

## The Art of Adaptation

Calling on her childhood years as a "military brat," Tomar Mason is adjusting fast to life as a neutral after retiring from the bench.

By Saul Sugarman  
Daily Journal Staff Writer

**S**AN FRANCISCO — Military brats often grow up in volatile environments — their beds and schools shift whenever their parents rotate assignments.

### ADR Profile

Tomar Mason embodies this cliché, having grown up with two parents in the military. Her dad is a retired colonel. Her mom, now deceased, was in the "WAAC," or the Women's Army Air Corps. Mason, 61, moved at least seven times growing up, racking up passport stamps from Germany, South Korea and Japan. She never remained in grade school longer than two years before changing addresses again.

She said the constant moving gave her the ability to quickly adapt to new surroundings.

"You learn that your rules are not the only rules," she said during a recent interview in her Noe Valley home. "There's no one way of the world."

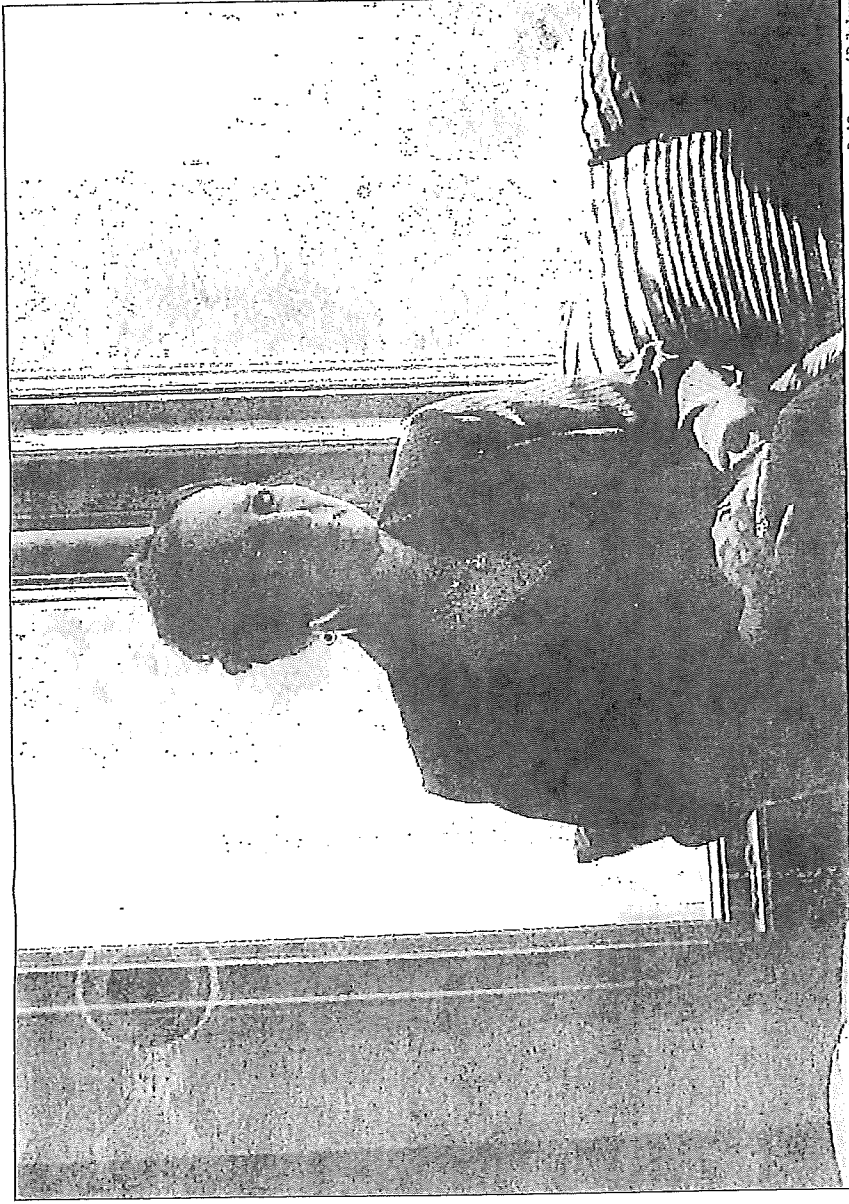
Those are mantras Mason carried into her practice as a neutral.

Her clients say Mason is good at picking up on unspoken cues that can change the outcome of mediations.

"She knows when to get a little pushy," said Attilio J. Giovanatto, a Newport Beach-based sole practitioner who hired Mason last year.

Giovanatto defended a nonprofit aiding the homeless in a lawsuit filed by the U.S. Department of Justice. After nearly two years of mediation, federal prosecutors could not settle their tax fraud claims against executive directors at the organization, Giovanatto said.

Mason stepped in, and Giovanatto



Saul Sugarman / Daily Journal

previously sought appointment as a Fresno judge but dropped out of the running in order to get more experience.

On the San Francisco bench, Mason handled a range of matters for more than 20 years, including complex asbestos, criminal and civil cases.

E. Gerard Mannion, a San Francisco-based lawyer who appeared before Mason not long before she retired, said she was "really accommodating" to his 82-year-old client. The attorney said he represented

next 34 years in public service. "Thirty five if you count the year after undergrad when I was a librarian," she joked.

Mason became Fresno County's third female prosecutor in 1978, and she spent brief stints in 1986 and 1987 as deputy county counsel and as a prosecutor in Santa Clara County.

She then spent three years in the state attorney general's office, before then-Gov. George Deukmejian appointed her a San Francisco Municipal Court judge in 1990. She

said the case was settled within six hours. "She explained our options in a very clear, non-legal way that convinced us," he said.

Born in New York City, Mason grew up in different spots around the world and on America's East and West coasts. She went to Michigan State University for her bachelor's degree because she had never lived in the Midwest, she said.

Mason graduated in 1973 and received her law degree from UCLA School of Law in 1977. She spent the

a "crusty old longshoreman" whose vehicle was broadsided by a "cute ballerina" one day in San Francisco. The case culminated in a four-day jury trial that concluded in December 2010.

Mannion said he was nervous about Mason handling the case because she is a longtime ballerina. The retired judge still takes classes at a studio in San Francisco.

But Mason was fair, he said. The jury ultimately found that Mannion's client was partially at fault for the

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# Lawyers say neutral picks up unspoken cues in mediations

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collision, but still awarded him roughly \$25,000. *LaFleur v. McCullough et al.*, 466524 (S.F. Super. Ct., filed Aug. 23, 2007).

"Judge Mason was relatable to everyone in the courtroom," Manion noted. "She didn't come across as someone who dictated on high so much as she tried to work with people."

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'She got to the point rather quickly.'

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Bruce L. Ahnfeldt

Mason moved to neutral work last year. She said a lengthy tenure at the San Francisco court combined with the court's budget struggles made it a good time to move on, and she retired in December 2011.

That year, she said, court management had stopped assigning settlement conferences to elected or appointed judges due to budget cuts. Moving into neutral work, then, was a good way to pick up settlement

work Mason wanted to perform, but could no longer do on the bench, she said.

"I think that made [my retirement] worthwhile," she said.

As a neutral, Mason is considered "personable, but still very business-like," according to Napa-based sole practitioner Bruce L. Ahnfeldt.

Ahnfeldt recently represented a plaintiff in a personal injury case against Home Depot. He said Mason handled a number of similar cases against the retailer in an all-day mediation, which split her attention.

"She was very busy, going back and forth with multiple cases at the same time," he said.

But, Ahnfeldt said, Mason still resolved his case with a good result.

"She got to the point rather quickly."

*Here is a list of attorneys who have used Mason's services:*

Attilio J. Giovanatto, Newport Beach; Earl L. Jhang, Fremont; Thomas Moore, U.S. attorney's office, San Francisco; Bruce L. Ahnfeldt, Napa; John C. Smith Jr., San Francisco

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**Areas of specialty:** personal injury, employment, medical malpractice, product liability, attorney misconduct, real estate and business transactions