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# Dodd-Frank One-Year Anniversary: Impact on Swap Dealers

Presented by

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**Gabriel D. Rosenberg (Moderator)**

July 26, 2011

**Davis Polk**

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**Robert L.D. Colby**

Bob is a partner in our Financial Institutions Group, practicing in the Washington office. He advises on complex regulatory and compliance matters involving securities and derivatives for broker-dealers, financial institutions, investment advisers, markets, and clearing organizations.



**Annette L. Nazareth**

Annette is a partner in our Financial Institutions Group, practicing in the Washington office. She advises clients across a broad range of complex regulatory matters and transactions. She also works closely with our SEC enforcement practice, counseling non-financial sector corporations that are subject to government regulatory and enforcement actions.



**Lanny A. Schwartz**

Lanny is a partner in our Financial Institutions Group, practicing the New York office. He advises on securities compliance, regulatory and transactional matters. His clients include major international banks, broker-dealers, securities exchanges and consulting firms



**Moderator: Gabriel D. Rosenberg**

Gabe is an associate in our Financial Institutions Group. He advises clients on the requirements, impact and implementation of the Dodd-Frank financial reform legislation, particularly the regulatory treatment, trading and clearing of swaps.

# Dodd-Frank Webcast Series

**One Year Progress Report**

**July 22, 11:00 a.m. EDT / 8:00 a.m. PDT**

**Impact on Bank Holding Companies**

**July 25, 11:00 a.m. EDT / 8:00 a.m. PDT**

**Impact on Swap Dealers**

**July 26, 11:00 a.m. EDT / 8:00 a.m. PDT**

**Impact on Private Equity/  
Hedge Funds**

**July 27, 11:00 a.m. EDT / 8:00 a.m. PDT**

**Impact on End Users of Swaps**

**July 28, 11:00 a.m. EDT / 8:00 a.m. PDT**

**Emerging Litigation Trends**

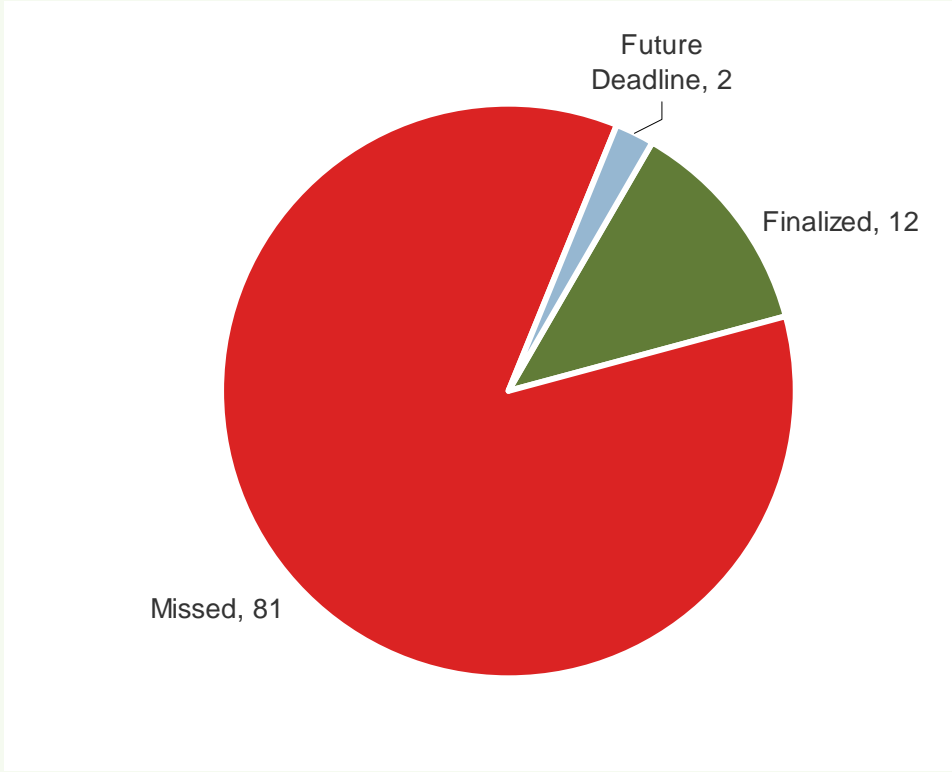
**July 29, 11:00 a.m. EDT / 8:00 a.m. PDT**

If you are interested in participating in any of these events, email [\*\*dodd.frank.progress.report@davispolk.com\*\*](mailto:dodd.frank.progress.report@davispolk.com) for registration information.

Archived webcasts are available at [\*\*www.davispolk.com/dodd-frank\*\*](http://www.davispolk.com/dodd-frank).

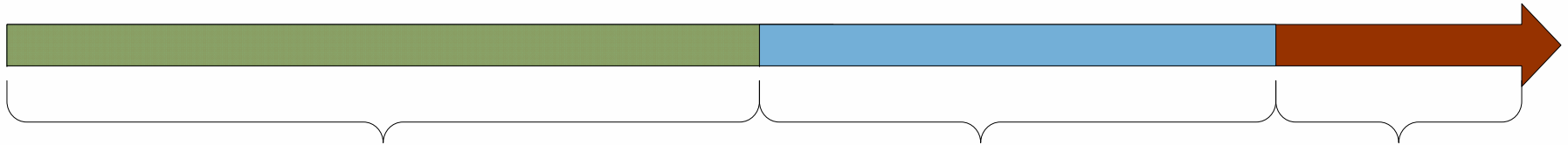
# Dodd-Frank Rulemaking Progress by Agency

## Title VII Rulemaking



# Implementation Timeline

Regulatory Timeline



## Phase I: Proposed Rulemaking

Regulators propose rules and solicit comments

- Extract technological and compliance requirements from the statute and proposed rules
- Assign responsibility and define workplan for creating technology solutions and writing policies and procedures
- Initiate development of systems and preliminary compliance and supervisory policies
- Gather/create necessary information for entity registration
- Determine which legal entities to use for swaps activity
- Create new entities and reorganize business units as necessary
- Create new forms of customer documentation

## Phase 2: Rule Adoption

Most rules become final

- Seek interpretative guidance
- Reassess and revise technological and compliance requirements based on final rules
- Develop compliance manuals and supervisory procedures
- Join clearing organizations, exchanges and SEFs
- Redocument customer relationships
- Conduct personnel training
- Establish connectivity
- Conduct testing with SDRs, exchanges and clearing organizations
- File entity registrations

## Phase 3: Implementation

Possible rule-by-rule phase-in

- Ensure ongoing compliance

Firm Implementation Tasks

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# Potential Headaches for Swap Dealers

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- Entity Registration
- Global Structuring Issues
- Treatment of Interaffiliate Swaps
- Fiduciary Issues
- Reporting Requirements
- Overlapping Compliance Issues
- Trading with Customers on Swap Execution Facilities

# Entity Registration

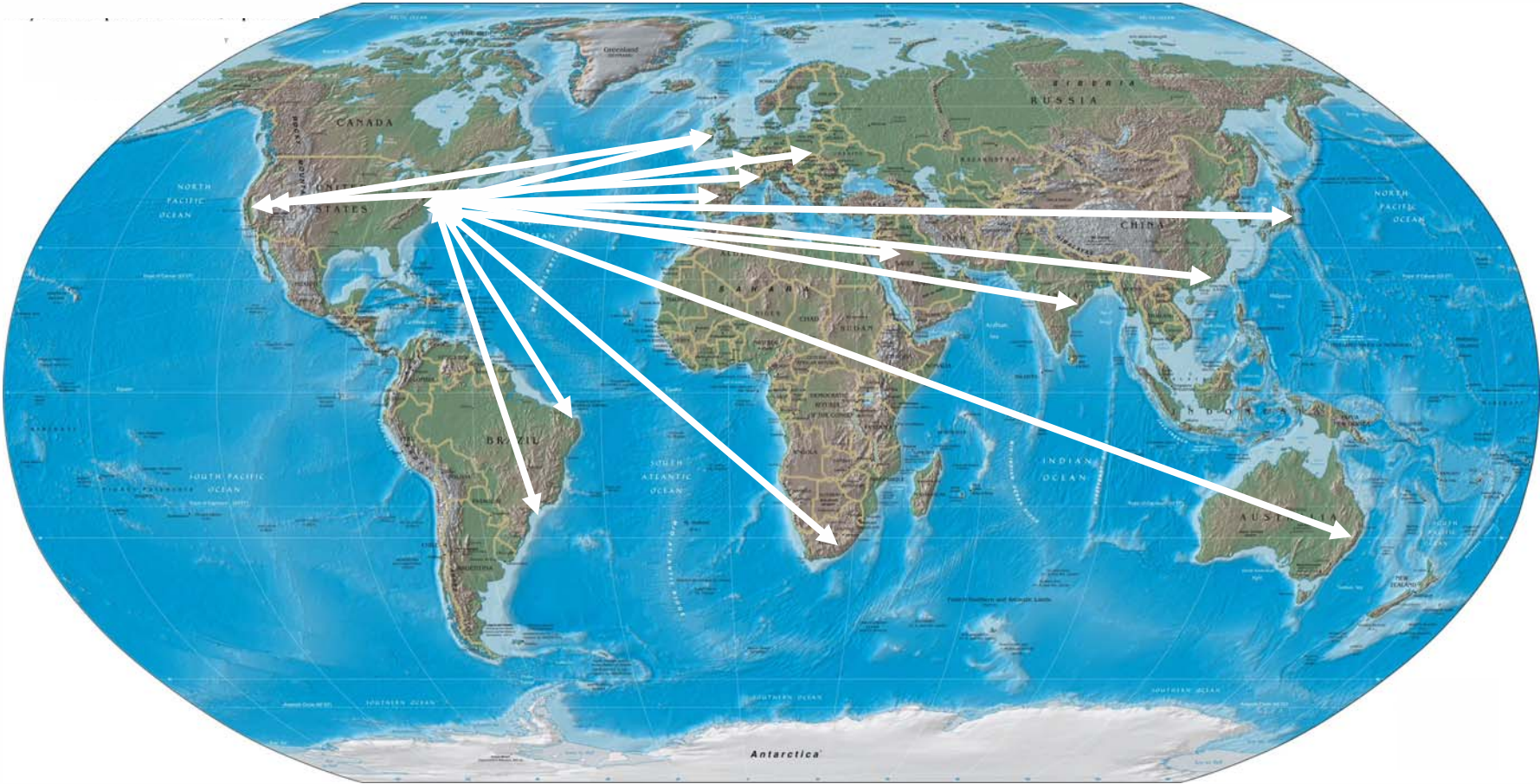
- Swap Dealer
- Major Swap Participant
- Introducing Broker
- Broker-Dealer
- Security-Based Swap Dealer
- Major Security-Based Swap Participant
- Futures Commission Merchant

# Global Structuring Issues





# Treatment of Interaffiliate Swaps



# Fiduciary Issues



# Reporting Requirements



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# Overlapping Compliance Issues

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# Trading with Customers on SEFs



# Contact Information

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