

COMPLETE REPORT

2022 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 2022.

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).

2022 KEY TAKEAWAYS

2,387 web accessibility lawsuits filed



Consumer Goods, Services & Retail

Industry with the most accessibility lawsuits (1,378)



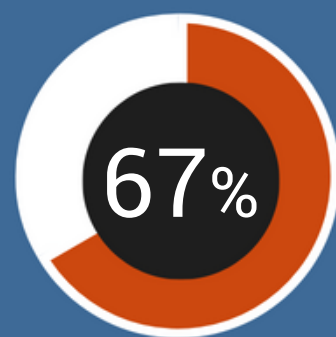
New York

State that filed the most accessibility lawsuits (1,660)



Stein Saks, PLLC

Law firm that filed the most accessibility lawsuits (372)



Nearly 67% of all website accessibility lawsuits were filed by five law firms out of New York and California.

143% increase in companies that received **multiple lawsuits** year-over-year

2022 WEBSITE ACCESSIBILITY LAWSUIT RECAP

2,387 CASES



In 2022, there were 2,387 web accessibility lawsuits filed in Federal Court and in California State Court under the Unruh Act. This represents a slim 1.5% increase from cases filed in 2021.

2022	2,387
2021	2,352
2020	2,058
2019	2,260

According to current estimates from industry insiders, 97% of demand letters are settled and never evolve into a lawsuit. This means that more than 1,500 demand letters may have been sent per week in 2022.



Year-over-year: 2021-2022

The 1.5% increase in official filings from 2021 to 2022 is not as sharp a rise as has been seen in some years. The pace of litigation, however, remains steady and continues to trend up. This is especially apparent when one factors in the unusual year of 2020, during which courts were closed for part of the year.

Key considerations for the stable rise in cases:

- **The top-filing plaintiffs continue to file 100+ lawsuits.** In 2022, at least two plaintiffs filed 100 or more lawsuits. Perla Mageno recorded the most in 2022 with 108.
- **Three law firms filed more than 340 lawsuits each – and one hit 372.** Five firms accounted for more than 66% of all website accessibility lawsuits.
- **All five of 2022's top-filing law firms were in the top-six** in lawsuits filed in 2020, 2021, or both.
- **Court closures in the first half of 2020 may have contributed to the 14% jump in lawsuits in 2021.** It is possible that without the pandemic's impact on filings, the year-over-year increase from 2019 through 2022 would be more stable (around 2% per year).

IN 2022, THE DETAILS TELL THE STORY



In a year when the number of lawsuits represents only a slight increase from the year prior, it might seem like 2022 was just "more of the same." In many ways, that is true, but a closer look at the data reveals interesting realities.

Like the defendant that was sued by two different firms, two different plaintiffs, in two different states...2 1/2 weeks apart.

- **Popular lease-to-own retailer** was sued on January 20, 2022 in New York.
- **The company was sued again**, for the same website, on February 8, 2022 in California. The two lawsuits were from different plaintiffs and law firms.
- **The company is headquartered in Atlanta, GA**, demonstrating that cases can generally be filed in any state in which a company does business.

Or the law firm for which over 60% of its 250+ cases filed were against food, restaurant, and related websites.

- **Six different plaintiffs** filed food-and-restaurant related lawsuits through this firm in 2022.
- **Lawsuits of this type were filed in 11-of-12 months** in 2022.

A CONSERVATIVE APPROACH: ONLY TRUE WEBSITE ACCESSIBILITY CASES



The 2,387 cases referenced do not include physical or other accessibility cases – only true website accessibility cases.

For example, sometimes 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

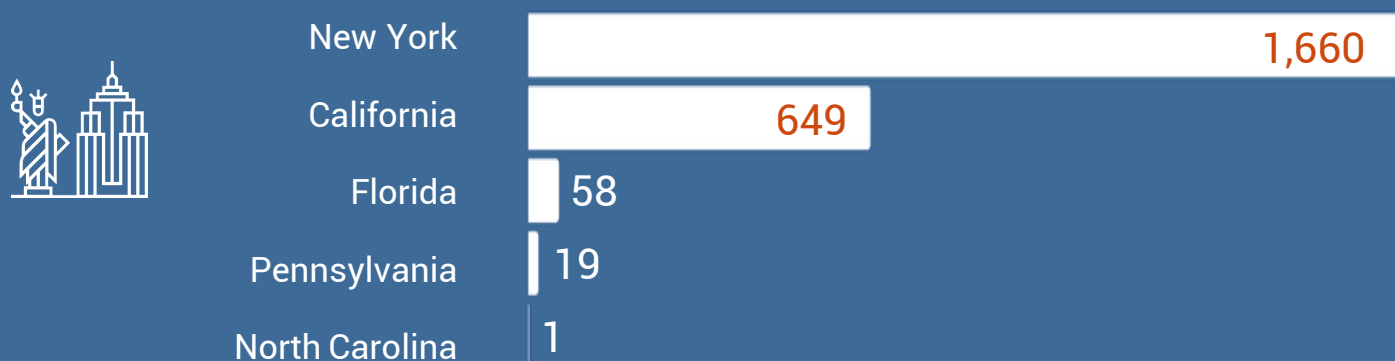


Consumer Goods, Services & Retail	1,378
Apparel, Durables & Beauty	247
Food, Beverage & Tobacco	234
Health & Medical	147
Tech, Software & Internet Services	112

Consumer Goods, Services & Retail maintain the top spot as the most-targeted industry group in 2022, registering 423 more lawsuits than in 2021 and accounting for 58% of the year's total cases. This trend is completely within expectations, as this industry group includes a subset of both consumer staples and discretionary items. The remaining top-four industries mirror those of 2021, with Health & Medical and Tech, Software & Internet Services swapping the four- and five-spots.

LAWSUIT FILINGS PER STATE

The top-five states for website accessibility lawsuits in 2022 mostly follow the same trends from 2021.



New York continues its dominance as the top-filing state for web accessibility lawsuits. More than 69.5% of the cases filed nationwide in 2022 were filed in the Empire State, taking about 7% more of the lawsuit share year-over-year. During each month, New York was responsible for at least half of the nation's cases — and was as high as 95% one month.

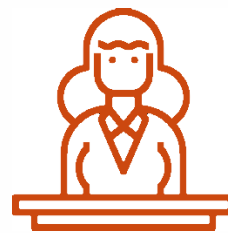
California, with 649 filings, is once again the state with the second-most web accessibility lawsuits in 2022. For the past few years, it really has been a story of New York, California, and then everyone else.

Florida and Pennsylvania each had decreases in filings, accounting for 58 and 19, respectively. North Carolina registered one case.

PLAINTIFFS WHO FILED THE MOST LAWSUITS

Nearly 20% of all website accessibility lawsuits in 2022 were filed by five plaintiffs. For the second straight year, individual plaintiffs filed more than 100 lawsuits, which was not a trend registered in our database until 2021. Two of 2022's top-filing plaintiffs, Rusty Rendon and Luis Licea, appeared on 2021's top-five list as well.

- **Perla Mageno:** 108
- **Rebecca Castillo:** 100
- **Rusty Rendon:** 86
- **Luis Licea:** 84
- **Marina Iskhakova:** 81



LAW FIRMS THAT FILED THE MOST LAWSUITS

More than 66% of all website accessibility lawsuits in 2022 were filed by five law firms. If the firm names noted look familiar, each of the five top-filing law firms were in the top-six in lawsuits filed in 2020, 2021, or both.

Stein Saks out of New York filed the most cases with 372. The firm was also in 2020's top spot, filing 270 in that year.

In 2021, the firm that filed the most lawsuits registered 340 cases. In 2022, three firms filed more than 340 cases.



- **Stein Saks, PLLC (New York):** 372
- **Mars Khaimov Law, PLLC (New York):** 360
- **Mizrahi Kroub LLP (New York):** 345
- **Manning Law, APC (California):** 260
- **Pacific Trial Attorneys, APC (California):** 259

MULTIPLE LAWSUITS FILED AGAINST THE SAME COMPANIES



143% year-over-year increase in companies that have received multiple lawsuits

Many individuals and organizations hold the belief that once a company has been sued for digital inaccessibility, that they cannot be sued again — or that there is a grace period before they can be sued again. This is not supported by the data.

The percentage of companies that have received more than one digital accessibility lawsuit grew by 143% compared to 2021.

ACCESSIBILITY LAWSUIT PREDICTIONS FOR 2023



We predict there will be a 5-10% increase in lawsuits in 2023.

When factoring in court closures during 2020 and the otherwise fairly-consistent increase in lawsuits each year since 2019, we predict that accessibility lawsuits will increase more than they did in 2022 — but that there will not be an explosion of growth in litigation.

We predict there will be a 200% increase in companies that have received multiple lawsuits.

The past few years have shown that companies can receive repeat lawsuits. With the volume of cases brought against consumer e-commerce sites, and with history teaching us that large and small companies with a web presence anywhere in the country can be targeted, we believe twice as many companies will receive at least their second digital accessibility lawsuit in 2023 as did in 2022.

We predict lawsuits will start to reference WCAG 2.2 in the second half of 2023.

The Web Content Accessibility Guidelines (WCAG) are the industry standard for digital accessibility. WCAG outlines the requirements that most subject matter experts and many laws use to assess accessibility conformance.

WCAG 2.1, published in 2018, is currently the latest version. We expect the next version, WCAG 2.2, to be finalized and made available in the summer of 2023.

WCAG 2.2 will introduce new success criteria. As a result, we think this could contribute slightly to our predicted 5-10% increase in cases in 2023. Very few companies will test for WCAG 2.2 criteria before it becomes a recommended standard. However, we still expect to see cases brought against companies that have aimed for WCAG 2.1 conformance in the past, with new litigation referencing WCAG 2.2.

The World Wide Web Consortium (W3C) Web Accessibility Initiative (WAI) publishes and maintains WCAG. WCAG is organized by four principles, which state that content must be Perceivable, Operable, Understandable, and Robust.

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.

CONTACT

Headquarters

100 SE 2nd St.
Suite 2000-110
Miami, FL 33131

Call us

305-901-8737

Email

Contact@Accessibility.com



ACCESSIBILITY HELP

If you encounter any barriers to fully using this content, please email A11y@Accessibility.com. We want to help.