



## "TCPA Regulatory and Litigation Developments: The FCC Opens the Floodgates," *The Business Lawyer*, Vol. 71, p. 649 (Spr. 2016)

Articles / Publications  
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John Chiles, Zach Miller and Rachel Friedman recently published *TCPA Regulatory and Litigation Developments: The FCC Opens the Floodgates* in the American Bar Association's *The Business Lawyer* (Vol. 71, No. 2).

The article examines important developments under the Telephone Consumer Protection Act ("TCPA") during 2015, with particular emphasis on the Federal Communications Commission's July 2015 Ruling, which addressed previously unsettled issues with respect to key elements of a TCPA claim. The article also discusses various procedural and substantive aspects of TCPA litigation, including:

- arbitration and offers of judgment in the class action context;
- criteria for imposing liability for a "willful or knowing violation" of the TCPA;
- how courts define "telemarketing" and "unsolicited advertisement" under the TCPA; and
- the scope of "prior express consent" and how consent can be revoked.

Members of the Business Law Section of the ABA can obtain an electronic copy [here](#).

Non-members can email John, Zach or Rachel directly for a copy of the article.

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