I. BIOGRAPHICAL INFORMATION (PUBLIC)

1. Full name (include any former names used.)

Harris L Hartz

2. Address: List current place of residence and office address(es).

Residence: Albuquerque, NM

Office: c/o Int'l Brotherhood of Teamsters
25 Louisiana Ave. NW
Washington, D.C. 20001

3. Date and place of birth.

January 20, 1947; Baltimore, MD

4. Marital Status (include maiden name of wife, or husband's name. List spouse's occupation, employer's name and business address(es).

Married to Deborah Dillingham, Cabinet Secretary for the New Mexico Children, Youth, & Families Department, PERA Building, P.O. Drawer 5160, Santa Fe, NM 87502-5160.

5. Education: List each college and law school you have attended, including dates of attendance, degrees received, and dates degrees were granted.

Harvard College 1963-67, AB (summa cum laude) received in June 1967
Harvard Law School 1969-72, JD (magna cum laude) received in June 1972

6. Employment Record: List (by year) all business or professional corporations, companies, firms, or other enterprises, partnerships, institutions and organizations, nonprofit or otherwise, including firms, with which you were connected as an officer, director, partner, proprietor, or employee since graduation from college.

1999 - present	Stier, Anderson, & Malone, L.L.C. Skillman, N.J. -- employee
judge - 11 yrs 1988-99	New Mexico Court of Appeals Albuquerque, NM -- judge and chief judge
1987-88	New Mexico State Racing Cmsn. Albuquerque, NM -- chair
atty - 6 yrs 1982-88	Miller, Stratvert, & Torgerson, PA Albuquerque, NM -- shareholder, director, and employee
atty - 3 yrs 1979-82	Poole, Tinnin, & Martin, PA Albuquerque, NM -- employee
atty-gen 3 yrs 1976-79	Governor's Organized Crime Prevention Commission Albuquerque, NM -- counsel, then executive director
1976	University of Illinois College of Law Champaign, IL -- visiting professor
AUSA - 3 yrs 1972-75	United States Attorney for NM Albuquerque, NM -- AUSA
1969, 1970	New Jersey Attorney General West Trenton, NJ - summer intern
1968-69	Bergen Record Hackensack, N.J. - reporter
1968	Javits for Senate Campaign New York, NY - campaign research
1967	Harvard Center for Cognitive Studies Cambridge, MA - research ass't
1985 - present	Hartz Family Partnership Albuquerque, NM
1992-98	Rotary Club of Albuquerque Albuquerque, NM - pres.,director

1992-94	Congregation Albert Albuquerque, NM - board member
1990-93	NM Anti-Defamation League of B'nai B'rith Albuquerque, NM - board member
1981-82	Albuquerque Committee on Foreign Relations Albuquerque, NM - chair
1977-78	Harvard Club of NM, vice president

7. Military Service: Have you had any military service? If so, give particulars, including the dates, branch of service, rank or rate, serial number and type of discharge received.

No.

8. Honors and Awards: List any scholarships, fellowships, honorary degrees, and honorary society memberships that you believe would be of interest to the Committee.

National Merit Scholar
Phi Beta Kappa
Woodrow Wilson Society Fellowship
National Science Foundation Fellowship

9. Bar Associations: List all bar associations, legal or judicial-related committees or conferences of which you are or have been a member and give the titles and dates of any offices which you have held in such groups.

New Mexico Bar Association
District of Columbia Bar Association
Albuquerque Bar Association
Albuquerque Lawyers Club
American Bar Association:
- Board of Editors, Litigation Magazine
- Advisory Committee to Standing Committee on Law and National Security
- Appellate Judges Conference:
  - Appellate Practice Committee
  - Chief Judges Education Committee
  - Executive Committee, Council of Chief Judges

American Judicature Society
American Law Institute
Federalist Society

10. Other Memberships: List all organizations to which you belong that are active in lobbying before public bodies. Please list all other organizations to which you belong.

Lobbying:
American Bar Association
D.C. Bar Association
New Mexico Bar Association

Other:
American Law Institute
Capitol Hill Club
Congregation Albert
Federalist Society
Hispanic Culture Foundation
Harvard Club of Washington, D.C.
Rio Grande Foundation, Board of Legal Advisers
Ripon Society
Rotary Club of Albuquerque
Teamsters Local 560 (honorary)

11. Court Admission: List all courts in which you have been admitted to practice, with dates of admission and lapses if any such memberships lapsed. Please explain the reason for any lapse of membership. Give the same information for administrative bodies which require special admission to practice.

New Mexico State Courts	10/72 - present
D.C. Courts	10/00 - present
Tenth Cir. Ct. of Apps	12/72 - present
U.S. Dist. Ct. for NM	10/72 - present

12. Published Writings: List the titles, publishers, and dates of books, articles, reports, or other published material you have written or edited. Please supply one copy of all published material not readily available to the Committee. Also, please supply a copy of all speeches by you on issues involving constitutional law or legal policy. If there were press reports about the speech, and they are readily available to you, please supply them.

(Numbered items are attached.)

1. Police Practices and the Threatened Destruction of Tangible Evidence, 84 Harv. L. Rev. 1465 (1971)

2. Supreme Court Case Note, Palmer v. Thompson, 85 Harv. L. Rev. 86 (1971) (editor)

3. Supreme Court Case Note, Dutton v. Evans, 85 Harv. L. Rev. 188 (1971)

4.Health Regulation of Naturally Hazardous Foods: The FDA Ban on Swordfish, 85 Harv. L. Rev. 1025 (1972) (editor)

5. Developments in the Law, The National Security Interest and Civil Liberties, 85 Harv. L. Rev. 1130 (1972) (editor)

6. Criminal Law and Procedure, 11 NM L.Rev. 85 (1981)

7. Appendix to Chapter V, "A Note on Regulatory Taxes," in Stanley S. Surrey, Pathways to Tax Reform (Harv. Univ. Press 1973).

Appendix I contains a supplemental list of publications and speeches.

13. Health: What is the present state of your health? List the date of your last physical examination.

Good. April 17, 2001

14. Judicial Office: State (chronologically) any judicial offices you have held, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

Judge, New Mexico Court of Appeals, 1988-99
I was appointed by the Governor and was retained in retention elections in 1990 and 1998. The court is the intermediate appellate court of the state; almost all appeals go directly to the court of appeals.

Chief Judge, N.M. Court of Appeals; 1997-99
Elected by the other members of the court

15. Citations: If you are or have been a judge, provide: (1) citations for the ten most significant opinions you have written; (2) a short summary of and citations for all appellate opinions where your decisions were reversed or where your judgment was affirmed with significant criticism of your substantive or procedural rulings; and (3) citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, please provide copies of the opinions.

(1) Cheesecake Factory v. Baines, 964 P.2d 183 (1998)
Jaramillo v. City of Albuquerque, 958 P.2d 1244 (1998)
Venaglia v. Kropinak, 956 P.2d 824 (1998)
In re Estate of Gilmore, 946 P.2d 1130 (1997)
Ford v. New Mexico Dep't of Pub. Safety, 891 P.2d 546 (1994)
Medina v. Graham's Cowboys, 827 P.2d 859 (1992)
Hakkila v. Hakkila, 812 P.2d 1320 (1991)
State v. Bolton, 801 P.2d 98 (1990)
State v. Altgilbers, 786 P.2d 680 (1989)
Sandoval v. Martinez, 780 P.2d 1152 (1989)

Reversals

(2) Kennedy v. Dexter Consol.Sch., 10 P.3d 115 (NM 2000)(In a civil rights case involving strip searches of students, the NM Supreme Court reversed on several grounds: holding that the law had been clearly established at the time of the search that individualized suspicion was needed before requiring a student to strip to his underwear for a search; that there was sufficient evidence to establish liability of several defendants; and that an erroneous instruction was harmless error.)

Conoco v. Taxation & Revenue Dep't., 931 P.2d 730 (NM 1996)(In a case involving state taxation of dividends received from a foreign subsidiary, the NM Supreme Court reversed a ruling in which we had simply applied an earlier panel ruling.)

State ex rel. Udall v. Public Employees Retirement Bd., 907 P.2d 190 (NM 1995)(The NM Supreme Court reversed our ruling that a pension for legislators violated the constitutional prohibition against any compensation, perquisite, or allowance other than per diem and mileage.)

Leyba v. Whitley, 907 P.2d 172 (NM 1995) (Contrary to our ruling in a legal malpractice case, the NM Supreme Court held that the attorney for the personal representative in a wrongful death case had a duty to protect the interests of the statutory beneficiaries in receiving proceeds of the claim.)

Mireles v. Broderick, 872 P.2d 863(NM 1994) (Contrary to our ruling, the NM Supreme Court held that the plaintiff's proposed res ipsa loquitor instruction in a medical malpractice action was a legally correct statement of that theory of the case.)

State v. Alberico, 861 P.2d 192 (NM 1993) (Contrary to our ruling, the NM Supreme Court held that expert testimony regarding post traumatic stress disorder was admissible to prove that the alleged victim had been raped.)

Highlands Univ. v. Baca, 824 P2d 310 (NM 1992) (Contrary to our ruling, the NM Supreme Court held that the worker had obtained sufficient compensation benefits to be entitled to an award of attorney fees.)

Romero v. State, 815 P2d 628 (NM 1992)(Contrary to our ruling, the NM Supreme Court held that the trial court had properly excluded evidence of the passenger's intoxication, the state could be liable for the road defect at issue, and expert testimony was admissible regarding the danger of the highway curve.)

Peralta v. State, 808 P.2d 637 (NM 1991) (The NM Supreme Court reversed our ruling that had affirmed dismissal of an appeal of a DWI conviction from metropolitan court to district court. The Supreme Court held that the defendant's failure to be prepared in district court was not chargeable to the

defendant because his public defender should have been prepared.) (reversed opinion is attached)

Herman v. Miners' Hospital, 807 P.2d 734 (NM 1991) (In a workers' compensation case, the NM Supreme Court held that we had erred in ruling that a hospital did not have knowledge of the cause of its employee's heart attack, and therefore it reversed our ruling that the claim was barred by the statutory notice requirement and the statute of limitations.) (reversed opinion is attached)

Salandre v. State, 806 P.2d 562 (NM 1991)(The NM Supreme Court held that we had erred in ruling that the defendant's right to a speedy trial had not been violated. In particular, the Supreme Court stated that we had misconstrued the presumption of prejudice that arises from delay and had improperly imposed on the defendant the burden of proving prejudice.) (reversed opinion is attached)

California First Bank v. State, 801 P.2d 646 (NM 1990)(In a case arising under the state tort claims act, the NM Supreme Court held that our opinion had too narrowly construed the scope of vicarious liability of a government agency. The Supreme Court also criticized our analysis of the intent requirement for battery and the scope of the duty of law enforcement officers to enforce the law.) (reversed opinion is attached)

City of Sunland Park v. Santa Teresa Concerned Citizens Ass'n, 792 P.2d 1138 (NM 1990) (Contrary to our ruling, the NM Supreme Court held that there was insufficient evidence to support the challenged annexation.)

County of Los Alamos v. Tapia, 790 P.2d 1017 (NM 1990)(Contrary to our ruling, the NM Supreme Court held that double-jeopardy doctrine did not prohibit retrial of a defendant when the trial judge had dismissed the complaint after improperly suppressing all the prosecution evidence during the trial.) (reversed opinion is attached)

(3) Doe v. Leach, 988 P.2d 1252 (1999)
Archuleta v. LaCuesta, 988 P.2d 883 (1999) (concurrence)
Sanders v. Montoya, 982 P.2d 1064 (1999)
State v. Castillo-Sanchez, 984 P.2d 787 (1999)
State v. Reyes-Arreola, 984 P.2d 775 (1999)
Dunn v. McFeeley, 984 P.2d 760 (1999)
State v. Dawson, 983 P.2d 421 (1999)
Ramah Navajo Sch. Bd., Inc. v. New Mexico Taxation & Revenue Dep't, 977 P.2d 1021 (1999)
State v. Gonzales, 975 P.2d 355 (1998)
State v. Foster, 967 P.2d 852 (1998)
State v. Munoz, 965 P.2d 349 (1998)
State v. Snyder, 967 P.2d 843 (1998) (concurrence)
State v. Wagoner, 966 P.2d 176 (1998)
Udall for State v. Montoya, 968 P.2d 784 (1998)
Jaramillo v. City of Albuquerque, 948 P.2d 1244 (1998)
Kennedy v. Dexter Consol. Sch., 955 P.2d 693 (1998)
Welch v. Sandoval County Valuation Protests Bd., 945 P.2d 452 (1997)
State v. Marquart, 945 P.2d 1027 (1997) (concurrence)
State v. Martinez, 940 P.2d 1200 (1997)
State v. Apodaca, 940 P.2d 478 (1997)
State v. LaMadrid, 943 P.2d 110 (1997)
State v. Mariano R., 934 P.2d 315 (1997)
Mieras v. Dyncorp, 925 P.2d 518 (concurrence)
Does I Through III v. Roman Catholic Church of the Archdiocese, 924 P.2d 273 (1996)
Wilson Corp. v. State ex rel. Udall, 916 P.2d 1344 (1996)
State v. Freed, 915 P.2d 325 (1996)
City of Albuquerque v. Westland Dev. Co., 909 P.2d 25 (1995)
State v. Arrington, 897 P.2d 241 (1995)
State v. Gutierrez, 894 P.2d 395 (1995)
Andrews v. Stallings, 892 P.2d 611 (1995) (concurrence)
State v. Wittgenstein, 893 P.2d 461 (1995)
State v. Glen Slaughter & Assocs., 889 P.2d 254 (1994)
State v. Garcia, 887 P.2d 767 (1994)
State v. Armijo, 887 P.2d 1269 (1994)
Apodaca v. State of New Mexico, Taxation & Revenue Dep't, 884 P.2d 515 (1994)
Town of Bernalillo v. Garcia, 884 P.2d 501 (1994)

State v. Franks, 889 P.2d 209 (1994)
State ex rel. Udall v. Public Employees Retirement Bd., 882 P.2d 548 (1994)
State v. Vargas, 873 P.2d 280 (1994)
State v. O'Kelley, 878 P.2d 1001 (1994)
New Mexico Taxation & Revenue Dep't v. Whitener, 869 P.2d 829 (1993) (dissent)
State v. Ramzy, 867 P.2d 418 (1993)
State v. Hernandez, 865 P.2d 1206 (1993)
State v. Swavola, 840 P.2d 1238 (1992)
State v. Powell, 839 P.2d 139 (1992)
State v. Gibson, 828 P.2d 980 (1992)
State v. Johnson, 824 P.2d 332 (1991) (dissent)
State v. Orosco, 833 P.2d 1155 (1991) (concurrence)
State v. Vasquez, 815 P.2d 659 (1991) (dissent)
State v. Edmondson, 818 P.2d 855 (1991)
State v. Delgado, 815 P2d 631 (1991)
Garcia v. Las Vegas Medical Ctr., 816 P.2d 510 (1991)
State v. Apodaca, 814 P.2d 1030 (1991)
State ex rel. Stratton v. Roswell Indep. Sch., 806 P.2d 1085 (concurrence)
Board of County Commissioners v. Padilla, 804 P.2d 1097 (1990)
State v. Bolton, 801 P.2d 98 (1990)
State ex rel. Angel Fire Home & Land Owners Ass'n v. South Cent. Colfax County Special Hosp. Dist., 797 P.2d 285 (1990)
State v. Therrien, 794 P.2d 735 (1990)
State v. Gaddy, 792 P.2d 1163 (2990) (dissent)
State v. Crislip, 795 P.2d 1108 (1990)
State v. Ciarlotta, 793 P.2d 1350 (1990)
State v. Tartaglia, 791 P.2d 76 (1990) (dissent)
State v. Valdez, 790 P.2d 1040 (1990)
State v. Whitaker, 797 P.2d 275 (1990)
State v. Brazeal, 790 P.2d 1033 (1990)
State v. Tzethlikai, 785 P.2d 282 (1989)
State v. Altgilbers, 786 P.2d 680 (1989)
State v. James, 784 P.2d 1021 (2989) (dissent)
State v. Chamberlain, 783 P.2d 483 (1989)
State v. Benjamin C., 781 P.2d 795 (1989)
State v. Johnston, 779 P.2d 556 (1989)
State v. Helms, 779 P.2d 550 (1989)
Smith v. Artesia, 772 P.2d 373 (1989)

16. Public Office: State (chronologically) any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. State (chronologically) any unsuccessful candidacies for elective public office.

Chair, New Mexico State Racing Commission 1987-88 (appointed)

17. Legal Career:

a. Describe chronologically your law practice and experience after graduation from law school including:

1. whether you served as clerk to a judge, and if so, the name of the judge, the court, and the dates of the period you were a clerk;

No, I did not clerk.

2. whether you practiced alone, and if so, the addresses and dates;

No, I did not practice alone.

3. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been connected, and the nature of your connection with each;

1972-75 Assistant U.S. Attorney, 500 Gold SW, Albuquerque, NM

1976 Visiting Assistant Prof. of Law, University of Illinois College of Law, 504 E. Pennsylvania Ave., Champaign, Ill.

1976-79 Governor's Organized Crime Prevention Commission (no longer in existence), Sunshine Building, Albuquerque, NM (Counsel, 1976-77; executive director, 1977-79)

1979-82	Poole, Tinnin, & Martin (no longer in existence); Second and Central NW, Albuquerque, NM; associate
1982-88	Miller, Stratvert, & Torgerson; 500 Marquette NW, Ste. 1100; Albuquerque, NM 87102; (associate, 1982-83; shareholder and director, 1983-88)
1988-99	Judge, New Mexico Court of Appeals, 1117 Stanford NE, Albuquerque, NM 87131 (Chief Judge 1997-99)
1999-present	Stier, Anderson, & Malone L.L.C., 174 Tamarack Cir., Skillman, NJ, 08558 (special counsel)

b. 1. What has been the general character of your law practice, dividing it into periods with dates if its character has changed over the years?

As an assistant US Attorney, I was primarily a prosecutor, although I handled a few civil matters.

As a professor, I taught an evidence course and a seminar on grand juries.

With the Crime Commission, I directed investigations and hearings on the organized crime threat in the state.

With the Poole firm, I primarily engaged in commercial litigation, although I handled a few tax and business-law matters.

With the Miller firm, I was a litigator. Most of my work was insurance defense (the great bulk of which was medical malpractice), although more than a third of the work was commercial litigation, primarily for banks.

With the Stier firm, I am working on an anti-corruption project with the Teamsters Union. My chief responsibility is guiding the creation of a code of conduct for the union and an internal enforcement-and-compliance system.

2. Describe your typical former clients, and mention the areas, if any, in which you have specialized.

My Poole Firm clients were primarily small local businesses. The Miller Firm clients were primarily insurance companies; my insurance defense work was primarily for the statewide physician-owned malpractice carrier; my commercial clients were primarily local banks. With the Stier firm, virtually all my work has been for the Teamsters Union, although I have worked on a motion for rehearing for one other client.

c. 1. Did you appear in court frequently, occasionally, or not at all? If the frequency of your appearances in court varied, describe each such variance, giving dates.

As a federal prosecutor I was frequently in federal court. I recall only one state-court appearance.

With the crime commission, I was occasionally in state court, never federal court.

With the Poole Firm, I was occasionally in court, about evenly divided between state and federal.

With the Miller Firm, I was frequently in court, about 90% state court.

I have not been in court with the Stier Firm.

2. What percentage of these appearances was in:
   (a) federal courts; 50%
   (b) state courts of record; 49%
   (c) other courts. 1%

3. What percentage of your litigation was:
   (a) civil; 70%
   (b) criminal. 30%

4. State the number of cases in courts of record you tried to verdict or judgment (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

17 as sole counsel
7 as chief counsel
7 as associate counsel

5. What percentage of these trials was:
(a) jury;

65%

(b) non-jury.

35%

18. Litigation: Describe the ten most significant litigated matters which you personally handled. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

(a) the date of representation;
(b) the name of the court and the name of the judge or judges before whom the case was litigated; and
(c) the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

(i) United States v. Riebold, 557 F.2d 697 (10th Cir. 1977). In 1974-75 I conducted the grand jury investigation and was chief counsel at the ten-week trial of E.M. Riebold and Donald Morgan. They were convicted by a jury of numerous charges of fraud and banking violations. The case was tried in United States District Court for New Mexico by Judge H. Vearle Payne. My co-counsel was Lyman Sandy, 500 Marquette NW, Ste. 1100, Albuquerque, NM 87102 (505-842-1950). Morgan's attorney

was Donald Wilson, now deceased. Riebold's attorney was William Deaton, now a US magistrate at 333 Lomas NW, Albuquerque, NM 87102 (505-348-2300).

(ii) United States v. Tokoph, 514 F.2d 597 (10th Cir. 1975). In 1973-74 I conducted the grand jury investigation of David Tokoph and others in a fraud and bank swindle. Tokoph was convicted in a jury trial before Federal District Judge H. Vearle Payne. My co-counsel was Don Svet, now a federal magistrate at 333 Lomas NW, Albuquerque, NM 87102 (505 348-2340). Opposing counsel was Alfred M. Carvajal; I believe he is now deceased.

(iii) From 1973-75 I was the assistant US Attorney in charge of handling challenges to INS searches in New Mexico, particularly those at border patrol checkpoints. A large part of the New Mexico defense bar, as well as a number of out-of-state attorneys, were opposing counsel in these matters. Matters were heard before Federal District Judges H. Vearle Payne, Edwin Mechem, and Howard Bratton. Four of the cases reached the United States Supreme Court in 1976: United States v. Morrison, 429 U.S. 1; United States v. Rose, 429 U.S. 5; United States v. Dieter, 429 U.S. 6; United States v. Kopp, 429 U.S. 121.

(iv) United States v. Stricklin, 534 F.2d 1386 (10th Cir. 1976). I handled the prosecution and appeal of this case. Stricklin was a major marijuana smuggler, convicted in a non-jury trial before Federal District Judge Edwin Mechem. His attorney was Lee Chagra, who was murdered.

(v) Wells Fargo Business Credit v. American Bank of Commerce, 780 F.2d 871 (1985). I represented the bank with respect to claims against it by Wells Fargo and a

third-party claim by the bank against Employers of Wausau on a bankers blanket bond. The bank settled with Wells Fargo and prevailed against Wausau in a non-jury trial before Federal District Judge Juan Burciaga. The attorneys for Wausau were Peter Johnstone, 7021 Prospect Pl. NE, Albuquerque, NM, 87110 (505 884-1899) and Roswell Bottum, 3200 Wilshire Blvd #1500, Los Angeles, CA (213 487-0402).

(vi) B&W Construction Co. v. N.C. Ribble Co., 734 P.2d 226 (NM 1987). I represented GATX Corp., which had acquired Ribble. We unsuccessfully attempted to collect from B&W and its two guarantors--Bob Bowers and Paul Wood--for charges incurred in leasing construction equipment. My co-counsel was Stephen Williams, 500 Marquette NW, Ste. 1100, Albuquerque, NM 87102 (505-842-1950). The attorney for B&W and Bowers was Joe Mercer, who is deceased. The attorney for Wood was Jennie Behles, 400 Gold Ave. SW, Albuquerque, NM, 87102 (505 243-9756). The jury trial was before Judge John Brennan in New Mexico State District Court for Bernalillo County.

(vii) Hamel v. Winkworth, 692 P.2d 58 (NM App. 1984). I represented Dr. Winkworth against a claim of malpractice in the performance of a hysterectomy. The jury trial was before Judge Phillip Ashby in New Mexico State District Court for Bernalillo County. I handled almost all pre-trial matters and shared trial duties with my co-counsel, Ranne Miller, 500 Marquette NW, Ste. 1100, Albuquerque, NM 87102 (505-842-1950). Opposing counsel was William Ferguson, 411 Central Ave. NW, Albuquerque, NM, 87102 (505 243-5566). The plaintiff recovered a jury verdict, but for considerably less than demanded.

(viii) Greenberg v. Gerety, No. CV-85-07981, Second Judicial District Court, County of Bernalillo, State of New Mexico. In 1985-

87 I represented Dr. Gerety and his medical group in defense of a claim of malpractice with respect to repair of an aortic aneurysm. I handled all discovery and motions and was planning to be chief counsel at trial. The case was settled on the eve of trial. My co-counsel was Ranne Miller (see #vii). The other defendants were represented by Rob Lasater, 201 3d NW, Albuquerque, NM, 87102 (505 765-5900). Plaintiff's attorney was Steve Schonberg, 1005 Luna Cir. NW, Albuquerque, NM, 87102 (505 242-8722). The judge was State District Judge Ross Sanchez.

(ix) Harrison v. Murrel, No. 83-08930, Second Judicial District Court, County of Bernalillo, State of New Mexico. In 1984-86 I represented Dr. Livingston Parsons, who was a co-defendant accused of misdiagnosing pancreatic cancer and performing an operation at which iodine seeds were implanted. I handled all motions and discovery and was planning to be chief counsel at trial. The case settled. The plaintiff's counsel was Stephen Schonberg (see #viii). The attorneys for the other defendants were Richard Civerolo, 20 First Plaza NW, #500, Albuquerque, NM 87102 (505 842-8255); Mark Meiering and Rob Lasater, 201 3rd NW, Albuquerque, NM 87102 (505 765-5900); and Bruce Black, now a Federal District Judge at 333 Lomas N.W., Albuquerque, NM, 87102 (505 348-2260). The judge was State District Judge Richard Traub.

(x) Estate of Vega v. Union Texas Petroleum Co., No. CV 83-236, Fifth Judicial District Court, Lea County, State of New Mexico. In 1985-86 I represented Union Texas in a suit claiming that it negligently caused an accident in the oil field. The case settled during trial. I handled all discovery. Co-counsel Don Maddox, now a State District Judge at 100

North Main #6-C, Lovington, NM 88260(505 396-4430), acted as local counsel and conducted voir dire. Opposing counsel for the plaintiffs were Lowell Stout, P.O. Box 716, Hobbs, NM 88240 (505 393-1555), Timothy Cusack, P.O. Box 250, Roswell, NM 88202-0250 (505 622-3542), and Clifford Payne, P.O. Box 849, Lovington, NM, 88260 (505 396-3004)

19. Legal Activities: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe the nature of your participation. In this question, please omit any information protected by the attorney-client privilege (unless the privilege has been waived.)

My most significant legal activities have been as judge and chief judge on the New Mexico Court of Appeals. I have participated in numerous panel decisions and authored about 300 published opinions. I am particularly proud of my work as chief judge. During my term the court became significantly more timely in disposing of appeals, instituted a successful settlement program with mediation by a court employee, began using Total Quality Management (TQM) techniques, and took important steps to improve working conditions for employees.

I have also been greatly rewarded by my work with the American Law Institute. I have been an active participant at annual meetings and with member consultative groups for a number of ALI projects. It has been a particular honor to participate as an Adviser to the proposed Restatement (Third) of Agency with the top agency scholars in the country.

II. FINANCIAL DATA AND CONFLICT OF INTEREST (PUBLIC)

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients, or customers. Please describe the arrangements you have made to be compensated in the future for any financial or business interest.

   I have vested in a judicial retirement plan of the State of New Mexico. I also had a 401(k) plan with the State of New Mexico, in which I am vested.

2. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern. Identify the categories of litigation and financial arrangements that are likely to present potential conflicts-of-interest during your initial service in the position to which you have been nominated.

   Before taking office I would want to review the pertinent law and scholarship on the question of disqualification and recusal. In addition, any time I have had a relationship with a party, financial or otherwise, I will find an authority (probably a fellow judge) to consult. Of course, some financial or personal relationships are so significant that there will be no question that I must recuse from the case; but my experience as a judge for 11 years has taught me that difficult questions will always arise. If a financial interest proves to be too likely to require me to recuse from cases, I will dispose of the interest.

   Because I was a judge for 11 years before taking on my current position, in which I have had only two clients, I doubt that relationships with former clients will pose a problem. My chief concern is with my investments. They did not cause a problem with my prior judicial work, but the docket of a federal appeals court may be sufficiently different from my former caseload that problems may arise. At this time, I have no reason to believe that any of my investments will pose a problem.

3. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

No.

4. List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, patents, honoraria, and other items exceeding $500 or more (If you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here.)

See attached Financial Disclosure Report

5. Please complete the attached financial net worth statement in detail (Add schedules as called for).

See attached statement and schedules

6. Have you ever held a position or played a role in a political campaign? If so, please identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

'80 Bush for President, volunteer legal counsel for NM

'70 Sy Spaulding for US Senate, prepared paper on urban transportation

'69 Fierovante Perrota for New York City Comptroller, advance man

'68 Jacob Javits for US Senate, campaign research

I also volunteered on a spot basis in a number of Republican campaigns when I was in private practice.

O-10 (w)
ev. 1/2000

FINANCIAL DISCLOSURE REPORT
Nomination Report

Report required by the Ethics in Government Act of 1978, as amended (5 U.S.C. App. 4, Sec. 101-112)

1. Person Reporting (Last name, first, middle initial)	2. Court or Organization	3. Date of Report
Hartz, Harris L	Tenth Circuit Court of Appeals	06/21/2001

4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)	5. Report Type (check type)	6. Reporting Period
Circuit Judge Nominee	X Nomination, Date 06/21/2001 ___ Initial ___ Annual ___ Final	01/01/2000 to 06/06/2001

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.
25 Louisiana NW Washington, D.C. 20001	Reviewing Officer _____ Date _____

IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each section where you have no reportable information. Sign on the last page.

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

☐ NONE (No reportable positions.)

	POSITION	NAME OF ORGANIZATION / ENTITY
1	Partner	Family Partnership
2	Employee	Stier, Anderson & Malone LLC
3	Trustee	Trust No. 1

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

☐ NONE (No reportable agreements.)

	DATE	PARTIES AND TERMS
1		My judicial pension from the State of New Mexico has vested and will be distributed when I am age-eligible.
2		
3		

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

☐ NONE (No reportable non-investment income.)

	DATE	SOURCE AND TYPE	GROSS INCOME (yours, not spouse's)
1	1999	State of New Mexico judge	61,791
2	2000	Stier, Anderson & Malone, LLC employee	164,461
3	2001	Stier, Anderson & Malone, LLC employee	80,000
4	1999	State of New Mexico employee	

FINANCIAL DISCLOSURE REPORT	Name of Person Reporting Hartz, Harris L	Date of Report 06/21/2001

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

(Includes those to spouse and dependent children. See pp. 25-28 of Instructions.)

	SOURCE ☐ NONE (No such reportable reimbursements.)	DESCRIPTION
1		exempt
2		
3		
4		
5		
6		
7		

V. GIFTS

(Includes those to spouse and dependent children. See pp. 29-32 of Instructions.)

	SOURCE ☐ NONE (No such reportable gifts.)	DESCRIPTION	VALUE
1	exempt		
2			
3			

VI. LIABILITIES

(Includes those of spouse and dependent children. See pp 33-35 of Instructions.)

	CREDITOR ☐ NONE (No reportable liabilities.)	DESCRIPTION	VALUE CODE
1	St. Albans School	Tuition, room, and board	K
2			
3			
4			
5			
6			

* VAL CODES: J=$15,000 or less K=$15,001-$50,000 L=$50,001 to $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=$50,000,001 or more

FINANCIAL DISCLOSURE REPORT

Name of Person Reporting	Date of Report
Hartz, Harris L.	06/21/2001

VII. Page 1 INVESTMENTS and TRUSTS – income, value, transactions *(Includes those of spouse and dependent children. See pp. 36-54 of Instructions.)*

A. Description of Assets (including trust assets) *Place "(X)" after each asset exempt from prior disclosure.*	B. Income during reporting period (1) Amount Code (A-H)	B. (2) Type (e.g., dividend, rent or interest)	C. Gross value at end of reporting period (1) Value Code (J-P)	C. (2) Value Method Code (Q-W)	D. Transactions during reporting period Exempt (1) Type (e.g., buy, sell, partial sale, merger, redemption)	If not exempt from disclosure (2) Date: Month-Day	(3) Value Code (J-P)	(4) Gain Code (A-H)	(5) Identity of buyer/seller (if private transaction)
☐ NONE (No reportable income,assets, or transactions.)									
1 Trust 1	E	Div. and int	O	T					
2 --BRKA									
3 --OIB									
4 --NUV									
5 --PNW									
6 --SPI									
7 --SO									
8 --TOS									
9 --ATF									
10 --MIR									
11 --Farmington NM Pwr Rev, due 1/13, muni bd									
12 --Unit IMIT Muni Ins. Long Term 86 QPS, bond fund									
13 --Unit IMIT Muni Ins. Long Term 40 QPS, bond fund									
14 --Unit IMIT Muni Ins. Long Term 39 QPS, muni bd fund									
15 --Unit MIT Muni Nat'l Long Term I SPS, muni bd fund									
16 --Unit MIT Muni Nat'l Long Term 1C SPS, muni bd fund									
17 --Unit Muni Bd Trust Series 7, muni bd fund									

1 Inc/Gain Codes: (Col. B1, 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=$5,000,001 or more	
2 Val Codes: (Col. C1, 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=$50,000,001 or more
3 Val Mth Codes: (Col. C2)	Q=Appraisal	R=Cost (real estate only)	S=Assessment	T=Cash/Market	
	U=Book Value	V=Other	W=Estimated		

FINANCIAL DISCLOSURE REPORT	Name of Person Reporting: Hartz, Harris L	Date of Report: 06/21/2001

VII. Page 2 INVESTMENTS and TRUSTS -- income, value, transactions *(Includes those of spouse and dependent children. See pp. 36-54 of Instructions.)*

A. Description of Assets (including trust assets) *Place "(X)" after each asset exempt from prior disclosure.*	B. Income during reporting period: (1) Amount Code (A-H)	B. (2) Type (e.g., dividend, rent or interest)	C. Gross value at end of reporting period: (1) Value Code (J-P)	C. (2) Value Method Code (Q-W)	D. Transactions during reporting period: (1) Type (e.g., buy, sell, partial sale, merger, redemption)	Exempt: If not exempt from disclosure (2) Date: Month-Day	(3) Value Code (J-P)	(4) Gain Code (A-H)	(5) Identity of buyer/seller (if private transaction)
☐ NONE (No reportable income,assets, or transactions.)									
18 --TWCUX									
19 --FIIIX									
20 --JANSX									
21 --NGUAX									
22 --NPRTX									
23 --AMOBX									
24 --GLBBX									
25 --TGREX									
26 --USGBX									
27 --MSDW World Wide Income B, mutual fund									
28 --DINBX									
29 --San Juan County real estate									
30 --Templeton Global Government Income Trust									
31 Trust 2	E	Dividend	M	T					
32 --Fidelity Advisor Equity Grth I #86, mutual fund									
33 --SEI Large Cap Value Fd, mutual fd									
34 --SEI Small Cap Growth Fd, mutual fd									

1 Inc/Gain Codes: (Col. B1, 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=$5,000,001 or more	
2 Val Codes: (Col. C1, 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=$50,000,001 or more
3 Val Mth Codes: (Col. C2)	Q=Appraisal	R=Cost (real estate only)	S=Assessment	T=Cash/Market	
	U=Book Value	V=Other	W=Estimated		

FINANCIAL DISCLOSURE REPORT

Name of Person Reporting: Hartz, Harris L.

Date of Report: 06/21/2001

VII. Page 3 INVESTMENTS and TRUSTS -- income, value, transactions *(Includes those of spouse and dependent children. See pp. 36-54 of 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				
					Exempt				
						If not exempt from disclosure			
	(1) Amount Code (A-H)	(2) Type (e.g., dividend, rent or interest)	(1) Value Code (J-P)	(2) Value Method Code (Q-W)	(1) Type (e.g., buy, sell, partial sale, merger, redemption)	(2) Date: Month-Day	(3) Value Code (J-P)	(4) Gain Code (A-H)	(5) Identity of buyer/seller (if private transaction)
☐ NONE (No reportable income,assets, or transactions.)									
35 --SEI Small Cap Value Fd, mutual fd									
36 --Vanguard Special Port Healthcare #52, mutual fd									
37 --SEI Int'l Equity Fd, mutual fd									
38 --SEI Prime Obligation fund, mutual fd									
39 Trust 3	E	Rent,ints*	M	W					
40 --Parcel 1 Unimproved real estate in San Juan County, NM									
41 --Parcel 2 Unimproved real estate in San Juan County, NM									
42 --Note payable from Paul Gordy									
43 Trust 4	E	Dividend	N	T					
44 --BRKA									
45 --Fidelity Asset Mgr., mutual fd									
46 --ILAF									
47 --DIVBX									
48 --TAXDX									
49 --VADBX									
50 --OPTRX									
51 --VZ									

1 Inc/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
(Col. B1, D4) F=$50,001-$100,000 G=$100,001-$1,000,000 H1=$1,000,001-$5,000,000 H2=$5,000,001 or more

2 Val 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
(Col. C1, D3) 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=$50,000,001 or more

3 Val Mth Codes: Q=Appraisal R=Cost (real estate only) S=Assessment T=Cash/Market
(Col. C2) U=Book Value V=Other W=Estimated

FINANCIAL DISCLOSURE REPORT | Name of Person Reporting: Hartz, Harris L | Date of Report: 06/21/2001

VII. Page 4 INVESTMENTS and TRUSTS -- income, value, transactions *(Includes those of spouse and dependent children. See pp. 36-54 of Instructions.)*

A. Description of Assets (including trust assets) *Place "(X)" after each asset exempt from prior disclosure.*	B. Income during reporting period: (1) Amount Code (A-H)	B. (2) Type (e.g., dividend, rent or interest)	C. Gross value at end of reporting period: (1) Value Code (J-P)	C. (2) Value Method Code (Q-W)	D. Transactions during reporting period: (1) Type (e.g., buy, sell, partial sale, merger, redemption)	If not exempt from disclosure: (2) Date: Month-Day	(3) Value Code (J-P)	(4) Gain Code (A-H)	(5) Identity of buyer/seller (if private transaction)
					Exempt				
☐ **NONE** (No reportable income,assets, or transactions.)									
52 --FDLBX									
53 Trust 5	E	Dividend	N	T					
54 --BRKA									
55 --CMP									
56 --SBF									
57 --MSDW Government Inc. Trust, cmn									
58 --DIVBX									
59 --FDLBX									
60 --ILAF									
61 --VADBX									
62 --Fidelity Asset Mgr., mutual fd									
63 --OPTRX									
64 --MSDW Municipal Income Trust II									
65 403B account	A	Dividend	J	T					
66 --PGRWX									
67 401(k) account 1		None	L	T					
68 --FMAGX									

1 Inc/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
(Col. B1, D4) F=$50,001-$100,000 G=$100,001-$1,000,000 H1=$1,000,001-$5,000,000 H2=$5,000,001 or more

2 Val 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
(Col. C1, D3) 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=$50,000,001 or more

3 Val Mth Codes: Q=Appraisal R=Cost (real estate only) S=Assessment T=Cash/Market
(Col. C2) U=Book Value V=Other W=Estimated

FINANCIAL DISCLOSURE REPORT	Name of Person Reporting: Hartz, Harris L	Date of Report: 06/21/2001

VII. Page 5 INVESTMENTS and TRUSTS – income, value, transactions *(Includes those of spouse and dependent children. See pp. 36-54 of 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				
					Exempt				
	(1) Amount Code (A-H)	(2) Type (e.g., dividend, rent or interest)	(1) Value Code (J-P)	(2) Value Method Code (Q-W)	(1) Type (e.g., buy, sell, partial sale, merger, redemption)	If not exempt from disclosure: (2) Date: Month-Day	(3) Value Code (J-P)	(4) Gain Code (A-H)	(5) Identity of buyer/seller (if private transaction)
☐ NONE (No reportable income,assets, or transactions.)									
69 401(k) account 2		None	M	T					
70 --DRTCX									
71 --FGRIX									
72 --FMAGX									
73 --NMANX									
74 State Retirement Account 1	B	Interest	K	T					
75 State Retirement Account 2	B	Interest	K	T					
76 Individual Retirement Annuity	A	Dividend	M	T					
77 --Aetna Balanced VP									
78 --Aetna Fixed Account									
79 --Aetna GET Fund, Series D									
80 IRA Account 1:	C	Dividend	L	T					
81 --SPIBX									
82 --USGBX									
83 --DIVBX									
84 --EUGBX									
85 --MSDW Liquid Asset Fund, mutual fd									

1 Inc/Gain Codes: (Col. B1, 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=$5,000,001 or more	
2 Val Codes: (Col. C1, 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=$50,000,001 or more
3 Val Mth Codes: (Col. C2)	Q=Appraisal	R=Cost (real estate only)	S=Assessment	T=Cash/Market	
	U=Book Value	V=Other	W=Estimated		

FINANCIAL DISCLOSURE REPORT | Name of Person Reporting: Hartz, Harris L | Date of Report: 06/21/2001

VII. Page 6 INVESTMENTS and TRUSTS -- income, value, transactions *(Includes those of spouse and dependent children. See pp. 36-54 of 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				
					Exempt				
	(1) Amount Code (A-H)	(2) Type (e.g., dividend, rent or interest)	(1) Value Code (J-P)	(2) Value Method Code (Q-W)	(1) Type (e.g., buy, sell, partial sale, merger, redemption)	If not exempt from disclosure: (2) Date: Month-Day	(3) Value Code (J-P)	(4) Gain Code (A-H)	(5) Identity of buyer/seller (if private transaction)
☐ NONE (No reportable income,assets, or transactions.)									
86 --US Treasury Bonds									
87 IRA Account 2	C	Dividend	K	T					
88 --AMOBX									
89 --MSDW Liquid Asset Fund, mutual fd									
90 --USGBX									
91 --US Treasury Bond, due 11/12									
92 Annuity 1		None	J	T					
93 --Aetna GET Fund Series E									
94 Northbrook Life Ins. Co. annuity	B	Interest	K	T					
95 Northwestern Mutual Life Annuity	A	Dividend	K	T					
96 C.M. Life Ins. policy	C	Interest	L	T					
97 MONY Life Insurance Policy	A	Dividend	K	T					
98 Security Connecticut Life Ins. Policy #1	B	Interest	K	T					
99 Security Connecticut Life Insurance Policy #2	B	Interest	K	T					
100 BABEX	C	Dividend	L	T					
101 EVGFX	C	Dividend	J	T					
102 OPPAX	D	Dividend	K	T					

1 Inc/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
(Col. B1, D4) F=$50,001-$100,000 G=$100,001-$1,000,000 H1=$1,000,001-$5,000,000 H2=$5,000,001 or more

2 Val 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
(Col. C1, D3) 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=$50,000,001 or more

3 Val Mth Codes: Q=Appraisal R=Cost (real estate only) S=Assessment T=Cash/Market
(Col. C2) U=Book Value V=Other W=Estimated

FINANCIAL DISCLOSURE REPORT

Name of Person Reporting: Hartz, Harris L

Date of Report: 06/21/2001

VII. Page 7 INVESTMENTS and TRUSTS -- income, value, transactions *(Includes those of spouse and dependent children. See pp. 36-54 of Instructions.)*

A. Description of Assets (including trust assets) *Place "(X)" after each asset exempt from prior disclosure.*	B. Income during reporting period (1) Amount Code (A-H)	B. (2) Type (e.g., dividend, rent or interest)	C. Gross value at end of reporting period (1) Value Code (J-P)	C. (2) Value Method Code (Q-W)	D. Transactions during reporting period (1) Type (e.g., buy, sell, partial sale, merger, redemption)	Exempt: If not exempt from disclosure (2) Date: Month-Day	(3) Value Code (J-P)	(4) Gain Code (A-H)	(5) Identity of buyer/seller (if private transaction)
☐ NONE (No reportable income, assets, or transactions.)									
103 PZMCX	B	Dividend	J	T					
104 SCINX	C	Dividend	K	T					
105 VWINX	C	Dividend	K	T					
106 MSDW Active Assets Money Trust, mutual fd	B	Dividend	K	T					
107 AMOBX		None	J	T					
108 DIVBX	D	Dividend	L	T					
109 EUGBX	A	Dividend	J	T					
110 GLBBX	A	Dividend	K	T					
111 UTLBX	B	Dividend	K	T					
112 BRKB		None	K	T					
113 CHTR		None	J	T					
114 CSCO		None	J	T					
115 MRK	A	Dividend	J	T					
116 OIA	A	Dividend	J	T					
117 NYT	A	Dividend	J	T					
118 Technology Commercialization Int'l, cmn		None	K	W					
119 Unit MIT Municipal Nat'l Long Term 116 MPS, investment trust	A	Interest	J	T					

1 Inc/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
(Col. B1, D4) F=$50,001-$100,000 G=$100,001-$1,000,000 H1=$1,000,001-$5,000,000 H2=$5,000,001 or more

2 Val 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
(Col. C1, D3) 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=$50,000,001 or more

3 Val Mth Codes: Q=Appraisal R=Cost (real estate only) S=Assessment T=Cash/Market
(Col. C2) U=Book Value V=Other W=Estimated

FINANCIAL DISCLOSURE REPORT	Name of Person Reporting Hartz, Harris L	Date of Report 06/21/2001

VII. Page 8 INVESTMENTS and TRUSTS -- income, value, transactions *(Includes those of spouse and dependent children. See pp. 36-54 of Instructions.)*

A. Description of Assets (including trust assets) *Place "(X)" after each asset exempt from prior disclosure.*	B. Income during reporting period (1) Amount Code (A-H)	(2) Type (e.g., dividend, rent or interest)	C. Gross value at end of reporting period (1) Value Code (J-P)	(2) Value Method Code (Q-W)	D. Transactions during reporting period (1) Type (e.g., buy, sell, partial sale, merger, redemption)	If not exempt from disclosure (2) Date: Month-Day	(3) Value Code (J-P)	(4) Gain Code (A-H)	(5) Identity of buyer/seller (if private transaction)
☐ NONE (No reportable income,assets, or transactions.)									
120 Unit MIT Municipal Nat'l Long Term 71 MPS, investment trust	A	Interest	J	T					
121 Unit MIT Municipal Nat'l Long Term 94 MPS, investment trust	A	Interest	J	T					
122 Unit MIT Municipal Nat'l Long Term 190 MPS, investment trut	A	Interest	J	T					
123 Sun Trust Bank account	A	Interest	J	T					
124 Wells Fargo Bank account	B	Interest	K	T					
125 State of Israel Bonds	A	Interest	J	W					
126 US Savings Bonds	C	Interest	L	U					
127 US Treasury Bills	C	Interest	K	T					
128 Mosler Inc., bond	B	Interest	J	T					
129 Tennis Club of Albuquerque debenture	A	Interest	J	T					
130 American Real Estate Partners, limited ptnrshp	A	Dividend	J	U					
131 Family partnership, 1/10 share in mortgage note	A	Interest	J	U					
132 Interest in Harper Hill Trust (rl est--San Juan County, NM)	A	**	K	W					
133 Discover Bank CD	B	Interest							
134									
135									
136									

1 Inc/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
(Col. B1, D4) F=$50,001-$100,000 G=$100,001-$1,000,000 H1=$1,000,001-$5,000,000 H2=$5,000,001 or more

2 Val 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
(Col. C1, D3) 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=$50,000,001 or more

3 Val Mth Codes: Q=Appraisal R=Cost (real estate only) S=Assessment T=Cash/Market
(Col. C2) U=Book Value V=Other W=Estimated

FINANCIAL DISCLOSURE REPORT	Name of Person Reporting	Date of Report
	Hartz, Harris L	06/21/2001

VIII. ADDITIONAL INFORMATION OR EXPLANATIONS.

(Indicate part of report.)

* The income of Trust 3 includes capital gain from the sale of real estate to Paul Gordy and the sale of a pipeline easement to Williams Co.

**The income of the Harper Hill Trust includes sale of a pipeline easement to Dugan Productions, Inc.

FINANCIAL DISCLOSURE REPORT	Name of Person Reporting	Date of Report
	Hartz, Harris L	06/21/2001

SECTION HEADING. (Indicate part of report.)

Information continued from Parts I through VI, inclusive.

PART 1. POSITIONS (cont'd.)

Line	Position	Name of Organization/Entity
4	Trustee	Trust No. 2
5	Trustee	Trust No. 3

PART 3. NON-INVESTMENT INCOME (cont'd.)

Line	Date	Source and Type	Gross Income
5	2000	State of New Mexico employee	
6	2001	State of New Mexico employee	

FINANCIAL DISCLOSURE REPORT	Name of Person Reporting	Date of Report
	Hartz, Harris L	06/21/2001

IX. CERTIFICATION

I certify that all the 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. 4, section 501 et. seq., 5 U.S.C. 7353 and Judicial Conference regulations.

Signature Harris L Hartz Date 6/21/01

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. 4, Section 104).

FILING INSTRUCTIONS

Mail original and three additional copies to:

Committee on Financial Disclosure
Administrative Office of the United States Courts
One Columbus Circle, N.E.
Suite 2-301
Washington, D.C. 20544

FINANCIAL STATEMENT

NET WORTH
3/31/01

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS			LIABILITIES		
Cash on hand and in banks	66	517	Notes payable to banks-secured		
U.S. Government securities-add schedule	114	380	Notes payable to banks-unsecured		
Listed securities-add schedule	1,123	018	Notes payable to relatives		
Unlisted securities--add schedule	68	680	Notes payable to others		
Accounts and notes receivable:			Accounts and bills due		
Due from relatives and friends			Unpaid income tax		
Due from others	10	867	Other unpaid income and interest		
Doubtful			Real estate mortgages payable-add schedule	31	484
Real estate owned-add schedule	489	000	Chattel mortgages and other liens payable		
Real estate mortgages receivable			Other debts-itemize:		
Autos and other personal property	43	300			
Cash value-life insurance	143	552			
Other assets itemize:					
Retirement accounts	192	157			
Annuities	64	888			
Real Estate Partnership	1	493	Total liabilities	31	484
			Net Worth	2,286	368
Total Assets	2,317	852	Total liabilities and net worth	2,317	852
CONTINGENT LIABILITIES	NONE		GENERAL INFORMATION		
As endorser, comaker or guarantor			Are any assets pledged? (Add schedule) No.		
On leases or contracts			Are you defendant in any suits or legal actions? No		
Legal Claims			Have you ever taken bankruptcy? No		
Provision for Federal Income Tax					
Other special debt					

CASH

Bank Account 1	32,090
Bank Account 2	4,483
Bank Account 3	17,783
CD	11,822
Account 3	79
Account 5	26
Account 9	234

US GOVERNMENT SECURITIES

Account 1:

20,000 US Treasury Bond Zero Coupon Due 11/15/06	$15,510
10,000 US Treasury Bond Zero Coupon Due 11/15/07	7,368

US Account:

10,000 six-month T-bill (9/01 maturity)	10,000
20,000 one-year T-bill (2/02 maturity)	20,000

Account 8:

17,000 US Treasury Bond Zero Coupon (due 11/12)	9,216

US Savings Bonds:

Four 10,000 EE 7/88	41,472
10,000 EE 9/87	10,788
50 EE 4/00	26

LISTED SECURITIES

3897.494	Babson Enterprise Fund	50,512
46.782	New York Times Co. Class A	1,837
617.29	Scudder International Fund S	26,093
1552.740	Vanguard Wellesley Income Fund	31,381

Account 1 (IRA):

	MSDW Liquid Asset Fund	$ 320
150.656	MSDW S&P 500 Index B	1,833
1310.779	MSDW US Gov't Secs B	11,784
226.946	MSDW European Growth B	3,277
275.266	MSDW Dividend Growth B	13,802
4,158	UNIT GSIF Gov't Ginnie Mae $1PV I MPS	119

Account 2:

	Active Assets Money Trust	26,746
13	Berkshire Hathaway B	28,288
23	Chaparral Resources Inc.	65
50	Charter Comm. Class A	1,131
704	MSDW Muni Income Opp	6,047
1356.624	MSDW Global Div. Growth B	15,086
929.196	MSDW Utilities Fund B	16,270
150.870	MSDW European Growth B	2,179
101.557	MSDW American Opportunities B	2,667
937.923	MSDW Dividend Growth B	47,027
1273.979	Phoenix Zweig Managed Assets C	13,351
1932.481	Eaton Vance Growth Fd. A	10,919
678.672	Oppenheimer Global Fund	30,785
5	Unit MIT Municipal Nat'l Long Term 116 MPS	1,276
5	Unit MIT Municipal Nat'l Long Term 71 MPS	2,331
5	Unit MIT Municipal Nat'l Long Term 94 MPS	1,743
5	Unit MIT Municipal Nat'l Long Term 190 MPS	1,163
5,894	Unit GSIF Government Ginnie Mae $1PV G MPS	173

Account 3 (Trust):

1	Berkshire Hathaway A	65,450
140	CMS Energy CP	4,143
700	MSDW Government Income TR	6,153
405	Salomon Bros. Fd. Inc.	5,569
31701.79	MSDW Liquid Asset Fund	31,702
2059.813	Oppenheimer Total Return Fund	22,040

476.395	MSDW Federal Sec. Tr. B	4,302
1026.197	MSDW Value-Added Eq. B	30,796
596.479	MSDW Dividend Growth B	29,907
2654.179	Fidelity Asset Manager	41,219

Account 4 (Trust):

1	Berkshire Hathaway A	65,450

Account 5 (Trust):

1	Berkshire Hathaway A	65,450
619	Verizon Communications	30,517
30486.33	MSDW Liquid Asset Fund	30,486
2059.813	Oppenheimer Total Return Fund	22,040
742.255	MSDW Value-Added EQ B	22,275
421.769	MSDW Tax-Exempt Sec B	4,960
59.609	MSDW Dividend Growth B	2,989
2654.179	Fidelity Asset Manager	41,219

Account 6 (401k):

585.450	Fidelity Magellan	61,180

Account 7 (403B):

492.998	Putnam Growth & Income CI-A	9,086

Account 8 (IRA):

	MSDW Liquid Asset Fund	3,593
1349.740	MSDW US Gov't Secs B	12,134
721.077	MSDW American Opportunities B	18,935
4,036	UNIT GSIF Government Ginnie Mae $1PV I MPS	116

Account 9:

9	Brinker Int'l Inc. COM	251
140	Cisco Systems Inc.	2,205
16	Costco WHSL Corp New COM	627
8	Walt Disney Company	229
30	Gateway Inc. Com	504
16	Hewlett-Packard CA	500
14	Intel Corp. Com	368

15	Ionics Inc.	390
16	Lakeland Industries Inc.	72
14	Merck & Co., Inc.	1,063
46	Worldcom Inc. Ga	857

Account 10 (401K)

	Neuberger Berman Manhattan Fund	13,817
	Fidelity Growth & Income Portfolio	40,565
	Dreyfus Premier 3d Century Fund	25,637
	Fidelity Magellan Fund	56,017

UNLISTED SECURITIES

	American Real Estate Partners, L.P.	4,991
	Cable TV Fund 14-B Ltd.	539
6,000	State of Israel Bond zero coupon (12/07)	3,750
6,000	State of Israel Bond zero coupon (10/03)	4,700
6,000	State of Israel Bond zero coupon (10/03)	4,700
10,000	Mosler Inc. SR NT Ser A (4/15/03)	5,000
3750 shs	Technology Communications Int'l	45,000

NOTES RECEIVABLE

	Paul Gordy (real estate contract)	8,000
	Tennis Club of Albuquerque debenture	2,867

REAL ESTATE

Home, Albuquerque, NM	300,000
Vacant lot 1, San Juan County, NM	45,000
Vacant lot 2, San Juan County, NM	120,000
¼ interest Harper Hill Trust, vacant land in San Juan, County	24,000

AUTOS		
	1992 Nissan	1,800
	1997 Nissan	6,800
	1997 Nissan	4,700
MISCELLANEOUS PERSONAL PROPERTY		30,000
LIFE INSURANCE—cash value		
	C.M. Life Insurance	61,603
	MONY	29,595
	Security Connecticut Life #1	25,464
	Security Connecticut Life #2	25,790
	Standard Life & Casualty Ins. Co.	1,100
OTHER ASSETS		
Retirement Accounts:		
	State Retirement Account #1	31,280
	State Retirement Account #2	48,174
	Account 11 (IRA):	
	Aetna Balanced VP-008	47,009
	Aetna Fixed Account-027	44,685
	Aetna GET Fund, Series D	21,009
Annuities:		
	Aetna GET Fund, Series E	12,066
	Northbrook Annuity	23,723
	Northwestern Mutual Life annuity	29,099
Hartz Family Partnership		1,493
NOTES PAYABLE		
Mortgages to Muriel Hartz		31,484

III. GENERAL (PUBLIC)

An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

Perhaps my most important activity in this regard has been any support and encouragement I have given my wife, who served as a school social worker for 18 years and has served the past five years in the state Children, Youth, and Families Department, first as director of the Protective Services Division and now as Cabinet Secretary.

I would like to think that my public service has helped the disadvantaged. As a judge, I took to heart the requirement of equal justice under law. In particular, I made every effort to be sure that pro se litigants had their issues considered and I helped initiate a project for handling pro se appeals. During my judicial tenure I was also concerned about representation of indigent defendants and spent significant amounts of time working with the state appellate defender to improve the services of that office. In addition, I was a facilitator at the First National Conference on Eliminating Racial & Ethnic Bias in the Courts. While a judge I served on the state ADL board and my temple board, and I was very active in the Rotary Club of Albuquerque, which has a strong program of charitable work (the Rotary Children's Garden project was initiated during my tenure as president of the club).

Before I became a judge my public service included work as a federal prosecutor, counsel and executive director of the Governor's Organized Crime Prevention Commission, and chair of the state racing commission. In all those law enforcement positions, the victims of the unlawful conduct being investigated were often the disadvantaged, and I was not reluctant to take on the powerful and the well heeled to ensure equal justice under law. I should also mention one special project that took many days of work: I prepared for, tried, and handled the appeal of a state bar disciplinary case against a lawyer who had improperly convinced a widowed

client to invest in the lawyer's business. See In re D'Angelo, 733 P.2d 360 (NM 1986).

2. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion. Do you currently belong, or have you belonged, to any organization which discriminates -- through either formal membership requirements or the practical implementation of membership policies? If so, list, with dates of membership. What have you done to try to change these policies?

No, I have never belonged to such an organization.

3. Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, did it recommend your nomination? Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and interviews in which you participated).

There is no such committee. Senator Domenici forwarded my name, and at least one other, to the White House. After being interviewed by representatives of the White House Counsel's Office and the Department of Justice, I completed background forms and a background check was conducted. I was then nominated by the President.

4. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any specific case, legal issue or question in a manner that could reasonably be interpreted as asking how you would rule on such case, issue, or question? If so, please explain fully.

No, no one has done so.

5. Please discuss your views on the following criticism involving "judicial activism."

The role of the Federal judiciary within the Federal government, and within society generally, has become the subject of increasing controversy in recent years. It has become the target of both popular and academic criticism that alleges that the judicial branch has usurped many of the prerogatives of other branches and levels of government.

Some of the characteristics of this "judicial activism" have been said to include:

a. A tendency by the judiciary toward problem-solution rather than grievance-resolution;

b. A tendency by the judiciary to employ the individual plaintiff as a vehicle for the imposition of far-reaching orders extending to broad classes of individuals;

c. A tendency by the judiciary to impose broad, affirmative duties upon governments and society;

d. A tendency by the judiciary toward loosening jurisdictional requirements such as standing and ripeness; and

e. A tendency by the judiciary to impose itself upon other institutions in the manner of an administrator with continuing oversight responsibilities.

Every judge must always keep in mind that the judiciary is just one branch—the non-political branch—of the government. The duty of a court is to resolve the case before it, in accordance with the law. Judicial decisions may have far-reaching consequences, but they should not be political decisions. The decision-making process for judges is different in nature from the process by which the executive and legislative branches reach their decisions.

While the other two branches appropriately make policy judgments in reaching their decisions, the role of the judicial branch is to apply those judgments, not make its own determinations of what is good policy. A judge's role is to understand the meaning of the nation's laws and apply them to the case at hand, paying proper deference to the rulings of higher courts and stare decisis. When judges act with this understanding of their role, they may make unpopular decisions from time to time, but they will not be guilty of improper judicial activism.

APPENDIX I

SUPPLEMENTAL LIST OF PUBLICATIONS AND SPEECHES

8. The Four-year Term: An Alternative, Dunster Political Review, May 1966

9. Combating Organized Crime, An Investigation Commission in New Mexico, Police Chief, September 1977.

10. Letter to Editor, The New York Times, 2/18/68

11. Op-ed piece in Farmington (NM) Daily Times, 5/10/70

12. Letter to Editor, Judicature magazine, 2/79

13. Letter to Editor, Albuquerque Journal, c. 1979

14. Op-ed piece in Albuquerque Journal, c. 12/80

15. Op-ed piece in Albuquerque Journal, 12/24/81

16. Letter to Editor, Albuquerque Journal, 5/15/95

17. Letter to Editor, Albuquerque Journal, 8/27/98

18. Speech to New Mexico Sheriffs and Police Association, 10/15/78 (news article)

19. Speech to Southern New Mexico Press Club, c. 1978 (news article)

20. Panel presentation to National Association of State Racing Commissioners, 4/11/88 (news article)

21. Speech to Curry County Bar Association, Clovis, NM, 5/5/89 (news article and speech notes)

22. Presentation on preservation of error to UNM Law School Intersession Trial Practice Institute, 1/3/92 (lecture notes)

23. Presentation on avoiding common errors to NM Bar Association CLE, 5/9/92 (lecture notes and handout)

24. Presentation on Court of Appeals summary calendar at NM Bar Association Convention, 9/26/92 (lecture notes)

25. Presentation on New Mexico court system to newly elected municipal judges, 3/14/94 and 3/13/96 (lecture notes)

26. Panel presentation on opinion writing to 21st International Workers' Compensation College, Tucson, AZ, 4/19/94 (lecture notes and handout)

27. Presentation on Court of Appeals summary calendar at Technical-Vocational Institute, Albuquerque, NM, 2/7/95 (item in Legal Assistant Studies newsletter)

28. Address to NM Society of the Institute of Certified Financial Planners, 9/8/95 (speech notes)

29. Address on the judicial process to UNM Law School chapter of The Federalist Society, 4/17/96 (speech notes)

30. Panel Presentation on Ethics for the Appellate Practitioner, 7/26/96 (index card notes)

31. Acceptance speech for Republican nomination for NM Supreme Court, c. 8/96 (typed excerpts)

32. Address to a Rotary Club (not sure which) on challenges to NM judiciary, c. 10/96 (index card notes)

33. Campaign statement on KUNM radio, c. 11/96 (typed)

34. Speech on state of judiciary to San Juan Rotary Club, Farmington, NM, 5/27/97 (handwritten notes)

35. Law Day Address to Chaves County Bar Association, Roswell, NM, 5/1/98 (index card notes)

36. Presentation on the courts and criminal law to Leadership New Mexico, Taos, NM, 6/17/98 (index card notes)

37. Presentation to various county bar associations on the status of the NM Court of Appeals, 7-9/98 (index card notes)

38. Presentation on NM judicial system to newly elected magistrate judges, 11/16/98 (index card notes)

39. Presentation on Teamsters Code of Conduct to Teamster leaders, Washington, D.C., 7/27/00 (handwritten notes)

40. Speech on Teamsters project to Rotary Club of Albuquerque, 8/14/00 (index card notes)

41. Speech on Teamsters project to Teamster Local 745, Dallas, TX, 10/1/00 (index card notes)

42. Presentation on Teamsters Code of Conduct to Teamster leaders, Minneapolis, MN, 10/5/00 (handwritten notes)

43. Presentation on Teamsters Code of Conduct to Teamster General Executive Board, Washington, D.C., 1/19/01 (power point presentation)

I was a contributing editor to Black's Law Dictionary (7th ed.) for the letter P.