

**Boston Legal**  
**Deep End of the Poole**  
**Season 2, Episode 24**  
**Written by David E. Kelley**  
**2006 David E. Kelley Productions. All Rights Reserved.**  
**Broadcast: May 2, 2006**  
**Transcribed by Imamess and Sheri for Boston-Legal.org [version updated May 7, 2006]**

**At Crane, Poole and Schmidt, Shirley Schmidt, Brad Chase and Paul Lewiston are walking to the elevator.**

Brad Chase: Did he escape?

Shirley Schmidt: He did not; he was released.

**Flashback of Edwin Poole walking into a full conference room.**

Paul Lewiston: Are we to assume that he's recovered?

**Flashback of Edwin Poole addressing full conference room; Alan with newspaper.**

Shirley Schmidt: We are. Gentle soothing tones, no sudden movements, we don't wanna startle him.

**Another flashback of Edwin's bare derriere, followed by him being wheeled out of Crane, Poole and Schmidt on a gurney.**

Edwin Poole: **Exiting from elevator.** Bonjour, mes amie! Edwin Poole is back.

Shirley Schmidt: Edwin, welcome back.

Edwin Poole: Shirley. **They shake hands.**

Paul Lewiston: Edwin.

Edwin Poole: Paul. **They shake hands.**

Brad Chase: Edwin.

Edwin Poole: Brad. **They shake hands.** Ha, ha, ha.

Brad Chase: Glad to see you're...

Edwin Poole: Well?

Brad Chase: Well. Yes.

Edwin Poole: Shirley, this is for you. **Presents her with a framed certificate.**

Shirley Schmidt: What is it?

Edwin Poole: It's a signed certified letter from New Beginnings stating that I am 100% mentally healthy.

Shirley Schmidt: How lovely. You had it framed.

Edwin Poole: Um, hmm.

Shirley Schmidt: That would make you the only certifiably sane person here.

Denny Crane: **He comes up.** Oh, my God. Edwin Poole.

Edwin Poole: Denny Crane.

Denny Crane: Name on the door!

Edwin Poole: Mine, too!

Denny Crane: Crane...

Edwin Poole: Poole and ... **They hold out their arms to include Shirley in a big group hug.**

Shirley Schmidt: **Rolling eyes.** Schmidt.

**Edwin chuckles.**

Denny Crane: Well, you look great. Still mental?

Edwin Poole: Over it. You?

Denny Crane: Never. Mad Cow. Denny Crane.

Edwin Poole: Edwin Poole.

Denny Crane: Crane...

Edwin Poole: Poole and... **They hold out their arms to include Shirley in a big group hug.**

Shirley Schmidt: **Rolling eyes, again?** Schmidt.

**Edwin chuckles.**

Denny Crane: Take a picture.

**A camera flashes.**

**At Crane, Poole and Schmidt, Edwin is in his office hanging a certificate. Shirley comes and stands at the door.**

Shirley Schmidt: So? Edwin? Is the plan to come back full time?

Edwin Poole: Big time. I'm coming back big time.

Shirley Schmidt: Ah.

Edwin Poole: Shirley... I must admit during my many long nights at the Laughing Academy, as I lay in bed in want, oh yeah, it helped to think of all those times you and I were carnal.

Shirley Schmidt: We were never carnal.

Edwin Poole: But it helped to think of it just the same.

Shirley Schmidt: Edwin?

Edwin Poole: I would ... yah?

Shirley Schmidt: It's important to take things slow at first.

Edwin Poole: No worries. It's not lost on me how the world is moving too fast these days. Everyone on their PDA's, their cell phones. Competition. Overworked. Underpaid. Running, running, running. I was just the first one to react to the artificial way we're living. The canary in the coalmine. The sensitive one.

**A knock on door; Phil Mickle enters.**

Shirley Schmidt: Um, this is Phil Mickle. He's here to hook up your computer.

Edwin Poole: Good God. Will you look at the size of that? **Points to Phil Mickle and chuckles.**

Shirley Schmidt: Phil, you remember Edwin? The sensitive one?

**At Crane, Poole and Schmidt men with guns enter the building. One plain-clothed policeman followed by two uniformed policemen. All are wearing guns. Melissa Hughes notices them and walks up to them.**

Melissa Hughes: Okay, look. I paid my taxes. So whatever this is about, I did not do it.

Plain-clothed Policeman: We're looking for Alan Shore, please.

Melissa Hughes: Huh. **Raises voice** Alan? Men with guns. Again. It wasn't me.

Alan Shore: **He comes out of his office.** What's going on?

Plain-clothed Policeman: Alan Shore?

Alan Shore: It depends.

Plain-clothed Policeman: You're under arrest.

Alan Shore: Arrest for what?

Plain-clothed Policeman: Aiding and abetting a fugitive, obstruction of justice, and conspiracy to aid a defendant to avoid prosecution.

Alan Shore: You've just described anyone who's ever given money to Tom DeLay.

Plain-clothed Policeman: Oh, please put your hands behind your back.

Alan Shore: Do I have to? It makes me feel so pretentious.

Melissa Hughes: Alan, please don't joke. They don't, ha, look funny.

Plain-clothed Policeman: You have the right to remain silent.

Alan Shore: Must you? I'll waive reading.

Melissa Hughes: I... I'll get you a lawyer.

**She looks back at the crowd of attorneys and paralegals gathered to watch the arrest. Within seconds they have all slinked away, like rats abandoning a sinking ship.**

**At Crane, Poole and Schmidt Denny, Shirley and Paul are walking down the corridor.**

Shirley Schmidt: **To Paul.** Evidently he advised a client to flee the country, told him to go... **To Denny.** ...where?

Denny Crane: Nimmo Bay.

Shirley Schmidt: The arraignments at ten.

Denny Crane: Which I'll handle.

Shirley Schmidt: Which you won't.

Denny Crane: He asked for me, Shirley!

Paul Lewiston: We'd better call the managing partners and present this to them, before they hear it on the news.

**At Crane, Poole and Schmidt Denny, Brad and Denise Bauer are walking down the corridor.**

Brad Chase: It doesn't make sense.

Denise Bauer: I don't date men at the office.

Brad Chase: It's stupid.

Denise Bauer: Well. Just the same.

Brad Chase: Look. In order for relations to be as compatible as they were...

Denise Bauer: Okay, let me just stop you there. Any man that I would be with, he would use the word, "sex." He would never say "relations," certainly not to describe what we did. Come on, Brad. We were like a couple of wild apes.

**Brad Chase:** Exactly. And if you're so quick to measure a man by a kiss, why not attach a little bit of weight to his ability to intercourse.

**Denise holds a look, as Poole passes, dogging Phil.**

**Phil Mickle:** I don't wanna sue.

**Edwin Poole:** Stop making it about you, I need to sue! I need to make money for this firm! For that I need a victim!

**Phil Mickle:** But I'm not a victim!

**Edwin Poole:** Of course you are, Paul.

**Phil Mickle:** Phil.

**Edwin Poole:** You're gigantic. Something has gone amiss here, people simply do not grow this large! For God's sake! You need to blame somebody. This is America!

**In Judge Robert Sanders' courtroom.**

**Clerk:** Four, two, four, four, four. The Commonwealth versus Alan Shore, aiding and abetting...

**Alan Shore:** **He is brought in by a guard.** Waive reading, Judge, the charges depress me.

**A.D.A. Douglas Koupfer:** Douglas Koupfer representing the Commonwealth, Your Honor.

**Alan Shore:** Well, well, well. Now it all makes sense.

**Denny Crane:** **He walks up.** Denny Crane! For the defense. Glad to be back, Judge.

**Judge Robert Sanders:** What's going on here? Last week he was in here defending you.

**Denny Crane:** Yes, Judge. He gets me off, I get him off.

**Alan Shore:** We're flamingoes.

**Denny Crane:** Don't ask, don't tell.

**Judge Robert Sanders:** Silence.

**A.D.A. Douglas Koupfer:** Your Honor, they've already started making a farce out of this matter.

**Alan Shore:** You made the farce by bringing the charges.

**Judge Robert Sanders:** Silence! Mr Shore! You are the defendant. I don't wanna hear another poop out of you. How do you plead?

**Alan Shore:** Not guilty, by reason of the District Attorney's insanity.

**Judge Robert Sanders:** All right then. We'll schedule... that's not a real plea!

**Alan Shore:** Not guilty, then.

**Judge Robert Sanders:** Do you wish a trial?

**Alan Shore:** If it's not too much trouble. Speedy!

**A.D.A. Douglas Koupfer:** The Commonwealth stands ready, Your Honor.

**Judge Robert Sanders:** Bail?

**Alan Shore:** I ask to be released on my own recognizance. **To Douglas Koupfer.** I assure you, I will not flee.

**A.D.A. Douglas Koupfer:** No objection.

**Judge Robert Sanders:** Fine. ROR is granted. We'll resume at ten o'clock tomorrow. Adjourned.

**Alan Shore:** **He saunters over to the defense table.** This is a happy day.

**A.D.A. Douglas Koupfer:** Yes. People like you always bring themselves down, Mr Shore.

**Alan Shore:** And just in case we don't, we've got you.

**At Crane, Poole and Schmidt in Edwin's office. Phil is with Edwin.**

**Edwin Poole:** You're a diabetic?

**Phil Mickle:** Yeah.

**Edwin Poole:** So you are a victim! We can sue! Brother! Congratulations! **He shakes Phil's hand.** You have a real disease. We'll file in the morning, this is wonderful. Phil, I am gonna make you a very rich man.

**At Crane, Poole and Schmidt, Shirley and Edwin are walking down the corridor.**

**Shirley Schmidt:** Edwin. You can't sue a disease.

**Edwin Poole:** But he has it, Shirley. The man's a diabetic. **He chuckles.** I mean...

**Shirley Schmidt:** You cannot file a lawsuit against diabetes, that's a disease, not...

**Edwin Poole:** But there are foundations. Okay? The American Diabetes Association, that's a deep pocket, we go after them.

**Shirley Schmidt:** The American Diabetes Association is trying to cure it, they don't cause it.

**Edwin Poole:** So they'll settle out of court, trust me. They all pay to avoid a trial.

**Shirley Schmidt:** Edwin, you seemed less crazy with your pants down.

**Edwin Poole:** Thank you.

**Shirley Schmidt:** I don't think you're ready to resume the practice of law.

Edwin Poole: What do you mean?

**At Crane, Poole and Schmidt, Alan and Denny are on the balcony drinking scotch.**

Alan Shore: I have no defense, Denny. I broke the law.

Denny Crane: So?

Alan Shore: So, usually in these situations I go with jury nullification. Persuade the jury to focus on the moral, not the legal, but here it makes no difference! What I did was unethical, immoral, illegal...

Denny Crane: You're being so negative.

Alan Shore: I need you to close.

Denny Crane: What do you mean?

Alan Shore: I'll try the case, but at the end I need somebody else to stand before the jury and say, "Let the man go."

Denny Crane: And you want me to do that?

Alan Shore: There was a day when all you had to do was say your name.

Denny Crane: That's still all I do.

Alan Shore: Denny, I find in life, and I know you must, that craft doesn't matter so much if one is a big enough star. You've spent your entire life getting away with who and what you are, because you're a star!

Denny Crane: Big star. I blow solar flares out of my ass.

Alan Shore: I need your start power here. I need you to stand up before that jury when we're done and tell them, "Let Alan Shore go!"

Denny Crane: Really?

Alan Shore: I have a gut feeling it's my best shot.

Denny Crane: **He stands up and positions himself.** Let him go! Denny Crane. I'll do it.

**In a room at the jailhouse.**

Andre Mkeba: They have offered me two years if I testify against you.

Alan Shore: Two years? For attempted murder.

Andre Mkeba: Yes.

Denny Crane: And you took it?

Andre Mkeba: I have a family. Alan, I am so sorry.

**Alan shakes his head, "nothing to apologize for."**

Denny Crane: That's alright, son. You look at me. **Gets up, threateningly.** We know where your family lives.

Alan Shore: **Restrains him** Denny! Mr. Mkeba, you'd be insane not to take that deal. All I can say to you is that, if you plan to tell the truth which I think you should, please tell it exactly. Try not to misquote me.

Denny Crane: Because know where your f ... **Gets up, threatening bodily harm.**

Alan Shore: **Restrains him.** Denny. Well! I guess we'll see you in court.

Andre Mkeba: I'm sorry.

**At Crane, Poole and Schmidt Alan and Denny exit the elevator and walk down the corridor.**

Denny Crane: You should've let me break him.

Alan Shore: You were breaking me.

Jerry Espenson: **He gets up from a chair in the waiting area.** Alan!

Alan Shore: Jerry!

Jerry Espenson: I'm so sorry.

Denny Crane: Don't tell me you've turned Quisling.

Jerry Espenson: It's all my fault. If I hadn't screwed up the case, you never would have advised him to flee. I feel so terribly responsible.

Alan Shore: Jerry, I made the decision to do what I did here. As such, I take full responsibility.

Denny Crane: Good God, man, nobody does that.

**At Crane, Poole and Schmidt Shirley Schmidt and Edwin Poole are walking, arm in arm.**

Edwin Poole: I've done it. I have cracked the case. I'll assume, for the case of argument, one cannot sue diabetes.

Shirley Schmidt: Thank you.

Edwin Poole: Better to sue the cause of the disease. The proximate cause.

Shirley Schmidt: Now there's lawyer talk.

Edwin Poole: Thank you. So, I sat down with Pete last night...

Shirley Schmidt: Phil.

**Edwin Poole:** Right. And I went over his diet. Going way back to when he was a child. Together, we dissected his eating habits, which... haha. So I think we found it. We found the cause of his diabetes. **Sotto voice, he leans in conspiratorially.** High fructose corn syrup. We're filing today.

**Shirley Schmidt:** You're suing corn syrup?

**Edwin Poole:** Yes, the makers of it.

**Shirley Schmidt:** Do the makers of corn syrup market directly to the public?

**Edwin Poole:** Well, no, but I, I, don't see how... **Shirley walks away.** Oh, all right.

**At Crane, Poole and Schmidt Denise and Brad walk down the corridor.**

**Denise Bauer:** You're a partner.

**Brad Chase:** You're a hypocrite. You lecture me on not being able to express my feelings, and meanwhile, you keep yours bottled up like one of Denny's kidney stones.

**Denise Bauer:** Oi. Ah. You're touching me! That's battery!

**Brad Chase:** We had sex.

**Off to the side Denny is shocked to hear this.**

**Brad Chase:** Happy? I said the word.

**Denise Bauer:** Mm. **Beats a hasty retreat, and pulls Brad with her.** I am 34 years old. When I meet a man, I think long term. Is he potentially the father of my children? You're not. Every now and again, I'll think, "What the hell? Have some fun in the short term." Not with somebody from the office. Too messy. Too complicated. We should know better.

**In Judge Robert Sanders' courtroom.**

**Jerry Espenson:** He never told me he advised Mr Mkeba to flee the jurisdiction. He did not. He did not.

**A.D.A. Douglas Koupfer:** Okay. Okay. Well, after Mr Mkeba did flee, did the defendant indicate to you in any other way that he might have proffered this advice?

**Jerry Espenson:** No. No, no, no.

**A.D.A. Douglas Koupfer:** Well, then, can you tell us, Mr. Espenson, why after Mr. Shore was arrested, did you come racing to me to say it was all your fault that Mr. Shore told the client to run?

**Jerry Espenson:** What I said was, if Mr. Shore gave such advice, and I have no knowledge that he did, it was my fault since I had so totally screwed up Mr. Mkeba's trial, leaving him no option but to run.

**A.D.A. Douglas Koupfer:** Mr. Espenson, do you typically take responsibility for what others do even when you think they haven't done it? **Jerry doesn't reply.** Nothing further.

**Denny starts to rise.**

**Alan Shore:** Denny, not now. The closing. **Denny sits down. Alan gest up.** No questions.

**Jerry hangs his head.**

**At Crane, Poole and Schmidt a well attended Press Conference is in full swing with Edwin and Phil Mickle front and center.**

**Edwin Poole:** The truth is, we could sue the soft drink manufacturers. And the wheat and corn growers. And the makers of all those sugary cereals. We could even, perhaps, sue the federal government for not regulating these foods.

**Paul Lewiston:** Did you know about this?

**Shirley Schmidt:** Of course not.

**Edwin Poole:** We could contact any one of the corporate ...

**Paul Lewiston:** We need to contact his doctor. Find out what the hell is going on.

**Edwin Poole:** ... start with Lil' Jimmies Yum Dingers. Because this is what Bob ...

**Phil Mickle:** Phil.

**Edwin Poole:** Phil Mickle grew up eating more than anything else. My client ...

**Shirley Schmidt:** He's suing a snack cake?

**Edwin Poole:** ...has been consuming three packages of these delicious treats every day of his life since he was five years old. And we are going to prove that they are as deadly as cigarettes!

**At Crane, Poole and Schmidt Shirley and Edwin walk into Shirley's office.**

**Edwin Poole:** Did you see that turn-out? It'll be on every network news tonight! Edwin Poole is back. You know what? It's a niche, Shirley. I can feel it. I'm going to be the lawyer who brings down big sugar.

**Shirley Schmidt:** Edwin?

**Edwin Poole:** Yeah.

**Shirley Schmidt:** Have a seat.

Edwin Poole: Okay. **He sits.** Ah.

Shirley Schmidt: Edwin.

Edwin Poole: Hmm?

Shirley Schmidt: You just sued the Lillian Corporation.

Edwin Poole: And it feels good.

Shirley Schmidt: You called their snack cakes poison, deadlier than cigarettes.

Edwin Poole: I stand behind it.

Shirley Schmidt: They could sue you, Edwin. And us.

Edwin Poole: Oh, stop it. Don't be silly. I have qualified immunity.

Shirley Schmidt: Only for what you say in court. That immunity does not extend to press conferences, Edwin.

You just accused the world's largest vertically-integrated conglomerate of selling poison. And you did it in your capacity as a lawyer of this law firm.

**At Crane, Poole and Schmidt Paul is in his office. Shirley marches in.**

Shirley Schmidt: They've brought a motion to dismiss and they've counter-claimed for defamation. Now, we're the target.

Paul Lewiston: They didn't waste any time.

Shirley Schmidt: They're also deposing Phil this morning.

Paul Lewiston: What about notice?

Shirley Schmidt: I waived it, in the hopes of getting them in the room today. If we agree to dismiss Phil's claim maybe I can get them to drop this suit against us and this whole thing will go away.

Paul Lewiston: Now, how do we get Edwin to go away?

Shirley Schmidt: Let's just deal with this case first, then we'll turn to Edwin.

**In Judge Robert Sanders' courtroom. Andre Mkeba is on the stand.**

Andre Mkeba: Mr Shore informed me that we would lose the trial, and that I would be convicted.

A.D.A. Douglas Koupfer: Of attempted murder?

Andre Mkeba: Yes.

A.D.A. Douglas Koupfer: What else did Mr Shore say, Mr Mkeba?

Andre Mkeba: He told me that perhaps my only option at avoiding prison was to run, but as a member of the bar he could not advise me to do so.

A.D.A. Douglas Koupfer: Now, you interpreted Mr Shore's statement to mean that you should flee the jurisdiction?

Alan Shore: Objection, leading.

Judge Robert Sanders: Sustained.

A.D.A. Douglas Koupfer: How would you interpret Mr Shore's statement, and I would remind you, sir, you are under oath.

Andre Mkeba: I guess I felt that if he were in my shoes he would run, but as a lawyer he was not allowed to advise me to do so.

A.D.A. Douglas Koupfer: Yes. And as a result of this communication with Mr Shore, what did you do?

Andre Mkeba: I fled to Canada.

A.D.A. Douglas Koupfer: You were captured and brought back?

Andre Mkeba: Yes.

A.D.A. Douglas Koupfer: Thank you, sir.

**Douglas Koupfer sits. Denny starts to rise. Alan puts his hand out to stop him.**

Alan Shore: Denny. Not until the close. **He gets up. Denny sits.** So, Mr Mkeba, as I understand it, I specifically told you I could not advise you to run?

Andre Mkeba: That's correct.

Alan Shore: Nothing further. **He sits.**

Judge Robert Sanders: Mr Koupfer?

A.D.A. Douglas Koupfer: The prosecution rests, Your Honor.

Judge Robert Sanders: The witness is excused.

Alan Shore: **He rises.** Your Honor, at this time the defense moves for a directed verdict of 'Not guilty'. The prosecution has failed to make a case...

Judge Robert Sanders: Denied!

Alan Shore: Fine! Then we'd like to call our first witness, ladies and gentlemen, A.D.A. Douglas Koupfer! **Alan applauds.**

Judge Robert Sanders: You can't call him!

Alan Shore: It's not unprecedented, Your Honor. Especially when defense goes to bias! The only reason I'm on trial is...

A.D.A. Douglas Koupfer: Objection!

Judge Robert Sanders: Sustained. Mr Shore! The court instructed you not to poop!

Alan Shore: Sidebar, Judge. **He starts to walk up to the Judge's bench, then turns to nudge Denny to follow.** The only reason I'm on trial is him, I should be allowed to cross examine him on motive.

Judge Robert Sanders: My courtroom will not be turned into a sideshow. I told you...

A.D.A. Douglas Koupfer: Your Honor, I have no problem testifying. In fact, since Mr Shore rang the bias bell in front of the jury, I'd appreciate the chance to refute the attack.

Judge Robert Sanders: It is highly unorthodox...

A.D.A. Douglas Koupfer: Yes, but as Mr Shore pointed out, not unprecedented. Your Honor, let's just do this. Let the defendant take his shot.

Judge Robert Sanders: **He looks to Denny who nods his head in encouragement. I... He nods his head and waves them away from his bench.**

**At Crane, Poole and Schmidt in the conference room, a deposition is taking place with four lawyers from the Lillian Corporation sitting across the table from a Stenographer, Edwin, Shirley and Phil.**

Shirley Schmidt: I think if we agree to withdraw the case now before generating massive attorney fees...

Vivian Marino: **Dripping with condescension.** It's a little late to be singing 'let's call the whole thing off,' Ms Schmidt, your colleague declared us to be poison manufactured to the whole world.

Shirley Schmidt: Which he regrets. **She nudges Edwin.**

Edwin Poole: I do! It was all my idea.

Vivian Marino: Yes, well, if only contrition could make us whole, we have assembled to conduct, Mr Mickle's deposition, you waived notice I see...

Shirley Schmidt: If this goes forward, it will only bring more publicity to an idea that's...

Vivian Marino: Mr Mickle is not the first overweight person to pin the responsibility for his obesity on us; we look at it as a test case. Now shall we proceed with the deposition, or shall we break for a snack?

**Edwin laughs out loud. Nobody else does.**

Shirley Schmidt: **Sotto: to Phil.** Let's dismiss and then pay court costs.

Phil Mickle: I don't wanna settle.

Shirley Schmidt: Phil. If they go after you for defamation...

Phil Mickle: They already are. **To everybody.** The fight is on.

**At Crane, Poole and Schmidt in the library, Brad is leaning against a shelf from which Denise is taking a book.**

Brad Chase: So, how would you describe me to your friends? I'm curious.

Denise Bauer: I really don't see what difference that would make.

Brad Chase: I'd like to know.

Denise Bauer: Brad.

Brad Chase: I'd like to know. Please.

Denise Bauer: Okay, well, uhm. I guess I would describe you as ah, Buzz Lightyear.

Brad Chase: You think I'm Buzz Lightyear?

Brad Chase: You're very military. Brad, my idea of how to wind down after a tough day is to pour a glass of wine, light a candle and get into a hot bubble bath with my partner. Can you ever see yourself doing that?

Brad Chase: Well. It's just, alcohol and extreme temperatures...

Denise Bauer: We're complete opposites, you know that. Come on.

Brad Chase: You haven't the slightest idea of who I am. **And off he goes.**

**At Crane, Poole and Schmidt, the deposition continues.**

Phil Mickle: I'm not saying I got fat only because of L'il Jimmey's. I ate the bad cereals, soda pops, brownies, cookies... I've had a sweet tooth since I was two.

Vivian Marino: Ye, but, L'il Jimmey's is the only one that you're suing.

Phil Mickle: I was addicted to them. You know, whenever I had a sugar low, or I was feeling depressed... I'd eat a box of them.

Vivian Marino: And that's what caused your diabetes?

Phil Mickle: **To Schmidt re: Marion.** She's a skinny.

Shirley Schmidt: Phil.

Phil Mickle: No, I know the way skinnies think of fat people. And diabetics, like lung cancer victims and smokers, we did it to ourselves, right?

Vivian Marino: Well, I didn't eat three boxes a day. Did you read the labels on those boxes, Mr Mickle, did you see the calorie count, were you able to perform basic math?

Phil Mickle: I was addicted. Thin-Mint.

Shirley Schmidt: Alright.

Vivian Marino: Let the record reflect that he called me food, a cookie no less.

Shirley Schmidt: Ms Marino, you've been rude, and I might also point out that we are not the first people to connect junk food with diabetes.

Vivian Marino: Did a medical professional ever connect your diabetes specifically to L'il Jimmex's snack cakes?

Phil Mickle: Well, my doctor said my intake of sugar was too high...

Vivian Marino: But did he connect specifically, your diet...

Phil Mickle: Yes! He knew I was eating box after box of L'il Jimmex's, and he told me to stop, but I was addicted.

Vivian Marino: Did he use the word 'addicted' or is that yours?

Phil Mickle: It's mine.

Vivian Marino: Did he ever say, "Eat less."

Edwin Poole: Objection! Rudeness! **Shirley gives him a look.** What? **To Phil.** You can answer it.

Vivian Marino: And when you claim our product poisoned you, do have any evidence of that?

Phil Mickle: Do you talk dismissive like that to everybody? Or just me?

Vivian Marino: I wasn't in a dismissive mood when you tried to wiggle out of this lawsuit, was I?

Shirley Schmidt: **To Marino.** You know what, Thin? You're starting to piss me off.

Vivian Marino: Your client sued us. What you think? I was going to come in here all sugar and spice? **To Phil.** Oh, perhaps you would've liked that.

Shirley Schmidt: Consider my willingness to drop this case revoked. You skinny little bitch!

**At Crane, Poole and Schmidt Edwin and Shirley are walking down the corridor.**

Edwin Poole: You were wonderful, Shirley. No, I'm serious, you were brilliant! My God! It was... what's the word? You... ah...

Shirley Schmidt: Escalated a situation I was hoping to quash?

Edwin Poole: That's it!

Shirley Schmidt: Edwin?

Edwin Poole: Yo!

Shirley Schmidt: Do you have any medical or scientific research to back the claims laid out in your complaint?

Edwin Poole: Not a shred, but we're just getting started. We'll do that research, you and I, burning the midnight oil, like the old days. Huh?

Shirley Schmidt: You may not get an opportunity to do research if the claim is dismissed tomorrow, which at the moment seems extremely likely.

Edwin Poole: Tosh.

Shirley Schmidt: Edwin? Have you prepared anything for the hearing?

Edwin Poole: Not a thing.

Shirley Schmidt: **She hangs her head and sighs.** Okay, then, I'll, I'll have to prepare something myself.

Edwin Poole: Yes! **He moves to go with her.**

Shirley Schmidt: Ah! And Edwin?

Edwin Poole: Hm?

Shirley Schmidt: I'll need you to leave me alone so that I can concentrate. Edwin Poole: **He salutes her.** Yes.

Shirley Schmidt: And Edwin?

Edwin Poole: Hm?

Shirley Schmidt: What I really need is for you not to sue anyone else.

Edwin Poole: Yes. Ha, ha. You can do it, Shirley, I know you can.

Shirley Schmidt: Thank you.

**At Crane, Poole and Schmidt, Alan is in his office sitting at his desk deep in thought.**

Denny Crane: **He comes in.** You're thinking. There was a day I used to do that.

Alan Shore: **For a moment he doesn't respond.** I'm thinking this might be a mistake, putting Kouper on the stand. Gives him the opportunity to put prior bad acts in evidence, which is obviously why he so readily agreed.



Denny Crane: If he does that he gives you grounds for a mistrial.

Alan Shore: Not if I opened the door. I've gotta be very careful, Denny. I could end up sinking myself here, which I have a feeling he knows all too well.

Denny Crane: Maybe we should just rest. His case is thin

Alan Shore: But possibly enough. And if I lose, never mind jail, these are felony charges, my law career could be over. That never used to bother me!

Denny Crane: What bothers you, is that as you get older your priorities change. You begin to realize what really matters. Money! **Alan doesn't respond**. Never seen you look so nervous. Well, except for the night terrors, and the clowns, and the girl and the Word Salad.

Alan Shore: I've never kidded myself. I've always known how it would end for me. I'm just not ready for it yet.

Denny Crane: But, what you keep forgetting is that at the end of the day, you always have me.

**At Crane, Poole and Schmidt in the break room Denise is pouring coffee; Brad enters and marches up to her.**

Brad Chase: I'm into rock-climbing, competitive biking. I want a woman who can keep up with me both physically as well as intellectually, and who is also incredibly hot. That's who I am. I've given it some thought, and you're right. There's no romantic future between us. I value our friendship. I don't wanna screw that up, so if you're okay with going back to the way things were, so am I.

Denise Bauer: Just friends?

Brad Chase: Just friends.

**She nods, he leaves.**

**In Judge Robert Sanders' courtroom A.D.A. Douglas Koupfer is on the stand.**

Alan Shore: Conspiracy to aid defendant to avoid prosecution. Isn't that a defense lawyer's job?

A.D.A. Douglas Koupfer: Within the bounds of the law.

Alan Shore: Okay, but certainly if I were to advise a client, "Do not tell the police the truth," that would be okay?

A.D.A. Douglas Koupfer: But if you advised him to lie, it would not. And you took it a step further. You advised your client to jump bail, to flee the jurisdiction.

Alan Shore: No, I told him it was his only option.

A.D.A. Douglas Koupfer: Same thing.

Alan Shore: No, but come on. If the client comes to me and says, "Gee, as I look at things, seems my only real shot at avoiding prison is to run," and it happens to be true, I have a legal obligation to lie to my client? To disagree?

A.D.A. Douglas Koupfer: No, but...

Alan Shore: And yet, if I agree, I've committed a crime.

A.D.A. Douglas Koupfer: If that agreement can be construed as advising him to flee, yes. It's a crime. And, by the way, your client didn't come to you and lay it all out. You laid it out to him, which crosses the line.

Alan Shore: I expressly told him I was not allowed to advise him to flee.

A.D.A. Douglas Koupfer: While conveying to him all the while that that is exactly what he should do.

Alan Shore: But I'm a kidder. You know that. I offered you \$10,000 to drop this, did I not?

A.D.A. Douglas Koupfer: Yes, as either a transparent attempt to entrap me or a demented plan to have me recused.

Alan Shore: The point is, you didn't take me seriously, but you claim I was serious with Mr. Mkeba. You seem to know this beyond all reasonable doubt, in fact. Which given you weren't even there!

A.D.A. Douglas Koupfer: Do you think that you're fooling anybody?

Alan Shore: Do you, Mr. Kupfer? This is a personal grudge.

A.D.A. Douglas Koupfer: No, it isn't. However much...

Judge Robert Sanders: Speech coming. Jibber jabber.

Alan Shore: Did you not say in Judge Thompson's courtroom two weeks ago, that you would like to see me suffer?

A.D.A. Douglas Koupfer: No.

Alan Shore: You said your only fear was that someone would stab me before you would get the chance to take me down. Is it your testimony to this jury that you do not hold a grudge against me?

A.D.A. Douglas Koupfer: It's my testimony that that grudge is not in play.

Alan Shore: It's not in play?

Ande Mkeba: No, it is not. Admittedly, I do not like you. It makes me happy to be prosecuting you.

Alan Shore: You despise me.

A.D.A. Douglas Koupfer: All right.

Alan Shore: Tell us why.

A.D.A. Douglas Koupfer: Oh, you would love for me to tell you why. That would be grounds for a mistrial. No. My grudge makes this prosecution a little more thrilling. But you're on trial because you broke the law.

Alan Shore: Objection. Calls for a legal ruling.

Judge Robert Sanders: Sustained.

Ande Mkeba: You advised a client accused of attempted murder to flee. That's a crime.

Alan Shore: Objection.

Judge Robert Sanders: Sustained.

A.D.A. Douglas Koupfer: Perhaps you'd like to take the stand now. Put your character in issue.

Alan Shore: My client trusted me to tell him the truth, which trust I honored. That's my character, Mr. Koupfer.

**At Crane, Poole and Schmidt a paralegal is standing outside of Brad's office, watching as he changes shirts in preparation for going to court.**

Brad Chase: Well, they challenged the meeting from later on this afternoon. No. It's only bogus. **Denise comes up wanting to see what the paralegal is looking at.** But I can be there in half an hour.

Paralegal: I love it when he goes to court.

**Denise walks away and turns to get another look. She takes a deep breath then marches off.**

**In Judge Katherine Taylor's courtroom.**

Vivian Marino: No doctor or medical professional has ever linked his diabetes to Lil' Jimmies Snack Cakes. And even if they could, so what? All the information Mr Mickel needed to make his informed dietary decision was right there on the label. My God! When are people going to start taking responsibility? This man snorted down three boxes a day, not to mention the soft drinks, the potato chips. The only exercise he got was reaching for the cookie jar. And he wants to blame us? Then what? We outlaw desserts altogether. We criminalize the cupcake because people cannot be expected to eat in moderation. It's ridiculous. Mr Mickel wants to be able to snack and sue. He wants to have his cake and eat it too, and enough is enough. That's one word this plaintiff can't seem to appreciate. **To Phil.** Enough.

Shirley Schmidt: **Reading off the label of a Lil' Jimmies box.** Yellow dye tartrazine, which is a coal tar derivative. Blue dye triphenylmethane, which is a petroleum-based product. Red dye carminic acid, which is derived from the carcasses of the cochineal beetle.

Judge Katherine Taylor: I'm sorry. Did you say the cochineal beetle?

Shirley Schmidt: Carcasses. That's right. Partially hydrogenated vegetable or animal shortening. Which is beef fat, pork gelatin. Which is made from boiled bones, tendons, and skin of pigs. Ugh. So far, we're up to motor oil, bugs, road tar, and pig bones.

Vivian Marino: So far, she hasn't named a thing that isn't in the majority of cookies and snack cakes.

Shirley Schmidt: Ha. And isn't that scary?

Vivian Marino: No, what's scary is that we're being singled out.

Shirley Schmidt: Yes, it has us all terrified. May I continue? **The Judge nods.** Bleached white flour. The common ingredient used to bleach flour is chloride oxide, the use of which has been linked to the destruction of the pancreas and a form of type II diabetes. And finally the biggie, high fructose corn syrup. This product does not metabolize as a normal sugar in the body and it prevents a certain hormone, leptin, from reaching the brain. This hormone normally sends a signal to the brain that your stomach is full and tells you to stop eating but, whenever you eat anything with high fructose corn syrup, your brain thinks it's not full, and so you keep eating and eating and eating. This product, like many dessert cakes, is addictive and causes diabetes, and that is what this lawsuit will show. As for defense counsel's remark that the whole thing is ridiculous... **To Vivian.** ...is it? The rate of diabetes has increased 80% in the last decade. Nearly 21 million Americans have diabetes. One in three children will get it in their lifetime. I just want to say that again, one in three children. These companies are corporate drug dealers. Their products are killing our children.

Vivian Marino: Objection. This is beyond inflammatory.

Shirley Schmidt: Is it? One in three children? You market to children. At least tobacco companies say on the packages that cigarettes can kill you. Ha. And you have the temerity to accuse my client of not taking responsibility?

**In Judge Robert Sanders' courtroom.**

A.D.A. Douglas Koupfer: He effectively counseled his client to skip trial and run. Now, he prefaced this by saying he was not legally permitted to give such advice. But, come on, he gave it all the same, and the client did in fact, flee. Now, do I have a grudge against the defendant? Yes, I do. But, as I said in that witness chair,

we are not here today because of my hard feelings. We are here because Alan Shore broke the law! A law he is not above. A law that the twelve of you took an oath to uphold.

**Douglas Koupfer sits down. Denny is sleeping; he cracks his neck, and continues to nod off.**

**Alan Shore: He puts his hand on Denny's arm.** Denny? It's the closing. This would be the time to talk.

**Denny doesn't get up, so Alan starts to. Denny stops him.**

**Denny Crane:** Pregnant pause, man. **Alan sits down and Denny gets up.** Who the hell are we kidding? Defense attorneys make their living helping their clients get away with murder. We put rapists back on the street knowing they're gonna rape again. Let's not pretend we don't aid and abet crime. The key is: make sure we cover our asses. Attorneys do that better than anybody. Now, Alan Shore covered his. He knew he couldn't legally advise Mr Mkeba to run, and he expressly said he couldn't give him such advice. Did Mr Mkeba get the message anyway? Sure. But, technically, Alan Shore didn't break the law. Ass covered. Over and out. Not guilty. Simple as that. Oh, and here's another thing... **He takes off his jacket.** ...about asses. **To Douglas Kupfer.** Not you. We'll get to you in a second. If you have too much success against the DA's office, and Alan Shore's out of luck. Especially against this putz. Beats him every time.

**A.D.A. Douglas Koupfer:** Objection.

**Judge Robert Sanders:** Sustained. Mr. Crane.

**Denny Crane:** I'm sorry, Your Honor. Too much success... **He pulls down his suspenders down** ...eventually you get... **He unzips his pants.** ...a giant bulls-eye painted on your bottom. **He turns, bends down and displays a colorful bull's-eye painted on his underpants.**

**A.D.A. Douglas Koupfer:** Objection!

**Judge Robert Sanders:** Sustained. Mr. Crane!

**Some of the jury members openly laugh. The foreperson especially.**

**Denny Crane: Pulling his pants back on and zipping up.** I'm just trying to make a point, Your Honor! Alan Shore was a target. He's got a bigger bull's-eye on his ass than I have on mine. And this man, Douglas Koupfer, is aiming for it. Said he wanted to stab him that's subtle. This is a vendetta. He wants my client any way he can get him. That's the only reason we're here. Over and out. Reasonable doubt. You all know that. Last name: Crane. First name: Denny. Not guilty. Over and out.

**In Judge Katherine Taylor's courtroom the Judge comes out of her chambers. Phi and, Shirley rise, and quickly, so does Vivian.**

**Judge Katherine Taylor:** I've read the complaint. **The Judge sits. Edwin rises as Shirley and Phil sit down. Quickly, so does Edwin.** I can see no detailed evidence which would allow me to hold the defendant liable. Nor can I conclude these charges cannot be established during discovery. The emerging research today is increasingly indicating that the major cause of disease and death in the United States is our national food supply. The defendant's motion to dismiss is therefore denied. We'll confer and set a trial date. Adjourned. **She pounds her gavel.**

**Edwin Poole: Laughing.** You did it, Shirley!

**Phil Mickle:** So the fight's on?

**Shirley Schmidt:** The fight is on.

**Vivian Marino: She comes over to the table.** If you dismiss the claim of your own accord, we will agree to withdraw our defamation suit.

**Shirley Schmidt:** How sweet. We'll dismiss for a number with a lot of zeroes in it, Ms. Marino. Otherwise we have a trial.

**Vivian Marino:** I covet trials.

**Shirley Schmidt:** As do I.

**Vivian Marino walks away.**

**Edwin Poole:** I'm thinking class action. We should start rounding up fatties. What, what are your thoughts?

**Shirley Schmidt:** Edwin, my thought is: let's get you back in the hospital.

**Edwin Poole:** That's a put-down.

**Shirley Schmidt:** You're not stable yet, Edwin. Unless you want your name to come off the door permanently, it's back in the hospital. I'm not kidding.

**At Crane, Poole and Schmidt, late at night; Brad is in his office reviewing papers. Denise enters, somewhat intoxicated, carrying a bottle of beer.**

**Denise Bauer:** Hey.

**Brad Chase:** Hey! What's up?

**Denise Bauer:** Nothin'. Just wanderin'. **She offers him her beer.** You want this?

**Brad Chase:** Sure. You don't want it?

Denise Bauer: I've already had two. **She hands him the bottle.**

Brad Chase: Thanks.

Denise Bauer: **She sighs.** I really liked what you said earlier. And you could say it because um, we can be honest with each other, you know, the way, the way friends should be.

Brad Chase: Cool.

Denise Bauer: It's funny, 'cause I've been talking to some of my girlfriends and, um, it turns out there's a lot of different kinds of friends. Like my friend, Alyssa, has a friend that um, she goes to museums with. That's it. Just museums.

Brad Chase: Do you want to go to a museum with me?

Denise Bauer: No. God, no. I have another friend um, Melanie. Mmm. **She reaches for the bottle, swigs from it, then wipes it with her hand and gives it back.** She ah... **She clears her throat.** ...she has a friend, this guy, and they have an understanding. It's um, it's called 'friends with benefits'. **Brad can't hide his smile.** You've heard of it.

Brad Chase: Friends with benefits, yes. But maybe it's not what you're talking about. Actually, you should just tell me.

Denise Bauer: Well, we would um ... as friends do, help each other out when in need.

Brad Chase: Need of?

Denise Bauer: Intercourse.

Brad Chase: Which would be the...

Denise Bauer: Benefit.

Brad Chase: **He nods, then shakes his head.** I have never had that kind of friend before. But I have to admit I can imagine circumstances where that would be beneficial

Denise Bauer: Great.

Brad Chase: Great.

Denise Bauer: **Chuckles.** Great. **She moves to leave.**

Brad Chase: So when do these benefits kick in? Tonight too soon?

**Bonobo\* sex ensues, set to Queen's "My Best Friend."**

**In Judge Robert Sanders' courtroom.**

Judge Robert Sanders: Ms Foreperson, has the jury reached a unanimous verdict?

Foreperson: We have, your Honor.

Judge Robert Sanders: What say you?

Foreperson: On the matter of the Commonwealth of Massachusetts versus Alan Shore, we the jury, find the defendant Alan Shore, not guilty of all charges.

Judge Robert Sanders: This concludes the jury's service as well as this trial. You are dismissed with the thanks of this court. Mr. Shore, you are free to go.

Alan Shore: Thank you. **He walks over to Douglas Koupfer's table.** Ooh! What a nail-biter!

A.D.A. Douglas Koupfer: Mr. Shore, one day I hope to speak at your funeral.

**Alan chuckles. Denny points to Douglas Koupfer, as if to say, "He's really pissed now."**

Alan Shore: Thank you, Denny. You pulled it out of... well, your ass, I guess.

Denny Crane: Scotch?

Alan Shore: Indeed.

**At Crane, Poole and Schmidt Alan and Denny are out on the balcony.**

Alan Shore: I was lucky. If Javert hadn't decided to prosecute me himself.

Denny Crane: Nah. The case was too thin. The simple truth is: you did cover yourself. They never would've got you. Not beyond reasonable doubt.

Alan Shore: I was lucky I had you.

Denny Crane: Still undefeated. Never lost. Never will.

Alan Shore: It was a deft touch with the underwear.

Denny Crane: All's well that ends well.

Alan Shore: Two years of jail time didn't exactly end well for Mr Mkeba.

Denny Crane: Well, he nearly beat a man to death. He deserves to go to jail. People need to take responsibility. Hell, that's what you did, right?

Alan Shore: No, in the end, I didn't have to take responsibility for my actions. I'm drinking Scotch on the balcony.

Denny Crane: Hey, I bared myself in open court for you. If you haven't got the decency to celebrate your own victory, celebrate mine, for God sakes.

Alan Shore: **He nods and raises his glass.** To triumph.

Denny Crane: And to me, king of the world. **The clink their glasses. Alan drinks, but Denny...** Are we setting a bad example? I shoot people.

Alan Shore: I bribe them.

Denny Crane: We drink.

Alan Shore: Smoke.

Denny Crane: I'm unfaithful.

Alan Shore: Not to me.

Denny Crane: Never to you.

Alan Shore: We're not setting examples, Denny, we're just being true to who we are.

Denny Crane: Who are we?

Alan Shore: Denny Crane.

Denny Crane: Alan Shore.

Alan Shore: Leaders of men.

Denny Crane: With bull's-eyes on our asses.

\*Bonobos are primates considered to be man's closest ancestor. Unlike competitive, aggressive, war-loving, patriarchal chimpanzees, bonobos are cooperative, peace-loving and matriarchal, and settle every conflict and anxiety—no matter how small—with sex. Hence, bonobo sex pertains here.

*fin*