

# NIABA NEWS

Men and women sharing a common heritage in a chosen profession

Spring 2012

### NIABA PARTICIPATES IN NIAF 36TH ANNUAL GALA IN WASHINGTON DC



NIABA held its fall board meetings during the weekend of October 28-29, 2011 in Washington, DC and once again participated and shared in the NIAF 36th Annual Gala. The event afforded NIABA board members and guests with the opportunity to network with a host of Italians from abroad as well as Italian-Americans from every rank and position, all in celebration of our Italian-American heritage and culture.

Once again NIABA's President had the privilege and honor of being seated on the dais for the annual black tie ballroom dinner, hosting approximately 2,500 people in the International Ballroom of the Washington Hilton Hotel. The President of NIABA was one of 60 people on a three-tiered dais, including but not limited to Janet Napolitano, the Director of Homeland Security, U.S. Congresswoman Nancy Pelosi and others from the political ranks. Also present on the dais were Frankie Avalon, Dion Dimucci of Dion and the Belmonts, Fabio and other celebrities. Included also were Signore Salvatore Mancuso, head of the Alitala Airlines, Santo Versace (President of Gianni Versace, S.P.A., based in Milan, Italy) of the Versace Family, well known in the fashion industry, and many notables from Italy and the States, including Francesco Cascio, the President of the Regional Assembly of Sicily, John DeNapoli, the National President of UNICO and many others.

Letter from the President

#### Incontro A Napoli

Although the NIABA board did not meet in Naples, Italy, we had excellent weather and a great reception thanks to host Floridian attorneys Dominic Lucarelli and Paul Finizio in Naples, FL. Our Florida board member, Danny Stallone, gave heartwarming testimony to the nurturing and expansion of professional and familial-like networking based in the charming Bayfront Inn on 5th Avenue (the Rodeo Drive of Naples).

We met and gained some new local Italian-American attorneys as new members, met and greeted many of the first-year graduating

Italian-American law students (future NIABA members) of the Ave Maria Law School. We enjoyed fine cuisine at



Osetra's restaurant owned by a famous former Italian soccer star and sampled some of Dominic Lucarelli's excellent

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#### **Fall Meeting**

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Most notably besides the honored dais members present, President Barack Obama himself made an appearance and gave a presentation to the assembled crowd of Italian-Americans, recognizing the contributions of Italian-Americans to this country, historically and currently. President Obama jokingly recognized that although he was not of the same heritage as we, his last name does end in a vowel.

NIAF graciously offered us conference rooms for our board meetings that were conducted on Friday afternoon and Saturday morning. Our NIABA President had the privilege and honor to co-present the jointly funded scholarship in the total amount of \$5,000 to the recipient selected amongst the applicants, Mr. Nat Guerriera from Brooklyn, NY, who is currently studying at the New York Law School.

At our board meetings, we were joined by guest attorney Paul G. Finizio, a NIABA member, and also a NIAF Area Coordinator for the Southeast Region, who introduced us to a new member, Valerio Spinaci, who is of Italian birth and licensed to practice law in Italy and in the U.S.

Additionally, we were honored to have a former member of NIABA, Tom Mazziotti from Atlanta, GA, join us at one of our board meetings with interest in developing more connections with the Atlanta area.

NIAF also graced us with complimentary tickets to the Friday evening Martini Special Music Event, providing open bar for martinis, pasta and music in the International Ballroom, with a chance to network with the hundreds of folks in attendance.

We extend many grateful thanks to NIAF for its professional courtesies afforded NIABA and for all the NIABA members and guests who helped to make the fall meeting an excellent success.

#### **President**

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homemade wine. We also met several of his relatives and friends, while enjoying a phenomenal classic and luxury auto show on 5th Avenue evincing multimillions worth of Maserati, Lamborgini, Alfa Romero, Austin Healy, MG, Rolls Royce and many others lined up for unending blocks.

Several board issues were addressed in preparation for its next meeting scheduled

for June 1st and 2nd, 2012 in Las Vegas. We have obtained preferred VIP arrangements at Ceasar's Palace. Anyone with interest in attending or questions can feel free to contact me at 414-271-7776.

Fraternally yours, Frank J. Schiro NIABA President

#### We Need Your Email Address

If you received a hard copy of this newsletter in the mail, it may mean we do not have your current email address. Please help us, help yourself, and help the environment by providing that contact information to NIABA Administrator Dana Robb at dana@barefoot-marketing.com.

Not only will we save the cost of printing and mailing, as well as the environmental resources, you'll also get your newsletter sooner and be able to take better advantage of the information and resources we offer in each issue.

# Judge Paul A. Victor Joins NAM's Panel of Distinguished Dispute Resolution Professionals



Honorable Paul A. Victor, former Justice of the Supreme Court, Bronx County, has joined the Metro New York panel of National Arbitration Mediation (NAM). Judge Victor is available to arbitrate and mediate cases at any of NAM's offices throughout the Metro New York area. Fellow NIABA member, Honorable Joseph N. Giamboi is also a member of the panel.

Roy Israel, NAM President and CEO, stated: "Judge Victor is a great addition to NAM's exceptional panel of mediators/arbitrators in the New York area. He is well respected by members of the bar and has been recognized by attorneys appearing before him for his exceptional settlement skills and proactive approach to assisting parties in the resolution of their cases. Judge Victor has had a distinguished legal career as a private practitioner, counsel to Legislators and as a Judge. He brings with him a wealth of experience in a wide variety of case types, and is extremely well suited to offer his settlement skills and legal acumen to NAM's clients."

Judge Victor was elected to the Supreme Court in January, 2000 and served there until his retirement in December, 2009. Approximately, one hundred of his judicial opinions were selected for publication by the New York Law Journal as a "Decision of Interest" and/ or by the New York State Official Reporter as a decision "considered as worthy of being reported because of its usefulness as a precedent or important as a matter of public interest." Prior to his tenure in the Supreme Court, he was elected to serve as a Judge in the Civil Court of the City of New York. He also served as a law assistant to Judge Adrian P. Burke at the Court of Appeals, hearing officer at the Conciliation and Appeals Board, arbitrator for the Civil Court of the City of New York, and hearing officer of the Medical Malpractice Mediation Panel in Bronx County.

Judge Victor has experience handling many different case types including medical malpractice, complex commercial, real estate transactions and personal injury disputes. He is known for his proactive approach in helping parties to resolve their differences.

According to the 2010-2011 New York Judge Reviews and Court Directory, lawyers have made the following comments concerning their experiences with Judge Victor:

- Regarding his courtroom temperament, lawyers praised Judge Victor by saying: "He's excellent," "He's respectful to all parties," He's evenhanded."
- On the bench, lawyers commented: "His legal acumen is very good," "Efficient," "He's a very hard worker."
- All the attorneys who were interviewed said the judge is polite to everyone that appears before him.
- When asked to describe his settlement skills, lawyers said: "He's got strong skills," "Very proactive and will try to help the parties work out their differences."
- · Litigators praised Judge

Victor's "above average" legal acumen and said "he displays a pleasant courtroom temperament." They also said "he has good settlement skills and runs his courtroom in an "efficient" manner"

NAM is one of the nation's leading dispute resolution institutions and maintains rosters in every major city in the United States, with specific expertise in the areas of Complex Commercial, Personal Injury, Professional Liability, Construction, Insurance, Employment and Real Estate Dispute Resolution.

# Fall NIABA Meeting in Washington to include CLE with NIAF

The National Italian-American Bar Association will conduct its Fall, 2012 meeting on October 12th and 13th in Washington, DC in conjunction with the National Italian American Foundation (NIAF) for the third consecutive year. Please plan on joining us as these two powerful prominent Italian-American organizations get together to promote Italian-American culture and heritage, sponsor events and have a wonderful time.

NIAF's annual Gala brings together numerous Italian and Italian-American celebrities, honorees and invited guests. Last year, President Barack Obama addressed the group. An invitation has been extended to him once again this year.

It is expected that Supreme Court Justices Antonin Scalia and Samuel Alito will also be present along with many others. NIABA will once again present a scholarship to a qualified law student and this year will present a CLE event with the assistance of NIAF.

Please make plans to join us at the Washington Hilton during this memorable event as we celebrate our achievements and make plans for the future to ensure we maintain a unified voice for the Italian-American community. Details will be available at www.niaba.org or www.naïf.org.

## **Affiliate Highlights**

#### Columbian Lawyers Association (First Judicial Department)

The Columbian Lawyers Association for the First Judicial Department will host the 47th annual Charles A. Rapallo Award Luncheon at the Waldorf Astoria Hotel, in midtown Manhattan. The event will take place on April 28, 2012 from noon to 3 p.m. More information about the event can be found at www. columbianlawyers.com. The Rapallo Award is named after Charles A. Rapallo, the first jurist of Italian-American heritage to sit on the New York Court of Appeals, which is New York State's highest court.

This year's recipient is the Honorable Patricia M. Di-Mango, who has distinguished herself by her years of public service as a public school teacher, a prosecutor and as a Supreme Court Justice presiding over hundreds of serious criminal cases each year, many of which have garnered media attention. In addition to having presided over countless trials, Judge DiMango now serves as the Deputy Administrative Judge for Criminal Matters in the Second Judicial District, which covers all of Brooklyn, New York City's largest and busiest borough.

Judge DiMango has authored several scholarly articles in the areas of criminal law and procedure and frequently presents CLE programs to a variety of bar associations. She has also authored many significant published deci-

sions. Judge DiMango was an adjunct professor of law at St. John's University School of Law, where she taught criminal law, criminal procedure and forensic psychology, and now teaches college level courses in criminal law and procedure at the New York Technical College.

Our Association is honored that Judge DiMango has accepted the Rapallo award, and we are further honored that last year's Rapallo Award recipient, Justice A. Gail Prudenti, who is now Chief Administrative Judge for the State of New York, will be presenting the award to Judge DiMango.

\* \* \*

Joseph DeMatteo recently concluded two years as President of the Columbian Lawyers Association, First Judicial Department, New York. At the Dinner Dance, which was held at the National Arts Club, in Gramercy Park South, NYC, Andrew Maggio was installed as new President for 2012. The event was attended by over 100 members, spouses, judges etc.

DeMatteo is a partner in the firm of Bernfeld, DeMateo & Bernfeld, LLP. He represents individuals and corporations in complex civil and criminal litigation in state and federal court, and before a variety of administrative tribunals. He is also a former Assistant District Attorney with the Manhattan District Attorney's office.

#### Our Community, Our Language: What Italian Americans Can Do

By Giulio Terzi Ambassador of Italy to Washington

This year has turned October into the Italian Heritage Month in the United States. In Washington, the House and the Senate have submitted a resolution to this effect in response to an initiative put forward by the Italian-American community with the support of the Embassy. President Obama, in asking "what would America be without the contributions of Italy and Italian Americans,' said he was proud to celebrate Italian American Heritage Month as well as the 150th anniversary of Italy's unification.

They are affirmations of an extraordinary friendship. They come from the highest of authorities and match the unprecedented public participation throughout the United States in the events of recent weeks. I still have vivid memory of the tens of thousands of people along 5th Avenue in New York on Columbus Day. I received reports of similar manifestations of pride and satisfaction from our Consuls that organized over 130 events for Italy@150.

I am calling on this very Italian pride when I ask the Italian-American community in the United States to once again support the Italian government's efforts to disseminate the teaching of our language in American schools one year after we signed the agreement which, thanks to your contribution, reinstated Italian in the Advanced Placement program.

We set the scene by making 2011 an all Italian year in the United States marked by very significant moments such as President Obama's proclamation for "Italy's birthday" on March 17 and President Napolitano's visit to New York. We have new tools to bring Italian closer to young Americans also through social networks: the website www.usspeaksitalian.org, a forum for discussion created by the Osservatorio sulla Lingua Italiana for students, families,

and teachers has been active for several months now; we launched a portal, Italy4Kids, so that children and young people can learn more about Italy, its language, and its culture.

Now we need you: get together, talk, discuss the opportunities that learning Italian offers; tell your school's principals, teachers, and parents to learn more about Advanced Placement Program (AP) Italian and its advantages, using the information and the contacts in the brochure that has been prepared for the introduction of courses in September.

Let's speak Italian and let's talk about it.

#### WELCOME NEW NIABA MEMBERS

Welcome to the following members, who've joined NIABA in recent months.

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### Dual Citizenship Gives Special Meaning to the Term Italian-American

By Lawrence S. Katz

Dual citizenship offers the descendants of Italian emigrants more than symbolic connection to their history. It presents an opportunity to embrace the people of Italy with a sense of belonging, and a chance to establish a real presence there in hope of developing an intimate connection with the people and the land.

Unlike countries which confer citizenship jus soli, Latin for right of soil, Italy determines citizenship jure sanguinis, or by right of blood. Moreover, in contrast to other countries which recognize citizenship jure sanguinis but only allow diaspora applicants to trace claims to citizenship back two generations to the emigrant ancestor, Italian law imposes no such generational limitation in the paternal line. Yes, there are additional methods of acquiring Italian citizenship -- through naturalization, by special application, by marriage -- but citizenship jure sanguinis is the only automatic conferral of Italian citizenship -- and it is a right and privilege many of Italian ancestry in the diaspora do not realize they possess.

Since the Unification of Italy in 1861, which marked the inception of the country and of Italian citizenship, Italian male citizens have passed that citizenship on to their progeny, no matter where those children were born. Only when an Italian male citizen emigrated elsewhere and renounced his Italian citizenship to

become a naturalized citizen of a diaspora country, did his minor and unborn children -- and theirs – lose the right to claim Italian citizenship jure sanguinis.

Only since January 1, 1948, have female Italian citizens been able to pass on their Italian citizenship to any of their children born after that date, based on a ruling of the Co

ruling of the Constitutional Court.

Currently, Italian citizenship is governed by Law No. 91, of 5 December 1992, which recognizes the importance of individual desire in the gain or loss of citizenship, and acknowledges the right to hold citizenship in more than one country, except where disallowed by provisions of international agreements. Applications for Italian citizenship jure sanguinis are handled through the Italian consulate that has jurisdiction over an applicant's place of residence. Each consulate has slightly different procedures, requirements and procedural time frames.

Basically, an applicant needs to provide the birth and marriage certificates for every ancestor in the lineage on which the claim of citizenship is based, obtaining records both from Italy and from the resident country. Documents obtained in the applicant's resident country must bear an Apostille, the special seal of authentication. In addition, the applicant must produce

the ancestor was an Italian citizen at the time of the progenies' births. by either providing a naturalization certificate from the resident country,

proof that

proving parentage occurred before renunciation, or by providing documentation from that government that the ancestor never did renounce their Italian citizenship to become naturalized elsewhere. Applicants must also provide birth certificates for all their children, plus any prior marriage license and divorce decree if they were previously married. All documents must be translated into Italian by an accepted translator. Once the local Italian consulate accepts the documents, they are sent to the ancestral town where they are recorded.

The spouse of an Italian citizen must wait three years after the marriage to apply for citizenship by marriage, and must obtain police clearance from his or her community, and then swear an oath of allegiance to the State of Italy, in Italian, once the application has been approved. Applications for

citizenship by marriage are handled in Rome, and can take from two to three years to process.

The adult children of dual citizens can obtain recognition of their Italian citizenship and their spouses qualify for citizenship through marriage. When their children are born, they will be able to obtain Italian passports for them.

Friends and family members are often puzzled, asking, "Why go to all that bother? You are American. Why do you need to be Italian, too? Is it to be able to buy property?" One answer is: Why wouldn't we want to become dual citizens? We want to because we can, because it's a privilege. We want to be Italian, too, out of ethnic pride, because we love Italy, and oh yes, because it actually would make it easier to buy property in Italy.

Diaspora applicants choose Italian citizenship with their hearts, but also with their heads – especially their business heads. The advantages are numerous, especially in terms of employment.

Dual citizens can live, travel, work, invest, study or retire, without limitation, in any of the twenty-seven member states of the European Union. Each of those member states, by agreement, issues passports bearing the EU seal. Because they don't need to obtain visas or work permits, dual citizens are desirable employees to

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#### **Dual Citizenship**

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companies doing business in the EU. Dual citizens can go anywhere in the EU and immediately open an office. Additionally, diaspora dual citizens can vote in the Italian elections and they also automatically pass on their Italian citizenship to their children under the age of eighteen.

Since the mid-'60s, the US has not only recognized dual citizenship, but no longer rescinds the American citizenship of anyone who votes in a foreign election. While there are no firm statistics on the number of Americans applying for dual citizenship in Italy or other EU countries, estimates are that more than forty million Americans are eligible for dual citizenship in the EU countries that grant it. \*\*

There are some Italian Americans who eschew dual citizenship, even though they are avid genealogists, qualify for Italian citizenship, and need only to collect the documents to reclaim it. While these proud Italian Americans cherish their heritage and feel deep affinity for Italy, they believe that reclaiming their citizenship would be an affront to the ancestors who left the mother country for America to establish new lives, and then eventually became naturalized US citizens. Dual citizens feel differently, confident that many of those emigrant ancestors would not have left Italy had they been able to sustain themselves there.

Increasingly, Italian
Americans recognize the

social changes affecting Italy, impacted by low birth rates and immigration-related issues, and want to support their ancestral regions and rediscover their Italian heritage. And while Europe's birth rate has declined drastically in the last two decades, Italy's is among the lowest in the EU, falling below replacement.

In 1961, approximately 14.4 percent of Italian families had four children. Only 1.4 percent do so now. More common is the one child family, prompting the government to adopt incentives for couples to have more. The slight uptick in the Italian birth rate in recent years has been due to the higher birth rate among the immigrant population, producing almost twice as many babies as Italians.

Italy also has a large aging population. One in five is a pensioner. While only fourteen percent of the population is under age 14, nearly nineteen percent is over 65, and their numbers are rapidly swelling. Predictions are that by 2050, more than one-third of Italy's population will be pensioners. In 2005, the Los Angeles Times examined Italy's low birth rate and predicted that if current trends continue. Italy's population, which is nearing 60 million, could shrink by one third within forty years.

While ethnic Italians make up ninety-seven percent of the population, that figure is also rapidly changing. The website of the Italian Embassy in Washington, D. C. reports that since 1991, the number of foreign residents in Italy has tripled -- from just over 350,000 to nearly one million -- while non-residents are estimated at more than one-quarter million. However, 2007 figures from Istat, the Italian national statistics bureau, put the number of foreigners living in Italy at nearly three and a half million.

With the negative birth rate in Italy, the huge and increasing aging population, the emigration of young Italians seeking jobs abroad, and the increased influx of immigrants, many diaspora Italians feel they have a duty not only to reclaim their birth right, but to pass that right on to their children and grandchildren.

The increasing enthusiasm for genealogical research, the availability of information online, and the ease of access to other people seeking to reconnect to lost relatives has also fueled the interest of diaspora Italians in visiting Italy for the first time and seeking Italian citizenship.

Italian Americans who are eligible should not only reclaim this privilege, but should make a concrete commitment to the future of their second country. Dual US-Italian citizenship is a two-way strada. Yes, it comes with benefits, but it also comes with expectations – that the new citizen visit Italy, reconnect with relatives there, learn Italian or rent or buy property there (Why not winter in the south of Italy

instead of Florida, or live a portion of your life there?), do something to contribute to the economy, or bring children and grandchildren there, and instill a love in them for Italy and all things Italian.

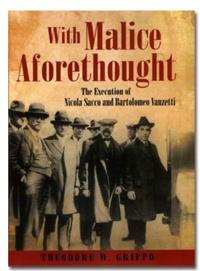
American and Italian cultures share so many core values – freedom, individuality, acceptance of social change, love of the arts, love of life. The dual citizen has the privilege of making a concrete and meaningful contribution to the land of his or her ancestors -- and the special opportunity to have a foot firmly planted in both worlds. Viva Italia!

\*\*http://tiny.cc/070dO
"Dual citizenship gains
popularity with Americans
of Italian descent" by Mary
Cuddehe, Columbia News
Service

Lawrence S. Katz is a criminal appellate attorney and member of the National Italian American Bar Association and the Italian American Bar Association of Michigan. He is a dual citizen of the United States and Italy. Katz has been active in a variety of national and local Italian American organizations, including the Italian American Studies Association and the Italian American Cultural Society of Michigan. He has written for a variety of publications including Primo Magazine. He lives in West Bloomfield, MI, with his wife, Karen Tintori, the author of seven books including two with Italian themes, Unto the Daughters and Trapped: The 1909 Cherry Mine Disaster.

#### SACCO & VANZETTI: NEW LIGHT ON AN OLD STORY

With Malice Aforethought: The Execution of Nicola Sacco and Bartolomeo Vanzetti, recently published by iUniverse and authored by retired Chicago lawyer and **NIABA** member,



**Theodore W. Grippo**, is the tragic story of two Italian immigrants who were charged and convicted of the murder of a payroll guard in a Boston suburb in 1920.

The two Italians were associated with a local detested anarchist group during a period of anticommunist Red Scare hysteria in America. They were executed after six years of failed appeals despite proven misconduct of prosecutors and the judge and the testimony of a confessed participant in the crime who swore that Sacco and Vanzetti were not involved. Upon their execution, worldwide protests

erupted. Overseas. American embassies were stoned, American cars overturned. American flags burned. Millions claimed the two were framed and executed

for their political beliefs.

The Sacco-Vanzetti case was the "Trial of the Century" — one of the most important in American history ... "and it raised almost every fundamental question of our political and social system."

The story transcends the death of the two Italians and the vicious murder of the payroll guard. It's an American epic with villains and heroes, agony and triumph. It's a drama that touches on the battle of the American labor movement, the clash of capitalism and socialism, the exploitation of immigrant labor by the remnants of

a moribund Puritan elite and the personal struggle of immigrants—especially Italian immigrants—seeking acceptance and equality in 1920 America.

The author takes the reader through the Dedham, MA murder trial, discussing and examining new documents and other recently discovered evidence demonstrating a conspiracy to frame Sacco and Vanzetti. While the debate over their guilt may continue for some, With Malice Aforethought will end the argument for many. The Sacco-Vanzetti story has an enduring quality that has kept it alive for more than ninety years. It's been declared "the case that will not die" because it raises so many questions regarding the guilt of Sacco and Vanzetti and because it illuminates today's issues of immigration, terrorism, and war.

Finally, the case raises the issues of the proper role of the public prosecutor and the judge in criminal cases. Grippo argues that the prosecutor's role is not to seek convictions at any cost, but to seek justice at

all costs, and judges must be free of prejudice, even to those who espouse alien ideals. He concludes that the lessons learned from the Sacco-Vanzetti case stand as sentinels of our liberty.

#### About the Author

Theodore W. Grippo graduated from Georgetown University with a B.S.S. in economics. He received a J.D. from Northwestern University Law School and an L.L.M. from DePaul College of Law. Grippo's professional experience in the fields of law enforcement and private practice spans more than 50 years. He held the post of Illinois Securities Commissioner and was a senior and co-founding partner of the Chicago law firm Grippo & Elden.

Grippo is a member of the Advisory Board of the Center on Wrongful Convictions of Northwestern University Law School and a member of the American Bar Association, a Life Fellow of the American Bar Foundation, a member of the National Italian American Bar Association and other Italian American organizations.

#### NIABA Dues are Due

If you haven't paid your 2012 dues yet, now is the time! We've just updated our member list on the NIABA website; make sure you're a member in good standing so you don't miss out on this valuable benefit and referral source.

If you receive a final notice in the mail this month, renew right away. Non-members will be removed from our database in early May. Please don't lose contact with NIABA or your fellow members.

For more information, contact NIABA Administrator Dana Robb at dana@barefoot-marketing.com.

#### Conveying Title to Property in Italy

By Sonia Alioto

The conveyance of title to real property and other assets in Italy is governed by succession law and the related filings of an Italian estate are administered by the Italian Tax Authority (L'agenzia delle entrate).

Italian Americans, frequently as unknowing heirs, may file a declaration of succession once a death certificate of their ancestor is obtained.

## NIABA MEMBERS VISIT AT JANUARY MEETING IN NAPLES, FL









