

FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2012

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 5/10/2013
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 01/01/2012 to 12/31/2012
7. Chambers or Office Address 40 Foley Square New York, NY 10007		
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.		

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. 2010	Practising Law Institute and Robert D. Sack, publication of 4th edition of treatise on defamation law; royalty 15% 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>INCOME</u> (yours, not spouse's)
1. 2012	Practising Law Institute Book Royalties	\$19,834.95
2. 2012	Gibson, Dunn & Crutcher LLP Retirement Plan	\$72,000.00
3. 2012	Lecturer in Law, Columbia Law School	\$15,000.00
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. 2012	West Services Inc.
2.	
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 Rochester	1/23-24/2012, 4/2-3/2012, 4/9-10/2012, 4/16-17/2012	Rochester, NY	Guest Lecturer	Travel, Hotel and Meals
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 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. Oppenheimer Advantage Municipal Liquidity Fund	A	Dividend	K	T					
3. Opp Blackrock NY Muni Inc Qlty TR Tax Free Com	B	Dividend	K	T					
4. Opp Boeing Co. Common Stock	A	Dividend	K	T					
5. Opp Invesco Invt Grade NY Muns Tax Free Com	A	Dividend	J	T					
6. Oppenheimer NY Municipal Fund Cl A	C	Dividend	L	T					
7. Opp New York NY City Mun Wtr Fin NY 3.625% Due 6/15/25	A	Interest	K	T					
8. Northwestern Mutual Life Insurance Policy	C	Dividend	L	T					
9. Guardian Life Insurance Policy	C	Dividend	L	T					
10. Massachusetts Mutual Life Insurance Policy	A	Interest	J	T					
11. Morgan Stanley Money Market Fund	A	Dividend	L	T					
12. Morgan Stanley MTA 5.35 Zero Coupon Bond due 7/1/12	B	Interest			Redeemed	07/02/12	K	A	
13. MS New York Genl Oblig Ref Ser-C due 4/15/13	A	Interest	K	T					
14. Morgan Stanley LIPA 5.60 Zero Coupon Bond due 6/1/14	A	Interest	K	T					
15. MS NYS Power Auth Rev Ref Ser-C 4% due 11/15/20	B	Interest	K	T					
16. MS NYC Genl Oblig Ser-I 4% Due 2/1/22	C	Interest	L	T					
17. MS FOCUS GROWTH FD A	A	Interest	J	T					

1. Income Gain Codes:	A = \$1,000 or less (See Columns B1 and D4)	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	F = \$50,001 - \$100,000 J = \$15,000 or less (See Columns C1 and D3)	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	N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	P4 = More than \$50,000,000 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 mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)

18. MS FRANKLIN NY TX FR A	B	Dividend	K	T					
19. MS Invesco Goba Core Equity A	A	Dividend	J	T					
20. MS Invesco Small Cap Value A	A	Dividend	K	T					
21. MSIF Small Co Growth PTF H	A	Dividend	J	T					
22. MS OPPENHEIMER AMT-FREE NY MUN A	D	Dividend	M	T					
23. JPMorgan Federal Money Market Fund - Morgan	A	Dividend	K	T					
24. Ameriprise Portfolio (AH)	G	Int./Div.	P1	T					
25. -AMERIPRISE INSURED MONEY MARKET ACCTS									
26. -ABA-FID ADV FLOAT RT H/INC-C					Sold	01/12/12	K		
27. -ADV-BLACKROCK INFLATION PROTECTED BOND INVETOR CLA					Buy	03/15/12	L		
28.					Sold (part)	06/26/12	J	A	
29. -ADV-BLACKROCK EQUITY DIVIDEND CL A					Sold (part)	10/25/12	J	C	
30. -ADV-COLUMBIA DIVIDEND OPPORTUNITY CL A					Buy	05/09/12	L		
31.					Sold (part)	12/19/12	K	A	
32. -ADV-COLUMBIA INCOME OPP CL A					Buy	03/15/12	L		
33.					Sold (part)	12/19/12	K	A	
34. -ADV-EATON VANCE AMT FREE MUNICIPAL									

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 = More than \$50,000,000		
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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35. -ADV-FIDELITY ADVISOR FLOATING RATE HIGH INC CL A					Sold (part)	10/25/12	J	C	
36. -ADV-GOLDMAN SACHS HIGH YIELD MUNICIPAL CL A					Sold (part)	03/12/12	M		
37. -ADV-MFS MUNI LTD MATURITY - A					Sold	05/09/12	L	D	
38. -ADV-OPPENHEIMER AMT FREE NY MUNICIPAL CL A									
39. -ADV-PIONEER AMT FREE MUNICIPAL CL A					Sold (part)	09/20/12	J		
40. -ADV-TAX EXEMPT BOND AMERICA CL A									
41. -ADV-VIRTUS TAX EXEMPT BONC CL A									
42. -ONE-AIM INVESCO MUNICIPAL INCOME CL A (PKA INV VK MUNI INC)									
43. -ONE-BLACKROCK EQUITY DIVIDEND CL A									
44. -ONE-COLUMBIA DIVIDEND OPPORTUNITY CL A									
45. -ONE-DWS Short DUR Plus - A DWS Funds					Sold	05/09/12	K	B	
46. -ONE-EATON VANCE AMT FREE MUNICIPAL INCOME CL A									
47. -ONE-FIDELITY ADVISOR NEW INSIGHTS CL A									
48. -ONE-GABELLI EQUITY INCOME CL A					Sold (part)	03/07/12	J	B	
49. -ONE-IVY ASSET STRATEGY CL A									
50. -ONE-MFS MUNICIPAL LIMITED MATURITY CL A									
51. -ONE-OPPENHEIMER INTL BOND CL A									

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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	
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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52. -ONE-OPPENHEIMER GOLD & SPECIAL MINERALS CL A									
53. -ONE-OPPENHEIMER LIMITED TERM MUNICIPAL CL A									
54. -ONE-OPPENHEIMER DEVELOPING MARKETS CL A									
55. -ONE-PERMANENT PORTFOLIO					Sold (part)	03/06/12	J	C	
56.					Sold (part)	05/25/12	J	C	
57. -ONE-ROCHESTER LTD TERM NY MUNI A (PKA OPP LTD TRM NY MUN A)									
58. -ONE-TAX EXEMPT BOND AMERICA CL A									
59. -ONE-VAN ECK GLOBAL HARD ASSETS CL A									
60. -ONE-BLACKROCK MUNIHOLDINGS NY QUALITY FUND INC									
61. -ONE-NUVEEN NEW YORK INVESTMENT QUALITY MUNICIPAL FUND									
62. - RiverSource Retirement Advisor 4 Advantage VA-Annuity									
63. - Fred Alger Large Cap Growth IRA									
64. - Franklin Intermediate Fixed Income IRA									
65. - Spectrum Hybrid Preferred IRA									
66. - Renaissance International Equity IRA									
67. - Alliancebernstein Large Cap Core IRA									

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
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68. - Munder Mid Cap Core IRA									

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
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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.

A pending claim against American International Group, Inc. is currently in litigation (04 Civ. 8141 (DAB) (AJP)). 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: s/ Robert D. Sack

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)

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544