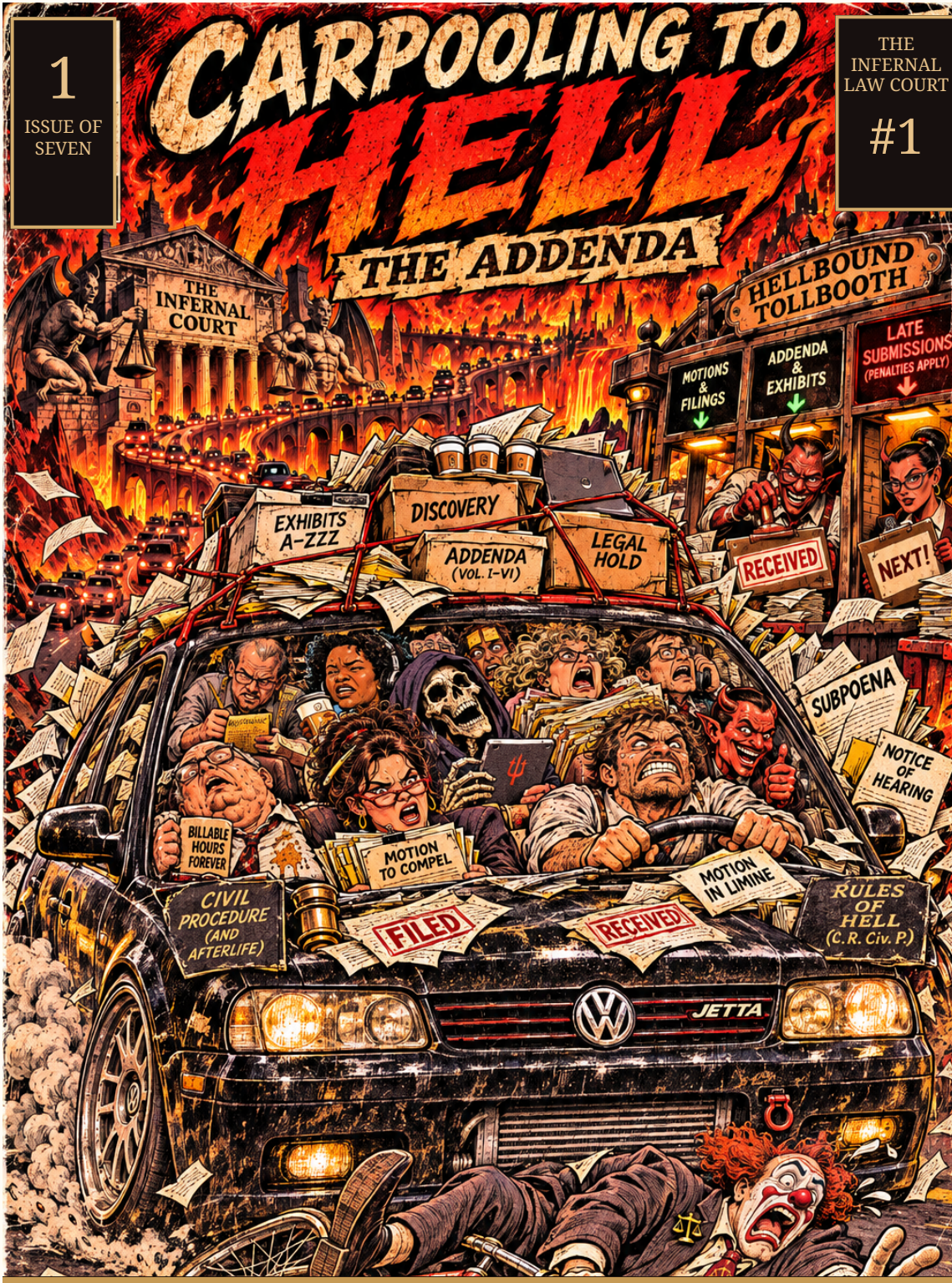


Valeria Stanstill

The Doctrine of Perpetual Pendency

THE NO “MOORE” HARM SERIES

CARPOOLING TO HELL: THE ADDENDA

VALERIA STANSTILL

ISSUE I OF VII

THE DOCTRINE OF PERPETUAL PENDENCY

JUSTIN A. TAHAI

Notice of Fiction

This is one installment in a seven-part work of fiction and satire. Every Injustice, relative, tribunal, exchange, alleged doctrine, and reported event in the story is invented. The institution is the target of the caricature; no real judge's private family or personal misconduct is depicted. The invented children remain safe.

In the fictional Court of Reciprocal Jurisprudence, seven self-important officeholders are shown imaginary opportunities to spend ordinary family time. They are required to navigate the procedural doctrines they have adored. The recurring driver operates a modified black 1999.5 Volkswagen Jetta; the opposing attorney, Billmore, is a clown on a bicycle who invoices for every inconvenience.

ISSUE ONE

VALERIA STANSTILL

The Doctrine of Perpetual Pendency

In re Tomorrow, a Temporal Concept Allegedly Due Upon Reasonable Notice

It is a well-established maxim of the Supreme Infernal Law Court that tomorrow shall remain available to every petitioner, provided no petitioner insists upon experiencing it today.

Valeria Stanstill, whose professional distinction had grown so prodigious that the handle of her ceremonial gavel required its own subordinate gavel, arrived at Door Number One carrying a handbound schedule of impending reunions. On its cover, in gilt lettering, were the words **A REASONABLE OPPORTUNITY TO BE TOGETHER**.

"An enlightened arrangement," Valeria pronounced. "Reasonableness grants appropriate flexibility."

Beyond the door was an imaginary school gymnasium. Folding chairs faced a makeshift stage. Children wearing cardboard stars were preparing a small musical performance, and on the first row sat an empty seat reserved for Valeria. A paper sign on it read **PLEASE COME**.

The fictional child for whom the seat had been saved was not a real person. The infernal gallery had been scrupulous about that. It was a safe, invented representation of the universally human expectation that when a grownup says *I'll be there*, the grownup intends to try.

"I should like to attend," said Valeria, with that exceptionally mild judicial tone by which a person accustomed to instant obedience indicates a demand.

The door did not open.

A clerk materialized, carrying a calendar large enough to serve as a pedestrian bridge.

"Your application is most welcome," she said, "subject to confirmation of an available date."

"The performance is this afternoon."

"Certainly. Your request shall be addressed tomorrow."

"But it will be over tomorrow."

"Then the calendar will be considerably less congested."

Valeria paused. "You cannot mean to delay until the event is past."

The clerk brightened. "Not at all, Your Injustice. We mean only to decline to decide before it is past. The passage of the event is merely an incidental by-product of the orderly administration of indecision."

A framed seal behind her announced the controlling doctrine: **PENDENTE LITE, PENDENTE VITA** — while the case is pending, so is life.

Valeria invoked emergency jurisdiction.

The clerk consulted a volume titled *Emergency Standards, as Modified by the Institutional Necessity of Avoiding Emergencies*.

"The Court recognizes an emergency," the clerk explained, "when the harm alleged is imminent, irremediable, and inconvenient to the Court's reputation if ignored. Your application satisfies the first two elements."

"And the third?"

"Unproven. The matter is scheduled for a hearing next month."

Inside the gymnasium, the lights dimmed. The invented audience applauded. Valeria approached the door and knocked.

"I only need to sit in that chair."

"Then we recommend a Motion to Designate Chair, Form SIT-1."

"I shall file it."

"Accompanied by a proposed order, a chair-support affidavit, and a certificate attesting that the chair was unoccupied for reasons unrelated to the petitioner's own failure to complete the chair-designation process."

From behind a nearby shrub stepped Billmore, once again in possession of his bicycle, a fresh helmet, and a conditionally valid right to speak.

"May it please the Court," he said, taking Valeria's elbow in the manner of a man escorting both a client and a future invoice, "I can render vigorous professional assistance. My preliminary assessment is that the chair should be preserved in its vacant condition until all competing interests in its occupancy have received an opportunity to object."

"There are no competing interests," Valeria replied.

"Precisely why we must discover them."

He produced an hourly schedule with special rates for the contemplation of hypothetical objections. The act of imagining an objection cost more than answering a real one because it required creativity, a skill Billmore considered rare within the profession.

Valeria dismissed him and prepared the documents herself. They were impeccably numbered, annotated, cross-referenced, and bound in blue. Her Motion for Immediate Practical Relief contained two plain sentences followed by fourteen pages explaining the unusually distinguished nature of the petitioner.

The clerk accepted the packet at 4:58 p.m.

Inside the gymnasium, the final song was concluding.

"I have filed!" Valeria cried.

"Congratulations," said the clerk. "Your filing has been entered in the Record of Things Filed."

"And the door?"

"You have not sought relief under the proper procedural mechanism. The Motion to Designate Chair was appropriate only if you intended to litigate the legal status of the chair. The present claim concerns physical access to an event. That requires a Motion for Leave to Enter the Premises in Which a Designated Chair May or May Not Be Situated."

Valeria stared at her.

"Surely substance controls over the caption."

The clerk looked horrified. "Your Injustice! Such an extraordinary proposition, uttered so near the records window and without requesting a hearing, could bring the entire filing architecture into disrepute."

The Devil appeared beside a display case containing a gold-plated calendar, a commemorative plaque, and a remarkably small amount of actual time.

"A modest difficulty?" he asked.

"Your system," Valeria said, "has mistaken administrative formality for the purpose of administration."

Satan placed a hand over his heart.

"I shall have that observation framed. We receive so few complaints from the learned profession about its own preferred inventions."

The first moment vanished. The gymnasium dissolved, replaced by an imaginary Saturday morning at a lakeside park. The same safe, fictional child was now older, carrying two fishing rods. A folding sign declared **NEXT TIME, DEFINITELY**.

Valeria hurried to the door.

"There," she said. "This one can still be arranged."

"Of course," replied Miss Quill. "Nothing in the previous disposition prevents future contact."

"Then let me through."

"Tomorrow."

The word struck with the impact of an entire shelf of law reporters falling at once.

Valeria searched her pockets for a more powerful motion and produced a writ of temporal mandamus, a pleading so venerable and technically obscure that no one in the lower courts had understood it since the invention of affordable wristwatches. She dictated an affidavit proving that tomorrow followed today. Billmore objected to the omission of Sunday. Miss Quill insisted that the proposition be supported by two independent astronomical experts and a certified calendar translator.

"It is common knowledge!" cried Valeria.

"Common knowledge is not judicial knowledge," the clerk responded. "We are here to avoid the contamination of the latter by the former."

"I will call Satan himself!"

"You may call," said Quill. "There is no requirement that he answer."

From the far side of the gallery came the sound of the Jetta's engine turning over. The driver had opened the trunk and was repairing a cabinet-sized filing machine with a ratchet. The machine had a red light labeled **AWAITING FURTHER INSTRUCTION**.

"It has one gear missing," he explained to Valeria when she approached. "They installed seventeen confirmation buttons and forgot the part that actually moves the paper."

"Then fix it!"

"I am fixing it. That's why I came out here instead of writing a memorandum about the conceptual benefits of fixing it."

He held up a greasy gear.

"This is the part you need."

Valeria examined it as though it might be an unfamiliar species of contempt.

Back at Door One, another imaginary scene materialized: a simple kitchen, two cups of hot chocolate, a school backpack near the chair. The invented child had left a folded note beneath the mug. Its words were small enough that Valeria had to press close to read them.

I stopped asking because you always said soon.

She stood motionless. She had expected an argument about chronology, perhaps a pointed debate over the irreparable-harm exception. What confronted her instead was the cumulative mathematics of unreliability: not a single decisive refusal, but a lifetime of reasonable postponements that had taught a child not to expect the adult to arrive.

"I was going to be there," she said.

"The docket reflects your intention," Miss Quill replied kindly. "Intention is preserved indefinitely."

"But the morning isn't."

For the first time, the clerk had no prepared answer. She opened a drawer, consulted an index, and returned with a form entitled **SUPPLEMENTAL AFFIDAVIT OF NON-RESTORABILITY**.

Valeria took it, then set it aside.

She returned to the bench where Satan sat reading a newspaper printed entirely in the passive voice.

"I demand a rule that prevents this," she said.

"For yourself?" asked Satan.

"Yes."

"Ah. Special relief. You know how easy it is to fashion an exception once a distinguished petitioner has become personally uncomfortable."

Valeria flushed beneath her powdered wig.

"For anyone," she said, correcting herself. "Not just me."

Satan put down his paper.

"Then say what the rule is."

"A request concerning a disappearing opportunity must receive a prompt, reasoned response before the opportunity disappears when that is practicable. The tribunal may refuse the remedy, but it should not use delay as a substitute for deciding whether the remedy is warranted."

Billmore's pen flew into motion. "Objection! The proposed rule requires decision-making. That may impose irrecoverable professional labor upon the judiciary."

"Overruled," Satan said. "Continue."

"And every order that speaks of an opportunity," Valeria said, eyes fixed on the empty doorway, "must describe a workable way to realize it, subject to actual safety and the child's welfare. Otherwise 'opportunity' is just a marble engraving over a locked door."

Miss Quill entered the proposed rule into a new book bearing the title **REMEDIES CONSIDERED IN EARNEST**. It was empty except for seven bookmarks.

"One bookmark may now be filled," said Satan.

Valeria reached for the first page.

The clerk stopped her. "Your proposal will be considered along with those of the six remaining petitioners. Until then, the motion is—"

"Pending," said Valeria.

"Correct."

She looked through the door one last time. The kitchen had disappeared. No fire had touched it. No child had suffered at Satan's hands. The moment had simply gone where all unkept moments go.

And Valeria Stanstill, the greatest ceremonial expert on tomorrow in the whole of Hell, learned at last that tomorrow is not a remedy for yesterday.

INTERLOCUTORY ORDER NO. I

WHEREFORE, the petitioner's request to have time behave like an administrative convenience is **DENIED**. Her alternative request for the establishment of a universal duty of timely consideration is **PRESERVED FOR FINAL DISPOSITION**, notwithstanding the rather scandalous possibility that such a duty might require persons possessing gavels to use them for something other than percussion.

So ordered, without prejudice to the continuation of actual time.

THE NEXT PROCEEDING

ISSUE II

Andrew M. Meander · The Doctrine of Transcriptual Presumption

The Court retains the matter for further consideration. The time lost in the meanwhile shall not be presumed refundable.