

House Calendar No. 170

111TH CONGRESS
2^D SESSION

H. RES. 1031

[Report No. 111-427]

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

JANUARY 21, 2010

Mr. CONYERS (for himself, Mr. SMITH of Texas, Mr. SCHIFF, Mr. GOODLATTE, Ms. JACKSON LEE of Texas, Mr. SENSENBRENNER, Mr. DELAHUNT, Mr. DANIEL E. LUNGREN of California, Mr. COHEN, Mr. FORBES, Mr. JOHNSON of Georgia, Mr. GOHMERT, Mr. PIERLUISI, and Mr. GONZALEZ) submitted the following resolution; which was referred to the Committee on the Judiciary

MARCH 4, 2010

Referred to the House Calendar and ordered to be printed

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-

1 demeanors, and that the following articles of impeachment
2 be exhibited to the Senate:

3 Articles of impeachment exhibited by the House of
4 Representatives of the United States of America in the
5 name of itself and all of the people of the United States
6 of America, against G. Thomas Porteous, Jr., a judge in
7 the United States District Court for the Eastern District
8 of Louisiana, in maintenance and support of its impeach-
9 ment against him for high crimes and misdemeanors.

10 ARTICLE I

11 G. Thomas Porteous, Jr., while a Federal judge of
12 the United States District Court for the Eastern District
13 of Louisiana, engaged in a pattern of conduct that is in-
14 compatible with the trust and confidence placed in him
15 as a Federal judge, as follows:

16 Judge Porteous, while presiding as a United States
17 district judge in *Lifemark Hospitals of Louisiana, Inc. v.*
18 *Liljeberg Enterprises*, denied a motion to recuse himself
19 from the case, despite the fact that he had a corrupt finan-
20 cial relationship with the law firm of Amato & Creely, P.C.
21 which had entered the case to represent Liljeberg. In de-
22 nying the motion to recuse, and in contravention of clear
23 canons of judicial ethics, Judge Porteous failed to disclose
24 that beginning in or about the late 1980s while he was
25 a State court judge in the 24th Judicial District Court
26 in the State of Louisiana, he engaged in a corrupt scheme

1 with attorneys, Jacob Amato, Jr., and Robert Creely,
2 whereby Judge Porteous appointed Amato's law partner
3 as a "curator" in hundreds of cases and thereafter re-
4 quested and accepted from Amato & Creely a portion of
5 the curatorship fees which had been paid to the firm. Dur-
6 ing the period of this scheme, the fees received by Amato
7 & Creely amounted to approximately \$40,000, and the
8 amounts paid by Amato & Creely to Judge Porteous
9 amounted to approximately \$20,000.

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

21 Judge Porteous also engaged in corrupt conduct after
22 the Lifemark v. Liljeberg bench trial, and while he had
23 the case under advisement, in that he solicited and accept-
24 ed things of value from both Amato and his law partner
25 Creely, including a payment of thousands of dollars in

1 cash. Thereafter, and without disclosing his corrupt rela-
2 tionship with the attorneys of Amato & Creely PLC or
3 his receipt from them of cash and other things of value,
4 Judge Porteous ruled in favor of their client, Liljeberg.

5 By virtue of this corrupt relationship and his conduct
6 as a Federal judge, Judge Porteous brought his court into
7 scandal and disrepute, prejudiced public respect for, and
8 confidence in, the Federal judiciary, and demonstrated
9 that he is unfit for the office of Federal judge.

10 Wherefore, Judge G. Thomas Porteous, Jr., is guilty
11 of high crimes and misdemeanors and should be removed
12 from office.

13 ARTICLE II

14 G. Thomas Porteous, Jr., engaged in a longstanding
15 pattern of corrupt conduct that demonstrates his unfitness
16 to serve as a United States District Court Judge. That
17 conduct included the following: Beginning in or about the
18 late 1980s while he was a State court judge in the 24th
19 Judicial District Court in the State of Louisiana, and con-
20 tinuing while he was a Federal judge in the United States
21 District Court for the Eastern District of Louisiana,
22 Judge Porteous engaged in a corrupt relationship with bail
23 bondsman Louis M. Marcotte, III, and his sister Lori
24 Marcotte. As part of this corrupt relationship, Judge
25 Porteous solicited and accepted numerous things of value,
26 including meals, trips, home repairs, and car repairs, for

1 his personal use and benefit, while at the same time taking
2 official actions that benefitted the Marcottes. These offi-
3 cial actions by Judge Porteous included, while on the
4 State bench, setting, reducing, and splitting bonds as re-
5 quested by the Marcottes, and improperly setting aside or
6 expunging felony convictions for two Marcotte employees
7 (in one case after Judge Porteous had been confirmed by
8 the Senate but before being sworn in as a Federal judge).
9 In addition, both while on the State bench and on the Fed-
10 eral bench, Judge Porteous used the power and prestige
11 of his office to assist the Marcottes in forming relation-
12 ships with State judicial officers and individuals important
13 to the Marcottes' business. As Judge Porteous well knew
14 and understood, Louis Marcotte also made false state-
15 ments to the Federal Bureau of Investigation in an effort
16 to assist Judge Porteous in being appointed to the Federal
17 bench.

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

23 ARTICLE III

24 Beginning in or about March 2001 and continuing
25 through about July 2004, while a Federal judge in the
26 United States District Court for the Eastern District of

1 Louisiana, G. Thomas Porteous, Jr., engaged in a pattern
2 of conduct inconsistent with the trust and confidence
3 placed in him as a Federal judge by knowingly and inten-
4 tionally making material false statements and representa-
5 tions under penalty of perjury related to his personal
6 bankruptcy filing and by repeatedly violating a court order
7 in his bankruptcy case. Judge Porteous did so by—

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

11 (2) concealing assets;

12 (3) concealing preferential payments to certain
13 creditors;

14 (4) concealing gambling losses and other gam-
15 bling debts; and

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

18 In doing so, Judge Porteous brought his court into
19 scandal and disrepute, prejudiced public respect for and
20 confidence in the Federal judiciary, and demonstrated that
21 he is unfit for the office of Federal judge.

22 Wherefore, Judge G. Thomas Porteous, Jr., is guilty
23 of high crimes and misdemeanors and should be removed
24 from office.

ARTICLE IV

1

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.

House Calendar No. 170

11TH CONGRESS
2^D SESSION

H. RES. 1031

[Report No. 111-427]

RESOLUTION

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

MARCH 4, 2010

Referred to the House Calendar and ordered to be
printed