

Remarks on the Occasion of Mark Massa's Investiture  
as the 107<sup>th</sup> Member of the Indiana Supreme Court  
by  
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Governor Daniels, Honorable Justices and Judges, friends and family of Mark Massa, friends of this court and of our great state:

The pleasant duty of putting this occasion in perspective falls, in part, to me. No easy assignment in 10 minutes – mercifully for you 10 minutes. But you wouldn't be here if you were not aware of, and indeed have not been a part of, the cross currents alive in this time and place.

First, to set something of a historical context, As Justice Dixon noted, Mark is the 107<sup>th</sup> member of the Supreme Court. He succeeds our friend Randy Shepard, who was Justice #99.

By my calculation this chamber – 125 years old next year – has welcomed 71 new Supreme Court members before today. But in modern times this is a rare occurrence. Since the constitutional amendment that changed the selection process 42 years ago, this is only the tenth investiture of a new Justice. The last 20 years have seen only five.

In preparing for today, I read one of the gifts of the Shepard era, this book "Justices of the Indiana Supreme Court," containing biographies of all the 106 members .... wherein you may learn that none of the preceding 106 have been named "Mark." Also that he is the 45<sup>th</sup> of the now 107 that were born outside the state, but the first from Wisconsin. Two cheap firsts Massa.

The path that has led to Mark Massa being robed today is a tale of patience, sacrifice, and faithfulness. The story of healthy ambition mixed with a strong dose of humility. The story of keeping a certain innocent delight at good fortune, and in disappointment resisting the temptation to cynicism. The story of an abiding interest in public service. And an athlete's appetite for being "in the arena," a place that is the unrelenting teacher that "Good judgment comes from experience and experience comes from bad judgment." That same arena, the crucible where vision encounters reality and where is borne the practical, the doable.

The twists and turns of fate that charted the path to this chamber today ... looking back ... seem like destiny. Or an infinite number of character tests. Or both.

In the Spring of 1985, I was looking desperately for a speech writer for Governor Bob Orr. None of the applicants, frankly, could write. So, I had this idea that someone besides me must have had this same problem, that they had solved it, and that I needed to find them. And so, I wondered, who needs a really great writer?

What happened next I have always considered an inspired flash, brilliant out of the box intuition. But looking back and knowing what I know about how a hundred different things had to happen to bring us to this room today, it is doubtful that I was the author of this idea.

At the time, the American Spectator was being published in Bloomington. It was periodical of note, whose readership was demandingly intellectual. If anyone knows where I can find a writer, I thought, the Spectator will know.

With no hesitation, I cold-called the publisher, Ron Burr, a man I had never met nor ever spoke with again. I explained my plight and said I was sure that in his bottom left hand drawer was a file with names of writers who he would call if he needed one, and that if he would give me the three best names on that list, that I promised that on two weeks' notice he could steal the person from me no questions asked.

He laughed and said the list wasn't in a bottom desk drawer; it was in a hanging file.

He parted with three names, each of which had a short story to go along with how they'd gotten on the list. Of those, two seemed too egg headed. The third, Mark Massa, seemed intriguing. I presumed the intellect – or else he wouldn't have made the list—but Mark had also been the sports editor of the Daily Student, which meant that he understood the dramatic moment – how things come together to make a story – the stuff of a good speech.

With the help of “directory assistance” (remember that) I made a second cold call. This one to the Boonville Bureau of the Evansville Press. (Two papers in Evansville and one with a Boonville Bureau – can you imagine?)

Mark was sitting there minding his own business. I tell him where I got his name – he didn't know Ron Burr from the man in the moon – and I ask him if he would like to move to Indianapolis and be our writer in chief.

He came up the next week, not to talk but to write. He was a reporter used to deadlines; I gave him a topic for an upcoming speech and a computer and asked him to write us a speech – I learned a few things working for Daniels the first time – even if he said no, I would get something for free out of this.

It took him a couple of hours. John Hammond and I read the speech; it was great. We offered him a \$5,000 raise and a parking spot.

He asked if he could think about it overnight. But one of the things about Mark is that he is wonderfully transparent. There is just no guile. He said he would think about it, but he had “yes” written all over his face. We had ourselves a speech writer.

With values formed by his parents and family, and education that honed the skills that would become his “instrument,” thus began, 27 years ago, a web of opportunities and relationships that would culminate here this afternoon.

Along the way, he was subjected to the demanding scrutiny of tough bosses, with Al Hubbard, Linda Pence, Susan Brooks and I taking a back seat to 12 years he spent working with the three brilliant graduates of the former College of New Jersey -- Shepard, Newman, Daniels. It is doubtful we will see a constellation like these three Princetonians crisscrossing our public spaces again anytime soon. Each bringing gigantic intellect, an incredible bias for results and, not coincidentally, virtuoso writing ability.

I raise this because it seems to me that the product of the High Court is – of course judgment – but finally, WORDS. Words that treat the most complex, the knottiest, the most important ideas and situations. What is required is the capacity to think, to analyze, to sift, to imagine and finally to land.

Mark Massa has these gifts of intellect and they have been well-honed. With scant exception, you will not find someone in this room who is more well-read, who has wrestled more with big ideas, philosophical and practical.

Perhaps it is conventional wisdom that sitting on this court requires experience on the bench. But I put to you that what is required is the ability to take the tangle of thought, and from it communicate judgment in a way that sheds light, that advances our state, our society. No one I know is better prepared for that task than Mark Massa.

And the twists and turns along the way? These amazing coincidences? These tests of perseverance and patience? These apparently chance occurrences? I don't think any of this was coincidence.

To anyone listening this day who doesn't know Mark Massa I say, he's a gem of extraordinary quality. His facets have been in the making and cut and polished for years. He will be a great jurist.

And Mark, on behalf of all your friends gathered here, I say to you, we are proud of you and we expect great things.