

FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2013

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 05/13/2014
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 5b. ☐ Amended Report	6. Reporting Period 01/01/2013 to 12/31/2013
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 with [REDACTED])	Trust fbo relative ("Trust 5J")
3. Uncompensated Trustee (co-trustee with [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 (re University of Michigan)
3. 2007	See Part VIII. Additional Information (re Columbia University)

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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. 04.06.2013	Wolters-Kluwer Law & Business Aspen Publishers (royalties)	\$12,395.88
2. 2013	Columbia Law School	\$26,924.52
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.				

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V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*NONE *(No reportable gifts.)*SOURCEDESCRIPTIONVALUE

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.)*CREDITORDESCRIPTIONVALUE CODE

1.

2.

3.

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. Citibank cash accounts	A	Interest	N	T					
2. CREF Stock Fund		None	K	T					
3. Fidelity Contrafund K	D	Dividend	L	T					
4. Fidelity Convertible Security	B	Dividend	L	T					
5. Fidelity Equity Div Inc	A	Dividend	K	T					
6. Fidelity Growth Co K	D	Dividend	L	T					
7. Fidelity Magellan	C	Dividend	K	T					
8. TIAA Real Estate		None	M	T					
9. TIAA Traditional Annuity		None	L	T					
10. U.S. Savings Bonds		None	J	T					
11. Vanguard 081 International Growth	B	Dividend	M	T					
12. Vanguard 122 Life Growth Portfolio	B	Dividend	L	T					
13. Vanguard 163 NY Tax Exempt	A	Interest	K	T					
14. Vanguard 502 Balned Indx	B	Dividend	L	T					
15. Vanguard 526 Morgan Growth Admiral	E	Dividend	N	T					
16. Vanguard 548 Small Cap Admiral	B	Dividend	M	T					
17. Vanguard 593 Growth & Income Admiral	C	Dividend	M	T					

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	

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☐ 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 I (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. Vanguard College Mod Age-Based Conservative		None	L	T					
19. Vanguard Hi-Yield Corporate	B	Dividend	K	T					
20. Vanguard Index 500	C	Dividend	M	T					
21. Vanguard Inflation-Protected Securities	A	Dividend	K	T					
22. Vanguard REIT Index Fund	B	Dividend	L	T					
23. Vanguard Wellington Fund	D	Dividend	L	T					
24. -----Estate----- (H)									
25. Vanguard Prime Money Market Fund	A	Int./Div.			Sold (part)	02/25/13	J		
26.					Sold (part)	06/07/13	J		
27.					Sold (part)	06/17/13	L		
28.					Sold (part)	07/11/13	J		
29.					Sold (part)	07/16/13	J		
30.					Sold (part)	07/17/13	J		
31.					Sold (part)	07/18/13	J		
32.					Sold (part)	07/30/13	J		
33.					Closed	08/01/13	J		
34. -----Trusts 5J & 5S----- (H)									

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	
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	(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. Vanguard Wellington Fund Inv	A	Dividend			Sold (part)	01/07/13	K		
36.					Buy (add'l)	06/06/13	J		
37.					Buy (add'l)	06/14/13	M		
38.					Buy (add'l)	07/17/13	J		
39.					Sold	07/17/13	M		
40. Vanguard Wellington Fund Admiral (X)	E	Dividend	M	T	Buy	01/07/13	M		
41.					Buy (add'l)	07/17/13	M		
42. Vanguard Prime Money Mkt Fund	A	Int./Div.	J	T	Buy (add'l)	06/27/13	J		
43.									
44. -----Trust 6F----- (H)									
45. Vanguard Wellesley Income Fund		None			Sold	01/07/13	N		
46. Vanguard Wellesley Inc Admiral (X)	E	Dividend	N	T	Buy	01/07/13	N		
47.					Buy (add'l)	07/17/13	J		
48. Vanguard Prime Money Market Fund	A	Int./Div.	J	T	Sold (part)	01/14/13	J		
49.					Buy (add'l)	03/27/13	J		
50.					Sold (part)	04/10/13	J		
51.					Buy (add'l)	06/27/13	J		

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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 \$5,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
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	(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)
52.					Sold (part)	07/11/13	J		
53.					Buy (add'l)	09/26/13	J		
54.					Sold (part)	10/08/13	J		
55.					Buy (add'l)	12/17/13	J		
56.									
57. -----Nevada 529 ----- (H)									
58. Vanguard 529 Moderate Age-Based Opt: Income Portf		None	K	T					
59.									

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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 accounts 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.

2007. I continue to have retirement accounts maintained through Columbia University, the individual holdings of which are listed under Part VII, Investments and Trusts.

Part VII. Investments and Trusts

Estate Citibank account is non-interest, non-income producing, and accordingly has been removed from the report (with no effect on value code in any event).

Trust 6F for [REDACTED] : [REDACTED] is sole trustee. [REDACTED] and another [REDACTED] are partial residual beneficiaries. Vanguard Wellesley Income Fund converted to Vanguard Wellesley Income Fund Admiral in this account with no tax effect.

Trust 5S for relative was created in 2013. Holdings are aggregated with holdings for Trust 5J for reporting. Vanguard Wellington Fund Investor converted to Vanguard Wellington Fund Admiral in these accounts, with no tax effect. (A certain amount of Vanguard Wellington Fund Investor in another account continues to be reported--see line 24.)

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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/ **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
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Washington, D.C. 20544