

# Statement from former U.S. District Court Nominee Michael Bogren

Michael S. Bogren  
(269) 226-8822  
mbogren@plunkettcooney.com

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"On June 11, 2019, I sent a letter to President Trump withdrawing my name as a nominee to be a United States District Court Judge for the Western District of Michigan. First, I want to again thank President Trump for the honor of being nominated.

"I withdrew my name from consideration after being informed by staff counsel to the Senate Judiciary Committee that there was 'no path to confirmation.' That, in turn, was the direct result of gross mischaracterizations of my representation of the City of East Lansing in the *Country Mill v. City of East Lansing* litigation. I have been accused of being anti-religious, anti-Catholic, and a religious bigot. Those who know me – my family, my friends, my partners at Plunkett Cooney, my clients, the judges before whom I practice, and the attorneys involved in cases I litigate – know these claims to be untrue.

"The accusation is based on a mischaracterization of a legal brief I wrote on behalf of the City of East Lansing in the *Country Mill* case. The claim is I compared Catholics to the KKK. That claim is utterly untrue. What I argued on behalf of my client is the First Amendment does not create an exception to antidiscrimination laws based on religious beliefs – whatever those religious beliefs might be. It was not my intention to compare Catholics to the KKK, and the brief cannot be fairly read as doing so.

"Some have said that it is not my representation of East Lansing that was the problem, but the manner in which I argued the city's position. Any ethical lawyer knows that is a distinction without a difference. The ethical rules of conduct that apply to lawyers in Michigan require a lawyer to seek the lawful objectives of a client through reasonably available means permitted by law, and to zealously advocate the client's best interests. My law firm has built a reputation for zealously representing clients for over 100 years. I have had the privilege of doing so with this firm for nearly 34 years. I have done nothing more than that in my representation of the City of East Lansing. If my legal arguments or language have caused offense, that was not my intention. My intention has only been to vigorously advocate in the best interests of my client.

"While I have paid a heavy price for complying with my ethical responsibilities, my family has paid a higher one. My children and my sister flew to Washington D.C. to attend the confirmation hearing. My wife and my mother watched from home. My family had to witness an unfounded personal attack on



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STATEMENT FROM FORMER U.S. DISTRICT COURT NOMINEE MICHAEL BOGREN Cont.

me, as well as ensuing personal attacks in the media. It is truly unfortunate that what used to be a dignified process has sunk to this level."