

### Course Outline

**COURSE:** LAWS 3206A – Banking Law

**PREREQUISITES:** LAWS 2003 or BUSI 2602

**TERM:** Fall/Winter 2007-08

**CLASS:** Day & Time: Thursdays: 11:35 am – 02:35 pm  
Room: Mackenzie Building 3269

**INSTRUCTOR:** Sam Schwisberg

**CONTACT:** Office: Loeb C476  
Office Hrs: By Appointment  
Telephone: 613-841-0500  
Email: [samthelawyer@yahoo.ca](mailto:samthelawyer@yahoo.ca) or [schwisbergs@samuelschwisberg.com](mailto:schwisbergs@samuelschwisberg.com)

Students with disabilities needing academic accommodations in this course are required to contact a coordinator at the Paul Menton Centre to complete the necessary *letters of accommodation*. The student must then make an appointment to discuss their needs with the instructor at least two weeks prior to the first class or ITV test. This is to ensure sufficient time is available to make the necessary accommodation arrangement. Please note the deadline for submitting completed forms to the PMC for formally scheduled exam accommodations is November 9, 2007 for December examinations. With regard to accommodations for religious obligations and pregnancy, please see <http://www.carleton.ca/law/accommodations.htm>. There are many great services available on campus that can also provide you with advice, for example there is the Writing Tutorial Service (Learning Support Services, Room 411 ML), the Student Academic Success Centre (SASC 302 Tory) and the Learning Commons (4<sup>th</sup> Floor of the Library).

**Course Description:** The laws of Canada relating to banks and banking will be explored within the context of the international and domestic financial systems. Students will be exposed to the constitutional and regulatory framework, followed by more detailed examination of the laws governing the key relationships among banks, account holders and borrowers. Elements of creditor/debtor law will also be considered.

**Lecture format:** The lectures will generally entail explanation of or elaboration upon the course materials by the Instructor. Each lecture will cover previously assigned readings, and assist students to focus upon the key issues to consider in the readings assigned for the following week. The Instructor will encourage interchange with students and active discussion among students of the concepts covered during the lecture, through the Socratic Method. If class size inhibits such discussion, creative approaches will be utilized.

|                    |                       |     |                 |
|--------------------|-----------------------|-----|-----------------|
| <b>Evaluation:</b> | Participation         | 10% | See Note at end |
|                    | Mid-term Examination: | 40% | (3 hours)       |
|                    | Final Examination:    | 50% | (3 hours)       |

**Required books:** M.H. Ogilvie, Banking Law: Cases and Materials, 3<sup>rd</sup> edition, (Toronto: Captus Press, 2000) "The Casebook".

M.H Ogilvie, Bank and Customer Law in Canada, (Toronto, Irwin Law Inc., 2007) "The Text".

**Syllabus:** The table of contents of the text book supplemented orally by the Instructor throughout the term and by selected reading materials available on the Web, as periodically assigned.

**Objective:** The student will gain a good understanding of the key legal issues in banking law in an intellectually stimulating and entertaining environment.

ALL STUDENT WORK IS SUBJECT TO THE CONTRACTUAL PROVISIONS CONTAINED IN THE CARLETON UNIVERSITY UNDERGRADUATE CALENDAR (2007-2008) AND TO THIS COURSE OUTLINE

### LECTURES AND READING SCHEDULE

| <u>Lecture</u> | <u>Topic and/or Reading</u>                                                                                                         |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------|
| September 6    | <u>Review of basic business law principles. The International and Domestic context</u><br>Text, chapter 2                           |
| 13             | <u>The constitutional context and statutory framework/ Review Business Organizations</u><br>Text, chapter 1<br>Casebook, pages 1-36 |
| 20             | <u>The Regulation of Banks and Banking In Canada</u><br>Text, chapters 3 and 13                                                     |
| 27             | <u>Banks as Business Corporations</u><br>Text, chapter 4<br>Casebook, pages 37 to 69                                                |
| October 4      | <u>Banking Business</u><br>Text, chapter 5<br>Casebook, pages 71 to 92                                                              |
| 11             | <u>Bank and Customer Relationships</u><br>Text, chapter 6<br>Casebook, pages 154 to 181, 195 to 212, 220 to 232 and 251 to 258      |
| 18             | MIDTERM EXAM                                                                                                                        |
| 25             | <u>Bank Accounts and Operation</u><br>Text, chapters 7 and 8<br>Casebook, pages 267 to 365                                          |

| <u>Lecture</u> | <u>Topic and/or Reading</u>                                     |
|----------------|-----------------------------------------------------------------|
| November 1     | <u>Bank Accounts and Operation continued.</u>                   |
| November 8     | <u>Electronic Banking</u><br>Text, chapters 9 and 10            |
| 15             | <u>Credit cards and Safekeeping</u><br>Text, chapters 11 and 12 |
| 22             | Class Presentations                                             |
| 29             | Class Presentations                                             |

**Calculation of Participation Mark:** The class will be broken into 10 groups of about six students at random during the first class. Each group will agree upon a topic to be presented to the remainder of the class during the last two classes of the year. Each presentation will last 30 minutes and may be divided among group members as the group decides. The group as a whole will receive the same participation mark. Each group must have selected a topic on or before November, 8 2007. The presentation may be in the form of a debate, mock trial or more conventional lecture type approach. Students are encouraged to use their imaginations and consult with me as required. Adjustments to the groups may be required if students withdraw from the course or if new students register for the course following the first lecture.