**UNIVERSITY OF BALTIMORE**

**DOCUMENT N: COURSE AND PROGRAM DEVELOPMENT COVER SHEET**

See Course and Program Development Policy and Procedures for Instructions

<table>
<thead>
<tr>
<th>SCHOOL:</th>
<th>LAW ☑</th>
<th>MSB ☑</th>
<th>YGCLA ☑</th>
<th>Contact Name: Cheryl Cudzilo</th>
<th>Phone: 410.837.4457</th>
</tr>
</thead>
</table>

| DEPARTMENT / DIVISION: | Law School |

**SHORT DESCRIPTION OF PROPOSAL** (state name of action item 1-20 and course name, code & number / program affected):

Addition of new course – Banking Law Workshop

**PROPOSED SEMESTER OF IMPLEMENTATION:** Fall ☑ Spring ☑ Year: 2007

**Box 1: TYPE OF ACTION** ADD(NEW) ☑ DEACTIVATE ☑ MODIFY ☑ OTHER ☑

**Box 2: LEVEL OF ACTION** Non-Credit ☑ Undergraduate ☑ Graduate ☑ OTHER ☑

**Box 3: ACTION ITEM**

(choose appropriate boxes)

<table>
<thead>
<tr>
<th>1. Experimental Course</th>
<th>NOP</th>
<th>a, c, e</th>
<th>AC</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Course Title</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Course Credits</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Course Number</td>
<td>NO</td>
<td></td>
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</tr>
<tr>
<td>5. Course Level</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Pre &amp; Co-Requisite</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Course Description</td>
<td>NOP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. New Course</td>
<td>NOP</td>
<td></td>
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</tr>
<tr>
<td>9. Deactivate a Course</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Program Requirements</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11a. UG Specialization (24 credits or less)</td>
<td>NO</td>
<td>a, b, c, d, e</td>
<td>ABCDEF</td>
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<tr>
<td>11b. Masters Specialization (12 credits or less)</td>
<td>NO</td>
<td>a, b, c, d, e</td>
<td>ABCDEF</td>
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<tr>
<td>11c. Doctoral Specialization (18 credits or less)</td>
<td>NO</td>
<td>a, b, c, d, e</td>
<td>ABCDEF</td>
</tr>
<tr>
<td>12. Closed Site Program</td>
<td>NOT</td>
<td>e</td>
<td>ABCDHIK</td>
</tr>
<tr>
<td>13. Program Suspension</td>
<td>NO, 5</td>
<td>a, e</td>
<td>ABCDEGHJK</td>
</tr>
<tr>
<td>14a. Certificate Program (μg / g) exclusively within existing degree program</td>
<td>NO</td>
<td>a, c, e</td>
<td>ABCDEFHJK</td>
</tr>
<tr>
<td>14b. Certificate Program (μg / g) where degree programs do not exist or where courses are selected across degree programs (12 or more credits)</td>
<td>NOQR, 6</td>
<td>a, c, e</td>
<td>ABCDEFHJL</td>
</tr>
<tr>
<td>15. Off-Campus Delivery of Existing Program</td>
<td>NO, 4</td>
<td>a, b, c, e</td>
<td>ABCDEFHJL</td>
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<tr>
<td>16a. UG Concentration (exceeds 24 credit hours)</td>
<td>NO, 5</td>
<td>a, b, c, e</td>
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<tr>
<td>16b. Masters Concentration (exceeds 12 credit hours)</td>
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<td>a, b, c, e</td>
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<tr>
<td>16c. Doctoral Concentration (exceeds 18 credit hours)</td>
<td>NO, 5</td>
<td>a, b, c, e</td>
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<tr>
<td>17. Program Title Change</td>
<td>NO, 5</td>
<td>a, b, c, e</td>
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<tr>
<td>18. Program Termination</td>
<td>NO, 10</td>
<td>d, e</td>
<td>ABCDEFGHJK</td>
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<tr>
<td>19. New Degree Program</td>
<td>NOQR, 3, 8</td>
<td>a, b, c, d, e</td>
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</tr>
<tr>
<td>20. Other</td>
<td>Varies</td>
<td>Varies</td>
<td>Varies</td>
</tr>
</tbody>
</table>

**Box 4: DOCUMENTATION** (check boxes of documents included)

| ☑ | N. This Cover Sheet | Q. Full 5-page MHEC Proposal | T. Other |
| ☑ | O. Summary Proposal | R. Financial Tables (MHEC) |
| ☑ | P. Course Definition Document | S. Contract |

1. Approval of experimental course automatically lapses after two offerings unless permanently approved as a new course.
2. Codes: a) Library Services (Langsdale or Law) b) Office of Technology Services c) University Relations d) Admissions
3. Letter of Intent is required by USM at least 30 days before a full proposal can be submitted. Letter of Intent requires only the approval of the dean and the provost and is forwarded to USM by the Office of the Provost.
4. One-page letter to include: Program title & degree/certificate to be awarded; resources requirements; need and demand; similar programs; method of instruction; and oversight and student services (MHEC requirement)
5. One-page letter with description and rationale (MHEC requirement)
6. One or two-page document that describes: centrality to mission; market demand; curriculum design; adequacy of faculty resources; and assurance program will be supported with existing resources. (MHEC requirement)
7. Learning objectives, assessment strategies; fit with UB strategic plan
8. Joint Degree Program or Primary Degree Programs require submission of MOU w/ program proposal. (MHEC requirement)
9. Temporary suspension of program to examine future direction; time not to exceed two years. No new students admitted during suspension, but currently enrolled students must be given opportunity to satisfy degree requirements.
10. Provide:
   a. evidence that the action is consistent with UB mission and can be implemented within the existing program resources of the institution.
   b. proposed date after which no new students will be admitted into the program;
   c. accommodation of currently enrolled students in the realization of their degree objectives;
   d. treatment of all tenured and non-tenured faculty and other staff in the affected program;
   e. reallocation of funds from the budget of the affected program; and
   f. existence at other state public institutions of programs to which to redirect students who might have enrolled in the program proposed for abolition.

11. University Council review (for a recommendation to the President or back to the Provost) shall be limited to curricular or academic policy issues that may potentially affect the University's mission and strategic planning, or have a significant impact on the generation or allocation of its financial resources.

### Box 5: IMPACT REVIEW

<table>
<thead>
<tr>
<th></th>
<th>SIGNATURES (see procedures for authorized signers)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Library</td>
<td>Director or designee:</td>
</tr>
<tr>
<td>□ No impact □ Impact statement attached</td>
<td></td>
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<tr>
<td>b. OTS</td>
<td>CIO or designee:</td>
</tr>
<tr>
<td>□ No impact □ Impact statement attached</td>
<td></td>
</tr>
<tr>
<td>c. University Relations</td>
<td>Director or designee:</td>
</tr>
<tr>
<td>□ No impact □ Impact statement attached</td>
<td></td>
</tr>
<tr>
<td>d. Admissions</td>
<td>Director or designee:</td>
</tr>
<tr>
<td>□ No impact □ Impact statement attached</td>
<td></td>
</tr>
<tr>
<td>e. Records</td>
<td>Registrar or designee:</td>
</tr>
<tr>
<td>□ No impact □ Impact statement attached</td>
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</table>

### Box 6: APPROVAL SEQUENCE

<table>
<thead>
<tr>
<th></th>
<th>APPROVAL SIGNATURES</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Department / Division</td>
<td>Chair:</td>
<td>3-29-07</td>
</tr>
<tr>
<td>B. Final faculty review body within each School</td>
<td>Chair:</td>
<td>3-30-07</td>
</tr>
<tr>
<td>C. College Dean</td>
<td>Dean:</td>
<td>3-30-07</td>
</tr>
<tr>
<td>D. Provost and Senior Vice President for Academic Affairs</td>
<td>Provost:</td>
<td>3-30-07</td>
</tr>
<tr>
<td>E. Curriculum Review Committee (UFS subcommittee)</td>
<td>Chair:</td>
<td>4-5-07</td>
</tr>
<tr>
<td>F. University Faculty Senate (UFS option)</td>
<td>Chair:</td>
<td></td>
</tr>
<tr>
<td>G. University Council (see #11 above)</td>
<td>Chair:</td>
<td></td>
</tr>
<tr>
<td>H. President</td>
<td>President:</td>
<td></td>
</tr>
<tr>
<td>I. Board of Regents – notification only</td>
<td></td>
<td></td>
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<tr>
<td>J. Board of Regents – approval</td>
<td></td>
<td></td>
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<tr>
<td>K. MHEC – notification only</td>
<td></td>
<td></td>
</tr>
<tr>
<td>L. MHEC – approval</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M. Middle States Association notification</td>
<td>Required only if the mission of the University is changed by the action</td>
<td></td>
</tr>
</tbody>
</table>
SCHOOL: LAW ☑ MSB ☑ YGCLA ☑  Contact Name: Cheryl Cudzilo  Phone: 410.837.4457
DEPARTMENT / DIVISION: Law
SHORT DESCRIPTION OF PROPOSAL (state action item 1-23 and course name & number or program affected):
Addition of new course – Banking Law Workshop
PROPOSED SEMESTER OF IMPLEMENTATION:  Fall ☑  Spring ☐  Year: 2007

O-1: Briefly describe what is being requested:
Addition of new course – Banking Law Workshop

<table>
<thead>
<tr>
<th>OLD Title:</th>
<th>Course # / HEGIS Code:</th>
<th>Credits:</th>
</tr>
</thead>
<tbody>
<tr>
<td>NEW Title: Banking Law Workshop</td>
<td>Course # / HEGIS: To Be Determined</td>
<td>Credits: 3</td>
</tr>
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</table>

O-2: Set forth the rationale for the proposal:

Banking Law covers a wide variety of topics relating to the regulation of banks, bank officials, and non-bank institutions that offer bank services. Banks and bank accounts are regulated by both state and federal statutory law. The study of banking law involves such issues as formation of the chartered institution, the federal deposit and trust accounts, state laws that protect consumers financially, the prohibition against discrimination in the allocation of credit, electronic banking and fund transfer systems, limitations on the disclosure of confidential financial information, and credit card agreements and services. The course will cover the numerous laws and case law affecting the regulation of financial institutions. Students will be required to prepare four written assignments: a legal memorandum, an administrative opinion, a lending agreement and a policy paper. The lending agreement will also include contract negotiations.
1. Date Prepared: February 21, 2007
2. Prepared by: Professor Cassandra Jones Havard
3. Department: School of Law
4. Course Number(s), including HEGIS code(s): n/a
5. Course Title: Banking Law Workshop
6. Credit Hours: 3
7. Catalog Description (Paragraph should reflect general aims and nature of the course):
   A study of banking regulations, bank holding companies, the formation of banks and branches, the failure of banks, the Federal Deposit Insurance Corporation, commercial paper, electronic funds transfer, and other related banking law topics. Students will be required to prepare four written assignments: a legal memorandum, an administrative opinion, a lending agreement and a policy paper. The lending agreement will also include contract negotiations.
8. Prerequisites: None
9. Faculty qualified to teach course: Professor Cassandra Jones Havard
10. Course Type (check appropriate)
    Workshop: x
11. Suggested approximate class size: 20
12. Content Outline: See attached syllabus
13. Learning Goals:
    Understand the regulatory structure of banks as a special type of corporate entity; Understand how to represent lenders and borrowers in financing transactions, including preparation of loan documentation for both asset-based and real estate financings, and advice on compliance with applicable statutes and regulations; negotiating, preparing, and reviewing; different types of loan agreements, and other contracts necessary and familiar to banks.
14. Assessment Strategies: Draft Documents/Complex Instruments; Short Assignments
15. Suggested Text(s) and Materials (example: textbooks, equipment, software, etc.):
    Macy, Miller, Carnell, Banking Law
Banking Law

COURSE SYLLABUS

TEXTBOOK:  Macey Miller and Carnell, Banking Law and Regulation, Third Edition
            Aspen Law & Business Company, 2004
            2007 Banking Law Statutory Supplement

THE CURRENT DEBATE

Topic 1:      What is a Bank?

Reading Assignment:
Hand-out: WASHINGTON POST Articles
Rationales for Bank Regulation, 80-92

POLICY QUESTION:
IS THERE A VALID BASIS FOR RETAINING THE DISTINCTION BETWEEN
BANKS, THRIFTS AND OTHER TYPES OF FINANCIAL INSTITUTIONS?

TO WHAT EXTENT SHOULD GOVERNMENT REGULATE BANKING?

OVERVIEW AND HISTORICAL ANTECEDENTS

Reading Assignment:

Topic 2:      Historical Antecedents, 1-40

Handout:   Hamilton’s Proposal, The Federalist Papers
           Jefferson’s Opinion, The Federalist Papers
           McCoullough v. Maryland

POLICY QUESTION:
WHAT VESTIGES OF THE HISTORICAL DEBATES ON THE BANKING
STRUCTURE STILL EXIST?

Topic 3:      The Banking Crisis of 1933, 41-69

POLICY QUESTION:
DOES REGULATION AND SUPERVISION OF THE BUSINESS OF
BANKING MAKE BANKING “SPECIAL”?  

1
Topic 4: Entry Into the Industry

Reading Assignment:
The Regulatory Structure, 70-73
Introductory Materials, pp. 95-101
Camp v. Pitts, p.102
State Banking Board v. Allied Marble Falls, p.108
Introduction to the Dual Banking System
Miller Commentary, p. 110

POLICY QUESTION:
DOES THE DUAL BANKING SYSTEM IMPROVE THE SAFETY AND SOUNDNESS OF THE NATION'S BANKING SYSTEM?

Topic 5: Supervision and Regulation of Traditional Banking Activities

Reading Assignment:
Activities Restrictions
Arnold Tours v. Camp, 124
National Retailers Corp. of Arizona v. Valley National Bank, 141
Office of the Comptroller of the Currency, Interpretive Letter No. 875, 143
Limitations on Investments
Impermissible Investments in Real Estate and Securities, 150-156

Continued
Restrictions on Extensions of Credit -
Introductory Materials, 156-157
Lending Limits
Tiffany v. National Bank of Missouri, 257
Marquette National Bank of Minneapolis v. First Omaha Service Corp., 162
Smiley v. CitiBank, 166
Regulations intended to Ensure Credit Availability -
Antidiscrimination Rules, 182-83
United States of America v. Chevy Chase Federal
Savings Bank, 184
Community Reinvestment Rules, 191-99

POLICY QUESTION:
ARE THE RATIONALES FOR LIMITING THE ACTIVITIES ON BANKS JUSTIFIED?

TOPIC 7
Reading Assignment:
DEPOSIT INSURANCE
FDIC v. Philadelphia Gear Corp., 235
Policy Issues in the Federal Deposit Insurance Programs, 246-263
Capital Adequacy Regulation, 275-288
Applying Capital Requirements to a Hypothetical Bank Balance Sheet, 288
United States v. Winstar Corporation, 300
Del Junco v. Conover, 335
POLICY QUESTION: GIVEN THE ORIGINAL PURPOSE OF DEPOSIT INSURANCE, IS IT STILL NEEDED?

Topic 8: Geographic Limitations on Banking

Reading Assignment:
Rationale for Geographic Restrictions, 346-349
First National Bank of Plant City, Florida v. Dickinson, 349
Clarke v. Securities Industry Association, 353
Lewsi v. BT Investment Managers, Inc., 362
American Libraries Association v. Pataki, 372
United States v. Philadelphia National Bank, 399
United States v. Connecticut National Bank, 409

POLICY QUESTION: ARE 'Mega-Banks' IN THE BEST INTERESTS OF BANKING CONSUMERS?

Topic 9: Supervision and Regulation of Bank Holding Companies

Reading Assignment:
The Statutory Scheme, (on your own), p. 327-442
Affiliation with Nonfinancial Companies: The Debate over Separating Banking and Commerce, 459-463
Wallison, The Gramm-Leach-Bliley Act, 464
Restrictions on Bank Transactions with Affiliates – Problems
Independent Insurance Agents of America, Inc. v. Board of Governors of the Federal Reserve System, 482
Citicorp v. Board of Governors of the Federal Reserve System, 490
Subsidiaries and the Spread of Safety-Net Subsidy, 495-500

POLICY QUESTION:

ARE THE RESTRICTIONS THAT SEPARATE BANKING FROM COMMERCE ADEQUATE?

Topic 10: Insurance and Securities Powers of Banking Institutions

Reading Assignment:
Nationsbank of North Carolina v. Variable Annuity Life Insurance Co., 517
Blackfeet National Bank v. Nelson, 520
Independent Insurance Agents of America v. Ludwig, 543
Barnett Bank of Marian County v. Nelson, 543
Investment Co. Institute v. Camp, 565
Securities Industry Association v. Board of Governors of the Federal Reserve System, 575
POLICY QUESTION: WHAT ARE THE INSURANCE AND SECURITIES POWERS THAT BANKS HAVE?

Topic 11: Investment Companies and the Regulation of the Mutual Fund Industry
Reading Assignment: SEC v. Fifth Avenue Coach Lines, 595
SEC v. ICOS Corp; Order Granting Exemption, 600
Hines v. ESC Strategic Fund, Inc., 629

POLICY QUESTION: WHAT SPECIAL PROBLEMS ARE PRESENTED BY REGULATING MUTUAL FUND INVESTMENTS?

Topic 12: Examination and Enforcement
Reading Assignment:
Bank Supervision and Enforcement Actions, 639-656
Kim v. Office of Thrift Supervision, 579
FDIC v. Meyer, 682
O’Malveny & Meyers v. FDIC, 710
Office of Thrift Supervision v. Kaye Scholer, Fireman, Hayes & Handler
Other Enforcement Remedies (on your own)

Topic 13: Bank Failure
Reading Assignment:
A Simplified Model of Bank Failure, 724
Franklin Savings Association v. Director, Office of Thrift Supervision, 728
Resolution Procedures (on your own), 738
The D’Oench Duhme Doctrine, 779

POLICY QUESTION: IS THE INSURANCE FUND’S PRIORITY STATUS AS A CREDITOR JUSTIFIED?