

“Ship Shape and Bristol Fashion”

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Director

My father and I were never that close growing up, and I was always very solicitous for my mother, as strong as she was. I have often shared the fact that one image that has guided me as OAH developed was coming upon my mother in the wee hours of the morning, she completely unaware, before she had to appear in a justice court. In that unguarded moment, I saw something unfamiliar: apprehension, fear even, of the unknown. That, together with the image I have as a young working man trying to negotiate a pile of law books at the county law library where I was studying as a law clerk, fed two major currents at OAH: making the experience less fearful, and the law more accessible.

And now, as I come to my last day as director of the Office of Administrative Hearings, I think of my father.

Tales of My Father

My father grew up in Brooklyn, New York, the son of immigrant parents from Italy (well, my grandfather was from Sicily, and Sicilians are quite particular at making sure they are not lumped in with mere “Italians” and my grandmother was from Rome, thus, a “Romana,” and certainly that was always made completely clear, lest she be thought of as either an Italian or a Sicilian). His great love growing up was the sea, and he would look at it from the city pavement and want to be there. Many years later, he would own a sailboat and sail in Roosevelt Lake near Globe, Arizona. He would call it “sailing,” but there was little wind, and I would end up, a sullen sixteen year old, a virtual galley slave rowing us back to shore. I swore I would never go with him again when I had the choice. It was when he retired that he could at last sail in the Atlantic, the Great Lakes, and places where there was wind and sea. He had his adventures, including almost being crushed between two ships, another time having his mast snap... But he always said that just when he needed help, help would appear, wherever his foot landed on shore, he would meet new friends, and he would learn something new that would help him on his way.

At 78, my father decided to sail in a 17’ sailboat to Hawaii from San Diego. My brother, who helped him outfit it, told me that he was like a kid again, and all my father could think of was the day he would take off. My brother also told me that when the ship was launched, he never looked back, his eyes steadily seaward. As it turns out, he was lost at sea, physically, even as I am sure he found his true soul surrounded by it. As we had nothing physical to center us for his memorial, I built a model of a Roman bireme (two rows of oars), complete with the symbol of Sicily emblazoned on its sail. Taking our cues from the Egyptians (we Vanells are quite eclectic), we each placed a token of ourselves as a virtual crew and with grand ceremony let it loose in San Diego Harbor (for those concerned about the fish life and whether we were complicit with obstructing the water with debris, I assure you the boat, being made of special cardboard and glue, was completely edible and would otherwise dissolve). I remember thinking while I was making the model that I was beginning to understand my father’s admiration for ships, and especially how important design was for how it would act in the water, and whether it could carry its crew, stores and cargo safely.

Tales of OAH

When asked recently why I was retiring, without thinking, I explained that OAH is a ship on a very long journey, and there comes a time when it must take on new stores and a fresh crew, and that while it has many adventures, and I still find myself making plans for certain ports of call, it was time to come ashore.

I have continued to think about OAH as a ship in the past weeks, and now it seems it was always the most apt image. Certain legislators (although I will do an injustice by mentioning some while failing out of negligence to mention others: then Senator Brenda Burns, Senator John Kaites, and Representative Robert Burns) had a certain vision for how administrative hearings should be navigated and designed a ship according to certain specifications that would evolve into the Uniform Administrative Hearing Procedures of Title 41, Chapter 6, Article 10. Governor Fife Symington commissioned the ship by signing legislation in 1995 and appointed me as its first captain. The ship was fitted in a small office on the second floor of the Capitol Tower in the last weeks of 1995 and launched January 2, 1996.

The many adventures of the good ship OAH are chronicled in the newsletters published throughout the years, and the names of its crew still found in practice pointers and on the website as current administrative law judges or esteemed alumni. As often is true, the support staff's names are not as well known, but their imprint is as clear as are those of the judges.

OAH has come through periods of some rough seas, followed by equally taxing periods of becalmed waters, as have all agencies since 2007, and let's say there appears to be more interesting weather ahead. OAH's crew, both judges and support staff, is reduced, and some ports of call eliminated, such as hearings between homeowners and contractors that used to be the staple of the Registrar of Contractors. OAH has been on short rations, and in the absence of needed stores, perhaps resorted on occasion to piracy. But while in rough waters, OAH learned to maneuver by better adjusting its sails to manage large caseloads as crew were swept overboard, and in those becalmed winds of stagnant resources, OAH sleeked down to compensate, becoming lighter by becoming almost paperless through refined technology so it could move on minimal wind. As OAH nears its twentieth year, it has had the good fortune to have had an extensive looking over by the Auditor General's Office, which boarded her, identified some damaged areas, and suggested design changes.

Captain's Final Log

"Ship shape and Bristol fashion" is a nautical term my father used to use, and evidently, it had to do with the fact that ships at Bristol on the River Avon were often beached at high tide, and so had to be of sturdy construction and their stores secure. To those who have come to rely on the Office of Administrative Hearings, OAH continues to stand ready to serve. It is battered, but of sturdy construction. The tide may be down, but its store of commitment is secure. The crew is ready, and their eyes set to sea.

And if my dad were here to ask me how I feel as I walk out the door of the Office of Administrative Hearings for the last time, I know what I would say. And so my final log entry:

"December 31, 2014, 1550 hours

Latitude 33° 26.92638' N, Longitude 112° 5.4681' W

Calm winds and rainy weather

All sails set to best advantage

Crew variously employed

Ship shape and Bristol Fashion”