

Understanding Robocall Claims: How to Fight Illegal Automated Calls

If you have a phone, you have likely been bothered by a robocall. These automated calls are not just annoying. Many of them are illegal. The Telephone Consumer Protection Act (TCPA) gives consumers rights against unwanted robocalls and text messages. But knowing your rights is only half the battle. The other half is understanding how robocall claims work and when you can take action.

I have spent years helping consumers navigate this area of law. Most people do not realize that each illegal robocall can carry statutory damages of \$500 to \$1,500 per call. That means a short burst of unwanted calls can add up to real money. But the rules are specific, and not every robocall gives you a claim. Let me walk you through what matters.

What Makes a Robocall Illegal?

The TCPA defines a robocall as any call that uses an automatic dialing system or an artificial or prerecorded voice. But the law does not ban all robocalls outright. It bans calls to cell phones made without prior express consent. For calls to landlines, the ban applies only if the call includes a prerecorded voice and the consumer has not given permission.

Consent can be tricky. If you gave your number to a doctor's office or a store for appointment reminders, that consent usually covers calls about that topic. But if that same business starts calling you about a totally different product or service, the consent may not apply. And if you never gave your number at all, any robocall is likely illegal.

The biggest source of illegal robocalls today comes from scammers who spoof caller ID numbers. They make it look like a local call or a government agency. These calls are almost always illegal because the caller has no consent and often no real business purpose. That is where [robocall claims](#) become a powerful tool for consumers.

Common Types of Robocall Claims

Not every unwanted call leads to a valid claim. But several common patterns do. Here are the situations I see most often:

- Calls to a number on the National Do Not Call Registry. If you have been on the registry for at least 31 days and receive a telemarketing robocall, that is a violation.
- Calls using a prerecorded voice without your written consent. This applies to cell phones and landlines alike.

- Calls from debt collectors who use an autodialer to call your cell phone without prior consent. Even debt collection calls have limits.
- Text messages sent using an autodialer without your permission. Text messages count as calls under the TCPA.

Each of these situations can support a separate claim. And because the TCPA provides for statutory damages, you do not need to prove you lost money. The fact that the call happened without consent is enough.

How to Build a Strong Robocall Claim

Evidence is everything. If you want to pursue robocall claims, you need to document the calls. Start by saving voicemails. Do not delete them. Write down the date, time, and caller ID number. If you have a smartphone, take a screenshot of the call log. For text messages, screenshot the entire conversation including the phone number.

One of the most important pieces of evidence is whether you gave consent. If you never provided your number to the caller, that is easy to prove. But if you did business with the company, the burden may shift to them to show they had consent. Keep records of any prior interactions. If you asked them to stop calling and they kept calling, that strengthens your claim considerably.

Another key factor is whether the call used an autodialer. The TCPA defines an autodialer broadly as equipment that can store or produce numbers and dial them randomly or sequentially. In practice, most call centers use software that qualifies. But the caller may argue it is not an autodialer. This is where a lawyer can help. You do not need to be a technical expert. The court will look at the capabilities of the system, not just how it was used in your particular call.

I have seen cases where a single robocall led to a \$500 settlement. I have seen others where hundreds of calls added up to tens of thousands of dollars. The outcome depends on the facts and the defendant's behavior. Some companies settle quickly because they know they violated the law. Others fight every step of the way. That is why having a lawyer who understands robocall claims matters.

What to Expect When You File a Claim

Filing a robocall claim usually starts with a demand letter. Your lawyer sends a letter to the company behind the calls, laying out the evidence and the law. Many companies will offer a settlement at that point. If they do not, the next step is filing a lawsuit in federal court. The TCPA allows for actual damages or statutory damages of \$500 per violation, whichever is

higher. If the court finds that the company acted willfully or knowingly, it can triple the damages to \$1,500 per violation.

There is also a class action route. Some robocall claims are brought on behalf of everyone who received similar calls from the same company. Class actions can result in larger settlements, but the individual share may be smaller. For a single consumer with a handful of calls, an individual claim often makes more sense.

One thing to watch out for is the statute of limitations. You generally have four years from the date of the call to file a claim. But do not wait. Evidence gets stale, and witnesses forget details. If you have been getting illegal robocalls, start documenting now.

Common Defenses and How to Handle Them

Companies that defend robocall claims often raise several arguments. The most common is that you gave consent. They might claim you agreed to receive calls when you signed up for a service or bought a product online. Always check the fine print. Many companies bury consent in terms of service. But even then, consent is not unlimited. If you later revoke consent by telling them to stop, continued calls are illegal.

Another defense is that the system used was not an autodialer. Some courts have accepted narrow definitions of autodialers, especially after a 2021 Supreme Court decision. But the law is still developing. Many lower courts still apply the broad definition. A good lawyer will know the current state of the law in your circuit.

Scammers are harder to sue because they are often untraceable. They use spoofed numbers and disposable phones. But you can still file a claim against the company that hired the scammer, if you can identify them. For example, if a car dealership hires a robocall vendor to generate leads, the dealership can be liable for the vendor's violations.

Practical Advice for Consumers

If you are tired of robocalls, there are steps you can take beyond filing a claim. Register your number on the Do Not Call list. Use call-blocking apps. Report unwanted calls to the FTC. But these steps do not always stop the calls. When they do not, your legal rights are your best tool.

I tell everyone the same thing: do not let the calls go unanswered. Each call is a potential violation. If you have the time and evidence, pursuing robocall claims can be worth it. Not only can you recover money for yourself, but you also help deter bad actors. Companies that face lawsuits change their behavior. That benefits everyone.

One last thing. Be careful about third-party services that promise to file claims for you in exchange for a cut of the settlement. Some of these services are legitimate, but others are scams themselves. Always work with a licensed attorney who specializes in TCPA law. They can give you honest advice about whether your case is worth pursuing.

Robocalls are not going away on their own. The technology gets cheaper and the scammers get more creative. But the law is on your side. If you know your rights and how to enforce them, you can turn a nuisance into a real remedy. That is what robocall claims are all about: holding callers accountable for breaking the rules.