

**Boston Legal**  
**Mad About You**  
**Season 4, Episode 11**  
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Transcribed by Sheri for boston-legal.org [version updated January 20, 2008]  
Transcribed from aired episode; this is not an official script

**John Larroquette:** Previously on Boston Legal.

**Lorraine Weller:** Hello, Jerry.

**Jerry Espenson:** Lorraine. Hello!

**Lorraine kisses Jerry.**

**Lorraine Weller:** That was mistletoe!

**Jerry looks up at the mistletoe; smiles.**

**Alan Shore:** United States Coast Guard Auxiliary, a volunteer component of the Coast Guard: . . .

**Close up on Denny Crane's pizza with ED.**

**Alan Shore:** . . .No age limit.

**Denny Crane:** Guns?

**Alan Shore:** Probably depth charges, Denny.

**Denny Crane:** Let's go.

**Shirley Schmidt:** Where are they off to?

**Carl Sack:** They've gone to join the Coast Guard. Happens at a lot of firms.

**Denny Crane:** We don't behave ourselves, we'll never pass the background check.

**Alan Shore:** *chuckles* We'll get in.

**Denny Crane:** Oh, we're gonna be in the military. Already my penis feels bigger.



**Scene:** An upscale neighborhood in suburban Boston

**The camera follows the progress of a late-model, black Cadillac sedan, flying the flags of the United States of America . . . and the U.S. Coast Guard Auxiliary, to the strains of "The Caissons Go Rolling Along." Behind a liveried chauffeur, Denny Crane is serving himself espresso from a built-in espresso machine. There's a blare of siren, and they find their road blocked by two BFD ambulances, yellow crime scene tape and a bevy of police officers. The chauffeur gets out; opens the back door for Denny Crane to get out. Denny Crane walks right past a group of police officers.**

**Male Officer:** Sorry, sir.

**Denny Crane:** *looking important and holding up a hand* United States Coast Guard.

**Female Officer:** Sorry.

**Denny Crane:** *lifting the yellow tape and continuing past a squad car* Denny Crane; coming through. Denny Crane, Coast Guard. Denny Crane.



**Denny Crane walks up a driveway to a body covered with a yellow tarpaulin, and lifts the tarp, identifying the bloodied body underneath as:**

**Denny Crane:** Wait! Oh, my God! Never liked him. *re-covers body*

**Detective Ian Peters:** What the hell are you doing?

**Denny Crane:** Denny Crane!

**Detective Ian Peters:** I don't care who you are. You contaminated a crime scene.



**Denny Crane walks right past him without even acknowledging his presence, as he only has eyes for:**

Denny Crane: Penelope!

Penelope Kimball: **stepping off the front stoop of the house** Ah, Denny! Oh, my God, Denny! Oh! Oh, oh! **They hug, and, of course, Denny takes firm control over her right buttock.**

Denny Crane: **unison** Oh, Penelope

Denny Crane: What happened?

Penelope Kimball: I killed him, Denny.

Denny Crane: **to the Police Officer and Detective behind her** That was off the record. This woman is represented by the United States Coast Guard. **conspiratorily to Penelope Kimball:** What happened?

Penelope Kimball: We were gardening.

Denny Crane: In January?

Penelope Kimball: Well, we were just organizing where the vegetables and the plants would go. We were talking, and then suddenly **long pause as she takes a deep breath** Denny, I don't know what happened, okay? I just saw this shovel hurdling through the air in the direction of his head, and it—it struck him, and then I realized that the handle was in *my* hands. I had swung the shovel! Oh, my God; I killed my husband! Are the police gonna arrest me?

Denny Crane: Well, how much did you tell them?

Penelope Kimball: Everything?

Denny Crane: They're gonna arrest you.

Penelope Kimball: **gasps** Oh, my God!

Denny Crane: **hugging her, patting her back** Oh, no, no, no. No. No; no no; it's all right, Penelope. It's all right; it's okay. *I'll* defend you. *I'll* get you acquitted. *I'll* be relevant again; we'll have dinner. It's all good.

**another hug, stroking her hair** Aww, this is the way to ring in the new year. Denny Crane. Ready for my close-up.

**Another close-up of Denny's trademark "Welcome to the firm" hug.**

[opening credits]

Scene: Denny Crane's Office

**Denny Crane is watching soundbites he has provided to the media on HDTV.**

Denny Crane (TV): They were out shoveling snow. Her . . . shovel accidentally hit his head. It happens. He died. Those are the risks of winter. You know, here we are, in the wintertime. Winter is the cruelest month—or series of months—and how many people must die. **continues under the conversation**

**Alan Shore, absolutely aghast, is watching with Denny Crane. He mouths "Oh, my God," and subtly shakes his head.**

Denny Crane: The arraignment's this morning. I've always wanted this woman, Alan. To think she's been delivered to me via her dead husband . . . **trailing off, shaking his head.**

Alan Shore: Do you think it's wise, giving accounts to the press, Denny?

Denny Crane (TV): . . . Snowballs? **clicks to another channel** The man slipped on the ice, fell, hit his head, died. It happens! It's winter, man.

**Alan Shore is even more aghast, as Denny Crane clicks again.**

Denny Crane (TV): He went out to get the morning paper, big icicle falls off the roof. He died; it happens. **clicks yet again** He was acting depressed—

Alan Shore: Oh, my God!

Denny Crane (TV): —who could predict he'd take his own life with a shovel?

Alan Shore: Denny, this is *crazy*!

Denny Crane: That's it, exactly! That's our defense—temporary insanity.

Alan Shore: You can't plead your insanity. You are nuts!

Denny Crane: That's the beauty.

Alan Shore: The arraignment is when?

Denny Crane: Ten o'clock.

Alan Shore: I'll go with you.

**Denny Crane:** No, you won't. **clicks TV off; rises** This is my case; I'll handle it.

**Alan Shore:** Well, certainly I can second chair.

**Denny Crane:** No! I don't want your help. I don't even want you there.

**Alan Shore:** Why not?

**Denny Crane:** Because I don't.

**Alan Shore:** Well, I let you second chair my cases.

**Denny Crane:** You let me sit and watch! I—I—I—I'm gonna do this myself. I'll get one of the babies to help me—someone who knows their place as a subordinate. I don't want you anywhere near this case.

**Alan Shore:** Denny, it's a murder trial.

**Denny Crane:** Thanks. With that tip, I should be fine. From here on, I'm flying solo.

**Alan Shore:** Oh, my.

Scene: CP&S Conference Room

**Mary Winston:** This is very embarrassing, but . . . **sigh** . . . it's very embarrassing.

**Katie Lloyd:** Um, why don't you begin by telling us what's happened?

**Mary Winston:** **haltingly** Okay. What's happened is my husband of twenty years left me. As you might expect, this wreaked considerable havoc with my life. I would like to sue his lawyers because I believe they caused him to leave me.

**Katie Lloyd:** Okay. How did they accomplish that?

**Mary Winston:** Well, he's represented by Bingham, Hooley and Knapp, that putrid, soulless, disgusting firm with the billboards all over town. Surely, you've seen them? Um, "Is life passing you by? Is divorce right for you?" Well, my husband was exposed to these disgusting, indecent billboards, and as a result, he decided, hmm, divorce was right for him. I—I wanna get them.

**Katie Lloyd:** **nods** Okay. Well, uh, let's see.

**Jerry Espenson makes a pattering vocalization.**

Scene: Denny Crane's Office

**Denny Crane (TV):** Every so often, on rare occasions, an aneurysm can make the head literally explode, causing bleeding. My client simply had a shovel on hand to bury her husband. They're Jewish.

**The camera pulls back so we see Denny Crane in a professional make-up mirror, being professionally made-up and coiffed for the imminent arraignment, watching himself on TV.**

**Denny Crane (TV):** Yeah, I don't know about you, but I . . . flying around . . .

**Whitney Rome:** **entering** You summoned?

**Denny Crane:** No. Ah, ah, Whitney, right? I need a second chair; you're it. Don't try to take over; do as I tell you. Just sit back and learn. Arraignment's in forty minutes.

**Shirley Schmidt:** **enters** Denny! Well, these are exciting times.

**Denny Crane:** Don't wanna be checked on.

**Shirley Schmidt:** I just came to wish you good luck.

**Denny Crane:** Good. Fine. Job well done. Feel lucky! Bye!

**Shirley Schmidt exits. Denny Crane turns to look at Whitney Rome.**

**Denny Crane:** Bye!

**Whitney Rome nods; exits.**



Scene: CP&S Break Room

**Jerry Espenson:** We simply tell her we can't take the case. That's all.

**Katie Lloyd:** I don't think that's an option, Jerry. Shirley assigned us to it; she must want us to do it.

**Lorraine Weller:** Do what?

**Jerry Espenson:** Lorraine! Hello. Welcome. New year going well? Hello.

**Lorraine Weller:** Hello. New year's going very well. Thank you.

**Jerry Espenson:** **blurts loudly** Lips!

**Lorraine Weller:** I'm sorry?

Jerry Espenson: **immediately contrite** I beg your pardon. I'll issue a formal apology in writing.

Lorraine Weller: That's okay. Maybe you were just remembering our kiss at the Christmas party. It was delightful, wasn't it?

**Jerry makes a different puttering vocalization. Lorraine Weller exchanges looks with Katie Lloyd and exits.**

Scene: Judge Isabel Fisher's Courtroom

Court Clerk: 32116: Commonwealth v Penelope Kimball on the charge of murder in the first degree.

Denny Crane: **rising, his hand raised** Denny Crane, representing the defendant. We wave . . . goodbye, enter a plea of not guilty due to temporary insanity, ask at this time for a change of venue to L.A.

Judge Isabel Fisher: Los Angeles?!

Denny Crane: It's cold here. We can go in my jet.

Judge Isabel Fisher: Mr. Crane, I would need a legal basis for a venue change.

Denny Crane: Of course. My client was caught with a shovel in her hand, standing over a dead body. My legal basis is Phil Spector. They don't convict in L.A.

Judge Isabel Fisher: Denied. Let's set a date.

Denny Crane: Friday night. I'll bring the condoms.

**Hesitant laughter from the visitors' gallery.**

Denny Crane: You, me, and one of the jurors.

**More laughter from the visitors and jurors.**

Denny Crane: Denny Crane. Thank you. CDs in the lobby.

**While the visitors, reporters, and jurors are enjoying a good laugh, Whitney Rome and Judge Isabel Fisher are appalled, and Penelope Kimball doesn't quite know how to react.**

Denny Crane: Thank you, thank you, thank you. They love me, Judge—as do you, I can see it.

Judge Isabel Fisher: Step up, Mr. Crane.

**Denny Crane steps up to the bench, Whitney Rome and ADA Rex Swarthmore close behind him.**

Judge Isabel Fisher: This is *my* courtroom.

Denny Crane: **drawing the word out** Strict.

Judge Isabel Fisher: And this is a murder trial. I will not be putting up with this behavior. Do you understand me?

Denny Crane: I do; I do.

Judge Isabel Fisher: When will you be ready for trial?

Denny Crane: I'm ready now.

Judge Isabel Fisher: Excuse me?

Denny Crane: Facts are simple; so am I. Let's get this baby tried before I forget what it's about.

**Judge Isabel Fisher looks to ADA Rex Swarthmore.**

ADA Rex Swarthmore: Fine.

Judge Isabel Fisher: Are you serious?

ADA Rex Swarthmore: Like he said. Facts are simple. Let's do it.

Judge Isabel Fisher: Okay. We'll do the voir dire this afternoon. **much louder so the rest of the people in court can hear** Trial starts tomorrow!

Denny Crane: You are hot! Chambers?

**Judge Isabel Fisher bangs her gavel.**

Scene: Denny Crane's Office

Penelope Kimball: The marriage . . . was over. We both kinda knew that.

Denny Crane: But? **pouring scotch for two.**

Penelope Kimball: But the decision to actually separate, well . . . Obviously, for me to just kind of snap, I must have been very angry.

Denny Crane: Well, we don't say "angry" in court; we say "ma-ad."

**As Denny Crane hands her a glass of scotch, and she accepts it, Penelope Kimball mouths the word, "Mad." Heavy sigh.**

Penelope Kimball: I didn't plan to hit him. I swear, Denny.

**Denny Crane has set his glass on the table and is making advances on Penelope Kimball, who continues to drink.**

Denny Crane: I believe you. You're not a violent person. You're very tender. You've been lonely a long time, haven't you, Penelope?

Penelope Kimball: Yes. Denny, he would never even touch me.

Denny Crane: That's hard to believe. You're such a beautiful woman.

Penelope Kimball: He didn't make me feel that way!

Denny Crane: That was wrong. It's okay to cry, baby—but not in the courtroom. I don't want any self-pity. You need to be *strong* in there.

Penelope Kimball: Okay. **nods her head**

Denny Crane: What can we do to make you feel stronger?

Scene: Jerry and Katie's Office

Katie Lloyd: All we can really do is meet with the husband and his attorney, and effect some kind of satisfactory settlement.

**Jerry seems to be staring off into space.**

Katie Lloyd: Jerry?

Jerry Espenson: Hmm? Yes. That's . . . that would be good.

Katie Lloyd: What are you thinking about?

Jerry Espenson: **shakes his head** Nothing.

Katie Lloyd: Jerry?

Jerry Espenson: I was thinking about my blurting out "Lips!" to Lorraine. I was thinking about how I blurt things



out, kick my leg, purr, make funny sounds with my mouth. A neurologist once told me I might have a mild case of Tourette's syndrome. Can you imagine—having Asperger's and Tourette's?

Katie Lloyd: We all have something, don't we?

Jerry Espenson: I feel so . . . I don't know . . . undignified sometimes.

Katie Lloyd: Jerry, hundreds and hundreds of thousands of people have Tourette's. There's *nothing* undignified about it. Personally I find your various tics quite endearing.

Jerry Espenson: You know, Katie, you really are a special person.

Katie Lloyd: **purrs; pause for Jerry Espenson's reaction** Kidding?



Scene: Denny Crane's Office

**Alan Shore walks down the corridor, finds the door open, barely knocks, and enters.**

Alan Shore: I heard the arraignment went . . .

**The camera pulls back and we see Denny Crane and Penelope Kimball, disheveled and half-undressed, in flagrante delicto.**

Alan Shore: . . . well.

Denny Crane: Meeting with the client.

Scene: Alan Shore's Office

Denny Crane: **entering** She was weak, Alan, vulnerable. She needed to bone up on the trial, so I just—

Alan Shore: This is a first-degree murder trial!

Denny Crane: I know that.

Alan Shore: Are you even remotely prepared?

Denny Crane: Of course, I am.

Alan Shore: Denny!

Denny Crane: Don't start!

**Denny Crane turns to confront Alan Shore, face-to-face.**

Alan Shore: I know what you're doing with these silly sound bites, be it on suicide . . .

Denny Crane: He was sad.

Alan Shore: . . . fallen icicles . . .

Denny Crane: It was the dead of winter, man.

Alan Shore: . . . the Coast Guard . . .

Denny Crane: We're practically in.

Alan Shore: . . . propositioning the judge.

Denny Crane: She's so *hot*.

Alan Shore: Stop it! **long pause** You're trying to have the first laugh on yourself so when others snicker, as they no doubt will, you can pretend they're laughing with you instead of at you. But, they *will* be laughing *at* you, Denny. The media attention that will go to this case will be *very* unkind. Never mind that you could lose your perfect record. This could tarnish that which you cherish and revere beyond anything else—your legacy. As desperate as you are to be in the "game" again, you're not up to this!

Denny Crane: Well, now. I . . . appreciate the candor. I've no doubt it comes from love. **steps past Alan Shore to pull the chair out from behind the desk and sit down** Well, if you'll excuse me, I have a trial to prepare for.

Alan Shore: Denny.

Denny Crane: **motioning to shoo him out** Get out!

Alan Shore: **nods sadly** This is *my* office.

Denny Crane: Four years I've sat around, watching you have your day in court. Well, I want *my* day!

Alan Shore: You once *had* your day, and now—

Denny Crane: I am not over! Maybe I—maybe I—maybe I can't do it all the time. But every once in a while . . . I can rise up. And I will rise up here. **walks to the door** And for you not to be on my side—

**Alan Shore turns to face him, now.**

Alan Shore: You can accuse me of many things, but not being on your side isn't one of them. I'm afraid for you. I don't want to see you get hurt.

Denny Crane: I'll be fine. **starts to exit** And I don't want you anywhere near this case.

**Alan Shore barely nods in acknowledgement, and Denny Crane exits.**

Scene: Denny Crane's Office

**Denny Crane—wearing his hip-waders and carrying a leather portfolio—is pacing in his office, lost in thought, when Whitney Rome enters.**

Whitney Rome: Ah, what the hell?!

Denny Crane: Ritual. I like to wear my waders the night before a trial. Empowers me.

Whitney Rome: Mm, hmm. How's your opening statement coming?

Denny Crane: **setting the portfolio on his desk** All done. **pounding the portfolio** Powerful!

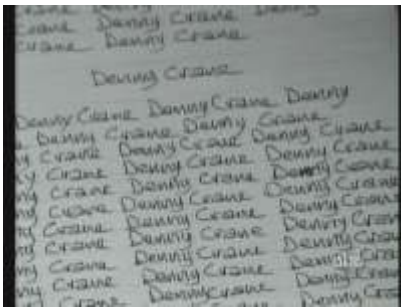
Whitney Rome: Uh, huh. Just so I don't feel like an idiot, what's the plan?

Denny Crane: Uh, Mad Cow. I mean, temporary insanity. I got my expert all lined up. She'll examine our client—

Whitney Rome: **nods** Anything I can do?

Denny Crane: Just watch and learn from the master. Gotta pee. **exits**

**Whitney Rome walks to his desk, watching around her to make sure she's not noticed, and opens the portfolio to find a sheet of legal paper that looks like the draft for a formal complaint, but on closer inspection contains only those 2 magical words written repetitively on the sheet: Denny Crane.**



Scene: Judge Isabel Fisher's Courtroom

ADA Rex Swarthmore: Evidence will show Penelope Kimball was the only one there. We will introduce the defendant's own admission that she killed him. We'll establish motive, in that the victim was planning to leave her. Evidence will furthermore establish that the defendant has no history of any mental or psychological disorder. In short, facts will show this was just a good, old-fashioned murder. **nods and walks back to his table to sit**

**Denny Crane is sitting, staring at his hands. Whitney squeezes his arm.**

Whitney Rome: **whispers** Denny?

**Denny Crane takes a deep breath, rises and walks across the room to face the jury.**

Denny Crane: **chuckles** I—I've listened to the DA's opening; I'm thinking, "Why the hell didn't I plea this out? Am I *insane*?" **suddenly very serious** Or is Penelope Kimball insane? Which is it? Her or me; me or her? Can't be sure, can we? That's reasonable doubt. **leans on**



**the guardrail, and nods to the jury** Denny Crane. The fun starts now.  
**As the camera pans to follow him back to his seat, we see a “mysterious stranger” in the visitors’ gallery—Alan Shore in disguise.**

Scene: CP&S Conference Room

Atty. Stanley Gould: Wait a second. You’re suing me? For representing him?

Katie Lloyd: Well, your involvement goes a bit farther than representation, Mr. Gould. Your billboards actually induced Mr. Winston to leave his wife.

Atty. Stanley Gould: Are you *seriously* blaming the demise of a marriage on a *billboard*?

Katie Lloyd: Well, why would you pay thousands of dollars to put them up if you didn’t believe they’d be influential?

Atty. Stanley Gould: This is silly.

Jerry Espenson: Is it? Billboards led him to your website. You then set him up with a relationship counselor who concluded his marriage wasn’t working. Something tells me those conclusions are in the bag—one could say a bit of brainwashing goes on.

Atty. Stanley Gould: One could. One could never prove that in a court of law.

Jerry Espenson: Mr. Gould, let’s face it. Those ads are sleazy. This gives all lawyers a bad name.

Atty. Stanley Gould: First, I’m responsible for the break-up of a marriage; now, I’m to blame for lawyers having a bad name? **triggering the latches on his briefcase to open** You wanna pin global warming on me next?

Mary Winston: My husband is a very susceptible person. You influenced him.

Perry Winston: I don’t want to be with you, Mary.

Mary Winston: They’ve convinced you of that.

Perry Winston: No. I’ve been profoundly unhappy, even depressed. Maybe they just . . . made me face up to it.

Mary Winston: No, no.

Atty. Stanley Gould: We should go.

**Atty. Stanley Gould and Perry Winston exit.**

Scene: Judge Isabel Fisher’s Courtroom

Officer (on the witness stand): When I arrived, the first thing she said was she killed him. She just admitted it.

ADA Rex Swarthmore: Could you describe Mrs. Kimball’s demeanor?

Officer: **shrugs** She was very upset. But she was certainly coherent; she wasn’t crazy or erratic or out of her mind or anything.

Denny Crane (from his table): Who called the police?

Officer: She did.

Denny Crane: So she wasn’t trying to get away with anything, or—

Officer: No. Like I said, she just admitted it.

Denny Crane: So you say she was upset? She was, in fact, grieving for her husband, was she not?

Officer: She seemed to be. Yes.

Denny Crane: So she hits him on the head with a shovel, and then is upset that he’s dead. **shrugs** Sounds crazy to me. Does it not to you?

Penelope Kimball (on the witness stand): Gardening is my sanity. It’s my release, and I went there to just sort of plan in my head where I’d like to plant which vegetables. I always get this calm when—

**Denny Crane is standing close to the witness stand, leaning on the Judge’s bench, and nonverbally encouraging Penelope Kimball. He nods.**

Penelope Kimball: Anyway, Walter came out. We started talking. It was rather civil, actually. Then, he started giving me his little suggestions as to where the turnips should go, and the Brussels’ sprouts, and where the light hits best, and I started getting angry.

Denny Crane: Mad.

Penelope Kimball: Here he is, leaving me, and still he’s exercising control. I mean, the man left me so alone for so long, all I had at times was my garden, and he’s exercising dominion over that! And I remember feeling my face get very hot—really, really hot—and he kept talking and talking and talking, and telling me what to do, and suddenly, I saw the head of a shovel, hurtling through the air, and it struck him. It hit him right on the head, and he went down, and I followed the shaft of the shovel back to . . . my hands. I killed him.

**The “mysterious stranger” looks at the faces of the jury members, trying to gauge the effect her testimony might be having on them.**

Denny Crane: **stepping toward the jury to face them** You were suddenly crazy.

ADA Rex Swarthmore: Objection!

Denny Crane: Suddenly insane.

ADA Rex Swarthmore: Objection!

Denny Crane: Suddenly single.

ADA Rex Swarthmore: Ob— **stops himself**

Denny Crane: Penelope, did you make a decision to hit your husband on the head with a shovel?

Penelope Kimball: No. I swear. Suddenly, it was just . . . in motion. It just . . . happened.

ADA Rex Swarthmore: It also just so happened the very week you decided to separate, you killed him.

Penelope Kimball: **shaking her head** Uh. I just snapped.

ADA Rex Swarthmore: Were you getting therapy or any kind of medical treatment prior to your whacking him on the head?

Penelope Kimball: No.

ADA Rex Swarthmore: So, basically you were sane in the morning, sane in the afternoon, and you just took a brief time out in between to be crazy and kill your husband?

Whitney Rome: Objection!

Judge Isabel Fisher: Sustained.

ADA Rex Swarthmore: If you were divorced, I take it you would each get half.

Penelope Kimball: Yes.

ADA Rex Swarthmore: With him dying, you get it all.

Penelope Kimball: Not if I'm convicted of killing him.

ADA Rex Swarthmore: Oh, so you checked that out? Good for you.

Whitney Rome: Objection!

Judge Isabel Fisher: Sustained.

ADA Rex Swarthmore: Actually, if you get off on the grounds of temporary insanity, you *would* get it all. You wouldn't be disqualified, so it would all work out for you, wouldn't it?

Whitney Rome: Objection!

Judge Isabel Fisher: Sustained.

ADA Rex Swarthmore: Nothing further.



Scene: Denny Crane's Office

Dr. Kathleen Rosewell: Look, I can certainly say she was in a compromised mental state, but whether it rose to the level of legal insanity—

Denny Crane: I don't think you understand, Doctor. Unless you can say she was temporarily insane, we don't win.

Dr. Kathleen Rosewell: Mr. Crane, you hired me to give you an objective diagnosis.

Denny Crane: Like hell!

Whitney Rome: Denny!

Denny Crane: **pointing to a piece of paper on his desk**

There's a \$25,000 check right there for your testimony. If you can't say she was insane, you don't get it.

Whitney Rome: Denny!

**Denny Crane gives Whitney Rome a warning look, and Whitney Rome holds up her hands.**

Dr. Kathleen Rosewell: My testimony cannot be bought, Mr. Crane.

Denny Crane: That money will go to an expert witness who can say that Penelope Kimball did not understand the nature and quality of her actions when she swung the shovel. Are you that expert? That's the \$25,000 question.

Scene: Judge Isabel Fisher's Courtroom

Dr. Kathleen Rosewell: She's suffering from perimenopause. This is the period a year to two years before menopause.

Denny Crane: Can it affect her mind?

Dr. Kathleen Rosewell: Oh, boy!

Judge Isabel Fisher: We're gonna need something more clinical than, "Oh, boy!"

Dr. Kathleen Rosewell: Uh, basically, the ovaries make erratic amounts of estrogen. It can render the brain completely at the mercy of hormones.



Denny Crane: She says she made no conscious decision to swing the shovel. Possible?

Dr. Kathleen Rosewell: That's an extreme case, but it's entirely possible.

Denny Crane: Did you examine her?

Dr. Kathleen Rosewell: I did.

Denny Crane: And when she says she has no memory of picking up the shovel and deciding to swing it, do you believe her?

Dr. Kathleen Rosewell: I do. My opinion is: Her actions here were not voluntary.

ADA Rex Swathmore: How long have you treated this woman?

Dr. Kathleen Rosewell: Well, I just examined her twice, but I reviewed the records of her internist and her OB/GYN.

ADA Rex Swathmore: How likely—honestly, Doctor—is it for perimenopause to render a person homicidal?

Dr. Kathleen Rosewell: Extremely *unlikely*, but it's possible. Plus, there's no evidence that she *was* homicidal.

ADA Rex Swathmore: She delivered a fatal blow to a man's head, but—!

Dr. Kathleen Rosewell: But possibly without intent.

ADA Rex Swathmore: She has no history of any mental disorder—

**Talking over each other:** Dr. Kathleen Rosewell: Nor do many sufferers of perimenopause. The neurotransmitters are in flux.

ADA Rex Swathmore: It just seems like a very convenient time to lose control and swing a shovel, which just happened to solve a lot of problems for her.

Dr. Kathleen Rosewell: There is no typical perimenopausal syndrome.

Judge Isabel Fisher: All right!

Denny Crane: Well! Somebody doesn't like to lose.

ADA Rex Swathmore: Objection! **turns to glare at Denny Crane**

**Alan Shore, in disguise, looks at the jury, very satisfied with the effect of the interchange on them.**

Scene: Elevator Bank—CP&S

**Katie Lloyd steps out of an elevator, followed by Jerry Espenson. Shirley Schmidt steps off another elevator behind them.**

Shirley Schmidt: How're we doing?

Katie Lloyd: Well, uh, we had a conference with the husband and his lawyer.

Shirley Schmidt: Good.

Katie Lloyd: They laughed and walked out.

Shirley Schmidt: Not good.

Katie Lloyd: So, we filed a complaint.

Shirley Schmidt: Good.

Katie Lloyd: And they're bringing an immediate motion to dismiss.

Shirley Schmidt: Not good.

Katie Lloyd: Jerry's going to argue.

**Jerry Espenson's latest vocalization is three lip smacks and a "raspberry." Shirley Schmidt looks a bit shocked at his latest tic. Katie Lloyd smiles sweetly at Shirley Schmidt, who exits.**

Jerry Espenson: **mortified** Oh, what was that?

Katie Lloyd: You're just nervous.

Jerry Espenson: Well, I've never done *that* before! I think you should argue.

Katie Lloyd: I would, but I haven't the slightest idea what I'd say.

Jerry Espenson: Katie, until I get these strange tics of mine under control—

Katie Lloyd: I could be wrong, but it seems if you refuse to argue, you'd be letting the tics control you.

Scene: Judge Gordon Kolodny's Courtroom

Atty. Stanley Gould: **opening statement** It's lawful for attorneys to advertise. That's all I did. Divorce is a growth industry; over half of marriages dissolve. I was simply appealing to that market. The personal injury lawyers are everywhere with their ads. "If you've been hurt, call 1-800-whatever." Why is what I've done any different? This case should be summarily dismissed, and I ask that the plaintiff be ordered to pay the costs and attorney fees of this frivolous action.

**Jerry Espenson walks to face Judge Gordon Kolodny, using his usual ritualized courtroom walk—plus 3 full circles.**

Jerry Espenson: **opening statement** I still remember the first time I saw "To Kill a Mockingbird," watching Gregory Peck as Atticus Finch. I thought, "Wow, to be a lawyer! What a noble thing!" How far we've slid! But, this! I realize, Your Honor, we're hardly a moral society anymore. We derive hundreds and hundreds of billions of

dollars in revenue from pornography, gambling, tobacco, illegal drugs, prostitution. One major American city actually markets itself to tourists as the place to come to commit adultery. “What happens in Vegas, stays in Vegas.” So, what’s the big deal about a few distasteful attorney ads? Well, a lot. What does it say when the officers of our court—the players in our justice system—overtly embrace sleaziness? I realize we can’t all be noble, but what’s truly sad is that integrity, dignity—they aren’t even goals we aspire to, anymore! These ads cheapen and demean the legal profession! They did great damage to Mary Winston, whose marriage ended in part as a result of Mr. Gould’s influence. It’s wrong, Your Honor! And if you allow us to have our day in court, I think a jury might agree. **returns to his seat by way of the same ritual, only performed in the reverse.**

Scene: Denny Crane’s Office

**Denny Crane sits on the couch, thinking deeply. Alan Shore enters, knocking.**

Alan Shore: I come in peace.

**Denny Crane gives him a tentative look.**

Alan Shore: How’s the trial going?

Denny Crane: You tell me. **pause, as Alan Shore tries to deny his presence in the court** You think I don’t know you’re sitting back there?

Alan Shore: Denny, I just—

Denny Crane: **nods** I—I—I know, Alan. **waves him off, then smiles** How am I doing?

Alan Shore: **chuckling and shaking his head, walking to sit in the chair next to Denny Crane** You’re doing great! I think you actually have a chance of winning. Who’s doing the closing?

Denny Crane: I am.

Alan Shore: **nods** Do you know what you plan to say?

Denny Crane: No.

Alan Shore: Can I help?

Denny Crane: I’m sure you can, but, uh— **shakes his head as he draws it out**

Alan Shore: As much as you’re determined to fly solo, there’s a woman whose life de—

Denny Crane: I—I—I know that. It’s just, uh, I’m working on this myself, and if I need any help, I’ll—I’ll ask for it.

Alan Shore: Okay. **pause** Denny, you’ve been doing a fabulous—

Denny Crane: That puts pressure on me!

Alan Shore: Sorry. **smiles, then leans forward to mirror Denny Crane** I’m here if you need me, and not, if you don’t.

Denny Crane: Thank you.

**Alan Shore exits, but we see him and Carl Sack talking in the hallway through the window behind Denny Crane.**

Carl Sack: **nods at Alan Shore; then, with a look of concern** How’s he doing?

Alan Shore: **with a look back at Denny Crane** He’s in the game. **Exits**

**Carl Sack looks at Alan Shore as he exits, then an extended look of concern at Denny Crane; exits.**

Scene: Judge Isabel Fisher’s Courtroom

**Denny Crane is reviewing his 3x5 cue cards while ADA Rex Swarthmore presents his closing arguments.**

ADA Rex Swarthmore: Imagine if we gave every woman going through menopause or perimenopause a free ticket to kill somebody. That’s basically what the defense is suggesting. Nowhere anywhere in the scientific community has anybody likened perimenopause to insanity. That’s ridiculous!

Denny Crane: Ask the husbands.

Judge Isabel Fisher: Mr. Crane!

Denny Crane: Married six times, Judge. Four of them wanted to kill me.

**Quiet laughter from the visitors’ gallery.**

ADA Rex Swarthmore: He thinks this is amusing. Spousicide is anything but. Six people are murdered in this country every single day by spouses or intimate partners. This is hardly the type of crime or trial we should shrug off. Don’t any of you *dare* shrug this off! She delivered a brutal, fatal blow to the back of her husband’s head. It was an unprovoked, voluntary attack. She had no history of any mental disorder whatsoever. She was caught holding the shovel in her hand! He was leaving her. A divorce would have meant a forfeiture of half of her assets. She had an emotional motive; she had a financial motive. And she confessed. What more do you need? **nods and returns to his seat**

Whitney Rome: **To Denny Crane:** You’re fine.

**Denny Crane rises, and his 3x5 cards fly all over the floor. Everyone assembled gasps silently. Alan Shore, no longer in disguise, starts to rise to pick them up, but Denny Crane picks them up. Denny Crane**

**appears stricken, as they are now in disarray, but he steps forward to address the jury. Alan Shore sits, riveting his hands to the arm of his chair to stop himself from stepping in.**

**Denny Crane:** —If you're convinced beyond all reasonable doubt that my client voluntarily, with malice of forethought, killed her husband, then you should convict. **turns to step back to his seat, but pauses and turns back to the jury** But, uh, you simply cannot be convinced of that. This woman had no history of violence or crime. Clearly, she didn't plan this; there are better ways of getting away with murder than hitting somebody on the head with a shovel in broad daylight. Mr. Swarthmore says that she was caught with a shovel in her hands. That's—that's not true. She called the police. He says she confessed; that's not true. She admitted swinging the shovel, but she never confessed to *intent*. She had—and still has—no memory of *deciding* to do it. And, even if she really had planned to kill her husband using insanity as ruse, don't you think she would have manifested some symptoms beforehand? To set up the defense? No. When you consider all the circumstances of this, the most likely conclusion has to be: She simply snapped. As for perimenopause inducing insanity, we never said that it *caused* prolonged dementia and delusions. We're saying that it triggered a flash of violence, an impulsive and involuntary reaction. You heard Dr. Rosewell—there is documented, objective proof that her estrogen levels were spiking. The prosecutor has offered no doctor to rule out what we say, because no doctors can. Nor can you. The reality is: There is no reason for Penelope Kimball to pick up that shovel and swing it. It makes no sense! The only explanation is: In an instant, in an impulse, she lost herself. I said in the beginning, the fun starts now. There's no fun. A man's lost his life. An innocent woman is faced with losing hers. No intent; no malice aforethought. And even if you should somehow believe otherwise, you cannot be so convinced beyond all reasonable doubt. You simply cannot. **one last long look at the jury, making eye contact with each of them, and he walks back to his seat; both Whitney Rome and Alan smile slightly, proud of Denny Crane's closing argument. Jury members sit quietly, thinking over the case.**

Scene: Judge Gordon Kolodny's Courtroom

**Judge Gordon Kolodny:** Lawyers can advertise now; I'm not a fan of it, but it is permissible for them to do so. And, Mr. Espenson, let's face it. With the proliferation of law schools, the shady and disreputable are members of our brethren for good. But, as low as the bar's been set, these billboards seem to slither right under it. It's one thing to bottom-feed with personal injury cases, and divorce cases, and the like. It is quite another to be proponents of divorce, then steer clients in that direction. The institution of marriage already has enough trouble without your help. I'm letting this case go to a jury.

**Jerry Espenson:** **as Wooden Cigarette Guy** Thank you, Judge! **smacks his lips three times, as if kissing Judge Gordon Kolodny looks shocked.**

**Jerry Espenson:** **himself again; contrite** I beg your pardon.

**As visitors, Judge Kolodny, Atty. Stanley Gould and Perry Winston file out, and Jerry Espenson and Katie Lloyd gather up their papers, portfolio and briefcase:**

**Mary Winston:** I don't know what to say. I am so grateful. You were brilliant.

**Jerry Espenson:** Brilliant!

**Katie Lloyd:** **squeaks, imitating Jerry Espenson** Brilliant! **pause, as Jerry Espenson reacts** Kidding. May I say something else, Jerry? I thought your argument was eloquent, a model of dignity, and a noble example of what every attorney should aspire to live up to.

**Jerry Espenson:** Thank you.

**Mary Winston:** Not to mention, brilliant.

**Jerry Espenson:** Brilliant!

**Katie Lloyd:** **again imitating Jerry Espenson** Brilliant!

Scene: Courthouse Conference Room

**Denny Crane sits at the table, staring out into space. Alan Shore knocks; enters, closing the door behind him.**

**Alan Shore:** Where's Penelope?

**Denny Crane:** Bathroom.

**Alan Shore:** **sits at the table** Denny, that closing was superb.

**Denny Crane:** Really?

**Alan Shore:** It was fantastic. I didn't think this case was winnable, but you just gave the jury a lot to think about.

**Another knock at the door, and the Bailiff enters.**

**Bailiff:** Jury's back.

**Alan Shore:** Evidently, they think quickly.

**Denny Crane:** **petrified** You go; just come back and tell me.

**Alan Shore:** **chuckles** Denny!

**Denny Crane:** *softly; almost a whisper* I don't think I can.

**Alan Shore:** *nodding, somewhat stern* Let's go.



Scene: Judge Isabel Fisher's Courtroom

**Judge Isabel Fisher:** Okay. I will remind everybody we have three counts. Let's keep the decorum until all three verdicts are read. Will the defendant please rise?

**Denny Crane, Penelope Kimball and Whitney Rome rise.**

**Judge Isabel Fisher:** Mr. Foreman, what say you?

**Foreman:** In the matter of the Commonwealth of Massachusetts v Penelope Kimball, on the charge of murder in the first degree, we find the defendant not guilty. On the charge of murder in the *second* degree, we find the defendant not guilty. But on the charge of *manslaughter*, we find the defendant . . . not

guilty.

**Everyone gasps; Alan Shore laughs, clasping his hands as if to pray "Thank you" or clap.**

**Whitney Rome:** Oh, my God!

**Judge Isabel Fisher:** Ladies and gentlemen of the jury: Thank you for your service. **bangs gavel**

**Denny Crane gives Penelope one of his "handy" trademark hugs, while Whitney steps forward to wrangle the press.**

**Whitney Rome:** Hey, hey. Keep it civil. Can you do that? Give us a little space.

**Alan Shore steps around the railing to give Denny Crane a huge smile and bear hug. As they separate, Alan Shore looks concerned, and Denny Crane slowly shakes his head, relieved but serious.**



Scene: Courtroom Corridor

**As Denny Crane, Penelope Kimball and Whitney Rome take their victory walk through the corridor and press, Alan Shore follows at a bit of a distance.**

**Denny Crane:** Hang on there; just a moment, will you? One—one question at a time. I'm only human. Actually, I'm not; I'm Denny Crane. Reasonable doubt for a reasonable fee—that's a Denny Crane promise. **Whispering to Whitney Rome:** Hold 'em off for a second, will you? I need a moment. **Again loudly; to the press:** Be right back, folks.

**Alan Shore looks alarmed, as Denny enters:**

Scene: Courthouse Conference Room

**Denny steps to the table, leans forward bracing himself with his hands, and takes a few deep breaths. We hear piano strains of Billy Joel's song, "And So It Goes," as backdrop as Alan Shore opens the door quietly and steps in, worried about Denny Crane.**

**Alan Shore:** How we doin'?

**Denny Crane:** *standing up straight, righting his "DennyCrane" persona* Doin' fine. Why wouldn't I be?

**Alan Shore:** *shaking his head* No reason at all.

**Denny Crane:** *turns to stride out the door and back into the press melee* Press's waiting.

**Denny Crane (VO):** *as the camera pans from the Courthouse Conference Room to the Streets of Boston at Night and to 500 Boylston lit for the night* This is not just a great day for justice for Penelope Kimball, but for gardeners all across this country, when you think of it. There are Democrats at this very moment out there, who are sponsoring legislation to impose a waiting period on sharp-edged shovels and spades under the misguided notion that "Shovels kill; not people."

Scene: Denny Crane's Office Balcony

**Denny Crane and Alan Shore sit in their usual chairs, sipping scotch and smoking cigars.**

**Denny Crane:** Alan, I wasn't sure I'd ever have a moment like that again.

**Alan Shore:** What a moment it was! And to think you wanted to prevent me from sharing it.

**Denny Crane:** Here we go. You looked ridiculous in that disguise, by the way.

**Alan Shore laughs.**

**Denny Crane:** I'm glad you were there.

**Alan Shore:** Of course you are.

**Denny Crane:** *rolls his eyes* Go ahead. I know it's coming. Go ahead.

Alan Shore: Sleep over tonight?

Denny Crane: **laughs** Did it ever occur to you that after a victory like that I might qualify for some serious sex tonight?

Alan Shore: That I'm not offering.

Denny Crane: Well, maybe with Penelope; maybe, the judge. D'ya see the look she gave me?

Alan Shore: She gave you several looks.

**Denny Crane nods, "bad boy" look on his face.**

Alan Shore: But, Denny, a day like this truly needs to be savored in the company of a best friend.

Denny Crane: Which would be you.

Alan Shore: Which would be me. **holds his glass out to click with Denny Crane's glass**

Denny Crane: **saluting Alan Shore with his glass** Which would be you. **pause** I was something, wasn't I?

Alan Shore: Denny, you are always something.

**Piano strains of Billy Joel's "And So It Goes" in the background.**

Denny Crane: I don't want this day to end.

Alan Shore: Neither do I.

### Previews

James Spader: Next on Boston Legal.

Denny Crane: Oooh, Leigh. You look so sexy. My office for a quickie? I've got hardware.

**Leigh Swift clicks her tongue at Denny Crane, who returns a snap of the jaws.**

Leigh Swift: I've been fired from my long-standing teaching position.

Jerry Espenson: Whatcha do; give tongue to a locker?

Katie Lloyd: Why did they discharge you?

Leigh Swift: 'Cuz I hugged a student.

Atty. Joe Isaacs: What is objectophilia?

Jerry Espenson: Objection! Irrelevant.

Missy Tiggs: **waving a black-gloved hand** Hello! **laugh**

Shirley Schmidt: **cringes at the sound of Missy Tiggs's voice and laugh.** Missy.

Missy Tiggs: I met someone.

Terence Maxwell (Alan Shore's client): Look. She practically raped me.

Missy Tiggs: I'm having an African-American baby.

Shirley Schmidt: What's going on here?

Alan Shore: Your client stole my client's semen.

Judge Victoria Peyton: You're actually asking me to order an abortion.

Alan Shore: I am, Judge. Isn't it exciting?