

Course Outline

COURSE: LAWS 3206 A – Banking Law

TERM: Fall 2010

PREREQUISITES: LAWS 2003 [1.0] (no longer offered) or LAWS 2202 or BUSI 2601

CLASS: Day & Time: Fridays - 11:35 am - 2:25 pm
Room: Please check with Carleton Central for current room location

INSTRUCTOR: Sam Schwisberg
(CONTRACT)

CONTACT: Office: Loeb C476
Office Hrs: Fridays immediately following class as needed
Telephone: 613-740-1965
Email: samuel.schwisberg@redcross.ca

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 15, 2010 for Fall exams and March 12, 2010 for Winter exams**. 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.

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 (2010-2011) 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 to pass this course

Participation	10%	See below
Essay	40%	Topic Assignment: OCT 8 2010 Due Date: NOV 19 2010
Final Examination:	50%	(3 hours) – Formal Examination Period

The Participation Mark will be determined by the contribution a student makes to class discussions over the course of the term. A student who is uncomfortable speaking in front of others may opt out of the participation mark and prepare an Essay worth 50% of his or her final mark provided that the student agrees to meet the instructor to defend his or her paper during a 15 minute private interview with the instructor following submission of the Essay. These interviews will begin November 19 following classes. Lectures will be shortened the last three sessions, commencing November 19, to allocate time for these interviews, if necessary.

The Essay: Suggested topics will be provided, but students are encouraged to propose their own topics. Students should propose their topics, and several back up topics, in advance of October 8, 2010, since an effort will be made to minimize repetition of the same topics. The Teaching Assistant for the course will meet the class on October 8 2010 to allocate an essay topic to each student, confirm those students who have decided to opt out of the Participation Mark (see preceding paragraph), and schedule interview dates for the latter students. Other students, may, at the option of the Instructor, be asked to attend an interview if the Instructor is having difficulty in determining a fair grade for the Essay. The Essay should be about 15 typed pages in length, clearly written, logically argued and properly researched, with footnotes to acknowledge sources.

SCHEDULE

<u>Lecture</u>	<u>Topic and/or Reading</u>
Sep 10	Introduction – A substitute will take the instructor’s place this day. <u>Readings:</u> No assigned reading
17	1) Review of key business concepts relevant to banking; Sources of liability; forms of business organizations; Contract law and banking; guarantees and mortgages; floating charges, secured and unsecured creditors; the litigation process, insolvency issues. 2) The constitutional context and statutory framework <u>Readings:</u> Text, chapter 1 Casebook, pages 1-64
24	The Regulation of Banks and Banking in Canada <u>Readings:</u> Text, chapters 2, and 3
Oct 1	Conclusion of the Regulation of Banks and Banking in Canada; The Global Financial Crisis and Canada: Did Regulation spare Canada? <u>Readings:</u> Text, Chapter 13 Hand-outs or electronically posted material
8	Essay Selection and Assignment – meet the TA to discuss concerns and issues, schedule interviews where appropriate <u>Readings:</u> No assigned readings, but students are advised to read ahead as reading load will get heavier moving forward.
15	Banks as Business Corporations <u>Readings:</u> Text, chapter 4
22	Banking Business <u>Readings:</u> Text, chapter 5 Casebook, pages 90 to 123 and 128 to 140
29	Bank and Customer Relationships <u>Readings:</u> Text, chapter 6 Casebook, pages 145 to 186
Nov 5	Bank and Customer Relations continued Bank Accounts and Operation <u>Readings:</u> Casebook, Pages 187 to 228, 269 to 278, 284 to 293 Text, chapters 7 and 8
12	Bank Accounts and Operation Continued <u>Readings:</u> Casebook, pages 299 to 313, 319 to 325, 328 to 359, 364 to 389, 396 to 432
19	Electronic Banking (2 hour lecture) <u>Readings:</u> Text, chapters 9 and 10
26	Credit cards and Safekeeping (2 hour lecture) <u>Readings:</u> Text, chapters 11 and 12
Dec 3	Review and Final Essay Interviews <u>Readings:</u> No assigned readings