

**The Practice
Equal Justice
Season 8, Episode 10
Written by David E. Kelley
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Alan Shore is walking in a courthouse hall; he knocks on a door and walks in. Judge Cheryl Robbins is sitting behind her desk.

Judge Cheryl Robbins: Ah. Mr Shore. Thank you for coming.

Alan Shore: Whatever it is, I didn't do it.

Judge Cheryl Robbins: From what I've been told, you probably did. Have a seat. ***(Alan sits down.)*** There's a rumor going around. Underneath that slick surface, there's a heart of gold.

Alan Shore: Completely untrue.

Judge Cheryl Robbins: I got a 19-year-old kid scheduled for a murder trial tomorrow. He's just fired his sixth attorney an hour ago and he's decided to represent himself. And it's my sense he hires and fires lawyer to buy himself time, and he's successfully done that up till now. That trial will go forward tomorrow.

Alan Shore: Are we getting to the part that involves me?

Judge Cheryl Robbins: I'm assigning you to be shadow-counsel.

Alan Shore: Mmm. I've had very little criminal experience your honor.

Judge Cheryl Robbins: Well! You're about to get more.

Alan Shore: Ha ha. No, no, no. I'd love to accommodate you, but actually, I'm starting another trial tomorrow morning, so I...

Judge Cheryl Robbins: Who's the judge?

Alan Shore: Okubo.

Judge Cheryl Robbins: Ah! Only thing you need to know about the honorable Amy Okubo is that I've got seniority on her. You'll be in my courtroom at nine.

Alan Shore: She's ordered no further continuances.

Judge Cheryl Robbins: Nine. O'clock. Mr Shore.

Alan Shore: Alright your honor. Let's cut to it. I couldn't... possibly... try a case in your courtroom.

Judge Cheryl Robbins: Because?

Alan Shore: I'm attracted to you. In fact I'm... obsessed with you. I'm afraid my lust would... inhibit my ability to... fairly represent my client.

Judge Cheryl Robbins: You're attracted to me?

Alan Shore: Yes.

Judge Cheryl Robbins: Could you lean forward a bit? ***(Alan leans forward and places his arm on the edge of her desk. The judge leans in on her desk.)*** You are a very sexy man. And a clever one, capable of feigning an attraction for a judge just to get yourself off a case. Nine. O'clock.

Alan Shore: I will be getting myself off. I assure you.

Judge Cheryl Robbins: Nine. O'clock.

Alan Shore and Eleanor Frutt in the YF&B office.

Eleanor Frutt: Shadow counsel?

Alan Shore: The problem is, I'm already scheduled for trial before Judge Okubo who will be anything but pleased.

Eleanor Frutt: What... What do you want me to do?

Alan Shore: Try to get a continuance, which won't be easy. And then there's the client himself. Mr Tang Jing Yu.

Eleanor Frutt: Tang who?

Alan Shore: Tara knows the case. She'll go with you. Just try and get it pushed to next week. I'll really appreciate it. ***(Alan walks out the door.)***

Eleanor Frutt: What...Tang who?

Alan Shore is let into a room in the jailhouse. His client is sitting behind a table.

Alan Shore: Hello Marshall. I'm Alan Shore.

Marshall Bagnell: I'm representin' myself. That's what I told her.

Alan Shore: I understand. But she asked me to be shadow-counsel. Which basically means, I see to it that you screw yourself over a little less, rather than more. (**Alan takes a file folder out of his briefcase and sits down.**) So what's wrong with all these attorneys you've been firing?

Marshall Bagnell: They keep askin' me to plead out. Which I don't wanna do.

Alan Shore: Fair enough. (**Pages through some papers.**) You're alleged to have shot and killed somebody. Did you?

Marshall Bagnell: Yes.

Alan Shore: In front of an eye witness?

Marshall Bagnell: Yes.

Alan Shore: (**Alan closes the folder and looks at Marshall.**) This would explain why the lawyers were suggesting a plea.

Marshall Bagnell: Look Mr. Ah...

Alan Shore: Shore. But you can call me Michael.

Marshall Bagnell: You said your name was Alan.

Alan Shore: Excellent. You pay attention. This will help. Listen closely Marshall. After just a cursory view of the facts, my guess is you'll be found guilty. If you insist on representing yourself, it's over.

Marshall Bagnell: Then I have to fire your ass to.

Alan Shore: It may shock you to learn, I make for a better lawyer than your average nineteen-year-old crack-head. I could be wrong. If you'd wanna plead fine, don't. But you're gonna go to trial, use a trained professional. Don't be a complete idiot. It's beneath you.

Tang Jing Yu, Eleanor Frutt and Tara Wilson are walking in courtroom hallway.

Tang Jing Yu: What happened Shore?

Eleanor Frutt: Mr Shore got called in on an emergency matter. We're gonna try and push your case until next week. I don't anticipate that to be a problem, but then...

Tang Jing Yu: Knew Shore not care.

Tara Wilson: That's not true Mr Tang. Mr Shore cares very much.

Tang Jing Yu: No one care. People think big joke.

Tara Wilson: Mr Tang. I know, that you know, that I care.

Tang Jing Yu: Shore think joke.

Tara Wilson: Look at me. We will get the continuance. And everything will be fine.

In Judge Amy Okubo's courtroom.

Judge Amy Okubo: Are you kidding me? This case is marked, 'No further continuances'!

Eleanor Frutt: Your honor. We are ready. But Mr Shore was suddenly called in on a homicide case.

Judge Amy Okubo: I do not care where Mr Shore is! I am angry about where Mr Shore isn't! This matter has been on my docket for five years.

Eleanor Frutt: I understand that. But...

Judge Amy Okubo: Alan Shore is the fourth attorney of record. Following Robert Donald, Lindsey Dole and Rebecca Washington. You now make number five. I don't enjoy lawyers playing turfball in my court.

Eleanor Frutt: That's not going on. I assure you. Judge Robbins ordered him to shadow-counsel on another...

Judge Amy Okubo: Judge Robbins does not control my courtroom.

Eleanor Frutt: Your honor. We're just stuck in the middle here.

Judge Amy Okubo: This is a two or three day trial max. And it's a stupid case to begin with.

Tang Jing Yu: Not stupid! Object!

Judge Amy Okubo: Mr Tang! The court respects your right to have your day in court. So I'm giving it to you right now.

Eleanor Frutt: Your honor.

Judge Amy Okubo: You either say, "Ready for trial." Or we dismiss this complaint. Your choice.

Eleanor Frutt: Ready for trial.

Tang Jing Yu, Eleanor Frutt and Tara Wilson are walking out of courtroom.

Tang Jing Yu: What happen now?

Eleanor Frutt: There is no reason to panic.

Tang Jing Yu: Case not know.

Eleanor Frutt: I'm sorry?

Tang Jing Yu: You. Case not know. Up creek.

Eleanor Frutt: Mr Tang...

Tang Jing Yu: Case not know. Mal puppet!

Eleanor Frutt: Excuse me?

Tara Wilson: I think that he means malpractice. His English isn't very good.

Tang Jing Yu: Wait five years!

Tara Wilson: Mr. Tang. I will be there every step. I promise.

Eleanor Frutt: Excuse me one second, sir. (**Eleanor takes Tara off to the side.**) Tara? Do you think you could possibly try this?

Tara Wilson: Me? But I'm not even a member...

Eleanor Frutt: Third year law students, with supervision, can try...

Tara Wilson: That's criminal. Not civil.

Eleanor Frutt: I will be doing it with you. And the judge will sign off. Tara, he's right! With me, it's... up creek. You know the medicals, you've researched the law. You seem to have a good connection with the client.

Tara Wilson: But I have never tried a case before. Ever!

Eleanor Frutt: Everybody has a first time. Look. You are up to speed here. I am not. Just get us through the day and then maybe Alan can take over.

In Judge Cheryl Robbins' courtroom.

District Attorney: The evidence will show that once the drug deal went bad the defendant drew a weapon. 38 caliber revolver and fired three shots into the victim, killing him. You'll hear from an eyewitness who saw Marshall Bagnell commit this crime. You will hear from an expert in ballistics who will tell you that the bullets retrieved from the victim's body match the gun found later in the defendant's possession. And after all these evidence is presented, it will be established beyond all reasonable doubt, that Marshall Bagnell committed murder.

Alan Shore: Good morning ladies and gentleman. Your honor.

Judge Cheryl Robbins: Mr Shore.

Alan Shore: I was drafted for this trial much like all of you were summoned for jury duty. And my reaction was, "Dammit. I have better things to do than sit around the courtroom all day." Show of hands, how many of you felt burdened by...

District Attorney: Objection.

Judge Cheryl Robbins: Counsel!

Alan Shore: But then I found out it's a murder trial, and part of me went, "Oh boy!" inside. 'Cause murder trials, they can be juicy. How many of you went, "Oh boy!"?

District Attorney: Objection.

Judge Cheryl Robbins: Mr Shore!

Alan Shore: And the great thing about this particular murder trial? There's no real tragedy. The victim was a drug dealer; my client is a drug dealer. One is dead, another we can send to prison for life. It's a win-win. So let's sit back, relax, enjoy ourselves, shall we? One low-life down, one to go. And that concludes my opening statement. (**Alan goes back to sit in his chair. Marshall looks over at him.**) How am I doin' so far?

Alan is coming out of the courtroom.

Tamara Bagnell: Mr. Shore.

Alan Shore: Yes?

Tamara Bagnell: I'm Tarama Bagnell. Marshall's mother?

Alan Shore: Ah! Very nice to meet you. (**She slaps Alan in the face. Alan takes a moment to recover.**) Was that sexual?

Tamara Bagnell: My son is on trial for his life. In your opening statement...

Alan Shore: Ms Bagnell I assure you I have a plan here.

Tamara Bagnell: Which is?

Alan Shore: Okay I lied. I don't have a plan. But I'm forming one. (**She moves to slap his face again. Alan grabs her wrist.**) No one slaps me twice Ms Bagnell. Least not in the face.

Eleanor and Tara, in a hallway in the courtroom.

Eleanor Frutt: I will make the evidencary objections. All you need to do is ask him what happened. Don't lead. Just basically say, "What happened next." And let him tell his story.

Tara Wilson: Okay.

Eleanor Frutt: Don't move around a lot Tara. Just plant your feet, stay still.

Tara Wilson: Why?

Eleanor Frutt: Because we want the jurors eyes to be on him as he testifies. His story is basically our whole case. You're moving around could be distracting. Now, if he starts to get too hot, which is a very likely possibility, you may have to calm him down a little bit.

Tang Jing Yu: **(Mr Tang marches up to them.)** Have bad feeling.

Eleanor Frutt: Mr Tang. You just need to relax. Tara will basically ask you what happened. Just tell the jury in your own words. **(As an aside to Tara)** And a few r's might help.

Tang Jing Yu: What!

Eleanor Frutt: Nothing.

Tang Jing Yu: Make fun I talk!

Eleanor Frutt: You do have an accent, Mr Tang, so please try and speak slowly. **(Turns back to Tara.)** If you need to ask a question twice, don't be afraid to. You can do this.

Tara Wilson: I'm ready.

In Judge Cheryl Robbins' courtroom.

Andrea Mills: They got into an argument over the price.

District Attorney: Price of the cocaine?

Andrea Mills: Yes. I mean I really wasn't paying attention. I was watching television, and the next thing I know he's got a gun.

District Attorney: The defendant?

Andrea Mills: Yes. He pulls out this gun and he's screaming and I think, "Okay, now it's a robbery." You know? That he's just gonna steal the stuff outright.

District Attorney: What did you do here?

Andrea Mills: I'm basically just started screaming you know, that, he's got a gun. And that's when Brian went for his gun. And that's when it happened. He shot him three times. He just killed Brian right there.

District Attorney: Now Andrea, this is important. When did Brian get his gun in relation to when...

Andrea Mills: I just said that Brian got his gun, when that man pulled the gun out on him. And before Brian could even get his gun, he just started shooting. It's a miracle he didn't kill me to. Then he just took the stuff and left.

District Attorney: Thank you Andrea.

(The District Attorney sits down. Alan Shore gets up.)

Alan Shore: Drugs are a horrible thing Andrea, wouldn't you agree?

Andrea Mills: Yes.

Alan Shore: Do you ever use them?

Andrea Mills: I wasn't using that night, if that's what you're going for. My capacity for observation was perfect.

Alan Shore: That's a legal term. Are you a lawyer Andrea?

Andrea Mills: No.

Alan Shore: Huh. Have you by any chance spoken to a lawyer before testifying? Say... a District Attorney?

District Attorney: I'm merely trying to establish that you put words in her mouth.

District Attorney: Objection!

Alan Shore: Sustained. Andrea, there were drugs on the premises that night, weren't there?

Andrea Mills: Obviously.

Alan Shore: And since you were there on the premises. What were you watching by the way?

Andrea Mills: Joe Millionaire.

Alan Shore: Ahh. Figures.

Alan Shore: And since you were present with these drugs, you were exposed to criminal charges as well. Weren't you? Might have been nice to have something to offer the police, I bet. Something like, say... testimony!

Andrea Mills: I'm telling it like it happened.

Alan Shore: What was your relationship with Brian drug dealer?

Andrea Mills: He was my boyfriend.

Alan Shore: Your boyfriend? Brian the drug dealer was your boyfriend?

Andrea Mills: Yes.

Alan Shore: Well?! **(He turns to the District Attorney.)** You didn't establish that! That might make you biased.

Andrea Mills: I'm telling the truth.

Alan Shore: You said you that you weren't using that night. You do use though? Don't you, Andrea?

Andrea Mills: Recreationally. Occasionally.

Alan Shore: Ever get arrested?

Andrea Mills: Once.

Alan Shore: For using or dealing?

Andrea Mills: Dealing.

Alan Shore: Oh! So you're a drug dealer too? Oh. Tell me, with Brian dead, did you pick up his business?

District Attorney: Objection!

Alan Shore: I'm sorry your honor, my client wants to know. He needs a new connection.

Judge Cheryl Robbins: Mr Shore. Will you step up here please? **(Alan walks up to her.)** Is this the way you defend your client?

Alan Shore: It is, your Honor.

In Judge Amy Okubo's courtroom.

Tang Jing Yu: Pull over. Get gas. Need pee.

Tara Wilson: You needed to pee?

Tang Jing Yu: Yes. Long drive. Need pee.

Tara Wilson: Okay sir. Can you tell us what happened next?

Tang Jing Yu: Bathroom painted. **(Flashback to Mr Tang talking to gas station attendant)** Man say be careful. Flesh(Fresh) paint on wall. Advise not go in.

Tara Wilson: **(Back in courtroom.)** But you did?

District Attorney: Objection. Leading.

Tara Wilson: Can you tell us what happened next? Sir.

Tang Jing Yu: Need pee bad. Go in anyway.

Tara Wilson: And then what happened?

Tang Jing Yu: Sit on toilet. **(Flashback to overhead shot of Mr Tang sitting on toilet.)** Do business. Then decide have cigarette. **(He takes out cigarette.)** Long drive. Need relax. **(He lights his cigarette. Throws burning match back into toilet. We see outside of the Men's room. Flames briefly shoot out of three windows which are then blown out. Back to courtroom)** Go lift off! Explode!

Tara Wilson: And what happened, to you sir?

Tang Jing Yu: Knocked unconscious. Bottom botox. Bottom burn red, raw, low skin bottom. **(Tara tries to suppress her smile.)** Burn red raw.

Tara Wilson: **(Tara tries to suppress a giggle. Eleanor notices.)** Were you taken to hospital?

Tang Jing Yu: Yes! Hospital. Bottom burn red raw!

Tara Wilson: You must have been... **(Tara tries to suppress a laugh.)** You must have been terrified? Sir.

Tang Jing Yu: Not funny! Blow off toilet bowl. **(Tara has the giggles.)** Not funny!

Eleanor and Mr Tang walk out of the courtroom. Tara follows. Mr Tang marches across the room and turns back to glare at Tara. Eleanor give Tara a stern look. Mr. Tang crossed his arms and huffs.

Tara Wilson: **(To Eleanor)** I am so, so sorry. I think I was just so anxious to begin with. That, plus his accent, and the nature of the accident. I just...

Eleanor Frutt: The jury now thinks its big joke, Tara. This man had third degree burns; he has waited five years to get into court. **(We see Mr Tang standing with his arms crossed glaring at Tara, huffing in anger.)** And his own lawyer has likely caused the jury to completely trivialize this matter.

Tara Wilson: Eleanor! **(Tara is almost in tears.)**You know that I never intended... **(Eleanor just shakes her head at Tara. Tara walks across the room to Mr Tang who is still standing with his arms crossed, glaring.)** Mr Tang. I am so, so sorry. **(He glares.)** I deeply apologize. **(He continues to glare, huffing in anger.)**

Marshall and Alan walk into a room, Marshall marches across the room and turns to face Alan.

Marshall Bagnell: You're trying to get me convicted.

Alan Shore: I promised you I'm not.

Marshall Bagnell: You said I need a new connection?! What's up with that?!

Alan Shore: Calm down Marshall. I was merely trying to demonstrate to the jury that I don't like you. You see, they don't like you. You shot somebody three times, they naturally consider you despicable. So by showing them, I find you despicable, it makes me more relatable to them. It gives me some credibility. So when I say at the end of all this, "Find him 'Not Guilty'." I might have a chance of convincing them.

Marshall Bagnell: I'm a human being Mr. Shore.

Alan Shore: No you're not. You're a drug addict. **(Marshall looks at Alan in shock.)** You'll testify next. Then, I'll call character witnesses. You just need to do as I tell you Marshall. Nothing more. And tell your mother to stop hitting me.

In Judge Cheryl Robbins' courtroom.

Marshall Bagnell: She was right about arguing over the price. He wanted way too much. One-an-a-half the street value.

Alan Shore: So you shot him?

Marshall Bagnell: We got into a yelling match. We both got a little hot.

Alan Shore: So you shot him?

Marshall Bagnell: I didn't just shoot him.

Alan Shore: Well. Tell us what happened, sir. But, if you don't mind, just fast forward to the good part.

Marshall Bagnell: Well, I just said, "That's it." I wanted to call the whole deal off. ***(Flashback to Marshall and the dealer. Marshall waves his hands, and makes to turn away. The dealer lifts one side of his jacket to show his gun.)***

Alan Shore: Packing? For those of us who don't own a firearm. Packing, means he had a gun.

Marshall Bagnell: Yeah.

Alan Shore: And at some point, did you show him that you were packing?

Marshall Bagnell: Yes. ***(Flashback to Marshall pulling out his gun.)*** I pulled out my gun to show him that, you know, I wasn't intimidated. ***(The dealer glares, pulls his gun and aims.)*** And I saw his eyes flash, and he pulled his gun, and it wasn't just to show me he had it. Now he drew. So I pointed my gun at him and yelled, "Don't.". ***(Marshall aims.)*** But his gun is in his hand about to point it at me! About to shoot me. So I figured, either I shoot or I'm dead. ***(There's series of silent images of Marshall arguing, the dealer aiming, Andrea yelling, Marshall shooting, the dealer falling down.)*** So I shot him. I fired three times real quick and he went down.

Alan Shore: He drew his gun?

Marshall Bagnell: Yes! If I hadn't fired, I'd be dead.

Alan Shore: Did you know that Brian the drug dealer was suspected of murdering somebody before?

District Attorney: Objection the victim had never been charged in any homicide before and Counsel is well...

Alan Shore: Rephrase. Did you know that Brian the drug dealer had never actually been charged with shooting a woman twice in the head blowing it...

District Attorney: Objection! The victim was briefly investigated in drug related killing and that is all. He never became the actual suspect, and I object to this blatant distortion of the facts.

Alan Shore: ***(Alan turns back to the District Attorney.)*** Can't we all just get along?

Judge Cheryl Robbins: Mr Shore.

Alan Shore: What if anything did you know about Brian the drug dealer. I have to ask it like that, but please get in what I want you to get in.

District Attorney: Objection!

Judge Cheryl Robbins: Mr Shore?!

Marshall Bagnell: There was a rumor that he had capped a girl doin' a drug buy. ***(Alan folds his hands and bows to Marshall.)*** I know that.

Alan Shore: ***(He saunters back to his chair.)*** That wasn't so hard? Was it?

District Attorney: How many times have you been arrested Mr Bagnell?

Marshall Bagnell: Five or six.

District Attorney: Actually it's seven. You brought a concealed weapon to this drug transaction?

Marshall Bagnell: Yes. Because sometimes stuff goes down, like it has now. I need to protect myself.

District Attorney: Oh. You need to protect yourself.

Alan Shore: Objection. There's no call for sarcasm, your honor.

Judge Cheryl Robbins: Sustained.

District Attorney: You didn't report this shooting? Did you sir? You fled the scene.

Marshall Bagnell: I figured his girlfriend would report it.

District Attorney: But if you were innocent. If it truly were self-defense, why run away?

Marshall Bagnell: It was a drug deal.

District Attorney: Yes. A drug deal where there was a dispute over price. Now you had argued with the victim before over price, hadn't you sir?

Marshall Bagnell: He was gouger!

District Attorney: But this time you'd had enough. You went carrying a gun, you shot him three times.

Marshall Bagnell: In self-defense.

Alan Shore: Objection.

District Attorney: Did he ever fire at you?

Marshall Bagnell: No! But what I am I supposed...

District Attorney: And you didn't wait. Did you sir?
Marshall Bagnell: I would have been dead!
Alan Shore: So many questions. May I ask a question? I forgot one.

In Judge Amy Okubo's courtroom.

District Attorney: You were advised, were you not, sir, not to go into the bathroom?
Tang Jing Yu: Not advised on explode. Advised on paint!
District Attorney: You can read English Mr Tang?
Tang Jing Yu: Yes.
District Attorney: Did you see the signs that said, 'No Smoking'?
Tang Jing Yu: No.
District Attorney: You didn't see any of the posted signs.
Tang Jing Yu: No!
District Attorney: Is that a truthful response, sir?
Tang Jing Yu: Yes. True. ***(Looks over to Tara.)*** Why not object badger?
District Attorney: I'm not trying to badger you sir. Did it not occur to you, smoking a cigarette, lighting a match, at a gas station, that this could be dangerous?
Tang Jing Yu: People smoke in bathroom all time.
District Attorney: They do?
Tang Jing Yu: Yes! Place to relax. Go pee. Lose pants. Smoke. ***(Tara suppresses a giggle. Eleanor notices.)***
District Attorney: But you knew, sir, that this bathroom had just been painted, that there could be fumes inside.
Tang Jing Yu: Not expect boom like that! Bottom burn, red, raw, explode anus. ***(Tara gets the giggles, drops her pen, possibly on purpose, so she can bend down to compose herself.)***
District Attorney: You don't accept any blame for this?
Tang Jing Yu: Badger. Why not object? Mal puppet! Look! She laugh! Make joke. Mal puppet! ***(Tara is still bent over, laughing. Eleanor drops her head in her hands.)*** Mal puppet! ***(He goes into a triad in his own language.)***
Judge Amy Okubo: Mr Tang! ***(He continues his triad.)*** Mr Tang!
Tang Jing Yu: Not fair! ***(He shakes his finger at Tara.)*** Not fair!

Tang Jing Yu is sitting at a table. Eleanor and Tara are standing around the table. Eleanor looks at Tara. Tara looks miserable.

Tara Wilson: Mr Tang...
Tang Jing Yu: Not care. ***(Tara looks down. Tang Jing Yu looks at Eleanor, then down. Eleanor looks down, then up, obviously uncomfortable.)*** What happen now?
Eleanor Frutt: Well. We go to closing arguments.
Tang Jing Yu: Defense not put case?
Eleanor Frutt: The defense rested. ***(Looks at Tara.)*** Evidently believing that we didn't make our case. ***(Tara continues to look miserable.)*** Sometimes that's employed as a strategy.

In Judge Cheryl Robbins' courtroom.

Alan Shore: This must be very difficult for you mam'. Your son on trial for murder.
Tamara Bagnell: It is.
Alan Shore: I'm sure you must feel, as many of us do, it's all your fault. You were never home.
Tamara Bagnell: I had to work!
Alan Shore: He never knew his father. You have to be somewhat to blame for that. How about his probation officer? Ever meet with him?
Tamara Bagnell: No!
Alan Shore: Ever get your son into any kind of drug rehab program?
Tamara Bagnell: We didn't have money for that! I tried to do all I could.
Alan Shore: Move to strike.
Judge Cheryl Robbins: Counsel?
Alan Shore: I know he got thrown out of school his sophomore year. Why?
Tamara Bagnell: Drugs.
Alan Shore: Did his principal come by to explain?
Tamara Bagnell: No! It was 'zero tolerance'. He just got expelled.

Alan Shore: *(He turns to Marshall.)* He sounds like an awful child. *(He turns back to Ms Bagnell.)* Just between us. Glad to be rid of him? *(Ms Bagnell stares.)* That's quite a look you're giving me. Tell me. Have you ever shot anybody?

Marshall and Alan come into a room. Alan places his briefcase and overcoat on the table. Marshall is off to the side, hanging his head. Alan opens his brief case.

Alan Shore: I thought that went well. What are your thoughts? *(Marshall, with a running start, lunges at Alan, drags him several feet, crashes into a cupboard, and both go down with Marshall on top of Alan. A guard sees this and comes back into the room.)* I need help! *(The guard takes hold of Marshall, Alan gets up. Another guard comes to help hold Marshall down. They struggle to get his hands behind his back.)*

Marshall Bagnell: Get off me.

Guard: Take it easy.

Marshall Bagnell: Get off me.

Guard: Easy.

Alan Shore: Don't get off.

Marshall Bagnell: Ugh. Ah.

Alan Shore: Marshall, I won't stay in the room with you if you're gonna beat me up. *(Marshall glares up at Alan.)* Can we have a conversation without you beating me up?

Marshall Bagnell: Yes. *(He struggles as the guards hold him down.)*

Alan Shore: *(Alan bends down.)* I need you to promise.

Marshall Bagnell: I promise.

Alan Shore: Let him up.

Guard: Are you sure?

Alan Shore: My clients hit me all the time. *(Alan straightens his tie.)* Let him up.

Guard: Let's go. *(The guards bring Marshall up.)*

Alan Shore: Thank you. *(Alan straightens his belt.)* Please go. *(The guards let go of Marshall.)* It's all right. *(The guards leave the room)*

Alan Shore: *(Marshall rotates his shoulder as he glares at Alan distrustfully.)* Marshall at the very beginning of this I asked you to trust me. Did I not?

Marshall Bagnell: No!

Alan Shore: I didn't? I meant to. I'm sorry.

Marshall Bagnell: You're supposed to be my lawyer! You're supposed to do everything you can! You're supposed to CARE!

Alan Shore: I am your lawyer. Trust that.

Jamie and Tara at the YF&B office.

Jamie Stringer: In open court?

Tara Wilson: It's not funny Jamie.

Jamie Stringer: Look. These things. Sometimes they happen.

Tara Wilson: It happened twice.

Eleanor Frutt: *(Eleanor walks up.)* Jamie? Could you excuse us please? *(Jamie leaves. Tara looks apprehensive.)* I want you to close.

Tara Wilson: Excuse me?

Eleanor Frutt: Good or bad, you have the relationship with the jury here. It would throw them if I suddenly got up. Do you think you're capable of standing up and behaving like a professional?

Tara Wilson: *(Thinks for a second.)* Yes. *(Eleanor gives a slight nod and turns away.)* Thank you.

Eleanor Frutt: I'm not doing this for you. I just believe it's best for the client, if you dig yourself out of your own hole.

In Judge Amy Okubo's courtroom.

Tang Jing Yu: Don't want her close. Mal puppet.

Eleanor Frutt: Mr Tang. The jury might be confused if I got up.

Tang Jing Yu: She think case funny. Up creek. No ping pong. *(Eleanor looks at Tang Jing Yu, then at Tara.)*

Tara Wilson: I think he means, paddle. *(Tang Jing Yu huffs in anger.)*

Judge Amy Okubo: Miss Wilson? Are you ready?

Tang Jing Yu: *(Under his breath.)* Mal puppet.

Tara Wilson: When I began law school, I was convinced that American juries would be negatively predisposed against my British accent. So I learned to speak American. The thinking being, that the better the jurors related to me, the better my chances of persuasion. And let's face it; Americans are pretty arrogant about the English language. They expect the rest of the world, not only to learn it, but to speak it the way they do. Tang Jing Yu doesn't speak English very well. He even sounds a little funny. Combine his accent with the fact that he got blown off a toilet. I laughed. Maybe some of you did as well. But what's not so damn funny, is that this man was hurt. He suffered third degree burns. He's scarred, for life. Is he partly to blame? Absolutely. He should not have been smoking. But the question is who is to blame, more? Is it foreseeable that people smoke in lavatories? Of course it is. People smoke in bathrooms. In high schools. On airplanes. In gas stations. And knowing that this sometimes goes on, you do not put flammables in a toilet bowl. To do so, that is negligence. And as amusing as it all may be, as a result of this negligence, an innocent man was injured. **(Tara looks at Tang Jing Yu.)** He waited five years to get to trial, only to be laughed at by his own lawyer. **(Tang Jing Yu is no longer glaring. He is touched.)** This man suffered real pain, and he deserves better. **(Tara sits down. Eleanor is pleased.)**

District Attorney: He knew the room had just been painted. He was told not to go in. The 'No Smoking' signs were posted. The room had fumes. And still? He lights a match. He caused this. He blew up my client's bathroom, and he's suing. Come on. That may not technically be a legal argument but, let me say it again. This was his negligence, not ours. And you know that.

Tara Wilson: The question is a simple one really. Is it foreseeable that someone might light a match and drop it in a toilet bowl? If no, find for the defendant. If yes, find for the plaintiff.

Tara is sitting on a bench in the courtroom hallway. Eleanor joins her.

Eleanor Frutt: I don't know whether you saved yourself, but that was a good closing Tara. It was simple and persuasive. You did a very good job.

Tara Wilson: Thank you.

District Attorney: **(He comes up to them.)** Can we talk?

In Judge Cheryl Robbins' courtroom.

District Attorney: You heard Andrea Mills' testimony. There was a dispute over price. The defendant pulled his gun. And he fired. You can't claim self-defense, ladies and gentlemen, if cause somebody to reach for his gun, only so you can then blast him. That's ridiculous. Now. To be honest, I don't know what the hell defense counsel was up to in this trial. I suspect all that nonsense was motivated by the fact that Mr. Shore knew he had no case. The defendant pulled a gun, in front of an eye witness and shot somebody. What could his lawyer really say or do? So Mr. Shore tried to deflect attention on to himself. But this isn't about a lawyer's antics. We're not in this room to enjoy defense counsel's side show. We're here because his client committed a murder. A man is dead!

Alan Shore: At the beginning, you heard me mention that I was assigned this case. We have this pro bono program because somebody has to be here for the guy. You see? That's where our judicial system actually exceeds real life. In here, somebody's gotta be there for the guy. In life, Marshall Bagnell never met his father. His mother worked fulltime, leaving him home alone all day. He got involved early in drugs. There was nobody there to get him in treatment. His parents, his teachers, school principals, probation officers, people vested with the responsibility of caring for him a little. They didn't. And he became a drug addict. Now, I'm not gonna stand here and ask you to care for him. God forbid. But, what I will ask is for you to recognize that life hasn't been very fair to Marshall Bagnell. The irony is, by pulling that trigger three times; he gets thrown into a system that's required to treat him fairly. He gets a right to a fair trial. And if you afford him that right, he must necessarily be found, 'Not Guilty'. The supposed eye witness admitted she was watching television, her own words. She wasn't looking at the man, at the time my client drew his weapon. She told you that. She did not see. Now. What she did see supports precisely what Marshall told you. The victim was going for his gun. At that point, my client could only shoot, or be shot. That's self-defense. That's classic self-defense. And think about it. If Marshall Bagnell wasn't acting in self-defense? Why did he not shoot Andrea Mills? Why did he leave behind this eye witness? Perhaps, because she wasn't about to shoot him. Of course, you could choose to ignore all this, simply because you don't care. Not only about Marshall Bagnell, but also about the law you swore to uphold. Swore to, because what we do pretend to care about is the integrity of this system. We do believe in that cherished notion of a fair trial. We're fiercely loyal to the ideal that a prosecution must satisfy it's burden of proof. They haven't done that here. As dearly as we'd all love to send Mr Bagnell to prison, we cannot know for a fact that the victim, a drug dealer, rumored to have killed somebody before, didn't draw his gun to shoot first. We cannot know beyond all reasonable doubt that Marshall Bagnell didn't fear for his life.

And if he did reasonably fear for his life. If you believe it's possible that he feared for his life, you must find him 'Not Guilty'. Unless of course, you don't care.

Eleanor, Tara and Tang Jing Yu standing in Judge Amy Okubo's empty courtroom.

Tang Jing Yu: Sixty-three thousand?

Eleanor Frutt: We could get more. But, we could get nothing. I think it's a decent offer. Clearly you were hurt. But just as clearly there was contributory negligence.

Tang Jing Yu: What think?

Eleanor Frutt: I think we should take it.

Tang Jing Yu: ***(He looks at Tara.)*** What think?

Tara Wilson: ***(She seems taken aback.)*** I believe we should accept. As well.

Tang Jing Yu: Okay.

Eleanor Frutt: Okay. I'm going to accept then.

Tang Jing Yu: Okay.

Eleanor Frutt: This is a good result, Mr Tang.

Tang Jing Yu: Okay. ***(Eleanor leaves. He looks at Tara.)*** Thank you for closing. Good closing.

Tara Wilson: Mr Tang. I owe you a sincere apology.

Tang Jing Yu: Give already. Thank you. Appreciate closing. ***(He tries to overcome his emotions.)*** People laugh at me always. One reason I angry. Apologize for anger.

Tara Wilson: You don't need to apologize for anything.

Tang Jing Yu: Not mal puppet.

Tara Wilson: ***(Tara is touched.)*** Thank you. ***(Tang Jing Yu nods.)***

Alan and Tamara are sitting around a table. Marshall is pacing the room.

Tamara Bagnell: How long do they usually take?

Alan Shore: There's really no telling. The judge will probably keep us here until six.

Marshall Bagnell: ***(He leans on the back of his mother's chair and looks at Alan.)*** Look I'm sorry I jumped you. I see now, you kinda had a strategy.

Tamara Bagnell: Why didn't you just tell us what it was?

Alan Shore: Takes the fun out of it.

Tamara Bagnell: I suppose I should thank you an' all.

Alan Shore: Well, I'd prefer money.

Tamara Bagnell: You're a big fraud. You know that? You do care about my son. You're not foolin' me.

Guard: ***(Guard comes in.)*** Jury's back. ***(Marshall looks terrified.)***

In Judge Cheryl Robbins' courtroom. Forewoman gives paper to guard, who gives it to the Judge. She opens it.

Marshall Bagnell: What does it mean that it's so fast?

Alan Shore: It's usually a good sign when you win and a bad one when you lose. We'll know in second Marshall, hang in there.

Judge Cheryl Robbins: ***(The guard gives paper back to forewoman.)*** Members of the jury, you reached verdict?

Forewoman: We have. Your honor.

Judge Cheryl Robbins: The defendant will please rise. ***(Alan and Marshal stand.)*** What say you?

Forewoman: In the matter of the Commonwealth versus Marshall Bagnell, on the charge of 'Murder in the first degree', we find the defendant, Marshall Bagnell, 'Not Guilty'. ***(Marshall is relieved.)*** In the matter of the Commonwealth versus Marshall Bagnell, on the charge of 'Murder in the second degree', we find the defendant, Marshall Bagnell, 'Guilty'. ***(Marshall leans forward on the table, he's distraught. Alan puts his hand on Marshall's back. Tamara Bagnell is distraught as well.)***

Judge Cheryl Robbins: Ladies and gentlemen of the jury, you are dismissed with the thanks of this court.

Security? Take the defendant into custody. ***(The guard handcuffs Marshall.)*** We are adjourned.

Alan Shore: We'll explore grounds for appeal Marshall. ***(Marshall is in shock.)*** Marshall!?! Look at me.

(Marshall looks at Alan.) There're still some things we can do. We'll explore all grounds for appeal.

(Marshall is taken away.) Marshall? I'll let you know. Okay? Marshall? I'll come visit you tomorrow.