AO 10
Rev. 3/2023

# FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2023

*Report Required by the Ethics in Government Act of 1978 (5 U.S.C. app. §§ 13101-13111)*

| 1. Person Reporting (last name, first, middle initial) | 2. Court or Organization | 3. Date of Report |
|---|---|---|
| Livingston, Debra A. | U.S. Court of Appeals for the Second Circuit | 5/11/2024 |
| **4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)** | **5a. Report Type (check appropriate type)** | **6. Reporting Period** |
| Chief United States Circuit Judge | ☐ Nomination Date<br>☐ Initial ☑ Annual ☐ Final<br>**5b.** ☐ Amended Report | 1/1/2023 **to** 12/31/2023 |
| **7. Chambers or Office Address** | | |
| United States Courthouse<br>40 Foley Square<br>New York, New York 10007 | | |

***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.***

## I. POSITIONS. *(Reporting individual only; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 345 Trustees, Executors, Administrators, and Custodians; § 350 Power of Attorney; § 355 Outside Positions.)*

☐ NONE *(No reportable positions.)*

| | POSITION | NAME OF ORGANIZATION/ENTITY |
|---|---|---|
| 1. | Paul J. Kellner Professor of Law | Columbia Law School |
| 2. | Uncompensated Trustee | Trust 5J |
| 3. | Uncompensated Trustee | Trust 5S |
| 4. | Uncompensated Trustee | Trust #1 (n.1) |
| 5. | Member, Advisory Board | NYU School of Law Institute of Judicial Administration |

## II. AGREEMENTS. *(Reporting individual only; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 340 Agreements and Arrangements.)*

☐ NONE *(No reportable agreements.)*

| | DATE | PARTIES AND TERMS |
|---|---|---|
| 1. | 2/1999 | Aspen Publishing. Royalty payments on sales of co-authored case book, Comprehensive Criminal Procedure |
| 2. | 1992 | See Part VIII, Additional Information, n.2 |
| 3. | | |

## III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 320 Income; § 360 Spouses and Dependent Children.)*

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

☐ NONE *(No reportable non-investment income.)*

| | DATE | SOURCE AND TYPE | INCOME (yours, not spouse's) |
|---|---|---|---|
| 1. | 2023 | Aspen Publishing (royalties) | $18,382.64 |
| 2. | 2023 | Columbia Law School (salary) | $29,500.08 |
| 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.)*

| | DATE | SOURCE |
|---|---|---|
| 1. | | |
| 2. | | |
| 3. | | |
| 4. | | |

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

*(Includes those to spouse and dependent children; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 330 Gifts and Reimbursements; § 360 Spouses and Dependent Children.)*

☐ NONE *(No reportable reimbursements.)*

| | SOURCE | DATES | LOCATION | PURPOSE | ITEMS PAID OR PROVIDED |
|---|---|---|---|---|---|
| 1. | Stanford Law School | February 9-10, 2023 | Palo Alto, CA | Judge Moot Court | Transportation, lodging, group meals |
| 2. | Duke Law School | October 30-November 1, 2023 | Durham, NC | Distinguished Judge in Residence | Transportation, lodging, group meals |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |

## V. GIFTS. *(Includes those to spouse and dependent children; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 330 Gifts and Reimbursements; § 360 Spouses and Dependent Children.)*

☑ NONE *(No reportable gifts.)*

| | SOURCE | DESCRIPTION | VALUE |
|---|---|---|---|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |

## VI. LIABILITIES. *(Includes those of spouse and dependent children; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 335 Liabilities; § 360 Spouses and Dependent Children.)*

☑ NONE *(No reportable liabilities.)*

| | CREDITOR | DESCRIPTION | VALUE CODE |
|---|---|---|---|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |

| Name of Person Reporting | Date of Report |
|---|---|
| **Livingston, Debra A.** | 5/11/2024 |

## VII. INVESTMENTS and TRUSTS *-- income, value, transactions (Includes those of spouse and dependent children; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 310 Reporting Thresholds for Assets; § 312 Types of Reportable Property; § 315 Interests in Property; § 320 Income; § 325 Purchases, Sales, and Exchanges; § 360 Spouses and Dependent Children; § 365 Trusts, Estates, and Investment Funds.)*

☐ 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 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, redemption) | (2) Date mm/dd/yy | (3) Value Code 2 (J-P) | (4) Gain Code 1 (A-H) | |
| 1. | Citibank cash accounts | A | Int./Div. | N | T | | | | | |
| 2. | Bank of America cash account (Y) | | | | | | | | | |
| 3. | ==========(H) | | | | | | | | | |
| 4. | CREF Stock Fund | | None | M | T | | | | | |
| 5. | Fid Contrafund K (n.3) | C | Dividend | | | Sold | 03/17/23 | M | | |
| 6. | Fid FLCNX Contrafund K6 (n.3) | B | Dividend | N | T | Buy | 03/17/23 | M | | |
| 7. | Fid FCVSX Convertible Security | C | Dividend | M | T | | | | | |
| 8. | Fid FEQTX Equity Div Inc | B | Dividend | K | T | | | | | |
| 9. | Fid Growth Co. K (n.3) | A | Dividend | | | Sold | 03/17/23 | N | | |
| 10. | Fid FGXFX Growth Co K6 (n.3) | A | Dividend | N | T | Buy | 03/17/23 | N | | |
| 11. | Fid FMAGX Magellan | D | Dividend | M | T | | | | | |
| 12. | TIAA Real Estate | | None | M | T | | | | | |
| 13. | TIAA Traditional Annuity | | None | L | T | | | | | |
| 14. | ==========(H) | | | | | | | | | |
| 15. | U.S. Savings Bonds | | None | J | T | | | | | |
| 16. | ==========(H) | | | | | | | | | |
| 17. | Vanguard VASGX Life Strategy Growth Portfolio | C | Dividend | M | T | | | | | |

| | | | | | | |
|---|---|---|---|---|---|---|
| 1. Income Gain Codes: (See Columns B1 and 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 =More than $5,000,000 | |
| 2. Value Codes (See Columns C1 and 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 =More than $50,000,000 | | |
| 3. Value Method Codes (See Column C2) | Q =Appraisal | R =Cost (Real Estate Only) | S =Assessment | T =Cash Market | |
| | U =Book Value | V =Other | W =Estimated | | |

| Name of Person Reporting | Date of Report |
|---|---|
| **Livingston, Debra A.** | 5/11/2024 |

## VII. INVESTMENTS and TRUSTS *-- income, value, transactions (Includes those of spouse and dependent children; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 310 Reporting Thresholds for Assets; § 312 Types of Reportable Property; § 315 Interests in Property; § 320 Income; § 325 Purchases, Sales, and Exchanges; § 360 Spouses and Dependent Children; § 365 Trusts, Estates, and Investment Funds.)*

☐ 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 (1) Amount Code 1 (A-H) | B. (2) Type (e.g., div., rent, or int.) | C. Gross value at end of reporting period (1) Value Code 2 (J-P) | C. (2) Value Method Code 3 (Q-W) | D. Transactions during reporting period (1) Type (e.g., buy, sell, redemption) | D. (2) Date mm/dd/yy | D. (3) Value Code 2 (J-P) | D. (4) Gain Code 1 (A-H) | |
|---|---|---|---|---|---|---|---|---|---|---|
| 18. | ==========(H) | | | | | | | | | |
| 19. | Vanguard VGIAX Growth & Income Admiral | F | Dividend | O | T | Sold (part) | 09/06/23 | J | D | |
| 20. | Vanguard VSMAX Small Cap Admiral | D | Dividend | N | T | Sold (part) | 09/06/23 | J | D | |
| 21. | Vanguard VWENX Wellington Admiral | E | Dividend | N | T | Sold (part) | 09/06/23 | J | A | |
| 22. | Vanguard VWILX Int'l Growth Admiral (n.3) | C | Dividend | | | Sold | 11/14/23 | K | | |
| 23. | | | | | | Sold (part) | 09/06/23 | J | C | |
| 24. | Vanguard VWIGX Int'l Growth Inv (n.3) | A | Dividend | K | T | Buy | 11/14/23 | K | | |
| 25. | Vanguard VWUAX U.S. Growth | D | Dividend | P1 | T | Sold (part) | 09/06/23 | J | | |
| 26. | ==========(H) | | | | | | | | | |
| 27. | Vanguard VTFSX Tot Intl Stock Ix Inst Pls | D | Dividend | M | T | | | | | |
| 28. | Vanguard VIIIX Instit'l Index F Inst'l Shares | E | Dividend | O | T | | | | | |
| 29. | Vanguard VTTVX Target Retirement 2025 Fund | D | Dividend | N | T | | | | | |
| 30. | Vanguard VGSNX Real Estate Index Inst'l Shares | D | Dividend | M | T | | | | | |
| 31. | Vanguard VBMPX Total Bond Mkt Ix Ist Pls | B | Dividend | K | T | | | | | |
| 32. | ========Trusts 5J & 5S (H) | | | | | | | | | |
| 33. | Vanguard VWENX Wellington Admiral | E | Dividend | N | T | Sold (part) | 01/03/23 | N | A | |
| 34. | | | | | | Sold (part) | 04/03/23 | J | A | |

1. Income Gain Codes: (See Columns B1 and 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 =More than $5,000,000
2. Value Codes (See Columns C1 and 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 =More than $50,000,000
3. Value Method Codes (See Column C2) — Q =Appraisal; R =Cost (Real Estate Only); S =Assessment; T =Cash Market; U =Book Value; V =Other; W =Estimated

| Name of Person Reporting | Date of Report |
|---|---|
| **Livingston, Debra A.** | 5/11/2024 |

## VII. INVESTMENTS and TRUSTS *-- income, value, transactions (Includes those of spouse and dependent children; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 310 Reporting Thresholds for Assets; § 312 Types of Reportable Property; § 315 Interests in Property; § 320 Income; § 325 Purchases, Sales, and Exchanges; § 360 Spouses and Dependent Children; § 365 Trusts, Estates, and Investment Funds.)*

☐ 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 (1) Amount Code 1 (A-H) | B. (2) Type (e.g., div., rent, or int.) | C. Gross value at end of reporting period (1) Value Code 2 (J-P) | C. (2) Value Method Code 3 (Q-W) | D. Transactions during reporting period (1) Type (e.g., buy, sell, redemption) | D. (2) Date mm/dd/yy | D. (3) Value Code 2 (J-P) | D. (4) Gain Code 1 (A-H) | |
|---|---|---|---|---|---|---|---|---|---|
| 35. =========Trust 6F (n.4) (H) | | | | | | | | | |
| 36. Vanguard VWIAX Wellesley Income Fund | D | Dividend | M | T | Sold (part) | 01/03/23 | J | A | |
| 37. =========Includes all trusts (H) | | | | | | | | | |
| 38. Vanguard VMRXX Fed MM Fund | A | Int./Div. | J | T | Sold (part) | 01/03/23 | J | | |
| 39. | | | | | Buy (add'l) | 03/17/23 | J | | |
| 40. | | | | | Buy (add'l) | 06/16/23 | J | | |
| 41. | | | | | Sold (part) | 07/13/23 | J | | |
| 42. | | | | | Buy (add'l) | 09/15/23 | J | | |
| 43. | | | | | Sold (part) | 10/03/23 | J | | |
| 44. | | | | | Buy (add'l) | 12/18/23 | J | | |
| 45. | | | | | | | | | |

| | | | | | |
|---|---|---|---|---|---|
| 1. Income Gain Codes: (See Columns B1 and 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 =More than $5,000,000 | |
| 2. Value Codes (See Columns C1 and 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 =More than $50,000,000 | | |
| 3. Value Method Codes (See Column C2) | Q =Appraisal | R =Cost (Real Estate Only) | S =Assessment | T =Cash Market | |
| | U =Book Value | V =Other | W =Estimated | | |

| Name of Person Reporting | Date of Report |
|---|---|
| **Livingston, Debra A.** | 5/11/2024 |

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

Part I. Positions
n.1 Trust #1 contained no reportable assets during reporting period.

Part II. Agreements
n.2 As a result of my employment with the University of Michigan Law School from 1992-1994, I continue to have a retirement account established through the University of Michigan, the holdings of which are listed under Part VII, Investments and Trusts. Contributions are of course no longer made to those retirement accounts.

Part VII. Investments and Trusts.
n.3 Plan-initiated conversions.
n.4 Trust for [redacted]. [redacted] is sole trustee. [redacted] and another [redacted] are partial residual beneficiaries.

| Name of Person Reporting | Date of Report |
|---|---|
| **Livingston, Debra A.** | 5/11/2024 |

## 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. § 13141 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.**

**Signature: s/ Debra A. Livingston**

**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. § 13106)**

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite G-330
One Columbus Circle, N.E.
Washington, D.C. 20544