

Boston Legal
Oral Contracts
Season 4, Episode 8
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Transcribed from aired episode; this is not an official script

Courthouse Men's Room

Denny Crane enters, panting, sets his briefcase on the sink ledge, and loudly passes gas, clutching his belly uncomfortably. He hears someone in one of the stalls and winces, realizing he's not alone. He looks under the stalls to see which one is occupied, and enters the stall next to it. He sets down his briefcase close to the door, lowers his trousers, and perches on the commode. Obviously uncomfortable and having "stage fright," he settles in and tries to make himself more comfortable to hasten the process, moves his leg to one side and taps his foot and hums. Just when he's relaxing, there are 5 sharp knocks on his stall door, and Denny Crane rises, pulling up his pants. He opens the door to see Officer Brian Whistler and a uniformed cop.

Officer Brian Whistler: Sir, could you step out of the stall, please?

Denny Crane steps out of the stall, a large undercover cop stepping out of the other stall next to his.

Officer Brian Whistler: Sir, could I see some identification, please?

Denny Crane: It's a courthouse! Denny Crane! I don't need to identify myself in a courthouse.

Officer Brian Whistler: Just place your hands behind your back, sir.

Denny Crane: Why?

Officer Brian Whistler: Sir, you are under arrest for solicitation.

Denny Crane: What?!

Officer Brian Whistler: You have the right to remain silent.

Denny Crane: Solicit—who the hell did I solicit?

Officer Brian Whistler: Anything you say can and will be used against you in a court of law. You have the right to an attorney.

Denny Crane pulls out his trusty ~~communicator~~ cell phone with the telltale sound effect.

Officer Brian Whistler: Sir, please put your hands behind your back, now.

Denny Crane: talking into the ~~communicator~~ cell phone Alan—

Officer Brian Whistler: All right, that's it. Get him down right away.

Denny Crane: Hey! Wait!

Undercover cop and uniformed cop wrestle Denny Crane to the ground, as:

Denny Crane: Ww—Damn! No! Alan! Alan! Pick up, will ya? Alan! Pick up! Alan? Alan!



[credits]

Officer Brian Whistler's Office

Officer Brian Whistler: He did all the known signals for solicitation; in fact, he was quite methodical about it.

Denny Crane: He's full of crap.

Alan Shore: Denny.

Denny Crane: Well, so was I, but I was constipated.

Alan Shore just shakes his head, trying to listen to both of them at once.

Alan Shore: What kn—known signals?

Officer Brian Whistler: Well, first he came in; looked under the stall doors. Then, he entered a stall next to an occupied one. He slid his briefcase to the front, making his feet visible to the adjacent occupant.

Denny Crane: Oh, puh-lease. I—

Alan Shore finds this all quite amusing. He turns to Denny Crane to quietly shush him.

Officer Brian Whistler: He then moved his foot over, then he began to hum quietly. Then he tapped his foot four times, up and down.

Denny Crane: Look, now. First, we—

Alan Shore: **hand on Denny Crane's chest** Denny.

Officer Brian Whistler: Sir, there's really no point in denying this.

Alan Shore: Unless you consider "innocence" a point. Would that be a point worth considering?

Officer Brian Whistler: These are well-known solicitation signals.

Alan Shore scoffs, mouthing "well known."

Officer Brian Whistler: You didn't even go to the bathroom, by the way, did you?

Denny Crane: **now exasperated** Because I was constipated! Did we not go over this?

Alan Shore nods.

Officer Brian Whistler: My suggestion is that you make this go away quietly.

Denny Crane: **slowly** Bribe. I knew it.

Officer Brian Whistler: I'm not suggesting a bribe. My recommendation's that you plead guilty to disorderly conduct.

Alan Shore: **laughing** He's not gonna plead guilty to anything.

Officer Brian Whistler: You really want these charges to be made public?

Alan Shore: This sounds an awful lot like extortion, Officer Whistler.

Officer Brian Whistler: It's not extortion. I'm just saying: Your choice—disorderly conduct and a small fine or a public trial for solicitation to have gay sex.

Alan Shore: **rising, preparing to exit** Trial.

Denny Crane: **also rising** Wait; wait, wait, wait, wait.

Alan Shore: Denny. Trial.

Denny Crane tries to make his point again, wagging his finger at Officer Brian Whistler.

Alan Shore gently restrains him from any further remonstrations.



Crane, Poole & Schmidt: Reception Area

Ding of elevator, and the doors open; Alan Shore and Denny Crane step out.

Alan Shore: Why are you angry with me?

Denny Crane: 'Cause I could've made this thing go away—quietly. You're making it into a cause.

Alan Shore: I am not, Denny. You're being "Larry Craig-ed" here and it isn't fair.

Denny Crane: But with a *public* trial! It's one thing for people to think I've got, uh, **with the usual gesture** Alzheimer's, or I've lost my mind **pulls Alan Shore close to whisper** but for them to think I'm gay?

Alan Shore: For God's sake! You cannot plead guilty! It's a ridiculous charge. The police had no bus—

And he turns to walk right into Carl Sack.

Carl Sack: What's goin' on?

Alan Shore: Uh, Denny had a little misunderstanding this morning.

Alan Shore and Carl Sack exchange glares.

Alan Shore: In an effort to relieve some mild . . . constipation, he unwittingly agreed to be a whistleblower for an undercover police officer. **shrugs**

Denny Crane: It happens.

Alan Shore: He's being arraigned this afternoon. I'm moving for an immediate dismissal. **gulps; smiles**

Crane, Poole & Schmidt: Shirley Schmidt's Office

Shirley Schmidt enters, to see Bob Binder waiting on her couch.

Shirley Schmidt: "The Battleship"—as I live and breathe!

Bob Binder: **rising to shake hands with Shirley Schmidt** Wow! You get more and more beautiful.

Shirley Schmidt: Who's suing you now?

They step back to the couches and sit.

Bob Binder: I take it you haven't heard.

Shirley Schmidt: Uh, oh.
 Bob Binder: I got fired, Shirl.
 Shirley Schmidt: What?
 Bob Binder: As of now, you're looking at an unemployed shock jock.
 Shirley Schmidt: What did you say?
 Bob Binder: Oh, nothing too bad, but as far as the station's concerned—
 Shirley Schmidt: What did you say?
 Bob Binder: Well, something like: Old people should die.
 Shirley Schmidt: You said that on the air?
 Bob Binder: Oh, c'mon. It's the radio, for God's sakes! If you can't be vulgar there— Free speech! Rah! Look, seriously, Shirley; I'm not a young man. If I lose this gig, I may not get another one. I need to fight this.
 Shirley Schmidt: **scoffs** "Old people should die."
 Bob Binder: Free speech. Rah.
 Shirley Schmidt: Rah.



Crane, Poole & Schmidt: Hallway

Denny Crane and Alan Shore are walking toward the Conference Room.

Denny Crane: Why would Paul want to see us? Obviously, Sack told him. Maybe Paul is gay.

Lorraine Weller passes by.

Denny Crane: God, why can't I have that?

Crane, Poole & Schmidt: Conference Room

Paul Lewiston is sitting on the table and Carl Sack on a chair at the table. Alan Shore knocks and opens the door, allowing Denny Crane to enter ahead of him.

Alan Shore: Ahh, I see someone has run to the principal's office.

Paul Lewiston: Hello, Alan; Denny. How are you?

Denny Crane: Not gay.

Paul Lewiston: **nods** Yes. Carl has shared with me the latest. I'm told there's a chance of making this go away with a disorderly conduct plea.

Alan Shore: That was rejected.

Paul Lewiston: May I ask why?

Alan Shore: He's innocent, Paul.

Paul Lewiston: Alan, you know and I know that the charges alone—

Alan Shore: Denny's been charged with crimes before.

Paul Lewiston: This one leaves its own special tarnish.

Carl Sack: Even an outright acquittal wouldn't amount to exoneration. We need to dispose of this as quietly as possible.

Alan Shore: **chuckling** This is ridiculous! He's being railroaded by some overzealous cop who's staking out a *bathroom*! I don't know if it's more offensive or silly.

Paul Lewiston: Denny, may I speak to you in private?

Carl Sack: **rises** Let's go, Al. Let's give 'em some special time.

Alan Shore: If you care to leave, Carl, please do so, but, Paul, anything you have to say to Denny, you can say—

Paul Lewiston: With all due respect to your friendship, Denny and I go back almost 40 years.

Alan Shore: Wow! You really *are* old, Paul.

Denny Crane: Go ahead, Alan; bond with Carl for a second. No sleepovers!



With a meaningful nod from Paul Lewiston, Carl Sack returns the nod and exits behind Alan Shore, and Denny Crane sits at the table with a sigh.

Paul Lewiston: Carl Sack has the job of worrying about the firm; I was happy to pass that *baton*. I'm concerned about you. I see Alan all poised here to climb on his soapbox, but at whose expense?

Denny Crane: If I plead to disorderly, the papers'll make straw out of that as well.

Paul Lewiston: Denny . . . your grip on your position here as senior partner—I know you know—is a little tenuous. This may be all the managing partners need to finally take your name off the door.

Denny Crane: That's why I need to be vindicated.

Paul Lewiston: And should you lose?

Denny Crane: Paul . . . right or wrong, I—I need to go out as "Denny Crane." I don't want my legacy to— **sigh** It's worth risking my job to save my reputation.

Paul Lewiston: I'm afraid you may lose *both*.

Denny Crane: Not if we win. "All or nothing"—you and I used to say that all the time. Remember?

Judge Victoria Thompson's Courtroom

Shirley Schmidt and Bob Binder enter.

Bob Binder: W—why a judge, and not a jury?

Shirley Schmidt: Juries can't give equitable relief, plus they don't especially enjoy being summoned for something trivial like First Amendment.

Bethany Horowitz: ***as camera pans stage left, then down***

Well, well, well.

Shirley Schmidt: Bethany!

Bethany Horowitz: Shirley. Wow! You've let yourself go. I find that refreshing. It's so nice to see an elderly person who is not afraid to look her age.

Shirley Schmidt: Yes, well, vanity can be quite the beast, I suppose. I see you're wearing heels.

Bethany Horowitz: Dwarf jokes; classy.

Male Court Clerk: All rise. In re: *Binder vs WWEN—Boston*, Judge Victoria Thompson presiding. This court is in session.

Shirley Schmidt: Good morning, Your Honor. Shirley Schmidt for the plaintiff.

Judge Victoria Thompson: I'm not interested. Who's the station manager?

Guy Flanders: Uh, I am, Your Honor.

Bethany Horowitz: And my name is Bethany Horowitz, I represent WWEN, and why are you staring?

Judge Victoria Thompson: 'Cause I almost bought that same outfit. Set your itty bitty self down. Mr. Flanders, in the witness chair, now. Move it.

Bethany Horowitz: But wait a second! They're the ones suing.

Judge Victoria Thompson: I know that. I want to hear from *him*. Now!



Denny Crane's Office

Denny Crane is watching Gracie Jane on his HDTV. A banner states:

"PERVERT ALERT!

***DENNY CRANE'S SORDID PIT STOP
PROMINENT LAWYER CLOSETED HOMOSEXUAL?"***

Gracie Jane: Denny Crane in a men's room! Don't you just love that? Another "family values advocate" looking to use another man's private part as a sippy cup!

Denny Crane groans.

Gracie Jane: Time to go to church now, Denny. Time to get in touch with God. Off to rehab we go. Doesn't it just want to make you snorkel in your mother's vomit?

Denny Crane: ***clicking the TV off*** I can't take it! The press is into it. I'm gay fodder; I can't take it!

Alan Shore: Come on, Denny. Let's just get to court.

Denny Crane: *That* woman—of all people—knows I am straight. She told me it was the best sex she ever had since her brother in ninth grade. She told me!



Crane, Poole & Schmidt: The Elevator Bank

Alan Shore and Denny Crane enter, continuing their conversation.

Denny Crane: We go for immediate dismissal—none of this continuance crap.

Alan Shore: Immediate.

Lorraine Weller is waiting for an elevator.

Alan Shore: Lorraine.

Lorraine Weller: Alan. Denny.

Denny Crane: Would you be riding on the elevator with us?

Lorraine Weller: Think you can handle it, Denny?

Denny Crane: **guffaws, then serious** Well, maybe not. I—I don't know whether you've heard about my, um, predicament.

Lorraine Weller: I heard that you were humming in the men's room. That predicament?

Denny Crane: Yeah, that. Rumors are ugly things, Lorraine. I'll bet there are some about you.

Lorraine Weller: I wouldn't know.

Denny Crane: Neither would I. **laughs** There are security cameras on these elevators. If I were to have sex on one with, uh, a woman, that would dispel the horrible rumor that I, uh, ah, you know? Ah—

Lorraine Weller: Like to hum in men's rooms.

Denny Crane: Would you mind?

Lorraine Weller: Not at all, Denny. But I'm involved, so I can't.

This obviously saddens Alan Shore, who breaks off eye contact with her to stare blankly at her . . . neck.

Denny Crane: Please? It's an emergency.

Lorraine Weller: Perhaps you should call "9-9-9."

The elevator arrives with a "ding" as Katie Lloyd, standing at the receptionist's desk, notes the comment. Lorraine Weller steps onto the elevator.

Alan Shore: What's his name?

Lorraine Weller: I'm sorry?

Alan Shore: Uh, the boyfriend. What's his name?

Elevator doors close as Alan Shore and Denny Crane both wait for the answer.

Denny Crane: Were we meant to get on that?

Alan Shore rolls his eyes, and pushes the "down button," calling another elevator.



Crane, Poole & Schmidt: Break Room

Lorraine Weller takes a cup of coffee to one of the café tables to study a brief. Katie Lloyd enters.

Katie Lloyd: Hey, Lorraine!

Lorraine Weller: Katie.

Katie Lloyd: How are you liking working here so far, aside from the misogynistic bits and pieces?

Lorraine Weller: Oh, it's fine. Personally, I enjoy being objectified. It's a wonderful prophylactic if one doesn't care to be really known.

Katie Lloyd: I s'pose. Somehow, I feel I know you. Have we met before Crane, Poole & Schmidt?

Lorraine Weller: I don't believe we have.

Katie Lloyd: Odd. Have you ever spent time in England?

Lorraine Weller: I haven't actually, though I've always wanted to go.

Katie Lloyd: Just thought perhaps . . . when Denny said earlier he had an emergency, you said call "9-9-9"? It's "9-1-1," actually.

Lorraine Weller: Of course it is. I said "9-9-9"?

Katie Lloyd: Yes. Which coincidentally is the number one calls for emergencies in England.

Lorraine Weller: I guess that *is* a coincidence.

Katie Lloyd: Yes.

Lorraine Weller nods, then gathers up her papers and portfolio and exits.

Lorraine Weller: 'Bye, Katie. Hope the rest of your day goes well.

Katie Lloyd: You, too.

Judge Victoria Thompson's Courtroom



Guy Flanders: *in the witness stand* Look, it's all about sales. Here, we're faced with advertiser pull-out, a boycott by listeners.

Bethany Horowitz: *questioning the witness*. But he's a shock jock. This is what he does.

Guy Flanders: Yes. And if he makes money for us, it's fine. If he doesn't— *snaps fingers* —he goes. It's nothing personal here.

Bethany Horowitz: He's been saying outrageous things for 25 years.

Guy Flanders: Yes, and a lot of people have been listening to him *for* 25 years.

Bethany Horowitz: So, what's changed?

Guy Flanders: Those listeners are old now. I—if he wants to put down blacks or Jews or Episcopalians, fine.

But our demographic is "Baby Boomers." Insulting old people—it affects our bottom line! It's a "no-can-do."

Shirley Schmidt: *now questioning the witness*. So, you admit that what he said is in the context of social commentary.

Guy Flanders: So what?

Shirley Schmidt: So what? You're primarily a news station.

Guy Flanders: No, we're primarily a profit center, like every other news station.

Shirley Schmidt: You had Ann Coulter on the show last week as a guest.

Guy Flanders *nods*.

Shirley Schmidt: This is the woman who referred to John Edwards using the homosexual "f"-word.

Guy Flanders: *laughs* No one takes Ann Coulter seriously. Uh, she's a joke! Since Bob is actually respected for his political commentary, his remarks are more dangerous.

Shirley Schmidt: You don't see a problem firing a political commentator for making a political comment?

Guy Flanders: *shaking his head* Not really.

Shirley Schmidt: Huh.

Judge Clark Brown's Courtroom

Packed with observers, including people with TV cameras.

Female Court Clerk: Case Number 66266: *The Commonwealth vs Denny Crane*.

Alan Shore: Alan Shore, appearing for Mr. Crane. I would ask that this arraignment be quashed immediately.

Judge Clark Brown: You cannot quash an arraignment!

Alan Shore: But *you* can, Your Honor, and you should here, because if you look at the facts, you'll see that even as alleged, they don't support the charges being filed. No money ever changed hands—

ADA Norman Wilson: You don't have to go that far. It's an inchoate crime.



Alan Shore: But suppose he just "hit" on another man he found attractive?

Denny Crane: Oh, my God!

Alan Shore: Are you saying it's a crime for one man to propose sex to another?

ADA Norman Wilson: In some states, it probably is.

Alan Shore: *chortling* But this is Massachusetts! The home of Mitt Romney, a man who was once okay with gay unions. *quick to add* Though he's not okay with them now. Let's all be clear on that.

Judge Clark Brown: *bangs his gavel* I will not have you attacking my governor.

Alan Shore: Judge, you shouldn't even be on this case. If you'll remember, I once defended you on a subject very near and dear to this one.

Judge Clark Brown: I can be impartial, and I shall be.

And you cannot quash an arraignment. If you want to try to kick it after charges are filed—

Alan Shore: A—A—And that's Mr. Crane's choice? To plead out or face public ridicule? Have you noticed all the cameras, by the way? It's extortion! This is a witch hunt. The DA's office probably targeted Mr. Crane because of all the bad blood between our firm—

Judge Clark Brown: This is the United States of America! Our system of justice does not dictate to District Attorneys who should or should not be prosecuted.

Alan Shore just stares at Judge Clark Brown, mouth open, but nothing coming out, for a LONG beat.



Judge Clark Brown: Your points may be good ones, but they are to be decided by the trier of fact, which in this case, is the jury. This case'll go to trial. Adjourned!

bangs gavel

ADA Norman Wilson: *to Alan Shore and Denny Crane* Disorderly is still on the table.

Alan Shore: *quietly, to Denny Crane* Denny, maybe you should consider making a deal here. If you get convicted—

Denny Crane: Uh, uh. No. We'll go to trial.

Alan Shore: Are you sure? Don't do this because of me.

Denny Crane: I'm doing it because of me. We go to trial. But you have to win it.

Alan Shore: Huh. *nods*

Denny Crane turns Alan Shore around to face him again. Alan Shore smiles hesitantly, then escorts him out of the courtroom, patting Denny Crane's back.

Crane, Poole & Schmidt: Corridor

Katie Lloyd and Whitney Rome are walking, talking.

Whitney Rome: Familiar? How?

Katie Lloyd: I just feel I've seen her before or— Don't you think it's odd? She's never been to England and she said, "Call 9-9-9"?

Whitney Rome: It could be a coincidence.

Katie Lloyd: I also detect an English accent.

Whitney Rome: You do? Really?

Katie Lloyd: Well, sometimes. Barely noticeable.

Whitney Rome: Why don't we just Google her?

Katie Lloyd: I did. I didn't find anything. I know this is horrible of me to say, but for some reason I just have this feeling she's a criminal.

Whitney Rome: I thought you liked everybody?

Katie Lloyd: Oh, I do. And I like her; I just—

Whitney Rome: -- think she's a criminal. **Katie nods.**



Judge Victoria Thompson's Courtroom

Shirley Schmidt: **Questioning the witness.** A lot of people were hugely offended by what you said.

Bob Binder: But what I said was political commentary; moreover, it was important.

Judge Victoria Thompson: Important?

Bethany Horowitz: **Starts to rise out of her chair.** Och. This I gotta hear.

Judge Victoria Thompson: You set your itty bitty little self down.

Bethany Horowitz: I want that on the record.

Shirley Schmidt: How was the content important, Bob?

Bob Binder: Our government—at least on a national level—is becoming little more than an income transfer mechanism from younger workers to the old retirees. Social Security, Medicare, Medicaid already take up over 40% of the federal budget, *and*, in the next 25 years, the number of people over 65 is expected to *double*. Now, does anybody "get" what that means? We could be heading for a day when the bulk of our federal budget goes to subsidizing retirees. *None* of the politicians will even talk about it. Why? Because who's primarily funding this next election? Baby Boomers!

Bethany Horowitz: **Now questioning the witness.** So your solution is for old people to die?



Bob Binder: I was making a point in a provocative way.

Bethany Horowitz: An offensive, indecent, disgusting way!

Shirley Schmidt: I'm gonna just wing it and say, "Argumentative."

Bethany Horowitz: I didn't interrupt your questions. What is this?

Shirley Schmidt: They're called, "objections," Bethany. They're allowed now.

Bethany Horowitz: I ask the court to sanction this rude, bitchy-do person.

Judge Victoria Thompson: Counsel, just ask your questions and try not to give in to your good nature.

Bethany Horowitz: You are aware, sir, that Baby

Boomers make up a big part of your listening audience?

Bob Binder: I am. Uh, the irony is—

Bethany Horowitz: I'm not interested in irony. I find nothing ironic about calling for the genocide of an entire class of people.

Bob Binder: You sure like to come on strong, don't you?

Shirley Schmidt: Better to be a cannon than get shot out of one. *grins—big*



Judge Victoria Thompson has a hard time holding back a laugh.

Bethany Horowitz: I saw that! I want this entire transcript expedited so that I can personally deliver it to the Anti-Defamation League, which, at this moment, is probably listening to a recording of this man's *jihad* against the elderly.

Judge Victoria Thompson: All right. I've heard enough of your little self.

Bethany Horowitz: How 'bout you and I both refrain from commenting on the other's size?

Judge Victoria Thompson casts an evil glare at Bethany Horowitz.

Bethany Horowitz: *with an equally evil glare* Bring it on, Judgie-Do! I'm not goin' anywhere.

Crane, Poole & Schmidt: Break Room

Clarence Bell: What do you mean there's something up with her?

Katie Lloyd: You don't think there's anything suspicious about her?

Clarence Bell: Because she said "9-9-9"?

Whitney Rome: You're right. **To Clarence Bell:** Hey, Clarence. **Back to Katie Lloyd:** I've got a friend at the IRS. I had them do a little search on her tax records. Dates back 7 years and stops. She never filed before that.

Katie Lloyd: Maybe she didn't work before then.

Whitney Rome: Ever? *scoffs* And it gets better. **To Clarence Bell:** You don't say, "Hey!" back? **To Katie Lloyd:** She

graduated law school from the University of Chicago in 1999. In her résumé, it says she attended Georgetown before that. Georgetown has no record of any Lorraine Weller. I ran a Social Security record search; no evidence of her prior to attending the University of Chicago. I never trusted her.

Katie Lloyd: So then, the question becomes: If she's not Lorraine Weller—

Clarence Bell: Who is she?



Judge Clark Brown's Courtroom

Officer Brian Whistler: Look. These *are* the signals. I didn't make them up. He looked under the stall, moved his foot to the side, then his bag, tapped his foot and hummed. Come on!

ADA Norman Wilson: **Questioning the witness.** At that point, you moved in.

Officer Brian Whistler: We asked him to step out of the stall and then we arrested him.

Alan Shore: **Now questioning the witness.** Why didn't you wait for him to do something more . . . definitive?

Officer Brian Whistler: What he'd already done was definitive.

Alan Shore: Okay; suppose somebody was just out looking for some action—not prostitution, but action. They hear that there might be some in the bathroom, and—I mean, is that a crime now? To—to hit on somebody?

Officer Brian Whistler: These were known signals for prostitution.

Alan Shore: But you didn't wait for money to change hands.

Officer Brian Whistler: We thought we had enough to go on.

Alan Shore: Come on! So if someone has a bag in his hand, a tune in his head, and needs to poop, he better watch out. Commit the wrong ambiguous gesture and he's looking at the slammer. I guess they play a lot of footsie in there.

ADA Norman Wilson: Objection!

Judge Clark Brown: Sustained.

Alan Shore: Your Honor, at this time I move for a directed finding of not guilty. The prosecution's failed to meet its burden of proof, and—

Judge Clark Brown: Denied!

Alan Shore: Okay. I move to remove you on the grounds of horrible judging. There's a pattern of it, actually.

Judge Clark Brown: Denied!

Alan Shore: Judge, I've seen *you* go in that men's room.

Judge Clark Brown bangs his gavel three times, as Alan Shore nods, raising his eyebrow.



Crane, Poole & Schmidt: Carl Sack's Office



Carl Sack: What do you mean, you might *lose*?

Alan Shore: Well, I *should* win. They've got no transaction, but—

Paul Lewiston: But what?

Alan Shore: **settling into a chair** Ah . . . I have to put Denny on the stand.

Paul Lewiston: **exasperated** Oh. Is there any way around that?

Alan Shore: **chortling** I don't think so. This way, he's gotta tell his story, and, in doing so, he would then become . . . our defense.

Paul Lewiston: Dear God!

Judge Clark Brown's Courtroom

Denny Crane: I had terrible, terrible gas. I have it a lot.

Alan Shore: So, what did you do?

Denny Crane: **talking to the jury** Well, I went into the bathroom hoping to relieve it, with a—a bowel movement. I have them a lot.

Alan Shore: **insinuating himself between Denny Crane and the jury** Uh, Denny; please.

Denny Crane: Upon entering the men's room, I, um, farted. I do that a lot.

Alan Shore: Denny.

Denny Crane: Oh. I entered a vacant stall, and I proceeded to, uh, do my business. Only I was constipated, so I had difficulty.

Alan Shore: Uh, did you engage in all these signals they've been talking about?

Denny Crane: Well, uh, uh, I slid my briefcase out of the way, and moved my foot to the side cause I like to give myself a wide berth when I'm impacted. And I, uh, began to h—hum, because it's a relaxing technique, and I—I started tapping my foot to give my hum a beat.

Denny Crane hums—and taps—a little to demonstrate.

Alan Shore: So, you didn't go into the bathroom looking for sex?

Denny Crane: Oh, Gawd, no! Oh, I've had sex in bathroom stalls before, sometimes for money, but always, *always* with a woman. **To Judge Clark Brown:** I'm a heterosexual. **To the jury:** And I think being gay is a sin—it's against God; it's against the President; it's bad for the troops!

Alan Shore: How could the police officer misinterpret it?

Denny Crane: 'Cause he's an idiot! And by the way, I have gay friends. And they like to look at the merchandise, just like anybody else. They're not gonna just have sex with whoever in the next stall! Sigh unseen! They might be sick, but they're not *stupid!*

ADA Norman Wilson: **Now on cross-examine.** It's just a total coincidence that you engaged in all these known signals to have sex?

Denny Crane: Well, not known to me. Ha. So, *you* know. You gay?

ADA Norman Wilson: I am, as a matter of fact. Does that make a difference?

Denny Crane: Well, a big one if I were looking to get laid.

ADA Norman Wilson: You would never sleep with a man?

Denny Crane: Never.

Alan Shore doesn't look too pleased with where this is heading.

ADA Norman Wilson: Never have a sleepover with a male friend?

Denny Crane: **looks like he's catching on, too** Well, that's different.

ADA Norman Wilson: In fact, you've had sleepovers with your lawyer, Alan Shore. Isn't that right?

Alan Shore: Objection.

Denny Crane: Never had sex.

ADA Norman Wilson: You sleep in the same bed as . . . buddies.

Denny Crane: Yeah.

ADA Norman Wilson: And you two have "special time" every night together on your balcony, is that right?

Denny Crane: And what's wrong with that?

ADA Norman Wilson: **checking his notes** You refer to each other as "flamingos."

Alan Shore tries to look at ADA Norman Wilson's notes, when Denny Crane looks at him and:

Denny Crane: Did you tell him this?

Alan Shore: W—I didn't. What's the point? This is irrelevant.

Denny Crane: It's called "male bonding." You never heard of that?

ADA Norman Wilson: Oh, I know *all* about "male bonding." Now, let me see if I get this. You're a man who sleeps with other men, you just so happen to signal another man to have sex with you in a bathroom, but it's all just a big coincidence. You sometimes refer to yourself as a "flamingo," but you're not gay.



Denny Crane: Damn right, I'm not!

Judge Clark Brown smiles, knowingly.

ADA Norman Wilson: I think I get the picture. *rolls his eyes* Nothing further *sits down*
Paul Lewiston and Alan Shore exchange "We're sunk" glances.

Crane, Poole & Schmidt: Library

Katie Lloyd is startled when she removes a few law books and sees Lorraine Weller on the other side.

Katie Lloyd: Good heavens, you frightened me!

Lorraine Weller: Just now, or do I frighten you in general, Katie? You've been quite a curious girl. **steps around the bookshelves** What's going on, Katie?

Katie Lloyd: What's going on is you're not who you say you are. I know I've seen your face. I don't know your real identity, but I know you've only been Lorraine Weller since 1997, when you entered the University of Chicago Law School.

Lorraine Weller: So, you know my secret.

Katie Lloyd: No, I knew no part of it.

Lorraine Weller: I used to be somebody else.

Katie Lloyd: Who?

Lorraine Weller: I'm not gonna tell you that; it could cost me my life.

Katie Lloyd frowns.

Lorraine Weller: checks to see if anyone else is listening I married a man from Pakistan 12 years ago. I was unfaithful to him, which he discovered. There have been several honor killings in Muslim communities in London. I *am* from London. My co-adulterer was killed in an automobile accident. I believe the next accident was going to happen to me, so I fled London, changed my name, began a new life here. I'm told by my friends my husband is still looking for me.

Katie Lloyd: Does Alan Shore know this?

Lorraine Weller: No, and I would beg you not to tell him.



Judge Victoria Thompson's Courtroom

Bethany Horowitz: It's a business, Judge. Talk shows, news shows—they're all in it for the same thing. Money. If he wants to insult people, fine. But it better be good for sales. Howard Stern is funny; people like him, he can say what he wants. Don Imus—not so funny. And "nappy hair" was bad for the bottom line. It's the same thing here. WWEN was faced with advertiser pullout because of what Bob Binder said. And, by the way: What's wrong with cleaning up the airwaves a little? I'm sick of these so-called journalists cloaking their hate-mongering and bigotry in the American flag and calling it, "free speech." Why can't a radio station fire an employee for spewing out despicably immoral crap? Maybe that's what Americans are really calling for here. About time!

Judge Victoria Thompson shakes her head as Bethany Horowitz sits, and Shirley Schmidt rises.

Shirley Schmidt: Was what my client said really so bad? It's interesting she mentions Howard Stern; my client was asked by his station to be more like Howard. Howard Stern asked on the air, "So if you're half-Arab and half-



Jewish do you negotiate with the sheep before having sexual relations with them?” She also mentions Don Imus; Viacom seems to have no problem with Imus referring to Arabs as “ragheads.” In 2004, he referred to Simon & Schuster—the book publishers—as “Jews who steal,” then he apologized for the remark as being “redundant.” Uh, Glenn Beck—he’s on CNN, “The most trusted name in news”—he’s referred to the Katrina survivors as a vulgarity I’m not allowed to repeat here. He also said he didn’t think it possible to hate any victims faster than the 9-11 victims. These so-called journalists are everywhere; and frankly I wouldn’t mind seeing most of them gone, but it’s one thing to curtail racist or hateful remarks. It’s quite another to censor political content. What Bob Binder said may have been offensive, but it was also legitimate public debate. Ironically, one the public and the Presidential candidates refuse to engage in. If the older demographic has more economic power to affect the outcome of the Presidential elections, and the government is spending most of its money on the older demographic— Gee, shouldn’t somebody be discussing this? A press—a *free* press—has always been vital to a democracy. Not just when they serve the bottom line, but perhaps *especially* when it doesn’t. Your Honor, reporters actually lost their jobs for criticizing the war. Thirty-five percent of today’s journalists say newsworthy stories are sometimes shunned if they’ll hurt the financial interests of their news organizations! In America?! *Our* free press? This man got fired from a news talk show for expressing a political idea. Are we really okay with that? Really?



Judge Clark Brown’s Courtroom



ADA Norman Wilson: Look. We have a lot of this illicit, illegal, and—yes—immoral activity going on not behind closed doors, but in public areas. Kids go in these bathrooms sometimes. Are we gonna look the other way just because he is Denny Crane? Oh, come on! He went in, looked under the stall, saw somebody, entered the adjacent stall, pushed his briefcase forward, slid his foot over, tapped his foot, then—the humming. By coincidence? This is shameful. Even more so if we excuse it, just because he is a high-profile lawyer who thinks that he should be above the law. ***nods at the jury, and sits***
Denny Crane: ***grabbing Alan Shore’s hand and whispering*** Alan, don’t save the world. Just get me off. Can ya do that, please?
Alan Shore: ***also whispering*** Denny, when you hold my hand, it’s just as thrilling as the very first time. But the jury could get the wrong idea.

Denny Crane drops Alan Shore’s hand, and Alan buttons his jacket, preparing for battle closing arguments.

Alan Shore: I’m sorry. I never heard of much gay prostitution going on in men’s rooms. I mean, maybe in a park or in a club, but a courthouse? Huh. There’s certainly a lot more of the heterosexual kind going on elsewhere, most of which we turn a blind eye to. There’s even talk of legalizing it in Vegas. So, is there something especially offensive about gay prostitution? We know Washington certainly feels that way—all those “family values” senators had nothing to say about David Vitter, the Louisiana senator who was caught in a prostitution ring. I guess because he had the decency to visit only female hookers. So, uh, let me see. ***grabs a piece of paper off his defense table*** All right. We’ve got 29 current or recent members of Congress accused of spousal abuse. Twenty-seven have been arrested for driving under the influence.



Nineteen current or recent members accused of writing bad checks; fourteen have drug-related arrests; eight busted for shoplifting, seven for fraud; four for theft; three for assault—but Larry Craig's the one they simply *must* broom for tapping his foot in a men's room! And why are we paying the police to tap back? With all this terror business and these security crises going on in airports, why are the police across the country manning bathroom stalls to play footsie?!

Judge Clark Brown: *bangs gavel* Mr. Shore, I shall ask you to confine yourself to *this* case.

Alan Shore: I'm talking about this case. Homophobia has run amuck, Judge! It's the reason we're all gathered here, and it's preposterous. We're actually sitting in a courtroom, wasting tax dollars because my client had gas! He was constipated. He went to remedy his problem in a bathroom—imagine that!—where, lo and behold, three undercover police officers were lurking, waiting to interpret a tapping foot as a call for gay sex. Now, maybe Larry Craig deserved his fate; he was thrown in front of the very bus he helped to build, but Denny Crane doesn't deserve this. All that he was trying to do was take a crap!

All those assembled gasp at Alan Shore's use of the vulgar term for defecation. Alan Shore looks at the jury's faces, rolls his eyes and walks back to his table, but turns to say one more thing.

Alan Shore: And even if one were to go there, looking for sex, there's no law against that! The crime is "Soliciting for a fee"! This complaint doesn't even allege that any money was involved. As my great-aunt Gert used to say, "This smells funny, and I'm not going to eat it!"

Judge Victoria Thompson's Courtroom

Judge Victoria Thompson: The First Amendment refers to state action only; not private companies. If a government punishes Mr. Binder for saying what he did, that's censorship. When a private business does so, it's editorial control.

Shirley Schmidt: *soto voce, to Bob Binder* This isn't going well.

Judge Victoria Thompson: You say something, Ms. Schmidt?

Shirley Schmidt: If I did, I'm sure it wasn't important, Your Honor.

Judge Victoria Thompson: However—

Shirley Schmidt: *again soto voce to Bob Binder* There's the magic word.

Judge Victoria Thompson: Corporations have become the biggest infringers of free expression. It's been going on for years, starting with cigarette companies who pull their advertising dollars from any publication that runs an article about cancer. Beyond that, corporations are using something called "SLAPP suits" to chill free speech. So, when it comes to truth in this country, the fix is in. As for talk show hosts, the public gets the opinion the sponsors pay for.

Bethany Horowitz: Your Honor, this is truly riveting, but can you just give us the ruling? Dwarves have limited life-spans.

Judge Victoria Thompson: Judgment for the petitioner. That work for ya?

Bethany Horowitz: Are you on drugs?

Judge Victoria Thompson: He was hired to be a provocateur. He said inflammatory things before; he was championed by the station for doing so. I'm ruling in favor of the plaintiff on an *estoppel* theory. Please don't take this personal, pipsqueak.

Shirley looks taken aback at Judge Victoria Thompson's comment.

Bethany Horowitz: I want that on the record. You know, that robe doesn't give you the authority or the right to demean me for my size. You barrage balloon!

Bethany Horowitz faces off with Judge Victoria Thompson as the strains of the theme song from "The Good, The Bad and the Ugly" play in the background.

Bethany Horowitz: Go ahead. What are you gonna do?

Judge Victoria Thompson raises her eyebrows, and smash cut to:



Courthouse Holding Cell

Bethany Horowitz is sitting on a cot. We hear a door open, and Shirley Schmidt enters.

Shirley Schmidt: Bethany?

Bethany Horowitz: That cannon remark was really below the belt.

Shirley Schmidt: I'm sorry. It wasn't my intent to . . . well . . . stoop to your level, and please don't take that the wrong way. It's just . . . you seem to push my buttons for whatever reason. Not many people can do that.

Bethany Horowitz: Is it because I was with Denny, and you

still love him?

Shirley Schmidt: It could be many things, but not that. The—the truth is: I bet I could like you. Okay. Not a chance. But I do tip my hat to you, Bethany. You really are something.

Bethany Horowitz: Thank you.

Shirley Schmidt: Well, have a good night.

Bethany Horowitz: Until we meet again.

Shirley Schmidt: Yes. Until.



Crane, Poole & Schmidt: Jerry & Katie's Office

Whitney Rome: A *fatwa*?

Katie Lloyd: Shhh! **quickly runs to shut the door**

Whitney Rome: Some Pakistani put a hit on her?!

Katie Lloyd: That's what she said. I have heard of these honor killings.

Whitney Rome: A *fatwa*!

Katie Lloyd: Keep your voice down. She asked me to keep her confidence.

Whitney Rome: I'm not keeping it.

Katie Lloyd: Whitney!

Whitney Rome: Suppose her ex-husband shows up here? I'm not going down in some *fatwa*.

Apparently, Katie Lloyd did not close the door soon enough. Two knocks are heard, and Lorraine Weller enters.



Lorraine Weller: Hello.

Katie Lloyd: Hello.

Whitney Rome: How's it goin'?

Lorraine Weller: **sighs and crosses her arms** What's going on?

Whitney Rome: Nothing. Just discussing the Patriots and Red Sox . . . and *fatwas*.

Lorraine Weller: I'm disappointed.

Whitney Rome: *You're* disappointed. You put us all at risk, girl. What if your ex-Pakistani blows up the building? Hmm? That would really disappoint *me*. In fact, we'd all go to pieces.

Lorraine Weller: I can't stop you revealing my secrets, if that's what you choose to do, but you will jeopardize my life. **exits**

Whitney Rome: A *fatwa*?

Judge Clark Brown's Courtroom

The jury enters, sits.

Denny Crane: Can you imagine? Of all the times I've beaten the rap, to be convicted of public gayness? I'll be forced to unregister as a Republican.

Alan Shore: Republicans would have no problem with you being gay, Denny, so long as you continue to persecute homosexuals.

Denny Crane: I hope you're right.

Judge Clark Brown: Madame Foreperson? The jury's verdict is unanimous?

Madame Foreperson: Yes, Your Honor.

Judge Clark Brown: The defendant will please rise. Madame Foreperson, what say you?

Madame Foreperson: We find the defendant, Denny Crane, not guilty.





Paul Lewiston and ADA Norman Wilson look disappointed.

Denny Crane: Oh, thank God!

Alan Shore: *squeezing Denny Crane's arm* Congratulations, Denny!

Denny Crane: Ah, could Your Honor find as a matter of law, that I am not gay?

Judge Clark Brown: Denied! *bangs gavel* Adjourned!

Alan Shore: You must be deeply relieved.

Denny Crane: Oh, I could hug you, but I might get arrested.

Alan Shore: Hug me, anyway!

So, Denny Crane gives Alan Shore a long-distance hug, and Alan Shore pats his arm playfully, while ADA Norman Wilson and Paul Lewiston exchange inscrutable glances. Paul Lewiston nods to Denny Crane.

Denny Crane: Not gay; not guilty.

Denny Crane's Balcony

Denny Crane: Tell me the truth. Wouldn't you hate it if people thought you were gay?

Alan Shore: Well, I'd hate the idea of being perceived as deceitful or dishonest. As for sexual orientation, I— **shrugs, then shakes his head** Women are much less guarded around gay men, Denny. You could endear yourself as a bit of a Trojan horse before surprising them with your . . . Trojan.

Denny Crane: I never thought of that. This could be an advantage. **laughs** Thank you, Alan. I'm not crazy about you lumping me with that closet Democrat from Idaho, but . . . Still, thank you.

Alan Shore: Can you believe the DA tried to exploit us for being flamingos?

Denny Crane: Ach, ridiculous! Thank God he didn't find out we like to dress up as the Lennon Sisters.

Alan Shore: **laughs** He actually tried to shame us for our sleepovers.

Denny Crane: Bigot! Oh, those homosexuals can't stand the thought of legitimate male bonding.

Alan Shore: Where's the tolerance?

Denny Crane: Mmm. Oh, did you hear? Shirley went up against Bethany?

Alan Shore: No.

Denny Crane: Uh, huh. Hmm. God, it's been so long since I've had sex with a dwarf!

Alan Shore: Me, too. Me, too.

Denny Crane: It's the little things, Alan.

Alan Shore laughs.

Denny Crane: We gotta stop working so much.

Alan Shore: Well, maybe if you could stop getting arrested.

Denny Crane: I'm the problem?

Alan Shore: Oh, you have been causing a fair amount of trouble lately.

Denny Crane: **sighs** You think I've lived the evil life? I womanize, I drink, break the law. Now, to be mistaken for a . . . a . . . well, you get to be my age, you worry about the afterlife; where you're heading. You ever think about those things?

Alan Shore: Sometimes. Then I remember what Mark Twain said. "You go to heaven for the climate, but to hell for the company." So, no matter what, in the end—

Denny Crane: We'll be together.

Alan Shore: Indeed.

Denny Crane: Soulmates in hell. I love it. **raises his scotch glass to salute**

Alan Shore I bet they have dwarves in hell.

Alan Shore: How can they not?

Denny Crane: Suddenly, I'm less afraid of death.

Alan Shore: There you go.



Previews:

James Spader: Next, on Boston Legal.

Carl Sack: I am considering going back to New York.

Shirley Schmidt: Oh, come on. This is just like any other firm.

Carl Sack: The things that go on here?!

Judge Clark Brown: The bailiff will take Mr. Shore and Mr. Crane into custody for contempt of court and country!

Alan Shore: I'm gonna join the National Guard.

Military Recruiter: I'm afraid neither of you can join.

Denny Crane: We wanna shoot people!

Whitney Rome: I can't figure out why you would want to sign on for high-profile cases. Just seems odd for somebody who's got a *fatwa* against her.

Marlene: I am in big trouble, Grammy.

Denny Crane: Okay. Is it me, or is that little thing hot?

Carl Sack: You're right, Shirley. Just like any other firm.

