

**COMMERCIAL LITIGATION COMMITTEE
REPORT PREPARED FOR THE MARCH 9, 2006 COUNCIL MEETING**

1. Next Scheduled Meeting of the Committee

The committee met on February 21st, 2006. The committee discussed the formation of the Task-Force on issue of waiver of corporate attorney – client privilege in white-collar criminal prosecutions and its wide ranging repercussions on business lawyers, especially commercial litigators. The committee anticipates scheduling another meeting to plan its activities in coming months.

2. Council Approval

None.

3. Membership

No new members have joined the committee in this year. While the committee remains open to participation by any interested parties, Co-chairs plan to make proactive efforts in the next few months to contact section members that practice commercial litigation as indicated through surveys.

4. Accomplishments Toward Committee Objectives

None this period.

5. Meetings and Programs

The committee has identified several topics that may be of interest to members of the Section and will review plans in its next meeting.

6. Publications

Committee members have published three articles in the Fall 2005 issue of *Business Law Journal*:

Diane L. Akers – *A Business Court in Michigan*

Daniel N. Sharkey – *The Class Action Fairness Act of 2005: Sensible Reform or Orwellian Title?*

Ashish S. Joshi – *In the Shadows: The Business Judgment Rule Amid the Recent Corporate Scandals*

A Committee member has expressed an interest to publish an article pertaining to demands of waiver of corporate attorney-client privilege in white-collar crime prosecutions.

7. Legislative / Judicial / Administrative Developments

See the last report of Business Court Ad Hoc Committee

8. Analysis of Applicable Strategic Plan Issues.

The planned activities of the committee are directly related to the Strategic Plan mission of providing educational and networking opportunities affecting commercial and business litigation, corporate governance and related legal matters. The committee attempts to keep its members abreast of Michigan and national trends in commercial and business litigation.

During its recent meeting, committee briefly discussed possibility of launching an electronic newsletter that would provide the section members with updated judicial decisions, news and other information pertaining to the area of commercial litigation. The committee Co-chairs have taken this matter into consideration and will open this topic for further discussion in its next meeting. This is directly related to the Strategic Plan mission of providing an educational opportunity to the section members.

The committee also plans to contact a student-run Business Law Association at a Michigan law school and sponsor a workshop or a seminar pertaining to the area of commercial / business litigation. This is directly related to the Strategic Plan goal of encouraging students to develop an interest in business law.

9. Miscellaneous

None.