

LEGAL RISK TOOL

# ADA Lawsuit Risk Calculator

Estimate your exposure range and understand what actually drives ADA lawsuit risk – beyond just having violations.

## Estimate Your Exposure

Estimated site pages

50

1

500+

Monthly visitors

20,000

1K

1M+

Industry

General Business



Aggravating risk factors:

- Prior demand letters or lawsuits filed
- No published accessibility statement
- No documented scan/audit history
- Has checkout or reservation flow
- Hosts inaccessible PDFs or documents

ESTIMATED EXPOSURE RANGE

**\$12,500 - \$38,000**

Moderate exposure — documenting remediation effort is key. (Rough guidance. Not legal advice.)

Low

Medium

High

Critical

*This calculator provides rough order-of-magnitude estimates based on publicly reported ADA settlement data. It is not legal advice. Settlement amounts vary widely based on jurisdiction, plaintiff counsel, violation severity, and good-faith remediation effort. Consult a qualified attorney for legal guidance.*

### The Real Numbers

**4,600+**

ADA WEB LAWSUITS FILED IN  
2023

**\$25K**

AVERAGE SETTLEMENT COST

**97%**

**-200**

OF WEBSITES HAVE VIOLATIONS

SERIAL PLAINTIFF ATTORNEYS  
ACTIVE

## What Actually Drives Lawsuit Risk

Most ADA web lawsuits don't start with government enforcement — they come from serial plaintiff law firms who send demand letters at scale. Understanding their targeting criteria is more useful than just knowing you have violations.

**Serial plaintiff targeting:** Firms like Eisenberg & Baum target specific industries systematically. Retail, hospitality, and healthcare are highest.

**Checkout/reservation barriers:** An inaccessible checkout is the #1 cited violation in retail lawsuits. The plaintiff proves economic harm because they couldn't complete a transaction.

**No remediation evidence:** Defendants who can show audit history and good-faith efforts consistently settle for less or get cases dismissed.

**Overlays and "accessibility widgets":** Courts have not found that accessibility overlays (like UserWay or accessiBe) provide legal safe harbor. Several overlay companies have been named in suits.

**Prior demand letter ignored:** Ignoring a demand letter dramatically increases likelihood of filing and settlement amount.

**Accessibility statement published:** While not a legal safe harbor, a documented accessibility statement with contact info signals good faith and can influence settlement negotiations.

## Safe Harbor: What It Is (and Isn't)

There is no formal statutory safe harbor for ADA website compliance in the United States. WCAG 2.1 AA is the de facto standard courts use as a benchmark, but full conformance does not guarantee immunity.

What does help defensibility:

- Documented audit history with timestamps
- A published, genuine accessibility statement
- Evidence of ongoing remediation (this changelog)
- A mechanism for users to report barriers
- Responding to accessibility complaints promptly

*Note: Automated overlays and plugins have been explicitly rejected as a compliance solution by major disability rights organizations and have not provided legal protection in any known case.*

## **Build Your Defensibility Paper Trail**

Scan your site, store evidence, track remediation history, and publish the documentation that matters when it counts.

**Start Free Trial →**