



PUBLIC INVESTORS ARBITRATION BAR ASSOCIATION

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February 22, 2019

Mr. J. Fields, Secretary
Securities and Exchange Commission
100 F Street, NE
Washington, DC 20549-1090

Re: *SR-FINRA-2019-004*

Proposed Rule Change to Expand Time for Non-Parties to Respond to Arbitration Subpoenas and Orders of Appearance of Witnesses or Production of Documents

Dear Mr. Fields:

I write on behalf of the Public Investors Arbitration Bar Association (“PIABA”), an international, not-for-profit, voluntary bar association comprised of attorneys who represent investors in securities and commodities arbitration proceedings. Since its formation in 1990, PIABA has promoted the interests of the public investor in securities and commodities arbitration forums by, amongst other things, seeking to protect such investors from abuses in the arbitration process, seeking to make the arbitration process as just and fair as possible, and advocating for public education related to investment fraud and industry misconduct. Our members and their clients have a strong interest in rules promulgated by the Financial Industry Regulatory Authority (“FINRA”) to govern the conduct of securities firms and their representatives. In particular, our members and their clients have a strong interest in FINRA’s Code of Arbitration Procedure including the rules that are the subject of this letter.

FINRA has proposed changes to FINRA Rules 12512, 12513, 13512, and 13513, regarding subpoenas and discovery orders. The proposed changes expand the time for non-parties to respond to subpoenas and orders from 10 days to 15 days. The rule changes also exclude first-class mail as an option to serve the subpoena or order. Instead, the amended rules would allow overnight mail, overnight delivery, hand-delivery, email, or facsimile as acceptable means of service, so that forum users can better facilitate and confirm service of the subpoenas and orders.

PIABA supports the proposed rule changes, insofar as they strike a good balance between promoting fast and efficient discovery and allowing for the normal internal operations of third parties to work to respond to subpoenas and orders. PIABA would not support a longer timeframe, as lengthier response times could delay the arbitration process, especially when one considers the time associated with the efforts to obtain and issue

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the subpoenas and orders. PIABA also understands and supports FINRA's goal of ensuring that third-parties, who are likely unaware of the arbitration, receive the subpoena or order in a fashion that is more likely to put those third-parties on notice of their obligations to produce documents or witnesses within a specified time period. PIABA also acknowledges and appreciates the fact that requiring a form of delivery that provides proof of date and time of delivery removes questions regarding the timeframe for the third parties' response to the subpoena or order.

PIABA is mindful of these changes to FINRA's pre-hearing procedures and encourages FINRA to continue to make changes to its rules to promote efficiency, timeliness, and cost-effectiveness in discovery.

For these reasons, PIABA supports the proposed rule changes and thanks the Secretary for the opportunity to comment on this issue.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Chaz', is written over the closing text.

Christine Lazaro, President.