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NIABA NEWS

Men and women sharing a common heritage in a chosen profession

PRESIDENT'S MESSAGE

MAKING BETTER TODAYS

Amici da NIABA,

It is an honor and privilege to serve as you president. Since the installation dinner in Ft. Lauderdale in June, your officers and board members have been working dedicatedly to create the organizational structure and programming to make NIABA the great platform it is. It is our hope that this newsletter is forwarded to as many lawyers, law students, judges and faculty as possible to reveal what our organization is accomplishing here in the U.S. and in Italy.

I treat with great honor and respect the fact that our board has placed its confidence in me in the role of president. Believe me, the shoes that precede me are extremely big and difficult to fill.

My father always asked us, "is anyone better today because of you?". That, my fratelli, is what the National Italian American Bar Association (www.niaba.org) is all about! We are a platform for creation of the "famiglia" experience within our profession, as our mission statement reveals. This magical experience was created in our Rome CLE conference in late September where avvocati from both sides of the ocean converged to educate, share, and create lifelong relationships.

We hope sincerely that every reader of this newsletter will plan to join our next Italy CLE as well as any future board meeting, starting with San Diego on January 18-21, 2018. We truly welcome you with open arms to see your leadership in action as well as to involve yourself in some capacity in the many roles we have. Please, when you read this and want to know how you can get involved, write me at paul@finiziolaw.com or, better, call me at 954-605-1628.

As I write this, we are approaching our fall meeting in Philadelphia. It is of great importance to pause and thank the supporters and underwriters who made Rome – with its spectacular rooftop Piazza Navonna and its Circolo Roma on the river and its opera and Italian song experiences – possible. Logos of our underwriters are on page 4 of this issue, however some have to be mentioned individually. *America's Got Talent* star Carlos De Antonis and NIABA member Sergio Salani awed all present with amazing singing and piano playing. NIABA Board member Valerio Spinaci coordinated the event and put all the puzzle pieces together beautifully. Avvocati Marco DeFazi and Romolo Reboa graciously created the location experiences on the river at their private clubs and the Italian Supreme Court. The financial underwriting was kicked off by fratello Tom Girardi of Girardi and Keese in Los Angeles. To those who followed in Tom's footsteps, including the presenters – tanti grazie!

The Philadelphia board meetings promise to be a time of dedicated officers and board work for the future of NIABA as we grow in leaps and bounds. We thank and applaud member Joe Del Raso and his firm Pepper Hamilton for hosting us with a world class location and of course the pranzo and

continued on next page



President's Message, *continued from page 6*

cocktail party, welcoming like-minded attorneys, judges, and professionals from throughout the area.

A special thank you to those who completed our NIABA survey these past months. We're compiling the results and will report back soon. If you didn't respond to the

survey emails, we still want your input! Please send any suggestions for meeting locations, scholarship fundraisers, programming and website offerings at me at paul@finiziolaw.com. And please be sure to calendar our January 18-21 meeting in San Diego. Grazie!

I'm writing this column after the long [NIAF](#) weekend celebration and gala in Washington, DC. We sang, danced, hugged (a lot!) and connected with old, as well as new, relations for our organization. Please, be a part of and learn about what we do and share it with anyone

you meet, as this organization of lawyers "is" different than any other because of you and your connectivity to a heritage whose greatness has and continues to impact the world.

Avanti!
Paul Finizio
at your servizio - humbly

NIABA DIGEST EDITOR PASSES THE RED PEN

The NIABA office recently received the following letter from Prof. Robin Paul Malloy, who has served as editor of the NIABA Digest law journal since its inception two and a half decades ago. We thank him immensely for his commitment to the profession and the organization.

We are also currently seeking a new editor. If you are interested in learning more, please contact our administrator at niabagroup@gmail.com or 414-750-4404.

After completing volume 25 of *The Digest* this past summer, I think it is time to pass this project on to a new person. My research, publishing, and lecturing obligations are consuming more and more of my time, and I have less and less time to manage the student production of our fine law journal.

It has been an honor to serve NIABA and the legal profession for all of these years by shepherding our important journal into 25 volumes of continuous publication over as many years. I know that NIABA has been appreciative of the work we do here at Syracuse, and I have been proud of our association with NIABA. I am honored to be a part of such an important organization.

I owe a great amount of gratitude to everyone at NIABA for their support of *The Digest*, and especially to our dear friend Judge Joseph Giamboi, who has been its spiritual leader from the start.

I also wish to once again thank the Board for the generous recognition gift of two roundtrip tickets for flights to Rome this summer. My wife and I used the tickets and took a trip with our son, Giovanni, to Rome for a wonderful and relaxing visit. It was our son's first visit to the Eternal City.

I share two photos from our trip. One is a classic selfie tourist shot out in front of St. Peter's; the other is a shot of the three of us saluting NIABA while enjoying cold drafts of Peroni up on the roof of St. Peter's later that same day. I would never have guessed that the Pope would be pouring draft beers in a small



café on the roof while having mass in the Basilica below! It is amazing how times have changed. And, yes, there were fancier locations where we enjoyed multiple glasses of fine wine and beer, but none provided a more fitting location for a salute to our friends in NIABA than on the rooftop over the Seat of St. Peter.

With appreciation and all best wishes,
Robin Paul Malloy, JD, LL.M.
*E.I. White Chair and Distinguished Professor of Law,
Kauffman Professor of Entrepreneurship and Innovation,
College of Law, Syracuse University*



BEST PRACTICES

TIPS ON ACCEPTING PAYMENT BY CREDIT CARD

Best Practices is a new column, featuring articles that we feel will be helpful to those who are engaged in the practice of law. Unlike the rest of this newsletter, they may not have a specifically Italian or Italian-American focus. If you would like to contribute to this column, contact niabagroup@gmail.com with your idea.

By Joseph B. LaRocco

Not all law firms accept payment by credit card, but if your firm does or you are considering accepting payment by credit card there are a few things you need to know.

General Account vs. Trust Account

If you are accepting a retainer for legal work you will be doing in the future, we all know that retainer must be set aside in a separate trust account or escrow account and billed against that retainer as you perform legal services and bill you client. First check your State's Rules of Professional Conduct to see if it permits law firms to accept credit card payments from clients.

If law firms are permitted to accept retainers by credit card, the interchange fees and processing fees cannot be charged against the trustee account, they can only be charged against the law firms' general account. It is important that you make this clear to

your credit card processor, agent or bank when you sign up to accept credit card payments.

Passing Processing Fees on to the Client

While this may seem like a good idea to pass processing fees on to the client, especially if you accept payments via PayPal (which charges 2.95% plus \$.30 per transaction), think again. While the PayPal fee on a \$5,000 retainer comes to about \$150, not all states allow businesses to surcharge or recoup the merchant processing fees from the customer. Even if your state does allow passing that fee on to the client, there are certain disclosures and steps you must take to ensure that you are in compliance.

California had an anti-surcharging law, but that was declared unconstitutional in *Italian Colors Restaurant et al. v. Harris* in 2015 and California is appealing that district court decision. New York is in a similar situation. In September 2016, the U.S. Supreme Court agreed to hear the case of *Expressions Hair Design v. Schneiderman* which challenged the New York statute that prohibits merchants from imposing a surcharge for using a credit or debit card.

California, Colorado, Connecticut, Florida, Maryland, Massachusetts, Nevada, Oklahoma, Washington, Wisconsin and Wyoming do not allow

“surcharging” but in some situations they do allow “discounts.”

Surcharging vs. Discounts – What’s the Difference?

One might ask, “How do the gas stations get away with charging extra for credit card payments?” Well it may sound like semantics, but they are not charging more for payment by credit card, they are giving a “discount” to customers that pay by cash. *Mannaggia!*

While California, Colorado, Connecticut, Florida, Maryland, Nevada, Oklahoma and Wisconsin specifically make surcharging illegal, they also have specific laws that allow “retailers, sellers, and merchants” to give discounts to customers who pay cash. Whether or not a law firm fits into those classifications is another question. It is arguable, however, that even if your state does not allow surcharging and is silent on the subject of discounts, as long as

you are not surcharging clients who pay by credit card, it should be permissible.

Although I have not conducted a study of every state in the U.S., it would seem that if all gas stations can and have been offering that semantically appropriate “cash discount,” then all businesses should be able to as well.

Joseph B. LaRocco, is General Counsel of LaRocca Integrated Solutions, Inc. and has advised numerous businesses on cost saving merchant service solutions, the EMV liability shift, security issues and loss prevention related to credit card fraud.

This material has been provided for informational purposes only and should not be relied upon without checking on the specific statutes and case law governing your business or law practice.

NIABA "MERCH" AVAILABLE

Show your NIABA pride with our oversize coffee mug and full-color lapel pin. The mug holds a generous 22 oz. and is perfect for coffee, tea, soup, or tortellini! The lapel pin is professional, attractive, and easy to read. Both are available on our [website](#) -- \$15 for the mug, \$6 for the pin, postage included -- or as our gift with a donation to the scholarship fund of \$100 or more.



ROME 2017 CLE (COME, LET'S EAT)

Over 50 NIABA members and guests joined us for the CLE program and accompanying events in Rome this fall. None of it would have been possible without the hard work and commitment of Valerio Spinaci! Presenters were interesting and provided really useful information about the differences in the practice of law in the U.S and Italy. We appreciate their time and preparation on our behalf. Additional heartfelt thanks to:

- Joe Andolino
- Antonio Conte
- Marco De Fazi
- Paul Finizio
- Vincent Marchetti
- Ray Pacia
- Romolo Reboa
- Antonio Roca
- Jon Romano
- Paolo Sorboni
- Valerio Spinaci
- Raimondo Zagami

Outside of the classroom, the group took a behind the scenes tour at the Cassazione, enjoyed cocktails on a rooftop overlooking Piazza Navona, were provided with their own private opera singer and treated like visiting royalty at receptions in their honor. And wow did we have so much good food!

Our deepest gratitude to the people and firms who hosted us and who sponsored the event (listed below). We can't wait to come back and see you again in 2019!



Gold Level



Silver Level



Bronze Level



Law Office of Domenic Lucarelli

Frank Aiello, Personal Financial Representative, Allstate Insurance







THE BENEFITS OF HAVING DUAL CITIZENSHIP

By Giuditte De Ricco
and Jackellyn Trinh

An American passport is considered to be one of the most prized passports one could own. This little booklet is a global treasure, and seeking citizenship in America has always been high on the priority list worldwide. However, what is better than becoming an American citizen? Having dual citizenship, especially to one of the most stunning countries in the world, Italy.

What is dual citizenship?

According to the United States Department State Bureau of Consular Affairs, “dual nationality” is a concept that allows a person to be recognized as a national of two countries at the same time.¹ This concept allows a person to reap the benefits socially, financially, culturally, but most importantly, the freedom to move freely within these two amazing countries.

Becoming an Italian citizen may have even more benefits. As a founding member of the European Union, Italian citizens can live and work in the EU without the need for a work permit or visa. Article 9 of the Treaty on European Union (TEU) and Article 20 of the Treaty on the Functioning European Union (TFEU) state that, “Every person holding the nationality of a Member State is a citizen of the Union.”

Therefore, like all European nationals, an Italian citizen can not only obtain the fundamental rights of being able to live, work, and vote in their European country, but they can also live and work in 28 other countries within Europe. Furthermore, beginning in 2008 most of the European countries are also now members of the Schengen Agreement, which allows for free movement and travel within Europe and following benefits. This agreement allows residents with both American and Italian citizenship to feel more secure when traveling abroad since they are not subject to certain restrictions and border checks. They are also able to enjoy the protection of the diplomatic and consular authorities of any member state on the same conditions as the nationals of that country.

General Benefits

There are currently 28 EU countries that are part of the Union; which means all professional and work opportunities will be offered to the members of the Union first before offering them

to foreigners. Therefore, becoming a citizen of Italy also gives access to many other beautiful European countries, with the opportunity to live and work freely.

For entrepreneurs, going into business would be easier. Since the EU is a single economic region, having one common currency and twice the population of the United States, it puts the entrepreneur in a unique situation with plenty of opportunities.² Businesses have access to a much larger “local” market, as well as a greater pool of resources when looking for employees. If securities are of interest, then it could be vital for an investor to maintain a foreign identity to invest in many offshore mutual funds and securities without limitations; because in the United States very few foreign companies can sell their securities.³

Having dual citizenship in the U.S. and the Republic of Italy also means the individual has the right to participate and vote in political elections for both countries. Additional advantages include reaping the benefits of the many excellent social welfare programs available for Italian citizens, such as low-cost health care and obtaining a higher education degree at top universities with low tuition fees.

Moreover, having an Italian citizenship allows a parent to pass naturalization to their children, allowing their offspring to utilize the same

resources. Especially with higher education costs soaring in the United States, this alone could prove to be one of the most beneficial benefits. Furthermore, as of January 1, 2005, the Italian government no longer requires its citizens to enlist in the military; it is now entirely voluntary.

Becoming an Italian Citizen

There are several ways to obtain an Italian citizenship: ancestry, marriage, and naturalization.

Ancestry. Italian citizenship is based on the principle of “jure sanguinis” (blood right), which means children who are born to Italian parents are considered Italian citizens. Individuals with ancestors who were born in Italy may be eligible for citizenship, depending on several factors including, but not limited to, the date and place of birth of their parents, grandparents, and even great-grandparents.

Marriage. Spouses of Italian citizens may also be eligible to acquire citizenship. The time frame on which an application for citizenship can be filed is dependent on the length of a marriage, whether the couple resides in Italy, and whether they have children (natural or adopted). The application can be filed after:

- One year of marriage, one year of legal residence in Italy so long as they have children.
- One and a half years of marriage, no residency requirement so long as they have children.

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IN MEMORY

Hon. Vincent A. Ragosta,
Associate Justice of the Rhode



Island Superior Court passed away peacefully on August 9th at the age of 93.

A member of the "Greatest Generation," he served in the U.S. Army during World War II. He was deployed to the Pacific Theater, serving in military intelligence in

Okinawa. Upon returning to civilian life, he graduated from the University of Rhode Island in 1949 with a degree in Accounting. He entered Boston College Law School, and received his Bachelor of Laws in 1951. He also attended John Hopkins University and The Citadel.

Ragosta was admitted to the practice of law before the Rhode Island Supreme Court in 1951, to the U.S. District Court for the District of Rhode Island in 1952, and to the

U.S. Circuit Court of Appeals in 1963. He presided over many interesting and difficult criminal and civil trials, and is remembered by Rhode Island's most prominent trial lawyers for gently shepherding them through their first jury trials.

Known for his objectivity and practicality with all lawyers and litigants who appeared before him, Judge Ragosta earned a much-deserved reputation for mediating and settling many cases without trials. He was beloved by his fellow judges, lawyers, clerks and court staff.

Judge Ragosta was a leader and member of many civic, fraternal, veterans, religious, and charitable organizations. He was active in Italian-American social and cultural affairs, serving as a National Trustee of the Order of Sons of Italy in America. In 1975, the President of the Republic of Italy awarded him the Star of Italian Solidarity with the rank of Cavaliere. He was a recipient of the Lifetime Achievement Award of the Italian-American Hall of Fame, the Verrazzano Day Award, and the Distinguished Public Service Award of the Justinian Law Society.

Dual Citizenship, *continued from page 6*

- Two years of marriage and two years of legal residency in Italy in the absence of children.
- Three years of marriage, in the absence of children with no residency requirement.
- (EU) State.
- Ten years of legal residency in Italy for NON-EU citizens

Naturalization. Legal Italian residents may be allowed to apply for citizenship. However, the procedural process and times may vary depending on the birthplace their parents, their nationality, and the length of time they have legally resided in Italy. The resident may file an application for naturalization after:

- One year of legal residency in Italy and have held an Italian citizenship at some point in the past ("Reacquisition of Italian citizenship").
- Three years of legal residency in Italy, with parents or grandparents who were Italian born.
- Four years of legal residency in Italy and is also a citizen of another European Union

There are many requirements to meet, and documents to prepare, but the request for citizenship by marriage and bloodline directly corresponds with a right for the applicant. Citizenship by naturalization is considered only to be a concession that may not be granted by the Ministry of the Interior, even if meeting all the requisites required by law.

For more information regarding dual citizenship and its benefits, or how to obtain citizenship for Italy, please contact the Mazzeschi office at mm@mazzeschi.it.

- 1 "Dual Nationality." U.S. Department of State. U.S. Department of State, n.d. Web.
- 2 Italia America, n.d. Web. www.italiamerica.org.
- 3 Italia America, n.d. Web. www.italiamerica.org.

BROTHERLY LOVE

As we write this, the NIABA Fall Meeting is just finishing up. Attendees are having a dinner at Philadelphia's best Italian restaurant, *La Famiglia*, after being hosted for two days of board meetings and a cocktail reception by the very generous firm of Pepper Hamilton.

We hope to have photos on the [website](#) very soon. In the meantime, thanks so much to our event sponsors. You are also *la famiglia*.

Pepper Hamilton LLP
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PAUL G. FINIZIO, Esq.

**Law Office of
Domenic Lucarelli**

MARK YOUR CALENDAR

Plan to join us at one of our upcoming meetings. As details become available, we will send them out via email and post them on our [website](#).



WELCOME NEW NIABA MEMBERS

Welcome to the following members, who joined NIABA between April 24 and October 17, 2017.

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Affiliate Reports

Italian American Bar Association of Los Angeles

IALA members have been active and honored on a number of fronts in their community recently, including:

- Past President **Jack DeNove** was honored with an award at the Loyola Law School Champions of Justice.
- Past President **Jo-Ann Grace** was appointed Assistant Vice President of the Los Angeles County Bar Association Board of Trustees.
- Past President **Doug Collodel**, President **Lydia Liberio**, and Vice President No. 1 **Teresa Macellaro** were honored for extensive service at the Los Angeles Superior Court Temporary Judge Pro Tem Award Ceremony.
- **Lydia Liberio** and Vice President No. 2 **Valeria Granata** were appointed to the Los Angeles County Bar Association's Standing Committee on Diversity in the Profession; **Lydia Liberio** was also appointed to the LACBA Judicial



Super Bowl athlete, vintner and philanthropist Vince Ferragamo shares an evening with IALA members.

Election Evaluation Committee.

- Past President **Thomas V. Girardi** was honored with the June Lockhart Humanitarian Award at UCLA at the L.A. Lawyer's Philharmonic's Best of Broadway Concert, headlined by actor Dick Van Dyke.
- **John "Jack" Girardi** was appointed Chairman of the Board of Advisors to Loyola's Immigrant Justice Clinic.



IALA Past President Tom Cacciatore co-hosted Government Night with County Supervisor Kathryn Barger and City Councilman Joe Buscaino, and IALA members.

Justinian Society of Lawyers (Chicago)



This spring, the Justinian Society of Lawyers held its 15th annual Children's Endowment Fund (CEF) dinner at Lux Bar. Over 60 Justinians were in attendance as the 2017 CEF recipients, St. Jude Children's Research Hospital and the Reflections Foundation, each received a grant check for \$3,625.

continued on next page

Affiliates, *continued from page 11*

The mission of the CEF is to assist disabled or disadvantaged children in our community. Since establishing the CEF in 2002 during his term as president, NIABA member **Antonio M. Romanucci** and the Justinian members have raised critical funds for a wide range of recipients.

“As one of the largest ethnic bar associations in the U.S., the Justinian Society is fervent in giving back to our Chicago community where we know our dollars can make a real difference,” said NIABA member and 2016-17 president of the Justinian Society of Lawyers, **Frank A. Sommario**. “This year

we were extremely proud to provide both St. Jude Children’s Research Hospital and the Reflections Foundation with significant grants that we know will go directly towards making an immediate impact.

The Reflections Foundation assists African American and Latina girls in becoming

better communicators at home, in school and the future workplace. St. Jude Children’s Hospital leads the way the world understands, treats and defeats childhood cancer and other deadly diseases. Both are extremely worthy causes to stand behind.”

Rhode Island Justinian Law Society



The Rhode Island Justinian Law Society celebrated the installation of its 2017-2018 slate of officers. The event included recognition of **Chief Judge Robert Ferrieri** of the Rhode Island Workers' Compensation Court as the recipient of the organization's 2017 Distinguished Public Service Award, as well as acknowledgement of service to the organization by Immediate Past President **Sheri L. Pizzi**.

MEMBER NEWS

Claire C. Ambrosio joined MYnd Analytics, Inc. as General Counsel and Corporate Secretary. MYnd is a predictive analytics company that has developed a decision support tool to help physicians reduce trial and error treatment in mental health and provide more personalized care to patients.

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NIABA West Region VP, **Damian Capozzola**, and Los Angeles IALA founder **Carl "Tony" Capozzola** met with Roman attorney **Antonello Pierro** for lunch in earlier this year (*photo below at right*). Antonello looks to expand his operations in Rome to Southern California with a focus on clients interested in Italian property."

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Romanucci & Blandin, LLC recently secured a \$44.7 million dollar verdict on behalf of client Michael LaPorta. Partner **Antonion Romanucci** is a former NIABA board member, and attorney **Frank Sommario** is a current board member. The jury found Chicago Police Officer Patrick Kelly responsible for shooting LaPorta and the city responsible for failing to investigate its officers and having no adequate early warning system.

* * * * *

Send your news to NIABA Administrator [Dana Robb](#). We will use items as space permits.



Notes from the NIABA Office



NIABA now has a Facebook page! Join us at www.facebook.com/groups/niabagroup to share news, referrals, and discussions with other NIABA members all over the world.

* * * * *

Can We Refer You?

Is your profile up-to-date on the NIABA [website](http://www.niaba.com)? If not, you may be missing valuable referrals! Members of the public use the Lawyer Search function, and sometimes contact us directly, looking for an attorney. The more information in your profile, the more likely they will choose you. Don't miss valuable opportunities. Login and update your profile now.

* * * * *

NIABA Brochures

An electronic version (PDF) of the NIABA membership brochure is available on our [website](http://www.niaba.com). 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 the NIABA [office](http://www.niaba.com).

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Reaching Out to Law Students

NIABA membership is free for law students and first-year attorneys. If you know of groups or events that we should reach out to, please contact the NIABA niabagroup@gmail.com and we will provide brochures or other information to the organization you recommend.

* * * * *

Member Logo Available

It's easy to show your NIABA affiliation on your firm's website or marketing materials.

Contact the NIABA office at niabagroup@gmail.com and we will

send you a file that is suitable for online or print use.



Member

* * * * *

How to Contact Us

NIABA Administrator Dana Robb can be reached at 414-750-4404 or dana@barefoot-marketing.com.

GRAZIE TO NIABA'S SUPPORTERS

Our special thanks to those members who are supporting NIABA beyond their regular membership dues this year.

Patron (\$250 level)

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National Italian American Bar Association - Application for Membership

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You can also apply online at www.niaba.org

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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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|--|--|--|--|
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| <input type="checkbox"/> Corporate/Business | <input type="checkbox"/> Intellectual Property | <input type="checkbox"/> Professional Disciplinary | |
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Membership Status: Attorney Judge Retired Law student

Membership Level & Dues: Regular (\$50) Sponsor (\$100) Patron (\$250) Judge (\$25) Law student/1st year atty (free)

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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