

June 30, 2005

I have the following comment on the proposed rules governing NASD arbitrations:

Proposed Rule 13601(a) appears to give the parties the unfettered right to postpone the hearing whenever they all agree to do so. This flies in the face of the duty of the arbitrators to keep cases moving along towards resolution. I would propose adding to this rule the same provision as is found in the present rules, Rule 10319(c), which gives the panel some express control over the schedule should the parties repeatedly wish to postpone the hearings.

Marvin Elster