

**Herbert E. Hoffman
Recipient of the
2007 Donald C. MacDonald Award**



The award was presented to Mr. Hoffman at the Awards Banquet held June 2, 2007 at the 25th Annual Conference in Portland, Oregon

**HERB HOFFMAN:
NAPPS LEGISLATIVE ADVOCATE
By Thomas J. Bowman**

Before I introduce you to Herbert E. Hoffman, I would like to go back to a time in the history of this industry. Without a national organization to turn to, we found ourselves with a crisis on our hands. Unbeknownst to us at the time, a proposed federal change has been in the works for months, and was on its final journey from the Supreme Court to Congress for approval. This rule change would have allowed for service of a Federal summons by first class mail. Bu the time the event was newsworthy enough to be picked up by a legal newspaper here in California, we were, give or take, about ninety days from what well could have been the beginning of the end for process servers.

Without the benefit of a NAPPS membership book, personal computers, and fax machines we can't live without today, CAPPs members got busy reaching out to servers across the country. Telephones and typewriters were our tools and what materialized from the effort was a game plan meeting on Los Angeles. We knew we needed to get to Washington, D.C. and we knew we needed funds to finance our way into national politics. When all was

said and done, we had three things: Two representatives, Robert Schroeder and LeRoy Lyon on their way to Washington; \$25,000 pooled out of the pockets, literally, of those involved; and finally, the knowledge that would lead to the founding of NAPPS.

Mr. Schroeder and Mr. Lyon arrived in Washington with a lead they obtained from a Federal Judge in San Francisco. That contact led to a referral to Herbert E. Hoffman. I view the meeting between our representatives and Herbert Hoffman as one of those times when the planets must have aligned perfectly, because Mr. Hoffman was exactly the man for the job. Herbert, or Herb as he's really known, was born in 1916, in New York City. He earned his law degree from New York University in 1939, and was in private practice by the following year. Herb joined the war effort in 1942 as the Assistant Division Judge Advocate, 11th Airborne Division. He was stationed in New Guinea, the Philippines and Japan. In 1948, after completing his military service, Herb joined the Department of Justice and served as counsel in the Legislative Section of the Office if the Deputy Attorney General. In 1961, he was named the Chief of the Legislative Section for the Office of the Deputy Attorney General and remained in that position until 1971. From there, Herb began service as counsel to the Judiciary Committee for the U.S. House of Representatives, where he served for four years. In 1974, until his retirement in 1982, Herb served as the Director of the American Bar Association's Washington, D.C. office.

Herb taught at the Georgetown University Law Center, including subjects on legislative process, legislative drafting, statutory interpretation and lobbying. He also lectured on legislation for the U.S. Civil Service Commission and the U.S. Department of Justice. Herb's bar admissions include the U.S. Supreme Court, the Federal District of Southern New York, the Federal District of the District of Columbia, New York State of Appeals and the U.S. Court of Military Appeals. In his spare time, Mr. Hoffman taught Sunday school and first aid for the American Red Cross.

Herb was married for over forty years to his lovely wife, Beth, until her passing nearly 17 years ago. Herb has three adored children, David, Joan and Barbara, an attorney, teacher and school principal. I'd say a very accomplished family indeed.

So, now that you have some idea of the spectacular resume of Herb Hoffman, we'll return to our crisis. It's 1982. We needed help figuring out the Federal civil process. We needed someone with a foot in the door in

Washington. We needed someone, maybe most telling of all, who was willing to take on a group with zero political clout, only to be matched by its limited operating budget. At the same time, a newly retired Herb Hoffman was assessing his situation. After an esteemed, forty year legal career, Herb didn't need a job; rather he was on the lookout for a cause here and there to keep his foot in the fire. It was our good fortune and a couple of great referrals that led to the fateful meeting between Messrs. Schroeder, Lyon and Hoffman in May of 1982. Thereafter, Mr. Hoffman agreed to take on our case.

Herb's first step was to bring us up to speed. He explained how Federal Rules are promulgated. Committees under the U.S. Supreme Court study a proposed change, which normally takes several years. The proposal is then sent for approval by the Supreme Court, and then sent to Congress. If Congress takes no action for ninety days after receiving the proposal, it becomes law. By the time Herb was retained, he confirmed that the proposal has already made it past the Supreme Court, and had been sent to Congress. Quickly getting to work, Herb was able to convince Congressman Don Edwards to author a bill to delay the implementation of the rule change. Clearly, Herb's expertise and lobbying efforts led to Congressman Edwards' bill. In fact, this feat cannot be overstated. ***The bill was the first time in the history of the United State that Congress ever acted to halt a proposed rule change handed down from the U.S. Supreme Court.*** The following year, Herb worked out a compromise deal with the Justice Department that left the methods for service as is, with the exception of adding to the mailing provision the requirement for a "Notice and Acknowledgement of Receipt." Several years later, Herb roared back again on our behalf, stopping another rule change which would have eliminated service of a Federal Summons via a "Waiver of Service." Herb lobbied another compromise deal, wherein in the case of an agreement for non-service, parties could opt for a Waiver of Service.

Would you like to imagine what would have followed if Federal litigation was initiated by first class mail? How could we have battled the precedence on a state level? I don't think it's overstating the case to say that most of us would be making a living by some other means. When I said our meeting Herb Hoffman was our kismet, the right time, the right place, magic, whatever you want to call it, I meant it. Herb Hoffman, a legislative mastermind, pulled a rabbit out of a hat on our behalf and has earned a rightful place in the history we are telling today.

On a personal level, I had the distinct pleasure of working with Herb during the eight years I served as the

Legislative Chair for NAPPS. NAPPS was just getting off the ground and Herb was an invaluable resource. I was always humbled by his grand knowledge and expertise. In Herb, you will find old school elegance and charm. Not one to puff and boast about himself, he is a kind and caring individual, and someone I consider a long time friend. I cannot tell you how many times I've heard Herb say, "So, when are you coming to Florida to see me?" I've made a trip, and was so pleased when Herb came out to California for Wendy's and my wedding. I would have to say, at the occasion of our visits, and the occasional phone call and notes we exchange, the pleasure is all mine. Life brings us to unexpected turns, and the opportunity to meet and work with a man like Herbert E. Hoffman has been a true honor. I am very grateful to have had the opportunity to bring this time in our history forward for all of you to know.

Previous recipients of the Donald C. MacDonald Award are:

- 2002 Donald C. MacDonald
- 2003 Alan H. Crowe
- 2004 Andrew R. Estin
- 2005 Frederic A. Blum
- 2006 Thomas J. Bowman



L-R: Frederic A. Blum, Donald C. MacDonald, Andrew R. Estin, Thomas J. Bowman, Herbert E. Hoffman. Not pictured: Alan H. Crowe