

# FINANCIAL DISCLOSURE REPORT

Report Required by the Ethics  
In Government Act of 1978  
(5 U.S.C. app. §§ 101-111)

Calendar Year 2003

1. Person Reporting (Last name, First name, Middle initial) Smith, Fern M	2. Court or Organization District Court - Northern CA	3. Date of Report 6/23/2004
4. Title (Article III Judges indicate active or senior status; magistrate judges indicate full- or part-time) U.S. District Judge - Senior	5. ReportType (check appropriate type) <input type="radio"/> Nomination,      Date <input type="radio"/> Initial <input checked="" type="radio"/> Annual <input type="radio"/> Final	6. Reporting Period 1/1/2003 to 12/31/2003
7. Chambers or Office Address United States District Court 450 Golden Gate Avenue San Francisco, CA 94102	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.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. Trustee	Trust #1 f/k/a Fern M. Smith Trust (All assets listed Part VII)
2. Trustee	Trust #2 f/k/a IRA Trust (All assets listed Part VII)

## 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.	

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6/23/2004

**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.	5/28/03	Lexis-Nexis Group (Edit Publication)	\$788.00
2.	10/29/03	Lexis-Nexis Group (Edit Publication)	\$912.00
3.			

**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.		

**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.		Please see Section IV. REIMBURSEMENTS (Attached)

#### IV. REIMBURSEMENTS

3/13-14/03	San Diego, CA	George Washington University School of Public Health and Health Services - Scientific Knowledge and Public Policy Colloquium Participant Airfare, lodging & meals reimbursed
4/3-4/03	San Francisco, CA	ALI-ABA Expert Testimony Program Faculty Airfare, lodging & meals reimbursed
6/28-7/3/03	Istanbul, Turkey	Institute for the Study and Development of Legal Systems Faculty Airfare, lodging & meals reimbursed
9/13-21/03	Bahrain	ABA-CEELI Conference U.S. Delegate Faculty Airfare, lodging & meals reimbursed
10/7-8/03	Washington, DC	American Judicature Society Participant Airfare, lodging & meals reimbursed
10/9-10/03	Washington, DC	ABA CEELI Meeting Participant Airfare, lodging & meals reimbursed
10/18-23/03	Noordwijk aan Zee, The Netherlands	U.S. Department of State – International Conference Participant Airfare, lodging & meals reimbursed
10/29-31/03	Washington, DC	American Society of International Law Meeting Participant Airfare, lodging & meals reimbursed
11/12-15/03	Washington, DC	ALI-ABA Complex Civil Litigation Program Faculty Airfare, lodging & meals reimbursed
11/15-22/03	Moscow, Russia	Chemonics International, Inc - Moscow Conference Faculty Airfare, lodging & meals reimbursed
12/3-5/03	Scottsdale, AZ	ALI-ABA Evidence Program Faculty Airfare, lodging & meals reimbursed
12/10-12/93	San Diego, CA	ALI-ABA Complex Civil Litigation Program Faculty Airfare, lodging & meals reimbursed

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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.		

## 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.		

# FINANCIAL DISCLOSURE REPORT

Page 1 of 3

Name of Person Reporting  
Smith, Fern M

Date of Report  
6/23/2004

## 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)
<input type="checkbox"/> NONE (No reportable income, assets, or transactions)									
1. Trust #1 f/k/a Fern M. Smith Trust	D	Dividend	P1	T					
2. -Merrill Lynch Money Market									
3. -NUV Insd Opp Fund									
4. -Baxter Int. PFD 7%									
5. -Chevron Tax Corp. (common)									
6. -SPDR Consumers (fund)									
7. -SPDR Energy (fund)									
8. -SPDR Financial (fund)									
9. -SPDR Ind (fund)									
10. -SPDR Dep. Rec.									
11. -Sipple Inv. LLC									
12. -Property - SF									
13. [REDACTED] Partnership	E	Dividend	P1	T					
14. -Fiserv (common)									
15. -Gabelli Eq. Trust (MF)					Sell	6/3	J	B	
16. -IBM (stock)									
17. -Bank America Corp. (common)									
18. -Merck & Co. (common)									

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 = \$250,000-\$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 = \$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

# FINANCIAL DISCLOSURE REPORT

Page 2 of 3

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19. -First Australia Fund (MF) (now Aberdeen Australia)									
20. -General Motors (common)									
21. -Verizon (common)					Sell	11/24	J	A	
22. -Applied Materials									
23. -Intel(common)									
24. -LSI Logic									
25. -McKesson HBOC, Inc. (common)									
26. -Oracle Corp. (common)									
27. -3Com Corp.(common)									
28. -Ascential Software									
29. -Delphi Automotive									
30. -Equity Office Partners Tr					Sell	5/17	J	A	
31. -Northern Border LP					Sell	10/27	J	C	
32. -Pfizer Inc.									
33. -Proctor & Gamble					Sell	3/5	J	C	
34. -Roxio Inc.					Sell	1/3	J	A	
35. -SBC Communications					Sell	12/19	J	A	
36. -Schlumberger Ltd.									

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Page 3 of 3

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37. Trust #2 f/k/a IRA Trust	C	Interest	C	T					
38. -Evergreen Money Market f/k/a Schwab Money Market									
39. -GE Cap 7/5% 2005									
40. -Pfizer 3.625% 2004									
41. -AT&T Wireless					Buy	3/14	J	A	
42. -Delphi Corp					Buy	6/9	J	A	
43. -Duke Energy					Buy	8/1	J	A	
44. -G.E. Corp.					Buy	2/6	J	A	
45. -Hewlett-Packard					Buy	10/4	J	A	
46. -Honeywell Int.					Buy	7/14	J	A	
47. -IBM					Buy	7/14	J	A	
48. -Lucent Tech					Buy	10/4	J	A	
49. -Oracle					Buy	2/6	J	A	
50. -Pfizer					Buy	8/1	J	A	
51. -Sara Lee					Buy	6/9	J	A	
52. -Sempra Energy					Buy	3/14	J	A	
53. -Comcast					Buy	11/21	J	A	

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## VIII. ADDITIONAL INFORMATION OR EXPLANATIONS

(Indicate part of Report.)



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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 June 23, 2004

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