

Course Outline

COURSE:	LAWS 3206A – Banking Law
PREREQUISITES:	LAWS 2003 or BUSI 2602
TERM:	Fall 2008-09
CLASS:	Day & Time: Wednesdays: 02:35 pm – 05:25 pm Room: Southam Hall 502
INSTRUCTOR: (CONTRACT)	Sam Schwisberg
CONTACT:	Office: Loeb C476 – (Contract Instructors' Office) Office Hrs: By Appointment Telephone: 613-841-0500 Email: samthelawyer@yahoo.ca or schwisbergs@samuelschwisberg.com

"Students with disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities for a formal evaluation of disability-related needs. Registered PMC students are required to contact the centre, 613-520-6608, every term to ensure that I receive your letter of accommodation, no later than two weeks before the first assignment is due or the first in-class test/midterm requiring accommodations. If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by November 7, 2008, for December examinations, and March 6, 2009, for April examinations." With regard to accommodations for religious obligations and pregnancy, please see http://www.carleton.ca/pmc/students/accom_policy.html

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. If class size inhibits such discussion, creative approaches will be utilized.

<u>EVALUATION:</u>	Participation	10%	See Note at end
	Mid-term Examination:	40%	(3 hours – 22 Oct 08)
	Final Examination:	50%	(3 hours)

REQUIRED BOOKS:

- M.H. Ogilvie, Banking Law: Cases and Materials, 3rd edition, (Toronto: Captus Press, 2000) "The Casebook".
- M.H. Ogilvie, Bank and Customer Law in Canada, (Toronto, Irwin Law Inc., 2007) "The Text".
- Small Course pack of newspaper articles

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 or in-class handouts, 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 (2008-2009) AND TO THIS COURSE OUTLINE

LECTURES AND READING SCHEDULE

Lecture Date Topic and/or Reading

Sept	10	Review of basic business law principles. The International and Domestic context <u>Text:</u> chapter 2
	17	The constitutional context and statutory framework/ Review Business Organizations <u>Text:</u> chapter 1 <u>Casebook:</u> pages 1-36
	24	The Regulation of Banks and Banking In Canada <u>Text:</u> chapters 3 and 13 Course pack materials as directed
Oct	1	Banks as Business Corporations <u>Text:</u> chapter 4 <u>Casebook:</u> pages 37 to 69
Oct	8	Banking Business <u>Text:</u> chapter 5 <u>Casebook:</u> pages 71 to 92
	15	Bank and Customer Relationships <u>Text:</u> chapter 6 <u>Casebook:</u> pages 154 to 181, 195 to 212, 220 to 232 and 251 to 258
	22	<u>MIDTERM EXAM</u>
	29	Bank Accounts and Operation <u>Text:</u> chapters 7 and 8 <u>Casebook:</u> pages 267 to 365
Nov	5	Electronic Banking <u>Text:</u> chapters 9 and 10
	12	Credit cards and Safekeeping <u>Text:</u> chapters 11 and 12
	19	Class Presentations
	24	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 October 29, 2008. 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.