

*Italian-American Jurists
A Tradition of Excellence
by Sal Martoche*

When I was a child, my great heroes were not necessarily presidents or senators or representatives in Washington. They were still a little too far away - stars in another galaxy.

My heroes were judges and, frankly, not just any judges, but Italian-American judges I had read about and actually met and wanted to be like. I remember Christy Buscaglia, the first Italian-American surrogate judge in Erie County - a wonderful, graceful man who owned a beautiful home on Busti Avenue that he opened up to neighborhood kids on Saturday morning. We played cards and pool. We ate wonderful pastries. We laughed and we talked to Judge Buscaglia about lives and our futures. It was very impactful. I saw a lifestyle beyond the one I was living with my wonderful family and it gave me something to which to aspire. He lent me books to read and return the following week to talk about. I really loved that man.

Along my journey I also met County Court Judge Jacob Latona, the brother of Louise Latona, the principal of PS 3, where I was a student. They lived on the next block of Busti Avenue in what I referred to as The Castle. I was only in there once or twice when I was older and delivered flowers on weekends while a high school stu-

dent working for Mr. and Mrs. Arrigo at the Utica Flower Shop. Judge Latona was more aloof. I never had an opportunity to really speak with him except to say hello but, nonetheless, he was a man of great stature to me and therefore someone I wanted to emulate.



Judge Jacob LaTona, 1949

On my journey, I met a great and humble man - not a lawyer, not a judge - just someone who wanted to do good and help people - Domenic T. LoVallo. He became to me a hero, a teacher and, later, a friend. He and his wife Millie opened up their home at 225 15th St. to so many of us.

He happened to be a Republican, and even in those days of a viable two-party system in Buffalo, poor ethnics were more likely to be Democrats than Republicans. But Dom showed me in real-life terms what Martin Luther King would say years later, basically not to judge people by labels but by the content of their character. If they don't have character and courage, if they don't care about others, they cannot govern. That was his message.

He opened doors, made introductions and vouched for me time and again. He introduced me to three young lawyers who were to become important to me, even though I often disagreed with the political philosophy of two of them. They were Vincent di Pasquale, Carmelo Parlato and the one and only Joseph Mattina. Carm and Joe ascended to the bench; in Joe's case, first City Court, County Court, then Supreme Court and finally Surrogate Court. Mattina had one of the most magnetic personalities I have ever encountered. He became one of my most





Josephine (Italiano) Colucci and Judge Ernest L. Colucci, honored President at Buffalo Ad Club in 1962.

significant mentors. Democrats were sure he was one of theirs, as were liberals and conservatives. But in truth, he was a Republican.

As my journey continued, I had the great good fortune of having lunch and dinner, coffee and cigars, with one of the best of the best, regardless of party, regardless of ethnicity - Ernest Colucci. His mantra: be humble, be yourself, recognize the difference between good people who do something bad and bad people. Ernie Colucci talked to me, actually taking the time to talk to me. It made a difference in how I viewed the world.

I will always remember the late Supreme Court Justice Joseph Ricotta. When I first met him, he was an assistant New York State attorney general working in the Buffalo office. I was a brand new lawyer, working at the Legal Aid Bureau.

I was about to handle my first four cases, and they weren't just any cases in City Court or County Court or even the trial-level Supreme Court. They were in the Appellate Division in Rochester. I had written the briefs, I knew the arguments, I was always pretty good on my feet, but I was absolutely scared to death.

But Joe Ricotta, who was on the other side of those

cases, showed me kindness and friendship that lasted a lifetime. He invited me to ride with him to Rochester and even took the time to introduce me to the court as I made my initial appearance in the court that one day I would be a member. He had an excellent command of the law and a different point of view than mine on these cases. I wish I had more of his civility and grace.

Through the hard work and support of my loving family and the grace of God, I became a judge. And I have tried to carry a little bit of the philosophy of these early giants with me. Along the way, I got to meet and work with Frank Sedita II, the son of a judge, the nephew of a judge and the father of another judge.

Good fortune allowed me to spend some time sitting in Mayville, N. Y., Chautauqua County, Republican, conservative, old world, rural but with a group of Italian Americans who recognized and rewarded the talents of Judge Joseph Gerace, who defied the odds and won in Chautauqua County as a Democrat. He was a man of great character and strong will. I worked with him and learned from him in my early years on the Supreme Court.

I would be remiss if I failed to mention three great women pioneer jurists who paved the way for the ascendancy of so many women judges: Supreme Court Justice Rose LaMendola, who had a long and distinguished career on the bench; Erie County Family Court Judge Marjorie Creola Mix, a force in Family Court for many years, and Erie County Court Judge Sheila DiTullio, who retired last year after a hugely successful career presiding over trials of some of Erie County's most horrific criminal cases. My favorite woman judge, of course, is Supreme Court Justice Amy C. Martoche, administrative judge for the Eighth Judicial District . . . my daughter.

As a judge now long retired from the bench, I look back with great fondness and regard at the Italian-American judges who have served and are serving with such distinction and wisdom. All in Western New York are the beneficiaries of these outstanding judges.