



## Kenneth Holston

### Partner

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## OVERVIEW

Kenneth Holston is a partner in the firm's Boston office where he is a member of the asset management and investment funds practice group. Kenneth has a broad range of experience – both in-house and through private practice – in the private markets funds, derivatives, and structured products areas and counsels clients on a variety of regulatory, compliance, and corporate matters, including fund formation, trading operations and legislative and industry developments.

Kenneth counsels institutional investors, including university endowments, foundations, government entities, sovereign wealth funds, family offices, and consultants on their private markets investments and use of derivatives.

Kenneth counsels sponsors and advisers to private funds, including venture capital, private equity, liquidity and hedge funds and structured products, with respect to regulatory obligations, structuring and transactional issues, and prepares organizational and disclosure documents for private offerings of securities.

Kenneth regularly advises clients on derivatives regulation (Dodd-Frank, European Market Infrastructure Regulation (EMIR) and other regulatory regimes), protocols and documentation, including ISDAs, MSFTAs, futures agreements, prime brokerage agreements, clearing arrangements, repurchase transactions and securities lending.

## PROFESSIONAL BACKGROUND

Prior to joining the firm, Kenneth was assistant vice president and senior counsel for a global investment management company based in Boston where he worked six years. Before joining the private sector, he was an associate at two Boston law firms.

## ACHIEVEMENTS

- Fulbright Research Fellowship, Germany
- Graduate Fellow, Free University Berlin

- Mellon Foundation Grant
- German Academic Exchange Service Grant
- Order of the Coif

## EDUCATION

- J.D., Boston College Law School, (*magna cum laude*)
- Ph.D., University of Pennsylvania
- A.B., The University of Chicago

## ADMISSIONS

- Bar of Massachusetts

## LANGUAGES

- German

## THOUGHT LEADERSHIP POWERED BY HUB

- April 2024, ESG and the Sustainable Economy Handbook
- 27 February 2024, The SEC's New Private Fund Adviser Rules: A Guide to Compliance
- 18 January 2024, US Asset Management Regulatory Year in Review 2023
- 3 January 2024, New Year, New CPO and CTA Exemption Affirmations and CPO FinCEN Requirements
- 9 November 2023, Asset Management and Investment Funds Fall Conferences - Boston
- 5 October 2023, Private Fund Adviser Rules Webinar
- 24 August 2023, The SEC's New Rules for Private Fund Advisers: A Dose of Transparency for the Private Markets
- 28 July 2023, United States: CFTC Proposes to Broaden Scope of Eligible Collateral for Initial Margin
- 27 May 2022, SEC Takes First Step Toward Standardized ESG Disclosures for Funds and Investment Advisers
- 7 April 2022, SEC Proposes Significant New Rules for Private Fund Advisers
- 29 March 2022, Europe: From Russia With FUD: Settlement of Credit Derivatives Transactions Referencing Entities Under Western Sanctions and Kremlin Capital Controls

- 12 November 2020, Goodbye to All That: SEC Adopts Rules Overhauling Funds' Use of Derivatives; Ends Asset Segregation
- 3 August 2020, Private Equity Emerging Manager Series
- 13 May 2020, COVID-19: Key Issues for Swap and Repo Participants in a Difficult Market
- 5 March 2020, A Farewell to ANE: CFTC Proposes Rule to Improve Regulation of Cross-Border Swap Transactions
- 13 August 2019, Final Phase of Initial Margin Requirements for Uncleared Swaps to Be Delayed Until September 2021 for Most Market Participants—How to Manage Timelines and Expectations in Light of Recent Actions by Global Regulators
- June 2018, Risk Retention: What's Left?
- May 2018, CLO Manager Forum: Managing Risk in Multiple Markets
- March 2018, CLO Investor Forum: Balancing Risk, Returns and Conflicting Interests
- 29 December 2017, SEC Broadens Enforcement Activity Related to Private Equity Fees and Expenses — And Narrows the Opportunity for Managers to Correct Past Deficiencies
- 21 July 2017, MiFID II Toolkit for Global Investment Managers
- 15 August 2016, Brexit's Impact on ISDA Documentation
- 30 June 2016, Brexit: A First Look at the Impact on Asset Managers That Trade Derivatives

## OTHER PUBLICATIONS

- "Derivatives Risk Management: Adapting to the New SEC Rule," *Alternative Investment Management Association*, October 2021
- "STRATEGIC PERSPECTIVES: Case study in models for academic health systems structuring venture capital investments: Henry Ford Health System," *Health Law Daily*, 10 September 2021

## NEWS & EVENTS

- 3 November 2022, 2022 K&L Gates Asset Management and Investment Funds Conference - Boston
- 14 July 2022, K&L Gates Lawyers Quoted in Numerous Articles Regarding SEC's Proposed ESG, Fund Name Rules
- 13 September 2021, K&L Gates Releases ESG and the Sustainable Economy Handbook
- August 2020, K&L Gates Lawyers Provide Insights on Impact of COVID-19 Across Various Industries
- 2 March 2018, K&L Gates Names 34 New Partners Across Global Platform

- 23 December 2015, K&L Gates Further Expands Investment Management Practice with Washington, D.C., Partner Addition
- 5 November 2015, K&L Gates Further Strengthens Investment Management Practice with New York Partner Addition
- 23 September 2015, K&L Gates Adds to Investment Management Practice with Boston Partner Hire
- 6 August 2015, K&L Gates Strengthens Investment Management Practice with New York Partner Addition
- 30 July 2015, K&L Gates Strengthens Investment Management Practice with Boston Lawyer Addition

## MEDIA MENTIONS

- Quoted, "SEC pares down private funds rule but 'devil is going to be in the details,'" *Pensions & Investments*, 25 August 2023
- Quoted, "SEC's ESG Fund Plan Called 'Very Weird,' Too Prescriptive," *Law360*, 6 June 2022
- Quoted, "Investment advisers fret over SEC's proposed ESG disclosure rule," *Compliance Week*, 2 June 2022
- An MFDF.com (Mutual Fund Directors Forum) article notes Boston partner Kenneth Holston and Washington, D.C., partner Fatima Sulaiman hosted a webinar that aired in early January 2021.

## AREAS OF FOCUS

- Asset Management and Investment Funds
- Derivatives
- Fintech Lending
- Global Distribution
- Global Financial Services Regulation
- Hedge Funds
- Institutional Investors
- Investment Advisers
- Investment Funds
- Portfolio Management, Trading, and Compliance
- Private Equity Funds
- Real Estate Funds

## INDUSTRIES

- Financial Services
- Private Equity

## EMERGING ISSUES

- Environmental Social Governance (ESG)