

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

Jury Rules Against ESD

The jury has ruled that ESD committed fraud and was grossly negligent. Estimated damages are \$8.5 million, pending further testimony. The jury ruled that while ESD is a charity, it's not subject to the \$500,000 charitable immunity cap.



Right now, the punitive portion of the trial is in recess. A few of the charges that ESD was not found liable for include:

- ESD is not liable for failing to prevent to the assault of Jane Doe II.
- ESD's negligence did not cause the relationship between Nathan Campbell and Jane.
- ESD did not fail to properly monitor Campbell and other employees while on school property.

- ESD did not fail to oversee the safety of its students while on campus.

In other news, the jury found ESD 40 percent responsible for the Doe's damages, and Campbell was 60 percent responsible. Of course, the only party on trial right now is ESD.

Clarification: The jury did find ESD negligent for failing to properly "hire, train, or retain teachers" and to ensure they understood "limitations on personal interactions with students." They did not find ESD liable for Jane's actual, physical sexual assault, but they did find them liable for the conditions that led to it, with respect to proper teacher training.

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By [Claire St. Amant](#) Sep. 21, 2011 | 11:47 am | [46 Comments](#) | [Comments RSS](#)

46 comments to "Jury Rules Against ESD"

stupid much?? @ September 21, 2011 at [11:54 am](#)

So glad it's OVER. Jury made the right decision.

ESD4U @ September 21, 2011 at [12:02 pm](#)

First!!! \$8.5 seems high.

stupid people fill the world @ September 21, 2011 at [12:11 pm](#)

hmm...well then what is ESD liable for to the tune of \$8.5 million? For kicking her out?

Observer @ September 21, 2011 at [12:20 pm](#)

Does anyone know how ESD will pay for this?

Parent11 @ September 21, 2011 at [12:22 pm](#)

hearing many aspects of defense's case was not ruled admissable by the judge and certain witness's testimonies were not heard by the jury. was this equally done to the plaintiff's case? what is your understanding as to why much of the defense's case not allowed in?

stupid much?? @ September 21, 2011 at [12:23 pm](#)

@ ESD4U- the blogosphere mimics real life. Here, as in reality, ESD will always be "number 2." Puns and innuendo intended.

Peter @ September 21, 2011 at [12:25 pm](#)

Looking forward to the appeal when the incompetence or bias (you choose) of this judge will be revealed.

Thufir_Hawat @ September 21, 2011 at [12:25 pm](#)

One will be surprised if the punitive phase is not continued until Monday as the Dallas Bar Association's Bench-Bar Conference is Thursday and Friday, and her honor will undoubtedly want to primp and preen for the assembled masses.

SPORT @ September 21, 2011 at [12:27 pm](#)

Excellent outcome. ESD needs to clean house with the administrators who railroaded that student out of her school. Too bad if she was a “distraction.” DEAL with it. I bet they wish that they had settled this lawsuit.

stupid people fill the world @ September 21, 2011 at [12:29 pm](#)

gotta think this is a big win for ESD, actually. i read that ESD is not at fault for the sexual assault but committed fraud and was grossly negligent in kicking her out.

Cosmo Martini @ September 21, 2011 at [12:30 pm](#)

Completely predictable based on the evidence presented. YEs we know-ESD will appeal. No reason to think their understanding here of the issues in the real world outside their bubble will alter. They will stand ready to drag their whole community through the mud and the distraction yet again out of hubris and misplaced self righteousness. Do the right thing by everyone-pay up, make changes, move through this and become better for it. Please.

stupid people fill the world @ September 21, 2011 at [12:30 pm](#)

40% of \$8.5 million is \$3.4 million - that's what it seems ESD is responsible for.

stu @ September 21, 2011 at [12:31 pm](#)

- 1) Not pay attention to your own kid's activities.
- 2) Play dumb.
- 3) Sue.
- 4) Profit!!

Parentsupinarms @ September 21, 2011 at [12:32 pm](#)

This is bad news for the school.
The witness list for esd is telling....
Just filed this morning

They have other board members coming down to beg for mercy...and the headmaster of a south dallas school coming to testify...maybe as a character witness...

Unbelievable

Arlo @ September 21, 2011 at [12:32 pm](#)

Claire, go look at chapter 33 of the civil practice and remedies code. The percentage of liability is significant even though Campbell isn't a party.

Ellen @ September 21, 2011 at [12:35 pm](#)

The family should donate the money to a fund for abused children.

former esd student @ September 21, 2011 at [12:43 pm](#)

wow! \$ 8.5 million seems a tad excessive.....

Curious Alum @ September 21, 2011 at [12:43 pm](#)

Will the verdict form be public record?

Rational @ September 21, 2011 at [12:45 pm](#)

Obviously the jury found ESD liable for the way it handled kicking her out of school. No offense to the family and I'm certainly not endorsing how ESD handled the situation, but that will never hold up on appeal. My other question is the 60/40 split. Unless the jury found that Campbell was acting in the course of his employment (which seems unlikely since statutory rape is not generally a job duty of a teacher), ESD will probably be limited to the 40% unless there were other jury answers that were not listed in the article.

Mary @ September 21, 2011 at [12:45 pm](#)

Claire: Would you please clarify the fraud the jury found ESD committed and the deed in which ESD was grossly negligent?

Lawyer @ September 21, 2011 at [1:31 pm](#)

God bless the reporter, but she is clearly not a lawyer and did not fully report the verdict. And the 40% was only for one portion of the charge. AFTER APPORTIONMENT, and before the punitive damages phase, ESD owes \$8.1M.

FYI, I don't have a dog in this fight.

Observer @ September 21, 2011 at [1:39 pm](#)

Does anyone one know where will ESD get the money?

Parent433 @ September 21, 2011 at [1:39 pm](#)

The punitives will eclipse this number.....only way to get their attention. Swann out now. Reconstitute the board. AG will do it otherwise.

interested observer @ September 21, 2011 at [1:49 pm](#)

Grossly negligent, but not negligent for preventing the assault of Jane Doe, not negligent for causing the assault of Jane Doe, not negligent for failing to monitor Campbell, and not negligent for failing to oversee the safety of students? Then, negligent of what? What duty other than these did the school violate? Fraud? What facts show fraud? I can't see this case holding up on appeal at all. It doesn't make sense. Wrong Decision. Damages way too high.

wow @ September 21, 2011 at [1:50 pm](#)

of course in the appeal, it could go more in favor of the plaintiffs.

question for esd people: If the appeal goes against ESD as well, will that mean that they appellate court is biased as well?

where can you find the witness list??

Mike Engleman @ September 21, 2011 at [1:53 pm](#)

On appeal, reverse and remand. Hopefully, to another court.

Avid Reader @ September 21, 2011 at [1:57 pm](#)

Got to think that this is a huge loss for ESD. They have lost the first round and in the course of the trial did not make themselves look good. Now they will more than likely appeal and continue to drag themselves through another public relations nightmare.

Mothe of Alum @ September 21, 2011 at [1:58 pm](#)

There has been talk, since the very beginning, of this lawsuit, that the Doe family was just in it for the money...or "Benjamins" as Mr. Royce West was so clever to say. Although I don't know the family well, I'm quite certain that they were always aware that there was a strong possibility of a long appeals process in the event of a "win". I really can't imagine that the primary motivation was ever financial given the time-line of litigation and then never-ending delays and appeals.

Don't just get mad, get even. And that is what the Doe family and their legal team have accomplished. They were able to expose the flaws and hypocrisies at

ESD by merely asking the right questions and watching the defense stumble and lie their way to an embarrassing defeat.

If I were Mr. or Mrs. Doe, I would shush my critics by personally accepting just the amount of money that was spent educating Jane at ESD. The remainder I'd donate to a charity focused on sexual abuse.

Lawyer @ September 21, 2011 at [2:09 pm](#)

I bet it holds, at least partially, on appeal. The side that loses at trial always crows about how great the appeal will go. I've done it. But you don't often get an entire verdict flipped.

Based on my observation, this was not a result caused by a biased judge (and that's different than an opinion that all of her rulings were correct — no judge gets every ruling 100% correct). And I find the bias claim amusing . . . ESD clearly brought in one of its lawyers in an attempt to get the judge to act in a biased way in their favor. Otherwise, why would they hire Royce West for this case?

ESD had at least one important witness that did not do well. That, as much as anything made this verdict inevitable.

When the full verdict is released, I think the numbers and the findings will make more sense. Again, I am not involved in this case, but I watched it. The result was predictable if you were in Court. I can only assume many of the posts on here describing this as an unfounded verdict, or a biased verdict, or a verdict that is definitely going to get flipped on appeal are from non-lawyers or people who did not attend the trial or people who are really really really trying to convince themselves that something (ESD) they care about deeply (nothing wrong with that) remains intact and unscathed.

Finally, it was clear that the judge kept out evidence and testimony both sides wanted to get in. That's how trials go every time.

In the courtroom today @ September 21, 2011 at [2:10 pm](#)

I was in the courtroom today when the jury charge was read. Someone was passing around a copy to people but I didn't get one. It was pretty thick, definitely more than just a couple of pages so I'm sure there is plenty more to it than the things Claire has mentioned thus far.

Ellen @ September 21, 2011 at [2:16 pm](#)

Hear, hear, Mother of Alum!

A Rival School parent @ September 21, 2011 at [2:16 pm](#)

No one is a winner here and it looks like several people received the black eyes they deserved. The Doe parents looked asleep at the wheel, however the ESD administration looked out of touch, completely lacking in sympathy and morally bankrupt in a lot of their testimony. The ESD community I know is made of MOSTLY very good people and very good kids. They have fared the worst unfairly thru this spectacle. Hopefully new leadership can be brought in to bring ESD closer to SM, Hockaday and GH and I wish all my friends there much needed healing

Here is how it should, and hopefully will be settled:

1. ESD should make a great deal of noise about appealing, not fair, etc.
2. They or someone on their behalf should/will quietly approach the Does with a fair settlement out of the eye of the press. They should then seal the settlement and never go through this public spectacle again.
3. Fr. Swann should be given some type emeritus position and a leader that can lead ESD forward should be brought in to clear out the rest of the mess at the top and to provide clear direction for the school. Also, the board needs turnover and to become stronger.
4. The Does need to address significant family problems and issues and hopefully heal from this episode. It sounds like Jane is doing well; hopefully she can continue to heal
5. Some of the commenter's on both sides need to get a real life. It seems Jane (The VICTIM) and the ESD community (The other victim) were made the targets of a great deal of misplaced hatred and scorn
5. We, as voyeurs in a very sad and tragic event, should go on with our lives and get back to being productive instead of watching this car wreck.

Rational @ September 21, 2011 at [2:18 pm](#)

Great job. Claire! Your "clarification" dramatically changes the nature of the verdict that made no sense as originally reported.

07DAD @ September 21, 2011 at [2:38 pm](#)

Can someone refresh our memories? What was the evidence that Campbell did not understand that there were limitations on personal interactions with student?

I seem to recall that there was some evidence that Campbell personally took efforts to conceal the sexual relationship with JDII and that he warned her against letting it be discovered.

I know that many poster believe that the evidence establishes that Campbell was a predator. If that is the evidence then it isn't that Campbell did not understand that there were limitations, he just didn't obey the limitations.

Seems to me that a COA is going to have a hard time finding any evidence that Campbell didn't understand that there were limitations and that this lack of understanding that ESD was obligated to provide was what caused him to enter into the sexual relationship with JDII.

Casper @ September 21, 2011 at [2:46 pm](#)

I feel sure that on dec. 1, 2009; ESD and the Does believed that they had made an agreement that was best for everyone involved, including Nathan Campbell—shut up and make it go away. The deal failed to take into consideration three things: 1) an entire community would ignore the sudden disappearance of its most high profile faculty member, who vanished without a Phone (land or cell) or an email and without explanation, 2) that at least six people would keep their mouths shut, one of whom was a 17-year-old girl, and 3) that two felonies had been committed. This is hubris, thinking you know better than human nature. Is this fraud? I don't know. However, it would be much easier to swallow the story about plucking JDII from a whirlpool if the words “haunting the halls with her sad story,” “24 hrs.,” “expelled,” and “there is no door number three” had not been used. What is it when you threaten to expel a student (a victim of a front on your watch, no less) whom you don't really mean to expel? I don't think you can claim honor bright.

SPORT @ September 21, 2011 at [2:55 pm](#)

Lawyer nailed it about hiring Royce West. It made me think some of the jury was black, for ESD to hire him, evidently the judge was also. Stu, the main issue was the school kicking the girl out. That's what pissed everyone off, and why the parents sued, and won.

CuriousReader @ September 21, 2011 at [3:24 pm](#)

@ In the courtroom today:

I believe the document you are talking about that was being handed out in the courtroom today was a copy of the jury charge which contained the specific questions for the jury to answer. From what I could see, it appeared to be the document that the judge was reading from. I saw people filling in the answers and numbers as the judge was reading them.

CosmoMartini @ September 21, 2011 at [3:48 pm](#)

I feel compelled to say this. As parents, The Does were completely asleep at the wheel. I am horrified at how clueless they were of their daughters activities. 10,000 texts? 6,000 phone calls? Over such an extended period? They will have to live with their failure to oversee their daughter forever. None of that — not one iota of that—excuses Campell, Swann, Burrow et al for their own moral and ethical failings. All are 100% responsible for failing this child. The Does failure doesn't “offset” ESDs or Campbells. It isn't a zero sum game. I completely agree with the verdict. But not the damages. But alas, that's the only currency that ESD has to offer. The parents may get some chump change, the daughter will get the rest. She is the victim-of them all. But oh yes—the parents' chump change at the end of the day will never compensate for their loss of credibility, self respect, and ultimately their daughter too will hold them accountable for how they forsake their duty to protect her from herself an others.

No winners here. Anywhere.

Mary Smith should testify @ September 21, 2011 at [4:12 pm](#)

@Casper—to add to your point it was not just ONE 17 year old that had to stay quiet.

Jack Bauer @ September 21, 2011 at [4:38 pm](#)

@Cosmo

Agreed, except for one point: The winner here is Claire!!

Whatever PHP is paying her, it isn't enough!

CuriousReader @ September 21, 2011 at [4:57 pm](#)

@ Cosmo – I feel compelled to say this in reply:

Passing judgment regarding the parents' failure to miss the sexual abuse seems ridiculous at this point. Especially in light of all of the testimony in this case. It may make you feel better, but look out for that karma...

I guess you missed all those years of lawsuits against the Catholic church. Blaming the parents and victims didn't bode well there either.

curious2 @ September 21, 2011 at [5:26 pm](#)

in response to Casper's comments regarding people keeping their mouth shut, not much was said in the trial about Campbell's wife who continues to work at the school. Did she keep quiet or did she add the firestorm after her husband was found out?

CosmoMartini @ September 21, 2011 at [5:38 pm](#)

@curious reader. You can disagree. Doesn't stress me out. The catholic church works (Ed) in secrecy so hiding abuse from parents was part and parcel to the whole contributing environment. The does presumably has access to the phone records (assuming they paid dozenth phone) and yes — you check and verify that teenagers actually are where they say. This can be done by parents. So yeah ... I judge them. Your mileage may vary. I just refuse to allow their failings to diminish ESDs , Campbell 's, etc. But I have never — not once, not ever—blamed the victim in this. Your reading something into my comment that was not there. All my comments have always supported the victim. Always.

Please get your facts straight @ September 21, 2011 at [5:38 pm](#)

@curious2: Not much was said because Mrs. Campbell had nothing to do with the firestorm. Ask anyone who was there. She left the school and the Dallas area in the spring of 2010 after her divorce was finalized.

Mary @ September 21, 2011 at [10:55 pm](#)

The culture at ESD is responsible for this ruling. They were too arrogant and bowed to Swann's celebrity. Guess what? He is like the catholic church hierarchy that worked to cover up any evidence that might show the sexual acts and lack of empathy from the church. Swann acted as if he couldn't be touched because of the collar he wore—we are as sick as our secrets, Father Swann.

Plaintiffs in ESD Case Allege Witness Tampering, Perjury | Preston Hollow People @ November 3, 2011 at [5:08 pm](#)

[...] As you may recall, a jury awarded the Doe family \$9.2 million in September when it found ESD liable for gross negligence and fraud. [...]
