

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT

CHAMBERS OF
EMILIO M. GARZA
UNITED STATES CIRCUIT JUDGE

8200 I-10 WEST, SUITE 501
SAN ANTONIO, TEXAS 78230
(210) 525-2950

June 25, 2010

Via Federal Express

The Honorable Bobby R. Baldock, Chair
Judicial Conference of the United States
Committee on Financial Disclosure
Administrative Office of the United States Courts
One Columbus Circle, N.E.
Suite 2-301
Washington, D.C. 20544

RE: Calendar Year 2009 Filing

RECEIVED
2010 JUN 28 A 8:58
DISCLOSURE OFFICE

Dear Judge Baldock:

Thank you for your letter of June 17, informing me that you were unable to close my 2009 report because additional information is required by Section 102 of the Act.

I received almost your exact letter six years ago from Judge Lisi (Exhibit #1 attached). My response in a letter dated July 21, 2004, was as follows: "'IRA, Account #1, Springfield MA' is a mutual fund. It is the same IRA account I disclosed initially in my 1988 report (and also in my letter of May 15, 1989 with enclosures) through 1994 as 'Connecticut Mutual IRA Contract No. [REDACTED]' from 1995 through 2001 as 'MassMutual, IRA, Springfield MA' and from 2002 to the present [2003] as 'IRA, Account #1, Springfield MA.'" Except for the first sentence in the above quoted paragraph, this statement is still correct. Previously in 1989, based on a similar inquiry, I furnished the Committee my 1988 and 1987 annual annuity statements which were enclosed in my letter to the Committee dated May 15, 1989.

This IRA which I purchased in 1977 is called a Flexible Premium Retirement Annuity Contract, that is, an individual retirement annuity which complied with the provisions of the Internal Revenue Code.

In my 2003 Financial Disclosure Report, in Part VII, item 3, I designated this annuity as a "IRA, Account #1, Springfield, MA." I then received Judge Lisi's letter of July 8, 2004, to which I replied with a letter dated July 21, 2004, noted above, where I first indicated it was

The Honorable Bobby R. Baldock, Chair

June 25, 2010

Page 2

funded by a mutual fund. I have since designated this IRA as "MassMutual IRA, (Mutual Fund) Account #1, Springfield, MA." This was an error. This is *not* a mutual fund, and my 2003-2009 Financial Disclosure Reports should be amended accordingly.

I have contacted MassMutual to identify the stocks, bonds, mutual funds or other assets underlying the IRA. The Company has informed me that my premiums were placed in the Company's general account from which my account was credited with an "accumulated value" and which generated a "dividend" per the annuity contract. All of my Financial Disclosure Reports reflect the same annuity, the same contract, the same benefits designated as "accumulated value" and "dividend". I can furnish my most recent annual statement or other supporting documentation to the Committee, if so requested.

Lastly, this IRA was cashed this year, and will be closed out in next year's Financial Disclosure Report.

I request the contract number stated above and the 1988 and 1989 annual statements previously sent to the Committee in 1989, be redacted for any future purposes.

If you have any questions on these matters or any part of the Financial Disclosure Report, please feel free to contact me.

Sincerely yours,



Emilio M. Garza

EMG:cim

Enclosure



AO 10
Rev. 1/2010

FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2009

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) Garza, Emilio M.	2. Court or Organization U.S. Court of Appeals, 5th Cir	3. Date of Report 05/06/2010
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) U.S. Circuit Judge - Active	5a. Report Type (check appropriate type) <input type="checkbox"/> Nomination, <input type="checkbox"/> Initial <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final 5b. <input type="checkbox"/> Amended Report	6. Reporting Period 01/01/2009 to 12/31/2009
7. Chambers or Office Address 8200 I-10 West, Suite 501 San Antonio TX 78230	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.	Member - Board of Directors	Good Choices
2.	Member - Advisory Council (No longer a member effective May 18, 2009)	Notre Dame Law School
3.	Member - Non-Resident B Class	India House (New York, NY)
4.		
5.		

RECEIVED
2010 MAY -7 A 10:58
FINANCIAL
DISCLOSURE OFFICE

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.		

FINANCIAL DISCLOSURE REPORT
Page 2 of 6

Name of Person Reporting Garza, Emilio M.	Date of Report 05/06/2010
---	-------------------------------------

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.		
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.	Pepperdine University School of Law	March 5-8, 2009	Malibu, California	Moot Court Competition	Transportation, Lodging, and Meals
2.					
3.					
4.					
5.					

FINANCIAL DISCLOSURE REPORT
Page 3 of 6

Name of Person Reporting Garza, Emilio M.	Date of Report 05/06/2010
--	------------------------------

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.			

FINANCIAL DISCLOSURE REPORT

Page 4 of 6

Name of Person Reporting

Garza, Emilio M.

Date of Report

05/06/2010

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 J (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. USA A F.S.B., Account #1, San Antonio TX	A	Interest	J	T					
2. USA A F.S.B., Account #2, San Antonio TX	B	Interest	K	T					
3. MassMutual IRA, (Mutual Fund) Account #1, Springfield MA	B	Dividend	M	T					
4. Llano County, Texas (Real Property)		None	L	W					
5.									
6.									
7.									
8.									
9.									
10.									
11.									
12.									
13.									
14.									
15.									
16.									
17.									

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$30,001 - \$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 \$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	

Name of Person Reporting Garza, Emilio M.	Date of Report 05/06/2010
---	-------------------------------------

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

FINANCIAL DISCLOSURE REPORT
Page 6 of 6

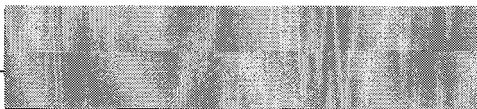
Name of Person Reporting	Date of Report
Garza, Emilio M.	05/06/2010

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