

Kraus & Zuchlewski LLP

April 10, 2008

Nancy M. Morris, Secretary
Securities and Exchange Commission
100 F. Street, N.E.
Washington, D.C. 20549-0609

Re: Proposed Revisions to Rules 12206 and 12504 of the NASD
Code of Arbitration Procedure - Motions to Dismiss
SR-FINRA-2007-021

Dear Ms. Morris:

Our firm represents individual employees in the securities industry. Many of those employees are compelled to arbitrate disputes with their employers at FINRA because they have executed a Form U-4 or because they are parties to mandatory pre-dispute arbitration agreements. I also am a member of the Public Investors Arbitration Bar Association (PIABA). Our firm writes in support of the above-referenced rule changes related to dispositive motions in FINRA arbitrations; we concur with the reasons set forth in PIABA's March 18, 2008, comment letter.

While PIABA's letter describes the salutary effect that the proposed rule change would have for investors, we believe that the rule change would have a similarly positive impact upon claims brought by individual employees. Like investor claims, employment claims (e.g., compensation disputes, allegations of discrimination or U-5 expungement issues) also generally involve "factual disputes . . . which can only be resolved by the panel after an evidentiary hearing." (PIABA letter at pages 2-3)

In addition to the reasons PIABA articulates in support of this rule change, we offer another - the value of a clear, defined process and procedure for dispositive motions. In our experience, in the absence of any rule, panels have taken a variety of different and inconsistent positions.

Some panels have determined that dispositive motions are not part of the arbitration process and refuse to entertain dispositive motions. (We, like PIABA, believe that this is the correct view.) Occasionally, other panels will entertain the most baseless dispositive motions and require a time consuming, expensive response which inevitably delays the proceeding. Other panels decide whether to consider dispositive motions, or to require a response, on a case-by-case basis. Such lack of consistency undermines the integrity and credibility of a process which should provide the same level playing field for all participants.

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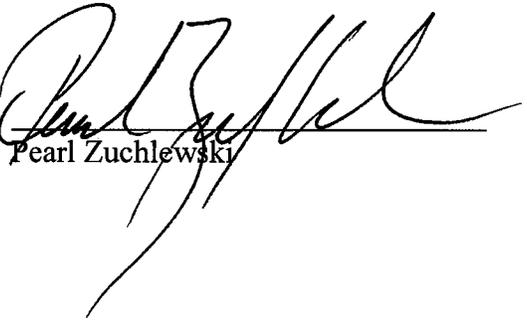
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Thank you for your consideration.

Respectfully,

KRAUS & ZUCHLEWSKI LLP

By:



Pearl Zuchlewski