

FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2011

Report Required by the Ethics
in Government Act of 1978
(5 U.S.C. app. §§ 101-111)

1. Person Reporting (last name, first, middle initial) Sack, Robert D.	2. Court or Organization US Court of Appeals, 2d Cir.	3. Date of Report 04/01/2012
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) US Circuit Judge (Senior)	5a. Report Type (check appropriate type) ☐ Nomination ☐ Date ☐ Initial ☒ Annual ☐ Final 5b. ☐ Amended Report	6. Reporting Period 01/01/2011 to 12/31/2011
7. Chambers or Office Address 40 Foley Square New York, NY 10007		
IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the <i>NONE</i> box for each part where you have no reportable information. Insert signature on last page.		

I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions.)

☐ NONE (No reportable positions.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. Director	William F. Kerby and Robert S. Potter Fund
2. Lecturer in Law	Columbia Law School
3. Member, Columbia Board of Visitors	Columbia Law School
4.	
5.	

II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)

☐ NONE (No reportable agreements.)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1. 9/3/98	Practising Law Institute and Robert D. Sack, publication of 3rd edition of treatise on defamation law; royalty 15% of net receipts
2. 1998	Gibson, Dunn & Crutcher LLP Retirement Agreement, Gibson Dunn & Crutcher LLP and Robert D. Sack; Terms: \$6,000 per month/life, no increase, decrease or cap
3. 2010	Practising Law Institute and Robert D. Sack, publication of 4th edition of treatise on defamation law; royalty 15% of net receipts

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III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income**☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2011	Practising Law Institute Book Royalties	\$29,706.70
2. 2011	Gibson, Dunn & Crutcher LLP Retirement Plan	\$72,000.00
3. 2011	Lecturer in Law, Columbia Law School	\$15,000.00
4.		

B. Spouse's Non-Investment Income - If you were married during any portion of the reporting year, complete this section.*(Dollar amount not required except for honoraria.)*☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2011	Dewey Ballantine Partnership Distribution (X)
2. 2011	West Services Inc.
3.	
4.	

IV. REIMBURSEMENTS *-- transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*☐ NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. American Bar Association Forum on Communications Law	2/3-5/2011	Rancho Mirage, CA	Communications Law Conference	Travel, Hotel and Meals
2. Boston University	4/14/11	Boston, MA	Homer Albers Prize Moot Court Competition	Travel
3. University of Rochester	10/22/11	Rochester, NY	Symposium	Travel and Meals
4.				
5.				

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V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*NONE *(No reportable gifts.)*

	<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1.			
2.			
3.			
4.			
5.			

VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*NONE *(No reportable liabilities.)*

	<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.	Citibank Aadvantage	Credit Card	J
2.	Citibank Aadvantage	Credit Card	J
3.	Chase Visa	Credit Card	J
4.			
5.			

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VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. JPMorgan Chase Accounts	A	Interest	L	T					
2. JP Morgan 1086 US Govt MMKT Fund - Premier (formerly Morgan)		None			Sold (part)	01/04/11	J		
3.					Sold (part)	01/12/11	J		
4.					Sold	02/15/11	M		
5. Unsecured loan to David W. McClintick (X)		None			Closed	12/31/11	J		
6. Dewey Ballantine Partnership Capital Account (X)		None			Closed	12/31/11	J		
7. Oppenheimer Advantage Municipal Liquidity Fund	A	Interest	J	T					
8. Boeing Co. Common Stock	A	Dividend	K	T					
9. Blackrock New York Insured Municipal Income Trust III	B	Dividend	K	T					
10. Invesco Van Kampen Trust for Invst. Grade NY Municipals	A	Dividend	J	T					
11. Oppenheimer NY Municipal Fund CI A	D	Dividend	L	T					
12. Opp New York NY City Mun Wtr Fin NY 3.625% Due 6/15/25	A	Int./Div.	K	T					
13. Northwestern Mutual Life Insurance Policy	C	Dividend	L	T					
14. Guardian Life Insurance Policy	C	Dividend	L	T					
15. Massachusetts Mutual Life Insurance Policy	A	Dividend	J	T					
16. Morgan Stanley Money Market Fund	A	Dividend	K	T					
17. Morgan Stanley MTA 5.35 Zero Coupon Bond due 7/1/12	B	Interest	K	T					

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$250,000.01 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

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☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code I (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)

18. MS New York Genl Oblig Ref Ser-C due 4/15/13	A	Interest	K	T					
19. Morgan Stanley LIPA 5.60 Zero Coupon Bond due 6/1/14	B	Interest	K	T					
20. MS NYS Power Auth Rev Ref Ser-C 4% due 11/15/20	B	Interest	K	T					
21. MS NYC Genl Oblig Ser-I 4% Due 2/1/22	C	Interest	L	T					
22. MS Invesco Gobal Core Equity A (X)	A	Dividend	J	T					
23. MS Invesco VK Small Cap Value A (X)	A	Dividend	K	T					
24. MSIF Small Co Growth PTF H (X)	A	Dividend	J	T					
25. MS Focus Growth FD A	A	Dividend	J	T					
26. MS Oppen. AMT Free NY Mun	D	Dividend	M	T					
27. MS Franklin NY Tax FR A	B	Dividend	K	T					
28. MS Goldman Sachs High Yld Muni A	A	Dividend			Sold	02/25/11	K		
29. JPMorgan Federal Money Market Fund - Morgan	A	Dividend	K	T					
30. Fiduciary Holdings (SS) (X)	D	Int./Div.	M	T					
31. -Morgan Stanley Bank Deposit Program (X)									
32. -MS MTA NY Transit Zero Coupon Bond due 7/1/13 (X)									
33. -Morgan Stanley Franklin NY Tax FR A (X)									
34. -MS Oppen AMT Free NY Mun A (X)					Sold (part)	07/28/11	J		

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
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	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
35. Ameriprise Portfolio (AH)	G	Int./Div.	P1	T					
36. -Ameriprise Insured Money Market									
37. -FID ADV FLOAT RT H/INC-C					Buy	03/17/11	K		
38. -FID ADV HIGH INCOME-C					Buy	03/17/11	K		
39.					Sold	06/24/11	K		
40. -TRANS AEGON S/TRM BD-C					Buy	03/17/11	K		
41.					Sold	05/03/11	K		
42. -INV VK MUNI INCOME-A INVESCO FUNDS					Sold (part)	04/26/11	K		
43. -BLKRCK EQTY DIVIDEND-A BLACKROCK FUNDS					Buy	03/15/11	K		
44. -DWS Short DUR Plus - A DWS Funds									
45. -Eaton Amt Muni Inc-A Eaton Vance Group									
46. -FID ADV FLOAT RT H/INC-A					Sold	04/25/11	M	E	
47. -Fid Adv New Insights-A Fidelity Advisor Funds					Buy	04/26/11	L		
48. -GAB EQUITY INCOME-A GABELLI FUNDS					Sold (part)	07/06/11	J	B	
49. -Ivy Asset Strategy-A Waddell & Reed Funds					Sold (part)	08/05/11	K	D	
50. -MFS Muni Ltd Maturity-A MFS Family of Funds									
51. -Opp Intl Bond-A Oppenheimer Funds									

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2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$5,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
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52. -Opp Gold & SP Minerals-A Oppenheimer Funds					Sold (part)	01/20/11	J	D	
53. -Opp Ltd Interm Muni-A Oppenheimer Funds									
54. -Opp Developping Mkts-A Oppenheimer Funds									
55. -Perm Portfolio Permanent Family of Funds					Sold (part)	08/05/11	K	D	
56. -Opp Ltd Term NY Muni-A Oppenheimer Funds									
57. -Amer T/E Bond of Amer-A American Funds Group									
58. -VK Muni Income-A Van Kampen Funds (name change) (Y)									
59. -Van Eck GL Hard Assets-A Van Eck Global Funds									
60. -Blackrock Muniholdings New York Insured Fund Inc									
61. -Nuveen New York Invst Quality Municipal Fund Inc									
62. -BLKRCK EQTY DIVIDEND-A									
63. -Eaton Amt Muni Inc-A Eaton Vance Group									
64. -Fid Adv Float Rt H/Inc-A Fidelity Advisor Funds					Sold (part)	01/20/11	K	C	
65. -Gld High Yield Muni-A Goldman Sacks Asset Mgmt									
66. -MFS Muni Ltd -Maturity-A MFS Family of Funds									
67. -Opp Amt Free NY Muni-A Oppenheimer Funds									
68. -Pioneer Amt-Free Muni-A Pioneer Funds									

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69. -Amer T/E Bond of Amer-A American Funds Group									
70. -Virtus Tax Exempt Bond-A Virtus Funds									
71. - Fred Alger Large Cap Growth IRA									
72. - Franklin Intermediate Fixed Income IRA									
73. - Spectrum Hybrid Preferred IRA									
74. - Renaissance International Equity IRA									
75. - Alliancebernstein Large Cap Core IRA									
76. - Munder Mid Cap Core IRA									
77. - RiverSource Retirement Advisor 4 Advantage VA-Annuity									

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VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of report.)*

Regarding [REDACTED] non-investment income, no further receipts are expected from Dewey Ballantine Partnership, and capital owing (Investments and Trusts Line 6) is uncollectible and written off for tax purposes in tax year 2011.

Regarding Investments and Trusts Line 5, Unsecured loan to David W. McClintick, the loan is uncollectible and written off for tax purposes in tax year 2011.

Regarding Investments and Trusts Lines 24, 25 and 26 on the 2010 Report which are Lines 22, 23 and 24 on this 2011 Report:

On 5/24/11, INVESCO GLB DIV GW SERCUR A, Exchange Delivered Out and Received In INVESCO GLOBAL CORE EQUITY A;

On 5/24/11, INVESCO SPECIAL VALUE A, Exchange Delivered Out and Received In INVESCO VK SMALL CAP VALUE A; and

On 11/17/11, MS SPECIAL GROWTH FUND A, Exchange Delivered Out and Received In MSIF SMALL CO GROWTH PTF H.

Investments and Trusts Lines 30-34, Fiduciary Holdings, remain on this report though it was reported last year that they would be removed. As of November 2010, a new trustee accepted appointment, but confirmation by court filing was effective in February 2012. In an abundance of caution, Lines 30-34 remain on this 2011 report. They will not appear on future reports.

Investments and Trusts Line 37 on the 2010 Report, Neuberger State Street Mid Cap Growth Investor Class was sold in 2010, but the sale was inadvertently omitted from the 2010 Report. That fund is no longer reportable, and it does not appear on this 2011 Report.

A pending claim against Worldcom is currently in litigation (02 Civ. 3288 (DLC)). The worth of that claim cannot be determined at this time.

A pending claim against American International Group, Inc. is currently in litigation (04 Civ. 8141 (DAB) (AJP)). The worth of that claim cannot be determined at this time.

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IX. CERTIFICATION.

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.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: s/ Robert D. Sack

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544