

**COMMERCIAL LITIGATION COMMITTEE
ANNUAL REPORT PREPARED FOR THE
DECEMBER 4, 2025 MEETING**

Please describe your committee's activities during the 2024-2025 year toward achievement of the goals outlined in the Section's Strategic Plan. Each question below corresponds to a specific Section of the Plan, a copy of which is attached and to which reference may be made for further guidance in providing responses. If the question is not applicable to your particular committee or directorship, please note as such.

1. Continue to sponsor programs for continuing legal education and skills-based training within the Section. (Article I, 3 of the Strategic Plan).

The LLC & Partnerships Committee, the Corporate Laws Committee, and the Commercial Litigation Committee sponsored a program on succession planning, shareholder/LLC member litigation, estate planning, drafting, valuation, and tax on Thursday, April 10, from 4:00 – 7:45 PM at the San Marino Club in Troy. A total of 167 people registered, and we received many positive comments. The Committee is considering sponsoring a similar program in Grand Rapids in 2026.

2. Address substantive legal issues for committee members. (Article I, 4 of the Strategic Plan).

An Ad Hoc Committee was responsible for drafting an amicus brief to the Michigan Supreme Court on *Kircher v Boyne* (Mich S Ct case no 166459). The brief was filed on October 30, 2024. Oral arguments were held on December 4, 2024. On March 27, 2025, the Michigan Supreme Court issued a unanimous opinion that largely adopted the positions the Business Law Section advocated.

The Chair also updates Committee members on significant changes to the law as they come to the attention of the Chair.

3. Promote strong committee leadership and active committee member involvement. Please comment on your plan regarding succession. (Article I, 5 of the Strategic Plan).

When the Committee is informed of potential changes to the Michigan Court Rules or proposed legislation that may impact the practice of Committee members, the Committee engages in an e-mail (or occasionally in-person) discussion of such proposed changes or legislation. There is currently no succession plan.

4. Provide an alternative source of information and communication for members by improving the website and maintaining and improving social media presence. (Article I, 6 of the Strategic Plan).

5. (A) monitor and raise awareness of laws or developments in laws that affect Michigan businesses and, when appropriate, make recommendations for updates and improvements;

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

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

(D) educate and seek input from Michigan businesses, their owners and employees, and Michigan attorneys 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 of the Strategic Plan).

The Committee continues to monitor the implementation of the business court legislation. We will also respond to requests for assistance on legislation, rulemaking, and amicus briefs. Any Committee member may notify other members about proposed legislation or recent cases via our informal listserv.

See also the reports of the Business Courts Committee regarding SB 4840 to clarify the jurisdiction of the business courts.

6. Encourage increased member participation through the development of personal relationships with other Section members. (Article IV, 1 of the Strategic Plan).

See no. 1 above.

Douglas L. Toering, Committee Chair
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