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IMPEACHMENT TRIAL COMMITTEE ON THE ARTICLES AGAINST JUDGE G. THOMAS PORTEOUS, JR.

HEARINGS

BEFORE THE

SENATE IMPEACHMENT TRIAL COMMITTEE UNITED STATES SENATE

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

ON

THE ARTICLES OF IMPEACHMENT AGAINST JUDGE G. THOMAS PORTEOUS, JR., A JUDGE IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA

November 16, 2010

Volume 1 of 3, Part C

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a. Filings regarding Witnesses and Subpoenas

1976

In The Senate of The United States
Sitting as a Court of Impeachment

In re:	)
Impeachment of G. Thomas Porteous, Jr.,	)
United States District Judge for the	)
Eastern District of Louisiana	)
	)

JUDGE G. THOMAS PORTEOUS, JR.'S WITNESS LIST

NOW BEFORE THE SENATE, comes Respondent, the Honorable G. Thomas Porteous, Jr., a Judge of the United States District Court for the Eastern District of Louisiana, and files his witness list. Judge Porteous plans, at this point in time, to call the following witnesses during the evidentiary hearing in this matter:

1. John M. Mamoulides
2. Judge M. Joseph Tiemann
3. S. J. Beaulieu, Jr.
4. Henry Hildebrand
5. Judge Ronald Barliant
6. Professor Rafael Pardo
7. Dianne Lamulle
8. Michael Porteous
9. Professor Dane S. Ciolino
10. Professor G. Calvin Mackenzie
11. Robert Rees
12. Melinda Kring (Pourciau)
13. Suzette Lacour Powers

14. Susan Hoffman, LCSW

15. James Barbee, M.D.

16. Adam Barnett

17. Daniel A. Petalas, Esq.

18. Peter S. Ainsworth, Esq.

The House of Representatives has indicated that it plans to call certain witness that, if not called by the House, will likely be called by the defense. Judge Porteous has included the names of those witnesses below.

19. Jacob Amato, Jr.

20. Robert Creely

21. Louis Marcotte

22. Lori Marcotte

23. Joseph Mole

24. Donald Gardner

25. Michael Reynolds

26. Bruce Netterville

27. Ronald Bodenheimer

28. Leonard Levenson

29. Claude Lightfoot

30. Rhonda Danos

Judge Porteous further reserves the right to testify in his own defense if he so chooses. The determination of whether Judge Porteous will testify in his own defense has not yet been made, and will depend on a number of factors, including the length of the evidentiary hearing.

Judge Porteous reserves the right to call additional witnesses, as needed, during the evidentiary hearing for the purposes of either direct, rebuttal, or impeachment evidence.[1] Judge Porteous reserves the right to call any witnesses not listed above but who are listed on the House of Representatives' witness list.

Respectfully submitted,

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Counsel for G. Thomas Porteous, Jr.
United States District Court Judge
for the Eastern District of Louisiana

Dated: August 5, 2010

[1] As discussed at yesterday's Committee hearing concerning selected pretrial motions, there remains a question of the right of the defense to call witnesses who are the source of statements that the House may seek to introduce through prior testimony or statements. Since the House has not informed the defense what statements may be introduced from the roughly prior 70 witnesses interviewed, the defense has no ability to list such witnesses for examination to challenge any statements introduced from the prior record.

CERTIFICATE OF SERVICE

I hereby certify that on August 5, 2010, I served copies of the foregoing by electronic means on the House Managers, through counsel, at the following email addresses:

Alan Baron – abaron@seyfarth.com

Mark Dubester – mark.dubester@mail.house.gov

Harold Damelin – harold.damelin@mail.house.gov

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Jessica Klein – jessica.klein@mail.house.gov

/s/ P.J. Meitl

In The Senate of the United States

Sitting as a Court of Impeachment

In re:	)
Impeachment of G. Thomas Porteous, Jr.,	)
United States District Judge for the	)
Eastern District of Louisiana	)

THE HOUSE OF REPRESENTATIVES' WITNESS LIST

Pursuant to the Senate Impeachment Trial Committee's (the "Committee's") Scheduling Order of June 21, 2010, the House of Representatives (the "House"), through its Managers and counsel, respectfully submits to the Committee the following list of witnesses who it reserves the right to call at the impeachment trial of Judge G. Thomas Porteous, Jr.:

1. Jacob Amato, Jr.
2. Ronald Bodenheimer
3. Robert Creely
4. Rhonda Danos
5. Jeffrey Duhon
6. Donald Gardner, Esq.
7. Professor Michael Gerhardt
8. Professor Charles G. Geyh
9. Rafael C. Goyeneche III
10. William Greendyke, Esq.
11. Former FBI Special Agent Bobby Hamil
12. FBI Special Agent DeWayne Horner
13. The Honorable Duncan Keir

14. Leonard Levenson, Esq.
15. Claude Lightfoot, Esq.
16. Lori Marcotte
17. Louis Marcotte
18. Joseph Mole, Esq.
19. Bruce Netterville, Esq.
20. Charles Plattsmier, Esq.
21. Hon. G. Thomas Porteous, Jr.
22. Mike Reynolds
23. Former FBI Special Agent Cheyanne Tackett
24. Aubrey Wallace

Respectfully submitted,

THE UNITED STATES HOUSE OF REPRESENTATIVES

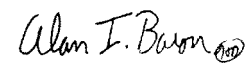
By



Adam Schiff, Manager



Bob Goodlatte, Manager



Alan I. Baron
Special Impeachment Counsel

Managers of the House of Representatives: Adam B. Schiff, Bob Goodlatte, Zoe Lofgren, Henry C. "Hank" Johnson, F. James Sensenbrenner, Jr.

August 5, 2010

In The Senate of The United States
Sitting as a Court of Impeachment

In re:	)
Impeachment of G. Thomas Porteous, Jr., United States District Judge for the Eastern District of Louisiana	)

JUDGE G. THOMAS PORTEOUS, JR.'S MOTION TO PROVIDE TRAVEL FUNDING FOR EXPERT WITNESSES REMOVED FROM THE SUBPOENA LIST

Judge G. Thomas Porteous, Jr. respectfully moves the Senate Impeachment Trial Committee (the "Committee") to provide limited travel funding for expert witnesses who have been removed from the subpoena list.

This week, defense counsel was informed that the Committee has decided to not issue subpoenas for expert witnesses. The defense does not seek reconsideration of that decision and understands the reluctance to compel the attendance of non-fact witnesses.[1] That decision, however, will have the critical effect of withdrawing Senate funding for the majority of the expert witnesses that the defense intends to call to testify at the evidentiary hearing. While the defense has been able to establish that one of its experts can pay for his own travel expenses, the other four expert witnesses listed by the defense require funding for these costs. If such funding is denied, the Senate may be deprived of critical testimony from accomplished experts on complex topics, which, in turn, would deny Judge Porteous the ability to adequately defend the charges against him. As such, and in the interests of fairness, Judge Porteous requests that the

[1] In the August 11, 2010 conference call with the Committee Staff and House counsel, Professor Turley noted that the defense would be filing this motion and viewed this as a new matter not addressed by the prior motion for defense funding. To that end, this motion has not been fashioned as one for reconsideration, as the defense is seeking funding only for witnesses who were removed from the subpoena list.

Senate pay for the travel expenses of the four expert witnesses included on Judge Porteous's subpoena request list, but who will not ultimately be subpoenaed by the Senate.

During the August 11, 2010 teleconference with the Committee Staff, the defense asked House counsel whether the House of Representatives would be paying for the travel expenses of its four expert witnesses. House counsel responded that they did not know but would find out. Despite additional attempt by counsel for Judge Porteous's to obtain this information from House counsel, the House has neither responded nor provided this information to the defense.

PROCEDURAL BACKGROUND

On June 29, 2010, Judge Porteous filed a Motion Requesting Funding for His Defense. That Motion included a request for reimbursement of travel expenses incurred by witnesses that Judge Porteous intended to call at the evidentiary hearing. The House of Representatives did not file a response to Judge Porteous's June 29, 2010 Motion.

On July 7, 2010, the Committee Staff met with counsel for both Judge Porteous and the House of Representatives. While Committee Staff raised the issue of expert witnesses, there was no indication that expert witnesses would be treated differently than fact witnesses.

On July 26, 2010, the Committee issued its Disposition of Judge G. Thomas Porteous, Jr.'s Motion Requesting Funding for His Defense. The Committee granted Judge Porteous's Motion in part, stating that the Senate would pay for the "travel expenses of subpoenaed witnesses." In so ruling, the Committee did not distinguish between fact and expert witnesses. The Committee also denied Judge Porteous's request for funds to cover his own travel expenses and any costs incurred by the defense.

On August 2, 2010, pursuant to a prior Committee Order, Judge Porteous submitted a list of subpoena requests for witnesses that he intended to call during the evidentiary hearing in this

matter. Judge Porteous listed the following four expert witnesses in that pleading: Professor G. Calvin McKenzie, former United State Bankruptcy Judge Ronald Barliant, U.S. Trustee Henry Hildebrand, and Professor Dane Ciolino. On August 5, 2010, also pursuant to the Committee's prior Order, Judge Porteous submitted his witness list, which included one additional expert, Professor Rafael Pardo.

The House of Representatives similarly included experts – specifically Judge Duncan Keir and Professor Charles Geyh – on its list of individuals to be subpoenaed. The House also added two additional experts, Professor Michael Gerhardt and Charles B. Plattsmier, to its final witness list.

On Wednesday, August 11, 2010, during a teleconference with the parties, the Committee Staff indicated that the Committee would not issue subpoenas for expert witnesses. Defense counsel indicated that, as a result of this decision, Judge Porteous would file this Motion seeking relief from the Committee concerning travel expenses for expert witnesses.

ARGUMENT

Judge Porteous has very limited resources and cannot afford to pay the travel expenses for four expert witnesses. His lawyers are appearing on his behalf on a *pro bono* basis. The proposed experts identified by Judge Porteous are likewise appearing on a *pro bono* basis. Those experts, however, require assistance with regard to their travel and lodging expenses. If the Senate does not agree to pay such expenses (as it is for other witnesses who are being subpoenaed), Judge Porteous may not be able to present those witnesses' testimony to the Senate, thereby greatly disadvantaging his ability to put forth a full and fair defense. Moreover, the Senate would be denied the assistance that such expert testimony would likely provide, including discussion and analysis of complicated topics such as bankruptcy law. For these

reasons, Judge Porteous requests that the Senate pay for the travel expenses associated with the expert witnesses that Judge Porteous has indicated that he intends to call at the evidentiary hearing.

The Committee Members have repeatedly stressed that they intend to guarantee a fair proceeding in which to receive and consider all credible information concerning the underlying charges. To that end, the Senate informed the parties that it would cover the travel expenses of subpoenaed witnesses. Among the various witnesses who will testify at the evidentiary hearing, independent expert witnesses are particularly important – as they will be called to address (among other things) key allegations that Judge Porteous violated ethics and bankruptcy rules and laws. Most, if not all, of these witnesses are located outside of the Washington, DC metropolitan area. Accordingly, the Senate's decision, coming only a few weeks before the trial, and after subpoena lists and witness lists have already been submitted, to not subpoena expert witnesses and, thus, not pay for their travel expenses, will potentially bar their appearanee at the evidentiary hearing – seriously undermining Judge Porteous's ability to present his defense to the Senate. This problem is magnified by the fact that the House recently accepted only six percent of the stipulations proposed by the defense.[2] Since a number of the stipulations proposed by the defense but objected to by the House relate to issues for which expert testimony is necessary, the importance of expert witnesses testifying live before the Senate has been magnified.

The defense does not quarrel with the Senate's decision not to subpoena non-fact witnesses to appear at the evidentiary hearing. Instead, by this motion the defense asks the full

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[2] While the defense accepted 38.5% (119 out of 309) of the stipulations proposed by the House (not including additional stipulations to which the defense would agree if corrected), the House accepted only 6.2% (27 out of 435) of the stipulations proposed by the defense. Although these numbers are themselves not determinative of the propriety of the objections made by the parties, they are a telling sign of the House's approach to narrowing the issues before trial and its overall approach in cooperating with the defense.

Committee to consider the impact that the loss of travel funding for the four witnesses identified above will have on Judge Porteous's ability to present a full rebuttal to the House's charges. While Judge Porteous intends to challenge whether some of the acts alleged in this case occurred at all, he also intends to show, through these experts, that many of the acts alleged in the Articles were not violations of either state or federal law and were not material transgressions in the eyes of those who practice in these areas. This evidence can be established only through these witnesses, who are nationally recognized as leaders in their respective fields.

Judge Barliant, Professor Pardo, and Trustee Hildebrand will each testify about specific issues related to bankruptcy proceedings – the subject of Article III, and an area of law that is complex and not easily understood by those not steeped in its language, practices, procedures, and history. The House has essentially conceded the need for such experts, having listed U.S. Bankruptcy Judge Duncan Keir and former U.S. Bankruptcy Judge William Greendyke as witnesses that they intend to call.

Judge Porteous has also listed Dane Ciolino, a professor from Loyola University who will provide factual testimony regarding the traditions and practices of bond-setting in Jefferson Parish and the State of Louisiana during the relevant time period, as well as expert testimony regarding applicable judicial and ethical standards. Professor Ciolino's testimony is important to this proceeding as he will provide objective analysis of these issues, backed by a deep understanding of the relevant regional practices and traditions. The House has likewise listed Charles Plattsmier as a witness. Although the House has not indicated the scope of his expected testimony, Mr. Plattsmier, given his experience and background, will likely also testify regarding topics similar to those that Professor Ciolino would address.

Finally, Judge Porteous has listed Professor G. Calvin McKenzie as an expert regarding the use of SF-86's, FBI background checks, the federal appointments process, and Senate confirmations, all of which is the subject of Article IV. The House has stated that it intends to call Professor Michael Gerhardt for similar testimony.

Each of the expert witnesses identified by the defense already agreed to forgo any payment for their time in preparing for and testifying at the evidentiary hearing. However, these witnesses agreed to serve with the understanding that their travel expenses would be reimbursed – in keeping with the Senate's custom for subpoenaed witnesses. While a modest expense (particularly when compared to the sizable budget for travel and compensation afforded to the House Impeachment team), the loss of these witnesses would present a critical blow to the defense in presenting evidence in this case.[3] As such, this Motion implicates basic issues of equity and fairness.

Accordingly, Judge Porteous respectfully requests that the Committee authorize the payment of travel expenses for the experts listed by the defense.

Respectfully submitted,

/s/ Jonathan Turley
Jonathan Turley
2000 H Street, N.W.
Washington, D.C. 20052
(202) 994-7001

[3] Based on recent activity, including traveling to Louisiana as soon as the defense submitted its witness list in order to meet with and interview those witnesses, the House Managers have apparently been provided with a sizable budget for their investigation and prosecution of Judge Porteous. Conversely, Judge Porteous has not been provided with any funds with which to prepare and present his defense.

/s/ Daniel C. Schwartz
Daniel C. Schwartz
John C. Peirce
P.J. Meitl
Daniel T. O'Connor
BRYAN CAVE LLP
1155 F Street, N.W., Suite 700
Washington, D.C. 20004
(202) 508-6000

Counsel for G. Thomas Porteous, Jr.
United States District Court Judge
for the Eastern District of Louisiana

Dated: August 13, 2010

CERTIFICATE OF SERVICE

I hereby certify that on August 13, 2010, I served copies of the foregoing by electronic means on the House Managers, through counsel, at the following email addresses:

Alan Baron – abaron@seyfarth.com

Mark Dubester – mark.dubester@mail.house.gov

Harold Damelin – harold.damelin@mail.house.gov

Kirsten Konar – kkonar@seyfarth.com

Nafees Syed – nafees.syed@mail.house.gov

/s/ P.J. Meitl

United States Senate
SENATE IMPEACHMENT
TRIAL COMMITTEE
WASHINGTON, DC 20510-6326

DISPOSITION OF JUDGE G. THOMAS PORTEOUS, JR.'S MOTION TO PROVIDE TRAVEL FUNDING FOR EXPERT WITNESSES

On August 13, 2010, Judge G. Thomas Porteous, Jr., filed a Motion to Provide Travel Funding for Expert Witnesses Removed from the Subpoena List. This Motion requests reimbursement of travel expenses incurred by expert witnesses who have not been subpoenaed by the Senate. The House of Representatives has not filed any response to this Motion.

The Committee's Order issued on July 26, 2010 stated that the Committee will reimburse the travel expenses of subpoenaed witnesses. The Committee will only subpoena fact witnesses. Therefore, Judge Porteous's motion is denied.

Dated: August 27, 2010

CLAIRE McCASKILL
Chairman

ORRIN G. HATCH
Vice Chairman

In The Senate of The United States
Sitting as a Court of Impeachment

In re:	)
Impeachment of G. Thomas Porteous, Jr.,	)
United States District Judge for the	)
Eastern District of Louisiana	)
	)

JUDGE G. THOMAS PORTEOUS, JR.'S
MOTION TO ADD ONE WITNESS TO THE SUBPOENA LIST

Judge Porteous respectfully moves the Senate Impeachment Trial Committee (the "Committee") to allow the addition of one witness to Judge Porteous's list of witnesses to be subpoenaed and called during the evidentiary hearing. There is good cause for this motion.

Judge Porteous requests that Darcy Griffin, who served as Judge Porteous's criminal clerk on the Twenty-Fourth Judicial District Court in Jefferson Parish, Louisiana, and who is still an employee of that Court, be added to Judge Porteous's lists of witnesses and individuals to be subpoenaed by the Committee.

Pursuant to the Committee's June 21, 2010 Order, on August 2, 2010, Judge Porteous submitted his "Requests for Subpoenas and Immunity." In that filing, Judge Porteous "reserve[d] the right to call witnesses not listed above that are otherwise required to serve as rebuttal witnesses." On August 5, 2010, Judge Porteous submitted his "Witness List." In that filing, Judge Porteous "reserve[d] the right to call additional witnesses, as needed, during the evidentiary hearing for the purposes of either direct, rebuttal, or impeachment evidence."

If allowed to appear, Ms. Griffin will testify regarding her experiences working for Judge Porteous on the state bench between approximately 1990 to 1994 and for other state court judges before and after Judge Porteous. Ms. Griffin's testimony will relate to her duties, including the

handling of bond requests and research related to criminal defendants' prior records in preparation for the setting, splitting, and/or reducing of bonds. Ms. Griffin will also testify about her communications with Judge Porteous, members of Judge Porteous's staff, the Marcottes, and jail officials regarding the bond process. Ms. Griffin may also testify about court records and her current experience as a supervisor of criminal clerks in the Twenty-Fourth Judicial District Court.

The lateness of Judge Porteous's request was necessitated by the fact that the defense was only able to speak to Ms. Griffin this afternoon, despite repeated attempts to do so earlier, including attempts to meet in person while the defense team was in Louisiana. Ms. Griffin has been, and still is, on vacation, having only been reached today by cell phone. The defense was reluctant to list a witness with which they had not spoken and who had not previously been called to provide testimony. The defense does not seek immunity for Ms. Griffin, but does request that the Committee issues a subpoena for her attendance at the trial. Given that only one week has passed since the submission of witness lists, Judge Porteous does not believe that this request will cause any prejudice to the House of Representatives.

As the Senators emphasized in the recent pre-trial motions hearing, their primary concern is to establish the facts of what occurred in this case. Ms. Griffin was the clerk who handled many, if not most, of the bonds referenced in the Articles of Impeachment. She has direct knowledge of how those bonds were set and/or modified – evidence that the Senators should have in reaching the merits of these allegations. Due to the absence of any prior criminal trial or indictment, there is no other source for this vital evidence.

Respectfully submitted,

/s/ Jonathan Turley
Jonathan Turley
2000 H Street, N.W.
Washington, D.C. 20052
(202) 994-7001

/s/ Daniel C. Schwartz
Daniel C. Schwartz
John C. Peirce
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(202) 508-6000

Counsel for G. Thomas Porteous, Jr.
United States District Court Judge
for the Eastern District of Louisiana

Dated: August 12, 2010

CERTIFICATE OF SERVICE

I hereby certify that on August 12, 2010, I served copies of the foregoing by electronic means on the House Managers, through counsel, at the following email addresses:

Alan Baron – abaron@seyfarth.com

Mark Dubester – mark.dubester@mail.house.gov

Harold Damelin – harold.damelin@mail.house.gov

Kirsten Konar – kkonar@seyfarth.com

Nafees Syed – nafees.syed@mail.house.gov

/s/ P.J. Meitl

IV. COMMITTEE ACTIONS AND FILINGS OF THE PARTIES LEADING UP TO THE SEPTEMBER EVIDENTIARY HEARINGS

b. Ongoing Discovery

1998

CLAIRE McCASKILL, MISSOURI, CHAIRMAN
ORRIN G. HATCH, UTAH, VICE CHAIRMAN

AMY KLOBUCHAR, MINNESOTA
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JIM DeMINT, SOUTH CAROLINA
JOHN BARRASSO, WYOMING
ROGER F. WICKER, MISSISSIPPI
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United States Senate

SENATE IMPEACHMENT
TRIAL COMMITTEE

WASHINGTON, DC 20510-6326

MEMORANDUM FOR THE RECORD

This memorandum will detail the extensive efforts of the Committee and its staff to obtain relevant documents from the Department of Justice (Department) on behalf of Judge Porteous.

On June 27, 2010, Judge Porteous filed a motion requesting the Committee's assistance in securing discovery from the Department. At the request of Committee staff, Judge Porteous submitted a formal request to the Department in writing on June 30. Committee staff contacted the Department's Office of Legislative Affairs and provided copies of the letter and the motion on July 7. On July 19, the Department declined to provide Judge Porteous with any of the documents he had requested, encouraging him to obtain such documents from the House of Representatives or the Senate.

Committee staff again contacted the Department and a meeting was arranged to discuss the production of documents to Judge Porteous. On July 30, Committee staff and Senate Legal Counsel met with representatives of the Department's Office of Legislative Affairs, the Criminal Division's Public Integrity Section, the FBI, and the U.S. Attorney's Office for the Eastern District of Louisiana. At the conclusion of that meeting, the Department agreed to produce certain documents from both the "Wrinkled Robe" investigation and the separate investigation of Judge Porteous. Committee staff was asked to identify additional documents that the Committee believed should be turned over to Judge Porteous through use of the Porteous investigation grand jury subpoena log. The Department provided Committee staff with the grand jury subpoena log on August 2, noting that "[w]e understand that our disclosure of this document to the Senate is permitted by the terms of Judge [W. Eugene] Davis's [Limited Disclosure] order of May 27, 2009."

With due notice, on August 11, Committee staff hosted a conference call with parties' counsel regarding Judge Porteous's motion for assistance. Committee staff briefly described to counsel the Committee staff's communications with the Department and offered continued assistance as an intermediary between Judge Porteous's counsel and the Department. Committee staff also forwarded the grand jury subpoena log to the parties and requested that Judge Porteous's counsel narrow his list of requests to the Department. A narrowed list was provided to Committee staff on August 17.

After review and modification by Committee staff, the requests went informally to the Department via e-mail on August 19. Committee staff asked the Department to work on these narrowed requests in anticipation of a formal letter from the Chairman. This letter, requesting both documents on the grand jury subpoena log and additional documents, was sent on August 25. The letter requested the documents no later than September 1. As a part of this request, the Committee asked for documents related to the Department's decision not to prosecute Judge Porteous. The Department declined this portion of the request, despite having provided such documents in previous impeachment proceedings.

On September 1, the Department's Office of Legislative Affairs contacted Committee staff and indicated that it did not believe that Judge Davis's May 27, 2009 Limited Disclosure order gave it the authority to produce grand jury materials to the Senate. The Department further informed Committee staff that it would not produce any of the requested documents, whether grand jury or not, inviting the Senate to seek the requested documents from the House of Representatives.

Chairman McCaskill's office followed up with the Department on September 2 and received confirmation that the Department would begin producing the requested documents to the Committee. Pursuant to a request by

CLAIRE McCASKILL, MISSOURI, CHAIRMAN
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TOM UDALL, NEW MEXICO
JEANNE SHAHEEN, NEW HAMPSHIRE
EDWARD E. KAUFMAN, DELAWARE

JIM DeMINT, SOUTH CAROLINA
JOHN BARRASSO, WYOMING
ROGER F. WICKER, MISSISSIPPI
MIKE JOHANNS, NEBRASKA
JAMES E. RISCH, IDAHO

United States Senate

SENATE IMPEACHMENT
TRIAL COMMITTEE

WASHINGTON, DC 20510-6326

Senate Legal Counsel, the Department sought a court order granting the Senate access to the requested grand jury materials.

On August 28, Judge Porteous filed a motion to subpoena Daniel A. Petalas, Esq. and Peter S. Ainsworth, Esq., of the Department's Public Integrity Section, to testify before the Committee in the evidentiary hearings. The Department requested the opportunity to address the Committee before any subpoenas were authorized. The Department was provided the opportunity to respond to Judge Porteous's motion to subpoena Petalas and Ainsworth in writing, which it did on September 3.

On September 3, the Committee received the first document responsive to its requests in a redacted format. Committee staff requested that the Department unredact the document and produce it to the Committee in the same form it was produced to the Fifth Circuit Special Investigatory Committee. The Department did so on September 7.

The Department made further productions responsive to the Committee's request on September 7, 8, 10, 11, and 12. On September 10, the Department sent Chairman McCaskill a letter clarifying the Department's position regarding the production and use of the documents turned over to Committee staff.

While eventually extensive, the Department's productions were not fully responsive to the Committee's requests prior to the Committee's evidentiary hearings.

Committee staff requested, and was granted, an in camera review of remaining Porteous investigation documents on September 20. Following the in camera review, Committee staff requested unredacted copies of various FBI interview summaries (referred to throughout this record as '302s') from the Department's investigation of Judge Porteous. The Department's Office of Legislative Affairs provided documents responsive to this request on September 20 and on October 29.

Erin P. Johnson

Chief Clerk

2001

Subpoena Log

#	Addressed to:	Contact Listed on Return	Date Served	Records	Account Numbers	Due Date	Records Received
1A	Beau Rivage	Carol Brand 228.386.7130	8/31/99	X		9/16/99	10/7/99
1	Caesar's Palace	Thomas Smock, VP & Associate General Counsel 702.731.3110	12/8/99	X		?	1/4/00
2	American Express Company	Ed Garabedian 917.639.8380	3/3/00	X	Marcotte - 92005, 94001; Amato & Creely - 01003, 02001, 03009; Gardner - 11001, 41009, 42007; Creely - 43007, 44005, 61000, 62008; Forstall - 62005, 63003	3/23/00	?
3	First USA Bank	Paul Hall 614.248.3322	3/3/00	X	G.T. Porteous 8333 & Jane Windhorst 4657	3/23/00	8/1/00
4	Chase Manhattan	Jocelyn Moore 212.552.0934	3/3/00	X	Carmella 5091	3/23/00	3/23/00
5	Capitol One Bank		3/3/00	X		3/23/00	3/28/00
6	Citibank	Karla Randall 605.331.1567	3/3/00	X	G.T. Porteous 2338	3/23/00	3/17/00
7	Trans Union	Cindy Paulausky 312.258.1717 ext. 3978	6/9/00	X	G.T., Michael, Thomas, Tim & Carmella Porteous, Amato (2), Creely, Levenson, Forstall, Gardner	7/14/00	7/14/00
8	Experian Information Solutions, Inc.	Mina Strawther 800.435.1903	6/9/00	X	Same as Trans Union.	7/14/00	6/23/00

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#	Addressed to:	Contact Listed on Return	Date Served	Records	Account Numbers	Due Date	Records Received
9	Equifax	Al Cole 770.375.2744	6/9/00	X	Same as Trans Union.	7/14/00	6/23/00
10	Wyndham Emerald Plaza	Bharathia Jeyalingam	6/9/00	X		7/14/00	?
11	Ritz Carlton Hotel San Francisco	Brad Hayden	6/9/00	X		7/14/00	7/12/00
12	Adam's Mark Hotel	Joe Ransweiler	6/9/00	X		7/14/00	7/11/00
13	New York/New York Hotel and Casino	Yvette Harris	6/9/00	X		7/14/00	7/13/00
14	MGM Grand Hotel and Casino	Thomas A. Peterman	6/9/00	X		7/14/00	7/7/00
15	Luxor Casino	Lynn Whitaker	6/9/00	X		7/14/00	7/6/00
16	Golden Nugget Hotel/Casino	Joanne Beckett	6/9/00	X		7/14/00	7/10/00
17	Desert Inn Hotel/Casino	Paul Steenblock	6/9/00	X		7/14/00	7/24/00
18	Southwest Airlines	Lisa Stewart/Mark Edwards	6/9/00	X		7/14/00	6/27/00
19	Delta Air Incorporated	Walter Brill	6/9/00	X		7/14/00	8/28/00
20	Continental Airlines	Micki Brown	6/9/00	X		7/14/00	?
21	Bahamas Air	Oliver Hutchinson	6/9/00	X		7/14/00	7/13/00
22	American Airlines	Sara Cooks	6/9/00	X		7/14/00	6/30/00
23A	BellSouth Telecommunications	Lucille Smith 770.492.4560	6/12/00	X		7/14/00	7/18/00
23	Bank of Louisiana	Bob Buss 504.889.9421	4/17/01	X	G.T. Porteous 2893, 2890	5/24/01	5/21/01
24	American Express Travel Related Services, Inc.	Ed Garabedian 917.639.8350	4/17/01	X	G.T. Porteous 92007	5/24/01	?
25	Citibank	Ellen B. Hetzler 302.683.4091 & Karla Randall 605.331.1567	4/17/01	X	G.T. Porteous Travelers 0642 & Citibank 9366, 0426	5/24/01	5/7/01 & 5/17/01
26	First USA	Judy Berry Stock 614.248.3592	4/17/01	X	G.T. Porteous 711, 4833	5/24/01	5/1/01
27	MBNA	Todd Windsor 302.453.9930	4/17/01	X	G.T. Porteous 1290	5/24/01	5/17/01

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#	Addressed to:	Contact Listed on Return	Date Served	Records	Account Numbers	Due Date	Records Received
28	Bank One Services	Latanya Green 317.321.7742	4/17/01	X	G.T./Carmella Bank Account	5/24/01	8/9/01
29	Hibernia National Bank	Jo Ann Kennedy 504.533.3839 *with certification	6/24/02	X	Danos Bank Account	7/11/02	7/24/02 & 8/20/02
30	Citibank (South Dakota), N.A.	Karla Randall 605.331.7117	6/24/02	X	Carmella 9138	8/2/02	7/24/02
31	Discover Financial Services, Inc.	Shomona Lofland 302.323.7569	6/24/02	X	Carmella 9489	8/2/02	7/12/02
32	Fidelity Investments	Peter Zeigler 617.392.2841	6/24/02	X		8/2/02	7/31/02
33	Delta Airlines	Janet Kidd 404.715.4051	6/24/02	X		8/2/02	7/1/02
34	United Airlines	Thomas Campuzano 847.700.7393	6/24/02	X		8/2/02	7/2/02
35	Treasure Chest	Fran Olivier 504.443.8020	6/24/02	X		8/2/02	7/31/02
36	Isle of Capri	William Kilduff VP & General Manager 228.436.7853	6/24/02	X		8/2/02	7/10/02
37	Beau Rivage	Carol Brand VP & General Counsel 228.386.7128	6/24/02	X		8/2/02	?
38	Casino Magic - Bay St. Louis, MS	Todd Raziano General Manager 228.467.9257	6/24/02	X		8/2/02	7/26/02
39	Grand Casinos of Mississippi - Biloxi	Anthony Del Vescovo 228.604.5027	6/24/02	X		8/2/02	09/4/02
40	Grand Casinos of Mississippi - Gulfport	Joe Billhimer President and General Manager	6/24/02	X		8/2/02	?
41	Jazz Casino Company, LLC (Harrah's New Orleans)	Tammy A. Moret 504.533.6000	6/24/02	X		8/2/02	7/30/02
42	MBNA America Bank, N.A.	Todd Windsor 302.453.9930	6/24/02	X	Creely 5816, 1171 & Carmella 6478, 5608, 7784	8/2/02	7/26/02

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#	Addressed to:	Contact Listed on Return	Date Served	Records	Account Numbers	Due Date	Records Received
43	Fidelity Homestead Association	Allain Andry (Law Firm) 504.581.6427 FHA - George Binder - taking the place of David Giffin 504.569.3508	10/21/02	X	G.T./Carmella Bank Account	11/14/02	?
44	Trips Unlimited, Inc.	Merina Sanders 504.340.8747		X		03/13/03	3/10/03
45	Trans Union	Cindy Hennessy 312.985.3978	02/24/03	X	Porteous, Danos, Creely, Griffen, and Acy	03/13/03	02/28/03
46	Regions Bank	Marsha Walsh 504.584.1318		X	Creely and Creely & Amato	03/13/03	4/2/03
47	Omni Bank	Rose Ellison 504.833.2900 ext.106		X	Creely, Creely & Amato, and Levenson	03/13/03	6/5/03
48	Hibernia National Bank	Jo Ann Kennedy 504.533.3839	02/24/03	X	Creely, Creely & Amato	03/13/03	04/21/03
49	Gulf Coast Bank and Trust	Tracy Caldwell 504.841.7354		X	Creely and Creely & Amato	03/13/03	fbi
50	First USA Bank	Teri Richardson 614.776.7193	02/24/03	X	Danos 9638	03/13/03	03/07/03
51	Caesars Palace Lake Tahoe Park Place Entertainment	Albina Lovasz 702.699.5208	02/24/03	X		03/13/03	04/17/03
52	Citibank (South Dakota)	Gina 605.331.7459	02/24/03	X	Danos 9654, 3315, 1287, 9709	03/13/03	03/12/03
53	Boomtown	John Yaeger 504.364.8788		X		03/13/03	fbi
54	Citi Financial Mortgage Inc.		03/07/03	X	Creely	03/27/03	04/07/03
55	Regions Bank	Marsha Walsh 504.584.1318	03/19/03	X	Creely, Creely & Amato, Smith	04/03/03	4/7/03
56	Bank of America	Sylvia Avila 602.597.3443	04/16/03	X	Griffin	05/08/03	04/30/03

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#	Addressed to:	Contact Listed on Return	Date Served	Records	Account Numbers	Due Date	Records Received
57	Citibank (South Dakota)	Beverly Fenton 605.331.7426	04/16/03	X	Griffin & Acy	05/08/03	05/07/03
58	Capitol One Bank		04/16/03	X	Griffin & Acy	05/08/03	05/16/03
59	AllTel - Southeast Region	Patti Nichols 813.630.3803	04/16/03	X	Porteous	05/08/03	fbi
60	MBNA America Bank	Todd Windsor 302.453.9930	04/16/03	X	Griffin	05/08/03	5/22/03
61	Regions Bank	Marsha Walsh 504.584.1318	04/16/03	X	Porteous	05/08/03	5/22/03
62	Chrysler Finance Corporation	800.365.3488	04/16/03	X	Porteous	05/08/03	4/18/03
63	Bank One	Laranya Green	06/30/03	X	Porteous	07/17/03	7/23/03
64	Fidelity Homestead Association	Jerry Williamson Andry, Andry and Williamson 504.581.6427	06/30/03	X	Porteous	07/17/03	7/17/03
65	Dillard National Bank	Linda Ramirez 480.503.5504	06/30/03	X	Porteous	07/17/03	07/14/03
66	J.C. Penney Credit Card	Lavonne Nelson 404.845.1053	06/30/03	X	Porteous	07/17/03	8/12/03
67	Ford Motor Credit	Jennifer Fricks 800.777.3365	06/30/03	X	Porteous	07/17/03	8/7/03
68	CitiFinancial Services AFS/ACB	Elizabeth Aadland 480.449.4300, ext. 2735	06/30/03	X	Porteous	07/17/03	8/7/03
69	Capital One Bank	Subpoena Unit 804.935.8207	06/30/03	X	Porteous	07/17/03	7/22/03
70	Credit Suisse First Boston	John McDonald 212.325.7481	10/14/03	X	Danos	10/28/03	
71	Jazz Casino Company LLC (Harrahs)	Gina Calcagno 504.533.6000	10/14/03	X	Danos	10/28/03	10/27/03
72	Mardi Gras Casino Corporation (Casino Magic)	Mark Thompson 228.466.8037	10/14/03	X	Danos	10/28/03	10/21/03
73	Mellon Investor Services	Elizabeth Lumbete 201.373.7154	10/14/03	X	Danos	10/28/03	10/28/03

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#	Addressed to:	Contact Listed on Return	Date Served	Records	Account Numbers	Due Date	Records Received
74	Providian Financial	Shamika Middlebrook 817.417.4444 ext. 2990	10/14/03	X	Porteous	10/28/03	10/30/03
75	Fleet Credit Card Services	Joann Carpenter 215.444.7523	10/14/03	X	Porteous	10/28/03	10/31/03
76	Pershing LLC	Bonnie Bressler	10/29/03	X	Danos	11/13/03	11/4/03
77	Fidelity Homestead Association	Lauren Dean 504.569.3402	11/6/03	X	Carmella Porteous and Giardina	11/20/03	11/19/03
78	Alder Coleman & Sons		11/6/03	X	Porteous	11/20/03	
79	Rhonda Danos		12/8/03			12/18/03	Did Not Testify Took the 5th
80	Jolene Acy		12/8/03			12/18/03	Did Not Testify Excused
81	Diane Lamulle		12/8/03			12/18/03	Did Not Testify Excused
82	Claude Lightfoot	Joelle Evans 504.680.6050	02/04/04	X	Carmella and Thomas Porteous,	2/04/04	2/26/04 & 6/29/04
83	BellSouth Telecommunications		03/03/04	X	Robert Creely Rhonda Danos	03/25/04	
84	The Commodore Companies		03/03/04	X	Porteous, Carmella, and Danos	03/25/04	
85	Krewe of Endymion	Charles Bruneau, Jr. 504.288.1200	03/03/04	X	Porteous Levenson	03/25/04	3/24/04
86	Lamarque Jeep/Chrysler/Plymouth LLC		03/03/04	X	Carmella, Porteous, and Thomas Porteous	03/25/04	
87	Cellco Partnership/Verizon Wireless		03/03/04	X	Jolene Acy	03/25/04	
88	Vacations at Sea		03/03/04	X	Carmella, Porteous, Danos	03/03/04	

Last Updated 07/15/04

#	Addressed to:	Contact Listed on Return	Date Served	Records	Account Numbers	Due Date	Records Received
89	Rada's World of Travel		03/03/04	X	Carmella, Porteous, Danos	03/25/04	
90	Capital One Bank		03/03/04	X	Catherine Carmella Porteous	03/25/04	3/19/04
91	State Farm Insurance	Richard C. Simmons 504.836.6500	04/14/04	X	Porteous Carmella	05/06/04	5/13/04
92	Trans Union Corporation	Cindy Hennessy 312.985.3978	04/14/04	X	Stacey Rooney	05/06/04	4/30/04
93	Casino Magic	Ronald Artigues, Jr. 228.467.5426	04/29/04	X	Danos	05/20/04	5/14/04
94	Stacey Rooney		05/03/04			05/13/04	Testify only
95	Mark Rooney		05/03/04			05/13/04	Testify only
96	Bank One Services Corp		05/10/04	X	Porteous Carmella	05/27/04	
97	Hibernia National Bank	Anthony Flaherty 504.533.3472	05/10/04	X	Danos	05/27/04	6/03/04
98	Fidelity Homestead Association		5/21/04	X	Porteous Carmella	6/10/04	6/10/04
99	Adler Coleman & Sons, Inc.		5/21/04	X	Creely	6/10/04	
100	Fleet Credit Card Services		5/21/04	X	Porteous Carmella	6/10/04	
101	Louisiana Wildlife and Fisheries	Janis Landry 225.765.2881	6/15/04	X	Porteous Creely, Amato Levenson, Forstall and Gardner	7/01/04	6/21/04
102	Texas Park and Wildlife Department		6/15/04	X	Porteous Creely, Amato Levenson, Forstall and Gardner	7/01/04	7/13/04

Last Updated 07/15/04

#	Addressed to:	Contact Listed on Return	Date Served	Records	Account Numbers	Due Date	Records Received
103	BellSouth Telecommunications	404.986.5630	7/13/04	X	Porteous	7/29/04	9/27/04
104	AllTel - South Region	Patti Nicholos 877.500.6054	7/13/04	X	Porteous	7/29/04	no info. on this record 7/15/04
105	American Express	Gerard Bonito 954.503.7001 ext. 65338	8/09/04	X	Creely Amato	8/26/04	8/25/04
106	Jerome M. Winsberg, Esq.	Claude Lightfoot, Esq.	8/02/04	N/A		8/19/04	Testified in Grand Jury
107	Capital One Bank		3/22/06	X	Gabriel and Carmella Porteous	4/07/06	
108	Capital One Bank		3/22/06	X	Gabriel and Carmella Porteous	4/07/06	
109	Capital One Bank		3/22/06	X	Gabriel and Carmella Porteous	4/07/06	
110	Capital One Bank		3/22/06	X	Gabriel and Carmella Porteous	4/07/06	
111	Capital One Bank		3/22/06	X	Gabriel and Carmella Porteous	4/07/06	
112	Bank of America, N.A. dba Fleet Bank		3/22/06	X	Gabriel and Carmella Porteous	4/07/06	
			3/22/06	X	Gabriel and	4/07/06	

Last Updated 07/15/04

#	Addressed to:	Contact Listed on Return	Date Served	Records	Account Numbers	Due Date	Records Received
113	Treasure Chest		3/22/06	X	Gabriel and Carmella Porteous	4/07/06	
114	Beau Rivage		3/22/06	X	Gabriel and Carmella Porteous	4/07/06	3/30/06
115	Corporation Svcs. Co. c/o Grand Casino of Gulfport		3/22/06	X	Gabriel and Carmella Porteous	4/07/06	
116	Corporation Svcs. Co. c/o Grand Casino of Biloxi		3/22/06	X	Gabriel and Carmella Porteous	4/07/06	
117	Corporations Svcs. Co. c/o Jazz Casino Company, LLC dba Harrah's		3/27/06	X	Gabriel and Carmella Porteous	4/07/06	
118	Whitney National Bank		4/06/06	X	Amato and Creely	4/28/06	
119	Fidelity National						
120	Bank One/JP Morgan						

Last Updated 03/23/06

P.J. Meitl
Direct: (202) 508-6043
pj.meitl@bryancave.com

August 17, 2010

VIA EMAIL AND COURIER

The Honorable Claire C. McCaskill
The Honorable Orrin G. Hatch
Senate Impeachment Trial Committee
United States Senate
Russell Senate Office Building, Room
B-34A
Washington, D.C. 20002

Re: *Impeachment of Judge G. Thomas Porteous, Jr.*

Dear Chairman McCaskill and Vice Chairman Hatch:

This letter responds to a request from the Staff of the Senate Impeachment Trial Committee (the "Committee") during a teleconference on August 11, 2010, with counsel for Judge Porteous and the House. The Committee Staff asked counsel for the defense to identify those specific Department of Justice (the "Department " or "DOJ") documents that the defense believes have not been produced, either in whole or in part, and which the defense still seeks.

Background

On June 27, 2010, Judge Porteous submitted to the Committee a Motion for Assistance in Securing Discovery from the Department of Justice (including the Federal Bureau of Investigation ("FBI")). (*See* June 27, 2010 Motion, attached as Exhibit 1.) In that Motion, Judge Porteous sought the Committee's assistance in obtaining the following eight categories of documents from the Department:

a. All FBI 302 forms and field reports or memorandum relating to the FBI's investigation of Judge Porteous in connection with his nomination and confirmation to the federal bench in 1994.

b. All material collected by the FBI and/or the Department during its investigation of Judge Porteous in connection to his nomination and confirmation to the federal bench in 1994.

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c. All material collected in the course of the "Wrinkled Robe" investigation to the extent the material references or relates to Judge Porteous.

d. All material from the "Wrinkled Robe" investigation that references or relates to the setting, modifying, and/or splitting of bail bonds.

e. All material from the "Wrinkled Robe" investigation that references or relates to any of the following persons: Jacob Amato, Robert Creely, Louis Marcotte, or Lori Marcotte.

f. All material from the "Wrinkled Robe" investigation that references or relates to gifts, money, or other items of value received by judges, magistrates, or other judicial officers in the Jefferson Parish Courthouse.

g. All Department of Justice "Prosecution Memorandums" that reference or relate to Judge Porteous.

h. All Department of Justice "Requests for Authorizations to Indict" individuals in connection to the "Wrinkled Robe" investigation.

Judge Porteous noted in his Motion that his request for assistance is consistent with such assistance afforded the accused in the Hastings and Nixon impeachment proceedings – where the Senate sought and obtained discovery from third-party sources, including the DOJ. Judge Porteous's Motion also requested the immediate assistance of the Senate in acquiring these files, given the limited time before the scheduled start of the evidentiary hearing. Unlike the Hasting and Nixon cases, where the defense sought information that was not produced at trial, Judge Porteous is requesting the same information that was available to those former judges in order to present a full defense.

On June 30, 2010, at the request of the Committee, Judge Porteous submitted a letter to the Department requesting this same material. (*See* June 30, 2010 letter, attached as Exhibit 2.) On July 19, 2010, the Department responded by refusing to provide any additional material directly to Judge Porteous and stating that "it is the responsibility of Congress" to provide the material requested. (*See* July 19, 2010 Letter, attached as Exhibit 3.) The letter further stated that the Department had provided 804 pages of documents "to the House Committee in 2009 in connection with the impeachment proceedings in that body." (*Id.*) The Department also noted that it had made a considerably larger number of pages of documents – "approximately 12,378 pages of documents" – available in connection with "its referral to the Fifth Circuit." (*Id.*) The Department specifically declined to make available "internal memoranda" relating to the prosecution decisions concerning Judge Porteous and the "Wrinkled Robe" investigations. (*Id.*)

The Reason for this Renewed Request

On August 11, 2010, the Committee Staff held a teleconference with counsel for the defense and the House. During that teleconference, the Committee Staff indicated that it had been in contact with the Department regarding the defense's requests. The Committee Staff explained that

Department representatives had informed them that, when Judge Porteous became a target of the Department's investigation, the Department segregated the Porteous-related material and sent it to the Department's Public Integrity Section in Washington, which maintained an investigative file separate from that of the broader "Wrinkled Robe" investigation. Committee Staff further stated that the Department representatives had indicated that the Department was unwilling to provide documents from these files to the defense, although they would be willing to provide such materials to the Committee, if requested.

During this same teleconference, House Impeachment counsel conceded that, on occasion, they had obtained documents from the Department which were culled from the full set of documents maintained by the Department's Public Integrity Section related to its investigation of Judge Porteous. The Committee Staff, however, indicated that they were unwilling to request from the Department all of the records related to the Department's investigation of Judge Porteous because of the volume of such materials and the Committee's lack of the capacity to house or store the full set of documents that the Department had collected.

Instead, the Committee Staff provided the defense with a Grand Jury Subpoena Log, which appears to list various subpoenas issued by the Department during its investigation of Judge Porteous. The Committee Staff suggested that, utilizing that log, the defense might be able to narrow its requests for documents. The defense was asked to submit this letter detailing the specific information that the defense believes has not been provided or which is still sought from the Department.

The Department's refusal to entertain directly Judge Porteous's requests is unreasonable and presents a substantial barrier to a fair trial. Obviously, documents collected by the Department during its investigation of Judge Porteous are relevant and discoverable. Indeed, they may be exculpatory since the investigation led to a declination to seek any prosecution of Judge Porteous. As such, it is essential to fundamental due process that the Department produce all non-privileged materials in its possession that were collected during its investigation of Judge Porteous or that otherwise pertain to him.

The Committee's request that the defense identify specific documents that have not been produced asks for the impossible. We cannot know what we may not have. This task is made even more difficult by the House's refusal to provide Judge Porteous with a list of all of the documents that it received from the Department. The House staff has defended its actions by claiming that, in a criminal prosecution, the government would control what documents from its files it decided were relevant to the defense. While that may be true in a criminal prosecution, both the House counsel and the Committee have made clear that the Impeachment trial is not a criminal proceeding. The House cannot have it both ways, depriving Judge Porteous of the clear protections that he would enjoy if this were a criminal proceeding while denying to him proper discovery on the ground that an impeachment trial is analogous to a criminal proceeding. Moreover, a court would not require the defense to identify documents that have not been disclosed, but would rather order categories of disclosure for obviously material evidence. In the end, principles of basic fairness warrant such disclosure. As already shown in the depositions, limited discovery has produced a plethora of

contradictions of the House's account of critical events and statements. The requested Department documents constitute some of the most reliable records of the underlying allegations against Judge Porteous.

Judge Porteous's Specific Requests

Nonetheless, in an effort to obtain the bare minimum discovery required under fairness and due process, Judge Porteous requests that the Committee obtain from the Department, and provide to the defense, at least the following specific categories of documents:

1. All Form FD-302 reports (or FBI field memoranda) (including drafts), in entirely unredacted form, generated by the FBI during its criminal investigation of Judge Porteous and its investigation of Judge Porteous in connection with his nomination and confirmation to the federal bench. For purposes of narrowing its request, the defense is willing to forego its request for all 302 Reports generated by the FBI during the "Wrinkled Robe" investigation. The defense notes, however, that in the Nixon impeachment proceedings the Department provided draft 302 Reports to the Senate. (*See* August 1, 1989 Letter from Department of Justice, attached as Exhibit 4.) To assist the Committee and the Department, a list of all 302 Reports previously received by the defense (with varying levels of redaction) is attached. (*See* list of 302 Reports, attached as Exhibit 5.)

2. An unredacted version of House Exhibit 69(b), which appears to include 309 pages of documents produced by the Department to the House on or about June 25, 2009. The cover letter to this exhibit is attached as Exhibit 6. This document contains a number of 302 Reports, many of which contain redactions.

3. An unredacted version of a the document bates labeled PORT000000721, and attached to this letter as Exhibit 7.

4. An unredacted version of an FBI 302 Report dated December 18, 2002, regarding an interview with Norman Stotts. The version of this document previously produced to the defense appears to omit pages and includes extensive redactions. The redacted version of this document is attached as Exhibit 8.

5. An unredacted version of an FBI 302 Report transcribed on or about March 30 2004, regarding an interview with Louis Marcotte. A redacted version of this document, which appears to omit certain pages, was produced to the defense as HP Exhibit 72(a) and is attached as Exhibit 9.

6. An unredacted version of House Exhibit 69(e), which appears to include 23 pages of documents produced by the Department to the House of Representatives on or about October 23, 2009. The cover letter to this exhibit is attached as Exhibit 10. This document contains numerous 302 Reports, which contain redactions.

7. All Department of Justice "Prosecution Memorandums" that reference or relate to Judge Porteous. The Department indicated in its July 19, 2010 letter that it would decline to provide this type of material directly to Judge Porteous. The defense notes that, in the Nixon impeachment proceedings, the Department provided prosecution memoranda to the Senate. (*See* August 1, 1989 Letter from Department of Justice, attached as Exhibit 4.)

8. All Department of Justice "Requests for Authorizations to Indict" that reference or relate to Judge Porteous. The defense notes that, in the Nixon impeachment proceedings, the Department provided "Requests for Authorizations to Indict" to the Senate. (*See* August 1, 1989 Letter from Department of Justice, attached as Exhibit 4.)

9. All grand jury testimony taken or collected by the Department during its investigation of Judge Porteous, not previously provided to the defense. The defense has received only the following grand jury transcripts from the House:

   - Ronald Bodenheimer – April 22, 2004
   - Claude Lightfoot – August 19, 2004, September 9, 2004, November 4, 2004, September 24, 2009, and October 29, 2007
   - Warren Forestall – March 17, 2006
   - Robert Creely – March 17, 2006
   - Donald Gardner – March 31, 2006
   - Rhonda Danos – March 31, 2006, and August 18, 2006
   - Leonard Levinson – April 7, 2006
   - Joseph Mole – May 5, 2006
   - Jacob Amato – May 5, 2006

10. Any 302 Reports for Robert Rees or Bruce Netterville generated in either the Wrinkled Robe or Judge Porteous investigations. The defense has not received any 302 Reports related to these two individuals.

11. An unredacted version of the Affidavit in Support of the Application for an Order Authorizing the Interception of Wire Communications, dated August 27, 2001. Judge Porteous has been provided with a redacted copy of this document.

12. Any orders issued by any court in response to the Affidavit in Support of the Application for an Order Authorizing the Interception of Wire Communications, dated August 27, 2001

13. All records received by the Department in response to its subpoena to Beau Rivage (request #1A), as listed on the Grand Jury Subpoena Log. According to the Grand Jury Subpoena Log, the Department received records related to this subpoena on October 7, 1999.

14. All records received by the Department in response to its subpoena to Treasure Chest (request #35), as listed on the Grand Jury Subpoena Log. According to the Grand Jury Subpoena Log, the Department received records related to this subpoena on July 31, 2002.

15. All records received by the Department in response to its subpoena to Beau Rivage (request #37), as listed on the Grand Jury Subpoena Log. It is unclear when the Department received records related to this subpoena.

16. All records received by the Department in response to its subpoena to Grand Casinos of Mississippi - Gulfport (request #40), as listed on the Grand Jury Subpoena Log. It is unclear when the Department received records related to this subpoena.

17. All records received by the Department in response to its subpoena to Trips Unlimited, Inc. (request #44), as listed on the Grand Jury Subpoena Log. According to the Grand Jury Subpoena Log, the Department received records related to this subpoena on March 10, 2003.

18. All records received by the Department in response to its subpoena to Claude Lightfoot (request #82), as listed on the Grand Jury Subpoena Log. According to the Grand Jury Subpoena Log, the Department received records related to this subpoena on February 26, 2004 and June 29, 2004.

19. All records received by the Department in response to its subpoena to Treasure Chest (request #113), as listed on the Grand Jury Subpoena Log. It is unclear when the Department received records related to this subpoena.

20. All records received by the Department in response to its subpoena to Beau Rivage (request #114), as listed on the Grand Jury Subpoena Log. According to the Grand Jury Subpoena Log, the Department received records related to this subpoena on October 30, 2006.

21. An unredacted version of House Exhibit 89(b), which appears to include a five page 302 Report of Ronald Bodenheimer, and has a date of transcription of May 22, 2003. A redacted version of this document is attached as Exhibit 11.

Given that the evidentiary hearing in this matter is set to begin in less than four weeks, the defense requests the immediate production of this material. The defense reserves the right to request additional documents if necessary.

Sincerely,

P.J. Meitl

Exhibit 1

2017

In The Senate of the United States
Sitting as a Court of Impeachment

In re:	)
Impeachment of G. Thomas Porteous, Jr.,	)
United States District Judge for the	)
Eastern District of Louisiana	)
	)

JUDGE G. THOMAS PORTEOUS, JR.'S MOTION FOR ASSISTANCE IN SECURING DISCOVERY FROM THE DEPARTMENT OF JUSTICE

NOW BEFORE THE SENATE, comes respondent, the Honorable G. Thomas Porteous, Jr., a Judge of the United States District Court for the Eastern District of Louisiana, and respectfully requests the assistance of the Senate in securing discovery materials from the United States Department of Justice. In support, Judge Porteous states the following:

1. The Federal Bureau of Investigation ("FBI"), under the supervision of the Department of Justice, was responsible for investigating Judge Porteous after President Clinton nominated him to the federal bench in 1994.

2. The FBI also investigated possible corruption at the Jefferson Parish Courthouse in Gretna, Louisiana through Operation Wrinkled Robe between approximately 1999 and 2002. As part of this investigation, the FBI investigated former state court judges, including Judge Porteous.

3. In investigating whether impeachment of Judge Porteous was appropriate, the House of Representatives (the "House") acquired certain files from the Department of Justice relating to both the investigation concerning Judge Porteous's nomination and the Wrinkled Robe investigation.

4. The articles of impeachment against Judge Porteous allege a concealment of conflicts of interest in connection with his prior service as a state judge in Louisiana. Moreover, the witnesses called by the House during its impeachment proceedings specifically raised the distinction between issues known before the confirmation and issues conccaled from the Senate and its investigators. Thus, the question of what was known before Judge Porteous's confirmation is highly material to any defense at his Senate impeachment trial.

5. Many of the allegations raised in the articles of impeachment involve practices of judges in the Jefferson Parish Courthouse in the 1980s and early 1990s. As such, the practices of judges other than Judge Porteous are relevant to possible defenses, including but not limited to the view of what constituted *de minimis* gifts or services for judges.

6. The House has apparently refused to produce to Judge Porteous all documents made available to it from all sources, including the Department of Justice. The House's Special Impeachment Counsel have also refused to produce a simple listing of withheld files – as they did previously in the Hastings impeachment. This is the subject of a separate motion, which is being filed concurrently with this motion.

7. In the Hastings and Nixon impeachment trials, defense counsel for the accused requested the assistance of the United States Senate in acquiring discovery from third-party sources, such as the Department of Justice. A procedure was developed to permit discovery of Justice Department materials. In those cases, the Chairman of the Senate Impeachment Trial Committee submitted a letter to the Department of Justice requesting that it produce the requested discovery. (*See* Letter from Senator Wyche

Fowler, dated July 18, 1989, attached as Exhibit 1.) The Justice Department complied with these requests and produced the documentation directly to the Senate. (*See* Letters from James Cole, dated August 1, 1989 and August 11, 1989, attached as Exhibit 2.) Senate personnel then reviewed the materials and designated for production to counsel for the accused those materials that were deemed relevant to any article of impeachment or asserted defense.

8. Judge Porteous seeks the production of the following materials:

   a. All FBI 302 forms – both draft and completed versions – relating to the FBI's investigation of Judge Porteous in connection with his nomination and confirmation to the federal bench in 1994.

   b. All material collected by the FBI and/or the Department of Justice during its investigation of Judge Porteous in connection to his nomination and confirmation to the federal bench in 1994.

   c. All material from the Wrinkled Robe investigation that references or relates to Judge Porteous.

   d. All material from the Wrinkled Robe investigation that references or relates to the setting, modifying, and/or splitting of bail bonds.

   e. All material from the Wrinkled Robe investigation that references or relates to Jacob Amato, Robert Creely, Louis Marcotte, and Lois Marcotte

   f. All material from the Wrinkled Robe investigation that references or relates to gifts, money, or other items of value received by judges, magistrates, or other judicial officers in the Jefferson Parish Courthouse.

   g. All Department of Justice "Prosecution Memorandums" that reference or relate to Judge Porteous.

   h. All Department of Justice "Requests for Authorizations to Indict" individuals in connection to the Wrinkled Robe investigation.

9. Because new counsel has only recently been added to this case and because the evidentiary hearing in this matter is fast approaching, Judge Porteous seeks

the immediate assistance of the Senate in procuring these materials. In prior cases, defense counsel initially corresponded with the Justice Department, received correspondence in return rebuffing their requests for materials, filed motions with the Senate for assistance, and then waited for the Justice Department to comply. For example, in the case of Judge Nixon, this process took over two months – an amount of time that current defense counsel simply do not have given the impending trial schedule in this matter. Thus, in an effort to avoid unnecessary delay, Judge Porteous seeks the immediate assistance of the Senate in resolving this issue.

Alternatively, Judge Porteous suggests that, due to the truncated timeframe, that all of the requested material be produced directly to Judge Porteous and that Judge Porteous enter into an appropriate protective order regarding that material. The relevance of these categories of discovery is obvious. Judge Porteous will agree not to discuss or disclose such material absent use at the evidentiary hearing itself. Such a process would allow for an expedited review and avoid any delay of the trial.

WHEREFORE, Judge Porteous respectfully requests that the Senate implement a procedure to ensure that relevant materials from the Justice Department be made available to Judge Porteous.

Respectfully submitted,

/s/ Jonathan Turley
Jonathan Turley
2000 H Street, N.W.
Washington, D.C. 20052
(202) 994-7001

/s/ Daniel C. Schwartz
Daniel C. Schwartz
P.J. Meitl
Daniel T. O'Connor
BRYAN CAVE LLP
1155 F Street, N.W., Suite 700
Washington, D.C. 20004
(202) 508-6000

Counsel for G. Thomas Porteous, Jr.
United States District Court Judge for the
Eastern District of Louisiana

Dated: June 27, 2010

CERTIFICATE OF SERVICE

I hereby certify that on June 27, 2010, I served copies of the foregoing by electronic means on the House Managers, through counsel, at the following email addresses:

Alan Baron – abaron@seyfarth.com

Mark Dubester – mark.dubester@mail.house.gov

Harold Damelin – Harold.damelin@mail.house.gov

Kirsten Konar – kkonar@seyfarth.com

Jessica Klein – jessica.klein@mail.house.gov

/s/ P.J. Meitl

2023

Exhibit 2

BRYAN CAVE

Daniel C. Schwartz
Direct: 202-508-6025
dschwartz@bryancave.com

June 30, 2010

VIA EMAIL, FACSIMILE, AND FIRST-CLASS MAIL

Ms. M. Faith Burton
Congressional Liaison Officer
U.S. Department of Justice,
Office of Legislative Affairs
Main Justice Building, Room 1145
950 Pennsylvania Avenue, NW
Washington, DC 20530
Facsimile: 202-305-2643
Email: faith.burton@usdoj.gov

Dear Ms. Burton:

I write as counsel to Judge G. Thomas Porteous, Jr., of the United States District Court for the Eastern District of Louisiana, who is the subject of an impeachment issued by the House of Representatives and now before the United States Senate. The purpose of this letter is to request the opportunity to review and make copies of certain materials in the Department of Justice's possession in order to prepare for the Senate trial.

The Senate Impeachment Counsel have asked the defense to formally request this material before seeking the intervention of the Senate to guarantee this discovery. The information that we are seeking is highly material to the Articles of the Impeachment.

The materials we request include the following:

a. All FBI 302 forms – both draft and completed versions – relating to the FBI's investigation of Judge Porteous in connection with his nomination and confirmation to the federal bench in 1994.

b. All material collected by the FBI and/or the Department of Justice during its investigation of Judge Porteous in connection to his nomination and confirmation to the federal bench in 1994.

c. All material from the Wrinkled Robe investigation that references or relates to Judge Porteous.

d. All material from the Wrinkled Robe investigation that references or relates to the setting, modifying, and/or splitting of bail bonds.

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e. All material from the Wrinkled Robe investigation that references or relates to Jacob Amato, Robert Creely, Louis Marcotte, and Lois Marcotte

f. All material from the Wrinkled Robe investigation that references or relates to gifts, money, or other items of value received by judges, magistrates, or other judicial officers in the Jefferson Parish Courthouse.

g. All Department of Justice "Prosecution Memorandums" that reference or relate to Judge Porteous.

h. All Department of Justice "Requests for Authorizations to Indict" individuals in connection to the Wrinkled Robe investigation.

The evidentiary hearings in the Senate are schedule to begin in mid-September 2010 and all motions must be filed by July 21, 2010. As such, we would appreciate your prompt response to this request, whether through by mail, fax, or email.

Sincerely yours,

Daniel C. Schwartz

cc: Alan I. Baron, Esq., House Impeachment Counsel
Morgan Frankel, Esq., Senate Counsel
Derron Parks, Esq., Senate Impeachment Trial Committee

Exhibit 3

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General *Washington, D.C. 20530*

July 19, 2010

Daniel C. Schwartz, Esquire
Bryan Cave LLP
1155 F Street, NW
Washington, DC 20004

Dear Mr. Schwartz:

This responds to your letter, dated June 30, 2010, which requested materials from the Department of Justice in connection with your representation of Judge G. Thomas Porteous, Jr. in the impeachment proceedings pending in the United States Senate.

Historically, the Department has not provided materials to officials facing impeachment, since the Department is not a party to those congressional proceedings. It is the responsibility of the Congress to provide any relevant materials to such officials. As a courtesy, we are responding to your requests by describing the extensive production that the Department has previously made to the Committee on the Judiciary in the U.S. House of Representatives (House Committee), either directly or through our document production to the U.S. Court of Appeals for the Fifth Circuit in connection with our referral of a judicial misconduct complaint concerning Judge Porteous, which the Fifth Circuit provided to the House Committee. To the best of our knowledge, the House Committee has received all documents in our possession that are relevant to the articles of impeachment, and we understand that the Committee has made those documents available to counsel for Judge Porteous.

As we have advised your colleague, we provided records regarding Judge Porteous, totaling 804 pages, to the House Committee in 2009 in connection with the impeachment proceedings in that body. Enclosed are copies of our correspondence regarding these disclosures. Also enclosed is the referral letter we sent to the Fifth Circuit on May 18, 2007. The letter sets forth the Department's reasons for not seeking criminal charges against Judge Porteous and contains an extensive discussion of the evidence the Department gathered concerning Judge Porteous's misconduct. The Department also provided approximately 12,378 pages of documents relating to its referral to the Fifth Circuit, which we understand were subsequently made available to counsel for Judge Porteous. Additionally, we understand that the House Committee has made available copies of all the documents obtained by staff as a result of meetings with Federal Bureau of Investigation representatives in New Orleans in October and November of 2009, and January of 2010. We believe that the FBI provided all of the documents that the House Committee requested as relevant to Judge Porteous.

As stated above, we believe that all of the relevant factual information relating to Judge Porteous has already been made available to his attorneys by the House Committee. Taken as a whole, these materials include FBI 302s and other material collected by the FBI in connection with the investigation of Judge Porteous prior to his 1994 confirmation to the federal bench and materials about Judge Porteous from the Wrinkled Robe investigation. Some of the Wrinkled Robe records pertain to his conduct relating to bail bonds, other judicial officers, and other individuals named in your letter.

The Department's production to the Fifth Circuit and the House Committee did not include our internal memoranda relating to the prosecution decisions concerning Judge Porteous and the Wrinkled Robe investigation. Based on the Department's longstanding policy of protecting the confidentiality and independence of prosecutorial deliberations, we are not prepared to make those deliberative materials available for the impeachment proceeding. We also note that our obligations under the Privacy Act, 5 U.S.C. § 552a, would complicate any effort by the Department to disclose to you records relating to third parties, although it appears that you have already received them from the House Committee, which is not covered by that Act.

We appreciate the importance of fairness in Judge Porteous's impeachment proceedings and want to assure you that we are unaware of any information in our records about Judge Porteous that is relevant or material to the articles of impeachment that is not contained in the records provided to the House Committee, and by the Committee to counsel for Judge Porteous. Under these circumstances, we are convinced that repeating our searches in response to your request would constitute only time-consuming efforts that would serve no useful purpose.

We hope that this information is helpful.

Sincerely,

Ronald Weich
Assistant Attorney General

Enclosures

cc: Alan I. Baron, Esq., House Impeachment Counsel
Morgan Frankel, Esq., Senate Counsel
Derron Parks, Esq., Senate Impeachment Trial Committee

Exhibit 4

U.S. Department of Justice

Washington, D.C. 20530

AUG 1 1989

Donald A. Purdy, Jr., Esq.
Counsel to the Committee
United States Senate Impeachment
Trial Committee
Room Sh-902D
Hart Senate Office Building.
Washington, D.C. 20510

Dear Mr. Purdy:

Re: United States District Judge Walter L. Nixon, Jr.

Pursuant to the request of Senator Wyche Fowler, Jr., Chairman of the Senate Impeachment Trial Committee, the Department of Justice is providing the documents the Committee has requested concerning the investigation and prosecution of United States District Court Judge Walter L. Nixon, Jr. In some cases, where noted, redactions have been made to the documents to delete attorney work product. The documents provided are as follows:

1. Draft FBI Form, 302 Report of Interview of Stewart Sargent (4 pages).

2. Transcript of proffer of Kylie Fairchild on November 1, 1984 (9 pages).

3. Handwritten chronology (4 pages).

4. Memo, "Prosecution Memorandum of Carroll Ingram," dated December 7, 1984 (2 pages after redaction).

5. Memo, "Recommendation to Prosecute Paul H. 'Bud' Holmes," dated March 22, 1985 (9 pages after redaction).

6. Polygraph Report on Paul Hardin Holmes, dated July 12, 1985 (4 pages).

7. Handwritten notes (5 pages).

8. Handwritten "Drew Chronology" (9 pages).

9. Memo, "Request for Authorization to Indict Reditt 'Drew' Fairchild," dated March 18, 1985 (2 pages).

10. Memo, "Recommendation to Prosecute Drew Fairchild," dated March 22, 1985 (3 pages).

11. "Chart" (2 pages).

12. FBI Memo From SA Jerry Ripley to SAC Jackson, dated July 6, 1981 (2 pages).

13. Memo, "Recommendation to Prosecute United States District Judge Walter L. Nixon," dated July 9, 1985 (9 pages after redaction).

14. Memo, "Recommendation to Prosecute United States District Judge Walter L. Nixon," dated July 22, 1985 (9 pages after redaction).

15. Memo, "Request for Authorization to Apply for Disclosure of Tax Returns -- Walter L. Nixon," dated July 9, 1985 (2 pages).

16. Memo, "United States v. Paul H. 'Bud' Holmes: Marshals Service Staffing," dated June 6, 1985 (4 pages).

17. Handwritten notes, "Wallace Gunn TC 10/2/85" (1 page).

18. Memo, "Mississippi Investigation," dated April 30, 1984 (3 pages after redaction).

19. FBI Form 302, Report of Interview of Elma Manasco, dated November 6, 1984 (1 page).

20. Handwritten notes, first page headed "Weldon Kennedy," dated March 5, 1984 (13 pages).

21. FBI Form 302, Report of Interview of Thomas L. Dial, dated August 28, 1984 (2 pages).

22. FBI Form 302, Report of Interview of Captain James R. Kelly, dated January 24-25-26, 1984 (3 pages).

23. FBI Form 302, Report of Interview of Tom Dial, dated November 15, 1983 (2 pages).

24. FBI Form 302, Report of Interview of Robert Royals, dated January 9, 1986 (2 pages).

25. Handwritten note, headed "Ingram" (3 pages).

26. FBI Form 302, Report of Interview of Billy Riley, dated November 28, 1984 (2 pages).

27. Handwritten note, headed "Bud and Fanning . . ." (1 page).

28. Letter from Jack Morton, Deputy Regional Counsel, IRS, to Honorable Glenn L. Archer, Jr., Assistant Attorney General, Tax Division, dated December 16, 1985 (5 pages).

29. Memo, "Status Report re: The Petit Bois Bribe Investigation," dated November 19, 1985 (20 pages after redaction).

30. Handwritten notes, headed "McMullan Proffer" (10 pages).

31. "Daily Report" for May 7, 1985 (2 pages).

32. "Walter Louis Nixon, Jr., ET AL, Narcotics Case - Background" (18 pages).

Should the Committee have any further questions concerning this matter, please feel free to contact me at 786-5059.

Sincerely,

James H. Cole
Deputy Chief
Public Integrity Section
Criminal Division

Enclosures

Exhibit 5

FBI 302 Reports Produced to the Defense

1. Creely, Robert - 12/8/2003 - HP Ex. 19
2. Creely, Robert - 1/1/1994 - HP Ex. 250
3. Danos, Rhonda - 12/8/2003 - HP Ex. 42
4. Stotts, Norman - 12/18/2002 - HP Ex. 69(g) (extensive redactions, including whole pages omitted)
5. Centanni, Kevin - 7/7/2004 - HP Ex. 69(h)
6. Porteous, G. Thomas - 7/8/1994 - HP Ex. 69(i)
7. Porteous, G. Thomas - 8/18/1994 - HP Ex. 69(j)
8. Porteous, G. Thomas - 8/18/1994 - HP Ex. 69(k)
9. Reynolds, Michael - 11/3/1994 - HP Ex. 69(l)
10. Marcotte, Louis - 3/2, 23, 24, 25 & 29/2004 - HP Ex. 72(a) (excerpts only, whole pages omitted)
11. Marcotte, Louis - 4/21/2004 - HP Ex. 72(b)
12. Marcotte, Louis - 4/23/2004 - HP Ex. 72(c)
13. Marcotte, Louis - 4/1/2004 - HP Ex. 72(d)
14. Marcotte, Louis - 4/6/2004 - HP Ex. 72(e)
15. Marcotte, Louis - 7/20/2004 - HP Ex. 72(f)
16. Marcotte, Louis - 10/14/2004 - HP Ex. 72(g)
17. Marcotte, Lori - 3/3/2004 - HP Ex. 74(a)
18. Marcotte, Lori - 3/25/2004 - HP Ex. 74(b)
19. Marcotte, Lori - 3/30/2004 - HP Ex. 74(c)
20. Marcotte, Lori - 4/20/2004 - HP Ex. 74(d)
21. Marcotte, Lori - 11/3/2004 - HP Ex. 74(e)
22. Marcotte, Lori - 4/5/2004 - HP Ex. 74(f)
23. Duhon, Jeff - 7/22/2002 - HP Ex. 80(a)
24. Duhon, Jeff - 7/24/2002 - HP Ex. 80(b)
25. Duhon, Jeff - 11/13/2002 - HP Ex. 80(c)
26. Duhon, Jeff - 12/16/2002 - HP Ex. 80(d)
27. Duhon, Jeff - 8/5/2003 - HP Ex. 80(e)
28. Duhon, Jeff - 12/12/2002 - HP Ex. 80(f)
29. Duhon, Jeff - 1/29/2004 - HP Ex. 80(g)
30. Wallace, Aubrey - 10/1/2004 - HP Ex. 84
31. Bodenheimer, Ronald - 4/25/2003 - HP Ex. 89(a)
32. Bodenheimer, Ronald - 5/20/2003 - HP Ex. 89(b)
33. Bodenheimer, Ronald - 1/15-16/2003 - HP Ex. 89(c)
34. Bodenheimer, Ronald - 4/20/2004 - HP Ex. 89(d)
35. Greendyke, Ronald - 1/14/2005 - HP Ex. 333(b)
36. Beaulieu, S.J. - 1/22/2004 - HP Ex. 334
37. All 302 reports generated during the FBI's background check of Judge Porteous in 1994, and included in HP Ex. 69(b)

Exhibit 6

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 25, 2009

The Honorable John Conyers, Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This supplements our prior response to the Committee's letter, dated March 31, 2009, which requested documents and other information relating to the Department's referral to the United States Court of Appeals for the Fifth Circuit pertaining to Judge G. Thomas Porteous, Jr.

Enclosed are 309 pages of records pertaining to the Senate confirmation of Judge Porteous, including his background questionnaire (SF 86), FBI 302 reports of interviews in connection with the background investigation, and other related documents. These records along with the documents we produced to the Committee on June 18, 2009, complete our response to your March 31, 2009, request for documents relating to the background investigation of Judge Porteous.

The enclosed documents bear limited redactions of personal information, such as social security numbers, date of births, cell phone numbers, non-public numbers, and other limited information implicating individual privacy interests. We also have redacted the names and personal information related to law enforcement personnel, and text that would identify sources who requested confidentiality during the course of the background investigation. Nonetheless, these records implicate substantial individual privacy interests and, accordingly, we request that you consult with the Department prior to disclosing their contents outside of the Committee.

We hope that this information is helpful. Please do not hesitate to contact us if you would like additional assistance with this or any other matter.

Sincerely,

Ronald Weich
Assistant Attorney General

Enclosures

cc: The Honorable Lamar S. Smith

HP Exhibit 69(b)

Exhibit 7

NO 194-F
77A-HQ-F

The following investigation was conducted by Special Agent (SA) S at New Orleans, Louisiana.

On October 26, 1994, E (Protect Identity) voluntarily appeared at the Federal Bureau of Investigation (FBI) office and made available to the Agent the following items:

Section 893, 893-1, and 894 of the Code of Criminal Procedures, Jefferson Parish arrest record re AUBREY N. WALLACE for the burglary and cocaine arrest, records from the 24th Judicial District Court, dated 1989 and December 15, 1988, and the candidate's report for Judge THOMAS PORTEOUS regarding financial disclosure forms.

E advised E had been talking to ROBERT REESE, defense attorney who had represented AUBREY WALLACE in the expungement before Judge THOMAS PORTEOUS. REESE had told E that he might consider talking with the FBI, and E made available REESE's phone numbers of P-1, E (home) and P-1, E (work). E

On October 28, 1994, E telephonically contacted the Agent and advised him that attorney BRUCE NETTERVILLE, LOUIS MARCOTTE and Judge PORTEOUS had gone to Las Vegas sometime during the last year, and the trip was supposedly paid for by LOUIS MARCOTTE. He also indicated that state probation and parole was probably going to violate AUBREY WALLACE for his employment with a bonding agency.

He advised that P-1, E P-1, E is a major drug supplier, and that AUBREY is still working at the bonding office with LOUIS MARCOTTE which is a violation of state law. He stated he had talked to probation officer JILL OTT and it was their intention to appeal PORTEOUS' sentence as far as setting aside the conviction for AUBREY WALLACE. E stated he would attempt to determine more information regarding when and where they had stayed in Las Vegas, and he would get back with the Agent as soon as he could develop that information.

WORK COPY

Exhibit 8

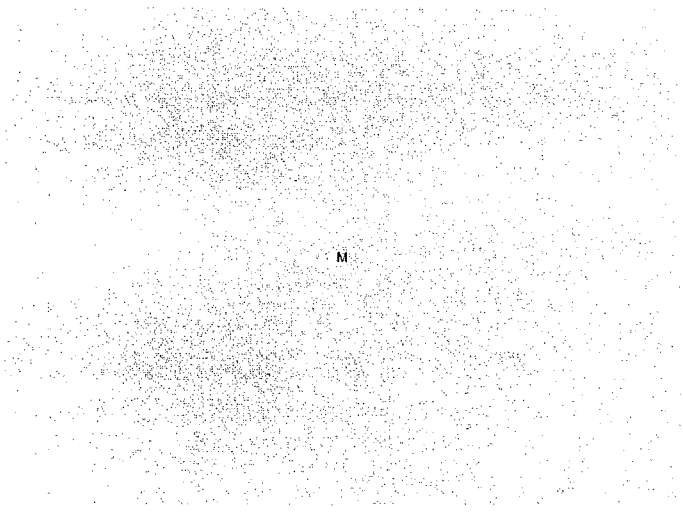
FD-302 (Rev. 10-6-95)

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/18/2002

NORMAN STOTTS was interviewed at the United States Attorneys Office, New Orleans, Louisiana. Present during the interview was [redacted] After being advised of the identities of the interviewing agents and the purpose of the interview, STOTTS provided the following information:



Investigation on 12/17 & 18/02 at New Orleans, Louisiana

File # 194A-NO- F Date dictated 12/18/2002

by SA S SA :rgo

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

HP Exhibit 69(g)

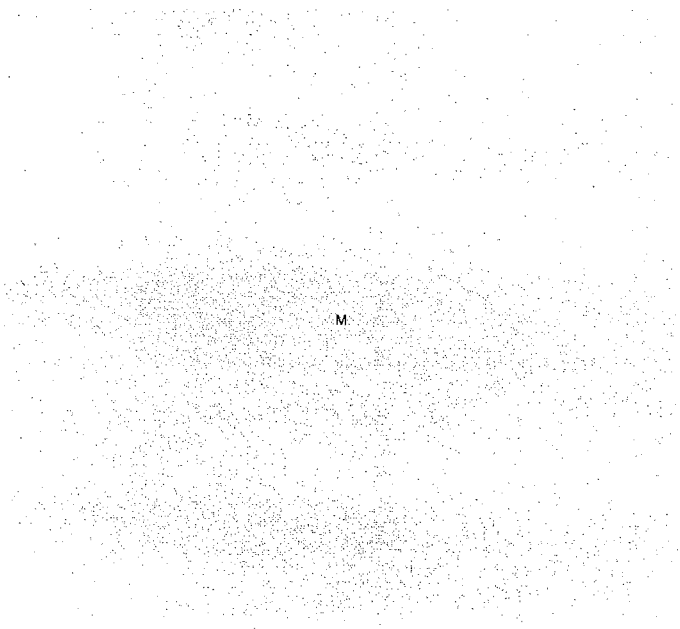
Pages 2 through 10 redacted for the following reasons:

M - Information which is not responsive

FD-302a (Rev. 10-6-95)

194A-NO- F

Continuation of FD-302 of NORMAN STOTTS , On 12/17 & 18/02 Page 11



BBU's employees had the ability to call a judge to get a bond reduced or split. LOUIS MARCOTTE felt BBU had better relationships with certain judges and could call them for bond reduction to an amount BBU could make a surety bond and PSBU bond for the balance. STOTTS would visit BBU once or twice a year where STOTTS witnessed such activity.

FD-302a (Rev. 10-6-95)

194A-NO- F

Continuation of FD-302 of NORMAN STOTTS , On 12/17 & 18/02 Page 12

STOTTS opined that LOUIS MARCOTTE's success in handling bonds was attributed to LOUIS MARCOTTE being a part of the "good ol' boy" system. LOUIS MARCOTTE had the ability to request a bond reduction with judges. STOTTS believed it was possible that LOUIS MARCOTTE stated that he could get any bond reduced. LOUIS MARCOTTE did not conceal the fact that he obtained bond reductions from his relationship with judges. There was an implied ability to get bonds set or reduced so that the defendant could afford the bond. STOTTS never asked LOUIS MARCOTTE how he developed the relationship with the judges to get bonds reduced because it did not seem odd for the state of Louisiana.

On one occasion, STOTTS accompanied LOUIS MARCOTTE and LORI MARCOTTE to dinner with a judge or Justice of the Peace. The judge was a white male, middle aged, balding, short to medium height, and stocky build. STOTTS recalled there were approximately six occasions when he accompanied LOUIS MARCOTTE to dinner with a judge during the period 1992 to 2000. When STOTTS went to dinner with LOUIS MARCOTTE, they would be accompanied by other MARCOTTE family members. The dinners were paid for by different individuals of the MARCOTTE family.

M

Pages 13 through 21 redacted for the following reasons:

M - Information which is not responsive

FD-302a (Rev. 10-6-95)

194A-NO- F

Continuation of FD-302 of NORMAN STOTTS, On 12/17 & 18/02 Page 22

M

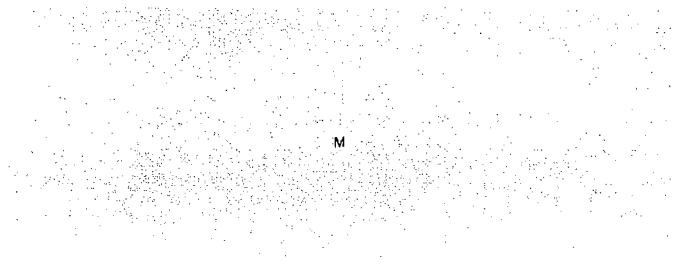
STOTTS met Judge THOMAS PORTEOUS through LOUIS MARCOTTE. On one or two occasions STOTTS had lunch with PORTEOUS and BBU employees LOUIS MARCOTTE, [redacted], and others. STOTTS knows PORTEOUS' secretary RHONDA LNU. STOTTS met PORTEOUS when PORTEOUS was either a federal appointee or a federal judge.

M

FD-302a (Rev. 10-6-95)

194A-NO- F

Continuation of FD-302 of NORMAN STOTTS, On 12/17 & 18/02 Page 23



The following was obtained through interview and observation:

Name:	NORMAN STOTTS
Sex:	Male
Race:	White
Address:	P-1
Employer:	P-1
Position:	Assistant Vice President
Telephone:	P-1 (cell), (pager)

Exhibit 9

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 04/30/2004

March 2, 2004 - Interview

LOUIS MARCOTTE was interviewed at the United States Attorney's Office (USAO), Eastern District of Louisiana (EDLA) in the presence of Assistant United States Attorneys (AUSAs) MICHAEL W. MAGNER, SALVADOR PERRICONE, MICHAEL W. SIMPSON, WILLIAM GIBBENS and STEPHEN M. HUBER as well as MARCOTTE's attorneys MARTIN REGAN and RICHARD WESTLING. SA LISA M. HORNER was also present for this interview.

LANDRY FORGES - JEFFERSON PARISH SHERIFF'S OFFICE (JPSO) DEPUTY

LOUIS MARCOTTE provided FORGES with gas money to take FORGES' son to events. It started with $20.00 payments and progressed to once a week then more than once a week and the value increased to, on occasion, approximately $200 or $300.

LOUIS MARCOTTE (LOUIS) told REGGIE MARCOTTE (REGGIE) to give FORGES $50.00 to $100.00 if he asked. FORGES assisted BAIL BONDS UNLIMITED (BBU) among other things by providing them with bond information promptly. The MARCOTTEs gave FORGES money to foster a good relationship with him so that it would help with their bonding business. On occasion FORGES could not find the MARCOTTEs every week and had to settle for payments every two weeks.

LOUIS gave FORGES money to purchase five handguns for deputies at the JEFFERSON PARISH CORRECTIONAL CENTER (JPCC) including CALVIN WESTLEY, JASON CROSBY, FORGES and two others in the JPCC Intake/Booking Section. LOUIS also sent JOEY BOWLEY to FORGES' house to relight the hot water heater.

LOUIS sent JEFF DUHON to eat with JPCC Intake/Booking Section deputies including FORGES at COPELAND's Restaurant. LOUIS did not provide FORGES with a trip. LOUIS took AUBREY WALLACE, FORGES, CALVIN WESTLEY and JASON CROSBY to RICK'S CABARET and spent approximately $1,500 on them. LOUIS believed his memory would become more clear if he reviewed BBU cash receipts.

Investigation on 3/2,23-25,29,2004 at New Orleans, Louisiana

File # 194A-NO-63762-302, 58B-NO-61544 Date dictated N/A

by SAs THERESA C. HUDSON and PATRICK K. BOHRER:PKB:wib

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JC202737

HP Exhibit 72(a)

of the statute and told LOUIS he could give money to Judge GREEN; however, LOUIS knew it felt wrong in his heart.

JUDGE MARTHA SASSONE

LOUIS knew he was being set up by Judge SASSONE and was cautious with what he said during his conversations with her.

JUDGE THOMAS PORTEOUS

(NOTE: AUSAs were not present during this portion of the interview.)

Early on, LOUIS and LORI did not know anyone at the Jefferson Parish Courthouse. ADAM BARNETT and Judge PORTEOUS knew each other and BARNETT started to contact Judge PORTEOUS to get bonds reduced. LOUIS paid BARNETT money to have bonds reduced through Judge PORTEOUS. At some point Judge PORTEOUS thought BARNETT lied to him so Judge PORTEOUS started to disengage from BARNETT and had more contact with LOUIS and LORI.

BARNETT started repairing Judge PORTEOUS' vehicles. After some time LOUIS began to repair Judge PORTEOUS' vehicles. BARNETT's father knew Judge PORTEOUS. LOUIS paid a mechanic "GUS" LNU cash or by check to repair Judge PORTEOUS' vehicles.

BARNETT was involved with getting a bond on defendant TRACEY IRELAND. BARNETT used his house for collateral on defendant bonds on approximately ten occasions.

LOUIS also took Judge PORTEOUS and Judge GIACOBBE on a trip to Las Vegas, Nevada. PHILIP O'NEIL, BRUCE NETTERVILLE, RHONDA DANOS and possibly CARMELLA PORTEOUS also attended. On this trip the lawyers and LOUIS split the cost of Judge PORTEOUS' expenses and gave the money to DANOS to put it through her checkbook in order to hide the payments. DANOS then wrote a check to pay for the expenses so there was no direct link between LOUIS, Judge PORTEOUS and Judge GIACOBBE. LOUIS did not remember if Judge PORTEOUS went on other trips with him other than to Las Vegas.

LOUIS never gave campaign contributions or cash to Judge PORTEOUS.

LOUIS sent JEFF DUHON to repair or install a fence at Judge PORTEOUS' residence.

LOUIS purchased $300 worth of shrimp for Judge PORTEOUS and another state judge.

LOUIS paid for several lunches for Judge PORTEOUS since he became a federal judge. Judge PORTEOUS wanted to go to lunch and have drinks with LOUIS and LOUIS paid for the expenses. LOUIS believed he has gone to lunch with Judge PORTEOUS on approximately five occasions since Judge PORTEOUS became a federal judge. LOUIS continued the relationship with Judge PORTEOUS after he became a federal judge because Judge PORTEOUS continued to open doors for LOUIS with state judges.

After the FBI investigation became public, LOUIS signed an affidavit regarding his relationship with Judge PORTEOUS. Judge PORTEOUS did not ask LOUIS directly to do this affidavit, but the request was made by their attorneys.

Judge PORTEOUS expunged the criminal records of JEFF DUHON and AUBREY "SKEETER" WALLACE on LOUIS' behalf.

BLAIR BOUTTE & MICHAEL HABENEY

BLAIR BOUTTE has contacts with politicians and is involved in splitting fees with lawyers. MICHAEL HABENEY leased a snowball stand to a judge. LOUIS has recordings of conversations he made with HABENEY and BARNETT concerning their activities.

LOUIS gave BOUTTE $10,000 to give to PAULETTE IRONS. BOUTTE kept his own financial records. BOUTTE could also keep records at his girlfriend's house. BOUTTE's girlfriend is named LEIGH.

The JUDGE'S CHAMBERS is now a WAFFLE HOUSE and BOUTTE may also have an office located there. LOUIS has never seen the records at this location, however, LOUIS believed that the records would be located there. LOUIS did not know what BOUTTE did with his records since the FBI search warrant was executed at BBU. BOUTTE used to brag to LOUIS about public officials he had on his side. BRIAN HARLTON is now working for BOUTTE.

KENNETH BECK

KENNETH BECK had a million dollar lawsuit in Judge GREEN's Division. BECK is now working for BANKERS INSURANCE.

Exhibit 10

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 23, 2009

The Honorable John Conyers, Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This supplements our prior responses to the Committee's letter, dated March 31, 2009, which requested documents and other information relating to the Department's referral to the United States Court of Appeals for the Fifth Circuit pertaining to Judge G. Thomas Porteous, Jr.

Enclosed are 22 pages of records pertaining to an investigation of Judge Porteous' compliance with a bankruptcy order, including FBI 302 reports of individuals interviewed in connection with that investigation. These documents bear limited redactions of personal information, such as social security numbers, date of births, cell phone numbers, non-public numbers, and other limited information implicating individual privacy interests. Similarly, we have also redacted the names and personal information related to law enforcement personnel, and the names of sources who requested that their identities not be reveled. Nonetheless, these records implicate substantial individual privacy interests and, accordingly, we request that you consult with the Department prior to disclosing their contents outside of the Committee.

Please do not hesitate to contact us if you would like additional assistance with this or any other matter.

Sincerely,

Ronald Weich
Assistant Attorney General

Enclosures

cc: The Honorable Lamar S. Smith
Ranking Minority Member

HP Exhibit 69(e)

Exhibit 11

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 05/22/2003

RONALD BODENHEIMER, date of birth [redacted], Social Security Account Number [redacted], 1204 Neyrey Drive, Metairie, Louisiana, was interviewed at the office of the New Orleans Division, FEDERAL BUREAU of INVESTIGATION (FBI), 2901 Leon C. Simon. Also present during the interview were DEPARTMENT of JUSTICE (DOJ) Trial Attorney [redacted] and FBI Financial Analyst (FA) [redacted] After being advised of the identities of the interviewing agents and the purpose of the interview, BODENHEIMER provided the following information:

BODENHEIMER first came to know THOMAS PORTEOUS while serving as a Jefferson Parish Assistant District Attorney (ADA). As a former ADA, PORTEOUS was still close to the District Attorney's office and former District Attorney First Name Unknown (FNU) MAMOULIDES. BODENHEIMER was assigned as the ADA to PORTEOUS' court and also served as a special prosecutor in PORTEOUS' court. BODENHEIMER had no real social contact with PORTEOUS, only courthouse business. During the course of working in PORTEOUS' court, a friendship developed between BODENHEIMER and PORTEOUS which continued after PORTEOUS was appointed as a Federal District Court Judge.

After he became a federal judge, PORTEOUS continued to attend various State District Attorney and Judge conferences and seminars. PORTEOUS often socialized with Judge PAT MCCABE. LOUIS MARCOTTE would often invite groups of about ten persons to lunch, often these would be "lingerie lunches" at restaurants such as The Red Maple on the Westbank. PORTEOUS would show up at the lunches and usually just drank alcohol without eating. LOUIS MARCOTTE paid for the lunches. BODENHEIMER never paid and he never observed PORTEOUS paying. Others who attended the lunches were [redacted] often brought his assistant, however, BODENHEIMER could not remember her name.

PORTEOUS continued to attend State judge fundraisers following his appointment to the federal judiciary. BODENHEIMER

Investigation on 05/20/2003 at New Orleans, Louisiana

[redacted] Date dictated 05/20/2003

by SA [redacted], SA [redacted]
SA [redacted], SA [redacted]

HP Exhibit 89(b)

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

302a (Rev. 10-6-95)

[redacted]

thought PORTEOUS would usually just show up. PORTEOUS took Federal District Court Judge [redacted] to a seminar in either Florida or Mississippi. PORTEOUS and Attorney LENNY LEVINSON are as close as Siamese twins. LEVENSON throws a big lunch for all of the Jefferson Parish judges and their wives in Sandestin, Florida, during annual legal seminars or conventions. BODENHEIMER believed CHIP FORSTALL may help LEVENSON foot the bill for the lunch. [redacted] would also throw a function for judges and attorneys at his home in Destin, Florida. BODENHEIMER also mentioned a large New Orleans law firm, possibly [redacted], providing a lunch to judges during the Destin seminar.

Attorney DON GARDNER is extremely close to PORTEOUS. Attorneys would hire GARDNER to sit as counsel in PORTEOUS' court. BODENHEIMER did not know why GARDNER and PORTEOUS were so close. LEVENSON and PORTEOUS were close, but not as close as PORTEOUS and GARDNER. If PORTEOUS ever awarded a $1 million verdict against Jefferson Parish, GARDNER was the attorney. BODENHEIMER thought PORTEOUS had awarded this type of verdict a couple of times. BODENHEIMER had heard other lawyers complaining about GARDNER. GARDNER would beat you and laugh, while BOB CREELY would beat you and shake your hand. CREELY was also close to PORTEOUS. CREELY and PORTEOUS would go on vacation together. CREELY and his partner, JAKE AMATO, used to host PORTEOUS at parties with girls on their houseboat.

PORTEOUS would tell war stories about trips with lawyers but BODENHEIMER could not remember specifics. BODENHEIMER did not know who paid for the trips. PORTEOUS would go on hunting trips with CREELY and AMATO that BODENHEIMER thought were merely an excuse to get drunk. AMATO and CREELY were also tight with GARDNER. PORTEOUS was the wildest of the State judges. He continued his drinking and wild ways as a federal judge. PORTEOUS [redacted] however, BODENHEIMER was not sure which one. There were also rumors that PORTEOUS [redacted]. BODENHEIMER never saw anything inappropriate among these persons. Either LORI or LISA MARCOTTE were always hanging around with PORTEOUS.

LOUIS MARCOTTE would take PORTEOUS' staff to lunch and do favors for his staff. BODENHEIMER knew that RHONDA LNU would go to lunch with PORTEOUS and LOUIS MARCOTTE. LOUIS MARCOTTE was indebted to PORTEOUS for "inventing" the splitting of bonds system. BODENHEIMER believed PORTEOUS came up with the bond splitting

FD-302a (Rev. 10-6-95)

[redacted]

system after studying the Louisiana Criminal Code, which does not explicitly allow for "splitting", but can be done by implication. LOUIS MARCOTTE and PORTEOUS remained close after PORTEOUS went to the federal bench. BODENHEIMER did not know what PORTEOUS could do for LOUIS MARCOTTE as a federal judge.

When BODENHEIMER was first elected as a judge, PORTEOUS was still close to the Jefferson Parish judicial system. PORTEOUS spoke at JOAN BENGE's swearing-in ceremony. PORTEOUS told BODENHEIMER that he would now always be called "Judge." PORTEOUS told BODENHEIMER that LOUIS MARCOTTE was straight, solid and that BODENHEIMER could trust him, and not to believe the rumors regarding LOUIS MARCOTTE. BODENHEIMER assumed that PORTEOUS told JOAN BENGE the same thing about LOUIS MARCOTTE. BODENHEIMER knew that LOUIS MARCOTTE had arranged for PORTEOUS to speak at a National Bail Bonds Conference so that the trip could be paid for.

When PORTEOUS was confirmed as a Federal District Court Judge, he told BODENHEIMER that if he could get confirmed, anyone can get confirmed. BODENHEIMER assumed he was talking about his baggage, such as drinking. BODENHEIMER would describe PORTEOUS as corrupt because anytime certain lawyers were in PORTEOUS' court a verdict in that lawyers' favor was assured, which constituted corruption in BODENHEIMER's mind. BODENHEIMER had heard that type of corruption had continued in PORTEOUS' federal courtroom, with GARDNER and LEVENSON, and with AMATO and CREELY to a lesser extent. BODENHEIMER heard about a big case GARDNER had won in PORTEOUS' court about one year ago.

BODENHEIMER was with PORTEOUS at a seminar, possibly at the BEAU RIVAGE CASINO in Mississippi, when PORTEOUS was sitting at a gaming table and drinking heavily. Also at the table was LOUIS MARCOTTE. Neither BODENHEIMER nor LOUIS MARCOTTE were gambling. BODENHEIMER knew PORTEOUS went to BEAU RIVAGE several times with LOUIS MARCOTTE for seminars, and that he had also gone on a Las Vegas trip. BODENHEIMER believed that LOUIS MARCOTTE had gone to Las Vegas with PORTEOUS and [redacted].

[redacted]

FD-302a (Rev. 10-6-95)

[redacted]

PORTEOUS and former Jefferson Parish District Attorney [redacted] are very close. PORTEOUS was a supervisor for [redacted] in the District Attorney's Office for years. PORTEOUS would tell war stories about [redacted], and BODENHEIMER knew they had traveled together some.

PORTEOUS did favors for BAIL BONDS UNLIMITED employees. For example, the AUBREY WALLACE incident which was reported in the local press. PORTEOUS agreed to give WALLACE a "state court 893" deal, whereby he went back and reopened the case and accepted a plea from WALLACE, which would be set aside once probation was completed, and thereafter recorded as an acquittal. BODENHEIMER believed that WALLACE had committed a class 3 felony but he was not sure. BODENHEIMER knew that PORTEOUS had helped WALLACE as a favor to LOUIS MARCOTTE, so that WALLACE could receive an insurance license and act as a bail bondsman. BODENHEIMER had seen this "893" procedure done only twice in his career as lawyer, prosecutor, and judge. PORTEOUS basically reopened the case for no legitimate reason to help WALLACE and LOUIS MARCOTTE.

BODENHEIMER knew DARCY LNU. She was training to be a clerk when BODENHEIMER worked for Judge TIEMANN, and she later became head of the criminal clerks.

BODENHEIMER had witnessed PORTEOUS on the bench after he had been drinking at lunch.

PORTEOUS showed up at a lunch attended by BODENHEIMER at EMERIL'S, hosted by LOUIS MARCOTTE. PORTEOUS drank, but did not eat.

KYLE SCHONEKAS is representing PORTEOUS. BODENHEIMER's attorney EDDIE CASTAING spoke with SCHONEKAS regarding the PORTEOUS information that was in the FBI's Title III Affidavit. This information was learned during PORTEOUS' federal judicial background investigation.

BODENHEIMER remembered hearing of "war stories" involving [redacted] and PORTEOUS, however, BODENHEIMER did not remember specifics. [redacted] were law school classmates.

PORTEOUS is a very smart judge and would tell BODENHEIMER how to do certain things in order to win his case. For example, BODENHEIMER once had a case where he did not want to prosecute a

[redacted]

Jefferson Parish Sheriff's Deputy, and PORTEOUS told BODENHEIMER to put all the facts in front of him and he would find the officer not guilty, rather than BODENHEIMER just not pursuing the case.

SCHONEKAS told either [redacted] or [redacted] that PORTEOUS was seething, and was just waiting for the FBI to finish its investigation so he could "catch back."

BODENHEIMER did not remember the name [redacted].

Johnson, Erin (SITC)

Subject: FW: Follow up on Judge Porteous requests
Attachments: Exhibit 4 DOJ letter to Senate 8-1-89.pdf; Exhibit 5 list of FBI 302s.pdf; Exhibit 7.pdf; Exhibit 8 Interview of Norman Stotts.pdf; Exhibit 10 AAG Weich ltr to Conyer 10-23-09.pdf; HP Ex. 069 (e).PDF

From: Seidel, Rebecca (SITC)
Sent: Thursday, August 19, 2010 9:52 AM
To: 'Burton, Faith (SMO)'; Erb, William (OLA)
Cc: 'Parmiter, Robert B'; Kim, Justin (SITC); Parks, Derron (SITC); Jipping, Tom (SITC); Seidel, Rebecca (SITC)
Subject: Follow up on Judge Porteous requests

Faith,
We are emailing you to provide some advanced notice that a letter from the Chairman will be forthcoming regarding Judge Porteous's requests to DOJ. Below is a copy of Judge Porteous's recently revised / narrowed requests for your review, especially in light of the letter in the Nixon case from DOJ to Chairman Fowler on 7/18/89 which is attached. Please take particular notice of the production in the Nixon case of prosecution memorandum. We request your expedited consideration.

Porteous Narrowed requests:

1. All Form FD-302 reports (or FBI field memoranda), in entirely unredacted form, generated by the FBI during its criminal investigation of Judge Porteous and its investigation of Judge Porteous in connection with his nomination and confirmation to the federal bench. A list of all 302 Reports previously received by the defense (with varying levels of redaction) is attached. *[See list of 302 Reports provided by Judge Porteous, attached as Exhibit 5].*

2. An unredacted version of House Exhibit 69(b), which appears to include 309 pages of documents produced by the Department to the House on or about June 25, 2009. This document contains a number of 302 Reports, many of which contain redactions. *[NOTE: here is link to documents in 69(b),* Click to Retrieve File(s) *file too large to do as attachment]*

3. An unredacted version of a the document bates labeled PORT000000721, and attached to this letter as Exhibit 7.

4. An unredacted version of an FBI 302 Report dated December 18, 2002, regarding an interview with Norman Stotts. The version of this document previously produced to the defense appears to omit pages and includes extensive redactions. *[The redacted version of this document is attached as Exhibit 8].*

5. An unredacted version of House Exhibit 69(e), which appears to include 23 pages of documents produced by the Department to the House of Representatives on or about October 23, 2009. The cover letter to this exhibit is attached as Exhibit 10. This document contains numerous 302 Reports, which contain redactions. *[pdf of House 69(e) is attoched].*

6. All Department of Justice "Prosecution Memorandums" that reference or relate to Judge Porteous. The Department indicated in its July 19, 2010 letter that it would decline to provide this type of material directly to Judge Porteous. The defense notes that, in the Nixon impeachment proceedings, the Department provided prosecution memoranda to the Senate. *[See August 1, 1989 Letter from Department of Justice, attoched as Exhibit 4].*

7. All Department of Justice "Requests for Authorizations to Indict" that reference or relate to Judge Porteous. The defense notes that, in the Nixon impeachment proceedings, the Department provided "Requests for Authorizations to Indict" to the Senate. *[See August 1, 1989 Letter from Department of Justice, attached as Exhibit 4].*

8. All grand jury testimony taken or collected by the Department during its investigation of Judge Porteous, not previously provided to the defense. The defense has received only the following grand jury transcripts from the House:

   - Ronald Bodenheimer – April 22, 2004
   - Claude Lightfoot – August 19, 2004, September 9, 2004, November 4, 2004, September 24, 2009, and October 29, 2007
   - Warren Forestall – March 17, 2006
   - Robert Creely – March 17, 2006
   - Donald Gardner – March 31, 2006
   - Rhonda Danos – March 31, 2006, and August 18, 2006
   - Leonard Levinson – April 7, 2006
   - Joseph Mole – May 5, 2006
   - Jacob Amato – May 5, 2006

   [Note: is there a list of people subpoenaed to testify at the grand jury?]

9. Any 302 Reports for Robert Rees or Bruce Netterville generated in either the Wrinkled Robe or Judge Porteous investigations. The defense has not received any 302 Reports related to these two individuals.

10. An unredacted version of the Affidavit in Support of the Application for an Order Authorizing the Interception of Wire Communications, dated August 27, 2001. Judge Porteous has been provided with a redacted copy of this document.

11. Any orders issued by any court in response to the Affidavit in Support of the Application for an Order Authorizing the Interception of Wire Communications, dated August 27, 2001

12. All records received by the Department in response to its subpoena to Beau Rivage (request #1A), as listed on the Grand Jury Subpoena Log. According to the Grand Jury Subpoena Log, the Department received records related to this subpoena on October 7, 1999.

13. All records received by the Department in response to its subpoena to Treasure Chest (request #35), as listed on the Grand Jury Subpoena Log. According to the Grand Jury Subpoena Log, the Department received records related to this subpoena on July 31, 2002.

14. All records received by the Department in response to its subpoena to Beau Rivage (request #37), as listed on the Grand Jury Subpoena Log. It is unclear when the Department received records related to this subpoena.

15. All records received by the Department in response to its subpoena to Grand Casinos of Mississippi - Gulfport (request #40), as listed on the Grand Jury Subpoena Log. It is unclear when the Department received records related to this subpoena.

16. All records received by the Department in response to its subpoena to Trips Unlimited, Inc. (request #44), as listed on the Grand Jury Subpoena Log. According to the Grand Jury Subpoena Log, the Department received records related to this subpoena on March 10, 2003.

17. All records received by the Department in response to its subpoena to Claude Lightfoot (request #82), as listed on the Grand Jury Subpoena Log. According to the Grand Jury Subpoena Log, the Department received records related to this subpoena on February 26, 2004 and June 29, 2004.

18. All records received by the Department in response to its subpoena to Treasure Chest (request #113), as listed on the Grand Jury Subpoena Log. It is unclear when the Department received records related to this subpoena.

19. All records received by the Department in response to its subpoena to Beau Rivage (request #114), as listed on the Grand Jury Subpoena Log. According to the Grand Jury Subpoena Log, the Department received records related to this subpoena on October 30, 2006.

We are available to discuss if you have questions. Thank you for your assistance.

Rebecca Seidel
Counsel
Senate Impeachment Trial Committee
Room SRB 34A, Russell Senate Office Building
202-228-4136 (desk)
202-570-2590 (cell)

CONFIDENTIALITY NOTE: The information contained in this e-mail is legally privileged and confidential information intended only for the use of the individuals or entities named as addressees. If you, the reader of this message, are not the intended recipient, you are hereby notified that any dissemination, distribution, publication, or copying of the message is strictly prohibited. If you have received this message in error, please forgive the inconvenience, immediately notify the sender, and delete the original message without keeping a copy.

Exhibit 5

FBI 302 Reports Produced to the Defense

1. Creely, Robert - 12/8/2003 - HP Ex. 19
2. Creely, Robert - 1/1/1994 - HP Ex. 250
3. Danos, Rhonda - 12/8/2003 - HP Ex. 42
4. Stotts, Norman - 12/18/2002 - HP Ex. 69(g) (extensive redactions, including whole pages omitted)
5. Centanni, Kevin - 7/7/2004 - HP Ex. 69(h)
6. Porteous, G. Thomas - 7/8/1994 - HP Ex. 69(i)
7. Porteous, G. Thomas - 8/18/1994 - HP Ex. 69(j)
8. Porteous, G. Thomas - 8/18/1994 - HP Ex. 69(k)
9. Reynolds, Michael - 11/3/1994 - HP Ex. 69(l)
10. Marcotte, Louis - 3/2, 23, 24, 25 & 29/2004 - HP Ex. 72(a) (excerpts only, whole pages omitted)
11. Marcotte, Louis - 4/21/2004 - HP Ex. 72(b)
12. Marcotte, Louis - 4/23/2004 - HP Ex. 72(c)
13. Marcotte, Louis - 4/1/2004 - HP Ex. 72(d)
14. Marcotte, Louis - 4/6/2004 - HP Ex. 72(e)
15. Marcotte, Louis - 7/20/2004 - HP Ex. 72(f)
16. Marcotte, Louis - 10/14/2004 - HP Ex. 72(g)
17. Marcotte, Lori - 3/3/2004 - HP Ex. 74(a)
18. Marcotte, Lori - 3/25/2004 - HP Ex. 74(b)
19. Marcotte, Lori - 3/30/2004 - HP Ex. 74(c)
20. Marcotte, Lori - 4/20/2004 - HP Ex. 74(d)
21. Marcotte, Lori - 11/3/2004 - HP Ex. 74(e)
22. Marcotte, Lori - 4/5/2004 - HP Ex. 74(f)
23. Duhon, Jeff - 7/22/2002 - HP Ex. 80(a)
24. Duhon, Jeff - 7/24/2002 - HP Ex. 80(b)
25. Duhon, Jeff - 11/13/2002 - HP Ex. 80(c)
26. Duhon, Jeff - 12/16/2002 - HP Ex. 80(d)
27. Duhon, Jeff - 8/5/2003 - HP Ex. 80(e)
28. Duhon, Jeff - 12/12/2002 - HP Ex. 80(f)
29. Duhon, Jeff - 1/29/2004 - HP Ex. 80(g)
30. Wallace, Aubrey - 10/1/2004 - HP Ex. 84
31. Bodenheimer, Ronald - 4/25/2003 - HP Ex. 89(a)
32. Bodenheimer, Ronald - 5/20/2003 - HP Ex. 89(b)
33. Bodenheimer, Ronald - 1/15-16/2003 - HP Ex. 89(c)
34. Bodenheimer, Ronald - 4/20/2004 - HP Ex. 89(d)
35. Greendyke, Ronald - 1/14/2005 - HP Ex. 333(b)
36. Beaulieu, S.J. - 1/22/2004 - HP Ex. 334
37. All 302 reports generated during the FBI's background check of Judge Porteous in 1994, and included in HP Ex. 69(b)

Exhibit 7

NO 194-F
77A-HQ-F

The following investigation was conducted by Special Agent (SA) S at New Orleans, Louisiana.

On October 26, 1994, E (Protect Identity) voluntarily appeared at the Federal Bureau of Investigation (FBI) office and made available to the Agent the following items:

Section 893, 893-1, and 894 of the Code of Criminal Procedures, Jefferson Parish arrest record re AUBREY N. WALLACE for the burglary and cocaine arrest, records from the 24th Judicial District Court, dated 1989 and December 15, 1988, and the candidate's report for Judge THOMAS PORTEOUS regarding financial disclosure forms.

E advised E had been talking to ROBERT REESE, defense attorney who had represented AUBREY WALLACE in the expungement before Judge THOMAS PORTEOUS. REESE had told E that he might consider talking with the FBI, and E made available REESE's phone numbers of P-1, E (home) and P-1, E (work). E

On October 28, 1994, E telephonically contacted the Agent and advised him that attorney BRUCE NETTERVILLE, LOUIS MARCOTTE and Judge PORTEOUS had gone to Las Vegas sometime during the last year, and the trip was supposedly paid for by LOUIS MARCOTTE. He also indicated that state probation and parole was probably going to violate AUBREY WALLACE for his employment with a bonding agency.

He advised that P-1, E P-1, E is a major drug supplier, and that AUBREY is still working at the bonding office with LOUIS MARCOTTE which is a violation of state law. He stated he had talked to probation officer JILL OTT and it was their intention to appeal PORTEOUS' sentence as far as setting aside the conviction for AUBREY WALLACE. E stated he would attempt to determine more information regarding when and where they had stayed in Las Vegas, and he would get back with the Agent as soon as he could develop that information.

WORK COPY

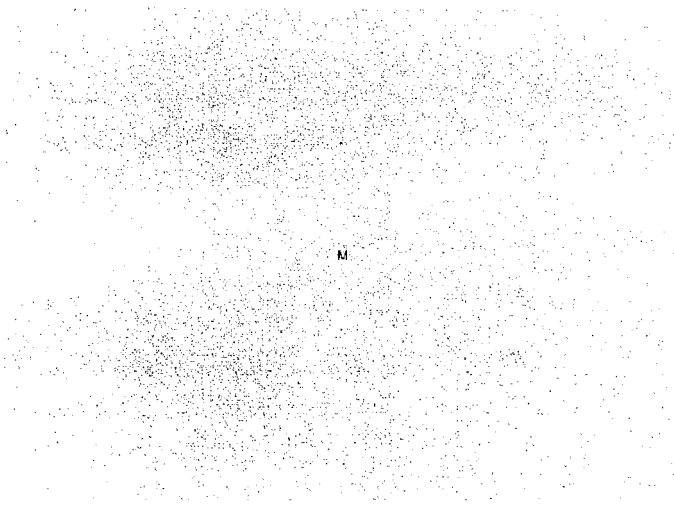
Exhibit 8

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/18/2002

NORMAN STOTTS was interviewed at the United States Attorneys Office, New Orleans, Louisiana. Present during the interview was [redacted] After being advised of the identities of the interviewing agents and the purpose of the interview, STOTTS provided the following information:



Investigation on 12/17 & 18/02 at New Orleans, Louisiana

File # 194A-NO- F Date dictated 12/18/2002

by SA SA S SA :rgo

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

HP Exhibit 69(g)

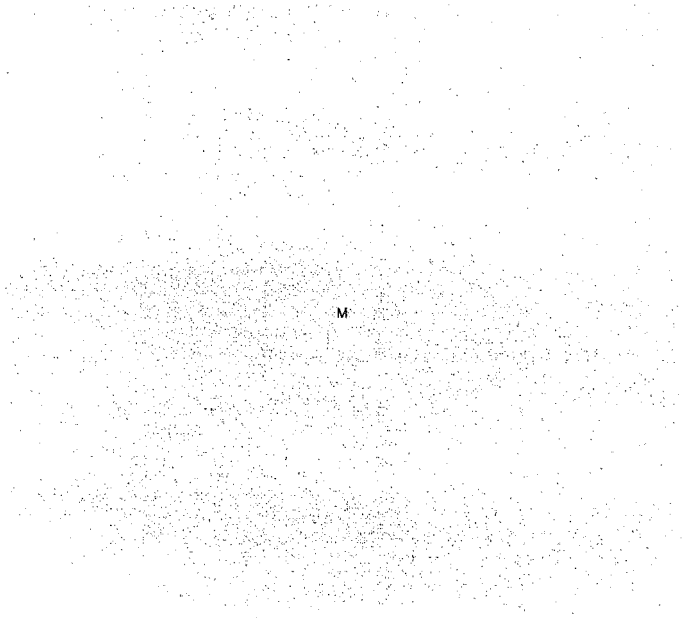
Pages 2 through 10 redacted for the following reasons:

M - Information which is not responsive

FD-302a (Rev. 10-6-95)

194A-NO- F

Continuation of FD-302 of NORMAN STOTTS, On 12/17 & 18/02 Page 11



BBU's employees had the ability to call a judge to get a bond reduced or split. LOUIS MARCOTTE felt BBU had better relationships with certain judges and could call them for bond reduction to an amount BBU could make a surety bond and PSBU bond for the balance. STOTTS would visit BBU once or twice a year where STOTTS witnessed such activity.

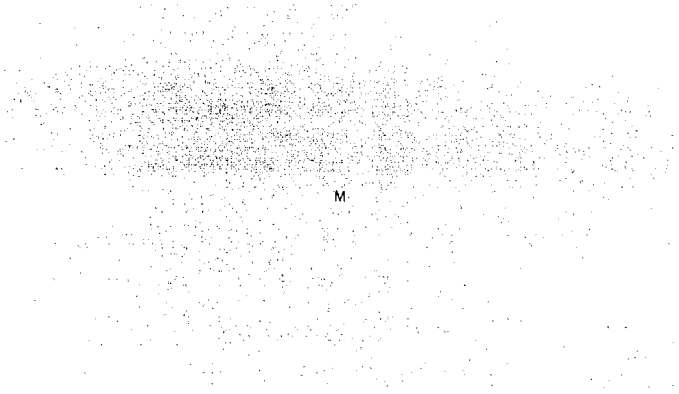
FD-302a (Rev. 10-6-95)

194A-NO- F

Continuation of FD-302 of NORMAN STOTTS , On 12/17 & 18/02 Page 12

STOTTS opined that LOUIS MARCOTTE's success in handling bonds was attributed to LOUIS MARCOTTE being a part of the "good ol' boy" system. LOUIS MARCOTTE had the ability to request a bond reduction with judges. STOTTS believed it was possible that LOUIS MARCOTTE stated that he could get any bond reduced. LOUIS MARCOTTE did not conceal the fact that he obtained bond reductions from his relationship with judges. There was an implied ability to get bonds set or reduced so that the defendant could afford the bond. STOTTS never asked LOUIS MARCOTTE how he developed the relationship with the judges to get bonds reduced because it did not seem odd for the state of Louisiana.

On one occasion, STOTTS accompanied LOUIS MARCOTTE and LORI MARCOTTE to dinner with a judge or Justice of the Peace. The judge was a white male, middle aged, balding, short to medium height, and stocky build. STOTTS recalled there were approximately six occasions when he accompanied LOUIS MARCOTTE to dinner with a judge during the period 1992 to 2000. When STOTTS went to dinner with LOUIS MARCOTTE, they would be accompanied by other MARCOTTE family members. The dinners were paid for by different individuals of the MARCOTTE family.



Pages 13 through 21 redacted for the following reasons:

M - Information which is not responsive

FD-302a (Rev. 10-6-95)

194A-NO- F

Continuation of FD-302 of NORMAN STOTTS, On 12/17 & 18/02 Page 22

M

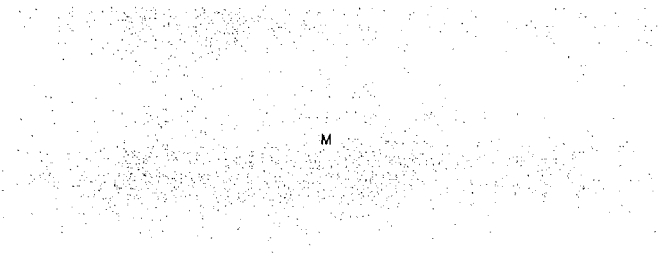
STOTTS met Judge THOMAS PORTEOUS through LOUIS MARCOTTE. On one or two occasions STOTTS had lunch with PORTEOUS and BBU employees LOUIS MARCOTTE, [redacted], and others. STOTTS knows PORTEOUS' secretary RHONDA LNU. STOTTS met PORTEOUS when PORTEOUS was either a federal appointee or a federal judge.

M

FD-302a (Rev. 10-6-95)

194A-NO- F

Continuation of FD-302 of NORMAN STOTTS , On 12/17 & 18/02 Page 23



The following was obtained through interview and observation:

Name:	NORMAN STOTTS
Sex:	Male
Race:	White
Address:	P-1
Employer:	
Position:	Assistant Vice President
Telephone:	P-1 (cell), (pager)

Exhibit 10

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 23, 2009

The Honorable John Conyers, Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This supplements our prior responses to the Committee's letter, dated March 31, 2009, which requested documents and other information relating to the Department's referral to the United States Court of Appeals for the Fifth Circuit pertaining to Judge G. Thomas Porteous, Jr.

Enclosed are 22 pages of records pertaining to an investigation of Judge Porteous' compliance with a bankruptcy order, including FBI 302 reports of individuals interviewed in connection with that investigation. These documents bear limited redactions of personal information, such as social security numbers, date of births, cell phone numbers, non-public numbers, and other limited information implicating individual privacy interests. Similarly, we have also redacted the names and personal information related to law enforcement personnel, and the names of sources who requested that their identities not be reveled. Nonetheless, these records implicate substantial individual privacy interests and, accordingly, we request that you consult with the Department prior to disclosing their contents outside of the Committee.

Please do not hesitate to contact us if you would like additional assistance with this or any other matter.

Sincerely,

Ronald Weich
Assistant Attorney General

Enclosures

cc: The Honorable Lamar S. Smith
Ranking Minority Member

HP Exhibit 69(e)

Exhibit 4

U.S. Department of Justice

Washington, D.C. 20530

AUG 1 1989

Donald A. Purdy, Jr., Esq.
Counsel to the Committee
United States Senate Impeachment
Trial Committee
Room Sh-902D
Hart Senate Office Building.
Washington, D.C. 20510

Dear Mr. Purdy:

Re: United States District Judge Walter L. Nixon, Jr.

Pursuant to the request of Senator Wyche Fowler, Jr., Chairman of the Senate Impeachment Trial Committee, the Department of Justice is providing the documents the Committee has requested concerning the investigation and prosecution of United States District Court Judge Walter L. Nixon, Jr. In some cases, where noted, redactions have been made to the documents to delete attorney work product. The documents provided are as follows:

1. Draft FBI Form, 302 Report of Interview of Stewart Sargent (4 pages).

2. Transcript of proffer of Wylie Fairchild on November 1, 1984 (9 pages).

3. Handwritten chronology (4 pages).

4. Memo, "Prosecution Memorandum of Carroll Ingram," dated December 7, 1984 (2 pages after redaction).

5. Memo, "Recommendation to Prosecute Paul H. 'Bud' Holmes," dated March 22, 1985 (9 pages after redaction).

6. Polygraph Report on Paul Hardin Holmes, dated July 12, 1985 (4 pages).

7. Handwritten notes (5 pages).

8. Handwritten "Drew Chronology" (9 pages).

9. Memo, "Request for Authorization to Indict Reditt 'Drew' Fairchild," dated March 18, 1985 (2 pages).

10. Memo, "Recommendation to Prosecute Drew Fairchild," dated March 22, 1985 (3 pages).

11. "Chart" (2 pages).

12. FBI Memo From SA Jerry Ripley to SAC Jackson, dated July 6, 1981 (2 pages).

13. Memo, "Recommendation to Prosecute United States District Judge Walter L. Nixon," dated July 9, 1985 (9 pages after redaction).

14. Memo, "Recommendation to Prosecute United States District Judge Walter L. Nixon," dated July 22, 1985 (9 pages after redaction).

15. Memo, "Request for Authorization to Apply for Disclosure of Tax Returns -- Walter L. Nixon," dated July 9, 1985 (2 pages).

16. Memo, "United States v. Paul H. 'Bud' Holmes; Marshals Service Staffing," dated June 6, 1985 (4 pages).

17. Handwritten notes, "Wallace Gunn TC 10/2/85" (1 page).

18. Memo, "Mississippi Investigation," dated April 30, 1984 (3 pages after redaction).

19. FBI Form 302, Report of Interview of Elma Manasco, dated November 6, 1984 (1 page).

20. Handwritten notes, first page headed "Weldon Kennedy," dated March 5, 1984 (13 pages).

21. FBI Form 302, Report of Interview of Thomas L. Dial, dated August 28, 1984 (2 pages).

22. FBI Form 302, Report of Interview of Captain James R. Kelly, dated January 24-25-26, 1984 (3 pages).

23. FBI Form 302, Report of Interview of Tom Dial, dated November 15, 1983 (2 pages).

24. FBI Form 302, Report of Interview of Robert Royals, dated January 9, 1986 (2 pages).

25. Handwritten note, headed "Ingram" (3 pages).

26. FBI Form 302, Report of Interview of Billy Riley, dated November 28, 1984 (2 pages).

27. Handwritten note, headed "Bud and Fanning . . ." (1 page).

28. Letter from Jack Morton, Deputy Regional Counsel, IRS, to Honorable Glenn L. Archer, Jr., Assistant Attorney General, Tax Division, dated December 16, 1985 (5 pages).

29. Memo, "Status Report re: The Petit Bois Bribe Investigation," dated November 19, 1985 (20 pages after redaction).

30. Handwritten notes, headed "McMullan Proffer" (10 pages).

31. "Daily Report" for May 7, 1985 (2 pages).

32. "Walter Louis Nixon, Jr., ET AL, Narcotics Case - Background" (18 pages).

Should the Committee have any further questions concerning this matter, please feel free to contact me at 786-5059.

Sincerely,

James M. Cole
Deputy Chief
Public Integrity Section
Criminal Division

Enclosures

CLAIRE MCCASKILL, MISSOURI, CHAIRMAN
ORRIN G. HATCH, UTAH, VICE CHAIRMAN
AMY KLOBUCHAR, MINNESOTA
SHELDON WHITEHOUSE, RHODE ISLAND
TOM UDALL, NEW MEXICO
JEANNE SHAHEEN, NEW HAMPSHIRE
EDWARD E. KAUFMAN, DELAWARE
JIM DEMINT, SOUTH CAROLINA
JOHN BARRASSO, WYOMING
ROGER F. WICKER, MISSISSIPPI
MIKE JOHANNS, NEBRASKA
JAMES E. RISCH, IDAHO

United States Senate

SENATE IMPEACHMENT
TRIAL COMMITTEE
WASHINGTON, DC 20510-6326

August 25, 2010

Ronald W. Weich
Assistant Attorney General
Office of Legislative Affairs
United States Department of Justice
Washington, D.C. 20530

Dear Mr. Weich:

The United States Senate Impeachment Trial Committee on the Articles Against G. Thomas Porteous, Jr. has received a request from Judge Porteous seeking the Committee's assistance in obtaining materials from the Department of Justice necessary for his defense in the Senate impeachment trial proceedings. At the Committee's instruction, Judge Porteous submitted his request directly to the Department on June 30, 2010.

After reviewing Judge Porteous's request, you responded in writing on July 19, 2010, that the Department as a matter of practice "has not provided materials to officials facing impeachment" and that "[i]t is the responsibility of the Congress to provide any relevant materials to such officials." According to your letter, the Department has previously conducted an extensive review of relevant materials in its custody and provided more than 13,000 pages to the United States Court of Appeals for the Fifth Circuit and the United States House of Representatives. You indicated that the productions to the Fifth Circuit and the House included "all documents in our possession that are relevant to the articles of impeachment." The Committee has confirmed that Judge Porteous has access to the Department's prior productions that relate to the Articles of Impeachment.

On July 29, 2010, the Committee staff attended a briefing with the Department regarding the outstanding requests for additional documents that may be useful for Judge Porteous's defense. At the briefing, the Department agreed to produce a handful of documents requested by the Committee staff and to consider other requests for documents made by Judge Porteous through the Committee. In addition, the Department offered to produce any documents on the grand jury subpoena log which had not been previously produced. The Committee now asks the Department to consider the following requests made by Judge Porteous:

1. All Form FD-302 reports (or FBI field memoranda), in unredacted form, generated by the FBI during its criminal investigation of Judge Porteous and its investigation of Judge Porteous in connection with his nomination and confirmation to the federal bench. This request excludes 302 Reports generated by the FBI during the separate "Wrinkled Robe" investigation. A list of all 302 Reports in possession of Judge Porteous (with varying levels of redaction) is attached as Exhibit 1.

2. An unredacted version of the 309 pages of documents produced by the Department to the House on or about June 25, 2009. The cover letter to this exhibit is attached as Exhibit 2. This document contains a number of 302 Reports, many of which contain redactions.

3. An unredacted version of the document bates labeled PORT000000721, and attached to this letter as Exhibit 3.

4. An unredacted version of an FBI 302 Report dated December 18, 2002, regarding an interview with Norman Stotts.

5. An unredacted version of the 23 pages of documents produced by the Department to the House of Representatives on or about October 23, 2009. The cover letter to this exhibit is attached as Exhibit 4. This document contains numerous 302 Reports, which contain redactions.

6. All Department of Justice "Prosecution Memoranda" that reference or relate to Judge Porteous. The Department indicated in its July 19, 2010 letter that it would decline to provide this type of material directly to Judge Porteous. However, in the Judge Walter L. Nixon, Jr. impeachment proceedings, the Department provided prosecution memoranda to the Senate. *See* August 1, 1989 Letter from Department of Justice, attached as Exhibit 5.

7. All Department of Justice "Requests for Authorization to Indict" that reference or relate to Judge Porteous. In the Nixon impeachment proceedings, the Department provided "Requests for Authorization to Indict" to the Senate. *See* August 1, 1989 Letter from Department of Justice, attached as Exhibit 5.

8. All grand jury testimony taken or collected by the Department during its investigation of Judge Porteous, not in the possession of the parties. According to Judge Porteous, the following grand jury transcripts have been produced:

   - Ronald Bodenheimer – April 22, 2004
   - Claude Lightfoot – August 19, 2004, September 9, 2004, November 4, 2004, September 24, 2009, and October 29, 2007
   - Warren Forestall – March 17, 2006
   - Robert Creely – March 17, 2006
   - Donald Gardner - March 31, 2006
   - Rhonda Danos – March 31, 2006, and August 18, 2006
   - Leonard Levinson – April 7, 2006
   - Joseph Mole – May 5, 2006
   - Jacob Amato – May 5, 2006

9. Any 302 Reports for Robert Rees or Bruce Netterville generated in either the Wrinkled Robe or Judge Porteous investigations.

10. An unredacted version of the Affidavit in Support of the Application for an Order Authorizing the Interception of Wire Communications, dated August 27, 2001.

11. Any orders issued by any court in response to the Affidavit in Support of the Application for an Order Authorizing the Interception of Wire Communications, dated August 27, 2001

12. All records received by the Department in response to its subpoena to Beau Rivage (request #1A), as listed on the Grand Jury Subpoena Log. According to the Grand Jury Subpoena Log, the Department received records related to this subpoena on October 7, 1999.

13. All records received by the Department in response to its subpoena to Treasure Chest (request #35), as listed on the Grand Jury Subpoena Log. According to the Grand Jury Subpoena Log, the Department received records related to this subpoena on July 31, 2002.

14. All records received by the Department in response to its subpoena to Beau Rivage (request #37), as listed on the Grand Jury Subpoena Log. It is unclear when the Department received records related to this subpoena.

15. All records received by the Department in response to its subpoena to Grand Casinos of Mississippi - Gulfport (request #40), as listed on the Grand Jury Subpoena Log. It is unclear when the Department received records related to this subpoena.

16. All records received by the Department in response to its subpoena to Trips Unlimited, Inc. (request #44), as listed on the Grand Jury Subpoena Log. According to the Grand Jury Subpoena Log, the Department received records related to this subpoena on March 10, 2003.

17. All records received by the Department in response to its subpoena to Claude Lightfoot (request #82), as listed on the Grand Jury Subpoena Log. According to the Grand Jury Subpoena Log, the Department received records related to this subpoena on February 26, 2004 and June 29, 2004.

18. All records received by the Department in response to its subpoena to Treasure Chest (request #113), as listed on the Grand Jury Subpoena Log. It is unclear when the Department received records related to this subpoena.

19. All records received by the Department in response to its subpoena to Beau Rivage (request #114), as listed on the Grand Jury Subpoena Log. According to the Grand Jury Subpoena Log, the Department received records related to this subpoena on October 30, 2006.

The Committee requests that the Department produce documents responsive to these requests directly to the Committee no later than September 1, 2010, in electronic form or otherwise provide a detailed explanation of why these requests are objectionable. On behalf of the Committee, I appreciate the Department's ongoing cooperation with these matters.

Sincerely,



Claire McCaskill
Chairman

Enclosures

FBI 302 Reports Produced to the Defense

1. Creely, Robert - 12/8/2003 - HP Ex. 19
2. Creely, Robert - 1/1/1994 - HP Ex. 250
3. Danos, Rhonda - 12/8/2003 - HP Ex. 42
4. Stotts, Norman - 12/18/2002 - HP Ex. 69(g) (extensive redactions, including whole pages omitted)
5. Centanni, Kevin - 7/7/2004 - HP Ex. 69(h)
6. Porteous, G. Thomas - 7/8/1994 - HP Ex. 69(i)
7. Porteous, G. Thomas - 8/18/1994 - HP Ex. 69(j)
8. Porteous, G. Thomas - 8/18/1994 - HP Ex. 69(k)
9. Reynolds, Michael - 11/3/1994 - HP Ex. 69(l)
10. Marcotte, Louis - 3/2, 23, 24, 25 & 29/2004 - HP Ex. 72(a) (excerpts only, whole pages omitted)
11. Marcotte, Louis - 4/21/2004 - HP Ex. 72(b)
12. Marcotte, Louis - 4/23/2004 - HP Ex. 72(c)
13. Marcotte, Louis - 4/1/2004 - HP Ex. 72(d)
14. Marcotte, Louis - 4/6/2004 - HP Ex. 72(e)
15. Marcotte, Louis - 7/20/2004 - HP Ex. 72(f)
16. Marcotte, Louis - 10/14/2004 - HP Ex. 72(g)
17. Marcotte, Lori - 3/3/2004 - HP Ex. 74(a)
18. Marcotte, Lori - 3/25/2004 - HP Ex. 74(b)
19. Marcotte, Lori - 3/30/2004 - HP Ex. 74(c)
20. Marcotte, Lori - 4/20/2004 - HP Ex. 74(d)
21. Marcotte, Lori - 11/3/2004 - HP Ex. 74(e)
22. Marcotte, Lori - 4/5/2004 - HP Ex. 74(f)
23. Duhon, Jeff - 7/22/2002 - HP Ex. 80(a)
24. Duhon, Jeff - 7/24/2002 - HP Ex. 80(b)
25. Duhon, Jeff - 11/13/2002 - HP Ex. 80(c)
26. Duhon, Jeff - 12/16/2002 - HP Ex. 80(d)
27. Duhon, Jeff - 8/5/2003 - HP Ex. 80(e)
28. Duhon, Jeff - 12/12/2002 - HP Ex. 80(f)
29. Duhon, Jeff - 1/29/2004 - HP Ex. 80(g)
30. Wallace, Aubrey - 10/1/2004 - HP Ex. 84
31. Bodenheimer, Ronald - 4/25/2003 - HP Ex. 89(a)
32. Bodenheimer, Ronald - 5/20/2003 - HP Ex. 89(b)
33. Bodenheimer, Ronald - 1/15-16/2003 - HP Ex. 89(c)
34. Bodenheimer, Ronald - 4/20/2004 - HP Ex. 89(d)
35. Greendyke, Ronald - 1/14/2005 - HP Ex. 333(b)
36. Beaulieu, S.J. - 1/22/2004 - HP Ex. 334
37. All 302 reports generated during the FBI's background check of Judge Porteous in 1994, and included in HP Ex. 69(b)

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 25, 2009

The Honorable John Conyers, Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This supplements our prior response to the Committee's letter, dated March 31, 2009, which requested documents and other information relating to the Department's referral to the United States Court of Appeals for the Fifth Circuit pertaining to Judge G. Thomas Porteous, Jr.

Enclosed are 309 pages of records pertaining to the Senate confirmation of Judge Porteous, including his background questionnaire (SF 86), FBI 302 reports of interviews in connection with the background investigation, and other related documents. These records along with the documents we produced to the Committee on June 18, 2009, complete our response to your March 31, 2009, request for documents relating to the background investigation of Judge Porteous.

The enclosed documents bear limited redactions of personal information, such as social security numbers, date of births, cell phone numbers, non-public numbers, and other limited information implicating individual privacy interests. We also have redacted the names and personal information related to law enforcement personnel, and text that would identify sources who requested confidentiality during the course of the background investigation. Nonetheless, these records implicate substantial individual privacy interests and, accordingly, we request that you consult with the Department prior to disclosing their contents outside of the Committee.

We hope that this information is helpful. Please do not hesitate to contact us if you would like additional assistance with this or any other matter.

Sincerely,

Ronald Weich
Assistant Attorney General

Enclosures

cc: The Honorable Lamar S. Smith

HP Exhibit 69(b)

ND 194-F
77A-HQ-F

The following investigation was conducted by Special Agent (SA) S at New Orleans, Louisiana.

On October 26, 1994, E (Protect Identity) voluntarily appeared at the Federal Bureau of Investigation (FBI) office and made available to the Agent the following items:

Section 893, 893-1, and 894 of the Code of Criminal Procedures, Jefferson Parish arrest record re AUBREY N. WALLACE for the burglary and cocaine arrest, records from the 24th Judicial District Court, dated 1989 and December 15, 1988, and the candidate's report for Judge THOMAS PORTEOUS regarding financial disclosure forms.

E advised E had been talking to ROBERT REESE, defense attorney who had represented AUBREY WALLACE in the expungement before Judge THOMAS PORTEOUS. REESE had told E that he might consider talking with the FBI, and E made available REESE's phone numbers of P-1, E (home) and P-1, E (work). E

On October 28, 1994, E telephonically contacted the Agent and advised him that attorney BRUCE NETTERVILLE, LOUIS MARCOTTE and Judge PORTEOUS had gone to Las Vegas sometime during the last year, and the trip was supposedly paid for by LOUIS MARCOTTE. He also indicated that state probation and parole was probably going to violate AUBREY WALLACE for his employment with a bonding agency.

He advised that P-1, E P-1, E is a major drug supplier, and that AUBREY is still working at the bonding office with LOUIS MARCOTTE which is a violation of state law. He stated he had talked to probation officer JILL OTT and it was their intention to appeal PORTEOUS' sentence as far as setting aside the conviction for AUBREY WALLACE. E stated he would attempt to determine more information regarding when and where they had stayed in Las Vegas, and he would get back with the Agent as soon as he could develop that information.

WORK COPY

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 23, 2009

The Honorable John Conyers, Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This supplements our prior responses to the Committee's letter, dated March 31, 2009, which requested documents and other information relating to the Department's referral to the United States Court of Appeals for the Fifth Circuit pertaining to Judge G. Thomas Porteous, Jr.

Enclosed are 22 pages of records pertaining to an investigation of Judge Porteous' compliance with a bankruptcy order, including FBI 302 reports of individuals interviewed in connection with that investigation. These documents bear limited redactions of personal information, such as social security numbers, date of births, cell phone numbers, non-public numbers, and other limited information implicating individual privacy interests. Similarly, we have also redacted the names and personal information related to law enforcement personnel, and the names of sources who requested that their identities not be reveled. Nonetheless, these records implicate substantial individual privacy interests and, accordingly, we request that you consult with the Department prior to disclosing their contents outside of the Committee.

Please do not hesitate to contact us if you would like additional assistance with this or any other matter.

Sincerely,

Ronald Weich
Assistant Attorney General

Enclosures

cc: The Honorable Lamar S. Smith
Ranking Minority Member

HP Exhibit 69(e)

U.S. Department of Justice

Washington, D.C. 20530

AUG 1 1989

Donald A. Purdy, Jr., Esq.
Counsel to the Committee
United States Senate Impeachment
Trial Committee
Room Sh-902D
Hart Senate Office Building.
Washington, D.C. 20510

Dear Mr. Purdy:

Re: United States District Judge Walter L. Nixon, Jr.

Pursuant to the request of Senator Wyche Fowler, Jr., Chairman of the Senate Impeachment Trial Committee, the Department of Justice is providing the documents the Committee has requested concerning the investigation and prosecution of United States District Court Judge Walter L. Nixon, Jr. In some cases, where noted, redactions have been made to the documents to delete attorney work product. The documents provided are as follows:

1. Draft FBI Form, 302 Report of Interview of Stewart Sargent (4 pages).

2. Transcript of proffer of Wylie Fairchild on November 1, 1984 (9 pages).

3. Handwritten chronology (4 pages).

4. Memo, "Prosecution Memorandum of Carroll Ingram," dated December 7, 1984 (2 pages after redaction).

5. Memo, "Recommendation to Prosecute Paul H. 'Bud' Holmes," dated March 22, 1985 (9 pages after redaction).

6. Polygraph Report on Paul Hardin Holmes, dated July 12, 1985 (4 pages).

7. Handwritten notes (5 pages).

8. Handwritten "Drew Chronology" (9 pages).

9. Memo, "Request for Authorization to Indict Reditt 'Drew' Fairchild," dated March 18, 1985 (2 pages).

10. Memo, "Recommendation to Prosecute Drew Fairchild," dated March 22, 1985 (3 pages).

11. "Chart" (2 pages).

12. FBI Memo From SA Jerry Ripley to SAC Jackson, dated July 6, 1981 (2 pages).

13. Memo, "Recommendation to Prosecute United States District Judge Walter L. Nixon," dated July 9, 1985 (9 pages after redaction).

14. Memo, "Recommendation to Prosecute United States District Judge Walter L. Nixon," dated July 22, 1985 (9 pages after redaction).

15. Memo, "Request for Authorization to Apply for Disclosure of Tax Returns -- Walter L. Nixon," dated July 9, 1985 (2 pages).

16. Memo, "United States v. Paul H. 'Bud' Holmes: Marshals Service Staffing," dated June 6, 1985 (4 pages).

17. Handwritten notes, "Wallace Gunn TC 10/2/85" (1 page).

18. Memo, "Mississippi Investigation," dated April 30, 1984 (3 pages after redaction).

19. FBI Form 302, Report of Interview of Elma Manasco, dated November 6, 1984 (1 page).

20. Handwritten notes, first page headed "Weldon Kennedy," dated March 5, 1984 (13 pages).

21. FBI Form 302, Report of Interview of Thomas L. Dial, dated August 28, 1984 (2 pages).

22. FBI Form 302, Report of Interview of Captain James R. Kelly, dated January 24-25-26, 1984 (3 pages).

23. FBI Form 302, Report of Interview of Tom Dial, dated November 15, 1983 (2 pages).

24. FBI Form 302, Report of Interview of Robert Royals, dated January 9, 1986 (2 pages).

25. Handwritten note, headed "Ingram" (3 pages).

26. FBI Form 302, Report of Interview of Billy Riley, dated November 28, 1984 (2 pages).

27. Handwritten note, headed "Bud and Fanning . . ." (1 page).

28. Letter from Jack Morton, Deputy Regional Counsel, IRS, to Honorable Glenn L. Archer, Jr., Assistant Attorney General, Tax Division, dated December 16, 1985 (5 pages).

29. Memo, "Status Report re: The Petit Bois Bribe Investigation," dated November 19, 1985 (20 pages after redaction).

30. Handwritten notes, headed "McMullan Proffer" (10 pages).

31. "Daily Report" for May 7, 1985 (2 pages).

32. "Walter Louis Nixon, Jr., ET AL, Narcotics Case - Background" (18 pages).

Should the Committee have any further questions concerning this matter, please feel free to contact me at 786-5059.

Sincerely,

James M. Cole
Deputy Chief
Public Integrity Section
Criminal Division

Enclosures

U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D. C. 20530

August 27, 2010

The Honorable Claire McCaskill
Chairman
The Honorable Orrin G. Hatch
Vice Chairman
Impeachment Trial Committee
United States Senate
Washington, DC 20510

Dear Madam Chairman and Mr. Vice Chairman:

This responds to the Committee's requests, as described by your staff in a meeting with Department representatives on July 30, 2010, for FBI reports of interviews (FD-302s) of Judge Ronald Bodenheimer following his plea to federal charges arising from the investigation known as "Wrinkled Robe." The Department does not have significant confidentiality interests in these documents and we recognize that they may be relevant to the Senate impeachment trial of Judge Porteous. We also have enclosed a FD-302 pertaining to the FBI's interview of Ms. Sandra Rasnac, Assistant United States Trustee for Region 11, relating to the bankruptcy proceedings filed by Judge Porteous.

Enclosed are 102 pages of documents responsive to your requests. The enclosed documents bear limited redactions of personal information, such as social security numbers, date of births, cell phone numbers, non-public numbers, and other limited information implicating individual privacy interests. Similarly, we have also redacted the names and personal information related to law enforcement personnel, and the names of sources who requested that their identities not be revealed. Nonetheless, these records implicate substantial individual privacy interests and, accordingly, we request that you consult with the Department prior to disclosing their contents outside of the Committee.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this, or any other matter.

Sincerely,

Ronald Weich
Assistant Attorney General

Enclosures

BRYAN CAVE

P.J. Meitl
Direct: (202) 508-6043
pj.meitl@bryancave.com

August 27, 2010

VIA EMAIL

Derron Parks, Esq.
Senate Impeachment Trial Committee
United States Senate
Russell Senate Office Building, Room B-34A
Washington, D.C. 20002

Re: *Impeachment of Judge G. Thomas Porteous, Jr.*

Dear Mr. Parks:

As I discussed with you in a teleconference earlier today, we received your email dated August 27, 2010. This letter is to inform you that, today, the defense produced to the House fifty-four different documents as part of its reciprocal discovery. A large number of these documents, such as the criminal records of certain House witnesses, were already in the House's possession. Indeed, as we mentioned during yesterday's meeting, most of the exhibits previously identified by the government are likely to be used by the defense since they constitute foundational records in the case. Other documents, such as judicial opinions and judicial codes of conduct, were publicly available. We will continue to produce material as it is identified and becomes available to us.

We take very seriously the Committee's orders and our discovery obligations. We do not believe that we failed to comply with our discovery obligations or disregarded the Committee's orders. We understand our obligation to be exactly what the House requested and the Committee ordered – namely that we produce, as it become available, the following three categories of documents: "(1) any tangible evidence Judge Porteous intends to use at trial; (2) any sworn or adopted statements from witnesses whom Judge Porteous intends to call at trial; and (3) transcripts or substantially verbatim statements of witnesses whom Judge Porteous intends to call at trial." (*See* House Motion for Discovery, dated May 28, 2010, which was subsequently agreed to by defense, and ordered by the Committee in its June 9, 2010 Order.)

As you know, given our late entry into this case, we have been working feverishly to meet the Committee's deadlines and to prepare Judge Porteous's defense. We have been unable until this week to focus extensively on the documentary

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evidence that we intend to use at trial. That process necessarily requires us to consult with our witnesses, consider our defense strategy, and confer with our client. This process has taken time. I can assure you that we have not been sitting on responsive documents for weeks.[1] We will continue to produce documents as they are identified and become available.

Also, please know that the defense sincerely appreciates all of the Committee's efforts to ensure that the House has met its discovery obligations and to obtain materials that the defense has requested from the Department of Justice.

Please let me know if you have any questions.

Sincerely,

P.J. Meitl

[1] As I explained to you in our teleconference today, the defense does not currently possess and does not anticipate receiving any documents responsive to the second category (sworn witness statements) that the House has not already identified and/or previously produced. With regard to the third category of documents (transcripts or substantially verbatim witness statements), the Defense necessarily had to wait for the Committee's decision on the admission of prior testimony before identifying such exhibits. Moreover, the House is already in possession of all documents that would be responsive to this category of documents.

In The Senate of The United States
Sitting as a Court of Impeachment

In re:	)
Impeachment of G. Thomas Porteous, Jr.,	)
United States District Judge for the	)
Eastern District of Louisiana	)
	)

JUDGE G. THOMAS PORTEOUS, JR.'S MOTION FOR SUBPOENAS TO BE ISSUED TO DEPARTMENT OF JUSTICE ATTORNEYS

Judge G. Thomas Porteous, Jr. respectfully moves the Senate Impeachment Trial Committee (the "Committee") to issue subpoenas to two witnesses, listed on the defense's subpoena and witness requests, but omitted from the list of "Witnesses Subpoenaed by the U.S. Senate Impeachment Trial Committee," which was attached to the Committee's August 25, 2010 Order Designating the Contents of Pre-Trial Statements.

PROCEDURAL BACKGROUND

On August 2, 2010, and pursuant to the Committee's Order, Judge Porteous submitted his Requests for Subpoenas and Immunity. Included on this list were two Department of Justice ("DOJ" or "Department") Public Integrity Section attorneys, Daniel A. Petalas, Esq. and Peter S. Ainsworth, Esq. Judge Porteous stated in his subpoena request that he expected both Petalas and Ainsworth to "testify about the government's investigations of Judge Porteous and the decision not to prosecute Judge Porteous." Such information could be critical in analyzing the strength of the evidence underlying the Articles of Impeachment, especially when compared with the evidence necessary to indict and convict a person for similar alleged offenses.

On August 26, 2010, the Committee issued its Order (dated August 25, 2010) Designating the Contents of Pre-Trial Statements and attached a list of "Witnesses Subpoenaed

by the U.S. Senate Impeachment Trial Committee." The list included every non-expert witness requested by the House of Representatives, except FBI Agent DeWayne Horner. The list omitted, however, not only Judge Porteous's experts, but also the two DOJ lawyers (Petalas and Ainsworth) discussed above.

At the Committee Staff's meeting with the parties on August 26, 2010, the defense raised the omission of these individuals. The Staff and Senate legal counsel indicated that subpoenas for Petalas and Ainsworth had not been issued because they assumed that their testimony would be focused either on recounting what they heard from other witnesses (who could be called directly by Judge Porteous) or would relate solely to the Department's investigation of Judge Porteous. The defense made clear that both of these assumptions were incorrect.

Accordingly, the Committee Staff advised the defense that, if Judge Porteous sought to provide further information with regard to why these two individuals should receive subpoenas, the defense should file this motion with the Committee.

ARGUMENT

The defense requests that the Senate issue subpoenas to Daniel Petalas and Peter Ainsworth because they are material fact witnesses who will provide important testimony relevant to the Senate's determination of the ultimate issues in this matter. Their testimony would be similar in nature to the expected testimony of a House witness (Mr. Goyeneche) – for whom a subpoena has already been issued. Therefore, denial of the issuance of subpoenas to Messrs. Petalas and Ainsworth is inconsistent with the Committee's actions with regard to House witnesses. Finally, relevant court precedent suggests that non-participating prosecutors can be and are properly called as witnesses in certain matters.

As an initial matter, the DOJ's determination not to prosecute Judge Porteous is a crucial aspect of the defense and should be a material factor in the Senate's determination of whether the allegations lodged against Judge Porteous rise to the level of an impeachable offense. Although the defense concedes that an individual does not have to have been criminally prosecuted to be convicted by the Senate for a "high crime or misdemeanor," that has been the case for every impeached judge in recent history. That is partly because Congressional action to impeach, convict, and remove a sitting federal judge was intended by the Constitution's framers to be a more difficult and arduous process than obtaining a criminal indictment, not less so. In an impeachment trial, the fact that an individual was investigated but not indicted for the same allegations as a number of other judges who were indicted (and, in some cases, convicted) is not only a relevant factor but could prove to be a crucial aspect to the Senate's deliberations regarding the materiality and significance of similar allegations raised against Judge Porteous in the Articles of Impeachment.

The Committee should want to hear evidence related to the DOJ's decision not to prosecute Judge Porteous. Up until now, the evidence regarding this point is limited to a single paragraph, in a single letter, issued by the Department. Specifically, in a May 18, 2007 letter to Judge Edith Jones, the DOJ stated:

> The Department has determined that it will not seek criminal charges against Judge Porteous . . . In reaching its decision not to bring other available charges that are not time barred, the Department weighed the government's heavy burden of proof in a criminal trial, and the obligations to carry that burden to a unanimous jury, concerns about the materiality of some of Judge Porteous's provably false statements, the special difficulties of proving *mens rea* and intent to deceive beyond a reasonable doubt in a case of this nature; and the need to provide consistency in charging decisions concerning bankruptcy and criminal contempt matters.

(HP Ex. 4.) This paragraph raises numerous questions that need to be explored further with the relevant DOJ officials. Moreover, the letter, already in the record, is incomplete because it fails to note that Judge Porteous signed several agreements with the Department tolling the applicable statutes of limitation, ameliorating the Department's (and the House's) claim that the decision not to prosecute Judge Porteous was based heavily on certain charges being time barred. The testimony of Messrs. Petalas and Ainsworth could provide significant additional information related to these issues. Moreover, the defense is unaware of other witnesses who could testify to this same subject. Therefore, without their testimony, the Committee would be forced to rely solely upon the letter itself, without context and without the ability to probe deeper into the Department's decision.[1] Moreover, these attorneys are fact witnesses, as opposed to simple investigators, with regard to certain issues raised by the Articles of Impeachment. For example, during Judge Porteous's bankruptcy, Department of Justice attorneys, including Daniel Petalas, met with the Chapter 13 Bankruptcy Trustee, S.J. Beaulieu, and provided him with information that they had learned as part of their investigation of Judge Porteous. Initially, the Department told Mr. Beaulieu that he could not use the information with regard to his oversight of Judge Porteous's bankruptcy. (*See* SC 00409, attached as part of Ex. 1.) Later, however, the Department told Mr. Beaulieu to "take whatever action he felt appropriate" and that he "was instructed to use whatever powers he has" with regard to the

[1] During their meeting with counsel on August 26, 2010, Committee Staff noted that the Department's determination of whether to bring criminal charges is materially different than the Senate's determination of whether or not to convict an impeached federal judge. The defense agrees but notes that the Senate must, like the Department, determine the appropriate standard of proof, consider the materiality of the alleged offenses, concern itself with the consistency of its actions in relation to other judges, and weigh Judge Porteous's *mens rea* with regard to any acts that he is determined to have committed. Just as the Senate considered the criminal convictions of former judges Walter Nixon and Harry Claiborne as relevant evidence in their prior impeachment cases, this evidence is relevant and highly material in this matter.

information that the DOJ had provided to him. (*See* SC 00416, attached as part of Ex. 1.) Mr. Beaulieu, through a staff attorney, responded to the Department and stated that he did not intend to take any further action against Judge Porteous because "he had no evidence to support the suspicions expressed by the FBI agents." (*See* SC 00417, attached as part of Ex. 1.)

Further, the refusal to subpoena Messrs. Petalas and Ainsworth is inconsistent with the Committee's issuance of subpoenas to other witnesses. The House of Representatives has requested, and the Committee has issued, a subpoena for Metropolitan Crime Commission ("MCC") Director Rafael Goyeneche. In 1994, the MCC purportedly investigated Judge Porteous in relation to the expungement of the criminal record of Aubrey Wallace. Mr. Goyeneche's staff interviewed several individuals and Mr. Goyeneche, along with another MCC employee, interviewed Judge Porteous (a summary of which is included in a House Exhibit). (*See* HP Ex. 85.) Prior to July 1994, however, Mr. Goyeneche did not even know who Judge Porteous was. (*See* PORT000000423, as found in HP Ex. 69(b).) Furthermore, it appears that the MCC did not interact with or investigate Judge Porteous at any time after late 1994.

Mr. Goyeneche has not been offered as an expert witness. Instead, the House has indicated that his testimony would relate only to the MCC's investigation of Judge Porteous and his recounting of facts and statements made to him by individuals that he interviewed. The fact that Mr. Goyeneche's investigation occurred in 1994, as opposed to the DOJ's investigation from the late 1990s through the early 2000s, is a distinction without a difference. The Articles of Impeachment allege activities that span this entire time frame.

Messrs. Petalas and Ainsworth are being called for many of the same reasons as Goyeneche. For the sake of consistency, therefore, if the House is allowed to call Goyeneche, the defense should be allowed to call Petalas and Ainsworth. As discussed above, the testimony

of Petalas and Ainsworth is even more significant given their ability to bring criminal charges against Judge Porteous.

Finally, courts have demanded that former prosecutors appear as witnesses in certain circumstances. *See United States v. Williamson*, 1997 U.S. App. LEXIS 5866 (4th Cir. Mar. 27, 1997) ("A prosecutor may be called as a defense witness if the defendant has a compelling need for his testimony"); *see also Cervi v. Kemp*, 855 F.2d 702 (11th Cir. 1988) (calling prosecutor as defense witness at extradition hearing). Although some courts have been reluctant to allow prosecutors to be called as witnesses or have required the defense to show a compelling need, such results tend occur only where the prosecutor being called is actively and currently participating in the prosecution of the accused. *See United States v. Tamura*, 694 F.2d 591, 601 (9th Cir. 1982) (requiring the defendant to demonstrate a "compelling need" before a **participating** prosecutor will be permitted to testify.)

Due to the compelling need for their testimony, Judge Porteous respectfully requests that the Committee issues subpoenas to Daniel Petalas and Peter Ainsworth.

Respectfully submitted,

/s/ Jonathan Turley
Jonathan Turley
2000 H Street, N.W.
Washington, D.C. 20052
(202) 994-7001

/s/ Daniel C. Schwartz
Daniel C. Schwartz
P.J. Meitl
Daniel T. O'Connor
BRYAN CAVE LLP
1155 F Street, N.W., Suite 700
Washington, D.C. 20004
(202) 508-6000

Counsel for G. Thomas Porteous, Jr.

United States District Court Judge
for the Eastern District of Louisiana

Dated: August 29, 2010

CERTIFICATE OF SERVICE

I hereby certify that on August 28, 2010, I served copies of the foregoing by electronic means on the House Managers, through counsel, at the following email addresses:

Alan Baron – abaron@scyfarth.com

Mark Dubester – mark.dubester@mail.house.gov

Harold Damelin – harold.damelin@mail.house.gov

Kirsten Konar – kkonar@scyfarth.com

Nafees Syed – nafees.syed@mail.house.gov

/s/ P.J. Meitl

Exhibit 1

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 01/23/2004

S.J. BEAULIEU, Jr. was interviewed at his office located in Metairie, Louisiana regarding a Chapter 13 bankruptcy filed by GABRIEL T. PORTEOUS JR. and CARMELLA A. PORTEOUS. Also present for the interview was Department of Justice Public Integrity Attorneys NOAH BOOKBINDER and DAN PETALAS. BEAULIEU was advised of the identities of the interviewing agents and the purpose of the interview. BEAULIEU then furnished the following information:

Prior to the commencement of the interview, BOOKBINDER instructed BEAULIEU that any information provided to BEAULIEU through the course of the interview could not be used in the administration of the PORTEOUS' bankruptcy. BOOKBINDER told BEAULIEU that at a later date the Department of Justice would provide BEAULIEU guidance on the use of the information gained by BEAULIEU through the interview.

BEAULIEU has been a chapter 12 and 13 bankruptcy trustee for approximately 17 years. BEAULIEU received an accounting degree from The University of New Orleans, located in New Orleans, Louisiana.

All people who file bankruptcies are treated the same. It does not matter if the debtor is a doctor, attorney or judge, they are all treated the same. After a petition is filed, BEAULIEU requires the debtor to provide a copy of a normal pay stub, unless the debtor is self employed then tax returns are needed. BEAULIEU likes pay stubs because they frequently contain year to date information. The pay stub also contains information on deductions like 401(k) payments. Frequently some of the deductions like 401(k) payments will be added back into the net income of the debtor for bankruptcy payment purposes.

Forty days after a debtor files a petition, a 341 hearing is held. Barring any problems, twenty days after the 341 hearing the debtors plan is confirmed. Some problems that could arise for debtors include a failure to list a lawsuit or failure to list a succession interest.

Presently husband and wives are required to appear at the 341 hearing. This has been required for about the last year. Prior to the requirement of husband and wives having to appear,

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Investigation on 1/22/04 at Metairie, Louisiana

File # 58B-NO-65144 Date dictated 1/23/04

by SA Patirck K. Bohrer, FA Gerald D. Fink, SA DeWayne J. Horner:djh

SC00409

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FD-302a (Rev. 10-6-95)

58B-NO-65144

Continuation of FD-302 of S.J. Beaulieu, Jr. , On 1/22/04 , Page 2

only one spouse was required to appear if they could answer questions regarding the financial affairs of the debtors. Also social security numbers of the debtors are now verified.

Chapter 13 debtors are not allowed to use credit or obtain new credit without the approval of the trustee. In order to get the credit approved a motion and order is required. Debtors are not allowed to use credit cards without the approval of the trustee. Additionally, debtors are not allowed to obtain new credit cards after filing the bankruptcy petition without approval.

After the debtor is confirmed, hopefully BEAULIEU never sees the debtor again. As long as the debtors make the required payment to the trustee, no contact with the debtors is needed. If a debtor becomes one and a half months delinquent, then a motion to dismiss the petition is filed. Debtor payback plans can range from 0% to 100% payback. It is advantageous for a debtor to agree to a 70% or greater payback plan. Anything less than 70% payback plan and the debtor cannot file another bankruptcy for six years. BEAULIEU reviews the assets of the debtor and tries to determine if any equity exists in the assets which can be turned over to the unsecured creditors.

BEAULIEU objects to all new credit applications by debtors and sends the application to the bankruptcy judge. Sometimes new credit applications are approved, if they improve the position of the debtor, such as when a debtor purchases a new home and the house payment would be less than paying rent. Other times debtors need to purchase cars and those transactions may be approved. However, a debtor is not allowed to create new debt after filing bankruptcy without approval. If a debtor creates new debt without approval, the debtor has violated the bankruptcy code. Debtors are instructed at the 341 hearing not to incur new debt without approval. Also they are given a brochure which also explains that they are not allowed to create new debt without approval. If debtors do not receive the brochure, then BEAULIEU is confident the attorney representing the debtor will instruct the debtor not to incur new debt. If a debtor incurs new debt without approval a motion to dismiss the case is filed.

If an attorney and debtor filed a bankruptcy application with a false name and the attorney and debtor filing the petition knew the name was false, they should be prosecuted. Schedules filed by debtors should be accurate and any questions should be

answered truthfully. BEAULIEU looks at the totality of the circumstances surrounding a bankruptcy petition.

Normally creditors appear at 341 hearings when creditors know an omission exists in a bankruptcy application and/or schedule. Also sometimes creditors will appear if a debtor has not cooperated.

Debtor tax refunds are supposed to be turned over to the trustee. BEAULIEU sends the Internal Revenue Service (IRS) a notice that the debtor has filed bankruptcy and any tax refund should be sent to the trustee. However, on occasion the IRS has not been able to send debtor refunds to the trustee. Tax refunds are used to increase amounts paid to creditors. Usually if a debtor receives a refund from the IRS, the debtor will call the trustee's office and ask what to do with the refund.

If the PORTEOUS' were to receive any income tax refunds they should have disclosed that fact to BEAULIEU. BEAULIEU would then have required the PORTEOUS' to turn the income tax refund over to him and it would have been distributed to the unsecured creditors. If the PORTEOUS' usually receive a tax refund, or if they knew they were going to receive a tax refund, and they did not disclose the refund to BEAULIEU and the bankruptcy court, then that is a bad faith bankruptcy filing. Additionally, LIGHTFOOT knows tax refunds are to be turned over to the bankruptcy trustee. Also GABRIEL PORTEOUS had an opportunity to receive the "Your Rights and Responsibilities in Chapter 13" brochure and was given the same speech all other debtors receive at the 341 hearing.

If a debtor should break an individual retirement account (IRA) during bankruptcy, BEAULIEU does not know if the exemption then expires. If a debtor should break an IRA, BEAULIEU would like to see the debtors come in and ask if the breaking of an IRA would have bankruptcy implications.

BEAULIEU knows CLAUDE LIGHTFOOT. BEAULIEU considers LIGHTFOOT one of the better bankruptcy attorneys in New Orleans. In fact, BEAULIEU respects LIGHTFOOT's legal expertise as it relates to bankruptcy. LIGHTFOOT is one of the eight or nine primary attorneys who file chapter 13 bankruptcy cases. LIGHTFOOT is able to get the required facts from his clients and present them to BEAULIEU. Usually attorneys are paid through the chapter 13 plan. However, it makes no difference if an attorney is paid inside or outside the plan.

FD-302a (Rev. 10-6-95)

58B-NO-65144

After LIGHTFOOT filed the PORTEOUS' bankruptcy petition he telephoned BEAULIEU. LIGHTFOOT called BEAULIEU to give him a "heads up" that the petition was being filed. The petition filed by LIGHTFOOT was a "quickie" petition which is designed to get the debtor into bankruptcy fast. The PORTEOUS' petition was filed with a list of creditors and no schedules. BEAULIEU may have asked LIGHTFOOT why it took ten days to correct the name. BEAULIEU could not remember LIGHTFOOT's response.

After the petition is filed a stay is put into effect. The stay will put a hold on foreclosures and lawsuits. The petition goes to the bankruptcy court and BEAULIEU is appointed the trustee. When the petition is filed it is entered into BEAULIEU's office system. The names are input and the case is assigned an identification number.

The notices to creditors in the PORTEOUS' bankruptcy were sent out on April 19, 2001, after the schedules were filed. The 341 hearing was scheduled for May 9, 2001 at 9:30 a.m. BEAULIEU did not look at the petition until the day before the 341 hearing.

BEAULIEU thought the PORTEOUS' did not put their real name on the petition to keep the bankruptcy filing out of the newspaper. BEAULIEU thought, maybe the incorrect names contained on the petition could have been a misspelling. The fact that the PORTEOUS' listed an incorrect name did not matter to BEAULIEU because the notices sent to the creditors contained the PORTEOUS' correct name.

BEAULIEU did not care that the PORTEOUS' listed a post office box as the street address of the debtor on the petition. The notices sent to the creditors contained the post office box as the PORTEOUS' address. The notices also included the PORTEOUS' correct social security number. Eventually the PORTEOUS' changed the address to 4801 Neyrey Drive, Metairie, Louisiana, 70002. Sometimes debtors list post office boxes on bankruptcy applications because they are trying to avoid service of process.

Four or five unsecured creditors did not file proof of claims in the PORTEOUS' bankruptcy. The amount of money the four or five creditors did not claim was about $30,000. As a result on August 8, 2001, the PORTEOUS' payback percentage for the unsecured creditors who did file a proof of claim was increased from 27.5% to 34.5%.

On May 9, 2001, at 9:30 a.m. BEAULIEU called the hearing to order in the PORTEOUS' bankruptcy. However, no creditors were present so BEAULIEU held the hearing at 3:30 p.m. BEAULIEU did this so that GABRIEL PORTEOUS would not appear at the hearing in front of his peers. BEAULIEU would do this again for any attorney. BEAULIEU did not know GABRIEL PORTEOUS before he filed bankruptcy. BEAULIEU remembered only GABRIEL PORTEOUS and LIGHTFOOT appeared at the hearing. BEAULIEU did not have a problem with this because at the time of the hearing only one spouse with knowledge of the financial affairs had to appear.

Debtors are supposed to list normal living expenses on schedule J. The first schedule J submitted by the PORTEOUS' contained excessive food, clothing, charity and dependent expenses. That is why the original percentage payback plan was not approved. If the payback plan is not a 100% payback then the payment of tuition expenses is not permitted, unless the child is physically or mentally disabled. BEAULIEU figured LIGHTFOOT tried to get what he could in the first schedule J.

The PORTEOUS' should have listed any monthly income earned by CARMELLA PORTEOUS on schedule I. Additionally, GABRIEL PORTEOUS should have submitted a more recent pay stub, instead of the May 31, 2000 pay stub provided. BEAULIEU admitted he did not notice the pay stub was not current until it was pointed out to him by the interviewing agents. However, had he noticed the pay stub was not current he would have required a more recent one. If the PORTEOUS' income varies by more than ten percent, the PORTEOUS' are required to file an amended schedule I. Some people have notified BEAULIEU that they are making more money post petition.

PORTEOUS' were not on wage control, because this was their first bankruptcy. BEAULIEU does not take personal checks or cash from debtors making payments. BEAULIEU only accepts money orders or certified checks.

The PORTEOUS' were required to list personal property on schedule B. On schedule B the PORTEOUS' listed the balance in their Bank One checking account as $100.00. However, if the PORTEOUS' had more money in the account and it was not set aside for a house payment or other similar type payment, they should have disclosed the correct amount. Whether or not this was bad faith needs to be judged on a case by case basis. The trustees job is to get creditors paid, and if more money is available then BEAULIEU brings in the debtors and the dispute is worked out.

If BEAULIEU had known, CARMELLA PORTEOUS received a $14,000 legacy in June of 2000, he would have asked the PORTEOUS' for more information. Specifically, BEAULIEU would have wanted to know if the money was used to pay off an insider. If the PORTEOUS' used the money to pay an insider, BEAULIEU would have wanted the money turned over to the trustee. However, then BEAULIEU thought the legacy did not need to be listed in Schedule B, but should have been listed in question 2 of the statement of financial affairs. Had BEAULIEU known about the legacy he would have asked the PORTEOUS' for more information because the legacy was received within two years.

If the PORTEOUS' had cash income they should have listed it on Schedule I. If the PORTEOUS' monthly expenses are twenty percent more than what they listed on amended schedule J, that implies the PORTEOUS' have income that was not disclosed to the trustee. BEAULIEU would have a real problem, with the PORTEOUS' bankruptcy filing if this was the case.

If someone was paying expenses for GABRIEL PORTEOUS, and GABRIEL PORTEOUS owed that person money at the time the petition was filed, the person should have been listed in Schedule F as an unsecured creditor. If GABRIEL PORTEOUS continues to pay the person within the requirements of question 3 in the statement of financial affairs, they should be listed in question 3 of the Statement of Financial Affairs. If GABRIEL PORTEOUS continues to pay this person then he has created a preferred creditor. If the debt was created after GABRIEL PORTEOUS filed the bankruptcy petition, and PORTEOUS did not pay what was owed, the person could sue GABRIEL PORTEOUS because they were not listed as a creditor in the bankruptcy.

If the PORTEOUS' paid off a credit card company just before filing for bankruptcy, the PORTEOUS' should have disclosed this in the Statement of Financial Affairs. Similarly, if the PORTEOUS' had paid off a casino before filing bankruptcy, BEAULIEU would want to have known about that fact. BEAULIEU would want to know where the PORTEOUS' got the money to pay off a casino and credit card before filing bankruptcy.

The PORTEOUS' should have listed charitable contributions in question number 7 of the Statement of Financial Affairs. BEAULIEU would have required the PORTEOUS' to provide proof that the money went to a charity. However, if the money was given to a charity, BEAULIEU would not have required the charity to return the

money. However, if the money was not given to a charity, BEAULIEU would have required the money be returned to the trustee.

The PORTEOUS' are not required to report gaming losses post petition, unless they obtained a marker. Gaming losses post petition do not have an impact on BEAULIEU's decision on whether or not to discharge a case.

The PORTEOUS' were required to make a full complete and truthful disclosure to the bankruptcy court.

Had BEAULIEU known about CARMELLA PORTEOUS' income, the PORTEOUS' tax refunds, payments to credit card companies and casinos, the obtaining of new credit after filing and the extra money in the Bank One checking account he would have referred the case to the United States Trustee.

BEAULIEU provided the following identifying information:

Name:	S.J. BEAULIEU JR.
Race:	White
Sex:	Male
Work Address:	433 Metairie Road Suite 307 Metairie, LA, 70005
Work telephone number:	(504) 831-1313 x231
Date of Birth:	[redacted]

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 03/04/2004

On 3/4/04 Department of Justice Public Integrity Attorney Noah Bookbinder placed a conference call to S.J. BEAULIEU JR. at (504) 831-1313 Ext. 231, regarding the Chapter 13 Bankruptcy of GABRIEL T. PORTEOUS and CARMELLA A. PORTEOUS. Also participating in the conference call was Department of Justice Public Integrity Attorney Dan Petalas, Federal Bureau of Investigation Special Agents Patrick K. Bohrer and DeWayne J. Horner as well as Financial Analyst Gerald D. Fink. BEAULIEU was advised of the identities of all the parties taking part in the conference call and the nature of the call. BEAULIEU then furnished the following information:

After answering the telephone BEAULIEU told the callers he had a class to attend and only had ten minutes for the call.

Regarding the discharge of the PORTEOUSES Bankruptcy Bookbinder told BEAULIEU the position of the Department of Justice was that BEAULIEU should take whatever action he felt appropriate, based upon the questions and information provided during the interview of BEAULIEU. The Department of Justice will not make a recommendation to BEAULIEU regarding the PORTEOUSES Bankruptcy. Also the Department of Justice will not provide any additional information regarding the Bankruptcy to BEAULIEU.

Bookbinder told BEAULIEU he (Bookbinder) wanted to lift the earlier restriction placed on BEAULIEU to not do anything relative to the PORTEOUSES Bankruptcy. BEAULIEU was instructed to use whatever powers he has if he decided to take any action in the PORTEOUSES Bankruptcy.

BEAULIEU stated he would take care of what he needed to take care of in the PORTEOUSES Bankruptcy.

Investigation on 3/4/04 at New Orleans, Louisiana

File # 58B-NO-65144 Date dictated 3/4/04

by SA Patrick K. Bohrer
FA Gerald D. Fink, SA DeWayne J. Horner:djh

SC00416

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S. J. Beaulieu, Jr.
CHAPTER 13 TRUSTEE

433 Metairie Road, Suite 307
Metairie, Louisiana 70005
(504) 831-1313

April 1, 2004

Federal Bureau of Investigation
Attn: Wayne Horner
2901 Leon C. Simon Dr.
New Orleans, LA 70126

In re: In Re Gabriel T. Porteous, Jr & Carmella A. Porteous
Case No.: 01-12363

Dear Mr. Horner:

I am Staff Attorney for S. J. Beaulieu, Jr., Chapter 13 Trustee. This letter is to respond to a conversation of Mr. Beaulieu with one of the FBI agents earlier this month.

In January, 2004, at the request of the FBI, Mr. Beaulieu met with you and several other agents. Prior to that meeting, the FBI refused to divulge why the meeting was needed or what would be discussed at the meeting. During the meeting, it was disclosed that Mr. Beaulieu was being interviewed with respect to an ongoing investigation into the captioned Chapter 13 case and debtors' activities regarding same. Also, during the meeting, the agents discussed some allegations concerning potential bankruptcy improprieties involving debtors related to: filing the original petition with their name misspelled, undisclosed income, income tax refunds, the use of credit cards, transfers of property, and lifestyle activities that might not be consistent with the debtors' schedule "J" disclosures.

In the conversation this month, the FBI agent advised Mr. Beaulieu that he should pursue further investigation into debtors' activities in this case. However, the only allegation that the Trustee has evidence of relates to debtor's FICA tax withholding which should have stopped after the FICA withholding limits were met. The additional income to debtor was not taken into account in evaluating debtors' disposable income to fund the Chapter 13 plan over three (3) years. In Mr. Beaulieu's opinion, extending the plan at this late date to recoup the difference in disposable income would not substantially increase the percentage paid to unsecured creditors.

Regarding the other allegations, the FBI has refused to provide the Trustee with any evidence of improprieties by debtors. Since Mr. Beaulieu has no evidence to support the suspicions expressed by the FBI agents, he does not intend to take further action related to these allegations.

I am enclosing a copy of the Final Account prepared in this case. The case is currently set for a Final Account hearing on May 18, 2004, at 8:40 a.m. You may file an objection to the

Federal Bureau of Investigation
Attn: Wayne Horner
April 1, 2004
Page 2

Trustee's Final Account or you may provide Mr. Beaulieu with evidence of wrongdoing and same will be investigated.

If further information is required, please feel free to contact me at your convenience.

With kindest regards, I am

Sincerely,

Michael F. Adoue
Staff Attorney (Ext. 222.)

Enclosure

cc: R. Michael Bolen
United States Trustee, Region 5

United States Bankruptcy Court *Eastern District of Louisiana*	01-12363 Case Number

CHAPTER 13 TRUSTEE'S FINAL REPORT AND ACCOUNT

In re:	This case was:
GABRIEL T PORTEOUS JR CARMELLA A PORTEOUS	*COMPLETED*
4801 NEYREY DR METAIRIE LA 70002	Final Meeting of Creditors: *8:40 AM, May 18, 2004*

S. J. Beaulieu, Jr., Chapter 13 Trustee, respectfully submits for the Court's approval a report of his administration of this estate, avers that the case has been fully administered pursuant to FRBP 5009, and prays that he be relieved of his trust. The total amount received from or on behalf of the debtor was $ 57,600.00, which was disbursed as follows:

#	NAME	TYPE	% ALLOWED	CLAIM AMT	PRINCIPAL PD	INTEREST PD
01	BANK ONE	DIRECT PAY	.00	.00	.00	.00
02	CHRYSLER FINANCIAL CORP	DIRECT PAY	.00	6,982.57	.00	.00
03	CHRYSLER FINANCIAL CORP	DIRECT PAY	.00	6,979.35	.00	.00
04	FIDELITY HOMESTEAD	DIRECT PAY	.00	109,488.96	.00	.00
05	ECAST SETTLEMENT CORP	UNSECURED	34.55	11,955.57	4,096.10	.00
06	BANK OF LOUISIANA	UNSECURED	34.55	1,910.00	659.91	.00
07	JULES FONTANA ATTY	NOTICE ONLY	.00	.00	.00	.00
08	CHASE BANKCARD SERVICES	UNSECURED	34.55	.00	.00	.00
09	CITIBANK	UNSECURED	34.55	.00	.00	.00
10	RESURGENT CAPITAL SERVICES	UNSECURED	34.55	21,227.06	7,333.95	.00
11	CITIFINANCIAL INC	UNSECURED	34.55	17,711.35	6,119.27	.00
12	CITIFINANCIAL INVESTMENT	NOTICE ONLY	.00	.00	.00	.00
13	EDWARD F BUKATY III	NOTICE ONLY	.00	.00	.00	.00
14	DILLARD NATIONAL BANK	UNSECURED	34.55	5,033.55	1,739.09	.00
15	DILLARD NATIONAL BANK	UNSECURED	34.55	597.88	206.57	.00
16	DISCOVER FINANCIAL SERVICES	UNSECURED	34.55	22,640.41	7,822.26	.00
17	AOL VISA	UNSECURED	34.55	.00	.00	.00
18	FIRST USA	UNSECURED	34.55	.00	.00	.00
19	JC PENNEY/MONOGRAM	UNSECURED	34.55	.00	.00	.00
20	MAX FLOW CORP	UNSECURED	34.55	5,386.54	1,861.05	.00
21	MAX FLOW CORP	UNSECURED	34.55	30,931.02	10,686.67	.00
22	MAX FLOW CORP	UNSECURED	34.55	29,443.71	10,172.80	.00
23	REGIONS BANK	UNSECURED	34.55	5,158.98	1,782.43	.00
25	DILLARD NATIONAL BANK	UNSECURED	34.55	251.54	86.91	.00

Paid to Trustee:	$ 3,274.29	Disbursed to PRIORITY Creditors:	$ .00
Paid to Attorney:	$ 1,750.00	Disbursed to SECURED Creditors:	$ .00
Refunded to Debtor:	$ 8.70	Disbursed to UNSECURED Creditors:	$ 52,567.01

cc: CLAUDE C LIGHTFOOT JR
STE 450
3500 N CAUSEWAY BLVD
METAIRIE LA 70002

S. J. Beaulieu, Jr.
Chapter 13 Trustee

SC00419

U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

April 13, 2004

BY FEDERAL EXPRESS
S. J. Beaulieu, Jr.
433 Metairie Rd., Suite 307
Metairie, LA 70005

Dear Mr. Beaulieu:

We are writing with regard to an April 1, 2004, letter from your staff attorney, Michael F. Adoue, to FBI Special Agent DeWayne Horner, which Agent Horner has forwarded to us. We appreciate you sharing your thoughts and concerns.

As we previously discussed, we cannot comment on the existence or nature of an ongoing investigation or share any evidence that may have been gathered in the course of such an investigation. In Mr. Adoue's letter, he identifies several subjects about which it might be possible for you to make inquiries or take other investigative steps, but, as we stated previously, we take no position as to whether you should pursue any investigation in any case before you. It is entirely at your discretion whether you choose to do so. Please feel free to contact us with any additional questions.

Sincerely yours,

Noel L. Hillman
Chief, Public Integrity Section

By: _____
Noah D. Bookbinder
Daniel A. Petalas
Trial Attorneys
Public Integrity Section
Criminal Division
(202) 514-1412

cc: Special Agent DeWayne Horner, FBI
NDB:jw
Typed: 04/13/04 (by NDB)
Records Section Chron.
Bookbinder (1) Petalas (1) ACTS# 200000436

SC00420

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

SEP 3 2010

The Honorable Claire McCaskill
Chairman
The Honorable Orrin G. Hatch
Vice Chairman
Senate Impeachment Trial Committee
United States Senate
Washington, DC 20510

Dear Madam Chairman and Mr. Vice Chairman:

This is to advise the Committee about our serious concerns regarding the Motion by Judge G. Thomas Porteous, Jr., for subpoenas to be issued to Department of Justice attorneys in connection with the pending impeachment proceedings. We understand that such a Motion was filed on or about August 29, 2010, and that the Chair may rule on it as soon as September 7, 2010. We respectfully request that the Chair deny the Motion or at least defer action on it at this point.

The Motion seeks subpoenas for two Department of Justice career prosecutors, Daniel A. Petalas and Peter S. Ainsworth, both of whom participated in our investigation of Judge Porteous. That investigation, which concluded in 2007, is fully described in the letter from Deputy Assistant Attorney General John C. Keeney to the Honorable Edith H. Jones, Chief Judge of the United States Court of Appeals for the Fifth Circuit, dated May 18, 2007, which referred this matter for further action by the Judicial Conference for the Fifth Circuit.[1] As you will note, this letter describes the evidence we developed in twenty-two pages of detail, as well as the reasons for the Department's decision to close it without filing charges against Judge Porteous. The document notes our concerns about potential issues relating to statutes of limitation, the government's heavy burden of proof in a criminal trial to a unanimous jury, and other factors that weighed in our decision. The record also reflects our consideration of alternative remedies, including impeachment. Following our referral, the Department provided

[1] A copy of the letter, which has been provided to Judge Porteous, is enclosed here for your convenience.

the Fifth Circuit with hundreds of pages of documents relating to the investigation, all of which we understand have been produced or otherwise made available to Judge Porteous.

We do not believe that the Department's reasons for declining to prosecute Judge Porteous are relevant in any way to the pending impeachment proceedings. In criminal proceedings, we face the burden of proving charges beyond a reasonable doubt to a unanimous jury and are subject to specific statute of limitations restricting the charges we can bring. Those limitations do not apply here. Accordingly, the reasons for our decision to refer the matter to the Fifth Circuit, rather than proceeding with a criminal prosecution, should have no bearing on the issues before the Senate. The argument that our declination decision and related referral, which specifically noted the impeachment alternative, somehow supports a defense in the impeachment proceeding seems circuitous. They are completely different actions and the Department's decision not to proceed criminally should not be misinterpreted as pertinent in any respect to the matters before the Senate regarding Judge Porteous.

We fully appreciate and support the Senate's strong interest in assuring the fairness of the impeachment proceedings to all concerned, particularly Judge Porteous. We have provided extensive materials and our efforts to provide additional assistance to the Senate are continuing, including providing information about our decisions regarding Judge Porteous. We have substantial concerns, however about the issuance of subpoenas here because we do not want to chill career Department prosecutors in the conduct of their law enforcement responsibilities. The Department also has significant confidentiality interests in the internal deliberations in which these attorneys participated. In addition, we believe, as a matter of long-standing policy, that career line attorneys should not be the ones required to respond to congressional requests for information about the Department's decisions when the provision of such information is appropriate. We are prepared to work with the Committee to find other satisfactory ways to accommodate your needs for information about our decisions to the extent that they are relevant to these proceedings. Under these circumstances, we respectfully request that you defer the use of compulsory process.

We request the opportunity to confer further before any decision to authorize subpoenas to the Department attorneys, and we are ready to do so at your convenience. Thank you for your consideration of our concerns and your support for our law enforcement efforts. Please do not hesitate to contact me directly if you would like to discuss this matter.

Sincerely,

Ronald Weich
Assistant Attorney General

Enclosure

U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

May 18, 2007

The Honorable Edith H. Jones
Chief Judge
United States Court of Appeals for the Fifth Circuit
515 Rusk Avenue, Room 12505
Houston, Texas 77002-2655

Re: Complaint of Judicial Misconduct Concerning the Honorable G. Thomas Porteous, Jr.

Your Honor:

The United States Department of Justice respectfully submits this complaint referring allegations of judicial misconduct concerning the Honorable G. Thomas Porteous, Jr., United States District Judge for the Eastern District of Louisiana, pursuant to 28 U.S.C. §§ 351-64 and the Rules Governing Complaints of Judicial Misconduct or Disability (amended July 15, 2003).[1]

For the past several years, the Federal Bureau of Investigation ("FBI") and a grand jury empanelled in the Eastern District of Louisiana investigated whether Judge Porteous and other individuals bribed or conspired to bribe a public official in violation of 18 U.S.C. §§ 201 and 371, committed or conspired to commit honest services mail- or wire-fraud in violation of 18 U.S.C. §§ 371, 1341, 1343, and 1346, submitted false statements to federal agencies and banks in violation of 18 U.S.C. §§ 1001 and 1014, and filed false declarations, concealed assets, and acted in criminal contempt of court during his personal bankruptcy action in violation of 18 U.S.C. §§ 152 and 401.

The Department has determined that it will not seek criminal charges against Judge Porteous. Although the investigation developed evidence that might warrant charging Judge Porteous with violations of criminal law relating to judicial corruption, many of those incidents took place in the 1990s and would be precluded by the relevant statutes of limitations. In reaching its decision not to bring other available charges that are not time barred, the Department weighed the government's heavy burden of proof in a criminal trial, and the obligation to carry that burden to a unanimous jury; concerns about the materiality of some of Judge Porteous's provably false statements; the special difficulties of proving mens rea and intent to deceive beyond a reasonable doubt in a case of this nature; and the need to provide consistency in charging decisions concerning bankruptcy and criminal contempt matters. The Department also

[1] This complaint contains information obtained by the grand jury. The district court has authorized disclosure of matters occurring before the grand jury pursuant to Fed. R. Crim. P. 6(e)(3)(E)(I) solely for use in this complaint and any resulting judicial proceedings.

gave careful consideration -- as it must -- to the availability of alternative remedies for Judge Porteous's history of misconduct while on the bench, including impeachment and judicial sanctions administered pursuant to 28 U.S.C. §§ 351-64.

Despite the Department's decision not to charge Judge Porteous with violations of federal criminal law, the investigation has uncovered evidence of pervasive misconduct committed by Judge Porteous. The Department also is aware that Judge Porteous and his medical examiners have concluded that he is mentally and psychologically unfit to serve as a federal judge, and that his incompetency is permanent. Collectively, the evidence indicates that Judge Porteous may have violated federal and state criminal laws, controlling canons of judicial conduct, rules of professional responsibility, and conducted himself in a manner antithetical to the constitutional standard of good behavior required of all federal judges. Further, it has come to the Department's attention that Judge Porteous is scheduled to return to the federal bench in June 2007, at which time he may seek to preside over matters involving the Department. The Department accordingly refers this evidence to Your Honor for possible disciplinary proceedings and, if warranted, certification of the allegations to Congress for impeachment.

BACKGROUND

On October 11, 1994, G. Thomas Porteous, Jr., was confirmed by the United States Senate as a United States District Court Judge for the Eastern District of Louisiana. Before his elevation to the federal bench, he served as a judge on the 24th Judicial District Court of the State of Louisiana ("24th JDC") for ten years, from 1984 to 1994.

The New Orleans Division of the FBI conducted an investigation into allegations of judicial corruption in the 24th JDC. That investigation resulted in the convictions of fourteen defendants, including several 24th JDC judges, the owners of a bail bonding business, and other state court litigants and officials. During the investigation, the FBI was informed that Judge Porteous had in the past accepted, and as a federal judge continued to accept things of value, including payments and trips, from local attorneys, allegedly in exchange for favorable rulings. The FBI also was informed that Judge Porteous maintained an improper relationship with Louis and Lori Marcotte, the owners of a bail bonding business, who allegedly provided Judge Porteous as well as other state judges and employees various things of value in exchange for access and assistance on bond-related matters.

In March 2001, Judge Porteous and his wife, Carmella Porteous, filed for bankruptcy under Chapter 13. Gabriel and Carmella Porteous signed and filed a declaration that their bankruptcy schedules and statement of financial affairs were true to the best of their knowledge, information, and belief. Subsequently, the bankruptcy court confirmed a repayment plan based on the information the Porteouses submitted to the court. The bankruptcy judge issued an order providing for repayment to the creditors over a 36-month period and prohibiting the Porteouses from accruing further debt during the bankruptcy. The repayment plan was satisfied and the bankruptcy discharged in July 2004.

EVIDENCE OF MISCONDUCT

1. Evidence that Judge Porteous Violated the Order of the Bankruptcy Court

Judge Porteous and his wife Carmella Porteous filed for bankruptcy on March 28, 2001. The Porteouses' financial records show that they sought protection in bankruptcy in large part because of their substantial gambling activities. For example, between June 1995 and July 2000, while Judge Porteous served on the federal bench, over $66,000 in gaming charges appear on Judge Porteous's credit card statements. Along with those credit card charges, between January 1996 and May 2000 Judge Porteous wrote checks or made cash withdrawals at casinos for an additional $27,739.

Judge William Greendyke, sitting by designation on the Bankruptcy Court for the Eastern District of Louisiana, issued an Order confirming the bankruptcy repayment plan on June 28, 2001. Among other things, Judge Greendyke ordered that "[t]he debtor(s) shall not incur additional debt during the term of this Plan except upon written approval of the Trustee." Failure to obtain such approval may cause the claim for such debt to be unallowable and non-dischargeable."

Judge Porteous violated this order on multiple occasions. Among other debts, he obtained gambling markers and loans from casinos during the pendency of the bankruptcy proceeding.[2] Judge Porteous obtained the following short-term debts from casinos in the aggregate amount of $31,900 in violation of the court's order:

- on August 20 and 21, 2001, Porteous borrowed $8,000 from Treasure Chest Casino in Kenner, Louisiana;
- on September 28, 2001, Porteous borrowed $2,000 from Harrah's Casino in New Orleans, Louisiana;
- on October 13, 2001, Porteous borrowed $1,000 from Treasure Chest Casino in Kenner, Louisiana;
- on October 17 and 18, 2001, Porteous borrowed $5,900 from Treasure Chest Casino in Kenner, Louisiana;
- on October 31, 2001, Porteous borrowed $3,000 from Beau Rivage Casino in Biloxi, Mississippi;
- on November 27, 2001, Porteous borrowed $2,000 from Treasure Chest Casino in Kenner, Louisiana;

[2] A "marker" is a form of credit extended by a casino that enables a customer to borrow money while authorizing the casino to draw any unpaid balance after a fixed period of time from the customer's bank account. Typically, markers are deposited after a few days, but Judge Porteous obtained an agreement from at least one casino that he would be afforded thirty days to repay his markers before the casino would deposit them.

- on December 11, 2001, Porteous borrowed $2,000 from Treasure Chest Casino in Kenner, Louisiana;
- on December 20, 2001, Porteous borrowed $1,000 from Harrah's Casino in New Orleans, Louisiana;
- on February 12, 2002, Porteous borrowed $1,000 from Grand Casino in Gulfport, Mississippi;
- on April 1, 2002, Porteous borrowed $2,500 from Treasure Chest Casino in Kenner, Louisiana;
- on May 26, 2002, Porteous borrowed $1,000 from Grand Casino, Gulfport, Mississippi; and
- on July 4 and 5, 2002, Porteous borrowed $2,500 from Grand Casino, Gulfport, Mississippi.

In addition, the evidence shows that Judge Porteous violated the order prohibiting new debt on several other occasions. On July 4, 2002, Judge Porteous applied successfully to increase his credit limit at Grand Casino Gulfport from $2,000 to $2,500. Judge Porteous and his wife accrued new debt on a credit card in violation of the order, including $734.31 in new charges between May 16 and June 18, 2001; $277.74 in new charges between June 15 and July 18, 2001; and $321.32 between July 16 and August 17, 2001.[3] Further, Judge Porteous and his wife obtained new, low-limited credit cards during the course of the bankruptcy without obtaining trustee approval, also in violation of the order. On several occasions, Judge Porteous signed the checks paying off the debts on credit cards that were obtained in his wife's name.

The evidence indicates that Judge Porteous intended to violate the order of the bankruptcy court. First, Judge Porteous is a federal judge who issues similar orders, and unquestionably expects that they will be obeyed. Claude C. Lightfoot, his bankruptcy attorney, testified that both he and the bankruptcy judge told Judge Porteous that he could not obtain new debt, that the requirement was well known to Judge Porteous, and that it was very clear to Judge Porteous that he would need approval to obtain new debt.[4] During a May 9, 2001 creditors meeting, Judge Porteous was further admonished by the trustee that he could not obtain new debt. The trustee also provided Judge Porteous with a written statement that reiterated the restriction on obtaining debt during bankruptcy, including credit card debt. Finally, Judge Porteous's actions in the bankruptcy show that he knew about the order's prohibition, and violated it willfully; not only

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[3] The Porteouses retained this credit card during the bankruptcy by failing to report on the bankruptcy application that they had paid off the debt on that card immediately before filing, as set forth below.

[4] The district court overseeing this grand jury investigation ruled that the attorney-client and work product privileges did not bar Lightfoot from testifying or producing records about his representation of Judge Porteous, both because the privilege did not apply to much of the requested information and also because the government satisfied its burden of showing that the crime-fraud exception defeated the claim of privilege.

did several of the violations occur soon after the confirmation order was issued, but he complied with the no-debt provision of the order in other instances that he knew were likely to come to the attention of the trustee. Specifically, the Porteouses requested permission from the bankruptcy trustee to refinance their home, which the trustee granted on December 20, 2002, and to obtain two new car leases, which the trustee granted on January 2, 2003. That Judge Porteous knew to request permission for other debts during the pendency of the bankruptcy makes clear that his failure to request permission for gambling and credit card debts was intentional and willful.

II. Evidence that Judge Porteous Filed False Pleadings and Concealed Assets in Bankruptcy

Judge Porteous included numerous false statements in bankruptcy pleadings signed under penalty of perjury and submitted to the court -- statements that closed avenues of inquiry and undermined the administration of the bankruptcy by, among other things, concealing assets and income that potentially could have been made available to creditors, but were not.

A. False Initial Petition

The evidence indicates that Judge Porteous intentionally filed his initial bankruptcy petition using a false name to protect himself from public embarrassment. The docket and various documents from the bankruptcy of Gabriel Thomas Porteous, Jr., and Carmella Porteous, case number 01-12363 in the Eastern District of Louisiana, indicate that a petition was filed on March 28, 2001, listing the debtors as "G.T. Ortous" and "C.A. Ortous" and their "street address" as "P.O. Box 1723, Harvey, LA 70059-1723." The social security numbers listed correspond to Gabriel Thomas Porteous, Jr., and Carmella Porteous. The petition was signed by Gabriel and Carmella Porteous in two places, once each directly over the printed name "Ortous." Those signatures were made under penalty of perjury.

Bankruptcy records also indicate that an amended petition was filed in the same case number on April 9, 2001, providing the debtors' names "Gabriel T. Porteous, Jr.," and "Carmella A. Porteous" and the street address "4801 Neyrey Dr., Metairie, LA 70002." United States Postal Service records include a PS Form 1093 Post Office Box assignment for P.O. Box 1723 in Harvey, Louisiana, which indicates that Gabriel T. Porteous, Jr., rented that box on March 20, 2001, just days before filing for bankruptcy.

The Porteouses' bankruptcy attorney testified that he and Judge Porteous specifically devised this scheme to sign under penalty of perjury an initial petition using a fabricated name and newly-acquired post office box address. The attorney testified that their purpose in falsifying the initial filing was to avoid publicity and humiliation by preventing Porteous's name from being listed in the local newspaper among other bankruptcies filed that week.

B. Concealed Assets and Income

The investigation also obtained evidence that Judge Porteous concealed assets and income during his bankruptcy proceeding. The Chapter 13 Schedules and Plan were signed by Gabriel and Carmella Porteous and Claude Lightfoot and were filed on April 9, 2001. The Porteouses signed a declaration filed with the Schedules indicating that, under penalty of perjury,

the Schedules were true to the best of their knowledge, information, and belief. Judge Porteous also stated under oath in a hearing before the bankruptcy trustee on May 9, 2001, that the materials submitted were true to the best of his knowledge. However, the bankruptcy schedules and other Porteous financial records indicate that the Porteouses concealed from the bankruptcy court several assets and sources of income, including those described below.

1. Concealed Tax Refund – In response to question 17 of Schedule B, filed April 9, 2001, which asks for "other liquidated debts owing debtor including tax refunds," Judge Porteous stated that there were "None." For question 20 of Schedule B, which asks for "other contingent and unliquidated claims of every nature, including tax refunds," Judge Porteous likewise responded, "None." However, records provided by Bank One for accounts of Gabriel and Carmella Porteous indicated that a $4,143.72 tax refund was deposited approximately one week later, on April 13, 2001. In an interview, the bankruptcy trustee indicated that the Porteouses did not notify him about their calendar year 2000 tax refund and did not turn the refund over to him even though they were required to do so. Their attorney, Claude Lightfoot, testified that the Porteouses never told him they were expecting a refund for calendar year 2000 when he went over each line of their schedules with them before signing and filing them.

2. Understated Bank Account Balance – In response to question 2 of Schedule B, which asks for "checking, savings, or other financial accounts, . . . or shares in banks, savings and loan, thrift, building and loan, and homestead associations," the Porteouses listed "Bank One Checking Account No. 002379554" with a current value of $100. However, the Porteouses' Bank One statement for that account, covering the period March 23 to April 23, 2001, indicates that the balance in that account on March 28, 2001, the date the bankruptcy petition was filed, was more than $1,800. The balance on April 9, 2001, the date the schedules were filed, was more than $3,000. Another bank account, which had a balance of more than $280 at the time, was not included in the bankruptcy filings at all. Judge Porteous's bankruptcy attorney testified that the only account Judge Porteous told him about was the account listed in the schedules, and that the $100 figure for that account came from Judge Porteous. By providing counsel with false and incomplete information, Porteous prevented his lawyer from rendering considered advice on what amounts to include, and by failing to disclose the full amount of assets in his bank account, Judge Porteous obstructed the trustee's task of accurately providing a full accounting of the Porteouses' financial condition to the bankruptcy court and interested creditors.

3. Carmella Porteous's Employment – Schedule I requires debtors to list, among other items, current income, occupation, and name of employer for the individual debtors. On Schedule I, the Porteouses listed the employer and take-home pay for Judge Porteous, but provided no employer name or income for Carmella Porteous. However, the Porteouses' bank records indicate that Carmella Porteous worked sporadically for several established employers both before and after the bankruptcy petition was filed. For instance, in the year 2000, she earned at least $864 from Adecco Employment Services and $327 from New Orleans Metropolitan Convention and Visitors, and in 2001, she earned $3,109.50 from R&M Glynn, Inc., and $915 from New Orleans Metropolitan Convention and Visitors. None of this income was indicated on the bankruptcy petition or schedules, nor was it subsequently brought to the attention of the trustee or the court.

C. Concealed Preferred Creditors

The bankruptcy schedules and other Porteous financial records also indicate that the Porteouses apparently concealed from the bankruptcy trustee and creditors the existence of several additional creditors who were paid in full immediately before the bankruptcy was filed.

Gabriel and Carmella Porteous signed under penalty of perjury their Statement of Financial Affairs on April 9, 2001. Question 3 of the Statement stated, "List all payments on loans, installment purchases of goods or services, and other debts, aggregating more than $600 to any creditor, made within 90 days immediately preceding the commencement of this case." The Porteouses answered, "Normal installments." That statement was false, as they failed to list full repayments made to Fleet Credit Card Services and Grand Casino Gulfport shortly before they declared bankruptcy. These creditors therefore appear to be secretly preferred creditors, preferences that allowed the Porteouses to retain a credit card and protect their line of credit with a casino during the pendency of their bankruptcy repayment plan.

1. Fleet Credit Card – Credit card records of Carmella Porteous from Fleet Credit Card Services obtained pursuant to a grand jury subpoena indicate that Carmella Porteous held Fleet credit card account # 5447195123210658 prior to the filing of the Porteouses' bankruptcy on March 28, 2001. The records further indicate that the balance on that account, $1,088.41, was paid in full with a March 23, 2001 check from Judge Porteous's secretary, Rhonda Danos. His secretary testified that she made that payment at Judge Porteous's direction. Accordingly, Fleet Credit Card Services was fully paid off, in contrast to the creditors included in the bankruptcy, and the Porteouses retained the Fleet credit card for their own use, all without any disclosure to the bankruptcy trustee, judge, or creditors. Indeed, the Porteouses subsequently used this credit card in violation of the bankruptcy court's order prohibiting them from accruing new debt.

2. Grand Casino Markers – Records obtained from Grand Casino Gulfport pursuant to a grand jury subpoena indicated that Gabriel Porteous obtained two $1,000 markers from the casino on February 27, 2001. According to casino and bank records and interviews, Grand Casino Gulfport attempted to deposit the markers, which Judge Porteous had not repaid, in March 2001, but was unsuccessful due to a change in the ownership of Judge Porteous's bank. Casino records further show that Porteous contacted the casino and provided the new bank information before filing his Statement of Financial Affairs. On April 4, 2001, the markers were successfully deposited. Grand Casino Gulfport was therefore fully paid off, in contrast to the creditors included in the bankruptcy, all without any notification to the bankruptcy trustee, judge, or creditors. In addition, as noted above, Judge Porteous subsequently raised his credit limit with Grand Casino Gulfport during the pendency of his bankruptcy.

D. Undisclosed Gambling Losses

On the Statement of Financial Affairs, Question 8 states, "List all losses from fire, theft other casualty or gambling within one year immediately preceding the commencement of this case or since the commencement of this case." The Porteouses checked the box for "None." However, analyses of casino records indicated that Judge Porteous's gambling losses exceeded $12,700 during the preceding year, or at least $5,700 in net losses. According to the trustee, had

he known about the Porteouses' gambling losses he may have scrutinized more carefully the income and expense figures reported by the Porteouses in their filings.

E. Impact of False Statements and Concealed Assets in Bankruptcy

Judge Porteous, in the series of false statements set out above, subverted the bankruptcy court's ability to properly administer his bankruptcy. His use of a false name and his concealment of his gambling losses in the year preceding his bankruptcy prevented the public from learning about the nature of his public bankruptcy and prevented the trustee, court, and creditors from learning a relevant aspect of his financial condition. His false statements about expected tax refunds, bank accounts, his wife's income, and the existence of preferred creditors all concealed from the court income or assets that could have been distributed to creditors in the bankruptcy or been used to calculate the Porteouses' obligations in the event their assets were to be liquidated. The Porteouses filed a Chapter 13 bankruptcy, in which payments to creditors are based on prospective income. Carmella Porteous's income would have been directly relevant to the calculation of income available to repay creditors. Moreover, in order to determine a fair recovery for creditors under Chapter 13, courts compare the amount that a debtor would pay under Chapter 13 with the amount they would pay were the debtor's assets liquidated. The creditors must fare at least as well in Chapter 13 as they would if the assets were liquidated under Chapter 7. Accordingly, depending on how they were treated by the trustee and bankruptcy judge, concealed assets such as the Porteouses' expected tax refund, money in bank accounts, and money paid to preferred creditors (which the court could order repaid and distributed among all creditors) could have affected the comparative liquidation value of his estate, the amount of the monthly payments the Porteouses were required to make, or the percentage of debt the Porteouses were ultimately obligated to repay.

Even if the value of the hidden assets would not ultimately have affected the amount recovered by any individual creditors, Judge Porteous's false statements nonetheless undermined the bankruptcy process generally. "Debtors have an absolute duty to report whatever interests they hold in property, even if they believe their assets are worthless or are unavailable to the bankruptcy estate." In re Yonikus, 974 F.2d 901, 904 (7th Cir. 1992). This is because allowing debtors "the discretion to not report exempt or worthless property usurps the role of the trustee, creditors, and the court by denying them the opportunity to review the factual and legal basis of debtors' claims." In re Bailey, 147 B.R. 157, 163 (Bankr. N.D. Ill. 1992). Judge Porteous's concealment of assets and his filing of a false petition, schedules, and his statement of financial affairs precluded other interested parties from asserting their rights and enjoying a full and fair hearing on any claims they may have made against the estate.[5]

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[5] Despite the evidence recited above, the Department ultimately concluded that it would not seek to charge Judge Porteous with violations of federal criminal law under 18 U.S.C. § 152(1) and (3) (concealed assets and false statements in bankruptcy) and 18 U.S.C. § 401(3) (criminal contempt of court). Several factors informed that decision, including the burdens of proving beyond a reasonable doubt to a unanimous jury the materiality of Judge Porteous's misconduct in the bankruptcy proceeding. The burdens on the government in a criminal prosecution, however, do not apply in judicial misconduct or impeachment proceedings. An

III. Evidence that Judge Porteous Submitted Additional False and Misleading Statements

The investigation obtained evidence that numerous signed documents filed prior to or contemporaneously with the initiation of bankruptcy on which Judge Porteous had a duty to be truthful -- including government financial disclosure reports, a casino credit application, and a bank loan renewal application -- also contained false or misleading information.

Porteous's financial disclosure report for calendar year 2000, filed with the Administrative Office in May 2001 just over a month after he filed for bankruptcy, failed to list numerous credit accounts he was obligated to disclose, including most of those listed on his bankruptcy documents. Further, on that disclosure report Judge Porteous indicated liabilities of $15,000 or less on each of two credit cards, while Schedule F to his bankruptcy filings from the same time period reflects that Judge Porteous in fact owed approximately $196,000 in unsecured debt, most of it credit card debt. Judge Porteous also failed to disclose on his annual financial disclosure forms the travel, cash, and gifts he received while a federal judge from attorneys and others with matters before him, as discussed further below. In addition, Judge Porteous reported "0" indebtedness on an April 30, 2001, credit application filed with Harrah's casino just weeks after he noted in his petition to the bankruptcy court that he had incurred $196,000 in unsecured debt.

The investigation also uncovered evidence that Judge Porteous intended to mislead Region's Bank about his financial condition in order to ensure that a $5,000 single-payment loan scheduled to become due shortly before the bankruptcy would be extended and, thus, discharged among other unsecured debts in the bankruptcy. In response to a grand jury subpoena, Claude Lightfoot, the Porteouses' bankruptcy attorney, produced a letter from him to the Porteouses dated December 21, 2000, which discussed additional letters he had sent to all but one of the unsecured creditors that later were included in the bankruptcy. Lightfoot stated, "I enclose a copy of the letters and one copy of the attachments I included with each that I have sent to all of the unsecured creditors, with the exception of Regions Bank which we wanted to exclude, proposing the workout of the debts to each . . . ." (emphasis added). These "workout" letters proposed a 21% payment of the debts the Porteouses owed to each of 13 unsecured creditors "[i]n an effort to provide all of my clients' unsecured creditors with immediate payment now and to avoid the necessity of a Chapter 7 bankruptcy filing." (emphasis added). Region's Bank, to whom the Porteouses owed $5,000 on an unsecured "single payment" loan scheduled to come due January 13, 2001, was not sent a workout letter, nor was the $5,000 Regions loan amount included in the schedule of debts provided in the workout letters to other creditors. Another document Lightfoot produced was a list of the Porteouses' creditors and debts that had been prepared by Judge Porteous and his wife, and which Lightfoot used, along with other worksheets, during his efforts to reduce the Porteouses' debts short of bankruptcy as well as in preparing the bankruptcy petition and schedules. That list includes an entry in what has been identified as Judge Porteous's handwriting that states, "Regions Bank $5000 unsecured loan due 1/13/01."

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impeachable offense is any misconduct that damages the State and the operations of governmental institutions; it is not limited to criminal misconduct.

On January 16, 2001 - shortly after the workout letters were sent to the unsecured creditors -- Judge Porteous signed an application with Region's Bank to renew his loan and extend the date of repayment on the loan six months. On the application Judge Porteous certified that he was not "in the process of filing bankruptcy" and signed under the acknowledgment that there had been "no material adverse change" in his financial condition "as disclosed in my most recent financial statement to lender." (The relevant loan applications with Region's Bank submitted in January and July 2000 included financial statements, but neither of those statements appears to have been completed.) The loan renewal was approved, and the repayment date was extended to July 17, 2001. The Porteouses then filed their initial voluntary petition for bankruptcy approximately two months later, on March 28, 2001, and the loan from Region's Bank was discharged in the bankruptcy.

The December 21, 2000, letter from their attorney to the Porteouses establishes that Judge Porteous's decision not to disclose his actual financial condition and impending bankruptcy to Region's Bank in the loan renewal application was intentional. Indeed, the letter states that the Porteouses and their attorney decided not to send the workout letter to Region's Bank in particular. As a result, Judge Porteous was able to obtain an extension under the false pretense that his financial condition had not materially worsened and that he was not on the brink of bankruptcy, and was able to include the Region's Bank loan in the bankruptcy even though it was originally set to mature before he filed.

IV. Evidence that Judge Porteous Solicited and Accepted Things of Value from Attorneys and Litigants with Matters Before Him

Among the attorneys identified by FBI sources as the group most closely linked to the corruption allegations surrounding Judge Porteous were Donald Gardner, Robert Creely, Leonard Levenson, and Warren Forstall. Each of those attorneys was interviewed or compelled to testify before the grand jury about their financial dealings with the Judge. The evidence obtained from those witnesses shows that Judge Porteous accepted cash, expensive meals, travel, and other benefits from them, gifts that the Judge failed to disclose to the Administrative Office on his annual financial disclosure reports or to litigants and opposing counsel in cases in which those attorneys were engaged. The Department also has obtained evidence that Judge Porteous received unreimbursed travel and sport hunting trips from litigants with matters before him in federal court, also without disclosing his apparent conflicts to interested parties and counsel.

A. Cash Payments from Attorneys

Robert Creely and Jacob Amato, who represented clients with matters before Judge Porteous in state and federal court, testified that Judge Porteous solicited and accepted cash payments from them while he was a state and federal judge. According to their testimony, none of the payments occurred after 1999.

Robert Creely is a lawyer in New Orleans, Louisiana. He met Judge Porteous in high school, and practiced at the same firm as Judge Porteous for a year after law school. Creely then left the firm with another local attorney, Jacob Amato. Creely and Amato practiced together in

the law firm of Creely & Amato for 29 years. Creely describes himself as a very close personal friend of Judge Porteous, as does Amato.

Creely testified that, beginning in the late 1980s and early 1990s, while Judge Porteous was a state court judge, he began to solicit cash payments from Creely. Creely and Amato had matters before Judge Porteous in state court at that time. Creely testified that he and Amato would each take draws for half the amount from their joint law firm account. Creely would give that money to Judge Porteous in cash. Creely indicated that Judge Porteous would always ask for the money to pay urgent, unforeseen expenses related to his family. However, Creely stated that Judge Porteous drank and gambled excessively, and Creely was concerned he was paying for the Judge's extravagant lifestyle. Creely testified that, as a result, he eventually told Judge Porteous he could not continue to give him money.

After Creely decided to cut off further payments to Judge Porteous, the Judge began to designate Creely as the curator on executory interests in mortgaged property in actions over which he presided as a state court judge. Creely testified that he received approximately $175 from the state court system for each curatorship, and that those cases required very little time or effort on his part. In return, Judge Porteous asked Creely for the money he was paid by the court. Creely testified that he paid Judge Porteous in cash the amount he received, minus his minimal costs, which usually involved simply sending a letter and posting public notice of the pending executory actions. Although PACER records indicate Judge Porteous appointed Creely as the representative for an absent party in at least one forfeiture action in federal court -- that is, United States v. Ratcliff, Civ. No. 95-00224 (filed Jan. 19, 1995) -- Creely testified that the kick-back scheme he described came to an end when Judge Porteous moved from state to federal court in 1994. Jacob Amato also testified about the curatorships and stated that he was aware that Judge Porteous asked Creely for money and explicitly tied those payments to the many cases in which the Judge appointed Creely as a curator.

Creely testified that, in May 1999, Judge Porteous once more asked his law partner, Jacob Amato, for a payment of $2,000, this time to help defray the cost of a wedding for one of his children. This request was made while Amato was counsel on the Lilljeberg matter, a multi-million dollar civil action pending before Judge Porteous in federal court, described further below. Jacob Amato also testified about that request for money from Judge Porteous. Amato gave Porteous the money he asked for in cash, again splitting the payment with Creely through personal draw-downs from their law firm account. Creely testified that Judge Porteous has not solicited, and he has not given him, any additional cash since the May 1999 payment of $2,000. Creely testified that Judge Porteous instructed him to give the cash to his secretary, Rhonda Danos, who would pick it up from his office. Creely says he put the money in a sealed envelope and gave it to Danos. Danos testified that she does not recall receiving an envelop with cash in it, although she stated that she did pick up items from time to time for the Judge from Creely's office.

Jacob Amato corroborated Creely's claims that they made cash payments to Judge Porteous both while he was a state and a federal judge. Between them, Creely and Amato represented parties in four actions over which Judge Porteous presided on the federal bench

according to the PACER electronic court records system.[6] Creely testified that in total they may have given Judge Porteous as much as $10,000 over time.

Donald Gardner is also an attorney in New Orleans, Louisiana and a close personal friend of Judge Porteous. Although Gardner testified he does not gamble often, he stated that on occasions when he was at casinos with Judge Porteous, the Judge would ask for money to gamble, and he would give it to him. Gardner testified Judge Porteous would request amounts in the range of $100 to $200. He also testified that he provided Judge Porteous approximately $200 to purchase a gift for his wife. Gardner also paid $300 to a contractor on behalf of Judge Porteous. Gardner testified that his payments to or on behalf of Judge Porteous occurred prior to him taking the federal bench. According to Gardner, he estimated that over the course of their friendship he did not give Judge Porteous more than $3,000 in total. Although the FBI developed sources who believed that Gardner regularly paid Judge Porteous, the investigation was ultimately unable to disprove his testimony about the extent of his cash payments to Judge Porteous.

In addition to cash payments to Judge Porteous, several attorneys testified that they gave money to his secretary, Rhonda Danos, to help support Judge Porteous's son during his externship in Washington, D.C., while Judge Porteous was a federal judge. Leonard Levenson is another local attorney who has been friends with Judge Porteous since the early 1980s. Levenson testified that, although he never gave cash directly to Judge Porteous, he may have contributed a few hundred dollars to Rhonda Danos to be used for Judge Porteous's son's externship. Don Gardner also testified that he gave a couple hundred dollars for the externship.[7]

B. Travel, Meals, and Hunting and Fishing Trips from Lawyers and Litigants

The investigation of the FBI into alleged judicial corruption also led to the discovery of evidence that, on a regular basis, Judge Porteous accepted gifts of travel, expensive meals, drinks, and hunting and fishing trips from attorneys and businesses with matters before him both in state and federal court, and that Judge Porteous failed to disclose his receipt of those benefits to interested counsel and litigants and, for all but two hunting trips, in his financial disclosure reports to the Administrative Office.

Several attorneys who were compelled to testify admitted that they paid for travel for Judge Porteous. In May 1999, Judge Porteous and several others traveled to Las Vegas, Nevada for his son's bachelor party. Credit card records and Caesar's Hotel records indicate that Robert

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[6] See In re Liljeberg Enters. Inc., Civ. No. 93-01794 (filed June 01, 1993); United States v. Ratcliff, Civ. No. 95-00224 (filed Jan. 19, 1995); Buck v. Candy Fleet Corp., Civ. No. 97-01593 (filed May 16, 1997), and Union Planters Bank, N.A. v. Gavel, Civ. No. 02-01224 (filed Apr. 24, 2002).

[7] Gardner also testified that he, like Creely, was designated by Judge Porteous as a curator in numerous state cases then pending before the Judge. He claimed, however, that the Judge never asked for money in connection with those appointments.

Creely paid $421.90 with his credit card for Porteous's room from May 20 to May 23, 1999. Judge Porteous's credit card records indicate that he took out more than $5,000 on his credit cards at Caesar's Hotel during the trip. Caesar's Hotel records estimate that Judge Porteous lost $1,200 gambling over the course of his stay. Judge Porteous's bank records indicate that he deposited $5,000 into his money market account days after he returned from the trip. The source of that money is unknown. Don Gardner, the New Orleans attorney representing the opposing party in the Liljeberg cases that were then pending before Judge Porteous, also attended the May 1999 Las Vegas bachelor party trip.

In grand jury testimony and an interview with the FBI, Robert Creely admitted that he attended the bachelor party trip, but did not recall paying for Judge Porteous's room. He said that he and two other non lawyers present on the trip also split the bill for an expensive steak dinner for many of the people in attendance, including Judge Porteous. He claimed that he did not give Judge Porteous any money during or immediately following that trip.

Robert Creely also testified that he has taken Judge Porteous on many fishing trips over the years, including while Judge Porteous was a federal judge, and on two or perhaps three hunting trips while Porteous was on the state bench. Creely valued the hunting trips at the time at around $1,500 per person plus airfare, all of which he covered on Judge Porteous's behalf. Judge Porteous never covered any of the costs related to the hunting or fishing trips.

Warren Forstall, Jr. is a lawyer who practices in New Orleans, Louisiana. He and Judge Porteous have been friends for about 20 years. Forstall testified that in September 1999, at Judge Porteous's invitation, Forstall purchased tickets for both of them to San Francisco to attend an attorney conference together. They later cancelled the trip, and Forstall did not know what became of the ticket he purchased for Judge Porteous. Credit card and travel agency records for Forstall show that he paid $238 with his credit card for the airline tickets for Judge Porteous to San Francisco on September 18, 1999, with a return flight from Reno-Tahoe to New Orleans on September 22, 1999, along with an accompanying ticket for himself. Travel records indicate that Judge Porteous traded his California plane ticket for a ticket to Las Vegas in October 1999. Judge Porteous failed to disclose his acceptance of an airline ticket from Forstall on his financial disclosure forms or in any litigation in which Forstall had an interest.[8]

In an interview with the FBI, Leonard Levenson stated that he has paid for hunting trips with Judge Porteous both while the Judge was on the state and federal bench. In October 1999, Levenson and his wife accompanied Judge Porteous to Las Vegas, Nevada. Porteous obtained his airfare for that trip by trading in the unused ticket to San Francisco that he previously had obtained from Warren Forstall. Judge Porteous's secretary, Rhonda Danos, paid for the

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[8] The Court's PACER records indicate that Forstall's firm represented parties in at least six federal actions before Judge Porteous. See Everage v. Fisher, Civ. No. 98-00451 (filed Feb. 11, 1998); McAfee v. Ayers, Civ. No. 98-01415 (filed May 12, 1998); Ford v. United States Postal Serv., Civ. No. 98-02170 (filed July 24, 1998); Wingate v. Brock, Civ. No. 98-03290 (filed Nov. 6, 1998); Coleman v. United States Postal Serv., Civ. No. 99-02017 (filed June 30, 1999); and Minnifield v. Drug Trans. Inc, Civ. No. 02-02516 (filed Aug. 13, 2002).

Levensons' airfare, and was reimbursed by them in November 1999. Levenson has been counsel in at least eleven matters over which Porteous presided in federal court.[9] It does not appear that Judge Porteous provided notice to any party of his acceptance of gifts and benefits from Levenson.

According to evidence obtained from attorneys who were interviewed or testified before the grand jury, Judge Porteous also made it his regular practice to receive gifts of meals and drinks at expensive restaurants from lawyers with matters before him while he was a judge in both state and federal court. Robert Creely, Jacob Amato, Leonard Levenson, Donald Gardner, and Warren Forstall all admitted that they frequently bought meals for Judge Porteous that he did not reimburse. Creely testified that Judge Porteous always expected that the lawyers would pick up the tab, and that the Judge would never offer to pay. Ronald Bodenheimer, a former 24th JDC judge who agreed to be interviewed and testify after pleading guilty to honest services fraud in connection with the investigation of judicial corruption in the 24th JDC, stated that when he was elected to the state bench, Judge Porteous told him that since he was a judge he would never again need to pay for his own lunch. Each of the attorneys who routinely bought meals for Judge Porteous had matters before him both in state and federal court. Judge Porteous apparently never disclosed to any litigant or counsel his receipt of benefits from these lawyers, nor did he disclose any meals valued over $100 in any financial disclosure report filed with the Administrative Office.[10]

The FBI and other investigative agencies also have obtained evidence that, on at least three occasions, Judge Porteous accepted free travel and hunting trips from the Rowan Company and Diamond Offshore. Rowan and Diamond are each frequently named as defendants in maritime actions brought in the Eastern District of Louisiana and, on many occasions, in actions assigned to Judge Porteous. The hunting trips included free air transportation by private plane from New Orleans, Louisiana to Falfurrias, Texas, and sport hunting on property owned or

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[9] See In re. Liljeberg Enters. Inc., Civ. No. 93-01794 (filed June 01, 1993); In re. Owen McManus, Civ. No. 95-01615 (filed May 23, 1995); Alliance General Ins. Co. v. Louisiana Sherriff's Auto. Risk Prog., Civ. No. 96-00961 (filed Mar. 15, 1996); First Natl Bank v. Evans, Civ. No. 96-01006 (filed Mar. 20, 1996); Joseph v. Sears Roebuck & Co., Civ. No. 97-00192 (filed Jan. 21, 1997); Siddiqui Group Enters., Inc. v. Shell Oil Co., Civ. No. 98-00606 (filed Feb. 26, 1998); Liberty Mutual Fire Ins. v. Ravannack, Civ. No. 00-01209 (filed Apr. 19, 2000); Holmes v. Consolidated Cos., Inc., Civ. No. 00-01447 (filed May 17, 2000); Loehn v. Hardin, Civ. No. 02-00257 (filed Jan. 30, 2002); Salatich v. America Online Inc., Civ. No. 03-02943 (filed Oct. 21, 2003); and Morales v. Trippe, Civ. No. 04-02483 (filed Aug. 31, 2004).

[10] For example, although it is difficult to reconstruct the record with certainty, Amato's financial records and testimony indicate that he may have spent at least $1,500 in 1999 and $2,250 in 2000 for dining and beverage expenses at restaurants at which he entertained Judge Porteous. Judge Porteous was required to report to the Administrative Office gifts of food and drink valued at more than $100 on his annual financial disclosure reports. However, Judge Porteous has never reported the receipt of any gift from Amato or any other attorney with matters before him.

controlled by Rowan near the Mariposa Ranch in Falfurrias. The government has also obtained evidence that Judge Porteous traveled from the Falfurrias camp by private plane to a similar hunting camp near San Antonio, Texas owned or controlled by Diamond. Further evidence indicates that, on at least one of the trips paid for by Rowan, Judge Porteous was accompanied on the trip by litigation counsel for Rowan.[11]

Judge Porteous disclosed two of these hunting trips in financial disclosure reports filed with the Administrative Office. On his report for calendar year 2004, filed May 12, 2005, in response to Part V, "Gifts," Judge Porteous reported that he received a hunting trip from Rowan Company, for which he reported a fair market value of $1,000. On his report for calendar year 2005, filed July 24, 2006, in response to Part V, "Gifts," Judge Porteous reported that he received a hunting trip from Diamond Offshore, which he also valued at $1,000. Judge Porteous has yet to file his financial disclosure report for calendar year 2006. Judge Porteous's reports appear to understate the fair market value of the hunting trips. Evidence indicates that the cost to operate the private plane used to transport Judge Porteous to Falfurrias, Texas itself was approximately $1,000 an hour. According to commercial sports hunting locations in the same area, the fee for merely observing a hunt is approximately $200 a day in addition to the cost of the full hunting package for the other hunt participants, while the fee to participate in a Whitetail Buck hunt, which evidence shows was the subject of at least one of the hunting trips, would cost approximately $3,000 to $3,500 per participant. Together, the evidence suggests the total fair market value for each hunting trip would have been in excess of the $1,000 reported by Judge Porteous.

In addition to apparently understating the fair market value of his trips on financial disclosure reports submitted to the Administrative Office, Judge Porteous apparently failed to disclose his receipt of the trips to counsel and parties adverse to Rowan and Diamond in the actions over which he presided. The Court's PACER electronic records system indicates that, since the late 1980s, the Rowan Companies, Inc. and its related companies have been parties in more than a hundred cases filed in the Eastern District of Louisiana. Judge Porteous has presided over at least six such actions.[12] Of those cases, Hanna was an open matter during all of 2004, and therefore was pending when Judge Porteous received a hunting trip from Rowan. About one week after returning from his January 2006 trip with Rowan, he was assigned to preside over the Thomas matter. Despite his obligation to do so, Judge Porteous apparently failed to disclose the benefits he received from Rowan to counsel and the opposing parties in each of those cases.

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[11] There is evidence that one other federal district judge attended at least one of the hunting trips Rowan sponsored.

[12] See Lucas v. Tetra Technologies, Civ. No. 96-03501 (filed Oct. 28, 1996); Grubb v. Rowan Companies, Inc., Civ. No. 00-01075 (filed Apr. 10, 2000); Hoffman v. Rowan Companies, Inc., Civ. No. 01-01285 (filed Apr. 27, 2001); Hanna v. Rowan Company, Inc., Civ. No. 03-03285 (filed Nov. 21, 2003); Thomas v. Rowan Companies, Inc., Civ. No. 06-00166 (filed Jan. 13, 2006); and Cooley v. Crescent Drilling & Production, Inc., Civ. No. 06-01427 (filed Mar. 20, 2006).

Likewise, Diamond and its related companies were frequent litigants in the Eastern District of Louisiana, also parties in more than a hundred actions filed since the early 1990s. According to the PACER system, Judge Porteous presided over seven matters in which Diamond was a party.[13] Of those seven, Johnson was pending for part of, and Jones during all of 2005, the year in which Diamond provided Judge Porteous one of the trips according to Judge Porteous's financial disclosure report. The docket in each case does not reflect that Judge Porteous provided notice to the parties or counsel of the trip he received from Diamond.

C. Effect of Judge Porteous's Misconduct on the Administration of Justice

Judge Porteous's apparent misconduct has had a derogatory effect on the administration of justice in the Eastern District of Louisiana. That impact can be illustrated by the effect his conflicts had specifically on the litigation surrounding the Chapter 11 bankruptcy filing of Liljeberg Enterprises, Inc., and the cloud of suspicion those undisclosed conflicts raised about the validity of Judge Porteous's rulings in that matter. See In re Liljeberg Enterprises, Inc., Civ. Nos. 93-1794, 93-4249, 95-2922, and 94-3993. The bankruptcy action was commenced in 1993, and the matter was transferred and consolidated with related cases before Judge Porteous on January 16, 1996. On September 19, 1996, after Judge Porteous's assignment to the litigation and just weeks before the complex matter was scheduled to be tried to the bench, Liljeberg Enterprises moved to substitute Jacob Amato and Leonard Levenson as counsel of record. Judge Porteous signed the order granting the substitution on September 23, 1996. Amato handled the representation of Liljeberg on behalf of the Creely & Amato law firm. Levenson testified that he was told when he was hired by Liljeberg that he was being retained for strategy and assistance during the trial of the matter. However, based on recent public statements made by his client, Levenson now believes that his apparent close relationship with Judge Porteous influenced his client to hire him. Jacob Amato testified that he also believed his connection to Judge Porteous played a role in his client's decision to engage him.

One of several parties adverse to Liljeberg in these actions was LifeMark Hospitals, Inc. After Amato and Levenson were retained by Liljeberg, Lifemark in turn sought to associate a long-time friend of Porteous, Donald Gardner.

Gardner testified that he did not have experience handling federal litigation matters, and that Lifemark had competent local counsel. Gardner stated that the reason he was asked to associate himself on the case was his known relationship with Judge Porteous. LifeMark's counsel, Joseph Mole, testified that he hired Gardner because his client believed it was necessary to "level the playing field" following the retention by Liljeberg of Amato and Levenson – whose close connections to Judge Porteous were also well known among local attorneys. Indeed, prior

[13] See Pierce v. Diamond Offshore, Civ. No. 98-01661 (filed June 4, 1998); Gonzalez v. Diamond Offshore, Civ. No. 99-00815 (filed Mar. 11, 1999); Sylve v. Oceaneering Int'l, Inc., Civ. No. 99-00841 (filed Mar. 15, 1999); Dillon v. Diamond Offshore, Civ. No. 99-02026 (filed June 30, 1999); Farrar v. Diamond Offshore Co., Civ. No. 03-00782 (filed Mar. 19, 2003); Johnson v. Diamond Offshore, Civ. No. 03-02505 (filed Sept. 4, 2003); and Jones v. Diamond Offshore, Civ. No. 04-00922 (filed Mar. 31, 2004).

to hiring Gardner, counsel for LifeMark filed a motion seeking Judge Porteous's recusal because of the appearance of partiality created by the close personal relationship among Porteous, Amato, Creely, and Levenson. LifeMark's counsel testified that he was not aware that Porteous had received cash payments from Amato or his partner Creely, and trips and other benefits from Amato, Creely, and Levenson. He testified that, had he known about those dealings, he would certainly have included that information in his motion to recuse. Judge Porteous denied the motion. In his opinion, Judge Porteous failed to disclose his solicitation and acceptance of cash, travel, and other things of value from Amato, Creely, and Levenson. Counsel for LifeMark filed a mandamus action with the Fifth Circuit, but the Circuit denied LifeMark's requested relief as well -- also without being informed of Judge Porteous's financial dealings with Liljeberg's counsel. Amato testified that his and his partner's gifts of cash and other benefits to Judge Porteous were never disclosed in the litigation, and admitted that they "probably" would have been a basis for recusal. As noted, three years later, while Liljeberg was still pending before him, Judge Porteous again solicited and received $2,000 in cash from Creely and Amato, which Porteous also failed to disclose to the counsel or litigants in the Liljeberg action, as well as the Administrative Office.

The written fee agreement between Gardner and LifeMark provided that Gardner would be paid a $100,000 flat fee for associating himself on the case. The agreement included a provision that, if the case was transferred to another judge, Gardner's engagement would end, but he would be paid an additional $100,000 severance. The fee agreement also contained a sliding-scale of additional fees contingent on various measures of LifeMark's success at trial. According to LifeMark's lead counsel, Joseph Mole, he included that contingent fee component to create an incentive for Gardner to deal honestly with LifeMark and not collude with Amato and Levenson. Mole saw Gardner as part of a circle of friends surrounding Judge Porteous, a circle that included opposing counsel Amato and Levenson. When asked whether Gardner was expected to give any part of his fee to Judge Porteous, both Gardner and Mole testified that he was not. Both also testified that Gardner informed LifeMark up front that he would not be able to influence Judge Porteous to do anything unethical or improper.

Mole testified that Gardner was retained solely because of his close relationship with Judge Porteous, and that his only active role in the case was to attend the bench trial. Gardner testified that he offered advice on how he thought Judge Porteous might react to LifeMark's evidence and strategies, but that counsel for LifeMark disregarded most of that advice. When questioned about the perceived need to pay $100,000 -- and potentially many hundreds of thousands more -- to an attorney who had no relevant federal experience but who was a friend of the Judge so that he would file an appearance and observe the bench trial, Mole testified that he thought his client was a victim of a broken system.

The non-jury trial before Judge Porteous commenced June 16, 1997 and continued with breaks over several weeks until July 23, 1997. Following the bench trial, Judge Porteous failed to rule for nearly three years. During the time that Judge Porteous's judgment was pending, the evidence reflects, as recounted above, that Judge Porteous asked for and received cash payments

from Creely and Amato, and was the beneficiary of numerous meals, trips, and other gifts from Creely, Amato, Levenson, and Gardner.[14]

On April 26, 2000, Judge Porteous ruled in favor of Amato and Levenson's client, Liljeberg Enterprises, Inc., on most of the important contested issues.[15] Porteous's ruling in favor of Liljeberg was partially reversed by the Fifth Circuit in an unusually critical opinion. Regarding Porteous's finding that LifeMark had breached a fiduciary duty it owed to Liljeberg by, among other things, failing to reinscribe a collateral mortgage and mitigate harms caused by not doing so, the Circuit excoriated Judge Porteous:

> . . . The extraordinary duty the district court imposed upon LifeMark . . . is inexplicable. . . .
>
> . . . The right of LifeMark to unilaterally release any part of the property from the mortgage is wholly at odds with the district court's discovery of a "duty" to reinscribe the collateral mortgage. . . .
>
> . . . [Judge Porteous's theory that LifeMark consequently owed a duty to mitigate] is a mere chimera, existing nowhere in Louisiana law. It was apparently constructed out of whole cloth.

In re Liljeberg Enters., Inc., 304 F.3d 410, 428-29 (5th Cir. 2002). Similarly, in finding that Judge Porteous clearly erred in his ruling that the judicial sale of the hospital must be overturned in favor of Amato and Levenson's client, Liljeberg, the Court censured the unsupported conclusions drawn by the Judge:

> . . . the district court's findings of a "conspiracy" to wrest control of the hospital and medical office building from St. Jude and Liljeberg Enterprises border on the absurd. . . .
>
> The district court's "conspiracy theory" conclusion is based, in part, on the view that Liljeberg Enterprises's or St. Jude's losses were caused by Lifemark. . . .

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[14] On May 28, 1999, Judge Porteous granted summary judgment in favor of Levenson's client in Alliance Gen. Ins. Co. v. Louisiana Sheriff's Auto. Risk Prog., Civ. No. 96-00961.

[15] According to American Express credit card records, Amato paid $130 at Commander's Palace -- a fine dining restaurant in New Orleans -- on April 25, 2000, the day on which Judge Porteous signed his long-pending judgment in favor of Amato's client. The judgement was filed on the docket on April 26, 2000. Amato has informed the government that Rhonda Danos, Porteous's secretary, was present with him at Commander's Palace on April 25, 2000, and that he paid that bill. Danos testified that the pending judgment was not discussed during the April 25, 2000 rendevous at Commander's Palace, that she never received any cash or bribe from Amato, and that the timing of her meeting with Amato at Commander's Palace on the day the judgment was signed was a coincidence.

> These findings turn on the remarkable but largely implicit conclusion . . . that, under Louisiana law, a second mortgagee . . . cannot initiate foreclosure proceedings. The district court and Liljeberg Enterprises offer no statutory or case law support for this proposition, for the simple reason that this is not the law.

Id. at 431.

V. Evidence that Judge Porteous Accepted Things of Value from Bail Bonds Unlimited and Louis and Lori Marcotte in Exchange for Access and Assistance

Louis and Lori Marcotte operated Bail Bonds Unlimited, a bail bonds company with business before the 24th JDC. As a result of the FBI investigation into corruption in the 24th JDC, both Louis and Lori Marcotte pleaded guilty to bribing Louisiana state judges in addition to other offenses. In interviews following their guilty pleas, the Marcottes said they paid for expensive meals, trips, and other benefits for Judge Porteous in exchange for favorable treatment when he was a state judge in the early 1990's, and that they continued to pay for meals while he was a federal judge. The Marcottes estimated the cost of weekly Friday lunches they provided for Judge Porteous and his staff and other invitees at about $500 each. They also stated that they paid for innumerable additional meals and drinks at expensive restaurants that cost hundreds of dollars each. In addition, the Marcottes said they paid for numerous car repairs for Judge Porteous and his family, paid for a fence to be built for him, gave parking privileges to Porteous's son at their office near the courthouse, and provided business to his son's legal courier service.

Other witnesses confirm that Louis Marcotte did numerous favors for and gave many gifts to Judge Porteous while he was a state court judge. Former Marcotte employees say that Marcotte paid for car repairs for Judge Porteous and a fence for Judge Porteous' house. Other witnesses report that Marcotte paid for many meals for Judge Porteous and at least one trip to Las Vegas, Nevada for Judge Porteous. Additional sources report, and the FBI in one instance observed, that Louis Marcotte continued to take Judge Porteous out for meals when he was a federal judge.

In 1992, the Marcottes invited Judge Porteous to Las Vegas with them, but he was unable to attend. Several months later, around August 1992, Rhonda Danos called the Marcottes to inform them that Judge Porteous "was ready to go" to Las Vegas with them. The Marcottes and two local attorneys paid to take Judge Porteous and another state judge to Las Vegas. Danos booked the trip on her credit card and then sought reimbursement from Louis Marcotte. The Marcottes stated that the arrangement was designed to disguise the fact that they and other lawyers were paying for the trip. They also stated that they invited the other attorneys and judge to provide cover for Judge Porteous.

In July 1999, the Professional Bail Agents of America paid $206.80 for lodging for Judge Porteous at their conference at the Beau Rivage in Biloxi, Mississippi. Judge Porteous spoke at the conference. Judge Porteous did not report this payment on his financial disclosure form (there is no minimum value for required reporting of travel reimbursements). The charge for Porteous's lodging was paid by the PBAA out of its "master account." In turn, the Marcottes

made a $7,000 contribution to cover expenses on that master account. The Marcottes also provided the PBAA with a list of people whose charges should be credited against the Marcotte's credit card. That list included Porteous's secretary, Rhonda Danos.

The Marcottes asserted that they also paid for Porteous's secretary to go to Las Vegas, Nevada for many years with them when they were attending annual bail bonding conventions there. This began in 1992 and continued through the first few years Judge Porteous was a federal judge. The Marcottes have provided the FBI with pictures that show the Judge's secretary in their company in Las Vegas. They claimed that they covered all of Danos's costs during the trips. For several years, the Marcottes also provided Danos and Judge Porteous with five to ten tickets each year to an annual police fund-raising party, valued at $100 per ticket. The expenses borne by the Marcottes on behalf of the Judge's secretary tend to corroborate their claim that they provided gifts to Judge Porteous in exchange for access. The Marcottes explained that Danos was the gatekeeper for access to Judge Porteous, and that it was therefore essential to their purpose that they kept Danos happy by plying her with gifts as well.

According to the Marcottes, in exchange for their generosity with Judge Porteous and Danos, while Judge Porteous was a state court judge he gave the Marcottes immediate access to him on bonding whenever they needed him. The Marcottes say he granted most of their requests. Louis Marcotte told the FBI that Judge Porteous was more likely to grant a problematic request after a lunch or a car repair. Judge Porteous also made introductions for the Marcottes to other state judges and lent his support by vouching to other judges that Louis Marcotte was a good person to deal with on bond issues. He also spoke to other state judges about the benefits to the court system of split bonds, a practice that was extremely beneficial to the business of Bail Bonds Unlimited. Following his own agreement to plead guilty to honest services fraud and to cooperate with the government, former 24th JDC judge Ronald Bodenheimer corroborated much of what the Marcottes told the FBI concerning the assistance Judge Porteous provided around the courthouse for their business interests in the 24th JDC.

In addition to making himself accessible and assisting the Marcottes on bonding matters, at Louis Marcotte's request Judge Porteous expunged the felony convictions of two Marcotte employees shortly before Judge Porteous left the state bench in 1994. This permitted the employees to work for the Marcottes in the bail bonding business, which otherwise was prohibited under Louisiana law. It appears that Judge Porteous decision to expunge the convictions was contrary to law. Nonetheless, Porteous claimed in an interview with the New Orleans Metropolitan Crime Commission that an Assistant District Attorney was present during the hearing and failed to object on the record. Even if true, there is no indication that the Assistant District Attorney was aware that Porteous was the recipient of a stream of things of value from the Marcottes, all of which the Marcottes claim they provided with the specific intent to influence Judge Porteous.

Although the Marcottes have made many allegations of improprieties involving Judge Porteous, they have pleaded guilty to charges of extensive fraudulent conduct. They also admit that they never obtained an explicit agreement with Judge Porteous that he would grant bond requests in exchange for favors. They claim instead that the agreement was implicit in the

relationship, and that the Judge knew very well why they lavished him and his long-time secretary with food, drinks, trips, favors, and other things of value.

VI. Further Circumstantial Evidence that Judge Porteous Engaged in Corrupt Activities

The investigation has uncovered large amounts of unexplained cash being deposited in Judge Porteous's accounts. Financial records reveal that Judge Porteous deposited more than $57,000 in cash into his checking account between 1998 and 2000. Additional records received from Fidelity Homestead Association show that five separate deposits of currency totaling approximately $20,000 were also made into the Judge's money market account from 1998 to early 2000. This account was not reported on Judge Porteous's bankruptcy petition. In addition, one of the deposits, made two days after Judge Porteous returned from his Las Vegas trip, was in the amount of $5,000, roughly the amount he withdrew over the "bachelor party" weekend, despite casino records that estimated a $1,200 loss during that trip.

In addition, the investigation has revealed that Judge Porteous's secretary, Rhonda Danos, paid for many of his expenses from her own bank account. While Judge Porteous did write checks to her, the FBI was not able to establish that he fully reimbursed her. In 1999 and 2000, for example, Danos paid $41,621.15 for credit card bills and other expenses for Judge Porteous; during the same period, she received $32,554.51 in checks from him. Over the same two year period, Danos also made $60,027.80 in cash deposits, a greater sum than her payroll and other sources of income for the same period. Focusing on year 1999 in particular, her financial records indicate that she may have received as much as thirty to forty thousand dollars in unexplained deposits. In addition, in her testimony about her 1999 financial activities, Danos could not account for nearly ten thousand dollars in excess of her admitted sources of income that year, even giving her the benefit of dubious, post-hoc explanations for some sources of funds. Together, these facts evidence that Danos -- on whom Judge Porteous relied for payment of many of his own expenses -- received additional, unexplained cash during the period that the judgement in Liljeberg was pending. Indeed, the Marcottes stated in interviews with the FBI that Danos was used specifically to disguise their payments in connection with the 1992 trip to Las Vegas for Judge Porteous.

VII. Evidence that Judge Porteous Is Incompetent to Serve

During the course of this investigation the Department has learned that Judge Porteous has obtained the reports of medical examiners concluding that he is incompetent to render decisions as a federal judge because of permanent mental and psychological impairments. In correspondence with Your Honor, Judge Porteous stated that he believes he no longer can meet the responsibilities that fall to him as a judge, and that the reports of a psychologist and psychiatrist confirm that every day he sits on the bench is a disservice to his fellow judges, to the parties who appear before him, and to the people of this country who put their trust in the judiciary. This mental impairment follows a history of alcoholism and reckless gambling, demonstrated in financial records and attested to by witnesses with whom he has had personal relationships. Therefore, in addition to the many allegations of judicial misconduct recited above, Judge Porteous's self-professed inability to render competent and fair decisions as a federal judge and the chronicle of his reckless and dishonorable personal behavior while on the

federal bench also serve as a basis for possible disciplinary action by the Court or referral to Congress for impeachment.

CONCLUSION

As noted earlier, issues of statute of limitations, the materiality of the alleged false statements, the government's twin burdens of proof and unanimity at trial, and the availability of alternative remedies persuaded the Department that criminal prosecution was not warranted. The results of the FBI's investigation into allegations of misconduct concerning Judge Porteous, however, raise serious doubts about his suitability for office under the constitutional standard of good behavior on which that service is contingent. The instances of Judge Porteous's dishonesty in his own sworn statements and court filings, his decade-long course of conduct in soliciting and accepting a stream of payments and gifts from litigants and lawyers with matters before him, and his repeated failures to disclose those dealings to interested parties and the Court all render him unfit as an Article III judge. Based on the evidence of pervasive misconduct described herein, the Department respectfully submits this complaint for any further action Your Honor may deem warranted.

Sincerely,

John C. Keeney

John C. Keeney
Deputy Assistant Attorney General
Criminal Division
United States Department of Justice

In The Senate of the United States

Sitting as a Court of Impeachment

In re:	)
Impeachment of G. Thomas Porteous, Jr.,	)
United States District Judge for the	)
Eastern District of Louisiana	)

THE HOUSE OF REPRESENTATIVES' RESPONSE TO JUDGE G. THOMAS PORTEOUS JR.'S MOTION FOR SUBPOENAS TO BE ISSUED TO DEPARTMENT OF JUSTICE ATTORNEYS

The House of Representatives (the "House") respectfully submits the following response to Judge Porteous's Jr., Motion for Subpoenas to be Issued to Department of Justice Attorneys ("Motion").

In his pleadings dated June 8, 2010, and August 5, 2010, Judge Porteous identified Department of Justice (the "Department" or "DOJ") attorneys Peter Ainsworth and Daniel Petalas as potential witnesses.[1] The Senate Impeachment Trial Committee ("SITC"), in deciding the pre-trial motions, declined to issue subpoenas to those two individuals requiring their appearance at trial. Judge Porteous has since renewed his request by way of his Motion, and, in his pre-trial statement, has indicated that he now seeks only the testimony of Mr. Petalas.

The House respectfully suggests that Judge Porteous's Motion fails to provide grounds for the SITC to revisit, let alone reverse, its decision declining to issue subpoenas for DOJ

[1] See Judge G. Thomas Porteous, Jr. Preliminary Designation of Witnesses, Request for Subpoenas, Related Funding and Immunity Orders, and Response Addressing Stipulations Related to Articles I, III, and IV (June 8, 2010) at 2; Judge G. Thomas Porteous, Jr.'s Witness List (August 5, 2010) at 2.

personnel. In particular, Judge Porteous has failed to establish that testimony from a DOJ attorney would be relevant to any issue in this impeachment. In sum: 1) Judge Porteous has made no showing that any DOJ prosecutor had first hand knowledge of the actual events alleged in the Articles; 2) the conduct and standards for impeachment are different than the offenses and standards for criminal prosecution; 3) the evidence to be introduced in the impeachment proceeding is different than the evidence considered by the Department in 2007; and, 4) the presence of a DOJ employee as a witness will necessarily raise complicated separation of powers, deliberative privilege and attorney-client privilege issues.

First and foremost, the record in this impeachment consists of the evidence that the House will present to the SITC and, through the SITC to the full Senate. The opinion of any individual person within DOJ that purports to "analyze"[2] that evidence usurps the role of the Senate. Neither Mr. Petalas nor other representatives of the Department can render an "expert" opinion as to what the evidence shows or whether the evidence supports Judge Porteous's conviction on the Articles.

Indeed, the crux of Judge Porteous's Motion is his desire to explore with Department personnel why it did not criminally prosecute Judge Porteous. However, whether the evidence in DOJ's possession in 2007 supported a criminal prosecution is irrelevant to the decision whether the evidence presented to the Senate in 2010 warrants Judge Porteous's impeachment.[3] Further,

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[2]Judge Porteous's proffer suggests that the testimony of a DOJ attorney "could be critical in analyzing the strength of the evidence underlying the Articles of Impeachment, ..." Judge Porteous's Motion at 1.

[3]As but one example, the House has evidence, including Judge Porteous's Fifth Circuit testimony, that was not available to DOJ prosecutors. Further, the House has brought Articles based on conduct which DOJ did not investigate.

the Department's institutional conclusion that the evidence did not support a criminal prosecution was made known in its letter to the Fifth Circuit making a complaint about Judge Porteous. Judge Porteous has stipulated to the letter's authenticity, and has relied on this letter in his pleadings. Mr. Petalas's, or any other DOJ attorney's personal opinion – whether in support of or in opposition to prosecution, or as to how he personally viewed the evidence – is hardly relevant to the Senate.

Judge Porteous has suggested that DOJ prosecutors may be fact witnesses arising from their participation in some witness interviews. In support of this contention, Judge Porteous has attached various FBI write-ups of witness interviews that reflect the presence of DOJ prosecutors. However, there is no evidence that any DOJ prosecutor participated in any witness interview at which FBI Agents were not present. Indeed, DOJ prosecutors are exceptionally careful not to conduct interviews without law enforcement agents being present, precisely to avoid being later called as witnesses. If Judge Porteous seeks to call a witness to complete the impeachment of a witness based on an FBI write-up of that witness's statement, Judge Porteous should call the FBI Agent who was present and did the write-up of the interview. There is no need for him to call the line prosecutor who was also present. Judge Porteous has made no other proffer or suggestion as to any other first-hand knowledge of a DOJ prosecutor of any fact alleged in the Articles for which that prosecutor's testimony would be necessary.[4]

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[4]In contrast, Mr. Goyeneche of the Metropolitan Crime Commission interviewed Judge Porteous and will testify about that conversation. Mr. Petalas's role as a potential witness is hardly comparable to Mr. Goyeneche's, and Judge Porteous's assertion that "Messrs. Petalas and Ainsworth are being called for many of the same reasons as Goyeneche," Motion at 5, is clearly not the case.

The House stresses that in opposing Judge Porteous's motion it does not seek to limit the factual theories that Judge Porteous may pursue in his defense (so long as they are bounded by relevance to the Articles). However, the House does have a vital interest in the smooth functioning of the trial and an interest that the trial not be side-tracked on tangential and irrelevant issues. In this regard, the House recognizes that the Department is certain to have profound concerns in protecting internal deliberations and the thought-processes of its decision-makers, particularly in connection with the Department's decisions whether to bring criminal charges. Subjecting prosecutors to examination on those decisions inherently raises significant separation of powers concerns as well as significant "deliberative privilege" and related attorney-client privilege legal issues. Especially where the testimony at issue is not pertinent to the factual issues, the House believes that, the SITC should not require DOJ attorneys to testify. Certainly, Judge Porteous has failed to demonstrate a "compelling need" for such testimony – the standard he has set himself.

Thus, 1) when there is no showing that any DOJ prosecutor had first-hand knowledge of the actual events alleged in the Articles; 2) where the conduct and standards for impeachment are different that the offenses and standards for criminal prosecution; 3) where the evidence to be introduced in the impeachment proceeding is different than the evidence considered by the Department in 2007; and, 4) where the witness's presence will necessarily raise complicated separation of powers, deliberative privilege and attorney-client privilege issues, it is the House's view that Judge Porteous has not demonstrated that the SITC should revisit or reverse its decision declining to issue subpoenas to DOJ attorneys.

WHEREFORE, we request that Judge Porteous's Motion be Denied.

Respectfully submitted,

THE UNITED STATES HOUSE OF REPRESENTATIVES

By

Adam Schiff, Manager

Bob Goodlatte, Manager

Alan I. Baron

Alan I. Baron
Special Impeachment Counsel

Managers of the House of Representatives: Adam B. Schiff, Bob Goodlatte, Zoe Lofgren, Henry C. "Hank" Johnson, F. James Sensenbrenner, Jr.

September 8, 2010

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

SEP 3 2010

The Honorable Claire McCaskill
Chairman
The Honorable Orrin G. Hatch
Vice Chairman
Senate Impeachment Trial Committee
United States Senate
Washington, D.C. 20510

Dear Madam Chairman and Mr. Vice Chairman:

This responds to your letter, dated August 25, 2010, regarding a request by Judge G. Thomas Porteous, Jr., for the Committee's assistance in obtaining materials from the Department of Justice in connection with the Senate impeachment trial proceedings against him.

In response to request number four of your letter, enclosed is a revised version of the FBI 302, dated December 18, 2002, regarding the interview of Mr. Norman Stotts, which contains more limited redactions as described in the enclosed redaction code sheet. While the document still bears very limited redactions of information that implicates individual privacy interests, text reporting Mr. Stotts' comments about Louis Marcotte and Lori Marcotte has been largely restored because they are listed as witnesses in the pending impeachment proceedings. We do not believe that the remaining, minimal redactions will interfere in any meaningful way with a clear understanding of Mr. Stotts' statements during this interview. We continue to work on responding to the other requests for information set forth in your August 25, 2010, letter, but want to provide you with the enclosed documents in the interim.

We hope this information is helpful. Please do not hesitate to contact us if we may provide additional assistance with this, or any other matter.

Sincerely,

Ronald Weich
Assistant Attorney General

Enclosure

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 7, 2010

The Honorable Claire McCaskill
Chairman
The Honorable Orrin G. Hatch
Vice Chairman
Senate Impeachment Trial Committee
United States Senate
Washington, D.C. 20510

Dear Madam Chairman and Mr. Vice Chairman:

This supplements our prior response to your letter, dated August 25, 2010, regarding a request by Judge G. Thomas Porteous, Jr., for the Committee's assistance in obtaining materials from the Department of Justice in connection with the Senate impeachment trial proceedings against him.

Enclosed are 860 pages of documents responsive to items 10-16, and 18 of your letter, regarding grand jury materials from the Department's investigation of Judge Porteous, plus an application for an order authorizing Title III electronic surveillance of various telephone lines a supporting affidavit, and resulting court orders from the Wrinkled Robe investigation. These documents are under seal, and pursuant to Federal Rule of Criminal Procedure 6(e), and Title 18, United States Code, Section 2317, could not be released to you without a court order.

On September 3, 2010, upon motion by the Department of Justice, the United States District Court for the Eastern District of Louisiana, modified the sealing orders to permit this disclosure. The District Court's September 3, 2010, orders, which are themselves under seal, permit the Department to disclose: 1) records and other material related to matters occurring before the grand jury in the investigation of G. Thomas Porteous, Jr., and related investigations described in prior disclosure orders by the court, to authorized personal of the United States Senate in support of any congressional impeachment proceedings concerning Judge G. Thomas Porteous, Jr.; and 2) the application for Title III electronic surveillance, the supporting affidavit, and resulting court orders, dated on or about August 27, 2001, from the Wrinkled Robe investigation. However, in modifying the sealing orders on these materials, the District Court prohibits recipients of the Title III surveillance material and grand jury testimony from using the material for any purpose other than in connection with the impeachment proceedings and the defense of Judge Porteous to the articles of impeachment against him. The District Court's order

further prohibits recipients of the Title III electronic surveillance materials from disclosing the contents of the material to third parties, and orders that recipients shall take all necessary and appropriate measures to protect against their inadvertent disclosure to anyone other than their counsel, investigators, staff members, and other personnel directly involved in the impeachment proceedings.

The enclosed documents bear limited redactions of personal information, such as social security numbers, credit card numbers, home addresses, and other limited information implicating individual privacy interests. Our efforts to respond to other items set forth in your letter are continuing, but we wanted to provide you with the enclosed documents as soon as possible.

We hope this information is helpful. Please do not hesitate to contact us if we may provide additional assistance with this, or any other matter.

Sincerely,

for Ronald Weich
Assistant Attorney General

Enclosures

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 8, 2010

The Honorable Claire McCaskill
Chairman
The Honorable Orrin G. Hatch
Vice Chairman
Senate Impeachment Trial Committee
United States Senate
Washington, D.C. 20510

Dear Madam Chairman and Mr. Vice Chairman:

This supplements our prior response to your letter, dated August 25, 2010, regarding a request by Judge G. Thomas Porteous, Jr., for the Committee's assistance in obtaining materials from the Department in connection with the Senate impeachment trial proceedings against him.

Enclosed are 360 pages of documents responsive to items 17 and 19 of your letter regarding grand jury materials from the Department's investigation of Judge Porteous. These documents are under seal, and pursuant to Federal Rule of Criminal Procedure 6(e) could not be released to you without a court order.

As we explained in our letter of September 7, 2010, upon our motion, the United States District Court for the Eastern District of Louisiana modified the sealing orders to permit this disclosure, and limited the recipients of the materials from using the material for any purpose other than in connection with the impeachment proceedings and Judge Porteous's defense to the articles of impeachment against him. For your convenience, enclosed is a copy of our letter of September 7, 2010, which sets forth the terms and limitations of the district court's order, which itself is under seal.

The enclosed documents bear limited redactions of personal information, such as social security numbers, credit card numbers, home addresses, and other limited information implicating individual privacy interests. We continue to work on responding to the other requests for information set forth in your August 25, 2010, letter, but want to provide you with the enclosed documents as soon as possible.

We hope this information is helpful. Please do not hesitate to contact us if we may provide additional assistance with this, or any other matter.

Sincerely,

M. Faith Burton for

Ronald Weich
Assistant Attorney General

Enclosures

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 10, 2010

The Honorable Claire McCaskill
Chairman
The Honorable Orrin G. Hatch
Vice Chairman
Senate Impeachment Trial Committee
United States Senate
Washington, D.C. 20510

Dear Madam Chairman and Mr. Vice Chairman:

This supplements our prior responses to your letter, dated August 25, 2010, regarding a request by Judge G. Thomas Porteous, Jr., for the Committee's assistance in obtaining materials from the Department of Justice in connection with the Senate impeachment trial proceedings against him.

Enclosed are 79 pages of documents responsive to item 1 of your letter, regarding FBI 302s generated in the Department's investigation of Judge Porteous. These documents pertain to the interviews of individuals who have been identified as witnesses in these proceedings, none of whom requested confidentiality at the time of their interviews. They bear limited redactions of personal information, such as social security numbers, home addresses, and other limited information implicating individual privacy interests. Our efforts to respond to other items set forth in your letter are continuing, but we wanted to provide you with the enclosed documents as soon as possible.

We hope this information is helpful. Please do not hesitate to contact us if we may provide additional assistance with this, or any other matter.

Sincerely,

M. Faith Burton

Ronald Weich
Assistant Attorney General

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 10, 2010

The Honorable Claire McCaskill
Chairman
The Honorable Orrin G. Hatch
Vice Chairman
Senate Impeachment Trial Committee
United States Senate
Washington, D.C. 20510

Dear Madam Chairman and Mr. Vice Chairman:

This supplements our prior responses to your letter, dated August 25, 2010, regarding a request by Judge G. Thomas Porteous, Jr., for the Committee's assistance in obtaining materials from the Department in connection with the Senate impeachment trial proceedings against him.

Enclosed are an addition 88 pages of documents responsive to item 8 of your letter regarding grand jury materials from the Department's investigation of Judge Porteous. These documents are under seal, and pursuant to Federal Rule of Criminal Procedure 6(e) could not be released to you without a court order.

As we explained in our letter of September 7, 2010, upon our motion, the United States District Court for the Eastern District of Louisiana modified the sealing orders to permit this disclosure, and limited the recipients of the materials from using the material for any purpose other than in connection with the impeachment proceedings and Judge Porteous's defense to the articles of impeachment against him. For your convenience, enclosed is a copy of our letter of September 7, 2010, which sets forth the terms and limitations of the District Court's Order, which itself is under seal. There are no redactions in this document.

We continue to work on responding to the other requests for information set forth in your August 25, 2010, letter, but want to provide you with the enclosed documents as soon as possible.

We hope this information is helpful. Please do not hesitate to contact us if we may provide additional assistance with this, or any other matter.

Sincerely,

M. Faith Burton for

Ronald Weich
Assistant Attorney General

Enclosure

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General *Washington, D.C. 20530*

September 10, 2010

The Honorable Claire McCaskill
Chairman
The Honorable Orrin G. Hatch
Vice Chairman
Senate Impeachment Trial Committee
United States Senate
Washington, DC 20510

Dear Madam Chairman and Mr. Vice Chairman:

This is to clarify the information set forth in our letter, dated September 7, 2010, regarding the scope of the District Court Orders, dated September 3, 2010, which authorized us to provide your Committee with 1) records and other material related to matters occurring before the grand jury in the investigation of G. Thomas Porteous, Jr., and related investigations described in prior disclosure orders; and 2) the application for Title III electronic surveillance, the supporting affidavit, and resulting court orders, dated on or about August 27, 2001, from the Wrinkled Robe investigation. As you know, these Orders, which modify previous court orders relating to these materials, are themselves under seal.

The Orders, dated September 3, 2010, permit the Department to disclose these materials to your Committee for use in the impeachment proceedings. The Order authorizing our disclosure to you of all records and other material relating to the grand jury investigations places no limitations on the manner in which they may be used in the congressional impeachment proceedings pertaining to Judge Porteous, including the public trial in the Senate. See Fed. R. Crim. P. 6(e)(3)(E).

The Order regarding the Title III electronic surveillance material authorizes our disclosure to the Senate Impeachment Trial Committee and to Judge Porteous, including counsel and staff for the Committee and the parties, for the impeachment proceedings and Judge Porteous's defense to the Articles of Impeachment against him and not for any other purpose. That Order further provides that the recipients of the Title III electronic surveillance materials shall not disclose their contents to third parties and also requires that recipients take all necessary and appropriate measures to protect against their inadvertent disclosure to others.

As we have previously advised Committee staff, the Title III electronic surveillance materials contain information that implicates significant individual privacy interests. Those

materials have been provided in redacted form to the House and we request that the Committee consider whether, with due regard to the fairness to all parties involved, the redacted form of the materials can be used in the public proceedings relating to this matter. We are prepared to confer with you further about appropriate redactions if that would be helpful.

We request that you advise Judge Porteous of the contents of these Orders in connection with your disclosures of any of these materials that you deem appropriate. We hope that this information is helpful. Please do not hesitate to contact this office if you would like assistance on any other matter.

Sincerely,

M. Faith Burton for

Ronald Weich
Assistant Attorney General

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 12, 2010

The Honorable Claire McCaskill
Chairman
The Honorable Orrin G. Hatch
Vice Chairman
Impeachment Trial Committee
United States Senate
Washington, D.C. 20510

Dear Madam Chairman and Vice Chairman:

This supplements our previous responses to your letter, dated August 25, 2010, regarding a request by Judge G. Thomas Porteous, Jr., for the Committee's assistance in obtaining materials from the Department of Justice in connection with the Senate impeachment trial proceedings against him.

As you know, the Department has already produced documents responsive to your letter on several occasions, in addition to those we are producing today. While our public disclosure of these records might be prohibited by the Privacy Act, we have provided them to the Committee in response to your request and pursuant to 5 U.S.C. 552a(b)(9). Nonetheless and as we have discussed with your staff, many of these documents implicate significant individual privacy interests and, accordingly, we request that you treat them with appropriate sensitivity. If you would like assistance in redacting particular documents for use in the impeachments proceedings in order to protect those privacy interests, please let us know.

1. The FBI has processed the 302s from our investigations of Judge Porteous, notwithstanding our view that all of those that are relevant to the impeachment proceedings have already been produced. Consistent with our conversations with your staff, the FBI prioritized its efforts by re-processing all 302s of individuals who have been identified by the parties as witnesses in the impeachment proceedings, none of whom asked the FBI to protect the confidentiality of their interviews, and those 79 pages were produced to you on September 10, 2010. An additional 103 pages were produced to you on September 11, 2010, and an additional 147 pages have been produced to you today.

2. As you know from our letter, dated June 25, 2009, to House Judiciary Committee Chairman Conyers, the 309 pages of documents we produced pertaining to the Senate confirmation of Judge Porteous bear very limited redactions of personal information,

such as phone numbers, social security numbers, and the names of law enforcement personnel, as well as text that would identify individuals who specifically asked the FBI to protect their identities. These redactions are consistent with the FBI's long-standing practice of protecting the identities of individuals who provide information to the Bureau based upon an express promise of confidentiality. Disclosure of information that would reveal their identities also would discourage such individuals from cooperating with our law enforcement efforts in the future. We have reviewed these documents to restore other text and seven pages of reprocessed documents have been delivered to your today. If you believe there is particular information in a specific redaction that you consider to be necessary to the impeachments proceedings, please let us know.

3. As you know, the individual whose interview is set forth in the document labeled PORT000000721 notified the FBI that he no longer wanted the FBI to protect his identity and an unredacted version of that document was produced to the Committee in pdf format on September 9, 2010.

4. In response to your request, a revised version of the FBI 302, dated December 18, 2002, regarding the interview of Mr. Norman Stotts, which contained more limited redactions was produced to the Committee on September 3, 2010. While the document still bears very limited redactions of information that implicates individual privacy interests, text reporting Mr. Stotts' comments about the Marcottes has been largely restored because we understand that they are listed as witnesses in the pending impeachment proceedings. We do not believe that the remaining, minimal redactions will interfere in any meaningful way with a clear understanding of Mr. Stotts' statements during this interview. Please let us know if you need additional information about it.

5. The FBI reviewed again the documents from this 22 page collection, pertaining to Judge Porteous's compliance with a bankruptcy order and, as a result, two additional pages have been delivered to the Committee today. These reprocessed pages bear very limited redactions of non-substantive information, namely the file number and the identity of a law enforcement officer. There were minimal redactions in the versions of some of the remaining documents in this collection, which we provided to the House Judiciary Committee on October 23, 2009. The FBI has advised that no additional text can be provided from the remaining documents without revealing the identity of an individual whose cooperation with the FBI was based upon an express promise of confidentiality.

6. The Department has substantial confidentiality interests in its internal memoranda pertaining to decisions about whether or not to seek indictments or otherwise undertake criminal proceedings. The confidentiality of these documents is important

to fostering the candid internal debate that we believe is essential to sound prosecutorial decision-making. Moreover, information about the rationale for the Department's decision not to prosecute Judge Porteous is set forth in our letter, dated May 18, 2007, to Chief Judge Edith H. Jones of the U.S. Court of Appeals for the Fifth Circuit, a copy of which has been provided to the Committee and to Judge Porteous. In fact, we believe that all of the factual information developed in our investigations of Judge Porteous has been made available to him.

We also note the disclosure of this type of document in the Nixon impeachment proceedings twenty-one years ago was made under very different circumstances. Unlike Judge Porteous, Judge Nixon was prosecuted and convicted. The impeachment proceedings flowed directly from that successful prosecution, and the Senate Impeachment Committee decided that it would hear evidence on Judge Nixon's claim that the Department's "investigations were conducted in a manner intended to mislead a court or trier of fact as to Judge Nixon's guilt or innocence." Letter to John C. Keeney, Deputy Assistant Attorney General, Criminal Division, Department of Justice from Senator Wyche Fowler, Jr., Chairman Senate Impeachment Committee (July 18, 1989). No such allegations have been or could be made in this matter since the Department never prosecuted Judge Porteous.

Moreover, the Department has produced extensive records relating to its investigation of Judge Porteous, even including grand jury materials, which Senator Fowler specifically excluded from his request. As a result, the Committee and the parties have a comprehensive factual record with which to evaluate Judge Porteous's conduct and the Articles of Impeachment pending against him. The burden of proving a criminal case beyond a reasonable doubt to a unanimous jury also distinguishes the Department's decision from the matters pending before the Senate in this trial, where a different standard applies. Accordingly, the Department's internal deliberative documents regarding whether or not to prosecute Judge Porteous have no bearing on the Senate proceedings and, consistent with our significant confidentiality interests and long-standing policy, we must respectfully decline to produce them.

7. Please see our response to item 6 above.

8. We believe that all of the Grand Jury transcripts have been produced pursuant to orders obtained by the Department or the House Judiciary Committee (House Committee). The order obtained by the House Committee authorized us to disclose transcripts only to that Committee, but it did not impose any limitations that would prohibit the Committee's disclosure of the transcripts to Judge Porteous or to the Senate. While we are advised by the House Committee that these materials have been previously provided to you and Judge Porteous, we obtained an Order, dated September 3, 2010, in response to your request, which authorized our disclosure to

you of the same transcripts for use in the impeachment proceedings. Please see our letters to you, dated September 7, 2010 and September 10, 2010, regarding these matters. We have identified only one transcript from the Department's investigation of Judge Porteous that was not included on your list; it is the transcript of Debra Mull, dated June 30, 2006. That document, which totaled 128 pages, was provided to you on September 10, 2010.

9. As we have previously advised your staff, the FBI has advised that there were no 302s generated for Robert Rees or Bruce Netterville in either the Wrinkled Robe or Judge Porteous investigations.

10. On September 7, 2010, we provided you with an unredacted version of the Affidavit in Support of the Title III wiretap interception application, dated August 27, 2001, and the related Court order in the Wrinkled Robe investigation. As you know, we provided these documents in accordance with the court orders that we obtained, in response to the Committee's request, which modify pre-existing orders sealing these documents. The terms of the modifying orders, which are themselves under seal and dated September 3, 2010, are set forth in our letters to the Committee, dated September 7, September 8, and September 10, 2010.

    Judge Porteous was not the subject or target of any Title III wiretap in the Wrinkled Robe investigation and the redacted versions of these materials include all sections relating to Judge Porteous as well as a significant additional portion of materials that place Bail Bonds Unlimited's corrupt scheme to "split" bonds in context. The remaining sections of the affidavit are unrelated to Judge Porteous and, instead, pertain to conduct of other individuals that occurred years after Judge Porteous left the state bench. These individuals, including numerous public officials, were investigated but not prosecuted due to the insufficiency of the evidence and some of them may not be aware that they were within the purview of this investigation. In our view, the unredacted versions of these documents implicate significant privacy and due process interests of these individuals. Consequently, and separate and apart from the terms of the court orders of September 3, 2010, we request that the Committee use redacted versions of these materials in the public proceedings to the extent consistent with the fairness to all parties. We are available to confer further with staff if that would be helpful.

11. Please see our response to item 10 above.

12. The Department has produced grand jury materials responsive to this item, as well as those responsive to items 13 - 19, pursuant to an Order, dated August 5, 2009, which permitted us to disclose them to "authorized personnel of the House of Representatives who are working on the impeachment inquiry of Judge G. Thomas

Porteous, Jr." In addition and in response to your request, we obtained a court order, dated September 3, 2010, authorizing our disclosure of materials responsive to this item, as well as those responsive to items 13 -19, and those materials were provided to the Committee with our letters, dated September 7, and September 8, 2010, in addition to our letter, dated September 10, 2010, which clarified the pertinent court order.

13. Please see our response to item 12 above.

14. Please see our response to item 12 above.

15. Please see our response to item 12 above.

16. Please see our response to item 12 above.

17. Please also see our response to item 12 above.

18. Please see our response to item 12 above.

19. Please see our response to item 12 above.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this, or any other matter.

Sincerely,

M. Faith Burton for

Ronald Weich
Assistant Attorney General

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 20, 2010

The Honorable Claire McCaskill
Chairman
The Honorable Orrin G. Hatch
Vice Chairman
Senate Impeachment Trial Committee
United States Senate
Washington, DC 20510

Dear Madam Chairman and Mr. Vice Chairman:

This follows up on requests from your staff on September 20, 2010, and our previous responses to your letter, dated August 25, 2010, which requested documents relevant to the pending impeachment proceedings against Judge G. Thomas Porteous, Jr. We understand that you are seeking a small number of new and previously produced FBI reports of interviews (302s), with reduced redactions of information about third parties, in connection with the continuing Senate trial.

Enclosed are 38 pages, which contain reduced redactions to protect individual privacy interests. While our public disclosure of these records might be prohibited by the Privacy Act, we are providing them in response to your request and pursuant to 5 U.S.C. 552a(b)(9). Nonetheless and as we have discussed with your staff, many of these documents implicate significant individual privacy interests and, accordingly, we request that you treat them with appropriate sensitivity. If you would like assistance in redacting particular documents for use in the impeachment proceedings in order to protect those privacy interests, please let us know.

Some of the information set forth in these records may include grand jury materials and materials pertaining to the Title III electronic surveillance used in the Wrinkled Robe investigation. As you may recall, in response to your request, we obtained certain court orders, dated September 3, 2010, which modified previous court orders relating to these materials. The terms of these orders, which are themselves under seal, are set forth in our letters to you, dated September 7, 2010, and September 10, 2010. We request that you refer to those letters and advise the parties about the terms with regard to your disclosures to them of any of these materials.

We hope that this information is helpful. Please do not hesitate to contact this office if you would like assistance on any other matter.

Sincerely,

M. Jack Burton for

Ronald Welch
Assistant Attorney General

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

OCT 29 2010

The Honorable Claire McCaskill
Chairman
The Honorable Orrin G. Hatch
Vice Chairman
Senate Impeachment Trial Committee
United States Senate
Washington, D.C. 20510

Dear Madam Chairman and Mr. Vice Chairman:

This follows up on requests from your staff on September 20, 2010, and our previous responses to your letter, dated August 25, 2010, which requested documents relevant to the impeachment proceedings against Judge G. Thomas Porteous, Jr. We understand that you are seeking a few FBI reports of interviews (302s) of third parties which were not previously produced in connection with the Senate impeachment proceedings.

Enclosed are 10 pages of documents responsive to your request. While our public disclosure of these records might be prohibited by the Privacy Act, we are providing them in response to your request and pursuant to 5 U.S.C. 552a(b)(9). Nonetheless, these records implicate substantial individual privacy interests and, accordingly, we request that you treat them with appropriate sensitivity. The enclosed documents bear limited redactions of personal information, such as non-public telephone numbers. Similarly, we have also redacted the names and personal information related to law enforcement personnel.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this, or any other matter.

Sincerely,

Ronald Weich
Assistant Attorney General

Enclosures

IV. COMMITTEE ACTIONS AND FILINGS OF THE PARTIES LEADING UP TO THE SEPTEMBER EVIDENTIARY HEARINGS

c. Filings regarding Stipulations

In The Senate of The United States
Sitting as a Court of Impeachment

In re:	)
Impeachment of G. Thomas Porteous, Jr.,	)
United States District Judge for the	)
Eastern District of Louisiana	)
	)

JUDGE G. THOMAS PORTEOUS, JR.'S PROPOSED STIPULATIONS OF FACT

Judge Porteous respectfully submits the following proposed stipulations of fact, to be used at the Senate impeachment trial Committee hearing regarding the impeachment of Judge G. Thomas Porteous, Jr.:

1. Judge Porteous graduated from Cor Jesu, now Brother Martin, High School was honored as the alumnus of the year there in 1997.

2. Judge Porteous graduated from LSU in 1968 and the LSU law school 1971.

3. In 1984, Judge Porteous was elected Judge to an open seat of the 24th JDC in Jefferson Parish, Louisiana without opposition.

4. In 1990, Judge Porteous was re-elected without opposition.

5. The FBI investigated Judge Porteous and he was never charged with a single criminal act as a state or federal judge.

6. Judge Porteous was not impeached for any bribe or kickback received as a state or federal judge.

7. The Federal Bureau of Investigation and a grand jury empanelled in the Eastern District of Louisiana conducted an investigation for several years and at the conclusion of the investigation "[t]he Department [] determined that it will not seek criminal changes against Judge Porteous." (*See* HP Ex. 004.)

8. The New Orleans Division of the FBI conducted an investigation into allegations of judicial corruption in the 24th JDC. That investigation resulted in the convictions of fourteen defendants, including several 24th JDC judges, the owners of a bail bonding business, and other state court litigants and officials. (*See* HP Ex. 004.) Judge Porteous was never charged or convicted.

9. On May 18, 2007, the Justice Department wrote a letter stating "In reaching its decision not to bring other available charges that are not time barred, the Department weighed the government's heavy burden of proof in a criminal trial and the obligation to carry that burden to a unanimous jury; concerns about the materiality of some of the Judge Porteous's false statements; the special difficulties of proving *mens rea* and intent to deceive beyond a reasonable doubt in a case of this nature, and the need to provide consistency in charging decision concerning bankruptcy and criminal contempt matters." (HP Ex. 004.)

10. On August 28, 2007, Chief Judge Jones filed a "Complaint of Judicial Misconduct" declaring: "I initiate, nunc pro tunc, a complaint of judicial misconduct concerning the Honorable Thomas G. Porteous, Jr. (sic)."

11. The Fifth Circuit Judicial Council (the "Fifth Circuit") convened a Special Investigatory Committee to review the DOJ's allegations against Judge Porteous. (*See* HP Ex. 005.)

12. The Fifth Circuit subsequently appointed a three-judge panel to hold a hearing on Monday, October 29, 2007, chaired by Chief Judge Edith Jones. The hearing was held over the strenuous objections of Judge Porteous (representing himself at the time). (*See* HP Ex. 005.)

13. Chief Judge Edith Jones required Judge Porteous to testify before he had received the actual order granting him immunity and before he could even review the extent of the immunity granted. (*See* HP Ex. 010.)

14. At the Fifth Circuit's hearing, Ron Woods, appointed as co-counsel for the Fifth Circuit, admitted to Judge Edith Jones that Judge Porteous did not receive the order before the hearing. (*See* HP Ex. 010.)

15. The order compelling Judge Porteous's testimony before the Fifth Circuit was signed three weeks before the hearing where it was presented to Judge Porteous for the first time. (*See* HP Ex. 010.)

16. At the Fifth Circuit's hearing, Judge Porteous asked for a continuance so that he could review the order.

17. Witnesses are generally allowed to see immunity orders before testifying.

18. At the Fifth Circuit hearing, when Judge Porteous asked for time to review the immunity order, Judge Edith Jones, responded that "immunity is better than non immunity, sir. Continuance is denied. You may take the stand." (HP Ex. 010.)

19. At the Fifth Circuit's hearing, Judge Benavides stated that Judge Porteous was granted immunity and would not be testifying but for that grant of immunity.

20. In response to Judge Benavides statement,, Larry Finder, co-counsel for the Judicial Council, agreed and made clear that the grant of statutory immunity is co-extensive with Judge Porteous's Fifth Amendment right against self-incrimination. (*See* HP Ex. 010.)

21. Robert Creely and Judge Porteous have known each other since 1974. (*See* Tr. of Robert Creely Dep., taken on August 2, 2010 (hereinafter "Tr. of Creely Dep."), at 9.)

22. From the early 1970s through the early 2000s, Judge Porteous and Robert Creely were very close friends. (*See* Tr. of Creely Dep. at 10-11, 134.)

23. Robert Creely first met Judge Porteous when Mr. Creely joined the law firm of Edwards, Porteous, & Amato. (*See* Tr. of Creely Dep. at 9.)

24. Judge Porteous's children have in the past referred to Robert Creely as "Uncle Bob." (*See* Tr. of Creely Dep. at 11.)

25. Robert Creely is a friend of Judge Martha Sassone. (*See* Tr. of Creely Dep. at 28.)

26. Robert Creely is a friend of Judge Ross LaDart. (*See* Tr. of Creely Dep. at 28.)

27. Jacob Amato and Judge Porteous have known each other since the early 1970s. (*See* Tr. of Jacob Amato Dep., taken on August 2, 2010, at 8:02-15, hereinafter "Tr. of Amato Dep.")

28. From the early 1970s through the early 2000s, Jacob Amato considered Judge Porteous to be a "good friend." (*See* Tr. of Amato Dep. at 11:02-05.)

29. Judge Porteous worked with Jacob Amato when they both were prosecutors with the Jefferson Parish District Attorney's Office. (*See* Tr. of Amato Dep. at 8:02-15.)

30. When Judge Porteous began working at the Jefferson Parish District Attorney's office in the early 1970s, Jacob Amato was assigned to train Judge Porteous. (*See* Tr. of Amato Dep. at 8:02-15.)

31. Jacob Amato, Judge Porteous, and Marion Edwards formed a law partnership in 1973. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 5; *see also* Tr. of Amato Dep. at 9:19-10:04.)

32. The law partnership that Jacob Amato, Judge Porteous, and Marion Edwards formed in 1973 was named Edwards, Porteous, and Amato. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 5; *see also* Tr. of Amato Dep. at 9:19-10:04.)

33. Pursuant to state rules that allowed Assistant District Attorneys to maintain a private practice, Judge Porteous continued to serve as an Assistant District Attorney while he was a partner of Edwards, Porteous, and Amato. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 5.)

34. Jacob Amato and Robert Creely practiced law together from approximately 1973 until 2005. (*See* Tr. of Amato Dep. at 10:11-21; *see also* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 26.)

35. Judge Porteous's children have in the past referred to Jacob Amato as "Uncle Jake." (*See* Tr. of Amato Dep. at 11:14-17.)

36. Jacob Amato was friends with all of the state court judges in the 24th Judicial District. (*See* Tr. of Amato Dep. at 14:04-15.)

37. Jacob Amato was friends with Judges Petri, McManus, Benge, and Collins. (*See* Tr. of Amato Dep. at 14:04-15.)

38. Jacob Amato stated that "there wasn't that many judges and there wasn't that many lawyers that you didn't get to be friends with them if you practiced law." (*See* Tr. of Amato Dep. at 14:09-15.)

39. Jacob Amato was not aware of Judge Porteous's financial situation prior to Judge Porteous becoming a state judge or thereafter. (*See* Tr. of Amato Dep. at 11:25-12:07, 30:11-13.)

40. Jacob Amato stated that ""most of the judges were friends of mine before they became judges, and all of them remained close friends after they became judges." (*See* Tr. of Amato Dep. at 22:12-17.)

41. Robert Creely and Judge Porteous went to lunch regularly while Judge Porteous was a state court judge. (*See* Tr. of Creely Dep. at 13.)

42. In addition to Judge Porteous, Robert Creely also went to lunch with most of the other judges in the 24th Judicial District. (*See* Tr. of Creely Dep. at 14, 127.)

43. Between 1984 and 1994, it was customary for state court judges in the 24th Judicial District to go to lunch with attorneys practicing in and around Gretna, Louisiana. (*See* Tr. of Creely Dep. at 14, 16.)

44. When Robert Creely went to lunch with state court judges in the 1980s and 1990s, unless a campaign committee sponsored the lunch, either he or another attorney in attendance would pay for the meal. (*See* Tr. of Creely Dep. at 16-17.)

45. Robert Creely would pay for lunches that he attended with judges out of friendship with those judges. (*See* Tr. of Creely Dep. at 67.)

46. Robert Creely only knows of one state court judge who ever paid for a meal attended by other attorneys. (*See* Tr. of Creely Dep. at 16-17, 67-668.)

47. The single state court judge that Robert Creely knows to have paid for a meal attended by other attorneys only paid for one such meal. (*See* Tr. of Creely Dep. at 16.)

48. After Judge Porteous was appointed to the federal bench in 1994, Robert Creely had lunch with him "very much less frequently." (*See* Tr. of Creely Dep. at 17-18.)

49. Robert Creely never expected to receive any advantage from the judges that he took to lunch. (*See* Tr. of Creely Dep. at 70.)

50. When Jacob Amato and Judge Porteous were both Assistant District Attorneys, they had lunch together "frequently." (*See* Tr. of Amato Dep. at 12:16-20.)

51. Jacob Amato and Judge Porteous continued to have lunch together until approximately 2003. (*See* Tr. of Amato Dep. at 12:21-13:09.)

52. When Judge Porteous was a state judge, Jacob Amato continued to have lunch with him. (*See* Tr. of Amato Dep. at 13:19-21.)

53. Jacob Amato also had lunch and dinner with other state court judges, including those he appeared before. (*See* Tr. of Amato Dep. at 14:01-03.)

54. Jacob Amato believed that it was customary for lawyers in Gretna to have lunch together. (*See* Tr. of Amato Dep. at 13:10-18.)

55. Jacob Amato believed that it was customary for lawyers to have lunches with judges. (*See* Tr. of Amato Dep. at 13:10-18.)

56. Jacob Amato believed it was customary for lawyers to buy lunch for judges. (*See* Tr. of Amato Dep. at 15:25-16:03.)

57. Jacob Amato did not see anything wrong with buying lunches for judges. (*See* Tr. of Amato Dep. at 15:25-16:03.)

58. According to Jacob Amato, Judge Porteous would buy lunch on occasion. (*See* Tr. of Amato Dep. at 15:18-21; *see also* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 24 & n.95.)

59. It was well known that Judge Porteous and Jacob Amato knew each other, were friends, and had lunch together. (*See* Tr. of Amato Dep. at 16:15-19.)

60. Jacob Amato did not feel that his buying Judge Porteous lunch would affect judge Porteous's actions on the bench "in any way." (*See* Tr. of Amato Dep. at 20:04-08.)

61. Jacob Amato always thought Judge Porteous "did the right thing" irrespective of Amato having taken Judge Porteous to lunch. (*See* Tr. of Amato Dep. at 20:09-13.)

62. No federal rule or law bars federal judges from accepting meals from lawyers.

63. No federal rule or law bars federal judges from encouraging state judges to follow practices such as granting bonds.

64. During their friendship, Robert Creely and Judge Porteous went on several trips together. (*See* Tr. of Creely Dep. at 18.)

65. In addition to Judge Porteous, Robert Creely also went on trips with other state court judges. (*See* Tr. of Creely Dep. at 20.)

66. When Robert Creely invited other lawyers and judges to go on a trip with him, Mr. Creely paid the cost (if any) associated with that person's attendance. (*See* Tr. of Creely Dep. at 19-21.)

67. Robert Creely did not have any concern about taking judges on hunting or fishing trips. (*See* Tr. of Creely Dep. at 21.)

68. It was common in the 1990s for judges in Gretna, Louisiana to go on fishing and hunting trips with lawyers.

69. Robert Creely only appeared before Judge Porteous a very limited number of times. (*See* Tr. of Creely Dep. at 32, 85-86.)

70. Robert Creely only recalls appearing before Judge Porteous three times. (*See* Tr. of Creely Dep. at 21, 85-86.)

71. Two of the three times that Robert Creely recalls appearing before Judge Porteous occurred when Judge Porteous was a state court judge. (*See* Tr. of Creely Dep. at 21-28.)

72. The third time that Robert Creely recalls appearing before Judge Porteous occurred when Judge Porteous was a federal district court judge. (*See* Tr. of Creely Dep. at 21-28.)

73. Robert Creely does not feel that there is anything improper about appearing before a judge with whom he is friends. (*See* Tr. of Creely Dep. at 30.)

74. Robert Creely does not feel that he received any special treatment in connection with the cases in which he appeared before Judge Porteous. (*See* Tr. of Creely Dep. at 23, 24-26, 28, 134.)

75. Jacob Amato recalls one case where he appeared before Judge Porteous in state court. (*See* Tr. of Amato Dep. at 19:19-03.)

76. Jacob Amato remembers that he lost the one case in which he appeared before Judge Porteous in state court. (*See* Tr. of Amato Dep. at 19:19-03.)

77. The House of Representatives has no evidence that Jacob Amato appeared before Judge Porteous in state court in any case where Mr. Amato prevailed in terms of a trial victory or judgment.

78. According to Robert Creely, Mr. Creely gave Judge Porteous gifts of money because he was his friend. (*See* Tr. of Creely Dep. at 32, 49, 110.)

79. Robert Creely did not keep records of the gifts that he gave to Judge Porteous. (*See* Tr. of Creely Dep. at 33-34.)

80. The money that Robert Creely allegedly gave to Judge Porteous was Mr. Creely's personal money. (*See* Tr. of Creely Dep. at 36-37.)

81. The money that Robert Creely allegedly gave to Judge Porteous was not his law firm's (Amato & Creely PLC) money. (*See* Tr. of Creely Dep. at 36-37.)

82. Robert Creely did not claim any tax deduction for the money that he allegedly gave to Judge Porteous. (*See* Tr. of Creely Dep. at 37.)

83. Robert Creely did not claim any tax deduction for the money that he allegedly gave to Judge Porteous because that money was a gift. (*See* Tr. of Creely Dep. at 37.)

84. When Robert Creely and Jacob Amato were law partners they typically took equal draws of the income of their law firm. (*See* Tr. of Creely Dep. at 36, 89.)

85. Robert Creely did not expect to receive anything in return from Judge Porteous as a result of any gifts to Judge Porteous. (*See* Tr. of Creely Dep. at 49, 71.)

86. Robert Creely did not receive anything in return from Judge Porteous as a result of any gifts to Judge Porteous. (*See* Tr. of Creely Dep. at 49, 124.)

87. Robert Creely did not give Judge Porteous money with the intent of encouraging him to rule in Mr. Creely's favor. (*See* Tr. of Creely Dep. at 51.)

88. Robert Creely did not bribe Judge Porteous. (*See* Tr. of Creely Dep. at 72-73.)

89. There was no *quid pro quo* for the money that Robert Creely gave to Judge Porteous. (*See* Tr. of Creely Dep. at 83.)

90. Robert Creely does not recall ever telling Judge Porteous that a portion of the money that Mr. Creely gave Judge Porteous came from Jacob Amato. (*See* Tr. of Creely Dep. at 38.)

91. Robert Creely does not think that there is anything wrong with giving money to a friend. (*See* Tr. of Creely Dep. at 51.)

92. Robert Creely did not think that there was anything wrong with giving money to his friend Judge Porteous. (*See* Tr. of Creely Dep. at 83, 123-24.)

93. Robert Creely never hid the fact that he gave money to Judge Porteous. (*See* Tr. of Creely Dep. at 123.)

94. Robert Creely's estimation that he gave Judge Porteous a total of approximately ten thousand dollars is a guess. (*See* Tr. of Creely Dep. at 50.)

95. Robert Creely does not think that he gave Judge Porteous more than a total of ten thousand dollars. (*See* Tr. of Creely Dep. at 104.)

96. The only money that Robert Creely gave to Judge Porteous while he was a federal judge was the one thousand dollars that he gave to Jacob Amato to give to Judge Porteous in 1999. (*See* Tr. of Creely Dep. at 110, 117-18.)

97. Jacob Amato never thought Judge Porteous "swayed to rule in [his] favor because [they] were friends or rule against somebody because they weren't his friends." (*See* Tr. of Amato Dep. at 20:14-18.)

98. Jacob Amato does not think that Robert Creely's gifts or loans of money to Judge Porteous affected Judge Porteous's handling of judicial matters in any way. (*See* Tr. of Amato Dep. at 39:19-22.)

99. Jacob Amato thought Judge Porteous "called them as he saw them." (*See* Tr. of Amato Dep. at 21:02-10.)

100. Jacob Amato's knowledge relating to gifts or loans by Robert Creely to Judge Porteous is based solely on conversations Mr. Amato had with Mr. Creely. (*See* Tr. of Amato Dep. at 26:03-09.)

101. Any money that Jacob Amato gave to Robert Creely for the purpose of a gift or loan to Judge Porteous was his personal money. (*See* Tr. of Amato Dep. at 34:11-35:07.)

102. No money that Jacob Amato gave to Robert Creely for the purpose of a gift or loan to Judge Porteous was asset of the law firm Amato & Creely. (*See* Tr. of Amato Dep. at 34:11-35:07.)

103. Jacob Amato never had a conversation with Judge Porteous regarding a relationship between the assignment of curatorship cases and gifts or loans provided by Robert Creely to Judge Porteous. (*See* Tr. of Amato Dep. at 37:23-38:03.)

104. Jacob Amato is aware of no records of the total amount of cash that was given to Judge Porteous by Robert Creely. (*See* Tr. of Amato Dep. at 38:21-25.)

105. The Houses of Representatives has no documentary evidence regarding the amount of cash that was given to Judge Porteous from Robert Creely.

106. When Judge Porteous became a federal judge, Robert Creely ceased giving Judge Porteous cash either directly or indirectly. (*See* Tr. of Amato Dep. at 65:10-13.)

107. A curatorship is an appointment by a Louisiana state court of a private attorney to represent the interests of an absent defendant. (*See* Tr. of Creely Dep. at 38.)

108. In the late 1980s and early 1990s the total number of curatorships to be assigned in the 24th Judicial District Court of Louisiana increased.

109. In the late 1980s and early 1990s the total number of curatorships to be assigned in the 24th Judicial District Court of Louisiana increased as a result of the downturn in the economy.

110. Between 1984 and 1994, Louisiana state court judges had total discretion concerning the appointments of curators. (*See* Tr. of Creely Dep. at 40-41.)

111. Between 1984 and 1994, judges in the 24th Judicial District Court typically assigned curatorships to their friends. (*See* Tr. of Creely Dep. at 40.)

112. While Judge Porteous was a state judge, there was no state rule barring the assigning of curatorships to friends.

113. Judge Porteous's assignment of curatorships to friends as a state judge was not unlawful.

114. Today, there is no rule barring the assignment of curatorships in the Louisiana state courts to friends.

115. Robert Creely received curatorship appointments from several judges in the 24th Judicial District Court, including judges that he considered to be his friends. (*See* Tr. of Creely Dep. at 29-30.)

116. Robert Creely received curatorship appointments from judges other than Judge Porteous in the 24th Judicial District Court that he considered friends. (*See* Tr. of Creely Dep. at 41.)

117. Robert Creely has no independent knowledge of the number of curatorships that he received from Judge Porteous. (*See* Tr. of Creely Dep. at 42-43.)

118. Robert Creely has no independent knowledge of the number of curatorships that he received from any state court judge other than Judge Porteous. (*See* Tr. of Creely Dep. at 42-43.)

119. Robert Creely never saw a link between the gifts that he gave to Judge Porteous and the curatorships that Judge Porteous assigned to Mr. Creely. (*See* Tr. of Creely Dep. at 47, 73.)

120. Robert Creely never understood there to be a link between the gifts that he gave to Judge Porteous and the curatorships that Judge Porteous assigned to Mr. Creely. (*See* Tr. of Creely Dep. at 47, 73.)

121. Robert Creely never had any agreement with Judge Porteous to exchange gifts of money for curatorship assignments. (*See* Tr. of Creely Dep. at 48.)

122. Robert Creely never had any agreement with Judge Porteous to kickback money received curatorship appointments. (*See* Tr. of Creely Dep. at 71.)

123. At some point between 1984 and 1994, Robert Creely told Judge Porteous that Judge Porteous had no interest in the curatorships that he was assigning to Mr. Creely. (*See* Tr. of Creely Dep. at 47-48.)

124. Robert Creely would have given Judge Porteous gifts of money even if Judge Porteous had not assigned him curatorships. (*See* Tr. of Creely Dep. at 48.)

125. During the period when Judge Porteous was a state judge, a curatorship would on average result in $200 or less in profit for attorneys assigned such curatorships.

126. Robert Creely had no involvement in the *Lifemark v. Liljeberg* case (No. 2:93-cv-1794). (*See* Tr. of Creely Dep. at 52.)

127. The *Lifemark v. Liljeberg* case (No. 2:93-cv-1794) never came up in Robert Creely's discussions with Judge Porteous. (*See* Tr. of Creely Dep. at 53.)

128. At least 7 federal district court judges presided over some portion of the *Lifemark v. Liljeberg* case (No. 2:93-cv-1794). (HP Ex. 050.)

129. The district judges assigned to preside over some portion of the *Lifemark v. Liljeberg* case (No. 2:93-cv-1794) include: Judge Marcel Livaudais, Judge Ginger Berrigan, Judge Okla Jones, Judge Morey Sear, Judge Adrian Duplantier, Judge Eldon Fallon, and Judge Porteous. (HP Ex. 050.)

130. At least 3 federal magistrate judges presided over the *Lifemark v. Liljeberg* case (No. 2:93-cv-1794). (HP Ex. 050.)

131. The magistrate judges assigned to preside over some portion of the *Lifemark v. Liljeberg* case (No. 2:93-cv-1794) include: Judge Ivan Lemelle, Judge Joseph Wilkinson, and Judge Ronald Fonseca. (HP Ex. 050.)

132. During the recusal hearing in the *Lifemark v. Liljeberg* case (No. 2:93-cv-1794), Judge Porteous disclosed that he was friends with Jacob Amato. (HP Ex. 56, at 4.)

133. During the recusal hearing in the *Lifemark v. Liljeberg* case (No. 2:93-cv-1794), Judge Porteous disclosed that he was friends with Leonard Levenson. (HP Ex. 56, at 4.)

134. During the recusal hearing in the *Lifemark v. Liljeberg* case (No. 2:93-cv-1794), Judge Porteous expressly disclosed that he practiced law with Mr. Amato over twenty years before the hearing. (HP Ex. 56, at 5.)

135. During the recusal hearing in the *Lifemark v. Liljeberg* case (No. 2:93-cv-1794), Judge Porteous expressly disclosed that he regularly went to lunch with Jacob Amato, as well as other members of the New Orleans bar. (HP Ex. 56, at 7.)

136. Following the denial of the motion to recuse in the *Lifemark v. Liljeberg* case (No. 2:93-cv-1794), Judge Porteous granted a stay specifically to allow counsel for Lifemark to seek appellate review of his decision on that motion by the Fifth Circuit. (HP Ex. 56.)

137. The agreement to retain Don Gardner as additional counsel for Lifemark in the *Lifemark v. Liljeberg* case (No. 2:93-cv-1794) provided that Mr. Gardner would be paid a retainer of $100,000 upon enrollment as counsel of record. (HP Ex. 35(b)).

138. The agreement to retain Don Gardner as additional counsel for Lifemark in the *Lifemark v. Liljeberg* case (No. 2:93-cv-1794) provided that Mr. Gardner would be paid an additional $100,000 if Judge Porteous withdrew from the case. (HP Ex. 35(b).)

139. The agreement to retain Don Gardner as additional counsel for Lifemark in the *Lifemark v. Liljeberg* case (No. 2:93-cv-1794) provided that Mr. Gardner would be paid an additional $100,000 if the case settled prior to trial. (HP Ex. 35(b).)

140. Don Gardner did not take an active role in the *Lifemark v. Liljeberg* case (No.: 2:93-cv-1794). (*See* Tr. of Amato Dep. at 61:06-11.)

141. Prior to entering an appearance in the *Lifemark v. Liljeberg* case (No.: 2:93-cv-1794), Jacob Amato was an experienced attorney.

142. Prior to entering an appearance in the *Lifemark v. Liljeberg* case (No.: 2:93-cv-1794), Jacob Amato took two to three months to evaluate the merits of the case. (*See* Tr. of Amato Dep. at 8:02-15.)

143. Prior to entering an appearance in the *Lifemark v. Liljeberg* case (No.: 2:93-cv-1794), Jacob Amato, after reviewing the claims and relevant evidence, concluded that he could win the case. (*See* Tr. of Amato Dep. at 49:07-15.)

144. To this day, Jacob Amato believes that the Liljebergs should have prevailed in the *Lifemark v. Liljeberg* case (No.: 2:93-cv-1794). (*See* Tr. of Amato Dep. at 49:16-21.)

145. To this day, Jacob Amato believes that Judge Porteous's decision in the *Lifemark v. Liljeberg* case (No.: 2:93-cv-1794) was "absolutely correct." (*See* Tr. of Amato Dep. at 52:22-53:02.)

146. To this day, Jacob Amato believes that the Fifth Circuit was "wrong, wrong, wrong" in its overturning of Judge Porteous's decision in the *Lifemark v. Liljeberg* case (No.: 2:93-cv-1794). (*See* Tr. of Amato Dep. at 53:03-25.)

147. At the time Judge Porteous considered Lifemark's Motion for Recusal in the *Lifemark v. Liljeberg* case (No.: 2:93-cv-1794), Jacob Amato had never directly given any money to Judge Porteous. (*See* Tr. of Amato Dep. at 59:09-12.)

148. No federal rule of ethics requires that a judge recuse himself or herself if counsel include friends.

149. Robert Creely accepted an invitation to attend a bachelor party for Judge Porteous's son in Las Vegas in May 1999. (*See* Tr. of Creely Dep. at 55-56.)

150. Approximately 20 to 30 people attended the bachelor party for Judge Porteous's son in Las Vegas in May 1999. (*See* Tr. of Creely Dep. at 56.)

151. Don Gardner also attended the bachelor party for Judge Porteous's son in Las Vegas in May 1999. (*See* Tr. of Creely Dep. at 102.)

152. During the May 1999 bachelor party in Las Vegas, Robert Creely paid for a portion of a dinner attended by Judge Porteous's son and bachelor party guests. (*See* Tr. of Creely Dep. at 56-58.)

153. Robert Creely paid for a portion of the dinner attended by Judge Porteous's son and bachelor party guests out of friendship with Judge Porteous's son. (*See* Tr. of Creely Dep. at 58.)

154. Robert Creely has no personal recollection of paying for Judge Porteous's room during the May 1999 bachelor party in Las Vegas. (*See* Tr. of Creely Dep. at 60.)

155. Robert Creely has no first-hand knowledge of a June 1999 fishing trip taken by Judge Porteous and Jacob Amato. (*See* Tr. of Creely Dep. at 61.)

156. Robert Creely has no knowledge of a June 1999 fishing trip taken by Judge Porteous and Jacob Amato other than what Mr. Amato has told him. (*See* Tr. of Creely Dep. at 61.)

157. According to Robert Creely, Mr. Creely gave Jacob Amato one thousand dollars to give to Judge Porteous because Judge Porteous was Mr. Creely's friend. (*See* Tr. of Creely Dep. at 62-63.)

158. According to Robert Creely, When Mr. Creely discussed giving one thousand dollars to Jacob Amato to give to Judge Porteous, Mr. Creely and Mr. Amato did not have any discussion of the *Lifemark v. Liljeberg* case. (*See* Tr. of Creely Dep. at 63, 126-27.)

159. Robert Creely does not believe that Judge Porteous's ruling in the *Lifemark v. Liljeberg* case was swayed in any way as a result of the two thousand dollar gift that he allegedly received from Mr. Creely and Jacob Amato. (*See* Tr. of Creely Dep. at 97, 100, 127.)

160. Robert Creely did not believe that he gained any influence with Judge Porteous as a result of the two thousand dollar gift that he allegedly received from Mr. Creely and Jacob Amato. (*See* Tr. of Creely Dep. at 102.)

161. According to Jacob Amato, Judge Porteous only directly asked Mr. Amato for money on one occasion in their almost forty-year friendship. (*See* Tr. of Amato Dep. at 42:04-13.)

162. According to Jacob Amato, Mr. Amato agreed to give Judge Porteous the money he requested as a result of their friendship. (*See* Tr. of Amato Dep. at 42:21-25.)

163. According to Jacob Amato, when Mr. Amato gave Judge Porteous money in 1999, Mr. Amato did not expect any *quid pro quo* of any kind. (*See* Tr. of Amato Dep. at 43:07-09.)

164. According to Jacob Amato, when Mr. Amato gave Judge Porteous money in 1999, Mr. Amato did not intend to influence the *Lifemark v. Liljeberg* case. (*See* Tr. of Amato Dep. at 64:15-18.)

165. According to Jacob Amato, when Mr. Amato gave Judge Porteous money in 1999, Amato did not expect that that would influence the *Lifemark v. Liljeberg* case. (*See* Tr. of Amato Dep. at 64:19-23.)

166. According to Jacob Amato, Mr. Amato did not believe that his gift of money to Judge Porteous would improve Mr. Amato's chances of success in the *Lifemark v. Liljeberg* case. (*See* Tr. of Amato Dep. at 44:01-04.)

167. According to Jacob Amato, Mr. Amato did not believe that his gift of money to Judge Porteous would have any impact on the *Lifemark v. Liljeberg* case. (*See* Tr. of Amato Dep. at 44:05-07.)

168. According to Jacob Amato, Mr. Amato would probably have given Judge Porteous the money that he requested even if Judge Porteous was not a federal judge. (*See* Tr. of Amato Dep. at 44:19-21.)

169. According to Jacob Amato, Mr. Amato would probably have given Judge Porteous the money that he requested even if Judge Porteous was not presiding over a case that Amato was involved in. (*See* Tr. of Amato Dep. at 44:19-21.)

170. Robert Creely does not any recollection of attending or contributing money for a party following Judge Porteous's investiture as a federal judge. (*See* Tr. of Creely Dep. at 63.)

171. Robert Creely does not have any knowledge of money given to anyone in connection with Judge Porteous's son's internship or externship in Washington, D.C. (*See* Tr. of Creely Dep. at 64.)

172. Robert Creely believes that the Louisiana Office of Disciplinary Counsel began investigating him because Alan Baron sent a copy of Mr. Creely's testimony before the House Impeachment Task Force to that Office. (*See* Tr. of Creely Dep. at 76.)

173. Louis Marcotte never gave cash directly to Judge Porteous. (*See* Tr. of Dep. of Louis Marcotte, taken on August 2, 2010, at 7:02-04, hereinafter "Tr. of Dep. of Louis Marcotte.")

174. Lori Marcotte never gave cash directly to Judge Porteous. (*See* Tr. of Lori Marcotte Dep. at 6:04-07, taken on August 2, 2010, at 7:02-04, hereinafter "Tr. of Dep. of Lori Marcotte.")

175. Judge Porteous never accepted cash from any bail bondsmen. (*See* Tr. of Dep. of Louis Marcotte, taken on August 2, 2010, at 7:02-04; *see also* Tr. of Lori Marcotte Dep. at 6:04-07.)

176. Louis Marcotte never made a campaign contribution to Judge Porteous. (*See* Tr. of Dep. of Louis Marcotte at 7:05-06.)

177. Lori Marcotte never made a campaign contribution to Judge Porteous. (*See* Tr. of Lori Marcotte Dep. at 6:08-10.)

178. Judge Porteous has spoken nationally about the role of bonds in the criminal justice system.

179. Judge Porteous was known in Jefferson Parish to publicly advocate the use of commercial bonds in criminal cases.

180. During the period of the bonds signed by Judge Porteous and cited in the House Report, Jefferson Parish jails were under a court order for overcrowding.

181. During the period of the bonds signed by Judge Porteous and cited in the House Report, prisoners were being summarily released under a court order due to overcrowding.

182. Judge Porteous told others that he favored bonds, including split bonds, over mandatory releases or free bonds.

183. Bonds, including split bonds, were granted by judges, in part, to make it more likely that prisoners would return to the court.

184. Judge Porteous never asked that the Marcottes "kick back" a percentage of the bonds he signed for Judge Porteous. (*See* Tr. of Lori Marcotte Dep. at 101:23-102:7.)

185. Judge Porteous never asked that the Marcottes provide him with a percentage of the bonds he signed for Judge Porteous. (*See* Tr. of Lori Marcotte Dep. at 101:23-102:7.)

186. The Marcottes never gave Judge Porteous a percentage of any bonds that Judge Porteous signed. (*See* Tr. of Dep. of Louis Marcotte at 71:13-16.)

187. Judge Porteous never wrote a bond for the Marcottes or Bail Bonds Unlimited while he was a Federal judge. (*See* Tr. of Lori Marcotte Dep. at 6:11-13; *see also* Tr. of Dep. of Louis Marcotte at 7:21-24.)

188. Article II does not allege that Judge Porteous suborned false statements.

189. Article II does not allege that Judge Porteous made a single false statement himself.

190. The Marcottes claim to have given cash or money directly to at least ten other state-court judges, several of which are still members of the current state court bench. (*See* Tr. of Dep. of Louis Marcotte at 7:25-10:02; *see also* Tr. of Lori Marcotte Dep. at 92:13-96:19.)

191. Lori Marcotte claims that she gave Judge George Giacobbe $2,500 on two different occasions. (*See* Tr. of Lori Marcotte Dep. at 94:01-7; 97:13-15.)

192. Judge George Giacobbe continues to serve as a state Court judge in Louisiana.

193. Lori Marcotte claims she gave Judge Roy Cascio $10,000. (*See* Tr. of Lori Marcotte Dep. at 94:12-14; 95:18-22.)

194. Judge Roy Cascio continues to serve as a state Court judge in Louisiana.

195. Lori Marcotte claims she gave Judge Stephen J. Windhorst $2,500. (*See* Tr. of Lori Marcotte Dep. at 96:14-19.)

196. Judge Stephen J. Windhorst continues to serve as a state Court judge in Louisiana.

197. Louis Marcotte claimed he gave money to state court judges. (*See* Tr. of Dep. of Louis Marcotte at 7:25-8:02.)

198. Louis Marcotte claimed he gave money to at least ten state court judges. (Tr. of Dep. of Louis Marcotte at 8:03-10:02.)

199. Louis Marcotte claimed he gave money to Judge Stephen J. Windhorst. (*See* Tr. of Dep. of Louis Marcotte at 8:03-10:02.)

200. Louis Marcotte claimed he gave money to Judge Roy Cascio. (*See* Tr. of Dep. of Louis Marcotte at 8:03-10:02.)

201. Louis Marcotte claimed he gave money to Judge Patrick McCabe. (*See* Tr. of Dep. of Louis Marcotte at 8:03-10:02.)

202. Louis Marcotte claimed he gave money to Judge George Giacobbe. (*See* Tr. of Dep. of Louis Marcotte at 8:03-10:02.)

203. Between 1984 and 1994, there was no law, regulation, or rule in Louisiana that specifically forbid state court judges from accepting the gift of a meal from another individual.

204. The Marcottes never told Judge Porteous that they would take him out to lunch in exchange for favorable treatment on the issuance of bonds.

205. Judge Porteous never told the Marcottes that he expected lunches in return for signing or setting bonds.

206. The Marcottes began having lunch with Judge Porteous (and other attendees) no earlier than 1992. (*See* Tr. of Dep. of Louis Marcotte at 22:23-24:23; *see also* Tr. of Lori Marcotte Dep. at 58:9-12.)

207. Louis Marcotte admits that he only began having regular lunches and contacts with Judge Porteous after 1993. (*See* Tr. of Dep. of Louis Marcotte at 22:23-24:23)

208. Both Lori and Louis Marcotte admit that the frequency of lunches and meetings with Judge Porteous increased after a September 1993 article published in the Times-Picayune regarding a controversial bond with Adam Barnett. (*See* Tr. of Dep. of Louis Marcotte at 22:23-24:23.)

209. When Judge Porteous had lunch with the Marcottes they discussed a variety of topics, including family, sports, politics, and other non-work related topics. (*See* Tr. of Lori Marcotte Dep. at 63:14-19.)

210. The House of Representatives has no documentary evidence of any lunches between Judge Porteous and the Marcottes while Judge Porteous was on the state bench before 1994. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 64.)

211. The House of Representatives only has documentary evidence of 21 lunches that they allege Judge Porteous attended with either Louis or Lori Marcotte. *See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 64.)

212. While on the Federal bench, Judge Porteous attended no more than eight lunches with the Marcottes. (*See* Tr. of Dep. of Louis Marcotte at 105:16-20.)

213. The only documentary evidence that the House of Representatives has of lunches between Judge Porteous, while he was on the Federal bench, and the Marcottes consists of receipts and orders that detail the following information:

- On August 6, 1997, there was a lunch at the Beef Connection. The bill amounted to $287.03. There were five attendees.
- On August 25, 1997, there was a lunch at the Beef Connection. The bill amounted to $352.43. There were ten attendees.
- On November 19, 1997, there was a lunch at the Beef Connection. The bill amounted to $395.77. There were ten attendees.
- On August 5, 1998, there was a lunch at the Beef Connection. The bill amounted to $268.84. There were nine attendees.
- On February 1, 2000, there was a lunch at the Beef Connection. The bill amounted to $328.94. There were eight attendees.
- On November 7, 2001, there was a lunch at the Beef Connection. The bill amounted to $635.85. There were fourteen attendees.

(*See* HP Exs. 372(a)-(e).)

214. During the alleged lunches with the Marcottes while Judge Porteous was on the Federal bench, no lunch had less than five attendees and some lunches having as many as fourteen attendees. (*See* HP Exs. 372(a)-(e).)

215. With regard to alleged lunches Judge Porteous had with the Marcottes, identified by HP Exs. 372(a)-(e), there is no contemporaneous record of Judge Porteous being asked to attend, let alone attending, the lunches.

216. With regard to several lunches the House of Representatives alleges Judge Porteous attended with the Marcottes, the only documentary evidence in the possession of the House of Representatives that Judge Porteous attended is that one of the attendees drank Absolut vodka and that Judge Porteous was known to also drink Absolut vodka. (*See* HP Exs 372(a)-(d).)

217. While on the Federal bench, there is no evidence that Judge Porteous communicated to state court judges that he sought or intended for the Marcottes to form corrupt relationships with those same state court judges. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 20.)

218. While on the Federal bench, there is no evidence that Judge Porteous asked state court judges to do anything illegal in dealing with the Marcottes. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 20.)

219. While on the state bench, there is no evidence that Judge Porteous ever asked a state judge to do anything illegal in dealings with the Marcottes.

220. While on the Federal bench, there is no evidence that Judge Porteous ever asked a state judge to form a corrupt relationship with the Marcottes. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 20.)

221. While on the Federal bench, Judge Porteous took no judicial actions to benefit the Marcottes. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 20.)

222. All of the lunches that Judge Porteous had with the Marcottes (and other attendees) were held in the open and were not hidden from the public. (*See* Tr. of Dep. of Louis Marcotte at 78:08-11.)

223. Between 1984 and 1994, it was common in Gretna, Louisiana for state court judges to have lunch with local attorneys and professional acquaintances. (*See* Tr. of Dep. of Louis Marcotte at 25:15-18; *see also* Tr. of Dep. of Lori Marcotte at 106:12-19.)

224. Between 1984 and 1994, it was common in Gretna, Louisiana for state court judges to have lunch bought for them by local attorneys and professional acquaintances. (*See* Tr. of Dep. of Lori Marcotte at 106:12-19.)

225. Between 1994 and 2001, it was common in New Orleans, Louisiana for federal court judges to have lunch with local attorneys and professional acquaintances. (*See* Tr. of Dep. of Louis Marcotte at 25:15-18; *see also* Tr. of Dep. of Lori Marcotte at 106:12-19.)

226. Between 1994 and 2001, it was common in New Orleans, Louisiana for federal court judges to have lunches bought for them by local attorneys and professional acquaintances. (*See* Tr. of Dep. of Lori Marcotte at 106:12-19.)

227. The current Louisiana ethics rules allow state judges to have lunches bought for them by lawyers as long as they are less than $50.

228. The current Louisiana ethics rules allow state judges to accept free lunches from bail bondsmen as long as they are less than $50.

229. The Louisiana rule limiting free lunches was only adopted within the last two years.

230. Prior to 1996, there were no limits on the acceptance of free meals by members of Congress. (*See* House Ethics Manual, Cmte. on Standards of Official Congress, (2008 ed.), at 27-28.)

231. From 1968 to 1990, the gift rules restricted the ability "to accept gifts from persons with a direct interest in legislation" but otherwise did not place a limit on meals or gifts received by members of Congress. (*See* House Ethics Manual, Cmte. On Standards of Official Congress, (2008 ed.), at 27-29. *See also*, Robert F. Bauer et al., *Lobbying Under the New Disclosure and Gift Ban Requirements* (Am. Law. Inst.- Am. Bar Assoc. Course of Study, Feb. 21, 1997).)

232. From January 1, 1992, through December 31, 1995, the gift rules prohibited the acceptance "of gifts worth a total of more than $250 from any source in any one year." Exempted from this limitation, however, were "gifts of food and beverages consumed not in connection with gifts of lodging, *i.e.*, local meals, without any restriction as to cost or the source of the payment." (*See* House Ethics Manual, Cmte. On Standards of Official Congress, (2008 ed.), at 27-29. *See also*, Robert F. Bauer et al., *Lobbying Under the New Disclosure and Gift Ban Requirements* (Am. Law. Inst.- Am. Bar Assoc. Course of Study, Feb. 21, 1997).)

233. In 1996, the House approved a new gift rule "that imposed significant, new limitations" on the acceptance of gifts, including the elimination of the meal exemption. The Senate gift rule included a provision that "generally allowed the acceptance of any gift valued below $50, with a limitation of less than $100 in gifts from any single source in a calendar year." In 1999, the House amended its gift rule to incorporate this provision of the Senate rule, allowing acceptance of gifts, including meals, if valued below $50. (*See* House Ethics Manual, Cmte. On Standards of Official Congress, (2008 ed.), at 27-29. *See also*, Robert F. Bauer et al., *Lobbying Under the New Disclosure and Gift Ban Requirements* (Am. Law. Inst.- Am. Bar Assoc. Course of Study, Feb. 21, 1997).)

234. The Marcottes, through their business, Bail Bonds Unlimited, were the dominant bonding agency in Gretna between 1990 and 1994. (*See* Tr. of Dep. of Louis Marcotte at 51:04-11.)

235. Between 1990 and 1994, the Marcottes had more bonds signed by state judges in Gretna than any other bonding company.

236. When Louis Marcotte first entered the bail bonds business as the owner of Bail Bonds Unlimited (BBU), he worked with Adam Barnett. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 68.)

237. On occasion, Judge Porteous turned down bonds requested by the Marcottes. (*See* Tr. of Lori Marcotte Dep. at 46:07-09; *see also* Tr. of Louis Marcotte Dep. at 68:20-69:01.)

238. On occasion, Judge Porteous rejected the amount of a bond that was requested by the Marcottes and adjusted the figure sought by the Marcottes. (*See* Tr. of Lori Marcotte Dep. at 52:16-20)

239. Judge Porteous did not invent the concept of splitting bonds. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 70; *see also* Tr. of Louis Marcotte Dep. at 64:03-05.)

240. Judge Porteous was not the first judge on the 24th Judicial District Court of Louisiana to split bonds. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 70; *see also* Tr. of Louis Marcotte Dep. at 64:03-05.)

241. Between 1984 and 1994, in 24th Judicial District Court of Louisiana, the majority of judges split bonds. (*See* Tr. of Dep. of Louis Marcotte Dep. at 64:06-08.)

242. Splitting bonds was not illegal in Louisiana between 1984 and 1994.

243. Splitting bonds was not an improper judicial action in Louisiana between 1984 and 1994.

244. There are legitimate reasons why a judge might split a given bond.

245. Between 1984 and 1994, in 24th Judicial District Court of Louisiana, there was no guideline, rule, or mandate that a state court judge not split bonds.

246. When Judge Porteous was asked to set a bond for a particular arrestee, his standard operating procedure was to either personally call or request that one of his staff members personally call the jail to confirm information. (*See* Tr. of Lori Marcotte Dep. at 45:23-46:06; *see also* Tr. of Dep. of Louis Marcotte at 72:25-73:22.)

247. When Judge Porteous was asked to set a bond for a particular arrestee, his standard operating procedure was to seek additional information from the relevant jail officials regarding the charge, the defendant, and the circumstances surrounding the arrest and possible release. (*See* Tr. of Lori Marcotte Dep. at 45:23-46:06; *see also* Tr. of Dep. of Louis Marcotte at 72:25-73:22.)

248. Judge Porteous would sometimes call arresting officers to confirm information before granting a bond. (*See* Tr. of Lori Marcotte Dep. at 79:12-14.)

249. Judge Porteous would sometimes communicate with the District Attorneys office to confirm their position on a bond. (*See* HP. Ex. 074(c).)

250. As a practice, Judge Porteous would not agree to a bond solely on the basis of the information provided to him by the Marcottes. (*See* Tr. of Lori Marcotte Dep. at 45:23-46:06; *see also* Tr. of Dep. of Louis Marcotte at 72:25-73:22; *see also* HP. Ex. 074(c).))

251. If the District Attorney objected to a bond, Judge Porteous would generally not agree to a bond. (*See* Tr. of Lori Marcotte Dep. at 43:22-44:01.)

252. Between 1984 and 1994, in 24th Judicial District Court of Louisiana, there was no guidebook for judges in regards to how much any given bond should be set for. (Tr. of Louis Marcotte Dep. at 74:04-08.)

253. Between 1984 and 1994, in 24th Judicial District Court of Louisiana, state court judges were given the authority and responsibility for setting bonds. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 62; *see also* Tr. of Louis Marcotte Dep. at 58:12-23.)

254. Each week, a different state court judge would be assigned the responsibility for serving as the "magistrate judge" who was supposed to be the primary judge responsible for reviewing bond applications. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 62; *see also* Tr. of Louis Marcotte Dep. at 58:12-23.)

255. Between 1984 and 1994, in 24th Judicial District Court of Louisiana, in practice, the assigned magistrate judge would often rarely be available or would refuse to answer phone calls from bonding agents. (*See* Tr. of Louis Marcotte Dep. at 58:24-59:14.)

256. Between 1984 and 1994, in 24th Judicial District Court of Louisiana, there was no law, rule, or order that precluded a judge, who was not serving in a given week as the magistrate judge, from reviewing and signing a bond. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 62; *see also* Tr. of Louis Marcotte Dep. at 58:12-23.)

257. Between 1992 and 1994, in 24th Judicial District Court of Louisiana, the Marcottes would often go chamber to chamber seeking judges to review, set, or split bonds. (*See* Tr. of Louis Marcotte Dep. at 97:04-07.)

258. The Articles of Impeachment do not allege that any bond signed by Judge Porteous was unlawful.

259. The Articles of Impeachment do not alleged that Judge Porteous any bond signed by Judge Porteous violated any judicial precedent on the amount or splitting of such bonds.

260. None of the bonds signed by Judge Porteous during his tenure as a state judge were ever opposed by the District Attorney.

261. Judge Porteous signed only one bond for the Marcottes and Bail Bonds Unlimited on his last day as a state court Judge. (*See* HP Exs. 350(01)-350(56) and 351(01)-(26); *see also* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 79.)

262. Judge Porteous signed only two bonds for the Marcottes and Bail Bonds Unlimited in his last week as a state court Judge. (*See* HP Exs. 350(01)-350(56) and 351(01)-(26); see also (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 79.)

263. Judge Porteous signed only twenty-nine bonds for the Marcottes and Bail Bonds Unlimited during the month of October 1994 (his last month on the state bench) as a state court Judge. (*See* HP Exs. 350(01)-350(56) and 351(01)-(26); *see also* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 79.)

264. Judge Porteous signed only twenty-seven bonds for the Marcottes and Bail Bonds Unlimited between the date of his confirmation for his federal judgeship (October 7, 1994) and the last day for which he served as a state court judge (October 27, 1994). (*See* HP Exs. 350(01)-

350(56) and 351(01)-(26); *see also* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 79.)

265. The House of Representatives has no documentary evidence that Judge Porteous signed more than one bond for the Marcottes and Bail Bonds Unlimited on his last day as a state court Judge. (*See* HP Exs. 350(01)-350(56) and 351(01)-(26); *see also* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 79.)

266. The House of Representatives has no documentary evidence that Judge Porteous signed more than two bonds for the Marcottes and Bail Bonds Unlimited in his last week as a state court Judge. (*See* HP Exs. 350(01)-350(56) and 351(01)-(26); *see also* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 79.)

267. The House of Representatives has no documentary evidence that Judge Porteous signed more than twenty-nine bonds for the Marcottes and Bail Bonds Unlimited during the month of October 1994 (his last month on the state bench) as a state court Judge. (*See* HP Exs. 350(01)-350(56) and 351(01)-(26); *see also* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 79.)

268. The House of Representatives has no documentary evidence that Judge Porteous signed more than twenty-seven bonds for the Marcottes and Bail Bonds Unlimited between the date of his confirmation for his federal judgeship (October 7, 1994) and the last day for which he served as a state court judge (October 27, 1994). (*See* HP Exs. 350(01)-350(56) and 351(01)-(26); *see also* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 79.)

269. The Marcottes and Bail Bonds Unlimited never provided any home repairs for Judge Porteous while he was a Federal judge. (*See* Tr. of Lori Marcotte Dep. at 106:24-107:01)

270. The only home repairs the government alleges that the Marcottes or Bail Bonds Unlimited ever provided to Judge Porteous is the repairing of a wooden fence. (*See* generally House Judiciary Committee Report, March 4, 2010, Report 111-427.)

271. The House of Representatives is not in the possession of any records or documentation regarding the alleged home repairs provided by the Marcottes and Bail Bonds Unlimited to Judge Porteous. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 68.)

272. The Marcottes do not have any records or documentation regarding the alleged home repairs provided by the Marcottes and Bail Bonds Unlimited to Judge Porteous.

273. The House of Representatives is not in the possession of any records or documentation regarding the exact date the alleged home repairs provided by the Marcottes and Bail Bonds Unlimited to Judge Porteous. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 68.)

274. The Marcottes are not in the possession of any records or documentation regarding the exact date the alleged home repairs provided by the Marcottes and Bail Bonds

Unlimited to Judge Porteous. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 68.)

275. The alleged home repairs, if they occurred, amounted to approximately a $200 value to Judge Porteous. (*See* Hp Ex. 072 (d).)

276. The Marcottes have no personal knowledge that the alleged work on a wooden fence for Judge Porteous were actually performed by their employees. (*See* Tr. of Louis Marcotte Dep. at 87:08-14; *see also* Tr. of Lori Marcotte Dep. at 82:25-83:05.)

277. The Marcottes never saw the work on a wooden fence for Judge Porteous.

278. The Marcottes and Bail Bonds Unlimited never paid for or assisted with any car repairs for Judge Porteous while he was a Federal judge. (*See* Tr. of Lori Marcotte Dep. at 106:20-23.)

279. The House of Representatives is not in the possession of any records or documentation regarding the alleged car repairs provided by the Marcottes and Bail Bonds Unlimited to Judge Porteous. (*See* Tr. of Lori Marcotte Dep. at 83:01-19; *see also* generally House Judiciary Committee Report, March 4, 2010, Report 111-427.)

280. Adam Barnett was a bail bondsman who worked closely with the Marcottes in Gretna. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 68.)

281. Adam Barnett has never been criminally charged with any matter related to the Articles of Impeachment.

282. The Marcottes have no evidence showing car repairs by the Marcottes and Bail Bonds Unlimited to Judge Porteous.

283. In an interview with the House of Representatives, Adam Barnett denied that he paid for Judge Porteous's car repairs while Judge Porteous was a state judge. (*See* May 13, 2010 Letter from Alan Baron to Richard Westling.)

284. In an interview with the House of Representatives, Adam Barnett denied that he ever purchased a car for Judge Porteous.

285. In an interview by the FBI as part of Judge Porteous's background investigation, Adam Barnett stated that he knew of no questionable conduct or acts by Judge Porteous. (*See* PORT000000512-513.)

286. In an interview by the FBI as part of Judge Porteous's background investigation, Adam Barnett stated that he knew of no financial problems experienced by Judge Porteous. (*See* PORT000000512-513.)

287. In an interview by the FBI as part of Judge Porteous's background investigation, Adam Barnett stated that he knew of personal problems or habits that would bar Judge Porteous from service as a federal judge. (*See* PORT000000512-513.)

288. In an interview by the FBI as part of Judge Porteous's background investigation, Adam Barnett recommended Judge Porteous as a federal judge. (*See* PORT000000512-513.)

289. There is no documentary evidence establishing who paid for the car repairs the Marcottes allegedly supplied to Judge Porteous.

290. It is unclear who paid for the car repairs the Marcottes allegedly supplied to Judge Porteous. (*See* Tr. of Lori Marcotte Dep. at 83:01-19.)

291. Lori Marcotte has never traveled to Las Vegas with Judge Porteous. (*See* Tr. of Lori Marcotte Dep. at 22:21-24.)

292. Louis Marcotte never directly gave Judge Porteous any cash on any trip that the two of them took together. (*See* Tr. of Dep. of Louis Marcotte at 103:12-16.)

293. In 1992, Judge Porteous was invited to Las Vegas by Louis Marcotte and turned down the offer. (HP Ex. 072(b); *see also* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 65-66.)

294. Rhonda Danos and Lori Marcotte were close friends for some period of time between 1992 and 1997. (*See* Tr. of Lori Marcotte Dep. at 19:07-10, 30:11-32:13.)

295. In 1992, Rhonda Danos and Lori Marcotte stayed in a hotel room together on a trip to Las Vegas. (*See* Tr. of Lori Marcotte Dep. at 23:06-11.)

296. Rhonda Danos helped Lori Marcotte organize trips to Las Vegas, scheduled social outings for certain trips the Marcottes went on, and organized transportation for some of the Marcotte's guests. (*See* Tr. of Lori Marcotte Dep. at 23:17-27:07.)

297. Rhonda Danos and Lori Marcotte attended a Rolling Stones concert together. (*See* Tr. of Lori Marcotte Dep. at 29:21-25.)

298. Rhonda Danos assisted Lori Marcotte with the planning and preparation for a Christmas party at the Blue House at some point in the 1990s. (*See* Tr. of Lori Marcotte Dep. at 28:11-14.)

299. The Marcottes never provided a reserved parking spot to Michael Porteous. (*See* Tr. of Lori Marcotte Dep. at 77:17-78:23.)

300. The Marcottes never subsidized or provided a reserved parking spot to Michael Porteous that would have otherwise generated revenue for the Marcottes. (*See* Tr. of Lori Marcotte Dep. at 77:17-78:23.)

301. The parking lot utilized by the Marcottes near the Gretna courthouse in the mid 1990s did not require anyone who parked there to pay a daily fee. (*See* Tr. of Lori Marcotte Dep. at 77:17-78:23.)

302. The parking lot owned by the Marcottes and used by Michael Porteous was in fact an open lot physically open to any driver.

303. The parking lot owned by the Marcottes and used by Michael Porteous did not have a specifically marked spot for the use of Michael Porteous.

304. The parking lot owned by the Marcottes and used by Michael Porteous was sometimes used by strangers or members of the public.

305. At some point in the 1990s, people were charged for use of the parking lot owned by the Marcottes and used by Michael Porteous.

306. During the time that Judge Porteous served as a state judge, the Marcottes did not charge anyone for the use of the parking lot used by Michael Porteous.

307. The Senate of the United States has never removed an individual from office through the impeachment process solely on the basis of conduct occurring before he began his tenure in the office that is the subject of the impeachment. (*See* MICHAEL J. GERHARDT, THE FEDERAL IMPEACHMENT PROCESS: A CONSTITUTIONAL AND HISTORICAL ANALYSIS 108 (Univ. of Chicago Press, 2d ed. 2000).

308. In prior impeachment cases, the Senate specifically has declined to convict on articles of impeachment based on conduct that was alleged to have occurred before the accused assumed the office that is the subject of the impeachment. (*See generally* Archbald Senate Impeachment Trial.)

309. In 1912, the House of Representatives filed thirteen Articles of Impeachment against Robert Archbald, alleging misconduct in his then-current circuit judgeship (Articles 1 through 6) as well as in his prior district judgeship (Articles 7 through 12). The Senate convicted Archbald on Articles 1, 3, 4, 5, and 13, but acquitted Judge Archbald on the articles relating solely to Archbald's former office (Articles 7 through 12) (*See* 62 Cong. Rec. S1647 (1913) at Index p. XIV (listing "guilty" and "not guilty" votes for each of the rejected articles.)

310. In relation to Article II, the only misconduct Judge Porteous is alleged to have engaged in while a sitting member of the United States District Court for the Eastern District of Louisiana is that Judge Porteous used the power and prestige of his office to assist the Marcottes in forming relationships with State judicial officers and individuals important to the Marcottes' business.

311. Beginning on June 24, 1994, during its background investigation of Judge Porteous for his federal judgeship nomination, the FBI interviewed dozens of witnesses. (*See* generally FBI Background Check of Judge Porteous, HP Ex. 069(b).)

312. During its background check, the FBI was made aware that Judge Porteous had a relationship with the Marcottes. (*See* PORT000000471, PORT000000503, PORT000000513-514.)

313. Judge Porteous gave the FBI the name of Louis Marcotte and contact information as part of his background investigation.

314. The FBI specifically interviewed Louis Marcotte on two occasions during its background investigation of Judge Porteous, and Marcotte explained that he had known the Judge professionally and socially for the past ten years. (*See* PORT000000503 and PORT000000513-514.)

315. Prior to his confirmation, the FBI interviewed an individual, who asked that his/her identity remain anonymous, but who stated that "Judge Porteous works with certain individuals in writing bonds, specifically . . . Louis and Lori Marcotte." (PORT000000471.)

316. Prior to confirmation, the FBI interviewed Louis Marcotte, who told the FBI "that he sometimes goes to lunch with the candidate and attorneys in the area." (PORT000000471.)

317. Prior to his confirmation, the FBI interviewed an individual, who asked that his/her identity remain anonymous, but who stated that the Marcottes "frequently give the judge and his staff cakes, sandwiches, booze, and soft drinks." (PORT000000526.)

318. Prior to his confirmation, the FBI interviewed an individual, who asked that their identity remain anonymous, but who stated that "Louis Marcotte has told people that they 'kick back' money to Judge Porteous for reducing the bonds."

319. The information from an individual who told the FBI about an allegation of a kickback to Judge Porteous was referenced in a separate "note" to the Department of Justice, sent on August 19, 1994, months before Judge Porteous was confirmed. (PORT000000526.)

320. Prior to his confirmation, the FBI interviewed an individual, who asked that his/her identity remain anonymous, but who stated that Judge Porteous 'frequently sign[ed] bonds ahead of time for bondsmen." (PORT000000526.)

321. Prior to his confirmation, the FBI interviewed an individual, who asked that their identity remain anonymous, but who stated that the candidate "indirectly received $10,000 from an individual in exchange for the candidate reducing his bond."

322. The information from an individual who told the FBI Judge Porteous received $10,000 was referenced in a separate "note" to the Department of Justice, sent on August 19, 1994, months before Judge Porteous was confirmed.

323. The FBI interviewed an individual, whose identity has been redacted from discovery documents, who reported that Louis Marcotte told the girlfriend of an individual who had been arrested that it would take $12,500.00 to get [the boyfriend] out of jail" and that "$10,000.00 of this would go to Judge Porteous for the bond reduction." This information was referenced in a separate "note" to the Department of Justice, sent on August 19, 1994, months before Judge Porteous was confirmed. (PORT000000524 and PORT000000530.)

324. Prior to his confirmation, the FBI interviewed an individual, who asked that his/her identity remain anonymous, but who stated that "Porteous was "paid to reduce a bond" in

a different case and "had been given $1,500 to reduce a bond" in that matter. This information was highlighted in a separate "note" to the Department of Justice, sent on August 19, 1994, months before Judge Porteous was confirmed. (PORT000000526 and PORT000000530.)

325. Prior to his confirmation, the FBI interviewed an individual, who asked that his/her identity remain anonymous, but who stated that Judge "Porteous had transferred a case from another division to his [Porteous] to help [redaction follows]." (PORT000000526.)

326. Moreover, confidential informants told the FBI that "Louis Marcotte has told people that they 'kick back' money to Judge Porteous for reducing the bonds." (PORT000000526.)

327. Louis Marcotte's conversations with the FBI on August 1, 1994 and August 17, 1994, referenced in Article II and Article IV, took place after Judge Porteous filled out his SF-86 form. (*See* PORT000000503 and PORT000000513-514.)

328. Louis Marcotte's conversations with the FBI on August 1, 1994 and August 17, 1994, referenced in Article II and Article IV, took place after Judge Porteous filled out his supplemental SF-86 form. (*See* PORT000000503 and PORT000000513-514.)

329. Louis Marcotte's conversations with the FBI on August 1, 1994 and August 17, 1994, referenced in Article II and Article IV, took place after Judge Porteous filled out his Senate questionnaire. (*See* PORT000000503 and PORT000000513-514.)

330. Louis Marcotte's conversations with the FBI on August 1, 1994 and August 17, 1994, referenced in Article II and Article IV, took place after Judge Porteous spoke with agents in his first background check. (*See* PORT000000503 and PORT000000513-514.)

331. On his Supplemental SF-86, Judge Porteous was asked whether there was anything in his personal life that could cause embarrassment to him or President Clinton. This question necessarily asks for Judge Porteous's subjective opinion and speculation regarding the meaning and application of the term "embarrassment."

332. Once Judge Porteous was nominated by President Clinton to serve as a United States District Court Judge for the Eastern District of Louisiana, but prior to his confirmation, the Judiciary Committee of the United States Senate reviewed the FBI's background investigation of Judge Porteous. (*See* Confidential Notes Taken from FBI File G. Thomas Porteous, supplied to counsel by Senate Impeachment Trial Committee.)

333. Once Judge Porteous was nominated by President Clinton to serve as a United States District Court Judge for the Eastern District of Louisiana, but prior to his confirmation, the Judiciary Committee of the United States Senate was specifically aware of allegations that Judge Porteous "is living beyond his means and this might mean that he is involved in some type of criminal activity." (*See* Confidential Notes Taken from FBI File G. Thomas Porteous, supplied to counsel by Senate Impeachment Trial Committee.)

334. Once Judge Porteous was nominated by President Clinton to serve as a United States District Court Judge for the Eastern District of Louisiana, but prior to his confirmation, the

Judiciary Committee of the United States Senate was specifically aware of allegations that Judge Porteous "has a drinking problem." (*See* Confidential Notes Taken from FBI File G. Thomas Porteous, supplied to counsel by Senate Impeachment Trial Committee.)

335. Once Judge Porteous was nominated by President Clinton to serve as a United States District Court Judge for the Eastern District of Louisiana, but prior to his confirmation, the Judiciary Committee of the United States Senate was specifically aware of allegations that Judge Porteous gambled on occasion. (*See* Confidential Notes Taken from FBI File G. Thomas Porteous, supplied to counsel by Senate Impeachment Trial Committee.)

336. Once Judge Porteous was nominated by President Clinton to serve as a United States District Court Judge for the Eastern District of Louisiana, but prior to his confirmation, the Judiciary Committee of the United States Senate placed additional telephone calls to and interviewed Robert Creely, Donald Gardner, and Louis Marcotte, among others. (*See* Confidential Notes Taken from FBI File G. Thomas Porteous, supplied to counsel by Senate Impeachment Trial Committee.)

337. Once Judge Porteous was nominated by President Clinton to serve as a United States District Court Judge for the Eastern District of Louisiana, but prior to his confirmation, the Judiciary Committee of the United States Senate made inquiries about whether Judge Porteous had a drinking problem.

338. Once Judge Porteous was nominated by President Clinton to serve as a United States District Court Judge for the Eastern District of Louisiana, but prior to his confirmation, the Judiciary Committee of the United States Senate made inquiries about whether Judge Porteous had a gambling problem.

339. Once Judge Porteous was nominated by President Clinton to serve as a United States District Court Judge for the Eastern District of Louisiana, but prior to his confirmation, the Judiciary Committee of the United States Senate made inquiries about whether Judge Porteous was living beyond his means.

340. Except for allegations specifically set out in Article III of the Articles of Impeachment, Judge Porteous complied at all times with the U.S. Bankruptcy Code.

341. Judge Porteous and his wife Carmella Porteous retained attorney Claude C. Lightfoot, Jr. in the summer of 2000 to assist them in attempting to restructure their debts and possibly seeking bankruptcy protection.

342. Shortly after retaining him, Judge Porteous provided Claude Lightfoot with (among other documents) a copy of his May 2000 pay stub.

343. The Porteouses, with the assistance of Claude Lightfoot, sought to avoid filing for bankruptcy protection by informally restructuring their debts.

344. The Porteouses' attempts to informally restructure their debts were unsuccessful.

345. The Porteouses filed a voluntary petition for bankruptcy protection on March 28, 2001.

346. Claude Lightfoot prepared and filed the Porteouses' voluntary petition for bankruptcy protection.

347. Claude Lightfoot prepared and filed all schedules and other documents filed in bankruptcy court in connection with the Porteouses' voluntary petition for bankruptcy protection.

348. Prior to filing the Porteouses' voluntary bankruptcy petition, Claude Lightfoot did not request an updated pay stub from Judge Porteous.

349. The Porteouses listed their correct Social Security numbers on the voluntary bankruptcy petition that they filed on March 28, 2001. (SC00753.)

350. Social Security numbers are more accurate personal identifiers than last names.

351. The Porteouses signed the voluntary bankruptcy petition that they filed on March 28, 2001, with their full and correct signatures.

352. At the time that the Porteouses filed their voluntary petition for bankruptcy protection, the Times-Picaynue newspaper published weekly the names of all individuals who filed for bankruptcy protection.

353. Claude Lightfoot came up with the idea of filing the Porteouses' bankruptcy petition under a different last name than the Porteouses' true last name.

354. Claude Lightfoot came up with the idea of filing the Porteouses' bankruptcy petition under the last name "Ortous."

355. Claude Lightfoot suggested to the Porteouses that they file their bankruptcy petition under the last name "Ortous."

356. Claude Lightfoot suggested that the Porteouses file their bankruptcy petition under the last name "Ortous" in an attempt to limit the publicity surrounding that filing.

357. Claude Lightfoot advised the Porteouses that it was acceptable for them to file their bankruptcy petition under the last name "Ortous."

358. The Porteouses relied on the advice of their counsel, Claude Lightfoot, when they permitted their bankruptcy petition to be filed under the last name "Ortous."

359. The purpose of filing the Porteouses' bankruptcy petition under the last name "Ortous" was to avoid publicity and embarrassment.

360. The purpose of filing the Porteouses' bankruptcy petition under the last name "Ortous" was not to hinder, delay, or defraud creditors.

361. Claude Lightfoot came up with the idea of filing the Porteouses' bankruptcy petition using a post office box address rather than their residential address.

362. Claude Lightfoot suggested to the Porteouses that they obtain a post office box and file their bankruptcy petition using that post office box address.

363. Claude Lightfoot suggested that the Porteouses file their bankruptcy petition using a post office box address in an attempt to limit the publicity surrounding that filing.

364. Claude Lightfoot advised the Porteouses to open a post office box prior to filing their bankruptcy petition.

365. Claude Lightfoot advised the Porteouses that it was acceptable for them to file their bankruptcy petition using a post office box address.

366. The Porteouses relied on the advice of their counsel, Claude Lightfoot, when they obtained a post office box prior to filing their bankruptcy petition.

367. Claude Lightfoot listed the Porteouses' post office box address on their bankruptcy petition.

368. Claude Lightfoot filed the Porteouses' bankruptcy petition with full knowledge that it listed a post office box address, not their residential address.

369. The Porteouses relied on the advice of their counsel, Claude Lightfoot, when they permitted their bankruptcy petition to be filed using a post office box address.

370. The purpose of filing the Porteouses' bankruptcy petition with a post office box address was to avoid publicity and embarrassment.

371. The purpose of filing the Porteouses' bankruptcy petition with a post office box address was not to hinder, delay, or defraud creditors.

372. When they filed their bankruptcy petition on March 28, 2001, the Porteouses did so with the intent to amend that petition shortly thereafter to list their correct last name and residential address.

373. The Porteouses filed an amended voluntary petition for bankruptcy protection on April 9, 2001.

374. The Porteouses' amended voluntary petition for bankruptcy protection accurately listed their last names as "Porteous."

375. The Porteouses' amended voluntary petition for bankruptcy protection accurately listed their residential address.

376. Notices to creditors in the Porteouses' bankruptcy case were sent out on April 19, 2001. (SC00412.)

377. No creditors received any notice in connection with the Porteouses' bankruptcy filing containing or reflecting the name "Ortous."

378. No creditors received any notice in connection with the Porteouses' bankruptcy filing containing or reflecting a post office box address.

379. On March 28, 2001, the ending balance in the Porteouses' Fidelity Homestead Association money market checking account was $283.42. (SC00611.)

380. On March 28, 2001, the Porteouses had filed their tax return for the year 2000, but had not yet received either a tax refund or confirmation that they would receive a tax refund.

381. The Chapter 13 Trustee who administered the Porteouses' bankruptcy case was Mr. S.J. Beaulieu.

382. During the pendency of the Porteouses' bankruptcy case, S.J. Beaulieu administered a total of approximately 6,500 Chapter 13 cases.

383. Bankruptcy Judge William Greendyke presided over the Porteouses' bankruptcy case from shortly after its filing in March 2001 until his retirement from the bench in the first half of 2004.

384. In 2001, William Heitkamp served as the Chapter 13 Trustee for bankruptcy cases filed under Chapter 13 of the Bankruptcy Code in the Southern District of Texas.

385. Other than holding the Section 341 creditors meeting in the afternoon rather than the morning, S.J. Beaulieu did not give the Porteouses any special or preferential treatment.

386. S.J. Beaulieu conferred with William Heitkamp concerning the procedures utilized by Judge Greendyke in connection with Chapter 13 bankruptcy cases pending before him.

387. S.J. Beaulieu conferred with William Heitkamp concerning the procedures utilized by Judge Greendyke in connection with tax returns and tax refunds in Chapter 13 bankruptcy cases pending before him.

388. The Porteouses' Section 341 creditors meeting occurred on May 9, 2001.

389. Judge Greendyke signed an order confirming the Porteouses' proposed Chapter 13 repayment plan on June 28, 2001. (SC00050-52.)

390. Prior to May 9, 2001, the Porteouses were never under any obligation, instruction, or order in connection with their bankruptcy case not to incur new debt or take out new credit.

391. Prior to June 28, 2001, the Porteouses were never subject to any order in connection with their bankruptcy case not to incur new debt or take out new credit.

392. Casino markers do not constitute debt.

393. In the case of *Telerecovery of Louisiana, Inc. v. Gaulon*, 738 So. 2d 662, the Louisiana Court of Appeals concluded that casino markers constitute checks, not debt.

394. Of the $2,000 in markers that Judge Porteous utilized between May 10, 2001, and June 28, 2001, all but $100 was repaid on the same day it was taken out.

395. In January 2004, attorneys with the Justice Department, including Noah Bookbinder and Dan Petalas, and agents and analysts with the FBI, including Patrick Bohrer, DeWayne Horner, and Gerald Fink, met with S.J. Beaulieu. (SC00409-15.)

396. During their January 2004 meeting, Justice Department and FBI personnel advised S.J. Beaulieu of certain allegations of misconduct or improprieties in connection with the Porteouses' bankruptcy case. (SC00409-15; JC200268.)

397. The allegations that the Justice Department and FBI personnel advised S.J. Beaulieu of during their January 2004 meeting included: filing the original petition with their name misspelled, undisclosed income, income tax refunds, the use of credit cards, transfers of property, and lifestyle activities that might not be consistent with the Porteouses' bankruptcy schedules and disclosures. (SC00409-15; JC200268.)

398. In March 2004, Justice Department and FBI personnel, including attorneys Noah Bookbinder and Dan Petalas, Special Agents Patrick Bohrer and DeWayne Horner, and Financial Analyst Gerald Fink, again contacted S.J. Beaulieu concerning the allegations of misconduct or improprieties in connection with the Porteouses' bankruptcy case. (JC200267.)

399. During their March 2004 conversation, Justice Department and FBI personnel instructed S.J. Beaulieu to "use whatever powers he has" and "take whatever action he felt appropriate" in connection with the Porteouses' bankruptcy case. (JC200267.)

400. On April 1, 2004, S.J. Beaulieu's staff attorney Michael Adoue sent a letter to FBI Agent Wayne Horner. (JC200268-69.)

401. In his April 1, 2004 letter, S.J. Beaulieu's staff attorney advised the FBI that "the only allegation that the Trustee has evidence of relates to debtor's FICA tax withholding which should have stopped after the FICA withholding limits were met." (JC200268.)

402. In his April 1, 2004 letter, S.J. Beaulieu's staff attorney advised the FBI that, "[i]n Mr. Beaulieu's opinion, extending the [Porteouses' Chapter 13 repayment] plan at the late date to recoup the different in disposable income [resulting from FICA tax withholding] would not substantially increase the percentage paid to unsecured creditors." (JC200268.)

403. In his April 1, 2004 letter, S.J. Beaulieu's staff attorney advised that, "[s]ince Mr. Beaulieu has no evidence to support the suspicions expressed by the FBI agents, he does not intend to take further action related to these allegations." (JC200268.)

404. S.J. Beaulieu never brought any allegations of misconduct or improprieties in connection with the Porteouses' bankruptcy case to the attention of the bankruptcy court or Judge Greendyke.

405. The Porteouses timely paid all repayments called for under their confirmed Chapter 13 repayment plan.

406. Upon completion of their Chapter 13 repayment plan, the Porteouses paid more than $57,000, of which more than $52,000 was disbursed to unsecured creditors. (SC00419.)

407. The Porteouses received a discharge following completion of their Chapter 13 repayment plan on July 22, 2004. (SC00013.)

408. S.J. Beaulieu, as Chapter 13 Trustee, did not object to the Porteouses' discharge.

409. No creditor objected to the Porteouses' discharge.

410. The government did not object to the Porteouses' discharge.

411. No other party objected to the Porteouses' discharge.

412. S.J. Beaulieu, as Chapter 13 Trustee, has not sought to revoke the Porteouses' discharge.

413. No creditor has sought to revoke the Porteouses' discharge.

414. The government has not sought to revoke the Porteouses' discharge.

415. No other party has sought to revoke the Porteouses' discharge.

416. On May 18, 2007, the Criminal Division of the Justice Department sent a letter to Fifth Circuit Chief Judge Edith H. Jones. (SC00767-88.)

417. In its May 18, 2007 letter to Chief Judge Jones, the Justice Department stated that it would "not seek criminal charges against Judge Porteous" in connection with the allegations that he "filed false declarations, concealed assets, and acted in criminal contempt of court during his personal bankruptcy action." (SC00767.)

418. Among the considerations stated in Justice Department's May 18, 2007 letter for its the decision not to seek criminal charges against Judge Porteous were "concerns about the materiality of some of Judge Porteous's provably false statements; the special difficulties of proving mens rea and intent to deceive beyond a reasonable doubt in a case of this nature; and the need to provide consistency in charging decisions concerning bankruptcy and criminal contempt matters." (SC00767 & SC00774 n.5.)

419. On July 25, 2007, Ron Woods and Larry Finder interviewed S.J. Beaulieu. (JC200251-53.)

420. During their July 25, 2007 interview, S.J. Beaulieu told Ron Woods and Larry Finder that "the only preferential treatment he provided to Porteous was to hold his 341 meeting on the docket from morning to afternoon to reduce the chances of Porteous being seen by bankruptcy lawyers." (JC200251.)

421. During their July 25, 2007 interview, S.J. Beaulieu told Ron Woods and Larry Finder that, since the Porteouses' amended petition "had been filed prior to the 341 hearing," "the unsecured creditors all received notice of the actual identities of the debtors." (JC200252.)

422. During their July 25, 2007 interview, S.J. Beaulieu told Ron Woods and Larry Finder that, since the Porteouses' "unsecured creditors all received notice of the actual identities of the debtors," he viewed their use of incorrect names on their initial bankruptcy petition to be one of "no harm, no foul." (JC200252.)

423. During their July 25, 2007 interview, S.J. Beaulieu told Ron Woods and Larry Finder that knowledge of the Porteouses' "gambling loss[es] would not have affected his judgment in any way" and "many, if not most, of the debtors that come before him have gambling problems." (JC200252-53.)

424. In 2001, 1,031,493 debtors filed for Chapter 7 bankruptcy protection and 419,750 debtors filed for Chapter 13 bankruptcy protection, for a total of 1,451,243 debtors who sought bankruptcy protection. (See Bankruptcy statistics for calendar year 2001 maintained by the Administrative Office of the U.S. Courts on behalf of the Federal Judiciary, http://www.uscourts.gov/uscourts/Statistics/BankruptcyStatistics/BankruptcyFilings/2001/1201_f2.xls.)

425. In 1999, U.S. Bankruptcy Judge Steven W. Rhodes analyzed the bankruptcy schedules filed in 200 randomly selected consumer cases pending in the Eastern District of Michigan and found that 99% (198 of 200) of those schedules contained errors. (*See* Steven W. Rhodes, *An Empirical Study of Consumer Bankruptcy Papers*, 73 Am. Bankr. L.J. 653, 678 (1999).)

Respectfully submitted,

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United States District Court Judge
for the Eastern District of Louisiana

Dated: August 5, 2010

CERTIFICATE OF SERVICE

I hereby certify that on August 5, 2010, I served copies of the foregoing by electronic means on the House Managers, through counsel, at the following email addresses:

Alan Baron – abaron@seyfarth.com

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/s/ P.J. Meitl

In The Senate of the United States

Sitting as a Court of Impeachment

In re:	)
Impeachment of G. Thomas Porteous, Jr.,	)
United States District Judge for the	)
Eastern District of Louisiana	)
	)

THE HOUSE OF REPRESENTATIVES' PROPOSED STIPULATIONS OF FACT

The House of Representatives ("House"), through its Managers and counsel, respectfully submits the following proposed stipulations of fact, to be used at the Senate Impeachment Trial Committee hearing regarding the impeachment of Judge G. Thomas Porteous, Jr.:

FACTUAL BACKGROUND

1. Judge Porteous was born on December 14, 1946.

2. Judge Porteous married Carmella Porteous on June 28, 1969.

3. Judge Porteous and his wife Carmella had four children: Michael, Timothy, Thomas and Catherine.

4. Judge Porteous graduated from Louisiana State University Law School in May 1971.

5. From approximately October 1973 through August 1984, Judge Porteous served as an Assistant District Attorney in Jefferson Parish, Louisiana. Judge Porteous was permitted to hold outside employment while working as an Assistant District Attorney.

6. From January 1973 until July 1974, Judge Porteous was a law partner of Jacob Amato, Jr. at the law firm of Edwards, Porteous & Amato.

7. Attorney Robert Creely worked at the law firm of Edwards, Porteous, & Amato for some period of time between January 1973 and July 1974.

8. Judge Porteous was elected to be a judge of the 24th Judicial District Court in Jefferson Parish, Louisiana in August 1984. He took the bench on December 19, 1984, and remained in that position until October 28, 1994.

9. On August 25, 1994, Judge Porteous was nominated by President Clinton to be a United States District Court Judge for the Eastern District of Louisiana.

10. Judge Porteous's confirmation hearing before the Senate Judiciary Committee was held on October 6, 1994.

11. Judge Porteous was confirmed as a United States District Court Judge for the Eastern District of Louisiana by the United States Senate on October 7, 1994.

12. Judge Porteous received his judicial commission on October 11, 1994.

13. Judge Porteous was sworn in as a United States District Court Judge for the Eastern District of Louisiana on October 28, 1994.

14. Judge Porteous's wife, Carmella, passed away on December 22, 2005.

PROCEDURAL BACKGROUND

15. Starting in or about late 1999, the Department of Justice and the Federal Bureau of Investigation commenced a criminal investigation of Judge Porteous. The investigation ended in early 2007, without an indictment being issued.

16. By letter dated May 18, 2007, the Department of Justice submitted a formal complaint of judicial misconduct regarding Judge Porteous to the Honorable Edith H. Jones, Chief Judge of the United States Court of Appeals for the Fifth Circuit. (HP Ex. 4).[1]

17. Upon receipt of the Department of Justice's May 18, 2007 complaint letter, the Fifth Circuit appointed a Special Investigatory Committee (the "Special Committee") to investigate the Department of Justice's allegations of misconduct by Judge Porteous.

18. Judge Porteous was initially represented by attorney Kyle Schonekas in the Special Committee proceedings.

19. Kyle Schonekas withdrew from representing Judge Porteous in the Special Committee proceedings on or before July 5, 2007.

20. On or before August 2, 2007, attorney Michael H. Ellis represented Judge Porteous in the Special Committee proceedings.

21. On or before October 16, 2007, attorney Michael H. Ellis withdrew from representing Judge Porteous in the Special Committee proceedings because of "irreconcilable differences."

22. A hearing was held before the Special Committee on October 29 and 30, 2007 (the "Fifth Circuit Hearing"). At the Fifth Circuit Hearing, Judge Porteous represented himself,

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[1] The "HP Exhibit" citations in these Stipulations are for ease of reference to counsel and the Senate Impeachment Trial Committee, by identifying the documentation supporting each of the House's proposed stipulations. These citations will be removed from the final stipulations, agreed to by the parties.

testified pursuant to a grant of formal immunity, cross-examined witnesses and called witnesses on his own behalf.

23. After the Fifth Circuit hearing, the Special Committee issued a report to the Judicial Conference of the Fifth Circuit dated November 20, 2007, which concluded that Judge Porteous committed misconduct which "might constitute one or more grounds for impeachment." (HP Ex. 5).

24. On December 20, 2007, by a majority vote, the Judicial Council of the Fifth Circuit accepted and approved the Special Committee's November 20, 2007 Report and concluded that Judge Porteous "had engaged in conduct which might constitute one or more grounds for impeachment under Article I of the Constitution." The Judicial Council of the Fifth Circuit thereafter certified these findings and the supporting records to the Judicial Conference of the United States. (HP Ex. 6 (a)).

25. On June 17, 2008, the Judicial Conference of the United States determined unanimously, upon recommendation of its Committee on Judicial Conduct and Disability, to transmit to the Speaker of the House a certificate "that consideration of impeachment of the United States District Judge G. Thomas Porteous (E.D. La.) may be warranted." (HP Ex. 7(a)–(b)).

26. On September 10, 2008, the Judicial Council of the Fifth Circuit issued an "Order and Public Reprimand" against Judge Porteous, ordering that no new cases be assigned to Judge Porteous and suspending Judge Porteous's authority to employ staff for two years or "until Congress takes final action on the impeachment proceedings, whichever occurs earlier." (HP Ex. 8).

27. On September 17, 2008, the House of Representatives of the 110th Congress passed H. Res. 1448, which provided in pertinent part: "Resolved, That the Committee on the Judiciary should inquire whether the House should impeach G. Thomas Porteous, a judge of the United States District Court for the Eastern District of Louisiana."

28. On January 13, 2009, the House of Representatives passed H. Res. 15, continuing the authority of H. Res. 1448 for the 111th Congress.

THE *LILJEBERG* CASE

29. Jacob Amato, Jr. and Robert Creely formed a law partnership in about 1975 that lasted until 2005. (HP Ex. 16).

30. While Judge Porteous was on the state bench, he requested cash from Robert Creely on several occasions. Creely provided cash to Judge Porteous in response to those requests. (Exs. 11, 12 and 16).

31. Judge Porteous knew that some portion of the money he received from Robert Creely came from Jacob Amato, Jr. as well. (Task Force Hearing I, Exs. 16, 24).

32. There came a time where Robert Creely expressed resistance to providing monies to Judge Porteous while he was on the state bench. (Task Force Hearing I and Ex. 10).

33. Beginning in 1988, Judge Porteous began increasingly to assign Robert Creely curatorships. (HP Ex. 11).

34. In 1988, Judge Porteous assigned at least 18 curatorships to Robert Creely. (Exs. 189–190).

35. In 1989, Judge Porteous assigned at least 21 curatorships to Robert Creely. (Exs. 189–190).

36. In 1990, Judge Porteous assigned at least 33 curatorships to Robert Creely. (Exs. 189–190).

37. In 1991, Judge Porteous assigned at least 28 curatorships to Robert Creely. (Exs. 189–190).

38. In 1992, Judge Porteous assigned at least 44 curatorships to Robert Creely. (Exs. 189–190).

39. In 1993, Judge Porteous assigned at least 28 curatorships to Robert Creely. (Exs. 189–190).

40. In 1994, Judge Porteous assigned at least 20 curatorships to Robert Creely. (Exs. 189–190).

41. The Amato & Creely law firm earned a fee of between $150 and $200 for each curatorship that Judge Porteous assigned to Robert Creely.

42. As a result of Robert Creely being assigned at least 192 curatorships by Judge Porteous, the Amato & Creely law firm earned fees of at least $37,500. (Exs. 189 and 190).

43. Judge Porteous received a portion of the fees associated with the curatorships he assigned to Robert Creely. (HP Ex. 12).

44. At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows regarding his receipt of money for Robert Creely and Jacob Amato, Jr.:

> Q: When did you first start getting cash from Messrs. Amato, Creely, or their law firm?
>
> A: Probably when I was on State bench.
>
> Q: And that practice continued into 1994, when you became a Federal judge, did it not?
>
> A: I believe that's correct. (HP Ex. 10).

45. At the Fifth Circuit Hearing, Judge Porteous admitted under oath that the cash he received from Robert Creely "occasionally" followed his assignment of curatorships to Creely. (HP Ex. 10).

46. At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows regarding the relationship between Mr. Creely's resistance to giving Judge Porteous money and Judge Porteous's assignment of curatorships to Mr. Creely:

> Q: Do you recall Mr. Creely refusing to pay you money before the curatorships started?
>
> A: He may have said I needed to get my finances under control, yeah. (HP Ex. 10).

47. At the Fifth Circuit Hearing, Judge Porteous questioned Jacob Amato, Jr. as follows regarding the reasons why Amato and Creely gave Judge Porteous money:

> Porteous: [J]ust so I'm clear, this money that was given to me, was it done because I'm a judge, to influence me, or just because we're friends?
>
> Amato: Tom, it's because we're friends and we've been friends for 35 years. And it breaks my heart to be here. (HP Ex. 20).

48. At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows regarding the amount of money he received from Jacob Amato, Jr. and Robert Creely or their law firm:

> Q: Judge Porteous, over the years, how much cash have you received from Jake Amato and Bob Creely or their law firm?
>
> A: I have no earthly idea.
>
> Q: It could have been $10,000 or more. Isn't that right?
>
> A: Again, you're asking me to speculate. I have no idea is all I can tell you.
>
> Q: When did you first start getting cash from Messrs. Amato, Creely, or their law firm?
>
> A: Probably when I was on State bench.
>
> Q: And that practice continued into 1994, when you became a Federal judge, did it not?
>
> A: I believe that's correct. (HP Ex. 10).

49. Attorney Donald Gardner is a long time friend of Judge Porteous.

50. While Judge Porteous was a state judge, he assigned more than 50 curatorships to Donald Gardner. (HP Ex. 36).

51. At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows regarding his receipt of cash from Don Gardner:

> Q: Now, other than Messrs. Amato and Creely, who else had—what other lawyers—lawyer friends of yours have given you money over the years?
>
> A: Given me money?
>
> Q: Money, cash.
>
> A: Gardner may have. Probably did.
>
> Q: And when is the last time Mr. Gardner gave you money?
>
> A: Before I took the Federal bench, I'm sure.
>
> Q: Okay. And do you recall how much?
>
> A: Absolutely not. (HP Ex. 10).

52. On January 16, 1996, as a Federal judge, Judge Porteous was assigned a civil case, Lifemark Hospitals of La., Inc. v. Liljeberg Enterprises, Inc. (HP Ex. 50).

53. The Liljeberg case was filed in 1993 and had been assigned to other judges before being transferred to Judge Porteous on January 16, 1996.

54. The Liljeberg case was set for a non-jury trial before Judge Porteous on November 4, 1996.

55. On September 19, 1996, the Liljebergs filed a motion to enter the appearances of Jacob Amato, Jr. and Leonard Levenson as their attorneys. Judge Porteous granted the motion on September 26, 1996. (Exs. 51 (a) and 51 (b)).

56. Jacob Amato, Jr. and Leonard Levenson were hired by the Liljebergs on a contingent fee basis, and, pursuant to the terms of their retainer, if the Liljebergs prevailed in the litigation they would both receive substantial fees. (Exs. 18 and 52).

57. The motion to enter Jacob Amato, Jr.'s appearance identified him as being with the law firm of Amato & Creely. (HP Ex. 51 (a)).

58. On October 1, 1996, attorney Joseph Mole on behalf of his client, Lifemark, filed a Motion to Recuse Judge Porteous. (HP Ex. 52).

59. When the Liljebergs filed their Motion to Recuse, Joseph Mole, counsel for Lifemark, was unaware of any prior financial relationship between Amato & Creely and Judge Porteous. (HP Ex. 52).

60. The Liljebergs filed their Opposition to the Motion to Recuse, on October 9, 1996. (HP Ex. 53).

61. Lifemark filed its Reply to the Opposition to the Motion to Recuse on October 11, 1996. (HP Ex. 54).

62. The Liljebergs filed a Memorandum in Opposition to Lifemark's Reply on October 15, 1996. (HP Ex. 55).

63. On October 16, 1996, Judge Porteous held a hearing on the Motion to Recuse. (HP Ex. 56).

64. Both Leonard Levenson and Jacob Amato, Jr. were present in the courtroom on behalf of the Liljebergs at the October 16, 1996 hearing on the Motion to Recuse. (HP Ex. 56).

65. At the recusal hearing on October 16, 1996, Jacob Amato, Jr. made no statements concerning his prior financial relationship with Judge Porteous. (HP Ex. 56).

66. At the October 16, 1996 hearing on the Motion to Recuse, the following colloquy occurred:

> The Court: Let me make also one other statement for the record if anyone wants to decide whether I am a friend with Mr. Amato and Mr. Levenson—I will put that to rest for the answer is affirmative, yes. Mr. Amato and I practiced the law together probably 20-plus years ago. Is that sufficient? . . . So if that is an issue at all, it is a non-issue.
>
> * * *
>
> The Court: Yes, Mr. Amato and Mr. Levenson are friends of mine. Have I ever been to either one of them's house? The answer is a definitive no. Have I gone along to lunch with them? The answer is a definitive yes.
>
> * * *
>
> Mr. Mole: The public perception is that they do dine with you, travel with you, that they have contributed to your campaigns.
>
> * * *
>
> The Court: The first time I ran, 1984, I think is the only time when they gave me money.

* * *

> The Court: [T]his is the first time a motion for my recusal has ever been filed . . . . But does that mean that any time a person I perceive to be friends who I have dinner with or whatever that I must disqualify myself? I don't think that's what the rule suggests . . . . Courts have held that a judge need not disqualify himself just because a friend, even a close friend, appears as a lawyer
>
> * * *
>
> The Court: Well you know the issue becomes one of, I guess the confidence of the parties, not the attorneys . . . . My concern is not with whether or not lawyers are friends . . . . My concern is that the parties are given a day in court which they can through you present their case, and they can be adjudicated thoroughly without bias, favor, prejudice, public opinion, sympathy, anything else, just on law and facts . . . .
>
> I have always taken the position that if there was ever any question in my mind that this Court should recuse itself that I would notify counsel and give them the opportunity if they wanted to ask me to get off . . . .
>
> [In the *Bernard* case] the court said Section 450 requires not only that a Judge be subjectively confident of his ability to be even handed but [that an] informed, rational objective observer would not doubt his impartiality . . . . I don't have any difficulty trying this case . . . . [I]n my mind I am satisfied because if I had any question as to my ability, I would have called and said, "Look, you're right." (HP Ex. 56).

67. Judge Porteous denied the Motion to Recuse in open court on October 16, 1996. (HP Ex. 56).

68. On October 17, 1996, Judge Porteous issued a written order confirming the denial of the Motion to Recuse. (HP Ex. 57).

69. Lifemark retained Donald Gardner on March 11, 1997 to be part of its trial team. (HP Ex. 60 (a)).

70. Lifemark's contract with Donald Gardner provided that he would be paid $100,000 for entering his appearance and that, among other terms, he would receive another $100,000 if Judge Porteous withdrew or the case settled. (Exs. 64 and 65).

71. Judge Porteous conducted a bench trial in the Liljeberg case from June 16, 1997 through June 27, 1997 and then from July 14, 1997 until its conclusion on July 23, 1997. (HP Ex. 50).

72. At the conclusion of the Liljeberg trial in July 1997, Judge Porteous took the case under advisement.

73. Jacob Amato, Jr. took Judge Porteous to numerous lunches while Judge Porteous had the Liljeberg under advisement. (Task Force Hearing I and Exs. 21 (b)–(c) and 24).

74. Don Gardner took Judge Porteous to lunches and dinners while Judge Porteous had the Liljeberg case under advisement. (HP Ex. 36).

75. From May 20 through 23, 1999, while Judge Porteous had the Liljeberg case under advisement, a bachelor party was held in Las Vegas, Nevada, for Judge Porteous's son, Timothy.

76. Among the people present in Las Vegas for Timothy Porteous's bachelor party were Judge Porteous, Robert Creely and Donald Gardner.

77. At the Fifth Circuit Hearing Judge Porteous testified under oath as follows regarding Robert Creely's payment for Judge Porteous's hotel room at Caesars Palace during the trip to Las Vegas for Timothy Porteous's bachelor party:

> Q: Well, once you get to Las Vegas, you have to stay in a room right?
>
> A: Right.
>
> Q: You didn't pay for the room, did you?
>
> A: It appears I did not.
>
> Q: And do you know who paid for it?
>
> A: It appears Mr. Creely paid for it.
>
> Q: Mr. Creely, that's right. Now, that was over a period of approximately four days, as I recall, from the records?
>
> A: Three or four.
>
> Q: Three or four. That exceeded $250 total for the room, correct?
>
> A: Yea.
>
> Q: Did that ever appear on your judicial - -
>
> A: No, it did not.
>
> Q: – your form that you file with the administrative office?

A: No, it did not.

Q: It did not. Although you considered that a gift, correct?

A: Yea, it was a gift. (HP Ex. 10, page 140).

78. At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows concerning Robert Creely's payment of a portion of the bill for Timothy Porteous's bachelor party dinner in Las Vegas:

A: We had one outside meal that I can recall.

Q: But you didn't pay for that meal, did you?

A. No, I did not.

Q: Who paid for it?

A: A variety – I think Creely did and maybe some other people picked up various portions. (Exs. 10, 11 and 378).

79. On June 28, 1999, after his son's wedding, and while the Liljeberg case was under advisement, Judge Porteous solicited money from Jacob Amato, Jr. while the two men were on a boat during a fishing trip.

80. After Judge Porteous solicited money from Jacob Amato, Jr. on June 28, 1999, Amato provided cash to Judge Porteous in an envelope.

81. At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows regarding his receipt of money from Jacob Amato, Jr. in or about June of 1999:

Q: Do you recall in 1999, in the summer, May, June, receiving $2,000 for [sic: should be "from"] them?

A: I've read Mr. Amato's grand jury testimony. It says we were fishing and I made some representation that I was having difficulties and that he loaned me some money or gave me some money.

Q: You don't – you're not denying it; you just don't remember it?

A: I just don't have any recollection of it, but that would have fallen in the category of a loan from a friend. That's all.

* * *

Q: [W]hether or not you recall asking Mr. Amato for money during this fishing trip, do you recall getting an envelope with $2,000 shortly thereafter?

A: Yeah. Something seems to suggest that there may have been an envelope. I don't remember the size of an envelope, how I got the envelope, or anything about it.

* * *

Q: Wait a second. Is it the nature of the envelope you're disputing?

A: No. Money was received in [an] envelope.

Q: And had cash in it?

A: Yes, sir.

Q: And it was from Creely and/or –

A: Amato.

Q: Amato?

A: Yes.

Q: And it was used to pay for your son's wedding.

A: To help defray the cost, yeah.

Q: And was used –

A: They loaned – my impression was it was a loan.

Q: And would you dispute that the amount was $2,000?

A: I don't have any basis to dispute it. (HP Ex. 10).

82. After Judge Porteous received the cash from Jacob Amato, Jr. in or about June of 1999, while he still had the Liljeberg case under advisement, Judge Porteous did not disclose this fact to Joseph Mole, counsel for Lifemark.

83. In late 1999, while Judge Porteous still had the Liljeberg case under advisement, Jacob Amato, Jr. and Robert Creely paid for a party at the French Quarter Restaurant and Bar to celebrate Judge Porteous's fifth year on the Federal bench. (Exs. 24 and 46, and Task Force Hearing I).

84. At some time while the Liljeberg case was pending before Judge Porteous, Jacob Amato, Jr., Leonard Levenson, and Donald Gardner each gave money either to Judge Porteous directly, or to his secretary Rhonda Danos, to help pay for a Washington D.C. externship for one of Judge Porteous's sons. (Exs. 24, 25, 32, 33, 46 and Task Force Hearing I).

85. During the 1996–2000 time-frame, Judge Porteous maintained a close relationship with Leonard Levenson, demonstrated by Judge Porteous and Leonard Levenson traveling together on several occasions.

86. During the 1996–1998 time-frame, Judge Porteous attended at least one hunting trip with Leonard Levenson, at a Mississippi property owned by Allen Usry, an attorney who on occasion worked with Levenson. (Exs. 30, 163).

87. In April 1999, Leonard Levenson attended the Fifth Circuit Judicial Conference in Houston, Texas as an invitee of Judge Porteous.

88. While at the Fifth Circuit Judicial Conference in April 1999, Leonard Levenson paid for meals and drinks for Judge Porteous. (Exs. 26, 31, 291).

89. In October 1999, Leonard Levenson paid for a dinner with Judge Porteous in Las Vegas, Nevada. (Exs. 30, 31, 291, and 299).

90. In December 1999, Judge Porteous went on a multi-day hunting trip to the Blackhawk hunting facility in Louisiana with Leonard Levenson. (Exs. 31, 163, 286).

91. Judge Porteous did not notify Joseph Mole, counsel for Lifemark, of any of his post-recusal hearing and post trial contacts with Jacob Amato, Jr., Robert Creely, or Leonard Levenson.

92. On April 26, 2000, nearly three years after the trial concluded, Judge Porteous issued a written opinion in Lifemark Hospitals of La., Inc. v. Liljeberg Enterprises, Inc. (HP Ex. 62).

93. Judge Porteous ruled in favor of Jacob Amato, Jr.'s and Leonard Levenson's client, the Liljebergs.

94. Lifemark appealed Judge Porteous's decision to the Fifth Circuit Court of Appeals.

95. In August 2002, the Fifth Circuit Court of Appeals reversed, in part, Judge Porteous's decision. (HP Ex. 63).

JUDGE PORTEOUS'S RELATIONSHIP WITH LOUIS AND LORI MARCOTTE

96. On numerous occasions when he was a State court judge, Judge Porteous set bonds, reduced bonds, and split bonds in response to requests by Louis Marcotte, Lori Marcotte, or a representative of the Marcottes. (Exs. 350, 351).

97. In or about the summer of 1993, Jeffery Duhon worked for Louis Marcotte's bail bonds business.

98. On or about July 29, 1993, Judge Porteous ordered the expungement of Jeffery Duhon's burglary conviction. (Exs. 77(a), 77(b)).

99. In September 1994 and October 1994, Aubrey Wallace worked for Louis Marcotte's bail bonds business.

100. On or about September 21, 1994, Judge Porteous held a hearing at which he ordered that Aubrey Wallace's court records in State of Louisiana v. Aubrey N. Wallace, No. 89-2360 (24th Jud. Dist Ct., Jeff. Par., La.) be amended to include removal of the unsatisfactory completion of probation and the entering of the guilty plea under Code of Criminal Procedure 893. (HP Ex. 69(d) at PORT000000620~624).

101. On or about September 22, 1994, Judge Porteous signed a written Order that stated: "IT IS ORDERED that the sentence on Aubrey WALLACE is hereby amended to include the following wording, 'the defendant plead under Article 893.'" (HP Ex. 82).

102. In the last few weeks of Judge Porteous's tenure as a State court judge, he set, reduced and split numerous bonds at the request of the Marcottes. (Exs. 350, 351).

103. On October 14, 1994, Judge Porteous entered an order setting aside Aubrey Wallace's burglary conviction in State of Louisiana v. Aubrey N. Wallace, No. 89-2360 (24th Jud. Dist Ct., Jeff. Par., La.). (HP Ex. 82 at p. 105).

104. In or about July 19, 1999, Judge Porteous attended a Professional Bail Agents of the United States (PBUS) convention at the Beau Rivage Resort in Biloxi Mississippi, at which convention he attended a cocktail party hosted by the Marcottes. (Exs. 223, 224).

105. On or about March 11, 2002, Judge Porteous was a guest of the Marcottes at the conclusion of a lunch at Emeril's Restaurant, in New Orleans, Louisiana at which newly elected state judge Joan Benge and state judge Ronald Bodenheimer were also in attendance. (HP Ex. 375).

JUDGE PORTEOUS'S BANKRUPTCY

106. On his Financial Disclosure Form for reporting period 1996, Judge Porteous checked the box for "None (No reportable liabilities)." (HP Ex. 102(a)).

107. Judge Porteous's balance due on his Citibank credit card account ending in 0426 for the period ending on December 12, 1996 was $14,846.47. (HP Ex. 167).

108. Judge Porteous signed his Financial Disclosure Form for reporting period 1996 on May 12, 1997. Judge Porteous's signature appeared below a Certification that stated, in part:

> "I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is

> accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure." (HP Ex. 102(a)).

109. On his Financial Disclosure Form for reporting period 1997, Judge Porteous checked the box for "None (No reportable liabilities)." (HP Ex. 103(a)).

110. Judge Porteous's balance due on his MBNA MasterCard account ending in 0877 for the period ending on December 19, 1997 was $15,569.25. (HP Ex. 168).

111. Judge Porteous's balance due on his MBNA MasterCard account ending in 1290 for the period ending on December 4, 1997 was $18,146.85. (HP Ex. 168).

112. Judge Porteous's balance due on his Travelers credit card account ending in 0642 for the period ending on December 30, 1997 was $9,378.76. (HP Ex. 168).

113. Judge Porteous signed his Financial Disclosure Form for reporting period 1997 on May 13, 1998. Judge Porteous's signature appeared below a Certification that stated, in part:

> "I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure." (HP Ex. 103(a)).

114. On his Financial Disclosure Form for reporting period 1998, in Section VI, "Liabilities," Judge Porteous listed MBNA and Citibank as creditors, each with a value listed as code "J," which indicated liabilities on each card of $15,000 or less. (HP Ex. 104(a)).

115. Judge Porteous's balance due on his MBNA MasterCard account ending in 0877 for the period ending December 19, 1998 was $16,550.08. (HP Ex. 169).

116. Judge Porteous's balance due on his MBNA MasterCard account ending in 1290 for the period ending December 4, 1998 was $17,155.76. (HP Ex. 169).

117. Judge Porteous signed his Financial Disclosure Form for reporting period 1998 on May 13, 1999. Judge Porteous's signature appeared below a Certification that stated, in part:

> "I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure." (HP Ex. 104(a)).

118. On his Financial Disclosure Form for reporting period 1999, in Section VI, "Liabilities," Judge Porteous listed MBNA and Citibank as creditors, each with a value listed as code "J," which indicated liabilities on each card of $15,000 or less. (HP Ex. 105(a)).

119. Judge Porteous's balance due on his MBNA MasterCard account ending in 0877 for the period ending on December 18, 1999 was $24,953.65. (HP Ex. 170).

120. Judge Porteous's balance due on his MBNA MasterCard account ending in 1290 for the period ending on December 4, 1999 was $25,755.84. (HP Ex. 170).

121. Judge Porteous's balance due on his Citibank credit card account ending in 0426 for the period ending on December 10, 1999 was $22,412.15. (HP Ex. 170).

122. Judge Porteous's balance due on his Citibank credit card account ending in 9138 for the period ending on December 21, 1999 was $20,051.95. (HP Ex. 170).

123. Judge Porteous's balance due on his Travelers credit card account ending in 0642 for the period ending on December 29, 1999 was $15,467.29. (HP Ex. 170).

124. Judge Porteous signed his Financial Disclosure Form for reporting period 1999 on May 5, 2000. Judge Porteous's signature appeared below a Certification that stated, in part:

> "I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure." (HP Ex. 105(a)).

125. On his Financial Disclosure Form for reporting period 2000, in Section VI, "Liabilities," Judge Porteous listed MBNA and Citibank as creditors, each with a value listed as code "J," which indicated liabilities on each card of $15,000 or less. (HP Ex. 106(a)).

126. Judge Porteous's balance due on his MBNA MasterCard account ending in 0877 for the period ending on December 20, 2000 was $28,347.44. (HP Ex. 171).

127. Judge Porteous's balance due on his MBNA MasterCard account ending in 1290 for the period ending on December 5, 2000 was $29,258.68. (HP Ex. 171).

128. Judge Porteous's balance due on his Citibank credit card account ending in 0426 for the period ending on December 12, 2000 was $24,565.76. (HP Ex. 171).

129. Judge Porteous's balance due on his Citibank credit card account ending in 9138 for the period ending on December 21, 2000 was $21,227.06. (HP Ex. 171).

130. Judge Porteous's balance due on his Travelers credit card account ending in 0642 for the period ending on December 29, 2000 was $17,682.35. (HP Ex. 171).

131. Judge Porteous signed his Financial Disclosure Form for reporting period 2000 on May 10, 2001. Judge Porteous's signature appeared below a Certification that stated, in part:

> "I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure." (HP Ex. 106(a)).

132. Judge Porteous opened a $2,000 line of credit at the Grand Casino Gulfport in Gulfport, Mississippi on July 22, 1994. (HP Ex. 326).

133. Judge Porteous opened a $2,000 line of credit at the Grand Casino Biloxi in Biloxi, Mississippi on August 19, 1995. (HP Ex. 326).

134. Judge Porteous opened a $2,500 line of credit at the Casino Magic Bay in St. Louis, Mississippi on October 26, 1995. (HP Ex. 326).

135. Judge Porteous opened a $2,000 line of credit at the Treasure Chest Casino in Kenner, Louisiana on November 25, 1997. (HP Ex. 326).

136. Judge Porteous opened a $2,000 line of credit at the Isle of Capri Casino in Biloxi, Mississippi on March 31, 1998. (HP Ex. 326).

137. Judge Porteous opened a $2,500 line of credit at the Beau Rivage Casino in Biloxi, Mississippi on April 14, 1999. (HP Ex. 326).

138. Judge Porteous opened a $5,000 line of credit at Caesars Palace Casino in Las Vegas, Nevada on May 12, 1999. (HP Ex. 326).

139. Judge Porteous's credit limit at the Treasure Chest Casino in Kenner, Louisiana was increased to $3,000 on August 17, 2000. (HP Ex. 326).

140. Judge Porteous opened a $5,000 line of credit at Caesars Tahoe Casino in Lake Tahoe, Nevada on December 11, 2000. (HP Ex. 326).

141. Judge Porteous opened a $4,000 line of credit at Harrah's Casino in New Orleans, Louisiana on April 30, 2001. (HP Ex. 326).

142. On March 2, 2001, Judge Porteous's credit limit at the Treasure Chest Casino in Kenner, Louisiana was increased from $3,000 to $4,000. (HP Ex. 331).

143. On March 2, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 302).

144. On March 2, 2001, Judge Porteous took out seven $500 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00058997, 00059000, 00059002, 00059011, 00059012, 00059013, and 00059019. On March 3, 2001, Judge Porteous repaid marker numbers 00058997, 00059000, 00059002, and 00059019 with chips. (HP Ex. 302).

145. Judge Porteous left the Treasure Chest Casino in Kenner, Louisiana on March 3, 2001 owing the casino $1,500. (HP Ex. 302).

146. On March 27, 2001, Judge Porteous repaid marker numbers 00059011, 00059012, and 00059013 to the Treasure Chest Casino in Kenner, Louisiana with cash. (HP Ex. 302).

147. On February 27, 2001, Judge Porteous gambled at the Grand Casino Gulfport in Gulfport, Mississippi. (HP Ex. 301(a)).

148. On February 27, 2001, Judge Porteous took out two $1,000 markers at the Grand Casino Gulfport in Gulfport, Mississippi, identified by marker numbers MK131402 and MK131405. (HP Ex. 301(a)).

149. On March 27, 2001, Judge Porteous deposited $2,000 into his Bank One checking account. This deposit consisted of $1,960 in cash and a $40 check drawn on Judge Porteous's Fidelity money market account. (Exs. 143, 144, 301(b)).

150. On or about April 5, 2001, the Grand Casino Gulfport collected $1,000 from Judge Porteous after marker number MK131402 was deposited into and cleared Judge Porteous's Bank One checking account. (HP Ex. 301(b)).

151. On or about April 6, 2001, the Grand Casino Gulfport collected $1,000 from Judge Porteous after marker number MK131405 was deposited into and cleared Judge Porteous's Bank One checking account. (HP Ex. 301(b)).

152. On March 20, 2001, Judge Porteous opened a Post Office Box at a Post Office in Harvey, Louisiana. (HP Ex. 145).

153. On March 23, 2001, Judge Porteous signed his tax return for calendar year 2000, which claimed a tax refund in the amount of $4,143.72. (HP Ex. 141).

154. On April 13, 2001, Judge Porteous's $4,143.72 tax refund was electronically deposited by the U.S. Treasury directly into Judge Porteous's Bank One checking account. (HP Ex. 144).

155. Judge Porteous signed his initial Voluntary Petition for Chapter 13 Bankruptcy on March 28, 2001. (HP Ex. 125).

156. Judge Porteous's signature on his initial Voluntary Petition for Chapter 13 Bankruptcy appears directly below the following declaration:

> I declare under penalty of perjury that the information provided in this petition is true and correct. (HP Ex. 125).

157. Judge Porteous's initial Voluntary Petition for Chapter 13 Bankruptcy was filed in the United States Bankruptcy Court for the Eastern District of Louisiana on March 28, 2001. (HP Ex. 125).

158. Judge Porteous's initial Voluntary Petition for Chapter 13 Bankruptcy listed the Name of Debtor as "Ortous, G.T." (HP Ex. 125).

159. At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows regarding the name "Ortous" on his initial Voluntary Petition for Chapter 13 Bankruptcy:

> Q: Your name is not Ortous, is it?
>
> A: No, sir.
>
> Q: Your wife's name is not Ortous?
>
> A: No, sir.
>
> Q: So, those statements that were signed—so, this petition that was signed under penalty of perjury had false information, correct?
>
> A: Yes, sir, it appears to. (Porteous 5th Cir. Hrg. at 55 (HP Ex. 10)).

160. Judge Porteous's initial Voluntary Petition for Chapter 13 Bankruptcy listed a Street Address of "P.O. Box 1723, Harvey, LA 70059-1723." (HP Ex. 125).

161. Judge Porteous's street address on March 28, 2001 was 4801 Neyrey Drive, Metairie, LA 70002.

162. Judge Porteous signed his amended Voluntary Petition for Chapter 13 Bankruptcy on April 9, 2001. (HP Ex. 126).

163. Judge Porteous's amended Voluntary Petition for Chapter 13 Bankruptcy was filed in the United States Bankruptcy Court for the Eastern District of Louisiana on April 9, 2001. (HP Ex. 126).

164. Judge Porteous's amended Voluntary Petition for Chapter 13 Bankruptcy listed the Name of Debtor as "Porteous, Jr., Gabriel T." (HP Ex. 126).

165. Judge Porteous's amended Voluntary Petition for Chapter 13 Bankruptcy listed a Street Address of 4801 Neyrey Drive, Metairie, LA 70002. (HP Ex. 126).

166. Judge Porteous signed his Bankruptcy Schedules on April 9, 2001. (HP Ex. 127 at SC00111).

167. Judge Porteous's signature on his Bankruptcy Schedules appears directly below the following declaration:

> I declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of 16 sheets, plus the summary page, and that they are true and correct to the best of my knowledge, information, and belief. (HP Ex. 127 at SC00111).

168. Judge Porteous's Bankruptcy Schedules were filed with the United States Bankruptcy Court for the Eastern District of Louisiana on April 9, 2001. (HP Ex. 127).

169. Category 17 on Judge Porteous's Bankruptcy Schedule B ("Personal Property") required Judge Porteous to disclose "other liquidated debts owing debtor including tax refunds," in response to which the box "none" was marked with an "X." (HP Ex. 127 at SC00096).

170. Category 2 on Judge Porteous's Bankruptcy Schedule B required Judge Porteous to disclose "Checking, savings or other financial accounts . . . ." and to state the current market value of interest in that property, in response to which the Schedule lists only Judge Porteous's Bank One checking account with a current market value of $100." (HP Ex. 127 at SC00095).

171. At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows regarding his response to Category 2 on Schedule B:

> Q: Okay. Let's go through this for a moment. Under Schedule B, "Personal Property."
>
> A: All right.
>
> Q: "Type of property, checking, savings, or other financial accounts, certificates of deposit, shares in banks, savings and loan, thrift, building and loan, homestead association, or credit unions, brokerage houses or cooperatives." Did I read that accurately?
>
> A: Yes, sir.
>
> Q: And you listed Bank One Checking Account [account number redacted]. Is that correct?
>
> A: That's correct.
>
> Q: And the current value of that interest is $100, correct?
>
> A: Yes, sir. (Porteous 5th Cir. Hrg. at 79–80 (HP Ex. 10)).

172. The opening balance of Judge Porteous's Bank One checking account for the time period of March 23, 2001 to April 23, 2001 was $559.07. (HP Ex. 144).

173. The closing balance of Judge Porteous's Bank One checking account for the time period of March 23, 2001 to April 23, 2001 was $5,493.91. (HP Ex. 144).

174. Judge Porteous deposited $2,000 into his Bank One checking account on March 27, 2001. (HP Ex. 144).

175. At no time between March 23, 2001 to April 23, 2001 did the balance in Judge Porteous's Bank One checking account drop to $100 or less. (HP Ex. 144).

176. On March 28, 2001, Judge Porteous had a Fidelity money market account. This account was held in both his and his wife Carmella's names. (HP Ex. 143).

177. Judge Porteous's Fidelity money market account was not disclosed in response to Category 2 on Judge Porteous's Bankruptcy Schedule B. (HP Ex. 127 at SC00095).

178. The opening balance on Judge Porteous's Fidelity money market account for the time period of March 31, 2001 to April 20, 2001 was $623.94. (HP Ex. 143).

179. The balance on Judge Porteous's Fidelity money market account on March 28, 2001 was $283.42. (HP Ex. 143).

180. On April 4, 2001, a $200.00 deposit was made into Judge Porteous's Fidelity money market account. (HP Ex. 143).

181. Judge Porteous wrote four checks from his Fidelity money market account between March 22, 2001 to April 12, 2001. (HP Ex. 143).

182. On more than one occasion, Judge Porteous withdrew money from his Fidelity IRA account and deposited that money into his Fidelity money market account. The total dollar amount that Judge Porteous transferred from his Fidelity IRA to his Fidelity money market account between 1997 and 2000 was in excess of $10,000. (HP Ex. 383).

183. On March 28, 2001, Judge Porteous owed $2,000 in markers to the Grand Casino Gulfport in Gulfport, Mississippi arising from the two $1,000 markers he took out on February 27, 2001. (HP Ex. 301(a)–(b)).

184. Judge Porteous's Bankruptcy Schedule F ("Creditors Holding Unsecured Nonpriority Claims") required Judge Porteous to "list creditors holding unsecured, nonpriority claims, as of the date of the filing of the petition," in response to which Judge Porteous's debt to the Grand Casino Gulfport was not listed. (HP Ex. 127 at SC00102–105; Ex. 345).

185. Judge Porteous's Bankruptcy Schedule I ("Current Income of Individual Debtor(s)") required Judge Porteous to disclose "Current monthly wages, salary, and commissions (pro rate if not paid monthly)," in response to which the Schedule listed Judge Porteous's current monthly gross income as $7,531.52 (HP Ex. 127 at SC00108).

186. Judge Porteous's Bankruptcy Schedule I listed his "total net monthly take home pay" as $7,531.52. (HP Ex. 127 at SC00108).

187. Attached to Judge Porteous's Bankruptcy Schedule I was Judge Porteous's Employee Earnings Statement issued by the Administrative Office of the United States Court, for the monthly pay period ending on May 31, 2000, which stated that Judge Porteous's gross earnings were $11,775.00, and his net pay was $7,531.52. (HP Ex. 127 at SC00109).

188. In the summer of 2000, Judge Porteous had provided his Employee Earnings Statement for the monthly pay period ending on May 31, 2000 to Claude Lightfoot.

189. Judge Porteous never provided Claude Lightfoot with an Employee Earnings Statement that was more recent than Judge Porteous's statement for the pay period ending on May 31, 2000.

190. In March and April 2001, Judge Porteous's monthly net pay was $7,705.51. (HP Ex. 144).

191. Judge Porteous signed his Statement of Financial Affairs on April 9, 2001. (HP Ex. 127 at SC00112).

192. Judge Porteous's signature on his Statement of Financial Affairs appears directly below the following declaration:

> I declare under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct. (HP Ex. 127 at SC00116).

193. Judge Porteous's Statement of Financial Affairs was filed with the United States Bankruptcy Court for the Eastern District of Louisiana on April 9, 2001. (HP Ex. 127).

194. Question 3 on Judge Porteous's Statement of Financial Affairs required Judge Porteous to list "all payments on loans, installment purchases of goods or services, and other debts, aggregating more than $600 to any creditor, made within 90 days immediately preceding the commencement of this case," in response to which the answer given was "Normal Installments." (HP Ex. 127 at SC00112).

195. On March 27, 2001, Judge Porteous made a $1,500 cash payment to the Treasure Chest Casino in Kenner, Louisiana to repay markers owed to the casino. (HP Ex. 302).

196. At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows regarding his understanding of a marker:

> Q: Judge Porteous, you're familiar with the term "marker," aren't you?
>
> A: Yes, sir.

Q: Would it be fair to state that, "A marker is a form of credit extended by a gambling establishment, such as a casino, that enables the customer to borrow money from the casino. The marker acts as the customer's check or draft to be drawn upon the customer's account at a financial institution. Should the customer not repay his or her debt to the casino, the marker authorizes the casino to present it to the financial institution or bank for negotiation and draw upon the customer's bank account any unpaid balance after a fixed period of time." Is that accurate?

A: I believe that's correct and probably was contained in the complaint or – or the second complaint. There's a definition contained.

Q: And you have no quarrel with the definition?

A: No, sir. (Porteous 5th Cir. Hrg. at 64–65 (HP Ex. 10)).

197. Judge Porteous's answer to Question 3 on his Statement of Financial Affairs did not list the $1,500 cash payment that Judge Porteous made to the Treasure Chest Casino in Kenner, Louisiana on March 27, 2001. (HP Ex. 127 at SC00112; Ex. 302).

198. Question 8 on Judge Porteous's Statement of Financial Affairs required Judge Porteous to list "all losses from fire, theft, other casualty or gambling within one year immediately preceding the commencement of this case or since the commencement of this case," in response to which the box "None" was checked. (HP Ex. 127 at SC00113).

199. Between March 28, 2000 and March 28, 2001, Judge Porteous accrued gambling losses. (Porteous 5th Cir. Hrg. at 98–99 (HP Ex. 10)).

200. At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows regarding his response to Question 8 on his Statement of Financial Affairs:

Q: [Item 8] asks you to list all losses for fire, theft, other casualty, gambling within one year immediately preceding the commencement of this case – meaning your case – or since the commencement of this case. And I believe we read this before, about married debtors filing under Chapter 12 and Chapter 13. And you list "none," correct?

A: That's what's listed, correct.

Q: Judge Porteous, do you recall that in the – that your gambling losses exceeded $12,700 during the preceding year?

A: I was not aware of it at the time, but now I see your documentation and that – and that's what it reflects.

Q: So, you – you don't dispute that?

A: I don't dispute that.

Q: Therefore, the answer "no" was incorrect, correct?

A: Apparently, yes.

Q: Even though this was signed under oath, under penalty of perjury, correct?

A: Right. (Porteous 5th Cir. Hrg. at 98–99 (HP Ex. 10)).

201. On April 6, 2001, Judge Porteous requested a one-time credit increase at the Beau Rivage Casino in Biloxi, Mississippi from $2,500 to $4,000. (HP Ex. 303).

202. On April 7–8, 2001, Judge Porteous gambled at the Beau Rivage Casino in Biloxi, Mississippi. (HP Ex. 304).

203. On April 7, 2001, Judge Porteous took out two $500 markers at the Beau Rivage Casino in Biloxi, Mississippi, identified by marker numbers 127556 and 127558. (HP Ex. 304).

204. On April 8, 2001, Judge Porteous took out two $500 markers at the Beau Rivage Casino in Biloxi, Mississippi, identified by marker numbers 127646 and 127658. Judge Porteous also made two $500 payments to the casino on April 8, 2001, identified by transaction numbers 4069177 and 4069190. (HP Ex. 304).

205. When Judge Porteous left the Beau Rivage Casino in Biloxi, Mississippi on April 8, 2001, he owed $1,000 to the casino. (HP Ex. 304).

206. On April 24, 2001, Judge Porteous withdrew $1,000 from his Fidelity Individual Retirement Account, which was paid to him in the form of a check issued by National Financial Services LLC. (HP Ex. 382).

207. Judge Porteous endorsed the $1,000 check from National Financial Services LLC and signed the check over to Rhonda Danos. (HP Ex. 382).

208. On April 30, 2001, Rhonda Danos wrote a $1,000 check from her personal checking account, identified by check number 1699, to the Beau Rivage Casino. The check's memo line referenced "Gabriel Thomas Porteous Jr., Acct. # [redacted]." (HP Ex. 382).

209. On May 2, 2001, Rhonda Danos deposited into her personal checking account the $1,000 check from National Financial Services LLC, which had been issued to Judge Porteous and signed over to her. (HP Ex. 382).

210. On May 4, 2001, Rhonda Danos's $1,000 check to the Beau Rivage Casino, written on Judge Porteous's behalf, was paid at the cage and was credited against Judge Porteous's

Beau Rivage account, identified by transaction number 4071922. The Beau Rivage Casino deposited Ms. Danos's $1,000 check on May 5, 2001. (HP Ex. 304).

211. On May 8, 2001, 19, 2001, Rhonda Danos's $1,000 check to the Beau Rivage Casino, identified by check number 1699, cleared Danos's bank account. (HP Ex. 382).

212. On April 10, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 305).

213. On April 10, 2001, Judge Porteous took out four $500 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00060317, 00060319, 00060320, and 00060321. Judge Porteous repaid all four markers the same day with chips. (HP Ex. 305).

214. On May 7, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 307).

215. On May 7, 2001, Judge Porteous took out four $1,000 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00061209, 00061212, 00061216, and 00061230. (HP Ex. 307.)

216. When Judge Porteous left the Treasure Chest Casino in Kenner, Louisiana on May 7, 2001, he owed $4,000 to the casino. (HP Ex. 307).

217. On May 9, 2001, Judge Porteous made a $4,000 cash payment to the Treasure Chest Casino, repaying marker numbers 00061209, 00061212, 00061216, and 00061230. (HP Ex. 307).

218. On April 30, 2001, Judge Porteous submitted a Casino Credit Application to Harrah's Casino in New Orleans, Louisiana, requesting a $4,000 credit limit. (HP Ex. 149).

219. On April 30, 2001, Judge Porteous gambled at Harrah's Casino in New Orleans, Louisiana. (HP Ex. 306).

220. On April 30, 2001, Judge Porteous took out two $500 markers at Harrah's Casino in New Orleans, Louisiana, identified by marker numbers 0084898 and 0084899. Judge Porteous wrote a $1,000 check to Harrah's Casino the same day to repay both markers. Judge Porteous's check cleared Harrah's Casino on May 30, 2001. (HP Ex. 306).

221. On May 9, 2001, a Section 341 Creditors Meeting was held in Judge Porteous's Chapter 13 Bankruptcy case. (HP Ex. 129).

222. Judge Porteous attended the Section 341 Creditors Meeting held on May 9, 2001 with his bankruptcy counsel Claude Lightfoot . (HP Ex. 130).

223. The Section 341 Creditors Meeting was recorded, and the transcription of that recording is true and accurate. (HP Ex. 130).

224. At the Section 341 Creditors Meeting on May 9, 2001, bankruptcy trustee S.J. Beaulieu, Jr. gave Judge Porteous a copy of a pamphlet entitled "Your Rights and Responsibilities in Chapter 13." (HP Ex. 130). Section 6 of the "Rights and Responsibilities" pamphlet, which Judge Porteous received from Bankruptcy Trustee Beaulieu, stated as follows:

> You may not borrow money or buy anything on credit while in Chapter 13 without permission from the bankruptcy Court. This includes the use of credit cards or charge accounts of any kind. If you or a family member you support buys something on credit without Court approval, the Court could order the goods returned. (HP Ex. 148 at SC00402).

225. At the Section 341 Creditors Meeting on May 9, 2001, Judge Porteous was placed under oath and stated "yes" when asked if everything in his bankruptcy petition was true and correct. (HP Ex. 130).

226. At the Section 341 Creditors Meeting on May 9, 2001, while under oath, Judge Porteous stated "yes" when asked if he had listed all of his assets in his bankruptcy petition. (HP Ex. 130 at SC00596).

227. At the Section 341 Creditors Meeting on May 9, 2001, while under oath, Judge Porteous answered in the affirmative when asked if his take home pay was about $7,500 a month. (HP Ex. 130 at SC00596).

228. At the Section 341 Creditors Meeting on May 9, 2001, Bankruptcy Trustee S.J. Beaulieu, Jr. told Judge Porteous that "Any charge cards that you may have you have [sic] you cannot use any longer. So basically you on a cash basis now." (HP Ex. 130 at SC00598).

229. At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows regarding the Section 341 Creditors Meeting:

> Q: Now, after bankruptcy, you had a meeting with the trustee, SJ Beaulieu, correct?
>
> A: After what?
>
> Q: After bankruptcy was filed.
>
> A: After it was filed, that's correct.
>
> Q: And you recall that Mr. Beaulieu handed you a pamphlet called "Your Rights and Responsibilities in Chapter 13," which we have marked as the Committee's Exhibit 11?
>
> A: I believe that's – yeah, right.
>
> Q: And it bears the name of Mr. Beaulieu and has his local New Orleans phone number?

A: Yes, sir.

* * *

Q: Calling your attention to this exhibit, there are enumerated paragraphs. Paragraph 6, follow me while I read. "Credit While in Chapter 13. You may not borrow money or buy anything on credit while in Chapter 13 without permission from the bankruptcy court. This includes the use of credit cards or charge accounts of any kind."

Did I read that accurately, sir?

A: You did.

Q: And do you recall reading that and discussing that with Mr. Beaulieu?

A: I don't specifically recall it, but I'm not saying it didn't happen.

Q: All right. Do you recall, on or about May 9th, 2001, having a – what's called a 341 bankruptcy hearing, where Mr. Beaulieu as trustee was present; your attorney, Mr. Lightfoot, was present; and you were present?

A: Yes, sir, I remember meeting with Mr. Beaulieu.

Q: And that meeting was recorded, if you – do you recall that?

A: I believe that's correct, yeah, tape recorded.

Q: Right.

Do you recall Mr. Beaulieu stating the following? "Any charge cards that you may – you have you cannot use any longer. So, basically, you're on a cash basis now. I have no further questions except have you made your first payments."

Did I read that accurately?

A: Yes, sir.

Q: So, you were told by Mr. Beaulieu that you couldn't incur any more credit there, on credit cards, correct?

A: I'm not sure it was there, but I'm sure it was part of the explanation at some point.

Q: Well, going back to –

A: When you ask – I only meant in reference to the statement. Yes, it's –

Q: Right.

A: – contained in there, and I knew that.

Q: And it was your understanding – and that's what I'm trying to find out, sir – that you couldn't incur more credit while in bankruptcy, correct?

A: That's correct. (Porteous 5th Cir. Hrg. at 61–62 (HP Ex. 10)).

230. On May 16, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 308).

231. On May 16, 2001, Judge Porteous took out a $500 marker at the Treasure Chest Casino in Kenner, Louisiana, identified by marker number 00061520. Judge Porteous repaid that marker the same day with chips. (HP Ex. 308).

232. On June 20, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 310).

233. On June 20, 2001, Judge Porteous took out a $500 marker at the Treasure Chest Casino in Kenner, Louisiana, identified by marker number 00062678. Judge Porteous repaid that marker the same day with chips. (HP Ex. 310).

234. On May 26–27, 2001, Judge Porteous gambled at the Grand Casino Gulfport in Gulfport, Mississippi. (HP Ex. 309).

235. On May 26, 2001, Judge Porteous took out a $500 marker at the Grand Casino Gulfport in Gulfport, Mississippi, identified by marker number MK141028. (HP Ex. 309).

236. On May 27, 2001, Judge Porteous took out a $500 marker at the Grand Casino Gulfport in Gulfport, Mississippi, identified by marker number MK141325. Judge Porteous repaid $900 to the casino that same day. (HP Ex. 309).

237. On May 28, 2001, Judge Porteous wrote a $100 check to the Grand Casino Gulfport, which cleared his Bank One checking account on May 30, 2001. After that check cleared, Judge Porteous's balance due and owing to the Grand Casino Gulfport was $0. (HP Ex. 309).

238. On June 28, 2001, U.S. Bankruptcy Judge William Greendyke signed an "Order Confirming the Debtor's Plan and Related Orders" in Judge Porteous's bankruptcy case. Judge Porteous received a copy of this order. (HP Ex. 133).

239. Paragraph 4 of the June 28, 2001 Order signed by Judge Greendyke stated as follows:

> The debtor(s) shall not incur additional debt during the term of this Plan except upon written approval of the Trustee. Failure to obtain such approval may cause the claim for such debt to be unallowable and non-dischargeable. (HP Ex. 133).

240. At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows regarding the June 28, 2001 Order signed by Judge Greendyke:

> Q: Okay. Now, on June 2nd [sic], are you familiar with the order signed by Bankruptcy Judge Greendyke?
>
> And this is from Exhibit 1, Bates Number SC'50, Exhibit 1 being the certified copy of the bankruptcy file.
>
> "It is ordered that," going down to Number 4, "the debtors shall not incur additional debt during the term of this plan except upon written approval of the trustee."
>
> Did I read that correctly?
>
> A: You did.
>
> Q: Was that your understanding at the time?
>
> A: In the order, it was.
>
> Judge Lake: What's the date of that document?
>
> Mr. Finder: July 2nd, 2001, was the docket date. It was signed by Judge Greendyke on June 28th, 2001. (Porteous 5th Cir. Hrg. at 62 (HP Ex. 10)).

241. Judge Porteous was subject to the terms of the June 28, 2001 Order until his Chapter 13 bankruptcy was discharged on July 22, 2004. (HP Ex. 137).

242. In December 2002, Judge Porteous asked his bankruptcy attorney, Claude Lightfoot, to seek permission from the bankruptcy trustee for Judge Porteous to refinance his home.

243. On December 20, 2002, Judge Porteous was granted permission to refinance his home by Chapter 13 Trustee S.J. Beaulieu, Jr. (HP Ex. 339).

244. In December 2002 or January 2003, Judge Porteous asked his bankruptcy attorney, Claude Lightfoot, to seek permission from the bankruptcy trustee for Judge Porteous and his wife Carmella to enter into new car lease agreements.

245. On January 3, 2003, Judge Porteous was granted permission to enter into two new car lease agreements by Chapter 13 Trustee S.J. Beaulieu, Jr. (HP Ex. 340).

246. On July 19, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 311).

247. On July 19, 2001, Judge Porteous took out a $500 marker at the Treasure Chest Casino in Kenner, Louisiana, identified by marker number 00063615. Judge Porteous repaid that marker the same day in chips. (HP Ex. 311).

248. On July 23, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 312).

249. On July 23, 2001, Judge Porteous took out a $500 marker at the Treasure Chest Casino in Kenner, Louisiana, identified by marker number 00063744. Judge Porteous repaid that marker the same day in chips. (HP Ex. 312).

250. On August 20–21, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 313(a)).

251. On August 20, 2001, Judge Porteous took out three $1,000 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00064677, 00064680, and 00064685. Judge Porteous repaid all three markers the same day with chips. (HP Ex. 313(a)).

252. On August 21, 2001, Judge Porteous took out five $1,000 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00064729, 00064730, 00064739, 00064744, and 00064746. Judge Porteous repaid marker numbers 00064729 and 00064744 the same day with chips. (HP Ex. 313(a)).

253. When Judge Porteous left the Treasure Chest Casino in Kenner, Louisiana on August 21, 2001, he owed $3,000 to the casino. (HP Ex. 309).

254. On September 9, 2001, Judge Porteous repaid marker number 00064739, in the amount of $1,000, to the Treasure Chest Casino in Kenner, Louisiana with cash, leaving a balance of $2,000 owed to the casino. (HP Ex. 313(a)).

255. On September 15, 2001, Judge Porteous paid $2,000 in cash to the Treasure Chest Casino in Kenner, Louisiana, repaying marker numbers 00064730 and 00064746. (HP Ex. 313(a)).

256. On October 13, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 315).

257. On October 13, 2001, Judge Porteous took out two $500 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00066463 and 00066465. Judge Porteous repaid both markers the same day with chips. (HP Ex. 315).

258. On October 17–18, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 316).

259. On October 17, 2001, Judge Porteous took out three $1,000 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00066625, 00066627, and 00066644, and he also took out five $500 markers, identified by marker numbers 00066630, 00066632, 00066633, 00066640, and 00066645. Judge Porteous repaid marker numbers 00066630, 00066632, and 00066633 the same day with chips. (HP Ex. 316).

260. On October 18, 2001, Judge Porteous took out a $400 marker at the Treasure Chest Casino in Kenner, Louisiana, identified by marker number M2B459. (HP Ex. 316).

261. When Judge Porteous left the Treasure Chest Casino in Kenner, Louisiana on October 18, 2001, he owed $4,400 to the casino. (HP Ex. 309)

262. On October 25, 2001, Judge Porteous withdrew $1,760 from his Individual Retirement Account, which was paid to him in the form of a check issued by National Financial Services LLC. (HP Ex. 381).

263. On October 30, 2001, Judge Porteous deposited the $1,760 check from his Individual Retirement Account, issued by National Financial Services LLC, into his Fidelity money market account. (HP Ex. 381).

264. On November 9, 2001, Judge Porteous wrote a check for $1,800 from his Fidelity money market account, identified by check number 589, to the Treasure Chest Casino, repaying marker number 00066625 in its entirety and repaying $800 of marker number 00066627. Judge Porteous repaid the remaining $200 of marker number 00066627 with cash that same day. (Exs. 316, 381).

265. On November 9, 2001, Judge Porteous paid $2,400 in cash to the Treasure Chest Casino in Kenner, Louisiana, repaying marker numbers 00066640, 00066644, 00066645, and M2B459. (HP Ex. 316).

266. On November 27, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 318).

267. On November 27, 2001, Judge Porteous took out two $1,000 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00067888 and 00067893. Judge Porteous repaid both markers the same day with chips. (HP Ex. 318).

268. On December 11, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 319).

269. On December 11, 2001, Judge Porteous took out two $1,000 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00068410 and 00068415. Judge Porteous repaid both markers the same day with chips. (HP Ex. 319).

270. On April 1, 2002, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 322).

271. On April 1, 2002, Judge Porteous took out two $1,000 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00072228 and 00072229, and he also took out one $500 marker identified by marker number 00072234. Judge Porteous repaid all three markers the same day with chips. (HP Ex. 322).

272. On September 28, 2001, Judge Porteous gambled at Harrah's Casino in New Orleans, Louisiana. (HP Ex. 314).

273. On September 28, 2001, Judge Porteous took out two $1,000 markers at Harrah's Casino in New Orleans, Louisiana, identified by marker numbers 0099123 and 0099130. (HP Ex. 314).

274. On September 28, 2001 Judge Porteous wrote a check to Harrah's Casino to repay marker numbers 0099123 and 0099130. Judge Porteous's check cleared Harrah's Casino on October 28, 2001. (HP Ex. 314).

275. On December 20, 2001, Judge Porteous gambled at Harrah's Casino in New Orleans, Louisiana. (HP Ex. 320).

276. On December 20, 2001, Judge Porteous took out a $1,000 marker at Harrah's Casino in New Orleans, Louisiana, identified by marker number 0106851. (HP Ex. 320).

277. On December 20, 2001 Judge Porteous wrote a check to Harrah's Casino to repay marker number 0106851. Judge Porteous's check cleared Harrah's Casino on November 9, 2002. (HP Ex. 320).

278. On October 31–November 1, 2001, Judge Porteous gambled at the Beau Rivage Casino in Biloxi, Mississippi.

279. On October 31, 2001, Judge Porteous took out five $500 markers at the Beau Rivage Casino in Biloxi, Mississippi, identified by marker numbers 164622, 164628, 164637, 164649, and 164652. (HP Ex. 317).

280. On November 1, 2001, Judge Porteous took out a $500 marker at the Beau Rivage Casino in Biloxi, Mississippi, identified by marker number 164659. Judge Porteous repaid $2,500 with chips at the cage that day and repaid another $500 with chips at the pit. (HP Ex. 317).

281. On February 12, 2002, Judge Porteous gambled at the Grand Casino Gulfport in Gulfport, Mississippi. (HP Ex. 321).

282. On February 12, 2002, Judge Porteous took out a $1,000 marker at the Grand Casino Gulfport in Gulfport, Mississippi, identified by marker number MK169742. Judge Porteous repaid that marker the same day. (HP Ex. 321).

283. On May 26, 2002, Judge Porteous gambled at the Grand Casino Gulfport in Gulfport, Mississippi. (HP Ex. 323).

284. On May 26, 2002, Judge Porteous took out a $1,000 marker at the Grand Casino Gulfport in Gulfport, Mississippi, identified by marker number MK179892. Judge Porteous repaid that marker the same day. (HP Ex. 323).

285. On July 4–5, 2002, Judge Porteous gambled at the Grand Casino Gulfport in Gulfport, Mississippi. (HP Ex. 325).

286. On July 4, 2002, Judge Porteous took out two $1,000 markers at the Grand Casino Gulfport in Gulfport, Mississippi, identified by marker numbers MK183825 and MK183833. (HP Ex. 325).

287. On July 5, 2002, Judge Porteous took out a $500 marker at the Grand Casino Gulfport in Gulfport, Mississippi, identified by marker number MK183917. Judge Porteous repaid $1,200 to the casino that day. (HP Ex. 325).

288. When Judge Porteous left the Grand Casino Gulfport in Gulfport, Mississippi on July 5, 2002, he owed $1,300 to the casino. (HP Ex. 325).

289. On August 2, 2002, Judge Porteous wrote a $1,300 check to the Grand Casino Gulfport in Gulfport, Mississippi, which cleared his Fidelity money market account on August 6, 2002. After that check cleared, Judge Porteous's balance due and owing to the Grand Casino Gulfport was $0. (HP Ex. 325).

290. On August 13, 2001, Judge Porteous applied for a Capital One credit card. (HP Ex. 341(a)).

291. Judge Porteous never sought permission from Bankruptcy Trustee S.J. Beaulieu, Jr. to obtain or use a new Capital One credit card.

292. Judge Porteous was approved for a Capital One credit card with a $200 limit in August 2001. (HP Ex. 341(b)).

293. Judge Porteous started using his Capital One credit card on September 17, 2001, when he charged $39.03 at Lucys Restaurant in New Orleans, Louisiana. (HP Ex. 341(b)).

294. Judge Porteous exceeded his $200 credit limit on his Capital One credit card for the statement period of September 14, 2001 to October 13, 2001, and, as a result, he was charged a $29 "overlimit fee" on October 16, 2001. (HP Ex. 341(b)).

295. Judge Porteous Capital One credit card statements for the periods ending on December 13, 2001, January 13, 2002, September 13, 2002, December 13, 2002, January 13, 2003, February 13, 2003, and March 13, 2003 all showed that Judge Porteous had not paid his credit card balance in full. (HP Ex. 341(b)).

296. Judge Porteous's Capital One credit card statement for the time period of May 14, 2002 to June 13, 2002 showed that Judge Porteous's credit limit was increased to $400. (HP Ex. 341(b)).

297. Judge Porteous's Capital One credit card statement for the time period of November 14, 2002 to December 13, 2002 showed that Judge Porteous's credit limit was increased to $600. (HP Ex. 341(b)).

298. On July 4, 2002, Judge Porteous requested and was granted a credit limit increase from $2,000 to $2,500 at the Grand Casino Gulfport in Gulfport, Mississippi by filling out a "Credit Line Change Request" form. (HP Ex. 324).

299. Judge Porteous took out $2,500 in markers at the Grand Casino Gulfport in Gulfport, Mississippi on July 4--5, 2002. (HP Ex. 325).

300. Judge Porteous never sought permission from Bankruptcy Trustee S.J. Beaulieu, Jr. to apply for an increased credit limit at the Grand Casino Gulfport in Gulfport, Mississippi.

JUDGE PORTEOUS'S BACKGROUND CHECK AND CONFIRMATION

301. In 1994, Judge Porteous, in connection with his nomination to be a Federal judge, was subject to an FBI background investigation, was required to fill out various forms and questionnaires, and was interviewed by the FBI.

302. In connection with his nomination to be a Federal judge, Judge Porteous filled out and signed a document entitled "Supplement to Standard Form 86." (HP Ex. 69 (b) at PORT00298).

303. The Supplement to Standard Form 86 filled out by Judge Porteous contains the following question and answer:

> Question 10S: Is there anything in your personal life that could be used by someone to coerce or blackmail you? Is there anything in your life that could cause an embarrassment to you or to the President if publicly known? If so, please provide full details?
>
> Answer: "No."

304. The Supplement to Standard Form 86 was signed by Judge Porteous under the following statement:

> I understand that the information being provided on this supplement to the SF- 86 is to be considered part of the original SF- 86 dated April 27, 1994 and a false statement on this form is punishable by law.

305. On or about July 6, 1994 in connection with his FBI background investigation, Judge Porteous was interviewed by the FBI and, according to their interview memorandum, he stated in substance that "he was not concealing any activity or conduct that could be used to influence, pressure, coerce, or compromise him in any way or that would impact

negatively on the candidate's character, reputation, judgment or discretion." (HP Ex. 69 (b) at PORT 000000294).

306. On August 18, 1994, in connection with his FBI background investigation, Judge Porteous was interviewed a second time by the FBI and, according to their interview memorandum, he stated in substance that "he was unaware of anything in his background that might be the basis of attempted influence, pressure, coercion or compromise and/or would impact negatively on his character, reputation, judgment or discretion." (HP Ex. 69 (b) at PORT 000000493-94).

307. During the Senate confirmation process, Judge Porteous was required to complete a United States Senate Committee on the Judiciary Questionnaire for Judicial Nominees. As part of the Questionnaire, Judge Porteous was asked the following question and provided the following answer:

> Question 11: Please advise the Committee of any unfavorable information that may affect your nomination.
>
> Answer: To the best of my knowledge, I do not know of any unfavorable information that may affect my nomination. (HP Ex. 69 (a) at PORT000049).

308. The United States Senate Committee on the Judiciary required that an affidavit be submitted by Judge Porteous along with the completed Questionnaire for Judicial Nominees. The affidavit signed by Judge Porteous and a notary reads as follows:

> Affidavit
>
> I, Gabriel Thomas Porteous, Jr., do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.
>
> Gretna, Louisiana, this 6 day of September, 1994. (HP Ex. 69 (a) at PORT 000050).

AUTHENTICITY OF EXHIBITS

309. The exhibits listed on the House's August 5, 2010 Exhibit list are authentic.[2]

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[2] A copy of the House's August 5, 2010 Exhibit List is attached to these Stipulations as Attachment 1. In stipulating to authenticity, either party continues to preserve its right to object to the admissibility of any exhibit on the basis of relevancy, hearsay or any other grounds other than authenticity.

Respectfully submitted,

THE UNITED STATES HOUSE OF REPRESENTATIVES

By



Adam Schiff, Manager



Bob Goodlatte, Manager



Alan I. Baron
Special Impeachment Counsel

Managers of the House of Representatives: Adam B. Schiff, Bob Goodlatte, Zoe Lofgren, Henry C. "Hank" Johnson, F. James Sensenbrenner, Jr.

August 5, 2010

ATTACHMENT 1

August 5, 2010

Porteous Impeachment – House Exhibit List

HP Exhibit Number	Description	Bates Number / Previous Identifying Information
1	House Resolution 15: Authorizing Committee on the Judiciary to Inquire whether the House Should Impeach Judge Porteous January 13, 2009	pp. 1–2
2	Committee on the Judiciary Resolution Establishing Task Force January 22, 2009	pp. 1–7
3	Committee on the Judiciary Resolution Amending the January 22, 2009 Resolution May 12, 2009	pp. 1–2
4	Letter from John C. Keeney, Deputy Assistant Attorney General, to Chief Judge Edith H. Jones Re: Complaint of Judicial Misconduct Concerning The Honorable G. Thomas Porteous, Jr. May 18, 2007	SC00767–SC00788 (SC Exhibit 34)
5	Report by the Special Investigatory Committee to the Judicial Council of the United States Court of Appeals for the Fifth Circuit In The Matter of Judge G. Thomas Porteous, Jr. Docket No. 07-05-351-0085 November 20, 2007	pp. 1–66
6 (a)	Memorandum Order and Certification Judicial Council of the Fifth Circuit Docket No. 07-05-351-0085 December 20, 2007	pp. 1–6
6 (b)	Dissenting Opinion by Judge James Dennis In The Matter of Judge G. Thomas Porteous, Jr. Docket No. 07-05-351-0085 [Undated]	pp. 1–49
6(c)	Judge G. Thomas Porteous, Jr.'s Reply Memorandum to the Special Investigatory Committee Report In The Matter of G. Thomas Porteous, Jr. December 5, 2007	pp. 1–4
7 (a)	Letter from James C. Duff, Secretary to the Judicial Conference of the United States to the Speaker of the House of Representatives June 18, 2008	n/a
7 (b)	Certificate to the Speaker of the United States House of Representatives June 17, 2009	n/a
7 (c)	Report and Recommendations of the Judicial Conference Committee on Judicial Conduct and Disability June 2008	pp. 1–56
8	Order and Public Reprimand by the Judicial Counsel of the Fifth Circuit (suspending Judge G. Thomas Porteous from the bench for two years) September 10, 2008	pp. 1–8

HP Exhibit Number	Description	Bates Number / Previous Identifying Information
9 (a)	President Clinton's Nomination of Judge Porteous August 25, 1994	pp. 1715–1717
9 (b)	Excerpts from Senate Confirmation Hearings for Judge Porteous October 6, 1994	pp. I–VII, 659–661, 756–794
9 (c)	Congressional Record Reflecting Senate Confirmation of Judge Porteous October 7, 1994	29126–29127
9 (d)	Judge Porteous Appointment Affidavit October 28, 1994	n/a
9 (e)	Judge Porteous Resignation Letter to the 24th Judicial District Court October 25, 1994	n/a
9 (f)	Certified Copy of Judge Porteous's Questionnaire for Judicial Nominees (received from the United States Senate Committee on the Judiciary)	Certification page & pp. 1–35
10	Judge Porteous Fifth Circuit Testimony October 29, 2007	pp. 34–163, 341, 427
11	Robert Creely Grand Jury Testimony March 17, 2006	pp. 1–106
12	Robert Creely Fifth Circuit Testimony October 29, 2007	pp. 196–234
13	Application for Compulsion Order (for Robert Creely) and Immunity Order signed by Chief Judge Edith H. Jones August 3, 2007	SC00809–SC00813 (SC Exhibit 39)
14 (a)	PACER Docket Report: *USA v. Ratcliff, et al.* Case No.: 2:95-cv-00224-GTP (Robert Creely as Counsel)	n/a
14 (b)	PACER Docket Report: *Union Planters Bank v. Gavel* Case No.: 2:02-cv-01224-GTP (Robert Creely as Counsel)	n/a
15	Robert Creely Task Force Immunity Order August 12, 2009	n/a
16	Robert Creely Task Force Deposition August 28, 2009	pp. 1–17
17	Judge Porteous Fifth Circuit Immunity Order October 5, 2007	SC00847–SC00848
18	Jacob Amato, Jr. Grand Jury Testimony May 5, 2006	pp. 1–69
19	FBI Interview of Robert Creely December 8, 2003	JC200638–JC200642
20	Jacob Amato, Jr. Fifth Circuit Testimony October 29, 2007	pp. 234–268

HP Exhibit Number	Description	Bates Number / Previous Identifying Information
21(a)	Application for Compulsion Order (for Jacob Amato, Jr.) and Immunity Order signed by Chief Judge Edith H. Jones August 3, 2007	SC00804–00808 (SC Exhibit 38)
21 (b)	Jacob Amato, Jr. Calendars 1999- 2001	SC00485–SC00535 (SC Exhibit 17)
21 (c)	Jacob Amato, Jr. Credit Card Records	SC00428–SC00484 (SC Exhibits 13–16)
22	*Buck v. Candy Fleet Corp, et al.* Case No.: 2:97-cv-01593-GTP (Jacob Amato, Jr. as Counsel)	n/a
23	Jacob Amato, Jr. Task Force Immunity Order August 12, 2009	p. 1
24	Jacob Amato, Jr. Task Force Deposition October 14, 2009	pp. 1–24
25	Leonard Levenson Grand Jury Testimony April 7, 2006	pp. 1–69
26	Leonard Levenson Grand Jury Exhibits	LEV001–LEV062
27	Application for Compulsion Order (for Leonard Levenson) and Immunity Order signed by Chief Judge Edith H. Jones August 3, 2007	SC00829–SC00833 (SC Exhibit 43)
28 (a)	Judgment *Egudin v. Carriage Court Condominiums, et al.* Case No. 286-153 (24th Judicial District Court, Jefferson Parish, LA) (Leonard Levenson as Counsel while Porteous was a State Court Judge) June 18, 1987	PORT0000126– PORT0000131
28 (b)	PACER Docket Report: *In Re: McManus* Case No.: 2:95-cv-01615-GTP Date Filed: 05/23/1995 (Leonard Levenson as Counsel)	n/a
28 (c)	PACER Docket Report: *First Nat'l Bank, et al. v. Evans, et al.* Case No.: 2:96-cv-01006-GTP Date Filed: 03/20/1996 (Leonard Levenson as Counsel)	n/a
28 (d)	PACER Docket Report: *Joseph v. Sears Roebuck & Co., et al.* Case No.: 2:97-cv- 00192-GTP Date Filed: 01/21/1997 (Leonard Levenson as Counsel)	n/a
28 (e)	PACER Docket Report: *Liberty Mutual Fire Ins. v. Ravannack, et al.* Case No.: 2:00- cv-01209- CJB-DEK Date Filed: 04/19/2000 (Leonard Levenson as Counsel)	n/a

HP Exhibit Number	Description	Bates Number / Previous Identifying Information
28 (f)	PACER Docket Report: *Holmes v. Consol. Companies Inc.* Case No.: 2:00-cv-01447-GTP Date Filed: 05/17/2000 (Leonard Levenson as Counsel)	n/a
28 (g)	PACER Docket Report: *Morales v. Trippe, et al.* Case No.: 2:04-cv-02483-GTP- DEK Date Filed: 08/31/2004 (Leonard Levenson as Counsel)	n/a
28 (h)	PACER Docket Report: *Alliance Gen Ins. Co. v. LA Sheriff's Auto., et al.* Case No.: 2:96-cv-00961-GTP Date Filed: 03/15/1996 (Leonard Levenson as Counsel)	n/a
29	Leonard Levenson Judiciary Committee Immunity Order August 12, 2009	p. 1
30	Leonard Levenson Task Force Deposition August 24, 2009	pp. 1–44
31	Leonard Levenson Task Force Deposition January 6, 2010	pp. 1–20
32	Don Gardner Fifth Circuit Testimony October 29, 2007	pp. 460–485
33	Don Gardner Grand Jury Testimony March 31, 2006	pp. 1–83
34	Application for Compulsion Order (for Don Gardner) and Immunity Order signed by Chief Judge Edith H. Jones August 3, 2007	SC00824–SC00828 (SC Exhibit 42)
35 (a)	Don Gardner Records re: Trips to Washington May–June 1994	SC00388–SC00396 (part of SC Exhibit 10)
35 (b)	Don Gardner Retainer Agreement (*In Re: Liljberg*) February 18, 1997	SC00397–SC00398 (part of SC Exhibit 10)
36	Don Gardner Task Force Deposition September 22, 2009	pp. 1–67
37 (a)	*Chabert v. Laborde* 507 So.2d 848 (La. Ct. App. 1987) (Don Gardner as Counsel)	pp. 1–3
37 (b)	*Jefferson Oncology v. LA. Health Svcs. & Indemnity Co.* 545 So.2d 1125 (La. Ct. App. 1989) (Don Gardner as Counsel)	pp. 1 -5
37 (c)	*Joseph R. Keenan Co. v. White House Apartments* 517 So.2d 1141 (La. Ct. App. 1988) (Don Gardner as Counsel)	pp. 1–7

HP Exhibit Number	Description	Bates Number / Previous Identifying Information
37 (d)	PACER Docket Report: *P&L Electronics v. Rosenthal Trust* Case No.: 2:93-cv-03865-GTP Nov. 23, 1993 (Don Gardner as Counsel)	pp. 1–5
38	Warren Forstall, Jr. Grand Jury Testimony March 17, 2006	pp. 1–69
39	NOT MARKED FOR TRIAL	n/a
40	Rhonda Danos Grand Jury Testimony March 31, 2006	pp. 1–162
41	Rhonda Danos Grand Jury Testimony August 18, 2006	pp. 1–317
42	FBI Interview of Rhonda Danos December 8, 2003	JC201230–JC201231
43	Rhonda Danos Fifth Circuit Testimony October 29, 2007	pp. 400–427
44	Application for Compulsion Order (for Rhonda Danos) September 26, 2007	SC0000814–SC00818 (SC Exhibit 40)
45	Rhonda Danos Judiciary Committee Immunity Order August 12, 2009	p. 1
46	Rhonda Danos Task Force Deposition August 25, 2009	pp. 1–72
47	Rhonda Danos Task Force Deposition December 3, 2009	pp. 1–16
48	FBI Surveillance Video March 11, 2002	n/a
49	FBI Wiretap Recordings March 11, 2002	n/a
50	PACER Docket Report: *In Re: Liljeberg Ents. Inc., et al.* Case No.: 2:93-cv-01794-GTP	pp. 1–52 (SC Exhibit 82)
51 (a)	Ex Parte Motion of Liljeberg Enterprises, Inc. to Substitute Counsel *Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.* Case No.: 2:93-cv-01794-GTP September 19, 1996	006356–006357
51 (b)	Order (Granting Motion to Substitute Counsel) *Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.* Case No.: 2:93-cv-01794-GTP September 23, 1996	006358–006359
52	Motion to Recuse (by Lifemark) *Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.* Case No.: 2:93-cv-01794-GTP October 1, 1996	SC00553–SC00584 (SC Exhibit 19)

August 5, 2010

HP Exhibit Number	Description	Bates Number / Previous Identifying Information
53	Memorandum in Opposition to Lifemark's Motion to Recuse *Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.* Case No.: 2:93-cv-01794-GTP October 9, 1996	007048–007056
54	Motion for Leave to File Lifemark's Reply Memorandum to Liljeberg Enterprises Inc.'s Opposition to Motion to Recuse and Lifemark's Reply Memorandum to Liljeberg Enterprises, Inc.'s Opposition to Motion to Recuse *Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.* Case No.: 2:93-cv-01794-GTP October 11, 1996	007004–007007 006998–007003
55	Motion for Leave of Court to File Response to Lifemark's Reply Memorandum on Motion to Recuse and Memorandum in Support of Motion for Leave, Order, and Memorandum of Liljeberg Enterprises, Inc. and St. Jude Hospital of Kenner La., Inc. in Opposition to Reply Memorandum of Lifemark on Motion to Recuse *Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.* Case No.: 2:93-cv-01794-GTP October 15, 1996	006982–6987 007496–007499
56	Transcript Re: Plaintiff's Motion to Recuse Before the Honorable G. Thomas Porteous, Jr., United States District Judge *Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.* Case No.: 2:93-cv-01794-GTP October 16, 1996	pp. 1–25
57	Judgment (Denying Lifemark's Motion to Recuse) *Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.* Case No.: 2:93-cv-01794-GTP October 17, 1996	007500–007501
58	Lifemark's Petition for Writ of Mandamus to Fifth Circuit Court of Appeals *Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.* October 24, 1996	pp. 1–21, Exhibits A–J
59	Order (Denying Petition for Writ of Mandamus) *Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.* Case No.96-31098 (Fifth Circuit Court of Appeals) October 28, 1996	n/a
60 (a)	Ex Parte Motion of Lifemark to Enroll Additional Counsel of Record (Don Gardner) *Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.* Case No.: 2:93-cv-01794-GTP March 11, 1997	008585–008586
60 (b)	Order (Granting Lifemark's Motion to Enroll Don Gardner as Counsel) *Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.* Case No.: 2:93-cv-01794-GTP March 12, 1997	008587–008588

HP Exhibit Number	Description	Bates Number / Previous Identifying Information
61	Trial Transcript Excerpts *Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.* Case No.: 2:93-cv-01794-GTP July 17, 1997 and July 21, 1997	Volume 13: pp. 1545–1547, 1636–1637 Volume 14: pp. 1639–1645
62	Opinion *Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.* Case No.: 2:93-cv-01794-GTP April 25, 2000	pp. 1–105
63	Opinion *In the Matter of Liljeberg Enterprises Inc.* 304 F.3d 410 (5th Cir. 2002) April 28, 2002	pp. 410–469
64	Joseph Mole Grand Jury Testimony May 5, 2006	pp. 1–47
65	Joseph Mole Fifth Circuit Testimony October 29, 2007	pp. 164–195
66	NOT MARKED FOR TRIAL	n/a
67	Cover Emails and Clinton Presidential Records re: Judge Porteous	n/a
68	Louis Marcotte Task Force Deposition October 13, 2009	pp. 1–27
69 (a)	Department of Justice Document Production One (excerpts) June 18, 2009	PORT000000001– PORT000000223
69 (b)	Department of Justice Document Production Two (excerpts) June 25, 2009	PORT000000224– PORT000000532
69 (c)	Department of Justice Document Production Three (excerpts) July 9, 2009	PORT000000533– PORT000000584
69 (d)	Department of Justice Document Production Four (excerpts) July 20, 2009	PORT000000585– PORT000000750
69 (e)	Department of Justice Document Production Five (excerpts) October 23, 2009	PORT000000751– PORT000000772
69 (f)	Department of Justice Document Production Six (excerpts) November 13, 2009	PORT000000773– PORT000000804
69 (g)	Excerpts from Norman Stotts FBI Interview Transcription Date: December 18, 2002	n/a
69 (h)	Kevin Centanni FBI Interview Transcription Date: July 7, 2004	pp. 1–3
69 (i)	Judge Porteous FBI Interview Transcription Date: July 8, 1994	pp. 1–5
69 (j)	Judge Porteous FBI Interview Transcription Date: August 18, 1994	p. 1

HP Exhibit Number	Description	Bates Number / Previous Identifying Information
69 (k)	Judge Porteous FBI Interview Transcription Date: August 18, 1994	pp. 1–3
69 (l)	Mike Reynolds FBI Interview Transcription Date: November 3, 1994	PORT000000805– PORT000000806
70	PACER Docket Report: *United States v. Louis Marcotte and Lori Marcotte* Criminal No. 04:CR-00061-GPK	n/a
71 (a)	Bill of Information *United States v. Louis Marcotte III and Lori Marcotte* Criminal Docket No. 4-061 March 3, 2004	pp. 1–19
71 (b)	Plea Agreement *United States v. Louis Marcotte III* Criminal Docket No. 4-061 February 20, 2004	pp. 1–7
71 (c)	Plea Agreement Addendum *United States v. Louis Marcotte III* Criminal Docket No. 4-061 March 18, 2004	pp. 1–4
71 (d)	Factual Basis *United States v. Louis Marcotte III* Criminal Docket No. 4-061 March 18, 2004	pp. 1–13
71 (e)	Judgment *United States v. Louis Marcotte III* Criminal Docket No. 4-061 September 8, 2006	pp. 1–6
72 (a)	Excerpts from Louis Marcotte FBI Interview March 2, 23, 24, 25, and 29, 2004	pp. 1, 5–6 JC202737, JC202741–JC202742
72 (b)	Louis Marcotte FBI Interview April 21, 2004	pp. 1–6 JC202818–JC202823
72 (c)	Louis Marcotte FBI Interview April 23, 2004	p. 1 JC202695
72 (d)	Louis Marcotte FBI Interview April 1, 2004	pp. 1–10 JC202684–JC202693
72 (e)	Louis Marcotte FBI Interview April 6, 2004	pp. 1–3 JC202769–JC202771
72 (f)	Louis Marcotte FBI Interview July 20, 2004	pp. 1–2 JC202783–JC202784
72 (g)	Louis Marcotte FBI Interview October 14, 2004	pp. 1–2 JC202703–JC202704

HP Exhibit Number	Description	Bates Number / Previous Identifying Information
73 (a)	Plea Agreement *United States v. Lori Marcotte* Criminal Docket No.: 4-061 February 20, 2004	pp. 1–6
73 (b)	Addendum to Plea Agreement *United States v. Lori Marcotte* Criminal Docket No. 4-061 March 18, 2004	pp. 1–4
73 (c)	Factual Basis *United States v. Lori Marcotte* Criminal Docket No. 4-061 March 18, 2004	pp. 1–5
73 (d)	Judgment *United States v. Lori Marcotte* Criminal Docket No. 4-061 August 28, 2006	pp. 1–5
74 (a)	Lori Marcotte FBI Interview March 3, 2004	p. 1 JC202694
74 (b)	Lori Marcotte FBI Interview March 25, 2004	pp. 1–3 JC202676–JC202678
74 (c)	Lori Marcotte FBI Interview March 30, 2004	pp. 1–9 JC202785–JC202793
74 (d)	Lori Marcotte FBI Interview April 20, 2004	pp. 1–5 JC202679–JC202683
74 (e)	Lori Marcotte FBI Interview November 3, 2004	pp. 1–2 JC202701–JC202702
74 (f)	Lori Marcotte FBI Interview April 5, 2004	p. 1 JC202667
75	Testimony of Lori Marcotte: *United States v. Alan Green* Criminal Action No. 04-295 June 22, 2005 and June 25, 2005	pp. 1–321
76	Lori Marcotte Task Force Deposition August 26, 2009	pp. 1–71
77 (a)	Motion for Expungement *State of Louisiana v. Jeffery J. Duhon* Case No. 76-770 (24th Judicial District Court, Jefferson Parish, LA) (Undated, hearing set for July 15, 1993)	n/a
77 (b)	Judgment of Expungement *State of Louisiana v. Jeffery J. Duhon* Case No. 76-770 (24th Judicial District Court, Jefferson Parish, LA) July 29, 1993	n/a

HP Exhibit Number	Description	Bates Number / Previous Identifying Information
77 (c)	Motion to Set Aside Conviction and Dismiss Prosecution and Order *State of Louisiana v. Jeffery J. Duhon* Case No. 76-770 (24th Judicial District Court, Jefferson Parish, LA) June 17, 1993	n/a
78	Jeffery Duhon Task Force Deposition July 23, 2009	pp. 1–19
79	Charles Kerner Task Force Deposition December 3, 2009	pp. 1–19
80 (a)	Jeffery Duhon FBI Interview July 22, 2002	pp. 1–2
80 (b)	Jeffery Duhon FBI Interview July 24, 2002	p. 1
80 (c)	Jeffery Duhon FBI Interview November 13, 2002	p. 1
80 (d)	Jeffery Duhon FBI Interview December 16, 2002	p. 1
80 (e)	Jeffery Duhon FBI Interview August 5, 2003	p. 1
80 (f)	Jeffery Duhon FBI Interview December 12, 2003	pp. 1–5
80 (g)	Jeffery Duhon FBI Interview January 29, 2004	pp. 1–3
81	Case File: *State of Louisiana v. Aubry N. Wallace* Case No. 89-001 24th Judicial District Court, Jefferson Parish, LA	n/a
82	Case File: *State of Louisiana v. Aubry N. Wallace* Case No. 89-2360 24th Judicial District Court, Jefferson Parish, LA	n/a
83	Aubrey Wallace Task Force Deposition July 24, 2009	pp. 1–19
84	Aubrey Wallace FBI Interview October 1, 2004	pp. 1–5 & FBI Deletion Codes
85	Documents Provided by the Metropolitan Crime Commission	MCC0026–MCC0029, MCC0199–MCC0200
86	Ronald Bodenheimer Task Force Deposition August 27, 2009	pp. 1–28
87	Ronald Bodenheimer Grand Jury Testimony April 22, 2004	pp. 1–59 JC200549–JC200607
88 (a)	Indictment for Violation of the Federal Controlled Substances Act *U.S. v. Ronald D. Bodenheimer and Curley J. Chewning* Criminal Docket No. 02-219 July 17, 2002	pp. 1–4

HP Exhibit Number	Description	Bates Number / Previous Identifying Information
88 (b)	Superseding Indictment for Violation of the Federal Controlled Substances Act *U.S. v. Ronald D. Bodenheimer* Criminal Docket No. 02-219 January 16, 2003	pp. 1–7
88 (c)	Indictment for Conspiracy to Commit Mail Fraud, Mail Fraud, and Conspiracy to Violate Civil Rights Laws *U.S. v. Ronald D. Bodenheimer, et al.* Criminal Docket No. 03-026 February 5, 2003	pp. 1–16
88 (d)	Superseding Bill of Information *United States v. Ronald D. Bodenheimer* Criminal Docket No. 02-219 March 31, 2003	pp. 1–4
88 (e)	Plea Agreement *United States v. Ronald D. Bodenheimer* Criminal Docket No. 02-219 March 28, 2003	pp. 1–6
88 (f)	Factual Basis *United States v. Ronald D. Bodenheimer* Criminal Docket No. 02-219 March 28, 2003	pp. 1–3
88 (g)	Supplement to Factual Basis *U.S. v. Ronald D. Bodenheimer* Criminal Docket No. 02-219 March 31, 2003	pp. 1–2
88 (h)	Judgment and Probation/Commitment Order *U.S. v. Ronald D. Bodenheimer* Criminal Docket No. 02-219 April 28, 2004	n/a
89(a)	FBI Interview of Ronald Bodenheimer April 25, 2003	JC200619–JC200621
89(b)	FBI Interview of Ronald Bodenheimer May 20, 2003	JC200608–JC200612
89(c)	FBI Interview of Ronald Bodenheimer January 15, 16, 2004	JC200617–JC200618
89(d)	FBI Interview of Ronald Bodenheimer April 20, 2004	JC200613–JC200616
90 (a)	Professional Bail Agents of the United States Midyear Conference Program Royal Sonesta Hotel, New Orleans, LA July 11–13, 1996	n/a
90 (b)	Professional Bail Agents of the United States Midyear Conference Program Beau Rivage Hotel, Biloxi, MS July 17–21, 1999	n/a

HP Exhibit Number	Description	Bates Number / Previous Identifying Information
91 (a)	Case File: *Bail Bonds Unlimited v. Matthew Dennis, et al.* Case No. 589-134 24th Judicial District Court, Jefferson Parish, LA	n/a
91 (b)	Case File: *Bail Bonds Unlimited v. Bobby Gene Hollingsworth* Case No. 467-905 24th Judicial District Court, Jefferson Parish, LA	n/a
92 (a)	Bruce Netterville Task Force Deposition August 26, 2009	pp. 1–21
92 (b)	Bruce Netterville Judiciary Committee Immunity Order August 12, 2009	n/a
93 (a)	Indictment *United States v. Alan Green and Norman Bowley* Criminal Docket No. 04-295 September 29, 2004	pp. 1–25
93 (b)	Judgment *United States v. Alan Green* Criminal Docket No. 04-295 June 29, 2005	pp. 1–5
94 (a)	Plea Agreement *United States v. Norman Bowley* Criminal Docket No. 04-295 June 8, 2005	pp. 1–5
94 (b)	Factual Basis *United States v. Norman Bowley* Criminal Docket No. 04-295 June 9, 2005	pp. 1–5
94 (c)	Judgment *United States v. Norman Bowley* Criminal Docket No. 04-295 February 6, 2006	pp. 1–5
95 (a)	Bill of Information *United States of America v. Landry Forges, et al.* Criminal Docket No. 04-217 July 21, 2004	pp. 1–7
95 (b)	Plea Agreement *United States of America v. Landry Forges, et al.* Criminal Docket No. 04-217 May 12, 2004	pp. 1–5
95 (c)	Factual Basis *United States of America v. Landry Forges, et al.* Criminal Docket No. 04-217 September 1, 2004	pp. 1–6

HP Exhibit Number	Description	Bates Number / Previous Identifying Information
95 (d)	Judgment *United States of America v. Landry Forges, et al.* Criminal Docket No. 04-217 January 18, 2006	pp. 1–6
96 (a)	Plea Agreement *United States v. Myrtis Randall* Criminal Docket No. 04-217 September 1, 2004	pp. 1–5
96 (b)	Factual Basis *United States v. Myrtis Randall* Criminal Docket No. 04-217 September 1, 2004	pp. 1–6
96 (c)	Judgment *United States v. Myrtis Randall* Criminal Docket No. 04-217 January 18, 2006	pp. 1–5
97 (a)	Plea Agreement *United States v. Edward Still* Criminal Docket No. 04-217 June 2, 2004	pp. 1–5
97 (b)	Factual Basis *United States v. Edward Still* Criminal Docket No. 04-217 September 1, 2004	pp. 1–6
97 (c)	Judgment *United States v. Edward Still* Criminal Docket No. 04-217 February 2, 2005	pp. 1–5
98 (a)	Bill of Information *United States v. William Giangrosso* Criminal Docket No. 04-218 July 21, 2004	pp. 1–5
98 (b)	Plea Agreement *United States v. William Giangrosso* Criminal Docket No. 04-218 June 2, 2004	pp. 1–5
98 (c)	Factual Basis *United States v. William Giangrosso* Criminal Docket No. 04-218 September 3, 2004	pp. 1–4
98 (d)	Judgment *United States v. William Giangrosso* Criminal Docket No. 04-218 August 25, 2005	pp. 1–6

HP Exhibit Number	Description	Bates Number / Previous Identifying Information
99 (a)	Bill of Information *United States v. Guy Maynard Crosby* Criminal Docket No. 03-039 February 27, 2003	pp. 1–5
99 (b)	Plea Agreement *United States v. Guy Maynard Crosby* Criminal Docket No. 03-039 February 25, 2003	pp. 1–4
99 (c)	Factual Basis *United States v. Guy Maynard Crosby* Criminal Docket No. 03-039 March 13, 2003	pp. 1–5
99 (d)	Judgment *United States v. Guy Maynard Crosby* Criminal Docket No. 03-039 May 6, 2004	pp. 1–5
100 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/08/1995 Reporting Period: 01/01/1994 – 12/31/1994	SC00215–SC00218
100 (b)	1994 Financial Disclosure Instructions	pp. 1–86
101 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/01/1996 Reporting Period: 01/01/1995 – 12/31/1995	SC00219–SC00222
101 (b)	1995 Financial Disclosure Instructions	pp. 1–87
102 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/12/1997 Reporting Period: 01/01/1996 – 12/31/1996	SC00223–SC00226
102 (b)	1996 Financial Disclosure Instructions	pp. 1–88
103 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/13/1998 Reporting Period: 01/01/1997 – 12/31/1997	SC00227–SC00230
103 (b)	1997 Financial Disclosure Instructions	pp. 1–65
104 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/13/1999 Reporting Period: 01/01/1998 – 12/31/1998	SC00231–SC00234
104 (b)	1998 Financial Disclosure Instructions	pp. 1–64
105 (a)	Judge Porteous Financial Disclosure Form Date of Report: 05/05/2000 Reporting Period: 01/01/1999 – 12/31/1999	SC00235–SC00238
105 (b)	1999 Financial Disclosure Instructions	pp. 1–65
106 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/10/2001 Reporting Period: 01/01/2000 – 12/31/2000	SC00239–SC00242

HP Exhibit Number	Description	Bates Number / Previous Identifying Information
106 (b)	2000 Financial Disclosure Instructions	pp. 1–68
107 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/14/2002 Reporting Period: 01/01/2001 – 12/31/2001	SC00243–SC00246
107 (b)	2001 Financial Disclosure Instructions	pp. 1–68
108 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/09/2003 Reporting Period: 01/01/2002 – 12/31/2002	SC00247–SC00251
108 (b)	2002 Financial Disclosure Instructions	pp. 1–70
109(a)	Judge Porteous Financial Disclosure Report Date of Report: 5/6/2004 Reporting Period: 01/01/2003 – 12/31/2003	SC00252–SC00258
109 (b)	2003 Financial Disclosure Instructions	pp. 1–80
110 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/12/2005 Reporting Period: 01/01/2004 – 12/31/2004	SC00259–SC00264
110 (b)	2004 Financial Disclosure Instructions	pp. 1–71
111 (a)	Judge Porteous Financial Disclosure Report Date of Report: 07/24/2006 Reporting Period: 01/01/2005 – 12/31/2005	SC00265–SC00271
111 (b)	2005 Financial Disclosure Instructions	pp. 1–71
112 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/14/2007 Reporting Period: 01/01/2006 – 12/31/2006	pp. 1–6
112 (b)	2006 Financial Disclosure Instructions	pp. 1–71
113	Judge Porteous Financial Disclosure Report Date of Report: 05/09/2008 Reporting Period: 01/01/2007 – 12/31/2007	pp. 1–6
114	Judge Porteous Financial Disclosure Report Date of Report: 05/14/2009 Reporting Period: 01/01/2008 - 12/31/2008	pp. 1–6
115–118	NOT MARKED FOR TRIAL	n/a
119 (a)	"Amending Sentence Questioned: Federal judge defends action." By: Joe Darby Times-Picayune (March 19, 1995)	MCC0253
119 (b)	"Number going bankrupt climbs: Federal judge gets in long debtors line." By: Susan Finch Times-Picayune (July 29, 2001)	MCC0193–MCC0198
119 (c)	"Federal judge linked to corruption probe at JP courthouse." wwltv.com (cbs affiliate) (January 31, 2004)	MCC0205

HP Exhibit Number	Description	Bates Number / Previous Identifying Information
119 (d)	"Judge recuses himself from cases." By: Staff Reporters Times-Picayune (February 26, 2004)	MCC0226
119 (e)	"Judges were given gifts: Marcotte's ex-workers tell of shrimp, fence." By: Martha Carr and Manuel Torres Times-Picayune (February 8, 2003)	MCC0199–MCC0201
119 (f)	"Bail bondsman to enter guilty plea on RICO charge: More judges may be implicated in probe." By: Manuel Torres Times-Picayune (March 6, 2004)	MCC0207–MCC0208
119 (g)	"Outsider to hear Marcotte plea deal: Bondsman may implicate judges." By: Manuel Torres and Michelle Krupa Times-Picayune (March 11, 2004)	MCC0206
119 (h)	"Bail-bond scandal touches federal judge." By: James Gill Times-Picayune (March 12, 2004)	MCC0209
119 (i)	"Judge's filing for bankruptcy under scrutiny: Investigation stems from probe into Jeff courthouse sources say." By: Manuel Torres Times-Picayune (July 28, 2004)	MCC0202–MCC0204
119 (j)	"Company facing suit took judge hunting: Experts question ethics of Porteous outing." By: Kate Moran Times-Picayune (October 29, 2006)	MCC0220–MCC0221
119 (k)	"Feds look at judge's 'flawed' decision: they want to know if friendship influenced him in hospital case." By: Kate Moran and Meghan Gordon Times-Picayune (June 21, 2006)	MCC0212–MCC0213
119 (l)	"Court refers Porteous for impeachment." www.nola.com Times-Picayune (December 20, 2007)	pp. 1–3
119 (m)	"Ouster fight starts for U.S. Judge: Complaints against Porteous passed on." By: Richard Rainey www.tulanelink.com (December 21, 2007)	pp. 1–5
119 (n)	"Porteous defense admits mistakes: Impeachment too harsh, attorneys say." By: Meghan Gordon Times-Picayune (Unknown Date)	MCC0227–MCC0228
119 (o)	"Sabbatical of judge facing probe scrutinized: Status may hinge on medical records." By: Meghan Gordon, Mark Waller, and Mary Sparacello Times-Picayune (April 7, 2007)	n/a
119 (p)	"Federal judge returning to bench: Threat of indictment passes for Porteous." By: Meghan Gordon Times-Picayune (June 1, 2007)	MCC0223

HP Exhibit Number	Description	Bates Number / Previous Identifying Information
119 (q)	"Judging Judge Porteous." By: Drew Broach Times-Picayune (June 22, 2008)	n/a
119 (r)	"Court slams Porteous as impeachment move stalls." By: Richard Rainey www.nola.com Times-Picayune (September 11, 2008)	pp. 1–3
119 (s)	"Rid us of this unfit judge." By: Editorial Staff http://blog.nola.com/editorials Times-Picayune (September 13, 2008)	pp. 1–3
119 (t)	"How to get rid of a bad judge?" By: James Gill http://blog.nola.com Times-Picayune (September 17, 2008)	pp. 1–4
119 (u)	"U.S. House Judiciary Committee forms task force to investigate Judge Porteous." www.nola.com Times-Picayune (September 17, 2008)	pp. 1–3
119 (v)	"Secretary for federal judge Thomas Porteous paid his gambling debts." By: Richard Rainey http://blog.nola.com Times-Picayune (October 5, 2008)	pp. 1–3
119 (w)	"Most likely to be impeached?" By: James Gill http://blog.nola.com Times-Picayune (February 27, 2009)	pp. 1–2
119 (x)	"Make up lost time." By: Editorial Staff http://blog.nola.com Times-Picayune (April 30, 2009)	pp. 1–2
119 (y)	"2001 ruling could cost judge seat on bench: Panel urges removal, citing influence of lawyer, fellow judge." By: Drew Broach Times-Picayune (July 18, 2009)	MCC0233–MCC0234
119 (z)	"$80,000 house is used as surety for $300,000 in bonds." Unknown Author Times-Picayune (September 14, 1993)	n/a
119 (aa)	"Judge's case comes up for review." By: Meghan Gordon and Bill Walsh Times-Picayune (March 12, 2008)	MCC0224–MCC0225
119 (bb)	"Judge Porteous should resign." Opinions Times-Picayune (June 22, 2008)	MCC0231

HP Exhibit Number	Description	Bates Number / Previous Identifying Information
120	Lightfoot Grand Jury Testimony August 19, 2004	pp. 1–8, 10–76
121	Lightfoot Grand Jury Testimony September 9, 2004	pp. 1–24
122	Lightfoot Grand Jury Testimony November 4, 2004	pp. 1–97
123	Lightfoot Task Force Deposition September 24, 2009	pp. 1–23
124	Lightfoot Fifth Circuit Testimony October 29, 2007	pp. 432–459
125	Voluntary Petition for Bankruptcy ("Ortous") *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) March 28, 2001	SC0122–SC0126 (part of SC Exhibit 1)
126	Amended Voluntary Petition ("Porteous") *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) April 9, 2001	SC0120–SC0121 (part of SC Exhibit 1)
127	Chapter 13 Schedules and Plan *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) April 9, 2001	SC0091–SC0118 (part of SC Exhibit 1)
128	Notice of Meeting of Creditors (set for May 9, 2001) *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) April 19, 2001	SC0085–SC0087 (part of SC Exhibit 1)
129	Trustee's Memo to Record re: Meeting of Creditors *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) May 9, 2001	SC0083 (part of SC Exhibit 1)
130	Meeting of Creditors Hearing Transcript *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) May 9, 2001	SC0595–SC0598 (part of SC Exhibit 22)
131	Amended Schedule F and Modified Chapter 13 Plan *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) May 29, 2001	SC0078–SC0079 (part of SC Exhibit 1)
132	Amended Chapter 13 Plan *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) May 29, 2001	SC0073–SC0075 (part of SC Exhibit 1)

HP Exhibit Number	Description	Bates Number / Previous Identifying Information
133	Order Confirming Debtor's Plan *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) June 28, 2001	SC0050–SC0052 (part of SC Exhibit 1)
134	Trustee's Notice of Intention to Pay Claims *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) Oct. 4, 2001	SC0046 (part of SC Exhibit 1)
135	Trustee's Ex Parte Motion to Amend the Plan *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.)	SC0033 (part of SC Exhibit 1)
136	Trustee's Final Report *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) April 2004	SC0028 (part of SC Exhibit 1)
137	Discharge of Debtor After Completion of Chapter 13 Plan *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) July 22, 2004	SC0013 (part of SC Exhibit 1)
138 (a)	Lightfoot Handwritten Notes	CL001–CL002 SC0642–SC0644 (part of SC Exhibit 31)
138 (b)	Bankruptcy Worksheets	CL004–CL031 SC0645–SC0673 (part of SC Exhibit 31)
139	Cover Letter and Remainder of Lightfoot File	CL033–CL183 (SC Exhibit 83)
140	Fleet Credit Card Statements (***0658) February 13, 2001 – September 15, 2001	Two unmarked pages & SC0589–SC0594 (SC Exhibit 21)
141	2000 Porteous Tax Return March 23, 2001	SC0600–SC0601 (SC Exhibit 24)
142	NOT MARKED FOR TRIAL	n/a
143	Fidelity Money Market Statement of Transaction Items (showing balance of over $623.91 on March 22, 2001)	SC0611–SC0617 (SC Exhibit 28)
144	Bank One Records January 25, 2001 – April 23, 2001	UL00165–UL00168; UL00195–UL00198; SC0606–SC0610 (SC Exhibit 27); UL00256–UL00259
145	P.O. Box Application March 20, 2001	SC0599 (SC Exhibit 23)
146	Lightfoot Letter re: Workout Proposal / Excluding Regions December 21, 2000	SC0296–SC0299 (SC Exhibit 5)

HP Exhibit Number	Description	Bates Number / Previous Identifying Information
147	NOT MARKED FOR TRIAL	n/a
148	Bankruptcy Pamphlet: "Rights and Responsibilities"	SC0399–SC0403 (SC Exhibit 11)
149	Harrah's Casino Credit Application April 30, 2001	SC0585 (SC Exhibit 20)
150–159	NOT MARKED FOR TRIAL	n/a
160	Judiciary Committee Resolution Authorizing Immunity	n/a
161–166	NOT MARKED FOR TRIAL	n/a
167	Porteous Credit Card Statement for December 1996	n/a
168	Porteous Credit Card Statement for December 1997	n/a
169	Porteous Credit Card Statements for December 1998	n/a
170	Porteous Credit Card Statements for December 1999	n/a
171	Porteous Credit Card Statements for December 2000	n/a
172–188	NOT MARKED FOR TRIAL	n/a
189	Curatorships (*see* Attachment A)	n/a
190	Chart of Curatorships given to Robert Creely from Judge Porteous	n/a
191	Jody Rotolo Judiciary Committee Immunity Order August 12, 2009	p. 1
192	Jody Rotolo Task Force Deposition September 25, 2009	pp. 1–9
193 (a)	Amato Document Production One (Cover Email and Curatorship Inventory)	n/a
193 (b)	Amato Document Production Two (Cover Email and Curatorship Inventory)	n/a
194–196	NOT MARKED FOR TRIAL	n/a
197	Diane Lamulle Task Force Deposition August 26, 2009	pp. 1–11
198	Washington D.C. Mardi Gras Program 1999	n/a
199	NOT MARKED FOR TRIAL	n/a
200	Porteous Recusal Order *American Motorist Insurance Company v. American Rent-All, Inc., et al.* Case No. 322-619 (24th Judicial District Court, Jefferson Parish, LA) July 24, 1992	n/a
201	Deposition Exhibit 1 (Lori Marcotte) Grand Canyon Tour Flying Certificate February 3, 1992	n/a

HP Exhibit Number	Description	Bates Number / Previous Identifying Information
202	Deposition Exhibit 2 (Lori Marcotte) Grand Canyon Tour – Las Vegas 1992 Photo of Lori Marcotte and Rhonda Danos	n/a
203	Deposition Exhibit 3 (Lori Marcotte) Photo of Joelle Lacaze (Las Vegas)	n/a
204	Deposition Exhibit 4 (Lori Marcotte) Photo of Rhonda Danos (Las Vegas)	n/a
205	Deposition Exhibit 5 (Lori Marcotte) Photo of Lori Marcotte and Rhonda Danos (Las Vegas)	n/a
206	Deposition Exhibit 6 (Lori Marcotte) Photo of Lori Marcotte and others at dinner in Las Vegas	n/a
207	Deposition Exhibit 7 (Lori Marcotte) Photo of Lori Marcotte and Rhonda Danos (Las Vegas)	n/a
208	Deposition Exhibit 8 (Lori Marcotte) Photo of Rhonda Danos (Las Vegas)	n/a
209	Deposition Exhibit 9 (Lori Marcotte) Photo of Lori Marcotte and Rhonda Danos (Las Vegas)	n/a
210	Deposition Exhibit 10 (Lori Marcotte) Photo of Lori Marcotte and Rhonda Danos (Golf Tournament)	n/a
211	Deposition Exhibit 11 (Lori Marcotte) Photo of Judge Porteous (Golf Tournament)	n/a
212	Deposition Exhibit 12 (Lori Marcotte) Photo of Judge Porteous and son (Wedding)	n/a
213	Deposition Exhibit 13 (Lori Marcotte) Photo of Rhonda Danos and unidentified male	n/a
214	Deposition Exhibit 14 (Lori Marcotte) Photo of Rhonda Danos	n/a
215	Deposition Exhibit 15 (Lori Marcotte) Photo of Rhonda Danos	n/a
216	Deposition Exhibit 16 (Lori Marcotte) Photo of Lori Marcotte and Rhonda Danos (Wedding)	n/a
217	Deposition Exhibit 17 (Lori Marcotte) Lori Marcotte, Rhonda Danos, and other individuals	n/a
218	Deposition Exhibit 18 (Lori Marcotte) Photo of Marcotte Event at the Beau Rivage July 1999	n/a
219	Deposition Exhibit 19 (Lori Marcotte) Photo of Lori Marcotte and unidentified female	n/a
220	Deposition Exhibit 20 (Lori Marcotte) Photo of Lori Marcotte, Rhonda Danos, and unidentified female at dinner	n/a

HP Exhibit Number	Description	Bates Number / Previous Identifying Information
221	Deposition Exhibit 221 (Lori Marcotte) Photo of Lori Marcotte and others (Las Vegas)	n/a
222	Deposition Exhibit 22 (Lori Marcotte) Photo of Rhonda Danos, Judge Porteous, Lori Marcotte, and others (Golf Tournament)	n/a
223	Deposition Exhibit 23 (Lori Marcotte) Photo of Louis Marcotte, Judge Porteous, Rhonda Danos, and others (Beau Rivage 1999)	n/a
224	Deposition Exhibit 24 (Lori Marcotte) Photo of Judge Porteous, Norman Bowley, and others	n/a
225	Deposition Exhibit 25 (Lori Marcotte) Photo of Rhonda Danos, Judge Porteous, and Lori Marcotte (Golf Tournament)	n/a
226	Deposition Exhibit 26 (Lori Marcotte) Photo of Wedding	n/a
227	Deposition Exhibit 27 (Lori Marcotte) Photo of Judge Porteous and Lori Marcotte (Wedding)	n/a
228	Deposition Exhibit 28 (Lori Marcotte) Photo of unidentified male, Rhonda Danos, Judge Porteous and Lori Marcotte (Golf Tournament)	n/a
229	Deposition Exhibit 29 (Lori Marcotte) Photo of Rhonda Danos, Judge Porteous, Lori Marcotte, and other individuals (Golf Tournament)	n/a
230	Deposition Exhibit 30 (Lori Marcotte) Photo of Louis Marcotte and others	n/a
231	Deposition Exhibit 31 (Lori Marcotte) Photo of Judge Porteous and other individual (Golf Tournament)	n/a
232	Deposition Exhibit 32 (Lori Marcotte) Photo of Louis Marcotte and Judge Chehardy	n/a
233	Deposition Exhibit 33 (Danos) Rhonda Danos Judiciary Committee Immunity Order (Signed by Judge Lamberth, August 12, 2009)	p. 1
234	Deposition Exhibit 34 (Konnerup) Sharon Konnerup Deposition in *American Motorists Ins. Co. v. American Rental, Inc., et al.* September 7, 1995	JC203693–JC203715
235	Deposition Exhibit 35 (Bodenheimer) Photo of Judge Porteous entering Emeril's Restaurant in New Orleans	n/a
236	Deposition Exhibit 36 (Bodenheimer) Photo of Judge Porteous and Judge Joan Benge's secretary exiting Emeril's Restaurant in New Orleans	n/a
237	Deposition Exhibit 37 (Bodenheimer) Photo of Judge Porteous, Judge Joan Benge's secretary, and Louis Marcotte exiting Emeril's Restaurant in New Orleans	n/a

HP Exhibit Number	Description	Bates Number / Previous Identifying Information
238	Deposition Exhibit 38 (Bodenheimer) Photo of Louis Marcotte and another individual exiting Emeril's Restaurant in New Orleans	n/a
239	Deposition Exhibit 39 (Bodenheimer) Photo of Judge Bodenheimer and a BBU Employee outside Emeril's Restaurant in New Orleans	n/a
240	Deposition Exhibit 40 (Bodenheimer) Photo of Judge Bodenheimer and Judge Joan Benge's secretary exiting Emeril's Restaurant in New Orleans	n/a
241	Deposition Exhibit 41 (Bodenheimer) Photo of Judge Porteous, Judge Bodenheimer, Louis Marcotte, and another individual standing outside Emeril's Restaurant in New Orleans	n/a
242	Deposition Exhibit 42 (Bodenheimer) Photo of Louis Marcotte and others standing outside Emeril's Restaurant in New Orleans	n/a
243	Deposition Exhibit 43 (Bodenheimer) Plea Agreement *United States v. Ronald D. Bodenheimer* Criminal Docket No. 02-219 March 28, 2003	pp. 1–6
244	Deposition Exhibit 44 (Bodenheimer) Superseding Bill of Information *United States v. Ronald D. Bodenheimer* March 31, 2003	pp. 1–4
245	Deposition Exhibit 45 (Bodenheimer) Factual Basis *United States v. Ronald D. Bodenheimer* March 31, 2003	pp. 1–12
246	Deposition Exhibit 46 (Netterville) Transcript *State of Louisiana v. Aubrey Wallace* September 21, 1994	pp. 1–5
247	Deposition Exhibit 47 (Netterville) Bruce Netterville Judiciary Committee Immunity Order (Signed by Judge Lamberth, August 12, 2009)	p. 1
248	Deposition Exhibit 48 (Lori Marcotte) Bail Bonds Unlimited Records Relating to 1999 Beau Rivage Trip	7362–7367
249	Deposition Exhibit 49 (Creely) Robert C. Creely Judiciary Committee Immunity Order (Signed by Judge Lamberth, August 12, 2009)	p. 1
250	Deposition Exhibit 50 (Creely) FBI Interview of Robert Creely August 1, 1994	PORT000000476– PORT000000477
251–259	NOT MARKED FOR TRIAL	n/a

August 5, 2010

HP Exhibit Number	Description	Bates Number / Previous Identifying Information
260	Deposition Exhibit 60 (Windhorst) Letter from Richard E. Windhorst to Harold Damelin re: Judge Porteous	n/a
261	Deposition Exhibit 61 (Gardner) PACER Docket Report: *P & L Electronics v. Rosenthal Trust* Case No. 2:93-cv-03865-GTP Date Filed: 11/23/1992	pp. 1–5
262	Deposition Exhibit 62 (Gardner) *Jefferson Oncology v. LA. Health Services & Indemnity Co. et al.* 545 So.2d. 1125 (La. Ct. App. 1989)	pp. 1–5
263–273	NOT MARKED FOR TRIAL	n/a
274	Deposition Exhibit 74 (Lightfoot) Chapter 13 Schedules and Plan *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) April 9, 2001	SC00091–SC00118 (part of SC Exhibit 1)
275	Deposition Exhibit 75 (Lightfoot) "Your Rights and Responsibilities in Chapter 13"	SC00399–SC00403 (SC Exhibit 11)
276	Deposition Exhibit 76 (Lightfoot) Meeting of Creditors' Hearing Transcript *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) May 9, 2001	SC00595–SC00598 (part of SC Exhibit 22)
277	NOT MARKED FOR TRIAL	n/a
278	Deposition Exhibit 78 (Rotolo) Jacob Amato, Jr. Curatorships	n/a
279	NOT MARKED FOR TRIAL D	n/a
280	Deposition Exhibit 80 (Louis Marcotte) Louis Marcotte Affidavit April 17, 2003	pp. 1–2
281	Deposition Exhibit 81 (Amato) Jacob Amato, Jr. Judiciary Immunity Order (Signed by Judge Lamberth, August 12, 2009)	p. 1
282	Deposition Exhibit 82 (Amato) Ex Parte Motion of Liljeberg Enterprises to Substitute Counsel *In re: Liljeberg* Case No.: 2:93-cv-01794-GTP September 19, 1996	006356–006357
283	Deposition Exhibit 83 (Amato) Jacob Amato, Jr. Calendar June 1999	n/a
284–286	NOT MARKED FOR TRIAL	n/a

HP Exhibit Number	Description	Bates Number / Previous Identifying Information
287	Deposition Exhibit 87 (Danos 12/03/09) Judge Porteous Financial Disclosure Report 01/01/98 – 12/31/98	SC00231–SC00234 (part of SC Exhibit 3)
288	Deposition Exhibit 88 (Danos 12/03/09) Judge Porteous Financial Disclosure Report 01/01/99 – 12/31/99	SC00235–SC00238 (part of SC Exhibit 3)
289	Deposition Exhibit 89 (Danos 12/03/09) Judge Porteous Financial Disclosure Report 01/01/01 –12/31/01	SC00243–SC00246 (part of SC Exhibit 3)
290	Deposition Exhibit 90 (Levenson) Levenson American Express Summary 2000	n/a
291	Deposition Exhibit 91 (Levenson) Miscellaneous Levenson Financial Records April 1999	n/a
292–298	NOT MARKED FOR TRIAL	n/a
299	Letter from Michael F. Adoue, staff attorney for S.J. Beaulieu, Jr, to FBI Agent Wayne Horner Re: G. Thomas Porteous, Jr., Case No. 01-12363 April 1, 2004	JC200268–JC200269
300	Memorandum to File and Ron Woods from Larry Finder Re: Interview of S.J. Beaulieu, Jr. July 29, 2007	JC200251–JC200253
301 (a)	Porteous Grand Casino Gulfport Patron Transaction Report (02/27/2001 markers)	SC01131 (part of SC Exhibit 49)
301 (b)	Porteous Bank One Statement (with copies of checks to Grand Casino) March 23, 2001 – April 23, 2001	n/a
302	Porteous Treasure Chest Customer Transaction Inquiry (03/02/2001 markers)	SC01441–SC01442 (part of SC Exhibit 54)
303	Porteous Beau Rivage Credit History (one-time credit limit increase on 04/06/2001)	SC01152 (part of SC Exhibit 51)
304	Porteous Beau Rivage Balance Activity (04/07/2001 markers)	SC01197–SC01198 (part of SC Exhibit 51)
305	Porteous Treasure Chest Customer Transaction Inquiry (04/10/2001 markers)	SC01440–SC01441 (part of SC Exhibit 54)
306	Porteous Harrah's Patron Credit Activity (04/30/2001 markers)	SC01314 (part of SC Exhibit 52)
307	Porteous Treasure Chest Customer Transaction Inquiry (05/07/2001 markers)	SC01439–SC01440 (part of SC Exhibit 54)
308	Porteous Treasure Chest Customer Transaction Inquiry (/05/16/2001 markers)	SC01439 (part of SC Exhibit 54)

HP Exhibit Number	Description	Bates Number / Previous Identifying Information
309	Porteous Grand Casino Patron Transaction Report (05/26/2001 markers) and corresponding Bank One records	SC01131 (part of SC Exhibit 49); UL00288; UL00297
310	Porteous Treasure Chest Customer Transaction Inquiry (06/20/2001 markers)	SC01439 (part of SC Exhibit 54)
311	Porteous Treasure Chest Customer Transaction Inquiry (07/19/2001 markers)	SC01439 (part of SC Exhibit 54)
312	Porteous Treasure Chest Customer Transaction Inquiry (07/23/2001 markers)	SC01439 (part of SC Exhibit 54)
313 (a)	Porteous Treasure Chest Customer Transaction Inquiry (08/20/2001 markers)	SC01438–SC01439 (part of SC Exhibit 54)
313 (b)	Porteous Treasure Chest IOU's and Hold Checks Ledger	SC01434 (part of SC Exhibit 54)
314	Porteous Harrah's Patron Credit Activity (09/28/2001 markers)	SC01314 (part of SC Exhibit 52)
315	Porteous Treasure Chest Customer Transaction Inquiry (10/13/2001 markers)	SC01437 (part of SC Exhibit 54)
316	Porteous Treasure Chest Customer Transaction Inquiry (10/17/2001 markers)	SC01436–SC01437 (part of SC Exhibit 54)
317	Porteous Beau Rivage Balance Activity (10/31/2001 markers)	SC01198 (part of SC Exhibit 51)
318	Porteous Treasure Chest Customer Transaction Inquiry (11/27/2001 markers)	SC01435–SC01436 (part of SC Exhibit 54)
319	Porteous Treasure Chest Customer Transaction Inquiry (12/11/2001 markers)	SC01435 (part of SC Exhibit 54)
320	Porteous Harrah's Patron Credit Activity (12/20/2001 markers)	SC01314 (part of SC Exhibit 52)
321	Porteous Grand Casino Patron Transaction Report (2/12/2002 markers)	SC01131 (part of SC Exhibit 49)
322	Porteous Treasure Chest Customer Transaction Inquiry (04/01/2002 markers)	SC01435 (part of SC Exhibit 54)
323	Porteous Grand Casino Patron Transaction Report (05/26/2002 markers)	SC01131 (part of SC Exhibit 49)
324	Porteous Application for credit increase at Grand Casino Gulfport (from $2,000 to $2,500)	SC01127 (part of SC Exhibit 49)
325	Porteous Grand Casino Patron Transaction Report (07/04/2002 markers) and corresponding Fidelity Money Market Account records	SC01131 (part of SC Exhibit 49); UL05174; UL05194
326	Central Credit, Inc. Gaming Report for Judge Porteous	SC00586–SC00587 (part of SC Exhibit 20)

HP Exhibit Number	Description	Bates Number / Previous Identifying Information
327	FBI Chart: "G.T. Porteous: Checks Written / Cash Withdrawals Associated with Gaming."	SC Exhibit 95
328	FBI Chart: "G.T. Porteous: Gaming Expenses / Charges on Credit Card."	SC Exhibit 96
329	Fleet credit card statement with accompanying check written by Rhonda Danos, paying off balance in March 2001.	SC00618–00620 (SC Exhibit 29)
330	Fleet payment stub and check written by Judge Porteous September 2, 2002	n/a
331	Treasure Chest Casino records	SC01397, SC01427 (part of SC Exhibit 54)
332	Gerald Dennis Fink Fifth Circuit Testimony October 29, 2007	pp. 343–378
333(a)	Memorandum of Interview of William Greendyke, by Larry Finder July 15, 2007	JC202363–JC202366
333(b)	FBI Interview of William Greendyke January 14, 2005	JC202367–JC202371
334	S.J. Beaulieu FBI Interview January 22, 2004	SC00409–SC00415 (SC Ex. 11)
335	Judge Greendyke Fifth Circuit Testimony October 29, 2007	pp. 379–393
336	Carmella Porteous's W2s for the years 2000 and 2001	SC00603–SC00605 (SC Exhibit 26)
337	FBI Chart of Porteous Gaming Losses (03/28/2000 – 03/28/2001)	SC00621–SC00641 + one non-bates labeled page (SC Exhibit 30)
338	Dewayne Horner Fifth Circuit Testimony October 29, 2007	pp. 22–33, 294–342
339	Beaulieu Letter to Lightfoot approving home refinance December 20, 2002	SC00404–SC00405 (part of SC Exhibit 11)
340	Beaulieu Letter to Lightfoot approving new car leases January 2, 2003	SC00406 (part of SC Exhibit 11)
341 (a)	Capital One credit card application August 13, 2001	n/a
341 (b)	Porteous Capital One credit card statements	n/a
342	Lightfoot Affidavit in Support of Attorney's Fees	SC00057–SC00062
343	Lightfoot Non-Privileged Documents Produced to Grand Jury	JC202378–JC202575
344	2001 Instructions for Completing Bankruptcy Official Form 1, Voluntary Petition	pp. 7–18
345	2001 Instructions for Completing Bankruptcy Schedules	pp. 43–104
346	2001 Instructions for Completing Bankruptcy Statement of Financial	pp. 105–124

HP Exhibit Number	Description	Bates Number / Previous Identifying Information
347	NOT MARKED FOR TRIAL	n/a
348	Gaming Charges on Porteous's Credit Cards	pp. 1–7
349	Porteous Monthly Variances in Take Home Pay 1998–2002	n/a
350–351	Bail Bonds (*see* Attachment B)	n/a
352–354	NOT MARKED FOR TRIAL	n/a
355–359	NOT MARKED FOR TRIAL	n/a
360	Code of Conduct for United States Judges 1992–1996	pp. 1–19
361	Code of Conduct for United States Judges 1996–1999	pp. 1–20
362	Code of Conduct for United States Judges 1999–2009	pp. 1–20
363	Code of Conduct for United States Judges Gifts Provision 1994–1996	n/a
364	Code of Conduct for United States Judges Statutory Provisions Concerning Gifts August 1997–August 2003	pp. 1–7
365	Code of Conduct for United States Judges Statutory Provisions Concerning Gifts September 2003–present	pp. 1–8
366–369	NOT MARKED FOR TRIAL	n/a
370 (a)	1999 PBUS Beau Rivage Convention Records related to Judge Porteous	n/a
370 (b)	1999 PBUS Beau Rivage Convention Records related to Rhonda Danos	n/a
371	Records related to 1996 and 1998 Marcotte–Danos Las Vegas Trips	n/a
372 (a)	Beef Connection Bill and Lori Marcotte Credit Card Record August 6, 1997	n/a
372 (b)	Beef Connection Bill and Lori Marcotte Credit Card Record August 25, 1997	n/a
372 (c)	Beef Connection Bill and Lori Marcotte Credit Card Record November 19, 1997	n/a
372 (d)	Beef Connection Bill and Lori Marcotte Credit Card Record August 5, 1998	n/a
372 (e)	Beef Connection Bill and Lori Marcotte Credit Card Record October 19, 1998	n/a
373 (a)	BBU Calendar, Beef Connection Bill and Lori Marcotte Credit Card Record April 23, 1999	n/a

HP Exhibit Number	Description	Bates Number / Previous Identifying Information
373 (b)	BBU Calendar, Beef Connection Bill and Norman Bowley Credit Card Record November 15, 1999	n/a
373 (c)	BBU Calendar, Beef Connection Bill and Lori Marcotte Credit Card Record February 1, 2000	n/a
373 (d)	BBU Calendar, Beef Connection Bill and Norman Bowley Credit Card Record November 7, 2000	n/a
374	NOT MARKED FOR TRIAL	n/a
375	Emeril's receipt paid for by the Marcottes March 11, 2002	n/a
376	Porteous Credit Card Statements May 1999	n/a
377	Caesar's Palace Records (Creely's credit card charges for Porteous's Room)	n/a
378	Creely's Credit Card Charges May 1999	n/a
379	Caesar's Palace Records Relating to October 27–29 Trip by Judge Porteous	SC00960, SC01059–SC01064
380	Caesar's Lake Tahoe Casino Records	n/a
381	Porteous Fidelity Records re: IRA	UL05462, UL05463, UL05461, UL05460, UL05634
382	Records related to $1,000 Beau Rivage Payment	n/a
383	Additional Porteous IRA Records	n/a
384–436	NOT MARKED FOR TRIAL	n/a
437	Letter from Chairman Patrick Leahy and Ranking Member Jeff Sessions, of the Senate Judiciary Committee, to Chairman McCaskill and Vice Chairman Hatch, of the Senate Impeachment Trial Committee Re: the Senate Judiciary Committee's archived files on the 1994 nomination of Judge G. Thomas Porteous, Jr. July 27, 2010	pp. 1–2
438	Letter from Staff Director Derron R. Parks, of the Senate Impeachment Trial Committee, to Jonathan Turley, Esq. and Alan I. Baron, Esq. Re: providing counsel with the entire Senate Judiciary Committee file of Judge Porteous July 30, 2010	n/a
439 (a)	Senate Judiciary File: Letter from William E. Willis, Chair of the American Bar Association Standing Committee on Federal Judiciary, to Senator Biden Re: Judge Porteous's qualifications for appointment to the federal bench August 30, 1994	n/a
439 (b)	Senate Judiciary File: Judge G. Thomas Porteous, Jr. – Biography Senate Nominations Hearing October 6, 1994	n/a

HP Exhibit Number	Description	Bates Number / Previous Identifying Information
439 (c)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – Blue Slips from Senator Breaux and Senator Johnston	n/a
439 (d)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – Dates of Materials Received Re: Senate Confirmation	n/a
439 (e)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – Nomination Hearing Transcript October 6, 1994	n/a
439 (f)	Senate Judiciary File: White House Nomination of Judge G. Thomas Porteous Jr. to be a United States District Judge for the Eastern District of Louisiana August 25, 1994	n/a
439 (g)	Senate Judiciary File: United States Senate Committee on the Judiciary Judge G. Thomas Porteous Jr. Questionnaire for Judicial Nominees (Public) September 6, 1994	pp. 1–30, 35
439 (h)	Senate Judiciary File: United States Senate Committee on the Judiciary Judge G. Thomas Porteous Jr. Questionnaire for Judicial Nominees (Committee Confidential) and Financial Disclosure Form September 6, 1994	pp. 31–35 and Financial Disclosure pages
439 (i)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – state court cases	n/a
439 (j)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – state court opinions	n/a
439 (k)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – reversals of state court opinions	n/a
439 (l)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – additional decisions requested	n/a
439 (m)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – news articles	n/a
439 (n)	Senate Judiciary File: Letter from G. Thomas Porteous, Jr. to Senator Biden Re: Senate Questionnaire supplemental materials September 15, 1994	n/a
439 (o)	Senate Judiciary File: Letter from G. Thomas Porteous, Jr. to Senator Biden Re: Senate Questionnaire supplemental materials September 29, 1994	n/a
439 (p)	Senate Judiciary File: Letter from G. Thomas Porteous, Jr. Staff Memorandum (Committee Confidential) 1994	pp. 1–11 and attachments
439 (q)	Senate Judiciary File: confidential notes taken from FBI file of G. Thomas Porteous, Jr.	n/a
440	To Consider Possible Impeachment of United States District Judge G. Thomas Porteous, Jr. (Part I) Hearing Before the Task Force on Judicial Impeachment of the Committee on the Judiciary, House of Representatives November 17–18, 2009	i–iii 1–180

HP Exhibit Number	Description	Bates Number / Previous Identifying Information
441	To Consider Possible Impeachment of United States District Judge G. Thomas Porteous, Jr. (Part II) Hearing Before the Task Force on Judicial Impeachment of the Committee on the Judiciary, House of Representatives December 8, 2009	i–iii 1–144
442	To Consider Possible Impeachment of United States District Judge G. Thomas Porteous, Jr. (Part III) Hearing Before the Task Force on Judicial Impeachment of the Committee on the Judiciary, House of Representatives December 10, 2009	i–iii 1–79
443	To Consider Possible Impeachment of United States District Judge G. Thomas Porteous, Jr. (Part IV) Hearing Before the Task Force on Judicial Impeachment of the Committee on the Judiciary, House of Representatives December 15, 2009	i–iii 1–55
444	Impeachment of G. Thomas Porteous, Jr., Judge of the United States District Court for the Eastern District of Louisiana Report of the House of Representatives to Accompany H. Res. 1031	1–147
445	Senate Impeachment Trial Committee Deposition of Robert Creely August 2, 2010	
446	Senate Impeachment Trial Committee Deposition of Jacob Amato, Jr. August 2, 2010	
447	Senate Impeachment Trial Committee Deposition of Louis Marcotte August 2, 2010	
448	Senate Impeachment Trial Committee Deposition of Lori Marcotte August 2, 2010	

August 5, 2010

Attachment A – Exhibit 189

Exhibit Number	Description	Bates Number / Previous Identifying Information
189 (1)	Curatorship: *Arseneaux v. Johnson* Case No. 363-652 (May 26, 1988)	n/a
189 (2)	Curatorship: *Citicorp v. Wolf* Case No. 365-064 (June 23, 1988)	n/a
189 (3)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Hood* Case No. 367-074 (August 3, 1988)	n/a
189 (4)	UNMARKED	n/a
189 (5)	Curatorship: *Standard Mortgage Corp. v. Alonte and Pfeiffer* Case No. 367-321 (August 8, 1988) (Division A)	n/a
189 (6)	Curatorship: *Victor Federal Savings & Loan Ass'n v. Bushell* Case No. 367-901 (August 17, 1988)	n/a
189 (7)	UNMARKED	n/a
189 (8)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Ray* Case No. 368-819 (September 6, 1988)	n/a
189 (9)	UNMARKED	n/a
189 (10)	Curatorship: *United Federal Savings & Loan Ass'n v. Muse* Case No. 369-269 (September 14, 1988)	n/a
189 (11)	Curatorship: *Foster Mortgage Corp. v. Alexander* Case No. 369-956 (September 28, 1988)	n/a
189 (12)	Curatorship: *Hibernia Nat'l Bank v. Jeffrey* Case No. 370-035 (September 29, 1988)	n/a
189 (13)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Howell* Case No. 370-287 (October 5, 1988)	n/a
189 (14)	Curatorship: *Alabama Federal Savings & Loan Ass'n v. Brayton* Case No. 370-355 (October 5, 1988)	n/a
189 (15)	UNMARKED	n/a
189 (16)	Curatorship: *Troy & Nichols Inc. v. Lachney* Case No. 370-771 (October 13, 1988)	n/a
189 (17)	Curatorship: *Shawmut First Mortgage Corp. v. Carto* Case No. 370-849 (October 14, 1988)	n/a
189 (18)	Curatorship: *First Union Mortgage Corp. v. Wyatt* Case No. 372-352 (November 17, 1988)	n/a
189 (19)	Curatorship: *First Nat'l Bank of Commerce v. Every* Case No. 372-881 (November 30, 1988)	n/a
189 (20)	Curatorship: *Federal Home Loan Mortgage Corp. v. Mackey* Case No. 372-944 (December 3, 1988)	n/a

Exhibit Number	Description	Bates Number / Previous Identifying Information
189 (21)	UNMARKED	n/a
189 (22)	Curatorship: *The First Nat'l Bank of Commerce v. Ordaz* Case No. 373-705 (December 16, 1988)	n/a
189 (23)	Curatorship: *Government Nat'l Mortgage Ass'n v. Corwin* Case No. 373-707 (December 19, 1988)	n/a
189 (24)	Curatorship: *Standard Mortgage Corp. v. Boxx* Case No. 374-742 (January 17, 1989)	n/a
189 (25)	Curatorship: *First Nat'l Bank of Commerce v. Hussain* Case No. 378-003 (March 20, 1989)	n/a
189 (26)	UNMARKED	n/a
189 (27)	Curatorship: *Colonial Mortgage Co. v. Bridges* Case No. 379-424 (April 17, 1989)	n/a
189 (28)	Curatorship: *Foster Mortgage Co. v. Croon* Case No. 379-802 (April 14, 1989) (Division A)	n/a
189 (29)	Curatorship: *Pelican Homestead & Savings Ass'n v. Strahley* Case No. 381-779 (May 30, 1989)	n/a
189 (30)	UNMARKED	n/a
189 (31)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Carter* Case No. 382-048 (June 2, 1989)	n/a
189 (32)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Washington* Case No. 382-229 (June 6, 1989)	n/a
189 (33)	Curatorship: *Buckeye Federal Savings & Loan Ass'n v. Eugene* Case No. 382-275 (June 7, 1989) (Division A)	n/a
189 (34)	Curatorship: *First Federal Savings Bank v. Landry* Case No. 383-658 (June 30, 1989)	n/a
189 (35)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Young* Case No. 383-859 (July 7, 1989) (Division A)	n/a
189 (36)	Curatorship: *Gattuso v. Robin Realty Inc.* Case No. 384-277 (July 14, 1989)	n/a
189 (37)	Curatorship: *Colonial Mortgage Co. v. Wire* Case No. 384-327 (July 17, 1989)	n/a
189 (38)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Vining* Case No. 386-273 (August 23, 1989)	n/a
189 (39)	Curatorship: *Pelican Homestead & Savings Ass'n v. Elbaz* Case No. 386-965 (September 6, 1989)	n/a
189 (40)	Curatorship: *Meritor Mortgage Corp. East v. Bass* Case No. 388-308 (September 29, 1989)	n/a
189 (41)	Curatorship: *Sovan Mortgage Corp. v. Murray* Case No. 390-233 (November 8, 1989)	n/a

Exhibit Number	Description	Bates Number / Previous Identifying Information
189 (42)	Curatorship: *Beneficial Finance Co. of Louisiana v. Guidry* Case No. 390-663 (November 17, 1989)	n/a
189 (43)	Curatorship: *Standard Mortgage Corp. v. Arceneaux* Case No. 389-960 (November 2, 1989)	n/a
189 (44)	Curatorship: *Mutual Savings & Loan Ass'n v. Wilson* Case No. 391-574 (December 7, 1989)	n/a
189 (45)	Curatorship: *National City Mortgage Co. v. Harris* Case No. 392-006 (December 18, 1989)	n/a
189 (46)	Curatorship: *American General Finance Co. v. Gros* Case No. 392-036 (December 18, 1989)	n/a
189 (47)	Curatorship: *Bancboston Mortgage Corp. v. Simoulidis* Case No. 392-510 (December 29, 1989)	n/a
189 (48)	Curatorship: *Delta Bank & Trust Co. v. Webb* Case No. 392-742 (January 5, 1990)	n/a
189 (49)	UNMARKED	n/a
189 (50)	Curatorship: *Southwest Savings Ass'n v. Thompson* Case No. 393-827 (January 25, 1990)	n/a
189 (51)	Curatorship: *Victoria Mortgage Co. v. McKee* Case No. 394-035 (January 30, 1990)	n/a
189 (52)	Curatorship: *H.B. White and Sons, Inc. v. Hutchinson* Case No. 394-479 (February 7, 1990)	n/a
189 (53)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Smith* Case No. 394-566 (February 8, 1990)	n/a
189 (54)	Curatorship: *First Nat'l Bank of Commerce v. Lopez* Case No. 395-011 (February 15, 1990)	n/a
189 (55)	Curatorship: *American Thrift and Finance Plan, Inc. v. Walker* Case No. 394-668 (February 12, 1990)	n/a
189 (56)	Curatorship: *Federal Home Loan Mortgage Corp. v. Price and Finley* Case No. 395-440 (February 12, 1990)	n/a
189 (57)	UNMARKED	n/a
189 (58)	Curatorship: *Barclays American Mortgage Corp. v. Coleman* Case No. 395-723 (March 5, 1990)	n/a
189 (59)	Curatorship: *U.S. Secretary of Veterans Affairs v. Ducote* Case No. 395-988 (March 9, 1990)	n/a
189 (60)	Curatorship: *Blazer Financial Serv. v. Powell* Case No. 393-826 (March 26, 1990)	n/a
189 (61)	Curatorship: *First Nat'l Bank v. Richland & Assoc., Inc.* Case No. 397-224 (March 29, 1990)	n/a

Exhibit Number	Description	Bates Number / Previous Identifying Information
189 (62)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Rhodes* Case No. 430-148 (April 1, 1992)	n/a
189 (63)	Curatorship: *First Guaranty Mortgage Corp. v. Russell* Case No. 397-308 (April 2, 1990)	n/a
189 (64)	Curatorship: *Citicorp Mortgage, Inc. v. Waguespack* Case No. 397-910 (April 11, 1990)	n/a
189 (65)	Curatorship: *Franklin Savings Ass'n v. Dales* Case No. 397-929 (April 11, 1990)	n/a
189 (66)	UNMARKED	n/a
189 (67)	Curatorship: *Tory & Nichols, Inc. v. Lewis, et al.* Case No. 398-467 (April 23, 1990)	n/a
189 (68)	Curatorship: *Fifth District Savings & Loan Ass'n v. Trenco* Case No. 399-387 (May 10, 1990)	n/a
189 (69)	Curatorship: *Franklin Savings Ass'n v. Musgrove* Case No. 400-119 (May 23, 1990)	n/a
189 (70)	UNMARKED	n/a
189 (71)	Curatorship: *Leader Federal Bank for Savings v. Ware* Case No. 400-913 (June 8, 1990)	n/a
189 (72)	Curatorship: *Courtesy Financial Services, Inc. v. Anderson and Davis* Case No. 401-600 (June 22, 1990)	n/a
189 (73)	Curatorship: *Resolution Trust Corp. v. Guastella* Case No. 402-214 (July 6, 1990)	n/a
189 (74)	Curatorship: *Troy & Nichols, Inc. v. Bloecher* Case No. 404-087 (August 8, 1990)	n/a
189 (75)	Curatorship: *In Re: Interdiction of Peppers* Case No. 405-232 (August 30, 1990)	n/a
189 (76)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Metcalf* Case No. 405-793 (September 12, 1990) (Division A)	n/a
189 (77)	UNMARKED	n/a
189 (78)	Curatorship: *Standard Mortgage Corp. v. Williams* Case No. 406-038 (September 18, 1990)	n/a
189 (79)	Curatorship: *Succession of Abril* Case No. 406-299 (September 24, 1990)	n/a
189 (80)	Curatorship: *Foster Mortgage Corp. v. Blakely* Case No. 407-210 (October 11, 1990)	n/a
189 (81)	Curatorship: *Resolution Trust Corp. v. Kearney* Case No. 408-362 (November 5, 1990)	n/a
189 (82)	Curatorship: *Resolution Trust Corp. v. Batiste* Case No. 408-817 (November 14, 1990)	n/a

Exhibit Number	Description	Bates Number / Previous Identifying Information
189 (83)	UNMARKED	n/a
189 (84)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Albert* Case No. 409-824 (December 10, 1990)	n/a
189 (85)	Curatorship: *Resolution Trust Corp. v. Cantrelle* Case No. 409-873 (December 11, 1990)	n/a
189 (86)	UNMARKED	n/a
189 (87)	Curatorship: *Jefferson Savings & Loan Ass'n v. Champagne* Case No. 410-042 (December 14, 1990)	n/a
189 (88)	Curatorship: *Louisiana Housing Finance Agency v. Kramer* Case No. 411-621 (January 23, 1991)	n/a
189 (89)	UNMARKED	n/a
189 (90)	UNMARKED	n/a
189 (91)	Curatorship: *First Nat'l Bank of Jefferson Parish v. Joia* Case No. 413-517 (March 5, 1991)	n/a
189 (92)	Curatorship: *Standard Mortgage Corp. v. Shaw* Case No. 413-632 (March 6, 1991)	n/a
189 (93)	Curatorship: *Standard Mortgage Corp. v. Barrios* Case No. 414-445 (March 21, 1991)	n/a
189 (94)	Curatorship: *Jefferson Savings & Loan Ass'n v. Walther* Case No. 415-138 (April 5, 1991)	n/a
189 (95)	Curatorship: *The Fidelity Homestead Ass'n v. Letona* Case No. 415-650 (April 16, 1991)	n/a
189 (96)	Curatorship: *Standard Mortgage Corp. v. Lampo* Case No. 416-007 (April 24, 1991)	n/a
189 (97)	UNMARKED	n/a
189 (98)	UNMARKED	n/a
189 (99)	Curatorship: *Resolution Trust Corp. v. Van Cleef* Case No. 416-462 (May 2, 1991)	n/a
189 (100)	Curatorship: *Phillips v. Singletary* Case No. 416-630 (May 7, 1991)	n/a
189 (101)	Curatorship: *First Nat'l Bank of Commerce v. Cucinello* Case No. 417-432 (May 22, 1991)	n/a
189 (102)	UNMARKED	n/a
189 (103)	UNMARKED	n/a
189 (104)	Curatorship: *Resolution Trust Corporation v. Rapp and Doucet* Case No. 418-422 (June 13, 1991) (Division A)	n/a

Exhibit Number	Description	Bates Number / Previous Identifying Information
189 (105)	Curatorship: *Phillips v. Coston* Case No. 419-523 (July 8, 1991)	n/a
189 (106)	UNMARKED	n/a
189 (107)	Curatorship: *Miller v. Final Word, Inc.* Case No. 420-376 (July 24, 1991)	n/a
189 (108)	Curatorship: *Resolution Trust Corp. v. Napier* Case No. 420-489 (July 25, 1991)	n/a
189 (109)	Curatorship: *Standard Mortgage Corp. v. Tornabene* Case No. 520-632 (July 26, 1991)	n/a
189 (110)	UNMARKED	n/a
189 (111)	Curatorship: *Hibernia Nat'l Bank v. Alfortish* Case No. 421-180 (August 8, 1991)	n/a
189 (112)	UNMARKED	n/a
189 (113)	UNMARKED	n/a
189 (114)	Curatorship: *In Re: Interdiction of Poche* Case No. 422-162 (August 30, 1991)	n/a
189 (115)	UNMARKED	n/a
189 (116)	Curatorship: *First Nat'l Bank of Jefferson Parish v. Massa, et al.* Case No. 422-559 (September 9, 1991)	n/a
189 (117)	UNMARKED	n/a
189 (118)	Curatorship: *American Thrift and Finance Plan, Inc. v. Johnson* Case No. 423-088 (September 19, 1991)	n/a
189 (119)	Curatorship: *Standard Mortgage Corp. v. Contreras* Case No. 423-366 (September 25, 1991)	n/a
189 (120)	Curatorship: *Leader Federal Bank for Savings v. Mauer* Case No. 423-845 (October 7, 1991)	n/a
189 (121)	Curatorship: *Jawaid v. Aamir* Case No. 423-933 (October 8, 1991)	n/a
189 (122)	Curatorship: *Security Industrial Ins. Co. v. Queyrouze* Case No. 424-264 (October 16, 1991)	n/a
189 (123)	Curatorship: *Resolution Trust Corps. v. Becker* Case No. 424-288 (October 16, 1991)	n/a
189 (124)	Curatorship: *Anchor Savings Bank v. Brown* Case No. 424-427 (October 18, 1991)	n/a
189 (125)	Curatorship: *Amsouth Mortgage Co., Inc. v. Stephenson* Case No. 424-729 (October 25, 1991)	n/a
189 (126)	UNMARKED	n/a

Attachment A August 5, 2010

Exhibit Number	Description	Bates Number / Previous Identifying Information
189 (127)	Curatorship: *Standard Mortgage Corp. v. Hudson* Case No. 425-730 (November 19, 1991)	n/a
189 (128)	UNMARKED	n/a
189 (129)	UNMARKED	n/a
189 (130)	Curatorship: *Jefferson Savings & Loan Ass'n v. Bonnecarrere* Case No. 410-458 (December 26, 1991)	n/a
189 (131)	Curatorship: *General Motors Acceptance Corp. v. Bowles* Case No. 427-449 (January 6, 1992)	n/a
189 (132)	Curatorship: *Security Nat'l #4 v. Worldwide Warehouse Co., Inc.* Case No. 427-506 (January 7, 1992) (Division A)	n/a
189 (133)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Kosterlitz* Case No. 427-682 (January 10, 1992)	n/a
189 (134)	Curatorship: *Fleet Mortgage Corp. v. Collins* Case No. 427-791 (January 13, 1992)	n/a
189 (135)	Curatorship: *Pelican Homestead & Savings Ass'n v. Picciotto* Case No. 428-430 (January 28, 1992)	n/a
189 (136)	Curatorship: *In Re: Interdiction of Rivera* Case No. 429-354 (February 18, 1992) (Division A)	n/a
189 (137)	Curatorship: *Marchiafava v. Hernandez* Case No. 429-485 (February 19, 1992)	n/a
189 (138)	Curatorship: *Associates Equity Services Co., Inc. v. Pineda* Case No. 430-027 (February 28, 1992)	n/a
189 (139)	Curatorship: *Security Nat'l Trust v. S. Parish Oil Co.* Case No. 430-580 (March 13, 1992)	n/a
189 (140)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Marino* Case No. 431-576 (April 6, 1992)	n/a
189 (141)	Curatorship: *Leader Federal Bank for Savings v. Mason* Case No. 431-912 (April 13, 1992)	n/a
189 (142)	Curatorship: *Nat'l Mortgage Co. v. Ellis* Case No. 432-904 (May 4, 1992)	n/a
189 (143)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Kidd* Case No. 432-990 (May 6, 1992)	n/a
189 (144)	Curatorship: *Succession of Gisclair* Case No. 433-124 (May 8, 1992)	n/a
189 (145)	Curatorship: *Succession of Willis* Case No. 433- 440 (May 14, 1992)	n/a
189 (146)	Curatorship: *Pelican Homestead & Savings Ass'n v. Himelfard* Case No. 374-987 (March 16, 1990)	n/a

Exhibit Number	Description	Bates Number / Previous Identifying Information
189 (147)	Curatorship: *Leader Federal Savings & Loan Ass'n v. Verdon* Case No. 373-782 (December 20, 1988)	n/a
189 (148)	Curatorship: *Ford Consumer Finance Co., Inc. v. Billiot* Case No. 433-676 (May 20, 1992)	n/a
189 (149)	UNMARKED	n/a
189 (150)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Collins* Case No. 434-713 (June 11, 1992)	n/a
189 (151)	Curatorship: *Hibernia Nat'l Bank v. McKeehan* Case No. 434-781 (June 12, 1992)	n/a
189 (152)	Curatorship: *Colonial Mortgage Co. v. Blanchette* Case No. 435-168 (June 22, 1992)	n/a
189 (153)	Curatorship: *Countrywide Funding Corp. v. Roy* Case No. 435-714 (July 2, 1992)	n/a
189 (154)	Curatorship: *Vanderbilt Mortgage & Finance, Inc. v. Nettles* Case No. 435-939 (July 8, 1992)	n/a
189 (155)	Curatorship: *Union Planters Nat'l Bank v. Huggins* Case No. 436-054 (July 10, 1992)	n/a
189 (156)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Lord, et al.* Case No. 431-491 (July 15, 1992)	n/a
189 (157)	Curatorship: *Midfirst Bank v. Reed* Case No. 436-534 (July 20, 1992)	n/a
189 (158)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Bishop* Case No. 436-651 (July 22, 1992)	n/a
189 (159)	Curatorship: *National Mortgage Co. v. Ragan* Case No. 436-706 (July 22, 1992)	n/a
189 (160)	Curatorship: *Hibernia Nat'l Bank v. Ramirez* Case No. 436-835 (July 24, 1992)	n/a
189 (161)	Curatorship: *Troy & Nichols, Inc. v. Tharpe* Case No. 436-903 (July 27, 1992)	n/a
189 (162)	Curatorship: *Countrywide Funding Corp. v. Johnson* Case No. 437-330 (August 4, 1992)	n/a
189 (163)	Curatorship: *American General Finance, Inc. v. Edmonson* Case No. 437-431 (August 6, 1992)	n/a
189 (164)	Curatorship: *Standard Mortgage Corp. v. Wetwiski* Case No. 438-254 (August 27, 1992)	n/a
189 (165)	Curatorship: *Hibernia Nat'l Bank v. Hinds* Case No. 438-324 (August 28, 1992)	n/a
189 (166)	Curatorship: *Independence Savings Bank v. Blancq* Case No. 438-405 (August 31, 1992)	n/a

Exhibit Number	Description	Bates Number / Previous Identifying Information
189 (167)	Curatorship: *Troy & Nichols, Inc. v. Wegmann* Case No. 438-832 (September 10, 1992)	n/a
189 (168)	Curatorship: *Foster Mortgage Corp. v. Favaloro* Case No. 438-905 (September 11, 1992)	n/a
189 (169)	Curatorship: *Colonial Mortgage Co. v. Powery* Case No. 439-460 (September 24, 1992)	n/a
189 (170)	Curatorship: *Premier Bank v. Marshall* Case No. 440-347 (October 15, 1992)	n/a
189 (171)	Curatorship: *Citibank v. Durel* Case No. 440-678 (October 23, 1992)	n/a
189 (172)	Curatorship: *Nat'l Mortgage Co. v. Cheng* Case No. 440-849 (October 27, 1992)	n/a
189 (173)	Curatorship: *First Nat'l Bank of Jefferson Parish v. Nguyen* Case No. 441-033 (November 2, 1992)	n/a
189 (174)	Curatorship: *Standard Mortgage Corp., v. De Armas* Case No. 441-214 (November 5, 1992)	n/a
189 (175)	Curatorship: *First Nat'l Bank of Jefferson Parrish v. Berkeley* Case No. 442-832 (December 17, 1992)	n/a
189 (176)	Curatorship: *Colonial Mortgage Co. v. Salaz, et al.* Case No. 443-287 (January 4, 1993)	n/a
189 (177)	Curatorship: *Hibernia Nat'l Bank v. Rodrigue* Case No. 449-686 (January 7, 1993)	n/a
189 (178)	Curatorship: *Real Estate Financing, Inc. v. Rodriguez* Case No. 444-337 (January 27, 1993)	n/a
189 (179)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Williams* Case No. 444-475 (January 29, 1993)	n/a
189 (180)	Curatorship: *New South Federal Savings Bank v. Ray* Case No. 444-504 (February 1, 1993)	n/a
189 (181)	Curatorship: *Standard Mortgage Corp. v. Winn* Case No. 444-568 (February 2, 1993)	n/a
189 (182)	Curatorship: *United States v. Buxton* Case No. 444-608 (February 3, 1993)	n/a
189 (183)	Curatorship: *Eastern Savings Bank, FSB v. Edmonston* Case No. 445-440 (February 24, 1993)	n/a
189 (184)	Curatorship: *First Heights Bank v. Martin* Case No. 440-992 (March 2, 1993)	n/a
189 (185)	Curatorship: *Associates Financial Services of America, Inc. v. Pritchett* Case No. 446-138 (April 2, 1993)	n/a

Exhibit Number	Description	Bates Number / Previous Identifying Information
189 (186)	Curatorship: *Mortgage Properties Corp. v. Rheiner* Case No. 446-694 (April 2, 1993)	n/a
189 (187)	Curatorship: *The U.S. Secretary of Veterans Affairs v. Melton* Case. No. 447-979 (April 27, 1993)	n/a
189 (188)	Curatorship: *Colonial Mortgage Co. v. Accardo* Case No. 448-059 (April 28, 1993)	n/a
189 (189)	Curatorship: *Nat'l Mortgage Co. v. Gomez* Case No. 449-463 (June 2, 1993)	n/a
189 (190)	Curatorship: *Charles F. Curry Co. v. Smith* Case No. 449-927 (June 11, 1993)	n/a
189 (191)	UNMARKED	n/a
189 (192)	Curatorship: *Wachovia Mortgage Co. v. Ware* Case No. 451-584 (July 19, 1993)	n/a
189 (193)	Curatorship: *Mortgage Properties Corp. v. Krause* Case No. 451-772 (July 23, 1993)	n/a
189 (194)	Curatorship: *City of Kenner v. Rodzen* Case No. 452-302 (August 4, 1993)	n/a
189 (195)	Curatorship: *Leader Federal Bank for Savings v. Salmeron* Case No. 452-464 (August 9, 1993)	n/a
189 (196)	Curatorship: *STM Mortgage Co. v. Nicholson, et al.* Case No. 452-466 (August 9, 1993)	n/a
189 (197)	Curatorship: *Nat'l Mortgage Co. v. Bland* Case No. 452-817 (August 17, 1993)	n/a
189 (198)	Curatorship: *First Nat'l Bank of Chicago v. Castro* Case No. 453-498 (September 1, 1993)	n/a
189 (199)	Curatorship: *Standard Mortgage Corp. v. Bethay* Case No. 453-829 (September 9, 1993)	n/a
189 (200)	Curatorship: *Federal Home Loan Mortgage Corp. v. Estate of Wooley* Case No. 454-538 (September 27, 1993)	n/a
189 (201)	Curatorship: *Succession of Rome* Case No. 455-809 (October 28, 1993)	n/a
189 (202)	Curatorship: *Leader Federal Bank for Savings v. Petitt* Case No. 455-985 (November 2, 1993)	n/a
189 (203)	Curatorship: *Standard Mortgage Corp. v. Miles* Case No. 456-087 (November 14, 1993)	n/a
189 (204)	Curatorship: *Security Nat'l Partners v. Klein* Case No.456-393 (November 12, 1993)	n/a
189 (205)	Curatorship: *Leader Federal Bank for Savings v. Cespedes* Case No. 457-499 (December 10, 1993)	n/a

Exhibit Number	Description	Bates Number / Previous Identifying Information
189 (206)	Curatorship: *First Nat'l Bank of Commerce v. Howell* Case No. 458-197 (December 30, 1993)	n/a
189 (207)	Curatorship: *General Motors Acceptance Corp. v. Ruiz* Case No. 458-399 (January 6, 1994)	n/a
189 (208)	Curatorship: *Leader Federal Bank for Savings v. Ducote* Case No. 459-447 (February 1, 1994)	n/a
189 (209)	Curatorship: *Crye- Leike Mortgage Co., Inc. v. Wofford* Case No. 459-877 (February 10, 1994)	n/a
189 (210)	Curatorship: *Hibernia Nat'l Bank v. Wiltz* Case No. 460-306 (February 23, 1994)	n/a
189 (211)	Curatorship: *Fleet Mortgage Corp. v. Do* Case No. 460-809 (March 7, 1994)	n/a
189 (212)	Curatorship: *Toyota Motor Credit Corp. v. Adams* Case No. 460-829 (March 8, 1994)	n/a
189 (213)	Curatorship: *Nat'l Mortgage Co. v. Dauphin* Case No. 460-987 (March 11, 1994)	n/a
189 (214)	Curatorship: *Bancboston Mortgage Corp. v. Rechtien* Case No. 461-887 (March 31, 1994)	n/a
189 (215)	Curatorship: *Hibernia Nat'l Bank v. Warmington* Case No. 464-107 (March 26, 1994)	n/a
189 (216)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Dabon* Case No. 464-338 (June 2, 1994)	n/a
189 (217)	Curatorship: *GE Capital Asset Management Corp. v. Moses* Case No. 465-007 (June 17, 1994)	n/a
189 (218)	Curatorship: *In re: Interdiction of Driver* Case No. 465-042 (June 20, 1994)	n/a
189 (219)	Curatorship: *Fleet Mortgage Corp. v. Singleton* Case No. 465-086 (June 17, 1994)	n/a
189 (220)	Curatorship: *The U.S. Secretary of Veteran's Affairs v. Johns* Case No. 465-427 (June 28, 1994)	n/a
189 (221)	Curatorship: *United States of America v. Vincent* Case No. 465-445 (June 28, 1994)	n/a
189 (222)	Curatorship: *Federal Home Loan Mortgage Corp. v. Cox* Case No. 465-902 (July 11, 1994)	n/a
189 (223)	Curatorship: *Midfirst Bank v. Alvarez* Case No. 466-292 (July 18, 1994)	n/a
189 (224)	Curatorship: *Daigle v. Estate of Chauvin* Case No. 466-832 (August 1, 1994)	n/a

Exhibit Number	Description	Bates Number / Previous Identifying Information
189 (225)	Curatorship: *Federal Home Loan Mortgage Corp. v. Weiselogel* Case No. 467-141 (August 8, 1994)	n/a
189 (226)	Curatorship: *Nat'l Mortgage Co. v. Ferrara* Case No. 467-516 (August 17, 1994)	n/a

August 5, 2010

Attachment B – Exhibits 350–351

Exhibit Number	Description	Bates Number / Previous Identifying Information
350 (1)	Bail Bond: William Stanford ($19,000) 09/19/1994	n/a
350 (2)	Bail Bond: Stanley Esukpa ($3,000) 09/01/1994	n/a
350 (3)	Bail Bond: Elijah Mitchell ($23,500) 09/02/1994	n/a
350 (4)	Bail Bond: Joyce Barge ($22,500) 09/02/1994	n/a
350 (5)	Bail Bond: Leonard McNeely ($45,000) 09/04/1994	n/a
350 (6)	Bail Bond: Eugene Sarah ($5,750) 09/06/1994	n/a
350 (7)	Bail Bond: Shawn Suttle ($14,000) 09/09/1994	n/a
350 (8)	Bail Bond: Johnny Pena ($7,500) 9/07/1994	n/a
350 (9)	Bail Bond: Michael Pare ($8,500) 09/08/1994	n/a
350 (10)	Bail Bond: Renie Hensley ($5,000) 09/08/94	n/a
350 (11)	Bail Bond: Donald Bardell, Jr. ($7,600) 09/10/1994	n/a
350 (12)	Bail Bond: Hussein Ahmed ($10,500) 09/10/1994	n/a
350 (13)	Bail Bond: Craig Scott ($5,000) 09/09/1994	n/a
350 (14)	Bail Bond: Randy Bishop ($50,000) 09/12/1994	n/a
350 (15)	Bail Bond: Michael Addison ($2,000) 09/11/1994	n/a
350 16)	Bail Bond: Dorcellie Terrebonne ($5,900) 09/13/1994	n/a
350 (17)	Bail Bond: Dianne Ellis ($3,000) 09/12/1994	n/a
350 (18)	Bail Bond: Melvin Hokes ($10,000) 09/13/1994	n/a
350 (19)	Bail Bond: Ronnell Smith ($8,000) 09/15/1994	n/a

Exhibit Number	Description	Bates Number / Previous Identifying Information
350 (20)	Bail Bond: Cornelius Jones ($25,000) 09/15/1994	n/a
350 (21)	Bail Bond: Frank Ringo ($40,000) 09/19/1994	n/a
350 (22)	Bail Bond: Ruplert Ortiz ($5,000) 09/17/1994	n/a
350 (23)	Bail Bond: Burnell Lawson ($4,000) 09/19/1994	n/a
350 (24)	Bail Bond: Henry Williams ($5,000) 09/17/1994	n/a
350 (25)	Bail Bond: Hung Nguyen ($7,500) 09/19/1994	n/a
350 (26)	Bail Bond: Kenneth "Kenny" King ($3,000) 09/19/1994	n/a
350 (27)	Bail Bond: Billy Marse ($6,000) 09/21/1994	n/a
350 (28)	Bail Bond: Scott Blanda ($5,000) 09/22/1994	n/a
350 (29)	Bail Bond: Kimberly Cook ($31,275) 09/23/1994	n/a
350 (30)	Bail Bond: Adrian Martin ($9,500) 09/23/1994	n/a
350 (31)	Bail Bond: Meisha Ursin ($5,000) 09/24/1994	n/a
350 (32)	Bail Bond: Doreatha Taylor ($10,000) 09/24/1994	n/a
350 (33)	Bail Bond: Daniel Stanley ($3,150) 09/25/1994	n/a
350 (34)	Bail Bond: Guy Folse ($7,550) 09/25/1994	n/a
350 (35)	Bail Bond: Richard Brady ($30,000) 09/25/1994	n/a
350 (36)	Bail Bond: Rodney Robinson ($17,500) 09/26/1994	n/a
350 (37)	Bail Bond: Charles Ainsworth ($8,400) 09/27/1994	n/a
350 (38)	Bail Bond: Shondolyn Murray ($23,500) 09/28/1994	n/a

Exhibit Number	Description	Bates Number / Previous Identifying Information
350 (39)	Bail Bond: Dwayne Simms ($8,000) 09/29/1994	n/a
350 (40)	Bail Bond: Lenard Robinson ($3,000) 10/04/1994	n/a
350 (41)	Bail Bond: Steven Owens ($3,000) 10/13/1994	n/a
350 (42)	Bail Bond: Damion Smith ($25,000) 10/04/1994	n/a
350 (43)	Bail Bond: Roddrick Miller ($1,500) 10/10/1994	n/a
350 (44)	Bail Bond: Harold Taylor ($5,000) 10/10/1994	n/a
350 (45)	Bail Bond: Nathaniel Richardson ($5,000) 10/10/1994	n/a
350 (46)	Bail Bond: Donald Bulen ($22,000) 10/11/1994	n/a
350 (47)	Bail Bond: John Wells, Jr. ($160,000) 10/11/1994	n/a
350 (48)	Bail Bond: Leonard Bradley ($18,000) 10/11/1994	n/a
350 (49)	Bail Bond: Donald Washington ($23,500) 10/11/1994	n/a
350 (50)	Bail Bond: Thi Ngo ($15,000) 10/12/1994	n/a
350 (51)	Bail Bond: Louis Wells ($160,000) 10/12/1994	n/a
350 (52)	Bail Bond: Scott Ebright ($16,250) 10/13/1994	n/a
350 (53)	Bail Bond: Eris Burton ($6,250) 10/19/1994	n/a
350 (54)	Bail Bond: Trellis Compton ($2,000) 10/23/1994	n/a
350 (55)	Bail Bond: William Thorton ($20,500) 10/26/1994	n/a
350 (56)	Bail Bond: Craig Massey ($25,000) 10/27/1994	n/a
351 (1)	Bail Bond: Rodney Robinson ($17,500) 09/26/1994	n/a

Exhibit Number	Description	Bates Number / Previous Identifying Information
351 (2)	Bail Bond: Damion Smith ($25,000) 10/4/1994	n/a
351 (3)	Bail Bond: Steven Owens ($3,000) 10/13/1994	n/a
351 (4)	Bail Bond: Roddrick Miller ($15,000) 10/10/1994	n/a
351 (5)	Bail Bond: George Robinson ($5,000) 10/1994	n/a
351 (6)	Bail Bond: Harold Taylor ($5,000) 10/10/1994	n/a
351 (7)	Bail Bond: Nathaniel Richardson ($5,000) 10/10/1994	n/a
351 (8)	Bail Bond: John Wells, Jr. ($160,000) 10/11/1994	n/a
351 (9)	Bail Bond: Donald Washington ($23,500) 10/11/1994	n/a
351 (10)	Bail Bond: Leonard Bradley ($18,000) 10/11/1994	n/a
351 (11)	Bail Bond: Donald Bulen ($22,200) 10/11/1994	n/a
351 (12)	Bail Bond: Louis Wells ($160,000) 10/12/1994	n/a
351 (13)	Bail Bond: Stephen Simmons ($1,500) 10/12/1994	n/a
351 (14)	Bail Bond: Thi Ngo ($15,000) 10/12/1994	n/a
351 (15)	Bail Bond: Travis Boothe ($45,000) 10/12/1994	n/a
351 (16)	Bail Bond: Timothy Anweiler ($55,100) 10/12/1994	n/a
351 (17)	Bail Bond: Thanh Nguyen ($17,500) 10/13/1994	n/a
351 (18)	Bail Bond: Angelo Silvestri ($2,500) 10/13/1994	n/a
351 (19)	Bail Bond: Barry Fank ($6,000) 10/13/1994	n/a
351 (20)	Bail Bond: Jack Nguyen ($90,000) 10/19/1994	n/a

Exhibit Number	Description	Bates Number / Previous Identifying Information
351 (21)	Bail Bond: Calvin Davis ($1,500) 10/18/1994	n/a
351 (22)	Bail Bond: Eddress Lone ($5,000) 10/18/1994	n/a
351 (23)	Bail Bond: Eris Burton ($6,250) 10/19/1994	n/a
351 (24)	Bail Bond: Joe Thompson, Jr. ($25,000) 10/19/1994	n/a
351 (25)	Bail Bond: David Hepting ($25,000) 10/19/1994	n/a
351 (26)	Bail Bond: Wayne Taylor ($25,000) 09/26/1994	n/a

In The Senate of The United States
Sitting as a Court of Impeachment

In re:	)
Impeachment of G. Thomas Porteous, Jr.,	)
United States District Judge for the	)
Eastern District of Louisiana	)
	)

JUDGE G. THOMAS PORTEOUS, JR.'S RESPONSES TO THE HOUSE OF REPRESENTATIVES' PROPOSED STIPULATIONS OF FACT

Judge Porteous respectfully responds, accepts, and/or opposes the proposed stipulations of fact submitted by the House of Representatives on August 5, 2010, as follows:

No.		Accept	Oppose	Accept in part, Oppose in part	Basis of Opposition
	FACTUAL BACKGROUND				
1.	Judge Porteous was born on December 14, 1946.		X		Judge Porteous opposes this proposed stipulation because it is not true. Judge Porteous was born on December 15, 1946.
2.	Judge Porteous married Carmella Porteous on June 28, 1969.	X			
3.	Judge Porteous and his wife Carmella had four children: Michael, Timothy, Thomas and Catherine.	X			
4.	Judge Porteous graduated from Louisiana State University Law School in May 1971.	X			
5.	From approximately October 1973 through August 1984, Judge Porteous served as an Assistant District Attorney in Jefferson Parish, Louisiana. Judge	X			

	Porteous was permitted to hold outside employment while working as an Assistant District Attorney.				
6.	From January 1973 until July 1974, Judge Porteous was a law partner of Jacob Amato, Jr. at the law firm of Edwards, Porteous & Amato.	X			
7.	Attorney Robert Creely worked at the law firm of Edwards, Porteous, & Amato for some period of time between January 1973 and July 1974.	X			
8.	Judge Porteous was elected to be a judge of the 24th Judicial District Court in Jefferson Parish, Louisiana in August 1984. He took the bench on December 19, 1984, and remained in that position until October 28, 1994.		X		Judge Porteous opposes this proposed stipulation because it is not true. Judge Porteous was elected to be a judge of the 24th Judicial District Court in Jefferson Parish, Louisiana in August 1984. He took the state bench on August 24, 1984, and remained in that position until October 28, 1994.
9.	On August 25, 1994, Judge Porteous was nominated by President Clinton to be a United States District Court Judge for the Eastern District of Louisiana.	X			
10.	Judge Porteous's confirmation hearing before the Senate Judiciary Committee was held on October 6, 1994.	X			
11.	Judge Porteous was confirmed as a United States District Court Judge for the Eastern District of Louisiana by the United States Senate on October 7, 1994.	X			
12.	Judge Porteous received his judicial commission on October 11, 1994.	X			
13.	Judge Porteous was sworn in as a United States District Court Judge for the Eastern District of Louisiana on October	X			

	28, 1994.				
14.	Judge Porteous's wife, Carmella, passed away on December 22, 2005.	X			
	PROCEDURAL BACKGROUND				
15.	Starting in or about late 1999, the Department of Justice and the Federal Bureau of Investigation commenced a criminal investigation of Judge Porteous. The investigation ended in early 2007, without an indictment being issued.			X	Judge Porteous does not know, and cannot stipulate as to, when the Justice Department and/or FBI commenced or concluded its criminal investigation of him. Judge Porteous will stipulate that he was never indicted in connection with any Justice Department or FBI investigation.
16.	By letter dated May 18, 2007, the Department of Justice submitted a formal complaint of judicial misconduct regarding Judge Porteous to the Honorable Edith H. Jones, Chief Judge of the United States Court of Appeals for the Fifth Circuit. (HP Ex. 4).	X			
17.	Upon receipt of the Department of Justice's May 18, 2007 complaint letter, the Fifth Circuit appointed a Special Investigatory Committee (the "Special Committee") to investigate the Department of Justice's allegations of misconduct by Judge Porteous.	X			
18.	Judge Porteous was initially represented by attorney Kyle Schonekas in the Special Committee proceedings.	X			
19.	Kyle Schonekas withdrew from representing Judge Porteous in the Special Committee proceedings on or before July 5, 2007.	X			
20.	On or before August 2, 2007, attorney Michael H. Ellis represented Judge Porteous in the Special Committee			X	Judge Porteous will stipulate that on or before August 2, 2007, attorney

	proceedings.				Michael H. Ellis began representing Judge Porteous in the Special Committee proceedings.
21.	On or before October 16, 2007, attorney Michael H. Ellis withdrew from representing Judge Porteous in the Special Committee proceedings because of "irreconcilable differences."	X			
22.	A hearing was held before the Special Committee on October 29 and 30, 2007 (the "Fifth Circuit Hearing"). At the Fifth Circuit Hearing, Judge Porteous represented himself, testified pursuant to a grant of formal immunity, cross-examined witnesses and called witnesses on his own behalf.			X	Judge Porteous opposes this proposed stipulation to the extent that it fails to state that Judge Porteous (1) represented himself only because the Fifth Circuit denied him an extension of time to obtain new counsel, (2) testified because he was compelled to do so, despite not having been shown a copy of his immunity order, and (3) was permitted only limited cross-examination of certain witnesses.
23.	After the Fifth Circuit hearing, the Special Committee issued a report to the Judicial Conference of the Fifth Circuit dated November 20, 2007, which concluded that Judge Porteous committed misconduct which "might constitute one or more grounds for impeachment." (HP Ex. 5).	X			
24.	On December 20, 2007, by a majority vote, the Judicial Council of the Fifth Circuit accepted and approved the Special Committee's November 20, 2007 Report and concluded that Judge Porteous "had engaged in conduct which might constitute one or more grounds for impeachment under Article I of the Constitution." The Judicial Council of the Fifth Circuit thereafter certified these findings and the supporting records to the			X	Judge Porteous opposes this proposed stipulation for incompleteness. The stipulation should also state that "Fifth Circuit Judge James L. Dennis, joined by Judges Melançon, Heartfield, and Brady, filed a 49-page dissent from the majority opinion, concluding that,

	Judicial Conference of the United States. (HP Ex. 6 (a)).				although Judge Porteous should be reprimanded, the evidence did not demonstrate a possible ground for impeachment and removal from office."
25.	On June 17, 2008, the Judicial Conference of the United States determined unanimously, upon recommendation of its Committee on Judicial Conduct and Disability, to transmit to the Speaker of the House a certificate "that consideration of impeachment of the United States District Judge G. Thomas Porteous (E.D. La.) may be warranted." (HP Ex. 7(a)–(b)).			X	Judge Porteous opposes this proposed stipulation for incompleteness. The stipulation should also state that "Two members of the Judicial Conference were not present and did not participate in the Conference's deliberations on this matter."
26.	On September 10, 2008, the Judicial Council of the Fifth Circuit issued an "Order and Public Reprimand" against Judge Porteous, ordering that no new cases be assigned to Judge Porteous and suspending Judge Porteous's authority to employ staff for two years or "until Congress takes final action on the impeachment proceedings, whichever occurs earlier." (HP Ex. 8).	X			
27.	On September 17, 2008, the House of Representatives of the 110th Congress passed H. Res. 1448, which provided in pertinent part: "Resolved, That the Committee on the Judiciary should inquire whether the House should impeach G. Thomas Porteous, a judge of the United States District Court for the Eastern District of Louisiana."			X	Judge Porteous opposes this proposed stipulation because the quotation is incorrect. H. Res. 1448 actually reads: "Resolved, That the Committee on the Judiciary shall inquire whether the House should impeach G. Thomas Porteous, a judge of the United States District Court for the Eastern District of Louisiana."
28.	On January 13, 2009, the House of Representatives passed H. Res. 15, continuing the authority of H. Res. 1448 for the 111th Congress.	X			

	THE *LILJEBERG* CASE				
29.	Jacob Amato, Jr. and Robert Creely formed a law partnership in about 1975 that lasted until 2005. (HP Ex. 16).	X			
30.	While Judge Porteous was on the state bench, he requested cash from Robert Creely on several occasions. Creely provided cash to Judge Porteous in response to those requests. (Exs. 11, 12 and 16).		X		Judge Porteous opposes this proposed stipulation because he did not specifically request "cash" from Robert Creely.
31.	Judge Porteous knew that some portion of the money he received from Robert Creely came from Jacob Amato, Jr. as well. (Task Force Hearing I, Exs. 16, 24).		X		Judge Porteous opposes this proposed stipulation because this fact has not been established. Indeed, Jacob Amato, when asked this question, testified that "I don't know what was in his [Judge Porteous's] mind, but I think he would imagine that." (HP Ex. 24 at 6-7; *see also* Amato Senate Deposition at 88.)
32.	There came a time where Robert Creely expressed resistance to providing monies to Judge Porteous while he was on the state bench. (Task Force Hearing I and Ex. 10).		X		Judge Porteous opposes this proposed stipulation because this fact has not been established. Judge Porteous further opposes the proposed stipulation to the extent that it suggests there was any coercion or influence placed on Mr. Creely by Judge Porteous. Mr. Creely has testified that he gave money to Judge Porteous because Judge Porteous was a friend and not because he was a judge. (Creely Senate Deposition at 32.)
33.	Beginning in 1988, Judge Porteous began increasingly to assign Robert Creely curatorships. (HP Ex. 11).		X		Judge Porteous opposes this proposed stipulation as the House has not proffered any documentary evidence of

					the number of curatorship Judge Porteous assigned to Mr. Creely prior to 1988. Moreover, according to the House's own exhibits, Judge Porteous assigned fewer curatorships to Mr. Creely in 1991 than in 1990, and fewer in 1993 than in 1992 or 1990. (*See* House Report at 35.) Furthermore, this proposed stipulation is argumentative in that it suggests that Mr. Creely received a disproportionate number of curatorships, which has not been established, and incomplete in that omits the context that more curatorships generally were assigned during this period.
34.	In 1988, Judge Porteous assigned at least 18 curatorships to Robert Creely. (Exs. 189–190).			**X**	Judge Porteous opposes this proposed stipulation due to the inclusion of the "at least" language. The House has produced records of only 18 curatorships being assigned to Mr. Creely by Judge Porteous in 1988. Judge Porteous will agree to a revised stipulation if the "at least" language is removed.
35.	In 1989, Judge Porteous assigned at least 21 curatorships to Robert Creely. (Exs. 189–190).			**X**	Judge Porteous opposes this proposed stipulation due to the inclusion of the "at least" language. The House has produced records of only 21 curatorships being assigned to Mr. Creely by

					Judge Porteous in 1989. Judge Porteous will agree to a revised stipulation if the "at least" language is removed.
36.	In 1990, Judge Porteous assigned at least 33 curatorships to Robert Creely. (Exs. 189–190).			X	Judge Porteous opposes this proposed stipulation due to the inclusion of the "at least" language. The House has produced records of only 33 curatorships being assigned to Mr. Creely by Judge Porteous in 1990. Judge Porteous will agree to a revised stipulation if the "at least" language is removed.
37.	In 1991, Judge Porteous assigned at least 28 curatorships to Robert Creely. (Exs. 189–190).			X	Judge Porteous opposes this proposed stipulation due to the inclusion of the "at least" language. The House has produced records of only 28 curatorships being assigned to Mr. Creely by Judge Porteous in 1991. Judge Porteous will agree to a revised stipulation if the "at least" language is removed.
38.	In 1992, Judge Porteous assigned at least 44 curatorships to Robert Creely. (Exs. 189–190).			X	Judge Porteous opposes this proposed stipulation due to the inclusion of the "at least" language. The House has produced records of only 44 curatorships being assigned to Mr. Creely by Judge Porteous in 1992. Judge Porteous will agree to a revised stipulation if the "at least" language is removed.
39.	In 1993, Judge Porteous assigned at least 28 curatorships to Robert Creely. (Exs.			X	Judge Porteous opposes this proposed stipulation

	189–190).				due to the inclusion of the "at least" language. The House has produced records of only 28 curatorships being assigned to Mr. Creely by Judge Porteous in 1993. Judge Porteous will agree to a revised stipulation if the "at least" language is removed.
40.	In 1994, Judge Porteous assigned at least 20 curatorships to Robert Creely. (Exs. 189–190).			X	Judge Porteous opposes this proposed stipulation due to the inclusion of the "at least" language. The House has produced records of only 20 curatorships being assigned to Mr. Creely by Judge Porteous in 1994. Judge Porteous will agree to a revised stipulation if the "at least" language is removed.
41.	The Amato & Creely law firm earned a fee of between $150 and $200 for each curatorship that Judge Porteous assigned to Robert Creely.	X			
42.	As a result of Robert Creely being assigned at least 192 curatorships by Judge Porteous, the Amato & Creely law firm earned fees of at least $37,500. (Exs. 189 and 190).		X		Judge Porteous opposes this proposed stipulation due to the inclusion of the "at least" language. Judge Porteous further opposes the House's calculation of the purported total fee.
43.	Judge Porteous received a portion of the fees associated with the curatorships he assigned to Robert Creely. (HP Ex. 12).		X		Judge Porteous opposes this proposed stipulation because it is not true.
44.	At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows regarding his receipt of money for Robert Creely and Jacob Amato, Jr.: Q: When did you first start getting cash from Messrs. Amato, Creely, or		X		Judge Porteous opposes this proposed stipulation because it attempts to improperly use compelled, immunized testimony; it attempts to circumvent

	their law firm? A: Probably when I was on State bench. Q: And that practice continued into 1994, when you became a Federal judge, did it not? A: I believe that's correct. (HP Ex. 10).				Judge Porteous's pending motion to exclude such testimony; and it improperly removes the selectively-quoted material from its context.
45.	At the Fifth Circuit Hearing, Judge Porteous admitted under oath that the cash he received from Robert Creely "occasionally" followed his assignment of curatorships to Creely. (HP Ex. 10).		X		Judge Porteous opposes this proposed stipulation because it attempts to improperly use compelled, immunized testimony; it attempts to circumvent Judge Porteous's pending motion to exclude such testimony; and it improperly removes the selectively-quoted material from its context.
46.	At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows regarding the relationship between Mr. Creely's resistance to giving Judge Porteous money and Judge Porteous's assignment of curatorships to Mr. Creely: Q: Do you recall Mr. Creely refusing to pay you money before the curatorships started? A: He may have said I needed to get my finances under control, yeah. (HP Ex. 10).		X		Judge Porteous opposes this proposed stipulation because it attempts to improperly use compelled, immunized testimony; it attempts to circumvent Judge Porteous's pending motion to exclude such testimony; and it improperly removes the selectively-quoted material from its context.
47.	At the Fifth Circuit Hearing, Judge Porteous questioned Jacob Amato, Jr. as follows regarding the reasons why Amato and Creely gave Judge Porteous money: Porteous: [J]ust so I'm clear, this money that was given to me, was it done because I'm a judge, to influence me, or	X			

	just because we're friends? Amato: Tom, it's because we're friends and we've been friends for 35 years. And it breaks my heart to be here. (HP Ex. 20).				
48.	At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows regarding the amount of money he received from Jacob Amato, Jr. and Robert Creely or their law firm: Q: Judge Porteous, over the years, how much cash have you received from Jake Amato and Bob Creely or their law firm? A: I have no earthly idea. Q: It could have been $10,000 or more. Isn't that right? A: Again, you're asking me to speculate. I have no idea is all I can tell you. Q: When did you first start getting cash from Messrs. Amato, Creely, or their law firm? A: Probably when I was on State bench. Q: And that practice continued into 1994, when you became a Federal judge, did it not? A: I believe that's correct. (HP Ex. 10).		X		Judge Porteous opposes this proposed stipulation because it attempts to improperly use compelled, immunized testimony; it attempts to circumvent Judge Porteous's pending motion to exclude such testimony; and it improperly removes the selectively-quoted material from its context.
49.	Attorney Donald Gardner is a long time friend of Judge Porteous.	X			
50.	While Judge Porteous was a state judge, he assigned more than 50 curatorships to Donald Gardner. (HP Ex. 36).		X		Judge Porteous opposes this proposed stipulation because the House has not produced any

					documentary evidence of curatorships that were assigned to Donald Gardner.
51.	At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows regarding his receipt of cash from Don Gardner: Q: Now, other than Messrs. Amato and Creely, who else had—what other lawyers—lawyer friends of yours have given you money over the years? A: Given me money? Q: Money, cash. A: Gardner may have. Probably did. Q: And when is the last time Mr. Gardner gave you money? A: Before I took the Federal bench, I'm sure. Q: Okay. And do you recall how much? A: Absolutely not. (HP Ex. 10).		**X**		Judge Porteous opposes this proposed stipulation because it attempts to improperly use compelled, immunized testimony; it attempts to circumvent Judge Porteous's pending motion to exclude such testimony; and it improperly removes the selectively-quoted material from its context. Judge Porteous further opposes the proposed stipulation because the House has failed to indicate, as it should have through the use of ellipses, that it omitted certain additional quoted material.
52.	On January 16, 1996, as a Federal judge, Judge Porteous was assigned a civil case, Lifemark Hospitals of La., Inc. v. Liljeberg Enterprises, Inc. (HP Ex. 50).	**X**			
53.	The Liljeberg case was filed in 1993 and had been assigned to other judges before being transferred to Judge Porteous on January 16, 1996.	**X**			
54.	The Liljeberg case was set for a non-jury trial before Judge Porteous on November 4, 1996.			**X**	Judge Porteous opposes this proposed stipulation to the extent that it suggests that this was the first and only trial date set in the *Liljeberg* matter. The trial date in that case

					was set and re-set a number of times prior to the November 4, 1996 date.
55.	On September 19, 1996, the Liljebergs filed a motion to enter the appearances of Jacob Amato, Jr. and Leonard Levenson as their attorneys. Judge Porteous granted the motion on September 26, 1996. (Exs. 51 (a) and 51 (b)).			X	Judge Porteous opposes this proposed stipulation because it is incorrect. Judge Porteous granted the motion to enter the appearances of Amato and Levenson on September 23, 1996. (*See* HP Ex. 519(b).)
56.	Jacob Amato, Jr. and Leonard Levenson were hired by the Liljebergs on a contingent fee basis, and, pursuant to the terms of their retainer, if the Liljebergs prevailed in the litigation they would both receive substantial fees. (Exs. 18 and 52).			X	Judge Porteous opposes this proposed stipulation because of the use of the word "substantial." The term is vague, argumentative, and should be removed. Judge Porteous would be willing to accept the proposed stipulation if revised to explain that Messrs. Amato and Levenson would receive only a portion of an award rendered for the Liljebergs.
57.	The motion to enter Jacob Amato, Jr.'s appearance identified him as being with the law firm of Amato & Creely. (HP Ex. 51 (a)).	X			
58.	On October 1, 1996, attorney Joseph Mole on behalf of his client, Lifemark, filed a Motion to Recuse Judge Porteous. (HP Ex. 52).	X			
59.	When the Liljebergs filed their Motion to Recuse, Joseph Mole, counsel for Lifemark, was unaware of any prior financial relationship between Amato & Creely and Judge Porteous. (HP Ex. 52).		X		Judge Porteous opposes this proposed stipulation because it is not true. The Liljebergs did not file a motion to recuse in the *Liljeberg* case. Judge Porteous further opposes

					the use of the phrase "prior financial relationship," which is vague and argumentative.
60.	The Liljebergs filed their Opposition to the Motion to Recuse, on October 9, 1996. (HP Ex. 53).	X			
61.	Lifemark filed its Reply to the Opposition to the Motion to Recuse on October 11, 1996. (HP Ex. 54).		X		Judge Porteous opposes this proposed stipulation because it is incorrect. On October 11, 1996, Lifemark filed a Motion for Leave to file a Reply Memorandum to the Liljeberg Opposition to the Motion to Recuse. Lifemark attached its proposed Reply Brief to the Motion for Leave. Judge Porteous granted the Motion for Leave on October 17, 1996, and the Reply was deemed filed as of that date.
62.	The Liljebergs filed a Memorandum in Opposition to Lifemark's Reply on October 15, 1996. (HP Ex. 55).		X		Judge Porteous opposes this proposed stipulation because it is incorrect. On October 15, 1996, the Liljebergs filed a Motion for Leave of Court to File a Response to Lifemark's Reply memorandum on Motion to Recuse. Judge Porteous granted the Liljeberg's motion for leave on October 17, 1996.
63.	On October 16, 1996, Judge Porteous held a hearing on the Motion to Recuse. (HP Ex. 56).	X			
64.	Both Leonard Levenson and Jacob Amato, Jr. were present in the courtroom on behalf of the Liljebergs at the October 16, 1996 hearing on the Motion to	X			

	Recuse. (HP Ex. 56).				
65.	At the recusal hearing on October 16, 1996, Jacob Amato, Jr. made no statements concerning his prior financial relationship with Judge Porteous. (HP Ex. 56).		X		Judge Porteous opposes this proposed stipulation because of the use of the phrase "prior financial relationship," which is vague and argumentative. Moreover, Jacob Amato has testified that he never loaned or gave money directly to Judge Porteous at any point prior to the recusal hearing. (*See* Amato Senate Deposition at 24-25.)
66.	At the October 16, 1996 hearing on the Motion to Recuse, the following colloquy occurred: The Court: Let me make also one other statement for the record if anyone wants to decide whether I am a friend with Mr. Amato and Mr. Levenson—I will put that to rest for the answer is affirmative, yes. Mr. Amato and I practiced the law together probably 20-plus years ago. Is that sufficient? . . . So if that is an issue at all, it is a non-issue. * * * The Court: Yes, Mr. Amato and Mr. Levenson are friends of mine. Have I ever been to either one of them's house? The answer is a definitive no. Have I gone along to lunch with them? The answer is a definitive yes. * * * Mr. Mole: The public perception is that they do dine with you, travel with you, that they have contributed to your campaigns.		X		Judge Porteous opposes this proposed stipulation as unnecessary and an improper attempt to remove the selectively-quoted material from its context. If the House intends to rely upon the transcript of the referenced hearing, the House should seek to admit into evidence the entire document, which speaks for itself.

	* * * The Court: The first time I ran, 1984, I think is the only time when they gave me money. * * * The Court: [T]his is the first time a motion for my recusal has ever been filed . . . . But does that mean that any time a person I perceive to be friends who I have dinner with or whatever that I must disqualify myself? I don't think that's what the rule suggests . . . . Courts have held that a judge need not disqualify himself just because a friend, even a close friend, appears as a lawyer * * * The Court: Well you know the issue becomes one of, I guess the confidence of the parties, not the attorneys . . . . My concern is not with whether or not lawyers are friends . . . . My concern is that the parties are given a day in court which they can through you present their case, and they can be adjudicated thoroughly without bias, favor, prejudice, public opinion, sympathy, anything else, just on law and facts . . . . I have always taken the position that if there was ever any question in my mind that this Court should recuse itself that I would notify counsel and give them the opportunity if they wanted to ask me to get off . . . . [In the *Bernard* case] the court said Section 450 requires not only that a Judge be subjectively confident of his ability to be even handed but [that an] informed, rational objective observer would not doubt his impartiality . . . . I don't have any difficulty trying this case . . . . [I]n				

	my mind I am satisfied because if I had any question as to my ability, I would have called and said, "Look, you're right." (HP Ex. 56).				
67.	Judge Porteous denied the Motion to Recuse in open court on October 16, 1996. (HP Ex. 56).	X			
68.	On October 17, 1996, Judge Porteous issued a written order confirming the denial of the Motion to Recuse. (HP Ex. 57).	X			
69.	Lifemark retained Donald Gardner on March 11, 1997 to be part of its trial team. (HP Ex. 60 (a)).			X	Judge Porteous opposes this proposed stipulation because it is not accurate. On March 11, 1997, Lifemark filed a Motion to Enroll Donald Gardner as counsel. Mr. Gardner appears to have been retained as counsel in February 1997. (See HP Ex. 35 (b).)
70.	Lifemark's contract with Donald Gardner provided that he would be paid $100,000 for entering his appearance and that, among other terms, he would receive another $100,000 if Judge Porteous withdrew or the case settled. (Exs. 64 and 65).	X			
71.	Judge Porteous conducted a bench trial in the Liljeberg case from June 16, 1997 through June 27, 1997 and then from July 14, 1997 until its conclusion on July 23, 1997. (HP Ex. 50).			X	Judge Porteous opposes this proposed stipulation because it is inaccurate. According to HP Ex. 50, the trial took place from June 16, 1997, to June 27, 1997, from July 14, 1997, to July 15, 1997, and from July 21, 1997, to July 23, 1997.
72.	At the conclusion of the Liljeberg trial in July 1997, Judge Porteous took the case under advisement.	X			

73.	Jacob Amato, Jr. took Judge Porteous to numerous lunches while Judge Porteous had the Liljeberg under advisement. (Task Force Hearing I and Exs. 21 (b)–(c) and 24).			X	Judge Porteous opposes this proposed stipulation on the grounds that the word "numerous" is incorrect. Judge Porteous would be willing to accept this proposed stipulation if "numerous" were replaced with "several."
74.	Don Gardner took Judge Porteous to lunches and dinners while Judge Porteous had the Liljeberg case under advisement. (HP Ex. 36).		X		Judge Porteous opposes this proposed stipulation as the House has not proffered any documentary evidence showing that Mr. Gardner took Judge Porteous to lunch and/or dinner while the *Liljeberg* case was under advisement.
75.	From May 20 through 23, 1999, while Judge Porteous had the Liljeberg case under advisement, a bachelor party was held in Las Vegas, Nevada, for Judge Porteous's son, Timothy.			X	Judge Porteous agrees to this proposed stipulation to the extent of the stated dates of the bachelor party. Judge Porteous opposes the proposed stipulation to the extent it suggests a relationship between the bachelor party and the *Liljeberg* case being under advisement.
76.	Among the people present in Las Vegas for Timothy Porteous's bachelor party were Judge Porteous, Robert Creely and Donald Gardner.	X			
77.	At the Fifth Circuit Hearing Judge Porteous testified under oath as follows regarding Robert Creely's payment for Judge Porteous's hotel room at Caesars Palace during the trip to Las Vegas for Timothy Porteous's bachelor party: Q: Well, once you get to Las Vegas,		X		Judge Porteous opposes this proposed stipulation because it attempts to improperly use compelled, immunized testimony; it attempts to circumvent Judge Porteous's pending motion to exclude such

	you have to stay in a room right? A: Right. Q: You didn't pay for the room, did you? A: It appears I did not. Q: And do you know who paid for it? A: It appears Mr. Creely paid for it. Q: Mr. Creely, that's right. Now, that was over a period of approximately four days, as I recall, from the records? A: Three or four. Q: Three or four. That exceeded $250 total for the room, correct? A: Yea. Q: Did that ever appear on your judicial - - A: No, it did not. Q: – your form that you file with the administrative office? A: No, it did not. Q: It did not. Although you considered that a gift, correct? A: Yea, it was a gift. (HP Ex. 10, page 140).				testimony; and it improperly removes the selectively-quoted material from its context. Judge Porteous further opposes the proposed stipulation on the basis that, at his recent deposition, Mr. Creely testified that he does not know if he paid for the referenced hotel room. (Creely Senate Deposition at 58-60.)
78.	At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows concerning Robert Creely's payment of a portion of the bill for Timothy Porteous's bachelor party dinner in Las Vegas: A: We had one outside meal that I can recall.		X		Judge Porteous opposes this proposed stipulation because it attempts to improperly use compelled, immunized testimony; it attempts to circumvent Judge Porteous's pending motion to exclude such

	Q: But you didn't pay for that meal, did you? A. No, I did not. Q: Who paid for it? A: A variety – I think Creely did and maybe some other people picked up various portions. (Exs. 10, 11 and 378).				testimony; and it improperly removes the selectively-quoted material from its context. Judge Porteous further opposes the proposed stipulation on the basis that, at his recent deposition, Mr. Creely testified that he "basically paid for the meal at [his] table," which consisted of him, his brother-in-law, and two other people, and which he did out of friendship with Judge Porteous's son. (Creely Senate Deposition at 56-58.)
79.	On June 28, 1999, after his son's wedding, and while the Liljeberg case was under advisement, Judge Porteous solicited money from Jacob Amato, Jr. while the two men were on a boat during a fishing trip.		X		Judge Porteous opposes this proposed stipulation because (1) the date is inaccurate, and (2) the use of the word "solicited" improperly attempts to suggest a relationship between Amato's gift and/or loan to Judge Porteous and the *Liljeberg* case.
80.	After Judge Porteous solicited money from Jacob Amato, Jr. on June 28, 1999, Amato provided cash to Judge Porteous in an envelope.		X		Judge Porteous opposes this proposed stipulation because it is inaccurate, argumentative, and not established by the evidence.
81.	At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows regarding his receipt of money from Jacob Amato, Jr. in or about June of 1999: Q: Do you recall in 1999, in the summer, May, June, receiving $2,000 for [sic: should be "from"] them? A: I've read Mr. Amato's grand jury		X		Judge Porteous opposes this proposed stipulation because it attempts to improperly use compelled, immunized testimony; it attempts to circumvent Judge Porteous's pending motion to exclude such testimony; and it improperly removes the

	testimony. It says we were fishing and I made some representation that I was having difficulties and that he loaned me some money or gave me some money. Q: You don't – you're not denying it; you just don't remember it? A: I just don't have any recollection of it, but that would have fallen in the category of a loan from a friend. That's all. * * * Q: [W]hether or not you recall asking Mr. Amato for money during this fishing trip, do you recall getting an envelope with $2,000 shortly thereafter? A: Yeah. Something seems to suggest that there may have been an envelope. I don't remember the size of an envelope, how I got the envelope, or anything about it. * * * Q: Wait a second. Is it the nature of the envelope you're disputing? A: No. Money was received in [an] envelope. Q: And had cash in it? A: Yes, sir. Q: And it was from Creely and/or – A: Amato. Q: Amato? A: Yes. Q: And it was used to pay for your				selectively-quoted material from its context.

	son's wedding. A: To help defray the cost, yeah. Q: And was used – A: They loaned – my impression was it was a loan. Q: And would you dispute that the amount was $2,000? A: I don't have any basis to dispute it. (HP Ex. 10).				
82.	After Judge Porteous received the cash from Jacob Amato, Jr. in or about June of 1999, while he still had the Liljeberg case under advisement, Judge Porteous did not disclose this fact to Joseph Mole, counsel for Lifemark.			X	Judge Porteous opposes this proposed stipulation to the extent that it attempts to create a relationship between the gift and/or loan from Amato and the *Liljeberg* case being under advisement. Further, the proposed stipulation is argumentative by suggesting that Judge Porteous was asked by Joseph Mole about the gift and/or loan from Amato, or that Judge Porteous had a duty of disclosure.
83.	In late 1999, while Judge Porteous still had the Liljeberg case under advisement, Jacob Amato, Jr. and Robert Creely paid for a party at the French Quarter Restaurant and Bar to celebrate Judge Porteous's fifth year on the Federal bench. (Exs. 24 and 46, and Task Force Hearing I).		X		Judge Porteous opposes this proposed stipulation as the House has not proffered any documentary evidence of Amato's and Creely's payment for the costs associated with this party.
84.	At some time while the Liljeberg case was pending before Judge Porteous, Jacob Amato, Jr., Leonard Levenson, and Donald Gardner each gave money either to Judge Porteous directly, or to his secretary Rhonda Danos, to help pay for			X	Judge Porteous opposes this proposed stipulation to the extent that it attempts to create a relationship between the gifts to Judge Porteous's

	a Washington D.C. externship for one of Judge Porteous's sons. (Exs. 24, 25, 32, 33, 46 and Task Force Hearing I).				son and the *Liljeberg* case being under advisement. Moreover, there is no documentary evidence of these gifts or any testimony that Judge Porteous was ever directly given any money by Amato, Levenson, and/or Gardner in relation to his son's externship in Washington, D.C.
85.	During the 1996–2000 time-frame, Judge Porteous maintained a close relationship with Leonard Levenson, demonstrated by Judge Porteous and Leonard Levenson traveling together on several occasions.			X	Judge Porteous will stipulate that he and Leonard Levenson were friends during this time frame. Judge Porteous opposes the argumentative nature and interpretation of the evidence in the second half of the proposed stipulation.
86.	During the 1996–1998 time-frame, Judge Porteous attended at least one hunting trip with Leonard Levenson, at a Mississippi property owned by Allen Usry, an attorney who on occasion worked with Levenson. (Exs. 30, 163).			X	Judge Porteous opposes this proposed stipulation due to the use of the phrase "at least." Judge Porteous further opposes the proposed stipulation to the extent that it suggests that Levenson or Usry paid for the trip.
87.	In April 1999, Leonard Levenson attended the Fifth Circuit Judicial Conference in Houston, Texas as an invitee of Judge Porteous.			X	Judge Porteous opposes this proposed stipulation as imprecise. Mr. Levenson was invited to the referenced conference by "the federal judges of the Fifth Circuit." (*See* HP Ex. 26, page 54.)
88.	While at the Fifth Circuit Judicial Conference in April 1999, Leonard Levenson paid for meals and drinks for Judge Porteous. (Exs. 26, 31, 291).	X			
89.	In October 1999, Leonard Levenson paid for a dinner with Judge Porteous in Las		X		Judge Porteous opposes this proposed stipulation

	Vegas, Nevada. (Exs. 30, 31, 291, and 299).				because the House has not proffered evidence sufficient to establish that Mr. Levenson paid for Judge Porteous's dinner in Las Vegas.
90.	In December 1999, Judge Porteous went on a multi-day hunting trip to the Blackhawk hunting facility in Louisiana with Leonard Levenson. (Exs. 31, 163, 286).			X	Judge Porteous opposes this proposed stipulation to the extent that it suggests that Levenson paid for the trip.
91.	Judge Porteous did not notify Joseph Mole, counsel for Lifemark, of any of his post- recusal hearing and post trial contacts with Jacob Amato, Jr., Robert Creely, or Leonard Levenson.			X	Judge Porteous opposes this proposed stipulation as argumentative, suggesting that Judge Porteous had a duty to disclose such information to Joseph Mole. Judge Porteous further opposes the use of the phrase "any of his post-recusal hearing and post-trial contacts" as vague and argumentative.
92.	On April 26, 2000, nearly three years after the trial concluded, Judge Porteous issued a written opinion in Lifemark Hospitals of La., Inc. v. Liljeberg Enterprises, Inc. (HP Ex. 62).	X			
93.	Judge Porteous ruled in favor of Jacob Amato, Jr.'s and Leonard Levenson's client, the Liljebergs.		X		Judge Porteous opposes this proposed stipulation as imprecise. Judge Porteous's 105-page ruling was complex and did not rule entirely in favor of any party, including the Liljebergs. Judge Porteous further opposes the proposed stipulation as argumentative, in that it suggests that Judge Porteous ruled in favor of the Liljebergs because of the identity of their attorneys.

94.	Lifemark appealed Judge Porteous's decision to the Fifth Circuit Court of Appeals.	X			
95.	In August 2002, the Fifth Circuit Court of Appeals reversed, in part, Judge Porteous's decision. (HP Ex. 63).			X	Judge Porteous opposes this proposed stipulation as incomplete and misleading. The Fifth Circuit reversed Judge Porteous's *Liljeberg* decision in part, remanded it in part, and affirmed it in part.
	JUDGE PORTEOUS'S RELATIONSHIP WITH LOUIS AND LORI MARCOTTE				
96.	On numerous occasions when he was a State court judge, Judge Porteous set bonds, reduced bonds, and split bonds in response to requests by Louis Marcotte, Lori Marcotte, or a representative of the Marcottes. (Exs. 350, 351).			X	Judge Porteous opposes this proposed stipulation to the extent it suggests that Judge Porteous set bonds, reduced bonds, and split bonds because of the identity of the bonding agent. Moreover, Judge Porteous set bonds, reduced bonds, and split bonds as part of his judicial duties.
97.	In or about the summer of 1993, Jeffery Duhon worked for Louis Marcotte's bail bonds business.			X	Judge Porteous opposes this proposed stipulation in part because the House has not proffered evidence sufficient to establish when Jeffrey Duhon worked for Louis Marcotte's bail bonds business.
98.	On or about July 29, 1993, Judge Porteous ordered the expungement of Jeffery Duhon's burglary conviction. (Exs. 77(a), 77(b)).	X			
99.	In September 1994 and October 1994, Aubrey Wallace worked for Louis Marcotte's bail bonds business.			X	Judge Porteous opposes this proposed stipulation in part because the House has not proffered evidence sufficient to establish

					when Aubrey Wallace worked for Louis Marcotte's bail bonds business.
100.	On or about September 21, 1994, Judge Porteous held a hearing at which he ordered that Aubrey Wallace's court records in State of Louisiana v. Aubrey N. Wallace, No. 89-2360 (24th Jud. Dist Ct., Jeff. Par., La.) be amended to include removal of the unsatisfactory completion of probation and the entering of the guilty plea under Code of Criminal Procedure 893. (HP Ex. 69(d) at PORT000000620–624).	X			
101.	On or about September 22, 1994, Judge Porteous signed a written Order that stated: "IT IS ORDERED that the sentence on Aubrey WALLACE is hereby amended to include the following wording, 'the defendant plead under Article 893.'" (HP Ex. 82).			X	Judge Porteous opposes the proposed stipulation because of a misspelling. The referenced Order read "'IT IS ORDERED that the sentence on Aubrey WALLACE is hereby amended to include the following wording, 'the defendant pled under Article 893.'"
102.	In the last few weeks of Judge Porteous's tenure as a State court judge, he set, reduced and split numerous bonds at the request of the Marcottes. (Exs. 350, 351).		X		Judge Porteous opposes this proposed stipulation because it improperly suggests that Judge Porteous set, reduced, or split bonds because of the identity of the bail bondsmen. Judge Porteous further opposes the proposed stipulation because it fails to give context for the number of bonds set, reduced, or split by Judge Porteous during this time frame. Finally, the word "numerous," as used in this context, is vague, imprecise, and

					argumentative. The House has records of the exact number of bonds set, reduced, and/or split by Judge Porteous in the time frame referenced.
103.	On October 14, 1994, Judge Porteous entered an order setting aside Aubrey Wallace's burglary conviction in State of Louisiana v. Aubrey N. Wallace, No. 89-2360 (24th Jud. Dist Ct., Jeff. Par., La.). (HP Ex. 82 at p. 105).	X			
104.	In or about July 19, 1999, Judge Porteous attended a Professional Bail Agents of the United States (PBUS) convention at the Beau Rivage Resort in Biloxi Mississippi, at which convention he attended a cocktail party hosted by the Marcottes. (Exs. 223, 224).			X	Judge Porteous opposes this proposed stipulation to the extent it suggests that the cocktail party was limited in terms of attendance to a small number of individuals, or that it was hosted by the Marcottes, as opposed to their company Bail Bonds Unlimited.
105.	On or about March 11, 2002, Judge Porteous was a guest of the Marcottes at the conclusion of a lunch at Emeril's Restaurant, in New Orleans, Louisiana at which newly elected state judge Joan Benge and state judge Ronald Bodenheimer were also in attendance. (HP Ex. 375).			X	Judge Porteous opposes this proposed stipulation to the extent that it suggests that Judge Porteous ate lunch at Emeril's on March 11, 2002. Judge Porteous arrived after lunch was completed. Judge Porteous further opposes the use of the phrase "guest of the Marcottes." The gathering was held in a public restaurant.
	JUDGE PORTEOUS'S BANKRUPTCY				
106.	On his Financial Disclosure Form for reporting period 1996, Judge Porteous checked the box for "None (No reportable liabilities)." (HP Ex. 102(a)).		X		Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not

					allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).
107.	Judge Porteous's balance due on his Citibank credit card account ending in 0426 for the period ending on December 12, 1996 was $14,846.47. (HP Ex. 167).		X		Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).
108.	Judge Porteous signed his Financial Disclosure Form for reporting period 1996 on May 12, 1997. Judge Porteous's signature appeared below a Certification that stated, in part: "I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure." (HP Ex. 102(a)).		X		Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).
109.	On his Financial Disclosure Form for reporting period 1997, Judge Porteous checked the box for "None (No reportable liabilities)." (HP Ex. 103(a)).		X		Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).

110.	Judge Porteous's balance due on his MBNA MasterCard account ending in 0877 for the period ending on December 19, 1997 was $15,569.25. (HP Ex. 168).		X		Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).
111.	Judge Porteous's balance due on his MBNA MasterCard account ending in 1290 for the period ending on December 4, 1997 was $18,146.85. (HP Ex. 168).		X		Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).
112.	Judge Porteous's balance due on his Travelers credit card account ending in 0642 for the period ending on December 30, 1997 was $9,378.76. (HP Ex. 168).		X		Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).
113.	Judge Porteous signed his Financial Disclosure Form for reporting period 1997 on May 13, 1998. Judge Porteous's signature appeared below a Certification that stated, in part: "I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to		X		Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the

	the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure." (HP Ex. 103(a)).				document speaks for itself).
114.	On his Financial Disclosure Form for reporting period 1998, in Section VI, "Liabilities," Judge Porteous listed MBNA and Citibank as creditors, each with a value listed as code "J," which indicated liabilities on each card of $15,000 or less. (HP Ex. 104(a)).		X		Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).
115.	Judge Porteous's balance due on his MBNA MasterCard account ending in 0877 for the period ending December 19, 1998 was $16,550.08. (HP Ex. 169).		X		Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).
116.	Judge Porteous's balance due on his MBNA MasterCard account ending in 1290 for the period ending December 4, 1998 was $17,155.76. (HP Ex. 169).		X		Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).
117.	Judge Porteous signed his Financial Disclosure Form for reporting period 1998 on May 13, 1999. Judge Porteous's signature appeared below a Certification		X		Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of

	that stated, in part: "I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure." (HP Ex. 104(a)).				Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).
118.	On his Financial Disclosure Form for reporting period 1999, in Section VI, "Liabilities," Judge Porteous listed MBNA and Citibank as creditors, each with a value listed as code "J," which indicated liabilities on each card of $15,000 or less. (HP Ex. 105(a)).		X		Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).
119.	Judge Porteous's balance due on his MBNA MasterCard account ending in 0877 for the period ending on December 18, 1999 was $24,953.65. (HP Ex. 170).		X		Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).
120.	Judge Porteous's balance due on his MBNA MasterCard account ending in 1290 for the period ending on December 4, 1999 was $25,755.84. (HP Ex. 170).		X		Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for

					itself).
121.	Judge Porteous's balance due on his Citibank credit card account ending in 0426 for the period ending on December 10, 1999 was $22,412.15. (HP Ex. 170).		X		Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).
122.	Judge Porteous's balance due on his Citibank credit card account ending in 9138 for the period ending on December 21, 1999 was $20,051.95. (HP Ex. 170).		X		Judge Porteous opposes this proposed stipulation because it is not true. The referenced credit card was in Judge Porteous's wife's name, not his. Judge Porteous further opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).
123.	Judge Porteous's balance due on his Travelers credit card account ending in 0642 for the period ending on December 29, 1999 was $15,467.29. (HP Ex. 170).		X		Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).
124.	Judge Porteous signed his Financial Disclosure Form for reporting period 1999 on May 5, 2000. Judge Porteous's		X		Judge Porteous opposes this proposed stipulation as irrelevant (since the

	signature appeared below a Certification that stated, in part: "I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure." (HP Ex. 105(a)).				House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).
125.	On his Financial Disclosure Form for reporting period 2000, in Section VI, "Liabilities," Judge Porteous listed MBNA and Citibank as creditors, each with a value listed as code "J," which indicated liabilities on each card of $15,000 or less. (HP Ex. 106(a)).		X		Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).
126.	Judge Porteous's balance due on his MBNA MasterCard account ending in 0877 for the period ending on December 20, 2000 was $28,347.44. (HP Ex. 171).		X		Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).
127.	Judge Porteous's balance due on his MBNA MasterCard account ending in 1290 for the period ending on December 5, 2000 was $29,258.68. (HP Ex. 171).		X		Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the

					document speaks for itself).
128.	Judge Porteous's balance due on his Citibank credit card account ending in 0426 for the period ending on December 12, 2000 was $24,565.76. (HP Ex. 171).		X		Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).
129.	Judge Porteous's balance due on his Citibank credit card account ending in 9138 for the period ending on December 21, 2000 was $21,227.06. (HP Ex. 171).		X		Judge Porteous opposes this proposed stipulation because it is not true. The referenced credit card was in Judge Porteous's wife's name, not his. Judge Porteous further opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).
130.	Judge Porteous's balance due on his Travelers credit card account ending in 0642 for the period ending on December 29, 2000 was $17,682.35. (HP Ex. 171).		X		Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).
131.	Judge Porteous signed his Financial Disclosure Form for reporting period		X		Judge Porteous opposes this proposed stipulation

	2000 on May 10, 2001. Judge Porteous's signature appeared below a Certification that stated, in part: "I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure." (HP Ex. 106(a)).				as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).
132.	Judge Porteous opened a $2,000 line of credit at the Grand Casino Gulfport in Gulfport, Mississippi on July 22, 1994. (HP Ex. 326).		X		Judge Porteous opposes this proposed stipulation as irrelevant, unnecessary (since the document upon which it is based speaks for itself), and not necessarily accurate (since the date is only approximate).
133.	Judge Porteous opened a $2,000 line of credit at the Grand Casino Biloxi in Biloxi, Mississippi on August 19, 1995. (HP Ex. 326).		X		Judge Porteous opposes this proposed stipulation as irrelevant, unnecessary (since the document upon which it is based speaks for itself), and not necessarily accurate (since the date is only approximate).
134.	Judge Porteous opened a $2,500 line of credit at the Casino Magic Bay in St. Louis, Mississippi on October 26, 1995. (HP Ex. 326).		X		Judge Porteous opposes to this proposed stipulation as irrelevant, unnecessary (since the document upon which it is based speaks for itself), and not necessarily accurate (since the date is only approximate).
135.	Judge Porteous opened a $2,000 line of credit at the Treasure Chest Casino in Kenner, Louisiana on November 25, 1997. (HP Ex. 326).		X		Judge Porteous opposes this proposed stipulation as irrelevant, unnecessary (since the document upon which it is based speaks for itself), and not

					necessarily accurate (since the date is only approximate).
136.	Judge Porteous opened a $2,000 line of credit at the Isle of Capri Casino in Biloxi, Mississippi on March 31, 1998. (HP Ex. 326).		X		Judge Porteous opposes this proposed stipulation as irrelevant, unnecessary (since the document upon which it is based speaks for itself), and not necessarily accurate (since the date is only approximate).
137.	Judge Porteous opened a $2,500 line of credit at the Beau Rivage Casino in Biloxi, Mississippi on April 14, 1999. (HP Ex. 326).		X		Judge Porteous opposes this proposed stipulation as irrelevant, unnecessary (since the document upon which it is based speaks for itself), and incorrect (since the document relied upon by the House shows that this credit line was set on or about April 15, 1999).
138.	Judge Porteous opened a $5,000 line of credit at Caesars Palace Casino in Las Vegas, Nevada on May 12, 1999. (HP Ex. 326).		X		Judge Porteous opposes this proposed stipulation as irrelevant, unnecessary (since the document upon which it is based speaks for itself), and not necessarily accurate (since the date is only approximate).
139.	Judge Porteous's credit limit at the Treasure Chest Casino in Kenner, Louisiana was increased to $3,000 on August 17, 2000. (HP Ex. 326).		X		Judge Porteous opposes this proposed stipulation as irrelevant, unnecessary (since the document upon which it is based speaks for itself), and inaccurate (since the document relied upon by the House shows that this credit line was reinstated on or about August 17, 2000).
140.	Judge Porteous opened a $5,000 line of credit at Caesars Tahoe Casino in Lake		X		Judge Porteous opposes this proposed stipulation

	Tahoe, Nevada on December 11, 2000. (HP Ex. 326).				as irrelevant, unnecessary (since the document upon which it is based speaks for itself), and not necessarily accurate (since the date is only approximate).
141.	Judge Porteous opened a $4,000 line of credit at Harrah's Casino in New Orleans, Louisiana on April 30, 2001. (HP Ex. 326).		X		Judge Porteous opposes this proposed stipulation as unnecessary (since the document upon which it is based speaks for itself), and not necessarily accurate (since the date is only approximate).
142.	On March 2, 2001, Judge Porteous's credit limit at the Treasure Chest Casino in Kenner, Louisiana was increased from $3,000 to $4,000. (HP Ex. 331).		X		Judge Porteous opposes this proposed stipulation because he cannot determine the accuracy of the statement based on the document proffered by the House (HP Ex. 331).
143.	On March 2, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 302).	X			
144.	On March 2, 2001, Judge Porteous took out seven $500 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00058997, 00059000, 00059002, 00059011, 00059012, 00059013, and 00059019. On March 3, 2001, Judge Porteous repaid marker numbers 00058997, 00059000, 00059002, and 00059019 with chips. (HP Ex. 302).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on March 2, 2001, Judge Porteous executed seven $500 markers at the Treasure Chest Casino, identified by marker numbers 00058997, 00059000, 00059002, 00059011, 00059012, 00059013, and 00059019, and that, on March 3, 2001, Judge Porteous redeemed four of those markers, identified by marker numbers 00058997, 00059000, 00059002, and 00059019,

					with chips.
145.	Judge Porteous left the Treasure Chest Casino in Kenner, Louisiana on March 3, 2001 owing the casino $1,500. (HP Ex. 302).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that when he left the Treasure Chest Casino on March 3, 2001, three $500 markers were outstanding.
146.	On March 27, 2001, Judge Porteous repaid marker numbers 00059011, 00059012, and 00059013 to the Treasure Chest Casino in Kenner, Louisiana with cash. (HP Ex. 302).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that on March 27, 2001, Judge Porteous redeemed with cash Treasure Chest Casino markers numbered 00059011, 00059012, and 00059013.
147.	On February 27, 2001, Judge Porteous gambled at the Grand Casino Gulfport in Gulfport, Mississippi. (HP Ex. 301(a)).	X			
148.	On February 27, 2001, Judge Porteous took out two $1,000 markers at the Grand Casino Gulfport in Gulfport, Mississippi, identified by marker numbers MK131402 and MK131405. (HP Ex. 301(a)).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on February 27, 2001, Judge Porteous executed two $1,000 markers at the Grand Casino Gulfport, identified by marker numbers MK131402 and MK131405.
149.	On March 27, 2001, Judge Porteous deposited $2,000 into his Bank One checking account. This deposit consisted of $1,960 in cash and a $40 check drawn on Judge Porteous's Fidelity money market account. (Exs. 143, 144, 301(b)).	X			

150.	On or about April 5, 2001, the Grand Casino Gulfport collected $1,000 from Judge Porteous after marker number MK131402 was deposited into and cleared Judge Porteous's Bank One checking account. (HP Ex. 301(b)).			X	Judge Porteous will stipulate that on March 16, 2001, the Grand Casino Gulfport sought to deposit the $1,000 marker, identified by marker number MK131402, previously executed by Judge Porteous on February 27, 2001, which initially cleared on March 24, 2001, resulting in the Grand Casino Gulfport showing zero markers outstanding for Judge Porteous from March 24, 2001, until April 3, 2001, when the marker was returned for an invalid account number. Judge Porteous will further stipulate that that marker was re-deposited on April 4, 2001, and cleared Judge Porteous's Bank One checking account on April 5, 2001.
151.	On or about April 6, 2001, the Grand Casino Gulfport collected $1,000 from Judge Porteous after marker number MK131405 was deposited into and cleared Judge Porteous's Bank One checking account. (HP Ex. 301(b)).			X	Judge Porteous will stipulate that on March 16, 2001, the Grand Casino Gulfport sought to deposit the $1,000 marker, identified by marker number MK131405, previously executed by Judge Porteous on February 27, 2001, which initially cleared on March 24, 2001, resulting in the Grand Casino Gulfport showing zero markers outstanding for Judge Porteous from March 24, 2001, until April 3, 2001, when the marker was returned for an invalid

					account number. Judge Porteous will further stipulate that that marker was re-deposited on April 4, 2001, and cleared Judge Porteous's Bank One checking account on April 4, 2001.
152.	On March 20, 2001, Judge Porteous opened a Post Office Box at a Post Office in Harvey, Louisiana. (HP Ex. 145).	X			
153.	On March 23, 2001, Judge Porteous signed his tax return for calendar year 2000, which claimed a tax refund in the amount of $4,143.72. (HP Ex. 141).	X			
154.	On April 13, 2001, Judge Porteous's $4,143.72 tax refund was electronically deposited by the U.S. Treasury directly into Judge Porteous's Bank One checking account. (HP Ex. 144).	X			
155.	Judge Porteous signed his initial Voluntary Petition for Chapter 13 Bankruptcy on March 28, 2001. (HP Ex. 125).	X			
156.	Judge Porteous's signature on his initial Voluntary Petition for Chapter 13 Bankruptcy appears directly below the following declaration: I declare under penalty of perjury that the information provided in this petition is true and correct. (HP Ex. 125).	X			
157.	Judge Porteous's initial Voluntary Petition for Chapter 13 Bankruptcy was filed in the United States Bankruptcy Court for the Eastern District of Louisiana on March 28, 2001. (HP Ex. 125).	X			
158.	Judge Porteous's initial Voluntary Petition for Chapter 13 Bankruptcy listed the Name of Debtor as "Ortous, G.T."	X			

	(HP Ex. 125).				
159.	At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows regarding the name "Ortous" on his initial Voluntary Petition for Chapter 13 Bankruptcy: Q: Your name is not Ortous, is it? A: No, sir. Q: Your wife's name is not Ortous? A: No, sir. Q: So, those statements that were signed—so, this petition that was signed under penalty of perjury had false information, correct? A: Yes, sir, it appears to. (Porteous 5th Cir. Hrg. at 55 (HP Ex. 10)).		X		Judge Porteous opposes this proposed stipulation because it attempts to improperly use compelled, immunized testimony; it attempts to circumvent Judge Porteous's pending motion to exclude such testimony; and it improperly removes the selectively-quoted material from its context. Judge Porteous further opposes this proposed stipulation because it omits the fact that Judge Porteous's use of the name "Ortous" was done at the suggestion and on advice of his bankruptcy counsel Claude Lightfoot.
160.	Judge Porteous's initial Voluntary Petition for Chapter 13 Bankruptcy listed a Street Address of "P.O. Box 1723, Harvey, LA 70059-1723." (HP Ex. 125).	X			
161.	Judge Porteous's street address on March 28, 2001 was 4801 Neyrey Drive, Metairie, LA 70002.	X			
162.	Judge Porteous signed his amended Voluntary Petition for Chapter 13 Bankruptcy on April 9, 2001. (HP Ex. 126).			X	Judge Porteous opposes this proposed stipulation in part because it omits necessary context. Judge Porteous will stipulate that he signed his amended Voluntary Petition for Chapter 13 Bankruptcy on April 9, 2001, before any notices were sent to any creditors or other interested parties.
163.	Judge Porteous's amended Voluntary Petition for Chapter 13 Bankruptcy was	X			

	filed in the United States Bankruptcy Court for the Eastern District of Louisiana on April 9, 2001. (HP Ex. 126).				
164.	Judge Porteous's amended Voluntary Petition for Chapter 13 Bankruptcy listed the Name of Debtor as "Porteous, Jr., Gabriel T." (HP Ex. 126).	X			
165.	Judge Porteous's amended Voluntary Petition for Chapter 13 Bankruptcy listed a Street Address of 4801 Neyrey Drive, Metairie, LA 70002. (HP Ex. 126).	X			
166.	Judge Porteous signed his Bankruptcy Schedules on April 9, 2001. (HP Ex. 127 at SC00111).	X			
167.	Judge Porteous's signature on his Bankruptcy Schedules appears directly below the following declaration: I declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of 16 sheets, plus the summary page, and that they are true and correct to the best of my knowledge, information, and belief. (HP Ex. 127 at SC00111).			X	Judge Porteous opposes this proposed stipulation because it is not true. The declaration appearing in HP Ex. 127 at SC00111 states that the foregoing summary and schedules consists of "18 sheets."
168.	Judge Porteous's Bankruptcy Schedules were filed with the United States Bankruptcy Court for the Eastern District of Louisiana on April 9, 2001. (HP Ex. 127).	X			
169.	Category 17 on Judge Porteous's Bankruptcy Schedule B ("Personal Property") required Judge Porteous to disclose "other liquidated debts owing debtor including tax refunds," in response to which the box "none" was marked with an "X." (HP Ex. 127 at SC00096).	X			
170.	Category 2 on Judge Porteous's Bankruptcy Schedule B required Judge		X		Judge Porteous opposes this proposed stipulation

	Porteous to disclose "Checking, savings or other financial accounts . . . ." and to state the current market value of interest in that property, in response to which the Schedule lists only Judge Porteous's Bank One checking account with a current market value of $100." (HP Ex. 127 at SC00095).				as argumentative and unnecessary, since the referenced document speaks for itself.
171.	At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows regarding his response to Category 2 on Schedule B: Q: Okay. Let's go through this for a moment. Under Schedule B, "Personal Property." A: All right. Q: "Type of property, checking, savings, or other financial accounts, certificates of deposit, shares in banks, savings and loan, thrift, building and loan, homestead association, or credit unions, brokerage houses or cooperatives." Did I read that accurately? A: Yes, sir. Q: And you listed Bank One Checking Account [account number redacted]. Is that correct? A: That's correct. Q: And the current value of that interest is $100, correct? A: Yes, sir. (Porteous 5th Cir. Hrg. at 79–80 (HP Ex. 10)).		X		Judge Porteous opposes this proposed stipulation because it attempts to improperly use compelled, immunized testimony; it attempts to circumvent Judge Porteous's pending motion to exclude such testimony; and it improperly removes the selectively-quoted material from its context.
172.	The opening balance of Judge Porteous's Bank One checking account for the time period of March 23, 2001 to April 23, 2001 was $559.07. (HP Ex. 144).	X			

173.	The closing balance of Judge Porteous's Bank One checking account for the time period of March 23, 2001 to April 23, 2001 was $5,493.91. (HP Ex. 144).	X			
174.	Judge Porteous deposited $2,000 into his Bank One checking account on March 27, 2001. (HP Ex. 144).	X			
175.	At no time between March 23, 2001 to April 23, 2001 did the balance in Judge Porteous's Bank One checking account drop to $100 or less. (HP Ex. 144).			X	Judge Porteous opposes this proposed stipulation in part because it is misleading due to its omission of necessary context. Judge Porteous will stipulate that, while the recorded balance in his Bank One checking account – as reported by Bank One – did not drop to $100 or less between March 23, 2001, and April 23, 2001, Judge Porteous did not know the exact balance of that account on March 28, 2001, but believed it to be approximately $100. Judge Porteous relied on the check register utilized by both he and his wife to determine the balance of that account.
176.	On March 28, 2001, Judge Porteous had a Fidelity money market account. This account was held in both his and his wife Carmella's names. (HP Ex. 143).	X			
177.	Judge Porteous's Fidelity money market account was not disclosed in response to Category 2 on Judge Porteous's Bankruptcy Schedule B. (HP Ex. 127 at SC00095).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that the Porteouses' Fidelity Homestead Association money market account was omitted from

					Category 2 of their Bankruptcy Schedule B.
178.	The opening balance on Judge Porteous's Fidelity money market account for the time period of March 31, 2001 to April 20, 2001 was $623.94. (HP Ex. 143).		X		Judge Porteous opposes this proposed stipulation because it is not true. The beginning balance of the Porteouses' Fidelity Homestead Association for the period of March 21, 2001, to April 20, 2001, was $623.94.
179.	The balance on Judge Porteous's Fidelity money market account on March 28, 2001 was $283.42. (HP Ex. 143).	X			
180.	On April 4, 2001, a $200.00 deposit was made into Judge Porteous's Fidelity money market account. (HP Ex. 143).	X			
181.	Judge Porteous wrote four checks from his Fidelity money market account between March 22, 2001 to April 12, 2001. (HP Ex. 143).		X		Judge Porteous opposes this proposed stipulation because the document relied upon by the House does not demonstrate that it is true. That document shows that five checks cleared the referenced account during the stated time period; it does not show that Judge Porteous wrote four checks from that account during the time period.
182.	On more than one occasion, Judge Porteous withdrew money from his Fidelity IRA account and deposited that money into his Fidelity money market account. The total dollar amount that Judge Porteous transferred from his Fidelity IRA to his Fidelity money market account between 1997 and 2000 was in excess of $10,000. (HP Ex. 383).	X			
183.	On March 28, 2001, Judge Porteous owed $2,000 in markers to the Grand Casino Gulfport in Gulfport, Mississippi arising from the two $1,000 markers he			X	Judge Porteous opposes the characterization and accuracy of this proposed stipulation. Judge

	took out on February 27, 2001. (HP Ex. 301(a)–(b)).				Porteous will stipulate that on March 16, 2001, the Grand Casino Gulfport sought to deposit two $1,000 markers previously executed by Judge Porteous on February 27, 2001, which initially cleared on March 24, 2001, resulting in the Grand Casino Gulfport showing zero markers outstanding for Judge Porteous from March 24, 2001, until April 3, 2001, when the markers were returned for invalid account numbers. Judge Porteous will further stipulate that those two markers were re-deposited on April 4, 2001, and ultimately cleared Judge Porteous's Bank One checking on April 4, 2001, and April 5, 2001, respectively.
184.	Judge Porteous's Bankruptcy Schedule F ("Creditors Holding Unsecured Nonpriority Claims") required Judge Porteous to "list creditors holding unsecured, nonpriority claims, as of the date of the filing of the petition," in response to which Judge Porteous's debt to the Grand Casino Gulfport was not listed. (HP Ex. 127 at SC00102–105; Ex. 345).		X		Judge Porteous opposes this stipulation because it is argumentative and an improper characterization of the facts and relevant documents, which speak for themselves. As explained in response to House Proposed Stipulation No. 183 (*supra*), the Grand Casino Gulfport showed zero markers outstanding for Judge Porteous on March 28, 2001.
185.	Judge Porteous's Bankruptcy Schedule I ("Current Income of Individual Debtor(s)") required Judge Porteous to disclose "Current monthly wages, salary,	X			

	and commissions (pro rate if not paid monthly)," in response to which the Schedule listed Judge Porteous's current monthly gross income as $7,531.52 (HP Ex. 127 at SC00108).				
186.	Judge Porteous's Bankruptcy Schedule I listed his "total net monthly take home pay" as $7,531.52. (HP Ex. 127 at SC00108).	X			
187.	Attached to Judge Porteous's Bankruptcy Schedule I was Judge Porteous's Employee Earnings Statement issued by the Administrative Office of the United States Court, for the monthly pay period ending on May 31, 2000, which stated that Judge Porteous's gross earnings were $11,775.00, and his net pay was $7,531.52. (HP Ex. 127 at SC00109).	X			
188.	In the summer of 2000, Judge Porteous had provided his Employee Earnings Statement for the monthly pay period ending on May 31, 2000 to Claude Lightfoot.	X			
189.	Judge Porteous never provided Claude Lightfoot with an Employee Earnings Statement that was more recent than Judge Porteous's statement for the pay period ending on May 31, 2000.			X	Judge Porteous will stipulate that Claude Lightfoot never requested, and Judge Porteous never provided, an Employee Earnings Statement that was more recent than Judge Porteous's statement for the pay period ending on May 31, 2000.
190.	In March and April 2001, Judge Porteous's monthly net pay was $7,705.51. (HP Ex. 144).	X			
191.	Judge Porteous signed his Statement of Financial Affairs on April 9, 2001. (HP Ex. 127 at SC00112).	X			

192.	Judge Porteous's signature on his Statement of Financial Affairs appears directly below the following declaration: I declare under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct. (HP Ex. 127 at SC00116).	X			
193.	Judge Porteous's Statement of Financial Affairs was filed with the United States Bankruptcy Court for the Eastern District of Louisiana on April 9, 2001. (HP Ex. 127).	X			
194.	Question 3 on Judge Porteous's Statement of Financial Affairs required Judge Porteous to list "all payments on loans, installment purchases of goods or services, and other debts, aggregating more than $600 to any creditor, made within 90 days immediately preceding the commencement of this case," in response to which the answer given was "Normal Installments." (HP Ex. 127 at SC00112).	X			
195.	On March 27, 2001, Judge Porteous made a $1,500 cash payment to the Treasure Chest Casino in Kenner, Louisiana to repay markers owed to the casino. (HP Ex. 302).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that on March 27, 2001, Judge Porteous redeemed with cash Treasure Chest Casino marker numbers 00059011, 00059012, and 00059013.
196.	At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows regarding his understanding of a marker: Q: Judge Porteous, you're familiar with the term "marker," aren't you?		X		Judge Porteous opposes this proposed stipulation because it attempts to improperly use compelled, immunized testimony; it attempts to circumvent Judge Porteous's pending motion to exclude such

	A: Yes, sir. Q: Would it be fair to state that, "A marker is a form of credit extended by a gambling establishment, such as a casino, that enables the customer to borrow money from the casino. The marker acts as the customer's check or draft to be drawn upon the customer's account at a financial institution. Should the customer not repay his or her debt to the casino, the marker authorizes the casino to present it to the financial institution or bank for negotiation and draw upon the customer's bank account any unpaid balance after a fixed period of time." Is that accurate? A: I believe that's correct and probably was contained in the complaint or – or the second complaint. There's a definition contained. Q: And you have no quarrel with the definition? A: No, sir. (Porteous 5th Cir. Hrg. at 64–65 (HP Ex. 10)).				testimony; and it improperly removes the selectively-quoted material from its context.
197.	Judge Porteous's answer to Question 3 on his Statement of Financial Affairs did not list the $1,500 cash payment that Judge Porteous made to the Treasure Chest Casino in Kenner, Louisiana on March 27, 2001. (HP Ex. 127 at SC00112; Ex. 302).	**X**			
198.	Question 8 on Judge Porteous's Statement of Financial Affairs required Judge Porteous to list "all losses from fire, theft, other casualty or gambling within one year immediately preceding the commencement of this case or since the commencement of this case," in response to which the box "None" was checked. (HP Ex. 127 at SC00113).	**X**			

199.	Between March 28, 2000 and March 28, 2001, Judge Porteous accrued gambling losses. (Porteous 5th Cir. Hrg. at 98–99 (HP Ex. 10)).		X		Judge Porteous opposes this proposed stipulation because the House has not provided information sufficient to determine if it is true.
200.	At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows regarding his response to Question 8 on his Statement of Financial Affairs: Q: [Item 8] asks you to list all losses for fire, theft, other casualty, gambling within one year immediately preceding the commencement of this case – meaning your case – or since the commencement of this case. And I believe we read this before, about married debtors filing under Chapter 12 and Chapter 13. And you list "none," correct? A: That's what's listed, correct. Q: Judge Porteous, do you recall that in the – that your gambling losses exceeded $12,700 during the preceding year? A: I was not aware of it at the time, but now I see your documentation and that – and that's what it reflects. Q: So, you – you don't dispute that? A: I don't dispute that. Q: Therefore, the answer "no" was incorrect, correct? A: Apparently, yes. Q: Even though this was signed under oath, under penalty of perjury, correct? A: Right. (Porteous 5th Cir. Hrg. at		X		Judge Porteous opposes this proposed stipulation because it attempts to improperly use compelled, immunized testimony; it attempts to circumvent Judge Porteous's pending motion to exclude such testimony; and it improperly removes the selectively-quoted material from its context.

	98–99 (HP Ex. 10)).				
201.	On April 6, 2001, Judge Porteous requested a one-time credit increase at the Beau Rivage Casino in Biloxi, Mississippi from $2,500 to $4,000. (HP Ex. 303).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that on or about April 6, 2001, the Beau Rivage Casino temporarily increased Judge Porteous's existing credit limit of $2,500 to $4,000 with a $1,500 "TTO," or "this trip only," increase.
202.	On April 7–8, 2001, Judge Porteous gambled at the Beau Rivage Casino in Biloxi, Mississippi. (HP Ex. 304).	X			
203.	On April 7, 2001, Judge Porteous took out two $500 markers at the Beau Rivage Casino in Biloxi, Mississippi, identified by marker numbers 127556 and 127558. (HP Ex. 304).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on April 7, 2001, Judge Porteous executed two $500 markers at the Beau Rivage Casino, identified by marker numbers 127556 and 127558.
204.	On April 8, 2001, Judge Porteous took out two $500 markers at the Beau Rivage Casino in Biloxi, Mississippi, identified by marker numbers 127646 and 127658. Judge Porteous also made two $500 payments to the casino on April 8, 2001, identified by transaction numbers 4069177 and 4069190. (HP Ex. 304).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on April 8, 2001, Judge Porteous (1) executed two $500 markers at the Beau Rivage Casino, identified by marker numbers 127646 and 127658, and (2) paid the Beau Rivage Casino $1,000 in chips, identified by transaction numbers 4069177 and 4069190.

205.	When Judge Porteous left the Beau Rivage Casino in Biloxi, Mississippi on April 8, 2001, he owed $1,000 to the casino. (HP Ex. 304).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that when he left the Beau Rivage Casino on April 8, 2001, two $500 markers were outstanding, which were redeemed via personal check on or about May 4, 2001.
206.	On April 24, 2001, Judge Porteous withdrew $1,000 from his Fidelity Individual Retirement Account, which was paid to him in the form of a check issued by National Financial Services LLC. (HP Ex. 382).	X			
207.	Judge Porteous endorsed the $1,000 check from National Financial Services LLC and signed the check over to Rhonda Danos. (HP Ex. 382).	X			
208.	On April 30, 2001, Rhonda Danos wrote a $1,000 check from her personal checking account, identified by check number 1699, to the Beau Rivage Casino. The check's memo line referenced "Gabriel Thomas Porteous Jr., Acct. # [redacted]." (HP Ex. 382).	X			
209.	On May 2, 2001, Rhonda Danos deposited into her personal checking account the $1,000 check from National Financial Services LLC, which had been issued to Judge Porteous and signed over to her. (HP Ex. 382).			X	Judge Porteous will stipulate that Rhonda Danos deposited the $1,000 check from National Financial Services LLC, which had been issued to Judge Porteous and signed over to her, into the Hibernia bank account that she shared with Gordon Danos and Gavin Danos on or about May 1, 2001, and that that check posted to the Danoses' account on

					May 2, 2001.
210.	On May 4, 2001, Rhonda Danos's $1,000 check to the Beau Rivage Casino, written on Judge Porteous's behalf, was paid at the cage and was credited against Judge Porteous's Beau Rivage account, identified by transaction number 4071922. The Beau Rivage Casino deposited Ms. Danos's $1,000 check on May 5, 2001. (HP Ex. 304).			X	Judge Porteous opposes this proposed stipulation in part because it omits necessary context. Judge Porteous will accept the House's proposed stipulation if the House will stipulate that the reason that Judge Porteous endorsed the $1,000 check from National Financial Services, LLC over to Rhonda Danos, and Ms. Danos wrote and delivered a $1,000 check from her checking account to the Beau Rivage Casino referencing Judge Porteous, is that Ms. Danos planned to go to that casino anyway and was saving Judge Porteous a trip.
211.	On May 8, 2001, 19, 2001, Rhonda Danos's $1,000 check to the Beau Rivage Casino, identified by check number 1699, cleared Danos's bank account. (HP Ex. 382).			X	Judge Porteous opposes this proposed stipulation to the extent that it contains an unintelligible typographical error. Judge Porteous will stipulate that the $1,000 check to the Beau Rivage Casino written by Rhonda Danos and numbered 1699 cleared the Danoses' bank account on May 8, 2001.
212.	On April 10, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 305).	X			
213.	On April 10, 2001, Judge Porteous took out four $500 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00060317, 00060319, 00060320, and 00060321. Judge Porteous repaid all four markers			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on April 10, 2001, Judge Porteous

	the same day with chips. (HP Ex. 305).				executed four $500 markers at the Treasure Chest Casino, identified by marker numbers 00060317, 00060319, 00060320, and 00060321, all of which he redeemed that same day with chips.
214.	On May 7, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 307).	X			
215.	On May 7, 2001, Judge Porteous took out four $1,000 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00061209, 00061212, 00061216, and 00061230. (HP Ex. 307.)			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on May 7, 2001, Judge Porteous executed four $1,000 markers at the Treasure Chest Casino, identified by marker numbers 00061209, 00061212, 00061216, and 00061230.
216.	When Judge Porteous left the Treasure Chest Casino in Kenner, Louisiana on May 7, 2001, he owed $4,000 to the casino. (HP Ex. 307).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that when he left the Treasure Chest Casino on or about May 7, 2001, four $1,000 markers were outstanding.
217.	On May 9, 2001, Judge Porteous made a $4,000 cash payment to the Treasure Chest Casino, repaying marker numbers 00061209, 00061212, 00061216, and 00061230. (HP Ex. 307).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on or about May 9, 2001, Judge Porteous redeemed with cash the four $1,000 Treasure Chest Casino markers identified by marker numbers 00061209, 00061212, 00061216, and 00061230.

218.	On April 30, 2001, Judge Porteous submitted a Casino Credit Application to Harrah's Casino in New Orleans, Louisiana, requesting a $4,000 credit limit. (HP Ex. 149).	X			
219.	On April 30, 2001, Judge Porteous gambled at Harrah's Casino in New Orleans, Louisiana. (HP Ex. 306).	X			
220.	On April 30, 2001, Judge Porteous took out two $500 markers at Harrah's Casino in New Orleans, Louisiana, identified by marker numbers 0084898 and 0084899. Judge Porteous wrote a $1,000 check to Harrah's Casino the same day to repay both markers. Judge Porteous's check cleared Harrah's Casino on May 30, 2001. (HP Ex. 306).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on or about April 30, 2001, Judge Porteous executed two $500 markers at Harrah's Casino in New Orleans, identified by marker numbers 0084898 and 0084899, which were redeemed that same day by check. The House has not provided information sufficient to determine when that check cleared.
221.	On May 9, 2001, a Section 341 Creditors Meeting was held in Judge Porteous's Chapter 13 Bankruptcy case. (HP Ex. 129).	X			
222.	Judge Porteous attended the Section 341 Creditors Meeting held on May 9, 2001 with his bankruptcy counsel Claude Lightfoot. (HP Ex. 130).	X			
223.	The Section 341 Creditors Meeting was recorded, and the transcription of that recording is true and accurate. (HP Ex. 130).			X	Judge Porteous will stipulate that the Section 341 Creditors Meeting held in his Chapter 13 Bankruptcy case was at least partially recorded, and that an unsigned, uncertified transcript of that recording is set out in HP Ex. 130 (SC00595-

					98).
224.	At the Section 341 Creditors Meeting on May 9, 2001, bankruptcy trustee S.J. Beaulieu, Jr. gave Judge Porteous a copy of a pamphlet entitled "Your Rights and Responsibilities in Chapter 13." (HP Ex. 130). Section 6 of the "Rights and Responsibilities" pamphlet, which Judge Porteous received from Bankruptcy Trustee Beaulieu, stated as follows: You may not borrow money or buy anything on credit while in Chapter 13 without permission from the bankruptcy Court. This includes the use of credit cards or charge accounts of any kind. If you or a family member you support buys something on credit without Court approval, the Court could order the goods returned. (HP Ex. 148 at SC00402).			X	Judge Porteous opposes this proposed stipulation in part because the House has not proffered evidence sufficient to establish that S.J. Beaulieu gave Judge Porteous a copy of the referenced pamphlet at the May 9, 2001 meeting.
225.	At the Section 341 Creditors Meeting on May 9, 2001, Judge Porteous was placed under oath and stated "yes" when asked if everything in his bankruptcy petition was true and correct. (HP Ex. 130).			X	Judge Porteous will stipulate that he was placed under oath at the Section 341 Creditors Meeting held on May 9, 2001, and that the transcript of that meeting indicates that he stated "yes" after Mr. Beaulieu stated "[e]verything in here true and correct."
226.	At the Section 341 Creditors Meeting on May 9, 2001, while under oath, Judge Porteous stated "yes" when asked if he had listed all of his assets in his bankruptcy petition. (HP Ex. 130 at SC00596).			X	Judge Porteous will stipulate that the transcript of the May 9, 2001 meeting indicates that he stated "yes" to the referenced question.
227.	At the Section 341 Creditors Meeting on May 9, 2001, while under oath, Judge Porteous answered in the affirmative when asked if his take home pay was about $7,500 a month. (HP Ex. 130 at SC00596).			X	Judge Porteous will stipulate that the transcript of the May 9, 2001 meeting indicates that he responded "Um hum" to the referenced statement.

228.	At the Section 341 Creditors Meeting on May 9, 2001, Bankruptcy Trustee S.J. Beaulieu, Jr. told Judge Porteous that "Any charge cards that you may have you have [sic] you cannot use any longer. So basically you on a cash basis now." (HP Ex. 130 at SC00598).			X	Judge Porteous will stipulate that the transcript of the May 9, 2001 meeting indicates that Mr. Beaulieu made the referenced statement.
229.	At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows regarding the Section 341 Creditors Meeting: Q: Now, after bankruptcy, you had a meeting with the trustee, SJ Beaulieu, correct? A: After what? Q: After bankruptcy was filed. A: After it was filed, that's correct. Q: And you recall that Mr. Beaulieu handed you a pamphlet called "Your Rights and Responsibilities in Chapter 13," which we have marked as the Committee's Exhibit 11?		X		Judge Porteous opposes this proposed stipulation because it attempts to improperly use compelled, immunized testimony; it attempts to circumvent Judge Porteous's pending motion to exclude such testimony; and it improperly removes the selectively-quoted material from its context.
	A: I believe that's – yeah, right. Q: And it bears the name of Mr. Beaulieu and has his local New Orleans phone number? A: Yes, sir. * * * Q: Calling your attention to this exhibit, there are enumerated paragraphs. Paragraph 6, follow me while I read. "Credit While in Chapter 13. You may not borrow money or buy anything on credit while in Chapter 13 without permission from the bankruptcy court. This includes the use of credit cards or				

	charge accounts of any kind." Did I read that accurately, sir? A: You did. Q: And do you recall reading that and discussing that with Mr. Beaulieu? A: I don't specifically recall it, but I'm not saying it didn't happen. Q: All right. Do you recall, on or about May 9th, 2001, having a – what's called a 341 bankruptcy hearing, where Mr. Beaulieu as trustee was present; your attorney, Mr. Lightfoot, was present; and you were present? A: Yes, sir, I remember meeting with Mr. Beaulieu. Q: And that meeting was recorded, if you – do you recall that? A: I believe that's correct, yeah, tape recorded. Q: Right. Do you recall Mr. Beaulieu stating the following? "Any charge cards that you may – you have you cannot use any longer. So, basically, you're on a cash basis now. I have no further questions except have you made your first payments." Did I read that accurately? A: Yes, sir. Q: So, you were told by Mr. Beaulieu that you couldn't incur any more credit there, on credit cards, correct? A: I'm not sure it was there, but I'm				

	sure it was part of the explanation at some point. Q: Well, going back to – A: When you ask – I only meant in reference to the statement. Yes, it's – Q: Right. A: – contained in there, and I knew that. Q: And it was your understanding – and that's what I'm trying to find out, sir – that you couldn't incur more credit while in bankruptcy, correct? A: That's correct. (Porteous 5th Cir. Hrg. at 61–62 (HP Ex. 10)).				
230.	On May 16, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 308).	X			
231.	On May 16, 2001, Judge Porteous took out a $500 marker at the Treasure Chest Casino in Kenner, Louisiana, identified by marker number 00061520. Judge Porteous repaid that marker the same day with chips. (HP Ex. 308).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on May 16, 2001, Judge Porteous executed one $500 marker at the Treasure Chest Casino, identified by marker number 00061520, which he redeemed that same day with chips.
232.	On June 20, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 310).	X			
233.	On June 20, 2001, Judge Porteous took out a $500 marker at the Treasure Chest Casino in Kenner, Louisiana, identified by marker number 00062678. Judge Porteous repaid that marker the same day with chips. (HP Ex. 310).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on June 20, 2001, Judge Porteous

					executed one $500 marker at the Treasure Chest Casino, identified by marker number 00062678, which he redeemed that same day with chips.
234.	On May 26–27, 2001, Judge Porteous gambled at the Grand Casino Gulfport in Gulfport, Mississippi. (HP Ex. 309).	X			
235.	On May 26, 2001, Judge Porteous took out a $500 marker at the Grand Casino Gulfport in Gulfport, Mississippi, identified by marker number MK141028. (HP Ex. 309).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on May 26, 2001, Judge Porteous executed one $500 marker at the Grand Casino Gulfport, identified by marker number MK141028, which was redeemed on May 27, 2001.
236.	On May 27, 2001, Judge Porteous took out a $500 marker at the Grand Casino Gulfport in Gulfport, Mississippi, identified by marker number MK141325. Judge Porteous repaid $900 to the casino that same day. (HP Ex. 309).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on May 27, 2001, Judge Porteous executed one $500 marker at the Grand Casino Gulfport, identified by marker number MK141325, which he redeemed that same day.
237.	On May 28, 2001, Judge Porteous wrote a $100 check to the Grand Casino Gulfport, which cleared his Bank One checking account on May 30, 2001. After that check cleared, Judge Porteous's balance due and owing to the Grand Casino Gulfport was $0. (HP Ex. 309).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that he tendered a check dated May 28, 2001, and numbered 4087 in the amount of $100 to the Grand Casino Gulfport, which cleared his Bank One bank

					account on May 30, 2001.
238.	On June 28, 2001, U.S. Bankruptcy Judge William Greendyke signed an "Order Confirming the Debtor's Plan and Related Orders" in Judge Porteous's bankruptcy case. Judge Porteous received a copy of this order. (HP Ex. 133).			X	Judge Porteous opposes this proposed stipulation in part because the House has not proffered evidence sufficient to establish that Judge Porteous received a copy of the referenced order.
239.	Paragraph 4 of the June 28, 2001 Order signed by Judge Greendyke stated as follows: The debtor(s) shall not incur additional debt during the term of this Plan except upon written approval of the Trustee. Failure to obtain such approval may cause the claim for such debt to be unallowable and non-dischargeable. (HP Ex. 133).	X			
240.	At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows regarding the June 28, 2001 Order signed by Judge Greendyke: Q: Okay. Now, on June 2nd [sic], are you familiar with the order signed by Bankruptcy Judge Greendyke? And this is from Exhibit 1, Bates Number SC50, Exhibit 1 being the certified copy of the bankruptcy file. "It is ordered that," going down to Number 4, "the debtors shall not incur additional debt during the term of this plan except upon written approval of the trustee." Did I read that correctly? A: You did. Q: Was that your understanding at the time?		X		Judge Porteous opposes this proposed stipulation because it attempts to improperly use compelled, immunized testimony; it attempts to circumvent Judge Porteous's pending motion to exclude such testimony; and it improperly removes the selectively-quoted material from its context.

	A: In the order, it was. Judge Lake: What's the date of that document? Mr. Finder: July 2nd, 2001, was the docket date. It was signed by Judge Greendyke on June 28th, 2001. (Porteous 5th Cir. Hrg. at 62 (HP Ex. 10)).				
241.	Judge Porteous was subject to the terms of the June 28, 2001 Order until his Chapter 13 bankruptcy was discharged on July 22, 2004. (HP Ex. 137).	X			
242.	In December 2002, Judge Porteous asked his bankruptcy attorney, Claude Lightfoot, to seek permission from the bankruptcy trustee for Judge Porteous to refinance his home.	X			
243.	On December 20, 2002, Judge Porteous was granted permission to refinance his home by Chapter 13 Trustee S.J. Beaulieu, Jr. (HP Ex. 339).	X			
244.	In December 2002 or January 2003, Judge Porteous asked his bankruptcy attorney, Claude Lightfoot, to seek permission from the bankruptcy trustee for Judge Porteous and his wife Carmella to enter into new car lease agreements.	X			
245.	On January 3, 2003, Judge Porteous was granted permission to enter into two new car lease agreements by Chapter 13 Trustee S.J. Beaulieu, Jr. (HP Ex. 340).			X	Judge Porteous opposes this proposed stipulation because it is not true. Judge Porteous will stipulate that Chapter 13 Trustee Beaulieu sent Claude Lightfoot a letter dated January 2, 2003, stating that Mr. Beaulieu had no objection to the Porteouses entering into new car leases.

246.	On July 19, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 311).	X			
247.	On July 19, 2001, Judge Porteous took out a $500 marker at the Treasure Chest Casino in Kenner, Louisiana, identified by marker number 00063615. Judge Porteous repaid that marker the same day in chips. (HP Ex. 311).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on July 19, 2001, Judge Porteous executed one $500 marker at the Treasure Chest Casino, identified by marker number 00063615, which he redeemed that same day with chips.
248.	On July 23, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 312).	X			
249.	On July 23, 2001, Judge Porteous took out a $500 marker at the Treasure Chest Casino in Kenner, Louisiana, identified by marker number 00063744. Judge Porteous repaid that marker the same day in chips. (HP Ex. 312).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on July 23, 2001, Judge Porteous executed one $500 marker at the Treasure Chest Casino, identified by marker number 00063744, which he redeemed that same day with chips.
250.	On August 20–21, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 313(a)).	X			
251.	On August 20, 2001, Judge Porteous took out three $1,000 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00064677, 00064680, and 00064685. Judge Porteous repaid all three markers the same day with chips. (HP Ex. 313(a)).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on August 20, 2001, Judge Porteous executed three $1,000 markers at the Treasure Chest Casino, identified by marker numbers 00064677, 00064680, and

					00064685, each of which he redeemed that same day with chips.
252.	On August 21, 2001, Judge Porteous took out five $1,000 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00064729, 00064730, 00064739, 00064744, and 00064746. Judge Porteous repaid marker numbers 00064729 and 00064744 the same day with chips. (HP Ex. 313(a)).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on August 21, 2001, Judge Porteous executed five $1,000 markers at the Treasure Chest Casino, identified by marker numbers 00064729, 00064730, 00064739, 0064744, and 0064746, two of which (marker numbers 00064729 and 00064744) he redeemed that same day with chips.
253.	When Judge Porteous left the Treasure Chest Casino in Kenner, Louisiana on August 21, 2001, he owed $3,000 to the casino. (HP Ex. 309).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that when he left the Treasure Chest Casino on August 21, 2001, three $1,000 markers were outstanding.
254.	On September 9, 2001, Judge Porteous repaid marker number 00064739, in the amount of $1,000, to the Treasure Chest Casino in Kenner, Louisiana with cash, leaving a balance of $2,000 owed to the casino. (HP Ex. 313(a)).			X	Judge Porteous opposes both the characterization and accuracy of this proposed stipulation. Judge Porteous will stipulate that, on September 9, 2001, Judge Porteous redeemed with cash Treasure Chest Casino marker numbers 00064739 and 00064746.
255.	On September 15, 2001, Judge Porteous paid $2,000 in cash to the Treasure Chest Casino in Kenner, Louisiana, repaying marker numbers 00064730 and 00064746. (HP Ex. 313(a)).			X	Judge Porteous opposes both the characterization and accuracy of this proposed stipulation. Judge Porteous will stipulate that, on

					September 15, 2001, Judge Porteous redeemed with cash Treasure Chest Casino marker number 00064730.
256.	On October 13, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 315).	X			
257.	On October 13, 2001, Judge Porteous took out two $500 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00066463 and 00066465. Judge Porteous repaid both markers the same day with chips. (HP Ex. 315).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on October 13, 2001, Judge Porteous executed two $500 markers at the Treasure Chest Casino, identified by marker numbers 00066463 and 00066465, both of which he redeemed that same day with chips.
258.	On October 17–18, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 316).	X			
259.	On October 17, 2001, Judge Porteous took out three $1,000 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00066625, 00066627, and 00066644, and he also took out five $500 markers, identified by marker numbers 00066630, 00066632, 00066633, 00066640, and 00066645. Judge Porteous repaid marker numbers 00066630, 00066632, and 00066633 the same day with chips. (HP Ex. 316).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on October 17, 2001, Judge Porteous executed three $1,000 markers at the Treasure Chest Casino, identified by marker numbers 00066625, 00066627, and 00066644, and five $500 markers, identified by marker numbers 00066630, 00066632, 00066633, 00066640, and 00066645. Judge Porteous will further stipulate that on the same day, October 17, 2001, he

					redeemed the markers numbered 00066630, 00066632, and 00066633 with chips.
260.	On October 18, 2001, Judge Porteous took out a $400 marker at the Treasure Chest Casino in Kenner, Louisiana, identified by marker number M2B459. (HP Ex. 316).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on October 18, 2001, Judge Porteous executed one $400 marker at the Treasure Chest Casino, identified by marker number M2B459.
261.	When Judge Porteous left the Treasure Chest Casino in Kenner, Louisiana on October 18, 2001, he owed $4,400 to the casino. (HP Ex. 309)			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that when he left the Treasure Chest Casino on October 18, 2001, three $1,000 markers, two $500 markers, and one $400 marker were outstanding.
262.	On October 25, 2001, Judge Porteous withdrew $1,760 from his Individual Retirement Account, which was paid to him in the form of a check issued by National Financial Services LLC. (HP Ex. 381).	X			
263.	On October 30, 2001, Judge Porteous deposited the $1,760 check from his Individual Retirement Account, issued by National Financial Services LLC, into his Fidelity money market account. (HP Ex. 381).	X			
264.	On November 9, 2001, Judge Porteous wrote a check for $1,800 from his Fidelity money market account, identified by check number 589, to the Treasure Chest Casino, repaying marker number 00066625 in its entirety and repaying $800 of marker number 00066627. Judge Porteous repaid the remaining $200 of			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on November 9, 2001, Judge Porteous redeemed Treasure Chest Casino

	marker number 00066627 with cash that same day. (Exs. 316, 381).				markers numbered 00066625 and 00066627 with $200 in cash and a check, drawn on this Fidelity Homestead Association money market account and numbered 589, in the amount of $1,800.
265.	On November 9, 2001, Judge Porteous paid $2,400 in cash to the Treasure Chest Casino in Kenner, Louisiana, repaying marker numbers 00066640, 00066644, 00066645, and M2B459. (HP Ex. 316).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on November 9, 2001, Judge Porteous redeemed with cash Treasure Chest Casino markers numbered 00066640, 00066644, 00066645, and M2B459.
266.	On November 27, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 318).	X			
267.	On November 27, 2001, Judge Porteous took out two $1,000 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00067888 and 00067893. Judge Porteous repaid both markers the same day with chips. (HP Ex. 318).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on November 27, 2001, Judge Porteous executed two $1,000 markers at the Treasure Chest Casino, identified by marker numbers 00067888 and 00067893, both of which he redeemed that same day with chips.
268.	On December 11, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 319).	X			
269.	On December 11, 2001, Judge Porteous took out two $1,000 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will

	00068410 and 00068415. Judge Porteous repaid both markers the same day with chips. (HP Ex. 319).				stipulate that, on December 11, 2001, Judge Porteous executed two $1,000 markers at the Treasure Chest Casino, identified by marker numbers 00068410 and 00068415, both of which he redeemed that same day with chips.
270.	On April 1, 2002, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 322).	X			
271.	On April 1, 2002, Judge Porteous took out two $1,000 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00072228 and 00072229, and he also took out one $500 marker identified by marker number 00072234. Judge Porteous repaid all three markers the same day with chips. (HP Ex. 322).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on April 1, 2002, Judge Porteous executed two $1,000 markers at the Treasure Chest Casino, identified by marker numbers 00072228 and 00072229, and one $500 marker, identified by marker number 00072234, all three of which he redeemed that same day with chips.
272.	On September 28, 2001, Judge Porteous gambled at Harrah's Casino in New Orleans, Louisiana. (HP Ex. 314).	X			
273.	On September 28, 2001, Judge Porteous took out two $1,000 markers at Harrah's Casino in New Orleans, Louisiana, identified by marker numbers 0099123 and 0099130. (HP Ex. 314).			X	Judge Porteous opposes the characterization this proposed stipulation. Judge Porteous will stipulate that, on September 28, 2001, Judge Porteous executed two $1,000 markers at Harrah's Casino in New Orleans, identified by marker numbers 0099123 and 0099130, which were

					redeemed that same day by check.
274.	On September 28, 2001 Judge Porteous wrote a check to Harrah's Casino to repay marker numbers 0099123 and 0099130. Judge Porteous's check cleared Harrah's Casino on October 28, 2001. (HP Ex. 314).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on September 28, 2001, Judge Porteous redeemed Harrah's Casino markers numbered 0099123 and 0099130 by check. The House has not provided information sufficient to determine when that check cleared.
275.	On December 20, 2001, Judge Porteous gambled at Harrah's Casino in New Orleans, Louisiana. (HP Ex. 320).	X			
276.	On December 20, 2001, Judge Porteous took out a $1,000 marker at Harrah's Casino in New Orleans, Louisiana, identified by marker number 0106851. (HP Ex. 320).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on December 20, 2001, Judge Porteous executed one $1,000 marker at Harrah's Casino in New Orleans, identified by marker number 0106851, which he redeemed that same day by check.
277.	On December 20, 2001 Judge Porteous wrote a check to Harrah's Casino to repay marker number 0106851. Judge Porteous's check cleared Harrah's Casino on November 9, 2002. (HP Ex. 320).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on December 20, 2001, Judge Porteous redeemed Harrah's Casino marker number 0106851 by check. The House has not provided information sufficient to determine when that check cleared.

278.	On October 31–November 1, 2001, Judge Porteous gambled at the Beau Rivage Casino in Biloxi, Mississippi.	X			
279.	On October 31, 2001, Judge Porteous took out five $500 markers at the Beau Rivage Casino in Biloxi, Mississippi, identified by marker numbers 164622, 164628, 164637, 164649, and 164652. (HP Ex. 317).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on October 31, 2001, Judge Porteous executed five $500 markers at the Beau Rivage Casino, identified by marker numbers 164622, 164628, 164637, 164649, and 164652, each of which he redeemed on November 1, 2001, with chips.
280.	On November 1, 2001, Judge Porteous took out a $500 marker at the Beau Rivage Casino in Biloxi, Mississippi, identified by marker number 164659. Judge Porteous repaid $2,500 with chips at the cage that day and repaid another $500 with chips at the pit. (HP Ex. 317).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on November 1, 2001, Judge Porteous executed one $500 marker at the Beau Rivage Casino, identified by marker number 164659, which he redeemed that same day in connection with the $3,000 in chips that Judge Porteous paid to the casino on November 1, 2001.
281.	On February 12, 2002, Judge Porteous gambled at the Grand Casino Gulfport in Gulfport, Mississippi. (HP Ex. 321).	X			
282.	On February 12, 2002, Judge Porteous took out a $1,000 marker at the Grand Casino Gulfport in Gulfport, Mississippi, identified by marker number MK169742. Judge Porteous repaid that marker the same day. (HP Ex. 321).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on February 12, 2002, Judge Porteous executed one $1,000

					marker at the Grand Casino Gulfport, identified by marker number MK169742, which he redeemed that same day.
283.	On May 26, 2002, Judge Porteous gambled at the Grand Casino Gulfport in Gulfport, Mississippi. (HP Ex. 323).	X			
284.	On May 26, 2002, Judge Porteous took out a $1,000 marker at the Grand Casino Gulfport in Gulfport, Mississippi, identified by marker number MK179892. Judge Porteous repaid that marker the same day. (HP Ex. 323).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on May 26, 2002, Judge Porteous executed one $1,000 marker at the Grand Casino Gulfport, identified by marker number MK179892, which he redeemed that same day.
285.	On July 4–5, 2002, Judge Porteous gambled at the Grand Casino Gulfport in Gulfport, Mississippi. (HP Ex. 325).	X			
286.	On July 4, 2002, Judge Porteous took out two $1,000 markers at the Grand Casino Gulfport in Gulfport, Mississippi, identified by marker numbers MK183825 and MK183833. (HP Ex. 325).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on July 4, 2002, Judge Porteous executed two $1,000 markers at the Grand Casino Gulfport, identified by marker numbers MK183825 and MK183833, the first of which he redeemed on July 5, 2002.
287.	On July 5, 2002, Judge Porteous took out a $500 marker at the Grand Casino Gulfport in Gulfport, Mississippi, identified by marker number MK183917. Judge Porteous repaid $1,200 to the			X	Judge Porteous opposes the characterization and accuracy of this proposed stipulation. Judge Porteous will stipulate

	casino that day. (HP Ex. 325).				that, on July 5, 2002, Judge Porteous executed one $500 marker at the Grand Casino Gulfport, identified by marker number MK183917, which he redeemed that same day.
288.	When Judge Porteous left the Grand Casino Gulfport in Gulfport, Mississippi on July 5, 2002, he owed $1,300 to the casino. (HP Ex. 325).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that when he left the Grand Casino Gulfport on July 5, 2002, one $1,000 marker, identified by marker number MK183833, and one $300 "CCHK," identified by number RP001259, were outstanding.
289.	On August 2, 2002, Judge Porteous wrote a $1,300 check to the Grand Casino Gulfport in Gulfport, Mississippi, which cleared his Fidelity money market account on August 6, 2002. After that check cleared, Judge Porteous's balance due and owing to the Grand Casino Gulfport was $0. (HP Ex. 325).			X	Judge Porteous opposes the characterization and accuracy of this proposed stipulation. Judge Porteous will stipulate that, on August 2, 2002, Judge Porteous redeemed one $1,000 marker, identified by marker number MK183833, and one $300 "CCHK," identified by number RP001259, with a check in the amount of $1,300 drawn on his Fidelity Homestead Association money market account, which cleared that account on August 6, 2002.
290.	On August 13, 2001, Judge Porteous applied for a Capital One credit card. (HP Ex. 341(a)).	X			
291.	Judge Porteous never sought permission from Bankruptcy Trustee S.J. Beaulieu,	X			

	Jr. to obtain or use a new Capital One credit card.				
292.	Judge Porteous was approved for a Capital One credit card with a $200 limit in August 2001. (HP Ex. 341(b)).	X			
293.	Judge Porteous started using his Capital One credit card on September 17, 2001, when he charged $39.03 at Lucys Restaurant in New Orleans, Louisiana. (HP Ex. 341(b)).		X		Judge Porteous opposes this proposed stipulation because it is not true. According to the document relied upon by the House, the first charge incurred on this credit card appears to have occurred in August 2001.
294.	Judge Porteous exceeded his $200 credit limit on his Capital One credit card for the statement period of September 14, 2001 to October 13, 2001, and, as a result, he was charged a $29 "overlimit fee" on October 16, 2001. (HP Ex. 341(b)).			X	Judge Porteous opposes this proposed stipulation because it is inaccurate and/or incomplete. While an "overlimit fee" was assessed on October 16, 2001, that fee was removed on October 30, 2001.
295.	Judge Porteous Capital One credit card statements for the periods ending on December 13, 2001, January 13, 2002, September 13, 2002, December 13, 2002, January 13, 2003, February 13, 2003, and March 13, 2003 all showed that Judge Porteous had not paid his credit card balance in full. (HP Ex. 341(b)).			X	Judge Porteous opposes this proposed stipulation because it is inaccurate and incomplete. Judge Porteous will agree to the House's proposed stipulation if the House will (1) delete the references to December 13, 2001, and September 13, 2001, and (2) stipulate that Judge Porteous paid in full the balance on his Capitol One credit card due on: October 13, 2001, November 13, 2001, December 13, 2001, March 13, 2002, April 13, 2002, May 13, 2002, June 13, 2002,

					July 13, 2002, August 13, 2002, September 13, 2002, and November 13, 2002.
296.	Judge Porteous's Capital One credit card statement for the time period of May 14, 2002 to June 13, 2002 showed that Judge Porteous's credit limit was increased to $400. (HP Ex. 341(b)).	X			
297.	Judge Porteous's Capital One credit card statement for the time period of November 14, 2002 to December 13, 2002 showed that Judge Porteous's credit limit was increased to $600. (HP Ex. 341(b)).	X			
298.	On July 4, 2002, Judge Porteous requested and was granted a credit limit increase from $2,000 to $2,500 at the Grand Casino Gulfport in Gulfport, Mississippi by filling out a "Credit Line Change Request" form. (HP Ex. 324).			X	Judge Porteous will stipulate that, on July 4, 2002, he requested a temporary credit limit increase from $2,000 to $2,500 at the Grand Casino Gulfport.
299.	Judge Porteous took out $2,500 in markers at the Grand Casino Gulfport in Gulfport, Mississippi on July 4–5, 2002. (HP Ex. 325).			X	Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, between July 4 and 5, 2002, Judge Porteous executed two $1,000 markers and one $500 marker at the Grand Casino Gulfport, three-fifths of which he redeemed on July 5, 2002.
300.	Judge Porteous never sought permission from Bankruptcy Trustee S.J. Beaulieu, Jr. to apply for an increased credit limit at the Grand Casino Gulfport in Gulfport, Mississippi.	X			

	JUDGE PORTEOUS'S BACKGROUND CHECK AND CONFIRMATION				
301.	In 1994, Judge Porteous, in connection with his nomination to be a Federal judge, was subject to an FBI background investigation, was required to fill out various forms and questionnaires, and was interviewed by the FBI.	X			
302.	In connection with his nomination to be a Federal judge, Judge Porteous filled out and signed a document entitled "Supplement to Standard Form 86." (HP Ex. 69 (b) at PORT00298).	X			
303.	The Supplement to Standard Form 86 filled out by Judge Porteous contains the following question and answer: Question 10S: Is there anything in your personal life that could be used by someone to coerce or blackmail you? Is there anything in your life that could cause an embarrassment to you or to the President if publicly known? If so, please provide full details? Answer: "No."		X		Judge Porteous opposes this proposed stipulation on the grounds that the document speaks for itself and that the entire document should be admitted into evidence.
304.	The Supplement to Standard Form 86 was signed by Judge Porteous under the following statement: I understand that the information being provided on this supplement to the SF- 86 is to be considered part of the original SF- 86 dated April 27, 1994 and a false statement on this form is punishable by law.		X		Judge Porteous opposes this proposed stipulation on the grounds that the document speaks for itself and that the entire document should be admitted into evidence.
305.	On or about July 6, 1994 in connection with his FBI background investigation, Judge Porteous was interviewed by the FBI and, according to their interview memorandum, he stated in substance that "he was not concealing any activity or		X		Judge Porteous opposes this proposed stipulation on the grounds that the document speaks for itself and that the entire document should be

	conduct that could be used to influence, pressure, coerce, or compromise him in any way or that would impact negatively on the candidate's character, reputation, judgment or discretion." (HP Ex. 69 (b) at PORT 000000294).				admitted into evidence.
306.	On August 18, 1994, in connection with his FBI background investigation, Judge Porteous was interviewed a second time by the FBI and, according to their interview memorandum, he stated in substance that "he was unaware of anything in his background that might be the basis of attempted influence, pressure, coercion or compromise and/or would impact negatively on his character, reputation, judgment or discretion." (HP Ex. 69 (b) at PORT 000000493–94).		X		Judge Porteous opposes this proposed stipulation on the grounds that the document speaks for itself and that the entire document should be admitted into evidence.
307.	During the Senate confirmation process, Judge Porteous was required to complete a United States Senate Committee on the Judiciary Questionnaire for Judicial Nominees. As part of the Questionnaire, Judge Porteous was asked the following question and provided the following answer: Question 11: Please advise the Committee of any unfavorable information that may affect your nomination. Answer: To the best of my knowledge, I do not know of any unfavorable information that may affect my nomination. (HP Ex. 69 (a) at PORT000049).		X		Judge Porteous opposes this proposed stipulation on the grounds that the document speaks for itself and that the entire document should be admitted into evidence.
308.	The United States Senate Committee on the Judiciary required that an affidavit be submitted by Judge Porteous along with the completed Questionnaire for Judicial Nominees. The affidavit signed by Judge Porteous and a notary reads as follows:		X		Judge Porteous opposes this proposed stipulation on the grounds that the document speaks for itself and that the entire document should be admitted into evidence.

	Affidavit I, Gabriel Thomas Porteous, Jr., do swear that the information provided in this statement is, to the best of my knowledge, true and accurate. Gretna, Louisiana, this 6 day of September, 1994. (HP Ex. 69 (a) at PORT 000050).				
	AUTHENTICITY OF EXHIBITS				
309.	The exhibits listed on the House's August 5, 2010 Exhibit list are authentic.			X	Judge Porteous will stipulate that, based on his present information, the exhibits listed on the House's August 5, 2010 Exhibit List are authentic. Judge Porteous reserves the right, however, to revoke or amend this stipulation based on later acquired information. Moreover, Judge Porteous does not stipulate to, and expressly reserves the right to challenge or object to, the admissibility and/or relevance of such exhibits.

Respectfully submitted,

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Counsel for G. Thomas Porteous, Jr.
United States District Court Judge
for the Eastern District of Louisiana

Dated: August 12, 2010

CERTIFICATE OF SERVICE

I hereby certify that on August 12, 2010, I served copies of the foregoing by electronic means on the House Managers, through counsel, at the following email addresses:

Alan Baron – abaron@seyfarth.com

Mark Dubester – mark.dubester@mail.house.gov

Harold Damelin – harold.damelin@mail.house.gov

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/s/ Daniel T. O'Connor

In The Senate of the United States

Sitting as a Court of Impeachment

In re:	)
Impeachment of G. Thomas Porteous, Jr.,	)
United States District Judge for the	)
Eastern District of Louisiana	)
	)

THE HOUSE OF REPRESENTATIVES' RESPONSES AND OBJECTIONS TO JUDGE G. THOMAS PORTEOUS JR.'S PROPOSED STIPULATIONS OF FACT

The House of Representatives (the "House"), through its Managers and counsel, respectfully responds as follows to Judge G. Thomas Porteous Jr.'s Proposed Stipulations of Fact:

INTRODUCTION

In an effort to streamline the trial, the House attempted to craft its proposed stipulations as neutrally as possible, rooted in uncontested and incontestable facts. Thus, for example, the House proposed stipulations as to dates associated with Judge Porteous's life and career, his nomination to the federal bench, bare-bones procedural facts associated with the Fifth Circuit Special Committee Hearing (the "Fifth Circuit Hearing"), the procedural history of the Liljeberg case, and Judge Porteous's financial activities that flow directly from financial records. The only portions of transcripts that the House has designated in its stipulations are those that contain Judge Porteous's own statements (or, in one instance, where he was physically present to hear the statement being given), and even these reflect an effort to be inclusive of surrounding questions and answers so that there can be no issue as to context.

Where Judge Porteous has offered stipulations of a similar nature, the House has agreed. Where Judge Porteous has offered stipulations that are acceptable in principle if Judge Porteous

could provide the House with some level of factual support, the House has so indicated. Where the House feels that the parties are close to agreement, but for minor concerns with wording, the House has offered language that would cure its objections or has otherwise indicated it is amenable to alternative wording that would cure its objections.

However, Judge Porteous has proposed hundreds of stipulations that bear no resemblance to traditional stipulations. His proposed stipulations include, for example, characterizations of the Articles of Impeachment, characterizations of the contents of documents (where the documents otherwise speak for themselves), as well as hundreds of proposed stipulations based on selected snippets of deposition testimony. Many of Judge Porteous's proposed stipulations are plainly argumentative and are replete with unnecessary adverbs and sweeping generalizations. No fair reading of the vast majority of Judge Porteous's stipulations suggests they have been crafted with an eye toward seeking agreement from the House.

By far the most substantial category of objectionable stipulations involves those that either summarize testimony from or cite to excerpts from the August 2, 2010 depositions of Robert Creely, Jacob Amato and Louis and Lori Marcotte. Even if these witnesses are likely to testify consistently at trial with their prior testimony, the House cannot agree that the substance of the witness testimony comprises uncontested "facts."[1] The same witnesses made statements that were damaging to Judge Porteous in the "cross" portion of their depositions. This effort by Judge Porteous to pick and choose isolated statements in support of his narrative is transparent, and is not reasonably designed to achieve agreement by the House. Accordingly, the House is generally unwilling to stipulate to facts or quotes rooted to specific sentences in the deposition

[1] The few stipulations proposed by the House that are based on witness testimony alone are neutrally written and relate to facts known personally to Judge Porteous.

transcripts where the witnesses have given several statements, all of which must be considered to place any statement in context.

This discussion, however, supports the broader point: For reasons so aptly illustrated by Judge Porteous's own proposed stipulations, it is apparent that all the transcripts of witness testimony should be admitted into evidence, precisely because some of the testimony may be relied on by one side and some by the other. Both Judge Porteous and the House would then be free to make whatever points each party would seek to make from all the transcripts (to supplement, corroborate or contradict the live testimony).

The same concerns pertain to Judge Porteous's attempts to weave narratives from snippets of the FBI background check documents, or the procedural background at the Fifth Circuit. As to the former, Judge Porteous has referred to a series of FBI interviews in a manner that suggests that the Senate had a wealth of knowledge of a corrupt Marcotte-Porteous relationship prior to confirming him. A reading of the entire background check file would reveal that the Senate knew nothing of the sort. As to the latter, Judge Porteous's proposed stipulations relating to the denial of his continuance motion at the Fifth Circuit fail to reference the fact that he had already been through two lawyers and had obtained one prior continuance as of the date of making his request at the Fifth Circuit hearing. Such stipulations are nearly all objectionable as being materially incomplete. As with Judge Porteous's proposed stipulations based on deposition testimony, the parties' different views of what the records show makes the point that the entire records, including the record of the Fifth Circuit Hearing, should be admitted into evidence.

Finally, it should be noted that many of the stipulations proposed by Judge Porteous have little to do with the actual Articles of Impeachment. As an example, Judge Porteous proposes a

series of stipulations as to the things of value that the Marcottes gave judges other than Judge Porteous, and whether those judges were prosecuted, presumably to support the contention that other judges did worse things than Judge Porteous but were not criminally prosecuted.[2] Judge Porteous even seeks stipulations that involve interpretations of law, such as requests that the House stipulate as to "facts" associated with Impeachment history. These, of course, have nothing to do with proof of the facts associated with the Articles and would not be binding on the Senate in any event.

This Introduction describes some of the recurring objections in a way that will permit a more summary statement of objections to each of the proposed stipulations in the next Section. Nonetheless, the House has agreed to all factually accurate stipulations and will continue to work with Judge Porteous's counsel to resolve as many objections as possible without the need for intervention by the Committee.

RESPONSES AND OBJECTIONS TO JUDGE PORTEOUS'S STIPULATIONS OF FACT

1. Judge Porteous graduated from Cor Jesu, now Brother Martin, High School was honored as the alumnus of the year there in 1997.

House Response: If Judge Porteous provides the House with sufficient support for this proposed stipulation, the House will agree to the stipulation.

2. Judge Porteous graduated from LSU in 1968 and the LSU law school 1971.

House Response: Agreed. The House will stipulate to this fact.

3. In 1984, Judge Porteous was elected Judge to an open seat of the 24th JDC in Jefferson Parish, Louisiana without opposition.

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[2] The House notes this is but one example of factual areas that Judge Porteous seeks to pursue that that are wholly irrelevant to the Articles in this case. Nonetheless, the House will stipulate, for example, that certain individuals are presently judges on the state court bench in New Orleans because there is no reason for Judge Porteous to have to call a witness to testify to that fact (if that fact were ultimately determined to be relevant). In stipulating to any proposed fact by Judge Porteous, however, the House does not waive its right to object to the relevance of that fact at trial.

House Response: If Judge Porteous provides the House with sufficient support for this proposed stipulation, the House will agree to the stipulation.

4. In 1990, Judge Porteous was re-elected without opposition.

House Response: If Judge Porteous provides the House with sufficient support for this proposed stipulation, the House will agree to the stipulation.

5. The FBI investigated Judge Porteous and he was never charged with a single criminal act as a state or federal judge.

House Response: The House declines to agree to this proposed stipulation because it is misleading and is an incomplete statement of the factual record.

6. Judge Porteous was not impeached for any bribe or kickback received as a state or federal judge.

House Response: Objection. The House declines to stipulate to any negative statements. The House further declines to stipulate with regard to what the Articles of Impeachment do or do not allege.

7. The Federal Bureau of Investigation and a grand jury empanelled in the Eastern District of Louisiana conducted an investigation for several years and at the conclusion of the investigation "[t]he Department [] determined that it will not seek criminal changes against Judge Porteous." (*See* HP Ex. 004.)

House Response: Objection. The House seeks to admit the entire May 18, 2007 DOJ letter so that statements made in that letter cannot be mischaracterized or taken out of context. The House declines to stipulate to excerpts from that letter.

8. The New Orleans Division of the FBI conducted an investigation into allegations of judicial corruption in the 24th JDC. That investigation resulted in the convictions of fourteen defendants, including several 24th JDC judges, the owners of a bail bonding business, and other state court litigants and officials. (*See* HP Ex. 004.) Judge Porteous was never charged or convicted.

House Response: The House declines to agree to this proposed stipulation because it is misleading and is an incomplete statement of the factual record.

9. On May 18, 2007, the Justice Department wrote a letter stating "In reaching its decision not to bring other available charges that are not time barred, the Department weighed the government's heavy burden of proof in a criminal trial and the obligation to carry that burden to a unanimous jury; concerns about the materiality of some of the Judge Porteous's false statements; the special difficulties of proving *mens rea* and intent to deceive beyond a reasonable doubt in a case of this nature, and the need to provide consistency in charging decision concerning bankruptcy and criminal contempt matters." (HP Ex. 004.)

House Response: Objection. The House seeks to admit the entire May 18, 2007 DOJ letter so that statements made in that letter cannot be mischaracterized or taken out of context. The House declines to stipulate to excerpts from that letter.

10. On August 28, 2007, Chief Judge Jones filed a "Complaint of Judicial Misconduct" declaring: "I initiate, nunc pro tunc, a complaint of judicial misconduct concerning the Honorable Thomas G. Porteous, Jr. (sic)."

House Response: Agreed in part. The House will stipulate that Chief Judge Jones initiated a "Complaint of Judicial Misconduct" concerning Judge Porteous on August 28, 2007. The House seeks to admit the entire August 28, 2007 Complaint of Judicial Misconduct so that statements made in the Complaint cannot be mischaracterized or taken out of context. The House declines to stipulate to excerpts from that Complaint.

11. The Fifth Circuit Judicial Council (the "Fifth Circuit") convened a Special Investigatory Committee to review the DOJ's allegations against Judge Porteous. (*See* HP Ex. 005.)

House Response: Agreed. The House will stipulate to this fact.

12. The Fifth Circuit subsequently appointed a three-judge panel to hold a hearing on Monday, October 29, 2007, chaired by Chief Judge Edith Jones. The hearing was held over the strenuous objections of Judge Porteous (representing himself at the time). (*See* HP Ex. 005.)

House Response: Objection. The House declines to agree to this proposed stipulation as drafted because it is factually inaccurate and materially misleading. The House will stipulate that on May 24, 2007, Judge Porteous was notified by Chief Judge Edith Jones that Judge Jones, Judge Fortunato P. Benavides, and Judge Sim Lake had been appointed as a special committee to investigate the May 18, 2007 DOJ complaint. (SC00849). The House will further stipulate that a hearing was held by the Special Investigatory Committee from October 29–30, 2007. The House seeks to admit the entire Fifth Circuit hearing transcript, so that testimony cannot be mischaracterized or taken out of context. The House declines to stipulate to any characterizations of that transcript.

13. Chief Judge Edith Jones required Judge Porteous to testify before he had received the actual order granting him immunity and before he could even review the extent of the immunity granted. (*See* HP Ex. 010.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is materially misleading. The House also seeks to admit the entire Fifth Circuit hearing transcript, so that testimony cannot be mischaracterized or taken out of context.

14. At the Fifth Circuit's hearing, Ron Woods, appointed as co-counsel for the Fifth Circuit, admitted to Judge Edith Jones that Judge Porteous did not receive the order before the hearing. (*See* HP Ex. 010.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is materially misleading. The House also seeks to admit the entire Fifth Circuit hearing transcript, so that testimony cannot be mischaracterized or taken out of context.

15. The order compelling Judge Porteous's testimony before the Fifth Circuit was signed three weeks before the hearing where it was presented to Judge Porteous for the first time. (*See* HP Ex. 010.)

House Response: Objection. The House declines to agree to this proposed stipulation as drafted because it is argumentative and misleading. The House will agree to stipulate that the Porteous Immunity Order was signed by Chief Judge Jones on October 5, 2007.

16. At the Fifth Circuit's hearing, Judge Porteous asked for a continuance so that he could review the order.

House Response: Objection. The House seeks to admit the entire Fifth Circuit hearing transcript, so that testimony cannot be mischaracterized or taken out of context. The House declines to stipulate to any characterizations of that transcript.

17. Witnesses are generally allowed to see immunity orders before testifying.

House Response: Objection. The House declines to agree to this proposed stipulation because it is a generalization and because it is a characterization of the law – not a proposed statement of fact – and is therefore improper for stipulation.

18. At the Fifth Circuit hearing, when Judge Porteous asked for time to review the immunity order, Judge Edith Jones, responded that "immunity is better than non immunity, sir. Continuance is denied. You may take the stand." (HP Ex. 010.)

House Response: Objection. The House seeks to admit the entire Fifth Circuit hearing transcript, so that testimony cannot be mischaracterized or taken out of context. The House declines to stipulate to excerpts from that transcript.

19. At the Fifth Circuit's hearing, Judge Benavides stated that Judge Porteous was granted immunity and would not be testifying but for that grant of immunity.

House Response: Objection. The House seeks to admit the entire Fifth Circuit hearing transcript, so that testimony cannot be mischaracterized or taken out

of context. The House declines to stipulate to excerpts from that transcript.

20. In response to Judge Benavides statement,, Larry Finder, co-counsel for the Judicial Council, agreed and made clear that the grant of statutory immunity is co-extensive with Judge Porteous's Fifth Amendment right against self-incrimination. (*See* HP Ex. 010.)

House Response: Objection. The House seeks to admit the entire Fifth Circuit hearing transcript, so that testimony cannot be mischaracterized or taken out of context. The House declines to stipulate to excerpts from that transcript.

21. Robert Creely and Judge Porteous have known each other since 1974. (*See* Tr. of Robert Creely Dep., taken on August 2, 2010 (hereinafter "Tr. of Creely Dep."), at 9.)

House Response: Agreed in part. The House will stipulate that Robert Creely and Judge Porteous have known each other since *approximately* 1974.

22. From the early 1970s through the early 2000s, Judge Porteous and Robert Creely were very close friends. (*See* Tr. of Creely Dep. at 10-11, 134.)

House Response: Objection. The House seeks to admit all prior testimony of Robert Creely,[3] so that his testimony cannot be mischaracterized or taken out of context. The House declines to stipulate to excerpts from Mr. Creely's testimony.

23. Robert Creely first met Judge Porteous when Mr. Creely joined the law firm of Edwards, Porteous, & Amato. (*See* Tr. of Creely Dep. at 9.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

24. Judge Porteous's children have in the past referred to Robert Creely as "Uncle Bob." (*See* Tr. of Creely Dep. at 11.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

25. Robert Creely is a friend of Judge Martha Sassone. (*See* Tr. of Creely Dep. at 28.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

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[3] All prior testimony of Robert Creely refers to Mr. Creely's grand jury testimony, Fifth Circuit Hearing testimony, Task Force deposition testimony, Task Force Hearing testimony, and Senate Impeachment Trial Committee deposition testimony.

26. Robert Creely is a friend of Judge Ross LaDart. (*See* Tr. of Creely Dep. at 28.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

27. Jacob Amato and Judge Porteous have known each other since the early 1970s. (*See* Tr. of Jacob Amato Dep., taken on August 2, 2010, at 8:02-15, hereinafter "Tr. of Amato Dep.")

House Response: Agreed. The House will stipulate to this fact.

28. From the early 1970s through the early 2000s, Jacob Amato considered Judge Porteous to be a "good friend." (*See* Tr. of Amato Dep. at 11:02-05.)

House Response: Objection. The House seeks to admit all prior testimony of Jacob Amato,[4] so that his testimony cannot be mischaracterized or taken out of context. The House declines to stipulate to excerpts from Mr. Amato's testimony.

29. Judge Porteous worked with Jacob Amato when they both were prosecutors with the Jefferson Parish District Attorney's Office. (*See* Tr. of Amato Dep. at 8:02-15.)

House Response: Agreed. The House will stipulate to this fact.

30. When Judge Porteous began working at the Jefferson Parish District Attorney's office in the early 1970s, Jacob Amato was assigned to train Judge Porteous. (*See* Tr. of Amato Dep. at 8:02-15.)

House Response: Agreed. The House will stipulate to this fact.

31. Jacob Amato, Judge Porteous, and Marion Edwards formed a law partnership in 1973. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 5; *see also* Tr. of Amato Dep. at 9:19-10:04.)

House Response: Agreed. The House will stipulate to this fact.

32. The law partnership that Jacob Amato, Judge Porteous, and Marion Edwards formed in 1973 was named Edwards, Porteous, and Amato. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 5; *see also* Tr. of Amato Dep. at 9:19-10:04.)

House Response: Agreed. The House will stipulate to this fact.

33. Pursuant to state rules that allowed Assistant District Attorneys to maintain a private practice, Judge Porteous continued to serve as an Assistant District Attorney while he

[4] All prior testimony of Jacob Amato refers to Mr. Amato's grand jury testimony, Fifth Circuit Hearing testimony, Task Force deposition testimony, Task Force Hearing testimony, and Senate Impeachment Trial Committee deposition testimony.

was a partner of Edwards, Porteous, and Amato. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 5.)

House Response: Agreed. The House will stipulate to this fact.

34. Jacob Amato and Robert Creely practiced law together from approximately 1973 until 2005. (*See* Tr. of Amato Dep. at 10:11-21; *see also* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 26.)

House Response: Agreed. The House will stipulate to this fact.

35. Judge Porteous's children have in the past referred to Jacob Amato as "Uncle Jake." (*See* Tr. of Amato Dep. at 11:14-17.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

36. Jacob Amato was friends with all of the state court judges in the 24th Judicial District. (*See* Tr. of Amato Dep. at 14:04-15.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

37. Jacob Amato was friends with Judges Petri, McManus, Benge, and Collins. (*See* Tr. of Amato Dep. at 14:04-15.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

38. Jacob Amato stated that "there wasn't that many judges and there wasn't that many lawyers that you didn't get to be friends with them if you practiced law." (*See* Tr. of Amato Dep. at 14:09-15.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

39. Jacob Amato was not aware of Judge Porteous's financial situation prior to Judge Porteous becoming a state judge or thereafter. (*See* Tr. of Amato Dep. at 11:25-12:07, 30:11-13.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

40. Jacob Amato stated that "most of the judges were friends of mine before they became judges, and all of them remained close friends after they became judges." (*See* Tr. of Amato Dep. at 22:12-17.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

41. Robert Creely and Judge Porteous went to lunch regularly while Judge Porteous was a state court judge. (*See* Tr. of Creely Dep. at 13.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

42. In addition to Judge Porteous, Robert Creely also went to lunch with most of the other judges in the 24th Judicial District. (*See* Tr. of Creely Dep. at 14, 127.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

43. Between 1984 and 1994, it was customary for state court judges in the 24th Judicial District to go to lunch with attorneys practicing in and around Gretna, Louisiana. (*See* Tr. of Creely Dep. at 14, 16.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is a generalization. Moreover, as explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony. The House further objects to this proposed stipulation because the deposition testimony of Mr. Creely is insufficient proof of this alleged fact.

44. When Robert Creely went to lunch with state court judges in the 1980s and 1990s, unless a campaign committee sponsored the lunch, either he or another attorney in attendance would pay for the meal. (*See* Tr. of Creely Dep. at 16-17.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

45. Robert Creely would pay for lunches that he attended with judges out of friendship with those judges. (*See* Tr. of Creely Dep. at 67.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

46. Robert Creely only knows of one state court judge who ever paid for a meal attended by other attorneys. (*See* Tr. of Creely Dep. at 16-17, 67-668.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

47. The single state court judge that Robert Creely knows to have paid for a meal attended by other attorneys only paid for one such meal. (*See* Tr. of Creely Dep. at 16.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

48. After Judge Porteous was appointed to the federal bench in 1994, Robert Creely had lunch with him "very much less frequently." (*See* Tr. of Creely Dep. at 17-18.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

49. Robert Creely never expected to receive any advantage from the judges that he took to lunch. (*See* Tr. of Creely Dep. at 70.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

50. When Jacob Amato and Judge Porteous were both Assistant District Attorneys, they had lunch together "frequently." (*See* Tr. of Amato Dep. at 12:16-20.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

51. Jacob Amato and Judge Porteous continued to have lunch together until approximately 2003. (*See* Tr. of Amato Dep. at 12:21-13:09.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

52. When Judge Porteous was a state judge, Jacob Amato continued to have lunch with him. (*See* Tr. of Amato Dep. at 13:19-21.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

53. Jacob Amato also had lunch and dinner with other state court judges, including those he appeared before. (*See* Tr. of Amato Dep. at 14:01-03.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

54. Jacob Amato believed that it was customary for lawyers in Gretna to have lunch together. (*See* Tr. of Amato Dep. at 13:10-18.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

55. Jacob Amato believed that it was customary for lawyers to have lunches with judges. (*See* Tr. of Amato Dep. at 13:10-18.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

56. Jacob Amato believed it was customary for lawyers to buy lunch for judges. (*See* Tr. of Amato Dep. at 15:25-16:03.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

57. Jacob Amato did not see anything wrong with buying lunches for judges. (*See* Tr. of Amato Dep. at 15:25-16:03.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

58. According to Jacob Amato, Judge Porteous would buy lunch on occasion. (*See* Tr. of Amato Dep. at 15:18-21; *see also* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 24 & n.95.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

59. It was well known that Judge Porteous and Jacob Amato knew each other, were friends, and had lunch together. (*See* Tr. of Amato Dep. at 16:15-19.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is a generalization. Moreover, as explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony. The House further objects to this proposed stipulation because the deposition testimony of Mr. Amato is insufficient proof of this alleged fact.

60. Jacob Amato did not feel that his buying Judge Porteous lunch would affect judge Porteous's actions on the bench "in any way." (*See* Tr. of Amato Dep. at 20:04-08.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

61. Jacob Amato always thought Judge Porteous "did the right thing" irrespective of Amato having taken Judge Porteous to lunch. (*See* Tr. of Amato Dep. at 20:09-13.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

62. No federal rule or law bars federal judges from accepting meals from lawyers.

House Response: Objection. The House declines to stipulate to any negative statements. The House further objects to this proposed stipulation

because it is a generalization, is materially misleading, and is a characterization of the law – not a proposed statement of fact – which is improper for stipulation.

63. No federal rule or law bars federal judges from encouraging state judges to follow practices such as granting bonds.

House Response: Objection. The House declines to stipulate to any negative statements. The House further objects to this proposed stipulation because it is a generalization, is materially misleading, and is a characterization of the law – not a proposed statement of fact – which is improper for stipulation.

64. During their friendship, Robert Creely and Judge Porteous went on several trips together. (*See* Tr. of Creely Dep. at 18.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

65. In addition to Judge Porteous, Robert Creely also went on trips with other state court judges. (*See* Tr. of Creely Dep. at 20.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

66. When Robert Creely invited other lawyers and judges to go on a trip with him, Mr. Creely paid the cost (if any) associated with that person's attendance. (*See* Tr. of Creely Dep. at 19-21.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

67. Robert Creely did not have any concern about taking judges on hunting or fishing trips. (*See* Tr. of Creely Dep. at 21.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

68. It was common in the 1990s for judges in Gretna, Louisiana to go on fishing and hunting trips with lawyers.

House Response: Objection. The House declines to agree to this proposed stipulation because it is an unsupported generalization, to which the House has no knowledge or information and is unable to stipulate.

69. Robert Creely only appeared before Judge Porteous a very limited number of times. (*See* Tr. of Creely Dep. at 32, 85-86.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

70. Robert Creely only recalls appearing before Judge Porteous three times. (*See* Tr. of Creely Dep. at 21, 85-86.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

71. Two of the three times that Robert Creely recalls appearing before Judge Porteous occurred when Judge Porteous was a state court judge. (*See* Tr. of Creely Dep. at 21-28.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

72. The third time that Robert Creely recalls appearing before Judge Porteous occurred when Judge Porteous was a federal district court judge. (*See* Tr. of Creely Dep. at 21-28.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

73. Robert Creely does not feel that there is anything improper about appearing before a judge with whom he is friends. (*See* Tr. of Creely Dep. at 30.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

74. Robert Creely does not feel that he received any special treatment in connection with the cases in which he appeared before Judge Porteous. (*See* Tr. of Creely Dep. at 23, 24-26, 28, 134.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

75. Jacob Amato recalls one case where he appeared before Judge Porteous in state court. (*See* Tr. of Amato Dep. at 19:19-03.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

76. Jacob Amato remembers that he lost the one case in which he appeared before Judge Porteous in state court. (*See* Tr. of Amato Dep. at 19:19-03.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

77. The House of Representatives has no evidence that Jacob Amato appeared before Judge Porteous in state court in any case where Mr. Amato prevailed in terms of a trial victory or judgment.

House Response: Objection. The House declines to stipulate to any negative statements. The House further objects to any proposed stipulations that attempt to characterize the House's evidence.

78. According to Robert Creely, Mr. Creely gave Judge Porteous gifts of money because he was his friend. (*See* Tr. of Creely Dep. at 32, 49, 110.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

79. Robert Creely did not keep records of the gifts that he gave to Judge Porteous. (*See* Tr. of Creely Dep. at 33-34.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

80. The money that Robert Creely allegedly gave to Judge Porteous was Mr. Creely's personal money. (*See* Tr. of Creely Dep. at 36-37.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

81. The money that Robert Creely allegedly gave to Judge Porteous was not his law firm's (Amato & Creely PLC) money. (*See* Tr. of Creely Dep. at 36-37.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

82. Robert Creely did not claim any tax deduction for the money that he allegedly gave to Judge Porteous. (*See* Tr. of Creely Dep. at 37.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

83. Robert Creely did not claim any tax deduction for the money that he allegedly gave to Judge Porteous because that money was a gift. (*See* Tr. of Creely Dep. at 37.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

84. When Robert Creely and Jacob Amato were law partners they typically took equal draws of the income of their law firm. (*See* Tr. of Creely Dep. at 36, 89.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

85. Robert Creely did not expect to receive anything in return from Judge Porteous as a result of any gifts to Judge Porteous. (*See* Tr. of Creely Dep. at 49, 71.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

86. Robert Creely did not receive anything in return from Judge Porteous as a result of any gifts to Judge Porteous. (*See* Tr. of Creely Dep. at 49, 124.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

87. Robert Creely did not give Judge Porteous money with the intent of encouraging him to rule in Mr. Creely's favor. (*See* Tr. of Creely Dep. at 51.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

88. Robert Creely did not bribe Judge Porteous. (*See* Tr. of Creely Dep. at 72-73.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

89. There was no *quid pro quo* for the money that Robert Creely gave to Judge Porteous. (*See* Tr. of Creely Dep. at 83.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

90. Robert Creely does not recall ever telling Judge Porteous that a portion of the money that Mr. Creely gave Judge Porteous came from Jacob Amato. (*See* Tr. of Creely Dep. at 38.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

91. Robert Creely does not think that there is anything wrong with giving money to a friend. (*See* Tr. of Creely Dep. at 51.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

92. Robert Creely did not think that there was anything wrong with giving money to his friend Judge Porteous. (*See* Tr. of Creely Dep. at 83, 123-24.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

93. Robert Creely never hid the fact that he gave money to Judge Porteous. (*See* Tr. of Creely Dep. at 123.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

94. Robert Creely's estimation that he gave Judge Porteous a total of approximately ten thousand dollars is a guess. (*See* Tr. of Creely Dep. at 50.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

95. Robert Creely does not think that he gave Judge Porteous more than a total of ten thousand dollars. (*See* Tr. of Creely Dep. at 104.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

96. The only money that Robert Creely gave to Judge Porteous while he was a federal judge was the one thousand dollars that he gave to Jacob Amato to give to Judge Porteous in 1999. (*See* Tr. of Creely Dep. at 110, 117-18.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

97. Jacob Amato never thought Judge Porteous "swayed to rule in [his] favor because [they] were friends or rule against somebody because they weren't his friends." (*See* Tr. of Amato Dep. at 20:14-18.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

98. Jacob Amato does not think that Robert Creely's gifts or loans of money to Judge Porteous affected Judge Porteous's handling of judicial matters in any way. (*See* Tr. of Amato Dep. at 39:19-22.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

99. Jacob Amato thought Judge Porteous "called them as he saw them." (*See* Tr. of Amato Dep. at 21:02-10.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

100. Jacob Amato's knowledge relating to gifts or loans by Robert Creely to Judge Porteous is based solely on conversations Mr. Amato had with Mr. Creely. (*See* Tr. of Amato Dep. at 26:03-09.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

101. Any money that Jacob Amato gave to Robert Creely for the purpose of a gift or loan to Judge Porteous was his personal money. (*See* Tr. of Amato Dep. at 34:11-35:07.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

102. No money that Jacob Amato gave to Robert Creely for the purpose of a gift or loan to Judge Porteous was asset of the law firm Amato & Creely. (*See* Tr. of Amato Dep. at 34:11-35:07.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

103. Jacob Amato never had a conversation with Judge Porteous regarding a relationship between the assignment of curatorship cases and gifts or loans provided by Robert Creely to Judge Porteous. (*See* Tr. of Amato Dep. at 37:23-38:03.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

104. Jacob Amato is aware of no records of the total amount of cash that was given to Judge Porteous by Robert Creely. (*See* Tr. of Amato Dep. at 38:21-25.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

105. The Houses of Representatives has no documentary evidence regarding the amount of cash that was given to Judge Porteous from Robert Creely.

House Response: Objection. The House declines to stipulate to any negative statements. The House further objects to any proposed stipulations that attempt to characterize the House's evidence.

106. When Judge Porteous became a federal judge, Robert Creely ceased giving Judge Porteous cash either directly or indirectly. (*See* Tr. of Amato Dep. at 65:10-13.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony. The House further objects to this proposed stipulation because the deposition testimony of Mr. Amato is insufficient proof of this alleged fact.

107. A curatorship is an appointment by a Louisiana state court of a private attorney to represent the interests of an absent defendant. (*See* Tr. of Creely Dep. at 38.)

House Response: Agreed. The House will stipulate to this fact.

108. In the late 1980s and early 1990s the total number of curatorships to be assigned in the 24th Judicial District Court of Louisiana increased.

House Response: Objection. The House declines to agree to this proposed stipulation because it is an unsupported generalization, to which the House has no knowledge or information and is unable to stipulate.

109. In the late 1980s and early 1990s the total number of curatorships to be assigned in the 24th Judicial District Court of Louisiana increased as a result of the downturn in the economy.

House Response: Objection. The House declines to agree to this proposed stipulation because it is an unsupported generalization, to which the House has no knowledge or information and is unable to stipulate.

110. Between 1984 and 1994, Louisiana state court judges had total discretion concerning the appointments of curators. (*See* Tr. of Creely Dep. at 40-41.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is an unsupported generalization, to which the House has no knowledge or information and is unable to stipulate. Furthermore, as explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony. The House further objects to this proposed stipulation because the deposition testimony of Mr. Creely is insufficient proof of this alleged fact.

111. Between 1984 and 1994, judges in the 24th Judicial District Court typically assigned curatorships to their friends. (*See* Tr. of Creely Dep. at 40.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is an unsupported generalization, to which the House has no knowledge or information and is unable to stipulate. Furthermore, as explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony. The House further objects to this proposed stipulation because the deposition testimony of Mr. Creely is insufficient proof of this alleged fact.

112. While Judge Porteous was a state judge, there was no state rule barring the assigning of curatorships to friends.

House Response: Objection. The House declines to stipulate to any negative statements. The House further objects to this proposed stipulation because it is a generalization, is materially misleading, and is a

characterization of the law – not a proposed statement of fact – which is improper for stipulation.

113. Judge Porteous's assignment of curatorships to friends as a state judge was not unlawful.

House Response: Objection. The House declines to stipulate to any negative statements. The House further objects to this proposed stipulation because it is misleading, is materially incomplete, and is a characterization of the law – not a proposed statement of fact – which is improper for stipulation.

114. Today, there is no rule barring the assignment of curatorships in the Louisiana state courts to friends.

House Response: Objection. The House declines to stipulate to any negative statements. The House further objects to this proposed stipulation because it is a generalization, is misleading, is materially incomplete, and is a characterization of the law – not a proposed statement of fact – which is improper for stipulation.

115. Robert Creely received curatorship appointments from several judges in the 24th Judicial District Court, including judges that he considered to be his friends. (*See* Tr. of Creely Dep. at 29-30.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

116. Robert Creely received curatorship appointments from judges other than Judge Porteous in the 24th Judicial District Court that he considered friends. (*See* Tr. of Creely Dep. at 41.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

117. Robert Creely has no independent knowledge of the number of curatorships that he received from Judge Porteous. (*See* Tr. of Creely Dep. at 42-43.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

118. Robert Creely has no independent knowledge of the number of curatorships that he received from any state court judge other than Judge Porteous. (*See* Tr. of Creely Dep. at 42-43.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

119. Robert Creely never saw a link between the gifts that he gave to Judge Porteous and the curatorships that Judge Porteous assigned to Mr. Creely. (*See* Tr. of Creely Dep. at 47, 73.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

120. Robert Creely never understood there to be a link between the gifts that he gave to Judge Porteous and the curatorships that Judge Porteous assigned to Mr. Creely. (*See* Tr. of Creely Dep. at 47, 73.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

121. Robert Creely never had any agreement with Judge Porteous to exchange gifts of money for curatorship assignments. (*See* Tr. of Creely Dep. at 48.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

122. Robert Creely never had any agreement with Judge Porteous to kickback money received curatorship appointments. (*See* Tr. of Creely Dep. at 71.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

123. At some point between 1984 and 1994, Robert Creely told Judge Porteous that Judge Porteous had no interest in the curatorships that he was assigning to Mr. Creely. (*See* Tr. of Creely Dep. at 47-48.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

124. Robert Creely would have given Judge Porteous gifts of money even if Judge Porteous had not assigned him curatorships. (*See* Tr. of Creely Dep. at 48.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

125. During the period when Judge Porteous was a state judge, a curatorship would on average result in $200 or less in profit for attorneys assigned such curatorships.

House Response: Objection. The House declines to agree to this proposed stipulation as drafted. The House will agree to stipulate that from 1988 to 1994, a law firm would earn a fee of between $150–$200 for each curatorship assigned to it by a judge in the 24th Judicial District.

126. Robert Creely had no involvement in the *Lifemark v. Liljeberg* case (No. 2:93-cv-1794). (*See* Tr. of Creely Dep. at 52.)

House Response: Objection. The House declines to agree to this proposed stipulation as drafted. The House will agree to stipulate that Robert Creely did not enter an appearance the Lifemark v. Liljeberg case.

127. The *Lifemark v. Liljeberg* case (No. 2:93-cv-1794) never came up in Robert Creely's discussions with Judge Porteous. (*See* Tr. of Creely Dep. at 53.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

128. At least 7 federal district court judges presided over some portion of the *Lifemark v. Liljeberg* case (No. 2:93-cv-1794). (HP Ex. 050.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is materially incomplete in that it fails to specify the time period that any particular judge presided over the case or the relative responsibilities of each judge. In lieu of the stipulation, the House seeks to admit the entire PACER docket report for the Liljeberg case, which would show which judge was assigned to the case for what period of time, and what rulings, if any, that judge made.

129. The district judges assigned to preside over some portion of the *Lifemark v. Liljeberg* case (No. 2:93-cv-1794) include: Judge Marcel Livaudais, Judge Ginger Berrigan, Judge Okla Jones, Judge Morey Sear, Judge Adrian Duplantier, Judge Eldon Fallon, and Judge Porteous. (HP Ex. 050.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is materially incomplete in that it fails to specify the time period that any particular judge presided over the case or the relative responsibilities of each judge. In lieu of the stipulation, the House seeks to admit the entire PACER docket report for the Liljeberg case, which would show which judge was assigned to the case for what period of time, and what rulings, if any, that judge made.

130. At least 3 federal magistrate judges presided over the *Lifemark v. Liljeberg* case (No. 2:93-cv-1794). (HP Ex. 050.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is materially incomplete in that it fails to specify the time period that any particular magistrate judge presided over the case or the relative responsibilities of each magistrate. In lieu of the stipulation, the House seeks to admit the entire PACER docket report for the Liljeberg case, which would show which magistrate judge was assigned to the case for what period of time, and what rulings, if any, that judge made.

131. The magistrate judges assigned to preside over some portion of the *Lifemark v. Liljeberg* case (No. 2:93-cv-1794) include: Judge Ivan Lemelle, Judge Joseph Wilkinson, and Judge Ronald Fonseca. (HP Ex. 050.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is materially incomplete in that it fails to specify the time period that any particular magistrate judge presided over the case or the relative responsibilities of each magistrate. In lieu of the stipulation, the House seeks to admit the entire PACER docket report for the Liljeberg case, which would show which magistrate judge was assigned to the case for what period of time, and what rulings, if any, that judge made.

132. During the recusal hearing in the *Lifemark v. Liljeberg* case (No. 2:93-cv-1794), Judge Porteous disclosed that he was friends with Jacob Amato. (HP Ex. 56, at 4.)

House Response: Objection. The House declines to stipulate to characterizations of the Liljeberg recusal hearing transcript. The House seeks to admit the entire Liljeberg recusal hearing transcript, so that statements made during that hearing cannot be mischaracterized or taken out of context.

133. During the recusal hearing in the *Lifemark v. Liljeberg* case (No. 2:93-cv-1794), Judge Porteous disclosed that he was friends with Leonard Levenson. (HP Ex. 56, at 4.)

House Response: Objection. The House declines to stipulate to characterizations of the Liljeberg recusal hearing transcript. The House seeks to admit the entire Liljeberg recusal hearing transcript, so that statements made during that hearing cannot be mischaracterized or taken out of context.

134. During the recusal hearing in the *Lifemark v. Liljeberg* case (No. 2:93-cv-1794), Judge Porteous expressly disclosed that he practiced law with Mr. Amato over twenty years before the hearing. (HP Ex. 56, at 5.)

House Response: Objection. The House declines to stipulate to characterizations of the Liljeberg recusal hearing transcript. The House seeks to admit the entire Liljeberg recusal hearing transcript, so that statements made during that hearing cannot be mischaracterized or taken out of context.

135. During the recusal hearing in the *Lifemark v. Liljeberg* case (No. 2:93-cv-1794), Judge Porteous expressly disclosed that he regularly went to lunch with Jacob Amato, as well as other members of the New Orleans bar. (HP Ex. 56, at 7.)

House Response: Objection. The House declines to stipulate to characterizations of the Liljeberg recusal hearing transcript. The House seeks to admit the entire Liljeberg recusal hearing transcript, so that statements made

during that hearing cannot be mischaracterized or taken out of context.

136. Following the denial of the motion to recuse in the *Lifemark v. Liljeberg* case (No. 2:93-cv-1794), Judge Porteous granted a stay specifically to allow counsel for Lifemark to seek appellate review of his decision on that motion by the Fifth Circuit. (HP Ex. 56.)

House Response: Objection. The House declines to stipulate to characterizations of the Liljeberg recusal hearing transcript. The House seeks to admit the entire Liljeberg recusal hearing transcript, so that statements made during that hearing cannot be mischaracterized or taken out of context.

137. The agreement to retain Don Gardner as additional counsel for Lifemark in the *Lifemark v. Liljeberg* case (No. 2:93-cv-1794) provided that Mr. Gardner would be paid a retainer of $100,000 upon enrollment as counsel of record. (HP Ex. 35(b)).

House Response: Objection. The House declines to stipulate to excerpts from the retainer agreement between Lifemark and Don Gardner. The House seeks to admit the entire retainer agreement, so that the agreement cannot be mischaracterized and so that portions of it cannot be taken out of context.

138. The agreement to retain Don Gardner as additional counsel for Lifemark in the *Lifemark v. Liljeberg* case (No. 2:93-cv-1794) provided that Mr. Gardner would be paid an additional $100,000 if Judge Porteous withdrew from the case. (HP Ex. 35(b).)

House Response: Objection. The House declines to stipulate to excerpts from the retainer agreement between Lifemark and Don Gardner. The House seeks to admit the entire retainer agreement, so that the agreement cannot be mischaracterized and so that portions of it cannot be taken out of context.

139. The agreement to retain Don Gardner as additional counsel for Lifemark in the *Lifemark v. Liljeberg* case (No. 2:93-cv-1794) provided that Mr. Gardner would be paid an additional $100,000 if the case settled prior to trial. (HP Ex. 35(b).)

House Response: Objection. The House declines to stipulate to excerpts from the retainer agreement between Lifemark and Don Gardner. The House seeks to admit the entire retainer agreement, so that the agreement cannot be mischaracterized and so that portions of it cannot be taken out of context.

140. Don Gardner did not take an active role in the *Lifemark v. Liljeberg* case (No.: 2:93-cv-1794). (*See* Tr. of Amato Dep. at 61:06-11.)

House Response: Objection. The House declines to agree to this proposed stipulation because the term "active role" is vague and ambiguous. Furthermore,

as explained in its Response to Stipulation 28, the House also declines to stipulate to excerpts from Mr. Amato's testimony.

141. Prior to entering an appearance in the *Lifemark v. Liljeberg* case (No.: 2:93-cv-1794), Jacob Amato was an experienced attorney.

House Response: Objection. The House declines to agree to this proposed stipulation because it is an unsupported generalization and because the term "experienced attorney" is vague and ambiguous.

142. Prior to entering an appearance in the *Lifemark v. Liljeberg* case (No.: 2:93-cv-1794), Jacob Amato took two to three months to evaluate the merits of the case. (*See* Tr. of Amato Dep. at 8:02-15.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

143. Prior to entering an appearance in the *Lifemark v. Liljeberg* case (No.: 2:93-cv-1794), Jacob Amato, after reviewing the claims and relevant evidence, concluded that he could win the case. (*See* Tr. of Amato Dep. at 49:07-15.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

144. To this day, Jacob Amato believes that the Liljebergs should have prevailed in the *Lifemark v. Liljeberg* case (No.: 2:93-cv-1794). (*See* Tr. of Amato Dep. at 49:16-21.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

145. To this day, Jacob Amato believes that Judge Porteous's decision in the *Lifemark v. Liljeberg* case (No.: 2:93-cv-1794) was "absolutely correct." (*See* Tr. of Amato Dep. at 52:22-53:02.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

146. To this day, Jacob Amato believes that the Fifth Circuit was "wrong, wrong, wrong" in its overturning of Judge Porteous's decision in the *Lifemark v. Liljeberg* case (No.: 2:93-cv-1794). (*See* Tr. of Amato Dep. at 53:03-25.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

147. At the time Judge Porteous considered Lifemark's Motion for Recusal in the *Lifemark v. Liljeberg* case (No.: 2:93-cv-1794), Jacob Amato had never directly given any money to Judge Porteous. (*See* Tr. of Amato Dep. at 59:09-12.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

148. No federal rule of ethics requires that a judge recuse himself or herself if counsel include friends.

House Response: Objection. The House declines to stipulate to any negative statements. The House further objects to this proposed stipulation because it is a generalization, is misleading, is materially incomplete, and is a characterization of the law – not a proposed statement of fact – which is improper for stipulation.

149. Robert Creely accepted an invitation to attend a bachelor party for Judge Porteous's son in Las Vegas in May 1999. (*See* Tr. of Creely Dep. at 55-56.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

150. Approximately 20 to 30 people attended the bachelor party for Judge Porteous's son in Las Vegas in May 1999. (*See* Tr. of Creely Dep. at 56.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

151. Don Gardner also attended the bachelor party for Judge Porteous's son in Las Vegas in May 1999. (*See* Tr. of Creely Dep. at 102.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

152. During the May 1999 bachelor party in Las Vegas, Robert Creely paid for a portion of a dinner attended by Judge Porteous's son and bachelor party guests. (*See* Tr. of Creely Dep. at 56-58.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

153. Robert Creely paid for a portion of the dinner attended by Judge Porteous's son and bachelor party guests out of friendship with Judge Porteous's son. (*See* Tr. of Creely Dep. at 58.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

154. Robert Creely has no personal recollection of paying for Judge Porteous's room during the May 1999 bachelor party in Las Vegas. (*See* Tr. of Creely Dep. at 60.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

155. Robert Creely has no first-hand knowledge of a June 1999 fishing trip taken by Judge Porteous and Jacob Amato. (*See* Tr. of Creely Dep. at 61.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

156. Robert Creely has no knowledge of a June 1999 fishing trip taken by Judge Porteous and Jacob Amato other than what Mr. Amato has told him. (*See* Tr. of Creely Dep. at 61.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

157. According to Robert Creely, Mr. Creely gave Jacob Amato one thousand dollars to give to Judge Porteous because Judge Porteous was Mr. Creely's friend. (*See* Tr. of Creely Dep. at 62-63.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

158. According to Robert Creely, when Mr. Creely discussed giving one thousand dollars to Jacob Amato to give to Judge Porteous, Mr. Creely and Mr. Amato did not have any discussion of the *Lifemark v. Liljeberg* case. (*See* Tr. of Creely Dep. at 63, 126-27.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

159. Robert Creely does not believe that Judge Porteous's ruling in the *Lifemark v. Liljeberg* case was swayed in any way as a result of the two thousand dollar gift that he allegedly received from Mr. Creely and Jacob Amato. (*See* Tr. of Creely Dep. at 97, 100, 127.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

160. Robert Creely did not believe that he gained any influence with Judge Porteous as a result of the two thousand dollar gift that he allegedly received from Mr. Creely and Jacob Amato. (*See* Tr. of Creely Dep. at 102.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

161. According to Jacob Amato, Judge Porteous only directly asked Mr. Amato for money on one occasion in their almost forty-year friendship. (*See* Tr. of Amato Dep. at 42:04-13.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

162. According to Jacob Amato, Mr. Amato agreed to give Judge Porteous the money he requested as a result of their friendship. (*See* Tr. of Amato Dep. at 42:21-25.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

163. According to Jacob Amato, when Mr. Amato gave Judge Porteous money in 1999, Mr. Amato did not expect any *quid pro quo* of any kind. (*See* Tr. of Amato Dep. at 43:07-09.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

164. According to Jacob Amato, when Mr. Amato gave Judge Porteous money in 1999, Mr. Amato did not intend to influence the *Lifemark v. Liljeberg* case. (*See* Tr. of Amato Dep. at 64:15-18.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

165. According to Jacob Amato, when Mr. Amato gave Judge Porteous money in 1999, Amato did not expect that that would influence the *Lifemark v. Liljeberg* case. (*See* Tr. of Amato Dep. at 64:19-23.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

166. According to Jacob Amato, Mr. Amato did not believe that his gift of money to Judge Porteous would improve Mr. Amato's chances of success in the *Lifemark v. Liljeberg* case. (*See* Tr. of Amato Dep. at 44:01-04.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

167. According to Jacob Amato, Mr. Amato did not believe that his gift of money to Judge Porteous would have any impact on the *Lifemark v. Liljeberg* case. (*See* Tr. of Amato Dep. at 44:05-07.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

168. According to Jacob Amato, Mr. Amato would probably have given Judge Porteous the money that he requested even if Judge Porteous was not a federal judge. (*See* Tr. of Amato Dep. at 44:19-21.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

169. According to Jacob Amato, Mr. Amato would probably have given Judge Porteous the money that he requested even if Judge Porteous was not presiding over a case that Amato was involved in. (*See* Tr. of Amato Dep. at 44:19-21.)

House Response: Objection. As explained in its Response to Stipulation 28, the House declines to stipulate to excerpts from Mr. Amato's testimony.

170. Robert Creely does not any recollection of attending or contributing money for a party following Judge Porteous's investiture as a federal judge. (*See* Tr. of Creely Dep. at 63.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

171. Robert Creely does not have any knowledge of money given to anyone in connection with Judge Porteous's son's internship or externship in Washington, D.C. (*See* Tr. of Creely Dep. at 64.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

172. Robert Creely believes that the Louisiana Office of Disciplinary Counsel began investigating him because Alan Baron sent a copy of Mr. Creely's testimony before the House Impeachment Task Force to that Office. (*See* Tr. of Creely Dep. at 76.)

House Response: Objection. As explained in its Response to Stipulation 22, the House declines to stipulate to excerpts from Mr. Creely's testimony.

173. Louis Marcotte never gave cash directly to Judge Porteous. (*See* Tr. of Dep. of Louis Marcotte, taken on August 2, 2010, at 7:02-04, hereinafter "Tr. of Dep. of Louis Marcotte.")

House Response: Objection. The House seeks to admit all prior testimony of Louis Marcotte,[5] so that his testimony cannot be mischaracterized or taken out of context. The House declines to stipulate to excerpts from Mr. Marcotte's testimony.

174. Lori Marcotte never gave cash directly to Judge Porteous. (*See* Tr. of Lori Marcotte Dep. at 6:04-07, taken on August 2, 2010, at 7:02-04, hereinafter "Tr. of Dep. of Lori Marcotte.")

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[5] All prior testimony of Louis Marcotte refers to Mr. Marcotte's Task Force deposition testimony, Task Force Hearing testimony, and Senate Impeachment Trial Committee deposition testimony.

House Response: Objection. The House seeks to admit all prior testimony of Lori Marcotte,[6] so that her testimony cannot be mischaracterized or taken out of context. The House declines to stipulate to excerpts from Ms. Marcotte's testimony.

175. Judge Porteous never accepted cash from any bail bondsmen. (*See* Tr. of Dep. of Louis Marcotte, taken on August 2, 2010, at 7:02-04; *see also* Tr. of Lori Marcotte Dep. at 6:04-07.)

House Response: Objection. The House declines to stipulate to any negative statements The House also declines to agree to this proposed stipulation because it is an unsupported generalization, to which the House has no knowledge or information and is unable to stipulate. Moreover, as explained in its Responses to Stipulations 173 and 174, the House declines to stipulate to excerpts from Mr. Marcotte's or Ms. Marcotte's testimony. The House further objects to this proposed stipulation because the deposition testimony of Mr. Marcotte or Ms. Marcotte is insufficient proof of this alleged fact.

176. Louis Marcotte never made a campaign contribution to Judge Porteous. (*See* Tr. of Dep. of Louis Marcotte at 7:05-06.)

House Response: Objection. As explained in its Response to Stipulation 173, the House declines to stipulate to excerpts from Mr. Marcotte's testimony.

177. Lori Marcotte never made a campaign contribution to Judge Porteous. (*See* Tr. of Lori Marcotte Dep. at 6:08-10.)

House Response: Objection. As explained in its Response to Stipulation 174, the House declines to stipulate to excerpts from Ms. Marcotte's testimony.

178. Judge Porteous has spoken nationally about the role of bonds in the criminal justice system.

House Response: Objection. The House declines to agree to this proposed stipulation as drafted because it is an unsupported generalization that does not list specific events or dates on which Judge Porteous allegedly spoke.

179. Judge Porteous was known in Jefferson Parish to publicly advocate the use of commercial bonds in criminal cases.

House Response: Objection. The House declines to agree to this proposed stipulation because it is vague and ambiguous, and it is an unsupported generalization, to which the House has no knowledge or information and is unable to stipulate.

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[6] All prior testimony of Lori Marcotte refers to Ms. Marcotte's Task Force deposition testimony, Task Force Hearing testimony, and Senate Impeachment Trial Committee deposition testimony.

180. During the period of the bonds signed by Judge Porteous and cited in the House Report, Jefferson Parish jails were under a court order for overcrowding.

House Response: Objection. The House declines to agree to this proposed stipulation because it is vague and ambiguous, and it is an unsupported generalization, to which the House has no knowledge or information and is unable to stipulate.

181. During the period of the bonds signed by Judge Porteous and cited in the House Report, prisoners were being summarily released under a court order due to overcrowding.

House Response: Objection. The House declines to agree to this proposed stipulation because it is vague and ambiguous, and it is an unsupported generalization, to which the House has no knowledge or information and is unable to stipulate.

182. Judge Porteous told others that he favored bonds, including split bonds, over mandatory releases or free bonds.

House Response: Objection. The House declines to agree to this proposed stipulation because it is vague and ambiguous, and it is an unsupported generalization, to which the House has no knowledge or information and is unable to stipulate.

183. Bonds, including split bonds, were granted by judges, in part, to make it more likely that prisoners would return to the court.

House Response: Objection. The House declines to agree to this proposed stipulation because it is vague and ambiguous, and it is an unsupported generalization, to which the House has no knowledge or information and is unable to stipulate.

184. Judge Porteous never asked that the Marcottes "kick back" a percentage of the bonds he signed for Judge Porteous. (*See* Tr. of Lori Marcotte Dep. at 101:23-102:7.)

House Response: Objection. As explained in its Response to Stipulation 174, the House declines to stipulate to excerpts from Ms. Marcotte's testimony. The House further declines to agree to this proposed stipulation because it is vague and ambiguous.

185. Judge Porteous never asked that the Marcottes provide him with a percentage of the bonds he signed for Judge Porteous. (*See* Tr. of Lori Marcotte Dep. at 101:23-102:7.)

House Response: Objection. As explained in its Response to Stipulation 174, the House declines to stipulate to excerpts from Ms. Marcotte's testimony. The House further declines to agree to this proposed stipulation because it is vague and ambiguous.

186. The Marcottes never gave Judge Porteous a percentage of any bonds that Judge Porteous signed. (*See* Tr. of Dep. of Louis Marcotte at 71:13-16.)

House Response: Objection. As explained in its Response to Stipulation 174, the House declines to stipulate to excerpts from Ms. Marcotte's testimony. The House further declines to agree to this proposed stipulation because it is vague and ambiguous.

187. Judge Porteous never wrote a bond for the Marcottes or Bail Bonds Unlimited while he was a Federal judge. (*See* Tr. of Lori Marcotte Dep. at 6:11-13; *see also* Tr. of Dep. of Louis Marcotte at 7:21-24.)

House Response: Objection. As explained in its Responses to Stipulations 173 and 174, the House declines to stipulate to excerpts from Mr. Marcotte's or Ms. Marcotte's testimony.

188. Article II does not allege that Judge Porteous suborned false statements.

House Response: Objection. The House declines to stipulate to any negative statements. The House further declines to stipulate with regard to what the Articles of Impeachment do or do not allege.

189. Article II does not allege that Judge Porteous made a single false statement himself.

House Response: Objection. The House declines to stipulate to any negative statements. The House further declines to stipulate with regard to what the Articles of Impeachment do or do not allege.

190. The Marcottes claim to have given cash or money directly to at least ten other state-court judges, several of which are still members of the current state court bench. (*See* Tr. of Dep. of Louis Marcotte at 7:25-10:02; *see also* Tr. of Lori Marcotte Dep. at 92:13-96:19.)

House Response: Objection. As explained in its Responses to Stipulations 173 and 174, the House declines to stipulate to excerpts from Mr. Marcotte's or Ms. Marcotte's testimony.

191. Lori Marcotte claims that she gave Judge George Giacobbe $2,500 on two different occasions. (*See* Tr. of Lori Marcotte Dep. at 94:01-7; 97:13-15.)

House Response: Objection. As explained in its Response to Stipulation 174, the House declines to stipulate to excerpts from Ms. Marcotte's testimony.

192. Judge George Giacobbe continues to serve as a state Court judge in Louisiana.

House Response: Objection. The House declines to agree to this proposed stipulation as drafted. The House will stipulate that Judge George Giacobbe currently serves as a state court judge in Louisiana.

193. Lori Marcotte claims she gave Judge Roy Cascio $10,000. (*See* Tr. of Lori Marcotte Dep. at 94:12-14; 95:18-22.)

House Response: Objection. As explained in its Response to Stipulation 174, the House declines to stipulate to excerpts from Ms. Marcotte's testimony.

194. Judge Roy Cascio continues to serve as a state Court judge in Louisiana.

House Response: Objection. The House declines to agree to this proposed stipulation as drafted. The House will stipulate that Judge Roy Cascio currently serves as a state court judge in Louisiana.

195. Lori Marcotte claims she gave Judge Stephen J. Windhorst $2,500. (*See* Tr. of Lori Marcotte Dep. at 96:14-19.)

House Response: Objection. As explained in its Response to Stipulation 174, the House declines to stipulate to excerpts from Ms. Marcotte's testimony.

196. Judge Stephen J. Windhorst continues to serve as a state Court judge in Louisiana.

House Response: Objection. The House declines to agree to this proposed stipulation as drafted. The House will stipulate that Judge Stephen J. Windhorst currently serves as a state court judge in Louisiana.

197. Louis Marcotte claimed he gave money to state court judges. (*See* Tr. of Dep. of Louis Marcotte at 7:25-8:02.)

House Response: Objection. As explained in its Response to Stipulation 173, the House declines to stipulate to excerpts from Mr. Marcotte's testimony.

198. Louis Marcotte claimed he gave money to at least ten state court judges. (Tr. of Dep. of Louis Marcotte at 8:03-10:02.)

House Response: Objection. As explained in its Response to Stipulation 173, the House declines to stipulate to excerpts from Mr. Marcotte's testimony

199. Louis Marcotte claimed he gave money to Judge Stephen J. Windhorst. (*See* Tr. of Dep. of Louis Marcotte at 8:03-10:02.)

House Response: Objection. As explained in its Response to Stipulation 173, the House declines to stipulate to excerpts from Mr. Marcotte's testimony.

200. Louis Marcotte claimed he gave money to Judge Roy Cascio. (*See* Tr. of Dep. of Louis Marcotte at 8:03-10:02.)

House Response: Objection. As explained in its Response to Stipulation 173, the House declines to stipulate to excerpts from Mr. Marcotte's testimony.

201. Louis Marcotte claimed he gave money to Judge Patrick McCabe. (*See* Tr. of Dep. of Louis Marcotte at 8:03-10:02.)

House Response: Objection. As explained in its Response to Stipulation 173, the House declines to stipulate to excerpts from Mr. Marcotte's testimony.

202. Louis Marcotte claimed he gave money to Judge George Giacobbe. (*See* Tr. of Dep. of Louis Marcotte at 8:03-10:02.)

House Response: Objection. As explained in its Response to Stipulation 173, the House declines to stipulate to excerpts from Mr. Marcotte's testimony.

203. Between 1984 and 1994, there was no law, regulation, or rule in Louisiana that specifically forbid state court judges from accepting the gift of a meal from another individual.

House Response: Objection. The House declines to stipulate to any negative statements. The House further objects to this proposed stipulation because it is a generalization, is misleading, is materially incomplete, and is a characterization of the law – not a proposed statement of fact – which is improper for stipulation.

204. The Marcottes never told Judge Porteous that they would take him out to lunch in exchange for favorable treatment on the issuance of bonds.

House Response: Objection. The House declines to stipulate to any negative statements. The House further declines to agree to this proposed stipulation because it is an unsupported generalization, to which the House has no knowledge or information and is unable to stipulate.

205. Judge Porteous never told the Marcottes that he expected lunches in return for signing or setting bonds.

House Response: Objection. The House declines to stipulate to any negative statements. The House further declines to agree to this proposed stipulation because it is an unsupported generalization, to which the House has no knowledge or information and is unable to stipulate.

206. The Marcottes began having lunch with Judge Porteous (and other attendees) no earlier than 1992. (*See* Tr. of Dep. of Louis Marcotte at 22:23-24:23; *see also* Tr. of Lori Marcotte Dep. at 58:9-12.)

House Response: Objection. As explained in its Responses to Stipulations 173 and 174, the House declines to stipulate to excerpts from Mr. Marcotte's or Ms. Marcotte's testimony.

207. Louis Marcotte admits that he only began having regular lunches and contacts with Judge Porteous after 1993. (*See* Tr. of Dep. of Louis Marcotte at 22:23-24:23)

House Response: Objection. As explained in its Response to Stipulation 174, the House declines to stipulate to excerpts from Ms. Marcotte's testimony.

208. Both Lori and Louis Marcotte admit that the frequency of lunches and meetings with Judge Porteous increased after a September 1993 article published in the Times-Picayune regarding a controversial bond with Adam Barnett. (*See* Tr. of Dep. of Louis Marcotte at 22:23-24:23.)

House Response: Objection. As explained in its Responses to Stipulations 173 and 174, the House declines to stipulate to excerpts from Mr. Marcotte's or Ms. Marcotte's testimony.

209. When Judge Porteous had lunch with the Marcottes they discussed a variety of topics, including family, sports, politics, and other non-work related topics. (*See* Tr. of Lori Marcotte Dep. at 63:14-19.)

House Response: Objection. As explained in its Response to Stipulation 174, the House declines to stipulate to excerpts from Ms. Marcotte's testimony.

210. The House of Representatives has no documentary evidence of any lunches between Judge Porteous and the Marcottes while Judge Porteous was on the state bench before 1994. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 64.)

House Response: Objection. The House declines to stipulate to any negative statements. The House further objects to any proposed stipulations that attempt to characterize the House's evidence.

211. The House of Representatives only has documentary evidence of 21 lunches that they allege Judge Porteous attended with either Louis or Lori Marcotte. *See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 64.)

House Response: Objection. The House declines to agree to any proposed stipulations that attempt to characterize the House's evidence.

212. While on the Federal bench, Judge Porteous attended no more than eight lunches with the Marcottes. (*See* Tr. of Dep. of Louis Marcotte at 105:16-20.)

House Response: Objection. As explained in its Response to Stipulation 173, the House declines to stipulate to excerpts from Mr. Marcotte's testimony.

213. The only documentary evidence that the House of Representatives has of lunches between Judge Porteous, while he was on the Federal bench, and the Marcottes consists of receipts and orders that detail the following information:

- On August 6, 1997, there was a lunch at the Beef Connection. The bill amounted to $287.03. There were five attendees.

- On August 25, 1997, there was a lunch at the Beef Connection. The bill amounted to $352.43. There were ten attendees.

- On November 19, 1997, there was a lunch at the Beef Connection. The bill amounted to $395.77. There were ten attendees.

- On August 5, 1998, there was a lunch at the Beef Connection. The bill amounted to $268.84. There were nine attendees.

- On February 1, 2000, there was a lunch at the Beef Connection. The bill amounted to $328.94. There were eight attendees.

- On November 7, 2001, there was a lunch at the Beef Connection. The bill amounted to $635.85. There were fourteen attendees. (*See* HP Exs. 372(a)-(e).)

House Response: Objection. The House declines to agree to any proposed stipulations that attempt to characterize the House's evidence. The House will agree to stipulate, however, to the contents of the receipts from the Beef Connection lunches dated August 6, 1997, August 25, 1997, November 19, 1997, August 5, 1998, February 1, 2000, and November 7, 2001, regarding the total bill amount and the number of attendees, which included Judge Porteous.

214. During the alleged lunches with the Marcottes while Judge Porteous was on the Federal bench, no lunch had less than five attendees and some lunches having as many as fourteen attendees. (*See* HP Exs. 372(a)-(e).)

House Response: Objection. The House declines to agree to this proposed stipulation because it is argumentative and is an attempted characterization of the evidence.

215. With regard to alleged lunches Judge Porteous had with the Marcottes, identified by HP Exs. 372(a)-(e), there is no contemporaneous record of Judge Porteous being asked to attend, let alone attending, the lunches.

House Response: Objection. The House declines to stipulate to any negative statements. The House further objects to any proposed stipulations that attempt to characterize the House's evidence.

216. With regard to several lunches the House of Representatives alleges Judge Porteous attended with the Marcottes, the only documentary evidence in the possession of the House of Representatives that Judge Porteous attended is that one of the attendees drank Absolut vodka and that Judge Porteous was known to also drink Absolut vodka. (*See* HP Exs 372(a)-(d).)

House Response: Objection. The House declines to agree to any proposed stipulations that attempt to characterize the House's evidence.

217. While on the Federal bench, there is no evidence that Judge Porteous communicated to state court judges that he sought or intended for the Marcottes to form corrupt relationships with those same state court judges. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 20.)

House Response: Objection. The House declines to stipulate to any negative statements. The House further objects to any proposed stipulations that attempt to characterize the House's evidence.

218. While on the Federal bench, there is no evidence that Judge Porteous asked state court judges to do anything illegal in dealing with the Marcottes. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 20.)

House Response: Objection. The House declines to stipulate to any negative statements. The House further objects to any proposed stipulations that attempt to characterize the House's evidence.

219. While on the state bench, there is no evidence that Judge Porteous ever asked a state judge to do anything illegal in dealings with the Marcottes.

House Response: Objection. The House declines to stipulate to any negative statements. The House further objects to any proposed stipulations that attempt to characterize the House's evidence.

220. While on the Federal bench, there is no evidence that Judge Porteous ever asked a state judge to form a corrupt relationship with the Marcottes. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 20.)

House Response: Objection. The House declines to stipulate to any negative statements. The House further objects to any proposed stipulations that attempt to characterize the House's evidence.

221. While on the Federal bench, Judge Porteous took no judicial actions to benefit the Marcottes. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 20.)

House Response: Objection. The House declines to stipulate to any negative statements. The House further objects to this proposed stipulation because it is misleading and is an incomplete statement of the factual record.

222. All of the lunches that Judge Porteous had with the Marcottes (and other attendees) were held in the open and were not hidden from the public. (*See* Tr. of Dep. of Louis Marcotte at 78:08-11.)

House Response: Objection. As explained in its Response to Stipulation 174, the House declines to stipulate to excerpts from Ms. Marcotte's testimony.

223. Between 1984 and 1994, it was common in Gretna, Louisiana for state court judges to have lunch with local attorneys and professional acquaintances. (*See* Tr. of Dep. of Louis Marcotte at 25:15-18; *see also* Tr. of Dep. of Lori Marcotte at 106:12-19.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is an unsupported generalization. Moreover, as explained in its Responses to Stipulations 173 and 174, the House declines to stipulate to excerpts from Mr. Marcotte's or Ms. Marcotte's testimony. The House further objects to this proposed stipulation because the deposition testimony of Mr. Marcotte and Ms. Marcotte are insufficient proof of this alleged fact.

224. Between 1984 and 1994, it was common in Gretna, Louisiana for state court judges to have lunch bought for them by local attorneys and professional acquaintances. (*See* Tr. of Dep. of Lori Marcotte at 106:12-19.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is an unsupported generalization. Moreover, as explained in its Response to Stipulation 174, the House declines to stipulate to excerpts from Ms. Marcotte's testimony. The House further objects to this proposed stipulation because the deposition testimony of Ms. Marcotte is insufficient proof of this alleged fact.

225. Between 1994 and 2001, it was common in New Orleans, Louisiana for federal court judges to have lunch with local attorneys and professional acquaintances. (*See* Tr. of Dep. of Louis Marcotte at 25:15-18; *see also* Tr. of Dep. of Lori Marcotte at 106:12-19.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is an unsupported generalization. Moreover, as explained in its Responses to Stipulations 173 and 174, the House declines to stipulate to excerpts from Mr. Marcotte's or Ms. Marcotte's testimony. The House further objects to this proposed stipulation because the deposition testimony of Mr. Marcotte and Ms. Marcotte are insufficient proof of this alleged fact.

226. Between 1994 and 2001, it was common in New Orleans, Louisiana for federal court judges to have lunches bought for them by local attorneys and professional acquaintances. (*See* Tr. of Dep. of Lori Marcotte at 106:12-19.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is an unsupported generalization. Moreover, as explained in its Response to Stipulation 174, the House declines to stipulate to excerpts from Ms. Marcotte's testimony. The House further objects to this proposed stipulation because the deposition testimony of Ms. Marcotte is insufficient proof of this alleged fact.

227. The current Louisiana ethics rules allow state judges to have lunches bought for them by lawyers as long as they are less than $50.

House Response: Objection. The House declines to agree to this proposed stipulation because it is a generalization and it is materially misleading. The House also objects to this stipulation because it is a characterization of the law – not a proposed statement of fact – and is therefore improper for stipulation.

228. The current Louisiana ethics rules allow state judges to accept free lunches from bail bondsmen as long as they are less than $50.

House Response: Objection. The House declines to agree to this proposed stipulation because it is a generalization and it is materially misleading. The House also objects to this stipulation because it is a characterization of the law – not a proposed statement of fact – and is therefore improper for stipulation.

229. The Louisiana rule limiting free lunches was only adopted within the last two years.

House Response: Objection. House declines to agree to this proposed stipulation because it is vague and ambiguous and is an unsupported generalization, to which the House has no knowledge or information and is unable to stipulate.

230. Prior to 1996, there were no limits on the acceptance of free meals by members of Congress. (*See* House Ethics Manual, Cmte. on Standards of Official Congress, (2008 ed.), at 27-28.)

House Response: Objection. The House declines to stipulate to any negative statements. The House further objects to this proposed stipulation because it is a generalization, is misleading, is irrelevant, and is a characterization of the law – not a proposed statement of fact – which is improper for stipulation.

231. From 1968 to 1990, the gift rules restricted the ability "to accept gifts from persons with a direct interest in legislation" but otherwise did not place a limit on meals or gifts received by members of Congress. (*See* House Ethics Manual, Cmte. On Standards of Official Congress, (2008 ed.), at 27-29. *See also*, Robert F. Bauer et al., *Lobbying Under the New Disclosure and Gift Ban Requirements* (Am. Law. Inst.- Am. Bar Assoc. Course of Study, Feb. 21, 1997).)

House Response: Objection. The House declines to agree to this proposed stipulation because it is a generalization and it is irrelevant. The House also objects to this stipulation because it is a characterization of the law – not a proposed statement of fact – and is therefore improper for stipulation.

232. From January 1, 1992, through December 31, 1995, the gift rules prohibited the acceptance "of gifts worth a total of more than $250 from any source in any one year."

Exempted from this limitation, however, were "gifts of food and beverages consumed not in connection with gifts of lodging, *i.e.*, local meals, without any restriction as to cost or the source of the payment." (*See* House Ethics Manual, Cmte. On Standards of Official Congress, (2008 ed.), at 27-29. *See also*, Robert F. Bauer et al., *Lobbying Under the New Disclosure and Gift Ban Requirements* (Am. Law. Inst.- Am. Bar Assoc. Course of Study, Feb. 21, 1997).)

House Response: Objection. The House declines to agree to this proposed stipulation because it is a generalization and it is irrelevant. The House also objects to this stipulation because it is a characterization of the law – not a proposed statement of fact – and is therefore improper for stipulation.

233. In 1996, the House approved a new gift rule "that imposed significant, new limitations" on the acceptance of gifts, including the elimination of the meal exemption. The Senate gift rule included a provision that "generally allowed the acceptance of any gift valued below $50, with a limitation of less than $100 in gifts from any single source in a calendar year." In 1999, the House amended its gift rule to incorporate this provision of the Senate rule, allowing acceptance of gifts, including meals, if valued below $50. (*See* House Ethics Manual, Cmte. On Standards of Official Congress, (2008 ed.), at 27-29. *See also*, Robert F. Bauer et al., *Lobbying Under the New Disclosure and Gift Ban Requirements* (Am. Law. Inst.- Am. Bar Assoc. Course of Study, Feb. 21, 1997).)

House Response: Objection. The House declines to agree to this proposed stipulation because it is a generalization and it is irrelevant. The House also objects to this stipulation because it is a characterization of the law – not a proposed statement of fact – and is therefore improper for stipulation.

234. The Marcottes, through their business, Bail Bonds Unlimited, were the dominant bonding agency in Gretna between 1990 and 1994. (*See* Tr. of Dep. of Louis Marcotte at 51:04-11.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is an unsupported generalization, to which the House has no knowledge or information and is unable to stipulate. Moreover, as explained in its Response to Stipulation 173, the House declines to stipulate to excerpts from Mr. Marcotte's testimony. The House further objects to this proposed stipulation because the deposition testimony of Mr. Marcotte is insufficient proof of this alleged fact.

235. Between 1990 and 1994, the Marcottes had more bonds signed by state judges in Gretna than any other bonding company.

House Response: Objection. The House declines to agree to this proposed stipulation because it is an unsupported generalization, to which the House has no knowledge or information and is unable to stipulate. To the extent this proposed stipulation is based upon testimony by Louis or Lori

Marcotte, as explained in its Responses to Stipulation 173 and 174, the House declines to stipulate to excerpts from Mr. Marcotte's or Ms. Marcotte's testimony. The House further objects to this proposed stipulation because the deposition testimony of Mr. Marcotte or Ms. Marcotte is insufficient proof of this alleged fact.

236. When Louis Marcotte first entered the bail bonds business as the owner of Bail Bonds Unlimited (BBU), he worked with Adam Barnett. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 68.)

House Response: Objection. The House declines to agree to this proposed stipulation as drafted. The House will agree to stipulate that at some point when Louis Marcotte worked in the bail bonds business as the owner of Bail Bonds Unlimited (BBU), he worked on occasion with Adam Barnett.

237. On occasion, Judge Porteous turned down bonds requested by the Marcottes. (*See* Tr. of Lori Marcotte Dep. at 46:07-09; *see also* Tr. of Louis Marcotte Dep. at 68:20-69:01.)

House Response: Objection. As explained in its Response to Stipulations 173 and 174, the House declines to stipulate to excerpts from Mr. Marcotte's or Ms. Marcotte's testimony.

238. On occasion, Judge Porteous rejected the amount of a bond that was requested by the Marcottes and adjusted the figure sought by the Marcottes. (*See* Tr. of Lori Marcotte Dep. at 52:16-20)

House Response: Objection. As explained in its Response to Stipulation 174, the House declines to stipulate to excerpts from Ms. Marcotte's testimony.

239. Judge Porteous did not invent the concept of splitting bonds. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 70; *see also* Tr. of Louis Marcotte Dep. at 64:03-05.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is materially misleading and is an incomplete statement of the factual record. Moreover, as explained in its Response to Stipulation 173, the House declines to stipulate to excerpts from Mr. Marcotte's testimony.

240. Judge Porteous was not the first judge on the 24th Judicial District Court of Louisiana to split bonds. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 70; *see also* Tr. of Louis Marcotte Dep. at 64:03-05.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is materially misleading and is an incomplete statement of the factual record. Moreover, as explained in its Response to

Stipulation 173, the House declines to stipulate to excerpts from Mr. Marcotte's testimony.

241. Between 1984 and 1994, in 24th Judicial District Court of Louisiana, the majority of judges split bonds. (*See* Tr. of Dep. of Louis Marcotte Dep. at 64:06-08.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is an unsupported generalization, to which the House has no knowledge or information and is unable to stipulate. Moreover, as explained in its Response to Stipulation 173, the House declines to stipulate to excerpts from Mr. Marcotte's testimony The House further objects to this proposed stipulation because the deposition testimony of Mr. Marcotte is insufficient proof of this alleged fact.

242. Splitting bonds was not illegal in Louisiana between 1984 and 1994.

House Response: Objection. The House declines to agree to this proposed stipulation because it is a generalization and it is materially misleading. The House also objects to this stipulation because it purports to be a statement of law – not a proposed statement of fact – and is therefore improper.

243. Splitting bonds was not an improper judicial action in Louisiana between 1984 and 1994.

House Response: Objection. The House declines to agree to this proposed stipulation because it is a generalization and it is materially misleading. The House also objects to this stipulation because it purports to be a statement of law – not a proposed statement of fact – and is therefore improper.

244. There are legitimate reasons why a judge might split a given bond.

House Response: Objection. House declines to agree to this proposed stipulation because it is vague and ambiguous and is an unsupported generalization, to which the House has no knowledge or information and is unable to stipulate.

245. Between 1984 and 1994, in 24th Judicial District Court of Louisiana, there was no guideline, rule, or mandate that a state court judge not split bonds.

House Response: Objection. The House declines to stipulate to any negative statements. The House further objects to this proposed stipulation because it is a generalization, is misleading, is materially incomplete and purports to be a statement of law – not a proposed statement of fact – and is therefore improper.

246. When Judge Porteous was asked to set a bond for a particular arrestee, his standard operating procedure was to either personally call or request that one of his staff members personally call the jail to confirm information. (*See* Tr. of Lori Marcotte Dep. at 45:23-46:06; *see also* Tr. of Dep. of Louis Marcotte at 72:25-73:22.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is a generalization, to which the House has no knowledge or information and is unable to stipulate. Moreover, as explained in its Responses to Stipulations 173 and 174, the House declines to stipulate to excerpts from Mr. Marcotte's or Ms. Marcotte's testimony. The House further objects to this proposed stipulation because the deposition testimony of Mr. Marcotte or Ms. Marcotte is insufficient proof of this alleged fact.

247. When Judge Porteous was asked to set a bond for a particular arrestee, his standard operating procedure was to seek additional information from the relevant jail officials regarding the charge, the defendant, and the circumstances surrounding the arrest and possible release. (*See* Tr. of Lori Marcotte Dep. at 45:23-46:06; *see also* Tr. of Dep. of Louis Marcotte at 72:25-73:22.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is a generalization, to which the House has no knowledge or information and is unable to stipulate. Moreover, as explained in its Responses to Stipulations 173 and 174, the House declines to stipulate to excerpts from Mr. Marcotte's or Ms. Marcotte's testimony. The House further objects to this proposed stipulation because the deposition testimony of Mr. Marcotte or Ms. Marcotte is insufficient proof of this alleged fact.

248. Judge Porteous would sometimes call arresting officers to confirm information before granting a bond. (*See* Tr. of Lori Marcotte Dep. at 79:12-14.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is a generalization, to which the House has no knowledge or information and is unable to stipulate. Moreover, as explained in its Response to Stipulation 174, the House declines to stipulate to excerpts from Ms. Marcotte's testimony. The House further objects to this proposed stipulation because the deposition testimony of Ms. Marcotte is insufficient proof of this alleged fact.

249. Judge Porteous would sometimes communicate with the District Attorneys office to confirm their position on a bond. (*See* HP. Ex. 074(c).)

House Response: Objection. The House declines to agree to this proposed stipulation because it is a generalization, to which the House has no knowledge or information and is unable to stipulate. Moreover, the House seeks

to admit HP Exhibit 74(c), which is a Marcotte FBI interview, in its entirety and declines to stipulate to excerpts from any FBI interview.

250. As a practice, Judge Porteous would not agree to a bond solely on the basis of the information provided to him by the Marcottes. (*See* Tr. of Lori Marcotte Dep. at 45:23-46:06; *see also* Tr. of Dep. of Louis Marcotte at 72:25-73:22; *see also* HP. Ex. 074(c).))

House Response: Objection. The House declines to agree to this proposed stipulation because it is a generalization, to which the House has no knowledge or information and is unable to stipulate. Moreover, as explained in its Responses to Stipulations 173, 174, and 249, the House declines to stipulate to excerpts from Mr. Marcotte's or Ms. Marcotte's deposition testimony or to excerpts from any Marcotte FBI interview. The House further objects to this proposed stipulation because the testimony of Mr. Marcotte or Ms. Marcotte is insufficient proof of this alleged fact.

251. If the District Attorney objected to a bond, Judge Porteous would generally not agree to a bond. (*See* Tr. of Lori Marcotte Dep. at 43:22-44:01.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is a generalization, to which the House has no knowledge or information and is unable to stipulate. Moreover, as explained in its Response to Stipulation 174, the House declines to stipulate to excerpts from Ms. Marcotte's testimony. The House further objects to this proposed stipulation because the deposition testimony of Ms. Marcotte is insufficient proof of this alleged fact.

252. Between 1984 and 1994, in 24th Judicial District Court of Louisiana, there was no guidebook for judges in regards to how much any given bond should be set for. (Tr. of Louis Marcotte Dep. at 74:04-08.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is a generalization, to which the House has no knowledge or information and is unable to stipulate. Moreover, as explained in its Response to Stipulation 173, the House declines to stipulate to excerpts from Mr. Marcotte's testimony. The House further objects to this proposed stipulation because the deposition testimony of Mr. Marcotte is insufficient proof of this alleged fact.

253. Between 1984 and 1994, in 24th Judicial District Court of Louisiana, state court judges were given the authority and responsibility for setting bonds. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 62; *see also* Tr. of Louis Marcotte Dep. at 58:12-23.)

House Response: If Judge Porteous provides support to the House for this proposed stipulation, the House will agree to the stipulation.

254. Each week, a different state court judge would be assigned the responsibility for serving as the "magistrate judge" who was supposed to be the primary judge responsible for reviewing bond applications. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 62; *see also* Tr. of Louis Marcotte Dep. at 58:12-23.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is a generalization, to which the House has no knowledge or information and is unable to stipulate. Moreover, as explained in its Response to Stipulation 173, the House declines to stipulate to excerpts from Mr. Marcotte's testimony. The House further objects to this proposed stipulation because the deposition testimony of Mr. Marcotte is insufficient proof of this alleged fact.

255. Between 1984 and 1994, in 24th Judicial District Court of Louisiana, in practice, the assigned magistrate judge would often rarely be available or would refuse to answer phone calls from bonding agents. (*See* Tr. of Louis Marcotte Dep. at 58:24-59:14.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is a generalization, to which the House has no knowledge or information and is unable to stipulate. Moreover, as explained in its Response to Stipulation 173, the House declines to stipulate to excerpts from Mr. Marcotte's testimony. The House further objects to this proposed stipulation because the deposition testimony of Mr. Marcotte is insufficient proof of this alleged fact.

256. Between 1984 and 1994, in 24th Judicial District Court of Louisiana, there was no law, rule, or order that precluded a judge, who was not serving in a given week as the magistrate judge, from reviewing and signing a bond. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 62; *see also* Tr. of Louis Marcotte Dep. at 58:12-23.)

House Response: Objection. The House declines to stipulate to any negative statements. The House further objects to this proposed stipulation because it is a generalization, is misleading, is materially incomplete and purports to be a statement of law – not a proposed statement of fact – and is therefore improper. Moreover, as explained in its Response to Stipulation 173, the House declines to stipulate to excerpts from Mr. Marcotte's testimony.

257. Between 1992 and 1994, in 24th Judicial District Court of Louisiana, the Marcottes would often go chamber to chamber seeking judges to review, set, or split bonds. (*See* Tr. of Louis Marcotte Dep. at 97:04-07.)

House Response: Objection. As explained in its Response to Stipulation 173, the House declines to stipulate to excerpts from Mr. Marcotte's testimony.

258. The Articles of Impeachment do not allege that any bond signed by Judge Porteous was unlawful.

House Response: Objection. The House declines to stipulate to any negative statements. The House further declines to stipulate with regard to what the Articles of Impeachment do or do not allege.

259. The Articles of Impeachment do not alleged that Judge Porteous any bond signed by Judge Porteous violated any judicial precedent on the amount or splitting of such bonds.

House Response: Objection. The House declines to stipulate to any negative statements. The House further declines to stipulate with regard to what the Articles of Impeachment do or do not allege.

260. None of the bonds signed by Judge Porteous during his tenure as a state judge were ever opposed by the District Attorney.

House Response: Objection. The House declines to stipulate to any negative statements. The House further declines to agree to this proposed stipulation because it is an unproven generalization, to which the House has no knowledge or information and is unable to stipulate.

261. Judge Porteous signed only one bond for the Marcottes and Bail Bonds Unlimited on his last day as a state court Judge. (*See* HP Exs. 350(01)-350(56) and 351(01)-(26); *see also* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 79.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is misleading and is an unproven statement of fact.

262. Judge Porteous signed only two bonds for the Marcottes and Bail Bonds Unlimited in his last week as a state court Judge. (*See* HP Exs. 350(01)-350(56) and 351(01)-(26); see also (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 79.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is misleading and is an unproven statement of fact.

263. Judge Porteous signed only twenty-nine bonds for the Marcottes and Bail Bonds Unlimited during the month of October 1994 (his last month on the state bench) as a state court Judge. (*See* HP Exs. 350(01)-350(56) and 351(01)-(26); *see also* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 79.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is misleading and is an unproven statement of fact.

264. Judge Porteous signed only twenty-seven bonds for the Marcottes and Bail Bonds Unlimited between the date of his confirmation for his federal judgeship (October 7, 1994) and the last day for which he served as a state court judge (October 27, 1994). (*See* HP Exs. 350(01)-350(56) and 351(01)-(26); *see also* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 79.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is misleading and is an unproven statement of fact.

265. The House of Representatives has no documentary evidence that Judge Porteous signed more than one bond for the Marcottes and Bail Bonds Unlimited on his last day as a state court Judge. (*See* HP Exs. 350(01)-350(56) and 351(01)-(26); *see also* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 79.)

House Response: Objection. The House declines to stipulate to any negative statements. The House further objects to any proposed stipulation that attempts to characterize the House's evidence.

266. The House of Representatives has no documentary evidence that Judge Porteous signed more than two bonds for the Marcottes and Bail Bonds Unlimited in his last week as a state court Judge. (*See* HP Exs. 350(01)-350(56) and 351(01)-(26); *see also* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 79.)

House Response: Objection. The House declines to stipulate to any negative statements. The House further objects to any proposed stipulation that attempts to characterize the House's evidence.

267. The House of Representatives has no documentary evidence that Judge Porteous signed more than twenty-nine bonds for the Marcottes and Bail Bonds Unlimited during the month of October 1994 (his last month on the state bench) as a state court Judge. (*See* HP Exs. 350(01)-350(56) and 351(01)-(26); *see also* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 79.)

House Response: Objection. The House declines to stipulate to any negative statements. The House further objects to any proposed stipulation that attempts to characterize the House's evidence.

268. The House of Representatives has no documentary evidence that Judge Porteous signed more than twenty-seven bonds for the Marcottes and Bail Bonds Unlimited between the date of his confirmation for his federal judgeship (October 7, 1994) and the last day for which he served as a state court judge (October 27, 1994). (*See* HP Exs. 350(01)-350(56) and 351(01)-(26); *see also* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 79.)

House Response: Objection. The House declines to stipulate to any negative statements. The House further objects to any proposed stipulation that attempts to characterize the House's evidence.

269. The Marcottes and Bail Bonds Unlimited never provided any home repairs for Judge Porteous while he was a Federal judge. (*See* Tr. of Lori Marcotte Dep. at 106:24-107:01)

House Response: Objection. The House declines to stipulate to any negative statements. Furthermore, as explained in its Response to Stipulation 174, the House declines to stipulate to excerpts from Ms. Marcotte's testimony.

270. The only home repairs the government alleges that the Marcottes or Bail Bonds Unlimited ever provided to Judge Porteous is the repairing of a wooden fence. (*See* generally House Judiciary Committee Report, March 4, 2010, Report 111-427.)

House Response: Objection. The House declines to agree to any proposed stipulation that attempts to characterize the House's evidence.

271. The House of Representatives is not in the possession of any records or documentation regarding the alleged home repairs provided by the Marcottes and Bail Bonds Unlimited to Judge Porteous. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 68.)

House Response: Objection. The House declines to stipulate to any negative statements. The House further objects to any proposed stipulation that attempts to characterize the House's evidence.

272. The Marcottes do not have any records or documentation regarding the alleged home repairs provided by the Marcottes and Bail Bonds Unlimited to Judge Porteous.

House Response: Objection. The House declines to stipulate to any negative statements. The House further declines to agree to this proposed stipulation because it is an unsupported generalization, to which the House has no knowledge or information and is unable to stipulate.

273. The House of Representatives is not in the possession of any records or documentation regarding the exact date the alleged home repairs provided by the Marcottes and Bail Bonds Unlimited to Judge Porteous. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 68.)

House Response: Objection. The House declines to stipulate to any negative statements. The House further objects to any proposed stipulation that attempts to characterize the House's evidence.

274. The Marcottes are not in the possession of any records or documentation regarding the exact date the alleged home repairs provided by the Marcottes and Bail Bonds Unlimited to Judge Porteous. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 68.)

House Response: Objection. The House declines to stipulate to any negative statements. The House further declines to agree to this proposed stipulation because it is an unsupported generalization, to which the House has no knowledge or information and is unable to stipulate.

275. The alleged home repairs, if they occurred, amounted to approximately a $200 value to Judge Porteous. (*See* Hp Ex. 072 (d).)

House Response: The House declines to agree to this proposed stipulation because it is misleading and is an incomplete statement of the factual record.

Moreover, the House seeks to admit HP Exhibit 72(d), which is a Marcotte FBI interview, in its entirety and declines to stipulate to excerpts from that FBI interview.

276. The Marcottes have no personal knowledge that the alleged work on a wooden fence for Judge Porteous were actually performed by their employees. (*See* Tr. of Louis Marcotte Dep. at 87:08-14; *see also* Tr. of Lori Marcotte Dep. at 82:25-83:05.)

House Response: Objection. The House declines to stipulate to any negative statements. Moreover, as explained in its Response to Stipulations 173 and 174, the House declines to stipulate to excerpts from Mr. Marcotte's or Ms. Marcotte's testimony.

277. The Marcottes never saw the work on a wooden fence for Judge Porteous.

House Response: Objection. The House declines to stipulate to any negative statements. The House further declines to agree to this proposed stipulation because it is an unsupported generalization, to which the House has no knowledge or information and is unable to stipulate.

278. The Marcottes and Bail Bonds Unlimited never paid for or assisted with any car repairs for Judge Porteous while he was a Federal judge. (*See* Tr. of Lori Marcotte Dep. at 106:20-23.)

House Response: Objection. The House declines to stipulate to any negative statements. Moreover, as explained in its Response to Stipulation 174, the House declines to stipulate to excerpts from Ms. Marcotte's testimony.

279. The House of Representatives is not in the possession of any records or documentation regarding the alleged car repairs provided by the Marcottes and Bail Bonds Unlimited to Judge Porteous. (*See* Tr. of Lori Marcotte Dep. at 83:01-19; *see also* generally House Judiciary Committee Report, March 4, 2010, Report 111-427.)

House Response: Objection. The House declines to stipulate to any negative statements. The House further declines to agree to any proposed stipulation that attempt to characterize the House's evidence.

280. Adam Barnett was a bail bondsman who worked closely with the Marcottes in Gretna. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 68.)

House Response: Objection. The House declines to agree to this proposed stipulation as drafted. The House will agree to stipulate that Adam Barnett was a bail bondsman who on occasion had business dealings with the Marcottes in Gretna.

281. Adam Barnett has never been criminally charged with any matter related to the Articles of Impeachment.

House Response: Agreed. The House will stipulate to this fact.

282. The Marcottes have no evidence showing car repairs by the Marcottes and Bail Bonds Unlimited to Judge Porteous.

House Response: Objection. The House declines to stipulate to any negative statements. The House further declines to agree to this proposed stipulation because it is an unsupported generalization, to which the House has no knowledge or information and is unable to stipulate.

283. In an interview with the House of Representatives, Adam Barnett denied that he paid for Judge Porteous's car repairs while Judge Porteous was a state judge. (*See* May 13, 2010 Letter from Alan Baron to Richard Westling.)

House Response: Agreed. The House will stipulate to this fact.

284. In an interview with the House of Representatives, Adam Barnett denied that he ever purchased a car for Judge Porteous.

House Response: Objection. The House declines to stipulate to this statement because the statement is false.

285. In an interview by the FBI as part of Judge Porteous's background investigation, Adam Barnett stated that he knew of no questionable conduct or acts by Judge Porteous. (*See* PORT000000512-513.)

House Response: Objection. The House seeks to admit the entire FBI interview of Adam Barnett, so that Mr. Barnett's statements cannot be mischaracterized or taken out of context. The House declines to stipulate to excerpts from that interview memorandum.

286. In an interview by the FBI as part of Judge Porteous's background investigation, Adam Barnett stated that he knew of no financial problems experienced by Judge Porteous. (*See* PORT000000512-513.)

House Response: Objection. The House seeks to admit the entire FBI interview of Adam Barnett, so that Mr. Barnett's statements cannot be mischaracterized or taken out of context. The House declines to stipulate to excerpts from that interview memorandum.

287. In an interview by the FBI as part of Judge Porteous's background investigation, Adam Barnett stated that he knew of personal problems or habits that would bar Judge Porteous from service as a federal judge. (*See* PORT000000512-513.)

House Response: Objection. The House seeks to admit the entire FBI interview of Adam Barnett, so that Mr. Barnett's statements cannot be mischaracterized or taken out of context. The House declines to stipulate to excerpts from that interview memorandum.

288. In an interview by the FBI as part of Judge Porteous's background investigation, Adam Barnett recommended Judge Porteous as a federal judge. (*See* PORT000000512-513.)

House Response: Objection. The House seeks to admit the entire FBI interview of Adam Barnett, so that Mr. Barnett's statements cannot be mischaracterized or taken out of context. The House declines to stipulate to excerpts from that interview memorandum.

289. There is no documentary evidence establishing who paid for the ear repairs the Marcottes allegedly supplied to Judge Porteous.

House Response: Objection. The House declines to stipulate to any negative statements. The House further objects to any proposed stipulations that attempt to characterize the House's evidence.

290. It is unclear who paid for the car repairs the Marcottes allegedly supplied to Judge Porteous. (*See* Tr. of Lori Marcotte Dep. at 83:01-19.)

House Response: Objection. As explained in its Response to Stipulation 174, the House declines to stipulate to excerpts from Ms. Marcotte's testimony.

291. Lori Marcotte has never traveled to Las Vegas with Judge Porteous. (*See* Tr. of Lori Marcotte Dep. at 22:21-24.)

House Response: Objection. As explained in its Response to Stipulation 174, the House declines to stipulate to excerpts from Ms. Marcotte's testimony.

292. Louis Marcotte never directly gave Judge Porteous any cash on any trip that the two of them took together. (*See* Tr. of Dep. of Louis Marcotte at 103:12-16.)

House Response: Objection. As explained in its Response to Stipulation 173, the House declines to stipulate to excerpts from Mr. Marcotte's testimony.

293. In 1992, Judge Porteous was invited to Las Vegas by Louis Marcotte and turned down the offer. (HP Ex. 072(b); *see also* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 65-66.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is misleading and is materially incomplete.

294. Rhonda Danos and Lori Marcotte were close friends for some period of time between 1992 and 1997. (*See* Tr. of Lori Marcotte Dep. at 19:07-10, 30:11-32:13.)

House Response: Objection. As explained in its Response to Stipulation 174, the House declines to stipulate to excerpts from Ms. Marcotte's testimony.

295. In 1992, Rhonda Danos and Lori Marcotte stayed in a hotel room together on a trip to Las Vegas. (*See* Tr. of Lori Marcotte Dep. at 23:06-11.)

House Response: Objection. As explained in its Response to Stipulation 174, the House declines to stipulate to excerpts from Ms. Marcotte's testimony.

296. Rhonda Danos helped Lori Marcotte organize trips to Las Vegas, scheduled social outings for certain trips the Marcottes went on, and organized transportation for some of the Marcotte's guests. (*See* Tr. of Lori Marcotte Dep. at 23:17-27:07.)

House Response: Objection. As explained in its Response to Stipulation 174, the House declines to stipulate to excerpts from Ms. Marcotte's testimony.

297. Rhonda Danos and Lori Marcotte attended a Rolling Stones concert together. (*See* Tr. of Lori Marcotte Dep. at 29:21-25.)

House Response: Objection. As explained in its Response to Stipulation 174, the House declines to stipulate to excerpts from Ms. Marcotte's testimony.

298. Rhonda Danos assisted Lori Marcotte with the planning and preparation for a Christmas party at the Blue House at some point in the 1990s. (*See* Tr. of Lori Marcotte Dep. at 28:11-14.)

House Response: Objection. As explained in its Response to Stipulation 174, the House declines to stipulate to excerpts from Ms. Marcotte's testimony.

299. The Marcottes never provided a reserved parking spot to Michael Porteous. (*See* Tr. of Lori Marcotte Dep. at 77:17-78:23.)

House Response: Objection. As explained in its Response to Stipulation 174, the House declines to stipulate to excerpts from Ms. Marcotte's testimony.

300. The Marcottes never subsidized or provided a reserved parking spot to Michael Porteous that would have otherwise generated revenue for the Marcottes. (*See* Tr. of Lori Marcotte Dep. at 77:17-78:23.)

House Response: Objection. As explained in its Response to Stipulation 174, the House declines to stipulate to excerpts from Ms. Marcotte's testimony.

301. The parking lot utilized by the Marcottes near the Gretna courthouse in the mid 1990s did not require anyone who parked there to pay a daily fee. (*See* Tr. of Lori Marcotte Dep. at 77:17-78:23.)

House Response: Objection. As explained in its Response to Stipulation 174, the House declines to stipulate to excerpts from Ms. Marcotte's testimony.

302. The parking lot owned by the Marcottes and used by Michael Porteous was in fact an open lot physically open to any driver.

House Response: Objection. The House declines to agree to this proposed stipulation because it is an unsupported generalization, to which the House has no knowledge or information and is unable to stipulate.

303. The parking lot owned by the Marcottes and used by Michael Porteous did not have a specifically marked spot for the use of Michael Porteous.

House Response: Objection. The House declines to agree to this proposed stipulation because it is an unsupported generalization, to which the House has no knowledge or information and is unable to stipulate.

304. The parking lot owned by the Marcottes and used by Michael Porteous was sometimes used by strangers or members of the public.

House Response: Objection. The House declines to agree to this proposed stipulation because it is an unsupported generalization, to which the House has no knowledge or information and is unable to stipulate.

305. At some point in the 1990s, people were charged for use of the parking lot owned by the Marcottes and used by Michael Porteous.

House Response: Objection. The House declines to agree to this proposed stipulation because it is an unsupported generalization, to which the House has no knowledge or information and is unable to stipulate.

306. During the time that Judge Porteous served as a state judge, the Marcottes did not charge anyone for the use of the parking lot used by Michael Porteous.

House Response: Objection. The House declines to agree to this proposed stipulation because it is an unsupported generalization, to which the House has no knowledge or information and is unable to stipulate.

307. The Senate of the United States has never removed an individual from office through the impeachment process solely on the basis of conduct occurring before he began his tenure in the office that is the subject of the impeachment. (*See* MICHAEL J. GERHARDT, THE FEDERAL IMPEACHMENT PROCESS: A CONSTITUTIONAL AND HISTORICAL ANALYSIS 108 (Univ. of Chicago Press, 2d ed. 2000).

House Response: Objection. The House declines to stipulate to this statement because it is materially misleading. The House does not object, however, to Judge Porteous submitting the referenced article as part of his evidence at trial, thus allowing each Senator to give the article whatever weight he or she deems appropriate.

308. In prior impeachment cases, the Senate specifically has declined to convict on articles of impeachment based on conduct that was alleged to have occurred before the accused assumed the office that is the subject of the impeachment. (*See generally* Archbald Senate Impeachment Trial.)

House Response: Objection. The House declines to stipulate to this statement because the statement is false.

309. In 1912, the House of Representatives filed thirteen Articles of Impeachment against Robert Archbald, alleging misconduct in his then-current circuit judgeship (Articles 1 through 6) as well as in his prior district judgeship (Articles 7 through 12). The Senate convicted Archbald on Articles 1, 3, 4, 5, and 13, but acquitted Judge Archbald on the articles relating solely to Archbald's former office (Articles 7 through 12) (*See* 62 Cong. Rec. S1647 (1913) at Index p. XIV (listing "guilty" and "not guilty" votes for each of the rejected articles.)

House Response: Objection. The House declines to stipulate to this statement because it is materially misleading.

310. In relation to Article II, the only misconduct Judge Porteous is alleged to have engaged in while a sitting member of the United States District Court for the Eastern District of Louisiana is that Judge Porteous used the power and prestige of his office to assist the Marcottes in forming relationships with State judicial officers and individuals important to the Marcottes' business.

House Response: Objection. The House declines to stipulate with regard to what the Articles of Impeachment do or do not allege.

311. Beginning on June 24, 1994, during its background investigation of Judge Porteous for his federal judgeship nomination, the FBI interviewed dozens of witnesses. (*See* generally FBI Background Check of Judge Porteous, HP Ex. 069(b).)

House Response: Objection. The House declines to agree to this proposed stipulation as drafted. The House will agree to stipulate that beginning on June 24, 1994, during its background investigation of Judge Porteous for his federal judgeship nomination, the FBI interviewed many individuals. The House further seeks to admit the entire FBI background investigation of Judge Porteous so that no portion of the investigation can be mischaracterized or taken out of context.

312. During its background check, the FBI was made aware that Judge Porteous had a relationship with the Marcottes. (*See* PORT000000471, PORT000000503, PORT000000513-514.)

House Response: Objection. The House declines to agree to this proposed stipulation as drafted because the phrase "had a relationship with" is vague and ambiguous. The House will agreed to stipulate that during its background check, the FBI was made aware that Judge Porteous knew Louis Marcotte. The House further seeks to admit the entire FBI background investigation of Judge Porteous so that no portion of the investigation can be mischaracterized or taken out of context.

313. Judge Porteous gave the FBI the name of Louis Marcotte and contact information as part of his background investigation.

House Response: Objection. The House declines to agree to this proposed stipulation because it is unsupported by the factual record and the House has no knowledge or information and is unable to stipulate.

314. The FBI specifically interviewed Louis Marcotte on two occasions during its background investigation of Judge Porteous, and Marcotte explained that he had known the Judge professionally and socially for the past ten years. (*See* PORT000000503 and PORT000000513-514.)

House Response: Objection. The House seeks to admit the entire FBI background investigation of Judge Porteous so that no portion of the investigation can be mischaracterized or taken out of context. The House declines to stipulate to excerpts from the background investigation.

315. Prior to his confirmation, the FBI interviewed an individual, who asked that his/her identity remain anonymous, but who stated that "Judge Porteous works with certain individuals in writing bonds, specifically . . . Louis and Lori Marcotte." (PORT000000471.)

House Response: Objection. As explained in its Response to Stipulation 314, the House declines to stipulate to excerpts from the FBI background investigation of Judge Porteous.

316. Prior to confirmation, the FBI interviewed Louis Marcotte, who told the FBI "that he sometimes goes to lunch with the candidate and attorneys in the area." (PORT000000471.)

House Response: Objection. As explained in its Response to Stipulation 314, the House declines to stipulate to excerpts from the FBI background investigation of Judge Porteous.

317. Prior to his confirmation, the FBI interviewed an individual, who asked that his/her identity remain anonymous, but who stated that the Marcottes "frequently give the judge and his staff cakes, sandwiches, booze, and soft drinks." (PORT000000526.)

House Response: Objection. As explained in its Response to Stipulation 314, the House declines to stipulate to excerpts from the FBI background investigation of Judge Porteous.

318. Prior to his confirmation, the FBI interviewed an individual, who asked that their identity remain anonymous, but who stated that "Louis Marcotte has told people that they 'kick back' money to Judge Porteous for reducing the bonds."

House Response: Objection. As explained in its Response to Stipulation 314, the House declines to stipulate to excerpts from the FBI background investigation of Judge Porteous.

319. The information from an individual who told the FBI about an allegation of a kickback to Judge Porteous was referenced in a separate "note" to the Department of Justice, sent on August 19, 1994, months before Judge Porteous was confirmed. (PORT000000526.)

House Response: Objection. As explained in its Response to Stipulation 314, the House declines to stipulate to excerpts from the FBI background investigation of Judge Porteous.

320. Prior to his confirmation, the FBI interviewed an individual, who asked that his/her identity remain anonymous, but who stated that Judge Porteous 'frequently sign[ed] bonds ahead of time for bondsmen." (PORT000000526.)

House Response: Objection. As explained in its Response to Stipulation 314, the House declines to stipulate to excerpts from the FBI background investigation of Judge Porteous.

321. Prior to his confirmation, the FBI interviewed an individual, who asked that their identity remain anonymous, but who stated that the candidate "indirectly received $10,000 from an individual in exchange for the candidate reducing his bond."

House Response: Objection. As explained in its Response to Stipulation 314, the House declines to stipulate to excerpts from the FBI background investigation of Judge Porteous.

322. The information from an individual who told the FBI Judge Porteous received $10,000 was referenced in a separate "note" to the Department of Justice, sent on August 19, 1994, months before Judge Porteous was confirmed.

House Response: Objection. As explained in its Response to Stipulation 314, the House declines to stipulate to excerpts from the FBI background investigation of Judge Porteous.

323. The FBI interviewed an individual, whose identity has been redacted from discovery documents, who reported that Louis Marcotte told the girlfriend of an individual who had been arrested that it would take $12,500.00 to get [the boyfriend] out of jail" and that "$10,000.00 of this would go to Judge Porteous for the bond reduction." This information was referenced in a separate "note" to the Department of Justice, sent on August 19, 1994, months before Judge Porteous was confirmed. (PORT000000524 and PORT000000530.)

House Response: Objection. As explained in its Response to Stipulation 314, the House declines to stipulate to excerpts from the FBI background investigation of Judge Porteous.

324. Prior to his confirmation, the FBI interviewed an individual, who asked that his/her identity remain anonymous, but who stated that "Porteous was "paid to reduce a bond" in a different case and "had been given $1,500 to reduce a bond" in that matter. This information was highlighted in a separate "note" to the Department of Justice, sent on August 19, 1994, months before Judge Porteous was confirmed. (PORT000000526 and PORT000000530.)

House Response: Objection. As explained in its Response to Stipulation 314, the House declines to stipulate to excerpts from the FBI background investigation of Judge Porteous.

325. Prior to his confirmation, the FBI interviewed an individual, who asked that his/her identity remain anonymous, but who stated that Judge "Porteous had transferred a case from another division to his [Porteous] to help [redaction follows]." (PORT000000526.)

House Response: Objection. As explained in its Response to Stipulation 314, the House declines to stipulate to excerpts from the FBI background investigation of Judge Porteous.

326. Moreover, confidential informants told the FBI that "Louis Marcotte has told people that they 'kick back' money to Judge Porteous for reducing the bonds." (PORT000000526.)

House Response: Objection. As explained in its Response to Stipulation 314, the House declines to stipulate to excerpts from the FBI background investigation of Judge Porteous.

327. Louis Marcotte's conversations with the FBI on August 1, 1994 and August 17, 1994, referenced in Article II and Article IV, took place after Judge Porteous filled out his SF-86 form. (*See* PORT000000503 and PORT000000513-514.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is materially misleading. Moreover, as explained in its Response to Stipulation 314, the House declines to stipulate to excerpts from the FBI background investigation of Judge Porteous.

328. Louis Marcotte's conversations with the FBI on August 1, 1994 and August 17, 1994, referenced in Article II and Article IV, took place after Judge Porteous filled out his supplemental SF-86 form. (*See* PORT000000503 and PORT000000513-514.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is materially misleading. Moreover, as explained in its Response to Stipulation 314, the House declines to stipulate to excerpts from the FBI background investigation of Judge Porteous.

329. Louis Marcotte's conversations with the FBI on August 1, 1994 and August 17, 1994, referenced in Article II and Article IV, took place after Judge Porteous filled out his Senate questionnaire. (*See* PORT000000503 and PORT000000513-514.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is materially misleading. Moreover, as explained in its Response to Stipulation 314, the House declines to stipulate to excerpts from the FBI background investigation of Judge Porteous.

330. Louis Marcotte's conversations with the FBI on August 1, 1994 and August 17, 1994, referenced in Article II and Article IV, took place after Judge Porteous spoke with agents in his first background check.. (*See* PORT000000503 and PORT000000513-514.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is materially misleading. Moreover, as explained in its Response to Stipulation 314, the House declines to stipulate to excerpts from the FBI background investigation of Judge Porteous.

331. On his Supplemental SF-86, Judge Porteous was asked whether there was anything in his personal life that could cause embarrassment to him or President Clinton. This question necessarily asks for Judge Porteous's subjective opinion and speculation regarding the meaning and application of the term "embarrassment."

House Response: Objection. The House declines to stipulate to this statement because it is an incomplete excerpt of the relevant question in the Supplemental SF-86 and because it is argumentative and materially misleading.

332. Once Judge Porteous was nominated by President Clinton to serve as a United States District Court Judge for the Eastern District of Louisiana, but prior to his confirmation, the Judiciary Committee of the United States Senate reviewed the FBI's background investigation of Judge Porteous. (*See* Confidential Notes Taken from FBI File G. Thomas Porteous, supplied to counsel by Senate Impeachment Trial Committee.)

House Response: Objection. The House declines to stipulate to characterizations of the actions taken by the Senate Judiciary Committee in relation to the Porteous nomination. The House seeks to admit the entire Senate Judiciary Committee file related to Judge Porteous, so that the contents of the file cannot be mischaracterized or taken out of context.

333. Once Judge Porteous was nominated by President Clinton to serve as a United States District Court Judge for the Eastern District of Louisiana, but prior to his confirmation, the Judiciary Committee of the United States Senate was specifically aware of allegations that Judge Porteous "is living beyond his means and this might mean that he is involved in some type of criminal activity." (*See* Confidential Notes Taken from FBI File G. Thomas Porteous, supplied to counsel by Senate Impeachment Trial Committee.)

House Response: Objection. The House declines to stipulate to characterizations of what the Senate Judiciary Committee was allegedly aware of in relation to the Porteous nomination. The House seeks to admit the entire Senate Judiciary Committee file related to Judge Porteous, so that the contents of the file cannot be mischaracterized or taken out of context.

334. Once Judge Porteous was nominated by President Clinton to serve as a United States District Court Judge for the Eastern District of Louisiana, but prior to his confirmation, the Judiciary Committee of the United States Senate was specifically aware of allegations that Judge Porteous "has a drinking problem." (*See* Confidential Notes Taken from FBI File G. Thomas Porteous, supplied to counsel by Senate Impeachment Trial Committee.)

House Response: Objection. The House declines to stipulate to characterizations of what the Senate Judiciary Committee was allegedly aware of in relation to the Porteous nomination. The House seeks to admit the entire Senate Judiciary Committee file related to Judge Porteous, so that the contents of the file cannot be mischaracterized or taken out of context.

335. Once Judge Porteous was nominated by President Clinton to serve as a United States District Court Judge for the Eastern District of Louisiana, but prior to his confirmation, the Judiciary Committee of the United States Senate was specifically aware of allegations that Judge Porteous gambled on occasion. (*See* Confidential Notes Taken from FBI File G. Thomas Porteous, supplied to counsel by Senate Impeachment Trial Committee.)

House Response: Objection. The House declines to stipulate to characterizations of what the Senate Judiciary Committee was allegedly aware of in relation to the Porteous nomination. The House seeks to admit the entire Senate Judiciary Committee file related to Judge Porteous, so that the contents of the file cannot be mischaracterized or taken out of context.

336. Once Judge Porteous was nominated by President Clinton to serve as a United States District Court Judge for the Eastern District of Louisiana, but prior to his confirmation, the Judiciary Committee of the United States Senate placed additional telephone calls to and interviewed Robert Creely, Donald Gardner, and Louis Marcotte, among others. (*See* Confidential Notes Taken from FBI File G. Thomas Porteous, supplied to counsel by Senate Impeachment Trial Committee.)

House Response: Objection. The House declines to stipulate to characterizations of the actions taken by the Senate Judiciary Committee in relation to the Porteous nomination. The House seeks to admit the entire Senate Judiciary Committee file related to Judge Porteous, so that the contents of the file cannot be mischaracterized or taken out of context.

337. Once Judge Porteous was nominated by President Clinton to serve as a United States District Court Judge for the Eastern District of Louisiana, but prior to his confirmation, the Judiciary Committee of the United States Senate made inquiries about whether Judge Porteous had a drinking problem.

House Response: Objection. The House declines to stipulate to characterizations of the actions taken by the Senate Judiciary Committee in relation to the Porteous nomination. The House seeks to admit the entire Senate Judiciary Committee file related to Judge Porteous, so that the contents of the file cannot be mischaracterized or taken out of context.

338. Once Judge Porteous was nominated by President Clinton to serve as a United States District Court Judge for the Eastern District of Louisiana, but prior to his confirmation, the

Judiciary Committee of the United States Senate made inquiries about whether Judge Porteous had a gambling problem.

House Response: Objection. The House declines to stipulate to characterizations of the actions taken by the Senate Judiciary Committee in relation to the Porteous nomination. The House seeks to admit the entire Senate Judiciary Committee file related to Judge Porteous, so that the contents of the file cannot be mischaracterized or taken out of context.

339. Once Judge Porteous was nominated by President Clinton to serve as a United States District Court Judge for the Eastern District of Louisiana, but prior to his confirmation, the Judiciary Committee of the United States Senate made inquiries about whether Judge Porteous was living beyond his means.

House Response: Objection. The House declines to stipulate to characterizations of the actions taken by the Senate Judiciary Committee in relation to the Porteous nomination. The House seeks to admit the entire Senate Judiciary Committee file related to Judge Porteous, so that the contents of the file cannot be mischaracterized or taken out of context.

340. Except for allegations specifically set out in Article III of the Articles of Impeachment, Judge Porteous complied at all times with the U.S. Bankruptcy Code.

House Response: Objection. The House declines to agree to this proposed stipulation because it is a generalization and it is materially misleading. The House also objects to this stipulation because it is a characterization of the law – not a proposed statement of fact – and is therefore improper for stipulation.

341. Judge Porteous and his wife Carmella Porteous retained attorney Claude C. Lightfoot, Jr. in the summer of 2000 to assist them in attempting to restructure their debts and possibly seeking bankruptcy protection.

House Response: Agreed. The House will stipulate to this fact.

342. Shortly after retaining him, Judge Porteous provided Claude Lightfoot with (among other documents) a copy of his May 2000 pay stub.

House Response: Agreed. The House will stipulate to this fact.

343. The Porteouses, with the assistance of Claude Lightfoot, sought to avoid filing for bankruptcy protection by informally restructuring their debts.

House Response: Objection. The House declines to agree to this proposed stipulation as drafted because the phrase "informally restructuring their debts" is vague and ambiguous.

344. The Porteouses' attempts to informally restructure their debts were unsuccessful.

House Response: Objection. The House declines to agree to this proposed stipulation as drafted because the phrase "informally restructuring their debts" is vague and ambiguous.

345. The Porteouses filed a voluntary petition for bankruptcy protection on March 28, 2001.

House Response: Agreed. The House will stipulate to this fact.

346. Claude Lightfoot prepared and filed the Porteouses' voluntary petition for bankruptcy protection.

House Response: The House declines to agree to this proposed stipulation because it is materially misleading and is an incomplete statement of the factual record.

347. Claude Lightfoot prepared and filed all schedules and other documents filed in bankruptcy court in connection with the Porteouses' voluntary petition for bankruptcy protection.

House Response: The House declines to agree to this proposed stipulation because it is materially misleading and is an incomplete statement of the factual record.

348. Prior to filing the Porteouses' voluntary bankruptcy petition, Claude Lightfoot did not request an updated pay stub from Judge Porteous.

House Response: The House declines to agree to this proposed stipulation because it is misleading and is an incomplete statement of the factual record.

349. The Porteouses listed their correct Social Security numbers on the voluntary bankruptcy petition that they filed on March 28, 2001. (SC00753.)

House Response: Agreed. The House will stipulate to this fact.

350. Social Security numbers are more accurate personal identifiers than last names.

House Response: Objection. The House declines to stipulate to this statement because it is an unsupported generalization and is misleading.

351. The Porteouses signed the voluntary bankruptcy petition that they filed on March 28, 2001, with their full and correct signatures.

House Response: Objection. The House declines to agree to this proposed stipulation because there is no evidence in the record of this alleged fact.

352. At the time that the Porteouses filed their voluntary petition for bankruptcy protection, the Times-Picayune newspaper published weekly the names of all individuals who filed for bankruptcy protection.

House Response: If Judge Porteous provides the House with sufficient support for this proposed stipulation, the House will stipulate that as of March 28, 2001, the Times-Picayune newspaper published, on a weekly basis, the names of individuals who filed for bankruptcy protection.

353. Claude Lightfoot came up with the idea of filing the Porteouses' bankruptcy petition under a different last name than the Porteouses' true last name.

House Response: Objection. The House declines to agree to this proposed stipulation because it is misleading and is an incomplete statement of the factual record.

354. Claude Lightfoot came up with the idea of filing the Porteouses' bankruptcy petition under the last name "Ortous."

House Response: Objection. The House declines to agree to this proposed stipulation because it is misleading and is an incomplete statement of the factual record.

355. Claude Lightfoot suggested to the Porteouses that they file their bankruptcy petition under the last name "Ortous."

House Response: Objection. The House declines to agree to this proposed stipulation because it is misleading and is an incomplete statement of the factual record.

356. Claude Lightfoot suggested that the Porteouses file their bankruptcy petition under the last name "Ortous" in an attempt to limit the publicity surrounding that filing.

House Response: Objection. The House declines to agree to this proposed stipulation because it is misleading and is an incomplete statement of the factual record.

357. Claude Lightfoot advised the Porteouses that it was acceptable for them to file their bankruptcy petition under the last name "Ortous."

House Response: Objection. The House declines to agree to this proposed stipulation because it is misleading and is an incomplete statement of the factual record.

358. The Porteouses relied on the advice of their counsel, Claude Lightfoot, when they permitted their bankruptcy petition to be filed under the last name "Ortous."

House Response: Objection. The House declines to agree to this proposed stipulation because there is no evidence in the record of this alleged fact and because the House has no knowledge or information regarding the Porteouses' mindset.

359. The purpose of filing the Porteouses' bankruptcy petition under the last name "Ortous" was to avoid publicity and embarrassment.

House Response: Objection. The House declines to agree to this proposed stipulation as drafted because it is vague and ambiguous in that it does not specify *who* considered the purpose of filing the bankruptcy petition under the last name "Ortous" to be to avoid publicity and embarrassment.

360. The purpose of filing the Porteouses' bankruptcy petition under the last name "Ortous" was not to hinder, delay, or defraud creditors.

House Response: Objection. The House declines to agree to this proposed stipulation as drafted because it is vague and ambiguous in that it does not specify *who* considered the purpose of filing the bankruptcy petition under the last name "Ortous" to not be to hinder, delay, or defraud creditors.

361. Claude Lightfoot came up with the idea of filing the Porteouses' bankruptcy petition using a post office box address rather than their residential address.

House Response: Objection. The House declines to agree to this proposed stipulation because it is misleading and is an incomplete statement of the factual record.

362. Claude Lightfoot suggested to the Porteouses that they obtain a post office box and file their bankruptcy petition using that post office box address.

House Response: Objection. The House declines to agree to this proposed stipulation because it is misleading and is an incomplete statement of the factual record.

363. Claude Lightfoot suggested that the Porteouses file their bankruptcy petition using a post office box address in an attempt to limit the publicity surrounding that filing.

House Response: Objection. The House declines to agree to this proposed stipulation because it is misleading and is an incomplete statement of the factual record.

364. Claude Lightfoot advised the Porteouses to open a post office box prior to filing their bankruptcy petition.

House Response: Objection. The House declines to agree to this proposed stipulation because it is misleading and is an incomplete statement of the factual record.

365. Claude Lightfoot advised the Porteouses that it was acceptable for them to file their bankruptcy petition using a post office box address.

House Response: Objection. The House declines to agree to this proposed stipulation because it is misleading and is an incomplete statement of the factual record.

366. The Porteouses relied on the advice of their counsel, Claude Lightfoot, when they obtained a post office box prior to filing their bankruptcy petition.

House Response: Objection. The House declines to agree to this proposed stipulation because there is no evidence in the record of this alleged fact and because the House has no knowledge or information regarding the Porteouses' mindset.

367. Claude Lightfoot listed the Porteouses' post office box address on their bankruptcy petition.

House Response: Objection. The House declines to agree to this proposed stipulation because it is misleading and is an incomplete statement of the factual record.

368. Claude Lightfoot filed the Porteouses' bankruptcy petition with full knowledge that it listed a post office box address, not their residential address.

House Response: Objection. The House declines to agree to this proposed stipulation because it is misleading and is an incomplete statement of the factual record

369. The Porteouses relied on the advice of their counsel, Claude Lightfoot, when they permitted their bankruptcy petition to be filed using a post office box address.

House Response: Objection. The House declines to agree to this proposed stipulation because there is no evidence in the record of this alleged fact and because the House has no knowledge or information regarding the Porteouses' mindset.

370. The purpose of filing the Porteouses' bankruptcy petition with a post office box address was to avoid publicity and embarrassment.

House Response: Objection. The House declines to agree to this proposed stipulation as drafted because it is vague and ambiguous in that it does not specify *who* considered the purpose of filing the Porteouses' bankruptcy petition with a post office box to avoid publicity and embarrassment.

371. The purpose of filing the Porteouses' bankruptcy petition with a post office box address was not to hinder, delay, or defraud creditors.

House Response: Objection. The House declines to agree to this proposed stipulation as drafted because it is vague and ambiguous in that it does not specify *who* considered the purpose of filing the Porteouses' bankruptcy

petition with a post office box to not be to hinder, delay, or defraud creditors.

372. When they filed their bankruptcy petition on March 28, 2001, the Porteouses did so with the intent to amend that petition shortly thereafter to list their correct last name and residential address.

House Response: Objection. The House declines to agree to this proposed stipulation because there is no evidence in the record of this alleged fact and because the House has no knowledge or information regarding the Porteouses' mindset.

373. The Porteouses filed an amended voluntary petition for bankruptcy protection on April 9, 2001.

House Response: Agreed. The House will stipulate to this fact.

374. The Porteouses' amended voluntary petition for bankruptcy protection accurately listed their last names as "Porteous."

House Response: Agreed. The House will stipulate to this fact.

375. The Porteouses' amended voluntary petition for bankruptcy protection accurately listed their residential address.

House Response: Agreed. The House will stipulate to this fact.

376. Notices to creditors in the Porteouses' bankruptcy case were sent out on April 19, 2001. (SC00412.)

House Response: Agreed. The House will stipulate to this fact.

377. No creditors received any notice in connection with the Porteouses' bankruptcy filing containing or reflecting the name "Ortous."

House Response: If Judge Porteous provides the House with sufficient support for this proposed stipulation, the House will agree to the stipulation.

378. No creditors received any notice in connection with the Porteouses' bankruptcy filing containing or reflecting a post office box address.

House Response: If Judge Porteous provides the House with sufficient support for this proposed stipulation, the House will agree to the stipulation.

379. On March 28, 2001, the ending balance in the Porteouses' Fidelity Homestead Association money market checking account was $283.42. (SC00611.)

House Response: Objection. The House declines to agree to this proposed stipulation as drafted. The House will agree to stipulate that as of March 28, 2001,

the balance in the Porteous's Fidelity Homestead Association money market checking account was $283.42.

380. On March 28, 2001, the Porteouses had filed their tax return for the year 2000, but had not yet received either a tax refund or confirmation that they would receive a tax refund.

House Response: Objection. The House declines to agree to this proposed stipulation as drafted. The House will agree to stipulate that the Porteouses filed their tax return for the year 2000 on March 23, 2001, and as of March 28, 2001 had not yet received their tax refund.

381. The Chapter 13 Trustee who administered the Porteouses' bankruptcy case was Mr. S.J. Beaulieu.

House Response: Agreed. The House will stipulate to this fact.

382. During the pendency of the Porteouses' bankruptcy case, S.J. Beaulieu administered a total of approximately 6,500 Chapter 13 cases.

House Response: Objection. The House declines to agree to this proposed stipulation because it is an unsupported generalization, to which the House has no knowledge or information and is unable to stipulate.

383. Bankruptcy Judge William Greendyke presided over the Porteouses' bankruptcy case from shortly after its filing in March 2001 until his retirement from the bench in the first half of 2004.

House Response: Objection. The House declines to agree to this proposed stipulation as drafted. The House will agree to stipulate that Judge William Greendyke was assigned to the Porteouses' bankruptcy case on June 5, 2001.

384. In 2001, William Heitkamp served as the Chapter 13 Trustee for bankruptcy cases filed under Chapter 13 of the Bankruptcy Code in the Southern District of Texas.

House Response: Agreed. The House will stipulate to this fact.

385. Other than holding the Section 341 creditors meeting in the afternoon rather than the morning, S.J. Beaulieu did not give the Porteouses any special or preferential treatment.

House Response: Objection. The House declines to agree to this proposed stipulation because it is an unsupported generalization, to which the House has no knowledge or information and is unable to stipulate.

386. S.J. Beaulieu conferred with William Heitkamp concerning the procedures utilized by Judge Greendyke in connection with Chapter 13 bankruptcy cases pending before him.

House Response: Objection. The House declines to agree to this proposed stipulation because it is an unsupported generalization, to which the House has no knowledge or information and is unable to stipulate

387. S.J. Beaulieu conferred with William Heitkamp concerning the procedures utilized by Judge Greendyke in connection with tax returns and tax refunds in Chapter 13 bankruptcy cases pending before him.

House Response: Objection. The House declines to agree to this proposed stipulation because it is an unsupported generalization, to which the House has no knowledge or information and is unable to stipulate

388. The Porteouses' Section 341 creditors meeting occurred on May 9, 2001.

House Response: Agreed. The House will stipulate to this fact.

389. Judge Greendyke signed an order confirming the Porteouses' proposed Chapter 13 repayment plan on June 28, 2001. (SC00050-52.)

House Response: Agreed. The House will stipulate to this fact.

390. Prior to May 9, 2001, the Porteouses were never under any obligation, instruction, or order in connection with their bankruptcy case not to incur new debt or take out new credit.

House Response: Objection. The House declines to stipulate to any negative statements. The House further declines to agree to this proposed stipulation because it is a false statement not supported by the factual record.

391. Prior to June 28, 2001, the Porteouses were never subject to any order in connection with their bankruptcy case not to incur new debt or take out new credit.

House Response: Objection. The House declines to agree to this proposed stipulation because it is misleading and is an incomplete statement of the factual record.

392. Casino markers do not constitute debt.

House Response: Objection. The House declines to stipulate to this statement because the statement is false.

393. In the case of *Telerecovery of Louisiana, Inc. v. Gaulon*, 738 So. 2d 662, the Louisiana Court of Appeals concluded that casino markers constitute checks, not debt.

House Response: Objection. The House declines to stipulate to this statement because it is materially misleading and because it is a characterization of the law – not a proposed statement of fact – and is therefore improper for stipulation.

394. Of the $2,000 in markers that Judge Porteous utilized between May 10, 2001, and June 28, 2001, all but $100 was repaid on the same day it was taken out.

House Response: Objection. The House declines to agree to this proposed stipulation because it is misleading and is an incomplete statement of the factual record.

395. In January 2004, attorneys with the Justice Department, including Noah Bookbinder and Dan Petalas, and agents and analysts with the FBI, including Patrick Bohrer, DeWayne Horner, and Gerald Fink, met with S.J. Beaulieu. (SC00409-15.)

House Response: Objection. The House seeks to admit the entire FBI interview of S.J. Beaulieu, Jr., so that the statements made during that interview cannot be mischaracterized or taken out of context. The House declines to stipulate to excerpts from that interview memorandum.

396. During their January 2004 meeting, Justice Department and FBI personnel advised S.J. Beaulieu of certain allegations of misconduct or improprieties in connection with the Porteouses' bankruptcy case. (SC00409-15; JC200268.)

House Response: Objection. The House seeks to admit the entire FBI interview of S.J. Beaulieu, Jr., so that the statements made during that interview cannot be mischaracterized or taken out of context. The House declines to stipulate to excerpts from that interview memorandum.

397. The allegations that the Justice Department and FBI personnel advised S.J. Beaulieu of during their January 2004 meeting included: filing the original petition with their name misspelled, undisclosed income, income tax refunds, the use of credit cards, transfers of property, and lifestyle activities that might not be consistent with the Porteouses' bankruptcy schedules and disclosures. (SC00409-15; JC200268.)

House Response: Objection. The House seeks to admit the entire FBI interview of S.J. Beaulieu, Jr., so that the statements made during that interview cannot be mischaracterized or taken out of context. The House declines to stipulate to excerpts from that interview memorandum.

398. In March 2004, Justice Department and FBI personnel, including attorneys Noah Bookbinder and Dan Petalas, Special Agents Patrick Bohrer and DeWayne Horner, and Financial Analyst Gerald Fink, again contacted S.J. Beaulieu concerning the allegations of misconduct or improprieties in connection with the Porteouses' bankruptcy case. (JC200267.)

House Response: Objection. The House seeks to admit the entire FBI interview of S.J. Beaulieu, Jr., so that the statements made during that interview cannot be mischaracterized or taken out of context. The House declines to stipulate to excerpts from that interview memorandum.

399. During their March 2004 conversation, Justice Department and FBI personnel instructed S.J. Beaulieu to "use whatever powers he has" and "take whatever action he felt appropriate" in connection with the Porteouses' bankruptcy case. (JC200267.)

House Response: Objection. The House seeks to admit the entire FBI interview of S.J. Beaulieu, Jr., so that the statements made during that interview cannot be mischaracterized or taken out of context. The House declines to stipulate to excerpts from that interview memorandum.

400. On April 1, 2004, S.J. Beaulieu's staff attorney Michael Adoue sent a letter to FBI Agent Wayne Horner. (JC200268-69.)

House Response: Agreed. The House will stipulate to this fact.

401. In his April 1, 2004 letter, S.J. Beaulieu's staff attorney advised the FBI that "the only allegation that the Trustee has evidence of relates to debtor's FICA tax withholding which should have stopped after the FICA withholding limits were met." (JC200268.)

House Response: Objection. The House seeks to admit the entire April 1, 2004 letter from S. J. Beaulieu's staff attorney Michael Adoue to FBI Agent Wayne Horner, so that statements made in that letter cannot be mischaracterized or taken out of context. The House declines to stipulate to excerpts from that letter.

402. In his April 1, 2004 letter, S.J. Beaulieu's staff attorney advised the FBI that, "[i]n Mr. Beaulieu's opinion, extending the [Porteouses' Chapter 13 repayment] plan at the late date to recoup the different in disposable income [resulting from FICA tax withholding] would not substantially increase the percentage paid to unsecured creditors." (JC200268.)

House Response: Objection. As explained in its Response to Stipulation 401, the House declines to stipulate to excerpts from the April 1, 2004 Adoue letter.

403. In his April 1, 2004 letter, S.J. Beaulieu's staff attorney advised that, "[s]ince Mr. Beaulieu has no evidence to support the suspicions expressed by the FBI agents, he does not intend to take further action related to these allegations." (JC200268.)

House Response: Objection. As explained in its Response to Stipulation 401, the House declines to stipulate to excerpts from the April 1, 2004 Adoue letter.

404. S.J. Beaulieu never brought any allegations of misconduct or improprieties in connection with the Porteouses' bankruptcy case to the attention of the bankruptcy court or Judge Greendyke.

House Response: Objection. The House declines to agree to this proposed stipulation because it is misleading and is an incomplete statement of the factual record.

405. The Porteouses timely paid all repayments called for under their confirmed Chapter 13 repayment plan.

House Response: Objection. The House declines to agree to this proposed stipulation because it is an unsupported generalization, to which the House has no knowledge or information and is unable to stipulate.

406. Upon completion of their Chapter 13 repayment plan, the Porteouses paid more than $57,000, of which more than $52,000 was disbursed to unsecured creditors. (SC00419.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is misleading and is an incomplete statement of the factual record.

407. The Porteouses received a discharge following completion of their Chapter 13 repayment plan on July 22, 2004. (SC00013.)

House Response: Agreed. The House will stipulate to this fact.

408. S.J. Beaulieu, as Chapter 13 Trustee, did not object to the Porteouses' discharge.

House Response: Objection. The House declines to agree to this proposed stipulation because it is materially misleading and is an incomplete statement of the factual record.

409. No creditor objected to the Porteouses' discharge.

House Response: Objection. The House declines to agree to this proposed stipulation because it is materially misleading and is an incomplete statement of the factual record.

410. The government did not object to the Porteouses' discharge.

House Response: Objection. The House declines to agree to this proposed stipulation because it is materially misleading and is an incomplete statement of the factual record.

411. No other party objected to the Porteouses' discharge.

House Response: Objection. The House declines to agree to this proposed stipulation because it is materially misleading and is an incomplete statement of the factual record.

412. S.J. Beaulieu, as Chapter 13 Trustee, has not sought to revoke the Porteouses' discharge.

House Response: Objection. The House declines to agree to this proposed stipulation because it is materially misleading and is an incomplete statement of the factual record.

413. No creditor has sought to revoke the Porteouses' discharge.

House Response: Objection. The House declines to agree to this proposed stipulation because it is materially misleading and is an incomplete statement of the factual record.

414. The government has not sought to revoke the Porteouses' discharge.

House Response: Objection. The House declines to agree to this proposed stipulation because it is materially misleading and is an incomplete statement of the factual record.

415. No other party has sought to revoke the Porteouses' discharge.

House Response: Objection. The House declines to agree to this proposed stipulation because it is materially misleading and is an incomplete statement of the factual record.

416. On May 18, 2007, the Criminal Division of the Justice Department sent a letter to Fifth Circuit Chief Judge Edith H. Jones. (SC00767-88.)

House Response: Agreed. The House will stipulate to this fact.

417. In its May 18, 2007 letter to Chief Judge Jones, the Justice Department stated that it would "not seek criminal charges against Judge Porteous" in connection with the allegations that he "filed false declarations, concealed assets, and acted in criminal contempt of court during his personal bankruptcy action." (SC00767.)

House Response: Objection. The House seeks to admit the entire May 18, 2007 DOJ letter so that statements made in that letter cannot be mischaracterized or taken out of context. The House declines to stipulate to excerpts from that letter.

418. Among the considerations stated in Justice Department's May 18, 2007 letter for its the decision not to seek criminal charges against Judge Porteous were "concerns about the materiality of some of Judge Porteous's provably false statements; the special difficulties of proving mens rea and intent to deceive beyond a reasonable doubt in a case of this nature; and the need to provide consistency in charging decisions concerning bankruptcy and criminal contempt matters." (SC00767 & SC00774 n.5.)

House Response: Objection. The House seeks to admit the entire May 18, 2007 DOJ letter so that statements made in that letter cannot be mischaracterized or taken out of context. The House declines to stipulate to excerpts from that letter.

419. On July 25, 2007, Ron Woods and Larry Finder interviewed S.J. Beaulieu. (JC200251-53.)

House Response: Agreed. The House will stipulate to this fact.

420. During their July 25, 2007 interview, S.J. Beaulieu told Ron Woods and Larry Finder that "the only preferential treatment he provided to Porteous was to hold his 341 meeting on the docket from morning to afternoon to reduce the chances of Porteous being seen by bankruptcy lawyers." (JC200251.)

House Response: Objection. The House seeks to admit the entire June 25, 2007 interview memorandum of S.J. Beaulieu, so that statements made in that memorandum cannot be mischaracterized or taken out of context. The House declines to stipulate to excerpts from that memorandum.

421. During their July 25, 2007 interview, S.J. Beaulieu told Ron Woods and Larry Finder that, since the Porteouses' amended petition "had been filed prior to the 341 hearing," "the unsecured creditors all received notice of the actual identities of the debtors." (JC200252.)

House Response: Objection. As explained in its Response to Stipulation 420, the House declines to stipulate to excerpts from the June 25, 2007 interview memorandum of S.J. Beaulieu.

422. During their July 25, 2007 interview, S.J. Beaulieu told Ron Woods and Larry Finder that, since the Porteouses' "unsecured creditors all received notice of the actual identities of the debtors," he viewed their use of incorrect names on their initial bankruptcy petition to be one of "no harm, no foul." (JC200252.)

House Response: Objection. As explained in its Response to Stipulation 420, the House declines to stipulate to excerpts from the June 25, 2007 interview memorandum of S.J. Beaulieu.

423. During their July 25, 2007 interview, S.J. Beaulieu told Ron Woods and Larry Finder that knowledge of the Porteouses' "gambling loss[es] would not have affected his judgment in any way" and "many, if not most, of the debtors that come before him have gambling problems." (JC200252-53.)

House Response: Objection. As explained in its Response to Stipulation 420, the House declines to stipulate to excerpts from the June 25, 2007 interview memorandum of S.J. Beaulieu.

424. In 2001, 1,031,493 debtors filed for Chapter 7 bankruptcy protection and 419,750 debtors filed for Chapter 13 bankruptcy protection, for a total of 1,451,243 debtors who sought bankruptcy protection. (See Bankruptcy statistics for calendar year 2001 maintained by the Administrative Office of the U.S. Courts on behalf of the Federal Judiciary, http://www.uscourts.gov/uscourts/Statistics/BankruptcyStatistics/BankruptcyFilings/2001/1201_f2.xls.)

House Response: Objection. The House declines to agree to this proposed stipulation because it is misleading. The House does not object, however, to Judge Porteous submitting the referenced report as part of his evidence at trial, thus allowing each Senator to give the report whatever weight he or she deems appropriate.

425. In 1999, U.S. Bankruptcy Judge Steven W. Rhodes analyzed the bankruptcy schedules filed in 200 randomly selected consumer cases pending in the Eastern District of Michigan and found that 99% (198 of 200) of those schedules contained errors. (*See* Steven W. Rhodes, *An Empirical Study of Consumer Bankruptcy Papers*, 73 Am. Bankr. L.J. 653, 678 (1999).)

House Response: Objection. The House declines to agree to this proposed stipulation because it is misleading. The House does not object, however, to Judge Porteous submitting the referenced article as part of his evidence at trial, thus allowing each Senator to give the article whatever weight he or she deems appropriate.

Respectfully submitted,

THE UNITED STATES HOUSE OF REPRESENTATIVES

By


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August 12, 2010

In The Senate of The United States
Sitting as a Court of Impeachment

In re:	)
Impeachment of G. Thomas Porteous, Jr., United States District Judge for the Eastern District of Louisiana	)

JUDGE G. THOMAS PORTEOUS, JR.'S REPLY TO THE HOUSE OF REPRESENTATIVES' RESPONSES AND OBJECTIONS TO HIS PROPOSED STIPULATIONS OF FACT

Judge Porteous respectfully replies to the House of Representative's Responses and Objections to the stipulations of fact that he proposed on August 5, 2010, as follows:

Introduction and Summary

Judge Porteous has made every effort to work with the House to either agree to its proposed stipulations or suggest factual corrections or other changes that would permit Judge Porteous to agree to the maximum number of such proposed stipulations. In so doing, Judge Porteous recognized and attempted to further the Senate's interest in streamlining the trial by agreeing to as many stipulations possible. *See* Transcript of August 4, 2010 Senate Impeachment Trial Committee Hearing, at 71 (Chairman McCaskill stating that "we want as much as possible in this record to encourage stipulations. There is a lo[t of] stipulations that the two of you [the House and the defense] can do on facts that would streamline this considerably.")

The House, however, has made it clear that it has no such interest in seeking to streamline the trial, or perhaps the House simply hopes that, by failing to agree to Judge Porteous's proposed stipulations, the Senate will force Judge Porteous into agreeing to stipulations that

unfairly favor the House's position.[1] Instead of working to narrow the number of disputed issues to be resolved at the evidentiary hearing, the House has objected (either in whole or in part) to more than 90% of Judge Porteous's proposed stipulations. The following chart summarizes the disparity between the House's responses and Judge Porteous's responses to the parties' respective proposed stipulations:

Comparison of Responses to Proposed Stipulations

House Proposed Stipulations (Total = 309)		
	Number	%
Accepted in Whole by Judge Porteous	120	38.8%
Accepted in Part, Objected in Part	105	33.9%
Objected to Entirely by Judge Porteous	84	27.2%

Porteous Proposed Stipulations (Total = 425)		
	Number	%
Accepted in Whole by the House	28	6.6%
Accepted in Part, Objected in Part[2]	23	5.4%
Objected to Entirely by the House	374	88.0%

Out of the House's many objections, however, the House directly challenged the factual accuracy of only 4 (of a total of 425) of Judge Porteous's proposed stipulations. (*See* House Response to Porteous Proposed Stipulation Nos. 284, 308, 390, 392.) The remainder of the House's objections take issue with the form – but not the substance – of Judge Porteous's proposed stipulations.

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[1] Indeed, this case differs from past impeachments trials, where it was the defense that initially resisted agreeing to stipulations until forced to do so by the Senate. *See, e.g.*, Stmt. on Behalf of U.S. District Judge Alcee L. Hastings Concerning Procedures Necessary for a Fair Trial in the Senate, S. Rep. 101-1 at 105 (explaining that Judge Hastings did not intend to agree to any stipulations of fact), and S. Res. 480, 100th Cong. § 4 (1988) (requesting counsel for the House and Judge Hastings "to work together to stipulate to evidentiary matters that are not in dispute"). Here, however, while Judge Porteous has fully engaged in the stipulation process and agreed (at least in part) to most of the House's proposed stipulations, it is the House that has frustrated that process by objecting to almost all of Judge Porteous's proposed stipulations.

[2] This figure includes proposed stipulations for which the House requested additional factual support.

Both the sheer number of its objections and the House's purported bases for those objections (as well as its failure to suggest additional or alternative language that could lead to a resolution, as Judge Porteous has done) speak volumes about the House's unwillingness to work with the defense or to reduce the burden on the parties and the Senate – as the Senate Impeachment Trial Committee (the "Committee") specifically requested.[3] The House has refused to agree to the great majority of Judge Porteous's proposed stipulations despite its insistence that he be forced to agree to similar stipulations proposed by the House (or, alternatively, face the admission of all prior, prejudicial records).

The House has once again shown that it feels free to demand unreasonable concessions from the defense while having no intention of making concessions on pre-trial issues ranging from the length of the trial to discovery to stipulations. On the issue of stipulations, Judge Porteous accepted 38.8% (or 120 out of 309) of the House's proposed stipulations as written, while the **House accepted only 6.6%** (28 out of 425) of Judge Porteous's proposed stipulations in whole. This disparity is further magnified when considering those proposed stipulations that the parties accepted in part. Judge Porteous accepted a total of 72.8% (225 out of 309) of the House's proposed stipulations either in whole or in part. The House, however, accepted a total

[3] The House has instead used the suggested opposition of the defense to stipulations as a basis for its demands to import significant parts of the record from the Fifth Circuit and grand jury – despite the lack of a full adversarial process in either of those proceedings. House impeachment counsel repeatedly have alluded to their anticipation that the defense would refuse to stipulate to facts, an argument that – it is now clear – is nothing but a straw man. It is, however, consistent with their repeated objections in writing and in conferences that Judge Porteous must first raise and resolve issues directly with the House despite the House's repeated refusal to respond to simple inquiries in a timely fashion. Even after the House impeachment counsel promised, for example, to confirm whether the House is paying for its expert witnesses to travel to the trial, they have simply failed to share that information with the defense. Similarly, the House impeachment counsel have only within the last day provided unredacted copies of certain documents, claiming falsely that the defense never previously asked for those documents. This obstruction of efforts to confer or to confirm facts is adding to the considerable burden of preparing a defense in a short period before the scheduled trial.

of only 12% (51 out of 425) of Judge Porteous's proposed stipulations either in whole or in part.[4] As these numbers make clear, Judge Porteous has agreed to significantly more stipulations than has the House, as well as has gone to significantly greater lengths to specify where agreement exists in part and what modifications are needed to reach complete agreement. Judge Porteous's proposed stipulations were based primarily on record evidence or sworn testimony and were designed to narrow the issues for trial; nevertheless the House rejected those proposed stipulations that did not support the House's theory of its case.

Beyond the numerical disparity, the House has relied primarily on boiler-plate objections repeated *ad nauseam* throughout its responses. This use of form objections, paired with the House's refusal in most instances to offer any proposed revisions that would resolve its concerns, has significantly impaired the Committee's goal of streamlining the trial by reducing the number of disputed issues through stipulations. Rather than further that process by meaningfully considering and responding to Judge Porteous's proposed stipulations, the House largely misconstrued and objected to Judge Porteous's proposed stipulations in order to advocate for the admission of all prior testimony and record material. This approach is indicative of the House's broader strategy of seeking to rely on past testimony and record material – no matter how constitutionally and procedurally defective – in order to avoid subjecting its witnesses and evidence to full and fair cross-examination in a truly adversarial process that could undermine the House's case and get in the way of a quick conviction.

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[4] Moreover, as detailed below, for the four stipulations proposed by Judge Porteous that the House requested additional information or support, Judge Porteous provided it. (*See* Porteous Reply to House Response to Porteous Proposed Stipulation Nos. 1, 3, 4, & 253.) Judge Porteous also accepted either in whole or in part the revised stipulations offered by the House in response to 13 of Judge Porteous's proposed stipulations. (*Id.* at Nos. 10, 15, 21, 125, 126, 192, 194, 196, 280, 311, 312, 380, 382.)

I. Judge Porteous's Reply to the House's General Objections

Because so many of the House's objections consist of flat refusals to stipulate, which are repeated verbatim or with minor changes throughout the House's responses, Judge Porteous replies to those objections once, as follows.

A. The House's Refusal to "Stipulate to Excerpts" of Testimony or Documents

The House's single most frequent objection – asserted in response to more than 220 proposed stipulations – is its refusal to stipulate to facts that the House has unilaterally and incorrectly labeled as "excerpts from [an individual's] testimony" or "excerpts from [a particular document]." (*See, e.g.*, House Response to Porteous Proposed Stipulation Nos. 22 & 138.) The House is incorrect. These proposed stipulations to do not seek agreement as to excerpts of testimony or documents. They seek to establish facts, for which the House has offered no basis to dispute, and which have been established by witness testimony and/or underlying documents. While the facts at issue in these proposed stipulations could be established through witnesses and documents at trial, the whole point of stipulations is to address such undisputed issues prior to the evidentiary hearing, so as to streamline that proceeding.[5] By repeatedly asserting boiler-plate, non-substantive objections, the House has derailed the Committee's goal of narrowing the number of factual issues about which the House and the defense disagree. The House has frustrated the stipulation process and, as a result, created significant additional work for the Committee and the defense in that both may be required to cull through the record and spend

[5] *See, e.g., Zuchowicz v. United States*, 140 F.3d 381, 392 (2d Cir. 1998) ("The purpose of a pre-trial stipulation ... is precisely to narrow the scope of trial by eliminating issues that the parties do not dispute."); *Sims v. Wyrick*, 743 F.2d 607, 610 (8th Cir. 1984) ("The usual purpose of a stipulation is to reduce the proof needed at trial and to narrow the focus of the parties' efforts.").

valuable trial time introducing, discussing, and considering facts that are undisputable and, ultimately, undisputed.

Judge Porteous's Proposed Stipulation No. 22, and the House's response thereto, provides a good example of a fact that has been established by witness testimony, but to which the House has nevertheless refused to stipulate. That proposed stipulation, and the House's response, reads as follows:

> 22. From the early 1970s through the early 2000s, Judge Porteous and Robert Creely were very close friends. (*See* Tr. of Creely Dep. at 10-11, 134.)
>
> **House Response:** Objection. The House seeks to admit all prior testimony of Robert Creely,[1] so that his testimony cannot be mischaracterized or taken out of context. The House declines to stipulate to excerpts from Mr. Creely's testimony.

By its terms, this proposed stipulation simply seeks to establish that Judge Porteous and Robert Creely were close friends during the stated time period – a fact to which Mr. Creely testified during his recent Senate deposition and which is not seriously in dispute. (*See* Tr. of August 2, 2010 Creely Dep. at 10-11, 134.) Nevertheless, the House refused to stipulate to this fact, opting instead to object to the proposed stipulation on the ground that it is based on an excerpt of Mr. Creely's testimony. The House does not dispute the truth of the proposed stipulation but makes an irrelevant objection, in an apparent attempt to frustrate the smooth resolution of pre-trial issues.

Judge Porteous's Proposed Stipulation No. 138 similarly provides an example of the House's improper use of boiler-plate objections with regard to facts established by various documents. That proposed stipulation, and House's response thereto, consists of the following:

138. The agreement to retain Don Gardner as additional counsel for Lifemark in the *Lifemark v. Liljeberg* case (No. 2:93-cv-1794) provided that Mr. Gardner would be paid an additional $100,000 if Judge Porteous withdrew from the case. (HP Ex. 35(b).)

House Response: Objection. The House declines to stipulate to excerpts from the retainer agreement between Lifemark and Don Gardner. The House seeks to admit the entire retainer agreement, so that the agreement cannot be mischaracterized and so that portions of it cannot be taken out of context.

Here again, the proposed stipulation simply seeks to establish the undisputed fact that, under the terms of the Gardner retainer agreement, if Judge Porteous withdrew from the *Lifemark* case following Mr. Gardner's retention as additional counsel for Lifemark, Mr. Gardner would have been entitled to an additional $100,000. The House, however, has refused to stipulate even to this simple, indisputable fact, not because it disputes the underlying fact, but on the ground that the fact is established in a larger document. Moreover, the House does not propose additional language that would allow the fact to be considered "in context;" it just objects.

In these examples (of which there are many more), the House refused to stipulate to facts solely on the basis of the House's characterization of the proposed stipulations as excerpts of testimony or a document. Instead of taking issue with the specific fact or suggesting revisions that would make the proposed stipulations acceptable, the only alternative offered by the House is to "admit all prior testimony of [the witness]" or to "admit the entire [document]." (*See, e.g.*, House Response to Porteous Proposed Stipulation Nos. 22 & 138.)

The House employed this same objection and tactic in response to a huge number of proposed stipulations dealing with a variety of facts established and/or confirmed during the recent depositions of Robert Creely, Jacob Amato, Louis Marcotte, and Lori Marcotte, as well as established by a series of underlying documents. (*See* House Response to Porteous Proposed Stipulation Nos. 7, 9-10, 18-20, 22-26, 28, 35-61, 64-67, 69-76, 78-104, 106, 110-11, 115-124,

127, 137-40, 142-47, 149-77, 184-87, 190-91, 193, 195, 197-02, 206-09, 212, 222-26, 234-35, 237-41, 246-52, 254-57, 269, 275-76, 278, 285-88, 290-92, 294-300, 301, 314-30, 395-99, 401-03, 417-18, & 420-23.) In each instance involving facts established by recent deposition testimony, the House has objected and sought to "admit all prior testimony" – including, among other things, grand jury testimony and House Impeachment Task Force deposition testimony. (*Id.* at Nos. 22 n.3 [Creely], 28 n.4 [Amato], 173 n.5 [Louis Marcotte], & 174 n.6 [Lori Marcotte].) As explained in Judge Porteous's Motion to Exclude Prior Testimony,[6] as well as at the August 4, 2010 Committee Hearing on that motion, such testimony is constitutionally defective and should not be admitted in this proceeding since Judge Porteous had no opportunity to either attend or engage in meaningful cross-examination at those proceedings.

The House's boiler-plate refusals to "stipulate to excerpts" are improper and baseless, are intended merely to obstruct, and should be rejected. In order to save considerable time and effort at the evidentiary hearing, the House should be required to accept (or assert a legitimate, substantive objection to) the proposed stipulations that it objected to on the basis of refusing to "stipulate to excerpts." To do otherwise would countenance the House's improper attempt to hijack the stipulation process for purposes of reiterating and supporting its argument that all prior testimony and record material should be admitted in this proceeding.

B. The House's Refusal to Stipulate With Regard to the Articles of Impeachment

The House has also flatly refused to "stipulate with regard to what the Articles of Impeachment do or do not allege." (*See* House Response to Porteous Proposed Stipulation Nos. 6, 188, 189, 258, 259, & 310.) For example, Judge Porteous proposed that the parties stipulate

[6] *See* Judge G. Thomas Porteous, Jr.'s Motion to Exclude Prior Testimony and Limit the Presentation of Testimonial Evidence to Live Witnesses, filed with the Committee on July 21, 2010, and incorporated herein by reference.

that "Judge Porteous was not impeached for any bribe or kickback received as a state or federal judge." (*Id.* at No. 6.) In response, the House stated: "Objection. The House declines to stipulate to any negative statements. The House further declines to stipulate with regard to what the Articles of Impeachment do or do not allege." (*Id.*) Though apparently seeking to avoid locking itself in with regard to what is and is not alleged in the Articles of Impeachment, the House failed to assert any substantive objection or opposition to the undisputable fact of Judge Porteous's proposed stipulation – namely that he was not impeached for any bribe or kickback. The House's objection and refusal to stipulate is an improper attempt to leave open the possibility that the House could argue, for example, that Judge Porteous committed a crime that was not alleged in the Articles of Impeachment. This would be extremely prejudicial and unfair to Judge Porteous.

In addition to being completely unsupported, the House's refusal to stipulate with regard to the allegations against Judge Porteous is inappropriate on its face. The Constitution delegates "the sole Power of Impeachment" to the House of Representatives. U.S. CONST. art. I, § 2, cl. 5. Accordingly, the House alone has the power to frame, pass, and present articles of impeachment to the Senate for trial. Judge Porteous, as the accused, is entitled to know precisely what he is alleged to have done that warrants his removal from office. Moreover, the Senate, to which the Constitution delegates "the sole Power to try all Impeachments," must know exactly what conduct is alleged by the House to warrant removal. U.S. CONST. art. I, § 3, cl. 6. Without that information, the Senators cannot determine, by the constitutionally-required two-thirds majority, that the alleged acts occurred and are sufficiently egregious to justify removal. Thus, it is grossly inequitable for the House to refuse to stipulate as to "what the Articles of Impeachment do or do

not allege."[7] The Committee should reject this attempt and direct the House to stipulate with regard to what allegations are contained within the Articles.

C. The House's Refusal to Stipulate to "Negative Statements"

The House's refusal to stipulate "to any negative statements" is inappropriate. (*See* House Response to Porteous Proposed Stipulation Nos. 6, 62-63, 77, 105, 112-14, 148, 175, 188-89, 203-05, 210, 215, 217-21, 230, 245, 256, 258-60, 265-69, 271-74, 276-79, 282, 289, & 390.) Stipulations are designed to reduce the number of facts to be proven at trial and thereby streamline the fact finding process. That aim is particularly important in a case such as this where there are a significant number of undisputed facts and the time allotted for presentation of evidence is limited. Whether a statement in a proposed stipulation can be characterized as "positive" or "negative" has no bearing on whether it is true, or whether it can and should be stipulated to by the parties. Moreover, statements such as those labeled as "negative" by the House (including, for example, Porteous Proposed Stipulation No. 62: "No federal rule or law bars federal judges from accepting meals from lawyers") are particularly appropriate for resolution through stipulation because they are otherwise very time-consuming to establish. Indeed, the House conceded that stipulations of "negative" statements are permissible and an appropriate way to conserve the Committee's time when it included such statements in the stipulations that it proposed to Judge Porteous.[8]

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[7] The propriety of the House's objections is further undermined by the fact that it agreed to stipulate that "Adam Barnett has never been criminally charged with any matter related to the Articles of Impeachment." (*See* House Response to Porteous Proposed Stipulation No. 281.) As such, it appears that the House is selectively refusing to stipulate with regard to the Articles, refusing only where it desires not to limit its options or stipulate to unhelpful facts.

[8] *See, e.g.*, House Proposed Stipulation Nos. 175, 189, 291, & 300, each of which Judge Porteous accepted either in whole or in part.

Similar to its position with regard to defining the scope of the Articles of Impeachment, the House appears to have refused to stipulate to "negative statements" in order to increase the burden on the defense and the Committee and to preserve its options at trial either to pursue new theories of the case or introduce new evidence. Indeed, the proposed stipulations that the House objected to (at least in part) as "negative statements" include the following:

6. Judge Porteous was not impeached for any bribe or kickback received as a state or federal judge.

105. The House of Representatives has no documentary evidence regarding the amount of cash that was given to Judge Porteous from Robert Creely.

189. Article II does not allege that Judge Porteous made a single false statement himself.

269. The Marcottes and Bail Bonds Unlimited never provided any home repairs for Judge Porteous while he was a Federal judge.

All of these proposed stipulations are confirmed by documentary or testimonial evidence and cannot reasonably be disputed. They are narrow and meant to reduce the time required to try this case. Furthermore, the House has not challenged any of these proposed stipulations as false or provided any substantive basis on which to refuse to agree to stipulate. In furtherance of the Committee's goal of streamlining the evidentiary hearing, the House should be forced to stipulate (or provide legitimate, substantive objections) to all proposed stipulations that it previously opposed on the basis of containing "negative statements."

D. The House's Refusal to Stipulate With Regard to Its Own Evidence

The House has also refused to agree to a number of stipulations on the basis that the proposed stipulations "attempt to characterize the House's evidence." (*See* House Response to Porteous Proposed Stipulation Nos. 77, 105, 210-11, 213, 215-20, 265-68, 270-71, 273, 279, & 289.) This objection is improper and should be rejected. Judge Porteous has not attempted to characterize the House's evidence, but, instead, simply has attempted to establish what evidence

does *and does not* exist in connection with the Articles of Impeachment. For example, Judge Porteous's proposed stipulation No. 77 states that, "The House of Representatives has no evidence that Jacob Amato appeared before Judge Porteous in state court in any case where Mr. Amato prevailed in terms of a trial victory or judgment." This proposed stipulation is simple and straightforward, and contains no "characterization" of the House's evidence. Either the House has such evidence, or it does not. In order to expedite and streamline the evidentiary hearing, as well as reduce the chance for surprise evidence at trial, the House should be required to accept (or provide legitimate, substantive objections in response to) the proposed stipulations to which it objected on the basis of "attempt[ing] to characterize the House's evidence."

E. The House's Refusal to Stipulate to Demonstrably True Facts

The House further refused to stipulate to a number of demonstrably true facts. This is clearly improper and should not be permitted. As an example, the House refused to stipulate that "[t]he FBI investigated Judge Porteous and he was never charged with a single criminal act as a state or federal judge." (*See* Porteous Proposed Stipulation No. 5.) The House further refused to stipulate to the number of federal district and magistrate judges who presided over the *Lifemark* case. (*Id.* at Nos. 128, 129, 130, & 131.) Despite being simple factual issues, which are undisputed and demonstrably true, in each case the House objected on the ground that the proposed stipulations were "incomplete." (*See* House Response to Porteous Proposed Stipulation Nos. 5, 128, 129, 130, & 131.) Instead of specifying how the proposed stipulations were incomplete, or suggesting additional language to make them complete, however, the House simply objected. Moreover, with regard to the *Lifemark* case, the House stated – consistent with its broader strategy of frustrating the stipulation process and using the resulting failure as a basis for seeking to admit all prior testimony and record materials – that it would seek to admit the

entire PACER docket report for the *Lifemark* case. This proposal is unnecessary and inappropriate and simply would overburden the Committee with needless and unnecessary material, the important essence of which can be encapsulated in a simple stipulation. There is simply no need to impose upon the Committee to scour the docket to determine how many judges presided over the *Lifemark* case, particularly when the defense is attempting to resolve that purely factual issue with the House prior to trial via stipulation.

F. The House's Refusal to Stipulate to "Generalization[s]" or "Characterization[s] of the Law"

Finally, the House has asserted a series of objections on the basis that some of Judge Porteous's proposed stipulations constitute "generalization[s]" or "characterization[s] of the law," which are purportedly "improper for stipulation." (*See* House Response to Porteous Proposed Stipulation Nos. 17, 43, 59, 62-63, 68, 108-12, 114, 141, 148, 175, 178-83, 203-05, 223-35, 241-52, 254-56, 260, 272, 274, 277, 282, 302-06, 340, 350, 382, 385-87, & 405.) The House's unsupported descriptions notwithstanding, Judge Porteous's proposed stipulations are statements of fact and proper for stipulation. For example, Judge Porteous's proposed stipulation No. 17 states that "Witnesses are generally allowed to see immunity orders before testifying." This is a proposed statement of fact, to which Judge Porteous seeks the House's agreement to streamline the trial. The Committee should require the House to stipulate (or provide a legitimate, substantive basis to object) to the proposed stipulations that it previously refused to accept on the basis that they are "generalization[s]" or "characterization[s] of the law."

II. Judge Porteous's Reply to Those House Responses Requesting Additional Information or Agreeing in Part to Proposed Stipulations

For the few proposed stipulations that the House indicated that it would (1) stipulate if supplied with additional information or (2) stipulate in part, Judge Porteous responds as follows:

1. Judge Porteous graduated from Cor Jesu, now Brother Martin, High School and was honored as the alumnus of the year there in 1997.

House Response: If Judge Porteous provides the House with sufficient support for this proposed stipulation, the House will agree to the stipulation.

Porteous Reply: Judge Porteous directs the House to the March 2010 edition of the Brother Martin High School magazine, available online at http://www.brothermartin.com/alumni/documents/CenturyII-March2010.pdf, which lists (on page 2) Judge Porteous as a 1964 graduate of Cor Jesu High School and the 1997 recipient of the Ellender Award for Alumnus of the Year.

3. In 1984, Judge Porteous was elected Judge to an open seat of the 24th JDC in Jefferson Parish, Louisiana without opposition.

House Response: If Judge Porteous provides the House with sufficient support for this proposed stipulation, the House will agree to the stipulation.

Porteous Reply: Counsel for Judge Porteous contacted the Louisiana Secretary of State and was informed that, for judges who ran unopposed for a seat on the Louisiana state court bench in the 1980s, the judge would not have appeared on the ballot. Therefore, there is no single document available to demonstrate that in 1984 Judge Porteous ran unopposed and was elected to an open seat on the 24th JDC in Jefferson Parish, Louisiana. Nevertheless, it is undisputed that Judge Porteous was a judge in the 24th JDC in Jefferson Parish, Louisiana from 1984 to 1994, and that he was elected to that position.

4. In 1990, Judge Porteous was re-elected without opposition.

House Response: If Judge Porteous provides the House with sufficient support for this proposed stipulation, the House will agree to the stipulation.

Porteous Reply: Counsel for Judge Porteous contacted the Louisiana Secretary of State and was informed that, for judges who ran unopposed for a seat on the Louisiana state court bench in the 1990s, the judge would not have appeared on the ballot. Therefore, there is no single document available to demonstrate that in 1990 Judge Porteous ran unopposed and was reelected to a seat on the 24th JDC in Jefferson Parish, Louisiana. Nevertheless, it is undisputed that Judge Porteous was a judge in the 24th JDC in Jefferson Parish, Louisiana from 1984 to 1994, and that he was elected and reelected to that position.

10. On August 28, 2007, Chief Judge Jones filed a "Complaint of Judicial Misconduct" declaring: "I initiate, nunc pro tunc, a complaint of judicial misconduct concerning the Honorable Thomas G. Porteous, Jr. (sic)."

House Response: Agreed in part. The House will stipulate that Chief Judge Jones initiated a "Complaint of Judicial Misconduct" concerning Judge Porteous on August 28, 2007. The House seeks to admit the entire August 28, 2007 Complaint of Judicial Misconduct so that statements made in the Complaint cannot be mischaracterized or taken out of context. The House declines to stipulate to excerpts from that Complaint.

Porteous Reply: Judge Porteous will stipulate that on August 28, 2007, Chief Judge Jones filed a "Complaint of Judicial Misconduct" concerning Judge Porteous. The House offers no objection to the fact the Chief Judge Jones made the quoted statement, and no basis on which to assert that that quote mischaracterizes the events or was taken out of context.

15. The order compelling Judge Porteous's testimony before the Fifth Circuit was signed three weeks before the hearing where it was presented to Judge Porteous for the first time. (*See* HP Ex. 010.)

House Response: Objection. The House declines to agree to this proposed stipulation as drafted because it is argumentative and misleading. The House will agree to stipulate that the Porteous Immunity Order was signed by Chief Judge Jones on October 5, 2007.

Porteous Reply: Judge Porteous will stipulate that the Immunity Order issued to him in connection with the Fifth Circuit proceeding was signed by Chief Judge Jones on October 5, 2007. Judge Porteous requests that the Senate take notice that the date of the signature on that immunity order (October 5, 2007) is more than three weeks prior to Judge Porteous's receipt of the order (on October 29, 2007).

21. Robert Creely and Judge Porteous have known each other since 1974. (*See* Tr. of Robert Creely Dep., taken on August 2, 2010 (hereinafter "Tr. of Creely Dep."), at 9.)

House Response: Agreed in part. The House will stipulate that Robert Creely and Judge Porteous have known each other since *approximately* 1974.

Porteous Reply: Judge Porteous will stipulate that Robert Creely and Judge Porteous have known each other since approximately 1974.

125. During the period when Judge Porteous was a state judge, a curatorship would on average result in $200 or less in profit for attorneys assigned such curatorships.

House Response: Objection. The House declines to agree to this proposed stipulation as drafted. The House will agree to stipulate that from 1988 to 1994, a law firm would earn a fee of between $150–$200 for each curatorship assigned to it by a judge in the 24th Judicial District.

Porteous Reply: Judge Porteous will stipulate that from 1988 to 1994 attorneys who were assigned a curatorship by a judge in the 24th Judicial District of Louisiana would earn a fee of no more than between $150 and $200 for that curatorship.

126. Robert Creely had no involvement in the *Lifemark v. Liljeberg* case (No. 2:93-cv-1794). (*See* Tr. of Creely Dep. at 52.)

House Response: Objection. The House declines to agree to this proposed stipulation as drafted. The House will agree to stipulate that Robert Creely did not enter an appearance the Lifemark v. Liljeberg case.

Porteous Reply: While Judge Porteous will stipulate that Robert Creely did not enter an appearance in the *Lifemark v. Liljeberg* case, Judge Porteous requests that the House explain why it refuses to stipulate that Mr. Creely had no involvement in the *Lifemark* case, as Mr. Creely himself testified during his Senate deposition earlier this month. (*See* Tr. of Creely Dep. at 52.)

192. Judge George Giacobbe continues to serve as a state Court judge in Louisiana.

House Response: Objection. The House declines to agree to this proposed stipulation as drafted. The House will stipulate that Judge George Giacobbe currently serves as a state court judge in Louisiana.

Porteous Reply: Judge Porteous will stipulate that Judge George Giacobbe currently serves as a state court judge in Louisiana.

194. Judge Roy Cascio continues to serve as a state Court judge in Louisiana.

House Response: Objection. The House declines to agree to this proposed stipulation as drafted. The House will stipulate that Judge Roy Cascio currently serves as a state court judge in Louisiana.

Porteous Reply: Judge Porteous will stipulate that Judge Roy Cascio currently serves as a state court judge in Louisiana.

196. Judge Stephen J. Windhorst continues to serve as a state Court judge in Louisiana.

House Response: Objection. The House declines to agree to this proposed stipulation as drafted. The House will stipulate that Judge Stephen J. Windhorst currently serves as a state court judge in Louisiana.

Porteous Reply: Judge Porteous will stipulate that Judge Stephen J. Windhorst currently serves as a state court judge in Louisiana.

213. The only documentary evidence that the House of Representatives has of lunches between Judge Porteous, while he was on the Federal bench, and the Marcottes consists of receipts and orders that detail the following information:

- On August 6, 1997, there was a lunch at the Beef Connection. The bill amounted to $287.03. There were five attendees.
- On August 25, 1997, there was a lunch at the Beef Connection. The bill amounted to $352.43. There were ten attendees.
- On November 19, 1997, there was a lunch at the Beef Connection. The bill amounted to $395.77. There were ten attendees.
- On August 5, 1998, there was a lunch at the Beef Connection. The bill amounted to $268.84. There were nine attendees.
- On February 1, 2000, there was a lunch at the Beef Connection. The bill amounted to $328.94. There were eight attendees.
- On November 7, 2001, there was a lunch at the Beef Connection. The bill amounted to $635.85. There were fourteen attendees. (*See* HP Exs. 372(a)-(e).)

House Response: Objection. The House declines to agree to any proposed stipulations that attempt to characterize the House's evidence. The House will agree to stipulate, however, to the contents of the receipts from the Beef Connection lunches dated August 6, 1997, August 25, 1997, November 19, 1997, August 5, 1998, February 1, 2000, and November 7, 2001, regarding the total bill amount and the number of attendees, which included Judge Porteous.

Porteous Reply: As discussed above, this proposed stipulation does not "attempt to characterize the House's evidence." Instead, Judge Porteous simply seeks to establish that the only evidence that the House has of lunches between Judge Porteous, while he was on the federal bench, and the Marcottes consists of the six receipts and orders listed in this proposed stipulation. Judge Porteous, therefore, requests that the House either so stipulate or state what other evidence it possesses.

253. Between 1984 and 1994, in 24th Judicial District Court of Louisiana, state court judges were given the authority and responsibility for setting bonds. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 62; *see also* Tr. of Louis Marcotte Dep. at 58:12-23.)

House Response: If Judge Porteous provides support to the House for this proposed stipulation, the House will agree to the stipulation.

Porteous Reply: Judge Porteous directs the House to the Report of the House Judiciary Committee, which states that, "The procedures in the [24th Judicial District Court] courthouse during the relevant time period called for bond to be set by a sitting magistrate assigned to that duty. However, any judge in the courthouse could set bond...." (House Judiciary Committee Report, March 4, 2010, Report 111-427, at 62.)

280. Adam Barnett was a bail bondsman who worked closely with the Marcottes in Gretna. (*See* House Judiciary Committee Report, March 4, 2010, Report 111-427, at 68.)

House Response:[9] Objection. The House declines to agree to this proposed stipulation as drafted. The House will agree to stipulate that Adam Barnett was a bail bondsman who on occasion had business dealings with the Marcottes in Gretna.

Porteous Reply: Judge Porteous will stipulate that Adam Barnett was a bail bondsman who on occasion had business dealings with Louis and Lori Marcotte in Gretna, Louisiana.

311. Beginning on June 24, 1994, during its background investigation of Judge Porteous for his federal judgeship nomination, the FBI interviewed dozens of witnesses. (*See* generally FBI Background Check of Judge Porteous, HP Ex. 069(b).)

House Response: Objection. The House declines to agree to this proposed stipulation as drafted. The House will agree to stipulate that beginning on June 24, 1994, during its background investigation of Judge Porteous for his federal judgeship nomination, the FBI interviewed many individuals. The House further seeks to admit

[9] The House's refusal to agree to this and other stipulations appears to be part of an ongoing effort to bar evidence or obstruct efforts by the defense. For example, the House has objected to a proposed stipulation that Adam Barnett told House impeachment counsel (in the presence of an FBI agent) that he never bought Judge Porteous a car, on the ground that the stipulation is false. (*See* House Response to Porteous Proposed Stipulation No. 283.) This fact, however, was expressly stated by Mr. Barnett in interviews with the defense as the response to one of three questions asked of him by the House and the FBI. Yet, the House is refusing not only to stipulate but also to turn over notes from that meeting despite the fact that the FBI was present – destroying any claim of privilege under applicable law.

the entire FBI background investigation of Judge Porteous so that no portion of the investigation can be mischaracterized or taken out of context.

Porteous Reply: Judge Porteous will stipulate that beginning on June 24, 1994, during its background investigation of Judge Porteous for his federal judgeship nomination, the FBI interviewed 120 individuals.

312. During its background check, the FBI was made aware that Judge Porteous had a relationship with the Marcottes. (*See* PORT000000471, PORT000000503, PORT000000513-514.)

House Response: Objection. The House declines to agree to this proposed stipulation as drafted because the phrase "had a relationship with" is vague and ambiguous. The House will agreed to stipulate that during its background check, the FBI was made aware that Judge Porteous knew Louis Marcotte. The House further seeks to admit the entire FBI background investigation of Judge Porteous so that no portion of the investigation can be mischaracterized or taken out of context.

Porteous Reply: Judge Porteous will stipulate that, during its background check, the FBI was made aware that Judge Porteous knew Louis Marcotte.

380. On March 28, 2001, the Porteouses had filed their tax return for the year 2000, but had not yet received either a tax refund or confirmation that they would receive a tax refund.

House Response: Objection. The House declines to agree to this proposed stipulation as drafted. The House will agree to stipulate that the Porteouses filed their tax return for the year 2000 on March 23, 2001, and as of March 28, 2001 had not yet received their tax refund.

Porteous Reply: Judge Porteous will agree to the revisions proposed by the House in part. Consistent with the House's Proposed Stipulation No. 153, Judge Porteous will stipulate that he signed his tax return for calendar year 2000 on March 23, 2001, and as of March 28, 2001, had not yet received either his tax refund or confirmation that he would receive a tax refund.

383. Bankruptcy Judge William Greendyke presided over the Porteouses' bankruptcy case from shortly after its filing in March 2001 until his retirement from the bench in the first half of 2004.

House Response: Objection. The House declines to agree to this proposed stipulation as drafted. The House will agree to stipulate that Judge William Greendyke was assigned to the Porteouses' bankruptcy case on June 5, 2001.

Porteous Reply: Judge Porteous will agree to the revisions proposed by the House in part. Judge Porteous will stipulate that Bankruptcy Judge William Greendyke was assigned to preside over the Porteouses' bankruptcy case from June 4, 2001, until his retirement from the bench on June 1, 2004. (*See* SC00699.)

Respectfully submitted,

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Counsel for G. Thomas Porteous, Jr.
United States District Court Judge
for the Eastern District of Louisiana

Dated: August 19, 2010

CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2010, I served copies of the foregoing by electronic means on the House Managers, through counsel, at the following email addresses:

Alan Baron – abaron@seyfarth.com

Mark Dubester – mark.dubester@mail.house.gov

Harold Damelin – harold.damelin@mail.house.gov

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/s/ Daniel T. O'Connor

In The Senate of the United States

Sitting as a Court of Impeachment

In re:	)
Impeachment of G. Thomas Porteous, Jr.,	)
United States District Judge for the	)
Eastern District of Louisiana	)
	)

THE HOUSE OF REPRESENTATIVES' REPLY TO JUDGE PORTEOUS'S RESPONSES TO THE HOUSE'S PROPOSED STIPULATIONS OF FACT

The House of Representatives (the "House"), through its Managers and counsel, respectfully submits the following proposed stipulations of fact, which identify stipulations agreed to by Judge Porteous, amend certain stipulations to address objections raised by Judge Porteous, withdraw certain stipulations in favor of live trial testimony, and present counter-arguments to certain of Judge Porteous's responses which the House deems to be improper:

CATEGORIES OF THE HOUSE'S REPLIES

In crafting its Reply to Judge Porteous's responses and objections to the House's proposed stipulations of fact, the House hereinafter will utilize the response codes identified below, which are defined as follows:

- **AGREED** – Judge Porteous has accepted the House's proposed stipulation as drafted.
- **AGREED AS REVISED** – The House has revised its proposed stipulation to incorporate language suggested by Judge Porteous. The House presumes that based upon its adoptions of Judge Porteous's proposed language, Judge Porteous will now accept the stipulation as drafted.
- **MODIFIED** – The House has revised its proposed stipulation to attempt to reach an agreement with Judge Porteous.
- **WHOLE DOCUMENT** – The House shall withdraw the proposed stipulation in favor of the entire document, which supports the stipulation, being admitted into evidence at trial.

- **WITHDRAWN** – The House shall withdraw the proposed stipulation because it contains matters on which the parties cannot agree, but which the House believes will be proven through documentary evidence or live testimony at trial.

- **DISPUTED** – The parties are in dispute over the proposed stipulation of fact. The House disagrees with Judge Porteous's objection to the proposed stipulation and has provided counter-argument regarding why the stipulation should be accepted as drafted by the House.

THE HOUSE'S REVISED STIPULATIONS OF FACT

Factual Background

1. **AGREED AS REVISED:** Judge Porteous was born on December 15, 1946.

2. **AGREED:** Judge Porteous married Carmella Porteous on June 28, 1969.

3. **AGREED:** Judge Porteous and his wife Carmella had four children: Michael, Timothy, Thomas and Catherine.

4. **AGREED:** Judge Porteous graduated from Louisiana State University Law School in May 1971.

5. **AGREED:** From approximately October 1973 through August 1984, Judge Porteous served as an Assistant District Attorney in Jefferson Parish, Louisiana. Judge Porteous was permitted to hold outside employment while working as an Assistant District Attorney.

6. **AGREED:** From January 1973 until July 1974, Judge Porteous was a law partner of Jacob Amato, Jr. at the law firm of Edwards, Porteous & Amato.

7. **AGREED:** Attorney Robert Creely worked at the law firm of Edwards, Porteous, & Amato for some period of time between January 1973 and July 1974.

8. **AGREED AS REVISED:** Judge Porteous was elected to be a judge of the 24th Judicial District Court in Jefferson Parish, Louisiana in August 1984. He took the bench on August 24, 1984, and remained in that position until October 28, 1994.

9. **AGREED:** On August 25, 1994, Judge Porteous was nominated by President Clinton to be a United States District Court Judge for the Eastern District of Louisiana.

10. **AGREED:** Judge Porteous's confirmation hearing before the Senate Judiciary Committee was held on October 6, 1994.

11. **AGREED:** Judge Porteous was confirmed as a United States District Court Judge for the Eastern District of Louisiana by the United States Senate on October 7, 1994.

12. **AGREED:** Judge Porteous received his judicial commission on October 11, 1994.

13. **AGREED:** Judge Porteous was sworn in as a United States District Court Judge for the Eastern District of Louisiana on October 28, 1994.

14. **AGREED:** Judge Porteous's wife, Carmella, passed away on December 22, 2005.

Procedural Background

15. **WITHDRAWN:** Starting in or about late 1999, the Department of Justice and the Federal Bureau of Investigation commenced a criminal investigation of Judge Porteous. The investigation ended in early 2007, without an indictment being issued.

16. **AGREED:** By letter dated May 18, 2007, the Department of Justice submitted a formal complaint of judicial misconduct regarding Judge Porteous to the Honorable Edith H. Jones, Chief Judge of the United States Court of Appeals for the Fifth Circuit. (HP Ex. 4).[1]

17. **AGREED:** Upon receipt of the Department of Justice's May 18, 2007 complaint letter, the Fifth Circuit appointed a Special Investigatory Committee (the "Special Committee") to investigate the Department of Justice's allegations of misconduct by Judge Porteous.

18. **AGREED:** Judge Porteous was initially represented by attorney Kyle Schonekas in the Special Committee proceedings.

19. **AGREED:** Kyle Schonekas withdrew from representing Judge Porteous in the Special Committee proceedings on or before July 5, 2007.

20. **AGREED AS REVISED:** On or before August 2, 2007, attorney Michael H. Ellis began representing Judge Porteous in the Special Committee proceedings.

21. **AGREED:** On or before October 16, 2007, attorney Michael H. Ellis withdrew from representing Judge Porteous in the Special Committee proceedings because of "irreconcilable differences."

22. **MODIFIED:** A hearing regarding the allegations of misconduct against Judge Porteous was held before the Special Committee on October 29 and 30, 2007 (the "Fifth Circuit Hearing").

23. **AGREED:** After the Fifth Circuit hearing, the Special Committee issued a report to the Judicial Conference of the Fifth Circuit dated November 20, 2007, which concluded that Judge Porteous committed misconduct which "might constitute one or more grounds for impeachment." (HP Ex. 5).

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[1] The "HP Exhibit" citations in these Stipulations are for ease of reference to counsel and the Senate Impeachment Trial Committee, by identifying the documentation supporting each of the House's proposed stipulations. These citations will be removed from the final stipulations, agreed to by the parties.

24. **MODIFIED:** On December 20, 2007, by a majority vote, the Judicial Council of the Fifth Circuit accepted and approved the Special Committee's November 20, 2007 Report and concluded that Judge Porteous "had engaged in conduct which might constitute one or more grounds for impeachment under Article I of the Constitution." The Judicial Council of the Fifth Circuit thereafter certified these findings and the supporting records to the Judicial Conference of the United States. Four judges concurred in part and dissented in part to the majority's opinion. In that concurring and dissenting opinion, Judge Dennis wrote that "I agree that this judicial council must publicly reprimand Judge Porteous for legal and ethical misconduct during his tenure as a federal judge. But I disagree with the council majority's conclusion that the evidence demonstrates a possible ground for his impeachment and removal from office." (HP Ex. 6 (a)).

25. **AGREED AS REVISED:** On June 17, 2008, the Judicial Conference of the United States, by its members present, determined unanimously, upon recommendation of its Committee on Judicial Conduct and Disability, to transmit to the Speaker of the House a certificate "that consideration of impeachment of the United States District Judge G. Thomas Porteous (E.D. La.) may be warranted." Two members were not present and did not participate in the Conference's deliberations on this matter.(HP Ex. 7(a)–(b)).

26. **AGREED:** On September 10, 2008, the Judicial Council of the Fifth Circuit issued an "Order and Public Reprimand" against Judge Porteous, ordering that no new cases be assigned to Judge Porteous and suspending Judge Porteous's authority to employ staff for two years or "until Congress takes final action on the impeachment proceedings, whichever occurs earlier." (HP Ex. 8).

27. **AGREED AS REVISED:** On September 17, 2008, the House of Representatives of the 110th Congress passed H. Res. 1448, which provided in pertinent part: "Resolved, That the Committee on the Judiciary shall inquire whether the House should impeach G. Thomas Porteous, a judge of the United States District Court for the Eastern District of Louisiana."

28. **AGREED:** On January 13, 2009, the House of Representatives passed H. Res. 15, continuing the authority of H. Res. 1448 for the 111th Congress.

The *Liljeberg* Case

29. **AGREED:** Jacob Amato, Jr. and Robert Creely formed a law partnership in about 1975 that lasted until 2005. (HP Ex. 16).

30. **WITHDRAWN:** While Judge Porteous was on the state bench, he requested cash from Robert Creely on several occasions. Creely provided cash to Judge Porteous in response to those requests. (Exs. 11, 12 and 16).

31. **WITHDRAWN:** Judge Porteous knew that some portion of the money he received from Robert Creely came from Jacob Amato, Jr. as well. (Task Force Hearing I, Exs. 16, 24).

32. **WITHDRAWN:** There came a time where Robert Creely expressed resistance to providing monies to Judge Porteous while he was on the state bench. (Task Force Hearing I and Ex. 10).

33. **WITHDRAWN:** Beginning in 1988, Judge Porteous began increasingly to assign Robert Creely curatorships. (HP Ex. 11).

34. **MODIFIED:** Available court documents establish that in 1988, Judge Porteous assigned 18 curatorships to Robert Creely. (Exs. 189–190).

35. **MODIFIED:** Available court documents establish that in 1989, Judge Porteous assigned 21 curatorships to Robert Creely. (Exs. 189–190).

36. **MODIFIED:** Available court documents establish that in 1990, Judge Porteous assigned 33 curatorships to Robert Creely. (Exs. 189–190).

37. **MODIFIED:** Available court documents establish that in 1991, Judge Porteous assigned 28 curatorships to Robert Creely. (Exs. 189–190).

38. **MODIFIED:** Available court documents establish that in 1992, Judge Porteous assigned 44 curatorships to Robert Creely. (Exs. 189–190).

39. **MODIFIED:** Available court documents establish that in 1993, Judge Porteous assigned 28 curatorships to Robert Creely. (Exs. 189–190).

40. **MODIFIED:** Available court documents establish that in 1994, Judge Porteous assigned 20 curatorships to Robert Creely. (Exs. 189–190).

41. **AGREED:** The Amato & Creely law firm earned a fee of between $150 and $200 for each curatorship that Judge Porteous assigned to Robert Creely.

42. **MODIFIED:** As a result of Robert Creely being assigned 192 curatorships by Judge Porteous, the Amato & Creely law firm earned fees between $28,800 and $38,400. (Exs. 189 and 190).

43. **WITHDRAWN:** Judge Porteous received a portion of the fees associated with the curatorships he assigned to Robert Creely. (HP Ex. 12).

44. **WHOLE DOCUMENT:** At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows regarding his receipt of money for Robert Creely and Jacob Amato, Jr.:

> Q: When did you first start getting cash from Messrs. Amato, Creely, or their law firm?
>
> A: Probably when I was on State bench.
>
> Q: And that practice continued into 1994, when you became a Federal judge, did it not?

A: I believe that's correct. (HP Ex. 10).

45. **WHOLE DOCUMENT:** At the Fifth Circuit Hearing, Judge Porteous admitted under oath that the cash he received from Robert Creely "occasionally" followed his assignment of curatorships to Creely. (HP Ex. 10).

46. **WHOLE DOCUMENT:** At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows regarding the relationship between Mr. Creely's resistance to giving Judge Porteous money and Judge Porteous's assignment of curatorships to Mr. Creely:

> Q: Do you recall Mr. Creely refusing to pay you money before the curatorships started?
>
> A: He may have said I needed to get my finances under control, yeah. (HP Ex. 10).

47. **AGREED:** At the Fifth Circuit Hearing, Judge Porteous questioned Jacob Amato, Jr. as follows regarding the reasons why Amato and Creely gave Judge Porteous money:

> Porteous: [J]ust so I'm clear, this money that was given to me, was it done because I'm a judge, to influence me, or just because we're friends?
>
> Amato: Tom, it's because we're friends and we've been friends for 35 years. And it breaks my heart to be here. (HP Ex. 20).

48. **WHOLE DOCUMENT:** At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows regarding the amount of money he received from Jacob Amato, Jr. and Robert Creely or their law firm:

> Q: Judge Porteous, over the years, how much cash have you received from Jake Amato and Bob Creely or their law firm?
>
> A: I have no earthly idea.
>
> Q: It could have been $10,000 or more. Isn't that right?
>
> A: Again, you're asking me to speculate. I have no idea is all I can tell you.
>
> Q: When did you first start getting cash from Messrs. Amato, Creely, or their law firm?
>
> A: Probably when I was on State bench.
>
> Q: And that practice continued into 1994, when you became a Federal judge, did it not?

A: I believe that's correct. (HP Ex. 10).

49. **AGREED:** Attorney Donald Gardner is a long time friend of Judge Porteous.

50. **DISPUTED:** While Judge Porteous was a state judge, he assigned more than 50 curatorships to Donald Gardner. (HP Ex. 36).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation because the House has not produced any documentary evidence of curatorships that were assigned to Donald Gardner.

HOUSE REPLY: The existence of documentary evidence is irrelevant to the truth of the proposed stipulation. Moreover, this stipulation is supported by sworn witness testimony. The House stands by this proposed stipulation as drafted.

51. **WHOLE DOCUMENT:** At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows regarding his receipt of cash from Don Gardner:

Q: Now, other than Messrs. Amato and Creely, who else had—what other lawyers—lawyer friends of yours have given you money over the years?

A: Given me money?

Q: Money, cash.

A: Gardner may have. Probably did.

Q: And when is the last time Mr. Gardner gave you money?

A: Before I took the Federal bench, I'm sure.

Q: Okay. And do you recall how much?

A: Absolutely not. (HP Ex. 10).

52. **AGREED:** On January 16, 1996, as a Federal judge, Judge Porteous was assigned a civil case, Lifemark Hospitals of La., Inc. v. Liljeberg Enterprises, Inc. (HP Ex. 50).

53. **AGREED:** The Liljeberg case was filed in 1993 and had been assigned to other judges before being transferred to Judge Porteous on January 16, 1996.

54. **DISPUTED:** The Liljeberg case was set for a non-jury trial before Judge Porteous on November 4, 1996.

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation to the extent that it suggests that this was the first and only trial date set in the *Liljeberg* matter. The trial date in that case was set and re-set a number of times prior to the November 4, 1996 date.

HOUSE REPLY: Nothing in the House's proposed stipulation suggests that the November 4, 1996 trial date was the first or only trial date in the Liljeberg case. The House stands by this proposed stipulation as drafted.

55. **AGREED AS REVISED:** On September 19, 1996, the Liljebergs filed a motion to enter the appearances of Jacob Amato, Jr. and Leonard Levenson as their attorneys. Judge Porteous granted the motion on September 23, 1996. (Exs. 51 (a) and 51 (b)).

56. **MODIFIED:** Jacob Amato, Jr. and Leonard Levenson were hired by the Liljebergs on a contingent fee basis, and, pursuant to the terms of their retainer, only if the Liljebergs prevailed in the litigation would they receive any legal fees. (Exs. 18 and 52).

57. **AGREED:** The motion to enter Jacob Amato, Jr.'s appearance identified him as being with the law firm of Amato & Creely. (HP Ex. 51 (a)).

58. **AGREED:** On October 1, 1996, attorney Joseph Mole on behalf of his client, Lifemark, filed a Motion to Recuse Judge Porteous. (HP Ex. 52).

59. **WITHDRAWN:** When the Liljebergs filed their Motion to Recuse, Joseph Mole, counsel for Lifemark, was unaware of any prior financial relationship between Amato & Creely and Judge Porteous. (HP Ex. 52).

60. **AGREED:** The Liljebergs filed their Opposition to the Motion to Recuse, on October 9, 1996. (HP Ex. 53).

61. **MODIFIED:** After being granted leave of court, Lifemark filed its Reply to the Opposition to the Motion to Recuse on October 15, 1996. (HP Ex. 54).

62. **MODIFIED:** After being granted leave of court, the Liljebergs filed a Memorandum in Opposition to Lifemark's Reply on October 17, 1996. (HP Ex. 55).

63. **AGREED:** On October 16, 1996, Judge Porteous held a hearing on the Motion to Recuse. (HP Ex. 56).

64. **AGREED:** Both Leonard Levenson and Jacob Amato, Jr. were present in the courtroom on behalf of the Liljebergs at the October 16, 1996 hearing on the Motion to Recuse. (HP Ex. 56).

65. **WHOLE DOCUMENT:** At the recusal hearing on October 16, 1996, Jacob Amato, Jr. made no statements concerning his prior financial relationship with Judge Porteous. (HP Ex. 56).

66. **WHOLE DOCUMENT:** At the October 16, 1996 hearing on the Motion to Recuse, the following colloquy occurred:

> The Court: Let me make also one other statement for the record if anyone wants to decide whether I am a friend with Mr. Amato and Mr. Levenson--I will put that to rest for the answer is

affirmative, yes. Mr. Amato and I practiced the law together probably 20-plus years ago. Is that sufficient? . . . So if that is an issue at all, it is a non-issue.

* * *

The Court: Yes, Mr. Amato and Mr. Levenson are friends of mine. Have I ever been to either one of them's house? The answer is a definitive no. Have I gone along to lunch with them? The answer is a definitive yes.

* * *

Mr. Mole: The public perception is that they do dine with you, travel with you, that they have contributed to your campaigns.

* * *

The Court: The first time I ran, 1984, I think is the only time when they gave me money.

* * *

The Court: [T]his is the first time a motion for my recusal has ever been filed . . . . But does that mean that any time a person I perceive to be friends who I have dinner with or whatever that I must disqualify myself? I don't think that's what the rule suggests . . . . Courts have held that a judge need not disqualify himself just because a friend, even a close friend, appears as a lawyer

* * *

The Court: Well you know the issue becomes one of, I guess the confidence of the parties, not the attorneys . . . . My concern is not with whether or not lawyers are friends . . . . My concern is that the parties are given a day in court which they can through you present their case, and they can be adjudicated thoroughly without bias, favor, prejudice, public opinion, sympathy, anything else, just on law and facts . . . .

I have always taken the position that if there was ever any question in my mind that this Court should recuse itself that I would notify counsel and give them the opportunity if they wanted to ask me to get off . . . .

[In the *Bernard* case] the court said Section 450 requires not only that a Judge be subjectively confident of his ability to be even handed but [that an] informed, rational objective observer would

> not doubt his impartiality . . . . I don't have any difficulty trying this case . . . . [I]n my mind I am satisfied because if I had any question as to my ability, I would have called and said, "Look, you're right." (HP Ex. 56).

67. **AGREED:** Judge Porteous denied the Motion to Recuse in open court on October 16, 1996. (HP Ex. 56).

68. **AGREED:** On October 17, 1996, Judge Porteous issued a written order confirming the denial of the Motion to Recuse. (HP Ex. 57).

69. **AGREED AS REVISED:** Lifemark filed a Motion to enroll Donald Gardner as additional counsel of record on March 11, 1997. (HP Ex. 60 (a)).

70. **AGREED:** Lifemark's contract with Donald Gardner provided that he would be paid $100,000 for entering his appearance and that, among other terms, he would receive another $100,000 if Judge Porteous withdrew or the case settled. (Exs. 64 and 65).

71. **AGREED AS REVISED:** Judge Porteous conducted a bench trial in the Liljeberg case from June 16, 1997 through June 27, 1997, from July 14, 1997 through July 15, 1997, and from July 21, 1997 through July 23, 1997. (HP Ex. 50).

72. **AGREED:** At the conclusion of the Liljeberg trial in July 1997, Judge Porteous took the case under advisement.

73. **AGREED AS REVISED:** Jacob Amato, Jr. took Judge Porteous to several lunches while Judge Porteous had the Liljeberg case under advisement. (Task Force Hearing I and Exs. 21 (b)–(c) and 24).

74. **DISPUTED / MODIFIED:** Don Gardner took Judge Porteous to lunches while Judge Porteous had the Liljeberg case under advisement. (HP Ex. 36).

> **PORTEOUS RESPONSE:** Judge Porteous opposes this proposed stipulation because the House has not produced any documentary evidence of curatorships that were assigned to Donald Gardner.
>
> **HOUSE REPLY:** The existence of documentary evidence is irrelevant to the truth of the proposed stipulation. Moreover, this stipulation is supported by sworn witness testimony. The House stands by this proposed stipulation as modified.

75. **AGREED AS REVISED:** From May 20 through 23, 1999, a bachelor party was held in Las Vegas, Nevada, for Judge Porteous's son, Timothy.

76. **AGREED:** Among the people present in Las Vegas for Timothy Porteous's bachelor party were Judge Porteous, Robert Creely and Donald Gardner.

77. **WHOLE DOCUMENT:** At the Fifth Circuit Hearing Judge Porteous testified under oath as follows regarding Robert Creely's payment for Judge Porteous's hotel room at Caesars Palace during the trip to Las Vegas for Timothy Porteous's bachelor party:

> Q: Well, once you get to Las Vegas, you have to stay in a room right?
>
> A: Right.
>
> Q: You didn't pay for the room, did you?
>
> A: It appears I did not.
>
> Q: And do you know who paid for it?
>
> A: It appears Mr. Creely paid for it.
>
> Q: Mr. Creely, that's right. Now, that was over a period of approximately four days, as I recall, from the records?
>
> A: Three or four.
>
> Q: Three or four. That exceeded $250 total for the room, correct?
>
> A: Yea.
>
> Q: Did that ever appear on your judicial - -
>
> A: No, it did not.
>
> Q: – your form that you file with the administrative office?
>
> A: No, it did not.
>
> Q: It did not. Although you considered that a gift, correct?
>
> A: Yea, it was a gift. (HP Ex. 10, page 140).

78. **WHOLE DOCUMENT:** At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows concerning Robert Creely's payment of a portion of the bill for Timothy Porteous's bachelor party dinner in Las Vegas:

> A: We had one outside meal that I can recall.
>
> Q: But you didn't pay for that meal, did you?
>
> A. No, I did not.

Q: Who paid for it?

A: A variety – I think Creely did and maybe some other people picked up various portions. (Exs. 10, 11 and 378).

79. **WITHDRAWN:** On June 28, 1999, after his son's wedding, and while the Liljeberg case was under advisement, Judge Porteous solicited money from Jacob Amato, Jr. while the two men were on a boat during a fishing trip.

80. **WITHDRAWN:** After Judge Porteous solicited money from Jacob Amato, Jr. on June 28, 1999, Amato provided cash to Judge Porteous in an envelope.

81. **WHOLE DOCUMENT:** At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows regarding his receipt of money from Jacob Amato, Jr. in or about June of 1999:

Q: Do you recall in 1999, in the summer, May, June, receiving $2,000 for [sic: should be "from"] them?

A: I've read Mr. Amato's grand jury testimony. It says we were fishing and I made some representation that I was having difficulties and that he loaned me some money or gave me some money.

Q: You don't – you're not denying it; you just don't remember it?

A: I just don't have any recollection of it, but that would have fallen in the category of a loan from a friend. That's all.

* * *

Q: [W]hether or not you recall asking Mr. Amato for money during this fishing trip, do you recall getting an envelope with $2,000 shortly thereafter?

A: Yeah. Something seems to suggest that there may have been an envelope. I don't remember the size of an envelope, how I got the envelope, or anything about it.

* * *

Q: Wait a second. Is it the nature of the envelope you're disputing?

A: No. Money was received in [an] envelope.

Q: And had cash in it?

A: Yes, sir.

Q: And it was from Creely and/or –

A: Amato.

Q: Amato?

A: Yes.

Q: And it was used to pay for your son's wedding.

A: To help defray the cost, yeah.

Q: And was used –

A: They loaned – my impression was it was a loan.

Q: And would you dispute that the amount was $2,000?

A: I don't have any basis to dispute it. (HP Ex. 10).

82. **WITHDRAWN:** After Judge Porteous received the cash from Jacob Amato, Jr. in or about June of 1999, while he still had the Liljeberg case under advisement, Judge Porteous did not disclose this fact to Joseph Mole, counsel for Lifemark.

83. **DISPUTED:** In late 1999, while Judge Porteous still had the Liljeberg case under advisement, Jacob Amato, Jr. and Robert Creely paid for a party at the French Quarter Restaurant and Bar to celebrate Judge Porteous's fifth year on the Federal bench. (Exs. 24 and 46, and Task Force Hearing I).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation as the House has not proffered any documentary evidence of Amato's and Creely's payment for the costs associated with this party.

HOUSE REPLY: The existence of documentary evidence is irrelevant to the truth of the proposed stipulation. Moreover, this stipulation is supported by sworn witness testimony. The House stands by this proposed stipulation as drafted.

84. **WITHDRAWN:** At some time while the Liljeberg case was pending before Judge Porteous, Jacob Amato, Jr., Leonard Levenson, and Donald Gardner each gave money either to Judge Porteous directly, or to his secretary Rhonda Danos, to help pay for a Washington D.C. externship for one of Judge Porteous's sons. (Exs. 24, 25, 32, 33, 46 and Task Force Hearing I).

85. **AGREED AS REVISED:** During the 1996–2000 time-frame, Judge Porteous was friends with Leonard Levenson.

86. **MODIFIED:** During the 1996–1998 time-frame, Judge Porteous and Leonard Levenson went on a hunting trip, at a Mississippi property owned by Allen Usry, an attorney who on occasion worked with Levenson. (Exs. 30, 163).

87. **DISPUTED:** In April 1999, Leonard Levenson attended the Fifth Circuit Judicial Conference in Houston, Texas as an invitee of Judge Porteous.

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation as imprecise. Mr. Levenson was invited to the referenced conference by "the federal judges of the Fifth Circuit." (*See* HP Ex. 26, page 54.)

HOUSE REPLY: Judge Porteous's objection to this proposed stipulation is improper and demonstrates a misunderstanding of the facts. The House agrees that HP Ex. 26, page 54 contains an invitation to Leonard Levenson from the federal judges of the Fifth Circuit. However, an attorney only receives such an invitation from the Fifth Circuit itself after being invited to attend the conference by a specific judge. The attorney is thereafter extended an invitation by the Fifth Circuit and attends the conference as a guest of a particular judge. The House stands by this proposed stipulation as drafted.

88. **AGREED:** While at the Fifth Circuit Judicial Conference in April 1999, Leonard Levenson paid for meals and drinks for Judge Porteous. (Exs. 26, 31, 291).

89. **DISPUTED:** In October 1999, Leonard Levenson paid for a dinner with Judge Porteous in Las Vegas, Nevada. (Exs. 30, 31, 291, and 299).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation because the House has not proffered evidence sufficient to establish that Mr. Levenson paid for Judge Porteous's dinner in Las Vegas.

HOUSE REPLY: The existence of documentary evidence is irrelevant to the truth of the proposed stipulation. Moreover, this stipulation is supported by sworn witness testimony and documentary evidence. The House stands by this proposed stipulation as drafted.

90. **DISPUTED:** In December 1999, Judge Porteous went on a multi-day hunting trip to the Blackhawk hunting facility in Louisiana with Leonard Levenson. (Exs. 31, 163, 286).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation to the extent that it suggests that Levenson paid for the trip.

HOUSE REPLY: The stipulation does not suggest that Levenson paid for the hunting trip. The stipulation only addresses Judge Porteous's attendance on this trip, which Judge Porteous does not dispute. The House stands by this proposed stipulation as drafted.

91. **WITHDRAWN:** Judge Porteous did not notify Joseph Mole, counsel for Lifemark, of any of his post- recusal hearing and post trial contacts with Jacob Amato, Jr., Robert Creely, or Leonard Levenson.

92. **AGREED:** On April 26, 2000, nearly three years after the trial concluded, Judge Porteous issued a written opinion in Lifemark Hospitals of La., Inc. v. Liljeberg Enterprises, Inc. (HP Ex. 62).

93. **WHOLE DOCUMENT:** Judge Porteous ruled in favor of Jacob Amato, Jr.'s and Leonard Levenson's client, the Liljebergs.

94. **AGREED:** Lifemark appealed Judge Porteous's decision to the Fifth Circuit Court of Appeals.

95. **WHOLE DOCUMENT:** In August 2002, the Fifth Circuit Court of Appeals reversed, in part, Judge Porteous's decision. (HP Ex. 63).

Judge Porteous's Relationship with Louis and Lori Marcotte

96. **WITHDRAWN:** On numerous occasions when he was a State court judge, Judge Porteous set bonds, reduced bonds, and split bonds in response to requests by Louis Marcotte, Lori Marcotte, or a representative of the Marcottes. (Exs. 350, 351).

97. **WITHDRAWN:** In or about the summer of 1993, Jeffery Duhon worked for Louis Marcotte's bail bonds business.

98. **AGREED:** On or about July 29, 1993, Judge Porteous ordered the expungement of Jeffery Duhon's burglary conviction. (Exs. 77(a), 77(b)).

99. **WITHDRAWN:** In September 1994 and October 1994, Aubrey Wallace worked for Louis Marcotte's bail bonds business.

100. **AGREED:** On or about September 21, 1994, Judge Porteous held a hearing at which he ordered that Aubrey Wallace's court records in State of Louisiana v. Aubrey N. Wallace, No. 89-2360 (24th Jud. Dist Ct., Jeff. Par., La.) be amended to include removal of the unsatisfactory completion of probation and the entering of the guilty plea under Code of Criminal Procedure 893. (HP Ex. 69(d) at PORT000000620–624).

101. **AGREED AS REVISED:** On or about September 22, 1994, Judge Porteous signed a written Order that stated: "IT IS ORDERED that the sentence on Aubrey WALLACE is hereby amended to include the following wording, 'the defendant pled under Article 893.'" (HP Ex. 82).

102. **MODIFIED:** Available court documents show that from September 1, 1994 through October 27, 1994, Judge Porteous set, reduced or split numerous bonds at the request of the Marcottes. (Exs. 350, 351).

103. **AGREED:** On October 14, 1994, Judge Porteous entered an order setting aside Aubrey Wallace's burglary conviction in State of Louisiana v. Aubrey N. Wallace, No. 89-2360 (24th Jud. Dist Ct., Jeff. Par., La.). (HP Ex. 82 at p. 105).

104. **MODIFIED:** In or about July 19, 1999, Judge Porteous attended a Professional Bail Agents of the United States (PBUS) convention at the Beau Rivage Resort in Biloxi Mississippi, at which convention he attended a cocktail party hosted by Bail Bonds Unlimited. (Exs. 223, 224).

105. **MODIFIED:** On or about March 11, 2002, Judge Porteous joined a group of people at Emeril's Restaurant, in New Orleans, Louisiana, after the meal portion of a lunch hosted by the Marcottes had concluded. The group included newly elected state judge Joan Benge and state judge Ronald Bodenheimer. (HP Ex. 375).

Judge Porteous's Bankruptcy

106. **DISPUTED:** On his Financial Disclosure Form for reporting period 1996, Judge Porteous checked the box for "None (No reportable liabilities)." (HP Ex. 102(a)).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).

HOUSE REPLY: Judge Porteous's relevance objection to this proposed stipulation is an objection for trial. Moreover, this stipulation is necessary because it is intended to save time at trial by eliminating the need to introduce each and every document in order to establish the facts contained in this series of stipulations. Judge Porteous has offered no basis for objection that warrants the stipulation not being accepted. The House stands by this proposed stipulation as drafted.

107. **DISPUTED:** Judge Porteous's balance due on his Citibank credit card account ending in 0426 for the period ending on December 12, 1996 was $14,846.47. (HP Ex. 167).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 106, the House stands by this proposed stipulation as drafted.

108. **DISPUTED:** Judge Porteous signed his Financial Disclosure Form for reporting period 1996 on May 12, 1997. Judge Porteous's signature appeared below a Certification that stated, in part:

"I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure." (HP Ex. 102(a)).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 106, the House stands by this proposed stipulation as drafted.

109. **DISPUTED:** On his Financial Disclosure Form for reporting period 1997, Judge Porteous checked the box for "None (No reportable liabilities)." (HP Ex. 103(a)).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 106, the House stands by this proposed stipulation as drafted.

110. **DISPUTED:** Judge Porteous's balance due on his MBNA MasterCard account ending in 0877 for the period ending on December 19, 1997 was $15,569.25. (HP Ex. 168).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 106, the House stands by this proposed stipulation as drafted.

111. **DISPUTED:** Judge Porteous's balance due on his MBNA MasterCard account ending in 1290 for the period ending on December 4, 1997 was $18,146.85. (HP Ex. 168).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 106, the House stands by this proposed stipulation as drafted.

112. **DISPUTED:** Judge Porteous's balance due on his Travelers credit card account ending in 0642 for the period ending on December 30, 1997 was $9,378.76. (HP Ex. 168).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 106, the House stands by this proposed stipulation as drafted.

113. **DISPUTED:** Judge Porteous signed his Financial Disclosure Form for reporting period 1997 on May 13, 1998. Judge Porteous's signature appeared below a Certification that stated, in part:

> "I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure." (HP Ex. 103(a)).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 106, the House stands by this proposed stipulation as drafted.

114. **DISPUTED:** On his Financial Disclosure Form for reporting period 1998, in Section VI, "Liabilities," Judge Porteous listed MBNA and Citibank as creditors, each with a value listed as code "J," which indicated liabilities on each card of $15,000 or less. (HP Ex. 104(a)).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 106, the House stands by this proposed stipulation as drafted.

115. **DISPUTED:** Judge Porteous's balance due on his MBNA MasterCard account ending in 0877 for the period ending December 19, 1998 was $16,550.08. (HP Ex. 169).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 106, the House stands by this proposed stipulation as drafted.

116. **DISPUTED:** Judge Porteous's balance due on his MBNA MasterCard account ending in 1290 for the period ending December 4, 1998 was $17,155.76. (HP Ex. 169).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 106, the House stands by this proposed stipulation as drafted.

117. **DISPUTED:** Judge Porteous signed his Financial Disclosure Form for reporting period 1998 on May 13, 1999. Judge Porteous's signature appeared below a Certification that stated, in part:

> "I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure." (HP Ex. 104(a)).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 106, the House stands by this proposed stipulation as drafted.

118. **DISPUTED:** On his Financial Disclosure Form for reporting period 1999, in Section VI, "Liabilities," Judge Porteous listed MBNA and Citibank as creditors, each with a value listed as code "J," which indicated liabilities on each card of $15,000 or less. (HP Ex. 105(a)).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 106, the House stands by this proposed stipulation as drafted.

119. **DISPUTED:** Judge Porteous's balance due on his MBNA MasterCard account ending in 0877 for the period ending on December 18, 1999 was $24,953.65. (HP Ex. 170).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 106, the House stands by this proposed stipulation as drafted.

120. **DISPUTED:** Judge Porteous's balance due on his MBNA MasterCard account ending in 1290 for the period ending on December 4, 1999 was $25,755.84. (HP Ex. 170).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 106, the House stands by this proposed stipulation as drafted.

121. **DISPUTED:** Judge Porteous's balance due on his Citibank credit card account ending in 0426 for the period ending on December 10, 1999 was $22,412.15. (HP Ex. 170).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 106, the House stands by this proposed stipulation as drafted.

122. **DISPUTED / MODIFIED:** The balance due on the Citibank credit card in the name of Carmella Porteous, account ending in 9138, for the period ending on December 21, 1999 was $20,051.95. (HP Ex. 170).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation because it is not true. The referenced credit card was in Judge Porteous's wife's name, not his. Judge Porteous further opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).

HOUSE REPLY: The House has revised this proposed stipulation to accurately reflect that the Citibank credit card account ending in 9138 was in Carmella Porteous's name. Further, for the reasons discussed in the House's Reply to Stipulation 106, the House stands by this proposed stipulation as modified.

123. **DISPUTED:** Judge Porteous's balance due on his Travelers credit card account ending in 0642 for the period ending on December 29, 1999 was $15,467.29. (HP Ex. 170).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 106, the House stands by this proposed stipulation as drafted.

124. **DISPUTED:** Judge Porteous signed his Financial Disclosure Form for reporting period 1999 on May 5, 2000. Judge Porteous's signature appeared below a Certification that stated, in part:

> "I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure." (HP Ex. 105(a)).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 106, the House stands by this proposed stipulation as drafted.

125. **DISPUTED:** On his Financial Disclosure Form for reporting period 2000, in Section VI, "Liabilities," Judge Porteous listed MBNA and Citibank as creditors, each with a value listed as code "J," which indicated liabilities on each card of $15,000 or less. (HP Ex. 106(a)).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 106, the House stands by this proposed stipulation as drafted.

126. **DISPUTED:** Judge Porteous's balance due on his MBNA MasterCard account ending in 0877 for the period ending on December 20, 2000 was $28,347.44. (HP Ex. 171).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 106, the House stands by this proposed stipulation as drafted.

127. **DISPUTED:** Judge Porteous's balance due on his MBNA MasterCard account ending in 1290 for the period ending on December 5, 2000 was $29,258.68. (HP Ex. 171).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 106, the House stands by this proposed stipulation as drafted.

128. **DISPUTED:** Judge Porteous's balance due on his Citibank credit card account ending in 0426 for the period ending on December 12, 2000 was $24,565.76. (HP Ex. 171).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 106, the House stands by this proposed stipulation as drafted.

129. **DISPUTED / MODIFIED:** The balance due on the Citibank credit card in the name of Carmella Porteous, account ending in 9138 for the period ending on December 21, 2000 was $21,227.06. (HP Ex. 171).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation because it is not true. The referenced credit card was in Judge Porteous's wife's name, not his. Judge Porteous further opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).

HOUSE REPLY: The House has revised this proposed stipulation to accurately reflect that the Citibank credit card account ending in 9138 was in Carmella Porteous's name. Further, for the reasons discussed in the House's Reply to Stipulation 106, the House stands by this proposed stipulation as modified.

130. **DISPUTED:** Judge Porteous's balance due on his Travelers credit card account ending in 0642 for the period ending on December 29, 2000 was $17,682.35. (HP Ex. 171).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 106, the House stands by this proposed stipulation as drafted.

131. **DISPUTED:** Judge Porteous signed his Financial Disclosure Form for reporting period 2000 on May 10, 2001. Judge Porteous's signature appeared below a Certification that stated, in part:

> "I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure." (HP Ex. 106(a)).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation as irrelevant (since the House's Articles of Impeachment do not allege misconduct in connection with Judge Porteous's financial disclosure forms) and unnecessary (since the document speaks for itself).

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 106, the House stands by this proposed stipulation as drafted.

132. **DISPUTED / MODIFIED:** Judge Porteous opened a $2,000 line of credit at the Grand Casino Gulfport in Gulfport, Mississippi on or about July 22, 1994. (HP Ex. 326).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation as irrelevant, unnecessary (since the document upon which it is based speaks for itself), and not necessarily accurate (since the date is only approximate).

HOUSE REPLY: Judge Porteous's relevance objection to this proposed stipulation is an objection for trial. Moreover, this stipulation is necessary because it is intended to save time at trial by eliminating the need to introduce documents in order to establish the facts contained in this series of stipulations. Judge Porteous has offered no basis for objection to the stipulation that warrants the stipulation not being accepted, and, in particular, has offered no basis for his contention that the date in question is "only approximate." However, in an effort to reach an agreement on this series of stipulations, the House has slightly modified the stipulation to include the phrase "on or about." The House stands by this proposed stipulation as modified.

133. **DISPUTED / MODIFIED:** Judge Porteous opened a $2,000 line of credit at the Grand Casino Biloxi in Biloxi, Mississippi on or about August 19, 1995. (HP Ex. 326).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation as irrelevant, unnecessary (since the document upon which it is based speaks for itself), and not necessarily accurate (since the date is only approximate).

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 132, the House stands by this proposed stipulation as modified.

134. **DISPUTED / MODIFIED:** Judge Porteous opened a $2,500 line of credit at the Casino Magic Bay in St. Louis, Mississippi on or about October 26, 1995. (HP Ex. 326).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation as irrelevant, unnecessary (since the document upon which it is based speaks for itself), and not necessarily accurate (since the date is only approximate).

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 132, the House stands by this proposed stipulation as modified.

135. **DISPUTED / MODIFIED:** Judge Porteous opened a $2,000 line of credit at the Treasure Chest Casino in Kenner, Louisiana on or about November 25, 1997. (HP Ex. 326).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation as irrelevant, unnecessary (since the document upon which it is based speaks for itself), and not necessarily accurate (since the date is only approximate).

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 132, the House stands by this proposed stipulation as modified.

136. **DISPUTED / MODIFIED:** Judge Porteous opened a $2,000 line of credit at the Isle of Capri Casino in Biloxi, Mississippi on or about March 31, 1998. (HP Ex. 326).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation as irrelevant, unnecessary (since the document upon which it is based speaks for itself), and not necessarily accurate (since the date is only approximate).

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 132, the House stands by this proposed stipulation as modified.

137. **DISPUTED / MODIFIED:** Judge Porteous opened a $2,500 line of credit at the Beau Rivage Casino in Biloxi, Mississippi on or about April 15, 1999. (HP Ex. 326).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation as irrelevant, unnecessary (since the document upon which it is based speaks for itself), and incorrect (since the document relied upon by the House shows that this credit line was set on or about April 15, 1999).

HOUSE REPLY: The House has revised the date in Stipulation 137 from April 14, 1999 to April 15, 1999. For the reasons discussed in the House's Reply to Stipulation 132, the House stands by this proposed stipulation as modified.

138. **DISPUTED / MODIFIED:** Judge Porteous opened a $5,000 line of credit at Caesars Palace Casino in Las Vegas, Nevada on or about May 12, 1999. (HP Ex. 326).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation as irrelevant, unnecessary (since the document upon which it is based speaks for itself), and not necessarily accurate (since the date is only approximate).

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 132, the House stands by this proposed stipulation as modified.

139. **WITHDRAWN:** Judge Porteous's credit limit at the Treasure Chest Casino in Kenner, Louisiana was increased to $3,000 on or about August 17, 2000. (HP Ex. 326).

140. **DISPUTED / MODIFIED:** Judge Porteous opened a $5,000 line of credit at Caesars Tahoe Casino in Lake Tahoe, Nevada on or about December 11, 2000. (HP Ex. 326).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation as irrelevant, unnecessary (since the document upon which it is based speaks for itself), and not necessarily accurate (since the date is only approximate).

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 132, the House stands by this proposed stipulation as modified.

141. **DISPUTED / MODIFIED:** Judge Porteous opened a $4,000 line of credit at Harrah's Casino in New Orleans, Louisiana on or about April 30, 2001. (HP Ex. 326).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation as irrelevant, unnecessary (since the document upon which it is based speaks for itself), and not necessarily accurate (since the date is only approximate).

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 132, the House stands by this proposed stipulation as modified.

142. **WITHDRAWN:** On March 2, 2001, Judge Porteous's credit limit at the Treasure Chest Casino in Kenner, Louisiana was increased from $3,000 to $4,000. (HP Ex. 331).

143. **AGREED:** On March 2, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 302).

144. **DISPUTED:** On March 2, 2001, Judge Porteous took out seven $500 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00058997, 00059000, 00059002, 00059011, 00059012, 00059013, and 00059019. On March 3, 2001, Judge Porteous repaid marker numbers 00058997, 00059000, 00059002, and 00059019 with chips. (HP Ex. 302).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on March 2, 2001, Judge Porteous executed seven $500 markers at the Treasure Chest Casino, identified by marker numbers 00058997, 00059000, 00059002, 00059011, 00059012, 00059013, and 00059019, and that, on March 3, 2001, Judge Porteous redeemed four of thos markers, identified by marker numbers 00058997, 00059000, 00059002, and 00059019, with chips.

HOUSE REPLY: The House's proposed stipulation contains no "characterization." It simply states a fact supported by a document. Judge Porteous is attempting to re-write this stipulation in order to draw an inference favorable to his theory that a marker is a check, not a debt, despite the fact that Judge Porteous has already testified under oath at the Fifth Circuit Special Committee Hearing that he understood a marker to be debt. Judge Porteous offers no support for his proposed language that he "executed" markers and then "redeemed" markers. The House stands by its proposed stipulation as drafted.

145. **DISPUTED:** Judge Porteous left the Treasure Chest Casino in Kenner, Louisiana on March 3, 2001 owing the casino $1,500. (HP Ex. 302).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that when he left the Treasure Chest Casino on March 3, 2001, three $500 markers were outstanding.

HOUSE REPLY: The House's proposed stipulation contains no "characterization." It simply states a fact supported by a document. Judge Porteous is attempting to re-write this stipulation in order to draw an inference favorable to his theory that a marker is a check, not a debt, despite the fact that Judge Porteous has already testified under oath at the Fifth Circuit Special Committee Hearing that he understood a marker to be debt. The House stands by its proposed stipulation as drafted.

146. **DISPUTED:** On March 27, 2001, Judge Porteous repaid marker numbers 00059011, 00059012, and 00059013 to the Treasure Chest Casino in Kenner, Louisiana with cash. (HP Ex. 302).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that on March 27, 2001, Judge Porteous redeemed with cash Treasure Chest Casino markers numbered 00059011, 00059012, and 00059013.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted.

147. **AGREED:** On February 27, 2001, Judge Porteous gambled at the Grand Casino Gulfport in Gulfport, Mississippi. (HP Ex. 301(a)).

148. **DISPUTED:** On February 27, 2001, Judge Porteous took out two $1,000 markers at the Grand Casino Gulfport in Gulfport, Mississippi, identified by marker numbers MK131402 and MK131405. (HP Ex. 301(a)).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on February 27, 2001, Judge Porteous executed two $1,000 markers at the Grand Casino Gulfport, identified by marker numbers MK131402 and MK131405.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted.

149. **AGREED:** On March 27, 2001, Judge Porteous deposited $2,000 into his Bank One checking account. This deposit consisted of $1,960 in cash and a $40 check drawn on Judge Porteous's Fidelity money market account. (Exs. 143, 144, 301(b)).

150. **DISPUTED / MODIFIED:** On March 16, 2001, Judge Porteous initially attempted to repay marker number MK131402, and that marker initially cleared the Grand Casino Gulfport on March 24, 2001. However, due to an invalid account number, this $1,000 marker was returned on April 3, 2001, resulting in Judge Porteous once again carrying a balance at the casino. On April 4, 2001, the Grand Casino Gulfport re-deposited marker number MK131402 into Judge Porteous's Bank One checking account. This deposit cleared the account on April 5, 2001 and cleared the Grand Casino Gulfport on April 12, 2001. (HP Ex. 301(b)).

PORTEOUS RESPONSE: Judge Porteous will stipulate that on March 16, 2001, the Grand Casino Gulfport sought to deposit the $1,000 marker, identified by marker number MK131402, previously executed by Judge Porteous on February 27, 2001, which initially cleared on March 24, 2001, resulting in the Grand Casino Gulfport showing zero markers outstanding for Judge Porteous from March 24, 2001, until April 3, 2001, when the marker was returned for an invalid account number. Judge Porteous will further stipulate that that marker was re-deposited on April 4, 2001, and cleared Judge Porteous's Bank One checking account on April 5, 2001.

HOUSE REPLY: The House has revised this stipulation to reflect the Grand Casino Gulfport's initial attempt to deposit marker number MK131402. For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as modified.

151. **DISPUTED / MODIFIED:** On March 16, 2001, Judge Porteous initially attempted to repay marker number MK131405, and that marker initially cleared the Grand Casino

Gulfport on March 24, 2001. However, due to an invalid account number, this $1,000 marker was returned on April 3, 2001, resulting in Judge Porteous once again carrying a balance at the casino. On April 4, 2001, the Grand Casino Gulfport re-deposited marker number MK131405 into Judge Porteous's Bank One checking account. This deposit cleared the account on April 6, 2001 and cleared the Grand Casino Gulfport on April 12, 2001. (HP Ex. 301(b)).

PORTEOUS RESPONSE: Judge Porteous will stipulate that on March 16, 2001, the Grand Casino Gulfport sought to deposit the $1,000 marker, identified by marker number MK131405, previously executed by Judge Porteous on February 27, 2001, which initially cleared on March 24, 2001, resulting in the Grand Casino Gulfport showing zero markers outstanding for Judge Porteous from March 24, 2001, until April 3, 2001, when the marker was returned for an invalid account number. Judge Porteous will further stipulate that that marker was re-deposited on April 4, 2001, and cleared Judge Porteous's Bank One checking account on April 4, 2001.

HOUSE REPLY: The House has revised this stipulation to reflect the Grand Casino Gulfport's initial attempt to deposit marker number MK131405. For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as modified.

152. **AGREED:** On March 20, 2001, Judge Porteous opened a Post Office Box at a Post Office in Harvey, Louisiana. (HP Ex. 145).

153. **AGREED:** On March 23, 2001, Judge Porteous signed his tax return for calendar year 2000, which claimed a tax refund in the amount of $4,143.72. (HP Ex. 141).

154. **AGREED:** On April 13, 2001, Judge Porteous's $4,143.72 tax refund was electronically deposited by the U.S. Treasury directly into Judge Porteous's Bank One checking account. (HP Ex. 144).

155. **AGREED:** Judge Porteous signed his initial Voluntary Petition for Chapter 13 Bankruptcy on March 28, 2001. (HP Ex. 125).

156. **AGREED:** Judge Porteous's signature on his initial Voluntary Petition for Chapter 13 Bankruptcy appears directly below the following declaration:

> I declare under penalty of perjury that the information provided in this petition is true and correct. (HP Ex. 125).

157. **AGREED:** Judge Porteous's initial Voluntary Petition for Chapter 13 Bankruptcy was filed in the United States Bankruptcy Court for the Eastern District of Louisiana on March 28, 2001. (HP Ex. 125).

158. **AGREED:** Judge Porteous's initial Voluntary Petition for Chapter 13 Bankruptcy listed the Name of Debtor as "Ortous, G.T." (HP Ex. 125).

159. **WHOLE DOCUMENT:** At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows regarding the name "Ortous" on his initial Voluntary Petition for Chapter 13 Bankruptcy:

> Q: Your name is not Ortous, is it?
>
> A: No, sir.
>
> Q: Your wife's name is not Ortous?
>
> A: No, sir.
>
> Q: So, those statements that were signed—so, this petition that was signed under penalty of perjury had false information, correct?
>
> A: Yes, sir, it appears to. (Porteous 5th Cir. Hrg. at 55 (HP Ex. 10)).

160. **AGREED:** Judge Porteous's initial Voluntary Petition for Chapter 13 Bankruptcy listed a Street Address of "P.O. Box 1723, Harvey, LA 70059-1723." (HP Ex. 125).

161. **AGREED:** Judge Porteous's street address on March 28, 2001 was 4801 Neyrey Drive, Metairie, LA 70002.

162. **MODIFIED:** Judge Porteous signed his amended Voluntary Petition for Chapter 13 Bankruptcy on April 9, 2001. Also on April 19, 2001, the United States Bankruptcy Court issued a "Notice of Commencement of Case Under Chapter 13 of the Bankruptcy Code, Meeting of Creditors, and Fixing of Dates." (HP Exs. 126, 128).

163. **AGREED:** Judge Porteous's amended Voluntary Petition for Chapter 13 Bankruptcy was filed in the United States Bankruptcy Court for the Eastern District of Louisiana on April 9, 2001. (HP Ex. 126).

164. **AGREED:** Judge Porteous's amended Voluntary Petition for Chapter 13 Bankruptcy listed the Name of Debtor as "Porteous, Jr., Gabriel T." (HP Ex. 126).

165. **AGREED:** Judge Porteous's amended Voluntary Petition for Chapter 13 Bankruptcy listed a Street Address of 4801 Neyrey Drive, Metairie, LA 70002. (HP Ex. 126).

166. **AGREED:** Judge Porteous signed his Bankruptcy Schedules on April 9, 2001. (HP Ex. 127 at SC00111).

167. **AGREED AS REVISED:** Judge Porteous's signature on his Bankruptcy Schedules appears directly below the following declaration:

> I declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of 18 sheets, plus the summary

page, and that they are true and correct to the best of my knowledge, information, and belief. (HP Ex. 127 at SC00111).

168. **AGREED:** Judge Porteous's Bankruptcy Schedules were filed with the United States Bankruptcy Court for the Eastern District of Louisiana on April 9, 2001. (HP Ex. 127).

169. **AGREED:** Category 17 on Judge Porteous's Bankruptcy Schedule B ("Personal Property") required Judge Porteous to disclose "other liquidated debts owing debtor including tax refunds," in response to which the box "none" was marked with an "X." (HP Ex. 127 at SC00096).

170. **WHOLE DOCUMENT:** Category 2 on Judge Porteous's Bankruptcy Schedule B required Judge Porteous to disclose "Checking, savings or other financial accounts . . . ." and to state the current market value of interest in that property, in response to which the Schedule lists only Judge Porteous's Bank One checking account with a current market value of $100. (HP Ex. 127 at SC00095).

171. **WHOLE DOCUMENT:** At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows regarding his response to Category 2 on Schedule B:

> Q: Okay. Let's go through this for a moment. Under Schedule B, "Personal Property."
>
> A: All right.
>
> Q: "Type of property, checking, savings, or other financial accounts, certificates of deposit, shares in banks, savings and loan, thrift, building and loan, homestead association, or credit unions, brokerage houses or cooperatives." Did I read that accurately?
>
> A: Yes, sir.
>
> Q: And you listed Bank One Checking Account [account number redacted]. Is that correct?
>
> A: That's correct.
>
> Q: And the current value of that interest is $100, correct?
>
> A: Yes, sir. (Porteous 5th Cir. Hrg. at 79–80 (HP Ex. 10)).

172. **AGREED:** The opening balance of Judge Porteous's Bank One checking account for the time period of March 23, 2001 to April 23, 2001 was $559.07. (HP Ex. 144).

173. **AGREED:** The closing balance of Judge Porteous's Bank One checking account for the time period of March 23, 2001 to April 23, 2001 was $5,493.91. (HP Ex. 144).

174. **AGREED:** Judge Porteous deposited $2,000 into his Bank One checking account on March 27, 2001. (HP Ex. 144).

175. **DISPUTED:** At no time between March 23, 2001 to April 23, 2001 did the balance in Judge Porteous's Bank One checking account drop to $100 or less. (HP Ex. 144).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation in part because it is misleading due to its omission of necessary context. Judge Porteous will stipulate that, while the recorded balance in his Bank One checking account – as reported by Bank One – did not drop to $100 or less between March 23, 2001, and April 23, 2001, Judge Porteous did not know the exact balance of that account on March 28, 2001, but believed it to be approximately $100. Judge Porteous relied on the check register utilized by both he and his wife to determine the balance of that account.

HOUSE REPLY: Judge Porteous does not dispute the accuracy of this proposed stipulation, and therefore it should be admitted. Judge Porteous seeks to add a narrative to the stipulation regarding Judge Porteous's personal beliefs regarding the balance in his bank account. There is no evidentiary support for Judge Porteous's alleged facts, and the House therefore declines to stipulate to them. The House stands by this proposed stipulation as drafted.

176. **AGREED:** On March 28, 2001, Judge Porteous had a Fidelity money market account. This account was held in both his and his wife Carmella's names. (HP Ex. 143).

177. **AGREED AS REVISED:** Judge Porteous's Fidelity money market account was omitted in response to Category 2 on Judge Porteous's Bankruptcy Schedule B. (HP Ex. 127 at SC00095).

178. **AGREED AS REVISED:** The opening balance on Judge Porteous's Fidelity money market account for the time period of March 21, 2001 to April 20, 2001 was $623.94. (HP Ex. 143).

179. **AGREED:** The balance on Judge Porteous's Fidelity money market account on March 28, 2001 was $283.42. (HP Ex. 143).

180. **AGREED:** On April 4, 2001, a $200.00 deposit was made into Judge Porteous's Fidelity money market account. (HP Ex. 143).

181. **MODIFIED:** Five checks written by Judge Porteous from his Fidelity money market account, identified by check numbers 579, 580, 581, 620, and 582, cleared his account between March 22, 2001 to April 12, 2001. (HP Ex. 143).

182. **AGREED:** On more than one occasion, Judge Porteous withdrew money from his Fidelity IRA account and deposited that money into his Fidelity money market account. The total dollar amount that Judge Porteous transferred from his Fidelity IRA to his Fidelity money market account between 1997 and 2000 was in excess of $10,000. (HP Ex. 383).

183. **WITHDRAWN:** On March 28, 2001, Judge Porteous owed $2,000 in markers to the Grand Casino Gulfport in Gulfport, Mississippi arising from the two $1,000 markers he took out on February 27, 2001. (HP Ex. 301(a)–(b)).

184. **WHOLE DOCUMENT:** Judge Porteous's Bankruptcy Schedule F ("Creditors Holding Unsecured Nonpriority Claims") required Judge Porteous to "list creditors holding unsecured, nonpriority claims, as of the date of the filing of the petition," in response to which Judge Porteous's debt to the Grand Casino Gulfport was not listed. (HP Ex. 127 at SC00102–105; Ex. 345).

185. **AGREED:** Judge Porteous's Bankruptcy Schedule I ("Current Income of Individual Debtor(s)") required Judge Porteous to disclose "Current monthly wages, salary, and commissions (pro rate if not paid monthly)," in response to which the Schedule listed Judge Porteous's current monthly gross income as $7,531.52 (HP Ex. 127 at SC00108).

186. **AGREED:** Judge Porteous's Bankruptcy Schedule I listed his "total net monthly take home pay" as $7,531.52. (HP Ex. 127 at SC00108).

187. **AGREED:** Attached to Judge Porteous's Bankruptcy Schedule I was Judge Porteous's Employee Earnings Statement issued by the Administrative Office of the United States Court, for the monthly pay period ending on May 31, 2000, which stated that Judge Porteous's gross earnings were $11,775.00, and his net pay was $7,531.52. (HP Ex. 127 at SC00109).

188. **AGREED:** In the summer of 2000, Judge Porteous had provided his Employee Earnings Statement for the monthly pay period ending on May 31, 2000 to Claude Lightfoot.

189. **WITHDRAWN:** Judge Porteous never provided Claude Lightfoot with an Employee Earnings Statement that was more recent than Judge Porteous's statement for the pay period ending on May 31, 2000.

190. **AGREED:** In March and April 2001, Judge Porteous's monthly net pay was $7,705.51. (HP Ex. 144).

191. **AGREED:** Judge Porteous signed his Statement of Financial Affairs on April 9, 2001. (HP Ex. 127 at SC00112).

192. **AGREED:** Judge Porteous's signature on his Statement of Financial Affairs appears directly below the following declaration:

> I declare under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct. (HP Ex. 127 at SC00116).

193. **AGREED:** Judge Porteous's Statement of Financial Affairs was filed with the United States Bankruptcy Court for the Eastern District of Louisiana on April 9, 2001. (HP Ex. 127).

194. **AGREED:** Question 3 on Judge Porteous's Statement of Financial Affairs required Judge Porteous to list "all payments on loans, installment purchases of goods or services, and other debts, aggregating more than $600 to any creditor, made within 90 days immediately preceding the commencement of this case," in response to which the answer given was "Normal Installments." (HP Ex. 127 at SC00112).

195. **DISPUTED / MODIFIED:** On March 27, 2001, Judge Porteous made a $1,500 cash payment to the Treasure Chest Casino in Kenner, Louisiana to repay marker numbers 00059011, 00059012, and 00059013. (HP Ex. 302).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that on March 27, 2001, Judge Porteous redeemed with cash Treasure Chest Casino marker numbers 00059011, 00059012, and 00059013.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as modified.

196. **WHOLE DOCUMENT:** At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows regarding his understanding of a marker:

> Q: Judge Porteous, you're familiar with the term "marker," aren't you?
>
> A: Yes, sir.
>
> Q: Would it be fair to state that, "A marker is a form of credit extended by a gambling establishment, such as a casino, that enables the customer to borrow money from the casino. The marker acts as the customer's check or draft to be drawn upon the customer's account at a financial institution. Should the customer not repay his or her debt to the casino, the marker authorizes the casino to present it to the financial institution or bank for negotiation and draw upon the customer's bank account any unpaid balance after a fixed period of time." Is that accurate?
>
> A: I believe that's correct and probably was contained in the complaint or – or the second complaint. There's a definition contained.
>
> Q: And you have no quarrel with the definition?
>
> A: No, sir. (Porteous 5th Cir. Hrg. at 64–65 (HP Ex. 10)).

197. **AGREED:** Judge Porteous's answer to Question 3 on his Statement of Financial Affairs did not list the $1,500 cash payment that Judge Porteous made to the Treasure Chest Casino in Kenner, Louisiana on March 27, 2001. (HP Ex. 127 at SC00112; Ex. 302).

198. **AGREED:** Question 8 on Judge Porteous's Statement of Financial Affairs required Judge Porteous to list "all losses from fire, theft, other casualty or gambling within one year immediately preceding the commencement of this case or since the commencement of this case," in response to which the box "None" was checked. (HP Ex. 127 at SC00113).

199. **DISPUTED:** Between March 28, 2000 and March 28, 2001, Judge Porteous accrued gambling losses. (Porteous 5th Cir. Hrg. at 98–99 (HP Ex. 10)).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation because the House has not provided information sufficient to determine if it is true.

HOUSE REPLY: The House's stipulation is supported by HP Exhibit 337, which details Judge Porteous's gambling losses between March 28, 2000 and March 28, 2001. Moreover, Judge Porteous testified about his gambling losses at the Fifth Circuit Special Committee Hearing and he did not dispute that his gambling losses exceeded $12,700. The House stands by this proposed stipulation as drafted.

200. **WHOLE DOCUMENT:** At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows regarding his response to Question 8 on his Statement of Financial Affairs:

Q: [Item 8] asks you to list all losses for fire, theft, other casualty, gambling within one year immediately preceding the commencement of this case – meaning your case – or since the commencement of this case. And I believe we read this before, about married debtors filing under Chapter 12 and Chapter 13. And you list "none," correct?

A: That's what's listed, correct.

Q: Judge Porteous, do you recall that in the – that your gambling losses exceeded $12,700 during the preceding year?

A: I was not aware of it at the time, but now I see your documentation and that – and that's what it reflects.

Q: So, you – you don't dispute that?

A: I don't dispute that.

Q: Therefore, the answer "no" was incorrect, correct?

A: Apparently, yes.

Q: Even though this was signed under oath, under penalty of perjury, correct?

A: Right. (Porteous 5th Cir. Hrg. at 98–99 (HP Ex. 10)).

201. **AGREED AS REVISED:** On April 6, 2001, the Beau Rivage Casino in Biloxi, Mississippi temporarily increased Judge Porteous's existing $2,500 credit limit to $4,000, with a $1,500 "TTO," or, "this trip only" increase. (HP Ex. 303).

202. **AGREED:** On April 7–8, 2001, Judge Porteous gambled at the Beau Rivage Casino in Biloxi, Mississippi. (HP Ex. 304).

203. **DISPUTED:** On April 7, 2001, Judge Porteous took out two $500 markers at the Beau Rivage Casino in Biloxi, Mississippi, identified by marker numbers 127556 and 127558. (HP Ex. 304).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on April 7, 2001, Judge Porteous executed two $500 markers at the Beau Rivage Casino, identified by marker numbers 127556 and 127558.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted.

204. **DISPUTED:** On April 8, 2001, Judge Porteous took out two $500 markers at the Beau Rivage Casino in Biloxi, Mississippi, identified by marker numbers 127646 and 127658. Judge Porteous also made two $500 payments to the casino on April 8, 2001, identified by transaction numbers 4069177 and 4069190. (HP Ex. 304).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on April 8, 2001, Judge Porteous (1) executed two $500 markers at the Beau Rivage Casino, identified by marker numbers 127646 and 127658, and (2) paid the Beau Rivage Casino $1,000 in chips, identified by transaction numbers 4069177 and 4069190.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted.

205. **DISPUTED:** When Judge Porteous left the Beau Rivage Casino in Biloxi, Mississippi on April 8, 2001, he owed $1,000 to the casino. (HP Ex. 304).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that when he left the Beau Rivage Casino on April 8, 2001, two $500 markers were outstanding, which were redeemed via personal check on or about May 4, 2001.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 145, the House stands by this proposed stipulation as drafted.

206. **AGREED:** On April 24, 2001, Judge Porteous withdrew $1,000 from his Fidelity Individual Retirement Account, which was paid to him in the form of a check issued by National Financial Services LLC. (HP Ex. 382).

207. **AGREED:** Judge Porteous endorsed the $1,000 check from National Financial Services LLC and signed the check over to Rhonda Danos. (HP Ex. 382).

208. **AGREED:** On April 30, 2001, Rhonda Danos wrote a $1,000 check from her personal checking account, identified by check number 1699, to the Beau Rivage Casino. The check's memo line referenced "Gabriel Thomas Porteous Jr., Acct. # [redacted]." (HP Ex. 382).

209. **MODIFIED:** On May 1, 2001, Rhonda Danos deposited into her Hibernia checking account the $1,000 check from National Financial Services LLC, which had been issued to Judge Porteous and signed over to her. The check posted to Ms. Danos's account on May 2, 2001. (HP Ex. 382).

210. **DISPUTED:** On May 4, 2001, Rhonda Danos's $1,000 check to the Beau Rivage Casino, written on Judge Porteous's behalf, was paid at the cage and was credited against Judge Porteous's Beau Rivage account, identified by transaction number 4071922. The Beau Rivage Casino deposited Ms. Danos's $1,000 check on May 5, 2001. (HP Ex. 304).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation in part because it omits necessary context. Judge Porteous will accept the House's proposed stipulation if the House will stipulate that the reason that Judge Porteous endorsed the $1,000 check from National Financial Services, LLC over to Rhonda Danos, and Ms. Danos wrote and delivered a $1,000 check from her checking account to the Beau Rivage Casino referencing Judge Porteous, is that Ms. Danos planned to go to that casino anyway and was saving Judge Porteous a trip.

HOUSE REPLY: The House's stipulation is factually accurate as drafted, and the House declines to stipulate to alleged facts that are unsupported by the record and that no witness has ever testified to. The House stands by this proposed stipulation as drafted.

211. **AGREED AS REVISED:** On May 8, 2001, the $1,000 check to the Beau Rivage Casino, written by Rhonda Danos and identified by check number 1699, cleared Danos's bank account. (HP Ex. 382).

212. **AGREED:** On April 10, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 305).

213. **DISPUTED:** On April 10, 2001, Judge Porteous took out four $500 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00060317,

00060319, 00060320, and 00060321. Judge Porteous repaid all four markers the same day with chips. (HP Ex. 305).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on April 10, 2001, Judge Porteous executed four $500 markers at the Treasure Chest Casino, identified by marker numbers 00060317, 00060319, 00060320, and 00060321, all of which he redeemed that same day with chips.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted.

214. **AGREED:** On May 7, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 307).

215. **DISPUTED:** On May 7, 2001, Judge Porteous took out four $1,000 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00061209, 00061212, 00061216, and 00061230. (HP Ex. 307.)

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on May 7, 2001, Judge Porteous executed four $1,000 markers at the Treasure Chest Casino, identified by marker numbers 00061209, 00061212, 00061216, and 00061230.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted.

216. **DISPUTED:** When Judge Porteous left the Treasure Chest Casino in Kenner, Louisiana on May 7, 2001, he owed $4,000 to the casino. (HP Ex. 307).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that when he left the Treasure Chest Casino on or about May 7, 2001, four $1,000 markers were outstanding.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 145, the House stands by this proposed stipulation as drafted.

217. **DISPUTED:** On May 9, 2001, Judge Porteous made a $4,000 cash payment to the Treasure Chest Casino, repaying marker numbers 00061209, 00061212, 00061216, and 00061230. (HP Ex. 307).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on or about May 9, 2001, Judge Porteous redeemed with cash the four $1,000 Treasure Chest Casino markers identified by marker numbers 00061209, 00061212, 00061216, and 00061230.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted.

218. **AGREED:** On April 30, 2001, Judge Porteous submitted a Casino Credit Application to Harrah's Casino in New Orleans, Louisiana, requesting a $4,000 credit limit. (HP Ex. 149).

219. **AGREED:** On April 30, 2001, Judge Porteous gambled at Harrah's Casino in New Orleans, Louisiana. (HP Ex. 306).

220. **DISPUTED:** On April 30, 2001, Judge Porteous took out two $500 markers at Harrah's Casino in New Orleans, Louisiana, identified by marker numbers 0084898 and 0084899. Judge Porteous wrote a $1,000 check to Harrah's Casino the same day to repay both markers. Judge Porteous's check cleared Harrah's Casino on May 30, 2001. (HP Ex. 306).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on or about April 30, 2001, Judge Porteous executed two $500 markers at Harrah's Casino in New Orleans, identified by marker numbers 0084898 and 0084899, which were redeemed that same day by check. The House has not provided information sufficient to determine when that check cleared.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted. Moreover, House Exhibit 306 specifically reflects that Judge Porteous's two $500 checks cleared the casino on May 30, 2001.

221. **AGREED:** On May 9, 2001, a Section 341 Creditors Meeting was held in Judge Porteous's Chapter 13 Bankruptcy case. (HP Ex. 129).

222. **AGREED:** Judge Porteous attended the Section 341 Creditors Meeting held on May 9, 2001 with his bankruptcy counsel Claude Lightfoot . (HP Ex. 130).

223. **MODIFIED:** The portion of the May 9, 2001 Section 341 Creditors Meeting, which includes the sworn testimony of Judge Porteous, was recorded and transcribed. (HP Ex. 130).

224. **DISPUTED:** At the Section 341 Creditors Meeting on May 9, 2001, bankruptcy trustee S.J. Beaulieu, Jr. gave Judge Porteous a copy of a pamphlet entitled "Your Rights and Responsibilities in Chapter 13." (HP Ex. 130). Section 6 of the "Rights and Responsibilities" pamphlet, which Judge Porteous received from Bankruptcy Trustee Beaulieu, stated as follows:

> You may not borrow money or buy anything on credit while in Chapter 13 without permission from the bankruptcy Court. This includes the use of credit cards or charge accounts of any kind. If you or a family member you support buys something on credit

without Court approval, the Court could order the goods returned. (HP Ex. 148 at SC00402).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation in part because the House has not proffered evidence sufficient to establish that S.J. Beaulieu gave Judge Porteous a copy of the referenced pamphlet at the May 9, 2001 meeting.

HOUSE REPLY: Judge Porteous has also previously testified under oath before the Fifth Circuit Special Committee that Bankruptcy Trustee Beaulieu handed this pamphlet to Judge Porteous at the Section 341 Creditors Meeting. The House stands by this proposed stipulation as drafted.

225. **MODIFIED:** At the Section 341 Creditors Meeting on May 9, 2001, Judge Porteous was placed under oath. The transcript of that meeting reflects that Judge Porteous stated "yes" when asked by Mr. Beaulieu if everything in Judge Porteous's bankruptcy petition was true and correct. (HP Ex. 130).

226. **MODIFIED:** The transcript of the Section 341 Creditors Meeting reflects that Judge Porteous stated "yes" when asked if he had listed all of his assets in his bankruptcy petition. (HP Ex. 130 at SC00596).

227. **MODIFIED:** The transcript of the Section 341 Creditors Meeting reflects that Judge Porteous answered "Um hum" when asked if his take home pay was about $7,500 a month. (HP Ex. 130 at SC00596).

228. **MODIFIED:** The transcript of the Section 341 Creditors Meeting reflects that Bankruptcy Trustee S.J. Beaulieu, Jr. told Judge Porteous that "Any charge cards that you may have you have [sic] you cannot use any longer. So basically you on a cash basis now." (HP Ex. 130 at SC00598).

229. **WHOLE DOCUMENT:** At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows regarding the Section 341 Creditors Meeting:

> Q: Now, after bankruptcy, you had a meeting with the trustee, SJ Beaulieu, correct?
>
> A: After what?
>
> Q: After bankruptcy was filed.
>
> A: After it was filed, that's correct.
>
> Q: And you recall that Mr. Beaulieu handed you a pamphlet called "Your Rights and Responsibilities in Chapter 13," which we have marked as the Committee's Exhibit 11?

A: I believe that's – yeah, right.

Q: And it bears the name of Mr. Beaulieu and has his local New Orleans phone number?

A: Yes, sir.

* * *

Q: Calling your attention to this exhibit, there are enumerated paragraphs. Paragraph 6, follow me while I read. "Credit While in Chapter 13. You may not borrow money or buy anything on credit while in Chapter 13 without permission from the bankruptcy court. This includes the use of credit cards or charge accounts of any kind."

Did I read that accurately, sir?

A: You did.

Q: And do you recall reading that and discussing that with Mr. Beaulieu?

A: I don't specifically recall it, but I'm not saying it didn't happen.

Q: All right. Do you recall, on or about May 9th, 2001, having a – what's called a 341 bankruptcy hearing, where Mr. Beaulieu as trustee was present; your attorney, Mr. Lightfoot, was present; and you were present?

A: Yes, sir, I remember meeting with Mr. Beaulieu.

Q: And that meeting was recorded, if you – do you recall that?

A: I believe that's correct, yeah, tape recorded.

Q: Right.

Do you recall Mr. Beaulieu stating the following? "Any charge cards that you may – you have you cannot use any longer. So, basically, you're on a cash basis now. I have no further questions except have you made your first payments."

Did I read that accurately?

A: Yes, sir.

Q: So, you were told by Mr. Beaulieu that you couldn't incur any more credit there, on credit cards, correct?

A: I'm not sure it was there, but I'm sure it was part of the explanation at some point.

Q: Well, going back to –

A: When you ask – I only meant in reference to the statement. Yes, it's –

Q: Right.

A: – contained in there, and I knew that.

Q: And it was your understanding – and that's what I'm trying to find out, sir – that you couldn't incur more credit while in bankruptcy, correct?

A: That's correct. (Porteous 5th Cir. Hrg. at 61–62 (HP Ex. 10)).

230. **AGREED:** On May 16, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 308).

231. **DISPUTED:** On May 16, 2001, Judge Porteous took out a $500 marker at the Treasure Chest Casino in Kenner, Louisiana, identified by marker number 00061520. Judge Porteous repaid that marker the same day with chips. (HP Ex. 308).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on May 16, 2001, Judge Porteous executed one $500 marker at the Treasure Chest Casino, identified by marker number 00061520, which he redeemed that same day with chips.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted.

232. **AGREED:** On June 20, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 310).

233. **DISPUTED:** On June 20, 2001, Judge Porteous took out a $500 marker at the Treasure Chest Casino in Kenner, Louisiana, identified by marker number 00062678. Judge Porteous repaid that marker the same day with chips. (HP Ex. 310).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on June 20, 2001, Judge Porteous executed one $500 marker at the Treasure Chest Casino, identified by marker number 00062678, which he redeemed that same day with chips.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted.

234. **AGREED:** On May 26–27, 2001, Judge Porteous gambled at the Grand Casino Gulfport in Gulfport, Mississippi. (HP Ex. 309).

235. **DISPUTED:** On May 26, 2001, Judge Porteous took out a $500 marker at the Grand Casino Gulfport in Gulfport, Mississippi, identified by marker number MK141028. (HP Ex. 309).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on May 26, 2001, Judge Porteous executed one $500 marker at the Grand Casino Gulfport, identified by marker number MK141028, which was redeemed on May 27, 2001.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted.

236. **DISPUTED:** On May 27, 2001, Judge Porteous took out a $500 marker at the Grand Casino Gulfport in Gulfport, Mississippi, identified by marker number MK141325. Judge Porteous repaid $900 to the casino that same day. (HP Ex. 309).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on May 27, 2001, Judge Porteous executed one $500 marker at the Grand Casino Gulfport, identified by marker number MK141325, which he redeemed that same day.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted.

237. **DISPUTED / MODIFIED:** On May 28, 2001, Judge Porteous wrote a check to the Grand Casino Gulfport, identified by check number 4087, in the amount of $100, which cleared his Bank One checking account on May 30, 2001. After that check cleared, Judge Porteous's balance due and owing to the Grand Casino Gulfport was $0. (HP Ex. 309).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that he tendered a check dated May 28, 2001, and numbered 4087 in the amount of $100 to the Grand Casino Gulfport, which cleared his Bank One bank account on May 30, 2001.

HOUSE REPLY: The House's proposed stipulation contains no "characterization." It simply states a fact supported by a document. The House has nevertheless modified its proposed stipulation in an effort to reach an agreement with Judge Porteous. The House stands by this proposed stipulation as modified.

238. **DISPUTED:** On June 28, 2001, U.S. Bankruptcy Judge William Greendyke signed an "Order Confirming the Debtor's Plan and Related Orders" in Judge Porteous's bankruptcy case. Judge Porteous received a copy of this order. (HP Ex. 133).

PORTEOUS RESPONSE: Judge Porteous opposes this proposed stipulation in part because the House has not proffered evidence sufficient to establish that Judge Porteous received a copy of the referenced order.

HOUSE REPLY: Judge Porteous does not dispute the truth of this proposed stipulation. Judge Porteous has also previously testified under oath before the Fifth Circuit Special Committee that he understood Judge Greendyke's Order. The House stands by this proposed stipulation as drafted.

239. **AGREED:** Paragraph 4 of the June 28, 2001 Order signed by Judge Greendyke stated as follows:

> The debtor(s) shall not incur additional debt during the term of this Plan except upon written approval of the Trustee. Failure to obtain such approval may cause the claim for such debt to be unallowable and non-dischargeable. (HP Ex. 133).

240. **WHOLE DOCUMENT:** At the Fifth Circuit Hearing, Judge Porteous testified under oath as follows regarding the June 28, 2001 Order signed by Judge Greendyke:

> Q: Okay. Now, on June 2nd [sic], are you familiar with the order signed by Bankruptcy Judge Greendyke?
>
> And this is from Exhibit 1, Bates Number SC50, Exhibit 1 being the certified copy of the bankruptcy file.
>
> "It is ordered that," going down to Number 4, "the debtors shall not incur additional debt during the term of this plan except upon written approval of the trustee."
>
> Did I read that correctly?
>
> A: You did.
>
> Q: Was that your understanding at the time?
>
> A: In the order, it was.
>
> Judge Lake: What's the date of that document?

Mr. Finder: July 2nd, 2001, was the docket date. It was signed by Judge Greendyke on June 28th, 2001. (Porteous 5th Cir. Hrg. at 62 (HP Ex. 10)).

241. **AGREED:** Judge Porteous was subject to the terms of the June 28, 2001 Order until his Chapter 13 bankruptcy was discharged on July 22, 2004. (HP Ex. 137).

242. **AGREED:** In December 2002, Judge Porteous asked his bankruptcy attorney, Claude Lightfoot, to seek permission from the bankruptcy trustee for Judge Porteous to refinance his home.

243. **AGREED:** On December 20, 2002, Judge Porteous was granted permission to refinance his home by Chapter 13 Trustee S.J. Beaulieu, Jr. (HP Ex. 339).

244. **AGREED:** In December 2002 or January 2003, Judge Porteous asked his bankruptcy attorney, Claude Lightfoot, to seek permission from the bankruptcy trustee for Judge Porteous and his wife Carmella to enter into new car lease agreements.

245. **AGREED AS REVISED:** On January 2, 2003, Chapter 13 Trustee S.J. Beaulieu, Jr. sent a letter to Clause Lightfoot stating that Beaulieu had reviewed the Porteouses' new car lease agreements and that he had no objection to the Porteouses entering into those new car leases. (HP Ex. 340).

246. **AGREED:** On July 19, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 311).

247. **DISPUTED:** On July 19, 2001, Judge Porteous took out a $500 marker at the Treasure Chest Casino in Kenner, Louisiana, identified by marker number 00063615. Judge Porteous repaid that marker the same day in chips. (HP Ex. 311).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on July 19, 2001, Judge Porteous executed one $500 marker at the Treasure Chest Casino, identified by marker number 00063615, which he redeemed that same day with chips.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted.

248. **AGREED:** On July 23, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 312).

249. **DISPUTED:** On July 23, 2001, Judge Porteous took out a $500 marker at the Treasure Chest Casino in Kenner, Louisiana, identified by marker number 00063744. Judge Porteous repaid that marker the same day in chips. (HP Ex. 312).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on July 23, 2001, Judge

Porteous executed one $500 marker at the Treasure Chest Casino, identified by marker number 00063744, which he redeemed that same day with chips.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted.

250. **AGREED:** On August 20–21, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 313(a)).

251. **DISPUTED:** On August 20, 2001, Judge Porteous took out three $1,000 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00064677, 00064680, and 00064685. Judge Porteous repaid all three markers the same day with chips. (HP Ex. 313(a)).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on August 20, 2001, Judge Porteous executed three $1,000 markers at the Treasure Chest Casino, identified by marker numbers 00064677, 00064680, and 00064685, each of which he redeemed that same day with chips.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted.

252. **DISPUTED:** On August 21, 2001, Judge Porteous took out five $1,000 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00064729, 00064730, 00064739, 00064744, and 00064746. Judge Porteous repaid marker numbers 00064729 and 00064744 the same day with chips. (HP Ex. 313(a)).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on August 21, 2001, Judge Porteous executed five $1,000 markers at the Treasure Chest Casino, identified by marker numbers 00064729, 00064730, 00064739, 0064744, and 0064746, two of which (marker numbers 00064729 and 00064744) he redeemed that same day with chips.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted.

253. **DISPUTED:** When Judge Porteous left the Treasure Chest Casino in Kenner, Louisiana on August 21, 2001, he owed $3,000 to the casino. (HP Ex. 309).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that when he left the Treasure Chest Casino on August 21, 2001, three $1,000 markers were outstanding.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 145, the House stands by this proposed stipulation as drafted.

254. **DISPUTED / MODIFIED:** On September 9, 2001, Judge Porteous repaid marker numbers 00064739 and 00064746, each in the amount of $1,000, to the Treasure Chest Casino in Kenner, Louisiana with cash, leaving a balance of $1,000 owed to the casino. (HP Ex. 313(a)).

PORTEOUS RESPONSE: Judge Porteous opposes both the characterization and accuracy of this proposed stipulation. Judge Porteous will stipulate that, on September 9, 2001, Judge Porteous redeemed with cash Treasure Chest Casino marker numbers 00064739 and 00064746.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as modified.

255. **DISPUTED / MODIFIED:** On September 15, 2001, Judge Porteous paid $1,000 in cash to the Treasure Chest Casino in Kenner, Louisiana, repaying marker number 00064730. (HP Ex. 313(a)).

PORTEOUS RESPONSE: Judge Porteous opposes both the characterization and accuracy of this proposed stipulation. Judge Porteous will stipulate that, on September 15, 2001, Judge Porteous redeemed with cash Treasure Chest Casino marker number 00064730.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted.

256. **AGREED:** On October 13, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 315).

257. **DISPUTED:** On October 13, 2001, Judge Porteous took out two $500 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00066463 and 00066465. Judge Porteous repaid both markers the same day with chips. (HP Ex. 315).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on October 13, 2001, Judge Porteous executed two $500 markers at the Treasure Chest Casino, identified by marker numbers 00066463 and 00066465, both of which he redeemed that same day with chips.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted.

258. **AGREED:** On October 17–18, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 316).

259. **DISPUTED:** On October 17, 2001, Judge Porteous took out three $1,000 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00066625, 00066627, and 00066644, and he also took out five $500 markers, identified by marker numbers 00066630, 00066632, 00066633, 00066640, and 00066645. Judge Porteous repaid marker numbers 00066630, 00066632, and 00066633 the same day with chips. (HP Ex. 316).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on October 17, 2001, Judge Porteous executed three $1,000 markers at the Treasure Chest Casino, identified by marker numbers 00066625, 00066627, and 00066644, and five $500 markers, identified by marker numbers 00066630, 00066632, 00066633, 00066640, and 00066645. Judge Porteous will further stipulate that on the same day, October 17, 2001, he redeemed the markers numbered 00066630, 00066632, and 00066633 with chips.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted.

260. **DISPUTED:** On October 18, 2001, Judge Porteous took out a $400 marker at the Treasure Chest Casino in Kenner, Louisiana, identified by marker number M2B459. (HP Ex. 316).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on October 18, 2001, Judge Porteous executed one $400 marker at the Treasure Chest Casino, identified by marker number M2B459.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted.

261. **DISPUTED:** When Judge Porteous left the Treasure Chest Casino in Kenner, Louisiana on October 18, 2001, he owed $4,400 to the casino. (HP Ex. 309)

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that when he left the Treasure Chest Casino on October 18, 2001, three $1,000 markers, two $500 markers, and one $400 marker were outstanding.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 145, the House stands by this proposed stipulation as drafted.

262. **AGREED:** On October 25, 2001, Judge Porteous withdrew $1,760 from his Individual Retirement Account, which was paid to him in the form of a check issued by National Financial Services LLC. (HP Ex. 381).

263. **AGREED:** On October 30, 2001, Judge Porteous deposited the $1,760 check from his Individual Retirement Account, issued by National Financial Services LLC, into his Fidelity money market account. (HP Ex. 381).

264. **DISPUTED:** On November 9, 2001, Judge Porteous wrote a check for $1,800 from his Fidelity money market account, identified by check number 589, to the Treasure Chest Casino, repaying marker number 00066625 in its entirety and repaying $800 of marker number 00066627. Judge Porteous repaid the remaining $200 of marker number 00066627 with cash that same day. (Exs. 316, 381).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on November 9, 2001, Judge Porteous redeemed Treasure Chest Casino markers numbered 00066625 and 00066627 with $200 in cash and a check, drawn on this Fidelity Homestead Association money market account and numbered 589, in the amount of $1,800.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted.

265. **DISPUTED:** On November 9, 2001, Judge Porteous paid $2,400 in cash to the Treasure Chest Casino in Kenner, Louisiana, repaying marker numbers 00066640, 00066644, 00066645, and M2B459. (HP Ex. 316).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on November 9, 2001, Judge Porteous redeemed with cash Treasure Chest Casino markers numbered 00066640, 00066644, 00066645, and M2B459.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted.

266. **AGREED:** On November 27, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 318).

267. **DISPUTED:** On November 27, 2001, Judge Porteous took out two $1,000 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00067888 and 00067893. Judge Porteous repaid both markers the same day with chips. (HP Ex. 318).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on November 27, 2001, Judge Porteous executed two $1,000 markers at the Treasure Chest Casino, identified by marker numbers 00067888 and 00067893, both of which he redeemed that same day with chips.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted.

268. **AGREED:** On December 11, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 319).

269. **DISPUTED:** On December 11, 2001, Judge Porteous took out two $1,000 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00068410 and 00068415. Judge Porteous repaid both markers the same day with chips. (HP Ex. 319).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on December 11, 2001, Judge Porteous executed two $1,000 markers at the Treasure Chest Casino, identified by marker numbers 00068410 and 00068415, both of which he redeemed that same day with chips.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted.

270. **AGREED:** On April 1, 2002, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana. (HP Ex. 322).

271. **DISPUTED:** On April 1, 2002, Judge Porteous took out two $1,000 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00072228 and 00072229, and he also took out one $500 marker identified by marker number 00072234. Judge Porteous repaid all three markers the same day with chips. (HP Ex. 322).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on April 1, 2002, Judge Porteous executed two $1,000 markers at the Treasure Chest Casino, identified by marker numbers 00072228 and 00072229, and one $500 marker, identified by marker number 00072234, all three of which he redeemed that same day with chips.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted.

272. **AGREED:** On September 28, 2001, Judge Porteous gambled at Harrah's Casino in New Orleans, Louisiana. (HP Ex. 314).

273. **DISPUTED:** On September 28, 2001, Judge Porteous took out two $1,000 markers at Harrah's Casino in New Orleans, Louisiana, identified by marker numbers 0099123 and 0099130. (HP Ex. 314).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization this proposed stipulation. Judge Porteous will stipulate that, on September 28, 2001, Judge Porteous executed two $1,000 markers at Harrah's Casino in New Orleans, identified by marker numbers 0099123 and 0099130, which were redeemed that same day by check.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted.

274. **DISPUTED:** On September 28, 2001 Judge Porteous wrote a check to Harrah's Casino to repay marker numbers 0099123 and 0099130. Judge Porteous's check cleared Harrah's Casino on October 28, 2001. (HP Ex. 314).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on September 28, 2001, Judge Porteous redeemed Harrah's Casino markers numbered 0099123 and 0099130 by check. The House has not provided information sufficient to determine when that check cleared.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted. Moreover, House Exhibit 306 specifically reflects that Judge Porteous's check cleared the casino on October 28, 2001.

275. **AGREED:** On December 20, 2001, Judge Porteous gambled at Harrah's Casino in New Orleans, Louisiana. (HP Ex. 320).

276. **DISPUTED:** On December 20, 2001, Judge Porteous took out a $1,000 marker at Harrah's Casino in New Orleans, Louisiana, identified by marker number 0106851. (HP Ex. 320)

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on December 20, 2001, Judge Porteous executed one $1,000 marker at Harrah's Casino in New Orleans, identified by marker number 0106851, which he redeemed that same day by check.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted.

277. **DISPUTED:** On December 20, 2001 Judge Porteous wrote a check to Harrah's Casino to repay marker number 0106851. Judge Porteous's check cleared Harrah's Casino on November 9, 2002. (HP Ex. 320).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on December 20, 2001, Judge Porteous redeemed Harrah's Casino marker number 0106851 by check. The House has not provided information sufficient to determine when that check cleared.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted. Moreover, House Exhibit 320 specifically reflects that Judge Porteous's check cleared the casino on November 9, 2002.

278. **AGREED:** On October 31–November 1, 2001, Judge Porteous gambled at the Beau Rivage Casino in Biloxi, Mississippi.

279. **DISPUTED:** On October 31, 2001, Judge Porteous took out five $500 markers at the Beau Rivage Casino in Biloxi, Mississippi, identified by marker numbers 164622, 164628, 164637, 164649, and 164652. (HP Ex. 317).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on October 31, 2001, Judge Porteous executed five $500 markers at the Beau Rivage Casino, identified by marker numbers 164622, 164628, 164637, 164649, and 164652, each of which he redeemed on November 1, 2001, with chips.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted.

280. **DISPUTED:** On November 1, 2001, Judge Porteous took out a $500 marker at the Beau Rivage Casino in Biloxi, Mississippi, identified by marker number 164659. Judge Porteous repaid $2,500 with chips at the cage that day and repaid another $500 with chips at the pit. (HP Ex. 317).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on November 1, 2001, Judge Porteous executed one $500 marker at the Beau Rivage Casino, identified by marker number 164659, which he redeemed that same day in connection with the $3,000 in chips that Judge Porteous paid to the casino on November 1, 2001.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted.

281. **AGREED:** On February 12, 2002, Judge Porteous gambled at the Grand Casino Gulfport in Gulfport, Mississippi. (HP Ex. 321).

282. **DISPUTED:** On February 12, 2002, Judge Porteous took out a $1,000 marker at the Grand Casino Gulfport in Gulfport, Mississippi, identified by marker number MK169742. Judge Porteous repaid that marker the same day. (HP Ex. 321).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on February 12, 2002, Judge Porteous executed one $1,000 marker at the Grand Casino Gulfport, identified by marker number MK169742, which he redeemed that same day.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted.

283. **AGREED:** On May 26, 2002, Judge Porteous gambled at the Grand Casino Gulfport in Gulfport, Mississippi. (HP Ex. 323).

284. **DISPUTED:** On May 26, 2002, Judge Porteous took out a $1,000 marker at the Grand Casino Gulfport in Gulfport, Mississippi, identified by marker number MK179892. Judge Porteous repaid that marker the same day. (HP Ex. 323).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on May 26, 2002, Judge Porteous executed one $1,000 marker at the Grand Casino Gulfport, identified by marker number MK179892, which he redeemed that same day.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted.

285. **AGREED:** On July 4–5, 2002, Judge Porteous gambled at the Grand Casino Gulfport in Gulfport, Mississippi. (HP Ex. 325).

286. **DISPUTED:** On July 4, 2002, Judge Porteous took out two $1,000 markers at the Grand Casino Gulfport in Gulfport, Mississippi, identified by marker numbers MK183825 and MK183833. (HP Ex. 325).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on July 4, 2002, Judge Porteous executed two $1,000 markers at the Grand Casino Gulfport, identified by marker numbers MK183825 and MK183833, the first of which he redeemed on July 5, 2002.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted.

287. **DISPUTED:** On July 5, 2002, Judge Porteous took out a $500 marker at the Grand Casino Gulfport in Gulfport, Mississippi, identified by marker number MK183917. Judge Porteous repaid $1,200 to the casino that day. (HP Ex. 325).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization and accuracy of this proposed stipulation. Judge Porteous will stipulate that, on July 5, 2002, Judge Porteous executed one $500 marker at the Grand Casino Gulfport, identified by marker number MK183917, which he redeemed that same day.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted.

288. **DISPUTED:** When Judge Porteous left the Grand Casino Gulfport in Gulfport, Mississippi on July 5, 2002, he owed $1,300 to the casino. (HP Ex. 325).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that when he left the Grand Casino Gulfport on July 5, 2002, one $1,000 marker, identified by marker number MK183833, and one $300 "CCHK," identified by number RP001259, were outstanding.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted.

289. **DISPUTED:** On August 2, 2002, Judge Porteous wrote a $1,300 check to the Grand Casino Gulfport in Gulfport, Mississippi, which cleared his Fidelity money market account on August 6, 2002. After that check cleared, Judge Porteous's balance due and owing to the Grand Casino Gulfport was $0. (HP Ex. 325).

PORTEOUS RESPONSE: Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, on August 2, 2002, Judge Porteous redeemed one $1,000 marker, identified by marker number MK183833, and one $300 "CCHK," identified by number RP001259, with a check in the amount of $1,300 drawn on his Fidelity Homestead Association money market account, which cleared that account on August 6, 2002.

HOUSE REPLY: For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted.

290. **AGREED:** On August 13, 2001, Judge Porteous applied for a Capital One credit card. (HP Ex. 341(a)).

291. **AGREED:** Judge Porteous never sought permission from Bankruptcy Trustee S.J. Beaulieu, Jr. to obtain or use a new Capital One credit card.

292. **AGREED:** Judge Porteous was approved for a Capital One credit card with a $200 limit in August 2001. (HP Ex. 341(b)).

293. **MODIFIED:** The first charge on Judge Porteous's Capital One credit card was a security deposit charge for $49.00 on August 23, 2001. (HP Ex. 341(b)).

294. **AGREED AS REVISED:** Judge Porteous exceeded his $200 credit limit on his Capital One credit card for the statement period of September 14, 2001 to October 13, 2001, and, as a result, he was charged a $29 "overlimit fee" on October 16, 2001. That "overlimit fee" was later removed on October 30, 2001. (HP Ex. 341(b)).

295. **MODIFIED:** Judge Porteous's Capital One credit card statements for the periods ending on January 13, 2002, February 13, 2002, October 13, 2002, December 13, 2002, January 13, 2003, February 13, 2003, March 13, 2003, and April 13, 2003 all showed that Judge Porteous had not paid his credit card balance in full. Judge Porteous's Capital One credit card statements for the periods ending on October 13, 2001, November 13, 2001, December 13, 2001, March 13, 2002, May 13, 2002, June 13, 2002, July 13, 2002,

August 13, 2002, September 13, 2002, and November 13, 2002 all showed that Judge Porteous paid his credit card balance in full. (HP Ex. 341(b)).

296. **AGREED:** Judge Porteous's Capital One credit card statement for the time period of May 14, 2002 to June 13, 2002 showed that Judge Porteous's credit limit was increased to $400. (HP Ex. 341(b)).

297. **AGREED:** Judge Porteous's Capital One credit card statement for the time period of November 14, 2002 to December 13, 2002 showed that Judge Porteous's credit limit was increased to $600. (HP Ex. 341(b)).

298. **MODIFIED:** On July 4, 2002, Judge Porteous filled out a "Credit Line Change Request" form at the Grand Casino Gulfport in Gulfport, Mississippi and requested a temporary credit limit increase from $2,000 to $2,500. Judge Porteous's request was approved by the casino. (HP Exs. 324, 325).

299. **DISPUTED:** Judge Porteous took out $2,500 in markers at the Grand Casino Gulfport in Gulfport, Mississippi on July 4–5, 2002. (HP Ex. 325).

> **PORTEOUS RESPONSE:** Judge Porteous opposes the characterization of this proposed stipulation. Judge Porteous will stipulate that, between July 4 and 5, 2002, Judge Porteous executed two $1,000 markers and one $500 marker at the Grand Casino Gulfport, three-fifths of which he redeemed on July 5, 2002.
>
> **HOUSE REPLY:** For the reasons discussed in the House's Reply to Stipulation 144, the House stands by this proposed stipulation as drafted.

300. **AGREED:** Judge Porteous never sought permission from Bankruptcy Trustee S.J. Beaulieu, Jr. to apply for an increased credit limit at the Grand Casino Gulfport in Gulfport, Mississippi.

Judge Porteous's Background Check and Confirmation

301. **AGREED:** In 1994, Judge Porteous, in connection with his nomination to be a Federal judge, was subject to an FBI background investigation, was required to fill out various forms and questionnaires, and was interviewed by the FBI.

302. **AGREED:** In connection with his nomination to be a Federal judge, Judge Porteous filled out and signed a document entitled "Supplement to Standard Form 86." (HP Ex. 69 (b) at PORT00298).

303. **WHOLE DOCUMENT:** The Supplement to Standard Form 86 filled out by Judge Porteous contains the following question and answer:

> Question 10S: Is there anything in your personal life that could be used by someone to coerce or blackmail you? Is there anything in your life that could cause an embarrassment to you or

to the President if publicly known? If so, please provide full details?

Answer: "No."

304. **WHOLE DOCUMENT:** The Supplement to Standard Form 86 was signed by Judge Porteous under the following statement:

> I understand that the information being provided on this supplement to the SF- 86 is to be considered part of the original SF- 86 dated April 27, 1994 and a false statement on this form is punishable by law.

305. **MODIFIED:** On or about July 6, 1994 in connection with his FBI background investigation, Judge Porteous was interviewed by the FBI, and a summary of that interview (an FBI "302") was prepared by the FBI. (HP Ex. 69 (b) at PORT 000000294).

306. **MODIFIED:** On August 18, 1994, in connection with his FBI background investigation, Judge Porteous was interviewed a second time by the FBI, and a summary of that interview (an FBI "302") was prepared by the FBI. (HP Ex. 69 (b) at PORT 000000493–94).

307. **MODIFIED:** During the Senate confirmation process, Judge Porteous was required to complete a United States Senate Committee on the Judiciary Questionnaire for Judicial Nominees. (HP Ex. 69 (a) at PORT000049).

308. **MODIFIED:** The United States Senate Committee on the Judiciary required that an affidavit be submitted by Judge Porteous along with the completed Questionnaire for Judicial Nominees. Judge Porteous signed and submitted such an affidavit. (HP Ex. 69 (a) at PORT 000050).

Authenticity of Exhibits

309. **AGREED IN PRINCIPAL:** The exhibits listed on the House's August 5, 2010 Exhibit list are authentic.

> **PORTEOUS RESPONSE:** Judge Porteous will stipulate that, based on his present information, the exhibits listed on the House's August 5, 2010 Exhibit List are authentic. Judge Porteous reserves the right, however, to revoke or amend this stipulation based on later acquired information. Moreover, Judge Porteous does not stipulate to, and expressly reserves the right to challenge or object to, the admissibility and/or relevance of such exhibits.

HOUSE REPLY: The parties have agreed to stipulate that all documents on the House's August 5, 2010 Exhibit List are authentic. Neither party will therefore be required to establish the foundation of any House Exhibit at trial. The House objects to Judge Porteous's attempt to reserve his right to sua sponte revoke or amend his agreement as to authenticity of any document listed on the August 5, 2010 Exhibit List.

Respectfully submitted,

THE UNITED STATES HOUSE OF REPRESENTATIVES

By

Adam Schiff, Manager

Bob Goodlatte, Manager

Alan I. Baron
Special Impeachment Counsel

Managers of the House of Representatives: Adam B. Schiff, Bob Goodlatte, Zoe Lofgren, Henry C. "Hank" Johnson, F. James Sensenbrenner, Jr.

August 19, 2010



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September 6, 2010

VIA EMAIL

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The Honorable Claire McCaskill, Chair
The Honorable Orrin G. Hatch, Vice Chair
Senate Impeachment Trial Committee
United States Senate
Russell Senate Office Building, Room B-34A
Washington, D.C. 20002

Re: *Impeachment of Judge G. Thomas Porteous, Jr.*

Dear Senator McCaskill and Senator Hatch:

We write to you to raise a serious matter that has arisen on the eve of the impeachment trial for Judge G. Thomas Porteous, Jr. The parties in this case have been asked by the Senate to engage in good-faith negotiations concerning stipulations in this case. The defense previously has objected to what we believe is the bad faith of the House in responding to proposed stipulations and negotiating final stipulations. Such stipulations are critically important in this case because, unlike all past modern judicial impeachments, there is no prior trial record establishing the weight of the evidence on disputed facts. This evening, however, the stipulation process was again derailed by the intransigence of the House Impeachment Counsel, who continued the same obstructive practices previously exhibited in a lengthy meeting with the Senate staff.

At the pre-trial motions hearing, the House argued that entire transcripts and records from the Fifth Circuit should be introduced because otherwise the defense would not engage in good-faith stipulations. Chairman McCaskill indicated that she was also concerned about such a failure to stipulate to facts by the defense. Judge Porteous, however, did agree to hundreds of stipulations proposed by the House. It was the House, not the defense, that refused to stipulate to the vast majority of stipulations proposed by the defense. While the defense supplied detailed explanations of their position and compromised on language with the House on its stipulations, the House proceeded to make conclusory objections to virtually all of Judge Porteous's stipulations. While Judge Porteous accepted 38.8% (or 120 out of 309) of the House's proposed stipulations as written, the House accepted only 6.6% (28 out of 425) of Judge Porteous's proposed stipulations in whole. This disparity was further magnified when considering

those proposed stipulations that the parties accepted in part. Indeed, Judge Porteous accepted a total of 72.8% (225 out of 309) of the House's proposed stipulations either in whole or in part. The House, however, accepted a total of only 12% (51 out of 425) of Judge Porteous's proposed stipulations either in whole or in part.

In meeting with Senate and House counsel, the defense objected to this one-sided process where virtually all concessions were made by the defense. Defense counsel agreed to continue to negotiate but insisted that the House should supply explanations similar to those provided by the defense as to why the House would not agree to stipulations. The staff encouraged the House to do so.

In order to reach agreement concerning the parties' respective proposed stipulations, as requested by the Senate, Dan O'Connor (on behalf of Judge Porteous) and Kirsten Konar (on behalf of the House) proceeded to spend considerable time working on the proposed stipulations, including meeting for nearly five hours on Tuesday, August 31st and nearly six hours on Thursday, October 2nd. The defense also spent countless hours, outside of those meetings, tracking down additional evidence and re-working language at the House's request. All of the attorneys on the defense side were involved in this process to guarantee that we could commit to the stipulations as they came out of these meetings.

Once again, the parties started with the House stipulations and the defense was asked to make more concessions in anticipation of similar concessions from the House on the defense proposed stipulations. This was an exact repeat of what occurred in the prior process. The defense noted to House counsel, on several occasions, that they expected House counsel to act in good faith and to negotiate in the same manner as defense counsel had been doing with regard to the stipulations proposed by Judge Porteous. House counsel promised to do so. In fact, Ms. Konar, Mr. O'Connor, and Mr. Meitl called Mr. Parks of the Committee Staff last week to ask for more time to accommodate the House's review of the stipulations. Relying on the good faith of both sides, Mr. Parks agreed to an extension to Tuesday, September 7th for the parties to reach agreement on stipulations.

After reviewing all of the House's proposed stipulations, the parties moved on to those proposed by the defense. This process was slowed, in part, because the House had not, since the meeting with the Committee, performed a wholesale re-review of the stipulations proposed by the defense. The House also never supplied the explanations to their oppositions as discussed at the staff meeting. Indeed, the House had only re-reviewed and re-considered the first 114 out of 425 defense-proposed stipulations as of Tuesday the 31st and only 298 out of 425 as of Thursday the 2nd. The defense had hoped to complete the process today. Attached, as Attachment 1, is the defense proposed and agreed-to stipulations as of last Thursday.

Late this afternoon (the day before the submission of all stipulations is due), however, the defense received a phone call from Ms. Konar, stating that Mr. Dubester had re-reviewed the parties' already negotiated stipulations and the remaining yet to be negotiated stipulations and had reversed

course and countermanded the agreements on dozens of stipulations. That phone call was preceded shortly by a new draft from House counsel of the defense's proposed stipulations reflecting significant additional, proposed House edits and flat-out rejections. That document is attached as Attachment 2. As evidenced by this document, the House rejected countless positions previously negotiated by the parties and summarily rejected 157 additional proposed defense stipulations for no apparent reason other than the fact that the House did not believe such stipulations were in its interest. The House repeated its earlier practice of not supplying any explanation for its wholesale refusal to agree to the defense's proposed stipulations.

The defense had made clear that it was negotiating all of last week the proposed stipulations with full authority to commit to revisions and was reviewing the stipulations as a team as they came out of negotiations in light of the limited time remaining for stipulations. It now has become clear that Ms. Konar had no such power to negotiate these stipulations and other lawyers for the House did not remain involved until today. As the result, the entire negotiating process was simply a waste of the defense's time and efforts, which could have been better spent preparing for the evidentiary hearings. The result was a "bait-and-switch" where the defense again was asked for more concessions only to have the House announce on the eve of the filing that it would not agree to the defense stipulations that one of its counsel had negotiated. Mr. Dubester's last minute foray into this process, literally hours before the proposed stipulations are due and late on Labor Day, suggests that House counsel never intended to agree to these stipulations and planned to reject large swaths of the defense proposed stipulations at a point in time that would make further negotiation and conferral impractical.

Several examples of the House's unreasonable position follow:

- Defense Proposed Stipulation 223 – At the August 26, 2010 Committee Staff meeting, the House was directed to attempt to agree to this stipulation or suggest an alternative. Nevertheless, the House has summarily rejected this proposed stipulation – even though Ms. Konar and Mr. O'Connor had already spent time negotiating the language therein.

- Defense Proposed Stipulation 239 – The House has rejected a defense proposed stipulation that reads "Judge Porteous was not the first judge in the 24th Judicial District Court in Gretna, Louisiana to split bonds." The House offers no alternative language and simply declares the "House will not stipulate." As the Committee may recall, Louis Marcotte specifically testified that "people split bonds before Judge Porteous became a judge." (*See* Senate Deposition of Louis Marcotte at 64) Numerous other witnesses, including Judge Bodenheimer, spoken to by the defense, have confirmed this fact.

- Defense Proposed Stipulation 297 – The House has summarily rejected this stipulation which stated "Rhonda Danos and Loir Marcotte attended a Rolling Stones concert together." Ms. Marcotte explicitly testified to this fact in her deposition. (*See* Senate Deposition of Lori Marcotte at 29.) Indeed, this fact was also elicited by Mr. Dubester

during the House Hearings when questioning Ms. Marcotte. (*See* Dec. 10, 1009 Hearing at 55.)

- Defense Proposed Stipulation 168 – The House has rejected a proposed stipulation which states "Mr. Amato testified in his Senate Deposition on August 2, 2010, that he 'probably' would have given Judge Porteous the money that Porteous requested even if Judge Porteous had not been a judge and had not been presiding over the *Liljeberg* case," after being specifically edited and modified based on the House's concerns, the stipulation has now been summarily rejected by House counsel.

Moreover, the House has summarily rejected defense proposed stipulations 239-264 (244 and 261 contain proposed modifications), 315-340 (332 contains a proposed modification), 355-372 (367 contains a proposed modification), 391-99, 408-415, and 420-425. The fact that these chunks of stipulations were simply rejected without negotiation and without suggested modification exemplifies the House's approach to this process.

After receiving the House's latest draft this afternoon, Mr. O'Connor asked to speak with Mr. Dubester. A joint conference call occurred this afternoon at 5:45 p.m. The defense strongly objected to the House's actions in relation to the stipulations. The defense requested that the House review and submit explanations on the stipulations that it had summarily rejected. The House flatly refused to do so despite the fact that the defense has consistently given the House the same written explanations for every one of the House's stipulations. Mr. Dubester said that further discussion of the individual stipulations would not "move the ball forward" but said that he would remain on the line if the defense wanted to engage in what he had already characterized as a fruitless exercise. Alternatively, House counsel suggested that the parties simply submit those stipulations that had been agreed to and leave the matter there – a proposal that would inequitably benefit the House and reward the House for engaging in such obstructive practices, despite the commitments made to Senate staff to negotiate in good faith.

This process has now come to an end with the House engaging in open bad-faith and gamesmanship. The result is patently unfair to the defense which has made hundreds of concessions on the assurance that the House would be expected to engage in similarly fulsome negotiations. Obviously, in a normal case such bad faith would be raised to the judge. In this case, we must raise it with you. We do not believe that it is fair to demand that the defense agree to the House's proposed stipulations in light of the House's continued failure to negotiate on defense stipulations with anything resembling good faith. With less than a week left to trial, the defense cannot continue this fruitless process. One possibility is that the Senate could proceed without such stipulations for the trial and then order the House to supply detailed explanations on its opposition to such facts. The parties can then address stipulations after the House evidentiary hearing and even augment such stipulations in light of the testimony. Alternatively, the Senate could (as is often done in Federal court) sanction the House by ordering the adoption of stipulations that have, once again, been denied in bulk by the House without good-faith

explanations. In either case, it would be unfair to force the defense to go forward with one-sided concessions on stipulated facts just days before the evidentiary hearing.

We appreciate your attention to this matter and stand ready to assist in anyway to address the Committee's interest in mutual and good-faith stipulations.

Sincerely yours,

/s/

Daniel C. Schwartz

Congress of the United States
Washington, DC 20515

September 7, 2010

Via Electronic Mail

The Honorable Claire McCaskill, Chair
The Honorable Orrin G. Hatch, Vice Chair
Senate Impeachment Trial Committee
United States Senate
Russell Senate Office Building, Room B-34A
Washington, D.C. 20002

Re: Impeachment of Judge G. Thomas Porteous, Jr. – Stipulations

Dear Senator McCaskill and Senator Hatch:

This letter responds to the September 6, 2010 correspondence from Judge Porteous's counsel, Daniel Schwartz, regarding the current status of the parties' negotiations related to factual stipulations. Mr. Schwartz's letter contains numerous inaccuracies that must be addressed.

At the August 26, 2010 SITC meeting of all counsel and staff, the House agreed to re-review a large number of Judge Porteous's proposed stipulations, to which the House had previously objected. Similarly, Judge Porteous agreed to reconsider certain of the House's proposed stipulations, to which he had previously improperly objected.

On August 27, 2010, in response to the SITC's request that the parties reconsider various objections to the stipulations and work to reach an agreement, House counsel Kirsten Konar sent an email correspondence to Judge Porteous's attorneys P.J. Meitl and Dan O'Connor, proposing an in-person meeting to attempt to work through the parties' disagreements and to come up with mutually agreeable language. Ms. Konar's email made very clear, however, that these attempts to reach agreement on stipulations would not be binding and would be subject to the approval of each parties' co-counsels. Specifically, Ms. Konar's email stated, in part:

> Following up from yesterday's meeting with the SITC, it is my understanding that the parties are expected to file joint stipulations by Friday, September 3rd. That is obviously a very short time window, especially in light of the pre-trial statements due on the 1st. I would like to propose the following as a possible plan for accomplishing this task as efficiently as possible:
>
> It seems that both sides will waste a lot of time if we each do revisions independently, send them to each other, wait for the other side to respond, etc. I think it would be much more efficient to sit down with each other and try to work

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> through the stipulations. Would your team be amendable to one (or both) of you meeting with me to work through the stipulations, with an understanding that us, as the associates, are not ultimately binding our respective parties, but are simply trying to come up with agreements that we can take back to our co-counsels? (Meaning, that we would do our best together to reach agreements, but until Mr. Schwartz and Mr. Turley, on your end, and Mr. Baron, Mr. Dubester, and Mr. Damelin, on my end, give their sign off, there would be no official binding commitment to our (hopefully) agreed stipulations.)

See 08/27/10 email from K. Konar to P.J. Meitl and D. O'Connor, attached as Exhibit 1 to this correspondence.

Ms. Konar, Mr. O'Connor, and Mr. Meitl thereafter met for approximately 4 ½ hours on Tuesday, August 31st, and Ms. Konar and Mr. O'Connor met for approximately 6 hours on Thursday, September 2nd. Prior to each of these meetings, Ms. Konar individually re-reviewed each and every stipulation proposed by Judge Porteous (up to stipulation 298), and checked the proposed stipulation against the citations provided by Judge Porteous. In many instances, the stipulations were not supported by the deposition citation. At these meetings, Ms. Konar, Mr. O'Connor, and Mr. Meitl worked diligently to reach agreements in principal on the House and Porteous stipulations.

Throughout these meetings, Ms. Konar reiterated to Mr. O'Connor and/or Mr. Meitl that she would take the proposed language back to her colleagues for consideration. There was never any representation made that Ms. Konar was making final, binding decisions on behalf of the House, which was made clear from the original email she sent, stating the intended purpose and goal of these meetings. Moreover, at the meetings, on numerous occasions, Ms. Konar had initially indicated that the House would not stipulate to a particular statement, but would nevertheless discuss and negotiate that stipulation with Mr. O'Connor in a good faith effort to attempt to reach language that may be acceptable to both parties.

At the conclusion of the parties' meeting on Thursday, September 2nd, Ms. Konar informed Mr. O'Connor that the final group of Porteous stipulations (299–425) would be reviewed by other House counsel because Ms. Konar would be out of town during the Labor Day weekend. Ms. Konar suggested to Mr. O'Connor that a meeting or a call with either Harold Damelin or Mark Dubester on Monday, September 6th may be the most productive way to handle the review of the final group of stipulations.

Over the course of the weekend, House counsel invested many hours both to review the proposed stipulations that were the result of Ms. Konar's meetings with Judge Porteous's attorneys and to draft responses and objections to Porteous stipulations 299–425. Each and every stipulation was considered and discussed individually. The House ultimately determined that many of Judge Porteous's stipulations were improper and were not amenable to stipulation.

The House thereafter transmitted to Judge Porteous's counsel, on September 6th at 3:30 p.m., its final positions on Porteous stipulations 1–298, and its proposed responses to stipulations 299–425. After this document was sent to Judge Porteous's counsel on September 6th, Ms. Konar called Mr. O'Connor to discuss the document. She explained that due to her inability to

participate in the House counsel's weekend review, a joint conference call including either Mr. Dubester or Mr. Damelin would be more productive for a discussion of the final group of Porteous stipulations, because Mr. Dubester and/or Mr. Damelin would be better able to explain the reasons for the House's objections to certain of Judge Porteous's stipulations. This process would have been consistent with the process that Ms. Konar and Mr. O'Connor had engaged in to date – whereby they would review the House's new response to a proposed stipulation, would discuss modifications or objections, and would discuss if there was a possible compromise to be reached as opposed to an outright objection by the House.

Later in the evening on September 6th, Ms. Konar, Mr. Dubester, Mr. O'Connor, and Mr. Meitl participated in a conference call, during which Mr. Dubester stated he was prepared to explain to Judge Porteous's attorneys the House's reasons for modifying or objecting to Judge Porteous's stipulations. Mr. Meitl and Mr. O'Connor declined to have this discussion.

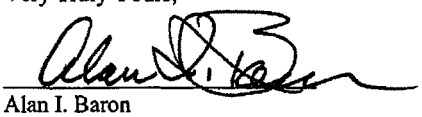
The House has made a good faith effort to reconsider all stipulations proposed by Judge Porteous. The SITC never ordered the House to counter-propose language to each and every stipulation the House determined to be improper, materially misleading, or materially incomplete. The House nevertheless counter-proposed new language in many instances where it deemed an individual stipulation, or a series of stipulations, to be improper.

The most substantial category of objectionable stipulations proposed by Judge Porteous continues to involve those stipulations that either summarize testimony from or cite to excerpts from the August 2, 2010 Senate depositions of Robert Creely, Jacob Amato and Louis and Lori Marcotte. In response to the SITC's request, the House has removed all objections based solely on the fact that a given stipulation is an excerpt from a deposition. However, many of these proposed stipulations are still improper, and the House cannot and will not agree to them. For example, simply because a witness made a statement during a deposition does not always mean that the statement becomes an uncontested "fact." In many instances, the witness has made multiple other statements that are to the contrary or a modification of the excerpt proposed by Judge Porteous. The House therefore considered each such stipulation individually, and examined whether the stipulation was truly an uncontested fact.

Judge Porteous's statements and representations that the House is engaging in "bad-faith and gamesmanship" is untrue. The House has made every effort to agree to proposed stipulations where it felt the stipulation was appropriate and factually accurate. The House should not be required to stipulate to an arbitrary percentage of Judge Porteous's stipulations, simply because Judge Porteous stipulated to a particular percentage of the House's stipulations. It should be noted, moreover, that in the House's view, Judge Porteous has improperly objected to many of the House's proposed stipulations. The House did not respond by requesting that this Committee force Judge Porteous to agree to stipulations he refused, even though many of these stipulations are uncontested fact supported by documentary evidence and Judge Porteous's own prior sworn testimony. The House simply accepted the fact that Judge Porteous would not stipulate, even though one could argue that his position was not justified. For example, Judge Porteous refuses to stipulate that he solicited and received cash from Mr. Amato while the Liljeberg case was pending, even though both Judge Porteous and Amato testified to that fact.

I hope the foregoing explains the position of the House in regard to the stipulation process.

Very Truly Yours,



Alan I. Baron
Special Impeachment Counsel

Enclosure
cc: Jonathan Turley (via electronic mail) (/o enclosure)
Daniel C. Schwartz (via electronic mail) (w/ enclosure)
P.J. Meitl (via electronic mail) (w/ enclosure)
Dan O'Connor (via electronic mail) (w/ enclosure)

From: Konar, Kirsten W.
Sent: Friday, August 27, 2010 2:56 PM
To: dan.oconnor@bryancave.com; Meitl, P.J.
Subject: stipulations

Dan and P.J.,

Following up from yesterday's meeting with the SITC, it is my understanding that the parties are expected to file joint stipulations by Friday, September 3rd. That is obviously a very short time window, especially in light of the pre-trial statements due on the 1st. I would like to propose the following as a possible plan for accomplishing this task as efficiently as possible:

It seems that both sides will waste a lot of time if we each do revisions independently, send them to each other, wait for the other side to respond, etc. I think it would be much more efficient to sit down with each other and try to work through the stipulations. Would your team be amendable to one (or both) of you meeting with me to work through the stipulations, with an understanding that us, as the associates, are not ultimately binding our respective parties, but are simply trying to come up with agreements that we can take back to our co-counsels? (Meaning, that we would do our best together to reach agreements, but until Mr. Schwartz and Mr. Turley, on your end, and Mr. Baron, Mr. Dubester, and Mr. Damelin, on my end, give their sign off, there would be no official binding commitment to our (hopefully) agreed stipulations.)

I propose a meeting on Monday, either at Seyfarth or at Bryan Cave, to try to work through these. Prior to our meeting, if both parties could go back through both sets of stipulations, and try to come up with proposed language or agreements, as instructed per yesterday's meeting, I think that would give us a very good jumping off point. I'm sure after meeting we will still have a number of stipulations that we are in disagreement about, and we can each go back to our respective co-counsels for discussion.

Please let me know your thoughts on this. I am available to meet anytime on Monday and can arrange for a conference room at Seyfarth if you are in agreement.

Thanks,

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kkonar@seyfarth.com | www.seyfarth.com

In The Senate of the United States

Sitting as a Court of Impeachment

In re:	)
Impeachment of G. Thomas Porteous, Jr.,	)
United States District Judge for the	)
Eastern District of Louisiana	)
	)

THE PARTIES' AGREED STIPULATIONS OF FACT

1. Judge Porteous was born on December 15, 1946.

2. Judge Porteous married Carmella Porteous on June 28, 1969.

3. Judge Porteous and his wife Carmella had four children: Michael, Timothy, Thomas and Catherine.

4. Judge Porteous graduated from Cor Jesu, now Brother Martin, High School and was honored as the alumnus of the year there in 1997.

5. Judge Porteous graduated from Louisiana State University in 1968 and the Louisiana State University law school in May 1971.

6. In 1984, Judge Porteous was elected Judge to an open seat of the 24th Judicial District Court (JDC) in Jefferson Parish, Louisiana without opposition.

7. In 1990, Judge Porteous was re-elected without opposition.

8. From approximately October 1973 through August 1984, Judge Porteous served as an Assistant District Attorney in Jefferson Parish, Louisiana. Judge Porteous was permitted to hold outside employment while working as an Assistant District Attorney.

9. From January 1973 until July 1974, Judge Porteous was a law partner of Jacob Amato, Jr. at the law firm of Edwards, Porteous & Amato.

10. Attorney Robert Creely worked at the law firm of Edwards, Porteous, & Amato for some period of time between January 1973 and July 1974.

11. Judge Porteous was elected to be a judge of the 24th Judicial District Court in Jefferson Parish, Louisiana in August 1984. He took the bench on August 24, 1984, and remained in that position until October 28, 1994.

12. On August 25, 1994, Judge Porteous was nominated by President Clinton to be a United States District Court Judge for the Eastern District of Louisiana.

13. Judge Porteous's confirmation hearing before the Senate Judiciary Committee was held on October 6, 1994.

14. Judge Porteous was confirmed as a United States District Court Judge for the Eastern District of Louisiana by the United States Senate on October 7, 1994.

15. Judge Porteous received his judicial commission on October 11, 1994.

16. Judge Porteous was sworn in as a United States District Court Judge for the Eastern District of Louisiana on October 28, 1994.

17. Judge Porteous's wife, Carmella, passed away on December 22, 2005.

18. The FBI investigated Judge Porteous while he was a federal judge. Judge Porteous was not charged or prosecuted criminally.

19. The Federal Bureau of Investigation and a grand jury empanelled in the Eastern District of Louisiana conducted an investigation of Judge Porteous for several years. At the conclusion of the investigation, the Department of Justice submitted a complaint referring allegations of judicial misconduct concerning Judge Porteous to the Chief Judge of the United States Court of Appeals for the Fifth Circuit. The Department also "determined that it [would] not seek criminal charges against Judge Porteous."

20. The New Orleans Division of the FBI conducted an investigation into allegations of judicial corruption in the 24th JDC. That investigation, known as "Wrinkled Robe," resulted in the convictions of fourteen defendants, including two 24th JDC judges, the owners of a bail bonding business, and other state court litigants and officials. When Judge Porteous was identified as a potential target, matters related to Judge Porteous were referred to the DOJ Public Integrity Section.

21. By letter dated May 18, 2007, the Department of Justice submitted a formal complaint of judicial misconduct regarding Judge Porteous to the Honorable Edith H. Jones, Chief Judge of the United States Court of Appeals for the Fifth Circuit.

22. On May 18, 2007, the Justice Department wrote a 22-page letter stating, in part, that "The Department has determined that it will not seek criminal charges against Judge Porteous. Although the investigation developed evidence that might warrant charging Judge Porteous with violations of criminal law relating to judicial corruption, many of those incidents took place in the 1990s and would be precluded by the relevant statutes of limitations. In reaching its decision not to bring other available charges that are not time barred, the Department weighed the government's heavy burden of proof in a criminal trial and the obligation to carry that burden to a unanimous jury; concerns about the materiality of some of the Judge Porteous's false statements; the special difficulties of proving *mens rea* and intent to deceive beyond a reasonable doubt in a case of this nature, and the need to provide consistency in charging decision concerning bankruptcy and criminal contempt matters. The Department also gave careful consideration – as it must – to the availability of alternative remedies for Judge Porteous's history of misconduct while on the bench, including the impeachment and judicial sanctions administered pursuant to 28 U.S.C. §§ 351-64." The letter referred the matter to the

United States Court of Appeals for the Fifth Circuit for "any further action Your Honor [Chief Judge Edith H. Jones] may deem warranted."

23. Upon receipt of the Department of Justice's May 18, 2007 complaint letter, the Fifth Circuit appointed a Special Investigatory Committee (the "Special Committee") to investigate the Department of Justice's allegations of misconduct by Judge Porteous.

24. On May 24, 2007, Judge Porteous was notified by Chief Judge Edith Jones that she, Judge Fortunato P. Benavides, and Judge Sim Lake had been appointed as a special committee to investigate the May 18, 2007 DOJ complaint. Judge Porteous was also notified of his rights under the Fifth Circuit Rules Governing Complaints of Judicial Misconduct and Disability. A hearing was held by the special investigatory committee from October 29–30, 2007.

25. On August 28, 2007, Chief Judge Jones filed a "Complaint of Judicial Misconduct" concerning Judge Porteous declaring "I initiate, nunc pro tunc, a complaint of judicial misconduct concerning the Honorable Thomas G. Porteous, Jr. [sic]."

26. The Fifth Circuit Judicial Council (the "Fifth Circuit") convened a Special Investigatory Committee to review the DOJ's allegations against Judge Porteous.

27. Judge Porteous was initially represented by attorney Kyle Schonekas in the Special Committee proceedings.

28. Kyle Schonekas withdrew from representing Judge Porteous in the Special Committee proceedings on or before July 5, 2007.

29. On or before August 2, 2007, attorney Michael H. Ellis began representing Judge Porteous in the Special Committee proceedings.

30. On or before October 16, 2007, attorney Michael H. Ellis withdrew from representing Judge Porteous in the Special Committee proceedings because of "irreconcilable differences."

31. A hearing regarding the allegations of misconduct against Judge Porteous was held before the Special Committee on October 29 and 30, 2007 (the "Fifth Circuit Hearing").

32. The immunity order issued to Judge Porteous in connection with the Fifth Circuit Special Committee proceedings was signed by Chief Judge Jones on October 5, 2007. Judge Porteous was first given a copy of the immunity order at the hearing on October 29, 2007.

33. At the Fifth Circuit's hearing on October 29, 2007, Judge Porteous objected and asked for a continuance so that he could review the immunity order. In response to this request, Larry Finder, co-investigatory counsel to the Special Committee, stated that "there is no surprise here" that Judge Porteous was being called to testify, because Rule 10(c) of the Rules Governing Complaints of Judicial Misconduct and Disability for the Fifth Circuit specifically stated that the subject judge will be called. Chief Judge Jones denied Judge Porteous's request for a

continuance, stating that "immunity is better than non immunity, sir. Continuance is denied. You may take the stand."

34. At the Fifth Circuit's hearing, Judge Benavides stated that Judge Porteous was granted immunity and would not be testifying but for that grant of immunity. Larry Finder agreed with Judge Benavides' statement and clarified that "while this is a grant of use immunity coextensive with [Judge Porteous's] Fifth Amendment rights, it would not prevent [sic] him any kind of immunity from false statement or perjury, just as in any case under 6001 and 6002 of the United States Code."

35. After the Fifth Circuit hearing, the Special Committee issued a report to the Judicial Conference of the Fifth Circuit dated November 20, 2007, which concluded that Judge Porteous committed misconduct which "might constitute one or more grounds for impeachment."

36. On December 20, 2007, by a majority vote, the Judicial Council of the Fifth Circuit accepted and approved the Special Committee's November 20, 2007 Report and concluded that Judge Porteous "had engaged in conduct which might constitute one or more grounds for impeachment under Article I of the Constitution." The Judicial Council of the Fifth Circuit thereafter certified these findings and the supporting records to the Judicial Conference of the United States. Four judges concurred in part and dissented in part to the majority's opinion. In that 49-page concurring and dissenting opinion, Judge Dennis wrote that "I agree that this judicial council must publicly reprimand Judge Porteous for legal and ethical misconduct during his tenure as a federal judge. But I disagree with the council majority's conclusion that the evidence demonstrates a possible ground for his impeachment and removal from office."

37. On June 17, 2008, the Judicial Conference of the United States, by its members present, determined unanimously, upon recommendation of its Committee on Judicial Conduct and Disability, to transmit to the Speaker of the House a certificate "that consideration of impeachment of the United States District Judge G. Thomas Porteous (E.D. La.) may be warranted." Two members of the Judicial Conference were not present and did not participate in the Conference's deliberations on this matter.

38. On September 10, 2008, the Judicial Council of the Fifth Circuit issued an "Order and Public Reprimand" against Judge Porteous, ordering that no new cases be assigned to Judge Porteous and suspending Judge Porteous's authority to employ staff for two years or "until Congress takes final action on the impeachment proceedings, whichever occurs earlier."

39. On September 17, 2008, the House of Representatives of the 110th Congress passed H.R. Res. 1448, which provided in pertinent part: "Resolved, That the Committee on the Judiciary shall inquire whether the House should impeach G. Thomas Porteous, a judge of the United States District Court for the Eastern District of Louisiana."

40. On January 13, 2009, the House of Representatives passed H.R. Res. 15, continuing the authority of H.R. Res. 1448 for the 111th Congress.

41. Jacob Amato, Jr. and Robert Creely formed a law partnership in about 1975 that lasted until 2005.

42. Robert Creely and Judge Porteous have known each other since approximately 1974.

43. From the early 1970s through the early 2000s, Judge Porteous and Robert Creely were friends.

44. Robert Creely first met Judge Porteous when Mr. Creely joined the law firm of Edwards, Porteous, & Amato.

45. Judge Porteous's children have in the past referred to Robert Creely as "Uncle Bob."

46. Robert Creely considers himself to be a friend of Judge Martha Sassone.

47. Robert Creely considers himself to be a friend of Judge Ross LaDart.

48. Jacob Amato and Judge Porteous have known each other since the early 1970s.

49. From the early 1970s through the early 2000s, Jacob Amato considered Judge Porteous to be a friend.

50. Judge Porteous worked with Jacob Amato when they both were prosecutors with the Jefferson Parish District Attorney's Office.

51. When Judge Porteous began working at the Jefferson Parish District Attorney's office in the early 1970s, Jacob Amato was assigned to train Judge Porteous.

52. Jacob Amato, Judge Porteous, and Marion Edwards formed a law partnership in 1973. That law partnership was named Edwards, Porteous, and Amato.

53. Pursuant to state rules that allowed Assistant District Attorneys to maintain a private practice, Judge Porteous continued to serve as an Assistant District Attorney while he was a partner of Edwards, Porteous, and Amato.

54. Jacob Amato and Robert Creely practiced law together from approximately 1973 until 2005.

55. Some of Judge Porteous's children have in the past referred to Jacob Amato as "Uncle Jake."

56. Jacob Amato considered himself to be friends with many of the state court judges in the 24th Judicial District.

57. Jacob Amato considered himself to be friends with Judges Petri, McManus, Benge, and Collins.

58. Jacob Amato stated at his Senate Deposition on August 2, 2010 that "there wasn't that many judges and there wasn't that many lawyers that you didn't get to be friends with them if you practiced law."

59. Jacob Amato stated at his Senate Deposition on August 2, 2010 that "most of the judges were friends of mine before they became judges, and all of them remained close friends after they became judges."

60. Robert Creely and Judge Porteous went to lunch regularly while Judge Porteous was a state court judge.

61. In addition to Judge Porteous, Robert Creely also went to lunch with most of the other judges in the 24th Judicial District.

62. Between 1984 and 1994, many state court judges in the 24th Judicial District went to lunch with attorneys practicing in and around Gretna, Louisiana.

63. When Robert Creely went to lunch with state court judges in the 1980s and 1990s, unless a campaign committee sponsored the lunch, either he or the individual who invited him would pay for the meal.

64. Robert Creely would pay for lunches that he attended with judges out of friendship with those judges.

65. At his Senate Deposition on August 2, 2010, Robert Creely could only recall one state court judge who ever bought him a meal. The single state court judge that Robert Creely knows to have paid for a meal attended by other attorneys only paid for one such meal.

66. After Judge Porteous was appointed to the federal bench in 1994, he and Creely had lunch much less frequently.

67. Robert Creely had no expectation of receiving any advantage from the judges that he took to lunch.

68. When Jacob Amato and Judge Porteous were both Assistant District Attorneys, they had lunch together frequently.

69. After Judge Porteous became a state judge, Jacob Amato continued to have lunch with him.

70. Jacob Amato and Judge Porteous continued to have lunch together up until the investigation of Judge Porteous began in approximately 2003.

71. Jacob Amato also sometimes had lunch with other state court judges.

72. Jacob Amato believed that it was customary for lawyers in Gretna to have lunch together.

73. Jacob Amato believed that it was customary for lawyers to have lunches with 24th Judicial District Court judges.

74. Jacob Amato stated at his Senate Deposition on August 2, 2010 that sometimes lawyers would split bills with judges, and that some judges "wouldn't let you buy their lunch." When asked if he saw anything wrong with buying lunch for judges, Amato said "no."

75. Jacob Amato did not see anything wrong with buying lunches for judges.

76. According to Jacob Amato, Judge Porteous bought lunch for him at least once or twice.

77. Jacob Amato did not feel that his buying Judge Porteous lunch would affect Judge Porteous's actions on the bench.

78. Jacob Amato always thought Judge Porteous did the right thing on the bench irrespective of Amato having taken Judge Porteous to lunch.

79. When Robert Creely invited people (including lawyers and judges) on to his boat to go fishing, he paid for all the expenses.

80. Robert Creely did not have any concern about taking judges on hunting or fishing trips.

81. In the 1990s, some judges in Gretna, Louisiana went on fishing and hunting trips with lawyers.

82. Robert Creely recalls appearing before Judge Porteous a total of three times, twice while Judge Porteous was on the state bench and once while Judge Porteous was on the federal bench.

83. Robert Creely does not feel that there is anything improper about appearing before a judge with whom he is friends.

84. Robert Creely does not feel that he received any special treatment in connection with the cases in which he appeared before Judge Porteous.

85. Robert Creely did not keep records of the cash that he gave to Judge Porteous.

86. Robert Creely did not claim any tax deduction for the money that he gave to Judge Porteous.

87. When Robert Creely and Jacob Amato were law partners, as a general rule, they would take equal draws of the income of their law firm.

88. While Jacob Amato is sure that he appeared before Judge Porteous when Judge Porteous was a state judge, Mr. Amato can recall only one specific state court case in front of Judge Porteous, which Mr. Amato lost.

89. Jacob Amato thought that Judge Porteous ruled on judicial matters fairly.

90. A curatorship is an appointment by a Louisiana state court of a private attorney to represent the interests of an absent defendant.

91. Available court documents establish that in 1988, Judge Porteous assigned 18 curatorships to Robert Creely.

92. Available court documents establish that in 1989, Judge Porteous assigned 21 curatorships to Robert Creely.

93. Available court documents establish that in 1990, Judge Porteous assigned 33 curatorships to Robert Creely.

94. Available court documents establish that in 1991, Judge Porteous assigned 28 curatorships to Robert Creely.

95. Available court documents establish that in 1992, Judge Porteous assigned 44 curatorships to Robert Creely.

96. Available court documents establish that in 1993, Judge Porteous assigned 28 curatorships to Robert Creely.

97. Available court documents establish that in 1994, Judge Porteous assigned 20 curatorships to Robert Creely.

98. The Amato & Creely law firm earned a fee of between $150 and $200 for each curatorship that Judge Porteous assigned to Robert Creely.

99. In addition to receiving curatorship appointments from Judge Porteous, Robert Creely received curatorship appointments from several other judges in the 24th Judicial District Court.

100. Attorney Donald Gardner is a long time friend of Judge Porteous.

101. While Judge Porteous was a state judge, he assigned curatorships to Donald Gardner.

102. Robert Creely testified at his Senate Deposition on August 2, 2010 that he did not have any recollection of attending or contributing money for a party following Judge Porteous's investiture as a federal judge.

103. Robert Creely testified at his Senate Deposition on August 2, 2010 that he did not have any knowledge of money given to anyone in connection with Judge Porteous's son's internship or externship in Washington, D.C.

104. On January 16, 1996, as a Federal judge, Judge Porteous was assigned a civil case, Lifemark Hospitals of La., Inc. v. Liljeberg Enterprises, Inc.

105. The Lifemark v. Liljeberg case (No. 2:93-cv-1794) began in June 1993 and concluded in December 2002. At least 7 federal district court judges and at least 3 federal magistrate judges presided over some portion of the case. Judge Porteous presided over the case from January 1996 to December 2002, including presiding over the non-jury trial.

106. The Liljeberg case was filed in 1993 and had been assigned to other judges before being transferred to Judge Porteous on January 16, 1996.

107. The Liljeberg case was set for a non-jury trial before Judge Porteous on November 4, 1996. The trial date in the Liljeberg case was set and reset a number of times prior to the November 4, 1996 date.

108. On September 19, 1996, the Liljebergs filed a motion to enter the appearances of Jacob Amato, Jr. and Leonard Levenson as their attorneys. Judge Porteous granted the motion on September 23, 1996.

109. Jacob Amato, Jr. and Leonard Levenson were hired by the Liljebergs on a contingent fee basis, and, pursuant to the terms of their retainer, would receive legal fees if the Liljebergs prevailed in the litigation.

110. The motion to enter Jacob Amato, Jr.'s appearance identified him as being with the law firm of Amato & Creely.

111. Robert Creely did not enter an appearance in and was not personally involved in litigating the Lifemark v. Liljeberg case.

112. Prior to entering an appearance in the Lifemark v. Liljeberg case (No.: 2:93-cv-1794), Jacob Amato had been practicing law for more than 20 years.

113. Prior to entering an appearance in the Lifemark v. Liljeberg case (No.: 2:93-cv-1794), Jacob Amato took two to three months to evaluate the merits of the case and decide whether to take the case.

114. On October 1, 1996, attorney Joseph Mole on behalf of his client, Lifemark, filed a Motion to Recuse Judge Porteous.

115. The Liljebergs filed their Opposition to the Motion to Recuse, on October 9, 1996.

116. After being granted leave of court, Lifemark filed its Reply to the Opposition to the Motion to Recuse on October 15, 1996.

117. After being granted leave of court, the Liljebergs filed a Memorandum in Opposition to Lifemark's Reply on October 17, 1996.

118. On October 16, 1996, Judge Porteous held a hearing on the Motion to Recuse.

119. Both Leonard Levenson and Jacob Amato, Jr. were present in the courtroom on behalf of the Liljebergs at the October 16, 1996 hearing on the Motion to Recuse.

120. Judge Porteous denied the Motion to Recuse in open court on October 16, 1996.

121. On October 17, 1996, Judge Porteous issued a written order confirming the denial of the Motion to Recuse.

122. Following the denial of the motion to recuse in the Lifemark v. Liljeberg case (No. 2:93-cv-1794), Judge Porteous granted a stay specifically to allow counsel for Lifemark to seek appellate review of his decision on that motion by the Fifth Circuit.

123. Lifemark filed a Motion to enroll Donald Gardner as additional counsel of record on March 11, 1997.

124. The agreement to retain Don Gardner as additional counsel for Lifemark in the Lifemark v. Liljeberg case (No. 2:93-cv-1794) provided that Mr. Gardner would be paid a retainer of $100,000 upon enrollment as counsel of record.

125. The agreement to retain Don Gardner as additional counsel for Lifemark in the Lifemark v. Liljeberg case (No. 2:93-cv-1794) provided that Mr. Gardner would be paid an additional $100,000 if Judge Porteous withdrew from the case. Additionally, the agreement also provided that Mr. Gardner could be paid up to $600,000, depending upon the outcome of the litigation.

126. Lifemark's contract with Donald Gardner provided that he would be paid $100,000 for entering his appearance and that, among other terms, he would receive another $100,000 if Judge Porteous withdrew or the case settled.

127. Don Gardner was not lead trial counsel and did not examine any witnesses during the trial in the Lifemark v. Liljeberg case (No.: 2:93-cv-1794).

128. Judge Porteous conducted a bench trial in the Liljeberg case from June 16, 1997, through June 27, 1997, from July 14, 1997, through July 15, 1997, and from July 21, 1997, through July 23, 1997.

129. At the conclusion of the Liljeberg trial in July 1997, Judge Porteous took the case under advisement.

130. On April 26, 2000, nearly three years after the trial concluded, Judge Porteous issued a written opinion in Lifemark Hospitals of La., Inc. v. Liljeberg Enterprises, Inc.

131. Lifemark appealed Judge Porteous's decision to the Fifth Circuit Court of Appeals.

132. Jacob Amato stated at his Senate Deposition on August 2, 2010 that, to this day, he believes that Judge Porteous's decision in the Lifemark v. Liljeberg case (No.: 2:93-cv-1794)

was "absolutely correct," and that the Fifth Circuit's opinion overturning Judge Porteous's decision was "wrong, wrong, wrong."

133. At his Senate Deposition on August 2, 2010, Jacob Amato was asked, "when you gave him [Judge Porteous] the money, did you expect any quid pro quo of any kind?" and he testified in response, "no."

134. From May 20 through 23, 1999, a bachelor party was held in Las Vegas, Nevada, for Judge Porteous's son, Timothy.

135. Robert Creely accepted an invitation to attend a bachelor party for Judge Porteous's son in Las Vegas in May 1999. A number of other people attended the bachelor party, including Don Gardner.

136. Among the people present in Las Vegas for Timothy Porteous's bachelor party were Judge Porteous, Robert Creely, and Donald Gardner.

137. During the 1996–2000 time-frame, Judge Porteous was friends with Leonard Levenson.

138. During the 1996–1998 time-frame, Judge Porteous and Leonard Levenson went on a hunting trip.

139. In April 1999, Leonard Levenson attended the Fifth Circuit Judicial Conference in Houston, Texas as an invitee of the federal judges of the Fifth Circuit, after being invited to attend by Judge Porteous.

140. While at the Fifth Circuit Judicial Conference in April 1999, Leonard Levenson paid for meals and drinks for Judge Porteous.

141. Judge George Giacobbe currently serves as a state court judge in Louisiana.

142. Judge Roy Cascio currently serves as a state Court judge in Louisiana.

143. Judge Stephen J. Windhorst currently serves as a state Court judge in Louisiana.

144. When Judge Porteous had lunch with the Marcottes, they discussed a variety of topics, including bonds and non-work related topics such as their families, sports, and politics.

145. When Louis Marcotte first entered the bail bonds business as the owner of Bail Bonds Unlimited (BBU), he occasionally worked with Adam Barnett, another bail bondsman working in the area.

146. Adam Barnett has never been criminally charged with any matter related to the Articles of Impeachment.

147. In an interview with the House of Representatives, Adam Barnett denied that he paid for Judge Porteous's car repairs while Judge Porteous was a state judge.

148. On or about July 29, 1993, Judge Porteous ordered the expungement of Jeffery Duhon's burglary conviction.

149. On or about September 21, 1994, Judge Porteous held a hearing at which he ordered that Aubrey Wallace's court records in State of Louisiana v. Aubrey N. Wallace, No. 89-2360 (24th Jud. Dist Ct., Jeff. Par., La.) be amended to include removal of the unsatisfactory completion of probation and the entering of the guilty plea under Code of Criminal Procedure 893.

150. On or about September 22, 1994, Judge Porteous signed a written Order that stated: "IT IS ORDERED that the sentence on Aubrey WALLACE is hereby amended to include the following wording, 'the defendant pled under Article 893.'"

151. On October 14, 1994, Judge Porteous entered an order setting aside Aubrey Wallace's burglary conviction in State of Louisiana v. Aubrey N. Wallace, No. 89-2360 (24th Jud. Dist Ct., Jeff. Par., La.).

152. Available documentary evidence shows that Judge Porteous signed one bond for the Marcottes and Bail Bonds Unlimited on October 27, 1994.

153. Available documentary evidence shows that Judge Porteous signed two bonds for the Marcottes and Bail Bonds Unlimited in his last week as a state court Judge.

154. Available documentary evidence shows that Judge Porteous signed twenty-nine bonds for the Marcottes and Bail Bonds Unlimited during the month of October 1994 (his last month on the state bench) as a state court Judge.

155. Available documentary evidence shows that Judge Porteous signed twenty-seven bonds for the Marcottes and Bail Bonds Unlimited between the date of his confirmation for his federal judgeship (October 7, 1994) and the last day for which he served as a state court judge (October 27, 1994).

156. The Marcottes do not have any records or documentation regarding any home repairs allegedly provided by the Marcottes and Bail Bonds Unlimited to Judge Porteous while he was a state judge.

157. The Marcottes did not personally observe work performed on Judge Porteous's fence.

158. The Marcottes do not have any documents showing car repairs paid for by the Marcottes and/or Bail Bonds Unlimited for Judge Porteous while he was a state judge.

159. For some period of time between 1992 and 1997, Lori Marcotte considered herself and Rhonda Danos to be friends.

160. Judge Porteous spoke about the role of bonds in the criminal justice system at the following national bail bonds conventions held by the Professional Bail Agents of the United

States (PBUS): Las Vegas, Nevada in 1996; New Orleans, Louisiana in July 1996; and Biloxi, Mississippi in July 1999.

161. On or about July 19, 1999, Judge Porteous attended a Professional Bail Agents of the United States (PBUS) convention at the Beau Rivage Resort in Biloxi Mississippi, at which convention he attended a cocktail party hosted by Bail Bonds Unlimited.

162. The maximum capacity of the Jefferson Parish Correctional Center was established by an order of a United States District Judge for the Middle District of Louisiana, specifically an Amended Consent Order in the case of Holland v. Donelon, the latest of which was signed in August 1991. The maximum capacity was set at 700, with specific limits for the number of persons who could be held in specific "pods" on various floors

163. Judge Porteous never asked that the Marcottes provide him with a percentage of the bonds he signed for them.

164. Documentary evidence suggests that Judge Porteous, while he was on the Federal bench, attended the following lunches with the Marcottes, which they paid for:

- On August 6, 1997, there was a lunch at the Beef Connection. The bill amounted to $287.03. There were five attendees.
- On August 25, 1997, there was a lunch at the Beef Connection. The bill amounted to $352.43. There were ten attendees.
- On November 19, 1997, there was a lunch at the Beef Connection. The bill amounted to $395.77. There were ten attendees.
- On August 5, 1998, there was a lunch at the Beef Connection. The bill amounted to $268.84. There were nine attendees.
- On February 1, 2000, there was a lunch at the Beef Connection. The bill amounted to $328.94. There were eight attendees.
- On November 7, 2001, there was a lunch at the Beef Connection. The bill amounted to $635.85. There were fourteen attendees.

165. The lunches that Judge Porteous had with the Marcottes (and other attendees) took place in public restaurants.

166. On or about March 11, 2002, Judge Porteous joined a group of people at Emeril's Restaurant, in New Orleans, Louisiana, after the meal portion of the lunch had concluded. The group included the Marcottes, newly elected state judge Joan Benge, and state judge Ronald Bodenheimer.

167. In 1994, Judge Porteous, in connection with his nomination to be a Federal judge, was subject to an FBI background investigation, was required to fill out various forms and questionnaires, and was interviewed by the FBI.

168. In connection with his nomination to be a Federal judge, Judge Porteous filled out and signed a document entitled "Supplement to Standard Form 86."

169. On or about April 27, 1994, Judge Porteous signed his SF 86.

170. On or about July 6–8, 1994, Judge Porteous was interviewed by the FBI. Prior to that date, he had signed his Supplement to the SF-86.

171. On or about August 1, 1994, Louis Marcotte was interviewed by the FBI for the first time in connection with the background check of Judge Porteous.

172. On or about August 17, 1994, Louis Marcotte was interviewed by the FBI for the second time.

173. On or about August 18, 1994, Judge Porteous was interviewed by the FBI a second time.

174. On or about September 6, 1994, Judge Porteous signed the Senate Judiciary Questionnaire.

175. In an FBI interview on August 17, 1994, as part of Judge Porteous's background investigation, Adam Barnett stated that he knew of no questionable conduct or acts by Judge Porteous, that he knew of no financial problems experienced by Judge Porteous, that he knew of no personal problems or habits that would bar Judge Porteous from service as a federal judge, and that he recommended Judge Porteous to be a federal judge.

176. Beginning on June 24, 1994, during its background investigation of Judge Porteous for his federal judgeship nomination, the FBI interviewed many individuals.

177. During its background check, the FBI was made aware that Judge Porteous knew Louis Marcotte.

178. The FBI specifically interviewed Louis Marcotte on two occasions during its background investigation of Judge Porteous.

179. Prior to confirmation, the FBI interviewed Louis Marcotte, who told the FBI "that he sometimes goes to lunch with the candidate and attorneys in the area."

180. On or about July 6, 1994, in connection with his FBI background investigation, Judge Porteous was interviewed by the FBI, and a summary of that interview (an FBI "302") was prepared by the FBI.

181. On August 18, 1994, in connection with his FBI background investigation, Judge Porteous was interviewed by the FBI, and a summary of that interview (an FBI "302") was prepared by the FBI.

182. During the Senate confirmation process, Judge Porteous completed a United States Senate Committee on the Judiciary Questionnaire for Judicial Nominees.

183. The United States Senate Committee on the Judiciary required that an affidavit be submitted by Judge Porteous along with the completed Questionnaire for Judicial Nominees. Judge Porteous signed and submitted such an affidavit.

184. Once Judge Porteous was nominated by President Clinton to serve as a United States District Court Judge for the Eastern District of Louisiana, but prior to his confirmation, the staff of the Judiciary Committee of the United States Senate reviewed the FBI's background investigation of Judge Porteous.

185. Judge Porteous and his wife Carmella Porteous retained attorney Claude C. Lightfoot, Jr. in the summer of 2000 to assist them in attempting to restructure their debts and possibly seeking bankruptcy protection.

186. Shortly after retaining him, Judge Porteous provided Claude Lightfoot with (among other documents) a copy of his May 2000 pay stub.

187. The Porteouses, with the assistance of Claude Lightfoot, sought to avoid filing for bankruptcy protection by attempting to work out their debts.

188. The Porteouses' attempts to work out their debts were unsuccessful.

189. Claude Lightfoot prepared and filed the Porteouses' voluntary petition for bankruptcy protection based upon the information and documents that the Porteouses provided to him.

190. Claude Lightfoot prepared and filed all schedules and other documents filed in bankruptcy court in connection with the Porteouses' voluntary petition for bankruptcy protection based upon the information and documents that the Porteouses provided to him.

191. Prior to filing the Porteouses' voluntary bankruptcy petition, Claude Lightfoot did not request an updated pay stub from Judge Porteous and Judge Porteous did not provide Lightfoot with a current paystub.

192. On March 2, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana.

193. On March 2, 2001, Judge Porteous took out/executed seven $500 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00058997, 00059000, 00059002, 00059011, 00059012, 00059013, and 00059019. On March 3, 2001, Judge Porteous redeemed/repaid marker numbers 00058997, 00059000, 00059002, and 00059019 with chips.

194. On March 27, 2001, Judge Porteous redeemed/repaid marker numbers 00059011, 00059012, and 00059013 to the Treasure Chest Casino in Kenner, Louisiana with cash.

195. On February 27, 2001, Judge Porteous gambled at the Grand Casino Gulfport in Gulfport, Mississippi.

196. On February 27, 2001, Judge Porteous took out/executed two $1,000 markers at the Grand Casino Gulfport in Gulfport, Mississippi, identified by marker numbers MK131402 and MK131405.

197. On March 27, 2001, Judge Porteous deposited $2,000 into his Bank One checking account. This deposit consisted of $1,960 in cash and a $40 check drawn on the Porteouses's Fidelity money market account.

198. On March 16, 2001, the Grand Casino Gulfport sought to deposit the $1,000 marker, identified by marker number MK131402, previously taken out/executed by Judge Porteous on February 27, 2001, which initially cleared on March 24, 2001, resulting in the Grand Casino Gulfport showing zero markers outstanding for Judge Porteous from March 24, 2001, until April 3, 2001, when the marker was returned for an invalid account number. On April 4, 2001, the Grand Casino Gulfport re-deposited marker number MK131402, which cleared Judge Porteous's Bank One checking account on April 5, 2001, and cleared the Grand Casino Gulfport on April 12, 2001.

199. On March 16, 2001, the Grand Casino Gulfport sought to deposit the $1,000 marker, identified by marker number MK131405, previously taken out/executed by Judge Porteous on February 27, 2001, which initially cleared on March 24, 2001, resulting in the Grand Casino Gulfport showing zero markers outstanding for Judge Porteous from March 24, 2001, until April 3, 2001, when the marker was returned for an invalid account number. On April 4, 2001, the Grand Casino Gulfport re-deposited marker number MK131405, which cleared Judge Porteous's Bank One checking account on April 6, 2001, and cleared the Grand Casino Gulfport on April 12, 2001.

200. On March 20, 2001, Judge Porteous opened a Post Office Box at a Post Office in Harvey, Louisiana.

201. On March 23, 2001, Judge Porteous signed his tax return for calendar year 2000, which claimed a tax refund in the amount of $4,143.72.

202. At the time that the Porteouses filed their voluntary petition for bankruptcy protection, the Times-Picayune newspaper periodically published the names of all individuals who filed for bankruptcy protection.

203. Judge Porteous's initial Voluntary Petition for Chapter 13 Bankruptcy was filed in the United States Bankruptcy Court for the Eastern District of Louisiana on March 28, 2001.

204. The Porteouses filed a voluntary petition for bankruptcy protection on March 28, 2001.

205. Judge Porteous's signature on his initial Voluntary Petition for Chapter 13 Bankruptcy appears directly below the following declaration:

> I declare under penalty of perjury that the information provided in this petition is true and correct.

206. Judge Porteous's initial Voluntary Petition for Chapter 13 Bankruptcy listed the Name of Debtor as "Ortous, G.T."

207. The Porteouses listed their correct Social Security numbers on the voluntary bankruptcy petition that they filed on March 28, 2001.

208. Judge Porteous's initial Voluntary Petition for Chapter 13 Bankruptcy listed a Street Address of "P.O. Box 1723, Harvey, LA 70059-1723."

209. Judge Porteous's street address on March 28, 2001 was 4801 Neyrey Drive, Metairie, LA 70002.

210. Judge Porteous filed his amended Voluntary Petition for Chapter 13 Bankruptcy on April 9, 2001, ten days before the United States Bankruptcy Court issued a "Notice of Commencement of Case Under Chapter 13 of the Bankruptcy Code, Meeting of Creditors, and Fixing of Dates" on April 19, 2001.

211. The Porteouses filed an amended voluntary petition for bankruptcy protection on April 9, 2001.

212. Judge Porteous's amended Voluntary Petition for Chapter 13 Bankruptcy was filed in the United States Bankruptcy Court for the Eastern District of Louisiana on April 9, 2001.

213. The Porteouses' amended voluntary petition for bankruptcy protection accurately listed their last names as "Porteous."

214. Judge Porteous's amended Voluntary Petition for Chapter 13 Bankruptcy listed the Name of Debtor as "Porteous, Jr., Gabriel T."

215. The Porteouses' amended voluntary petition for bankruptcy protection accurately listed their residential address.

216. Judge Porteous's amended Voluntary Petition for Chapter 13 Bankruptcy listed a Street Address of 4801 Neyrey Drive, Metairie, LA 70002.

217. Notices to creditors that were listed in the Porteouses' bankruptcy schedules were sent out on April 19, 2001.

218. No creditor listed in the Porteouses' initial voluntary petition or in the Porteouses' bankruptcy schedules received any official notice from the bankruptcy court that contained the name "Ortous."

219. Judge Porteous's signature on his Bankruptcy Schedules appears directly below the following declaration:

I declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of 18 sheets, plus the summary page, and that they are true and correct to the best of my knowledge, information, and belief.

220. Judge Porteous's Bankruptcy Schedules were filed with the United States Bankruptcy Court for the Eastern District of Louisiana on April 9, 2001.

221. Category 17 on Judge Porteous's Bankruptcy Schedule B ("Personal Property") required Judge Porteous to disclose "other liquidated debts owing debtor including tax refunds," in response to which the box "none" was marked with an "X."

222. On April 13, 2001, Judge Porteous's $4,143.72 tax refund was electronically deposited by the U.S. Treasury directly into Judge Porteous's Bank One checking account.

223. The opening balance of Judge Porteous's Bank One checking account for the time period of March 23, 2001 to April 23, 2001 was $559.07.

224. The closing balance of Judge Porteous's Bank One checking account for the time period of March 23, 2001 to April 23, 2001 was $5,493.91.

225. Judge Porteous deposited $2,000 into his Bank One checking account on March 27, 2001.

226. At no time between March 23, 2001, and April 23, 2001, did the balance reported by Bank One in Judge Porteous's Bank One checking account drop to $100 or less.

227. On March 28, 2001, Judge Porteous had a Fidelity money market account. This account was held in both his and his wife Carmella's names.

228. The Porteouses' Fidelity money market account was omitted from Category 2 of the Porteouses' Bankruptcy Schedule B.

229. The opening balance of the Porteouses' Fidelity money market account for the period of March 21, 2001, to April 20, 2001, was $623.94.

230. The balance of the Porteouses' Fidelity money market account on March 28, 2001 was $283.42.

231. On April 4, 2001, a $200.00 deposit was made into the Porteouses' Fidelity money market account.

232. Five checks written by Judge Porteous from the Porteouses' Fidelity money market account, identified by check numbers 579, 580, 581, 620, and 582, cleared that account between March 22, 2001 to April 12, 2001.

233. On more than one occasion, Judge Porteous withdrew money from his Fidelity IRA account and deposited that money into the Porteouses' Fidelity money market account. The

total dollar amount that Judge Porteous transferred from his Fidelity IRA to the Porteouses' Fidelity money market account between 1997 and 2000 was in excess of $10,000.

234. Judge Porteous's Bankruptcy Schedule I ("Current Income of Individual Debtor(s)") required Judge Porteous to disclose "Current monthly wages, salary, and commissions (pro rate if not paid monthly)," in response to which the Schedule listed Judge Porteous's current monthly gross income as $7,531.52.

235. Judge Porteous's Bankruptcy Schedule I listed his "total net monthly take home pay" as $7,531.52.

236. Attached to Judge Porteous's Bankruptcy Schedule I was Judge Porteous's Employee Earnings Statement issued by the Administrative Office of the United States Courts, for the monthly pay period ending on May 31, 2000, which stated that Judge Porteous's gross earnings were $11,775.00, and his net pay was $7,531.52.

237. In the summer of 2000, Judge Porteous had provided his Employee Earnings Statement for the monthly pay period ending on May 31, 2000 to Claude Lightfoot.

238. In March and April 2001, Judge Porteous's monthly net pay was $7,705.51.

239. Judge Porteous's signature on his Statement of Financial Affairs appears directly below the following declaration:

> I declare under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct.

240. Judge Porteous's Statement of Financial Affairs was filed with the United States Bankruptcy Court for the Eastern District of Louisiana on April 9, 2001.

241. Question 3 on Judge Porteous's Statement of Financial Affairs required Judge Porteous to list "all payments on loans, installment purchases of goods or services, and other debts, aggregating more than $600 to any creditor, made within 90 days immediately preceding the commencement of this case," in response to which the answer given was "Normal Installments."

242. On March 27, 2001, Judge Porteous made a $1,500 cash payment to the Treasure Chest Casino in Kenner, Louisiana to redeem/repay marker numbers 00059011, 00059012, and 00059013

243. Judge Porteous's answer to Question 3 on his Statement of Financial Affairs did not list the $1,500 cash payment that Judge Porteous made to the Treasure Chest Casino in Kenner, Louisiana on March 27, 2001.

244. Question 8 on Judge Porteous's Statement of Financial Affairs required Judge Porteous to list "all losses from fire, theft, other casualty or gambling within one year

immediately preceding the commencement of this case or since the commencement of this case," in response to which the box "None" was checked.

245. On or about April 6, 2001, the Beau Rivage Casino in Biloxi, Mississippi temporarily increased Judge Porteous's existing $2,500 credit limit to $4,000, with a $1,500 "TTO," or "this trip only" increase.

246. On April 7-8, 2001, Judge Porteous gambled at the Beau Rivage Casino in Biloxi, Mississippi.

247. On April 7, 2001, Judge Porteous took out/executed two $500 markers at the Beau Rivage Casino in Biloxi, Mississippi, identified by marker numbers 127556 and 127558.

248. On April 8, 2001, Judge Porteous took out/executed two $500 markers at the Beau Rivage Casino in Biloxi, Mississippi, identified by marker numbers 127646 and 127658. Judge Porteous also made two $500 payments in chips to the casino on April 8, 2001, identified by transaction numbers 4069177 and 4069190.

249. On April 24, 2001, Judge Porteous withdrew $1,000 from his Fidelity Individual Retirement Account, which was paid to him in the form of a check issued by National Financial Services LLC.

250. Judge Porteous endorsed the $1,000 check from National Financial Services LLC and signed the check over to Rhonda Danos.

251. On April 30, 2001, Rhonda Danos wrote a $1,000 check from her personal checking account, identified by check number 1699, to the Beau Rivage Casino. The check's memo line referenced "Gabriel Thomas Porteous Jr., Acct. # [redacted]."

252. On or about May 1, 2001, Rhonda Danos deposited into her Hibernia checking account the $1,000 check from National Financial Services LLC that had been issued to Judge Porteous and signed over to her. That check posted to Ms. Danos's account on May 2, 2001.

253. On May 4, 2001, Rhonda Danos's $1,000 check to the Beau Rivage Casino, written on Judge Porteous's behalf, was paid at the cage and was credited against Judge Porteous's Beau Rivage account, identified by transaction number 4071922. The Beau Rivage Casino deposited Ms. Danos's $1,000 check on May 5, 2001.

254. On May 8, 2001, the $1,000 check to the Beau Rivage Casino, written by Rhonda Danos and identified by check number 1699, cleared Ms. Danos's bank account.

255. On April 10, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana.

256. On April 10, 2001, Judge Porteous took out/executed four $500 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00060317, 00060319, 00060320, and 00060321. Judge Porteous redeemed/repaid all four markers the same day with chips.

257. On May 7, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana.

258. On May 7, 2001, Judge Porteous took out/executed four $1,000 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00061209, 00061212, 00061216, and 00061230.

259. On or about May 9, 2001, Judge Porteous redeemed/repaid with cash the four $1,000 Treasure Chest Casino-markers identified by marker numbers 00061209, 00061212, 00061216, and 00061230.

260. On April 30, 2001, Judge Porteous submitted a Casino Credit Application to Harrah's Casino in New Orleans, Louisiana, requesting a $4,000 credit limit.

261. On April 30, 2001, Judge Porteous gambled at Harrah's Casino in New Orleans, Louisiana.

262. On or about April 30, 2001, Judge Porteous took out/executed two $500 markers at Harrah's Casino in New Orleans, Louisiana, identified by marker numbers 0084898 and 0084899, which were redeemed/repaid that same day by check, which cleared the casino on May 30, 2001.

263. The Chapter 13 Trustee who administered the Porteouses' bankruptcy case was Mr. S.J. Beaulieu.

264. In 2001, William Heitkamp served as the Chapter 13 Trustee for bankruptcy cases filed under Chapter 13 of the Bankruptcy Code in the Southern District of Texas.

265. S.J. Beaulieu conferred with William Heitkamp concerning certain procedures utilized by Judge Greendyke in connection with Chapter 13 bankruptcy cases pending before him.

266. During the pendency of the Porteouses' bankruptcy case, S.J. Beaulieu administered a total of approximately 6,500 Chapter 13 cases.

267. On May 9, 2001, a Section 341 Creditors Meeting was held in Judge Porteous's Chapter 13 Bankruptcy case.

268. Judge Porteous attended the Section 341 Creditors Meeting held on May 9, 2001 with his bankruptcy counsel Claude Lightfoot.

269. The portion of the May 9, 2001 Section 341 Creditors Meeting that includes the sworn testimony of Judge Porteous was recorded and transcribed.

270. The transcript of the Section 341 Creditors Meeting reflects that Bankruptcy Trustee S.J. Beaulieu, Jr. told Judge Porteous that "Any charge cards that you may have you have [sic] you cannot use any longer. So basically you on a cash basis now."

271. On May 16, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana.

272. On May 16, 2001, Judge Porteous took out/executed one $500 marker at the Treasure Chest Casino in Kenner, Louisiana, identified by marker number 00061520. Judge Porteous redeemed/repaid that marker the same day with chips.

273. On June 20, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana.

274. On June 20, 2001, Judge Porteous took out/executed one $500 marker at the Treasure Chest Casino in Kenner, Louisiana, identified by marker number 00062678. Judge Porteous redeemed/repaid that marker the same day with chips.

275. On May 26-27, 2001, Judge Porteous gambled at the Grand Casino Gulfport in Gulfport, Mississippi.

276. On or about May 28, 2001, Judge Porteous wrote a check to the Grand Casino Gulfport, identified by check number 4087, in the amount of $100, which cleared his Bank One checking account on May 30, 2001.

277. Bankruptcy Judge William Greendyke presided over the Porteouses' bankruptcy case from shortly after its filing in March 2001 until his retirement from the bench in the first half of 2004.

278. On June 28, 2001, U.S. Bankruptcy Judge William Greendyke signed an "Order Confirming the Debtor's Plan and Related Orders" in Judge Porteous's bankruptcy case.

279. Judge Greendyke signed an order confirming the Porteouses' proposed Chapter 13 repayment plan on June 28, 2001.

280. Paragraph 4 of the June 28, 2001 Order signed by Judge Greendyke stated as follows:

> The debtor(s) shall not incur additional debt during the term of this Plan except upon written approval of the Trustee. Failure to obtain such approval may cause the claim for such debt to be unallowable and non-dischargeable.

281. Judge Porteous was subject to the terms of the June 28, 2001 Order until his Chapter 13 bankruptcy was discharged on July 22, 2004.

282. On July 19, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana.

283. On July 19, 2001, Judge Porteous took out/executed one $500 marker at the Treasure Chest Casino in Kenner, Louisiana, identified by marker number 00063615. Judge Porteous redeemed/repaid that marker the same day with chips.

284. On July 23, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana.

285. On July 23, 2001, Judge Porteous took out/executed one $500 marker at the Treasure Chest Casino in Kenner, Louisiana, identified by marker number 00063744. Judge Porteous redeemed/repaid that marker the same day with chips.

286. On August 20-21, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana.

287. On August 20, 2001, Judge Porteous took out/executed three $1,000 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00064677, 00064680, and 00064685. Judge Porteous redeemed/repaid all three markers the same day with chips.

288. On August 21, 2001, Judge Porteous took out/executed five $1,000 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00064729, 00064730, 00064739, 00064744, and 00064746. Judge Porteous redeemed/repaid marker numbers 00064729 and 00064744 the same day with chips.

289. On October 13, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana.

290. On October 13, 2001, Judge Porteous took out/executed two $500 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00066463 and 00066465. Judge Porteous redeemed/repaid both markers the same day with chips.

291. On October 17–18, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana.

292. On October 17, 2001, Judge Porteous took out/executed three $1,000 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00066625, 00066627, and 00066644, and five $500 markers, identified by marker numbers 00066630, 00066632, 00066633, 00066640, and 00066645. Judge Porteous redeemed/repaid marker numbers 00066630, 00066632, and 00066633 the same day with chips.

293. On October 18, 2001, Judge Porteous took out/executed one $400 marker at the Treasure Chest Casino in Kenner, Louisiana, identified by marker number M2B459.

294. On October 25, 2001, Judge Porteous withdrew $1,760 from his Individual Retirement Account, which was paid to him in the form of a check issued by National Financial Services LLC.

295. On October 30, 2001, Judge Porteous deposited the $1,760 check from his Individual Retirement Account, issued by National Financial Services LLC, into the Porteouses' Fidelity money market account.

296. On November 9, 2001, Judge Porteous redeemed/repaid Treasure Chest Casino markers numbered 00066625 and 00066627 with $200 in cash and a check, drawn on the Porteouses' Fidelity money market account and numbered 589, in the amount of $1,800.

297. On November 27, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana.

298. On November 27, 2001, Judge Porteous took out/executed two $1,000 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00067888 and 00067893. Judge Porteous redeemed/repaid both markers the same day with chips.

299. On December 11, 2001, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana.

300. On December 11, 2001, Judge Porteous took out/executed two $1,000 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00068410 and 00068415. Judge Porteous redeemed/repaid both markers the same day with chips.

301. On April 1, 2002, Judge Porteous gambled at the Treasure Chest Casino in Kenner, Louisiana.

302. On April 1, 2002, Judge Porteous took out/executed two $1,000 markers at the Treasure Chest Casino in Kenner, Louisiana, identified by marker numbers 00072228 and 00072229, and one $500 marker identified by marker number 00072234. Judge Porteous redeemed/repaid all three markers the same day with chips.

303. On September 28, 2001, Judge Porteous gambled at Harrah's Casino in New Orleans, Louisiana.

304. On September 28, 2001, Judge Porteous took out/executed two $1,000 markers at Harrah's Casino in New Orleans, Louisiana, identified by marker numbers 0099123 and 0099130. Judge Porteous redeemed/repaid both markers the same day with a check. Judge Porteous's check cleared Harrah's Casino on October 28, 2001.

305. On December 20, 2001, Judge Porteous gambled at Harrah's Casino in New Orleans, Louisiana.

306. On December 20, 2001, Judge Porteous took out/executed one $1,000 marker at Harrah's Casino in New Orleans, Louisiana, identified by marker number 0106851. Judge Porteous redeemed/repaid that marker the same day with a check. Judge Porteous's check cleared Harrah's Casino on November 9, 2002.

307. On October 31–November 1, 2001, Judge Porteous gambled at the Beau Rivage Casino in Biloxi, Mississippi.

308. On February 12, 2002, Judge Porteous gambled at the Grand Casino Gulfport in Gulfport, Mississippi.

309. On February 12, 2002, Judge Porteous took out/executed one-$1,000 marker at the Grand Casino Gulfport in Gulfport, Mississippi, identified by marker number MK169742. Judge Porteous redeemed/repaid that marker the same day.

310. On May 26, 2002, Judge Porteous gambled at the Grand Casino Gulfport in Gulfport, Mississippi.

311. On May 26, 2002, Judge Porteous took out/executed one $1,000 marker at the Grand Casino Gulfport in Gulfport, Mississippi, identified by marker number MK179892. Judge Porteous redeemed/repaid that marker the same day.

312. On July 4-5, 2002, Judge Porteous gambled at the Grand Casino Gulfport in Gulfport, Mississippi.

313. On August 13, 2001, Judge Porteous applied for a Capital One credit card.

314. Judge Porteous never sought permission from Bankruptcy Trustee S.J. Beaulieu, Jr. to obtain or use a new Capital One credit card.

315. Judge Porteous was approved for a Capital One credit card with a $200 limit in August 2001.

316. The first charge on Judge Porteous's Capital One credit card was a security deposit charge for $49.00 on August 23, 2001.

317. Judge Porteous's Capital One credit card statements for the periods ending on January 13, 2002, February 13, 2002, October 13, 2002, December 13, 2002, January 13, 2003, February 13, 2003, March 13, 2003, and April 13, 2003, showed that Judge Porteous had not paid his credit card balance in full. Judge Porteous's Capital One credit card statements for the periods ending on October 13, 2001, November 13, 2001, December 13, 2001, March 13, 2002, April 13, 2002, May 13, 2002, June 13, 2002, July 13, 2002, August 13, 2002, September 13, 2002, and November 13, 2002, showed that Judge Porteous paid his credit card balance in full.

318. Judge Porteous's Capital One credit card statement for the time period of May 14, 2002 to June 13, 2002 showed that Judge Porteous's credit limit was increased to $400.

319. Judge Porteous's Capital One credit card statement for the time period of November 14, 2002 to December 13, 2002 showed that Judge Porteous's credit limit was increased to $600.

320. On July 4, 2002, Judge Porteous signed a "Credit Line Change Request" form at the Grand Casino Gulfport in Gulfport, Mississippi and requested a temporary credit limit increase from $2,000 to $2,500. Judge Porteous's request was approved by the casino.

321. Judge Porteous never sought permission from Bankruptcy Trustee S.J. Beaulieu, Jr. to apply for an increased credit limit at the Grand Casino Gulfport in Gulfport, Mississippi.

322. In December 2002, Judge Porteous asked his bankruptcy attorney, Claude Lightfoot, to seek permission from the bankruptcy trustee for Judge Porteous to refinance his home.

323. On December 20, 2002, Judge Porteous was granted permission to refinance his home by Chapter 13 Trustee S.J. Beaulieu, Jr.

324. In December 2002 or January 2003, Judge Porteous asked his bankruptcy attorney, Claude Lightfoot, to seek permission from the bankruptcy trustee for Judge Porteous and his wife Carmella to enter into new car lease agreements.

325. Chapter 13 Trustee S.J. Beaulieu, Jr. sent a letter dated January 2, 2003, to Claude Lightfoot stating that Beaulieu had reviewed the Porteouses' new car lease agreements and that he had no objection to the Porteouses entering into those new car leases.

326. On January 22, 2004, attorneys with the Justice Department, including Noah Bookbinder and Dan Petalas, and agents and analysts with the FBI, including Patrick Bohrer, DeWayne Horner, and Gerald Fink, met with S.J. Beaulieu.

327. On March 4, 2004, Justice Department and FBI personnel, including attorneys Noah Bookbinder and Dan Petalas, Special Agents Patrick Bohrer and DeWayne Horner, and Financial Analyst Gerald Fink, placed a conference call to S.J. Beaulieu regarding the Chapter 13 bankruptcy of G. Thomas Porteous Jr. and Carmella Porteous.

328. On April 1, 2004, S.J. Beaulieu's staff attorney Michael Adoue sent a letter to FBI Agent Wayne Horner.

329. The Porteouses timely paid all repayments called for under their confirmed Chapter 13 repayment plan.

330. The Porteouses received a discharge following completion of their Chapter 13 repayment plan on July 22, 2004.

331. On May 18, 2007, the Criminal Division of the Justice Department sent a letter to Fifth Circuit Chief Judge Edith H. Jones.

332. On July 25, 2007, Ron Woods and Larry Finder interviewed S.J. Beaulieu.

Respectfully submitted,

The United States House of Representatives

By: /s/ Alan I. Baron
Alan I. Baron
Special Impeachment Counsel

Judge G. Thomas Porteous, Jr.

By: /s/ Daniel T. O'Connor
Daniel T. O'Connor
Counsel to Judge G. Thomas Porteous Jr.



THE GEORGE WASHINGTON UNIVERSITY LAW SCHOOL
WASHINGTON DC

JONATHAN TURLEY

J.B. AND MAURICE C. SHAPIRO PROFESSOR
OF PUBLIC INTEREST LAW

September 9, 2010

By Electronic Mail

The Honorable Claire McCaskill, Chair
The Honorable Orrin G. Hatch, Vice Chair
Senate Impeachment Trial Committee
United States Senate
Russell Senate Office Building, Room B-34A
Washington, D.C. 20002

Re: The Impeachment Trial of Judge G. Thomas Porteous Jr.

The purpose of this letter is to raise with the full Committee an escalating effort by the House to curtail the ability of Judge Porteous to present a full and fair defense before the Senate Committee. We urge the Committee to take these concerns into account as it considers the evidence to be presented to it.

As you know, the Senate Committee imposed a trial period of only 20 hours for the parties over the defense's objections that, absent a prior criminal trial, this period was woefully insufficient. This limitation on time put even greater importance on the parties' stipulating to established facts. The House also pushed for the wholesale incorporation of transcripts and prior records by arguing it was necessary to force the defense to engage in factual stipulations in good faith. After securing the shorter time for trial and the incorporation of prior material, the House then proceeded to refuse to negotiate defense stipulations in good faith.

The most recent incident occurred yesterday evening, when the parties were forced to submit a final list of joint stipulations. The entire process of negotiating stipulations, as the defense has recently recounted in its correspondence with the Committee dated Monday, September 6, 2010, was one of gamesmanship by the House. As outlined in that correspondence, while the defense made every effort to accept, or accept with modifications, reasonable stipulations proposed by the House, the House continued to refuse to negotiate in good faith. As a result, while the defense worked diligently to resolve its differences with the House's proposed stipulations, the House failed to demonstrate similar good faith and, often without reason, declined to agree to appropriate stipulations proposed by the defense. As a result, the joint stipulations filed last night have been submitted by Judge Porteous under protest. Judge Porteous agreed to the stipulations submitted last night only because the Senate staff threatened that, failing submission of such a document, the Chair and Vice Chair would reduce the already

limited time of the defense to present its case, despite the fact that the defense has already been required to reduce its number of witnesses, as well as the amount of time allotted to those witnesses, because of the lack of time to present fully its evidence. While we understand that such a sanction would likely have been applied to both sides, the defense is already handicapped by the admission into the record by the House of upwards of a hundred hours of testimony from the Fifth Circuit Special Investigatory Committee proceeding and the House hearings.

Throughout the stipulation process, the Senate staff warned the parties of consequences if either side failed to engage in good faith stipulations. While the record demonstrates that Judge Porteous made every effort to proceed through this process in good faith so as to reduce the burden on the Senate by obviating the need for the Senate to hear and weigh evidence concerning undisputed facts, the House, through the actions of its House Impeachment Counsel, refused to reciprocate and instead demanded significant concessions from the defense, while refusing to agree to a similar number in return.

History of the House's Intransigence

Following our September 6, 2010 letter, the Committee called the parties to a teleconference on the afternoon of Tuesday, September 7, 2010. During this call, the Committee questioned the House's refusal to accept previously agreed to stipulations, as well as the House's continued, and unexplained, objections to straight-forward factual statements. The House took the position that lengthy prior negotiations of the proposed stipulations between the parties' representatives was neither binding nor controlling. After asking the House to explain its position with regard to a handful of specific stipulations proposed by Judge Porteous, the Committee Staff instructed the House to re-review its objections to Judge Porteous's proposed stipulations and for the parties to confer and produce a final set of agreed upon stipulations by Wednesday, September 8, 2010.

After the teleconference with the Committee Staff, the parties again conferred and the House agreed to re-review its objections and provide revised responses to Judge Porteous's proposed stipulations. On Tuesday night, the House sent a revised response to the defense's proposed stipulations, which appeared to change to only 15 (out of 425) of the House's responses/objections to Judge Porteous's proposed stipulations. Defense counsel immediately objected and noted the House's lack of good faith in addressing the stipulations proposed by Judge Porteous, including a number of stipulations specifically raised by the staff, such as the House's refusal to stipulate even to the number of bonds in the record for different periods. Specifically, the House continued to assert unexplained block objections to the majority of the stipulations proposed by Judge Porteous. In fact, it appeared that the House chose to reconsider only those few stipulations specifically raised as exemplars by the Committee Staff during the teleconference and ignored the rest. Defense counsel asked the House to confirm that they had only made modifications to or agreed to an additional fifteen stipulations and had refused to reconsider the remaining proposed stipulations. (*See* Email from Mr. O'Connor, dated September 7,

2010, attached as Exhibit 1.) The next morning, House counsel confirmed this understanding. Once again, defense counsel wrote to House counsel and demanded that they re-review the stipulations. Defense counsel stated:

> The House has chosen to modify only 15 of its 9/6/2010 responses to our proposed stipulations and has continued to assert blanket objections, without providing any explanation, to 149 of the proposed stipulations. This is clearly contrary to the request of the SITC staff and any spirit of fair play and due process, especially in light of the extensive efforts by Judge Porteous to negotiate a resolution of most of the House's proposed stipulations. We urge the House to re-review those 149 proposed stipulations and either agree, suggest alternative language, or provide an explanation for the House's position.
>
> While there are a number of proposed stipulations for which the House's objections cannot be viewed as reasonable, we particularly draw your attention for now to the following 34 proposed stipulations, which are undisputed facts to which the House can have no rational objection. The House cannot be seen as operating in good faith without revisiting these stipulations and either agreeing with them or explaining its objection.

(*See* Email from Mr. O'Connor, dated September 8, 2010, attached as Exhibit 2.) The defense provided numerous examples of the House's obstructive tactics. (*Id.*) In response, the House stated that, "The Committee did not require that the House provide detailed written responses to each of its objections" and "[t]he House declines to provide alternative language to every stipulation to which it has objected." (*See* Email from Harold Damelin, attached as Exhibit 3.) The House then proceeded to respond to only five of the 34 stipulations specifically referenced by the defense.

Despite the House's intransigence and obstructive behavior, the defense, in light of the Committee's instruction and explicit command that a set of stipulation had to be submitted, worked with the House throughout the day yesterday to create a list of stipulations that had been agreed upon. That list was submitted to the Senate late yesterday evening.

Although the defense has agreed, under protest, to this set of stipulations, this entire procedure is bereft of fairness and due process. This is highly inappropriate for an impeachment trial before the Senate in which the Committee Chair and Vice Chair have expressed a dedication to fairness and due process. House counsel hijacked this process, failed to negotiate in a reasonable manner, and forced the Committee into allowing its obstructive behaviors by effectively running out the clock before trial and depriving the Committee of other options. The Committee aided in this ploy by threatening a reduction in time for the defense to present its case. Accordingly, the defense had no choice but to agree to the prior stipulations under protest, even though a large number of stipulations

proposed by the defense – many of which House counsel had preliminarily agreed to – are not included in the final list of stipulations.

Redress Is Required

The defense urges the Committee to make an appropriate response to the House's misconduct. The most obvious remedy, used in federal court, is for the Senate to review the reasonable stipulations proposed by the defense and order their incorporation. In past impeachments, the Senate has made clear that compelled stipulations would be the response to bad-faith actions by a party. Alternatively, since the defense will now have to prove these facts at trial (while the House has secured its own factual stipulations), we urge the Senate to consider permitting the defense an increase in time allowed at trial.

One additional concern is the apparent ploy by the House of holding for rebuttal witnesses that the House originally intended to call in its case-in-chief. Although two witnesses (Messrs. Plattsmier and Gerhardt) were on the original list of witnesses that the House intended to call in its case-in-chief, they were not included in the final order of witnesses submitted to the Senate, despite a clear command to list all witnesses. This tactic would allow the House to first present its case and then present additional, case-in-chief testimony through those witnesses after the defense case, circumventing the scheduling order of the Senate. Messrs. Plattsmier and Gerhardt clearly are not legitimate rebuttal witnesses; to the contrary, the House meant them to be part of its primary case and now appears to be holding them back just to obtain special advantage by resuming its case at the end of the trial. As we have discussed with the Senate staff, this is fundamentally unfair and contrary to the Senate's scheduling order. Furthermore, it makes it impossible for the defense to adequately prepare time allocations. Indeed, this further magnifies the problem caused by the House's refusal to stipulate to clear and indisputable facts by further complicating the use of our limited time in presenting the defense case. This concern was magnified further when the defense received notice from the Committee just this afternoon that (unlike the *Hastings* impeachment) the time for opening statements will be counted against each party's time, leaving only 19 hours for the presentation of witnesses. In order to permit the Committee to adhere to its original scheduling order and to ensure a fair process, the defense urges the Committee to bar rebuttal witnesses for both parties in order to establish a reliable schedule and to prevent gamesmanship in the trial. We urge the Committee to resolve this matter before the start of the trial for that same reason.

Throughout the stipulation process, the members of this defense team have acted in the utmost good faith, including spending many hours working through the stipulations and attempting to negotiate a successful resolution with the House – even after the defense came to believe that the process had evolved into a one-sided and entirely inequitable affair. The defense did this in order to comply with the Senate's demands, despite its impact on the defense's time for trial preparation, with the expectation that the process would be entered into by both sides in good faith. The House clearly has violated the fairness of that process, and we ask the Senate to impose a suitable remedy.

We appreciate your attention to this matter and look forward to the Senate Committee's fair resolution of what has become a grossly unfair process.

Respectfully,

JONATHAN TURLEY /pj-

Jonathan Turley
Counsel to Judge G. Thomas Porteous, Jr.

Exhibit 1

Meitl, P.J.

From: O'Connor, Dan
Sent: Tuesday, September 07, 2010 9:37 PM
To: 'Konar, Kirsten W.'
Cc: Baron, Alan; Dubester, Mark; Damelin, Harold; Meitl, P.J.; Jonathan Turley; Schwartz, Daniel
Subject: RE: Porteous Stipulations

Kirsten:

I've only had a brief opportunity to review the House's latest revision, but to make sure that we understand the House's position, can you confirm that:

1) The House made only 15 additional modifications to its 9/6/2010 response to Judge Porteous's proposed stipulations following this afternoon's call with the SITC Staff?

(Nos. 58, 97.5, 173, 180, 181, 261-264 (the bond series), 294, 297, House proposed re-write of 299-306, 386, 395, 398)

2) The House continues to refuse to stipulate in total and without explanation to 149 stipulations proposed by Judge Porteous?

(Nos. 17, 59, 85-87, 91-93, 95, 97, 98, 110-14, 117, 121, 124, 127, 144, 148, 158, 162, 164, 168, 182-184, 186-187, 190, 203-08, 221, 223, 225, 227, 234, 239, 241-42, 242.5, 246-248, 250-255, 257, 296, 298-310, 313, 315, 317-26, 327-31, 333-40, 350-52, 355-66, 368-72, 377-78, 385, 387, 390-94, 396-397, 399, 401-04, 408-15, 417-18, 420-25)

Regards,

Dan O'Connor
Bryan Cave LLP
1155 F St. NW, Suite 700
Washington, DC 20004
Tel: (202) 508-6042
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dan.oconnor@bryancave.com

-----Original Message-----
From: Konar, Kirsten W. [mailto:KKonar@seyfarth.com]
Sent: Tuesday, September 07, 2010 8:45 PM
To: O'Connor, Dan; Meitl, P.J.; Jonathan Turley; Schwartz, Daniel
Cc: Baron, Alan; Dubester, Mark; Damelin, Harold
Subject: Porteous Stipulations

Counsel:

The House has reviewed the September 6, 2010 version of its response to Judge Porteous's proposed stipulations in light of today's conference call with the SITC. The House has made certain modifications and revisions, which are indicated in the attached document. The House invites Judge Porteous to respond or comment on this document, in order to have an agreed document ready for filing tomorrow.

Regards,

Kirsten W. Konar
Special Impeachment Counsel
U.S. House of Representatives
H2-365 Ford HOB
Washington, D.C. 20515
Direct Dial: (202) 226-0451 | Fax: (202) 226-4769 kirsten.konar@mail.house.gov

<<Porteous Stipulations (Revised 09_07_10).DOC>>

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Exhibit 2

Meitl, P.J.

From: O'Connor, Dan
Sent: Wednesday, September 08, 2010 10:16 AM
To: 'Konar, Kirsten W.'; Baron, Alan; Dubester, Mark; Damelin, Harold
Cc: Meitl, P.J.; Jonathan Turley; Schwartz, Daniel
Subject: RE: Porteous Stipulations

House Counsel:

We have reviewed the 9/7/2010 version of the House's response to Judge Porteous's proposed stipulations. The House has chosen to modify only 15 of its 9/6/2010 responses to our proposed stipulations and has continued to assert blanket objections, without providing any explanation, to 149 of the proposed stipulations. This is clearly contrary to the request of the SITC staff and any spirit of fair play and due process, especially in light of the extensive efforts by Judge Porteous to negotiate a resolution of most of the House's proposed stipulations. We urge the House to re-review those 149 proposed stipulations and either agree, suggest alternative language, or provide an explanation for the House's position.

While there are a number of proposed stipulations for which the House's objections cannot be viewed as reasonable, we particularly draw your attention for now to the following 34 proposed stipulations, which are undisputed facts to which the House can have no rational objection. The House cannot be seen as operating in good faith without revisiting these stipulations and either agreeing with them or explaining its objection.

- No. 59 [As negotiated with Ms. Konar] Jacob Amato testified at his Senate Deposition on August 2, 2010, that it was "pretty hard not to know" that he and Judge Porteous knew each other, were friends, and had lunch together.

- No. 93 [As agreed to in principle with Ms. Konar] Robert Creely never hid the fact that he gave money to Judge Porteous.

- No. 97 [As agreed to in principle with Ms. Konar] Jacob Amato never thought that Judge Porteous ruled in favor of or against a lawyer or his or her client because that lawyer was or was not Judge Porteous's friend.

- No. 124 [As negotiated and modified with Ms. Konar] At his Senate Deposition on August 2, 2010, Robert Creely testified that he would have given Judge Porteous gifts of money even if Judge Porteous had not assigned him curatorships.

- No. 127 [As agreed to with Ms. Konar] The *Lifemark v. Liljeberg* case (No. 2:93-cv-1794) never came up in Robert Creely's discussions with Judge Porteous.

- No. 144 [As agreed to with Ms. Konar] Mr. Amato would not have taken and appeared in the *Lifemark v. Liljeberg* case (No.: 2:93-cv-1794) if he had not thought he could win it. To this day, Mr. Amato believes that the Liljebergs should have prevailed in the *Lifemark v. Liljeberg* case.

- No. 158 [As agreed to with Ms. Konar] According to Robert Creely, when Mr. Creely discussed giving one thousand dollars to Jacob Amato to give to Judge Porteous, Mr. Creely and Mr. Amato did not have any discussion of the *Lifemark v. Liljeberg* case.

- No. 162 [As agreed to with Ms. Konar] According to Jacob Amato, Mr. Amato agreed to give Judge Porteous the money he requested as a result of Amato's friendship with Judge Porteous and because Amato felt sorry for Judge Porteous.

- No. 164 [As agreed to with Ms. Konar] According to Jacob Amato, when he gave Judge Porteous money in approximately June 1999, he did not have any intent or expectation that the money would impact Judge Porteous's decision in the *Lifemark v. Liljeberg* case or would improve Amato's chances of success in that case.

- No. 168 [As agreed to with Ms. Konar] Mr. Amato testified in his Senate Deposition on August 2, 2010 that he "probably" would have given Judge Porteous the money that Porteous requested even if Judge Porteous had not been a judge and had not been presiding over the Liljeberg case.

- No. 223 [As agreed to with Ms. Konar] Between 1984 and 1994, state court judges in Gretna, Louisiana often had lunch with local attorneys and professional acquaintances, and the judges' lunches were often paid for by those attorneys or professional acquaintances.

- No. 239 [As agreed to with Ms. Konar] Judge Porteous was not the first judge in the 24th Judicial District Court in Gretna, Louisiana to split bonds.

- No. 298 Rhonda Danos assisted Lori Marcotte with the planning and preparation for a Christmas party at the Blue House at some point in the 1990s.

- No. 313 Judge Porteous gave the FBI the name of Louis Marcotte and contact information as part of his background investigation.

- No. 352 [As discussed previously with Ms. Konar, Porteous Exhibit 1064 evidences this fact] At the time that the Porteouses filed their voluntary petition for bankruptcy protection, the Times-Picaynue newspaper published weekly the names of all individuals who filed for bankruptcy protection.

- No. 377 No creditors received any notice in connection with the Porteouses' bankruptcy filing containing or reflecting the name "Ortous."

- No. 391 Prior to June 28, 2001, the Porteouses were never subject to any court order in connection with their bankruptcy case not to incur new debt or take out new credit.

- No. 396 During their January 22, 2004 meeting, Justice Department and FBI personnel advised S.J. Beaulieu of certain allegations of misconduct or improprieties in connection with the Porteouses' bankruptcy case.

- No. 397 The allegations that the Justice Department and FBI personnel advised S.J. Beaulieu of during their January 22, 2004 meeting included: filing the original petition with their name misspelled, undisclosed income, income tax refunds, the use of credit cards, transfers of property, and lifestyle activities that might not be consistent with the Porteouses' bankruptcy schedules and disclosures.

- No. 399 During their March 2004 conversation, Justice Department and FBI personnel instructed S.J. Beaulieu to "use whatever powers he has" and "take whatever action he felt

appropriate" in connection with the Porteouses' bankruptcy case.

- No. 401 In his April 1, 2004 letter, S.J. Beaulieu's staff attorney advised the FBI that "the only allegation that the Trustee has evidence of relates to debtor's FICA tax withholding which should have stopped after the FICA withholding limits were met."

- No. 402 In his April 1, 2004 letter, S.J. Beaulieu's staff attorney advised the FBI that, "[i]n Mr. Beaulieu's opinion, extending the [Porteouses' Chapter 13 repayment] plan at the late date to recoup the different in disposable income [resulting from FICA tax withholding] would not substantially increase the percentage paid to unsecured creditors."

- No. 403 In his April 1, 2004 letter, S.J. Beaulieu's staff attorney advised that, "[s]ince Mr. Beaulieu has no evidence to support the suspicions expressed by the FBI agents, he does not intend to take further action related to these allegations."

- No. 408 S.J. Beaulieu, as Chapter 13 Trustee, did not object to the Porteouses' discharge.

- No. 409 No creditor objected to the Porteouses' discharge.

- No. 410 The government did not object to the Porteouses' discharge.

- No. 411 No other party objected to the Porteouses' discharge.

- No. 412 S.J. Beaulieu, as Chapter 13 Trustee, has not sought to revoke the Porteouses' discharge.

- No. 413 No creditor has sought to revoke the Porteouses' discharge.

- No. 414 The government has not sought to revoke the Porteouses' discharge.

- No. 415 No other party has sought to revoke the Porteouses' discharge.

- No. 417 In its May 18, 2007 letter to Chief Judge Jones, the Justice Department stated that it would "not seek criminal charges against Judge Porteous" in connection with the allegations that he "filed false declarations, concealed assets, and acted in criminal contempt of court during his personal bankruptcy action."

- No. 420 During their July 25, 2007 interview, S.J. Beaulieu told Ron Woods and Larry Finder that "the only preferential treatment he provided to Porteous was to hold his 341 meeting on the docket from morning to afternoon to reduce the chances of Porteous being seen by bankruptcy lawyers."

- No. 422 During their July 25, 2007 interview, S.J. Beaulieu told Ron Woods and Larry Finder that, since the Porteouses' "unsecured creditors all received notice of the actual identities of the debtors," he viewed their use of incorrect names on their initial bankruptcy petition to be one of "no harm, no foul."

So that we may seek Senate assistance if needed, please advise by noon today whether and how the House intends to respond to this request.

Regards,

Dan O'Connor
Bryan Cave LLP
1155 F St. NW, Suite 700
Washington, DC 20004
Tel: (202) 508-6042
Fax: (202) 220-7342

dan.oconnor@bryancave.com

-----Original Message-----
From: Konar, Kirsten W. [mailto:KKonar@seyfarth.com]
Sent: Wednesday, September 08, 2010 9:15 AM
To: O'Connor, Dan
Cc: Baron, Alan; Dubester, Mark; Damelin, Harold; Meitl, P.J.; Jonathan Turley; Schwartz, Daniel
Subject: RE: Porteous Stipulations

Dan,

The document represents a complete re-review of every non-agreed to Porteous stipulation, in light of yesterday's conference call with the Committee. There are a number of stipulations which the House has proposed in modified form, for acceptance or rejection by Judge Porteous. Please apprise us of your decision with respect to these stipulations.

Per Derron's directive, the parties must file a document today. The House intends to abide by this directive and to file, at the very least, a document containing the Porteous stipulations that the House has accepted. In light of your comments last night, it is unclear whether Judge Porteous has formally accepted any of the House's stipulations. You at least alluded to the fact that Judge Porteous may be re-visiting his decision regarding the previous acceptance of certain House stipulations. We would appreciate a response to our stipulations, so that we can include any stipulations that Judge Porteous accepted, and so that a joint document can be filed.

Regards,

Kirsten W. Konar
Special Impeachment Counsel
U.S. House of Representatives
H2-365 Ford HOB
Washington, D.C. 20515
Direct Dial: (202) 226-0451 | Fax: (202) 226-4769
kirsten.konar@mail.house.gov

-----Original Message-----
From: O'Connor, Dan [mailto:Dan.OConnor@bryancave.com]
Sent: Tuesday, September 07, 2010 9:37 PM
To: Konar, Kirsten W.
Cc: Baron, Alan; Dubester, Mark; Damelin, Harold; Meitl, P.J.; Jonathan Turley; Schwartz, Daniel
Subject: RE: Porteous Stipulations

Kirsten:

I've only had a brief opportunity to review the House's latest revision,

but to make sure that we understand the House's position, can you confirm that:

1) The House made only 15 additional modifications to its 9/6/2010 response to Judge Porteous's proposed stipulations following this afternoon's call with the SITC Staff?

(Nos. 58, 97.5, 173, 180, 181, 261-264 (the bond series), 294, 297, House proposed re-write of 299-306, 386, 395, 398)

2) The House continues to refuse to stipulate in total and without explanation to 149 stipulations proposed by Judge Porteous?

(Nos. 17, 59, 85-87, 91-93, 95, 97, 98, 110-14, 117, 121, 124, 127, 144, 148, 158, 162, 164, 168, 182-184, 186-187, 190, 203-08, 221, 223, 225, 227, 234, 239, 241-42, 242.5, 246-248, 250-255, 257, 296, 298-310, 313, 315, 317-26, 327-31, 333-40, 350-52, 355-66, 368-72, 377-78, 385, 387, 390-94, 396-397, 399, 401-04, 408-15, 417-18, 420-25)

Regards,

Dan O'Connor
Bryan Cave LLP
1155 F St. NW, Suite 700
Washington, DC 20004
Tel: (202) 508-6042
Fax: (202) 220-7342
dan.oconnor@bryancave.com

-----Original Message-----
From: Konar, Kirsten W. [mailto:KKonar@seyfarth.com]
Sent: Tuesday, September 07, 2010 8:45 PM
To: O'Connor, Dan; Meitl, P.J.; Jonathan Turley; Schwartz, Daniel
Cc: Baron, Alan; Dubester, Mark; Damelin, Harold
Subject: Porteous Stipulations

Counsel:

The House has reviewed the September 6, 2010 version of its response to Judge Porteous's proposed stipulations in light of today's conference call with the SITC. The House has made certain modifications and revisions, which are indicated in the attached document. The House invites Judge Porteous to respond or comment on this document, in order to have an agreed document ready for filing tomorrow.

Regards,

Kirsten W. Konar
Special Impeachment Counsel
U.S. House of Representatives
H2-365 Ford HOB
Washington, D.C. 20515
Direct Dial: (202) 226-0451 | Fax: (202) 226-4769
kirsten.konar@mail.house.gov

<<Porteous Stipulations (Revised 09_07_10).DOC>>

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bcllp2010

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Exhibit 3

Meitl, P.J.

From: Damelin, Harold [Harold.Damelin@mail.house.gov]

Sent: Wednesday, September 08, 2010 12:53 PM

To: O'Connor, Dan; Meitl, P.J.; Jonathan Turley; Schwartz, Daniel

Cc: Baron, Alan; Dubester, Mark; 'kirsten.konar@mail.house.gov'; 'Konar, Kirsten W.'

Subject: RE: Porteous Stipulations

Counsel,

The House has re-reviewed all stipulations referenced in your email below and has worked to identify any stipulations to which a compromise may be reached. The House believes the vast majority of the Porteous stipulations, to which it has objected, are improper and are not factually accurate. The Committee did not require that the House provide detailed written responses to each of its objections. However, as to certain of Judge Porteous's stipulations that the Committee asked the House to reconsider, the House has done so.

The House declines to provide alternative language to every stipulation to which it has objected. However, in a good faith effort to reach agreements with Judge Porteous, the House provides the following explanations and/or modifications to certain of Judge Porteous's stipulations:

239) "Judge Porteous was not the first judge in the 24th Judicial District Court in Gretna, Louisiana to split bonds."

The House declines to stipulate to this fact because it is disputed. The House Report does not definitively establish that Judge Porteous was not the first judge to split bonds, and Louis Marcotte's deposition is not sufficient evidence of this alleged fact. Moreover, former judge Ronald Bodenheimer has testified that he believes Judge Porteous was the one to invent the split bond.

313) "Judge Porteous gave the FBI the name of Louis Marcotte and contact information as part of his background investigation."

This is a disputed fact. Louis Marcotte's belief that Judge Porteous gave the FBI his name does not establish the fact to be true and undisputed. If Judge Porteous has other evidence establishing this fact, the House will consider stipulating.

352) "At the time that the Porteouses filed their voluntary petition for bankruptcy protection, the Times-Picayune newspaper published weekly the names of all individuals who filed for bankruptcy protection."

Porteous Exhibit 1064 does not prove that the Times-Picayune published, on a weekly basis, the names of bankruptcy filers. The House will agree to the following modification, unless Porteous has further evidence of weekly publication:

"At the time that the Porteouses filed their voluntary petition for bankruptcy protection, the Times-Picayune newspaper **periodically** published the names of all individuals who filed for bankruptcy protection."

377) "No creditors received any notice in connection with the Porteouses' bankruptcy filing containing or reflecting the name "Ortous.""

This is a disputed, unproven fact. The House will agree to the following modification:

"No creditor listed in the Porteous's initial voluntary petition or in the Porteous's bankruptcy schedules received any official notice from the bankruptcy court that contained the name "Ortous.""

391) "Prior to June 28, 2001, the Porteouses were never subject to any court order in connection with their bankruptcy case not to incur new debt or take out new credit."

The House will agree to the following modification: "On June 28, 2001, Judge Greendyke issued a Confirmation Order in the Porteous bankruptcy."

The House still has not received a response from Judge Porteous regarding whether Judge Porteous is, at this point, agreeing to any of the House's proposed stipulations. Please advise so that the parties can prepare a joint document for filing.

Regards,

Kirsten Konar

From: O'Connor, Dan [mailto:Dan.OConnor@bryancave.com]
Sent: Wednesday, September 08, 2010 10:16 AM
To: 'Konar, Kirsten W.'; Baron, Alan; Dubester, Mark; Damelin, Harold
Cc: Meitl, P.J.; Jonathan Turley; Schwartz, Daniel
Subject: RE: Porteous Stipulations

House Counsel:

We have reviewed the 9/7/2010 version of the House's response to Judge Porteous's proposed stipulations. The House has chosen to modify only 15 of its 9/6/2010 responses to our proposed stipulations and has continued to assert blanket objections, without providing any explanation, to 149 of the proposed stipulations. This is clearly contrary to the request of the SITC staff and any spirit of fair play and due process, especially in light of the extensive efforts by Judge Porteous to negotiate a resolution of most of the House's proposed stipulations. We urge the House to re-review those 149 proposed stipulations and either agree, suggest alternative language, or provide an explanation for the House's position.

While there are a number of proposed stipulations for which the House's objections cannot be viewed as reasonable, we particularly draw your attention for now to the following 34 proposed stipulations, which are undisputed facts to which the House can have no rational objection. The House cannot be seen as operating in good faith without revisiting these stipulations and either agreeing with them or explaining its objection.

- No. 59 [As negotiated with Ms. Konar] Jacob Amato testified at his Senate Deposition on August 2, 2010, that it was "pretty hard not to know" that he and Judge Porteous knew each other, were friends, and had lunch together.

- No. 93 [As agreed to in principle with Ms. Konar] Robert Creely never hid the fact that he gave money to Judge Porteous.

- No. 97 [As agreed to in principle with Ms. Konar] Jacob Amato never thought that Judge Porteous ruled in favor of or against a lawyer or his or her client because that lawyer was or was not Judge Porteous's friend.

- No. 124 [As negotiated and modified with Ms. Konar] At his Senate Deposition on August 2, 2010, Robert Creely testified that he would have given Judge Porteous gifts of money even if Judge Porteous had not assigned him curatorships.

- No. 127 [As agreed to with Ms. Konar] The *Lifemark v. Liljeberg* case (No. 2:93-cv-1794) never came up in Robert Creely's discussions with Judge Porteous.

- No. 144 [As agreed to with Ms. Konar] Mr. Amato would not have taken and appeared in the *Lifemark v. Liljeberg* case (No.: 2:93-cv-1794) if he had not thought he could win it. To this day, Mr. Amato believes that the Liljebergs should have prevailed in the *Lifemark v. Liljeberg* case.

- No. 158 [As agreed to with Ms. Konar] According to Robert Creely, when Mr. Creely discussed giving one thousand dollars to Jacob Amato to give to Judge Porteous, Mr. Creely and Mr. Amato did not have any discussion of the *Lifemark v. Liljeberg* case.

- No. 162 [As agreed to with Ms. Konar] According to Jacob Amato, Mr. Amato agreed to give Judge Porteous the money he requested as a result of Amato's friendship with Judge Porteous and because Amato felt sorry for Judge Porteous.

- No. 164 [As agreed to with Ms. Konar] According to Jacob Amato, when he gave Judge Porteous money in approximately June 1999, he did not have any intent or expectation that the money would impact Judge Porteous's decision in the *Lifemark v. Liljeberg* case or would improve Amato's chances of success in that case.

- No. 168 [As agreed to with Ms. Konar] Mr. Amato testified in his Senate Deposition on August 2, 2010 that he "probably" would have given Judge Porteous the money that Porteous requested even if Judge Porteous had not been a judge and had not been presiding over the Liljeberg case.

- No. 223 [As agreed to with Ms. Konar] Between 1984 and 1994, state court judges in Gretna, Louisiana often had lunch with local attorneys and professional acquaintances, and the judges' lunches were often paid for by those attorneys or professional acquaintances.

- No. 239 [As agreed to with Ms. Konar] Judge Porteous was not the first judge in the 24th Judicial District Court in Gretna, Louisiana to split bonds.

- No. 298 Rhonda Danos assisted Lori Marcotte with the planning and preparation for a Christmas party at the Blue House at some point in the 1990s.

- No. 313 Judge Porteous gave the FBI the name of Louis Marcotte and contact information as part of his background investigation.

- No. 352 [As discussed previously with Ms. Konar, Porteous Exhibit 1064 evidences this fact] At the time that the Porteouses filed their voluntary petition for bankruptcy protection, the Times-Picaynue newspaper published weekly the names of all individuals who filed for bankruptcy protection.

- No. 377 No creditors received any notice in connection with the Porteouses' bankruptcy filing containing or reflecting the name "Ortous."

- No. 391 Prior to June 28, 2001, the Porteouses were never subject to any court order in connection with their bankruptcy case not to incur new debt or take out new credit.

- No. 396 During their January 22, 2004 meeting, Justice Department and FBI personnel advised

S.J. Beaulieu of certain allegations of misconduct or improprieties in connection with the Porteouses' bankruptcy case.

- No. 397 The allegations that the Justice Department and FBI personnel advised S.J. Beaulieu of during their January 22, 2004 meeting included: filing the original petition with their name misspelled, undisclosed income, income tax refunds, the use of credit cards, transfers of property, and lifestyle activities that might not be consistent with the Porteouses' bankruptcy schedules and disclosures.

- No. 399 During their March 2004 conversation, Justice Department and FBI personnel instructed S.J. Beaulieu to "use whatever powers he has" and "take whatever action he felt appropriate" in connection with the Porteouses' bankruptcy case.

- No. 401 In his April 1, 2004 letter, S.J. Beaulieu's staff attorney advised the FBI that "the only allegation that the Trustee has evidence of relates to debtor's FICA tax withholding which should have stopped after the FICA withholding limits were met."

- No. 402 In his April 1, 2004 letter, S.J. Beaulieu's staff attorney advised the FBI that, "[i]n Mr. Beaulieu's opinion, extending the [Porteouses' Chapter 13 repayment] plan at the late date to recoup the different in disposable income [resulting from FICA tax withholding] would not substantially increase the percentage paid to unsecured creditors."

- No. 403 In his April 1, 2004 letter, S.J. Beaulieu's staff attorney advised that, "[s]ince Mr. Beaulieu has no evidence to support the suspicions expressed by the FBI agents, he does not intend to take further action related to these allegations."

- No. 408 S.J. Beaulieu, as Chapter 13 Trustee, did not object to the Porteouses' discharge.

- No. 409 No creditor objected to the Porteouses' discharge.

- No. 410 The government did not object to the Porteouses' discharge.

- No. 411 No other party objected to the Porteouses' discharge.

- No. 412 S.J. Beaulieu, as Chapter 13 Trustee, has not sought to revoke the Porteouses' discharge.

- No. 413 No creditor has sought to revoke the Porteouses' discharge.

- No. 414 The government has not sought to revoke the Porteouses' discharge.

- No. 415 No other party has sought to revoke the Porteouses' discharge.

- No. 417 In its May 18, 2007 letter to Chief Judge Jones, the Justice Department stated that it would "not seek criminal charges against Judge Porteous" in connection with the allegations that he "filed false declarations, concealed assets, and acted in criminal contempt of court during his personal bankruptcy action."

- No. 420 During their July 25, 2007 interview, S.J. Beaulieu told Ron Woods and Larry Finder that "the only preferential treatment he provided to Porteous was to hold his 341 meeting on the docket from morning to afternoon to reduce the chances of Porteous being seen by bankruptcy

lawyers."

- No. 422 During their July 25, 2007 interview, S.J. Beaulieu told Ron Woods and Larry Finder that, since the Porteouses' "unsecured creditors all received notice of the actual identities of the debtors," he viewed their use of incorrect names on their initial bankruptcy petition to be one of "no harm, no foul."

So that we may seek Senate assistance if needed, please advise by noon today whether and how the House intends to respond to this request.

Regards,

Dan O'Connor
Bryan Cave LLP
1155 F St. NW, Suite 700
Washington, DC 20004
Tel: (202) 508-6042
Fax: (202) 220-7342

dan.oconnor@bryancave.com

-----Original Message-----
From: Konar, Kirsten W. [mailto:KKonar@seyfarth.com]
Sent: Wednesday, September 08, 2010 9:15 AM
To: O'Connor, Dan
Cc: Baron, Alan; Dubester, Mark; Damelin, Harold; Meitl, P.J.; Jonathan Turley; Schwartz, Daniel
Subject: RE: Porteous Stipulations

Dan,

The document represents a complete re-review of every non-agreed to Porteous stipulation, in light of yesterday's conference call with the Committee. There are a number of stipulations which the House has proposed in modified form, for acceptance or rejection by Judge Porteous. Please apprise us of your decision with respect to these stipulations.

Per Derron's directive, the parties must file a document today. The House intends to abide by this directive and to file, at the very least, a document containing the Porteous stipulations that the House has accepted. In light of your comments last night, it is unclear whether Judge Porteous has formally accepted any of the House's stipulations. You at least alluded to the fact that Judge Porteous may be re-visiting his decision regarding the previous acceptance of certain House stipulations. We would appreciate a response to our stipulations, so that we can include any stipulations that Judge Porteous accepted, and so that a joint document can be filed.

Regards,

Kirsten W. Konar
Special Impeachment Counsel
U.S. House of Representatives
H2-365 Ford HOB
Washington, D.C. 20515
Direct Dial: (202) 226-0451 | Fax: (202) 226-4769
kirsten.konar@mail.house.gov

-----Original Message-----
From: O'Connor, Dan [mailto:Dan.OConnor@bryancave.com]
Sent: Tuesday, September 07, 2010 9:37 PM
To: Konar, Kirsten W.
Cc: Baron, Alan; Dubester, Mark; Damelin, Harold; Meitl, P.J.; Jonathan Turley; Schwartz, Daniel
Subject: RE: Porteous Stipulations

Kirsten:

I've only had a brief opportunity to review the House's latest revision, but to make sure that we understand the House's position, can you confirm that:

1) The House made only 15 additional modifications to its 9/6/2010 response to Judge Porteous's proposed stipulations following this afternoon's call with the SITC Staff?

(Nos. 58, 97.5, 173, 180, 181, 261-264 (the bond series), 294, 297, House proposed re-write of 299-306, 386, 395, 398)

2) The House continues to refuse to stipulate in total and without explanation to 149 stipulations proposed by Judge Porteous?

(Nos. 17, 59, 85-87, 91-93, 95, 97, 98, 110-14, 117, 121, 124, 127, 144, 148, 158, 162, 164, 168, 182-184, 186-187, 190, 203-08, 221, 223, 225, 227, 234, 239, 241-42, 242.5, 246-248, 250-255, 257, 296, 298-310, 313, 315, 317-26, 327-31, 333-40, 350-52, 355-66, 368-72, 377-78, 385, 387, 390-94, 396-397, 399, 401-04, 408-15, 417-18, 420-25)

Regards,

Dan O'Connor
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Tel: (202) 508-6042
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dan.oconnor@bryancave.com

-----Original Message-----
From: Konar, Kirsten W. [mailto:KKonar@seyfarth.com]
Sent: Tuesday, September 07, 2010 8:45 PM
To: O'Connor, Dan; Meitl, P.J.; Jonathan Turley; Schwartz, Daniel
Cc: Baron, Alan; Dubester, Mark; Damelin, Harold
Subject: Porteous Stipulations

Counsel:

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Regards,

Kirsten W. Konar
Special Impeachment Counsel
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<<Porteous Stipulations (Revised 09_07_10).DOC>>

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bcllp2010

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Congress of the United States
Washington, DC 20515

September 10, 2010

Via Electronic Mail

The Honorable Claire McCaskill, Chair
The Honorable Orrin G. Hatch, Vice Chair
Senate Impeachment Trial Committee
United States Senate
Russell Senate Office Building, Room B-34-A
Washington, DC 20002

Re: The Impeachment Trial of Judge G. Thomas Porteous, Jr.

Dear Senator McCaskill and Senator Hatch:

This letter is in response to the letter of September 9, 2010 sent to the Senate Impeachment Trial Committee on behalf of Judge Porteous. That letter seeks in large measure to re-argue matters previously raised, such as complaints regarding stipulations, the number of hours available to each party at trial, and the admission into evidence of prior sworn testimony which was subject to cross-examination.

As for the *Ad Hominem* attacks, the House declines to respond in kind, though it would have a substantial basis for doing so. The House has acted in good faith and spent an inordinate number of hours reviewing each proposed stipulation and proposing modifications when it felt it was appropriate. Where the House concluded that a proposed stipulation was incorrect or misleading and could not be modified, it declined to stipulate.

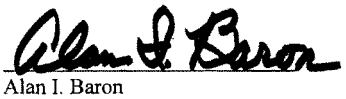
Counsel for Judge Porteous seem to take the approach that if they don't get what they want and when they want it, the House is acting in bad faith. That is not the case and further discussion on this matter, particularly in light of the fact that hundreds of stipulations have been entered into, is not, in our view, likely to be productive.

We would also like to address the issue of rebuttal witnesses. As far as we can tell the Senate Impeachment Rules do not speak to the issue. Each side has 20 hours to present its case. Judge Porteous has been given detailed, in many instances multiple, versions of what the House's witnesses have testified to in the past. By contrast, the House has little or no information about the testimony likely to be elicited from many of Judge Porteous's witnesses.

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We believe at the close of Judge Porteous's case, if the House has any time remaining, we should be permitted to put on true rebuttal witnesses. The Senate Committee, in its discretion, can decide at that time whether rebuttal is warranted based on a proffer by the House regarding the proposed testimony.

Very Truly Yours,



Alan I. Baron
Special Impeachment Counsel

cc: Jonathan Turley (via electronic mail)
Daniel C. Schwartz (via electronic mail)
P.J. Meitl (via electronic mail)
Dan O'Connor (via electronic mail)

IV. COMMITTEE ACTIONS AND FILINGS OF THE PARTIES LEADING UP TO THE SEPTEMBER EVIDENTIARY HEARINGS

d. Pre-Trial Statements

United States Senate

SENATE IMPEACHMENT
TRIAL COMMITTEE

WASHINGTON, DC 20510-6326

ORDER DESIGNATING CONTENTS OF PRE-TRIAL STATEMENTS

The evidentiary hearings will begin on September 13, 2010, in the Hart Senate Office Building, Room 216. Each side will have twenty (20) hours to present their case (including any cross examination of the other side's witnesses) to the Committee. At this time, the Committee believes this time allotment will be sufficient for the parties to present their case. No extensions will be granted absent a showing of good cause.

As previously ordered, the parties shall file Pre-Trial Statements no later than September 1, 2010. Each party shall include the following information in its Pre-Trial Statement:

1. Statement of the Case: Provide a brief and general statement of the case as the party intends to present it at the evidentiary hearings.

2. Final Witness List: Attached is a copy of the names of the witnesses for whom the Committee has approved subpoenas. The parties shall note any changes to this list. Each party shall provide for each witness on its list, including those for whom subpoenas have been approved, a statement as to the nature of that witness's testimony sufficient to illustrate the relevance of that testimony to these proceedings. For expert witnesses, the parties shall include a brief statement of the subject of their testimony, their qualifications as experts, and a copy of their current curriculum vitae.

The parties shall periodically provide information to the Committee concerning the anticipated order of the presentation of witnesses. The witness list should be framed within the time allotment articulated above. In its Pre-Trial Statement, the House should indicate the anticipated order in which it intends to call witnesses during the direct presentation of its case and the estimated duration of those witnesses' direct testimony. In the event that information should change before commencement of the evidentiary hearings on September 13, 2010, the House shall promptly advise the Committee of that fact.

Judge Porteous shall provide an estimate of the duration of the direct testimony of each witness and, to the extent that he is able, the order in which he anticipates calling them by September 8. He shall also timely inform the Committee of any change in these expectations.

3. Exhibit List: The parties shall provide a numbered index of exhibits which the party intends to offer at the evidentiary hearings. The index should provide a specific description of each listed document or item of evidence, and, if the document or item of evidence has previously been introduced in a prior proceeding (such as the House Impeachment Task Force Hearings, or before the Special Investigatory Committee of the Fifth Circuit), a citation to the prior record where the document or item of evidence was introduced.

Both parties shall exchange copies of their numbered exhibits, including any tape or video recordings, and shall provide one electronic (CD or DVD) and two hard copies of their exhibits to the Committee on or before September 1, 2010. The House's exhibit numbers shall begin at 1, and Judge Porteous's exhibit numbers shall begin at 1001.

Both parties shall, on or before September 8, 2010, file and serve a statement for each document or item of evidence listed on the opposing party's exhibit list which unequivocally states whether there is an objection as to its authenticity or genuineness. In the event that such objection is made, the basis for the objection shall be specifically stated. Failure by the opposing party to make a reasoned and specific objection to any particular document or item of evidence may result in a finding by the Committee that formal proof as to its authenticity or genuineness need not be made; such evidence would still be subject to all other objections.

Unless good cause is shown for failure to include a document or other item of evidence on the index of exhibits, documents or items not listed thereon shall not be introduced at the evidentiary hearings. If a party believes that there is good cause for amending its index of exhibits, it shall, as soon as the need for the amendment becomes known, file with the Committee, and serve on the opposing counsel, an amendment to the index together with copies of any new exhibit and a showing of good cause for their late inclusion on the index. The opposing party shall, within three days after receipt of any such amendment, or earlier if the Committee so specifies, file and serve its objections regarding matters of formal proof to the exhibits included in the amended index.

4. Prior Testimony: The parties shall specifically identify the prior testimony which they wish to offer into evidence consistent with this Committee's Disposition of Pre-Trial Motions. For the witnesses from whom the parties seek live testimony, the parties shall also identify any prior testimony of those witnesses to which they wish to direct the Committee's attention. Copies of the proffered testimony need not be resubmitted.

If either party wishes to object to the inclusion of any prior testimony, and the objection is different from the arguments already advanced by the parties in their pre-trial motions, the party shall state the specific nature of the objection.

5. Legal Matters: The parties shall briefly set forth the legal principles applicable to each Article of Impeachment and otherwise appropriate for the Committee to consider in determining the relevance and weight of particular evidence.

Dated: August 25, 2010

CLAIRE McCASKILL
Chairman

ORRIN G. HATCH
Vice Chairman

Witnesses Subpoenaed by the U.S. Senate Impeachment Trial Committee

1) Adam Barnett
2) Dianne Lamulle
3) John Mamoulides
4) Judge Joseph Tiemann
5) Melinda Kring (Porciau)
6) Michael Porteous
7) Robert Rees
8) S.J. Beaulieu, Jr.
9) Darcy Griffin
10) Suzette Lacour Powers
11) Jacob Amato, Jr.
12) Robert Creely
13) Rhonda Danos
14) Leonard Levenson
15) Donald Gardner
16) Joseph Mole
17) Louis Marcotte
18) Lori Marcotte
19) Bruce Netterville
20) Michael Reynolds
21) Bobby Hamil
22) Cheyanne Tackett
23) Rafael Goyeneche III
24) Ronald Bodenheimer
25) Claude Lightfoot
26) William Greendyke
27) Jeffrey Duhon
28) Aubrey Wallace

In The Senate of The United States
Sitting as a Court of Impeachment

In re:	)
Impeachment of G. Thomas Porteous, Jr.,	)
United States District Judge for the	)
Eastern District of Louisiana	)
	)

JUDGE G. THOMAS PORTEOUS, JR.'S PRE-TRIAL STATEMENT

Judge Porteous respectfully submits the following Pre-Trial Statement pursuant to the Senate Impeachment Trial Committee's (the "Committee") Order Designating Contents of Pre-Trial Statements dated August 26, 2010 (the "Order").

1. Statement of the Case

On March 11, 2010, the House of Representatives approved four articles of impeachment against Judge Porteous. Unlike all other modern judicial impeachments, Judge Porteous was impeached without ever being charged, let alone convicted, of a single criminal act. Indeed, while federal prosecutors extensively investigated numerous individuals in the New Orleans area, including judges, they determined not to bring any criminal charges against Judge Porteous. This was not because of a lapse of the statute of limitations – in fact, Judge Porteous signed at least three tolling agreements to waive the statute of limitations on a host of possible criminal charges – but because of "the government's heavy burden of proof in a criminal trial, and the obligation to carry that burden to a unanimous jury; concerns about the materiality of some of Judge Porteous's provably false statements; the special difficulties of proving *mens rea* and

intent to deceive beyond a reasonable doubt in a case of this nature, and the need to provide consistency in charging decisions concerning bankruptcy and criminal contempt matters."[1]

This absence of express criminal charges has led to the kind of vague references to a variety of acts that constitute, at most, the appearances of impropriety or minor violations of bankruptcy or disclosure rules. None of the Articles allege that Judge Porteous committed treason or bribery or received kickbacks as a judge. Instead, the House has made, and can be expected to continue to make, vague references to offenses, such as "kickback" and "bribery," as if they had been alleged by the House in voting out the Articles of Impeachment, when in fact they were not. Three of the four Articles seek to remove Judge Porteous largely on the basis of conduct that allegedly occurred while he was a state court judge, although it is generally agreed that such "pre-federal" conduct should not be a basis for removing a federal judge. In some cases, the subject conduct is alleged to have occurred as many as 25 years ago. The House has pursued impeachment despite the fact that Judge Porteous will retire in a matter of months and has already been severely sanctioned by the Fifth Circuit for the appearance of impropriety created by his actions. If removed on the basis of an appearance of impropriety, the Senate would set a dangerously low and ill-defined standard for future impeachments – the very danger that the Framers sought to avoid in carefully crafting the impeachment language.

The absence of any prior criminal trial means that this case comes to the Senate with a highly disputed record. The House has been permitted to introduce into the record many hours of testimony that the House managers developed during the Fifth Circuit and House Judiciary Committee proceedings. In both, Judge Porteous's ability to cross-examine witnesses called to testify against him was severely constrained, either by the Fifth Circuit's requirement that he

[1] *See* Letter dated May 18, 2007, from the Justice Department to Fifth Circuit Chief Judge Edith Jones, at 1 (HP Ex. 004).

proceed without counsel or by the House Judiciary Committee's limitations on cross-examination.[2] Now, before the Senate Committee, Judge Porteous is limited to only 20 hours within which to challenge express and implied allegations by the House and present his defense, versus the extensive record from other proceedings upon which the House may rely.

After the Senate allowed Judge Porteous to take four depositions from a longer list of requested depositions, however, the defense was able to elicit testimony that directly contradicted prior representations in the House Report. Indeed, the defense has established that certain allegations stated in the Articles of Impeachment simply did not occur. For example, Judge Porteous is accused of failing to reveal a brief conversation with Louis Marcotte on various forms related to his nomination. The record now shows, however, that this conversation took place weeks ***after*** those forms were completed. Likewise, core House witnesses have contradicted allegations attributed to them in the House Report. While these facts were known before the submission of the House Report as the basis for the impeachment vote, members of the House were never informed. On other issues, in the short period in which current counsel has represented Judge Porteous, the defense has been able to establish that the House members were given "facts" that are not only without any documented basis, but are contradicted by available court records.

A trial of this kind would normally takes weeks or months in an actual court of law. (Indeed, even with a prior trial, former Judge Alcee Hastings's Senate impeachment trial lasted 18 days.)[3] While the defense has had to reduce its witness list in light of the 20 hour limit, Judge

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[2] *See* House Impeachment Task Force Hearing Transcript, Ser. No. 111-43, at 5 (Nov. 17, 2009) (Congressman Schiff stating that the House's impeachment inquiry "is not a trial, but is more in the nature of a grand jury proceeding.").

[3] *See* CRS Rpt. 7-5700, at 18-21, *The Role of the Senate in Judicial Impeachment Proceedings: Procedure, Practice, and Data* (Apr. 9, 2010). It must be noted that while there

Porteous will be calling eye-witnesses who not only directly contradict the allegations of the House, but also expert witnesses who will show that many of the alleged acts occur commonly and rarely result in sanctions, let alone an impeachment and removal of a judge.

Article I – The Alleged Denial of Honest Services

Article I alleges that Judge Porteous deprived the public and litigants of "honest services" by failing to recuse himself from presiding as a District Court Judge in the case of *Lifemark Hospitals of Louisiana, Inc. v. Liljeberg Enterprises, Inc.*, No. 93-cv-1794 (E.D. La.) (the "*Lifemark* case"), failing to disclose enough information about his relationship with a lawyer representing one of the parties to that litigation, and later accepting a monetary gift from that lawyer. The Article is invalid both legally and factually.

While the House staff was aware that the Supreme Court was about to hear a challenge on the scope of the honest services claims, it chose to craft Article I based on the same theory. A few weeks ago, the Supreme Court found that it is unconstitutional to charge someone under the theory contained in Article I. *See Skilling v. United States*, No. 08-1394, 2010 WL 2518587 (June 24, 2010). The defense has asked for an opportunity to be heard on this issue in a still pending motion to dismiss (as well as three other motions raising threshold constitutional questions), but the flawed basis of the honest services claim undermines the viability of Article I as the basis for removal at trial.

Article I alleges that Judge Porteous, "while a federal judge," deprived the public and the litigants in the *Lifemark* case of his "honest services" by (a) denying a motion for recusal while failing to disclose the full extent of his friendship and past financial dealings with his friends and

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are only four Articles of Impeachment against Judge Porteous, those aggregated Articles contain more than 20 different allegations, each of which would have been a separate Article in earlier proceedings.

former law partners Jacob Amato and Robert Creely, whose firm was one of the counsel for a party in the *Lifemark* case; and (b) after denying that recusal motion, accepting cash and other "things of value" such as meals and entertainment from Messrs. Amato and Creely while that case was still under advisement. There is no allegation of a *quid pro quo* in connection with those things provided to Judge Porteous. Although Judge Porteous issued an opinion, ultimately reversed, in part, by the Fifth Circuit, there is no express allegation that the Judge's opinion was influenced by gifts extending over decades of a personal relationship. At most, this Article seeks to remove a judge on the basis of an appearance of impropriety, for which Judge Porteous has been sanctioned by the Fifth Circuit. To convict him in an Impeachment for such actions, no matter how inexcusable, would erase centuries of decisions by the Senate to maintain a clear and high standard for the removal of a judge.

In addition, while House members were told that lawyer Amato believed that Judge Porteous sought a percentage of curatorships that he assigned to Amato's partner Creely, Amato testified he recalled being told something along these lines by Creely, but that he had no independent knowledge of those dealings by Creely with Judge Porteous. In fact, however, this critical allegation was directly refuted by Creely himself when, for the first time, he was subject to a full deposition by the defense. There, Creely testified that (1) there was never any relationship between these gifts or loans of money to Porteous and the curatorships Judge Porteous granted to Creely (and to numerous other lawyers), (2) he did not want assignments of the low-paying curatorships, and (3) he gave as gift money periodically to Judge Porteous only because they were long-standing and close friends. He has further testified that, whatever gifts Creely provided to his old friend, those gifts had no influence on Judge Porteous's rulings since, for most of those few times that Creely appeared before Judge Porteous, Porteous ruled adverse

to Creely's clients.

The Article alleges no bribery, high crime, or high misdemeanor. It relies, instead, on the refusal of a judge to recuse himself from a single case in decades of judging as the grounds for removing that judge from office. That comes perilously close to removing a judge because of his judicial decisions, not because of his conduct. The recusal motion in the *Lifemark* case was brought by an attorney who stated in the hearing that he was already aware that Judge Porteous was "very, very close" friends with the attorneys in the case. The record will also show that Judge Porteous himself acknowledged the close relationship. Moreover, if Judge Porteous really was as corrupt as the House makes him out to be, he could have substantially enriched himself or another lawyer with whom he was close friends (Mr. Gardner), who was brought into the case by one of the lawyers who filed the recusal motion (Mr. Mole) simply because he was a friend of Judge Porteous. Mr. Mole has admitted that he wrote a contract to bring in Gardner that offered Gardner $100,000 (in addition to a retainer payment of $100,000) if Judge Porteous recused himself. If Judge Porteous could be influenced in his decision by a gift of a relatively small amount of money from Mr. Amato, as the House alleges, he could have achieved much richer rewards (or enabled Mr. Gardner to do so) by recusing himself. Instead, Judge Porteous, with friends representing parties on both sides of the case, ruled in the case as he saw fit, after the case had bounced from judge to judge, without resolution, for years. In so doing, he ruled against the client of Mr. Gardner, one of his closest friends. Indeed, Mr. Gardner was a closer friend to Judge Porteous and his family than Mr. Amato.

Article I fails to recognize that recusals are left largely to the discretion of the trial judge and that prior controversies over such recusals have rarely resulted in a sanction, let alone an impeachment. There are compelling reasons why Judge Porteous did not want to add his name

to the long list of judges who had allowed the *Lifemark* case to linger for years without resolution. One can disagree with his ultimate ruling or his decision to remain in the case, but his decision on recusal was consistent with the views of many judges in similar circumstances. In the end, such a disagreement is woefully insufficient as a basis for removal, would elevate a matter that is usually handled internally in a given court to a full Senate trial, and would create a precedent of impeachment based on a judge's rulings rather than his acts of misconduct.

Article II – Alleged Pre-Federal Misconduct as a State Judge

In Article II, the House impeached Judge Porteous on the basis of pre-federal conduct that goes back decades before he became a federal judge. The Article alleges that, as a state court judge, Judge Porteous engaged in conduct with certain bail bondsmen – Louis Marcotte and Lori Marcotte (brother and sister) – whereby he "solicited and accepted numerous things of value" and also took "official actions that benefitted the Marcottes." Not only was this conduct never the basis for a criminal charge, but the Fifth Circuit did not even include this conduct as part of its investigation and sanctioning of Judge Porteous.

In addition to the fact that removal of a judge based on pre-federal conduct is clearly contrary to the constitutional impeachment process and standard, the defense will show that none of Judge Porteous's conduct violated any rule of judicial ethics. For example, the House has repeatedly relied on lunches which the Marcottes had with a large number of state judges, including Judge Porteous. The defense will show that, at the time, there was no judicial rule prohibiting such free lunches and, indeed, the current rule in Louisiana prohibits only the acceptance of lunches worth more than $50. Thus, even today, a state court judge could attend these same lunches and be in full compliance with applicable judicial rules, depending on the amount spent for the lunch. Moreover, the witnesses will show that it was routine and viewed as

appropriate and acceptable for judges to accept gifts from the Marcottes and others – a practice that was widespread in the state court. This fact was also never revealed to the members of the House of Representatives before their vote. Finally, the evidence will show that many of the factual allegations made to the House members are demonstrably untrue, including the suggestion that Judge Porteous increased the number of bonds handled by the Marcottes that he set or modified shortly before he went on the federal bench.

The fact is that Judge Porteous was an outspoken advocate for the use of bonds and split bonds. A respected judge and former prosecutor, Judge Porteous believed that such bonds were essential – particularly when inmates were otherwise simply being released on their own recognizance as a result of federal court orders barring overcrowding in the Jefferson Parish jails. In Gretna, where Judge Porteous sat as a state court judge, the Marcottes handled an estimated 95 percent of bonds and all judges issuing such bonds necessarily dealt with the Marcottes. Judge Porteous strongly supported the use of bonds, and often spoke to other judges to encourage them to use bonds, as a way to ensure that criminal defendants later appeared in court to answer the charges against them.

Not only does Article II seek to remove Judge Porteous on the basis of conduct that occurred before he was a federal judge, it also seeks to remove him on conduct that was common in that part of Louisiana. The House is seeking to convert the Senate into an enforcer of state rules although the Louisiana judicial ethics officials themselves did not view that conduct as violative of state rules. Article II further seeks to remove a judge based on alleged acts that occurred decades ago and about which the facts are contested. Witnesses will establish that in a small state court environment it was common for judges, lawyers, and bail bondsmen to be friends and to interact informally inside and outside of the courthouse.

The alleged conduct of Judge Porteous was indistinguishable from virtually all of the judges in Gretna, including judges who remain on that court today. Moreover, witnesses will show that many of these practices continue to this day as a normal part of small-town practice. If such conduct as a state judge can be used decades later to remove a federal judge, the Senate would convert the impeachment standard into an arbitrary and unpredictable measure of good behavior as a federal judge.

Article III – Alleged Violations of Bankruptcy Laws

Article III accuses Judge Porteous of "knowingly and intentionally making material false statements and representations under penalty of perjury relating to his personal bankruptcy filing and by repeatedly violating a court order in his bankruptcy case." The House identifies five particular categories of statements and actions that underlie this assertion: using a false name and post-office box in the initial Chapter 13 petition; concealing assets such as cash on hand and a tax refund; concealing preferential payments to a casino and a bank that had issued a credit card to Judge Porteous's wife; concealing gambling losses; and incurring debts after the confirmation of his Chapter 13 plan and before receipt of his discharge.

The allegations in Article III, even if true, amount to nothing more than reliance on the advice of counsel and honest mistakes about the state of Judge Porteous's finances at the time of his bankruptcy filing, the appropriate means of commencing a Chapter 13 bankruptcy case, and the management of his affairs afterwards. The language "knowingly and intentionally" used by the House is modeled after the standard needed to justify criminal prosecution for bankruptcy fraud – for example, the requirement that conduct be committed "knowingly and fraudulently" is repeated frequently in 18 U.S.C. § 152 – which cannot be sustained by any credible evidence. Indeed, apparently for this reason, the Department of Justice decided not to prosecute Judge

Porteous despite a lengthy and thorough investigation into his bankruptcy case. The Senate should reject the House's attempt to characterize minor and immaterial errors in a Chapter 13 bankruptcy case as meeting the constitutional standard of high crimes and misdemeanors. Errors of the sort made by Judge Porteous and his late wife are duplicated by Chapter 13 debtors around the country hundreds if not thousands of times each day.

Judge Porteous, of course, does not suggest that inaccuracies in bankruptcy filings are to be encouraged. In this case, however, the evidence will show that Judge Porteous sought counsel, followed the advice of his counsel, completed his court-approved Chapter 13 plan, and paid more than $50,000 to his unsecured creditors. The Chapter 13 trustee – the party principally responsible for the administration of Chapter 13 cases – interviewed Judge Porteous, objected to the initial plan filed by Judge Porteous, required more funds to be paid to creditors, concluded that the amended plan met the standards for confirmation under Chapter 13, and otherwise fulfilled his responsibility to maximize the return to creditors. The evidence will not show that any of the errors alleged by the House were the result of an intent to deceive, nor will it demonstrate that Judge Porteous's creditors were materially harmed by the inaccuracies in his bankruptcy filings. Instead, the evidence will show that such inaccuracies are common in bankruptcy and fall well below any reasonable interpretation of a high crime or misdemeanor warranting removal.

Many of the House's allegations in Article III proceed from inaccurate premises. For example, cash in a Chapter 13 debtor's bank account at the time of a bankruptcy filing is not turned over to a trustee, nor does it otherwise inure to the benefit of creditors. A slight inaccuracy in a Chapter 13 debtor's report of a bank balance, therefore, is of absolutely no consequence to the bankruptcy system. Nor is the existence or amount of gambling losses that a

debtor may have incurred in the past. Except in the most extraordinary situations – and gambling issues are far from extraordinary among debtors – Chapter 13 does not concern itself with the *reasons* a debtor finds himself or herself in financial distress. The bankruptcy system does not rely on newspaper reports to inform creditors that a bankruptcy case has been filed; rather, creditors receive formal notice of a variety of matters as prescribed in the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure.

The undisputed evidence in this case will show that Judge Porteous's use of a pseudonym on his original Chapter 13 petition was the idea of his attorney, and the process was specifically designed so that creditors would receive only the correct identifying information that was included in the amended petition. Moreover, nothing in Chapter 13 prohibits a debtor from incurring debt after the filing of a petition or the confirmation of a plan. The language in the confirmation order in Judge Porteous's case may well have been meant to protect him, his wife, and their creditors from the consequences of unpaid post-confirmation debt – a subject that is dealt with in the Bankruptcy Code – but there was no such unpaid debt in his case. Even under the House's broad interpretation of the confirmation order, therefore, any violation of its provisions simply was immaterial.

Article IV – The Failure To Disclose Embarrassing Facts At Confirmation

Article IV seeks Judge Porteous's removal on the basis of pre-federal conduct going back decades, this time under the guise of a failure to disclose such conduct during confirmation. The Article alleges that Judge Porteous "knowingly made material false statements about his past" by failing to state affirmatively that he (1) received a portion of curatorship fees given to the law firm Amato & Creely while a state judge (as alleged in Article I); and (2) accepted "things of value" while benefiting the Marcotte bail bonds company while a state judge (as alleged in

Article II). Additionally, Article IV alleges that Judge Porteous should be removed from office because he failed to state affirmatively that he suspected that Louis Marcotte may have given misleading statements to the FBI in a conversation in which Judge Porteous did not participate.

The standard that the House seeks to impose is purely subjective: did Judge Porteous fail to disclose information that he, Judge Porteous, thought would be embarrassing to him or to the President? Assuming Judge Porteous thought he had done nothing wrong or inappropriate, he naturally would think that none of his actions would be embarrassing to him or to President Clinton. Even if the Senate comes to the conclusion that Judge Porteous acted improperly, it cannot conclude that Judge Porteous thought those actions were improper (and therefore "embarrassing") without concluding that Judge Porteous acted with intent to deceive. There is no basis for such a conclusion.

The evidence will show that much of the allegations contained in this Article are simply misrepresented or demonstrably untrue. For example, while Judge Porteous was impeached for failing to mention his conversation with Louis Marcotte, the defense has been able to establish that this conversation occurred ***after*** these forms were completed and, therefore, could not have been included in Judge Porteous's disclosures. Moreover, a statement by Marcotte, one of a nominee's references, that he gave a judge a "clean bill of health" is hardly a matter that warrants a special submission from a nominee. The House impeached Judge Porteous on the basis of his alleged failure to answer affirmatively a question on whether he knew of anything that would embarrass the president. Testimony will also show, however, that this question is universally answered in the negative and that it is common for nominees to omit financial, ethical, and even criminal histories from their background reports – omissions that have occurred in dozens of past cases without resulting in any negative action taken against nominees either before or after

confirmation. Furthermore, the evidence will show that Judge Porteous's issuance of bonds and curatorships was in line with the actions of all state judges in Jefferson Parish at the time and did not violate any state ethical code. Finally, it will be shown that the basic allegations contained in Article IV were known to both the FBI and the Senate Judiciary Committee *before* Judge Porteous's confirmation. These allegations were investigated by the FBI and specifically raised by Senate staff members and found to be insufficient to warrant any negative action on the nomination. Moreover, not only were curatorships and bonds matters of public record that Judge Porteous did not take any action to conceal, they were common practices in this small state courthouse and continue to this very day.

2. Final Witness List

Below is Judge Porteous's final witness list, which includes for each listed witness a brief description of that witness's anticipated testimony, as well as a statement of each listed expert witness's qualifications.[4] Per the Committee's Order, Judge Porteous will provide an estimate of the duration of testimony to be elicited from each witness, and the order in which he anticipates calling those witnesses, by September 8, 2010.

(1) John M. Mamoulides

> Judge Porteous anticipates that former Jefferson Parish District Attorney Mamoulides will testify about Judge Porteous's appointment to the state bench, his experience and relationship with Judge Porteous as a state court judge, the practice of setting and modifying bonds in Jefferson Parish, the manner in which Assistant District Attorneys interacted with state court judges in Jefferson Parish (including Judge Porteous), and the overall relationships between state court judges and other participants in the Jefferson Parish legal system during the relevant time period.

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[4] This final witness list contains the following changes from the witness list that Judge Porteous filed on August 5, 2010: (1) the addition of Darcy Griffin, Timothy Porteous, and one custodial witness to testify with regard to selected bond forms, and (2) the omission of Dianne Lamulle, Suzette Lacour Powers, Susan Hoffman, James Barbee, and Peter Ainsworth.

(2) Judge M. Joseph Tiemann

Judge Porteous anticipates that Judge Tiemann will testify about his experience and relationship with Judge Porteous, as well as the practices of Jefferson Parish judges, during the relevant time period, in setting and modifying bonds, assigning curatorships, and interacting with others participants in the legal system.

(3) S. J. Beaulieu, Jr.

Judge Porteous anticipates that Mr. Beaulieu, the Chapter 13 Trustee who oversaw the Porteouses' bankruptcy proceeding, will testify about the facts and circumstances regarding that bankruptcy, including an overview of the history of the bankruptcy case, the applicable legal standards, Mr. Beaulieu's communications with Judge Porteous, his instructions to Judge Porteous, his evaluation of the seriousness of the mistakes made by Judge Porteous during the bankruptcy proceedings, his experience with other bankruptcies, and his communications with Judge Porteous's bankruptcy counsel and others with regard to the Portcouses' bankruptcy proceeding.

(4) Henry Hildebrand

Judge Porteous anticipates that Mr. Hildebrand will testify as an expert with regard to the allegations in Article III and Chapter 13 bankruptcy cases generally, including applicable legal principles, standards, and practices relating to personal bankruptcies during the relevant time period. Mr. Hildebrand's qualifications as an expert include his extensive experience serving as a current Chapter 13 Trustee. Mr. Hildebrand's curriculum vitae is attached as Exhibit 1.

(5) Judge Ronald Barliant

Judge Porteous anticipates that Ronald Barliant will testify as an expert with regard to issues related to Article III, including applicable legal principles, standards, and practices relating to personal bankruptcies during the relevant time period. Judge Barliant's qualifications as an expert include his experience as a United States Bankruptcy Judge for the Northern District of Illinois (from 1988 to 2002) and as a practicing bankruptcy lawyer. Judge Barliant's curriculum vitae is attached as Exhibit 2.

(6) Professor Rafael Pardo

Judge Porteous anticipates that Professor Pardo will testify as an expert with regard to the issues related to Article III, including applicable legal principles, standards, and practices related to personal bankruptcies during the relevant time period. Professor Pardo's qualifications as an expert include his experience as an academic researching and writing in the areas of bankruptcy law and practice, as a volunteer in a consumer debt clinic, and as a practicing bankruptcy lawyer. Professor Pardo's curriculum vitae is attached as Exhibit 3.

(7) Michael Porteous

Judge Porteous anticipates that Michael Porteous will testify with regard to his court delivery service, his interactions with Louis and Lori Marcotte, and his and Judge Porteous's personal history and relationship with individuals in the Jefferson Parish legal community.

(8) Timothy Porteous

Judge Porteous anticipates that Timothy Porteous will testify with regard to his and Judge Porteous's personal history and relationship with individuals in the Jefferson Parish legal community, including Robert Creely, Jacob Amato, Don Gardner, and Leonard Levenson.

(9) Professor Dane S. Ciolino

Judge Porteous anticipates that Professor Ciolino will testify as an expert with regard to issues related to the legal traditions, practices, and ethical standards in Jefferson Parish and the State of Louisiana during the relevant time period, including the assignment of curatorships and the relationships between state court judges and other participants in the legal system. Professor Ciolino's qualifications as an expert include his experience as an academic researching and writing in the areas of judicial ethics and as a participant in various aspects of the Louisiana attorney discipline system. Professor Ciolino's curriculum vitae is attached as Exhibit 4.

(10) Professor G. Calvin Mackenzie

Judge Porteous anticipates that Professor Mackenzie will testify as an expert with regard to the federal nomination and appointment process, the use of SF-86's, FBI background checks, and Senate confirmations. Professor Mackenzie's qualifications as an expert include his experience as an academic researching and writing in the areas of presidential appointments and the federal appointment and confirmation process. Professor Mackenzie's curriculum vitae is attached as Exhibit 5.

(11) Robert Rees

Judge Porteous anticipates that Mr. Rees will testify with regard to the facts and circumstances surrounding the setting aside of Aubrey Wallace's simple burglary conviction and the expungement of related records, as well as the general practices in Jefferson Parish regarding the setting aside of convictions and expungements during the relevant time period.

(12) Melinda Kring (Pourciau)

Judge Porteous anticipates that Ms. Kring will testify with regard to her work at Bail Bonds Unlimited, her observations of the Marcottes, their interactions with Judge Porteous, and their interactions with other judges and state and federal officials.

(13) Adam Barnett

Judge Porteous anticipates that Mr. Barnett will testify with regard to his experiences and observations working with the Marcottes and his interactions with Judge Porteous concerning the setting and modifying of bonds.

(14) Daniel A. Petalas, Esq.

Judge Porteous anticipates that Mr. Petalas, an attorney with the Public Integrity Section of the Department of Justice, will testify about the government's investigation into Judge Porteous, the decision not to prosecute Judge Porteous, and communications that Mr. Petalas had with members of the Fifth Circuit Special Investigatory Committee and Mr. Beaulieu.

(15) Darcy Griffin

Judge Porteous anticipates that Ms. Griffin will testify with regard to her experience working as a clerk in the Twenty-Fourth Judicial District Court in Jefferson Parish, Louisiana for Judge Porteous and other state court judges. Ms. Griffin's testimony will relate to her duties, including the handling of bond requests and research related to criminal defendants' prior records in preparation for setting and/or modifying bonds. Ms. Griffin will also testify about her communications with Judge Porteous, members of Judge Porteous's staff, the Marcottes, and jail officials regarding the bond process. Ms. Griffin may also testify about court records and her current experience as a supervisor of criminal clerks in the Twenty-Fourth Judicial District Court.

(16) One custodial witness to testify with regard to selected bond forms

Judge Porteous anticipates calling one custodial witness (who is as yet unidentified, but will likely be an individual assisting the defense) who will testify with regard to a series of bond forms related that bonds that Judge Porteous set and/or modified during the relevant time period, which Judge Porteous expects to obtain shortly from the Twenty-Fourth Judicial District Court in Jefferson Parish, Louisiana.

The House has indicated that it plans to call the following witness, which, if not called by the House, will likely be called by the defense.[5]

(17) Jacob Amato, Jr.

(18) Robert Creely

(19) Louis Marcotte

(20) Lori Marcotte

(21) Joseph Mole

(22) Donald Gardner

(23) Michael Reynolds

(24) Bruce Netterville

(25) Ronald Bodenheimer

(26) Leonard Levenson

(27) William Greendyke

(28) Claude Lightfoot

(29) Rhonda Danos

(30) Bobby Hamil

(31) DeWayne Horner

In addition to calling these witnesses, Judge Porteous respectfully reserves the right to testify in his own defense if he so chooses. Judge Porteous further reserves the right to call additional witnesses, as needed, during the evidentiary hearing for purposes of providing rebuttal or impeachment evidence.

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[5] *See* House of Representatives' Witness List, filed with the Committee on August 5, 2010. Since the House has indicated that it will call these witnesses, and has previously provided descriptions of their anticipated testimony, Judge Porteous has not included duplicative descriptions.

3. Exhibit List

Attached as Exhibit 6 is a numbered index of the exhibits that Judge Porteous intends to offer at the evidentiary hearing. Judge Porteous is today providing one electronic copy of these exhibits to the Committee,[6] as well as to the House. Since Judge Porteous is still in the process of collecting materials that he may seek to use at the evidentiary hearing, he respectfully reserves the right to amend and supplement this Exhibit List with later-obtained materials.

4. Prior Testimony

Judge Porteous wishes the offer into evidence and direct the Committee's attention to the following prior testimony:

(1) Robert Creely's August 2, 2010 Senate Deposition Testimony;

(2) Jacob Amato's August 2, 2010 Senate Deposition Testimony;

(3) Louis Marcotte's August 2, 2010 Senate Deposition Testimony;

(4) Lori Marcotte's August 2, 2010 Senate Deposition Testimony; and

(5) Claude Lightfoot's October 30, 2007 Fifth Circuit Testimony.

Since Judge Porteous does not know what prior testimony the House will seek to offer into evidence, or whether the House will attempt to designate excerpts or portions of prior testimony, Judge Porteous respectfully reserves the right to counter-designate additional prior testimony to ensure that all such testimony is not taken out of context or designated selectively.

5. Legal Matters

The following legal principles should guide the Committee's receipt, consideration, and evaluation of evidence during the forthcoming evidentiary hearing.

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[6] Per an August 30, 2010 communication from Committee Staff, Judge Porteous will provide the Committee with two hard-copies of these exhibits by September 8, 2010.

A. Burden of Proof

The House, in its role as prosecutor before the Senate, bears the entire burden of proof. To carry that burden, the House must prove, first, that the conduct alleged in the Articles of Impeachment actually occurred. This first obligation is especially important in this case where, unlike every other modern impeachment, there was no prior indictment, let alone a trial, and thus no prior adjudicated record. Second, the House must prove that that conduct warrants the imposition of the ultimate constitutional sanction available against a federal judge – namely removal of Judge Porteous from his constitutional office. Should the House fail to carry this heavy burden, as Judge Porteous expects it will, the Senate will be obligated to reject the Articles of Impeachment and acquit Judge Porteous.

Although Judge Porteous, as the accused, is not required to come forward with any evidence, he intends to put forward a robust defense and prove at the evidentiary hearing that a number of the House's allegations are simply untrue. Judge Porteous further intends to prove that much of the conduct relied upon by the House in seeking his removal from office is neither criminal nor in any way improper. Each of these showings will fatally undermine the House's case and expose its failure to carry its extensive and exclusive burden of proof.

B. Standard of Proof

Neither the Constitution nor the Senate's Rules mandate a particular standard of proof by which Senators must judge the evidence presented during an impeachment trial. Instead, the applicable standard is left, as it is often phrased, to "the conscience of each Senator." *See* CRS Rpt. 98-990, at 5-6, *Standard of Proof in Senate Impeachment Proceedings* (internal quotations omitted). Nevertheless, given that the impeachment process pits two co-equal branches of government directly against one another and threatens a federal constitutional officer with the

most severe constitutional sanction that may be visited upon him, the Senate has maintained a high standard of proof – rejecting all but seven prior judicial convictions. Each Senate is expected to "mind the line" in preserving a clear and high standard for removal so as not to undermine the independence of the American judiciary.

The impeachment process was specifically designed to be complex, cumbersome, and exacting. This design ensures that legislative intrusions into the business and personnel of the federal judiciary are minimal, occur as rarely as possible, and are reserved for only the most egregious cases – where the evidence of extreme wrongdoing is clear. These safeguards are necessary to preserve judicial independence, as well as the Constitution's carefully constructed system of checks and balances.

Therefore, in evaluating the proffered evidence in this case and deciding whether that evidence justifies Judge Porteous's removal from office, Senators should apply a strict standard of proof akin to the "beyond a reasonable doubt" threshold employed in criminal proceedings. While this is not a "criminal proceeding" *per se*, the text of the Constitution repeatedly describes the impeachment process in criminal terms. Specifically, the Senate has the "sole Power to try all Impeachments, at which "no Person shall be convicted without the Concurrence of two thirds of the Members present," and for which conviction shall lie only for "Treason, Bribery, or other high Crimes and Misdemeanors." U.S. CONST. art. I, § 3, cl. 6 & art. II, § 4 (emphasis added). The Senate's own rules similarly speak in criminal terms, requiring that each Senator vote either "guilty" or "not guilty" with regard to each article of impeachment.[7] The gravity of this terminology ("try," "convicted," "high Crimes and Misdemeanors," "guilty") – none of which was lightly chosen, and none of which should be lightly ignored – strongly suggests that each

[7] *See* Rule XXIII of the Rules of Procedure and Practice in the Senate when Sitting on Impeachment Trials.

Senator adopt an exceedingly high standard of proof and be absolutely certain that conviction and removal is warranted before voting to remove Judge Porteous from his federal, constitutional office.

Moreover, a stringent standard of proof is particularly necessary in this case to ensure that the Senate does not become a "fall-back" venue, for use where – as here – criminal prosecution has been specifically declined. The Federal Bureau of Investigation and U.S. Department of Justice, Public Integrity Section, conducted an extensive criminal investigation into Judge Porteous. Following that searching inquiry, the government specifically declined to bring *any* charges against Judge Porteous. As a result, Judge Porteous was never criminally indicted, nor ever criminally tried. Nonetheless, the House elected to pursue impeachment proceedings against Judge Porteous on the basis of the very same conduct investigated – and determined to be insufficient to warrant criminal prosecution – by the FBI and DOJ. It would, therefore, be inequitable and create dangerous precedent for Senators to apply any standard of proof lower than that that would have applied had the government elected to pursue criminal charges against Judge Porteous. If anything, it should be more – not less – difficult to impeach and remove a federal judge via impeachment than to indict and convict that same judge in a criminal proceeding.

C. Motions to Dismiss Articles I, II, III, and IV

Each of the House's four Articles of Impeachment fails to state an impeachable offense. Accordingly, on July 21, 2010, Judge Porteous moved to dismiss Articles I, II, III, and IV. All of these motions remain pending. Judge Porteous hereby incorporates those motions by reference and respectfully renews his request that the Senate dismiss the Articles of Impeachment. In view of the Committee's indication that Judge Porteous's motions to dismiss

will not be ruled upon prior to the evidentiary hearing, however, Judge Porteous further requests that the Senators review his motions to dismiss and consider and evaluate the evidence proffered by the House in light of the arguments raised therein. Judge Porteous has requested (and again requests) the opportunity to be heard on these constitutional questions before a decision is made whether to refer the questions to the full Senate. Alternatively, he requested (and again requests) the opportunity to argue these motions separately to the full Senate so that the Senators can be fully briefed on the threshold and important constitutional issues raised by these Articles.

Respectfully submitted,

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Counsel for G. Thomas Porteous, Jr.
United States District Court Judge
for the Eastern District of Louisiana

Dated: September 1, 2010

CERTIFICATE OF SERVICE

I hereby certify that on September 1, 2010, I served copies of the foregoing by electronic means on the House Managers, through counsel, at the following email addresses:

Alan Baron – abaron@seyfarth.com

Mark Dubester – mark.dubester@mail.house.gov

Harold Damelin – harold.damelin@mail.house.gov

Kirsten Konar – kkonar@seyfarth.com

Nafees Syed – nafees.syed@mail.house.gov

/s/ Daniel T. O'Connor

Exhibit 1

CURRICULUM VITAE

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Office of the Chapter 13 Trustee
P.O. Box 190644
Nashville, TN 37219
615-244-1101; Fax 615-242-3241
hank13@ch13nsh.com

Education

1976	National Law Center of the George Washington University, Washington, D.C. J.D. (with honors)
1973	Vanderbilt University, Nashville, Tennessee B.A. (cum laude), Political Science/History minor

Professional Admissions

1976	Admitted to practice of law, State of Tennessee
1976	Admitted to practice, USDC, Middle Tennessee, Sixth Circuit Court of Appeals
1980	Admitted, United States Supreme Court

Professional History

1982-Present	Standing Chapter 13 Trustee for the Middle District of Tennessee
1986-Present	Standing Chapter 12 Trustee for the Middle District of Tennessee
2004-Present	Of Counsel – Lassiter Tidwell Davis Keller & Hogan, PLLC
2005-Present	Adjunct Faculty Member, LLM Program, St. Johns University School of Law
2002-Present	Adjunct Faculty Member, Nashville School of Law
1990-2004	Managing Partner, Lassiter Tidwell & Hildebrand
1986-1990	Managing Partner, Passino & Hildebrand
1980-1986	Partner Attorney, Waddey & Jennings
1976-1980	Assistant Attorney General, Attorney General's Office for the State of Tennessee

Professional Associations

- Certified as specialist in Consumer Bankruptcy Law by the American Board of Certification and the Tennessee Supreme Court
- Member, American College of Bankruptcy
- National Association of Chapter 13 Trustees (NACTT)
  - Member, 1982-present
  - Board member 1988-1995
  - President, 1990-1991
  - Chairman, Legislative and Legal Committee, 1992-present
- NACTT Academy for Consumer Bankruptcy Education
  - Founding Board member 2007-present
  - Treasurer 2007-present
- Mid-South Commercial Law Institute
  - Board of Directors, 1997-2001, 2007-present
- Member, National Association of Consumer Bankruptcy Attorneys (NACBA)
- Member, Advisory Council, Wine and Spirits Wholesalers of America
- Master Member, Harry Phillips American Inn of Court
- Named to Tennessee's Best 150 Lawyers 2009, 2010
- Member, American Bar Association (ABA)
- Member, American Bankruptcy Institute (ABI)
- Member, Tennessee Bar Association
- Member, Nashville Bar Association

Publications

ABI *Journal*, Contributing Editor

"The Standing Trustee and the Small Business Bankruptcy," XXIX ABI Journal 2, 32-33, 58, March 2010

"HAMP and Your Chapter 13 Practice," XXIX ABI Journal 1, 12, 74-75, February 2010

"A Chapter 13 Trustees' Obligations to Review Claims," XXVIII ABI Journal 7, 38-39, 82, September 2009

"*In re Reilly*: A Tale of Two Exemptions," XXVIII ABI Journal 5, 12, 75, June 2009

"Won't You Come Home George Bailey: Best Practices for a Troubled Mortgage Service Industry," XXVII, ABI Journal, 4, 18, 50-51, April, 2008

"Let's Remove Special Bankruptcy Protection for Subprime Mortgages," XXVI, ABI Journal, No. 7, 14, September 2007

"Unintended Consequences: BAPCPA and the New Disposable Income Test," ABI Journal, Vol. XXV, No. 2, p. 14, March 2006

"Consolidating Creditor Data in Chapter 13 Cases: A Project for Tomorrow Realized Today," XXIII, ABI Journal, Vol. No. 10, September 2004

"The Sad State of Mortgage Service Providers," XXII, ABI Journal, No. 10, September 2003
"Toward a More Perfect Plan," XXII, ABI Journal, No. 10, February 2003
"The Debtor and the Blown Engine: Plan Flexibility in Light of *Nolan v. Chrysler Financial Services,*" XX, ABI Journal, No. 18, August 2001
"Bankruptcy Reform in the 107th Congress: Déja Vu All Over Again," XX, ABI Journal, No. 14, February 2001
"Charitable Contributions and Disposable Income," XIX, ABI Journal, Vol. 8, April 2000
"The Future of a Harsh Result: *In re Harshbarger,*" XVIII, ABI Journal, No. 14, March 1999
"The Hidden Costs of Bankruptcy Reform," XVII, ABI Journal, Vol. 16, April 1998

ABI *Law Review*
"Getting Noticed: The New Notice Requirements of Section 342," XIII, ABI Law Review, 533, Winter 2005

The American Bankruptcy Law Journal
"Impact of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 on Chapter 13 Trustees," Vol. 73, ABI Law Journal, 373, Spring 2005

NACTT *Quarterly* – Case Notes Editor, 1987-present
Contributing Editor, 1993 – 1997
Editor, 1986-1987

NACTT Academy Contributing Editor, Critical Case Comments (online)

"Norton Annual Survey of Bankruptcy Law 1986," Callaghan, 1986 (co-author)

"Attorneys' Guide to Chapter 13 Under the Bankruptcy Code." Norton Bankruptcy Law and Practice Monograph 1984-No. 1, Callaghan, 1984.

Presentations at Recent Seminars and Conferences

02/10 Puerto Rico Bar Seminar
"Chapter 13 Case Law Update"

12/09 Mid-South Commercial Law Institute Annual Seminar
"The Bailout Continues"/"Recent Developments in Chapter 13"

10/09 States Association of Bankruptcy Attorneys Seminar
"Chapter 13 Case Law Update"

08/09 Midwest Regional Bankruptcy Seminar
"Chapter 13: Recent Developments"

07/09	NACTT Annual Seminar, Boston "Washington Whirl – Mortgages in the World of Bankruptcy" "Chapter 13 Case Law Update"
05/09	National Assoc. of Consumer Bankruptcy Attorneys (NACBA) Annual Convention "Business Chapter 13s"
05/09	Collection Recovery Solutions Conference, Las Vegas "Bankruptcy Challenges and Solutions"
04/09	Columbus Bar Association Bankruptcy Law Institute "Chapter 13 Case Law Update"
04/09	Nashville School of Law Continuing Education Workshop "Bankruptcy and Creditor's Rights"
04/09	American Bankruptcy Institute Spring Meeting "Practical Strategies to Maximize the Debtor's Ability to Get a Discharge in Chapter 13"
01/09	NACTT Mid-Year Meeting "Trustee/Judge Communications"
12/08	Tennessee Real Estate Law Conference "Bankruptcy, RESPA, TILA, & Loss Mitigation in Home Loans"
12/08	Mid-South Commercial Law Institute Annual Seminar "Bankruptcy After the Subprime Crisis"/"Recent Developments in Chapter 13"
11/08	Nashville School of Law Continuing Legal Education Workshop "Bankruptcy, RESPA, TILA, & Loss Mitigation in Home Loans"
10/08	State Bar of Montana Annual Bankruptcy Law Seminar "Recent Developments in Chapter 13"
09/08	States Association of Bankruptcy Attorneys Seminar "Chapter 13 Case Law Update"
08/08	Midwest Regional Bankruptcy Seminar "Chapter 13 Case Law Update"
07/08	NACTT Annual Seminar "Chapter 13 Case Law Update"
06/08	Norton Institutes on Bankruptcy Law "Chapter 13 Case Law Update"

02/08 Mortgage Bankers Association Conference
"Bankruptcy Boot Camp for Banks, Investors, Servicers and Their Attorneys"

01/08 Federal Bar Association (Northeast TN Chapter) Bankruptcy & Litigation Seminar

12/07 American Bankruptcy Institute Annual Winter Leadership Conference

10/07 National Conference of Bankruptcy Judges Annual Conference

06/07 Norton Institutes on Bankruptcy Law
"Chapter 13 Case Law Update"

Additional Appearances and Testimonies

12/09 Testimony before the House Subcommittee on Commercial and Administrative Law
Washington, D.C.
"Home Foreclosures: Will Voluntary Mortgage Modification Help Families Save Their Homes? Part II"

12/06 Testimony before the Senate Committee on the Judiciary Subcommittee on Administrative Oversight and the Courts
Washington, D.C.
"Oversight of the Implementation of the Bankruptcy Abuse Prevention Act"

03/99 Testimony before House Subcommittee on Commercial and Administrative Law
Washington, D.C.
"The Impact of HR 833 on the Consumer Bankruptcy System"

Exhibit 2

GOLDBERG KOHN ATTORNEYS AT LAW

Practice Areas

- Bankruptcy & Creditors' Rights
- Creditors' Rights
- Debtor Representations
- Equity Committees

Industry Focus

- Automotive Industry
- Banking & Financial Services

News

- Goldberg Kohn Principals Recognized in 2010 *Chambers USA: America's Leading Lawyers for Business*
- Goldberg Kohn Recognized as a Leading Law Firm by Chambers USA
- Goldberg Kohn Secures Major Victory for Beneficiaries of $440 Million Settlement
- Judge Confirms Bankruptcy Reorganization Plan for Goldberg Kohn Client
- Principal Ronald Barliant Presides Over Chapter 11 Bankruptcy Mediation
- Goldberg Kohn Represents Home Products International in Bankruptcy Reorganization Cases
- Bankrupt Network Carriers Treating Regionals Differently
- Bankruptcy Attorneys Cleaning Up
- Delta Ok'd to Pay Some Bills
- Who You Gonna Call?
- American College of Bankruptcy's 15th Class Includes Goldberg Kohn Principal
- Chicago Bankruptcy Judge Ronald Barliant to Join Goldberg Kohn

Events

Ronald Barliant

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Since joining Goldberg Kohn in September 2002 as a principal in the Bankruptcy & Creditors' Rights Group, Ronald Barliant has represented debtors and creditors in complex bankruptcy cases. As head of the firm's "burgeoning practice in debtor work,"[11] his debtor representations include a machine tool manufacturing company in a Delaware chapter 11 case involving significant environmental and mass tort liabilities (plan confirmed with future claimants trust 11 months after filing), a wireless telecommunications carrier in a chapter 11 case requiring the restructuring of debts owed the FCC for PCS licenses (plan confirmed 5 months after filing), and a home products manufacturing company in a pre-negotiated chapter 11 case involving a debt-for-equity swap and the issuance of new debt securities (plan confirmed 75 days after filing).

His creditor representations include the indenture trustee for most of the aircraft operated by United Airlines; the prepetition secured lenders and debtor in possession lenders in the chapter 11 cases of a large manufacturing company; a foundry and a food distributor, the secured creditor resisting substantive consolidation in the Delaware case of a sub-prime lender; and claimants in asbestos-related chapter 11 cases.

Mr. Barliant has also argued several appeals and counseled major financial firms in connection with distressed investments, and both debtors and creditors in connection with workouts. In addition, he has mediated disputes in over a dozen cases, including Delphi Corporation, U.S. Energy Biogas, HALO, Altheimer & Gray and Fleming Foods. He has also been engaged as a consultant by other law firms representing clients in bankruptcy cases, and as an expert witness. In addition, he is an estate representative in the Global Crossing case and was a director of a Delaware debtor in the automotive industry.

Before joining Goldberg Kohn, Mr. Barliant served as a United States bankruptcy judge for the Northern District of Illinois from 1988 to 2002. During his tenure on the bench, one of the largest cases over which he presided was Comdisco Inc. (in the technology services industry), involving more than $4 billion in debt. Other prominent cases he heard include Florsheim Group Inc. (men's shoes); Birmingham Steel Corp. (specialty steel); Archibald Candy Corp. (confectionaries under Fanny May and Fanny Farmer brands); e-spire Communications Inc. (telecommunications); Ben Franklin Retail Stores (retail); Keck, Mahin & Cate (law firm); Forty-Eight Insulations Inc. (asbestos

Principal Ronald Barliant Speaks at 2010 Central States Bankruptcy Workshop

Principals Ronald Barliant, Randy Klein and Jeremy Downs Participate in CBA Seminar on Bankruptcy Sales and Automotive Supplier Cases

Principal Ronald Barliant to Speak at CBA Bankruptcy & Reorganization Meeting

Principal Ronald Barliant Participates in ABA Teleconference on Workouts

Principals Ronald Barliant and Jon Cooper Speak at AIRA Chicago Regional Conference

Principal Ronald Barliant Speaks at the Law Bulletin 2008 Real Estate Law Conference

Principal Randall Klein and Principal Ronald Barliant Participated in TMA Forum

Ronald Barliant speaks at TMA 2005 Annual Convention

The Uncertain Fate of Intellectual Property in Bankruptcy Cases

Strategies and Opportunities for Lenders in a Bankruptcy or Restructuring

Case Management Procedures: A Comparison of Delaware and Other Jurisdictions

products); Outboard Marine Corp. (boat engines); and the developers in several significant single-asset real estate cases. Before ascending to the bench, he represented the trustee in the chapter 7 case of the owner and operator of an oil refinery, Energy Cooperative Inc., which at the time was the largest chapter 7 case in the history of the Northern District of Illinois.

Mr. Barliant is a Fellow in the American College of Bankruptcy. He has taught debtor-creditor relations at John Marshall Law School and has frequently lectured and participated in panel discussions on bankruptcy-related topics at the invitation of many organizations, including the Federal Judicial Center, the National Conference of Bankruptcy Judges (NCBJ), the American Bankruptcy Institute (ABI), the American Bar Association (ABA), the Commercial Finance Association, the Turnaround Management Association, the Chicago Bar Association (CBA) and LexisNexis Mealey's. Mr. Barliant was a panelist for "Claims Trading: Implications for the Chapter 11 Process, Pitfalls for the Claims Trader," The National Conference of Bankruptcy Judges, 2008; "Do You Remember Lender Liability?," The Distressed Debt Conference, 2008; and "Valuation in the Context of Bankruptcy," 57th Annual Meeting of the Seventh Circuit Bar Association and Judicial Conference of the Seventh Circuit, 2008.

His published writings include articles on chapter 11 plans, executory contracts, preferences, and the anti-trust litigation in the United Airlines case (in which he represented an indenture trustee/defendant). He also co-authored an article featured in the American Bankruptcy Institute Law Review, "From Free-Fall to Free-For-All: The Rise of Pre-Packaged Asbestos Bankruptcies (Winter 2004). He was a member of the board of governors of the NCBJ from 1998 to 2000 and of the NCBJ's Endowment for Education from 1997 to 1998. In addition, he served on national judicial committees and on working groups considering technology issues and the treatment of mass torts in bankruptcy cases. Mr. Barliant is listed in The Best Lawyers in America and Illinois Super Lawyers, as well as Chambers USA: America's Leading Lawyers for Business. He is currently a member of the ABI (Business Reorganization Committee), ABA (Business Law Section), and NCBJ (Former Judges Section). He is also Chair of the Bankruptcy and Reorganization Committee of the CBA.

Mr. Barliant is admitted to practice in Illinois. He received his law degree in 1969 from Stanford University School of Law, where he was a member of the editorial board of the Stanford Law Review. He received his B.A. in 1966 from Roosevelt University.

---

[1] *Chambers USA: America's Leading Lawyers for Business 2006*, p. 773.

PROFESSIONAL ACTIVITIES

- American Bankruptcy Institute, Member, Business Reorganization Committee
- American Bar Association, Member, Business Law Section
- National Conference of Bankruptcy Judges, Member, Former Judges Section
- Chicago Bar Association, Chair, Bankruptcy and Reorganization Committee

EDUCATION

- Stanford University, J.D., 1969
- Roosevelt University, B.A., 1966

BAR ADMISSIONS

- Illinois

ARTICLES

- Bad Medicine: Cram Down, Section 1111(B)(2) Elections and Federal Regulations
- Principal Ronald Barliant quoted in The Deal
- United's Long Journey into the Far Reaches of Section 1110 - November/December 2005
- From Free-Fall to Free-For-All: The Rise of Pre-Packaged Asbestos Bankruptcies
- Scope of a Lessee's Power to Reject Parts of Multiple-Unit Leases

VIEW MORE INFORMATION ON THIS ATTORNEY

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Exhibit 3

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Professor of Law
University of Washington School of Law
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Seattle, WA 98195-3020

(206) 543-1580

EMPLOYMENT

University of Washington School of Law, Seattle, Washington
Professor of Law, June 2010 – present

Seattle University School of Law, Seattle, Washington
Associate Professor of Law (with tenure), July 2009 – May 2010
Associate Professor of Law, July 2006 – June 2009

Tulane Law School, New Orleans, Louisiana
Associate Professor of Law, July 2003 – June 2006

Willkie Farr & Gallagher LLP, New York, New York
Business Reorganization and Restructuring Associate, August 2002 – February 2003

The Honorable Prudence Carter Beatty, U.S. Bankruptcy Court for the Southern District of New York, New York, New York
Law Clerk, August 2001 – July 2002

EDUCATION

New York University School of Law, New York, New York
J.D., 2001
Executive Editor, *New York University Law Review*
Judge John J. Galgay Fellowship in Bankruptcy and Reorganization Law
Merit Scholarship Recipient

Yale University, New Haven, Connecticut
B.A. in History, 1998
Senior Thesis: *Diverging Religious Approaches to the Role of Faith in Revolution: The Conflict Between the Church Hierarchy and the Progressive Clergy in Nicaragua, 1981-1983*
Lewis P. Curtis Fellowship for Travel
Edgar J. Boell Prize

PUBLICATIONS

Reconceptualizing Present-Value Analysis in Consumer Bankruptcy, 68 WASH. & LEE L. REV. (forthcoming 2011)

Opinion, *Resolution Oversight*, NAT'L L.J., May 31, 2010, at 34 (with Jonathan R. Nash)

An Empirical Examination of Access to Chapter 7 Relief by Pro Se Debtors, 26 EMORY BANKR. DEV. J. 5 (2009)

Setting the Record Straight: A Sur-Reply to Professors Lawless et al., 33 SEATTLE U. L. REV. 93 (2009)

Failing to Answer Whether Bankruptcy Reform Failed: A Critique of the First Report from the 2007 Consumer Bankruptcy Project, 83 AM. BANKR. L.J. 27 (2009) (peer-reviewed)

The Real Student-Loan Scandal: Undue Hardship Discharge Litigation, 83 AM. BANKR. L.J. 179 (2009) (peer-reviewed) (with Michelle R. Lacey)

- cited in *In re* Miller, 409 B.R. 299 (Bankr. E.D. Pa. 2009)

The Utility of Opacity in Judicial Selection, 64 N.Y.U. ANN. SURV. AM. L. 633 (2009) (symposium issue)

An Empirical Investigation into Appellate Structure and the Perceived Quality of Appellate Review, 61 VAND. L. REV. 1745 (2008) (with Jonathan R. Nash)

Examining the Perceived Quality of Appellate Review in the Bankruptcy System, NORTON BANKR. L. ADVISER, Aug. 2008, at 1 (with Jonathan R. Nash)

Illness and Inability to Repay: The Role of Debtor Health in the Discharge of Educational Debt, 35 FLA. ST. U. L. REV. 505 (2008)

Eliminating the Judicial Function in Consumer Bankruptcy, 81 AM. BANKR. L.J. 471 (2007) (peer-reviewed)

- cited in *In re* Cox, 393 B.R. 681 (Bankr. W.D. Mo. 2008); *In re* Quigley, 391 B.R. 294 (Bankr. N.D. W. Va. 2008); *In re* Turner, 384 B.R. 537 (Bankr. S.D. Ind. 2008); *In re* Waters, 384 B.R. 432 (Bankr. N.D. W. Va. 2008)

Analyzing Chapter 7 Abuse Dismissal Motions Post-BAPCPA: A Reply on Cortez, AM. BANKR. INST. J., December/January 2007, at 16

- cited in *In re* Henebury, 361 B.R. 595 (Bankr. S.D. Fla. 2007)

Undue Hardship in the Bankruptcy Courts: An Empirical Assessment of the Discharge of Educational Debt, 74 U. CIN. L. REV. 405 (2005) (with Michelle R. Lacey)

- cited in *In re* Cumberworth, 347 B.R. 652 (B.A.P. 8th Cir. 2006); *In re* Woody, 345 B.R. 246 (B.A.P. 10th Cir. 2006); *In re* Greenwood, 349 B.R. 795 (Bankr. D. Ariz. 2006)

On Proof of Preferential Effect, 55 ALA. L. REV. 281 (2004), *reprinted in* 13 J. BANKR. L. & PRAC. 95 (2004)

- cited in *In re* Bankvest Capital Corp., 375 F.3d 51 (1st Cir. 2004)

Comment, *Bankruptcy Court Jurisdiction and Agency Action: Resolving the NextWave of Conflict*, 76 N.Y.U. L. REV. 945 (2001)

Note, *Beyond the Limits of Equity Jurisprudence: No-Fault Equitable Subordination*, 75 N.Y.U. L. REV. 1489 (2000)

AMICUS BRIEF

Brief for Amicus Curiae Professor Rafael I. Pardo in Support of Neither Party, *United Student Aid Funds, Inc. v. Espinosa*, 130 S. Ct. 1367 (2010) (No. 08-1134), 2009 WL 2875368

CONGRESSIONAL TESTIMONY

An Undue Hardship? Discharging Educational Debt in Bankruptcy: Hearing Before the Subcommittee on Commercial and Administrative Law of the House Committee on the Judiciary, 111th Congress (September 23, 2009)

SELECT PRESENTATIONS

2009

Reconceptualizing Present-Value Analysis in Consumer Bankruptcy, Faculty Workshop, University of California, Irvine School of Law (December 3, 2009)

Reconceptualizing Present-Value Analysis in Consumer Bankruptcy, Faculty Colloquium, University of Washington School of Law (November 23, 2009)

The Real Student-Loan Scandal: Undue Hardship Discharge Litigation, Seattle Economics Council, Seattle, Washington (October 14, 2009) (inaugural speaker for 2009-2010 season)

Reconceptualizing Present-Value Analysis in Consumer Bankruptcy, Faculty Colloquium, Emory University School of Law (September 9, 2009)

An Empirical Examination of Access to Chapter 7 Relief by Pro Se Debtors, Harvard-Texas Joint Conference on Commercial Law Realities, University of Texas School of Law (March 28, 2009) (in absentia)

2008

An Empirical Examination of Access to Chapter 7 Relief by Pro Se Debtors, Research Conference on Access to Civil Justice: Empirical Perspectives, New York University School of Law (November 13, 2008)

The Real Student Loan-Scandal: Undue Hardship Discharge Litigation, Faculty Workshop, Arizona State University, Sandra Day O'Connor College of Law (October 22, 2008)

An Empirical Examination of Access to Chapter 7 Relief by Pro Se Debtors, Annual Meeting of the Midwestern Law & Economics Association, Northwestern University School of Law (October 4, 2008)

The Real Student Loan-Scandal: Undue Hardship Discharge Litigation, 2008 Washington Bankruptcy Judges Conference, Blaine, Washington (September 19, 2008)

The Real Student Loan-Scandal: Undue Hardship Discharge Litigation, Third Annual Conference on Empirical Legal Studies, Cornell Law School (September 12, 2008) (poster session)

An Empirical Investigation into Appellate Structure and the Perceived Quality of Appellate Review, Annual Fall Symposium of the Ninth Circuit Bankruptcy Appellate Panel, Ashland, Oregon (August 26, 2008) (co-presented with Jonathan R. Nash)

The Real Student Loan-Scandal: Undue Hardship Discharge Litigation, Houston Higher Education Finance Roundtable, University of Houston Law Center (May 19, 2008)

An Empirical Investigation into Appellate Structure and the Perceived Quality of Appellate Review, Annual Meeting of the American Law and Economics Association, Columbia Law School (May 16, 2008)

The Utility of Opacity in Judicial Selection, NYU Annual Survey of American Law Symposium, *Tradeoffs of Candor: Does Judicial Transparency Erode Legitimacy?*, NYU School of Law (March 11, 2008)

2007

The Real Student Loan-Scandal: Undue Hardship Discharge Litigation, Annual Meeting of the Midwestern Law & Economics Association, University of Minnesota School of Law (October 13, 2007)

The Real Student Loan-Scandal: Undue Hardship Discharge Litigation, Federal Judicial Center Workshop for Bankruptcy Judges II, Austin, Texas (September 17 & 18, 2007)

Illness and Inability to Repay: The Role of Debtor Health in the Discharge of Educational Debt, Federal Judicial Center Workshop for Bankruptcy Judges II, Austin, Texas (September 17 & 18, 2007)

Undue Hardship in the Bankruptcy Courts: An Empirical Assessment of the Discharge of Educational Debt, Federal Judicial Center Workshop for Bankruptcy Judges II, Austin, Texas (September 17 & 18, 2007)

Eliminating the Judicial Function in Consumer Bankruptcy, National Bankruptcy Administrators Conference, Asheville, North Carolina (July 31, 2007) (keynote address)

An Empirical Investigation into Appellate Structure and the Perceived Quality of Appellate Review, Joint Annual Meetings of the Law and Society Association and Research Committee on Sociology of Law, Humboldt University (July 28, 2007) (co-presented with Jonathan R. Nash)

An Empirical Investigation into Appellate Structure and the Perceived Quality of Appellate Review, Stanford/Yale Junior Faculty Forum, Stanford Law School (May 18, 2007) (co-presented with Jonathan R. Nash)

An Empirical Investigation into Appellate Structure and the Perceived Quality of Appellate Review, Reenvisioning Law Colloquium, University of Houston Law Center (January 26, 2007)

2006

An Empirical Investigation into Appellate Structure and the Perceived Quality of Appellate Review, Annual Meeting of the Midwestern Law & Economics Association, University of Kansas School of Law (October 20, 2006) (co-presented with Jonathan R. Nash)

2005

Undue Hardship in the Bankruptcy Courts: An Empirical Assessment of the Discharge of Educational Debt, Faculty Workshop, St. John's University School of Law (October 26, 2005)

Undue Hardship in the Bankruptcy Courts: An Empirical Assessment of the Discharge of Educational Debt, Faculty Workshop, Seattle University School of Law (October 10, 2005)

Undue Hardship in the Bankruptcy Courts: An Empirical Assessment of the Discharge of Educational Debt, Young Scholars Workshop, Annual Meeting of the Southeastern Association of Law Schools, Hilton Head Island, South Carolina (July 17, 2005)

Undue Hardship in the Bankruptcy Courts: An Empirical Assessment of the Discharge of Educational Debt, Tulane-Loyola Junior Faculty Workshop, Tulane Law School (March 18, 2005)

MEDIA COMMENTARY

Diane Davis & Eileen J. Williams, *Supreme Court Says Ch. 7 Trustee Is Not Required to Object to Ambiguous Exemption*, 22 Bankr. L. Rep. (BNA) 855, 856 (June 24, 2010).

Diane Davis & Bernard J. Pazanowski, *Supreme Court Approves Forward-Looking Test to Calculate "Projected Disposable Income,"* 22 Bankr. L. Rep. (BNA) 781, 781 (June 10, 2010).

Ross Reynolds, *The Conversation: Trade School in Tough Times: Is It Worth It?*, KUOW Puget Sound Public Radio, Mar. 25, 2010.

Diane Davis, *Bankruptcy Attorneys Consider Impact of* Espinosa *Decision on Practitioners*, 22 Bankr. L. Rep. (BNA) 395, 401 (Mar. 25, 2010).

Peter S. Goodman, *In Hard Times, Lured into Trade School and Debt*, N.Y. TIMES, Mar. 14, 2010, at A1.

Thomas G. Dolan, *Does the Repaying of Private Student Loans Represent Undue Hardship?*, HISP. OUTLOOK HIGHER EDUC., Feb. 8, 2010, at 20.

Eric Kelderman, *Supreme Court Considers Case About Excusing Student Debt Through Bankruptcy*, CHRON. HIGHER EDUC., Nov. 29, 2009.

Christine Dugas, *Student Loans Are Crushing New Grads; Without Jobs, Paying Off $100,000 in Debt Is Tough*, USA TODAY, May 13, 2009, at 6A.

Bill Virgin, *Beware the Latest 'C Level' Executive*, SEATTLE POST-INTELLIGENCER, Oct. 28, 2008, at D1.

Vesna Jaksic, *Your Attendance Is Required*, NAT'L L.J., Sept. 24, 2007, at 4.

COURSES TAUGHT

Bankruptcy, Contracts, Payment Systems, Sales, Secured Transactions, Trusts and Estates, Legal Scholarship Colloquium

LAW SCHOOL SERVICE

Faculty Liaison, Fair Debt Collection Observation Project, Seattle University School of Law, September 2009 – January 2010

Member, Planning Committee for *State Judicial Independence—A National Concern*, Seattle University School of Law, April 2009 – September 2009

Member, Faculty Appointments Committee, Seattle University School of Law, July 2008 – May 2009

Chair, Special Faculty Appointments Committee, Seattle University School of Law, January 2008 – May 2008

Chair, Commercial Law Focus Area, Seattle University School of Law, July 2006 – May 2010

Member, Curriculum Committee, Seattle University School of Law, July 2006 – July 2007

Member, Legal Research and Writing Committee, Tulane Law School, July 2005 – July 2006

Member, Readmissions Committee, Tulane Law School, July 2005 – July 2006

Faculty Liaison, Honor Board, Tulane Law School, March 2005 – July 2006

Member, Special Clinical Appointments Committee for the Tulane Environmental Law Clinic, Tulane Law School, July 2004 – July 2005

Member, Faculty Appointments Committee, Tulane Law School, July 2004 – July 2005

Advisor, La Alianza del Derecho, Tulane Law School, September 2003 – July 2006

Member, Judicial Clerkship Committee, Tulane Law School, July 2003 – July 2004

PROFESSIONAL ACTIVITIES

Member, AALS Committee on Research, August 2010 - present

Panelist, American Bankruptcy Institute Media Teleconference on *United Student Aid Funds v. Espinosa*, No. 08-1134 (U.S. Mar. 23, 2010), March 2010, http://www.abiworld.org/webinars/2010/Espinosa_Supreme_Court/index.html

Academic Member, Editorial Advisory Board, *American Bankruptcy Law Journal*, January 2010 – present

Chair-Elect, AALS Section on Creditors' and Debtors' Rights, January 2010 – present

Volunteer Attorney, King County Bar Association Debt Clinic, April 2009 – present

Secretary and Treasurer, AALS Section on Creditors' and Debtors' Rights, January 2009 – January 2010

Presenter, Washington Bankruptcy Judges Conference, Blaine, WA, September 2008

Panel Moderator, Third Annual Conference on Empirical Legal Studies, Cornell Law School, September 2008

Presenter, Annual Fall Symposium of the Ninth Circuit Bankruptcy Appellate Panel, Ashland, OR, August 2008

Discussant, "Microinitiatives," Globalization & Justice: Interdisciplinary Dialogues, Seattle University, February 2008

Program Faculty, Federal Judicial Center, Workshop for Bankruptcy Judges II, Austin, TX, September 2007

Program Faculty, Federal Judicial Center and Administrative Office of the U.S. Courts, National Bankruptcy Administrators Conference, Asheville, NC, July 2007

Newsletter Editor, AALS Section on Creditors' and Debtors' Rights, January 2007 – May 2008

Member, Board of Directors, Consumer Education and Training Services ("CENTS"), Seattle, WA, October 2006 – present

Guest Blogger, *Concurring Opinions*, http://www.concurringopinions.com, August 2006

Program Faculty, Thirtieth Annual Seminar on Bankruptcy Law and Practice, Stetson University College of Law, December 2005

Member, Southeastern Association of Law Schools (SEALS) Young Scholars Committee, April 2005 – September 2005

Consultant, New Orleans Legal Assistance Corporation, New Orleans, LA, September 2004 – September 2005

Advisory Board, Bankruptcy Litigation Skills Symposium, American Bankruptcy Institute/Tulane Law School, April 2004 – May 2005

AWARDS AND PROFESSIONAL ORGANIZATIONS

Institute for Higher Education Law and Governance Fellow, Houston Higher Education Finance Roundtable, University of Houston Law Center, May 2008

American Bankruptcy Law Journal Fellow, Annual Meeting of the National Conference of Bankruptcy Judges, November 2005

Member, Bar of the United States Supreme Court, 2009 – present

Member, Society of Empirical Legal Studies, 2007 – present

Member, American Bankruptcy Institute, 2003 – present

Member, Washington State Bar Association, 2002 – present

PERSONAL

Born: Havre, Montana

Languages: Spanish (fluent) and French (proficient)

Interests: classical piano, mountaineering, squash

Exhibit 4

DANE S. CIOLINO

LOYOLA LAW SCHOOL
526 PINE STREET
NEW ORLEANS, LOUISIANA 70118

TELEPHONE: (504) 834-8519
E-MAIL: DCIOLINO@LOYNO.EDU
WEB SITE: WWW.LOYNO.EDU/~DCIOLINO

EDUCATION

TULANE UNIVERSITY LAW SCHOOL, *New Orleans, Louisiana*
J.D., *magna cum laude*, 1988
Editor in Chief, *Tulane Law Review*
Order of the Coif
Winner, Maritime Law Center Writing Competition

RHODES COLLEGE, *Memphis, Tennessee*
B.A., *cum laude*, 1985
Recipient, Political Science Department Award
President, Sigma Alpha Epsilon Fraternity

EMPLOYMENT

LOYOLA LAW SCHOOL, *New Orleans, Louisiana*
Alvin R. Christovich Distinguished Professor of Law, 2002-present
Professor of Law, 2002
Associate Professor of Law, 1998-2002 (Tenured 2001)
Assistant Professor of Law, 1997-1998
Visiting Assistant Professor of Law, 1995-1997
Adjunct Instructor of Law, 1992-1995

TULANE LAW SCHOOL, *New Orleans, Louisiana*
Visiting Professor of Law, 2005
Visiting Professor of Law, 2002

STONE, PIGMAN, WALTHER & WITTMANN, LLC, *New Orleans, Louisiana*
Associate, 1991-1995
Areas of Practice: Commercial Litigation, Intellectual Property, Criminal Law

CRAVATH, SWAINE & MOORE, LLP, *New York, New York*
Associate, 1989-1991
Consultant, 2005-2006
Areas of Practice: Commercial Litigation, Intellectual Property

UNITED STATES DISTRICT COURT, *New Orleans, Louisiana*
Law Clerk to Honorable Peter H. Beer, 1988-89

PUBLICATIONS

DANE S. CIOLINO, LOUISIANA PROFESSIONAL RESPONSIBILITY LAW & PRACTICE (3d ed. 2007)

Dane S. Ciolino, *Lawyer Ethics Reform in Perspective: A Look at the Louisiana Rules of Professional Conduct Before and After Ethics 2000*, 65 LA. L. REV. 536 (2005)

Dane S. Ciolino, *Redefining Professionalism as Seeking*, 49 LOY. L. REV. 229 (2003)

Dane S. Ciolino & Erin A. Donelon, *Questioning Strict Liability in Copyright*, 54 RUTGERS L. REV. 351 (2002)

Dane S. Ciolino, *Why Copyrights Are Community Property (Sort Of): Through the* Rodrigue v. Rodrigue *Looking Glass*, 47 LOY. L. REV. 631 (2001)

Dane S. Ciolino, *Why Copyrights Are Not Community Property*, 60 LA. L. REV. 127 (1999)

Dane S. Ciolino, *Reconsidering Restitution in Copyright*, 48 EMORY L.J. 1 (1999)

Dane S. Ciolino, *Rethinking the Compatibility of Moral Rights and Fair Use*, 54 WASH. & LEE L. REV. 33 (1997)

Dane S. Ciolino, *The Mental Element of Louisiana Crimes: It Doesn't Matter What You Think*, 70 TUL. L. REV. 855 (1996)

Dane S. Ciolino, *Moral Rights and Real Obligations: A Property-Law Framework for the Protection of Authors' Moral Rights*, 69 TUL. L. REV. 935 (1995)

Dane S. Ciolino & Gary R. Roberts, *The Missing Direct-Tender Option in Federal Third-Party Practice: A Procedural and Jurisdictional Analysis*, 68 N.C.L. REV. 423 (1990)

Dane S. Ciolino, Casenote, Lafleur v. John Deere Co.: *Recovery of Nonpecuniary Damages in Redhibitory Actions*, 61 TUL. L. REV. 704 (1987)

TEACHING

Law School: Principal Courses

The Legal Profession, Trial Advocacy, Contracts, Criminal Law & Procedure,

Law School: Other Courses

Business Organizations I & II, Contracts I & II, Common Law Contracts for Civil Law Students, Computer Law, Copyright Law, Criminal Law Clinic, Criminal Law Seminar, Constitutional Criminal Procedure, Civil Law of Persons, Civil Law of Community Property, Civil Law of Property, Introduction to Law and Legal Methods, Legal Ethics Seminar, International Copyright Law, Law & Poverty, Professional Seminar in Practical Lawyering, Professional Seminar in Storytelling

Bar Review

Instructor, BAR/BRI Bar Review Course (legal ethics and professional responsibility law), 2006-present

Instructor, BAR/BRI Louisiana Bar Review Course (criminal law, evidence and criminal procedure), 2005-present

Instructor, BAR/BRI Louisiana Bar Review Course (Louisiana property law, family law, community-property law), 1995-2005

Instructor, LSU Law Center Bar Review Course (Louisiana family law), 1999-2002

COMMUNITY SERVICE

Member, Louisiana State Bar Association Board of Governors, 2007-present

Board Member, Orleans Parish Indigent Defender Program, 2006-2007

Reporter, Louisiana State Bar Association Ethics 2000 Committee, 1999-2004

Reporter, Louisiana State Law Institute Emancipation Committee, 2004-2008

Reporter, Louisiana State Law Institute Tutorship Procedure Committee, 2000-present

Reporter, Louisiana State Law Institute Interdiction Committee, 1996-2002

Member, Louisiana Supreme Court Committee on the Prevention of Lawyer Misconduct, 1999-2003

Member, American Law Institute, 2003-present

Member, Louisiana State Law Institute Criminal Law Committee, 2006-present

Interim Host, *It's the Law*, Cox Cable Television New Orleans and Jefferson, December 1999-2000

Louisiana State Bar Association, Ethics Advisory Committee
Member, 2000-2003
Reporter, 1997-2000

Council Member, Louisiana State Law Institute, 1997-2000

Louisiana Attorney Disciplinary Board
Hearing Committee Member, 1998-1999
Hearing Committee Chairperson, 1999-2003

Board Member, Louisiana Organization for Judicial Excellence, 2004-present

Instructor, Louisiana State Bar Association Diversionary Ethics School, 1999-present

Member, Louisiana State Bar Association Codes of Conduct Committee, 1998-present

Member, Louisiana State Bar Association Professionalism Committee, 1997-present

Louisiana Supreme Court Bar Admissions Advisory Committee
Member, 1997-1999
Chairperson, 1999-2001

Director, Pro Bono Criminal Law for Civil Lawyers (two-day CLE seminar training civil lawyers to undertake pro bono criminal cases), 1995-2002

Advisory Editor, *Tulane Law Review*, 1993-present

Member, Board of Directors, Louisiana Capital Assistance Center (public-interest organization defending capital cases for indigent clients), 1996-2006

Appointed Counsel, Orleans Parish Criminal District Court (pro bono representation of indigent defendants in first- and second-degree murder prosecutions), 1991-present.

Member, Federal Criminal Justice Act Panel, Eastern District of Louisiana (panel of attorneys accepting appointments to represent indigent defendants in federal prosecutions), 1991-present

Evaluator, American Bar Association, Central European Law Initiative, March 1999 (evaluated code of legal ethics for the Republic of Armenia)

LOYOLA UNIVERSITY AND LAW SCHOOL SERVICE

Faculty Advisor, *Loyola Law School Honor Board*, 2002-present

Faculty Advisor, *Loyola Law Review*, 1997-2003, 2006

Faculty Advisor, *Order of the Barristers*, 1998-2003

Faculty Advisor, *Loyola Intellectual Property Law Quarterly*, 1996-2002

Faculty Advisor, *Loyola ATLA Chapter*, 1997-2002

Law School Representative, Loyola University Senate, 1997-1999

Loyola Law School Dean Search Committee
Chairperson, 2001-2002
Member, 2000-2001

Chairperson, Loyola Law School Law Clinic Committee, 2005-2007

Chairperson, Loyola Law School Faculty Unification Committee, 2004

Chairperson, Loyola Law School Library Director Search Committee, 2000-2001

Member, Loyola Law School By-Laws Committee, 2000-2001

Member, Loyola Law School Pre-Admissions Committee, 1998-1999

Member, Loyola Law School Tenure Guidelines Committee, 1998-1999

Member, Loyola Law School Library Committee, 1997-1998

Member, Loyola Law School Skills Committee, 1997–1998

Member, Loyola Law School Curriculum Committee, 1996-1997

Member, Loyola Law School Admissions Committee, 1996-1997

Member, Loyola Law School Student Recruitment and Career Services Committee, 1995-1996

COMMUNITY HONORS

Recipient, Camille Gravelle Pro Bono Award, Federal Bar Association, New Orleans Chapter, 2007

Lawdragon 3000 (list of top American lawyers), 2006

Recipient, *Gambit Magazine*, Forty-Under-Forty Award, 2002

Recipient, Louisiana State Bar Association, President's Award, 2001

Recipient, *City Business Magazine*, Power Generation Award, 2000

Recipient, Gillis Long Poverty Law Center Public Service Award, 1997

EXPERT WITNESS TESTIMONY[1]

Active Solutions, L.L.C. v. Dell, Inc., No. 2007-3665, Civil District Court for the Parish of Orleans, State of Louisiana

Adler v. Doyle (In re Woven Treasures, L.L.C.), 69 180 M 01493 07, American Arbitration Association

AmCareco, Inc. v. Lucksinger, No. 499,737, Nineteenth Judicial District Court for the Parish of East Baton Rouge, State of Louisiana

Adamson v. Bailey, No. 493,309, First Judicial District Court, Parish of Caddo, State of Louisiana

American Income Life Ins. Co. v. Nicholas Matthew Nitkowski et al., Civ. No. 05-2228(I-3), United States District Court Eastern District of Louisiana

Barton v. Butler, No. 515,473, Nineteenth Judicial District Court for the Parish of East Baton Rouge, State of Louisiana

Belle Terre Lakes Home Owners Assoc. v. Patricia McGovern, No. 41922, Fortieth Judicial District Court for the Parish of St. John the Baptist, State of Louisiana

[1]All matters in which Dane S. Ciolino has provided a public expert report, affidavit, deposition testimony or trial testimony.

Bertucci v. Lafayette Ins. Co., No. 01-0608, Civil District Court for the Parish of Orleans, State of Louisiana

Beevers and Beevers, LLP v. Sirgo, No. 624-259 "B," Twenty-Fourth Judicial District Court for the Parish of Jefferson, State of Louisiana

Boudoin v. St. John the Baptist Parish School Bd., No. 2004-08242, Office of Workers' Compensation, State of Louisiana

Bowes v. Clean Scene Servs., L.L.C., No. 661-147, Twenty-Fourth Judicial District Court for the Parish of Jefferson, State of Louisiana

Campbell v. City of New Orleans, No. 98-18633, Civil District Court for the Parish of Orleans, State of Louisiana

Chalmette Payment Processing, L.L.C. v. Munson, Civ. No. 03-1060, United States District Court for the Eastern District of Louisiana

Chevron U.S.A., Inc. v. State of Louisiana, Louisiana State Mineral Bd. and Louisiana Dept. of Natural Resources, No. 93,658, Seventeenth Judicial District Court for the Parish of Lafourche, State of Louisiana

Childress v. Childress, No. 488-388, Twenty-Fourth Judicial District Court for the Parish of Jefferson, State of Louisiana

Domingue v. Salomon Smith Barney, Inc. & Coughlin, No. 01-03076, NASD Dispute Resolution Arbitration, New Orleans, Louisiana

Dougherty v. Haag, No. 05-06993, Superior Court for the County of Orange, State of California

Doyle v. ICNA, Civil District Court for the Parish of Orleans, State of Louisiana

Edmonds v. Williamson, No. 2002-CV-42-R, Circuit Court of Kemper County, State of Mississippi

Felham Enterprises (Cayman) Ltd. v. Certain Underwriters at Lloyd's, London Companies, Zurich American Ins. Co., Marine Office of Am. Corp. & Trinity Yachts, Inc., No. 02-3588, United States District Court for the Eastern District of Louisiana

Foley & Lardner, LLP v. Kenneth G. Daniels, LLC, Adv. No. 05-01003, United States Bankruptcy Court for the Middle District of Louisiana

Forbes v. St. Martin, Civ. Action No. C2401 01 1745(2), Chancery Court, First Judicial District Court, Harrison County, Mississippi

Forbis v. Int'l Health Care Properties, X, Ltd., 97-CI-03198, Jefferson Circuit Court, State of Kentucky

Gill v. Becnel, No. G2001-1199 R/1, Chancery Court for the First Judicial District, Hinds County, State of Mississippi

Glynn v. Sylvester, No. 228080, Ninth Judicial District Court for the Parish of Rapides, State of Louisiana

Haynes v. Williamson, No. 3:05cv186-HTW-JCS, United States District Court for the Southern District of Mississippi, Jackson Division

Hebert v. Avery, No. 2001-16561, Civil District Court for the Parish of Orleans, State of Louisiana

Hunter & Blazier v. Logan, No. 2007-1873, Fourteenth Judicial District Court, Parish of Calcasieu, State of Louisiana

In re American International Refinery, Inc., No. 04-21331, United States Bankruptcy Court, Western District of Louisiana, Lake Charles Division

In re Petition to Accord Immigrant Classification to Timothy Gray Cameron, Esq., as an Alien of Extraordinary Ability, United States Department of Homeland Security, United States Citizenship and Immigration Services

In re Confidential Respondents, 04-DB-005, Louisiana Attorney Disciplinary Board

In re Succession of Marion Roberts, No. 96-2904(F), Civil District Court for the Parish of Orleans, State of Louisiana

In re Zyprexa Products Liability Litigation, MDL No. 1596, United States District Court for the Eastern District of New York

Leon v. Wilson, No. 96-14608(F), Civil District Court for the Parish of Orleans, State of Louisiana

Liberty Mutual Ins. Co. v. Jotun Paints, Inc. & Jotun, Inc., Civ. Action No. 07-3114, United States District Court for the Eastern District of Louisiana

Logan v. Hit or Miss, L.L.C., Civil Action No. 6:07-CV-1116 LO, United District Court for the Western District of Louisiana

Louisiana State Bar Association v. Carr and Associates, Inc., No. 2006-14440, Twenty-Second Judicial District Court for the Parish of St. Tammany, State of Louisiana

Oliver v. Orleans Parish School Board, No. 2005-12244 (N), Civil District Court, Parish of Orleans, State of Louisiana

Oreck Direct, LLC v. Dyson, Inc., Civ. Action No. 07-2744, United District Court for the Eastern District of Louisiana

Read v. Read, No. 2000-15283(E), Twenty-Second Judicial District Court for the Parish of St. Tammany, State of Louisiana

Reuther v. Smith, No. 2001-18124, Civil District Court for the Parish of Orleans, State of Louisiana

Spahr, v. Dallam, No. 98-5840, Civil District Court for the Parish of Orleans, State of Louisiana

Southern Scrap Material Co., L.L.C. v. Fleming, Civ. No. 01-2544, United States District Court for the Eastern District of Louisiana

Stanley v. Trinchard, Civ. No. 02-1235, United States District Court for the Eastern District of Louisiana

State of Louisiana v. Khristopher Kyzar, No. 11-05-0461, Nineteenth Judicial District Court for the Parish of East Baton Rouge, State of Louisiana

State of Louisiana v. Robert "Bob" Odom, No. 08-02-547, Nineteenth Judicial District Court for the Parish of East Baton Rouge, State of Louisiana

State of Louisiana v. Ricky Langley, No. 10258-02, Fourteenth Judicial District Court for the Parish of Calcasieu, State of Louisiana

State of Louisiana v. Terryance Russel, No. 375-503, Criminal District Court for the Parish of Orleans, State of Louisiana

State of Louisiana v. Robert Wilkins, No. 04- 19337, 14th Judicial District Court for the Parish of Calcasieu, State of Louisiana

Sturlese v. J.B. Jones, Jr., No. 10-16390, Thirty-Eighth Judicial District Court, Parish of Cameron, State of Louisiana

Succession of Marguerite Nell Riggs Griffin, No. 646-584, Twenty-Fourth Judicial District Court, Parish of Jefferson, State of Louisiana

Tessier v. Moffatt, No. 98-CV-00116, United States District Court for the Eastern District of Louisiana

Waggoner v. Williamson, No. 03-KV-0151-J, Circuit Court of Adams County, State of Mississippi

Waste Management of Louisiana, L.L.C. v. Penn-America Insurance Co., No. 2006-2452, Fourteenth Judicial District Court for the Parish of Calcasieu, State of Louisiana

Williams v. Williamson, No. 4:03-CV-88LN, United States District Court for the Southern District of Mississippi

Washington v. Williamson, No. 251-05-112 CIV, Circuit Court of Hinds County, State of Mississippi

United States v. Edwin Edwards, Crim. No. 98-165-B-M2, United States District Court for the Middle District of Louisiana

United States ex rel. William St. John LaCorte v. Merck & Co., Inc., No. 99-03807, United States District Court for the Eastern District of Louisiana

OTHER

Personal

Age 45

Married to Wendy Dehan Ciolino

Three Children: Hale (17), Price (15) & Camille (10)

Bar Admissions

Supreme Court of the United States
State of Louisiana
State of New York

United States Court of Appeals for the Fifth Circuit Court
United States District Court for the Eastern District of Louisiana (New Orleans)
United States District Court for Western District of Louisiana (Shreveport)
United States District Court for the Southern District of New York (New York City)

Dated: May 22, 2009

Exhibit 5

G. CALVIN MACKENZIE

Colby College
Waterville, ME 04901
(207) 859-5306
E-mail: gcmacken@colby.edu

127 Main Street
Bowdoinham, ME 04008
(207) 666-8064

EDUCATION

1971 - 1975	**Harvard University,** Cambridge, MA	Ph.D. in Government
1967 - 1969	**Tufts University,** Medford, MA	M.A. in Political Science
1963 - 1967	**Bowdoin College,** Brunswick, ME	B.A. in Government

ACADEMIC EMPLOYMENT

COLBY COLLEGE, Waterville, ME

2008 - 2009 *Chair, Department of Government*

2001 - *Goldfarb Family Distinguished Professor of Government*
(Endowed Chair)

1991 - 2001 *Distinguished Presidential Professor of American Government*
(Endowed Chair)

1992 - 1995 *Chair, Department of Government*

1986 - 1991 *Professor of Government*
Teach courses on American Congress, American presidency, public policy analysis, and public administration.

1985-1988 *Vice President for Development and Alumni Relations*
Directed major capital campaign, annual fund, planned giving, and all alumni relations activities. Supervised staff of 22. College's chief development officer, reporting to the president. On leave from faculty during this period.

1982 - 1986 *Associate Professor of Government* (with tenure)

1980 - 1985
1988 - 1992 *Director, Public Policy Program*

Supervised interdisciplinary program. Worked closely with public policy practitioners, oversaw curriculum, directed independent student projects, made arrangements for speakers and conferences, and organized extensive internship program.

1978 - 1982 *Assistant Professor of Government*

THE GEORGE WASHINGTON UNIVERSITY, Washington, DC

1975 - 1978 *Assistant Professor of Political Science*
Taught graduate and undergraduate courses in the following areas: American national government, the legislative process, public policy analysis, government budgeting, the electoral process, and American political behavior. Taught extensively in the University's graduate program for congressional staff members and executive branch employees.

HARVARD UNIVERSITY, Cambridge, MA

1973 - 1975 *Research Assistant, Government Department*
Teaching Fellow and Tutor, Government Department

ADDITIONAL WORK EXPERIENCE

2005 **BEIJING FOREIGN STUDIES UNIVERSITY, Beijing, China**
Fulbright Lecturer
Taught two courses on American public policy to Chinese graduate students. Lectured at universities all over China.

2002 **NATIONAL COMMISSION ON THE PUBLIC SERVICE (Volcker Commission), Washington DC**
Senior Advisor

2000-2002 **THE BROOKINGS INSTITUTION, Washington DC**
Visiting Fellow
Senior Advisor, Presidential Appointee Initiative
Lead participant in major study of presidential appointment process. Funded by Pew Charitable Trusts.

1999-2000 **INSTITUTE OF UNITED STATES STUDIES, UNIVERSITY OF LONDON, London, England**
The John Adams Fellow
Lectured and participated in seminars during year-long fellowship in London.

1997-1998 **NATIONAL ACADEMY OF PUBLIC ADMINISTRATION,** Washington DC
Project Director, Re-Engaging Citizens in Governance Project
Directed extensive study of low levels of citizen trust and civic engagement in government. Provided support to distinguished panel chaired by Paul Volcker.

Managed all research and development of databases. Author of panel report. Funded by Pew Charitable Trusts.

1996-1999 **MAINE STATE COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES**
Chair, 1996-1997; Member, 1997-1999
Elected chair of state agency that oversees campaign practices, campaign finances, and legislative ethics. Engaged in implementing one of the country's boldest initiatives in campaign finance reform.

1994 - 1997 **TWENTIETH CENTURY FUND**, New York, NY
Executive Director, Task Force on Presidential Appointments
Supervised studies and report preparation for Task Force chaired by former Senators John Culver (D-IA) and Charles Mathias (R-MD).

1993 - 1998 **MAINE STATE BOARD OF ARBITRATION AND CONCILIATION**
Alternating Chair
Implemented state policy in public sector labor-management relations.

1992 **NATIONAL ACADEMY OF SCIENCES**
Member, Panel on Presidentially Appointed Scientists and Engineers
Participated in extensive study of difficulties in recruiting scientists for government service. Contributed to panel's report, Science and Technology Leadership in American Government.

1988 **NATIONAL ACADEMY OF PUBLIC ADMINISTRATION**, Washington DC
Issue Leader, Presidential Transitions Study
Prepared study and recommendations on personnel selection and conflict of interest for panel report on presidential transition of 1988.

1983 - 1990 **NATIONAL ACADEMY OF PUBLIC ADMINISTRATION**, Washington DC
Director, Presidential Appointee Project
Supervised comprehensive analysis of presidential appointment process. Wrote project proposal, participated in fund raising, managed all details of project, supervised full- and part-time staff of 13. Full-time 1984-85, while on academic leave.

1980 **NATIONAL ACADEMY OF PUBLIC ADMINISTRATION**, Washington DC
Staff member, Presidential Transition Study
Conducted historical studies of personnel management activities of recent American presidents, relying primarily on original source materials in presidential libraries and interviews with former White House aides. Provided recommendations for improvements in presidential personnel management for inclusion in study panel's report.

1977 **UNITED STATES HOUSE OF REPRESENTATIVES**, Washington DC
Senior Research Analyst, Commission on Administrative Review
Worked full-time for the Commission while on academic leave. Participated in a comprehensive analysis of every aspect of legislative and administrative operations in the House of Representatives. Duties included interviewing members of Congress, direct contact with congressional officers and employees, examination of House records and accounts, and analysis of statistical data. Prepared original papers on

House financial management system, House procurement activities, and operating procedures of the House administrative system. Had primary responsibility for writing several hundred page report of the Task Force on Administrative Units.

VARIOUS EMPLOYERS

1975 - Present ***Lecturer and Consultant***
Clients have included: the Robert A. Taft Institute, the Pew Charitable Trusts, the Robert Wood Johnson Clinical Scholars program, the U.S. Treasury Executive Institute, Commission on the Operation of the U.S. Senate, and the Brookings Conference for Senior Business Executives. Served as regular guest lecturer at the Washington International Center. Appear often on local and network radio and television programs. Consult broadly on government operations with public agencies, presidential transition teams, national commissions, and foundations.

1969 - 1971 **UNITED STATES ARMY**
Private to Sergeant, First Cavalry Division, Vietnam
Awarded Vietnamese Cross of Gallantry, Army Commendation Medal (three times), Bronze Star (twice), Good Conduct Medal. Honorable Discharge, 1975.

SCHOLARLY AND PROFESSIONAL ACTIVITIES

1975 - Present **Panel Participant**
Chaired, delivered papers or otherwise participated in several dozen panels at meetings of professional and governmental organizations including: American Political Science Association, Midwest Political Science Association, Southwest Social Science Association, Naval War College, Administrative Conference of the United States, National Academy of Public Administration, National Academy of Sciences, Brookings Institution.

1982 - 2007 **Member, Editorial Board,** ***Congress and the Presidency***

1986 - 1987 **President, New England Political Science Association** (elected position)

1987 - Present **Member, Editorial Board,** ***Commonwealth***

1986 - 1998 **Overseer and Trustee, Bowdoin College,** Brunswick, ME

2003- Present **Member, Editorial Board,** ***New England Journal of Political Science***

2004 Elected a **Fellow of the National Academy of Public Administration,** Washington, DC

PRINCIPAL PUBLICATIONS

Now What: Confronting and Resolving Ethical Questions (with Sarah V. Mackenzie), San Francisco: Corwin Press, 2010.

The Liberal Hour: Washington and the Politics of Change in the 1960s (with Robert Weisbrot), New York: Penguin, 2008.
Finalist for the 2009 Pulitzer Prize in History
Selected by CHOICE as an "Outstanding Academic Book of 2008"

Conflict and Consensus in American Politics, (with Stephen Wayne and Richard Cole), Belmont, CA: Thomson Wadsworth, 2007.

Scandal Proof: Can Ethics Laws Make Government Ethical? Washington: Brookings, 2002.

Innocent Until Nominated: The Breakdown of the Presidential Appointment Process, (editor), Washington: Brookings, 2001.
Selected by CHOICE as an "Outstanding Academic Book of 2002"

The Politics of American Government, (with Stephen Wayne, David O'Brien, and Richard Cole), New York: St. Martin's, third edition, 1999.

Obstacle Course: Report of the Twentieth Century Fund Task Force on Presidential Appointments, New York: Twentieth Century Fund Press, 1996.

The Irony of Reform: Roots of American Political Disenchantment, Boulder: Westview Press, 1996
Selected by CHOICE as an "Outstanding Academic Book of 1996"

Bucking the Deficit: Economic Policy Making in the United States (with Saranna Thornton), Boulder: Westview Press, 1996

Who Makes Public Policy: The Struggle For Control Between Congress and the Executive (with Robert Gilmour et al), Chatham, NJ: Chatham House, 1994.

The Presidential Appointee's Handbook, Washington, DC: National Academy of Public Administration, 2d. ed., 1988.

The In and Outers: Presidential Appointees and Transient Government in Washington (editor), Baltimore: Johns Hopkins University Press, 1987.

American Government: Politics and Public Policy, New York: Random House, 1986.

Leadership in Jeopardy: The Fraying of the Presidential Appointments System, Washington, DC: National Academy of Public Administration, 1985.

America's Unelected Government (with Bruce Adams, John Macy, and Jackson Walter), New York: Harper & Row, 1983.

The Abortion Dispute and the American System (with Gilbert Steiner et al.), Washington, D.C.: Brookings, 1983.

The House at Work (co-editor with Joseph Cooper), Austin, TX: University of Texas Press, 1981.

The Politics of Presidential Appointments, New York: The Free Press, 1981.

A SAMPLE OF ARTICLES, REPORTS, REVIEWS, PAPERS, AND BOOK CHAPTERS, 1988-PRESENT

Co-editor, Special edition of The New England Journal of Political Science on "U.S. Senators from Maine: Fifty Years of Influencing the Nation"

"Looking to the Future: The Challenge to Congress" (White Paper, The Brademas Center for the Study of Congress, 2008)

"The Real Invisible Hand: Presidential Appointees in the Administration of George W. Bush" in David C. Rochefort, ed., Quantitative Methods in Practice (CQ Press, 2006)

"The Superpower Everyone Loves to Hate" in Papers on American Studies (Yunnan University Press, China, 2006)

"Old Wars, New Wars, and the American Presidency," in George C. Edwards and Philip John Davies, eds., New Challenges for the American Presidency (New York: Longmans, 2004).

"Can Government Be Honest And Effective, Too?" Keynote Address, 12th Annual Conference Of The U.S. Office Of Government Ethics, March 12, 2003.

"The Real Invisible Hand: Presidential Appointees in the Administration of George W. Bush," PS: Political Science and Politics, March 2002. (Republished in Martha Kumar, ed. White House World (College Station, TX: Texas A&M University Press, 2003).

"Opportunity Lost: The Disappearance of Trust in Government After the 9/11 Spike," (Center for Public Service, Brookings, 2002).

"Campaign Contributions of Clinton and Bush Presidential Appointees: An Analysis," with Michael Hafken (Presidential Appointee Project, Brookings, 2001).

"Testimony on The Presidential Appointment Process," U.S. Senate, 107th Congress, First Session, Committee on Governmental Affairs, Hearings on the Presidential Appointments Improvement Act of 2002 (Washington: Government printing Office, 2001).

"Partisan Presidential Leadership: The President's Appointees," in L. Sandy Maisel, ed., American Parties: Changing Patterns at the Century's End (Boulder, CO: Westview Press, 2001).

"Nasty and Brutish Without Being Short," Brookings Review, March 2001.

Editor, Special Issue of the Brookings Review on "The State of the Presidential Appointment Process," March 2001.

"Ou en est le systeme politique américain?" Le Debat (France: January-February, 2001).

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"Professionalism and Politics: Executive Recruitment in Washington," in R.H. Perry and Janet Jones-Parker, eds., The Executive Search Collaboration (Greenwood Press, 1990).

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"Presidential Transitions and the Ethics in Government Act of 1978," Sourcebook on Government Ethics for Presidential Appointees (Washington: Administrative Conference of the United States, 1988).

Exhibit 6

September 1, 2010

JUDGE G. THOMAS PORTEOUS, JR.'S EXHIBIT LIST

PORT Exhibit Number[1]	Description	Bates Number
1001 (a)	Louisiana Rules of Court, Code of Judicial Conduct (1985)	DEF00001-06
1001 (b)	Louisiana Rules of Court, Code of Judicial Conduct (1986)	DEF00007-13
1001 (c)	Louisiana Rules of Court, Code of Judicial Conduct (1987)	DEF000014-20
1001 (d)	Louisiana Rules of Court, Code of Judicial Conduct (1988)	DEF000021-27
1001 (e)	Louisiana Rules of Court, Code of Judicial Conduct (1989)	DEF000028-34
1001 (f)	Louisiana Rules of Court, Code of Judicial Conduct (1990)	DEF000035-41
1001 (g)	Louisiana Rules of Court, Code of Judicial Conduct (1991)	DEF000042-49
1001 (h)	Louisiana Rules of Court, Code of Judicial Conduct (1992)	DEF000050-57
1001 (i)	Louisiana Rules of Court, Code of Judicial Conduct (1993)	DEF000058-65
1001 (j)	Louisiana Rules of Court, Code of Judicial Conduct (1994)	DEF000066-73
1001 (k)	Louisiana Rules of Court, Code of Judicial Conduct (1995)	DEF000074-81
1001 (l)	Louisiana Rules of Court, Code of Judicial Conduct (1996)	DEF000082-89
1001 (m)	Louisiana Rules of Court, Code of Judicial Conduct (1997)	DEF000090-103
1001 (n)	Louisiana Rules of Court, Code of Judicial Conduct (1998)	DEF000104-12
1001 (o)	Louisiana Rules of Court, Code of Judicial Conduct (1999)	DEF000113-21
1001 (p)	Louisiana Rules of Court, Code of Judicial Conduct (2000)	DEF000122-30
1001 (q)	Louisiana Rules of Court, Code of Judicial Conduct (2001)	DEF000131-39
1001 (r)	Louisiana Rules of Court, Code of Judicial Conduct (2002)	DEF000140-48
1001 (s)	Louisiana Rules of Court, Code of Judicial Conduct (2003)	DEF000149-58
1001 (t)	Louisiana Rules of Court, Code of Judicial Conduct (2004)	DEF000159-67
1001 (u)	Louisiana Rules of Court, Code of Judicial Conduct (2005)	DEF000168-76
1001 (v)	Louisiana Rules of Court, Code of Judicial Conduct (2006)	DEF000177-96
1001 (w)	Louisiana Rules of Court, Code of Judicial Conduct (2007)	DEF000197-206
1001 (x)	Louisiana Rules of Court, Code of Judicial Conduct (2008)	DEF000207-18
1001 (y)	Louisiana Rules of Court, Code of Judicial Conduct (2009)	DEF000219-30
1002 (a)	Louisiana State Bar Rules of Professional Conduct, 1985	DEF000231-63
1002 (b)	Louisiana State Bar Rules of Professional Conduct, 1986	DEF000264-301
1002 (c)	Louisiana State Bar Rules of Professional Conduct, 1987	DEF000302-42
1002 (d)	Louisiana State Bar Rules of Professional Conduct, 1988	DEF000343-64
1002 (e)	Louisiana State Bar Rules of Professional Conduct, 1989	DEF000365-69
1002 (f)	Louisiana State Bar Rules of Professional Conduct, 1990	DEF000370-80
1002 (g)	Louisiana State Bar Rules of Professional Conduct, 1991	DEF000381-96
1002 (h)	Louisiana State Bar Rules of Professional Conduct, 1992	DEF000397-412
1002 (i)	Louisiana State Bar Rules of Professional Conduct, 1993	DEF000413-28
1002 (j)	Louisiana State Bar Rules of Professional Conduct, 1994	DEF000429-44
1002 (k)	Louisiana State Bar Rules of Professional Conduct, 1995	DEF000445-60
1002 (l)	Louisiana State Bar Rules of Professional Conduct, 1996	DEF000461-76
1002 (m)	Louisiana State Bar Rules of Professional Conduct, 1997	DEF000477-567
1002 (n)	Louisiana State Bar Rules of Professional Conduct, 1998	DEF000568-82
1002 (o)	Louisiana State Bar Rules of Professional Conduct, 1999	DEF000583-98
1002 (p)	Louisiana State Bar Rules of Professional Conduct, 2000	DEF000599-614

[1] In the Committee's Order Designating the Contents of Pre-trial Statements, the defense was instructed to begin its exhibits numbers at 1001.

1002 (q)	Louisiana State Bar Rules of Professional Conduct, 2001	DEF000615-30
1002 (r)	Louisiana State Bar Rules of Professional Conduct, 2002	DEF000631-46
1002 (s)	Louisiana State Bar Rules of Professional Conduct, 2003	DEF000647-63
1002 (t)	Louisiana State Bar Rules of Professional Conduct, 2004	DEF000664-82
1002 (u)	Louisiana State Bar Rules of Professional Conduct, 2005	DEF000683-702
1002 (v)	Louisiana State Bar Rules of Professional Conduct, 2006	DEF000703-27
1002 (w)	Louisiana State Bar Rules of Professional Conduct, 2007	DEF000728-50
1002 (x)	Louisiana State Bar Rules of Professional Conduct, 2008	DEF000751-93
1002 (y)	Louisiana State Bar Rules of Professional Conduct, 2009	DEF000794-834
1003	April 5, 2006 Agreement between G. Thomas Porteous and the Department of Justice waiving the Statute of Limitations regarding bankruptcy fraud, bribery and gratuities, criminal conflict of interest, criminal contempt, false statements, and honest services mail and wire fraud	DEF000835-37
1004	June 22, 2006 Agreement between G. Thomas Porteous and the Department of Justice waiving the Statute of Limitations regarding bankruptcy fraud, bribery and gratuities, criminal conflict of interest, criminal contempt, false statements, and honest services mail and wire fraud	DEF000838-40
1005	October 16, 2006 Agreement between G. Thomas Porteous and the Department of Justice waiving the Statute of Limitations regarding bankruptcy fraud, bribery and gratuities, criminal conflict of interest, criminal contempt, false statements, and honest services mail and wire fraud	DEF000841-43
1006	Documents sent by MCC to Defense on July 12, 2010	DEF000844-67
1007	List of Judges Who Have Served on Twenty-Fourth Judicial District Court, provided by Clerk of the Court	DEF000868-73
1008	Beef Connection Menu	DEF000874-77
1009	Affidavit of Louis M. Marcotte, dated April 11, 2003	DEF000878-79
1010	Affidavit of Kyle Schonekas, dated April 8, 2008	DEF000880
1011	Ratings of Article III Judicial Nominees (103rd Congress - 1993-1994)	DEF000881-86
1012	July 27, 2010 Letter from the United States Senate Committee on the Judiciary to the Senate Impeachment Trial Committee	DEF000887-88
1013	United States Senate Committee on the Judiciary Staff notes summarizing the FBI Background Investigation	DEF000889-91
1014	United States Senate Committee on the Judiciary Staff Memorandum	DEF000892-908
1015	Porteous Blue Slips	DEF000909-10
1016	Porteous ABA Rating	DEF000911
1017	*Skilling v. United States*, 130 S. Ct. 2896, 177 L. Ed. 2d 619, 2010 U.S. LEXIS 5259 (June 24, 2010)	DEF000912-1025
1018	*Black v. United States*, 130 S. Ct. 2963, 177 L. Ed. 2d 695, 2010 U.S. LEXIS 5253 (June 24, 2010)	DEF001026-38
1019	*Weyhrauch v. United States*, 130 S. Ct. 2971, 177 L. Ed. 2d 705, 2010 U.S. LEXIS 5254 (June 24, 2010)	DEF001039
1020	Criminal Record of Aubrey Wallace	DEF001040-72
1021	Criminal Record of Jeff Duhon	DEF001073-1100
1022	*In re Reynolds*, 3 So. 3d 457 (La. 2009)	DEF001101-02

1023	*In re Reynolds*, No. 2009-B-0216, 2009 La. LEXIS 2003 (La. Mar. 6, 2009)	DEF001103
1024	*In re Reynolds*, 956 So. 2d 575 (La. 2007)	DEF001104-05
1025	Police Reports, St. Tammany Arrests, Times-Picayune (June 5, 2004)	DEF001106-09
1026	*State of Louisiana v. Michael J. Reynolds*, No. 2007 KA 1284, 2007 WL 4480641 (La. Ct. App. 1 Cir. Dec. 21, 2007)	DEF001110-30
1027	Louisiana Bar Journal, Volume 57, Number 1 (June/July 2009) (Discipline pages 42-43).	DEF001131-33
1028	Bruce Alpert, *Sen. David Vitter to Lift 'Holds' as Letten Named to Justice Department Advisory Board*, THE TIMES-PICAYUNE, Feb. 1, 2010	DEF001134-35
1029	Bruce Eggler, *Former Mayor Ray Nagin Faces State Ethics Charges*, THE TIMES-PICAYUNE, May 7, 2010	DEF001136-38
1030	CityBusiness Staff Report, *LA to Receive Federal Funding to Fight Corruption Through Metro Crime Commission*, NEW ORLEANS CITYBUSINESS, Nov. 8, 2005	DEF001139-40
1031	Gwen Filosa, *Judge Elloie's Retirement Ends Probe*, THE TIMES-PICAYUNE, June 7, 2007	DEF001141-43
1032	Laura Maggi, *Crime Commission Looked at Judge Wayne Cresap a Year Before His Arrest*, THE TIMES-PICAYUNE	DEF001144-46
1033	Meghan Gordon and Kate Morgan, *Embattled Judge Thomas Porteous Known for Wit, Charm*, THE TIMES-PICAYUNE	DEF001147-51
1034	Richard A. Webster, *Staying Power: U.S. Attorney's Future Up to Next President*, NEW ORLEANS CITYBUSINESS, May 16, 2008	DEF001152-54
1035	Staff, *New Orleans Agencies Net $1M to Fight Corruption*, NEW ORLEANS CITYBUSINESS, Feb. 9, 2004	DEF001155-56
1036	Stephen Maloney, *Bobby Jindal's Gubernatorial Victory Fuels Optimism in Louisiana*, NEW ORLEANS CITYBUSINESS, Dec. 31, 2007	DEF001157-58
1037	Citizens for Responsibility and Ethics in Washington, *Worst Governors Report*	DEF001159-98
1038	*Funding Approved for N.O. Crime Coalition*, WDSU NEWS CHANNEL 6, June 10, 2009	DEF001199-1201
1039	Metropolitan Crime Commission, *Anti Public Corruption Program*	DEF001202-03
1040	Metropolitan Crime Commission, *History of the MCC*	DEF001204-1216
1041	Metropolitan Crime Commission, *Metropolitan Crime Commission Membership / Contribution Form*	DEF001217
1042	Metropolitan Crime Commission, *Support the MCC*	DEF001218
1043	Metropolitan Crime Commission, *Wanted By The Law*	DEF001219-20
1044	Metropolitan Crime Commission, *December 2001 Watchdog Report*	DEF001221-30
1045	Metropolitan Crime Commission, *Fall 2002 Watchdog Report*	DEF001231-38
1046	Metropolitan Crime Commission, *Summer 2005 Watchdog Report*	DEF001239-46
1047	Press Release, *Vitter Applauds Commitment from U.S. Attorney General*	DEF001247-49
1048	H.R. REP. NO. 107-278 (2001)	DEF001250-59
1049	H.R. REP. NO. 108-10 (2003)	DEF001260-76
1050	H.R. REP. NO. 108-221 (2003)	DEF001277-95

1051	H.R. REP. NO. 108-576 (2004)	DEF001296-1305
1052	S. REP. NO. 110-124 (2007)	DEF001306-16
1053	S. REP. NO. 111-34 (2009)	DEF001317-67
1054	H.R. REP. NO. 111-366 (2009)	DEF001368-76
1055	S. REP. NO. 111-229 (2010)	DEF001377-96
1056	Omitted	
1057	Omitted	
1058	Omitted	
1059	Omitted	
1060	Curriculum Vitae of Dane S. Ciolino	DEF001442-52
1061	Curriculum Vitae of G. Calvin Mackenzie	DEF001453-60
1062	Omitted	
1063	Omitted	
1064	Local Bankruptcies, Times-Picayune, Apr. 1, 2001	DEF001485-88
1065	Bankruptcy Statistics, printed from U.S. Courts website	DEF001489-94
1066	Central Credit, LLC Gaming Report for G. Thomas Porteous	DEF001495-1510
1067	Jonathan Remy Nash & Rafael I. Pardo, *An Empirical Investigation into Appellate Structure and the Perceived Quality of Appellate Review*, 61 Vand. L. Rev. 1745 (2008)	DEF001511-91
1068	Katherine Porter, *Misbehavior and Mistake in Bankruptcy Mortgage Claims*, 87 Tex. L. Rev. 121 (2008)	DEF001592-1653
1069	Rafael Pardo, *An Empirical Examination of Access to Chapter 7 Relief by Pro Se Debtors*, 26 EMORY BANKR. DEV. J. 5 (2009)	DEF001654-81
1070	Steven W. Rhodes, *An Empirical Study of Consumer Bankruptcy Papers*, 73 Am. Bankr. L.J. 653 (1999).	DEF001682-1736
1071	Ellen Ambrose, Bankruptcy filings on rebound; banks backed strict new law to reduce number, Balt. Sun (April 17, 2006)	DEF001737-40
1072	*In re Brown*, No. 05-34889-DK, 2006 WL 4547180 (Bankr. D. Md. Sept. 19, 2006)	DEF001741
1073	*In re Miller*, No. 06-11566, 2006 WL 4719400 (Bankr. D. Md. June 9, 2006)	DEF001742-43
1074	*In re Brown*, 342 B.R. 248 (Bankr. D. Md. 2006)	DEF001744-52
1075	*In re Heck*, No. 05-14065-DK, 2006 WL 4711337, (Bankr. D. Md. June 9, 2006)	DEF001753-55
1076	*In re Celeste*, 310 B.R. 286 (Bankr. D. Md. 2004)	DEF001756-59
1077	*In re Connecticut Pizza, Inc.*, 193 B.R. 217 (Bankr. D. Md. 1996)	DEF001760-75
1078	*In re Courtois*, 222 B.R. 491 (Bankr. D. Md. 1998)	DEF001776-83
1079	*In re Creative Goldsmiths*, 178 B.R. 87 (Bankr. D. Md. 1995)	DEF001784-96
1080	*In re Davis*, 411 B.R. 225 (Bankr. D. Md. 2008)	DEF001797-1802
1081	*In re Eader*, 426 B.R. 164 (Bankr. D. Md. 2010)	DEF001803-06
1082	*In re Fishbein*, 245 B.R. 36 (Bankr. D. Md. 2000)	DEF001807-10
1083	*In re Harding*, 274 B.R. 173 (Bankr. D. Md. 2002)	DEF001811-14
1084	*In re Shigo*, 91 F.3d 133, 1996 WL 405223 (4th Cir. 1996)	DEF001815-18
1085	*In re Howard*, No. 04-38858-DK, 2006 Bankr. LEXIS 4424 (Bankr. D. Md. Apr. 10, 2006)	DEF001819-20
1086	*In re Stevens*, 217 B.R. 757 (Bankr. D. Md. 1998)	DEF001821-28
1087	*In re Mark*, 336 B.R. 260 (Bankr. D. Md. 2006)	DEF001829-37
1088	*In re Morgan*, 299 B.R. 118 (Bankr. D. Md. 2003)	DEF001838-45

1089	*In re Wagstaff*, No. 07-13101DK, 2010 WL 3294695 (Bankr. D. Md. Aug. 20, 2010)	DEF001846-48
1090	*In re Reamy*, 169 B.R. 352 (Bankr. D. Md. 1994)	DEF001849-52
1091	*In re Richardson*, 307 B.R. 485 (Bankr. D. Md. 2004)	DEF001853-59
1092	*In re Richman*, 168 B.R. 578 (Bankr. D. Md. 1994)	DEF001860-62
1093	*In re Davis*, No. 08-16337-DK, 2009 WL 2928226 (Bankr. D. Md. June 3, 2009)	DEF001863-64
1094	*In re Thompson-Mendez*, 321 B.R. 814 (Bankr. D. Md. 2005)	DEF001865-71
1095	*In re Watson*, 366 B.R. 523 (Bankr. D. Md. 2007)	DEF001872-80
1096	*In re Wick*, 421 B.R. 206 (Bankr. D. Md. 2010)	DEF001881-91
1097	Curriculum Vitae of Rafael I. Pardo	DEF001892-99
1098	Curriculum Vitae of Ronald Barliant	DEF001900-02
1099	Curriculum Vitae of Henry Hildebrant	DEF001903-07
1100 (a)	PACER Docket Report: *In Re Porteous* Case No. 01-12363	DEF001908-13
1100 (b)	Voluntary Petition for Bankruptcy *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) March 28, 2001 – Dkt. No. 1	DEF001914-18
1100 (c)	Amended Voluntary Petition *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) April 9, 2001 – Dkt. No. 2	DEF001919-20
1100 (d)	Chapter 13 Schedules *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) April 9, 2001 – Dkt. No. 3	DEF001921-49
1100 (e)	Chapter 13 Plan *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) March 9, 2001 – Dkt. No. 4	DEF001950-52
1100 (f)	Objection by Trustee to Attorneys Fees *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) May 15, 2001 – Dkt. No. 8	DEF001953-54
1100 (g)	Objection by Trustee to Chapter 13 Plan *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) May 15, 2001 – Dkt. No. 10	DEF001955
1100 (h)	Amended Schedules *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) May 29, 2001 – Dkt. No. 11	DEF001956-57
1100 (i)	Amended Plan filed by Debtor Gabriel T. Porteous *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) May 29, 2001 – Dkt. No. 12	DEF001958-60

1100 (j)	Memorandum by Debtor Gabriel T. Porteous, Debtor Carmella A. Porteous in opposition to Objection to Attorney's Fees by S.J. Beaulieu *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) May 30, 2001 – Dkt. No. 13	DEF001961-63
1100 (k)	Order of Recusal *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) June 1, 2001 – Dkt. No. 15	DEF001964-65
1100 (l)	Fax Memorandum from Chambers of Honorable Carolyn Dineen King, United States Court of Appeals for the Fifth Circuit re: Temporary Assignment and Appointment of Judge William R. Greendyke *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) June 5, 2001 – Dkt. No. 16	DEF001966-68
1100 (m)	Judicial Counsel Of The Fifth Judicial Circuit Temporary Assignment of Bankruptcy Judge William R. Greendyke To Eastern District of Louisiana *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) June 6, 2001 – Dkt. No. 17	DEF001969-71
1100 (n)	Affidavit In Support of Attorney's Fees Objection To Attorney's Fee Filed by: Claude C. Lightfoot for Debtor Carmella A. Porteous, Debtor Gabriel T. Porteous *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) June 18, 2001 – Dkt. No. 18	DEF001972-77
1100 (o)	Summary And Analysis of Chapter 13 Plan Filed by: Trustee S. J. Beaulieu *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) June 25, 2001 – Dkt. No. 20	DEF001978-80
1100 (p)	Order Confirming Chapter 13 Plan *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) July 2, 2001 – Dkt. No. 22	DEF001981-83
1100 (q)	Trustee's Notice of Intention to Pay Claims *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) October 11, 2001 – Dkt. No. 25	DEF001984
1100 (r)	Transfer of Claim *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) August 26, 2002 – Dkt. No. 28	DEF001985-86
1100 (s)	Order Granting Transfer of Claim *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) August 28, 2002 – Dkt. No. 29	DEF001987

1100 (t)	Trustee's Notice of Intent to Pay Additional Claims *for max flow$5,386.54* Filed by S. J. Beaulieu Jr. *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) October 25, 2002 – Dkt. No. 31	DEF001988
1100 (u)	Trustee's Interim Status Report *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) January 23, 2003 – Dkt. No. 33	DEF001989
1100 (v)	Trustee's Interim Status Report *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) July 18, 2003 – Dkt. No. 34	DEF001990
1100 (w)	Ex Parte Motion to Amend *the plan* Filed by S. J. Beaulieu Jr. on behalf of S. J. Beaulieu Jr. *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) August 21, 2003– Dkt. No. 35	DEF001991
1100 (x)	Order Granting Motion To Amend The Plan *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) August 25, 2003 – Dkt. No. 37	DEF001992
1100 (y)	Trustee's Interim Status Report *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) February 10, 2004 – Dkt. No. 39	DEF001993
1100 (z)	Chapter 13 Trustee Final Report and Account with Notice of Hearing. *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) April 1, 2004 – Dkt. No. 40	DEF001994
1100 (aa)	Judicial Council of the Fifth Judicial Circuit Temporary Assignment of Bankruptcy Judge Douglas D. Dodd To The Eastern District of Louisiana *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) June 2, 2004 – Dkt. No. 44	DEF001995
1100 (bb)	Order Approving Final Report & Account *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) July 22, 2004 – Dkt. No. 48	DEF001996
1100 (cc)	Order Discharging Debtor *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) July 22, 2004 – Dkt. No. 49	DEF001997-98
1101	Documents related to Claude Lightfoot, used as Exhibits 31 and 33 in 5th Circuit Proceedings	DEF001999-2163
1102	Documents related to S.J. Beaulieu, used as Exhibit 32 in 5th Circuit Proceedings	DEF002164-2247
1103	Claims Register	DEF002248-56
1104	*Good Faith: A Roundtable Discussion*, 1 Am. Bankr. Inst. L. Rev. 11 1193	DEF002257-89

1105	Notice of Commencement of Case Under Chapter 13 Case No. 01-12363	DEF002290-91
1106	FBI 302 Report of S.J. Beaulieu, with transcription date of January 23, 2004	DEF002292-98
1107	FBI 302 Report of S.J. Beaulieu, with transcription date of March 4, 2004	DEF002299
1108	Letter from S.J. Beaulieu to DeWayne Horner, dated April 1, 2004	DEF002300-02
1109	Letter from Department of Justice to S.J. Beaulieu, dated April 13, 2004	DEF002303
1110	Memorandum from Larry Finder, dated July 29, 2007 Subject: Interview with S.J. Beaulieu	DEF002304-06
1111 (a)	Judicial Council of the First Circuit, In re Complaint No. 285, Order, filed May 25, 2000 (Order affirming decision, filed Sept. 8, 2000).	DEF002307-11
1111 (b)	Judicial Council of the Second Circuit, In re Charges of Judicial Misconduct, Docket Nos. 04-8529, 04-8530, 04-8541, 04-8547, 04-8553, Memorandum and Order, filed Apr. 8, 2005.	DEF002312-27
1111 (c)	Judicial Council of the Second Circuit, In re Charge of Judicial Misconduct, Docket No. 91- 8500, Memorandum and Order, dated Oct. 3, 1991.	DEF002328-29
1111 (d)	Judicial Council of the Third Circuit, In re Complaints of Judicial Misconduct or Disability, J.C. Nos. 04-35 & 05-16, Memorandum Opinion and Order, filed Aug. 2, 2005.	DEF002330-43
1111 (e)	Judicial Council of the Third Circuit, In re Complaint of Judicial Misconduct or Disability, J.C. No. 06-24, Amended Memorandum Opinion and Order, filed July 5, 2006, amended Aug. 17, 2006.	DEF002344-53
1111 (f)	U.S. Court of Appeals for the Fifth Circuit, Docket No. 01-05-372-0034, Memorandum, filed Feb. 26, 2001 (Order affirming Memorandum, filed May 17, 2001).	DEF002354-55
1111 (g)	U.S. Court of Appeals for the Fifth Circuit, Docket No. 04-05-372-0069, Memorandum, filed June 29, 2004 (Order affirming Memorandum, filed, Aug. 12, 2004).	DEF00256-58
1111 (h)	U.S. Court of Appeals for the Fifth Circuit, Docket No. 06-05-351-0027, Memorandum, filed Mar. 30, 2007.	DEF002359-65
1111 (i)	U.S. Court of Appeals for the Seventh Circuit, Docket No. 85-7-372-10, Letter to Judge Charles B. McCormick for release to the media, dated May 7, 1985.	DEF002366-70
1111 (j)	Judicial Council of the Ninth Circuit, In re Charge of Judicial Misconduct, Nos. 00-80018 and 00-80045, Order and Memorandum and Report and Recommendation of the Special Committee, filed Sept. 11, 2000.	DEF002371-78
1111 (k)	Judicial Council of the Ninth Circuit, In re Charge of Judicial Misconduct, No. 97-80629, Order and Memorandum, filed Aug. 7, 1998, and Report and Recommendation of the Special Investigative Committee, filed June 29, 1998.	DEF002379-91
1111 (l)	Judicial Council of the Eleventh Circuit, In re Complaint filed by Georgia Assoc. of Criminal Defense Lawyers and Natl. Assoc. of Criminal Defense Lawyers, Miscellaneous Docket No. 88-2101, Order, filed Oct. 9, 1990.	DEF002392-2400
1112	*Hamilton v. Morial*, 644 F.2d 351 (5th Cir. La. 1981)	DEF002401-04

1113	The Parish of Jefferson: Government Matters: Part II Jefferson Parish Criminal Justice System, September 1994, Bureau of Government Research	DEF002405-44
1114	*Williams v. McKeithen*, No. 71-98-B, 1997 U.S. Dist. LEXIS 22794 (M.D. La. Apr. 1, 1997)	DEF002445-50
1115	David Davenport, *Hard Questions for Holder*, WASH. TIMES, Mar. 19, 2010	DEF002451
1116	Gregory Gordon, *GSA Head Says He Forgot to Mention Loan*, UNITED PRESS INTERNATIONAL, Jul. 16, 1982	DEF002452-53
1117	Sam Dealey & James Ring Adams, *Banking on Andy Cuomo: HUD Secretary and Rising Democratic Star Andrew Cuomo Wants to Go Places – Assuming He Can Leave Some Baggage Behind*, THE AMERICAN SPECTATOR, Jan. 1999	DEF002454-60
1118	*Sen. Leahy Issues Statement on Nomination of David Nahmias*, U.S. FED NEWS, Sept. 30, 2004	DEF002461-63
1119	Andrew Pollack, *Baxter Role Upheld in I.B.M. Case*, N.Y. TIMES, June 18, 1982, at D1	DEF002464-65
1120	Lawrence L. Knutson, THE ASSOCIATED PRESS, Feb. 1, 1980	DEF002466-68
1121	Edward T. Pound, *Casey Tells Federal Ethics Agency He Omitted Three Stock Holdings*, N.Y. TIMES, July 31, 1981, at A11	DEF002469-70
1122	Michael J. Sniffen, *Nominees Sunk by Tax and Nanny Problems for Years*, ASSOCIATED PRESS, Jan. 14, 2009	DEF002471-72
1123	Aaron Epstein & Angie Cannon, *Consensus-Building Skills Gave Nominee the Edge*, THE MIAMI HERALD, May 14, 1994 at A13	DEF002473-75
1124	Pete Winn, *Sotomayor Failed to Disclose to Senate Memo in which She Argued Death Penalty is "Racist"*, June 5, 2009, http://www.cnsnews.com/news/print/49218	DEF002476-86
1125	Jack Kelly, *Culture of Corruption II: What Happened to Obama's Promise to Clean Up Washington?*, PITTSBURGH POST-GAZETTE, Feb. 8, 2009	DEF002487-88
1126	Neil A. Lewis, *Ginsburg Hearings End in a Secluded Meeting*, N.Y. TIMES, July 24, 1993	DEF002489-90
1127	Spencer Rich & John M. Goshko, *Bell Wins Approval in 75-21 Vote; Bell is Confirmed as Attorney General; Attorney General May Face Clash on Ousting Kelley*, WASH. POST, Jan. 26, 1977 at A1	DEF002491-93
1128	Chris Chrystal, *Levin: Kozinski Lacks Judicial Temperament*, United Press International, Nov. 2, 1985	DEF002494-95
1129	Editorial, *Senate Secrecy and Secretary Dalton*, N.Y. Times, July 27, 1994 at A20	DEF002496
1130	*Sen. Kyl Issues Statement on Rep. Solis Confirmation as Secretary of Labor*, U.S. FED NEWS, Feb. 25, 2009	DEF002497
1131	Rules for Lawyer Disciplinary Enforcement (Rule XIX of the Louisiana Supreme Court Rules) with amendments effective through January 5, 2010	DEF002498-2585
1132	La. C. Cr. Pr. Art. 893 (1994)	DEF002586-87
1133	Holly J. Joiner, Note, *Private Police: Defending the Power of Professional Bail Bondsmen*, 32 IND. L. REV. 1413 (1999)	DEF002588-2603
1134	Eric Helland & Alexander Tabarrok, *The Fugitive: Evidence on Public Versus Private Law Enforcement From Bail Jumping*, 47 J.L. & ECON. 93, 94-96 (2004)	DEF002604-633

Additional Notes to Exhibits

The defense has not, for the purposes of efficiency and in an attempt to avoid duplication, listed a number of documents that the House has listed on previous versions of its Exhibit lists that the defense is likely to use at trial. The defense hereby incorporates the list of House Exhibits dated August 5, 2010.

Further, as discussed at the August 26, 2010 Committee meeting with the parties, the defense reserves the right to submit additional exhibits that they have not yet identified. In particular, the defense has requested numerous relevant documents from the Department of Justice, which have yet to be produced.

The defense is also continuing to search for other documents, not previously produced, including, but not limited to, bond forms and documents related to curatorships.

To the extent that the list of witnesses that the House intends to call is amended or added to, the defense reserves the right to add additional exhibits.

On August 31, 2010, the defense requested instruction from the Committee regarding whether books, articles, and other publications, written by House-designated experts must be identified and produced as exhibits by the defense, in the chance that they are used on cross-examination. Because several of these publications are quite voluminous and the defense does not know, at this time, the particular areas that might be utilized, the defense sought instruction whether it was necessary to mark each and every publication as an exhibit at the time of filing of this list. The defense did not receive a response to its request and, as a result, has not listed such documents in this exhibit list. The defense reserves the right to utilize such publications during the trial.

Finally, the defense anticipates that the testimony elicited in the evidentiary hearing may possibly require additional exhibits to be used as rebuttal evidence, and the defense reserves the right to submit such exhibits as the need arises.

In The Senate of the United States

Sitting as a Court of Impeachment

In re:	)
Impeachment of G. Thomas Porteous, Jr.,	)
United States District Judge for the	)
Eastern District of Louisiana	)
	)

THE HOUSE OF REPRESENTATIVES' PRE-TRIAL STATEMENT

Pursuant to the Senate Impeachment Trial Committee's August 25, 2010 "Order Designating Contents of Pre-Trial Statements," the House of Representatives (the "House") respectfully submits the following:

I. STATEMENT OF THE CASE

This case involves repeated acts of misconduct by Judge G. Thomas Porteous, Jr., United States District Court Judge for the Eastern District of Louisiana. Based on its investigation, the House of Representatives has charged Judge Porteous with high crimes and misdemeanors warranting his removal in four Articles of Impeachment.

A. ARTICLE I

Article I charges that Judge Porteous engaged in misconduct arising from his financial relationship with two attorneys (Jacob Amato, Jr. and Robert Creely) and his handling of a federal case in which one of those attorneys (Amato) represented one of the parties.

Specifically, Judge Porteous, while a practicing attorney in Louisiana, had been a law partner with Amato and Creely. In 1984, he became a state judge in the 24th Judicial District Court, Jefferson Parish, Louisiana. Between 1984 and 1994, Judge Porteous experienced financial difficulties on occasion, and he requested money from Creely. For a while Creely

would willingly provide Judge Porteous with money, but Creely came to resent this imposition on him and began to resist Judge Porteous's requests – going so far as to ignore phone calls from Judge Porteous.

Thereafter, Judge Porteous began to assign Creely "curatorships." These were judicial appointments to represent missing parties, as in cases where an owner of property such as a bank would seek to clear title and the owners were nowhere to be found. For handling these cases, the law firm of Amato & Creely PLC would receive approximately $200, plus expenses.

After Judge Porteous appointed Creely to these curatorships, he (Judge Porteous) solicited and accepted from Creely a portion of the curatorship fees that had been paid to the firm. Creely and Amato took equal draws from their firm to fund Judge Porteous's requests. They each estimate that they paid Judge Porteous approximately $20,000 between the two of them – $10,000 each – over the several years prior to Judge Porteous assuming the federal bench. This estimate is corroborated by the court records that have been obtained, consisting of close to 200 orders signed by Judge Porteous assigning curatorships to Creely between approximately 1988 through 1994.

In 1994, Judge Porteous became a federal judge, and Judge Porteous's ability to assign Creely state court curatorships came to an end.

In 1996, Judge Porteous, as a district court judge, was assigned to handle a complicated civil case, Lifemark Hospitals of La., Inc. ["Lifemark"] v. Liljeberg Enterprises, Inc. ["Liljeberg" or "the Liljebergs"].[1] This case involved a dispute between a hospital (Lifemark) and a pharmacy (the Liljebergs), and involved issues of bankruptcy law, real estate law, and contract law. The matter was particularly contentious, with millions of dollars at stake.

[1]Civ. Action No. 93-1794 (E.D. La.).

In late September 1996, shortly prior to the November 4, 1996 trial date, the Liljebergs retained the law firm of Amato & Creely (and in particular Amato) and another attorney – Leonard Levenson – to be part of their trial team. Levenson was also a long-time friend of Judge Porteous. Lifemark's attorney, Joseph Mole, was extremely concerned about the hiring of these attorneys. It was obvious to Mole that Amato and Levenson, neither of whom he believed had particular experience in this sort of complex corporate litigation, had been made part of the Liljebergs' trial team solely because of their close relationship to Judge Porteous. Mole was concerned that Judge Porteous would render a verdict influenced by his partiality toward his friends, and not based solely on the evidence. Accordingly, Mole filed a Motion to Recuse Judge Porteous. At that time, Mole had no idea that Amato had actually provided Judge Porteous money in the past.

On October 15, 1996, Judge Porteous held a hearing on Mole's recusal motion. In that hearing Judge Porteous made numerous deceptive statements regarding his respective relationships with both Amato and Levenson, in essence suggesting that his relationships with each of the men consisted of having a few lunches with them.[2] At one point, for example, Judge Porteous summarized the standards for recusal, noting rhetorically: "But does that mean that any time a person I perceive to be friends who I have dinner with or whatever that I must disqualify myself? I don't think that's what the rule [regarding recusal] suggests...." To conceal the fact that he had received money from Amato, Judge Porteous diverted the hearing into a lengthy discussion about whether the attorneys had given him campaign contributions, and then represented: "The first time I ran, 1984, I think is the only time when they gave me money." At

[2]In fact, Levenson and Amato provided Judge Porteous with thousands of dollars worth of meals over a period of time, which began long before the recusal hearing and continued not only subsequent to that hearing but also subsequent to the July 1997 trial, while Judge Porteous had the case under advisement.

no time was Judge Porteous forthcoming about his financial relationship with Amato. Judge Porteous concluded the recusal hearing with the promise that if things changed, he would notify Lifemark: "I have always taken the position that if there was ever any question in my mind that this Court should recuse itself that I would notify counsel and give them the opportunity if they wanted to ask me to get off...." Judge Porteous denied Lifemark's Motion to Recuse, and, with the record materially incomplete and misleading, the Fifth Circuit denied Lifemark's request for a writ reversing Judge Porteous.

In the summer of 1997, Judge Porteous presided over the Liljeberg trial, and took the case under advisement. He did not issue his opinion at that time.

In May of 1999, while still having the case under advisement, Judge Porteous invited Creely (Amato's partner) to Las Vegas for Judge Porteous's son's bachelor party. On that trip, Creely paid for Judge Porteous's hotel room, contributed several hundred dollars to the bachelor party dinner, and paid for other entertainment for Judge Porteous.

In June of 1999, while still having the case under advisement, Judge Porteous went on a fishing trip with Amato and told him that Porteous's son's wedding expenses were more than anticipated and requested that Amato give him cash.[3] Amato and Creely discussed this and gave Judge Porteous approximately $2,000 cash. Judge Porteous has admitted receiving this money.

Q. Do you recall in 1999, in the summer, May, June, receiving $2,000 for [sic: should be "from"] them?

[3]Judge Porteous had substantial leverage over Amato at the time of this request.

A. [Judge Porteous] I've read Mr. Amato's grand jury testimony. It says we were fishing and I made some representation that I was having difficulties and that he loaned me some money or gave me some money.[4]

* * *

Q. [W]hether or not you recall asking Mr. Amato for money during this fishing trip, do you recall getting an envelope with $2,000 shortly thereafter?

A. Yeah. Something seems to suggest that there may have been an envelope. I don't remember the size of an envelope, how I got the envelope, or anything about it.

* * *

Q. Wait a second. Is it the nature of the envelope you're disputing?

A. No. Money was received in [an] envelope.

Q. And had cash in it?

A. Yes, sir.

Q. And it was from Creely and/or –

A. Amato.

Q. Amato?

A. Yes.

Q. And it was used to pay for your son's wedding.

A. To help defray the cost, yeah.

* * *

[4]Porteous 5th Cir. Hrg. at 121 (HP Ex. 10).

Q. And would you dispute that the amount was $2,000?

A. I don't have any basis to dispute it.[5]

In addition, in late 1999, Creely and Amato paid over $1,000 for a party in honor of Judge Porteous's fifth year on the federal bench. Also while the Liljeberg case was pending, Judge Porteous, through his secretary Rhonda Danos, solicited monies from attorneys – including Amato – to help finance one of his son's volunteer educational programs in Washington D.C.[6]

In 2000, Judge Porteous issued his opinion in the case, ruling for the Liljebergs on the central issues. Lifemark appealed Judge Porteous's opinion, and the Fifth Circuit reversed that part of Judge Porteous's opinion on portions that he had ruled for the Liljebergs in scathing terms, describing his written decision variously as "inexplicable," "a chimera," "constructed entirely out of whole cloth," "close to being nonsensical," and "border[ing] on the absurd."

Thus, Article I charges that Judge Porteous "engaged in a pattern of conduct that is incompatible with the trust and confidence placed in him as a Federal judge," including: "denying a motion to recuse himself from the case, despite the fact that he had a corrupt financial relationship [involving the curatorships];" "mak[ing] intentionally misleading statements at the recusal hearing intended to minimize the extent of his personal relationship with the two attorneys;" and "engag[ing] in corrupt conduct after the Lifemark v. Liljeberg bench trial, and while he had the case under advisement, in that he solicited and accepted things of value from both Amato and his law partner Creely, including a payment of thousands of dollars in cash.

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[5]Porteous 5th Cir. Hrg. at 136-37 (HP Ex. 10).

[6]Judge Porteous continued his close association with Levenson as well, traveling with him and accepting his hospitality on numerous occasions, including events in Las Vegas, Houston, and San Antonio.

Thereafter, and without disclosing his corrupt relationship with the attorneys of Amato & Creely PLC or his receipt from them of cash and other things of value, Judge Porteous ruled in favor of their client, Liljeberg."

B. ARTICLE II

Article II charges that Judge Porteous had a long-standing corrupt relationship with bail bondsmen Louis Marcotte and his sister Lori Marcotte that started while Judge Porteous was a state court judge and continued while he was a federal judge.

In essence, while a state court judge, Judge Porteous accepted and solicited numerous things of value from the Marcottes, including numerous meals, at least one trip to Las Vegas, car repairs and home repairs. Judge Porteous took numerous official acts that financially benefitted the Marcottes, particularly in setting, reducing, and "splitting" bonds to levels sought by the Marcottes. In addition, Judge Porteous improperly set aside or expunged convictions of two Marcotte employees – Jeff Duhon and Aubry Wallace – and used his influence with his fellow judges to assist the Marcottes in their business.[7]

The judicial acts of Judge Porteous at issue here – setting bonds, setting aside convictions – are the sorts of acts that are generally entrusted to a judge's discretion. Thus, the House does not allege that Judge Porteous set any particular bond "too high" or "too low." The evidence will demonstrate that Judge Porteous, knowing that by his actions he was bestowing financial value on the Marcottes, solicited and willingly accepted things of value from them.

When Judge Porteous became a federal judge, he could no longer write bonds for the Marcottes, so the interaction between Judge Porteous and the Marcottes diminished. However, the Marcottes continued to take Judge Porteous out to lunch or dinner on occasions when they

[7]Judge Porteous's judicial action setting aside the conviction of Marcotte employee Aubry Wallace is addressed in greater detail in the discussion of Article IV.

wanted to have him help them form relationships with other judges or businessmen. They knew that it helped them to have a federal judge implicitly or explicitly vouching for them, and, as Louis Marcotte testified, having Judge Porteous present when he (Marcotte) was dealing with others "brought strength to the table."

As but one example, in or about 1999, Judge Porteous helped the Marcottes groom newly elected state Judge Ronald Bodenheimer to continue Judge Porteous's bond practices. Bodenheimer, who prior to Judge Porteous's intervention held the Marcottes in low regard, ended up forming the same sort of corrupt relationship with the Marcottes that Judge Porteous previously had with them – accepting meals, home repairs, and hospitality on various trips, and setting bonds as they requested. Indeed, Judge Bodenheimer ultimately pleaded guilty to a federal corruption charge arising from his relationship with the Marcottes, a relationship that was comparable to the relationship that Judge Porteous had with them. In 2002, when the FBI had Louis Marcotte under video surveillance, they observed Judge Porteous attending a meal with Louis Marcotte, Bodenheimer and another state judge (Judge Joan Benge), whom the Marcottes were seeking to get to know better. Judge Porteous had been invited because the Marcottes knew that Judge Benge held Judge Porteous in high regard.[8]

Thus Article II charges, in straight-forward terms, that "Judge Porteous engaged in a corrupt relationship with bail bondsman Louis M. Marcotte, III, and his sister Lori Marcotte," and that, as part of which, "Judge Porteous solicited and accepted numerous things of value, including meals, trips, home repairs, and car repairs, for his personal use and benefit, while at the same time taking official actions that benefitted the Marcottes." The Article further charges that "both while on the State bench and on the Federal bench, Judge Porteous used the power and

[8]Bodenheimer and another state judge, Alan Green, went to jail for conduct that was substantially similar to that of Judge Porteous vis-a-vis the Marcottes.

prestige of his office to assist the Marcottes in forming relationships with State judicial officers and individuals important to the Marcottes' business."

C. ARTICLE III

Throughout the 1990s, Judge Porteous's financial condition deteriorated, largely due to his gambling at casinos. Judge Porteous concealed the full extent of his financial distress and the full extent of his gambling by filing false Financial Disclosure Reports with the Administrative Office of the United States Courts on an annual basis. For example, by 1999, Judge Porteous had balances in excess of $15,000 on five credit cards, yet he reported only two cards on his Financial Disclosure Report, and as to those cards he falsely represented they had balances of "less than $15,000."

By 2000 – and within weeks of issuing the Liljeberg opinion – Judge Porteous met with bankruptcy attorney Claude Lightfoot about his financial predicament. They decided that Lightfoot would attempt to work out Judge Porteous's debts owed to his creditors, and, if that failed, that Judge Porteous would file for bankruptcy. Lightfoot's attempts at a "workout" failed, and, in or about February of 2001, Lightfoot and Porteous commenced preparing for Chapter 13 bankruptcy. Throughout the period prior to bankruptcy, and during the term of the Chapter 13 plan, Judge Porteous never informed his attorney that he gambled or had gambling debts.

In March of 2001 – in the weeks and days immediately prior to filing for bankruptcy, and in the statements and schedules that he later filed – Judge Porteous undertook numerous actions to conceal assets and to structure his financial affairs so that he would be able to continue to gamble and obtain credit from casinos while in bankruptcy.

Ultimately, on March 28, 2001, Judge Porteous filed for bankruptcy under the false name "G. T. Ortous" and with a post office box that Judge Porteous had obtained on March 23, 2001,

listed as his address. Judge Porteous signed his Petition twice, once under the representation: "I declare under the penalty of perjury that the information provided in this petition is true and correct," the other over the typed name "G.T. Ortous."

On April 9, 2001, Judge Porteous submitted a "Statement of Financial Affairs" and numerous bankruptcy schedules. This time, they were filed under his true name. They were false as follows:

- Judge Porteous dishonestly failed to disclose a March 2001 payment to Fleet as a payment to a creditor within 90 days of filing for bankruptcy (and failed to list Fleet as an unsecured creditor);[9]
- Judge Porteous dishonestly failed to disclose the fact that he filed a tax return on March 23, 2010 seeking a $4,143.72 refund;
- Judge Porteous dishonestly failed to disclose that he had repaid $1,500 to the Treasure Chest Casino within 90 days of filing for bankruptcy;
- Judge Porteous dishonestly failed to disclose that he either repaid $2,000 to Grand Casino Gulfport within 90 days of filing for bankruptcy or he failed to disclose he owed $2,000 to Grand Casino Gulfport;
- Judge Porteous dishonestly failed to disclose a Fidelity money market account. He kept this account available for purposes of concealing discretionary funds and paying gambling debts while in bankruptcy;

[9]The credit card at issue was issued to Judge Porteous's wife, Carmella Porteous. However, Judge Porteous personally arranged for that card to be paid in full by his secretary, Rhonda Danos, in March of 2001, to conceal Fleet's status as a preferred creditor (which was then being paid in full). Thus, it was Judge Porteous who was responsible for the falsity of the representations on the filings. The House is not alleging any wrongs by Mrs. Porteous.

- Judge Porteous falsely reported that his checking account balance was $100, when, the day prior to filing, he deposited $2,000 into that account;
- Judge Porteous falsely denied having gambling losses within the year prior to filing for bankruptcy;
- Judge Porteous willfully understated his income. On "Schedule I" which required the disclosure of income, Judge Porteous disclosed his May 2000 take home pay, even though Judge Porteous had received an annual salary increase. Moreover, Judge Porteous well knew that in but a few months he would receive a substantial increase in his take home pay when he reached the salary limit for deductions for social security (FICA).

All of these actions operated to conceal from creditors assets and income of Judge Porteous. He favored some creditors – Treasure Chest, Grand Casino Gulfport, and Fleet, who received payment in full – over others who would, because of his lack of candor, receive only a portion of what they were owed. Further, he engaged in a premeditated effort to structure his financial affairs prior to filing for bankruptcy so as to be assured of having access to undisclosed assets, undisclosed income, and an undisclosed bank account, so that he could continue to engage in gambling – including taking out and repaying gambling debts – while under the court's supervision. Finally, by paying off the two casinos (Treasure Chest and Grand Casino Gulfport), Judge Porteous assured that even if his credit history was flawed with respect to mainstream credit card lenders such as Citibank, he would keep a perfect credit history with casinos, and that his ability to obtain credit from casinos would not be placed in jeopardy.

At a hearing of creditors on May 9, 2001, Judge Porteous was asked under oath to vouch for the accuracy of his schedules, to which he testified falsely as follows:

Bankruptcy Trustee: Everything in here [referring to bankruptcy forms] true and correct?

Judge Porteous: Yes.[10]

That bankruptcy trustee also informed Judge Porteous that he was on a "cash basis" going forward.

At the end of June 2001, Bankruptcy Judge William Greendyke issued an order approving the Chapter 13 plan, and specifically ordering Judge Porteous not to incur debt without permission of the Court. Notwithstanding Judge Greendyke's Order, Judge Porteous did incur debt. For example, on August 13, 2001, Judge Porteous applied for and subsequently received a "Capitol One" credit card that he in fact regularly used.

More particularly, Judge Porteous continued to take out debt from casinos in the form of markers. As but one example, on October 17-18, 2001, Judge Porteous took out a total of $5,900 in markers from the Treasure Chest Casino. He repaid $1,500 at the time, and left the casino owing $4,400. Thereafter, in late October and early November of that year, Judge Porteous withdrew $1,760 from his IRA account (which was exempt from his bankruptcy), and moved that money into the Fidelity account that he had not disclosed in his bankruptcy forms. He wrote a $1,800 check on the Fidelity account, and along with other funds, used that Fidelity check to repay the Treasure Chest the $4,400 he owed.

In 2002, when Judge Porteous would receive monies from miscellaneous sources (such as Government travel reimbursements), he would deposit them into the (undisclosed) Fidelity account, and not in his (disclosed) Bank One checking account. By May of 2002, the balance in his Fidelity account was over $8,700, while his checking account balance was just over $1,100.

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[10] See Meeting of Creditors Hearing Transcript at 1 (HP Ex. 130).

Thus, Article III charges that Judge Porteous "engaged in a pattern of conduct inconsistent with the trust and confidence placed in him as a Federal judge by knowingly and intentionally making material false statements and representations under penalty of perjury related to his personal bankruptcy filing and by repeatedly violating a court order in his bankruptcy case."

D. ARTICLE IV

In 1994, Judge Porteous was being considered for a federal judgeship. As a part of the vetting process, Judge Porteous was required to respond to two questionnaires - one under oath - and was also interviewed twice by the Federal Bureau of Investigation. Knowing that truthful disclosures of his relationships with Creely and the Marcottes would derail his nomination, Judge Porteous made false statements and withheld critical information.

First, Judge Porteous filled out and signed a document entitled "Supplement to Standard Form 86 (SF-86)." That form sets forth the following question and answer by Judge Porteous:

> [Question] Is there anything in your personal life that could be used by someone to coerce or blackmail you? Is there anything in your life that could cause an embarrassment to you or to the President if publicly known? If so, please provide full details.
>
> [Answer] NO

Judge Porteous signed that document under the following statement:

> I understand that the information being provided on this supplement to the SF-86 is to be considered part of the original SF-86 dated April 27, 1994 and a false statement on this form is punishable by law.

Second, when interviewed by the FBI on July 8, 1994, Judge Porteous was asked a series of standard questions designed to elicit derogatory information. The FBI Agent, in her write-up of the interview, recorded Judge Porteous as stating:

> PORTEOUS said he is not concealing any activity or conduct that could be used to influence, pressure, coerce, or compromise him in any way or that would impact negatively on the candidate's character, reputation, judgement, or discretion.

Judge Porteous was interviewed a second time by the FBI on August 18, 1994 about concerns related to 1993 allegations that he had received monies from an attorney and a bail bondsman to reduce a bond. In the FBI Agent's write-up of that interview, Judge Porteous is once again recorded as stating "that he [Judge Porteous] was unaware of anything in his background that might be the basis of attempted influence, pressure, coercion or compromise and/or would impact negatively on his character, reputation, judgment or discretion." This particular statement is significant because it occurred in the very context of FBI questioning as to whether Judge Porteous had engaged in corrupt conduct in connection with setting bonds.

Finally, on his United States Senate Committee on the Judiciary "Questionnaire for Judicial Nominees," Judge Porteous was asked the following question and gave the following answer:

> [Question] Please advise the Committee of any unfavorable information that may affect your nomination.
>
> [Answer] To the best of my knowledge, I do not know of any unfavorable information that may affect my nomination.

The signature block in the form of an "Affidavit," reads as follows:

> AFFIDAVIT
>
> I, Gabriel Thomas Porteous, Jr., do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.
>
> Gretna, Louisiana, this 6 day of September, 1994.

It is signed by Judge Porteous and a notary.

One critical piece of evidence that demonstrates both: (1) that Judge Porteous intended to hide his relationship with the Marcottes from the federal government and the Senate, and (2) that Judge Porteous knew that his relationship with the Marcottes was improper and corrupt, is the sequence of events surrounding Judge Porteous's set aside of Marcotte employee Aubry Wallace's burglary conviction. Marcotte sought that Wallace's conviction be set aside so that Wallace could obtain a bail bonds license, for which he Wallace was otherwise ineligible because of his felony conviction.

In 1991, Judge Porteous sentenced Wallace to probation for burglary. A few months later, Judge Porteous terminated the probation unsatisfactorily when Wallace was sentenced to incarceration on an unrelated drug felony (involving PCP and cocaine). Wallace was released from prison in 1993. In the summer of 1994, aware that Judge Porteous might be leaving the state bench, Louis Marcotte requested Judge Porteous to set aside Wallace's burglary conviction (even though Wallace was still on parole for the drug conviction). Judge Porteous agreed to do so, but told Marcotte that he (Judge Porteous) wanted to wait until after he was confirmed, because he was not going to let the set-aside interfere with his obtaining the life-tenured job as a federal judge.

That is in fact what happened. Judge Porteous was confirmed by the Senate on October 7, 1994. On October 14, 1994, Judge Porteous set aside Wallace's conviction. Then, on October 28, 1994, Judge Porteous was sworn in as a federal judge. This set-aside was a final favor by Judge Porteous as a state judge to Marcotte and demonstrates how beholden Judge Porteous was to Marcotte, that he would undertake so unjustifiable and almost certainly unlawful legal action for Marcotte's benefit.[11]

[11] In addition, the set-aside appears to have been unlawful. Louisiana criminal law and

Finally, both Louis Marcotte and Robert Creely were interviewed by the FBI. Each made material false statements concerning Judge Porteous in which they denied knowledge of Judge Porteous's financial condition (each knew he was in difficult financial circumstances) and in which they denied knowledge of the extent of Judge Porteous's drinking. After Marcotte was interviewed, he met with Judge Porteous and told Judge Porteous what occurred in the interview.

Thus, Article IV charges that Judge Porteous "knowingly made material false statements about his past to both the United States Senate and to the Federal Bureau of Investigation in order to obtain the office of United States District Court Judge."

II. WITNESSES

The House intends to call the following witnesses in the following approximate order (tracking the Articles). For each witness, the House has set forth the amount of time it anticipates that they will be utilized on direct examination.

1. Robert Creely. Mr. Creely will testify about his personal and financial relationship with Judge Porteous, including Mr. Creely's provision to Judge Porteous of monies after receiving the curatorships and other payments for the benefit of Judge Porteous. Mr. Creely will also testify that he was not truthful with the FBI when interviewed during Judge Porteous's background check. Anticipated time: 1 hour.

2. Jacob Amato. Mr. Amato will testify about his personal and financial relationship with Judge Porteous, including Judge Porteous's solicitation of cash from Mr. Amato on a boat in

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procedure required that to set aside a criminal conviction, the sentence of probation had to be imposed under Article 893 (the Article authorizing set-asides), and that probation had to have been completed satisfactorily. Wallace's burglary case satisfied neither condition of law that would permit it to be set aside. Even as an act of discretion, it is nearly impossible to justify setting aside a felony burglary conviction where the defendant has a second conviction, has only been out of jail for about a year, and is on parole.

June 1999 while the Liljeberg case was pending. Mr. Amato will also describe the events of the Liljeberg case. Anticipated time: 1 hour.

3. Joseph Mole. Mr. Mole will testify to the procedural history of the Liljeberg case, including the facts surrounding the recusal motion, and will testify that he was unaware of the true relationship between Judge Porteous and Mr. Amato and Mr. Levenson. Anticipated time: 1 hour.

4. Leonard Levenson. Mr. Levenson will testify about his relationship with Judge Porteous preceding and during the pendency of the Liljeberg case, including his provision of meals and other hospitality for Judge Porteous on several trips. Anticipated time: 45 minutes.

5. Donald Gardner. Mr. Gardner will testify about his relationship with Judge Porteous preceding and during the pendency of the Liljeberg case, including his provision of cash to Judge Porteous on occasion, and the fact that Judge Porteous assigned Gardner curatorships. Anticipated time: 30 minutes.

6. Louis Marcotte. Mr. Marcotte will describe the bail setting process, and the numerous acts that Judge Porteous took in setting, reducing, and splitting bonds that were of substantial financial value to Marcotte. Marcotte will also testify that at his request, Judge Porteous expunged the conviction of one of his employees (Jeff Duhon) and set aside the conviction of another of his employees (Aubry Wallace). Marcotte will also testify to the things of value that he gave Judge Porteous, including countless meals, travel to Las Vegas, home repairs, and car repairs. He will also testify that during the confirmation process, he lied for Judge Porteous to the FBI (denying knowledge of Judge Porteous's drinking and financial circumstances). Marcotte will also testify that at around the time of Judge Porteous's

nomination, Judge Porteous told Marcotte that he (Judge Porteous) would set aside Wallace's conviction but only after he (Judge Porteous) was confirmed. Anticipated time: 1 hour.

7. Lori Marcotte. Ms. Marcotte, who ran her brother's company with him, will describe the bail setting process, and the financial value that Judge Porteous provided to them. She will also testify to the things of value that they gave Judge Porteous, including countless meals, travel to Las Vegas, home repairs, and car repairs. She will identify certain representative business records, and will testify to the assistance Judge Porteous provided to the Marcottes in connection with other judges. Anticipated time: 30 minutes.

8. Jeffrey Duhon. Mr. Duhon, a Marcotte employee, will testify that he took care of Judge Porteous's cars and did home repairs on Judge Porteous's house, and that Judge Porteous expunged his criminal conviction. Anticipated time: 20 minutes.

9. Aubry Wallace. Mr. Wallace, a former Marcotte employee, will testify that he took care of Judge Porteous's cars and did home repairs on Judge Porteous's house, and that Judge Porteous set aside his criminal conviction. Anticipated time: 20 minutes.

10. Michael Reynolds. Mr. Reynolds, a former state district attorney, will testify that he was the state prosecutor when Judge Porteous set aside Aubry Wallace's conviction. He will further testify that he was so bothered by that action, seeing it as improper as a matter of discretion if not unlawful, that he complained to the Metropolitan Crime Commission and to the FBI when interviewed shortly after the set-aside occurred. Anticipated time: 20 minutes.

11. Rafael Goyeneche. Mr. Goyeneche, President of the New Orleans Metropolitan Crime Commission, will testify that he interviewed Judge Porteous while Judge Porteous was a federal judge and that Judge Porteous admitted going to New Orleans with Louis Marcotte, but denied that Louis Marcotte paid for him. Anticipated time: 15 minutes.

12. Bruce Netterville. Mr. Netterville is a criminal attorney practicing in Gretna, Louisiana, with a high-volume criminal practice, who knew both Louis Marcotte and Judge Porteous in the 1994 time-frame. He was present in the courtroom when Judge Porteous amended Aubry Wallace's sentence, and will describe the circumstances surrounding his appearance and the legal requirements for a judge to set aside a conviction. Anticipated time: 15 minutes.

13. Ron Bodenheimer. Mr. Bodenheimer, a former state judge, will testify that when he became a state judge in 1999, he held the Marcottes in low regard. At that time, Judge Porteous (then a Federal Judge), made statements to him (Bodenheimer) in which Judge Porteous spoke highly of the Marcottes. Those statements were significant to Bodenheimer in his willingness to form a relationship with the Marcottes. Bodenheimer will testify that he took things of value (meals, hospitality, home repairs) from the Marcottes, that he knew this was wrong, and that he set bonds at their request. He will testify to a March 2002 lunch at Emeril's restaurant where the Marcottes sought to have him and Judge Porteous present so they could form a closer relationship with another newly elected state judge, Joan Benge. He will testify that he pleaded guilty to a federal corruption-related offense arising from his relationship with the Marcottes. Anticipated time: 30 minutes

14. Claude Lightfoot. Mr. Lightfoot will describe the facts and circumstances associated with his handling of Judge Porteous's bankruptcy, including his lack of knowledge of such facts as Judge Porteous's having filed for a tax refund, Judge Porteous's paying off Fleet and the Treasure Chest within 90 days of bankruptcy, Judge Porteous's outstanding markers with Grand Casino Gulfport, and all facts surrounding Judge Porteous's gambling activities prior to and subsequent to bankruptcy. He will testify that Judge Porteous never inquired of him whether

he (Judge Porteous) could lawfully take out gambling debt and that if asked Lightfoot would have told Judge Porteous unequivocally that markers were a form of debt forbidden by the Order. Anticipated time: 1 hour.

15. William Greendyke. Mr. Greendyke was formerly a bankruptcy judge in the Southern District of Texas, and is now in private practice. While a bankruptcy judge, Mr. Greendyke presided over Judge Porteous's bankruptcy. Mr. Greendyke will testify that he was unaware of the numerous false statements and material nondisclosures of Judge Porteous, and that those statements and nondisclosures would have been significant to him (Judge Greendyke), and that if had known the truth he would not have granted the discharge, and that Judge Porteous's post-bankruptcy conduct violated his Order. Anticipated time: 30 minutes.

16. The Honorable Duncan Keir, Chief Bankruptcy Judge for the District of Maryland.[12] Judge Keir will testify as an expert on bankruptcy law and procedures and explain how the bankruptcy process depends on honesty of the debtors.[13] In particular, he will address the "no harm, no foul" contention, implicit in Judge Porteous's Answer to the Articles, that Judge Porteous's conduct was in some way immaterial or unimportant. Anticipated time: 30 minutes.

17. Rhonda Danos. Ms. Danos was Judge Porteous's secretary. She will testify generally as to Judge Porteous's relationship with attorneys Creely, Amato, Levenson and Gardner. She will also testify generally as to Judge Porteous's relationship with the Marcottes, including the fact that she is aware that they took Judge Porteous to Las Vegas and paid for his

[12]Judge Keir's "Biographical Sketch" is attached as part of Attachment 1.

[13]Judge Keir's testimony will track the testimony he provided before the House Impeachment Task Force. See To Consider Possible Impeachment of United States District Judge G. Thomas Porteous, Jr. (Part II), Hearing Before the Task Force on Judicial Impeachment of the Committee on the Judiciary, House of Representatives, 111th Cong. 67-82 (Dec. 8, 2009) (testimony of Judge Keir) (HP Ex. 442).

car repairs. She will testify that she handled some of Judge Porteous's financial affairs through her personal checking account at his direction, including, in particular, paying the Fleet credit card a few days prior to his filing for bankruptcy, and that he did not tell her why he wanted her to make that payment. She will also testify the Marcottes paid for her to go to Las Vegas as well. Anticipated time: 45 minutes.

18. Bobby Hamil. Mr. Hamil is a retired FBI Agent who handled aspects of Judge Porteous's background check. In particular, Mr. Hamil was present on both interviews of Judge Porteous, and will identify his write-ups of those interviews as being accurate. Anticipated time: 30 minutes.

19. Cheyanne Tackett. Ms. Tackett is a former FBI Agent who handled aspects of Judge Porteous's background check. She will also testify as to the substance of the interviews with Judge Porteous. Anticipated time: 15 minutes.

20. Special Agent DeWayne Horner. Agent Horner will testify as a summary witness as to various documents that have been obtained, including casino records. We expect him to explain Judge Porteous's financial records surrounding his bankruptcy, identify other records obtained or highlight other records obtained in his investigation, and identify certain summary charts or timelines that describe Judge Porteous's activities in relevant periods. Anticipated time: 1 hour.

21. Professor Charles G. Geyh. Professor Geyh will testify as an expert on both state and federal judicial ethics. His testimony will generally track the testimony he provided to the House Impeachment Task Force.[14] He will testify, in substance, that the Canons of Ethics

[14]See To Consider Possible Impeachment of United States District Judge G. Thomas Porteous, Jr. (Part IV), Hearing Before the Task Force on Judicial Impeachment of the Committee on the Judiciary, House of Representatives, 111th Cong. 7-16 (Dec. 15, 2009)

provide that federal judges avoid impropriety and the appearance of impropriety in all their activities, on and off the bench, and that they act at all times in a manner that promotes public confidence in the integrity and impartiality of the Judiciary. Further, judges must recuse themselves whenever their impartiality might reasonably be questioned, and must not solicit or accept gifts from lawyers who appear before them. Professor Geyh will analyze the facts alleged in the Articles and will conclude that, if those facts are established, that Judge Porteous violated his ethical responsibilities. In connection with the Marcottes, Professor Geyh will further opine that a judge has an ethical duty to avoid lending the prestige of judicial office to advance the interests of others, and, if the facts alleged are proven, Judge Porteous, while on the Federal bench, lent the prestige of his office to advance the bondsman's interest in violation of his ethical duties.

Thus, the total anticipated time of the House's direct case is, as of this point in time, approximately 13 hours. This will be in addition to opening statements, and thus contemplates reserving approximately 5 hours for cross-examination or potential rebuttal witnesses.[15]

(prepared statement of Professor Charles G. Geyh) (HP Ex. 443). Professor Geyh's resume is included in Attachment 1.

[15]The House reserves the right to identify and call rebuttal witnesses as necessary to address fact or expert witnesses called by Judge Porteous.

III. THE HOUSE'S EXHIBIT LIST

The House's Exhibit List is attached as "Attachment 2" to this pleading. This list includes materials that may be introduced or used at trial, including transcripts that have not been ruled admissible as of this time.

IV. PRIOR TESTIMONY

The House seeks to move into evidence the testimony of the following persons, in their entirety:

Fifth Circuit Testimony

1) Judge Porteous
2) Joseph Mole
3) Robert Creely
4) Jacob Amato
5) FBI Special Agent DeWayne Horner
6) FBI Financial Analyst Gerald Fink
7) William Greendyke
8) William Heitkamp
9) Rhonda Danos
10) Claude Lightfoot
11) Don Gardner

House Task Force Hearing Testimony

1) Robert Creely
2) Jacob Amato
3) FBI Special Agent DeWayne Horner

4) Claude Lightfoot

5) The Honorable Duncan Keir

6) Louis Marcotte

7) Lori Marcotte

8) Professor Charles Geyh

Senate Impeachment Trial Committee Depositions

1) Robert Creely

2) Jacob Amato

3) Louis Marcotte

4) Lori Marcotte

V. LEGAL PRINCIPLES

Impeachment is a political, non-criminal proceeding subject to a case-specific determination of the federal officer's fitness to hold office. The Founders purposefully broke from the British impeachment practice, which upon conviction imposed criminal penalties, including death, and instead made it a proceeding of a political nature that called for the maximum punishment not to exceed removal and disqualification from office.[16] Indeed, in 1803, one of the earliest impeachment inquiries considered such non-criminal offenses as, for example, Judge John Pickering's performance of his judicial functions while drunk and other acts of indecency.[17]

As Alexander Hamilton observed at the time of the debates surrounding the adoption of the Constitution, impeachment trials were understood as deliberative sessions for the Senate to decide whether an official had committed an "abuse or violation of some public trust."[18] Justice Story likewise observed, in the early nineteenth century, that "an impeachment is a proceeding of a purely political nature. It is not so much designed to punish an offender as to secure the state against gross official misdemeanors. It touches neither his person nor his property; but simply divests him of his political power."[19]

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[16]See Michael J. Gerhardt, The Federal Impeachment Process. A Constitutional and Historical Analysis (Princeton University Press) (1996);

[17]See Articles of Impeachment of Judge John Pickering, reprinted in Impeachment: Selected Materials, 93d Cong., 1st Sess., at 131 (1973), as reprinted in, U.S. Impeachment: Selected Materials, 105th Cong., 2d Sess., at 1267 (1998).

[18]FEDERALIST NO. 65, at 396 (Alexander Hamilton) (Rossiter, ed. 1961).

[19]Joseph Story, Commentaries on the Constitution § 801 (1833).

Each of the four Articles sets forth conduct that demonstrates that Judge Porteous is not fit to be a federal judge, and that his continued presence on the Federal bench brings disgrace and disrepute to the bench.

Article I is consistent with Articles throughout this Nation's history in which the basis for impeachment and removal was a judge's financial entanglements with attorneys appearing before him.

Article II includes conduct both before and after Judge Porteous's appointment to the federal bench that demonstrates Judge Porteous's unfitness to continue to serve as a judge. As noted in the House Report accompanying the Articles, "the Constitution describes certain types of conduct for which impeachment is warranted ('Treason, Bribery, or other high Crimes and Misdemeanors'), 'it does not say when the misconduct must have been committed,' and certainly does not require that such conduct occur during the tenure of the Federal office from which impeachment is sought."[20] The ultimate decision by the Senate - whether the conduct rises to the level of a "High Crime or Misdemeanor" and warrants the judge's removal - does not turn on when that conduct occurred, but instead on whether that conduct so undermines the public trust that the judge must be removed from office. Additionally, no policy justification exists for a blanket prohibition on the consideration of pre-federal bench conduct as grounds for impeachment. The logic of Judge Porteous's position is that even if a federal judge were later found to have committed espionage or homicide prior to taking the federal bench, he could not be removed from his lifetime appointment as a federal judge, notwithstanding that proof of such conviction would so clearly demonstrate his unfitness for Office.

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[20]H.R. Rep. No. 111-427, Impeachment of G. Thomas Porteous, Jr., Judge of the United States District Court for the Eastern District of Louisiana, Report of the Committee on the Judiciary to Accompany H. Res. 1031, 111th Cong., 2d Sess., at 19 (2010) (quoting Task Force Hearing, Part IV at 30 (Written Statement of Professor Michael J. Gerhardt at 4)).

Article III involves misconduct by Judge Porteous in a federal judicial proceeding – bankruptcy court. This is conduct that is comparable in pertinent respects to the tax evasion conduct that constituted the basis for the impeachment and conviction of Judge Harry Claiborne.

Article IV alleges, in substance, a fraud on the Senate in the impeachment process.[21] Even though Articles have not previously been brought based on dishonesty in connection with the confirmation process, the Article is consistent with prior impeachments which are based on a judge's false or perjurious statements in important matters and in federal proceedings.

[21]The House has stated its position as to the legal soundness of each of the Articles in The House of Representatives' Consolidated Opposition to Judge G. Thomas Porteous, Jr.'s Five Motions to Dismiss the Articles of Impeachment. To the extent that Judge Porteous reiterates those arguments in his Pre-Trial Statement, the House incorporates the responses in that pleading by reference.

Respectfully submitted,

THE UNITED STATES HOUSE OF REPRESENTATIVES

By

Adam Schiff, Manager

Bob Goodlatte, Manager

Alan I. Baron
Special Impeachment Counsel

Managers of the House of Representatives: Adam B. Schiff, Bob Goodlatte, Zoe Lofgren, Henry C. "Hank" Johnson, F. James Sensenbrenner, Jr.

September 1, 2010

Attachment One

BIOGRAPHICAL SKETCH

Honorable Duncan W. Keir is Chief Judge of the United States Bankruptcy Judge for the District of Maryland. Judge Keir has served as a United States Bankruptcy Judge since November, 1993. After graduating from Gettysburg College, Judge Keir served four years as a United States Naval Officer including a year tour with the Third Marine Division. He received his Juris Doctor degree, with honors from the University of Maryland School of Law in 1975 and was awarded membership in the Order of the Coif as well as three American Jurisprudence Awards. Judge Keir was Deputy General Counsel and Senior Vice President in charge of the Office of Special Assets Counsel of Maryland National Bank and American Security Bank, as well as Associate General Counsel of NationsBank Corporation after its acquisition of MNC Financial, Inc. Prior to his bank position, he was a partner and Practice Group Chairman of the Bankruptcy and Creditors Rights area of Miles & Stockbridge, where he had practiced from 1975 to 1991.

Judge Keir is the author of Chapter 1112 of Collier on Bankruptcy, Sixteenth Edition. He has served as an adjunct faculty member of the University of Maryland School of Law, teaching Commercial Transactions and is a fellow of the American College of Bankruptcy. He frequently lectures on issues of insolvency, including lectures at the Industrial College of the Armed Forces. From 1999 through 2002 Judge Keir served as Circuit Governor for the Fourth Circuit on the Board of the National Conference of Bankruptcy Judges.

CHARLES G. GEYH

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EDUCATION

- 1983: J.D. University of Wisconsin Law School
  Honors and Awards: Wisconsin Law Review, Research & Writing Editor; recipient of the Joseph Davies Prize, awarded by the faculty to the outstanding member of the second year class; recipient of an Outstanding Academic Achievement Award, as a graduating student in the top 10% of the class.

- 1980: B.A. in Political Science, University of Wisconsin
  Honors and Awards: Phi Beta Kappa; Phi Kappa Phi; Graduated from Letters and Science Honors Program with Distinction in Political Science; Recipient of the Davis Award, as the author of the best written work by an undergraduate in Political Science.

TEACHING EXPERIENCE

- Fall, 2009 to present: Associate Dean for Research, Indiana University Maurer School of Law

- Fall, 2006 to present: John F. Kimberling Chair in Law, Indiana University Maurer School of Law
  Honors and Awards: Leon Wallace Teaching Award, 2008

- January, 2005: Lecturer, University of Paris II, Paris France

- Fall, 1998 to 2006: Professor of Law, Indiana University Maurer School of Law
  Honors and Awards: Charles L. Whistler Faculty Fellowship, 2005-06; Harry T. Ice Faculty Fellowship 2003-04, 2002-03; Trustees Teaching Award, 2003, 2001.

- Fall, 1998 to Spring 1999: Visiting Associate Professor of Law, Cleveland State University, Cleveland, OH

- Spring, 1998: Visiting Associate Professor of Law, Case Western Reserve University, Cleveland, OH

- Fall, 1997: Visiting Associate Professor of Law, Indiana University, Bloomington, IN

- 1994 to 1998: Associate Professor of Law, Widener University, Harrisburg, PA
- 1991 to 1994: Assistant Professor of Law, Widener University, Harrisburg, PA
- 1988 to 1991: Professorial Lecturer in Law, The American University, Washington, D.C.

OTHER EMPLOYMENT

- 1991: Special Counsel, Office of Legislative and Public Affairs, Administrative Office of U.S. Courts, Washington, D.C.
- 1989 to 1991: Counsel, United States House of Representatives, Committee on the Judiciary, Washington, D.C.
- 1984 to 1989: Associate, Covington & Burling, Washington, D.C.
- 1983 to 1984: Law Clerk to the Honorable Thomas A. Clark, United States Court of Appeals for the Eleventh Circuit, Atlanta, GA

SCHOLARSHIP

Books and Monographs:

WHAT'S LAW GOT TO DO WITH IT?: WHAT JUDGES DO AND WHY IT MATTERS (Charles Gardner Geyh, ed., Stanford University Press, forthcoming 2011)

DISQUALIFICATION: AN ANALYSIS OF FEDERAL LAW (2d Ed. Forthcoming 2010, Federal Judicial Center)

WHEN COURTS AND CONGRESS COLLIDE: THE STRUGGLE FOR CONTROL OF AMERICA'S JUDICIAL SYSTEM (University of Michigan Press paperback edition 2008) (with foreword by Justice Sandra Day O'Connor)

REPORTERS' NOTES ON THE 2007 MODEL CODE OF JUDICIAL CONDUCT (AMERICAN BAR ASSOCIATION 2008) (With W. William Hodes)

JUDICIAL CONDUCT AND ETHICS (4th ed., Matthew Bender & Company 2007) (with Jeffrey Shaman, Stephen Lubet and James Alfini)

WHEN COURTS AND CONGRESS COLLIDE: THE STRUGGLE FOR CONTROL OF AMERICA'S JUDICIAL SYSTEM (University of Michigan Press 2006)

JUDICIAL CONDUCT AND ETHICS, 2004 SUPPLEMENT (3rd Ed. 2000) (with Stephen Lubet and James Alfini).

Articles:

Why Judicial Disqualification Matters—Again, __ Rev. of Lit. __ (forthcoming 2011) (AALS symposium on judicial disqualification)

Judicial Selection, Judicial Disqualification, and the Role of Money in Judicial Campaigns, __ MCGEORGE L. REV. ___ (forthcoming 2010) (symposium on judicial ethics and accountability).

Methods of Judicial Selection and Their Impact on Judicial Independence, DAEDALUS (Fall, 2008)

The Endless Judicial Selection Debate and its Implications for an Independent Judiciary, 21 GEO J. LEG. ETHICS 1259 (2008).

Straddling the Fence between Truth and Pretense: The Role of Law and Preference in Judicial Decision-making and the Future of Judicial Independence, 22 NOTRE DAME J. OF L., ETHICS & PUB. POL. 435 (2008).

The State of the Onion: Peeling Back the Layers of America's Ambivalence Toward Judicial Independence, 82 IND L. J.1215 (2007)

Roscoe Pound and the Future of the Good Government Movement, 28 S. TEX. L. REV. 871 (2007) (symposium on the centennial of the Pound address to the ABA)

Rescuing Judicial Accountability from the Realm of Political Rhetoric, 56 CASE W. RES. L. REV. 911 (2006) (symposium on judicial independence and accountability)

The Judgment of the Boss on Bossing the Judges: Bruce Springsteen, Judicial Independence, and the Rule of Law, 14 WIDENER L. J. 885 (2005) (symposium on Bruce Springsteen and the law).

Judicial Independence, Judicial Accountability, and the Role of Constitutional Norms in Congressional Regulation of the Courts, 78 IN. L. J. 153 (2003) (Symposium on Congressional Power).

Why Judicial Elections Stink, 64 OH. ST. L. J.43 (2003) (Symposium on Perspectives on Judicial Independence)

Public Financing of Judicial Elections: An Overview, 34 LOY.L.A. L. REV/ 1467 (2001) (symposium on judicial selection)

Courts, Congress, and the Constitutional Politics of Interbranch Restraint, 87 GEO. L. J. 243 (1998) (Review Essay)

The Independence of the Judicial Branch in the New Republic, 74 CHI.-KENT L. REV. 31 (1998) (With Emily Field Van Tassel) (Symposium on the bicentennial of Chancellor James Kent's appointment to the bench)

Paradise Lost, Paradigm Found: Redefining the Judiciary's Imperiled Role in Congress, 71 N.Y.U. L. REV. 1165 (1996) (Lead article)

Highlighting a Low Point on a High Court: Some Thoughts on the Removal of Pennsylvania Supreme Court Justice Rolf Larsen and the Limits of Judicial Self-Regulation, 68 TEMP. L. REV. 1041 (1995) (Lead article in symposium on state constitutional law)

Overcoming the Competence/Credibility Paradox in Judicial Impact Assessment: the Need for an Independent Office of Interbranch Relations, in ASSESSING THE EFFECTS OF LEGISLATION ON THE WORKLOAD OF THE COURTS 79 (Fletcher Mangum. Ed. 1995)

Informal Methods of Judicial Discipline, 142 U. PA. L.REV. 243 (1993) (Symposium on disciplining the federal judiciary)

Adverse Publicity as a Means of Reducing Judicial Decision-Making Delay: Periodic Disclosure of Pending Motions, Bench Trials and Cases Under the Civil Justice Reform Act, 41 CLEV. ST. L. REV. 511 (1993)

Complex Litigation Reform and the Legislative Process, 10 REV. OF LITIGATION 401 (1991) (Symposium on problems of mass related cases and proposals for change)

The Case in Support of Legislation Facilitating the Consolidation of Mass Accident Litigation: a *View From the Legislature*, 73 MARQ. L. REV. 535 (1990) (with Robert W. Kastenmeier) (Lead article in a dialogue on mass tort legislation)

The Regulation of Speech Incident to the Sale or Promotion of Goods and Services: a *Multifactor Approach*, 52 U. PITT. L. REV. 1 (1990) (Lead article)

The Testimonial Component of the Right Against Self-Incrimination, 36 CATH. U. L. REV. 611 (1987)

"It's My Party and I'll Cry if I Want to": State Intrusions Upon the Associational Freedoms of Political Parties–Democratic Party of the United States v. Wisconsin ex rel. La Follette, 1983 WIS. L. REV. 211 (Note)

Book Chapters:

Introduction, *So What Does Law Have to do with it?*, in WHAT'S LAW GOT TO DO WITH IT?: WHAT JUDGES DO AND WHY IT MATTERS (Charles Gardner Geyh, ed., forthcoming 2011)

The Criticism and Speech of Judges in the United States, in JUDICIARIES IN COMPARATIVE PERSPECTIVE (H.P. Lee, ed. forthcoming 2011, Cambridge University Press)

The Choreography of Courts-Congress Conflicts, in JUDGES UNDER SIEGE: COURTS, POLITICS & THE PUBLIC (Bruce Peabody, ed. forthcoming 2010, Johns Hopkins University Press)

Rescuing Judicial Accountability from the Realm of Political Rhetoric, in JUDICIAL ACTIVISM: NEED FOR REFORMS (Icfai University Press 2007)

Preserving Public Confidence in the Courts in an Age of Individual Rights and Public Skepticism, in BENCH-PRESS: THE COLLISION OF THE COURTS, POLITICS AND THE MEDIA (Keith Bybee, ed, Stanford University Press, 2007)

Customary Independence, in JUDICIAL INDEPENDENCE AT THE CROSS-ROADS (Stephen Burbank & Barry Friedman, eds, Sage Press, 2002)

The Elastic Nature of Judicial Independence, in THE IMPROVEMENT OF THE ADMINISTRATION OF JUSTICE (ABA PRESS, 7TH ED. 2002)

Reports, Written Testimony, and Other Service-Related Scholarship:

Written Testimony Before the House Judiciary Committee on H. Res. 1448 (2008), Inquiring Into the Impeachment of District Judge G. Thomas Porteous, (December, 2009).

Written testimony Before the House Judiciary Committee's Subcommittee on Courts and Competition: "Examining the State of Judicial Recusals after *Caperton v. A.T. Massey*" (November, 2009)

REPORT OF THE JUDICIAL DISQUALIFICATION PROJECT (American Bar Association 2008) (with Kathleen Lee)

The Judicial Disqualification Project, *Taking Disqualification Seriously*, 92 JUDICATURE 12 (July-August 2008) (with Kathleen Lee)

Remarks published in AMERICAN ACADEMY OF ARTS & SCIENCES, AMERICAN PHILOSOPHICAL SOCIETY, THE PUBLIC GOOD: KNOWLEDGE AS THE FOUNDATION FOR A DEMOCRATIC SOCIETY 25-28 (2008).

Book Review, *The Judge in a Democracy,* TRIAL 70 (October 2006)

Why Courts & Congress Collide—and Why Their Conflicts Subside, 7 INSIGHTS ON L. & SOC. 7 (Fall 2006)

Remarks published in *Conference on Relations between Congress and the Federal Courts*, 41 Ind. L. Rev. 305, 339-353 (2007)

Save the Judges (op ed), THE LEGAL TIMES, July 24, 2006 (with William Sessions)

Voters: Keep Judge Decision in Your Hands (op ed), THE INDIANAPOLIS STAR, January 26, 2006

Judges, Not Pawns (op ed), NEWSDAY, April 10, 2005

JUSTICE IN JEOPARDY: REPORT OF THE COMMISSION ON THE 21ST CENTURY JUDICIARY (American Bar Association 2003)

Rethinking Judicial Elections, BILL OF PARTICULARS (Spring 2003)

Are Judges Who Borrow From Lawyers' Briefs Committing Plagiarism?, THE PRUDENT JURIST, November/December 2003

REPORT OF THE COMMISSION ON PUBLIC FINANCING OF JUDICIAL CAMPAIGNS (American Bar Association 2002)

Defending Justice: The Courts, Criticism and Intimidation, in UNCERTAIN JUSTICE: POLITICS AND AMERICA'S COURTS (The Century Foundation, 2000)

Gravelitis Misdiagnosed, 62 JUDICATURE 42 (July-August 1998) (Book Review)

AN INDEPENDENT JUDICIARY: REPORT OF THE COMMISSION ON SEPARATION OF POWERS AND JUDICIAL INDEPENDENCE (American Bar Association 1997)

Means of Judicial Discipline Other than Those Prescribed by the Judicial Discipline Statute, in REPORT OF THE NATIONAL COMMISSION ON JUDICIAL DISCIPLINE AND REMOVAL (1993)

PROFESSIONAL ACTIVITIES

- 2010 to present, Member, editorial committee, Judicature
- 2008 to 2010, Chair, editorial committee, Judicature
- 2008 to 2009, Advisor, ABA Commission on Fair and Impartial State Courts
- 2007 to 2009, Director and Consultant, ABA Judicial Disqualification Project

- 2007 to 2009, Member, Academic Advisory Board, American Bar Association Standing Committee on Federal Judicial Improvements
- 2007 to 2009, Consultant to the Administrative Office of California Courts Task Force on Judicial Campaign Practices
- 2007 to 2008, Member, ABA Judicial Nominations Task Force
- 2005 to 2009, Member, Board of Directors, Justice at Stake
- 2004-07, Member, Steering Committee, the Constitution Project Courts Initiative
- 2003-07: Co-reporter, ABA Joint Commission to Evaluate the Model Code of Judicial Conduct
- 2002-03: Reporter, ABA Commission on the 21st Century Judiciary
- 2000-02: Advisor, Parliamentary Development Project on Judicial Independence and Administration for the Supreme Rada of Ukraine
- 2000 to present: Member, American Law Institute
- 2000-02: Member, ABA Standing Committee on Federal Judicial Improvements
- 2000-02: Reporter, ABA Commission on Public Financing of Judicial Elections
- 1999-2000: Member, Executive Committee, AALS Civil Procedure Section
- 1999-2000: Director, American Judicature Society Center for Judicial Independence
- 1998-99: Reporter, Citizens for Independent Courts, Task Force on Judicial Criticism
- 1997-98: Consultant, American Judicature Society
- 1996-97: Reporter and Counsel, American Bar Association Commission on Separation of Powers and Judicial Independence
- 1995-96: Advisor, Pennsylvania Bar Association Civil Litigation Section Discovery Rules Committee
- 1995-96: Consultant, Pennsylvania Senate Judiciary Committee, Special Session on Crime
- 1993-1994 Assistant Special Counsel, Pennsylvania House of Representatives, on the Impeachment and Removal of Pennsylvania Supreme Court Justice Rolf Larsen
- 1992-93: Consultant, National Commission on Judicial Discipline & Removal

- 1992: Advisor, Senator Joseph R. Biden, Jr., on Senate Confirmation of Justice Clarence Thomas to the Supreme Court

- 1989-91: Legislative Liaison to the Federal Courts Study Committee

SPEAKING ENGAGEMENTS

- July, 2010, "The Psychology of Judging": CLE presentation to the Indianapolis Law Club, Indianpolis, IN.

- June, 2010, Presentation to the Florida Senate Judiciary Committee Staff on Judicial Disqualification, Tallahassee, FL (via teleconference).

- April, 2010, "Why Judicial Disqualification Matters": Keynote speech at the annual meeting of the United States District Court for the Eastern District of Wisconsin, Milwaukee, WI.

- April, 2010, "Judicial Selection, Judicial Disqualification, and the Role of Money in Judicial Campaigns": Comment on papers by Meryl Chertoff and Dmitry Bam, at conference at McGeorge School of Law, Santa Clara, CA.

- December, 2009, Testimony Before the House Judiciary Committee on H. Res. 1448 (2008), Inquiring Into the Impeachment of District Judge G. Thomas Porteous, Washington, D.C.

- December, 2009, "Proposed Reforms to the United States Supreme Court": Presentation to the Indianapolis Law Club, Indianapolis, Indiana.

- November, 2009, "Examining the State of Judicial Recusals after *Caperton v. A.T. Massey*": *Testimony* Before the House Judiciary Committee's Subcommittee on Courts and Competition, Washington, D.C.

- November, 2009: "A Proposed Disability Certification Procedure for the Supreme Court": Presentation at Conference on Supreme Reform. hosted by the George Washington University School of Law, Washington, D.C.

- August, 2009: "Professionalism": Presentation during orientation to the incoming class of the Indiana University Maurer School of Law—Bloomington, Bloomington, IN

- August, 2009: "Making the Most of a *Massey* Situation," Breakfast speaker at the annual meeting of the ABA appellate litigation section

- July, 2009: "Debating *Caperton v. A.T. Massey*": Presentation to the Chicago chapter of the American Constitution Society, Chicago, IL

- July, 2009: "Civil Procedure in the 2009 term of the Supreme Court:" Presentation to the Indianapolis Law Club, Indianapolis, IN

- June, 2009: "Judicial Disqualification in a Post-*White* Environment": Featured Speaker at summer meeting of Ohio Court of Common Pleas Judges, Cincinnati, OH

• May, 2009: "Judicial Disqualification:" Presentation at the ABA National Conference on Professional Responsibility," Chicago, IL

• May, 2009: "Ex parte Communications and the Internet": Presentation at the Annual Meeting of the Indiana Court of Appeals, Culver Indiana

• May, 2009: "Judicial Recusal Standards—Should They Be More Rigorous?: Presentation at the Annual Convention of the Wisconsin State Bar, Milwaukee, WI

• May, 2009: "What Constitutes Appropriate Judicial Campaigning?": Panelist in Program at the Annual Convention of the Wisconsin State Bar, Milwaukee, WI

• March, 2009: "What's Law Got to do with it? What Judges Do and Why it Matters": Moderator of multiple panels and organizer of academic conference, Bloomington, IN

• February, 2009: "Caperton v. Massey Coal Company": Moderator and speaker on panel at press briefing sponsored by the American Constitution Society, Washington, D.C.

• January, 2009: "The Report of the ABA Judicial Disqualification Project": Presentation at the Annual Meeting of the Conference of Chief Justices, Tempe AZ

• December, 2008: "What Judges Do and Why it Matters," Presentation to the Indianapolis Law Club, Indianapolis, IN

• October, 2008: "Judicial Disqualification": Presenter at multiple sessions of the American Judicature Society Annual Meeting, Chicago, IL

• September, 2008: "The New Code of Judicial Conduct": Panel presentation at plenary session of the Indiana Judicial Conference, Indianapolis, IN

• August, 2008: "A Forum on the Judicial Disqualification Project": presentation at the ABA Annual meeting, New York, NY

•August, 2008: "Identifying the Best Outlets for Your Legal Scholarship": Co-facilitator in session at Big Ten unTENured Conference, Bloomington IN

• April, 2008: "The State of Judicial Elections Research": Panelist in a Roundtable at the annual meeting of the Midwest Political Science Association, Chicago, IL

• March, 2008: "Straddling the Fence between Truth and Pretense: The Role of Law and Preference in Judicial Decision-Making and the Future of Judicial Independence": Presentation at Conference on Judicial Selection and Ethics at Notre Dame Law School, South Bend, IN

• March, 2008: "When Courts & Congress Collide:" Presentation in the IU Authors'Series, Bloomington, IN

• December, 2007: "The Recent Rebirth of Rule 12(b)(6) Failure to State a Claim on Which Relief Can be Granted:" Presentation to he Indianapolis Law Club, Indianapolis, IN

• October, 2007: "Judicial Independence Among the States:" Keynote speech to the Nebraska Judicial Conference, Lincoln, Nebraska

• October, 2007: "The New Code of Judicial Conduct:" Presentation to the Nebraska Judicial Conference, Lincoln Nebraska

• October, 2007: "The Debate over State Court Elections and Judicial Selection:" Moderator of panel on judicial ethics and selection at conference on organized by the Sandra Day

O'Connor Project on the State of the Judiciary at Georgetown University Law Center, Washington, D.C.

- September, 2007: "Judicial Disqualification" Panelist at annual meeting of the ABA's Appellate Judges Education Institute, Washington, D.C.
- September, 2007: "Judicial Independence: Does the Public Really Care?": Presentation at Indiana State Bar Association Conference on Relations Between Congress and the Federal Courts, Indianapolis, IN
- August, 2007: "What Do We Know About Recusal Practices Around the Country": Presentation at the ABA Annual Meeting, San Francisco, CA
- July, 2007: "Recent Developments in Judicial Disqualification": Presentation to the Indianapolis Law Club, Indianapolis, IN
- May, 2007: "Politics and the Courts: Judicial Independence and Accountability": Panelist on program hosted by Hanover College, Indianapolis, IN
- April , 2007: "The Independence of the Courts": Panelist on program with Linda Greenhouse, Sandra Day O'Connor and Judith Kaye in first-ever joint meeting of the American Philosophical Society and the American Academy of Arts and Sciences, Washington, DC
- April, 2007: "Preserving Public Confidence in the Courts in an Age of Individual Rights and Public Skepticism": Inaugural Lecture for the John F. Kimberling Chair in Law, Bloomington, IN
- April, 2007: "Preserving Public Confidence in the Courts": Presentation at the University of Houston Law School, Houston TX
- March, 2006: "Judicial Ethics and You": Presentation to Indiana University Chapter of Phi Delta Phi, Bloomington, IN
- February, 2007: "When Courts and Congress Collide": Speaker in series, "In Nine We Trust: How the Supreme Court Got the Last Word," featuring Professors Frank Michelman, Frederick Schauer, Charles Geyh and Richard Hesse, sponsored by the Northeast Cultural Coop, Moultonborough, NH
- January 2007: "Roscoe Pound and his Impact on the Administration of Justice: Presentation to the Indianapolis Law Club, Indianapolis, IN
- December 2006: "Electronic Discovery": Presentation to the Indianapolis Law Club, Indianapolis, IN
- December, 2006: "Preserving a Fair and Impartial Judiciary:" Keynote Address to the Minnesota Judicial Conference, Minneapolis MN
- December, 2006: "When Courts and Congress Collide:" Presentation at Indiana University School of Law Continuing Legal Education event, Indianapolis, IN
- November, 2006: "Roscoe Pound, Judicial Independence and the Separation of Powers": Presentation of a symposium paper at the South Texas College of Law, Houston, TX
- November, 2006: "Legal Ethics for Appellate Judges and Staff Attorneys": Presentation to the Annual Meeting of the Council of Appellate Staff Attorneys, Dallas, TX

- November, 2006: "The History of Judicial Independence": Keynote address to the Annual meeting of the Appellate Judges Education Institute, Dallas, TX
- November, 2006: "Judicial Campaign Speech and Judicial Selection": Presentation to the California Summit of Judicial Leaders on Judicial Election Reform.
- October, 2006: "When Courts & Congress Collide": Presentation at University of Wisconsin Faculty Colloquium, Madison, WI
- September, 2006: "Judicial Independence and Military Justice": Presentation to the Navy-Marine Corps Court of Criminal Appeals, Washington, DC
- September, 2006: "The Struggle for Control of America's Judicial System": Keynote Speaker at the annual Colorado Judicial Conference, Vail CO
- September, 2006: H.R. 916: Impeaching Manuel Real, a Judge of the District Court for the Central District of California for High Crimes and Misdemeanors—Testimony before the United States House of Representatives Committee on the Judiciary's Subcommittee on Courts, Washington, D.C.
- August, 2006: "The Centennial of Roscoe Pound's Address to the ABA": Panelist on program at the ABA Annual Meeting, Honolulu, HI
- August, 2006: "When Courts and Congress Collide": Breakfast Speaker at the ABA Judicial Division's Annual Meeting, Honolulu, HI
- August, 2006: Presentation to the ABA Standing Committee on Judicial Independence on Recent Changes to the Model Code of Judicial Conduct, Honolulu, HI
- August, 2006: Co-Facilitator of session on becoming tenured while managing family responsibilities, at the Big Ten unTENured Conference, Bloomington IN
- July, 2006: "Do Americans Really Want an Independent Judiciary": Presentation to a plenary session of the annual conference of Chief Justices, Indianapolis, IN
- July 2006: "Disputed Provisions of the Proposed Model Code of Judicial Conduct": Presentation to the Professionalism Committee of the Conference of Chief Justices, Indianapolis, IN
- July, 2006: "Recent developments in Supplemental Jurisdiction": Presentation to the Indianapolis Law Club, Indianapolis, IN
- June, 2006: HR 5319: The Judicial Transparency and Ethics Enforcement Act of 2006—Testimony before the United States House of Representatives Committee on the Judiciary's Subcommittee on Crime, Washington, D.C.
- June, 2006: "When Courts & Congress Collide": Presentation at a reception for my book, sponsored by The Constitution Project, Justice at Stake, and Politics & Prose, Washington, DC
- June, 2006: "Appointment as a Method of Judicial Selection": Panel presentation to a plenary session of the League of Women Voters' annual convention
- June, 2006: "A Conversation on Judicial Independence": Panel discussion on Court-TV event with Catherine Crier

- May, 2006: "The Final Draft of the Model Code of Judicial Conduct": Presentation to the Indianapolis Law Club, Indianapolis, IN
- April, 2006: "The Causes and Effects of Political Attacks on the Courts": Keynote Address to the Washington State Superior Court Judges Judicial Conference, Blaine, WA
- March, 2006: "When Courts & Congress Collide:" Presentation to the Indianapolis Law Club, Indianapolis, IN
- March, 2006: "When Courts and Congress Collide:" Presentation to the Indiana University Law and Society Workshop, Bloomington, IN
- March, 2006: "Current attacks on Judges in Historical Context": Address to 400 Illinois judges at Education Conference 2006, Chicago, IL
- February, 2006: "Judicial Elections in the Post-White Era": Panel presentation on judicial elections at the St. Thomas University School of Law, Minneapolis, MN
- January, 2006: "Rescuing Judicial Accountability from the Realm of Political Rhetoric": Paper presenter at symposium on Judicial Independence at Case Law School, Cleveland, OH
- January, 2006: "Rethinking Judicial Accountability:" featured speaker at the Indianapolis Law Club, Indianapolis, IN
- January, 2006: Panel presentation on the nomination of Samuel Alito to the U.S. Supreme Court, Indiana University School of Law, Bloomington, IN
- December, 2005: "Surviving the Perfect Storm: The Future of Judicial Independence in an Age of Public Skepticism," Keynote Speaker, Indiana Judicial Conference, Indianapolis, IN
- December, 2005: Presentation to the ABA Federal Judicial Improvements Committee on proposed revisions to the Code of Judicial Conduct, Washington, D.C.
- November, 2005: "Judicial Independence and the Federal Appointments Process": Speaker at symposium on Judicial Security and Independence at the Moritz College of Law, The Ohio State University, Columbus, OH
- November, 2005: Presentation to the ABA Committee on Judicial Independence, on proposed revisions to the Model Code of Judicial Conduct, Woodstock, VT
- October, 2005: Panelist at conference on judicial independence and the media, hosted by Syracuse University, Washington, D.C.
- October, 2005: "Proposed Changes to the Model Code of Judicial Conduct," featured speaker at the Indianapolis Law Club, Indianapolis, IN
- September, 2005: Presentation to the ABA Commission on Separation of Powers and Civics Education, on Separation of Powers and Judicial Independence, Washington, D.C.
- August, 2005: "Judicial Independence, Judicial Accountability and Judicial Elections," Keynote Speaker, Indiana Court of Appeals Retreat, New Harmony, IN
- August, 2005: "When Courts and Congress Collide", featured speaker at the Coalition for Justice Annual Luncheon, Chicago, IL

- August, 2005: "Courts and Congress: Continuing the Dialogue," Panelist on program at ABA annual meeting, Chicago, IL
- July, 2005: "The Disappearance of Appearances," featured speaker at the Indianapolis Law Club, Indianapolis, IN
- June, 2005: "The History of Judicial Independence," speaker at Illinois Judicial Conference, Champaign, IL
- February, 2005: "Proposed Amendments to the Model Code of Judicial Conduct": Panel Presentation to the Association of Professional Responsibility Lawyers, Salt Lake City, UT
- October 2004: "Overview of the Work of the ABA Joint Commission to Review the Model Code of Judicial Conduct:" Panel Presentation to the National College on Judicial Conduct and Ethics, Chicago, IL.
- October, 2004: "Recent Developments in Judicial Independence and Accountability": Panel Moderator at National Conference of Women Law Judges, Indianapolis, IN
- June, 2004: "Proposed Changes to the Model Code of Judicial Conduct": Presentation to the National Conference on Professional Responsibility, Naples, FL
- April, 2004: "Issues Before the Joint Commission to Evaluate the Model Code of Judicial Conduct:" Panel Presentation to the American Bar Association Judicial Division, Tempe, AZ
- February 2004: "Changing Judicial Ethics in the Aftermath of Republican Party of Minnesota v. White": Panel Presentation to the North Carolina Advisory Committee on Political Conduct by Judges and Judicial Candidates, Raleigh, NC
- November 2003: "Judicial Selection Recommendations of the ABA Commission on the 21st Century Judiciary": Presentation at the University of Cincinnati College of Law.
- October 2003: "Judicial Selection and its Relationship to Judicial Independence": Presentation to the University of Illinois Chapter of the American Constitution Society, Champaign, IL
- August 2003: Judicial Division Scholar in Residence, Annual Meeting of the American Bar Association, San Francisco, CA
- March 2003: Roundtable participant in conference on Judicial Elections and a Republican Form of Government, Wingspread Conference Center, Racine, WI
- March 2003: Moderator on five panels, National Colloquium on the 21st Century Judiciary
- October 2002: "Rethinking Judicial Elections": presentation to the 21st Century Society, Bloomington, IN
- September, 2002: Moderator in Indiana Supreme Court Conclave on Diversification of the Legal Profession
- June, 2002: "Impact of Judicial Activism on Congress and Law-Making": Panelist on NPR Program "Odyssey"
- March 2002: "Toward the Gradual Elimination of Judicial Elections": Paper presentation at the Ohio State University, Columbus, OH

- 2001 to present: semi-annual Continuing Legal Education presentations, Indianapolis Law Club, Indianapolis, IN
- May 2001: "The Future of the Federal Courts": Panelist at the Seventh Circuit Judicial Conference
- April 2001: "Selecting Judges": presentation to the Marion County Bar Association task force on judicial selection
- March 2001: Paper presenter at Brennan Center/American Judicature Society Conference on the Judicial Independence and Selection Research Agenda, Philadelphia, PA
- December 2000: "Public Financing of Judicial Elections": Paper presenter at Summit of State Supreme Court Chief Justices, Chicago, IL
- July 2000: "State Judicial Selection: Not Just Politics as Usual": Panelist on a program at the American Bar Association Annual Meeting, New York, NY
- October 1999: Panelist at the Koskoff, Koskoff & Bieder Symposium on Judicial Independence at Quinnipiac College School of Law, Hamden, CT
- August 1999: "Emerging Issues in Judicial Independence": Discussion Moderator at the Pacific Northwest Judicial Conference, Newport, OR
- December 1998: "The Relationship Between Courts and Congress": Commentator on panel at American Bar Association Conference on Judicial Independence
- November 1998: Panelist in a program on Presidential impeachment at Cleveland State University, Cleveland-Marshall College of Law, Cleveland, OH
- November 1998: "The Judicial Independence Research Agenda": Commentator on paper presented at a symposium on Judicial Independence at the University of Southern California Law School, Los Angeles, CA
- November 1998: "The History of State Judicial Independence": Presentation to the National Appellate Chief Judges' Council Conference on State Judicial Independence. Key West, FL
- August 1998: "Judicial Independence and the Rule of Law": Panel Moderator at the American Judicature Society Annual Meeting, Toronto, Canada
- October 1997: "Judge Bashing and Judicial Independence": Presentation to the Indiana University Chapter of the Federalist Society, Bloomington, IN
- December 1997: "Breaking the Deadlock in the Judicial Independence Debate": Presentation to the Indiana University School of Law Faculty, Bloomington, IN
- April 1997: "The Origins of Federal Judicial Independence": Presentation to the University of Pennsylvania Law School Colloquium on the Independence of the Judiciary and Separation of Powers, Philadelphia, PA
- September 1996: "Prudential Constraints on the Judiciary's Role in Statutory Reform": Presentation to the American Political Science Association, San Francisco, CA
- April 1993: "Judicial Impact Assessment and the Need for an Independent Office of Interbranch Relations": Panel Presentation in Workshop hosted by the Federal Judicial Center, Washington, D.C.
- January 1993: "Means of Judicial Discipline Other Than Those Prescribed by the Judicial Discipline Statue": Presentation to the National Commission on Judicial Discipline and Removal, Washington, D.C.

- October 1992: "Methods of Judicial Discipline: Analysis and Reform": Presentation to the Widener University Law Faculty, Harrisburg, PA

- September 1992: "Judicial Activism and Statutory Interpretation": Address to the Widener University Chapter of the Federalist Society, Harrisburg, PA
- January 1991: "Complex Litigation Reform and the Legislative Process": Address to the Civil Procedure Section of the Association of American Law Schools, Washington, D.C.
- December 1990: "The Future of Diversity Jurisdiction": Address to the National Conference of State Legislatures, Washington, D.C.
- May 1990: "Implementing the Recommendations of the Federal Courts Study Committee": Address to the Seventh Circuit Judicial Conference and the Seventh Circuit Bar Association, Milwaukee, WI
- May 1990: "The Report of the Federal Courts Study Committee and its Impact on the States": Address to the National Conference of State Legislatures, Washington, D.C.

Attachment Two

In The Senate of the United States

Sitting as a Court of Impeachment

In re:	)
Impeachment of G. Thomas Porteous, Jr.,	)
United States District Judge for the	)
Eastern District of Louisiana	)
	)

The House of Representatives' Trial Exhibit List

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 1	House Resolution 15: Authorizing Committee on the Judiciary to Inquire whether the House Should Impeach Judge Porteous January 13, 2009	HP Ex. 1[1]	
HP Ex. 2	Committee on the Judiciary Resolution Establishing Task Force January 22, 2009	HP Ex. 2	
HP Ex. 3	Committee on the Judiciary Resolution Amending the January 22, 2009 Resolution May 12, 2009	HP Ex. 3	
HP Ex. 4	Letter from John C. Keeney, Deputy Assistant Attorney General, to Chief Judge Edith H. Jones Re: Complaint of Judicial Misconduct Concerning The Honorable G. Thomas Porteous, Jr. May 18, 2007	HP Ex. 4	SC Ex. 34[2]
HP Ex. 5	Report by the Special Investigatory Committee to the Judicial Council of the United States Court of Appeals for the Fifth Circuit In The Matter of Judge G. Thomas Porteous, Jr. Docket No. 07-05-351-0085 November 20, 2007	HP Ex. 5	

[1] All documents contained on the Exhibit List submitted to the House of Representatives, Committee on the Judiciary, Task Force on Judicial Impeachment, were made a part of the hearing record, without objection, at the January 21, 2010 Meeting of the Impeachment Task Force. See Stenographic Minutes at 14–16 (House Trial Exhibit: HP Ex. 449).

[2] All exhibits contained on the Fifth Circuit Exhibit List (referred to as "SC Exhibits") were admitted into evidence and made a part of the official record before the Fifth Circuit Special Investigatory Committee during the October 30, 2007 hearing. See Fifth Circuit Hearing Transcript at 426–31 (House Trial Exhibit: HP Ex. 43).

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 6 (a)	Memorandum Order and Certification Judicial Council of the Fifth Circuit Docket No. 07-05-351-0085 December 20, 2007	HP Ex. 6 (a)	
HP Ex. 6 (b)	Dissenting Opinion by Judge James Dennis In The Matter of Judge G. Thomas Porteous, Jr. Docket No. 07-05-351-0085 [Undated]	HP Ex. 6 (b)	
HP Ex. 6(c)	Judge G. Thomas Porteous, Jr.'s Reply Memorandum to the Special Investigatory Committee Report In The Matter of G. Thomas Porteous, Jr. December 5, 2007		
HP Ex. 7 (a)	Letter from James C. Duff, Secretary to the Judicial Conference of the United States to the Speaker of the House of Representatives June 18, 2008	HP Ex. 7 (a)	
HP Ex. 7 (b)	Certificate to the Speaker of the United States House of Representatives June 17, 2009	HP Ex. 7 (b)	
HP Ex. 7 (c)	Report and Recommendations of the Judicial Conference Committee on Judicial Conduct and Disability June 2008	HP Ex. 7 (c)	
HP Ex. 8	Order and Public Reprimand by the Judicial Counsel of the Fifth Circuit (suspending Judge G. Thomas Porteous from the bench for two years) September 10, 2008	HP Ex. 8	
HP Ex. 9 (a)	President Clinton's Nomination of Judge Porteous August 25, 1994	HP Ex. 9 (a)	
HP Ex. 9 (b)	Excerpts from Senate Confirmation Hearings for Judge Porteous October 6, 1994	HP Ex. 9 (b)	
HP Ex. 9 (c)	Congressional Record Reflecting Senate Confirmation of Judge Porteous October 7, 1994	HP Ex. 9 (c)	
HP Ex. 9 (d)	Judge Porteous Appointment Affidavit October 28, 1994	HP Ex. 9 (d)	
HP Ex. 9 (e)	Judge Porteous Resignation Letter to the 24th Judicial District Court October 25, 1994		

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 9 (f)	Certified Copy of Judge Porteous's Questionnaire for Judicial Nominees (received from the Senate Committee on the Judiciary)		
HP Ex. 10	Judge Porteous Fifth Circuit Testimony October 29, 2007	HP Ex. 10*[3]	5th Cir. Testimony
HP Ex. 11	Robert Creely Grand Jury Testimony March 17, 2006	HP Ex. 11	SC Ex. 60
HP Ex. 12	Robert Creely Fifth Circuit Testimony October 29, 2007	HP Ex. 12	5th Cir. Testimony
HP Ex. 13	Application for Compulsion Order (for Robert Creely) and Immunity Order signed by Chief Judge Edith H. Jones August 3, 2007	HP Ex. 13	SC Ex. 39
HP Ex. 14 (a)	PACER Docket Report: *USA v. Ratcliff, et al.* Case No.: 2:95-cv-00224-GTP (Robert Creely as Counsel)	HP Ex. 14 (a)	
HP Ex. 14 (b)	PACER Docket Report: *Union Planters Bank v. Gavel* Case No.: 2:02-cv-01224-GTP (Robert Creely as Counsel)	HP Ex. 14 (b)	
HP Ex. 15	Robert Creely Task Force Immunity Order August 12, 2009	HP Ex. 15	
HP Ex. 16	Robert Creely Task Force Deposition August 28, 2009	HP Ex. 16*	
HP Ex. 17	Application for Compulsion Order (for Judge Porteous) and Immunity Order signed by Chief Judge Edith H. Jones October 5, 2007	HP Ex. 17	SC Ex. 46
HP Ex. 18	Jacob Amato, Jr. Grand Jury Testimony May 5, 2006	HP Ex. 18	SC Ex. 58
HP Ex. 19	FBI Interview of Robert Creely December 8, 2003		SC Ex. 59
HP Ex. 20	Jacob Amato, Jr. Fifth Circuit Testimony October 29, 2007	HP Ex. 20	5th Cir. Testimony
HP Ex. 21(a)	Application for Compulsion Order (for Jacob Amato, Jr.) and Immunity Order signed by Chief Judge Edith H. Jones August 3, 2007	HP Ex. 21(a)	SC Ex. 38
HP Ex. 21 (b)	Jacob Amato, Jr. Calendars 1999 – 2001	HP Ex. 21 (b)	SC Ex. 17
HP Ex. 21 (c)	Jacob Amato, Jr. Credit Card Records	HP Ex. 21 (c)	SC Exs. 13–16

[3] The Trial Exhibit versions of all House Exhibits marked with an asterisk (*) have been updated or revised from the original version of the Exhibit that was introduced and made a part of the record before the Committee on the Judiciary Impeachment Task Force.

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 22	*Buck v. Candy Fleet Corp, et al.* Case No.: 2:97-cv-01593-GTP (Jacob Amato, Jr. as Counsel)	HP Ex. 22	
HP Ex. 23	Jacob Amato, Jr. Task Force Immunity Order August 12, 2009	HP Ex. 23	
HP Ex. 24	Jacob Amato, Jr. Task Force Deposition October 14, 2009	HP Ex. 24	
HP Ex. 25	Leonard Levenson Grand Jury Testimony April 7, 2006	HP Ex. 25	SC Ex. 65
HP Ex. 26	Leonard Levenson Grand Jury Exhibits	HP Ex. 26	
HP Ex. 27	Application for Compulsion Order (for Leonard Levenson) and Immunity Order signed by Chief Judge Edith H. Jones August 3, 2007	HP Ex. 27	SC Ex. 43
HP Ex. 28 (a)	Judgment *Egudin v. Carriage Court Condominiums, et al.* Case No. 286-153 (24th Judicial District Court, Jefferson Parish, LA) (Leonard Levenson as Counsel while Porteous was a State Court Judge) June 18, 1987	HP Ex. 28 (a)	
HP Ex. 28 (b)	PACER Docket Report: *In Re: McManus* Case No.: 2:95-cv-01615-GTP Date Filed: 05/23/1995 (Leonard Levenson as Counsel)	HP Ex. 28 (b)	
HP Ex. 28 (c)	PACER Docket Report: *First Nat'l Bank, et al. v. Evans* Case No.: 2:96-cv-01006-GTP Date Filed: 03/20/1996 (Leonard Levenson as Counsel)	HP Ex. 28 (c)	
HP Ex. 28 (d)	PACER Docket Report: *Joseph v. Sears Roebuck & Co.* Case No.: 2:97-cv-00192-GTP Date Filed: 01/21/1997 (Leonard Levenson as Counsel)	HP Ex. 28 (d)	
HP Ex. 28 (e)	PACER Docket Report: *Liberty Mut. Fire Ins. v. Ravannack* Case No.: 2:00- cv-01209-CJB-DEK Date Filed: 04/19/2000 (Leonard Levenson as Counsel)	HP Ex. 28 (e)	
HP Ex. 28 (f)	PACER Docket Report: *Holmes v. Consol. Companies Inc.* Case No.: 2:00-cv-01447-GTP Date Filed: 05/17/2000 (Leonard Levenson as Counsel)	HP Ex. 28 (f)	
HP Ex. 28 (g)	PACER Docket Report: *Morales v. Trippe, et al.* Case No.: 2:04-cv-02483-GTP-DEK Date Filed: 08/31/2004 (Leonard Levenson as Counsel)	HP Ex. 28 (g)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 28 (h)	PACER Docket Report: *Alliance Gen Ins. Co. v. LA Sheriff's Auto., et al.* Case No.: 2:96-cv-00961-GTP Date Filed: 03/15/1996 (Leonard Levenson as Counsel)	HP Ex. 28 (h)	
HP Ex. 29	Leonard Levenson Judiciary Committee Immunity Order August 12, 2009	HP Ex. 29	
HP Ex. 30	Leonard Levenson Task Force Deposition August 24, 2009	HP Ex. 30	
HP Ex. 31	Leonard Levenson Task Force Deposition January 6, 2010	HP Ex. 31	
HP Ex. 32	Don Gardner Fifth Circuit Testimony October 29, 2007	HP Ex. 32	5th Cir. Testimony
HP Ex. 33	Don Gardner Grand Jury Testimony March 31, 2006	HP Ex. 33	SC Ex. 64
HP Ex. 34	Application for Compulsion Order (for Don Gardner) and Immunity Order signed by Chief Judge Edith H. Jones August 3, 2007	HP Ex. 34	SC Ex. 42
HP Ex. 35 (a)	Don Gardner Records re: Trips to Washington May–June 1994	HP Ex. 35 (a)	SC Ex. 10
HP Ex. 35 (b)	Don Gardner Retainer Agreement (*In re: Liljberg*) February 18, 1997	HP Ex. 35 (b)	SC Ex. 10
HP Ex. 36	Don Gardner Task Force Deposition September 22, 2009	HP Ex. 36	
HP Ex. 37 (a)	*Chabert v. Laborde* 507 So.2d 848 (La. Ct. App. 1987) (Don Gardner as Counsel)	HP Ex. 37 (a)	
HP Ex. 37 (b)	*Jefferson Oncology v. LA. Health Svcs. & Indemnity Co.* 545 So.2d 1125 (La. Ct. App. 1989) (Don Gardner as Counsel)	HP Ex. 37 (b)	
HP Ex. 37 (c)	*Joseph R. Keenan Co. v. White House Apartments* 517 So.2d 1141 (La. Ct. App. 1988) (Don Gardner as Counsel)	HP Ex. 37 (c)	
HP Ex. 37 (d)	PACER Docket Report: *P&L Electronics v. Rosenthal Trust* Case No.: 2:93-cv-03865-GTP Nov. 23, 1993 (Don Gardner as Counsel)	HP Ex. 37 (d)	
HP Ex. 38	Warren Forstall, Jr. Grand Jury Testimony March 17, 2006	HP Ex. 38	SC Ex. 63
HP Ex. 39	NOT MARKED FOR TRIAL		

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 40	Rhonda Danos Grand Jury Testimony March 31, 2006	HP Ex. 40	SC Ex. 61
HP Ex. 41	Rhonda Danos Grand Jury Testimony August 18, 2006	HP Ex. 41	SC Ex. 62
HP Ex. 42	FBI Interview of Rhonda Danos December 8, 2003		
HP Ex. 43	Rhonda Danos Fifth Circuit Testimony October 29, 2007	HP Ex. 43	5th Cir. Testimony
HP Ex. 44	Application for Compulsion Order (for Rhonda Danos) and Immunity Order signed by Chief Judge Edith H. Jones August 3, 2007	HP Ex. 44	SC Ex. 40
HP Ex. 45	Rhonda Danos Judiciary Committee Immunity Order August 12, 2009	HP Ex. 45	
HP Ex. 46	Rhonda Danos Task Force Deposition August 25, 2009	HP Ex. 46	
HP Ex. 47	Rhonda Danos Task Force Deposition December 3, 2009	HP Ex. 47	
HP Ex. 48	FBI Surveillance Video March 11, 2002		
HP Ex. 49	FBI Wiretap Recordings March 11, 2002		
HP Ex. 50	PACER Docket Report: *In re: Liljeberg Ents. Inc., et al.* Case No.: 2:93-cv-01794-GTP	HP Ex. 50	SC Ex. 82
HP Ex. 51 (a)	Ex Parte Motion of Liljeberg Enterprises, Inc. to Substitute Counsel *Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.* Case No.: 2:93-cv-01794-GTP September 19, 1996	HP Ex. 51 (a)	
HP Ex. 51 (b)	Order (Granting Motion to Substitute Counsel) *Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.* Case No.: 2:93-cv-01794-GTP September 23, 1996	HP Ex. 51 (b)	
HP Ex. 52	Motion to Recuse (by Lifemark) and Memorandum in Support of Motion to Recuse *Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.* Case No.: 2:93-cv-01794-GTP October 1, 1996	HP Ex. 52*	SC Ex. 19
HP Ex. 53	Memorandum in Opposition to Lifemark's Motion to Recuse *Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.* Case No.: 2:93-cv-01794-GTP October 9, 1996	HP Ex. 53	SC Ex. 19

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 54	Motion for Leave to File Lifemark's Reply Memorandum to Liljeberg Enterprises Inc.'s Opposition to Motion to Recuse and Lifemark's Reply Memorandum to Liljeberg Enterprises, Inc.'s Opposition to Motion to Recuse *Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.* Case No.: 2:93-cv-01794-GTP October 11, 1996	HP Ex. 54	SC Ex. 19 (Reply Memorandum Only)
HP Ex. 55	Motion for Leave of Court to File Response to Lifemark's Reply Memorandum on Motion to Recuse and Memorandum in Support of Motion for Leave; Order; and Memorandum of Liljeberg Enterprises, Inc. and St. Jude Hospital of Kenner La., Inc. in Opposition to Reply Memorandum of Lifemark on Motion to Recuse *Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.* Case No.: 2:93-cv-01794-GTP October 15, 1996	HP Ex. 55*	SC Ex. 19 (Memorandum in Opposition to Reply Only)
HP Ex. 56	Transcript Re: Plaintiff's Motion to Recuse Before the Honorable G. Thomas Porteous, Jr., United States District Judge *Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.* Case No.: 2:93-cv-01794-GTP October 16, 1996	HP Ex. 56	
HP Ex. 57	Judgment (Denying Lifemark's Motion to Recuse) *Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.* Case No.: 2:93-cv-01794-GTP October 17, 1996	HP Ex. 57	SC Ex. 19
HP Ex. 58	Lifemark's Petition for Writ of Mandamus to Fifth Circuit Court of Appeals *Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.* October 24, 1996	HP Ex. 58	
HP Ex. 59	Order (Denying Petition for Writ of Mandamus) *Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.* Case No.96-31098 (Fifth Circuit Court of Appeals) October 28, 1996	HP Ex. 59	
HP Ex. 60 (a)	Ex Parte Motion of Lifemark to Enroll Additional Counsel of Record (Don Gardner) *Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.* Case No.: 2:93-cv-01794-GTP March 11, 1997	HP Ex. 60 (a)	
HP Ex. 60 (b)	Order (Granting Lifemark's Motion to Enroll Don Gardner as Counsel) *Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.* Case No.: 2:93-cv-01794-GTP March 12, 1997	HP Ex. 60 (b)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 61	Trial Transcript Excerpts *Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.* Case No.: 2:93-cv-01794-GTP July 17, 1997 and July 21, 1997	HP Ex. 61	
HP Ex. 62	Opinion *Lifemark Hospitals Inc. v. Liljeberg Ents. Inc.* Case No.: 2:93-cv-01794-GTP April 25, 2000	HP Ex. 62	
HP Ex. 63	Opinion *In the Matter of Liljeberg Enterprises Inc.* 304 F.3d 410 (5th Cir. 2002) April 28, 2002	HP Ex. 63	
HP Ex. 64	Joseph Mole Grand Jury Testimony May 5, 2006	HP Ex. 64	SC Ex. 69
HP Ex. 65	Joseph Mole Fifth Circuit Testimony October 29, 2007	HP Ex. 65	5th Cir. Testimony
HP Ex. 66	Joseph Mole FBI Interview Transcription Date: July 1, 2004		SC Ex. 87
HP Ex. 67	Cover Emails and Clinton Presidential Records re: Judge Porteous	HP Ex. 67	
HP Ex. 68	Louis Marcotte Task Force Deposition October 13, 2009	HP Ex. 68	
HP Ex. 69 (a)	Department of Justice Document Production One (excerpts) June 18, 2009	HP Ex. 69 (a)	
HP Ex. 69 (b)	Department of Justice Document Production Two (excerpts) June 25, 2009	HP Ex. 69 (b)*	
HP Ex. 69 (c)	Department of Justice Document Production Three (excerpts) July 9, 2009	HP Ex. 69 (c)	
HP Ex. 69 (d)	Department of Justice Document Production Four (excerpts) July 20, 2009	HP Ex. 69 (d)	
HP Ex. 69 (e)	Department of Justice Document Production Five (excerpts) October 23, 2009	HP Ex. 69 (e)	
HP Ex. 69 (f)	Department of Justice Document Production Six (excerpts) November 13, 2009	HP Ex. 69 (f)	
HP Ex. 69 (g)	Excerpts from Norman Stotts FBI Interview Transcription Date: December 18, 2002	HP Ex. 69 (g)	
HP Ex. 69 (h)	Kevin Centanni FBI Interview Transcription Date: July 7, 2004	HP Ex. 69 (h)	
HP Ex. 69 (i)	Judge Porteous FBI Interview Transcription Date: July 8, 1994		

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 69 (j)	Judge Porteous FBI Interview Transcription Date: August 18, 1994		
HP Ex. 69 (k)	Judge Porteous FBI Interview Transcription Date: August 18, 1994		
HP Ex. 69 (l)	Mike Reynolds FBI Interview Transcription Date: November 3, 1994		
HP Ex. 70	PACER Docket Report: *United States v. Louis Marcotte and Lori Marcotte* Criminal No. 04:CR-00061-GPK	HP Ex. 70	
HP Ex. 71 (a)	Bill of Information *United States v. Louis Marcotte III and Lori Marcotte* Criminal Docket No. 4-061 March 3, 2004	HP Ex. 71 (a)	
HP Ex. 71 (b)	Plea Agreement *United States v. Louis Marcotte III* Criminal Docket No. 4-061 February 20, 2004	HP Ex. 71 (b)	
HP Ex. 71 (c)	Plea Agreement Addendum *United States v. Louis Marcotte III* Criminal Docket No. 4-061 March 18, 2004	HP Ex. 71 (c)	
HP Ex. 71 (d)	Factual Basis *United States v. Louis Marcotte III* Criminal Docket No. 4-061 March 18, 2004	HP Ex. 71 (d)	
HP Ex. 71 (e)	Judgment *United States v. Louis Marcotte III* Criminal Docket No. 4-061 September 8, 2006	HP Ex. 71 (e)	
HP Ex. 71 (f)	Unsealed Pleadings *United States v. Louis M. Marcotte III & Lori Marcotte* Criminal Docket No. 4-061		
HP Ex. 72 (a)	Excerpts from Louis Marcotte FBI Interview March 2, 23, 24, 25, and 29, 2004	HP Ex. 72 (a)	
HP Ex. 72 (b)	Louis Marcotte FBI Interview April 21, 2004	HP Ex. 72 (b)	
HP Ex. 72 (c)	Louis Marcotte FBI Interview April 23, 2004	HP Ex. 72 (c)	
HP Ex. 72 (d)	Louis Marcotte FBI Interview April 1, 2004	HP Ex. 72 (d)	
HP Ex. 72 (e)	Louis Marcotte FBI Interview April 6, 2004	HP Ex. 72 (e)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 72 (f)	Louis Marcotte FBI Interview July 20, 2004	HP Ex. 72 (f)	
HP Ex. 72 (g)	Louis Marcotte FBI Interview October 14, 2004	HP Ex. 72 (g)	
HP Ex. 73 (a)	Plea Agreement *United States v. Lori Marcotte* Criminal Docket No.: 4-061 February 20, 2004	HP Ex. 73 (a)	
HP Ex. 73 (b)	Addendum to Plea Agreement *United States v. Lori Marcotte* Criminal Docket No. 4-061 March 18, 2004	HP Ex. 73 (b)	
HP Ex. 73 (c)	Factual Basis *United States v. Lori Marcotte* Criminal Docket No. 4-061 March 18, 2004	HP Ex. 73 (c)	
HP Ex. 73 (d)	Judgment *United States v. Lori Marcotte* Criminal Docket No. 4-061 August 28, 2006	HP Ex. 73 (d)	
HP Ex. 74 (a)	Lori Marcotte FBI Interview March 3, 2004	HP Ex. 74 (a)	
HP Ex. 74 (b)	Lori Marcotte FBI Interview March 25, 2004	HP Ex. 74 (b)	
HP Ex. 74 (c)	Lori Marcotte FBI Interview March 30, 2004	HP Ex. 74 (c)	
HP Ex. 74 (d)	Lori Marcotte FBI Interview April 20, 2004	HP Ex. 74 (d)	
HP Ex. 74 (e)	Lori Marcotte FBI Interview November 3, 2004	HP Ex. 74 (e)	
HP Ex. 74 (f)	Lori Marcotte FBI Interview April 5, 2004	HP Ex. 74 (f)	
HP Ex. 75	Testimony of Lori Marcotte: *United States v. Alan Green* Criminal Action No. 04-295 June 22, 2005 and June 25, 2005	HP Ex. 75	
HP Ex. 76	Lori Marcotte Task Force Deposition August 26, 2009	HP Ex. 76	
HP Ex. 77 (a)	Motion for Expungement *State of Louisiana v. Jeffery J. Duhon* Case No. 76-770 (24th Judicial District Court, Jefferson Parish, LA) (Undated, hearing set for July 15, 1993)	HP Ex. 77 (a)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 77 (b)	Judgment of Expungement *State of Louisiana v. Jeffery J. Duhon* Case No. 76-770 (24th Judicial District Court, Jefferson Parish, LA) July 29, 1993	HP Ex. 77 (b)	
HP Ex. 77 (c)	Motion to Set Aside Conviction and Dismiss Prosecution and Order *State of Louisiana v. Jeffery J. Duhon* Case No. 76-770 (24th Judicial District Court, Jefferson Parish, LA) June 17, 1993		
HP Ex. 78	Jeffery Duhon Task Force Deposition July 23, 2009	HP Ex. 78	
HP Ex. 79	Charles Kerner Task Force Deposition December 3, 2009	HP Ex. 79*	
HP Ex. 80 (a)	Jeffery Duhon FBI Interview July 22, 2002	HP Ex. 80 (a)	
HP Ex. 80 (b)	Jeffery Duhon FBI Interview July 24, 2002	HP Ex. 80 (b)	
HP Ex. 80 (c)	Jeffery Duhon FBI Interview November 13, 2002	HP Ex. 80 (c)	
HP Ex. 80 (d)	Jeffery Duhon FBI Interview December 16, 2002	HP Ex. 80 (d)	
HP Ex. 80 (e)	Jeffery Duhon FBI Interview August 5, 2003	HP Ex. 80 (e)	
HP Ex. 80 (f)	Jeffery Duhon FBI Interview December 12, 2003	HP Ex. 80 (f)	
HP Ex. 80 (g)	Jeffery Duhon FBI Interview January 29, 2004	HP Ex. 80 (g)	
HP Ex. 81	Case File: *State of Louisiana v. Aubry N. Wallace* Case No. 89-001 24th Judicial District Court, Jefferson Parish, LA	HP Ex. 81	
HP Ex. 82	Case File: *State of Louisiana v. Aubry N. Wallace* Case No. 89- 2360 24th Judicial District Court, Jefferson Parish, LA	HP Ex. 82	
HP Ex. 83	Aubrey Wallace Task Force Deposition July 24, 2009	HP Ex. 83	
HP Ex. 84	Aubrey Wallace FBI Interview October 1, 2004	HP Ex. 84	
HP Ex. 85	Documents Provided by the Metropolitan Crime Commission	HP Ex. 85	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 86	Ronald Bodenheimer Task Force Deposition August 27, 2009	HP Ex. 86	
HP Ex. 87	Ronald Bodenheimer Grand Jury Testimony April 22, 2004	HP Ex. 87	
HP Ex. 88 (a)	Indictment for Violation of the Federal Controlled Substances Act *U.S. v. Ronald D. Bodenheimer and Curley J. Chewning* Criminal Docket No. 02-219 July 17, 2002	HP Ex. 88 (a)	
HP Ex. 88 (b)	Superseding Indictment for Violation of the Federal Controlled Substances Act *U.S. v. Ronald D. Bodenheimer* Criminal Docket No. 02-219 January 16, 2003	HP Ex. 88 (b)	
HP Ex. 88 (c)	Indictment for Conspiracy to Commit Mail Fraud, Mail Fraud, and Conspiracy to Violate Civil Rights Laws *U.S. v. Ronald D. Bodenheimer, et al.* Criminal Docket No. 03-026 February 5, 2003	HP Ex. 88 (c)	
HP Ex. 88 (d)	Superseding Bill of Information *United States v. Ronald D. Bodenheimer* Criminal Docket No. 02-219 March 31, 2003	HP Ex. 88 (d)	
HP Ex. 88 (e)	Plea Agreement *United States v. Ronald D. Bodenheimer* Criminal Docket No. 02-219 March 28, 2003	HP Ex. 88 (e)	
HP Ex. 88 (f)	Factual Basis *United States v. Ronald D. Bodenheimer* Criminal Docket No. 02-219 March 28, 2003	HP Ex. 88 (f)	
HP Ex. 88 (g)	Supplement to Factual Basis *U.S. v. Ronald D. Bodenheimer* Criminal Docket No. 02-219 March 31, 2003	HP Ex. 88 (g)	
HP Ex. 88 (h)	Judgment and Probation/Commitment Order *U.S. v. Ronald D. Bodenheimer* Criminal Docket No. 02-219 April 28, 2004	HP Ex. 88 (h)	
HP Ex. 88 (i)	Unsealed Pleadings *U.S. v. Ronald D. Bodenheimer* Criminal Docket No. 02-219		
HP Ex. 89(a)	FBI Interview of Ronald Bodenheimer April 25, 2003		

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 89(b)	FBI Interview of Ronald Bodenheimer May 20, 2003		
HP Ex. 89(c)	FBI Interview of Ronald Bodenheimer January 15, 16, 2004		
HP Ex. 89(d)	FBI Interview of Ronald Bodenheimer April 20, 2004		
HP Ex. 90 (a)	Professional Bail Agents of the United States Midyear Conference Program Royal Sonesta Hotel, New Orleans, LA July 11–13, 1996	HP Ex. 90 (a)	
HP Ex. 90 (b)	Professional Bail Agents of the United States Midyear Conference Program Beau Rivage Hotel, Biloxi, MS July 17–21, 1999	HP Ex. 90 (b)	
HP Ex. 91 (a)	Case File: *Bail Bonds Unlimited v. Dennis, et al.* Case No. 589-134 24th Judicial District Court, Jefferson Parish, LA	HP Ex. 91 (a)	
HP Ex. 91 (b)	Case File: *Bail Bonds Unlimited v. Hollingsworth* Case No. 467-905 24th Judicial District Court, Jefferson Parish, LA	HP Ex. 91 (b)	
HP Ex. 92 (a)	Bruce Netterville Task Force Deposition August 26, 2009	HP Ex. 92 (a)*	
HP Ex. 92 (b)	Bruce Netterville Judiciary Committee Immunity Order August 12, 2009	HP Ex. 92 (b)	
HP Ex. 93 (a)	Indictment *United States v. Alan Green and Norman Bowley* Criminal Docket No. 04-295 September 29, 2004	HP Ex. 93 (a)	
HP Ex. 93 (b)	Judgment *United States v. Alan Green* Criminal Docket No. 04-295 June 29, 2005	HP Ex. 93 (b)	
HP Ex. 94 (a)	Plea Agreement *United States v. Norman Bowley* Criminal Docket No. 04-295 June 8, 2005	HP Ex. 94 (a)	
HP Ex. 94 (b)	Factual Basis *United States v. Norman Bowley* Criminal Docket No. 04-295 June 9, 2005	HP Ex. 94 (b)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 94 (c)	Judgment *United States v. Norman Bowley* Criminal Docket No. 04-295 February 6, 2006	HP Ex. 94 (c)	
HP Ex. 95 (a)	Bill of Information *United States of America v. Landry Forges, et al.* Criminal Docket No. 04-217 July 21, 2004	HP Ex. 95 (a)	
HP Ex. 95 (b)	Plea Agreement *United States of America v. Landry Forges, et al.* Criminal Docket No. 04-217 May 12, 2004	HP Ex. 95 (b)	
HP Ex. 95 (c)	Factual Basis *United States of America v. Landry Forges, et al.* Criminal Docket No. 04-217 September 1, 2004	HP Ex. 95 (c)	
HP Ex. 95 (d)	Judgment *United States of America v. Landry Forges, et al.* Criminal Docket No. 04-217 January 18, 2006	HP Ex. 95 (d)	
HP Ex. 96 (a)	Plea Agreement *United States v. Myrtis Randall* Criminal Docket No. 04-217 September 1, 2004	HP Ex. 96 (a)	
HP Ex. 96 (b)	Factual Basis *United States v. Myrtis Randall* Criminal Docket No. 04-217 September 1, 2004	HP Ex. 96 (b)	
HP Ex. 96 (c)	Judgment *United States v. Myrtis Randall* Criminal Docket No. 04-217 January 18, 2006	HP Ex. 96 (c)	
HP Ex. 97 (a)	Plea Agreement *United States v. Edward Still* Criminal Docket No. 04-217 June 2, 2004	HP Ex. 97 (a)	
HP Ex. 97 (b)	Factual Basis *United States v. Edward Still* Criminal Docket No. 04-217 September 1, 2004	HP Ex. 97 (b)	
HP Ex. 97 (c)	Judgment *United States v. Edward Still* Criminal Docket No. 04-217 February 2, 2005	HP Ex. 97 (c)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 98 (a)	Bill of Information *United States v. William Giangrosso* Criminal Docket No. 04-218 July 21, 2004	HP Ex. 98 (a)	
HP Ex. 98 (b)	Plea Agreement *United States v. William Giangrosso* Criminal Docket No. 04-218 June 2, 2004	HP Ex. 98 (b)	
HP Ex. 98 (c)	Factual Basis *United States v. William Giangrosso* Criminal Docket No. 04-218 September 3, 2004	HP Ex. 98 (c)	
HP Ex. 98 (d)	Judgment *United States v. William Giangrosso* Criminal Docket No. 04-218 August 25, 2005	HP Ex. 98 (d)	
HP Ex. 99 (a)	Bill of Information *United States v. Guy Maynard Crosby* Criminal Docket No. 03-039 February 27, 2003	HP Ex. 99 (a)	
HP Ex. 99 (b)	Plea Agreement *United States v. Guy Maynard Crosby* Criminal Docket No. 03-039 February 25, 2003	HP Ex. 99 (b)	
HP Ex. 99 (c)	Factual Basis *United States v. Guy Maynard Crosby* Criminal Docket No. 03-039 March 13, 2003	HP Ex. 99 (c)	
HP Ex. 99 (d)	Judgment *United States v. Guy Maynard Crosby* Criminal Docket No. 03-039 May 6, 2004	HP Ex. 99 (d)	
HP Ex. 100 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/08/1995 Reporting Period: 01/01/1994 – 12/31/1994	HP Ex. 100 (a)	SC Ex. 3
HP Ex. 100 (b)	1994 Financial Disclosure Instructions	HP Ex. 100 (b)	
HP Ex. 101 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/01/1996 Reporting Period: 01/01/1995 – 12/31/1995	HP Ex. 101 (a)	SC Ex. 3
HP Ex. 101 (b)	1995 Financial Disclosure Instructions	HP Ex. 101 (b)	
HP Ex. 102 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/12/1997 Reporting Period: 01/01/1996 – 12/31/1996	HP Ex. 102 (a)	SC Ex. 3

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 102 (b)	1996 Financial Disclosure Instructions	HP Ex. 102 (b)	
HP Ex. 103 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/13/1998 Reporting Period: 01/01/1997 – 12/31/1997	HP Ex. 103 (a)	SC Ex. 3
HP Ex. 103 (b)	1997 Financial Disclosure Instructions	HP Ex. 103 (b)	
HP Ex. 104 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/13/1999 Reporting Period: 01/01/1998 – 12/31/1998	HP Ex. 104 (a)	SC Ex. 3
HP Ex. 104 (b)	1998 Financial Disclosure Instructions	HP Ex. 104 (b)	
HP Ex. 105 (a)	Judge Porteous Financial Disclosure Form Date of Report: 05/05/2000 Reporting Period: 01/01/1999 – 12/31/1999	HP Ex. 105 (a)	SC Ex. 3
HP Ex. 105 (b)	1999 Financial Disclosure Instructions	HP Ex. 105 (b)	
HP Ex. 106 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/10/2001 Reporting Period: 01/01/2000 – 12/31/2000	HP Ex. 106 (a)	SC Ex. 3
HP Ex. 106 (b)	2000 Financial Disclosure Instructions	HP Ex. 106 (b)	
HP Ex. 107 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/14/2002 Reporting Period: 01/01/2001 – 12/31/2001	HP Ex. 107 (a)	SC Ex. 3
HP Ex. 107 (b)	2001 Financial Disclosure Instructions	HP Ex. 107 (b)	
HP Ex. 108 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/09/2003 Reporting Period: 01/01/2002 – 12/31/2002	HP Ex. 108 (a)	SC Ex. 3
HP Ex. 108 (b)	2002 Financial Disclosure Instructions	HP Ex. 108 (b)	
HP Ex. 109(a)	Judge Porteous Financial Disclosure Report Date of Report: 5/6/2004 Reporting Period: 01/01/2003 – 12/31/2003	HP Ex. 109(a)	SC Ex. 3
HP Ex. 109 (b)	2003 Financial Disclosure Instructions	HP Ex. 109 (b)	
HP Ex. 110 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/12/2005 Reporting Period: 01/01/2004 – 12/31/2004	HP Ex. 110 (a)	SC Ex. 3
HP Ex. 110 (b)	2004 Financial Disclosure Instructions	HP Ex. 110 (b)	
HP Ex. 111 (a)	Judge Porteous Financial Disclosure Report Date of Report: 07/24/2006 Reporting Period: 01/01/2005 – 12/31/2005	HP Ex. 111 (a)	SC Ex. 3
HP Ex. 111 (b)	2005 Financial Disclosure Instructions	HP Ex. 111 (b)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 112 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/14/2007 Reporting Period: 01/01/2006 – 12/31/2006	HP Ex. 112 (a)	
HP Ex. 112 (b)	2006 Financial Disclosure Instructions	HP Ex. 112 (b)	
HP Ex. 113	Judge Porteous Financial Disclosure Report Date of Report: 05/09/2008 Reporting Period: 01/01/2007 – 12/31/2007	HP Ex. 113	
HP Ex. 114	Judge Porteous Financial Disclosure Report Date of Report: 05/14/2009 Reporting Period: 01/01/2008 – 12/31/2008	HP Ex. 114	
HP Ex. 115–118	NOT MARKED FOR TRIAL		
HP Ex. 119 (a)	"Amending Sentence Questioned: Federal judge defends action." By: Joe Darby Times-Picayune (March 19, 1995)	HP Ex. 119 (a)	
HP Ex. 119 (b)	"Number going bankrupt climbs: Federal judge gets in long debtors line." By: Susan Finch Times-Picayune (July 29, 2001)	HP Ex. 119 (b)	
HP Ex. 119 (c)	"Federal judge linked to corruption probe at JP courthouse." wwltv.com (cbs affiliate) (January 31, 2004)	HP Ex. 119 (c)	
HP Ex. 119 (d)	"Judge recuses himself from cases." By: Staff Reporters Times-Picayune (February 26, 2004)	HP Ex. 119 (d)	
HP Ex. 119 (e)	"Judges were given gifts: Marcotte's ex-workers tell of shrimp, fence." By: Martha Carr and Manuel Torres Times-Picayune (February 8, 2003)	HP Ex. 119 (e)	
HP Ex. 119 (f)	"Bail bondsman to enter guilty plea on RICO charge: More judges may be implicated in probe." By: Manuel Torres Times-Picayune (March 6, 2004)	HP Ex. 119 (f)	
HP Ex. 119 (g)	"Outsider to hear Marcotte plea deal: Bondsman may implicate judges." By: Manuel Torres and Michelle Krupa Times-Picayune (March 11, 2004)	HP Ex. 119 (g)	
HP Ex. 119 (h)	"Bail-bond scandal touches federal judge." By: James Gill Times-Picayune (March 12, 2004)	HP Ex. 119 (h)	
HP Ex. 119 (i)	"Judge's filing for bankruptcy under scrutiny: Investigation stems from probe into Jeff courthouse sources say." By: Manuel Torres Times-Picayune (July 28, 2004)	HP Ex. 119 (i)	

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HP Ex. 119 (j)	"Company facing suit took judge hunting: Experts question ethics of Porteous outing." By: Kate Moran Times-Picayune (October 29, 2006)	HP Ex. 119 (j)	
HP Ex. 119 (k)	"Feds look at judge's 'flawed' decision: they want to know if friendship influenced him in hospital case." By: Kate Moran and Meghan Gordon Times-Picayune (June 21, 2006)	HP Ex. 119 (k)	
HP Ex. 119 (l)	"Court refers Porteous for impeachment." www.nola.com Times-Picayune (December 20, 2007)	HP Ex. 119 (l)	
HP Ex. 119 (m)	"Ouster fight starts for U.S. Judge: Complaints against Porteous passed on." By: Richard Rainey www.tulanelink.com (December 21, 2007)	HP Ex. 119 (m)	
HP Ex. 119 (n)	"Porteous defense admits mistakes: Impeachment too harsh, attorneys say." By: Meghan Gordon Times-Picayune (Unknown Date)	HP Ex. 119 (n)	
HP Ex. 119 (o)	"Sabbatical of judge facing probe scrutinized: Status may hinge on medical records." By: Meghan Gordon, Mark Waller, and Mary Sparacello Times-Picayune (April 7, 2007)	HP Ex. 119 (o)	
HP Ex. 119 (p)	"Federal judge returning to bench: Threat of indictment passes for Porteous." By: Meghan Gordon Times-Picayune (June 1, 2007)	HP Ex. 119 (p)	
HP Ex. 119 (q)	"Judging Judge Porteous." By: Drew Broach Times-Picayune (June 22, 2008)	HP Ex. 119 (q)	
HP Ex. 119 ®	"Court slams Porteous as impeachment move stalls." By: Richard Rainey www.nola.com Times-Picayune (September 11, 2008)	HP Ex. 119 ®	
HP Ex. 119 (s)	"Rid us of this unfit judge." By: Editorial Staff http://blog.nola.com/editorials Times-Picayune (September 13, 2008)	HP Ex. 119 (s)	
HP Ex. 119 (t)	"How to get rid of a bad judge?" By: James Gill http://blog.nola.com Times-Picayune (September 17, 2008)	HP Ex. 119 (t)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 119 (u)	"U.S. House Judiciary Committee forms task force to investigate Judge Porteous." www.nola.com Times-Picayune (September 17, 2008)	HP Ex. 119 (u)	
HP Ex. 119 (v)	"Secretary for federal judge Thomas Porteous paid his gambling debts." By: Richard Rainey http://blog.nola.com Times-Picayune (October 5, 2008)	HP Ex. 119 (v)	
HP Ex. 119 (w)	"Most likely to be impeached?" By: James Gill http://blog.nola.com Times-Picayune (February 27, 2009)	HP Ex. 119 (w)	
HP Ex. 119 (x)	"Make up lost time." By: Editorial Staff http://blog.nola.com Times-Picayune (April 30, 2009)	HP Ex. 119 (x)	
HP Ex. 119 (y)	"2001 ruling could cost judge seat on bench: Panel urges removal, citing influence of lawyer, fellow judge." By: Drew Broach Times-Picayune (July 18, 2009)	HP Ex. 119 (y)	
HP Ex. 119 (z)	"$80,000 house is used as surety for $300,000 in bonds." Unknown Author Times-Picayune (September 14, 1993)	HP Ex. 119 (z)	
HP Ex. 119 (aa)	"Judge's case comes up for review." By: Meghan Gordon and Bill Walsh Times-Picayune (March 12, 2008)	HP Ex. 119 (aa)	
HP Ex. 119 (bb)	"Judge Porteous should resign." Opinions Times-Picayune (June 22, 2008)	HP Ex. 119 (bb)	
HP Ex. 120	Lightfoot Grand Jury Testimony August 19, 2004	HP Ex. 120	SC Ex. 66
HP Ex. 121	Lightfoot Grand Jury Testimony September 9, 2004	HP Ex. 121	SC Ex. 67
HP Ex. 122(a)	Lightfoot Grand Jury Testimony November 4, 2004	HP Ex. 122	SC Ex. 68
HP Ex. 122(b)	Lightfoot Crime Fraud Ruling October 19, 2004		SC Ex. 36
HP Ex. 123	Lightfoot Task Force Deposition September 24, 2009	HP Ex. 123	
HP Ex. 124	Lightfoot Fifth Circuit Testimony October 29, 2007	HP Ex. 124	5th Cir. Testimony

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 125	Voluntary Petition for Bankruptcy ("Ortous") *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) March 28, 2001	HP Ex. 125	SC Ex. 1
HP Ex. 126	Amended Voluntary Petition ("Porteous") *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) April 9, 2001	HP Ex. 126	SC Ex. 1
HP Ex. 127	Chapter 13 Schedules and Plan *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) April 9, 2001	HP Ex. 127	SC Ex. 1
HP Ex. 128	Notice of Meeting of Creditors (set for May 9, 2001) *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) April 19, 2001	HP Ex. 128	SC Ex. 1
HP Ex. 129	Trustee's Memo to Record re: Meeting of Creditors *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) May 9, 2001	HP Ex. 129	SC Ex. 1
HP Ex. 130	Meeting of Creditors Hearing Transcript *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) May 9, 2001	HP Ex. 130	SC Ex. 22
HP Ex. 131	Amended Schedule F and Modified Chapter 13 Plan *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) May 29, 2001	HP Ex. 131	SC Ex. 1
HP Ex. 132	Amended Chapter 13 Plan *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) May 29, 2001	HP Ex. 132	SC Ex. 1
HP Ex. 133	Order Confirming Debtor's Plan *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) June 28, 2001	HP Ex. 133	SC Ex. 1
HP Ex. 134	Trustee's Notice of Intention to Pay Claims *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) Oct. 4, 2001	HP Ex. 134	SC Ex. 1
HP Ex. 135	Trustee's Ex Parte Motion to Amend the Plan *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.)	HP Ex. 135	SC Ex. 1

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 136	Trustee's Final Report *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) April 2004	HP Ex. 136	SC Ex. 1
HP Ex. 137	Discharge of Debtor After Completion of Chapter 13 Plan *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) July 22, 2004	HP Ex. 137	SC Ex. 1
HP Ex. 138 (a)	Lightfoot Handwritten Notes	HP Ex. 138 (a)	SC Ex. 31
HP Ex. 138 (b)	Bankruptcy Worksheets	HP Ex. 138 (b)	SC Ex. 31
HP Ex. 139	Cover Letter and Remainder of Lightfoot File	HP Ex. 139	SC Ex. 83
HP Ex. 140	Fleet Credit Card Statements (***0658) February 13, 2001 – September 15, 2001	HP Ex. 140*	SC Ex. 21 (4/01 – 9/01 only)
HP Ex. 141	2000 Porteous Tax Return March 23, 2001	HP Ex. 141	SC Ex. 24
HP Ex. 142	NOT MARKED FOR TRIAL		
HP Ex. 143	Fidelity Money Market Statement of Transaction Items (showing balance of over $623.91 on March 22, 2001)	HP Ex. 143	SC Ex. 28
HP Ex. 144	Porteous Bank One Records January 25, 2001 – April 23, 2001	HP Ex. 144*	SC Ex. 27 & 5th Cir. "UL" documents
HP Ex. 145	P.O. Box Application March 20, 2001	HP Ex. 145	SC Ex. 23
HP Ex. 146	Lightfoot Letter re: Workout Proposal / Excluding Regions December 21, 2000	HP Ex. 146	SC Ex. 5
HP Ex. 147	NOT MARKED FOR TRIAL		
HP Ex. 148	Bankruptcy Pamphlet: "Rights and Responsibilities"	HP Ex. 148	SC Ex. 1
HP Ex. 149	Harrah's Casino Credit Application April 30, 2001	HP Ex. 149	SC Ex. 20
HP Ex. 150–159	NOT MARKED FOR TRIAL		
HP Ex. 160	Judiciary Committee Resolution Authorizing Immunity	HP Ex. 160	
HP Ex. 161–166	NOT MARKED FOR TRIAL		
HP Ex. 167	Porteous Credit Card Statement for December 1996	HP Ex. 167	
HP Ex. 168	Porteous Credit Card Statement for December 1997	HP Ex. 168*	
HP Ex. 169	Porteous Credit Card Statements for December 1998	HP Ex. 169*	
HP Ex. 170	Porteous Credit Card Statements for December 1999	HP Ex. 170	
HP Ex. 171	Porteous Credit Card Statements for December 2000	HP Ex. 171*	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 172–187	NOT MARKED FOR TRIAL		
HP Ex. 188	Letter from Jon A. Gegenheimer, Clerk of Court, Jefferson Parish, Louisiana, to Special Agent Wayne Horner Re: Curator Fees July 22, 2010		
HP Ex. 189 (1)	Curatorship: *Arseneaux v. Johnson* Case No. 363-652 (May 26, 1988)	HP Ex. 189 (1)	
HP Ex. 189 (2)	Curatorship: *Citicorp v. Wolf* Case No. 365-064 (June 23, 1988)	HP Ex. 189 (2)	
HP Ex. 189 (3)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Hood* Case No. 367-074 (August 3, 1988)	HP Ex. 189 (3)	
HP Ex. 189 (4)	UNMARKED	HP Ex. 189 (4)	
HP Ex. 189 (5)	Curatorship: *Standard Mortgage Corp. v. Alonte and Pfeiffer* Case No. 367-321 (August 8, 1988) (Division A)	HP Ex. 189 (5)	
HP Ex. 189 (6)	Curatorship: *Victor Federal Savings & Loan Ass'n v. Bushell* Case No. 367-901 (August 17, 1988)	HP Ex. 189 (6)	
HP Ex. 189 (7)	UNMARKED	HP Ex. 189 (7)	
HP Ex. 189 (8)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Ray* Case No. 368-819 (September 6, 1988)	HP Ex. 189 (8)	
HP Ex. 189 (9)	UNMARKED	HP Ex. 189 (9)	
HP Ex. 189 (10)	Curatorship: *United Federal Savings & Loan Ass'n v. Muse* Case No. 369-269 (September 14, 1988)	HP Ex. 189 (10)	
HP Ex. 189 (11)	Curatorship: *Foster Mortgage Corp. v. Alexander* Case No. 369-956 (September 28, 1988)	HP Ex. 189 (11)	
HP Ex. 189 (12)	Curatorship: *Hibernia Nat'l Bank v. Jeffrey* Case No. 370-035 (September 29, 1988)	HP Ex. 189 (12)	
HP Ex. 189 (13)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Howell* Case No. 370-287 (October 5, 1988)	HP Ex. 189 (13)	
HP Ex. 189 (14)	Curatorship: *Alabama Federal Savings & Loan Ass'n v. Brayton* Case No. 370-355 (October 5, 1988)	HP Ex. 189 (14)	
HP Ex. 189 (15)	UNMARKED		
HP Ex. 189 (16)	Curatorship: *Troy & Nichols Inc. v. Lachney* Case No. 370-771 (October 13, 1988)	HP Ex. 189 (16)	
HP Ex. 189 (17)	Curatorship: *Shawmut First Mortgage Corp. v. Carto* Case No. 370-849 (October 14, 1988)	HP Ex. 189 (17)	
HP Ex. 189 (18)	Curatorship: *First Union Mortgage Corp. v. Wyatt* Case No. 372-352 (November 17, 1988)	HP Ex. 189 (18)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 189 (19)	Curatorship: *First Nat'l Bank of Commerce v. Every* Case No. 372-881 (November 30, 1988)	HP Ex. 189 (19)	
HP Ex. 189 (20)	Curatorship: *Federal Home Loan Mortgage Corp. v. Mackey* Case No. 372-944 (December 3, 1988)	HP Ex. 189 (20)	
HP Ex. 189 (21)	UNMARKED		
HP Ex. 189 (22)	Curatorship: *The First Nat'l Bank of Commerce v. Ordaz* Case No. 373-705 (December 16, 1988)	HP Ex. 189 (22)	
HP Ex. 189 (23)	Curatorship: *Government Nat'l Mortgage Ass'n v. Corwin* Case No. 373-707 (December 19, 1988)	HP Ex. 189 (23)	
HP Ex. 189 (24)	Curatorship: *Standard Mortgage Corp. v. Boxx* Case No. 374-742 (January 17, 1989)	HP Ex. 189 (24)	
HP Ex. 189 (25)	Curatorship: *First Nat'l Bank of Commerce v. Hussain* Case No. 378-003 (March 20, 1989)	HP Ex. 189 (25)	
HP Ex. 189 (26)	UNMARKED		
HP Ex. 189 (27)	Curatorship: *Colonial Mortgage Co. v. Bridges* Case No. 379-424 (April 17, 1989)	HP Ex. 189 (27)	
HP Ex. 189 (28)	Curatorship: *Foster Mortgage Co. v. Croon* Case No. 379-802 (April 14, 1989) (Division A)	HP Ex. 189 (28)	
HP Ex. 189 (29)	Curatorship: *Pelican Homestead & Savings Ass'n v. Strahley* Case No. 381-779 (May 30, 1989)	HP Ex. 189 (29)	
HP Ex. 189 (30)	UNMARKED		
HP Ex. 189 (31)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Carter* Case No. 382-048 (June 2, 1989)	HP Ex. 189 (31)	
HP Ex. 189 (32)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Washington* Case No. 382-229 (June 6, 1989)	HP Ex. 189 (32)	
HP Ex. 189 (33)	Curatorship: *Buckeye Federal Savings & Loan Ass'n v. Eugene* Case No. 382-275 (June 7, 1989) (Division A)	HP Ex. 189 (33)	
HP Ex. 189 (34)	Curatorship: *First Federal Savings Bank v. Landry* Case No. 383-658 (June 30, 1989)	HP Ex. 189 (34)	
HP Ex. 189 (35)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Young* Case No. 383-859 (July 7, 1989) (Division A)	HP Ex. 189 (35)	
HP Ex. 189 (36)	Curatorship: *Gattuso v. Robin Realty Inc.* Case No. 384-277 (July 14, 1989)	HP Ex. 189 (36)	
HP Ex. 189 (37)	Curatorship: *Colonial Mortgage Co. v. Wire* Case No. 384-327 (July 17, 1989)	HP Ex. 189 (37)	
HP Ex. 189 (38)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Vining* Case No. 386-273 (August 23, 1989)	HP Ex. 189 (38)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 189 (39)	Curatorship: *Pelican Homestead & Savings Ass'n v. Elbaz* Case No. 386-965 (September 6, 1989)	HP Ex. 189 (39)	
HP Ex. 189 (40)	Curatorship: *Meritor Mortgage Corp. East v. Bass* Case No. 388-308 (September 29, 1989)	HP Ex. 189 (40)	
HP Ex. 189 (41)	Curatorship: *Sovan Mortgage Corp. v. Murray* Case No. 390-233 (November 8, 1989)	HP Ex. 189 (41)	
HP Ex. 189 (42)	Curatorship: *Beneficial Finance Co. of Louisiana v. Guidry* Case No. 390-663 (November 17, 1989)	HP Ex. 189 (42)	
HP Ex. 189 (43)	Curatorship: *Standard Mortgage Corp. v. Arceneaux* Case No. 389-960 (November 2, 1989)	HP Ex. 189 (43)	
HP Ex. 189 (44)	Curatorship: *Mutual Savings & Loan Ass'n v. Wilson* Case No. 391-574 (December 7, 1989)	HP Ex. 189 (44)	
HP Ex. 189 (45)	Curatorship: *National City Mortgage Co. v. Harris* Case No. 392-006 (December 18, 1989).	HP Ex. 189 (45)	
HP Ex. 189 (46)	Curatorship: *American General Finance Co. v. Gros* Case No. 392-036 (December 18, 1989)	HP Ex. 189 (46)	
HP Ex. 189 (47)	Curatorship: *Bancboston Mortgage Corp. v. Simoulidis* Case No. 392-510 (December 29, 1989)	HP Ex. 189 (47)	
HP Ex. 189 (48)	Curatorship: *Delta Bank & Trust Co. v. Webb* Case No. 392-742 (January 5, 1990)	HP Ex. 189 (48)	
HP Ex. 189 (49)	UNMARKED	HP Ex. 189 (49)	
HP Ex. 189 (50)	Curatorship: *Southwest Savings Ass'n v. Thompson* Case No. 393-827 (January 25, 1990)	HP Ex. 189 (50)	
HP Ex. 189 (51)	Curatorship: *Victoria Mortgage Co. v. McKee* Case No. 394-035 (January 30, 1990)	HP Ex. 189 (51)	
HP Ex. 189 (52)	Curatorship: *H.B. White and Sons, Inc. v. Hutchinson* Case No. 394-479 (February 7, 1990)	HP Ex. 189 (52)	
HP Ex. 189 (53)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Smith* Case No. 394-566 (February 8, 1990)	HP Ex. 189 (53)	
HP Ex. 189 (54)	Curatorship: *First Nat'l Bank of Commerce v. Lopez* Case No. 395-011 (February 15, 1990)	HP Ex. 189 (54)	
HP Ex. 189 (55)	Curatorship: *American Thrift and Finance Plan, Inc. v. Walker* Case No. 394-668 (February 12, 1990)	HP Ex. 189 (55)	
HP Ex. 189 (56)	Curatorship: *Federal Home Loan Mortgage Corp. v. Price and Finley* Case No. 395-440 (February 12, 1990)	HP Ex. 189 (56)	
HP Ex. 189 (57)	UNMARKED		

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 189 (58)	Curatorship: *Barclays American Mortgage Corp. v. Coleman* Case No. 395-723 (March 5, 1990)	HP Ex. 189 (58)	
HP Ex. 189 (59)	Curatorship: *U.S. Secretary of Veterans Affairs v. Ducote* Case No. 395-988 (March 9, 1990)	HP Ex. 189 (59)	
HP Ex. 189 (60)	Curatorship: *Blazer Financial Serv. v. Powell* Case No. 393-826 (March 26, 1990)	HP Ex. 189 (60)	
HP Ex. 189 (61)	Curatorship: *First Nat'l Bank v. Richland & Assoc., Inc.* Case No. 397-224 (March 29, 1990)	HP Ex. 189 (61)	
HP Ex. 189 (62)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Rhodes* Case No. 430-148 (April 1, 1992)	HP Ex. 189 (62)	
HP Ex. 189 (63)	Curatorship: *First Guaranty Mortgage Corp. v. Russell* Case No. 397-308 (April 2, 1990)	HP Ex. 189 (63)	
HP Ex. 189 (64)	Curatorship: *Citicorp Mortgage, Inc. v. Waguespack* Case No. 397-910 (April 11, 1990)	HP Ex. 189 (64)	
HP Ex. 189 (65)	Curatorship: *Franklin Savings Ass'n v. Dales* Case No. 397-929 (April 11, 1990)	HP Ex. 189 (65)	
HP Ex. 189 (66)	UNMARKED		
HP Ex. 189 (67)	Curatorship: *Tory & Nichols, Inc. v. Lewis, et al.* Case No. 398-467 (April 23, 1990)	HP Ex. 189 (67)	
HP Ex. 189 (68)	Curatorship: *Fifth District Savings & Loan Ass'n v. Trenco* Case No. 399-387 (May 10, 1990)	HP Ex. 189 (68)	
HP Ex. 189 (69)	Curatorship: *Franklin Savings Ass'n v. Musgrove* Case No. 400-119 (May 23, 1990)	HP Ex. 189 (69)	
HP Ex. 189 (70)	UNMARKED		
HP Ex. 189 (71)	Curatorship: *Leader Federal Bank for Savings v. Ware* Case No. 400-913 (June 8, 1990)	HP Ex. 189 (71)	
HP Ex. 189 (72)	Curatorship: *Courtesy Financial Services, Inc. v. Anderson and Davis* Case No. 401-600 (June 22, 1990)	HP Ex. 189 (72)	
HP Ex. 189 (73)	Curatorship: *Resolution Trust Corp. v. Guastella* Case No. 402-214 (July 6, 1990)	HP Ex. 189 (73)	
HP Ex. 189 (74)	Curatorship: *Troy & Nichols, Inc. v. Bloecher* Case No. 404-087 (August 8, 1990)	HP Ex. 189 (74)	
HP Ex. 189 (75)	Curatorship: *In Re: Interdiction of Peppers* Case No. 405-232 (August 30, 1990)	HP Ex. 189 (75)	
HP Ex. 189 (76)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Metcalf* Case No. 405-793 (September 12, 1990) (Division A)	HP Ex. 189 (76)	
HP Ex. 189 (77)	UNMARKED		

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 189 (78)	Curatorship: *Standard Mortgage Corp. v. Williams* Case No. 406-038 (September 18, 1990)	HP Ex. 189 (78)	
HP Ex. 189 (79)	Curatorship: *Succession of Abril* Case No. 406-299 (September 24, 1990)	HP Ex. 189 (79)	
HP Ex. 189 (80)	Curatorship: *Foster Mortgage Corp. v. Blakely* Case No. 407-210 (October 11, 1990)	HP Ex. 189 (80)	
HP Ex. 189 (81)	Curatorship: *Resolution Trust Corp. v. Kearney* Case No. 408-362 (November 5, 1990)	HP Ex. 189 (81)	
HP Ex. 189 (82)	Curatorship: *Resolution Trust Corp. v. Batiste* Case No. 408-817 (November 14, 1990)	HP Ex. 189 (82)	
HP Ex. 189 (83)	UNMARKED		
HP Ex. 189 (84)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Albert* Case No. 409-824 (December 10, 1990)	HP Ex. 189 (84)	
HP Ex. 189 (85)	Curatorship: *Resolution Trust Corp. v. Cantrelle* Case No. 409-873 (December 11, 1990)	HP Ex. 189 (85)	
HP Ex. 189 (86)	UNMARKED		
HP Ex. 189 (87)	Curatorship: *Jefferson Savings & Loan Ass'n v. Champagne* Case No. 410-042 (December 14, 1990)	HP Ex. 189 (87)	
HP Ex. 189 (88)	Curatorship: *Louisiana Housing Finance Agency v. Kramer* Case No. 411-621 (January 23, 1991)	HP Ex. 189 (88)	
HP Ex. 189 (89)	UNMARKED		
HP Ex. 189 (90)	UNMARKED		
HP Ex. 189 (91)	Curatorship: *First Nat'l Bank of Jefferson Parish v. Joia* Case No. 413-517 (March 5, 1991)	HP Ex. 189 (91)	
HP Ex. 189 (92)	Curatorship: *Standard Mortgage Corp. v. Shaw* Case No. 413-632 (March 6, 1991)	HP Ex. 189 (92)	
HP Ex. 189 (93)	Curatorship: *Standard Mortgage Corp. v. Barrios* Case No. 414-445 (March 21, 1991)	HP Ex. 189 (93)	
HP Ex. 189 (94)	Curatorship: *Jefferson Savings & Loan Ass'n v. Walther* Case No. 415-138 (April 5, 1991)	HP Ex. 189 (94)	
HP Ex. 189 (95)	Curatorship: *The Fidelity Homestead Ass'n v. Letona* Case No. 415-650 (April 16, 1991)	HP Ex. 189 (95)	
HP Ex. 189 (96)	Curatorship: *Standard Mortgage Corp. v. Lampo* Case No. 416-007 (April 24, 1991)	HP Ex. 189 (96)	
HP Ex. 189 (97)	UNMARKED		
HP Ex. 189 (98)	UNMARKED		
HP Ex. 189 (99)	Curatorship: *Resolution Trust Corp. v. Van Cleef* Case No. 416-462 (May 2, 1991)	HP Ex. 189 (99)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 189 (100)	Curatorship: *Phillips v. Singletary* Case No. 416-630 (May 7, 1991)	HP Ex. 189 (100)	
HP Ex. 189 (101)	Curatorship: *First Nat'l Bank of Commerce v. Cucinello* Case No. 417-432 (May 22, 1991)	HP Ex. 189 (101)	
HP Ex. 189 (102)	UNMARKED		
HP Ex. 189 (103)	UNMARKED		
HP Ex. 189 (104)	Curatorship: *Resolution Trust Corporation v. Rapp and Doucet* Case No. 418-422 (June 13, 1991) (Division A)	HP Ex. 189 (104)	
HP Ex. 189 (105)	Curatorship: *Phillips v. Coston* Case No. 419-523 (July 8, 1991)	HP Ex. 189 (105)	
HP Ex. 189 (106)	UNMARKED		
HP Ex. 189 (107)	Curatorship: *Miller v. Final Word, Inc.* Case No. 420-376 (July 24, 1991)	HP Ex. 189 (107)	
HP Ex. 189 (108)	Curatorship: *Resolution Trust Corp. v. Napier* Case No. 420-489 (July 25, 1991)	HP Ex. 189 (108)	
HP Ex. 189 (109)	Curatorship: *Standard Mortgage Corp. v. Tornabene* Case No. 520-632 (July 26, 1991)	HP Ex. 189 (109)	
HP Ex. 189 (110)	UNMARKED		
HP Ex. 189 (111)	Curatorship: *Hibernia Nat'l Bank v. Alfortish* Case No. 421-180 (August 8, 1991)	189 (111)	
HP Ex. 189 (112)	UNMARKED		
HP Ex. 189 (113)	UNMARKED		
HP Ex. 189 (114)	Curatorship: *In Re: Interdiction of Poche* Case No. 422-162 (August 30, 1991)	HP Ex. 189 (114)	
HP Ex. 189 (115)	UNMARKED		
HP Ex. 189 (116)	Curatorship: *First Nat'l Bank of Jefferson Parish v. Massa, et al.* Case No. 422-559 (September 9, 1991)	HP Ex. 189 (116)	
HP Ex. 189 (117)	UNMARKED		
HP Ex. 189 (118)	Curatorship: *American Thrift and Finance Plan, Inc. v. Johnson* Case No. 423-088 (September 19, 1991)	HP Ex. 189 (118)	
HP Ex. 189 (119)	Curatorship: *Standard Mortgage Corp. v. Contreras* Case No. 423-366 (September 25, 1991)	HP Ex. 189 (119)	
HP Ex. 189 (120)	Curatorship: *Leader Federal Bank for Savings v. Mauer* Case No. 423-845 (October 7, 1991)	HP Ex. 189 (120)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 189 (121)	Curatorship: *Jawaid v. Aamir* Case No. 423-933 (October 8, 1991)	HP Ex. 189 (121)	
HP Ex. 189 (122)	Curatorship: *Security Industrial Ins. Co. v. Queyrouze* Case No. 424-264 (October 16, 1991)	HP Ex. 189 (122)	
HP Ex. 189 (123)	Curatorship: *Resolution Trust Corps. v. Becker* Case No. 424-288 (October 16, 1991)	HP Ex. 189 (123)	
HP Ex. 189 (124)	Curatorship: *Anchor Savings Bank v. Brown* Case No. 424-427 (October 18, 1991)	HP Ex. 189 (124)	
HP Ex. 189 (125)	Curatorship: *Amsouth Mortgage Co., Inc. v. Stephenson* Case No. 424-729 (October 25, 1991)	HP Ex. 189 (125)	
HP Ex. 189 (126)	UNMARKED		
HP Ex. 189 (127)	Curatorship: *Standard Mortgage Corp. v. Hudson* Case No. 425-730 (November 19, 1991)	HP Ex. 189 (127)	
HP Ex. 189 (128)	UNMARKED		
HP Ex. 189 (129)	UNMARKED		
HP Ex. 189 (130)	Curatorship: *Jefferson Savings & Loan Ass'n v. Bonnecarrere* Case No. 410-458 (December 26, 1991)	HP Ex. 189 (130)	
HP Ex. 189 (131)	Curatorship: *General Motors Acceptance Corp. v. Bowles* Case No. 427-449 (January 6, 1992)	HP Ex. 189 (131)	
HP Ex. 189 (132)	Curatorship: *Security Nat'l #4 v. Worldwide Warehouse Co., Inc.* Case No. 427-506 (January 7, 1992) (Division A)	HP Ex. 189 (132)	
HP Ex. 189 (133)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Kosterlitz* Case No. 427-682 (January 10, 1992)	HP Ex. 189 (133)	
HP Ex. 189 (134)	Curatorship: *Fleet Mortgage Corp. v. Collins* Case No. 427-791 (January 13, 1992)	HP Ex. 189 (134)	
HP Ex. 189 (135)	Curatorship: *Pelican Homestead & Savings Ass'n v. Picciotto* Case No. 428-430 (January 28, 1992)	HP Ex. 189 (135)	
HP Ex. 189 (136)	Curatorship: *In Re: Interdiction of Rivera* Case No. 429-354 (February 18, 1992) (Division A)	HP Ex. 189 (136)	
HP Ex. 189 (137)	Curatorship: *Marchiafava v. Hernandez* Case No. 429-485 (February 19, 1992)	HP Ex. 189 (137)	
HP Ex. 189 (138)	Curatorship: *Associates Equity Services Co., Inc. v. Pineda* Case No. 430-027 (February 28, 1992)	HP Ex. 189 (138)	
HP Ex. 189 (139)	Curatorship: *Security Nat'l Trust v. S. Parish Oil Co.* Case No. 430-580 (March 13, 1992)	HP Ex. 189 (139)	
HP Ex. 189 (140)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Marino* Case No. 431-576 (April 6, 1992)	HP Ex. 189 (140)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 189 (141)	Curatorship: *Leader Federal Bank for Savings v. Mason* Case No. 431-912 (April 13, 1992)	HP Ex. 189 (141)	
HP Ex. 189 (142)	Curatorship: *Nat'l Mortgage Co. v. Ellis* Case No. 432-904 (May 4, 1992)	HP Ex. 189 (142)	
HP Ex. 189 (143)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Kidd* Case No. 432-990 (May 6, 1992)	HP Ex. 189 (143)	
HP Ex. 189 (144)	Curatorship: *Succession of Gisclair* Case No. 433-124 (May 8, 1992)	HP Ex. 189 (144)	
HP Ex. 189 (145)	Curatorship: *Succession of Willis* Case No. 433- 440 (May 14, 1992)	HP Ex. 189 (145)	
HP Ex. 189 (146)	Curatorship: *Pelican Homestead & Savings Ass'n v. Himelfard* Case No. 374-987 (March 16, 1990)	HP Ex. 189 (146)	
HP Ex. 189 (147)	Curatorship: *Leader Federal Savings & Loan Ass'n v. Verdon* Case No. 373-782 (December 20, 1988)	HP Ex. 189 (147)	
HP Ex. 189 (148)	Curatorship: *Ford Consumer Finance Co., Inc. v. Billiot* Case No. 433-676 (May 20, 1992)	HP Ex. 189 (148)	
HP Ex. 189 (149)	UNMARKED		
HP Ex. 189 (150)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Collins* Case No. 434-713 (June 11, 1992)	HP Ex. 189 (150)	
HP Ex. 189 (151)	Curatorship: *Hibernia Nat'l Bank v. McKeehan* Case No. 434-781 (June 12, 1992)	HP Ex. 189 (151)	
HP Ex. 189 (152)	Curatorship: *Colonial Mortgage Co. v. Blanchette* Case No. 435-168 (June 22, 1992)	HP Ex. 189 (152)	
HP Ex. 189 (153)	Curatorship: *Countrywide Funding Corp. v. Roy* Case No. 435-714 (July 2, 1992)	HP Ex. 189 (153)	
HP Ex. 189 (154)	Curatorship: *Vanderbilt Mortgage & Finance, Inc. v. Nettles* Case No. 435-939 (July 8, 1992)	HP Ex. 189 (154)	
HP Ex. 189 (155)	Curatorship: *Union Planters Nat'l Bank v. Huggins* Case No. 436-054 (July 10, 1992)	HP Ex. 189 (155)	
HP Ex. 189 (156)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Lord, et al.* Case No. 431-491 (July 15, 1992)	HP Ex. 189 (156)	
HP Ex. 189 (157)	Curatorship: *Midfirst Bank v. Reed* Case No. 436-534 (July 20, 1992)	HP Ex. 189 (157)	
HP Ex. 189 (158)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Bishop* Case No. 436-651 (July 22, 1992)	HP Ex. 189 (158)	
HP Ex. 189 (159)	Curatorship: *National Mortgage Co. v. Ragan* Case No. 436-706 (July 22, 1992)	HP Ex. 189 (159)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 189 (160)	Curatorship: *Hibernia Nat'l Bank v. Ramirez* Case No. 436-835 (July 24, 1992)	HP Ex. 189 (160)	
HP Ex. 189 (161)	Curatorship: *Troy & Nichols, Inc. v. Tharpe* Case No. 436-903 (July 27, 1992)	HP Ex. 189 (161)	
HP Ex. 189 (162)	Curatorship: *Countrywide Funding Corp. v. Johnson* Case No. 437-330 (August 4, 1992)	HP Ex. 189 (162)	
HP Ex. 189 (163)	Curatorship: *American General Finance, Inc. v. Edmonson* Case No. 437-431 (August 6, 1992)	HP Ex. 189 (163)	
HP Ex. 189 (164)	Curatorship: *Standard Mortgage Corp. v. Wetwiski* Case No. 438-254 (August 27, 1992)	HP Ex. 189 (164)	
HP Ex. 189 (165)	Curatorship: *Hibernia Nat'l Bank v. Hinds* Case No. 438-324 (August 28, 1992)	HP Ex. 189 (165)	
HP Ex. 189 (166)	Curatorship: *Independence Savings Bank v. Blancq* Case No. 438-405 (August 31, 1992)	HP Ex. 189 (166)	
HP Ex. 189 (167)	Curatorship: *Troy & Nichols, Inc. v. Wegmann* Case No. 438-832 (September 10, 1992)	HP Ex. 189 (167)	
HP Ex. 189 (168)	Curatorship: *Foster Mortgage Corp. v. Favaloro* Case No. 438-905 (September 11, 1992)	HP Ex. 189 (168)	
HP Ex. 189 (169)	Curatorship: *Colonial Mortgage Co. v. Powery* Case No. 439-460 (September 24, 1992)	HP Ex. 189 (169)	
HP Ex. 189 (170)	Curatorship: *Premier Bank v. Marshall* Case No. 440-347 (October 15, 1992)	HP Ex. 189 (170)	
HP Ex. 189 (171)	Curatorship: *Citibank v. Durel* Case No. 440-678 (October 23, 1992)	HP Ex. 189 (171)	
HP Ex. 189 (172)	Curatorship: *Nat'l Mortgage Co. v. Cheng* Case No. 440-849 (October 27, 1992)	HP Ex. 189 (172)	
HP Ex. 189 (173)	Curatorship: *First Nat'l Bank of Jefferson Parish v. Nguyen* Case No. 441-033 (November 2, 1992)	HP Ex. 189 (173)	
HP Ex. 189 (174)	Curatorship: *Standard Mortgage Corp., v. De Armas* Case No. 441-214 (November 5, 1992)	HP Ex. 189 (174)	
HP Ex. 189 (175)	Curatorship: *First Nat'l Bank of Jefferson Parrish v. Berkeley* Case No. 442-832 (December 17, 1992)	HP Ex. 189 (175)	
HP Ex. 189 (176)	Curatorship: *Colonial Mortgage Co. v. Salaz, et al.* Case No. 443-287 (January 4, 1993)	HP Ex. 189 (176)	
HP Ex. 189 (177)	Curatorship: *Hibernia Nat'l Bank v. Rodrigue* Case No. 449-686 (January 7, 1993)	HP Ex. 189 (177)	
HP Ex. 189 (178)	Curatorship: *Real Estate Financing, Inc. v. Rodriguez* Case No. 444-337 (January 27, 1993)	HP Ex. 189 (178)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 189 (179)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Williams* Case No. 444-475 (January 29, 1993)	HP Ex. 189 (179)	
HP Ex. 189 (180)	Curatorship: *New South Federal Savings Bank v. Ray* Case No. 444-504 (February 1, 1993)	HP Ex. 189 (180)	
HP Ex. 189 (181)	Curatorship: *Standard Mortgage Corp. v. Winn* Case No. 444-568 (February 2, 1993)	HP Ex. 189 (181)	
HP Ex. 189 (182)	Curatorship: *United States v. Buxton* Case No. 444-608 (February 3, 1993)	HP Ex. 189 (182)	
HP Ex. 189 (183)	Curatorship: *Eastern Savings Bank, FSB v. Edmonston* Case No. 445-440 (February 24, 1993)	HP Ex. 189 (183)	
HP Ex. 189 (184)	Curatorship: *First Heights Bank v. Martin* Case No. 440-992 (March 2, 1993)	HP Ex. 189 (184)	
HP Ex. 189 (185)	Curatorship: *Associates Financial Services of America, Inc. v. Pritchett* Case No. 446-138 (April 2, 1993)	HP Ex. 189 (185)	
HP Ex. 189 (186)	Curatorship: *Mortgage Properties Corp. v. Rheiner* Case No. 446-694 (April 2, 1993)	HP Ex. 189 (186)	
HP Ex. 189 (187)	Curatorship: *The U.S. Secretary of Veterans Affairs v. Melton* Case. No. 447-979 (April 27, 1993)	HP Ex. 189 (187)	
HP Ex. 189 (188)	Curatorship: *Colonial Mortgage Co. v. Accardo* Case No. 448-059 (April 28, 1993)	HP Ex. 189 (188)	
HP Ex. 189 (189)	Curatorship: *Nat'l Mortgage Co. v. Gomez* Case No. 449-463 (June 2, 1993)	HP Ex. 189 (189)	
HP Ex. 189 (190)	Curatorship: *Charles F. Curry Co. v. Smith* Case No. 449-927 (June 11, 1993)	HP Ex. 189 (190)	
HP Ex. 189 (191)	UNMARKED		
HP Ex. 189 (192)	Curatorship: *Wachovia Mortgage Co. v. Ware* Case No. 451-584 (July 19, 1993)	HP Ex. 189 (192)	
HP Ex. 189 (193)	Curatorship: *Mortgage Properties Corp. v. Krause* Case No. 451-772 (July 23, 1993)	HP Ex. 189 (193)	
HP Ex. 189 (194)	Curatorship: *City of Kenner v. Rodzen* Case No. 452-302 (August 4, 1993)	HP Ex. 189 (194)	
HP Ex. 189 (195)	Curatorship: *Leader Federal Bank for Savings v. Salmeron* Case No. 452-464 (August 9, 1993)	HP Ex. 189 (195)	
HP Ex. 189 (196)	Curatorship: *STM Mortgage Co. v. Nicholson, et al.* Case No. 452-466 (August 9, 1993)	HP Ex. 189 (196)	
HP Ex. 189 (197)	Coratorship: *Nat'l Mortgage Co. v. Bland* Case No. 452-817 (August 17, 1993)	HP Ex. 189 (197)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 189 (198)	Curatorship: *First Nat'l Bank of Chicago v. Castro* Case No. 453-498 (September 1, 1993)	HP Ex. 189 (198)	
HP Ex. 189 (199)	Curatorship: *Standard Mortgage Corp. v. Bethay* Case No. 453-829 (September 9, 1993)	HP Ex. 189 (199)	
HP Ex. 189 (200)	Curatorship: *Federal Home Loan Mortgage Corp. v. Estate of Wooley* Case No. 454-538 (September 27, 1993)	HP Ex. 189 (200)	
HP Ex. 189 (201)	Curatorship: *Succession of Rome* Case No. 455-809 (October 28, 1993)	HP Ex. 189 (201)	
HP Ex. 189 (202)	Curatorship: *Leader Federal Bank for Savings v. Petitt* Case No. 455-985 (November 2, 1993)	HP Ex. 189 (202)	
HP Ex. 189 (203)	Curatorship: *Standard Mortgage Corp. v. Miles* Case No. 456-087 (November 14, 1993)	HP Ex. 189 (203)	
HP Ex. 189 (204)	Curatorship: *Security Nat'l Partners v. Klein* Case No.456-393 (November 12, 1993)	HP Ex. 189 (204)	
HP Ex. 189 (205)	Curatorship: *Leader Federal Bank for Savings v. Cespedes* Case No. 457-499 (December 10, 1993)	HP Ex. 189 (205)	
HP Ex. 189 (206)	Curatorship: *First Nat'l Bank of Commerce v. Howell* Case No. 458-197 (December 30, 1993)	HP Ex. 189 (206)	
HP Ex. 189 (207)	Curatorship: *General Motors Acceptance Corp. v. Ruiz* Case No. 458-399 (January 6, 1994)	HP Ex. 189 (207)	
HP Ex. 189 (208)	Curatorship: *Leader Federal Bank for Savings v. Ducote* Case No. 459-447 (February 1, 1994)	HP Ex. 189 (208)	
HP Ex. 189 (209)	Curatorship: *Crye- Leike Mortgage Co., Inc. v. Wofford* Case No. 459-877 (February 10, 1994)	HP Ex. 189 (209)	
HP Ex. 189 (210)	Curatorship: *Hibernia Nat'l Bank v. Wiltz* Case No. 460-306 (February 23, 1994)	HP Ex. 189 (210)	
HP Ex. 189 (211)	Curatorship: *Fleet Mortgage Corp. v. Do* Case No. 460-809 (March 7, 1994)	HP Ex. 189 (211)	
HP Ex. 189 (212)	Curatorship: *Toyota Motor Credit Corp. v. Adams* Case No. 460-829 (March 8, 1994)	HP Ex. 189 (212)	
HP Ex. 189 (213)	Curatorship: *Nat'l Mortgage Co. v. Dauphin* Case No. 460-987 (March 11, 1994)	HP Ex. 189 (213)	
HP Ex. 189 (214)	Curatorship: *Bancboston Mortgage Corp. v. Rechtien* Case No. 461-887 (March 31, 1994)	HP Ex. 189 (214)	
HP Ex. 189 (215)	Curatorship: *Hibernia Nat'l Bank v. Warmington* Case No. 464-107 (March 26, 1994)	HP Ex. 189 (215)	
HP Ex. 189 (216)	Curatorship: *Federal Nat'l Mortgage Ass'n v. Dabon* Case No. 464-338 (June 2, 1994)	HP Ex. 189 (216)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 189 (217)	Curatorship: *GE Capital Asset Management Corp. v. Moses* Case No. 465-007 (June 17, 1994)	HP Ex. 189 (217)	
HP Ex. 189 (218)	Curatorship: *In re: Interdiction of Driver* Case No. 465-042 (June 20, 1994)	HP Ex. 189 (218)	
HP Ex. 189 (219)	Curatorship: *Fleet Mortgage Corp. v. Singleton* Case No. 465-086 (June 17, 1994)	HP Ex. 189 (219)	
HP Ex. 189 (220)	Curatorship: *The U.S. Secretary of Veteran's Affairs v. Johns* Case No. 465-427 (June 28, 1994)	HP Ex. 189 (220)	
HP Ex. 189 (221)	Curatorship: *United States of America v. Vincent* Case No. 465-445 (June 28, 1994)	HP Ex. 189 (221)	
HP Ex. 189 (222)	Curatorship: *Federal Home Loan Mortgage Corp. v. Cox* Case No. 465-902 (July 11, 1994)	HP Ex. 189 (222)	
HP Ex. 189 (223)	Curatorship: *Midfirst Bank v. Alvarez* Case No. 466-292 (July 18, 1994)	HP Ex. 189 (223)	
HP Ex. 189 (224)	Curatorship: *Daigle v. Estate of Chauvin* Case No. 466-832 (August 1, 1994)	HP Ex. 189 (224)	
HP Ex. 189 (225)	Curatorship: *Federal Home Loan Mortgage Corp. v. Weiselogel* Case No. 467-141 (August 8, 1994)	HP Ex. 189 (225)	
HP Ex. 189 (226)	Curatorship: *Nat'l Mortgage Co. v. Ferrara* Case No. 467-516 (August 17, 1994)	HP Ex. 189 (226)	
HP Ex. 190	Chart of Curatorships given to Robert Creely from Judge Porteous	HP Ex. 190	
HP Ex. 191	Jody Rotolo Judiciary Committee Immunity Order August 12, 2009	HP Ex. 191	
HP Ex. 192	Jody Rotolo Task Force Deposition September 25, 2009	HP Ex. 192	
HP Ex. 193 (a)	Amato Document Production One (Cover Email and Curatorship Inventory)	HP Ex. 193 (a)	
HP Ex. 193 (b)	Amato Document Production Two (Cover Email and Curatorship Inventory)	HP Ex. 193 (b)	
HP Ex. 194-196	NOT MARKED FOR TRIAL		
HP Ex. 197	Diane Lamulle Task Force Deposition August 26, 2009	HP Ex. 197*	
HP Ex. 198	Washington D.C. Mardi Gras Program 1999	HP Ex. 198	
HP Ex. 199	NOT MARKED FOR TRIAL		

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 200	Porteous Recusal Order *American Motorist Ins. Co. v. American Rent-All, Inc.* Case No. 322-619 (24th Judicial District Court, Jefferson Parish, LA) July 24, 1992	HP Ex. 200	
HP Ex. 201	Task Force Deposition Exhibit 1 (Lori Marcotte) Grand Canyon Tour Flying Certificate February 3, 1992	HP Ex. 201	
HP Ex. 202	Task Force Deposition Exhibit 2 (Lori Marcotte) Grand Canyon Tour – Las Vegas 1992 Photo of Lori Marcotte and Rhonda Danos	HP Ex. 202	
HP Ex. 203	Task Force Deposition Exhibit 3 (Lori Marcotte) Photo of Joelle Lacaze (Las Vegas)	HP Ex. 203	
HP Ex. 204	Task Force Deposition Exhibit 4 (Lori Marcotte) Photo of Rhonda Danos (Las Vegas)	HP Ex. 204	
HP Ex. 205	Task Force Deposition Exhibit 5 (Lori Marcotte) Photo of Lori Marcotte and Rhonda Danos (Las Vegas)	HP Ex. 205	
HP Ex. 206	Task Force Deposition Exhibit 6 (Lori Marcotte) Photo of Lori Marcotte and others at dinner in Las Vegas	HP Ex. 206	
HP Ex. 207	Task Force Deposition Exhibit 7 (Lori Marcotte) Photo of Lori Marcotte and Rhonda Danos (Las Vegas)	HP Ex. 207	
HP Ex. 208	Task Force Deposition Exhibit 8 (Lori Marcotte) Photo of Rhonda Danos (Las Vegas)	HP Ex. 208	
HP Ex. 209	Task Force Deposition Exhibit 9 (Lori Marcotte) Photo of Lori Marcotte and Rhonda Danos (Las Vegas)	HP Ex. 209	
HP Ex. 210	Task Force Deposition Exhibit 10 (Lori Marcotte) Photo of Lori Marcotte and Rhonda Danos (Golf Tournament)	HP Ex. 210	
HP Ex. 211	Task Force Deposition Exhibit 11 (Lori Marcotte) Photo of Judge Porteous (Golf Tournament)	HP Ex. 211	
HP Ex. 212	Task Force Deposition Exhibit 12 (Lori Marcotte) Photo of Judge Porteous and son (Wedding)	HP Ex. 212	
HP Ex. 213	Task Force Deposition Exhibit 13 (Lori Marcotte) Photo of Rhonda Danos and unidentified male	HP Ex. 213	
HP Ex. 214	Task Force Deposition Exhibit 14 (Lori Marcotte) Photo of Rhonda Danos	HP Ex. 214	
HP Ex. 215	Task Force Deposition Exhibit 15 (Lori Marcotte) Photo of Rhonda Danos	HP Ex. 215	
HP Ex. 216	Task Force Deposition Exhibit 16 (Lori Marcotte) Photo of Lori Marcotte and Rhonda Danos (Wedding)	HP Ex. 216	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 217	Task Force Deposition Exhibit 17 (Lori Marcotte) Lori Marcotte, Rhonda Danos, and other individuals	HP Ex. 217	
HP Ex. 218	Task Force Deposition Exhibit 18 (Lori Marcotte) Photo of Marcotte Event at the Beau Rivage July 1999	HP Ex. 218	
HP Ex. 219	Task Force Deposition Exhibit 19 (Lori Marcotte) Photo of Lori Marcotte and unidentified female	HP Ex. 219	
HP Ex. 220	Task Force Deposition Exhibit 20 (Lori Marcotte) Photo of Lori Marcotte, Rhonda Danos, and unidentified female at dinner	HP Ex. 220	
HP Ex. 221	Task Force Deposition Exhibit 221 (Lori Marcotte) Photo of Lori Marcotte and others (Las Vegas)	HP Ex. 221	
HP Ex. 222	Task Force Deposition Exhibit 22 (Lori Marcotte) Photo of Rhonda Danos, Judge Porteous, Lori Marcotte, and others (Golf Tournament)	HP Ex. 222	
HP Ex. 223	Task Force Deposition Exhibit 23 (Lori Marcotte) Photo of Louis Marcotte, Judge Porteous, Rhonda Danos, and others (Beau Rivage 1999)	HP Ex. 223	
HP Ex. 224	Task Force Deposition Exhibit 24 (Lori Marcotte) Photo of Judge Porteous, Norman Bowley, and others	HP Ex. 224	
HP Ex. 225	Task Force Deposition Exhibit 25 (Lori Marcotte) Photo of Rhonda Danos, Judge Porteous, and Lori Marcotte (Golf Tournament)	HP Ex. 225	
HP Ex. 226	Task Force Deposition Exhibit 26 (Lori Marcotte) Photo of Wedding	HP Ex. 226	
HP Ex. 227	Task Force Deposition Exhibit 27 (Lori Marcotte) Photo of Judge Porteous and Lori Marcotte (Wedding)	HP Ex. 227	
HP Ex. 228	Task Force Deposition Exhibit 28 (Lori Marcotte) Photo of unidentified male, Rhonda Danos, Judge Porteous and Lori Marcotte (Golf Tournament)	HP Ex. 228	
HP Ex. 229	Task Force Deposition Exhibit 29 (Lori Marcotte) Photo of Rhonda Danos, Judge Porteous, Lori Marcotte, and other individuals (Golf Tournament)	HP Ex. 229	
HP Ex. 230	Task Force Deposition Exhibit 30 (Lori Marcotte) Photo of Louis Marcotte and others	HP Ex. 230	
HP Ex. 231	Task Force Deposition Exhibit 31 (Lori Marcotte) Photo of Judge Porteous and other individual (Golf Tournament)	HP Ex. 231	
HP Ex. 232	Task Force Deposition Exhibit 32 (Lori Marcotte) Photo of Louis Marcotte and Judge Chehardy	HP Ex. 232	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 233	Task Force Deposition Exhibit 33 (Danos) Rhonda Danos Judiciary Committee Immunity Order (Signed by Judge Lamberth, August 12, 2009)	HP Ex. 233	
HP Ex. 234	Task Force Deposition Exhibit 34 (Konnerup) Sharon Konnerup Deposition in *American Motorists Ins. Co. v. American Rental, Inc., et al.* September 7, 1995	HP Ex. 234	
HP Ex. 235	Task Force Deposition Exhibit 35 (Bodenheimer) Photo of Judge Porteous entering Emeril's Restaurant in New Orleans	HP Ex. 235	
HP Ex. 236	Task Force Deposition Exhibit 36 (Bodenheimer) Photo of Judge Porteous and Judge Joan Benge's secretary exiting Emeril's Restaurant in New Orleans	HP Ex. 236	
HP Ex. 237	Task Force Deposition Exhibit 37 (Bodenheimer) Photo of Judge Porteous, Judge Joan Benge's secretary, and Louis Marcotte exiting Emeril's Restaurant in New Orleans	HP Ex. 237	
HP Ex. 238	Task Force Deposition Exhibit 38 (Bodenheimer) Photo of Louis Marcotte and another individual exiting Emeril's Restaurant in New Orleans	HP Ex. 238	
HP Ex. 239	Task Force Deposition Exhibit 39 (Bodenheimer) Photo of Judge Bodenheimer and a BBU Employee outside Emeril's Restaurant in New Orleans	HP Ex. 239	
HP Ex. 240	Task Force Deposition Exhibit 40 (Bodenheimer) Photo of Judge Bodenheimer and Judge Joan Benge's secretary exiting Emeril's Restaurant in New Orleans	HP Ex. 240	
HP Ex. 241	Task Force Deposition Exhibit 41 (Bodenheimer) Photo of Judge Porteous, Judge Bodenheimer, Louis Marcotte, and another individual standing outside Emeril's Restaurant in New Orleans	HP Ex. 241	
HP Ex. 242	Task Force Deposition Exhibit 42 (Bodenheimer) Photo of Louis Marcotte and others standing outside Emeril's Restaurant in New Orleans	HP Ex. 242	
HP Ex. 243	Task Force Deposition Exhibit 43 (Bodenheimer) Plea Agreement *United States v. Ronald D. Bodenheimer* Criminal Docket No. 02-219 March 28, 2003	HP Ex. 243	
HP Ex. 244	Task Force Deposition Exhibit 44 (Bodenheimer) Superseding Bill of Information *United States v. Ronald D. Bodenheimer* March 31, 2003	HP Ex. 244	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 245	Task Force Deposition Exhibit 45 (Bodenheimer) Factual Basis *United States v. Ronald D. Bodenheimer* March 31, 2003	HP Ex. 245	
HP Ex. 246	Task Force Deposition Exhibit 46 (Netterville) Transcript *State of Louisiana v. Aubrey Wallace* September 21, 1994	HP Ex. 246	
HP Ex. 247	Task Force Deposition Exhibit 47 (Netterville) Bruce Netterville Judiciary Committee Immunity Order (Signed by Judge Lamberth, August 12, 2009)	HP Ex. 247	
HP Ex. 248	Task Force Deposition Exhibit 48 (Lori Marcotte) Bail Bonds Unlimited Records Relating to 1999 Beau Rivage Trip	HP Ex. 248	
HP Ex. 249	Task Force Deposition Exhibit 49 (Creely) Robert C. Creely Judiciary Committee Immunity Order (Signed by Judge Lamberth, August 12, 2009)	HP Ex. 249	
HP Ex. 250	Task Force Deposition Exhibit 50 (Creely) FBI Interview of Robert Creely August 1, 1994	HP Ex. 250	
HP Ex. 251–259	NOT MARKED FOR TRIAL		
HP Ex. 260	Task Force Deposition Exhibit 60 (Windhorst) Letter from Richard E. Windhorst to Harold Damelin re: Judge Porteous	HP Ex. 260	
HP Ex. 261	Task Force Deposition Exhibit 61 (Gardner) PACER Docket Report: *P & L Electronics v. Rosenthal Trust* Case No. 2:93-cv-03865-GTP Date Filed: 11/23/1992	HP Ex. 261	
HP Ex. 262	Task Force Deposition Exhibit 62 (Gardner) *Jefferson Oncology v. LA. Health Services & Indemnity Co. et al.* 545 So.2d. 1125 (La. Ct. App. 1989)	HP Ex. 262	
HP Ex. 263–273	NOT MARKED FOR TRIAL		
HP Ex. 274	Task Force Deposition Exhibit 74 (Lightfoot) Chapter 13 Schedules and Plan *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) April 9, 2001	HP Ex. 274	SC Ex. 1
HP Ex. 275	Task Force Deposition Exhibit 75 (Lightfoot) "Your Rights and Responsibilities in Chapter 13"	HP Ex. 275	SC Ex. 11

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 276	Task Force Deposition Exhibit 76 (Lightfoot) Meeting of Creditors' Hearing Transcript *In the Matter of Porteous* Case No. 01-12363 (Bankr. E.D. La.) May 9, 2001	HP Ex. 276	SC Ex. 22
HP Ex. 277	NOT MARKED FOR TRIAL		
HP Ex. 278	Task Force Deposition Exhibit 78 (Rotolo) Jacob Amato, Jr. Curatorships	HP Ex. 278	
HP Ex. 279	NOT MARKED FOR TRIAL D		
HP Ex. 280	Task Force Deposition Exhibit 80 (Louis Marcotte) Louis Marcotte Affidavit April 17, 2003	HP Ex. 280	
HP Ex. 281	Task Force Deposition Exhibit 81 (Amato) Jacob Amato, Jr. Judiciary Immunity Order (Signed by Judge Lamberth, August 12, 2009)	HP Ex. 281	
HP Ex. 282	Task Force Deposition Exhibit 82 (Amato) Ex Parte Motion of Liljeberg Enterprises to Substitute Counsel *In re: Liljeberg* Case No.: 2:93-cv-01794-GTP September 19, 1996	HP Ex. 282	
HP Ex. 283	Task Force Deposition Exhibit 83 (Amato) Jacob Amato, Jr. Calendar June 1999	HP Ex. 283	
HP Ex. 284–286	NOT MARKED FOR TRIAL		
HP Ex. 287	Task Force Deposition Exhibit 87 (Danos 12/03/09) Judge Porteous Financial Disclosure Report 01/01/98 – 12/31/98	HP Ex. 287	SC Ex. 3
HP Ex. 288	Task Force Deposition Exhibit 88 (Danos 12/03/09) Judge Porteous Financial Disclosure Report 01/01/99 – 12/31/99	HP Ex. 288	SC Ex. 3
HP Ex. 289	Task Force Deposition Exhibit 89 (Danos 12/03/09) Judge Porteous Financial Disclosure Report 01/01/01 –12/31/01	HP Ex. 289	SC Ex. 3
HP Ex. 290	Task Force Deposition Exhibit 90 (Levenson) Levenson American Express Summary 2000	HP Ex. 290	
HP Ex. 291	Task Force Deposition Exhibit 91 (Levenson) Miscellaneous Levenson Financial Records April 1999	HP Ex. 291	
HP Ex. 292–294	NOT MARKED FOR TRIAL		
HP Ex. 295	William E. Heitkamp Fifth Circuit Testimony October 30, 2007		5th Cir. Testimony

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 296	Letter from S.J. Beaulieu, Jr. to Claude C. Lightfoot, enclosing correspondence from William E. Heitkamp August 4, 2003		SC Ex. 32
HP Ex. 297	S.J. Beaulieu FBI Interview March 4, 2004		SC Ex. 11
HP Ex. 298	Letter from Michael F. Adoue, staff attorney for S.J. Beaulieu, Jr, to FBI Agent Wayne Horner Re: G. Thomas Porteous, Jr., Case No. 01-12363 April 1, 2004		SC Ex. 11
HP Ex. 299	Letter from Noel Hillman, Chief, Public Integrity Section, Department of Justice, to S.J. Beaulieu, Jr. April 13, 2004		SC Ex. 11
HP Ex. 300	Memorandum to File and Ron Woods from Larry Finder Re: Interview of S.J. Beaulieu, Jr. July 29, 2007		SC Ex. 11
HP Ex. 301 (a)	Porteous Grand Casino Gulfport Patron Transaction Report (02/27/2001 markers)	HP Ex. 301 (a)	SC Ex. 49
HP Ex. 301 (b)	Porteous Bank One Statement (with copies of checks to Grand Casino) March 23, 2001 – April 23, 2001	HP Ex. 301 (b)	
HP Ex. 302	Porteous Treasure Chest Customer Transaction Inquiry (03/02/2001 markers)	HP Ex. 302	SC Ex. 54
HP Ex. 303	Porteous Beau Rivage Credit History (one-time credit limit increase on 04/06/2001)	HP Ex. 303	SC Ex. 51
HP Ex. 304	Porteous Beau Rivage Balance Activity (04/07/2001 markers)	HP Ex. 304	SC Ex. 51
HP Ex. 305	Porteous Treasure Chest Customer Transaction Inquiry (04/10/2001 markers)	HP Ex. 305	SC Ex. 54
HP Ex. 306	Porteous Harrah's Patron Credit Activity (04/30/2001 markers)	HP Ex. 306	SC Ex. 52
HP Ex. 307	Porteous Treasure Chest Customer Transaction Inquiry (05/07/2001 markers)	HP Ex. 307	SC Ex. 54
HP Ex. 308	Porteous Treasure Chest Customer Transaction Inquiry (/05/16/2001 markers)	HP Ex. 308	SC Ex. 54
HP Ex. 309	Porteous Grand Casino Patron Transaction Report (05/26/2001 markers) and corresponding Bank One records	HP Ex. 309*	SC Ex. 49 & 5th Cir. "UL" Documents[4]

[4] In addition to the SC Exhibits on the Fifth Circuit Exhibit List, Judge Porteous requested that all "Underlying Documents" (which contained bates labels beginning with "UL") be made a part of the official record before the Fifth Circuit Special Investigatory Committee. This request was granted, and all "UL" documents were made a part of the Fifth Circuit record. *See* Fifth Circuit Hearing Transcript at 426–31 (House Trial Exhibit 43).

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 310	Porteous Treasure Chest Customer Transaction Inquiry (06/20/2001 markers)	HP Ex. 310	SC Ex. 54
HP Ex. 311	Porteous Treasure Chest Customer Transaction Inquiry (07/19/2001 markers)	HP Ex. 311	SC Ex. 54
HP Ex. 312	Porteous Treasure Chest Customer Transaction Inquiry (07/23/2001 markers)	HP Ex. 312	SC Ex. 54
HP Ex. 313 (a)	Porteous Treasure Chest Customer Transaction Inquiry (08/20/2001 markers)	HP Ex. 313 (a)	SC Ex. 54
HP Ex. 313 (b)	Porteous Treasure Chest IOU's and Hold Checks Ledger	HP Ex. 313 (b)	SC Ex. 54
HP Ex. 314	Porteous Harrah's Patron Credit Activity (09/28/2001 markers)	HP Ex. 314	SC Ex. 52
HP Ex. 315	Porteous Treasure Chest Customer Transaction Inquiry (10/13/2001 markers)	HP Ex. 315	SC Ex. 54
HP Ex. 316	Porteous Treasure Chest Customer Transaction Inquiry (10/17/2001 markers)	HP Ex. 316	SC Ex. 54
HP Ex. 317	Porteous Beau Rivage Balance Activity (10/31/2001 markers)	HP Ex. 317	SC Ex. 51
HP Ex. 318	Porteous Treasure Chest Customer Transaction Inquiry (11/27/2001 markers)	HP Ex. 318	SC Ex. 54
HP Ex. 319	Porteous Treasure Chest Customer Transaction Inquiry (12/11/2001 markers)	HP Ex. 319	SC Ex. 54
HP Ex. 320	Porteous Harrah's Patron Credit Activity (12/20/2001 markers)	HP Ex. 320	SC Ex. 52
HP Ex. 321	Porteous Grand Casino Patron Transaction Report (2/12/2002 markers)	HP Ex. 321	SC Ex. 49
HP Ex. 322	Porteous Treasure Chest Customer Transaction Inquiry (04/01/2002 markers)	HP Ex. 322	SC Ex. 54
HP Ex. 323	Porteous Grand Casino Patron Transaction Report (05/26/2002 markers)	HP Ex. 323	SC Ex. 49
HP Ex. 324	Porteous Application for credit increase at Grand Casino Gulfport (from $2,000 to $2,500)	HP Ex. 324	SC Ex. 49
HP Ex. 325	Porteous Grand Casino Patron Transaction Report (07/04/2002 markers) and corresponding Fidelity Money Market Account records	HP Ex. 325*	SC Ex. 49 & 5th Cir. "UL" Documents
HP Ex. 326	Central Credit, Inc. Gaming Report for Judge Porteous	HP Ex. 326	SC Ex. 20
HP Ex. 327	FBI Chart: "G.T. Porteous: Checks Written / Cash Withdrawals Associated with Gaming."	HP Ex. 327	SC Ex. 95

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 328	FBI Chart: "G.T. Porteous: Gaming Expenses / Charges on Credit Card."	HP Ex. 328	SC Ex. 96
HP Ex. 329	Fleet credit card statement with accompanying check written by Rhonda Danos, paying off balance in March 2001.	HP Ex. 329	SC Ex. 29
HP Ex. 330	Fleet payment stub and check written by Judge Porteous September 2, 2002	HP Ex. 330	
HP Ex. 331	Treasure Chest Casino records	HP Ex. 331	SC Ex. 54
HP Ex. 332	Gerald Dennis Fink Fifth Circuit Testimony October 29, 2007	HP Ex. 332	5th Cir. Testimony
HP Ex. 333(a)	Memorandum of Interview of William Greendyke, by Larry Finder July 15, 2007		
HP Ex. 333(b)	FBI Interview of William Greendyke January 14, 2005		
HP Ex. 334	S.J. Beaulieu FBI Interview January 22, 2004	HP Ex. 334	SC Exs. 11, 88
HP Ex. 335	Judge Greendyke Fifth Circuit Testimony October 29, 2007	HP Ex. 335	5th Cir. Testimony
HP Ex. 336	Carmella Porteous's W2s for the years 2000 and 2001	HP Ex. 336	SC Ex. 26
HP Ex. 337	FBI Chart of Porteous Gaming Losses (03/28/2000 – 03/28/2001)	HP Ex. 337	SC Ex. 30
HP Ex. 338	Dewayne Horner Fifth Circuit Testimony October 29, 2007	HP Ex. 338	5th Cir. Testimony
HP Ex. 339	Beaulieu Letter to Lightfoot approving home refinance December 20, 2002	HP Ex. 339	SC Ex. 11
HP Ex. 340	Beaulieu Letter to Lightfoot approving new car leases January 2, 2003	HP Ex. 340	SC Ex. 11
HP Ex. 341 (a)	Capital One credit card application August 13, 2001	HP Ex. 341 (a)	
HP Ex. 341 (b)	Porteous Capital One credit card statements	HP Ex. 341 (b)	
HP Ex. 342	Lightfoot Affidavit in Support of Attorney's Fees	HP Ex. 342	SC Ex. 1
HP Ex. 343	Lightfoot Non-Privileged Documents Produced to Grand Jury		
HP Ex. 344	2001 Instructions for Completing Bankruptcy Official Form 1, Voluntary Petition	HP Ex. 344	
HP Ex. 345	2001 Instructions for Completing Bankruptcy Schedules	HP Ex. 345	
HP Ex. 346	2001 Instructions for Completing Bankruptcy Statement of Financial	HP Ex. 346	
HP Ex. 347	NOT MARKED FOR TRIAL	HP Ex. 347	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 348	Gaming Charges on Porteous's Credit Cards	HP Ex. 348	
HP Ex. 349	Porteous Monthly Variances in Take Home Pay 1998–2002	HP Ex. 349	
HP Ex. 350 (1)	Bail Bond: William Stanford ($19,000) 09/19/1994	HP Ex. 350 (1)	
HP Ex. 350 (2)	Bail Bond: Stanley Esukpa ($3,000) 09/01/1994	HP Ex. 350 (2)	
HP Ex. 350 (3)	Bail Bond: Elijah Mitchell ($23,500) 09/02/1994	HP Ex. 350 (3)	
HP Ex. 350 (4)	Bail Bond: Joyce Barge ($22,500) 09/02/1994	HP Ex. 350 (4)	
HP Ex. 350 (5)	Bail Bond: Leonard McNeely ($45,000) 09/04/1994	HP Ex. 350 (5)	
HP Ex. 350 (6)	Bail Bond: Eugene Sarah ($5,750) 09/06/1994	HP Ex. 350 (6)	
HP Ex. 350 (7)	Bail Bond: Shawn Suttle ($14,000) 09/09/1994	HP Ex. 350 (7)	
HP Ex. 350 (8)	Bail Bond: Johnny Pena ($7,500) 9/07/1994	HP Ex. 350 (8)	
HP Ex. 350 (9)	Bail Bond: Michael Pare ($8,500) 09/08/1994	HP Ex. 350 (9)	
HP Ex. 350 (10)	Bail Bond: Renie Hensley ($5,000) 09/08/94	HP Ex. 350 (10)	
HP Ex. 350 (11)	Bail Bond: Donald Bardell, Jr. ($7,600) 09/10/1994	HP Ex. 350 (11)	
HP Ex. 350 (12)	Bail Bond: Hussein Ahmed ($10,500) 09/10/1994	HP Ex. 350 (12)	
HP Ex. 350 (13)	Bail Bond: Craig Scott ($5,000) 09/09/1994	HP Ex. 350 (13)	
HP Ex. 350 (14)	Bail Bond: Randy Bishop ($50,000) 09/12/1994	HP Ex. 350 (14)	
HP Ex. 350 (15)	Bail Bond: Michael Addison ($2,000) 09/11/1994	HP Ex. 350 (15)	
HP Ex. 350 16)	Bail Bond: Dorcellie Terrebonne ($5,900) 09/13/1994	HP Ex. 350 16)	
HP Ex. 350 (17)	Bail Bond: Dianne Ellis ($3,000) 09/12/1994	HP Ex. 350 (17)	
HP Ex. 350 (18)	Bail Bond: Melvin Hokes ($10,000) 09/13/1994	HP Ex. 350 (18)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 350 (19)	Bail Bond: Ronnell Smith ($8,000) 09/15/1994	HP Ex. 350 (19)	
HP Ex. 350 (20)	Bail Bond: Cornelius Jones ($25,000) 09/15/1994	HP Ex. 350 (20)	
HP Ex. 350 (21)	Bail Bond: Frank Ringo ($40,000) 09/19/1994	HP Ex. 350 (21)	
HP Ex. 350 (22)	Bail Bond: Ruplert Ortiz ($5,000) 09/17/1994	HP Ex. 350 (22)	
HP Ex. 350 (23)	Bail Bond: Burnell Lawson ($4,000) 09/19/1994	HP Ex. 350 (23)	
HP Ex. 350 (24)	Bail Bond: Henry Williams ($5,000) 09/17/1994	HP Ex. 350 (24)	
HP Ex. 350 (25)	Bail Bond: Hung Nguyen ($7,500) 09/19/1994	HP Ex. 350 (25)	
HP Ex. 350 (26)	Bail Bond: Kenneth "Kenny" King ($3,000) 09/19/1994	HP Ex. 350 (26)	
HP Ex. 350 (27)	Bail Bond: Billy Marse ($6,000) 09/21/1994	HP Ex. 350 (27)	
HP Ex. 350 (28)	Bail Bond: Scott Blanda ($5,000) 09/22/1994	HP Ex. 350 (28)	
HP Ex. 350 (29)	Bail Bond: Kimberly Cook ($31,275) 09/23/1994	HP Ex. 350 (29)	
HP Ex. 350 (30)	Bail Bond: Adrian Martin ($9,500) 09/23/1994	HP Ex. 350 (30)	
HP Ex. 350 (31)	Bail Bond: Meisha Ursin ($5,000) 09/24/1994	HP Ex. 350 (31)	
HP Ex. 350 (32)	Bail Bond: Doreatha Taylor ($10,000) 09/24/1994	HP Ex. 350 (32)	
HP Ex. 350 (33)	Bail Bond: Daniel Stanley ($3,150) 09/25/1994	HP Ex. 350 (33)	
HP Ex. 350 (34)	Bail Bond: Guy Folse ($7,550) 09/25/1994	HP Ex. 350 (34)	
HP Ex. 350 (35)	Bail Bond: Richard Brady ($30,000) 09/25/1994	HP Ex. 350 (35)	
HP Ex. 350 (36)	Bail Bond: Rodney Robinson ($17,500) 09/26/1994	HP Ex. 350 (36)	
HP Ex. 350 (37)	Bail Bond: Charles Ainsworth ($8,400) 09/27/1994	HP Ex. 350 (37)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 350 (38)	Bail Bond: Shondolyn Murray ($23,500) 09/28/1994	HP Ex. 350 (38)	
HP Ex. 350 (39)	Bail Bond: Dwayne Simms ($8,000) 09/29/1994	HP Ex. 350 (39)	
HP Ex. 350 (40)	Bail Bond: Lenard Robinson ($3,000) 10/04/1994	HP Ex. 350 (40)	
HP Ex. 350 (41)	Bail Bond: Steven Owens ($3,000) 10/13/1994	HP Ex. 350 (41)	
HP Ex. 350 (42)	Bail Bond: Damion Smith ($25,000) 10/04/1994	HP Ex. 350 (42)	
HP Ex. 350 (43)	Bail Bond: Roddrick Miller ($1,500) 10/10/1994	HP Ex. 350 (43)	
HP Ex. 350 (44)	Bail Bond: Harold Taylor ($5,000) 10/10/1994	HP Ex. 350 (44)	
HP Ex. 350 (45)	Bail Bond: Nathaniel Richardson ($5,000) 10/10/1994	HP Ex. 350 (45)	
HP Ex. 350 (46)	Bail Bond: Donald Bulen ($22,000) 10/11/1994	HP Ex. 350 (46)	
HP Ex. 350 (47)	Bail Bond: John Wells, Jr. ($160,000) 10/11/1994	HP Ex. 350 (47)	
HP Ex. 350 (48)	Bail Bond: Leonard Bradley ($18,000) 10/11/1994	HP Ex. 350 (48)	
HP Ex. 350 (49)	Bail Bond: Donald Washington ($23,500) 10/11/1994	HP Ex. 350 (49)	
HP Ex. 350 (50)	Bail Bond: Thi Ngo ($15,000) 10/12/1994	HP Ex. 350 (50)	
HP Ex. 350 (51)	Bail Bond: Louis Wells ($160,000) 10/12/1994	HP Ex. 350 (51)	
HP Ex. 350 (52)	Bail Bond: Scott Ebright ($16,250) 10/13/1994	HP Ex. 350 (52)	
HP Ex. 350 (53)	Bail Bond: Eris Burton ($6,250) 10/19/1994	HP Ex. 350 (53)	
HP Ex. 350 (54)	Bail Bond: Trellis Compton ($2,000) 10/23/1994	HP Ex. 350 (54)	
HP Ex. 350 (55)	Bail Bond: William Thorton ($20,500) 10/26/1994	HP Ex. 350 (55)	
HP Ex. 350 (56)	Bail Bond: Craig Massey ($25,000) 10/27/1994	HP Ex. 350 (56)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 351 (1)	Bail Bond: Rodney Robinson ($17,500) 09/26/1994	HP Ex. 351 (1)	
HP Ex. 351 (2)	Bail Bond: Damion Smith ($25,000) 10/4/1994	HP Ex. 351 (2)	
HP Ex. 351 (3)	Bail Bond: Steven Owens ($3,000) 10/13/1994	HP Ex. 351 (3)	
HP Ex. 351 (4)	Bail Bond: Roddrick Miller ($15,000) 10/10/1994	HP Ex. 351 (4)	
HP Ex. 351 (5)	Bail Bond: George Robinson ($5,000) 10/1994	HP Ex. 351 (5)	
HP Ex. 351 (6)	Bail Bond: Harold Taylor ($5,000) 10/10/1994	HP Ex. 351 (6)	
HP Ex. 351 (7)	Bail Bond: Nathaniel Richardson ($5,000) 10/10/1994	HP Ex. 351 (7)	
HP Ex. 351 (8)	Bail Bond: John Wells, Jr. ($160,000) 10/11/1994	HP Ex. 351 (8)	
HP Ex. 351 (9)	Bail Bond: Donald Washington ($23,500) 10/11/1994	HP Ex. 351 (9)	
HP Ex. 351 (10)	Bail Bond: Leonard Bradley ($18,000) 10/11/1994	HP Ex. 351 (10)	
HP Ex. 351 (11)	Bail Bond: Donald Bulen ($22,200) 10/11/1994	HP Ex. 351 (11)	
HP Ex. 351 (12)	Bail Bond: Louis Wells ($160,000) 10/12/1994	HP Ex. 351 (12)	
HP Ex. 351 (13)	Bail Bond: Stephen Simmons ($1,500) 10/12/1994	HP Ex. 351 (13)	
HP Ex. 351 (14)	Bail Bond: Thi Ngo ($15,000) 10/12/1994	HP Ex. 351 (14)	
HP Ex. 351 (15)	Bail Bond: Travis Boothe ($45,000) 10/12/1994	HP Ex. 351 (15)	
HP Ex. 351 (16)	Bail Bond: Timothy Anweiler ($55,100) 10/12/1994	HP Ex. 351 (16)	
HP Ex. 351 (17)	Bail Bond: Thanh Nguyen ($17,500) 10/13/1994	HP Ex. 351 (17)	
HP Ex. 351 (18)	Bail Bond: Angelo Silvestri ($2,500) 10/13/1994	HP Ex. 351 (18)	
HP Ex. 351 (19)	Bail Bond: Barry Fank ($6,000) 10/13/1994	HP Ex. 351 (19)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 351 (20)	Bail Bond: Jack Nguyen ($90,000) 10/19/1994	HP Ex. 351 (20)	
HP Ex. 351 (21)	Bail Bond: Calvin Davis ($1,500) 10/18/1994	HP Ex. 351 (21)	
HP Ex. 351 (22)	Bail Bond: Eddress Lone ($5,000) 10/18/1994	HP Ex. 351 (22)	
HP Ex. 351 (23)	Bail Bond: Eris Burton ($6,250) 10/19/1994	HP Ex. 351 (23)	
HP Ex. 351 (24)	Bail Bond: Joe Thompson, Jr. ($25,000) 10/19/1994	HP Ex. 351 (24)	
HP Ex. 351 (25)	Bail Bond: David Hepting ($25,000) 10/19/1994	HP Ex. 351 (25)	
HP Ex. 351 (26)	Bail Bond: Wayne Taylor ($25,000) 09/26/1994	HP Ex. 351 (26)	
HP Ex. 352–359	NOT MARKED FOR TRIAL		
HP Ex. 360	Code of Conduct for United States Judges 1992–1996	HP Ex. 360	
HP Ex. 361	Code of Conduct for United States Judges 1996–1999	HP Ex. 361	
HP Ex. 362	Code of Conduct for United States Judges 1999–2009	HP Ex. 362	
HP Ex. 363	Code of Conduct for United States Judges Gifts Provision 1994–1996	HP Ex. 363	
HP Ex. 364	Code of Conduct for United States Judges Statutory Provisions Concerning Gifts August 1997–August 2003	HP Ex. 364	
HP Ex. 365	Code of Conduct for United States Judges Statutory Provisions Concerning Gifts September 2003–present	HP Ex. 365	
HP Ex. 366–369	NOT MARKED FOR TRIAL		
HP Ex. 370 (a)	1999 PBUS Beau Rivage Convention Records related to Judge Porteous	HP Ex. 370 (a)	
HP Ex. 370 (b)	1999 PBUS Beau Rivage Convention Records related to Rhonda Danos	HP Ex. 370 (b)	
HP Ex. 371	Records related to 1996 and 1998 Marcotte–Danos Las Vegas Trips	HP Ex. 371	
HP Ex. 372 (a)	Beef Connection Bill and Lori Marcotte Credit Card Record August 6, 1997	HP Ex. 372 (a)	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 372 (b)	Beef Connection Bill and Lori Marcotte Credit Card Record August 25, 1997	HP Ex. 372 (b)	
HP Ex. 372 (c)	Beef Connection Bill and Lori Marcotte Credit Card Record November 19, 1997	HP Ex. 372 (c)	
HP Ex. 372 (d)	Beef Connection Bill and Lori Marcotte Credit Card Record August 5, 1998	HP Ex. 372 (d)	
HP Ex. 372 (e)	Beef Connection Bill and Lori Marcotte Credit Card Record October 19, 1998	HP Ex. 372 (e)	
HP Ex. 373 (a)	BBU Calendar, Beef Connection Bill and Lori Marcotte Credit Card Record April 23, 1999	HP Ex. 373 (a)	
HP Ex. 373 (b)	BBU Calendar, Beef Connection Bill and Norman Bowley Credit Card Record November 15, 1999	HP Ex. 373 (b)	
HP Ex. 373 (c)	BBU Calendar, Beef Connection Bill and Lori Marcotte Credit Card Record February 1, 2000	HP Ex. 373 (c)	
HP Ex. 373 (d)	BBU Calendar, Beef Connection Bill and Norman Bowley Credit Card Record November 7, 2000	HP Ex. 373 (d)	
HP Ex. 374	NOT MARKED FOR TRIAL		
HP Ex. 375	Emeril's receipt paid for by the Marcottes March 11, 2002	HP Ex. 375	
HP Ex. 376	Porteous Credit Card Statements May 1999	HP Ex. 376	
HP Ex. 377	Caesar's Palace Records (Creely's credit card charges for Porteous's Room)	HP Ex. 377	SC Ex. 49
HP Ex. 378	Creely's Credit Card Charges May 1999	HP Ex. 378	
HP Ex. 379	Caesar's Palace Records Relating to October 27–29 Trip by Judge Porteous	HP Ex. 379	
HP Ex. 380	Caesar's Lake Tahoe Casino Records	HP Ex. 380	
HP Ex. 381	Porteous Fidelity Records re: IRA	HP Ex. 381	
HP Ex. 382	Records related to $1,000 Beau Rivage Payment	HP Ex. 382	
HP Ex. 383	Additional Porteous IRA Records	HP Ex. 383	
HP Ex. 384–436	NOT MARKED FOR TRIAL		

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 437	Letter from Chairman Patrick Leahy and Ranking Member Jeff Sessions, of the Senate Judiciary Committee, to Chairman McCaskill and Vice Chairman Hatch, of the Senate Impeachment Trial Committee Re: the Senate Judiciary Committee's archived files on the 1994 nomination of Judge G. Thomas Porteous, Jr. July 27, 2010		
HP Ex. 438	Letter from Staff Director Derron R. Parks, of the Senate Impeachment Trial Committee, to Jonathan Turley, Esq. and Alan I. Baron, Esq. Re: providing counsel with the entire Senate Judiciary Committee file of Judge Porteous July 30, 2010		
HP Ex. 439 (a)	Senate Judiciary File: Letter from William E. Willis, Chair of the American Bar Association Standing Committee on Federal Judiciary, to Senator Biden Re: Judge Porteous's qualifications for appointment to the federal bench August 30, 1994		
HP Ex. 439 (b)	Senate Judiciary File: Judge G. Thomas Porteous, Jr. – Biography Senate Nominations Hearing October 6, 1994		
HP Ex. 439 (c)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – Blue Slips from Senator Breaux and Senator Johnston		
HP Ex. 439 (d)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – Dates of Materials Received Re: Senate Confirmation		
HP Ex. 439 (e)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – Nomination Hearing Transcript October 6, 1994		
HP Ex. 439 (f)	Senate Judiciary File: White House Nomination of Judge G. Thomas Porteous Jr. to be a United States District Judge for the Eastern District of Louisiana August 25, 1994		
HP Ex. 439 (g)	Senate Judiciary File: United States Senate Committee on the Judiciary Judge G. Thomas Porteous Jr. Questionnaire for Judicial Nominees (Public) September 6, 1994		
HP Ex. 439 (h)	Senate Judiciary File: United States Senate Committee on the Judiciary Judge G. Thomas Porteous Jr. Questionnaire for Judicial Nominees (Committee Confidential) and Financial Disclosure Form September 6, 1994		

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 439 (i)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – state court cases		
HP Ex. 439 (j)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – state court opinions		
HP Ex. 439 (k)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – reversals of state court opinions		
HP Ex. 439 (l)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – additional decisions requested		
HP Ex. 439 (m)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – news articles		
HP Ex. 439 (n)	Senate Judiciary File: Letter from G. Thomas Porteous, Jr. to Senator Biden Re: Senate Questionnaire supplemental materials September 15, 1994		
HP Ex. 439 (o)	Senate Judiciary File: Letter from G. Thomas Porteous, Jr. to Senator Biden Re: Senate Questionnaire supplemental materials September 29, 1994		
HP Ex. 439 (p)	Senate Judiciary File: Letter from G. Thomas Porteous, Jr. Staff Memorandum (Committee Confidential) 1994		
HP Ex. 439 (q)	Senate Judiciary File: confidential notes taken from FBI file of G. Thomas Porteous, Jr.		
HP Ex. 440	To Consider Possible Impeachment of United States District Judge G. Thomas Porteous, Jr. (Part I) Hearing Before the Task Force on Judicial Impeachment of the Committee on the Judiciary, House of Representatives November 17–18, 2009	House Testimony	
HP Ex. 441	To Consider Possible Impeachment of United States District Judge G. Thomas Porteous, Jr. (Part II) Hearing Before the Task Force on Judicial Impeachment of the Committee on the Judiciary, House of Representatives December 8, 2009	House Testimony	
HP Ex. 442	To Consider Possible Impeachment of United States District Judge G. Thomas Porteous, Jr. (Part III) Hearing Before the Task Force on Judicial Impeachment of the Committee on the Judiciary, House of Representatives December 10, 2009	House Testimony	
HP Ex. 443	To Consider Possible Impeachment of United States District Judge G. Thomas Porteous, Jr. (Part IV) Hearing Before the Task Force on Judicial Impeachment of the Committee on the Judiciary, House of Representatives December 15, 2009	House Testimony	

Trial Exhibit No.	Description	House Exhibit No.	5th Cir. Exhibit No.
HP Ex. 444	Impeachment of G. Thomas Porteous, Jr., Judge of the United States District Court for the Eastern District of Louisiana Report of the House of Representatives to Accompany H. Res. 1031		
HP Ex. 445	Senate Impeachment Trial Committee Deposition of Robert Creely August 2, 2010		
HP Ex. 446	Senate Impeachment Trial Committee Deposition of Jacob Amato, Jr. August 2, 2010		
HP Ex. 447	Senate Impeachment Trial Committee Deposition of Louis Marcotte August 2, 2010		
HP Ex. 448	Senate Impeachment Trial Committee Deposition of Lori Marcotte August 2, 2010		
HP Ex. 449	To Consider Articles of Impeachment Against U.S. District Judge G. Thomas Porteous Stenographic Minutes of the House of Representatives, Committee on the Judiciary, Task Force on Judicial Impeachment January 21, 2010		
HP Ex. 450	Fifth Circuit correspondence with Judge Porteous		SC Ex. 47
HP Ex. 451	Porteous Bank One Records Aug. – Sept. 2001; Aug. –Sept. 2002; Aug. – Sept. 2003		5th Cir. "UL" Documents
HP Ex. 452 (a)	Porteous Bank One Records May – July 2002		5th Cir. "UL" Documents
HP Ex. 452 (b)	Porteous Fidelity Records May – July 2002		5th Cir. "UL" Documents
HP Ex. 453	Porteous Fidelity Records July – August 2002 ($1,300 check to Grand Casino Gulfport)		5th Cir. "UL" Documents
HP Ex. 454	*United Student Aid Funds, Inc. v. Espinosa* 130 S. Ct. 1367 (2010)		
HP Ex. 455	*United States v. Gellene* 182 F.3d 578 (7th Cir. 1998)		

In The Senate of The United States
Sitting as a Court of Impeachment

In re:	)
Impeachment of G. Thomas Porteous, Jr.,	)
United States District Judge for the	)
Eastern District of Louisiana	)
	)

JUDGE G. THOMAS PORTEOUS, JR.'S PRE-TRIAL STATEMENT SUPPLEMENT

Pursuant to the Senate Impeachment Trial Committee's (the "Committee") August 25, 2010 Order Designating Contents of Pre-Trial Statements, Judge Porteous advises the Committee that he anticipates calling the following witnesses to testify in his defense, in the following order, and for the following approximate durations:

Thursday, September 16, 2010[1]

(1)	Timothy Porteous	(30 minutes)
(2)	Professor Rafael Pardo	(45 minutes)
(3)	Judge Ronald Barliant	(20 minutes)
(4)	S. J. Beaulieu, Jr.	(45 minutes)
(5)	Charles Plattsmier[2]	(15 minutes)
(6)	Professor Dane S. Ciolino	(30 minutes)

[1] As noted in earlier filings, Judge Porteous reserves the right to call any witness listed in the House's Final Witness List or Pre-Trial Statement that the House ultimately does not call to testify. Judge Porteous also reserves the right to call any witness called by the House as his own witness if made necessary by rulings which limit Judge Porteous's ability to explore fully with the House's witness that witness' previous testimony which has been admitted as part of the record of this proceeding.

[2] While Mr. Plattsmier was included in the House's Final Witness List, he was not listed in the House's Pre-Trial Statement as a witness that the House intends to call to testify. Judge Porteous intends to call Mr. Plattsmier to testify on Thursday, September 16, 2010.

(7)	Darcy Griffin	(30 minutes)
(8)	Daniel A. Petalas	(30 minutes)

Tuesday, September 21, 2010

(9)	John M. Mamoulides	(45 minutes)
(10)	Judge M. Joseph Tiemann	(45 minutes)
(11)	Custodial witness to testify with regard to selected bond forms	(15 minutes)
(12)	Robert Rees	(30 minutes)
(13)	Adam Barnett	(15 minutes)
(14)	Henry Hildebrand	(20 minutes)
(15)	Professor G. Calvin Mackenzie	(60 minutes)

In addition to calling these witnesses, Judge Porteous reserves the right to (1) testify in his own defense if he so chooses and if remaining time allows and (2) call additional witnesses, as needed, during the evidentiary hearing for purposes of providing rebuttal or impeachment evidence.

Objections to Certain of the House of Representatives' Final Exhibits

With regard to exhibits, Judge Porteous objects to the authenticity and genuineness of the following exhibits listed on the House of Representative's Final Exhibit List: 190 ("Chart of Curatorships"), 327 ("FBI Chart"), 328 ("FBI Chart"), 337 ("FBI Chart"), and 348 (summary of credit card charges). These documents were created by House Impeachment Counsel, the House managers, and/or the FBI in connection with this matter and, therefore, are not evidence that Judge Porteous can concede to be either authentic or genuine. Instead, they are merely summaries or methods of presenting information that the House may seek to rely upon at trial. While Judge Porteous likewise intends to introduce and rely upon demonstratives at trial, copies

of which are attached,[3] such materials are not evidence and should not be included in (and should be stricken from) either party's exhibit list.

Judge Porteous further objects to the House's inclusion on its Final Exhibit List of grand jury transcripts and House Impeachment Task Force Deposition transcripts. In its August 25, 2010 Disposition of Pre-Trial Motions, the Committee granted Judge Porteous's July 21, 2010 Motion to Exclude Prior Testimony with regard to grand jury and House deposition testimony because Judge Porteous had no opportunity to cross-examine witnesses in either instance. (Order at 6-7.) Given the Committee's clear ruling (which the House has not asked the Committee to reconsider), it is wholly inappropriate for the House to place before the Senate such untested, unfiltered, and constitutionally-defective material, which the Committee has already declined to admit. Judge Porteous requests, therefore, that the Committee strike all grand jury testimony[4] and all House Impeachment Task Force Deposition testimony[5] from the House's Final Exhibit List.

Respectfully submitted,

/s/ Jonathan Turley
Jonathan Turley
2000 H Street, N.W.
Washington, D.C. 20052
(202) 994-7001

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[3] Judge Porteous has attached the following five demonstratives: "Floodgates Theory," Aubrey Wallace Timeline, *Lifemark* Timeline, Chapter 13 Confirmation Requirements, and Creditor Recovery Analysis.

[4] *See* House Exhibit Nos. 11, 18, 25, 33, 38, 40, 41, 64, 87, 120, 121, & 122(a).

[5] *See* House Exhibit Nos. 16, 24, 30, 31, 36, 46, 47, 68, 76, 78, 79, 83, 86, 92(a), 123, 192, & 197.

/s/ Daniel C. Schwartz
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Counsel for G. Thomas Porteous, Jr.
United States District Court Judge
for the Eastern District of Louisiana

Dated: September 8, 2010

CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2010, I served copies of the foregoing by electronic means on the House Managers, through counsel, at the following email addresses:

Alan Baron – abaron@seyfarth.com

Mark Dubester – mark.dubester@mail.house.gov

Harold Damelin – harold.damelin@mail.house.gov

Kirsten Konar – kkonar@seyfarth.com

Nafees Syed – nafees.syed@mail.house.gov

/s/ Daniel T. O'Connor

U.S. House of Representatives

Committee on the Judiciary

Washington, DC 20515–6216

One Hundred Eleventh Congress

September 7, 2010

The Honorable Claire McCaskill
Chairman, Senate Rule XI Impeachment Committee
United States Senate
Washington, D.C.

The Honorable Orrin Hatch
Vice Chairman, Senate Rule XI Impeachment Committee
United States Senate
Washington, D.C.

Re: Impeachment of Judge G. Thomas Porteous, Jr.

Dear Senator McCaskill and Senator Hatch:

Rule XXII of the Rules of Procedure and Practice in The Senate When Sitting on Impeachment Trials provides: "The case, on each side, shall be opened by one person."

We respectfully request that the Senate Impeachment Trial Committee waive this rule to permit the House's opening statement to be made by the below-signed House Managers. The topics of the opening statements, involving various Articles and legal principles, lend themselves to division in a logical fashion.

We appreciate your consideration of this request.

Sincerely,

Adam B. Schiff
Manager

Bob Goodlatte
Manager

cc: Morgan Frankel
Senate Legal Counsel