

**COMMERCIAL LITIGATION COMMITTEE
REPORT PREPARED FOR THE JUNE 1, 2007 COUNCIL MEETING**

1. Next Scheduled Meeting of the Committee

The Committee presently plans to hold a meeting in August 2007.

2. Council Approval

None.

3. Membership

Within the past year, 3 new members have joined the Committee and have become active.

4. Accomplishments Toward Committee Objectives

At its last meeting on May 1, 2007, the Committee decided to try publishing a newsletter that would contain information about recent cases that would be of interest to transactional and corporate lawyers. The Committee would like to raise its visibility within the Section and provide a service to members of the Section.

5. Meetings and Programs

Please see notes of May 1, 2007 meeting, attached. The Committee also plans to meet during August 2007 to discuss whether to present a program during the fall of 2007.

6. Publications

The Committee will provide to Council members and Committee Chairs a Preview Issue of the newsletter for consideration at the June 2007 meeting. The Committee would appreciate suggestions for subjects that may be of interest to non-litigators, format, circulation, etc. The Committee would like to circulate the newsletter to the entire Section during the week of June 4, 2007.

The Committee also plans to meet in August 2007 to review reaction to the newsletter and plans for continuing its publication.

Committee Co-Chair Ashish S. Joshi published an article entitled, "An End to 'Backseat Driving'? The Thompson Memorandum and Government Tactics in White-Collar Crime Investigation and Prosecution" in the Spring 2007 edition of the *Business Law Journal*.

7. Legislative/Judicial/Administrative Developments

None.

8. Miscellaneous

**STATE BAR OF MICHIGAN
BUSINESS LAW SECTION
COMMERCIAL LITIGATION COMMITTEE**

Notes from May 1, 2007 Meeting

1. Members participating.

Diane Akers (Co-Chair), David Franks, Ashish Joshi (Co-Chair), Richard Paige, Dan Sharkey, Dan Troyka, James VandeWyngearde.

2. Topics discussed.

A. Commercial Litigation Committee Newsletter

The group discussed the background of the Committee and its goals and activities. The Committee would like to provide services to the Section that are perhaps not being provided by other sources such as the Litigation Section and ICLE. The Committee recognized that lawyers in large firms may have support from various practice areas in their firms, which may not be available to solo practitioners and lawyers from medium and small firms. The Committee would also like to provide assistance for those lawyers. The Committee discussed formulating a mission statement.

The Committee spent considerable time discussing the idea of providing a periodic newsletter to everyone in the Section that would highlight a few recent developments in the case law that transactional and business lawyers should know about. It is important to remember that less is more. People get many emails and newsletters and the Committee would like to put out something that people will actually read and use. Therefore, cases to highlight in a newsletter must be selected carefully and summaries should be very short and to the point. The group discussed a number of possibilities for naming the newsletter, including things like "Court Decisions That Affect Your Practice Now" or "Court Decisions That Matter to You" or "When Things Go South, Here's What You Need to Know," etc. The newsletter would include the Committee's mission statement.

The Committee did not decide how frequently to publish a newsletter. The group does not want to promise more than it can deliver and does not want to send a newsletter with cases that aren't truly important to business and transactional lawyers merely to get the newsletter out.

The group discussed the possibility of coordinating with the Business Law Journal but decided that, for now at least, we will publish something separate from that.

The Committee decided to try providing a newsletter via email to the Section members and to coordinate it with the upcoming Business Law Institute in June. The first edition of the newsletter would be emailed to Section members on May 28 or 29 so that people will have had a chance to review it before the BLI. We would also have hard copies available at the BLI and would solicit feedback as to whether Section members found or would find such a newsletter to be helpful.

Diane Akers will coordinate preparation of the first edition. Articles will be prepared by David Franks, Ashish Joshi and Dan Sharkey. Drafts will be due on May 11 and will be circulated to the entire Committee for review and comment.

Ashish Joshi and Rick Paige will coordinate preparation of the second edition.

B. Meeting

The Committee will hold its next meeting in August to review the newsletter and to discuss whether the Committee would like to present a program in the fall of 2007. The meeting will be held in conjunction with the August meeting of the Task Force on Attorney-Client Privilege so that interested Committee members can attend both.