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JOHN E. SUTHERLAND
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November 30, 2010

Securities and Exchange Commission
100 F Street
Washington, DC 20549

Re: SR-FINRA-2010-053 (proposed FINRA - Panel Composition Rule)

Dear Sir or Madam:

Please accept this submission as my comment on FINRA's proposed Panel Composition Rule.

I am a member of Brickley, Sears and Sorett, attorneys who represent investors in SRO arbitration. I am also an adjunct professor at Suffolk University Business School in Boston where I teach business ethics classes. I am a member of PIABA. I support the position of PIABA expressed in its comment letter. In addition, I offer several observations:

A. Euphemism - The Industry Arbitrator has been a euphemism for shill. It has been a challenge over the years to explain to public investor clients that one of the panel members works in the very industry the client wishes to criticize. Of late, the criticism has been with a particular products sold by not just one office or firm, but some that have been sold industry wide. The prospect of an Industry Arbitrator has not instilled confidence in the process.

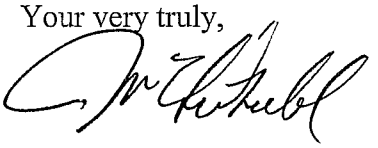
B. Appearance of Bias - The Industry Arbitrator has been the second most striking and vivid example of what has been perceived as an inherent bias in the resolution of disputes between public investors and securities firms. The most significant is the "mandatory" arbitration system itself. The Industry Arbitrator on occasion has been an able and useful panel member. Regardless of the quality of the arbitrator, the appearance of impropriety exists to the detriment of the public's perception of the program.

C. Kangaroo Court - The most significant issue for public investors is the

"mandatory" arbitration system itself and being subjected to a Kangaroo Court. We would encourage you to make arbitration an election for investors. Making arbitration optional and not mandatory would almost automatically relieve the SEC of the necessity of supervising the process. If it was not mandatory, FINRA would make their process fair, or public investors and their counsel would not use it. The notion that it is industry operated and that one of the panelists was an industry member, gives the public the idea that the whole process is biased and unfair. We propose that the perception of unfairness would likely be eliminated if the process for the investor was optional.

Please do not hesitate to call me with any questions. Thank you for your consideration.

Your very truly,



John E. Sutherland

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