

Boston Legal
Smile
Season 2, Episode 15
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At Crane, Poole and Schmidt. Alan Shore gets off the elevator and is heading toward his office when he notices nine-year-old Marissa Deaver sitting in the reception area. The girl seems sad. He goes over to her.

Alan Shore: Hello.

Marissa Deaver: **She looks at him – no smile.** Hello.

Alan Shore: **He sits down across from her.** Not much going on around here. Is there?

Marissa Deaver: No.

Alan Shore: I suppose coming to a lawyer's office can't be much fun.

Marissa Deaver: **She looks at him – still that same expression.** Actually, everyone seems friendly here.

Alan Shore: Well, they're given an unlimited supply of donuts.

Marissa's expression remains the same. Shore is curious. Just then the girl's mother, Phyllis Deaver, Shore's former secretary, comes up.

Phyllis Deaver: **She hands Marissa a paper cup.** Here, Sweetheart.

Alan Shore: Phyllis?

Phyllis Deaver: Alan?

Alan Shore: Hello!

Phyllis Deaver: **She laughs.** Hi! **They hug.** Hello. I see you have met Marissa.

Alan Shore: I have now. **He and Marissa shake hands.**

Phyllis Deaver: Could we talk in your office?

Alan Shore: Of course.

Phyllis Deaver: **To receptionist.** Would you mind watching her just a little longer? **The receptionist nods.**

Alan Shore: **To Marissa.** If you get restless? We'll be right down this hall.

Shore smiles at Marissa, who nods but doesn't smile back. He heads toward his office and Phyllis follows.

Phyllis Deaver: I had a hard time trying to find you. I called Cruthers, Abbott...

Alan Shore: I was fired. Embezzlement.

Phyllis Deaver: Then I tried Young, Frutt and Berulitti...

Alan Shore: Oh, yes. That ended badly.

Phyllis Deaver: And here you are at Crane, Poole and Schmidt.

Alan Shore: For now. And you?

Phyllis Deaver: Still a legal secretary. Although the law isn't as much fun as it was when I used to watch you bend it. I need your help. You used to say that I could come to you for anything.

Alan Shore: I meant sexually.

Phyllis Deaver: **She chuckles softly.** This is for Marissa.

Alan Shore: She's lovely Phyllis. She seems to be having a bad day though.

Phyllis Deaver: Marissa can't smile. She had nerve damage from a car accident. And she had surgery to try to correct the problem, but it didn't work. Alan, she's had a really tough time of it at the public school. She's been teased mercilessly.

Back in the reception area Denny Crane is playing with Marissa.

Denny Crane: Here you go. See that? Now watch this. It's disappeared. Ha, ha, ha. What's up you ear? **He finds the nickel in Marissa's ear.** Ha, ha, ha.

Marissa, of course, doesn't smile.

Denny Crane: Okay, kid. Let's try it again.

Back in Alan's office.

Phyllis Deaver: I'm trying to get her into the Adams Academy for a fresh start. The admissions director was so excited to meet her! And then he met her and she didn't smile. And that was that. And these private schools have become so competitive; they don't need to let anyone in who isn't "perfect".

Alan Shore: When I was in school the closest I ever came to that appellation was to be called a “perfect” bastard.

Phyllis Deaver: I don’t wanna sue them, because if I get known as a litigious parent I’m never gonna get Marissa into any school. But I do know that you can be, well... a perfect bastard.

Denise Bauer is walking in the corridor at Crane, Poole and Schmidt, Shirley Schmidt catches up.

Shirley Schmidt: Denise, I understand you’re going through some difficulties in your personal life.

Denise Bauer: Uhm, yeah. It’s hard, but I’ll get through it.

Shirley Schmidt: From what I know about you, when things get tough you prefer to bury yourself in your work. Allow me to provide you with a shovel. **Shirley takes Denise’s arm and they head into her office where Amelia Warner, and her mother, Theresa are waiting.**

Shirley Schmidt: This Theresa Warner and her daughter Amelia. Denise is going to be working with us on the case. Amelia is eighteen. She was assaulted and raped two months ago and taken to the nearest hospital. St Mary’s.

Theresa Warner: Once we knew she was stable, my first thought was the morning-after pill. Only the treating physician at the hospital told us that type of treatment was not available at St. Mary’s. He refused to give it to my daughter.

Denise Bauer: But the Legislator recently passed a law requiring hospitals to provide emergency contraception for rape victims.

Shirley Schmidt: They did. But Massachusetts law also contains a conscience clause. Catholic hospitals don’t have to administer any treatments that conflict with their religious principles, emergency contraception included.

Theresa Warner: **Getting emotional.** As soon as she was discharged we went to our family doctor but he told us it was too late to prescribe it. It needs to be administered as soon as possible, but no later than seventy-two hours after the...

Shirley Schmidt: I know this is difficult for both of you. Amelia, you’ve been through so much trauma already.

Denise Bauer: So. We’ll begin by pursuing a settlement with the hospital?

Amelia Warner: No! No. I want the public to know. I was raped. And now I’m pregnant because the doctor wouldn’t give me the contraceptive to prevent it. I want a trial.

Beverly paces while Denny Crane tries to comfort her. Tension is in the air.

Beverly Bridge: Where is he? Denny, are you sure we can count on him?

Denny Crane: Brad’s the best. I just made him partner.

Beverly Bridge: Well, I want reassurance.

Denny Crane: **He stops her, looks into her eyes then takes her in his arms.** He served in the Gulf War. The one that turned out okay. He was top in his class at West Point and Harvard Law School. I’d put my own life in his hands.

Brad Chase makes his way down the corridor, followed by Beverly. Brad has a piece of paper in his hand.

In a hospital room Kevin Willhite, stands next to a hospital heart monitor and ventilator with Howard Bridge.

Kevin Willhite: Once we remove the ventilator, it’ll be a matter of minutes. You may hear a slight rattle in the chest. This is normal. The suffering should be minimal.

Howard Bridge: **Determined.** Do it.

As Kevin Willhite reaches to turn off the ventilator, Brad suddenly burst into the room, court order in hand, followed by Beverly.

Brad Chase: Step away from the ventilator! Move away. I have a court order.

Beverly Bridge: Barry! **As Bev moves in we see Barry on a hospital table, IV drip, ventilator and all. Barry is a cat. Who is not moving at all.** He’s alive. He’s alive!

Alan and Marissa are settling into a booth at Ishmael’s Coffee Shop. Marissa has her schoolbag.

Alan Shore: So Marissa. Before I meet with the board at Adams about reconsidering their decision. I thought it might be a good idea for us to get together and have a whole bunch of sugar and talk about school.

Marissa Deaver: Okay.

Alan Shore: What’s your favorite part of the day?

Marissa Deaver: I like all my classes. But, I guess art. Drawing and painting and stuff.

Alan Shore: When I was in fourth grade I remember having to draw a horse. It gave me a very tough time.

Marissa Deaver: I'm studying Magritte.

Alan Shore: **He smiles at her.** And what do you like about Magritte?

Marissa Deaver: The way things are put together. It's so unlikely. **Getting warmed up.** They're beautiful like other paintings but they make you think. You wonder why things are the way they are. He has this one, a picture of a pipe, and under it says, "This is not a pipe." It says it in French, I translated it for you.

Alan Shore: "Ceci n'est pas une pipe."

Marissa Deaver: That's it!

Alan Shore: One of my favorites as well.

Marissa Deaver: **She reaches into her schoolbag.** It gave me an idea for one.

We see the drawing. It's a self-portrait of Marissa, non-smiling as always, and at the bottom it says, "Happy Girl."

Alan Shore: **He looks at the drawing, then at Marissa. He is touched.** Marissa, this wonderful.

Marissa Deaver: Thank you. Everyone's always telling girls to smile. They never say that to guys.

Alan Shore: I think smiling is overrated. As you can see.

He shows her the daily paper. There is a smiling politician on the front page. Marissa looks at him, and if she could smile, she would.

Bev, Howard and Brad are in the conference room at Crane, Poole and Schmidt. Bev and Howard are in a heated battle over the cat, as Brad attempts to mediate.

Beverly Bridge: I will not allow you to destroy my Barry!

Denny is outside looking in.

Howard Bridge: The cat is dead. The animal is a vegetable

Brad Chase: Guys...

Howard Bridge: Nature has spoken. When it's your time, it's your time.

Beverly Bridge: Says the man with the pacemaker and the prosthetic balls.

Brad sees Denny spying.

Howard Bridge: That's different.

Beverly Bridge: Ha!

Brad Chase: **He runs around the corner to Denny.** Denny? I'm a partner. It's a cat.

Denny Crane: You're exactly right, Brad. I wouldn't trust an associate with a case this important. This is Bev's cat. That guy in there? Bev's fourth husband. Mattress Majesty. Worth millions. Troubling thing about America. Anybody can grow up and be rich.

Brad Chase: Denny? Still. It's a cat.

Denny Crane: Barry Manilow is not just a cat.

Brad Chase: What?

Denny Crane: Barry Manilow. Cat's full name.

Brad Chase: Even better.

Denny Crane: Barry Manilow is Bev's cat. And if it matters to Bev, then I, Denny Crane, have to pretend that it matters to me.

Brad Chase: But, Denny...

Denny Crane: Bev will be happy, which make me happy, which make you happy. **Brad tries to follow that.** So really, Brad, you're doing this to make you happy.

In Judge Dale Melman's courtroom Denise directs Amelia on the stand. Shirley is present, with Amelia's mother seated behind her. Amelia's treating physician, Dr James Tusten, and Attorney John Lennox, representing Tusten and the hospital, are also present.

Amelia Warner: ... two months ago I was walking to my car and I was almost there, I was already getting out my keys, when this man... out of nowhere he uhm... **faltering** ... he grabbed me, and --

Denise Bauer: Take your time.

Amelia Warner: After he was done, he just kept hitting me and hitting me and hitting me... **trailing off.** And then I, I woke up in the hospital.

Denise Bauer: So you didn't choose St. Mary's specifically?

Amelia Warner: No, I mean, I wasn't even conscious. They just took me to the nearest emergency room.

Denise Bauer: At any time while you were being treated, did nurses or physicians bring up the possibility of becoming pregnant from the attack?

Amelia Warner: Well, my mom and I asked about it, and they said the chances were small. But I wanted to take the morning-after pill anyway just in case. That's when Dr Tusten said that wasn't available in a Catholic-affiliated hospital.

Denise Bauer: How long were you at St. Mary's?

Amelia Warner: Three days.

Denise Bauer: And after you were discharged?

Amelia Warner: We went to our family doctor to try to get the prescription there. That's when they told us that it has to be taken within seventy-two hours. It was too late. I was already pregnant.

Denise Bauer: How do you plan to handle the pregnancy?

Amelia Warner: Well, I've always been morally opposed to abortion, so... of course I never imagined this. I don't, I don't know.

Attorney John Lennox: When you were told that emergency contraception was unavailable, did you ask for a referral to get the medication somewhere else?

Amelia Warner: No, because they...

Attorney John Lennox: *He lifts his hand to stop her.* Did you or your mother bring the concern up again during your time at the hospital?

Amelia Warner: Well, they had made it pretty clear...

Attorney John Lennox: *He lifts his hand.* I'm sorry, Amelia. Yes or no?

Amelia Warner: No.

Attorney John Lennox: Thank you. Nothing further.

At Crane, Poole and Schmidt Brad and Paul Lewiston walk down the corridor.

Brad Chase: It was on Denny's orders. It's Bev's cat.

Paul Lewiston: That woman's influence on this firm is increasing daily.

Brad Chase: Well at least the case won't go to court. They've agreed to arbitration, once the arbitrator sees the evidence he'll rule to pull the plug and that'll be that.

Paul Lewiston: You'd better hope he doesn't.

Brad Chase: Come again?

Paul Lewiston: Brad, since your attempt to bribe Denny's fiancé to leave him failed so miserably we must now stay on her good side lest she tell Denny. You have to win this case quickly and quietly.

Brad Chase: It's like Friggin Shakespeare around here.

In Judge Dale Melman's courtroom.

Denise Bauer: Dr Kumi, as an OB-Gyn, could you tell us how and why emergency contraception is used?

Dr Ann Kumi: It's a higher dosage of the same hormones that are used in birth control pills. It's administered as a last minute contraceptive to prevent pregnancy.

Denise Bauer: And in your expert opinion, how is it related to the abortion pill?

Dr Ann Kumi: It's not. RU-486, also called the "abortion pill", terminates an existing pregnancy. Emergency contraception, like all methods of contraception, keeps a pregnancy from occurring.

Denise Bauer: And if a fertilized egg has successfully been implanted—meaning a pregnancy has begun?

Dr Ann Kumi: Taking the morning-after pill has no effect. It can only prevent a pregnancy, it cannot terminate one.

Denise Bauer: So there is no correlation between the morning-after pill and abortion?

Dr Ann Kumi: There's a significant inverse correlation. Studies show emergency contraception, if it's made readily available, could prevent as many as seven hundred thousand abortions a year.

Library conference room. Arbitration hearing is in progress.

Attorney Morrison: Your Honor, this whole thing is about spite.

Beverly Bridge: His!

Howard Bridge: Her's!

Brad Chase: Objection.

Judge Willard Reese: People, let's put the vitriol aside not to mention the complete ludicrousness of this case. And look at the facts. Ms Bridge, you've owned this cat for eleven years?

Beverly Bridge: That is correct, your Honor.

Attorney Morrison: Nevertheless, the court awarded Mr Bridge joint custody of Barry.

Judge Reese looks at the documents.

Judge Willard Reese: The cat's name is Barry Manilow?

Brad Chase: *Embarrassed.* It is. Your Honor.

Attorney Morrison: My client has developed a strong bond with Barry.

Howard Bridge: **Flatly.** Strong bond.

Brad Chase: Strong bond? Give me a break. Your Honor, let the record reflect that since the divorce Mr Bridge has been late in returning the cat, fed him dry food only, did not have adequate litter box hygiene. And was often seen calling the cat stupid in public.

Judge Willard Reese: That's terrible.

Howard Bridge: It's a cat. I don't think I hurt his feelings.

Attorney Morrison: As directed by the joint custody agreement, Mr Bridge was required to make all veterinary payments. And Ms Bridge, acting out of malice, took advantage of that by subjecting the cat to the most expensive treatments possible.

Brad Chase: Objection. He's disparaging my client.

Judge Willard Reese: Three thousand dollars a month? Could this possibly be correct?

Brad Chase: **Ashamed.** Yeah, it is. Your Honor.

Attorney Morrison: We have an affidavit from the vet. Barry is ninety-nine, point nine percent dead. **He hands the affidavit down to Judge Reese.**

Brad Chase: Which makes him point one percent alive. The glass is half full, Your Honor.

Beverly Bridge: Barry's completely alive to me.

Howard Bridge: How could you tell under your drunken haze?

Beverly Bridge: Hey!

Howard Bridge: Hey.

Judge Willard Reese: Enough! Let me remind you that I can still pose sanctions in arbitration. This is a property matter only. Keep the emotions out. We shall reconvene tomorrow and I will try not to remind myself that this is a day I will never get back.

In a hallway at Adams Academy. A busy school day. The boys wear blue blazers and khaki pants, the girls wear blue blazers and plaid skirts. Everything seems neat, orderly and first-rate. Alan walks purposefully down the hall. He has a large envelope under his arms. He stops a twelve-year-old boy.

Alan Shore: Excuse me, could you direct me to the conference room please?

Boy: Sure. It's down the hall to the left.

Alan Shore: Thank you.

In the conference room moments later. At one of the rooms behind a long table sit the members of the board, well dressed men and a few women in their forties and older. In the center is Lester Tremont, forties, smug and elitist. The set up is meant to be intimidating. Alan knocks, enters and looks at the board.

Alan Shore: Hello everyone.

Lester Tremont: Hello!

Alan Shore: **To Tremont.** You must be the chairman, Lester Tremont?

Lester Tremont: I am.

Alan Shore: I'm Alan Shore. Thank you for seeing me. I won't take up much of your time. As you know I'm here regarding Marissa Deaver.

Lester Tremont: Yes, we have her application in front of us.

Alan Shore: Ah!. Delightful. We can all take pleasure in it together. As you see she's obviously an exceptional student. She's in the top ten percentile on her standardized tests, her grades have never dipped below an A-minus, and she pursues and excels in a broad range of extracurricular activities and yet she wasn't admitted into your fine institution. We all make mistakes. And perhaps it was partially our fault. Her mother tells me she had a dreadful interview which sometimes happens especially considering the extenuating circumstances in this case. My thought to rectify the situation is this, you re-interview Marissa, review her remarkable work and reconsider putting her on your roster at Adams Academy and let's go beat our arch rivals, whoever they are.

Lester Tremont: That sounds like quite a plan. Unfortunately we have sent out all of our admissions letters, the class is full and there's an extensive wait list.

Alan Shore: Ah.

Lester Tremont: And while we would love to accommodate Marissa, it would be unfair to all the other applicants.

Alan Shore: Yes it would be. I was hoping we wouldn't tell them.

Lester Tremont: Hm.

Alan Shore: *He takes Marissa's drawing out of the envelope and holds it up.* Have you seen any of Marissa's art work? Here's a self-portrait which certainly exhibits a depth of insight that is highly unusual for a child of nine. As you know, Marissa is a girl who cannot smile.

Lestor Tremont: Yes. That was brought to our attention, and our hearts go out to her.

Alan Shore: Tell you what. Let's make a deal. Keep your hearts, and let the girl into your school.

Lestor Tremont: Mr Shore. The Adams Academy is a highly demanding, highly competitive institution. We turn down over ninety percent of our applicants. And in a transfer case like this, it's ninety-eight percent. Now for whatever reasons, Marissa simply did not meet our standards. Perhaps she just needs a year of maturing.

Alan Shore: Maturing? She's ready for retirement.

Lestor Tremont: Well, she is free to reapply to our academy next year.

Alan Shore: She cannot wait another year.

Lestor Tremont: Thank you for coming in, Mr Shore.

Alan Shore: I take it we've stopped being nice. I know I have. Mr Tremont, Marissa has a disability, and you and your institution are discriminating against her.

Lestor Tremont: Mr Shore, that is not true. But even if it were true... as a private school we have every right to discriminate against a disabled student. As a private school we are not bound by the I.D.E.A. and neither parents nor students have any recourse to challenge denial of service.

Alan Shore: Oh my God. You're a lawyer.

Lestor Tremont: Yes. Several of us are.

Alan Shore: Let me tell you two things about myself. I too am a lawyer. I can be painfully vindictive and I do not play fair.

Lestor Tremont: That's three things.

Alan Shore: See? Not playing fair already. And I'm just getting started.

Lestor Tremont: Mr Shore. Our school has been sued several times. Never successfully.

Alan Shore: You know what they say, Lester. You never forget your first time.

In Judge Dale Melman's courtroom Attorney John Lennox directs Dr Tusten.

Attorney John Lennox: Dr Tusten, Ms Bauer is saying there's no moral debate at play here.

Dr James Tusten: In the Catholic religion, human life begins when the egg is fertilized not implanted. At that stage a life is in motion. Regardless of how it happened, my moral and religious beliefs will not allow me to interfere—and the conscience clause ensures that I don't have to.

Attorney John Lennox: Of course you also follow this. *He holds up a thick document.* The U.S. Department of Justice's protocol for treating sexual assault victims, is that right? *He hands Dr Tusten the protocol*

Dr James Tusten: It's a very effective tool for handling the delicate nature of these cases.

Attorney John Lennox: In the one hundred and thirty pages of that document does it ever recommend the use of the morning-after pill?

Dr James Tusten: No. But it does address several important issues regarding the care of a sexual assault victim, including collecting a biological sample to assist in locating and prosecuting the attacker.

Attorney John Lennox: And were you successful in obtaining that sample?

Dr James Tusten: We were. The rapist was identified, convicted and is awaiting sentencing.

Attorney John Lennox: Nothing further.

Shirley rises.

Shirley Schmidt: Dr Tusten, in extreme circumstances like sexual assault, many Catholic hospitals will make an exception and provide rape victims with emergency contraception.

Dr James Tusten: Catholic hospitals are free to interpret sections of the Ethical and Religious Directives liberally or conservatively. We at St Mary's take a very strict application of Catholic teachings.

Shirley Schmidt: Tell me, Dr Tusten, do you have a set schedule at the ER? Nine to five, Monday to Friday?

Dr James Tusten: Shifts are much longer than that. We're often on call for twenty-four hours at a time.

Shirley Schmidt: Ah! So you often work weekends?

Dr James Tusten: Of course.

Shirley Schmidt: But that would put you squarely on the job during the Sabbath. And Exodus 35:2 states that he who works on the Sabbath should be put to death.

Dr James Tusten: That's a rather fundamentalist interpretation.

Shirley Schmidt: Moving on. Mark 16:18 states that a believer can drink any deadly thing and not be harmed. As a physician, are you ready to say that your Catholic patients can take a swig of arsenic and suffer no adverse effects?

Dr James Tusten: That's not intended to be interpreted literally.

Shirley Schmidt: But, you interpret some things literally. Are you saying that you just follow just the parts of the Bible that make sense to you?

Dr James Tusten: God was fairly straightforward with, "Thou shalt not kill."

Denny is in his office pouring drinks. He takes them out to the balcony where Alan is waiting.

Denny Crane: They said, "If you pour it, people come."

Alan Shore: Not tonight, Denny. I'm angry. Did you know private schools can openly discriminate because of religion, gender, even disability?

Denny Crane: Of course they can. They're private. That's the way it oughta to be. That's the way it once was with clubs. Before the feminists, lesbian cabal ruined this country.

Alan Shore: Trying to get a young girl into the Adams Academy.

Denny Crane: The one Miss Gloomy Gerta there?

Alan Shore: She's not gloomy.

Denny Crane: Oh. Pulled a coin out of her ear, she didn't even laugh. There's something wrong with that girl.

Alan Shore: That is the acid test.

Denny Crane: You're a little Gloomy Gerta yourself, aren't you?

Alan Shore: I don't know how I'm gonna get her in. The entire legal system sits squarely on the other side.

Denny Crane: Well, Alan, you're missing the whole point.

Alan Shore: Which is?

Denny Crane: The concept of private. Private doesn't operate by the law. Private operates above the law. Like, like Greek gods. Hovering above the earth on their own private mountain. Now Greek gods broke the rules and the laws, but the one thing they respected was power and influence. Now, Alan, if all else fails, and you think you've lost? Pretend you've won! Works for our president. ***Denny gets up, he takes a coin out of his pocket, shows it to Alan, makes it disappear, then pulls it out of Alan's ear. Alan doesn't crack a smile. Denny is disappointed.*** Maybe it just isn't funny.

Brad is sitting behind his desk at Crane, Poole and Schmidt. Beverly comes in.

Beverly Bridge: I hate cats.

Brad Chase: I beg your pardon?

Beverly Bridge: Can't stand em. Barry belonged to my third husband. When he tried to pick me up at a bar his toupee was slipping, and he told me he was a breast inspector.

Brad Chase: And you married him?

Beverly Bridge: You can see why I prefer the cat. Husbands come and go. And when they go they're friends go with them and then you end up alone. Accept for Barry.

Brad Chase: I apologize for what can be construed as an inappropriate gesture last week.

Beverly Bridge: As you should. And I know you think I'm blackmailing you because you tried to bribe me, and I am, but putting all this aside for now, I really need you to win this. Please.

Denny is sitting behind his desk. Garrett comes in.

Garrett Wells: You wanted to see me, Mr Crane?

Denny Crane: Yeah. Yeah. Gary ah. ***He waves Garrett in.*** Good morning. Here. Come on. Come here. Ha, ha.

Garrett Wells: Ha.

Denny Crane: ***He puts his hand behind Garrett's ear, brings a coin forward and shows it to Garrett.*** Funny?

Garrett Wells: ***His face is blank for a moment. Slowly he starts to show amazement. He smiles.*** How did you do that?

Denny Crane: ***They share a chuckle.*** You and me. Lunch tomorrow. I'll show you how. ***They share another chuckle, and then another one.***

In Judge Dale Melman's courtroom Attorney John Lenox is giving his closing.

Attorney John Lenox: Let's keep in mind exactly who's at fault for Amelia Warner's trauma. Her rapist. Instead here we are attacking the doctor that treated Amelia, who's efforts are responsible for the apprehension and imprisonment of that rapist. Because that doctor acted within his rights, did not administer medication that conflicted with his religious beliefs. Beliefs that he promised to uphold when he was hired at St. Mary's. But forget religion. Let's look at the law. In a one hundred and thirty pages of protocol on how to treat sexual assault victims the United States Department of Justice never even mentions the use of

emergency contraception. It's simply not the standard of care. There is in fact no law in place in the state of Massachusetts that explicitly requires Catholic hospitals to dispense or provide information for emergency contraception under any circumstances. And we simply can't pretend that there is on the basis of sentiment or sympathy.

Shirley Schmidt: One of our many rights in this country is what is called informed consent. Every patient has the right to decide what happens to his or her body. And to make that decision a patient needs to rely on her doctor to disclose all available options. Do you want chemo therapy or surgery for a brain tumor? Do you want to amputate below the knee or hope for the best and risk death from gangrene? Do you want to prevent pregnancy or have your rapist's baby? Amelia Warner didn't get to choose. She was deprived of a crucial medically relevant option because her doctor did not approve of it. She didn't choose to receive health care restricted by religious doctrine. She was taken to the ER unconscious. She relied on her doctor at St. Mary's to provide her with proper care or refer her elsewhere and he failed her. Twenty-five thousand women will become pregnant from rape this year. If all of those women took this emergency contraception, twenty-two thousand of those pregnancies could be avoided. Doctors provide a crucial public benefit to a diverse society and we cannot condone it when they impose their own religion on patients whom they are professionally obligated to serve. Especially patients in their most vulnerable states. A teenage for example, brought in to an emergency room after a brutal rape. A teenage who is now left to choose in violating her own moral principals in terminating the pregnancy or postponing college to deliver this child. A child conceived against her will, a direct result of the most traumatic ordeal she has ever endured.

Lestor Tremont is sitting in his office at Adam's Academy. Alan knocks on the door and comes in.

Alan Shore: Mr Tremont!

Lestor Tremont: Mr Shore! I believe our business is done in regards to Ms Deaver.

Alan Shore: Oh, absolutely! Water under the bridge. I'm here in an entirely unrelated matter.

The intercom on the desk rings.

Lestor Tremont: Yes. What is it, Cindy?

Cindy: **Over the intercom.** There's a news crew from ABC here?

Lestor Tremont: What?

Alan Shore: Ah, that happens to be the unrelated matter.

Lestor Tremont: What's going on?

Alan Shore: Well. **He chuckles embarrassedly.** The thing is it's all my fault. I was so sure I was going to be victorious and persuade you to admit Marissa into your school. Total hubrious on my part, I went and called Darcy Devictor, she does the human interest pieces over at the local ABC affiliate. We were briefly an item. Don't let her perky on-air demeanor fool you she's actually quite deviant in the bedroom. Anyway. I figured this was exactly the kind of story that Darcy likes to... and this is the part that gets me excited... sink her teeth into. You know the little artist that can't smile and the supportive school that loves her. I always like showing off in front of an exgirlfriend, but wouldn't you know it, I got excited and jumped the gun. So! I'll let you get back to work. I'm gonna go out and let her know that I was wrong and you were right and the school prevailed in it's determination to discriminate against this little girl and her disability. Oh! Do you happen to have any of Marissa's drawings still? Darcy was dying to show them on air. Hey! This may be a way to salvage a story actually. You know? The little girl who can't smile, her dream shattered by the exclusionary will of the inbred elite. Something like that! Oh! Wait! I have something. **He opens the door.** Darcy? **He goes over to hug Darcy. He motions to Lestor Tremont.** Lestor!

Library conference room. Arbitration hearing is in progress again

Attorney Morrison: Doggy massage. Pet Prozac. Kitty yoga. Bark-Mitzvahs. Pet plastic surgery? And now life support? What is wrong with us? Have we lost all perspective? There are now as many starving people in this world as there were people in this world a generation ago. And yet every year in this country we spend over thirty billion dollars on our pets. Your Honor, you had this right from the beginning. This is ludicrous. This is a property issue just as you noted. And as hard as it is to let Barry Manilow go, it's time to stop prolonging the inevitable.

He gives Judge Willard Reese a look. The Judge turns his chair toward Brad and gives him a look.

Brad Chase: Your Honor? I have to admit when I first took this case I thought it was just as silly as you do. I mean this couple broke up, they managed to divvy up the car and TV, why couldn't they figure out what to do with the cat? Because. **He get's up.** Unlike our cars and our TV's, our pets, they transcend mere property. **He brings up a huge poster of a head shot of Barry and places it on an easel.** Property that lives and breaths. Property that loves us back unconditionally in an increasingly harsh and isolating world. This is what Barry Manilow is and always has been to Beverly Bridge! Now, Barry Manilow didn't care how

much makeup Beverly wore or whether her outfits were just a little bit too tight for someone her age. **Beverly looks at Brad. She's not sure if she's just been insulted.** He never ostracized her when she got divorced. Never demanded she get a job. Never asked how she spent her money. Never came home smelling like another woman. And he never made Beverly his trophy! Barry Manilow was simply there for Beverly. In fact Barry Manilow treated Beverly better than most of her husbands did. Now he may be very ill now, but there's a slight chance that he can recover. **Beverly is getting emotional.** We need to hold on to that chance. Cause who among us here has the power to say that the spark of a soul is any less significant because it resides in the body of a pet?

Judge Willard Reese: I do. **He pounds his gavel on the table.** It's a cat. And the costs of keeping this cat on a ventilator indefinitely are exorbitant. Especially coupled with the pain this cat must be in and its remote chance of recovery. Ms Bridge, I am sorry for your loss, but I must hereby order that Barry Manilow's ventilator be shut off.

Brad reaches over to squeeze Beverly's hand.

In a hospital room. We hear the Beep... Beep... Beep... Beep... of the heart monitor and the hum of the ventilator. Kevin Willhite looks at everybody then reaches over and turns off the switch. The ventilator stops. The beep beeps don't. Brad, Denny, Beverly, Howard and Kevin Willhite continue to wait. No sign of it stopping. Finally--

Denny Crane: That damn cat isn't gonna die.

Howard Bridge: **He sighs, turns to Bev.** Fine. You can have him. **He walks off.**

In Judge Dale Melman's courtroom. All present.

Judge Dale Melman: Has the jury reached a verdict?

Foreperson: **He rises to deliver the verdict.** We have, Your Honor.

Judge Dale Melman: What say you?

Foreperson: We the jury find in favor of the plaintiff and hereby award compensatory damages in the amount of one hundred thousand dollars. Additionally, we award punitive damages in the amount of two point six million dollars.

Judge Dale Melman: The court thanks the jury for its service. We're adjourned.

Amelia Warner: **To Denise.** Thank you.

Denise Bauer: Congratulations.

Amelia Warner: **To Shirley.** Thank you so much.

Shirley Schmidt: Amelia? You are a courageous human being.

Amelia Warner: I don't feel like it but, thank you. **She and her mother share a hug.**

Alan, Phyllis and Marissa are in Alan's office. Marissa is modeling her Adams Academy blazer for Alan and Phyllis.

Alan Shore: You look good in blue, Marissa.

Marissa Deaver: I drew this for you.

Marissa takes a page out of her sketch book. Alan looks at it. It might be a painting of her and Alan – a surrealist style image of a man and a girl walking together with everything around them strange and upside down.

Alan Shore: Oh, my goodness. **He sits down.** Looks like they're going to have quite a day. You know, Marissa, not smiling has its benefits. You don't give away your thoughts so easily. It's great advantage in card playing.

Marissa Deaver: That's funny. But I'd rather fit in.

Alan Shore: Have you ever heard of a Greek philosopher named Epictetus?

Marissa Deaver: No

Alan Shore: He was funny man with a certain flare for life. Epictetus compared people who "fit in" to the white threads of a toga. Indistinguishable. He wanted to be the purple thread. "That small part which is bright, and makes all the rest appear graceful and beautiful. Why then" he asked, "do you tell me to make myself like the many? And if I do, how shall I still be purple?"

Marissa Deaver: Sometimes being purple is kind of a pain.

Alan Shore: Yes.

Brad is working at his desk. He looks up and sees Beverly standing in the doorway.

Brad Chase: Bev!

Beverly Bridge: Hello, Brad.

Brad Chase: Barry's feeling better. Now, he doesn't walk or move or anything, but he's breathing on his own. I, I didn't exactly win the case, but 'All's well, that end's well.' So we're square.

Beverly Bridge: I'll tell you when we're square, Brad.

Bev turns around and walks off.

Brad Chase: Damn it!

Shirley is in her office. Denise pokes her head in the door.

Denise Bauer: So?

Shirley Schmidt: I just spoke with her mother. She's having an abortion. While it's still legal.

Denise Bauer: Girl who said she would never even consider it. **She hands Shirley a bottle of beer.**

Shirley Schmidt: Well. What's the alternative? Having custody battles with your rapist? Sorry. That was really tasteless.

Denise Bauer: It's all tasteless. The more science comes up with alternatives to the misery of abortion the louder the opposition.

Shirley Schmidt: Course it's about power. It's always been about power. **They drink. Shirley motions with her bottle.** These guys have any friends?

Denise Bauer: Not for long.

Denny is out on the balcony. Alan joins him.

Denny Crane: Alan. I've been thinking about something.

Alan Shore: What's that?

Denny Crane: I want you to kill me.

Alan Shore: The scotch and cigars and nightly consumption of red meat have that well in hand.

Denny Crane: No, no, no. Seriously. I don't fear death. I never have. But I am afraid of being hooked up to a machine. All those tubes. Brain, mush. Would you like to live like that?

Alan Shore: No. If it came to that, my friend, I would pull your plug.

Denny Crane: Pull a plug? What kind of death is that? I want you to shoot me.

Alan Shore: Shoot you?

Denny Crane: Denny Crane is not gonna be turned off like a hair dryer. Live by the gun, die by the gun.

Alan Shore: I'm not gonna shoot you.

Denny Crane: Why not? I'd shoot you!

Alan Shore: Denny, you've been a lawyer in this town for forty years. I'm sure there are plenty of people who'd willing shoot you.

Denny Crane: Well, I don't wanna be shot by a stranger. I wanna be shot by someone who, who cares for me.

Alan Shore: The answer is, "No."

Denny Crane: Bah! You b... Democate! Protesting wars, banning guns! If you Nancy's had your way nobody would ever shoot anybody. And then where would we be?

Alan Shore: Where would we be?

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