

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) Leval, Pierre N	2. Court or Organization U.S. Court of Appeals 2nd Cir.	3. Date of Report 5/11/2005
4. Title (Article III Judges indicate active or senior status; magistrate judges indicate full- or part-time) U.S. Circuit Judge (Senior)	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 Thurgood Marshall U.S. Courtho 40 Foley Square New York, NY 10007	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. Council member	The American Law Institute
2. Trustee, Executor & Power of Attorney	
3. Member - Photography Committee	Museum of Modern Art

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

☒ NONE - (No reportable agreements.)

DATE	PARTIES AND TERMS
I.	

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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 honoraria.)☐ **NONE** - (No reportable non-investment income.)DATESOURCE AND TYPE

1.

State St. Cultural Inst. Pension Plan

2.

DePaul University

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.

NYC Panel for Education Policy

Transportation to monthly meetings.

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

<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1.	(gifts from relatives - not reportable)	

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

<u>CREITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1. MONY	Loan on life insurance policy	L
2. Neuberger Berman	Debt of Estate in which I am Executor (see Part VII - Additional Explanations)	None

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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-J)	(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. Abbot Labs (common stock) [REDACTED]	E	Dividend	P1	T					
2. Exxon Mobil (common)	D	Dividend	N	T					
3. Hospira (common stock) [REDACTED]			L	T	spinoff Abbo	5/6	L	-	
4. Schering Plough (common) [REDACTED]	E	Dividend	P1	T					
5. PE Biosystems (common) (Perkin Elmer) (PKI)	B	Dividend	M	T					
6. PE Celera Genomics (common) (CRA)		None	L	T					
7. USX	A	Dividend	J	T					
8. Daimler Chrysler (common)	A	Dividend	J	T					
9. FMC Money Mkt [REDACTED]	A	Interest	J	T					
10. FMC Select Fund (common) [REDACTED]	F	Dividend	P1	T					
11. FMC Select Fund (common)					Buy	1/9	J		
12. "					Buy	1/27	J		
13. "					Sell part	1/29	J	A	
14. "					Buy	2/18	J		
15. "					Sell part	2/23	K	B	
16. "					Sell part	2/26	J	A	
17. "					Buy	3/18	J		
18. "					Sell part	3/30	J	A	

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	
(See Columns C1 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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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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						(2) Date: Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A- H)	(5) Identity of buyer/seller (if private transaction)
19. *					Buy	4/2	J		
20. *					Sell part	4/29	J	A	
21. *					Sell part	5/26	K	B	
22. *					Buy	6/21	J		
23. *					Sell part	6/29	J	A	
24. *					Buy	7/2	J		
25. *					Sell part	7/29	J	A	
26. *					Buy	8/25	J		
27. *					Sell part	8/27	J	A	
28. *					Buy	9/22	J		
29. *					Sell part	9/28	J	A	
30. *					Buy	10/4	J		
31. *					Sell part	10/7	J	A	
32. *					Sell part	10/28	J	A	
33. *					Sell part	11/29	J	A	
34. *					Sell part	12/3	J	B	
35. *					Sell part	12/28	J	B	
36. *					Sell part	12/30	J	A	

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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)
37. " "					Buy	12/31	J		
38. " [REDACTED]					Buy	1/9	J		
39. " "					Buy	1/27	J		
40. " "					Buy	3/1	J		
41. " "					Buy	4/2	J		
42. " "					Buy	6/3	J		
43. " "					Buy	7/2	J		
44. " "					Buy	9/22	J		
45. " "					Buy	10/4	J		
46. " "					Buy	12/31	J		
47. Lincoln St. Realty (limited partnership)		None	J	W					
48. Hershey (common) [REDACTED]	B	Dividend	M	T					
49. Smith Barney Liquid Res Fund (common) [REDACTED]	B	Dividend	K	T					
50. Gen. American Inv. (common) (GAM) [REDACTED]	C	Dividend	M	T					
51. Chase Bank (account) [REDACTED]	B	Interest	J	T					
52. Bank of New York (account)		None	L	T					
53.									
54.									

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Assets held as Trustee or Executor									
56. Schering Plough (common)	D	Dividend			Sell	12/14	O	G	
57. Warburg Pincus Funds (common)	C	Dividend	L	T					
58. Art Works		None	P2	Q					
59. FMC Select Fund (common)	D	Dividend	N	T	Sell part	1/12	J	A	
60. "					Buy	4/2	J		
61. "					Sell part	5/27	K	C	
62. "					Buy	7/2	J		
63. "					Sell part	8/30	J	A	
64. "					Sell part	9/28	J	A	
65. "					Buy	10/4	J		
66. "					Sell part	10/28	K	B	
67. "					Buy	12/31	J		
68. Archstone Smith (common)	C	Dividend			Sell	12/9	L	E	
69. Central Tel NT 7.04% 9/21/07	D	Interest	M	T					
70. Consol. Nat Gas NT 6.85% 4/15/11	D	Interest	M	T					
71. Household Fin NTS 6.5% 11/15/08					Sell	1/13	M	E	
72. NY Tel deb. 8.625% 11/15/10	E	Interest	N	T	Sell part	6/28	K	A	

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73. Tel & Data Sys 7.0 8/1/06	D	Interest	M	T					
74. U.S. Treasury 3.5% 1/15/11	D	Interest	N	T					
75. Westinghouse deb. 8.625% 8/1/12	E	Interest	N	T					
76. Wisc. Power deb. 7.625% 3/1/10	E	Interest	N	T					
77. Fed. Home Loan Bk 5.70% 8/15/11	C	Interest	L	T					
78. Fed. Home Loan Bk 4.5% 9/16/13	D	Interest	M	T					
79. Fed. Farm Cr. Bk. 6.01% 4/11/12	C	Interest	M	T					
80. Fed. Farm Cr. Bk. 4.85% 10/25/12	C	Interest	M	T					
81. Fed. Farm Cr. Bk 0.00% 6/22/05		None	O	T	Buy	12/22	O		
82. Vornado Realty (common)	D	Dividend	M	T					
83. Wells Fargo Mtg. Backed sec. 4.5% 8/25/18	D	Interest	M	T					
84. U.S. Treasury 0.0% 6/2/05		None	K	T	Buy	12/6	K		
85. U.S. Treasury 0.0% 6/15/05		None	K	T	Buy	12/6	K		
86. Exxon Mobil (common)	C	Dividend	O	T	Rec'd	10/27	P1		
87. Exxon Mobil (common)					Sell part	10/29	O	-	
88. Schering Plough (common)	B	Dividend	M	T	Rec'd	10/27	N		
89. Schering Plough (common)					Sell part	10/29	M	-	
90. Abbott Labs (common)	A	Dividend	L	T	Rec'd	10/27	L		

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	Amount Code 1 (A-H)	Type (e.g. div. rent. or int.)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e.g. buy, sell, merger, 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)
91. Home Depot (common)	A	Dividend	L	T	Rec'd	10/27	L		
92. Kahlert & Sutter (common)		None	J	T	Rec'd	10/27	J		
93. Art Works		None	P1	Q	Rec'd	10/27	P1		
94. Bank of New York			K	T	Rec'd	10/27			
95. Apartment				P2	Rec'd	10/27			

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VIII. ADDITIONAL INFORMATION OR EXPLANATIONS

(Indicate part of Report.)

In Part VI, Liabilities, the liability to Neuberger Berman, listed as item 2, was category 0 at one point during the calendar year, but was paid and reduced to zero at year's end.

In Part VII, the assets listed as items 86 through 95 and marked Received 10/27, were received by me as the result of my assuming the position of Executor.

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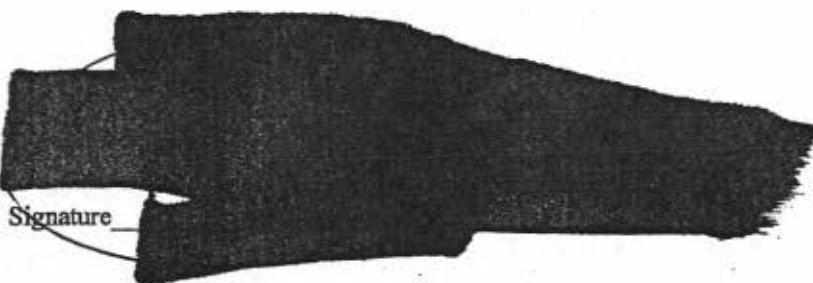
Date of Report

5/11/2005

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 5/12/05

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