

**COMMERCIAL LITIGATION COMMITTEE
REPORT PREPARED FOR THE MARCH 10, 2016 COUNCIL MEETING**

1. Next Scheduled Meeting of the Committee

No meetings are currently scheduled, but we anticipate that a follow-up seminar on Business Courts and early ADR will occur in April 2016. So far, nine Business Court Judges have expressed interest in participating. We are considering offering seminars in both Troy and Grand Rapids.

2. Council Approval

No matters require Council approval.

3. Membership

The Committee comprises approximately 100 commercial litigators.

4. Accomplishments Toward Committee Objectives

For 2016, we expect to accomplish our objective of holding two meetings or webcasts per year.

5. Meetings and Programs

No meetings or programs have occurred since the last Council meeting.

6. Publications

The Committee has published no articles, although the Committee is responsible for articles for an upcoming issue of the Michigan Business Law Journal. Committee members Gerard Mantese and Dan Quick are co-editors for that edition.

7. Methods of Monitoring Legislative/Judicial/Administrative Developments and Recommended Action

The Committee monitors proposed court rules as well as developments in the Business Courts. Also, any Committee member is invited to share updates on recent cases or other matters of interest through an informal listserv.

In that regard, the 21st Century Task Force was considering a recommendation to encourage ADR and to relax SCAO's case processing guidelines. To that end, the co-chairs of the Task Force, Julie Fershtman

and Bruce Courtade, requested the input from the BLS and the Litigation Section on the following:

We would like to get input from the Business Law and Litigation Sections regarding this suggestion and its two essential elements: 1) permitting a trial court, upon a showing of necessity and entry of an order, to remove a particular case from the SCAO mandated docket management reporting system; and 2) before adopting this rule on a state-wide basis, conduct a pilot project within one or more existing business courts to measure its impact and utility.

I sought the input of the Commercial Litigation Committee. There was no consensus. Accordingly, neither the Committee nor the BLS submitted any formal comments to the 21st Century Task Force.

Respectfully submitted,

Douglas L. Toering, Committee Chair
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