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The Sociologist as Expert Witness

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ABSTRACT

The role of the expert witness in court proceedings is an important part of the American judicial system. Sociologists can make substantial contributions to the way in which the law as an institution evolves if they increase their availability and participation in legal proceedings. One way to do this is as an expert witness. In court, expert witnesses can do what no other witnesses can do: they may offer *opinions* and *conclusions* based solely on their professional training and expertise. This provides them with a special role and opportunity to *define* areas of the law, such as what constitutes a family, what the "best interests of the child" are in a custody determination, or when incarceration in a treatment facility would be efficacious. To be effective in this role, sociologists must understand what courts look for in an expert witness, the limitations of court procedures, and the best way in which to present testimony. Additionally, sociologists can be "experts" as consultants to attorneys in the preparation of cases for trial, and as adjuncts to the judiciary in serving as clinicians or investigators for the courts. The sociological perspective has much to offer, and the application of that perspective as an expert witness is an interesting and appropriate role for the sociologist who wishes to help define reality beyond the classroom.

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Sociologists are in a particularly good position to offer their insights to the court system in the role of expert witness.[1] In many areas where the law is scrambling to keep up with the pace of social change, sociologists have special expertise. Examples of such areas are family, deviance, delinquency, and institutionalization. When courts are called on to adjudicate problems of everyday life, such as divorce, custody, or placement, a sociological perspective can offer unique insight.

A few cases involving areas of sociological concern will illustrate the kinds of issues raised in legal proceedings in which sociologists could be useful.[2] There are also requisites for filling the role of expert witness, and ways in which sociologists can prepare themselves to be useful in that role.

The expertise of the sociologist may be particularly necessary where the issues involved are ones about which the society in general has traditionally made such strong value judgments that even judges find it difficult to be factual, and therefore impartial. One such issue is sexual orientation, particularly where children are involved.

During the 1992 Presidential campaign, family values has become the inescapable campaign theme. This is not a brand new development. In 1988, Michael Dukakis was perceived as quite liberal on "family values" issues, and tried in several ways to distance himself from that categorization in order to campaign effectively. Some of the policies he had championed in Massachusetts were thought to be damaging to him nationally. His prison furlough policies, for example, came into question with regard to what became known as the Willie Horton issue. Similarly, a policy allowing gay people to serve as foster parents was dropped in Massachusetts; many believed that the change was made to avoid any identification of Dukakis as non-traditional with regard to family values and structures.

That policy had proved controversial even before the campaign. Next door, in New Hampshire, a state in which John Sununu, President Bush's former White House Chief of Staff, was then Governor, Massachusetts' acceptance of gay foster parents had produced at least a small furor. Those in charge of state policy were apparently worried at what they saw as a possible precedent for their own state. On March 3, 1987, the New Hampshire House of Representatives passed House Resolution No. 23, asking for an opinion from the New Hampshire state Supreme Court as to the constitutionality of House Bill 70, which had just been introduced. The resolution was as follows:

> Whereas, House Bill 70, an act prohibiting homosexuals from adopting, being parents, or running day care centers, has been introduced and is now pending before the house of representatives for consideration; and
>
> Whereas, certain questions have arisen concerning the constitutionality of HB 70; now, therefore, be it
>
> Resolved by the House of Representatives: That the Justices of the Supreme Court are respectfully requested to give their opinion upon the following questions of law:
>
> 1. Does HB 70 violate the equal protection clause of either the United States Constitution or the New Hampshire Constitution?
>
> 2. Does HB 70 violate the due process clause of either the United States Constitution or the New Hampshire Constitution?
>
> 3. Does HB 70 violate the rights of privacy of either the United States Constitution or the New Hampshire Constitution?
>
> 4. Does HB 70 violate the freedom of association under either the United States Constitution or the New Hampshire Constitution?
>
> 5. Does HB 70 violate any other provision of the United States Constitution or the New Hampshire Constitution?

Certainly the House of Representatives were being extraordinarily thorough in their desire to avoid violating anyone's rights. However, the New Hampshire Justices were obviously uncomfortable in the role in which they were being placed by the resolution. In fact, they responded to the House by requesting that they be

> excused from giving an opinion on the bill unless the house provide[s] us with a definition of homosexuality and a "statement of factual findings about the nexus between homosexuality as the legislature would define it and the unfitness of homosexuals as declared by the bill."[3] [*Opinion of the Justices*, 129 N.H. 290, 530 A.2d 21 (1987).]

The New Hampshire House responded by passing, on April 2, 1987, House Resolution 32, defining a homosexual as follows: "any person who performs or submits to any sexual act involving the sex organs of one person and the mouth or anus of another person of the same gender." One can imagine the atmosphere of discomfort which must have pervaded the House during the debate which led up to the choice of final language for the Resolution.

Additionally, to satisfy the Justices' request for information as to the nexus between homosexuality and unfitness to adopt children or run a day care center, the House responded as follows:

> The general court has chosen over the years to enact statutes relative to adopting children, providing foster care, and licensing day care centers in order to further the best interests of the state's children. These statutory enactments of the state do not involve intrusion into the private lives of consenting adults, but rather further the public and governmental interest in providing for the health, safety, and proper training for children who will be the subject of governmentally approved or licensed activities relating to such children. The general court finds that *as a matter of public policy* [emphasis added], the provision of a healthy environment and a role model for our children should exclude homosexuals, as defined by this act, from participating in governmentally sanctioned programs of adoption, foster care, and day care. Additionally, the general court finds that being a child in such programs is difficult enough without the added social and psychological complexities that a homosexual lifestyle could produce.

The Supreme Court of the State of New Hampshire did not much like the House of Representatives' definition of homosexuality, not because it was inaccurate (not to say bizarre), but because it did not limit the class of persons to those who performed such acts voluntarily. After having redefined homosexuals as to voluntariness, the court's majority went on to find no violation of either federal or state constitutional rights in HB 70.

The dissent was wild. It found that the state had no rational basis for excluding homosexuals as a class from adopting children, being foster parents, or running day care facilities. It began by pointing out that, ironically, homosexuality as defined by the House of Representatives was not illegal in New Hampshire, "yet heterosexual adultery is." Furthermore, in its opinion,

> the State is never more humanitarian than when it acts to protect the health of its children [and] never less humanitarian than when it denies public benefits to a group of its citizens because of ancient prejudices against that group.[4]

The dissent found that the legislature had received "no meaningful evidence" that the homosexuality of parents endangered any aspect of their children's physical or psychological health. And it cited a plethora of articles in support of the fact that "no difference in psychological and psychosexual development can be discerned between children raised by heterosexual parents and children raised by homosexual parents" (Susoeff, 1985).[5] The dissent pointed out that the state had available "reasonable alternative methods [to categorical exclusion]. . . to evaluate the qualifications of homosexuals who apply to adopt or offer foster care," and that "the presumed fact that homosexual parents are unfit is no less disprovable that the fact presumed in *Stanley*[7] that unwed parents are unfit." Thus, the dissent felt that HB 70 would be violative of due process rights, and would have struck it down on constitutional grounds.

The dissent here provides a good example of what a properly informed court could have done, while the majority represents the institutionalization of non-rational "ancient prejudices." The fact is, however, that because only the one dissenting Justice was informed, and four were not, gay people in Hew Hampshire were excluded from participating in an adoptive or foster family experience. A more sociologically sophisticated panel would probably have reached a different conclusion, and sociological expertise could have helped to shape a very different decision.

In *Parham v. J.R.* (1979),[7] the question raised as a class action was the process due to minors whose parents seek to commit them to mental institutions. One child, whose parents had divorced and whose mother had remarried, was adjudged "uncontrollable" and expelled from school. The admitting physician at the Central State Regional Hospital in Georgia "accepted the parents' representation that the boy had been extremely aggressive and diagnosed the child as having a 'hyperkinetic reaction to childhood.'" A second child had been declared neglected, and had been taken from his biological parents by the state; he had been in a series of foster homes, and was defined as "so disruptive and incorrigible that he could not conform to normal behavior patterns" in school. He was defined as borderline retarded, and as suffering from "an 'unsocialized, aggressive reaction to childhood.'" It had been recommended by the responsible social service agency that he be admitted to Central State Regional Hospital in order to "'benefit from the structured environment' of the hospital and [because he] would 'enjoy living and playing with boys of the same age.'" The fact that he could have enjoyed the company of boys his own age in any normal, non-institutionalized setting somehow apparently escaped the agency's notice.

The majority in this case decided that both children had been properly admitted to the hospital, with adequate due process. They based their reasoning on this starting point:

> Our jurisprudence historically has reflected Western civilization concepts of the family as a unit with broad parental authority over minor children. . . . Our constitutional system long ago rejected any notion that a child is "the mere creature of the State" and, on the contrary, asserted that parents generally "have the right, coupled with the high duty, to recognize and prepare [their children] for additional obligations." Pierce v. Society of Sisters, 268 U.S. 510, 535 (1924). Surely, this includes a "high duty" to recognize the symptoms of illness and to seek and follow medical advice.[8] The law's concept of a family rests on a presumption that parents possess what a child lacks in maturity, experience, and capacity for judgment required for making life's difficult decisions. More important, historically it has recognized that *natural bonds of affection* [emphasis added] lead parents to act in the best interests of their children. 1 W. Blackstone, Commentaries *447; J. Kent, Commentaries on American Law *190.[9]

The court specifically finds that "the fact that a child may balk at hospitalization . . . does not diminish the parents' authority to decide what is best for the child . . . . Neither state officials nor federal courts are equipped to review such parental decisions."

If not the courts, who? The court provides its own answer.

> Here the questions are essentially medical in character: whether the child is mentally or emotionally ill and whether he can benefit from the treatment that is provided by the state. . . . The determination of whether a person is mentally ill "turns on the *meaning* of the facts which must be interpreted by expert psychiatrists and psychologists." [*Addington v. Texas*, 441 U.S. at 429.]

Two important things are evident here: the Supreme Court is unwilling to cause parents' judgments to be second-guessed by either "state officials or federal courts," but it *is* willing to defer, and require parents to defer, to the judgments of

experts. Secondly, those "experts" are psychiatrists and psychologists, and the judgments that were made in this case provide little grounds for confidence in those judgments.

While this case ostensibly involves a determination of a status of being mentally ill, it is arguably more about authority structures in families, as the court implicitly acknowledges, and what childhood is all about, anyway. A sociologist, especially a clinical sociologist or one skilled in family therapy, could offer better insight into family processes than was demonstrated in this case. However, courts do tend to turn to psychologists and psychiatrists more frequently than they rely on sociologists. My sense is that they do this because we do not hold ourselves out as experts as frequently as we might; a fellow faculty member in my department notes that we have gotten so used to the idea of "taken-for-granted realities" that we take for granted that other intelligent people know as much about human behavior and social processes as we do, and that that assumption is not warranted.[10] Sociologists have special expertise, and therefore could easily qualify as expert witnesses in a case such as *Parham*.

Karin T. v. Michael T. (New York Family Court, 1985), while it may appear idiosyncratic enough to apply to very few actual cases, does illustrate how a sociological understanding of parenting roles could have helped the court, and also demonstrates a court's use of an out-dated, non-sociological definition of sexual or gender identity.

Karin T. was seeking an order of child support on behalf of her two children from Michael T., to whom she was married when the children were born to her by artificial insemination. She and Michael had applied for and been granted a marriage license, been married by a minister in the town of Parma, New York, and been provided with a Certificate of Marriage. At the time, no birth certificate had been required of either of them. Michael contested Karin's suit for support on the grounds that "she," Michael, was born, and is therefore still, a female, and thus not the "father" of the children. Michael was indeed born a female, Marlene T. As the court states,

> In her twenties she became increasingly unhappy with her feminine identity and attempted to change that identity and to live like a man. In pursuance thereof, she changed her name from Marlene to Michael, dressed in men's clothing and obtained employment which she regarded as "men's work."

Not only that; Michael also executed an agreement which stated in part, with regard to the two children born to Karin by artificial insemination:

> a. That such child or children so produced are his own legitimate child or children and are the heirs of his body, and
> b. That he hereby completely waives forever any right which he might have to disclaim such child or children as his own.

The court recognized the thin ice on which it found itself: "This is a case of first impression and its resolution will carry the Court through uncharted legal waters." First of all, the court evaded the issue of gender identity and transsexuality, and stated simply,

> Although some question has been raised as to whether or not by means of medical procedures the respondent has indeed become [*sic*] a transsexual, this Court would be without jurisdiction to determine that fact and for purposes of this proceeding only, finds that the respondent is indeed a female.

The court did not need to duck that issue at all. New York courts have accepted definitions of transsexuality based on identity rather than medical status, on the basis of expert witness testimony as to the nature of the condition of transsexuality. However, this court, without benefit of such expertise, found itself unable to deal adequately with the concept of transsexuality.

Additionally, this court relied to great extent on a dictionary, albeit a law dictionary, definition of "parent," which stressed that a parent is one who "procreates, begets, or brings forth offspring" (Black's Law Dictionary, 1979). The court then found that Michael's execution of the *contractual* agreement cited above was the dispositive element in his being adjudicated a "parent" for purposes of being assessed child support responsibilities. Thus the court used a "course of conduct" logic, which is really part of contract law, not domestic relations law, and ended up defining the children as "third party beneficiaries" of the non-marital contractual arrangements between Karin and Michael.

There is nothing technically wrong with the court's interpretation of contract law, but it is tortuously unnecessary to decide family matters on contractual bases.[11] A more sociologically oriented definition of Michael's position vis-à-vis Karin and the children could have been obtained by defining "parent" according to whether

or not Michael had performed the role of parent. The United States Supreme Court, in *Caban v. Mohammed*, 441 U.S. 380, 397, said that "parental rights do not spring full-blown from the biological connection between parent and child." In a subsequent case, the Supreme Court clarified the understanding it had developed over time, as shown by reference to case precedent, of the relationship of biology, behavior, and parenting:

> When an unwed father demonstrates a full commitment to the responsibilities of parenthood by "com[ing] forward to participate in the rearing of his child, Caban, 441 U.S., at 392 . . . his interest in personal contact with his child acquires substantial protection under the due process clause. . . . But the mere existence of a biological link does not merit equivalent constitutional protection. The actions of judges neither create nor sever genetic bonds. "The importance of the familial relationship, to the individuals involved and to society, stems from the emotional attachments that derive from the intimacy of daily association, and from the role it plays in 'promot[ing] a way of life' through the instruction of children as well as from the fact of blood relationship." Smith v. Organization of Foster Families for Equality and Reform, 431 U.S. 816, 844 (1977) (quoting Wisconsin v. Yoder, 406 U.S. 205, 231-233 (1972)).
>
> The significance of the biological connection is that it offers the natural father an opportunity that no other male possesses to develop a relationship with his offspring. [*Lehr v. Robertson*, 463 U.S. 248 (1983).]

The Supreme Court demonstrated here that it does understand that parenting is a matter of role behavior, not biology. In the case of Michael, the local court could easily have established his support obligation by pointing out that he had been *acting* like a father to Karin's two children. This would have allowed the court to base its decision on family rather than contractual behavior, and to use a conceptual framework related to domestic relations law rather than to contract law.

Why did the local court not do that? I suspect that one reason is that local courts do not have the sort of clerking staff that the Supreme Court does. Perhaps there was no one available to the local court with the time or the background to seek out *Lehr v. Robertson*, *Caban*, or *Yoder*. Those cases are well-known, but court dockets are crowded.

A sociologist, however, would not have to know about *Lehr v. Robertson*, *Caban*, or *Yoder* to have helped this court define Michael's role with Karin and the children. While the contractual document "waiv[ing] . . . any right . . . to disclaim the children as his own" is plain language that we all can read, and gives the court its way out of the dilemma of defining family roles and obligations, it is not a good basis on which to decide this case, which raises very central issues of who may constitute a family. Using a definition based on role behavior would have kept the decision within the realm of law where it belongs, and would have helped advance our ideas about family. A sociologist as expert consultant to the court, or as an expert witness, could easily have provided the basis on which to proceed in a more rational manner: children in a family would have been defined as children, not "third party beneficiaries."

What is necessary to be an expert witness, and how can sociologists prepare themselves for this role? First of all, expert witnesses are always qualified by the court through a procedure in which a presentation of credentials is central. Usually, the expert witness is led, by the attorney for the party for whom the expert is testifying, through a recitation of the expert's educational background and relevant experience, such as clinical work, and whatever it is, such as publications, that has resulted in that individual's being considered an expert by others in this field. Since this information is available to the opposite party before actual testimony in court, often there is a "stipulation" as to the person's status as an expert. It is therefore important to provide a full curriculum vitae so that the basis for one's expertise is easily at hand.

The expert's role in court is to provide opinions based on professional judgment. It is important that the expert demonstrate the professional basis, using accepted professional language and concepts, for opinions. It is also important, because it is effective, for the expert to be able to translate professional jargon into lay terminology, while remaining within legally relevant categories. For instance, the attorney might take the expert through a recitation of credentials and experience, at which point the court would accept the witness as an expert. The expert would then be allowed to present the basis for the opinions in the case at hand: clinical observation of a child's behavior, for example, coupled with interviews with all family members, if the issue is custody or placement.

Giving a full history of the case, describing particulars of behavior as well as inferences, explaining clearly the relevance of a particular observation, are all worthwhile. Such "homely" details provide a basis for lay (including judicial) confidence in what the expert ultimately recommends. Also, courts decide cases on

a case-by-case basis; the court does not wish to determine, nor has it the authority to determine, what custody arrangements "ought" to be generally prescribed. It needs to decide with which parent of this divorcing couple the child in *this* case is to be placed. Thus the expert wants to show careful consideration of *this* family's circumstances, as opposed to any general theory of family.

The attorney then inquires as to whether the witness, "on the basis of your professional expertise," has formed an opinion about what should happen in the case.

"Yes, I have."

"And what is that opinion?"

"I think that this child should be placed with his mother."

A credible expert witness will be one who does not "go beyond the data." A credible expert witness describes the patterns of behavior or the theoretical criteria which can form the basis of opinion, and then demonstrates how the case at hand fits with those patterns or criteria. Effective presentation is the job of the attorney as well as the expert, and a good attorney will help a sociologist learn how to present effective testimony, and will explain the parameters of courtroom proceedings so that the sociologist does not play an inappropriate role. A credible expert is complete and responsive to questions, but does not turn the court into a classroom and lecture the judge. It is also true, however, that having been effective in the classroom is often good preparation for being effective in the courtroom. After all, professors are very used to presenting ideas or facts in professional terms, and then translating into more familiar language for students who are not experts. This is very similar to the procedure that will work with a judge or jury, provided it is accompanied with sufficient respect for the equal professionalism of the judicial system.

Courts, as indicated in *Parham*, tend to defer to expert witnesses. Often, what the expert says, goes. It is important to understand that, as noted at the beginning of this article, only expert witnesses may give opinions in court. Other witnesses are restricted to what they *actually* saw, or what was told directly to them. They are neither invited nor allowed to say what they *think* happened or what they *suggest* should happen in a given case. Thus the role of the expert witness is unique and crucial.

Some experts, however, as Goerge Orwell might have said, are more equal than other experts. Presently, psychologists and psychiatrists have dominated the expert witness field, and have become known for the occasionally awkward fact that they, or the fields they represent, seem quite capable of arguing both sides of the same

case, using contradictory theories or making contradictory inferences from the data about the same case. There is some sense that the presence of "hired guns" who are available to testify to *whatever* seems to be the outcome desired by the party that has hired them has undermined the credibility of experts within these fields.

I believe that most professionals who testify as experts within these disciplines are properly credentialed, have done their homework, are credible, and deserve to have their opinions taken seriously. Nevertheless, it may be time for experts from other fields to become more active. Some people who have done a lot of testifying as expert witnesses believe that "intrapsychic" causation theories have become less credible over the past few years, and that the sociological perspective is being given increasing weight.[12] Also, there is no question that areas in which sociologists have expertise, such as family structure, have become more problematic; a simple examination of current divorce rates or varieties of families makes this obvious.

Along with testifying as expert witnesses, sociologists can take on other roles vis-à-vis the court system. Some sociologists, particularly those whose training has stopped at the master's level, and who therefore may not qualify as experts in the courtroom setting, can nevertheless have an impact by working for the judiciary as family or juvenile investigators.[13]

Within one's own local professional community, there are lawyers who do not know a lot about families from any extra-legal perspective.[14] Working with a local bar association, offering to give talks, offering to set up workshops, perhaps providing instruction for CEU credit, or being on call as a consultant to local lawyers, are all ways in which sociological expertise may be shared. There are American Bar Association publications, and state bar publications, which welcome submission from non-lawyers. Most of the articles in these publications are more popular and designed for the busy practitioner, while those in the law reviews are much more lengthy and scholarly, and demand much more legal expertise. However, there are specialized Law Reviews, on juvenile matters, for example, where the scholarship can be both legal and extra-legal, and where the sociologists' insights are welcomed. Today, family mediation is also a field experiencing tremendous growth, and sociologists may find fertile ground there as well.

Sociologists, from the beginnings of the discipline, have been activist and interventionist in their orientation, and eager to be involved in improving the society around them (Clark, 1985, citing Fritz, 1985). Because the courts provide such an active arena for the social construction of reality, they offer wonderful opportunities for sociological participation. The role of an expert witness is fascinating and central to helping the law evolve and become more sophisticated

about human behavior and social arrangements. Sociologists can have an expanded means of representing their discipline if they choose to prepare themselves to take on that role.

NOTES

1. I first became interested in this topic at a workshop on "Setting Up a Practice as an Expert Witness to the Courts" given by Stanley S. Clawar, PhD, at the American University in Washington, DC, in 1985, under the auspices of the Clinical Sociological Association (now the Sociological Practice Association). Subsequently, after obtaining my JD, I have been working on the interconnections between sociology and the law.

2. It should be noted that these cases have been selected for their sociological relevance from a standard casebook in Family Law. They therefore are examples of courts' reasoning, and are not necessarily dispositive, nor the most recent additions to case law. While effort was made to choose Supreme Court cases that have precedential value, readers should not assume that these cases represent "the law of the land." Domestic relations law is state law, and, barring definitive Supreme Court rulings, cases from within state jurisdiction will govern. For specific legal evaluation of specific situations, one must consult a good attorney.

3. All quotes in this section are from *Opinion of the Justices*, 129 N.H. 290, 530 A.2d 21 (1987), unless otherwise noted, but are not paginated, as they were taken from Areen (1988).

4. The dissent's concern here is reminiscent of the United States Supreme Court's logic in *Palmore v. Sidoti*, 466 U.S. 429 (1984), in which it said, with regard to removing a child from her mother's custody because the mother (a white woman) had married a black man, "The Constitution cannot control such prejudices [the fear was that the child would be subjected to "social stigmatization" because of living in an interracial family] but neither can it tolerate them. Private biases may be outside the reach of the law, but the law cannot, directly or indirectly, give them effect."

5. See also Golombnok, Spencer, and Rutter (1983); Green, Mandel, Hotvedt, Gray, and Smith (1986); Harris and Turner (1985); and Kleber, Howell, and Tibbits/Kleber (1985).

6. *Stanley v. Illinois*, 405 U.S. 645 (1972) established that an unmarried father must be granted due process rights before being deprived of custody of his child upon the death of its mother. There can be no *presumption* that being unmarried equals being unfit to parent. In the present case, the dissent argues, there should be no *presumption* that homosexuals are unfit to parent.

7. All quotes in this section are from *Parham v. J.R.*, 442 U.S. 584 (1979), unless otherwise noted, but are unpaginated; the source is Areen (1985).

8. Please note, in context of this statement, that the physician who admitted the first child did so essentially on the *parents'* definition of the aggressive behavior of the child.

9. Note the authorities on which the Court relies for its sense of the source of good parental decision-making re their children; both are truly "venerable" sources, from the 18th century.

10. The astute member in question is Glenn E. Nilson, PhD, a specialist in families and single fatherhood.

11. In fact, such a basis for decision-making invites trouble. There may be nothing *contractually* defective in surrogacy contracts, but as the notorious "Baby M" case illustrated, we are often

uncomfortable allowing vaild contrctual arrangements to determine the construction of families [*In re Baby M.*, 109 N.J. 396, 537 A.2d 1227 (1988)].

12. For example, Stanley S. Clawar, PhD, in the workshop on "Setting-Up a Practice as an Expert Witness to the Courts," The American University, Washington DC, under the auspices of the Clinical Sociology Association, August 25, 1985.

13. When I was in law school, a lawyer with whom I was working wanted me to do home investigations for the local courts, based on my sociological training. She knew that my evaluations would carry much more weight then those done by others with less sociological training. Part-time law school plus full-time teaching seemed like enough work at the time, so I declined, but I know of several people with MAs in sociology who have taken such positions with our local courts.

14. Again, a law school note: I was amazed, when I took courses in family law, at how little the law students understood of a sociological perspective on what a family is. I was even more amazed when I stopped to realize that few of them had ever had an introductory sociology course, much less a course in marriage and family, and that nothing in their law school coursework was going to address or make up for that deficit. Lawyers, who deal with families all the time, and advise clients as to family matters, have very little nonlegal expertise about families.

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