

## [Sidley Partner Rattles Psychology Field With Torture Report](#)

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### **Body**

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Before last year, Sidley Austin partner David Hoffman knew very little about the field of psychology-and hardly anything about its 137,000-member U.S. professional organization, the American Psychological Association.

As a federal prosecutor and city inspector general in Chicago before joining Sidley in 2011, Hoffman had much more experience with gang members and Fortune 500 companies than with mental health professionals.

But thanks to the results of his seven-month investigation into the APA's role in the United States' use of torture after 9/11, Hoffman's name has suddenly become synonymous with the largest scandal ever to envelop the 123-year-old organization.

The "Hoffman report," as it's been dubbed in psychology circles and the media, was first [published](#) on July 10 by The New York Times. It found that the APA colluded with the Pentagon to ensure that the association's policies didn't constrain interrogators. Hoffman also concluded that the APA blocked efforts to bar psychologists from participating in interrogations at U.S. detention centers.

Within days of the report's public release, [the APA announced](#) the retirement or resignation of three top executives, including the organization's CEO, Norman Anderson.

The report marked Hoffman as a harsh critic of psychology's largest professional organization. But he has also emerged as a champion of the profession itself.

Hoffman, pictured right, said that during his "deep dive" into the APA, he developed a profound respect for its members' work. "I think the role of psychologists is going to continue to grow in importance," he said. "We as lawyers know what it means to be a profession, and we know the importance of having a profession that's strong."

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Some psychologists had long called for such an investigation into the APA's complicity in torture. One of them is Steven Reisner, a senior adviser at the International Trauma Studies program at New York University, who was interviewed by Hoffman for the report.

Reisner told The Am Law Daily that while he wasn't surprised by the report's findings, they would be critical in allowing the profession to move forward.

"I believe it will lead to significant change," said Reisner. "Now the question is whether the APA will rise to the occasion, hold itself accountable and make radical changes."

After its release, the APA issued a statement that embraced the report, while lamenting its findings.

"Our internal checks and balances failed to detect the collusion, or properly acknowledge a significant conflict of interest, nor did they provide meaningful field guidance for psychologists," Nadine Kaslow, a member of the APA board, said in a statement.

According to Hoffman, the APA first reached out to Sidley last year, after the organization resolved to more fully confront its role in the interrogation practices employed under the George W. Bush administration.

Criticism of the organization's involvement in justifying the torture of detainees had mounted over the course of a decade, peaking in October 2014 with the publication of New York Times reporter James Risen's book, "Pay Any Price." After considering other law firms, the APA's board of directors hired Hoffman and his team of seven Sidley attorneys, including white-collar investigations partner [Danielle Carter](#), in November 2014.

The Sidley team, based out of the firm's Chicago and Washington, D.C. offices, analyzed 50,000 documents and interviewed 148 people in 14 different cities. Though both Hoffman and Carter had participated in numerous investigations in the past, Hoffman said this one was different for several reasons.

For one, when the lawyers sat down to interview some of the most vocal and active critics of the APA, who are psychologists themselves, they faced skepticism rather than enthusiasm.

"I'd say typically the first half hour to an hour and a half was them interviewing us," Hoffman said. "They did not know whether they could trust us."

One of the interviewees was Stephen Soldz, director of the Center for Research, Evaluation and Program Development at the Boston Graduate School of Psychoanalysis. "We had serious concerns when we first heard about this," Soldz said, adding that he and others were unsure that the investigation would be truly independent.

After about nine hours of interviews by the Sidley team, Soldz said, those fears were allayed. Hoffman "was asking good questions [and] listening to suggestions about where he might look for evidence," he said.

Soldz also praised the final result. "The report is outstanding," Soldz said.

The success of the investigation depended on its credibility as much as its findings, Hoffman said. He said the APA was facing a "reputational crisis," and in such situations a key objective is to recapture the trust of the public.

One thing that set the assignment apart was its breadth, Hoffman said.

"It's not uncommon that the investigation [involves] gathering facts and applying a rule and then figuring out if it's being violated," Hoffman said. "This one was just: 'Describe in a thorough way what happened and why.'"

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The work began with the Sidley lawyers assessing how much contemporaneous evidence was available. To their surprise, they found they had access to troves of emails dating back to 2002, when the APA revised its ethics code, and 2005, when an APA panel issued ethical guidelines that were intentionally aligned with U.S. Department of Defense practices.

The interviews got underway soon afterward. Hoffman said a challenge was deciding whether to start with the most important interviewees, or save them until later, when more details had been uncovered.

His advice to other investigators facing this dilemma is to "do some preliminary interviews. Get a sense of it," he said. "You just have to hope and to trust that you can go back to them later."

Hoffman said he hopes the findings will have a lasting impact on the psychological profession.

"Being involved in the intentional harming of detainees in a manner that would never be justified in the U.S. criminal justice system could do lasting damage to the integrity and reputation of psychology, a profession that purports to 'do no harm,'" he wrote in the report.

To prevent that, Reisner and Soldz both said that a congressional investigation would be the best next step.

"The membership wants psychology to stand for human rights values and ethical values," said Reisner. "This was done in spite of the membership."

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