What You Need to Know About Robocall Claims and Your Rights

If you have a phone, you have almost certainly been interrupted by a robocall. That automated voice offering lower credit card rates, a free vacation, or a "special offer" from your bank is more than just an annoyance. Under the Telephone Consumer Protection Act, many of those calls are illegal. And if you have received them, you may be entitled to compensation. This is where the concept of robocall claims comes into play. It is not just about stopping the calls; it is about holding the people behind them accountable.

I have spent years working with clients who were unsure whether their experience qualified as a violation. The short answer is that if you received a prerecorded call or an autodialed call without your prior express written consent, the call likely broke the law. The longer answer involves understanding the specific rules, the types of damages available, and how to gather the right evidence. Let me walk you through the practical side of this, drawing from what I have seen work and what does not.

The Difference Between a Nuisance and a Legal Violation

Not every unwanted call is actionable. A real person dialing your number by hand, even if they are selling something and you are on the National Do Not Call Registry, may still be a violation, but the rules are different. The TCPA sets a high bar for automated calls. If the system dials numbers from a list, uses a random or sequential number generator, or plays a prerecorded message, the caller needs your explicit permission. That permission usually has to be in writing. A simple verbal agreement during a prior call is not enough.

I once worked with a small business owner who kept getting calls about a warranty extension for a car he had sold years ago. The calls were prerecorded and came from a different number each time. He assumed there was nothing he could do. But because he had never given written consent to that company, each call was a separate violation. The penalties under the TCPA can range from $500 to $1,500 per call, and in some cases even higher if the caller acted willfully. That adds up fast when you have received dozens or hundreds of calls.

How Robocall Claims Work in Practice

When someone files a robocall claim, the process usually starts with documentation. You need to save the voicemail or record the call if your state allows one-party consent. You also need to note the date, time, and the phone number that appeared on your caller ID. Many people skip this step because they are in a hurry or frustrated. But the evidence is what separates a strong case from a weak one.

After you have the basic evidence, the next step is identifying the caller. This can be tricky. Many robocallers spoof caller ID numbers, so the number you see is not the real source. Attorneys who handle these cases use subpoenas and other legal tools to trace the call back to the actual dialer. That is why it helps to work with someone who knows the ins and outs of the TCPA. A good lawyer will also check whether the call came from a legitimate business that may have bought your number from a lead generator, because that business may be just as liable as the marketing company.

One thing I have seen trip people up is the statute of limitations. The TCPA generally gives you four years from the date of the last violation to file a lawsuit. That sounds like a long time, but the clock can run out faster than you think if you wait. If you have been getting calls for months, the last call resets the clock, but only for that specific incident. Earlier calls may be time-barred.

Common Defenses and Why They Sometimes Fail

Companies that use robocalls often fall back on a few standard defenses. The most common one is that you gave prior consent. They might claim you agreed to receive calls when you signed up for a service or filled out a form online. The problem for them is that the consent must be "prior express written consent" for telemarketing calls. That means you must have signed something that clearly states you agree to receive autodialed or prerecorded calls. A small checkbox buried in a terms-of-service page usually does not cut it unless it is specific to robocalls.

Another defense is that the call was not actually autodialed. Some companies argue that their system required a human to manually press a button for each call. Courts have looked closely at this. If the system automatically dials numbers from a list and only connects a live agent after the call is answered, it is still an autodialer under the law. I have seen cases hinge on how the dialer software was configured, which is why depositions of the company's IT staff can be so revealing.

What You Can Recover

If you win a robocall claim, you can recover statutory damages of $500 per violation. If the caller knowingly and willfully violated the law, the court can triple that to $1,500 per violation. On top of that, you can also recover your attorney's fees and costs. That means it is possible to bring a case without having to pay anything upfront, because the lawyer works on contingency.

Class actions are another route. When a single robocall campaign targets thousands of people, the damages can add up to millions of dollars. Each class member gets a share, though individual payouts in large classes can be modest. Individual cases, especially against smaller

companies, sometimes yield higher per-person recoveries because the damages are not divided among so many people.

Practical Tips for Handling Robocalls Right Now

While you consider whether to pursue a claim, there are a few things you can do to stop the bleeding. First, do not engage. Do not press any number to speak to a representative or to be removed from their list. That confirms your number is active and often leads to more calls. Second, block the number on your phone and report it to the FTC at DoNotCall.gov. Third, if you have a smartphone, you can install a call-blocking app. Some carriers now offer free robocall screening tools as part of your plan.

For businesses, the stakes are even higher. If your company uses an autodialer or prerecorded messages, you need to have a written consent process that is ironclad. I have consulted with several companies that thought they were compliant because they had a general consent checkbox on their website. When I pointed out that the checkbox did not mention prerecorded calls or autodialers, they realized they were exposed. Fixing that before a lawsuit lands is a lot cheaper than paying out damages.

When to Talk to a Lawyer

If you have received more than a few unwanted robocalls and you have evidence, it is worth a conversation with an attorney who focuses on TCPA cases. Many offer free consultations. They can tell you whether the calls are likely violations, how much your case might be worth, and whether it makes sense to pursue it individually or as part of a larger group. Robocall claims can be complex, but they are also one of the few areas where individuals have real leverage against large companies that break the rules.

I have seen people walk away with settlements that covered their time and frustration, and sometimes much more. The law is on your side, but only if you act. If you have been ignoring those calls and deleting the voicemails, you are doing exactly what the callers are counting on. A few minutes of documentation could turn that annoyance into a check.