

Boston Legal

The Mighty Rogues

Season 4, Episode 16

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Shirley Schmidt walks up to an attendant at a nurse's station of a hospital.

Shirley Schmidt: Excuse me, where is Walter Schmidt's room please?

The attendant points.

Jacqueline Ross: **Off to the side, she turns back from the coffee machine.** Shirley?

Shirley Schmidt: **She turns.** What happened?

Jacqueline Ross: He's okay. He broke a few ribs. He's resting right now.

Shirley Schmidt: What happened?

Jacqueline Ross: He took a turn this week. He doesn't recognize any of us at the nursing home anymore. He's been getting agitated. Always seems to be terrified.

Shirley Schmidt: How did he get hurt?

Jacqueline Ross: He jumped out of his bedroom window. A hedge broke his fall and probably saved his life.

Shirley is in her office with Denny Crane.

Denny Crane: He jumped out the window?

Shirley Schmidt: He has dementia. I've gotta get back there. He's not doing so well.

Denny Crane: I'll join you.

Shirley Schmidt: No thanks. I'll be fine.

Denny Crane: No. Maybe he'll recognize me. I always had a great relationship with your father. We'd hunt. We'd fish. Remember the time I shot him in the calf?

Shirley Schmidt: **She laughs.** Lucky he doesn't remember. I'd really rather go alone.

Denny Crane: I'd like to see him. I was always very fond of your father.

Shirley Schmidt: Really?

Denny Crane: And he always liked me.

Shirley Schmidt: Yes, he did. Okay then let's go.

They walk off.



Jerry Espenson and Katie Lloyd are in their office.

Jerry is pacing frantically, his hands on his thighs.

Katie Lloyd: Jerry, what's wrong?

Jerry Espenson: I'm in trouble.

Katie Lloyd: What sort of trouble?

Jerry Espenson: I can't tell you.

Katie Lloyd: Why can't you tell me?

Jerry Espenson: You're a girl!

Katie Lloyd: It's man trouble? Did you get a woman pregnant? **Jerry groans.** Dear God!

Jerry Espenson: It isn't that!

Katie Lloyd: Stop whinging and just tell me.

Jerry Espenson: **He puts his briefcase down, braces himself and takes a deep breath.** Well, during the strike I fell in love.

Katie Lloyd: What strike?

Jerry Espenson: It doesn't matter, the point is I met

somebody wonderful.

Katie Lloyd: Fab! And?

Jerry Espenson: And she's suing me for sexual assault.

Katie Lloyd: Sexual assault? **Jerry squeals.** Stop squealing! You sound like a stuck pig. What happened? Did you touch her without her consent?

Jerry Espenson: No! I would never... she's claiming I... she's saying I drugged her! **He walks over and leans his forehead against the wall.**

Katie Lloyd: Jerry? Did you?

Jerry Espenson: **He slowly turns his head.** Well, maybe a little. **Katie ponders this. Jerry bangs his head against the wall.**

Carl Sack is walking down the corridor with two clients, William Brewster and Mayor Liz.

Carl Sack: I'm hoping to make it to the island on Memorial Day. If I can dig myself out of here.

William Brewster: That'd be great. We've missed you.

Carl Sack: Aw. **He motions for them to sit.** Please. **They both sit down.** Well! So? What can I do for you?

William Brewster: Well. Take a breath. **He motions for Carl to sit down.** Have a seat, Carl.

Carl Sack: Okay. **He sits.**

William Brewster: Cause this is a biggie.

Carl Sack: Hm! Let me have it.

William Brewster: We want to build an atomic bomb.

A beat. A long beat.

Carl Sack: What are you talking about?

William Brewster: We wanna build a weapon of mass destruction that we control.

Carl Sack: By 'we' you mean...?

William Brewster: Nantucket. I am here officially as head of the Board of Selectmen and Liz is here as Mayor. We're a very small island, totally exposed. The homeowners are becoming increasingly concerned about security, and well, we're rich, we can afford it. We want one.

Carl Sack: An atomic bomb? On Nantucket?

Mayor Liz: We've been denied approval to purchase nuclear plutonium by the nuclear regulatory commission...

Carl Sack: Don't you hate that?

Mayor Liz: We'd like to sue.

Carl Sack: **He laughs.** Hm. **He taps his fingers.** What kind of drugs are we taking on the island these days?

William Brewster: Carl, I know it sounds crazy...

Carl Sack: You think?

William Brewster: But if something ever happens, which the government says is inevitable by the way, who's going to come rushing to protect us? The Vineyard? No, no. We need to look out for ourselves. And fortunately, we have the wealth and the means to do so.

Carl Sack: **A beat.** You'd like... an atomic bomb?

Mayor Liz: As soon as possible.

Jerry and Katie are in their office.

Katie Lloyd: Oxytocin?

Jerry Espenson: It's a hormone. Not a drug.

Katie Lloyd: What does it do?

Jerry Espenson: Well, essentially it causes people to trust you.

Katie Lloyd: There's a hormone that causes people to trust you?

Jerry Espenson: I mainly used it for me. It can also help people with social anxieties. It enabled me to trust her as well. I spray it on like a cologne. It has a nice gentle fragrance, not too bold. Anyway, Dana, that's her name, she found out and she's suing me. **Katie sighs.** You're disappointed in me.

Katie Lloyd: Well, I am, Jerry, truth be told.

Jerry nods.



Walter Schmidt lies in his hospital bed staring vacantly while a nurse makes adjustments to equipment. Shirley and Denny enter.

Shirley Schmidt: Dad. **Walter turns his head towards her.** Hey dad.

Walter Schmidt: Who are you?

Shirley Schmidt: Dad, it's me. It's Shirley. **Walter stares straight ahead.** Remember Denny? Denny came to say hi.

Denny Crane: **He comes near.** Hey Walt! How are those ribs healing? **A beat as Walter stares vacantly.** Lookin' good, Walt.

Shirley places the back of her hand on Walter's forehead. He is startled and yelps. Shirley is startled too. Walter moans in distress.

Nurse: He doesn't like to be touched.

Shirley Schmidt: Where's the attending?

Nurse: I'll call for you. **She leaves.**

Walter continues moaning. Shirley turns to Denny, he hugs her as Walter whimpers.



Lorraine Weller, Whitney Rome, and Clarence Bell are standing and facing Carl Sack, who is seated behind his desk.

Lorraine Weller: A nuclear bomb? On Nantucket?

Whitney Rome: Are they insane?

Carl Sack: Poor people are insane, Whitney. Rich people are colorful.

Lorraine Weller: Yes. Well, assuming the colorful people are sincere, how can you be about to actually take the case?

Carl Sack: Well, first their security concerns are legitimate. Second, nuclear bombs are becoming more and more viable. Easy to build. The world landscape will one day be dotted with them. Why not Nantucket? And third, most importantly, when an island full of millionaires asks us to represent them, Lorraine, we do not refer them to another firm. I need you three to arm me with research, and legal analysis as to why Nantucket should have a bomb.

Dr. Giles Bromfield enters Walter Schmidt's hospital room..

Dr. Giles Bromfield: Hello. Dr. Bromfield.

Shirley Schmidt: **She shakes his hand.** Shirley Schmidt.

Dr. Giles Bromfield: Nice to meet you. Though not under these circumstances.

Shirley Schmidt: Ah, this is Denny Crane.

Dr. Giles Bromfield: Hello. I wish I could tell you something positive. I'm afraid the best we can do is try and keep him calm. We don't dare move him, I'm concerned that he'll injure his ribs.

Shirley Schmidt: I would like to hook him up to a morphine drip, please. **Dr. Bromfield doesn't answer.** His injuries are causing him considerable pain. I'd like this done as soon as possible.

Dr. Giles Bromfield: I um... he seems to be comfortable now.

Shirley Schmidt: He's not. I know him better than you. I'd like the drip. Please.

Dr. Giles Bromfield: Ms. Schmidt, I can't do what you're asking me to do.

Shirley Schmidt: I'm asking you to manage his pain, Doctor.

Dr. Giles Bromfield: I'm very sorry. I don't think a morphine drip is indicated here.

Denny Crane: Ted Thiel. Is he still Chief of Staff?

Dr. Giles Bromfield: Yes.

Denny Crane: Get him.

Dr. Bromfield leaves.

Denny and Shirley are out in the hallway with Dr. Thiel.

Dr. Ted Thiel: Look, I know what you're asking for, and I sympathize. My own father died of Alzheimer's, you know this Denny. But we have laws.

Shirley Schmidt: This goes on all the time, you know that.

Dr. Ted Thiel: Well, it happens sometimes with, as I said, patients in severe physical pain. But look at him. How do we couch this as pain management?

Shirley Schmidt: You simply believe me when I tell you that he is hurting!

A beat.

Denny Crane: Come on, man. We're not asking for anything that doesn't happen in every hospital every day.

Dr. Ted Thiel: **A beat.** I can't. But if you get a court order forcing our hand, I suppose we'll have no choice but to abide.

Denny Crane: I'll argue it myself. Let's go. **He walks off.**

Shirley Schmidt: Thank you, Doctor. **She follows Denny.** Ah, Denny? I... I think I would like Alan to argue this. It's, it's gonna be tough to get a Judge off this dime, and I think this is sort of Alan's wheelhouse.

Denny Crane: Okay. I guess it makes sense. Let's go get Alan! **They leave.**

All parties are present in Judge Floyd Hurwitz's courtroom. Carl Sack and Attorney Christopher Palmer are standing in front of the bench.

Judge Floyd Hurwitz: An atomic bomb? In Nantucket? Are you kidding me?

Carl Sack: No, I'm not, Your Honor. Nor is our President kidding when he constantly tells us to be afraid.

Nantucket is riddled with Republicans, by the way. They believe our Commander in Chief when he cries wolf.

They believe John McCain as he cries double wolf. Some even believe Cheney when he says, "Bomb's already been fired at us. It's just on a timer."

Judge Floyd Hurwitz: The court dismisses...

Carl Sack: **He raises his hand.** Whoa, whoa! whoa! Your Honor, as ridiculous as this may seem on its face, let's consider, Your Honor, Nantucket is all by itself out there. It wouldn't be a high priority to defend should this country be under attack. Shouldn't they be allowed to defend themselves? I would ask you at least to listen to my client before quashing our request?

Judge Floyd Hurwitz: **He thinks for a moment.** I'll give your client fifteen minutes. Three o'clock! **To Attorney Christopher Palmer, who looks incredulous.** What are you looking at?

Alan Shore is in his office with Shirley Schmidt.

Alan Shore: I don't mean to sound indelicate but how far gone is he?

Shirley Schmidt: Very. He's been virtually uncommunicative for awhile, but now he doesn't recognize anyone. Including me. This man who was once bigger than life. A maverick. It's obscene.

Alan Shore: Did he execute a living will?

Shirley Schmidt: He did. No extraordinary life-saving measures, but...

Alan Shore: We'll be asking a court's permission to put him to sleep?

Shirley Schmidt: Yes.

Alan Shore: Proceeding will be rough, Shirley.

Shirley Schmidt: Let's try to get this done.

Katie and Jerry are walking in the corridor.

Jerry Espenson: She's coming by herself or...?

Katie Lloyd: No. With a lawyer. Let's not let this turn emotional, Jerry. I'd prefer to be straightforward and proffer strictly legal analysis.

Jerry Espenson: Okay.

Katie Lloyd: Purring, popping, squealing should all be kept to a minimum.

Jerry Espenson: **He looks up.** There she is.

Dana Strickland is coming around the corner, next to her is Attorney Pepper Minkin. They come up to Jerry and Katie. Dana is gorgeous!

Dana Strickland: Jerry.

Jerry Espenson: Hello. Hello. Welcome. Hello.

Attorney Pepper Minkin: Hi! I'm Pepper Minkin. Ms. Dana Strickland's attorney.

Katie Lloyd: Katie Lloyd. A pleasure. **To Ms Strickland.** Hello.

Dana Strickland: Hello.

Katie Lloyd: Well! Why don't we go in? **She opens the door to the conference room.** Would either of you like coffee?

Dana Strickland: I'm fine, thanks.

Attorney Pepper Minkin: I'm good. Coffee makes the ticker race. **He and Ms. Strickland enter the conference room.**

Katie Lloyd: **She allows the door to close and turns back to Jerry.** Jerry, she's positively stunning!

Jerry Espenson: I know.

Katie Lloyd: How much oxytocin did you use? **Jerry stomps his foot.** I didn't mean it like that!

Jerry Espenson: Yes, you did. **He stomps his foot again and goes into the room.**

Carl is in his office with Clarence, Whitney and Lorraine, watching the news on a monitor.

Newsperson: The island of Nantucket is going to court today to actually seek legal permission to build an atomic bomb, as part of its defense system.

Carl points the remote and clicks to change the channel.

Second Newsperson: Nantucket, of course, being one of the richest towns in America...

Carl clicks the remote again to change the channel.

Third Newsperson: Back in court at three o'clock today, nobody of course expects this request to be granted, but stranger things have happened.

Carl Sack: **He clicks off the monitor.** Did I mention this case might get a little press?

Denny Crane: Carl! **He marches in.** I'm begging you. Let me in on this.

Carl Sack: Ah! Well, Denny, as you can see we're already a little thick with lawyers.

Denny Crane: All my life I had hoped that somehow, someday, I'd be called upon to help build a nuclear bomb. Could there be anything more American than to be part of blowing up another country? I've got chills.

Carl Sack: Ah. Um...

Clarence Bell: Denny can take my place. With all due respect, I don't wanna be part of this. I think this case is reprehensible. I'm sure Texas would love to have its own bomb. Maybe Alabama too. Have you given any thought... what if we should win this case?

Carl Sack: We won't.

Clarence Bell: Then that makes it okay. Take a despicable cause for a pile of money because you know we won't win.

Denny Crane: What a girl. No wonder he wears dresses.

Clarence Bell: I'm not doin' this case. **He leaves.**

Denny Crane: Girl! I'm in!

In Judge Victoria Peyton's courtroom, Shirley is on the stand with Alan on direct.

Shirley Schmidt: He doesn't wanna live like this. His mind is rotting away, much of it's already gone, his organs are shutting down, he's incontinent. The indignity is beyond words.

Alan Shore: When your father was competent, did you two ever discuss...

Shirley Schmidt: We did. He signed a living will. He did not wanna be kept alive by extraordinary means...

AAG Jeremy Hollis: **He is now up.** But we're not talking about keeping him alive with any extraordinary means. You're here asking for permission to euthanize him.

Shirley Schmidt: My father is in extreme discomfort, I'm asking to manage his pain with morphine.

AAG Jeremy Hollis: Yes. You have to couch it in those terms to get the court order. But, Ms. Schmidt, you're not denying what this is really about, are you?

Shirley Schmidt: Are you denying this happens all the time under the heading of pain management?

AAG Jeremy Hollis: When there is actual pain to manage. But here your father isn't in any real physical discomfiture. He's probably not even aware of his mental state. The pain we're talking about managing here is yours.

Shirley Schmidt: First of all, my father suffers from broken ribs. He is in pain. Second, the agitation he experiences, the fear, the anxiety, are an extreme form of discomfiture, Mr. Hollis. Please do not suggest to me that he does not anguish.

Dr. Giles Bromfield: **He is now on the stand.** Well, the fact of the matter is we can now manage his pain quite effectively without morphine. And we are, with codeine. The other fact... **He stops.**

AAG Jeremy Hollis: Is what, sir?

Dr. Giles Bromfield: Well, the pain we're talking about is from injuries that will heal. In cases where morphine drips have been turned up with fatal results... it's irreversible pain. Which, I certainly sympathize with the

family's position, if it were my father I would probably wanna do the same thing. But the law simply doesn't allow it.

Alan Shore: *He is now up.* I read an article that said people in comas can actually experience physical pain. Is that true?

Dr. Giles Bromfield: Yes.

Alan Shore: Do you think it's possible that a conscious person could be experiencing pain but because of his advanced mental deterioration that he be incapable of communicating that pain?

Dr. Giles Bromfield: I suppose it's possible.

Alan Shore: So if a doctor, say, wanted to make such a finding, let's say the patient was his own father say, he might be able to find pain, prescribe the morphine, and nobody could state to a reasonable medical certainty that he was wrong.

Dr. Giles Bromfield: I'd like to think that my medical ethics would prevent me from doing that.

Alan Shore: I see. So, in your opinion the medically ethical thing to do here is let this person's brain continue to rot until all his vital organs shut down, he shrinks to 85 pounds, his esophagus closes up so he can no longer eat and he begins to suffer grand mal seizures. These are the ethics you bring to this court room today?

Jerry, Katie, Dana Strickland and Pepper Minkin are in a CP&S conference room.

Attorney Pepper Minkin: It's a sad day indeed when the science of love chemically is manipulated.

Katie Lloyd: Men ply women with a little wine. On occasion women have been known to throw on intoxicating perfumes. My client spritzed himself with a little cologne.

Attorney Pepper Minkin: Laced with a hormone, Ms. Lloyd. One naturally released in the body during orgasm. It influences one's ability to bond. Doctors call it the nesting hormone. It's a far cry from perfume.

Katie Lloyd: But as I understand my client, he used as much to relax himself...

Attorney Pepper Minkin: That doesn't make it right.

Katie Lloyd: Jerry never meant to victimize her.

Dana Strickland: May I respond?

Katie Lloyd: Certainly.

Dana Strickland: *She takes a deep breath and looks to Jerry.* I regarded you as profoundly honest. And to discover that you were deceitful in the most personal of ways! **Jerry is getting emotional.** It's not simply that I don't trust you any longer, Jerry. How am I supposed to trust myself to bond with anybody?

Jerry doesn't respond as he tries not to lose control of his emotions. After a moment he gets up and leaves.

In Judge Floyd Hurwitz's courtroom, Lorraine has Jason Engels on the stand.

Lorraine Weller: Mr. Engels, how are you employed?

Jason Engels: Ah, I was hired as a physicist by the town of Nantucket.

Lorraine Weller: Hired for what?

Jason Engels: To design an atomic bomb for them.

Lorraine Weller: And are you capable of doing that?

Jason Engels: Quite.

Lorraine Weller: Would you describe, generally, how one makes them?

Jason Engels: Ah, yes! Well you have your fissionable material, say, plutonium in the middle, encapsulated in a metallic sphere lined with beryllium which promotes the fission process. Outside that are shaped charges of dynamite. Now when the dynamite explodes the plutonium is compressed, it reaches critical mass, it fissions, and BOOM!!! **Everyone's heads bob up.** Sorry. Always get a kick out of... doing... that.

Lorraine Weller: Ah, I guess the question is what's to stop anybody from having a bomb if it's this simple?

Jason Engels: Uh, well money. The real difficulty is in obtaining the fissionable material, say plutonium or enriched geranium. But once you have that, the rest is easy.

Judge Floyd Hurwitz: This bomb would actually be viable?

Jason Engels: Oh yeah. Yes. You see the thing about the nuclear bomb is, Your Honor, it doesn't have to be made perfect. Uhm, the one they dropped on Hiroshima had sixty kilos of enriched geranium in it and only about one percent of that actually fissioned.

Lorraine Weller: So over ninety percent of that bomb was a dud?

Jason Engels: Yes. But, I mean, as far as duds go--BOOM!! Sorry.

Segueing into the next scene, we hear "Political Science" by Randy Newman

Well, boom goes London,

And boom Paris.

More room for you

And more room for me.
And every city the whole world round
Will just be another American town.

They all hate us anyhow,
So let's drop the big one now.

Carl is in his office with William Brewster.

Carl Sack: So Bill, what's going on?

William Brewster: What do you mean?

Carl Sack: What I mean is this is a ridiculous case, I've never known you to be a ridiculous man, so why don't you tell me what you're up to?

William Brewster: Do you realize what a target Nantucket is? When you think of the iconic staples of America that the world so hates-- rich people, Wall Street gluttons, even politicians, Hollywood producers. They all have homes on Nantucket. It's one-stop shopping.

Carl Sack: Bill. What are you up to?

William Brewster: **He sighs.** Look, I know this lawsuit is absurd and that we can't possibly win it.

Carl Sack: But?

William Brewster: But we have a presidential election coming up and all we hear about is the war, the economy, a mortgage crisis, the recession. Nuclear proliferation has been pushed right off the table. None of the candidates are talking about it.

Carl Sack: Nuclear proliferation?

William Brewster: Do you realize Bush tore up the arms treaty? We offered to sell nuclear technology to civilians in India. *Civilians*, for God's sake. And nobody's even discussing this!

Carl Sack: So this lawsuit...?

William Brewster: It's a way to put the topic back on the table. It's not just terrorists we need to fear, Carl, it's countries too. So yeah. You go get 'em, Counselor. Get me my bomb.

Shirley is in her office having a drink.

Carl Sack: **He enters.** Hey.

Shirley Schmidt: Hey.

Carl Sack: **He sits down next to Shirley.** So? How was your day?

Shirley Schmidt: Oh. Same old. Went to court, trying to kill my father. You?

Carl Sack: Trying to get Nantucket a bomb. **Shirley smiles.** Are we stuck in a rut? **Carl smiles. A beat.** Is there anything I can do?

Shirley Schmidt: It's funny, you turn on TV and see advertisement after advertisement about how to have a better life. **She shakes her head.** Why can't we help people to have a better death?

Carl Sack: Shirley, you and I know the only thing more powerful than the religious right, or well, God, in this country, is pharmaceutical companies. The best chance for assisted suicide is for some big drug company to invent the euthanasia pill. They'll lobby Congress--phfft, done deal.

Shirley Schmidt: **A beat.** I miss you.

Carl Sack: **He nods.** I miss you too. Should we get back together? At least, until, you know, dad's dead. **Shirley gives him a you-know-better look.** I could help you through the rough times.

Shirley Schmidt: I don't know any man who is more adorable with his cynicism.

Carl Sack: Anything you need. I'm here.

Shirley Schmidt: Thank you, Carl. I think for now what I need is just to sit here alone. **She gives him a brief kiss. He leaves.**

Clarence and Jerry are in the CP&S kitchen.

Jerry Espenson: You just flat out refused to work on the case?

Clarence Bell: Yes.

Jerry Espenson: And he didn't fire you?

Clarence Bell: He likes me. Whenever I'm around him I slap on a little oxytocin and he's like putty.

Jerry Espenson: Oh, very funny. Slap on a dress while you're at it. Sing him a song! Poop head!!

Katie Lloyd: **She comes in.** Jerry?

Jerry Espenson: Oh *what?* **Katie is taken aback.** Sorry.

Clarence smiles and leaves.

Katie Lloyd: Listen. I read up on the science of this hormone. While there's no evidence it can make one fall in love, it evidently can facilitate bonding. Some therapists actually prescribe it for relationship maintenance. Bottom line? She very much does have a case, I'm sorry to say. If this case is to go away I think you'll have to accomplish it. You need to talk directly to her in the hope that she's persuaded.

Jerry Espenson: Okay.

Katie Lloyd: I've set up another meeting for three o'clock. Be candid. Speak from the heart. Humbly. Do not sniffle. And no matter what happens you must refrain from calling her a poophead. Can you manage that?

In Judge Victoria Peyton's courtroom, both Jeremy Hollis and Alan Shore are standing behind their respective tables.

Alan Shore: This is not a new debate, but the fact that we still continue to have the debate in this country baffles me. People are helped to die every single day in virtually every hospital. In the hospices, at home, all under the wink-wink of pain management. And yet every time someone suggests bringing this practice out of the closet opponents leap up screaming, "There's potential for abuse!" "We'll end up killing people who wanna live!" Come on! If there's potential for abuse then by all means let's regulate it. Have an administrative hearing, or go to court like we're doing now. But there's much more potential for abuse when we do it secretly!

AAG Jeremy Hollis: No, no, no. There's a good reason for the secrecy. The last thing we want to do is to cultivate a culture of suicide. Almost twenty percent of today's teenagers contemplate taking their own lives at one time or another. Recent five-year analysis showed a twenty percent rise in suicides among middle-aged people. It's becoming epidemic! Not the time to lift the stigma.

Alan Shore: We would not be sending the message that...

AAG Jeremy Hollis: Oh yes we would, Mr. Shore. You make it permissible, that's one step closer to making it acceptable. And the real danger is that elderly parents start thinking maybe it's their duty to spare their children so they won't drain their finances.

Alan Shore: This would not be that case.

AAG Jeremy Hollis: Could be tomorrow's case.

Alan Shore: Which is why we take it on a case by case basis. Addressing all the concerns you raised, but why must we have an absolute blanket ban when it causes such immeasurable suffering? For so many!

Judge Victoria Peyton: Because it's not potential for abuse that's really in play, Counsel. Let's all admit that. It's politics. And the legislator gets to make the laws. Not the Judges.

Alan Shore: But it's for the Judges to safeguard the constitution, included therein is our fundamental right to privacy. Can there be anything more private, more personal than the destiny of one's own body? One's life. It's also for the Judges to step in and be humane when a gutless, politically expedient Congress refuses to do so. My God, we put dogs to sleep! To spare their needless suffering. Why don't we extend the same compassion to human beings? This man is terminal. He will die. He fears people. All people. He can't control his bowels. He is in utter lack of cognizance and an inability to have any meaningful exchange or even contact. Would you choose to live like that? Would anybody?

AAG Jeremy Hollis: To allow assisted suicide is to say that life itself has no intrinsic value. No sanctity.

Alan Shore: Oh baloney! I'm saying Walter Schmidt's life in its current state has no intrinsic value. He lies in his bed with no apparent capacity to discern or think. His days have devolved into a horrible cycle of soiling his bed sheets and screaming incoherently at the very touch of the nurse who cleans him. His life is a misery. I'm sorry, there is no sanctity in that. I don't care what... **He leans over the table to compose himself. He goes to his chair, closes his binder and chuckles derisively. To Jeremy Hollis softly:** I'm sorry. **He takes a moment to compose himself.** My best friend has Alzheimer's. In the very early stages, it hasn't... He is a grand lover of life, and will be for some time. I believe even when his mind starts to really go he'll still fish, he'll laugh, and love. And as it progresses he'll still wanna live because there'll be value for him in a friendship, in a cigar. The truth is, I don't think he'll ever come to me and say, "This is the day I want to die." But the day is coming. And he won't know it. This is perhaps the most insidious thing about Alzheimer's. But you see, he trusts me to know when that day has arrived. He trusts me to safeguard his dignity, his legacy and self-respect. He trusts me to prevent his end from becoming a mindless piece of mush. And I will. It will be an unbearably painful thing for me but I will do it because I love him. I will end his suffering. Because it's the only decent, humane, and loving thing a person can do. Ms. Schmidt is here today because she loves her father. She's asking you to show mercy that the law refuses to.

AAG Jeremy Hollis: She is asking you to play God.

Alan Shore: Your Honor, whatever one's believe in God, I know we can all agree, some lives are taken far too early, and others far too late. **He sits.**

So does Jeremy Hollis. And back in the last row of the courtroom, unnoticed, sits Denny.

Judge Victoria Peyton: I really don't believe in playing God. I do believe in God, by the way. I believe there's a sanctity to every human life. The idea that doctors and relatives get to start weighing the quality of a given life to decide who shall live, who shall die. It horrifies me. And I see tremendous potential for abuse. But there is no suggestion of such abuse here. Mr. Schmidt is terminal, his condition is irreversible, he is suffering. The law allows patients to refuse medical treatment even when to do so means death. It allows the disconnection of nutrition and hydration tubes thereby basically starving the person to death. What rational distinction can there be for not allowing a more humane method? The plaintiff's motion is granted. Ms. Schmidt? My prayers are with you. **Shirley mouths, "Thank you."** Adjourned. **She pounds her gavel and leaves.**

Alan pats Shirley's hand, then leaves Shirley sitting in thought.

Jerry and Katie are sitting across the conference table from Attorney Pepper Minkin and Dana Strickland.

Jerry Espenson: First let me say I have thought deeply about my actions for which I conclude I have no excuse. Accordingly I will not seek to proffer any. However... **He places a wooden cigarette in his mouth and continues loudly and brashly...**The thing about love, sweetheart is, come on we all throw up fronts and... **Katie reaches over to take the cigarette, Jerry takes a moment to compose himself, he takes a deep breath then continues in his normal voice.** The thing about love is people often try to remake themselves in their lover's eyes. Especially in new relationships. We want to present the most flattering version of ourselves. We want to seem smarter, funnier, we pretend to be something we're not. I... I wanted you to think I was more confident than I am. I wanted you to feel safer with me than women typically feel. I wanted to have an edge which clearly I do not enjoy. You are a beautiful woman. I am an odd man who stutters, purrs, coos, squeaks, with all the confidence of a mayfly. **He puts the cigarette in his mouth again and continues in the same loud and brash tone as before.** But like it not, Babe, this is what you get and I...!**Again Katie reaches over to take the cigarette. Jerry continues in a normal voice.** All of this is to say I did a remarkably stupid, unforgiveable thing because I have fallen in love with you and I am desperate for you to fall in love with me.

Carl Sack and Attorney Christopher Palmer are standing before Judge Hurwitz's bench.

Attorney Christopher Palmer: Your Honor, we're trying to build a world where we have fewer weapons as opposed to more.

Carl Sack: No, that's simply not true. Bush tore up the arms control treaties.

Attorney Christopher Palmer: I'm not gonna get into a foreign policy debate. Suffice it to say that nuclear bombs belong in the hands of stable, sovereign, respec...

Carl Sack: Stable? Iran may have a bomb for God's sake! North Korea has one!

Attorney Christopher Palmer: It's the United States government's job to protect us. Not some tony resort Island.

Carl Sack: Our federal government is broken. We have illegal aliens streaming across the border. Our military is bogged down in Iraq, maybe for a hundred years, if the Supreme Court gets to pick our President again. The National Guard is depleted. We can't protect a levee in New Orleans against a hurricane. And come on! Everybody has a bomb! France! China! Russia! **Whispers.** Israel. **In a normal voice.** Maybe Iran. With that wackjob Ahmadinejad. Why not Nantucket? They're far more reasonable, more stable, and hey! How about this: they're on our side. Why can't they have a bomb?

Judge Floyd Hurwitz: Okay! I've heard enough. Mr. Sack, you can't expect me to grant your request here?

Carl Sack: Sure I can. Watch. **He makes a begging motion.**

Judge Floyd Hurwitz: I had my clerk do a little research. It wasn't pretty. You're right, our current President tore up the arms control treaties. A lot of countries seem to be getting the bomb now. And you left out Pakistan, which is perhaps the scariest of all. They might be on our side today, but it's not a stretch to see Islamic extremists taking over there. And then what? Their nuclear arsenal is massive. This, in the country where Bin Laden may be hiding! And we're supposed to feel safe with whatever rogue government is in place? My God! I don't have the answer. But in my gut I simply cannot believe it lies in giving an atomic bomb to Nantucket. The plaintiff's motion is denied. **He pounds his gavel.** We're adjourned.

In a bar, an entertainer is on stage singing "Who's Next" by Tom Lehrer.

First we got the bomb, and that was good,
'Cause we love peace and motherhood.
Then Russia got the bomb, but that's okay,
'Cause the balance of power's maintained that way.
Who's next?

France got the bomb, but don't you grieve,
'Cause they're on our side (I believe).
China got the bomb, but have no fears,
They can't wipe us out for at least five years.
Who's next?

Jerry is sitting at the bar. Dana Strickland comes in and joins him.

Jerry Espenson: Oh, hello. Hello.

Dana Strickland: I got your message. I'm here.

Jerry Espenson: Dana, I... I don't know how else to convey how sorry I am...

Denny Crane: Jerry. I'm sorry as well. As hurt and as betrayed as I felt...suing you? That was wrong. I believe you are the man I thought you were. Just one maybe a little more vulnerable than I realized.

Jerry Espenson: Is there...? Do we have a chance of getting back?

Dana Strickland: I... would like that. Actually, I'd really like that. ***She leans over to kiss Jerry. She sighs and places her head on Jerry's shoulder.***

In his hospital room, Walter Schmidt is lying in bed hooked up to an IV drip. The heart monitor beeps softly. Shirley is sitting next to his bed. Alan comes in.

Alan Shore: How's he doing?

Shirley Schmidt: They started the drip three hours ago. His breath has slowed almost to... ***She smiles bravely.*** He was quite a man. Strong, free-wheeling, a lawyer's lawyer.

Alan Shore: And a daughter's father.

Shirley Schmidt: I've known this day was coming for some time, I even prayed for it knowing it would be a blessing, but, no matter, I don't... I don't think anyone's ever prepared for a parent to die. No matter what you think.

Alan Shore: Yes.

Shirley Schmidt: Alan, thank you. ***Alan nods.*** With all your nonsense, I...I fully expect to have to fire you one day. I just want you to know when that day comes it'll be harder for me.

Alan Shore: Yup.

The heart monitor gives several beeps in quick succession. Walter Schmidt gasps, then is silent. The heart monitor flatlines. Shirley cries softly as she continues to hold her father's hand.

Alan and Denny are on the balcony with cigars and scotch.

Denny Crane: Where is she now?

Alan Shore: Carl's with her.

Denny Crane: I saw my future, Alan, when I went to see him. I saw what lies ahead for me.

Alan Shore: That's not what lies ahead for you. Like the doctor said, you smoke, you drink, you play with loaded firearms. You'll go before the Mad Cow can get you.

Denny Crane: I was in the courtroom today, I heard your closing.

A beat. A long beat.

Alan Shore: Oh.

Denny Crane: When the day comes, if it comes, we should go to Oregon where it's legal. They got some great steelhead runs in Oregon. We could fish the mighty Rogue. It's only fitting. I mean, I am the mighty Rogue when you think about it.

Alan Shore: Yes, you are.

Denny Crane: What a way to check out. Scotch in one hand, a steelhead in the other. And in your hands... would be me. If I could make that deal with God I'd do so right now.

Alan Shore: That's only because if you could delay death until you were finally able to catch a steelhead you'd outlive us all. I'm sorry, but you're a lousy fisherman. It needed to be said.

Denny Crane: I know what you're doing! You're trying to change the subject.

Alan Shore: Denny, if you were in that courtroom, you saw how difficult it was for me to think of you dying. I'd just like to enjoy my scotch and not have to think of it now. So just sit there with your cigar, if you don't mind, and blow smoke. It's what you're best at.

Denny Crane: Fine.

Alan Shore: ***He chuckles.*** Fine.

Denny Crane: You don't have to be so huffy about it.

Alan Shore: I had a day.

A beat.

Denny Crane: Sleepover?

Alan Shore: Fine.

Denny reaches his hand over, palm up, Alan places his hand in Denny's.