

# BARRING COMPLICATIONS



BLYTHE RIPPON



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# DEDICATION

To my wife: I'd marry you all over again, in every state where it's legal, and even the ones where it's not yet.

# – PART I –

VICTORIA





# CHAPTER ONE

“NEXT: *UNITED STATES V. SAMUELS*. I vote yea.” Chief Justice Kellen O’Neil turned to his right.

Alistair Douglas smiled slightly as he said yea. He turned to Eliot McKinzie, and Victoria Willoughby had the impression he was challenging McKinzie to vote affirmatively.

“Yea.”

Victoria concentrated on not revealing any of her inner turmoil. As every other justice of the United States Supreme Court voted yea, she set her jaw and took a slow breath. Her turn came last. As casually as she could she said yea and, affecting her best Josiah Bartlet, asked, “What’s next?” With that, all nine justices had voted unanimously to hear oral arguments in the case.

She had known this was coming, but it didn’t prepare her for the onslaught of anxiety that swept through her and took up residence in her stomach. Since the Defense of Marriage Act in 1996, Vermont’s legalization of civil unions in 2000, and San Francisco’s guerrilla marriages and Massachusetts’s legalization of gay marriage in 2004, it was inevitable that the Court would hear a case on this issue. It wasn’t a question of if, but when—and what she would be able to do about it.

The chief justice made a mark on the paper in front of him before shuffling it to the back of the stack. “Moving on. The habeas case, *Marquez v. United States*. I vote nay.”

Alistair Douglas voted yea, and as the vote continued around the conference room, Victoria knew he was looking at her. She didn’t want to meet his eyes. She knew she would find optimism there, and she didn’t share it. Frankly, she was surprised he felt any.

In a utopian world, when a Supreme Court justice voted to hear a case, it meant that he or she believed the lower court made the wrong decision, or that the case was of sufficient import to merit the highest court in the land creating a wider-reaching opinion on the matter. But this was the real world, where politics motivated even the most sacred of institutions. When Supreme Court Justices voted to hear a case, it signaled their confidence that their side would win. When all nine voted to hear a case, it could mean that the case would be easy and decided unanimously—or that it would be a knock-down, drag-out fight.

And when it came to *U.S. v. Samuels*, a case challenging the constitutionality of DOMA’s federal ban on gay marriage, Victoria had her doubts that her side would win. She was never one to shy away from a fight, but something about this contest made her feel like a puppy thrown into the ring with trained pit bulls. She would bet her house—hell, she’d bet her brother’s house, which was bigger—that three of the

Justices would never vote for marriage equality. And she couldn't see Chief Justice O'Neil or Jamison, the swing vote, taking such a risk either. So why had every single justice voted to hear the case?

She glanced around the justices' conference room, wishing that the large mahogany table, the plush cream carpet, or the painting of John Marshall, the fourth chief justice, would provide her with an answer. Alas, they remained silent, and her gaze fell on Alistair Douglas. When he winked at her, she felt an almost hysterical laugh bubble up. Leave it to Douglas to take a moment imbued with the deepest significance, a moment where all her self-doubts as a jurist and her fears as an avowed pessimist flooded over her, and try to make it light. She smiled and shook her head at him.

The vote on the habeas case came to her and she voted yea, along with the other liberals. The conservatives declined. At least with that case, it seemed clear where everyone stood.

The chief placed his pen on top of the stack of papers in front of him and removed his glasses. "Well. That concludes our first Conference of the Justices for this term. My clerks will circulate a draft of the fall docket next week. Welcome back, everyone." He grinned. "This promises to be an exciting session."

The justices stood and filed out of the conference room. One might think, given that most of them had worked together for years and had spent the summer in various corners of the world, that there would be

chitchat about who saw which monuments, or gave which speeches, or wrote which books. Instead, silence reigned. Victoria told herself their quiet was a sign of respect for the solemnity of the moment. It was a nice fantasy—certainly better than the fact that many of them didn't like each other, and the upcoming nine months of work would sometimes pit them against one another in deeply personal ways.

Certainly for her, *Samuels* would be personal.

She walked through the door to her wing of the Court, past the offices of her secretaries and clerks, and into her private chambers. After removing her suit jacket, she sat at her desk and picked up an empty binder. She had an entire staff that would fill it with briefs and related past cases. Other binders would join this one on a shelf dedicated to *Samuels*, filled with the transcripts and trial records from the district and appellate decisions.

She knew the other justices would look to her on this case; some with distaste and some with hope. It was bizarre and a little frustrating, because she had never come out to them or anyone else besides her close family. But somehow they all seemed to know.

She pushed the binder away. There would be plenty of time later to overanalyze and fret.

"Swimming," she mumbled, and grabbed her gym bag on the way out.



Two hours later, after swimming her usual thirty laps and taking a long, hot shower, Victoria pulled her car into the driveway of her brother's house in Alexandria. As she walked up the path, she could hear the halting sounds of "Row, Row, Row Your Boat" coming from the piano in the living room.

Tommy's been practicing, she thought.

She opened the front door quietly, knowing that once her nephew noticed her, his time at the piano would end. Her sister-in-law Diane, perched on the far side of the piano bench next to him, glanced up and smiled. Victoria put her finger to her lips and leaned against the doorway, content to observe.

Tommy's little fingers plodded along, and with her view of his profile she could see his brows knit in concentration. His pinky was so tiny she was surprised it had the strength to push down the keys. But he had definitely grown in her absence. The last remnants of his baby fat had disappeared, and he even looked a little skinny, with his shorts revealing lean calves and tiny ankles that swung back and forth as he finished the song. He made a flourish of lifting his hand from the keyboard and returning it to his lap.

"Mommy, I played the whole thing! I remembered it all!"

Diane wrapped her arms around him and kissed his forehead. "You sure did, little man. I'm proud of you." As he wiggled with pleasure in her arms, she added, "I think there's someone else who's proud of you."

He looked up in surprise, then turned around. Victoria's heart swelled when his face lit up, and he ran to her as fast as his five-year-old legs could carry him.

"Aunt Tori! You're back!"

She ruffled his red hair as he wrapped his arms around her waist. "I missed you, buddy."

He looked up at her. "Why'd you go away for so long?"

"Work," she said, though that wasn't entirely truthful. She squatted down to bring her eyes level with his. "When did you learn to play the piano so well?"

"That's what happens when you leave! I learn all sorts of new things." He crossed his arms and tried to pout, but his smile kept creeping through.

"Guess I'll have to go away again. Just so you can get good and smart."

"Oh." His face fell as his logic backfired on him.

"Tommy," Diane called from the piano bench, "don't try to win against your Aunt Tori. She argues for a living, you know."

He stuck his lower lip out even farther.

Victoria met his gaze steadily. "Don't do it, buddy. Don't smile. Uh oh. I see the corners of your mouth twitching. You're about to smile, aren't you? Uh huh—here it comes."

He beamed at her and they laughed together. "You're no fair," he said, hugging her again.

"Know what's no fair? How much I love you."

"That doesn't make any sense, Aunt Tori."

“Hmm, maybe not.” She kissed his cheek. “Where’s your daddy?”

“He’s outside.” Tommy crossed and uncrossed his little legs.

“Hey buddy, you gotta pee?”

“Oh yeah!” He careened off to the restroom, leaving Victoria and Diane laughing in his wake.

They hugged, and Diane said, “Welcome home, sweetie.”

“What have you been feeding him? Miracle-Gro?”

“All he eats are hot dogs these days. We’re hoping it’s a phase.” Diane closed the lid to the piano and picked up the television remote control. “How’s the book coming?”

“I got some decent research done, and wrote the first two and a half chapters. The rest will have to wait until next recess, I imagine.”

Diane flipped the channel to an old Eric Clapton concert, and the music piped through the speakers her husband had mounted throughout the house and backyard. Leading Victoria out the back door, she asked, “So will you go back to England next summer?”

“Wow, trying to get rid of me already?”

“If Tommy had his way, you’d move in. You look tired, Tori. Busy term coming up,” she said as they reached the grill.

Victoria wasn’t quite ready to launch into that discussion, so she swatted at her brother’s back instead. “Burning dinner again?”

Will looked up from the grill and grinned. "Missed you." He pulled her into a hug, then stepped back and put the tongs in her hands. "You mock my cooking, the job's all yours."

"Hmm, I think I've discovered a flaw in my plan."

Diane retreated to the house, calling out something about kabobs, and Victoria draped her arm around her brother's shoulders. They were the same height, a fact which constantly irritated Will. When he was a boy, he couldn't wait to be taller than his older sister. He vowed that as soon as he was taller, he would move all the glasses in the kitchen to the top shelf where only he could reach them. Sadly for William Willoughby, he stopped growing in high school, and Victoria loved to wear heels around him.

The siblings stood at the grill, watching the flames dance around the slats. "How did today go?" Will asked.

With her free hand, Victoria flipped a burger. "Fine."

Will nodded. "Okay. Well, if you want to talk about it, you know where to find me."

"Nothing to talk about, really."

"Please. Has a single soul in the history of the universe meant it when she said she was fine?"

"I'm sure someone has. At some point."

"Not you, and not now."

Victoria was debating how to respond when Diane emerged from the kitchen with an overloaded tray.

"Kabobs!" she announced.

Victoria took the tray in one hand and held her other over the grill to see where the fire was hottest. Once she



had assessed the situation, she carefully positioned the kabobs horizontally on the vertical slats, tweaking their placement to ensure they had equal access to the flames. When everything had been arranged to her satisfaction, she stood back to admire her handiwork.

“All set?” Will asked.

“All good.”

He snatched the tongs away, plucked up the kabobs, and dropped them in random locations around the grill. Then he looked up with wide eyes, his hand over his mouth. “Oops! Did it get all messed up? Oh no!”

Reclaiming the tongs, she snapped them in front of his face. “Looks like your nose is about to get all messed up.”

“Please, if you think that will scare him, you have no idea what it is to live with a thirteen-month-old baby,” Diane said from her deck chair.

Victoria laughed and let her brother retreat to the chair next to his wife. While she returned the kabobs to their proper places in neat little rows, she listened to them chat.

“Rebecca still sleeping?” Will asked.

“Yep. You know that means we’ll be up all night.”

“Maybe we should wake her up.”

“But she’s so cute when she sleeps,” Diane said.

“Hmm. Maybe Tommy will wake her up.”

“Sure, send our son to do our dirty work.”

Watching the progress of the grill, Victoria called over her shoulder, “Did school start up for Tommy already?”

“He’s two weeks in,” Diane said. “I think he’s got a new—” She faltered, interrupted by the voice coming from the outdoor speakers. None of them had noticed that Clapton had stopped playing.

“On tonight’s edition of *They’ve Got Issues*: It’s an open secret that Justice Victoria Willoughby is a lesbian. Tonight, Roger Rhodes from *The Atlantic* and Abigail Prince from *The Wall Street Journal* will discuss how Willoughby’s sexual orientation will impact what we all assume will be an upcoming decision from the Supreme Court on gay marriage and DOMA. Abigail, let’s start with you.”

“Look, we all know Willoughby’s gay, whether or not she’s ever said so on the record. It is unconscionable to think she wouldn’t recuse herself from the case. Clearly—”

“Now wait a minute, Abigail,” Roger cut in. “Are you saying that every female judge should recuse herself from rape cases? Every black judge should recuse himself from affirmative action cases? Every justice who has ever invested in the stock market should sit out any cases involving financial regulation? This quickly becomes a slippery slope.”

As the two journalists continued to debate her ability to objectively interpret the Constitution, Victoria abandoned her post at the grill and sank into a deck chair. The wooden slats beneath her felt solid and she squeezed the edge of the seat, grateful for something hard to grab onto. Will trotted over to the sliding glass

door and called to his son. “Hey, Tommy! Why’d you turn off the music? Will you put it back on, please?”

Victoria barely heard his reply. “Dad! I was trying to find cartoons when I heard these people talking about Aunt Tori! She’s practically on TV! That’s so cool.”

“Totally cool. Could you put the music back on now, though?”

“Do I have to?”

“Yes, buddy, you have to.”

“Fine.” After a few seconds of a commercial and the Jeopardy theme song, Tommy’s channel surfing stopped on the requested channel. Victoria exhaled heavily as “Layla” filled her ears. She watched a couple of fallen leaves flutter across the deck until the base of the grill stopped their progress.

“Tori?”

Blinking, she turned to see Diane seated next to her. She hadn’t even felt the soft touch on her hand.

Diane offered a small smile. “Listen, they don’t have anything on you. In the first place, they have no proof that you’re not straight. And more importantly, it’s ridiculous to think that you would need to recuse yourself.”

Victoria noticed that Will had taken over at the grill. She tried not to sigh. “It doesn’t matter what they know. It only matters what they *think* they know. I never wanted the spotlight. That’s one of the reasons I was drawn to the Court in the first place. The media generally leaves the justices alone—at least, once the

confirmation process is over. After that, we usually get all the space and privacy we need to focus on the law. This gay marriage case..." She trailed off.

"Well, it's only one case. You just joined the Court. This will pass, and you'll have years on the bench. Shaping the laws of the country and all that."

Victoria nodded, gazing at the smoke coming from the grill. "I didn't expect this case so soon."

"But you did expect it?" Diane asked gently.

"Of course. A blind man could see this coming."

"Maybe if his name was Tiresias. I didn't know. I really thought this process would play out in the legislatures."

Will cut in. "And at the ballot box."

"That strategy wouldn't be sustainable," Victoria said. "Eventually the country would reach a stalemate between red states and blue states, and the gays in Alabama and Mississippi would be left in the cold." She knew she was assuming her lecturer voice, but couldn't help herself. "Bodies such as the US Congress are theoretically dominated by majority opinion, which seldom goes out of its way to protect minority rights. That's the balance that the courts offer this country: sometimes the majority fails the minority, and that failure needs a remedy. The only way to settle an issue like gay marriage is for the Court to issue a broad ruling on it."

Diane was looking at her with a mixture of respect and sadness, and she found herself offering comfort as she took her sister-in-law's hand. "I'll be fine, really.

Don't worry about me. Worry about what I'll do to Jamison if he votes against gay marriage."

She glanced over at her brother, who was staring at the grill. He turned his head, his hazel eyes meeting hers, and they smiled at one another for a moment before she asked, "How are those kabobs doing?" She could tell he had forgotten they were even there.



From his booster seat at the table, Tommy put a bite of hot dog in his mouth before speaking. "We get to do 'Day-Glo.' It's by some Harry guy."

Will rolled his eyes. "It's 'Day-O,' son. And don't talk with your mouth full."

"Not Day-Glo?" Tommy sprayed a little hot dog bun as he spoke.

"Nope. Just an 'O' at the end. If you're going to dance to it at the fall show, you'd better know how to say it."

"Oh. Okay. So, we get to do 'Day-O.' And the second graders get to do 'Moves like Jagger.' I wanna move like a jagger. Or a panther. That'd be cool."

The adults laughed. "Jagger is a singer, Tommy. And you need to sit still at the dinner table."

Victoria watched him still his wiggling with effort, only to start up again a moment later.

"Ay-Tor. Ay-Tor!" Rebecca screeched. All eyes turned toward the toddler, who was now munching on Cheerios, her eyes still groggy from her nap.

Victoria had lost her heart to Rebecca upon realizing that “A-Tor” was the best she could do with the mouthful that was “Aunt Victoria.” Turning puppy-dog eyes toward her brother, she asked, “Can I hold her, please?”

“Sure, but don’t come complaining to me when she throws your food on the floor,” Will said.

Victoria settled Rebecca on her lap and kissed the top of her head, smiling into hair the same strawberry color as her own. After sampling a few Honey Nut Cheerios, she murmured, “I love you, Rebecca.”

“Wove A-Tor!” Rebecca squealed, putting her sticky hands all over her aunt’s face.

Victoria repositioned her and tried to keep eating her dinner. But Rebecca seemed to make a game out of grabbing everything her little arms could reach, including food that wasn’t hers, and eventually Victoria gave up. She wasn’t particularly hungry anyway. Her stomach felt fluttery, and she knew it had nothing to do with her appetite. She rested her cheek on Rebecca’s head and looked at her brother and sister-in-law. “That’s it. I’m staying here forever.”

“You can, you know. Standing offer. The in-law suite is yours if you want it,” Will said.

Victoria leaned back in her seat and sighed. This house in Alexandria, full of love and life, struck a stark contrast with her comfortable, yet often lonely bi-level in Donaldson Run. It was tempting. “No, I need my space. Besides, there’s no way I would subject you all

to tabloid reporters hiding in your bushes and video cameras pointed at your front door.”

“Do you really think it will be that bad? Justices usually fly below the radar, don’t they? You’re not as glamorous as Hollywood.”

Both women rolled their eyes at Will’s predictable lack of tact.

Diane turned to her husband and took his hand in hers. “You know this has teeth, Will. It’s sex and politics and gossip all rolled into one.”

Will nodded briefly, before turning mischievous eyes on his older sister. “Well, babe, if they’re going to come after you about who you might potentially sleep with, I think it’s time you actually started sleeping with someone.”

Diane hit him with her napkin as Tommy asked through a mouthful of food, “Aunt Tori, are you going to have a sleepover? Can I come?”

Three sets of eyes bored into her, two of them sparking with laughter and one genuinely curious. “No, Tommy, no sleepovers for Aunt Tori.”

All three pairs of eyes looked disappointed.

“Whatever you’ve been waiting for, Victoria, I think it’s happened. You might as well start living a little.” Diane nudged her.

Rebecca took this opportunity to knock over Victoria’s beer, and as the golden lager cascaded off the table and onto her khakis, she wondered if her young niece knew how perfect her timing was.



Four hours later Victoria leaned over in bed to put her book and glasses on the nightstand. She had wondered which would be more torturous: reading all of the speculation on whether the Court would vote to hear the gay marriage case and if Justice Willoughby would abstain from voting, or ignoring the press altogether and living in ignorance. Deciding that she could always inform herself later, but could never undo reading a particularly vicious attack on her objectivity, she had begun Doris Kearns Goodwin's *Team of Rivals* instead. Perhaps reading about the Civil War might offer some insight into a country still riven by fear of difference.

Hoping she had read enough to still her spinning mind and actually get some sleep, she pulled the chain on the light atop her nightstand. Despite the warm September air wafting through the open windows of her bedroom, she burrowed beneath her down comforter and jersey-knit sheets. Sleep proved elusive. She closed her eyes, but her mind kept racing, covering the same ground over and over about judicial recusal, gay marriage, and the media. She was struggling to redirect her thoughts to the bizarre relationship between Abraham and Mary Todd Lincoln when the shrill tones of her landline jolted her upright. She fumbled for her glasses and the lamp before grasping the phone, wary of who might be calling her at midnight.

"Yes?" she asked.



“Justice Willoughby? Damien Fitzpatrick here, from the *Star Reporter*. I have a source telling me that the Court has decided to hear oral arguments for the gay marriage case. Don’t you think it’s unethical for you to hear the arguments, considering you’re a lesbian?”

And so it begins, she thought. She knew that Fitzpatrick had no such source. None of the justices would reveal their votes from their private conference until the docket was set. The lack of conclusive information would motivate reporters from tabloids such as the *Star Reporter* to fabricate sources. What she didn’t know was how he had learned her phone number.

“Mr. Fitzpatrick, it’s midnight, and completely inappropriate for you to call me at this number. I trust you will never do so again. Good night.” She hung up without waiting for a reply. First thing in the morning, she would instruct her secretary to change the number of her landline. She thought again about giving it up entirely, but landlines were still handy in emergencies.

For now, however, she simply removed the receiver from its cradle and threw a pillow over it to muffle the beeping.

Wide awake now, but knowing she wouldn’t be able to focus on Lincoln’s appointment of his political rivals to his inner cabinet, Victoria turned on the television and settled in for a long night.



## CHAPTER TWO

THE DAY AFTER THE JUSTICES' Conference, Victoria sat at her desk in her chambers and considered the proposed fall docket. She was making edits when the door opened and Alistair Douglas stuck his head in.

"You want lunch?"

Victoria pulled her glasses off her face. "What are we having?"

"Chinese okay?"

She grinned at him and realized it was the first time she'd smiled all day. "Sure. Thanks for asking, Alistair."

He disappeared through her office door and she resumed reading the docket draft that the justices' clerks had devised last night after their bosses went home. She drew a couple of arrows, switching around the order of things. With all the hype around the marriage case, she wanted to carefully plan its position on their docket. She indicated it should be in December, before their winter recess. That would buy her some time on the front end to start greasing some wheels before they even heard arguments, and on the back end before a decision would be expected in June.

She wondered if this was the best gay marriage case to put in front of the Court. The four plaintiffs—as

per usual, a lesbian couple and a gay male couple—were legally married in Iowa. They sued the federal government under the Equal Protection Clause for its failure to fully recognize their marriage. At stake in the case was the fundamental right to marry. If the Court heard *Samuels*, they would have the opportunity to issue a sweeping decision on gay marriage, once and for all. But the lawyers representing the plaintiffs—well, Victoria couldn't believe that the gay rights organizations backing the case had allowed those subpar attorneys to argue their cause in Iowa.

She knew that it would fall to her to persuade Jamison or another of her conservative colleagues to vote in favor of marriage equality. But at forty-seven, Victoria Willoughby was the youngest of the justices, both in terms of age and seniority on the bench. She had barely had the opportunity to get to know her colleagues.

She was turning to the final page of the docket draft when Alistair returned.

Justice Alistair Douglas was the closest thing Victoria had on the Court to an actual friend. The job was so demanding and divisive that the justices rarely socialized with each other outside of work. Besides, while she respected her colleagues, Victoria wasn't quite sure that they all had personalities. Sometimes she imagined Ryan Jamison was really a robot that an ambitious science nerd had foisted on the American judicial system as some kind of twisted joke.

But Alistair was kind and charming, and Victoria surmised that in his day he had been quite a ladies'

man. He was twenty-five years older than her, but wore the years well. After Victoria had been confirmed, Alistair had taken her under his wing, welcoming her as the newest liberal member of the highest court in the country.

“So how you holding up, kiddo?” he asked, gingerly lowering himself into one of her two easy chairs. She noted that the arthritis in his hip seemed to be getting worse.

“Good. I’m good, Alistair.”

He scrutinized her appearance before nodding and letting it drop. “How was your recess? Did you cavort about listening to Justin Bieber or whatever else you young people do these days?”

She laughed at his attempt to sound stodgy. Truth be told, he was definitely the more hip of the two of them, arthritis jokes aside. “How’s the family?”

“As good as it can be when my daughter’s married to a Republican and my son still goes to Burning Man. I swear, fifteen minutes with those two effectively settles the nature versus nurture debate.”

“You sure you didn’t feed one of them paint chips?”

Alistair snorted. “Which one?”

Victoria waved her hand. “Take your pick. I could never marry someone whose political views differed so substantially from my own, and I could never spend a week picking sand out of my clothes while smelling a bunch of unwashed hippies get high.”

Alistair huffed. “Please speak more respectfully of the transformative experience that is Burning Man.” He

struggled to say it with a straight face, and before long both of them were snickering. "It must be a generational thing. I just don't think a forty-two-year-old father of three should abandon his family for ten days. Vacation time is precious, and I don't understand why he would want to spend it away from his wife. Me, I'd want to spend every day of my vacation with my wife, ten times out of ten."

In that moment, Victoria envied him his family. Granted, she had Will's family. But it wasn't the same. She didn't have a partner to vacation with. To complain about children with. To turn to when work became unbearable. It had never really bothered her before.

"Different people make different choices, I suppose," she said, trying to keep any hint of sadness out of her voice.

"Victoria." He studied her. "Why did you choose this?"

"This?"

"Being a justice. What inspired you?"

She leaned her head to the side, considering. "When I was nine, my mother and I were in New York on our first ever mother-daughter trip. We were in the hotel elevator heading up to our room when Earl Warren stepped in. He had just retired as chief justice, not that I knew that at the time. I had never seen my mother so flustered. When the elevator stopped and Warren was leaving, she said, with absolutely no grace whatsoever, 'Can I have your autograph?' She had always said autographs were weird and the people who collected

them even weirder. Well, Warren didn't have any paper, and neither did my mom, so he signed the back of his receipt for the hotel restaurant. I remember he had ordered two scotches and tipped generously. When we got up to our room, my mom gave me this speech about how he had fundamentally changed the social fabric of the country by undoing segregation. And then she said that one day there would be a woman on the court."

"Ah, the ways our parents shape us."

"Indeed."

"Was she thrilled when O'Connor joined the bench?"

"Ecstatic."

"And were you disappointed?"

"Disappointed? Why would I be?"

"I assume from your story that you had wanted to be the first."

"Not at all. Firsts are so scrutinized. They seem to be remembered only as being a first, and not for what they do. I never wanted that," Victoria said.

"Well, I don't think that applies to O'Connor. She's widely regarded as an excellent jurist, wouldn't you say? People remember her as much, or more, for her decisions on abortion and *Bush v. Gore*, than for being the first female Supreme Court justice."

"Maybe. I'm not O'Connor though."

"No, you're Willoughby. And if you also happened to be the first, hmm, cross-eyed, noseless woman on the bench, I think you would be remembered for more than that."

"Really? That's a pretty big hurdle to surmount."

“Okay, true. In that case, if you’re not the first cross-eyed, noseless woman on the bench, then you’ll be just fine.”

She smiled faintly.

“Well, Victoria.” Alistair crossed his legs, grimaced, and uncrossed them. “Please forgive my presumptuousness, but my clerk Sunmin is putting together a memo about judicial recusal. She’ll have it on your desk by tomorrow.”

“I don’t really think that’s the best use of her time.”

“I don’t suppose it would matter if I told you it was her suggestion. She and Wallace were up all night working on it. She didn’t want to step on his toes.”

“My clerk is working on projects for you now? Fantastic.”

“Actually, my dear, I think you’ll agree it’s really a project for you.”

Victoria swallowed. “Point taken. And what do you propose I do with the results from this little foray into judicial private lives past? We’re not exactly in the business of leaking memos to the press.”

“It’s just for you, Victoria. Armed with facts and precedent, you’ll know how to respond if you find yourself cornered by some over-ambitious cub reporter.”

“You mean, besides ‘piss off’?”

“That language is hardly becoming for a beautiful young woman like you.”

“Overdue for your ophthalmologist appointment again, Alistair?”



“Never. She’s this young Japanese beauty who always gives me a cookie. My appointments with her are more regular than ...well, you don’t need to know about that.”

Victoria rolled her eyes. “Thanks for sparing me your toilet humor.”

“Victoria, I’m serious about this. There is absolutely no basis for these calls that you recuse yourself, apart from stirring up media controversy. I want you to read this memo, decide on two or three talking points, and be done with it. I assume you’ll want to hear the case in December. Ease the swing vote toward gay marriage gradually, before we hit him with oral arguments. You need to focus on how you want to author our decision for *Samuels* so that it contains the appropriate historical weight and is also something Jamison would be willing to sign his name to. Michelle, Jason, and I have talked, and we all agree you’re the one to write it.”

The three other liberal justices on the court blithely stepping aside so that the youngest member of the court could author the decision, majority or minority, smacked of tokenism. She knew the public would view it that way as well. Additionally, if she penned the landmark decision that called for the United States government to recognize the marriage rights of gay couples, the fantastically ornate closet which had protected her sexual orientation for decades would be stripped away as easily as Lindsay Lohan’s dignity.

Victoria leaned back in her chair and removed a piece of lint from her skirt. “Why don’t we just see how arguments go, and discuss authorship afterwards?”

“Scared?”

“Damn straight.”

“Ah, the mantra of gay people everywhere.”

She opened her mouth for an attempt at a witty response, but was interrupted by Sunmin and Wallace bearing, among other cartons, a carryout box filled with Singapore rice noodles that had her name on it. As the two young clerks unpacked lunch, Alistair peered at Victoria over his steepled fingers. If she couldn't bear his scrutiny, she stood no chance with the reporters who would be dogging her steps in the coming months. She smiled, reached for her lunch, and turned to ask Wallace how he was settling in.

Later, when lunch was over and she was alone, she cracked open her fortune cookie and was confronted with the following words: “Do not let your past get in the way of your future.”

Hardly a fortune. Since when did it become convention that those tiny slips of paper instructed, rather than predicted? She moved to drop the fortune into her trash, but in a moment of uncharacteristic superstition found herself tucking it inside her top desk drawer instead.



Later that afternoon, Kellen O'Neil's secretary waved Victoria through the anteroom to the chief justice's chambers. She halted in front of his door. During her brief time on the court, she had only entered his office

once, and that was an unannounced visit to invite him to a dinner party. He had politely declined the offer, citing dinner reservations with his family. She suspected his actual reservations were of a different nature.

Kellen had summoned her with a handwritten note delivered by one of his clerks, requesting that she visit him in his chambers before she left for the day. It was a quirk of his. He used e-mail, and wrote and edited decisions on a desktop computer, but he still believed all communication between the justices' chambers should happen via paper memo rather than electronically. In the moments when she felt affection for the chief justice, Victoria found this archaic attitude charming. Today, she shook her head at the waste of paper and his clerk's time.

She raised her hand to knock, but stopped when she heard the sound of her own voice coming from within. She turned her ear toward the door to listen.

"I, Victoria Jane Willoughby, do solemnly affirm that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as associate justice of the Supreme Court of the United States under the Constitution and laws of the United States. So help me God."

Shaking off her surprise, she knocked and heard a terse "Enter!"

"Victoria," he said when she entered.

“Kellen. You wanted to see me?”

“Do you know that swearing-in ceremonies are one of my favorite parts of this job?” He turned away from the archival video and met her eyes.

Victoria raised her eyebrows. She rarely associated sentiment with the conservative hard-liner. “Why is that, do you suppose?”

“It’s one of the few moments the court feels as divorced from politics as the Constitution dictates we be.”

Victoria was inclined to agree. Plus, she was a sucker for pomp and tradition. She smiled at him. “Common ground, at last.”

“You’d be surprised.”

Unsure where he was going with this, Victoria claimed a leather-covered chair opposite him and waited.

He sighed. “Victoria. You and I may have completely different approaches to constitutional interpretation, but there are a great many things on which we agree. For example, I’m confident we both feel strongly that a justice recusing herself from a civil rights case simply because she shares identity markers with the minority group in question sets a dangerous precedent.”

She inclined her head at him, grateful for his support.

“Good then. I would be loathe to see unnecessary distractions influence our upcoming session.”

“Understood.”

He shifted in his seat, and his tone grew somber. “Victoria, I hope you appreciate that these votes—on the judicial level anyway—are never personal.”

She stared at him, dumbfounded.

He removed his glasses, rubbed his eyes and sighed. Clearly he had more to say, but in that moment she couldn't stomach hearing it.

She rose from her chair and squared her shoulders. "Chief Justice O'Neil," she said tersely. Then she turned and exited without waiting for a reply.



At home in her kitchen that evening, Victoria sliced zucchini with such force that tiny disks of it were flying off the cutting board. Not personal? Of course it was personal, and anyone who said otherwise was either horribly naïve or a lying liar who lies a lot.

What Kellen had meant, of course, was that he wouldn't be personally affected by the vote. What he had meant was that she shouldn't be personally offended by his vote. What he had meant was that he hoped she wouldn't think he was a jerk.

Ryan Jamison could vote against gay marriage, and she wouldn't really think he was a jerk. Truth be told, she couldn't fathom how he had been nominated and confirmed for his current position, because he struck her as mind-numbingly wooden and entirely daft. He blindly voted as though throwing darts and authored almost no opinions.

Kellen was a different story. Granted, he was a conservative and he and Victoria disagreed vehemently on a host of issues. But Kellen O'Neil was a charismatic

leader with a keen mind for the nuances of the law and the integrity to interpret the constitution consistently. She knew she shouldn't have expected his support, but having his negative vote thrown in her face so casually was not just infuriating. It was personally hurtful.

God, she had to find a way to stop feeling so passionately about this case. It was very unlike her. She was typically so detached when it came to questions of the law, so measured and reasoned. She was known for it, actually—her reputation was that of a reserved jurist with deep respect for the constitution. But she was truly struggling to find that emotional distance on this issue.

Marriage *was* personal. She wondered how Thurgood Marshall would have felt voting on *Loving v. Virginia*. At least that particular case had been decided unanimously. At least when Marshall joined the court shortly after arguments were heard in *Loving*, he was surrounded by colleagues who voted in favor of interracial marriage.

Remembering Kellen telling her that he didn't want distractions such as this recusal nonsense to affect her made her think of the torture scene in *The Princess Bride*, in which Wesley asked the albino, "Why bother curing me?" and the albino responded, "Well, the Prince and Count always insist on everyone being healthy before they're broken." She felt like the Chief had set her up by professionally supporting her on the recusal issue before suggesting in an offhand way that he might vote to take away her marriage rights, but it wasn't personal.

Torture. That's what it would feel like to have her colleagues—especially O'Neil, whom she respected—cast votes that would treat her as less than, as a second class citizen, as other.

And the thing was, on one level—perhaps on the most important level—it didn't matter one iota how this case might affect her personally. It was clear to her, as it had been to a host of district and appellate judges, that the Constitution, its amendments, and a number of federal statutes dictated that the United States government must recognize gay marriages. She would know this even if she were straight.

She was trying to calm down. Lobbyists and legislators had the luxury of envisioning the world as they thought it should be, and fighting for that world. Judges, on the other hand, were supposed to apply the law as it had been written. Of course, there was a lacuna the size of Texas in areas the law didn't specifically cover. And there was no way to begin to fill in the gaps in American law without the personal coming into play. And this particular issue was as personal as it got for Victoria. This was her life! Well, okay, not her life exactly, since she wasn't married, or partnered—but she could be. Millions were.

She was bleeding.

Damn. She stared at the blood gushing from her thumb, which was decidedly not the zucchini she'd meant to be slicing.

She shouldn't have gone to the cutting board angry.

She elevated her hand and wrapped layer upon layer of paper towels around her hemorrhaging thumb. A wave of dizziness washed over her and she swayed a bit.

Stitches, she thought, and stumbled toward the phone to call a cab.



## CHAPTER THREE

WHILE THE NURSE SNIPPED THE thread of the last suture on Victoria's thumb, the doctor removed her latex gloves. "There you go, Justice Willoughby," she said. "Five stitches. That was quite a cut you gave yourself."

Victoria passed her hand over her eyes, trying to wipe away the embarrassment and hide herself from the curious stare. An inquisitive health care provider was the last thing she needed right now.

The blonde doctor nodded at the nurse, who quickly departed. "I'm going to prescribe you some heavy-duty Ibuprofen to keep the swelling near the stitches at bay." She scribbled on her prescription pad. "Do you want Vicodin for the pain?"

Victoria shook her head. "I'll manage, thanks."

After tearing off the top piece of paper and handing it over, the doctor took off her eyeglasses and studied Victoria. "I'm off now. Would you like a ride home?"

Through the pain clouding Victoria's faculties, she couldn't tell if the attractive woman in the pale blue scrubs was coming on to her. She thought briefly about her brother's suggestion that if the media was going to scrutinize her love life, she should actually *get* one—one worthy of the column inches that would be dedicated to

it. She glanced briefly at the doctor's left ring finger and noted an etched platinum band. In a clumsy attempt to cover her silence and disappointment, she coughed a bit. "I can call a cab, Doctor Lukin. But thanks for your concern."

The doctor looked at her quizzically, then shrugged and rose from her swivel chair. "Here's my card, then, in case you need anything."

Victoria stood and the two women shook hands.

"Give 'em hell, Madam Justice." Doctor Lukin patted her on the shoulder and left her alone with a bandaged left hand and scattered thoughts.

Victoria gathered her belongings and proceeded down the overly air-conditioned hallway of George Washington Hospital toward the pharmacy.

Twenty minutes later, prescription in hand, she headed toward the exit. As she emerged from the sliding doors separating the antiseptic air of GW from the humid air of DC, she fumbled in her purse, searching for her cell to call a cab. If her eyes hadn't been focused on the many interior pockets of her bag, she might have had more warning.

"Ms. Willoughby, what happened to your hand?"

"Justice Willoughby, can you confirm reports that you were with another woman when you injured yourself?"

"Over here, Justice Willoughby!" That one came from a reporter who had circled behind her, cutting off her retreat back into the hospital. "There's a rumor that you are pushing for the gay marriage case to appear

late in the Court's upcoming session. Would you care to comment on your reasoning?"

Startled, she raised her eyes just as a camera flashed. By the time she could blink away the aftermath, she was surrounded. She froze, feeling like a small animal stranded between a cliff and a hungry mountain lion.

As reporters simultaneously tossed out questions about her relationship status, a black BMW pulled through the sea of cameras and honked, scattering the crowd. The passenger-side window lowered, and Victoria could hear Dr. Lukin's voice.

"You sure you don't want that ride?"

Victoria bent down and threw her a grateful smile before pulling open the door and sliding into the sanctuary of leather-covered seats, a camel-colored dashboard, and Ella Fitzgerald playing through an iPod adapter. She smiled at the doctor's taste in music; "It's Only a Paper Moon" had always been one of her favorites. She leaned back against the seat and sighed.

"I should have been clearer when I asked earlier. I thought you knew."

"No, when the cab dropped me off on my way in, it was quiet." Victoria rubbed her eyes with her good hand.

"Is your life always this glamorous?" Dr. Lukin asked.

"Oh, you have no idea. Between juggling interviews with *Vanity Fair* and *Vogue*, I rarely get a moment to iron my robe and powder my wig."

"Extenuating circumstances, then?"

"You might say that, Dr. Lukin."

“Please, call me Sonya.”

“Thanks, Sonya. I don’t usually get in cars with strange women.”

“We just met and you’re already calling me strange? You haven’t even heard my story about the bike rack and the moose.”

Victoria laughed and turned in her seat to study her driver. The doctor was about her age, or perhaps a little older—late 40s, early 50s maybe. Her blonde hair was cut into a stylish wedge, long silver earrings hung from her earlobes, and she had slight smile lines around her mouth. The blue scrubs she wore were wrinkled and her eyes looked tired. “Long day?” Victoria asked.

“Par for the course, really. Although it’s not every day I play white knight to one of the great legal scholars of our time. Twice.” Sonya tossed a grin over to her passenger before returning her eyes to the road. “Where to, Miss Daisy?”

“Donaldson Run, please, if it’s not too far out of your way.”

“No problem.” After a beat of silence, Sonya continued. “When will you all announce the docket?”

Victoria was surprised by her forthrightness. Most people—at least those without cameras and microphones—tended to dance around any work-related question they wanted to ask her. She found Sonya’s directness refreshing. “We’ll release it by the end of the week, I imagine.”

The car turned onto the ramp for the Theodore Roosevelt Memorial Bridge while Ella and Billie

crooned together on “East of the Sun.” Victoria glanced over her driver’s shoulder at the Arlington Memorial Bridge, resplendent in the soft evening lighting.

“That’s my favorite bridge in the city,” she said, gesturing.

“Really? Mine too. Gorgeous detail, stunning lighting. Funny thing about bridges, they’re far more attractive when you’re looking at them than when you’re using them.”

Victoria murmured her agreement, and as they made their way down the George Washington parkway, they engaged in a casual discussion about the aesthetic merits of the various structures spanning the cold waters of the Potomac.

When Sonya exited Old Dominion Road onto Upton, Victoria began pointing out the necessary turns to bring them to her house. She was smiling at a middle-aged man and woman walking down the street holding hands when Sonya asked, “What’s it like, the life of a Supreme Court justice?”

“I don’t imagine it’s too different from anyone else who works in the beltway. I go to work and I usually bring it home with me. I take vacations. I exercise. I spend time with my family.”

Sonya’s eyebrows lifted. “Sorry, but I can’t let that last one slide. Your family?”

Laughing, Victoria answered, “My brother’s family.”

“No time for a family of your own?”

Victoria shrugged. “Things just never worked out that way. I suppose time was a factor.”

“It must be hard. Is it worth it?”

Without hesitation, she responded, “Absolutely.”

“Ah, a fellow workaholic. You know, we keep trying to schedule our support group meetings, but something always comes up at the office—or the hospital, or the Court—and we keep postponing. Maybe one of these days...”

“Yeah, add me to your mailing list and I can join the ranks of those too busy to confront how busy I am.”

“You do manage to sneak in a little fun now and then, right?” Sonya asked, and Victoria could hear that while she was trying to be playful, an edge of concern laced her voice.

“Sure. I’m writing a book right now.” She wondered why that project suddenly didn’t sound like fun.

“Ooh, is it a steamy romance novel?”

Victoria knew she was blushing, but she couldn’t figure out if it was because of Sonya’s suggestion, or because she knew her answer would be boring. “Sorry to disappoint, but it’s on the value of using international laws in our domestic legal system. Not quite a page-turner.”

“I’d read it. But I read anything.”

“Including steamy romance novels?”

Sonya bit her lip. “I’ll never tell.”

After the briefest of pauses, the two women laughed at the same time.

Victoria felt a twinge of disappointment as she realized their ride had nearly ended. “The one on the

left is me,” she said, and indicated a two-level rusticated stone house set back from the road. The sloping front yard featured a meandering set of stairs that led to a red door and landscaping designed to look naturally wild. Branches from a weeping willow dipped below the surface of a small oblong pond with lily pads. Red shutters bordered each window, and soft lighting emanated from the panes on the second story.

“Nice place.”

“Thanks. It’s usually my sanctuary. I’m not sure about these next few months, though.”

“Because you voted to hear the gay marriage case?”

“Ah, ah, ah, don’t think I’m going to give that one away.”

Sonya put the car into park. “Can’t blame me for trying.”

Victoria shook her head, smiling. “Let’s just say that there will probably be a repeat performance of tonight’s tango with the media.”

“Well, you have my card. Call whenever you need me to rescue you.”

“It’s unlikely that a gorgeous blonde doctor picking me up on a regular basis wouldn’t incite more media frenzy, Dr. Lukin.” Victoria surprised herself with her boldness.

“Well, that’s the nicest thing I’ve heard all day.”

As the two women smiled at each other, Victoria drowned for a moment in kind brown eyes.

Her reverie was broken when Sonya spoke. “Hey, my wife and I are hosting a little barbecue a week from

Saturday. You should join. It's casual—just an excuse to pull out the grill before it gets too cold. We'd love to have you."

Victoria cleared her throat. "Thanks for the invitation. I'll think about it."

Sonya nodded at the business card Victoria had been fiddling with. "Call if you want directions. Next Saturday, two pm."

As Victoria exited the car, she heard Sonya repeat her earlier directive: "Give 'em hell, Madam Justice."

Before shutting the door, Victoria leaned down and peered into the car. "It's Tori. Thanks again for the chariot ride."

"Anytime!" came Sonya's cheerful reply.



Alone in her den, with her legs tucked under her on a brown leather accent chair, Victoria nursed a glass of chardonnay and shook her head, more at fate than at herself. Of course the first woman she'd been attracted to in she couldn't remember how long would be married. Sonya seemed brilliant, generous, caring, clever. And beautiful. Let's not forget beautiful. As her imagination summoned an image of Sonya laughing in the driver's seat, with the Arlington Bridge in the background, she smiled wistfully.

It had been so long since she had even allowed her mind to wander in this direction. She cast her thoughts back to law school, when for the briefest of moments



she had entertained the notion of love, romance, and passion—when for the briefest of moments she had believed she could find a way to have it all.

The throbbing in her hand brought her attention back to her surroundings. Love, she had learned, was nothing but a distraction.

She finished her wine, which on her empty stomach hit harder than usual, and padded off to bed.



## CHAPTER FOUR

THE NEXT MORNING VICTORIA STROLLED around the produce section of her grocery store, searching for risotto ingredients and doing a poor job of ignoring the photographer who dogged her steps. More than once she thought about shooting him a dirty look, but she knew that would make for a horrid photo.

She moved to another cooler of vegetables and bumped him. “Move. You’re in my way,” she said as she passed.

He stood there unfazed.

“Could you at least pretend to be shopping?” She kept her back to him as she put a bundle of asparagus into her basket. He mutely took another photo. She stepped backwards and managed to clobber his foot. Hard. He grunted and she enjoyed a few seconds of silence before his shutter clicked again.

As the cashier rang her up, she continued her awkward pas de deux with the photographer, managing to keep her back to him more than not. He followed her to her car, and even when she drove away he lingered on the sidewalk, snapping more photos. She was unnerved that he now had her license plate number, but then it occurred to her that if he had tracked her to the store,

he probably had it anyway. Her only consolation was that he didn't get into a car and follow her.

She parked on a cobblestone side street in Georgetown and walked up to a flower shop named Bloomsday. She had been coming to this same shop since her mother took her here as a child and told her that any establishment selling flowers or coffee must have a pun in its name to receive her business. Although a number of shops in the greater DC area met her mother's criterion for patronage, Victoria had only ever seen her purchase flowers from Bloomsday. Perhaps that was because the florist was named Rosie.

A tiny bell above the door tinkled as she entered.

Rosie pushed aside the heavy plastic flaps separating the cooler from the counter and walked over, wiping her hands on her apron.

"Well, look what the cat dragged in." She placed her hands, covered in tiny scars from thorns, on the sides of Victoria's face.

"Gee, thanks," Victoria laughed. "Good to see you, Rosie. You look good." She didn't say that she thought Rosie looked older.

"I look a damn sight better than you do." Rosie patted her cheek, then turned away to move a bucket of peonies. "Those bags under your eyes are so big you'd have to check them before you got on a flight. Session just resumed, I take it."

Victoria leaned over to smell a particularly fragrant bucket of flowers. "Where do you even get lilacs this time of year?"

"The black market." Rosie shuffled around the shop, selecting various flowers from the buckets lining the floor.

"Okay. Be coy, then."

"You're the one who avoided my question."

Victoria rested her hip against the counter. "Yes, session has resumed."

"By the looks of it, it's going to be a walk in the park this year."

"Easy as apple pie."

Rosie selected a vase from the shelf behind the counter and began arranging the flowers she had gathered. "I've been listening to the news. You'll weather this, just like you always do. Don't let them get to you."

While Rosie turned around to grab some ribbon, Victoria slid fifty dollars underneath the cash register. The last time she had been to Bloomsday, Rosie refused to accept her money and Victoria wasn't about to lose another argument with her.

"Thanks, Rosie." She thought for a moment. "What flowers would you take to a barbecue hosted by a woman you just met and attended by people you don't know?"

Rosie whipped around and a slow grin spread over her face. "Have you finally met someone?"

Victoria felt the heat rise in her cheeks. "No. I mean, yes. Well, I didn't know her before." *Wow, I hope I'm this articulate next time I'm asking questions from the bench.* "She's married. I only met her a few days ago when she, um, helped me out of a jam. I'd like to say thank you."

“Sweet peas. They’re open and friendly. What day is this party?”

“Saturday. Can I come by in the morning?”

Rosie finished fussing with the flowers and slid the completed arrangement across the counter to Victoria. “Yes. You can sit right here and tell me all about this mystery woman while I arrange your sweet peas.”

Victoria smiled. “How much?” she asked, nodding at the flowers.

Rosie’s eyes narrowed. “Haven’t we danced this dance before? You’ve been coming here since you were small enough to step on. If I want to give you flowers, I will give you flowers.” She thrust the vase into Victoria’s hands. “Off you go.”

Victoria leaned around the flowers to kiss her cheek. “Thank you. I’ll see you Saturday.”

“Maybe try and sleep a minute or two between now and then, huh?”

“I’ll see what I can do.”

She exited the shop with the oversized arrangement obstructing her view. As soon as the door closed behind her, she heard the click of an SLR camera.

“Justice Willoughby, who are the flowers for? The world wants to know: are you dating someone?”

Victoria was about to respond when a raspy voice behind her handled it. “Are *you* dating someone? When was the last time you bought flowers for anyone? Probably never—who would even want to date a skinny white boy like you? Leave. Now.”

Through a sea of blooms Victoria could see the paparazzo's eyes widen and his jaw drop. This one was shorter than the guy in the grocery store and he looked like an albino ferret. He began to back away until he bumped into a parked car.

"Scram, low-life," Rosie called, waving her scissors, and to Victoria's surprise he listened. He threw himself into a black hatchback and drove away.

Victoria turned to face Rosie and was about to begin effusively thanking her when the older woman cut in.

"Victoria, why aren't the Supreme Court Police taking care of this nonsense? When you were being confirmed, they followed you around like a lost puppy. I remember."

Victoria opened her mouth to respond, then closed it. It hadn't really occurred to her. But of course, during moments of particular media attention and scrutiny, the SC Police would escort justices when they were out in the city. Rosie had been particularly taken with a tall officer named Rex who had been on Victoria's detail during her confirmation hearings.

"So. You haven't told them." Rosie crossed her arms.

Victoria thought she would look more on top of things if she didn't have a face full of peonies. "I will call them today, yes."

Rosie pulled open the rear passenger door and helped her situate the arrangement on the floor behind the seat. "When I see you on Saturday, there better be a strapping policeman tailing you. Bring me another tall one."

They waved at one another as Victoria pulled away. It wasn't until she was parking her car in the garage beneath the Mt. Vernon Triangle that she noticed the fifty dollars stuck in the pocket of her pants.



After parking her car in a garage and cracking the windows so the flowers could breathe, Victoria grabbed her gym bag and headed toward the Harbour Club. She was looking forward to some time away from the world while she swam. Located above Mt. Vernon Triangle, the Harbour Club was DC's most exclusive gym and only admitted new members if current ones recommended them. Most members held public office or were senior staff to Senators or Representatives. Alistair had recommended Victoria shortly after she joined the Court.

Alistair Douglas had once had an amazing jump shot. His weekly basketball game in the Highest Court in the Land, on the top floor of the Supreme Court, was infamous. Clerks for other justices lobbied hard for an invitation to play against him, and harder still to be on his team. He was devastated when the arthritis in his hip became too painful for him to continue shooting hoops. He joined the Harbour Club after his doctors insisted that swimming was the best therapy for his joints.

In addition to the basketball court, the top floor of the Supreme Court also housed an impressive array



of weight machines, elliptical trainers, and treadmills, along with two racquetball courts. Unfortunately for Victoria, the Court's fitness facilities did not feature a pool, and swimming was her exercise of choice. Alistair said he had the perfect solution, but she was unprepared for the grandeur of her new gym.

When she had first entered the locker room of the Harbour Club a year ago, she'd struggled not to gape at the private changing rooms with engraved nameplates bearing names such as "Secretary Kathleen Sebelius," "Ambassador Susan Rice," and halfway down the last row, "Justice Victoria Willoughby." She had used her new keycard to enter her room, and it had taken a moment for her eyes to adjust to the dim lighting. A terrycloth robe hung on a hook behind the door. To her right, a slate countertop supported a sink basin and one of those funky faucets she had only ever found in upscale restaurants. Displayed on the countertop were a hair dryer and diffuser, Q-Tips, face lotion, hair spray, toothpaste, mouthwash, and assorted other toiletries. To her left was a floor length mirror, framed in stone. Ahead of her, fluffy towels were stacked on a shelf outside of another door that opened into a shower featuring three nozzles. Shelves built into the stonework of the shower supported bottles of shampoo, conditioner, and body wash.

At least she didn't have to worry about running into Nancy Pelosi when they were both naked in a communal shower.

Normally Victoria was not a big fan of locker rooms. But on that first day, as she unpacked her gym bag and placed her makeup next to the newspaper the Club provided, she'd grinned. This, she could get used to.

Still, the Club staff continued to surprise her. As she stripped off her clothes and tugged on her swimsuit, she noticed they had left two chocolates on a tiny plate next to her floss. She often emerged from the pool ravenous and craving sugar, and she wondered if the staff knew this about her, or if they had provided every member with chocolate today. She would believe either scenario.

Donning the plush white robe and snatching a towel, she headed to the pool.

She swam slowly for the first five laps, warming up her muscles and feeling the tension leave her back. She concentrated on reaching as far in front of her as she could to begin each stroke, keeping her fingers relaxed and pulling the water back in an S shape. After all these years, she still had to remind herself to bend her elbow so that her stroke would stay close to the length of her body rather than windmilling far away from her. She breathed every third stroke and focused on keeping the splash from her flutter kicks as small as possible. After five laps, she increased her pace and pushed herself so that she remained winded, but stopped short of gasping.

Settling into the faster pace, she allowed her thoughts to drift back to work. Tomorrow she and Wallace, the clerk she had assigned to the gay marriage case, would begin their research. They would start by reading the district and appellate decisions. Then they

would read everything they could get their hands on that might indicate a viable line of reasoning to sway Jamison toward marriage equality.

She would also get her team of clerks started on researching the *habeas* case the court had granted cert to, as well as an antitrust case against Google. The docket would be announced on Friday, and she wanted to use the intervening day to dole out preliminary assignments to her staff and wrap up the third chapter of her book on international law.

This portion of the book tackled the discrepancies between the UN Charter and US foreign policy, and she meant to put forth some hypothetical situations that would examine whether international law might be enforceable. She wouldn't have time to focus on the book until the court's session had concluded, and if she didn't get her thoughts down on paper now, they would float away like autumn leaves, scattered and impossible to recapture.

The rest of her laps passed in a blur of planning, mental lists, and strategizing.

Freshly showered and dressed, she nibbled on her chocolate as she walked back through the gym toward the exit. Her mind was on the International Criminal Court when a security guard stopped her.

"Pardon me, Madam Justice. A word, please?" He gestured to an office behind the front desk.

Concerned, she nodded and followed him. They sat down in chairs on opposite sides of a desk and he offered her tea, which she gratefully accepted.

While she sipped the steaming chamomile, the guard spun around a monitor on his desk that showed a grainy picture of the parking garage where she had left her car. He pointed to a dark blue van parked three cars down from her Volvo, and she could just make out the silhouette of a person in the driver's seat.

"This van followed you into the garage, and the driver has remained in the car. We've written down the license plate number." He slid a slip of paper across the desk, and she pocketed it. "If you'd like to give us your keys, a member of our staff will drive your car out of the garage and to one of the private, underground delivery entrances for the Club. You should be able to exit from a different gate, and lose your stalker that way."

She jerked at the word *stalker*. She couldn't tell if he was joking, and felt a wave of unease wash through her and settle in her stomach. She took another sip of chamomile before responding.

"Yes, thank you. I appreciate your attentiveness." She pulled her keys out of her purse and placed them in his hand, noticing that her fingers shook a little. Probably too much physical exertion with too little food, she thought.

"You're welcome to stay here and watch us on the monitor if you'd like. We'll come and get you when your car is settled in the delivery garage."

She kept an eye on the security footage after he left, but felt too jittery to sit still. She stood and paced around the tiny office.

The day after the Senate confirmed her as an associate justice, the Chief of the Supreme Court Police left her a voicemail requesting a meeting. After reviewing the security around the building and giving her keys to the appropriate doors, garages, and security cabinets, he had given her a cell phone. The only number she was ever to call with it, he instructed her, was his, and it remained to this day the only number stored in the phone's contacts. He had requested she always carry it with her, and she had complied.

She watched as a security officer located her car and slid into the driver's seat. Before he had time to turn the Volvo's lights on, the van reversed out of its space and drove away. The cameras weren't close enough to capture the driver's face.

She pulled out the phone she had never used, feeling its weight in her hand. It seemed heavy.

She dialed.



## CHAPTER FIVE

“I DIDN’T KNOW YOU COULD BAKE it,” Diane said, peering into Victoria’s oven at the risotto inside.

Victoria leaned against the island in her kitchen and took a sip of wine. It had been a long week. “Oh yeah, it beats standing over the stove stirring constantly. The first time I made risotto I thought my arm was going to fall off.”

Will smirked at her. “Wimp.”

She sauntered over to him and squeezed his bicep. Furrowing her brows, she squeezed lower, then higher. “I know there must be a muscle in there somewhere. Wait, I bet you still have that spy equipment Dad got you when you were twelve. You walked around with that stupid magnifying glass glued to your eye for about eight months. Loan it to me and maybe I can locate your long-lost guns.”

“Ha. Ha ha. You’re really funny. I’m rolling on the floor laughing. Can’t you tell?”

“I could take you, you know.”

Will stood up straighter, but he was barefoot and Victoria was wearing heels.

She laughed. “Poor Will. Maybe if we spiked your hair you’d look taller.” She fluffed his hair and he tried in vain to bat her hands away.

“Don’t mess with the ’do!” he sputtered, making her laugh harder.

“You mean what’s left of it? You’ve got more forehead now than when I left for England, you know.” It wasn’t true, but Will stopped batting her hands and starting running his fingers along his hairline with genuine concern on his face.

“Liar!”

She shrugged.

“Children, don’t make me turn this car around,” Diane warned as she walked to the dining room table and sat down.

Both Will and Victoria stuffed their hands in their pockets. “Sorry. We’ll be good,” they chanted in unison.

Diane giggled. “Your hair looks ridiculous, honey.”

“She started it!” He pouted and headed to the bathroom to return his errant locks to their proper position.

Victoria grabbed her wine glass from the counter and joined Diane at the table. “Thanks for spending your date night with me this week.”

“Well, we missed you all summer. Tommy did too. He asked me every day when you were going to come over to play Legos with him. I told him that one doesn’t *play* Legos, but the nuances of the English language don’t seem to capture his interest. I think he wants to be an architect like his daddy.”

Victoria smiled. “Oh, I’m sure he’ll want to be a translator like his mom, and then a lawyer like his



aunt, and he'll probably end up a rock star, just to spite us all."

"Or a football player, just to give us all heart attacks every time he gets tackled."

"With those genes? He won't be strong enough to be the water boy!"

Diane threw a napkin at her.

Victoria chuckled as she picked it up and refolded it. "You seem to throw these around a lot."

"Better a napkin than my food."

"Rebecca's got you covered in that department, huh?"

"Yep, literally. I've been considering naked dinner," Diane said.

William, who had been walking into the dining room, now stopped in his tracks.

"Can I watch?"

"Not *me* naked, you perv!" Diane's newly refolded napkin flew again.

"Damn."

"Okay, I'm not folding that again." Victoria crossed her arms.

Will scooped it up from the floor and started messing with it. Somehow he worked the cloth into something resembling a sailor's hat, which he dropped onto his sister's head. "Big improvement."

"Remind me again why I invited you two for dinner?"

"Because we're devastatingly gorgeous, and you need some eye candy after spending so much time with lawyers."

Before Victoria could find a retort, the timer on the oven beeped. While she stirred fontina, parmesan, and basil into the risotto, Will dished up salads and Diane sliced garlic bread. They reconvened at the table and were just about to get down to the business of eating when Victoria's landline rang. She rose to answer it, wondering who besides her secretary and clerks had her new number.

"Hello?"

"Justice Willoughby? This is Damien Fitzpatrick again, from the *Star Reporter*. We got cut off last time, when you hung up on me. Is now a better time to talk?"

"How did you get this number?" she asked, genuinely concerned about the answer. Her stomach began to churn as she contemplated the possibility that there was a leak in her office. Or maybe someone had hacked the email her secretary had sent the staff with the new number? She shook her head, realizing Fitzpatrick was rambling on about something.

"...consider doing an interview about why you refuse to recuse yourself? I would be happy to—"

"Mr. Fitzpatrick, I've contacted the Supreme Court Police and they will be monitoring my security for the foreseeable future. If you attempt to contact me again, I will be sure to tell them you are harassing a sitting justice about an issue currently up for consideration before the Court, and I'm sure they will take care of securing a restraining order. Good day."

She hung up before he could respond, and was shaking when she returned to the table.

Will took her hand. "Tor, don't let him get to you. He's a slime ball and no one reads the *Star Reporter*."

"I don't care what he writes, or even if he keeps calling me, really. But I just got a new phone number yesterday. I hadn't even given it to you two."

"Oh." Will sat back in his chair, at a loss.

"Oh," Diane repeated.

"Yes, oh. I guess I'll add this to the list of things I need to cover in my meeting with the Supreme Court Police chief tomorrow."

All three of them reached for their wine glasses at the same time.

They ate in silence before Diane spoke. "Have you heard about the shake-up happening at the Human Rights Campaign?"

Will knit his brows. "I thought it was at the National Center for Lesbian Rights."

Diane shrugged. "I can't keep them straight."

Victoria rolled her eyes. "I'm not even going to dignify that one with a response."

"Maybe it wasn't NCLR..." Will mumbled through a mouthful of salad.

"Well, whatever organization it is, it might mean new lawyers arguing the gay marriage case, right, Tori?" Diane said.

"Probably. I can't imagine how it would matter at this point. The case record speaks for itself, and I don't think new counsel will change anyone's mind."

Diane shrugged. "Well, I for one think it could be a good thing. New blood and all."

"It'll take more than a new lawyer to shake Jamison from his stupor," Victoria said.

Will studied her a moment, wiping his lips with his napkin. "You're not usually so pessimistic. What gives?"

She exhaled audibly and stared at her lap, folding and refolding her napkin. "I don't know, really. I guess I feel like...what if my legacy on the court includes hearing and losing this case? And then a gay immigrant with two kids gets deported because our government doesn't recognize his relationship to his partner? Or, you know, a tomboy in Wichita who gets bullied in school all her life, gets depressed because she'll never be able to get married, and...when I was in a position to make things different, I failed." Her napkin now resembled an awkward origami blender. She smoothed it out and glanced up to find her brother and sister-in-law staring at her. They grasped each other's hands on the tabletop.

Will smiled. "You have no idea, do you? What you've done for that little lesbian in Wichita, just by being you. By being a strong, beautiful lesbian who shattered the glass ceiling in the legal world."

Victoria smiled back, but hers was laced with melancholy. "I don't think it counts if you're not really out of the closet."

"What, you think you need to make some big announcement? People already seem to know. Hey, about that—how does that work?"

"I honestly have no idea. Maybe because I'm a single woman who's never been married and that's what society assumes about all of us?"

Diane shook her head. “Maybe your ex said something?”

“No way she talked,” Will countered. “Maybe you give off a vibe or something.”

Both women looked at him, amused. “And what vibe might that be?” Victoria asked. She and Diane leaned forward and put their cheeks on their right hands, patiently awaiting his answer.

“Um. Well, I don’t know.” He ran his fingers through his hair. “I don’t know what you ladies...” He glanced at his wife. “Any of you ladies...I think I’ll go call the sitter and check on the kids.” He slid his chair back and hurried from the room while the women giggled.

“Think that foot in his mouth tastes as good as my risotto?”

“Hell no—this is delicious. Can I get the recipe?”

When Will returned from making his phone call, Diane and Victoria were discussing what kind of vibes *he* gave off, especially at the gym, when he went that one time back in the Stone Age.

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# ABOUT BLYTHE RIPPON

Blythe Rippon holds a PhD in the humanities and currently teaches writing to undergraduates. Until now, her publishing has been of the academic variety. When not grading papers or imagining plots for future novels, she is usually holding forth about the political injustice of the day, hiking, or experimenting in the kitchen. She has lived all over the United States and at present can be found in the San Francisco Bay Area, where she lives with her wife and children.

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