

**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)  Fitzwater, Sidney A.	<b>2. Court or Organization</b>  U.S. District Court, N.D. Tex.	<b>3. Date of Report</b>  05/12/2009
<b>4. Title</b> (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)  Chief U.S. District Judge - Active	<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>  U.S. Courthouse 1100 Commerce St., Rm. 1528 Dallas, Texas 75242-1035	<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 _____	
<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.		

**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. Co-Trustee	Trust # 3 (See Part VIII).
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> (yours, not spouse's)
1.		
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. 2008	██████████ salary
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. The Freedom Forum, Arlington, VA (First Amendment Center, Inc., Nashville, TN)	February 21-23, 2008	Nashville, TN	Judge moot court	Airfare, hotel, transportation, and food
2. Dallas Bar Ass'n, Dallas, TX	September 25-28, 2008	Horseshoe Bay, TX	Panel on professionalism	Part of hotel and registration fee
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. The City Club, Dallas, TX	Waiver of initiation fee. (See Part VIII).	\$500.00
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. Washington Mutual Investors Fund (1984 IRA-Mutual Fund)	A	Dividend	J	T					
2. UBS Bank USA Deposit Acct.	A	Interest	J	T					
3. 3M Corp. Common Stock	A	Dividend	J	T					
4. J.P. Morgan Chase & Co. Common Stock	A	Dividend	J	T					
5. Trust # 2 (Nos. 5-9) (See Part VIII)	E	Dividend	M	T					
6. -UBS Resource Mgmt. Acct (Money Market Portfolio)									
7. -Calamos Growth Fund									
8. -Lord Abbett Affiliated Fund									
9. -UBS Global Allocation Fund									
10. Calamos Growth and Income Fund (See Part VIII)	A	Dividend	J	T					
11. Lord Abbett Affiliated Fund (See Part VIII)	A	Dividend	J	T					
12. Lord Abbett All Value Fund		None	J	T					
13. MFS Research Bond Fund	A	Dividend	J	T					
14. UBS Global Allocation Fund (See Part VIII)	B	Dividend	J	T					
15. Jefferson-Pilot Life Ins. Co. Flex. Prem. Survivor Life	B	Interest	K	T					
16. Trust # 3 (Nos. 16-67) (See Part VIII)	F	Int./Div.	P1	T					
17. -Dominion Investor Servs., Inc. Prime Fund (Money Mkt. Acct)									

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	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	D = \$5,001 - \$15,000 H2 = More than \$5,000,000 M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	
3. Value Method Codes (See Column C2)					

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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)
18. -Aberdeen Asia-Pacific Prime Income Fund (See Part VIII)									
19. -ADC Telecommunications Inc. Common Stock									
20. -Ameren Corporation Common Stock									
21. -Consolidated Edison, Inc. Common Stock									
22. -Dominion Resources, Inc. Common Stock									
23. -Dreyfus Strategic Municipals Inc. (Income Trust Fund)									
24. -Duke Energy Corp. Common Stock									
25. -Entergy Corp. Common Stock									
26. -Exelon Corp. Common Stock									
27. -ExxonMobil Corp. Common Stock									
28. -Firstenergy Corp. Common Stock									
29. -FPL Group Inc. Common Stock									
30. -Hawaiian Electric Industries Inc. Common Stock									
31. -Integrays Energy Group Inc. Common (fna WPS Resources Corp)									
32. -Medco Health Solutions Inc. Common Stock									
33. -Merck & Co. Inc. Common Stock									
34. -Monsanto Co. New Common Stock									

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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	
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	(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)
35. -Nuveen Dividend Advantage Municipal Fund									
36. -Nuveen Dividend Advantage Municipal Fund 2									
37. -Nuveen Dividend Advantage Municipal Fund 3									
38. -Nuveen Insured Premier Income Municipal Fund 2 Inc.									
39. -Nuveen Municipal Advantage Fund Inc.									
40. -Nuveen Municipal Value Fund Inc.									
41. -Nuveen Premier Income Municipal Fund Inc.									
42. -Nuveen Premier Income Municipal Fund 2 Inc.									
43. -Nuveen Premier Insured Municipal Income Fund Inc.									
44. -Nuveen Select Maturities Municipal Fund									
45. -Nuveen Texas Quality Income Municipal Fund					Sold	11/13	K		See Part VIII
46. -Pepco Holdings Inc. Common Stock									
47. -Pepsico, Inc. Common Stock									
48. -Pfizer Inc. Common Stock									
49. -Puget Energy Inc. Common Stock									
50. -Spectra Energy Corp. Common Stock									
51. -TECO Energy Inc. Common Stock									

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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	
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	(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)
52. -Van Kampen Trust for Insured Municipals (See Part VIII)									
53. -Westar Energy Inc. Common Stock									
54. -Xcel Energy Inc. Common Stock									
55. -Insured Municipals Income Trust Series 22									
56. -Insured Municipals Income Trust Series 2 28									
57. -Insured Municipals Income Trust Series 3 14									
58. -Insured Municipals Income Trust Series 79									
59. -Nuveen Tax Exempt Nat'l Insured 251 (UIT )					Redeemed	4/15	J		See Part VIII
60. -Nuveen Tax Exempt Nat'l Trad. 257 (UIT)									
61. - Nuveen Tax Exempt Nat'l Trad. 251 (UIT)									
62. -Unit Insured Municipal Inc. Series 77									
63. -Insured Municipals Inc. Trust Unit Ser. 290 (See Pt. VIII)									
64. -Nuveen Investment Quality Municipal Fund , Inc. (X)					Buy	11/13	K		
65. -International Bank of Commerce (money mkt)									
66. -First Mark Credit Union (CD)									
67. -USAA Tax Exempt Long-Term Bond Fund									

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## VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of Report.)*

### Part I

I am ethically permitted to serve as Co-Trustee of Trust # 3 because I am doing so under the will [REDACTED] who died in 2007.

In my 2007 Financial Disclosure Report, I disclosed that I had served as Co-Executor of Estate # 3. The reportable assets of the Estate were reported as Item Nos. 17-69. Because the estate was probated and the assets were distributed in 2007, I have omitted that position, and the reporting of estate assets, from this report.

The Trust is designated as Trust # 3 to differentiate it from Trust # 1 and Trust # 2, which have been referred to in this and/or prior reports.

See below for additional explanations concerning the reporting of assets for Trust # 3.

### Part V

I joined The City Club, Dallas, Texas, in 2008. The City Club waived the initiation fee for "government attorneys," a category of members that includes attorneys or judges employed by any federal, state, county, or city governmental entity in the City or County of Dallas, Texas. I am reporting the initiation fee waiver as a gift.

Additionally, I joined The City Club before Congress enacted legislation prohibiting a judicial officer from accepting a gift of an honorary club membership with a value of more than \$50 in any calendar year. Because members in the "government attorneys" category pay reduced monthly dues, I obtained an opinion letter from the Judicial Conference Committee on Codes of Conduct concerning whether I could continue as a member. Based on a letter from the Committee Chair, I have determined that my membership is not an "honorary club membership" that is prohibited by this legislation.

### Part VII, Item Nos. 5-9 (Trust # 2)

The type of income disclosed for Trust # 2 is "Dividend." The form does not allow the filer to report multiple types of income except for the combination of interest and dividends. The Trust income includes dividends and capital gains earned by funds and distributed to fund owners. All income has been reported in column B(1).

### Part VII, Item Nos. 10, 11, and 14

The type of income disclosed for these assets is "Dividend." These funds include income in the form of dividends and/or capital gains earned by the funds and distributed to fund owners. All such income has been reported in column B(1).

### Part VII, Item No. 16 (Trust #3)

The type of income disclosed for Trust # 3 is "Int./Div." The form does not allow the filer to report multiple types of income except for the combination of interest and dividends. The Trust income includes other income, such as capital gains earned by funds and distributed to fund owners. All income has been reported in column B(1).

### Part VII, Item No. 18

"Aberdeen Asia-Pacific Prime Income Fund" is the same as "Aberdeen Asia-Pacific Income Fund, Inc.," which was disclosed in my 2007 report at Part VII, Item No. 72. The name of the asset changed slightly.

### Part VII, Item No. 45

No gain code is reported in Column D(4) for this asset because it was sold at a loss.

### Part VII, Item No. 52

"Van Kampen Trust for Insured Municipals" is the same as "Van Kampen Merritt Trust for Insured Municipals," which was disclosed in my 2007 report at Part VII, Item No. 106. The name of the asset changed slightly sometime in 2007, and I was unaware of the change until I prepared my 2008 report.

### Part VII, Item No. 59

No gain code is reported in Column D(4) for this asset because, when the asset was redeemed, a return on principal (i.e., principal only, not income) was paid.

### Part VII, Item No. 63

"Insured Municipals Inc. Trust Unit Ser. 290" is the same as "Van Kampen Merritt Insured Mun. Inc. Trust Series 290," which was disclosed in my 2007 report at Part VII, Item No. 118. The name of the asset changed slightly.



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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 \_\_\_\_\_

A large black rectangular redaction covers the signature area.

**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