

# Barry I. Pershkov

**PARTNER**

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Barry Pershkov is a partner in Chapman's Corporate and Securities Department and a member of the firm's Investment Management Group. He is nationally recognized for his work in the field of exchange-traded funds (ETFs). Barry has extensive experience working on matters involving the establishment, representation, and counseling of ETFs, alternatively structured exchange-traded investment products (ETPs), commodity pools, their advisers, and listing markets. He advised on the formation and operation of a variety of investment products, including the industry's first leveraged and inverse ETFs, the first leveraged and inverse commodity and currency exchange-traded products, and the first long/short ETF.

Prior to joining Chapman in 2017, Barry served as senior counsel with the U.S. Securities and Exchange Commission's (SEC) Division of Investment Management for more than five years. While at the SEC, Barry led ETF-related initiatives as chair of the SEC's interdivisional ETP Task Force and led SEC staff meetings with senior representatives of the fund industry concerning new and novel products and proposals, including sponsors, liquidity providers, national securities exchanges, and service providers. Additionally, Barry served as a member of the SEC's Fintech Working Group, which addressed transformative issues, including those related to digital currency, initial coin offerings, and blockchain technology. Prior to the SEC, Barry was in private practice and also served as vice president and counsel at ETF sponsor ProShares.

## Publications

- Co-Author, "ETF Prospectus Liability: Taking Stock after Jensen v. iShares," *The Investment Lawyer*, March 2018.

## Admitted

District of Columbia  
Pennsylvania

## Education

Tulane University Law School,  
J.D., *cum laude*, 1992

- *Tulane Law Review*, Notes and Comments Editor

Duke University, B.A., English,  
1988

## Practice Focus

Broker-Dealers  
Corporate Finance and Securities  
Cryptocurrency, Digital Assets, and Blockchain  
Fintech and Marketplace Lending  
Investment Advisers  
Investment Management  
Registered Investment Companies

## Presentations

- Panelist, "Hot ETFs Regulatory Topics," 2021 ETFGI Global ETFs Insights Summit, May 20, 2021
- Panelist, "An Appraisal of Regulatory Issues Impacting Market Structure and ETF Trading," 2020 ETFGI Global ETFs Insights Summit, July 28-30, 2020
- Panelist, "Examining the Impact of Regulatory Developments on ETFs and the ETF Capital Markets," 2019 ETFs Global Markets Roundtable, May 21, 2019
- Panelist, "Impact of Regulatory Developments on ETFs," ETFs Global Markets Roundtable, May 15, 2018
- Panelist, "The ETF Rule, MiFID II and the Future of ETF Regulation," Inside ETFs Conference, January 21-24, 2018

## Notable Engagements



### **Bitcoin Custody Business Acquisition**

October 2019

Chapman served as co-counsel to Xapo Inc. and its parent Xapo Holdings Limited, a global cryptocurrency wallet and custody platform, in the \$55 million sale of its institutional bitcoin custody business to Coinbase Custody Trust Company. Chapman advised on a variety of regulatory, operational, and subject matter issues relating to the transaction.