

Child Injury Laws *Blog*

Negligent Hiring Alleged In Lawsuit Against Social Outreach Program Where Counselor Sexually Assaults Child

By [Jonathan Rosenfeld](#) on July 05, 2011

[Daniel L. Price](#), a Virginia psychologist who ran the Empowering Families Program for 17 years, was sued for knowingly hiring an employee, James W. Davis, with disreputable professional credentials, who was later accused of sexual assault. (See “[Despite the Recent Publicity, Children Continue To Remain Susceptible To Abuse From Clergy](#)”)

The male victim (identified as B.E.L.), who is now 18, was 13-14 when the alleged abuse occurred in 2005-2006. He reported at least two occasions where Mr. Davis touched the teen in a sexual manner.

A relative filed the civil suit on behalf of the victim in March 2009, claiming fraud, negligent hiring practices, indecent liberties with a minor, sexual assault, respondeat superior claims, violation of consumer protection act, and \$570,000 in punitive damages for sexual abuse. See “[Regulations Governing the Practice of Psychology – Virginia Board of Psychology](#)”)

The presiding judge, Judge John G. Berry of Culpeper County Circuit Court, dismissed the fraud, respondeat superior, and indecent liberties claims, leaving only the sexual assault, consumer protection, and negligent hiring claims.

Jonathan Rosenfeld offers legal services relating to: birth injuries, medical malpractice, day care abuse, foster care abuse, swimming pool injuries, automobile accidents, school bus accidents, dog bites, food poisoning, product liability, amusement park accidents and clergy abuse. For more information please visit Child Injury Laws Blog (<http://www.childinjurylaws.com/>) or call Jonathan directly at (888) 424-5757. (www.rosenfeldinjurylawyers.com).

The victim's attorney, Mike Sharman, reported that Mr. Davis is no longer a party to the lawsuit and was never arrested for the sexual assault, nor does he face criminal charges. (See "[Child Abuse: Virginia Statutes and Case Law](#)")

Judge Berry asserted that Dr. Price should have been put on notice that his employee, Mr. Davis, could cause injury to children and vulnerable persons based on his "bizarre and outrageous" statements regarding his background.

When Mr. Davis applied for a job in 2005, he submitted a cover letter and resume riddled with errors, claiming to possess a bachelor's, master's, and doctorate degree as well as 10 years experience. Mr. Davis also submitted transcripts from Suffield University, which is an unaccredited, online organization that offers a doctorate degree in one week for a \$550 package deal.

A duty to protect the innocent

Particularly in fields where employees will come into contact with vulnerable people, employers have a duty to ensure that the people they hire are morally fit for the particular endeavor.

While it may be unreasonable that all employers can ensure the safety of all employees, it can-- and should be assumed that a basic pre-employment screening was conducted and a similar check of references was done as well. In an age of computer tracking databases, I simply feel that there is no excuse in failing to conduct such screenings from both a legal and moral perspective.

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