**Procedural Fairness: Cornerstone of remarkable mediation and principal tool of the skilled mediator**

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**Introduction**

In the early weeks of this course, the asynchronous material referenced “procedural justice” and “procedural fairness.” I did not recall ever hearing those terms, so I thought I would use this paper to delve into the underlying concepts and connect them to techniques the mediator can use to ensure that the parties’ (and counsel’s) need for procedural fairness is met. My intended audience is commercial mediators.

**What is procedural fairness?**

In the context of mediation, the terms “procedural justice” and “procedural fairness” are used largely interchangeably. Thus, for the purposes of this paper, I will primarily refer to “procedural fairness,” but may use either term interchangeably. So what is procedural fairness? It “refers to the fairness of a process by which a decision is reached.” [[1]](#footnote-1)1More specifically, it refers subjective fairness as perceived by the parties and their advocates.[[2]](#footnote-2)2

But this begs the question: What do concepts like fairness or justice have to do with mediation? They seem better suited for the world of litigation or other proceedings in a court of law. Indeed, parties go to court so that, on an even playing field, an impartial judge or jury can weigh evidence dispassionately based on the law (fairness). Parties go to trial so that a jury can declare that they have been wronged, or wrongly accused (justice). Indeed, some counsel clearly advise their clients that, in the context of employment claims, mediation is “not a forum for justice. The mediator will not decide who is right and who is wrong. Instead, the mediator focuses on a financial solution…”[[3]](#footnote-3)3 When we delve a bit deeper, however, we see that procedural fairness is the cornerstone upon which the entire mediation process is built. The mediator’s process either successfully recognizes, respects and incorporates procedural fairness, and thereby guides litigants to a settlement they can accept, or it does not, in which case the mediator’s process is fruitless. In other words, the financial outcome is not a substitute for procedural fairness that only a court of law can deliver; instead, procedural fairness is the underpinning that both empowers parties to embrace a settlement and enables the skilled mediator to lead the parties to an outcome they can embrace.

The literature is clear that “disputants’ perceptions of procedural fairness influence their perceptions of outcome fairness.”[[4]](#footnote-4)4Stated otherwise, “perceptions of procedural justice influence disputants’ perceptions of substantive justice…and their perceptions of the legitimacy of the institution that provided or sponsored the dispute resolution process.”[[5]](#footnote-5)5 Simply put, procedural justice “drives the satisfaction that people have with their outcomes…”[[6]](#footnote-6)6 It drives their assessment about satisfaction with the outcome.

I will take that one step further. Since in mediation one must voluntarily accept the outcome for there to be a negotiated resolution, one’s satisfaction with the process - their assessment of procedural fairness - in large part drives whether they will accept the outcome, that is, whether they will settle the case. In other words, when parties perceive the process to be legitimate, they are more likely to view the outcome as worthy of acceptance.[[7]](#footnote-7)7

This is not to say, however, that the objective value of the case is irrelevant to one’s decision to accept or reject. A sense of procedural fairness does not result in capitulation to settle at any price. Parties to a negotiation do not seek any deal to be had; they want a good deal or, more likely, a great deal. The point here is that whether parties perceive the deal as one that should be accepted is colored by the process that led them there. As one researcher explains, “procedural justice has a separate and independent effect on how people feel about their results, apart from how fair or good the outcome is.”[[8]](#footnote-8)8

**Satisfaction of Core Needs, Not Trickery or Manipulation**

 Leading thinkers on this subject have identified “four particular process elements that result in a heightened perception of procedural justice: the opportunity for disputants to express their voice, assurance that a third party considered what they said, and treatment that is both even- handed and dignified.”[[9]](#footnote-9)9 First is voice, which refers to the opportunity to present one’s own story. “People want control over the process that leads to decisions that affect them, and this can partly be achieved through the opportunity to voice their case. Direct participation in the process is linked to the individual’s self-determination and empowerment.”[[10]](#footnote-10)10 The concept of voice in mediation “requires that each disputant's story be heard and validated. This requires the opportunity to speak without interruption and an authority figure who listens with genuine interest.”[[11]](#footnote-11)11

Next, people want neutrality in the process, a level playing field. A sense of neutrality “can be fostered by an authority figure who is impartial, transparent, consistent in applying rules and even-handed in considering the views of both parties.”[[12]](#footnote-12)12 As Hollender-Blumoff explains, a party’s assessment of whether the decision-maker is neutral “involves such issues as impartiality (lack of bias), the ability to gather and assess the information needed, openness about the procedure (transparency), and consistency in the application of rules over people and across time.”[[13]](#footnote-13)13 I note that while the mediator is, by definition, not a decision-maker, he or she is the authority figure in the room and his/her process is the level playing field. It is the mediator who provides, establishes and applies the rules of the process, that is, the platform of neutrality.

Third, parties want to experience trust. In the context of mediation, this means that the mediator “acts in good faith and listens to and validates the views of the parties.”[[14]](#footnote-14)14 Trust, it turns out, is critical but implicit. As such, it is worth thinking about how trust develops, that is, how it is perceived and earned:

Trust is the least overt aspect of fairness because it involves inferences on the part of the parties that the [mediator] was sincerely trying to do what was right and was motivated to do what was good for the people involved. Because trust is an inference, it is shaped by how the [mediator] acts. When the [mediator] provides evidence that they have listened to and considered the views of the parties and tried to take them into account in thinking about how to respond to the issues, they are viewed as more trustworthy.”[[15]](#footnote-15)15

Douglas comments that trust is closely related to neutrality but difficult to define because it overlaps with voice, validation and respect:

Trust in mediation involves participants’ trust in the mediator, trust between disputants and trust in the process. From the parties’ perspective, trust stems from the mediator’s expertise in the process and how they explain it, the interactions with the parties being positive and having chemistry, and lack of bias. Building trust involves an even-handed mediator who has the interpersonal skills to engage with, show concern for, listen to and validate the parties.”[[16]](#footnote-16)16

As such, with respect to procedural fairness, the question has been raised, for example, whether the EEOC’s mediation program can be effective, for while “the EEOC guarantees impartiality, employers may still be weary of mediating with the EEOC because the regulatory agency is designed to eliminate discrimination, usually by litigating charges against the perpetrating employer.”[[17]](#footnote-17)17 That question stems from trust, or a lack of it.

Fourth, parties care about how they are treated. “They want to be treated by an authority figure (the mediator) with courtesy and respect, in a process that values their dignity.”[[18]](#footnote-18)18 As with trust, the mediator’s ability to make visible her respect for the parties or, alternatively, her decision to minimize courtesy or respect, can reinforce – or destroy – her ability to lead.

This notion of procedural fairness expressed by those writers cited above aligns with what others capture in the concept of subjective value. Leading thinkers in negotiation and mediation tell us that subjective valuation is not only important, for example, in one’s assessment of the outcome in retrospect, but in fact is critical to a successful negotiation, that is, a negotiation that results in resolution. For instance, in *The Objective Value of Subjective Value: A Multi-Round Negotiation Study*, the researchers explain that subjective value encompasses four factors:

ï Instrumental Subjective Value (SV) which involves subjective perception that the economic outcome is beneficial, balanced and consistent with principles of legitimacy and precedent.

ï Self SV which involves losing face versus feeling competent and satisfied that one has behaved appropriately.

ï Process SV which involves the perception that one has been heard and treated justly, and that the process was efficient; and

ï Relationship SV which involves positive impressions, trust and a solid foundation for working together in the future.[[19]](#footnote-19)19

Their research indicates that while “behavioral science researchers have traditionally portrayed negotiation as an economically motivated, one-shot interaction best practiced by rational, unemotional actors,” high subjective value influences the parties’ ability to complete the negotiation successfully.[[20]](#footnote-20)20 For purposes of the instant paper, such research demonstrates that the value being negotiated in a mediation is not just the objective value, for example, the dollar amount of the settlement. While the objective value is the result that represents resolution, the process that leads the parties to that outcome – the mediator’s process – necessarily involves the exploration, communication and satisfaction of subjective value.

Stated otherwise, in my view it is the subjective value of the mediator’s process that guides the parties to a resolution that they can ultimate see and grasp. It is the process, implemented by the expert mediator, which enables the parties (and the negotiators) to believe that resolution is possible. It is the mediator’s process that empowers the parties to see past the horizon to what is possible and then embrace what is possible.

Other thinkers capture the notion of procedural fairness in terms of core concerns. For instance, in Beyond Reason, Roger Fisher delineates five core concerns:

ï Appreciation: The desire to feel understood and honestly valued.

ï Affiliation: The sense of connectedness with another group or person.

ï Autonomy: The freedom to make decisions without imposition.

ï Status: Our standing in relation to others.

ï Role: Respect for the lawyer’s role as counselor and advocate; and for the party’s role as problem-solver and decision-maker.[[21]](#footnote-21)21

These core concerns are human wants and needs that are important to every participant in every negotiation, including the parties and the negotiators. As mediators, we must ensure that these core concerns are identified, respected and satisfied. A mediator who accomplishes that goal lays a solid foundation for, and a reliable pathway to resolution. The mediator who fails to take these core concerns into account, or worse who tramples on them, creates self-imposed barriers to settlement. The mediator respects and satisfies the parties’ and counsel’s sense of subjective value, their core concerns, by how they communicate with them. As Alain Lempereur explains, “the best mediators are, before anything else, communication acrobats.”[[22]](#footnote-22)22 In Rapport, The Four Ways to Read People, Emily Alison and Laurence Alison speak to the value of rapport building in meaningful communication.[[23]](#footnote-23)23 They tell us that, “[o]ften communication skills are thought of as mastering the art of saying the right thing at the right time and in the right way. However, the real key to communication lies in what you do before you even open your mouth. Careful listening, not smooth talking, is actually the key to building solid rapport with others.”[[24]](#footnote-24)24

They offer the acronym H.E.A.R. and the following framework for the core foundations of rapport:

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| **H**onesty: | being objective and direct when communicating your intentions or feelings. |
| **E**mpathy: | understanding someone by recognizing their core beliefs and values. |
| **A**utonomy: | emphasizing other’s free will and their right to choose to cooperate |
| **R**eflection: | identifying and repeating back those elements that are significant, meaningful and tactical to help guide the conversation towards the goal.[[25]](#footnote-25)25 |

With respect to rapport building, honesty involves delivering the right amount of honesty balanced by the right amount of sensitivity.[[26]](#footnote-26)26 Empathy, they tell us, is an often used but frequently misunderstood concept. Empathy involves “trying to genuinely understand what a person is thinking and feeling.”[[27]](#footnote-27)27 It does not require softness but does require that one shows an analytical interest in uncovering the other person’s core beliefs and values.”[[28]](#footnote-28)28 I refer to this as a humble curiosity. Not an attempt to manipulate or present a false chumminess, but an interest in knowing more about how they see themselves and the conflict.[[29]](#footnote-29)29

*Autonomy* is the power of choice. The Alison’s explain that autonomy is “an incredibly powerful feature of how we interact with other people.”[[30]](#footnote-30)30 Freedom to choose is inherent in human nature, so perceptions of freedom – or a sense that the other is trying to control us – strongly influences our behavior.[[31]](#footnote-31)31 How do we respect and satisfy one’s need for autonomy? We offer choices. And why does offering choices work so well? “The answer is at once very simple and complexly frustrating – we don’t like to be told what to do.”[[32]](#footnote-32)32

“Reflection,” the Alison’s tell us, “is the aikido of conversation management.”[[33]](#footnote-33)33 In it, we take what the other has given us in the conversation and use it to build the momentum of the conversation.[[34]](#footnote-34)34 In fact, the Alison’s declare reflection to be the single most important skill discussed in their book, for it is the key to unlocking all others.[[35]](#footnote-35)35 Reflection gives the other person the space to be vulnerable and reveal their core concerns to us, and enables us to connect with them on a level of commitment, non-judgment and trust.

**Techniques of the skilled mediator**

The discussion above reveals how researchers and thought leaders embrace procedural fairness as a cornerstone of outstanding mediation. As I suggest above, however, procedural fairness does not simply exist in the backdrop of effective mediation; it is not just the canvas, let’s say, upon which the mediation process and outcome magically appear. A sense of procedural fairness does not come about automatically, nor does it happen accidentally. It is not something the mediator simply declares at the outset of the mediation (e.g., “This process will be fair, respectful and allow everyone to have their say.”). It is part of and results from the deliberate design of the skilled mediator – the design of a process that encourages and allows for resolution of the dispute. And it is alive and active. It is integral to everything the mediator says and does, from the preparation stage through signatures on the settlement agreement.

So how does the skilled mediator do this exactly? How does the skilled mediator communicate with parties and negotiators to create, instill and nurture a sense of procedural justice to help parties vigorously embrace the outcome? Below we will look at the wisdom of a few thought leaders on the matter. As we do, keep in mind the four process elements that result in a heightened perception of procedural fairness: the opportunity for disputants to express their voice, assurance that a third party considered what they said, and treatment that is both even-handed and dignified.[[36]](#footnote-36)36

First, to reiterate a point alluded to above, the needs that we are talking about here are invisible – voice, to be listened to, neutrality, trust, respect, autonomy, appreciation, status, et cetera – are all invisible. They fill the room but cannot be seen unless made visible. And they are made visible deliberately, consciously. The effective mediator, therefore, is never simply a messenger, mindlessly conveying demands and offers back and forth. Nor is he/she on the sidelines, simply an observer of the negotiation. As one of my mentors, mediator and leader Bob Jenks, so often says, “everything we do and everything we say leads us further to or further from our goal.” Thus, for the mediator, everything he says and does is deliberate, not accidental; and the purpose of everything she does and says is to make visible to the parties and counsel that a process that allows for effective communication and meets their core needs.

To accomplish that, the skilled mediator must maintain a mindset of service and is self- reflective, asking himself/herself:

* What does this party/counsel need from me - right now? Stated otherwise, what can I give counsel right now that she/he needs from me?
* Am I not just hearing the facts but listening for the story? Or, am I caught up in the words or in the heat of the moment?
* Do I need to make anything explicit to the party (or counsel) right now? For example: You can trust me. You are safe with me. I am interested in what you were saying about X. I will not judge you or your case. You are a highly skilled litigator.
* Is my body language sending the right messages, or do I need to adjust?
* Do I need to press a bit harder, or is now the time for a soft approach?
* How do I best raise this topic while making sure I do not violate the listener’s sense of autonomy?
* Am I managing my own emotions or am I becoming impatient, personally involved in the emotional dynamic or personally invested in the outcome of the mediation?[[37]](#footnote-37)37

Such a constant self-reflective mindset, focused on service to the parties/negotiators, enables us to identify what we need to say and do in that moment to enable our process to guide the parties forward. As Lempereur tells us, “The mediator becomes like the conductor of the orchestra, knowing how to activate the right instrument when the time comes, because they know the score.”[[38]](#footnote-38)38

Next, I love brainstorming. And so do parties and their negotiators. By brainstorming with a party and negotiator, in the right way, the mediator makes visible every one of the core needs discussed above. The opportunity to brainstorm can come about in several ways. For example, I have met with the plaintiff and now relay plaintiff’s move to the defendant. As soon as I do, I can sense frustration, anger and the building reactive devaluation. Before the defendant takes a drastic position in retaliation, I might say something like, “I know you are probably annoyed by that move. Let’s see how best to respond. Can we brainstorm for a minute?”

What does that do? It acknowledges their frustration (they are heard and seen), tells them I am going to help them (I am engaged and working for you), and guides them away from a harmful kneejerk response (you can trust me). It also gives them room – room to breathe, room to settle down, and room to collaborate with me.[[39]](#footnote-39)39 I suggest options, I listen, and I am curious, but I do not judge or dictate. I help them identify options that they can consider, approve and embrace.

As another example, I will use brainstorming when counsel gives me his/her next move, and I know the move will be detrimental or there are better options to consider. I may say something like, “I understand that move and I see your reasoning. Before you choose to do that, can we brainstorm for a minute?” People like options. Having options gives them power and they appreciate receiving options they had not considered. The skilled attorney will welcome my invitation because she knows that as the only person who is in both rooms (i.e., the only person with the vision to see where settlement is possible), I may be able to identify some more productive options. The rather unskilled attorney may push back, in which case I may try to softly nudge them into brainstorming; or, if they refuse, then I will respect their autonomy and defer to them - it is the mediator’s process, but it is their negotiation.

Integral to brainstorming, and indeed to the mediator’s communication with parties/counsel throughout the mediation process, is asking for permission. No one likes to be told what to do – especially parties in conflict and attorneys. Most people, however, even those with the highest emotion or ego, will grant permission when requested. Thus, I ask permission to brainstorm. I ask permission to offer another option. I ask permission to talk about a particular topic for a minute. Asking permission makes visible my appreciation for their participation and my respect for their autonomy, status, and role.

It is also incumbent on the mediator to meet the parties and counsel where they are. In the vast majority of cases, our problem at mediation is not a math problem. It is a people problem. As one commentator explains, “if a truly objective, wholly rational assessment of the facts and law were all that’s required to reach a resolution, then presumably, the parties would have already done that. Yet, the dispute remains. Why? Because the decision makers on each side are human beings with varying degrees of reasonableness, perspective, risk aversion, anxiety, motivation, bias, upbringing, worldview, anger, ego, pride, resentment, hubris, agreeableness and, yes, emotional intelligence.”[[40]](#footnote-40)40

This is true no matter the nature of the underlying dispute. Employment disputes illustrate this point. Such disputes may involve horrific violations of one’s body, for example, and frequently involve violations of conflicting values that go to the parties’ identities. Mediation of such claims involves high emotion and a demand for things like accountability, responsibility, retribution, justice, acknowledgement, or apology. Consequently, it is critical that the mediator constantly read the room and understand where participants are and what they need. Are they frustrated, tired, annoyed, or angry? Are they fed up with talking about “what it’s worth,” instead of talking with them and what happened to them? Do they need a jolt of hope or a moment of trust? Do we need to take a break, mentally or physically? Can I show them appreciation, or do something to better to welcome them into the discussion?

One technique I have used in several types of cases, to much success, is this: If counsel and I are discussing judgment value or “what it’s worth,” sometimes that type of discussion can be overwhelming for a party (either plaintiff or defendant). It can feel like we have lost sight of what the case is about – their story, their experience, their innocence, the wrong committed against them, or how their life has changed.

To demonstrate honesty and empathy, either in the first caucus with a party or whenever I sense the party is very emotional, I will stop for a minute and ask (for permission) to share something with them. I tell them that I know our discussion about what an injury “is worth” can be very upsetting and feels like we are missing their story. The legal system, however, requires us to talk about the case this way, and this is the way the jury will address the matter when they deliberate. But we never lose sight of the fact that this is about a real person with a real story; a person who feels harmed, unjustly accused, hurt, defamed, et cetera, perhaps in a life changing way, and it is important to me and their attorney that they know this. Every time I have done that, it has been appreciated and had a huge impact on the listener.

Finally, let me discuss the technique of playing devil’s advocate. I doubt there is ever a mediation where the mediator does not play devil’s advocate at some point. The keys to effectively using this technique are two-fold. The first is to make explicit the fact that you are playing devil’s advocate. I will say, “Let me (or may I) play devil’s advocate with you for a minute.” Or perhaps, “playing devil’s advocate, does the case law support…” The mediator can run into a problem when she plays devil’s advocate without making it explicit, because the listener can mistakenly feel as if the mediator is attacking or challenging them, or that the mediator is trying to impose a position or outcome – and no one likes that. Attorneys and parties are already in conflict with the other side; they do not want to fight with the mediator too.

The second key to effectively playing devil’s advocate is to primarily use questions. Questions solicit information; statements elicit argument.[[41]](#footnote-41)41 Therefore, mediators ask questions. With questions, we can lead the listener where they need to go. And our questions are soft; they are not leading questions. The mediator never embodies Perry Mason.[[42]](#footnote-42)42

 **Conclusion**

One of my colleagues teaches that the mediator is not the captain of the vessel; the mediator is the stream. Another likes to say that the mediator is like the lighthouse, because he/she is the only one who can see the dangers and reveal the safe path. Our participants can only embrace the way forward if we deliberately design and implement a process that empowers them to do so. Thus, the skilled mediator leads, coaches and guides, using a process built on voice, trust, neutrality and respect.

1. 1 Hollander-Blumoff, R. and Tyler, T., Procedural Justice and the Rule of Law: Fostering Legitimacy in Alternative Dispute Resolution, 2011 Univ. Missouri Disp. Resol. L.J. 1, 3 (2011). [↑](#footnote-ref-1)
2. 2 Douglas, K. and Hurley, J., The Potential of Procedural Justice in Mediation: A Study into Mediators Understanding, 29 Bond Law Review 69, 75 (2017). [↑](#footnote-ref-2)
3. 3 What Discrimination Plaintiffs Can Expect at Mediation, [www.gaemploymentlawyers.com](http://www.gaemploymentlawyers.com/) (2019). [↑](#footnote-ref-3)
4. 4 Welsh, N., Disputants’ Decision Control in Court-Connected Mediation: A Hollow Promise Without Procedural Justice, Texas A&M University School of Law at 180 (2002). [↑](#footnote-ref-4)
5. 5 Id. at 184-185. [↑](#footnote-ref-5)
6. 6 Hollander-Blumoff, supra, at 3. [↑](#footnote-ref-6)
7. 7 Douglas, supra, at 74. [↑](#footnote-ref-7)
8. 8 Hollander-Blumoff, supra at 5. [↑](#footnote-ref-8)
9. 9 Welsh, supra, at 185. [↑](#footnote-ref-9)
10. 10 Douglas, supra, at 75. [↑](#footnote-ref-10)
11. 11 Id. at 76. [↑](#footnote-ref-11)
12. 12 Id. [↑](#footnote-ref-12)
13. 13 Hollander-Blumoff, supra, at 5. [↑](#footnote-ref-13)
14. 14 Douglas, supra, at 75. [↑](#footnote-ref-14)
15. 15 Hollander-Blumoff, supra, at 5. [↑](#footnote-ref-15)
16. 16 Douglas, supra, at 78. [↑](#footnote-ref-16)
17. 17 Lim, M., A Business Alternative: Changing Employers’ Perception of the EEOC Mediation Program, 16 Pepp. Disp. Resol. L.J. 341 (2016). [↑](#footnote-ref-17)
18. 18 Douglas, supra, at 75. [↑](#footnote-ref-18)
19. 19 The Objective Value of Subjective Value: A Multi-Round Negotiation Study, Journal of Applied Social Psychology 2010, Curhan, Elfenbein and Eisenkraft. [↑](#footnote-ref-19)
20. 20 Id. [↑](#footnote-ref-20)
21. 21 Fisher, Roger and Shapiro, R., Beyond Reason: Using Emotions as You Negotiate, Penguin Books 2005. [↑](#footnote-ref-21)
22. 22 Lempereur, Alain, et al., Mediation: Negotiation by Other Moves, John Wiley & Sons 2021, at 203. [↑](#footnote-ref-22)
23. 23 Alison, E. and Alison, L., Rapport: The Four Ways to Read People, Vermillion 2020. [↑](#footnote-ref-23)
24. 24 Id. at 55. [↑](#footnote-ref-24)
25. 25 Id. [↑](#footnote-ref-25)
26. 26 Id. at 64. [↑](#footnote-ref-26)
27. 27 Id. at 78. [↑](#footnote-ref-27)
28. 28 Id. at 79. [↑](#footnote-ref-28)
29. 29 As an aside, coincidentally just this week I was invited to attend a Men’s Night at a friend’s church, and the topic was Christian manhood and St. Paul’s First Letter to the Corinthians. Pastor Steve Robinson of Church of the King, a remarkable speaker and leader, contrasted the lives of men and boys, and commented that “men are empathetic, boys are apathetic.” [↑](#footnote-ref-29)
30. 30 Alison, supra, at 90. [↑](#footnote-ref-30)
31. 31 Id. [↑](#footnote-ref-31)
32. 32 Id. at 94. [↑](#footnote-ref-32)
33. 33 Id. at 106. [↑](#footnote-ref-33)
34. 34 Id. [↑](#footnote-ref-34)
35. 35 Id. at 107. [↑](#footnote-ref-35)
36. 36 Welsh, supra, at 185. [↑](#footnote-ref-36)
37. 37 The Impact of Emotional Intelligence on Effective Mediation, [www.medium.com](http://www.medium.com/) (2021). [↑](#footnote-ref-37)
38. 38 Lempereur, supra, at 216. [↑](#footnote-ref-38)
39. 39 See, e.g., Frisbie, T., Raising Emotional Intelligence at the Mediation Table, Dispute Resolution, ABA Section of Dispute Resolution (Winter 2018). [↑](#footnote-ref-39)
40. 40 Furlong, D., The Role of Emotional Intelligence in Mediation, [www.msba.org](http://www.msba.org/) (2023). [↑](#footnote-ref-40)
41. 41 More sage advice from Bob Jenks. [↑](#footnote-ref-41)
42. 42 Perry Mason is a fictional character from a television series that ran from 1957-1966. His courtroom skills were legendary, and his cross examinations frequently resulted in admissions, capitulation and utter destruction of the witness. [↑](#footnote-ref-42)