How to Navigate Robocall Claims and Protect Your Rights

If you own a phone in America, you have almost certainly been interrupted by a robotic voice offering something you never asked for. That interruption is not just an annoyance. Under the Telephone Consumer Protection Act, it may be a violation of your privacy. The law gives consumers a way to fight back, and that path runs through something called Robocall Claims. Understanding how these claims work, what they cover, and what you need to prove can make the difference between a nuisance you tolerate and compensation you collect.

What Actually Counts as a Robocall Violation

The TCPA defines a robocall as any call that uses an automatic telephone dialing system or an artificial or prerecorded voice. But not every robocall is illegal. The call becomes a violation when it is made to a number on the National Do Not Call Registry, or when it is made to a cell phone without the called party's prior express consent. The law also covers text messages sent using an autodialer, because courts have long treated texts as calls under the TCPA.

Many people assume that if they receive a political survey call or a debt collection robocall, they have no recourse. That is not always true. Political calls are generally exempt from the Do Not Call rules, but they are not exempt from the prohibition on using an autodialer to call a cell phone without consent. Similarly, debt collectors can call you if they have your prior consent, but they cannot use a robocall system to do it unless you agreed to be contacted that way. The fine print matters, and the burden of proving consent usually falls on the caller.

One common scenario involves a bank or credit card company that calls your cell phone using an autodialer. You may have given them your number when you opened the account, but that does not automatically mean you consented to receive robocalls. The FCC has clarified that providing a cell number in a transaction only grants consent for calls that are directly related to the reason you gave the number. If the call is about a new product or a promotional offer, it falls outside that scope. That distinction is the foundation of many successful Robocall Claims.

How the Claims Process Works

Filing a claim is not as complicated as most people think. The first step is to gather evidence. Save the voicemail or record the date and time of the call. Write down the phone number that appeared on your caller ID, even though spoofing makes that unreliable. The most important piece of evidence is whether you had given prior consent. If you never provided your number to

the caller, or if you provided it but never agreed to receive automated calls, you already have a strong starting point.

Once you have your evidence, you can send a cease and desist letter to the caller. This is not legally required, but it can stop future calls and create a paper trail. If the calls continue, or if you want to pursue compensation for the calls you already received, you can file a complaint with the FCC or hire an attorney who specializes in TCPA litigation. Many attorneys work on contingency, meaning you pay nothing upfront and the lawyer takes a cut of any settlement or judgment.

The statutory damages for a TCPA violation are $500 per call, and the court can triple that to $1,500 if it finds the violation was willful or knowing. That means a single unwanted robocall can be worth up to $1,500 in damages. If you received dozens of calls, the potential recovery adds up quickly. Class actions are also common, where one plaintiff represents everyone who received similar calls from the same defendant. In those cases, the damages can run into millions of dollars, and individual plaintiffs often receive meaningful compensation without ever going to trial.

Common Defenses and How to Beat Them

Defendants in robocall cases typically raise several defenses. The most common is consent. They will argue that you gave them your number, either directly or through a third party, and that you agreed to receive calls. To beat this defense, you need to show that the consent was not "prior express consent" as defined by the TCPA. For example, if you entered a contest online and checked a box that said you agreed to receive calls from sponsors, that may not count as consent if the checkbox was buried in fine print or the disclosure was misleading.

Another defense is that the system used to make the call was not an autodialer. The TCPA defines an autodialer as equipment that has the capacity to store or produce telephone numbers to be called using a random or sequential number generator, and to dial those numbers. Some defendants argue that their system does not have that capacity, or that it requires human intervention to start the call. Courts have split on this issue, but the FCC has taken a broad view, and many cases survive summary judgment on this point. A skilled attorney can usually overcome this defense with expert testimony about how the dialing system actually works.

A third defense is that the call was not a robocall at all. Some callers use a predictive dialer that places calls and then connects a live agent when someone answers. The FCC has ruled that predictive dialers are autodialers under the TCPA, so this defense rarely succeeds. If the system dials numbers automatically and plays a prerecorded message or connects a live person without manual dialing, it is almost certainly a robocall under the law.

What to Expect in Terms of Time and Money

Robocall Claims can resolve in a few months or take several years, depending on whether the defendant fights or settles early. Many companies prefer to settle quickly to avoid the risk of a class action and the negative publicity that comes with a lawsuit. Individual claims with clear evidence often settle for a few thousand dollars. Class actions can take longer, but the per-person payout can still be substantial, especially if the class is small.

One thing to keep in mind is that the TCPA has a four-year statute of limitations. That means you cannot wait forever to file your claim. If you have been receiving calls for a long time, you should act promptly to preserve your rights. Also, if you previously gave consent but later revoked it, you must have a record of that revocation. Sending a text message that says "stop" or telling the caller directly during a live call can serve as revocation, but you should document it in writing if possible.

The law also applies to text messages, so the same rules cover spam texts sent by automated systems. If you receive a text from a political campaign or a retailer that you never signed up for, you may have a claim. The damages are the same per text as per call, so a flood of unwanted texts can add up to a significant recovery.

Practical Steps You Can Take Right Now

If you are tired of robocalls and want to take action, start by registering your number on the National Do Not Call Registry. That will not stop all robocalls, but it creates a presumption that any call you receive from a telemarketer is a violation. Next, install a call-blocking app on your phone. Many of these apps can identify likely spam calls and let you report them. The more data you collect, the stronger your claim becomes.

When you receive a robocall, do not engage with the automated system. Do not press any numbers to "speak to a representative" or to be removed from the list. That often confirms your number is active and leads to more calls. Instead, hang up immediately and log the call details. Over time, you will build a record that an attorney can use to file a claim.

Robocall Claims are not just about compensation. They also serve a deterrent function. Every successful claim sends a message to callers that ignoring the law has consequences. By enforcing your rights, you help reduce the number of unwanted calls that everyone receives. That is a small but meaningful way to improve the phone experience for yourself and others.