

FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2009

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) Holwell, Richard J.	2. Court or Organization USDC/SDNY	3. Date of Report 06/14/2010
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) U.S. District Judge - Active	5a. Report Type (check appropriate type) ☐ Nomination, Date ☐ Initial ☒ Annual ☐ Final 5b. ☐ Amended Report	6. Reporting Period 01/01/2009 to 12/31/2009
7. Chambers or Office Address 500 Pearl St. Chambers 1950 New York, New York 10007-1312	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations. Reviewing Officer _____ Date _____	
IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.		

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

☐ NONE (No reportable positions.)

POSITION

NAME OF ORGANIZATION/ENTITY

1. Partner	Van Duyn Associates (SEE SECTION VIII, Paragraph 2)
2.	
3.	
4.	
5.	

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

☐ NONE (No reportable agreements.)

DATE

PARTIES AND TERMS

1. 08/01/2000	PLEASE SEE SECTION VIII, Paragraph 2.
2.	
3.	

FINANCIAL DISCLOSURE REPORT
Page 2 of 11

Name of Person Reporting
Holwell, Richard J.

Date of Report
06/14/2010

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. 2009	White & Case LLP (post-retirement payments fixed at time of retirement on November 1, 2003).	\$316,180
2.		
3.		
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. 2009	Self-employed architect
2.	
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.				
2.				
3.				
4.				
5.				

FINANCIAL DISCLOSURE REPORT

Page 3 of 11

Name of Person Reporting

Holwell, Richard J.

Date of Report

06/14/2010

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

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.)*CREDITORDESCRIPTIONVALUE CODE

1.		
2.		
3.		
4.		
5.		

FINANCIAL DISCLOSURE REPORT

Page 4 of 11

Name of Person Reporting

Holwell, Richard J.

Date of Report

06/14/2010

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. Van Duyn Assoc., NY, NY	E	Rent	P1	W					
2. Bell South	A	Dividend	J	T					
3. Brokerage Account #1									
4. - Fidelity S&P 500					Sold	01/26/09	L	A	
5. - Fidelity Contrafund					Sold	01/28/09	M	A	
6. - Fidelity Lo Pr Stk					Sold	01/21/09	N	A	
7. - First Eagle Overseas A					Sold	02/06/09	M	A	
8. - US Global Inv Global					Sold	01/21/09	K	A	
9. - Schwab M. Mkt. Fund	A	Interest	K	T	Sold (part)	04/15/09	L	A	
10. - CGM Focus					Sold	02/25/09	K	A	
11. - UltShort S&P 500					Sold	03/11/09	K	A	
12. - NY City Mun Wtr Fin, 6/15/31	E	Interest	N	T					
13. - NY Cit Mun Wtr Fin, 6/15/24	D	Interest	M	T					
14. - NYS Dorm Revs St Supp, 2/15/16	D	Interest	M	T					
15. - Comp Bond	D	Interest	M	T	Buy	04/24/09	M		
16. - Baird Muni			M	T	Buy	01/26/09	M		
17. - Baird Muni	C	Interest	M	T	Buy	02/06/09	M		

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

FINANCIAL DISCLOSURE REPORT

Page 5 of 11

Name of Person Reporting

Holwell, Richard J.

Date of Report

06/14/2010

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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 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)
18. - Baird Muni					Sold (part)	02/05/09	M	A	
19. - SPDR	D	Dividend	N	T	Buy	03/16/09	M		
20. - Vanguard	B	Interest	M	T	Buy	08/11/09	M		
21. IRA #1									
22. - ML Pacific Fund	A	Dividend	L	T					
23. - PIMCO Total Return D					Sold	08/06/09	L	A	
24. - Brandywine					Sold	02/26/09	L	A	
25. - PIMCO Comm. Real					Sold	02/23/09	J	A	
26. - PIMCO Total Ret. Inst			M	T					
27. - First Eagle Overseas					Sold	02/26/09	L	E	
28. - Dodge & Cox Int'l Stk					Sold	01/26/09	K	A	
29. - RS Global Net Res					Sold	02/23/09	K	A	
30. - US Global Inv. Global					Sold	02/23/09	K	A	
31. - Ultra Short S&P 500					Sold	05/11/09	K	A	
32. - Schwab Money Market Fund			M	T					
33. - Dow (Bond)			M	T	Buy	06/04/09	M		
34. - Morgan Stanley (Bond)			M	T	Buy	03/11/09	L		

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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	
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	

FINANCIAL DISCLOSURE REPORT

Page 6 of 11

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Holwell, Richard J.

Date of Report

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35. - Terex (Bond)			M	T	Buy	03/11/09	L		
36. - Baird Int			L	T	Buy	06/10/09	L		
37. - JP Morgan Em Debt			L	T	Buy	07/27/09	L		
38. - JP Morgan S. Inc.			M	T	Buy	11/05/09	M		
39. - Pimco F. Bond			L	T	Buy	07/27/09	L		
40. - Pimco Mtg B			M	T	Buy	08/06/09	M		
41. - Matt. India			L	T	Buy	08/24/09	L		
42. - IShares TR			L	T	Buy	06/12/09	L		
43. - Morgan Stanley (Bond)			L	T	Buy	01/08/09	L		
44. - Morgan Stanley (Bond)					Sold	08/05/09	L	A	
45. - Proshares					Buy	06/22/09	K		
46. - Proshares					Sold	07/24/09	K	A	
47. - G.E. Bond					Buy	03/11/09	M		
48. - G.E. Bond					Sold	09/15/09	M	A	
49. - PIMCO Em Mkt					Sold	07/27/09	L	A	
50. - PIMCO Em Mkt					Sold	11/02/09	L	A	
51. IRA #2									

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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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FINANCIAL DISCLOSURE REPORT

Page 7 of 11

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Holwell, Richard J.

Date of Report

06/14/2010

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52. - First Eagle Overseas A	A	Dividend			Sold	02/09/09	K	A	
53. - MetroWest Total Ret	A	Dividend	J	T					
54. - Cash			J	T					
55. - TCW Bond			J	T	Buy	05/20/09	J		
56. - Proshares					Buy	05/08/09	L		
57. - Proshares					Sold	10/15/09	L	A	
58. - JP Morgan S. Inc.			K	T	Buy	04/02/09	K		
59. - Perm Port			K	T	Buy	11/25/09	K		
60. - E.V. Global			J	T	Buy	12/07/09	J		
61. Fidelity Annuity									
62. - Fidelity Contrafund					Sold	02/27/09	L	A	
63. - Fidelity Adv. Gr. Opp. 1 (formerly Fidelity Growth Opps.)					Sold	02/27/09	K	A	
64. - Cash			M	T					
65. White & Case RIP Pension	F	Dividend	L	W					See Att. VIII-A of Report
66. White & Case 401(K)									See Att. VIII-A of Report
67. - Turner Midcap Gr.					Sold	01/09/09	M	A	"
68. - Axiom Int'l Inv.					Sold	01/09/09	O	A	"

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FINANCIAL DISCLOSURE REPORT

Page 8 of 11

Name of Person Reporting

Holwell, Richard J.

Date of Report

06/14/2010

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69. - SSGA					Sold	01/09/09	K	A	"
70. - Davis NY Venture					Sold	02/09/09	N	A	"
71. - PIMCO Total Ret.			O	T	Buy	01/09/09	M		"
72. - Columbia Val & R					Sold	01/27/09	L	A	"
73. - Royce Low Price					Sold	02/24/09	K	A	"
74. - Vanguard Infl-Prot			K	T	Sold	06/11/09	K	A	"
75. - SPDR					Sold	03/04/09	K	A	"
76. - IShares Brazil			M	T	Buy	05/14/09	L		"
77. - SPDR Energy			L	T	Buy	05/11/09	L		"
78. - TFS Market			L	T	Buy	01/27/09	L		"
79. - PIMCO NY			L	T	Buy	05/11/09	L		"
80. - PIMCO Mtg B			M	T	Buy	05/14/09	L		"
81. - SPDR China					Buy	05/11/09	L		"
82. - SPDR China			L	T	Sold (part)	08/25/09	K	A	"
83. - Vanguard			L	T					"
84. - Wintergreen			L	T	Buy	10/29/09	K		"
85. - Pro Shares US					Buy	01/29/09	K		"

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
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FINANCIAL DISCLOSURE REPORT

Page 9 of 11

Name of Person Reporting

Holwell, Richard J.

Date of Report

06/14/2010

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86. - Pro Shares US					Sold	05/11/09	K	A	"

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FINANCIAL DISCLOSURE REPORT
Page 10 of 11

Name of Person Reporting

Holwell, Richard J.

Date of Report

06/14/2010

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

1. Regarding Section I:

Partner, Van Duyn Associates. Van Duyn Associates is a general partnership formed under New York law pursuant to a restated and amended agreement dated December 21, 1979. I own with [REDACTED] a 60% interest in the partnership which owns the building in which we reside.

2. Regarding Section II:

White & Case Savings and Investment Plan ("SIP"). White & Case is my former law firm. The White & Case SIP was originally established in 1983. It is a qualified 401(K) plan. Subject to certain qualifications, all employees can participate in the plan and may remain in the plan after retirement. Participants are able to select their investments from among a limited list of mutual funds only.

White & Case Retirement Income Plan ("RIP"). White Case is my former law firm. The White & Case RIP is a defined benefit pension originally adopted in 1985 and is limited to certain partners and employees of the Firm. The RIP provides upon retirement an annual benefit which is a percentage of the total compensation earned by a participant during membership in the plan. The contributions to RIP are actuarially determined and are paid by the Firm to a trust fund. I am fully vested in the plan. Participants have no control over the trust fund's investment.

White & Case Partnership Agreement. White & Case is my former law firm. The amended and restated partnership agreement dated August 1, 2000 governs the operation of the Firm. The equity partners of the Firm are parties to the agreement. Upon ceasing to be an equity partner, such partner's capital account is fixed and distributed in monthly payments over a term of six years. All such payments were made by December 31, 2009.

3. Regarding Section VII, Item Nos. 65; 66-86.

SEE ATTACHMENT VIII-A

FINANCIAL DISCLOSURE REPORT

Page 11 of 11

Name of Person Reporting

Holwell, Richard J.

Date of Report

06/14/2010

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 _____

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

FILING INSTRUCTIONS

Mail signed original and 3 additional copies to:

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

Richard J. Holwell

**FORM A0-10
ATTACHMENT VIII-A**

Item 65 White & Case Retirement Income Plan ("RIP"). The White & Case RIP is a defined benefit pension originally adopted in 1985 and is limited to certain partners and employees of the Firm. The RIP provides upon retirement an annual benefit, which is a percentage of the total compensation earned by a participant during membership in the plan. The contributions to RIP are actuarially determined and are paid by the Firm to a trust fund. I am fully vested in the plan. Participants have no control over the trust fund's investments. My annual accrued benefit is [REDACTED]

Items 66-86 White & Case 401(K) Plan. The plan administrator, CitiStreet Retirement Plan, does not provide plan participants with periodic income information on either an aggregate or per-fund basis. The only information provided is the change in valuation over time. This information is provided below:

FUND	VALUATION 01/01/09	VALUATION 12/31/09
Turner Mid Cap Growth	[REDACTED]	-0-
Axiom Int'l Inv.	[REDACTED]	-0-
SSGA Emerging	[REDACTED]	-0-
Davis NY Venture Y	[REDACTED]	-0-
Pimco Total Ret	[REDACTED]	[REDACTED]
Columbia Val & R	[REDACTED]	-0-
Royce Low Price	[REDACTED]	-0-
SPDR	[REDACTED]	-0-
Money Market	[REDACTED]	[REDACTED]
I Shares	-0-	[REDACTED]
SPDR Energy	-0-	[REDACTED]
TFS Market	-0-	[REDACTED]
PIMCO HY	-0-	[REDACTED]
PIMCO Mtg B	-0-	[REDACTED]
SPDR China	-0-	[REDACTED]
Vanguard	-0-	[REDACTED]
Wintergreen	-0-	[REDACTED]
Proshare US	-0-	-0-