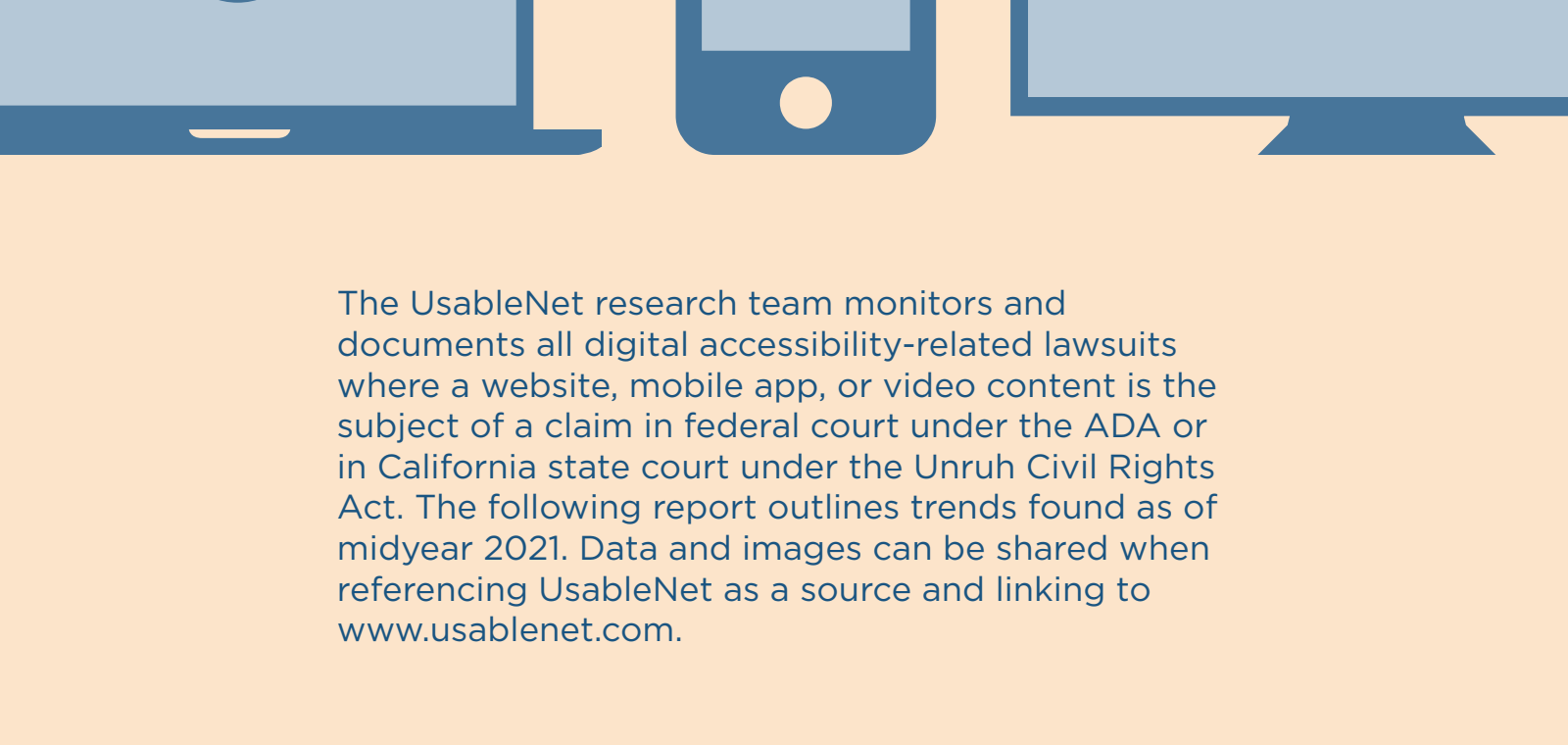


2021 MID YEAR REPORT

ADA DIGITAL ACCESSIBILITY LAWSUITS

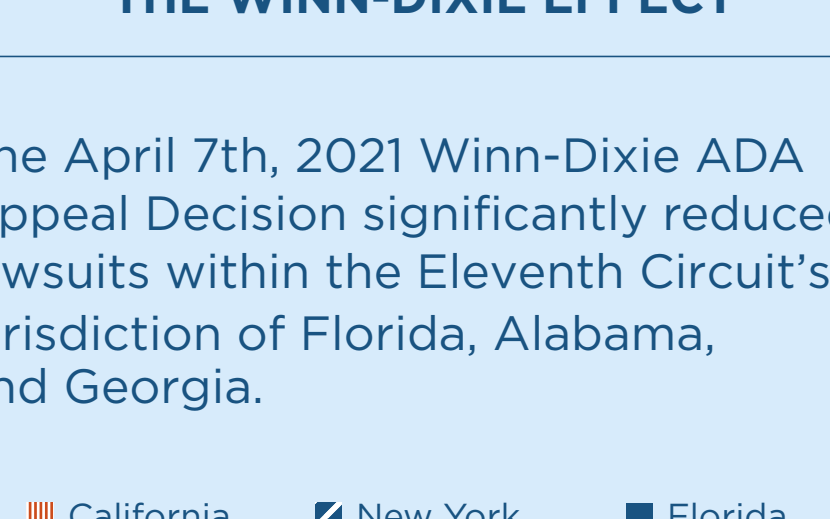
Websites, Mobile, and Video



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 California state court under the Unruh Civil Rights Act. The following report outlines trends found as of midyear 2021. Data and images can be shared when referencing UsableNet as a source and linking to www.usablenet.com.

DIGITAL LAWSUITS ON TRACK FOR RECORD

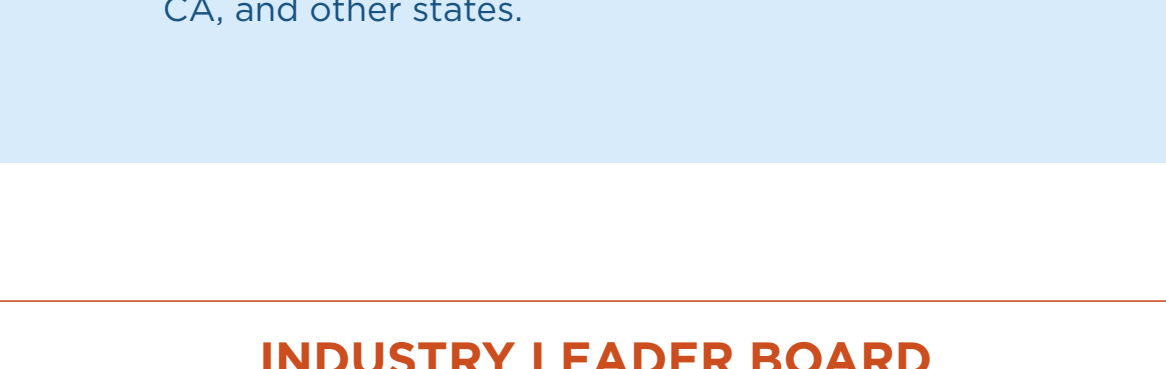
Over one lawsuit is filed every hour.



ADA-based cases so far in 2021 plot a path to 4,000 lawsuits in 2021. This includes cases filed in federal court and those filed in California under the Unruh Act with a direct reference to violation of the ADA.

THE WINN-DIXIE EFFECT

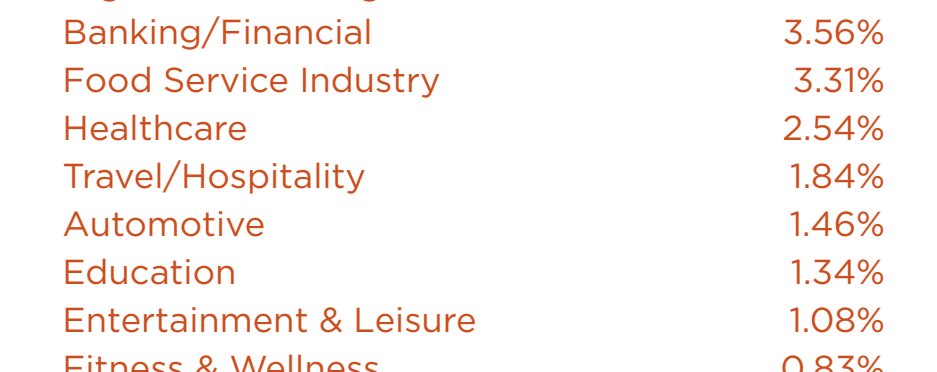
The April 7th, 2021 Winn-Dixie ADA Appeal Decision significantly reduced lawsuits within the Eleventh Circuit's jurisdiction of Florida, Alabama, and Georgia.



However, until the Supreme Court resolves the federal court split — or until Congress amends the ADA or DOJ issues regulations— website accessibility lawsuits will continue to be filed. They are still being filed in large numbers in NY, CA, and other states.

INDUSTRY LEADER BOARD

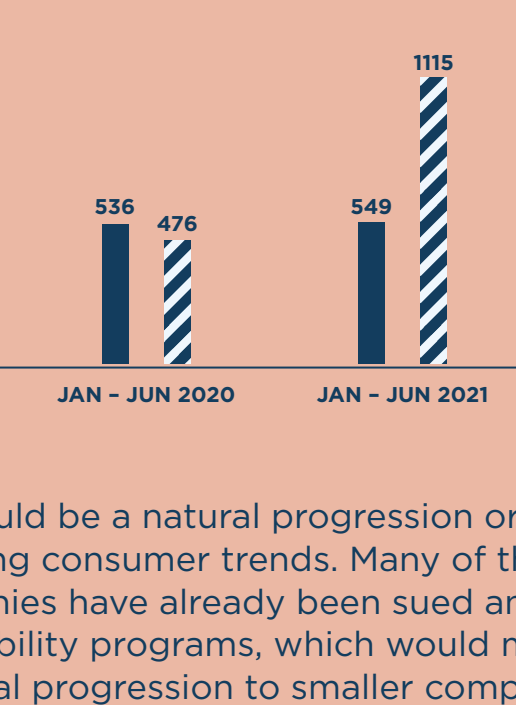
e-Commerce cited the most in digital accessibility lawsuits. Banking/Financial moves back to the top 5.



Industry	Total Percent
e-Commerce	73.66%
Digital Media & Agencies	4.14%
Banking/Financial	3.56%
Food Service Industry	3.31%
Healthcare	2.54%
Travel/Hospitality	1.84%
Automotive	1.46%
Education	1.34%
Entertainment & Leisure	1.08%
Fitness & Wellness	0.83%
Real Estate Agencies & Properties	0.45%
Insurance	0.32%
Telecommunications	0.06%
Other	5.41%
Grand Total	100.00%

e-Commerce provides a reliable source for plaintiffs as the websites are complicated, change often, and are hard to be maintained for accessibility unless a company has a clear ongoing plan for testing and remediation.

NO COMPANY IS TOO SMALL



The percentage of companies sued with revenue below 50 Million per year is growing.



This could be a natural progression or due to changing consumer trends. Many of the largest companies have already been sued and have accessibility programs, which would make for a natural progression to smaller companies. The increase in eCommerce sales due to the pandemic has also brought more attention to smaller, up-and-coming eCommerce brands.

BIG E-COMMERCE BRANDS IN THE SPOTLIGHT

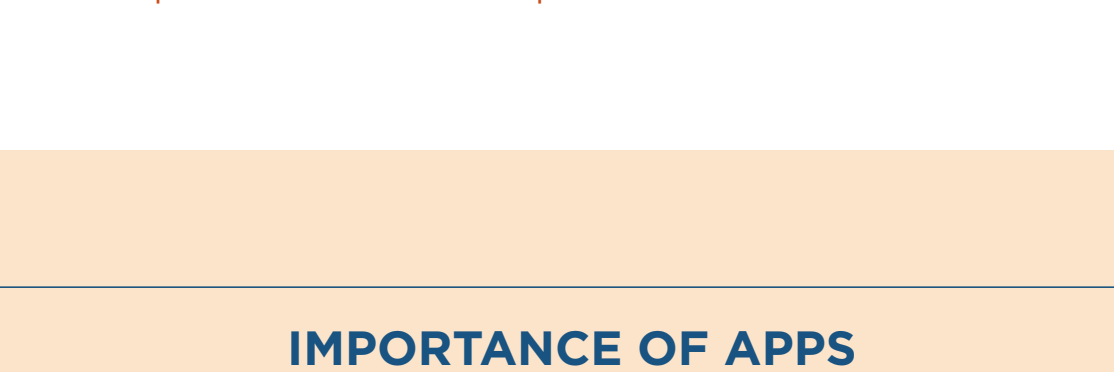


74% of the e-tail 500 sued in the last 3 years. 369 of the top 500 received ADA-based digital lawsuits since 2018.

14% of the top 500 e-commerce retailers received a lawsuit so far in 2021. There are already 68 cases against the Top 500 e-commerce retailers in 2021.

DIGITAL TARGETS EXPANDING

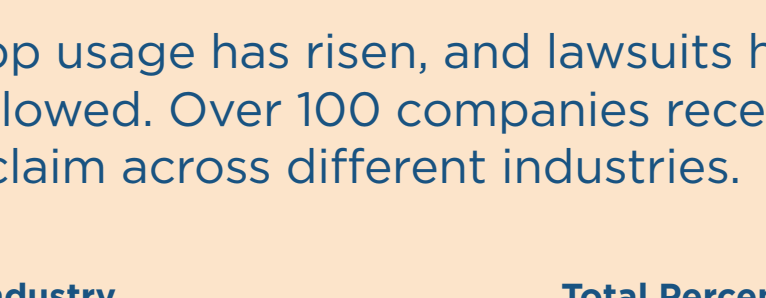
Lawsuits in 2021 reflect the importance of considering accessibility for all digital channels and content.



Desktop websites	1422 claims
Mobile app	109 claims
Video Accessibility	109 claims
Combined Web & App	40 claims
Mobile Website	1 claim

Accessibility on desktop websites dominates the number of lawsuits. Mobile Apps continue to rise along with a new trend in video-related claims. Video claims demand that all videos have closed caption and audio descriptions.

IMPORTANCE OF APPS

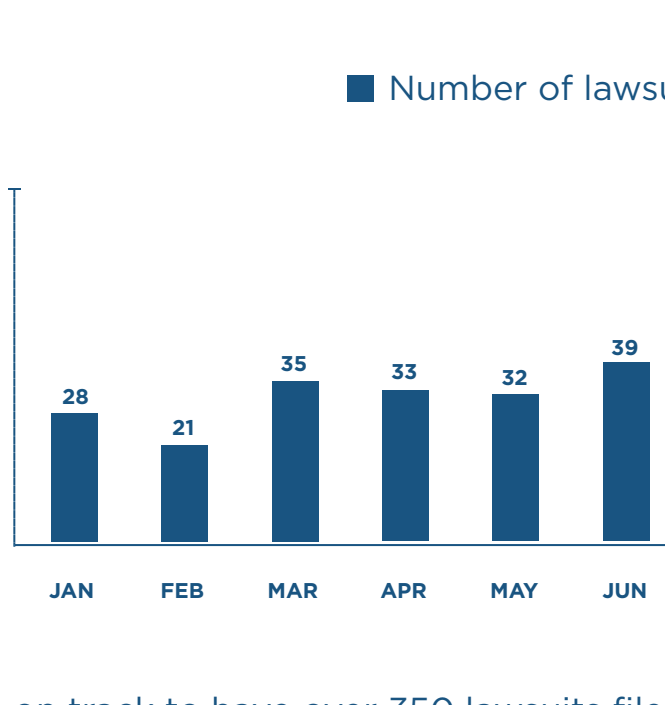


App usage has risen, and lawsuits have followed. Over 100 companies received a claim across different industries.

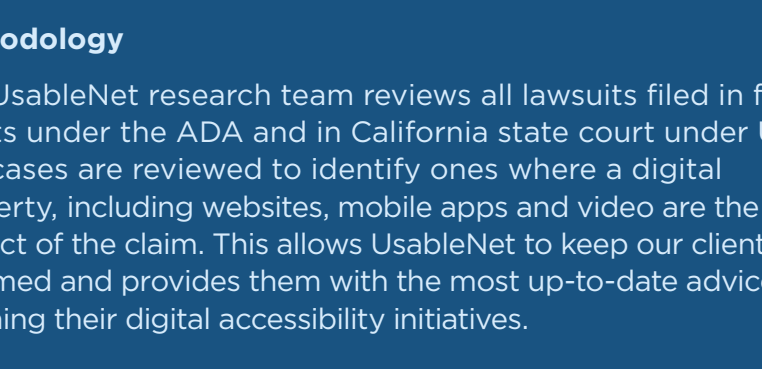
Industry	Total Percent
e-Commerce	19.46%
Digital Media & Agencies	18.12%
Food Service Industry	11.41%
Fitness & Wellness	6.04%
Banking/Financial	5.37%
Healthcare	5.37%
Entertainment & Leisure	3.36%
Travel/Hospitality	3.36%
Real Estate Agencies & Properties	2.68%
Education	1.34%
Automotive	1.34%
Insurance	0.67%
Telecommunications	0.67%
Other	20.81%
Grand Total	100.00%

More than 26% of companies that received an app accessibility lawsuit this year were previously sued for their website being inaccessible.

WIDGETS AND OVERLAYS OFFER NO GUARANTEES



Lawsuits filed against companies using overlays or widgets for accessibility are growing.



2021 is on track to have over 350 lawsuits filed against companies using accessibility widgets or overlays. Many 2021 lawsuits list the widget features as a barrier to equal access. Widgets are adding litigation risk, not removing it.

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 from January 1, 2021, to June 21, 2021.

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