

Henry Bregstein

Partner

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Practices

FOCUS: Financial Markets and Funds
Distributed Ledger Products, Services and Technology
ESG and Sustainable Investing
Futures and Derivatives
Insurance Products and Regulation
International
Investment Companies
Investment Management and Funds
Quantitative and Algorithmic Trading
Structured Products

Industries

Family Offices
Finance and Financial Markets
Insurance Capital Markets
Private Client Services

Education

JD, Benjamin N. Cardozo School of Law,
magna cum laude
BA, University of Pennsylvania

Bar Admissions

New York

Community Involvements

Association of the Bar of the City of New York, Committee on Commodities and Futures Law
New York State Bar Association

Henry Bregstein is chair of Katten's Alternative Products practice. He combines a great sense of business practicality with an innovative legal mindset in his practice advising varied market participants on business structuring, financial product engineering and regulatory compliance. He is recognized as a leading adviser to investment managers and funds of all kinds, as well as to investors and distributors of alternative investments.

A practical approach to business structuring and compliance

Henry provides guidance on fund formation and regulatory compliance to all types of alternative investment funds, including hedge, private equity and hybrid funds. With his combined knowledge of securities, commodities, tax and insurance laws, he is among a small handful of leading attorneys nationwide in the area of insurance-dedicated funds and privately placed life insurance and annuities. Taking into consideration global regulatory, commercial and tax issues, he advises on the structure and documentation of private funds and asset managers, investments in alternatives, lending transactions and other matters. He also assists with regulatory matters, including responding to inquiries from the Securities and Exchange Commission (SEC), the Financial Industry Regulatory Authority (FINRA) and the Commodity Futures Trading Commission (CFTC). Whatever the issue, Henry provides advice that is clear, actionable and driven by his depth of experience, all in the service of his clients' long-term business interests.

His many clients include asset managers, banks, investment advisers, broker-dealers, insurance companies, real estate investment trusts (REITS), family offices and sovereign wealth funds. Henry and his team handle a wide range of matters for them, including intellectual property issues, private offerings of debt and equity, and the structuring of private equity transactions for operating companies.

Henry's evolving practice also includes regulatory enforcement and litigation. He represents market participants and individuals before the SEC, FINRA and other regulators in investigations and enforcement proceedings.

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Innovations worth protecting

An innovator in his field, Henry holds two patents and has one patent application pending. He was granted a patent for a multilevel leverage account structure, allowing multiple classes of investors with differing leverage objectives to establish an investment structure that takes advantage of both the master-feeder structure and the reverse master feeder structure with segregated accounts in the same master fund. Henry's pending patent application involves a tax-deferred fund in which investors can obtain exposure to variable annuities and life insurance policies in a hedge fund structure with income tax deferral or elimination.

Recognitions

Recognized or listed in the following:

- *Best Lawyers in America*
 - Private Funds/Hedge Funds Law, 2018–2022
- *Chambers Global*
 - Investment Funds: Hedge Funds
 - USA, 2010, 2012–2021
- *Chambers USA*
 - Investment Funds: Hedge Funds, 2009–2020
- HFM US Service Awards
 - Best Onshore Law Firm – Start Ups, 2020
- The Legal 500 United States
 - Recommended Attorney, 2008–2021
- *Who's Who Legal*
 - Private Funds
 - Regulatory, 2016

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News

- Katten Attorneys Listed in *The Best Lawyers in America*® (August 19, 2021)
- Katten Receives High Marks in Derivatives, M&A and Securitization in The Legal 500 United States 2021 Guide (June 10, 2021)
- Katten Praised by *Chambers Global* in Banking & Finance, Derivatives, Hedge Funds and Securitisation (February 19, 2021)
- Katten Named Among Best Law Firms in Hedge Fund Industry During HFM US Service Awards 2020 (September 17, 2020)
- Katten Attorneys Distinguished as Top Legal Talent in the 2021 *Best Lawyers in America* and *Best Lawyers: Ones to Watch* Lists (August 20, 2020)
- Katten Named Top-Tier Firm in Structured Finance and Securitization by The Legal 500 United States 2020 Guide (June 16, 2020)
- Katten Rated Top Law Firm by *Chambers USA* 2020 (April 23, 2020)
- *Chambers Global* Ranks Katten in Derivatives and Securitisation (February 13, 2020)
- Katten Praised in The Legal 500 United States 2019 Guide (June 11, 2019)
- Katten Lauded Top Ranked Law Firm by *Chambers USA* 2019 (April 25, 2019)
- *Chambers Global* Praises Katten Attorneys in Financial Services, Trusts & Estates (February 21, 2019)
- Katten Distinguished by *The Legal 500 United States* (June 14, 2018)
- Katten Rated as Leading Law Firm by *Chambers USA* 2018 (May 3, 2018)
- Henry Bregstein Quoted in *The Wall Street Journal* on a Record-Breaking Personal Tax Bill (April 13, 2018)
- Katten Attorneys Lauded by *Chambers Global* 2018 (February 21, 2018)

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- Katten Bitcoin Webinar Offers Legal and Compliance Insight (December 18, 2017)
- Katten Teams With #GoSponsorHer To Support Advancement of Women (October 9, 2017)
- Henry Bregstein Quoted in *The Wall Street Journal* on Hedge Fund Manager Taxes (July 20, 2017)
- Henry Bregstein Quoted on Family Office Investment Trends (June 12, 2017)
- Katten Distinguished by *The Legal 500 United States 2017* (May 31, 2017)
- Katten Recognized as Leading Law Firm by *Chambers USA 2017* (May 30, 2017)
- Katten Ranked by *Chambers Global 2017* (March 16, 2017)
- Eighteen Katten Practices and 70 Attorneys Recognized by *The Legal 500 United States 2016* (June 17, 2016)
- *Chambers USA 2016* Distinguishes 22 Katten Practices and 50 Attorneys (May 27, 2016)
- Henry Bregstein and Neil Robson Comment on Family Offices (April 20, 2016)
- Six Katten Partners Recognized by *Chambers Global* (March 17, 2016)
- Katten Insurance Products Event Featured in *The Hedge Fund Law Report* (February 25, 2016)
- Nine Katten Practices and 42 Attorneys Distinguished by *The Legal 500 United States 2015* (June 3, 2015)
- Katten Attains 22 Practice and 58 Attorney Rankings by *Chambers USA 2015* (May 20, 2015)
- Henry Bregstein Moderates Panel on Illiquid Alternative Investments (May 12, 2015)
- Six Katten Partners Praised by *Chambers Global* (March 13, 2015)
- Eight Katten Practices and Forty-Two Attorneys Recognized by *The Legal 500 United States 2014* (July 3, 2014)

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- *Chambers USA* 2014 Distinguishes 24 Katten Practices and 54 Attorneys (May 23, 2014)
- Six Katten Partners Lauded by *Chambers Global* (March 14, 2014)
- Seventeen Katten Attorneys Named to 2013 New York Metro *Super Lawyers* List (September 18, 2013)
- Henry Bregstein discusses the current environment of investment funds in *Acquisition International* (September 2013)
- *Chambers USA* 2013 Recognizes 24 Katten Practices and 49 Attorneys (May 24, 2013)
- Five Katten Partners Recognized by *Chambers Global* (March 18, 2013)
- Partner Henry Bregstein Discusses Outlook for 2013 in *Markit Article* (January 4, 2013)
- Partner Henry Bregstein Discusses Impact of JOBS Act on Hedge Fund Marketing in *Asia Asset Management* (December 6, 2012)
- *Chambers USA* 2012 Distinguishes 19 Katten Practices and 45 Attorneys (June 7, 2012)
- Six Katten Partners Lauded by *Chambers Global* 2012 (April 26, 2012)
- Partner Henry Bregstein Quoted in *Euromoney* Magazine (October 26, 2011)
- Citigroup Has 'Turned a Corner,' Thomas Brown Says (October 15, 2011)
- Five Katten Practices Recognized by *Legal 500* in 2011 US Edition (June 16, 2011)
- Katten Earns Recognition for 17 Practices and 44 Attorneys in 2011 *Chambers USA* Guide (June 10, 2011)
- Four Katten Partners Recognized by *Chambers Global* (November 12, 2010)
- Katten Lands 16 Practices and 39 Attorneys in *Chambers USA* Guide (June 24, 2010)
- Four Katten Practices Recommended by *Legal 500* in 2010 US Edition (June 14, 2010)

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- 12 Katten Partners Named Among Nation's Leading Lawyers by Lawdragon (May 19, 2010)
- Partners Scott Resnik, Henry Bregstein Quoted in Reuters on Regulatory Microscope (April 28, 2010)
- Katten's Henry Bregstein and Herbert S. Wander Recognized by *Chambers Global* (April 16, 2010)
- Hedge Fund Hangups Post-Madoff (March 28, 2010)
- Partner Henry Bregstein Appears on CNBC Discussing Hedge Funds After Madoff (December 11, 2009)
- Three Prestigious Publications Recognize Partner Henry Bregstein as a Leader in Hedge and Investment Funds (July 2009)
- Katten Lands 14 Practices and 37 Attorneys in *Chambers USA* Guide (June 12, 2009)
- Partner Henry Bregstein Quoted in *Wall Street Journal* on New Threats to Hedge Fund Investors (February 23, 2008)

Publications

- SEC Increases Registered Investment Adviser Performance Compensation Net-Worth and Assets-Under-Management Tests (August 13, 2021)
- Family Offices Receive Increased Regulatory Scrutiny (June 9, 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)

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- SEC Proposal to Exempt Certain "Finders" from Broker-Dealer Registration May Allow Significant Capital Raising Activities by Non-Registered Persons (October 19, 2020)
- Alternative Funds 2020 Guide (October 13, 2020)
- ILPA Releases Deal-By-Deal Model LPA (October 6, 2020)
- SEC Proposes Principles-Based Changes to Investment Adviser Advertising and Solicitation Rules, Seeks Industry Reaction by February 10 (December 13, 2019)
- ILPA Publishes Model Limited Partnership Agreement Applying Principles 3.0 (November 19, 2019)
- Hybrid Funds and the Administrative Quandary (October 21, 2019)
- ILPA Principles 3.0: Focusing on Enhancing Transparency in Private Equity Funds and Alternative Investments (August 5, 2019)
- Not So Secure: OCIE Identifies Regulation S-P Compliance Issues (April 25, 2019)
- The Power of the Pause for Institutional Investors (December 4, 2017)
- The EU PRIIPs Regulation for Fund Managers (December 1, 2017)
- Department of Labor Finalizes 18-Month Extension for Simplified Compliance With the BIC Exemption Under the ERISA Fiduciary Advice Rule (November 30, 2017)
- Sign of Future Changes? DOL Proposes 18-Month Extension of Transition Period for Compliance With ERISA "Fiduciary Investment Advice" Rule (August 11, 2017)
- SEC Warns That Digital Tokens May Be Securities (August 3, 2017)
- Compliance With the ERISA Fiduciary Advice Rule for Private Investment Fund Managers and Sponsors and Managed Account Advisers: Beginning June 9, 2017 (June 6, 2017)
- Registered Investment Advisers Take Note: New SEC Custody Rule Guidance (March 7, 2017)
- Public Company Sanctioned by SEC for Including Illegal Anti-Whistleblower Provisions in Severance Agreements (August 17, 2016)

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- BEA Filing Deadline Looms For US Persons With Foreign Affiliates (May 29, 2015)
- Katten Discusses SEC's Focus on Liquid Alternative Funds Market (August 4, 2014)
- SEC Focuses on Burgeoning Liquid Alternative Funds Market (July 14, 2014)
- The Impact of Dodd-Frank and Other Reforms on Alternative Investment Vehicles: A Brief Guide (June 2014)
- CFTC Proposes Revised Position Limit Rules (November 12, 2013)
- CFTC Proposes Revised Aggregation Rules (November 7, 2013)
- The Impact of Dodd-Frank and Other Reforms on Alternative Investment Vehicles: A Brief Guide (October 2013)
- Marketing Investment Management Services to Public Retirement Systems: Complying with Applicable Laws and Regulations (August 5, 2013)
- SEC Proposes Rule Amendments to Permit General Solicitation in Rule 506 and 144A Offerings, Including Offerings by Hedge Funds and Other Private Funds (September 17, 2012)
- CFTC and SEC Adopt Final Rules Further Defining "Swap Dealer," "Major Swap Participant" and "Eligible Contract Participant" (May 10, 2012)
- Managers of Private Investment Vehicles—including Private Equity, Real Estate and Securitization Vehicles—that Use Futures or OTC Derivatives Should Consider Claiming CFTC 4.13(a)(4) Exemption by April 23, 2012 (April 20, 2012)
- CFTC Adopts Significant Changes to CPO and CTA Registration and Compliance Requirements (February 14, 2012)
- Volcker Rule Permits Bank-sponsored Hedge Fund Access Platforms (November 14, 2011)
- SEC and MSRB Withdraw Municipal Advisor Proposals (October 5, 2011)
- Guide to Investment Adviser Registration (September 12, 2011)
- Summary and Analysis of Dodd-Frank Rules for Investment Advisers (July 28, 2011)

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- SEC Adopts Rules Implementing Core Provisions of Dodd-Frank That Apply to Investment Advisers (June 23, 2011)
- SEC Expected to Consider Extending Adviser Registration and Deregistration Deadlines (April 14, 2011)
- SEC Issues Proposed Rules Requiring Registration of Municipal Advisers (February 24, 2011)
- Comments Due January 24 on SEC's Proposals to Implement \$100 Million Asset Threshold, Other Dodd-Frank Changes for Investment Advisers (January 18, 2011)
- Comments Due January 24 on SEC's Proposed Exemptions from Investment Adviser Registration Mandated by Dodd-Frank (January 18, 2011)
- SEC Extends Compliance Date for Certain Advisers to Provide Clients with Brochure Supplements (January 6, 2011)
- SEC Adopts Amendments That Overhaul Form ADV Part 2 (August 25, 2010)
- Wall Street Transparency and Accountability Act of 2010 Introduces Extended Period of Regulatory Uncertainty (August 4, 2010)
- Financial Reform Bill Reshapes Investment Adviser Regulation (July 29, 2010)
- CFTC Issues Advisory Regarding Offer and Sale of Foreign Security Futures Products to US Persons (June 16, 2010)
- Financial Services Regulatory Reform Legislation Moves Forward (May 27, 2010)
- Senate Passes Financial Regulation Bill Requiring SEC Registration for Hedge Fund Managers with \$100 Million or More under Management (May 27, 2010)
- Treasury Proposes Legislation Overhauling Regulation of Over-the-Counter Derivatives (August 13, 2009)
- Administration Bill Would Require Managers of Hedge and Other Private Funds to Register as Investment Advisers (July 16, 2009)

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- Recently Proposed New York Life Settlement Regulation May Have a Significant Impact Upon Those Conducting Business in the State (June 3, 2009)
- Katten Forms Madoff Securities Task Force (December 17, 2008)
- SEC Adopts Final Short Selling Rules (October 28, 2008)
- New Emergency Short Sale Rules Effective September 18, 2008 (September 2008)
- ISDA to Publish Protocol for Fannie, Freddie CDS (September 8, 2008)
- Treatment of Customers and Financial Counterparties in Stockbroker Liquidations Under SIPA and the Bankruptcy Code (June 2008)
- Fraudulent Pledge of Securities of Nonpublic Corporations: The Inadequacy of UCC Article 8 (November 1995)

Presentations and Events

- Understanding Financial Products 2021 (January 19, 2021) | *Panelist* | *Capital Markets Products*
- Post-Election Tax-Efficient Investing for Sophisticated Investors, Family Offices, Wealth Advisors, Distributors and Alternative Asset Managers (November 19, 2020) | *Speaker*
- Private Placement Life Insurance & Variable Annuities Forum (September 22–23, 2020) | *Presenter* | *Case studies of ICOLI in practice – VA for institutional investors*
- Generating Investment and Societal Alpha Through ESG and Impact Investing (June 17, 2020) | *Speaker*
- 2020 Hedge Fund Manager Summit (February 11, 2020) | *Panelist*
- 2020 Hedge Fund Manager Summit (February 11, 2020) | *Panelist*
- Recent Trends & Regulatory Enforcement Updates in the Hedge Fund Industry (December 11, 2019) | *Speaker*

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- Outsourcing Services: Why, When and How (November 19, 2019) | *Moderator*
- 2019 Fall Private Placement Conference (October 29, 2019) | *Presenter*
- The Latest Evolution in Tax-Efficient Investing for Sophisticated Investors, Family Offices, Wealth Advisors, Distributors and Alternative Asset Managers (October 28, 2019) | *Moderator*
- How to Develop or Expand a Family Office, Including Into Direct Investing (July 18, 2019) | *Panelist*
- Private Placement Life Insurance & Variable Annuities Forum (June 5–6, 2019) | *Presenter* | *How to build your insurance product / offerings as an investment manager: key steps* | *Institutional investors: the prospects, products and problems for advisors, asset managers and carriers*
- The Katten Regulatory Briefing (May 15, 2019) | *Presenter*
- The Latest Evolution in Tax-Efficient Investing for Sophisticated Investors, Family Offices, Wealth Advisors, Distributors and Alternative Asset Managers (October 29, 2018) | *Presenter* | *Private Placement Life Insurance and Annuities – Advanced Basics*
- 2018 Fall Private Placement Conference (October 29–30, 2018) | *Presenter*
- Panel on FinTech Innovations and the Regulatory Environment (September 27, 2018) | *Panelist*
- Private Placement Life Insurance & Variable Annuities Forum (June 13–14, 2018) | *Moderator* | *Tax and the political landscape – Implications of the tax plan for the PPLI-PPVA market*
- Blockchain, Cryptocurrencies, & ICOs (May 22, 2018) | *Moderator* | *Cryptocurrencies, Tokens & ICOs Deconstructed*
- Beyond Bitcoin (May 17, 2018) | *Co-Presenter*
- Operation and Regulation of Digital Currencies, Crypto Securities and Other Digital Tokens (March 22, 2018) | *Moderator*
- Trading Bitcoin: Legal and Compliance Considerations for Trading and Facilitating Transactions in Bitcoin (December 13, 2017) | *Panelist*
- 2017 Fall Private Placement Conference (October 3-4, 2017) | *Participant*

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- Developments in Tax-Efficient Investing for Sophisticated Investors, Family Offices, Wealth Advisors, Distributors and Alternative Asset Managers (October 3, 2017) | *Moderator and Panelist*
- Family Office Morning Seminar/Working Breakfast: Appreciate Investment Returns with Reduced Tax Drag (September 19, 2017) | *Panelist*
- Private Placement Life Insurance & Variable Annuities Forum (June 13–14, 2017) | *Speaker* | *Benefits of international jurisdictions* | *Moderator and Speaker* | *Basics of Launching and IDF* | *Moderator and Speaker* | *A View from Wall Street: Insights from Banks Paving the Way in the Private Placement Space*
- Funds 101 Breakfast Program (March 2, 2017) | *Panelist*
- Funds 101 (March 2, 2017) | *Panelist*
- Updates on Tax-Efficient New Products and Private Placement Products (January 10, 2017) | *Moderator*
- MidOcean IDF Seminar (December 7, 2016) | *Presenter* | *Alternative Investing Through Privately Placed Variable Life Insurance and Annuities*
- AssetTV Interview Shoot (September 1, 2016) | *Speaker* | *Tax Efficient Investing Through PPVA*
- 2016 Private Placement Life Insurance & Variable Annuities Forum (May 17–18, 2016) | *Presenter* | *Creating an IDF* | *Presenter* | *What is the Investor Control Doctrine?*
- Wells Fargo Prime Services' On The Horizon Conference Series: Alternative Investing Through Private Placement Life Insurance and Variable Annuities (February 24, 2016) | *Moderator* | *Alternative Investing Through Private Placement Life Insurance and Variable Annuities*
- Capita Asset Services' Family Office Conference—Streamlining Operations in a Changing World (February 22, 2016) | *Presenter* | *Structural Change in the Family Office and Trust Company Space*
- Tax-Efficient New Products for Sophisticated Investors, Family Offices and Alternative Asset Managers (November 17, 2015) | *Moderator*

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- 13th Annual Private Placement Life Insurance & Variable Annuities Forum (June 16–17, 2015) | *Panelist and Moderator* | *Raising Assets for an Insurance Dedicated Fund* | *Panelist and Moderator* | *Structuring and Distributing IDFs with Illiquid Alternative Investments*
- Association for Corporate Growth Monthly Luncheon Meeting (April 30, 2015) | *Moderator and Panelist* | *Illiquid Alternative Investments: The New Opportunity in Private Equity*
- Hedge Fund Forum (November 11, 2014) | *Moderator* | *Executive Hedge Fund Roundtable Forum*
- 12th Annual Private Placement Life Insurance & Variable Annuities Forum (June 3–4, 2014) | *Presenter* | *Advanced Strategies and Insights: Overcoming Hurdles to Broad Distribution of PPLI/PPVA*
- Finance and Hedge Fund Summit (December 12, 2013) | *Moderator*
- Compliance 2013 (November 7, 2013) | *Panelist* | *View from the Top on Hedge Fund Law Enforcement Issues*
- Rising to the Top: Differentiating Funds in a Crowded Marketplace (September 12, 2013) | *Panelist*
- 11th Annual Private Placement Life Insurance & Variable Annuities Forum—Tax-Efficient Investing for the High Net Worth Market (June 13–14, 2013) | *Panelist*
- Private Placement Life Insurance (PPLI) and Annuities (PPVA) 2013 (April 30, 2013) | *Panelist* | *Innovative Distribution Models: Which Are Working and Which Are Not*
- Institutional Investor Hedge Fund Institutional Forum Senior Delegates Roundtable (February 4–6, 2013) | *Panelist* | *The Future of Hedge Funds II: Jack Be Nimble, Jack Be Quick: Multi-Transitioning to New Models*
- Institutional Investor Institute Senior Delegates Roundtable (January 22–24, 2013) | *Panelist* | *All Change: The State of the Asset Management Industry*
- 11th Annual Hedge Fund Leadership Council (June 20–21, 2012) | *Panelist* | *The New and Evolving Regulatory Environment: What It Means for Hedge Funds and Their Investors*

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- 10th Annual Private Placement Life Insurance and Annuities Conference (May 30, 2012) | *Panelist* | *Bringing the IDF to Clients: What Works and What Does Not?*
- Maples Investment Funds Forum 2012 (February 10, 2012) | *Panelist*
- 2nd Annual Freeman & Co. Financial Services Conference: New Drivers of Growth (May 2011) | *Panelist* | *Life Settlements*
- Do You Need to Register as a US Investment Advisor? A Practical Guide to Navigating the US Regulatory Regime (February 17, 2011) | *Speaker*
- AR Symposium 2010 (November 2–3, 2010) | *Moderator* | *How will hedge funds operate under the new regulatory regime—in the U.S. and globally?*
- Trends in Capital Raising for Hedge Funds (September 16, 2010) | *Panelist*
- 9th Annual Hedge Fund Investor Symposium (June 22–23, 2010) | *Presenter* | *The New and Evolving Regulatory Environment: What Matters for Hedge Funds and Their Clients*
- 2010 Reuters Global Financial Regulation Summit (April 26–28, 2010) | *Speaker*
- Changes in Private Equity and New Opportunities (February 3, 2010) | *Panelist*
- Private Equity and Proposed Federal Regulation: Formation, Operation and Transaction Considerations (December 2, 2009) | *Panelist*
- Absolute Return Symposium 2009 (November 3–4, 2009) | *Panelist* | *Regulation: Is Washington up to the task of regulating hedge funds?*
- Asset Allocation Forum in Alternatives 2009 (October 5, 2009) | *Moderator* | *Developments in the Power Play Between Investors and Managers in Setting Terms*
- Cocktails & Commentary: Hedge Funds and the Proposed Regulatory Reforms (September 17, 2009) | *Presenter*
- GAIM International 2009 (June 16–18, 2009) | *Presenter* | *Rethinking Risk Management and Good Governance for a Safe Smart Business: Finding Practical Solutions to the New Demands from Investors, Regulators and Tax Authorities*

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- Alternative Investing Forum Spring 2009 (April 20, 2009) | *Moderator* | *New Asset Allocation Themes*
- Crisis Management for Hedge Funds and Managers: Planning for Survival or Reincarnation (February 25, 2009) | *Moderator*