

Judicial Profile

BRIAN KEITH JACKSON

U.S. Magistrate Judge John Milton “Jack” Mason

NO FEDERAL JUDGE is better deserving of recognition than U.S. Magistrate Judge John Milton “Jack” Mason of the U.S. District Court for the District of Minnesota.

Judge Mason comes from a long lineage of legal scholars. His mother, maternal grandfather, and his maternal aunt and her husband were lawyers. In 1947, his father, Milton D. Mason, was appointed district judge in what is now Minnesota’s fifth judicial district in Mankato. Milton Mason served in six different decades, retiring in the 1980s, and serving as a senior judge well into the 1990s. For more than 20 years, Jack Mason’s brother, Jim, has presided as a judge in the same courthouse that Milton Mason served.

The Mason Family Background

Judge Mason and his wife, Vivian, have treated me like an adopted son. Jack and Vivian Mason

have three other very beautiful children. Kathleen, the oldest, is a preschool teacher in Minneapolis; Peter, the middle child, is a prosecutor with the Queens district attorney’s office in New York; and Michael, the youngest, is a marketing associate with Theatre de la Jeune Lune, a small Minneapolis theatre company.

Judge Mason is a native Minnesotan, born and raised in Mankato. After graduating from Mankato High School in 1956, he enlisted in U.S. Air Force, where he remained on active reserve duty for eight years. He received

his B.A., cum laude, from Macalester College in St.

Paul in 1960, (also the alma mater of his son, Michael), and his J.D. from Harvard in 1963. Following Harvard, Judge Mason returned home to his native Minnesota (East Coast winters were just not harsh enough) and practiced law at what he affectionately calls the “Dorsey” firm from 1963 to 1970 and then again from 1973 to 1995.

Between his two tours of duty at the Dorsey firm, Judge Mason served as the Minnesota solicitor general in 1971 and the chief deputy attorney general of Minnesota from 1972 to 1973. Judge Mason returned to private practice until the lure of the black robe hooked him, and he took the oath of office in 1995.

The switch from the gray flannel suit to the black robe that his father once wore allowed him more freedom for personal pursuits like bicycling, playing the piano, and the accordion. He also dabbles in several foreign languages including Italian, French, Spanish, and Korean while mastering German.

Magistrate Judge Mason and his Judicial Philosophy

The teachings of Alexander M. Bickell, law professor at Yale University, influenced Judge Mason. In *The Morality of Consent* 107, Yale University Press (1975), Bickell wrote: “Most people, most of the time, need only to be made aware of the law to obey it. Much litigation is the consequence of a difference of opinion about what the law is or ought to be, not of a failure to obey what is clearly the law.”

Judge Mason strictly follows precedent and strictly interprets statutes, rules, and regulations, even if he personally might have chosen to adopt different rules. He attempts to explain his reasoning clearly. He believes that this has the effect of allowing people to govern their affairs in such a way that they won’t need to become participants in legal proceedings.

He also believes that judicial decisions are all connected as part of the body of law, and that the result is sometimes the least important of the decisions that the judge makes. The most important elements are the fair and consistent exercise of the legal process. He concurs with Bickell when the professor states: “The Warren Court took the greatest pride in cutting through legal technicalities, in piercing through procedure to substance. But legal technicalities are the stuff of law, and piercing through a particular substance to get to procedures suitable to many substances is in fact what the task of law most often is.” *Id.* at 120-21.



Judge Jack Mason in Tuscany, Italy, 1998.



Judge Mason with his law clerks (l to r): Dan Tschida (1995-96); Mike Holt (1998-2000); Toni Jackson (1998); John Bessler (1996-98); Brian Keith Jackson (1995-96); Katie Haagenson (secretary); Elizabeth Huh (1997-98).

Judge Mason stated about himself:

I try to be consistent and predictable. A lawyer who has a case in front of me should know that I know the rules, that I'm prepared, that I'll have read their materials, that I will have digested their legal arguments, that I will apply the law in a fair manner and that I will not try to deviate in a particular case because of some personal feelings. If I'm predictable (as I think I am), the result will be that lawyers themselves can figure it out: 'here are what the facts are, here is what the law is, the judge will apply the rule. We don't need to go to court. We can resolve this on our own because we know what the answer will be.' When parties know that there is a consequence to taking an unwarranted position, they tend not to take unwarranted positions.

What does Judge Mason do when the rules of law are uncertain or ambiguous? Consistent with his judicial philosophy, he stated that he first begins with what his role is.

I'm a magistrate judge, not an appellate judge. If the law is uncertain, then it's my job to acknowledge that the law is uncertain, and to write an opinion with "sharp edges." I explain the arguments in favor of each side, that the law is unclear, and then clearly state the rationale for my decision.

I explain in particular detail how I reached my decision for a number of reasons. First, the parties can review my decision and understand that they received due process, irrespective of the substantive outcome. For many parties that

may be all they want — to know that someone listened to their arguments and made a fair, just, and impartial decision. Alternatively, the parties can appeal the matter to a higher court and easily explain why they agree or disagree with my rationale and conclusion. In any event, an intellectually honest opinion that explains the basis for the decision is especially important in the context of uncertain or ambiguous law.

Judge Mason in the Community

Judge Mason often reminds his law clerks of *Luke* 12:48 (King James): "For unto whomsoever much is given, of him shall be much required. ..." True to his own preaching, he has been given much and has given more.

His bar-related activities are impressive and extensive. Judge Mason has been involved in virtually every bar activity over the course of his nearly 40 year legal career. His civic-related contributions are equally impressive, and even more extensive. He has been on the board of directors of the Concordia College Language Villages, Theatre de la Jeune Lune, Minneapolis Board of Education, Macalester College, Ordway Music Theatre, MacPhail Center for the Arts, Minnesota Chorale, St. Paul Chamber Orchestra, University of Minnesota Hospital and Clinics, and the Minneapolis Planning Commission.

Of all of his legal and civic activities, though, Judge Mason is most satisfied with his service on the Minneapolis Board of Education. He served on the board for seven years, two years as chair, during the tumultuous desegregation years. The federal court had ordered Minneapolis public schools, like many other school districts during that era, to desegregate. Judge Mason was elected to the board, and worked



Judge Mason and his family at Aspen Mountain in Colorado (l to r): Kathleen, Peter, Vivian, Jack, and Mike.

tirelessly, not just to comply with the court order, but to fulfill the public obligations of citizens to provide high-quality educational opportunities to everyone, in a desegregated school system.

As his work on the Minneapolis School Board demonstrates, Magistrate Judge Mason has long been involved in the educational process. It was something that his mother taught him. He understands the simple mathematical formula that preparation + opportunity = success. At all levels of the educational process, Judge Mason has worked to prepare newer lawyers and students to overcome obstacles, and has opened the doors of opportunity for many.

The Magistrate and His Mentoring Mother

“Start where you are.” Like a boot camp initiation for all new recruits, Judge Mason tells each one of his clerks to “start where you are.” (The phrase is based on a collection of sermons in a book by Dr. Arnold P. Lowe.) Judge Mason credits his parents as great influences in his personal and professional development. His parents taught him that God gives you a certain amount of talent and your job is to start where you are and improve upon that talent. In conjunction with the teachings of *Luke* 12:48, the more talent God gives you, the greater the responsibility to use that talent for the benefit of others. Judge Mason states:

Obviously, were times different, my mother probably would have been a judge before my dad. We always used to joke that mother probably did better than dad in law school — and he didn’t dare say otherwise. I come from a family that’s relatively close and it’s always an influence — a moral influence, a character influence, a responsibility influence — those things become ingrained in you.

Judge Mason has taken the time to ingrain those influences in others he has mentored.

Magistrate Judge Mason and his Mentoring Philosophy

Judge Mason has had a long history of supporting unrepresented and under-represented people in the law clerk ranks, mentoring young lawyers to be-

come exceptional experienced lawyers. I was his first African American clerk and was succeeded by another African American. She was succeeded by a Korean American. She was succeeded by an African American. She was succeeded by an East Indian American. And the list goes on. ...

Other federal and state judges with the time, energy, effort, experience, influence, and opportunity to do likewise should stand up and take on his challenge. It is said that there are not enough qualified female and/or minority applicants. Strange enough, Judge Mason has never wanted for one. He may have to look a little harder, extend greater effort, and maybe even take a risk every now and then. The benefits are worth it.

Oftentimes a federal judicial clerkship functions as a passport to the upper echelons of the prime legal jobs in large firms in large cities — the Department of Justice, the attorney general’s office, and the like. More than five years ago, Judge Mason took a chance on a novice and mentored me to become who I am today. Even though I no longer practice exclusively in Minnesota or in federal court, I feel that I am still part of the John M. Mason family legacy. That means something. His greatest gift is not simply mentoring the newer lawyer but instilling in the newer lawyer that he/she must also do the same. I am certain that he will have an enduring legacy that will surpass his numerous other accolades. I am proud to write that I consider U.S. Magistrate Judge John M. Mason to be my friend, confidant, and mentor. TFL

Brian Keith Jackson is an attorney in Minneapolis. He clerked for Judge John Milton “Jack” Mason from 1995 to 1996.