Although I try to make TCPAWorld as assessable as possible, the truth is there are tremendous barriers to entry in this space.

There’s a reason why so few Plaintiff’s lawyers (or defense lawyers for that matter) can break into handling TCPA litigation. And there’s a reason why even an “experienced” non-lawyer like Callier can make a healthy living bringing TCPA cases and picking his spots.
For instance, when I say “court finds 47 CFR 64.1200(d) promulgated under 227(c)” TCPAWorld denizens know exactly the impact. Everyone else says “huh”?

Bottom line for the casual observer: big split of authority over whether the provisions of 1200(d)—pertaining to the content of a marketing call—may be privately enforced or not. Well in BRANDON CALLIER, Plaintiff, v. DEBT MEDIATORS, LLC, a Florida Limited Liability Company, a/k/a CM SOLUTIONS LLC, ANTHONY FRANCISCO, and ANDREA FRANCISCO, 2022 WL 1423622 (W.D. Tex. May 5, 2022) the court found that they can be.

The Court reasoned that notwithstanding the fact that certain portions of 1200(d) focus on the content of calls—which are generally found to have been promulgated under 227(d) of the TCPA, which lacks a private right of action—the majority of provisions within that section are concerned with a broader effort to protect subscriber privacy and, hence, were promulgated under 227(c).

The *Callier* decision is by no means the only court to have reached this conclusion but is the first court in Texas to make such a ruling. So Callier is making inroads.

We’ll keep an eye on this. And happy Monday!

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