

**COURTHOUSE NEWS SERVICE**

30 N. Raymond, Third Floor, Pasadena CA 91103, (626) 577-6700, home@courthousenews.com

March 30, 2004

**Overnight Mail**

Mr. Donald S. Clark, Secretary  
Federal Trade Commission  
Room 159-H  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

Re: Comments On National Do Not E-Mail Registry  
CAN-SPAM Act Rulemaking, Project No. R411008

Dear Secretary Clark:

I am the publisher of Courthouse News Service, and write to submit my comments on the concept of a national do-not-e-mail registry, which I strongly oppose.

Courthouse News Service, which I started in 1991, is a legal news service that provides its subscribers -- which include major newspapers as well as many of the nation's major law firms -- with daily e-mailed reports of new court filings, from new complaints to appellate opinions. Subscribers receive notice of new lawsuits within hours of filing and they receive prompt notice of new appellate rulings with links to full text. Law firm subscribers have come to view this service as a necessary and critical part of their business. Similarly, for media clients, whose resources are often stretched and cannot regularly send reporters to courthouses in remote locations, the service tips them off to newsworthy new filings. Courthouse News has grown substantially over the last 13 years, and now offers reports from more than 45 cities in 23 states, representing the creation of many new jobs.

Courthouse News' growth has truly been made possible by business to business e-mail transmissions. For the last several years, we have sent free sample subscriptions for our reports to potential subscribers via e-mail, much as a newspaper or magazine will send a free trial subscription to a physical address. In the case of free samples sent to lawyers, we use e-mail addresses that most of those lawyers have posted prominently on their own web sites. This is not bulk e-mail. Rather, these free samples are sent to small numbers (no more than 20 at a time) of lawyers, and at the end of the trial period, recipients are asked whether they wish to subscribe. Because the recipients can see from these free samples how Courthouse News' reports can help their practice, they can make an informed decision about the news service. Occasionally, we receive a request that we stop sending these samples, and we respond immediately to these requests. However, my

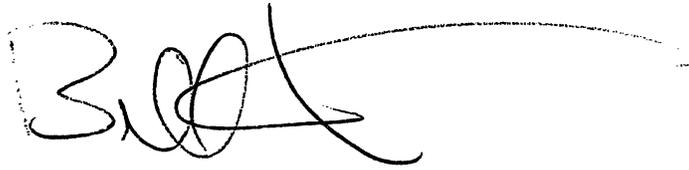
very rough guess is that we receive an opt-out request from only about one out of every 100 recipients of the trial subscriptions of our reports.

Because the information in Courthouse News' reports is only of value to its law firm and media subscribers when it is timely, e-mail delivery of these reports is essential. And because Courthouse News sells e-mailed reports, *its value can only be fully evaluated by potential subscribers in that medium*. The creation of a do-not-e-mail registry would not only limit my ability to reach potential subscribers through the use of e-mailed free samples of these reports, but would undoubtedly require me to devote significant resources to comply with the registry's requirements that could otherwise be used to expand my business. And while a do-not e-mail registry would impede the growth of Courthouse News and other legitimate Internet-based businesses in the United States, I do not believe such a registry will do anything to deter the really bad actors: spammers who send vast quantities of fraudulent, illegal, or sexually explicit content, who can be counted on to continue these activities even if a do-not-e-mail registry is created. A do-not-e-mail registry would also hurt would-be recipients of e-mails, who will no longer receive information that may be useful to them and/or their businesses. For example, if Courthouse News is prevented from sending its sample e-mail reports to lawyers and law firms on the registry, those lawyers and law firms will not find out about a service that can help them serve their clients more effectively.

For all of these reasons, I urge the Federal Trade Commission to recommend against the creation of a Do Not E-Mail Registry.

Sincerely,

Bill Girdner  
Publisher  
Courthouse News Service

A handwritten signature in black ink, appearing to read 'Bill Girdner', with a long horizontal flourish extending to the right.