EMERGING ISSUES IN FINANCIAL REGULATION

Compressed Course
University of Florida Levin College of Law
August 12-15, 2024

Your adjunct professors for the course

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Class time

Monday, August 12, 2024, 3 pm-6:30 pm
Tuesday, August 13, 2024, 1 pm-4:30 pm
Wednesday, August 14, 2024, 9:30 am-1 pm
Thursday, August 15, 2024, 9:30 am-1 pm

Classroom

Holland Hall HH283

Office hours

We will be available by appointment. We will also often be available after class.

Course materials

No textbook is required for this course. Any materials needed are available for free online.

Course website

You are responsible for reviewing Canvas for updates to this course.

Course description

In this course, you will study financial regulation in the United States and some of the field's emerging issues. We will begin with an introduction to financial services and regulation in the United States and examine the regulatory structure in the United States. We will then review the banking crisis of 2023, including the failures of Silicon Valley Bank, Signature Bank, and First Republic Bank, and governmental responses to that crisis. We will follow this with an evaluation of the Consumer Financial Protection Bureau ("CFPB") and certain of the CFPB's recent efforts to promote consumer protection together with legal challenges the CFPB has faced, notably in the *Consumer Financial Protection Bureau v. Community Financial Services Assn. of America, Ltd.* Lastly, we will examine cryptoassets and governmental efforts to regulate cryptoassets.

The schedule of topics and reading assignments can be found in the table on pages 4-6 below. Please note that the schedule of topics and reading assignments are subject to change.

Student learning outcomes

Upon completion of this course, you should be able to demonstrate an understanding of and critically evaluate:

1. The goals and structure of financial regulation in the United States.

2. The banking crisis of 2023 and governmental responses to the crises.

3. The structure and powers of the CFPB together with certain of the CFPB's recent efforts to promote consumer protection and legal challenges the CFPB has faced.

4. Cryptoassets and governmental efforts to regulate cryptoassets.

Grading

You will be graded on the basis of a final exam to be administered two weeks after the last day of class. This course follows the Levin College of Law's policy on grading, which may be found here. The below chart describes the policy's specific letter grade and point equivalent:

Letter grade	Point equivalent
A	4.0
A-	3.67
B+	3.33
B	3.0

B-	2.67
C+	2.33
C	2.0
C-	1.67
D+	1.33
D-	0.67
E (failure)	0.0

The Levin College of Law's policy on exam delays and accommodations may be found here.

Class attendance and preparation

This is a compressed course and daily attendance is mandatory. Missing more than one class hour may result in a reduction of your final grade. Missing more than two class hours may result in a failing grade or no credit for the course. Excessive lateness may also result in a grade penalty.

The Levin College of Law's policy on attendance may be found here.

You should spend at least two hours outside of class reading and preparing for every hour of class.

Students with disabilities

Students with disabilities who experience learning barriers and would like to request academic accommodations should connect with the Disability Resource Center. Click here to get started with the Disability Resource Center. It is important for students to share their accommodation letter with their instructor and discuss their access needs as early as possible in the semester.

Course evaluation

You are expected to provide feedback on the quality of instruction in this course by completing an online course evaluation. Click here for guidance on providing feedback. You will be notified when the evaluation period opens and you may complete the evaluation through the email you receive from GatorEvals, in your Canvas course menu under GatorEvals, or via https://ufl.bluera.com/ufl/. Summaries of course evaluation results are available here.

UF LEVIN COLLEGE OF LAW STANDARD SYLLABUS POLICIES:

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at this link: https://ufl.instructure.com/courses/427635/files/74674656?wrap=1.

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Class time	**Topic**	**Sub-topics**	**Reading**
Monday, August 12, 2024, 1 pm-4:30 pm	Introduction to financial services and financial regulation	The functions of finance and financial services in the United States	• Michael S. Barr, Howell E. Jackson, and Margaret E. Tahyar, *Financial Regulation: Law and Policy*, First Edition, Foundation Press (May 3, 2016), chapter 1.1, *available* at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2778111
		The history of U.S. financial regulation	• Alejandro Komani and Gary Richardson, *A Brief History of Regulations Regarding Financial Markets in the United States: 1789 to 2009*, Working Paper, National Bureau of Economic Research, *available* at https://www.nber.org/system/files/working_papers/w17443/w17443.pdf
		The goals and structure of U.S. financial regulation	• Congressional Research Service, *Who Regulates Whom? An Overview of the U.S. Financial Regulatory Framework* (March 10, 2020), *available* at https://sgp.fas.org/crs/misc/R44918.pdf • Elizabeth F. Brown, *E Pluribus Unum – Out of Many, One: Why the United States Needs a Single Financial Services Agency*, University of Miami Business Law Review (2005), pp 4-10 and 74-100 *available* at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=757010
Tuesday, August 13, 2024, 9:30 am-1 pm	The banking crisis of 2023	The banking crisis of 2023 and potential contributory factors	• Huberto M. Ennis, *Perspectives on the Banking Turmoil of 2023*, Economic Brief, Federal Reserve Bank of Richmond (October 2023), *available* at https://www.richmondfed.org/publications/research/economic_brief/2023/eb_23-35
		Immediate governmental responses to the crisis	• Congressional Research Service, *Bank Failures: The FDIC's Systemic Risk Exception* (April 23, 2024), *available* at https://crsreports.congress.gov/product/pdf/IF/IF12378 • Congressional Research Service, *Bank Failures and the FDIC* (March 23, 2023), *available* at https://crsreports.congress.gov/product/pdf/IF/IF10055 • Federal Reserve, *Federal Reserve Board announces it will make available additional funding to eligible depository institutions to help assure banks have the ability to meet the needs of all their depositors*, Press Release (March 12, 2023), *available* at https://www.federalreserve.gov/newsevents/pressreleases/monetary20230312a.htm

			• Federal Reserve History, *Emergency Lending to Nonbank Borrowers* (July 21, 1932), *available* at https://www.federalreservehistory.org/essays/emergency-lending-13-3
		Long-term legal and regulatory implications of the crisis	• Deloitte, *2024 banking regulatory outlook* (2024), https://www2.deloitte.com/us/en/pages/regulatory/articles/banking-regulatory-outlook.html
Wednesday, August 14, 2024, 9:30 am-1 pm	Cryptoassets	What are cryptoassets?	• Bank of England, *What are Cryptoassets (Cryptocurrencies)?* (2022), *available* at https://www.bankofengland.co.uk/knowledgebank/what-are-cryptocurrencies • Kiana Danial, *What Is Cryptocurrency?* (December 14, 2022), *available* at https://www.dummies.com/article/business-careers-money/personal-finance/cryptocurrency/what-is-cryptocurrency-237561/ • Robby Houben and Alexander Snyers, *Crypto-Assets: Key Developments, Regulatory Concerns, and Responses*, Policy Department for Economic, Scientific and Quality of Life Policies, European Parliament (April 2020), pp 1-41, *available* at https://amlbot.com/wp-content/uploads/2020/05/IPOL_STU2020648779_EN.pdf
		The regulation of cryptoassets	• Practical Law Finance, *Overview: Regulation of Cryptocurrency and Digital Assets in USA* (2024), *available* at https://us.practicallaw.thomsonreuters.com/w-043-0077?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0
		CFPB v. Community Financial Services Assn. of America, Ltd.	• *CFPB v. Community Financial Services Assn. of America, Ltd.*, 601 U.S. 1 (2024), *available* at https://www.supremecourt.gov/opinions/23pdf/22-448_o7jp.pdf • Sullivan and Cromwell, *U.S. Supreme Court Upholds CFPB Funding Mechanism as Constitutional* (May 16, 2024), *available* at https://www.sullcrom.com/SullivanCromwell/_Assets/PDFs/Memos/Supreme-Court-Holds-CFPB-Funding-Constitutional.pdf
Thursday, August 15, 2024, 9:30 am-1 pm	The CFPB's recent efforts to promote consumer	The history, structure, and powers of the CFPB	• Adam J. Levitin, *The Consumer Financial Protection Bureau: An Introduction*, Review of Banking and Financial Law, Volume 32 (2013), *available* at http://www.bu.edu/rbfl/files/2013/10/Levitin.pdf • Congressional Research Service, *Introduction to Financial Services: The Consumer Financial Protection Bureau* (January 13, 2022), *available* at https://sgp.fas.org/crs/misc/IF10031.pdf

	protection and legal challenges		• 15 U.S.C. § 5531, *available* at https://www.govinfo.gov/content/pkg/USCODE-2023-title12/pdf/USCODE-2023-title12-chap53-subchapV-partC-sec5531.pdf

		The CFPB's recent efforts to promote consumer protection	• CFPB, *CFPB Bans Excessive Card Late Fees, Lower Typical Fee from $32 to $8* (March 5, 2024), *available* at https://www.consumerfinance.gov/about-us/newsroom/cfpb-bans-excessive-credit-card-late-fees-lowers-typical-fee-from-32-to-8/
			  ○ Bank Policy Institute, *Get the Facts on Fees: Credit Card Late Fees* (March 5, 2024), *available* at https://bpi.com/credit-card-late-fees/
			  ○ Jonathan Stempel, *US Consumer Agency Sued by Banks, US Chamber Over Credit Card Late Fee Cap* (March 7, 2024), *available* at https://www.reuters.com/legal/us-consumer-agency-sued-by-banks-us-chamber-over-credit-card-late-fee-cap-2024-03-07/
			• CFPB, *CFPB Proposes New Federal Oversight of Big Tech Companies and Other Providers of Digital Wallets and Payment Apps* (November 7, 2023), *available* at https://www.consumerfinance.gov/about-us/newsroom/cfpb-proposes-new-federal-oversight-of-big-tech-companies-and-other-providers-of-digital-wallets-and-payment-apps/
			  ○ Jessica Cheng, *CFPB Proposes New Oversight of Big Tech and Other Consumer Payment App Providers* (November 28, 2023), *available* at https://www.americanbar.org/groups/business_law/resources/business-law-today/2023-december/cfpb-proposes-new-oversight-big-tech-other-consumer-payment-app-providers/
			  ○ Reuters, *Big Tech Rebuffs US Consumer Watchdog Plans to Supervise Digital Wallets* (January 8, 2024), *available* at https://www.reuters.com/technology/big-tech-rebuffs-us-consumer-watchdog-plans-supervise-digital-wallets-2024-01-08/

		Are cryptoassets securities?	• Securities and Exchange Commission, *Framework for "Investment Contract" Analysis of Digital Assets*, *available* at https://www.sec.gov/corpfin/framework-investment-contract-analysis-digital-assets

* Pertains to the CFPB, not cryptoassets. Moved to accommodate a guest speaker.

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