

# IL BULLETINO IS BACK

THE ITALIAN-AMERICAN LAWYERS ASSOCIATION OF LOS ANGELES (IALA)

## “The Influence of Roman Law on the American Legal System” *By Luna Veronese*

Dear *Bulletino* Readers,

As we start this New Year celebrating all the amazing lawyers that are a part of this great Italian association, it is an opportune time to remind us all how our beautiful profession is connected to our homeland. In ancient Rome, almost 2,500 years ago, the very first legal system was

conceived, a system whose structure and principles served as the legal foundation for not only Italy, but also Europe and beyond - influencing the practice of law in Western Civilizations, both in Civil Law and Common Law systems. Roman laws were originally established in 450 BC when Romans consolidated their society's earlier traditions into a code of laws known as the

Twelve Tables. Such codification allowed Roman Plebeians - the uneducated and underprivileged part of society - to know their rights and protect them from exploitation by the educated and powerful

Roman Patricians.

Almost a thousand years later, Emperor Justinian decided to

compile all Roman laws and jurisprudence into the Corpus Iuris Civilis (the Body of Civil Law) in 529 AD. The Corpus Iuris Civilis was built for centuries by distinguished jurists and utilized long after the collapse of the Roman Empire, throughout the Middle Ages in both Western and Eastern Civilizations.



## *President's Messaggio*

*Through my two wonderful parents, I learned how important family is, and when we came together, Family was Food. I still remember getting up at 5 A.M. from the smell of my mom cooking meatballs, pasta, tomato sauce and sausage for our relatives coming to dinner.*



*The Italian American Lawyers Association is our family. We were founded with a simple directive: to attract more Italian American lawyers to the bench. To reflect today's world, we need more diversity. We also want to build our network, so when a client or colleague requests a lawyer, we match them with one of our members. Everybody wins.*

*Developing Italian judges is not as easy as making baked ziti, but we can do it. This is how I plan to use my time as President. I'm going to form a committee to visit high schools and colleges, and encourage smart, energetic Italian students to choose law school.*

To be continued Page 5

While Roman Laws were broadly incorporated in Europe's Civil Law Systems, England also used many of its principles and rules when establishing their Common Law System, that was later adopted in the United States). For instance, a handful of constitutional concepts adopted by Romans can be seen in the US Constitution: checks and balances, separation of powers, veto and quorum requirements, and impeachment are examples. Roman law's influence can also be traced to the state law level. California, for example, has a state civil code organized into sections that resemble the traditional Roman law's categories regarding the law of persons, the law of things, and the law of actions.

There are several cases adjudicated by state and federal courts in the US heavily influenced by Roman Law and principles. For example, the notable case of *Pierson v. Post*, 3 Cai. R. 175 2 Am. Dec. 264 (1805), when the New York Supreme Court decided a property dispute over a hunted fox using the Roman law principle on the nature and possession of wild animals, stated in Justinian's *Corpus Iuris Civilis*. Such cases are still taught

in law school as part of property law curriculum.

Constitutional matters and fundamental rights were also decided by the Supreme Court based on Roman Law. In *Coffin v. the United States*, 156 U.S. 432 (1895), the Supreme Court of the United States analyzed the presumption of innocence, a concept derived from the Sixth Amendment. In supporting the requirement that the jury be instructed to consider the defendant innocent until proven guilty by proficient evidence, Justice White cited Roman laws on multiple occasions and even transcribed the Roman Code that served as the basis for this concept. Two notable examples used by Justice White: i.) L.4, tit. 20, 1. 25, which says "Let all accusers understand that they are not to prefer charges unless they can be proven by proper witnesses or by conclusive documents, or by circumstantial evidence which amounts to indubitable proof and is clearer than day" and ii.) Dig. L. 48, tit.19, 1, 5, which says "The noble Trajan wrote to Julius Frontonus that no man should be condemned on a criminal charge in his absence, because it was better to let the crime of a guilty

person to go unpunished than to condemn the innocent."

Justice White also made a connection between Roman principles and American Common Law by quoting Blackstone, himself an enthusiast of Roman laws, who once said: "the law holds that it is better that ten guilty persons scape than that one innocent suffer."

More recently, another Supreme Court case was decided making references to Roman Law (*Crawford v. Washington*, 541 U.S. 36 (2004)). Judge Scalia, when explaining that the Sixth Amendment's Confrontation Clause gives the right to a defendant to confront and cross-examine a witness for their testimony, mentioned that the right to confront one's accusers was a concept adopted in Roman times (p.43), and that, despite not embracing all the Roman Law practices, English Common Law adopted several elements of civil practice. Indeed, Justinian's *Corpus Iuris Civilis* provides, on its volume IV, that: "for if the defendant in a public proceeding [...] it is provided by the *lex Julia* on public prosecutions that the present proceedings cannot go on until the collusion of the

previous accuser has been established and a declaration thereof made”.

## MADE BY ITALIANS

By Mariana Noli

NOLI is not only our family last name, but also a coastal *comune* of Liguria, Italy. It is about 50 kilometers southwest of Genoa, and about 4 meters above sea-level. Many believe that the origin of the name comes from Neapolis, which I understand means "new city" in Greek. As little kids, we were told by my father that the Noli's, all of us, came from that part of Italy, "*a popolo vicino a Genova.*"

But not only our family name comes from beautiful Italy; newspapers, espresso machines, batteries, pianos, telephones, jeans, and many more inventions were also "Made in Italy" or "Made by Italians."

Since childhood, my sister and I have embraced our ancestors' culture, probably encouraged by our parents. We are no doubt very proud of being part Italians. Our pride in our Italian heritage may be reflected in our involvement in many social Italian organizations such as, Dante

Considering not just these, but the countless other rulings at all levels of state and federal courts that have been influenced by Roman law, we should be proud

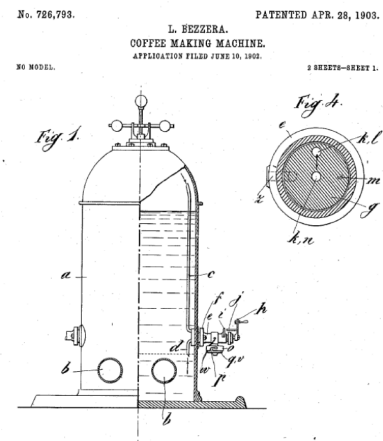
Alighieri, Circolo Italiano, the Italian-American Lawyers Association of Los Angeles (IALA), the Justinian Society of Lawyers in Illinois (Justinians), and more recently the National Italian-American Bar Association (NIABA). Last Sunday, I was sworn in as a 2<sup>nd</sup> Vice President of the IALA (Italian-American Lawyers Association in Los Angeles), an organization I have been involved and associated with for almost 11 years. *Mia famiglia* could not be more proud.



As an Italian-American intellectual property attorney who works closely with patented inventions as well as international trademarks, I thought it was only appropriate to share some of the creations by our fellow Italians. After

as Italian-American Lawyers about the important legacy our heritage has on legal systems here in America and around the world.

reading this article, everyone will agree that the world would not be the same without the Italians.



Every time I order a Tully Espresso in Café Italia in Little Italy, I thank these Italian fellows for making that miracle happen. The **Espresso Machine** was built and patented by Angelo Moriondo around 1884 and later improved by Milanese mechanic Luigi Bezzera.

US Patent No. 726,793 for the invention titled "Coffee Making Device" was granted on April 28, 1903 to inventor Bezzera. The first claim reads as follows: "*Claim 1: What I*

*claim, and desire to secure by Letters Patent of the United States, is 1. In a machine for the purpose described, a boiler provided with a transverse heating chamber in its lower portion and a delivery cock near the lower portion of the boiler having a bell-shaped discharge-conduit, a coffee receptacle, a perforated diaphragm situated between the discharge-nozzle of the delivery cock and the coffee-receptacle, and a tube connected with said cock and extended downward within the boiler, as and for the purpose specified. ..."*  
 We do not think about these things, but we all love our Italian espresso in the morning.

Think about how great it feels when we wear Jeans, how comfortable they are and what a relief it is to change into our jeans and not to wear a suit when we are off duty from our lawyering lives. The origins of Jeans are Italian, as Denim worn by sailors, can be traced back to the northern city of Genoa in the 17<sup>th</sup> century. While the word "Jeans" comes from the French word for Genoa: Genes; the Jeans are another Italian invention we should be proud about.

Having family, friends and clients all over the world, I could not imagine a life without a newspaper or a radio. In fact, I could not imagine working as an international lawyer without those inventions. Arguably, the **Newspaper** can be traced back

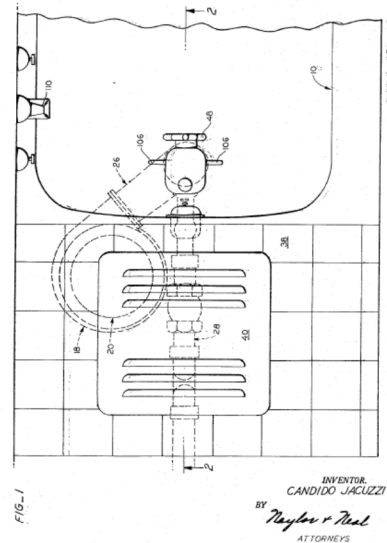
to Venice in 1556, when the government published monthly handwritten news-sheets, called "avvisi." These typically used to carry political, military and economic news.

On December 12<sup>th</sup>, 1901, Guglielmo Marconi sent and received the first transatlantic radio signal. His pioneering work earned him a Nobel Prize for physics, along with Karl Ferdinand Braun. Soon afterwards, his wireless system was used by the sinking RMS Titanic to call for assistance. While there may still be questions in some minds about the origins of the Newspaper, there is no doubt that the Radio, and the invention that saved hundreds of lives during the sink of the Titanic, is an Italian invention. US Patent No. 1,271,190 for invention titled "Wireless Telegraph Transmitter" was granted to Guglielmo Marconi on July 2, 1918. Claim 1 of the Patent reads as follows: "*What I claim is: - 1. In a wireless telegraph transmitter, the combination of an aerial, a plurality of circuits each including a condenser and an inductance in series there with, means separate from said inductances for charging each condenser through its inductance, and means including a quenched spark gap and a movable circuit-making and breaking device for discharging the condensers independently in succession and in synchronism with the aerial. ...*" He assigned his patent rights to

Marconi Wireless Telegraph Company of America of New York a New Jersey corporation. Marconi is one of the chief minds behind the invention of **Radio**.

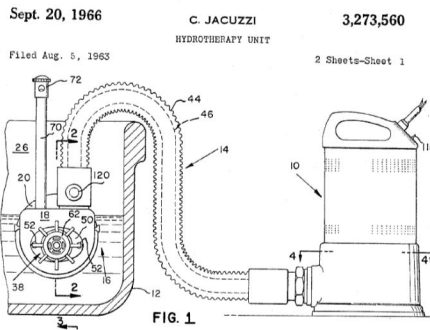
Since we are discussing the topic of communications, how about a world without a Telephone? Can you imagine that? Alexander Bell was the first to be awarded a patent for electric telephone, but Italian immigrant to the US Antonio Meucci began developing a **voice communication device – called the "teletrofano"** – in 1849. It was not until 2002 that the US Congress acknowledged his role in the invention process of the Telephone.

Dec. 8, 1964 C. JACUZZI 3,159,849  
 Filed March 15, 1963 HYDROTHERAPY EQUIPMENT 7 Sheets-Sheet 1



Both US Patent No. 3,159,849 for invention titled "Hydrotherapy Equipment" and US Patent No. 3,273,560 for invention titled "Hydrotherapy

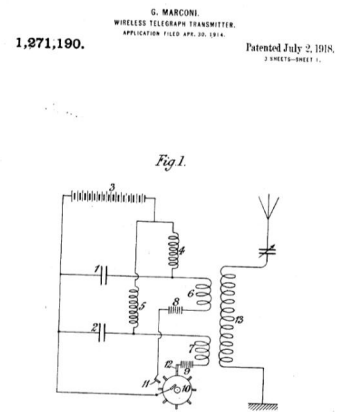
Unit” were awarded back in 1964 and 1966 respectively to inventor Candido Jacuzzi. While relaxing in a **Jacuzzi** may be a fun for us today after a hard day at the office, it was in fact designed as a hydrotherapeutic device for pain relief by Candido Jacuzzi, another Italian immigrant to the United States, for his toddler son Kenny, who suffered from rheumatoid arthritis.



Other innovations such as the first electric **Battery**, created by Alessandro Volta; the **Piano** invented by Bartolomeo Cristofori from Padua, northern Italy; and even the **Liposuction** procedure as we know it today, created by Italian gynecologists Dr. Arpad Fischer and his son; were all invented by Italians.

Everyday life articles and procedures; all of these “MADE BY ITALIANS.” Italians and Italian-Americans have contributed to some of the greatest inventions the world has ever seen. Whatever your level of knowledge of patent law is, I am sure you will agree with me we cannot deny the importance of these Italian creations in our history and

their creations have improved our daily lives.



Mille grazie Guglielmo Marconi, Angelo Moriondo, Luigi Bezzera, Antonio Meucci, Candido Jacuzzi, Alessandro Volta, Dr. Arpad Fischer and the many Italians that had made this world a better place with their inventions!!!

*Then, we have to educate these law students on what it takes to become a judge. It's a long process that works!*

*Choosing the law doesn't necessarily start at home. When I told my mom that I was going to be a lawyer, she broke down and cried. She wanted me to be a hairdresser. When we take on the responsibility to show students strong, influential Italian lawyers and judges, they have role models, and we start them on a successful career path. The next thing I will do for IALA is establish our meetings as something you simply can't miss. We know members come to see terrific speakers, so that is my mission. We're lining up speakers who are inspirational, entertaining, and educational. Then, it's up to us. Invite a colleague. Talk up our schedule in your community; and when we meet prospective members - show them the value of this family, the connection to each other, and the strength we possess. Of course, we'll also feed them. That's the Italian way, and how we will welcome new members to our extended family.*

*Besides, we're at the heart of it, right here, in the birthplace of Little Italy. There's not much of it left, but we're still here, and we're coming back. So, we're going to replicate an Italian Street Fair. We'll have booths serving pasta dishes and everything you remember from your childhood. I don't know about you, but the smell of rosemary and garlic draws me like a moth to a flame.*

*I'm proud to be a member of this family, this organization, and this fellowship of lawyers and judges. I believe in our mission, and gladly accept the responsibility of this office. We will increase our membership with dynamic, diverse and energetic lawyers. We will be inspired by our fantastic lineup of speakers. And we will do it as family, happily and loudly enjoying great Italian meals together.*

*Alice Salvo, IALA 2018 President*