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McLaughlin Chiropractic: US Supreme Court Invites New Era of TCPA Jurisprudence

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In a landmark development for lawsuits brought under the Telephone Consumer Protection Act (TCPA), on June 20, 2025, the US Supreme Court issued its widely anticipated decision in ***McLaughlin Chiropractic Associates, Inc. v. McKesson Corp***. The ruling will have significant implications for future TCPA litigation, potentially leaving several issues of long-settled law open to reinterpretation by courts.

Key takeaways of *McLaughlin*

- **District courts are no longer bound by Federal Communications Commission (FCC) statutory interpretations in TCPA enforcement proceedings.** The court in *McLaughlin* ruled that federal district courts must independently interpret the TCPA in civil enforcement proceedings[1] and generally are not bound by FCC interpretative rulings. This reverses prior Ninth Circuit precedent that effectively required district courts to apply FCC interpretations of the TCPA embodied in final FCC orders reviewable under the Hobbs Act, including at important stages of litigation, such as rulings on motions to dismiss, summary judgment and class certification.
- **The Hobbs Act does not preclude judicial review in enforcement contexts.** The court clarified that the Hobbs Act does not bar judicial review of agency interpretations in district court enforcement actions, even if the opportunity for pre-enforcement review has passed and no declaratory judgment was obtained.
- **New default rule for statutory interpretation.** The court emphasized that judicial review of agency interpretations in enforcement proceedings is the default rule unless the US Congress clearly states otherwise – something it did not do in the TCPA or Hobbs Act. In practice, district courts in TCPA lawsuits "must determine the meaning of the law under ordinary principles of statutory interpretation, affording appropriate respect to the agency's interpretation."

Practical implications for TCPA litigation

- **Expanded opportunity to challenge FCC rulings.** TCPA litigants can now argue that prior FCC actions misinterpreted the TCPA's text without first bringing or joining a Hobbs Act pre-enforcement challenge. Since the TCPA was enacted in 1991, the FCC has issued numerous declaratory rulings and other final orders interpreting the statute on a wide range of issues, all of which appear now potentially subject to re-examination by courts. In an important footnote, the *McLaughlin* decision also suggests that federal trial courts are free to consider challenges to the validity of FCC rules – not just agency interpretative decisions – in enforcement actions. Writing for the majority, Justice Brett Kavanaugh noted that "[j]udicial review in enforcement proceedings of course may also include review of whether the **rule** or order was arbitrary and capricious under the [Administrative Procedures Act] or otherwise unlawful." (emphasis added)
- **Reinvigoration of case-by-case statutory interpretation.** The decision in *McLaughlin* will invite a much wider range of both offensive and defensive legal arguments in TCPA lawsuits, as parties will be free to litigate statutory interpretation issues previously thought to be foreclosed by prior agency rulings. The decision also suggests that district courts may consider the validity of FCC regulations in private TCPA enforcement actions even years after the 60-day period for pre-enforcement appeal under the Hobbs Act has passed. Additionally, in such proceedings, TCPA defendants should be free to collaterally attack the validity of FCC rules using administrative law-based arguments previously understood to be available only for a short time following a rule's initial adoption.

- **Uncertainty and forum shopping risks.** District courts may reach differing interpretations on key TCPA litigation issues, which could create divergent standards across US jurisdictions. This enhances the importance of venue strategy and the need to monitor legal developments in the key jurisdictions where a business operates.

Downstream effects on TCPA compliance

Companies have long used principles rooted in FCC interpretations of the TCPA as guideposts for their compliance and legal risk management strategies. Following the Supreme Court's ruling, the value of such interpretations as navigational guidance is much less clear.

Even before the post-*McLaughlin* TCPA case law landscape begins to take shape, companies at risk of TCPA claims – including those that engage in outbound telemarketing or text message marketing, or that provide an artificial intelligence (AI) or AI-assisted voice calling service – should review the implications of the Supreme Court's decision with experienced counsel to determine what operational changes they should consider **now** to manage related legal risks.

If you have questions or would like assistance determining how the *McLaughlin* decision could impact your business, please contact one of the Cooley lawyers listed below.

Note

1. Under the majority opinion, the term "enforcement proceedings" includes enforcement actions brought by the government and civil lawsuits brought by private parties. *McLaughlin Chiropractic Associates, Inc. v. McKesson Corp., No. 23-1226 (2025)* at footnote one.

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