AIDIKOFF & UHL

9454 WILSHIRE BOULEVARD, SUITE 303
BEVERLY HILLS, CALIFORNIA 90212

PHILIP M. AIDIKOFF
ROBERT A. UHL*
RYAN K. BAKHTIARI†
KEITH D. FRASER
OROUSHA BROCIOUS†

*ALSO ADMITTED NEW YORK
†ALSO ADMITTED DISTRICT OF COLUMBIA

PHONE (310) 274-0666
FAX (310) 859-0513

WWW.SECURITIESARBITRATION.COM

PLEASE RESPOND TO:
PHILIP M. AIDIKOFF
PAIDI@AOL.COM

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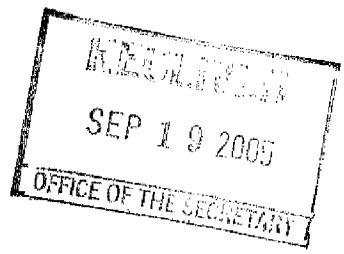


September 16, 2005

Via Federal Express

Jonathan G. Katz, Secretary
Securities and Exchange Commission
100 F Street, N.E.
Washington, D.C. 20549-9303

Re: File No. SR-NYSE-2005-43, "Public Arbitrator" Definition

Dear Mr. Katz:

I am writing to comment on the NYSE rule filing regarding Rule 607, which defines the term public arbitrator. Of course, the same points apply equally to the NASD's proposed definition of the term, which also allows professionals whose firms derive less than 10% of their revenue from member firms to serve as public arbitrators.

Perhaps the most often heard complaint about the securities arbitration process is that panels are perceived as being pro industry and anti investor. The proposed rule simply does not go far enough in protecting investors from biased panels. Under the proposed rule, in addition to having a member of the securities industry (mislabeled "non-public" instead of the more accurate classification "industry")sitting on a panel, one or even two more arbitrators can be professionals who represent the securities industry, including as legal advocates in claims brought by investors.

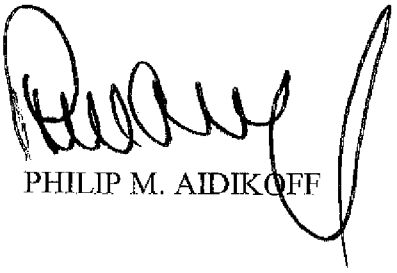
My firm has practiced in the securities arbitration field for many years and we are generally supportive of the process. However, it is difficult enough to convince one industry member that a colleague in the industry acted improperly. Imagine how difficult it is to tell a client that the majority, or even the entirety, of a panel that includes arbitrators who are members of and advocates for the industry, can judge his case fairly. This is increasingly problematic as to the many cases which involve systemic problems (e.g., conflicted analysts, B-share abuse, variable annuity sales to IRAs) within the securities industry. How can an arbitrator whose firm's clients includes brokerages being sued for these same practices bring real objectivity to the case before him or her? How comfortable would the SEC enforcement staff be in bringing an analyst case against Merrill Lynch in front of a tribunal whose members include lawyers whose firms represent Salomon Smith Barney?

For the foregoing reasons, the definition of public arbitrator should be modified to exclude

from the term any attorney, accountant or other professional whose firm has represented industry members within the prior five years.

Very truly yours,

AIDIKOFF & UHL



PHILIP M. AIDIKOFF