

Course Outline

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<b>COURSE:</b>	<b>LAWS 3206B – Banking Law</b>
<b>TERM:</b>	<b>Winter 2017</b>
<b>PREREQUISITES:</b>	<b>LAWS 2202 or BUSI 2601</b>
<b>CLASS:</b>	<b>Day &amp; Time: Wednesdays 8:35am – 11:25am</b>
	<b>Room: Please check with Carleton Central for current room location</b>
<b>INSTRUCTOR: (CONTRACT)</b>	<b>Stephen Waxman, BA (Hon), LLB</b>
<b>CONTACT:</b>	<b>Office: B442 Loeb Building</b>
	<b>Office Hrs: To be discussed in class</b>
	<b>Telephone: 613-286-2788</b>
	<b>Email: Stephen.h.waxman@gmail.com</b>

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**Academic Accommodations:**

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

**Pregnancy obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://carleton.ca/equity/>

**Religious obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://carleton.ca/equity/>

The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or [pmc@carleton.ca](mailto:pmc@carleton.ca) for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). **Requests made within two weeks will be reviewed on a case-by-case basis.** After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website ([www.carleton.ca/pmc](http://www.carleton.ca/pmc)) for the deadline to request accommodations for the formally-scheduled exam (*if applicable*).

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://carleton.ca/equity/>

**Plagiarism**

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations

and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at:  
<http://carleton.ca/studentaffairs/academic-integrity/>

### **Department Policy**

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://carleton.ca/law/current-students/>

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## **COURSE DESCRIPTION**

The course will explore the laws of Canada relating to banking and the students will be exposed to the constitutional and regulatory framework of banking in Canada. The course will also examine the key relationships amongst banks, account holders and borrowers. The rights and obligations of customers will be examined. Elements of creditors/debtor laws will be considered. The course will also examine the legal implications of e-commerce and e-banking, and its effect on Canadian society.

## **REQUIRED TEXTS**

1. Bank and Consumer Law in Canada, M.H. Ogilvie, available in CU Bookstore.
2. Banking Law, Cases and Materials, M.H. Ogilvie, available in CU Bookstore

## **EVALUATION**

### **1. Essay (40% - DUE Wednesday, April 5<sup>th</sup>, 2017)**

Students will write an essay on a topic agreed upon by the instructor. The instructor will discuss in class a range of possible essay topics. The paper, worth 50% of the final mark, will be between 2500 and 3000 words. (10-12 double spaced typed pages). Maximum length is 3500 words or approximately 15 double spaced typed pages. Penalty The marking of the assignments will be in letter grades. Late assignments will be penalized at the rate of ½ full letter grade per day (e.g. original mark B: one day late B-, two days late C etc.). The paper should include a cover sheet, which should include the title of your paper, your name and student number. Please ensure that your paper is securely fastened. Do not use paper clip. Do not use plastic or other covers. Quality of expression is essential. Care must be taken to ensure proper spelling, grammar and style, as each will be taken into account in assigning a mark. Use headings for each section of your paper. Include a table of contents, with page numbers, for each section of your paper. The title should accurately reflect the subject matter of your paper. The introduction should include a position statement which is then explored in the paper. The introduction should define your topic and indicate the problem to be addressed. The body of the paper should include analysis, and

demonstrate that you have done research and reading including course materials and other publications. Possible reform options should be explored. A conclusion which concisely and cogently summarizes your discussion is invaluable. Proper footnoting and bibliography are required. You may use any commonly accepted style.

Note that there are Instructional Offences: Assignments must be original. It is an instructional offence for any student to copy the work of another student or to submit work that is not his or her own. In relying on the ideas of others, it is important to acknowledge that you are doing so. This does not apply merely when you are paraphrasing or quoting the work of an author, but also when you are using your own words to describe the ideas of others. The onus is on each student to retain a copy of her or his assignment until the graded assignment is returned. This will avoid the risk of an assignment being lost.

## **2. Presentation (25%)**

Each presentation is to be based on the essay topic the student has chosen and should be approximately 30 minutes in length. The student must be prepared to outline issues that will be examined in the paper as well as be prepared to address any questions posed as a result of the presentation.

## **3. Open Book Exam (30% - HELD DURING UNIVERSITY EXAM PERIOD, April 10 – 25, 2017)**

This exam will be 2 hours in length and the students will be permitted to bring into the exam the textbooks used in the course, as well as all lecture notes taken in class during the term.

## **4. Attendance (5%)**

**Attendance will be taken each week at the end of class.**

### **SCHEDULE**

Class 1: Introduction, description of course, review of expectations

Class 2: Banks and Banking Defined

Class 3: The Domestic and International Framework of Canadian Banking Law

Class 4: The Regulation of Banks and Banking in Canada

Class 5: Banks as Business Corporations

Class 6: Banking Business

Class 7: Bank and Customer Relationships

Class 8: Bank Accounts

Class 9: Bank Account Operation

Class 10: Electronic Funds Transfer Systems

Class 11: Electronic Payments

Class 12: Credit Cards and Other Payment Mechanisms

Class 13: Safekeeping AND Bank and Customer Dispute Resolution

**NB WINTER BREAK FEBRUARY 20-24th NO CLASSES**