

**FINANCIAL DISCLOSURE REPORT  
FOR CALENDAR YEAR 2009**

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)  Smith, Jerry E.	<b>2. Court or Organization</b>  Fifth Circuit Court of Appeals	<b>3. Date of Report</b>  05/11/2010
<b>4. Title</b> (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)  U.S. Circuit 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>  01/01/2009 to 12/31/2009
<b>7. Chambers or Office Address</b>  12621 U.S. Courthouse 515 Rusk Houston, TX 77002-2698	<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.	_____	_____
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. 2009	Lexis-Nexis Matthew Bender: writing and editing	\$2,544.00
2. 2009	Texas Department of Family and Protective Services: monthly adoption subsidy	\$6,300.00
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. 2009	self-employed, consulting
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.	American Law Institute/American Bar Ass'n	7/23-25/09	Santa Fe, NM	Seminar	Transportation, lodging, and meals
2.	Federalist Soc'y for Law & Public Policy	11/12-14/09	Washington, DC	Conference	Transportation, lodging, and meals
3.	St. John's University School of Law, Duberstein Moot Court Competition	3/16/09	New York, NY	Moot court competition	Transportation, lodging, and meals
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.			
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.	CitiBank	credit card	K
2.	Federal Thrift Savings Plan	loan	K
3.	Bank of America	credit card	L
4.	Chase Bank	credit card	J
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)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	Amount Code 1 (A-H)	Type (e.g., div., rent, or int.)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e.g., buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	Identity of buyer/seller (if private transaction)
1. Van Kampen American Capital Reserve Fund	A	Dividend	J	T					
2. Bank of America -- savings account	A	Interest	J	T					
3.									
4. 99% interest in Professional Audio-Video Corporation(cont'd)		None	J	T					
5. (cont'd)Victoria, TX (assets: video production equipment)									
6.									
7. Templeton Funds Inc. World Fund -- shares	A	Dividend	K	T					
8. Templeton Growth Fund Incorporated	A	Dividend	K	T					
9. Texas Premier Bank, N.A., Brookshire, TX -- common stock	A	Dividend	J	T					
10. Fidelity Security Life Insurance Company	A	Interest	J	T					
11. Compass Bank, Houston, TX -- checking & IRA cash-equivalent	A	Dividend	J	T					
12. Strategic Partners Equity Fund, Inc. Class A	A	Dividend	J	T					
13. U.S. Treasury Investment Growth Receipts Series I	A	Dividend	J	T					
14. Prudential Equity Fund: Class A	A	Dividend	J	T					
15. Wells Fargo Bank	A	Interest	J	T					
16.									
17.									

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 \$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	

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

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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 ct. 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