

FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2008

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) O'Brien, Terrence L.	2. Court or Organization Tenth Circuit	3. Date of Report 05/25/2009
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) U.S. Circuit Judge - Active	5a. Report Type (check appropriate type) ☐ Nomination, Date ☐ Initial ☒ Annual ☐ Final 5b. ☐ Amended Report	6. Reporting Period 01/01/2008 to 12/31/2008
7. Chambers or Office Address U.S. Court of Appeals, Tenth Circuit 2120 Carey Ave., Suite 200 Cheyenne, WY 82001	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.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

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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. _____	_____
2. _____	_____
3. _____	_____

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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. 2008	State of Wyoming - Judicial Retirement	\$27,785.78
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.	
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.				

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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. Bronze	Marian Rochelle	\$6,500.00
2. Air Fare to Korea, Mongolia, & Siberia	April Brimmer Kunz	\$4,350.00
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.		
2.		
3.		
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 Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. IRA#1 Nationwide Templeton Foreign Fund TFFAX	A	Distribution	L	T					
2. IRA#1 Artisan Mid Cap ARTMX	A	Dividend	K	T					
3. IRA#1 Janus Mid Cap Value Fund JMCVX	A	Dividend	K	T					
4. IRA #1 Nationwide American Century Ultra TWUX	A	Distribution	K	T					
5. IRA #1 Dreyfus Money Market Reserves	A	Distribution	J	T					
6. IRA #2 MSFT	A	Dividend			Sold	3/13	J	A	
7. IRA #2 MMM	A	Dividend			Sold	3/13	J	A	
8. IRA #2 CAE	A	Dividend			Sold	3/14	J	A	
9. IRA #2 BA	A	Dividend	J	T	Buy	11/14	J		
10. IRA #2 CLX	A	Dividend	J	T	Buy	12/02	J		
11. IRA #2 CVX	A	Dividend	J	T					
12. IRA#2 DRYS	A	Dividend	J	T	Buy	12/18	J		
13. IRA #2 GR	A	Dividend	J	T	Buy	12/18	J		
14. IRA#2 Money Market Account	A	Interest	J	T					
15. AMX	A	Dividend			Sold	3/13	J	D	
16. BIIB	A	Dividend			Sold	3/13	J	A	
17. BIIB	A	Dividend			Sold	3/13	J	A	

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 \$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	

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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 Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
18. BMY	A	Dividend			Sold	3/13	J	A	
19. CSCO	A	Dividend			Sold	3/13	J	B	
20. FDX	A	Dividend			Sold	3/13	J	D	
21. GE	A	Dividend			Sold	3/13	J	A	
22. GLW	A	Dividend			Sold	3/13	J	D	
23. HPQ	A	Dividend			Sold	3/13	J	D	
24. INTC	A	Dividend			Sold	3/13	K	E	
25. MSFT	A	Dividend			Sold	3/13	K	E	
26. PG	A	Dividend			Sold	3/13	K	D	
27. RTN	A	Dividend			Sold	3/13	J	D	
28. WMB	A	Dividend			Sold	3/13	J	B	
29. WMB	A	Dividend			Sold	31/13	J	A	
30. IBM	A	Dividend			Sold	3/13	J	A	
31. BKH	A	Dividend	J	T	Buy	10/22	J		
32. BA	A	Dividend	K	T	Buy	10/10	J		
33. CAT	A	Dividend	J	T	Buy	10/10	J		
34. GLW	A	Dividend	J	T	Buy	10/22	J		

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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)					

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35. DD	A	Dividend	J	T	Buy	10/10	K		
36. FCX	A	Dividend	J	T	Buy	11/07	J		
37. IBM	A	Dividend	K	T	Buy	10/10	K		
38. JNJ	A	Dividend	K	T	Buy	10/10	K		
39. KMB	A	Dividend	J	T	Buy	10/10	J		
40. PAS	A	Dividend	J	T	Buy	10/22	J		
41. RTP	A	Dividend	J	T	Buy	11/12	J		
42. JAVA	A	Dividend	J	T	Buy	10/10	J		
43. TRA	A	Dividend	J	T	Buy	10/10	J		
44. TRN	A	Dividend	J	T	Buy	10/10	J		
45. UNP	A	Dividend	J	T	Buy	11/13	J		
46. VLO	A	Dividend	J	T	Buy	10/10	J		
47. CMFUZ Money Mkt Acct	A	Interest	K	T					
48. T Rowe Price Science PRSCX	A	Dividend			Sold	3/13	J	A	
49. Focus Growth AMOAX was GRTAX	A	Distribution			Sold	3/14	J	A	
50. MS Information Fund IFOAX	A	Dividend			Sold	3/14	J	A	
51. MS Capital Opportunity Trust B CPOBX	A	Distribution	J	T	Merged (with line 52)				

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 = \$55,000,001 - \$25,000,000	E = \$15,001 - \$30,000
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	
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52. MS Capital Opportunity Trust A CPOAX	A	Distribution			Sold	3/14	J	A	
53. MS Pacific Growth Fund A TGRAX	A	Distribution			Sold	3/14	K	A	
54. VRGY	A	Dividend			Sold	3/18	J	A	
55. A (Fidelity)	A	Dividend			Sold	3/18	J	A	
56. BRKB	A	Dividend	K	T					
57. BKH	A	Dividend			Sold	3/18	J	B	
58. HOG	A	Dividend			Sold	3/18	J	D	
59. MRK	A	Dividend			Sold	3/18	J	D	
60. MSFT (Fidelity)	A	Dividend			Sold	3/18	J	A	
61. MOT	A	Dividend			Sold	3/18	J	A	
62. IBDRY was SPI	A	Dividend	J	T					
63. TXN	A	Dividend			Sold	3/18	J	A	
64. WFC	A	Dividend			Sold	3/18	J	D	
65. YUM	A	Dividend			Sold	3/18	J	D	
66. SNY	A	Dividend	J	T	Buy	2/26	J		
67. SNY	A	Dividend			Sold	3/18	J	A	
68. BA	A	Dividend	J	T	Buy	1/18	J		

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69. NVDA	A	Dividend			Sold	3/18	J	A	
70. FCNTX	A	Dividend			Sold	3/18	J	C	
71. FHIGX	A	Dividend	L	T					
72. FMAGX	A	Dividend			Sold	3/18	M	A	
73. FTEXX Money Mkt Acct	A	Interest	N	T					
74. PTHAX (TDA)	A	Interest	J	T					
75. VKMHX (TDA)	A	Interest	J	T					
76. EDJ Money Mkt Acct	A	Interest			Sold	3/14	J	A	
77. PFL Annuity #1	A	Interest	K	T					
78. PFL Annuity #2	A	Interest	K	T					
79. PFL Annuity #3	A	Interest	K	T					
80. Checking #1	A	Interest	J	T					
81. Savings #1	A	Interest	L	T					
82. Checking #2	A	Interest	J	T					
83. Savings #2	A	Interest	L	T					
84. Savings #3	A	Interest	L	T	Open	9/30	L		
85. Savings #4	A	Interest	L	T	Open	10/1	L		

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2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$250,000,001 - \$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	

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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				
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86. U S Coins		None	J	T					
87. U.S. Bonds	A	Interest	J	T					

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

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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.



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