

# COVID-19 Update—“Essential” Investment Company/Advisory Functions in the Wake of Shelter in Place Orders

By Joseph M. Mannon, Cody J. Vitello and Adam S. Goldman

April 6, 2020

In an effort to contain the spread of COVID-19, several state and local governments (and more are soon to follow) have taken the unprecedented action of issuing “stay at home” or “shelter in place” orders that mandate the closure of “non-essential” or “not critical” businesses for varying periods of time. (Please click [here](#) to obtain additional information regarding these orders and the various other actions employers should be contemplating.) In the wake of these orders, investment company and adviser personnel will need to identify which, if any, of their business operations cannot be properly continued by personnel working from home and then determine whether such operations are “essential” or “critical” to the well-being of the public such that they can continue to be performed on-site.

As a threshold question, decision makers should identify which aspects of their operations, if any, require on-site functionality, including physical processing and support of mail and other systems. In determining whether any such operations are exempt under the orders, and therefore may continue unabated, decision makers should review the specific requirements of all applicable orders (especially where city, county or other local orders overlap or depart with statewide or federal orders) and thoughtfully consider the role such operations play in the country’s critical capital, liquidity and other financial markets including, but not limited to, maintaining (i) essential investor services at a time when financial markets may be experiencing significant volatility and uncertainty, (ii) critical information technology and data security to defend against cyberattacks, to support financial indexes or other benchmarks and to process trades or other transactions and (iii) the integrity and privacy of proprietary data, systems and investor information.

For assistance with navigating these orders, establishing appropriate protocols and procedures, and making “essential” or “critical” business function determinations, investment company and adviser personnel are encouraged to consult with their counsel and other advisors. In some situations, an exemptive order or other governmental assurance may be sought to ensure continued operations will not violate such orders.

For additional information, please contact **Joseph M. Mannon** at +1 (312) 609 7883, **Cody J. Vitello** at +1 (312) 609 7816, **Adam S. Goldman** at +1 (312) 609 7731 or another Vedder Price attorney with whom you have worked. You can also review our COVID-19 resource webpage by clicking [here](#), which includes additional information about the Vedder Price COVID-19 Task Force.

[vedderprice.com](http://vedderprice.com)