

111TH CONGRESS
2^D SESSION

H. RES.

Impeaching G. Thomas Porteous, Jr., judge of the United States District Court for the Eastern District of Louisiana, for high crimes and misdemeanors.

IN THE HOUSE OF REPRESENTATIVES

M . submitted the following resolution; which was referred to the Committee on

RESOLUTION

Impeaching G. Thomas Porteous, Jr., judge of the United States District Court for the Eastern District of Louisiana, for high crimes and misdemeanors.

1 *Resolved*, That G. Thomas Porteous, Jr., a judge of
2 the United States District Court for the Eastern District
3 of Louisiana, is impeached for high crimes and mis-
4 demeanors, and that the following articles of impeachment
5 be exhibited to the Senate:

6 Articles of impeachment exhibited by the House of
7 Representatives of the United States of America in the
8 name of itself and all of the people of the United States
9 of America, against G. Thomas Porteous, Jr., a judge in

1 the United States District Court for the Eastern District
2 of Louisiana, in maintenance and support of its impeach-
3 ment against him for high crimes and misdemeanors.

4 ARTICLE I

5 G. Thomas Porteous, Jr., while a Federal judge of
6 the United States District Court for the Eastern District
7 of Louisiana, engaged in a pattern of conduct that is in-
8 compatible with the trust and confidence placed in him
9 as a Federal judge, as follows:

10 Judge Porteous, while presiding as a United States
11 district judge in *Lifemark Hospitals of Louisiana, Inc. v.*
12 *Liljeberg Enterprises*, denied a motion to recuse himself
13 from the case, despite the fact that he had a corrupt finan-
14 cial relationship with the law firm of Amato & Creely PLC
15 which had entered the case to represent Liljeberg. In de-
16 nying the motion to recuse, and in contravention of clear
17 canons of judicial ethics, Judge Porteous failed to disclose
18 that beginning in or about the late 1980s while he was
19 a State court judge in the 24th Judicial District Court
20 in the State of Louisiana, he engaged in a corrupt scheme
21 with attorneys, Jacob Amato, Jr., and Robert Creely,
22 whereby Judge Porteous appointed Amato's law partner
23 as a "curator" in hundreds of cases and thereafter re-
24 quested and accepted from Amato & Creely a portion of
25 the curatorship fees which had been paid to the firm. Dur-
26 ing the period of this scheme, the fees received by Amato

1 & Creely amounted to approximately \$40,000, and the
2 amounts paid by Amato & Creely to Judge Porteous
3 amounted to approximately \$20,000.

4 Judge Porteous also made intentionally misleading
5 statements at the recusal hearing intended to minimize the
6 extent of his personal relationship with the two attorneys.
7 In so doing, and in failing to disclose to Lifemark and
8 its counsel the true circumstances of his relationship with
9 the Amato & Creely law firm, Judge Porteous deprived
10 the Fifth Circuit Court of Appeals of critical information
11 for its review of a petition of mandamus, which sought
12 to overrule Judge Porteous's denial of the recusal motion.
13 His conduct deprived the parties and the public of the
14 right to the honest services of his office.

15 Judge Porteous also engaged in corrupt conduct after
16 the *Lifemark v. Liljeberg* bench trial, and while he had the
17 case under advisement, in that he solicited and accepted
18 things of value from both Amato and his law partner
19 Creely, including a payment of thousands of dollars in
20 cash. Thereafter, and without disclosing his corrupt rela-
21 tionship with the attorneys of Amato & Creely PLC or
22 his receipt from them of cash and other things of value,
23 Judge Porteous ruled in favor of their client, Liljeberg.

24 By virtue of this corrupt relationship and his conduct
25 as a Federal judge, Judge Porteous brought his court into

1 scandal and disrepute, prejudiced public respect for, and
2 confidence in, the Federal judiciary, and demonstrated
3 that he is unfit for the office of Federal judge.

4 Wherefore, Judge G. Thomas Porteous, Jr., is guilty
5 of high crimes and misdemeanors and should be removed
6 from office.

1 ARTICLE II

2 G. Thomas Porteous, Jr., engaged in a longstanding
3 pattern of corrupt conduct that demonstrates his unfitness
4 to serve as a United States District Court Judge. That
5 conduct included the following: Beginning in or about the
6 late 1980s while he was a State court judge in the 24th
7 Judicial District Court in the State of Louisiana, and con-
8 tinuing while he was a Federal judge in the United States
9 District Court for the Eastern District of Louisiana,
10 Judge Porteous engaged in a corrupt relationship with bail
11 bondsman Louis M. Marcotte, III, and his sister Lori
12 Marcotte. As part of this corrupt relationship, Judge
13 Porteous solicited and accepted numerous things of value,
14 including meals, trips, home repairs, and car repairs, for
15 his personal use and benefit, while at the same time taking
16 official actions that benefitted the Marcottes. These offi-
17 cial actions by Judge Porteous included, while on the
18 State bench, setting, reducing, and splitting bonds as re-
19 quested by the Marcottes, and improperly setting aside or
20 expunging felony convictions for two Marcotte employees
21 (in one case after Judge Porteous had been confirmed by
22 the Senate but before being sworn in as a Federal judge).
23 In addition, both while on the State bench and on the Fed-
24 eral bench, Judge Porteous used the power and prestige
25 of his office to assist the Marcottes in forming relation-

1 ships with State judicial officers and individuals important
2 to the Marcottes' business. As Judge Porteous well knew
3 and understood, Louis Marcotte also made false state-
4 ments to the Federal Bureau of Investigation in an effort
5 to assist Judge Porteous in being appointed to the Federal
6 bench.

7 Accordingly, Judge G. Thomas Porteous, Jr., has en-
8 gaged in conduct so utterly lacking in honesty and integ-
9 rity that he is guilty of high crimes and misdemeanors,
10 is unfit to hold the office of Federal judge, and should
11 be removed from office.

1 ARTICLE III

2 Beginning in or about March 2001 and continuing
3 through about July 2004, while a Federal judge in the
4 United States District Court for the Eastern District of
5 Louisiana, G. Thomas Porteous, Jr., engaged in a pattern
6 of conduct inconsistent with the trust and confidence
7 placed in him as a Federal judge by knowingly and inten-
8 tionally making material false statements and representa-
9 tions under penalty of perjury related to his personal
10 bankruptcy filing and by repeatedly violating a court order
11 in his bankruptcy case. Judge Porteous did so by—

12 (1) using a false name and a post office box ad-
13 dress to conceal his identity as the debtor in the
14 case;

15 (2) concealing assets;

16 (3) concealing preferential payments to certain
17 creditors;

18 (4) concealing gambling losses and other gam-
19 bling debts; and

20 (5) incurring new debts while the case was
21 pending, in violation of the bankruptcy court's order.

22 In doing so, Judge Porteous brought his court into
23 scandal and disrepute, prejudiced public respect for and
24 confidence in the Federal judiciary, and demonstrated that
25 he is unfit for the office of Federal judge.

1 Wherefore, Judge G. Thomas Porteous, Jr., is guilty
2 of high crimes and misdemeanors and should be removed
3 from office.

1 ARTICLE IV

2 In 1994, in connection with his nomination to be a
3 judge of the United States District Court for the Eastern
4 District of Louisiana, G. Thomas Porteous, Jr., knowingly
5 made material false statements about his past to both the
6 United States Senate and to the Federal Bureau of Inves-
7 tigation in order to obtain the office of United States Dis-
8 trict Court Judge. These false statements included the fol-
9 lowing:

10 (1) On his Supplemental SF-86, Judge
11 Porteous was asked if there was anything in his per-
12 sonal life that could be used by someone to coerce
13 or blackmail him, or if there was anything in his life
14 that could cause an embarrassment to Judge
15 Porteous or the President if publicly known. Judge
16 Porteous answered “no” to this question and signed
17 the form under the warning that a false statement
18 was punishable by law.

19 (2) During his background check, Judge
20 Porteous falsely told the Federal Bureau of Inves-
21 tigation on two separate occasions that he was not
22 concealing any activity or conduct that could be used
23 to influence, pressure, coerce, or compromise him in
24 any way or that would impact negatively on his
25 character, reputation, judgment, or discretion.

1 (3) On the Senate Judiciary Committee's
2 "Questionnaire for Judicial Nominees", Judge
3 Porteous was asked whether any unfavorable infor-
4 mation existed that could affect his nomination.
5 Judge Porteous answered that, to the best of his
6 knowledge, he did "not know of any unfavorable in-
7 formation that may affect [his] nomination". Judge
8 Porteous signed that questionnaire by swearing that
9 "the information provided in this statement is, to
10 the best of my knowledge, true and accurate".

11 However, in truth and in fact, as Judge Porteous
12 then well knew, each of these answers was materially false
13 because Judge Porteous had engaged in a corrupt rela-
14 tionship with the law firm Amato & Creely, whereby Judge
15 Porteous appointed Creely as a "curator" in hundreds of
16 cases and thereafter requested and accepted from Amato
17 & Creely a portion of the curatorship fees which had been
18 paid to the firm and also had engaged in a corrupt rela-
19 tionship with Louis and Lori Marcotte, whereby Judge
20 Porteous solicited and accepted numerous things of value,
21 including meals, trips, home repairs, and car repairs, for
22 his personal use and benefit, while at the same time taking
23 official actions that benefitted the Marcottes. As Judge
24 Porteous well knew and understood, Louis Marcotte also
25 made false statements to the Federal Bureau of Investiga-

1 tion in an effort to assist Judge Porteous in being ap-
2 pointed to the Federal bench. Judge Porteous's failure to
3 disclose these corrupt relationships deprived the United
4 States Senate and the public of information that would
5 have had a material impact on his confirmation.

6 Wherefore, Judge G. Thomas Porteous, Jr., is guilty
7 of high crimes and misdemeanors and should be removed
8 from office.