

**COMMERCIAL LITIGATION COMMITTEE
ANNUAL REPORT PREPARED FOR THE
DECEMBER 4, 2010 ANNUAL MEETING**

1. Sponsorship of programs for Continuing Legal Education via a means accessible to Section Members, including holding at least one program yearly (Article I, 3).

We have done a lot of work in this area, and have not had much success. The three main hurdles we have faced are: a) lack of interest – when we do put together a program, even very substantive ones with great speakers and judges, we have obtain very poor turnout; b) a tremendous amount of competition by ICLE and other organization that hold programs; and c) brutally candidly, lack of time and initiative by the Committee members. To try to overcome these, over the past few months, I have coordinated with the commercial litigation sub-committees of the State Bar Litigation Section, Michigan Defense Trial Counsel, and the Federal Bar Association Commercial Litigation. My idea was to create a joint continuing biennial program regarding commercial litigation, but we either received no response or a response that they were not interested. We are therefore exploring doing a low-budget webinar program in the spring regarding issues of interest in commercial litigation.

2. Addressing substantive legal issues for committee members, including holding regular committee meetings (at least once a year) and reporting on the meetings to the Council (Article I, 4).

We hold 2-3 meetings per year at which we discuss substantive issues, and report on each to the Council.

3. Promoting involvement in the committee and making the committee more responsive to members including the designation of a contact person (Article I, 5).

The Chair functions as the contact person, and responds to all who express an interest within 48 hours.

4. (A) monitoring and raising awareness of laws or developments in laws that affect Michigan businesses and, when appropriate, making recommendations for updates and improvements;

We keep close track of the caselaw decisions that affect businesses and provide periodic updates. We have done little by way of making recommendation for improvements, mostly because we view these as policy decisions. To pick just one of the more obvious examples, most would view the Sales Representative's Act as a "bad law," but the salespersons' lobby obviously got it through as an incredibly ambiguous piece of legislation, and would prefer to leave it that way.

- (B) providing assistance to appropriate state government personnel with respect to business-related legislation and rule making;

Several times per year, we provide comments to the Chair regarding proposed amendments to issues in our area. Beyond that, we do very little in this category, I do not believe it is applicable to Commercial Litigation.

(C) as appropriate, providing amicus curiae briefs related to business-related issues being addressed by the courts, and

We don't do any of this, but we could. I have not been aware of any opportunities to do so. If opportunities arise, I would be happy to make them known to our members.

(D) educating Michigan businesses, their owners and employees about changes to Michigan's laws in order to maintain Michigan's ability to attract and retain new business enterprises and enable existing businesses to remain competitive. (Article II, 1).

I do not believe this applies to Commercial Litigation.

5. Please comment on your plan regarding succession (Article III, 5).

I succeeded Diane Akers about three years ago, and I plan to turn this Chair over to either my vice chair, Jay Vandewyngearde, or Doug Toering, in the next year, two at the most.

6. Please list your Committee's goals and objectives for the next 12 to 24 months and whether you will require additional support from the Section to achieve these goals (Article III, 5).

Our next project is to do a low-budget webinar on a commercial litigation topic to attempt to overcome the hurdles described in paragraph 1, above.