

**FINANCIAL DISCLOSURE REPORT
FOR CALENDAR YEAR 2010**

*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) Sack, Robert D.	2. Court or Organization US Court of Appeals, 2d Cir.	3. Date of Report 05/10/2011
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) US Circuit Judge (Senior)	5a. Report Type (check appropriate type) <input type="checkbox"/> Nomination, Date <input type="checkbox"/> Initial <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final 5b. <input type="checkbox"/> Amended Report	6. Reporting Period 01/01/2010 to 12/31/2010
7. Chambers or Office Address 40 Foley Square New York, NY 10007	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. Director	William F. Kerby and Robert S. Potter Fund
2. Lecturer in Law	Columbia Law School
3. Member, Columbia Board of Visitors	Columbia Law School
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. 9/3/98	Practising Law Institute and Robert D. Sack, publication of 3rd edition of treatise on defamation law; royalty 15% of net receipts
2. 1998	Gibson, Dunn & Crutcher LLP Retirement Agreement, Gibson Dunn & Crutcher LLP and Robert D. Sack; Terms: \$6,000 per month/life, no increase, decrease or cap
3. 2010	Practising Law Institute and Robert D. Sack, publication of 4th edition of treatise on defamation law; royalty 15% of net receipts

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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. 2010	Practising Law Institute Book Royalties	\$24,331.06
2. 2010	Gibson, Dunn & Crutcher LLP Retirement Plan	\$72,000.00
3. 2010	Lecturer in Law, Columbia Law School	\$15,000.00
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. 2010	Dewey Ballantine Partnership Distribution
2. 2010	West Services Inc.
3. 2/16/2010	Kitamura and Landa v. Trump Parc, No. [REDACTED] (Supreme Court, NY County) Distribution of Class Member Shares of Net Settlement Benefits
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. University of Texas	2/4-7/2010	Austin, TX	Symposium	Travel, Hotel and Meals
2. Arizona State University	4/23-27/2010	Phoenix, AZ	Forum	Travel, Hotel and Meals
3. The Montpelier Foundation/ James Madison's Montpelier	6/14-16/2010	Orange, VA	Seminar	Travel, Hotel and Meals
4. Federal Bar Foundation	10/1-3/2010	Lenox, MA	Bench and Bar Retreat	Travel, Hotel and Meals
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.)*

	<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. 32-33 of filing instructions.)* NONE *(No reportable liabilities.)*

	<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.	Citibank Aadvantage	Credit Card	J
2.	Citibank Aadvantage	Credit Card	J
3.	Chase Visa	Credit Card	J
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.	JPMorgan Chase Accounts	A	Interest	L	T					
2.	JP Morgan 1086 US Govt MMKT Fund - Premier (formerly Morgan)	A	Dividend	M	T					
3.	Unsecured loan to David W. McClintick		None	J	T					
4.	Dewey Ballantine Partnership Capital Account		None	J	T					
5.	GD&C CitiStreet 401(k)	A	Interest							
6.	- SSgA Money Market Fund					Sold	10/12/10	N		
7.	Oppenheimer Advantage Municipal Liquidity Fund	A	Interest	J	T					
8.	Boeing Co. Common Stock	A	Dividend	K	T					
9.	Blackrock New York Insured Municipal Income Trust III	B	Dividend	K	T					
10.	Van Kampen Trust for Inv. Grade NY Municipals	A	Dividend	J	T					
11.	Oppenheimer NY Municipal Fund CI A	C	Dividend	L	T					
12.	Oppenheimer NY SFSA 5% Due 3/15/10	A	Int./Div.			Redeemed	03/15/10	K		
13.	Opp New York NY City Mun Wtr Fin NY 3.625% Due 6/15/25	A	Int./Div.	K	T	Buy	03/25/10	K		
14.	JPMorgan Chase Traditional IRA Retirement CD	A	Interest			Distributed	10/15/10	J		
15.	Northwestern Mutual Life Insurance Policy	C	Dividend	L	T					
16.	Guardian Life Insurance Policy	C	Dividend	L	T					
17.	Massachusetts Mutual Life Insurance Policy	A	Dividend	J	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 H = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 I = More than \$5,000,000	E = \$15,001 - \$50,000 J = More than \$50,000,000
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 \$5,000,000	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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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)
18. Morgan Stanley Bank Deposit Program	A	Dividend	M	T					
19. Morgan Stanley MTA 5.35 Zero Coupon Bond due 7/1/12	A	Interest	K	T					
20. MS New York Genl Oblig Ref Ser-C due 4/15/13	A	Interest	K	T					
21. Morgan Stanley LIPA 5.60 Zero Coupon Bond due 6/1/14	A	Interest	K	T					
22. MS NYS Power Auth Rev Ref Ser-C 4% due 11/15/20	B	Interest	K	T					
23. MS NYC Genl Oblig Ser-1 4% Due 2/1/22	C	Interest	L	T					
24. MS Invesco GLB DIV GW Sec A	A	Dividend	J	T					
25. MS Invesco Special Value A	A	Dividend	K	T					
26. MS Special Growth Fund A	A	Dividend	J	T					
27. MS Focus Growth Fd A	A	Dividend	J	T					
28. MS Oppen. AMT Free NY Mun	D	Dividend	L	T					
29. MS Franklin NY Tax FR	B	Dividend	K	T					
30. MS Goldman Sachs High Yld Muni A	A	Dividend	K	T					
31. JPMorgan Federal Money Market Fund - Morgan	A	Dividend	K	T					
32. Fiduciary Holdings (SS) (Y)									
33. -Morgan Stanley Bank Deposit Program (Y)									
34. -MS MTA NY Transit Zero Coupon Bond due 7/1/13 (Y)									

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 I11 = \$1,000,001 - \$5,000,000 I12 = 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 = Assessment T = Cash Market
 (See Column C2) U = Book Value V = Other W = Estimated

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	35. -Morgan Stanley Franklin NY Tax Free Inc (Y)								
36. -MS Oppen AMT Free NY Mun (Y)									
37. Neuberger State Street Mid Cap Growth Investor Class	A	Dividend	J	T					
38. Ameriprise IRA Portfolio (AH)	G	Int./Div.	PI	T					
39. -Ameriprise Insured Money Market									
40. -INV VK MUNI INCOME-A INVESCO FUNDS (new name) (X)									
41. -BLKRCK EQTY DIVIDEND-A BLACKROCK FUNDS					Buy	04/28/10	K		
42. -DWS Short DUR Plus - A DWS Funds					Sold (part)	05/28/10	J	B	
43. -Eaton Amt Muni Bd Inc-A Eaton Vance Group									
44. -Fid Adv Float Rt H/Inc-A Fidelity Advisor Funds									
45. -GAB EQUITY INCOME-A GABELLI FUNDS					Buy	07/28/10	M		
46. -Ivy Asset Strategy-A Waddell & Reed Funds									
47. -MFS Muni Ltd Maturity-A MFS Family of Funds									
48. -Opp Intl Bond-A Oppenheimer Funds									
49. -Opp Gold & SP Minerals-A Oppenheimer Funds									
50. -Opp Ltd Interm Muni-A Oppenheimer Funds									
51. -Opp Developing Mkts-A Oppenheimer Funds					Sold (part)	04/23/10	K	E	

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(See Columns B1 and D4) F = \$50,001 - \$100,000
B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000
C = \$2,501 - \$5,000 H11 = \$1,000,001 - \$5,000,000
D = \$5,001 - \$15,000 I12 = More than \$5,000,000
E = \$15,001 - \$50,000
2. Value Codes: J = \$15,000 or less
(See Columns C1 and D3) K = \$15,001 - \$50,000
N = \$250,001 - \$500,000 O = \$500,001 - \$1,000,000
P1 = \$1,000,001 - \$5,000,000
P3 = \$25,000,001 - \$50,000,000
P4 = More than \$50,000,000
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	(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.					Sold (part)	05/28/10	J	D	
53. -Pimco Total Return-D Allianz Global Investors					Sold	07/27/10	M	D	
54. -Perm Portfolio Permanent Family of Funds									
55. -Opp Ltd Term NY Muni-A Oppenheimer Funds									
56. -Amer T/E Bond of Amer-A American Funds Group									
57. -VK Muni Income-A Van Kampen Funds (name change) (Y)									
58. -Van Eck GL Hard Assets-A Van Eck Global Funds									
59. -Blackrock Muniholdings New York Insured Fund Inc									
60. -Nuveen New York Invt Quality Municipal Fund Inc									
61. -Drey Shrt Int Muni Bd-D Dreyfus Group					Sold	07/27/10	L	B	
62. -BLKRCK EQTY DIVIDEND-A BLACKROCK FUNDS					Buy	07/28/10	L		
63. -Eaton Amt Muni Bd Inc-A Eaton Vance Group									
64. -Fid Adv Float Rt H/Inc-A Fidelity Advisor Funds									
65. -Gld High Yield Muni-A Goldman Sacks Asset Mgmt									
66. -MFS Muni Ltd -Maturity-A MFS Family of Funds									
67. -Opp Amt Free NY Muni-A Oppenheimer Funds									
68. -Pioneer Amt-Free Muni-A Pioneer Funds									

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2. Value Codes J = \$15,000 or less K = \$15,001 - \$50,000 L = \$50,001 - \$100,000 M = \$100,001 - \$250,000
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	(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)
69. -Amer T/E Bond of Amer-A American Funds Group									
70. -Virtus Tax Exempt Bond-A Virtus Funds									
71. - Fred Alger Large Cap Growth IRA									
72. - Franklin Intermediate Fixed Income IRA									
73. - Spectrum Hybrid Preferred IRA									
74. - Renaissance International Equity IRA									
75. - Alliancebernstein Large Cap Core IRA									
76. - Munder Mid Cap Core IRA									
77. - RiverSource Retirement Advisor 4 Advantage VA-Annuity									

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

A pending claim against Worldcom is currently in litigation (02 Civ. 3288 (DLC)). The worth of that claim cannot be determined at this time.

Line 32-36, Fiduciary Holdings, are no longer reportable. As of November 2010, a new trustee has been appointed. These lines will be deleted from future reports.

Regarding line 40 and 57: VK MUNI INCOME-A VAN KAMPEN FUNDS (Line 58 on the 2009 Report) experienced a name change on 6/1/10 and is now INV VK MUNI INCOME-A INVESCO FUNDS.

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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/ Robert D. Sack**

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)

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544