

LOUISIANA ATTORNEY DISCIPLINARY BOARD

PART C: EXPLANATION OF YOUR COMPLAINT

State in detail why you think this attorney has done something improper or has failed to do something

which this attorney should have done. Include the names and addresses of all persons who know something about your grievance. Attach copies of court papers, cancelled checks or receipts showing payments of attorney's fee, and other documents relevant to your grievance. Attach additional 8 1/2" x 11" sheets of paper if you need more space for your explanation.

Complaint:

The Louisiana Supreme Court adopted this rule on January 20, 2004. It became effective on March 1, 2004 and has not been amended since. This rule is identical to ABA Model Rule of Professional Conduct 8.4 (2016) with three substantive differences. First, Model Rule 8.4(b) brands a criminal act as "misconduct" only if the crime "reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects." See ABA Model Rules of Professional Conduct r. 8.4(b). In contrast, Louisiana Rule 8.4(b) (2002) casts a wider net by branding as "misconduct" any criminal act by a lawyer—irrespective of whether it casts doubt on the lawyer's honesty, trustworthiness or fitness to practice. The rule has this effect as a result of the inclusion of the language "especially one that" between "criminal act" and "that reflects." We believe that Attorney general violated First Model Rule 8.4(b), by engaging in the following (Cited in The Times-Picayune and The Advocate.):

Louisiana Attorney General Jeff Landry, who has railed against loose borders and lax immigration policies during his four years as the state's top lawman, went into business in 2017 with a Houston labor broker named Marco Pesquera, who had become rich by helping his clients defraud the immigration system to import more than 1,000 Mexican laborers to the Gulf South.

They set out to make millions by winning federal approval to bring in hundreds of skilled Mexican construction workers to help build a massive liquefied natural gas terminal in Cameron Parish.

The effort involved three firms with ties to the attorney general: two firms owned by Jeff Landry, and one owned by his brother, Benjamin Landry, and a business associate, documents and emails show.

H-2B guest worker visas criticized from the left and right; employers clamor for foreign workers

The companies won federal approval to bring in more than 300 welders and pipe fitters from Mexico, based on applications that included several dubious claims and documents that were misleading at best and flat-out bogus at worst, according to records provided by Pesquera.

Pesquera, 46, pleaded guilty last year to a conspiracy charge for years of visa fraud unrelated to his work with the Landry companies. There's no evidence that either Landry brother or their associates knew that Pesquera was under criminal investigation when they contracted with him, and neither of the Landry brothers nor their associates have been charged in the case.

Before beginning a three-year federal prison sentence in December, Pesquera shared hundreds of pages of visa applications, internal email exchanges and other records with The Times-Picayune and The Advocate.

Visa fraudster Marco Pesquera was in federal crosshairs amid deal with Jeff Landry companies

Details revealed in the cache of documents either match or align with publicly available government records, contracts and agreements filed in subsequent legal disputes among players in the Cameron LNG project.

Though the Cameron project did not figure into the charges against Pesquera, he says he used the same playbook with the trio of firms that he had employed for years: feigning a temporary need for foreign labor, and using shell companies and invented work orders to better the odds of federal approval. The documents show that the companies manipulated the guest-worker visa program in a plan Pesquera says was predicated on not hiring American welders or pipe fitters.

Their product was skilled Mexican labor, federally approved. Their profit derived from the savings the industrial contractors stood to reap by paying far less for Mexican welders than they would have had to pay Americans. Another benefit: The Mexican workers were tied to the job under H-2B visa rules, meaning they could not quit for a better deal. Pesquera pegged the group's expected profits from the nine-month work contract at several million dollars.

Timeline of key events in the Landry brothers' business dealings with Marco Pesquera

The federal Department of Labor declined to answer detailed questions about the companies' applications and the validity of the underlying documents, saying, "The department has referred this matter" to its Office of the Inspector General.

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LIST ALL DOCUMENTS ATTACHED: Responding media articles...

DATE OF SIGNING: 3/9/20



COMPLAINANT



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RETURN THIS FORM TO: Office of the Disciplinary Counsel
4000 S. Sherwood Forest Blvd., Suite 607
Baton Rouge, Louisiana 70816