

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 21 UPDATED

We had a truncated version of court yesterday, so odds are we'll take it to the limit this go round. Nothing too noteworthy has happened since the trial went into recess Sept. 1 prior to the Labor Day holiday. Per a ruling from District Judge Sam Lindsay, the plaintiffs did win about \$22K in attorney's fees from ESD, but that seems like small potatoes compared to the \$10 million at stake in the big picture.

I've got a couple of ideas on how to best commemorate the trial's 21st day. OK, it's really just one idea with a variety of options on the same mood-altering-beverage theme.

Cheers.

UPDATE 12:30 p.m.

It's déjà vu at County Court at Law No. 1: Expert witness Dr. Rycke Marshall is on the stand, and ESD is once again promising they are going to rest their case today. We'll see what happens when we return from lunch, when Judge D'Metria Benson has said she will rule on the admissibility of the plaintiffs' rebuttal witnesses.

Today did have one out-of-the-ordinary event: There was a moose sighting. [Daryl "Moose" Johnston](#), of Dallas Cowboys fame, upped the general handsomeness of the room with his presence at trial today. Johnston's children attend ESD and he serves on the board of directors.

10:50 a.m.

Marshall is back on the stand with Chrysta Castaneda questioning for the defense. Marshall references Jane's therapy notes from Nov. 11, 2010, when she started bi-weekly sessions after a year of weekly therapy with Dr. Laura McCracken.

Marshall says a theme in the notes from McCracken is that the litigation (both civil and criminal) is a strain on Jane and her family.

"In my opinion, it seems to be something that in many respects was difficult and stressful for her," Marshall says.

11:15 a.m.

Defense passes the witness, and Charla Aldous begins cross-examining Marshall. Aldous brings up the fact that Marshall has testified in hundreds of cases through the years, and starts referencing one particular case from 2007 when Marshall was a witness for the victim of sexual assault.

"Do you agree that it is important for the victims to have a voice?" Aldous asks.

"Yes," Marshall says.

Aldous represents that she met with McCracken before accepting the Doe case to determine if it would be in Jane's best interest to pursue litigation. Marshall says she was not aware of this.

"Do you understand how a trial like this can give a victim a voice?" Aldous asks.

"It can," Marshall says, adding that she thinks therapy is "much more helpful" in dealing with those issues than a lawsuit.

Aldous asks if the trial could help Jane overcome her anger and hurt from being kicked out of ESD.

"Possibly," Marshall says.

11:35 a.m.

Aldous defines "victim blaming" as when the victims are held entirely or partially responsible for the transgressions committed against them.

Marshall asks where Aldous is getting this definition.

“[Wikipedia](#),” Aldous says.

Marshall chuckles and says she doesn’t agree with it.

Aldous asks Marshall if she agrees that blaming a victim of sexual abuse is the “worst thing” you can do to a victim.

“It’s a bad thing to do,” Marshall says.

11:40 a.m.

Aldous asks Marshall if she disagrees that Jane was a victim of sexual abuse by Campbell.

“What do you mean by sexual abuse?” the clinical psychologist asks before saying, “Yes, when she was 16, I would say so.”

Aldous then references testimony given by Marshall in 2007 for a victim of sexual abuse. In it, Marshall says that all minors (under 18) are victims of child sexual abuse.

Aldous brings up Marshall’s testimony from yesterday in which she said Jane could’ve done things (such as telling someone about the abuse or setting limits on Campbell’s access to her) to prevent her own sexual abuse.

Marshall affirms her previous statements. “Yes, she could’ve done that.”

“Are you blaming Jane?” Aldous asks.

“Absolutely not,” Marshall says.

11:45 a.m.

“You think a child who is undergoing sexual abuse should have the ability to set limits on the abusers access to her?” Aldous asks.

Marshall says that some children have the ability to set limits but some do not.

11:55 a.m.

“In the legal sense, you know it was sexual assault. But you don’t agree it was sexual assault in the psychological sense?” Aldous asks.

Marshall says assault in the “psychological sense” has the connotation of “violence, force, or aggression.”

“I think she didn’t see any of the sexual contact as abuse until some time [later], after she entered therapy,” Marshall says.

Aldous asks if it's the responsibility of the adult to set limits and boundaries in a relationship with a child.

Marshall agrees that it is.

Noon

Marshall shies away from calling Campbell's behavior toward Jane "grooming."

"I think it was flirtatious more than classic grooming," she says.

12:15 p.m.

Marshall says that Jane and her family were treated in a "humane way" when ESD forced the girl to withdraw on Jan. 27, 2010.

It "wasn't reasonable under the circumstances" for Jane's father to have a day to think about the decision to withdraw his daughter or to contact her therapist first, Marshall says.

Marshall says it is possible that Jane felt blamed after being told she couldn't attend ESD anymore.

12:25 p.m.

Aldous asks Marshall if any amount of therapy can ever completely erase the impact of sexual abuse. Marshall says no.

"It's something a victim never forgets," she says but then adds that not all victims will have difficulties in life after suffering sexual abuse.

Aldous shows Marshall's 2007 testimony once again. In it, Marshall said that "there is always some difficulty" from sexual abuse, and that victims have "an increased likelihood of additional problems in the future ... They're just more vulnerable."

12:30 p.m.

Pass witness. Lunch recess until 1:45 p.m.

2 p.m.

Marshall is back on the stand for Castaneda's rebuttal. Marshall says she didn't mean minor as anyone under 18 but anyone under 17.

Marshall also says the case from 2007 is "very different" than the Doe case.

"Do you believe Jane will ever have PTSD?" Castaneda asks.

"No, no, no," Marshall responds.

2:05 p.m.

Marshall says Jane has gotten past her feelings of shame through therapy, which is a crucial step in the healing process.

Castaneda asks Marshall to explain how she doesn't blame Jane but still thinks she could have averted some of her own harm.

"It's clear that the person to blame is Nathan Campbell ... But I don't see anything that would indicate Jane was in any way impaired in her ability to take reasonable care of herself," Marshall says.

2:10 p.m.

"What outcome do you see for Jane?" Castaneda asks.

"She has a very good prognosis," Marshall says. "She has many strengths and assets ... I see her as having a very favorable prognosis."

Pass witness.

2:15 p.m.

Aldous asks Marshall if she thinks she's in a better position to diagnose Jane than her own therapist, Dr. Laura McCracken.

"I don't know," Marshall says.

"Do you believe Jane willingly participated in the relationship with Nathan Campbell?" Aldous asks.

"I believe she did," Marshall says.

Aldous asks if Marshall is saying Jane consented to sex.

"No, I never said that she consented," Marshall says. "But she did willingly participate."

"He didn't hold a gun to her head, but she was a minor, was she not?" Aldous asks.

Marshall says yes, Jane was a minor.

2:20 p.m.

Aldous asks if Marshall believes Jane has "fully recovered."

"I think she is largely recovered. She may have some residual issues that she continues to deal with," Marshall says.

"The bottom line is, we will not know until Jane continues in her life what effects she will face, will we?" Aldous asks.

“I don’t agree with that,” Marshall says.

“And that’s because you’ve been hired by ESD?” Aldous half-asks.

“No,” Marshall says.

Commotion in the courtroom.

“Woah!” Benson half-yells.

Plaintiffs pass witness, and she is excused.

2:25 p.m.

ESD calls John Doe, Jane’s father, by video deposition. In the video, John says he “had a lot of concerns” about his daughter staying at ESD before the Jan. 27 meeting.

“I wondered if it would cause too much tension for her,” he said. “I wondered what kind of environment would be there ... I was concerned about her well-being.”

Before Jan. 27 John says he thought things had “modestly” improved for his daughter at ESD. He said he was surprised to hear Rebecca Royall describe the mood on campus as “hostile.” He agreed that, if it were true, a hostile environment would not be beneficial for Jane.

Finally, John said he didn’t see being a student at ESD “as a right.”

2:40 p.m.

The judge just sent the jury home early so she can take up matters outside its presence. The defense says it’s ready to rest, subject to one more offer of proof.

We’re in a 10-minute recess and then ESD will present the offer of proof, and maybe, just maybe, we’ll get a ruling or two outta Benson before we all go home for the day.

4:45 p.m.

Ten-minute recess turned into 2 hours of in-chambers meetings. The plaintiffs’ rebuttal witnesses (Former Student, Former Parent, and the recall of Father Stephen Swann) will be allowed. They will begin tomorrow at 9:15 a.m.

4:50 p.m.

ESD presents an offer of proof on Marshall. Castaneda asks if Jane’s parents should have been monitoring her cell phone, computer, and whereabouts.

Marshall says that they should have, and in doing so they could've mitigated some of the harm Jane suffered.

"It's very important for parents to know where their children are and that they are where they say they are," Marshall says.

Marshall says the Does had a duty to monitor their child, and they failed to meet it. She adds that they should have changed Jane's cell phone number as the school suggested.

"Jane continued to anticipate he would call," Marshall says. "And she tried to talk to him."

Castaneda asks Benson to allow the testimony. She denies it.

Aldous asks to present a one-question offer of proof on Marshall. Benson raises her eyebrows but allows it.

"Do you have any children?" Aldous asks.

"No," Marshall says.

Court is in recess until 9 a.m. tomorrow with the plaintiffs' rebuttal. Both sides have now rested their cases "in chief."

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By [Claire St. Amant](#) Sep. 7, 2011 | 7:00 am | [40 Comments](#) | [Comments RSS](#)

40 comments to "ESD Trial, Day 21 UPDATED"

amanda @ September 7, 2011 at [7:30 am](#)

Claire, this trial is enough to drive anyone to drink...I'm waiting for the "outraged" comments from ESD supporters...(how dare you make a joke...)
Good luck down there today!

Mark in Austin @ September 7, 2011 at [8:27 am](#)

I have spoken with about a dozen ESD alumni friends the last few days about their best guess on the outcome of the trial. This is very unscientific polling. None of them are lawyers, and none of them have actually seen any of the trial - so I would say these numbers are obviously very reliable. They're are running at about 80-20 that the plaintiffs will win. 100% are just sad.

Excuse me? @ September 7, 2011 at [9:39 am](#)

Yeah, Claire, no matter how qualified you are, you aren't supposed to make any comment that in any way could be considered to be offensive to any person on this blog!

Noah @ September 7, 2011 at [10:02 am](#)

Your headline reads: "Campbell Offered Help From CFO". So Burrows admitted to this in court?

Vinny Gambini @ September 7, 2011 at [10:38 am](#)

Noah:

If you continue reading after the headline, you get to the part that says: Burrow told Campbell he wanted “to pass on a little information that might be helpful.”

Call me crazy, but my bet is that the jury interprets that as Campbell being offered help from the CFO.

“But your honor, my clients didn’t do anything.”

Leagle Eagle 2 @ September 7, 2011 at [11:44 am](#)

THOSE DUBIOUS TAPES

The comments on the alleged tapes are highly questionable since they were never authenticated. Judge Benson originally ruled they could not be introduced in court for that reason. Burrow repeatedly stated that he believed the tapes were not accurate, had been extensively tampered with and were not authenticated. The judge ruled many sections not worthy of playing for the jury because they were inaudible. Charla Aldous was eventually able to convince the judge to allow them in court, one of her countless motions that have been approved by this judge. Whatever was actually said on the tapes – and it is very difficult to determine that – has little relevance to the plaintiff’s accusations regarding the students expulsion from ESD.

Former ESD Parent @ September 7, 2011 at [12:51 pm](#)

@eagle parent wrote:

“@CarolinaBorn– go back to Carolina. You do not know the school, the plaintiff, Nathan Campbell, or any of the other students and faculty involved. Go get a crime novel.

I cannot believe this judge will not allow the testimony of “Mary Smith.” It is so obvious that Jane Doe knew what she was doing. This will get deleted, but anyone who knows the “Does” be sure to check out her sister ’s facebook posts– very interesting.”

My commentary...for those who have been following this blog...unfortunately the above comments are very reflective of a chunk of the ESD parental community. It is clear that the Does didn’t fall into the “in” crowd in the community. Our family spent 5 years @ ESD. There are many good people there, however, there is absolutely a large cultural thread of folks who really don’t like folks outside their cultural “norm” and yes to some degree the administration...although “cloaked” by the church school status.

I’m hoping that @ eagle parent doesn’t have any daughters and I’m guessing his/her kids must be younger. Anyone who has teenagers understands what a confusing time it is for teens. It is hard for teens to emotionally navigate through their first teenage relationship(s), much less navigate a relationship with a person twice their age...an adult.

Uppercase Matt @ September 7, 2011 at [12:51 pm](#)

Sure, LE2 — the only thing Burrow never did was deny that he said the things he was recorded saying. While there may be some admissibility issues, out here in the real world things are much less “dubious” than you’re trying to paint them.

Vinny Gambini @ September 7, 2011 at [1:29 pm](#)

Call the tapes “dubious” or whatever you want, the jury is going to believe it was Burrow’s voice on those tapes, and they’re going to believe he (and therefore ESD) is trying to be cute by stating that it “sounds like” his voice, but he can’t authenticate them. When is the last time that a wishy-washy half-denial couched in legalese was effective in persuading a jury of anything?

Whether or not Judge Benson made a mistake letting the tapes in, they’re in, and they’re not going to play well with the jury.

“But your honor, my clients didn’t do anything.”

Donatella @ September 7, 2011 at [1:38 pm](#)

After seeing the headline on PHP-It still boggles my mind that ESD did not find some way to settle this case before it came to this. While my kids attended other Dallas private schools, I know lots of ESD parents. The administration appears to be very polarizing. Half the parents love Swann & co and the other half cannot get away from them fast enough once their kids graduate. Most schools seem to have more of a middle ground (some love, some hate, most like). The exception to this in my experience was Fr. Postell at Jesuit-he seemed to be universally loved.

Former ESD Parent Too @ September 7, 2011 at [1:38 pm](#)

Former ESD Parent: Have to agree with your comments. Nothing against the teachers; they provided a very good learning experience.

However, the culture of the "in" crowd is certainly perpetuated starting with Stephen Swann. He is certainly "grooming" the well-to-do parents by encouraging them to give big \$\$\$ to the school.

Lisa @ September 7, 2011 at [1:49 pm](#)

Claire- I have lost track with the early recesses, holidays etc. It seems as if there is an outstanding list of issues pending for Judge Benson to rule on. Can you clarify?

Claire St. Amant @ September 7, 2011 at [2:35 pm](#)

@Lisa, There are indeed a number of issues before Benson. The only she's ruled on recently is that Mary Smith's testimony won't be allowed.

Curious Alum @ September 7, 2011 at [2:39 pm](#)

Claire- any sense on whether ESD will actually rest today? Seems unlikely from the current state of things, but who knows? If so, would closing arguments be tomorrow?

Logines @ September 7, 2011 at [3:27 pm](#)

@Former ESD Parent, I beg to differ. The Does had already sent their older children through ESD and donated a lot of money to the school and its athletic program. This has nothing to do with their family not being in the in-crowd as each of their children had attending ESD from the age of 3 and "lifers", as they are called, are the very core of ESD's in-crowd because if they have the money to pay for 15 years of ESD, they are attached enough to the school to donate more. Jane Doe II was just not very well liked/even feared by her peers and teachers as perfectly stated in the Eddie Eason email with JD2's yearbook teacher. This has nothing to do with money but the person in question. And I find it sad that so many people are quick to make it about that.

I am not surprised Mary Smith's testimony will not be used as it pretty much describes the entire ESD student community's feelings about Jane Doe, but with a judge as one-sided as Benson, what do you expect? To me, it looks ESD will lose this trial, which is a shame, but time will heal all wounds. Doe II is the one that will have to live with the truth of what actually happened. And to anyone who is actually familiar with the Does, I would check out her sisters facebook comments about this trial or Doe's communication to Mary Smith to give a continual real look at the type of people in question. I am sure this will get deleted by PHP or attacked by the people who seem to troll these blog entries but I am entitled to my own opinion, just as you all are. Especially since I have known both parties involved in this case for a very long time and can base my opinions from that and not an obviously biased newspaper blog. The one bright side about this case is that it raises awareness about sexual abuse.

07DAD @ September 7, 2011 at [3:40 pm](#)

Claire-did the juror with the sick child stay on the panel? Are there any male alternate jurors?

What is your "best guess" of the ages of the jurors? Did you hear voir dire? Any clues on the personal income, level of education and private v. public aspects of the individual women on the panel?

Are the jurors really fidgety now? They tend to get that way once they have made up their minds. Boy I bet they are hating how long this trial is taking and which ever side they think is dragging it out. Seems to me that ESD ought to rest.

My straw poll indicates that suing for \$10M gets a really negative reaction when they hear of the coincidence of JDII coming to the door in only a towel and letting teacher in when her parents and siblings just happened to be gone, the full summer with the teacher sniffing around JDII and JDMom doing nothing and that JDII knew he was married with children, did him anyhow and still wanted to know if his wife was wearing her ring after the manure hit the fan.

Do we agree this trial is all about ESD trying harder and changing and JDII having her day in court and not about the money?

Seem the jurors could really send a message with an affirmative liability finding to tell ESD to try harder and to vindicate JDII and a \$15.00 (fifteen dollars) damage award to replace the little black dress, I mean- the towel.

Uppercase Matt @ September 7, 2011 at [3:57 pm](#)

Boy, I hope I never get to the point where I'm creeping a rape victim's Facebook page, or her family members', to anonymously trash her, and encouraging other people to do so. Longines, you may be "entitled to your own opinion", but I hope the Does know what kind of person you are that they've known for such a long time.

Lisa @ September 7, 2011 at [4:02 pm](#)

This blog has not been overtly biased. It has repeatedly posted comments that vilify Jane, that call her a liar(and worse), that say she was not well-liked and whose family is looked down upon. Evidently the Doe's tuition payments and donations did not offend for many years.

On balance there have been posts both for and against. Claire has done a great job. And btw, it's a blog, not Fox News w/ Chris Wallace. Deal with it. We need not have been" haunting the halls of ESD" and know the players personally (or benefitted socially from its patrons) to form an opinion.

Avid Reader @ September 7, 2011 at [4:06 pm](#)

"Doe II is the one that will have to live with the truth will what actually happened."

Really? Disgusting.

Kat @ September 7, 2011 at [4:24 pm](#)

The whole issue of the in-crowd at ESD, or the likeability of Jane Doe II or her family is completely irrelevant to the case. Should likeable children be differently treated by the courts than children who are not well-liked? It is clear that Jane Doe II was encouraged to have a sexual relationship by a married man twice her age. It is illegal for an adult to have sex with a 16 year old. It is clear that a teacher at the Episcopal School of Dallas had a sexual relationship with Jane Doe II. It is illegal in Texas for a highschool teacher to have a sexual relationship with a student of any age. Jane is, therefore, a victim of a crime. The second question is whether she was re-victimized by ESD when they abruptly required her to leave the school. The last issue, is whether ESD did everything reasonably possible to avert the risk of a student/teacher sexual relationship occurring at ESD. It seems to me that other discussions of whether Jane Doe II is, or is not, a nice girl, or whether her parents are part of the in-group or not is foolishness. I wonder who is planning to throw the last stone at this teenage victim of a crime?

HMills @ September 7, 2011 at [4:29 pm](#)

The least relevant thing I've heard is whether or not Jane Doe was liked by her peers and the staff or indeed her siblings. Once ESD accepted her as a student, they owed her the same duty of care they owed every other student. If they used a crime merely as an excuse to get rid of an unpopular student, the school deserves every bit of criticism it is getting.

The wonder to me isn't that they didn't settle the suit. It's that they were too dense apparently to realize that privacy couldn't be maintained (16 year old girls will be 16 year old girls) and too wishy washy to simply convey that reality to the Does at the outset and, with Christian caring, help arrange the best possible alternative for their student since the age of 3. At the least, they could have kept the Does informed as the days passed that the "sad story" was common knowledge. While it may have legal significance that Jane was herself telling other people, to me it doesn't lessen the responsibility of the school one iota. No only was Christian caring sadly lacking, so was common sense. At best, common sense was lacking. At worst, they were in sympathy with the criminal.

Another Trial Watcher @ September 7, 2011 at [4:34 pm](#)

I wish I understood the point of the "the other kids didn't like her/the students aren't on her side" line of thinking. What difference does it make in this case whether JDII was the Senior Class President, the Head Cheerleader, the Captain of her sports team, the Yearbook Editor or one of the least-liked girls at the school? Is the point she was more "deserving" of what happened to her? If not, then what?

Thank goodness, justice in this case will be determined instead by an impartial jury, guided by the work of two sets of attorneys (both the Family AND the

School) doing their best AND a Judge doing hers.

Excuse me? @ September 7, 2011 at [5:00 pm](#)

Whew! For a minute, I was scared that a celebrity wouldn't show up! Thank you Moose!

Of course, last time I saw you was at the Ritz. "My wife is hotter than yours..." Yeah, but my kids don't go to ESD.

EagleParent @ September 7, 2011 at [5:09 pm](#)

@Former ESD Parent- What I stated was my opinion. I had a child in the class with Jane Doe2. As a parent of teenagers I question where they go and who they are hanging out with. If one of my other children questioned 10,000 text messages that my daughter had with one of their teachers I believe I would have had a different reaction than Jane's mother.

Claire- I hope you were able to get an autograph or your picture with Moose Johnson. If you are trying to be a serious journalist maybe you should go to work at US or People.

Defending Claire @ September 7, 2011 at [5:20 pm](#)

Hey all of you yayhoos — you all know who you are.. those of you that are taking precious HOURS out of your day (when you should be PRODUCTIVE) to waste time commenting/arguing with each other on this blog. You know that your comments are

1. not going any where
2. not going to impact this case in any way/shape/form
3. not making any type of case for/against ESD because you are all anonymous!

Ha! and the whole "claire shouldn't be making comments that offend anyone" argument. She sure can! She can do whatever the HELL she pleases. This is a community newspaper BLOG. If she reports an fact incorrectly, then she must "print" or type a retraction and correct the information. But that is it.

Give it up, ya dumb dumbs. Your feeble attempts at weighing in on this case are not going ANYWHERE.

Plus.. it'll appeal for years and years and years..

Former ESD Parent @ September 7, 2011 at [5:52 pm](#)

@Logines-Just because a family made a commitment to this school with money and their faith that the school would educate their children, doesn't make them "in". Unfortunately, your interpretation seems somewhat naive..no offense.

For those that have been following this blog, this is another example of an adult in the community that supports the "blame the victim" mentality a "circling of the wagons." Once again, regardless of what you think of this family...this was a 16-17 year old girl..with a 34 year old man in a faith based school.

Anyone see an alarming trend with the ESD parents??

ESD Parent @ September 7, 2011 at [6:29 pm](#)

As a parent of two ESD graduates it saddens me to no end that a few "bad apples", led by the chief scoundrel Nathan Campbell, have had the power to change the reputation of one of the finest private schools in Texas. The administration has clearly worked hard to assemble its outstanding faculty, yet very little is being said about the excellent education grounded in faith and nurture that each graduate receives. How I pray that as soon as this trial is over the Board of Trustees will assemble and begin a plan that will enable the school to continue its important mission—a mission that includes awarding over 2 million yearly to students who normally wouldn't be able to afford this caliber of education. How fortunate my two children were to be partial recipients of this gift!

CosmoMartini @ September 7, 2011 at [6:54 pm](#)

@07DAD. Gotta agree with you on that one (the award amount). While I'm rooting that JDII gets a verdict (and truly believe she was wronged by the creep/rapist and by ESD), I dont think the ESD liability is worth \$10 million. Bluntly I'd love to see her lawyers paid appropriately for time spent, her college paid, her therapy & family therapy paid, about \$100K for pain / suffering.....and for ESD to commit a couple of million to sexual harrassment training and sexual assault victim funding in the community on some level. Then call this puppy a day.

Neal @ September 7, 2011 at [7:47 pm](#)

OMG Claire, how dare you make a lighthearted comment about Daryl Johnston!!!! Have you no shame, you ESD-hating bias queen?!

/sarcasm

P.S. @07DAD: "JDII...did him". Wow, way to keep it classy.

interested @ September 7, 2011 at [8:49 pm](#)

Logines: how sad it makes me feel to see a post like yours. you have now joined the legion of esd backers that see this as Jane Does fault. have you no shame, no compassion?

maybe the judge is not allowing the testimony because it is not pertinent to the case.

marie anderson @ September 7, 2011 at [9:24 pm](#)

How can you possibly say that Mary Smith's testimony is not pertinent to the case??? She was Jane's friend and confidant, knew about this relationship, and can speak directly to Jane's involvement and statements. Not pertinent, but some Former Parent from God knows how many years ago is pertinent?? What on earth is Judge Benson thinking?? Oh wait, she's not.

Janelaine @ September 7, 2011 at [9:26 pm](#)

@CosmoMartini: You think so clearly and write so well. Your assignment of monetary values to each aspect of the case is spot on, too.

Excuse me? @ September 7, 2011 at [10:18 pm](#)

When did esd become "one of the finest schools in Texas?" Just asking...

amanda @ September 7, 2011 at [10:50 pm](#)

Yes, I must agree that once again promoting whispers and more hateful gossip about JD2 and now her sister's Facebook is just plain stupid. ESD supporters are like moths to that flame. They just can't help themselves. They have to besmirch a victim, because the facts don't support them. It seems like the defense is throwing any/all arguments on the wall to see what sticks. It doesn't matter one bit what is on JD2's sister's Facebook NOW. This trial is about what happened THEN.

And, who cares how "popular" this girl OR her family are/were? Does anyone really think that because she was "unpopular" she deserved to be statutorily RAPED? Going back several threads, ESD supporters were almost threatening this girl (JD2) saying that she wasn't going to get into a sorority because of this trial... NEWS FLASH, maybe she doesn't want to be in a sorority! Do any of you have an inkling of how hateful/mean and completely out of touch with reality these positions against a sexual abuse victim are?

At least 2 dozen parents have told me that there is NO WAY they would EVER consider sending their kids to ESD after seeing the way this girl and her family have been treated publicly on this blog and on the DMN comments. That's coming from parents who live in DISD, looking for schools for kids who are young... As has been wondered several times on this blog: why the HECK didn't ESD settle? This case will be "haunting your halls" for YEARS to come. I guess it's foolish pride, hubris, and maybe even some kind of denial that put the school in this position. I can't imagine that Father Swann, Lisa LeMasters, or anyone on the board thinks that ESD parents current/former should be continuing these spiteful attacks on the Does.

Claire, will you try to interview jurors when this is over? I am so curious about their opinions regardless of how the trial comes out. And, in the expert testimony you recounted today for the defense could you tell us what the jury was doing/how they reacted? Some of that was very interesting!

eagle-eyed @ September 7, 2011 at [10:52 pm](#)

@Excuse me?:

You've gone too far.

"Of course, last time I saw you was at the Ritz. "My wife is hotter than yours..." Yeah, but my kids don't go to ESD."

So it's okay for you to insult Daryl Johnston, his wife, and all ESD kids in such an immature fashion, but it's not okay for people to support ESD, the education it offers, or think JD II doesn't deserve \$10 million?

I have really been appalled by the comments of many ESD bashers on this blog, who claim ESD was un-Christian and cruel and unfeeling, and then hypocritically lash back maliciously at ESD supporters, calling them drunks, deserving to suffer for the rest of their lives, fools, idiots on extended time, wannabes, hell-destined.

eagle-eyed @ September 7, 2011 at [10:55 pm](#)

@Defending Claire: You're right! We're not going to be able to change each other's minds. That's why I've been silent for a few days.

Still, I feel the need to at least defend ESD the best I can. Those who refuse to logically and reasonably consider my ideas are free to do so, but at least I can get my opinion out there.

eagle-eyed @ September 7, 2011 at [10:59 pm](#)

@Excuse me?:

I suggest that you look at look at the number of AP courses offered and the high success rates of AP scholars, the colleges graduates have attended over the past 5 years, the amount of merit money the college-bound have received, and the percent of teachers with advanced degrees.

In spite of this trial, ESD remains "one of the finest schools in Texas."

Autvincere @ September 7, 2011 at [11:11 pm](#)

Mary Smith isn't testifying because she was not timely named as a witness. The lawyers enter into a scheduling order the lawyers are required to name who is going to testify and provide a brief statement of their knowledge of the case. The lawyers must then cooperate in scheduling the depositions of the witnesses listed. Smith isn't testifying because she was named late and defense counsel refused to give deposition dates. Benson has done exactly what she is supposed to do under the Rules Exclude the testimony. This was all part of the Plaintiffs arguments. It's appellate error to allow the late testimony.

As for the "Eagle" assertions that the Burrow tapes were altered....Takes 10 minutes to hire a forensic expert to discover any alteration of tapes.... Bet ESD did and found that there was no tampering. Burrow called a Pedophile "Buddy"....Said "Rebecca wishes you well" That was very audible.

Just curious are all the "Eagles" related? And again great blog cause everyone in this country is entitled to voice their opinion. What makes America and its press the best in the world.

Wade Douglas @ September 7, 2011 at [11:14 pm](#)

How do we know that ESD did not try to settle?

Former ESD Parent @ September 7, 2011 at [11:45 pm](#)

@ ESD Parent

"One of the finest private schools in Texas" Really? As a former parent and a Dallas lifer I can tell you ESD is certainly better than it was 20 years ago, when it was the school parents sent their kids to after they got kicked out of Hockaday or St. Mark's, but to say it's "one of the finest private schools in Texas" is a bit much, don't you think?
