

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) Smith, D. Brooks	2. Court or Organization Third Circuit Court of Appeals	3. Date of Report 05/15/2009
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) 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 US Court of Appeals, Ste 203 1798 Old Route 220N Duncansville, PA 16635	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. Trustee	Mount Aloysius College, Cresson, PA
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	The Pennsylvania State University-Dickenson Law School-Development of a Course and Lecturing - See Part VIII	\$24,000.00
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. 2008	Reliance Bank - Vice President, Commercial Lending - Salary
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. New York Law School	09/06/2008 - 09/07/2008	New York, NY	Moot Court Competition	Travel, food and lodging
2. Georgetown University School of Law	03/18/2008-03/19/2008	Washington, D.C.	Moot Court Competition	Travel, food and lodging
3. Ave Maria Law School	04/19/2008-04/20/2008	Ann Arbor, MI	Moot Court Competition	Travel, food and lodging
4. ALI-ABA	04/02/2008-04/05/2008	Scottsdale, AZ	Panelist at Seminar	Travel, food and lodging
5. Pennsylvania Bar Ass'n Civil Litig. Section	04/05/2008-04/06/2008	New York, NY	Speaker at Seminar	Travel, food and lodging
6. Allegheny County Bar Ass'n	06/19/2008-06/20/2008	Seven Springs, PA	Bench-Bar Conference	Food and lodging

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7. George Mason University School of Law	07/05/2008-07/09/2008	Sedona, AZ	Education Seminar	Travel, food and lodging
8. Academy of Trial Lawyers	10/01/2008-10/02/2008	Farmington, PA	Professional Ass'n Activi	Food and lodging
9.				
10.				
11.				

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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. _____	_____	_____
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. Reliance Bank Certificate of Deposit	A	Interest	K	T					
2. FNB Corp (common)	A	Dividend	J	T					
3. Fifth Third Bancorp	A	Dividend	J	T					
4. AST Capital Growth Asset Allocation	A	Dividend			Sold	12/08	L		
5. AST USB Dynamic Alpha	A	Dividend	L	T	Buy	12/08	L		
6. AST Academic Strategies Asset Allocation	A	Dividend	L	T					
7. M&T Bank (common)	C	Dividend	L	T					
8. M&T Bank 401(K)	D	Dividend			Sold	11/21	K	E	
9. Reliance Bank 401(K)	A	Int./Div.	L	T					
10. Northwestern Mutual Life Ins(Universal Life Policies)	D	Dividend	M	T					
11. Reliance Bank IRA	A	Interest	K	T	Buy	12/02	K		
12. Reliance Bank IRA 2	A	Interest	L	T	Buy	12/18	L		
13. Altria Group Incorporated 2	A	Dividend			Sold	11/26	J		
14. Ameren Corp 2	A	Dividend			Sold	06/11	J		
15. ANI S P A Sponsored ADR(Italy) 2	A	Dividend			Sold	11/26	J		
16. BB&T Corporation 2	A	Dividend			Sold	11/19	J		
17. BP PLC Sponsored ADR(United Kingdom) 2	A	Dividend			Sold	11/26	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 \$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 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 Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code I (A-H)	(5) Identity of buyer/seller (if private transaction)
18. Bank of America Corporation 2	A	Dividend			Sold	10/15	J		
19. Bristol Myers Squibb Company 2	A	Dividend			Sold	11/26	J		
20. Frontier Communications (Formerly Citizens Communications) 2	A	Dividend			Sold	11/26	J		
21. Duke Energy Company New 2	A	Dividend			Sold	11/26	J		
22. Fifth Third Bancorp 2	A	Dividend			Sold	04/16	J		
23. France Telecom Sponsored ADR(France) 2	A	Dividend			Sold	11/26	J		
24. Heinz H J Company 2	A	Dividend			Sold	11/26	J	A	
25. Kraft Foods Incorporated Class A 2	A	Dividend			Sold	11/26	J		
26. New York Cmnty Bancorp Incorporated 2	A	Dividend			Sold	11/26	J		
27. Integrys Energy Group 2 (Formerly Peoples Energy Inc)	A	Dividend			Sold	04/23	J		
28. Pinnacle West Cap Corporation 2	A	Dividend			Sold (part)	01/10	J		
29.					Sold	05/13	J		
30. Progress Energy Inc 2	A	Dividend			Sold	11/26	J		
31. Regal Entertainment Group Class A 2	A	Dividend			Sold (part)	02/08	J		
32.					Sold	11/13	J		
33. Reynolds American Inc 2	A	Dividend			Sold	11/26	J		
34. Southern Company 2	A	Dividend			Sold	11/26	J		

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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 \$50,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
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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				
	(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)
35. Telecom Corp NZ Ltd 2	A	Dividend			Sold (part)	03/07	J		
36. UST Inc 2	A	Dividend			Sold (part)	05/06	J	A	
37.					Sold	09/15	J	A	
38. United Utilities PLC 2	A	Dividend			Sold (part)	09/09	J		
39.					Sold	11/26	J		
40. Windstream Corporation 2	A	Dividend			Sold	11/26	J		
41. Coamerica Incorporated 2	A	Dividend			Sold	07/21	J		
42. Deutsche Telekom AG 2	A	Dividend			Sold	11/26	J		
43. Enel Societa Per Azioni ADR 2	A	Dividend			Sold	03/20	J	A	
44. Gallagher Arthur J & Company 2	A	Dividend			Sold	11/26	J		
45. Kingfisher PLC 2	A	Dividend			Sold	01/14	J		
46. Lloyds TSB Group PLC 2	A	Dividend			Sold	10/08	J		
47. Pfizer Incorporated 2	A	Dividend			Sold	11/26	J		
48. Telecom Italia SPA New 2	A	Dividend			Sold	02/15	J	A	
49. Telstra Corporation Limited 2	A	Dividend			Sold (part)	08/08	J	A	
50.					Sold	10/09	J	A	
51. US Bancorp Del Com New 2	A	Dividend			Sold (part)	09/18	J		

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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 \$50,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
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52.					Sold (part)	11/19	J		
53.					Sold	11/26	J		
54. Verison Communication 2	A	Dividend			Buy	02/19	J		
55.					Sold	11/26	J		
56. Wachovia Corporation 2nd New 2	A	Dividend			Sold	07/21	J		
57. RJ Bank Deposit Program 2	A	Dividend	J	T					
58. AT&T Incorporated 2	A	Dividend			Buy	05/07	J		
59.					Buy (add'l)	08/11	J		
60.					Sold	11/26	J		
61. Conagra Foods Incorporated 2	A	Dividend			Buy	10/15	J		
62.					Sold	11/26	J		
63. General Electric Company 2	A	Dividend			Buy	06/11	J		
64.					Sold	11/26	J		
65. Glaxosmithkline PLC 2	A	Dividend			Buy	07/23	J		
66.					Buy (add'l)	09/15	J		
67.					Sold	11/26	J		
68. HSBC Holdings PLC 2	A	Dividend			Buy	09/18	J		

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69.					Sold	11/26	J		
70. ING Groep NV Sponsored ADR 2	A	Dividend			Buy	05/13	J		
71.					Sold	10/16	J		
72. Kimberly Clark Corporation 2	A	Dividend			Buy	03/20	J		
73.					Sold	11/26	J		
74. Lilly Eli & Company 2	A	Dividend			Sold	11/26	J		
75.					Buy	11/07	J		
76. Philip Morris International Incorporated 2, 3	A	Dividend			Sold	11/26	J		
77. PNC Finl Svcs Group 2	A	Dividend			Buy	10/16	J		
78.					Sold	11/26	J		
79. Regions Financial Corporation 2	A	Dividend			Buy	05/07	J		
80.					Sold	07/22	J		
81. Royal Dutch Schell PLC 2	A	Dividend			Buy	11/20	J		
82.					Sold	11/26	J		
83. Suntrust Banks Incorporated 2	A	Dividend			Buy	01/10	J		
84.					Buy (add'l)	02/08	J		
85.					Buy (add'l)	02/11	J		

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86.					Sold	10/16	J		
87. Vodafone Group PLC New 2	A	Dividend			Buy	04/18	J		
88.					Buy (add'l)	10/09	J		
89.					Sold	11/26	J		
90. Wells Fargo & Company New 2	A	Dividend			Buy	10/16	J		
91.					Sold	11/26	J		
92. Wyeth 2	A	Dividend			Buy	11/19	J		
93.					Sold	11/26	J		
94. Reliance Bank-Checking Account (X)	A	Interest	J	T					
95. Reliance Bank-Checking Account (X)	A	Interest	J	T					

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

Part IIIA: Represents services from 07/01/08 through 12/31/08

Part VII A: (X) Exempt from disclosure in 2007

- 1) Held in [REDACTED] self directed IRA with Prudential Annuity Services (formerly American Skandia)
- 2) Self directed IRA
- 3) Philip Morris International Incorporated was received from a Stock Dividend Spin Off Distribution from Altria Group Incorporated March 2008
- 4) AST Balanced Asset Allocation was renamed on 7/21/2008 to AST Academic Strategies Asset Allocation

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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



5/14/09

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