

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 name, Middle initial) Carby, Jr., William C | 2. Court or Organization Ninth Circuit Court of Appeals | 3. Date of Report 3/19/2005 |
| 4. Title (Article III Judges indicate active or senior status; magistrate judges indicate full- or part-time) Circuit Judge (Senior status) | 5. Report Type (check appropriate type) <input type="radio"/> Nomination, Date <input type="radio"/> Initial <input checked="" type="radio"/> Annual <input type="radio"/> Final | 6. Reporting Period 1/1/2004 to 12/31/2004 |
| 7. Chambers or Office Address 612 U.S. Courthouse 401 W. Washington St., SPC 55 Phoenix, AZ 85003-2156 | 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. Advisory Committee Member | Arizona State University College of Law, Indian Legal Program |
| 2. Board Member | Arizona State University Law Society |
| 3. Executive Committee Member | Order of the Coif |

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. 7/1/67 | Arizona State Retirement System receiving retirement from prior teaching |
| 2. 7/1/76 | Teachers Insurance & Annuity Ass'n receiving retirement from prior teaching |

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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.)

| DATE | SOURCE AND TYPE | GROSS INCOME (YTD, not spouse's) |
|------|--|-------------------------------------|
| 1. | Arizon State Retirement System | 45,736 |
| 2. | Teachers Ins. & Annuity Ass'n Retirement Pension | 4,203 |
| 3. | West Publishing Co. Royalties | 12,653 |

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 bar/attorney.) **NONE** - (No reportable non-investment income.)

| DATE | SOURCE AND TYPE |
|------|-----------------|
| 1. | |

IV. REIMBURSEMENTS - ~~transportation, lodging, food, entertainment~~

(Includes those to spouse and dependent children. See pp. 25-27 of instructions.)

 NONE - (No such reportable reimbursements.)

| SOURCE | DESCRIPTION |
|---|--|
| 1. Pepperdine University Law School, Malibu, CA | 1/3/2004 Future law clerk Seminar (transportation and meals) |
| 2. Federal Bar Ass'n, Tucson, AZ | 2/12-13/2004 Seminar panel (meals and lodging) |

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V. GIFTS. (Includes those to spouse and dependent children. See pp. 28-31 of instructions.) **NONE** - (No such reportable gifts.)SOURCEDESCRIPTIONVALUE1.

VI. LIABILITIES. (Includes those of spouse and dependent children. See pp. 32-34 of instructions.) **NONE** - (No reportable liabilities.)CREDITORDESCRIPTIONVALUE CODE1.

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VII. INVESTMENTS and TRUSTS – income, value, transactions (includes those of the spouse and dependent children. See pp. 34-57 of filing instructions.)

| 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 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, merger, redemption) | If not exempt from disclosure | | | |
| | | | | | | (2) Date; Month- Day | (3) Value Code 2 (J-P) | (4) Gain Code 1 (A-H) | (5) Identity of buyer/seller (if private transaction) |
| <input type="checkbox"/> NONE (No reportable income, assets, or transactions) | | | | | | | | | |
| 1. Arizona State Retirement | E | Distribution | N | T | | | | | |
| 2. Teachers Ins. & Ann. Ass'n | C | Distribution | K | T | | | | | |
| 3. Bank America checking acct; Phoenix, AZ | A | Interest | J | T | | | | | |
| 4. USAA S+P 500 Index Fund | B | Dividend | L | T | Buy Monthly | | J | | |
| 5. T.Rowe Price MidCap Value Fund | C | Dividend | L | T | Buy Monthly | | J | | |
| 6. T.Rowe Price MidCap Growth Fund | A | Dividend | L | T | Buy Monthly | | J | | |

1. Income/Gain Codes:

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

(See Columns B1 and D4)

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:

J = \$15,000 or less

K = \$15,001-\$30,000

L = \$30,001-\$100,000

M = \$100,001-\$250,000

(See Columns C1 and D3)

N = \$250,000-\$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

Q = Appraisal

R = Cost (Real Estate Only)

S = Assessment

T = Cash/Market

(See Column C2)

U = Book Value

V = Other

W = Estimated

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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. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature



Date

May 10, 2005

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