

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

Dismissed Jurors Would Have Ruled in Favor of Plaintiffs

Two alternate jurors, who were dismissed late Thursday night after closing arguments were completed, said they would have found ESD liable for gross negligence in a family’s civil suit against the school.

Jennifer Arnold, 27, and Daphne Alberty, 47, didn’t think ESD had acted in Jane’s best interest when they forced the girl to leave 60 days after her sexual relationship with a teacher was revealed. Alberty and Arnold also agreed that ESD wasn’t a charitable institution.

Arnold said the “sad story email” written by head of upper school Erin Mayo stood out to her as evidence that ESD wasn’t thinking of Jane when it made the decision.

Bill Black's testimony, which was on Wednesday, made an impression on Arnold.

"The fact that he was still thinking about it so many years later was a big deal to me," she said.

Black testified that headmaster Stephen Swann tried to force his daughter to leave ESD when she complained about a teacher sexually harassing her in 1993. Black said he "sold his soul to the devil" when he agreed to keep quiet about the incident in exchange for his daughter to be able to continue her education there. She graduated in 1996.

Alberty said she believed Jane had suffered mental anguish as a result of the sexual abuse and her removal from ESD. While the women were quick to point out why they felt ESD was at fault in this case, neither one wanted to assign a value to the damages.

"It's hard putting a number to it," Alberty said.

One number the women did feel comfortable discussing was the extra \$100 they were given after about 10 days of jury service. Normally, jurors are paid \$40 a day once a trial begins, but when several women complained they were being docked pay for missing work, someone stepped forward with funds to offset the loss. The jurors did not know who it was, and no attorneys present would comment on the matter.

Anderson found Charla Aldous, lead attorney for the plaintiff, and Royce West, co-counsel for ESD to be the most engaging figures in the courtroom.

"I'd want an attorney that had passion," Anderson said.

Alberty said she didn't feel like ESD had presented a strong defense, and she was left wanting more information from them.

"It didn't click," she said. "I think they could have done more."

Both women said they were extremely engaged in the trial and took detailed notes.

"I couldn't wait to come back and hear the rest," Alberty said.

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By [Claire St. Amant](#) Sep. 16, 2011 | 12:10 am | [35 Comments](#) | [Comments RSS](#)

35 comments to "Dismissed Jurors Would Have Ruled in Favor of Plaintiffs"

Excuse me? @ September 16, 2011 at [12:28 am](#)

If we thought "eagle parents" were flipping out before...just wait until the verdict.

CONCERNED ABOUT Eternal damantion? @ September 16, 2011 at [12:54 am](#)

No comments from ESD supporters? Hmmmm.....

Mainzer @ September 16, 2011 at [6:12 am](#)

Wow! Is there a way to find out where the extra \$ for the jurors came from?

Avid Reader @ September 16, 2011 at [6:38 am](#)

Clearly these people are seriously bias against ESD. What's that you say? They were alternate jurors and had no skin in this game? Nope, not going to believe those facts as they obviously had something against ESD to have found them in the wrong. I call Conspiracy or at the very least Shennanigans.

Alternate Jurors Would Have Ruled Against ESD | FrontBurner @ September 16, 2011 at [8:55 am](#)

[...] was too beat by the time they wrapped up to drive to Arlington. Oh, well — at least she got some exclusive interviews with the dismissed alternate jurors out of it. tweetmeme_url = [...]

CP @ September 16, 2011 at [9:31 am](#)

Okay, Avid Reader, one doesn't have to have a bias to view ESDs actions negatively. And guess what? One can also have a bias FOR the school and Church and have a dim view of the School's actions. I'm in the parish and I find their handling of this is appalling and unprofessional. I would no longer want to entrust my child to a school with admins like this. What's your bias?

jake @ September 16, 2011 at [9:39 am](#)

SWANN NEEDS TO GO.

Excuse me? @ September 16, 2011 at [10:19 am](#)

Prediction: the ESD elite begin ripping the jury apart in 5...4...3...2...

It's not the judge. Not the lawyers. Not the jury. It's the facts.

Colt Time @ September 16, 2011 at [10:44 am](#)

There is nothing untoward or sinister about the jurors receiving a supplemental per diem for sitting on this extended case. Under Texas Government Code Section 61.001, with the approval of the Judge AND both parties, the amount paid can be increased. The additional amount is paid for EQUALLY by BOTH parties.

A nice recognition and appreciation for the service of the Jurors and the disruption the length of the case has probably caused in their personal and professional lives.

elena34 @ September 16, 2011 at [11:11 am](#)

ESD has shown that they had little regard for the student, and for future students. I am so thankful that the plaintiff's family pursued the case, despite the hardship for them and their daughter. Jane Doe has a supportive family and I hope that they can find peace in their lives. She has a family that didn't let her down, and they stand together, despite the situation.

I don't know how those ESD people can sleep at night. Disgraceful behavior.

one who knows ESD @ September 16, 2011 at [11:29 am](#)

I will say this again, ESD has some fine teachers, a decent academic reputation but as someone with over 30 years experience in the private school community (at several different schools) it has been my experience that the administration has always been suspect at ESD. Maybe this will help them clean up that image as well and they can move on.

Having said that, I am still amazed at some of the blind loyalty that ESD parents have shown on these blogs.

Homeschool Mom @ September 16, 2011 at [12:13 pm](#)

I obviously have no dog in this fight – we live in the Park Cities and homeschool. But I don't think this article is helpful. How these alternate jurors would have voted doesn't really matter. The fact is, their services weren't needed.

Uppercase Matt @ September 16, 2011 at [1:00 pm](#)

@Homeschool Mom, that will be true later. Right now, I'll guarantee you that both ESD and the Does think that how the alternate jurors would have voted matters a great deal. It would not be surprising at all if ESD were proposing settlement right now, before the jury comes back.

McWinn @ September 16, 2011 at [1:05 pm](#)

I am puzzled by the comment that seems to suggest that ESD had an obligation to do what was in Ms. Doe's best interest. As a community, ESD had an obligation to do what was in the best interest of the school. That may have been in the best interest of the plaintiff or it may not have been. Regardless of whether ESD did wrong, where are the damages? In order to recover, there must be damages. Not every legal wrong includes legally recoverable damages. From what I read, I did not see any serious loss suffered by the Plaintiff or her family. The lawyers on both sides are excellent, well-thought of attorneys but I just don't see any damages suffered that ESD has a responsibility to recompense the Plaintiff and her family.

Uppercase Matt @ September 16, 2011 at [1:44 pm](#)

DMN blog says jury has gone home for the weekend, to continue deliberations on Monday. Claire? What, did you decide to get some rest for a change?

mhp @ September 16, 2011 at [1:51 pm](#)

@claire – is the above a blog posting or an actual article? Just want to clarify since there are different journalistic standards for each

Noah @ September 16, 2011 at [1:52 pm](#)

To: one who knows ESD

The blind loyalty bunch are A-List families and those trying to sell souls to get on said A-List. It's Dallas' Car Dealer Royalty run amok at ESD. "Isn't that right, Widetrack?"

Claire St. Amant @ September 16, 2011 at [3:19 pm](#)

@Uppercase Matt, I wish I had been resting! I was actually working on a story for Park Cities People and forgot to post the update. Thanks for the heads up!

Excuse me? @ September 16, 2011 at [4:57 pm](#)

Hey y'all...read the comments carefully. We had a bunch of new pro ESD folks jump on here right about the time Lisa LeMasters came on board. Although they try to seem organic in nature, slightly varying the same talking points repeatedly...they keep getting smack down. #prhowiwishthiswasmyclient

Silver lining @ September 16, 2011 at [5:17 pm](#)

@Uppercase Matt – agreed that both sides are interested in what the alternate jurors have to say. I don't think ESD will propose a settlement. If they lose, they will appeal. They still don't want to admit any sort of wrongdoing and will hold their position to the end.

@ Claire – Thank you for your coverage of this case! Superb job in making us feel like we were in the courtroom with you – day after day after day. Are you going to cover Campbell's criminal case as well – whenever it stops being postponed that it is?

Avid Reader @ September 16, 2011 at [7:11 pm](#)

@CP, Please take a community course on what is sarcasm. I am bias against any organization or koolaid drinking sycophant that would treat a statutorily raped minor in the manner ESD did...and the absurd comments on this blog about how she was a "tart", "strumpet", and brought this on herself. Disgusting.

stupid much?? @ September 16, 2011 at [8:38 pm](#)

@ Avid...you forgot "tramp," "slut," and "trollop."

Then you forgot to mention, "it was for her own good."

And, "it was for the greater good."

Next, it was, "look at the bias on this judge."

Then it was, "hey, no fair, the Does have attorneys on this blog."

Not to be outdone by, "Claire is unprofessional and obviously against us."

To, "if you aren't part of our family, then you shouldn't even have an opinion."

I could go on...but ESD supporters don't seem to get actual facts, laws and civil procedure. They truly believe that they are somehow above all those silly details. In the process, the damage done to ESD's "reputation" (*now that's some sarcasm, Easy School Dallas...) was done by it's own "family."

It's a sick bunch of people who will gang up on a teenage rape victim.

Just my opinion... @ September 16, 2011 at [9:37 pm](#)

Unlike so many of the kool-aid swilling ESD-ers, I do not believe that ESD should have any intention of appealing. Would you really recommend that the school go through this publicity debacle again? ESD, I know this is akin to saying there's no heaven. But really just admit defeat, brush yourself off, and go on. Don't waste your time seeking a holy grail called an appeal.

Unless you believe that by the time another trial happens, the ESD administrators can get their stories straight.

holland @ September 16, 2011 at [10:54 pm](#)

to: stupid much ??

"teenage rape victim" give me a break she was a very willing participant in this whole sordid affair, or does she normally open her front door to an adult while wearing nothing but a towel when her parents are off somewhere ??

Read the letter to the editor in today's DMN for the real story about ESD. Better yet, go spend a day there and you WILL change your Aldous influenced "mind"

interested observer @ September 17, 2011 at [11:47 am](#)

I think what this is really all about is that an important family with a name and a reputation to protect became extremely embarrassed when they learned that their daughter had seduced a teacher at ESD. Their precious little daughter didn't graduate from the elite private school she had attended since 1st grade. They weren't in the crowd to watch that precious girl get her diploma.

So, this is their way of getting back at the parents whose children did get to graduate. This is a tremendous act of disloyalty for a school that had nurtured and prepared their daughter for almost 12 years. They refuse to think their own daughter, by greeting this teacher, in the summer, in an empty house, dressed in a towel, was in any way responsible for her own sexual behavior.

If this girl was such a victim, why did she keep talking about her affair, after she was told by the school to stop talking about it? I think it gave her a sense of power among her peers. She had seduced a teacher that some of her girlfriends probably fantasized about.

The only guilty party here is the teacher himself. The school doesn't bear the guilt. This isn't about justice for the girl. It is just about a family seeking a way to salve the wounds caused by their own failure to supervise their daughter and to train her in moral reasoning.

interested observer @ September 17, 2011 at [12:03 pm](#)

Let's think of this man as a vicious dog. You don't know he's vicious. He wags his tail. He licks strangers. He shows no sign of aggression. Then, one day, he snaps and he bites someone in a vicious attack. What sometimes happens in those cases though, is that the dog is provoked. A person moves too quickly toward him, he perceives it as a threat, and he bites. From that point, forward, the dog is vicious and a liability. You have to get rid of him or spend a lot of money to keep him away from people.

Here, the teacher is the vicious dog. He showed no obvious warning signs of being vicious. Then, a young girl starts flirting with him. He takes the bait and he has sexual intercourse with her, away from a place under control by the school, which we call "statutory rape." While statutory rape is illegal and immoral, it is hardly as painful as a dog bite, but we'll keep it as the analogy. What can the school do after the damage was done, especially when the girl, far from playing the role of victim, wanted to repeat her story to her fellow students. It seems to me the school did all it could have done. It got rid of the bad dog (the teacher) and it protected the remaining students from hearing about the sordid affair over and over. The girl went on to thrive academically and athletically. Where's the damage? I don't see it.

stupid much?? @ September 17, 2011 at [5:08 pm](#)

@ Interested Observer- do us all a favor and actively participate in birth control, okay?

Id @ September 17, 2011 at [5:40 pm](#)

Holland, interested observer and other ESD supporters: blaming JDII is the worst argument you can make. Regardless of anything she did or did not do, blaming her makes you look foolish, heartless and desperate. I expect the jurors will not blame her either, based on the testimony.

Legal eagle @ September 18, 2011 at [11:54 pm](#)

@ Silverlining

You are wrong about ESD not proposing a settlement. They will propose one...any smart attorney in their present position would come up with an agreement of some type. Especially given the unpredictability of a jury. Oh, and I forgot to mention plaintiffs have proven their case! Nonetheless, defense doesn't want to fight after this is over so they will propose a settlement, jury will follow through with deliberations and plaintiffs will be happy in the end and defense will not appeal. Defense will give some poor, lame excuse as to why they chose not to appeal and will blame someone for their decision. It happens this way quite a bit in Texas. It's okay, Silverlining, you'll have many shoulders to cry on afterward.

interested observer @ September 19, 2011 at [12:16 pm](#)

stupid much? You imply by your comment that stupidity is genetic. I think stupidity is learned behavior. You didn't get my point. My point is not to blame the victim. I blamed the culprit, the teacher. He's the bad dog in the analogy, and the school got rid of him as soon as they learned he was a bad dog. I don't think you presume teachers are bad dogs when you hire them and you don't immediately start putting up fences, just as I don't think you presume puppies are bad dogs when they wag their tails and lick people. However, the girl was a participant in the ruse. She did not cry out immediately. She hid her behavior, until her lover, the teacher, was gone. Then, rather than nurse her wounds in the presence of a counselor, protected by a cloak of confidentiality, she kept talking about it, even when she was told to keep quiet. Talking about it after it is over sounds like bragging to me. It doesn't sound like what a wounded soul would do.

interested observer @ September 19, 2011 at [12:38 pm](#)

It only takes two jurors to dissent from a 6 person jury. That's a 4-2 vote. There is a reason they ended up with six women on this jury. Not all women are going to be so closed minded they are not going to see culpability on the part of the girl. She was not responsible for her sexual behavior, at first, and that isn't the real problem. The real problem is that all she had to do to stay at school and graduate was to keep quiet and attend her counseling sessions. The predator would have been long gone. She disobeyed, and she was punished. The manner in which she was dismissed was embarrassing, but the school had to protect its other students. What other choice did they have? This lawsuit would never have been filed if the girl had been allowed to graduate with her peers. This story is about a family's wounded pride, and I think at least two jurors on that 6 person jury will clearly see the true motive this suit was filed. It isn't about justice for the girl.

stupid much?? @ September 19, 2011 at [1:14 pm](#)

JD2 behaved and responded like a textbook sexual abuse victim. Testimony demonstrates the Campbell groomed and manipulated her like textbook predator.

All this sad situation needed was a sick culture. ESD was a "perfect" place for it to happen. Swann, Royall, Salz, and Burrows all gave conflicting, and quite frankly, unbelievable testimony. Some of them are even responsible for repeatedly allowing victims to "happen" at this school.

Your dog analogy is cute, but flawed.

Former ESD Dad X2 @ September 19, 2011 at [10:56 pm](#)

@stupid much?? – You seem to pride yourself on logic and delight in pointing out the flaws in others’ reasoning. You also seem to be skilled in the art of the “Big Lie” i.e., if you refer to JD2 as a “victim” often enough it will become true. Hogwash! I have kids who are contemporaries of JD2 and some of her siblings, and who had Campbell as a teacher. The truth is, anyone who knows the Doe family personally and who knows how JD2 behaved understands that she needed to go. That’s it. End of Story. Any other conclusion says more about the mindset and biases of those taking that position than it does about what really happened. Unfortunately, Id has it right in their comment above. ESD supporters come out looking badly even though they speak truth.

@ Interested Observer – you are right in your analysis.

amy @ September 23, 2011 at [10:08 pm](#)

this says it best!

“All the efforts of the ESD administration to squelch gossip have ironically led to a lawsuit more public and damaging than any whispered rumor ever was.”

D magazine article.

Sounds like the admin at ESD needs a good clean out.

amy @ September 23, 2011 at [10:09 pm](#)

seriously how could the admin not have thought about a lawsuit from their own actions?!?!?!?

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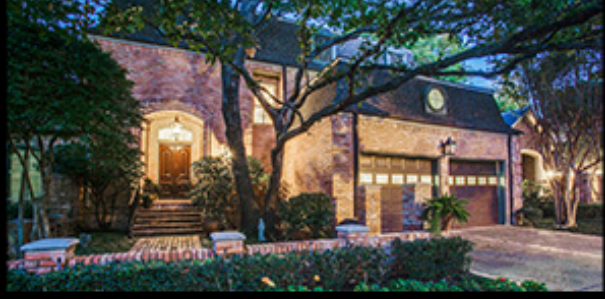
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