

# Washington University Law Review

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Volume 80 | Issue 1

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June 2012

## Editors' Note

The Editors

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### Recommended Citation

The Editors, *Editors' Note*, 80 WASH. U. L. REV. 415 (2002).

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## EDITORS' NOTE

The *Washington University Law Quarterly's* Fall 2001 issue published a Note by Adam L. VanGrack entitled *Serious Error with "Serious Error": Repairing a Broken System of Capital Punishment*.<sup>1</sup> This Note reviews a Report issued by three researchers at Columbia University entitled *A Broken System: Error Rates in Capital Cases, 1973-1995*.<sup>2</sup> The authors of that Report, James S. Liebman, Jeffrey Fagan, and Valerie West, wrote a letter to the *Quarterly*, excerpted below, that disputes the accuracy of three claims made in a number of passages in Mr. VanGrack's Note. In response to that letter, the editors of the *Quarterly* performed an exhaustive investigation of the editing process of Mr. VanGrack's Note. After considering the matter, the editors concluded that the Columbia authors' interpretations of Mr. VanGrack's Note raised valid concerns that merited further action. Therefore, the editors instructed Mr. VanGrack to write an explanation, published below, to clarify the three issues brought up by the Columbia authors in their letter. The editors take this action to prevent any reader from interpreting the passages erroneously. The *Quarterly* offered the Columbia authors opportunity to reply to Mr. VanGrack's explanation, which they do below. The *Quarterly* has also offered the authors a chance to respond to the substance of Mr. VanGrack's Note, as now further explained, in our Summer 2002 issue.

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1. Adam L. VanGrack, *Serious Error with "Serious Error": Repairing a Broken System of Capital Punishment*, 79 WASH. U. L.Q. 973 (2001).

2. *A Broken System: Error Rates in Capital Cases, 1973-1995*. James S. Liebman, Jeffrey Fagan & Valerie West, *A Broken System: Error Rates in Capital Cases, 1973-1995*, at <http://www.law.columbia.edu/instructionalservices/liebman/>; [http://papers.ssrn.com/paper.taf?-abstract\\_id=232712](http://papers.ssrn.com/paper.taf?-abstract_id=232712), reprinted in part in James S. Liebman, Jeffrey Fagan, Valerie West & Jonathan Lloyd, *Capital Attrition: Error Rates in Capital Cases, 1973-1995*, 78 TEX. L. REV. 1839 (2000).



