

Subject: File No. SR-FINRA-2007-021
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I write to express my support for the rule change. Motions to Dismiss are prevalent and abused by Wall Street firms to deny public investors the promise of arbitration – an efficient process with the full and fair opportunity to have their evidence heard.

The motions to dismiss filed by Wall Street firms seek to delay the arbitration process, needlessly increase the cost and time for a customer to bring a case to hearing before an arbitration panel and weed out claims brought by investors representing themselves and attorneys that are new to the securities arbitration forum. Motions to Dismiss (which are really fact based Motions for Summary Judgment) are filed at the outset of the case and leave the parties with little or no opportunity to complete discovery or take live witness testimony, a right that every party has in court. Motions to Dismiss are filed and heard by arbitrators, many of which are non-attorneys and have little or no education or training in the area of law and procedure. To compound the problem, no significant right of appeal exists. This is the worst of all worlds for the public investor and a process that tilts the playing field drastically against pro se parties.

It is urgent that the Commission approve this rule on an accelerated basis to halt Motions to Dismiss.