

Richard A. Gardner: A Judge's Opinion

On August 14, 1997, Judge Clulo read his 32-page opinion in a Michigan divorce and child custody case. In his decision, Judge Clulo comments on the interview techniques and testimony of Richard A. Gardner who testified on behalf of the mother, the defendant in this case. The following comments appear on pp. 18-21. Portions of this excerpt have been deleted either for space considerations or because the portion contained personal information related to the parties in question.

I really never heard such one-sided testimony, and that's what I thought about her [a prior expert witness] testimony, but I hadn't heard one-sided testimony until Richard Gardner [sic] showed up in this court. And here's a man with the best C.V. I have ever heard. I mean, for crying out loud, he wrote

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the book. A world renowned psychiatrist. World renowned. His reputation is legion. I've heard of Dr. Gardner for many years. I've talked to other lawyers about him and his testimony and his standing as a

forensic psychiatrist.

One of my best judge friends had Dr. Gardner in his court up in Petoskey in a sexual abuse case in the context of divorce. It's a case that ended up being on 60 Minutes.

So I had heard a lot about Dr. Gardner, and after I had heard Ms. Rivlin and drawing some tentative conclusions and concerns about her testimony, I was anxious to hear Dr. Gardner.

His testimony - and, again, there's a lot of truth in what that man said, and I wouldn't discount it for a moment. Because there are parenting deficits sitting over here in the father's seat . . .

So there's truth in the essence of what the experts both were trying to show, but let's look at Dr. Gardner.

Mr. Lee, if you want my answer to the importance of the tapes, my answer to that is, I agree 100 percent with Dr. Ambinder, that I have never seen an interviewing technique that I found so outrageous as what I saw on those tapes of bringing these children in - he was acting like a goofball, as far as I was concerned. Bringing those children in

and having them getting involved in these factual disputes, which, of course, experts have to get involved in, but bringing those children and putting them through - and then it's majority wins. . . .

That technique troubled me the first time I saw it when he played the tape here, and then when I heard the audiotape that was played rebuttal, that was outrageous again. An outrageous technique to bring that child into the middle of that nonsense and basically putting words in her mouth. There's just no question about. He didn't let it go until he got what apparently he wanted to hear out of her mouth, and you all know what I'm talking about. He was putting words in that child's mouth. It was outrageous . . .

As far as I'm concerned, if he didn't have immunity because he's a witness, Mr. Krieger ought to sue him. That too is an exaggeration. It's the same kind of exaggeration that I heard out of all these witnesses' mouths; it's that kind of knee-jerk stuff.

*State of Michigan, 42nd Judicial Circuit Court (Midland County), John Louis Kreiger, Plaintiff -vs- Karen Marilyn Kreiger, Defendant, File No. 96-005471-DM, Court's opinion before the Honorable Paul J. Clulo, Circuit Judge, Midland, Michigan, Thursday, August 14, 1997.