

# FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2004

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

1. Person Reporting (Last name, First name, Middle initial) Smith, Jerry E	2. Court or Organization Fifth Circuit Court of Appeals	3. Date of Report 5-5-2005
4. Title (Article III Judges indicate active or senior status; magistrate judges indicate full- or part-time) U.S. Circuit Judge (active)	5. Report Type (check appropriate type) <input type="radio"/> Nomination Date <input type="radio"/> Initial <input checked="" type="radio"/> Annual <input type="radio"/> Final	6. Reporting Period 1-1-2004 to 12-31-2004
7. Chambers or Office Address 12621 U.S. Court house 515 Rusk Houston, TX 77002-2698	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.)

POSITION

NAME OF ORGANIZATION/ENTITY

1. \_\_\_\_\_

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

NONE - (No reportable agreements.)

DATE

PARTIES AND TERMS

1. \_\_\_\_\_

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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>GROSS INCOME</u> (yours, not spouse's)
1.	2004	LewisNexis Matthew Bender: writing and editing	2368
2.	2004	Texas Department of Family and Protective Services: monthly adoption subsidy	3600

**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.	2004	self-employed, consulting

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

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

**NONE** - (No such reportable reimbursements.)

	<u>SOURCE</u>	<u>DESCRIPTION</u>
1.	American Law Institute/American Bar Ass'n	Transportation, lodging, and meals for participation in seminar, Santa Fe, NM, 7/29-31/04
2.	Federalist Soc'y for Law & Public Policy	Transportation, lodging, and meals for participation in seminar, Washington, DC, 11/12/04
3.	Fifth Circuit Bar Ass'n	Meals for participation in seminar, New Orleans, LA, 2/6/04
4.	Foundation for Research on Economics & the Environment	Transportation, lodging, and meals for participation in seminar, Big Sky, MT, 7/6-10/04
5.	University of Texas Law School	Meal at dinner in Dallas, TX, 9/16/04

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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. Citibank	credit card	J
2. Federal Thrift Savings Plan	loan	K

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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.)

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. 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"/> <b>NONE</b> (No reportable income, assets, or transactions)									
1. Van Kampen American Capital Reserve Fund	A	Dividend	J	T					
2. -									
3. Bank of America -- savings account	A	Interest	K	T					
4. -									
5. 99% interest in Professional Audio-Video Corporation (cont'd)		None	J	T					
6. (cont'd) Victoria, TX (assets: video production equipment)									
7. -									
8. Templeton Funds Inc. World Fund -- shares	A	Dividend	K	T					
9. -									
10. Templeton Growth Fund Incorporated -- shares	A	Dividend	J	T					
11. -									
12. Texas Premier Bank, N.A., Brookshire, TX -- common stock	A	Dividend	J	T					
13. -									
14. Fidelity Security Life Insurance Company	A	Interest	J	T					
15. -									
16. Compass Bank, Houston, TX -- checking & IRA cash-equivalent	A	Interest	J	T					
17. -									
18. Strategic Partners Equity Fund, Inc. Class A	A	Dividend	J	T					

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 = Assessor's T = Cash/Market  
 (See Column C2) U = Book Value V = Other W = Estimated

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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)
19. U.S. Treasury Investment Growth Receipts Series I	A	Interest	K	T					
20.									
21. Prudential Equity Fund: Class A	A	Dividend	K	T					
22.									
23. Countrywide Bank, a Division of Treasury Bank, N.A., (cont'd)	A	Interest	M	T					
24. (cont'd) Alexandria, VA -- savings account									

1. Income/Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less E = \$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 = \$250,000-\$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 = \$5,000,001-\$25,000,000	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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**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 5-5-05

NOTE: AN 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