

FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2005

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) Fisher, D. Michael	2. Court or Organization U.S. Court of Appeals 3d Cir.	3. Date of Report 05/05/2006
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, ☐ Initial ☒ Annual ☐ Final 5b. ☐ Amended Report	6. Reporting Period 01/01/2005 to 12/31/2005
7. Chambers or Office Address 5360 U.S.P.O. & Courthouse 700 Grant Street Pittsburgh, PA 15219-1906	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 instructions.)

☐ NONE (No reportable positions.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. Circuit Judge	U.S. Court of Appeals, Third Circuit
2. Adjunct Professor	University of Pittsburgh School of Law
3. Trustee	John A. Murphy, Trust B1
4. Vice President, President and Director	St. Clair Country Club
5. Member, Board of Trustees	University of Pittsburgh
6. Attorney-In-Fact/Power of Attorney	[REDACTED]
7. Executor	Estate [REDACTED]

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

☐ NONE (No reportable agreements.)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1. 1975-03	Pennsylvania State Employees Retirement Fund, Defined Benefit Pension Plan
2.	
3.	

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III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of 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. 2005	University of Pittsburgh School of Law	\$ 1,500.00
2. 2005	John A. Murphy Trust B2, Trustee Fees	\$ 800.00
3. 2005	John A. Murphy Trust B1, Trustee Fees	\$ 925.00
4.		
5.		

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. 2005	Harcourt Publishing (Consultant)
2. 2005	Duquesne University (Student-Teacher Supervisor)
3.	
4.	
5.	

IV. REIMBURSEMENTS – *transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children. See pp. 25-27 of instructions.)*☐ NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DESCRIPTION</u>
1. Allegheny County Bar Association	June 16-17, 2005 - Champion, PA; Bench-Bar Conference (Hotel and Meals)
2. Pennsylvania Bar Institute	August 17, 2005 - Harrisburg, PA; Panel Member "Winning Your Case on Appeal" (Mileage and Tolls)
3. Pennsylvania Defense Institute	September 15-16, 2005 - Atlantic City, NJ; Participation in Annual Conference (Hotel and Meals)
4.	
5.	

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

<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1. University of Pittsburgh Medical Center (UPMC)	6/24/05 Guest, Mario Lemieux Golf Tournament, Nevillewood, PA	\$ 500.00
2.		
3.		
4.		
5.		

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

<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1. Washington Mutual	Mortgage on Property [REDACTED]	N
2. MBNA	Credit Card	K
3.		
4.		
5.		

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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)

☐ 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, 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)
1. Vanguard Wellington Fund	C	Dividend	L	T					
2. Citizens Bank of Pennsylvania	A	Interest	K	T					
3. PNC Bank (X)	A	Interest	L	T					
4. Mass Mutual Flex Extra IRA		None			Transfer	4/8	M		
5. Scudder Investments, Money Market Fund, IRA		None	J	T					
6. PA State Employee Retirement Fund	D	Interest	P1	U					
7. MML Investor Services, Inc. Rollover IRA		None			Transfer	4/8	M		
8. Lincoln Choice Plus, Annuity IRA			N	T	Buy	4/3	N		
9. Sky Financial Group, Inc., Stock	A	Dividend	J	T					
10. Ameriserve Financial, Stock			J	T					
11. Callon Consolidated Partners, Ltd. - Stock			J	T					
12. Comcast Corporation, Stock (X)			K	T					
13. Legg Mason Value Trust, Mutual Fund (X)			L	T					
14. John A. Murphy Trust B1	C	Interest	M	T					
15. -DH Lehman Bros. BL FSB Callable CD			L	T					
16. -Federated High Income Bond Fund			K	T					
17. -Putnam High Yield Trust			K	T					

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	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	P3 = \$25,000,001 - \$50,000,000 Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	P4 = More than \$50,000,000 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				
	(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)
18. -Merrill Lynch CMA Account	C	Interest	J	T					
19. Power of Atty for [REDACTED] Executor of the Estate	E	Int. & Div.	N	T	Deceased	1/27	N		
20. -Legg Mason Value Trust Mutual Fund					Distributed	11/21	M		
21. -Western Asset Claymore U.S. Tips Fund 2					Sell	4/4	L		
22. -Common Stock, AT&T Corp. - New					Sell	2/11	J		
23. -Common Stock, Comcast Corp. - New					Distributed	11/21	K		
24. -Common Stock, Duquesne Light Holdings, Inc.					Sell	4/4	J		
25. -Common Stock, Equitable Resources, Inc.					Sell	6/1	L		
26. -Common Stock, Qwest Communications, Inc.					Sell	2/11	K		
27. -Common Stock, Verizon Communications					Sell	2/11	K		
28. -Legg Mason - Cash					Distributed	11/21	J		
29. -PNC Bank - Cash					Distributed	11/21	J		

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 Q = Appraisal U = Book Value	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000 K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000 R = Cost (Real Estate Only) V = Other	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 S = Assessment W = Estimated	D = \$5,001 - \$15,000 H2 = More than \$5,000,000 M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000 T = Cash Market	E = \$15,001 - \$50,000
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VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of Report.)*

VII. INVESTMENTS and TRUSTS

1. (9) Sky Financial Group, Inc., Stock; (10) Ameriserve Financial, Stock

These stocks had been given to [REDACTED] in prior years and were in both of our names. I overlooked their ownership by us as each was less than \$3,000 in value and paid little or no dividends.

2. (11) Callon Consolidated Partners, Ltd. - Stock

This stock, with a value of less than \$2,000, has been [REDACTED] I since 1982. It was overlooked as no dividends are paid.

3. I failed to list dates of sale of the following stock owned by [REDACTED] in 2004 on last year's report:

- AT&T Wireless Services, 2/24/04
- Bell South Corp., 2/24/04
- SBC Communications, Inc., 2/24/04

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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

Date

5/5/06

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