

Hugh McIsaac
Interviewed by
Elizabeth McBroom
at Mr. McIsaac's office
111 North Hill Street, #241
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Introduction:

MCBROOM: Today is August 9, 1990. We're in Hugh's office in the Superior Court where he is Director of Family Court Services. We've established that this is the first oral interview that you have given on your career and the history of court services. So, Hugh, would you just start by telling how you came to be a social worker?

MCISAAC: Yes, well, I graduated from Dartmouth College in English Literature and like a lot of people who graduated from college I was looking for something constructive to do. My first job was with the assistant development corporation plotting keystone pipes over the poles into Russia. Decided that wasn't what...

MCBROOM: What year?

MCISAAC: That was in 1959.

MCBROOM: '59.

MCISAAC: Then I worked for about nine months for the Los Angeles Mayor as a beat reporter on the sheriff's beat, the police beat and decided that wasn't - I think the thing that tipped that was when Errol Flynn's girlfriend, Beverly Adland, shot another boy, and I just could see the media was using this as a way to pander the period interest of the public and that it didn't seem like it was helping a lot of people. So I had an interview with somebody from the Mental Health Department and it seemed like a career that would be

much more in touch with my values with social work. I went to work for the Bureau of Public Assistance in 1960, and in 1962, I went to USC for a Master's Degree, and I graduated in 1964. Then I went back to the Bureau of Public Assistance and worked on as a training supervisor on a special demonstration project with Marlene Freedman and some others to work with low-income families in the minority communities. This was the only project that actually worked during the Watts Riots. It was one of the groups that could really operate because it was actually in the community. I left the department in '67 and went to work as director of the Family Service Association of Long Beach and worked there for four years. Then I joined the Conciliation Court in 1971. I taught at Long Beach State from 1967 to 1981 on a part-time basis and one year, full time.

MCBROOM: What were you teaching, Hugh?

MCISAAC: Introduction to Social Welfare, Human Growth and Development, Social Welfare Policy, and I designed a course for the Center for Public Policy Administration on Public Welfare Administration in 1977. I became director of the Conciliation Court in 1977. During that time, we've seen the service switch from primarily a marriage counseling service to a mediation service. It's been combined with the evaluation unit into a family court service unit.

MCBROOM: I think it would be very interesting if you'd really tell just what happened in that evolution.

MCISAAC: It started out in 1971 when many of us joined the court. The original emphasis was on conciliation, that is reconciling.

MCBROOM: There had been a name change too?

MCISAAC: Yes. At that time it became very apparent to us that while maybe thirty percent of the persons were reconciling, something important was happening with the other seventy percent. That is that divorce is not the end of the family, it's a reorganization of the family. There was a fundamental change going on in the family that nobody was really addressing. Society's first attempt to deal with social change is often to condemn it or try to change or label it. Then once those changes take place, then we try to find more constructive ways to deal with those institutional changes. Essentially what was happening was families divorce rate went from about 3.2 per thousand in population to about 6.2 per thousand in population. It is now about 5.0. About thirty eight percent of all marriages will end in dissolution or divorce. Since we had a large percentage of families that where the parents were outside of the home or one parent was outside. It's what Connie Ahrons (sp?) calls the bi-nuclear family. This is really a new family system so working with that family system it became apparent that we were doing some other things and that was helping them make decisions about how they would continue being a family following divorce.

MCBROOM: What were some of these other things you were doing?

MCISAAC: Marriage counseling. That was the primary focus of the courts. We began mediating disputes in 1973, Judge Ryburn (sp?) was on the bench and had to defer some of the hostility judging that people used in divorce as a way to stay connected to us, and we were fairly successful in working those out. It wasn't totally recognized by the program; it wasn't a legal problem, it was a psychological problem.

MCBROOM: Is this quite a lot of your practice? And maybe you'd like to explain this term "hostility junkies" for outsiders.

MCISAAC: Hostility its a term that Isa Richie(sp?) uses, and what she describes are families that are meshed in the anger of the divorce and in the angers of the normal part of it ending the relationship. What happens is the divorce becomes a way to maintain connection. That is, they're still married, but on a very primitive basis, and they're using the divorce as a way to stay in contact with each other. It's not a legal divorce. As you begin to approach a solution, they don't want a solution. It's like a living paraphrase of Dick Heart (?), "I fight therefore I am." It's okay to stay in touch and it's not very healthy, obviously, if there's a lot of cost involved in that. There may be some perverse psychological game.

We began to work with those families, and we were fairly successful. Judge Markie (Sp?) ,who came on the bench in '77, and Justice King now, then Judge King, said, "Well look, why don't we send all of these families before they go to trial?" At that time it became a major focus for the court. Just prior to that though Proposition Thirteen had hit and the service wasn't mandatory, so we had suffered a fifty-percent cut. I was one of the ones, I was the last person with seniority, so I went to teach full time that year at Cal. State Long Beach. But I really felt that this was a very important service and that what we were doing was really very critical, so we were successful. There was a assembly man lived in Long Beach, Fred Shell, who we got to sponsor some legislation and what it did was it added three dollars to the divorce filing fee at that time and it reconstituted the service. But by then we had really changed.

MCBROOM: State wide?

MCISAAC: State wide, yes. It was mandatory, it was mediation, mandatory mediation of the - then it was state wide, it was progressive, the counties couldn't elect to do that.

Then, based on the success of the program from 1977 to 1980, the state decided to - Alan Surodie (S?) was the senator who carried the legislation, and made it mandatory statewide. All of the fifty-eight counties, now, were required. California was the first state to have a mandatory mediation process.

MCBROOM: And is this something that really originated in Los Angeles County?

MCISAAC: To a large extent it did. I think there may be – I think San Francisco has - it's sort of parallel. The judges and the staff talk to each other, but it essentially began in - the Conciliation Court began in '39 in Los Angeles County. We became professionalized in 1954 with Mike Elkin (Sp?) who was the first director. That was a major watershed: it's shifting from marriage counseling to - it was always in the law. It said to reconcile or to settle differences amicably but it's as though everybody didn't hear that second part of the sentence. Settling differences amicably became one of the major tasks. We still provide marriage counseling or crisis divorce counseling for people to take a look at where they may want to be in the marriage for now. But basically, the court is a place to make decisions: it's not a place to change people. What's interesting is that the social work values really fit. It's self-determination; looking at the family as a system. It's a kind of training, working in the here now, the present. It's a very useful training. There's some aspects of the training that one has to get out of your system and that is you're not here to change people; you're here to be a consultant to this organization called the family and to help them find a solution of continuing. So, it has really been exciting. We kind of invented it, at that time when we first started. Mediation was really - the federal mediation and conciliation service had been around a long time for labor disputes so there was some theory there, but it wasn't really well developed, and we just sat down and invented our

own. Essentially we said - I saw that it was very different and that it's a decision-making process and that you have to focus on underlying issues about the position the parties bring in. One has to find some solutions. It's a problem-solving process, declaring winners and losers. One has to work for options for mutual gain. Agreements ought to be in writing so that the parties have it spelled out in a contract. A lot of that stuff was sort of laid down. W

When Erie (sp?) and Fisher published their book called *Getting to Gas*, which is really essentially a study of the Warren Christopher scandal with the Camp David Accord and the peace treaty between ??? and Israel, it was really a formulation of those principals. Not surprisingly, they're almost identical to the principals that we have developed in our own process. They are articulated into a more formal way, although ours is formal as well in terms of internal memos and writings that we had accomplished ourselves. But, there's been a whole movement. All of these developments in Eastern Europe have developed around a different way of looking at conflict, but you don't resolve conflict in wars or force of arms, but rather the dispute. The parties that are interested in the dispute sit down and look at their common needs and interests and work out a mediated settlement. Not that all disputes can be settled that way: witnessed Iraq's invasion of Kuwait. Yet, we also see within that framework, a settling process taking place. In a way, the courts also have done this with divorce, now providing a forum for families to resolve, particularly, those integrated issues; that is, the relationship issues separated from the distributive issues which are dealing with property. Integrated issues are ongoing sets of questions of processes that deal with raising kids and relationship. Those are not a question of fairness. It's a question of working out something that works

with kids. (not sure about “kids”) As opposed to dividing a business or house or something like that which is distributive, one is concerned with principals of equity and fairness.

So California was the first state, and L.A. County was probably the first service to provide some form of mediation. Thirty-two states have mediation. New Zealand has a mediation process as well as M (??) and England and Denmark this is something that is a very substantial and fundamental change in the way conflict is handled in the court system.

MCBROOM: You mentioned a point at which this service became professionalized.

Would you speak something to the process and developing staff, here? I know it’s a very respected staff.

MCISAAC: It’s interesting. At that time, and that was in 1954 – that was before my time - but there was a Justice Louie Burk (Berg? Burke?) who, at that time, was the family law judge. Usually what they did, they assigned the first youngest judge to family law, and Louie Burk, a nice Catholic judge, was given that assignment. It’s kind of interesting, because he became a marriage counselor. He took off his robe and began to interview, because he thought a lot of people could work things out and developed a contract as a lawyer would. He was also on the board of Catholic Big Brothers, and he felt that they needed to hire a professional social worker, somebody who had been trained, rather than having the volunteers that he had on staff, who were people who seemed to be nice and could interview people. At that time, Mike Elkin was hired and began to hire staff. Essentially, we have twenty-one mediators and counselors now on the staff, but at the time I joined, I think there was about fourteen staff.

MCBROOM: It's really one of the major agencies in the County in terms of professional staff, isn't it?

MCISAAC: Not in terms of number, but I think in terms of ...

MCBROOM: ...highly qualified professionals.

MCISAAC: Yes, highly qualified and good people. We tend to pay about maybe twenty percent over what most other agencies pay. But it's also a place where people enjoy working, so our turnover is very low. We only had two people since I've been here who actually left the service for other jobs. We've got some people who have retired, but we've grown a lot.

MCBROOM: This summoning that you mentioned from the divorce file is that adequate for...?

MCISAAC: Well it was raised to \$22.00 for filing and \$5.00 for the marriage license. The \$22.00 for the divorce filing is now part of the general fund. We are now mandatory under the trial court funding, so we don't have ear marked funds except for the \$5.00 for the marriage license. In 1984, it became apparent to many of us that while L.A. County and maybe San Francisco and San Diego Counties were doing a very good job of this, that the fifty-eight counties now forced to have this, some of the counties needed a lot of help running this program. So at that time, we got together some legislation, and we became rather sophisticated. Necessity was the creator of that process, and we developed a lot of contacts with members of the State, and of staff in particular. Alan Surode's (sp?) chief deputy had left and became our lobbyist with Larry Brisken. (sp?) Larry called us one day said, "Look, there's a bill here. There's a marriage license and the divorce fee copies of that are four dollars. They're now charging seven dollars for the copies of birth

certificates. The County Recorders Office would like to get those at the same rate. It's too confusing for the Courts to say, so they would be very receptive to increasing it. Do you think it's a good idea to raise things that we could put into that to benefit our services?" The thought that came to our minds, collectively, was that we need to have statewide training and statewide coordination, and we need to have a demonstration project. So I drafted the concept paper and that then became AB 2445, which set up the statewide service in the administrative office of the courts. It raises about a million dollars a year for statewide training coordination and some research.

MCBROOM: And does it also support the service?

MCISAAC: No it doesn't support the service. It's separate for the service.

MCBROOM: It's separate.

MCISSAC: It's ear marked for training, and it provides an annual, twice-a-year retreat or training. It helps participants

MCBROOM: Would you say something about how the service has developed in some of the middle-sized or smaller counties.

MCISAAC: In one of the counties the sheriff was doing the mediation. It was a small county in Northern California. But in some of the smaller counties they have been very innovative and some really kind of exciting things have happened. I remember the first conference we had the new ???, we had something like twelve or thirteen people there. The last conference we had, we had over three hundred and fifty people who had connected throughout the state. Generally, I think it's very interesting. There's a strong acceptance the process.

There are some questions being raised by some folks in terms of mediation generally. Some people feel that mediation disempowers the less advantaged person. These are certain real concerns, but I think that mediation also empowers: it's the way it takes place. A lot of this is the lack of understanding of the mediation process. It tends to take place out of sites, there's no public review, we have built into our program feedback mechanisms that allow the clients and attorneys to help us improve what we do and make us accountable. But it's a much more sophisticated way of resolving disputes than having two people coming in with two very polarized positions, certainly detrimental at least to one if not both of the parties, and then expecting some person who maybe spends half an hour to close to a couple of days.

MCBROOM: Would you say a word about how the process works out, kind of a sample case?

MCISAAC: Essentially, what happens is the families come in and talk to the attorneys first. We only see families where either it's written as a level of dispute that might go to trial, although some families use us in advance of that to help work things out. We talk to the attorneys first to find out whether they are represented by attorneys, and about thirty percent of them are. What the issues are: we find the attorneys are really helpful in that regards and are important allies in the process. So getting some sense of what the issues are, how reliably the attorneys can be in helping us resolve the dispute are very important first steps. And then we talk to the two parents together to orient them to the process, or I, - the mediator does.

MCBROOM: These families with minor children?

MCISAAC: Yes, with minor children. And then we will talk to the parties separately. If the child is involved, and about thirty to forty percent of the time the children are involved, I will ask them to draw a picture of their family and that can be very illustrative of things that are happening. I had one little boy who drew every body as stick figures. It looked like they were in prison garb. He was very aligned, as the latency age tend to see things in black and white. In this kind of conflict, they will pick somebody. In this case, he picked his dad, which is very normal he's growing up to be a boy, a male and so he picked his father and he left his mother out. I asked him about that he said, "Well she's Frankenstein," and he drew again a stick figure with a very high forehead and large eyes and a square arch. It looked like Frankenstein, and yet, here was somebody who I had experienced as very caring parent who, because of the conflict, was not allowed to participate with the life of this child. They had had a child custody evaluation. The evaluator, this is one of the earlier first families I had worked with, said, "Look, neither of the parents is competent. I think you ought to go back one more time for mediation." That's before I became involved. The judge accepted that recommendation, so I got involved. The little girl, to everybody - you could throw out all those psychiatric reports because she just captured everybody like the family observer. She drew herself first and then she drew mom and showed her identification as mom. But mom was a lot smaller than everybody else, and she was down lower on the paper, which indicated her power and balance. Then she drew dad. Dad was smiling, and she drew his new wife who had been the girlfriend a teaching assistant whom he had met prior to the ending of the marriage. And then she drew a hand across and above that hand, or those hands holding hands, she drew a heart. But then she had a special filigree around the heart, so she

captured that relationship. Then she had her brother, shark face Robbie, sibling rivalry. Then she had the two maternal grandparents who had been very active in this dispute. They were not quite holding hands, and the heart above their hand was worn by time. There was not filigree around it. She just captured this whole family relationship, mechanically. It was absolutely beautiful. It helped me understand that family and what the dynamics were. I worked with the central - there are about seven themes that we have identified. One of the major ones is the stepparent competition. The stepparent family is very cruelly conceived, and a lot of that conflict is structural; that is the expectation that you become an instant parent with children who generally don't want the divorce. The last thing they want is to have this parent now tell them that they're their parent. That's something that's a different kind of relationship. So we help that the new stepparent to understand that improved communication between mom and dad so that the stepmother was not inappropriately competing with the mother. Since then, she set up a more shared arrangement: they live close to each other, they both went to the same school, the maternal grandparents took the children back and forth to school. So we had everybody sign off on this peace treaty. If you look at the agreement they signed, there are five signatures on that agreement. Six months later, dad called me and said, "She sabotaged the agreement." I said, "Sam, why is she sabotaging the agreement?" He said, "Well, she's now moved out of the house that I selected for her with a white picket fence. I had done such a good job in selecting this house and she's moved out into her own condominium. You know, it's going to sabotage the plain." I brought them both in and what had happened is that Sam had really made the divorce as spouse, but he had not made the divorce as her parent. He really saw himself continuing in that role, and once he

was able to see that it was really quite healthy that she was now selecting and doing things on her own and finding her own career, she wasn't sabotaging. It was really important for her own development that that took place. Then things became much better and worked through that for six months. I've tracked that family, and these kids have done extremely well. They've both gone off to the University of California, Santa Barbara. The younger girl was president of her class at the high school. They are just remarkable kids.

MCBROOM: Well they grew up successfully.

MCISAAC: Yes, two parent - they were having nightmares, there was lots of conflict, and it would have been a really unfortunate situation. They spent over \$70,000 on a court trial. When we went up on the legislation, we actually brought the father along to testify for us. We had some new concept, and we had some opposition in the senate judiciary committee. The chair of that committee was opposed to it, but we didn't know that at the time and they had all kinds of ways to kill legislation. When he heard that Governor Brown might veto it, he said, "Well, I don't want Governor Brown to take the heat," so when we went up to testify before the senate judiciary committee, we went in to meet with Governor Brown's representative to explain why he was going to veto the bill. We had three or four judges, a couple directors of family court services, and we had Sam. We all talked and the judges were eloquent and family court services were eloquent, but the thing that really turned the tide was this father said - Governor Brown was not opposed to the mediation. In fact, he thought it was a very good plan. He was opposed to the way it was funded through the divorce filing fee. He thought it was aggressive and that you shouldn't - it should not tend to effect lower income people more. But we had worked in a

provision that allowed for persons to go in for ap????, that is, they're below a certain amount, they wouldn't have to pay anything, so that took care of the very poor.

But Sam said, "This is \$17.00, and I paid \$70,000." I think in comparison, that is a very small amount, and you get to see someone's objections melt away and this is very compelling testimony to the transaction cost. It cost the County of Los Angeles \$321.00 to provide this service: it cost this family \$70,000 for a truly inferior result. So, I think that father really helped us get beyond Governor Brown's potential veto.

MCBROOM: Well, he had long and careful help from you and a very good outcome.

And you could multiply that by how many families?

MCISAAC: We see about eight thousand families a year and about sixty percent of those reach agreements. About five thousand families reach agreement through mediation. We estimate it would take nine additional trial courts to handle our caseload, if they had gone to trial.

MCBROOM: So that's a tremendous county savings?

MCISAAC: Many of those would settle anyway.

MCBROOM: They would start though as contested divorces.

MCISAAC: Yes.

MCBROOM: And this suggests to me that you have learned to be or to use lobbyists to further the courts.

MCISAAC: We have had a lot of exposure and work with the state legislature.

MCBROOM: Would you talk about that? It's very interesting for me.

MCISAAC: Well it's a very interesting environment up there I think that with this kind of legislation staff are probably as important as anybody. And they have to believe in what

you're doing, and they have to understand it. The member of the state legislature primarily running for re-election, and it's not a big issue for them so you have to work with the staff of the key committees. Senator Roberts has been very helpful to us. His staff has been very helpful. Senator Surodie(sp?) is now retired from the state legislator, and he was excellent. So working with that staff, you know they get to know you they're dependent upon us for information. We can be very helpful to them. We are here for a long period of time, there's some continuity, and we've worked with them on a number of projects.

MCBROOM: You can be a lot of help to a new senator or new assembly.

MCISAAC: Yes and to the staff, primarily.

MCBROOM: Are all counties professionalized?

MCISAAC: All counties have the same requirement; that is a Master's Degree in Behavioral Science and two years post-Master's.

MCBROOM: But it doesn't specify social work?

MCISAAC: It doesn't specify. No, about sixty percent of the people who work for our service are social workers. We have some psychologists and a couple of marriage and family child counselors. But primarily...

MCBROOM: You mentioned some unlearning that social workers have to do. Could you say a little about that?

MCISAAC: Well, I think those who have been engrained in the therapeutic model where social work training is very useful, is the process. It is very helpful. Interviewing skills and theories of child development are very helpful. But some of the clinical skills are not very helpful; that is, you have to unlearn, mediators have to be neutral. They can't be

confrontive. You're not out to change people; you're out to help people make decisions. You have to be much more respectful of their right to make their own decisions. One of the things we as social workers need to know is to learn something about due process and how the court systems promote that. You have to be very respectful of a person's right to make his own decisions. You may not agree with them or think they're kind of dumb or whatever, but basically, it's their life and we are not here to tell them what to do.

MCBROOM: Seems like they should learn that in the school of social work.

MCISAAC: Hopefully, (laughter).

MCBROOM: (laughter) Would you say something about your co-working relationships with judges and attorneys of the profession.

MCISAAC: That's been very - the judges - we've have been very fortunate to have some very forward thinking creative judges, starting with Judge Markie, Judge Levine (sp?), Judge Lax (sp?). Every two years, we have a new judge, a supervising judge. That's been very helpful. We started our first family law retreat last year. Judge Montez (sp?) planned it, and I helped to implement it. We are starting our second this year.

MCBROOM: And who attends the retreat?

MCISAAC: Just the judges.

MCBROOM: The judges attend the retreat.

MCISAAC: And myself and a couple of staff people.

MCBROOM: This is a county retreat?

MCISAAC: Yes countywide. And then with the legal profession, we started some - there's a lot of community organization that goes into this. You really have to be aware of the community and how you work with organizations. We started a what we called a

divorce seminar. Actually, the first one that was held was when I was the counselor in the Torrance district. To work with the bar, we got the bar and the service, all the people that were infringing upon the lives of these families who had very rarely talked to each other to get together to plan a one day conference on divorce for the ninety percent of the people who don't use the service. Ninety percent go through without going to a contested trial. Essentially, it dealt in the morning with - and it hasn't changed much over the years - we've had twenty-five of these. We have had up to eight hundred people attend them. But essentially, it deals with the psychological divorce, the legal divorce, the social divorce.

MCBROOM: I attended one of those in Torrance.

MCISAAC: Right, right, that's right. Which one was that?

MCBROOM: Well I can't remember, exactly, but I think one of your staff was director...

MCISAAC: Dave Carroda?

MCBROOM: Yes he was the man who got the fieldwork award.

MCISAAC: Right, yes. Well David has done - he has probably done more of those but it is essentially the taking the model that we have developed to bring together the attorneys and the persons through out that particular environment, that particular region. The attorneys basically caught in the adversarial role have taken a lot of heat, and yet they do serve very important purposes. They represent the adverse interest of the parties. They get a lot out of this by doing something very constructive for the lives of others, and education is a very important way. So you have the judiciary, the legal profession, family court services, family service, the therapeutic agencies, all working together to plan this

one-day conference. The one-day conference was marvelous, and you have eight hundred people there. You have the dynamite at the end; a lot happens. But probably the more important and more significant thing is the fact that these people planned it, and so it goes beyond the life of this particular event that these people now respect and have some understanding of what the other person is about. We've broken down some of the professional interdisciplinary barriers. I think that's critical to making this thing work. People tend to not respect other professions or unwisely or without understanding, and we've seen tremendous changes as a result of this service. Working with the mediation panel, we did some training for mediation for attorneys in Long Beach. We went out and trained the attorneys in the central district, and there has just been a big change in the way conflict is resolved. It's no longer this slam-bam. You're never going to win: it's more a problem-solving process where the attorneys can be very helpful with identifying options that might benefit all.

MCBROOM: You're kind of all pulling together. As you look back on your years as director, could you tell about some obstacles that you've encountered in developing this service?

MCISAAC: Well the biggest obstacle was a fifty-percent cut back in staff. When you don't have the funds, and people tend to cut out. It was a low priority. Being a guest at a host station is fine if the host has a lot of food on the table, but when the host loses his own food, they tend to disinvite the guest, so I think that was a huge obstacle and a major one. But, paradoxically, it strengthened us because by the time Proposition Thirteen had really hit, we had our earmarked funds for our mandatory service, and we were actually

strengthened in the process. I don't of a think a lot of other obstacles other than maybe our own eagerness and need to learn things.

MCBROOM: Let's talk some about how you really developed your own type of practice to meet the clientele and help them.

MCISAAC: Right. I think that's been really important and helpful. There really haven't been a lot of obstacles because it makes so much sense. I think one obstacle though, was when the domestic violence issue came up. I hate to use labels, but I think there are some women, and it is not universal, who feel that mediation is unfair: that it disempowers women. They think that they don't have the same bargaining skills and that they're going to get taken in the mediation process. In particular, with domestic violence, that there's a lot of intimidation, a lot of things that you aren't even aware of that are going on in that process. When that criticism came up, I felt that we needed to learn something about that, and so I formed a task force for the court with all the major players in domestic violence, from all the communities, to sit down and take a look at and look at what our protocol should be. They were very helpful to us. Out of that process, our staff developed a much better understanding of domestic violence and how one uniquely needs to respond to it. That is, the parties are to be kept separate: put them in the same room, you show diplomacy. You wouldn't put the Arabs and the Israelis together, but you can still mediate, and the mediator can still balance power. In fact, in some ways, it's much more empowering than going into a courtroom and having strong people take over for the weaker person and then just leaving them after that. That's a process that is not going to teach them anything or help them learn skills. Also, one of the paradoxes is that very often the more competent parent may be the abuser. There's cascading violence: the

violence is cascaded onto mom, and mom cascades the violence onto the kids. With boys in particular, she may not be able to control them, and just to give her custody - a very simplistic notion, mom custody - may be programming these kids for a delinquent career, as father now, the disciplinary figure, has moved out of the house. Maybe, another option is that dad remains involved, but he also needs to deal with this inappropriate way of dealing with violence and learn things about that. We also then developed resources. We began to link - for the court - we defined the problem, we looked at the various ways to find a protocol, we put the resources, and then we conducted training for staff. We met over a year-and-a-half. It was extremely helpful to us it. It has become a model for other state programs. We've also set up similar task forces. Next year Senator Robertie (sp?) is going to do some legislation that will require that.

MCBROOM: This is something that looked initially like a kind of defensive stance for extreme feminists people. But you actually stood to learn something from really investigating the roots of it.

MCISAAC: Absolutely, but my experience has been when people raise issues, they are legitimate issues, and you don't get into this position of "you're right," or "you're wrong and we're right", and maybe you better look at what the underlying needs are. So we actually took the principals that we applied to the families and applied it to our own context and not get into a competitive situation where everybody loses, or one person loses and somebody else wins. I think the world has just become too small and too dangerous to avoid those kinds of needs in resolving disputes. This has really been a paradigm shift in the way disputes are resolved and that is to look at what the underlying needs and interests are and to arrive at solutions that are beneficial to everyone to the

extent that you can do that. I think Gorbachev has become a master now. I think the whole thing that has happened in Eastern Europe is a result of that insight. You really can't depend on force of arms to prosecute one's will. That is just not possible.

MCBROOM: As this whole thing has developed over the years, it sounds like it's held more of a gratification for you than the opposite; than frustration.

MCISAAC: I have had a very marvelous career and being able to do this, has been a real privilege. Every family is quite unique and different: it's a very challenging process. I still, I believe, enjoyed the mediation probably more than anything. I've had a chance to work with the New Zealand court system. They modeled their court system after much of what we do.

MCBROOM: I'd like you to tell me a little bit about your foray into other countries.

MCISAAC: Just after I became the director in 1977 or 1978, the New Zealand government sent a - the New Zealanders are really kind of interesting. They've got their antennae out, and they have a federal system, so they can do things quickly. They're a small enough country. They had a system that they weren't really very satisfied with, and so they wanted appointed a justice David Beatie (sp?) who was a Supreme Court Judge and also had been a Family Law Judge. As a head of a commission, and there were four or five people who were on that commission, spent two weeks at this court. They went to Toronto, went to England, went to various systems, and they developed a - they then took out of all of the systems what they felt would fit for New Zealand. One of those things was mediation. They trained their judges to be mediators. They had family court services staff who would be counseling coordinators and organize the private community to provide services and mediation services, long before they got into the system or official

conflict system. And they changed their system overnight: it was just incredible! Then in 1985...

MCBROOM: The small works faster?

MCISAAC: Oh it's just unbelievable

MCBROOM: Now how much smaller are they than Los Angeles County?

MCISAAC: New Zealand is a country the size of California, geographically...

MCBROOM: Geographically.

MCISAAC: ...with three and a half million people and seventy million sheep. But Auckland is roughly about a million-and-a-half, so it's quite large. There's a Peter Trapski (Trapski? (sp??)), who then became the supervising judge to implement this. He came to our court system and attended an association of family conciliation courts. He then invited me down to spend a month down there to do some training for all of the sixteen courts. I went to every court - in fact, that picture there is from the Bay of Islands. It was just a marvelous place. I spent a month to five weeks down there on a Fulbright Lectureship. He had organized it. I had nothing to do with it: he just organized it. I have maintained contact with them. They have a very active family courts association, and we get a lot of visitors from there.

Last year, there was a group called Bernardo's, which is a private charity in England. It's the largest charity in England, actually. It deals with children in institutional settings. They may have now moved into other areas. They recognize England doesn't have a family service movement. It has volunteer counselors; they don't have a lot of private counselors. They sent two people over, and they spent some time here. Then they and I spent a week in Tombridge (sp?) Wales, a week in Liverpool, and a week in

Scotland working with their staffs and setting up similar programs there that I set up in Denmark. So there's been a real interest. Canada has a complete system

MCBROOM: Well have you helped to organize this in Canada as well? Will you talk about that?

MCISAAC: Well I've worked with family mediation in Canada. Actually the Edmonson experiment was based on this court. I didn't have a lot to do with that. Mike Elkin had much more to do with that. But I worked with the family mediation court.

MCISSAACS: I think that the association of family conciliation courts has been instrumental in bringing everybody together that's an interdisciplinary group of judges.

MCBROOM: How did that get started?

MCISAAC: That got started in this court. In fact, it started down the hall in 1963. Judge Fath (sp?) said, "Look, we have to get all the courts in California that had conciliation together." He started a conference of conciliation courts, and it grew to now this over eleven hundred people who belong to it: United States, Canada, England, New Zealand, and Australia. We were getting international associations, so it's really grown. I was the president in 19 – I guess it was '87 or '88.

MCBROOM: As president, what did you do?

MCISAAC: We organized the national conference in Long Beach, and we set up the regionalization. That's the primary - setting up regionalization and regional conferences so that the program started a retreat system so that every year or every other, every two years, the executive committee and major committees would get back and think through assistance while long range planning.

MCBROOM: Now the retreat systems, are these held all over the country, regionally or..?

MCISAACS: Yes, we had six last year. The Marlos(sp?) Conference in Sonoma on peace making, using the fellow from - (?? Sounds like Dr. Salewar ?) from Breakthrough (?), talking about - it was just an incredible conference. We have a lot to learn from that area in terms of ????? negotiation, theory, and the Harvard Negotiation Project. The conferences provide a way for the discipline to begin to communicate.

MCBROMM: Could you tell a little about the Harvard Negotiation Project?

MCISAAC: Harvard Negotiation Project grew out of Camp David Accords. Roger Fisher and William Urie (sp?) essentially started that. It's now institutionalized at Harvard to study conflict and conflict resolution. They look at large multinational disputes. They have some interest in family, not a lot. But essentially, there's very little difference between a large national dispute and a family dispute. Custody disputes are essentially urban guerilla warfare: you have the same elements. So those principles apply, and it's gotten, in effect, a lot of publicity and a lot of public publishing.

Currently, I'm editor of the family conciliation courts review, which is the journal for the association. I've been that editor for five years, and now four years, co-editor. We've just recently entered into a contract with Sage to publish our journal, professionally we did it sort of desktop publishing, and we have a circulation of about twelve hundred. Sage is going to start publishing on a quarterly basis. We published it twice a year. But that journal - Mike Elkin really started it and probably published more - probably published the first article on joint custody, on mediation, on the need for change in language.

MCBROOM: And will you continue as editor? You have great back ground for that if you're an English major at Dartmouth.

MCISAAC: Full circle. I came full circle, I guess. Yes.

MCBROOM: Does it take a lot of your time or spare time?

MCISAAC: It takes a lot more time now than it had been. It is something I do after hours, and the court doesn't – it's a way we get some compensation. Not for me, but it goes to the court training fund. So whatever moneys are collected for them, go to the court training fund. We really benefit from it, because it gives you exposure to a lot of fields.

MCBROOM: You're one of the people with printers ink in your veins?

MCISAAC: Maybe. (laughter)

MCBROOM: Do you make any use of volunteers in this?

MCISAAC: We have an intern program, which is essentially a volunteer program. Volunteers, in the educational program that we put on, that's all volunteers. Nobody is compensated for that.

MCBROOM: When you organize like these Torrance?

MCISAAC: Yes, those are all volunteer.

MCBROOM: Volunteers entirely

MCISAAC: Entirely, and its very, except for our staff, which is professional staff.

MCBROOM: You have regularly interns from the schools of social work?

MCISAAC: Yes.

MCBROOM: Placed here?

MCISAAC: Yes.

MCBROOM: Would you say something about that?

MCISAAC: We have up to eleven interns here. Five of those are from schools of social work: from USC, UCLA, and we've had some from Cal. State Long Beach. It's been very helpful for us, because these people have been employed as needed and helped us expand the resources that we have available. Many of them then become permanent staff, so it gives us a chance to really take a look and develop the skills of persons who work here. It helps us maintain a very trained and competent staff. It also is very helpful to us, because it's important for any institution to maintain connections with ongoing education, both for its benefits and for the agency's benefit. It's a source of renewal that takes place in education and ongoing examination.

MCBROOM: Well do you see something two-way, like you put something into the educational process or your interns take something back?

MCISAAC: Absolutely.

MCBROOM: Can you say something about that?

MCISAAC: It's a two-way process in the sense that you're having somebody new coming into your organization who's asking questions. You know that really improves the organization. I think they take back the experience that they get here, and it's just a way of renewing the agency through education and through people who are new to the process.

MCBROOM: Do you find that the students and the interns raise questions that are important?

MCISAAC: They're very, very helpful and fresh.

MCBROOM: Can open up new views.

MCISAAC: Absolutely.

MCBROOM: Do you still do any direct work with families?

MCISAAC: Yes, not a lot, but I see about three or four families a month, maybe two, two and a half hours, maybe two or three times a month. We have had group orientation. We've used a lot more education, now. We're training people to be conflict resolvers. Education is very respectful of the individual. It's very economical, and you can get information across to a lot different people. So we train them to be dispute resolvers. We train them to be their own mediators. We give them the information about disputes and how to resolve disputes and how to process conflict and how to identify options and how to look at influent criteria for reaching decisions. If we can't do that, then backing off and inventing the best alternative to negotiating a settlement, and then coming back and comparing. So it rationalizes the process and treats it like any policy decision. You look at what the cost and the benefits are. I think that training is a very powerful way to get people to do things a little differently and come to their own conclusions.

MCBROOM: I'd like you to say just a word on what you see as the differences in the profession of social work now from when you entered the profession.

MCISAAC: That's hard for me to evaluate. I don't know, because I really don't think of - I think we've become much more clinically oriented. I'm not sure that's a good thing. It's a whole sense of social justice, and the policy issues have really not taken...

MCBROOM: You have an enormous gamut in your own personal daily work, from individual cases to training to international assignments to editing. You haven't gotten entirely away from your clinical either.

MCISAAC: Well, I think administrators who get away from clinical lose touch. There's just something about being a part of the process that helps. Also, I think agencies that have not done well are those where you get, somehow, the message, and that was one of the reasons I left the Department of Children Services. At the end of the day, the work that's being done is not important. What's really important is being an administrator or it's not the work of the agency that's important. In fact, people who stay and do the work - something is wrong with them. That's one of the problems in teaching: this heads or verges into totalitarianism. It's not what you're doing that's important, it's where you're going or who you are that's important.

MCBROOM: But here at the court, you have longevity on staff, and it is because they are adequately rewarded and recognized.

MCISAAC: Yes, but I think it's also that the administration has to value what they do, and one of the ways you demonstrate value and understand and appreciate value is that you also do it your self. It's not...

MCBROOM: It's not beneath you.

MCISAAC: That's right. It's the most important thing we do, and the most important thing we can do or the most important thing in the organization.

MCBROOM: It's the whole reason for the structure.

MCISAAC: It's the person who walks through the door. There are certain central values that you have to have and feel deeply about. And so there's a tendency for staff to serve one's self. You forget what one is basically here for, and that is to help the public and help that person who comes through that front door. They're the most important persons, not us. Many of these administrative structures become - they loose sight of that

so the staff is made to feel small, and they make the people they work with feel small.

That's a no-win situation.

MCBROOM: But your staff here has a quite a spirit and morale.

MCISAAC: They're very good people, and we have no turnover. It's minimal.

MCBROOM: Good record. Do you have any personal papers or documents that you would like to deposit in the archives? Pictures or anything?

MCISAAC: I have a lot of writing, a lot of historical stuff. Yes, sure, I think we have a lot of material. I was thinking of contacting somebody, because we've got reams of stuff that might be of some interest to have so.

MCBROOM: Maybe you could give Ruth Britton a call.

MCISAAC: OK

MCBROOM: She's really in charge of the archives.

MCISAAC: What kind of material are they interested in?

MCBROOM: Well, documents that would really be the source material for some of the history you've talked about today.

MCISAAC: Well like the concept paper for AB 2445 or the...

MCBROOM: Exactly.

MCISAAC: The Friends of the Conciliation Court. That was a really interesting process because we really cut the cord, we set up a group called Friends of the Conciliation Court to cut across a few of our concerns you know. You couldn't do it through the administrative structure, so we created our own process and brought some people from outside. We could do that. Yes, there are some interesting things in there. Fascinating things.

MCBROOM: Great! And what about a copy of your journal?

MCISAAC: Oh sure.

MCBROOM: I suppose we subscribe to that in the library, but a...

MCISAAC: I hope so.

MCBROOM: But we have to have one to put in the archives with your tape. Well,

Hugh, I want to thank you very much, and I think that first I want to ask if there's anything we should have included in here that we didn't?

MCISAAC: I can't think of anything.

MCBROOM: All right, and I want to thank you, and I want to thank you for the technology which you... (tape ends here)