

**DEBTOR/CREDITOR RIGHTS COMMITTEE
ANNUAL REPORT PREPARED FOR THE
DECEMBER 6, 2014 ANNUAL MEETING**

1. Sponsorship of programs for Continuing Legal Education via a means accessible to Section Members.

The Committee sponsored a seminar on June 10, 2014 at the MSU Center in Troy on Receiverships and new MCR 2.622, which was also produced as a webinar so members throughout the state could participate. The seminar materials are also available for sale. That seminar included a Judges' panel with three circuit court judges and one court of appeals judge.

The Committee also co-sponsored a reception for the bar to meet new Bankruptcy Judge Mark Randon in May 2014 and is a co-sponsor of the Judge Rhodes Tribute Dinner on the event of Judge Rhodes' retirement, scheduled for December 11, 2014 at the Roostertail.

The Committee is working towards a 2015 seminar on Electronically Stored Information for Bankruptcy Practitioners under the leadership of co-chair Judy Miller, who is active in the ABA project on the same issue. Bankruptcy Judge Randon has agreed to participate in that seminar.

2. Addressing substantive legal issues for committee members.

The Committee regularly discusses new case law, court rules and other matters at its meetings. A summary of recent case law is passed out and discussed at the meetings.

The Committee focused on receivership issues at multiple meetings. The Committee has produced several articles on receivership for the Michigan Business Law Journal.

The Committee, under the leadership of Tom Morris, crowdsourced an article for the Michigan Business Law Journal on secret liens and problematic liens in Michigan. Committee members brought information about such liens to and discussed them at two meetings and in follow-up emails. At least six members wrote portions of the article.

The Committee discussed the amendments to the Federal Rules of Bankruptcy Procedure and the Official Forms becoming effective on December 1, 2014 at the November 5, 2014 meeting. The Committee also reviewed and discussed the new Uniform Avoidable Transactions Act, and plans to continue the discussion at its next meeting.

3. Promoting involvement in the committee and making the committee more responsive to members including the designation of a contact person.

Involvement in the Committee is promoted by regular meetings, events and use of the Committee list sent. Also, the co-chairs serve with other insolvency related bar groups, which increases knowledge of the role of the Committee.

Craig Schoenherr and David Lerner have agreed to act as Committee contact persons, although in practice the contact comes to the co-chairs.

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;

See Sections 1 and 2 above. In addition, the Committee was active in drafting the amendments to MCR 2.622 on receivership adopted by the Michigan Supreme Court effective May 1, 2014. The Committee is working with five judges to draft official forms for receivership cases to be submitted to the Supreme Court Administration Office for official adoption.

The Committee is evaluating the new Uniform Avoidable Transactions Act to consider whether a position should be taken on its adoption in Michigan.

Proposed new rules on requiring data-enabled smart forms for Chapter 11 debtors to use in filing monthly operating reports are out in the Federal Register for public comment. Committee members are being surveyed to see if they want the Committee to comment.

Proposed amendments to the Federal Rules of Bankruptcy Procedure and Official Forms are out for public comment by February 17, 2015. The Committee is reviewing these proposals and evaluating public comment.

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

See 4(A) above. In addition, the co-chairs are working on committees assisting the Eastern District of Michigan Bankruptcy Court in revising its local court rules.

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

Not applicable in 2013-2014.

(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.

Not applicable in 2013-2014.

5. Please comment on your plan regarding succession.

The Committee has active members who have expressed interest in serving as successor leadership.

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.

The Committee plans to hold four meetings in 2015. The first in the new year is scheduled for January 14, 2015.

As discussed above, the Committee is planning a 2015 seminar about electronically stored information.

The Committee is working on creating official forms for receiverships.

The Committee is evaluating whether to take a position as to whether Michigan should adopt the Uniform Avoidable Transaction Act or comment on the proposed amendments to the Federal Rules of Bankruptcy Procedure and official forms. Sometime later in 2015 the revisions to the local court rules for the Eastern District of Michigan will be out for public comment. The Committee will likely evaluate those proposals and whether to comment.

Judy B. Calton, Co-Chair

Judith Greenstone Miller, Co-Chair