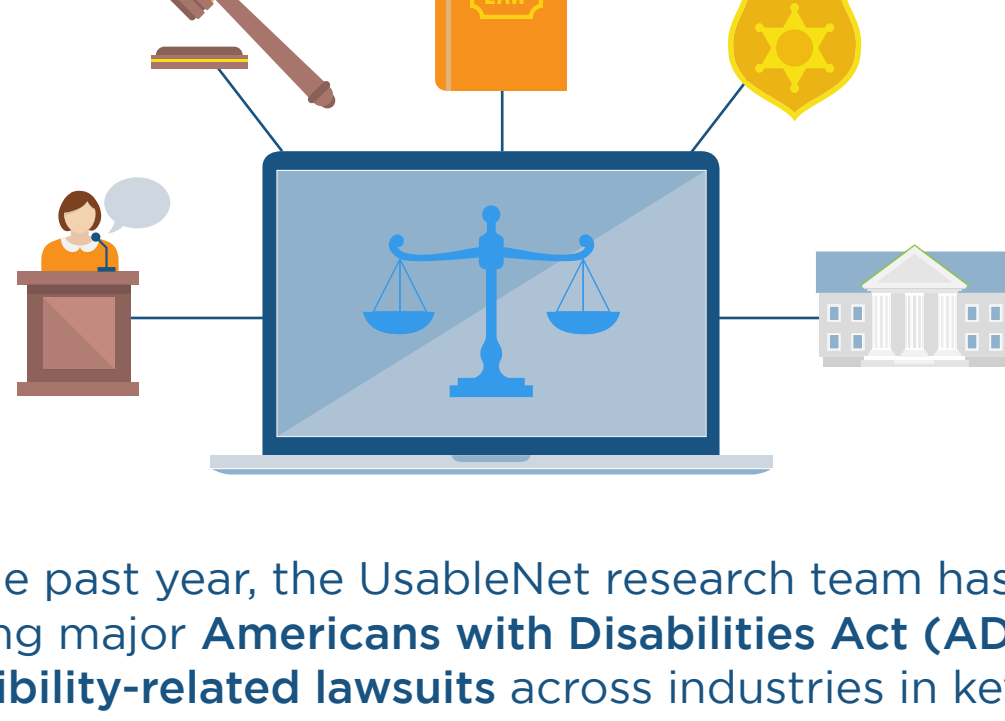


2018

ADA WEB ACCESSIBILITY

LAWSUIT REPORT



Over the past year, the UsableNet research team has been monitoring major **Americans with Disabilities Act (ADA) web accessibility-related lawsuits** across industries in key U.S. states—particularly New York and Florida.

The steep increase in lawsuits means businesses are at risk now more than ever.

The Americans with Disabilities Act (ADA) became law in 1990 and makes it illegal to discriminate against people with disabilities in all spaces and areas of public life that are open to the general public.

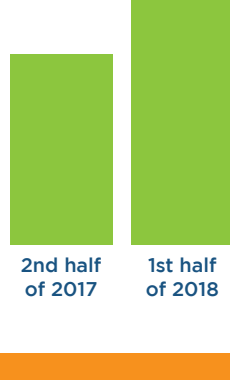
1999

With the rise of the internet and mobile technology, the **Web Content Accessibility Guidelines (WCAG)** were first published in 1999 as a follow-up to the ADA and were updated most recently in June 2018. WCAG 2.1 comprises the universally accepted best practices and guidelines for accessibility on websites and all digital communications.

2017

The federal government adopted **WCAG 2.0 Levels A and AA in 2017** as the accessibility standard for all government websites, and WCAG has been the standard used by the Department of Justice (DOJ) for all web accessibility litigation so far.

ADA WEB ACCESSIBILITY-RELATED LAWSUITS ARE AMONG THE FASTEST GROWING IN U.S. COMMERCIAL LAW LITIGATION.

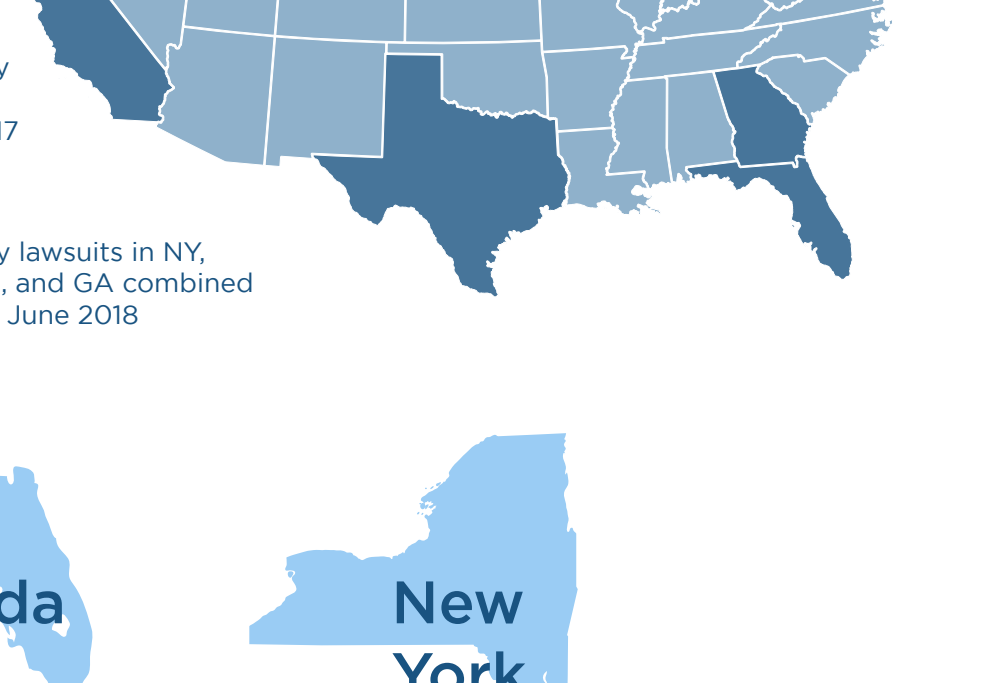


ADA web accessibility-related lawsuits in the first 6 months of 2018, compared to 814 total in all of 2017

LAWSUIT LOCALES

ADA web accessibility related lawsuits

are on the rise across the U.S., with the biggest bumps in litigation appearing in **New York, California, Florida, Massachusetts, Ohio, Pennsylvania, Texas, and Georgia.**



113%

Rise in web accessibility lawsuits in the state of New York from July 2017 through June 2018

59%

Rise in web accessibility lawsuits in NY, CA, FL, MA, OH, PA, TX, and GA combined from July 2017 through June 2018

Florida

New York

384

Number of lawsuits filed related to web accessibility in the first six months of 2018

577

64

Average number of cases filed per month in 2018

96

20%

Increase in lawsuits month over month in the first six months of 2018

31%

INDUSTRY ACCESSIBILITY

A FEW INDUSTRIES ARE GETTING THE MOST ATTENTION FROM THESE LAWSUITS, INCLUDING RETAIL, THE TRAVEL/HOSPITALITY INDUSTRY, FOOD SERVICES, AND THE BANKING/FINANCIAL SECTOR.

Today, **eight out of 10 Americans shop online**, making it more important than ever for websites—and especially e-commerce sites—to be accessible and compliant with accessibility requirements.

More than **40 million shoppers and internet users with disabilities** are being left behind—and businesses are missing out in a big way, too.

The industries seeing the most web accessibility litigation include:



31%

Retail



14%

Travel/Hospitality



12%

Food Services



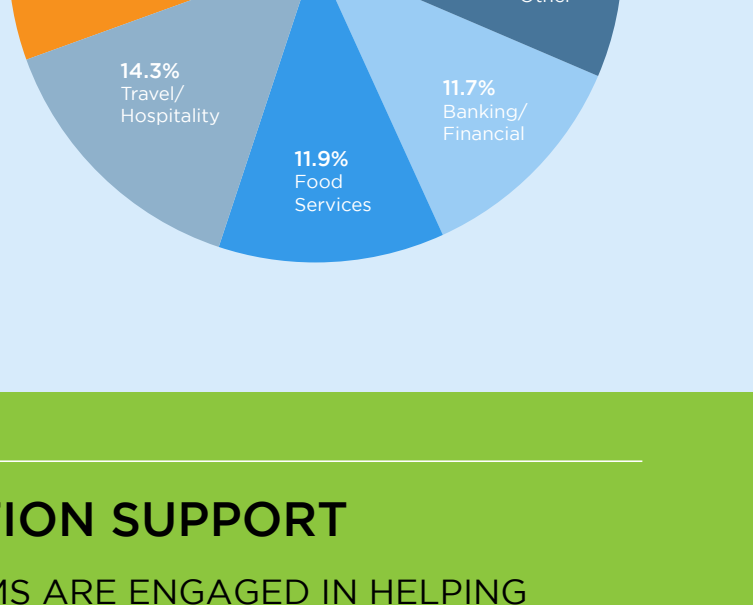
12%

Banking/Financial

PACER INDUSTRY BREAKDOWN	
INDUSTRY	ACCOUNTS
Retail	313
Travel/Hospitality	146
Food Service Industry	122
Banking/Financial	120
Other	88
Self-Serve	43
Healthcare	35
Fitness & Wellness	30
Insurance	25
Digital Media & Agencies	25
Entertainment & Leisure	22
Real Estate Agencies & Properties	18
Education	18
Automotive	8
Telecommunications	5
Fuel Industry	5

2.4% - Digital Media/Agencies
2.4% - Insurance
2.1% - Entertainment & Leisure
1.7% - Education

1.7% - Real Estate Agencies & Properties
0.7% - Automotive
0.4% - Fuel Industry
0.4% - Telecommunications

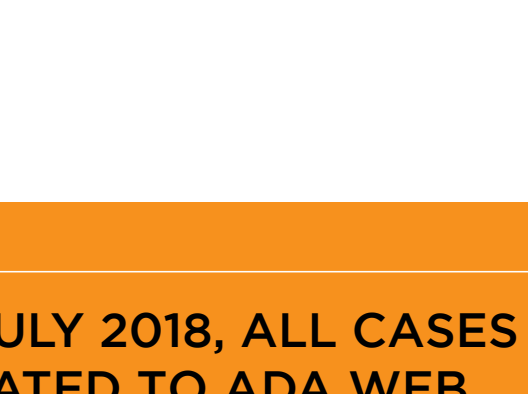


LITIGATION SUPPORT

OVER 400 LAW FIRMS ARE ENGAGED IN HELPING COMPANIES WITH NEW YORK AND FLORIDA LAW FIRMS LEADING THE PACK IN REPRESENTATION.



TOTAL ADA LITIGATION



FROM JULY 2017 TO JULY 2018, ALL CASES OF LITIGATION RELATED TO ADA WEB ACCESSIBILITY ROSE BY 59 PERCENT.

These increases mean that nearly every company with a digital presence is becoming a target for lawsuits.



Companies should be prepared to protect themselves

through proactive and ongoing web accessibility efforts, and be ready to have those efforts documented and confirmed by outside expert consultants and internal or external legal counsel.

Given the current Administration's aversion to increased regulation, it is unlikely that the DOJ will re-start its website accessibility rulemaking any time soon... In the meantime, we expect website accessibility lawsuits will continue to be filed at a record pace throughout the United States.

No matter what happens, being in conformance with WCAG will ensure your business is proactive, prepared, and inclusive of all individuals of all ability levels.

>>Increases in web accessibility lawsuits mean your company could be at risk.<<

Be proactive. Be prepared. **Start here.**

Sources

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