

From: Jerry H. Trachtman [jtrachtman@trachtman-law.com]
Sent: Friday, October 08, 2010 6:38 PM
To: Jay Walsh PhD; Jay Walsh PhD (research@northwestern.edu)
Cc: Dr. Anthony F. Kirkpatrick
Subject: R. Norman Harden, M.D.

Dear Dr. Walsh:

As legal counsel for the International Research Foundation for RSD/CRPS, Inc., the complainant in this matter, I have reviewed Ms. Leyla Erkan's September 27, 2010 email in response to the Foundation's inquiry regarding R. Norman Harden, M.D. Ms. Erkan has advised that, "RIC's Senior Vice President, General Counsel has established a Preliminary Inquiry Committee to review the substance of the allegations and determine if a formal investigation is necessary." She further has advised that the "Preliminary Inquiry Committee" is comprised of two people, Patricia Sheahan, Associate General Counsel and Julia Campbell, Associate Compliance Officer.

I have reviewed Northwestern University's published Policy for Reviewing Alleged Research Misconduct ("Policy document") and NU's published Procedures for Reviewing Alleged Research Misconduct ("Procedures document"). Both documents expressly provide they are applicable to all members of Northwestern University's research community, and NU's research community is expressly defined to include RIC in all NU publications where it is mentioned. I would respectfully suggest to you that the required procedures are not being followed in connection with the Foundation's inquiry into Dr. Harden's research.

There is no provision for a "Preliminary Inquiry Committee" in either the Policy document or the Procedures document. The Policy document provides for establishment of an Inquiry Committee, and further provides that, "The inquiry committee is responsible for conducting an initial review of the available evidence to determine whether or not to conduct an investigation." (See page 6 of the Policy document).

The Procedures document provides that:

"The Director ORI appoints full-time faculty members to serve on the inquiry committee, selected in consideration of Northwestern University's infrastructure. The inquiry committee includes at least three members meeting the following criteria:

- Have appropriate scientific expertise to evaluate the evidence and issues related to the allegations; and
- Have no personal, professional, or financial conflicts of interest with the complainant or respondent."

(See sec. 1.2 Procedures document, entitled Selection of Inquiry Committee)

The Policy document also provides that, "Neither Northwestern University nor the respondent may have legal counsel present at the meetings of the inquiry and investigation committees, except at the express invitation of the committees. Should legal counsel be invited, the invitation will be extended to both parties."

We are deeply concerned that failure to comply with Northwestern University's policies and procedures will invalidate any ultimate determination that is made. We are further concerned that the procedures being used are biased against the complainant. I would appreciate your assurance that this matter will be handled in compliance with the policies and procedures established by Northwestern University for its research community, including RIC. If you believe that these policies and procedures do not apply to RIC, I would appreciate your furnishing me an explanation as to why not.

Thank you for your time and consideration.

3/29/2011

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