

**DEBTOR/CREDITORS' RIGHTS COMMITTEE REPORT
PREPARED FOR THE ANNUAL MEETING OF THE BUSINESS COUNCIL
OF THE BUSINESS LAW SECTION, STATE BAR OF MICHIGAN**

December 4, 2010

Please describe your committee's activities during the 2009-2010 year toward achievement of the goals outlined in the Section's Strategic Plan. Each question below corresponds to a specific Section of the Plan. If the question is not applicable to your particular committee or directorship, please note as such.

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).

The Committee sponsored two events:

- New Pleading Standards After the Recent U.S. Supreme Court Rulings in *Iqbal* and *Trombly* on May 18, 2010.
- New Issues in Enforcing Mortgages In Bankruptcy, on July 20, 2010.

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).

- The Committee met on January 19, 2010, and May 18, 2010 (combined with an educational event), and held an educational event on July 20, 2010. Reports were prepared and submitted for each meeting.

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 Committee's list serv was utilized to advise members and post notices for, meetings and educational events in order to promote involvement in the Committee. As a result of such communications, new members have attended our meetings and events and also advised us of their willingness to get active on the Committee.

- We have not yet designated a separate contact person. At present, the Co-Chairs are serving as the contact persons.

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;

(B) providing assistance to appropriate state governmental 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) 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).

- The Committee has worked on a related issue at the request of Eastern District of Michigan Bankruptcy Court. The Judges asked the Committee Co-Chairs to assist in the problem of an explosion of bankruptcy filings by *pro se* debtors. After several meetings, a new nonprofit organization, Pro Se Bankruptcy Assistance Project Inc., d/b/a Access to Bankruptcy Court ("ABC"), was established, with Committee Co-Chair Judy Calton as President and member of the ABC Board of Directors and Committee Co-Chair Judy Miller as an Ex Officio Member of the ABC Board of Directors. ABC has received its determination as a qualified tax exempt organization under Section 501(c)(3) of the Internal Revenue Code, its Michigan license to solicit donations and its application to be an eligible Access to Justice Fund organization is pending.

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

- Tom Morris, who has taken a leadership role for the Committee and serves on the Business Law Council, is willing to undertake a successor role as Co-Chair of the Committee.
- We have a very active Committee. We believe that there are other active members that are capable of assuming leadership roles in the Committee.

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).

- To enhance the benefits available to the membership through meetings, educational programs and writing opportunities,
- To create a more interactive list serv in order to facilitate dialogue among members on bankruptcy and creditors' rights issues, legislative developments and recent court decisions,
- To plan and put on a seminar on hot and emerging bankruptcy and creditors' rights issues,
- To identify, when applicable, cases of import which impact or effect bankruptcy and creditors' rights that are worthy of consideration of amicus briefing opportunities, and
- To monitor pending legislation and proposed rules changes to bankruptcy and creditors' rights laws

Respectfully submitted,

Judy B. Calton, Co-Chair and
Judith Greenstone Miller, Co-Chair

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