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More to learn about the ESD teacher-student sex case



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So the big number Episcopal School of Dallas must face is about \$9.2 million — \$8.5 mil in compensatory damages and \$700,000 in punitive — for its responsibility from the teacher-student sex affair and its fallout.

The fallout, a Dallas County jury decided, is the overriding issue. ESD basically shoved a girl out the door after she and a teacher, Nathan Campbell, engaged in a sexual relationship.

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The Dallas Morning News Editorial Board was the first editorial board in the nation to use a blog to openly discuss hot topics and issues among its members and with readers. Our intent is to pull back the curtain on the daily process of producing the unsigned editorials that reflect the opinion of the newspaper, and to share analysis and opinion on issues of interest to board members and invited guest bloggers.

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She and her family were given a choice: leave voluntarily or face expulsion.

At *D magazine*, [Claire St. Amant has a terrifically detailed piece](#) on the case, written substantially from the plaintiffs' point of view. If the facts are as she presents them, it's hard to argue with the jury's verdict.

And as to my question yesterday about why in the world ESD allowed the plaintiffs' complaint to reach a courtroom, ESD would argue that it tried very hard to settle but that the family turned down all offers from the school's insurance company.

That may be, but I'd argue back that knowing what they did, ESD officials didn't try hard enough. They knew the damaging information that would come out at trial, and they knew their culpability in how they handled the girl after the teacher-sex was revealed.

It's possible that they believe they handled everything properly, that they did nothing legally or morally wrong. Opinions are bound to vary, but if that's the case, it only further justifies the jury award.

Here's a letter to ESD parents, signed by two top school board members, before the verdict:

Dear ESD Parents,

You have no doubt heard that after a long nine week trial,

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the jury has begun deliberating in the civil trial regarding the 2009 relationship between a former ESD student and former teacher, Nathan Campbell. Before we hear from the jury, we want you to know some important facts. This process has been difficult for everyone in our school community, and we recognize that it has been especially grueling for those of you who have children here and for all who love this school and believe in ESD's mission.

This court has been harsh on ESD attorneys each time we have communicated with you. Today, however, we believe we have a responsibility to give you some important facts. First and foremost, what has been reported in the media in no way bears any resemblance to how our witnesses have defended the school, and some of the strongest evidence has been withheld from the jury.

As an example, an ESD witness came forward with first-hand knowledge disputing the plaintiff's testimony against the school. While this ESD witness was allowed to take the stand and testify before an empty jury box, the court did not allow these words to be heard by the jury.

You may have also heard about the last-minute surprise witnesses that the plaintiffs presented and were allowed to testify. We still don't understand why the testimony about unrelated incidents from over 18 years ago was allowed and heard by the jury, but most importantly, the court refused to permit ESD the opportunity to rebut that



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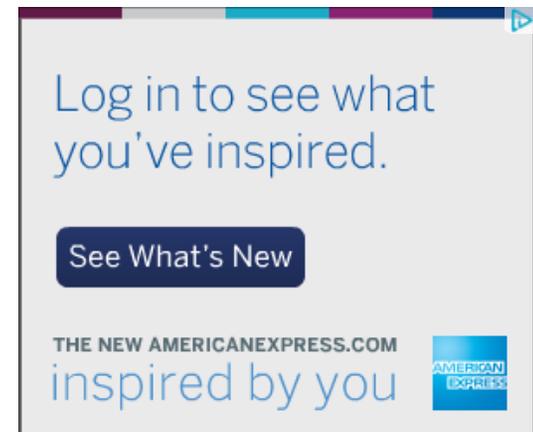


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testimony.

Many of you have asked why ESD did not settle this case. Every effort was made to make that happen before trial. In the end, however, the insurance company's offers were rejected by the plaintiffs.

Please know these essential facts:

- ESD did not know about the relationship between Campbell and the student; it was well-hidden, and that has been proven in testimony.
- When the Farmers Branch police called to tell us the two of them were questioned after being found on the Sunday afternoon after Thanksgiving in 2009, the school immediately launched an investigation.
- Initially both the plaintiff and the teacher lied to us about the circumstances surrounding that query from the police.
- As our investigation moved forward, within 24 hours, Nathan Campbell was gone.
- We ultimately got to the truth about the relationship and turned all the evidence over to the student's parents with introductions to counseling. ESD strongly advised that the student's cell phone number be changed and further contact with Campbell be terminated.



- We worked hard to protect the former student. Sadly her comments on Facebook, within the school community and requests made to classmates made it impossible to protect her identity and maintain an environment where she could thrive.
- As the matter became all-consuming for the Upper School, we made a difficult decision that no one else would make. It was the right decision for her.
- The former student has thrived since leaving ESD and is attending her first choice university and receiving an athletic scholarship.
- We may be restricted from speaking to you again until after the conclusion of this trial. Please know that we will do our best to answer your questions at the end of this process.

Thank you for your prayers and your continued support.

Sincerely,

John Eagle
Chairman of the Board

Joe Colonna
Vice Chairman of the Board

And here's a statement from school officials after the verdict:

(DALLAS, September 21, 2011) – Attorneys representing the Episcopal School of Dallas said a jury’s ruling against the school is fraught with errors and will be appealed.

“The jury did not hear all the testimony; an excellent institution was deprived of its day in court,” said Chrysta Castañeda, lead ESD attorney. “The jury did not hear the strongest evidence in support of ESD, and I will urge my client to seek justice in the Court of Appeals,” Castañeda added.

The jury found that ESD was largely not liable for the inappropriate student/teacher relationship, but did award damages because of the separation of the former student from ESD.

“I don’t blame the jury,” said Castañeda. “They made decisions based on what they heard, not on what they didn’t hear. As an example, they did not hear testimony from the plaintiff’s best friend, who bravely told an empty jury box about the circumstances that led to the separation, which the plaintiff denied on the stand. In addition, the court remarkably refused to allow rebuttal testimony from ESD regarding the last-minute surprise testimony presented by the plaintiffs which had nothing to do with the facts in this case; that’s an astonishing ruling in this kind of proceeding.”

“You will hear differently,” said John Eagle, ESD Board

Chairman, “but there are no winners in this case; it’s been extremely difficult for our community. I have already talked to our Executive Committee and the insurance company. This will be appealed, and it will be resolved in the right way. We have a strong and resilient school community, and it’s one that is very supportive of the school’s decision-making process in this matter.

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