

# Mark D. Goldstein

## *Counsel*

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### Practices

FOCUS: Financial Markets and Funds  
Broker-Dealer Regulation  
ESG and Sustainable Investing  
Insurance Products and Regulation  
Investment Companies  
Investment Management and Funds  
Private Equity Regulatory Compliance

### Industries

Finance and Financial Markets

### Education

JD, Hofstra University  
BA, Washington University in St. Louis

### Bar Admissions

Connecticut  
New York

For more than 25 years, Mark Goldstein has counseled investment advisers, mutual funds and private investment funds on compliance and regulatory requirements, corporate matters and federal securities laws. With experience as general counsel of an asset management firm and at the SEC's Enforcement Division in New York, Mark understands the practical issues at play in complying with federal and state laws, and his perspective on both sides of the regulatory fence helps his clients craft solutions to their most pressing issues.

### Experience and perspective

Mark has extensive experience advising on the formation, distribution, structuring and ongoing operational aspects of a wide array of investment products, including mutual funds, private investment funds and separately managed accounts, as well as extensive experience counseling investment advisers regarding SEC examinations and transactional matters.

Prior to joining the firm, Mark was general counsel of an asset management firm where he handled all aspects of the firm's legal and compliance matters. He has been in house at a number of asset management firms and broker-dealers and he was chief compliance officer for several investment advisers and investment companies. He also worked for the US Securities and Exchange Commission's Division of Enforcement in New York.

### News

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- Mark Goldstein Comments on Self-Reporting for Hedge Funds (September 24, 2018)

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## Publications

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- SEC Increases Registered Investment Adviser Performance Compensation Net-Worth and Assets-Under-Management Tests (August 13, 2021)
- ESG Remains a Priority: SEC Asset Management Advisory Committee Adopts ESG Disclosure Recommendations (July 22, 2021)
- ESG Issues Become Leading Concern for SEC and CFTC: SEC Warns Investment Advisers and Funds About ESG Disclosures (April 27, 2021)
- ESG is in the (SEC) House: SEC Exams, Enforcement and Regulations are Coming (March 8, 2021)
- New York Adopts New Registration and Examination Requirements for Certain Investment Adviser Related Personnel and Solicitors (January 28, 2021)
- Financial Markets Regulation COVID-19 Resource Center (October 22, 2020)
- LIBOR Preparedness Exams Are Coming – Is Your Firm Ready? (June 6, 2020)
- Business Unusual For Financial Services Firms – Returning to New Variations of "the Workplace" (May 19, 2020)
- SEC Enforcement Actions Against Fund Advisers Continues (May 15, 2020)
- New York Proposes New Rules to Modernize Securities Filings Affecting Private Funds and Significant Exam and Registration Requirements on "Finders" (May 8, 2020)
- Some Financial Businesses May Be Ineligible for the SBA's Paycheck Protection Program (April 8, 2020)
- The CARES Act: An Overview of Programs Impacting Financial Businesses (March 27, 2020)

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- COVID-19: Considerations for Private Investment Fund Managers (March 17, 2020)
- Short Sale Restrictions – Response to Recent Market Volatility (March 17, 2020)
- Amendments to FINRA New Issue Rules 5130 and 5131 Effective January 1, 2020 (January 9, 2020)
- What Private Fund Advisers and Regulated Entities Should Do About the California Consumer Privacy Act (December 24, 2019)
- SEC Proposes Principles-Based Changes to Investment Adviser Advertising and Solicitation Rules, Seeks Industry Reaction by February 10 (December 13, 2019)
- SEC Warns Advisers to Up Their Game on Proxy Voting (September 10, 2019)
- SEC Charges Broker-Dealer/Adviser With Inadequate Cybersecurity Procedures (October 11, 2018)
- SEC Proposes Conduct Standards for Investment Advisers (May 4, 2018)
- SEC Publishes Inspection Priorities for 2018 (February 27, 2018)
- SEC Issues Important Interpretive Guidance on Implications of "Unbundling" the Costs of Investment Research from the Costs of Trade Execution, Mandated by EU Requirements (November 2, 2017)
- Registered Investment Advisers Take Note: New SEC Custody Rule Guidance (March 7, 2017)
- *Corporate & Financial Weekly Digest (Weekly) | Author*

## Presentations and Events

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- ESG Preparation, Enforcement, and Litigation: Past, Present, and Future (May 18, 2021) | *Panelist*
- New SEC Rule Replaces the Decades Old Advertising and Solicitation Rules for Advisers (February 18, 2021) | *Speaker*

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- Senior Practitioner Virtual Meeting (October 13, 2020) | *Presenter* | *Board Service 2020 and Beyond, Pivoting to a New Normal*
- Third Annual Private Equity Enforcement Update (July 30, 2020) | *Speaker*
- Navigating with CARES: Roadmap and Roadblocks to Getting Small and Mid-Size Business Loans Under the CARES Act (April 8, 2020) | *Panelist*
- Virtual Currencies and the Challenges to Compliance (June 13, 2018) | *Moderator*
- The Maples Investment Funds Forum (February 9, 2018) | *Panelist* | *The Matrix Revolution: Operating Funds in the Cyber World*