Terrence L. O'Brien

Judge, Tenth Circuit

July 23, 2008

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2008 JUL 30 A 11:28
FINANCIAL DISCLOSURE OFFICE

Honorable Ortrie D. Smith
Chair, Committee on Financial Disclosure
Judicial Conference of the United States
One Columbus Circle, N.E.
Washington, D.C. 20544

RE: Financial Disclosure Report, CY 2007

Dear Judge Smith,

I am responding to your letter of June 26, 2008 regarding two errors in my financial disclosure report for calendar year 2007. I thank the committee for its oversight review.

In Part VII I neglected to identify institutions where checking, savings and money market accounts are maintained. On page 5, line 22 the IRA #2 money market account is with TD Ameritrade. On page 8, lines 78 & 79 the checking and savings accounts are with First Interstate Bank, Gillette, WY. On page 8, lines 80 & 81 the checking and savings accounts are with USAA Federal Savings Bank, San Antonio, TX.

In Part VII, page 8, line 74 of my prior (2006) report I listed "Checking - Park City Utah, but did not list in on my current (2007)report. The account was closed.

I apologize for the errors and trust this explanation is sufficient. As instructed I am sending three signed copies of this response.

[redacted]

2141 United States Courthouse, 2120 Capitol Avenue, Cheyenne, WY 82001-3633
(307) 433-2400 ❖ tlo@ca10.uscourts.gov

AO 10
Rev. 1/2008

FINANCIAL DISCLOSURE REPORT
FOR CALENDAR YEAR 2007

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)	2. Court or Organization	3. Date of Report
O'Brien, Terrence L	Tenth Circuit	05/12/2008
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)	**5a. Report Type** (check appropriate type)	**6. Reporting Period**
U.S. Circuit Judge - Active	☐ Nomination, Date ☐ Initial ☑ Annual ☐ Final 5b. ☐ Amended Report	01/01/2007 to 12/31/2007
7. Chambers or Office Address	**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.**	
U.S. Court of Appeals 2120 CareyAve., STE 200 Cheyenne, WY 82001	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.		
2.		
3.		
4.		
5.		

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

☑ NONE *(No reportable agreements.)*

	DATE	PARTIES AND TERMS
1.		
2.		
3.		

Name of Person Reporting	Date of Report
O'Brien, Terrence L	05/12/2008

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.)*

DATE	SOURCE AND TYPE	INCOME (yours, not spouse's)
1. 2007	State of Wyoming - Judicial Retirement	$ 26,661.96
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.)*

DATE	SOURCE AND TYPE
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.)*

SOURCE	DATES	LOCATION	PURPOSE	ITEMS PAID OR PROVIDED
1.				
2.				
3.				
4.				
5.				

Name of Person Reporting	Date of Report
O'Brien, Terrence L	05/12/2008

V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*

☐ NONE *(No reportable gifts.)*

	SOURCE	DESCRIPTION	VALUE
1.	Air fare Denver to Costa Rica & Miami to Denver	Marian Rochelle	$ 1,900.00
2.	Seasonal gifts (Birthday, Christmas, etc)	Marian Rochelle	$ 300.00
3.	Lodging in Costa Rica & Cruise Thru Panama Canal and Carribean	April Brimmer Kunz	$ 8,300.00
4.	Seasonal gifts (Birthday, Christmas, etc.)	April Brimmer Kunz	$ 400.00
5.			

VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*

☑ NONE *(No reportable liabilities.)*

	CREDITOR	DESCRIPTION	VALUE CODE
1.			
2.			
3.			
4.			
5.			

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)	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	Place "(X)" after each asset exempt from prior disclosure	(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.	IRA#1 Nationwide Templeton Foreign Fund TFFAX	A	Distribution	L	T					
2.	IRA#1 Artisan Mid Cap ARTMX	A	Dividend	K	T					
3.	IRA#1 Janus Mid Cap Value Fund JMCVX	A	Dividend	K	T					
4.	IRA #1 Nationwide American Century Ultra TWUIX	A	Distribution	K	T					
5.	IRA #1 Dreyfus Money Market Reserves	A	Distribution	J	T					
6.	IRA#2 AMZN	A	Dividend			Sell	12/13	J	A	
7.	IRA#2 IMN	A	Dividend			Sell	12/13	J	A	
8.	IRA #2 MCRL	A	Dividend			Sell	12/13	J	A	
9.	IRA#2 MSFT	A	Dividend	J	T					
10.	IRA #2 MMM	A	Dividend	J	T					
11.	IRA #2 NSM	A	Dividend			Sell	12/14	J	A	
12.	IRA #2 SLR	A	Dividend			Sell	12/14	J	A	
13.	IRA #2 CVX	A	Dividend	J	T					
14.	IRA#2 TYC	A	Dividend			Sell	12/13	J	A	
15.	IRA#2 TEL	A	Dividend	J	T	Acquire	07/02	J		Spin Off from TYC
16.	IRA#2 TEL	A	Dividend			Sell	12/13	J	A	
17.	IRA#2 COV	A	Dividend	J	T	Acquire	07/02	J	A	Spin Off from TYC

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	

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 (1) Amount Code 1 (A-H)	B. (2) Type (e.g., div., rent, or int.)	C. Gross value at end of reporting period (1) Value Code 2 (J-P)	C. (2) Value Method Code 3 (Q-W)	D. Transactions during reporting period (1) Type (e.g., buy, sell, redemption)	D. (2) Date Month - Day	D. (3) Value Code 2 (J-P)	D. (4) Gain Code 1 (A-H)	D. (5) Identity of buyer/seller (if private transaction)
18. IRA #2 COV	A	Dividend			Sell	12/13	J	A	
19. IRA #2 CAE	A	Dividend	J	T	Buy	12/18	J		
20. IRA #2 GR	A	Dividend	J	T	Buy	12/18	J		
21. IRA#@ DRYS	A	Dividend	J	T	Buy	12/18	J		
22. IRA#2 Money Market Account	A	Interest	J	T					
23. A (TDW)	A	Dividend			Sold	12/19	J	A	
24. AMX	A	Dividend	J	T					
25. BIIB	A	Dividend	J	T					
26. BIIB	A	Dividend	J	T	Buy	12/19	J		
27. BMY	A	Dividend	J	T					
28. CSCO	A	Dividend	J	T					
29. CAG	A	Dividend			Sold	12/19	J	A	
30. DPHIQ	A	Dividend			Sold	12/19	J	A	
31. FDX	A	Dividend	K	T					
32. GE	A	Dividend	J	T					
33. GLW	A	Dividend	K	T					
34. GM	A	Dividend			Sold	12/19	J	A	

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	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 (See Columns C1 and D3)	J =$15,000 or less	K =$15,001 - $50,000	L =$50,001 - $100,000	M =$100,001 - $250,000	
	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 (See Column C2)	Q =Appraisal	R =Cost (Real Estate Only)	S =Assessment	T =Cash Market	
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Name of Person Reporting	Date of Report
O'Brien, Terrence L	05/12/2008

VII. INVESTMENTS and TRUSTS -- *income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)*

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A. Description of Assets (including trust assets)	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
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35. GT	A	Dividend			Sold	12/19	J	A	
36. HPQ	A	Dividend	J	T					
37. INTC	A	Dividend	K	T					
38. MSFT	A	Dividend	K	T					
39. MIPS	A	Dividend			Sold	12/19	J	A	
40. PG	A	Dividend	K	T					
41. RTN	A	Dividend	J	T					
42. TMX	A	Dividend			Sold	12/19	J	C	
43. WMB	.A	Dividend	J	T					
44. WMB	A	Dividend	J	T	Buy	12/19	J		
45. VRGY	A	Dividend			Sold	12/19	J	A	
46. WPJGX	A	Dividend			Sold	12/17	J	A	
47. IBM	A	Dividend	J	T	Buy	12/19	J		
48. CMFUZ Money Mkt Acct	A	Interest	J	T					
49. T Rowe Price Science PRSCX	A	Dividend	J	T					
50. Focus Growth AMOAX was GRTAX	A	Distribution	K	T					
51. MS Information Fund IFOAX	A	Dividend	J	T					

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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 ● =$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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52. MS Capital Opportunity Trust A CPOAX	A	Distribution	J	T					
53. MS Capital Opportunity Trust B CPOBX	A	Distribution	J	T					
54. MS Pacific Growth Fund A TGRAX	A	Distribution	K	T					
55. VRGY	A	Dividend	J	T					
56. A (Fidelity)	A	Dividend	J	T					
57. BRKB	A	Dividend	J	T					
58. BKH	A	Dividend	K	T					
59. HOG	A	Dividend	K	T					
60. MRK	A	Dividend	J	T					
61. MSFT (Fidelity)	A	Dividend	J	T					
62. MOT	A	Dividend	J	T					
63. IBDRY was SPI	A	Dividend	K	T	Exchange	4/27	J		Corporate sale
64. TXN	A	Dividend	J	T					
65. WFC	A	Dividend	K	T					
66. YUM	A	Dividend	J	T					
67. NVDA	A	Dividend	J	T	Buy	12/17	J		
68. FCNTX	A	Dividend	J	T					

1. Income Gain Codes: (See Columns B1 and D4)	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
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2. Value Codes (See Columns C1 and D3)	J =$15,000 or less	K =$15,001 - $50,000	L =$50,001 - $100,000	M =$100,001 - $250,000	
	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	
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Name of Person Reporting	Date of Report
O'Brien, Terrence L	05/12/2008

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69. FHIGX	A	Dividend	L	T					
70. FMAGX	A	Dividend	M	T					
71. FTEXX Money Mkt Acct	A	Interest	K	T					
72. PTHAX	A	Interest	J	T					
73. VKMHX	A	Interest	J	T					
74. EDJ Money Mkt Acct	A	Interest	K	T					
75. PFL Annuity #1	A	Interest	K	T					
76. PFL Annuity #2	A	Interest	K	T					
77. PFL Annuity #3	A	Interest	K	T					
78. Checking Gillettete, WY	A	Interest	K	T					
79. Savings Gillette, WY	B	Interest	M	T					
80. Checking #2	A	Interest	J	T					
81. Savings #2	A	Interest	M	T					
82. U S Coins		None	J	T					
83. U.S. Bonds	A	Interest	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 H1 =$1,000,001 - $5,000,000	D =$5,001 - $15,000 H2 =More than $5,000,000	E =$15,001 - $50,000
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Name of Person Reporting	Date of Report
O'Brien, Terrence L	05/12/2008

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

Name of Person Reporting	Date of Report
O'Brien, Terrence L	05/12/2008

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.

[redacted]

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