

## Supreme Court Rules Consumers Can Sue Telemarketers and Debt Collectors in Federal Court

January 19, 2012 - Claiming that a debt collector continued to harass him after being asked to stop, Marcus Mims filed a federal law suit under the Telephone Consumer Protection Act (TCPA). That suit was thrown out by the 11th Circuit Court of appeals on the grounds that Congress had not given consumers specific permission in the law to use the federal courts to settle claims. Now, the US Supreme Court has overturned that ruling.

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The debt collector in the Mims' - Arrow Financial Services, LLC - case was trying to collect on a delinquent student loan for Sallie Mae. In the suit, Mims claimed that the debt collector repeatedly harassed him with pre-recorded phone calls.

Under TCPA, when telemarketing calls are made, the caller must identify himself, who the call is being made for, provide contact information for complaints or to be removed from the call list, requires the firm making the calls to maintain its own do-not-call list and restricts the time of day that calls can be placed. It also restricts the use of autodialers and prerecorded messages.

Most TCPA cases have been heard in state courts; something the law specifically permits. The new Supreme Court ruling allows these cases to be heard in federal court.

Anyone suing under TCPA is entitled to collect anywhere from \$500 to \$1,500 per incident.

by Jim Malmberg

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