

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 24 UPDATED

We finally made it. Closing arguments kick off at 2 p.m. in the county courtroom of Judge D’Metria Benson. By all reasonable estimations, the jury will begin deliberating tomorrow.

A few notes on that: Juries in county courts are comprised of 6 people (in this case, 6 women), and the verdict requires at least a 5 to 1 decision. If the jury finds ESD not liable on all counts, the trial will be finished. However, if the jury finds the school liable on any of the counts, then they will have to deliberate on the amount, which will be handed down in a separate decision.

Other things: Benson denied ESD’s request to designate John and Jane Doe as “responsible third parties” in the suit. This is something like the third

time ESD's brought this issue up after Benson initially ruled against it.

I'll have the play-by-play on closing arguments at some point this evening. Stay tuned.

UPDATE 10 p.m.

So I was hedging my bets when I said "some point this evening" and now I'm barely making it in on my own deadline as I didn't get out of court until 8 p.m. But here goes. Oh yeah, and I also scored some exclusive interviews with the dismissed alternate jurors. I'll put those up in a separate post. Keep checking back.

2:50 p.m.

Benson finally takes her seat on the bench. It is packed house, standing room only with an overflow courtroom. Stephen Swann, John Eagle, and Rebecca Royall are all present for ESD. Bill Black and Former Student are present for the plaintiffs.

Brent Walker for the plaintiffs and Cynthia Timms for ESD argue objections to the charge Benson has approved for the jury.

Walker, taking about two minutes, gets his charges overruled.

Timms, taking about 45 minutes, gets her charges overruled.

The audience groans.

3:40 p.m.

The jury is called into the courtroom. Benson begins reading the charge, which is 22 questions with subsections.

4:15 p.m.

Benson says the jury will decide if ESD is a charitable organization and if it's subject to the charitable immunity \$500,000 cap. (Both sides had asked Benson for a directed verdict on this issue.)

Charla Aldous begins her closing arguments with this statement:

"We do not know why many things happen in this world," she says. "God's ways are above our understanding."

She tells the jury they "will be the voice that speaks about what ESD did to [Jane Doe II]."

At this point, Aldous pulls out a giant poster of a smiling Jane, in what appears to be her ESD uniform. Aldous says when Jane came to her, she didn't look like this.

"She was broken. She was downtrodden. She felt abused. She felt shameful. She felt she was dirty and that she'd done horrible things," Aldous

says.

Now, Aldous says “there’s no doubt” that Jane is doing really well.

“Because [Jane] is strong, maybe, just maybe the next child who is not that strong ... will be protected,” Aldous says.

4:20 p.m.

“I’ve never, in 27 years, had a case like this,” Aldous says, adding that it was incredibly unusual to have evidence such as the Bill Black and Former Student incidents come forward once the trial was going on.

“I had no clue the things that would come out, the people that would come forward,” Aldous says.

“It has given me and the [Doe] family a peace that we’ve done the right thing in bringing this lawsuit, so ESD understands [that it] can’t treat people like this anymore,” Aldous says with emotion.

4:25 p.m.

“God alone knows Steve Swann and his intentions,” Aldous says. “But you, ladies of the jury, are the ones to decided has Steve Swann appropriately held forth the principles that he tells each and every family that enrolls at ESD?”

4:30 p.m.

“The defense has tried to convince you that [Jane] was flirty, that she was a bad person, but it doesn’t matter if she was. She was a child,” Aldous says.

“John Nathan Campbell knew how to pick ‘em,” Aldous says. “He didn’t pick the pretty, blonde cheerleader.”

Aldous says despite the testimony of ESD’s expert witness Dr. Rycke Marshall, Aldous believes Campbell is a sexual predator.

“Any 34-year-old man who seduces, and grooms, and sleeps with a 16-year-old girl is a sexual predator,” Aldous says passionately.

Aldous moves to the report card comments that Royall initially said should have been a red flag and later called unremarkable.

“Sexual predators like Nathan Campbell test boundaries,” Aldous says. “They look to see if someone is watching them ... Every time he tested boundaries, he got away with it.”

“ESD has said ‘we’re not at fault because the sex started in the summer,’” Aldous says.

“But for Nathan Campbell being a teacher at ESD, and but for [Jane] being a student at ESD, this sexual abuse would never have occurred,” Aldous says.

4:35 p.m.

Aldous now discusses Jane's forced withdrawal.

"ESD would have you believe they did this for [Jane's] best interest," Aldous says. "But look at what they didn't do: Pick up the phone and call [Jane's] parents or her therapist."

Aldous brings up the allegations that Jane gossiped about her relationship with Campbell.

"Even if she talked about it, do you think she deserved to be punished?" Aldous asks. "So what if she was talking it about it? Bring her in and ask her about it, and tell her to stop."

Aldous describes the way Jane was made to leave ESD "absolutely unacceptable" and "cold-hearted."

She says it's really for ESD to say that they thought it was in Jane's best interest to leave ESD, but there are clues to what "they were really thinking," such as the "sad story" email Mayo wrote.

Aldous says in Mayo's testimony, she said she regretted the statement that she didn't want "the girl haunting the hallways with her sad story for the rest of the week."

"Yeah, I bet she does," Aldous says. "Because it shows what ESD is really about. They didn't want [Jane] tarnishing ESD's clean, pristine reputation."

4:40 p.m.

Aldous addresses the Chris Burrow tapes.

"The CFO of this organization, what does that tell you about its culture, and its true intent and motive?" Aldous asks.

"This is your charge, ladies of the jury: to decide if ESD will be allowed to treat children like this in the future."

Now Aldous starts going over each of the 22 jury questions. The first one is about whether or not ESD had appropriate policies and procedures in place, and if they enforced them.

She asks the jury to say they did not.

Aldous brings up the Bill Black testimony, and Swann's version of events, where he said the whole incident was about a teacher staring at a female student.

"I'm sorry, give me a break," she says. "What parents would ask a rector and a headmaster of a school to meet with them on a Saturday because a teacher had simply been staring at their daughter?"

Aldous tells the jury when it is awarding damages, to remember that even though Jane is doing well on the surface now, it doesn't mean she always will be.

"Because of what happened to her at the hands of Nathan Campbell and ESD, she will have problems the rest of her life," Aldous says. "Those are scars that will not heal."

"I cannot tell you what this amount is ... Is it 2 million? 4 million? 5 million? 10 million?" she asks. "That is for you to decide."

4:50 p.m.

Aldous says this case is not about what Campbell did, but what ESD did. In response to a specific jury charge, she specifically asks them to find ESD 72 percent responsible and Nathan Campbell 28 percent responsible.

"ESD did knowingly, through Nathan Campbell, cause the sexual abuse of [Jane]," Aldous says.

Aldous says Jane was sexually abused by her teacher, but then ESD caused secondary victimization when they forced Jane out of the school.

Aldous says the Mayo "sad story email" shows "reckless and conscious disregard for the welfare of [Jane]."

4:55 p.m.

"ESD cannot prove to you that their actions were taken with nothing but [Jane's] best interest at heart," Aldous says.

Royall and Mayo defrauded the Does by knowingly presenting false information to compel Jane's father to withdraw her from the school.

"Did they threaten this man? You bet they did," Aldous says.

"I hope you award a just amount that truly compensates this child for what was done to her," Aldous says.

5 p.m.

Aldous says the Does paid \$250,000 in tuition for Jane's education at ESD.

5:05 p.m.

Aldous goes into the 501(c)(3) issue.

"Just because ESD says it's a charitable organization, doesn't make it so," Aldous says.

"A charitable organization, ladies of the jury, ESD is not," she adds.

"There are times I have probably gotten over zealous and a little too passionate, and for that, I ask for your forgiveness," Aldous says. "But once I

quit caring, that's when I need to put up my law license.”

Aldous then asks the jury to “follow their hearts” and “form their own convictions.”

5:20 p.m.

“Yes, all children are created in the image of a loving God,” Aldous says, quoting the ESD mission statement. “And yes, that includes [Jane].”

Aldous closes, and the crowd in the courtroom empties by about half.

Chrysta Castaneda takes over for ESD. She begins with the same Teddy Roosevelt quote she used in opening arguments.

“In any moment of decision, the best thing you can do is the right thing. The worst thing you can do is nothing.”

“This case is about how ESD did the best thing and the right thing for [Jane],” Castaneda says.

5:25 p.m.

Castaneda says when ESD found out about the sexual relationship between Jane and Campbell, they acted immediately to end it.

“Because ESD acted to lift [Jane] out of a position where she could not thrive and put her in a place where she could, she has survived and thrived,” Castaneda says, adding that Jane graduated from high school and got a scholarship to a prestigious university.

“The difference was made because ESD, in a moment of decision, took the right action,” Castaneda says.

5:35 p.m.

Castaneda puts a slide up that says “Distractions and Red Herrings” to what the real case is about.

“Nathan Campbell wasn't sued by the [Does],” she says. “It's not about sexual abuse. It's not about a sexual predator. It's not about grooming.”

Castaneda also says it's not about what happened to Bill Black or the Former Student, or any actions “of a deceased math teacher,” or Chris Burrow making a phone call, or ESD blaming Jane.

“ESD has never used the words like dirty, or shameful ... those words have only come out of Ms. Aldous' mouth,” Castaneda says.

Regarding the testimony of Tolly Salz, Castaneda says Aldous “tortured her on the stand for four hours.”

“This case is not about trial as therapy for [Jane],” Castaneda says. “This case is about the evidence and the law. This case is about a hard choice that was the right choice.”

5:45 p.m.

Castaneda brings out a pile of papers that looks to be about a foot high. She thumbs through them and says they are Jane's phone bills during the time she was sexually involved with Campbell.

Castaneda represents that Jane sent 10,103 texts and Campbell sent her 8,718 texts. The pair had 3,978 phone calls.

"No inappropriate content was found on [Campbell's ESD iPhone]," Castaneda says. "No inappropriate content was found on his ESD computer."

"ESD couldn't have found out about any of this relationship because it took place off the ESD network," Castaneda says.

5:50 p.m.

When Campbell got his cell phone bill, which listed hundreds of communications with Jane, Castaneda says he never gave it to ESD.

"He was hiding things," she says.

Regarding the credit card bill, she says Campbell would reserve a room with his ESD card and then pay cash.

"If it doesn't show up on the bill, how is ESD supposed to find it?" she asks, adding that the "one and only" room that ever showed up on his bill was pre-approved for guest from India (who never used the room).

5:55 p.m.

Castaneda shows an email Jane's mother sent to one of her other daughters in which she told her to "put her detective skills to rest" about Nathan Campbell.

"Thank God that ESD didn't put its detective skills to rest but sprang into action," Castaneda says.

6 p.m.

"ESD did what it could do to keep [Jane] at the school for as long as it was healthy," Castaneda says.

Regarding Nathan Campbell, Castaneda says this:

"He knew it was wrong. He knew he was to blame, yet he's not here. He's not a defendant in this lawsuit."

6:05 p.m.

Castaneda says the rumors were increasing at ESD because Jane was participating in them.

"That's why it was no longer a safe place for her," Castaneda says. "So ESD made the hard choice."

Castaneda says Jane's father was asked to withdraw her so that she "could understand people were acting in her best interest."

6:10 p.m.

Castaneda, moving onto the jury charge, says ESD's polices "couldn't be clearer."

"ESD was not negligent in the relationship between Nathan Campbell and [Jane]," Castaneda says. "ESD did what it needed to do to prevent these relationships. Sometimes they happen anyway."

"Nathan Campbell did this," she says. "Nathan Campbell caused this. He should be 100 percent responsible."

6:15 p.m.

Castaneda says Campbell was not "an agent" of ESD.

6:20 p.m.

"Separation of a student is always difficult," Castaneda says. "But in every case in ESD's 34 years of experience, it turns out to be for the best."

Castaneda says the process to remove Jane was "fair and equitable," and that ESD acted in "good faith" and with "scrupulous honesty" in all their dealings with the Doe family.

"ESD told [the Does] what they knew when they knew it, but [the Does] didn't want to hear it," Castaneda says.

"In exchange, what does ESD get?" she asks. "They get a lawsuit."

6:25 p.m.

Castaneda says ESD didn't commit any fraud against the Does because fraud requires a detriment to be incurred.

"[The Does] obtained benefits from withdrawing their daughter," Castaneda says, noting the refund of a semester's tuition and college recommendations.

"ESD asks that you hold [Jane] more than 50 percent responsible," Castaneda says in response to a direct jury charge. "If she'd abided by the requirements set forth by the school, she wouldn't have left."

6:30 p.m.

"ESD is a charitable organization. There is no contrary evidence," Castaneda says. "The final red herring is why are the plaintiffs talking about form 990 docs? It doesn't have one thing to do with Nathan Campbell and [Jane]."

6:35 p.m.

Royce West takes over for the defense.

“No good deed goes unpunished,” West says “This lawsuit is an example of that.”

West says ESD did everything “reasonably possible” to assist Jane in her recovery.

“When no one else would, ESD made the tough decision, which was the right decision,” he says with conviction.

6:40 p.m.

West goes over a handful of Dr. Laura McCracken’s therapy notes from her sessions with Jane.

“The reality is, [Jane] was fixated on the perpetrator — the man who has not been sued,” West says.

West asks the ladies of the jury to look at the evidence “objectively” and to use their “common sense.”

“Why in the world would Steve Swann try to sweep allegations of sexual affairs under the rug? Why would he do that?” West asks.

6:45 p.m.

“[Jane] wasn’t the only student at ESD,” he says. “You’ve got to ask yourself, did they do what was reasonable?”

West says this case is really about the money.

“It’s about the Benjamin’s” he says.

6:50 p.m.

“Who should be liable? Nathan Campbell, not ESD,” West says.

West calls the days leading up to Jane’s exit from ESD as “a ball of confusion.”

“Someone had to make a decision in this case, and a decision was made by ESD,” he says.

West says Jane has thrived as a result of leaving ESD.

“The plaintiffs are asking you to punish ESD for making a decision,” West says. “Mentally, emotionally, academically, she’s doing fine. So you punish good people — administrators who found themselves in a ball of confusion.”

ESD closes its case.

6:55 p.m.

Aldous is allowed to offer a response.

“I am in absolute shock that ESD stood up and said this case is not about sexual abuse, or sexual assault,” she says. “Thank God you can let ESD know this kind of conduct is not tolerated.”

“Through your voice and people like the [Does], who stand up for what’s right, maybe our society can be better educated and we can stop blaming the victims,” Aldous says.

7 p.m.

Aldous addresses Swann’s recent invocation of the priest-penitent privilege on conversations with Former Student about her sexual relationship with Mike Marsh.

“If it weren’t so despicable, it would be laughable,” she says.

All the thanks Former Student got for coming forward, was two 30-minute sessions on boundaries trainings in 2004 and 2008 for ESD faculty.

“It is a pattern of conduct that’s been going on since 1993, that we can prove,” Aldous says.

7:05 p.m.

Aldous brings up the “yeah” issue from Swann’s testimony yesterday.

“It’s almost silly, but it just goes to show you the lengths Steve Swann and this school will go to avoid responsibility and sweep things under the rug,” she says.

If ESD thought they were acting in Jane’s best interest when they forced her to leave ESD, “God help us on what they would do if they were actually kicking [a child out of ESD],” Aldous says.

7:10 p.m.

“I really believe that ESD hoped this would all be swept under the rug and their school would continue to look all nice and all fancy with no blemishes,” Aldous says.

7:20 p.m.

“I hope what we’ve done will help sexual abuse victims in the future,” Aldous says. “I’ve got to say in a way it feels good to give this burden to you because now it’s in your hands.”

Closing arguments are finished. The jury will begin deliberating at 9 a.m. tomorrow.

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By [Claire St. Amant](#) Sep. 15, 2011 | 1:00 pm | [71 Comments](#) | [Comments RSS](#)

71 comments to "ESD Trial, Day 24 UPDATED"

one who knows ESD @ September 15, 2011 at [2:05 pm](#)

thank you again for all the work you are putting in on this trial. maybe soon, you will be able to get your life back.

Katherine @ September 15, 2011 at [3:11 pm](#)

What happened to Chris Burrow's expected testimony yesterday?

Another ESD Parent @ September 15, 2011 at [7:18 pm](#)

Finally, moment of truth. Either Juror's bought into Ms.

Aldous's theatrics or they didn't. The Judge's denial of considering Parents possible responsibility just one of many reversible errors that prevented ESD from fairly and impartially defending itself but just insures if there is an adverse verdict against ESD it will be overturned by Dallas Court of Appeals. Count on it!

Interested Parent @ September 15, 2011 at [8:51 pm](#)

Will "Another ESD Parent" please explain why the plaintiff lawyer is using theatrics and ESD's lawyers are impartial purveyors of the truth.

Are Shawn's actions what anyone would want their children to emulate?

Mark in Austin @ September 15, 2011 at [9:27 pm](#)

I'm jonesing for some info! Where is Claire? She okay?

jb @ September 15, 2011 at [9:41 pm](#)

So,,, is ESD taking the position that a statutory rape victim's parents are somehow responsible for their daughter's statutory rape?

parent of 2 teens @ September 15, 2011 at [10:30 pm](#)

Claire

Is this the first time Cynthia Timms for ESD has been a part of these proceedings?

From Locke Lord Bissell & Liddells website - "Cynthia Timms practices civil appellate law and has a wide range of experience in appellate matters, including state and federal class action proceedings, oil and gas, employment law, arbitration, punitive damages, and other civil business matters"

Excuse me? @ September 15, 2011 at [11:19 pm](#)

Great job, Claire! The detail of notes throughout the trial have been excellent. This is a hard case to cover, very demanding of you. Kudos to Dan for pursuing the story, too.

ESD should clean house @ September 15, 2011 at [11:25 pm](#)

I watched the final arguments. Charla Aldous did an amazing job. ESD needs to clean house. Listening to the arguments — well, I wouldn't stop to use the bathroom at ESD after what they did to this family. Father Swann should resign. Royall should resign. Mayo should resign. They should change their policies and clean house. Student safety from sexual predators should be the no. 1 priority, rather than their elitist behavior. Very sad. Hope Jane Doe gets everything she deserves. ESD hang your head in shame.

Mrsz1ppy @ September 16, 2011 at [12:03 am](#)

Thank you, Claire, Dan and the publisher of PHP, for excellent reporting on a story of significance to our community. Without Claire's eyes and ears in the courtroom, so much information would be unavailable to the public. Hope you win a Pulitzer. Well done. I subscribe to PCP because that's where I live, but know Fr. Swann from my attendance at St Michael and All Angels.

Factual Observer @ September 16, 2011 at [12:04 am](#)

"ESD Should Clean House": We wouldn't want you in our restrooms! You've obviously you've not read any of defense closing arguments. Any bet you want. ESD will be vindicated at trial or Appeals Court. Name your number big boy!!

marie anderson @ September 16, 2011 at [12:05 am](#)

I tell you who should hang their head in shame - Jane Doe, the girl who is asking for millions, yet can't be bothered to show up for any of the proceedings. She doesn't seem to be too concerned about her "voice" being heard.

Disgusted @ September 16, 2011 at [12:11 am](#)

Best line of the day: "It's all about the Benjamins." Senator Royce West

former esd student @ September 16, 2011 at [12:23 am](#)

Marie Anderson,

To answer your question about why Jane II was not in court during the proceedings these past few weeks, I believe it is because she just started her freshman year in an out of state university. It is not unreasonable that she would miss these proceedings.

I went to school during the time this incident happened. It is unfortunate, in my opinion, that it came to this. This trial has been hard not only on the family and the school administration, but also for the ESD community. I hope that the Doe family as well as ESD can move forward from this experience. I know that I will always view my years at ESD in a positive light. ESD gave me a great education and overall experience that I will cherish for the rest of my life. This case does not affect how I will remember the school that I love.

Excuse me? @ September 16, 2011 at [12:25 am](#)

Marie? She's a student. Duh.

Vinny Gambini @ September 16, 2011 at [12:29 am](#)

@ Marie Anderson — If you'd been paying attention, you'd know that school has started and Jane Doe is there trying to have a somewhat normal freshman year. Perhaps you'd prefer that she told everyone there she had to miss some time for a trial related to the teacher who raped her and the school who tried to sweep it under the rug? I'm sure everyone would be real understanding.

Atticus @ September 16, 2011 at [12:49 am](#)

When I was 11 my father gave me my first rifle (I had been taught never to point it at anyone and never to assume it was unloaded). He then said, "Don't shoot yourself in the foot and then blame the rifle". The trust and the lesson wasn't lost, it was about self responsibility. The civil justice system is not a lottery or slot machine.

The Does have a legitimate civil cause of action against Nathan Campbell.

Campbell was a "hard teacher" who was well liked—not any easy combination. Plaintiffs counsel seems to imply that the school should have known there was a problem from a random comment on one of JDII's report cards, because he basically called her tenacious—like a "dog with a bone" (a comment that the Does did not report). Since they chose not to investigate their daughter's texting (after they were told about it by her sibling), it also seems disingenuous to fault ESD for failing to review Campbell's cell phone records. These are the salient facts of this case. And for these tenuous "claims" Plaintiffs believe, "ESD is 72 percent responsible and Nathan Campbell 28 percent responsible" for "2,4,6 or 10 million dollars".

JDII got in the college "where she wanted to go" and "is doing well now", whether "she may have problems in the future", is speculation and this Litigation and months long trial is probably more the cause of her future problems, than anything ESD did or did not do.

ESD had to make a difficult choice, not caused by their actions or inactions, but by the actions and inactions of Nathan Campbell, JDII and her parents. In attempting to use the school as a scapegoat for their own purposes, the Does discarded any pretense of the self responsibility most of us learn as children.

CONCERNED ABOUT Eternal damantion? @ September 16, 2011 at [1:14 am](#)

Great job, Ms. Aldous and defense! Maybe now ESD's conduct will be stopped and children will be better protected in the future. God Bless You!

Avid Reader @ September 16, 2011 at [1:22 am](#)

"I tell you who should hang their head in shame - Jane Doe"

The minor who was raped should hang her head? Disgusting.

former ESD parent @ September 16, 2011 at [7:25 am](#)

PHP, thank-you for having the courage to report this story and stay with it. You have done a great job.

esd emp @ September 16, 2011 at [7:45 am](#)

this is sad, obviously the only thing on the mind of the doe family is money. If they were truley "scarred" why whould they be willing to drag there name through the mudd rather than allow the criminal charges to go forth with Mr.Campbell and move on. of course not, they see an opportunity to profit off of there shame (jane doe ii). maybe it is time for a revision of policy at ESD but to try and put 72% of fault on multiple people that had zero involvment? it really breaks my heart for many reasons, it breaks my heart for Mr. Campbell's family for the pain that they are enduring for his shortcomings. for the Doe family, i can only imagine how hurtfull it must be to realize the magnitude of there daughters poor choice. Without a doubt i do not believe child abuse is something to be over looked, which is why Mr.Campbell should and will be punished. let justice be served and be satisfied instead of teaching our children to try and gain from our loved ones losses, keep your integrity Doe family and let ESD keep its name.

Parent @ September 16, 2011 at [8:12 am](#)

I can only pray for:

Big verdict

Swann drummed out with no severance

West is on a shake down tape with jwp

Benjamins? Really senator? That's all you are about...and they're all taxpayers' Benjamins

Lisa @ September 16, 2011 at [8:56 am](#)

I find it so disturbing that ESD parents(no, not all of them) cannot separate the good from the bad in this case. It's like they are saying that this incidence and the other two are unfortunate, but overall tolerable because the school's reputation is more important. Of course there are good teachers and parents and students. Of course it has been a good situation for many. BUT, it's been a bad deal for three students and families that we know of. There has been a pattern of negligence in sexual crimes against students. This pattern has been established by those who value their reputation and how it reflects on them over TRUTH and children. At the end of the day, regardless of damages one would hope this case exposed Steve Swann for who and what he is. He's the real money grubber at the heart of these issues. He is corrupt. He's enjoyed wealth and status for so long, it has corrupted his judgement and seduced his well healed followers into believing they are righteous. A shame for the good people at ESD yes, but it's time to clean house.

Avid Reader @ September 16, 2011 at [9:07 am](#)

"maybe it is time for a revision of policy at ESD"

Maybe?

Does anyone actually think that if the Doe's had not filed this lawsuit that ESD would have done anything different moving forward? This lawsuit is the only thing forcing ESD to re-evaluate their administrations failings in allowing multiple instances of sexual misconduct by it's teachers over a 20+ year period.

Autvincere @ September 16, 2011 at [9:12 am](#)

The parents are not allowed as RTP's because the law does not allow a parents negligence to be imputed to a child. Again Benson is trying to avoid error not favor one side over the other.

As for the Senators choice of the term "Benjamins" I am sure we will be hearing about his familiarity with that concept in the near future.

This jury should be applauded not vilified for what they may or may not do. These women have lost weeks of their time to serve on a case that will probably disrupt their lives long after it is decided. The jury system in America is the greatest in the world and no one is in a better position with less self interest than these jurors who will decide whether ESD should or should not be held accountable for it's actions.

As for an appeal I guess ESD can decide to continue to keep this Public Relations debacle in the limelight but someone on the Board ought to make a meaningful attempt to settle this horrid chapter in the schools history.

What parent would ever opt to send their 5 year old to the tutelage of Swann or Mayo?...

Tavi @ September 16, 2011 at [9:27 am](#)

Autovince, the parents are parties. This isn't about "imputing" negligence to their daughter - it's about their own negligence.

former ESD parent @ September 16, 2011 at [9:40 am](#)

@Lisa....so level headed and well stated.

ERG @ September 16, 2011 at [10:00 am](#)

Have there been any observations suggesting that ESD's insurer is disputing coverage for this event, such as a reservation of rights under the policy? They may have to pay to defend ESD, but they do not have to indemnify damages that are not from a covered incident or if the damages arise from a policy exclusion. With all the suggestion of dishonesty, misrepresentations, and failure to qualify as a charitable organization, there may be some strong policy defenses.

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

I remember touring the school for my children. We loved the mission statement and the coed environment. The director of admissions was not friendly and cold. Since she was the face of the school at the time we decided on another private. We do hope ESD can move forward from this because I believe they had an obligation to other families there to remove the "situation".

Dallas Attorney @ September 16, 2011 at [11:06 am](#)

Actually, Texas law does allow parents in this situation to be designated as responsible third parties IF: (1) there is evidence of their responsibility; AND (2) if a motion is timely filed. From what I have seen and heard of this case, no motion was filed within the time allowed under the statute, so Judge Benson was absolutely correct in refusing the designation.

amanda @ September 16, 2011 at [11:26 am](#)

@ Lisa...EXACTLY what so many are saying at this point, and so well stated.

As a mother, I'm disturbed that over the last 2 decades, there have been female students subjected to a sexualized culture at school. Three that we KNOW of, but these things tend to be kept quiet. How many more are there? 5, 10, 20,100? Even ONE is too many. How does Swann expect us to believe that he's forgotten each and every one?

And, has been said before...for the survival of ESD, this suit is the BEST thing that could happen. Bringing this out into the light, and holding accountable the "leaders" who turned a blind eye will PREVENT this from happening again. I hope the swell of support for the decent families and parents with character at ESD empowers all of you (and the good faculty members) to take ESD back from those who have hurt the school.

Oh, and good work, Claire, especially the late night transcription. You're amazing!

Interested DAD @ September 16, 2011 at [11:28 am](#)

I am curious if anyone knows if there are in handicapped (mentally or physically)children at ESD?

Reason I am asking is ESD, Supporters of ESD, Locke Liddell attorneys would blame the parents of these children for their children not running quick enough in wheel chairs from a sexual predator!

esd parent and skeptic @ September 16, 2011 at [11:48 am](#)

Too bad either side has to win. Both the school and the parents are responsible for this (and of course, nathan campbell – and perhaps a tiny bit of personal responsibility from the girl).

Swann et al should be blown out. They are a disgrace and a hindrance to the school's future.

The parents should be ashamed to show their faces.

My vote as a juror. ESD guilty (is that the correct word) on all counts. Damages of \$1.

cada @ September 16, 2011 at [12:17 pm](#)

In the late '80s, I (male) attended middle school at ESD. It was overall a positive experience; I attended another private for high school, also a positive experience. Perhaps im thinking about this too much, but reading comments over the last few weeks about things getting swept under the rug at ESD makes me wonder about one bad experience I had there. In a simple game of soccer at a class outing, I was struck in the face from behind by another student (only time in my life i've ever been punched). Other players immediately yelled at the kid, and the kid (I guess as a form of apology) said I should hit him back. I did not. The experience was upsetting, i shed some tears, and mom addressed the head of middle school about it. Head of middle school calls me in a few days later, he tells me that he talked to one student about it (not the student that struck me, but another student playing soccer) and it was determined that i was struck unintentionally as the student was just "swinging his arms." First, I've never seen soccer players swing their arms, certainly not at eye level. Second, why would the kid that hit me, ask for me to hit him back if it was not intentional. Third, why not interview the student that struck me, or at least several of the players that were on the field. I knew this 'conclusion' was crap but as a 13 year old kid, and a shy one at that, I took what this person in authority told me and went about my life...While certainly events of minor violence are presumably much more prevalent (at any school) than the issues at hand in this case, it really makes me wonder if another private school in Dallas would have handled my situation the same.....In this Jane Doe case, no matter what the verdict, I do hope ESD's Board takes a long, hard look at the schools existing policies and administration to see what, if any, improvements they think can be made.

Excuse me? @ September 16, 2011 at [12:29 pm](#)

The defense in this case seems to have dropped the ball on several key points, and the judge rule accordingly. They also have lousy witnesses. That's not the fault of the rape victim. Whoever said she should hang her head in shame needs to get a life.

esd graduate @ September 16, 2011 at [12:41 pm](#)

For all those people that are commenting on how ESD is so bad and terrible because there have been 3 cases of this in the last 20 years....you're forgetting about everything that's gone on at other schools. In no way am I saying that sexual assault by a teacher is right, but I am saying that this stuff happens unfortunately. I went to ESD four years ago and while I was in high school, I can specifically recall instances of this happening at Hockaday, Urusline, and Cistercian...all within the four years I was in high school. It is terrible, but it's not like ESD is a breeding ground for sexual predators. This happens at every school!

SoapOperaFan @ September 16, 2011 at [1:06 pm](#)

In what legal universe should a paper/blog be printing interviews with alternate jurors while the main jury is still out ???

Lisa @ September 16, 2011 at [1:14 pm](#)

@esdgrad

Yes, it happens, but we should not shrug it off so casually. What matters is how a school acknowledges an inadequate policy, it's vigilance and handling of these crimes. In ESD's case the priority was making the problem go away. That may or may not be the case with the private schools you used as an example. Where

there is a culture present that hides evil to save face, lawsuits may be necessary to bring about much needed change. The other schools may have responded sooner and more responsibly.

Educator @ September 16, 2011 at [1:36 pm](#)

esd emp @ September 16, 2011 at 7:45 am

Hey, I'm not an English teacher, but I know bad spelling and grammar when I see it. (i.e. there vs their) As a school employee, shouldn't you have better skills? Or at least spell-check?

Excuse me? @ September 16, 2011 at [1:47 pm](#)

@ Soap Opera...it's called journalism, in this case an exclusive. PHP has done nothing outside of journalistic ethics. In other words, in what universe is there an interview with the two alternate jurors...the world with the kick ass reporter. IJS.

Neal @ September 16, 2011 at [2:08 pm](#)

"Regarding the testimony of Tolly Salz, Castaneda says Aldous 'tortured her on the stand for four hours.'"

Pity poor Tolly Salz, abused by Charla Aldous in a sadistic four hour torture orgy. Yes, I'm sure Chrysta and the rest of the defense team convinced Tolly she was tortured on the stand, if being "tortured" means getting caught in your lies over and over again.

Texas born @ September 16, 2011 at [2:13 pm](#)

Claire, will you post when there is a verdict? Thank you for your hard work on this "project" - I think a lot of us are going to have withdrawal when it's all over!

EX Teacher @ September 16, 2011 at [3:02 pm](#)

First of all, if you are not an ESD parent or involved in this case personally, I think you should get a life. I do believe that Nathan, ESD, the parents AND the girl are all responsible for this mess. I have taught juniors and seniors in private schools in Dallas, you would not believe what they are doing these days and how I have seen them act around male teachers in general. Yes, Nathan made a terrible decision, and he is paying for it... but ESD paying 10 million to the parents- Really? If they cared about their daughter so much, wouldnt they want this to be settled instead of this mess. I agree, a guilty is fair and to be honest needed. ESD administration is a mess and always has been... but I think the \$ awarded should be around \$10. Like I said, I have been around this more than many of you, and ALL parties are guilty here- but money should not be the main issue! LET IT GO!!

CarolinaBorn @ September 16, 2011 at [3:08 pm](#)

Atticus, you make me grin. You discuss the report card and texts — and then pronounce: "These are the salient facts."

The perfect straw man argument! Unfortunately.....

Here's some MORE "salient facts. How about Swann's having been told about prior abuse cases — and lying about it? His having tried to expel another victim? (AND LYING ABOUT IT). The CFO's calling Campbell to suggest testimony in ESD's favor? (AND LYING ABOUT IT!) The admin's emails dissing the molested student? Their failure to seek/consider the advice of their own school counselor (AND LYING ABOUT IT)?

Just a few of many many many pieces of evidence proving ESD's negligence and downright complicity in the further victimization of this child. They knew it had happened to former students, and they did nothing to prevent it from happening again. Instead tried to gag/punish the victims. Just like they did to Jane.

Best line I've heard in trial? The reference to Swann's now claiming the priest/penitent privilege:

"If it wasn't so despicable it'd be laughable."

Actually applies to most of ESD's defense.

former student @ September 16, 2011 at [3:15 pm](#)

@ Lisa and amanda, well said. Make that over the past 3 decades.

Esdalum @ September 16, 2011 at [3:36 pm](#)

Avid reader

The minor was not raped. She was the one who started the relationship and wanted to have sex with Nathan Campbell.

involvedparent @ September 16, 2011 at [5:37 pm](#)

Esdalum
You and other ESD supporters/sheep wonder why so many people respond in a negative manner toward ESD when bloggers like you make a statement like you just did.

stupid much?? @ September 16, 2011 at [5:40 pm](#)

Esdalum...JD2 was raped according to a pesky little thing known as the law. Take your head out of the sand and take a good hard look at the culture of this school you hold so dear. Multiple sexual misconduct victims over the last 20-30 years.

JD2 wasn't old enough to consent. Just how bad do you want to make ESD look to the public?

Former ESD Mother @ September 16, 2011 at [5:41 pm](#)

Esdalum: How is it that you "know" she started the relationship? The facts presented at trial suggest otherwise.

Just saying @ September 16, 2011 at [6:27 pm](#)

@ex teacher, the reason the Does have to sue for a lot of money is that is the only way you get rid of bad behavior in cases like this. Swann kept sweeping things under the table; the only way the ESD administrators will change is when you hit them where it hurts money. It is way most lawsuits for a lot of money are filled is teach a lesson so history does not repeat itself.

former ESD parent @ September 16, 2011 at [6:41 pm](#)

@Esdalum and anyone else who want to blame Jane....you have a lot of anger toward her and her family..some of it understandable in defense of your school and faculty.

Please understand that your hatred toward the victim, (no matter how much you perceive her to be "at fault") doesn't mask or change the law. The law is there to protect those that can't protect themselves (and other reasons). Perhaps this family isn't perfect, especially related to all of the perfect parenting that is espoused on this blog, and evidently practiced by many of you in the ESD community. I can tell you that I am humbled every day (because I have 2 teenagers) of how difficult it is to raise them, and try to make the right parenting decisions on a daily basis. Many of my friends tell me "I have perfect kids." I can tell you that I don't, and I follow Judge Judy's common statement about teenagers...that is "Do you know when a teenager is lying???? Their mouths are moving."

I'm hoping the law is there for my kids, because of their imperfections, and my absolute imperfection of parenting them.

Let's hope the jury simply follows the law.

Asking @ September 16, 2011 at [6:50 pm](#)

To quote Claire's notes: "In response to a specific jury charge, she(Aldous)specifically asks them to find ESD 72 percent responsible and Nathan Campbell 28 percent responsible."

Honestly, it is a sick society we live in when the plaintiffs view the man who actually had the improper relationship with Jane as being partially,or should we say marginally, responsible. Furthermore, Ms. Aldous states that Jane and her parents should not be held responsible either. I agree that ESD made mistakes but at least they acted responsibly by investigating Campbell and reporting him,something Jane's mother should have done when she had suspicions. As a society, do we really believe that the only responsible party here should be the school?

Former ESD Mother @ September 16, 2011 at [7:25 pm](#)

Asking: As a society we are not only holding the school (ESD) responsible we are also holding Campbell responsible. His trial is coming. This case is about ESD's responsibility and it has plenty. If the entire administration does not resign/retire I cannot imagine recommending this school to others. While there are many wonderful teachers it is the leaders who are at fault here. And s*** flows downhill. What is tolerated at the top is tolerated by others. That is as true at ESD as it is as true at any other firm.

If you have been at ESD for any period of time you know the antics of the leadership. It must stop.

Avid Reader @ September 16, 2011 at [7:42 pm](#)

Esdalum's quote: "The minor was not raped. She was the one who started the relationship and wanted to have sex with Nathan Campbell."

First off, she was unfortunately raped. Sorry that we have laws here in the real world. Second, if you had been paying attention to the trial and not just hopped on to the blog during the deliberation for the first time to troll, you would have noticed from the facts (that are not in dispute) that Nathan Campbell was the aggressor/rapist.

It is beyond unfortunate that these pro-ESD or die trolls continue to throw ESD's name in the mud by coming on here and making disgusting comments about how this child was to blame for being raped and that she should "be ashamed and hang her head". ESD for the most part is a great school with great teachers and students. There are plenty of ESD alums/parents that have been blogging as well who get that it is not an "ESD" problem, but an ESD administration problem. ESD IS A GOOD SCHOOL, and will continue to be one after this trial is over. They are just currently led by an inept administration that starts at the top with a lying/self-protecting Father Swann and flows down to their witness tampering good buddy of the rapist CFO Burrow. Also have to mention the lying Tolly Salz and Mayo. Yes, they are liars because they either lied during their sworn oath depositions or they lied during their sworn oath testimonies on the stand. Just take your medicine and try to understand that you can still love the school even while admitting that ESD made serious mistakes and should deal with them...not sweep them under the rug until caught and then when they slip out into the public, lie to try and get the issues back under the rug.

Avid Reader @ September 16, 2011 at [9:00 pm](#)

Also, as a side note, I do not think the Doe's should get anywhere even remotely close to the \$10M. I am glad that they didn't just ask for \$1M and have Swann hand it over on the spot without any repercussions. By asking for \$10M they were able to bring this issue out into the open and real change is going to happen... or a great school will fold because no one will send their kids to ESD.

Asking @ September 16, 2011 at [9:02 pm](#)

@ Former ESD Mother: You state: "As a society we are not only holding the school (ESD) responsible we are also holding Campbell responsible."

Why then would Ms. Aldous only hold Mr. Campbell 28% responsible? I am suggesting that Mr. Campbell is to blame and that perhaps all of the other parties involved in this mess share the responsibility as well. ESD is certainly less responsible than Mr. Campbell.

a teacher from a different private school @ September 16, 2011 at [9:26 pm](#)

Esdalum,

If you are an example of the kind of logic ESD teaches, then I am thankful for never looking for a job there. not sure what you were taught, but if they offered it, you must have been gone on the days they covered kindness, compassion, reasoning and common sense. If you truly believe what you wrote, then you are a better advertisement as to why parents should not send their children to ESD that this entire trial. For you are the result of the teaching and training that goes on there. That scares me as much, if not more so than what happened to Jane doe, FS and Black families child. Those incidents can be corrected with appropriate oversight and better leadership, but how to change the culture of a school that produces graduates that make such statements is indeed a difficult task.

Jogger @ September 16, 2011 at [11:14 pm](#)

As a current ESD parent I am holding out hope for a full house cleaning. Let's start with joh eagle and turn over the board. Let's fire swann, mayo,royall, etc...let keep cleaning go to admission director and families who expect and get special favors. We will be left withhold families who first interest is education of our children. Let's do a nationwide search for a real headmaster/mistress and start a new era.

WOW @ September 16, 2011 at [11:14 pm](#)

This reads more like a tabloid than a newspaper. ESD is a great school and it's really very sad that this happened. Really don't understand why the parents are not in any way responsible for their daughter. Why didn't they ever pay attention to what she was doing all summer. ESD has picked the worse lawyers for this trial. Jane's sister told the mother about it after Jane confessed to her and the mother didn't look into it. Her sister was very concerned, why weren't the parents. How do you not look at your children's phone bills when it is that obvious AND your other daughter told you what was going on. How did that information not come into the trial? Nathan Campbell put his family through hell and is 100% responsible for his actions with Jane. Could ESD do a better job, absolutely! Should they pay 10M dollars for doing what was best for Jane when the parents did nothing, absolutely not! If the parents were doing what was right for their daughter, they would be holding Campbell responsible and doing everything they could to place the man in jail. Jane did very well after transferring and got into a very good college and was able to move on with her life because she was taken out of that environment and the gossip from her peers.

sandra @ September 17, 2011 at [10:01 am](#)

I sometimes have to force myself to remember that the student was a minor, a child and not some 30 year old seductress. Doesn't matter what criticisms some responders have about her. The schools' behavior harkens to the Catholic church ignoring the behavior of it's priests. It might be easier to blame the student and protect the school if other incidences had not been brought into light. It's difficult for parents that have put their trust into this time honored institution to accept that it is flawed. It is time for a new administration if they expect to recruit new students. The wonderful teachers here are victims too.

Tavi @ September 17, 2011 at [11:54 am](#)

Wow, I wouldn't blame ESD's lawyers for relevant evidence not getting in. See some of the other posts about Judge Benson - she's the worst judge in the county in terms of knowledge of the law, temperament, etc.

Example, the father who testified about his daughter's alleged groping - pure hearsay. He only knows what his daughter told him. Shouldn't be admitted. A competent judge would know that.

Lisa @ September 17, 2011 at [11:58 am](#)

@jogger Amen!

Current 10+ Parent @ September 17, 2011 at [1:03 pm](#)

I agree with Jogger! In elementary and lower school, we are still young and naive - as are our children. When we move to the middle school campus, we "see" more of what is going on....some is good, but most is "surface" and for show...not by all families, but by most! By the time we are in Upper School: WOW! Even a good deal of the students DO NOT RESPECT the administration! Starting from "the top" on down. Our student loves the school (friends), has good relationships (appropriate teacher/student!) with teachers, BUT has very little respect for the "powers that be"!

A current ESD parent @ September 17, 2011 at [2:08 pm](#)

There are three undeniable facts: 1. A crime has occurred, with a real victim, who suffered real harm. 2. An excellent school has suffered great though not irreparable damage to its reputation through the incompetence, lack of compassion, and apparent disregard for truth and personal morality exhibited by the current administration. 3. This trial, an entertaining circus, has highlighted these defects.

This situation presents the ESD community with a GREAT OPPORTUNITY, placed in the hands of its Board of Executives... Throw the rascals out! Swann, out! Royall, out! Burrow, out!, Mayo, out! New administrators, with actual knowledge and experience in the field of education, who are themselves exemplars of the traits and character the community claims to value must be sought and found as soon as possible. This must be done NOW! Board members, please act, or a great school may suffer irreparable harm.

esdalum2 @ September 18, 2011 at [11:26 am](#)

everyone who does not know jane doe or esd or jane does family needs to stop talking about things they do not know about. jane doe wasn't a victim. all of her classmates know what kind of person she is. she was the aggressor and wanted to have a relationship with nathan campbell. she was the one who told everyone at esd how attractive nathan campbell was. she was the one who told everyone that she was in a relationship with nathan campbell. she was the one who went

into his office every single day. its a shame how easy it is for people to get fooled. esd did everything right in removing this toxic person from a fine institution. if jane doe stayed at esd she would have kept talking about her relationship to her classmates. she would not have been able to move on and the school wouldn't have been able to move on.
-this is directed towards avid reader and a teacher from a different private school.

Former ESD Mother @ September 18, 2011 at [1:55 pm](#)

Asking: I am not a lawyer, so I don't know that I can properly answer your question. I am not sure why Aldous said that Campbell was 28% responsible. Just speculating, she is holding ESD, as an institution, more responsible because it is their duty to protect their students from harm. Campbell is a predator. There are predators around us all the time. We know this, and so schools, companies, organizations must do all they can to protect their students, employees etc. It is their supreme responsibility to do this. Given the facts presented it does not appear ESD did this. Therefore they are being held to a higher level, because they know they must do this and they failed. Just my guess..

Not sure how I would divvy things up. I think I hold ESD 100% and Campbell 100% responsible. They each have their own trials and they should each be held accountable in those trials.

Former ESD Mother @ September 18, 2011 at [2:53 pm](#)

Edalum2: Numerous ESD supporters have stated that those unfamiliar with the school or with the Doe family need to stop talking. I am really tired of hearing this. The jurors are unfamiliar with the school and the Does and they will be making the decision of guilt or innocence. You do not need to know ESD or the Does to form an opinion on this issue, and everyone is entitled to their belief. Frankly, it makes the school look that much worse to say that unless you attended or were a parent you are unable to form an educated assessment. There has been enough press on this subject such that anyone in the country could form an opinion. And yes, I do believe we all know that JD2 was the initiator according to the ESD supporters. The point is that doesn't matter. She was a minor. It's the law.

I know this school and there are plenty of unsavory details that could be shared about the administration. I have refrained. Please refrain from telling others that their opinion doesn't count because they are not part of the ESD family.

esdalum2 @ September 18, 2011 at [3:32 pm](#)

Former ESD mother:

you are exactly right that it is the law. so why isn't the doe family suing nathan campbell instead of esd?

yes i am an esd supporter, but not because esd was flawless in all of their actions. i know they weren't, erin mayo is an example of this. i am an esd supporter because i know for a fact that jane doe was the initiator and i don't like the fact that she is trying to take advantage of esd. right now jane doe is at college living her life and it seems to me that she is happier than ever. all the does want is money. that is why they aren't suing nathan campbell because they know they can't get a lot of money from him. esd does have a lot of money. esd did the right thing in removing her from the school.

i am also upset at the fact that the jury, as well as all of you out there who don't know jane doe or the family or esd, does not truly know what kind of person jane doe is. she went on the stand and gave a well rehearsed sob story.

and i am not saying that others' opinions don't matter, i'm just saying that they shouldn't be judging a school without having all the facts right. go ahead share all the unsavory details about esd's administration. be my guest. i know esd isn't perfect. all schools have administration issues that do need to be resolved. it just angers me that the does are taking advantage of esd when they should be suing nathan campbell and putting him away for doing wrong to their daughter. by not doing that it shows all the does want is money.

Lisa @ September 18, 2011 at [5:37 pm](#)

@esdslum2

You are just wrong on so many levels.

Not one you thing matters whatsoever.

Whatever the \$ amount in damages that are assigned or if there ARE none, this lawsuit brought to light an ugly pattern of behavior in the admin that went all the way to the top. Better deal with it or look forward to a future of well deserved doubt and worry by parents who intrust their children to these shamelessly self serving " supporters".

Former ESD Mother @ September 18, 2011 at [6:08 pm](#)

Esdalum2: I am not Mrs Doe, so I can't tell you why they are not suing Campbell. But I can give you my speculation and why I would do the same thing if in their shoes.

No need to sue Nathan Campbell. He is already going to trial and the state will take care of him. Nothing the Doe's do will be worse than what he is going to get when he goes to his own trial soon.

Suing ESD is not about the money. It is about effecting change in a school that desperately needs it, and I am sure some justice for the way the family was treated in separating their daughter from the school. It is my whole hearted belief that had ESD show more compassion in that particular action, none of this would have happened. They don't want another family treated that way. Obviously you have to sue for something and the more money you sue for the more you will get your message across that the behavior was unacceptable. I doubt they are expecting a big payout and for all we know they will donate the money to a victims cause. We don't know, but I am sure money is not their goal. Their goal is to send a clear message to ESD that change is needed. Unfortunately, in our society money talks and the higher the award the louder the message.

That is my take and that would be my reasoning was I Mrs Doe.

ESD Student @ September 18, 2011 at [11:35 pm](#)

@ neal

leave Tolly Salz alone. What did she do wrong to you? She is an amazing, caring, and loving teacher

