

FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2009

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 5/10/2010
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) US Circuit Judge (Senior)	5a. Report Type (check appropriate type) ☐ Nomination, ☐ Date ☐ Initial ☒ Annual ☐ Final 5b. ☐ Amended Report	6. Reporting Period 01/01/2009 to 12/31/2009
7. Chambers or Office Address 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.)

<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.	

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, Gibson Dunn & Crutcher LLP and Robert D. Sack; Terms: \$6,000 per month/life, 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. 2009	Practising Law Institute Book Royalties	\$21,232.74
2. 2009	Gibson, Dunn & Crutcher LLP Retirement Plan	\$72,000.00
3. 2009	Lecturer in Law, Columbia Law School	\$7,500.00
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. 2009	Dewey Ballantine Partnership Distribution
2. 2009	West Services Inc.
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. University of Pennsylvania	3/19/09	Philadelphia, PA	Seminar	Travel
2. University of Chicago	5/15-16/09	Chicago, IL	Conference	Meals
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 mm/dd/yy	(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. JP Morgan 1086 US Govt MMKT Fund - Premier (formerly Morgan)	A	Dividend	M	T					
3. Unsecured loan to David W. McClintick		None	J	T					
4. Dewey Ballantine Partnership Capital Account		None	J	T					
5. GD&C CitiStreet 401(k)	D	Interest	N	T					
6. - SSgA Money Market Fund					Sold (part)	09/11/09	N		
7. Oppenheimer Advantage Municipal Liquidity Fund (X)	A	Interest	J	T					
8. Boeing Co. Common Stock	A	Dividend	J	T					
9. Blackrock New York Insured Municipal Income Trust III	B	Dividend	K	T					
10. Van Kampen Trust for Invst. Grade NY Municipals	A	Dividend	J	T					
11. Oppenheimer NY Municipal Fund C1 A	C	Dividend	L	T					
12. Oppenheimer NY SFSA 5% Due 3/15/10	A	Int./Div.	K	T					
13. JPMorgan Chase Traditional IRA	A	Interest	J	T					
14. Northwestern Mutual Life Insurance Policy	C	Dividend	L	T					
15. Guardian Life Insurance Policy	A	Dividend	K	T					
16. Massachusetts Mutual Life Insurance Policy	A	Dividend	J	T					
17. Morgan Stanley Bank Deposit Program	A	Dividend	M	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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☐ 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 mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
18. Morgan Stanley MTA 5.35 Zero Coupon Bond due 7/1/12	A	Interest	K	T					
19. MS New York Genl Oblig Ref Ser-C due 4/15/13	A	Interest	K	T					
20. Morgan Stanley LIPA 5.60 Zero Coupon Bond due 6/1/14	A	Interest	K	T					
21. MS NYS Power Auth Rev Ref Ser-C 4% due 11/15/20	B	Interest	K	T					
22. MS NYC Genl Oblig Ser-I 4% Due 2/1/22	C	Interest	L	T					
23. MS Fed Home Ln Mtg Corp Med Term N 5% due 9/15/16	A	Interest			Redeemed	04/22/09	K	A	
24. MS Fed Hom LN BK 5% due 6/12/18	A	Interest			Redeemed	05/05/09	K	A	
25. Morgan Stanley Global Dividend Growth Sec A	A	Dividend	J	T					
26. Morgan Stanley Special Value Fund A	A	Dividend	J	T					
27. Morgan Stanley Special Growth Fund A	A	Dividend	K	T					
28. MS Focus Growth Fd A	A	Dividend	J	T					
29. MS Oppen. AMT Free NY Mun A (Class Exchange) (X)	C	Dividend	K	T					
30. MS Oppen. AMT Free NY Mun B	B	Dividend	K	T					
31. Morgan Stanley Franklin NY Tax Free Inc B	B	Dividend	K	T					
32. Goldman Sachs High Yld Muni A	A	Dividend	K	T					
33. JPMorgan Federal Money Market Fund - Morgan	A	Dividend	K	T					
34. Fiduciary Holdings	C	Int./Div.	M	T					

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	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000 K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	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	D = \$5,001 - \$15,000 I12 = More than \$5,000,000 M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	E = \$15,001 - \$50,000
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	
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35. -Morgan Stanley Bank Deposit Program									
36. -Morgan Stanley MTA NY Transit Zero Coupon Bond due 7/1/13									
37. -Morgan Stanley Franklin NY Tax Free Inc B									
38. -MS Oppen AMT Free NY Mun A (Class Exchange) (X)									
39. -Morgan Stanley Oppen. AMT Free NY Mun Fund B									
40. Neuberger State Street Mid Cap Growth Investor Class	A	Dividend	J	T					
41. Ameriprise IRA Portfolio (AH)	E	Int./Div.	P1	T					
42. -Ameriprise Insured Money Market									
43. -DWS Short DUR Plus - A DWS Funds					Buy	01/22/09	K		
44. -Eaton Amt Muni Bd Inc-A Eaton Vance Group									
45. -Fid Adv Float Rt H/Inc-A Fidelity Advisor Funds					Buy	01/22/09	L		
46. -Ivy Asset Strategy-A Waddell & Reed Funds					Buy	07/10/09	L		
47. -MFS Muni Ltd Maturity-A MFS Family of Funds					Buy	01/22/09	K		
48. -Opp Intl Bond-A Oppenheimer Funds					Buy	01/22/09	K		
49. -Opp Gold & SP Minerals-A Oppenheimer Funds					Buy	01/22/09	K		
50.					Sold (part)	03/30/09	J		
51.					Sold (part)	09/30/09	K		

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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	
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52. -Opp Ltd Intern Muni-A Oppenheimer Funds					Buy	03/26/09	L		
53. -Opp Developing Mkts-A Oppenheimer Funds					Buy	01/22/09	K		
54. -Pimco Total Return-D Allianz Global Investors					Buy	07/10/09	L		
55. -Perm Portfolio Permanent Family of Funds					Buy	07/10/09	L		
56. -Opp Ltd Term NY Muni-A Oppenheimer Funds									
57. -Amer T/E Bond of Amer-A American Funds Group									
58. -VK Muni Income-A Van Kampen Funds									
59. -Van Eck GL Hard Assets-A Van Eck Global Funds									
60. -Blackrock Muniholdings New York Insured Fund Inc					Buy (add'l)	07/14/09	K		
61. -Nuveen New York Invt Quality Municipal Fund Inc					Buy (add'l)	07/14/09	K		
62. -RSRV US Government-R Reserve Funds					Sold	01/16/09	N		
63. -Drey Shrt Int Muni Bd-D Dreyfus Group					Buy	01/26/09	K		
64. -Eaton Amt Muni Bd Inc-A Eaton Vance Group									
65. -Fid Adv Float Rt H/Inc-A Fidelity Advisor Funds					Buy	01/22/09	L		
66. -Gld High Yield Muni-A Goldman Sacks Asset Mgmt									
67. -MFS Muni Ltd -Maturity-A MFS Family of Funds					Buy	01/22/09	L		
68. -Opp Amt Free NY Muni-A Oppenheimer Funds									

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69. -Pioneer Amt-Free Muni-A Pioneer Funds									
70. -Amer T/E Bond of Amer-A American Funds Group									
71. -Virtus Tax Exempt Bond-A Virtus Funds									
72. - Fred Alger Large Cap Growth IRA									
73. - Franklin Intermediate Fixed Income IRA									
74. - Spectrum Hybrid Preferred IRA									
75. - Renaissance International Equity IRA									
76. - Alliancebernstein Large Cap Core IRA									
77. - Munder Mid Cap Core IRA									
78. - RiverSource Retirement Advisor 4 Advantage VA-Annuity									

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