

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 22 UPDATED

I thought this day would never come, but at long last both sides have officially rested. Of course, there's still this matter of rebuttal, but I'll take whatever signs of this trial ending I can get. With a bit of luck, we'll have closing argument before the end of next week.

**UPDATE 12:45 p.m.**

Wow, today's testimony has been quite revelatory. No use in stealing my own thunder. To the play-by-play.

**10:50 a.m.**

The defense officially rests in the presence of the jury, and the plaintiffs call their first rebuttal witness. A man who I will henceforth call “Bill Black” takes the stand.

Charla Aldous asks Black why he contacted her and asked to testify in the Doe case.

Black says after reading a blog post about the case, he was appalled.

“When I heard some of the testimony given by [Stephen Swann], I was concerned it might not be totally truthful,” Black says.

**10:55 a.m.**

Black says when his daughter was a sophomore at ESD in 1993, she told her parents that a math teacher (who is now deceased) had inappropriately touched her and made sexually suggestive comments.

“It really traumatized her,” Black says on the stand.

Black and his wife called Swann and asked to meet with him the next day, Saturday. Swann agreed and met the Blacks at their home.

When Black told Swann about the allegations, Black says Swann was shocked and promised he would “solve the situation.”

On Monday, Swann asked the Blacks to meet at ESD. When they arrived, Swann told him that the school was no longer a healthy place for their daughter, and if they wouldn’t withdraw her, she’d be expelled.

“We were absolutely aghast that they would kick our daughter out of the school for complaining about a teacher,” Black says on the stand. “We were dumbfounded. We were shocked.”

The jury looks alert and interested at this point, and several jurors shift in their seats and lean closer.

Black says his daughter (who went on to graduate from an Ivy League college) was a top student at ESD.

Black said at the meeting, his wife told Swann that if the school went through with kicking out their daughter, they’d contact every mother of every girl who had this math teacher as well as arrange a meeting with the board of directors to tell their story.

“At that point, Father Swann looked at us and asked for 24 hours to reconsider,” Black says on the stand.

The Blacks agreed to it, and in the meantime began researching other schools for their daughter as well as the math teacher’s employment history. Black says he discovered before coming to ESD, the math teacher had been terminated from another local private school for stalking a student. Black says he reached out the family of the student and confirmed the story.

**11 a.m.**

Black says on Tuesday, Swann called the Blacks and offered them a deal: If they didn’t tell their story, their daughter could stay at the school, and

she'd never have that math teacher in class again.

Because their daughter wanted to stay, and because they hadn't found another top-tier private school with a vacancy, Black says he made the deal with Swann.

"We felt like we sold our soul to the devil," Black says.

"We did it for our daughter," he says. "You do what you do for your kids."

**11:05 a.m.**

Aldous asks Black why he came forward after all this time.

"When I saw in the paper that Father Swann had testified that there hadn't been other instances of sexual inappropriateness that he knew of, I just knew it wasn't true," Black says.

Pass witness.

Chrysta Castaneda is cross-examining Black. She asks him if he's aware that the blog is not a certified transcript of the court proceedings.

He says yes.

She asks him if he's aware that Father Swann did not write the blog.

He says yes.

Castaneda then brings up Swann's deposition testimony (which has not been shown in open court), where he addressed an incident involving the former math teacher in question "staring at a student" in the commons.

Black says he was not aware of that testimony, but that it also did not describe the interaction between his daughter and the math teacher.

"I'm upset that Father Swann wanted to kick my daughter out of school because we reported a sexual predator," Black says with gusto.

Castaneda confirms that the incident occurred 18 years ago.

"And you're still mad 18 years later?" she asks.

"Yes," Black says.

**11:10 a.m.**

Castaneda asks Black if he's aware that Father Swann and his wife visited Black's daughter at college.

Black says no.

Castaneda asks Black if he knows whether or not Swann investigated the situation with the math teacher.

Black says he only knows that Swann said he “considered” the situation.

Castaneda offers that Black was the one who first suggested his daughter should leave ESD.

Black is visibly upset by this claim.

“He told us it was their decision,” Black says, adding some colorful descriptions of the ensuing conversation.

“My wife called him a sanctimonious son of a b\*tch,” Black says.

When Black and his wife said they would go to the board of directors, Swann asked if they were threatening him.

“You bet your sweet ass we are,” Black recalls saying at the time.

Prior to the threat of expulsion by Swann, Black says they “had never considered going elsewhere [for their daughter’s high school education].”

**11:15 a.m.**

Pass witness.

Aldous asks Black if he’s aware that ESD offered the math teacher a buyout of his contract and allowed him to take a leave of absence.

Black says that is his understanding of how the math teacher eventually left ESD.

Pass witness.

Castaneda asks Black if he thinks ESD deserved equal access to the facts. (Black did not return Castaneda’s phone calls and only met with her 30 minutes prior to his testimony today).

“All you had to do was ask Steve Swann [what happened],” Black says.

Witness is excused.

**11:20 a.m.**

The plaintiffs call Former Student to the stand as their next witness.

FS says she learned about the Doe case from a news clipping given to her on Aug. 1.

“It seemed to me the whole truth wasn’t coming out in the press,” FS says.

**11:25 a.m.**

FS says during 1992-1993 while a student at ESD, she had a sexual relationship with her track coach Michael Marsh. At the time the relationship became sexual, FS was 17 years old.

She did not tell anyone about the relationship until 2000, when Marsh was convicted of indecency with a child. FS testified at his criminal trial. Marsh is now a registered sex offender.

In 2000, FS told Swann about her relationship with Marsh, and asked him if he’d known about it. Swann told her he hadn’t known, and that he was proud of her for stepping forward.

**11:30 a.m.**

Aldous asks FS why she went to Swann in 2000.

“I wanted him to know that even though it was a Christian school, it wasn’t invincible to these types of harms,” she says on the stand.

FS says Swann told her she’d “given the school a gift” by coming forward with this information.

**11:35 a.m.**

FS says Swann told her he’d “released” Marsh from ESD by not renewing his contract in 1993. Swann said he’d done this because of a rumor that Marsh had videotaped a woman at Cooper Aerobics Center and tried to extort money from her.

FS says she asked Swann if he’d found out if Marsh had any inappropriate contact with other ESD students. FS says Swann said he’d been “afraid to ask.”

“Father Swann was more fearful of being sued by Mike Marsh than he was of asking students if any inappropriate behavior had occurred,” FS says on the stand.

**11:40 a.m.**

FS says Swann asked her if she’d be willing to discuss her experience with the Board of Directors and the student body. FS told Swann at the time (in 2000), that she didn’t feel strong enough to do that.

In place of speaking in person, FS agreed to write a letter that Swann said he’d read to the students and the board.

“My coach had interacted with me in such a way that I was deceived into having a sexual relationship with him,” FS says.

In the letter, FS says she discussed the damage keeping the relationship a secret had caused her.

“Never, in my wildest imagination [while in the relationship in high school], did I think I’d be testifying criminally in a trial against my coach,” she says.

FS recalls that Swann told her it was great that she’d come forward so he could use that information to educate students and staff so that future students could be protected. She also recalls that Swann said he’d read the letter every September to students.

Aldous asks FS if she went to Swann as a priest in 2000.

She says no.

**11:50 a.m.**

FS says she met with Swann again in May 2011.

“I felt a strong conviction from the Lord that I should talk to Father Swann about all that had happened to me,” she says. “I was now at a point in my life where I was strong enough to speak out publicly.”

“I wanted to do everything I could to help him help the school learn about the damages of sexual abuse,” she says.

Again, FS says she did not consider Swann her priest.

“I spoke to him because he was the headmaster of the school,” she says.

FS says when she told Swann that she was ready to speak to the student body, he told her she needed “to think long and hard and pray about it because [ESD] was a very difficult community to share that kind of information with.”

**11:55 a.m.**

FS says Swann asked her if she was aware a lawsuit was pending against the school regarding a teacher’s sexual affair with a student.

Swann told FS he’d try to connect the two women after the lawsuit was over.

Aldous asks FS why she is a witness in the case now.

“When I read in the news that Father Swann didn’t know the definition of sexual abuse or that it was a felony crime for a teacher to have sex with a student regardless of age, I thought it was within his role as headmaster to know those things, especially give all our conversations,” she says.

“I’m here to testify so you will know the truth that Father Swann was aware of the inappropriate sexual relationship that happened to me,” FS says, adding, “I wanted to make sure [the jury] knew the truth.”

Pass witness.

Castaneda asks for a break so she can prepare to cross-examine this witness. Benson says no.

Castaneda asks FS if she ever engaged in sexual activity with Marsh on ESD's campus. FS says they kissed on campus and asks Castaneda to define "sexual activity."

FS says she had sex with Marsh at his apartment and in other locations.

Castaneda asks if the relationship ended finally in 1995.

FS says there were "a handful of times" after 1993 that the abuse continued, but the relationship ended in 1993.

Castaneda asks FS if she had sex with Marsh after he separated from his wife. FS says she doesn't recall having intercourse with Marsh at that point.

Castaneda asks FS if she planned to marry Marsh.

FS says *he* planned that they'd marry when she was 25 and he was 35.

**12:10 p.m.**

FS says she testified in Marsh's criminal trial that the relationship had been consensual.

FS says she doesn't recall if Swann was wearing his clerical collar when they met in his office in 2000.

Castaneda says it was a Mesquite High School student, not an ESD student, who made the criminal charges against Marsh that led to him being placed on the sex offender registry.

**12:15 p.m.**

Castaneda asks FS if she ever told Swann that she wasn't going to him as a priest.

FS says no.

Regarding the letter Swann asked FS to write, Castaneda asks if FS remembers who she gave the letter to at ESD.

FS says she remembers going into the school with the letter in her hand, and coming out of the school without it, but she doesn't remember "specifically handing it to anyone."

"If Father Swann believes himself to be under the Priest Penitent Privilege, do you release him and allow him to testify?" Castaneda asks.

Aldous objects, saying only the person confessing is under the privilege and no one can "release" a priest.

Castaneda rephrases.

“In your mind is it OK for Father Swann to talk about this?” she asks.

“Yes,” FS says.

Pass witness.

**12:20 p.m.**

Aldous asks FS if she had sex with Marsh on out-of-town ESD track trips.

She says yes.

Aldous asks FS what she believes about her relationship with Marsh now, in retrospect.

FS says she doesn't believe the relationship was consensual because she doesn't think she “was able to consent” to a sexual relationship with her coach while in high school.

Pass witness.

**12:25 p.m.**

Castaneda asks FS if she's aware that her (FS) parents started a petition drive to keep Coach Marsh at ESD when Swann didn't renew his contract in 1993.

FS says she wasn't aware of that until 2000, when Swann told her in his office.

Witness is excused.

Lunch recess until 1:45 p.m.

**2:35 p.m.**

After a lengthy meeting in chambers, Aldous & Co. announce they agree to call witnesses out of order. Swann, who was previously slated to take the stand as the third rebuttal witness for the plaintiffs, leaves the courtroom.

Castaneda calls the Former Student's stepbrother, who will be called “Joe Jones,” to the stand.

Jones says his daughter is in pre-kindergarten at ESD and the reason FS was on campus in May 2011 was to watch her field day events.

Jones says he did not know FS planned to speak with Father Swann while on campus.

Castaneda asks Jones if he is happy with the education and environment at ESD.

“Very much so,” Jones says.

Pass witness.

Aldous asks Jones if he contacted Castaneda or Locke Lord (the firm representing ESD) and offered to testify.

Jones says he did not contact them, and goes on to explain that when he learned his step-sister was going to testify in the Doe Case, he emailed Father Swann.

“I did not want Father Swann [or anyone else in ESD’s administration] to view us as having the same beliefs she displayed,” Jones says.

But he never received a reply from Swann, and instead he was contacted by Shonn Brown of Locke, Lord, Bissell & Liddell and asked to testify.

Witness is excused.

**3 p.m.**

Benson tells the jury “there are some matters that have come up that require further investigation,” and sends them home early.

The trial will resume Wednesday, Sept. 14 at 9 a.m.

I am officially intrigued.

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By [Claire St. Amant](#) Sep. 8, 2011 | 8:45 am | [65 Comments](#) | [Comments RSS](#)

65 comments to "ESD Trial, Day 22 UPDATED"

**Lisa** @ September 8, 2011 at [9:06 am](#)

Claire– hang in there; your coverage of this trial has been amazing and you’ve gained quite a following. Many of the ESD posters are enraged at the details you consistently reported. I bet they wish the DMN articles were the sole publicity. The real time public relations nightmare has been the vitriol of the parent supporters.

**07DAD** @ September 8, 2011 at [10:03 am](#)

I am really interested in how plaintiffs use their rebuttal witnesses. At this point, it seems to me that the liability facts have been gone over enough. I’d be working on trying to justify a \$10M payday.

For those of you who think that sex between the teacher and JDII is a “crime” therefore she is a victim for civil law purposes, I suggest that individual citizens can look and have looked at this Texas teacher/student statutory rape law and situation through their view of the way life really is and the whats and whys of

the situation.

Check out the grand jury who no billed the teacher up in Denton County who copulated with (i.e., “did”–see I can use \$2 words just like those who attended private schools) her student in violation of this law. The fact of the “criminal” sex acts were not in dispute. Yet, the people on the grand jury no billed the teacher. The teacher was not even indicted.

They seem to have let this teacher get away with this crime and left the student/victim without any vindication (hence they “revictimized” the student).

The teacher was 25 when she started statutorily raping the then 18 year old male student. She was a previous contestant in the Miss Texas pageant. When it comes to matters of sexuality, people (jurors) may not be of a common mind as to causation, fault and/or responsibility no matter how “clear cut” it appears to some.

We live in a State that as a matter of public policy requires state funded schools to primarily teach school children that the only truly safe sex is total abstinence. Other “vices”? JUST SAY NO!

A juror may feel that a 16 year old knows that having sex with a married person is wrong, could have avoided this situation in numerous ways and should not have thrown in the towel.

**Another ESD Parent** @ September 8, 2011 at [10:40 am](#)

Lisa: Of course this has caused a lot of pain for many ESD parents, that's been the Plaintiff's strategy from the beginning. They have wanted to blackmail ESD into paying them big money or they would drag them thru the mud. Fortunately, sometimes in this country, people still stand on principle and won't be blackmailed. That's why it has been necessary for ESD to go thru this. In the end, either thru the jury verdict, or thru reversal on appeal, Texas law will be upheld and ESD will be vindicated. I'm sorry if this is not the outcome you desire.

**one who knows ESD** @ September 8, 2011 at [11:38 am](#)

07dad: juries have tended to treat female teachers who commit sexual acts differently than male teachers. so i am not sure this case will have any bearing on the ESD case.

**Missing Soda** @ September 8, 2011 at [11:43 am](#)

To all the private school parents (ESD and every where else)

A point to consider: Yes, a private school can expel or not renew a contract for (almost) any reason. But, the school is saying the withdrawal was for behavioral reasons, yet, as I understand it, the administration never let the Does know there was a behavioral problem. So, my question to you is this – How would you feel if the first time you knew your child was a behavioral problem was the same time the school was kicking your child out?

ESD did not follow ethical, moral guidelines for any student, much less a victim.

**Donatella** @ September 8, 2011 at [12:39 pm](#)

Missing soda–unfortunately this does happen in private schools. Years ago at another N. Dallas school a friend of mine did not receive a contract for the next school year for one of her 3 children who were attending the school. Thinking it was an error she called the school office to find out that this child was not being asked back for academic reasons. While there had been discussions with teachers and administrators concerning the child the parents were never told that this was a possibility. Sometimes administrators don't want to have the hard conversation with parents up front–these situations rarely end well.

**Nancy** @ September 8, 2011 at [12:49 pm](#)

Another ESD Parent @, you are so right. The plaintiff's mission all along has been to smear the school and get a settlement. They are clearly using this blog to do that.

**Avid Reader** @ September 8, 2011 at [1:01 pm](#)

So ESD is only on trial because they didn't give into blackmail? Or was it because they may or may not have had some negligence in the statutory raping of a highschool child and subsequent handling of the minor? I don't think that a “principled” school would send out their CFO to continue his cozy relationship with

the rapist to try and cover for ESD.

And to answer the follow up question; no, I can not confirm or deny that ESD actually sent CFO Burrow out to the rapist, but it does sound like them.

**one who knows ESD** @ September 8, 2011 at [1:23 pm](#)

Yes it is all about the money. It must be, that poor doe family is probably nearly financially devastated. They are the ones who have done wrong here, that poor Nathan Campbell taken in by their devious plan to have their youngest daughter seduce a teacher, then they planned to trick ESD into treating them like they were the perps and not the victims here. And poor ESD, doing nothing wrong, the does must have known that ESD would throw their daughter out of the school out of love, respect and compassion, but they hoped to be able to twist that caring act of kindness into a desperate ploy to get money out of this kind school. What a devious plan, and it might have worked - except for the keen eyes and unwavering loyalty of those blind goosestepping followers of ESD who are her to show us all the light and the way.

Give me a break, Nancy, another ESD parent, etc. do you all have a picture of Father Swann tattooed on your biceps?

**Other private school mom** @ September 8, 2011 at [1:26 pm](#)

Nancy - really? Is it possible that there are people who aren't affiliated with the plaintiff or plaintiff's attorneys who are just disgusted by what we are learning about ESD? Do you feel ESD did a great job with the situation? If I remember your previous posts correctly, your children are past school-age. If they weren't, would you place your teenage daughter in Swann's care? If I were on that jury, I'd grant the award requested by the Does and hope it would teach ESD a lesson. My child is enrolled elsewhere. If I were looking for a Dallas private school, however, ESD wouldn't make my list. It would have always been below Greenhill, St. Marks and Hockaday. Now, it would be below DISD. At least DISD is "free".

**amanda** @ September 8, 2011 at [1:36 pm](#)

Oh, so now it's an "academic" problem with JD2?

Whatever.

Umm. I'm kinda worried about any girl at ESD at this point.

**ERG** @ September 8, 2011 at [1:57 pm](#)

Based on Mr. Black's testimony, it sounds like fear of publicity is the only thing that works with this administration. Just wait, I spoke to a trial observer, and there is another witness who testified this morning about her experience as an ESD student. There is clearly a pattern at ESD that these incidents are swept under the rug and no changes are made. It sounds like this trial is what it will take to get ESD (and probably other schools) to take action to raise awareness about this behavior and hopefully prevent more daughters from being victimized.

**SoapOperaFan** @ September 8, 2011 at [2:02 pm](#)

One of the saddest realizations in this case may be the awful state of our judicial system. I seriously hope I'm never a party in a lawsuit, esp. in Dallas county.

Did anyone keep stats on the number of motions, witnesses denied for each side. Does anyone understand why Benson ruled the Burrow tapes inadmissible months ago, yet they're mysteriously let in the eleventh hour?

Did ANYONE in our blogosphere think Aldous would be denied these last rebuttal witnesses? Really, anyone? If so, I have some swamp land for you. But, hey, at least Benson "raised an eyebrow" yesterday before granting the Aldous motion for one more Marshall question.

Regardless of which 'side' you're on, wouldn't it have been interesting if this had been a fair trial, i.e unbiased?

ps- to the people who still ask why ESD didn't settle...it's the insurance company running the show (their \$\$) Would you just hand over 10M or put up a fight?

**Jack Bauer** @ September 8, 2011 at [2:15 pm](#)

@Claire - Woah baby! Any insight on the jury now? Looks of shock or disgust? Or are they still bored to tears?

**parent of 2 teens** @ September 8, 2011 at 2:33 pm

ESD Trial, Day 9 UPDATED

11:50 a.m.

Aldous asks Swann if there have been any other allegations of inappropriate sexual conduct between an ESD coach that got “swept under the rug.”

Swann shakes his head no.

Aldous then asks specifically about a teacher or an employee, Swann continues to say no.

I guess it’s his medication that is affecting his memory. Is lying under oath a sin in the Episcopal Church or just perjury?

**CosmoMartini** @ September 8, 2011 at 2:49 pm

Educationally speaking, ESD has traditionally been considered less rigorous than Hockaday , St marks and Greenhill. ESD has made big strides in last several years, but not reached the others in the court of public opinion Of course, some folks would choose ESD over Greenhill because they simply wouldn’t drive north of LBJ. (I would make a wry observation that such a choice for such a reason means the intellectual fit at ESD is probably better, ha). ESDs reputation now is blighted and I can guarantee it won’t make the short list of many new parents if other options are available to them. Despite being urged by a family friend to choose ESD because of it’s “warm family feel” 13 years ago, I passed and chose one of the others. Largely the academic reputation I mentioned as well as the fact that –then –ESD didnt have 12 grades. Didn’t want to go through it all again. But what do you think the first thing will be on the minds of the new parents coming up? That progress i mentioned completely reversed What a shame and a waste.

**Vinny Gambini** @ September 8, 2011 at 3:01 pm

Wow.

I mean wow at the testimony. If the jury had any doubt about whose interest the threatened expulsion was supposed to be serving, they won’t now.

And I mean wow at the immediate reaction of at least one ESD supporter. Not even a tiny bit of disgust that another victim of sexual abuse was threatened with expulsion after coming forward. Just a lament that the judge let the jury hear about it. Good grief.

Personally, I think one of the more interesting revelations in the rebuttal testimony is the fact that another set of parents of another sexual abuse victim analyzed the situation and believed that it was in their daughter’s best interest to remain at the school (Gasp – who but the Does could even think of such a thing?).

**s lambert** @ September 8, 2011 at 3:07 pm

good lord. or....

Swann is lying sob whose ego has taken over all decency and respect .....i hope the Does receive all they ask and Swann is fired

**Lisa** @ September 8, 2011 at 3:19 pm

@another..not sure why you would think the Does goal is hurting other ESD parents and it’s unclear from your post why the lawsuit is so painful for other parents. I didn’t realize this was all about you...But, I take no pleasure that this trial has hurt parents on either side. Hopefully truth will prevail. One would hope the principled among you would realize that you may have been duped as well– you just weren’t unfortunate enough to have a daughter in a similar situation. Bad things happen to good people, too, and headmasters have been known to dissemble.

**Claire St. Amant** @ September 8, 2011 at 3:39 pm

@Jack Bauer, The jury seemed more interested in this testimony than they have in anything in a long time. It seems to have made an impact on them.

**Excuse me?** @ September 8, 2011 at 3:41 pm

Holy crap! (Pun intended!)

I would like to take this opportunity to apologize to any ESD supporters I offended when I mentioned The Moose. I was simply quoting The Moose to my table at the Snake just before his ESPN cronies and security dragged him away. That is all. I'm sorry.

Go Eagles!

**amanda** @ September 8, 2011 at [3:51 pm](#)

Wait, we have yet another ESD theory coming forth. It's the insurance company's fault!

They, along with Col. Mustard are in the library with a candlestick.

\*I get it now!\*

**parent of 2 teens** @ September 8, 2011 at [3:55 pm](#)

Is Rev. Swann now going to consult with Roger Clemens - I didn't lie - "I mis-remembered"

**ESDPARENT** @ September 8, 2011 at [4:03 pm](#)

Dear "Another ESD Parent and Nancy"

I have been around ESD my entire life as well as having my children currently enrolled. ESD is an amazing school with very special faculty who work so hard every day so that our children can get the best education possible.

Given the facts that have been established in court there's absolutely NO defense for how this entire issue has been handled by our top administrators. I can only hope that the Board will step in (take over) and correct so many of the grave issues we are currently facing.

The fact is that our school has a history with these issues as today's testimony has overwhelmingly established. The actions by these top administrators in response to this history is truly tragic. The audacity to go around threatening parents whose children have been sexually assaulted by one's own faculty members is completely revolting. There is NO defense to this. Did the girl play a part—yes, Did the girl get hung up on her feelings for this sick teacher and talk about things too much—yes. The problem is none of that matters. She was the child and he was the adult. It is a crime and there's NO excuse.

The top administrators should have realized from day one what they were dealing with and done everything possible to work with the girl and her family in every way possible on bended knee. Additionally why the entire Board would not be notified of this the second the school became aware of it is completely ridiculous. This is the definition of complete mismanagement.

I honestly cannot see how any other ESD parent can be ok with any of it. Again this is a wonderful school with incredible faculty, but unfortunately it has been terribly misguided as it relates to this issue.

If this had been my child and I had been treated in the same manner after my child had been sexually assaulted by a member of the school's faculty I would have done the exact same thing that this new parent did (Mr. Black) with the exception there would be no gag clause. The School would have to except the fact that this happened and move on in as positive a way possible. I applaud this father (Mr. Black) for coming forward though and establishing the truth and pattern on how ESD's top administrators have handled these type of issues in the past.

ESD will absolutely lose this case if they have not already agreed to a settlement (as I'm sure is currently in the works as I type this). The reason I find this so unfortunate is that ESD as I've stated before is a great school with many wonderful faculty that are having an enormously positive effect on our children. The top administrators involved in this trial are fully responsible for the circus this has become and financial consequences that are soon to follow.

**I'm just say'n** @ September 8, 2011 at [4:12 pm](#)

Wow—I hope the board is listening now!

Several years ago, we moved our child to one of the "other" private schools. We didn't like the environment, the priorities, the message Father Swann was sending to the children with his arrogance, or the idea that the "social group" had so much influence in the way the school was run. If you will notice—those reasons have nothing to do with the academics or the quality of teachers. Sad to see, my evaluation was correct.

**Jack Bauer** @ September 8, 2011 at [4:40 pm](#)

@Claire - So do we have any idea what these "matters that require further investigation" are and why it will take several days?

Thank you for your hard work!!! I would say that following this has been more entertaining than an episode of Law and Order: SVU, but that would be offensive and tawdry...

**Silver lining** @ September 8, 2011 at [5:01 pm](#)

@Claire – I too am officially intrigued.

Today's testimony highlights that ESD's short-sided approach for trying to protect its reputation has hurt the school in the long-run. I would hope that even the ESD supporters would agree to that. And I think the picture that is getting painted by the Does is that it was this prevailing attitude that they were facing. If Mr Black's daughter faced expulsion for reporting a lesser offense than what Campbell is guilty of, there was a slim to none chance that JDII would have been given a chance. Perhaps if the Does had said they were going to contact all the families, go the to board, etc. Father Swann may have let JDII stay as well.

**FomerESD DadX2** @ September 8, 2011 at [5:08 pm](#)

We've had two children graduate from ESD within the past 5 years. Greenhill was an option for us, but upon closer examination we felt it was too liberal/secular. Our daughter actually had Campbell as a teacher and met with him many times after hours for help with her assignments. She says she never felt even the tiniest bit of anything suggestive from him and thought he was a great teacher. Perhaps we were just fortunate?

@ComsoMartini – I would suggest that while some might consider ESD less rigorous than St Mark's or Hockaday (if one could even objectively quantify such a thing), the best and brightest at ESD are at least the equals of any students anywhere else in the area. An examination of the number of graduates attending top universities will bear this out. I believe it is more accurate to say that the student body as a whole covers a wider spectrum of academic achievement – not everyone is "Ivy League" material. Some might say that this yields a richer experience and would view this as a positive. Ultimately, both of our kids got in to their top choices and we are well satisfied with ESD.

For those critical of Fr Swann's apparent wealth, I was somewhat surprised to learn that the heads of St Mark's and Hockaday each earned more than \$600,000 per year as recently reported in the Morning News. Just don't think this really matters.

As I see it, those of us who really know a great deal about the school and who have interacted with the Doe family (parents and children, as we have), just find it difficult to see this whole thing as anything more than a money grab by the Doe's and their representatives. I've attempted to flesh this out in a previous comment, but my perspective apparently wouldn't/couldn't make it past the censors here, so it becomes very problematic to mount a cogent defense of ESD. That leaves all the rest of you ESD bashers to bash all you like without having to really deal with much of the truth, since you don't get to hear it.

**CosmoMartini** @ September 8, 2011 at [5:26 pm](#)

Just read the update of today's testimony. Holy freaking crap. What a day in court. Wow.

**Atticus** @ September 8, 2011 at [6:31 pm](#)

As a general rule employers are not liable for the criminal acts (torts) of their employees, unless they were negligent in hiring or retaining an employee. Campbell had no prior history to suggest this type of behavior. Damages to the Does and their daughter are a result of his behavior.

When this matter became public the school had only two difficult options: Allow the child to continue in a very hostile atmosphere or get a fresh start at another school.

If she had continued, she would have been the "sad ghost", even rejected, as previously testified to (and not admitted into evidence) by her "best friend".

Neither the Does nor their attorneys are attempting to do a "public service" they are seeking monetary damages not based upon the evidence, but upon fear, anger and emotion.

No school, administrator or parent is perfect.

When my daughter asked what I would have done, my response was, that upon learning the facts of the "relationship", I would have gone to the school apologized for her behavior and moved her to another school, and not "tied a lawsuit around her neck that would follow her for the rest of her life".

**CarolinaBorn** @ September 8, 2011 at [6:38 pm](#)

I thought I knew how the defense would close:

"We just made a few MINOR mistakes (which we DEEPLY regret) —

We just had some "rogue" employees —

We just acted in Jane's best interest (in fact we PRAY for her)

Cause we would NEVER target a victim for expulsion.... "

Now? Cant wait to hear!

Question: can the insurance company now say Well hell, we're not payin- they lied to us too! If so, who pays?

Yes, yes, I know ... ESD means to appeal any award....

But will the Board approve such costs if the insurer cuts bait?

Aldous is a hero to me. As are Jane and all those who came forward to speak truth to authority! And Claire, you get credit here- boatloads! Wasn't it the PHP reporting that brought others forward? Take a bow for justice.

**Texas born** @ September 8, 2011 at [6:42 pm](#)

Atticus - apologized for her behavior - are you kidding me?

**As above** @ September 8, 2011 at [6:53 pm](#)

Totally agree with Atticus. If it was my daughter, I would have done the same thing, apologize and move on to another school.

**former ESD parent** @ September 8, 2011 at [6:54 pm](#)

@ESD Parent-Thank you! There were families like you in the 5 years we were @ ESD who understood the environment they had placed their child in (ESD) vs the rest of the world. Your comments today remind me of some of the faculty and SOME of the families we grew to adore while in the school. Unfortunately, you are one of the few current ESD parents on this blog that truly can see the law, and not make excuses for why it wasn't understood or followed, in such a well to do, well educated, faith based school. I'm sad as well for the school. Also unfortunate (as one previous blog noted)... "A fish rots from the head down".

@ Silver Lining-"And I think the picture that is getting painted by the Does is that it was this prevailing attitude that they were facing." Soooooo well stated and proved out in supporting testimony today.

So sorry for the school. However, there are many of us that were in the school, that truly sensed many strange undercurrents while there. This is only one demonstration today of those justified feelings.

**Former ESD Parent** @ September 8, 2011 at [7:06 pm](#)

WOW. Swann has to go. Now. Let's hope he will do the ETHICAL thing and "retire" effective immediately. If not, it is time for John Eagle and the ESD Board of Trustees to take action. Period. End of story.

**Boo Hiss Atticus** @ September 8, 2011 at [7:31 pm](#)

@Atticus @ September 8, 2011 at 6:31 pm

You should absolutely be ashamed of your response to your daughter's question. I am astonished that anyone who loved their child would make such an terrible statement. Have you ever thought that your daughter was asking you this question because she NEEDED to know your response? Rest assured, she will never come to you when she is in trouble.

**Another ESD Parent** @ September 8, 2011 at [7:33 pm](#)

Don't any of you ESD bashers get it at all. This is a Kangaroo Court owned by the Plaintiff's lawyers and specifically Charla Aldous, Lisa Blue Baron and their friends. Haven't you noticed from all the previously reported events by Claire that the Plaintiff's always get to introduce any last minute witnesses they want to throw mud at ESD but every witness favorable to ESD, like Jane Doe's former best friend who totally refuted Jane's testimony, are never allowed to testify by the Judge. Do you not believe in any semblance of a fair playing field giving both sides equal rights to present both sides of the case? I hope you never have the

experience of facing a serious charge in a court where you don't have a fair chance to defend yourself. Having said that, I am still convinced the jury may see thru all this and return a favorable verdict for ESD and I'm even more convinced that if they don't, the Dallas Court of Appeals will throw out any adverse verdict in a flash. Not even a close call. Let's see who's right.

**CosmoMartini** @ September 8, 2011 at [7:39 pm](#)

@Atticus. If this had happened to your daughter, You would have gone to the school and apologized that she was the victim of 2 sexual felonies? and exiled her? That's my interpretation of what you just posted. And while I defend your right to parent as you see fit, I'm glad our kids aren't friends and my child will never be entrusted into your home.

**Skeptical** @ September 8, 2011 at [7:50 pm](#)

Atticus, are you livin' in an attic? The concensus I heard from dads was that most would have gone looking for Campbell with a shotgun and a shovel.

**cannot\_stay\_quiet** @ September 8, 2011 at [7:52 pm](#)

Put aside this trial and whether or not you think JDII bears some responsibility in the matter. Although I side with the Does in this matter, let's assume for a minute that ESD is completely in the right. Let's assume that they handled the situation well and that tossing JDII out in the middle of the school year was truly the best, kindest thing they could do for her.

And now let's assume that ESD later hires another teacher that behaves inappropriately with a student. And let's say this student really wants to be out of this teacher's clutches and wants to report this. So the student, girl or boy, goes to their parents. And the parents remember what happens to ESD students that dare to report inappropriate sexual contact. Do you think they will make that call to Swann? Or to Royall? Or to Mayo? Doubtful.

To me this is the saddest outcome of all. ESD students and parents have now been well trained that when it comes to inappropriate sexual contact silence is golden.

**ESDPARENT** @ September 8, 2011 at [8:25 pm](#)

Atticus

I respectfully disagree. I would have never have stood for this kind of behavior from ESD with the sexual assault of my child. Again I love this school, but this kind of behavior should not be tolerated.

**Can't Be For Real?** @ September 8, 2011 at [8:38 pm](#)

@Atticus and @As above,

I truly hope you are not a parent - maybe you're really an ESD student just trying to back your school. No loving parent would EVER respond that way to the daughter's question. If you are a parent, I can only assume you took nurturing lessons from Erin Mayo.

But on a happier note, because of your awful comment, I called my parents and thanked them for their compassion and wisdom. (My guess, you'll never receive a call like that.)

**CarolinaBorn** @ September 8, 2011 at [8:59 pm](#)

New ESD defense:

"The onnnnllly reason Swann lied about previous cases is cause he was trying to protect those girls. And y'all know he's a priest, so he had the obligation to keep their 'confessions' secret."

Course FS WANTED her story told — ASKED that it be told — even testified in a previous case....

Still, this aligns with the slant and credibility of all the other ESD lines....

And we'll always have their most indignant fall-back:

"Well, the judge let in evidence that revealed damning facts! OK, sometimes — a LOT of times — we contradicted ourselves — -but Benson let the jury hear

about other times too! Showed us to be liars — so she must be BIASED!”

And oh yeah .... Jane wasn't really hurt much — ESD's expert says so! And gagging her? That was for her benefit! 'Cept another ESD victim tells the truth about that one too....

Question: why did ESD counsel let Swann lie???? Mayo's simpering that “I soooooo wished Jane could stay...” OK, clearly not true— but hard to prove — she can claim whatever she wants about what she “really felt.”

But Swann's testimony? He never knew of any other cases there? He never tried to expel another victim? Pure deliberate perjury.

Swann further proclaimed there was nothing he could've done to prevent student molestation. Yet FS wanted to tell her story — to warn other victims — and he shut her down. Shut down Black's daughter too. He let molesters finish THIER contracts — in good standing, apparently. Let one change his records to erase prior complaints.

All relevant. All fairly admitted.

But don't y'all wonder how Swann and co thought all this would never come to light? Did they think they could just swear to whatever-story-sounded good — and hope the judge wouldn't let in facts?

Could add a verse to that country song: The word is Hubris ...”Look It Up...”

<http://www.youtube.com/watch?v=nEOWBXa78Rw>

**Id** @ September 8, 2011 at 9:26 pm

Atticus, you sound like an extremist who believes that a victim of rape has dishonored her family. Cold and hard-hearted.

**Neal** @ September 8, 2011 at 9:36 pm

Atticus, I would love to hear that apology.

“Wow, Father Swann, I am just so sorry that my little underage skank of a daughter forcibly seduced your upstanding 36 year old employee all those times. Will you ever forgive us? Would it help if I offered to hand wash your Panamera every week for the next two months?”

**amanda** @ September 8, 2011 at 9:53 pm

As has been re-hashed now, @ Atticus, perhaps the silliest answer ever tossed out to a hypothetical question, ever. IF it's “true.” I don't happen to believe any parent of a teenage girl would have answered that question in that manner. If you did Atticus? Wow.

Oh, there are some apologies in this situation that could have gone a long way to avoiding this suit, and certainly discussion to be had all the way around... But that was so off target, I can't even digest it.

ESD supporters are crying foul a bit too loudly, promising an appeal, and playing the martyr with a just a tad too much zeal. Did you read @ Carolina? It certainly looks like the insurance carrier has reason to claim that they were deceived, too. Throughout this series of threads the sentiment that “ESD will survive” has been a recurring theme. I'm not so sure. It looks like Swann, the board, and a very vocal minority of parents are willing to destroy the entire institution rather than reverse course.

**Autvincere** @ September 8, 2011 at 10:08 pm

Wow I mean Wow I have defended Eagles and Nancy's right to their opinions despite my differences with their post....this is what makes our country and freedom of the press great. However I must say as a mother the comments of Mr. Atticus chill the blood. I promise you Atticus Finch would be ashamed to share any association with your views....Apologize for your daughters “relationship”....Good Lord what Kool-Aide are you as a man, husband, uncle, brother, father drinking?

On another note re questions about late testimony and alleged favors to Aldous...Rebuttal is allowed for impeachment of witnesses presented that don't TELL the TRUTH. This is allowed regardless of whether the witness was declared. According to this blog Aldous got calls from these people during trial because they read about Swann's false (according to them) testimony. Former friend of JDoe can't testify because ESD lawyers knew about her before trial and did not timely

designate her as a witness and refused to allow her to be deposed.

Rules are Rules....

**CarolinaBorn** @ September 8, 2011 at [10:12 pm](#)

Shoot! There's a bad word in the version of Look It Up I posted. Sorry y'all.

Still... the word is hubris.

**Atticus** @ September 8, 2011 at [10:22 pm](#)

There appears to be a conflating of the criminal acts of Nathan Campbell and the schools actions responding to this situation after discovery by ESD. It seems from the testimony that the administration did not accept or believe Campbell's "explanation", and was instrumental in finding out what was really going on after the police reported the incident to the school.

What is also overlooked is the anger and disappointment of JDII's fellow students because of her actions and failure to report this matter to the school. How many "stranger danger" and related materials have most girls and boys received before becoming 16 (much less the obvious 7th Commandment)?

Nathan Campbell is a criminal and will be sentenced in a criminal court for his actions (which can include restitution).

This civil case (to which he is not a participant) is about the school's actions not his.

I do not see any monetary damages arising from the school's handling of this difficult situation.

**Jogger** @ September 8, 2011 at [10:27 pm](#)

Why isn't anyone calling for the board to resign too? John eagle and others are fully aware of the culture at ESD. They know because their family members benefit from a different set of rules. I move for a complete house cleaning. There are so many wonderful families who are at ESD that would serve on the board for the school not for influence, control or power. Who will second motion?

**Eagle Parent** @ September 8, 2011 at [10:49 pm](#)

My family has had the benefit of having children admitted to all four schools--Greenhill, Hockaday, St. Marks, and ESD. We chose ESD because of the co-ed environment and christian based values Spend a day at the ESD lower or upper school and you can experience it.

Spend this Sunday from 2:00-4:00 in All Saint's Chapel for the 9/11 remembrance. The chapel is an experience in itself. All faiths are invited and all the ESD chaplains will be in attendance.

All my children have graduated or attend ESD now. Would we make the same decision because of anything to do with this trial? ABSOLUTELY!!!!!!

And, we are not a family with a ton of money to donate to the school. And do not worship Steve Swann, so please don't blog about that.

I do hope that there will be changes made in the administration because of the trial. I hope the board steps up and makes some tough decisions. And, I really feel for the Doe Family and the other families that testified today. But, I have said this from the beginning and still maintain that if this was my daughter I would have removed her from the school immediately! I know the Does, my child was in the same class, and she needed to leave.

Whatever the verdict is, I will respect and accept it, but I'm sure it will go into an appeal process and the Does will never see much money. I would never allow any of my children to go through anything like this trial. I did not allow my child to be deposed. I cannot imagine that any amount of money will replace the feelings that JD2 will have when she is never invited to any weddings, reunions, or anything that relates to her years from the ages of 5 until 17. No criticisms about my thinking being "un-christian"-- it's just the way of life-- no one from ESD will ever embrace this family. JD2 should not have wasted so much therapy time talking about this trial instead of really using it as a healing process. Hopefully, she is on the right path. Also I feel for her parents and siblings--people will continue to look at them and discuss this for a long time.

ESD will become a better school because of this trial and I am thankful for that. Last year, during my child's senior year, was the first time that teachers were not allowed to hug parents or any student. So, there is progress.

**CarolinaBorn** @ September 8, 2011 at [11:00 pm](#)

Dang Claire I hit submit too quick. Is it's not too late may I add this "verse?"

The word is HUBRIS.

Look it up!

It means the lies you've told and told and told

Til you get caught stone cold....

The word is PAYMENT.

Look it up!

You're payin now, the truth is out

If jane don't make a cent....

Cause really, Jane's won. Truth came out: ESD admins gag and punish students molested by their staff. And if the jury holds em accountable, I hope ESD does appeal. To keep the lights on....

**Logines** @ September 9, 2011 at [4:04 am](#)

Lets just say Doe's family is awarded the 10 million dollars. Do you all expect Jane Doe II to be heralded back into society's arms as a hero or social pariah? As great as this blog is to contribute ones thoughts about this situation, the majority of the ESD bashers know nothing about the family in question aside from what is posted here on the blog and those that saw this ordeal occur rarely seem to be on the side of the Does. If you do not believe me just scroll through all the posts from Day 1-22. What is going to happen when Claire begins to report on other things, the dust has settled and everyone moves on with their life. Jane Doe II obviously is not very liked and is able to alienate people very easily. Will Carolinaborn have to move to Dallas to be JDII's permanent bodyguard? I just don't get how she wins in all of this. Jane Doe and her camp obviously used this trial to attempt to smear ESD in every sense and has obviously upset alot of parents, not even to talk about her peers. She is going to have to live with this trial for as long as she is in Dallas and will run into people/peers who will make sure she doesn't forget it. ESD families, who don't seem to be changing their belief that the school did anything wrong, have a lot of pull in Dallas. And I don't see them breaking bread with the Does anytime soon. And you better believe that this trial will follow her to college if it has not already as numerous students from Dallas attend her university every year. You all can complain that it shouldn't be that way amongst christian people yada yada but thats not going to the change the facts. I don't see how she will be able to ever move on from this? Which, I believe, is the real shame. I guess 10 million dollars doesn't solve everything, too bad the Does never took the time to think about that.

**PrivateSchoolParent** @ September 9, 2011 at [8:53 am](#)

Hmmm...I'm intrigued as well. Too much power has been handed to many that have abused it. That includes the egomaniac head of admissions. Time to reinvent the wheel. ESD is a fabulous school with many wonderful families. I'm sure there are people the other big privates around squirming. This happens everywhere, it's just a matter of how its handled.

**amanda** @ September 9, 2011 at [10:04 am](#)

@ Lignes...are you serious? Let's say JD2 does get \$10M...she can afford to buy Madoff's place in Boca, Ken lay's Aspen digs, and nice view at Paradise Cove in Malibu.

When I see posts from ESD supporters moaning about how she won't get into a sorority, will be a "social pariah," isn't/wasn't "popular," etc...I really have to wonder about y'all. THREE or more KNOWN sex abuse cases from ONE school, and still we get the "It could happen anywhere..." excuse. Yeah, it "could" happen anywhere, and sadly has happened at Dallas private schools before, BUT...IT ONLY SEEMS TO BE HAPPENING OVER AND OVER AGAIN AT ESD. And, the common thread is Swann. Duh.

@ Autvincere... AMEN. Although I dislike many of the opinions on this blog, GOD BLESS AMERICA that we have the right to voice an opinion. And, as a die-hard TKAM fan with families ties to Ms. Lee, I was also a bit stunned by @ Atticus's comments. Harper would be horrified.

But, that's the HUBRIS @ Carolina was talking about.

**Nancy** @ September 9, 2011 at [10:25 am](#)

Amanda, Jane isn't going to get 10 million. The plaintiff attorneys have done a good job of smearing the school on this blog but they have not proven their case.

**Mrsz1ppy** @ September 9, 2011 at [12:33 pm](#)

Why would JD2 want to go to weddings, etc. with her classmates from ESD? I wouldn't in her shoes. She graduated from a different school, and she has friends, weddings and alumni events from that school to enjoy.

I still don't understand why JD2's peers were allowed to bully her to such an extent that ESD felt it necessary to protect her by removing her from school. Sadly, there is more wrong in the culture at ESD than keeping secrets no matter the cost.

**HMills** @ September 9, 2011 at [1:58 pm](#)

What's the importance of Jane's popularity with her peers, either before or after Nathan Campbell took advantage of her? Is a crime against an unpopular student less a crime? Does the school administration have less of a responsibility to mitigate the harm caused by their employee because the damage was to an unpopular girl? And what difference does it make if she's a social pariah now? Don't do what you believe is right for you because other people won't like it. That's what we should teach the children? Follow the herd at all costs? Take the path of least resistance? I'm not buying. It seems to me that's what the Former Student and her parents did to some extent, and they regret it to this day.

**FormerESDStudent** @ September 9, 2011 at [2:00 pm](#)

I went to ESD for 4 years and had Campbell as a teacher. I also participated in sports with one of Jane's older sisters and saw Jane regularly at sporting events. I am by no means defending Campbell, but I will say that I NEVER felt uncomfortable with him as a teacher. In fact, I struggled in his class when I was a sophomore at ESD and had to meet with him several times after school to discuss papers and tests. He was always friendly and willing to explain my mistakes.

About Jane—she was always friendly at sporting events and said “hi” to me whenever we would pass each other in the halls. I was shocked when I found out that she was the girl having the affair with Campbell. It was extremely disappointing and sad to hear because I would never expect something like this to happen from either of them.

With all of this being said, I do believe that Jane is not entirely innocent in this. She was 16 when this all started. Yes, that is young, but you definitely are aware of sex at that age and are DEFINITELY aware that having an affair with a teacher/married man is wrong. Do I think she was completely to blame?—No. Definitely not. What Campbell did was wrong and disgusting, but all I'm saying is that Jane is not some innocent little child who is a pure victim in this.

I don't know if it was the thrill of sneaking around and hiding the relationship, or the thrill of being with an older man that kept her in the relationship for so long, but the fact is that she KNEW what she was doing. However, Campbell's duty as an adult is to know that what they were doing was ILLEGAL and he should have never let the affair happen.

For everyone who is continually bashing ESD— My family and I are definitely not a “stereotypical” ESD family. Both my sibling and I were on partial scholarships at ESD and could in no way compete with some of the big name families there. However, my experience at ESD was wonderful. I always felt accepted and supported. I absolutely LOVED my teachers—minus one or two, and was EXTREMELY prepared for college. I got into my top choice and actually felt ahead of the game throughout my 1st year at the university. So please, unless you actually went to the school or know about the school, back off.

It's a shame something like this happened at ESD. I hate to see the ESD name tarnished and spoken with disgust. However, stuff like this DOES happen—it's sad, but true. It happens at schools everywhere whether it is discovered or not. In fact, another local private all girl school had a similar incident just a few years ago with one of their teachers. The only thing we can do is keep a better eye on the faculty and students and train people for prevention.

Hopefully Jane can move on and heal, and ESD will learn from this tragic mistake.

**Vinny Gambini** @ September 9, 2011 at [2:21 pm](#)

Nancy,

I'm curious what you think the plaintiff needs to prove their case.

How large the verdict is will depend, in large part, on which version of the jury charge the judge uses, the one submitted by the plaintiffs or the one submitted by the defendants. I think most people here assume that she will go (rightly or wrongly) with the charge proposed by the plaintiffs.

That charge has many questions, including the following:

“Did ESD fail to comply with its fiduciary duty to Jane Doe II?”