

**UNIFORM COMMERCIAL CODE COMMITTEE
ANNUAL REPORT PREPARED FOR THE
DECEMBER 4, 2010 ANNUAL MEETING**

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, a copy of which is attached and to which reference may be made for further guidance in providing responses. 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 UCC Committee did not sponsor a formal CLE program during this past year primarily because there were no notable developments in this area during this period other than the adoption of the revisions to Article 9 of the UCC by the American Law Institute and NCCUSL. However, I distributed a summary of these changes to all members of the Committee and during our Committee's telephonic meeting of October 20, 2009, Professor James J. White described those changes to those members who participated. If these revisions are adopted by the Michigan legislature, then it may be appropriate for the Committee to sponsor a short program on these changes and also on new case law developments.

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 held two telephonic meetings this past year, (i) one on October 20, 2009, discussed above; and (ii) the other on June 7, 2010. In addition, I circulate copies of recent Michigan court decisions involving UCC issues to all members shortly after those cases are reported and also distribute articles discussing recent developments in the UCC, e.g., periodic reports from Professor Rowley listing UCC amendments adopted by the states, the UCC newsletter issued by the UCC Committee of the ABA Business Law Section, the Survey of recent UCC decisions published yearly in the ABA Business Lawyer, etc. There was a constant flow of information from me to my Committee members during the past year.

3. Promoting involvement in the committee and making the committee more responsive to members including the designation of a contact person (Article I, 5).

Whenever I am alerted by the Section of a lawyer seeking to be added as a member to the Committee, I include that person's contact information on my master list of members and confirm, in an email to the new member, his or her inclusion and

recommend to that person participating in the Committee's activities. Also, I have designated my partner, John T. Gregg, as the Committee's contact person.

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;

As noted above, I transmit information on current UCC decisions, articles and statutory changes to Committee members regularly. In the November, 2010 UCC theme issue of the Michigan Bar Journal, I authored an article urging the amendment of the Michigan tooling statutes to make them more compatible with Article 9 of the UCC.

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

During this past year, I wrote letters to various state legislators pointing out the need to amend the Michigan tooling lien statutes and volunteering the Committee's services for such a task.

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

There have been no litigation that I have been aware during the past year that I have been aware of that could have benefited from the submission of amicus curiae briefs.

- (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).

There have been no recent statutory revisions that would warrant these actions.

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

I have no immediate plans for succession. I would support the selection of a Vice-Chairperson for this Committee to prepare for a transition, however, and would appreciate suggestions of possible candidates, one of whom would be John T. Gregg.

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).

I do not envision any changes in the Committee's activities during the next 12-24 months other than the sponsorship of a CLE program. Ideally, this program

would address the recent amendments to Article 9 and current developments in this area. Such a presentation could be done independently but I believe it would be a better fit during a regular meeting of the Section, e.g. in the Spring of 2011.

Respectfully submitted,

Patrick E. Mears