

**The Practice**  
**In Good Conscience**  
**Season 8, Episode 16**  
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**Transcribed by Imamess for boston-legal.org**

***In a hospital delivery room, Mary Quillen is on the table. In agony, she is being comforted by Nurse Tari Tabakin on one side and her husband Tom Quillen on the other.***

Mary Quillen: Oh God, help me!

Nurse Tari Tabakin: Hang in there!

Mary Quillen: It hurts!

Tom Quillen: You're doing great, Honey.

Mary Quillen: It hurts!

Tom Quillen: You're doing great.

Mary Quillen: It hurts.

Tom Quillen: You're doing great. **To the nurse.** Where's the doctor?

Nurse Tari Tabakin: He's in with another patient. He'll be right in.

Mary Quillen: Please get him!

Dr Robert Platt: **He comes in.** How we doing?

Nurse Tari Tabakin: Still dilated to six centimeters.

Dr Robert Platt: You get a heart rate?

Nurse Tari Tabakin: Stable. In the one-forties.

Mary Quillen: Please do something.

Dr Robert Platt: Mary! **To the nurse.** Let's retest for protein. **Mary is panting heavily.** Mary, you've only been here an hour. It takes time.

Mary Quillen: It hurts.

Dr Robert Platt: Well, I can start you an epidural, but I think it's a little late for that.

Nurse Tari Tabakin: ??? heart rates dropped!

**Mary screams and sits up. There is a lot of blood on the sheet under her.**

Attendant: Oh my God! A rupture! Hurry!

Nurse Tari Tabakin: Get a bag! We need two...

Dr Robert Platt: Get her on her side!

Nurse Tari Tabakin: Lay back! She's cresting!

Dr Robert Platt: Get her into the OR now! Mary?

Nurse Tari Tabakin: Okay! We're disconnected?

Dr Robert Platt: Mary? I need you to stay with me now.

Nurse Tari Tabakin: That's it. Let's roll.

Dr Robert Platt: I need you to stay with me. Are we ready? Let's move. **They start wheeling the bed out of the room.** Mary? I need you to stay with me. Stay with me, Mary.

Nurse Tari Tabakin: All in the OR to prep for C-Section.

Dr Robert Platt: Stay with me now! Stay with me!

Nurse Tari Tabakin: Here we go. Come on, Mary. Hang in there. Go! Go! Let's go! Move!

***In Judge Zeldin's courtroom. Tom is on the stand. Jamie Stringer is on direct.***

Tom Quillen: "Stay with me." That's what he said. The nurse pushed me out of the room. So... I waited in the hallway. Praying.

Jamie Stringer: Can you tell us what happened next?

Tom Quillen: The doctor finally came out. Said my daughter was okay, but Mary didn't make it. She died on the operating table.

Jamie Stringer: Tom. When you first arrived at the hospital...?

Tom Quillen: She was in severe pain. We told them. They just put us in a room.

Jamie Stringer: They didn't do any tests?

Tom Quillen: Yes, some. But they just said it's labor pain. Which Mary knew was wrong. She kept telling them. They just dismissed it.

Attorney Brian Seabury: Did your wife see a doctor during her pregnancy? Or receive any kind of prenatal examination?

Tom Quillen: We couldn't afford it. I was an unemployed musician at the time...

Attorney Brian Seabury: Did you have health insurance?

Tom Quillen: No.

Attorney Brian Seabury: So she never knew that she had an abnormal uterus?

Tom Quillen: No.

Attorney Brian Seabury: And when you arrived at the hospital you told them that your wife was in labor?

Tom Quillen: Yes?

Attorney Brian Seabury: You didn't suspect that anything was wrong?

Tom Quillen: At the time, I thought it was just a painful labor. Clearly, it was not just that.

Attorney Brian Seabury: I understand. Thank you. I'm all done. Except to say that... we're all so... so sorry about what happened.

Tom Quillen: **To the Judge.** May I respond to that?

Attorney Brian Seabury: Ha! There's no question before you, Sir.

Tom Quillen: I'd like to respond to his statement that he's sorry. I sat through four depositions, and never once did this attorney show any remorse, contrition.

Attorney Brian Seabury: Move to strike!

Tom Quillen: But in front of the jury! He's suddenly compassionate!

Judge Zeldin: Okay, Mr Quillen, you've made your point.

Attorney Brian Seabury: You're angry at me?

Tom Quillen: Yes, I am.

Attorney Brian Seabury: I'm informed that after your wife died, you stopped going to church. According to several of your friends, you're angry at God. Is that fair?

Tom Quillen: Maybe.

Attorney Brian Seabury: So you're angry at the doctor, you're angry at me. Even angry at God. Given that you never got your wife any prenatal care whatsoever, when a simple checkup perhaps could have saved her life! Are you at all angry with yourself?

**At Young, Frutt and Berlutti, Eugene Young is in a meeting with Attorney Michael Harper.**

Eugene Young: This feels uncomfortable.

Attorney Michael Harper: Eugene. If you're about to fire somebody, you have to meet with a labor lawyer. It would be corporate negligence for you, not to do so.

Eugene Young: Yeah. Even so.

Attorney Michael Harper: Is this an administrative employee?

Eugene Young: No! He's an associate who acts like a partner. Which is part of the problem.

Attorney Michael Harper: What are the grounds?

Eugene Young: Well, where do I start? He's unethical. Insubordinate. He sexually harasses. He's even committed criminal acts. The problem is, he's also brought in a lot of money. So, he may try to claim that he's a defacto partner.

Attorney Michael Harper: When you say a lot of money?

Eugene Young: For the last six months, more than all the other lawyers. A beat. Combined.

Attorney Michael Harper: You may have a problem.

**In Judge Zeldin's courtroom. Dr Kobatch is on the stand. Eleanor Frutt is on direct.**

Dr Kobatch: During the course of labor, her uterus ruptured. Which ultimately was the cause of death.

Eleanor Frutt: She bled to death?

Dr Kobatch: Yes.

Eleanor Frutt: In your opinion, Doctor. Could Dr Platt have prevented Mary Quillen's death?

Dr Kobatch: Could have, and should have. She was in severe pain, she wasn't dilating. A C-section was indicated, and he failed to perform one. This death was easily preventable.

Attorney Brian Seabury: The autopsy showed that Mrs Quillen had an abnormally small uterus which might have caused it to rupture?

Dr Kobatch: Correct.

Attorney Brian Seabury: But Dr Platt had no way of knowing this? Did he? Mrs Quillen never had a prenatal exam.

**Dr Kobatch:** Many women don't have prenatal exams. Doctors still manage to give them adequate care. Your client didn't.

**Attorney Brian Seabury:** I see. Were you in the delivery room that night, Doctor?

**Dr Kobatch:** No, but your client admits the patient was in labor for an hour, he saw her suffering severe upper abdominal pain, he knew her contractions had stopped. He had more than enough information to do an immediate C-section, and failing to do so...

**Attorney Brian Seabury:** Have you been paid by the plaintiff to give your opinion today?

**Dr Kobatch:** My opinion is not for sale, Counsel. It's based on the facts presented to me.

**Attorney Brian Seabury:** But a lot of those facts were not available to my client that night in the ER, were they, Doctor?

**Dr Kobatch:** Perhaps not. Even so...

**Attorney Brian Seabury:** Thank you. And though your opinions aren't for sale, how much are you being paid for today's court appearance?

**Dr Kobatch:** Three thousand dollars.

**Attorney Brian Seabury:** And how many times have you testified in medical malpractice?

**Eleanor Frutt:** Objection! This is irrelevant! ***She stands up.*** Your Honor?

**Judge Zeldin has fallen forward and his head is down on the desk.**

***Outside the corridor, Eleanor, Jamie and Tom watch Judge Zeldin being wheeled out of the courtroom.***

**Tom Quillen:** Now what?

**Jamie Stringer:** I don't know.

**Eleanor Frutt:** If he's okay, it could just be a delay. If he's not, we could get a mistrial.

**Tom Quillen:** Which means...?

**Eleanor Frutt:** We might have to start all over again.

***At Young, Frutt and Berlutti Tara Wilson is in her office, talking on the phone.***

**Tara Wilson:** The earliest I could possibly get out is seven. And probably close... ***She turns around to see Alan Shore standing right behind her.***

**Alan Shore:** Where you going at seven?

**Tara Wilson:** ***Into the phone.*** One second. ***She covers the mouthpiece.***

**Alan Shore:** Should I come?

**Tara Wilson:** This is personal.

**Alan Shore:** Man trouble?

**Tara Wilson:** Do you mind?

**Alan Shore:** Tara. If it is a man, I could be of tremendous help. In a prior life I was Cyrano DeBergiac.

**Tara Wilson:** Well, I'll keep that in mind. ***She turns away and put the phone to her ear.***

**Alan Shore:** ***He takes the phone out of her hand and puts it to his ear.*** To whom am I talking? This Tara's uncle from the more disturbing branch of the family.

**Tara Wilson:** Stop it! ***She attempts to take the phone, Alan evades her.***

**Alan Shore:** Have you two been kissing?

**Tara Wilson:** Alan! ***Alan lets her grab the phone out of his hand.*** Go to the corner and sit!

**Alan Shore:** I'm just tryin to help.

***At Young, Frutt and Berlutti Eugene come into Jimmy Berlutti's office.***

**Eugene Young:** The advice is don't tell Eleanor.

**Jimmy Berlutti:** She's a partner.

**Eugene Young:** She's also his friend, and she'll tell him. Now, if he takes clients or files? Then what?

**Jimmy Berlutti:** ***He sighs.*** So? How does this go down?

**Eugene Young:** Well, as we firm him, we send out prewritten letters by registered mail to all our clients, explaining the split, inviting them to stay with us. We also have a locksmith on standby to change the locks. We change the passwords on the computers. All of this has to happen as we fire him, not a minute before. Because if we jump the gun, he can paint it as bad faith.

**Jimmy Berlutti:** As opposed to being on the up and up?

**Eugene Young:** It's a dirty business, Jimmy. But according to Labor Counsel, it's the only way we can do it. I need two votes. You with me?

***Judge Mantle is in his chambers. Eleanor, Jamie, Tom and Atty. Brian Seabury come in.***

**Judge Mantle:** The good news is Judge Zeldin is okay. The bad news is, Doctors have prescribed bed rest. He can't continue.

**Eleanor Frutt:** So?

**Judge Mantle:** I'll take over. His clerk has brought me up to speed.

**Eleanor Frutt:** Do you think that's wise?

**Judge Mantle:** Why isn't it? You've expended two court days already. It certainly makes sense to keep going if possible. Nobody's been prejudiced.

**At Young, Frutt and Berlutti Eleanor, Jamie and Tom walk into an office.**

**Eleanor Frutt:** We have a little problem. You remember we told you about the Massachusetts Charitable Immunity Act? Limiting damages in medical malpractice cases?

**Tom Quillen:** You said Judges sometimes strike it.

**Eleanor Frutt:** I did. And Judge Zeldin was one such judge. Judge Mantle is not. He seems to honor the cap.

**Tom Quillen:** So...?

**Eleanor Frutt:** The most money we could get here, is now twenty thousand dollars. What I think we should do is try to settle it for that.

**Tom Quillen:** No.

**Jamie Stringer:** Tom...

**Tom Quillen:** I will not settle my wife's life for twenty thousand dollars. I'd rather take the moral victory of a big verdict! Than walk away for...

**Eleanor Frutt:** Tom, I cannot, in good conscience, expend thousands of dollars on expert witnesses. And expend our time...!

**Tom Quillen:** I didn't get a doctor because I'm poor. Now, you're saying I don't get a lawyer?

**Eleanor Frutt:** That's not fair. We have put in hundreds of hours on this case.

**Tom Quillen:** Then why quit now? In the middle of trial?

**Eleanor Frutt:** Because, as I said, this Judge...

**Tom Quillen:** I want a verdict. I want the jury sending these people a message.

**Eleanor Frutt:** These people, in this case, is an insurance company. The only message they're equipped to receive is numerical. And they are immune on this.

**Jamie Stringer:** If you want us to keep going, we will. **Eleanor gives her a look.**

**At Young, Frutt and Berlutti Jamie and Eleanor are facing in Eugene.**

**Eugene Young:** Why?

**Jamie Stringer:** Because he hired us, Eugene!

**Eugene Young:** To win a judgment that now you cannot get?

**Jamie Stringer:** The Judge is fair, and I...

**Alan is listening to this.**

**Eugene Young:** She's a partner billing out at four hundred an hour. You bill out at two-fifty. This case could take a week.

**Alan Shore:** **He comes up and stands in front of Jamie, Eugene is behind him.** Pay no attention to him, Jamie. Good for you! **Eugene gives him a look.** I feel the mean man glaring at me.

**Eugene Young:** This doesn't concern you.

**Alan Shore:** **He turns to Eugene.** Oh, but it does, Eugene. I can tell her how to win.

**Jamie Stringer:** How?

**Alan Shore:** I know Judge Mantle. He's a man given to compassion. Better yet, politics. If you shock his conscience, get some media down there to shed some light on that conscience, out of the goodness of both heart and career, he'll probably do the right thing. **He bends down to write on a piece of paper.** I have a reporter from WXDE, she owes me a favor. It's biblical. **He hands the paper to Jamie.** But I'm sure she'd be thrilled to compromise herself professionally instead. Go! Tell your story, Jamie. The cap is wrong! The woman died having a baby for God's sake. The man deserves more than twenty thousand. Be an advocate! Fix the problem! Go team, go! Rah!

**Eugene Young:** Tara? Jimmy? In my office, please.

**Eugene, Jimmy and Tara leave.**

**Alan Shore:** I feel like coffee and a croissant. Shall we?

**Eugene, Jimmy and Tara enter Eugene's office. Eugene closes the door.**

**Eugene Young:** This is confidential information. There's a partner matter. You are not to share this information with anybody other than Jimmy and me. Clear?

**Tara Wilson:** Okay.

**Eugene Young:** We need to have all the computer passwords changed by Thursday noon. The new password, which I will give you, you will not divulge to anyone.

**Tara Wilson:** Okay.

**Eugene Young:** You will also get a letter prepared by a Labor Counsel, which letter you are to type on our stationary and prepare to send my registered mail to all our clients. This too, by Thursday, noon.

**Tara Wilson:** Okay.

**Eugene Young:** This is extremely confidential. I will trust you to respect that confidence.

**Tara Wilson:** Okay.

**Eugene Young:** That's all.

**Tara leaves.**

**Jimmy Berlutti:** Gee! I hope she doesn't suspect anything.

**Eugene Young:** Well, we can't do it without her.

**In Judge Mantle's courtroom. Jamie is questioning Dr Miller.**

**Dr Miller:** We're a charity hospital. Of course money's a problem! But it never affects the quality of our care.

**Jamie Stringer:** C-sections are about twice as expensive as natural child-birth. Is that accurate?

**Dr Miller:** Yes. But...

**Jamie Stringer:** And who pays the additional costs?

**Dr Miller:** Typically, the insurance company.

**Jamie Stringer:** If the patient has insurance. What if she doesn't?

**Dr Miller:** Then the hospital would pay. But that's not why we encourage natural birth. It's safer, the recovery time is shorter, and frankly too many doctors perform unnecessary C-sections.

**Jamie Stringer:** But at St Theresa's, women without health insurance are five times less likely to have a C-section than women with insurance. So...?

**Dr Miller:** That's true of most charity hospitals.

**Jamie Stringer:** That's your excuse? They all do it?

**Dr Miller:** We're not forcing poor women to have dangerous births! And I take offense when you...!

**Jamie Stringer:** How many women, able to pay for a C-section have ever been refused one?

**Dr Miller:** I'm not certain.

**Jamie Stringer:** None! The only women refused are impoverished.

**Dr Miller:** Poverty has nothing to do with this!

**Jamie Stringer:** Poverty is what killed Mary!

**Dr Miller:** That's a lie!

**Attorney Brian Seabury:** Objection! Argumentative!

**Judge Mantle:** Sustained.

**Jamie Stringer:** True or false, Doctor? If Mary Quillen had the money to pay for a C-section she would still be alive today.

**Dr Miller:** False! That is false!!

**Attorney Brian Seabury:** Most women wanna give birth naturally. Do they not?

**Dr Miller:** Absolutely! In fact the movement to encourage natural childbirth is very much a feminist issue.

**Attorney Brian Seabury:** Has St Theresa's policy of reducing C-sections been reviewed by the States Medical Board?

**Dr Miller:** Yes. Our policy has been approved as safe and appropriate.

**Attorney Brian Seabury:** Has your hospital, or Dr Platt ever been disciplined by the State Medical Board for what happened here?

**Dr Miller:** No. Because as terrible as this outcome was, we did nothing wrong.

**Outside the courtroom Jamie is talking to Reporter Julie Bench.**

**Jamie Stringer:** Did nothing wrong? How many affluent women die delivering babies? Even the ones that do, at least the hospital tries to save them. But, you know? That's not really the point.

**Reporter Julie Bench:** What is?

**Jamie Stringer:** Doctors and hospitals make mistakes. Mistakes happen. But to shield them from liability? I am all for Tort reform. But to put a twenty thousand dollar cap on a wrongful death is just wrong. Most States wouldn't even consider this. And Massachusetts shouldn't either. John Kerry can't possibly support this. Ted Kennedy, I know, doesn't. I am hopeful that Judge Mantle will reject this as well.

**In the Conference Room at Attorney Brian Seabury's firm, Dr Platt, Eleanor, Jamie and Tom are present. Attorney Brian Seabury closes the door.**

**Attorney Brian Seabury:** That was a cheap shot Ms Stringer! I would think you'd have the integrity to at least try this case in the courtroom!

**Jamie Stringer:** Is that why you asked for this meeting? To lecture me?

**Attorney Brian Seabury:** You'll be lucky if you don't get censored by the bar. But that's not why I called for the meeting. Against my advice, the client is prepared to offer you a hundred thousand dollars. Sealed. No admission.

**Jamie Stringer:** First of all. A woman died. One hundred thousand...

**Attorney Brian Seabury:** Is eighty more than you'd otherwise get under the cap.

**Eleanor Frutt:** Then why would the hospital offer it?

**Dr Robert Platt:** The hospital didn't. I'm making the offer.

**Eleanor Frutt:** Outta your own pocket?

**Dr Robert Platt:** Yes. And I'll tell you why.

**Attorney Brian Seabury:** Robert...

**Dr Robert Platt:** No! Let's just deal straight! Does that violate some attorney code of conduct? If I lose here, cap or not, my insurance carrier will drop me. They do it OBGYN's all the time; they will do it to me.

**Attorney Brian Seabury:** You've said enough.

**Dr Robert Platt:** You represent the hospital and the insurance company, Brian! Nobody's really speaking for me here! I'd like to! I have never been found, by any medical review board, to have committed any malpractice. Ever! And yet, I've been sued seven times.

**Attorney Brian Seabury:** Bob!

**Dr Robert Platt:** We're getting sued out of business! And... believe it or not? I am not in this profession for the money. I'm a doctor, ah, a pretty damn good one. My father was an OBGYN, it's all I ever wanted to be. If you win in court, the most you can get is twenty. I'm offering you a hundred.

**Tom Quillen:** And I'm not taking it.

**Eleanor Frutt:** Okay, Tom... let's...

**Tom Quillen:** You killed my wife!

**Dr Robert Platt:** No! You contributed to that by not getting her prenatal care!

***It's a shouting match.***

**Attorney Brian Seabury:** All right! That's enough! We're done here!

**Tom Quillen:** I'm not the one who...!

**Eleanor Frutt:** Hey! ***Everybody quiets down. A beat.*** The offer is rejected. Let's go.

**Dr Robert Platt:** I'm offering you every penny I have.

**Tom Quillen:** And it's not enough.

**Eleanor Frutt:** The offer is rejected.

***At Young, Frutt and Berlutti, Alan is in his office. He is sitting behind his desk writing. Tara comes in and closes the door. He doesn't look up.***

**Tara Wilson:** Working kind of late?

**Alan Shore:** Oh no. I'm just pretending so as to impress and inspire my officemates.

**Tara Wilson:** ***She slowly paces closer to Alan's desk. A beat. Alan looks up questioningly.*** Eugene's hired a Labor Law firm for something. All the computer passwords are being changed. It looks like someone's getting fired.

**Alan Shore:** ***A long beat. He takes a breath.*** I'm sure it's nothing. ***He looks back down at his work. Another beat. Tara turns to leave. Tara? She turns back.*** Thank you.

***In her office, Jamie is watching herself in a newscast on her computer screen. Eleanor is with her.***

**Jamie Stringer:** ***On the screen.*** I'm all for Tort reform. But to put a twenty thousand dollar cap on a wrongful death is just wrong... ***To Eleanor.*** It's getting play. I guess that's good.

**Eleanor Frutt:** You ready for the Doctor?

**Jamie Stringer:** I think so. I gotta go hard. Right?

**Eleanor Frutt:** I would. Clearly he has a button. If you can get him to go Howard Dean up there? That could help.

**Jamie Stringer:** I just don't wanna come off as a monster.

**Eleanor Frutt:** Jamie? We need to accomplish two goals here. First, to get a favorable verdict, which will be tough. Because, between you and me? I'm not sure this Doctor committed any negligence. And second. Even should we win? The Judge has to be outraged enough to strike the cap. Now the book on this Judge is that he does rule from emotion sometimes. So go for it.

**In Eugene's office, he and Jimmy enter.**

Eugene Young: I've got the draft letter pretty much done. I emailed it to the Labor Lawyer. He sent it back with some minor changes, but I want you review it too. **He presses a key on the computer keyboard.**

Jimmy Berlutti: When do we tell Eleanor?

Eugene Young: She's back from court at lunch. We'll tell her then, just before we tell him. **He turns to look at the computer screen. A video clip shows up.**

Alan Shore: **On the computer screen.** Hello, Eugene!

Eugene Young: What the...?

Alan Shore: **On the computer screen.** Listen, I've been having some trouble getting into my computer, I was wondering if you could help. Almost seems as if the passwords been changed. But I'd know if there were a new a password. Wouldn't I? I mean you wouldn't change it behind my back, would you? That's something Jimmy might do, but not... Oh, hello Jimmy! I didn't see you there at first. Not surprised though, following closely as usual. Waiting for order, hoping for a few scraps. Anyway, Eugene, forgive me if I seem overly concerned, but, well, it's just that people have screwed me over in the past. **A beat.** And I don't like getting screwed over.

**Alan's face is replaced by a clip of porn. A scantily clad woman is riding a man, whipping him and saying, "You're a bad, bad, cowboy."**

Eugene Young: Get him in here.

Jimmy Berlutti: Eugene...

Eugene Young: Get him in here. Now.

**In Judge Mantle's courtroom. Atty. Brian Seabury is directing Dr Robert Platt.**

Dr Robert Platt: I've delivered thousands of babies over my career. I never lost a mother until this case.

Attorney Brian Seabury: You were monitoring her. Did you miss anything?

Dr Robert Platt: I don't think so. Had she seen a doctor during her pregnancy I would have known about her uterine abnormality and I probably would have gone with a C-section sooner.

Attorney Brian Seabury: Probably? Would have?

Dr Robert Platt: Natural child birth is always preferred for the baby and the mother. Doing C-sections without cause is bad medicine. She wasn't in labor that long, and we had no warning she was in danger. Predicting uterine rupture in a healthy woman who never gave birth before is almost impossible. This was a tragedy! But it is not one we could have avoided.

**Attorney Brian Seabury sits. Jamie gets up.**

Jamie Stringer: The Quillen's told you they didn't have the money for prenatal care?

Dr Robert Platt: That had nothing to do with the treatment I gave her.

Jamie Stringer: My question, Doctor. Did you know they couldn't pay for treatment?

Dr Robert Platt: Yes.

Jamie Stringer: You also knew they didn't have insurance. Correct?

Dr Robert Platt: Yes.

Jamie Stringer: So you knew, that whatever treatment they got, the hospital was gonna have to eat it?

Dr Robert Platt: I did not put that woman's life at risk to save money. She'd only in labor an hour, it would have been inhumane to just cut her open without cause. Any doctor...

Jamie Stringer: She was screaming in pain.

Dr Robert Platt: She was in labor. It's painful.

Jamie Stringer: You weren't even there.

Dr Robert Platt: I was there. You weren't.

Jamie Stringer: How many obstetricians were on duty that night at the hospital?

Dr Robert Platt: Just me. The other obstetricians had quit because...

Jamie Stringer: Objection!

Judge Mantle: Sustained.

Jamie Stringer: You were the only OBGYN on duty that night. And in fact you hadn't slept for two nights before Mary Quillen came in! You were overseeing five other patients...

Dr Robert Platt: I was not overly tired. I was no busier than usual.

Jamie Stringer: You were exhausted and overworked.

Dr Robert Platt: I was not.

Jamie Stringer: And you made a bad decision.

Dr Robert Platt: I did the best I could!

Jamie Stringer: She came in to have a baby! And she's dead! And you did the best?

Dr Robert Platt: I didn't do anything wrong!

Jamie Stringer: You didn't do anything at all!

Dr Robert Platt: I did everything I could! You know what, Counsel? I will tell you this...

Jamie Stringer: Objection.

Judge Mantle: Doctor!

Dr Robert Platt: When that Judge went facedown the other day? I froze. I wanted to run up, I'm a doctor, for God's sake, but I was too afraid of getting sued, so...

Jamie Stringer: Did you freeze in the emergency room that night?

Dr Robert Platt: No! I did not. But many doctors might!

Judge Mantle: Dr Platt!

Dr Robert Platt: You know, you're the problem! You're the problem!

Judge Mantle: Dr Platt!

Dr Robert Platt: you're the problem!

Judge Mantle: That is enough!

***Eleanor and Jamie are outside the courtroom.***

Jamie Stringer: Did I go too hard?

Eleanor Frutt: I don't think so. You had to go after him; you had no choice. Is your closing ready?

Jamie Stringer: Not exactly, but I'll work on it.

Dr Robert Platt: **He comes up.** May I please speak to you?

Eleanor Frutt: Doctor. You're represented by Counsel...

Dr Robert Platt: I realize that. But, my Counsel has a conflict. He represents the hospital and the insurance company.

Eleanor Frutt: Then you need to retain another lawyer. We can't...

Dr Robert Platt: Two hundred thousand. I would need time to refinance my house, but...

Eleanor Frutt: I don't think our client is gonna move for two.

Dr Robert Platt: You people are lawyers. You know what it's like to be held hostage by insurance carriers. If I get any unfavorable verdict, they drop me. Without coverage, I can't practice.

Eleanor Frutt: Dr Platt, you're represented by Counsel. We cannot be having this discussion. I'm sorry.

***At Young, Frutt and Berlutti, Eugene is his office sitting behind his desk. Alan comes in.***

Alan Shore: You need me?

Eugene Young: Yes. Close the door please.

Alan Shore: **He closes the door.** Is this something sexual?

Eugene Young: Sit. **Alan does so.** We've decided to let you go.

Alan Shore: Aaah! Go where?

Eugene Young: You're being discharged.

Alan Shore: **A beat.** Why?

Eugene Young: Well, let's call it philosophical differences. I'd like you to leave immediately.

Alan Shore: Is Eleanor in on this?

Eugene Young: Eleanor doesn't know yet, but she'll be informed. I supposed you've already managed to copy files. I'll remind you that that's illegal though doubt you care.

Alan Shore: Eugene, I don't need to copy files. And most of the corporate clients here are mine anyway.

Eugene Young: You brought them in. But once you did so, they became clients of the firm. **He pushes an envelope across the desk.** Here's a check representing two weeks severance pay.

Alan Shore: Hm? **He takes the envelope and opens it.** I've generated fees in excess of six million dollars, you've handed me a check for fifteen thousand. You can keep it. **He hands the check back.**

Eugene Young: You're a very talented lawyer, Alan. **He gets up and walks around his desk and stands in front of Alan.** But you don't fit in here. We'll be happy to give you a good recommendation. **Alan smiles bravely.** Now. It's time for you to go. **He opens the door for Alan.**

Alan Shore: Eugene? Is it sexual?

Eugene Young: Goodbye, Alan.

Alan Shore: I'm keeping Checkers. **He leaves.**

Eugene Young: **He steps to the outer office where Tara is sitting at her desk.** Tara? **Tara comes into his office. Eugene closes the door.** Alan Shore seems to know this was coming. Did you tell him?

Tara Wilson: Yes. I'm sorry. I owe you a lot, Eugene. And it wasn't my intent to betray you.

Eugene Young: Really? Well you did. Why?

Tara Wilson: I guess I like him.

Eugene Young: You told me he repelled you.

Tara Wilson: He so often does. But it turns out that I consider him a friend.

Eugene Young: Your employment here is terminated. You'll be given two weeks severance. Your discharge is effective immediately.

**Lucy Hatcher is in the other office sitting at Tara's desk. Eleanor comes in.**

Eleanor Frutt: Lucy? Hey!

Lucy Hatcher: Hey! Eleanor.

Eleanor Frutt: How are you?

**They share a hug.**

Lucy Hatcher: Oh! I'm good.

Eleanor Frutt: Good!

Lucy Hatcher: You look amazing.

Eleanor Frutt: Thank you. How have you been? How's life as a rape counselor?

Lucy Hatcher: Well. It's not a lot of laughs, but...

Eleanor Frutt: God! You look wonderful. What, what brings you by? You're just saying, "Hello?"

Lucy Hatcher: Nope. I'm just filling in in a pinch.

Eleanor Frutt: Filling in? **She looks around.** Where's Tara?

Eugene Young: **Eugene and Jimmy come out of Eugene's office.** Eleanor? Can we talk to you for a second?

Eleanor Frutt: Sure.

**The three of them go into Eugene's office. Eleanor closes the door.**

Eugene Young: Forty minute ago, we fired Alan.

Eleanor Frutt: I'm sorry?

Eugene Young: Jimmy and I agreed that on balance he was a detriment to the firm so...

Eleanor Frutt: Whoa, whoa, whoa! You and Jimmy agreed? Why wasn't I...?

Eugene Young: Because you're his friend.

Eleanor Frutt: As well as a partner with a vote in...!

Eugene Young: We were trying to insulate from a conflict!

Eleanor Frutt: That's crap! Why wasn't I told?

Eugene Young: Because we feared you'd tell him, and he'd steal clients or files or both. Well, it turns out Tara tipped him off, so she was fired as well.

Eleanor Frutt: How dare you make a unilateral decision without me?

Eugene Young: It wasn't unilateral! Jimmy and I...!

Eleanor Frutt: I am a partner in this firm. For you to go behind my back!

Eugene Young: You're his friend!

Eleanor Frutt: I'm your friend! You have a duty of honesty to me!

Eugene Young: As do you to Alan! Which we couldn't risk you honoring! Not at the expense of this firm!

Eleanor Frutt: The firm! The firm is you! It's me! And it's Jimmy!

Eugene Young: And Jamie! And Tara!

Eleanor Frutt: Who you just fired!

Eugene Young: Because she betrayed us!

Eleanor Frutt: Eugene!!

Eugene Young: He had to go! I don't care how much money he brought in. He lied, he broke all the rules...

Eleanor Frutt: He served every one of us!

Eugene Young: No, he did not!!! This firm Bobby Donnell turned over to us is one of integrity! The name on this place? Its reputation? It means something! That man demeans the practice of law. He demeaned this firm! He disrespected you! Jimmy! And me! I don't care if we have to scrape for rent! This firm will always maintain its dignity. Character has to count for something, Eleanor. And if it does, that man has no place.

**Eleanor leaves. In the other office she runs into Jamie.**

Jamie Stringer: We need to get going.

Eleanor Frutt: Jamie? Can you close without me there?

Jamie Stringer: Uhm. Sure.

Eleanor Frutt: I'm just in no emotional state to uh...

Jamie Stringer: I understand. I, I'm fine. **Eugene and Jimmy come out.** If the Judge asks, I'll just tell him you're not feeling very well.

Eleanor Frutt: Thank you. **She leaves.**

Jamie Stringer: I'd better get to court. **She leaves.**

Lucy Hatcher: Hm! Seems funner than before.

Eugene Young: Lucy? Did all the letters go out?

Lucy Hatcher: I checked. They're out.

Eugene Young: Okay. Ah, thank you for uh...

Lucy Hatcher: No problem.

***In Judge Mantle's courtroom Jamie is giving her closing.***

**Jamie Stringer:** Everyone says frivolous lawsuits are destroying medicine. Insurance companies blame lawyers for driving up health costs. But, you know what? It's a lie. Malpractice suits are down nationally. Doctors and hospitals are making more money than ever! The most recent study shows that for every law suit filed, there are at least ten acts of gross malpractice that never lead to any action. New laws are making it harder and harder to even bring these cases. Yet almost one hundred thousand Americans died last year because doctors and hospitals made mistakes. One hundred thousand. Mary Quillen died because she couldn't afford a C-section. That's worse than negligence. That's discrimination. And it happens every day. It's somehow become bad business to treat the poor. And health care has become a national disgrace. A message needs to be sent. I don't have the power. But you do.

***Jamie sits. Attorney Brian Seabury gets up.***

**Attorney Brian Seabury:** This country, the richest on earth, fails to provide adequate prenatal care to poor women. Had Mary been able to get a prenatal exam Dr Platt would have known that her uterus was abnormal, and he likely would have ordered that C-section. But because he didn't know, he had no basis for performing a C-section on her before it was too late. One reason for the state of health care in this country, by the way, a big reason, litigation.

**Jamie Stringer:** Your Honor?

**Attorney Brian Seabury:** She opened the door on this.

**Judge Mantle:** I'll allow it.

**Attorney Brian Seabury:** Fear of litigation is driving health care costs into orbit. Doctors routinely order expensive tests to cover themselves in case they get sued. And according to Newsweek magazine we waste fifty to a hundred billion dollars, billion on what's called defensive medicine. Physicians are now afraid to discuss their mistakes with each, because candor can be used against them in court. But you know the worst part? Good doctors, men and women in the business of healing, like Dr Platt, are being driven out because they can't afford coverage. He couldn't foresee an abnormal uterus. This wasn't his fault. But hey! Anybody and everybody gets to sue. But the problem is, win or lose? He loses. And so do we all.

***Out on a residential street, Eleanor walks up the steps of house. She rings the doorbell.***

**Tara Wilson:** ***She opens the door. She's holding an intercom phone.*** Hey!

**Eleanor Frutt:** Is he here?

**Tara Wilson:** Oh. I've been calling him. Actually I'm trying him again now.

**Alan Shore:** ***Through the phone.*** Hello. You've reached Alan Shore. I'm currently with a prostitute. If you'd like to leave a message.

**Tara Wilson:** I've left him six messages. He's not returning.

**Eleanor Frutt:** Okay. Listen Tara, I'm very sorry that...

**Tara Wilson:** I deserved to get fired, Eleanor. I betrayed Eugene. I'm willing to accept responsibility for it. **A beat.** If I hear from him, I'll let you know.

**Eleanor Frutt:** Okay. Thanks.

***In Judge Mantle's courtroom, the clerk takes a piece of paper from the foreperson, hands it to the Judge, he reads it, hands it back, and the clerk takes it back to the foreperson.***

**Judge Mantle:** Has the jury reached a verdict?

**Foreperson:** Yes, we have, Your Honor.

**Judge Mantle:** Question one, was the hospital, or Dr Platt negligent in the death of Mary Quillen. How say you?

**Foreperson:** We the jury find Dr Platt, and the hospital, guilty of negligence.

**Judge Mantle:** Question two refers to damages. Have you reached a decision on that question?

**Foreperson:** Yes, Your Honor. We the jury find Dr Platt and the hospital jointly and severally liable and order them to pay the Quillen family three point six million dollars.

**Attorney Brian Seabury:** Defense moves to reduce the judgment to the statutory cap of twenty thousand.

**Jamie Stringer:** Opposed! Your Honor has the discretion to lift the cap.

**Attorney Brian Seabury:** There is no authority for that discretion in the legislative definition.

**Jamie Stringer:** Your Honor can rely on precedent where judgment...

**Attorney Brian Seabury:** Those precedents are certainly not binding, Your Honor.

**Jamie Stringer:** The law is wrong! Which is exactly why most States did away with the charity caps fifty years ago!

**Judge Mantle:** You're right, Ms Stringer. The law is archaic. Perhaps even immoral. But as a Judge, I'm bound to uphold it. The verdict of three point six million dollars is vacated by statute. The verdict is capped at twenty thousand. Members of the jury you're dismissed with thanks. This matter is adjourned.

**People move to leave.**

**Jamie Stringer:** To Tom. I'm sorry. We'll appeal and we'll ask for the full judgment, but...

**Tom Quillen:** It's okay. You at least got a verdict. I'm grateful for that. Maybe... it'll be heard.

**Jamie Stringer:** Let's hope so. I wish you well, Tom.

**Tom Quillen:** Thank you. And please, thank Eleanor for me.

**Jamie Stringer:** I will.

**Tom leaves. Jamie turns to the defense table where Dr Miller is congratulating Attorney Brian Seabury. Dr Platt sits dejected.**

**Eleanor walks into a bar, takes off her coat and sits on a barstool. Next to Alan.**

**Eleanor Frutt:** What's new? **Alan smiles. A beat.** I'm sorry. I didn't know.

**Alan Shore:** I know you didn't.

**Eleanor Frutt:** I'm gonna try to dissuade them.

**Alan Shore:** Eleanor. It's a place of work. Nothing more. It's the little things in life, I... find annoying. If you could just get Tara's job back. She didn't... deserve... Hey! My friend. You and I are gonna see a lot of each other. Everything's fine, Eleanor. I promise. I'd even go so far as to say it's all for the best, so... Let's see a smile.

**Eleanor Frutt:** I didn't figure you'd go so quietly.

**Alan Shore:** Who said anything about going to go quietly. Eleanor, I give you my word, this is going to get very... ugly. Not to worry.