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January 20, 2010

Elizabeth M. Murphy, Secretary  
Securities and Exchange Commission  
100 F Street, N.E.  
Washington, DC 20549-1090

Re: File No. SR-FINRA-2009-073

Dear Ms. Murphy:

The Investor Rights Clinic at Pace University School of Law, operating through John Jay Legal Services, Inc. (“PIRC”),<sup>1</sup> welcomes the opportunity to comment on FINRA’s proposal to amend Rule 12213(a) of the Code of Arbitration Procedure for Customer Disputes, to expand the criteria for selecting a hearing location for an arbitration proceeding. We strongly support the rule proposal, as it codifies current practice to honor a customer’s choice of a hearing location within the state of the customer’s residence even though it may not be the geographically closest hearing location.

Codifying practices already in place increases transparency and ensures that customers are aware of this additional hearing location option. This practice is one worth codifying because it enhances customer choice. Because some states severely restrict out-of-state lawyers from representing clients in arbitration hearings in their states, without this codification, customers might be forced to conduct their hearing in a state in which their lawyer cannot represent them. This rule proposal facilitates customer access to adequate legal representation in securities arbitrations, a critical factor to ensure procedural fairness. The Commission should support FINRA’s efforts to enhance customer choice of hearing location and counsel.

Respectfully submitted,

*Jill I. Gross*  
Director, PIRC

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<sup>1</sup> PIRC, which opened in 1997, is the nation’s first law school clinic in which J.D. students, for academic credit and under close faculty supervision, provide *pro bono* representation to individual investors of modest means in arbitrable securities disputes. See Barbara Black, *Establishing A Securities Arbitration Clinic: The Experience at Pace*, 50 J. LEGAL EDUC. 35 (2000).