

Pro Bono – Law Firms

King & Spalding: Pro Bono Making A Difference At Home And Abroad

The Editor interviews **Bill Hoffmann**, Partner, King & Spalding.

Editor: Please tell us about your professional background.

Hoffmann: I began my career in academia, getting my Ph.D. in philosophy and becoming a professor of philosophy at Ithaca College. While teaching, I became interested in the philosophy of law and began auditing classes at Cornell Law. I eventually got my law degree at William & Mary, and after 29 years of litigation experience at King & Spalding, including 22 as a partner, I became King & Spalding's full-time pro bono partner on January 1, 2008.

Editor: Do you have time to handle your own pro bono cases?

Hoffmann: Very much so. In some respect the mark of a successful pro bono program is the fact that the person in charge doesn't know the details of all the matters, because it means 1) that too many and varied cases are going on for one person to keep up with, and 2) that individuals within the firm are taking a proprietary interest in their cases and running them conscientiously. I spend about a quarter of my time administering the program and the rest working on my own cases.

Editor: I understand Paul Clement, former U.S. Solicitor General, has returned to the firm. What does he bring to the pro bono practice?

Hoffmann: Paul's return has been tremendous for the firm. As Solicitor General for most of George W. Bush's second term, he argued countless cases before the Supreme Court and was universally regarded with great respect by justices both on the left and the right. We are delighted that he has rejoined the firm to head up our appellate practice. Initially, I held off approaching him about pro bono work because I knew how extremely busy he would be. It was *he* who came to *me* to talk about enhancing our pro bono Supreme Court practice. Attorneys Jeff Bucholtz and Darryl Joseffer will be working closely with him on his pro bono cases in Washington.

Editor: Can you tell us about the pro bono case you are arguing before the Supreme Court regarding a class of foster children who sued Georgia officials over their treatment in the foster care system?

Hoffmann: Some years ago, several organizations filed a law suit against Georgia officials seeking declaratory and injunctive relief for deficiencies in the foster care system in the state of Georgia. After litigation, the judge in the case ordered the state to pay the children for attorneys' fees. Furthermore, based on the quality of the attorneys' work, he increased the amount of that compensation. Plaintiffs had been represented by attorneys from the Children's Right Inc. (CRI), a national advocacy group working to reform failing child welfare systems on behalf of many hundreds of abused or neglected children. The government is now challenging this enhanced amount, claiming that it violates the federal fee shifting statute. The case is currently before the Supreme Court.

Editor: You have done significant work

with the Liberia Truth and Reconciliation Commission. Can you tell us about this?

Hoffmann: The work we did for the Truth and Reconciliation Commission fell into three categories.

First, we interviewed a number of Liberian refugees who had relocated to Atlanta after the Liberian civil war about their experiences and we submitted the reports of those interviews to the Truth and Reconciliation Commission. To do this we partnered with scholars and professionals from the Sam Nunn School of International Affairs, the Carter Center and Morehouse College.

Second, we conducted legal research into the structure and procedures of earlier tribunals, such as those in Rwanda and the former Yugoslavia in order to help the Truth and Reconciliation Commission determine how best it should proceed based on the experience of the other commissions.

Third, and very recently, while meetings were underway in Liberia, we were sent transcripts of the Truth and Reconciliation Commission hearings. We reviewed them and prepared memoranda addressing certain issues, for example, the role of religion in the conflict, as well as what role religion might play in the reconciliation process. It was certainly exciting to participate in the hearings as they were happening in Liberia. The commission also asked us to undertake legal research to determine if the distinction between race and ethnicity was made in current Liberian law. That question had been raised during the Truth and Reconciliation Commission's deliberation.

Many matters we handle have intersected with our Liberian work. Two of them involve Charles Taylor, who currently is being tried in the Special Court for Sierra Leone. One issue was the defense of a witness for the prosecution who had testified against Taylor and was later sued in Liberia for defamation. We assisted the Liberian counsel in his defense which resulted in the court deciding in his favor thus entitling him to immunity. The other issue was my serving as independent counsel to the Special Court of Sierra Leone in the Charles Taylor trial for which I traveled both to The Hague and to Sierra Leone to investigate certain allegations of misconduct. (The report and recommendations to the court are confidential.)

In addition, we have assisted the Liberian government in analyzing treaty obligations and have researched constitutional law cases decided under the Liberian Constitution, among other things.

Editor: Tell us about your work locally.

Hoffmann: I would love to, because while we handle many high-profile cases, we cannot lose sight of the fact that charity begins at home – people in Atlanta are being evicted from their homes and are having their cars repossessed, and veterans coming back from the wars cannot get the benefits to which they are entitled.

Editor: How do you find these cases?

Hoffmann: Most of them come through the Saturday Lawyer Program, which is run by the Atlanta Volunteer Lawyers Foundation



Bill Hoffmann

and Atlanta Legal Aid. Staffing the program is rotated among the law firms in Atlanta. Four Saturdays a year, King & Spalding sends a group of lawyers who take whatever case comes through the door, most of them small by corporate standards but life-changing to the client. For instance, one client was refused his \$900 security deposit on an apartment he was vacating; another, a security guard, could not get paid for several days of legitimate work. These are significant events in an individual's life. We have a continuing chain of those types of cases, all of them different and none of them predictable. Helping the people who live within the shadow of this building are as much of a priority as assisting in Liberia or arguing before the Supreme Court.

I would like to add that I believe it is important to take cases referred to us by a reliable entity. In our case, Atlanta Volunteer Lawyers and Atlanta Legal Aid are good primary sources. Any pro bono partner at any firm will tell you that the key to a successful pro bono program is screening, training and mentoring.

Editor: You have provided significant assistance following natural disasters, including Hurricane Katrina and, more recently, the tornadoes in Atlanta in the spring of 2008. Can you tell us what you have done in Atlanta?

Hoffmann: When Hurricane Katrina hit, King & Spalding was asked to interview people who had been displaced to Atlanta from the Gulf Coast and to write a report on the findings. King & Spalding partner Shelby Guilbert, a Louisiana native, was particularly interested in heading up the project. We worked on a case representing individuals who would receive FEMA checks to repair or replace their houses and deposit the checks into a bank or savings account until such time as they could find workers to repair or rebuild their homes. Unbeknownst to them, this placed them temporarily over the federal limit to receive food stamps, and consequently they were cut off by the government. We brought a class action suit on behalf of those individuals. The government immediately agreed to a settlement and refunded the food stamps to anyone who could show that some of the assets they had in the bank were attributable to having received a FEMA check.

In the spring of 2008, a series of tornadoes hit Atlanta, severely damaging the historic and very beautiful Oakland Cemetery. In order to assist the cemetery with its recovery efforts, Shelby was asked to examine FEMA and the Georgia counterpart regulations as well as the law under the National Historic Preservation Act. In addition, he assisted in providing legal services to the indigent individuals who incurred losses as a result of the tornadoes. By dint of his pro bono experience, Shelby has become an expert in disaster relief law.

When the swine flu epidemic hit, the Atlanta Chamber of Commerce contacted him and he is now providing advice to nonprofits on the legal aspects of the problem.

(Incidentally, it was Shelby's excellent work with refugees from Louisiana that led the Liberian Truth and Reconciliation Commission to choose King & Spalding to interview refugees from Liberia.)

Editor: Please tell us about your work with disabled veterans of the wars in Afghanistan and Iraq.

Hoffmann: Our DC office has been the leader in working on behalf of disabled veterans, assisting them in getting their benefits through the administrative process and representing them in the litigation process when the benefits are not satisfactory. The lawyer who heads that office, Ehren Halse-Stumberg, recently won the District of Columbia Bar Association Champion Award.

To start the program in Atlanta, I strongly encouraged the firm to recruit people specifically for this work, and so several former JAG lawyers were to run the program here. Interestingly, one of our retired Atlanta partners had been a company commander in Vietnam. He was approached by us and was asked to assist soldiers from that same company who recently had served in Iraq and Afghanistan. We hope to have a successful program in Atlanta to mirror the one we have in Washington.

Editor: I understand you are involved in a number of human trafficking cases.

Hoffmann: Yes, and many of these cases, which concern young girls being trafficked into this country and conned into becoming prostitutes, involve working with the government – specifically immigrations and customs enforcement, whose representatives conducted a seminar in our office. We now represent the victims, help them get the appropriate visas and then go after the appropriate perpetrators. Again, the key to this is partnering with a nonprofit, in this case a group called Tapestri. Also, the Georgia Asylum and Immigration Network (GAIN) screens the cases, provides the training and mentors us as cases go forward.

We are following the same model in domestic trafficking cases. We already have one file open in Washington. We have had several meetings to set up a program here in Atlanta to represent underage girls who have been forced for economic reasons into prostitution. In their cases, the state or federal government will prosecute the trafficker or "pimp," but the girls need representation from the beginning to the end of the process, as well as preparation as witnesses if necessary. Obviously it is extremely sensitive work, so partnering with these experienced nonprofits is essential.

Editor: In light of the financial crisis and the additional pressures on so many law firms, where do you see pro bono headed in the next few years?

Hoffmann: An interesting shift that we've seen in our firm is that more transactional lawyers simply are offering their time in part as a consequence of having less transactional work. Meanwhile, litigation tends to thrive in difficult times. One area of concern is that law firms, like all other organizations, are reining in their contributions. I remain worried about organizations that need to employ lawyers and depend upon contributions from the general economy for survival. The other obvious fact is that we are seeing greater need for representation as more people are losing their houses, getting evicted or losing their cars. The people I talked about earlier, those living in the shadow of this building will continue to suffer from the economic downturn. They will need pro bono legal service, and when they do, we will be here.

Please contact the interviewee at bhoffmann@kslaw.com with questions about this interview.