

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) Fisher, D. Michael	2. Court or Organization Court of Appeals Third Circuit	3. Date of Report 5/3/2005
4. Title (Article III Judges indicate active or senior status; magistrate judges indicate full- or part-time) Active Circuit Judge	5. Report Type (check appropriate type) ☐ Nomination ☐ Date ☐ Initial ☒ Annual ☐ Final	6. Reporting Period 12/15/2003 to 12/31/2004
7. Chambers or Office Address 301A U.S.P.O. & Courthouse Seventh Ave. and Grant St. 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 filing instructions)

☐ NONE - (No reportable positions.)

POSITION	NAME OF ORGANIZATION/ENTITY
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. Trustee	John A. Murphy, Trust B2, Resigned 10/29/04
5. Trustee	John A. Murphy, Trust A, Resigned 4/28/04
6. Secretary, Vice President and Director	St. Clair Country Club
7. Member, Board of Trustees	University of Pittsburgh
8. Attorney-In-Fact/Power of Attorney	[REDACTED]

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

☐ NONE - (No reportable agreements.)

DATE	PARTIES AND TERMS
1. 1975-03	Pennsylvania State Employees Retirement Fund, Defined Benefit Pension Plan

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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	Commonwealth of Pennsylvania (Attorney General)	3,175.50
2.	2004	University of Pittsburgh School of Law	1,875.00
3.	2004	John A. Murphy Trust A, Trustee Fees	8,000.00

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 bonuses.)☐ **NONE** - (No reportable non-investment income.)

	<u>DATE</u>	<u>SOURCE AND TYPE</u>
1.	2004	Harcourt Publishing (Consultant)
2.	2004	Duquesne University (Student-Teacher Supervisor)

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 Legacy Foundation	January 12-13 - Washington, D.C.; Board of Directors Meeting (Hotel and Parking)
2.	Pennsylvania Bar Association	January 20-25 - Palm Beach, FL; Participation in PBA Midyear Meeting (Hotel and Meals)
3.	National Association of Attorneys General	June 15-18 - Santa Monica, CA; Speaker at 2004 NAAG Summer Meeting (Hotel, Meals, Entertainment and Transportation)
4.	The Academy of Trial Lawyers of Allegheny County	September 30-October 1 - Participation in 2004 Masters of Trial Advocacy Retreat (Hotel and 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.	University of Pittsburgh Medical Center (UPMC)	6/10/04 Guest, Mario Lemieux Golf Tournament, Nevillewood, PA	\$500
2.	Donald R. Cameron	9/20/04 Guest, 84 Lumber PGA Tour Event, Nemacolin Woodlands, PA	\$50
3.	See attached list under Part VIII		

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.			

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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 "OO" 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. Vanguard Wellington Fund	B	Dividend	L	T					
2. Legg Mason Opportunity Trust	A	Dividend	J	T	Sell (2003)	11/1	J	T	
3. Citizens Bank of Pennsylvania	A	Interest	J	T					
4. PNC Bank	A	Interest	J	T					
5. PSECU	A	Dividend	J	T	Sell	2/1	J	T	
6. National City Bank (cash)		None	J	T	Closed				
7. Mass Mutual Flex Extra IRA		None	M	T					
8. Metropolitan Life Ins. Co. (X)	B	Interest							
9. Scudder Investments, Money Market Fund, IRA		None	J	T					
10. PA State Employee Retirement Fund	D	Interest	P1	U					
11. MML Investor Services, Inc. Rollover IRA		None	M	T	Buy	2/20	M		
12. John A. Murphy Trust B1	C	Interest	M	T					
13. -DH Lehman Bros. BL FSB Callable CD									
14. -Federated High Income Bond Fund									
15. -Putnam High Yield Trust									
16. -Merrill Lynch CMA Account									
17. John A. Murphy Trust B2	E	Interest	N	T	Resigned	10/29			
18. -DH Lehman Bros. BL FSB Callable CD									

1. Income/Gain Codes:	A = \$1,000 or less	B = \$1,001-\$2,999	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-\$1,000,000	H2 = More than \$6,000,000	
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 = \$250,000-\$500,000	O = \$500,001-\$1,000,000	P1 = \$1,000,001-\$5,000,000	P2 = \$6,000,001-\$25,000,000	
	P3 = \$25,000,001-\$50,000,000		P4 = More than \$50,000,000		
3. Value Method Codes	Q = Appraisal	R = Cost (Real Estate Only)	S = Assessment	T = Cash	
(See Column C2)	U = Book Value	V = Other	W = Estimated		

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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. 34-57 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)	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)
19. -Federated High Income Bond Fund									
20. -Putnam High Yield Trust									
21. -Merrill Lynch CMA Account									
22. -Outboard Haven, Inc., Note									
23. John A. Murphy Trust A	E	Interest	O	T	Resigned	4/28			
24. -Merrill Lynch CMA Account									
25. -Federal National Mortgage Assoc. Callable Notes									
26. -Verizon Global FDG Corp. Note									
27. -Fot Motor Credit Company Bond									
28. -Sears Roebuck Acceptance Bonds									
29. -NM DaimlerChryNA BE									
30. -NM Household Finance Corp. BE									
31. -NM Boeing Capital Corp. BE									
32. -CBS Inc., Senior Note									
33. -NM Bank America Corp. BE									
34. -Chase Capital Securities									
35. -BSCH Finance Ltd.									
36. -Highwoods Properties									

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-\$30,000
(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 = \$250,000-\$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-\$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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	(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- R)	(5) Identity of buyer/seller (if private transaction)
37. -Household Capital Trust VI									
38. -Yorkshire Capital Trust I									
39. -NAB Exchangeable PFD TR									
40. -Fleet Capital Trust VII									
41. -JP Morgan Chase Cap X									
42. -Rhone Poulenc									
43. -ADC Telecommunications, Inc. Stock									
44. -Citigroup, Inc. Stock									
45. -Crown Castle Intl. Corp. Stock									
46. -Costco Wholesale CRP Del. Stock									
47. -Dollar Tree Store Inc. Stock									
48. -Duke Energy Corp. Stock									
49. -GE Stock									
50. -Hospitality PPTYS Tr Stock									
51. -Honeywell Intl. Inc. Stock									
52. -Price T. Rowe Group Stock									
53. -Pfizer Inc. Stock									
54. -Questar Corp. Inc. Stock									

1. Income/Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$80,001-\$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-\$300,000 P5 = \$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 = \$5,000,001-\$25,000,000	M = \$300,001-\$250,000 P2 = \$5,000,001-\$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraised U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash/Markets	

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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. reas. 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. -Sollectron Corp. Del Stock									
56. -Travelers PPTY Stock									
57. -Capital Re LLC Preferred Stock									
58. -Davis NY Venture Fund									
59. -Janus Worldwide Fund									
60. -Massachusetts Investors Trust									
61. -ML S+P 500 Index Fund									
62. -ML Small Cap Value Fund									
63. -Corporate Hy Fund III									
64. -PNC Capital Invest. D - Bond					Buy (2003)	12/11			
65. -Lehman Bros. Holding Corp. Bond					Buy	4/2			
66. -Outboard Haven, Inc. Note									
67. -Sandarac Condo, Ft. Myers, FL									
68. Power of Attorney for [REDACTED]	E	Int. & Div.	N	T					
69. -Legg Mason Value Trust Mutual Fund									
70. -Western Asset Claymore U.S. Tips Fund 2									
71. -Common Stock, AT&T Wireless Services, Inc.									
72. -Common Stock, Bell South Corp.									

1. Income/Type Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$90,001-\$100,000	B = \$1,001-\$2,900 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 P1 = \$25,000,001-\$50,000,000	K = \$15,001-\$30,000 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 = Real Estate (Real Estate Only) V = Other	S = Assessed W = Estimated	T = Cash/Unrealized	

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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-F)	(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) Gross Code 1 (A- F)	(5) Identity of buyer/seller (if private transaction)
73. -Common Stock, SBC Communications, Inc.									
74. -Common Stock, AT&T Corp. - New									
75. -Common Stock, Comcast Corp. - New									
76. -Common Stock, Duquesne Light Holdings, Inc.									
77. -Common Stock, Equitable Resources, Inc.									
78. -Common Stock, Qwest Communications, Inc.									
79. -Common Stock, Verizon Communications									
80. -Legg Mason - Cash									
81. -PNC Bank - Cash									

1. Income/Value 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

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

M = \$500,001-\$1,000,000

R = Bond (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 = \$5,000,001-\$25,000,000

S = Appraisal

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.)

I. POSITIONS

4/28/04 I resigned as Trustee of John A. Murphy, Trust A

10/29/04 I resigned as Trustee of John A. Murphy, Trust B2

III. NON-INVESTMENT INCOME

4/28/04 I resigned as Trustee of John A. Murphy, Trust A

V. GIFTS

Friends who shared with Judge Fisher the cost of the Judicial Swearing In Reception at Westin Convention Center on 12/15/03. See Advisory Opinion 98:

Ted Arneault \$592.63

Daniel Beren \$592.63

John Casmatisidis \$592.63

Vincent Deluzio \$750.00

Gregory A. Harbaugh \$592.63

Joseph A. Hardy \$598.00

Thomas Henderson \$592.63

Edwin Klett \$592.63

James Nevels \$600.00

Manny Stronachis \$592.63

C. Alan Walker \$592.63

Galco Weabes \$592.63

VII. INVESTMENTS and TRUSTS

4/28/04 I resigned as Trustee of John A. Murphy, Trust A

10/29/04 I resigned as Trustee of John A. Murphy, Trust B2

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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

5/3/05

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY 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