What You Need to Know About Robocall Claims and Your Rights

When Your Phone Won't Stop Ringing

It starts as a minor annoyance. A call from a number you do not recognize. You let it go to voicemail, and the message is a recorded pitch for a credit card or a warranty. The next day there are two more. Then three. Before long, your phone is buzzing several times a day with automated calls, many of them illegal. If this sounds familiar, you are not alone. Tens of millions of Americans deal with unwanted robocalls every year, and the legal landscape for stopping them and recovering money has become surprisingly active.

People often ask me whether they can actually do something about these calls beyond blocking numbers. The short answer is yes, but the path depends on the type of call, who is behind it, and whether you gave prior consent. The phrase "Robocall Claims" refers to legal actions taken against companies or individuals who place unsolicited automated calls or text messages without your permission. These claims are typically brought under the Telephone Consumer Protection Act, or TCPA, a federal law that has been on the books since 1991. The TCPA was written long before smartphones existed, but courts have interpreted it to cover modern calling technology, including voice-over-IP systems and text message blasts.

How Did We Get Here?

The explosion of robocalls over the past decade did not happen by accident. Caller ID spoofing tools became cheap and widely available. Auto-dialing software got more sophisticated. And the profit margins for call centers that run high-volume campaigns are huge, even if only a tiny fraction of recipients fall for the pitch. Regulators have tried to catch up, but the sheer volume of calls makes enforcement difficult. The Federal Communications Commission has issued hundreds of fines, but many are never collected. That is where private lawsuits come in.

The TCPA allows individuals to sue for statutory damages of $500 per violation, and up to $1,500 per violation if the caller acted willfully or knowingly. That might not sound like a lot per call, but when a defendant has dialed thousands of numbers, the potential liability adds up fast. Class action lawsuits have resulted in settlements worth tens of millions of dollars. I have consulted on cases where a single plaintiff received a five-figure award just for repeated calls to a cell phone. The law is one of the few consumer protection statutes that gives individuals a direct financial incentive to enforce it.

What Makes a Valid Claim?

Not every unwanted call is actionable. The TCPA covers calls made using an "automatic telephone dialing system" or an artificial or prerecorded voice. If a live human being dialed your number and spoke to you without using an auto-dialer, that call is generally not covered by the TCPA, though it may violate other rules. The definition of an auto-dialer has been the subject of fierce litigation. The Supreme Court issued a ruling in 2021 that narrowed the definition, but the FCC has since clarified that many modern dialing systems still qualify.

You also need to consider consent. If you gave your phone number to a company and agreed to receive calls, that consent can be a defense. But consent must be clear and not coerced. Buried fine print in a terms-of-service agreement may not be enough. And if you later revoke consent, the company must stop calling. Many people do not realize that they can revoke consent orally or in writing at any time. Once you say "stop calling me," any further calls are likely violations.

Another important factor is the type of phone line. Cell phone numbers receive stronger protection than landlines. The TCPA generally prohibits any autodialed or prerecorded call to a cell phone without prior express consent. For landlines, prerecorded calls are restricted but autodialed live calls may be allowed. Text messages are treated as calls under the TCPA, so the same rules apply. This has led to a wave of lawsuits over unwanted SMS marketing campaigns.

How to Build Your Case

If you are receiving unwanted robocalls, start documenting everything. Note the date, time, and caller ID number, even if it appears spoofed. Save any voicemails. Do not hang up immediately if you can help it because the length of the call can sometimes help trace the source. You can also use call-blocking apps that log call metadata. Some of these apps allow you to export logs that can serve as evidence.

You should also check whether the caller has left a recorded message. If there is a prompt to speak to a representative or press a number, do not engage. Engaging may be used to argue that you consented to the call. Instead, let the call go to voicemail and save the recording. If you do answer, clearly state that you do not consent to further calls and ask to be placed on the company's internal do-not-call list.

Once you have a solid record, you can file a complaint with the FCC or the Federal Trade Commission. These agencies do not award you money, but they may investigate and fine the caller. For financial compensation, you need a private attorney. Many consumer protection lawyers handle Robocall Claims on a contingency fee basis, meaning you pay nothing upfront and the lawyer takes a percentage of any settlement or judgment. The risk is that the defendant may be judgment-proof, meaning they have no assets or insurance to pay a claim.

That is why cases against large companies or well-funded call centers tend to be more promising.

Common Defenses and Pitfalls

Defendants in robocall cases often raise several defenses. The most common is that the dialing system used did not meet the legal definition of an autodialer. Another frequent defense is that the plaintiff gave prior express consent, either directly or through a third-party lead generator. Courts have split on whether consent given to one company extends to its marketing partners. Some courts say yes; others require that the consent be specific to the caller.

A lesser-known defense is the "established business relationship" exception. If you bought something from a company within the past 18 months, they may be allowed to call you with a prerecorded message about that product or service. But the exception does not apply to cell phones, and it does not apply if you have asked to be placed on the company's do-not-call list. These nuances make it important to work with a lawyer who understands the TCPA inside and out.

Another pitfall is the statute of limitations. The TCPA has a four-year statute of limitations, but some courts have applied shorter deadlines. If you have been receiving calls for years, you can only sue for violations that occurred within the past four years, and possibly less depending on your jurisdiction. That is why you should not wait to act.

Practical Steps to Reduce Unwanted Calls

While you consider legal action, there are things you can do right now to cut down on the volume. Register your number with the National Do Not Call Registry. It will not stop all calls, especially from scammers who ignore the registry, but it does make it easier to prove a violation if a legitimate company calls you after you have been on the list for 31 days. Use call-blocking apps like Nomorobo or YouMail. These services screen incoming calls and block known robocallers. They are not perfect, but they help.

Also, be careful about where you share your phone number. Many robocalls originate from data brokers who sell lists of numbers to marketing companies. If you enter your number in a contest, a survey, or a website that promises a free quote, you may be giving consent without knowing it. Read the fine print. If a site says something like "by providing your number you agree to receive calls from our partners," that is a red flag.

Finally, if you receive a robocall that appears to be from a government agency or a legitimate business like your bank, do not assume it is real. Scammers spoof official numbers all the

time. If you are unsure, hang up and call the entity directly using a number you know is correct. Never give personal information to an unsolicited caller.

When to Contact a Lawyer

If you have received more than a few unwanted calls, especially if they continue after you have asked to stop, it is worth consulting a lawyer who handles Robocall Claims. Many offer free initial consultations. During that consultation, the lawyer will ask about the frequency of calls, whether you gave consent, and whether you have any evidence. They will also assess whether the caller is a large company or a fly-by-night operation. The honest ones will tell you if your case is worth pursuing.

The law is on your side, but it takes effort to enforce it. The phone companies have not solved the robocall problem, and the regulators have limited resources. That leaves individual lawsuits as one of the most effective tools. Every time someone files a legitimate claim, it sends a message to the industry that ignoring consumer rights has real consequences. And if you are tired of your phone buzzing with junk calls, that message is worth sending.