

Boston Legal
Trial of the Century
Season 3, Episode 24
Broadcast: May 29, 2007
Written by David E. Kelley and Corinne Brinkerhoff
Directed by Bill D'Elia
© 2007 David E. Kelley Productions. All Rights Reserved.
Transcribed by Imamess for Boston-Legal.org
Thanks to Olucy for her help with proofreading & Beluga for the screen captures

At the jailhouse, two teenage brothers, Michael and Edward Scanlon, are alone in a visiting room. Michael is pacing and Edward is sitting with his head down on the table. Michael walks by and puts his hand on Edward's shoulder to comfort him. A buzzer sounds, and Alan Shore and Denny Crane come in. Denny shakes hands with the boys.

Alan Shore: The District Attorney is holding at murder one, so any chance of a plea is... not that either of you seem willing to entertain one. The more demoralizing news is... we don't think that we can win this.

Edward Scanlon: What do you mean? Mr. Crane?

Denny Crane: Tell him what you mean. **To Edward.** I already know.

Alan Shore: The prosecution has just presented us with another piece of evidence they intend to submit. Three days before your father's death, Dr. Jacob Levine... you were both seeing the psychiatrist?

Michael Scanlon: Our mother was making us go. What about him?

Alan Shore: As a result of your last session the doctor reported to the police that in his opinion, both you Michael and Edward posed a great threat to your father's life. In short, he feared that you would try to kill him. **The two boys are speechless.** We'll try to suppress this, but we need to seriously consider changing our plea.

Michael Scanlon: To what?

Alan Shore: Not guilty by reason of temporary insanity.

Denny Crane: Your father abused you so we could go with the Menendez Brothers defense.

Alan Shore: They lost.

Michael Scanlon: But we didn't do it. We didn't kill him!

Alan Shore: Sometimes it's not so much about the truth, as what the prosecution can prove, and in this case it's Mr. Crane's and my collective judgment that they will be able to find you guilty.

Michael Scanlon: Look. I don't care what they're saying. I don't care what you say. We did not kill our father. And I'm not going to stand up in court and say that we did. It didn't happen.

Alan Shore: If we should lose, and it's our belief we will, you both will spend the rest of your natural lives in prison with no possibility of parole.

Michael Scanlon: We go to trial.

Alan Shore: **To Edward.** Is this what you want as well?

Edward Scanlon: Yes.

Alan Shore: Then we go to trial.

Denny Crane: Alan. **He motions Alan over. Alan gets up to join Denny in the corner.** It occurs to me that if we should lose, I will no longer be undefeated.

Alan Shore: Thank you Denny, I can always count on you to remind me of the bigger picture. It's not so much about their lives as...

Denny Crane: My legacy.

In the courthouse hallway a female reporter is in front of a camera doing a broadcast.

Female reporter: We're now being told the trial will not start this morning. Instead, the defense has brought a last-minute motion to suppress evidence. Allegedly a doctor's report concerning...

The ding of an elevator door is heard, then a loud clamoring from a group of reporters surrounding Alan and Denny coming off the elevator.

Alan Shore: Please excuse us. I have no comment.

Denny Crane: I have a comment. Get on my website, dennycranelaw.com! I also have a blog on MySpace. Tell your daughters!

In Judge Phyllis Tamber's courtroom, all parties present, Alan and ADA Taryn Campbell are both standing.

Alan Shore: It's doctor-patient privilege. Anything these boys said to a therapist...

ADA Taryn Campbell: If a doctor fears imminent bodily harm he can break privilege.

Alan Shore: Yes to *prevent* bodily harm. But the exception was never meant to allow privileged communications to be introduced in a court of law as evidence against the patient.

Judge Phyllis Tamber: Mr. Shore, everything in this report, the boys fantasizing about killing their father... They got a slew of other witnesses to offer the same thing. What is so prejudicial about this...?

Alan Shore: Because people tend to automatically believe what doctors say. How else do you explain fifty million Americans taking needless medications?

Judge Phyllis Tamber: **A beat.** I'm going to allow the testimony.

Alan Shore: Ask that Your Honor recuse herself.

Judge Phyllis Tamber: Excuse me?

Alan Shore: Bad judging.

Judge Phyllis Tamber: I will see you and Mr. Crane in my chambers, please. **In her chambers she closes the door.** Okay first, I will not let you turn these proceedings into a joke.

Alan Shore: But Your Honor, Denny and I are a comedy team.

Judge Phyllis Tamber: Second, I think that I'd better appoint another lawyer to co-counsel. This is a murder trial. I think the boys should have separate attorneys.

Alan Shore: We've covered this. I have Michael. Denny has Edward.

Judge Phyllis Tamber: It's the same firm. That's not co-counseling. You're not at arm's length.

Alan Shore: Our defense is in concert.

Judge Phyllis Tamber: **She looks to Alan and nods to Denny.** I want him off.

Denny Crane: Why?

Judge Phyllis Tamber: Because this is a homicide, and I have a duty to ensure competent counsel for both defendants.

Denny Crane: Do you know who I am?

Judge Phyllis Tamber: Yes, I do. You used to be Denny Crane.

Alan Shore: I will completely vouch for my co-counsel's trial skills.

Judge Phyllis Tamber: Well, you'd have to, wouldn't you? Otherwise your next sleepover might get awkward.

Denny Crane: I can do this case.

Judge Phyllis Tamber: I'm not gonna have you throwing up inadequate counsel appeals.

Denny Crane: That's not gonna happen!

Alan Shore: Could I have a second alone, Denny?

Denny Crane: With me?

Alan Shore: With the judge.

Denny looks at the judge for a moment, then leaves.

Alan Shore: That was uncalled for.

Judge Phyllis Tamber: Well, this isn't fun and games.

Alan Shore: Both defendants will be fairly and adequately represented.

Judge Phyllis Tamber: They better be.

Alan Shore: **He starts to leave, then turns back.** For the record, I was sexually attracted to you. Now? Not so much.



At Crane, Poole and Schmidt, Paul Lewiston and Shirley Schmidt are standing with Brad Chase who is holding his newborn daughter, Bradley. Everybody is cooing.

Shirley Schmidt: There's a smile!



Paul Lewiston: She is absolutely precious.
Claire Sims: *She comes up as well.* And cute. Are you sure she's yours? **Brad gives her a look.**
Shirley Schmidt: Ha, ha. How's Denise?
Brad Chase: She's doing great.
Claire Sims: Ah, it's amazing. I mean when you think about it, we've got laws legislating everything in this country, and yet they'll let you parent.
Brad Chase: Keep trying, Claire.
Everyone chuckles.

At Crane, Poole and Schmidt, Denny is sitting at his desk deep in thought. Alan comes in somewhat rushed.

Alan Shore: Ready? **Denny doesn't answer.** Denny, there's no time for this.

Denny Crane: Is that what the outside world thinks of me?

Alan Shore: That was one very misguided judge's impression and if you wanna set her straight, more importantly if you want to save those boys, and certainly much more important than that, if you want to safeguard your legacy, you need to go try the case of your life! Which will never happen with you feeling sorry for yourself. **Denny continues sitting deep in thought.** What's your name?

Denny Crane: *He sits back in his chair.* Denny Crane.



Alan Shore: Who are you!!
Denny Crane: *He shakes his head.* Denny Crane!
Alan Shore: Let's go!
Denny Crane: *He gets up and marches around his desk.* Damn right!
Alan Shore: *He looks down.* Denny?
Denny Crane: *He looks down too. He's wearing, shirt, tie, jacket and boxer shorts, but no pants! Oh! He looks at Alan. Gas. He farts. They were pinching me. He reaches for his pants on the back of chair, shakes them out and starts to put them on. Alan nods.*

At Crane, Poole and Schmidt, Jerry Espenson is in his office with a client.

Alisa McKenzie: I really, really, really appreciate you taking this time.

Jerry Espenson: *Exuberantly.* No big deal. **He is pacing confidently with a pipe in his mouth.** No big deal. I really, really, really do this for a living. How can I help ya?

Alisa McKenzie: Well, um, recently I, I went to Las Vegas...

Jerry Espenson: Vegas! Love it! Sin city! My second home. **He chuckles.**

Alisa McKenzie: Yes. Well, I, I lost a lot of money there. Eighty thousand, to be exact... I have a gambling problem.

Jerry Espenson: Ha. I'd say so. The problem is you stink at it.

Alisa McKenzie: I'd really appreciate it if you wouldn't be flip about this. I wanna sue the casino.

Jerry Espenson: Oooh.

Alisa McKenzie: No. Gambling is a disease. And the casinos cultivate it. They gave me a line of credit. I don't even have eighty thousand dollars, for God's sakes!

Jerry Espenson: Hey! You win some, you lose some. **He is leaning back in his chair, hands in pocket, the picture of confidence.**

Alisa McKenzie: Stop it!!!

Jerry sits up and his pipe falls to the floor. He places his hands on his thighs and sits ramrod straight.

Jerry Espenson: **Very subdued now.** I'm very sorry. When I meet people for the very first time... I'm not quite myself

Alisa McKenzie: I wanna sue. They...they destroyed me.

In Judge Phyllis Tamber's courtroom, Dr. Martin Lee is on the stand.

Dr. Martin Lee: **He is showing a gun.** The barrel point of the gun was flush against the forehead. And straight. From that we concluded it wasn't suicide.

ADA Taryn Campbell: Why, doctor?

Dr. Martin Lee: Well, the victim had arms shorter than mine, and as you can see... **He places the barrel of the gun against his forehead.** ... in order to get a flush, straight entry, I would have to hold the gun in an extremely awkward manner. It's more likely he would hold it like this. **He places the barrel of the gun to the side of his head.**

Alan is now up.

Alan Shore: What if he held it with two hands?

Dr. Martin Lee: Then he would have had to use the thumb to squeeze the trigger. A print of the index finger was...

Alan Shore: What if Mr. Scanlon wanted to make it look like murder? Wouldn't he assume the more awkward position?

Dr. Martin Lee: Maybe. But with shorter arms a straight entry would be very difficult.

Alan Shore: This man had beaten his sons and his wife...

ADA Taryn Campbell: Objection!

Alan Shore: Allegedly so. Suppose out of hatred he wanted to frame them? Or, out of guilt he didn't want his life insurance policy to be voided, which suicide would definitely...

ADA Taryn Campbell: Objection! Speculation!

Judge Phyllis Tamber: Sustained. This is a coroner, Mr. Shore. Let's keep our questions medically based.

Alan Shore: You cannot exclude suicide to a medical certainty, can you, doctor?

A beat.

Dr. Martin Lee: No.

At Crane, Poole and Schmidt, Clarence is at his desk busily typing. He looks up to see Jerry standing in front of him.

Jerry Espenson: **He nods.** Clarence.

Clarence Bell: Hello.

Jerry Espenson: Is Alan in?

Clarence Bell: He's in court.

Jerry Espenson: Oh! Dear.

Clarence Bell: Is something wrong?

Jerry Espenson: I have a client who lost a lot of money gambling. I took the case, though I seem utterly without cause of action, and I'm just a little fraught. **He starts to purr. And purr.**

In a courthouse Witness Room, Alan and Denny are talking with Dorothy Scanlon.

Alan Shore: We have no defense other than to put the boys up there and let them proclaim their innocence.

Dorothy Scanlon: And you can put me up there.

Denny Crane: Yes, but, you're their mother!

Alan Shore: Mrs Scanlon, if you really wanna help your sons here, our suggestion is that you convince them to go with temporary insanity.

Dorothy is stunned.

Denny Crane: I go with it all the time.

Dorothy Scanlon: But they didn't do it.

Alan Shore: The idea that your husband killed himself... the angle of the wound...

Dorothy Scanlon: But it's possible! You got them to admit that!

Alan Shore: Yes... Yes!

Dorothy Scanlon: They can't prove that somebody else didn't do it. There were so many people who hated him.

Alan Shore: There is no physical, testimonial, or circumstantial evidence of anybody else being inside that house.

Dorothy Scanlon: What if... I said... I arrived home with them?

Alan Shore: You already told the police that you were at the dentist.

Dorothy Scanlon: Well... maybe I lied to the police to throw them off track.

Denny Crane: Why would you wanna throw the police off track if you thought your sons were innocent?

Dorothy Scanlon: Maybe I thought that the police were gonna arrest them anyway, and a mother has to do what she has to, to save her children. And in this case it meant lying to the police. Is that so preposterous?

Alan Shore: No. But your dentist will testify that you were at his office.

Dorothy Scanlon: Look. A mother knows. And my sons did not do this. I mean, nobody witnessed this. Don't tell me you can't establish some doubt!

Alan Shore: It has to be reasonable doubt.

Dorothy Scanlon: No! It just has to be doubt. It's your job to make it sound reasonable. That's why I hired you. You're supposed to be the best! **To Denny**. And you! You're Denny Crane for God's sake! How can you give up?

Alan Shore: We're not giving up.

Denny Crane: **He reaches across the table to take her hand**. We'll win this trial, Dorothy. I guarantee it. **Alan looks away**. Sorry.

In Judge Phyllis Tamber's courtroom.

Officer Jones: When we got to the house he was lying at the foot of the front stairwell. He was dead.

Denny Crane: Objection! This man's not a doctor!

Judge Phyllis Tamber: Sit down, counsel.

Denny sits down.

Alan Shore: **Under his breath**. Denny.

ADA Taryn Campbell: Please continue.

Officer Jones: There appeared to be a single bullet hole to the forehead. The defendants were the only other people there.

ADA Taryn Campbell: Could you describe their demeanor?

Denny Crane: Objection! Is he a psychiatrist now?

Judge Phyllis Tamber: Overruled.

Denny Crane: Objection. Are you a judge?

Judge Phyllis Tamber: Mr. Crane, take your seat now!

Denny sits down.

Alan Shore: **He leans over to whisper in Denny's ear**. Stop it.

ADA Taryn Campbell: Did they say anything?

Officer Jones: They said they came home and found their father dead. We proceeded to ask them some other questions at which point the defendant, Michael Scanlon, asked for a lawyer.

ADA Taryn Campbell: Did they place the 911 call?

Officer Jones: No. A neighbor, who said he heard a shot.

Alan is now up.

Alan Shore: You talked to the boy's mother when she arrived home?

Officer Jones: Yes.

Alan Shore: She told you her husband was involved in numerous questionable, if not shady, business deals? And that he'd actually received death threats recently?

Officer Jones: We concluded she was covering for her sons.

Alan Shore: You never checked any of this out?

Officer Jones: I didn't personally. I'm sure it was ruled out.

Alan Shore: Because you people never get it wrong?

ADA Taryn Campbell: Objection.

Alan Shore: Withdrawn. A witness reported a blue car speeding away shortly after the gunshots were heard.

Officer Jones: Speeding down the street. Not necessarily from the house.

Alan Shore: But it could have been from the house. You can't rule that out?

Officer Jones: We never located the car or driver, so...

Alan Shore: You can't rule it out?

Officer Jones: *Reluctantly.* I suppose not.

At Crane, Poole and Schmidt, Shirley closes her office door and confronts Jerry and Clarence.

Shirley Schmidt: You can't sue a casino for a gambler losing money!

Jerry Espenson: We sorta did.

Shirley Schmidt: What?

Jerry Espenson: I-if they're sending somebody, they must be willing, on some level, to settle.

Shirley Schmidt: First of all. **To Clarence.** You're not a lawyer here, you're an assistant. **To Jerry.** And you! Certainly you have enough experience to recognize a legitimate cause of action!

Jerry Espenson: We'll try to settle it quickly.

Shirley Schmidt: If they offer you so much as an Indian. Head. Nickel. **She raps her knuckle to emphasize the last three words.** You take it. **Clarence and Jerry both nod. She sighs.** Jerry, how could you possibly take this case?

Jerry Espenson: She was an extremely nice lady!

Shirley sighs.

Clarence Bell: I didn't meet her.

Jerry gives Clarence a look. Clarence grimaces bravely.

At Crane, Poole and Schmidt, Denny is in Alan's office.

Denny Crane: Why do you get to cross-examine everyone?

Alan Shore: Your turn is coming up soon, Denny.

Denny Crane: I'm not here to spectate, you know.

Alan Shore: I understand that. But as much as everything is about you and your legacy, we also have two boys whose lives are at stake.

Denny Crane: So, better to let you do it all?

Alan Shore: No, that's not...

Denny Crane: No. Last week when Shirley was so upset about me killing the duck and we talked about how my silliness was more about getting attention, to distract me from what I've become.

A beat.

Alan Shore: You talked about that with Shirley?

Denny Crane: Yeah.

Alan Shore: Why didn't you talk about that with me?

Denny Crane: I don't know.

Alan Shore: So you're running around sharing your feelings with others now?

Denny Crane: Not 'running around'! She came into my office.

Alan Shore: And you felt compelled to open up to her?



Denny Crane: Look. I thought if I were vulnerable she's have sex with me. I don't have that agenda with you.

Alan Shore: *A beat. He nods.* Fine.

Denny Crane: Oh, Alan. For God's sake.

A knock. Clarence comes in.

Clarence Bell: Ahem. Alan, this came for you special delivery, marked "Personal". *He hands Alan an envelope.*

Alan Shore: Thank you.

Clarence Bell: Ah. Do you know anything about the gaming industry? I have a case against a casino.

Alan Shore: Well. I know a fetching young woman who used to concierge for some of the Russian high rollers. She knows all the casinos' little secrets. I'll get her number for you.

Clarence Bell: Thank you. *He leaves.*

Alan Shore: *He opens the envelope.* What the hell is this?

Denny Crane: What?



Alan Shore: *He takes out a sheet of paper.* There's nothing on it. *He looks into the envelope and grimaces.* Oh, my God.

Denny Crane: What?

What is it?

Alan Shore: A used condom.

Denny Crane: What? Not mine!

Alan Shore: Why would somebody send me a used condom? *He lifts the sheet of paper up towards the light and looks at it closely.* This stationery is watermarked. It's got that medical insignia on it. The staff with the snake.

In Judge Phyllis Tamber's courtroom ADA Taryn Campbell is questioning Dr. Martin Lee.

Dr. Martin Lee: Sometimes it's nothing more than fantasy. As a therapist you try and develop a feel for distinguishing.

ADA Taryn Campbell: In this case, the threats seemed real, doctor?

Dr. Martin Lee: Well, the hatred that both of them exhibited for their father was so profound. Especially Edward's. And they were suddenly talking about an end date.

ADA Taryn Campbell: An end date?

Dr. Martin Lee: Yes. Both of them separately had made comments about, "Soon it will be over." That's a very different thing from, "One day I'll run over him with a pickup truck."

Alan is now up.

Alan Shore: If it was just idle fantasy and it turns out my clients had no real intention of killing their father, would that shock you?

Dr. Martin Lee: Shock me? No, but the coincidence might shock me. Here I've got two patients who I'm fairly certain are going to kill their father, the father ends up shot in the head. If they didn't do it, the coincidence is kind of shocking. Don't you think?

A beat. Alan nods.

Denny Crane: Smart boys?

Dr. Martin Lee: Excuse me?

Denny Crane: *He stands up.* These boys strike you as intelligent?

Dr. Martin Lee: Actually, very intelligent.

Denny Crane: They seem like they wanna spend the rest of their lives in prison?

Dr Martin Lee: No.

Denny Crane: So if they really did plan to murder their father, does it make sense that they would say that? Not only to you but to others?

Alan is impressed with this line of questioning.

Dr Martin Lee: No it doesn't make any sense.

In the courthouse hallway, Alan and Denny walk toward the elevators.

Denny Crane: dennycranelaw.com. Pictures. Files. I once captained my own spaceship. Multitalented!

Alan and Denny enter the elevator alone. Alan pushes a button.

Alan Shore: Denny! That was somethin'!

Denny Crane: I felt... I actually had a little moment in there.

Alan Shore: I'm not surprised.

Denny Crane: Great cross is like sex, man. Did we hear from the lab?

Alan Shore: Not yet.

Denny Crane: Do we know who sent it?

Alan Shore: I'm getting a pretty good idea. **He pats Denny on the back.**

At Crane, Poole and Schmidt, in the conference room, Clarence escorts in Attorney Jonathan Weiner. Jerry and Alisa are there.

Clarence Bell: **Nervous.** Ahem. Welcome to our conference room. This is Attorney Jerry Espenson. And this is the plaintiff, Alisa McKenzie.

Attorney Jonathan Weiner: Hello.

Clarence Bell: Thank you again for agreeing to meet us, and welcome to our conference room.

Jerry Espenson: **He comes behind Clarence. Sotto.** You're too nervous.

Clarence Bell: Shhh. **Jerry purrs. Clarence motions to Jonathan.** Please sit.

Attorney Jonathan Weiner: **He sits.** Well, I don't mean to be disrespectful but you have no claim here whatsoever.

Jerry Espenson: Yes. Well, we believe we do.

Clarence Bell: Your client took all her money.

Attorney Jonathan Weiner: Yes. Casinos like to do that.

Clarence Bell: You really think that's fair?

Attorney Jonathan Weiner: Do I think it's fair? **A beat. Jerry looks down.** Okay. Ralph Peters put you up to this, didn't he? I shoulda known. This is a big joke. Right?

Jerry Espenson: It's not a joke. My client lost all her virginity. **Everybody is startled.** Money!

Attorney Jonathan Weiner: What is this?

Jerry starts to purr.

Clarence Bell: This is a lawsuit. And your client is the defendant, sir.

Attorney Jonathan Weiner: Well, you tell Ralph that was very funny. I don't have time for this.

Jerry continues to purr.

Moments later, in front of the elevator, Clarence and Jerry watch the elevator doors close on Alisa.

Jerry Espenson: **He turns to Clarence.** Maybe you didn't welcome him to the conference room enough.

Clarence Bell: Oh, you were great. "She lost all her virginity."

Jerry Espenson: I'm surprised when he sat you didn't welcome him to the chair!

Clarence Bell: If I had, he wouldn't have heard over all your purring!

Jerry Espenson: I purred twice!

He starts to walk away and meets up with Shirley.

Shirley Schmidt: So?

Jerry Espenson: We opened a dialogue. We think we'll get something.

Shirley Schmidt: As much as an Indianhead nickel? I'm not happy with either one of you. **She walks away.**

Clarence Bell: You need to go back to the fake cigarette toothpick thingy. Or the pipe.

Jerry Espenson: Yeah. **Aggressively.** And maybe you could dress up as a talk show host! That might scare him! **Softly.** Sorry.

Clarence Bell: We're looking very foolish in the eyes of a very senior partner.

Jerry Espenson: Let's make contact with that friend of Alan's. **They nod and walk off together.**

In Judge Phyllis Tamber's courtroom, Alan is questioning Dorothy Scanlon.

Dorothy Scanlon: He'd hit them. Beat them.

Alan Shore: Did they ever fight back?

Dorothy Scanlon: Never. They never had a violent reaction whatsoever. The idea that they could commit murder... it's not in those boys.

Alan Shore: Did you love your late husband, Mrs Scanlon?

Dorothy Scanlon: I suppose I must have to put up with... I... I also hated him.

Alan Shore: But you didn't kill him? **Dorothy doesn't answer.** Did the police ever question you?

Dorothy Scanlon: They did.

Alan Shore: But you were at your dentist's at the time of the shooting?

Dorothy Scanlon: Yes.

Alan Shore: We have your word on that. As well as your dentist's, I suppose.

Dorothy Scanlon: I, I guess so.

Alan Shore: What's your relationship with your dentist? Harold Prescott is his name, I believe?

Dorothy Scanlon: Well, he's my dentist.

Alan Shore: Cleans teeth. The odd cavity. Maybe a crown. You two ever make love?

There is a murmur in the courtroom.

ADA Taryn Campbell: Your Honor?

Judge Phyllis Tamber: I'm assuming you have a good faith basis for that last one, counsel.

Alan Shore: I do, Your Honor. A little gift package arrived on my doorstep. Sent to me by somebody who works in a dentist's office. The package contained a condom. A used one. The down and dirty DNA analysis, I'm sure there's a pun in there somewhere, revealed traces of both you and Dr Harold Prescott. Turns out he's your lover! And a rather nifty alibi should you want to say you were somewhere else around the time that your late husband had a bullet put in his head. **Dorothy looks down.** Did you shoot your husband, Dorothy?

A beat.

Dorothy Scanlon: I think I'd like to plead the Fifth Amendment.

There is a murmur in the courtroom.

Alan Shore: Funny! The dentist refused to answer our questions as well. Though he did unwittingly provide us with a lovely DNA sample, as did you Dorothy. Did you kill your husband?

Dorothy Scanlon: I'm pleading the Fifth Amendment.

Alan sits down.

ADA Taryn Campbell: You love your sons very much. Don't you Mrs Scanlon?

Dorothy Scanlon: I said I'm pleading the fifth.

ADA Taryn Campbell: Well. **She gets up.** I'm not gonna incriminate you, ma'am. You see, we also got a little surprise package delivered to our office. Also a used condom. It seems someone is out to incriminate you. Leaving open the question of, "How would they get the condoms?" Or maybe the dentist himself wanted to turn you in. Or maybe you wanted to incriminate yourself. Can we call on Dr Prescott please? **There is murmuring in the courtroom as a guard opens the door and a man comes in. Alan gets up to get a better look.** I think you'll be happy to learn that the doctor was willing to talk to us.

Alan Shore: Your Honor, I don't know what's going on, but certainly none of this sh...

Judge Phyllis Tamber: You opened the door on this, counsel.

ADA Taryn Campbell: It seems you kind of threw yourself at him two days ago. Before that you two had never gotten together. Desperate mom trying to collect a little evidence to save her boys?

Alan Shore: Objection.

ADA Taryn Campbell: Watermarked stationery. You certainly drew us a neat path.

Alan Shore: Objection!

Judge Phyllis Tamber: Overruled.

ADA Taryn Campbell: We have the parking garage records for the day your husband was killed. They can verify when you arrived and when you left. We have several witnesses from inside the doctor's office. You don't have to plead the fifth, ma'am. We know you didn't kill your husband. Only thing you have to worry about is maybe a little obstruction of justice. But nice try, Mom.

At the courthouse, Alan, Denny, Dorothy, Michael and Edward are in a conference room.

Alan Shore: Oh! I should have known better. It was all much too easy. Of course you wanted me to accuse you on the stand! This was a stupid idea. Made worse by the fact that I didn't see through it.

I should have gotten a continuance. I knew I was being set up. How could I not have known it was you! This is a horrendous setback.

Edward Scanlon: So what happens now?

A beat.

Alan Shore: We put you up there to testify. Which ordinarily would be a bad idea, but... we're desperate. Do you agree, Denny? **Denny doesn't reply.** Denny? **Denny doesn't reply.**

At Crane, Poole and Schmidt, Clarence and Jerry are in the conference room with a woman speaking rapid Russian. Clarence and Jerry listen intently as she continues. Shirley enters.

Shirley Schmidt: Who's she?

Clarence Bell: She's wired into some of the casinos, including the Botticelli. Alan put me in touch with her. **The Russian woman is still talking. Shirley shushes her.** Excuse me. **To Clarence.** Has she given you anything?

Jerry Espenson: We don't know yet. Seems she only speaks Russian. Alan didn't tell us that.

Clarence Bell: She knows everything about how the casinos work.

Shirley Schmidt: Ah. Excellent. If only you could understand a word she said.

Clarence Bell: **Sotto to Jerry.** Let's get a translator.

Jerry Espenson: That would be best.

The Russian woman starts talking again.

In Judge Phyllis Tamber's courtroom, Edward is on the stand, Denny is on direct.

Edward Scanlon: Michael and I were going to the Cape for the weekend... ah... so we were outside in the driveway packing up the car.

Denny Crane: Where was your father?

Edward Scanlon: Inside. He would... he got off work at noon so he was at home already drinking.

Denny Crane: Was he home alone?

Edward Scanlon: We ah... we assumed. I mean we had just gotten home ourselves and our stuff was in the garage so we just started packing. And it's not like we were ever looking for an excuse to go inside so...

Denny Crane: But at some point you did go inside? Didn't you, Edward?

Edward Scanlon: **A beat.** Yes.

Denny Crane: What did you find? **Edward doesn't speak.** I-I know this is difficult but you need to tell us what you saw.

Edward Scanlon: I saw my father on the floor with blood.

Denny Crane: What else?

Edward Scanlon: I... I saw Michael, ah, with the gun.

Alan Shore: **He gets up.** Objection!

Edward Scanlon: I'm sorry Michael.

Alan Shore: **He walks up to the bench.** Your Honor, approach.

Judge Phyllis Tamber: Let's go.

Alan, Denny and Taryn approach the bench.

Alan Shore: **To Denny.** What the hell are you doing?

Denny Crane: It's every man for himself...

Alan Shore: I move for an immediate mistrial. He's completely blindsided me.

Judge Phyllis Tamber: Hey! I specifically wanted two different firms but you assured me that you two could work at arm's length.

Alan Shore: Because our defenses were in concert. Now...

Judge Phyllis Tamber: That's a risk that you assumed. Against my advice.

Alan Shore: This is a mistrial.

Judge Phyllis Tamber: No. You don't get a mistrial. You cross examine and your guy can tell his story, but the trial goes on.

Alan Shore: **To Denny.** You're making a big mistake.

Denny Crane: My duty is to my client.

Alan Shore: Then you shouldn't make an enemy of me. Your client will suffer.

Outside the courtroom reporters are clamoring around Alan and Denny. Alan has Denny by the arm.

Alan Shore: Get out of my way.

Denny Crane: Evidently I'm not giving interviews at this time.

Alan guides Denny into the Witness Room. They face each other.

Denny Crane: How was I?

Alan Shore: **He smiles.** Perfect. Now it's my turn. Now, make sure when Michael accuses Edward you go just as nuts as I did or the DA will figure this out.

Denny Crane: Got it!

Alan Shore: Denny, not too nuts. Somewhere between anger and...

Denny Crane: Mad Cow. Right in my wheelhouse, man.

Alan brushes Denny's arm.

At Crane, Poole and Schmidt, Jerry and Clarence are coming down the stairway.

Jerry Espenson: How did you persuade him to return?

Clarence Bell: I just did. Have you got the wooden cigarette?

Jerry Espenson: **He shakes his head.** I'd rather not. It's important I succeed being me.

Shirley Schmidt: **She comes up.** What's happening?

Clarence Bell: The Russian woman gave us something. We have another settlement meeting set up with the lawyer.

Shirley Schmidt: Great. I'll be joining you.

Jerry Espenson: That won't be necessary.

Shirley Schmidt: Oh. But it will.

In Judge Phyllis Tamber's courtroom, Michael is on the stand, Alan is on direct.

Alan Shore: Now, you told the police that neither you nor Edward had anything to do with your father's death?

Michael Scanlon: That's right.

Alan Shore: And suddenly Edward gets up here and says that you did it.

Michael Scanlon: Yes.

Alan Shore: Did that come as a shock to you?

Michael Scanlon: Oh no. Not really.

Alan Shore: It didn't? Your own brother turning against you?

Michael Scanlon: Well, this morning I told Edward that I wasn't gonna lie anymore. That I was gonna come clean. That I was gonna tell the truth. So...

Alan Shore: And, what is the truth, Michael?

Michael Scanlon: Well basically it went down exactly as Edward said. Except, I didn't shoot my dad. Edward did.

Denny Crane: Oh! Please!

Judge Phyllis Tamber: Mr. Crane!

Denny Crane: **He gets up.** He's desperately trying to cast...

Judge Phyllis Tamber: Mr. Crane.

Alan Shore: You're the one who resorted to desperation...

Judge Phyllis Tamber: Both of you be quiet!

Denny Crane: This man is suborning perjury, Your Honor!

Judge Phyllis Tamber: Mr. Crane, I will ask you to take your seat now!

Denny sits down.

Michael Scanlon: I kinda figured, knowing Edward, that he might try something like this. I guess since he was testifying first, he decided to fire kind of a preemptive strike.

Alan Shore: Michael? The question becomes, "Why did you cover for Edward?"

Michael Scanlon: 'Cause our father was an awful person. He beat us both. And Edward... I know he did this for me in a way.

Denny Crane: Move to strike.

Judge Phyllis Tamber: On what grounds?

Denny Crane: He's lying!

Denny looks confused as everybody looks at him.

At Crane, Poole and Schmidt, Attorney Jonathan Weiner, Shirley, Jerry and Clarence are in the conference room.

Attorney Jonathan Weiner: Look. I've made our position clear. It isn't gonna change because you've brought Shirley Schmidt into the picture.

Clarence Bell: Ahem. Mr. Weiner, the casinos have it down to a science, how to manipulate the customers.

Attorney Jonathan Weiner: You said you have something you wanted me to hear. So far I haven't heard it, and I'm becoming increasingly frustrated. Could you fill me in? **Jerry starts to purr.** What is that ridiculous sound you keep making? **Jerry stops.**

Clarence Bell: Mr. Weiner...

Attorney Jonathan Weiner: Are you two even lawyers? Are you in this with Ralph Peters? I'll kill him.

Shirley Schmidt: This is a real lawsuit, and I would advise you to take it very seriously.



Attorney Jonathan Weiner:
Oh, please.

A stylized version of "The Good, the Bad and the Ugly" begins to play as Jerry visibly starts to gain confidence.

Clarence Bell: There are studies, sir, that link your industry to high rates of divorce...

Attorney Jonathan Weiner:
Studies funded by anti-gaming lobbies.

Clarence and Jonathan continue arguing as Jerry reaches into his shirt pocket, pulls out a cigarette case and takes out a cigarette. Shirley watches as he slowly

places it in his mouth.

Clarence Bell: ... I would love to finish.

Attorney Jonathan Weiner: I'm sorry. **He gets up and closes his briefcase.** You're done. **He takes his briefcase and starts to leave.**

Jerry Espenson: **Softly, but confidently.** Hey buddy. **He's leaning back in his chair, hands in his pockets.** We didn't call you in to say, "Pretty please." Get your ass back in that chair.

Attorney Jonathan Weiner: **He's stunned.** What?

Jerry Espenson: Your client gave Alisa McKenzie this. **He holds up a card.** A player's club card. You know what it is. It gives a gambler the sense she's not spending money so much as earnin' bonus points toward a free rib buffet. Gotta love it! **Shirley watches with her mouth agape.** You think a jury would look favorably on an industry that privately refers to its slots as the crack cocaine of gambling? Oh yeah. Sure. **He gets up.** Let's all cheer for the good guys! Tell you what. Pick up your phone. Call your boss. Ask him about something called Enhanced Air Industries. You know what that is? Synthetic pheromones. It instills a sense of comfort and security. It's a synthetic version of the same pheromone released from mothers to newborns. Some casinos, including the Botticelli, pump it into their gaming rooms. Don't you just love that?! It isn't enough you ply your customers with free alcohol delivered by cleavage-baring waitresses! It's not enough that gamblers sit on ergonomically designed seats under lights specifically engineered to keep them alert. It's not enough you give them chips and betting cards so they don't have to touch real cash as they incur real debt. You have to then gas them with a synthetic pheromone designed to make them feel happy and secure as they're losing money they don't have!

Attorney Jonathan Weiner: You have absolutely no scientific proof of that.

Jerry Espenson: Think not? Well discovery and experts come with lawsuits, buddy. We can test the Botticelli air as early as Friday. Give your boss a call, sport. Just say, "Synthetic pheromones". Let me know how he responds. **He sits down.** I'm done bein' nice here. Pick up your phone.

Attorney Jonathan Weiner get up from his chair, reaches for his cell phone and walks off to the side.

In Judge Phyllis Tamber's courtroom, Denny is giving his closing.

Denny Crane: **He is leaning casually against the banister in front of the jury.** Michael was always the ringleader. Always the one to take matters into his own hands. And he's the one that did so here. Physical evidence backs up everything that Edward said. Everything! And did you check out Michael's demeanor on the stand? Even. No emotion. His testimony was tailor-made. Crafted. Calculated to counter what Edward said.

Alan Shore: The therapist, Dr Levine, said Edward's hatred for his father was especially profound. And did you all happen to notice as Michael addressed his younger brother from the witness stand? Edward could not bring himself to look at him.

ADA Taryn Campbell: Perfect. Brother Ed says, "Mike did it." Brother Mike says, "Ed did it." And you're left with reasonable doubt for both. It's genius. If you go back in that room thinking, "I wonder which one did it?" they both go free. That's their strategy.

Alan Shore: There certainly were others who had motive to kill Joseph Scanlon. The police never investigated. A car was seen speeding away from the scene. They never traced it. They simply arrested the boys.



Denny Crane: Cause it was such a nice, neat, tidy, package. Boys made the threats. They were at the scene. Blood was on 'em. Gun with 'em. Why bother to investigate?

Alan Shore: It saved a lot of time to simply arrest the boys. And maybe the police got it half right. Maybe Edward did it.

Denny Crane: If anybody, it was Michael!

ADA Taryn Campbell: It was both. And they're both playing you for idiots.

Alan Shore: You can't know that it was or wasn't just one of them. And not knowing which one...?

Denny Crane: There's reasonable

doubt for both.

Alan Shore: Therefore, under the law, both must be set free!

ADA Taryn Campbell: A man was found dead with a bullet in his head. Discovered with the body were his two sons, blood on their hands. The two people who said they would kill him. Let's stop wasting time.

At Crane, Poole and Schmidt, in the conference room, Shirley, Clarence and Jerry are waiting as Jonathan comes back to the table.

Attorney Jonathan Weiner: **He sits down, opens his briefcase and takes out a sheet of paper.** Before I even slide this over, it's non-negotiable. Absolutely no admission of liability. **He writes on the paper.** If it gets out at all we'll revoke it.

Clarence Bell: What's the number?

Attorney Jonathan Weiner: I'm not kidding. This is as high as I'm authorized. You either take it sealed. Or else we go to court. **He folds the paper.** At which point we'll drag it out for lightyears.

Clarence Bell: The number? **He takes the paper, opens it, reads it and gasps. He hands the paper to Jerry. He opens it and starts to purr. Clarence hands the paper to Shirley. She opens it. The paper reads \$225,000.**

Shirley Schmidt: We'll recommend it to our client and we'll let you know.

Attorney Jonathan Weiner: **He closes his briefcase.** Thank you. **He leaves.**

Shirley Schmidt: Well! Very nice results you guys. And quite a performance Jer.

Jerry Espenson: Yes. Nice work, Clarence.

Clarence Bell: You too, Jer. **They shake hands and start to chuckle with glee. Jerry hops. So does Clarence.**

Shirley Schmidt: Oh God. **She leaves.**

Clarence Bell: **He is hopping with glee.** We did it!

Clarence and Jerry hug and hop up and down laughing delightedly. Paul walks up to Claire watching this through a window.

Claire Sims: They sued a casino.

Paul Lewiston: Well, I'm guessing it went well.

They watch Clarence and Jerry as they continue hugging and hopping.

Brad Chase: **He comes up.** That's your boyfriend in there. Does he hop like that with you?



At the courthouse, in the Witness Room. Alan is looking out the window, then turns back to Denny who is sitting at the table. He loudly closes a big book.

Alan Shore: You okay?

A beat.

Denny Crane: We could both win. Both lose. One of us could win. The other might not.

Alan Shore: Yes. That's right.

Denny Crane: You closed better than I did.

Alan Shore: Your closing was fine. **He sits down next to Denny.**

Denny Crane: I don't think I could take you winning and me losing. Is that a bad thing for me to say?

Alan Shore: Ha! It's honest. There's a saying, "Success is never so sweet as when accompanied by the failure of a friend." Horrible saying. Probably coined in Hollywood. I want us to win too, Denny. I believe the boys are innocent. But I especially want us to win for you. Success could never be sweeter than when shared with...

Denny Crane: A flamingo? **The share a smile. A beat.** You have no idea how desperate I am not to be over. You think you do, but you can't possibly know until you're there.

There's a knock on the door.

Bailiff: **He comes in.** Jury's back.

Alan Shore: Ready?

Denny Crane: Ready.

Alan Shore: Pants?

Denny Crane: They're on!

In Judge Phyllis Tamber's courtroom. All parties present.

Judge Phyllis Tamber: The defendants will please rise. **They do, along with Alan and Denny.** Madame Foreperson? The jury has reached a unanimous verdict?

Madame Foreperson: We have, Your Honor.



Judge Phyllis Tamber: What say you?

Madame Foreperson: Three, two, six, six, six. The Commonwealth of Massachusetts versus Michael Scanlon in the count of murder in the first degree, we the jury find the defendant, Michael Scanlon... not guilty. **The audience gasps.** Three two, six, six, seven. The Commonwealth of Massachusetts versus Edward Scanlon, on the charge of murder in the first degree, we the jury, find the defendant, Edward Scanlon... not guilty.



Judge Phyllis Tamber: Ladies and gentlemen, thank you for your services. You are dismissed.

Denny Crane: We both won.

Alan Shore: **He laughs and turns to Denny.** We both won! **He smiles broadly.**

Denny Crane: Still undefeated.

Alan Shore: The legend lives on.

They share a hug.

Denny Crane: **He turns to Michael.** Hey! It worked out for you too! **They shake hands.** Never in doubt. **He reaches over to shake hand with Edward too.** Didn't I guarantee it? Denny Crane! I'm so good, even I don't believe it.

At Crane, Poole and Schmidt, Alan and

Denny are drinking Scotch and having a cigar on the balcony.

Denny Crane: Trial of the century. **Alan chuckles.** And we won! Together!

Alan Shore: You won that trial, Denny. It was your idea for them to accuse each other. Very risky.

Denny Crane: It took someone with Denny Crane-sized balls to come up with it.

Alan Shore: Ha! **He takes a sip. A beat.** Does it bother you that we suborned perjury?

Denny Crane: Not a bit. You?

Alan Shore: Not really. I believe they're innocent.

Denny Crane: **He chuckles softly.** Sleepover tonight?

Alan Shore: You got it!

Denny Crane: How did the judge know about our sleepovers anyway?

Alan Shore: Who knows.

Denny Crane: Is it odd that two grown heteros have sleepovers?

Alan Shore: Who cares? I wouldn't trade them for anything.

Denny Crane: To next season, my friend.

Alan Shore: I can't wait to see what we do next!

Denny Crane: I'm just getting started!

Alan Shore: Denny Crane.

Denny Crane: Alan Shore.

Alan Shore: Flamingoes.

Denny Crane: Till death do us part.

Alan Shore: Let no man tear asunder.

