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NIABA NEWS

Men and women sharing a common heritage in a chosen profession

L.A. TO HAVE A STARRING ROLE IN UPCOMING NIABA MEETING

By Dino Mazzone
NIABA President

"All right, Mr. De Mille, I'm ready for my close-up". These words, the final lines spoken by actress Gloria Swanson in Billy Wilder's 1950 movie *Sunset Boulevard*, are some of the most famous uttered in American cinema. The film stars William Holden as Joe Gillis, an unsuccessful screenwriter, and Swanson

as Norma Desmond, a faded silent movie star who draws him into her fantasy world where she dreams of making a triumphant return to the big screen. All of which leads me to announce the much-anticipated return of NIABA to the City of Angels. In association with the Italian American Lawyers Association (IALA), NIABA will hold its Winter Board of Directors meeting in Los Angeles between January 23 and January 26, 2014. A wonderful itinerary has been developed for the weekend, in large measure with the invaluable assistance of NIABA Board member Damian D. Capozzola who, himself, will celebrate his inauguration as IALA's next President. We encourage you to visit our website at www.niaba.org for more details.



NIABA is undergoing a renaissance. We are redoubling our efforts to grow geographically throughout the United States and Canada, and to reestablishing what had once been a beachhead for the organization in the West Coast. An organization is only as strong as the active involvement of its membership and our return to Los Angeles in January will resonate for the long term if we, the curators of this association, can effectively engage current and new members to give of their time and energy to NIABA. Next year will mark my 15th year with NIABA and, in addition to the obvious benefits of networking, client referrals and intellectual engagement, this organization has allowed me to build friendships across state lines and in separate countries. This is an immeasurable joy to me and to many of us for whom NIABA is a second family. In the end, Norma Desmond did not get her second chance at stardom. But rest assured that I am extremely optimistic that NIABA's return to L.A. will be nothing short of phenomenal.

I want to end this cover note to our latest edition of *NIABA News* commemorating the life of Joseph Anthony Gatto. Joe was murdered in his home in Los Angeles in November. I never had the opportunity to meet him but, ironically, NIABA's Los Angeles itinerary has us visiting the Italian American Museum of Los Angeles – which Joe helped to found and where his daughter, Marianna Gatto, is the executive director. By all accounts, Joe lived a rich and happy life. In reading his biography, I quietly wondered whether I was reading the exploits of three men and not one. In the movie *Serendipity*, John Cusack's character states that the Greeks did not write obituaries but asked one question in relation to someone who died: did he have passion? In speaking of her father, Marianna mentioned how Joe was a constant source of inspiration, that he touched countless lives and beautifully remarked that "my father was love." I know of no other way to live passionately than to love. God Bless Joseph Anthony Gatto. Riposa in pace.

MEMORIAL BRICKS INSTALLED AT NY MUSEUM



In January 2013, the NIABA Board of Directors voted to purchase memorial bricks to be installed on the walkway of the Garibaldi-Meucci Museum in Staten Island, NY.

These bricks memorialize the departed NIABA members who were also active board members at the time of their death: **Al Affinito, Joe Albanese, Judge Anthony Cutrona** (see article on next page), **Raymond Dettore, Anthony Errico, Dominic Frinzi, Anthony Penta, and Michael Rainone.**

The museum is owned and operated by the Order of the Sons of Italy (OSIA). The curator of the Museum has informed NIABA that the memorial bricks have been installed and that letters to the families of the departed will inform them of the installation.

Each memorial brick contains the name of the departed NIABA Board member, the state he was from, and the NIABA affiliation.

The Museum has made it possible for the bricks to be viewed online at www.garibaldimeuccimuseum.org. Click on 'Photo Albums' in the navigation panel on the left.

Plans are being made for a reception and dedication in the spring of 2014, and the families of the deceased will be invited. NIABA members will also be invited to attend this reception.

NIABA thanks the Garibaldi-Meucci Museum, its staff, and OSIA for their efforts and graciousness in providing this wonderful memorial to remember our loved departed brothers.

Notes from the NIABA Office

NIABA Brochures Ready

We have recently updated and reprinted the NIABA membership brochure. An electronic version (PDF) is available at www.niaba.org/brochure. We encourage you to share the brochure with anyone who might be interested in joining NIABA. For hard copies to distribute to your colleagues or group, please contact NIABA Administrator Dana Robb at dana@barefoot-marketing.com and she will mail them to you.

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Writers Wanted

We often hear from NIABA members that they value the resources and networking that the organization provides. Of course, this is most applicable to those who take advantage of the opportunities.

One way to increase your visibility and add value to your membership is to submit articles for this newsletter. If you've got expertise in an area that is of interest to other Italian American lawyers, we welcome your submissions. Articles are best kept to a length of 500-1000 words and may be edited for space as well as content restrictions.

We also welcome member news at any time. Send us the details if you've received an honor, hung out a shingle, made a big transition, or have other professional news you'd like to share.

For all newsletter submissions, contact NIABA Administrator Dana Robb at dana@barefoot-marketing.com.

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Dues Are Due

January 1 marks the beginning of NIABA's membership year. That means it's time to pay your dues. Special thanks to members who have already paid for 2014, as well as those who have set up automatic payments via Paypal.

For all others, here's the easiest way to make sure your membership stays intact:

- Log on to the website at www.niaba.org.
- In the top right corner, click on "view profile."
- If you have not paid your dues yet, you'll see a button that says "renew until 01 Jan 2015." Click on that button and proceed accordingly.
- You will be able to pay online using Paypal, or to print out your invoice and send it in with a check.

Thank you for your continued support of NIABA and our mission.

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We Need Your Email Address

If you received 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 updated 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.

In Memorial

HON. ANTHONY J. CUTRONA, 74, A MAN OF DIGNITY



Photo by Mario Belluomo

December 2013 marked the one-year anniversary of the death of Hon. Anthony J. Cutrona, a former NIABA Board member as well as a respected colleague and close friend. The following article was written by Charisma L. Miller and is reprinted with permission from the Brooklyn Daily Eagle.

A lifelong resident of Brooklyn, Cutrona served on the bench from 1999 until his untimely death. The son of Italian immigrants, for much of his youth only Italian was spoken in the Cutrona home.

Cutrona attended Villanova University on a football scholarship and completed his pre-law requirements at Fordham University. Graduating from New York Law School in 1966, Cutrona was admitted to the State Bar a year later.

After he was admitted, Cutrona started the general practice Brooklyn law firm of DiCostanzo & Cutrona. He gained the respect of his peers, which ultimately led to his appointment to then-Mayor Rudolph Giuliani's Mayor's Advisory Committee on the Judiciary.

Cutrona strongly believed in serving the legal community

in as many ways as he could. He served for three years as a trustee of the Brooklyn Bar Association (BBA) from 1992-95 and then as treasurer, secretary, second vice president and first vice president until his elevation to the bench. Current BBA President Domenick Napolitano noted, "He served the Brooklyn Bar Association with the dignity he carried throughout his life."

Cutrona may be best known for his work with the Columbian Lawyers Association of Brooklyn. He took the reigns as president in 1972, following in the footsteps of his father-in-law, Philip F. DiCostanzo. "The level of commitment to his family, his profession, and his career on the bench, and certainly the Columbian Lawyers Association, was uncanny," attorney Gregory Laspina recalled. "Cutrona treated everyone with dignity, whether a litigant or an incapacitated person he was dealing with in the Mental Hygiene part. He was the fabric of the Brooklyn legal community."

"Cutrona has been very warmly and often called the heart and soul of our association," Bruce Codiposti, current president of the Columbian Lawyers Association, said fondly. "He earned this title because of his dedication to Columbianism. Judge Cutrona's death leaves a void that cannot be filled. Nonetheless, we will continue to honor him and carry forward his legacy."

Before becoming a Supreme Court Justice, Justice Cutrona devoted himself to many other educational, fraternal and civic associations and causes. As a

distinguished alumnus of La Salle Military Academy, he and his wife Marianne were specially honored in January 1986 and presented with Letters of Benefaction by the Brothers of the Christian Schools. He was also a member of the board of directors of the Coalition of Italo-American Associations, a leading defender of Italian-American causes in the New York. Other organizations in which he was involved include the Knights of Columbus and the National Italian American Foundation.

Since being elected as a Supreme Court Justice in January 1999, Hon. Cutrona's two primary assignments had been presiding over the Mental Hygiene Part and one of the Guardianship Parts of the Court. It was the Mental Hygiene Part, over which he presided for 14 years, where he made his mark. The justice's dedication and concern to the mentally ill was unparalleled. He spent many sleepless nights agonizing over his cases and the suffering he saw. Justice Cutrona was particularly moved by the children. He often talked about how he was haunted by their sad faces and their daunting futures. He was determined to make a difference and he did.

Cutrona's most lasting contribution, and the one he was most proud of, is his role in establishing "Kendra's Law," a state law allowing courts to order certain individuals with serious mental illness to stay in treatment while living in the community.

Justice Barry Kamins, acting administrative judge for Kings

County Supreme Court, Civil Term, reflected on Hon. Cutrona's role as a judge. "Judge Cutrona was truly loved by his colleagues and the court staff. He always said that the high point of his life was becoming a judge, and each day he exhibited a warmth and friendliness that became his trademark. He will truly be missed."

Members in and out of the Brooklyn community expressed sorrow about the news of Judge Cutrona's passing.

"Judge Cutrona was an exceptional justice, great Brooklynite, proud Italian-American and a dear friend. He served as a Supreme Court Justice in Kings County since 1999. Judge Cutrona's great loves were his family, his culture, and serving as the President Emeritus of the Columbian Lawyers Association of Brooklyn and Staten Island. His many contributions to Brooklyn over the years made him one of the borough's greatest jurists and civic leaders," said Carlo Scissura, president and CEO of the Brooklyn Chamber of Commerce.

Justice Cutrona is survived by his wife of 54 years, the former Marianne DiCostanzo; his daughter, Marianne Cutrona Ritz; son-in-law, Charles Ritz; daughter, Carol Anne Cutrona; son, Michael A. Cutrona and daughter-in-law, Antonietta Chieco Cutrona.

He will be dearly missed by his five grandsons, Charles Ritz, Anthony Cutrona, Nicholas Ritz, Anthony Ritz and Tommaso Cutrona, and all of his family and friends.

NIABA ROCKS CLEVELAND



NIABA honored Prof. Paul Giannelli of Case Western University's School of Law with the NIABA Lifetime Achievement Award.



Photos courtesy of Lou Aidala & Dino Mazzone

NIABA's Board of Directors held its Fall meeting in Cleveland, Ohio in September 2013. The meeting was well-attended and produced two solid days of discussion and decision-making. In addition to dinners and social events, including the Rock and Roll Hall of Fame and the Cleveland Indians/Houston Astros ballgame, the Board focused on key issues facing the organization. Some of the core matters included:

- A commitment to grow the organization both in membership and geographically throughout the U.S. and Canada. Chairman Anthony Gianfrancesco was mandated in Cleveland to prepare a membership roadmap and the merits of same will be discussed in great detail at NIABA's upcoming Board meeting in Los Angeles, California;
- A formal follow-up with past NIABA members to encourage them to rejoin the Association and benefit from the new and many privileges we offer to members;
- A commitment to greater outreach between NIABA and other Italo national organizations; and
- A review of our organization's bylaws and a commitment to update same to reflect the modernity and reality of our Association.

The Board also welcomed Damian D. Capozzola as its newest member. Damian will be the incoming President of IALA (the Los Angeles-based Italian American Lawyers Association) and will be NIABA's key representative on the West Coast.

NIABA's work is never done. This Board requires all hands on-deck. We welcome your interest and your desire to become involved. Please contact President Dino Mazzone directly if you have any constructive criticism or suggestions. He can be reached by e-mail at dmazzone@vitessetransport.com or by phone at 514-631-2777, x4255.



USING LAWYER SEARCH ON THE NIABA WEBSITE

One of the benefits of your membership in NIABA is a listing in our online Lawyer Search Directory. This resource can provide you with referrals to potential clients as well as other attorneys. There is no charge for your listing, but it is up to you to make sure the information is as complete and accurate as possible.

Log on to your account at www.niaba.org and click on "view profile" in the top right corner. That's where you can add or change your contact and practice information.

Here are a few helpful tips for using the Lawyer Search function on the website:

- You can fill in as many search parameters as you want, but the more you use the narrower your search.

For the widest results, select as few criteria as possible that will still provide you with the information you need.

- Unless you know exactly who you're looking for, it's usually better to select broader criteria (ie. search by state rather than specific city). This is particularly important because a city search will not get results that include members in surrounding suburbs.
- If you're testing your own name and you don't appear in the results, take a look at the information in your profile. It may not be as complete as you think.
- Questions? Contact NIABA Administrator Dana Robb at dana@barefoot-marketing.com.

MEMBER NEWS

Kyle Barella has started his own firm, Barella Law, LLC. The Naples, FL-based practice focuses on immigration and securities, with an emphasis on the EB-5 Investor visa and EB-5 compliance.

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Joseph F DeFelice has been elected President of the Queens County (NY) Bar Assnociation.

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Hon. Michael DiChiro, Jr. was recently promoted to the position of Chief Judge of the Municipal Court in Johnston, RI. In addition, he continues to practice law full time.

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NIABA Board member **Daniel P. Elliott** has joined the firm of LeClair Ryan in their New Haven, CT office.

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Thomas Gentile has moved his office from Chevy Chase, MD to Silver Spring, MD. The firm specializes in wills, trusts, and probate.

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Robert M. Greco attended the New Jersey State Bar Association's mid-year meetings in Rome. Seminars focused on differences and similarities between U.S. and Italian law and the group met with an Italian Senator.

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Hon. James P. Howe has been reappointed to another term as Probate Court Judge in North Kingstown, RI.

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Hon. Richard M. Marano has been named president of the Connecticut Judges Association.

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Nicholas Gianni Matassini of The Matassini Law Firm in Tampa, FL has been recognized as a Board Certified Criminal Trial Lawyer by the Florida Bar.

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Carla M. Perugini-Erickson has been elected to the Town Council for the Town of Prospect, CT.

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Margherita Palumbo Underhill has received a recognition certificate from the Los Angeles Superior Court for volunteering as Judge Pro Temp. She was also appointed as legal counsel for Fondazione Italia, a non-profit organization that promotes the teaching of the Italian language and culture in Southern California.

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Chicago-based personal injury firm Romanucci & Blandin, LLC was added to *the U.S. News & World Report* and *Best Lawyers* 2014 "Best Law Firms" rankings. NIABA member **Frank Sommario** is a partner in the firm.

WELCOME NEW NIABA MEMBERS

Welcome to the following members, who joined NIABA between July 27 and November 16, 2013.

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NIABA MEMBERS RECEIVE HONORS

HON. PAUL A. VICTOR



NIABA Board member Judge Paul A. Victor was recently named to the Fordham Preparatory School Hall of Honor. The following biography is excerpted from the program for the Induction Dinner.

With his parents Albert and Antoinette and sister Catherine – as well as a grandmother, Rose Martinico – Paul Victor, born Paul Viggiano, was living

on Beaumont Avenue in the Belmont section of the Bronx, just south of Rose Hill, when he transferred into the Prep during the middle of the term. The transition was not easy.

His first day was fairly intimidating. As Judge Victor has described it, though home was only blocks away, he felt as if he were on the other side of the world. Few boys from his neighborhood were attending the Prep in those days, so there really were no familiar faces. Moreover, his former schooling had been at public school "where the focus was more on developing a trade, not scholastic achievement." Adjustments would have to be made.

Surrounded by classmates he judged to be better educated, and faced with a new dress

code and standards of discipline, young Paul felt "humiliated, confused, isolated and terrified." By Judge Victor's recollection, he was standing in line at assembly that first morning when he felt the uncomfortable weight of a gaze. Called over by Father Shea, legendary Prep prefect of discipline, Judge Victor recounts thinking that he looked "pretty dapper" when Father sent him to look at himself in the mirror. Shea disagreed. "He squinted and frowned; he made me button my top button and pull up my tie."

Things began to turn around quickly, however. "Mike Stanton came over, befriended me, and introduced me around. Mike was a like the poster boy for the Jesuits' insistence on service to others."

Looking back, Judge Victor credits the demands of the

Prep with helping him develop a work ethic that left a lasting mark on his academic and professional life. Believing that he had a lot of catching up to do, he started getting up at 5:30 a.m. so he could be at school by 7 a.m. to go over his lessons from the day before and to preview what the material for the day ahead.

"As a judge, I was the first person in the courthouse in the morning before the hustle and bustle started. And the Prep gave me the tools to organize my thoughts and think analytically and logically – necessities for lawyers and judges."

Academics and athletics aside, the spiritual life of the Prep would also leave an indelible imprint on Paul. He had received the basics at home, and had had religious training

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CAROL ANN MARTINELLI



By Lawrence Katz

NIABA Board member Carol Ann Martinelli was recently presented with the Philip F. Greco Memorial

Award in recognition of her commitment to the goals and ideals of the Italian American Bar Association of Michigan (IABAM) and her dedication to the Italian American community.

A lifelong Detroit, Carol Ann attended the University of Detroit Mercy Law School, where she was an editor of the *Law Review*. She decided the title insurance industry would offer solid career opportunities, and her first interview after receiving her law degree in 1978 was with Chicago Title. She was offered the position and has worked in the title insurance industry ever since. She currently serves as Vice

President and National Commercial Services Counsel at Fidelity National Title Insurance Company in Troy, Michigan, closing and underwriting high liability, multi-site and multi-state commercial real estate transactions.

Carol Ann served on the State Bar of Michigan (SBM) Representative Assembly for two terms (1990-1996). She is a past chair (2000-2001) and three-term council member of the 3,500-member strong SBM Real Property Law Section, as well as a past member of its Land Title Standards Committee. She is a former member of the Board of Directors of the Michigan Land Title Asso-

ciation, and a past chair of its Legislative Committee. On a national level, she is currently a member of the American Bar Association (ABA) Real Property, Trust and Estate Law Section Standing Membership Committee, and a past member of that Section's CLE and Planning Committees. She is also active in the ABA Law Practice Division leadership as a member of its Diversity & Inclusion and its Law Career Paths Standing Committees.

Her colleagues have recognized her service to the profession. In 1994 she received the "Robert J. Jay Award" for Outstanding Leadership and

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Victor

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in preparation for Communion and Confirmation, but it was at the Prep that he really began to deepen his relationship with God. But for that foundation, the Judge has often remarked, the tragic events in his life would have been unbearable.

After graduation from the Prep, Paul would have two more Fordham graduations, making him a classic "3F" man - Fordham Prep, 1940; Fordham College, 1954; and Fordham Law School, 1959. He also served as a lieutenant in the United States Air Force and was stationed at the Air Force Missile Test Center at Patrick Air Force Base in Cocoa Beach, Florida.

In January 1962, Paul married Teresa Grekulak. They raised three sons, Albert, Paul, and Eric. The younger Paul graduated the Prep as a member of the Class of 1983.

Between 1959-1961 Paul was a law assistant to Judge Adrian

Burke in the New York Court of Appeals and from 1962-64, he served as assistant district attorney in Bronx County. For more than 30 years, he had a private practice and engaged in civil, criminal, and election law cases, arguing dozens of cases at the Appellate Division and New York Court of Appeals.

Paul also served as counsel and parliamentarian to the Executive Committee of the Bronx Democratic County Committee. Mayor Edward Koch appointed him to the New York City Conciliation and Appeals Board, and Governor Mario Cuomo appointed him a Commissioner of the Law Revision Commission. In 1998, Paul Victor was elected Judge of the Civil Court of the City of New York. In 2000 he was elected a Justice of the Supreme Court of New York.

He has been a lecturer and faculty member at the Office

of Court Administrator for annual judicial seminars and new judge orientation programs and also lectures at the New York State Trial Lawyers Association. He has authored a chapter in a two-volume publication by the New York State Bar Association on structured settlements and settlement of claims by infants and impaired persons.

Retired from the Supreme Court, he is now a judicial hearing officer at the New York State Supreme Court and a mediator at National Arbitration and Mediation.

Judge Victor was honored by the Bronx Bar Association in 2008 and received the Rapallo Award from the Columbian Lawyers Association, an affiliate of the National Italian American Bar Association. Previous recipients of this award included Samuel Alito, Jr., George Pataki, Rudolph Giuliani, Antonin Scalia, and

Alphonse D'Amato. Staying true to the Jesuit lessons of service and compassion from his Prep days, the Honorable Paul A. Victor has served on community planning boards, volunteered with various groups, founded a nonprofit corporation for affordable housing, and has worked with the National Italian American Foundation to help students in need.

Paul says that being inducted into the Fordham Prep Hall of Honor is "marvelous and humbling." He says that several core principles he developed while at the Prep have helped him throughout life, including the belief that "it's easier to sleep at night if you treat people the way you want to be treated."

"Find the time to meditate, talk to God, and thank God for your blessings," the judge advises. "Pray for opportunities to help others."

Martinelli

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Contribution from the Michigan Land Title Association. In 2007 she received the "C. Robert Wartell Award" for Distinguished Service from the SBM Real Property Law Section.

Carol Ann's professional accomplishments are only part of her story. After her first year of college, Carol Ann studied Italian at the Università per Stranieri in Perugia for six weeks. She has been to Italy numerous times since and has visited all 20 regions of Italy.

A leader in the Italian American legal community, she was President of the Italian American Bar Association of Michigan in 1989-1990. During her Presidency, the organization held its first Justinian Night, conducted a "People's Law School" for six weeks at the Italian American Cultural Center, and had a record attendance at the Winter Gala of 470 attendees.

Throughout her life, Carol Ann has strived to attain a fuller understanding of faith and its

call for justice. In 1988, she was awarded her Master of Theological Studies by St. John's Theological Seminary in Plymouth, Michigan. In 2002, she earned a Doctor of Philosophy degree in theology (Catholic Jewish Studies) from the University of St. Michael's College in the University of Toronto. In 2001, she received a Special Tribute Award from the SBM Real Property Law Section for leading the Section's Detroit Tri-Centennial Habitat for Humanity House Build Project.

She is also an active member of the Dante Alighieri Society of Michigan, the International Conference of Christians and Jews, the Catholic Theological Society of America, and the American Academy of Religion.

Carol Ann's achievements on both the local and national levels represent leadership by example. They have spanned the broad range of human affairs in the true spirit of the Italian Renaissance.

Affiliate Highlights

Connecticut Italian American Bar Association (CIABA)

CIABA held its Annual Awards Dinner in Hartford in November. President Francis M. Donnarumma, a member of the Board of Directors of NIABA, commented that the awards dinner and ceremony was the best attended and most significant event in association history.

A Lifetime Achievement Recognition in the Law was



awarded to NIABA member **John Del Buono** of Watertown, CT. Attorney DelBuono

has practiced for six decades and has a remarkable history of achievement as a litigator. As was noted at the ceremony, Del Buono and his wife, Barbara, cared for their son after a vicious criminal assault caused him severe brain damage for the 20 remaining years of his life. Not only did Del Buono provide this continuing act of love and kindness to his son, but he gave an example to all in the community of the true nature of fatherhood. He and his wife furthered the cause of many like their late son, Nick, by participating in a traumatic brain injury association they created and support to this day.

The large crowd at The Hartford Club enjoyed the keynote speech of Justice Peter Zarella of the Connecticut Supreme Court. He addressed the impact of the infamous

Sacco and Vanzetti trial upon twentieth century Italian Americans. Fourteen State and Federal Court judges were present among the attendees.

Anthony Gianfrancesco, past president of NIABA, addressed the crowd. Many, if not most, members of CIABA have also become members of NIABA. President Donnarumma noted that, for purposes of professional growth, mentoring, networking, and friendship, the Italian American attorneys in Connecticut view both associations as sharing common cause.

NIABA Board member **Dan Elliott** (vice president of CIABA); Kim Knox, president of the Connecticut Bar Association; and members of numerous Connecticut affinity bar associations were also present.

* * * * *

Italian American Lawyers Association - Los Angeles (IALA)

Attendees at the meeting in September had an opportunity to meet the deans of local law schools – UCLA, USC, UCI, Loyola, Southwestern and Pepperdine. In a rare joint appearance, the deans engaged those assembled with a lively presentation about the state of law school and legal education. Topics included how law schools have changed in the last 25 years, why law school is so expensive, and how legal education will continue to evolve to meet the needs of the profession. They also shared information

about the new legal work force and how organizations like IALA can help foster greater connections to between new graduates and the profession.

The dinner meeting in October featured the beloved tradition of Marco Polo night – IALA's annual dinner meeting with colleagues and friends from the Southern California Chinese Lawyers Association (SCCLA) and the Japanese American Bar Association. This year, SCCLA hosted the event as a large audience

watched amazing Chinese acrobatics, a good cause benefiting a youth center in Chinatown.

IALA has several more events ahead. In November they will host the much anticipated and always memorable Wine Tasting Night. And the capstone dinner meeting of the year will include the California Supreme Court and the Lawyers Big Band in December. IALA will also honor their scholarship recipients that night.

ASK THE LAWYER

Q How do you hire or fire an Italian lawyer?

A It is quite easy to both engage and dismiss a lawyer in Italy. The Italian Civil Proceedings Code mandates an attorney's representation if the value of the proceeding exceeds 516 euros (currently about \$600).

The attorney's engagement letter includes the payment terms and conditions under which he or she is being retained. For special situations, where the attorney represents, acts and makes decisions on behalf of the client, a Power of Attorney is required. In that case, the engagement letter must also be signed by the client and notarized, with an apostil affixed by the Secretary of State in the state where the citizen resides.

To end an engagement with an Italian lawyer, the client only needs to send a letter to the

lawyer via registered mail. It is not necessary to give a reason or any other details. Before terminating a client-lawyer relationship, all outstanding fees and payments should be paid. However, if files are requested, the lawyer has no right to keep any document even if he has not been paid by the client. Either the client or his empowered representative (including a newly retained lawyer) are entitled to pick up all the documents and the files pertaining to the client from the lawyer's office.

Conversely in Italy, if a lawyer wants to end the engagement, he can send his client a letter of dismissal/termination. In this case, the lawyer cannot unilaterally cease to represent the client in front of the Courts until a new lawyer is retained by the client himself.

Reprinted from Italian America Magazine.



National Italian American Bar Association - Application for Membership

Duplication and redistribution of this document is encouraged.

You can also apply and pay online at www.niaba.org

Name _____

Firm Name _____

Firm Address _____

City, State, Zip and Country _____

Office Phone _____ Fax _____

Cell Phone _____ E-mail _____

Web Site _____

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"/> Administrative | <input type="checkbox"/> Defamation | <input type="checkbox"/> Labor/Empl/Mgmt Relations | <input type="checkbox"/> Real Estate Tax |
| <input type="checkbox"/> Adoption | <input type="checkbox"/> Divorce | <input type="checkbox"/> Litigation | <input type="checkbox"/> Retired |
| <input type="checkbox"/> Antitrust | <input type="checkbox"/> Educator | Malpractice | <input type="checkbox"/> Securities |
| <input type="checkbox"/> Appellate | <input type="checkbox"/> Employee Benefits | <input type="checkbox"/> Accountant | <input type="checkbox"/> Social Security |
| <input type="checkbox"/> Arbitration/Mediation | <input type="checkbox"/> Environmental | <input type="checkbox"/> Attorney | <input type="checkbox"/> Tax |
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| <input type="checkbox"/> Business | <input type="checkbox"/> Franchise | <input type="checkbox"/> Patent & Trademark | <input type="checkbox"/> Training/Consulting/Education |
| <input type="checkbox"/> Civil Rights | <input type="checkbox"/> General Practice | <input type="checkbox"/> Personal Injury (Plaintiff) | <input type="checkbox"/> Wills and Trusts |
| <input type="checkbox"/> Class Actions | <input type="checkbox"/> Health Care | <input type="checkbox"/> Personal Injury (Defendant) | <input type="checkbox"/> Workers Comp (Plaintiff) |
| <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 _____ |
| <input type="checkbox"/> Corporate/Business | <input type="checkbox"/> Intellectual Property | <input type="checkbox"/> Professional Disciplinary | |
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| <input type="checkbox"/> Customs/International Trade | <input type="checkbox"/> Judge | <input type="checkbox"/> Real Estate | |

Membership Status: Attorney Judge Retired Law student

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

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How did you learn about NIABA? Local Association Web Site The Digest Law Journal Referral Other

Would you like to make a contribution to the NIABA Scholarship Fund? \$100 or more \$50 \$25 Other

Include your check, made payable to NIABA Scholarship Fund

I certify that I am at least one of the following: a lawyer of Italian birth or extraction; a lawyer related by marriage to a person of Italian birth or extraction; a lawyer who is willing to support the purposes and objectives of NIABA. I further certify that I have been admitted to practice law and am in good standing in any country or jurisdiction; or have been granted and possess a law degree from a college of law in any jurisdiction and would qualify for admission to practice law; or am currently a law student in an accredited law school in any country or jurisdiction. All information I have provided is true and accurate to the best of my knowledge.

Signature _____ Date _____

Please mail this form along with your membership dues and any other amounts listed above. Make checks payable to NIABA.

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HELP FOR CLIENTS WITH ASSETS IN ITALY

By Sonia Alioto

Estates in Italy are governed by Italian succession law and typically pass to the immediate family, i.e., surviving spouse and children. But what are the considerations outside this simple familial context?

When considering placing Italian assets in a U.S. trust, other considerations may come to the forefront. Foreign trusts are recognized in Italy, but in order to transfer real property to a trust one must use the instruments provided by Italian real estate law and comply with Italian tax law. This, of course, would pose additional costs which become unwarranted if the

sole purpose of including Italian assets in a trust is to avoid probate since it is not a common procedure in Italy.

A will written in the U.S. is also recognized in Italy. Interestingly, the same will written in Italy might be challenged if its disposition veers outside the parameters guaranteeing the immediate family a specific share valuation. The exception is the case of a testator without immediate family who may dispose freely to anyone.

Italian assets are distributed to heirs with an administrative procedure filed by a professional, not through the courts.

Notes when addressing administrative issues for succession filings:

- At present there are no inheritance taxes to the immediate family for estates under €1 million (approx. \$1.35 million) per share for each heir.
- Transfer taxes on real estate are paid to the Italian Tax Authority in advance of a filing. Taxes are based on cadastral values as established by the Italian Land Registry.
- Estates less than €26,000 (approx. \$35,000) and consisting only of financial instruments do not require the filing of succession documents.

- Unless the estate is large, professionals filing for their clients do not work on a contingency basis.
- If there is a will there are fees for recording it and executing the transfer of title.

* * * * *

Sonia Alioto is a partner in Italian Legal Language Services LLC, an international company that offers assistance to private clients and attorneys primarily on matters of Italian succession law as well as assistance on general administrative issues. For more information, visit www.italianlaw.net.

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