AO 10
Rev. 1/2013

FINANCIAL DISCLOSURE REPORT
FOR CALENDAR YEAR 2012

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) Livingston, Debra A.	**2. Court or Organization** U.S. Court of Appeals for the Second Circuit	**3. Date of Report** 05/13/2013
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) United States Circuit Judge. Active status.	**5a. Report Type (check appropriate type)** ☐ Nomination Date ☐ Initial ☑ Annual ☐ Final **5b.** ☐ Amended Report	**6. Reporting Period** 01/01/2012 to 12/31/2012
7. Chambers or Office Address United States Courthouse 40 Foley Square New York, New York 10007		

***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.*

I. POSITIONS. *(Reporting individual only; see pp. 9-13 of filing instructions.)*

☐ NONE *(No reportable positions.)*

	POSITION	NAME OF ORGANIZATION/ENTITY
1.	Paul J. Kellner Professor of Law	Columbia Law School
2.	Uncompensated Trustee (co-trustee [redacted])	Trust fbo relative ("Trust 5J")
3.		
4.		
5.		

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

☐ NONE *(No reportable agreements.)*

DATE	PARTIES AND TERMS
1. 2/1999	Wolters-Kluwer Law & Business|Aspen Publishers. Royalty payments on sales of co-authored case book, Comprehensive Criminal Procedure
2. 1992	See Part VIII. Additional Information.
3. 2007	See Part VIII. Additional Information.

Name of Person Reporting	Date of Report
Livingston, Debra A.	05/13/2013

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. 04.01.2012	Wolters-Kluwer Law & Business|Aspen Publishers (royalties)	$20,036.86
2. 2012	Columbia Law School	$27,052.66
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.	Federal Bar Council	February 4-11, 2012	Kona, Hawaii	Judicial Chair, FBC 2012 Winter Bench/Bar Conf	travel, lodging, meals for self and spouse
2.	National Federalist Society	March 1-2, 2012	Cambridge, MA	Speech to Harvard Federalist Society	travel, lodging, meal
3.	University of Virginia School of Law	May 13-15, 2012	Charlottesville, VA	Judge Moot Court	travel, lodging, meals
4.					
5.					

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Livingston, Debra A.	05/13/2013

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

☑ NONE *(No reportable gifts.)*

	SOURCE	DESCRIPTION	VALUE
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.)*

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

Name of Person Reporting	Date of Report
Livingston, Debra A.	05/13/2013

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 mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. Citibank cash accounts	A	Interest	N	T					
2. CREF Stock Fund	A	Dividend	K	T					
3. Fidelity Contrafund K (formerly Fid. Contrafund) (n.1)	A	Dividend	L	T					
4. Fidelity Convertible Security	B	Dividend	K	T					
5. Fidelity Growth Co K (formerly Fid. Growth) (n.2)	B	Dividend	L	T					
6. Fidelity Equity Div Inc, fka Fidelity Equity Income II (n.3)	A	Dividend	J	T					
7. Fidelity Magellan	A	Dividend	K	T					
8. TIAA Real Estate	A	Dividend	M	T					
9. TIAA Traditional Annuity	B	Interest	L	T					
10. U.S. Savings Bonds		None	J	T					
11. Vanguard 502 Balncd Indx (formerly Vg 078 Asset Alloc) (n.4)	B	Dividend	K	T					
12. Vanguard 081 International Growth	A	Dividend	L	T	Sold (part)	1/26/12	J	A	
13. Vanguard 122 Life Growth Portfolio	B	Dividend	L	T					
14. Vanguard 163 NY Tax Exempt	A	Interest	K	T					
15. Vanguard 526 Morgan Growth Admiral	C	Dividend	N	T	Sold (part)	01/26/12	J	B	
16. Vanguard 548 Small Cap Admiral	B	Dividend	M	T					
17. Vanguard 593 Growth & Income Admiral	C	Dividend	M	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
	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	
	U =Book Value	V =Other	W =Estimated		

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Livingston, Debra A.	05/13/2013

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 mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
18. Vanguarad College Mod Age-Based Conservative		None	L	T					
19. Vanguard Hi-Yield Corporate	B	Dividend	K	T					
20. Vanguard Index 500	C	Dividend	M	T					
21. Vanguard Inflation-Protected Securities	B	Dividend	L	T					
22. Vanguard REIT Index Fund	B	Dividend	L	T					
23. Vanguard Wellington Fund	D	Dividend	M	T					
24. =====Estate===== (H)									
25. VDAIX Vanguard Div Apprec Idx	B	Dividend			Sold	03/09/12	K	C	
26. VEIPX Vanguard Equity Inc Fund	A	Dividend			Sold	03/09/12	K	C	
27. VFIIX Vanguard GNMA Fund Investor Shares	A	Dividend			Sold	03/09/12	K	A	
28. VWEHX Vanguard High-Yield Corp Fund	A	Dividend			Sold	03/09/12	K	B	
29. VWALX Vanguard High-Yield Tax Exempt Adm	A	Dividend			Sold	03/09/12	L	C	
30. VFICX Vanguard I-T Investment Grade Inv	A	Dividend			Sold	03/09/12	K	B	
31. VWIUX Vanguard Inter-Term Tax-Exempt Adm	A	Dividend			Sold	03/09/12	M	D	
32. VWESX Vanguard Long-Term Inv-Gr Inv	A	Dividend			Sold	03/09/12	K	B	
33. VWLUX Vanguard Long-Term Tax Exempt Adm	A	Dividend			Sold	03/09/12	K	A	
34. VNJXX Vanguard NJ Tax-Exempt Money Mkt	A	Dividend			Sold	03/26/12	M	A	

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	
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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 (1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	C. Gross value at end of reporting period (1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	D. Transactions during reporting period (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)
35. VGSLX Vanguard REIT Index Fund Adm	A	Dividend			Sold	03/09/12	J	A	
36. VBTLX Vanguard Total Bond Mkt Index Adm	A	Dividend			Sold	03/09/12	L	A	
37. VDC Vanguard Consumer Staples ETF	A	Dividend			Sold	03/09/12	J	A	
38. VDE Vanguard Energy ETF	A	Dividend			Sold	03/09/12	L	D	
39. VHT Vanguard Health Care ETF	A	Dividend			Sold	03/09/12	K	B	
40. VOX Vanguard Telecom Services ETF	A	Dividend			Sold	03/09/12	K	B	
41. NLY Annaly Capital Management Inc	A	Dividend			Sold	03/09/12	J	A	
42. AAPL Apple Inc.		None			Sold	03/09/12	K	C	
43. AT&T Inc.	A	Dividend			Sold	03/09/12	J	A	
44. BIDU Baidu Inc Sponsored ADR		None			Sold	03/09/12	J	A	
45. CTL Centurylink Inc.	A	Dividend			Sold	03/09/12	K	C	
46. CIM Chimera Investment Corp	A	Dividend			Sold	03/09/12	J	B	
47. CLX Clorox Co	A	Dividend			Sold	03/09/12	J	A	
48. ED Consolidated Edison	A	Dividend			Sold	03/09/12	J	A	
49. DEO Diageo PLC New Sponsored ADR	A	Dividend			Sold	03/09/12	K	C	
50. DD DuPont EI de Nemours & Co	A	Dividend			Sold	03/09/12	K	B	
51. EOG EOG Resources Inc	A	Dividend			Sold	03/09/12	J	A	

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52. GOOG Google Inc		None			Sold	03/09/12	J	A	
53. HNZ Heinz HJ Co	A	Dividend			Sold	03/09/12	J	A	
54. IP International Paper Co	A	Dividend			Sold	03/09/12	J	C	
55. MAC Macerich Co	A	Dividend			Sold	03/09/12	J	B	
56. MCD McDonalds Corp	A	Dividend			Sold	03/09/12	J	A	
57. PCL Plum Creek Timber Co Inc	A	Dividend			Sold	03/09/12	J	A	
58. RAI Reynolds American Inc	A	Dividend			Sold	03/09/12	K	B	
59. RIO Rio Tinto PLC Spnsr ADR	A	Dividend			Sold	03/09/12	K	A	
60. RDS/A Royal Dutch Shell PLC Sponsr ADR	A	Dividend			Sold	03/09/12	K	A	
61. VZ Verizon Communications Inc	A	Dividend			Sold	03/09/12	K	B	
62. WM Waste Management Inc Del	A	Dividend			Sold	03/09/12	J	B	
63. WIN Windstream Corp	B	Dividend			Sold	03/09/12	K	A	
64. APU Amerigas Partners LP	A	Dividend			Sold	03/09/12	J	A	
65. BWP Boardwalk Pipeline Partners LP	A	Dividend			Sold	03/09/12	J	A	
66. BPL Buckeye Partners LP Unit Prtnrship Int	A	Dividend			Sold	03/09/12	J	A	
67. KMP Kinder Morgan Energy Prtnrs LP Unit LP Int	A	Dividend			Sold	03/09/12	J	B	
68. LINE Linn Energy LLC Unit Lim Liab Int	A	Dividend			Sold	03/09/12	J	A	

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69. OKS Oneok Partners LP Unit Ltd Prtnrshp	A	Dividend			Sold	03/09/12	J	B	
70. PAA Plains All American Pipeline LP	A	Dividend			Sold	03/09/12	J	C	
71. Interest in condominium Tinton Falls NJ (n.5)		None			Sold	07/10/12	N	A	
72. PNC Bank cash accounts (n.6)	A	Interest			Closed	02/21/12	L		
73. Citibank cash account (X) (n.7)		None	M	T	Open	02/14/12	L		
74. Vanguard Prime Money Market Fund (X) (n.7) (n.8)	B	Int./Div.	M	T	Buy	03/09/12	P1		
75.					Buy (add'l)	03/26/12	M		
76.					Sold (part)	07/04/12	J		
77.					Sold (part)	07/24/12	N		
78.					Sold (part)	08/09/12	K		
79.					Sold (part)	08/15/12	N		
80.					Sold (part)	08/22/12	J		
81.					Sold (part)	08/31/12	L		
82.					Sold (part)	10/01/12	N		
83. =====Trust 5J===== (H)									
84. Vanguard Wellington Fund Inv (X)	C	Dividend	M	T	Buy	08/27/12	J		
85.					Buy (add'l)	09/04/12	M		

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86. Vanguard Prime Money Market Fund (X)	A	Int./Div.	J	T	Buy	08/28/12	J		
87. =====Trust 6F===== (H) (n.9)									
88. Vanguard Wellesley Income Fund (X)	D	Dividend	N	T	Buy	07/24/12	J		
89.					Buy (add'l)	07/27/12	M		
90. Vanguard Prime Money Market Fund (X)	A	Int./Div.	J	T	Buy	07/09/12	J		
91.					Buy (add'l)	07/30/12	J		
92.					Sold (part)	10/09/12	J		
93. =====Nevada 529 ===== (H) (n.10)									
94. Vanguard 529 Moderate Age-Based Opt: Income Portf (n.10)		None	K	T	Open	06/22/12	K		
95.									

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

Part II. Agreements.
2007. I continue to have retirement accounts maintained through Columbia University, the individual holdings of which are listed under Part VII, Investments and Trusts.
1992. As a result of my employment with the University of Michigan Law School from 1992-1994, I continue to have a retirement account established through the University of Michigan, the holdings of which are listed under Part VII. Investments and Trusts. Contributions are of course no longer made to those retirement accounts.

Part VII. Investments and Trusts.
n.1 Fidelity Contrafund converted by Fidelity to Fidelity Contrafund K on 1/11/12 in a transaction that did not result in capital gains for income tax purposes. There was no 2012 income for Fidelity Contrafund.
n.2 Fidelity Growth Co. converted by Fidelity to Fidelity Growth Co. K on 1/11/12 in a transaction that did not result in capital gains for income tax purposes. There was no 2012 income for Fidelity Growth Co.
n.3 Name change only.
n.4 Vanguard 078 Asset Allocation converted by Vanguard to Vanguard 02 Balanced Index Fund on Feb. 10, 2012, and to Vanguard 502 Balanced Index Fund Admiral on Aug. 28, 2012. No conversion resulted in capital gains for income tax purposes. Income level B as reported is aggregate; separately reported, income level for each fund would be level A.
n.5 This was a return of deposit, less expenses to refurbish the unit.
n.6 The PNC bank accounts were inadvertenly omitted from the list of estate assets reported on the 2011 FDR. At end 2011 the PNC bank accounts had value code L and interest income value code A.
n.7 Non-interest-paying account opened by [redacted] as executor of estate following issuance of Letters Testamentary in January 2012.
n.8 Multiple separate purchases were made on 3/9/12 corresponding to the separate liquidations listed in rows 25 through 70. This row lists the aggregate of all purchases of this asset on 3/9/12.
n.9 Trust [redacted] is sole trustee. [redacted]
n.10 This 529 account for relative S had been jointly owned by relatives. However, in May 2012, following the death of one of those relatives the year before, the other relative renounced succession to the 529 account. On June 18, 2012, the account was transferred to [redacted] to maintain for the benefit of relative S. On June 22, Vanguard exchanged in Vanguard Total Bond Market Index Portfolio and Vanguard Inflation-Protected Securities Portfolio, each at about 50% of the value of the account, and then exchanged them out, replacing them with Vanguard Moderate Age-Based Option; Income Portfolio. None of the exchanges resulted in capital gains for income tax purposes.

Name of Person Reporting	Date of Report
Livingston, Debra A.	05/13/2013

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/ Debra A. Livingston

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY 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
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