



## New York

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## Related Services

- Capital Markets / Securities / Debt Finance
- Commodities / Derivatives / Energy
- Corporate
- Mergers, Acquisitions and Joint Ventures

## Education

- J.D., *cum laude*, Boston University School of Law, 1998
- B.A., Boston College, 1993

## Scott Le Bouef

### Partner

Scott Le Bouef is a member of the firm's Commodities and Derivatives Group. Scott represents clients in a wide variety of commodities and derivatives transactions, with a focus on energy commodities. He advises investment banks, brokers, energy and commodity trading houses, hedge funds, producers, suppliers and end-users on a wide range of commodities and derivatives transactions and related regulatory matters. He has extensive experience with the structuring and negotiation of purchase and sale agreements, intermediation arrangements, physically and financially-settled hedge transactions, energy management agreements, tolling agreements, supply and off-take agreements, transportation agreements and storage agreements, whether such agreements are entered into on a stand-alone basis or in the context of project acquisitions or project development. Scott's experience also includes structuring and negotiating industry standard master agreements, including the ISDA, EEI and NAESB.

In addition to transactional matters, Scott also counsels clients with respect to the impact of the Dodd-Frank Act and related regulations on their commodities and trading businesses, including the application of the end-user exception to clearing, the analysis of swap dealing activities and the negotiation of cleared derivative execution agreements and the ISDA Dodd-Frank Protocols.

Scott was a Member of the Futures and Derivatives Committee of the Association of the Bar of the City of New York from 2010 to 2013 and is currently a member of the Contracts and Legal Education Committee and Bankruptcy and Creditors Rights Working Group of the International Energy Credit Association.

## Representative Matters

- An existing major financial client in connection with the structuring and negotiation of the largest crude oil refined product intermediation agreement completed to date;

- A Spanish wind turbine manufacturer in connection with the structuring and negotiation of long-term secured hedging transactions with J.P. Morgan Ventures Energy Corporation which underpinned the simultaneous sale of a series of wind farms to Algonquin Power & Utilities and tax equity financing by J.P. Morgan Chase & Co. and Morgan Stanley;
- A commodities merchant in the negotiation and documentation of an off-take agreement in connection with the acquisition of natural gas producing wells in the Western United States;
- An independent power producer in the structuring and negotiation of tolling agreements with respect to its gas-fired cogeneration plants; and
- A leading commodities trading firm in the structuring and negotiation of secured long-term gas and electricity supply and financing arrangements with regional local distribution companies.

#### **Honors & Awards**

- *Chambers USA* – Nationwide: Derivatives

#### **Memberships**

- Member, Contracts and Legal Education Group, The International Energy Credit Association
  - Member, Bankruptcy and Creditors Rights Working Group
- Member, Futures and Derivatives Committee, The Association of the Bar of the City of New York, 2010-2013

#### **Speeches & Events**

- Speaker, "Structuring Prepayment Transactions in the Commodities Markets," Strafford Webinar, February 11, 2021
- Panelist, "Mitigating Bankruptcy Risks in Restructured Energy Markets," 2015 EBA Annual Meeting & Conference, May 5-6, 2015
- Panelist, "Master Netting Agreements and Developments in Enforcement of Cross-Affiliate Set Off (I/A)," 2015 IECA Spring Education Conference, March 22-24, 2015
- Speaker, "Position Limits," NYSBA Derivatives and Structured Products Law Committee, November 22, 2013
- Speaker, "IECA's Changing Landscape: Current Developments that Will (and Should) Influence the Drafting and Negotiation of Energy Contracts," August 18, 2011
- Panelist, "Derivatives Reform and its Impact on Hedge Funds," June 22, 2010
- Speaker, 2010 Spring API Risk Control Committee Meeting, April 26-27, 2010
- Speaker, IECA's 2009 Spring Education Conference, March 15-17, 2009

#### **Publications**

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- Co-author, "What's Required in Requirements Contracts," *Pratt's Energy Law Report*, September 2015, Vol. 15-8
- Co-author, "CFTC Cross-Border Margin Proposal," *Stroock Special Bulletin*, July 20, 2015
- Co-author, "SEC Cross-Border Security-Based Swap Proposal," *Stroock Special Bulletin*, May 13, 2015
- Co-author, "Checkpoint: Update – Implementation Schedule of Margin Requirements for Uncleared Derivatives," *Derivatives: Financial Products Report*, April 2015, Vol. 16, No. 8
- Co-author, "What's Required in Requirements Contracts," and "Update: Power Up in the Air (Part II): EPA Proposed Regulations for New and Existing Power Plants," *Stroock Positive Energy*, April 2015, Issue 4
- Co-author, "Update: Implementation Schedule of Margin Requirements for Uncleared Derivatives," *Stroock Special Bulletin*, March 30, 2015
- Co-author, *Stroock Positive Energy*, November 18, 2013, Issue 1
- Co-author, "CFTC Issues Interpretive Guidance and Exemptive Order Regarding Cross Border Swap Regulations," *Stroock Special Bulletin*, July 25, 2013
- Co-author, "SEC Sets New Conflict Mineral Rule," *Stroock Special Bulletin*, September 13, 2012
- Co-author, "CFTC Proposes Amendments to Position Limit Aggregation Exemptions," *Stroock Special Bulletin*, June 11, 2012
- Co-author, "CFTC & SEC Issue Final Release Defining 'Swap Dealer,' 'Major Swap Participant' and Other Key Terms," *Stroock Special Bulletin*, May 31, 2012
- Co-author, "CFTC Reverses Position and Provides for a Limited Trade Option Exemption," *Stroock Special Bulletin*, May 23, 2012
- Co-author, "CFTC Issues Final Rules on Customer Clearing Documentation, Timing of Acceptance for Clearing, and Clearing Member Risk Management," *Stroock Special Bulletin*, May 3, 2012
- Co-author, "SEC and CFTC Finalize Reporting Rules for Private Fund Adviser Systemic Risk," *Stroock Special Bulletin*, December 5, 2011
- Co-author, "The Major Derivative Provisions of the Financial Markets Reform Bill Passed by the Senate," *Stroock Special Bulletin*, June 4, 2010
- Co-author, "Treasury Secretary Geithner's Proposed Comprehensive Regulatory Framework for Over-the-Counter Derivatives," *Stroock Special Bulletin*, May 15, 2009
- Co-author, "Prime Brokerage: The Hidden Dangers," *Bloomberg Law Reports: Banking and Finance*, October 6, 2008

#### **Admitted To Practice**

New York