

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 6 UPDATED

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

The word on the street is there will be more expert witnesses called today, but at the rate we've been going, I'd guess we'll only get through one if we're lucky.

Side note: Be patient with us on comment moderation. Because of the sensitive nature of this trial, we're being extra careful about what is approved for the public eye. So if it's been taking longer than usual to see your pen name on the screen, now you know why.

To the jump, my update-loving friends.

**UPDATE 9:40 a.m.**

Still haven't started. Sen. Royce West just arrived, whistling a little tune.

I've confirmed that Swann won't resume his testimony until Wednesday. Today, an IT expert will reportedly take the stand.

**UPDATE 1:30 p.m.**

Court is still in lunch recess. I've been feverishly writing up a story for *Park Cities People* so I apologize for the delay on updates. Here 'tis:

**9:50 a.m.**

As you might have imagined, ESD once again filed a last-minute motion to have the plaintiff's expert testimony excluded. This time, the expert is computer forensic investigator John E. Wiechman with [TSLI Inc.](#) Chrysta Castaneda's objection was that ESD still does not have Jane Doe II's computer.

"How is that relevant?" Benson asks.

Eventually, Wiechman is allowed to testify.

**10:20 a.m.**

Wiechman, responding to questions from Brent Walker, says he did not find any emails on Jane Doe II's or Nathan Campbell's from each other. He goes on to explain that it's still possible they sent emails, but they may have been deleted or overwritten.

**10:30 a.m.**

Wiechman says although he can't find a full record of instant messages on either computer, he can tell there is "a relationship" between the two accounts due to time logs, error messages, and message fragments."

**10:45 a.m.**

Walker reads from a message fragment recovered from Campbell's computer, from Campbell to Jane Doe II: "I'm so [expletive] in love with you, my baby. I want you and that beautiful ass in my bed each night, and I want to make babies with you."

**11 a.m.**

Walker asks if an employer can monitor its laptop anywhere it is used, including on a home network. Wiechman says, "Yes, easily." He also says the software to do this has been around "at least 10 years."

"If ESD takes the position there is no way to monitor the cell phone and laptop they gave an employee, is that accurate?" Walker asks.

“No, it is not,” Wiechman says.

**11:30 a.m.**

Chrysta Castaneda begins cross-examining Wiechman by asking, “Are you familiar with the kind of network security systems schools typically use?”

He says he is not.

**11:45 a.m.**

Castaneda reads from another message fragment, this time from Jane Doe II to Campbell.

“My boobies miss you,” she said.

**12:20 p.m.**

Castaneda asks Wiechman if he would agree the majority of the IMs took place after 8 p.m. He agrees.

**12:25 p.m.**

Regarding key stroke software, Castaneda asks if “every single thing that was typed would’ve been recorded, whether or not it got sent or saved, correct?”

“That’s correct,” Wiechman says.

“Is it fair to say you have no idea how many hours and how much manpower would be needed to review those files?” Castaneda asks.

“I have no idea. That’s not my area of expertise,” Wiechman says.

“Are you saying ESD should’ve put this software on all its school-issued laptops?” Castaneda asks.

“I’m absolutely not saying that,” Wiechman says. “Its an option for an organization to install that type of monitoring. ... I’m not a [chief technology officer for a school]. I don’t have an opinion on what a school should or shouldn’t do.”

**UPDATE 5 p.m.**

The court is adjourned for the day. Proceedings (and the latest expert witness testimony) will resume at 9 a.m. tomorrow. Here’s the play-by-play of the after lunch testimony:

**2:25 p.m.**

Scott Koelker comes off the bench for ESD and presents a motion to get expert witness testimony excluded. I feel like I’ve heard this argument before. So does Benson, who denies the motion.

**2:45 p.m.**

Dr. Edward Dragan, and his 17-page resume, takes the stand as an expert witness for the plaintiff. Dragan is employed as a consultant to schools, attorneys, and individuals for [Education Management Consulting, LLC](#).

**3 p.m.**

Cyndy Goosen, attorney for the plaintiffs, asks Dragan if several of his papers, including one titled “Lack of oversight in a school can cost you millions if a student is hurt,” is relevant in cases like this one.

“Yes,” Dragan says.

**3:05 p.m.**

Castaneda asks to approach the bench.

“Sure, why not,” Benson says.

Shortly after this, questioning resumes. Goosen asks Dragan to tell the jury what his opinion is about ESD’s hiring and supervision practices.

“[ESD] failed in their responsibility to conduct the proper hiring process,” Dragan says, adding that he found no proof Campbell’s references were actually checked. “In the 5 years that Campbell was a teacher, he was never observed or consulted about his teaching performance ... The administration in a school is responsible for ensuring teachers are doing what they ought to do so the children can learn.”

**3:15 p.m.**

Regarding references, Dragan says Campbell’s personnel file contained notes that his former employers “wouldn’t respond to inquiry.”

“This indicates there was some attempt [to check his references], but that’s not sufficient ... If you end up at a dead end, you have to continue to pursue it,” Dragan says.

**3:45 p.m.**

After returning from a brief recess, Goosen asks Dragan if the school acted reasonably and consistent with education standards regarding its monitoring of school-issued equipment.

“When you have a predator and nobody’s watching, that provides an opportunity, unfortunately, for a predator to take advantage of a kid,” Dragan says, adding later, “You don’t just give a teacher a laptop, or a cell phone, or keys to a van and a building ... In my opinion, [ESD] failed to meet the standard.”

**4 p.m.**

Regarding Jane Doe II's expulsion, Dragan describes the matter this way:

"This was one of the most disturbing parts of my review," Dragan says. "Jane Doe II was the victim. Campbell was the predator. The end result was Jane Doe II was punished for what occurred."

Goosen asks "Is it common practice to have an expulsion procedure in place?"

Dragan says yes, and goes on to explain that in his experience, schools provide a due process, involve the student in that decision and plan for the transition to a new school.

**4:10 p.m.**

Goosen asks if in his opinion, ESD acted in a negligent manner concerning policies, procedures, monitoring devices, and how they handled Jane Doe II's expulsion and Campbell's resignation.

"They acted in a negligent way," Dragan says. "They absolutely were negligent in providing policies and procedures and implementing them."

**4:25 p.m.**

Goosen asks Dragan to read from comments that Campbell wrote on Jane Doe II's report cards and to offer his opinion on if they are appropriate.

1/22/09

"[Jane Doe II] was certainly like a dog with a bone this quarter," Campbell wrote. "I admire her tenacity ... I look forward to more late night emails and in-depth questions."

Dragan responds, "This should have stood out as a red flag. There's no reason for a student to send a teacher an email late at night."

3/25/09

"I enjoy the daily visits with [Jane Doe II]," Campbell wrote. "I'd like to see her participate and ask more questions in class instead of saving them for my office."

5/28/09

"[Jane Doe II] is one of the few students who regularly comes by my office for assistance," Campbell wrote.

Goosen asks, "A seasoned educator should've picked up on this, correct?"

"Yes," Dragan says.

**4:45 p.m.**

Changing gears to Jane Doe II's expulsion, Goosen asks "should expulsion, in this circumstance, be the first option in dealing with such a crisis?"

"No," Dragan says, adding, "I would characterize it as trying to sweep the situation under the rug."

Goosen asks Dragan if it was prudent for the school to offer Mr. Doe no other options besides withdrawing his daughter that day or having her expelled (A memo by Rebecca Royall states "There is no door #3).

"Not only do I not find it prudent, I find it appalling," Dragan says.

## 5 p.m.

After trying (and failing) to define "gross negligence" in a way ESD's council will agree on, Goosen and opposing counsel approach Benson and she, rather than ruling, adjourns the court until tomorrow.

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By [Claire St. Amant](#) Aug. 2, 2011 | 8:35 am | [27 Comments](#) | [Comments RSS](#)

## 27 comments to "ESD Trial, Day 6 UPDATED"

**John** @ August 2, 2011 at [9:27 am](#)

I hope you are starting to get a more balanced perspective now, Frank. As is clear from Senator West's cross examination of the Plaintiff's first expert, she is very prejudiced against ESD, is not really qualified in the field she claims to have drawn her conclusions from, and had to admit her predictions of doom during first 2 years after the affair have not happened and the girl is doing very well, including getting a scholarship to the school of her dreams, with the help and recommendation of ESD. Stay tuned for more evidence that will give you a more balanced picture.

**@John** @ August 2, 2011 at [10:48 am](#)

John, no I'm not getting any perspective other than the one I had prior to the trial. Your comments are absolutely wrong - she is absolutely qualified. ESD challenged her (as they have done with numerous witnesses) and the Judge agreed she was qualified and her testimony stands.

Interestingly, ESD had her deposition for something like 85 days and only decided once the trial started to object to her. There is a lot of game playing on ESD's side and as was mentioned in yesterday's blog, the judge didn't seem too pleased to be dealing with all the BS ESD is throwing.

In yesterday's filings, ESD sought to block testimony... from their own psychologist, Dr. Andy!!!

So much for wanting to get at the truth in this case.

**@John** @ August 2, 2011 at [11:15 am](#)

The testimony reflects very positively on the girl, not so much on ESD and their actions/inactions.

**trial watcher** @ August 2, 2011 at [2:36 pm](#)

Anyone who knows anything about IT, knows it's very difficult to monitor a whole organization's emails. I don't see how ESD could have monitored all those emails!

**John** @ August 2, 2011 at [3:27 pm](#)

Frank, you must be watching a different trial than I am and many of your facts are wrong. You are ignoring everything that's coming out favorable to ESD, which is a lot. Ms. Alpert's own notes from meetings with the girl show how well she has been doing, including a great senior year at [redacted] and a full scholarship to her dream school, with ESD's help and recommendation. As you said in your own words above, you had made up your mind before the trial started. I hope you never have to face a trial and have people's mind made up before you go to trial. Read Trial Watcher's statement above, which is correct if you know anything about IT.

**episcopal parent** @ August 2, 2011 at [3:27 pm](#)

@John, you imply that you have some special insight into what "more evidence" ESD will present. Are you affiliated with ESD or their lawyers?

**marie anderson** @ August 2, 2011 at [3:57 pm](#)

@John: Where do you get your information??? ESD has not had the expert's deposition for 85 days - she has never been deposed because Aldous didn't name her as an expert until recently.

**been there..** @ August 2, 2011 at [4:23 pm](#)

My voice has been silenced for so long, please allow me to pipe in,

I'm sure ESD was a big part of her success both in getting over this tragedy and in getting into a dream college. (I can't help but compare to myself here...)

Despite my awful abuse by the one priest, there were other priests and other experiences that shaped who I am today. Much of what I took from that church was good. I'm a better person for those joys. There was the rape and abuse by the one priest, but I learned that just because this one priest was bad, the rest was not. There were still good people and good priests I experienced.

One priest even contacted me two decades later saying he was very sorry he did not react the way he should have. I told him that because of his youth programs and his love, I did turn out well and I was grateful for his role in my life. The good outweighed the poor decisions on his part.

This trial reminds me of my past in many ways. I was angry at the entire Catholic church. Now I see where the priest was bad and the rest made some poor choices. That overall church was a blessing of a place for me.

ESD must have done something right or this girl would not be doing so well today.

Why is ESD on trial as a force allowing the evil to happen more than her own parents? I credit ESD for firing the perp. Many other places would have just moved him as in my case.

It is still my opinion that this is the perp teacher's fault fully, but have to wonder what shortcomings the family had to not recognize abuse was taking place. Perps pick certain children to take advantage of usually. What made this victim so open to his advances?

Maybe the victim will sue her parents down the road for victiming her a third time with the suit? I would guess this lawsuit will be the worst aspect of her life. Worse than the rape and worse than being pushed out of the school.

ESD is doing a better job than the Catholic church imo.

**@Marie** @ August 2, 2011 at [4:24 pm](#)

Marie- read the filings posted yesterday, specifically plaintiffs response to ESDs objections. It's all in there, including ESD not wanting it's own school psychologist to testify,

**John** @ August 2, 2011 at [4:36 pm](#)

I didn't imply anything. I simply pointed out ESD has not presented any evidence yet, they have only cross examined 2 witnesses. There are always 2 sides to every story. Before you make up your mind, here both sides.

**John** @ August 2, 2011 at [4:38 pm](#)

I didn't say ESD had the experts testimony for 85 days, Frank did.

**John** @ August 2, 2011 at [4:38 pm](#)

I meant hear, not here.

**Lane** @ August 2, 2011 at [4:41 pm](#)

1. ESD filed a motion to ask the federal judge to "reconsider" yanking the suit back to federal court.
2. I guarantee that John (not @John) is a member of the ESD community, perhaps the board?
3. More details will come out in this case, as it continues to unfold. Only time will tell.

**Lane** @ August 2, 2011 at [4:48 pm](#)

@been there...

ESD did nothing.

ESD cannot take the credit for helping her.

Her therapist should take the credit.

Like I said: wait for everything to come out before making a judgement.

xoxo

**marie anderson** @ August 2, 2011 at [6:21 pm](#)

Been there: Thank you for a fresh perspective. I agree with you completely that one bad teacher does not make a whole school bad, especially since there was nothing in this teacher's background to indicate this would happen. ESD did exactly the right thing in firing the responsible party.

Since this sexual affair took place over the summer, the parents have all the culpability for not preventing it. However, Judge Benson refused to allow ESD to put on any evidence about the parents' negligence. No legal basis for that, just a bias to the plaintiff's bar and their donations to her election campaign.

**marie anderson** @ August 2, 2011 at [6:22 pm](#)

John:

Plaintiff's response to objections are not evidence.

**Avid Reader** @ August 2, 2011 at [6:29 pm](#)

ESD did so many things wrong. What they need to do to start back the trust building is:

- A. Just apologize. Yeah, we screwed up in the handling of this situation.
- B. Just settle. We fumbled on how we handled a child sex-crime victim by not thinking about the child (see Mayo's email/statement).
- C. Show your past, current, and future students and parents that you actually care about this and show/tell them all how you are setting up better procedures to stop this from happening again.

**@ItsObvious** @ August 2, 2011 at [7:23 pm](#)

Without naming aliases here, its obvious that one person feels the need to post using different personas, different names and making different arguments, all to minimize ESDs role in this crime.

Your grammar, misspellings, capitalization, weird sentence structure - give you away.

Please, give it a rest. You embarass yourself and ESD everytime you post. Today you reached a new low.

**Its Not Obvious** @ August 2, 2011 at [8:00 pm](#)

So, Its Obvious, the trial is over for you too, without hearing a fraction of the evidence? You must be very brilliant!!

**lady blue** @ August 2, 2011 at [9:35 pm](#)

Avid Reader if the student would have stayed at the school for the remainder of the year she would have endured all the rumors, gossip, back stabbing, etc. Do you think this would have been in the best interest of the child? I think not.... By removing the student it allowed her to move on and get the therapy she needed. She ended up with a great scholarship, getting into the college she wanted, excelled in her sport that she was so good at, created new friends and has moved on with her life. Its the parents who are to blame in this situation, by bringing this lawsuit against ESD, it creates chaos in the community and the child will have to relive the entire ordeal over again. The teacher was never fired, he resigned during the investigation. Money is not always the answer to things. I agree with Lane above, wait a few more weeks and all the details will come out, wait before making a judgement.

**trial watcher** @ August 2, 2011 at [11:42 pm](#)

I am really blown away by the insensitivity of the administration. "There is no door #3." I mean, really? I can't believe they didn't run that by an attorney.

Stop blaming the parents! Parents are usually blind to their kids' troubles. "my kid would NEVER do that!" It doesn't seem like Campbell's wife could figure out they were having an affair, either. But, if I saw comments like that on a child's report card, I would be up at that school bending someone's ear!!

**casemom** @ August 3, 2011 at [10:21 am](#)

I'd like to know what's wrong with those report card comments, trial watcher. As I stated on today's blog, lots of kids visit teachers daily for help, and send them late night emails.

This Dragan is out of touch and overly educated; he doesn't know a thing about how schools actually work.

**Its Not Obvious** @ August 3, 2011 at [10:21 am](#)

No one is "blaming the parents". There is a difference between blame and responsibility. Parents are responsible to monitor their children. Just like you said, you would have been up at the school bending someone's ear. From the testimony so far, it seems the situation primarily occurred over the summer and after school hours at night. Surely it would be reasonable for most parents to have some awareness of what their children do during those periods of time. Many parents I know check their kids cell phones and computers as well. All parties here are victims to some extent of Mr. Campbell.

**Avid Reader** @ August 3, 2011 at [11:47 am](#)

@lady blue, If she had stayed in school she may have dealt with rumors, gossip, etc..sure, that is true. You might think that ESD may have asked the school counselor who is paid to....counsel...about what they thought. Maybe have a meeting with the girl, her parents, the counselor and see how things were going and talk out what is in everyone's best interest. ESD did none of these things. Asked to meet with the father and just pushed a piece of paper across the table while saying; we will expell her if you guys don't withdrawl. Anyone who signed off on that move has no business being involved in educating kids. Total Fail.

**@avid** @ August 3, 2011 at [12:03 pm](#)

BeenThere wrote,

"Leave the blame and anger behind and just educate with compassion..."

after writing,

"...but have to wonder what shortcomings the family had to not recognize abuse was taking place....Maybe the victim will sue her parents down the road for victiming her a third time"

Hypocrite much?

**felloweagle** @ August 3, 2011 at [3:02 pm](#)

CAN SOMEONE PLEASE GIVE ME A BREAK. I really think it is funny that people who did not even know this girl existed before this case are commenting about matters they are just now learning about. Before the relationship between the student and teacher began, the student would openly comment about how good looking she thought the teacher was, she would openly describe how much she loved him and how obsessed with was with him. And during the affair she totally

knew she was doing because it went on through the summer, you can not tell me that a student who gets three months of the year to have zero affiliation with her high school and was a "victim" wouldn't use that opportunity to stop all contact with the teacher. I mean what is the worst that could happen? He shows up at her house? That will obviously raise some the red flags she would want to stop have the relationship stopped. She finally got to have the teacher of her dreams but when she gets caught her parents create this victim deal as a remedy to the problem as not to tarnish their name, as most other rich Dallas families would do. Yes, ESD expelled her but as a private school they can terminate the girl for any reason they want, her parents agreed to that when they enrolled her when she was 3 years old. After the scandal broke at ESD, ESD LET HER STAY FOR SOMETIME but most people assumed it was said student and she first quickly started spreading her own rumors that it was other girls to cover her tracks. When that did not work, she would start reaching out to people so they could hear "her" side of the story... that she was victimized blah, blah, blah. Someone who was a victim wouldn't want people to know...ESD isn't perfect but the fact that they took expelling her into their own hands should not be debated here... they have the power to expel a student if they come to school late for goodness sake. Her parents are just dragging this out for the money and hopes to clear their names in the ranks of Dallas high society and are doing nothing but ruining this girl's reputation even more by dragging this out. Do you think this girl will get into a sorority or be able to start over in her said "dream college." NOPE. I hope the judge just squashes this so we can all get on with our lives.

ESDparent @ August 3, 2011 at [10:11 pm](#)

thank you fellow eagle!!

