



LAW SCHOOL

Lawrence Ponoroff
*Dean of the Law School and
Mitchell Franklin Professor of Private & Commercial Law*

September 10, 2008

Honorable Pascal F. Calogero, Jr.
Honorable Catherine D. "Kitty" Kimball
Honorable Jeffrey P. Victory
Honorable Chet D. Traylor
Honorable Bernette J. Johnson
Honorable Jeanette T. Knoll
Honorable John L. Weimer
Chief Justice and Associate Justices
of the Louisiana Supreme Court
400 Royal Street
New Orleans, Louisiana 70130

Via Facsimile Transmission; Individual Originals Sent by U.S. Mail

Re: *The Louisiana Supreme Court in Question: An Empirical Statistical Study of the Effects of Campaign Money on the Judicial Function*, 82 TUL. L. REV. 1291 (2008)

Your Honors:

I write on behalf of Tulane Law School to express our sincere regret for the errors that we now know appeared in the above-referenced study written by Professors Vernon Palmer and John Levendis and published in the *Tulane Law Review*.

As you are aware, Professors Palmer and Levendis reviewed their underlying data in light of the critique of their article prepared by attorneys Phelps Gay and Kevin Tully. Following that review, the professors advised the *Tulane Law Review* that there were numerous errors in the recording of the data that formed the basis of their study, some identified in the Gay and Tully critique and some not.

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Although the authors contend that there is no consistent pattern insofar as these errors are concerned, the law review will issue an erratum on its website to the effect that, because of the miscalculation in the underlying data, the reliability of some or all of the authors' conclusions in the study as published has been called into question. This same erratum in hard copy form also will be sent to all subscribers with the next issue of the law review and, if possible, hyperlinked to electronically archived versions of the article.

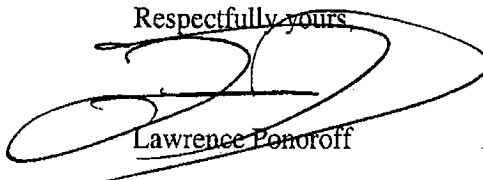
I firmly believe that the student editors of the law review responsibly discharged their duties in the editing and publication of the article. The law review received assurances from the authors as to the integrity of their data, and outside peer reviews validated the statistical methodology employed in the study. Obviously, it is not the responsibility of an editorial board of a journal to replicate an empirical study such as this one. The students were not, and could not reasonably have been expected to be, aware of the errors in the underlying data.

This in no way diminishes the concern that our institution and I felt when we learned of these errors. We remain disappointed that the authors did not discover them until after the publication. The Palmer/Levendis study has always represented the work product and the views of the authors, and not those of either the law review or the law school. Nonetheless, as the article appeared in one of our law journals, on behalf of the law school I extend to the Court and to each of you personally my apology for these circumstances.

As I have previously, I continue to offer to you a public forum in the law school for further discussion of the issues of judicial independence and the impact of campaign contributions and judicial elections on the court system in Louisiana and elsewhere. As an educational institution, we do not endorse any one view on this issue. We do continue to believe, however, that these are important and appropriate issues for scholarly research and public examination. Therefore, we would welcome the opportunity to provide a forum where all sides of this, as well as other significant issues in law and society, can be respectfully aired and debated.

Again, both personally and on behalf of the law school, I hope you will accept my apologies for the publication in our law review of an article based in part on faulty data. I also hope that we can use this opportunity to reinforce the constructive relationship that has been established between the Court and this law school.

Respectfully yours,

A large, stylized handwritten signature in black ink, appearing to be 'L. Ponoroff', written over the typed name.

Lawrence Ponoroff