

**FINANCIAL DISCLOSURE REPORT
FOR CALENDAR YEAR 2004**

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

1. Person Reporting (Last name, First name, Middle initial) BERZON, MARSHA S	2. Court or Organization U.S.C.A. - NINTH CIRCUIT	3. Date of Report 5/16/2005
4. Title (Article III Judges indicate active or senior status; magistrate judges indicate full- or part-time) U.S. CIRCUIT JUDGE - ACTIVE	5. Report Type (check appropriate type) ☐ Nomination, ☐ Date ☐ Initial ☒ Annual ☐ Final	6. Reporting Period 1/1/2004 to 12/31/2004
7. Chambers or Office Address 95 SEVENTH STREET P.O. BOX 193939 SAN FRANCISCO, CA 94119-3939	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. _____
2. _____

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

☒ **NONE** - (No reportable agreements.)

DATE

PARTIES AND TERMS

1. _____

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FINANCIAL DISCLOSURE REPORT

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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.)DATESOURCE AND TYPEGROSS INCOME
(yours, not spouse's)

1.

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

1. 2004

SELF-EMPLOYED, ATTORNEY

IV. REIMBURSEMENTS - transportation, lodging, food, entertainment.

(Includes those to spouse and dependent children. See pp. 25-27 of instructions.)

☐ **NONE** - (No such reportable reimbursements.)SOURCEDESCRIPTION

1. DUKE UNIVERSITY

2/12-2/13/04 - DURHAM, NORTH CAROLINA MOOT COURT (TRAVEL, LODGING, MEALS)

2. AMERICAN LAW INSTITUTE

6/03-6/06/04 - PHILADELPHIA, PENNSYLVANIA PROFESSIONAL ASSOCIATION ACTIVITY (TRAVEL, LODGING, MEALS)

3. AMERICAN CONSTITUTION SOCIETY

6/18-6/20/04 - WASHINGTON, DC PROFESSIONAL ASSOCIATION ACTIVITY (TRAVEL, LODGING, MEALS)

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V. GIFTS. (Includes those to spouse and dependent children. See pp. 28-31 of instructions.)☒ **NONE** - (No such reportable gifts.)SOURCEDESCRIPTIONVALUE1.

VI. LIABILITIES. (Includes those of spouse and dependent children. See pp. 32-34 of instructions.)☒ **NONE** - (No reportable liabilities.)CREDITORDESCRIPTIONVALUE CODE1.

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VII. INVESTMENTS and TRUSTS — income, value, transactions (includes those of the spouse and dependent children. See pp. 34-57 of filing instructions.)

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, merger, redemption)	If not exempt from disclosure			
						(2) Date: Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A- H)	(5) Identity of buyer/seller (if private transaction)
☐ NONE (No reportable income, assets, or transactions)									
1. BANK OF AMERICA ACCOUNT	A	Interest	J	T					
2. COCA-COLA COMMON STOCK	A	Dividend	K	T					
3. MATTEL INC. COMMON STOCK	A	Dividend			SELL	12/22	J	B	
4. PEPSICO COMMON STOCK	A	Dividend	K	T					
5. LSI LOGIC COMMON STOCK		None	J	T					
6. SOURCE INTERLINK COMPANY COMMON STOCK		None	L	T					
7. CORNING COMMON STOCK		None	L	T					
8. DREYFUS APPRECIATION FUND	A	Dividend	K	T					
9. DREYFUS EMERGING LEADERS FUND		None	L	T					
10. DREYFUS PREMIER NEW LEADERS FUND	D	Dividend	M	T					
11. RS MIDCAP OPPORTUNITIES FUND		None	N	T					
12. VAN WAGONER EMERGING GROWTH FUND		None	K	T					
13. VAN WAGONER SMALL CAP GROWTH FUND		None	K	T					
14. SCHWAB CALIFORNIA MUNI MONEY MARKET FUND	A	Dividend	K	T					
15. SCHWAB CALIFORNIA MUNI MONEY FUND VALUE ADVANTAGE SHARES	B	Dividend	M	T					
16. FIDELITY SPARTAN CALIFORNIA MUNI MONEY MARKET FUND	E	Dividend	P1	T					
17. AIM AGGRESSIVE GROWTH FUND CL A (PSP)		None	K	T					
18. AIM BLUE CHIP FUND CL A (PSP)		None	K	T					

1. Income/Gain Codes:	A = \$1,000 or less	B = \$1,001-\$2,500	C = \$2,501-\$5,000	D = \$5,001-\$15,000	E = \$15,001-\$50,000
(See Columns B1 and D4)	F = \$50,001-\$100,000	G = \$100,001-\$1,000,000	H = \$1,000,001-\$5,000,000	I = More than \$5,000,000	
2. Value Codes:	J = \$15,000 or less	K = \$15,001-\$50,000	L = \$50,001-\$100,000	M = \$100,001-\$250,000	
(See Columns E1 and D3)	N = \$250,000-\$500,000	O = \$500,001-\$1,000,000	P1 = \$1,000,001-\$5,000,000	P2 = \$5,000,001-\$25,000,000	
	P3 = \$25,000,001-\$50,000,000		P4 = More than \$50,000,000		
3. Value Method Codes	Q = Appraisal	R = Cost (Real Estate Only)	S = Assessment	T = Cash/Market	
(See Column C2)	U = Book Value	V = Other	W = Estimated		

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VII. INVESTMENTS and TRUSTS -- income, value, transactions (includes those of the spouse and dependent children. See pp. 34-57 of filing instructions.)

A. Description of Assets (including trust assets) Place "(P)" 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 - F)	(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, merger, redemption)	If not exempt from disclosure			
						(2) Date: Month - Day	(3) Value Code 2 (J - P)	(4) Gain Code 1 (A - F)	(5) Identity of buyer/seller (if private transaction)
19. AIM CHARTER FUND CL A (PSP) [REDACTED]	A	Dividend	L	T					
20. AIM CONSTELLATION FUND CL A (PSP) [REDACTED]		None	L	T					
21. AIM PREMIER EQUITY FUND CL A (PSP) [REDACTED]	A	Dividend	K	T					
22. AIM WEINGARTEN FUND CL A (PSP) [REDACTED]		None	L	T					
23. AMERICAN FUNDS WASH MUTUAL INV FUND CL A (IRA) [REDACTED]	C	Dividend	M	T					
24. AMERICAN FUNDS GROWTH FUND OF AMERICA-A (PSRP) [REDACTED]	A	Dividend	K	T					
25. AMERICAN FUNDS NEW ECONOMY FUND-A (PSRP) [REDACTED]	A	Dividend	K	T					
26. AMERICAN FUNDS NEW PERSPECTIVE FUND-A (PSRP) [REDACTED]	A	Dividend	K	T					
27. AMERICAN FUNDS FUNDAMENTAL INVESTORS-A (PSRP) [REDACTED]	A	Dividend	K	T					
28. AMERICAN FUNDS INVEST CO OF AMERICA-A (PSRP) [REDACTED]	A	Dividend	J	T					
29. AMERICAN FUNDS WASH MUTUAL INV FUND-A (PSRP) [REDACTED]	B	Dividend	K	T					
30. AMERICAN FUNDS CASH MGMT TR OF AMERICA-A (PSRP) [REDACTED]	A	Dividend	L	T					
31. AMERICAN FUNDS EUROPACIFIC GROWTH FUND-A (IRA R/O)	B	Dividend	M	T					
32. AMERICAN FUNDS NEW PERSPECTIVE FUND-A (IRA R/O)	A	Dividend	J	T					
33. AMERICAN FUNDS FUNDAMENTAL INVESTORS-A (IRA R/O)	A	Dividend	K	T					
34. AMERICAN FUNDS INVESTMENT COMPANY OF AMERICA-A (IRA R/O)	E	Dividend	O	T					
35. AMERICAN FUNDS CASH MANAGEMENT TRUST OF AMERICA-A (IRA R/O)	A	Dividend	K	T					
36. SPOUSE'S CAPITAL ACCOUNT IN LAW FIRM PARTNERSHIP *1	D	Interest	J	U					

1. Income/Gain Codes:	A = \$1,000 or less	B = \$1,001-\$2,500	C = \$2,501-\$5,000	D = \$5,001-\$15,000	E = \$15,001-\$50,000
(See Columns B1 and D4)	F = \$50,001-\$100,000	G = \$100,001-\$1,000,000	H1 = \$1,000,001-\$5,000,000	H2 = More than \$5,000,000	
2. Value Codes:	J = \$15,000 or less	K = \$15,001-\$50,000	L = \$50,001-\$100,000	M = \$100,001-\$250,000	
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VII. INVESTMENTS and TRUSTS — income, value, transactions (includes those of the spouse and dependent children. See pp. 34-57 of filing instructions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset except 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. rend. or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g. buy, sell, merger, redemption)	If not exempt from disclosure			
						(2) Date: Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A- H)	(5) Identity of buyer/seller (if private transaction)
37. TRUST # 1			O	T	*2				
38. -STOCKS(OVER \$1,000 LISTED BELOW)	B	Dividend							
39. -VODAFONE GROUP PLC NEW COMMON					DISTRIBU TED	2/10	J		*2
40. -NSTAR COMMON					DISTRIBU TED	2/10	J		*2
41. -SBC COMMUNICATIONS, INC. COMMON					DISTRIBU TED	2/10	K		*2
42. -WACHOVIA CORP COMMON					DISTRIBU TED	2/10	J		*2
43. -VERIZON COMMUNICATIONS COMMON					DISTRIBU TED	2/10	K		*2
44. -BELLSOUTH CORPORATION COMMON					DISTRIBU TED	2/10	K		*2
45. -GENERAL MOTORS CORPORATION COMMON					DISTRIBU TED	2/10	J		*2
46. -FIRSTENERGY CORPORATION COMMON					DISTRIBU TED	2/10	J		*2
47. -PUBLIC SERVICE ENTER. GRP COMMON					DISTRIBU TED	2/10	K		*2
48. -KEYSPAN CORP COMMON					DISTRIBU TED	2/10	K		*2
49. -QWEST COMMUNICATIONS INTL INC. COMMON					DISTRIBU TED	2/10	J		*2
50. -SALOMON BROTHERS FUND					DISTRIBU TED	2/10	J		*2
51. -AT&T WIRELESS SERVICES INC COMMON					DISTRIBU TED	2/10	J		*2
52. -LUCENT TECHNOLOGIES INC. COMMON					DISTRIBU TED	2/10	J		*2
53. -COMCAST CORP NEW COMMON					DISTRIBU TED	4/12	J		*2
54. -AT & T CORP COMMON					DISTRIBU TE	4/12	J		*2

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						(2) Date: Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A- H)	(5) Identity of buyer/seller (if private transaction)
55. -BANK ACCOUNTS AND BONDS (OVER \$5,000 LISTED BELOW)	E	Interest							
56. -BANK OF AMERICA STANDARD CHECKING									
57. -BANK OF AMERICA INVESTMENT CD									
58. -AMTRUST BANK CD (1 OF 3)					CLOSED	1/27	K		
59. -AMTRUST BANK CD (2 OF 3)					CLOSED	1/27	K		
60. -AMTRUST BANK CD (3 OF 3)					CLOSED	2/13	K		
61. -BANKUNITED 2 CDs									
62. -WACHOVIA CD					CLOSED				*4
63. -WASHINGTON MUTUAL CD									
64. -WORLD SAVINGS CD									
65. -U.S. SAVINGS BONDS									
66. COMCAST CORP NEW CL A COMMON STOCK		None	J	T	RCVD DISTRIB	4/12	J		*2
67. LUCENT TECHNOLOGIES COMMON STOCK		None	J	T	RCVD DISTRIB	2/10	J		*2
68. BELL SOUTH CORPORATION COMMON STOCK	A	Dividend	J	T	RCVD DISTRIB	2/10	J		*2
69. KEYSpan CORPORATION COMMON STOCK	A	Dividend	J	T	RCVD DISTRIB	2/10	J		*2
70. NSTAR COMMON STOCK	A	Dividend	J	T	RCVD DISTRIB	2/10	J		*2
71. PUBLIC SVC ENT GROUP INC. COMMON STOCK	A	Dividend	J	T	RCVD DISTRIB	2/10	J		*2
72. SBC COMMUNICATIONS COMMON STOCK	A	Dividend	K	T	RCVD DISTRIB	2/10	K		*2

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						(2) Date: Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-F)	(5) Identity of buyer/seller (if private transaction)
73. VERIZON COMMUNICATIONS COMMON STOCK	A	Dividend	K	T	RCVD DISTRIB	2/10	J		*2
74. VODAPHONE GROUP PLC ADR F COMMON STOCK	A	Dividend	J	T	RCVD DISTRIB	2/10	J		*2
75. AT & T CORP NEW COMMON STOCK	A	Dividend			RCVD DISTRIB	4/12			*2
76. AT & T CORP NEW COMMON STOCK	A	Dividend			SELL	12/22	J	A	*3
77. AT & T WIRELESS SVCS COMMON STOCK		None			RCVD DISTRIB	2/10	J		*2
78. AT & WIRELESS SVCS COMMON STOCK		None			SELL	10/27	J	B	*3
79. FIRST ENERGY CORP COMMON STOCK	A	Dividend			RCVD DISTRIB	2/10	J		*2
80. FIRST ENERGY CORP COMMON STOCK	A	Dividend			SELL	12/22	J	A	*3
81. GENERAL MOTORS CORP COMMON STOCK	A	Dividend			RCVD DISTRIB	2/10	J		*2
82. GENERAL MOTORS CORP COMMON STOCK	A	Dividend			SELL	12/22	J	A	*3
83. QWEST COMMUNS INTL INC COMMON		None			RCVD DISTRIB	2/10	J		*2
84. QWEST COMMUNS INTL INC COMMON STOCK		None			SELL	12/22	J	A	*3
85. SALOMON BROTHERS FD INC COMMON STOCK	A	Dividend			RCVD DISTRIB	2/10	J		*2
86. SALOMON BROTHERS FD INC COMMON STOCK	A	Dividend			SELL	12/22	J	A	*3
87. WACHOVIA CORP NEW COMMON STOCK	A	Dividend			RCVD DISTRIB	2/10	J		*2
88. WACHOVIA CORP NEW COMMON STOCK	A	Dividend			SELL	12/22	J	A	*3

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(See Columns B1 and D4)	F = \$50,001-\$100,000	G = \$100,001-\$1,000,000	H1 = \$1,000,001-\$5,000,000	H2 = More than \$5,000,000	
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VIII. ADDITIONAL INFORMATION OR EXPLANATIONS (Indicate part of Report.)

*1 THE [REDACTED] EARNINGS FROM THE LAW FIRM HAVE BEEN APPROPRIATELY DISCLOSED IN PART III OF PAST REPORTS AND THE CURRENT YEAR REPORT. THE EARNINGS REPORTED IN PART VII REPRESENT ONLY THE [REDACTED] DISTRIBUTIVE SHARE OF PARTNERSHIP INTEREST INCOME.

*2 UPON THE DEATH OF THE FILER'S [REDACTED] ON 04/26/03, FILER'S [REDACTED] BECAME THE SUCCESSOR CO-TRUSTEE OF THE LIVING TRUST. FILER'S [REDACTED] HAS AN INCOME AND REMAINDER INTEREST IN THE TRUST. IN 2004, ALL STOCKS HELD BY THE LIVING TRUST WERE DISTRIBUTED TO THE REMAINDER BENEFICIARIES, ONE-HALF TO FILER'S [REDACTED] AND ONE-HALF TO [REDACTED]. FILER'S [REDACTED] DEPOSITED ALL RECEIVED DISTRIBUTIONS OF STOCK INTO THE [REDACTED] TRUST ACCOUNT PREVIOUSLY ESTABLISHED WITH THE FILER.

*3 DISTRIBUTION OF VARIOUS STOCK RECEIVED FROM THE LIVING TRUST ACCOUNT AND SOLD WITHIN THE YEAR THROUGH THE [REDACTED] TRUST BROKERAGE ACCOUNT. PROCEEDS INVESTED IN CA MUNIT MONEY MARKET FUND.

*4 WACHOVIA CHECKING, SAVINGS AND CD WERE ALL PROPERLY REPORTED AS CLOSED IN 2003. PRIOR YEAR REPORT LISTED, IN ERROR, AN ADDITIONAL WACHOVIA CD AS A TRUST ASSET AT YEAR END.

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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. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature



Date

May 16, 2005

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)

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