



What To Watch As High Court Tackles Robocall Ban's Scope, Law360, ft. Richard Perr

Richard J. Perr, co-managing partner of the KD Philadelphia office and chair of the Consumer Financial Services practice group, was quoted in a Law360 article following his interview with Allison Grande, published on December 7, 2020.

The U.S. Supreme Court is gearing up to hear arguments Tuesday on the litigation-fueling question of what qualifies as an autodialer under the Telephone Consumer Protection Act, in a fight that's poised to pit semantics against the public's growing disdain for robocalls.

In Facebook v. Duguid, the social media giant and its supporters, which include the federal government, have argued that the Ninth Circuit was wrong to conclude that the TCPA's sweeping prohibition on using an automatic telephone dialing system, or ATDS, to call or text consumers without consent applies to any equipment that has the capacity to store and dial numbers, even if the numbers haven't been generated by a random or sequential number generator.

Statutory Text v. Congressional Intent

"The conservative judges will be the ones to watch to see if any seem inclined to break with their traditional view of statutory interpretation in lieu of a policy position in favor of a popular statute, or whether they stick to their view and simply suggest that it is up to Congress to rewrite the statute if it desires more expansive coverage for the TCPA," said Richard Perr, chair of the consumer financial services practice group at Kaufman Dolowich & Voluck LLP and a member of the board of directors of the Association of Credit and Collection Professionals.

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