

# FINANCIAL DISCLOSURE REPORT

## FOR CALENDAR YEAR 2004

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)  McLaughlin, Joseph M.		2. Court or Organization U.S. Court of Appeals Second Circuit		3. Date of Report 5/15/05	
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)  Senior Status		5. Report Type (check appropriate type) ___ Nomination, Date _____ ___ Initial <input checked="" type="checkbox"/> Annual ___ Final		6. Reporting Period Jan. 1, 2004 to Dec. 31, 2004	
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.  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 Instructions.)

POSITION

NAME OF ORGANIZATION/ENTITY

NONE (No reportable positions.)

1

2

3

### II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of Instructions.)

DATE

PARTIES AND TERMS

NONE (No reportable agreements.)

1

2

### III. NON-INVESTMENT INCOME. (Reporting individual and spouse; see pp. 17-24 of Instructions.)

DATE

SOURCE AND TYPE

GROSS INCOME

#### A. Filer's Non-Investment Income

NONE (No reportable non-investment income.)

1	2004	Matthew Bender, Royalty	\$ 110,392
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2			\$
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3			\$
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#### B. Spouse's Non-Investment Income - If you were married during any portion of the reporting year, please complete this section. (dollar amount not required except for honoraria)

NONE (No reportable non-investment income.)

1

2

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**IV. REIMBURSEMENTS** -- transportation, lodging, food, entertainment.  
(Includes those to spouse and dependent children. See pp. 25-27 of Instructions.)

	<u>SOURCE</u>	<u>DESCRIPTION</u>
<input checked="" type="checkbox"/>	NONE (No such reportable reimbursements.)	
1		
2		
3		
4		
5		
6		
7		

**V. GIFTS.** (Includes those to spouse and dependent children. See pp. 28-31 of Instructions.)

	<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
<input checked="" type="checkbox"/>	NONE (No such reportable gifts.)		
1			\$
2			\$
3			\$
4			\$

**VI. LIABILITIES.** (Includes those of spouse and dependent children. See pp. 32-33 of Instructions.)

	<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE*</u>
<input checked="" type="checkbox"/>	NONE (No reportable liabilities.)		
1			
2			
3			
4			
5			

\*Value Codes: 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      PI=\$1,000,001-\$5,000,000  
P2=\$5,000,001-\$25,000,000      P3=25,000,001-50,000,000      P4=50,000,001 or more

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**VII. Page 1 INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children. See pp. 34-57 of Instructions.)**

A. Description of Assets (including trust assets)  <i>Place "(X)" after each asset exempt from prior disclosure.</i>	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	If not exempt from disclosure			
	Amt. Code1 (A-H)	Type (e.g., div., rent or int.)	Value Code2 (J-P)	Value Method Code3 (Q-W)	Type (e.g., buy, sell, merger, redemption)	(2) Date: Month- Day	(3) Value Code2 (J-P)	(4) Gain Code1 (A-H)	(5) Identity of buyer/seller (if private transaction)
<input type="checkbox"/> NONE (No reportable income.)									
1 Solomon Smith Barney Money Mkt. account	A	Int.	J	T					
2 Common Stock DNP Select Income Fund	B	Div.	N	T					
3 USAA Tax Exempt Bond Fund	E	Div.	O	T	Buy	3/11/04	K		Public Trad.
4 " "					Buy	9/30/04	K		Public Trad.
5 C ommon Stock SuburbanPropane	B	Div.	K	T					
6 Common Stock Comcast		None	J	T					
7 Common Stock Citicorp	B	Div.	K	T					
8 TIAA/CREF Managed Allocation Fund	E	Div.	O	T					
9 TIAA/CREF Growth Equity Fund	A	Div.	L	T					
10 Annual Summary State. TIAA/CREF Pension	G	Min. Dist.	Pl	V					See explan. in VIII
11 Annual Summary State. Keogh	A	Min. Dist.	K	V					"
12 TIAA/CREF IRA TIAA/CREF Growth Fd.	B	Min. Dist.	K	V					"
13									
14									
15									
16									
17									

1	Income/Gain Codes: (See Col. B1, 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 Col. C1, 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 Col. C2)	Q=Appraisal U=Book value	R=Cost (real estate only) V=Other	S=Assessment W=Estimated	T=Cash/Market	

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

VII.

Line 10. TIAA/CREF is a retirement plan established while I was a law teacher. I am now taking Minimum Distribution from this plan.

VII.

Line 11. A large portion of my Keogh funds were rolled over to TIAA/CREF in 2003 and TIAA/CREF gave me a Minimum Distribution from these funds. I took a Minimum Distribution from the remaining funds in Keogh in 2004.

VII.

Line 12. These are old IRA accounts with TIAA/CREF from which I am now taking Minimum Distribution.

## 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

Date May 15, 2005

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.)

## 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