I. Introduction to Money, Other Payment Systems, and (Some) Governing Law

MANN, pp. xxiii-xxiv & 3-11
EVANS & SCHMÄLENSEE, pp. 25-52
LITAN & BAILY, pp. 1-18
Liz Benston, Cycling Toward Cashless, LAS VEGAS SUN, Aug. 23, 2010, at 1-2

Skim UCC §§ 1-102, 1-103, 1-201, 1-301 to 1-304; 3-102 & 3-104(a); 4-102, 4-103(a)-(b), 4-104(a)(9) & 4-105(1); 4A-102, 4A-103(a), 4A-104(a) & 4A-108; 5-102(a)(10) & 5-103(a)

II. The Checking System

A. The Checking Relationship and a Bank’s Right to Pay Checks

MANN, pp. 13-25
UCC §§ 3-103, 3-104(e)-(f), 3-105, 3-113 & 3-310; 4-103, 4-104, 4-105(2)-(3), 4-303, 4-401 to 4-403, 4-406 & 4-407

B. A Bank’s Obligation to Pay Checks

MANN, pp. 26-45
UCC §§ 3-502, 4-215, 4-302 & 4-404
12 U.S.C. §§ 4001-4010
12 C.F.R. §§ 229.2, 229.10, 229.12, 229.13 & 229.38

1 Unless I tell you otherwise, we will study Revised UCC Article 1 (which Nevada enacted in 2005). The Mann, Warren & Westbrook supplement (MWW) reproduces the uniform version at pp. 17-33.

2 Unless I tell you otherwise, we will study amended UCC Articles 3 and 4 (which Nevada also enacted in 2005). MWW reproduce the uniform versions at pp. 173-290.

3 MWW reproduce at pp. 854-864 the Expedited Funds Availability Act, 12 U.S.C. §§ 4001-4010, which is the enabling legislation for Subpart B of Federal Reserve Regulation CC.
C. Check Collection
MANN, pp. 46-86
FEDERAL RESERVE: PURPOSES & FUNCTIONS, pp. 89-92
BIS, PAYMENT AND SETTLEMENT SYSTEMS, pp. 440-442
UCC §§ 3-104
(g)-(i), 3-301, 3-408, 3-409, 3-414, 3-417, 3-501; 4-105(4)-(6), 4-107, 4-108, 4-201, 4-202, 4-204, 4-209, 4-214 & 4-301
12 C.F.R. §§ 210.6; 229.1, 229.30, 229.33, 229.34 & 229.41

D. Risk of Loss in the Checking System
MANN, pp. 87-124 (skip pp. 96-97 & Problems 4.7 & 4.8)
UCC §§ 1-202; 3-110, 3-203 to 3-206, 3-307, 3-403 to 3-407, 3-415, 3-416, 3-418, 3-420, 3-503; 4-207 & 4-208

E. Truncation and the Check 21 Act
MANN, pp. 125-135 (skip Problem 6.7)
FEDERAL RESERVE: PURPOSES & FUNCTIONS, pp. 92-93
UCC § 3-309
12 U.S.C. §§ 5001-5018
12 C.F.R. §§ 229.51-229.60

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4 Federal Reserve Regulation CC, 12 C.F.R. §§ 229.1-229.60, regulates funds availability (§§ 229.10-229.21), check processing and collection (§§ 229.30-229.43), and substitute checks (§§ 229.51-229.60). MWW reproduce Regulation CC at pp. 876-903.

5 Federal Reserve Regulation J, 12 C.F.R. §§ 210.1-210.32, regulates collecting checks and other items through the Federal Reserve Banks (§§ 210.1 to 210.15) and wire transfers (§§ 210.25 to 210.32) – a topic we will address later. MWW reproduce Regulation J at pp. 839-853.

6 MWW reproduce at pp. 865-875 the Check Clearing for the 21st Century (“Check 21”) Act, codified at 12 U.S.C. §§ 5001-5018, which is the enabling legislation for Subpart C of Federal Reserve Regulation CC. Note that Professor Mann refers to Check 21 Act sections, not to their codified counterparts. MWW provide a corresponding U.S. Code citation for each Check 21 section.
III. **Electronic Payments**

A. **Credit Cards**
   Mann, pp. 137-183 (skip Problems 7.2, 7.5 & 8.6)
   Truth in Lending Act\(^7\) §§ 102 to 104, 127, 130, 132, 133, 135, 161, 162, 167, 169 & 170
   12 C.F.R. §§ 226.2, 226.3, 226.5, 226.6, 226.12 & 226.13\(^8\)

B. **Debit Cards**
   Mann, pp. 184-202 (skip Problems 9.2 & 9.7)
   Electronic Fund Transfer Act\(^9\) §§ 903, 905-911 & 919
   12 C.F.R. §§ 205.2, 205.6, 205.7, 205.11 & 205.12\(^10\)
   Federal Reserve Commentary on 12 CFR § 205.12 (pp. 1032-33)

C. **ACH Payments and Point-of-Sale Conversions**
   Mann, pp. 205-220 & Problems 10.3, 10.4, 10.5 & 10.6(a) & (d)
   UCC § 3-412
   NACHA Rules §§ 2.1 to 2.8, 2.12, 4.4, 6.1, 6.2, 8.1, 8.4 to 8.6 & 14.1\(^11\)

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7 MWW reproduce at pp. 904-929 relevant sections of the Truth in Lending Act (“TILA”), codified as amended by the 2009 Credit Card Accountability, Responsibility, and Disclosure (“CARD”) Act at 15 U.S.C. §§ 1601-1666. Professor Mann refers to TILA sections, not their codified counterparts. MWW provide a corresponding U.S. Code citation for each TILA section.

8 MWW reproduce at pp. 930-948 relevant sections of Federal Reserve Regulation Z, 12 CFR §§ 226.1-226.58, as promulgated or amended in response to the CARD Act, as well as Federal Reserve Official Staff Interpretations of selected provisions.

9 MWW reproduce at pp. 996-1008 the Electronic Fund Transfer Act (“EFTA”), codified as amended by the CARD Act at 15 U.S.C. §§ 1693-1693r. Professor Mann refers to EFTA sections, not their codified counterparts. MWW provide a corresponding U.S. Code citation for each EFTA section.

10 MWW reproduce at pp. 1009-1033 Federal Reserve Regulation E, 12 C.F.R. §§ 205.1-205.18, as promulgated or amended in response to the CARD Act, as well as Federal Reserve Official Staff Interpretations of selected provisions.

11 The version of the NACHA Rules excerpted on pp. 1108-1143 of the 2010 MWW supplement differs from both the (earlier) version Professor Mann cites and the most current version available for on-line purchase at http://www.nacha.org/ (although the differences are relatively minor). MWW also exclude NACHA Rules § 2.7, to which Professor Mann expressly (and accurately) cites at the bottom of p. 209.

NACHA Rules are not law; they are standardized trade practices. That does not make them unimportant, but it does make them more likely to change in an era of rapidly-changing technology. We’ll use the version in MWW. I’ll find a reproducible copy of Rule 2.7 and will call to your attention any relevant provision that has changed non-trivially since the MWW version.
D. **Internet Payments**  
Mann, pp. 298-326 (skip topics 14.D & 15.C & Problems 14.4, 15.3 & 15.7)

E. **Stored-Value Cards (including Gift Cards) & E-Money**  
Mann, pp. 327-340 (skip Problem 16.5)

F. **Wire Transfers**  
Mann, pp. 224-287 (skip Problems 11.2, 11.6, 12.3, 13.5 & 13.6)  
UCC §§ 4A-104(b)-(d), 4A-105 to 4A-107, 4A-201 to 4A-212, 4A-301 to 4A-305, 4A-401 to 4A-406, 4A-501 & 4A-504 to 4A-507  
12 C.F.R. §§ 210.25 to 210.32

IV. **Negotiability (and Professor Mann’s Discontent)**

A. **Negotiable Instruments**  
Mann, pp. 431-449 (skip Problem 22.5)  
UCC §§ 3-106 to 3-109, 3-112 & 3-115

B. **Transfer and Enforcement**  
Mann, pp. 450-466 (skip Problem 23.2)  
UCC §§ 3-201, 3-303, 3-305, 3-311, 3-401, 3-402, 3-413, 3-419, 3-502 & 3-605

C. **Holders in Due Course**  
Mann, pp. 467-481 (skip Problems 24.4 & 24.6)  
UCC §§ 1-204, 3-302, 3-304, 3-306, 3-601, 3-602, 4-210 & 4-211  
16 C.F.R. §§ 433.1 & 433.2