



## Michael S. Bogren

PARTNER

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### Practice Areas

Civil Rights

Governmental Law

Alternative Dispute  
Resolution

Crisis Response Team

Direct Representation of  
Municipalities

Government Relations,  
Public Policy & Regulatory  
Compliance

Labor & Employment Law

Zoning & Land Use

### Education

- University of Detroit  
School of Law, cum  
laude, J.D., 1982
- Western Michigan  
University, cum laude,  
B.A., 1979

### Admissions

Michigan, 1982

U.S. Supreme Court, 1992

U.S. Court of Appeals, Sixth  
Circuit, 1991

U.S. District Court, Western  
District of Michigan, 1982

U.S. District Court, Eastern

Michael S. Bogren is a partner in the firm's Grand Rapids office and one of Michigan's most accomplished governmental law attorneys. He has extensive experience representing governmental entities.

While his litigation practice is primarily in federal court, he also appears on behalf of clients in state courts throughout Michigan. His practice areas include First Amendment law, Fourth Amendment law, police liability claims, due process claims, Open Meetings Act claims, FOIA claims, zoning matters, civil rights claims, and employment litigation.

As a member of the firm's Government Relations, Public Policy & Regulatory Compliance Practice Group, Mr. Bogren also assists clients with bill drafting, statutory interpretation and related services to help them achieve their business goals.

Mr. Bogren served on Plunkett Cooney's Board of Directors for over 20 years and was elected as Board Chair for the last 12 years of his tenure. He also has the distinction of having been nominated by President Donald Trump to serve as an Article III judge for the United States District Court for the Western District of Michigan in 2018, but Mr. Bogren withdrew his nomination.

Mr. Bogren is a member of the Civil Rights Section of the Federal Bar Association and the Public Corporation Section of the State Bar of Michigan.

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District of Michigan, 1983

U.S. District Court, Northern  
District of Indiana, 1998

Pokagon Band of  
Potawatomi Indians Tribal  
Court, 2010

Nottawaseppi Huron Band  
of Potawatomi Indians Tribal  
Court, 2010

## Representative Client Work

- Successfully argued in Sixth Circuit that Congress lacked authority to abrogate States' Eleventh Amendment immunity under the Americans With Disabilities Act (ADA). Court agreed that there was not a sufficient record of constitutional violations established by Congress to authorize the abrogation under the Fourteenth Amendment.
- Obtained summary judgment on behalf of municipality sued for over \$80,000,000 after denying permit to build a 425-megawatt coal burning power plant on Lake Michigan. Court agreed that City's decision did not violate developer's constitutional rights of procedural or substantive due process or equal protection.
- Obtained summary judgment on behalf of retailer sued under 42 U.S.C. §1981 for detaining three African-American teenagers on suspicion of shoplifting. Court agreed that §1981 requires an attempt to purchase merchandise from retailer to come within "contract" language of the Act, and does not apply to actions that are "preparatory" to making a purchase.
- Obtained summary judgment on behalf of municipality sued for ADA violation and gender discrimination. Court agreed that the plaintiff's smoke allergy was not a disability and that there was a legitimate basis for transferring the plaintiff.
- Obtained summary judgment on behalf of police officer and municipality sued for excessive force under the Fourth Amendment. Court agreed that the use of force was not excessive as a matter of law.
- Obtained summary judgment on behalf of municipality sued for gender discrimination and sexual harassment. Court agreed alleged acts of supervisor did not constitute pervasively hostile work environment and discharge was not related to the plaintiff's gender.
- Obtained summary judgment on behalf of municipality sued for negligence when headstone in cemetery fell onto a nine-year-old child causing severe brain damage. Court agreed maintaining cemetery was a governmental function, not a proprietary function, entitling the city to governmental immunity.
- Obtained summary judgment on behalf of employer sued for alleged Whistleblowers' Act violation. Court agreed that in order for a

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plaintiff to state a viable Whistleblowers' Act claim, the plaintiff must have reported a violation or suspected violation of an actual law. A plaintiff's subjective belief that her employer's conduct violated "a law" would not be sufficient where there was no law in existence that actually prohibited the employer's conduct.

- Obtained summary judgment on behalf of public university sued for alleged Freedom of Information Act violation. Court agreed that "deliberative process" exemption under FOIA shielded information from being disclosed. Ruling affirmed by Michigan Court of Appeals and Michigan Supreme Court.

### Professional Affiliations

- State Bar of Michigan (Public Corporations Section)
- Federal Bar Association (Civil Rights Section)

### Publications and Lectures

- "New Challenges in the New Year - A Virtual Seminar for Employers & HR Professionals," Plunkett Cooney's Labor & Employment Law Practice Group Webinar, Feb. 25, 2021
- "Claims Under 42 U.S.C. §1983: A Discussion of Procedural Issues and Immunities," Chapter Author, *Sword and Shield* Fifth Edition, ABA 2021
- "Municipal Liability Under §1983," Chapter Author, *Sword and Shield* Third Edition, ABA 2006
- "Municipal Liability Under §1983," Chapter Author, *Sword and Shield Revisited*, ABA 1998
- "The Constitutionalization of Consortium Claims," Author, 68 U.Det.L.Rev. 479 (1991)
- "The Continued Viability of a Federal Substantive Due Process Remedy in "Local Land Use Litigation," Author, *Governmental Liability*, May/June, 1991
- Lecturer on civil rights, police liability, employment law and zoning/land use for the Michigan Municipal League
- Lecturer on civil rights and police liability for Lorman Education Services

### Case Studies

Plunkett Cooney helps municipality preserve environment along Lake Michigan's coastline

Firm successfully defends Freedom of Information Act case which is upheld by Michigan Supreme Court

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### **Honors & Recognitions**

- Best Lawyers in America® for Municipal Law and Litigation, 2008 - 2024
- Leading Lawyer in Civil Rights/Constitutional Law / Employment Law: Management / Governmental, Municipal, Lobbying & Administrative Law / Personal Injury Defense Law: General, Leading Lawyers Magazine Michigan, 2015 - 2021
- Martindale-Hubbell's highest rating-AV Preeminent™ Peer Review Rated
- Michigan Super Lawyer in Government/Cities/Municipalities; Michigan Super Lawyers, 2008 - 2016
- Distinguished Municipal Attorney Award, Michigan Association of Municipal Attorneys, 2022
- "Leaders in the Law" Honoree, Michigan Lawyers Weekly, 2022
- Alpha Sigma Nu-National Jesuit Honor Society
- Justice Frank Murphy Honor Society