

JUDGE DIANNA GOULD-SALTMAN

Dianna J. Gould-Saltman

I. HOW OFTEN AND IN WHAT CONTEXT DO YOU USE SOCIAL SCIENCE EVIDENCE?

I use social science evidence only when offered through a competent mental health professional. Both attorneys and self-represented parties attempt to bring in social science evidence they have acquired through books or articles they have read or a website they have found on the internet. It is rare that anyone attempts to bring in this information in a competent, admissible way. On the other hand, realistically, I probably use what I know about social science and children every day.

II. HOW CAN MENTAL HEALTH PROFESSIONALS PRESENT INFORMATION ABOUT THE METHODOLOGY OR RELIABILITY OF INFORMATION SO THAT IT WILL BE MOST USEFUL TO YOU?

It depends on the role of that mental health professional. If it is being presented by an evaluator, they can present it by tying together the facts of the case with the relevant social science in the analysis portion of the evaluation report. If the professional is being presented as a didactic witness, they can present information by explaining social science which is both relevant to the allegations in the case and providing substantive detail, more than basic information which does not require an expert. A treating therapist can present information by explaining the social science basis for the protocol being used in treatment.

III. WHAT DO YOU THINK IS THE MOST EFFECTIVE WAY FOR JUDGES TO RECEIVE SOCIAL SCIENCE INFORMATION, EITHER IN THE COURT PROCESS OR IN TRAINING OR OTHER RESOURCES? DO YOU HAVE PREFERENCES AS TO FORMAT (E.G. ORAL, WRITTEN, EXECUTIVE SUMMARY, BULLET POINTS, ETC.)? IS THIS ALSO DEPENDENT ON CONTEXT?

Ninety-nine percent of what judges need to know about social science will never be presented in a courtroom. Most people do not have the means to put on that kind of evidence correctly. The best way for judges to acquire such information is to provide training with concrete examples of fact patterns and possible ways judges could use the information. The only time it is really necessary or even useful in a court proceeding is when the judge is extremely new to the assignment without ever having practiced family law or when the presenting issue is so unusual that it is not something very often seen at all.

IV. WHAT CONCERNS DO YOU HAVE ABOUT THE RELEVANCE OF SOCIAL SCIENCE EVIDENCE IN THE CASES YOU HEAR?

It's concerning to see people spend money to have an expert provide information that is so basic there is no need for an expert to be there. Some experts assert that something is a "settled issue" in the social science community when that is not the case.

V. WHAT DO YOU WISH SOCIAL SCIENTISTS KNEW ABOUT JUDGING PARENTING CASES THAT MIGHT INFLUENCE THE CONTENT AND/OR PRESENTATION OF THEIR EVIDENCE?

Very few decisions will ever be made on nuance. Most are based on very practical realities: who lives where, what is everyone's work schedule, when do the children need to get to and from school, what is everyone's mode of transportation, etc.

VI. HOW, IF AT ALL, HAVE YOU USED SOCIAL SCIENCE EVIDENCE WHEN THERE HAS BEEN NO FORMAL PRESENTATION OF SOCIAL SCIENCE EVIDENCE IN A CASE? DOES THIS RAISE ADDITIONAL ISSUES? WHAT TYPES OF RESOURCES ARE USEFUL TO YOU IN THOSE SITUATIONS?

Judges cannot use "evidence" that is not presented by the parties in a case. While I might use my general knowledge of social science, I cannot use it as "evidence."

VII. IN CASES WHERE THE SOCIAL SCIENCE EVIDENCE CONFLICTS, WHAT ARE THE MOST IMPORTANT FACTORS YOU CONSIDER?

1. Whether the social science evidence has been peer reviewed and by whom;
2. The source of the information and whether it's based on controlled studies, qualitative analysis or some other methodology; and,
3. The relevance and applicability of social science to the facts before me.

VIII. WHAT SORTS OF TOOLS OR RESOURCES WOULD BE MOST HELPFUL TO YOU IN THIS AREA?

Judicial training on core concepts of child development and the impact of separating families on child development. Where there are additional issues, specific training on how to address those issues would be very helpful (e.g. substance abuse, DV, psychiatric issues in the parent or the child, disability of a parent or child).

IX. WHAT OTHER COMMENTS DO YOU HAVE?

The simpler, the better. The shorter, the better. The least use of professional jargon, the better. Checklists are attractive because they allow fuzzy issues to be quantified. If a concept is complex and should not be reduced to a checklist, the reason for that should be explained.

Judge Dianna Gould-Saltman sits in a direct trial family law court in the Los Angeles Superior Court. Prior to her 2010 appointment she practiced family law for 25 years, 16 of which included the representation of children in family court proceedings. She is a Judicial Fellow of the American Academy of Matrimonial Law, the International Academy of Family Law and served as 2018–2019 President of the Association of Family and Conciliation Courts. She received the Pasadena Bar Association Family Law Section 2013 Family Law Judge of the Year award, the AAML, Southern California Chapter 2014 Don Mike Anthony Award as Los Angeles County Family Law Judge of the Year, the Levitt and Quinn Family Law Center 2015 Outstanding Community Service Award and the 2015 Association of Certified Family Law Specialists Hall of Fame Award.