

## Surprise witnesses planned in Senate - Judge faces impeachment trial

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WASHINGTON -- Both sides in the upcoming Senate impeachment trial for federal Judge Thomas Porteous are planning some surprise witnesses.

The trial by the 12-member Senate Impeachment Trial Committee is scheduled for Sept. 13-17, though Porteous' lawyers are asking for additional time for testimony.

The witness list for the House managers, who serve as prosecutors in the proceeding, includes Porteous, the "defendant."

It's uncertain whether the committee will allow Porteous to be called by the House managers, who seek his removal from District Court in New Orleans.

The Senate committee is expected to decide next week whether to allow the immunized testimony Porteous gave to a 5th U.S. Circuit Court of Appeals disciplinary proceeding to be entered as evidence during the impeachment trial.

Also on the House managers' list are Jefferson Parish lawyers who are alleged to have provided Porteous with free lunches and cash, although two of the attorneys -- Jacob Amato Jr. and Robert Creely -- said in recent depositions that the gifts were made out of friendship, not to influence the judge.

Surprise names on the witness list for Porteous are Peter Ainsworth and Daniel Petalas, attorneys with the Public Integrity Section of the Department of Justice who are expected to testify about the decision not to bring criminal charges against Porteous. Porteous was investigated as part of the FBI's Wrinkled Robe investigation into corruption at the Jefferson Parish Courthouse in Gretna, but was never charged.

In March, the House unanimously approved four articles of impeachment against Porteous. If two-thirds of the Senate approves one or more of the articles, the judge would lose his \$174,000 job.

Other witnesses listed by Porteous' lawyers include Loyola law professor Dane Ciolino to testify about applicable judicial and ethical standards in Jefferson Parish when Porteous served as a state judge between 1984 and 1994, as well as a New Orleans psychiatrist to discuss the judge's "depressive and anxiety disorders."

Porteous took a one-year disability from Federal District Court in New Orleans after losing his house to Hurricane Katrina in August 2005 and the death four months later of his wife.

The Porteous witness list also includes current and former judges on both the Jefferson Parish bench and the New Orleans federal district court, and former Jefferson Parish District Attorney John Mamoulides.

Both sides plan to call bankruptcy experts, who are likely to offer conflicting opinions on Porteous' bankruptcy filing. They will be asked whether Porteous' failure to initially list his correct name and his decision to use a post office box for his address amounted to a cover-up, as the House maintains, or was routinely handled, with errors quickly corrected, as his attorneys contend.

The House accuses Porteous of committing "high crimes and misdemeanors," the Constitution's criteria for impeachment. The articles say he accepted gifts and money, including free meals, from lawyers and a bail bond company with business before him in Jefferson Parish, a post he held before being appointed to the federal court by President Bill Clinton in 1994.

The Porteous defense team, led by George Washington University law professor Jonathan Turley, say that the vast majority of the accusations against Porteous involve the period before he became a federal judge. They argue that the

Senate has never impeached a judge for conduct prior to assuming federal office, and doing so in this case would establish a bad precedent.

In a related matter, the House impeachment managers have made public a report that includes an allegation that a Texas company with cases before Porteous provided the judge with six all-expenses paid hunting trips between 2000 and 2007.

The report says that Metairie lawyer Richard Chopin, described as a longtime friend of Porteous, helped arrange for the hunting trips at a facility in Texas operated by a client, Diamond Offshore Drilling. Diamond provided air transportation, meals, lodging and an open bar, and paid for hunting licenses, if required, according to the House report.

It said that Diamond had some cases assigned to Porteous, although all were either "settled or were reassigned." That means Porteous "had only limited opportunity to issue dispositive ruling in those cases," the House report said.

Neither Chopin nor a spokesman for Diamond Offshore Drilling responded to requests for comment.

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