

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) Sack, Robert D	2. Court or Organization U.S. Court of Appeals, 2d Cir.	3. Date of Report 3/31/2005
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 1/1/2004 to 12/31/2004
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. Potter 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

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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 8.5% of net receipts

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III. NON-INVESTMENT INCOME. (Reporting individual and spouse: see pp. 17- 4 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, and spouse's)
1. 2004	Practising Law Institute Book Royalties	16,609.11
2. 2004	Gibson, Dunn & Crutcher LLP Retirement Plan	72,000.00
3. 2004	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. 2004	Dewey Ballentine Partnership Distribution
2.	
3.	

IV. REIMBURSEMENTS - transportation, lodging, food, entertainment

(Includes those to spouse and dependent children. See pp. 5-27 of instructions.)

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

<u>SOURCE</u>	<u>DESCRIPTION</u>
1. Yale University	6/15/04-6/21/04, China Workshop, Beijing, China (Transportation, Lodging, Meals)
2. Federal Judges Association	5/15/04-5/17/04, Board Meeting, Washington, DC (Transportation, Lodging, Meals)
3. Federal Bar Council	2/14/04-2/21/04, Winter Conference, Manzanillo, Mexico (Transportation, Lodging, Meals)

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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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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-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.	12/28	M		
6. Oppenheimer Municipal Liquidity Fund	A	Dividend	J	T					
7. Boeing Co. Common Stock	A	Dividend	J	T					
8. Blackrock New York Insured Municipal Income Trust III	B	Dividend	K	T					
9. Van Kampen Trust for Invst Grade NY Municipals	A	Dividend	J	T					
10. Oppenheimer AMT Free NY Municipals Fund-CL A	C	Dividend	L	T					
11. JPMorgan Chase Traditional IRA	A	Interest	J	T					
12. Northwestern Mutual Life Insurance Policy	B	Dividend	K	T					
13. Guardian Life Insurance Policy	A	Dividend	K	T					
14. Massachusetts Mutual Life Insurance	A	Div/Int	J	T					
15. Morgan Stanley Active Assets Money Trust	A	Dividend	K	T					
16. Morgan Stanley MTA 5.35 Zero Coupon Bond due 7/1/12	A	OID	K	T					
17. MS NYS DA SECD Hosp Interfaith Med Bond 5.25 due 2/15/14	C	Interest	L	T					
18. Morgan Stanley LIPA 5.60 Zero Coupon Bond due 6/1/14	B	OID	K	T					

1. Income/Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001-\$100,000	B = \$1,001-\$3,500 G = \$10,001-\$31,000,000	C = \$2,501-\$5,000 H1 = \$1,000,001-\$5,000,000	D = \$3,001-\$15,000 H2 = More than \$5,000,000	E = \$15,001-\$50,000
2. Value Codes: (See Columns C1 and D3)	F = \$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	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessments W = Estimated	T = Cash/Market	

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VII. INVESTMENTS and TRUSTS -- income, value, transactions (includes those of the spouse and dependent children. See pp. 34-37 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-I)	(5) Identity of buyer/seller (if private transaction)
19. Morgan Stanley Fed Home Ln Mtg Med Tm Note 4% 10/15/10	A	Interest	K	T	buy	4/7	K		
20. Morgan Stanley Fed Hm Ln Bk 4% 3/24/11	B	Interest	K	T	buy	3/31	K		
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	Distribution	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 Oppen. AMT Free NY Municipal Fd B	C	Dividend	L	T	buy	1/9	J		
28.					buy	4/7	K		
29. Fiduciary Holdings (SS/JS)	C	Div/Int	N	T					
30. - JP Morgan Chase Accounts									
31. - MS Intl Bk for Recon & Dev Zero Coupon Due 2/15/14 (JS)									
32. - Morgan Stanley MTA NY Transit Zero Coupon Bond due 7/1/13									
33. - Morgan Stanley MTA, NY Transit Zero Coupon Bond due 7/1/12					sell	2/27	J	A	
34. - Morgan Stanley Global Dividend Growth Sec B (SS/JS)									
35. - Morgan Stanley Special Growth Fund B									
36. - Morgan Stanley Special Value Fund B					partial sell	9/14	J	A	

1. Income/Gain Codes:	A = \$1,000 or less (See Columns B1 and D4)	B = \$1,001-\$2,500	C = \$2,501-\$5,000	D = \$5,001-\$15,000	E = \$15,001-\$50,000
2. Value Codes:	F = \$50,001-\$100,000 (See Columns C1 and D3)	G = \$100,001-\$1,000,000	H1 = \$1,000,001-\$6,000,000	H2 = More than \$6,000,000	M = \$100,001-\$250,000
3. Value Method Codes:	J = \$15,000 or less (See Columns C1 and D3)	K = \$15,001-\$50,000	L = \$50,001-\$100,000	P1 = \$1,000,001-\$5,000,000	P2 = \$5,000,001-\$25,000,000
	N = \$250,001-\$500,000	O = \$500,001-\$1,000,000	P1 = \$1,000,001-\$5,000,000	P4 = \$5,000,001-\$25,000,000	
	P3 = \$25,000,001-\$50,000,000		P4 = \$5,000,001-\$25,000,000		
	Q = Appraisal	R = Cost (Real Estate Only)	S = Assessment	T = Cash/Market	
	U = Book Value	V = Other	W = Estimated		

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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 covered 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)	If not exempt from disclosure			
	Amount Code I (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 I (A-H)	(5) Identity of buyer/seller (if private transaction)
37. - Morgan Stanley Global Advantage Fund B					sell	3/31	J	A	
38. - Morgan Stanley American Opportunities Fund B									
39. - Morgan Stanley Franklin NY Tax Free Inc B									
40. - Morgan Stanley Oppen. AMT Free NY Municipal und B					buy	2/27	J		
41. - Morgan Stanley Long Island Power					sell	2/9	K	A	
42. - Neuberger Berman Limited Maturity Bond Fund									
43. - Neuberger Berman Partners Fund									
44. - Neuberger Berman Municipal Security Trust									
45. - Phoenix Life Insurance Policy (X)									
46. - Dean Witter Utilities Fund (X)									
47. - Dean Witter IRA (X)									
48. State Street Bank Manhattan Fund		None	J	T					
49. Neuberger Berman IRA	E	Dividend	O	T					
50. - Ameristock					buy	3/23	J		
51.					part sell	6/28	J		
52.					buy	9/29	K		
53.					buy	12/5	J		
54. - Artisan Mid-Cap					buy	6/28	J		

1. Income/Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$90,001-\$100,000 J = \$15,000 or less N = \$250,000-\$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 = \$100,001-\$250,000	D = \$5,001-\$15,000 H2 = 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/Inventory	
3. Value Method Codes (See Column C2)					

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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)
55.					part sell	9/29	J		
56. - Artisan Sm Cap					buy	6/28	J		
57. - Ariel Appreciation					buy	6/28	J		
58.					buy	11/17	J		
59. - Federated Stock Trust									
60. - Hotchis Wiley Small Cap					buy	12/10	J		
61. - Scudder Micro Cap					sell	6/28	K		
62. - Cash Reserves Inv					buy	3/23	J		
63. - Neuberger High Inc					part sell	6/28	J		
64.					part sell	9/29	J		
65. - NB Reit Fnd					part sell	3/23	J		
66.					buy	6/28	J		
67.					part sell	9/29	J		
68.					buy	12/16	J		
69. - PIMCO Tot Ret Admin					buy	6/28	J		
70.					part sell	9/29	J		
71.					buy	12/13	J		
72. - Federated Total Return Bond 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 = \$250,001-\$500,000	P1 = \$500,001-\$1,000,000	P2 = \$1,000,001-\$5,000,000	P3 = \$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 = Assessed	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 "(C)" 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)	If not exempt from disclosure			
	Amount Code 1 (A-I)	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)
73. - T. Rowe Gwth Stk Adv					buy	9/29	L		
74. - Turn Dis Large Cap Growth					buy	3/23	J		
75.					part sell	6/28	J		
76.					sell	9/29	L		
77. - Wlm Blr Intl Gro N					part sell	3/23	J		
78.					buy	9/29	J		
79. WRH Trust (X)	E	Dividend	P1	T	acquire	4/6	P1		
80. - SB Chino Basin Desalter AU CA Adj Rt Rev Ref- A-1 6/1/35					sell	6/15	P1		No Gain or Loss.
81. - SB General Electric Co.					sell	5/19	P1		Loss.
82. - SB Pacific Bell Notes Reg 3/1/05					sell	5/19	N		Loss.
83. - SB WM Wrigley Jr. Co.					sell	5/19	N	D	
84. - SB Wyeth					sell	5/19	N		Loss.
85. - SB Blackrock Mun Target Term Tr									
86. - SB 1838 Bond Debenture Trading FD									
87. - AGL Resources									
88. - Edison International									
89. - Allegheny Energy Inc.									
90. SB Money Market (X)	A	Dividend	N	T	buy	5/19	N		

1. Income/Gain Codes:	A = \$1,000 or less	B = \$1,001-\$2,900	C = \$2,901-\$5,000	D = \$5,001-\$15,000	E = \$15,001-\$60,000
(See Columns B1 and D4)	F = \$60,001-\$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-\$350,000	
(See Columns C1 and D3)	N = \$250,000-\$500,000	● = \$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:	● = Appraisal	R = Cost (Real Estate Only)	S = Assessment	T = Car Market	
(See Column C2)	U = Book Value	V = Other	W = Estimated		

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VIII. ADDITIONAL INFORMATION OR EXPLANATIONS

(Indicate part of Report.)

In Part III, B, item 1 on the 2003 Report, KMC Rossmore Disability Award has been removed because it is disability compensation which is not reportable.

In Part VII of the 2003 Report, items 11 and 12, Dewey Ballantine 401(k) Janus Overseas Fund and Dewey Ballantine 401(k) Fidelity Growth Company Fund, had been merged into the Neuberger Berman I A, item 49 on this 2004 Report. This happened, to the best of recollection, in 2002, but the Dewey Ballantine 401(k) entries were inadvertently listed on prior reports. The Neuberger Berman IRA (2), item 96 on the 2003 Report, is also part of the Neuberger Berman I A, item 49 on this 2004 Report. These three entries have been deleted from this 2004 Report.

In Part VII of the 2003 Report, item 28, Trust, appears at item 29 on this 2004 Report and has been renamed "Fiduciary Holdings (SS/JS)" to better indicate the nature of the items that make up that Aggregate Ownership Arrangement.

Items 45 through 47 on this 2004 Report were inadvertently omitted from previous reports.

In Part VII of the 2003 Report, items 45 through 95, the Neuberger Berman IRA, have been rearranged on this 2004 Report (items 49 through 78) to the order that the items appear on the Neuberger Berman statement for ease of reporting on future reports.

As of April 6, 2004, the Judge's [REDACTED] is Trustee for the WRH Trust, Part VII, items 79-89. Part of the Trust was distributed to the beneficiaries in 2004. Now item 59 Nancy Market, item 90, represents part of that distribution which was made to the Judge's wife.

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

Signature



Date

5.13.05

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