

CHANGING THE WORLD
ONE GIRL AT A TIME



ADMISSION PREVIEW:
Sunday, Dec. 7
1:00 – 4:00 pm

DAY: PRE-K-12
BOARDING: 8-12

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PRESTON HOLLOW PEOPLE

ESD Trial, Day 5 UPDATED

Testimony is scheduled to continue today in the civil lawsuit against the Episcopal School of Dallas. The plaintiffs have agreed to call witnesses out of order, as Father Stephen Swann is out of town conducting a wedding. No word yet on who will take the stand. As always, updates are after the jump as soon as available.

UPDATE 9:18 a.m.

Resisting the urge to take a picture of the pile of binders labeled “client matter” stacked on a dolly outside the courtroom. The day’s proceedings haven’t started yet, but I’ve been informed the media covering this trial (i.e. me) is now required to sit in the front row. Don’t mind if I do.

UPDATE 9:38 a.m.

State Sen. Royce West, co-counsel for ESD, just made his first appearance at the courthouse since jury selection. Welcome to the big show, senator.

UPDATE 12:30 p.m.

The court stands in recess until 1:30 p.m. Here's the morning's play-by-play.

10:40 a.m.

The court is (finally) in session. ESD attempted to file several motions that delayed the start of today's proceedings. At least one motion (which I believe was about excluding expert witness testimony) was filed by hand in response to Benson's request that a motion to file a motion be put on record with the court's clerk.

"This has been extremely acrimonious litigation," Benson said.

Ditto that.

10:45 a.m.

Psychologist [Judith L. Alpert](#) takes the stand for the plaintiffs.

11:20 a.m.

Alpert, after answering numerous questions about her qualifications, defines the grooming process as one that normalizes sexual activity between an adult and a child and also fools the community at large into believing the molester is an upstanding citizen.

"Part of what the molester does is endear himself to the community [so that] it's very easy to fall victim to his prey," Alpert says, adding later that in her professional opinion, J. Nathan Campbell groomed Jane Doe II and ESD prior to the abuse.

11:45 a.m.

Responding to the fact that this was Jane Doe II's first sexual encounter, Alpert says the abuse is all the more damaging.

"Most people remember their first sexual encounter. It's fairly important. It sets the stage for other sexual relationships. In this case, she was abused...she was a victim, and that has to have some after effect," Alpert says.

11:50 a.m.

The plaintiff's attorney asks Alpert how she feels ESD expelling Jane Doe II affected her.

"I think she was re-victimized," Alpert says, adding that her social, religious, and athletic worlds were at ESD. "...These were central [to Jane Doe II], and they were taken from her."

Alpert continues to assess the probable damage caused by Jane Doe II's expulsion from ESD.

"It's almost as if the message is: 'You're at fault. We have to get you out of here,'" Alpert says. "She has been betrayed by her teacher and then she was betrayed by her school...she is left feeling she can no longer trust."

12:15 p.m.

Alpert is asked how she would have recommended ESD handle the situation regarding Jane Doe II when rumors were flying and the school community was disrupted. Alpert says she would have consulted Jane Doe II's psychologist, the school's psychologist, and JDII herself to determine a plan of action.

She also says ESD "missed a teaching opportunity" to inform its staff, students, and parents about the signs of sexual abuse and how to prevent it. To combat teacher gossip, which was cited as a major concern during opening arguments, Alpert says the teachers should have been given some basic facts that sexual abuse had occurred, it is a felony, and the teacher has left the school.

Rebecca Royall, chief academic officer for ESD, appears to be taking notes at this point. (Her back is to me but it seems from my vantage point that she is scribbling something on a notepad. Royall is seated up front with ESD's counsel).

Lunch recess until 1:30 p.m.

Side notes: West is taking a very active role today and is leading the objection charge. He seems to be having more success than Shonn Brown, another of ESD's co-counsels, did on Thursday, however a large number of his objections are being overruled as well.

UPDATE 3 p.m.

Court is in a brief recess. The plaintiff has finished questioning Alpert and the defense will have its turn in 10 minutes when the court goes back in session.

Honestly, the plaintiff's post-lunch questioning has seemed pretty repetitive so there aren't many worthy updates thus far.

2:05 p.m.

"Expelling a student who has been sexually abused is totally incomprehensible," Alpert says.

2:20 p.m.

Plaintiff's attorney says ESD has taken the position the expulsion was in Jane Doe II's best interest and asks Alpert for her opinion.

"There's no evidence this was in her best interest," Alpert says.

The Erin Mayo email to Rebecca Royall is referenced again. Alpert is asked for her take.

"Talking about haunting the halls, the sad story, it doesn't sound like there was any compassion for this girl ... I find it very offensive," Alpert says.

2:45 p.m.

Plaintiffs ask what kind of initial and long-term effects a victim of sexual abuse such as Jane Doe II are likely to encounter.

Alpert says the initial effects, which begin in the two years following the abuse and continue for life, are: fear, anxiety, depression, anger, hostility, confusion, aggression, sexually inappropriate behavior, and sleeping disturbances.

The long-term effects include: self-destructive behavior (an addiction, eating disorders, dropping out of school), poor self-esteem, poor risk-recognition, and interpersonal difficulties.

“Her view of sex is coupled with betrayal. ... That’s the area that’s hit the hardest,” Alpert says, adding later, “I can’t tell you exactly what she will go through in the future. However, given the research and my own clinical experience, she will have some or all of the symptomology I described.”

Alpert also explains the “sleeper effect” and a theory known as “passing.” Both represent delayed onset of negative symptoms in a victim of sexual abuse.

3:15 p.m.

Castaneda tries to get Alpert’s testimony stricken from the record because she is not a forensic psychologist, one who specializes in testifying. Alpert has said that although she has been asked many times in the past to testify, this was the first case that she felt compelled to participate in.

Benson denies the motion.

3:20 p.m.

West, who joined the defense team last month, begins cross examining Alpert by asking her if she is familiar with various Dallas medical schools or hospitals. She is not.

3:40 p.m.

“The reality is a lot of the sex occurred during the summer when the administration was not around, isn’t that true?” West asks.

Alpert says she isn’t sure if it was during the summer or final exams.

3:45 p.m.

West asks Alpert if she was aware ESD had “an elaborate software/security system in place” to prevent students and teachers from accessing obscene websites.

Alpert says she was not aware but is “glad to hear it.”

“Is this a reasonable standard?” West asks.

“Yes it is,” Alpert says.

4 p.m.

After going over the “Outline of Boundaries” presentation (which was included in opening arguments), and showing a paragraph from the faculty handbook describing how to contact CPS and the head of school about child abuse, West says, “We have a policy in place. We have workshops. What grade would you give me, professor?”

“I don’t grade attorneys,” Alpert says with a smile.

West continues to push it, at one point calling out, “a 90? 95? 75?”

She doesn’t respond.

4:10 p.m.

West explores the first time ESD learned of the abuse, when Campbell and Jane Doe II were found in an ESD Suburban by the Farmers Branch police in a parking lot behind a Best Buy. After the school called both Campbell and Jane Doe II in, and their stories matched and showed no wrongdoing, ESD continued to investigate the issue.

“Would you say the school has gone beyond the call of duty in this case?” West asks.

“I would say it was appropriate. You can say it was above and beyond if you want,” Alpert says.

4:35 p.m.

After showing several emails from Mayo to teachers addressing gossip and reprimanding them, West asks Alpert if calling out the gossipers was “the right thing to do.”

“No. I think rather than reacting they should’ve been proactive,” Alpert says.

West says that the school’s stance on being “hush hush” about the details was consistent with the agreement it had made with the family, who “didn’t want this information to get out.”

5 p.m.

West says that after Jane Doe II was expelled, her sports coach “was allowed” to continue coaching her.

“That’s a good thing, right?” West asks.

Alpert agrees, after a lot of legal back-and-forth from both sides.

UPDATE 5:05 p.m.

It’s going to be a late one. Alpert has to leave town tomorrow, so her testimony must be completed today. Court resumes at 5:30 p.m. I probably

won't update until tomorrow as I'd like to say hi to my husband at some point tonight.

UPDATE 7:30 a.m. Tuesday All right, I've added in my notes in the appropriate time frame above and below this post. Knock yourself out.

5:40 p.m.

West brings up the "wedding ring incident" and asks, "If it were true, would you believe that was an indication Jane Doe II needed to be somewhere else besides ESD?"

"If it were true, no," Alpert says.

5:50 p.m.

West begins showing notes from Jane Doe II's therapy sessions. After he shows good reports on 2/23/10, 5/5/10, and 6/16/10, Alpert says, "So what you're doing here is just pointing out the positives?" The judge reprimands Alpert for this. West shows more therapy notes through September that show Jane Doe II had made new friends, had a boyfriend, and had gotten a scholarship to her first choice of college. A quote from the therapy notes:

"[Jane Doe II] is relieved she is going to the school of her dreams and the situation with ESD didn't negatively impact that. ... She had been concerned that being removed from ESD might affect her chances of getting into [that school]."

6 p.m.

"We are beginning to see some positive changes and growth by her, aren't we?" West asks.

"While she seems to be doing fine now, it doesn't mean she won't drop out of college, or have trouble having a normal sexual relationship, or that she isn't walking around looking good and feeling lousy," Alpert says.

"Wouldn't you expect to see something in these notes that Jane Doe II would be a prime candidate for sleeper effect?" West asks.

"No, these are process notes," Alpert says.

"Would you expect to see anything about 'passing'?" West asks.

"Yes, I would," Alpert says.

"Can we take this off the table then?" West asks.

"At this point, yes," Alpert says.

6:15 p.m.

Shonn Brown says she misspoke about the exhibit number of some of the therapy notes. As it turns out, a selection of the notes were an exhibit that

was not admitted. Nothing is really done about this.

6:30 p.m.

West, reading from Jane Doe II's therapy reports, says, "She appears to have learned appropriate boundaries and has become very capable of setting boundaries with others, particularly males, and asserting herself in terms of what she does and does not want. She appears to be much better able to recognize when someone is manipulating her." He then asks Alpert if she is doing better/making progress.

"Just because she had a good session doesn't mean she won't have long-term effects," Alpert says.

The judge reprimands Alpert for not answering the question with a yes or a no. When asked again, Alpert says, "I can't answer that."

6:40 p.m.

West is reprimanded for being argumentative after trying to get Alpert to define "speculative." She says it not a word she typically uses.

6:45 p.m.

Court is adjourned for the day but not before Castaneda again tries to get Alpert's testimony stricken from the record.

"Overruled," Benson says.

  One person likes this. Be the first of your friends.

By [Claire St. Amant](#) Aug. 1, 2011 | 7:47 am | [12 Comments](#) | [Comments RSS](#)

12 comments to "ESD Trial, Day 5 UPDATED"

trial watcher @ August 1, 2011 at [12:03 pm](#)

Thanks for the updates! Can't wait to hear what's going on in there!

Frank @ August 1, 2011 at [1:20 pm](#)

The school is held to a higher standard. When you pay \$50,000 in tuition you would expect Father Swann to keep tab on his employees. When you give a credit card, house and a car to a teacher—you need to make sure he is upholding the expectations of the school.

Erin Mayo needs to be fired for her intolerance and lack of compassion with her statements about Jane Doe II.

No one will win in this case. The family has suffered a huge loss. The daughter went through counseling and was assaulted again when she was dismissed like a common criminal from ESD. The school, with very deep pockets, just wants to sweep everything under the carpet. The money ESD is spending on the courtroom antics gives pause—did they just ignore everything that was going on? Rumor mills at schools play out the same everywhere. I find it hard to believe the school was ignorant of the situation. Still trying to figure out why the judge is watching Claire St. Amant so closely. Did the DMN have the same treatment?

@Frank @ August 1, 2011 at [2:12 pm](#)

Agree with you 100% though I think all schools would/should keep tabs on its charge accounts given to teachers, not just private schools.

And yes, Erin Mayo should be fired. Who could trust her to do what's right for their kids after this?

John @ August 1, 2011 at [6:49 pm](#)

You're an idiot Frank! It doesn't cost half of what you said to go to ESD and that doesn't come close to covering the cost of the education and facilities. The rest is paid for with donations. Many kids, including this one probably get some scholarship money. The school didn't give him a house. It is a facility used by many people in the school. No sex occurred there. The school didn't give him a car. It is a school vehicle used by many school employees. Many schools and businesses give some of their employees credit cards to use for school business and it's not unheard of that sometimes they are used for unapproved expenses. Sometimes you catch it and sometimes you don't. It happens all the time.

You have drawn all kinds of conclusions about ESD before they have cross examined any witnesses and put on any defense. The school is a victim just like the girl. The school tried to keep her in and it didn't work. They have a responsibility for the other 1200 students as well. In addition, the school helped the student in many ways for her transition.

So, wait for the trial to be over and then make up your mind.

lady blue @ August 1, 2011 at [9:48 pm](#)

I agree with some of the statements above. I truly wish those who are commenting would get the entire story before opening up. To my knowledge, today was testimony from a second person, an expert who never examined the kid. This "expert", being paid 500 bucks an hour by the Plaintiffs, basically she looked at a few documents and wrote a report. Is that all it takes to be an expert these days? Comments above about the deep pockets of ESD, looks like the Plaintiffs have a few dollars too. The testimony just started, you should wait and hear all the evidence before you make a decision.

trial watcher @ August 1, 2011 at [10:51 pm](#)

Wow! I look forward to hearing what the defense got from the expert witness. It's not looking good. I don't see how Erin Mayo will be able to stay at ESD after her insensitive remarks. I think the school was hoping the whole matter would just go away. It's not that easy. I just don't see how they could have been so careless.

Private school parent @ August 2, 2011 at [8:35 am](#)

I heard Mayo was in line to succeed Swann if/when he retires. Wonder if that is a good idea given what has been revealed here.

ESD Trial, Day 6 | Preston Hollow People @ August 2, 2011 at [8:36 am](#)

[...] getting a slightly later start today, 9:15 instead of 9 a.m., because yesterday's proceedings went until 7 p.m. What a [...]

@PrivateSchoolParent @ August 2, 2011 at [11:03 am](#)

Really? She's only been at ESD for 3 years... I'd be surprised if what you've heard is true. There are others who have been at ESD for decades and who are at least as qualified to run the Upper School.

Given her insensitive comments which tell me that her 'concern' for the victim was just lip service to parents - I think it'd be hard for any parent dealing with an issue involving their kids - to think that Mayo is truly looking out for them...

marie anderson @ August 2, 2011 at [11:12 am](#)

thank you John for your thoughtful insights. All that has been heard so far is one side, and as any reasonable person knows, there are two sides to every story. Hear all the evidence before jumping to conclusions.

clueless @ August 2, 2011 at [3:53 pm](#)

Ms. Mayo is not in line to succeed Swann. He built that school from nothing and has done an outstanding job and I am sure he will be there until he can no longer work. Experts are just hired guns to say whatever you pay them to. She probably never met the girl. Most of the relationship happened over the summer

and the faculty would have no way of knowing what either the student or the teacher did then. When they found out, they acted on it, he was gone immediately. She stayed at school for quite some time and the student rumour mill was awful. Kids were talking about her a great deal and I think her finishing one year at another school was probably better for her. She was able to go in with a clean slate and it was a good school. She continued to win awards for sports and do very well at her new school.

Private school parent @ August 2, 2011 at 10:32 pm

@Clueless sounds like you are an insider, knowing who is/ is not in line to succeed Swann. And yes, we all know he founded and built the school to what it is today. Question is what will ESD be tomorrow or 20 years from now?

Since you seem to be so well informed, maybe you could tell us who is driving the bus with this case – Swann, the Insurance company, the trustees? From a PR perspective, the school lost this case the minute it was filed, regardless of the outcome.

