

CHAMBERS OF  
JAMES S. GWIN  
JUDGE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
510 U.S. COURTHOUSE & FEDERAL BUILDING  
AKRON, OHIO 44308

TELEPHONE  
(330) 375-5934  
FAX  
(330) 375-5937

August 10, 2006

Honorable Ortrie D. Smith  
Chair, Committee on Financial Disclosure  
One Columbus Circle, N.E.  
Washington, D.C. 20544

Re: Calendar Year 2005 Filing

RECEIVED  
2006 AUG 16 A 11:23  
FINANCIAL  
DISCLOSURE OFFICE

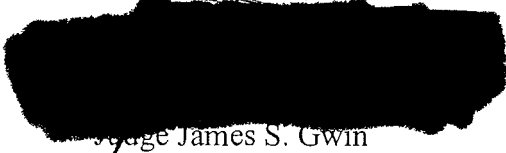
Dear Judge Smith:

I respond to your July 25, 2006, letter asking me to complete Part VII, page 6, line 37, Column D(3) of my 2005 Financial Disclosure Form. I attach a copy of your letter for reference. Apparently, I had overlooked completing this column.

Regarding Discovery Holding Services, that column should indicate a value of J, \$15,000 or less. The value is determined using a T Value Method, a market price.

If you have any further suggestions or questions please contact me.

Very truly yours,

  
Judge James S. Gwin

**FINANCIAL DISCLOSURE REPORT  
FOR CALENDAR YEAR 2005**

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

<b>1. Person Reporting (last name, first, middle initial)</b>  GWIN, JAMES S	<b>2. Court or Organization</b>  N.D. OHIO	<b>3. Date of Report</b>  05/15/2006
<b>4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)</b>  JUDGE, ACTIVE	<b>5a. Report Type (check appropriate type)</b> <input type="checkbox"/> Nomination,                      Date <input type="checkbox"/> Initial <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final	<b>6. Reporting Period</b> 01/01/2005 to 12/31/2005
<b>7. Chambers or Office Address</b>  510 U.S. COURTHOUSE 2 SOUTH MAIN STREET AKRON, OH 44308	<b>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.</b>  Reviewing Officer _____ Date _____	
<p><b>IMPORTANT NOTES:</b> 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.</p>		

**I. POSITIONS.** (Reporting individual only; see pp. 9-13 of instructions.)

NONE (No reportable positions.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. Trustee	Austin-Bailey Charitable Foundation
2.	
3.	
4.	
5.	

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

NONE (No reportable agreements.)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1. At retir	STATE OF OHIO PUBLIC EMPLOYEE RETIREMENT SYSTEM. RIGHT TO RETIREMENT BENEFITS
2.	
3.	

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 FINANCIAL DISCLOSURE OF PUBLIC OFFICIALS

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Name of Person Reporting  
**GWIN, JAMES S**

Date of Report  
05/15/2006

**III. NON-INVESTMENT INCOME.** (Reporting individual and spouse; see pp. 17-24 of 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.		
2.		
3.		
4.		
5.		

**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.	INTERNATIONAL BUSINESS MACHINES, INC. pension
2.	salary, bonus, stock options, restricted stock
3.	
4.	
5.	

**IV. REIMBURSEMENTS** – transportation, lodging, food, entertainment.

(Includes those to spouse and dependent children. See pp. 25-27 of instructions.)

NONE (No reportable reimbursements.)

<u>SOURCE</u>	<u>DESCRIPTION</u>
1. U.S.District Court, N.D. Ohio	Travel expenses to Washington for Judicial Conference Committee, Subcommittee meeting. February 22. \$697
2. U.S.District Court, N.D. Ohio	Travel expenses to New York City for Judicial Conference Committee meeting work June 7-9. \$265
3. U.S.District Court, N.D. Ohio	Travel expenses to Scottsdale for Judicial Conference Committee meeting, December 6-8. \$1,181
4.	
5.	

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Name of Person Reporting

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**V. GIFTS.** *(Includes those to spouse and dependent children. See pp. 28-31 of 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. 32-34 of instructions.)* NONE *(No reportable liabilities.)*

	<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.			
2.			
3.			
4.			
5.			

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Name of Person Reporting

**GWIN, JAMES S**

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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)

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, 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)

1. IBM common stock (IBM)	B	Dividend	M	T					
2. Galaxy mutual funds	A	Dividend	J	T					
3. Berkshire Hathaway common stock (BRKA)	A	Dividend	L	T					
4. Vanguard Total Stock Market Index Fund, tax deferred	A	Dividend	M	T	Variou purch		J		
5. Merrill Lynch money market fund	A	Dividend	K	T					
6. T.Rowe Price Mid-Cap Mutual Fund (RPMGX)	A	Dividend	K	T					
7. ██████████ common stock, options	A	Dividend	P1	T	Various	3/11	P1		
8. Fidelity Contra Fund, mutual fund (FCNTX)	A	Dividend	M	T					
9. Lord Abbett MidCap Fund, mutual fund (LAVSZ)	B	Dividend	K	T					
10. Davis New York Venture Fund, mutual fund (NYVTX)	A	Dividend	K	T					
11. General Electric, common stock (GE)	A	Dividend	J	T					
12. Exxon (XOM)	A	Dividend	K	T			J		
13. Merck, common stock	A	Dividend	J	T	Sell	8/23	J	A	
14. Camco Financial Corp., common stock (CAF1)	A	Dividend	J	T					
15. Heinz, common stock (HNZ)	A	Dividend	J	T					
16. Pfizer, common stock (PFE)	A	Dividend	J	T			J		
17. Briston Myers, common stock (BMY)	A	Dividend	J	T					

1. Income Gain Codes: (See Columns B1 and D4)	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	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
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Name of Person Reporting

GWIN, JAMES S

Date of Report

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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)

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, 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)
18. Coming, common stock (GLW)	A	Dividend	J	T					
19. Time Warner, AOL, common stock (TWX)	A	Dividend	J	T					
20. Cisco, common stock (CSCO)	A	Dividend	J	T					
21. Walt Disney Co., common stock (DIS)	A	Dividend	J	T					
22. Lucent Technologies, common stock (LU)	A	Dividend	J	T					
23. Microsoft Corp., common stock (MSFT)	A	Dividend	J	T					
24. Farmers National Bank, common stock (FMNB)	A	Dividend	J	T					
25. Intel Corporation, common stock (INTC)	A	Dividend	J	T					
26. Schwab Money Market Fund	D	Dividend	N	T	Purcha/sale	Vario	M		
27. BB & T Corp., common stock (BBT)	A	Dividend	J	T					
28. Citigroup, common stock (C)	A	Dividend	J	T					
29. Chevron Texaco Co., common stock (CVX)	A	Dividend	J	T	Buy	1/08	J		
30. Washington Mutual, common stock (WM)	A	Dividend	J	T	Buy	1/08	J		
31. Ishares Russell 1000 Value (IWD)	A	Dividend	L	T	Buy/Sell	6/06	M	D	
32. Thrift Savings Plan Common Stock Index Fund	A	Dividend	L	T	Buy	Vari			
33. Templeton Dragon Fund	A	Dividend	J	T	Buy	10/31	J		
34. Fpa Capital Fund (FPPTX)	A	Dividend	K	T	Buy	10/31	K		

1. Income Gain Codes: (See Columns B1 and D4)	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	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 U = Book Value	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
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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)

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, 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)
35. Morgan Stanley Asia Fund (APF)	A	Dividend	J	T	Buy	10/31	J		
36. Brazil Fund (BZF)	A	Dividend	K	T	Buy	10/31	K		
37. Discovery Holding Services (DSCA)	A	Dividend	J	T	Buy	10/31			
38. JPMorgan Chase & Co. (JPM)	A	Dividend	K	T	Add	2/10	K		

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	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 (See Column C2)	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	

Name of Person Reporting GWIN, JAMES S	Date of Report 05/15/2006
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VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of Report.)*

Regarding [REDACTED] common stock, on March 3, 2005, [REDACTED] received restricted stock grants. The valuation given this reflects the value of the restricted stock grant though the stock vests on the third anniversary of the grant. In addition, on March 10, 2005, [REDACTED] received options to purchase stock. Currently the option strike price is above the market price of the options. In addition, on March 11, 2005, [REDACTED] exercised earlier granted options to purchase [REDACTED] stock and then immediately resold the stock for a profit.

Regarding the investment in the Vanguard Fund, this investment is made through an employer 401 plan sponsored at [REDACTED] employer. The yearly statutory maximum is met in the first quarter although we do not know the exact dates of purchase.

Regarding the Thrift Savings Plan Common Stock Index Fund, this investment is made through an employer 401 plan sponsored by the U.S. Courts. Deductions are made monthly to fund this investment.

Regarding Ishares Russell 1000 Value (IWD), on June 6, 2005, I purchased this unit trust. On October 12, 2005, I sold a portion of this unit trust investment.

Regarding JPMorgan Chase (JPM), this equity interest was received as a distribution from [REDACTED] estate.



<b>Name of Person Reporting</b> GWIN, JAMES S
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<b>Date of Report</b> 05/15/2006
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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  Date 5/15/2006

**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)**

<p style="text-align: center;"><b>FILING INSTRUCTIONS</b></p> <p style="text-align: center;">Mail signed original and 3 additional copies to:</p> <p style="text-align: center;">Committee on Financial Disclosure Administrative Office of the United States Courts Suite 2-301 One Columbus Circle, N.E. Washington, D.C. 20544</p>
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