

Counsel, Boston

Investment Management



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Education

J.D., Boston University School of Law, 2007 (*summa cum laude*; Editor, *Boston University Law Review*)

B.A., Boston University, 2004 (*summa cum laude*; Phi Beta Kappa)

Bar Admissions

Massachusetts

Kenneth E. Burdon represents public and private investment funds, investment advisers, financial services companies and other financial institutions in connection with the structuring and distribution of investment products, and in a variety of regulatory, compliance, corporate, governance, operational and transactional matters.

Mr. Burdon advises registered investment companies, business development companies and their boards of directors, public and private fund-of-hedge-funds and other alternative products, and multinational investment advisers. Mr. Burdon also represents asset management companies and other financial institutions in connection with their transactional activities, such as mergers and acquisitions, divestitures and split-offs of operational groups, as well as in connection with the regulatory and compliance implications of regulatory investigations and enforcement proceedings. Mr. Burdon's other engagements include advising domestic, international and multinational companies on investment company status matters, including ordinary operating companies and U.S. mortgage REITs. In this regard Mr. Burdon represented Altaba Inc. (formerly Yahoo! Inc.) in connection with its registration as an investment company under the Investment Company Act.

Mr. Burdon represents fund sponsors and underwriters in developing new investment products, in initial public offerings of closed-end funds and business development companies, and in secondary financings, such as at-the-market offerings, rights offerings, public bond offerings, and public and private preferred equity offerings. He also counsels fund sponsors and distributors, mutual funds, closed-end funds and business development companies in connection with their routine activities, as well as in connection with non-routine matters, such as in seeking and obtaining exemptive or no-action relief from the Securities and Exchange Commission and FINRA, or in responding to shareholder activism.

In the public investment company area, Mr. Burdon has represented clients such as the BlackRock Funds, including BlackRock Municipal Target Term Trust in its \$1.55 billion initial public offering; the Gabelli Funds; the RMR Funds; the Cushing Funds; Tweedy, Browne; funds advised by John Hancock and Oppenheimer; Great Elm Capital Corp., a business development company; and underwriters of closed-end funds, such as Wells Fargo. He also has represented BlackRock, Franklin Square Capital Partners and others in developing innovative products and product structures to pursue registered and unregistered alternative strategies. In the private product area, he has represented the EIM Group in connection with a variety of onshore and offshore products, and regularly advises private fund advisers on Investment Advisers Act, registration, compliance and fiduciary matters. Mr. Burdon also has represented financial institutions, such as The TCW Group, Société Générale, Credit Suisse and Ameriprise, in connection with their transactional activities, including counseling them on associated regulatory and compliance matters.

Mr. Burdon was selected for inclusion in *Chambers USA 2019*. He also was named as one of The Rising Stars of Mutual Funds at *Fund Action's* Mutual Fund Industry Awards in 2018 and as a Rising Star in *IFLR1000*. He co-authors "Investment Management Regulation, Fifth Edition," a law school course book on the Investment Company Act and the Investment Advisers Act."

Publications

“SEC Relaxes ‘In-Person’ Voting Requirements for Investment Company Boards,” *Skadden, Arps, Slate, Meagher & Flom LLP*, March 11, 2019

“CFTC Proposes to Simplify, Modernize Commodity Pool Operator and Commodity Trading Advisor Regulations,” *Skadden, Arps, Slate, Meagher & Flom LLP*, November 13, 2018

“Economic Growth, Regulatory Relief, and Consumer Protection Act: Impacts on Investment Companies,” *Skadden, Arps, Slate, Meagher & Flom LLP*, November 1, 2018

“New Legislation Will Benefit Business Development Companies While Closed-End Funds Remain in Limbo,” *Skadden, Arps, Slate, Meagher & Flom LLP*, April 9, 2018

“Plaintiffs Face Uphill Battle In Excessive-Fee Litigation,” *Law360*, March 16, 2017

“Another Mutual Fund Adviser Prevails at Trial in Excessive Fee Litigation,” *Skadden, Arps, Slate, Meagher & Flom LLP*, March 15, 2017

“Recent Investment Management Litigation and Regulatory Developments,” *Skadden, Arps, Slate, Meagher & Flom LLP*, March 9, 2017

“What Can Mutual Fund Boards and Advisers Learn From the AXA Trial Ruling?” *Journal of Investment Compliance*, February 2017

“Liquidity Rule Redefines Portfolios, Board Tasks,” *BoardIQ*, January 10, 2017

“SEC Adopts Liquidity Risk Management Rules for Mutual Funds and Exchange-Traded Funds,” *Skadden, Arps, Slate, Meagher & Flom LLP*, November 3, 2016

“What Mutual Fund Advisers Can Learn From AXA Trial Win,” *Law360*, September 12, 2016

“What Can Mutual Fund Boards and Advisers Learn From the AXA Trial Ruling?” *Skadden, Arps, Slate, Meagher & Flom LLP*, September 8, 2016

“SEC Proposes Liquidity Management Rules for Open-End and Exchange-Traded Funds,” *Skadden, Arps, Slate, Meagher & Flom LLP*, October 9, 2015

“Disclosure and Collateral Consequences of Enforcement Actions for Regulated Financial Services Firms,” *Skadden, Arps, Slate, Meagher & Flom LLP*, October 2, 2014

“SEC Releases Long-Awaited Money Market Fund Reform Proposal,” *Skadden, Arps, Slate, Meagher & Flom LLP*, June 14, 2013

“CFTC Curtails Commodity Pool Operator Exemptions for Registered Investment Companies and Private Funds and Commodity Trading Advisor Exemptions for Their Advisers,” *Skadden, Arps, Slate, Meagher & Flom LLP*, February 22, 2012

“Advisers Act § 205(a)(2): An Argument for SEC Enforcement of an Adviser’s Failure to Obtain Consent to Assignment,” *The Investment Lawyer*, April 2007

“Accounting for Profits in a Copyright Infringement Action: A Restitutionary Perspective,” *87 Boston University Law Review* 255 (2007)