Washington and Lee Law Review

Volume 54 | Issue 4 Article 2

9-1-1997

A Tribute to Walter E. Hoffman

Follow this and additional works at: http://scholarlycommons.law.wlu.edu/wlulr

Part of the Biography Commons

Recommended Citation
A Tribute to Walter E. Hoffman, 54 Wash. & Lee L. Rev. 1339 (1997),
http://scholarlycommons.law.wlu.edu/wlulr/vol54/iss4/2

This Article is brought to you for free and open access by the Law School Journals at Washington & Lee University School of Law Scholarly Commons. It has been accepted for inclusion in Washington and Lee Law Review by an authorized administrator of Washington & Lee University School of Law Scholarly Commons. For more information, please contact osbornecl@wlu.edu.

WASHINGTON AND LEE LAW REVIEW

Volume 54 | 1997 | Number 4

A Tribute to Walter E. Hoffman

Few graduates in the history of Washington and Lee University have left such a lasting legacy as did United States District Court Judge Walter E. Hoffman. A graduate from the School of Law in 1931, Judge Hoffman is easily recognized and now remembered as one of the most accomplished jurists of our time. In recognition of his contributions not only to Washington and Lee University, but also to the Commonwealth of Virginia, and to the institution and practice of law, the Editors of the Washington and Lee Law Review *dedicate this issue to Judge Hoffman. It would not be possible in such a limited space to present a complete account of his achievements, but we hope these writings might begin to reflect our appreciation and respect for his lifelong service to the commonwealth and the nation and for his selfless dedication to law and duty.*

Honorable John A. MacKenzie*

These remarks dwell on the judicial career of my mentor and good friend, Walter E. Hoffman. He was a superb human being and, in my judgment, the finest judge who ever graced the federal bench. He was known as "Beef Hoffman."

He made his mark on every side of community service – in the United Fund, as president of the YMCA, as a leader of the Salvation Army, as a trustee of Randolph-Macon College, as a lay leader of the United Methodist Church, as a director of the Virginia United Methodist Children's Home – but I leave his community medals to another day, another pen.

* Senior United States District Judge, Norfolk.

Upon his induction as a United States District Court Judge in September 1954, Walter Edward Hoffman left a prospering practice as a very successful trial attorney and began an illustrious 42-year career on the federal bench.

I sat on the same bench with him from 1967 forward – 29 years. I know of no district judge who can even approach his contributions to the federal judicial system. To be sure, even before his appointment as judge in 1954, he had experience with the intricacies of federal practice. He had served in a part-time capacity as referee in bankruptcy and still maintained an active trial practice in the district court. He had served part-time as an adjunct professor at the law school at the College of William and Mary for most of the 1930s, teaching courses in federal procedure and admiralty.

He was keenly aware, and so stated in his many written opinions, that the law as the legislative work of Congress and as interpreted by the superior federal courts was to be zealously followed. He believed that due process was to be the top demand on every individual judge. This was a charge he understood and preached with enthusiasm even when it required extra days and long hours. He frequently held court on Saturdays and did not rule out sessions on Sundays and holidays. Holding court until midnight to complete a complex trial was not uncommon. As a matter of fact, in his daily schedule he rarely left the courthouse before seven o'clock in the evening. He returned to his office on Saturday afternoons following his routine golf round which began with a 7:00 A.M. tee time, specifically designed to accommodate his office workload. In his exhaustive industriousness, he was held in awe by every attorney who came in contact with him.

He firmly believed that litigants filed civil suits because they thought they had an entitlement and that it was the duty of the court to sustain their claims if warranted. On the other hand, he recognized that a civil defendant was just as entitled to be absolved of the burden of the claim if he was not responsible for it. Out of this philosophy came Judge Hoffman's invention of the "rocket docket." He instituted a plan that kept his docket moving by getting cases settled or tried. The "rocket docket" follows a strict procedure. Suits filed are immediately reviewed by a judge, a discovery procedure is set up to be completed within 60 to 90 days, a final pretrial conference is scheduled and attended by the attorneys who will actually try the case, and a trial is commenced within six months. No continuances are to be considered *except* in very unusual cases. The Eastern District of Virginia has led the nation for many years in the important statistic of elapsed time between filing and trial. Judge Hoffman introduced the system 35 years ago, and the court rigidly adheres to it.

He planned and followed a strict work ethic which he adopted in the mid-1920s while putting himself through college and law school as an assistant

football coach at the College of William and Mary and at Washington and Lee University. To sustain himself and his family in his early law practice, he worked as a football referee and served as such all over the South. He officiated in more than 100 major college football games, including several bowl games such as the Sugar Bowl at New Orleans. It was a diversion he greatly enjoyed. He gave it up reluctantly just before his appointment to the federal bench.

Judge Hoffman was a prominent member of the Virginia Republican Party and ultimately was elevated to state chairman. He appeared on national television during the Republican convention in 1952 when he cast the Virginia delegation's unanimous vote for the nomination of Dwight D. Eisenhower for President. Nevertheless, he assiduously denied any connection between his Eisenhower convention vote and his own appointment by President Eisenhower to the federal bench a year or so later.

Throughout his 42 years as a United States District Court Judge, Judge Hoffman maintained his office in Norfolk, though much of his service was performed elsewhere.

He was the chief judge of the Eastern District of Virginia for 12 years. While leading this district, which stretched 200 miles from Alexandria through Richmond and on to Norfolk, he also found time to serve in other ways: he honored his appointment as a member and later chairman of the Advisory Committee on Criminal Rules, a very important national committee; he was an elected member representing the Fourth Circuit on the Judicial Conference of the United States, the governing body of United States courts wherever located; he responded to the United States Attorney General's request to serve on a study of Problems of Indigent Defendants; he was a member and later chairman of the Judicial Conference Committee on the Administration of the Probation System, also a national undertaking; he served on an American Bar Association study of Minimum Standards for Criminal Justice; he served as chairman of the Judicial Conference Committee on the Writ of Habeas Corpus; and after serving as a member of the board of directors of the Federal Judicial Center for several years, at the request of Chief Justice Warren E. Burger, he assumed full time responsibility as the director of the Federal Judicial Center in 1974.

Attendant to his duties in Washington as director of the Judicial Center, he was a member and then chairman of the Judicial Fellows Commission and a member of the Advisory Board of the National Institute of Corrections. As if he could not find enough to occupy all of his time, he served through the 1980s as a member of the National Temporary Emergency Court of Appeals.

Chief Justice Burger, recognizing the need to involve district judges in the solution of new court problems that were constantly arising, established

a conference of Metropolitan Chief Judges. By assembling the chief judges from the major metropolitan areas when problems arose, emergency action could be undertaken and responses immediately disseminated to 85% of the national docket. In his wisdom, the Chief Justice chose Walter Hoffman to inaugurate and to chair these national conferences. Judge Hoffman's leadership of this important function covered a period in excess of 10 years, two conferences per year.

Additionally, Judge Hoffman accepted the invitations of every court of appeals in the United States and took part in their appellate discussions. Most importantly, because of his experience, his intelligence, his devotion to the law, and his ability to teach, he for many years conducted a seminar for new judges to introduce them to the art of judging. These seminars were held semi-annually or more often as necessary.

The sum of all this activity, his term as director of the Federal Judicial Center and as Chairman of the Metropolitan Chief Judges' Conference, his service on the various appellate courts and the Temporary Emergency Court of Appeals, and his conduct of seminars to teach newly appointed federal judges, put him in contact with every district judge in the nation, and each became his personal friend. His popularity in the judicial family of the federal court was unparalleled. He knew every judge by his first name, and he exercised a talent that amazed us all: he never forgot a name.

Along the way, Judge Hoffman presided over many criminal trials of national notoriety. Among them were the trial of the Vice President of the United States, the trial of a federal judge in Nevada, and many criminal trials brought against various officials of neighboring states. He was asked to undertake these disagreeable tasks and assumed the responsibilities without complaint. He did not choose to talk much about these cases because, he said, they represented unfortunate episodes for the families of the persons involved and were unpleasant for him to recall.

Overlooked in the many contributions made by Judge Hoffman was his appointment on several occasions to serve as special master by the United States Supreme Court to hear conflicts between states in boundary disputes. He undertook to fix the boundary between South Carolina and Georgia, a long and tiring effort that required a determination of the historic course of the Savannah River and any changes therein which might have taken place over more than 100 years. On another occasion, he was called upon to determine the title of the several New England states to the abutting coastal areas of that region.

It has to be mentioned, though Judge Hoffman might frown, that he had a certain mild irreverence for the Courts of Appeals. He did not like to be reversed, though in at least one case reversal might be the favorable result.

For instance, if the funeral folks buried him face down in the casket, he said it would not really matter because the Fourth Circuit would reverse him the next day. On my first invitation to sit with the appellate court, Judge Hoffman admonished me that I was not to capitulate to friendly entreaties from appellate judges. Borrowing on something he had read, he said, "Rely on the Geneva Convention. Do not give them anything but your name, rank, and serial number!"

By Resolution of the United States House of Representatives adopted July 8, 1983, the former United States Post Office and Courthouse in Norfolk, Virginia, was renamed the "Walter E. Hoffman United States Courthouse." This resolution was many, many years too late. The interior of the building had been the Hoffman Building for 25 years. My own staff would tell visitors that we occupied "Judge Hoffman's office." Trials in the imposing courtroom attendant to the chambers which Judge Hoffman had occupied even after he had not presided therein for years, were said to be proceeding in "Judge Hoffman's courtroom" no matter what judge was presiding. To this day, receptions are noticed as being held in "Judge Hoffman's library." Security guards at the front entrance of the building inform attorneys asking for the current senior active judge, Judge Smith, that "she occupies Judge Hoffman's office."

Many other honors too numerous to mention came his way. Two of them, however, are too prestigious to let pass. In June, 1984, he was the second recipient of the Edward J. Devitt Distinguished Service Award, for his exceptional contributions as a member of the federal judiciary. The only prior award had been made to Circuit Judge Albert Maris. Earlier, Judge Hoffman had been awarded a LL.D., by our university, Washington and Lee.

Judge Hoffman, even at age 86, still reported to *his* office in *his* courthouse on a daily basis until he suffered a debilitating stroke which left him partially paralyzed. He did not let up, though it required that he come to his office in a wheelchair. His mind remained clear, and he continued to make an important contribution.

Sadly, on November 21, 1996, at age 89, this giant of a jurist passed on. Though they called him "Beef," his close associates and I, and all the lawyers that knew him well would say, "He was a real *horse*!"

Conrad M. Shumadine*

Walter E. Hoffman stands out as a judge for many reasons. His keen intellect is reflected in the craftsmanship of his opinions. He possessed a judicial demeanor that combined patience, warmth, and good humor with a stern disapproval for anything less than the best a lawyer could provide. He combined a strong work ethic with an administrative genius that allowed one judge to do the work of several and created the Eastern District's reputation for rapid justice. But if there is one characteristic that distinguished Judge Hoffman, it was the devotion to duty. Duty was a cornerstone of his philosophy and his life.

Appointed to the bench in 1954, Judge Hoffman shouldered the task of dismantling massive resistance in Virginia and enforcing the rights of all citizens. Unfairly and inaccurately criticized by state officials and abandoned by all except a few close friends, he entered order upon order guaranteeing the equal rights of all citizens and frustrating the Commonwealth's attempts to preserve segregation. Ostracism and unfair criticism did not once cause the judge to flinch from his duty. It was in this context that he made the statement that best defines his life: "I will do my duty if it costs me my last friend on earth."

This unwavering commitment to duty led the chief judge of the Fourth Circuit Court of Appeals to select Judge Hoffman to preside over the 1973 criminal trial of Vice President Spiro T. Agnew. While recognizing the importance of the case, Judge Hoffman was not intimidated. When the Vice President offered a *nolo contendere* plea to avoid a jail sentence, the court approved only upon the Attorney General's request. The Vice President was entitled to no different consideration than the average citizen. The court could respond to a government request for special consideration to be given any defendant. The fundamental difference between judicial leniency and the judiciary's granting leniency upon request of the government was significant. Maintaining institutional integrity and promoting judicial respect were part of the court's duty.

The case involving the Vice President was not the only difficult case handled by Judge Hoffman. He presided over the criminal trials of a Nevada United States District Court Judge and of a popular West Virginia mayor. While large and highly publicized cases confirmed the judge's reputation, that reputation was not made in the large cases, but in the large number of smaller yet important matters over which he presided. As each of his law clerks will

---

* Partner, Willcox & Savage, Norfolk, Virginia. Mr. Shumadine is Judge Hoffman's son-in-law.

attest, Judge Hoffman never tried an unimportant case or dealt with an insignificant matter. Dedication to duty demanded that he do the correct thing in every case and in every ruling. Sad was the clerk who did not find every relevant authority. Sadder was the lawyer who came before the court unprepared.

Judge Hoffman's knowledge of the law was encyclopedic. Legendary was his ability to find clearly controlling cases that had eluded others. Duty demanded that every relevant case be located whether the lawyers presented it or not. Judge Hoffman was as apt to find cases in favor of an attorney's position as opposed. One astonished attorney, upon learning for the first time from the bench of a case squarely in his client's favor, remarked that Judge Hoffman was the best law clerk he had ever seen.

Duty imposed upon the judge an extraordinary work ethic. At one time Judge Hoffman handled almost four times the case load of the average federal district court judge. He presided late into the night and on weekends. Weekends were spent with advance sheets of judicial opinions. No matter how busy he became, he never allowed a diminution in the quality of the justice dispensed by the court.

Demanding as he was, Judge Hoffman was a lawyer's judge. Duty demanded that he preside over a fair trial, and every litigant was entitled to respect. Duty compelled that he subordinate his views to those of the jury. Furthermore, the judge presided with a wonderful sense of humor and a profound respect for the integrity of the process.

Duty demanded that his busy schedule not deny access to the court. His proudest achievement was the development of the rules and procedures that resulted in the Eastern District of Virginia's "Rocket Docket." Realizing that justice delayed often was justice denied and that there was no justice without judicial availability, the Eastern District's Procedures established a standard unequaled in the United States. Nowhere is justice dispensed more rapidly. Furthermore, while other district courts adopted rules to isolate the judiciary, the Eastern District opened its doors, providing rapid access to judges.

Judge Hoffman was the second director of the Federal Judicial Center, overseeing the work of all federal courts. He was the first district judge to receive the Edward J. Devitt award for the most distinguished service to the administration of justice. The courthouse in which he spent so many years was named the Walter E. Hoffman United States Courthouse. Honorary degrees were bestowed by both his alma maters.

Judge Hoffman's accomplishments evidence his character. On his twenty-first birthday, his father wrote the following admonition to the then young Walter E. Hoffman: "Mother and I have implicit faith in you, and are confident you will never do anything that will reflect discredit on our name,

morally or otherwise, believing the sacrifices we have made entitles us to this much consideration."

Throughout his professional, judicial, and personal life, Judge Hoffman honored his family name by never swerving from performing his duty as he saw it, regardless of the circumstances or the personal consequences. The real monument to Judge Hoffman is not the courthouse which bears his name; it is his legacy of commitment, caring, and doing.

Barry Sullivan*

Walter E. Hoffman was born in Jersey City, New Jersey, on July 18, 1907. He received the Bachelor of Science degree from the University of Pennsylvania's Wharton School of Finance and Commerce in 1928, studied law for a year at the College of William and Mary, and then transferred to Washington and Lee University, where he received the Bachelor of Laws degree in 1931. He was appointed by President Dwight D. Eisenhower to serve as a United States District Judge for the Eastern District of Virginia in 1954, and he later served for 12 years as chief judge of that court. Judge Hoffman took senior status in 1974, not to retire, but to take up an appointment as director of the Federal Judicial Center in Washington. Following completion of that assignment, he returned to the Eastern District of Virginia, where he served as a senior judge until the time of his death. He died in Norfolk, Virginia, on November 21, 1996. Judge Hoffman's life was a long one, and it was one filled with intellectual curiosity, moral courage, an uncommon and steadfast commitment to duty, a profound dedication to his country and to his fellow citizens, a staggering variety of interests and achievements, a self-deprecating wit, and a capacious sense of joy.

The term "renaissance man" is used more often than it should be, and it has lost much of its meaning by virtue of excessive familiarity. On the other hand, one would be hard-pressed to describe Walter Hoffman without calling that term into service. After all, Judge Hoffman was an accomplished football player and coach before he became a lawyer; an accomplished lawyer, law teacher, referee in bankruptcy, Republican party activist, community leader, and intercollegiate football referee before he became a judge; and, finally, a judge without peer in his reputation for fairness and integrity, independence, commitment to duty, and skill in judicial administration. He believed, without doubt or equivocation, in hard work.

---

* Dean and Professor of Law, Washington and Lee University School of Law.

As a member of the Southern Football Officials Association from 1931 to 1952, Judge Hoffman officiated 112 major college football games. The most memorable of those games may well have been the Tennessee-North Carolina game of 1948, when he correctly called back a Volunteers touchdown for clipping and had to be escorted from the stadium to protect him from angry Tennessee fans. The certainty of purpose, willingness to make the hard call, and dedication to duty he showed on that occasion were harbingers of the qualities he would repeatedly demonstrate in his later work as a judge.

As a federal judge in Virginia in the aftermath of the Supreme Court's decision in *Brown v. Board of Education*, Judge Hoffman had more than ample opportunity to demonstrate the strength of his character. When he was shunned and given the silent treatment for his determination to follow the Supreme Court's decision, and to order the desegregation of the Norfolk high and junior high schools, Judge Hoffman reportedly responded: "I'll do my duty, if it costs me my last friend on Earth." Judge Hoffman's dedication to duty may not have cost him his "last friend on Earth," and the vindication and honors that came to him in later years surely must have been sweet, but the resoluteness he showed in those days of Massive Resistance clearly did exact a real cost to him and his family that is hard now to imagine.

That same resoluteness was responsible, of course, for his being chosen in 1973 to preside over the Baltimore income tax evasion and bribery prosecution of Vice President Spiro Agnew, and for his unwillingness to blink when taking Agnew's plea. In Judge Hoffman's view, the circumstances were plain: a failure to contest the charge was an admission of guilt, and there should be no doubt about that in the minds of his fellow citizens. He explained at length, and in simple terms, the circumstances giving rise to the plea, as well as the meaning of it:

> He has entered a plea of *nolo contendere* which, so far as this criminal prosecution is concerned, is the full equivalent of a plea of guilty. Such a plea frequently is accepted in income-tax-evasion cases as there are generally civil consequences flowing therefrom and the criminal court is not interested in the precise amount of taxes which may be due. The plea . . . merely permits the parties to further litigate the amount due without regard to the conviction following such a plea.

Not surprisingly, Judge Hoffman also was chosen to preside over the 1984 tax evasion trial of United States District Judge Harry Claiborne of Nevada. In 1987, he presided over the drug trial of Charleston, West Virginia Mayor Mike Roark. These challenging and difficult assignments came to Judge Hoffman because of the esteem in which he was held by his fellow judges and citizens as the very model of a judge: wise, courageous, independent, and fair.

Judge Hoffman's work in the courtroom would be enough for any judge to rest his or her reputation upon. Impressive as that work was, however, it is but a part of his legacy. In his creation of the "rocket docket" in the Eastern District of Virginia, and in his later work as director of the Federal Judicial Center, Judge Hoffman recognized the importance, both to litigants and to the commonwealth, of justice that is expeditious as well as true and deliberate. In those venues and others, Judge Hoffman worked tirelessly to improve the administration of justice in all our courts. His efforts in that regard have affected countless of his fellow citizens throughout the nation and provide to an often-beleaguered profession both inspiration and concrete evidence of the practical good that can be accomplished by thoughtful problem-solvers steeped in the values and traditions of our legal system, yet unafraid to seek new solutions in light of changed circumstances.

Many well-deserved honors came to Judge Hoffman. Our University conferred on him the honorary degree of Doctor of Letters, honorary membership in the Order of the Coif, and honorary membership in the ODK leadership fraternity. He was awarded the honorary degree of Doctor of Laws by the College of William and Mary, and he was honored by the students of William and Mary for his many years of teaching there. He received the Edward J. Devitt Distinguished Service Award, the highest professional award bestowed on federal judges, and the American Judicature Society honored him with the Herbert Harley Award. Most appropriately, Congress has named the United States Courthouse in Norfolk in recognition of his contributions to the nation, the profession, and the cause of justice. Many of Judge Hoffman's friends, colleagues, and law clerks created a law scholarship fund in his honor at Washington and Lee. Shortly after his death, we learned that Judge Hoffman, with characteristic thoughtfulness and lack of fanfare, had named that scholarship fund as the beneficiary of his government life insurance policy. He also contributed his professional papers to the Law School. They will complement, and be complemented by, the papers of his friend and classmate, Lewis F. Powell, Jr., '29, '31L.

I did not have the pleasure to know Judge Hoffman personally until the last years of his life, when ill health had somewhat reduced his legendary vigor. But even then his energy, and his enthusiasm for life, justice and decency, law, the courts, and Washington and Lee, would put to shame many younger men and women. He was a big man in physical terms. In terms of character, he was larger than life.

ARTICLES