

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.

None, but please note that I have a TIAA-CREF pension plan with Harvard that has vested, and which I would keep. Its value is disclosed in the answer to question 5.

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.

If confirmed, I would seek to follow all the requirements of the Code of Conduct for United States Judges, the Ethics Reform Act of 1989, 28 U.S.C. § 455, and cases interpreting the statutory requirements.

I currently give to the clerk of court, and to my secretary and law clerks, lists of all my investments, which they check against each case, in order to make certain that I am recused in any case in which I have a financial interest in a party to the case.

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.

I have no present plans to do so, although I may, if it is consistent with my duties on the court and with the applicable ethical standards, continue to lecture, write, and teach.

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, copies of the financial disclosure report required by the Ethics in Government Act of 1978 may be substituted here.)

A copy of the Financial Disclosure Report required by the Ethics in Government Act of 1978, filed on or around May 10, 1994, for the calendar year 1993, is attached as Addendum C.

An AO-10 form for the current year is being prepared and will be supplied as soon as it is available. As of January 1, 1994, none of my children is any longer my dependent. I therefore will not include them on my 1994 disclosure report, nor will I claim any of them as a dependent on my 1994 tax return.

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

Attached as Addendum D.

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.

Please supply one copy of any memoranda analyzing issues of law or public policy that you wrote on behalf of or in connection with a presidential transition team.

No, though in 1976 I was the Cambridge "uncommitted" delegate nominee for the Democratic National Convention. (The "uncommitted" slate lost the primary election.)

As for transition-related memoranda, in 1992, I gave a speech on the Sentencing Guidelines before the D.C. Circuit Conference (see publications listing above) and subsequently, Professor Philip Heymann, who, I believe, was working on the presidential transition, requested a copy of the speech, which I provided. I attach the cover memo to the speech as Addendum E.