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NIABA NEWS

Men and women sharing a common heritage in a chosen profession

NIABA HITS THE SAND FOR ITS UPCOMING MEETING

By Dino Mazzone
NIABA President

Florida. The mere mention of the name conjures up images of sandy beaches, sunny blue skies and pristine golf greens. For this Northeasterner based out of Canada (and for many of my fellow Canucks), it is our destination of choice to provide respite from the long, harsh and cold winters (and this past winter was one of the toughest

in recent memory). Juan Ponce de León spotted the peninsula on April 2, 1513. According to his chroniclers, he named the region La Florida ("flowery land") because it was then the Easter season, known in Spanish as Pascua Florida (roughly "Flowery Easter"), and because the vegetation was in bloom. Ponce de León may not have been the first European to reach Florida, however; reportedly, at least one indigenous tribesman whom he encountered in Florida in 1513 spoke Spanish. Legend has it that Ponce de León was in search of the Fountain of Youth (a nod, no doubt, to what many have understood to be the restorative effects of the water in Florida).

The National Italian American Bar Association will navigate and explore the Sunshine State this May 15-18, 2014, as we hold the spring meeting of our Board of Directors in Fort Lauderdale. The general membership of NIABA – both inside and outside of Florida – is encouraged to join us and meet with executive members from all regions of the United States and Canada. Details of our board meeting venues and planned activities can be found at our website, niaba.org.

While the temptation will be great to lounge by the poolside or read a book under a shady palm tree along the ocean shore, NIABA has work to do and is focused – now more than ever – on ensuring its long-term viability. Our previous meeting in Los Angeles (read the recap on page 2 of this newsletter) was undoubtedly one of the very best in our organization's history. We have progressively built on the successful meetings in Montreal and Cleveland, which preceded California. Los Angeles demonstrated to our organization that Italian American jurists are out there in large numbers and are desirous of becoming part of a national organization that binds each member, one to the other, through common heritage and profession. The challenge is to get many more of these Italian American jurists to join and be an active part of NIABA's future. Florida's meeting will be crucial, as the recommendations of an ad hoc Roadmap Steering Committee – recommendations that address the very challenge of new membership – will be debated and adopted.

NIABA is under no illusion that it will find, in Florida, its Fountain of Youth. But in staying the course and committing to growing this organization in a methodical manner one member at a time, NIABA will have discovered something much more appealing: longevity.



NIABA MEMBERS STAR IN L.A. VISIT



For those of you who missed coming out to Los Angeles this past January for NIABA's winter meeting of its Board of Directors, you'll forgive me when I tell you that you missed one helluva weekend!

With the great aid and support of the Italian American Lawyers Association (IALA) based out of L.A., and the enthusiastic involvement of our Board member and newly-installed President of IALA, Damian D. Capozzola, the weekend was both extremely productive and fun-filled.

On the business front our Board meetings, held at the law offices of Holland & Knight (a big thank you to attorney James Michalski), were lively and focused on what has become the commitment of my presidency: growing the membership of this organization. In L.A., I appointed board member Anthony Gianfrancesco to head an ad hoc Roadmap Steering Committee to develop a clear gameplan as to NIABA's next steps in ensuring its long-term viability. This Committee has met, the report has been prepared, and the recommendations will be the central topic of debate in Florida.



On the social front, where do I begin? Whether it was lunch at the Trump National Golf Club, excursions to Rodeo Drive, the installation dinner of IALA President Capozzola literally held under the Space Shuttle Endeavour at the California Science Center, or enjoying a private dinner and the operatic stylings of La Scala tenor Carlos De Antonis (to name but just a few of the activities that weekend), L.A. was absolutely incredible!

-- *Dino Mazzone, NIABA President*



BARI, ITALY 1943 - "THE LITTLE PEARL HARBOR"

By Daniel J. Stallone,
a "Baresi" and a NIABA
Board member

Here is a little known story which lies hidden more in infamy than nostalgia for those of us who trace our historical and genealogical lineage to Bari, the Puglia gem on the Adriatic Sea. Unknown to many, Bari, Italy and Pearl Harbor, Hawaii share a tragic coincidence from World War II. While clearly not rising to the horror and magnitude of the Pearl Harbor attack, Bari's ordeal was an event that proved to be deadly enough for its residents. By an unlucky chance of fate, Bari gained the singular unwelcome distinction of being the only European city to experience chemical warfare in the course of the entire Second World War.

On the night of December 2, 1943, German Junkers known as 'Ju 88' bombers flew through the darkened night skies over Bari's port to unleash a dreadful attack. This port, serving as a key supply center for Allied forces fighting their way up the Italian Peninsula, was caught unprepared for the German flight of destruction both from above and on the ground. Several Allied ships were sunk in the overcrowded harbor, including the U.S. Liberty ship named the 'John Harvey,' which was carrying a deadly cargo of mustard gas. Other mustard gas containers were reported to have been stacked on the quayside awaiting transport. The chemical agent was intended for use if German forces initiated chemical warfare. The presence of the gas was highly classified, and even the authorities ashore had no knowledge

of its presence. This increased the number of fatalities, since physicians—who had no idea that they were dealing with the effects of mustard gas—unknowingly prescribed improper treatment for those suffering from mustard gas exposure and that mistaken diagnosis proved fatal in many cases. Because rescuers were unaware they were dealing with mustard gas casualties, many additional casualties were caused among the rescuers through contact with the contaminated skin and clothing of those more directly exposed to the gas.

The story of that fatal night didn't end when the bombs stopped falling. For many crewmembers, survival from this mayhem led them to leap into the harbor waters and pray for rescue. In so doing, neither the rescued nor the rescuers knew that they were being immersed in a deadly cocktail of oil and liquid mustard gas. One Merchant Navy survivor of the night's events later expressed its horror and fierceness, recounting the explosions of ships and the cries for help while fire spread everywhere, amidst water, mud and slime laced with mustard gas being thrown up by exploding bombs, saturating everything and everyone. Still greater mystery unfolded as to the source of the chemical-related injuries, as some questioned if a new and secret German weapon was being used. People who had no external injuries were dying, but why?

What is now known was at that time shrouded in secrecy and remained hidden as a military secret amid a cover-up of the presence of mustard gas, its consequences and after-



math. The terrible events have been subject to official censorship because of one main reason—the cargo holds of that American Liberty ship, the John Harvey, stored a secret cargo of death and destruction. In port, as the attack unfurled, was an Allied convoy of 21 ships, many carrying highly-flammable fuel and ammunition, much like sitting ducks as the Luftwaffe's bombs dropped, while an even more volatile cargo was being unloaded. It was a devastating attack and the ships and seamen trapped in the overcrowded harbor soon became immersed in the exploding mass of burning oil and white hot metal.

After the war, on the orders of Allied leaders Franklin D. Roosevelt, Winston Churchill, and Dwight D. Eisenhower, records were destroyed and the whole affair was kept secret for many years. The U.S. records of the attack were declassified in 1959, but the episode remained obscure until 1967. Indeed, even today, many "Baresi" are still unaware of what happened and why. Additionally, there is considerable dispute as to the number of fatalities. In one

account, "sixty-nine deaths were attributed in whole or in part to the mustard gas, most of them American merchant seamen." Others put the count as high as, "more than one thousand Allied servicemen and more than one thousand Italian civilians." Part of the confusion and controversy derives from the fact that the German attack, which became nicknamed "The Little Pearl Harbor," was highly destructive and lethal in itself, apart from the effects of the gas. Attribution of the causes of death to the gas, as distinct from the direct effects of the German attack, has proved to be far from easy.

As we reflect upon the attack at Bari many decades later, with the burden of that war lifted that had once so heavily weighed upon the Allied commanders' wartime decisions, we can sense an undercurrent of constitutional rumbling even then, one that started as those worldly leaders sought to maintain a secure net upon the hidden truth that ultimately cost human lives. Today, can we agree or disagree with their privacy concerns in light of the transparency expected in a

Continued on next page

Notes from the NIABA Office

Member Logo Available

It's easy to show your NIABA affiliation on your firm's website or marketing materials. Just contact Dana Robb at dana@barefoot-marketing.com and she will send you a file that is suitable for online or print use.



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NIABA Brochures

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.

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Reaching Out to Law Students

NIABA recently provided brochures and membership information to the Law School at Golden Gate University for their annual "Meet the Bar Associations" event. The event is organized similar to a job fair, giving each participating bar association the opportunity to meet and welcome students and new attorneys.

NIABA membership is free for law students and first-year attorneys. If you know of other groups or events that we should reach out to, please

contact NIABA Administrator Dana Robb at dana@barefoot-marketing.com and she will mail brochures to the organization you recommend.

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Are Your Dues Still Due?

If you're not sure whether you've paid your 2014 dues, please follow these steps 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.

Bari

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democracy? Or is it to be expected that a democracy shutter its windows to the light of transparency in war, as there is so much to consider and the decisions made are skewed and driven by the greater good? Is the modern "war on terrorism" comparable to the Second World War we might ask? And can those same wartime concerns continue to waylay our constitutional precepts as we have seen in recent failures, where the NSA comes to mind, or do we agree that our right to know is the greater good? And finally, does Bari's disaster portend the fight against our American right to know what our government does? And with that does what happened at Bari increase in

stature, a revelation testing our democratic experiment, or will it remain shrouded in history as a little known footnote in the passing of time?

This story could not have been written without facts and excerpts from these books:

- "Disaster at Bari" Glenn B. Infield
- "Nightmare in Bari: The World War II Liberty Ship Poison Gas Disaster and Coverup" Gerald Remnick
- "Poisonous Inferno" George Southern

More information may be attributed to: "Air Raid on Bari" http://en.wikipedia.org/wiki/Air_Raid_on_Bari

MEMBER NEWS

Joseph A. Mengacci, of Middlebury, CT, was the recipient of the Connecticut Italian American Bar Association's St. Joseph's Day Italian American Lawyer of the Year Award.

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NIABA past president **Raymond A. Pacia** opened a satellite office in Narragansett, RI. His primary office remains in Pawtucket.

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Vernon J Petri has published a book titled *Tuscany al Verano*, telling his culinary journey of growing up in war torn Lucca, Toscana, foraging for food in fields and streams, and learning the value of meager meals. The book is full of Italian recipes. For more information, visit <http://italian-foods.com/about/cookbook>.

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Valerio Spinaci, of Finizio and Finizio, is the first lawyer to ever be a member of both the Florida Bar and Italian Bar.

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Send your news to NIABA Administrator Dana Robb at dana@barefoot-marketing.com. We will use items as space permits.

Affiliate Highlights

Columbian Lawyers Association First Judicial Department

The Columbia Lawyers Association held its 49th Annual Charles A. Rapallo Award Luncheon on April 26 at the Waldorf Astoria Hotel in Manhattan. The Honorable William F. Mastro, Associate Judge of the Appellate Division, Second Department, was the recipient of this year's award. The award, named in honor of the first Italian American jurist appointed to the New York State Court of Appeals, is bestowed annually to outstanding jurists, public servants and citizens of Italian American descent.

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Connecticut Italian American Bar Association

CIABA stands alongside numerous bar associations, some heralding ethnicity or race, geographic area, or legal specialty, in the state of Connecticut. These many bar associations co-exist with the Connecticut Bar Association, a traditional statewide bar association with membership numbering in the thousands.

The Connecticut Bar Association, as part of its many functions, established a Council of Bar Presidents in which the leadership of each of the many associations throughout the State participate. The several meetings a year of that Council permit an exchange of views, techniques, and events. It has proven to be a helpful vehicle for interaction among the bar associations.

On May 21, the CIABA will host "Festa della Primavera" in New Haven. The guest speaker will be the Honorable Lubie Harper, Jr., retired Justice of the Connecticut Supreme Court. Justice Harper is expected to address the interaction by and among Connecticut's affinity bar associations.

By virtue of certain membership requirements and historical presence, the Connecticut Bar Association recognizes affinity bars and includes, in its governing body, a representative of each of the recognized bars. Among the recognized organizations are Hispanic, Black, and Asian Bar Associations as well as the CIABA.

The CIABA was pleased to be officially recognized, last year, as an affinity bar association. Its leadership has embraced the objective that not only should the CIABA promote the interest of its own members, but also recognize and share in the success and accomplishments of the members of its fellow affinity bar associations. The remarks at the "Festa della Primavera" by Justice Harper are widely anticipated to be a strong and forceful address regarding race, ethnicity, and participation in affinity bar associations in Connecticut.

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Italian American Bar Association of Michigan

The Fifth Annual Hon. Kaye Tertzag Tribute Dinner honored IABAM member Anthony S. Guerriero with the Purple Sport Coat Award in



LA IALA President and NIABA Board Member **Damian Capozzola**, Tom Dreesen, Los Angeles Lawyers Philharmonic Conductor Gary Greene, and IALA Board member Malcolm Romano at the Garlic & Gaelic Night.

February. The event was held at the Park Place Banquet Hall in Dearborn. Guerriero has served as a prosecutor, criminal defense attorney and civil litigator and is an active member of his community.

In March, NIABA and IABAM member **Lawrence S. Katz** was awarded the Barbara R. Levine Award in Recognition of Excellence in Appellate Advocacy for 2013 by the Michigan Appellate Defender Commission. The presentation was made at a meeting of the Michigan Defender Commission. Katz, a criminal appellate attorney, has practiced law in Michigan since 1973.

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Italian American Lawyers Association - Los Angeles

On April 23 the Los Angeles IALA welcomed legendary comedian Tom Dreesen as the headline act for the annual

mixer with the Irish American Bar Association, Garlic & Gaelic Night. Half Italian and half Irish, Dreesen was 100% hilarious as he dazzled the crowd for an hour alternating between stand-up comedy and tales of his many years touring with Frank Sinatra.

IALA will also be hosting upcoming events including Appellate Court Night on May 21, Law Enforcement Night on June 18, and Persuasive Advocacy Night on July 23.

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Rhode Island Justinians

The Rhode Island Justinians held an event on March 19 for St Joseph's Day. As part of their 20th year celebration of both the RI JLS and the Roger Williams University Law School, they endowed the school with \$25,000 to fund, in perpetuity, a yearly \$1,000 scholarship to a law student.

WELCOME NEW NIABA MEMBERS

Welcome to the following members, who joined NIABA between November 17, 2013 and April 22, 2014.

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NIABA DIGEST UPDATE

By Prof. Robin Paul Malloy

We are in the final stages of finishing the *The Digest* volume for this year and have benefited from our affiliated editor in Rome, who has assisted us in securing some excellent articles from distinguished Italian jurists.

The graduating law students who have worked on *The Digest* this year were honored at a Law School banquet. Our staff was recognized for their hard work and for their contributions to the school and to the legal profession. As our current students graduate this May, I have selected two new managing editors to assist me with next year's journal, and we will be taking applications for a few good students to join us in the editing and production process.

Volume 22 of *The Digest* will include articles by authors from the U.S., Canada, and Italy. Valeria Camoni Miller compares how the U.S. and Italy have interpreted and implemented the child custody rules set forth at the Hague Convention. Marco Lo Bue looks at how the European Union has handled the financial crisis. Guiseppa Colangelo compares how the U.S. and the European Union grappled with the patentability of genetic material. Antonio Cappiello compares trust law in various countries. Francesco Donato Busnelli looks at the ways in which countries are grappling with questions of what is scientifically feasible and what is morally acceptable. Finally, Bruce Carlini looks at the work of Bartolus of Sassoferrato, and the influence he has had on modern European law.

New Members

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