

FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2007

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) Sack, Robert D		2. Court or Organization US Court of Appeals, 2d Cir.		3. Date of Report 04/18/2008	
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) US Circuit Judge (Active)		5a. Report Type (check appropriate type) ☐ Nomination, ☐ Initial ☒ Annual ☐ Final		6. Reporting Period 01/01/2007 to 12/31/2007	
7. Chambers or Office Address 40 Foley Square New York, NY 10007		5b. ☐ Amended Report			
		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. Director	William F. Kerby and Robert S. Potter Fund
2. Lecturer in Law	Columbia Law School
3. Member, Columbia Board of Visitors	Columbia Law School
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. 9/3/98	Practising Law Institute and Robert D. Sack, publication of 3rd edition of treatise on defamation law; royalty 15% of net receipts
2. 1998	Gibson, Dunn & Crutcher LLP Retirement Agreement between Gibson Dunn & Crutcher LLP and Robert D. Sack; Terms: \$6,000 per month, no increase, decrease or cap
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. 2007	Practising Law Institute Book Royalties	\$ 2,146.60
2. 2007	Gibson, Dunn & Crutcher LLP Retirement Plan	\$ 72,000
3. 2007	Lecturer in Law, Columbia Law School	\$ 7,500
4. 2007	Social Security	\$ 24,672

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. 2007	Mass Mutual Disability Payments
2. 2007	Dewey Ballantine Partnership Distribution
3. 2007	West Services Inc.
4. 2007	Social Security Disability Benefit
5. 2007	Northwestern Mutual Disability Payments
6. 2007	Katten Muchin Rosenman Retirement Payments

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. Cornell University	10/20-21	Ithaca, NY	Moot Court	Taxi, Air, Hotel, Food.
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.		
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. Citibank Aadvantage	Credit Card	J
2. Citibank Aadvantage	Credit Card	J
3. Chase Visa	Credit Card	J
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. JPMorgan Chase Accounts	A	Interest	L	T					
2. JPMorgan US Gov't Money Market Morgan Shares	E	Dividend	O	T	redemption	4/16	K		
3.					redemption	5/14	K		
4.					redemption	6/11	J		
5.					redemption	7/2	J		
6.					redemption	8/23	K		
7.					redemption	11/15	J		
8.					redemption	12/17	J		
9. Unsecured loan to David W. McClintick		None	J	T					
10. Dewey Ballantine Partnership Capital Account		None	K	T					
11. GD&C CitiStreet 401(k) (X)	D	Interest	O	T					
12. - SSgA Money Market Fund									
13. Oppenheimer Advantage Municipal Liquidity Fund	A	Dividend	K	T					
14. Boeing Co. Common Stock	A	Dividend	K	T					
15. Blackrock New York Insured Municipal Income Trust III	B	Dividend	K	T					
16. Van Kampen Trust for Invt. Grade NY Municipals	A	Dividend	J	T					
17. Oppenheimer NY Municipal Fund Cl A	C	Dividend	L	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)

Q = Appraisal

U = Book Value

R = Cost (Real Estate Only)

V = Other

S = Assessment

W = Estimated

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18. JPMorgan Chase Traditional IRA	A	Interest	J	T					
19. Northwestern Mutual Life Insurance Policy	C	Dividend	L	T					
20. Guardian Life Insurance Policy	A	Dividend	K	T					
21. Massachusetts Mutual Life Insurance Policy	A	Dividend	J	T					
22. Morgan Stanley Bank Deposit Program	A	Dividend	J	T					
23. Morgan Stanley MTA 5.35 Zero Coupon Bond due 7/1/12	A	Dividend	K	T					
24. MS New York Genl Oblig Ref Ser-C due 4/15/13	A	Dividend	K	T					
25. MS NYS DA SECD Hosp Interfaith Med Bond 5.25 due 2/15/14	C	Interest	L	T					
26. Morgan Stanley LIPA 5.60 Zero Coupon Bond due 6/1/14	A	Dividend	K	T					
27. Morgan Stanley Fed Home Ln Mtg Med Tm N 4% 10/15/10	B	Interest	K	T					
28. Morgan Stanley Fed Hm Ln Bk 4% 3/24/11	B	Interest	K	T					
29. Morgan Stanley FHLB 5.050% due 2/14/13	B	Interest	K	T					
30. Morgan Stanley FHL Mtg Corp Med Term N 5% due 9/15/15	B	Interest	K	T					
31. MS Fed Home Ln Mtg Corp Med Term N 5% due 9/15/16	B	Interest	K	T					
32. Morgan Stanley Global Dividend Growth Sec A	A	Dividend	J	T					
33. Morgan Stanley Special Growth Fund B	A	Dividend	J	T					
34. Morgan Stanley Special Value Fund A	C	Dividend	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 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	
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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35. Morgan Stanley Special Growth Fund A	A	Dividend	J	T					
36. MS Focus Growth Fd B	A	Dividend	J	T					
37. Morgan Stanley Franklin NY Tax Free Inc B	B	Dividend	K	T					
38. Goldman Sachs High Yld Muni A (X)	A	Dividend	K	T	buy	9/5	K		
39. Morgan Stanley Oppen. AMT Free NY Municipal Fd B	C	Dividend	L	T					
40. JPMorgan Federal Money Market Fund - Morgan (X)	B	Dividend	K	T	buy	4/16	K		
41.					redemption	6/13	K		
42.					buy	8/16	J		
43. Fiduciary Holdings	C	Int./Div.	M	T					
44. -Morgan Stanley Bank Deposit Program									
45. -Morgan Stanley MTA NY Transit Zero Coupon Bond due 7/1/13									
46. -Morgan Stanley Franklin NY Tax Free Inc B									
47. -Morgan Stanley Oppen. AMT Free NY Municipal Fund B									
48. Neuberger State Street Mid Cap Growth Investor Class (X)	A	Dividend	J	T					
49. MS Active Assets Tax Free Trust (AH)	E	Dividend	O	T					
50. MS Pioneer Amt Free Muni A (AH)	C	Dividend	L	T					
51. MS E V Amt Free Muni Bond A (AH)	C	Dividend	L	T					

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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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52. MS Phoenix Insight Tax Exempt Bd A (AH)	C	Dividend	L	T					
53. MS Goldman Sachs High Yld Muni A (AH)(X)	C	Dividend	M	T	buy	2/1	L		
54.					buy	3/20	L		
55. MS Oppenheimer Amt-Free NY Mun A (AH)	C	Dividend	M	T	buy	11/6	L		
56. MS American Tax-Exempt Bd Fd A (AH)	C	Dividend	L	T					
57. RHH Trust	E	Interest	M	T					
58. -Citigroup Bank Deposit Account									
59. JP Morgan Federal Money Market Fund - Morgan (X)	B	Dividend	K	T	buy	4/16	K		
60.					redemption	6/13	K		
61.					buy	8/16	J		
62. Citi Smith Barney Bank Deposit Program (AH) (X)	D	Interest	M	T					
63. MS Cash/MMF/Bank Deposit Accounts (AH) (X)	E	Interest	O	T	deposit	2/12	P1		
64. MS Blackrock Munihldng NY Ins Fd (AH) (X)	A	Dividend	L	T	buy	11/6	L		
65. MS Nuveen NY Invt Qual Muni Fund (AH) (X)	A	Dividend	L	T	buy	11/9	L		
66. MS Van Kampen Muni Income A (AH) (X)	B	Dividend	L	T	buy	8/3	L		
67. MS Van Eck Glob Hard Assets A (AH) (X)		None	K	T	buy	7/2	L		
68. MS E V AMT Free Muni Bond A (AH) (X)	B	Dividend	L	T	buy	3/6	L		

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(See Columns B1 and D4)

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2. Value Codes
(See Columns C1 and D3)

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69. MS American Tax-Exempt Bd Fd A (AH) (X)	B	Dividend	L	T	buy	5/2	L		
70. Ameriprise RiverSource Retirement Portfolio (AH) (X)	E	Int./Div.	O	T					
71. - RVS VP Sm Cap Value					buy	2/13	J		
72.					buy	7/20	K		
73.					buy	10/19	J		
74. - Vn Kmpn UIF Md Cp Gr					buy	2/13	J		
75.					sell	7/20	J		
76. - Vn Kmpn UIF Glb R Est					buy	2/13	J		
77.					sell	7/20	J		
78. - RVS VP Fndmntl Value					buy	2/13	K		
79.					sell	7/20	J		
80. - PIMCO VIT All Asset					buy	2/13	K		
81.					sell	7/20	J		
82. - NeuBrm AMT Intl S Cl					buy	2/13	J		
83. - Fid VIP Contrafd Cl 2					buy	2/13	K		
84.					sell	7/20	J		
85. - Eaton Van VT Float Rt					buy	2/13	K		

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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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86.					sell	7/20	J		
87. - Crdt Suis Cmdty Rtn					buy	2/13	J		
88.					sell	7/20	J		
89. - ColombiaMrsico Int Opp					buy	2/13	J		
90.					sell	7/20	J		
91. - Columbia Marsico Grth					buy	2/13	K		
92.					buy	7/20	J		
93.					sell	10/19	J		
94. - AIM VI Gbl Hlth II					buy	2/13	J		
95.					sell	7/20	J		
96. - Wager Intl Small Cap					buy	2/13	J		
97. - AllBern VPS Intl Val					buy	2/13	J		
98.					buy	7/20	J		
99. - Am Cent VP Ultra C II					buy	2/13	J		
100.					sell	7/20	J		
101. - Fid VIP MidCap Cl 2					buy	2/13	J		
102. - Oppenheimer Strat Bnd					buy	2/13	K		

1. Income Gain Codes:

(See Columns B1 and D4)

2. Value Codes

(See Columns C1 and D3)

3. Value Method Codes

(See Column C2)

A = \$1,000 or less

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103. - RVS VP Div Bond Fd					buy	2/13	L		
104.					buy	7/20	J		
105.					sell	10/19	J		
106. - RVS VP Div Eq Inc Fd					buy	2/13	K		
107.					sell	7/20	J		
108.					buy	10/19	J		
109. - RVS VP Emerging Mkts					buy	2/13	J		
110.					buy	7/20	J		
111. - RVS VP Global Bond Fd					buy	2/13	K		
112.					buy	7/20	J		
113. - RVS VP Gbl Infl Prote					buy	2/13	K		
114.					sell	7/20	J		
115. - RVS VP Income Oppt Fd					buy	2/13	K		
116.					sell	7/20	J		
117. - RVS VP Mid Cap Value					buy	2/13	J		
118.					sell	7/20	J		
119. - Van Kampen Comstock					buy	2/13	K		

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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

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)
120.					sell	7/20	K		
121. - Janus Aspen Lrg Cap Gr					buy	7/20	K		
122. - Wanger US Smaller Co					buy	7/20	J		
123. - RVS Life of NY Fixed					buy	7/20	K		
124. - AIM VI Intl Growth II					buy	7/20	J		
125. - Am Cent VP MdCpVa II					buy	7/20	J		
126. - Oppenheimer Strat Bnd					buy	7/20	K		

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

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 \$50,000,000

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

CitiStreet is the Custodian for the GD&C 401(K) (Line 11).

Line 48, Neuberger Berman State Street Mid Cap Growth Investor Class was called State Street Manhattan Fund on prior reports.

Line 62, Citi Smith Barney Bank Deposit Program (AH), was inadvertently omitted from the prior report.

A pending claim against Worldcom is currently in litigation (02 Civ. 3288 (DLC)). The worth of that claim cannot be determined at this time.

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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: 

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