Banking Law

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Introduction to Banking Law Research

Banking law is regulated by both state and federal law. To determine which laws apply to a particular financial institution, determine whether the institution was chartered by state or federal law, and whether the institution is a commercial bank or thrift.

All banks are subject to the commercial code and other laws of the state in which they do business, as well as many federal laws dealing with consumer protection, bankruptcy, etc.

A state chartered institution can choose to be a member of the Federal Reserve System, Federal Home Loan Bank System or to be insured through the Federal Deposit Insurance Corporation, and become subject to additional federal regulations.

All sources listed in this guide are current and up-to-date unless otherwise indicated.

Search Many Primary and Secondary Sources at Once

- WestlawNext Finance and Banking
  https://a.next.westlaw.com/Browse/Home/FinanceBanking

- Bloomberg Law Banking and Finance Practice Center
  http://www.bloomberglaw.com/banking_finance

- Lexis Practice Advisor - Banking and Finance (Lexis Advance)
  http://www.lexisnexis.com/lawschool
  Click on the red Research tab at the top to access.

- Lexis Advance
  http://www.lexisnexis.com/lawschool
  Select Banking Law as the topic.

- Lexis - Banking and Financial Services
  http://www.lexis.com/xlink?category=%203002431

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Contact a Law Librarian:
research.services@law.csuohio.edu
Phone (Voice): 216-687-6877
Text messages only: 216-539-3331
Recommended One Volume Treatise

Recommended by Professor Chris Sagers as a good, quick guide. Also on Lexis BANKLM

- Banking Law Manual: Federal Regulation of Financial Holding Companies, Banks and Thrifts
  Call Number: KF974 .M42
  http://scholar.csuohio.edu/record=b1480729~S0

Related Guides

- Commercial Law Resource Guide
  http://guides.law.csuohio.edu/commercial

Books

Multi-Volume Treatises

- Banking Law, Lexis Advance
  http://www.lexisnexis.com/lawschool
  Print: KF974, B37

- Brady on Bank Checks
  Print: KF960, B3 1997

- Banking Law and Regulation, Malloy, WestlawNext

- Federal Banking Reporter - CCH
  Print: KF967, W37

- State Banking Law Reports

- CCH Consumer Credit Guide

- CCH Banking Compliance Guide

- CCH Financial Privacy Law Guide

- CCH Mortgage Compliance Guide
One Volume Treatises


Credit Markets and Subprime Distress: Responding to Legal Issues - Bloomberg Law


Mortgage Finance Regulation Answer Book - Bloomberg Law. Q and A format.


Banking Regulation - On Bloomberg Law. Summarizes and cites statutes and regulations for banking law for many different countries.

National Consumer Law Center books: Practical guidance geared toward attorneys representing consumers, with electronic forms via website or CD-Rom. Titles include:

- Consumer Banking & Payments Law
- Credit Discrimination
- Fair Credit Reporting
- Foreclosures
- Repossessions
- Student Loan Law
- The Cost of Credit
- Truth in Lending

Find More

- Library catalog, Scholar: keyword search or subject search for Banking Law - United States.
- Browse the shelf at call number KF960-1040
- Lexis Advance - click on Browse Sources and search for Banking
- WestlawNext topic area for Finance and Banking
- Bloomberg Banking and Finance Treatises
- Search all Books and Treatises on Bloomberg Law

UCC


Multi-Volume Sets:

- White & Summers Uniform Commercial Code
  Print: KF890 .W45 2002

Statutes, Regs, Cases

Major Federal Statutes

12 U.S.C. - Banks and Banking:

- 12 U.S.C. §§ 1461 - 1470
  http://www.law.cornell.edu/uscode/html/uscode12/usc_sup_01_12_10_12.html
  Federal Savings and Loan Associations

- 12 U.S.C. §§ 4001 - 4010
  http://www.law.cornell.edu/uscode/html/uscode12/usc_sup_01_12_10_41.html
  Expedited Funds Availability Act

- 12 U.S.C. § 371a
Ohio Statutes & Regs
See Ohio page of this guide.

Federal Regulations
Title 12 Code of Federal Regulations
- Chapter I
  http://www.law.cornell.edu/cfr/text/12/chapter-I
  Comptroller of the Currency, Department of the Treasury.
- Chapter II
  http://www.law.cornell.edu/cfr/text/12/chapter-II
  Federal Reserve System
- Chapter III
  http://www.law.cornell.edu/cfr/text/12/chapter-III
  Federal Deposit Insurance Corporation.
- Chapter V
  http://www.law.cornell.edu/cfr/text/12/chapter-V
  Office of Thrift Supervision, Department of the Treasury.

State Statutes
Financial Institutions - Statutes in the 50 states (LII)
Uniform Commercial Code as Adopted in Various States:
- Article 3: Commercial Paper
  http://www.law.cornell.edu/ucc/3/overview.html
- Article 4: Bank Deposits and Collections (checks)
  http://www.law.cornell.edu/ucc/4/overview.html
- Article 4A: Fund Transfers
  http://www.law.cornell.edu/ucc/4A/overview.html
- Article 5: Letters of Credit
  http://www.law.cornell.edu/ucc/5/overview.html
- Article 8: Investment Securities
  http://www.law.cornell.edu/ucc/8/overview.html
- Article 9: Secured Transactions
  http://www.law.cornell.edu/ucc/9/overview.html

Foreign Countries
Banking Regulation - On Bloomberg Law. Summarizes and cites statutes and regulations for banking law for many different countries.

Case Law
Bloomberg Law Banking and Finance Center
Search all cases in the center, or search for cases on some selected topics, such as MERS (Mortgage Electronic Registration Systems), municipal finance or leveraged lending.
WestlawNext - Finance and Banking Cases - FFIN-CS
Lexis Advance - Prefilter by Topic - Banking Law and Content Type - Cases
State Regulations

- State Bank Regulatory Agencies
  http://www.fedbanklaw.com/banking_regulatory_agencies/regulatory_state_agencies.asp
  (from Attorney Stephens B. Woodrough)

Ohio

Ohio Treatises - Banking Law

- CCH State Banking Law Reporter (WestlawNext)
- Ohio Jurisprudence 3d - Banks and Financial Institutions (WestlawNext)
  https://a.next.westlaw.com/Browse/Home/SecondarySources/OhioSecondarySources/OhioTextsTreatises/OhioJurisprudence3d?transitionType=Default&contextData=%26enc%3DUTF-8
  Also on Lexis Advance

Ohio Materials on Foreclosure

- Anderson's Ohio Consumer Law Manual
  esp. Chapter 7A on Predatory Lending
  KFO230.A29 A53 (Ohio & REF)
  http://scholar.csuohio.edu/record=b2112185-S0
- Lexis Advance
  http://www.lexisnexis.com/lawschool
- Ohio Real Property Law and Practice
  esp. Ch 19 on Foreclosure
  KFO 112 .M32 (Ohio & REF)
  http://scholar.csuohio.edu/record=b1925848~S0
- Ohio Real Property Law and Practice
  Lexis Advance. Click on Ohio Real Property Law and Practice in the upper left to see the full table of contents.
- Ohio Real Estate Law
  By Kenton L. Kuehnle with Jack S. Levey
  Ch. 36, 37, 38 on Foreclosure
  KFO112 .H362 (Ohio & Reserve)
  http://scholar.csuohio.edu/record=b1969971-S0
- Baldwin's Ohio Practice - Ohio Real Estate Law (WestlawNext)

Ohio Statutes

- ORC Title 11: Financial Institutions
  http://codes.ohio.gov/orc/11
  ORC 1101-1181.25: Ohio Banking Codes
- ORC Title 13: Commercial Transactions: Ohio Uniform Commercial Code
  http://codes.ohio.gov/orc/13

Ohio & State Regulations

- Ohio Administrative Code
  http://codes.ohio.gov/oac
  OAC 1301:1 and 2, 1301-8, 9, and 12
- Ohio Dept. of Commerce
  http://com.ohio.gov/
  laws, rules, and guidance. Summaries of the law on banks, savings, loans, etc. in Ohio.
- State Bank Regulatory Agencies
  http://www.fedbanklaw.com/banking_regulatory_agencies/regulatory_state_agencies.asp
  (from Attorney Stephens B. Woodrough)
Journals & Current Awareness

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Search for Journal Articles on Google Scholar

Search

Journals and Newsletters

See the Library's Guide to: Finding Articles in Law Reviews & Journals

BNA current awareness:

- Banking Daily
- Banking Report

WestlawNext

- Topic>Finance and Banking>Secondary Sources>Newsletters>All Finance and Banking Newspapers and Newsletters
- Topical Highlights, Finance and Banking - WTH-FIN
- CCH Bank Digest - Westlaw CCH Bank Digest

Lexis Advance

- Banking and Financial Services Emerging Issues
- Prefilter by Content Type - News and topic - Banking

Practical Law Company - Finance. On WestlawNext.

- Bloomberg Law Banking and Finance Center
  http://www.bloomberglaw.com/banking_finance
  Contains law reviews, journals and news.
- CCH Bank Digest
  http://lawschool.westlaw.com/shared/westlawRedirect.asp?url=http%3A%2F%2Fwww%2Ewestlaw%2Ecom%2Fsearch%2Fdefault%2F&db%3DCCH%2DBKDIG%26Action%3Dsearch%26RS%3DTK%26VR%3D1%26ampflag%3D1

Back to Top

Web Sites

Federal Agencies

- Federal Deposit Insurance Corporation
  http://www.fdic.gov/
  FDIC Advisory Opinions, Statements of Policy and General Counsel's Opinions, handbooks and manuals, such as Compliance Examination Manual, Credit Card Activities Manual, Trust Examination Manual.
- U.S. Treasury Department
  http://www.treasury.gov/Pages/default.aspx
  Particularly, Office of Comptroller of the Currency which charters, regulates, and supervises national banks.
Federal Reserve Banks
http://www.federalreserveonline.org/
The Federal Reserve, the central bank of the United States, provides the nation with a safe, flexible, and stable monetary and financial system. Site has press releases, regulations the Beige Book, statistics, research papers, actions, orders, manuals, and reports to Congress.

Federal Reserve Board
http://www.federalreserve.gov/
Supervises and regulates the banking institutions and protects the credit rights of consumers. Site has enforcement actions, forms and publications.

Professional Organizations
Hover over the link to see a description of the resource.

ABA Section of Business Law, Committee on Banking Law
http://apps.americanbar.org/dch/committee.cfm?com=CL130000
This Committee offers attorneys of diverse professional backgrounds opportunities to educate themselves and update their knowledge, as well as to exchange ideas and discuss issues regarding the representation of financial institutions.

American Bankers Association
http://www aba.com/default.htm
Site includes information on the association’s federal legislative and regulatory activities, legal actions and Dodd-Frank resources.

Conference of State Bank Supervisors
http://www.csbs.org/Pages/default.aspx
Site is an advocate of the state banking system and dedicated to advancing the state banking system. Site includes congressional issues, legal issues, regulation tracker.

General

Hieros Gamos Banking Law Guide
http://www.hg.org/banking.html
Links to government agencies, major banking law organizations, some major statutes, foreign and international banking links.

Legal Information Institute: Banking
http://topics.law.cornell.edu/wex/Banking
An overview of the law and links to relevant primary sources.

Cleveland Law Library FAQ - Foreclosure and Mechanic's Liens
http://www.clelaw.lib.oh.us/Public/Misc/FAQs/Foreclose.HTML
Statutes, articles and where to go for help with foreclosures. Articles, statutes and references to forms for mechanic's liens.

Legislative Committees
Hover over the link to see a description of the resource.

Senate Committee on Banking, Housing, and Urban Affairs
http://banking.senate.gov/public/
Resources include the Committee information, documents, hearings, news releases and more.

House Committee on Banking and Financial Services
http://financialservices.house.gov/
Site has the ability to search the Committee's bills, hearing transcripts, press releases, reports, rules and schedules.

Ohio

Ohio Dept. of Commerce
http://com.ohio.gov/
laws, rules, and guidance. Summaries of the law on banks, savings, loans, etc. in Ohio.

Dodd-Frank

Key Provisions of Dodd-Frank re. Mortgages
Speaker: Daniel Shlufman
Video By Lawline.com
Search Multiple Sources at Once

WestlawNext - Dodd Frank Wall Street Reform - Searches primary and secondary sources.
Lexis CLASSIC- Legal>Area of Law by Topic>Dodd-Frank

Primary Resources

- Dodd-Frank Wall Street Reform and Consumer Protection Act
  [link](http://www.gpo.gov/fdsys/pkg/PLAW-111publ203/pdf/PLAW-111publ203.pdf)
  (P.L. 111-203)

- The ABA Dodd-Frank Tracker
  [link](http://regreformtracker.aba.com/)
  Regulation tracker plus news from the American Bankers Association

- Links to legislative history documents, (Thomas.gov)
  [link](http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HR04173:
  Thomas will be replaced by Congress.gov at the end of 2014. [Link to Dodd-Frank on Congress.gov]
  Look at actions to find links to legislative history documents.

Secondary Sources

- Road Map to the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010
  [link](http://us.practicallaw.com/3-502-8479)
  via Practical Law Company - requires free registration
  This Note tracks the rules and regulations which implement Dodd-Frank, as well as related regulations and developments, and includes links to summaries of the main areas of reform.

  [link](http://scholar.csuohio.edu/record=b2556197~S0)

- Changes in Mortgage Regulation under the Dodd-Frank Act
  [link](http://scholar.csuohio.edu/record=b2681237~S0*eng)

- Dodd-Frank Wall Street Reform and Consumer Protection Act : Law, Explanation and Analysis,
  In print: KF974 .D63 2010

- The Dodd-Frank Wall Street Reform and Consumer Protection Act : From Legislation to Implementation to Litigation
  [link](http://scholar.csuohio.edu/record=b2619278~S0)
  KF969.5.5201 .A2 2012

- Regulating Wall Street : The Dodd-Frank Act and the New Architecture of Global Finance,
  [link](http://scholar.csuohio.edu/record=b2568810~S0)
  HG181 .R357 2011

- Banks, Securities and the Volcker Rule : Background and Issues
  [link](http://scholar.csuohio.edu/record=b2616555~S0)
  KF968.6 .B36 2011

- DavisPolk Law Firm Webcasts
  [link](http://www.davispolk.com/Dodd-Frank-Webcast-Series-Departments/)

- Lexis Law Community for Dodd-Frank
  [link](http://www.lexisnexis.com/community/corpsec/landing/dodd-frank.aspx)
  (free website)

- Financial Institutions Answer Book: Law, Governance and Compliance
  [link](http://www.bloomberglaw.com/ip/572a89b49789e3b78abbdf523b833cbbc/document/XG00001OTTMEFD400)
  Bloomberg Law.

Back to Top
Study Aids

- Banking and Financial Institutions Law in a Nutshell
  http://scholar.csuohio.edu/record=b2374721~S0*eng
  By William A. Lovett
  KF975 .L68 2009

- International Project Finance in a Nutshell
  http://scholar.csuohio.edu/record=b2552259~S0
  By John M. Niehuss
  K3820 .N54 2010

- Principles of Bank Regulation
  http://scholar.csuohio.edu/record=b2675573~S0
  By Michael P. Malloy
  KF974 .M335 2011

Back to Top

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