

COMMERCIAL LITIGATION COMMITTEE
REPORT PREPARED FOR THE MARCH 7, 2019 COUNCIL MEETING

1. Next Scheduled Meeting of the Committee.

No meeting of the Committee is currently scheduled.

2. Council Approval.

One side of litigants in *The Rhea Brody Living Trust* (Mich. Ct. App. Case Nos. 343813 and 345233; Oakland Cty. Probate Ct. Case No. 15-3611379-TV) has requested that the BLS file an amicus brief. Generally, the issue deals with the jurisdiction of the Business Courts v. jurisdiction of the Probate Courts. The request deals with Case No. 345233. I will provide specifics at the Council meeting.

3. Membership.

The Committee comprises approximately 100 commercial litigators.

4. Accomplishments Toward Committee Objectives.

Our objective is to hold two programs in 2019. We expect to achieve this objective.

5. Meetings and Programs.

The Committee is considering joint programs with the Litigation Section. These may include a program involving both Business Court and Circuit Court Judges on discovery and ADR (and perhaps docket management), with judges from various circuits. The focus would be on learning from each other. The Committee is also considering a joint program with the Litigation Section on proposed changes to the Michigan Court Rules, including the case evaluation rules. If the changes to the discovery rules of the Michigan Court Rules are adopted, the Committee and the Litigation Section may also offer a joint program on this.

6. Publications.

The Committee has published no articles. The Committee is responsible for articles for the Spring 2019 issue of the Michigan Business Law Journal. Those articles have been provided to ICLE.

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

The Commercial Litigation Committee typically receives notice of proposed legislation or changes to the Michigan Court Rules. 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 in-person discussion of such proposed changes or legislation.

8. Miscellaneous.

Respectfully submitted,

Douglas L. Toering, Committee Chair
Mantese Honigman, PC
1361 E. Big Beaver
Troy, MI 48083
(248) 457-9200
dtoering@manteselaw.com

Date of Report: March 1, 2019