HALL ESTILL
ATTORNEYS AT LAW

News & Insights

Tulsa Attorney Aaron Tifft for Washington Legal Foundation- After McLaughlin v. McKesson: A Seismic Shift in TCPA Litigation and Jurisprudence

November 17, 2025

By: Aaron C. Tifft

Washington Legal Foundation

https://www.wlf.org/2025/11/17/publishing/after-mclaughlin-v-mckesson-a-seismic-shift-in-tcpa-litigation-and-jurisprudence/

The Supreme Court's decision in McLaughlin Chiropractic Associates, Inc. v. McKesson Corp. 1 fundamentally reorients Telephone Consumer Protection Act ("TCPA") 2 litigation away from reliance on FCC determinations and toward district courts' independent statutory analysis. In private TCPA suits and civil enforcement actions, trial courts are no longer bound by the FCC's interpretations. Courts now must decide the "best reading" of the statute while giving agency views only "appropriate respect."

By eliminating the binding effect of FCC interpretations in TCPA litigation, the Court handed defendants powerful new tools to challenge expansive agency readings that have previously foreclosed meritorious defenses. At the same time, plaintiffs share the same ability to challenge defense-friendly FCC interpretations. This change will reshape class certification, spur forum divergence, and require defense teams to win not on Hobbs Act deference, but on statutory text, factual development, and Article III standing challenges. The locus of interpretive authority has shifted from the Commission to the courts. READ MORE

Attorneys

- Aaron C. Tifft

Practices

- Corporate & Business Services
- Information Technology