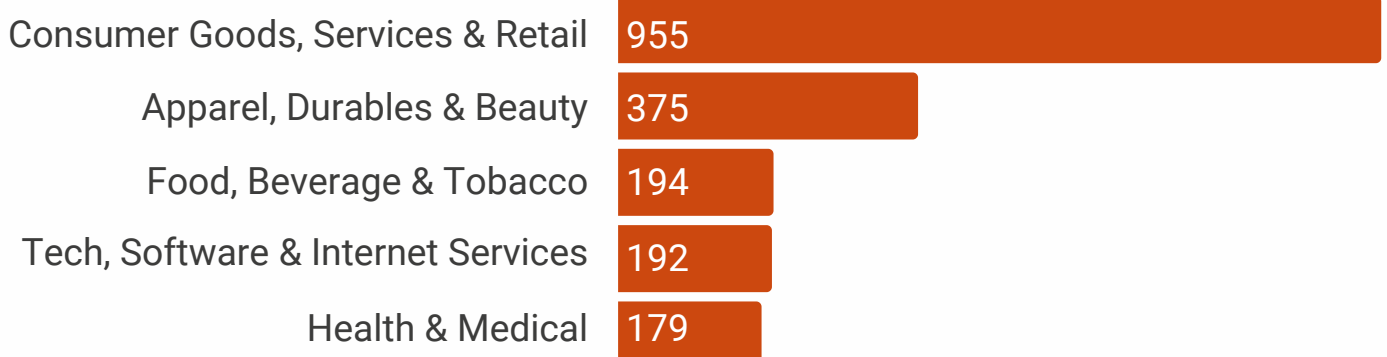
We only include cases in which the allegation is that the digital property is not sufficiently accessible.



Published

Our full database is freely-available to provide full insight into the generation of metrics and the details of the lawsuits themselves.

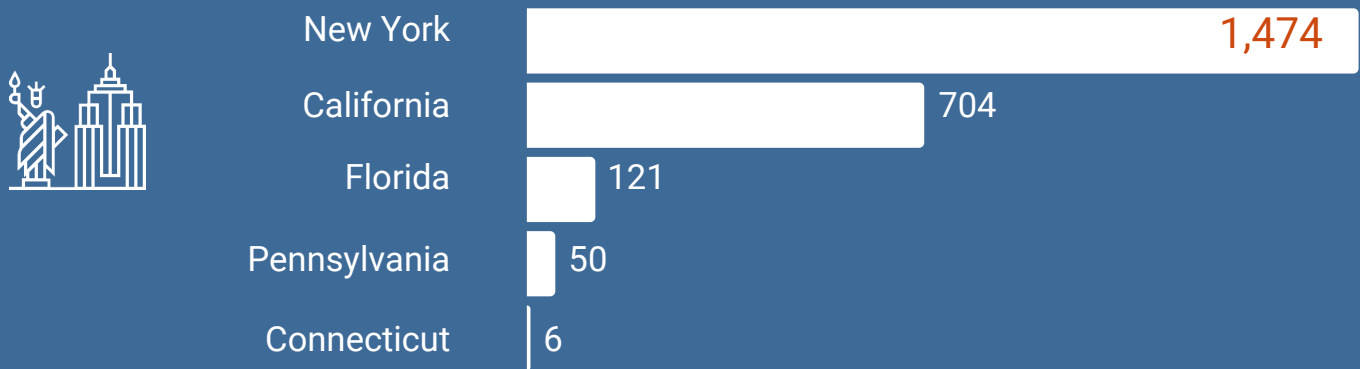
LAWSUITS BY MOST-TARGETED INDUSTRIES



Consumer Goods, Services & Retail maintain the top spot as the most-targeted industry group, comprised of staple and discretionary items alike (about 41% of the year's total cases). Apparel, Durables & Beauty also keep their spot as the clear, but not particularly close, number-two (about 16% of the year's total cases). Industry trends mostly follow those of 2020, with the addition of Tech, Software & Internet Services as a top-five industry group.

LAWSUIT FILINGS PER STATE

The top-five states for website accessibility lawsuits in 2021 mostly follow the same trends from 2020.



New York continues its dominance as the top-filing state for web accessibility lawsuits. More than 62% of the cases filed nationwide in 2021 were filed in New York. The numbers in the Empire State surged near year's end, with an all-time record-breaking 310 cases filed in November. New York saw a 29% increase in cases from 2020.

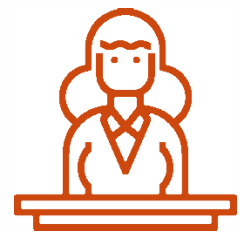
California, with 704 filings, is the state with the second-most web accessibility lawsuits in 2021. The Golden State saw a 22% increase in cases year-over-year from 2020.

Florida and Pennsylvania each had slight decreases in filings, with 183 and 74 in 2020, respectively. Connecticut's six cases round out the top-five.

PLAINTIFFS WHO FILED THE MOST LAWSUITS

More than 22% of all website accessibility lawsuits in 2021 were filed by five plaintiffs. The top-two plaintiffs alone filed more than 11% of the year's total cases. For the first time in our database's history, individual plaintiffs have filed more than 100 lawsuits. For reference, last year's top-filer, Shael Cruz, filed 94 lawsuits. Unsurprisingly, more of the most-litigious plaintiffs are from New York than anywhere else.

- **Cristian Sanchez** (New York): 139
- **Luis Licea** (California): 124
- **Arturo Estevez** (New York): 93
- **Rusty Rendon** (California): 92
- **Jose Quezada** (New York): 81



November had the year's highest single-month total from one plaintiff. Yensy Contreras filed 55 website accessibility lawsuits during the month of November, all of which were filed in New York.

LAW FIRMS THAT FILED THE MOST LAWSUITS

More than 56% of all website accessibility lawsuits in 2021 were filed by six law firms. Pacific Trial Attorneys out of California moved up from number-three in 2020 to claim the top-filing spot with 340 cases. The 296 lawsuits filed by Gottlieb & Associates out of New York place the firm in the number-two spot for 2021, although that number is greater than 2020's high of 270 lawsuits (filed by Stein Saks, PLLC, who is not in 2021's top-six).

Our database did not register a complaint filed by Mizrahi Kroub LLP until October 2021. Still, the firm filed the third-most lawsuits for the year, including 218 in November.

- **Pacific Trial Attorneys** (California): 340
- **Gottlieb & Associates** (New York): 296
- **Mizrahi Kroub LLP** (New York): 273
- **Cohen & Mizrahi LLP** (New York): 175
- **Lipsky Lowe, LLP** (New York): 138
- **Manning Law, APC** (California): 108

LAWSUITS AGAINST WEBSITES USING THIRD-PARTY OVERLAYS



300 targeted websites were using overlays

We estimate that approximately 300 litigated websites were using a third-party accessibility overlay tool.

Typically, overlays (or widgets) apply the third-party's source code to the existing code of the host website in an effort to change the user experience by overriding or adding to the existing code. Overlays are often added instead of manually identifying or resolving accessibility barriers in a website's code and design, which would generally occur during an audit or test from an accessibility subject matter expert. By not addressing the underlying cause of accessibility barriers, the effectiveness of overlays has been debated.

We began searching for overlays on litigated websites in April 2021. Between then and the end of the year, we detected overlays on 225 (12.75%) targeted websites. Applying that average to 2021's total number of lawsuits, it is projected that 297 litigated websites were using a third-party overlay tool.

12.75% targeted websites were using **third-party overlays** in 2021

Overlays "will not suffice to achieve Accessibility"

In September 2020, Disability Rights Advocates filed a lawsuit against Automatic Data Processing, Inc. (ADP), representing the LightHouse for the Blind and Visually Impaired of San Francisco and individuals Erin Lauridsen and Frank Welte.

In December 2021, Disability Rights Advocates published a statement¹ announcing that a settlement had been reached, along with a copy of the settlement agreement. In the agreement is a definition of "accessible," as follows:

"Accessible" (or "Accessibility" or "Access") means that blind and low vision individuals have independent access to the same information and equivalent ease of use of functionalities available to sighted individuals via the Website or Mobile Apps. For the purpose of this Agreement, "overlay" solutions such as those currently provided by companies such as AudioEye and AccessiBe will not suffice to achieve Accessibility.



1. "Industry Leading HR and Payroll Company ADP Works with LightHouse to Enhance Accessibility of Products to Blind Users." Disability Rights Advocates, 16 Dec. 2021. <https://dralegal.org/press/adp-settlement/> (Accessed 3 Jan. 2022).

METHODOLOGY

Accessibility.com's legal research team monitors, tracks, and publishes website accessibility lawsuits nationwide, carefully reviewing dockets and pleadings from more than 1,100 courts from both state and federal jurisdictions throughout the country. Powered by tools such as Westlaw's Court Wire and Dockets database, which offers the highest level of access to dockets and pleadings (including obtaining physical copies of complaints filed), our researchers thoroughly examine the details of each applicable case, summaries of which [Accessibility.com](https://www.accessibility.com) makes available to the public for free.

BUSINESS IMPACT

What you take away from this data may depend on how it impacts you or your business. For some, the high levels of verifiable litigation and suspected widespread prevalence of legal demands might serve as a reminder of the real legal impact of inaccessibility. It may also prompt exploration and action related to the vast benefits that an accessible digital world affords, for organizations and users alike. Access to websites and digital platforms is essential for employment, education, and independent living. For businesses, accessibility also helps reduce legal risk, as demonstrated in part by the data shown in this report.

Others may interpret the same data to form opinions on the plaintiffs, defendants, or other actors. What seems undeniable, however, is that there is considerable energy driving legal action against web experiences that don't provide equal access to individuals with disabilities.

FULL LAWSUIT DATABASE

We believe everyone should have access to this important information, so we carefully compile and publish the details of thousands of lawsuits. View recent lawsuits, filter by industry or state, or search by plaintiff, defendant, keyword, or other terms.

[Visit the full Digital Accessibility Lawsuit Database](#)



ABOUT ACCESSIBILITY.COM

Mission

Our mission is to create objective and trustworthy information and resources to become a catalyst for equal access to the physical and digital worlds.

Vision

We believe that by providing trusted information and resources for how to make physical and digital environments accessible, we're helping businesses and individuals create equal opportunity. The world will always need the details on *how* to do this; our vision is that one day, through persistence in education, the world will no longer need to be convinced on *why*.

Values

These values represent the core characteristics we strive to uphold and most admire.

- **Equality:** All individuals, without bias and discrimination, deserve their full human rights.
- **Integrity:** Ethical principles should guide, not hinder, internal action and external claims.
- **Service:** Information, action, and commitment to a worthwhile cause create positive change.
- **Growth:** Progress is a collective effort, building on success and learning from missteps.

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