



June 7, 2019

The Honorable Lindsey Graham, Chairman
Committee on the Judiciary
United States Senate
135 Hart Senate Office Building
Washington, DC 20510

The Honorable Dianne Feinstein, Ranking Member
Committee on the Judiciary
United States Senate
135 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Graham and Ranking Member Feinstein:

We write to address the objections of Senators Hawley, Cruz and Tillis to the nomination of Michael Bogren to the Federal District Court, Western District of Michigan.

We are Mike's long-time fellow shareholders of our firm, Plunkett Cooney. We also constitute the entirety of the firm's management team and board of directors. Two of us, Mary Catherine Rentz and Charles Browning, have known Mike since law school at the University of Detroit Mercy School of Law (a Catholic institution). Other than his family, we know Mike best, having seen him in many situations, from chairing our Board of Directors meetings for years, to arguing cases in court and interacting in social settings during employee gatherings.

Mike is wise. He is tempered and measured in what he says and does. His sense of humor is excellent. His life's experiences cause him to use common sense in all situations. He easily sees all sides of an argument or a position, asks the right questions to assist him in making a decision, and does so firmly. His ethics are beyond reproach.

In short, Mike possesses every quality necessary to be an excellent federal court judge and one who undoubtedly will impress all.

The Hawley, Cruz and Tillis objections to Mike's nomination, politely, are misinformed and incorrect. In the City of East Lansing case, Mike was retained by his client to provide a defense. As a result, he was bound by the Rules of Ethics and Michigan's Rules of Professional Conduct, both of which require zealous advocacy on his client's behalf. His arguments cannot and should not be viewed as his personal beliefs. The City of East Lansing is a long-time client of the firm, and the ordinance being challenged in that case was enacted by the City long before our participation in the lawsuit.

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We understand Senator Hawley clerked for Chief Justice John Roberts. Like Mr. Bogren, Justice Roberts was also asked questions during his confirmation hearing about his representation of clients on various issues. Justice Roberts testified that he never turned down a client for ethical or moral reasons, stating: "I appreciate that may sound like I'm a hired gun. I think that's a disparaging way to regard what is in fact an ennobling truth: that lawyers serve the rule of law." Justice Roberts has also stated: "But it was my view that lawyers don't stand in the shoes of their clients and that good lawyers can give advice and argue any side of a case."

In fact, Mike's argument in the City of East Lansing case was not as Senator Hawley attempted to portray it. Mike's point was that, just as a group such as the KKK would not be permitted to invoke the free exercise clause to justify race discrimination, the plaintiffs should not be permitted to invoke that clause to justify discrimination based on sexual orientation. Mike was not equating Catholics with the KKK in any way, shape or form. The comparison was discrimination based on race versus discrimination based on sexual orientation—a comparison that not only has been made by many respected counsel and jurists, but has been countenanced by the Supreme Court.

Several of us are devout Catholics, having attended Catholic grade schools, high schools, colleges, and law schools and having also sent our children to these institutions. Others of us are Jewish or Christians of other denominations. We would not support Mike or his nomination if he held anything resembling the anti-religious-rights or anti-Catholic bias he is falsely accused of holding.

We respectfully request that Senators Hawley, Cruz and Tillis review their thinking as to Michael Bogren's nomination and withdraw their objections. Thank you.

Very truly yours,

PLUNKETT COONEY

Thomas P. Vincent, President and CEO
Derek Redman, CFO
Mary Catherine Rentz, Director of Best Business Practices
Michael Weaver, Vice Director of Best Business Practices
Douglas Bernstein, Director of Business Law Department
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