

Boston Legal
Schmidt Happens
Season 1, Episode 11
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The Men's Room at Crane Poole & Schmidt

Alan Shore is leisurely relieving himself at the head, deep in thought. Shirley Schmidt walks in, turns on a faucet, inspecting the fixtures.

Shirley Schmidt: Who the hell are you?

Alan Shore: It's not who, so much as what. This is a men's room. What's your name, fella?

Shirley Schmidt: I'm Shirley Schmidt. Pardon the intrusion, but one of our assistants is suing us under Title 9—claiming, among other things, the men have better fixtures.

Alan Shore: **shaking off, and zipping up** So, you're Shirley Schmidt of Crane, Poole and . . .

Shirley Schmidt: Schmidt.

Alan Shore: **extending his hand to shake hers** Alan Shore. It's a pleasure.

Shirley Schmidt: Surely, you intend to wash that first.

Alan Shore: I keep an extremely clean penis. **Walks over to the sink**

Shirley Schmidt: I know all about you.

Alan Shore: And I, you. There's much written in stall number 2. I pictured you younger. Much.

Shirley Schmidt: A smart attorney recognizes who he can or cannot rattle.

Alan Shore: He also knows a good rattle when he sees one.

Shirley Schmidt: Since I'm your boss, I can't return your sexual banter, but I will say for the record that if I were looking for a rattle, he would be taller, he would be better-looking, he would be more evolved than a junior in high school.

Alan Shore: I prefer the juniors in high school.

Shirley Schmidt: He would be something other than a self-loathing narcissist with a dwarf fetish, and, yes, judging from what I got a glimpse of in the mirror when I first entered the room, he would be bigger. Much.

She turns and walks out.

Alan Shore: My, my, my.

[credits]

Hallway at Crane Poole & Schmidt

A paralegal is walking down the stairs.

Lori Colson: **from off camera** She's been in the New York office the last 3 years. Rumor has it, Lewiston called her back to get things into shape.

Now we see Lori Colson and Sally Heep walking toward the camera, talking.

Sally Heep: What things?

Lori Colson: Us things. Litigation has been under-performing, Sally. Plus our image around town is becoming that of . . .

Denny Crane: Denny Crane.

Lori Colson: Exactly. Truth is, we need a kick in the ass. I'm glad she's back.

Paul Lewiston: Ah, Lori . . .

Lori Colson: Is Shirley Schmidt really back?

Paul Lewiston: Temporarily. I need you in the conference room on another matter. It's urgent.

Sally Heep: I'm available.

Paul Lewiston: As soon as you can, please.

Denny Crane's Office

Denny Crane enters.

Denny Crane: Why is she back?

Brad Chase: Apparently Lewiston asked her to return.

Denny Crane: Why?

Brad Chase: This I do not know.

Denny Crane: I do not want Shirley Schmidt in this building.

Brad Chase: Denny, she's a named partner. You can't exactly ban her presence.

Denny Crane: I'm gonna tell you something I haven't told anybody. I once had a torrid—torrid—affair with that woman.

Brad Chase: First, everybody knows that . . .

Shirley Schmidt: **entering** And second, the word would be "horrid."

Denny Crane: Shirley, this firm isn't big enough for the two of us.

Shirley Schmidt: I agree. It would be best if we could be in different cities, but it's our differences, ironically, that call for me to be here now.

Denny Crane: What differences, specifically?

Shirley Schmidt: Well, for starters, I still know how to practice law. I don't have to go around saying my name out loud in order to remember it.

Denny Crane: I don't want you here.

Shirley Schmidt: Is it . . . because . . . you still desire me?

Denny Crane: Ha. I'm over my wrinkle fetish. You don't arouse me, Shirley.

Shirley Schmidt: Oh, please. All I have to do is say those two combustible little words. **whispering in his ear**
Denny Crane.

Denny Crane gasps. Shirley Schmidt smiles, and walks out. Denny Crane turns to Brad Chase.

Denny Crane: She's still hot.

Alan Shore's Office

Alan Shore is reading his newspaper.

Nora Jacobs: **knocks** Alan, there's a guy on the phone. He isn't a client. He picked us out of the Yellow Pages. He said he's committed a crime, and he needs to speak to a lawyer.

Alan Shore: We advertise in the Yellow Pages?

Nora Jacobs: He sounded really upset. What should I do?

Alan Shore gets up, puts his paper down, and walks to the desk. Squinting at the phone, he points at the blinking "hold" light. Of note is that during this entire interchange with his assistant, Alan Shore's attention is on the assistant and her outfit and shoes, not the criminal.

Alan Shore: Line four?

Nora Jacobs: Yes.

Alan Shore: **punching a button on his speaker phone.** This is Alan Shore. If you're a criminal, please state your name and the nature of your crime **craning his neck to watch the assistant walk out the door** at the sound of the tone. **He punches a button on the phone, and it beeps.**

Bernard Ferrion: I killed my mother.

Alan Shore: **picking up the phone** Sir? Excuse me?

Bernard Ferrion: This is a lawyer, right? What I say is privileged, right?

Alan Shore: Might have been wise to establish that before telling me you killed Mother, but, yes, we'll call this privileged.

Bernard Ferrion: It was an accident. Now I—I don't know what to do.

Alan Shore: Okay. Where is Mother now?

Bernard Ferrion: On the kitchen floor.

Alan Shore: Okay. And have you called for an ambulance or . . .

Bernard Ferrion: She's dead. I don't want to call the police. They'd arrest me, wouldn't they?

Alan Shore: Typically. **bending over the desk, searching for a pen and paper** Why don't you give me your name and address there?

Conference Room at Crane Poole & Schmidt

Lori Colson enters a meeting between Paul Lewiston and John Zenawi

Paul Lewiston: Ah, here she is. John, this is Lori Colson. **Lori Colson and John Zenawi shake hands** Lori, John Zenawi—CEO of Hanley Tech.

John Zenawi: Very nice to meet you.

Lori Colson: My pleasure.

Paul Lewiston: Please sit. John is a longtime client of our corporate department.

Lori Colson: Yes. I think I've done some antitrust work for your company on occasion.

Paul Lewiston: He's here today because . . . John, would you like to explain?

John Zenawi: **nods** I was born in Sudan. My father transferred to the States when I was five. I've lived here since. Most of my extended family remains in Sudan. One of my cousins was murdered there last week.

Lori Colson: I'm very sorry.

John Zenawi: It was the 11th family member to have been killed. I can't begin to describe the sense of futility I feel. I need to do something, Miss Colson. I've been fortunate to have made a lot of money and I can no longer sit passively. So, as preposterous as it may sound, and as expensive as it may be, I want to sue the government.

Lori Colson: Well, our courts wouldn't have jurisdiction over the Sudanese government. I'm sure Paul told you that.

Paul Lewiston: He's not looking to sue the Sudanese government.

John Zenawi: I want to go after the United States.

Lori Colson: On what grounds?

John Zenawi: That is what I need you to tell me.

Paul Lewiston: Typically, Lori, whenever there's a case that can't be brought, I run it by you. You call me insane, among other things more colorful, you exit the room, then return the next day with a crazy idea. We need that idea, Lori.

John Zenawi: If I can get into court, Miss Colson, I can make some noise. That is what I'm desperate to do here. Put this issue in the spotlight a little, create maybe an outcry of sorts.

Lori Colson: I don't mean to sound harsh, but the genocide going on in Sudan has been covered quite a bit by the press, Mr. Zenawi, and the American people have spoken. They don't care.

John Zenawi: Well, I guess for my own peace of mind, I need to do whatever I can.

Maddie Tyler's Office

Maddie Tyler is closing a file cabinet.

Shirley Schmidt: Maddie.

Maddie Tyler: Yes.

Shirley Schmidt: Hello, dear. I'm Shirley Schmidt. **shaking her hand** I read your Title 9 complaint last night. It's very well drafted. You obviously hired an excellent attorney. You're fired, Maddie.

Maddie Tyler: You can't . . . You can't fire me for bringing a Title 9.

Shirley Schmidt: What are you going to do, sweetheart? Sue me? You've already done that. Call your persuasive lawyer. Tell him to add a count for wrongful termination. Ba-bye.

Denny Crane: Ah!

Shirley Schmidt: By now, I'm sure you've run to Paul Lewiston.

Denny Crane: No. I'm coming directly to you because I don't care what Paul Lewiston wants. I'm Denny Crane. Crane comes before Schmidt.

Shirley Schmidt: You refer, of course, to when we were intimate.

Denny Crane: Shirley, I demand to know your agenda. You always have one. So, please . . . please . . .

Shirley Schmidt: I told you my agenda, Denny. It's to fix things. **Sees Sally over Denny Crane's shoulder and stops her.** Excuse me. What's your name?

Sally Heep: Uh, Sally Heep.

Shirley Schmidt: Very nice outfit, Sally. Can you spell? Wear something more appropriate. Pretend you're a lawyer.

Denny Crane: This woman happens to be an excellent attorney.

Shirley Schmidt: She also happens to have a name. What is it? **Pause, as Denny Crane tries to remember** Time's up. Ba-bye. **whispers in Denny Crane's ear** Denny Crane.

Denny Crane gasps. Shirley Schmidt leaves Sally Heep and Denny Crane in the hallway.

The Porch of the Ferrion Home

Alan Shore rings the doorbell; Bernard Ferrion—a little man—opens the door.

Bernard Ferrion: Could you please state your name?

Alan Shore: Alan Shore.

Bernard Ferrion: Um, Mr. Shore. Thank you for coming. I didn't know what to do or . . . This is a horrible thing. Oh, I'm sorry. Where are my manners? May I offer you something to drink?

Alan Shore: Maybe we should start with the kitchen.

Bernard Ferrion: Yes. Okay. Um . . . I apologize in advance for, you know . . .

Alan Shore: The mess.

Bernard Ferrion: I didn't mean for this to happen. I don't know what to do. **points at a woman lying on the floor of the kitchen** See? I told you.

Alan Shore: **following Bernard Ferrion into the kitchen** Mr. Ferrion, you really do need to call the police.

Bernard Ferrion: First, I need to know my options.

Alan Shore: Besides Brazil?

Bernard Ferrion: Well, sometimes there's circumstances that excuse or . . . or justify. I really need to know what's available to me.

Alan Shore: Could you first tell me how she came to be lying dead on the floor?

Bernard Ferrion: I hit her on the head with a skillet.

Alan Shore: Ah.

Bernard Ferrion: Cast iron. But it wasn't premeditated or planned. It was just . . .

Alan Shore: One of those things.

Bernard Ferrion: She was berating me—like she does all the time. How I don't make enough money. How I'm weak. All the time, the same litany of how I am a failure. It makes me so enraged.

Alan Shore: Sounds like an accidental skillet-bopping so far.

Bernard Ferrion: She kept on and on, and I kept squeezing it tighter and tighter without even realizing it, and then I swung. But I swear, Mr. Shore, I never decided to. Suddenly, my arm was in motion! Bam! I hit her, and she went down. What do I do?

Alan Shore: I certainly can't advise you to conceal evidence in any way. But I'm afraid you're going to have to call the police, Mr. Ferrion. And if you don't, I'll have to.

Bernard Ferrion: But you're my lawyer.

Alan Shore: I understand, but . . .

Bernard Ferrion: What am I going to tell them?

Della Ferrion moans, and stirs.

Bernard Ferrion: **gasps** Oh.

Alan Shore and Bernard Ferrion both take a step back from the body.

Alan Shore: I thought you said she was dead.

Bernard Ferrion: She is. I checked her pulse.

Alan Shore: **gingerly stepping forward** Sometimes, the air remaining inside the body escapes, causing . . .

Throws up his hands, then checks a pulse at her wrist. He kneels, puts his head down near her mouth to feel if she is breathing. You need not call the police, Mr. Ferrion. Call for an ambulance. Mother is still alive. Would you like to hit her again?

Lori Colson's Office

John Zenawi: Did I witness any of it?

Lori Colson: Mr. Zenawi, before I can figure out if there's a claim I first need to satisfy standing. It would certainly help if we could make out a case for you specifically. Legally, we have a term called "zone of danger." Basically, if you are in harm's way yourself. That's why I ask if you've ever witnessed any of it.

John Zenawi: I heard it once.

Lori Colson: You heard it?

John Zenawi: This past summer. I was with relatives. We were celebrating one of my uncle's birthdays. The army showed up, and . . . um . . . they, uh, they accosted us. **Turns away**

Lori Colson: Accosted you by . . . ?

John Zenawi: They told us we were slaves, that we had no right to be in the country, that . . . um . . . we were occupying grazing land for their cattle. My uncle protested. They took him behind a barn structure **pause** and set him on fire. We all heard the screams. Then they raped one of my cousins. **turns back to face Lori Colson** Does that set out a case for me, specifically? To listen to your, uh, uncle being burned to death? Your cousin being raped?

The Ferrion Home

Bernard Ferrion: It's not that I am not relieved. I am. I certainly do love her. But what if she tells?

Alan Shore: Perhaps you should've used a bigger frying pan.

Officer Coulier: Mr. Ferrion, did you see what happened?

Bernard Ferrion: No. Um, she was on a stool putting some things away. I went upstairs to have a bath. I heard a crash. I came running back, and she is on the floor unconscious.

Officer Coulier: And you are . . . ?
Bernard Ferrion: This is Alan Shore. He's a friend of the family.
Alan Shore: Bernie, you surprise me.
Bernard Ferrion: Is she going to be okay?
Paramedic: We don't know, sir.

Paul Lewiston's Office

Lori Colson: **entering** I have a crazy idea.
Paul Lewiston: Already?
Lori Colson: Mm, hmm. In tort law, you see a guy lying on the side of the street, you have no obligation to pull over and help. But if you do pull over, you incur a duty to complete that rescue, the theory being other would-be rescuers pass by thinking help is already on the scene.
Paul Lewiston: And?
Lori Colson: The United States has declared a war on terrorism. We've talked the talk when it comes to Sudan. We've even given financial aid. Our theory of law would be analogous—other countries have stayed out, thinking America is stepping in when we're not.
Paul Lewiston: **sighs** It's not a winner.
Lori Colson: But perhaps colorable enough to sue and make noise.
Paul Lewiston: **nods** Go draft the complaint.
Lori Colson: And?
Paul Lewiston: Thank you.

Lori Colson walks out; Paul Lewiston shakes his head and returns to his law book.

The Hallway of Crane Poole & Schmidt

Shirley Schmidt: Lori Colson. You slut.
Lori Colson: **laughs as they hug** How are you, Shirley?
Shirley Schmidt: Old. Rich. **looks at Lori** You look great.
Lori Colson: Thanks
Shirley Schmidt: So, who are we sleeping with?
Lori Colson: Ah, usual suspects. You back for good?
Shirley Schmidt: Just for bad. Want to grab a beer later and do a little debriefing?
Lori Colson: Love it. You look awesome, by the way.
Shirley Schmidt: I know.

The Ferrion Home

Alan Shore: I certainly don't mind him talking to you. Look, he already has. But if I let him take a polygraph—come on—I could be sued for malpractice.
Detective Willett: How is it exactly you came to be here, Mr. Shore?
Alan Shore: I drove. **Detective Willett looks at him as if to say, "Stop joking around."** Bernie's a friend. I'm here as his friend. And since I am a lawyer—Look. Come on! There's no sign of a struggle. She slipped and fell and hit her head on either the table, or counter, or stool, floor. Your experts'll figure it out. He'd like to go to the hospital to be with his mother. Can I tell him he can do that?
Detective Willett: Tell him not to leave the jurisdiction.
Police Dispatcher (background): Delta 114, domestic disturbance.
Alan Shore walks over to Bernard Ferrion, who is sitting in a chair by the window across the room. Alan sits in a chair facing Bernard.
Bernard Ferrion: I heard some of that. Do they suspect me?
Alan Shore: It's crossed their minds.
Bernard Ferrion: Well, you should know that if you're going to pass yourself off as my friend . . .
Alan Shore: You did that, Bernie.
Bernard Ferrion: You should know that my friends call me Bernard.
Alan Shore: Ah. So I guess that would make me your special friend. Tell me, Bernie, what exactly became of the skillet?

The Hallway at Crane Poole & Schmidt

Paul Lewiston: You weren't expecting them to throw a parade for you, were you?

Shirley Schmidt: No. But if I get too much resistance, I assume I'm permitted to bring my big broom out of the closet.

Alan Shore: Is that how you get around? On your big broom? *He's searching through his briefcase*

Paul Lewiston: Shirley, this is Alan Shore.

Shirley Schmidt: We've met.

Alan Shore: Yes. Shirley was in the men's room earlier.

Shirley Schmidt: Inspecting his fixtures. I'm a micromanager.

Alan Shore smiles big at that double entendre.

Bernard Ferrion: Mr. Shore?

Alan Shore: *his smile disappearing as he turns around to find Bernard Ferrion following him* I thought you were going to the hospital.

Bernard Ferrion: I did. We have a little problem.

Alan Shore: *turns back to Shirley Schmidt and Paul* Excuse me. I have a client. Maybe we can catch up later, Shirley.

Shirley Schmidt: Good. You could tell me about your products.

Alan Shore smiles, nodding, and escorts Bernard Ferrion to his office.

Paul Lewiston: An excellent lawyer.

Shirley Schmidt: If I determine he should go?

Paul Lewiston: He goes.

Alan Shore's Office

Bernard Ferrion: She's vegetative. The doctors think it's 50-50 if she'll come out of it. In the meantime, and, uh, I say this with a heavy heart . . .

Alan Shore: Of course.

Bernard Ferrion: My mother used to be a Christian Scientist, as did I. She hasn't been one for years. But I . . . I let it slip out to the doctors that she recently rededicated herself to the faith. And they made inquiries as to her position on medical treatment. I really don't think she would want to be on a respirator, as much as it pains me to admit.

Alan Shore: You let it slip out that your mother is a born-again Christian Scientist? May I ask, did your mother rededicate herself to Christian Science before or after you hit her on the head with the skillet?

Bernard Ferrion: I don't appreciate that question.

Alan Shore: What are you asking me for, Bernie?

Bernard Ferrion: Again, as much as it pains me, I'd like you to safeguard her religious freedom.

The Hallway at Crane Poole & Schmidt

Lori Colson: We filed last night. U.S. Attorney's office didn't waste any time. They brought a 12-B-6.

Paul Lewiston: Sovereign immunity.

Lori Colson: This may be our one day in court.

Paul Lewiston: And, therefore, our one day to make noise.

Lori Colson: We've put out a release. There should be media in the room. Can you join for the motion? I'd like to make a big showing.

Paul Lewiston: Should we get Denny?

Lori Colson: Uh, maybe not that big.

Paul Lewiston: It'll help to have him at the table. Shirley, I want you to think back and tell me—who is the best attorney you have ever seen in court?

Shirley Schmidt: Me.

Paul Lewiston: We need to survive a 12-B-6 on a pretty untenable claim. How would you feel about joining us for oral arguments?

Shirley Schmidt: What's the claim?

Paul Lewiston: We're suing the United States government for the genocide that's taking place in Sudan.

Shirley Schmidt: What's so untenable about that?

Paul Lewiston: This is why I love her. *Sees Alan Shore coming out of his office* Alan, we're making a show of force in a high profile matter. Could we trouble you to join us for a motion this morning?

Alan Shore: I'd love to. But, see, I have a client who hit his mother on the head with a skillet. We're trying to take her off life support, and the police have brought some nuisance action to try to keep her breathing,

buggers that they are. **turns to Shirley Schmidt** By the way, my fixtures remain available for further inspection. **turns to Paul Lewiston** Paul? **walks away**
Lori Colson: *smiling* He's funny.

Denny Crane's Office

Denny Crane is sharpening pencils with an automatic sharpener and much gusto

Paul Lewiston: Denny, may we borrow your prowess for a motion this morning?

Denny Crane: Why did you bring Shirley Schmidt back here?

Paul Lewiston: Because we need her.

Denny Crane: Well, then go borrow her prowess. **sharpening again** It's a betrayal. Calling her back here says I'm not enough. Can you get that?

Paul Lewiston: I can.

Denny Crane: Then why did you do it?

Paul Lewiston: You're not enough.

Denny Crane: I still matter, my friend.

Paul Lewiston: Yes, you do, which is why I asked you to be present for this motion.

Denny Crane: There's another problem you don't even know about.

Paul Lewiston: Which is?

Denny Crane: That woman. She's hot for me.

Paul Lewiston rolls his eyes and leaves the office.

Courtroom

D.A. Valerie Murrow: Certainly there's a state interest in preserving life, your Honor . . .

Alan Shore: If a patient wishes to refuse medical treatment based on religious practices . . .

D.A. Valerie Murrow: First of all, we don't even know that.

Alan Shore: Objection, your Honor. You can't preface your second point with "first of all."

D.A. Valerie Murrow: This woman has forsaken Christian Science. We have no assurance . . .

Alan Shore: According to her son, she's recommitted herself . . .

D.A. Valerie Murrow: A son who might be a suspect if we determine there was foul play. We're dealing with a potential homicide.

Alan Shore: Well, if the goal is to charge homicide, it makes little sense to keep the victim alive. I could be wrong.

D.A. Valerie Murrow: I object to this smugness, your Honor. A human life is at stake here.

Alan Shore: The family of Della Ferrion is here today, saying it is her wish not to be kept alive on a respirator.

D.A. Valerie Murrow: And it is simply way too early to make that call. She could recover. The suggestion that—

Alan Shore: The issue isn't recovery. It's religious freedom, which is sacred in this country—unless, of course, you're Muslim.

Judge Blake Winters: I'm gonna have to cut you both off. We've just received word from the hospital. Mrs. Ferrion has evidently regained consciousness.

Alan Shore: Excellent.

U.S. Court: Hallway

Reporter: There they are

A barrage of questions from a large group of reporters

Reporter: Could you answer a question, sir?

Lori Colson, Paul Lewiston, Shirley Schmidt, Denny Crane, Brad Chase, Sally Heep and John Zenawi are exiting the elevator

Paul Lewiston: No comment. We have no comment at this time. We'll be making a comment after the motion.

Denny Crane: I eat Cocoa Puffs. Denny Crane. Cuckoo for Cocoa Puffs. Denny Crane.

U.S. Attorney Joyner: They're seeking damages for acts committed by a foreign government against a foreign citizenry. There's no jurisdiction here; no standing. And even if there were, any such lawsuit would be barred by sovereign immunity, which prohibits the U.S. government or its officials from being sued for foreign policy decisions.

Judge Linda O'Keefe: Miss Colson, I have to agree. How do I not toss this on its face?

Lori Colson: First, the United States government, through Congress, ratified the U.N. Convention against genocide. The government's current failure to stop the genocide in Sudan violates both U.S. law and policy.

U.S. Attorney Joyner: We have not failed. We have expended . . .

Lori Colson: You're arguing the merits, which I'm happy to do, but it means a trial. If a government begins a rescue operation which, in effect, stops other countries from pursuing that rescue, that government can be held liable for failing to complete that rescue.

U.S. Attorney Joyner: Never. Never has the United States government attempted any rescue mission in Sudan.

Shirley Schmidt: Your Honor, may I?

Judge Linda O'Keefe nods

Shirley Schmidt: We know this lawsuit is a bit of a stretch.

Judge Linda O'Keefe: Hmm. You understate it.

Shirley Schmidt: But the truth is, our country puts it out there. "We will root out terrorism wherever it thrives." We elect our presidents on that theme. We go to war over it. Wherever oppression abounds, we get involved. It's almost become a motto. No one here denies an ethnic genocide is taking place in Sudan. Arab militia are wiping out the black population of Darfur. Am I boring you?

Judge Linda O'Keefe: Miss Schmidt. The court recognizes the atrocity. Why should the United States be held liable?

Shirley Schmidt: Well, if we're not going to do anything about it, maybe we should just say so. Lord knows, the world will understand. We've certainly got our hands full. But when our leaders do their bipartisan puffing, saying the genocide must end, other countries think we're going to do something. They then stay out of it, and, in the end, nothing gets done, while millions of people are being persecuted. Maybe as a compromise, we could just get the U.S. government to declare for the record, "Hey, not our problem." That way, the world would be on notice—somebody else should play hero. I could try to sell that to my client.

Judge Linda O'Keefe: Mr. Joyner?

U.S. Attorney Joyner: The United States' response to an ethnic genocide is certainly not going to be, "Hey, not our problem."

Shirley Schmidt: See? This is how other countries get confused.

Hallway of U.S. Courthouse

Shirley Schmidt: *surrounded by reporters asking questions* We're satisfied the judge took it under advisement. It at least demonstrates a recognition on her part that we have a colorable cause of action.

Denny Crane: *to Brad Chase* Did you understand a word that was said in there?

Brad Chase: Just go with it.

Denny Crane: Denny Crane. Trix are for kids. Glad to meet you.

Tara Wilson: Did he just say, "Trix are for kids"?

Sally Heep: He did.

Della Ferrion's Hospital Room

Dr. Kohler: She's very weak, of course, and quite sedated.

Bernard Ferrion: Can I talk to her?

Dr. Kohler: For a minute or two. I'd like her to rest.

Bernard Ferrion: Mom? Mom?

Della Ferrion awakens

Bernard Ferrion: It's me. Bernard.

Della Ferrion: Bernard.

Bernard Ferrion: Doctors say you're gonna be just fine. You just need to rest, Mother.

Della Ferrion: My Bernard. He hit me on the head. I think with a skillet.

Bernard Ferrion: *scoffs* Mom. W—what are you talking about? You fell.

Della Ferrion: You tried to kill me.

Alan Shore: She's a Chatty Cathy!

Denny Crane's Office

Shirley Schmidt: If we're going to work together, we should reach some kind of accord.

Denny Crane: I don't want to be working together. That's the whole point I'm trying to make.

Denny Crane: Can you tell me why?

Denny Crane: Well, first off, you're a liberal.
Shirley Schmidt: Yes. Besides that.
Denny Crane: I figured out what you were doing in court today. You were Bush-bashing.
Shirley Schmidt: I assure you, I wasn't.
Denny Crane: You made war comments. When a liberal makes comments about the war, they're Bush-bashing. It's un-American.
Shirley Schmidt: To criticize a President?
Denny Crane: While he's in office, yes.
Shirley Schmidt: Denny, you and I go way back. I know you. Your aversion to my return has nothing to do with politics. Can we talk about it?
Denny Crane: You left me, Shirley. Women don't leave Denny Crane. And for a secretary!
Shirley Schmidt: It was the Secretary of Defense.
Denny Crane: Doesn't matter. I have an image. One could even say I'm all image.
Shirley Schmidt: One could. **pause as much is left unsaid** Imagine the fun working together again.
Denny Crane: It won't be fun. There's only room for one at the mountaintop. **stands up and walks to the door** It's my mountain. **walks out of his own office, as Lori enters, looking for Shirley**
Lori Colson: Denny. The judge just called us back.
Shirley Schmidt: Already?
Lori Colson: Is there any way that could be a good sign? I was hoping to at least survive 'til the six o'clock news.

A Hallway in the Hospital

Bernard Ferrion: He called the police?
Alan Shore: I'm afraid so.
Bernard Ferrion: What do I do? What do I do?
Alan Shore: Well, Brazil comes back to mind. Bernie, listen to me. If you were overcome, like you say, when this happened . . .
Bernard Ferrion: I was. I—I—I obviously had problems with her, Mr. Shore, but I truly never intended to kill her. I did not consciously **stops talking when someone walks past them**
Alan Shore: If we could show heat of passion . . .
Bernard Ferrion: I've never broken the law in my life. She just got me so enraged! God, my life is over.
Dr. Kohler: Mr. Ferrion?
Bernard Ferrion: What?
Dr. Kohler: I, um, I'm very sorry to tell you—your mother has passed away.
Bernard Ferrion: I beg your pardon?
Dr. Kohler: She went back to sleep and she just quietly passed.

U.S. Courtroom

Judge Linda O'Keefe: To be honest, I might have a hard time finding Sudan on a map. I certainly know they've got big problems. Innocent people murdered every day, systemic rape, many of them children. It's the worst humanitarian crisis in the world.
Shirley Schmidt: Please don't say "but."
Judge Linda O'Keefe: But, why does every crisis automatically fall to the United States to solve? We've got Iraq, Iran, North Korea—and these are people who might murder us. We're supposed to tend to a bunch of Africans killing each other? Why? Because we're Americans? The answer is . . . yes. Because we're Americans. Because we're a nation—perhaps *the* nation—that's supposed to give a damn. What's going on is an organized extermination of an entire race of people. We're the country that's supposed to give a damn. Miss Schmidt, Miss Colson, your claim here most likely won't survive summary judgment. And maybe the American people don't care about what's happening over there, but for today, here, now—at least one federal court judge does. Defendant's motion to dismiss—denied. **bangs gavel**
Tara Wilson, Brad Chase and Sally Heep look at each other, happy. John Zenawi looks relieved and surprised.
Paul Lewiston: I can't believe it.
Lori Colson: Neither can I.

Hospital Room

Bernard Ferrion: I—I thought perhaps I'd be relieved if she died. But the truth is, um, she's all I really had. **sniffles** I lived with her. I can't believe she's gone.

Alan Shore: She looks at peace. Though she did on the kitchen floor as well.

Bernard Ferrion: Mr. Shore, can you make room for the possibility that I both killed my mother and I'm devastated at losing her?

Alan Shore: I can.

Bernard Ferrion: I'm so sorry. Mother, I'm so sorry.

Officer James: Bernard Ferrion?

Alan Shore: That's me.

Officer James looks at him in disbelief.

Alan Shore: Kidding.

Bernard Ferrion: I'm Bernard Ferrion.

Officer James: You're under arrest for the murder of Della Ferrion.

Bernard Ferrion: Oh.

Officer James: Please place your hands behind your back

Bernard Ferrion: Yes, sir.

Officer James: You have the right to remain silent. Anything you say can and will be used against you in a court of law.

Bernard Ferrion: Uh, huh.

Officer James: You have the right to hire an attorney and have him present before any questioning. If you cannot afford an attorney, one will be appointed for you by the courts. You can also waive your right to silence and make any statement you wish. Do you understand these rights?

Courtroom

Bailiff: 32611: Commonwealth versus Ferrion. Charge of murder in the first.

Alan Shore: Alan Shore appearing for the defendant. We'll waive reading. I'd ask that my client be released on his own recognizance.

D.A. Bret Haber: Opposed. The man is charged with homicide. Bail would certainly . . .

Alan Shore: He has no record, your Honor.

D.A. Bret Haber: He would be a threat to society.

Alan Shore: Nonsense. He only kills mothers—allegedly—and he's fresh out of them.

Judge James Billmeyer: Bail is set at one million dollars. Let's conference tomorrow at 9 am. We'll set up a trial schedule.

Alan Shore: Wait one second, your Honor. It seems there's been a terrible mistake. My client never should have been arrested.

Judge James Billmeyer: Because . . . ?

Alan Shore: There's no evidence. According to the police report, there's been no determination of cause of death, no witnesses . . .

D.A. Bret Haber: The victim identified the defendant as the killer.

Alan Shore: That would be hearsay.

D.A. Bret Haber: It was a dying declaration, and therefore, an exception to the hearsay rule.

Alan Shore: For the dying declaration exception to apply, the declarant must know he or she is about to die when making the statement. Mrs. Ferrion was told by the doctor she was going to survive. She never thought for a second she was going to die.

D.A. Bret Haber: Even so, your Honor, for her to incriminate her own son would be a declaration against her interest, which would also qualify as an exception to the hearsay rule.

Alan Shore: I refer your Honor to Officer Coulier's interviews with the neighbors noted at the bottom of the page. Mr. Ferrion was reportedly verbally abused by his mother. She would blame him for anything that went wrong in her life. Well, here again, she was blaming him for the bump on her head. It was not a declaration against her interest, but just more of the same. The court cannot be satisfied as to its reliability. The hearsay rule very much applies.

Judge James Billmeyer: Is this all you've got—the statement of the victim?

D.A. Bret Haber: **ruffling through his papers** We'll get more.

Judge James Billmeyer: Well, when you do, you can refile. Right now, you've got nothing. Victim's statement is inadmissible. The charges against Mr. Ferrion are dismissed without prejudice.

The Hallway Outside

Alan Shore opens the door for Bernard Ferrion.

Bernard Ferrion: I can't believe it. I just—I can't believe it.

Alan Shore: It's been an exciting week.

Bernard Ferrion: You think they'll be back for me?

Alan Shore: Frankly, Bernie, I don't think they'll get the evidence, which I can see brings you right back to . . .

Bernard Ferrion: I can't believe it.

Alan Shore: May I say something else?

Bernard Ferrion looks interested.

Alan Shore: I see in you, Bernie, an innately kind person. A man whose docile, gentle nature was worn down by a relentlessly mean, dark-hearted woman. I could be wrong, but . . . I'm hoping it's the kind gentle person who goes on from here, not the one who swung that skillet.

Bernard Ferrion: Oh, um, I promise you with all my heart. You don't have to worry about that.

Alan Shore: Bernie, through your grief, which I know is very real, try to see this as an opportunity. For once, finally, you get to live your life free of Mother.

Shirley Schmidt's Office:

Newscaster: Now to international news. According to the United Nations Secretary-General Kofi Annan, one in three people in Darfur now requires lifesaving assistance due to either violence or malnutrition. Efforts to negotiate a peaceful solution to the underlying [s?] war in that country have now proven too late.

Lori Colson: Whatcha doing?

Shirley Schmidt: Watching the news. CBS just declared Bush the winner.

Lori Colson: Hmm. **offering Shirley a beer** Cheers?

Shirley Schmidt: Cheers.

Lori Colson: I see our little case is getting play. You think it could actually make a difference?

Shirley Schmidt: **smiles** I remember reading when the press went to Bosnia people rejoiced at the sight of American media. They figured if word got out, something would be done. Murders and rapes would stop. They waited, and they waited, and nobody came.

Lori Colson: Maybe we need Sudan to attack us. We might fall short as humanitarians, but we're pretty good avengers.

Shirley Schmidt: If you don't mind, I'll cling to the idea we're still pretty decent humanitarians.

Lori Colson: What's that?

Shirley Schmidt: I don't know. I thought it was from you. I was waiting to open it. Gets up and walks to her desk.

Lori Colson: Mm, mm. It's not from me.

Shirley Schmidt: **opening a green gift box with a white bow, to find a rearview car mirror** "Objects in mirror are bigger than they appear."

Lori Colson: He's funny.

Shirley Schmidt: He's also trouble, isn't he?

Lori Colson nods slightly.

Balcony Scene

Denny Crane: She's big trouble.

Alan Shore: Did she break your heart?

Denny Crane: **hunched forward in his chair** She might've. So what? I've had my heart broken lots of times. It stings for a minute.

Alan Shore: I would think it would be fun to have her back. I don't know about you, but when I travel, going to new places isn't always as interesting as revisiting some of the old ones. What is it that has you so balled up?

Denny Crane: She isn't slipping, that's what.

Alan Shore: You're worried about her seeing you age?

Denny Crane: You might not believe this, but I was once a very remarkable man.

Alan Shore: Denny. Denny, you're a remarkable man.

Denny Crane: Between you and me, that woman is too much for me.

Alan Shore: **leaning forward so as to be level with Denny Crane** Between you and me, we'll take her.

Denny Crane: I'd like that. **Leaning back in his chair** I'd like that.

Alan Shore leans back also.