

Anthony G. Covatta
2770 Observatory Avenue
Unit 103
Cincinnati, Ohio 45208
tony.covatta@gmail.com
513.652.3750

MY UNCLE TOOK THE MESSAGE AND HE WROTE IT ON THE WALL

The concept of peak or defining moments has fascinated Literarians over the years, including tonight's presenter. Assembled from the recollections and documents of several individuals this story deals with a defining moment in the lives of two of my fellow lawyers, one of whom you have heard about in these pages, the other new to you. Not to give too much of the story away, the meaning of the moment differed in important ways for the two of them.

Time flies by and the membership of this august body has changed drastically in the years since I first stood at this podium. Many of you don't know Tom Blakeley, his wife Grace, his uncle Ted, and the other members of the Blakeley clan who have peopled the pages of my papers over the years. That also goes for Blakeley family hangers on, like recently retired and even more recently deceased Cincinnati lawyer, Paul Martino. Some of you will remember Paul as a central figure of my full-length paper a few years ago, "With Uncle Ted at the Brothers Three."

Scrappy Cincinnati solo practitioner Paul and my pal Tom Blakeley were unlikely fast friends. They first got acquainted through Tom and his uncle Ted's

bond business. Some of you will recall that Tom inherited The Blakeley Insurance Agency from his bachelor Uncle Ted at the uncle's death, later selling it and retreating to Santa Fe, New Mexico where he had a stint teaching English at the Indian School. I didn't realize that Tom's Uncle Ted also had an avuncular relationship with Paul, serving as a sort of confessor to him, until I was rummaging around some months ago looking for a topic for tonight's paper. As I racked my brain Tom, emailing from his retirement abode in Galisteo, New Mexico, gave me the germ of the tale soon to be told. From that and pieces I assembled on my own I have put together a picture I hope will interest you.

To start at what is in some sense the end, Legacy, Inc. and the Cincinnati Enquirer give us the bare bones of Paul Martino's life: Paul Sebastian Martino, born April 11, 1948, Louisville, Kentucky; died of natural causes on December 19, 2019, Cincinnati, Ohio, surrounded by his loving family. Educated in Louisville parochial schools; diploma without distinction, Louisville St. Xavier High School; BA, Bellarmine College, 1970; JD, Salmon Chase Law School of Northern Kentucky University, 1985; Member Ohio and Kentucky bars. Practiced law in various offices, generally on his own in Cincinnati from 1985 until retirement in 2018. Married to Stephanie Ward, 1974-80, divorced. Martino is survived by his loving wife Amanda, married 1981, daughters Francesca and Astrid of Cincinnati, and son Joseph ("Joe") of Bloomfield Hills, Michigan as well as five grandchildren. In lieu of flowers contributions to the Ohio Innocence Project are welcomed.

Bare bones and shopworn facts aside, the heart of the matter consists of what Paul told Tom Blakeley's Uncle Ted late one Friday night, what Tom imparted to me in emails and phone calls over the last months, and what I learned at Paul's funeral and now tell you.

Let's start, though with a warm fall Friday afternoon some years back with young lawyer Paul Martino in a cab at the corner of Yonge and Bloor Streets in Toronto, Ontario, Canada. Paul was at a seminar on litigation techniques and had blown off a late afternoon session to meet some of the seminar's more lively participants at a public house across town. The cabbie's radio blared as two disc jockeys bantered back and forth. One bet the other he could identify any popular song by its first note. The other jock took the bet, and played the note, and the first jock immediately identified the piece as---the prescient know this already---"Memphis" as covered by New York transplanted to Baton Rouge rockabilly legend, Johnny Rivers.

Paul was naive enough to think the jock could call the tune on one note. The lyrics and melody as performed by the redoubtable Johnny Rivers were imbedded in Paul's memory forever after, as they are in mine. By the way, Chuck Berry wrote "Memphis" and recorded it first. Johnny Rivers' cover was more popular. One guesses that Berry did not hold a grudge as Rivers performed at Chuck Berry's four-hour long funeral in St. Louis in 2017.

But let's say goodbye to the history of rock and beautiful Ontario for the moment and scan back a few years earlier to the house Paul and second wife Amanda were renting in Oakley one fateful Saturday in May, 1985. Paul was

finishing law school. Only one more test to go, Administrative Law under the baleful direction of Wilfrid Kapmeyer, a refugee from the Truman administration who had an uncanny resemblance to Colonel Harland Sanders of KFC fame.

Amanda and the girls were at Kroger's. Paul was taking a break from reviewing his Admin Law notes and wondering fitfully why he hadn't been able to reach his estranged ex-wife Stephanie and seven year old Joey for a couple of weeks. Stephanie and Paul were locked in a bitter, protracted custody dispute. Stephanie was experiencing behavioral issues, growing increasingly erratic and unreasonable about visitation. There were unexplained gaps in communication, even outright lies about her life and condition from both Stephanie and her overbearing parents. Amid his domestic worries and fitful prep for his last law school examination, Paul had turned his dim attention to "moving day" action on that week's PGA tournament when the phone rang.

"Hello? Mr. Martino?"

"Yes?" He said hesitantly. It was a voice he did not recognize.

Open and warm, the voice identified itself as belonging to New York cabbie Jack Davenport. He had Paul's son Joe with him. The boy's mother, Stephanie, had abandoned him in Jack's cab, jumping out and running away somewhere in Manhattan earlier that day. Instantly fearing the worst, Paul's heart sank but started to rebound when it became apparent that Jack was friendly, wanted to know what to do with the boy and was turning to the father for instructions.

Paul formed a plan immediately. He would pick young Joe up the very next day. He asked Jack to keep Joe with him for the time being. Jack was not to turn the boy over to his New York grandparents--whom Jack did not know how to reach anyway—or to anyone else.

Jack thought Paul's instructions a bit odd as Joe had already told Jack he had grandparents living in the New York area, with whom he sometimes stayed. But Jack told Paul he would do as he wished. They agreed to talk later that evening. Paul spent the next several hours making plane reservations—New York-Cincinnati connections were plentiful in those days—talking to the lawyer who had represented him in the divorce, and calming down incipient stepmother Amanda who was beginning to realize she was about to give birth to a seven year old stepson.

It is worthy of note that fledgling lawyer Paul gave no thought of going to court in Westchester County seeking an emergency hearing to award him custody. It was Saturday, the courts were closed, and Paul was not about to wait till Monday to go to New York, much less the New York courts. By then whatever advantage he had at that moment could be lost. He was totally fed up with the antiquated and self-serving New York court system. The plan he instinctively adopted was to get his son in hand immediately and remove him from New York jurisdiction forthwith. His New York lawyer took a deep, dubious breath but hesitantly went along with the plan.

The rest went smoothly in the main, except that Paul's lawyer made a deal on his own with Stephanie's to lodge Joey overnight at the home of the

Scarsdale grandparents: “Better that way,” said he, to Paul’s shock and disgust. It is hard to measure who disliked the other more, Paul or the elder Wards, who had been shielding Stephanie’s increasing mental issues from Paul for years. At any rate, Sunday morning nervous Paul flew to New York, rented a car, picked up his son in an icy rendezvous with a former sister-in-law chez Ward, went to Stephanie’s apartment to retrieve Joey’s clothes, toys and effects and returned to Cincinnati after waiting far away from the LaGuardia departure gate until just minutes before his flight was called. He put nothing past the negative capabilities of his former in-laws.

There was only one hitch. As Paul and Joey were in line to get the last two seats on a return flight, a trim, haughty young man with a light weight briefcase muscled his way past the desk onto the jetway, proclaiming loudly that he had a Cincinnati Reds game to cover that evening, and could not miss the flight. Paul never found out the sportswriter’s name, but always included him in his prayers—consigning him to the appropriate ring of hell. The abashed gate agents compensated by entertaining Joe and Paul until the next flight, in a locked windowless room away from the gate, which soothed Paul’s still fragile nerves. At long last as the plane found altitude after touching off from LaGuardia and crossing the Hudson into New Jersey and the heartland, Paul and Joey toasted each other with plastic glasses of Coke. When foxy Amanda Knox made her final escape from Italy years later via private jet from an undisclosed location, it struck a resounding chord with Paul.

On Monday ill prepared Paul took his Admin Law exam. On Saturday he had called Kapmeyer's house, with trepidation, disclosing he might not make it back in time for the exam, not knowing how long it would take to get his son and return to Cincinnati. In those days, perhaps it is still true, one didn't call law professors at home. Mrs. Kapmeyer had answered the phone and told Paul the old man was sleeping but she would give him the message. When frazzled Paul made it to the exam on Monday, he was somewhat gratified to see the old gent peering doubtfully over his silver goatee into the bleachers of the examination hall. Paul waved in his direction. The usually cold and distant prof waved right back at him. The test scores later revealed that Kapmeyer mercifully gave him an A, much to Paul's surprise.

Before that pleasant gift but later that week, Paul flew back again to New York and was awarded custody of the boy in a short hearing in Westchester Supreme Court, Domestic Division, over the strenuous and slanted opposing testimony of his former mother-in-law. Paul left Joey back in Cincinnati instead of having him appear at the hearing, something I would never have advised him to do. The slightly miffed but still empathic judge made Paul swear to return to New York with the boy at the court's summoning. But the colt was out the open barn door. The summons never came. Love can be stronger than jurisprudence.

The only other witness besides the evil mother-in-law was the cabby, Jack Davenport. Jack detailed how he had kept the boy riding shotgun in the right hand front seat, after the mother leaped from the cab disappearing into the Gotham multitudes; made runs to LaGuardia and other locations with fares and

without; bought the two of them lunch; searched intermittently for the missing Stephanie; ending the day by taking Joe Martino home with him to seek counsel from his social worker wife. That lady declared that the last thing they wanted was to have the boy wind up in a foster home, so off they went to Stephanie's place in Ossining. There they forced entry into her apartment, by breaking a window and found the telltale phone number, written not on the wall but on a slip of paper taped to it.

The years fly by. After initial adjustment difficulties and a not so stellar career academically, Joe eventually found his feet in his new, quickly fully integrated family. Side note: it is matter for another paper yet to be written about the unselfish, loving behavior of stepmom Amanda and sisters Astrid and Francesca both before and after these events. The Brady Bunch had nothing on the Martinos. At long last Joe attended law school, practiced for some years with a small downtown Chicago firm and today is General Counsel and General Manager of a prosperous manufacturing concern in the suburbs of Detroit, Michigan.

Few ever heard this story from Paul. I know that I didn't, and my close friend Tom did not hear it directly from him, either, as I later learned. Those of you who were here for "With Uncle Ted at the Brothers Three" may remember that Paul Martino was one of the central players of that drama. Uncle Ted Blakeley ran his thriving insurance agency at Ninth and Main, downtown Cincinnati, and was the principal source of supersedeas bonds for downtown lawyers, including Paul and me. Ted and Paul became fast friends, as Paul was

a steady customer of Ted's given the nature of his catch as catch can practice. They made a peculiar if striking duo, Paul in his just a tad too sharp pinstriped, often three-piece suits, Ted in his ancient Harris tweed sport coat and frayed cuff khaki slacks. They sometimes repaired on Friday afternoons to the Brothers Three, an unassuming gin mill situated on the ground floor of the Kroger Building.

There Paul unburdened himself one Friday afternoon of the tale I have just sketched out for you. After a longish pause, the always discreet and mannerly Ted gently asked Paul why he had never heard this before.

For once in their many years of friendship, Paul took Ted into his complete confidence. He was ashamed, he said, of how he came to have custody of the son he loved so much, after a five-year struggle and only intermittent contact. He was equally ashamed that he had made such a critical error in marrying the damaged Stephanie, who by the way, disappeared from Joe and Paul's life and never saw the boy again. Paul carried a heavy weight of guilt and blame for the poor start he had given his son.

He could not get over the lucky elements that comprised the rescue of Joey from the dire straits of his early years: the hated and hostile grandparents who had been out of town on the fatal day; Jack, the cabbie, who had turned out to be a man among men, carrying the young boy around with him the whole day, and finally to Stephanie's ramshackle apartment in Ossining, where, Joey told him, they would find his father's phone number on the wall. Joey could not remember the number but was sure it was on the wall. It was. The call was

made. Without all these facts, this story might have taken a far different, even tragic course.

Paul confessed to Uncle Ted that once he had heard our song for the night at the corner of Yonge and Bloor Streets he was never able to get the words of “Memphis” out of his mind:

Long distance information
Give me Memphis, Tennessee
Help me find a party
That tried to get in touch with me
She could not leave a number
But I know who made the call
'Cause my uncle took a message
And he wrote it on the wall.

Help me, information
Get in touch with my Marie
She's the only one who'd call me here
From Memphis, Tennessee
Her home is on the south side
High upon a ridge
Just a half a mile
From the Mississippi bridge.

Last time I saw Marie
She was wavin' me goodbye
With hurry-home drops on her cheek
That trickled from her eye
But we were pulled apart

Because her mom did not agree
And tore apart our happy home
In Memphis, Tennessee.

Help me, information
More than that I cannot add
Only that I miss her
And all the fun we had
Marie is only six years old
Information, please
Try to put me through to her
In Memphis, Tennessee.

The song took him back to his own rough upbringing in Louisville's West End, where his father ran a greasy spoon and rented out flats above his restaurant. When Paul went with his Dad on Saturdays to the burger joint he played with the neighborhood kids, a tough bunch, and saw more than one phone number scrawled in pencil on a wall.

Paul was marked by the fact that his parents worked hard in menial jobs but aspired to higher things, for whatever reason never able to achieve them for themselves. Paul loved his father and always appreciated his hard work. Over the years he saw that his father was always reluctant to take the main chance, settling too easily and predictably for a series of greasy spoons and ice cream stores, in a career flavored also with lots of bad luck. Unfortunately, the elder Mr. Martino did not get to hear and take to heart what a disappointed client of mine said to his two self-pitying partners as they whined over a verdict that had

gone against them—no thanks to my unsuccessful efforts—“you make your own luck.” At any rate the narrow horizons, aromas of fried foods, sights of broken blinds and shades, dirty stairwells, peeling paint and sounds of honky tonk juke boxes were things for which Paul developed a marked distaste.

The slovenliness of this life, like much else stuck with Paul, and he wanted from an early age to get away from that and all the meaner aspects of his upbringing. Handwriting on the wall showed waste, carelessness and laziness. After making his way through Bellarmine he went to New York City and found odd jobs, eventually catching on as a paralegal at one of the white shoe Wall Street firms whose name you would recognize. There he met Stephanie who had just graduated from Wellesley and was working almost as a lark in the vast firm’s administration. It was an imperfect match, but they married and it did not last. After the break up Paul met second wife Amanda and moved with her and her two girls to her hometown, Cincinnati. Law school at night followed.

Paul prided himself on being bright and more particularly an astute observer of human nature. He was ashamed that he had been so wrong in one of the most important life decisions a person in our culture can make. Ted later told Tom Blakeley that he thought that this regret of Paul’s was what led him to lead the topsy turvy life in law practice that was his.

This jibed with what I remembered of Paul’s career. I had always regarded him as a capable lawyer. In certain precincts, including those this writer belongs to, the term “capable lawyer” is high praise indeed. It connotes a person, man or woman, who can get the job done, large or small, typical or

unusual, easy or messy, with a minimum of fuss and ego involvement. A capable lawyer will always have a full docket, more clients than he or she can handle, as much work as he or she wants to do. But a capable lawyer will not take a case and put in on the shelf au contraire, he will deal with it promptly.

On more than one occasion I had lunch with Paul and subtly, I think, told him that I would see if there was a place for him in one of the high-end firms foolish enough to employ me. But he never wanted to take the bait. He always said that he was satisfied with the “dog law” practice that he pretended he was destined to follow. He lived in a nice house in a nice neighborhood and sent his children to fine schools. But he preferred a practice focused on the hard scrabble concerns of the poor, the unfortunate. After some time, I stopped pursuing him. You can’t force a man to do what you insist is good for him if he doesn’t want it and that certainly goes for the more independent grade of lawyer.

Our story was rounded out only when I ran into Joe Martino at the luncheon following Paul’s funeral in December 2019. We were at the Cincinnati Country Club, a fine place for a memorial luncheon, as it assures you that all is well in an unchanging harmonious world of 40 years ago that you don’t really remember, but think you do. Paul’s daughter Astrid is also an accomplished Cincinnati lawyer and she asked me if I would sponsor Paul’s memorial luncheon for the Martinos, who were not Triple C members but liked the setting and thought that Paul would have enjoyed the occasion. I wondered for a moment how this jibed with Paul’s carefully honed image of himself as a dog lawyer but filed that thought away for another time.

All that aside, I was pleased to see young Joe Martino there at the memorial, looking sharp as we all did in our funeral navy blue suits and rep ties. I had been Joe's coach in SAY soccer when he and my boy Chris were on the way up. I had always admired his hard driving style and attitude. I could always count on Joe Martino to play a vigorous center forward and go for the goal. In from Santa Fe for the funeral, Tom Blakeley and I shared a drink with Joe and started in on our own memories of his father. I was somewhat taken aback that Tom had the brass to bring up the cab ride. It was obvious that Joe was surprised to learn that Tom knew a good deal about it. He quickly recovered however and told us among other things that he had been able to get in touch with Jack Davenport, his life saving cab driver, a few years before Jack's death.

"You know," he said, "Dad and I talked a few times about what happened the day of that cab ride. He was always stuck on the fact that Jack had to go to my Mom's apartment and find his phone number, written on the wall. He thought that was the key event that turned our life around and brought us together. That's why he loved that song 'Memphis' and anything else Johnny Rivers sang. But I never got to tell him that there was no way I was going to tell Jack that day anything on my own about calling my Mom's parents. I knew their number. But I was laser focused on one thing. I only wanted to be one place, and that was with my Dad. Dad was my life and inspiration. But I'm not sure he would have appreciated my telling him that anyway. He was always full of guilt about what a mess his first marriage had been."

A number of my papers have ended with one or another metaphor. Some early ones ended with the image of the faint light of a million stars shining down on the actors in whatever little drama I was depicting. Another describes the circles generated by the stone thrown into a pond spreading out to the edges of space and time. I guess these are pedestrian ways of saying something a little deeper. There is a destiny that shapes our ends, rough hew them how we will.

Paul Martino perhaps missed a cue in the Chuck Berry/Johnny Rivers/Dave Edmondson song that repeats and repeats in the background as I share these recollections of Paul, Uncle Ted, Tom Blakeley, Joe Martino and your reader tonight. Perhaps he was too focused on the disorder and sorrow of poverty that he saw as such an affront and wanted to avoid. At the same time he seemed to feel unworthy of advancing too far from his beginnings and could not forgive himself for the inevitable mistakes of youth. As I write this I focus not so much on Marie and the hurry home drops trickling from her eye, nor on the plaintive desolation of the lonesome bereft hillbilly imagined by Chuck Berry and given life by Johnny Rivers, David Edmondson and even me as I repeat the words of Chuck Berry's finest lyric, but on that Uncle who cared enough about the singer and little Marie not to forget the message but to write it on the wall.

For Paul, the writing on the wall was a signal of regret for roads taken and ill chosen. For his purposeful son, the writing on the wall was a ticket to a new and better life, one this hard driving young man lives this very day with a wife, children and a fine career not so far north of where we sit tonight. The Martinos,

father and son, read different messages on the wall in the same cryptic line of name and number.

What about for me, and so perhaps for you? The writing on the wall for me at least, is the love we show when we take the time to connect and nurture connections with others. Was I close enough to Paul Martino, whom I liked and even admired, but got to know too little before it was too late? As Chuck Berry put it in forceful iambs, “more than that I cannot add.”

But hats off to the uncle. He didn't have a piece of paper, yet found a pencil and like even the lovelorn Stephanie in her ramshackle Ossining apartment took the time to write the number. Something remained in both relationships that found expression. Something for us to remember as the faint light of a million stars shines down tonight upon us all.

Presented to
The Literary Club of Cincinnati
April 12, 2021