

The Practice

Season 8, Episode 1

We the People

Written by David E. Kelley

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Jailhouse Consult Room

Ellenor Frutt: We need Emma at the trial.

Bradley Stanfield: **shaking his head** I can't allow that.

Ellenor Frutt: Brad . . .

Bradley Stanfield: She's ten years old.

Ellenor Frutt: **shaking her head** I understand that.

Bradley Stanfield: I said no. She's a child.

Ellenor Frutt: Listen to me: You have serious monster issues here. To the world and to the potential jury pool, you are the man who murdered his pregnant wife and unborn son. The best way to humanize you is to let the jury see you as a father and not a killer. And the best way to accomplish that is to have your daughter by your side at your side.

Bradley Stanfield: And what will that do to her? To have to sit there and listen while her father is . . . demonized before the . . .

Ellenor Frutt: She's already hearing that everywhere she turns. I think the real question is what will it do to her to see you go to prison, which is exactly what we're looking at.

Bradley Stanfield: **gets up and walks to stare out of the window into other jail cells** You need to get me out on bail, Ellenor.

Ellenor Frutt: Brad, you are up on double homicide! I hardly think . . .

Bradley Stanfield: You need to think of a way. I need to address a potential jury pool. For that, I need to have a news conference. To do that, I gotta get outta here.

Ellenor Frutt: The judge is never going . . .

Bradley Stanfield: Ellenor, I need you to start demonstrating the zeal that comes with defending an innocent man. Homicide suspects are sometimes afforded bail. I need you to accomplish that courtesy for me—now!

[credits]

Judge Harrod's Chambers

Eugene Young and Jimmy Berluti enter, standing in front of Judge Harrod's desk.

Judge Harrod: Gentlemen, thank you for coming in.

Eugene Young and Jimmy Berluti look at each other.

Judge Harrod: I'm informed you still plan to argue self-defense.

Eugene Young: Actual, defense of others, but same principle.

Judge Harrod: You'll not be arguing self-defense or defense of others, Mr. Young. There's no factual basis for it, and it won't be asserted.

Eugene Young: Well, we have to be allowed to put on a defense.

Judge Harrod: Well, you won't be allowed to put on that one. **arises and walks around his desk** Let's watch together, shall we?

Eugene Young: We've all seen the tape.

Judge Harrod: You'll see it again—with me.

Eugene Young and Jimmy Berluti look at each other.

Judge Harrod (voice over): Here comes your client. **We see Aisha Crenshaw step out from the bottom left side of a TV screen and shoot a man near trash cans in the upper right of the screen 3 times.** If you so much as attempt to argue self-defense or defense of others, I will hold you in contempt of court. Are we clear, gentlemen?

Eugene Young: **looks at Jimmy Berluti first, then back to Judge Harrod** Then we'd like to change our plea, your Honor.

Judge Harrod: To?

Eugene Young: Insanity.

Judge Harrod: And what's your basis for that?

Eugene Young: You saw the tape. She's crazy.

The Practice—Common Area

Tara Wilson: **answering phone in the background** Young, Frutt & Berluti.

Ellenor Frutt: Insanity?

Eugene Young: It's all we've got left. Tara . . .

Ellenor Frutt: Jamie, I need that motion on Lemony.

Tara Wilson: Ah, please hold. **puts phone on hold and begins paging through papers** I went through the list of doctors; two are willing to testify. They want their full retainer. **walks past Eugene Young to talk to**

Ellenor Frutt And you have another problem. Markham got called.

Ellenor Frutt: For when?

Tara Wilson: For now. Judge Dickem.

Ellenor Frutt: Did you tell . . .

Tara Wilson: I did. He won't budge.

Ellenor Frutt: Jamie, can you do the pretrial?

Jamie Stringer: Me?

Ellenor Frutt: Oh, yeah.

Jimmy Berluti: If we don't find a shrink, we might as well . . .

Eugene Young: We will. Keep looking. Come on; let's go see the client.

Ellenor Frutt: Call Dickham's clerk. I need to speak to him personally.

Alan Shore: **enters** Ellenor.

Ellenor Frutt: Alan! Hey, what's up?

Alan Shore: Do you have a second?

Ellenor Frutt: Actually, I don't.

Alan Shore: Something came up at Carruthers. I left. Now I'm looking for new employment. And since my heart has always yearned to do whatever this is . . .

Ellenor Frutt: What exactly came up at Carruthers, Alan?

Alan Shore: I embezzled. Allegedly. **sees Tara Wilson** Could I have some coffee, please? With cream? **Tara Wilson looks taken aback to be given an order for coffee** Thank you. I'd be such a natural here.

Ellenor Frutt: Wait a second. You expect me to recommend you for employment after you stole . . . ?

Alan Shore: The important thing is: I feel . . . icky.

Ellenor Frutt: Alan . . .

Alan Shore: I'm the leading anti-trust lawyer in the state. I'm going through an enormous character growth.

Ellenor Frutt: Just the same.

Alan Shore: And I need a break.

Ellenor Frutt: I'll tell you what. You do a case for us today; see how you like it.

Alan Shore: Today. I could . . .

Ellenor Frutt: **pushes a file at him** Misdemeanor battery. Homeless person—kissed somebody.

Alan Shore: You certainly don't expect me to walk in and try a case on the fly.

Ellenor Frutt: If there's any problem, I will be on vibrate. **pats her phone on her hip, then turns to walk out**

Alan Shore: **following after her** Ellie, Ellie. **stopping her** I have issues with homeless people.

Ellenor Frutt: What issues?

Alan Shore: They don't like me. I think it must be cultural.

Ellenor Frutt: Look, I am late for a motion. You try the case. Then, we'll talk. **pats his chest, then walks out**

Alan Shore looks to Tara Wilson for help.

Tara Wilson: Bugger.

Jailhouse—Another Consultation Room

Aisha Crenshaw: Isn't it up to a jury? I don't get a jury?

Eugene Young: You do. But, unfortunately, the judge can cut off the defense if he feels it's not supported.

Aisha Crenshaw: What do I do? I'm dead.

Eugene Young: Our only choice now is insanity.

Aisha Crenshaw: I wasn't insane.

Eugene Young: Understood. But it's the only mechanism we have left to secure an acquittal.

Aisha Crenshaw: Shooting that man was maybe the most clear-headed thing I ever did in my life.

Eugene Young: Not anymore.

Judge Dickem's Courtroom

A.D.A. Kate Barron: No way. You're his lawyer?

Alan Shore: **wearing eyeglasses** Is there a problem?

A.D.A. Kate Barron: You're Alan Shore. What are you doing at a criminal bench trial?

Alan Shore: Looking to meet women. I perused the file, and I think we can both agree it's beneath us, so why don't we dispose of it, go get a drink?

A.D.A. Kate Barron: The victim filed, and my boss won't kick civilian complaints.

Alan Shore: It's not like anybody got hurt, Cindy. May I call you Cindy?

A.D.A. Kate Barron: My name's Kate.

Alan Shore: Kate.

A.D.A. Kate Barron: Umm. Sixty days.

Alan Shore: Is this the way it's going to be?

A.D.A. Kate Barron: Hey, if you can get the victim to withdraw, the drink's on me. Otherwise, take the offer to your client, who's, uh, right over there—in case you haven't met him.

Alan Shore: **turns around to see a rather unkempt man scratching his neck; walks over to the man** Mr. Markham, I'm Alan Shore, your attorney.

Randy Markham: What happened to Ms. Frutt?

Alan Shore: She's tied up. Nothing sexual, I assure you. I'll be taking over the case. So, how are we today, sir?

Randy Markham: I—I just Halle-Berry'ed her. That's all I did.

Alan Shore: I beg your pardon?

Randy Markham: Like at the Oscars? Look, I just planted one on her, 'cause when else would I get a chance? That's all I did.

Alan Shore: I see.

Judge Harrod's Courtroom

Malcolm Kane: We all knew it was a crack house and a lot of us were upset—especially Aisha. She lost a child to a drive-by three years ago.

D.A. Asher Silverman: Now, sir, calling attention to the afternoon of July third, could you tell us what you saw?

Malcolm Kane: Yeah. Well, there were a bunch of us, kinda sprucing up the street, 'cause we were planning a July Fourth block party. And then, there, we saw him.

D.A. Asher Silverman: Saw who?

Malcolm Kane: Marcus Thayer, crack dealer. Selling his stuff on the steps, like he did every damn day. He had some clients there.

D.A. Asher Silverman: And what happened?

Malcolm Kane: Aisha, she went right up to him, and she started tellin' him this and that, get your ass off the street. He got in her face like he always does, and they're yellin' back and forth at each other. And then she just walked off.

D.A. Asher Silverman: After she left, what happened?

Malcolm Kane: Well, then I got into it, and he came at me just like he did her. And I told him, he'd better not be out there pushing his crack during our block party. And we talked a little bit more trash, and as I started off, I looked up and here she comes again. And now, she's got a gun, and she's saying something but truth be told, I couldn't hear it. My eyes were on that gun. She walked right up to him. She aims, and she shoots him three times. Shot him dead right there in the street.

D.A. Asher Silverman: Mr. Kane, could you describe for us Miss Crenshaw's demeanor as she fired the gun?

Malcolm Kane: She looked fed up.

D.A. Asher Silverman: Thank you.

Jimmy Berluti: **standing and buttoning his top jacket button** You said this Mr. Thayer sold crack every day. Why didn't you people just call the police?

Malcolm Kane: We called them all the time! They never did anything.

Jimmy Berluti: Nothing?

Malcolm Kane: Oh, they'd drive by now and then, and put up the observation posts with the little cameras. That's how they got that tape. But they never did do nothing. To get them to come into our neighborhood, a gun has to go off.

Jimmy Berluti: That sounds like an exaggeration.

Malcolm Kane: An exaggeration? There's an ice cream truck—drives down our street. Makes all the kids come running. They sell Popsicles, Fudgsicles, and cocaine. The ice cream truck! There are children on our street—ten years old—not only usin', but dealin'!

Judge Harrod: Mr. Berluti, please step up.

Jimmy Berluti does so, reluctantly.

Judge Harrod: What is the relevance of this testimony, Mr. Berluti?

Jimmy Berluti: Goes to defendant's intent. Just trying to get a clear picture, Judge,

Judge Harrod: Do you enjoy practicing law, counsel?

Jimmy Berluti: You know, Judge, you rebuking me in front of the jury doesn't make me look good, so I'm just gonna smile, and make it look like the two of us are having a good laugh together. That be okay, Judge? I'm just smiling for effect. Please don't think I consider you a funny guy. Can I continue now, Judge?

The Practice—Common Office Area

Alan Shore: **opening the door, allows Randy Markham to enter first** Mr. Markham?

Randy Markham: It is selective prosecution, that's what it is.

Alan Shore: You're right. But while the man who kissed Halle continues to go free, why don't we sit in here and go over your testimony?

Tara Wilson: Excuse me? Hi. We have a problem. We can't expense new clothes for clients. Ah, not in the budget.

Alan Shore: This is a top criminal firm in Boston. Surely we can afford \$200?

Tara Wilson: Ah, the top firm that you speak of is Donnell, Young, Dole and Frutt. Donnell is gone, Dole is gone, Washington is gone. And we don't take clients shopping.

Alan Shore: Do we take each other shopping?

Courthouse Conference Room

Aisha Crenshaw: I wasn't insane when I fired that gun. I won't say I was. I shot that man because he was killing our children; because he wouldn't *stop* killing our children.

Eugene Young: Okay. Look . . . at *me*, Aisha. Right in the eyes. The judge has taken away "defense of others."

Aisha Crenshaw: You explained that.

Eugene Young: Well evidently not well enough. If we don't claim insanity, we have no theory by which to prevail.

Aisha Crenshaw: Then *I* go to prison. I'd rather do that than to pretend I'm crazy. You look *me* in the eye. I am not nuts. Drugs are killing our babies. Somebody has to protect our babies. If the police refuse . . .

Eugene Young: You cannot say that.

Aisha Crenshaw: Yes, I can. And you can't stop me.

Eugene Young: The judge will stop you.

Aisha Crenshaw: I'm the client. I get to decide what our legal strategy is, counsel. It won't be insanity.

Jailhouse Consult Room

Ellenor Frutt: I do not *want* bail.

Bradley Stanfield: Why not?

Ellenor Frutt: Because if you get let out, there will be a public outcry, Brad. And that outcry could prejudice us at trial.

Bradley Stanfield: I don't think you follow. If I'm allowed to address the public, the outcry will be squashed. That's the point.

Ellenor Frutt: I think you're over-estimating your charm here.

The door opens, and a young girl, Emma Stanfield, enters, launching herself into Bradley Stanfield's arms.

Emma Stanfield: Daddy!

Bradley Stanfield: **picking her up into a big hug** Hey, baby! Oh, God! You get bigger every day, young lady. **putting her down and noticing the woman behind her** Hey, Christine.

Christine Shepard: Hello.

Bradley Stanfield: **stroking Emma Stanfield's hair** It's you.

Ellenor Frutt: Miss Shepard, I was wondering if I could talk to you a few minutes.

Christine Shepard: Your client murdered my sister, Ms. Frutt. I won't be cooperating much with his defense.

Judge Dickem's Courtroom

Debbie Huber: It was so gross. I, like, came around the turn in the corridor and he was there.

A.D.A. Kate Barron: The defendant?

Debbie Huber: Yes. And next thing? He was, like, forcing his skuzzy tongue into my mouth.

A.D.A. Kate Barron: And this occurred when?

Debbie Huber: At my place of work, for God's sake! Everybody saw it. And the way he smelled. His smell was on me. It took three showers to get it off.

A.D.A. Kate Barron: Thank you, Debbie.

Alan Shore: *with glasses; arising* Forgive me. I just want to say for the record, you are a very fetching young lady. Do gentlemen hit on you a lot?

Debbie Huber: Some.

Alan Shore: I can imagine. At the office Christmas party, you ever been suddenly kissed while standing under the mistletoe?

Debbie Huber: By coworkers—not total strangers.

Alan Shore: You never filed criminal charges in those instances.

Debbie Huber: No.

Alan Shore: That was an honest answer, Debbie. I appreciate that. Let me ask you this: If Brad Pitt suddenly approached you, kissed you—at the office—would you call the police? Honestly.

Debbie Huber: He's not Brad Pitt.

Alan Shore: Yes. I see. So it's not so much being kissed, but rather by whom.

Debbie Huber: By what.

Alan Shore: Debbie, that was refreshingly honest. *lowers his voice to a whisper* By the way, if I were to . . . **Debbie Huber's look says, "What?"**

Alan Shore: Never mind. That's probably not appropriate.

Judge Dickem: Step down, young lady.

Alan Shore: *back at defense table and talking soto voce with Randy Markham* Okay. Accept responsibility. Show remorse. Convey that you never meant to harm or scare. Okay?

Randy Markham: Okay.

Alan Shore: *arising, buttoning the top button of his jacket* The defense calls Randy Markham.

Judge Dickem: Why?

Alan Shore: Why?

Judge Dickem: If he did it, I don't have to hear why. It takes my time. I value my time, Mr. Shore. When it's wasted, my hemorrhoids tend to bubble up.

Alan Shore: He's a defendant. In Massachusetts, I believe the constitution trumps the bubbled hemorrhoid. I could be wrong.

Judge Dickem: You know what? You're absolutely right. If your client chooses to testify, that is his constitutional right. It would certainly be very inappropriate for me to deter the exercising of that precious entitlement. Would your client like to testify, Mr. Shore?

The Practice—Conference Room

Ellenor Frutt enters with Emma Stanfield; Jamie Stringer is already seated at the table.

Ellenor Frutt: Why don't you have a seat?

Emma Stanfield sits in a chair at the conference table.

Ellenor Frutt: We wanted to talk to you about your dad's trial, which starts next week.

Emma Stanfield: He told me. You want me to come?

Ellenor Frutt: Yes.

Jamie Stringer: We also were thinking of calling you as a witness. Did your dad tell you that?

Emma Stanfield: Yes. You want me to say my mom seemed really sad, so people will believe she committed suicide.

Ellenor Frutt: We just want you to tell the truth.

Emma Stanfield: She seemed really sad.

Jamie Stringer: Do you think your mom killed herself?

Emma Stanfield: I know my dad didn't kill her. He loved her. She seemed so sad, so I think she must have committed suicide.

Ellenor Frutt: Emma, did your dad ask you to say that?

Emma Stanfield: No.

The Yard of Alan Shore's Home

Alan Shore, wearing his eyeglasses, drives up in a late model Mercedes sedan, parks, takes off his glasses and tosses them onto the dashboard. He gets out of the car, and hears a dog barking, then splashing in the pool, and the laughter of a child and a man. He goes to the pool to investigate, and sees Ashley and Randy Markham swimming in the pool.

Randy Markham: Ye—ah. You like that?

Ashley Markham: Yes.

Alan Shore: Mr. Markham?

Randy Markham: Hi. So sorry to come here. Ah, my daughter Ashley . . . **points to her by his side in the pool** Say hello, baby.

Ashley Markham: Hi.

Randy Markham: She never swam in a pool before. I thought while we were waiting . . .

Alan Shore: You have a daughter?

Randy Markham: Yeah.

Alan Shore: She live with you on the street?

Randy Markham: Actually, I'm not homeless. Live in a tenement in a project. Ah, I try to give her as normal a life as I can.

Alan Shore: **scoffs** What are you doing here?

Randy Markham: I got rolled.

Alan Shore: I'm sorry.

Randy Markham: For my shoes. I got rolled for my shoes. I got nothing for testimony tomorrow. Had your address and I just figured, you got me this suit, but the shoes, you know, point . . .

Alan Shore: I'll bring you another pair of shoes tomorrow.

Randy Markham: **starts to walk away, then comes back** Can I ask you a question? You don't gotta answer if you don't want to.

Alan Shore: No. Go ahead.

Randy Markham: That girl in court today said I smelled. Do I smell?

Alan Shore: At the moment, only like chlorine.

Randy Markham: Please. Be honest with me.

Alan Shore: You do have a distinctive body odor.

Randy Markham: I do bathe. Maybe not as much . . . I do bathe.

Ashley Markham: Look at this Daddy. **cannonballs into the pool**

Randy Markham: I'm really sorry. She's always dreamed of swimming in a pool. I shouldn't have done this.

Alan Shore: No, it's okay. Swim as long as you like. And I'll see you tomorrow in court.

Randy Markham: Thank you—very much. **joins Ashley Markham in the pool**

Judge Harrod's Courtroom

Aisha Crenshaw: The observation posts are a joke. Those drug deals are captured on tape just as clearly as what I did, but the police don't respond. I doubt they even look at those tapes.

Jimmy Berluti: Is crack a big problem in your neighborhood, Aisha?

Aisha Crenshaw: Is it a big problem? My two-year-old daughter was killed in a drive-by three years ago. I've seen my friends' children become dealers, addicts. My street has become Crack Lane, Mr. Berluti. It's almost impossible for a child to grow up in our neighborhood without it being shoved in his face. There are drive-by shootings, random killings, intentional killings, and at the root of it all are drugs—cocaine, crack—all being dealt openly and notoriously by Marcus Thayer and others. And the police do nothing.

Judge Harrod: Counsel.

Jimmy Berluti: So what happened that day?

Aisha Crenshaw: What happened is: I decided to do something to save the kids on our street. I decided to protect the lives that Marcus Thayer was so intent on destroying.

Judge Harrod: Miss Crenshaw, as I have advised your counsel, I would advise you. "Defense of others" is not a justifiable theory . . .

Aisha Crenshaw: It's justifiable to the parents who live in our neighborhood.

Judge Harrod: Miss Crenshaw, I would instruct this jury not to accept self-defense or defense of others . . .

Aisha Crenshaw: Why don't you instruct the mayor to instruct the police to clean up our streets?

Judge Harrod: You have the right to present your testimony, but as you move forward . . .

Aisha Crenshaw: These dealers are arrested over and over, and never do time. It has to stop.

Judge Harrod: I will tell this jury in no uncertain terms that as a matter of law, they cannot even consider defense of others as an exculpatory theory. Do you understand that?

Aisha Crenshaw: I think so. As a matter of law, the truth of what happened that day can't be considered in this room.

Judge Harrod: I will see counsel in chambers. **arises and heads for chambers**

Judge Harrod's Chambers

Judge Harrod opens the door; Jimmy Berluti, Eugene Young, and D.A. Asher Silverman follow him into the room.

Judge Harrod: I gave you a specific order.

Eugene Young: We passed that on to our client, but as your Honor well knows, every criminal defendant has the right to take the stand and tell his or her story. Our client chose to exercise that right.

Judge Harrod: If you argue defense of others in your closing, I will have both of your bar cards! Do you understand me? Do you understand me, counsel?

Eugene Young: We understand.

Jailhouse Consult Room

Ellenor Frutt: I just think we need an alternative version to suicide. The idea that she killed herself with cyanide . . . **shakes her head** Look. I assembled a mock jury. I presented the defense side only—none of the prosecution's evidence—and, still, none of them would swallow suicide.

Bradley Stanfield: Wha—what do you mean a mock jury?

Ellenor Frutt: I wanted to test our defense because I am very nervous about it. And as I said, I only gave them our version, and still . . .

Bradley Stanfield: No, you didn't give them *our* version, Ellenor. I am the defense version. Your little mock jury didn't hear from me.

Ellenor Frutt: Brad . . .

Bradley Stanfield: My wife was a very bad woman. She had an affair. She wanted to leave me, Ellenor—destroy our family. I'm sure she was wracked with guilt over that. Don't you? Ask Emma. Molly seemed very sad. She committed suicide.

Judge Dickem's Courtroom

Alan Shore: You kissed her as she described.

Randy Markham: Well, I didn't totally surprise her. I gave her a chance to see me coming. I wanted her to see me first.

Alan Shore: Why is that?

Randy Markham: 'Cause I wanted her to know who was kissing her.

Alan Shore: Can you tell us why?

Randy Markham: Well, the day before, I'm sittin' on Columbus, had my little girl with me—6 years old.

Alan Shore: What were you doing on Columbus Street?

Randy Markham: Beggin'. Soliciting for money. I work here and there, where I can, but when I don't have enough money for food, I'm not above asking people for help. That's what I was doing this day. And she walks by.

Alan Shore: She being . . .?

Randy Markham: The girl I went on to kiss. She walks by, I ask for help, and she made a remark about me being disgusting, about me smelling. **To Debbie Huber:** You said that! **To Alan Shore:** Right in front of my daughter. **Back to Debbie Huber:** And then you mumbled some other things as you walked away. **To Judge Dickem:** Things I would never repeat. **Back to Alan Shore:** But my daughter heard it.

Alan Shore: Then what happened?

Randy Markham: I watched her walk into her building. And I turned to my baby, and she was crying.

Alan Shore: Why was she crying?

Randy Markham: 'Cause of what she heard. I haven't been able to give my daughter much. But I did give her the right to respect her dad. And maybe even on the odd day admire. **To Debbie Huber:** You took that from her.

Alan Shore: Mr. Markham, why kiss this woman?

Randy Markham: Because I wanted to embarrass her the way she embarrassed me. I walked my smelly ass into her office, I walked my disgusting self right up to her, and I kissed her to humiliate her. **To Debbie Huber, pointing his finger in emphasis** Make you feel the way I felt! The way I still feel. Sitting in a courtroom, listening to you tell this judge and everybody that it took you three showers to get the smell off of you. **pounds the dais in front of him 4 times**

Jailhouse Consult Room

Aisha Crenshaw: Murder two?

Eugene Young: It allows for the possibility of parole. We think you should take it.

Aisha Crenshaw: What would my sentence be?

Eugene Young: Life. But again, with murder one . . .

Aisha Crenshaw: Forget it.

Eugene Young: Aisha . . .

Aisha Crenshaw: I said, forget it.

Eugene Young: I heard what you said. Listen to me, please. We have nothing. Our only hope—if you can even call it a hope—is for a hung verdict. Our only chance to get that is to convince a juror to say, “To hell with the law.”

Aisha Crenshaw: Good. Get one to say that.

Jimmy Berluti: If they come back guilty—which truthfully, how could they not?—you get life, no parole.

Eugene Young: There’s no point in being a martyr.

Aisha Crenshaw: **shakes her head** I know you care. You care because we’re all on the same side. Problem is: with too many voices, you get noise. So let’s speak with one voice. And since I’m the client, since I’m the one who’s going to be sittin’ in that prison cell, let’s let the voice be mine. Jimmy, I want you to look those jurors in the eye and tell them that the law is wrong. Marcus Thayer had it coming. The law is wrong.

Hallway at the Courthouse

Alan Shore: Debbie. Hello.

Debbie Huber: You’re dishonest, you know. Dressing him up like that in a suit! That is not what accosted me, and you know it.

Alan Shore: Debbie, this case was assigned to me. Certainly you know that. Do you think I *like* defending these kinds of people? You know this isn’t technically relevant to the case, but I touched myself with you in mind last night. Your hair was very different, but anyway . . . **takes her by the elbow, conspiratorially, and starts walking with her** Just between you and me, it turns out Mr. Markham has a homeowner’s insurance policy—cheap, but not totally worthless. If you were to, say, sue him civilly, you might get, say, \$10,000. **has Debbie Huber backed up against a glass wall**

Debbie Huber: I would?

Alan Shore: **puts his briefcase down next to her** The policy covers defamation of character. For you to allege his kissing you defamed you—perhaps people thought you were a couple—the claim would be colorable with the assistance of a good attorney, which I am. Of course, I would need you to drop the criminal complaint. We’d wanna throw Randy a bone, wouldn’t we? I bet you could use \$10,000? Think of the shopping, Debbie?

Debbie Huber: Isn’t that like an illegal bribe?

Alan Shore: Which means this would have to be our little secret.

The Practice—Common Office Area

Eugene Young: It’s all in the wording, Jimmy. You word it right, he can’t shut you down. But if you’re not disciplined with every word . . .

Jimmy Berluti: Okay.

Eugene Young: All we need is one juror. One juror buys us a hung jury. With that, we get a new trial, and that’s all we can hope for at this point.

Jimmy Berluti: And what if he does shut me down?

Eugene Young: Well, if you word it right, he can’t—without handing us a new trial. And if he does that, great. **stands up and puts himself in Alan Shore’s walking path**

Alan Shore: Hello.

Eugene Young: What’s this embezzling thing?

Alan Shore: Thank you for asking. It was sort of a half-Robin Hood kind of thing. I took from the rich.

Eugene Young: And who’d you give to?

Alan Shore: I kept it. Thus, the half-Robin. **pause, as Eugene Young reacts—displeased** I’ve disappointed you.

Eugene Young: What’s this about bringin’ a hooker to a client’s wedding?

Alan Shore: The invitation said “significant other.” I assure you, she was extremely significant.

Now, Eugene Young is VERY displeased. Alan Shore nods, and steps past him.

Press Conference

Ellenor Frutt: It doesn’t even matter whether the judge allows cameras in the courtroom or not. You’re already in that room. More importantly, and alarmingly, you’re in the jury room. Every article being written about Brad Stanfield presupposes his guilt. He’s the horrible husband who murdered his pregnant wife. Amazing! That you can all know that without being privy to the facts. The prosecution has guarded this case tightly. We don’t even know the evidence. And yet, with the media, the world, and possibly the potential jury pool, he already stands

guilty. Get this: Molly Stanfield took her own life. And when the facts finally and appropriately come out in trial, you will all know what I know now. My client is innocent.

A cacophony of reporters all asking questions in unison.

Conference Room

Alan Shore: *holding Debbie Huber's hand and helping her into a chair at the table* Okay. *sniffs* Hmm. Chanel. *sits in chair next to hers, at the head of the table* We can make this very simple. Randy will agree not to contest the claim, which he has to do as the policy holder. He'll also waive the conflict, so I can help you, Debra. You agree to drop the criminal complaint, and we all agree to keep this agreement completely private.

Debbie Huber: And what if the insurance won't pay?

Alan Shore: They will. It's a lot less than the cost of litigation. I also know the claims adjuster. He's a friend. A giver. Corrupt. The only thing left, then, would be the apology. We would like it to be both oral and written.

Debbie Huber: *realizing what Alan Shore and Randy are expecting from her* Wait! You want *me* to apologize?

Alan Shore: In person, now. And in writing, so his daughter can read it when she's older.

Debbie Huber: Why would I ever apologize to him?

Alan Shore: Because you offended his dignity, Debbie. You were disrespectful to an honorable man and his daughter. You demeaned his character. What you did was wrong. *moves the paper and pen in front of him so Debbie Huber can sign* Those are the conditions. Non-negotiable.

Judge Harrod's Courtroom

Jimmy Berluti: I believe quite strongly in law and order. We are a nation of laws, and it would be wrong for me or any lawyer to say it's okay for one person to take the law into her own hands. So I won't argue that. Even if children were dying in front of her, as was the case with my client. Even if she had to witness teenage drug addiction, gunfire, sometimes the killing of innocent people, such as her own two-year-old daughter. As I said, it would be wrong for me, as an officer of the court, to argue that she be allowed to take the law into her own hands. So I won't argue that. I won't argue self-defense or defense of others. But you all heard what was in her mind. It is within the power of this jury to vote your conscience, and I would implore you to dig into your conscience today.

Judge Harrod: Mr. Berluti . . .

Jimmy Berluti: Martin Luther King, Jr. said, "When confronted with an unjust law, the moral and ethical thing to do is to break that law." He said that. It would be wrong for me to say it.

Judge Harrod: Counsel . . .

Jimmy Berluti: My client had no right to take the law into her own hands. Of course not. It is totally irrelevant that the police weren't protecting her neighborhood. Also irrelevant that the conviction rate for drug arrests in Boston is below ten percent. Below ten percent! Put that out of your minds. Drug use is going up, while drug arrests are going down. It's out of control. But it has no relevance here. What are we as parents supposed to do? That's a rhetorical question, of course. Not an issue for today.

Judge Harrod: Mr. Berluti . . .

Jimmy Berluti: As a matter of law, Aisha Crenshaw should have waited for the police to respond, even though they weren't responding. She should have let the children become drug addicts or drug dealers. She should have let them continue to die. She should have done nothing, and let all this happen because, after all, we are a nation of laws. *looks into the eyes of the jurors, walks back to the defense table and sits down*

D.A. Asher Silverman: *arises* The law Mr. Berluti suggests you defy is the one against murder, and what he's asking you to embrace is terrorism. The defendant decided someone was not worthy of life, and so she acted to execute, and her lawyer now stands before you, mocking our allegiance to law and order. There are many countries in the world who tolerate street justice—you don't like somebody, you just shoot them. There are places where this happens. But this is America. We don't commit vigilantism. We don't tolerate murder when the killer sees fit, no matter what his or her conscience. And we certainly don't embrace terrorism. My heart goes out to Ms. Crenshaw for the loss of her child. Could the police do a better job? Perhaps. If they had the resources, I'm sure they would. But what's the answer? For citizens to pull out guns and shoot the bad guys? Is that a country we want to live in? Is it? I, too, believe a jury should reflect the conscience of America.

D.A. Asher Silverman: *triggers a TV set next to the juror's box to replay the videotape of Aisha Crenshaw shooting Marcus Thayer.*

D.A. Asher Silverman: *That* is not in my conscience. And I pray to God, for all our children, it's not in yours.

The Practice—Conference Room

Alan Shore *has his feet up on the table, reading a newspaper and smoking a cigar.*

Tara Wilson: *fake-smiling* Hi.

Alan Shore: Hi.

Tara Wilson: *takes the cigar out of Alan Shore's mouth* It's just too phallic. Do you mind?

Alan Shore: You know, I've heard of this faux flirtatiousness being used to cover the real thing. Are you attracted to me?

Tara Wilson: Are you looking for a slap?

Alan Shore: Tara! Rather rough trade for a secretary.

Tara Wilson: I'm a third-year law student and a paralegal, not a secretary. *holds up a legal paper* This agreement that you had me type up? Tantamount to insurance fraud.

Alan Shore: Is that wrong?

Tara Wilson: Little advice: You might mock the law and get away with it, but don't make sport of me. Are we clear, Al?

Alan Shore: So, you *are* attracted to me.

Randy Markham walks in and knocks on the door frame.

Alan Shore: Mr. Markham! *arises, folding and putting his newspaper down*

Randy Markham: I—I don't want to take up much of your time. I'm not a good talker, but . . . In my life, I never had anybody recognize me as a person of dignity. Nobody ever called *me* honorable before. And in keeping with the character that you accused me of having . . . *holds out his hand to shake Alan Shore's hand* Thank you, Mr. Shore.

Randy Markham turns and exits, leaving Alan Shore and Tara Wilson both speechless

Judge Harrod's Chambers

Judge Harrod: You think you're clever, Counsel? You think that closing was clever?

Jimmy Berluti: Hey, Judge, if you think I crossed the line, call a mistrial. In fact, you might have a duty to . . .

Judge Harrod: You'd like that, wouldn't you? Get a new trial. Is that what's going on—you want a mistrial?

Jimmy Berluti: I'm just interested in us all doing the right thing.

Judge Harrod: Now you listen to me, you . . .

Jimmy Berluti: Hey! You told me what I couldn't argue. I stood up there and expressly didn't argue it. You got any problem with me now, then it must be personal.

Judge Harrod: I take my courtroom very personal. And if . . .

Jimmy Berluti: If I crossed the line, call a mistrial.

Eugene Young: All right.

They are interrupted by a knock on the door; the Bailiff enters.

Bailiff: Jury's back.

Judge Harrod's Courtroom

Judge Harrod: Mr. Foreman.

Foreman arises.

Judge Harrod: Am I to understand you have reached a unanimous verdict in twenty minutes?

Foreman: Yes, your Honor.

Judge Harrod looks somewhat sternly and somewhat surprised at Eugene Young, Jimmy Berluti, Aisha Crenshaw and D.A. Asher Silverman.

Judge Harrod: Okay. What say you?

Foreman: In the matter of the Commonwealth vs Aisha Crenshaw, on the charge of murder in the first degree, we find the defendant, Aisha Crenshaw, not guilty.

Chorus of surprise in the gallery.

Aisha Crenshaw: *to Jimmy Berluti* Not guilty? As in straight not guilty?

Jimmy Berluti nods slightly; he and Eugene Young are shocked and speechless.

TV Screen in the Common Office Area of The Practice

Beverly White, TV Reporter: Obviously, there's no accounting for it. This jury simply made a decision to let a guilty person go free. Clearly, Mr. Berluti's endorsement of civil disobedience registered. **The camera swings around, and we see Tara Wilson, Jamie Stringer, and Ellenor Frutt watching the proceedings.** Not my version of justice, Paul. **back to TV screen** I'm being informed Ms. Crenshaw is about to make a statement.

Press Conference

Aisha Crenshaw: Am I surprised? Yes. But I'm also heartened. The jury sent a message not just to me or the police, but to all of us. We need to take back our streets. The Second Amendment gives us the right to bear

arms to defend our homes, our streets. It's time that the good people start exercising that right to defend our children. We, the people, need to rise up. We need to put these dealers down before they take any more of our children. And it's not just in Boston—all over you hear about tax cuts. Well, it's service cuts. And it's the poor neighborhoods suffering these service cuts across this country. We need to rise up and do a job.

Cacophony of reporters, all shouting at once. Eugene Young and Jimmy Berluti look horrified at facing their angry questions.

Alan Shore's Backyard

Alan Shore walks out to the pool patio, bottle of beer in hand, and looks out at the empty pool, deep in thought.