



## Kristina M. Zanotti

### Partner

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### OVERVIEW

Kristina Zanotti is a partner in the investment management practice group, concentrating in the ERISA fiduciary and derivatives practice areas.

In the ERISA fiduciary practice area, Kristina has substantial experience advising clients regarding fiduciary responsibility matters under ERISA. She assists corporations, investment advisers, banks and trust companies, fund complexes, and other financial institutions and financial services clients, in navigating ERISA's prohibited transaction restrictions and exemptions. Kristina co-authors chapters on ERISA in two corporate and securities law treatises for the Practising Law Institute and also teaches a class on ERISA for the D.C. Bar.

In the derivatives area, Kristina represents financial services clients in connection with swap and other derivatives transactions and in negotiating master agreements, including ISDAs, Master Repurchase Agreements, Master Securities Forward Transaction Agreements, futures agreements, cleared derivatives documentation, and related agreements.

### PROFESSIONAL / CIVIC ACTIVITIES

- American Bar Association, Subcommittee on Trust and Investment Services (Business Law Section, Banking Law Committee) – co-chair 2018-2021, co-vice chair 2015-2018
- Women in Investment Management – member
- Worldwide Employee Benefits Network – member 2014-2019

### SPEAKING ENGAGEMENTS

- Presenter, K&L Gates Investment Management Conference, “Private Funds and Adviser Regulation - Socially Responsible Investing and ERISA,” Washington, DC, November 8, 2018.
- Panelist, American Bar Association: Business Law Section Meeting, “ERISA Zombie Apocalypse: Making sense of the DOL Rule, SEC Proposal and Court Rulings,” Austin, TX, September 13, 2018.

- Presenter, National Regulatory Services/Investment Adviser Association Webinar, “Mandates Beyond the Advisers Act: Anti-Money Laundering, ERISA Compliance and '34 Act Section 13 Reporting for Investment Advisers,” May 8, 2018.
- Presenter, K&L Gates Webinar, “The DOL's Fiduciary Rule - Q&A Session on the Latest Developments,” April 5, 2018.
- Instructor, D.C. Bar, “Fiduciary Responsibility and Participant Rights - Intermediate Level,” Washington, DC, November 13, 2017.
- Presenter, Impact 2016, “The New DOL Fiduciary Rule: What it Means and How it Applies to You,” San Diego, CA, October 25, 2016.
- Presenter, Mutual Fund Directors Forum Webinar, “The Department of Labor's New Fiduciary Regulation: Considerations for Mutual Fund Directors,” September 20, 2016.
- Panelist, American Bar Association: Business Law Section Meeting, “Complying with the New DOL Fiduciary Rule: What General Business and Financial Institutions Lawyers Need to Know,” Boston, MA, September 9, 2016.
- Presenter, The Investment Adviser Association Webinar, “What SEC-Registered Investment Advisers Need to Know About the New ERISA Fiduciary Rules,” May 17, 2016.
- Presenter, K&L Gates Live Event, “Part II: The Department of Labor's new 'conflict of interest rule',” Boston, MA, May 12, 2016.
- Presenter, K&L Gates Webinar, “Non-U.S. Webinar: The U.S. Department of Labor's new 'conflict of interest rule,’” May 5, 2016.
- Presenter, K&L Gates Live Event, “Part I: The Department of Labor's new 'conflict of interest rule,’” New York, NY, May 4, 2016.
- Presenter, Mutual Funds Education Alliance Webinar, “The DOL Fiduciary Rule Proposal: Top Issues for Mutual Fund Complexes,” Jan. 13, 2016.
- Panelist, American Bar Association: Business Law Section Meeting, “Are You Sure You're Not a Fiduciary? What General Business and Financial Institution Lawyers Need to Know About the DOL Proposal to Expand Who is a Fiduciary to Benefit Plans and IRAs,” Chicago, IL, Sept. 17, 2015.
- Instructor, D.C. Bar, “ERISA Basics Series, Part 4: Fiduciary Responsibilities and Participant Rights,” Washington, DC, 2013, 2014, 2015, 2016.

## EDUCATION

- J.D., Yale Law School, 2006 (*Edit Team, Yale Journal on Regulation*)
- B.A., College of William and Mary, 2003 (*summa cum laude*)

## ADMISSIONS

- Bar of District of Columbia
- Bar of Virginia

## THOUGHT LEADERSHIP POWERED BY HUB

- 4 January 2021, Trump Era DOL Rules - Will They Remain Under a Biden Administration? (*Alerts/Updates*)
- 12 November 2020, DOL Issues Final "ESG" Rule; Focuses on "Pecuniary" Factors (*Alerts/Updates*)
- October 2020, DOL Proposed "Fiduciary Rule" Exemption - Practical Issues and Opportunities (*Webinar*)
- 15 October 2020, DOL Proposes New Rule on Proxy Voting Duties – Potential Implications for Investment Managers and Other ERISA Fiduciaries (*Alerts/Updates*)
- 2 September, DOL Creates New E-Delivery Safe Harbor for Retirement Plan Disclosures (*Articles*)
- 19 August 2020, Private Equity in 401(k) Plans - A Trillion Dollar Opportunity? (*Webinar*)
- 28 July 2020, DOL Issues Proposed Rule on ESG Investing for ERISA Plans Part 2: Implications for Plan Sponsors and Investment Managers (*Alerts/Updates*)
- 7 July 2020, DOL Proposes New "Fiduciary Rule" Exemption, Upends Longstanding Guidance on Rollover Advice (*Alerts/Updates*)
- 17 June 2020, Private Equity in 401(k) Plans – A Trillion Dollar Opportunity? (*Alerts/Updates*)
- 8 November 2018, Opening up MEPs: Proposed DOL Rule Expands Multiple Employer Plans, But Legislation Would Go Further (*Alerts/Updates*)
- 24 April 2018, Fiduciary Standard Reform - The SEC Enters the Ring (*Alerts/Updates*)
- 15 April 2018, Fiduciary Rule Reform – SEC Developments (*Alerts/Updates*)
- 5 April 2018, The DOL's Fiduciary Rule - Q&A Session on the Latest Developments (*Webinar*)
- 8 February 2018, Past, Present and Future of the DOL Fiduciary Rule (*Alerts/Updates*)
- 1 September 2017, DOL Officially Proposes 18-Month Extension of Fiduciary Rule Exemptions' Transition Period (*Alerts/Updates*)
- 10 August 2017, DOL Proposes 18-Month Extension of Fiduciary Rule's Transition Period (*Alerts/Updates*)
- 25 May 2017, Fiduciary Rule No Further Delays (*Alerts/Updates*)
- 7 April 2017, Fiduciary Rule Delayed - Important Compliance Takeaways (*Alerts/Updates*)
- 8 March 2017, Proposed Delay of the DOL Fiduciary Rule - What Should Financial Institutions do? (*Alerts/Updates*)

- 17 February 2017, DOL Fiduciary Rule – What’s Next? (*Alerts/Updates*)
- 12 December 2016, Department of Labor Releases the First of Three Sets of FAQs on the Fiduciary Rule and Exemptions (*Alerts/Updates*)
- 23 June 2016, Industry Organizations Sue to Prevent Enforcement of the Fiduciary Rule (*Alerts/Updates*)
- 28 April 2016, DOL Finalizes The ERISA Fiduciary Regulation -- What It Means For Your Business (*Alerts/Updates*)
- 8 February 2016, DOL’s Fiduciary Regulation – One Step Closer to Final (*Alerts/Updates*)
- 27 April 2015, DOL Re-Proposes Rule to make Brokers, Others, ERISA Fiduciaries (*Alerts/Updates*)

## OTHER PUBLICATIONS

- "Private Equity in 401(k) Plans - A Trillion Dollar Opportunity?," *Journal of Investment Compliance*, December 2020
- Regulation Best Interest: You May Be More Prepared Than You Thought, *Benefits Law Journal*, Vol. 32, No. 4, Winter 2019
- Fiduciary Rule Remnants: The Strange Case of Field Assistance Bulletin 2018-02, *Benefits Law Journal*, Vol. 32, No. 4, Spring 2019
- "ERISA Issues," Variable Annuities and Other Insurance Investment Products (Clifford E. Kirsch ed., 3d ed. 2018), co-authored with William A. Schmidt.
- The Department of Labor’s New Conflict-of-Interest Regulations, *The Review of Securities & Commodities Regulation*, Vol. 49, No. 13, 20 July 2016
- "The expanding reach of U.S. Federal Retirement Regulations," *Thomson Reuters Accelus*, co-authored with Robert L. Sichel, June 16, 2016.
- "Beyond the Soundbite: Why the New DOL Fiduciary Rule Means More Than Acting in a Client’s Best Interest," *Benefits Law Journal*, Vol. 29, No. 2, Summer 2016
- "ERISA Issues for Mutual Fund Advisers," Mutual Funds and Exchange Traded Funds Regulation (Clifford E. Kirsch ed., 3d ed. 2011), co-authored with William A. Schmidt.

## AREAS OF FOCUS

- Asset Management and Investment Funds
- Benefits and ESOPs
- Capital Markets and Derivatives
- ERISA