

## Compassion, Courage And Conviction: Pro Bono At King & Spalding

The Editor interviews **William E. Hoffmann**, Pro Bono Partner, King & Spalding LLP.

**Editor:** Bill, please remind our readers of your professional background.

**Hoffmann:** In 1978 I began practicing law after a career in academia. Since being named King & Spalding's only full-time pro bono partner, I have divided my time between administering the pro bono program, generating pro bono cases for other lawyers in the firm and actually handling cases myself.

**Editor:** Please tell us about any new developments in King & Spalding's pro bono practice.

**Hoffmann:** The most exciting new development is a sex-trafficking case on behalf of four Brazilian girls (now women), for which we are using the rarely applied Trafficking Victims Protection Act – making it a remarkable case not only for us, but also for the United States.

The case involves allegations that a tour operator in the U.S. was recruiting young local girls for sexual services during fishing expeditions that the company conducted along the Amazon River. Federal courts in the U.S. have jurisdiction for criminal purposes over individuals located in this county who are engaged in sex trafficking as part of international commerce. The Trafficking Victims Protection Act is unusual in that it allows victims, even those outside the country, to sue a defendant for civil damages. Equality Now, a nonprofit with offices in New York, London and Nairobi, reached out to King & Spalding partner John Harbin, whose work with children's and women's rights organizations in the Atlanta area (such as Voices for Georgia Children) was made known to Equality Now.

Having decided to take the case, in December John and I went to Brazil, and after interviewing a number of the girls involved, determined that four of them would be suitable plaintiffs. We filed the lawsuit in May, and it will be in many respects a case of first impression in the United States, so we are very interested to see what happens.

**Editor:** Trafficking cases are new to your firm, aren't they?

**Hoffmann:** Yes, they are. In past interviews, I've talked about our very close relationship with an organization called GAIN, the Georgia Asylum and Immigration Network. Prior to this year, the emphasis of GAIN was on asylum cases; now GAIN has branched out into taking on trafficking cases. I am not particularly knowledgeable in this area, but there are statutes that allow women, girls or young boys who are trafficked to the United States to acquire visas if they assist law enforcement in the prosecution of the traffickers. This allows the victims ultimately to apply for legal permanent residency in the United States. Sadly, GAIN has seen a great increase in these cases, and so we've begun taking some of them. In fact, we've gotten the in-house legal department of one of our clients, the Coca-Cola Company, to participate in these cases as well.

**Editor:** Are you still doing work for international courts?

**Hoffmann:** Yes, much of it confidential. I have served as *amicus curiae* for the Spe-

cial Court for Sierra Leone, and last year I finished work on three cases for the International Criminal Tribunal for Rwanda. I am currently working on one for the International Criminal Tribunal for the former Yugoslavia.

**Editor:** Is most of your activity on the international front?

**Hoffmann:** I do a lot of international work, but the bulk of my work is in the United States, as the primary emphasis of the pro bono program is domestic.

**Editor:** Does the firm's pro bono practice offer associates valuable courtroom experience?

**Hoffmann:** That is certainly one of the goals of the program, and we think we achieve that. We've had great success in that area, particularly in prisoners' rights cases. Recently a few of our associates were involved in a hearing in a habeas corpus case – a death penalty case – in North Carolina that was handled primarily from our Washington office. The work involved a lengthy evidentiary hearing to determine if our client was entitled to a new trial because of newly discovered evidence that we believe strongly supports a claim for his innocence.

One of our second-year associates is going to argue an interesting case this summer in superior court: we are making an extraordinary motion for a new trial in a case in which there is newly discovered evidence that a young man did not commit the drive-by murder for which he had been fingered by members of a rival gang – and for which he is serving a life sentence. Sometime after the young man was found guilty, the FBI and the U.S. attorney were conducting an investigation on some RICO claims and convicted several of those same gang members. In the process, a number of them came clean and admitted it was a member of their own gang who had done the drive-by shooting.

In response, the U.S. attorney asked the federal public defender to find someone in Dekalb County to take on the case of exonerating this young man pro bono. We said yes. We have interviewed a number of the rival gang's members now serving time in federal penitentiaries around the country and acquired affidavits. We have also gathered FBI reports of interviews with them and grand jury testimony, all of which exonerates our client and implicates a member of the rival gang in the murder (who himself died in a subsequent gang shooting). Later this month we will argue the evidence before a judge and ask him to order a new trial for our client, after which we hope the case will be dismissed. If in fact the judge does order a new trial, our young associate will be arguing the case – and he's very eager to do so. This is an excellent example of the way our pro bono program provides experience to newer attorneys.

**Editor:** How helpful are partnerships with pro bono organizations?

**Hoffmann:** Very. The common wisdom is that in order to have a successful pro bono program, you should be associated



**William E. Hoffmann**

with an organization that provides you with three things.

First, the organization is extremely time consuming but absolutely necessary: you don't want to waste time working on cases that turn out to have little or no merit. Furthermore, it is not a particularly valuable training experience for our associates.

Second, the organization must provide formal training. For example, GAIN offers training programs in the law of trafficking and asylum, and the Southern Center for Human Rights offers training in prison litigation.

Third, because you can never learn everything in a day or two, the organization must provide mentoring. There must be someone you can call with questions as they arise. We look to organizations like GAIN and the Southern Center for Human Rights to provide these three functions, which is probably typical of most large firms. That is not to say that we won't take a one-off case such as this one I just described; however, we are never without resources to consult. We have contacts with federal and state public defenders. We can also turn to the Georgia Innocence Project for mentoring, say, when we are filing a motion for a new trial.

**Editor:** In addition to the three you've mentioned, are there other agencies with which you partner?

**Hoffmann:** The Georgia Justice Project, the Atlanta Legal Aid Society, the Pro Bono Partnership of Atlanta, Georgia Lawyers for the Arts and the Atlanta Volunteer Lawyers Foundation.

**Editor:** Please talk about some recent matters you have handled. Was there one that was particularly rewarding?

**Hoffmann:** In the last year, we had two First Amendment cases in Texas, which is in itself out of the ordinary. One case was on behalf of a woman who complained that her child had been abused in a Texas school system, and the result was that an administrator in the school system was demoted largely because the woman had spoken both to the school system and to the media. He sued her for damages, and she won the lawsuit on First Amendment grounds.

In the second case, a woman chaplain who had been visiting a Texas prison voiced her concerns about conditions there to the media. In response, the prison system cut off her visitation rights to provide ministry to the prison's inmates; she sued on First Amendment grounds and had her visitation privileges restored.

If I were to pick my favorite case of the year, it would be one that I didn't work on myself – but it's a terrific story. Several years ago, the mother of a firm partner, Mike Raeber, signed up for a prison pen pal program. The inmate she corresponded with was a man named James Parkerson. Gradually, over the course of a few years, Mr. Parkerson conveyed to his pen pal that he had more or less resigned himself to serving a life sentence for a murder he did not commit. She brought this to the attention of her lawyer son, and, after investigating, Mike determined that there was sufficient evidence to bring a habeas corpus claim that Mr. Parkerson was denied effective assistance of counsel because his case had not been adequately investigated. Mike brought such a claim, and the judge agreed, ruling that there was substantial

evidence that if believed by a jury could establish his innocence. The judge ordered a new trial, and the state appealed, but while the appeal was pending, the state allowed Mr. Parkerson to be released for time served if he agreed not to bring any claim in connection to the incarceration. He had spent 17 years in prison for a crime he hadn't committed.

**Editor:** We've spoken before about your asylum cases. Have you handled any others recently?

**Hoffmann:** I think my last one was over a year ago because the client called me the other day to tell me it was his one-year anniversary.

**Editor:** So you maintain relationships with some of these fortunate people?

**Hoffmann:** Yes, in a few cases. This particular young man was living very happily in Iran until President Ahmadinejad was re-elected in 2009, at which time he took to the streets in protest. He was targeted by the police, and his family members were taken and questioned. After being detained for a while himself, he went into hiding, eventually enlisting smugglers to get him across the border into Turkey and then into Syria. From there he flew to Venezuela and ultimately to the United States, where he applied for asylum. We won asylum for him, and he calls me from time to time. Actually, three of my asylum clients from Iran and Afghanistan are friends themselves now, and occasionally we all go to a Persian restaurant for dinner together.

**Editor:** Do you still do work with African asylum seekers?

**Hoffmann:** I had one Liberian client, and I now have a case for a Somali that is still pending. I've taken on a new case for a man from the Ivory Coast. A senior bureaucrat in the government who had served under four presidents, my client was caught in the civil war when then-president Laurent Gbagbo refused to step aside for the president-elect, Alassane Ouattara. Both of the warring factions sought my client's allegiance, and he chose to stay neutral; consequently both sides turned against him, and he had no choice but to leave. We will file his asylum application in the next few months.

**Editor:** I understand that King & Spalding and you personally have been honored with awards from The National Legal Aid & Defender Association (NLADA) and Emory Law School, respectively. Congratulations!

**Hoffmann:** Thank you. Both awards were largely for our asylum work. The NLADA gave awards to a number of firms for their contributions to asylum work, and we were proud to be included.

Emory gives one award each year for outstanding leadership in pro bono. Because of a variety of our pro bono cases – but particularly our asylum work – we were nominated by the executive director of GAIN and selected by the Emory board (called EPIC, for Emory Public Interest Committee). We're very pleased they saw fit to give us that award. I was introduced at the award ceremony by the executive director of GAIN, and four of my asylum clients were present for the award ceremony and reception. It was a very fulfilling experience.

Please email the interviewee at [bhoffmann@kslaw.com](mailto:bhoffmann@kslaw.com) with questions about this interview.