



Edward Ivey

Partner

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PRACTICES Finance

Edward “Ed” Ivey is a partner in the Finance Practice Group in Haynes Boone’s Charlotte office.

Ed’s practice focuses on regulatory and transactional matters across the swaps, futures, derivatives and digital assets industry, and advising clients on various types of debt and equity capital market activities for financial institutions ranging from Wall Street banks to community banks in North Carolina. He also has experience working for two major Wall Street banks, focusing on OTC and cleared derivatives, structured transactions, structured products, commodities, digital assets, hedge funds and Dodd-Frank regulatory issues related to these areas.

Ed also represents several swap dealers, traders and liquidity providers in the digital and crypto assets markets. In this role, he drafted one of the first suites of Prime Broker Documentation for use in the digital assets space and various total returns swap structures providing bespoke financing solutions to clients and their counterparties.

Ed represents borrowers/debtors and lenders/creditors, in derivatives, bankruptcy and structured products to enhance financing through structuring debt, equity and hedging activities, or present alternative financing arrangements that can lower costs and risks to both parties. He also helps clients navigate transactional and regulatory matters for registered and non-registered entities to minimize costs and regulatory burdens, with a particular focus on the Commodity Exchange Act, Investment Company Act and Securities Act.

Ed has worked with clients on developing hedging strategies for their commercial risks by using derivative and exchange-traded transactions such as FX swaps, interest rate swaps, forwards, futures and physical commodity transactions. He has also helped regional and community banks develop and implement their internal swap programs for borrowers, as well as advising larger registered swap dealers on their day-to-day swap negotiations and regulatory needs.

He has also been interviewed or asked to speak at various conferences, including the ABA Annual Futures and Derivatives Law Committee Conference, FIA Law and Compliance Conference, Managed Funds Association New York Conference, and the American Conference Institute’s National Advanced Summit on Swaps and Derivatives Global Market Regulation. He has also been interviewed and quoted in various publications, including *Risk.net*, *OTC Space*, *Derivsorce.com*, *Lexis Nexus Banking & Finance*, *International Financial Law Review* (IFLR), the *American Banker* and *DerivSource.com*.

QUALIFICATIONS

EDUCATION

- J.D., University of North Carolina School of Law, 2009
- B.S., . Business Administration, University of North Carolina at Chapel Hill, 2006, with honors

ADMISSIONS

- North Carolina
 - New York
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PUBLICATIONS AND SPEAKING ENGAGEMENTS

- “The Future Dominant Reference Rate of the Loan Market: Will There Be One Rate to Rule Them All?”, Thomson Reuter’s *Futures & Derivatives Law Report*, (September 2021)
 - “Human Rights-Focused Lending Models Can Curb Trafficking”, *Law360* (August 2021)
 - Ethical Concerns: When the Client Does Not Intend to Register”, ABA Business Law Section – Derivatives and Futures Law Committee (January 2021)
 - “Election Season Special: 2021 Candidates for LIBOR Replacement”, *Futures & Derivatives Law Report* (November 2020)
 - “Bilateral Loans and Hedging the LIBOR to SOFR Transition”, *Futures & Derivatives Law Report* (October 2019)
 - “The U.S. Margin Requirements: The Impact on Special Purpose Vehicles (SPVs) used in Securitizations, Repackagings and Other Structured Products”, *Futures & Derivatives Law Report* (April 2017)
 - “Global Margin Requirements for Non-Cleared Derivatives: Important Differences in the Margins”, *Futures & Derivatives Law Report* (June 2016)
 - “A New Course for Cross-Border Swaps Reform”, *IFLR Magazine* (November 2014)
 - “To Be, Or Not To Be, An FCM’s Depository For Customer Funds?”, *Futures & Derivatives Law Report* (April 2014)
 - “When Is A Swap Not A Swap? Navigating The Different Definitions Of “Swap Agreement” Under The Bankruptcy Code And The Commodity Exchange Act”, *Futures & Derivatives Law Report* (September 2013)
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SELECTED CLIENT REPRESENTATIONS

- Partnered with clients to plan and develop finance strategies to maximize returns, mitigate market risks and obtain desired legal opinions
- Developed bespoke total return swap and prime broker documentation, including a "first of its kind" Total Return Swap and Master Confirmation based on the 2005 Commodity Definitions, and other drafted numerous TRSs based on the 2002 Equity Definition, 2006 Fund Definitions, or custom definitions.
- Advised numerous financial institutions, investment vehicles and corporations around the world (e.g., power companies, real estate development companies, manufacturers and multi-national corporations) and negotiated derivative documentation and related collateral and pledge documentation for various transaction types, including: FX, interest rate, cross-currency, physical commodities and gas transactions
- Advised US Swap Dealer on building out their OTC commodities desk to prepare documents and confirmations for forwards, swaps, options and exotic products.

- Advised clients, including regional banks and dealers in digital assets, through the Swap Dealer De Minimis Exception and other regulatory exceptions, exemptions and exclusions to minimize regulatory costs and burdens.
- Advised commodity pools through registration, regulatory relief requests and registration exemptions.
- Advised US and non-US Swap Dealers and other large financial institutions with respect to US regulatory compliance issues associated with interest rate, FX transactions and other derivatives, including: the Volcker Rule and Title VII of the Dodd-Frank Act. Reviewed and assisted in preparing internal compliance policies and procedures related to such issues
- Achieved cost savings for clients by drafting negotiation manuals for various types of agreements commonly used in financial markets for lending and/or credit enhancements, and provided related training
- Achieved cost savings for clients by minimizing liquidity demands of balance sheet and minimizing risks of material cash flows demands and/or uncertainties
- Obtained legal and financial savings for clients by successfully obtaining federal regulatory relief and guidance for clients related to financing activities
- Worked with clients on the creditor side to develop warehouse financing facilities, including consignments, sale-leaseback and repo agreements, and analyze documents of title and the perfection of security interests under Articles 7 and 9 of the UCC
- Advised large New York real estate development company in obtaining financing and hedging against interest rate risks for multiple projects
- Advised advisors and trustees of hedge funds, pensions and other collective investment vehicles with respect to corporate and financial arrangements and compliance matters
- Advised various US and non-US broker-dealers with respect to US regulatory compliance issues and registration exemptions under the SEC and CFTC regulations
- Drafted negotiation manuals for various forms of interest rate, FX and other derivative trading documentation, including: CSAs, CSDs, ISDA Schedules, Futures Account Agreements and FIA-ISDA Cleared Derivatives Execution Agreements
- Reviewed and assisted in preparing internal compliance policies and procedures related to compliance with US laws and regulations applicable to derivatives
- Advised other attorneys globally on US derivative regulations, along with comparisons against non-US derivative regulations such as EMIR, MiFID and MiFID II

Some of these representations were handled by Ed prior to joining Haynes Boone.

AWARDS AND RECOGNITIONS

- *International Financial Law Review 1000*, “Rising Star”, Capital Markets, 2016, 2017 and 2019-2023, and Derivatives, 2014-2024, and Structured Finance and Securitisation, 2021-2023
- *The Daily Report’s* Southeastern Legal Awards “On the Rise”, 2023