



Spring 2013

NIABA NEWS

Men and women sharing a common heritage in a chosen profession

PRESIDENT'S TERM INCLUDES MEMORIES AND ACCOMPLISHMENTS

By Frank Schiro
NIABA President

It is with humble sentiments and mixed emotions that I approach the end of my tenure as President of NIABA. I have been highly honored to have been vested with the fiduciary trust and duty to serve NIABA, and to carry the weight of preserving and continuing the integrity of our worthy purposes of advancing the interests of the Italian American legal community while seeking to improve the administration of justice, and communicating such mission to our brethren and colleagues as well as to the public at large.



Phil Boncore (left) and President Frank Schiro were among the many board members who attended NIABA's Winter Meeting in Atlanta.

As the youngest of four children born to a Sicilian immigrant father (and mother's family of extended Sicilian immigrants) born and raised in a "Little Italy" in Illinois, I balanced between the Italian and American cultures to seek out and carve my identity. I came to recognize the innumerable historical contributions of Italians to this country, which have fundamentally shaped and helped to carve out the American dream; from Justinian to Vespucci, from Columbus to Filippo Mazzei, from Brumidi to Fermi, and the exhaustive list continues.

It is comforting to assert that, in 30 short years, NIABA has flourished in promoting the integration of these two enmeshed cultures in the chosen noble profession of law for men and women of common culture and heritage. Aptly described, NIABA is an organization large enough to impact, yet small enough to care.

We have united in purpose across this nation, and also in recent years in Canada, to provide professional networking, cultural fellowship, scholarships to law students, promotion of qualified Italo-American candidates to judgeships, publish the Digest Law Review, as well as our newsletter, and present CLEs, among other activities.

During my tenure, soon to expire, I am happy to report that we have acquired the professional services of an administrator, Dana Robb, who has been a tremendous asset to the president's office and to the board. Among other things, she has greatly contributed to the upgraded production of the NIABA newsletter.

Continued on page 2

BOARD OF DIRECTORS

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*Past president

Fall Meeting

continued from page 1

We have leaped further into the tech age and upgraded our NIABA.org website, which now offers more and better fact content and networking data, as well as incorporating Paypal for convenient membership processing.

Additionally, we just completed the process of digitizing the very excellent law review publication, *The Digest* (of the National Italian American Bar Association), under the valued direction of board member Professor Robin Paul Malloy, the E. J. White Chair and Distinguished Professor of Law, College of Law, Syracuse University. You can now find all of the back issues of *The Digest* posted on our website.

We gratefully received a bequest of \$25,000 from a former NIABA patron member. Anthony W. Rosina, now deceased, earmarked this money for scholarships for deserving Italian American law students from the Anthony and Anne Rosina Scholarship Fund, administered through NIABA.

We continued our past tradition of providing matching funds for a \$5,000 scholarship to an Italian American law student, in joint venture with NIAF, once again awarded this past October in Washington, DC at NIAF's Annual Black Tie Gala.

We expanded that concept and for the first time in 2012 (and again in May, 2013) initiated a similar joint \$5,000 scholarship venture with OSIA (Order Sons of Italy in

America) awarding it to a qualified Italian American law student, also in Washington DC at its annual NELA Banquet.

Additionally, we made recruiting inroads and welcomed new members and regional groups in Florida, Las Vegas, Connecticut, West Virginia, Atlanta, Georgia and Washington, DC.

Most noteworthy was the NIABA-NIAF sponsored CLE on Recent Developments in Immigration Law, held in Washington, DC in October 2012. Headlined by Joseph Sena, our board member and national immigration law expert, the program included distinguished panelists from the U.S. Justice Department and I.C.E.

On a sad note, four of our valued board members and officers passed away in the last six months, leaving cherished memories and gratitude for their enormous contributions to the dignity and class of our organization: Michael Rainone, Al Affinito, Ray Dettore, Jr. and Judge Tony Cutrona.

As in life itself, all good things come to an end. And so it is with my tenure as president, for which I have been most honored to serve and perpetuate the unique value and dimensions offered by membership in this NIABA family.

I would invite those who qualify to join NIABA and share in supporting its worthy purposes. Thank you to all for the opportunity to serve.

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.

MEMBERS WELCOME!

MAY NIABA MEETING TO BE HELD IN MONTREAL



For the third time in NIABA's history, the organization's annual Board of Directors meeting and Installation of Officers and Directors will be held in the beautiful City of Montréal, Québec, Canada from Thursday, May 30 to Sunday, June 2, 2013. Non-board members are encouraged and welcomed to attend.

The meeting programs will include:

- A networking social on Thursday evening.
- Installation Dinner in conjunction with the Association of Italian Canadian Jurists of Québec on Friday May 31st.
- Board of Directors meeting at Dentons from noon to 3:30 p.m. on Friday and 9 a.m. to 1 p.m. on Saturday.
- Dinner at one of Montreal's best Italian restaurants on Saturday night.

We have arranged for Standard Deluxe non-smoking guestrooms at the downtown Marriott Chateau Champlain at

the special discounted rate of \$159 CDN/per room/per night, plus taxes (please note that the regular rate for this guestroom is \$239 CDN/per room/per night, plus taxes). The discounted rate includes complimentary high speed internet in all guestrooms. For those of you who visited Montréal at the last Board meeting in May 2010, you will remember the central location and comfort of this historic hotel. For those of you who have yet to visit Montréal or have not stayed at the Marriott Chateau Champlain, you are in for a treat.

In order to book your rooms, please call the Marriott Château Champlain at (514) 878-9000 (local) or toll-free for Canada and USA 1-(800) 200-5909. Reservations by must be received on or before April 30, 2013 to qualify for the discounted rate.

Contact incoming president Dino Mazzone at (514) 949-3055 or dmazzone@vitessetransport.com with questions or to indicate your plans to attend.

DAVID VIVIANO APPOINTED TO MICHIGAN SUPREME COURT



In February, Michigan governor Rick Snyder appointed Judge David Viviano to the Michigan Supreme Court. Viviano filled a vacancy created by the resignation of former Justice Diane Hathaway.

"Judge Viviano has a distinguished record of judicial integrity and innovation," Snyder said. "His deep respect for the judicial branch of government and his commitment to the rule of law will serve Michigan well. I have every confidence that he will be a compassionate, principled justice."

Viviano, 41, was elected to the 16th Circuit Court in 2006. Prior to taking the bench, he worked at Dickinson Wright PLLC in Detroit and Jenner & Block LLC in Chicago before starting his own firm in Mount

Clemens. He also served as city attorney for Center Line.

Viviano has been active in various initiatives to improve the court system. In 2008, he was selected by the Michigan Supreme Court to participate in a pilot project to reform the jury system. Several of those enhancements were adopted by the Supreme Court and are being used by judges statewide. Viviano also led the 16th Circuit Court's e-filing pilot project and is a strong advocate for technological innovation in the court system.

Judicial service runs in Viviano's family. His sister, Judge Kathryn Viviano, currently serves in the 16th Circuit Court's Family Division. His father, Judge Antonio Viviano, served as a probate judge from 1993 to 2002 and as a circuit judge from 2003 to 2010.

Viviano earned degrees from Hillsdale College and the University of Michigan Law School. He is a member of the State Bar of Michigan, the Macomb County Bar Association, the Italian American Bar Association and the Illinois State Bar Association.

Affiliate Highlights

Columbian Lawyers Association, 1st Judicial Dept.

The Columbian Lawyers Association (New York) recently sponsored a CLE on “Using the NYC Marshal in Your Law Practice.” Marshal Alfred E. Locascio and Marshal Martin A. Bienstock discussed all aspects of judgments and the New York City Marshal’s office.

The group also hosted its annual Charles A. Rapallo Award Luncheon in April. The Hon. Victoria A. Graffeo, Associate Judge of the New York State Court of Appeals, was this year’s recipient of the Award. The award is named in honor of the first Italian American jurist appointed to the New York State Court of Appeals, and is bestowed annually to outstanding jurists, public servants and citizens of Italian American descent.

SPECIALIST DIVISION FOR COMPANY-RELATED DISPUTES

The Italian government has created the so-called “Companies’ Court,” a division which will specialize in industrial and intellectual property while also being competent to hear a much wider range of disputes than previously. The new specialist divisions are formed of judges with specific backgrounds in corporate and commercial law.

The specialist divisions have competence over a wide range of corporate law-related matters including: (i) disputes concerning copyright; (ii) disputes related to the breach of EU antitrust rules (iii) action for nullity and requests for compensation related to the breach of rules set out in Italian antitrust law; (iv) proceedings related to industrial property issues or unfair competition.

New specialist divisions will have general jurisdiction over disputes regarding joint stock companies, limited liability companies, cooperative companies, European companies, European cooperative companies and the branches of

foreign companies steadily established in Italy. The nature of the disputes heard will include, but not be limited to: (i) disputes between a company’s shareholders; (ii) challenges to corporate resolutions; (iii) disputes regarding the transfer of shares; (iv) disputes between shareholders and their company; (v) disputes regarding shareholders’ agreements; (vi) disputes regarding directors’ liability; (vii) disputes related to control relationships between companies; and (viii) subject to certain conditions, disputes concerning public contracts and supply agreements.

The Government has established the “Companies’ Courts” with the purpose of making Italy a more attractive destination for foreign investors. The divisions are intended to ensure faster proceedings and higher quality of judgments. However, the divisions will only be established at courts based in each region’s capital city and this may cause inconvenience and increased costs for litigating parties.

NIABA TO MEMORIALIZE DECEASED BOARD MEMBERS



At the last board meeting in Atlanta, the NIABA Board of Directors voted to pay tribute to its dearly departed. The Board unanimously approved the purchase of engraved bricks with the names of the deceased Board members, to be installed on the Recognition Walkway which leads to the Garibaldi-Meucci Museum on Staten Island NY.

The Garibaldi-Meucci Museum is owned and operated by the Order Sons of Italy in America, whose mission is to nourish the spirit and soul of the Italian-American Community. Contributions to purchase the engraved memorial bricks are used to carry out this mission.

This last year has seen the loss of many of the giants of NIABA. Their recent passing, along with the loss of others in the last several years, inspired the Board to embark on this perpetual memorial. Engraved memorial bricks will be installed honoring: **Al Affinito, Dominic Frinzi, Michael Rainone, Anthony Cutrona, Anthony Errico, Joseph Al-**

banese, Raymond Dettore and Anthony Penta.

Plans are being made to have a dedication ceremony and reception at the Museum this spring, to honor the families of these great men and committed Board members. Each memorial brick will be engraved with the word “NIABA” followed by the name and state of the departed Board member.

NIABA President Frank Schiro endorsed the suggestion of the memorial bricks made by Past NIABA and OSIA President Phil Boncore as “... a fitting tribute to those who volunteered to give so much to NIABA and the Italian-American legal community.” Schiro went on to say, “Although they will be missed, we have shown their families and the world that they will not be forgotten.”

Information is available for anyone wishing to participate in this program and dedicate an engraved brick to a loved one at www.garibaldimeuccimuseum.org.

NIABA MEMBER WINS PUBLIC SERVICE AWARD



Tenacity + kindness + love. That's how NIABA member **Kristin Occhetti** defines her formula for success, and the Milwaukee, WI community has benefited mightily from that spirit. As an associate at Quarles & Brady LLP, Kristin has donated hundreds of hours

of pro bono service to a variety of organizations.

Kristin recently received Marquette University's Howard B. Eisenberg Service Award. The award honors a graduate of the Law School within the past 15 years for his/her dedication to the area of public interest law and/or service to the community.

Kristin recalls that, "Almost immediately after my graduation from Marquette Law School, I started doing pro bono work – which 'infected' me with the pro bono bug and undoubtedly launched my dedication to pro bono service." It began during a summer externship with the Legal Aid Society, where she

was surprised to discover the significant demand for basic estate planning services.

"There is a very personal, human element in estate planning, and that is what I like best about the work that I do," Kristin says. "I am a 'counselor' in the most defining sense because whether I am working with grieving spouses, rivaling siblings or parents of a special needs child, I often find that my clients like to talk about the non-legal aspects of their particular situation, not just the legal issues involved."

After joining Quarles & Brady as an associate, she continued to volunteer with the Legal Aid Society and pioneered the

Milwaukee Bar Association Pro Bono Hospice Program, which provides trust and will services to needy individuals in hospice. Now, she co-chairs the Children's Hospital Pro Bono Guardianship Program and Milwaukee County Guardianship Assistance Program, which provides pro bono services to those seeking guardianship of children with special needs who are nearing age 18.

She also serves as the local chair for her firm's community service initiative and has donated her services to the Marquette Volunteer Legal Clinic and Sojourner Family Peace Center Restraining Order Clinic.

REMEMBERING NIABA'S RECENTLY DEPARTED

By Francis Recchuiti

While on vacation in January, I brought with me the NIABA NEWS, which contained memorials for Michael Rainone, Alfred Affinito and Raymond Dettore, Jr. It was both heartwarming and saddening as I reviewed my experiences with the three deceased members.

My first meeting with Mike Rainone was in 1970 and I was on the other side of a case in which he came to Norristown, PA. Upon the conclusion of the case, we became friendly and he was an older mentor who tried to put Italian lawyers together. I visited with him and his wife at their house in Merion, and later when he moved to the Penthouse at the Philadelphia on the Parkway,

I was again his guest. On each of these social occasions, he had other Italian American lawyers present.

Later, he entrusted me with his son who was going through a very bitter divorce and the matter was able to be resolved amicably and appropriately. I knew him through the Grand Lodge of Pennsylvania, Order Sons of Italy in America in which he was an early advocate for the Commission for Social Justice. We even communicated less than two years ago when he was living with his daughter in New York.

My first experience with Ray Dettore, Jr. was at the 1993 Sons of Italy National Convention in Palm Beach, Florida. Because my father's

mother's maiden name was Ettore, I referred to Ray as "cuz". He was an individual who was not afraid to speak his mind on the floor, even if he did not enjoy the support of the power base. I found him to be unique in that he spoke his mind and didn't care what others thought, but he was, in fact, a caring guy.

After I was elected National Orator in 1995, in 1997, he decided to run against me when I was up for re-election. It was probably the most friendly race that two people ever had, especially since I knew I was going to be re-elected. After that, we always sought each other out at every National Convention that followed. We were both rebels and reformers, and I know that that is how he was until the

end. Pennsylvania had always enjoyed the Orator position at the National Sons of Italy but in 2009, in a spirit of altruism, the Pennsylvania Delegation realized that we did not have a qualified candidate for the post and I recommended that Ray be National Orator. We supported him for the post and he became the first non Pennsylvania National Orator.

Over the last four years, I talked with Ray at least once every other month on the telephone and in August of 2010, I drove him from Boston to his home in Providence after a Plenary Session, and he treated me to lunch at one of his favorite restaurants on Federal Hill. I spoke with him while he was in the hospital the week before he passed,

Continued on back page

MEMBERS EXPLORED ATLANTA AT 2013 WINTER MEETING



WELCOME NEW NIABA MEMBERS

Welcome to the following members, who joined NIABA between December 12, 2012 and April 19, 2013.

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Continued on page 10

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continued from page 9

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AN OPEN LETTER OF THANKS TO RON STRACI

By Hon. Paul A. Victor
Justice of the New York State
Supreme Court (Ret)

I feel compelled to write this open letter regarding Ron Straci, one of the owners of Rao's Restaurant in Caesar's Palace, Las Vegas. I was given the sole credit in our fall newsletter for the discounted VIP accommodations we enjoyed at Caesar's Palace, and for the great dinners. In fact, these were provided by our generous host, Ron Straci, who even accommodated us with lunch and beverages on several occasions at no charge.

You should know that Ron was also my law partner before I was elected to the Supreme Court in New York State. If you want to know more about the history and folklore concerning Rao's, its owners and its restaurant in New York City, I suggest you visit <http://www.raos.com/history.aspx>.

In any event, but for Ron's generosity and his assistance with management at Caesar's Palace, our trip may not have been as special as it turned out.

Thank you, Ron Straci.



National Italian American Bar Association - Application for Membership

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Home Address _____

Home Phone _____

Law School, w/ graduation year _____

In which states and/or countries are you licensed to practice law? _____

Which languages (besides English) can you read and/or speak fluently? _____

Areas of Practice (please select no more than three)

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| <input type="checkbox"/> Commodities | <input type="checkbox"/> Immigration | <input type="checkbox"/> Probate | <input type="checkbox"/> Workers Comp (Defendant) |
| <input type="checkbox"/> Commercial Litigation | <input type="checkbox"/> In-House | <input type="checkbox"/> Product Liability (Plaintiff) | <input type="checkbox"/> Zoning/Planning |
| <input type="checkbox"/> Construction | <input type="checkbox"/> Insurance | <input type="checkbox"/> Product Liability (Defendant) | <input type="checkbox"/> Other _____ |
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Membership Status: Attorney Judge Retired Law student

Membership Level & Annual Dues: Regular (\$50) Sponsor (\$100) Patron (\$250) Law student (free)

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Remembering

continued from page 5

he thought he was going to rehab but his sister told me a couple of days later that it was a hospice. Ray was one of those unforgettable characters whose presence in a room, with a drink in hand, was always a pleasant one.

Al Affinito, one of my dearest friends, fought the good fight and then became tired. I also met Al in 1993 and we developed a close and warm friendship over the years. He was shocked and surprised that I recognized and named other members of the famous San Francisco football team on which he played for then coach, Joe Kuharick. The famous names that were on the team in which Al was involved

were Leo Nomellini and Ollie Matson.

As a member of the Order Sons of Italy in America, he was truly dedicated to the Order, rising through the ranks from Fifth Vice President to Second Vice President and then I was part of the cabal that had him jump into the Presidency in 2007. I served as his Orator from 2007 to 2009 when there was great upheaval in the OSIA, and Al had to be sidetracked from the wonderful program that he had laid out previously in the Future Good of the Order that he had written.

He was a firm and courageous leader who took on two

rebellions in a dignified manner and showed what a fantastic lawyer he probably was in his day. We communicated on a daily basis for almost two years, and I can tell you that the bond that grew between us is everlasting. He even flew in from California to my filial Lodge Charter Night spending the weekend with my wife and me and lending the dignity of his presence to the event and also the joy of my taking him to Tony Lukes for a Philadelphia cheesesteak. When he was stricken, I continued to communicate with him by telephone at least twice a week. I kept him advised as to what was happening, tried to make him laugh, and at the conclusion

of each of our telephone calls, he would. very sincerely thank me for calling him. Upon hanging up, I realized it was I who should thank him for the opportunity of knowing him and being able to spend time with him.

After he passed, I spoke with Janie, his wife, and she told me that he looked up at her and said that he was tired and that he was going to go to sleep. To the end, he told me how good Janie had treated him and how much he appreciated her love, care and concern for him. I have not yet recovered from his passing.

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