

Press Coverage | July 18, 2024

Dissecting the Fifth Circuit's Vacatur of the Private Fund Adviser Rules and Its Implications

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[Genna Garver](#)

Genna Garver, a partner with Troutman Pepper, is quoted in the July 18, 2024 *Hedge Fund Law Report* article [“Dissecting the Fifth Circuit's Vacatur of the Private Fund Adviser Rules and Its Implications.”](#)

When the SEC released its suite of proposed rules for private fund advisers, the industry inundated the regulator with extensive comments on numerous elements of the proposal. Unfortunately, the August 2023 release of the final version of the private fund adviser rules (PFAR) did little to assuage the concerns raised by the commentators. As a result, several industry organizations sued the SEC in the U.S. Court of Appeals for the Fifth Circuit (Court), arguing, among other things, that the agency lacked the authority to issue the PFAR. As hedge fund managers were diligently working on becoming compliant with the PFAR by the compliance deadline, the Court vacated the entire package on June 5, 2024. *The Hedge Fund Law Report* spoke to Genna N. Garver, partner at Troutman Pepper, about the Court's landmark decision. This article summarizes the decision and shares Garver's perspective on it and its implications for the PFAR, as well as for other final and proposed SEC rules that impact hedge fund managers. For additional commentary from Garver, see [“SEC Risk Alert Announces Exams of Firms' Preparations for T+1 Settlement”](#) (May 23, 2024); [“Marketing Rule Risk Alert Forecasts Coming Exams”](#) (Oct. 20, 2022); and [“A Look at the NSCP's Firm and CCO Liability Framework”](#) (Feb. 24, 2022).

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