

COMPLETE REPORT

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# 2023 WEBSITE ACCESSIBILITY LAWSUIT RECAP

*DATA, TRENDS, COMPARISONS*

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

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This report contains comprehensive information about website accessibility lawsuits filed in the United States in the year 2023.

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).

## 2023 KEY TAKEAWAYS

**2,281** web accessibility lawsuits filed



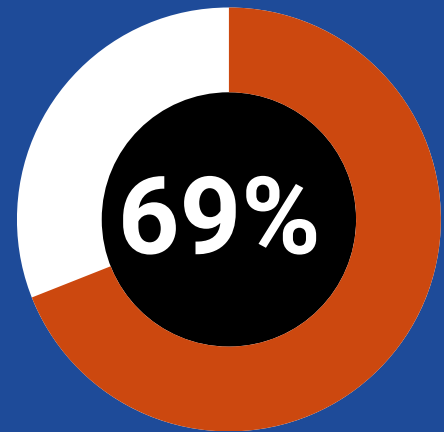
**Consumer Durables & Apparel, Food, Beverage & Tobacco and Retailing**  
Industries with the most accessibility lawsuits (1,312)



**New York**  
State that filed the most accessibility lawsuits (1,657)



**Mars Khaimov Law, PLLC**  
Law firm that filed the most accessibility lawsuits (503)



69% of all website accessibility lawsuits were filed by five law firms out of New York and California.

One out of four lawsuits were filed against companies that had been sued before.

# 2,281 CASES

In 2023, there were 2,281 web accessibility lawsuits filed in Federal and State Courts. This represents a slim 4% decrease from cases filed in 2022.

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|------|-------|
| 2023 | 2,281 |
| 2022 | 2,387 |
| 2021 | 2,352 |
| 2020 | 2,058 |
| 2019 | 2,260 |

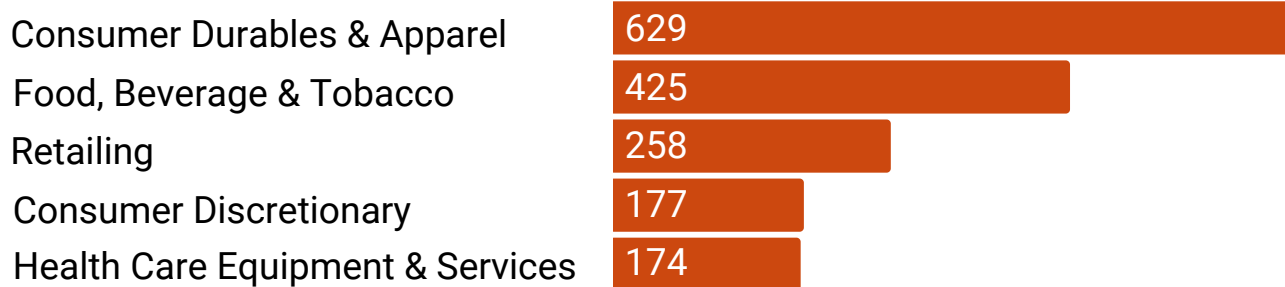
## Year-Over-Year: 2022-2023

Accessibility.com estimates an 18% increase in demand notices from the prior year; however, the slight decrease in year-over-year lawsuits realized from these demand notices indicates that organizations are settling with law firms without going to court.

## Other observations from 2023:

- 97% of lawsuits were predicated on the organization's desktop-based websites.
- 1 in 5 businesses sued used an overlay or widget on their website.
- 26% of lawsuits were against companies that had been sued previously.

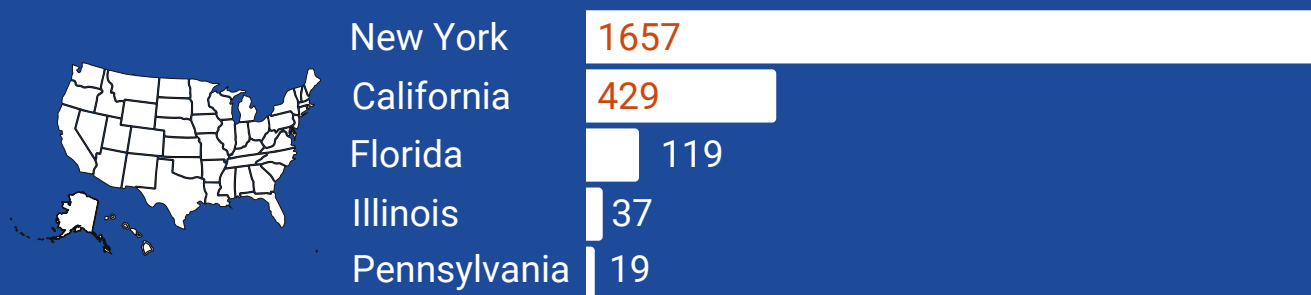
## LAWSUITS BY MOST TARGETED INDUSTRIES



- The Consumer Durables & Apparel, Food, Beverage & Tobacco, and Retailing industries were targeted most in 2023 with a total of 1312 lawsuits (57.5% of the year's total cases ).
- The Consumer Durables & Apparel industry was the third most targeted industry in 2022, moving to first place this year and seeing an increase of over 250% in the number of lawsuits filed.
- The Food, Beverage & Tobacco Industry saw an 82% increase over the prior year's lawsuits.
- The Retailing industry held steady at around the same percentage and number of lawsuits filed in 2023 as in 2022.
- The Consumer Discretionary industry dropped over 50% in filings from 2022.
- The Health Care Equipment & Services industry replaced 2022's Consumer Services industry in 2023.

## LAWSUIT FILINGS BY STATE

New York and California continue to dominate in web accessibility lawsuit filings. 2023 saw Florida doubling their filings from 2022, Illinois grabs a top spot this year, and Pennsylvania drops a position, but filings remain steady.



New York again claims the title for the top-filing state for web accessibility lawsuits. More than 72% of the cases filed nationwide in 2023 were filed in New York, and almost four times as many cases were filed in New York than in the next highest state, California.

California takes second place again with 429 cases, which equates to about 18% of the total cases filed in 2023. California did show a downward trend in case filings for the year, filing almost 34% fewer cases in 2023 than in 2022.

Florida's 119 web accessibility case filings in 2023 show a growth of over 200% from 2022. If Florida continues this growth rate and if California continues its decrease rate, it's possible that Florida could overtake California in 2024 as the state with the second-highest number of web accessibility filings.

While Pennsylvania held steady in the number of case filings from 2022, they dropped from fourth place to fifth, allowing Illinois, responsible for 1% of the overall case filing count, to take over fourth place.

## PLAINTIFFS WHO FILED THE MOST LAWSUITS

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Almost 16% of 2023 website accessibility lawsuits were filed by five plaintiffs. Only one plaintiff topped 100 lawsuits this year, making this the third straight year where an individual plaintiff has filed over 100 lawsuits. This year's top plaintiff was also last year's top plaintiff, Perla Mageno. In 2023, Mageno filed 105 lawsuits. In 2022, 108. That's 213 lawsuits filed by one plaintiff over two years.

Perla Mageno: 105  
Jenny Hwang: 78  
Andrew Toro: 64  
Luis Toro: 56  
Jasmine Toro: 52



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## LAW FIRMS THAT FILED THE MOST LAWSUITS

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Over 69% of 2023's website accessibility lawsuits were filed by five law firms. Four of the five top-filing law firms were from New York, and four of them made 2022's list of the top five law firms to file website accessibility lawsuits.

Mars Khaimov Law, PLLC, out of New York, took the top spot for 2023 by filing 503 lawsuits, which is almost a 140% bump in filings over 2022 for the firm.



- Mars Khaimov Law, PLLC (New York): 503
- Stein Saks, PLLC (New York): 460
- The Law Office of Noor A. Saab (New York): 213
- Pacific Trial Attorneys, APC (California): 210
- Mizrahi Kroub LLP (New York): 194

**INTERESTING FACT:** 2022's top law firm rang in at 372 filings. Two law firms exceeded this number in 2023.

# ACCESSIBILITY LAWSUIT PREDICTIONS FOR 2024

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### **We predict that 25% of the lawsuits will reference WCAG 2.2**

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 standard mentioned in most lawsuits. WCAG 2.2 was adopted as the new standard on October 5, 2023.

### **We predict there will be a 10% increase in lawsuits in 2024.**

Nine new success criteria were introduced with the release of WCAG 2.2. Very few companies have tested their websites against the WCAG 2.2 criteria. We would expect most will fail at least one of these new criteria. We expect this new release to reenergize law firms who filed lawsuits based on WCAG 2.1 to file using the standard of WCAG 2.2

### **We predict a 300% increase in mobile websites and application lawsuits.**

Desktop website lawsuits are becoming saturated, with 99% of the Fortune 500 receiving at least one demand letter or lawsuit since 2015. Only 5% of these same companies have received lawsuits based on the accessibility of their mobile website or application. Law Firms have traditionally targeted desktop websites because these targets are much more suitable for a templated lawsuit. Although Mobile applications are typically custom and take more time to be evaluated, law firms may see these as their next logical targets.

# A CONSERVATIVE APPROACH: ONLY TRUE WEBSITE ACCESSIBILITY CASES

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The 2,281 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.



## METHODOLOGY

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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.

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## BUSINESS IMPACT

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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.

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## FULL LAWSUIT DATABASE

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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](https://www.accessibility.com/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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