

**Remarks of John Bessler at the Federal Bar Association's
Jack Mason Memorial Lunch - Minneapolis, Minnesota
June 24, 2009**

Good afternoon.

It's a real honor for me to be here today to welcome everyone to the Jack Mason Memorial lunch. It's a special privilege for me because I was a law clerk for Magistrate Judge Mason back in the mid-90s before my wife, Amy Klobuchar, became the Hennepin County Attorney. I know that Vivian Mason and her son are here today, so I'd like to extend a special greeting to them.

Amy, who is out in Washington, D.C. today, really wanted to be here, but couldn't, so she asked me to come and say a few words about our late friend Jack Mason. I know last year, at Magistrate Judge Boylan's invitation, Amy offered her own tribute to Jack.

This lunch is a wonderful way to remember Jack, who so many of you knew personally. Jack loved the law, he was always incredibly involved in this community, and he loved discussing current affairs—which is what this day and this lunch are all about. Jack was a wonderful mentor to me—and to Amy, who worked with him at Dorsey & Whitney before he left to serve on the bench.

In addition to this Federal Bar Association lunch, another project also bears Jack Mason's name; it's the Jack Mason Law and Democracy Initiative. That project—run by Books for Africa—has gotten a lot of support from many quarters, including Jack's many friends. Former Vice-President Walter Mondale and former U.N. Secretary General Kofi Annan, two of Jack's close friends, are the co-chairs of the advisory board, and the initiative has also gotten key support from Robins, Kaplan, Miller & Ciresi and Dorsey & Whitney.

I'd like to especially acknowledge and thank Lane Ayres, the Director of the Jack Mason Law and Democracy Initiative. Following his retirement from the Hennepin County Attorney's Office, Lane has devoted an extraordinary amount of his time to this effort. Lane got me involved in serving on the advisory board for the project—and it's a very worthy cause. Chief Judge Michael Davis is going to give everyone a brief update on that project shortly.

For those of you who didn't have the pleasure of knowing him, Jack Mason was a successful trial lawyer at Dorsey & Whitney before becoming a Magistrate Judge. In the 1970s, Jack also served as Minnesota's solicitor general, state deputy attorney general, and on the Minneapolis school board. He loved the outdoors and music—he played piano and accordion. And perhaps most of all, he loved languages. He spoke fluent German and he studied Italian, French, Spanish, Arabic and Korean.

Jack was born in Mankato, Minnesota, where I grew up. Before going off to Harvard Law School, Jack studied at Macalester College, where he formed a life-long friendship

with future U.N. Secretary-General Kofi Annan. Jack died in 2002 at the age of 63 while doing something else he loved: bicycling. Jack often rode his bike from Minneapolis, where he lived, to his chambers in St. Paul, and he also took many bike trips with friends, including my father-in-law, Jim Klobuchar.

Jack Mason had a zest for life, and he absolutely loved his job as a Magistrate Judge. He loved being a part of our judicial system here in Minnesota, and he treasured being in the courtroom and spending time talking to lawyers, settling cases, or writing opinions back in chambers. He was incredibly disciplined and set self-imposed deadlines for himself so that his opinions were issued promptly—something he felt he owed the litigants and attorneys who appeared before him.

He frequently held ad hoc meetings with his clerks to discuss pending cases. He fondly called these “TQM meetings”—the “TQM” standing for “total quality management.” And his opinions, which went through multiple revisions, were always well-written, concise and to the point. He was a stickler for clarity, and I often remember him saying he wanted to put “sharp edges” on an opinion. (I think he said that about almost all of his opinions). For him, that phrase meant that he wanted to ensure that what he was saying was crystal clear, so that every lawyer reading the opinion would know exactly where he stood on an issue.

Jack loved to talk and write about Rule 8 of the Federal Rules of Civil Procedure (one of those not-so-often-cited rules), which is all about making sure the issues in a lawsuit are properly framed from the very outset. Having taught civil procedure to law students the past two years, one of my favorite opinions is one Jack wrote in 1996. In *Bergeron v. Northwest Publications Inc.*, Jack imposed Rule 11 sanctions on an attorney because the lawyer failed to comply with the Federal Rules of Civil Procedure. Jack noted that the attorney in that case drafted confusing pleadings and did not understand the “litigation procedures under the Federal Rules.” As a sanction, the attorney had to complete at least 40 hours of individualized instruction—in addition to regular CLE credits—on the subject of the Federal Rules. Jack ordered that, within three months, the lawyer complete a “private course” on the Federal Rules and the local rules that would be taught by “a professor at an accredited law school.” Jack thought of everything.

For all the judges and lawyers in the audience, the cite for that case is 165 F.R.D. 518 (D. Minn. 1996). Suffice it to say that Jack insisted that lawyers come to court prepared, and he was never one to mince words.

At the same time, Jack was also an incredibly generous and loyal person. He and Vivian would invite all of his clerks over to their house for dinner, and his calendar clerk, Katie Haagenson (who now works for Magistrate Judge Mayeron) worked for Jack for many years, both at Dorsey & Whitney and after he became a judge. Jack’s former law clerks—some of whom I reconnected with before this lunch—all share warm memories of Jack.

I clerked with Angela Bailey, who has worked at the Hennepin County Public Defender's Office since finishing her clerkship. She and I had a fabulous time working for Jack, and I still remember our many lunches with Jack at The Four Inns, one of Jack's favorite restaurants on the St. Paul skyway.

Peggy Hicks—Jack's first law clerk and who now works as the Global Advocacy Director for Human Rights Watch—remembered Jack for "his incredible kindness" after her parents fell ill and died, giving her lots of time off. When Peggy took a job at the U.N. mission in Bosnia, he went out of his way to write a letter to his friend Kofi Annan about Peggy and Peggy ended up working directly in Kofi Annan's office when he headed the U.N. peacekeeping mission in the Balkans. On a somewhat lighter note, she also recalled how Jack once lost his glasses bicycling from home to work.

Elizabeth Huh (now Hwang), who I also clerked with for a short time, is now a successful real estate lawyer in California. She recalled Jack's "great sense of humor"—it's a little known fact, but Jack liked watching *The Simpsons* and reading *Dilbert*—and remembers, coincidence or not, that he was taking Korean when she worked for him. As a fluent speaker of Korean, she recalled helping him with his Korean homework, though she did confess his accent was "pretty terrible."

Jack especially enjoyed doing weddings and welcoming new immigrants to this country. He actually married my younger brother Andrew and his wife Hongji, and I remember one occasion in which Jack conscripted me to act as the photographer for a wedding he did in his courtroom. I never saw the pictures, but for anyone in the audience planning on getting married, let me make a suggestion: go head and hire a professional photographer.

On such occasions Jack was fond of quoting from a book called *Start Where You Are* written by Arnold Lowe, a local Presbyterian minister. In that book Lowe writes:

"We cannot live without dreams and we dare not be without hope, but the fulfillment of dreams and hopes belongs to tomorrow. That is where someday we hope to be; but to be what our dreams so alluringly promise, we must begin with ourselves today."

"No one can escape the hard and often bitter lesson," Lowe wrote, "that to arrive at the end of the road we must begin where we are." The lesson: to get where you want to be, you must work hard, something Jack Mason did every day of his life.

"To do something great for others," Lowe advised, "we must first do something within ourselves," as Lowe explained: "We cannot begin with perfection, nor can we begin with ultimate achievement. Achievement is a process. We must begin wherever we happen to be."

That's sound advice. And today, as we remember our friend and colleague Jack Mason, a man who was always striving to learn more and to be a more engaged citizen, it's advice well worth remembering.

Thanks for inviting me to speak. Amy gives everyone her best and I hope all of you enjoy the program.

John D. Bessler, a two-time Minnesota Book Award finalist and the winner of an Independent Publisher Book Award, has taught at the University of Minnesota Law School and The George Washington University Law School. He graduated from the University of Minnesota with a degree in political science, obtained his law degree from the Indiana University School of Law-Bloomington, and has a master's degree in international human rights law from Oxford University. He also has an M.F.A. degree from Hamline University, and was a law clerk for U.S. Magistrate Judge John M. Mason in the District of Minnesota. Previously a partner at the Minneapolis law firm of Kelly & Berens, P.A., he is currently a Visiting Associate Professor at the University of Baltimore School of Law and an Adjunct Professor at the Georgetown University Law Center. He is married to U.S. Senator Amy Klobuchar.