

The ADA Website Lawsuit Risk Most Small Business Owners Don't Know About

What Litigation Tracking Data and Current DOJ Guidance Show About Website Accessibility Risk for Small and Local Businesses

Prepared by Make It Loud | North Atlanta Small Business Research Series

Data Sources: UsableNet 2025 Year-End & 2026 Midyear Digital Accessibility Lawsuit Reports | Seyfarth Shaw ADA Title III Litigation Tracker | U.S. Department of Justice Title II Final Rule (2024) & Title III Web Accessibility Guidance | AudioEye 2026 Accessibility Widget Analysis

4,928

website accessibility lawsuits filed in the U.S. in 2025 alone, and 2026 is on pace for roughly 6,176, a new record

~67%

of businesses sued over website accessibility had under \$25 million in annual revenue, not the large corporations most owners picture

38.5%

of sued businesses already had an accessibility "widget" installed on their site when the lawsuit arrived

~\$30,000

commonly cited average settlement cost for a website accessibility lawsuit, before legal fees or required site remediation

BOTTOM LINE

Website accessibility lawsuits are not a large-corporation problem, and the data on who actually gets sued makes that clear. In 2025, nearly 5,000 website accessibility lawsuits were filed in U.S. federal and state courts, the highest number on record, and 2026 is tracking roughly 20% higher still. The majority of businesses named in these suits are not household names. They're small and mid-sized companies, disproportionately concentrated in e-commerce and retail, running ordinary websites built on platforms like Shopify and WooCommerce. Many business owners assume installing a popular accessibility widget solves this risk; the data says otherwise, with more than a third of sued businesses having exactly that kind of widget already installed when the lawsuit was filed. For any North Atlanta small business with a website that takes orders, bookings, or payments, this is a documented, growing, and specifically small-business-relevant legal exposure, not a hypothetical one.

Executive Summary

Every year since 2018, UsableNet has published the most detailed available tracking of website and mobile app accessibility lawsuits filed in U.S. federal and state courts, building its dataset by manually reviewing the actual complaints filed rather than relying on press releases or summaries. That data, combined with Seyfarth Shaw's parallel ADA Title III litigation tracking and current U.S. Department of Justice guidance, paints a consistent and specific picture: website accessibility litigation has grown every year since 2021, shows no sign of slowing in 2026, and disproportionately targets small and mid-sized businesses rather than the large corporations most owners assume are the actual targets.

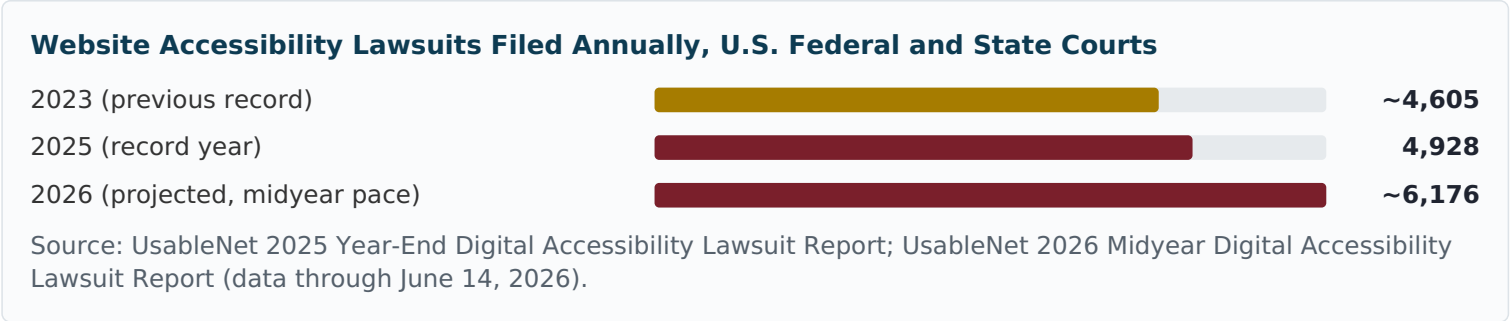
This report walks through the scale and trajectory of this litigation, exactly which businesses are getting sued, why the accessibility widgets many businesses have already installed provide less legal protection than commonly believed, what technical standard courts and settlements actually reference even though no formal rule requires it for private businesses, and the documented pattern of repeat lawsuits against previously-sued companies. It closes with what this means for how a North Atlanta small business should think about its own website's accessibility risk.

Finding 1 | Website Accessibility Lawsuits Are at an All-Time High, and Still Climbing

UsableNet's tracking found 4,928 web accessibility lawsuits were filed in the United States by the end of 2025, itself a record year. The organization's 2026 midyear report, covering filings through mid-June across ten federal courts plus key state courts in California, New York, Florida, and Illinois, found the pace had accelerated further, projecting approximately 6,176 total lawsuits for the full year, nearly a 20% increase over 2025 and on track to be the busiest year on record. This continues an unbroken multi-year trend: plaintiffs have filed more than 4,000 digital accessibility lawsuits every single year since 2021, and more than 25,000 such lawsuits have been filed cumulatively between 2018 and 2025.

2026 is on pace for ~6,176 lawsuits, a new record and roughly 20% above 2025

The first half of 2025 alone saw roughly 2,014 to 2,019 federal filings, a 37% increase over the same period in 2024, indicating the growth rate itself has been accelerating rather than leveling off. This sits within a broader pattern of overall ADA Title III litigation (which includes physical accessibility claims in addition to digital ones): Seyfarth Shaw's separate tracking found 8,667 total federal ADA Title III lawsuits in 2025, more than three times the 2013 baseline, with digital accessibility representing the fastest-growing segment of that broader category.



Finding 2 | This Is Not Just a Big-Company Problem

The single most important finding for a small business owner evaluating this risk is who actually gets sued. UsableNet's data found 67% of website accessibility lawsuits in 2024 targeted companies with under \$25 million in annual revenue, and separate 2026 analysis found 68% of defendants generate under \$50 million annually, figures that directly contradict the common assumption that this litigation is aimed almost exclusively at major national retailers. E-commerce and retail websites specifically account for an estimated 69% to 79% of all digital accessibility lawsuits, by far the most heavily targeted category, and industry commentary notes plainly that this includes "ordinary stores, restaurants with online ordering, service companies with booking forms," not just large national brands.

Roughly 69-79% of all website accessibility lawsuits target e-commerce and retail businesses specifically

It's worth noting the litigation trend isn't purely small-business-focused, either: UsableNet found the share of sued companies with revenue over \$25 million rose from 33% in early 2024 to 36% in early 2025, and 35.8% of the top 500 U.S. e-commerce retailers received at least one accessibility lawsuit in 2025, showing that large companies with substantial resources remain a real target as well. The practical takeaway is that revenue size offers no real protection in either direction. Both small local businesses and major national retailers are being sued in significant numbers, and a small business's usual assumption that "we're too small to be a target" is not supported by the data.

Finding 3 | Accessibility Widgets Don't Provide the Legal Protection Many Business Owners Assume

Many small businesses address website accessibility by installing a

In August 2026 alone, 134 of

third-party "accessibility widget" or overlay, a script-based tool that claims to adjust a site's accessibility on the fly, often marketed as a fast, low-cost compliance fix. The litigation data shows this approach frequently fails to prevent a lawsuit. UsableNet counted roughly 1,400 companies using accessibility widgets among 2025's lawsuit defendants, and a separate 2026 analysis by AudioEye found 38.5% of sued businesses already had some form of accessibility "solution" installed at the time the complaint was filed. In August 2026 alone, UsableNet's monthly tracking found 134 of 432 newly sued defendants, roughly 31%, were using a third-party accessibility widget when they were sued.

432 newly sued businesses were using an accessibility widget at the time

This pattern is consistent with the U.S. Department of Justice's own position. DOJ's March 2022 web accessibility guidance specifically identified overlay tools as insufficient on their own, and lawsuits against businesses using widgets commonly argue that these tools fail to address the actual underlying code-level issues that assistive technology users experience, such as missing form labels, keyboard traps, or unlabeled interactive elements. A widget can adjust visual presentation on the surface, in other words, without fixing the structural code problems a screen reader or keyboard-only user actually encounters, which is precisely the gap plaintiffs' attorneys have learned to target.

Finding 4 | WCAG 2.1 AA Is the Standard Nearly Every Case Actually Uses, Even Without a Formal Rule

The Web Content Accessibility Guidelines (WCAG), published by the World Wide Web Consortium, are built around four principles, commonly summarized as POUR: content must be Perceivable, Operable, Understandable, and Robust. WCAG 2.1 Level AA, the version most commonly referenced in litigation, includes 50 success criteria at the base Level A plus 20 additional criteria at Level AA, for 70 total testable requirements. In April 2024, the DOJ published a final rule formally requiring WCAG 2.1 AA conformance for state and local government websites under Title II of the ADA, with a compliance deadline of April 24, 2026 for larger public entities.

Virtually every Title III settlement and consent decree from 2020-2024 references WCAG 2.0 or 2.1 Level AA

That formal rule applies only to government entities. Title III, the section of the ADA covering private businesses, has no codified technical standard specifying exactly what "accessible" means for a company website. In practice, this distinction matters less than it might seem: DOJ's own March 2022 guidance for private businesses recommends testing against WCAG, and virtually every Title III settlement agreement and consent decree from 2020 through 2024 references WCAG 2.0 or 2.1 Level AA as the operative benchmark, with federal courts in several circuits routinely citing it as well. One notable recent wrinkle worth flagging directly: in early 2026, a DOJ court filing included a footnote stating the agency does not formally endorse WCAG as "the" ADA standard, a position legal commentators at Seyfarth Shaw called inconsistent with DOJ's own extensive history of WCAG-based settlements. That footnote does not invalidate existing case law or settlement patterns, and WCAG 2.1 AA remains, in practice, the standard virtually every business defending an accessibility claim is measured against.

Finding 5 | Repeat Lawsuits and Serial Plaintiffs Are a Documented, Ongoing Pattern

A meaningful share of website accessibility litigation comes from repeat filings, both against businesses that were previously sued and never fully remediated, and from a relatively concentrated group of frequent-filing plaintiffs and law firms. UsableNet's August 2026 monthly data found 108 of 432 newly sued defendants, roughly 25%, had already faced a prior digital accessibility lawsuit. California and New York have historically been the dominant venues for this litigation, driven partly by state laws like California's Unruh Civil Rights Act that allow for statutory damages beyond what federal ADA claims alone provide, and 2026 tracking found Illinois surging into the list of top states, driven largely by the filing volume of a single high-volume

Roughly 1 in 4 defendants sued in a single recent month had already been sued once before

plaintiff law firm.

The financial stakes of an individual case, while smaller than many owners might fear, are still real and recurring. Commonly cited estimates put the average settlement for a website accessibility lawsuit around \$30,000, not including separate legal defense costs or the cost of the site remediation work a settlement or consent decree typically requires. Since 2019, e-commerce businesses specifically are estimated to have paid a combined \$370 million in settlements and damages tied to this category of litigation.

What This Means for North Atlanta Small Businesses

1 Don't assume your business is too small to be a target.

Given that roughly two-thirds of sued businesses had under \$25 to \$50 million in annual revenue, and that ordinary local retailers and service businesses with online ordering or booking forms make up the large majority of cases, business size alone offers little real protection.

2 Don't treat an accessibility widget as a complete fix.

Given that more than a third of sued businesses already had a widget installed when the lawsuit arrived, and that DOJ's own guidance identifies overlays as insufficient on their own, code-level fixes to the underlying site, not just a surface-level tool, are what the data shows actually reduces risk.

3 Use WCAG 2.1 AA as your practical benchmark, regardless of the formal Title III ambiguity.

Since virtually every real-world settlement and consent decree references WCAG 2.0 or 2.1 AA as the standard, building toward that benchmark is the most defensible, practically relevant target for a private business website, independent of the technical absence of a formal Title III rule.

4 If you've been sued once, full remediation matters, not just settling and moving on.

Given the documented pattern of repeat lawsuits against previously-sued businesses, a settlement that resolves one claim without genuinely fixing the underlying accessibility issues leaves a business exposed to the same risk resurfacing.

The Data: Website Accessibility Litigation Reference

Data Point	Figure	Source
Web accessibility lawsuits filed, 2025	4,928 (record year)	UsableNet 2025 Year-End Report
Web accessibility lawsuits projected, 2026	~6,176 (~20% increase)	UsableNet 2026 Midyear Report
Web accessibility lawsuits, 2018-2025 cumulative	25,000+	UsableNet
H1 2025 federal filings vs. H1 2024	~2,014-2,019 (+37% YoY)	Seyfarth Shaw / UsableNet
Total federal ADA Title III lawsuits (all types), 2025	8,667	Seyfarth Shaw ADA Title III Tracker
Businesses sued with under \$25M annual revenue, 2024	67%	UsableNet / TestParty compiled data
Businesses sued with under \$50M annual revenue, 2026	68%	Taylance Tech, citing UsableNet
Lawsuits targeting e-commerce/retail websites	69-79%	UsableNet / Seyfarth Shaw
Top 500 e-commerce retailers sued at least once, 2025	35.8%	UsableNet 2026 Trends Report

Sued businesses that already had an accessibility widget	38.5%	AudioEye 2026 analysis
Companies using widgets among 2025 lawsuit defendants	~1,400	UsableNet
August 2026 defendants using a widget when sued	134 of 432 (~31%)	UsableNet monthly tracker
August 2026 defendants previously sued before	108 of 432 (~25%)	UsableNet monthly tracker
WCAG 2.1 AA total testable success criteria	70 (50 Level A + 20 Level AA)	W3C WCAG 2.1 specification
DOJ Title II WCAG 2.1 AA compliance deadline (public entities)	April 24, 2026	DOJ Title II Final Rule, April 2024
Average website accessibility lawsuit settlement (commonly cited)	~\$30,000	Compiled industry sources (WCAGsafe)
E-commerce industry settlements/damages paid since 2019	~\$370 million	Compiled industry tracking (TestParty, citing UsableNet/Seyfarth Shaw)

Figures reflect national U.S. litigation tracking data compiled from multiple independent sources. This report does not constitute legal advice.

This report is provided for general informational and educational purposes only and does not constitute legal advice. Website accessibility law, including ADA Title III interpretation, varies by jurisdiction and continues to evolve. Any business with specific concerns about its own legal exposure or compliance obligations should consult a qualified attorney.

About Make It Loud

Make It Loud builds websites for small and local businesses across North Atlanta with accessibility built into the design and development process from the start, not bolted on afterward as a widget. This report is part of an ongoing research series examining what actually determines whether North Atlanta small businesses convert the customers their marketing generates, and website accessibility is increasingly a real, documented part of that conversation.

Methodology, Limitations & Sources

This report is based primarily on UsableNet's annual and midyear Digital Accessibility Lawsuit Reports, built from manual review of actual court filings in federal courts and key state courts (California, New York, Florida, and Illinois), alongside Seyfarth Shaw's separate ADA Title III litigation tracking, current U.S. Department of Justice guidance and rulemaking, and AudioEye's 2026 accessibility widget analysis. Litigation figures reflect the specific reporting periods and tracking methodologies of each source; UsableNet's digital-accessibility-specific figures and Seyfarth Shaw's broader ADA Title III figures track different, though overlapping, categories of litigation and are presented separately rather than combined. The legal status of WCAG as a Title III standard is presented accurately as a de facto rather than formally codified standard, including a February 2026 DOJ court filing that introduced some ambiguity on this point; this report does not resolve that legal ambiguity and is not a substitute for legal counsel. This report does not constitute legal advice and should not be relied upon as such; any business with specific compliance or litigation exposure questions should consult a qualified attorney.

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Seyfarth Shaw, via RatedWithAI. Commentary on February 2026 DOJ footnote regarding WCAG's formal legal status under Title III.