

Course Outline

COURSE:	LAWS 3206 A – Banking Law
TERM:	Fall 2009
PREREQUISITES:	LAWS 2003 or BUSI 2602
CLASS:	Day & Time: Mondays - 8:35 - 11:25 am Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Sam Schwisberg
CONTACT:	Office: Loeb C476 Office Hrs: Mondays immediately following class as needed Telephone: 613-841-0500 Email: sam@talberglaw.com

"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: http://www.carleton.ca/pmc/students/accom_policy.html . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **November 16, 2009 for December examinations** and **March 12, 2010 for April examinations**.

For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: www.carleton.ca/equity

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, including some review of the subprime mortgage/credit crisis, 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.

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 (2009-2010) AND TO THIS COURSE OUTLINE

REQUIRED TEXTS

M.H. Ogilvie, Banking Law: Cases and Materials, 4th edition, (Toronto: Captus Press, 2008)
“The Casebook”.

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

Occasional Handout

EVALUATION

(All components must be completed in order to get a passing grade)

Participation	10%	See Note at Bottom of this section
Mid-term Examination:	40%	(3 hours)
Final Examination:	50%	(3 hours)

Note on 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 9, 2009. 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. The depletion of topics will be avoided and topics will be offered on a first come first serve basis.

SCHEDULE

<u>Lecture</u>		<u>Topic and/or Reading</u>
September	14	<u>Review of basic business law principles</u> No assigned reading
	21	<u>The constitutional context and statutory framework/ Review Business Organizations</u> Text, chapter 1 Casebook, pages 1-64
	28	<u>The Regulation of Banks and Banking In Canada</u> Text, chapters 2, 3 and 13
October	5	<u>Conclusion of the Regulation of Banks and Banking in Canada</u> <u>Banks as Business Corporations</u> Text, chapter 4
	12	Statutory Holiday – No Class
	19	<u>Banking Business</u> Text, chapter 5 Casebook, pages 90 to 123
	26	<u>Bank and Customer Relationships</u> Text, chapter 6 Casebook, pages 128 to 160, 187 to 228, 269 to 278 and 284 to 293
November	2	<u>MIDTERM EXAM</u>
	9	<u>Bank Accounts and Operation</u> Text, chapters 7 and 8 Casebook, pages 299 to 313, 319 to 325, 328 to 359, 364 to 389, 396 to 432
	16	<u>Electronic Banking</u> Text, chapters 9 and 10
	23	<u>Credit cards and Safekeeping</u> Text, chapters 11 and 12
	30	Class Presentations
December	7	Class Presentations