

# Trial's Over, But Issues Remain

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Community Contributors

Now that one of this city's most-respected and elite learning institutions has been found "grossly negligent" and handed a \$9.2 million judgment for shortcomings in its response after a teacher had sex with a student, the sordid details and raging emotions spilling out of the courtroom and the verdict's false finality leave us with an unsettled "now what?" feeling.

What's frustrating is that the verdict doesn't move either side in the direction of finality or closure. As recently as last week, Episcopal School of Dallas leadership remained defiant, continuing to partially blame the victim and her family, calling the verdict "wrong" and claiming they didn't get their day in court. Of course an appeal is already in the works.

Now in college and trying to move on with her life, the young woman may well be gratified that a jury agreed that she was treated poorly in what was a horrific situation for any family to endure. Will such a monetary award ease the pain for how she was treated? Or will the end of the trial be an anticlimactic result that fails to provide a real anodyne? Will ESD take real and substantial measures to better respond if such a



ESD students hang signs of support on their campus.

crisis occurs again? Or will the unique circumstances of this case be used to avoid accountability and change? Regardless of the answers to those questions, the divisive impact and polarizing reactions of this verdict cry out for something more, something no jury trial is equipped to provide.

We're reminded of Dallas lawyer and Yale divinity scholar Lee Taft's influential work examining the restorative power of the true apology. Taft, a former personal injury lawyer, describes the law as "a blunt instrument, a tool better suited for telling people what to do and how to behave than how to care for each other."

A jury trial can compensate a wronged party, no doubt, but that invariably means putting a price tag on pain and suffering. What the justice system needs in many cases and certainly in cases like the ESD matter is quite a bit more than that, what Taft calls "the restorative power" of an apology. We can't fault the jury system for failing to provide this — it is not set up to do so. But the parties in such disputes need to understand this and realize that, for a true restoration of the moral balance between them, something other than a jury verdict is necessary.

What's needed is an apology, and not one of

those wishy-washy "I'm sorry that what I did caused you pain" kind of statements that are all too common in conflict resolution. Instead, what's needed is an apology that admits fault in a direct and specific way, and acknowledges the profound injury to the victim. This is easy to say, much harder to do and may need the assistance of a facilitator to make sure that the speaker of the apology and the receiver of it are moving forward together in a process of restoration.

The ESD case is hardly the first of its kind nor will it be the last. Some will use this verdict to criticize the system and point to a runaway jury swayed by emotion and retribution. We hope that is not the takeaway from this trial. ESD reportedly made a substantial settlement offer before trial that was rejected by the student and her family. Although the settlement offer may have had a substantial number of zeros, perhaps what was left out was something that you can't put a price on — real contrition and an honest pledge to do better.

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