

Mr. Blake A. Hawthorne, Clerk  
Supreme Court of Texas  
Supreme Court Building  
201 W. 14th Street, Room 104  
Austin, Texas 78701

March 6, 2018

**Amicus Curiae Letter In Support of  
In re John Doe, Cause Number 17-1005**

Dear Mr. Hawthorne:

We would appreciate you providing a copy of this amicus letter to the Justices of the Supreme Court of Texas so that they may consider this in connection with their deliberations in Cause Number 17-1005. We are submitting this amicus letter in support of Relator John Doe's request that the Court grant review of the Fifth Court of Appeals' decision that the Ecclesiastic Abstention Doctrine applies to preclude Doe's lawsuit against the Episcopal School of Dallas (ESD). Neither this law firm nor the signatories below have received a monetary contribution for preparation or submission of this letter.

In 2011, our law firm served as counsel for a student of ESD, referred to as Jane Doe at the time given her minor status, in a highly publicized trial involving ESD's wrongful expulsion of Ms. Doe from the school. In particular, when ESD learned that Ms. Doe's teacher had groomed her and seduced her into a sexual relationship, ESD forced Ms. Doe to either voluntarily withdraw from school in the middle of a semester or be expelled. By forcing her to leave at the time when the school community was aware of the teacher's misconduct, Ms. Doe, a minor, was exposed as the student who was the teacher's victim and gave the impression Ms. Doe had done something wrong. As we understand, ESD gave Doe Jr. in the present case a similar choice based on alleged conduct by Doe Jr. of which ESD has no credible evidence.

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During the course of Ms. Doe's lawsuit, ESD attempted to avoid responsibility for its conduct by, among other things, claiming protection under the Texas Charitable Immunity and Liability Act. It also contended that the student-teacher "affair" did not start until Ms. Doe was seventeen. The jury rejected these arguments and found in favor of Ms. Doe.

As attorneys for Ms. Doe and other victims of sexual assault, we have serious concerns about the Fifth Court of Appeals' opinion. The opinion holds that private schools claiming a religious affiliation are immune from suit for their student discipline decisions simply because such decisions reflect the school's "internal affairs." By doing so, we fear that the opinion will allow private schools to evade responsibility for hiring (or refusing to terminate) staff members who engage in predatory conduct and for disciplining minor victims. Application of the Ecclesiastic Abstention Doctrine would have had a devastating impact on Ms. Doe and, if applied in pending and future lawsuits, will certainly encourage private schools to ignore the needs of students who are victims of sexual assault or other abusive emotional and physical conduct.

We accordingly urge the Court to grant review of John Doe's Petition for Writ of Mandamus and resolve the question of whether the Ecclesiastical Abstention Doctrine applies to private schools claiming a religious affiliation and, if so, the circumstances to which the Doctrine applies.

Thank you for the opportunity to weigh in on this important matter.

Sincerely,

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**CERTIFICATION OF AMICUS**

I certify on behalf of Amicus Curiae that the neither of the lawyers signing this letter nor their law firm has received monetary contribution for the preparation or submission of this letter.

/s/ Charla G. Aldous

/s/ Brent R. Walker

**CERTIFICATE OF COMPLIANCE**

I certify on behalf of Amicus Curiae that the body of this Amicus letter contains 487 words according to the word count feature of the software used to prepare this Amicus letter.

/s/ Brent R. Walker

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of this letter has been sent to the following counsel of record via electronic service on March 7, 2018:

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