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U.S. Securities and Exchange Commission

VIA EMAIL ONLY TO rule-comments@sec.gov

Re: SR-FINRA-2009-013

Dear Sir or Madam:

Thank you for the opportunity to comment on SR-FINRA-2009-013. I believe that the proposed rule is an improvement over the current uncertainty and should be adopted. I suggest only one revision to make the rule fairer and less likely to create unnecessary emergencies and unintended injustices. The rule would better achieve its purpose if the words "and for thirty days thereafter" were appended to the end of the final sentence of proposed Rule 13206(c), as shown below:

". . . any time limits for the filing of the claim in court will be tolled while FINRA retains jurisdiction of the claim and for thirty days thereafter."

Without the suggested revision, if the filing date of the original arbitration claim is close to a statute of limitations deadline, the time needed for re-filing a case in court following the finding of lack of jurisdiction at FINRA could push the case over the edge and potentially deny a recovery to a deserving claimant. There is no reason why that kind of luck of the draw should have the possibility of harming an investor who otherwise deserves to be compensated and turning a fraudster or other miscreant into a laughing wrongdoer. Even in situations in which the claimant can meet the short deadline successfully, there is no reason to impose the costs and risks of that unnecessarily short deadline on the claimant, especially when relaxing the schedule a bit will not prejudice the respondent in any way.

Thank you once again for the opportunity to comment on this proposed rule.

Very truly yours,

Scot Bernstein

SDB:msw