

## EDWARD "ED" H. IVEY

*Co-head of Derivatives*

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Building from his experience in New York City and time at multiple Wall Street banks, Ed Ivey is now a go-to attorney for transactional and regulatory issues associated with derivatives, complex finance, structured products and LIBOR transition issues.

Ed's practice is focused on swaps, derivatives, general corporate matters, and advising clients on various types of debt and equity capital market activities (e.g., security private placements, loans and revolving credit facilities). He represents both borrowers/debtors and lenders/creditors, and brings his experience 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 (e.g., warehouse financings, consignments, sale-leaseback transactions, project financings and repos/securities lending arrangements). 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.

He has advised a number of 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.

Ed advises a wide spectrum of clients, including swap dealers, brokers, futures commission merchants, sovereign entities, pensions, hedge funds, commodity pools, financial institutions, trade groups and corporate end-users on internal documentation, board resolutions, policies, legal opinions, affiliate and third-party agreements, financings and capital

### Capabilities

Asset-Based Lending

Environmental, Social & Corporate Governance

Fund Finance

LIBOR

Private Equity

Project & Equipment Finance

Public Finance & Tax-Exempt Lending

Real Estate Finance

Structured Finance & Securitizations

Swaps, Derivatives & Structured Products

Syndicated Lending

### Education

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

### Admissions

North Carolina, 2020

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market transactions.

New York, 2010

More recently, Ed advised parties regarding: identifying and hedging ESG risks through swaps and sustainability linked loans; the CFTC's and Prudential Regulator's margin/collateral requirements for OTC swaps; the implications on loan documents, hedges and other finance transactions during the transition from LIBOR to alternative reference rates (e.g., SOFR and Ameribor); the QFC and ISDA Stay Protocol from the perspective of corporates and other end users; and recent federal and state regulatory developments impacting Swap Execution Facilities, cryptocurrencies, stablecoins, blockchain and other developments impacting the growing FinTech space.

### Notable

- IFLR1000, "Rising Star", Capital Markets, 2016, 2017 and 2019-2021, and Derivatives, 2014-2021, and structured finance and securitisation, 2021

### Representative Experience

#### Transactional & Advisory Experience

- Partnered with clients to plan and develop finance strategies to maximize returns, mitigate market risks and obtain desired legal opinions.
- 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.
- Assisted clients in day-to-day corporate matters, including policies, board resolutions, appointments, preparing and amending organizational documents and negotiating common contracts (loans,

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credit facilities, licenses, leases and supplier contracts).

- Advised large New York real estate development company in obtaining financing and hedging against interest rate risks for multiple projects.
- 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.
- 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 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.