

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Jane Doe v. Lewis Roca Rothgerber Christie LLP, and Does 1–60

No. 1:20-cv-01365-SMD-LF (D.N.M. 2026) · No. 1:20-cv-01365-SMD-LF · Decided March 31, 2026

SUMMARY

The United States District Court for the District of New Mexico denied Lewis Roca Rothgerber Christie LLP’s Daubert motions to exclude the testimony of experts Charol Shakeshaft and Laurie Fortin. The court held that Shakeshaft was qualified to testify about school policies, training, and responses to sexual-abuse reports, and that Fortin was qualified to testify about environmental and cultural factors facilitating grooming. The court concluded that the defendants’ challenges principally concerned the weight and credibility of the testimony rather than its admissibility.

CASE DETAILS

COURT	United States District Court for the District of New Mexico
WRITING FOR THE COURT	Sarah M. Davenport
JURISDICTION	United States District Court for the District of New Mexico
DECIDED	March 31, 2026
DOCKET	1:20-cv-01365-SMD-LF
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Evidence 702 and Daubert to exclude the proposed expert testimony of Charol Shakeshaft and Laurie Fortin. The district court denied both motions.
STANDARD OF REVIEW	Under Federal Rule of Evidence 702, the court acts as a gatekeeper to determine whether expert testimony is relevant, reliable, and offered by a qualified expert. Challenges directed primarily to the weight or credibility of otherwise admissible testimony are generally matters for cross-examination rather than exclusion.
PRECEDENTIAL VALUE	Unknown

TOPICS

- expert testimony
- daubert standard
- evidence
- professional negligence
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Charol Shakeshaft was qualified under Federal Rule of Evidence 702 to testify about Portsmouth Abbey's policies, training, and response to reports of educator sexual misconduct.
2. Whether Shakeshaft's opinions were sufficiently reliable and relevant despite challenges concerning methodology, factual support, legal standards, and alleged speculation.
3. Whether Laurie Fortin was qualified under Rule 702 to testify about grooming and environmental or cultural factors that facilitate grooming.
4. Whether Fortin's opinions were sufficiently supported and relevant, including whether testimony concerning Smith's conduct was irrelevant because Smith was not a party.

HOLDINGS

1. Shakeshaft was qualified under Rule 702 to testify regarding Portsmouth Abbey's policies, training, and response to reports of sexual abuse within the scope disclosed in her report. Her academic credentials and extensive research experience were sufficient even though she lacked the particular practical experience and recent on-the-ground boarding-school experience asserted by the defendant.
2. The court declined to exclude Shakeshaft's opinions on reliability or relevance grounds because the defendant's objections primarily challenged the weight, credibility, or factual bases of the testimony. Shakeshaft could not testify as an expert on legal conflicts of interest or the standard of care applicable to Lewis Roca attorneys, but the record did not show that she would offer such testimony.
3. Fortin was qualified to testify regarding grooming and environmental or cultural factors that facilitate grooming, within the scope disclosed in her report. She was not qualified or offered to testify about the adequacy of school policies or the standard of care applicable to Portsmouth Abbey.
4. Fortin's testimony was not excludable as speculative or irrelevant. Her understanding of Smith's violations of Portsmouth Abbey rules was based on deposition testimony from school personnel, and testimony about grooming and its effects could assist the jury in understanding the relationship between Doe and Smith even though Smith was not a party.

KEY QUOTATIONS

"When ruling on motions to exclude or otherwise limit expert testimony, the Court is mindful that its role as gatekeeper is not intended to serve as a replacement for the adversary system." (at 1090)

"For the foregoing reasons, Defendant's Daubert Motion and Memorandum to Exclude Testimony of Charol Shakeshaft (Doc. 147) is denied; and Defendant's Daubert Motion and Memorandum to Exclude Testimony of Laurie Fortin (Doc. 148) is denied." (Conclusion)

FACTUAL BACKGROUND

The underlying action concerns alleged child sexual abuse of Jane Doe by Michael Bowen Smith while Doe attended Portsmouth Abbey School from September 2010 to May 2014. Doe alleges that the school failed to

report or prevent the abuse and that Lewis Roca failed to advise her about potential claims against the school and applicable limitations periods while providing legal services related to an order-of-protection petition. Shakeshaft proposed opinions concerning school policies, training, and responses to reports of sexual abuse; Fortin proposed opinions concerning grooming behaviors, their effects on minor victims, and environmental factors that facilitated grooming.

PROCEDURAL HISTORY

Jane Doe filed this federal action against Lewis Roca asserting professional negligence, breach of contract, and breach of fiduciary duty arising from legal services concerning a petition for an order of protection. During the litigation, Lewis Roca filed separate motions to exclude the testimony of Shakeshaft and Fortin. The court considered the parties' submissions, the record, and the applicable law and denied both motions.

DISPOSITION

other

CASES CITED

- Doe v. Order of St. Benedict in Portsmouth, Rhode Island, 717 F. Supp. 3d 220, 224 (D.R.I. 2024)
- Robinson v. Mo. Pac. R.R. Co., 16 F.3d 1083, 1090 (10th Cir. 1994)
- R.P. v. Santa Fe Pub. Schs., No. 1:18-cv-01051-KWR-KK, 2021 WL 1200599 (D.N.M. Mar. 30, 2021)
- Doe YZ v. Shattuck-St. Mary's Sch., 214 F. Supp. 3d 763, 781 (D. Minn. 2016)