

FINANCIAL DISCLOSURE REPORT

Calendar Year 2003

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) Sack, Robert D	2. Court or Organization U.S. Court of Appeals, 2d Cir.	3. Date of Report 5/14/2004
4. Title (Article III Judges indicate active or senior status; magistrate judges indicate full- or part-time) Circuit Judge (Active)	5. Report Type (check appropriate type) ☐ Nomination, ☐ Date ☐ Initial ☒ Annual ☐ Final	6. Reporting Period 1/1/2003 to 12/31/2003
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.)

POSITION	NAME OF ORGANIZATION/ENTITY
1. Director	William F. Kerby and Robert S. Porter Fund
2. Member, Advisory Board	Media Law Reporter (BNA)
3. Lecturer in Law	Columbia Law School
4. Member, Columbia Board of Visitors	Columbia Law School

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

☐ NONE - (No reportable agreements.)

DATE	PARTIES AND TERMS
1. 09/03/98	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. 3/30/98	Practising Law Institute, P. Cameron DeVore & Robert D. Sack, publication of treatise on advertising and commercial speech; royalty 2.5% of net receipts

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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>GROSS INCOME</u> (yours, not spouse's)
1. 2003	Practising Law Institute Book Royalties	13,858.87
2. 2003	Gibson, Dunn & Crutcher LLP Retirement Plan	72,000.00
3. 2003	Lecturer in Law, Columbia Law School	7,500.00

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.)

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2003	KMZ Rosenman Disability Award
2. 2003	Dewey Ballentine Partnership Distribution

IV. REIMBURSEMENTS - transportation, lodging, food, entertainment.

(Includes those to spouse and dependent children. See pp. 25-27 of instructions.)

☐ **NONE** - (No such reportable reimbursements.)

<u>SOURCE</u>	<u>DESCRIPTION</u>
1. American Bar Association	2/13-15/2003, ABA Forum on Communications Law, Camelback Inn, Scottsdale, AZ (Transportation, Meals, Room)
2. Federal Judges Association	5/3/2003, FJA Board Meeting, Washington, DC (Transportation, Meal)

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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.		
2.		

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. Citibank Aadvantage	Credit Card	J
2. Citibank Aadvantage	Credit Card	J

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Name of Person Reporting

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VII. INVESTMENTS and TRUSTS -- income, value, transactions (includes those of the spouse and dependent children. See pp. 34-37 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-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)
☐ NONE (No reportable income, assets, or transactions)									
1. JPMorgan Chase Accounts	A	Interest	L	T					
2. JPMorgan US Govt Money Market Morgan Shares	B	Dividend	N	T					
3. Unsecured loan to David W. McClintick		None	J	T					
4. Dewey Ballantine Partnership Capital Account		None	L	T					
5. GD&C 401(k): Dreyfus Treasury Cash Management-CL A	D	Interest	O	T	Distrib.	12/11	M		
6. Oppenheimer Municipal Liquidity Fund (X)	A	Dividend	J	T					
7. Boeing Co. Common Stock (X)	A	Dividend	J	T					
8. Blackrock New York Insured Municipal Income Trust III (X)	B	Dividend	K	T					
9. Van Kampen Trust for Invst Grade NY Municipals (X)	A	Dividend	J	T					
10. Oppenheimer AMT Free NY Municipals Fund-CL A (X)	B	Dividend	L	T					
11. Dewey Ballantine 401(k): Janus Overseas Fund	A	Dividend	L	T					
12. Dewey Ballantine 401(k): Fidelity Growth Company Fund	A	Dividend	K	T					
13. JPMorgan Chase Traditional IRA	A	Interest	J	T					
14. Northwestern Mutual Life Insurance Policy	B	Dividend	K	T					
15. Guardian Life Insurance Policy	A	Dividend	K	T					
16. Massachusetts Mutual Life Insurance	A	Div/Int	J	T					
17. Morgan Stanley Active Assets Money Trust	A	Dividend	J	T					
18. Morgan Stanley MTA 5.35 Zero Coupon Bond due 7/1/12	A	OID	J	T					

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 = \$250,001-\$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 = \$50,000,001-\$100,000,000		
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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5/14/2014

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)	(2)	(1)	(2)	(1) Type (e.g. buy, sell, merger, redemption)	If not exempt from disclosure			
	Amount Code 1 (A-H)	Type (e.g. div. rent. or int.)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)		(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. MS NYS DA SECD Hosp Interfaith Med Bond 5.25 due 2/15/14	C	Interest	L	T					
20. Morgan Stanley LIPA 5.60 Zero Coupon Bond due 6/1/14	A	OID	K	T					
21. Morgan Stanley Global Dividend Growth Sec B	A	Dividend	J	T					
22. Morgan Stanley Special Growth Fund B	A	Dividend	J	T					
23. Morgan Stanley Special Value Fund B	A	Dividend	J	T					
24. Morgan Stanley Global Advantage Fund B	A	Dividend	J	T					
25. Morgan Stanley American Opportunities B	A	Dividend	J	T					
26. Morgan Stanley Franklin NY Tax Free Inc B	B	Dividend	K	T					
27. Morgan Stanley Open. AMT Free NY Municipal Fd B (X)	B	Dividend	K	T					
28. Trust	C	Div/Int	N	T					
29. - JP Morgan Chase Accounts									
30. - MS Int'l Bk For Recon & Dev Zero Coupon Due 2/15/14									
31. - Morgan Stanley MTA NY Transit Zero Coupon Bond due 7/1/13									
32. - Morgan Stanley MTA, NY Transit Zero Coupon Bond due 7/1/12									
33. - Morgan Stanley Global Dividend Growth Sec B									
34. - Morgan Stanley Special Growth Fund B									
35. - Morgan Stanley Special Value Fund B									
36. - Morgan Stanley Global Advantage Fund B									

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(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 D5)	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 = \$50,000,001-\$50,000,000		
3. Value Method Codes:	Q = Appraisal	R = Cost (Real Estate Only)	S = Assessment	T = Cash/Market	
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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.)

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	(1)	(2)	(1)	(2)	(1)	If not exempt from disclosure			
	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)
37. - Morgan Stanley American Opportunities Fund B									
38. - Morgan Stanley Franklin NY Tax Free Inc B									
39. - Morgan Stanley Oppen. AMT Free NY Municipal Fund B (X)									
40. - Morgan Stanley Long Island Power									
41. - Neuberger Berman Limited Maturity Bond Fund									
42. - Neuberger Berman Partners Fund									
43. - Neuberger Berman Municipal Security Trust									
44. State Street Bank Manhattan Fund		None	J	T					
45. Neuberger Berman IRA	D	Dividend	N	T					
46. - Artisan Mid-Cap					buy	1/07	J		
47.					buy	3/28	K		
48.					part sell	9/25	J		
49.					part sell	12/26	K		
50. - Ariel Appreciation					buy	1/07	J		
51.					part sell	3/28	K		
52.					part sell	6/27	J		
53. - Federated Stock Trust					buy	1/07	J		
54.					buy	3/28	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 = \$250,000-\$500,000 P3 = \$25,000,001-\$50,000,000	K = \$15,001-\$50,000 ● = \$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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55.					part sell	6/27	J		
56.					buy	9/25	J		
57.					part sell	12/26	K		
58. - Hotchis Wiley Small Cap					buy	1/07	J		
59.					part sell	6/27	J		
60.					part sell	9/25	J		
61.					part sell	12/26	J		
62. - Scudder Micro Cap					buy	1/07	J		
63.					buy	3/28	J		
64.					part sell	6/27	J		
65.					part sell	9/25	J		
66. - Cash Reserves Inv					buy	1/07	J		
67.					buy	6/27	J		
68.					buy	9/25	J		
69.					buy	12/26	J		
70. - NB Reit Fnd					buy	1/07	J		
71.					part sell	3/28	J		
72.					part sell	12/26	J		

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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)
73. - Neuberger High Income					buy	1/07	J		
74.					part sell	3/28	J		
75.					buy	6/27	J		
76. - SSGA Int'l Growth Opp					buy	1/07	J		
77.					part sell	3/28	K		
78.					part sell	6/27	J		
79.					part sell	9/25	J		
80.					sell	9/25	K		
81. - Federated Total Return Bond A					buy	1/07	K		
82.					part sell	3/28	J		
83.					buy	6/27	J		
84.					buy	9/25			
85.					buy	9/25	J		
86.					sell	12/26	L		
87. - Turn Dis Large Cap Growth					buy	1/07	J		
88.					buy	3/28	J		
89.					buy	6/27	J		
90.					part sell	9/25	J		

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91.					buy	12/26	J		
92. - Wlm Blr Intl Gro N (X)					buy	9/25	K		
93.					buy	12/26	J		
94. - Ameristock (X)					buy	12/26	L		
95. - PIMCO Total Ret Admi (X)					buy	12/26	L		
96. Neuberger Berman IRA (2) (X)	A	Dividend	J	T					

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	P3 = \$25,000,001-\$50,000,000		P4 = \$More than: \$50,000,000		
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VIII. ADDITIONAL INFORMATION OR EXPLANATIONS (Indicate part of Report.)

In Part III, B, item 1 had been called ~~Rosenman & Colin LLP Partnership~~ Distribution. That item is now called KMZ Rosenman Disability Award.

In Part VII of the 2002 report, item 6, ~~CIBC~~ Money Market: World Markets Municipal Reserve Fund, is now called ~~Oppenheimer~~ Municipal Liquidity Fund and is item 6 on this report.

In Part VII of the 2002 report, items 7-9 were listed under CIBC. CIBC has been removed from the titles of those accounts on this 2003 report.

In Part VII of the 2002 report, item 10 was called "CIBC Oppenheimer NY Municipal Fund-CL A." That fund is called "Oppenheimer AMT Free NY Municipals Fund CL A" and is item 10 on this report.

In Part VII of the 2002 report, items 28 and 43 were called "Morgan Stanley Oppenheimer NY Municipal Fund B." Those items are items 27 and 39 on this 2003 report and are called "Morgan Stanley Oppenheimer AMT Free NY Municipal Fund B."

In Part VII of the 2002 report, item 18, Morgan Stanley Dean Witter & Co Common Stock, was sold in 2002. Column C should have been left blank. That item is not listed on this report.

In Part VII, Neuberger Berman IRA - American Century GNMA, had no value or reportable transactions in 2003. That fund is not reported on this report.

In Part VII of the 2002 report, item 32, JP Morgan Chase Roth IRAs, were reported in error. Those Roth IRAs are not owned by the Trust. They have been deleted from this report.

Item 96 on this 2003 report, Neuberger Berman IRA (2), was inadvertently omitted from prior reports.

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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. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature

Date 5.14.04

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)

FILE 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