PESTALOZZI

ATTORNEYS AT LAW

Kern Alexander

Of Counsel
Attorney at law, Prof. Dr.

Feldeggstrasse 4
8008 Zurich
Switzerland
T +41 44 217 92 54
kern.alexander@pestalozzilaw.com



Kern Alexander is an Of Counsel to Pestalozzi and member of the Financial Services group. He advises bank boards on regulation, ethics and strategy. He is Professor of International Financial Law and Banking Regulation at the University of Zurich and a lecturer at the University of Cambridge. Kern Alexander is also a founder of the Research Network of Sustainable Finance. He regularly speaks and publishes in his area of expertise.

Kern Alexander holds the Professorial Chair in Law and Finance and is Professor of International Financial Law and Banking Regulation at the University of Zurich. He is the author of many research articles and books, including most recently Principles of Banking Regulation (Cambridge University Press, 2019), Brexit and Financial Service (co-author, Moloney et al, Bloomsbury, 2018), and Economic Sanctions: Law and Public Policy (Macmillan 2009). His publications on banking regulation and economic and financial sanctions are widely cited.

His public service includes serving as Specialist Adviser to the UK Parliament's Joint Select Committee on the Financial Services Act 2012 and as Adviser to the UK Serious Fraud Office on the LIBOR investigations and prosecutions (2013-2019). He has also advised HM Treasury on economic policy and financial regulation and advised HM Foreign and Commonwealth Office on international and UK economic sanctions. He has given invited oral and written evidence on several occasions to the UK Parliament's House of Commons Treasury Committee and the House of Lords Select Committee on Economic Affairs and House of Lords Committee on Europe about European and UK banking and financial market regulation and economic sanctions. He also gave invited evidence on UK economic sanctions policy to the House of Lords Select Committee on Economic Affairs in 2006 (chair Lord Wakeham) that was widely cited in the Committee's Final Report. His public service also includes Member of the Expert Panel on Financial Services for the European

Parliament (2009-2014) and Subject Matter Expert in Banking Regulation and Resolution for the European Court of Auditors (2016-2019). His academic work and parliamentary evidence is cited extensively in British and European Parliamentary reports. He comments regularly for the BBC and Bloomberg on UK, European and Swiss banking and financial regulation issues. He is a Member of the Bar.

He advises the boards of financial institutions on economic/financial sanctions, strategy, and regulation. He also advises boards on their fiduciary duties under applicable law (UK, Delaware and Swiss) and fiduciary duties of controlling shareholders. He advises boards on conflicts of interest (self-dealing), misuse of information (inside information) and market manipulation. He has given evidence to courts and regulatory bodies on when boards have a duty to disclose material information and when they can delay disclosing such information and what they can do (not do) whilst in possession of such information. He also advises banks and financial firms about the extraterritorial application of US insider trading/market manipulation law and US financial sanctions laws.

Also, Kern Alexander served as expert witness in several major international arbitrations where he gave opinions on how certain regulatory practices affected bank investor rights under bilateral investment treaties and free trade agreements.

His expert evidence and opinions have been relied on by several courts in EU member states in high profile regulatory and criminal enforcement actions against banks and board members for insider dealing and market manipulation. His opinions are also cited by counsel on EU merger and acquisition law before the Court of Justice of the European Union and in various EU member state courts. He advises several EU-based banks regarding board duties to disclose (and when to delay disclosing) material information to investors.

Kern Alexander is a Full Professor of Law at the University of Zurich and a Lecturer in Financial Regulation at the University of Cambridge. He has lectured for several years on the Bank of England Masters of Finance programme (with University of Warwick), where he teaches two courses ‘Financial Services Regulation and Practice’ and ‘Approaches to Financial Regulation and Financial Stability’. He has been a Visiting Professor at leading international universities, including the University of Rome (Sapienza), KU Leuven, Renmin University (Beijing), and the Central University of Economic and Finance (Beijing), Queen Mary University of London, the Moscow State Law Academy and at US law schools.

He speaks regularly at the United Nations Conference on Trade and Development and the World Trade Organization on topics related to trade in financial services and regulation. Between 2009 and 2018, he advised the European Parliament on EU financial regulation and monetary policy. In 2013, his proposal for the use of collective action clauses in sovereign bond contracts was adopted by Eurozone governments. Since 2019, Kern Alexander is the Co-Director of the Oxford University Bank Governance Programme, which conducts executive education for board members and senior management of British, European and other international banks.

Kern Alexander is a graduate of Cornell University (Magna cum laude) in History and Economics, of University of Oxford (MSt. European History), and of the University of Cambridge in International Law (MPhil/PhD).

Career

2022	Of Counsel to Pestalozzi
2010	Professorial Chair in Law and Finance, University of Zurich (tenured)
2008	Professor / Reader of Economics and Law, School of Law & Department of Economics, Queen Mary, University of London, UK (tenured)
2006	Senior Research Fellow in International Financial Regulation, Centre of Financial Analysis and Policy, University of Cambridge, UK Lecturer in International Economic Law, Centre of International Studies, University of Cambridge, UK
2003	Lecturer/Senior Lecturer in Law, University of Warwick, UK (tenured)
2001	until 2004: Tutor and Supervisor in Economics and Law, Queens' College, University of Cambridge, UK until 2004: Lecturer in International Economics and Law, Centre of International Studies, University of Cambridge, UK
1998	Research Fellow, ESRC Centre for Business Research, University of Cambridge, UK

Languages

- German
- English

Practice Areas

- ESG
- Banking & Finance
- Swiss Financial Market Regulation
- Blockchain & Crypto Assets
- Capital Markets
- Compliance
- Corporate / M&A
- Financial Services
- Private Equity & Venture Capital