



NIABA News

Men and women sharing a common heritage in a chosen profession

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President's Message

Connecting Through NIABA

Dear Colleagues and Friends:

NIABA Officers and Board Members from across the United States, Canada and Italy attended the Board of Directors' meetings at Holland & Knight LLP (150 N Riverside Plaza, Suite 2700, Chicago, IL 60606) on June 9-10, 2023. Thank you to Board Member Ken Jenero and Holland & Knight LLP for again hosting the board meetings and providing breakfast and lunch.



On Thursday evening, June 8, 2023, the Board had an incredible dinner, which was held in a private room at Adalina (912 N. State Street, Chicago, IL 60610). Many judges, past Presidents, and members of the Justinian Society of Lawyers, as well as current President Michael Pisano, were in attendance. After dinner, the Board enjoyed remarks by Civil Rights Attorneys, Benjamin Crump and my law partner, Antonio M. Romanucci, who stopped in from Illinois State Bar Association (ISBA) and Illinois Trial Lawyers Association (ITLA) events. After dinner, the group went down into the Rose Lounge, which is a speakeasy, where Chairwoman Cristina Carabetta and the NIABA Law Student Council co-sponsored a law student cocktail reception with the Justinian Society of Lawyers and the Avanti Group (via President Pasquale Gianni), which is a networking group of young Italian professionals. Chicago law students from UIC (formerly John Marshall) Law School, DePaul University College of Law, Loyola University Law School and Kent Law School were in attendance.

At the Friday afternoon Board meeting, NIABA and Justinian Past President Hon. Bruno Tassone swore in the new Officers, including President Frank A. Sommario (IL), Executive Vice President Alice Salvo (CA), Treasurer Ralph Liguori (RI), and Secretary Domenic Lucarelli (FL), as well as the Regional Vice Presidents and Board Members. The Board was visited by Justinian Past President Hon. Gloria Coco, as well as Ron Onesti, President of the Joint Civic Committee of Italian Americans (JCCIA). Onesti gave an update on the Columbus Statue litigation in Chicago against the Chicago Park District and City of Chicago, the status of State legislation to designate October as Italian-American Heritage Month, as well as the plans for the Chicago Columbus Day Parade in October 2023. The Board also was given a presentation regarding future AI utilization by the legal profession by sponsor Lexis-Nexis during the meeting.

At the Friday night dinner on June 9, 2023, the Board had another excellent dinner at Quartino Ristorante (626 N. State Street, Chicago, IL 60654), where more Justinians, judges and NIABA members enjoyed another great meal. One of NIABA's original founders and Justinian Past President, Richard Caifano was in attendance for a short presentation of Cookbooks that were given to new President Sommario by Executive Chef, John Coletta.

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On Saturday morning, the Board again was visited by one of NIABA's founders, Richard Caifano, where he was able to view vintage photos going back to 1983 when NIABA was founded. The Board finished its meeting and all got ready for the Installation Dinner.

At the Saturday night dinner on June 10, 2023, the Board enjoyed an elegant dinner at Trump International Hotel & Tower® Chicago (401 N Wabash Ave, Chicago, IL 60611). Justinian Immediate Past President Bruno Marasso welcomed everyone to Chicago and introduced Hon. Bruno Tassone to perform the swearing in of the new Officers, Regional VPs, and Board Members. Justinian Past President Antonio M. Romanucci introduced me as the new President and gave me a very large gavel, which is a Justinian tradition.

I am honored to be the 19th President of the National Italian American Bar Association. I would like to thank everyone who attended the Installation Dinner on June 10, 2023. If you attended, you witnessed a wonderful and well-attended event.

I recall when NIABA was last here in Chicago in October 2021, we were here for the celebration of Justinian Society of Lawyers Centennial, which many of you attended. I also recall the time before that that NIABA was here in Chicago was when I was President of the Justinians in September 2016, and many were in attendance at my installation dinner at the Palmer House. It was at that time that I was invited to get more active in NIABA and begin attending meetings and so I began doing just that, rekindling the strained relationship between the Justinian Society of Lawyers and NIABA.

As many of you know, I will be following the prior Chicago leaders in NIABA, notably Richard Caifano who was one of the founders in 1983, and past Presidents Salvatore J. Tornatore in 1993-1995, and Hon. Bruno J. Tassone in 1997-1999. There have been many other Justinian members who have participated in NIABA over the years and this will be a great opportunity for many old relationships to be reenergized.

Seeing all of the great leaders who have had held this position over the years before me, I know that I have some big shoes to fill but I am confident that, with the help of my fellow Officers and Board of Directors, WE can guide and lead this great organization to the best of our abilities.

First, I would like to thank the immediate Past President Francis Donnarumma for making such a smooth transition for me and for leading this organization over the past four years, especially during the Covid pandemic. During this time, we have worked closely together, and I thanked him for his friendship and leadership, where I have learned a great many things from him. He has done a wonderful job in transforming our organization into not just a national organization, but into more of an international organization by signing agreements with Unione Crint Italiane in October 2021 and the Australian Italian Lawyers Association in February 2022, as well as strengthening our affiliations with National Italian American Foundation (NIAF) and the Conference of Presidents of Major Italian American Organizations (COPOMIAO). He has undertaken many other items - too many to list - that will benefit our organization in the coming years and I look forward to your continued services as my Chairman of the Board. At the dinner, I presented Fran with a plaque recognizing his years of service as President from 2019 – 2023.

My goals for my term will be to continue to increase our membership, maintain fiscal responsibility, and find ways to offer more benefits to our members. I want to mention that I look forward to working with my fellow Officers (namely Executive Vice President Alice Salvo, Treasurer Ralph Liguori and Secretary Domenic Lucarelli, all the Regional Vice Presidents and Board of Directors, and I also want to specially thank our Administrator, Cindy Martin for everything she does. I look forward to seeing everyone at our next event in Newport Beach in late September 2023, which is being planned as I write this, and would ask those who have not already done so, please consider the sponsorship opportunities on the forms that are on our website. I especially look forward to the Italy trip in September 2024 that Past President Anthony Gianfrancesco has been planning for months already.

At the dinner, I also thanked our long serving Treasurer, P. Charles DiLorenzo, for his outstanding and most valuable years of service as Treasurer from 2015 – 2023. He has kept the books in order and it was a pleasure working with him. I gave him a plaque for his years of service. I also thanked and gave a plaque to our past Chairwoman Cristina Carabetta for her services during the years 2021 – 2023, and her many other continued contributions such as with the expanding of the Law School Council and coordinating the law school cocktail events.

Finally, I thanked everyone that helped make that evening a wonderful event, especially our Annual and Meeting Sponsors. I look forward to a wonderful future term as your President!

Frank Sommario
President

Upcoming Events



FALL 2023 BOARD MEETING: NEWPORT BEACH, CA

The next meeting of the Board of Directors of the National Italian American Bar Association will take place September 27 - 29, 2023, in Newport Beach, Ca. All NIABA members are welcome to attend!

Please visit www.NIABA.org for the weekend's events and registration

Agenda for Newport Beach, CA Board Meeting

Wednesday September 27, 2023

6:00 pm - 9:00 pm IALA's New York Street Fair Event, Casa Italiana (1051 N Broadway, Los Angeles, CA 90012)

This event is courtesy of Alice Salvo. Registration is required.

Thursday September 28, 2023

12:00 pm – 4:00 pm Board Meeting at Claire Ambrosio's Meeting room, 19752 Seacliff Ln, Huntington Beach, CA 92648 (lunch provided)

6:00 pm Dinner: Il Farro, 111 21st Place, Newport Beach, CA 92663. \$150 per person (Includes dinner/soft drinks/coffee/wine only – cash bar for drinks)

Friday September 29, 2023

9:00 am – 12:00 pm Board Meeting at Claire Ambrosio's Meeting room, 19752 Seacliff Ln, Huntington Beach, CA 92648 (breakfast provided)

6:00 pm Dinner: Antonello's, 3800 Plaza Dr., Santa Ana, Ca 92704 \$125.00 per person (Includes dinner/soft drinks/coffee/wine only – cash bar for drinks).



Meet Our President, Frank A. Sommario of Chicago!

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Proud and Positive Celebrating Our Italian Legacy

Recently elected to the presidency of the National Italian American Bar Association, Frank Sommario dedicated his career to shining a positive light on his heritage and his profession.

Justice may be blind, but Chicago attorney Frank Sommario has a clear-eyed view of his duties as an American attorney of Italian descent.

“I want to show that Italian Americans continue to contribute to the legal system in a positive way, despite the stereotypes that our community has endured over the decades,” he says. “It makes you work harder because you know you not only represent yourself, your firm and your client, but your heritage.”

That deep sense of commitment has propelled Sommario to the top of not just one but two Italian-American bar associations. From 2011-16, he worked his way up through the ranks to the presidency of the Chicago-based Justinian Society of Lawyers, and he has served as comptroller since then. In 2019, he embarked upon a similar ascent within the National Italian American Bar Association, accepting the gavel at an installation ceremony on June 10 at Trump International Hotel & Tower in Chicago.

The son of a Melrose Park police officer, Sommario earned his J.D. from the DePaul University College of Law and has spent most of his professional career at Romanucci & Blandin. A role model to Sommario for more than three decades, firm co-founder Antonio Romanucci boasts a similar ethnic pedigree, having served as president of the Joint Civic Committee of Italian Americans as well as the Justinians.

Sommario earned his partner stripes at the firm in 2013, and his prowess as a workers comp lawyer has earned him a slew of accolades, including recognition by The Best Lawyers in America, Illinois Super Lawyer and the Law Bulletin Publishing Co. Meanwhile, he's been extremely active in the larger legal community, holding leadership posts with the Workers' Compensation Lawyers Association, Illinois State Bar Association, Illinois Trial Lawyers Association and Illinois Bar Foundation.

As busy as he is, Sommario has always found time to honor his heritage. He paused to explain why in a recent interview with Fra Noi.

Read the full article here:

<https://franoi.com/profiles/niaba-president-frank-sommario/>

Unico National, America's largest Italian-American Service Organization, awarded its 2023 Philip Mazzei Americanism Award to MMI Preparatory School Board Chairman Richard A. DiLiberto, Jr., at its annual convention in Sanibel Harbour, Florida, in July. The award is named for Philip Mazzei, an Italian patriot, physician and vintner, who became a close friend and neighbor to Thomas Jefferson, in colonial Virginia in 1774. Mazzei is credited with first proposing the great phrase "All men are created equal" anchored in the Declaration of Independence in 1776, by Jefferson.

Dr. Ann M. Walko, Unico Past National President, and Chairperson of the Americanism Award Committee, said, "Mr. DiLiberto has spent his career protecting the great American treasures of education, justice and fairness for all, particularly children who are victims. The Mazzei Award honors a person who has preserved and protected historical facts and contributions made by our founding fathers and the many unsung heroes who have given their lives for our country, and whose sacrifices have helped to shape the destiny of the United States of America; facilitated acquiring more knowledge and a better understanding of the American Constitution, its designers, and those people who have upheld it; and for professional achievement to benefit humanity."

A 1979 graduate of MMI Preparatory School, Freeland, PA, he delivered the Founder's Day address to MMI's 2004 graduating class, was inducted into the school's Wall of Fame in 2006, has served on the board of directors since 2013, and is currently Chairman of MMI's board of directors.

Rick DiLiberto is a litigation partner in the Wilmington, Delaware law firm of Young Conaway Stargatt & Taylor, LLP where he has been co-chairman of the government relations committee, chairman of the paralegal committee, the personal injury litigation section, and the continuing legal education committee. Before joining the law firm in 1987, he was law clerk to Judge Vincent Bifferato of the Del. Superior Court. He regularly represents families whose loved ones have been injured or killed by another's negligence. In 2012, he was one of the Young, Conaway lawyers who represented hundreds of Sussex County, Del. children sexually abused by their pediatrician. He helped achieve a historic class action resolution for the victims. He recently represented three infants abused by their day care provider, one of whom was killed. He is a past-President of the Del. Trial Lawyers Association (DTLA) whose mission is to preserve the constitutional right to trial by jury; and is one of two Del. state delegates to the Amer. Assoc. for Justice.

DiLiberto served in the Del. State House of Representatives from 1992-2002, where he was a member of the Joint Finance, Judiciary, Public Safety, Corrections, Education, Health & Human Development, Substance Abuse and House Rules Committees. In the legislature, he wrote Delaware's Freedom of Speech Constitutional Amendment; False Claims Prevention (Qui Tam) Law; "Anne Marie's Law," which revised the Wrongful Death Act; The Slayer's Act, which prevents murderers from inheriting their victim's estates; The One Day/One Trial Jury Service System; The "Senior Judge" Constitutional Amendment; The September 11 Victim's Compensation Amendment; The Infant Nutrition Act; and The Diabetes Education Fund Tax Check-Off.



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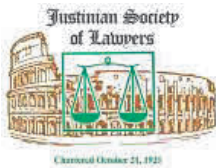
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2023-2023 NIABA SPONSORS



National Italian American Bar Association

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Sponsorship Registration Form 2023-2024

Name/Firm/Organization Information

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Levels of Support

Please indicate the level at which you wish to participate. Complete information on the different sponsorship levels and the benefits associated with each are described on the information page included in this package.

- Gold \$2,500**
- Silver \$1,500**
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- Meeting Sponsorship \$500**

Please reference if you would like your sponsorship to go towards a specific NIABA meeting:

Amount enclosed \$ _____

Please make check payable to NIABA, or email Cindy Martin, cindylu616@comcast.net with your commitment and to pay by credit card online.

**Mailing Address: NIABA, PMB 932, 2020 Pennsylvania Avenue NW,
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All proceeds benefit NIABA, a 501(c)3 non-profit organization. Your contribution is tax-deductible subject to the extent of the law. Your contribution helps NIABA further it's mission and is greatly appreciated.

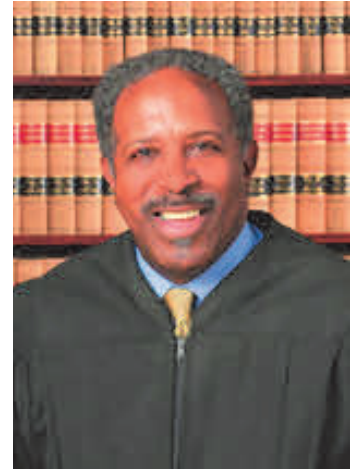
NIABA sponsorships and contributions go a long way in supporting a strong and viable Bar Association. We would like to extend our sincerest gratitude for your commitment to the Association. We will be highlighting your contribution throughout the year to our members as well as our legal community. Thank you.

www.Niaba.org

The Board of Directors of the Connecticut Italian American Bar Association (CIABA) and its president, Francesco Mioli, are pleased to announce a recognition of a treasured friend and member of that association.

The Honorable Lubbie Harper, Jr., now retired Justice of the Supreme Court of the State of Connecticut, was designated earlier this year as Eminente Direttore, Preeminent Director, of CIABA for his exceptional meritorious service to the association.

In an early era in which the Connecticut Bar Association (CBA) conducted formal recognition of affinity bars as they developed within the state, CIABA and its application became involved in a contested discussion regarding affinity bars, their roles within the CBA, and diversity within the profession, generally. Justice Harper, appearing at an event of CIABA, provided a thoughtful, passionate and well-considered overview of diversity within the profession and in support of the application of CIABA for recognition. The Connecticut Bar Association, thereafter, recognized CIABA as an official affinity bar and extended to it all of the privileges associated with such recognition as an affinity bar within the state.

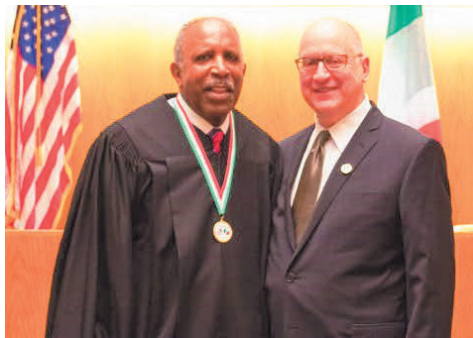


Justice Harper's remarks were published within the Connecticut Bar Journal and have, since, been widely viewed and appreciated for the depth of analysis he brought to the subject.

Justice Harper, a son of New Haven, conducted private practice for many years before being elevated as a trial judge to the Superior Court. Thereafter, he was successively nominated to the Appellate Court of the State of Connecticut and, finally, to the Supreme Court. On September 23, 2023, in Stratford, Connecticut, Justice Harper will be enshrined at the Ruby & Calvin Fletcher African American History Museum, the first and only African American history museum in Connecticut. The museum was founded by retired New Haven police officer, Jeffrey Fletcher. He opened the museum in October 2021 in the honor of his late mother, who had a lifelong collection of slavery and Jim Crow-era objects, and his late father, Calvin.

Speaking at the ceremony will be Chief Justice of the Connecticut Supreme Court Richard A. Robinson, United States Senator Richard Blumenthal and Chairman of the Board of the National Italian American Bar Association, Francis Donnarumma. In 2019, Justice Harper conducted a proceeding in open Court in New Haven and swore in the Officers and Directors of the National Italian American Bar Association. It was the first board meeting in Connecticut ever by NIABA in its forty year history.

Justice Harper is a man of expansive, inviting and generous personality. A mentor to many, he brings the intensity of a leader in the law to his relations with the entire bar. His particular care and concern as extended to CIABA leave him as a friend and colleague whom history will capture for the new generations of lawyers to come .



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More recently, Del. Governors Ruth Ann Minner, Jack A. Markell and John C. Carney appointed him chairman of the Del. Commission on Italian Heritage and Culture. He is a member of Governor's Magistrate Screening Committee, and for many years, was treasurer and board member of the Del. Law-Related Education Center, which conducts the Delaware high school mock trial competition, and "We the People" competition.

He was appointed to the Commission on Del. Courts 2000, the Del. Courts Planning Committee, the Supreme Court Task Force on Racial and Ethnic Fairness in the Courts, and the Del. Healthcare Commission's Diabetes Task Force. He received the Del. State Bar Association's Daniel L. Herrmann Professional Conduct Award in 2015, Christopher Columbus Monument Committee's "Man of the Year" Award in 2017; DSBA's Distinguished Legislative Service Award, and Widener Univ. School of Law's Outstanding Alumni Service Award in 1999, the Bloomsburg Univ. Young Alumnus of the Year Award in 2002, and the H. James Conaway, Jr. Pro Bono Award in 2010. Since 2015 he was selected by his peers several times as a "top lawyer" in torts and insurance in Delaware Today magazine. He is a member of Rehoboth Beach Unico, and a trustee of Unico Foundation, the organization's charitable arm.

He earned his J.D. (cum laude) from Delaware Law School, Widener University, where he served on the law review and was editor-in-chief of the Del. Law Forum; and his B.S. in Education (cum laude) from Bloomsburg University of Pennsylvania.

A 20-year member of DTLA' Board of Governors, he is active in the Amer. and Del. State Bar Assn., the National Italian American Bar Assn., the Amer. Assn. for Justice, and the St. Thomas More Society. He has written and lectured extensively on Del. law, including in Switzerland, Taiwan, Italy, and the tri-state area. He is an adjunct faculty member for Delaware Law School's Intensive Trial Advocacy Program. Rick, and his wife, Faith, reside in Newark, Del. They have three daughters, lawyers Amanda J. Buckworth, Esq., and Ashley B. DiLiberto, Esq.; and Aria M. DiLiberto, a teacher; and a granddaughter, Charlotte Jane. He enjoys singing, fiction writing, fishing and sports.

The Trust Protector

An idea that can work when nothing else does

**Author: Alexander A. Bove, Jr., Esq
Bove & Langa, PC. Boston, MA.**

Whether or not your practice involves estate planning, it is inevitable that from time to time you will be confronted with a question about trusts. And while you may be inclined either to dodge the question or refer it to another attorney, it never hurts for you to be able to offer an idea that could save the day, especially if it is an idea that no one else thought of. The trust protector, widely acknowledged as “the new kid on the trust block”, is now a common, valuable, and often indispensable tool where trusts are concerned, and could be just the idea. But exactly what is a protector, and what part might it play in your client’s trust?

What is a trust protector?

In simple terms, a protector is a party who is given powers over a trust but who is not a trustee. In fact, technically the position is not really new, but has been used in the form of a trust “advisor,” mostly related to investment powers. Modern trust protector powers, as explained below, could range from simply replacing the trustee to adding a beneficiary. In today’s world of estate planning, most trusts at some point become irrevocable, meaning they can’t be changed without court permission, which is typically a time-consuming, public, and expensive endeavor, which doesn’t always work as hoped. Some states have adopted the Uniform Trust Code (UTC) which allows certain changes to be made so long as all the beneficiaries consent, but depending on the desired change and the relationship among the beneficiaries, unanimous agreement might be a problem. Why would any change be necessary? As flexible as trusts may be, it is simply impossible to anticipate and provide for every conceivable change of circumstances or intentions that could occur in the future, whether in the law or in the beneficiaries’ individual circumstances. Furthermore, because today, many trusts are designed to continue for decades, and even many centuries (as in so-called “dynasty” trusts), it is almost certain that changes will be warranted. In such cases, the existence of a trust protector can quickly facilitate the desired changes. Here is how it might work.

Solving unforeseen problems

Picture this. Maryanne, a widow, established a trust in California where she and her children lived. On Maryanne’s death, the trust was to continue for the lives of her two children, then for her grandchildren. She named her brother and a California bank as trustees of the trust. About a year after Maryanne’s death, the two children moved to Chicago bringing their young children along. Dealing with trustees a thousand miles and a couple of hours’ time difference away turned out to be cumbersome and inconvenient, so the children asked the trustees if they would resign and appoint an Illinois trustee, hoping the trust could be “moved” there. The trustees, who were, of course, receiving a respectable fee for serving, maintained that they could continue to manage the trust efficiently from California. In addition, they noted that under the trust, the children had no power to remove them, nor was there a provision in the trust to change the “situs” (management home) of the trust. If the children wanted such a change, the trustee noted, they would have to take legal action (at their own expense!), and the trustees may well oppose it, using trust funds to pay expenses to support the opposition. If Maryanne or her attorney had thought to include provisions for a trust protector with the simple power to remove and replace the trustees and to change the situs of the trust, the children’s wishes to bring the trust to Illinois could be carried out with the stroke of the protector’s pen and with minimal legal fees, regardless of any opposition by the trustees.

This is not to say that every trust will need to be changed. I have a favorite expression that says, “If there are no problems, then there will be no problems”. That is, if everything goes according to plan, the trust may carry on to its prescribed end without incident. The problem is that if there are more than minor issues and problems with the trust, the place for resolution is often the court, with its attendant costs, publicity, and delays. Sometimes it is something as seemingly simple as the beneficiaries’ dissatisfaction with the trustee, who (as the beneficiaries see it) may be doing a poor job of managing the trust or not handing out enough money, or it may be something more complicated, as in the recent Florida case where an elderly individual adopted his female companion, thereby enabling her to qualify as a beneficiary of a wealthy trust established for the benefit of that individual’s “children,” to which he contributed a substantial portion of his estate. The individual did this so he would have indirect access to the trust’s millions (through his companion, who was a beneficiary) should he need it. Further, his newly adopted “child” could receive funds which would not be available to his creditors. If the “real” children wanted to dispute the propriety of this act or have the trust

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substantial portion of his estate. The individual did this so he would have indirect access to the trust's millions (through his companion, who was a beneficiary) should he need it. Further, his newly adopted "child" could receive funds which would not be available to his creditors. If the "real" children wanted to dispute the propriety of this act or have the trust prohibit such a result, expensive, public, and drawn out court action would be necessary. On the other hand, if the children had the power to appoint a trust protector, who, in turn, had the power to amend the trust, including the power to remove a beneficiary, court action would not be necessary to restore the true children's interests.

Over the last several years, the idea of the trust protector has rapidly developed and can provide trust creators and their beneficiaries ready recourse to ways of dealing with these and just about any other issue where a trust is involved without the costs, delays, and publicity that accompany court action or beneficiary disputes.

Powers to consider

To avoid problems as those illustrated here, it is not unusual to grant the protector powers to amend the trust in light of such changes in family circumstances or in the law, having in mind the wishes of the creator (which should be made clear at the outset – often in a separate statement that is called a "letter of wishes"). In one situation, for example, which occurred in a lot less than fifty years ago, a person created an irrevocable trust for the benefit of his "natural born" (that is, not adopted) children and grandchildren. One of the beneficiaries later adopted two children from another country. The children became well-integrated with the family and in every respect were treated as the parents' "natural born" children, except that they were not included as beneficiaries because of the language in the trust. Fortunately, the trust had included a trust protector who had the power to amend the trust, including the power to add beneficiaries. Everyone (including the creator of the trust) agreed that the adopted children should be made beneficiaries, so the protector exercised his power to amend the trust and added the children as beneficiaries. Note that even if not everyone agreed, the protector could still have exercised his power. Note also that without a protector who had such powers, it would have been virtually impossible to add the adopted children as beneficiaries without tax and other complications.

Another very common power given to the protector (if it is not given to the beneficiaries) is the power to remove and replace the trustee. As suggested in the earlier illustration, without this power it is extremely difficult to remove a trustee and may involve expensive and time-consuming court proceedings, or at least beneficiary agreement in states that have adopted the Uniform Trust Code. Of course, there are numerous other powers to consider giving the protector, and these should be discussed with the client's estate-planning attorney.

Who should be the protector?

Selection of the protector is extremely important, as in virtually all instances the protector's powers are superior to those of the trustee as to the power involved. For instance, it is common to grant the protector the power to direct or veto trust distributions. This means that even though the trustee decides that Junior should not receive a trust distribution to fund a family vacation, the protector could override that decision and order a distribution. Thus, one would select someone who would be fair, independent, and who would understand the creator's wishes, considering all facts and circumstances. Furthermore, there can be unintended tax consequences in naming the "wrong" protector. As a general rule, neither the creator nor her spouse should be the protector, nor should any beneficiary of the trust. Any of these individuals serving as protector could cause income, gift, or estate tax problems, as well as loss of creditor protection, or all of the above, if their powers are too broad. The safest and no doubt the wisest approach, then, would be to name an independent party as protector.

The "springing" protector

Trusts that don't seem to need a protector at the outset but may need one in the future due to development of unforeseen circumstances can solve the problem with a "springing" protector. This can be accomplished by adding a provision in the trust which allows the position to be created at any time by the beneficiaries, or by the trustee, or by an outside party. When needed, the protector can be appointed, serve for the time necessary to accomplish the purpose intended, and then the position can be dissolved – the best of all possible worlds (you heard it here, first!).

It should be easy to see that the trust protector is a new (in some respects) and extremely useful position that should be considered by anyone who creates a trust. It may not be necessary in all cases, but where it makes sense it can save the day – and the trust.

Alexander A. Bove, Jr. practices in Boston, MA, limiting his practice to trusts and estates and related expert witness matters.

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For a review of Alexander Bove's book, *Trust Protectors: A Practice Manual with Forms*, visit: http://www.jurispub.com/cart.php?m=product_detail&p=16855

Everybody knows that Italian citizenship can be acquired after a period of residence (5 or 10 years) in the country or by marriage. But Italian citizenship can be recognized, thus with an effect that retroactively to the moment of birth, if the applicant proves descent with an Italian ancestor.

Italy is probably the only country in the world that applies the so-called "Jure sanguinis" principle in a pure way, without additional requirements, as other countries have gradually introduced: residency, knowledge of local language and culture.

Many institutions point to Italian citizenship as the easiest and cheapest to acquire.

In fact it is enough to prove descent from an Avo who was an Italian citizen and who died after the year 1861, the year in which the Unification of Italy was proclaimed.

It has been estimated that between 1861 and 1985 there were about 30 million Italians who left the "Bel Paese"; of these, about half never returned home and settled permanently abroad. To date, the descendants of Italians in the world are estimated to be between 60 and 80 million. Potentially, if some of these people were able to prove that they meet the requirements for Jure sanguinis recognition of citizenship, the number of Italians residing abroad could reach an abnormal, absurd number.

Considering the current situation, today the number of Italians abroad has already exceeded 6 million. This figure is even more significant if we consider that since the year 2006 Italians living abroad have been recognized to vote and influence the country's political choices.

In Italy there is a system of direct democracy, called "referendum," which aims to abolish laws that are considered unfair. For the referendum to be valid, at least half of those eligible to vote, must have expressed their opinion. So the total number of voters must include Italians living abroad.

Currently, in some parts of the world, applications for Italian citizenship seem to be so numerous that they even compromise the operation of consular services; this is particularly the case in South American countries. The absence of a limit with regard to descent, in fact, causes an excessive proliferation of requests, leading to a malfunctioning of consular institutions, as well as several pending judgments due to the impossibility of responding within the prescribed time limits.

In the current regulations there is, as mentioned, no requirement of residence in our country, unlike in other countries, such as the United Kingdom; that of residence seems a fundamental requirement for developing a genuine linguistic and cultural bond with our country, as well as for maturing the civic awareness necessary to exercise - with full consciousness - the right to vote.

There is an obvious interest for Italy to reconnect with our "oriundi" and remake them citizens, but this must be done while respecting the real motivations of those who apply for citizenship and provided that the same is lived with fullness, participation and awareness.

In light of these considerations, in June 2023, Bill No. 752 was presented to the Italian Parliament, with which they would like to modify these rules, providing rules in favor of those with deeper ties to Italy.

Specifically, the text consists of two articles.

Article 2 introduces changes and additions to the current normative condition of citizenship with the aim of overcoming critical issues that are becoming increasingly apparent.

The process of "reconstruction" of citizenship can originate from the ascendant born or resident in Italy and a citizen by birth up to the third generation; the applicant will also have to prove knowledge of the Italian language at a B1 level.

Similarly, knowledge of the Italian language and one year's residence in Italy is required for descendants of persons of Italian origin beyond the third degree.

This is a substantially favorable provision that harmonizes the desire of applicants and the interest of the state.

This proposal will have to be approved by both branches of Parliament, so there is still a long way to go. The aim is to reduce the "race" for the "red passport," which, while for some is born out of a sharing and proud rediscovery of roots, for others it is becoming a matter of convenience unrelated to a lived and felt "Italianness".

Avvocato Giancarlo P. Pezzuti

Columbia Lawyers Association of Westchester County

The Columbian Lawyers Association of Westchester County had their 38th Annual Dinner Dance (on June 16th) where they honored a distinguished Italian American Lawyer. Information, publications and photos are posted on the website at CLAWNY.org.

This year's awardee was Raymond Nicotera, Esq. and they had over 175 attendees.

The award description, in part reads as:

In 1984, the Board of Directors of the Columbian Lawyers Association of Westchester County voted that an award for distinguished service would be presented at its annual dinner dance. The Distinguished Service Award of the Columbian Lawyers Association, as it was originally named, would be presented to that man or woman of Italian heritage who had made a significant contribution to the bench or bar and who had been an outstanding example and asset to the Italian-American community at large. All of our honorees have been outstanding attorneys or jurists who have given unselfishly of themselves and who have been a source of pride to the Italian-Americans.

See the website for full description.

The association also awarded three Scholarships to first year Pace Law Students for \$5000 each and will continue for the remaining two years if the students remain in good standing and as long as our endowed scholarship program with Pace continues to generate funds from its investments.

Also the Columbian Lawyers Association, first department (Manhattan and Bronx) had its 56th annual Rapallo-Scalia award on April 14th honoring acting chief Judge of the NY Court of Appeals (highest court in NY) at the Pierre Hotel in Manhattan. See that website (columbianlawyers.com) for details. They will also be having a judges night on September 27th.

Notes from the NIABA Office

New NIABA Website

Please visit the newlu updated NIABA website

www.niaba.org

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Find Us on Social Media

NIABA is on Facebook at www.facebook.com. Join us to share news, referrals, and discussions with other NIABA members all over the world.

We're also on YouTube at <http://bit.ly/2pubGxM>, where you can watch videos from our Rome CLE program.

* * * * *

How to Contact Us

NIABA Administrator
Cindy Martin
203-859-1018
cindylu616@comcast.net

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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 NIABA at cindylu616@comcast.net and we will provide brochures or other information to the organization you recommend.

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Writers Needed

The newsletter needs you! We're looking for articles that focus on the "overlap" of Italian culture or history and the law. If you have an experience or area of expertise that you'd like to share with out NIABA membership, contact Cindy Martin at niabagroup@gmail.com.

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Can We Refer You?

Is your profile up-to-date on the NIABA [website](http://www.niaba.org)? 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.

* * * * *

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.



NIABA Brochures

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

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Our 2019 Scholarship recipient, Francesca Simone wrote a legal research article on Italian American Congressman Peter Rodino and how his Italian heritage influenced his legislation, particularly immigration reform and Columbus Day. Most of the research is from the Peter Rodino archives at Seton Hall Law; no one has ever written a paper using them before Francesca. See the full article on our website at niaba.org/scholarship

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THE ITALIAN LAW JOURNAL

The National Italian American Bar Association is now a proud sponsor of the Italian Law Journal. The Italian Law Journal is the leading international legal journal on Italian law, fostering academic debate on areas like Italian legal theory, comparative law, international law, and European law. Current and past issues are available at www.theitalianlawjournal.it.

We encourage scholars, students, and practicing attorneys to submit articles that could be of relevance to the journal for review. Manuscripts should be sent through Scholastica or by emailing info@theitalianlawjournal.it. More details on submissions can be found at <https://www.theitalianlawjournal.it/submissions/>.

If you are interested in working with the Italian Law Journal as an editor or in another capacity, please contact the journal at info@theitalianlawjournal.it

If you have additional content you would like to see here, please email your submissions to Cindy Martin at cindylu616@comcast.net



National Italian American Bar Association - Application for Membership

Duplication and redistribution of this document is encouraged.

You can also apply 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)

- | | | | |
|--|--|--|--|
| <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 |
| <input type="checkbox"/> Banking | <input type="checkbox"/> Estate Planning | <input type="checkbox"/> Medical | <input type="checkbox"/> Torts |
| <input type="checkbox"/> Bankruptcy/Reorganization | <input type="checkbox"/> Family Law | <input type="checkbox"/> Municipal | <input type="checkbox"/> Traffic |
| <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 | |
| <input type="checkbox"/> Criminal | <input type="checkbox"/> Investment Banking | <input type="checkbox"/> Public Service | |
| <input type="checkbox"/> Customs/International Trade | <input type="checkbox"/> Judge | <input type="checkbox"/> Real Estate | |

Membership Level & Contributions: _____

Regular (\$50) Sponsor (\$100) Patron (\$250) Lifetime (\$1,000)

Judge (free) First year attorney (free) Law student (free)

How did you learn about NIABA? Local Association Web Site Referral Other

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

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 contributions and any other amounts listed above. Make checks payable to NIABA.

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