

# Justin Penn Featured in Politico: Discusses Oral Argument in Supreme Court Case Challenging TCPA's Ban on Robocalls to Cell Phones

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Hinshaw partner Justin Penn, who serves as the chair of the firm's Consumer Financial Services Practice Group, was quoted in a *Politico* article about the case of *Barr v. American Association of Political Consultants*, which was recently argued before the U.S. Supreme Court. In the case, a political consultant sought to overturn the ban on robocalls to cell phones mandated by the Telephone Consumer Protection Act (TCPA). The Court of Appeals panel had opted to remove a 2015 exemption in the law allowing calls that were made in an effort to either collect on a debt owed to or backed by the federal government.

Though the Supreme Court heard arguments on two issues—whether the robocall ban is unconstitutional, and, how that should be resolved—Penn suggested the court's focus will be on the second issue. "If the government debt exemption is a content-based restriction such that strict scrutiny applies, how do we sever this from the TCPA?" asked Penn. He went on to speculate about whether the remedy could sever the clause about government debt exemption applying to calling cell phones, or should strike down the cell phone ban as a whole.

"Robocalls get their day in the Supreme Court," was published by *Politico* on May 6, 2020.

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