

## UNIFORM COMMERCIAL CODE COMMITTEE

### REPORT PREPARED FOR THE MARCH 6, 2014 COUNCIL MEETING

**1. Next Scheduled Meeting of the Committee**

No meeting has been scheduled yet, but will likely take place in November.

**2. Council Approval.**

No matters currently require Council approval.

**3. Membership.**

Whenever a new person joins the Committee, I send to him or her an email message describing the Committee's activities and encouraging that person to become actively involved. I regularly send written memos to all committee members notifying them of important recent developments in the relevant case law from Michigan and elsewhere and of other important matters involving the UCC. Copies of the three memos sent by me to Committee are attached to this Report.

**4. Accomplishments Toward Committee Objectives.**

The primary objective of the UCC Committee is to educate Michigan lawyers concerning the provision and operation of the Uniform Commercial Code as enacted in this state by numerous means including (i) the presentation of seminars; (ii) the publication of articles in the Michigan Business Law Journal and elsewhere; and (iii) the dissemination of articles, and other information about current UCC developments. In connection with the foregoing, there is also the objective of engaging as many Committee members in this process. I believe that the activities that I undertake as Chair of this Committee, advance these objectives.

**5. Meetings and Programs.**

On December 12, 2013, I held the annual meeting of the UCC Committee via conference call. John Dolan of Wayne State University Law School was our featured speaker. John made a presentation on Article 5 of the UCC and the UCP, topics on which he is a nationally recognized expert.

**6. Publications.**

Please see the attached communications sent to all Committee members.

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

I review daily for recent UCC case law the recent Michigan appellate court decisions that are reported online daily by the Michigan State Bar Association. I also review other reporting services for federal court decisions construing UCC provisions. Finally, I am a member of the UCC Committee of the American Bar Association's Business Law Section and receive the UCC Newsletter and other relevant literature published by this ABA Section for items of interest to Committee members.

**8. Miscellaneous.**

Nothing to report.

# BARNES & THORNBURG LLP

## MEMORANDUM

**TO:** All Members of the Uniform Commercial Code Committee of the Business Law Section of the State Bar of Michigan

**FROM:** Patrick E. Mears

**DATE:** November 26, 2013

**RE:** Telephonic Meeting of UCC Committee on Thursday, December 12, 2013  
@ 4:00 p.m. (Eastern Time)

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Please note that I will conduct our 2013 annual UCC Committee meeting by telephone on Thursday, December 12, 2013, at 4:00 p.m. (Eastern Time). The call-in information is as follows:

Telephone: 1-888-857-3844  
Passcode: 742-393-6148

If you have any suggestions for topics to be discussed during this meeting, please send them on to me via email. I will send out the meeting agenda a few days prior to the meeting.

Finally, if you plan to participate on the 12<sup>th</sup>, please send me notice of that via email as soon as possible.

Thank you.

Patrick Mears

# BARNES & THORNBURG LLP

## MEMORANDUM

**TO:** All Members of the UCC Committee  
**FROM:** Patrick E. Mears  
**DATE:** November 26, 2013  
**RE:** 2013 Survey of the Uniform Commercial Code in ABA *The Business Lawyer*

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Every year, the Business Law Section of the American Bar Association publishes in its journal entitled *The Business Lawyer* a survey of the UCC, focusing on recent legislative and case law developments. I am sending to you with this memorandum the following portions of the 2013 survey:

1. Introduction
2. Sales
3. Personal Property Secured Transactions

Patrick Mears

# BARNES & THORNBURG LLP

## MEMORANDUM

**TO:** All Members of the UCC Committee  
**FROM:** Patrick E. Mears  
**DATE:** December 12, 2013  
**RE:** Meeting This Afternoon With Professor John F. Dolan

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To All:

This is a reminder that our UCC Committee will hold its Annual Meeting this afternoon at 4:00 p.m. (Eastern Time) by telephone. The call-in information is as follows:

Telephone: 1-888-857-3844  
Passcode: 742-393-6148

Our special guest is Professor John F. Dolan of Wayne State University Law School, who is a national expert on the law of letters of credit.

Finally, I am enclosing a copy of a recent decision, *Roser Technologies, Inc. v. Carl Schreiber GmbH*, 2013 WL 4852314 (W.D. Pa. Sept. 10, 2013) that discusses in detail the “battle of the forms” under Article 2 of the UCC and Article 9 of the CISG.

Patrick Mears