

# Just the Facts: Americans with Disabilities Act

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While overall civil rights cases have declined, cases brought under the Americans with Disabilities Act (ADA) have increased three-fold in recent years. Filings in three states – California, Florida, and New York – account for a significant number of the civil rights cases filed under the ADA. You can find out more in this new installment of Just the Facts, a feature by the Judiciary Data and Analysis Office of the Administrative Office of the U.S. Courts (AO) that illuminates the work of the federal Judiciary through data. Comments, questions, and suggestions can be sent to the [data team](mailto:AOdb_JDAO_datateam@ao.uscourts.gov) ([mailto:AOdb\\_JDAO\\_datateam@ao.uscourts.gov](mailto:AOdb_JDAO_datateam@ao.uscourts.gov)).

## Background:

The ADA prohibits discrimination against people with disabilities in areas of public life, including employment, transportation, public accommodation, communications, and governmental activities. The ADA was signed into law by President George H.W. Bush on July 26, 1990.

In 2005, the Administrative Office of the U.S. Courts began publishing statistics on civil cases filed under the ADA in the U.S. district courts. ADA cases constitute a subcategory of civil rights cases on the civil docket. The AO's ADA statistics are separated into cases raising employment discrimination claims and cases raising other claims under the ADA. Most of the other ADA claims involve public accommodation matters.

Complaints asserting a violation of the ADA are often filed in federal district courts, although state courts also have jurisdiction to hear such cases. The decision of any district court can be appealed to a circuit court of appeals, and a decision by the circuit court can be appealed to the Supreme Court of the United States. This report examines ADA cases in the district courts.

## Facts and Figures:

- In the 12-month period ending Dec. 31, 2017, the number of civil rights cases filed in the district courts was 39,800, which amounted to 14.5 percent of the total civil docket. ADA cases accounted for 10,773 filings, which amounted to 4 percent of the total civil docket and 27 percent of civil rights cases.
- From 2005 to 2017, filings of civil rights cases excluding ADA cases decreased 12 percent. In contrast, during that period, filings of ADA cases increased 395 percent (see [Figure 1](#)).
- From 2005 to 2017, filings of ADA cases raising employment discrimination claims rose 196 percent to 2,494. Filings of cases raising other ADA claims grew more rapidly, increasing 521

percent to 8,279 cases. The latter category of cases includes those raising claims of limited accessibility at businesses such as restaurants, movie theaters, schools, and office buildings (see [Figure 2](#)).

- Filings in the states of California, Florida, and New York account for a significant number of ADA cases (see [Figure 3](#)).
- In 2017, more than half of ADA cases were filed in three states (see [Table 1](#)).
- The map below shows the numeric difference between ADA cases filed in 2005 and those filed in 2017 across U.S. states and territories (see [Map 1](#)).
- [Map 2](#) shows the numeric changes in ADA filings between 2016 and 2017.

Table 1. ADA and Total Civil Filings and Percentages by State, Calendar Year 2017

State	ADA Filings	Percent ADA Filings	Total Civil Filings	Percent Total Civil Filings
California	2,933	27%	28,551	10%
Florida	1,614	15%	19,098	7%
New York	1,265	12%	22,258	8%
Rest of U.S.	4,961	46%	205,640	75%

The large concentration of lawsuits in three states has been attributed to a variety of factors, according to professional journals and news outlets.

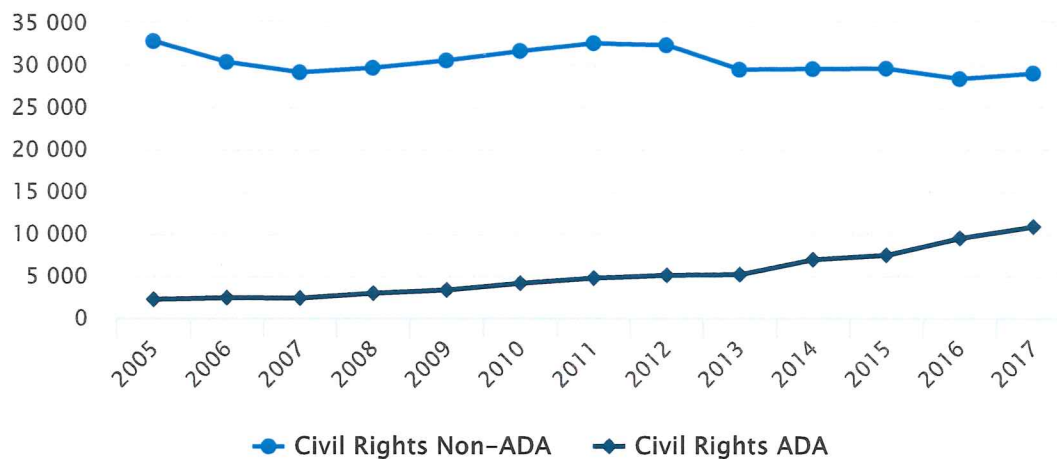
- In California, state laws (the Disabled Persons Act of 2009 and the Unruh Civil Rights Act of 1959) allow plaintiffs to add monetary claims for damages to requests for injunctive relief in lawsuits filed under the ADA. These state laws may have contributed to the large number of ADA cases filed in California.<sup>1</sup>
- In Florida, “testers” may be contributing to the growth in ADA case filings. A “tester” is a single plaintiff who files separate claims against multiple businesses alleging failure to comply with ADA requirements. Florida recently passed a law aimed at curbing what has been termed frivolous ADA-related lawsuits.<sup>2</sup>
- The large number of ADA cases in New York may have been influenced by the age of many public buildings and infrastructure across New York City that plaintiffs claim are inaccessible to people with disabilities. More recently, a class action was approved against the Metropolitan

Transportation Authority of New York City, in which disability organizations and disabled residents claim that the lack of elevators at many subway stops results in ADA violations.<sup>3</sup>

- In all states, as the baby boom population has aged, the pool of disabled persons has increased, a factor that may contribute to growth in ADA cases raising public accommodation claims.<sup>4</sup>
- In the case of *Juan Carlos Gil v. Winn-Dixie Stores, Inc.*, the Southern District of Florida decided on June 13, 2017, that a retailer's website discriminated against a plaintiff who is blind. This ruling established a link between public accommodations available online and the accessibility of the retailer's physical facilities. This is reported to be the first ADA case raising a public-accommodation claim related to website accessibility. Some legal experts have speculated that the decision could open the door to filings of similar suits.<sup>5</sup>

## Figure 1

Figure 1. ADA and Non-ADA Civil Rights Cases, 2005 – 2017



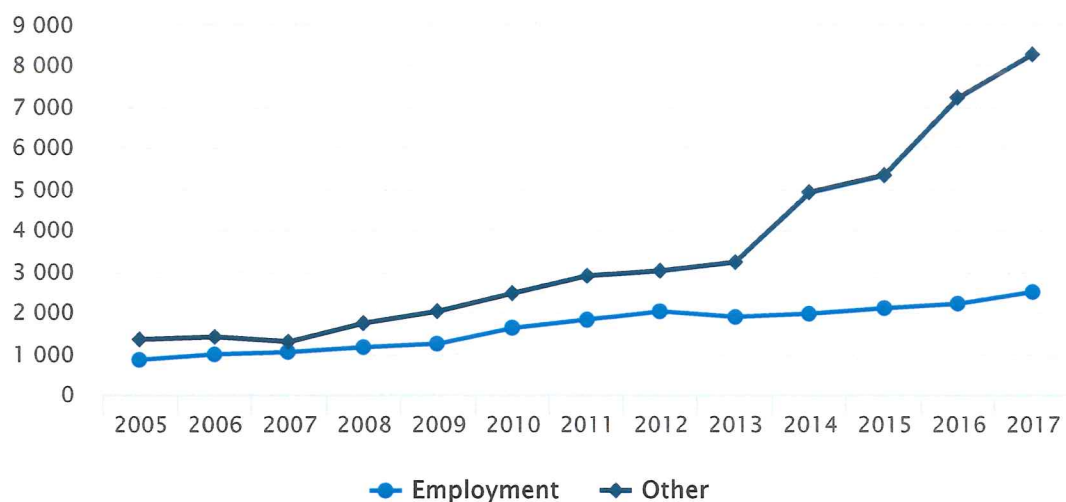
Source: Table C2, 12-Month Periods Ending December 31, 2005 through 2017.

Highcharts.com

## Figure 2



Figure 2. ADA Civil Rights Cases, by Type, 2005 – 2017

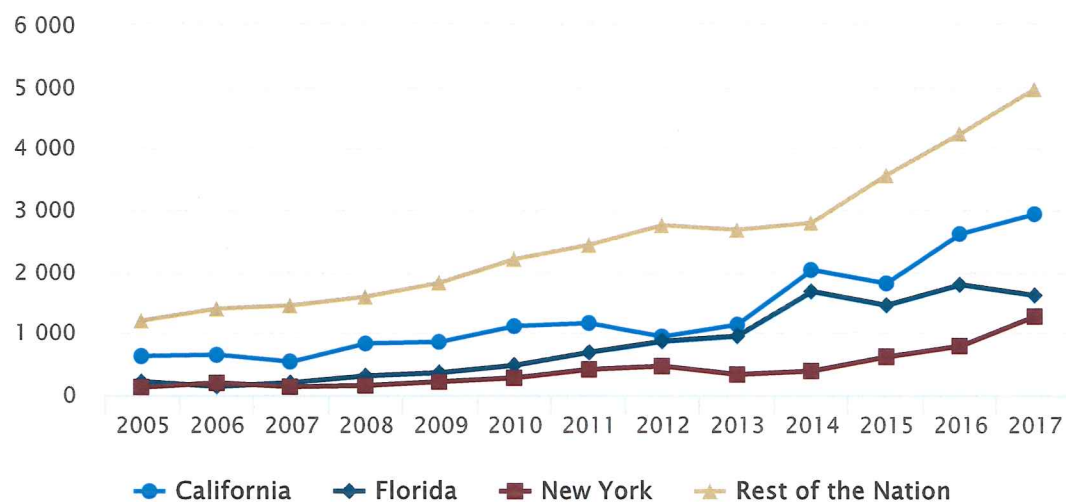


Source: Table C2, 12-Month Periods Ending December 31, 2005 through 2017.

Highcharts.com

Figure 3

Figure 3. ADA Civil Rights, by State, 2005 – 2017



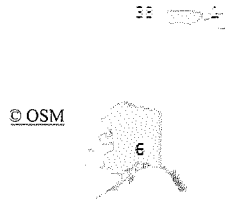
Source: Table C2, 12-Month Periods Ending December 31, 2005 through 2017, Aggregated by State.

Highcharts.com

## Map 1

Puerto Rico and Virgin Islands

:s—Numeric Changes in Filings of ADA Cases, 2005-2017



Source: Table C2, 12-Month Periods Ending December 31, 2007 through 2017, Aggregated by State.

## Map 2

Puerto Rico and Virgin Islands

–Numeric Changes in Filings of ADA Cases, 2016-2017



Source: Table C2, 12-Month Periods Ending December 31, 2007 through 2017, Aggregated by State.

1. Johnson, Denise (2016, October 7). Why Claims Under Americans with Disabilities Act Are Rising. *Insurance journal*. Retrieved from <https://www.insurancejournal.com/news/national/2016/10/07/428774.htm> (<https://www.insurancejournal.com/news/national/2016/10/07/428774.htm>); and Cooper, Anderson (2016, December 4). What's a "Drive-By Lawsuit"? CBS News, 60 Minutes. Retrieved from: <https://www.cbsnews.com/news/60-minutes-americans-with-disabilities-act-lawsuits-anderson-cooper/> (<https://www.cbsnews.com/news/60-minutes-americans-with-disabilities-act-lawsuits-anderson-cooper/>).
2. Florida House Bill 727 summary, <https://www.flsenate.gov/Committees/bills/summaries/2017/html/1674> (<https://www.flsenate.gov/Committees/bills/summaries/2017/html/1674>).
3. Center for Independence of the Disabled, New York et al v. Metropolitan Transportation Authority et al, U.S. District Court, Southern District of New York, No. 17-02990.
4. Moon, Nathan; Kaplan, Shelley; Weiss, Sally (2010, May/June). ABA Business Law Section. Baby Boomers Are Turning Grey. Retrieved from: <https://apps.americanbar.org/buslaw/blt/2010-05-06/moon-kaplan-weiss.shtml> (<https://apps.americanbar.org/buslaw/blt/2010-05-06/moon-kaplan-weiss.shtml>).

5. Hale, Nathan (2017, June 14). Law360 (LexisNexis Company). Winn-Dixie Loses ADA Fight Over Website Accessibility. Retrieved from: <https://www.law360.com/articles/934358/winn-dixie-loses-ada-fight-over-website-accessibility> (<https://www.law360.com/articles/934358/winn-dixie-loses-ada-fight-over-website-accessibility>).