

*Supreme Court, Appellate Division
First Department*



Nelson S. Román

Associate Justice

27 Madison Avenue

New York, N.Y. 10010

212-340-0400

January 8, 2013

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I have reviewed the Senate Questionnaire I previously filed in connection with my nomination on September 20, 2012 to be United States District Judge for the Southern District of New York. Incorporating the additional information listed below, I certify that the information contained in those documents is, to the best of my knowledge, true and accurate.

Q. 13b. – Provide citations for all opinions you have written, including concurrences and dissents.

Fabrizi v. 1095 Avenue of the Americas, L.L.C., 98 A.D.3d 864, 951 N.Y.S.2d 480 (N.Y.App. Div. 2012)

Melcher v. Greenberg Traurig, LLP (awaiting final publication)

Q. 13f – Reversed decisions

People v. Martinez, 84 A.D.3d 550, 925 N.Y.S.2d 8 (2011), modified by __ N.E.2d __, 2012 WL 6571277 (Ct. App. Dec. 18, 2012). The Appellate Division held that defendant's discharge of a gun without any regard as to whom he was shooting, which resulted in a bystander being shot, rose to the level of depraved indifference murder. The Court of Appeals modified that decision, holding that the depraved indifference murder count should be dismissed and the case remitted to the Supreme Court for resentencing based on a charge of manslaughter in the first degree. The Court of Appeals found that defendant's acts of obtaining a gun after an altercation with the victim, chasing him down, and firing four or five shots at the victim at close range, after he ran into the occupied lobby of a building, were inconsistent with a conviction for depraved indifference murder.

Q. 14 – Recusal

I recused myself sua sponte from the following cases because the City of New York was a named party to the litigation. My wife, Carol Robles-Román, serves as Deputy Mayor for Legal Affairs and Counsel to Mayor Michael Bloomberg for the City of New York.

Libertypointe Bank v. 75 East 125th Street, LLC

Saadia Shapiro v. The City of New York, et al.

Wood v. East 49th Street and the City of New York, et al.

Garcia v. The City of New York, et al.

Administration for Children's Services in re: Medina v. Cruz

Matter of Beckles v. Cestero, Commissioner, New York City Department of Housing Preservation and Development

Silverio v. The City of New York, et al.

I recused myself sua sponte from the following case because I know the plaintiff.

Colwin v. Katz, et al.

I also am forwarding an updated Net Worth Statement and Financial Disclosure Report as requested in the Questionnaire. I thank the Committee for its consideration of my nomination.

Sincerely,



Nelson S. Román

cc:

The Honorable Chuck Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

FINANCIAL DISCLOSURE REPORT NOMINATION FILING

Report Required by the Ethics
in Government Act of 1978
(5 U.S.C. app. §§ 101-111)

1. Person Reporting (last name, first, middle initial) Roman, Nelson S.	2. Court or Organization Federal District Court, Southern District of New York	3. Date of Report 01/03/2013
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) District Court Judge	5a. Report Type (check appropriate type) ☒ Nomination Date 01/03/2013 ☐ Initial ☐ Annual ☐ Final 5b. ☐ Amended Report	6. Reporting Period 01/01/2012 to 12/20/2012
7. Chambers or Office Address New York State Supreme Court Appellate Division 1st Dept. 27 Madison Avenue New York, NY 10010		
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. Insert signature on last page.		

I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions.)

☒ NONE (No reportable positions.)

POSITION

NAME OF ORGANIZATION/ENTITY

1.	
2.	
3.	
4.	
5.	

II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)

☐ NONE (No reportable agreements.)

DATE

PARTIES AND TERMS

1. 1998	New York State Judicial Retirement Pension at age 65
2.	
3.	

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Roman, Nelson S.

Date of Report

01/03/2013

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

A. Filer's Non-Investment Income

☐ NONE (No reportable non-investment income.)

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2011	New York State Judicial Salary	\$154,000.00
2. 2012	New York State Judicial Salary	\$168,000.00
3.		
4.		

B. Spouse's Non-Investment Income - If you were married during any portion of the reporting year, complete this section.

(Dollar amount not required except for honoraria.)

☐ NONE (No reportable non-investment income.)

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2012	New York City Office of the Mayor, Salary
2.	
3.	
4.	

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

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

☐ NONE (No reportable reimbursements.)

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. Exempt				
2.				
3.				
4.				
5.				

Name of Person Reporting	Date of Report
Roman, Nelson S.	01/03/2013

V. GIFTS. (Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)

☐ NONE (No reportable gifts.)

	<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1.	Exempt		
2.			
3.			
4.			
5.			

VI. LIABILITIES. (Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)

☒ NONE (No reportable liabilities.)

	<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.			
2.			
3.			
4.			
5.			

VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	Amount Code 1 (A-H)	Type (e.g., div., rent, or int.)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e.g., buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	Identity of buyer/seller (if private transaction)
1. Vanguard Strategic Equity Fund	A	Dividend	J	T					
2. Vanguard Strategic Equity Fund	A	Dividend	K	T					
3. Vanguard Strategic Equity Fund	A	Dividend	J	T					
4. NY Deferred Compensation Plan- Stable income Fund	A	Interest	M	T					
5. NYDeferred Compensation Plan-Stable Income Fund	A	Interest	K	T					
6. NYC Deferred Compensation Plan- Stable Income Fund	A	Interest	M	T					
7. US Treasury Bonds Series EE	A	Interest	K	T					
8. Northwestern Mutual Whole Life Policy	A	Interest	K	T					
9. JP Morgan Chase: Savings and Checking	A	Interest	K	T					
10.									
11.									
12.									
13.									
14.									
15.									
16.									
17.									

1. Income Gain Codes:

(See Columns B1 and D4)

2. Value Codes

(See Columns C1 and D3)

3. Value Method Codes

(See Column C2)

A =\$1,000 or less

F =\$50,001 - \$100,000

J =\$15,000 or less

N =\$250,001 - \$500,000

P3 =\$25,000,001 - \$50,000,000

Q =Appraisal

U =Book Value

B =\$1,001 - \$2,500

G =\$100,001 - \$1,000,000

K =\$15,001 - \$50,000

O =\$500,001 - \$1,000,000

R =Cost (Real Estate Only)

V =Other

C =\$2,501 - \$5,000

H1 =\$1,000,001 - \$5,000,000

L =\$50,001 - \$100,000

P1 =\$1,000,001 - \$5,000,000

P4 =More than \$50,000,000

S =Assessment

W =Estimated

D =\$5,001 - \$15,000

H2 =More than \$5,000,000

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

P2 =\$5,000,001 - \$25,000,000

T =Cash Market

E =\$15,001 - \$50,000

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting	Date of Report
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VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of report.)*

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Roman, Nelson S.

Date of Report

01/03/2013

IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: s/ **Nelson S. Roman**

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. § 104)

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

FINANCIAL STATEMENT

NET WORTH

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		44	189	Notes payable to banks-secured (auto)		17	415
U.S. Government securities-Series EE bonds		56	800	Notes payable to banks-unsecured			
Listed securities – see schedule		425	278	Notes payable to relatives			
Unlisted securities				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			350
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable – see schedule		527	137
Real estate owned – personal residence		875	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		38	000				
Cash value-life insurance		48	429				
Other assets itemize:							
				Total liabilities		544	902
				Net Worth		942	794
Total Assets	1	487	696	Total liabilities and net worth	1	487	696
CONTINGENT LIABILITIES				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							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities

NY Deferred Compensation Plan-Stable Income Fund	\$ 381,980
Vanguard Strategic Equity Fund	43,298
Total Listed Securities	\$ 425,278

Real Estate Mortgages Payable

Personal residence mortgage	\$ 463,413
Home equity line of credit	63,724
Total Real Estate Mortgages Payable	\$ 527,137