

Gary P. Gordon

Member

Lansing

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Areas Of Practice

Government Policy & Practice
Administrative Law & Regulation
Political Compliance, Elections & Campaign Finance
Labor & Employment
Health Care
Government Investigations and Corporate Compliance
Telecommunications Regulatory
Long-Term & Post-Acute Care Providers
Appellate
Cannabis Law

Industries

Education
Insurance Industry Group
Insurance Regulatory and Compliance
Energy Industry Group
Energy Regulatory
Electric Transmission
Energy Litigation & Appeals
Siting, Zoning, Licensing & Energy Infrastructure
Energy Lobbying, Legislative & Government Affairs

Bar Admissions

Michigan, 1976

Court Admissions

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

Gary P. Gordon's practice focuses on regulatory matters, state procurement issues, constitutional issues, and litigation. He appears before various State boards and commissions including the Public Service Commission, the Board of State Canvassers, and other administrative agencies and is recognized as one of the State's leading authorities on Election and Campaign Finance law. He has litigated and continues to litigate cases at all levels of State and Federal courts. Mr. Gordon frequently speaks to groups on election and campaign finance matters and has been called on to provide advice and testimony to the Legislature on public employment issues.

Prior to joining Dykema, Mr. Gordon was Chief Deputy Attorney General for the State of Michigan. He had responsibility for all operations of the office including human resources, budget, legislative liaison, communications, and oversight of all law divisions, consisting of approximately 300 attorneys.

Before his appointment as Chief Deputy, Mr. Gordon was Governmental Affairs Bureau Chief, responsible for overseeing the Public Employment, Elections, and Tort Division, Transportation Division, Highway Negligence Division, Corrections Division, Labor Division, and Civil Rights Division. While Bureau Chief, he continued to actively litigate election related cases and to act as the general counsel for the Department of State in all election, campaign finance and lobby law related matters.

His 30 years with the Attorney General included litigation of utility, environmental, tort, employment and discrimination cases in addition to drafting of opinions, legislation, and rules.

Experience

- Over 20 years as general counsel to the Michigan Board of State Canvassers and the Department of State on all election, campaign finance and lobby law matters.
- As Chief Deputy Attorney General, acted as the policy and legal advisor to the Attorney General with direct oversight of the opinions and appellate operations as well as overseeing significant state litigation.
- Over 20 years in charge of defense of all employment discrimination cases brought by Executive, Judicial and Legislative Branch employees against the State of Michigan in federal and state courts, before the Equal Employment Opportunity Commission and the Michigan Civil Rights Commission.

U.S. Court of Appeals, 6th Circuit
U.S. Supreme Court

Education

Wayne State University, J.D.
Michigan State University, B.A.

- with honors

- Day-to-day legal advice on all employment and labor issues including termination, hiring, Americans with Disability Act, Michigan Persons with Disabilities Act, Elliot-Larsen Civil Rights Act to the Executive, Judicial and Legislative Branches of State Government.
- Mr. Gordon has drafted and edited opinions of the Attorney General, written scores of appellate briefs, and argued cases before the 6th Circuit Court of Appeals, the Michigan Supreme Court, the Michigan Court of Appeals, and has drafted briefs for filing with the United States Supreme Court.
- Successfully led the State of Michigan's defense of its congressional redistricting plan subsequent to the 2000 decennial census.
- Successful led the defense and argued in the Michigan Supreme Court, the constitutionality of the state's 2000 legislative redistricting plan.
- Significant interaction with the Governor's office, lobbyists, legislators, constituents, client agencies, and private practitioners on a myriad of issues.
- Over 20 years as general counsel to the Office of State Employer dealing with all aspects of management side public employment law including collective bargaining issues, grievances, reductions-in-force, wages, agency fees, other union issues, and preparation for Act 312 arbitration.
- Handled a myriad of issues before the Public Service Commission including security issuances, rate cases, pipeline routing, and other matters relating to utility regulation.
- Has assisted in drafting, editing, and review of legislation; drafting, editing, and review of administrative rules and policies for the various departments and agencies; reviewed and edited Governor's executive orders.
- During the 2004 general election, successfully defended the State of Michigan from a challenge under the Help America Vote Act through presentation of direct testimony, cross-examination, extensive briefing, and argument before the District Court and appeal to the 6th Circuit Court of Appeals.
- Litigated dozens of cases involving statutory interpretation and constitutional questions regarding issues related to all aspects of elections including ballot access for ballot questions and candidates, recounts and recall.
- Appeared on behalf of state defendants before the Civil Service Commission, has handled cases brought before the Civil Rights Commission and the Equal Employment Opportunity Commission.
- Presented cases before the Water Resources Commission and the Air Pollution Control Commission.
- Frequent public speaker on election law and labor relations issues to groups including the National Association of State Election Directors, the Michigan Judicial Conference, Michigan Clerk's Association, State Personnel Director's Conference, Statewide Conferences on Equal Employment Opportunity and Affirmative Action.

Significant Decisions

- *Groves, et al v. Michigan Department of Corrections, Public Communications Services, Inc., et al*, 295 Mich App 1; 811 NW2d 563 (2011). Successfully defended award of Michigan Department of Corrections contract by State of Michigan to client.
- *Huron Valley Sch v. Sec'y of State*, 266 Mich App 638; 702 NW 2d 862 (2005); App den 2006 Mich LEXIS 433 (2006). Successfully represented the Secretary of State's interpretation of the Campaign Finance Act.
- *Gilbert v. Ferry*, 401 F3d 411; (CA 6-2005). Successfully defended that Justices of the Michigan Supreme Court were not required to recuse themselves based upon alleged political speech and bias.
- *Bay County Democratic Party v. Land*, 347 F Supp 2d 404 (ED Mich 2004). Issue: Whether the Director of Elections' orders and the law regarding voter identification, casting, and tabulation of provisional ballots violate the Help America Vote Act. Finding for plaintiffs. Eventual finding by the 6th Circuit for defendants.
- *Citizens for Prot of Marriage v. Bd of State Canvassers*, 263 Mich App 487; 688 NW2d 538 (2004). Found that the Board of State Canvassers lacked authority to consider the merits and constitutionality of a proposed ballot proposal.
- *McDonald v. Grand Traverse County Election Comm'n*, 255 Mich App 674; 662 NW 2d 804 (2003); lv den 469 Mich 946; 671 ND 2d 46 (2003). The court held that the straight ticket ballot option was constitutional and did not violate the candidate's First Amendment associational or equal protection rights.
- *O'Lear v. Miller*, 222 F Supp 2d 862 (ED Mich 2002); Aff'd 537 US 997 (2002). Successfully led the State's defense of its 2000 Congressional redistricting plan.
- *LeRoux v. Sec'y of State*, 465 Mich 594; 640 NW 2d 849 (2002). Upheld the constitutionality of Michigan's 2000 legislative redistricting plan.
- *Mich United Conservation Clubs v. Sec'y of State*, 464 Mich 359; 630 NW 2d 297 (2001). The court found that a law modifying standards for issuing of a concealed weapons permit which also made an appropriation was not subject to referendum.
- *Citizens for Legislative Choice v Miller*, 144 F3d 916 (CA6-1998), Upheld constitutionality of Michigan term limits.
- *Taxpayers United for Assessment Cuts v. Miller*, 994 F2d 219 (CA6-1993). Upheld constitutionality of Michigan term limits.
- *Ferency v. Secretary of State*, 190 Mich App 398; 476 NW2d 417 (1991). Successfully defended the constitutionality of the State's presidential and partisan primary elections.

Seminars & Speeches

Republican National Lawyers Association's National Election Law Seminar
August 4, 2017

Right to Work—What Will It Mean to You, the Employer?, Michigan State Management Education Center
January 8, 2013

Publications

"Constitutional Amendment by Petition and Popular Vote," Co-Author
January 2014
Michigan Bar Journal

News

Gary Gordon Comments on Straits of Mackinac Pipeline Ruling in *The Detroit News*
March 11, 2019

Award-Winning Brief Writers Gordon, Hanselman, Liedel and Wilk Recognized in the *Detroit Legal News*
July 17, 2018

Gary P. Gordon (Cont.)

Gordon and Hanselman Address Michigan Board of State Canvassers in *Bridge Magazine*
April 26, 2018

Gary Gordon Quoted in Detroit News Petition Authentication Article
January 30, 2018

Gordon and Hanselman Mentioned in *MIRS* Article
January 18, 2018

Gary Gordon Talks About Candidate Stage Names on Ballots in *The Detroit News*
August 7, 2017

Gordon and Hanselman Listed as Counsel to Michigan State House in *Detroit News* Article
April 10, 2017

Gary Gordon Quoted in *Detroit News* Article on Hydraulic Fracturing Campaign
April 21, 2015

Gary Gordon Quoted in *Detroit Free Press* Article
December 30, 2014

Dykema Secures Appellate Court Decision for International Transmission Company
April 28, 2014

Jason Hanselman, Gary Gordon Author Articles in January 2014 Issue of *Michigan Bar Journal*
January 15, 2014

Dykema's Energy Industry Group Announces Creation of Fracking Team
September 26, 2013

Election: Commission Rejects Proposed Recall Language
May 31, 2011
The Clare Sentinel

Recall petition for House Speaker Jase Bolger rejected
May 25, 2011
Battle Creek Enquirer

Attorney: Apol Binding on Redistricting
May 10, 2011
Gongwer News Service

Blog Posts

Freedom To Work Legislation For Both Public and Private Employees Signed Into Law

Memberships & Involvement

- State Bar of Michigan
- Certified Facilitative Mediator, Ingham County Circuit Court
- Member of the Case Evaluation Panel in Ingham County, Labor and Employment Cases

Awards & Recognition

Named "Lawyer of the Year" for Government Relations by *Best Lawyers*® 2011, 2016

Fellow of the State Bar of Michigan Foundation

Recognized in *The Best Lawyers in America*® for Administrative/Regulatory Law and Government Relations Practice, 2010-Present. Copyright 2015 by Woodward/White, Inc., Aiken SC

Gary P. Gordon (Cont.)

Named a Michigan Leading Lawyer in the area of Election, Political & Campaign and Governmental, Municipal, Lobbying & Administration Law by the *Leading Lawyers Network*, 2014-2017. Law Bulletin Publishing Company

Recognized in *Michigan Super Lawyers*® for Administrative Law, Appellate, Government Relations, Legislative & Governmental Affairs, and Constitutional Law, 2019

Recipient of the 33rd Annual Distinguished Brief Award, *Western Michigan University Thomas M. Cooley Law Review*, 2018

Recipient of an AV® Preeminent™ Rating by *Martindale-Hubbell*