

Course Outline

COURSE: LAWS 3206B - Banking Law

TERM: WINTER 2020

PREREQUISITES: LAWS 2202 or BUSI 2601

CLASS: Day & Time: MONDAYS: 8:35 AM - 11:30 AM
Room: Please check with Carleton Central for current room location

INSTRUCTOR: Stephen Waxman B.A. (Hon) LLB
(CONTRACT)

CONTACT: Office: B442 Loeb Building (Contract Instructor's Office)
Office Hours: N/A
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CALENDAR COURSE DESCRIPTION

The law relating to banks and banking; the nature of the legal relationship created; legal rights and duties of the parties involved. Consumer and corporate aspects of banking (including computerization and electronic funds transfers); regulations of banking.

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 creditor/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. Oglivie , available in CU Bookstore
2. Banking Laws, Cases and Materials , M. H. Oglivie , available in CU Bookstore

EVALUATION

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

1. Essay (45% - DUE MONDAY, APRIL 6th, 2020)

Students will write an essay on a topic agreed upon with the instructor. The instructor will discuss in class a range of possible topics. The paper will be between 2500 and 3000 words (10 - 12 double spaced pages). Maximum length is 3500 or approximately 15 double spaced pages. The marking of the essays will be in letter grades. Late assignments will be penalized at the rate of 1/2 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 the paper and student number. Please ensure that the paper is securely fastened. Do not use paper clips. 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 the paper. Include a table of contents, with page numbers, for each section of the paper. The title should accurately reflect the subject matter of the paper. The introduction should define the topic and indicate the problem to be addressed. The body of the paper should include analysis, and demonstrate that research has been done which includes course materials and other publications. Possible reform options should be explored. A conclusion which concisely and cogently summarizes the paper is invaluable. Proper footnoting and bibliography is required. Students 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 a student is using their own words to describe the ideas of others. The onus is on each student to retain a copy of his or her assignment until the graded assignment is returned. This will avoid the risk of an assignment being lost.

2. Presentation (15%) and Participation (10%)

Each student is responsible for making a presentation of 15 minutes before the class based on the subject matter of the paper. The presentation will outline the main issues raised in the paper and the student must be prepared to address any questions posed as a result of the exercise. Students will in addition be graded for their participation in the presentation of other students in the class.

3. Attendance (5%)

4. Final Exam (25%)

This exam will be open book, and will be held during the formally scheduled Exam Period. The exam will be 2 hours in length, and the students will be permitted to bring into the exam the textbooks used and any lecture notes taken in the course.

SCHEDULE

Class 1: Introduction, course expectations and a review of Banks and how they are defined;
Class 2: The Domestic and International Framework of Canadian Banking Law;
Class 3: The Regulation of Bank and Banking in Canada;
Class 4: Banks as Business Corporations;
Class 5: Banking Business;
Class 6: Bank and Customer Relationships;
Class 7: Bank Accounts;
Class 8: Bank Account Operation;
Class 9: Electronic Funds Transfer Systems;
Class 10: Electronic Payments;
Class 11: Credit Cards and Other Payment Mechanisms;
Class 12: Bank and Customer Dispute Resolution, exam review.

January 6	Winter term begins
February 17	Statutory holiday
February 17 – 21	Winter Break
April 7	Winter term ends
April 13 – 25	Formally scheduled exam period

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows: <https://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf>

Pregnancy obligation

Please contact 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: <https://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 Department of Equity and Inclusive Communities (EIC): <https://carleton.ca/equity/>

Academic Accommodations for Students with Disabilities

If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (PMC) at 613-520-6608 or 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). After requesting accommodation from PMC, meet with me as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable) www.carleton.ca/pmc

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/>

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: carleton.ca/sexual-violence-support

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor 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. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit: <https://students.carleton.ca/services/accommodation/>

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/>