

**FINANCIAL DISCLOSURE REPORT  
FOR CALENDAR YEAR 2008**

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

<b>1. Person Reporting</b> (last name, first, middle initial)  Miner, Roger J	<b>2. Court or Organization</b>  U.S. Court of Appeals	<b>3. Date of Report</b>  04/27/09
<b>4. Title</b> (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)  U.S. Circuit Judge (Senior)	<b>5a. Report Type</b> (check appropriate type) <input type="checkbox"/> Nomination,                      Date <input type="checkbox"/> Initial <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final <b>5b.</b> <input type="checkbox"/> Amended Report	<b>6. Reporting Period</b>  01/01/2008 to 12/31/2008
<b>7. Chambers or Office Address</b>  United States Courthouse 445 Broadway, Room 414 Albany, NY 12207	<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 filing instructions.)

NONE (No reportable positions.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1.	
2.	
3.	
4.	
5.	

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**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.	
3.	

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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> <i>(yours, not spouse's)</i>
1. 12/31/2008	N.Y.S. Employees' Retirement System - Pension	\$ 17,304.48
2.		
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.	New York Law School	10/24/08	New York City	Law Review Symposium	Transportation -- \$189.96
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.)*

	<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.			
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 Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. American Electric Power Co.	A	Dividend	J	T					
2. AT&T Inc.	C	Dividend	M	T					
3. Bank of America	D	Dividend	L	T					
4. CH Energy Group, Inc.	A	Dividend	K	T					
5. Comcast		None	K	T					
6. Embarq Corporation (Spinoff from Sprint Nextel)	A	Dividend	J	T					
7. Exxon Mobil Corp.	D	Dividend	O	T					
8. FairPoint Commun. (spinoff from Verizon)		None	J	T	Spinoff	04/01			
9. First Energy	B	Dividend	K	T					
10. Gencorp Inc.		None	J	T					
11. (The) Hartford Financial Services Group, Inc.	A	Dividend	J	T					
12. Hess Corp. (formerly Amerada Hess Corp.)	A	Dividend	K	T					
13. Host Hotels and Resorts (Spinoff from Starwood Corporation)	A	Dividend	J	T					
14. I.B.M.	B	Dividend	L	T					
15. Idearc (Spinoff from Verizon Communications)	A	Dividend	J	T					
16. ITT Corp. (formerly I.T.T. Industries, Inc.)	A	Dividend	J	T					
17. Key Corp.	A	Dividend	K	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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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				
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18. MetLife	A	Dividend	J	T					
19. National Grid Group	A	Dividend	J	T					
20. NCR		None	J	T					
21. Omnova Solutions, Inc.		None	J	T					
22. P.S.E.G. Inc.	A	Dividend	J	T					
23. Qwest Comm. International Inc.	A	Dividend	J	T					
24. Rayonier	A	Dividend	J	T					
25. Southern Co. (The)	B	Dividend	K	T					
26. Sprint-Nextel		None	J	T					
27. SPX Corp.	A	Dividend	K	T					
28. Starwood Hotels & Resorts	A	Dividend	J	T					
29. Teradata Corp. (Spinoff from NCR)		None	J	T					
30. Verizon Communications	D	Dividend	M	T					
31. Vodafone Airtouch PLC	B	Dividend	K	T					
32. Windstream (Spinoff from Alltel Corp.)	A	Dividend	J	T					
33. Alliance Capital A -Growth & Income Fund	B	Dividend	L	T					
34. Black Rock Large Cap. Equity Fund (form. Black Rock Inv. Tr)		None	K	T					

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35. Century Shares Trust	A	Dividend	K	T					
36. Fort Dearborn Income Securities (F.D.I.)	A	Dividend	J	T					
37. Dreyfus Fund (KEOGH PLAN)	D	Dividend	M	T					
38. Legg-Mason (form. Salomon Bros.)	D	Dividend	L	T					
39. Midas Spec. Equities Fund		None	J	T					
40. Neuberger-Berman Mid Cap Growth Investors Class Fund, Inc.		None	K	T					
41. Oppenheimer Bond Fund Class A	A	Dividend	J	T					
42. River Source (RVS Balanced Fund)	B	Dividend	K	T					
43. Robeco WPG Large Cap Growth (form. Weiss Peck Greer-WPG Inc.	A	Dividend	J	T					
44. Franklin New York Tax Free A Income Fund	B	Interest	L	T					
45. Oppenheimer-Rochester Fund Municipals	A	Interest	J	T					
46. Key Bank, N.A. (various accounts, including IRAs)	D	Interest	L	T					
47. U.S. Savings Bonds	C	Interest	M	T					

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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	P3 = \$25,000,001 - \$50,000,000 P4 = More than \$50,000,000
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**VIII. ADDITIONAL INFORMATION OR EXPLANATIONS.** *(Indicate part of Report.)*

Capital gains distributions are included with ordinary dividends and reported as "Dividend" in Part VII Column B ("Income during reporting period") for the following mutual fund items:  
33, 37, 38, 41, 42

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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 \_\_\_\_\_



**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