

Protecting Your Business: Understanding ADA Website Accessibility Lawsuits in New York

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Did you receive a complaint alleging that your company's website violates New York's equivalent of the Americans with Disabilities Act? Does the complaint allege the website violates [New York State Human Rights Law](#) and [New York City Human Rights Law](#)? By an individual claiming they tried to purchase goods on your website but could not do so due to accessibility issues?

You are far from alone. Court dockets are [ballooning in New York](#) with these cases. With the right strategy, you can maximize your chances of greatly reducing the exposure you face and potentially securing the dismissal of the case without paying the other side a dime. Here are five things to know about your case:

1. Your Website Actually May Have Accessibility Issues

There are many technical requirements for making your website accessible. It is important to work with a trusted vendor to bring your website into compliance, but that alone won't cause the lawsuit to be dismissed.

2. Still, the Plaintiff Must Be Able to Prove the Impairment or Disability

Even though your website may have been inaccessible to those with an impairment or disability, the plaintiff who sued you still must be able to prove that they are impaired or disabled. The phase of the lawsuit where you can dig into that proof is the discovery phase, and with the right strategy, you may be able to resolve the case during that phase and not have to proceed to trial.

3. A Fast-Paced, Active Approach Tends to Work Best

The law firms that file these cases file a lot of them. Managing such a high volume of cases takes time and effort. With so many cases, their attorneys prefer to attack those cases where the other side is asleep at the wheel. Don't show complacency. Instead, bring the fight to them and put them on their heels.

4. Don't Expect Immediate Results

Depending on which court your case is in, you may be facing a court with a lengthy process to bring your case to its close. The court may take its time to move your case along, and there are ways to nudge it to the next step. Maintaining that proactive approach is best, but be ready for the case to likely last a minimum of several months.

5. Be Ready to Negotiate

Settlement talks can happen at any stage of the case. Don't assume that the first offer you receive will be one you're ready to

take. Often, the attorneys for the other side are anxious to settle the case and will be open to significant negotiation.

If you just received a complaint about your website, it is imperative that you act quickly. As soon as a lawsuit starts, so do the deadlines. You don't want to miss a deadline—especially in this type of case where the other side is waiting for you to slip up.