

**Boston Legal**

**Can't We All Get a Lung?**

**Season 3, Episode 1**

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Scene: A Boston highway; the carpool lane

**Jerry Espenson is driving; he sees the telltale red and blue revolving lights of a police car, and hears a few warning bursts of siren.**

**Jerry Espenson:** God! Oh, God, please no! Um . . . **siren again; longer now** I'm in control. Deep breaths. **He blows out his breath, and pulls over, stopping the car.** You're in control; in control.

**Officer Ralston:** **knocks on the passenger side window; Jerry Espenson lowers the window.** License and registration, please.

**Jerry Espenson reaches in the glove box, takes the items out, and hands them to the Officer Ralston.**

**Officer Ralston:** Mr. Espenson. You were driving in the carpool lane. That lane's reserved for vehicles with two or more passengers. Sir, that is not a person in your passenger seat.

**The camera pulls back to reveal a life-size doll in the front passenger seat.**

**Jerry Espenson:** I'm sorry; I'll pay the ticket.

**Officer Ralston:** Okay. I'm also going to have to impound the doll.

**Jerry Espenson:** What?

**Officer Ralston:** I'm afraid that's the law, sir. **opens the door; takes the doll out of shoulder harness and seat**

**Jerry Espenson:** Well . . . oh . . . well, hold on. **gets out of the car himself, and comes around to the trunk, hands glued to his thighs** You can't have her!

**Officer Ralston:** Sir, please get back in the vehicle. **He lays her on the trunk of the car**

**Jerry Espenson:** No, you can't take her. She's done nothing wrong! It was all me. My fault!

**Officer Ralston:** **now insistent** Sir, please get back in the vehicle. **puts a hand on the doll's thigh**

**Jerry Espenson:** **going berserk** No!! No, no! No!

**There are now 2 police officers, and they wrestle with Jerry Espenson, as he goes ballistic.**

**Officer Ralston:** All right. Take it easy.

**The officers restrain Jerry Espenson and pin him to the trunk of his car.**

**Officer Ralston:** All right. Hold on.

**Jerry Espenson:** Oh, no. No.

Offices of Crane Poole & Schmidt

**Melissa Hughes is looking for her wayward boss. She checks the storeroom, sees and hears doors rattling. Disgusted, she opens one of the doors to a closet within the storeroom. Marlene Stanger's leg with a black, open-toed pump on her foot is visible, and Alan Shore is holding the leg up.**

**Alan Shore:** **sticking his head out** We're developing pictures.

**Marlene Stanger:** **rather disheveled; also sticks her head out** We're photography buffs.

**Melissa Hughes:** Yes, and I hate to interrupt your . . . buffing, but there's an emergency. Jerry Espenson is in jail. Last night he—he tackled a police officer.

**Alan Shore:** **We hear a quick zip of his pants as he ducks behind the door.** What?

**Melissa Hughes:** He's totally flipped out.

**Alan Shore rushes past Melissa Hughes and goes out the door behind her, slamming it.**

**Marlene Stanger:** If you like to watch, I'm okay with that.

**Marlene Stanger smirks; Melissa Hughes slams the closet door closed.**

Shirley Schmidt's office

**Another door opens, and Denise Bauer walks in.**

**Paul Lewiston:** All right. Denny . . .

**Denise Bauer:** Uh, um, have you got a sec?

**Shirley Schmidt:** Yeah. Sure. What's up?

**Denise Bauer:** Well, the good news is I'm getting married. To Daniel Post.

**Shirley Schmidt:** Wow. **Steps forward to hug Denise Bauer.**

**Paul Lewiston:** **also stepping forward to hug Denise Bauer** Denise. Congratulations!

Denny Crane: Denise.

Denise Bauer: Thank you. Thank you, Denny.

**Denny Crane kisses Denise Bauer fully on the lips, dipping her back.**

Shirley Schmidt: Denny. Denny! **Tries to pull him off Denise Bauer**

Paul Lewiston: **slapping his shoulder repeatedly** Denny.

Shirley Schmidt: Denny!

**Paul Lewiston and Shirley Schmidt are finally successful in pulling Denny Crane off Denise Bauer, who straightens herself out a bit.**

Denise Bauer: The bad news is: Daniel got arrested and I was hoping that you could defend him.

Shirley Schmidt: What did he do?

Denise Bauer: Well, it seems he went out and bought himself—um—a lung.

[opening credits]

Jail Cell

Daniel Post: **behind bars** It's not that complicated. I met this guy, Tom, in my oncologist's office. He's got a brainstem tumor; it's inoperable. So, he had cancer, I had cancer, and we . . . we became friends. As you know, I lost a lung. Coincidentally, Tom has two, and, even more of a coincidence, our tissues match.

Shirley Schmidt: Ah, gee, whaddya know?

Daniel Post: Now, I'm not going to need a lung for a couple years, but why put off 'til tomorrow what you can transplant today? As it turns out, I have all this extra money hanging around, so I thought I'd help Tom's daughter with college.

Denise Bauer: Wow. And these idiot prosecutors thought you were buying a lung. **shakes her head**

Daniel Post: By the way, you see the ring?

**Denise Bauer flashes a very large diamond ring for Shirley Schmidt.**

Shirley Schmidt: Holy sh . . .

Hallway of Crane Poole & Schmidt

Marlene Stanger: Denise!

Denise Bauer: Marlene.

Marlene Stanger: I hear you're getting married.

Denise Bauer: I am.

Marlene Stanger: Congratulations.

Denise Bauer: Hm.

Marlene Stanger: It must be a relief to have some financial security. Does Buzz know?

Denise Bauer: Buzz?

Marlene Stanger: Buzz Lightyear. Isn't that the nickname for the Ken doll with benefits?

Denise Bauer: Marlene, I'm feeling it extremely difficult not to assault you right now.

Marlene Stanger: Oh, I'm sorry. Am I being too familiar? I thought we were girlfriends. I was hoping the relationship wouldn't change when I made partner and you didn't, but I guess it has. Oh, well. **turning to Brad Chase, who has innocently joined the conversation** Brad, did you hear? Denise is getting married.

Brad Chase: **taken aback** Really?

Denise Bauer: Uh, I was going to tell you.

Marlene Stanger: Sometimes it's easier to hear from a third party.

**Denise Bauer swings at Marlene Stanger, who smoothly ducks out of the way**

Marlene Stanger: That could've hit me.

**Marlene Stanger exits, leaving Brad Chase and Denise Bauer to work things out.**

Another Jail Cell

Jerry Espenson: **behind bars** Alan, I know I was wrong to drive in the carpool lane. I stand ready to pay the fine. **voice getting louder, becoming frantic** But they have no right to take her . . .

Alan Shore: **grabbing his arms through the bars** Okay, Jerry, I want you to take a big deep breath.

**Alan Shore and Jerry Espenson breathe deeply, in unison.**

Jerry Espenson: They're probably violating her as we speak.

Alan Shore: By her, you mean the doll.

Jerry Espenson: Some men do despicable things to them. Some men get them specifically for . . . sexual purposes. **paces his cell, shaking his head**

Alan Shore: You can't mean that. The blow-up dolls advertised with the life-like genitalia. Men get them for sexual purposes.

Jerry Espenson: You're making fun of me.

Alan Shore: **chuckling** Now, Jerry.

Jerry Espenson: This doll is a virgin. Now, the police have her. You've got to get her back. That officer was groping her. That's why I had to take action.

Alan Shore: Jerry, I will help you, but you're talking about a doll . . .

Jerry Espenson: But I can talk to her. As inanimate as she may be, I—I feel safe with her. I can talk . . . about—things.

Alan Shore: Okay. But, Jerry, uh, could, uh, we perhaps, uh, get another doll?

Jerry Espenson: No! As much as I know that she's not real, she's real to me. You need to help, Alan. She's real to me.

Crane Poole & Schmidt Conference Room

Tom Raulston: I got a second AND third opinion, and they all say it's inoperable. I've been through the whole stages of death thing: I cried, I begged, I threw stuff. Made it to acceptance.

Shirley Schmidt: And now you seem to have made it to the final stage: profiteering.

Daniel Post: These non-terminals have no sense of humor.

Tom Raulston: My daughter—she wants me to fight the cancer, but the thing is, if I do the chemo and the radiation, the most I may buy is 3 or 4 really nasty months. I don't want that.

Denise Bauer: Okay, here's what we're gonna do. We're gonna plead not guilty, and go with your story that this is just two friends helping each other out.

Daniel Post: Great.

Denise Bauer: Except that's probably not gonna work out. So, we'll also need to file a motion to dismiss on constitutional grounds.

Shirley Schmidt: And then hope that in the Constitution somewhere it says it's okay to sell your body parts to the highest bidder.

Denise Bauer's Office

Brad Chase: **storms in, slamming the door behind him** Are you gonna marry some guy—a criminal, no less! That's fine! But to lie to me . . .

Denise Bauer: Hey, don't yell at me! I did not lie to you! I—

Brad Chase: Yes, you did! Denise, we're sleeping together, and you're engaged. Don't think that I deserve some—

Denise Bauer: Stop yelling at me! It just happened.

Brad Chase: Oh, it just happened. You just happened to get engaged.

Denise Bauer: Y—yeah. You know what? Get out!

Brad Chase: So this is the modern woman. She has her friends with benefits and collects her marriage proposals on the side!

Denise Bauer: Get out!

Brad Chase: You really have it all, don't you?

Denise Bauer: Yeah, yeah. I *really* have it all. I'm in love with a man who is dying. **her voice cracks as she starts to cry** Lucky, lucky me! Son of a bitch.

Brad Chase: Why didn't you just tell me that you're seeing him?

Denise Bauer: Because he was in Switzerland getting an experimental treatment and I didn't think he was coming back. I am sorry that I love him. I don't want to love him, but I do.

Denny Crane's Office

**Alan Shore is sitting on one of the couches while Denny Crane sits on the other, both drinking scotch.**

Alan Shore: I've gotta get him help. My God, if you saw the way he hugged her . . .

Denny Crane: Is she cute?

Alan Shore: Denny, it's a doll.

Denny Crane: Aw, c'mon. Don't tell me you've never gone to town on a doll.

Alan Shore: **laughing** No-o-o-o, as a matter of fact.

**Denny Crane blinks and looks a bit guilty.**

Alan Shore: Have you?

**Denny Crane is thinking about how to break this news to Alan Shore.**

Alan Shore: Denny . . .

Denny Crane: Well, not just any doll. I—I—I'm not . . . what's the word . . .

Alan Shore: Peculiar?

Denny Crane: But I suppose I've been with . . . special doll . . .

Alan Shore: *silently saying Ohh . . .* "Would I like her?"

Denny Crane: Do you wanna meet her?

Store Room of Crane Poole & Schmidt

Denny Crane: *enters; Alan Shore behind him* She's in the closet.

Alan Shore: Denny, I've been in that closet.

Denny Crane: Not this closet. I'm the only one with the key to this closet.

*Denny Crane walks to and opens another set of double doors. Alan Shore laughs. Denny Crane carries a doll out of the closet; it is a close ringer for Shirley Schmidt.*

Denny Crane: Alan Shore, meet Shirley Schmidt-Ho.

Alan Shore: *ALMOST speechless, staring with his mouth gaping* Oh, my God.!

Denny Crane: This little "ho" knows how to please, let me tell ya!

Alan Shore: You had this custom-made.

Denny Crane: Here's the thing about rich people, Alan. We get whatever we want. *He snuggles cheek to cheek with the Shirley Schmidt-Ho Giant Action Figure.*

Alan Shore: *with a bemused grin* Shirley Schmidt-Ho. *his eyes wander down the doll, as Denny protectively pulls her blouse closer to her.*

Judge Clark Brown's Courtroom

Bailiff: All rise. Judge Clark Brown presiding.

Shirley Schmidt: Oh, dear.

Denise Bauer: Problem?

Shirley Schmidt: Judge Brown—I'm not his favorite.

Judge Clark Brown: Be seated. *sees Shirley and they exchange smiles* Ms Schmidt, I have before me your motion to dismiss on constitutional grounds.

*Shirley Schmidt nods*

Judge Clark Brown: Denied.

Shirley Schmidt: You'd better take this.

Denise Bauer: Your Honor, I would ask that you would reconsider the defense's motion.

Judge Clark Brown: I will not. He *looks at Daniel Post* wants to purchase a lung, and he *looks at Tom* wanted to sell a lung. Horrible; horrible! And shocking!

Denise Bauer: I—in the interest of fairness, your Honor, it's imperative that . . .

Judge Clark Brown: No. I'm ruling on your papers. The law, as it stands, is constitutional. And my decision stands firm. I am not one of your activist judges, Ms. Bauer. I follow the law as it is written—a practice that makes me neither "nansy" or "pansy." We will proceed. *bangs gavel*

Alan Shore's Office

Alan Shore: I spoke with a few psychologists, and while they can appreciate how a person with Asperger's might find comfort in an imaginary soulmate . . .

Jerry Espenson: You're choosing your words carefully. *Rises.* Why are you talking this way? When you talk to me like that, I do not hear your words. I only hear the pitter-patter of somebody tiptoeing lightly around a crazy person. I know she's not real. I'm not delusional. I just . . . I spent a lot of money on it—that's all.

Alan Shore: *rises, buttoning his jacket* Jerry, that isn't truthful. You may not be having sex with it, but you've completely individualized it. You call it her, you treat her as a loved one—

Jerry Espenson: You've just described every man's relationship with his car.

Alan Shore: *laugh and nods as they sit on a couch* Ha! The psychologists tell me, as understandable as your attraction may be, it isn't healthy. Have you ever been with a real woman, sexually?

Jerry Espenson: *rolls his eyes* I think you know the answer to that question, Alan.

Alan Shore: There was a time, years ago, when I had some difficulty of a certain stripe. I was referred to a sex therapist, a surrogate, in fact. I'd like you to meet with her.

Jerry Espenson: That's disgusting!

Alan Shore: It is *not* disgusting. What's more, she helped me enormously. I believe she could help you. For God's sake, Jerry, you're smart enough to realize your disability with intimacy is profound here. You need to get help.

Judge Brown's Courtroom

**Megan Raulston:** I was accepted to Penn this spring. I knew it was out of our price range, so I contacted the financial aid office.

**A.D.A. Joshua Wendt:** Did you qualify for financial assistance?

**Megan Raulston:** I didn't need to. My tuition was paid—all four years, in full.

**A.D.A. Joshua Wendt:** Who paid your tuition, Megan?

**Megan Raulston:** It took some digging, but I eventually learned that it was Daniel Post. I asked my father who Daniel Post was, and if he knew anything about it. He said I should be grateful and keep it between us. Then I found the test.

**A.D.A. Joshua Wendt:** Commonwealth Exhibit A. **takes a letter in a protective sleeve from the Court Clerk** Was this the test you discovered?

**Megan Raulston:** Yes, in my dad's desk. It's the comparison study between my father and Mr. Post. They're a perfect match for each other.

**A.D.A. Joshua Wendt:** Megan, why are you here, testifying against your father?

**Megan Raulston:** My mother died when I was six. My dad . . . is my whole family. **to Tom:** You have to at least try.

**Denise Bauer:** Megan, it's clear that you love your father very, very much. And he has a tumor in his brain that cannot be removed. And there's no getting around that, is there?

**Megan Raulston:** No.

**Denise Bauer:** But, there's no real evidence that Daniel Post paid your tuition in exchange for one of your father's lungs. There's no contract between them, nothing signed, no receipt. There's no real proof of a connection between the two of them, correct?

**Megan Raulston:** So, they just got typed and matched for the hell of it?

**Denise Bauer:** Megan . . . your father still has both of his lungs. Isn't it possible that Daniel Post paid your tuition to be nice? Because he could—for the daughter of a friend.

In the Hallway Outside of Suite 517

**Alan Shore knocks on the door, using the door knocker. The door opens to reveal Joanna Miller.**

**Alan Shore:** Joanna. My name is Alan Shore. I'm not sure if you remember me.

**Joanna Miller:** **smiling** Yes! How are you, Alan?

**Alan Shore:** I have a . . . a matter of great urgency. I wonder if I could speak with you.

Inside Suite 517

**Alan Shore and Joanna Miller are sitting at the dining room table, drinking tea.**

**Alan Shore:** And I'm just afraid the more isolated he becomes, I mean, I would imagine men who bond with dolls—some kind of intervention has to take place here.

**Joanna Miller:** Alan, I'm retired. I've remarried, and my husband has problems with his wife being a sexual surrogate.

**Alan Shore:** You've retired?

**Joanna Miller:** But I can refer you to several other therapists.

**Alan Shore:** Without even meeting these women, I know they simply cannot be you.

**Joanna Miller:** Well, I suppose I'm flattered.

**Alan Shore:** I mean to connote despair, not flattery. My friend is extremely disenfranchised, both sexually and emotionally, and time is running out. He's in his 40s; his best friend is a doll. Could you please come out of retirement for just one case? I beg you.

Alan Shore's Office

**Jerry Espenson:**  **pacing** I don't wanna be alone with her. Can't I do this . . . over the computer?

**Alan Shore:**  **sitting at the desk** No, Jerry. You have to be in the same room.

**Jerry Espenson:** I'm not comfortable. I don't want to be alone with her. And go rushing off to court, trying to get some sort of order. You can't make me, Alan!

**Alan Shore:** Would it help if Patty went with you?

**Jerry Espenson:** That'll just make me look more like a freak!

**Alan Shore:** No, it won't. How 'bout we both join you, Patty and I, just for the . . . initial consultation?

Hallway of Crane Poole & Schmidt

**Alan Shore:**  **walking, while talking on his cell phone** Eleven-thirty sounds just perfect. Thank you, Joanna. You have no idea how grateful I am. See you then.

**Marlene Stanger:** You missed your ten o'clock.

Alan Shore: Um, something came up.

Marlene Stanger: Something was supposed to come up **demonstrating what and how** in the closet at ten o'clock.

Alan Shore: I've got a few minutes now if you'd like to go somewhere and grab a bite?

Marlene Stanger: I'm leaving for New York.

Alan Shore: **shocked** Now?

Marlene Stanger: Friday. I'm transferring to the New York office.

Alan Shore: What? Why?

Marlene Stanger: I don't feel I'm doing my best work here.

Alan Shore: **nodding enthusiastically** I assure you, Marlene, you are.

Marlene Stanger: I'll miss you. **walks past him**

Alan Shore: Heh! That's it? You'll miss me?

Marlene Stanger: Dear.

Judge Brown's Courtroom

Denise Bauer: Mr. Post, who is Eugene Volukh?

Daniel Post: Eugene is a security guard at my office building.

Denise Bauer: Why did you write him a check for \$50,000?

Daniel Post: Eugene's son is autistic. He has to go to a special school.

Denise Bauer: So you just . . . gave him the money?

**Daniel Post holds his hands up in agreement.**

Denise Bauer: So, in addition to Katrina relief, the Children's Hospital of Boston and a dozen other charities, you just give money to people that you meet?

**Daniel Post looks at her in affirmation.**

Denise Bauer: Have you ever asked any of the people that you've helped for something in return?

Daniel Post: No.

Denise Bauer: Not even say, um . . . a body part?

Daniel Post: Not a one.

A.D.A. Joshua Wendt: Ah, Mr. Post, how'd you get to court this morning?

Daniel Post: Car.

A.D.A. Joshua Wendt: You drove?

Daniel Post: I was driven.

A.D.A. Joshua Wendt: You have a car and driver.

Daniel Post: Let's just stick to that I'm a rich guy, all right?

A.D.A. Joshua Wendt: Rich guys play by different rules, don't they?

Daniel Post: The same rules, just I have more toys. You did hear I share money, right?

A.D.A. Joshua Wendt: I did. You're obviously a generous man, and a lucky one.

Daniel Post: Except for the whole cancer thing.

A.D.A. Joshua Wendt: Well, but you got the best treatment money could buy, right? And then you got yourself into the most promising drug trial in this country, right?

Daniel Post: Along with about 2000 other people.

A.D.A. Joshua Wendt: You were sued for manipulating that study to your benefit.

**Daniel Post and Denise Bauer look at each other; Judge Brown notices the gesture.**

Daniel Post: Ah, suit went away.

A.D.A. Joshua Wendt: Because the plaintiff died, but not before you tried to buy your way out of the inconvenience of a trial. And when the study here at home didn't work, you just got yourself into another one in Switzerland, didn't you? A man like you used to controlling everything in your world, you'd do anything . . .

Denise Bauer: Objection!

Judge Clark Brown: And sustained.

A.D.A. Joshua Wendt: I'm just saying, Mr. Post, you've got deep pockets. You're able to use them to get what you want. And the one lung that you have left—it's not going to last forever, is it? Every time you have to stop on the street, you feel that tightness in your chest, it reminds you of how vulnerable you are, doesn't it?

Denise Bauer: Objection! Your Honor, this trial shouldn't be about who offered what to whom. It should be about whether or not our government has the right to control what we can and cannot do with our own bodies.

**Judge Clark Brown bangs his gavel 5 times.**

Denise Bauer: What you should be able to do to save your own life!

A.D.A. Joshua Wendt: Your Honor!

Judge Clark Brown: **pointing at the jury** Disregard that view . . .

**Denise Bauer:** Judge Brown doesn't want to hear about these issues because the cut a little bit too close to the bone. You see, I did some research and it seems Judge Brown is himself a survivor of colon cancer.

**Judge Clark Brown bangs his gavel 6 more times.**

**Denise Bauer:** But his is treatable. He can throw a couple radioactive seeds in the back door, and then you don't have to face the hard truth about what you would be willing to do if you were dying.

Joanna Miller's Office

**Alan Shore, "Patricia" and Jerry Espenson are sitting on the couch opposite Joanna, all six hands on their respective knees.**

**Joanna Miller:** You know, Alan is very concerned about you. He thinks your social isolation is rather extreme. But the good news is: It's not. Many men your age are living alone these days without partners. It's become all too common, in fact. And I've treated many like you who prefer dolls. Mainly, they're motivated by a desire to avoid rejection, which, when you think about it, every man fears rejection by women on some level.

**Alan Shore twitches a little in reaction to that statement; "Patricia" has no reaction.**

**Jerry Espenson:** Thank you. **fingers "Patricia's" skirt**

**Joanna Miller:** Do you lie in your bed next to Patricia?

**Jerry Espenson:** I do not have sex with her.

**Joanna Miller:** Oh, I believe you. I believe you, because what you're looking for isn't sex so much as . . . intimacy in a relationship.

**Alan Shore looks very thoughtful, and in agreement**

**Joanna Miller:** Jerry, I wanna have another session, when you and I just lie together. No sexual touching; we just lie next to each other.

**Jerry Espenson: shaking his head** Oh, I don't know.

**Joanna Miller:** Oh, It won't be about sex, but body awareness, and relaxation.

**Jerry Espenson:** Naked?

**Joanna Miller:** Yes.

**Jerry Espenson: thinks about that, then, to Alan Shore:** I wouldn't want you there for that.

**Alan Shore: almost too quickly** Understood.

Shirley Schmidt's Office

**Denise Bauer:** That didn't go very well.

**Shirley Schmidt: feet up on cocktail table; takes a swallow of beer** No, it didn't. **pause as Denise takes a swallow of her beer** Are you okay?

**Denise Bauer:** I'm . . . fine.

**Shirley Schmidt:** A penny for your thoughts?

**Denise Bauer:** My thoughts are not for sale, unlike the rest of . . .

**Shirley Schmidt:** Ouch.

**Denise Bauer:** Uh. My father didn't have a lot to leave when he died. He actually executed something called an ethical will." Have you ever heard of them?

**Shirley Schmidt:** I've drafted them.

**Denise Bauer:** He believed that a person's final legacy shouldn't be so much about his money as about his character, his values. Sometimes I wonder what Daniel's legacy is going to be.

**Shirley Schmidt:** Why don't you ask him?

**Denise Bauer:** He'd say that legacies are for dead people and he doesn't want to be dead.

**Shirley Schmidt:** I guess that's the only answer he can live with. The question is: Can you?

Hotel Room

**Jerry Espenson is laying in bed, covered with a sheet, hands "glued" to his thighs. Joanna Miller comes out of the bathroom, wearing a red silk robe.**

**Joanna Miller:** How you feeling?

**Jerry Espenson:** Fine, thank you.

**Joanna Miller:** Before I get into bed, I'd like to take off my robe and I just want you to look at me. Do you think you can do that?

**Jerry Espenson:** I'll try.

**Joanna Miller: disrobes** Could you look at me, Jerry? See? There's nothing terribly foreign about the female body, Jerry. I'm going to climb in with you now, okay?

**Jerry Espenson: nodding** Okay.

**Joanna Miller: climbs in bed, pulls the linens around her** How you feeling?

Jerry Espenson: I'm afraid.

Joanna Miller: Would you like me to hold you?

Jerry Espenson: Ohh. **nods** Okay.

**Joanna Miller very chastely places her arm around Jerry Espenson's chest and shoulders.**

Jerry Espenson: Oh, gosh.

**They hear the doorknob click; it is being opened!**

Officer Michaels: Freeze!

Joanna Miller: No, no, no! You can't be in here!

**Chaos ensues, as everyone is yelling in unison.**

Joanna Miller: Just one moment, please!

Jerry Espenson: God, no!

Hallway of Crane Poole & Schmidt

**Melissa Hughes is talking on a cell phone, once again searching for her wayward boss, Alan Shore.**

Melissa Hughes: I am looking for him. As soon as I find him, I will get him down to the station. I—ahh—I hear you, Jerry. **shakes her head, and opens the door to the storeroom** Alan! **The double doors to the closet inside the storeroom are rattling again.** Oww, come on! **She flings the doors open, and we see a picture of Denny Crane, followed by "Shirley Schmidt-Ho," with her blouse open and askew.**

Denny Crane: **pops into view; he is behind a disheveled "Shirley Schmidt-Ho," hand in cleavage, and looks just as disheveled as the doll, and a bit out of breath** What?!

Judge Clark Brown's Courtroom

A.D.A. Joshua Wendt: You can't blame Daniel Post for wanting to live. What's the harm, he asked? We have many individual liberties that are dearly cherished in this country. Equally cherished is the notion that our law-making bodies seek to protect the public good. As a result, we don't have *carte blanche* to do whatever we please with our bodies. Well, Daniel Post decided that he was above the law. He figures he doesn't have to play by the same rules that apply to you and me. So where's the harm? And it's not just a matter of anarchy or the sanctity of the law. Hundreds of thousands of people donate their organs every year so that others might live. And they count on the system of distribution to be fair. If it's not, those organ donations could stop, or, most certainly, decline, and people die. That's a harm he doesn't care about. I'm hoping the twelve of you do.

Shirley Schmidt: I have a nephew; he's in college. During his semester break, he offered himself as a subject for medical research in exchange for money. This is legal. The woman who lives down the block from me had her eggs harvested so that another woman could have a baby. She did this in exchange for money. This is legal. People can sell their hair, their blood, their sperm. Legal. Our nation already embraces the notion that we have the right to sell parts of ourselves, that we are free to make these kinds of decisions about our own bodies. Well, sort of. Certain parts, we have no rights. But the truth is, organ sales are happening anyway. Would—would you like a kidney? I can get you one in Brazil for as low as \$3000, in the Philippines for eighteen hundred. I can get you an Achilles tendon in South Korea for anywhere between two- and twelve-hundred dollars. Why does this black market exist? Because our current system of organ donation is woefully failing us. Sure, you can put your name on a list, along with 92 thousand people who are left on the list each year. In the meantime, anyone who can circumvent that list is doing so. Families and friends donate directly. Police and firefighters have an informal network where they donate their organs to each other. And—and for a stiff monthly fee, any patient can subscribe to a donor-matching website. And Daniel Post found Tom Ralston. Washington DC Circuit Court previously found we have a constitutional right to save ourselves. That's all Daniel Post was trying to do.

Jail

Alan Shore: **walks quickly to the cell in which Jerry Espenson is being held** Jerry, I am so, so sorry. I feel completely responsible and I will make this go away. I give you my absolute word.

Jerry Espenson: What happened?

Alan Shore: It seems the awful Mr. Ginsberg, our politically-ambitious zealot of a prosecutor, has begun a city-wide crack-down on a broad assortment of what he considers immoral sexual activity, and, somehow, you and Joanna got caught up in it, but I promise you, Jerry, this will not stand.

Judge Brian Hooper's Courtroom

A.D.A. Frank Ginsberg: It's prostitution, pure and simple.

Alan Shore: Not prostitution—it was treatment. What's more, they didn't even engage in any sexual activity.

A.D.A. Frank Ginsberg: Because they didn't have time.



Alan Shore: You bumptious moron!

A.D.A. Frank Ginsberg: Your Honor, the depravity of this society when it comes to sex has become epidemic. Somebody has to be a guardian of decency and—

Alan Shore: This depraved society for which you have anointed yourself decency guardian spends billions of dollars on sexual dysfunction. You can't turn on a cartoon today without seeing an ad for erectile dysfunction! It's one of the fastest growing industries in our country. Better sex through chemicals.

Judge Brian Hooper: I'm not sure I see your point.

Alan Shore: My point is: We're cultivating an obsession with sexual performance. And, while it's perfectly acceptable to take a pill, if you seek behavioral therapy, well, that just goes against everything we stand for as a pharmaceutical nation. Well, this man has Asperger's syndrome. He has a disability when it comes to establishing intimate social, emotional, and, yes, sexual relationships. He sought treatment. And this pompous buffoon wants to make a case out of it to get some face-time with Nancy Grace. I move for an immediate motion to dismiss, I move for costs and I ask your Honor to sentence this idiot to sensitivity training, preferably for life.

Judge Brian Hooper: All right. I'm going to take this under advisement. And I will rule quickly. Adjourned.

**bangs gavel**

Alan Shore: *to Jerry Espenson and Joanna Miller:* I am very, very sorry.

The Break Room at Crane Poole & Schmidt

Alan Shore: I feel so awful. I ended up hurting them both. It'll probably make the news, compounding their embarrassment.

Denny Crane: Alan, face it. You screwed up. So all you can do is apologize, accept responsibility, and check yourself into rehab. **notices Alan Shore is looking at Marlene Stanger's empty office** What?

Alan Shore: She's gone.

Denny Crane: Who?

Alan Shore: Marlene. She left . . . the firm.

Denny Crane: No, no. She went to the New York office. She'll be back. **Alan nods** This girl mean something to you?

Alan Shore: Don't be silly.

Shirley Schmidt: **suddenly walking in on them** Denny!

**Alan Shore and Denny Crane turn to face her.**

Shirley Schmidt: There's a rather monstrous rumor going around that you customized a doll in my likeness. A doll you were caught having sex with in closet.

**Alan Shore laughs, shakes his head.**

Denny Crane: That was him. **nods toward Alan Shore**

Alan Shore: I assure you, I'm holding out for the real thing.

Shirley Schmidt: Did you have a doll made in my likeness, Denny?

**Shirley Schmidt and Alan Shore both give Denny Crane a long stare.**

Denny Crane: Come on, Shirley; you should be flattered. To be a sexual prop—that's every woman's dream. <  
**turns to Alan Shore** Isn't it?

**Alan Shore shakes his head.**

Shirley Schmidt: What's her name?

**Alan Shore is looking at Shirley Schmidt's shoes.**

Denny Crane: Sorry?

Shirley Schmidt: I'm told she has a name. What is it?

Denny Crane: Oh, that. Why that's . . . uh . . . Shirley Schmidt-Ho.

**Alan Shore can't stifle the laugh.**

Shirley Schmidt: **with a glance at Alan Shore** I'd like to meet her.

Denny Crane: Well, I'd don't think that's very . . .

Shirley Schmidt: You will bring me the doll. **with another look at Alan Shore, she turns and walks away.**

Denny Crane: This won't be good.

Alan Shore: No.

Shirley Schmidt's Office

**Shirley Schmidt faces "Shirley Schmidt-Ho," with Denny Crane standing between them, a protective arm around the doll, who is dressed to match the real Shirley. Denny Crane dips "Shirley Schmidt-Ho" a toward Shirley Schmidt, and she startles.**

**Denny Crane:** Whaddya think? It's a fluke that you're both wearing the same outfit. I know how you women don't like to see yourselves.

**Shirley Schmidt:** Denny, can you not appreciate how this degrades me?

**Denny Crane:** Well, uh, uh, uh, I'm just objectifying you—for pleasure.

**Shirley Schmidt:** You truly can't see how this might humiliate me?

**Denny Crane:** *takes a long look first at "Shirley Schmidt-Ho," then at Shirley Schmidt* You're jealous?

Judge Brian Hooper's Courtroom

**Judge Brian Hooper:** Here's my problem. There's no licensing or regulation of surrogate partners. As Mr. Ginsberg notes, I suppose any prostitute could claim she's a surrogate. But, Ms. Miller was at one time a member of the International Professional Surrogate Association, and that is a legitimate and often effective treatment.

**A.D.A. Frank Ginsberg:** Oh, please.

**Judge Brian Hooper:** I'm also mindful of the hypocrisy Mr. Shore eluded to earlier. Big pharmaceutical spends billions of dollars cultivating a national obsession with sexual performance. We're okay with pushing pills, but we condemn behavioral treatment? The charges against Mr. Espenson and Ms. Miller are dismissed.

**Alan Shore, Joanna Miller and Jerry Espenson are clearly relieved.**

**Judge Brian Hooper:** Mr. Ginsberg, I'm sure, if you look hard, you'll be able to find something better to do with your time. Adjourned.

**Jerry Espenson:** *to Judge Hooper:* Thank you, thank you! **to Alan Shore:** Thank you, thank you!

**Alan Shore:** Jerry, you heard what judge said about the treatment being very effective. I hope you'll see Joanna again.

**Jerry Espenson:** Can I think about it?

**Alan Shore:** Of course.

**Jerry Espenson:** Okay. Thank you again, Alan. My friend. *turns to Joanna Miller and nods rather formally to her* Thank you. *exits quickly*

**Joanna Miller:** *noticing Alan's very restrained mood* What's wrong?

**Alan Shore:** Sorry?

**Joanna Miller:** You're blue.

**Alan Shore:** Me? *shakes his head* I'm not, actually. We got the desired result here. I'm still concerned about any embarrassment I might have caused you or Jerry. But I wouldn't describe myself as . . .

**Joanna Miller:** Blue?

**Alan Shore:** Ah, ah—yep. *shakes his head* There was a girl. She left. It's not as if we had any kind of meaningful relationship, but I suppose when I was with her, I could be my true, unadulterated self, which is, as you know . . .

**Joanna Miller:** Degenerate.

**Alan Shore:** *laughs* These past few years, I've felt this inexplicable compulsion to be somewhat redeeming, as if I were some series regular on a television show. Something about Marlene allowed me to be—

**Joanna Miller:** Degenerate.

**Alan Shore:** In addition to your treatment of Jerry, do you think you could maybe squeeze me in?

**Joanna Miller:** How about we measure you for some trousers?

Judge Clark Brown's Courtroom

**Judge Clark Brown:** The defendant will please rise.

**Daniel Post stands; Denise Bauer and Shirley Schmidt follow.**

**Judge Clark Brown:** Madam Foreperson? The jury has reached a unanimous verdict?

**Madam Foreperson:** We have.

**Judge Clark Brown:** What say you?

**Madam Foreperson:** In the matter of the Commonwealth vs Daniel Post, on the charge of violating the Uniform Anatomical Gift Act, we find the defendant . . . not guilty.

**Daniel Post:** Wow.

**Denise Bauer hugs Daniel Post.**

Restaurant

**Daniel Post:** Are you going to talk to me at all? Do you still love me? Because I still love you. All right. Tell you what. You know that—that—that new fur coat in the window of Bergdorf-Goodman's?

**Denise Bauer:** Um, hmm.

**Daniel Post:** I'll buy you Bergdorf-Goodman's.

Denise Bauer: *laughs* Daniel. I think I fell in love with most of you.

Daniel Post: Well, I can live with that.

Denise Bauer: It's just the rest of the stuff. I, uh, I need some time.

Daniel Post: Well, you know that—that works out, too, because, uh, Tom and I are going to be going on a little vacation.

Denise Bauer: For how long?

Daniel Post: Five, six weeks.

Denise Bauer: Uh, where?

Daniel Post: Probably best you don't know.

Denise Bauer: Right.

Denise Bauer's Office

**Denise Bauer enters, walks over to her desk, sits down and opens her laptop as if to do some work. She starts to cry, and closes the laptop again.**

Balcony Scene

**Alan Shore and Denny Crane are sitting in their usual positions, drinking Scotch and smoking cigars.**

Denny Crane: What do you mean, she's measuring you for trousers? Is that some kind of fetish? Would I like it?

Alan Shore: My mother wasn't a particularly doting woman, Denny. She never held me much or . . . except every fall before the school year began, she'd prepare my school clothes, measure me for my pants—the hems and so forth. I'd stand there; her hand would be on my leg, my seam.

Denny Crane: You had a thing for your mother.

Alan Shore: It wasn't sexual. Her touch was just—mm, I guess—loving. One of the reasons I buy so many suits, I think. While the tailors . . . do what they do. I suppose it reminds me of the times in my childhood I allowed myself to feel cared for. Now, Joanna, the way she would touch me, running her fingers up the inseam, around in the back, here and there, it did become erotic.

Denny Crane: Getting measured for pants.

Alan Shore: It's not entirely about sex, Denny; it's about being touched in gentle, intimate ways. *laughs* I suppose I'm starved for a little tenderness sometimes.

Denny Crane: Never taking you fishing again.

Alan Shore: *laughs; long pause* You ever get lonely, Denny?

Denny Crane: *nods* What's with all this deep thinking?

Alan Shore: It's a simple question. Do you ever get lonely? Do you?

Denny Crane: *looks away from Alan Shore, slowly, thoughtfully* No. *looks back at Alan Shore* You?

Alan Shore: No. Guess we're both lucky that way.