

FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2019

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) Livingston, Debra A.	2. Court or Organization U.S. Court of Appeals for the Second Circuit	3. Date of Report 05/03/2020
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) United States Circuit Judge. Active status.	5a. Report Type (check appropriate type) ☐ Nomination ☐ Date ☐ Initial ☒ Annual ☐ Final	6. Reporting Period 1/1/2019 to 12/31/2019
	5b. ☐ Amended Report	
7. Chambers or Office Address United States Courthouse 40 Foley Square New York, New York 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. Paul J. Kellner Professor of Law	Columbia Law School
2. Uncompensated Trustee (co-trustee [REDACTED])	Trust fbo relative ("Trust 5J")
3. Uncompensated Trustee (co-trustee [REDACTED])	Trust fbo relative ("Trust 5S")
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. 2/1999	Wolters-Kluwer Law & Business Aspen Publishers. Royalty payments on sales of co-authored case book, Comprehensive Criminal Procedure
2. 1992	See Part VIII. Additional Information.
3.	

FINANCIAL DISCLOSURE REPORT

Page 2 of 9

Name of Person Reporting

Livingston, Debra A.

Date of Report

05/03/2020

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. 4/2/2019	Wolters-Kluwer Law & Business Aspen Publishers (royalties)	\$9,454.05
2. 2019	Columbia Law School	\$24,888.00
3.		
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.	
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.				
2.				
3.				
4.				
5.				

Name of Person Reporting	Date of Report
Livingston, Debra A.	05/03/2020

V. GIFTS. (Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)

☒ NONE (No reportable gifts.)

SOURCE	DESCRIPTION	VALUE
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.)

CREDITOR	DESCRIPTION	VALUE CODE
1.		
2.		
3.		
4.		
5.		

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)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	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, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	Identity of buyer/seller (if private transaction)
1. Citibank cash accounts	A	Interest	M	T					
2. Bank of America cash account		None	J	T					
3. =====(H)									
4. CREF Stock Fund		None	L	T					
5. Fidelity Contrafund K	D	Dividend	M	T					
6. Fidelity Convertible Security	C	Dividend	L	T					
7. Fidelity Growth Co K	D	Dividend	M	T					
8. Fidelity Equity Div Inc	B	Dividend	K	T					
9. Fidelity Magellan	D	Dividend	L	T					
10. TIAA Real Estate		None	M	T					
11. TIAA Traditional Annuity		None	L	T					
12. =====(H)									
13. U.S. Savings Bonds		None	J	T					
14. =====(H)									
15. Vanguard 122 LifeStrategy Growth Portfolio n.3	C	Dividend	M	T					
16. =====(H)									
17. Vanguard 502 Balanced Index	B	Dividend	L	T					

1 Income Gain 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

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

R =Cost (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 =More than \$50,000,000

S =Assessment

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

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)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	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, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	Identity of buyer/seller (if private transaction)
18. Vanguard 521 Wellington Admiral	D	Dividend	N	T	Sold (part)	08/15/19	J		
19. Vanguard 526 Morgan Growth Admiral (n.1)	F	Dividend			Sold	04/05/19	O		
20. Vanguard 0523 U.S. Growth (n.1)	E	Dividend	O	T	Buy	04/05/19	O		
21.					Sold (part)	08/15/19	J		
22. Vanguard 548 Small Cap Admiral	C	Dividend	N	T	Sold (part)	08/15/19	J		
23. Vanguard 581 Int'l Growth Admiral	B	Dividend	M	T					
24. Vanguard 593 Growth & Income Admiral	E	Dividend	N	T	Sold (part)	08/15/19	J		
25. =====NY 529 (H)									
26. Vanguard College Mod Age-Based Option Inc		None	J	T	Sold (part)	01/06/19	J		
27.					Sold (part)	07/31/19	K		
28. =====(H)									
29. Vanguard 0529 High-Yield Corp F Admiral	B	Dividend	K	T					
30. Vanguard 0581 Int'l Growth Fund Admiral	C	Dividend	M	T					
31. Vanguard 0854 Instit'l Index F Inst'l Shares	D	Dividend	N	T					
32. Vanguard 1665 Inst'l Target Retirement 2025	D	Dividend	N	T					
33. Vanguard 3123 Real Estate Index Inst'l Shares	C	Dividend	M	T					
34. Vanguard 5119 Infl-Protected Securities F Inst'l Shares (X)	B	Dividend	K	T					

1 Income Gain 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

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

R =Cost (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 =More than \$50,000,000

S =Assessment

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

FINANCIAL DISCLOSURE REPORT

Page 6 of 9

Name of Person Reporting

Livingston, Debra A.

Date of Report

05/03/2020

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)
35. =====Trusts 5J & 5S (H)									
36. Vanguard Wellington Admiral	E	Dividend	O	T	Sold (part)	01/31/19	J		
37.					Sold (part)	04/05/19	J		
38.					Sold (part)	04/05/19	J		
39. =====Trust 6F (n.2) (H)									
40. Vanguard Wellesley Income Fund	E	Dividend	N	T	Sold (part)	03/13/19	J		
41. =====Includes all trusts (H)									
42. Vanguard Prime Money Market Fund	A	Int./Div.	J	T	Buy (add'l)	04/05/19	J		
43.					Sold (part)	04/09/19	J		
44.					Sold (part)	04/11/19	J		
45.					Buy (add'l)	01/31/19	J		
46.					Sold (part)	02/27/19	J		
47.					Buy (add'l)	04/05/19	J		
48.					Sold (part)	04/11/19	J		
49.					Sold (part)	04/12/19	J		
50.					Sold (part)	01/10/19	J		
51.					Buy (add'l)	03/13/19	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 =\$250,001 - \$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	

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)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	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, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	Identity of buyer/seller (if private transaction)
52.					Buy (add'l)	03/20/19	J		
53.					Sold (part)	03/20/19	J		
54.					Sold (part)	04/15/19	J		
55.					Buy (add'l)	06/14/19	J		
56.					Sold (part)	07/10/19	J		
57.					Buy (add'l)	09/13/19	J		
58.					Sold (part)	10/10/19	J		
59.					Buy (add'l)	12/17/19	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 =\$250,001 - \$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	

FINANCIAL DISCLOSURE REPORT

Page 8 of 9

Name of Person Reporting

Livingston, Debra A.

Date of Report

05/03/2020

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

Part II. Agreements.

1992. As a result of my employment with the University of Michigan Law School from 1992-1994, I continue to have a retirement account established through the University of Michigan, the holdings of which are listed under Part VII. Investments and Trusts. Contributions are of course no longer made to those retirement accounts.

Part VII. Investments and Trusts.

n.1 Vanguard-initiated no cost exchange of Morgan Growth Admiral to U.S. Growth Admiral in the two accounts in which Morgan Growth was held.

n.2 Trust for relative. [REDACTED] is sole trustee. [REDACTED] and another relative are partial residual beneficiaries.

FINANCIAL DISCLOSURE REPORT

Page 9 of 9

Name of Person Reporting

Livingston, Debra A.

Date of Report

05/03/2020

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/ **Debra A. Livingston**

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