

**The Practice**  
**Pre-Trial Blues**  
**Season 8, Episode 14**  
**Written by David E. Kelley**  
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***In a bar, Alan Shore and Father Tom Dugan are sitting at a table having a beer.***

**Alan Shore:** All I'm asking without breaking the seal of any specific confession is that you reveal to me, generally, whether any ...

**Father Tom Dugan:** I thought we were going out for a beer as old friends.

**Alan Shore:** You know something.

**Father Tom Dugan:** Why do you insist on that?

**Alan Shore:** Because I can read you. I could when I was ten! **Tom squirms uncomfortably.** Tom.

**Father Tom Dugan:** I know absolutely nothing that bears on this case.

**Alan Shore:** How about you let me be the judge of that?

**Father Tom Dugan:** And if I knew anything, Alan, the information wouldn't be favorable to Paul.

**Alan Shore:** **A beat. He is stunned.** You said yourself, "There's no way he could have done this."

**Father Tom Dugan:** I don't believe there is. **Alan waits for more.** Look. And this is all I'm gonna say. Brenda felt like he was becoming emotionally involved with her. It concerned her, she talked about that. There. I've broken seal. Thank you very much. I hope you're happy. Now I need to go to confession.

**Alan Shore:** That's all?

**Father Tom Dugan:** Yes!

**Alan Shore:** I don't believe you.

**Father Tom Dugan:** Oh, for God...

**Alan Shore:** Come on, Tom! Don't insult me here. This girl ended up in some very unlikely places. You of all people know that.

**Father Tom Dugan:** **He is startled.** Meaning?

**Alan Shore:** **A beat. A long beat.** Tom? Was she ever with you?

**Father Tom Dugan:** **Weakly.** What?

**Alan Shore:** You heard me. Were you and Brenda ever...?

**Father Tom Dugan:** Oh, you've gotta be out of your mind!

**Alan Shore:** I am. Were you ever out yours? With Brenda? **Tom squirms. Alan leans forward and moves aside the beer mug between them.** I'm offering you a little window, my friend. Whatever you share with me here, it stays confidential between two old friends. Whatever I should turn up on my own however? I will use. I'm not kidding.

**Father Tom Dugan:** **A beat.** Two old friends havin' a beer. It stays between us?

**Alan Shore:** You have my word.

**Father Tom Dugan:** It happened once.

**Alan Shore:** When?

**Father Tom Dugan:** Two years ago. She was in my office in distress over... who knows what affair she was having. She was describing it, she, she felt demeaned by the sexual nature of it. She was rather graphically describing the events and, God help me, I got aroused. You know, I'm not sure I was even aware of it, but evidently she was. And she propositioned me.

**Alan Shore:** **A beat.** I don't even know how to respond to that. I'm shocked. I'm stunned. I'm jealous.

**Father Tom Dugan:** I am a good priest. This stays between us, Alan. It has nothing to do with this case.

***At Young, Frutt and Berluti, in the outer office, Alan is talking to Jamie Stringer.***

**Alan Shore:** His name is Terry Glazer, he's a professional jury consultant. I need you to me...

**Jamie Stringer:** I thought I was meeting with a witness.

**Alan Shore:** Your are. Mr Glazer will be in later. You're to drive him to Dedham, interview people...

**Eugene Young:** **He comes out of his office.** Has anybody seen Tara?

**Alan Shore:** She's out with a client. She'll be out all day.

**Eugene Young:** I need a typist today, Alan.

**Alan Shore:** I'm sure Jimmy can type.

**Jimmy Berluti:** What'd you say?

**Eugene Young:** Tara works for the firm, Alan, not just you.

Alan Shore: Forgive me, but since I just brought in seven hundred and fifty thousand dollars, on top of the two million before that, on top of the three million before that! I...

Jimmy Berluti: We all have caseloads here!

Alan Shore: I've seen your caseload, Jimmy. And trust me; Tara can't keep up with an ambulance.

Jimmy Berluti: **He throws his papers down and moves toward Alan.** You know what?!

Eugene Young: **He moves in front Jimmy to block.** Hey!

Alan Shore: I have an important trial starting next week. Keep that man away from me.

**Eleanor is watching this. The door opens, Catherine Piper comes in.**

Catherine Piper: Hello!

Alan Shore: Catherine! This way please.

Catherine Piper: Well! From your fancy suits I'd never have guessed you work in such a crap hole.

Alan Shore: This way.

Catherine Piper: **To Eugene.** My! Aren't you black?

Eleanor Frutt: Hold on. She's a prosecution witness. Why is she here?

Catherine Piper: Because I care, Sweetheart.

Alan Shore: Come on, Catherine.

**Alan takes Catherine into his office. Jaime is there.**

Alan Shore: Thank you for coming in.

Catherine Piper: I'm not giving back any of he money.

Alan Shore: I don't wanna hear anything about money or any transaction, Catherine. **Jamie looks from Alan to Catherine.** This is Jamie Stringer, my associate.

Catherine Piper: Hello, Dear.

Jamie Stringer: Hi.

Alan Shore: I want you to go over your testimony with Jamie. Every single de...

Catherine Piper: That wasn't part of the deal.

Jamie Stringer: What deal?

Alan Shore: There is no deal, Catherine. You're a potential witness in the trial. You'll likely be called to give testimony. We need to know what exactly what the testimony will be. I'd like you to sit with Jamie and te...

Catherine Piper: I'm sorry. I'm afraid that's not possible.

Alan Shore: Why not?

Catherine Piper: **To Jamie.** No offense, Sweetheart. I'm sure you're darling, but your mouth looks like a drive-through window for oral sex. **To Alan.** I'm a Christian woman. Get me another lawyer.

Jamie Stringer: **She pulls Alan aside.** What the hell is this?

Alan Shore: She's nuts. But we need her.

Jamie Stringer: What's this deal she's talking about?

Alan Shore: The two of us played strip mahjong last night, it got rather ugly.

Jamie Stringer: Alan?

Alan Shore: Get her testimony, then meet with the jury consultant and get to Dedham.

**In Paul Stewart's house, in the living room, Paul Stewart and Tara Wilson are there.**

Tara Wilson: And according to Father Dugan, Brenda believed that you were becoming emotionally involved. Is that true?

Paul Stewart: **He chuckles embarrassedly.** I don't know.

Tara Wilson: Paul. Look at me. **He does.** Next week we defend you on murder charges. I need to ask you personal question, perhaps uncomfortable ones and you need to answer them. **Paul puts on a brave face and gets ready.** Were you in love with Brenda Wilbur?

Paul Stewart: **A beat. He nods slightly.** I believe I was falling in love, yes.

Tara Wilson: And did she indicate her feelings toward you?

Paul Stewart: She indicated that she was only interested only in sex.

Wendy Stewart: **She is standing in the doorway.** I'm sorry. **Paul looks back startled.** Alan just called. He's on his way. He wants you to meet him at the courthouse.

Paul Stewart: Okay.

**Wendy leaves.**

Tara Wilson: Are you in love with her?

Paul Stewart: I'm sorry?

Tara Wilson: Your wife. Are you in love with her?

Paul Stewart: Of course I am.

Tara Wilson: Paul, I kept sensing that you are looking to present yourself in the best possible light, and that helps neither me, nor you. **A beat.** Are you in love with your wife?

Paul Stewart: No.

Tara Wilson: Is she with you?

Paul Stewart: No. We share the same commitment to our children. We like the same movies, same books. We're two wonderfully compatible people, actually. The perfect couple. Romantically dead.

**In Judge Marcus Winnaker's courtroom, all parties are present. DA Harvey Clarke and Alan are standing in front of the Judge's bench.**

DA Harvey Clarke: Mr Shore is free to review our autopsy report. There's no need for...

Alan Shore: I want to conduct my own.

Judge Marcus Winnaker: Why?

Alan Shore: First, because it's fun. And second...

DA Harvey Clarke: It's indecent to the victim to be dissected and probed again.

Alan Shore: The victim is dead. I'm sure she's got other things on her plate.

Judge Marcus Winnaker: Mr Shore. We don't make fun of the dead in this courthouse.

Alan Shore: I can see why. There's so much sport to be had with the living. Look, Your Honor, the defense is entitled to conduct its own autopsy. I'm not looking for a favor, I'm exercising a right.

Judge Marcus Winnaker: Mr Clark. Let his people examine the body. What else we got?

DA Harvey Clarke: That's it, Your Honor.

Judge Marcus Winnaker: Chambers. **He leads the way into his chambers.** Okay. Let's cut to it. We... **He turns to see Victoria Stewart has followed Alan, Tara and Harvey into the chambers.** What are you doin' here? This is just for lawyers.

Victoria Stewart: Mr Shore is acting as my agent, I therefore...

Judge Marcus Winnaker: This meeting is for Counsel only.

Victoria Stewart: I'm paying for it.

Judge Marcus Winnaker: Either show me your bar card or get the hell outta here!

Victoria Stewart: It's not nice to remove people, Marcus. What's the expression? What goes around comes around?

Judge Marcus Winnaker: Victoria? You may run this town, but you don't run my courtroom. Either get out or I'll have you thrown in a jiggle cell.

Alan Shore: **To Victoria, in a stage whisper.** I could be wrong, but I think he wants you to leave.

**Victoria leaves.**

Judge Marcus Winnaker: That woman needs to get laid. Okay, sit! **They do.** I spent all day yesterday pouring over this case. Mr Clark, it's all circumstantial. Mr Shore, it's clear as hell that your guy did it. I say, go voluntary man-slaughter, eight years, the media can go screw themselves. All in favor?

**A beat.**

Alan Shore: You must be joking.

Judge Marcus Winnaker: Hey, Al. You haven't lived here in a long time. Why don't you go to a reunion or two? Hang out? Go shoot a few games of pool down at the pub. You know what the buzz is here in your jury pool? He's guilty!

Alan Shore: You know what, guys? I'd like to move for a change of venue.

Judge Marcus Winnaker: Too late. All motions were to be fil...

Alan Shore: It's never too late. By the way, if that's the buzz you're hearing around the checker board down at the barber shop? You have a duty to remove this to another venue.

Judge Marcus Winnaker: I like to think my ability to run a fair trial can overcome any potential jury bias. If I were you, I'd plead.

Alan Shore: You're not. I won't.

Judge Marcus Winnaker: I hope Counsel is looking at the evidence objectively.

Alan Shore: I never do that, Your Honor. Do you?

**A beat.**

Judge Marcus Winnaker: Get out. I wanna talk to Mr Clark.

Alan Shore: That would be exparte.

Judge Marcus Winnaker: We don't talk Latin here in Dedham. Get the hell outta here.

Alan Shore: Perhaps I can interpret for you. I have the right to be present at any meeting...

Judge Marcus Winnaker: I wanna talk fishing. And don't want you learning my favorite holes. Out!! **A beat. Alan and Tara leave.** You'd better add man-slaughter to your pleadings.

DA Harvey Clarke: Man-slaughter? He took a hammer to her head twenty times.

**Judge Marcus Winnaker:** Exactly. This Shore character is smart. He might very well get up there and say whoever did this must have been acting in the heat of passion. If the jury doesn't have man-slaughter to fall back on they might have no choice but to acquit!

**DA Harvey Clarke:** Judge, Paul Stewart is well-liked. If they do have man-slaughter to fall back on, they might do so, just out of sympathy.

**Judge Marcus Winnaker:** Your case is circumstantial, Harvey! This Shore is a shrewd SOB! And you'd be smart to keep all your options open.

**DA Harvey Clarke:** *He takes out a photo and places it in front of the Judge.* Look at her. *The Judge looks down at the picture then back up at DA Harvey Clarke.* This isn't man-slaughter.

**At Victoria's house, she and Alan are walking into her living room.**

**Victoria Stewart:** He actually said that? I need to get laid?

**Alan Shore:** I'm keeping track of everything he says in case we should need it for appeal.

**Victoria Stewart:** And is that why you're here? Because you agree?

**Alan Shore:** I'm sorry?

**Victoria Stewart:** That I need to get laid.

**Alan Shore:** No! That's not why I'm here.

**Victoria Stewart:** Pity.

**Alan Shore:** *He sits down.* I would think your son being on trial for murder might put a slight chill in your libido.

**Victoria Stewart:** Crisis might lower sex-drive, but it also intensifies loneliness. *She sits down facing Alan.*

**Alan Shore:** Ah! The passive-aggressive come on. Much better.

**Victoria Stewart:** Uh hm.

**Alan Shore:** The reason I'm here. I've made a mistake. It seems I should have moved for a change of venue after all. I thought Paul's popularity within the town would work in our favor. Where I miscalculated was with the profound contempt the people Dedham seem to have for you. I know this is difficult to hear, and I'm sure much of it has to do with envy; you're a rich, powerful woman, who young boys wanna sleep with. But I need to distance you from the defense team. *He gets up.* You need to be in the background. Far, far in the background. I want you sitting in the back of the courtroom. You can't be entering and leaving with us. I can't have the jury looking at Paul and getting so much as a glimpse of you. *A beat. Victoria looks down. Alan touches her shoulder.* Hey. *She looks up at him.* You're wonderful woman, and I like being the only one who knows it.

**Victoria Stewart:** Al.

*They share a look. Victoria hangs her head touching her cheek to Alan's hand..*

**At Young, Frutt and Berluti, in the outer office Eleanor and Jimmy are preparing to leave.**

**Jamie Stringer:** *She comes in.* Ugh! My feet are killing me.

**Eleanor Frutt:** You're just getting back? It's ten o'clock!

**Jamie Stringer:** Yes! What are you guys still doing here?

**Jimmy Berluti:** I have my motion to compel, tomorrow. Remember? You were gonna help me with that research?

**Jamie Stringer:** Well, I'm sorry, Jimmy, but I've been hoofing it all over Dedham with a jury consultant, interviewing...

**Jimmy Berluti:** You see?

**Eleanor Frutt:** Alright. Let's just...

**Jimmy Berluti:** It's not alright. The guy is monopolizing associates like he's a partner. Which he isn't. And I am!

**Eleanor Frutt:** Jimmy! He's about to start a new trial.

**Jimmy Berluti:** We all have trials, Eleanor. I'm sick of this. And I'm also sick of you making excuses for the guy!

*He leaves, slamming the door behind him.*

**Jamie Stringer:** Good day at the office?

**Eleanor Frutt:** How's it goin'?

**Jamie Stringer:** Our expert jury consultant has deep concerns.

**Eleanor Frutt:** Well, if anyone can pull it out, Alan's the guy.

**Jamie Stringer:** Eleanor? *A beat.* Never mind.

**Eleanor Frutt:** What?

**Jamie Stringer:** I think I got a peek at how Alan pulls things out.

**Eleanor Frutt:** What do you mean? *Jamie doesn't reply.* Jamie? Finish what you started to say.

**Jamie Stringer:** Well... I think... and I can't be sure, but I think, Catherine Piper, that wacky prosecution witness that was in this morning? I think she's being paid to modify her testimony.

**Eleanor Frutt:** I beg your pardon?

**Jamie Stringer:** There was all this cryptic talk about a transaction or a deal, and Alan tried to shut the conversation down, like he didn't want me to hear it. And again, I can't be positive, but I think this Fruitcake is being paid off!

**At the Stewart's house, Wendy is packing furiously. Paul and Tara are there.**

**Tara Wilson:** We've had this discussion already.

**Wendy Stewart:** I don't care.

**Paul Stewart:** Wendy!

**Wendy Stewart:** Shut up, Paul.

**Paul Stewart:** Where are the kids?

**Wendy Stewart:** With my mother, where I will be shortly, unless you'd like to run off after yours.

**Paul Stewart:** Ha!

**Tara Wilson:** Listen!

**Wendy Stewart:** This doesn't concern you!

**Tara Wilson:** If you leave now you'll be indicting him with the jury pool!

**Wendy Stewart:** What is going on? What's suddenly changed in the last few hours?

**Wendy Stewart:** What's changed, Paul, is you loved her. She wasn't just some... You loved her. And I can't wake up in this house with you, and I can't even pretend to be on your side!

**Paul Stewart:** Where is all this coming from? It's not like you loved me? What is this about?

**Wendy Stewart:** I won't be your damn trial prop. I won't walk into court as the loyal wife. **She breaths brokenly.** Good luck. Good bye.

**At a Catholic Church, it is dark, Father Tom Dugan is turning off lights.**

**Alan Shore:** Tom.

**Father Tom Dugan:** **He is startled.** Ah! **He lets out a deep breath.** God Lord, Alan, you scared me. What the hell you doin' sittin' there like that?

**Alan Shore:** **He gets up.** Tom. What we talked about, as friends, over drinks. You and Brenda. I'd like your permission to use it.

**Father Tom Dugan:** What? Use it how?

**Alan Shore:** It doesn't bear directly on this case...

**Father Tom Dugan:** You gave me your word that you wouldn't!

**Alan Shore:** And I'll stick to my word. I won't do anything without your permission, but please, hear me out. The way Brenda propositioned you; it is extremely relevant to establish her sexual aggressiveness. The idea that she could have brought somebody, perhaps a stranger even, who then killed her. That's a real possibility. One I need to be able to convince a jury of. The fact that she came on to a priest is...

**Father Tom Dugan:** No.

**Alan Shore:** Tom.

**Father Tom Dugan:** No! It would destroy me. My parish. No! Not to mention, it's completely extraneous. You would just... you'd look desperate, for God's sake!

**Alan Shore:** I'm afraid I'm feeling a little desperate. I'll honor my word. I won't reveal your secret unless you allow me to. But please, please think about it.

**They look at each other for a moment, and then Alan walks past Father Tom to leave.**

**Father Tom Dugan:** I've been subpoenaed! **He turns around to look at Alan.** By the prosecution.

**Alan Shore:** Why?

**Father Tom Dugan:** He came here the night of the murder.

**Alan Shore:** Paul?

**Father Tom Dugan:** Yeah. He said that he needed to confess. And he panicked. I, I think because he heard other people. He, he fled before he went into the confessional.

**Alan Shore:** Why did you not tell me this?

**Father Tom Dugan:** Because I felt it was private between a parishioner and his priest.

**Alan Shore:** So why are you telling me now?

**Father Tom Dugan:** Because someone on the cleaning crew evidently overheard it and reported it to the police. It's not private anymore.

**At the Stewart house. Alan, Tara and Paul are there.**

**Paul Stewart:** I went to confession because I had just... **(There may be some dialog missing here.)** ...plus the affair. I was in shock, in crisis; I needed to speak with my priest. I didn't go to confess murder!

**Alan Shore:** I understand. But this doesn't look good, Paul. You're seen leaving the victim's house and then seen, minutes later, rushing to a priest ostensibly to confess.



Paul Stewart: They have no witnesses to my leaving the house.

Alan Shore: You hope. **He looks around.** Where's Wendy now?

Paul Stewart: She's still at her mother's.

Alan Shore: You have to get her back.

Paul Stewart: She's not coming...

Alan Shore: Keep trying. I want her in the courtroom. **He looks at his watch.** I'm going back to the office to meet with the jury consultant. Voir dire starts after lunch, I want you there for that.

Paul Stewart: Okay.

Alan Shore: You okay?

Paul Stewart: I don't know. **He walks away.**

**Alan looks to Tara.**

Tara Wilson: I'll stay with him.

**Alan looks at Paul for a moment, and then leaves.**

Tara Wilson: **She walks over to Paul.** Whatever you're feeling your public face has to remain stoic.

Photographers will be snapping pictures. Any likeness of you in the newspaper must be that of an innocent man.

Paul Stewart: I miss her. Of all the times not to be able to talk to her.

Tara Wilson: We'll try to get her back.

Paul Stewart: Get her back? She's dead, Tara. I can't talk about that in public, can I? I can't let the potential jury pool see how much I loved her. I can't let people see me grieve because... **His voice breaks. Tara walks up to him.** I'm sorry. **He takes a deep breath.** I'm sorry. I just...

Tara Wilson: It's okay.

Paul Stewart: No. I don't mean to... I apologize.

Tara Wilson: Paul. Somebody you love has died. You're allowed to grieve. **He starts to cry. She hugs him.**

**At Young, Frutt and Berluti, in the conference room, Alan, Jamie and Terry Glazer are there.**

Terry Glazer: An older, black woman. That's your ideal juror. Somebody with life experience, somebody who understands that infidelity doesn't mean murder. And if there's any minority at all grab him or her. Minorities are your best chance for a hung jury. I can show you the statistics.

Alan Shore: Never mind what I want. Tell me what we figure to get.

Terry Glazer: Middle-aged, white, males who never went to college.

Jamie Stringer: Blue-collar men vote to convict ninety-eight percent of the time.

Alan Shore: Great.

Jamie Stringer: It's worse. Blue-collar's statically resent rich, the resent doctors, and here's one you'll like, they resent rich men with mistresses.

Alan Shore: We're defending a triple-crown winner.

Terry Glazer: You need to pray that there's at least one black woman in that pool. I have a series of litmus questions for you, but basically? You want black female. Black female. Black female. Am I being too subtle?

**In Judge Marcus Winnaker's courtroom. Alan is addressing several benches full of potential jurors.**

Male potential juror: George Bush is a great man.

Alan Shore: Because...?

Male potential juror: Because he's President of the United States. You don't get to be President without a measure of greatness.

Alan Shore: Bill Clinton? What about Bill Clinton, Sir?

Male potential juror: **A beat.** He was okay.

Alan Shore: Okay? What happened to, "You don't get to be President without a measure of greatness?"

Male potential juror: Mr Clinton, is brilliant, he is an excellent politician, but he committed infidelity. I can't respect any person who does that.

Alan Shore: Your Honor, I move that this juror be excused for cause.

DA Harvey Clarke: Objection.

Judge Marcus Winnaker: I'm not removing him.

Alan Shore: Your Honor, my client was unfaithful to his wife! Clearly...

Judge Marcus Winnaker: I'm not removing every juror who can't respect infidelity. We'd have nobody left!

**A beat.**

Alan Shore: Defense exercises one of its peremptory challenges.

Judge Marcus Winnaker: Thank you, Sir. You are excused.

Male potential juror: What?

Judge Marcus Winnaker: Sir! Please leave the room now!

Male potential juror: Fine. Far as I go, infidelity should be a crime. Put 'em in jail!

Black female potential juror: **Clapping her hands.** I hear ya! Yes, I do! Yes, I do!

**At the courthouse, in the witness room, Alan and Catherine come into the room.**

Alan Shore: What is up with you? What are you even doing here?

Catherine Piper: Well. I came to watch you in voir dire. See how you relate to the jurors.

Alan Shore: You aren't allowed in there. You're a witness, Catherine.

Catherine Piper: Oh that's right! That must be why I'm here. I'm a witness. Ha, ha. I need another fifty thousand dollars. Oh, actually that's a lie. I don't need it. I just want it.

Alan Shore: First. If it's for all the elective surgeries? You do need it. And second? Fifty thousand won't nearly get the job done. The answer is, "No."

Catherine Piper: I want the check by tomorrow. Tell Victoria I feel an attack of conscience coming on.

Alan Shore: Your conscience? That's a pinprick.

Catherine Piper: Alan.

Alan Shore: Catherine.

Catherine Piper: Alan!

Alan Shore: Catherine!

Catherine Piper: This give and take is little like tennis. Isn't it? You know? The game with the racket and the balls? Actually I've got your balls. Haven't I dear? And if you don't want me to making a racket, you'll tell Victoria to get me that extra fifty by tomorrow.

**She leaves the room, and walks by Detective Kevin McCarley talking to a reporter in the hall.**

Detective Kevin McCarley: We proceeded to trial quickly because it was a simple investigation. The guy was caught. He was seen leaving the house. **Alan comes out and sees this.** He left his prints hair and fibers in the house. The question I'd ask is why did the defense agree to a quick trial? And I suspect the answer is, because they're trying to trade on the doctor's reputation before it's shot.

Alan Shore: **He comes up.** Hello, Detective! Nice to see you talking to a reporter, commenting on the evidence. Be sure to get that spelling right. It's M-c-capital-C-a-r-l-e-y. Excuse us. **He takes Kevin off to the side.** See, Kev, the idea from your side is not to give defense any grounds for appeal. Talking to the press, contaminating jury pool kind of thing. State of mind is no excuse, by the way, you can't plead stupidity. Thoughts?

Detective Kevin McCarley: The reason this is being tried here in Dedham is 'cause you didn't move it when you had the chance. You didn't wanna move it 'cause you wanted to come back here and put on a big show in your hometown, and now it's backfiring. You're not even a criminal attorney, your specialty is anti-trust. Oh, you're here to help out your friend aren't you? You're a fraud. **He walks away.**

**At Young, Frutt and Berluti, Eugene and Eleanor are in the outer office, Jamie, Tara and Alan come in. Jamie walks up to Eugene as Alan and Tara go their different ways.**

Jamie Stringer: Norfolk County is a little ridged.

Eugene Young: You can't change venue?

Jamie Stringer: Apparently not. And some of our witnesses make us uneasy.

Eugene Young: Which witnesses? Catherine Piper?

**A beat. Jamie doesn't reply and just walks away.**

Eugene Young: **To Eleanor.** Let's do this.

Eleanor Frutt: Alan?! **He slowly comes out of his office. He looks tired.** Can we see you a second?

**They go into Eugene's office, he is waiting for them. Alan closes the door.**

Eleanor Frutt: **She takes a deep breath.** Jamie evidently heard an exchange between you and Catherine Piper which led her to conclude that this witness may have been bought. Do you know anything about that?

Eugene Young: And why would Jamie think that?

Alan Shore: You'd have to ask Jamie, Eugene.

Eleanor Frutt: I did. She heard the witness talking about a deal, a transaction, and then she heard you shut the discussion down. What's going on, Alan.

Eugene Young: And don't lie to us.

**A beat.**

Alan Shore: It appears that my client's mother may have bribed Ms Piper. I wasn't present for it, I don't know, I don't wanna know. That's why I instructed Ms Piper to tell me nothing about whatever deal they made or entered into.

Eugene Young: Well, it seems like you have enough to go to the Judge.

Alan Shore: I don't! And I won't!

Eugene Young: You won't? Look! Listen to me, Alan...

Alan Shore: I'll take a pass on that. Thank you. **He walks to the door, then turns back.** I've done nothing but listen to you since I walked through the door. And frankly, Eugene, I'm tired of listening to you, you're not that interesting. Let's make a little deal. Until this trial is over I'll keep completely out of your way, you stay the hell out of mine. **He leaves.**

Eugene Young: He's gone.

Eleanor Frutt: Eugene. Obviously he's feeling a lot of stress. This is one of his oldest friends on trial here.

Eugene Young: Eleanor. When this trial is over, that man is gone.

**At Young, Frutt and Berluti, Alan and Jamie come out of the outer office and walk towards the elevator.**

Jamie Stringer: I'm not good with dead... **(There may be some missing dialog here.)** What about Tara?

Alan Shore: Tara loves dead bodies. It's worrisome.

Jamie Stringer: I'm serious. Death makes me nauseous.

Alan Shore: Gee! And it so tickles the rest of us. Tara's busy interviewing witnesses. I need to go see Paul, who's on the verge of a breakdown. I need you to meet with the medical examiner. So, please. Just do it.

**At Victoria's house, Alan is let in by the butler.**

Alan Shore: Hello. **Victoria comes down the stairway.** Where is he?

Victoria Stewart: In his tree house. Believe that?

Alan Shore: His tree house? The one he and I...?

Victoria Stewart: It's still standing. You two swung a pretty good hammer back then. I suppose I shouldn't say that.

**In the tree house, Paul is there alone. He sighs. Alan climbs up.**

Alan Shore: George Scott whiffs, inning over. Isn't that our password?

Paul Stewart: Enter.

Alan Shore: I can't believe this thing is still standing.

Paul Stewart: It's been renamed. Home for Bad Husbands. **Alan chuckles.** I can't tell you how many times after fights with Wendy I'd come up here to sit.

Alan Shore: **He lifts a board in the floor.** Remember all our secret compartment to hide the cigarettes, beer and pot?

Paul Stewart: I found some of the old pot a few years ago, by the way.

Alan Shore: Smoke it? Is there any left? **He settles down.** What's going on?

Paul Stewart: I don't know if I can make it, Alan. This is...

Alan Shore: You'll make it.

Paul Stewart: **He sighs.** Tara tell you how much I miss her? Brenda?

Alan Shore: No, she didn't.

Paul Stewart: I have so much to be humiliated about, but being ridiculously in love with someone who didn't love me back...

Alan Shore: That's always a good one.

Paul Stewart: Am I gonna beat this?

Alan Shore: I don't know. The case is circumstantial. They don't have a murder weapon. They... **A beat.** I don't know.

Paul Stewart: I'll make a deal. Get me an acquittal, I'll meet you back here after, and I'll bring the beer.

Alan Shore: Bring a lot. **Paul chuckles.** The DA wants to meet with me. I think he plans to offer Murder Two. I assume you wouldn't want to accept that?

Paul Stewart: This feels like a test.

Alan Shore: It isn't.

Paul Stewart: I won't accept Murder Two.

**At the morgue, a door opens and Dr Heinrich Schmidt marches down the hallway with Jamie following him.**

Dr Heinrich Schmidt: Ms Krap, came all the way from New Haven.

Jamie Stringer: What exactly is the problem?

Dr Heinrich Schmidt: Oh, you'll see exactly problem.

Jamie Stringer: I don't actually have to see the body. Okay? You can tell me.

Dr Heinrich Schmidt: Words don't tell story. You need to see.

**They walk up to a table on which lies a sheet-covered body. They stand across the table from each other.**

Jamie Stringer: Wonderful.



Dr Heinrick Schmidt: **He opens a file.** Report says: Thirty-five year old, attractive woman. Beaten to death with hammer. **He closes the file and lifts the sheet covering the body. Jamie is suprised. The body is that of smiling, naked, male body.** Not beaten. Not attractive. Not woman!

Jamie Stringer: What the hell?

Dr Heinrick Schmidt: This is not Brenda Wilbur!

**At the police station, DA Harvey Clarke, Detective Kevin McCarley and Alan are there.**

Alan Shore: You destroyed her?

DA Harvey Clarke: Evidently, she was mistakenly ID'd as a transient. In our normal procedure, post autopsy... Look. We screwed up.

Alan Shore: You think?

DA Harvey Clarke: Technically, you need to file a motion to preserve the remains. You didn't do that.

Alan Shore: It's evidence. I hardly need file a motion. Don't destroy evidence?

DA Harvey Clarke: Our autopsy was complete. So even if we had...

Alan Shore: Hold on! I need to ask the obvious question, however delicate. **He points to Kevin.** Did he take the body home with him to... you know...?

Detective Kevin McCarley: Hey! Bite me.

DA Harvey Clarke: Kevin?

Detective Kevin McCarley: I've had it with this ass. He's enjoying this. He's been smug since the fifth grade, and I'm sick of it!

DA Harvey Clarke: Alright.

Alan Shore: I'd like to respond to that. First, yes, I am enjoying it. I can't wait to tell the jury you accidentally destroyed the corpse. Second, I believe I was quite humble your third year of fifth grade.

Detective Kevin McCarley: You know what?

DA Harvey Clarke: Just be quiet. Look. As I said, you'll get the relative tissues and fluids. Plus the reports. You won't be prejudiced. Now can we discuss a plea?

Alan Shore: There isn't going to be a plea.

Detective Kevin McCarley: You're making a mistake.

Alan Shore: **To Kevin.** You have a little booger. **He motions to his nose. Kevin wipes his nose.**

DA Harvey Clarke: Alan? You can't really wanna try this case.

Alan Shore: Oh but I can. **His cells phone rings. He picks it up.** Excuse me. **Into the phone.** Hello. **A pause.** I'll be right there. **He closes the phone.** There's a sale! **He leaves.**

**Out on the streets, Alan and Tara are talking to a man.**

Man: I did tell the police. They think I got the wrong house or something.

Alan Shore: How old was the woman?

Man: I couldn't really tell. She was all bundled up.

Alan Shore: You're sure she came out of Brenda Wilbur's house?

Man: Ninety percent sure it was here house, yeah.

Alan Shore: At seven o'clock?

Man: Around then.

Alan Shore: Could you see her face at all?

Man: Nah, nah. She was all bundled up and stuff. The reason I remember is there was no car out front. Which made me think she was like goin' for a walk or something. Which was strange because it was colder than a witches t... **He looks at Tara.** I'm sorry.

Tara Wilson: It's all right. I'm actually not... a witch.

Alan Shore: Excuse us. **He takes Tara aside.** Look. Get the best description you can. Clothes, everything. Then get over to be with Paul. I'm worried about him being alone. I'd go myself. But according to our jury consultant we have another emergency.

Tara Wilson: What?

**At Young, Frutt and Berluti, Alan and Terry Glazer are there.**

Terry Glazer: You!

Alan Shore: Me?

Terry Glazer: I interviewed people from the jury pool. You went over like led. Too urban, too slick, too smart!

Alan Shore: Too smart?

Terry Glazer: **He nods.** This is a blue-collar, uneducated, over-weight, lunch-bucket town. You're a smooth, Harvard-type sophisticate, and they don't like you!

Terry Glazer: You need find a Joe Schoe, fat, Catholic and put him at your table.

**At Young, Frutt and Berluti, later, Alan, Eugene, Jimmy, and Eleanor are there.**

Jimmy Berluti: What did you just say to me?

Alan Shore: I asked you to be part of my team, Jimmy.

Jimmy Berluti: What's going on?

Alan Shore: Nothing's going on. I need you.

Jimmy Berluti: He's setting me up for something!

Alan Shore: No I'm not.

Eugene Young: Look. You can't have him. You already got Jamie.

Alan Shore: I'll return Jamie. I need Jimmy.

Eugene Young: Really? So I'm gonna ask the same question he did. What's going on?

Alan Shore: What's going is I think Jimmy could be an asset for the...

Eugene Young: Look! Put it on the table, or you don't get him.

Alan Shore: Dedham is very blue-collar. The jury consultant thinks I will alienate the jury because I'm well-dressed and look like I read. And, well... Jimmy doesn't.

Jimmy Berluti: That's it! **He attempts to take a swing at Alan.**

Eleanor Frutt: Hey! Get off him!

Eugene Young: Hey!

Alan Shore: Get off of me! **He pushes Jimmy away and sends him flying back onto a desk.**

Eleanor Frutt: Alan! Get back! **She gets between Alan and Jimmy to keep them apart.** Jimmy!

Jimmy Berluti: Kill 'em. Ugh. **He gets up and moves toward Alan again. Eugene grabs him and holds him back. Eleanor goes over to help keep Jimmy back.**

Alan Shore: What the hell's wrong with you!! What the hell is this place? You all go to great lengths to establish a team philosophy that we'll all jump in together when need be. Well I need him!! I need you! You once billed yourself as Jimmy The Grunt for your own personal gain. Well, I need you to sit your fat ass at my table and send that same message again. Not for me! Not for you! For the client. The client! Who happens to be innocent! **He takes a deep breath and paces around, shaking his head.**

**At the District Attorney's office, in DA Harvey Clarke's office, he is there with Catherine.**

DA Harvey Clarke: **He closes the door and comes over to his desk.** So! How can I help you?

Catherine Piper: Well. I come to you with a very heavy heart. I've been to my pastor, but... I'm afraid I can only... well... May I sit?

DA Harvey Clarke: Sure.

Catherine Piper: **She sits.** There's no easy way to say this. I saw Paul Stewart leave Brenda Wilbur's house around ten-thirty the night of the murder.

DA Harvey Clarke: Excuse me. Did you say ten-thirty?

Catherine Piper: Paul's mother paid me six hundred thousand dollars not to come forward. I'm ashamed to say I accepted. But... my conscience just won't allow me to go down this path. I simply have to tell the truth. He was there! I saw him! It pains me to say it, but I have no doubt he killed that woman. **She smiles smugly.**