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December 9, 2009

Via Electronic Filing

Elizabeth M. Murphy  
Secretary  
Securities and Exchange Commission  
100 F Street, NE  
Washington, DC 20549

**RE: Release No. 34-61060; File No. SR-FINRA-2009-072 (Proposed Rule Change to Amend the Deficient Claims Rules)**

Dear Ms. Murphy:

The Cornell Securities Law Clinic (the "Clinic") submits this comment to support the proposal (the "Rule Proposal") of the Financial Industry Regulatory Authority ("FINRA") to amend Rule 12307(b) of the Customer Code.<sup>1</sup> The Clinic is a Cornell Law School curricular offering, in which law students provide representation to public investors and public education as to investment fraud in the largely rural "Southern Tier" region of upstate New York. For more information, please see <http://securities.lawschool.cornell.edu>.

Current Rule 12307 of the Customer Code is silent as to which date the Director of FINRA Dispute Resolution should use as the date of filing if a party corrects a deficient claim filing within 30 days of receiving notice of deficiency. It is our understanding that FINRA's current practice is to use the date the deficiency is cured as the date of filing. The Rule Proposal seeks to clarify FINRA's position on this by providing that if the deficiency is corrected within 30 days from the time the party receives notice of deficiency, the claim will be considered filed on the date the initial statement of claim was filed.

The Clinic previously submitted a comment letter identifying the very issue that the Rule Proposal is attempting to resolve.<sup>2</sup> In that previous comment letter, the Clinic urged FINRA to use the original date of filing as the effective date when the deficiency had been timely cured. The Clinic argued that FINRA's practice created a strong potential for confusion among *pro se* public investor claimants regarding the effective filing date of a deficient claim that had been timely corrected.

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<sup>1</sup> Although the Rule Proposal amends Rule 13307(b) of the Industry Code in the same way, the Clinic is mainly concerned with customer cases and therefore does not take a position on the Rule Proposal's effect on industry cases.

<sup>2</sup> See <http://www.lawschool.cornell.edu/academics/clinicalprogram/securities-law/upload/FINRA-2007-042-Comment-of-Cornell-Securities-Law-Clinic-2.pdf>.

Ms. Elizabeth M. Murphy

December 9, 2009

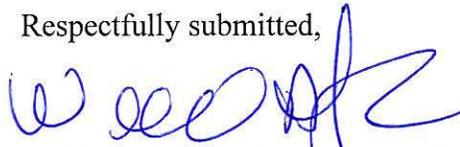
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The Clinic is pleased that FINRA is moving toward ensuring a clear filing process for public investor claimants. The text of proposed Rule 12307 under the Rule Proposal is clear, and public investor claimants no longer will be plagued by confusion in this particular area.

The Clinic also recommends that FINRA consider adopting a full electronic filing system, a recommendation also made in our previous comment letter. The Clinic believes that a full electronic filing system will further enhance the efficiency of case administration.

For the foregoing reasons, the Clinic urges that the Securities and Exchange Commission promptly approve FINRA's Rule Proposal.

Respectfully submitted,



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