

**UNIFORM COMMERCIAL CODE COMMITTEE
ANNUAL REPORT PREPARED FOR THE
DECEMBER 3, 2011 ANNUAL MEETING**

Please describe your committee's activities during the 2010-2011 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. However, the Michigan legislature is expected to adopt revised Articles 1, 7 and 9 in the near future. Assuming that this legislation is adopted, the Committee will recommend that a seminar on these new statutes be presented here in the state.

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 one telephonic meeting this past year, on November 28, 2011, at which Tom Buiteweg, NCCUSL commissioner for Michigan, made a presentation on revised Articles 1, 7 and 9 of the UCC. Also, I have circulated copies of recent Michigan and other court decisions involving UCC issues to all Committee members shortly after those cases were reported and also distributed 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 has been a constant flow of significant 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 that he or she participate 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.

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

No such opportunities arose during this past year.

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

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

- (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 in the UCC arena 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).

The Committee's goals and objectives which are described generally in the Strategic Plan should not change during the next 12 to 24 months. I do not envision any changes in the Committee's activities during the next 12 to 24

months other than the sponsorship of a state-wide CLE program on the expected adoption by the Michigan legislature of revised UCC Articles 1, 7 and 9. This program could also address 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.

Respectfully submitted,

Patrick E. Mears