

Retail Detail



Website Accessibility Lawsuit Filings Still Going Strong

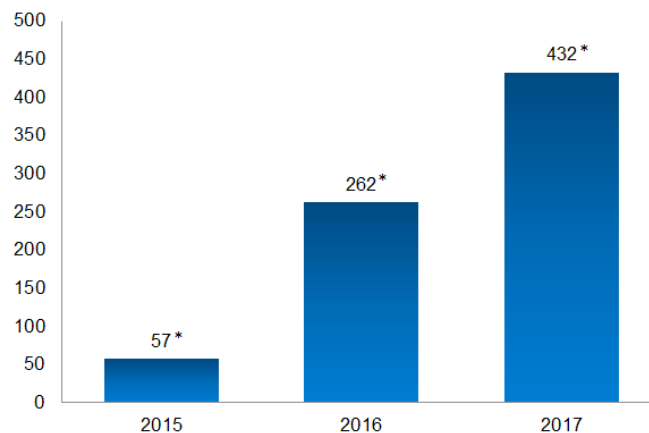
By Kristina M. Launey

Seyfarth Synopsis: The number of federal lawsuits alleging inaccessible websites continues to increase, along with the number of law firms filing them. Businesses remain well-advised to seek advice from counsel experienced in website accessibility to manage risk.

Different [year](#), same news: Website accessibility lawsuits show no signs of slowing down. In fact, with the [DOJ's recent placement](#) of website regulations on the "inactive list", litigation will likely only continue. As we have written about extensively, most recently [here](#), court orders are issuing more and more from courts across the country, slowly creating a body of jurisprudence around this issue; though the rulings differ vastly by court and even judge.

The number of website accessibility lawsuits filed in federal court since the beginning of 2015 has surged to at least 751 as of August 15, 2017, with at least 432 of those filed in just the first eight and a half months of 2017—well over the 262 lawsuits that were filed in all of 2015 and 2016. We say "at least" because there is no easy way to capture every website accessibility lawsuit filed in federal court. Thus, the actual numbers are likely higher than we can report with certainty. Our numbers also do not include the many cases filed in state courts nor demand letters that resolve without ever turning into lawsuits.

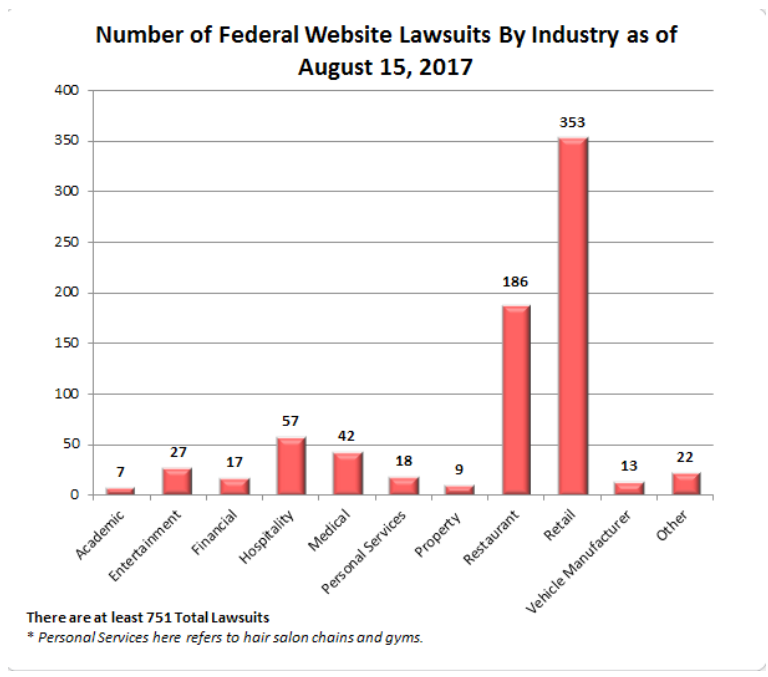
Federal Website Accessibility Lawsuits: January 2015 to August 15, 2017



*There are at least this many lawsuits.

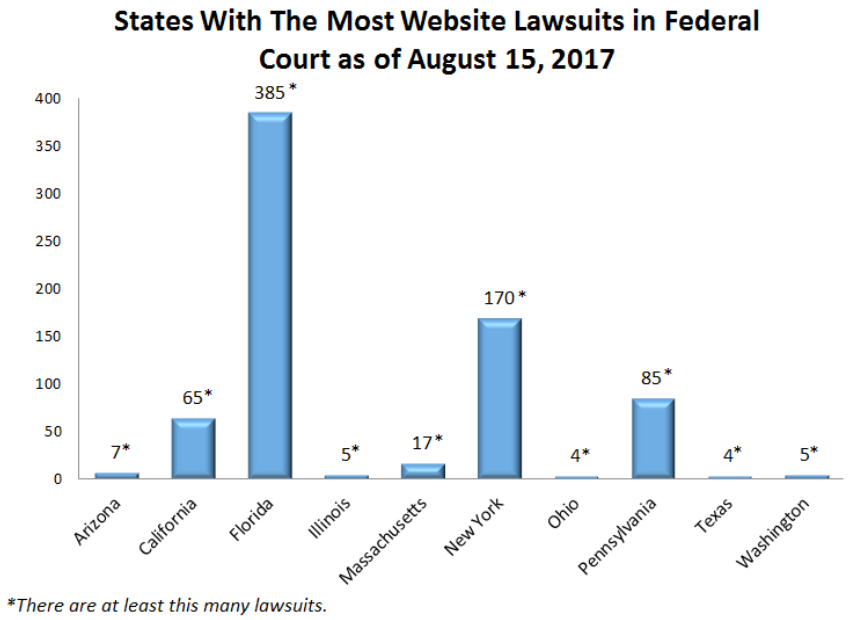
Number of federal website accessibility lawsuits by year from January 2015 to August 15, 2017: 2015 (57), 2016 (262), 2017 (432). There are at least this many lawsuits.

Retailers remain the most popular targets, followed by restaurant and hospitality companies.



Number of federal website lawsuits by industry from January 2015 to August 15, 2017: Academic (7), Entertainment (27), Financial (17), Hospitality (57), Medical (42), Personal Services (18), Restaurant (186), Retail (353), Vehicle Manufacturer (13), Other (22). There are at least this many lawsuits.

Although California continues to have the highest number of federal ADA title III lawsuits generally, Florida (385), New York (170) and Pennsylvania (85) have overtaken California with respect to the number of federal website accessibility lawsuits.



Number of states with the most website lawsuits in federal court as of August 15, 2017: Arizona (7), California (65), Florida (385), Illinois (5), Massachusetts (17), New York (170), Ohio (4), Pennsylvania (85), Texas (4), Washington (5). There are at least this many lawsuits.

These lawsuits are a significant portion of the increase in total ADA Title III lawsuits filed in federal courts this year, which, [as of April 2017](#), was already over 2600 filings in 2017—an 18% increase over the number of federal cases filed in the same time period in 2016.

If you would like additional information, please contact [Kristina Launey](#) at klauney@seyfarth.com.

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