

Boston Legal
Angel of Death
Season 3, Episode 11
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Hallway of Crane, Poole & Schmidt

Alan Shore strolls languidly to:

Shirley Schmidt's Office

Shirley Schmidt: Alan.

Alan Shore: You sent for me, Shirley.

Shirley Schmidt: I did.

Alan Shore: I'm not surprised. You've had that look about you all day—showing a few cracks and creases in your *wall d'resistance*.

Shirley Schmidt: Maybe I should botox.

Alan Shore: So, you wait 'til after hours, then summon me, no doubt to go spelunking into your darkest, most loving place.

Shirley Schmidt: Alan, this is Vanessa Walker.

Alan Shore turns to look in the corner of the room.



Vanessa Walker: **stepping out from the dark corner** Interesting to meet you.

Shirley Schmidt: She's from our New York office. She's handled cases all over the country, many of them high-profile, as is the one that starts Wednesday.

Alan Shore: Right. And what does this have to do with me and you?

Shirley Schmidt: She's of the impression she can't win this trial.

Vanessa Walker: That's not completely accurate. I said it was a long-shot.

Shirley Schmidt: And she's come to me because, well, she's heard of you.

Vanessa Walker: I've heard you're a bit of a miracle-worker with the underdog. I need somebody to first establish my client as an underdog—not easy because she's a doctor—and then, keep her out of prison.

Alan Shore: What did she do, your client?

Vanessa Walker: She euthanized five patients. Allegedly.

Alan Shore: I'm sure. And she's going on trial here in Boston?

Vanessa Walker: New Orleans.

Shirley Schmidt: This would be a road trip.

Alan Shore: Hmm.

Vanessa Walker: Her hospital lost all services after Katrina hit. She had five patients faced with very painful deaths if she didn't do something, so—

Shirley Schmidt: The flight will get you in tomorrow at four. You'll be using an office of local counsel while there.

Denny Crane: **suddenly in the room** I just heard! New Orleans! My penis is already packed.

Alan Shore: Denny, I would love for you to join, but this particular excursion is a rather serious one. Maybe you and I could go another time.

Denny Crane: Are you nuts? That damn tornado wiped out half the place. There's no time like the present. Alan, we must seize the hookers, uh, the day.

Alan Shore: You know, Denny, technically it wasn't so much a tornado as a hurricane. And you're holding a kazoo.

Denny Crane: Not just any kazoo; a trombone kazoo. A Go-to-New-Orleans-Out-of-the-Pretext-of-Some-Legal-Case-to-Play-with-a-Dixieland-Band Kazoo.

Vanessa Walker: I only have two plane tickets.

Denny Crane: **somewhat sarcastically** Oh, gee; and I only have a Gulfstream.

Alan Shore: I think Denny wants to come, Vanessa.

Denny Crane: Denny Crane. Down on the bayou.

Cut to theme music, as Denny Crane "plays along" on his kazoo.



[credits]

Scenes of New Orleans after Hurricane Katrina to the tune of:

This time I'm walkin' to New Orleans,
 I'm walkin' to New Orleans.
 I'm gonna need to parachute when I get through walkin' de blues,
 When I get back to New Orleans.

I'm walkin' to New Orleans . . .

Fade away as:

Conference Room

Dr. Donna Follette: The hospital was becoming toxic from human waste piling up, rotting corpses.

Denny Crane is pacing.

Alan Shore: What about the five patients who died?

Dr. Donna Follette: They were in very bad shape. I scrounged up some sedatives that the looters hadn't taken and I gave them enough to induce sleep. I did what I could to manage their pain.

Denny Crane: tapping Alan Shore's shoulder Alan. Is this going to take long?

Alan Shore rises and talks to Denny Crane off to the side.

Alan Shore: Denny, this is the client. The trial starts tomorrow.

Denny Crane: I know. **looks at Dr. Donna Follette and Vanessa Walker—very seriously** But I feel ready, don't you?

Alan Shore says and does nothing in response; Denny Crane looks at him, questioningly

Alan Shore: Tell you what? Why don't you head over to Bourbon Street, check us in, and I'll meet you there?

Denny Crane: All right. And if I'm not there, I'm, uh, out, uh, you know?

Alan Shore: Seizing the day.

Denny Crane: Right. Shh! **again with the serious look at Vanessa Walker and Dr. Donna Follette, then exits**

Alan Shore: Denny's gonna get a jump on some . . . research. **walks back to the table and sits** Dr. Follette, when doctors induce a patient's death, they tend to say they're "managing pain." I understand that; no doubt, a jury will. The problem here is our whole case comes down to your moral integrity. It would, therefore, be my advice to just come clean with the jury, and admit you euthanized some suffering patients.

Dr. Donna Follette: I managed their pain.

Clarence Bell's Desk at Crane, Poole & Schmidt

Clarence Bell is busily reading and writing.

Claire Simms: My phone keeps making that ringing noise, and there's nobody there to pick it up.

Clarence Bell: **sheepish grin** Sorry.

Claire Simms: Clarence, what are you doing?

Clarence Bell: Just reading. I'll get that.

Claire Simms: You're reading up on Title IX cases? You've been doing that all week. What is going on?

Clarence Bell: I, uh, got kicked out of my gym. It's an all-girls' gym. I started going—you know?—as me, instead of Clarice? And I got expelled.

Claire Simms: Well, if it's an all-girls' gym—

Clarence Bell: They knew Clarice was really— So I think I should have some kind of *estoppel* claim. All my friends— I'm lonely as Clarence. I wanna sue.

Claire Simms: But . . . It's an all-girls' gym.

Clarence Bell: I wanna sue.

Claire Simms sighs, resigned.

Breakroom at Crane, Poole & Schmidt

Denise Bauer is reading a newspaper at a table.

Jeffrey Coho: So, Denise. Any New Year's resolutions?

Denise Bauer: None. You?

Jeffrey Coho: Three, actually. Eat right. Exercise more. Date you.

Denise Bauer: Uh, I'm sorry. What was that last one?

Jeffrey Coho: Date you. I think enough time has elapsed since Daniel Post's death. Thoughts? **bites into an apple**

Denise Bauer: Uh, okay. First—and don't take this the wrong way—

Jeffrey Coho: Okay.

Denise Bauer: I don't like you.

Jeffrey Coho: Not at all?

Denise Bauer: Not really.

Jeffrey Coho: Oh. Well, most of the women I date don't like me, actually—at least not at the beginning. Or the end. But there is a middle part when things are great. Think on it. Sleep on it. Pray on it. Let me know. **exits**

Conference Room of Crane, Poole & Schmidt

Sandy: It's an all-girls' gym.

Claire Simms: Are you saying, all these years, you thought Clarice was really a woman?

Sandy: Yes. Maybe not biologically, but in every other way.

Claire Simms: So, you've known all along that you've been dealing with a biological male.

Sandy: Look. We all love Clarice. As long as the male thing wasn't waved in our faces . . . But, when he shows up as a man—

Claire Simms: So what? What's changed?

Sandy: Well, what's changed is we'd have to let all men in.

Claire Simms: **putting her hand on Clarence Bell's folded hands** He has been a member of this club—a valued member—for seven years. You can't expect him to forfeit that just because he changed his appearance.

Sandy: Well, I'm sorry.

Claire Simms: Well, then. We're suing you.

Sandy: On what grounds?

Claire Simms: Gender discrimination.

Claire Simms and Clarence Bell rise, and Clarence Bell dashes out.

Scenes of Bourbon Street at night flash by as a Dixieland band plays "When the Saints Go Marchin' In" as

A Bar in New Orleans

Alan Shore and Vanessa Walker enter, to find Denny playing his kazoo with the band, with William Shatner's characteristic ear for music.

Alan Shore: I should have known. Trombone section.

Alan Shore escorts Vanessa Walker to a table, following a waitress.

Alan Shore: So what's Louisiana's pulse on assisted suicide?

Vanessa Walker: Lousy. The state is overwhelmingly against it. And even if we tried to convince the jury on that issue, we have another problem.

Alan Shore and Vanessa Walker sit.

Alan Shore: Me?

Vanessa Walker: Is everything always about you?

Alan Shore: Shirley didn't tell you that part?

Vanessa Walker: These patients didn't ask to die.

Alan Shore: What do you mean?

Vanessa Walker: They wanted to be rescued. They didn't ask to be pain-managed to another place.

Alan Shore: There was no request on anyone's part to be put out of one's misery?

Vanessa Walker: No. These patients were either in too much pain or too incoherent to make any request.

Alan Shore: You didn't tell me this.

Vanessa Walker: Well, I'm telling you now.

Alan Shore: Vanessa, you need to round up some doctors who will say they would have done *exactly* what Dr. Follette did.

Vanessa Walker: On what relevance can we admit that?

Alan Shore: Standard of care. **nodding** You'll think of something.

Vanessa Walker: **watching Denny Crane** We could always call him. Put him up there with his kazoo.

Alan Shore: Find me those doctors, or we may have to.

Denny Crane: Ready now!

And they end the song with a flourish of kazoo

Claire Simms's Office

Claire Simms: The cheapest and most efficient way to do this, if you're still serious, is to get injunctive relief. Assuming your goal isn't about the money, but to get back into the club—am I right?

Clarence Bell: Yes.

Claire Simms: Okay. We take Sandy's deposition, then we go into court and we try and get an order. But here's where it gets a little tricky. The club has no duty to Clarence. Clarice is the one who had the membership.

Clarence Bell: What's the difference?

Claire Simms: A big one, actually. Bottom line: For the purpose of this lawsuit, you will have to be Clarice, again.

Clarence Bell: Okay.

Claire Simms: Do not be calling the defendant a 'ho'.

Clarence Bell, again with the sheepish grin.

Crane, Poole & Schmidt: Hallway

Jeffrey Coho: May I ask: Do you not like me because I come off as kind of a slick snake oil salesman?

Denise Bauer: No, I've made my peace with that.

Jeffrey Coho: Is it because I get a dopey bit of a Baby Huey expression on my face?

Denise Bauer: That's actually kinda cute.

Denise Bauer and Jeffrey Coho enter:

Denise Bauer's Office

Jeffrey Coho: So, what is it then?

Denise Bauer: Wha—? That's it? You're giving up?

Jeffrey Coho: The way I dress?

Denise Bauer: No.

Jeffrey Coho: My hair?

Denise Bauer: Getting closer.

Jeffrey Coho: The Elvis sideburns?

Denise Bauer: Ding, ding, ding, ding, ding.

Jeffrey Coho: So that's it—you don't like me just because of my sideburns?

Denise Bauer: Its not just the sideburns.

Jeffrey Coho: My nasal voice? What is it? I've covered all the biggies: slick, cocky, dopey, narcissistic, nasally—oh, a lummoX?

Denise Bauer: I think it's just the whole package.

Jeffrey Coho: I'm good in bed.

Denise Bauer: Hm. It's a nice line.

Jeffrey Coho: No, seriously. I'm really good. I've had women loathe me, yet still be unable to give up the sex.



Judge Harvey Fletcher's (New Orleans) Courtroom

Dr. Marshall Gottlieb: The post-mortem evidence revealed that five of the victims had died from a combination of morphine and midazolam.

A.D.A. Adam Mersel: These drugs are both painkillers, are they not, Doctor?

Dr. Marshall Gottlieb: Yes, but, administered together, in high doses, they're lethal. They would most certainly result in death.

A.D.A. Adam Mersel: So this didn't strike you as an accidental overdose.

Dr. Marshall Gottlieb: No. In my opinion, the administer of these drugs intended for those patients to die.

A.D.A. Adam Mersel: Well, now, Doctor, to be fair, these were pretty dire circumstances.

Dr. Marshall Gottlieb: Which is when a patient most needs to count on is doctor to fight for him. There never comes a time when things get so tough, we just kill them.

Alan Shore: Doctor, you're aware of just how dire the circumstances were in that hospital after Katrina hit.

Dr. Marshall Gottlieb: Yes.

Alan Shore: No electricity, no water, 100-degree heat, no ventilation. Can you state to a medical certainty that those five patients were not terminal under those horrid conditions?

Dr. Marshall Gottlieb: They could have survived.

Alan Shore: Seventeen other patients, many of them far less sick had already died of dehydration. Do you know that?

Dr. Marshall Gottlieb: I do.

Alan Shore: In excruciating pain.

Dr. Marshall Gottlieb: I wasn't there; I can't know.

Alan Shore: You can't know. Well, correct me if I'm wrong, but when a person dies of dehydration, the tongue swells and cracks, the the urine becomes highly concentrated and burns out the bladder, while the stomach lining dries up, causing uncontrollable retching. Finally, the brain cells dry out, and the patient convulses until their heart seizes. Is that about right?

Dr. Marshall Gottlieb: Yes.

Alan Shore: And what if a patient starves to death? Would that be equally as gruesome?

Dr. Marshall Gottlieb: Probably.

Alan Shore: And sepsis?

Dr. Marshall Gottlieb: It would also be painful.

Alan Shore: Thank you. And, Doctor *gesturing and walking toward Dr. Donna Follette* when my client says that those five patients were looking at that very type of excruciating death, do you have *any* medical evidence to contradict that?

Dr. Marshall Gottlieb: No. As I said, I wasn't there.

Alan Shore: In fact, many doctors were not there; in fact, *most* doctors were not there. Most got the hell out. Dr. Follette, on the other hand, decided to stay and do whatever she could.

Dr. Marshall Gottlieb: Which was, in this case, to give her patients lethal injections.

Alan Shore: Doctor, the drugs she injected are commonly used together as an anesthetic. You'll, of course, correct me if I'm wrong.

Dr. Marshall Gottlieb: At that dosage, they are lethal.

Alan Shore: Always?

Dr. Marshall Gottlieb: Almost always.

Alan Shore: "*Almost*"? We like to get it *exactly* in a court of law, Doctor.

A.D.A. Adam Mersel: Objection.

Alan Shore: Nothing further. *turns and walks to sit down*

Scenes of New Orleans streets by day and night, accompanied by New Orleans jazz.

Alan Shore's Hotel Balcony in New Orleans

Alan Shore is already relaxing with a glass of scotch.

Denny Crane: *entering* Are you ready?

Alan Shore: Ready for what?

Denny Crane: Pat O'Brien's. I've got some reservations.

Alan Shore: Oh, my God. Denny, it's almost ten o'clock. We're at trial in the morning.

Denny Crane: Hey, Alan. This is New Orleans, the city that laughs in the face of death. And right now, they need a good laugh. Let's go to Pat's, and then we'll hit a few after-hours spots. *starts to exit*

Alan Shore: Denny!

Denny Crane turns back to Alan Shore.

Alan Shore: I'm not gonna presume you were paying attention in court today. Were you?

Denny Crane: In and out.

Alan Shore: You were hung over.

Denny Crane: It happens.

Alan Shore: ***nods; pause as he considers his words*** From whatever you happened to notice, how do you think it went?

Denny Crane: I think, you're trying this case as if you're in Boston, and you're not.

Alan Shore: What does that mean?

Denny Crane: *leans toward Alan Shore, bracing himself on the chair behind Alan Shore's left shoulder* Up is down here, Alan. Down is up. That's how you try this case.

Denise Bauer's Office

Denise Bauer is daydreaming, twirling her hair with a finger.

Shirley Schmidt: Penny for that thought.

Denise Bauer: Hi, Shirley.

Shirley Schmidt: You okay?

Denise Bauer: Yeah. No. Uh—Jeffrey Coho asked me out.

Shirley Schmidt: Excuse me?

Denise Bauer: Yeah. In the last month, Alan Shore, Jeffrey Coho, Brad. Still—I must be doing something right with my hair.

Shirley Schmidt: Are you going to go out with him—Jeffrey?

Denise Bauer: Mm. I don't think so. Honestly, I'm just not interested. Although there is this rumor—Jeffrey started it—that, physically, a relationship with him could be . . . quite rewarding.

Shirley Schmidt: Well, I'm sure you'll make the right decision.

Denise Bauer: Hmm.

Shirley Schmidt exits.

Hallway of Crane, Poole & Schmidt

Elevator dings.

Shirley Schmidt: Oh, hey, Brad. Um, listen. I'm, uh, I'm reluctant to ever involve myself in the personal lives of others, unless, you know, I'm the one involved, but I—I can't help but detect that you still harbor feelings for Denise. Do you?

Brad Chase: Well, Shirley, that's a personal question.

Shirley Schmidt: Oh, no, I know, I know that, but the reason I ask is that I'm hearing that Jeffrey Coho has set his little antennae on Denise, and I thought, if you were waiting for the appropriate amount of time to pass after Daniel Post's death, just—just don't wait too long. Okay? **exits**



Denny Crane's Hotel Room

Knock on door, and Alan Shore opens the door, enters.

Alan Shore: Denny? Denny, are you—? Oh.

Camera pans to show Denny Crane in a sea of naked women, one clearly lying on him in the opposite direction in which he is lying.

Alan Shore: Well, I can see up is certainly down here. Denny, I'm meeting Vanessa downstairs. Will you be joining us in court today?

Denny Crane: What?

Alan Shore: I need to get to— **trails off as a young woman, wearing only a white towel, brushing her teeth, walks past him to the bed** —court.

Denny Crane: They followed me home.

Alan Shore: **chuckles** Well, have a good breakfast.

Denny Crane: I'm coming, I'm coming!

Vanessa Walker enters.

Alan Shore: Vanessa, I was just on my way to meet you.

The woman in the towel walks past them to the bathroom.

Vanessa Walker: I thought I'd come up.

Alan Shore: Well, as you can see, down is up.

Denny Crane waves at her.

Vanessa Walker: I found eight doctors willing to testify for Donna, saying, under similar conditions, they may have done the same thing.

Alan Shore: Really?

Vanessa Walker: I've got a motion to amend our witness list, and we're scheduled for chambers after this morning's session. **exits.**

Denny Crane: **as Alan Shore is pulling the door shut** Did she sleep in your room?

Judge Harvey Fletcher's Chambers

Judge Harvey Fletcher: You are not calling those witnesses.

Vanessa Walker: They go directly to the medical decision-making of my client, sir. If we don't have—

Judge Harvey Fletcher: Counsel, what your client did was against the law. The fact that you found eight other doctors who say, they too would have broken the law—

Alan Shore: I'm sorry. Isn't the jury supposed to decide if a law was broken here?

Judge Harvey Fletcher: We all know you plan to argue jury nullification, which is also illegal. I will not allow you to call witnesses in support of that unlawful endeavor.

Alan Shore: I see somebody's got his mind made up.

Judge Harvey Fletcher: Let me tell you something, Mr. Boston, Mr. New England, Mr. Out-of-Towner. Let me tell you something about New Orleans.

Alan Shore: Up is down?

Judge Harvey Fletcher: Y'all think we're a city full of—of victims and looters. We're neither. And as a person who grew up here, I'm offended that the premise of your defense is that these 5 victims needed to be put out of their misery by this outlaw.

Dr. Donna Follette: Outlaw?

Judge Harvey Fletcher: That's what you are, Doctor. I sympathize with your plight that day. I will do everything I can to insure you will get a fair trial, but what you did was outside the law, and I will not allow other doctors to testify that they, too, would have broken the law. It's irrelevant.

Vanessa Walker: But what if that were you lying in that hospital bed that day?

Judge Harvey Fletcher: Then I wouldn't be here right now, would I?

Conference Room at Crane, Poole & Schmidt

Claire Simms: Did any of the other members complain about Clarice?

Sandy Zionts: No, I told you. They all loved her. And we're still happy to have Clarice, but, as an all-girls gym, we can't take Clarence, and I can't believe we're spending thousands of dollars to have this discussing.

Lawyer: **pats her hand gently to silence her** Please just answer the questions, Sandy.

Clarice/Clarence Bell: Oh, she's answering the questions, Mr. Peanut.

Claire Simms: Clarice—

Lawyer: Excuse me. What did he just call me?

Clarice/Clarence Bell: 'Cause the real answer here isn't so much in the facts but the feelings. You're emotional, child. We can hear it in your voice.

Claire Simms: Clarice—

Clarice/Clarence Bell: This is a fragile, emotional woman. I know it. You know I know it.

Claire Simms: Clarice—

Clarice/Clarence Bell: 'Cause I been there. I was there when your marriage ended. Whose shoulder were you crying on, girl?

Sandy Zionts: Yours.

Clarice/Clarence Bell: Damn right. So you just throw *me* out? What? You got your life on track, so you just throw me out?

Sandy Zionts: You walked!

Clarice/Clarence Bell: I did not walk, 'ho'; I'm sittin' right here.

Claire Simms: Clarice!

Sandy Zionts: You might be sitting here now, but I don't know who the hell that man is. How do you think that feels, Clarice, when your best friend just goes "Poof!" and disappears? You just decide you want to be some guy who's so shy he doesn't even speak? You quit this friendship; not me. *You* quit this friendship.

Judge Harvey Fletcher's Courtroom

Georgina Babineaux: I last spoke to my husband the morning before Katrina hit.

A.D.A. Adam Mersel: And he was in the defendant's hospital?

Georgina Babineaux: Yes. He had undergone a procedure to amputate both his legs. He had advanced diabetes, and, well, he was very overweight.

A.D.A. Adam Mersel: What did you two talk about on the phone?

Georgina Babineaux: Oh, he was barking orders about how I should get ready for the storm. If you can imagine it, here the man has had both his legs cut off, and he's telling me how to fight a hurricane. **chuckles; then voice breaks** But that was Elliott. A fighter.

A.D.A. Adam Mersel: And when was the next time you heard from Elliott, Mrs. Babineaux?

Georgina Babineaux: I never heard from him again. I lost contact after the storm hit, and I couldn't get to the hospital. Ten days later, I found out he was dead.

A.D.A. Adam Mersel: And did you learn how he died, ma'am?

Georgina Babineaux: No.

A.D.A. Adam Mersel **shakes his head.**

Georgina Babineaux: No, that was three weeks later, when the police detective told me what she did.

A.D.A. Adam Mersel: Mrs. Babineaux, the defendant claims that, under the circumstances—

Georgina Babineaux: My husband Vietnam and prostate cancer! He'd've battled this, too. He never would've given up. But she decided he didn't even deserve the chance.

Vanessa Walker: Ma'am, if you had been there, and the doctors convinced you that, in fact, your husband would die over the next two days—

Georgina Babineaux: She couldn't convince me of anything! She wasn't even my husband's doctor.

Vanessa Walker: But suppose you *were* convinced, and the choice was between two days of suffering versus a more humane end to the pain—which would you choose?

Georgina Babineaux: Well, of course, I would choose the latter. But I don't accept your hypothetical. I told you—my husband was a survivor, and it wasn't her call. She had never even met my husband.

Vanessa Walker: Where was your husband's treating physician? Do you know?

Georgina Babineaux: He'd left.

Vanessa Walker: He got out. A lot of doctors fled, but Dr. Follette—she chose to stay.

Georgina Babineaux: I wish she hadn't.

Scenes of New Orleans at night flash by to the song of "Jambalaya."

/good-bye, Joe, we gotta go, me-oh-my-oh.

We gotta go pole the pirogue down the bayou.

Alan Shore: Will she consider a plea?

Vanessa Walker: Never. And the fact that you ask, Alan, I don't think you really get it.

Alan Shore: Why does everybody say that?

Vanessa Walker: You know, I wish people, instead of watching 30 seconds of coverage, saying, "Isn't it awful?" and then changing the station—I wish they'd turn their televisions off, sit in the dark for a minute, and truly try to imagine what it must have been like.

Alan Shore: For her testimony, you can't protect her. The district attorney will come hard. She's gotta fight back. We can't protect her.

Vanessa Walker: She's ready.

Alan Shore looks skeptical.

Vanessa Walker: Now, let's address your closing. Are *you* ready?

Alan Shore: **shaking his head** No. I don't know what to say, frankly.

Vanessa Walker: Well, you'd better figure that out.

Son of a gun, we'll have big fun on the bayou.

Claire Simms's Office

Claire Simms: Why are you dressed like a nun?

Sister Clarice/Claire Bell: I was thinkin' about what Sandy said, and it's true. She is my best friend. I'm gonna drop the lawsuit and to back to the club. But many of those girls like girls. Know what I'm sayin'? They probably like me in that girlie way. I gotta send a message I'm there platonic—all celibate-like. That way, no signals get mixed.

Claire Simms: I see. Were signals getting mixed before with Sandy?

Sister Clarice/Claire Bell: Sandy's heterosexual. She likes men. She even liked her deadbeat, bony-assed husband 'til she smartened up. It's all platonic 'tween me and Sandy, and if that's all it is, then—

Claire Simms: Then what?

Sister Clarice/Claire Bell: Well—

Claire Simms: Are you interested in Sandy?

Sister Clarice/Claire Bell scoffs.

Claire Simms: Take off the habit, Clarice.

Sister Clarice/Claire Bell: This here's a contract 'tween me and God, bitch!

Claire Simms: Yeah, take off the habit!

Sister Clarice/Claire Bell takes off her habit and magically becomes—Clarence Bell!—with a sheepish grin, as usual.

Claire Simms: Clarence. Do you have feelings for Sandy?

Clarice/Claire Bell scoffs, in "her" characteristic way.

Claire Simms: **rising, and walking to sit opposite Clarence Bell on the couch** Look. You have nobody else to talk to, okay? You might as well fill me in.

Clarence Bell: I tried to be *me* with her. She didn't want that. She just wants to be with Clarice.

Claire Simms: All Clarice is is Clarence. Not the alter-ego, but the ego that's just too shy to come out. I think she would like Clarence, and I think **squeezes his hand** you should ask her out.

Clarence Bell: Oh, no. No. I—I could never do that.

Claire Simms: Yes, you can. That's where you were headed. That's the reason you went back to that club as Clarence—so Sandy could meet *you*, and *maybe* you two could go out.

Clarence Bell laughs, shaking his head.

Claire Simms: Don't lie to me in a nun suit, Clarence.



Judge Harvey Fletcher's Courtroom

Dr. Donna Follette: I gave them the injections to relieve their suffering. Did I know that it could possibly hasten their death? Yes. But they were going to die anyway.

Vanessa Walker: Do you make room for the possibility that any of those five patients could have survived?

Dr. Donna Follette: Well, I suppose anything's possible, but the reality was, they were looking at dehydration, sepsis, toxic shock. They were gonna die in almost unimaginably painful ways. I just couldn't let that happen.

Vanessa Walker: Can you tell us what those days were like?

Dr. Donna Follette: Well, we had no electricity. By Tuesday, when the levees broke, the water started to pour into the hospital. We were without generator power by then. And the heat? It was probably 110 degrees. We had no drinking water. The hospital was like a death camp. It smelled like it—human waste, decomposing bodies. And the patients—they knew. They knew they were dying, and they were in agony, and there was nothing we could do.

Vanessa Walker: And what was the lowest point?

Dr. Donna Follette: The lowest point was when we realized nobody was coming. We were clinging to the idea that help was on its way, but we heard on the radio—which was our only source of information—we heard that nobody was coming. So, those people who could get out, including medical personnel, did. The rest of us stayed to at least try to make the patients comfortable.

A.D.A. Adam Mersel: These five patients—were they coherent?

Dr. Donna Follette: Two were; three weren't.

A.D.A. Adam Mersel: Did you get consent before hastening their deaths?

Dr. Donna Follette: They consented to being medicated; in fact, they were begging for it.

A.D.A. Adam Mersel: Did they consent to dying?

Dr. Donna Follette: They were dying no matter what, Mr. Mircelle.

A.D.A. Adam Mersel: So you decided to speed it up without telling them?

Dr. Donna Follette: Many doctors would have done exactly as I did.

A.D.A. Adam Mersel: Many also condemn what you did.

Dr. Donna Follette: None that were there.

A.D.A. Adam Mersel: You hear Ms. Georgina Babineaux talk about her husband's will to live?

Dr. Donna Follette: He was 320 pounds; there was no one to lift him, even if we *could* get him out.

A.D.A. Adam Mersel: So you decided to play God.

Dr. Donna Follette: I decided to play *doctor*.

A.D.A. Adam Mersel: By ending his life.

Dr. Donna Follette: By ending his *suffering*!

Judge Harvey Fletcher: All right. I think both sides have made their points.

Corridor of Crane, Poole & Schmidt

Shirley Schmidt: **stepping off the stairs** Jeffrey Coho! How are you?

Jeffrey Coho: Well—

Shirley Schmidt: I'm not interested. So, you're asking Denise Bauer out, I hear.

Jeffrey Coho: Where did you hear that?

Shirley Schmidt: From Denise. The last time I checked, you were asking me out.

Jeffrey Coho: Yeah, and you stiffed me.

Shirley Schmidt: I was kidnapped! Don't tell me you take *that* personally!

Jeffrey Coho: Shirley, it took a lot of courage for me to put myself out there like that. Now, I get enough rejection around here without signing up for more.

Shirley Schmidt: I was *kidnapped*.

Jeffrey Coho: So, "Let's reschedule, Denise"? Dinner?

Denise Bauer's Office

Brad Chase: Denise, listen; I, uh—

Denise Bauer is busily writing at her desk.

Brad Chase: Well, I'm just gonna say it, okay? I would like to start seeing you.

Denise Bauer: Oh.

Brad Chase: I mean, I never stopped. I know you know I just don't date engaged women. But now that you're not engaged anymore, and you and I were very compatible together—

Denise Bauer: Brad, um, I'm not gonna date any man unless I think there's a chance for a *serious* relationship.

Brad Chase: And you see no such chance with me?

Denise Bauer: None.

Brad Chase: **pauses to think; then:** Could I ask why?

Denise Bauer: Our values; our politics. Look, when we actually did go out to dinner, it's not like the conversation *exactly flowed*.

Brad Chase: Maybe we should just be the other, then.

Denise Bauer: Friends with benefits?

Brad nods.

Denise Bauer: **also nods** Only if nobody finds out. If anybody does, it's over.

They seal the agreement with index fingers up, and Brad exits.

New Orleans Hotel: Balcony

Alan Shore stands, leaning on the wrought-iron fencing, looking pensive.

Denny Crane: What are you doing? We should be in court—or with hookers.

Alan Shore: I'm just trying to imagine what it must've been like—in that hospital, in this city. Think of it, Denny. Water pouring down the streets.

Denny Crane: Bet the fishing was good.

Alan Shore: The truth is, can't imagine it; not really.

Denny Crane: Of course, you can't. That's the whole point. You keep trying to apply norms here. You think you should be able to relate, or get other people to relate. What happened here was off the radar, man—yours, mine.

Alan Shore: Denny, I think you're absolutely right.

Denny Crane: Of course, I'm right. Let's go get the hookers. **pats Alan Shore's forearm once and exits.**



Judge Harvey Fletcher's Courtroom

A.D.A. Adam Mersel: This isn't a complicated case. The defendant lethally injected five people, causing their deaths. Might they have died anyway. Maybe. So what? That doesn't give this doctor the right to take the law and, more importantly, their lives into her hands. Physician-assisted suicide isn't even lawful in this state. To kill a patient without his consent—do I really need to stand here and argue the illegality of that? And even should you be inclined to engage in the moral debate defense counsel would like you to, you have to apply the law as it stands today. And, as it stands today, when you knowingly, intentionally cause the death of another human being—that's murder. No matter how bad things get, this is still the United States of America, not some third world nation, and we don't permit people to kill other people. If we forgive that kind of lawlessness, if we tolerate that kind of anarchy, we cease being the United States of America. **walks to his table, unbuttons his jacket and sits**

Alan Shore: I read an article in "The New York Times Magazine" not too long ago. It was about how the elephants in Africa are going mad—raping rhinoceroses, killing people, attacking one another, stampeding without provocation. These intelligent, sensitive giants have become very, very disturbed. The cause, they believe, is overwhelming, unrelenting trauma—stress. Be it poachers shooting at them and their families, or land development squeezing and destroying their habitats—profound and irreversible changes to *everything* they know about their world, *everything* about what it means to be an elephant. And it's driving them mad. Elephants aren't being elephants anymore. Up is suddenly down. That's what New Orleans was like during and in the aftermath of Hurricane Katrina. Up suddenly became down; down was up. This wasn't the United States of America that week. It wasn't third world; it was utter chaos. The set of norms and logic that we apply to everyday life were gone, and everything was wrong. A friend of mine told me that when he was finally able to get out the city three days after the hurricane, he drove by a body lying on the sidewalk—right up the road here—a body of a man, partially clothed, being eaten by an alligator. And my friend wasn't shocked. He wasn't even surprised. He was just fleeing. This was *not* the United States of America, nor any place else for that matter. During that horrendous week, the United States of America was nowhere to be found. My client, Dr. Follette, was to be found. She was there. When the storm hit and the devastating effects started to become clear, and then dire, and then desperate, she stayed. Even when so many others around her were leaving, she stayed with those five patients, each facing an inevitable and imminent, and excruciating death surrounded by pain and suffering and degradation unfathomable to those of us who were not there. She stayed and helped and cared and watched as those five patients slipped *quietly* into the good night. In a setting that was punishing, cruel, and unusual, her actions were humane. **pause as he struggles to control his emotions** Like those elephants in Africa, so many people during that terrible time of chaos and desperation seemed to lose . . . themselves. Seemed to lose their innate sense of humanity. Dr. Follette never did. She never did.

As Alan Shore walks back to his table, we see the reactions of jury members, Judge Harvey Fletcher, Georgina Babineaux, and A.D.A. Adam Mersel.

Conference Room of Crane, Poole & Schmidt

Sandy Zions: So you're dropping the lawsuit just like that.

Clarence Bell: Yes.

Claire Simms: No . . .

Clarence Bell: On one condition: that, uh . . .

Claire Simms: You . . .

Clarence Bell: You have dinner with me.

Sandy Zions: Why?

Clarence Bell chuckles uncomfortably.

Claire Simms: Because . . .

Clarence Bell: Because I would like to ask you . . .

Claire Simms: Out.

Sandy Zions and Clarence Bell exchange looks.

Sandy Zions: "Out," like on a date?

Clarence Bell: Clarice is me. **gets up to be a hasty retreat**

Sandy Zions: **stopping him from exiting** Clarence? I'd love to have dinner with you.

Clarence Bell: Really?

Sandy Zions: **chuckles and nods** Really.

Corridor of Crane, Poole & Schmidt

Brad Chase: Denise? Tonight, ten o'clock, my place?

Denise Bauer: You're on.

Jeffrey Coho: Denise.

Denise Bauer: Jeffrey, I've been thinking. I don't want to have a relationship with you; you're just not what I'm looking for in a partner. But do you know what the term, "Friends with Benefits," means?

Jeffrey Coho: You slut!

Denise Bauer: One condition: Nobody finds out. If anybody does, it's over.

They both go their separate ways, blissfully unaware that Paul Lewiston is sitting in the reception area and has heard every word of the conversation.

Shirley Schmidt's Office

Paul Lewiston: **standing in the doorway** Shirley?

Shirley looks up from her legal briefs.

Paul Lewiston: What is this "Friends with Benefits?" Have you heard of that?

Shirley Schmidt: It's basically an arrangement for casual sex. **chuckles** Why?

Paul Lewiston: I, uh, just overheard Denise and Jeffrey Coho making such an arrangement.

Shirley Schmidt: Really?

Paul Lewiston: Should we intervene? He's a partner; she's an associate.

Shirley Schmidt: They're both also two consenting adults. We stay clear.

Paul Lewiston: Huh. "Friends with Benefits." Can't keep up. **starts to exit, then turns back** Would you ever make such an arrangement?

Shirley Schmidt: **scandalized** No! Would you?!

Paul Lewiston: Of course not.

Courthouse Conference Room

Dr. Donna Follette: Thank you—

Alan Shore stops pacing to look at her.

Dr. Donna Follette: —for believing what you said.

Alan Shore: Let's just hope it's what the twelve people in the jury room believe.

Denny Crane: Can I ask you a question? I want you to be honest with me.

Vanessa Walker: Okay.

Denny Crane: Can you and I get naked in a Jacuzzi tonight?

Vanessa Walker: When Shirley made the offer, it came with two disclaimers: you and **turns to look at Alan Shore** and you. Alan Shore: What offer?

Vanessa Walker: She invited me to join Crane, Poole & Schmidt: Boston.

Alan Shore: And you accepted?

Vanessa Walker: Mm. I could still change my mind.

Denny Crane: That was my idea. That offer. I'm a big fan of diversity. I date midgets, you know. Ask him.

Alan Shore: And their mothers.

Bailiff: **opens door** Jury's back. **closes door**

Judge Harvey Fletcher's Courtroom

Judge Harvey Fletcher: Mr. Foreman, have you reached a verdict?

Foreman: We have, your Honor.

Judge Harvey Fletcher: What say you?

Foreman: In the case of Orleans Parish vs. Follette, on the charges of murder in the first degree, we find the defendant, Donna Follette, not guilty.

The gallery collectively gasps, as do Dr. Donna Follette, Alan Shore, Vanessa Walker, and A.D.A. Adam Mersel.

Judge Harvey Fletcher: Ladies and gentlemen of the jury, thank you for your service. You're dismissed and this court is adjourned. **bangs gavel**

Dr. Donna Follette: I don't believe it.

Vanessa Walker: Neither do I.

Dr. Donna Follette: **grasps Alan Shore's hand** Thank you. Oh.

Alan Shore smiles.

Denny Crane: Still undefeated.

Scenes of Bourbon Street at night to the strains of a jazzy "Auld Lang Syne"

Alan Shore's Hotel Balcony

Alan Shore: You won the day, Denny. Up is down. You won it.

Denny Crane: And you didn't want to bring me along.

Alan Shore: Using the hooker in the "Up is Down" demonstrative was a deft touch.

Denny Crane: It's all in the details.

Alan Shore: I tried closing my eyes again to imagine. I couldn't. Nobody could, I suppose, unless they were there.

Denny Crane: I was there.

Alan Shore looks at him, trying to suss out the veracity of the statement.

Denny Crane: Well, I flew over it in my Gulfstream. Doesn't that count?

Alan Shore: To some.

Denny Crane: Can we talk about something else?

Alan Shore: What?

Denny Crane: Vanessa.

Alan Shore chuckles.

Denny Crane: Oh, she's nasty. In a prudish, puritanical, judgmental way. On a scale of one to ten, what do you give my chances?

Alan Shore: A minus two.

Denny Crane: **chuckles** Denny Crane. Loves a challenge.

Alan Shore: May old acquaintances be forgot.

Denny Crane: And replaced with new ones.

Camera pulls back to view them from behind.

Denny Crane: Happy New Year, my friend. **raises his glass of scotch to toast** Lookin' up!

Alan Shore: Looking up.

Denny Crane: It's gonna be the best one yet.

They clink glasses, as the camera switches perspective again, and Alan Shore toasts the people on the street below, to the final strains of "Auld Lang Syne."