

Boston Legal  
Roe V. Wade: The Musical  
Season 4, Episode 12  
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Directed by: Steve Robin

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This transcript is not official or taken from the actual script. It is transcribed from watching the broadcast.  
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*Shirley Schmidt is walking through the busy halls of Crane, Poole & Schmidt, eating soup, when she is stopped by a familiar voice calling her name, her face reflecting the cringe of that recognition.*

Missy Tiggs: HELLO! *in a gratingly cheerful and giddy voice*

Shirley Schmidt: Missy ... *turning around seemingly hoping she's wrong*

Missy Tiggs: *giddily* Bet you're surprised to see me! *giggles, snorts*

Shirley Schmidt: Well... *with a feigned smile*

Missy Tiggs: *steps forward carrying a small, portable CD player.* I'm here under the most wonderful and tragic of circumstances.

Shirley Schmidt: Ah.

*Scene shifts as Shirley opens her office door, Missy proceeds in immediately, and enthusiastically launching into the reason for her visit.*



Missy Tiggs: First the good news... I've been in therapy, after Ivan crushed me like a bug. *grimacing angrily, clutching the handle of the CD player*

Shirley Schmidt: Therapy's going well, I see. *sarcastically*

Missy Tiggs: Oh, it is very innovative *heading toward the sofa with Shirley*, created by two geniuses at Emerson. Maybe you've heard of it? Its called 'Life is a Song'. *gesturing with gloved hands as though making a presentation.* Basically, they

teach you to look at the world as one big musical.

*Shirley Schmidt groans through gritted teeth.*

Missy Tiggs: I'm thriving under it. No matter how low things could get *(pushes play to begin her musical accompaniment, then launches into song)* \*Xanadu\*...

Shirley Schmidt: **quickly hits the stop button, grins painfully** . I... get the idea.

Missy Tiggs: **still giddy** Anyway, I met someone **claps happily** and get this, he's a beautiful African man **claps again** and he speaks perfect English **her face registering that she finds that to be quite an achievement** He was born and raised in the states; his great grandparents moved here years ago.

Shirley Schmidt: So... he's African American, then.

Missy Tiggs: Exactly. And it gets even better.

We're pregnant. I'm having an African American baby. **hits play on CD player and starts to sing** \*Havin' his baby--\*

Shirley Schmidt: **hits stop quickly again** What's the, tragic part, uh, beside the music?

Missy Tiggs: Oh yes, well, he doesn't want to have it--claims he never meant to get me pregnant. Haven't we all heard that? **she waves dismissively**

Shirley Schmidt: Well, did he?

Missy Tiggs: **grinning** Actually, no. **giggles, snort** We only went out twice actually, but because I want to have a family and there's that biological clock to worry about, I made a teeny weeny little deposit of his seed thingy in the sperm bank. **smirking**

Shirley Schmidt: **trying hard to follow this story** Well, why did he give you his sperm if he--

Missy Tiggs: Well, he didn't exactly give it to me. I played a little unzippity-do with his fly thingy, and I "persuaded" him with "oral arguments" **gesturing to insert quotations**. Then I put his African American seed in a test tube, and I fertilized my egg. **proudly**

Shirley Schmidt: **grinning somewhat indulgently** That's how you got Mr. Sperm.

Missy Tiggs: Uh huh. **giggles, snort** And now, he says he's going to sue me, **blithely** Huh, can you imagine? **leans back on the sofa, stretches her arms open onto the cushions, crosses her legs** Set out my little honey trap, now I'm having an African American baby. **grinning proudly, giggles, snort, as Shirley looks on in disbelief**.

## Opening Credits

**Jerry Espenson is working in his shared office with Katie Lloyd, when Leigh Swift, a former client as well as ex-girlfriend who left him for an I-phone, steps in, hands on her thighs. Jerry stands abruptly, flustered, Katie looks up hearing a familiar voice.**

Leigh Swift: Hello, Jerry.

Jerry Espenson: Leigh.



Katie Lloyd: Hello, Leigh.

Leigh Swift: Jerry, I know we parted in an awkward way, for which I'm ashamed, but, I'm not here about that. I'm afraid I need a lawyer; I've been fired from my long-standing teaching position--

Jerry Espenson: Whatdya do, give tongue to a locker?! **angrily**

Leigh Swift: **reacts to the smarting blow** That was mean.

Jerry Espenson: **assertively** Dumping me for a Smartphone was mean!

Leigh Swift: **clucks**

Jerry Espenson: **purrs**

Leigh Swift: **coos**

**Katie looks on.**

Jerry Espenson: **smacks his lips**

Katie Lloyd: Uh, why did they discharge you?

Leigh Swift: Because I hugged a student... not sexually, not like I would a--

Jerry Espenson: Clock radio.

Leigh Swift: Mean!

Jerry Espenson: Meaner!

Leigh Swift: **clucks**

Jerry Espenson: **purrs**

Katie Lloyd: You hugged a student? **trying to get back to the issue**

Leigh Swift: A student in distress! I went to comfort her; my school has a policy – no hugging – this child needed a hug, I gave it to her. **looking back at Jerry** I want to sue them. This political correctness crap has gone too far. Could you help me?

**Katie looks over at Jerry, who then looks to Leigh, she clucks, he smacks his lips twice in response, Katie scrunches up her face at the symphony of verbal tics.**

**Alan Shore is seated at his desk, listening to Terrence Maxwell explain why he needs Alan's help in a case he wants to bring against Missy Tiggs.**

**Alan Shore:** *chuckling in disbelief* Missy Tiggs is having your child?

**Terrence Maxwell:** Look, the woman practically raped me, *laughing dismissively*, you know what I'm sayin'? I can't be with her.

**Alan Shore:** Well, Mr. Maxwell, you don't have to be WITH her.

**Terrence Maxwell:** That's the thing, man... that's the thing. *emphatically*

**Alan Shore:** Yes. *nodding at first as though he understands, then looks at him, confused* Would you mind telling me the 'thing'?

**Terrence Maxwell:** I got causes in my life, *stands up and continues* ya know what I'm sayin'? Pediatric AIDS, I give some to your women with breast cancer, I'm a public-minded brother. My biggest cause, my THING *pointing to himself for emphasis* is Daddy go bye-bye. Absentee black fathers. It's a problem in the culture, in the COUNTRY, and its my biggest thing. So I got two choices here: be an absentee father, or LIVE with Missy Tiggs!



**Alan Shore:** Well, I'm afraid those ARE your only two choices.

**Terrence Maxwell:** I wanna stop it! *pointedly*

**Alan Shore:** Stop it...

**Terrence Maxwell:** Yeah... it. I want YOU to help ME stop IT.

**Alan Shore:** *pauses, looking at the man, then continues* And again, for clarification, IT is...?

**Terrence Maxwell:** Her havin' my baby. *matter of factly*

**Alan Shore:** *raises his eyebrows, stunned, then sits back* Oh, well, I'm afraid you can't do that.

**Terrence Maxwell:** Why not? *persistently*

**Alan Shore:** Well... *almost ready to dismiss the idea*

**Terrence Maxwell:** You can do it, I heard about you. I know they hired Shirley Schmidt, and I know you represented that Ivan dude against them before. *trying to persuade Alan.* You need to help me stop it.

**Leigh is on the stand in Judge Willard Reese's courtroom, her hands pressed to her thighs; she's being questioned by her counsel, Jerry Espenson, his hands pressed to his thighs as well.**

**Leigh Swift:** First of all, I should say, I'm not a hugger. I find it very difficult to hug, in fact.

**Jerry Espenson:** Why is that?

**Leigh Swift:** Well, I'm very uncomfortable with my hands leaving my thighs--

**Jerry Espenson:** But on the day of January 9<sup>th</sup>, you hugged Bonnie Taylor.

**Leigh Swift:** Yes. She had just done poorly on an exam, and she was simply devastated. I was talking to her about it, she became inconsolable, and I hugged her.

**Jerry Espenson:** You were aware that your school has a 'no hug' policy.

**Leigh Swift:** Yes, but this student was in distress, she needed comfort and I felt I had to prioritize her needs over the school's policy in this instance.

**Attorney Joe Isaacs stands to begin his cross.**

**Attorney Isaacs:** You also made that exception last November when you hugged a different student.

**Leigh Swift:** A boy, upset over social problems--

**Attorney Isaacs:** And you were told by the Principal not to do it again?

**Leigh Swift:** *Sighs slightly* Yes.

**Attorney Isaacs:** And you made yet another exception, the second week of December, hugging yet another student, again you were told to stop, in fact warned--that the next time could be grounds for discharge.

**Leigh Swift:** This policy is not right.

**Attorney Isaacs:** I see. So you made a decision to defy it.

**Jerry watches very intently from the defense table.**

**Leigh Swift:** It's unfair.

**Attorney Isaacs:** Unfair? Has the school had a history of treating you unfairly, Miss Swift?

**Leigh doesn't respond, looks over at Jerry, who seems unsure where the question is going.**

**Attorney Isaacs:** What is objectophilia?



**Jerry rises to his feet.**

**Jerry Espenson:** Objection, irrelevant!

**Attorney Isaacs:** This woman teaches our children. If she suffers from a sexual disorder, it is certainly relevant, especially when she was discharged for improper physical conduct with a student.

**Jerry Espenson:** It was not sexual in nature, **angrily** and for you to imply so **Judge Reese raises his hand to silence Jerry** was out of line.



**Attorney Isaacs:** What is objectophilia, Miss Swift?

**Leigh winces and hesitates.**

**Judge Reese:** Please answer.

**Leigh Swift:** **swallows** It's a condition where one is sexually attracted to objects. **wearing a pained expression, she clucks softly**

**In the conference room, Shirley is sitting, waiting for Terrence and his**

**attorney, while Missy is more high strung than usual.**

**Missy Tiggs:** I'm very nervous that he's coming in... **reaches for the CD player** Maybe I should... **Shirley hits stop immediately** He's very handsome, Shirley, just looking at him can make my genitalia flutter. **Reaches again for the CD player, anxiously** Please can I...?

**Shirley Schmidt:** No.

**Missy Tiggs:** It calms me Shirley, plus, he responds to it.

**Shirley Schmidt:** Yeah, so do I. **sarcastically** No singing.

**Missy scowls in frustration**

**Terrence Maxwell:** Ok... **walking in confidently** This here's—

**Missy coos.**

**Terrence Maxwell:** my lawyer. **gesturing behind him as Alan strides in calmly, meeting Shirley's incredulous gaze**

**Shirley Schmidt:** What's going on here?

**Alan Shore:** What's going on, is your client stole my client's semen.

**Missy Tiggs:** **scoffs** Oh, right, you gave it quite willingly, Mr. Man.

**Terrence Maxwell:** **wearing a smirk** I didn't know what you were gonna do with it, woman.



Missy Tiggs: **gasps excitedly** I love it when he calls me 'Woman'.

Shirley Schmidt: **standing in front of Alan** What exactly are you asking for?

Alan Shore: An abortion. **matter of factly**

**Missy is stunned, reaches for the play button, but Shirley heads her off, leaving her scowling again. Shirley turns back to Alan.**

Shirley Schmidt: You ARE kidding...

Alan Shore: No, if I were kidding, I'd stand like this. **He strikes a comical pose, gesturing as though the joke was on her.**



Shirley Schmidt: You, you have read a little case called Roe v. Wade, which says a woman's body--

Alan Shore: Read the case, saw the movie, got me to thinking, **pulling out a chair to be seated, very sure of himself and smarmy** wouldn't the present Supreme Court just love an opportunity to overthrow Roe, without being vilified as anti-abortion. Well... ta-da!.

**Shirley stands staring at him and is about to respond.**

Missy Tiggs: What's this 'ta-da'? **genuine concern on her face** Is it some legal thingy, like 'res ispa'?

Shirley Schmidt: Setting aside the absurd notion that you might actually argue this--

Alan Shore: Yes, setting aside that...

Shirley Schmidt: As a matter of law – today's law – once the sperm, blood or tissue leaves the body, a person no longer has any proprietary right, and also under today's law, you have NO right, whatsoever, to get a court-ordered abortion.

Alan Shore: Finish the sentence Shirley, go ahead.

Shirley Schmidt: I did. **assertively**

Alan Shore: Nooo, from your tone, I could almost hear the tag ... 'and I'd like to see you try'. **he fixes her in his gaze**

**Shirley refrains from reacting, Terrence looks over at Missy, gloatingly, Missy gives a confident look back as Alan puts on a tough guy face, and nods at Shirley.**

**Shirley and Katie are striding through the hall toward Shirley's office, discussing strategy.**

**Katie Lloyd:** I should think we'd be able to just conflict Alan out.

**Shirley Schmidt:** Nope, Missy already waived conflict when we represented Ivan and Terrence is waiving it now, because he wants Alan. What can he come with?

**Katie Lloyd:** Well, I think the strongest argument, would be public policy. The state doesn't want fraud to be used to compel fatherhood against a man's will.

**Shirley Schmidt:** **sitting behind her desk** But we've got bigger public policy on our side, ordering an abortion.

**Katie Lloyd:** Yes, but Roe v. Wade doesn't convey a woman's right to have a baby, it's premised on her right to control her body.

**Shirley Schmidt:** Which would give her the right not to have a medical procedure against her will.

**Katie Lloyd:** One would hope, but we wouldn't necessarily be talking about a medical procedure here. Missy's only 5 weeks pregnant, she could take the abortion pill, RU-486; taking a pill would arguably not constitute an invasive procedure.

**Shirley Schmidt:** And how would we counter that?

**Katie Lloyd:** Well...vigorously?

**In Judge Reese's courtroom, Principal Atkins is on the stand, being questioned by Attorney Isaacs.**

**Principal Atkins:** Personally, I hate the no hugging policy, but I dislike the insurance premiums more. The fact is, that some teachers have crossed the line, and they could do irreparable damage to the kid, the school, **Jerry perks up as he hears this** and the easiest way to safeguard against inappropriate contact is to say... no contact.

**Jerry Espenson:** **approaches the witness to question, his hands firmly pressed to his thighs** So, just shut down all human contact, is that the idea?

**Principal Atkins:** No, the idea is to shut down Post Traumatic Distress when teachers abuse their trust. The idea... is to shut down lawsuits.

**Samantha Taylor takes the stand**

**Samantha Taylor:** It was my daughter she hugged.

**Jerry Espenson:** Did you object?

**Samantha Taylor:** God no, Bonnie was despondent. Thank God there was a compassionate teacher who was there for her. Believe me, we've got too many of the other kind.



**Attorney Isaacs:** *on cross* Would you have been comfortable, as a parent, for a teacher with a known sexual disorder to be physically touching your daughter?

**Samantha Taylor:** Probably not, but I know this teacher –

**Attorney Isaacs:** Who should bear the burden of knowing all the teachers and deciding whether hugging is ok... or not, the parents or the principal do you think?

**Samantha Taylor:** Obviously the principal.

**Attorney Isaacs:** In fact, you as a parent trust the principal to create a safe environment for the kids, true?

**Samantha Taylor:** Yes, that's true.

**Leaving the court house, Leigh and Jerry discuss the testimony.**

**Leigh Swift:** That didn't go very well did it?

**Jerry Espenson:** It could have been better. I'm sorry, I haven't been better.

**Leigh Swift:** You've been great. So, now what?

**Jerry Espenson:** Well, we give our summations, and then the judge will rule.

**Leigh Swift:** Jerry, I appreciate your efforts. Especially after ... I am sorry.

**Jerry continues walking, hurriedly around a column, then turns back.**

**Jerry Espenson:** *affably* It's ok, life goes on. Obladi, c'est la vie, sacre bleu...

**Leigh Swift:** Will you ever forgive me?

**Jerry Espenson:** *hesitates* Leigh, right now, I need to concentrate on the case.

**Judge Victoria Peyton is hearing arguments on the issue of terminating Missy Tiggs' pregnancy.**

**Judge Peyton:** Wait a second, you're actually ordering me to order an abortion.

**Alan Shore:** *flippantly* I am, you're Honor, isn't it exciting?

**Judge Peyton:** No!

**Alan Shore:** Then let's just reframe the issue; *stepping forward* lets just say we're here so that you may stop HER *gesturing to Missy Tiggs* from profiting from stealing this man's sperm.



Judge Peyton: What do you mean she stole it?

Alan Shore: **smarmily** I mean, they did not have intercourse, it was never his intent to even have oral sex, so let me tell you exactly how she came into possession of his sperm.

Judge Peyton: **her hand up to shut him down** I think I know. How did she get pregnant?

Alan Shore: She put the ill-gotten proceeds in a test tube, popped it in the fridge... a shower, and gargle and off to the fertility clinic she went.

**Missy shrugs**

Judge Peyton: Ok, I want you **pointing to Missy** in that chair.

Shirley Schmidt: Your Honor, it doesn't matter how this pregnancy came to be--

Alan Shore: Ha.

Shirley Schmidt: Its can't be--

Terrence Maxwell: It matters to me! **emphatically**

Judge Peyton: Hold on sir. **turning sharply to Missy** YOU, in that chair, after lunch. We're adjourned.

**Alan turns to Shirley looking quite smug.**

**Shirley strides into Carl Sacks office, upset about the proceedings in court.**

Shirley Schmidt: Can you imagine, the judge is going to have a hearing?

Carl Sack: **looking up, closing his book** Well...

Shirley Schmidt: Well... what?

Carl Sack: Well, Shirley, what if somebody stole your eggs, how would you feel?

Shirley Schmidt: My eggs are on display at the Natural History Museum; anyone can walk in and take them.

Carl Sack: No, now I'm serious, this man was violated.

Shirley Schmidt: Even so! A court ordered abortion?!

Carl Sack: Courts have terminated pregnancies before, either for mentally handicapped women--

Shirley Schmidt: Missy is not retarded! **emphatically**

Carl Sack: Ya had her tested?

Shirley Schmidt: Carl... I'm surprised at you.

Carl Sack: **stands up** You know what, I'm surprised at you Shirley, your fairness compass is always spot on... its fritzing out here.

Shirley Schmidt: We're now having a fight...?

Carl Sack: Which you're losing, and that bothers you.

Shirley Schmidt: **her impatience showing** You actually believe the judge should be able to order a woman to have an abortion?

Carl Sack: I think they should be loathe to do so, but yes.

**Shirley gives Carl the once over, chuckles softly, nodding, looks him in the eye and strides out without another word, leaving Sack standing there.**

Carl Sack: **sighing resignedly** Fine.

**Lorraine walks into Alan's office, knocks as she enters**

Lorraine Weller: You were looking for me?

**Alan puts down his tea and stands.**

Alan Shore: Yes, I was wondering if you could join me after lunch... for about an hour. **Turning on a bit of charm**

Lorraine Weller: What have you got in mind? **stepping in, looking game**

Denny Crane: **growls, giving her a suggestive look, receiving an impatient one from Alan** Heartburn.

Alan Shore: I have a case... I could use you at the table, to preempt any charges of chauvinism, since--

Lorraine Weller: No, thank you. I know about your case Alan, it's repugnant. And good luck trying to find any woman to sit at your table.

Denny Crane: Strict... **gives Lorraine a 'what?' look.**

Alan Shore: **attempting to win on appeal** Lorraine, let's just put gender politics aside for the moment and focus--

Lorraine Weller: **amused, preempting his speech, leaving him with his gestures mid-air** That's cute. Like leaving bias out of prejudice. I don't think that can be done, Alan, not even by you, so sorry. I hope you lose. Bye Denny. **turns to leave.**

**Denny Crane makes another growling noise along with gnashing his teeth.**

Alan Shore: **Shakes his head and returns to his seat, and sushi** I really don't get it. I agree. it's a woman's body, and therefore her rights should take priority, but what's the rationale that justifies excising the man **completely** from the equation?

Denny Crane: They got us on this one Alan. Until the Supreme Court fixes the problem, and they're handpicked to do so, they got us – their rights, their body, period... and they have those too. So it all evens out... Denny Crane. You heard it here. **raising his tea in salute, Alan still digesting the issue.**

**Missy Tiggs is on the witness stand, all smiles, in Judge Peyton's courtroom, being questioned by Shirley Schmidt.**

**Missy Tiggs:** I've always wanted to have a baby, of COURSE, with the right man. Terrence was right for me. We fell in love so quickly – at least I did.

**Shirley Schmidt:** After... two dates. **dubious**

**Missy Tiggs:** Look at him, he's gorgeous! The thought of having beautiful, mocha-chocolate bambinos with him, oooo, its brings a flutter to my--

**Shirley Schmidt:** Missy!

**Missy turns on the CD player at the table with a remote, the intro to "Magic" by Olivia Newton John begins, but is quickly shut off by Shirley with her own remote; Katie sits there amused.**

**Judge Peyton:** What the hell was that?

**Shirley Schmidt:** **chuckling** My client's in a form of music therapy to combat stress. Just one note is more than enough.

**Judge Peyton:** Music therapy?

**Missy Tiggs:** Yes, your honor. I like to look at life as a big musical. The night I met Terrence it WAS a musical. **Clicks the remote to restart the music but Shirley whips around and clicks hers to shut it down again.**

**Shirley Schmidt:** Can you tell us about the night you conceived?

**Missy Tiggs:** **beaming** Well, as I said, it was magical. We had gone to a club **makes a 'homie' hand gesture** We danced, we snuggled, we giggled...

**Shirley Schmidt:** And after the club?

**Missy Tiggs:** We went back to my place, had some wine, and we got romantic – at least I did. He looked at me, I looked at him **clicks remote, music starts as Shirley keep trying her remote without success** --and we both knew, at least I did. \*Had to believe we are magi-\* **Shirley's remote finally works, as Katie puts her hand over her mouth to stifle a laugh; Alan sits forward, taking it all in.**

**Shirley Schmidt:** And you got pregnant at a fertility clinic with Terrence's sperm.

**Missy Tiggs:** Yes, after we had our seminal moment together... I put the goods in a little test tube, took it to the lab, and they put it in the oven. **Giddily** When it bakes, soon I'll have my little Obama-baby.

**Shirley Schmidt:** Thank you. **Returns to her seat, nodding toward Alan** She's all yours.

**Alan Shore:** **muttering as he gets up** Don't really want her ... suppose I'm obliged. Missy ...

**Missy Tiggs:** Hello.

**Alan Shore:** You wish you and Terrence were together, don't you? More as a statement than a question.

**Missy Tiggs:** I do.

**Alan Shore:** But if you can have him?

Missy Tiggs: I'll have his baby **clicks remote to start music for "Havin' My Baby" and is poised to burst into song as Shirley hits the stop button.**

Alan Shore: Have you thought for one second how this would affect Terrence? **Again sounding less than a question and more of a statement**

Missy Tiggs: Well... I would hope he'd be happy...for me... for us...

Alan Shore: And if he's not?

Missy Tiggs: **losing her smile quickly** Tough.

Alan Shore: **his voice echoing as he speaks** This may be a rhetorical question **walking slowly as he speaks** but let me ask it anyway. Do you think you're fit to be anybody's mother?

Shirley Schmidt: Objection.

Judge Peyton: Sustained.

Missy Tiggs: **her harsh gaze not moving from Alan** No, I'd like to respond to that.

Judge Peyton: Go ahead... without song!

Missy Tiggs: **glancing from Alan toward the judge, then back at Alan.** I will be a good mother. **insistently** I'm sorry Mr. Man doesn't want this child. It's too bad for me, its too bad for the baby, and lets not forget, there IS a baby here. **emphatically** There's another life involved. If you wanna vilify me, punish me... go ahead, but do not punish this child. It is grossly unfair to do so with a death penalty.

**In Alan's office, Terrence drops into a chair, sighs.**

Terrence Maxwell: I feel like the big monster now.

Alan Shore: **entering, laying down his briefcase.** You're not a monster, Mr. Maxwell. You're actually being quite... heroic. You're giving voice to a male outrage that's long overdue. For women to be able to just –

Terrence Maxwell: It's not just that! It's the idea of THAT woman. I mean, there's assimilation and there's assimilation. THAT woman should not be allowed to parent a black child, or half black child. There... I said it. Should I say it in court?

Alan Shore: Terrence, there's no real advantage in you testifying, and I don't wanna give them the opportunity to portray you as someone other than who you are.

Terrence Maxwell: So what now? You give one of those big long speeches then?

Alan Shore: Ha, yes... I do that.

**Shirley and Missy are walking through the hall, Missy clutching her CD player and grinning at Shirley, who smiles back in a placating way.**

Missy Tiggs: I think the judge liked my singing, don't you?

Shirley Schmidt: How could she not...?

Carl Sack: **steps in front of them** Shirley--

Shirley Schmidt: Ah, Carl, still alive, well... **with barely a sideways glance in his direction as they pass him.**

Carl Sack: That's mature.

Shirley Schmidt: **pausing, turning back with Missy** Anything you say bounces off me and sticks to you. **She turns to continue on toward her office as Denny comes along, taking notice of the dynamics.**

Denny Crane: **stopping to talk to Sack, who swallows his come-back remark.** Fighting?

Carl Sack: **grudgingly** We are.

**Denny looks first encouraged, then excited, as he turns and hurries off after Shirley.**

**In Jerry and Katie's office, Jerry is pacing, hands on thighs, wooden cigarette in hand, when Katie comes in and notices his troubled face.**

Katie Lloyd: Problem?

Jerry Espenson: Working on my closing. I may have to use the cigarette. **reluctantly, he holds it up for her to see.**

Katie Lloyd: Why?

Jerry Espenson: Well, this issue--

Katie Lloyd: Hugging.

Jerry Espenson: I'm finding it very hard to get a rhythm.

**Katie sits back to listen.**

Jerry Espenson: Do you know, my mother hugged me a grand total of two times? One was by accident; she thought I was choking and performed the Heimlich maneuver.

Katie Lloyd: Did your father hug you?

Jerry Espenson: No. **shakes his head** He believed in firm handshakes... which was pretty much a bust since I could rarely convince my hand to leave my thigh. **he chuckles softly.** The first hug I ever got, truly, was a couple of years ago. From Alan. **He looks up at Katie, with a smile that hides the sadness behind what he'd said.**

Katie Lloyd: Really?

**Jerry nervously pops the cigarette in his mouth and resumes pacing.**

Katie Lloyd: Got another one of those I could use?



***Jerry turns back quickly to look at her.***

Katie Lloyd: ***Her tone is unsure*** I have to close against Alan Shore. He's really good isn't he?

Jerry Espenson: The best I've ever seen.

Katie Lloyd: Thank you for that. ***sarcastically, but grinning***

Jerry Espenson: Katie, ***reassuringly*** I've seen you in the court room. You don't need to be afraid of anybody.

Katie Lloyd: Even Alan Shore?

Jerry Espenson: Here's the thing with Alan... ***he takes the seat next to Katie's desk, and she turns to listen attentively*** He likes to get dominion of the room, keep opposing council off balance, just don't let him. ***empathically*** Also, when his case wobbles, and here it does, he tries to reframe the issue into one that suits him. He's very clever that way. ***Katie nods and takes in this advice***. Don't let him. ***He punctuates his words by bobbing forward, then looks away, somewhat ashamedly***. Listen to me; I feel I'm being disloyal to him.

Katie Lloyd: You're being very loyal to me. ***Jerry smiles humbly***. I appreciate it. Jerry, you are a dear, dear friend.

***Jerry purrs, blushing slightly; he then notices Leigh standing in the doorway, and stands up hastily.***

Jerry Espenson: Leigh!

Leigh Swift: Hello, welcome.

Jerry Espenson: Welcome, hello. ***awkwardly***

Leigh Swift: Are you two boyfriend and girlfriend?

Jerry Espenson: ***sputtering, shaking his head*** No, we're work friends, colleagues.

***Katie smiles up at Leigh.***

Leigh Swift: ***looks relieved*** Oh, goodbye.

Katie Lloyd: Somebody still seems a little smitten, Jerry.

***Jerry doesn't quite know what to do with that as he stands there.***

***In Judge Reese's courtroom, Attorney Isaacs is giving his closing remarks.***

Attorney Isaacs: This isn't the only school with a no-hug policy. Many, many others are doing the same thing. And it isn't just because they're litigation averse... it's for the children. The statistics don't lie. Many of the worst and most far-reaching cases of abuse, happen at the hands of trusted adults, be it a priest or a teacher, or a relative. Does this policy go too far? I'm sure some would say it does. But on what side do we want to err here?

***Judge Reese listens, glancing down briefly as Attorney Isaacs finishes and returns to his seat.***

***Jerry rises, places his hands on his thighs, proceeds sideways from his seat, walks forward toward the bench in measured steps, pauses, takes a step to his left, and sighs as though he is now in place.***

**Jerry Espenson:** It's not just happening at schools; many corporations and business now forbid physical contact. It cuts down on sexual harassment lawsuits. Perhaps with the continued evolution of Smartphones and emails and video conferencing, we'll find a way to keep people from ever being in the same room together... won't that be wonderful?

Years ago, they did an experiment with an orphaned baby monkey. They gave it two choices for a surrogate... one which could provide milk, the other a hug. The monkey chose the hug. **He turns abruptly, goes back to his desk, and places a poster of a baby monkey hugging a pigeon on an easel. He smiles warmly.** I'm sure we all saw this picture in the newspapers a few months ago.

**Judge Reese:** Yesss, very sweet, but for my money, one case of child abuse trumps a cute monkey.

**Jerry Espenson:** Yes, Your Honor. **He returns to his place before the bench.** I grew up with various social disabilities. I had no friends. I got a job that only required I write memorandums. I lived a life, basically, with no real human contact. My client is an objectophile. **He looks back at Leigh.** Both of us improved through the kindness, compassion, and yes, physical affection of others. The human touch cannot be quantified. It cannot be analyzed with statistics. We can't place a number on it, but it is much, much more than a doorway to sexual molestation. **He glances back at opposing council.**

It's the best, the most direct, the most lasting way of affirming another person's humanity. Leigh Swift was trying to comfort a student who was suffering. What policy can possibly justify firing her for that?

**Jerry turns and heads back to his seat, but stops. Leigh looks up at him as he looks off in thought for a moment. He glances at her briefly, turns back toward the bench, gazing downward. Judge Reese looks up from his notes to see Jerry standing there.**

**Jerry Espenson:** Six years ago, isolation had brought me to the point... I considered taking my life. I picked up the phone and punched out 4-1-1, so desperate was I to hear just the sound of another person's voice. I got some automated recording that said 'what city and state please'... and I wept. We are living in such an increasingly isolated world, your Honor. We IM and text message and have virtual relationships online – it gets lonelier and lonelier while teenage and adult depression continues to rise. **Leigh looks on with tears in her eyes** There are, perhaps, many things we can do about it... banning the hug can't be one of them.

**Jerry returns to his seat, and Leigh gives him a soft smile.**

**Denny picks up his drink and strides toward his desk, offering his sage advice to Carl Sack.**

**Denny Crane:** The thing about women, Carl, if you reject their opinions, their principles, they feel you're rejecting them, which is so wrong, since with most relationships, we're in it only for the sex.

**Sack looks on tolerantly, almost amusedly.**

**Denny Crane:** And you won't be getting any, by the way, from Shirley unless you agree with her.

**Carl Sack:** I don't know, Denny, maybe Shirley and I aren't right for each other.

**Denny Crane:** **refrains from jumping through the opening Sack just provided.** Don't go overreacting now –

**Carl Sack:** You ever wonder if all relationships are finite?

**Denny Crane:** Of course they are. That's why we have kids, marriage vows, onerous divorce laws, all to make it too impossible to leave once we know its over – we're a pro-marriage nation.

Carl Sack: That's very cynical Denny. Would you marry Shirley?

Denny Crane: In a second. May I?

Carl Sack: I think she would want a say.

Denny Crane: Yes, therein lies a problem. Marriage, divorce and you name it – we were much better off in the old days, before women got a say. **Sack rolls his eyes.** The Supreme Court can get us back there, just ... give 'em time.

**Sack sighs deeply, drinking his scotch.**

**Judge Peyton is behind her bench, addressing both sides on the issue before her.**

Judge Peyton: All right, before we begin, Miss Tiggs, no singing. **She points a finger at Missy.** If you so much as accidentally hit a note while clearing your throat... I will rule in his favor. **She gestures toward Terrence Maxwell's table where Alan has his head down reading over his notes. You got that?**

Missy Tiggs: Yes, Your Honor.

Judge Peyton: All right, now, Mr. Shore, **Alan glances up from his notes** you can't stand before me and tell me you expect this court, or any court, to order that a woman get an abortion.

Alan Shore: **rising** That's exactly what I expect. The idea is appalling to you because next to the 'N' word, only the 'A' word is more controversial; only the 'A' word can stir up such deep seated passion, not of love which one might hope for when thinking of life in its conception, but rather of anger and rage. In fact, there isn't an issue in this country as combustible. **His hands provide punctuation.** My advice here would be to not think of it as the 'A' word at all. **He gestures toward the judge solicitously, continuing his rapid fire speech** Let's just think of it as requiring this woman, who flagrantly and deliberately defrauded my client, requiring her to simply take a pill, **flippantly** some medication, we do it all the time – we force medication in psychiatric hospitals, a place, ironically, where this woman should certainly be stuck.

**Missy looks contrite as Alan points to her.**

Judge Peyton: Will you slow the hell down!

Alan Shore: Under the law, Judge, there is no life here. She's five weeks pregnant. At five weeks there is no life recognized by the law. **stated matter of factly**

Katie Lloyd: Mr. Shore is incorrect. The relevant case law goes only to viability. It makes no determination as to when human life begins, and whatever one's opinion may be on abortion, **looks at Alan admonishingly** we can't dispute that life, however embryonic, originates at conception.

Alan Shore: But the only issue **TODAY, his fingers emphasizing this finer point** is can the court invade the autonomy of her body and I would say yes. **Katie looks exasperated** We're not talking about an intrusive procedure, we're asking that she take a pill--a little tablet like an aspirin, the RU-486. It's very effective, side effects are rare and it's safe.

Katie Lloyd: **stands up** I can't speak as to when Mr. Shore had his last abortion, **Alan chuckles that she'd go there** but they are anything but a breeze, even with the RU-486. It presents the same symptoms as a miscarriage, including cramping, bleeding, it can take days or even weeks and that's not even accounting for the emotional after effects, which could last a life time.

Terrence Maxwell: **standing, outraged** This woman hi-jacked my sperm!

Judge Peyton: Mr. Maxwell –

Missy Tiggs: I love it when he calls me ‘woman’.

Shirley Schmidt: **in a hushed voice** Missy –

Terrence Maxwell: I did not have intercourse with her that night. Why? Because I did not want to run the risk of getting her pregnant.

Katie Lloyd: I would submit that Mr. Maxwell has various legal remedies. He can sue her in a civil court for damages, though she’s not asking for child support or –

Alan Shore: **cutting her off with his own snide outrage.** Oh, and now who’s not accounting for the emotional after effects. Where is it written that, hey, if he doesn’t have to contribute to the raising of it then it’s no harm, no foul. **He gestures grandly that ‘it’s no big deal’.**

Judge Peyton: Mr. Shore –

Terrence Maxwell: It’s my flesh and blood, MY child! **angrily**

Missy Tiggs: **standing** And you wanna kill it!

Judge Peyton: All right! Tempers are starting to flare –

Alan Shore: Yes, they are, Judge. As I said, this is an angry topic and one of the reasons we’re all so enraged here is, we never got a say. **Shirley rolls her eyes.** The American public never got a vote on abortion--it was decided by fiat--nine men sitting on a court. Why we don’t put the issue on a ballot completely escapes me, especially since our Judicial selection process has become so corrupted **making a broad sweeping gesture** by the politics of abortion as our congressional and presidential campaigns have – but we the people, we don’t get a vote. And it leaves us feeling frustrated and angry, powerless! Can you IMAGINE **wearing his agitation and indignation prominently** this issue that goes to the core of our human values and we don’t get to weigh in?! We have to sit back and watch a President, puppeteered by the religious right, stacking the deck in the Supreme Court--

Judge Peyton: You’re getting off point--

Alan Shore: No, no, I’m very much ON point. **both hands are accentuating his outrage** You take that sense of helplessness and rage which the public feels, multiply it times a thousand and you get a sense of what my client feels. Somebody would be having his baby, and he doesn’t even get a say?! He wasn’t careless or cavalier, he was tricked, deceived, defrauded, and he has no rights here at all?!

Katie Lloyd: **hastily stepping over beside Alan** He should be afforded all his rights under the law, and under the law today, the court cannot and should not order a woman to undergo an intrusive medical procedure. Can there be anything more medically, physically and emotionally intrusive than an abortion? **She looks at Alan to see if he can come back from that. Alan nods slightly, raises his eyebrows then turns back toward his client, but just isn’t finished yet; he turns back.**

Alan Shore: **The fire in his voice is toned down, but his scorn still obvious.** I’m sorry, but at the risk of sounding very politically incorrect, as much as we’re all supportive of multicultural families, its become so fashionable to adopt exotic babies from different lands, and places, but I’m sorry – that woman makes Julie Andrews seem like a Black Panther. She has no conception of black culture... this is wrong! There, I said it. Everyone can start writing their letters ... Maybe there should be some kind of a test one has to pass! That—**starting to wave frustratedly toward Missy, then restrains himself** I’ve probably said enough.

Judge Peyton: Yes, you have.

**Alan joins Terrence in the conference room to wait for Judge Peyton to make her ruling.**

Terrence Maxwell: Any word?

Alan Shore: No, but she promised to rule by the end of the day, so... Terrence, suppose we do win... you can certainly expect a whole lot more of all this--the Appeals Court, the State Supreme Court, the Supreme Court--by that time she'll have had the baby. Are you prepared to push this all the way...?

Terrence Maxwell: **sighs, shaking his head.** Maybe not. If we win... I don't know if I can make her terminate.

Alan Shore: Then why...? **shrugs**

Terrence Maxwell: I don't know, maybe empowerment. Maybe... I just want it to be my choice, too. **Alan nods his understanding.** That crazy?

Alan Shore: **shakes his head.** That isn't crazy at all.

**Judge Reese returns to his bench to give his judgment; Jerry hops to his feet as the judge enters, and is the only one standing.**

Judge Reese: Nobody said all rise, but... **Jerry is still standing** Ok. **The judge gestures for Jerry to be seated.** I agree completely with Mr. Espenson, to ban a simple hug seems way too far reaching, if not draconian. I'm mindful, however, that we have thousands and thousands of unlawful sexual touchings on school campuses every year, committed by both teachers and students. It's a tough call. What tips it for me are the facts of this case. The plaintiff suffers from objectophilia, a diagnosed sexual disorder. **He speaks pointedly.** Add to that, she had been warned on prior occasions, not to touch the students. Judgment for the defendant.

Jerry Espenson: **blurts out Ope! as the judge slams his gavel.** Withdrawn

Judge Reese: **eyeing Jerry** We're adjourned.

**Principal Atkins and Attorney Isaacs shake hands, as Jerry packs up his briefcase.**

Jerry Espenson: I'm sorry, Leigh.

Leigh Swift: Me, too. Thank you so much for trying, Jerry. You fought very valiantly.

Jerry Espenson: **humbly** I'm sorry we didn't get a good result.

Leigh Swift: **wincing** Yes. **Jerry picks up his coat, preparing to leave.** Speaking of trying, would you like to give 'us' a try again?

Jerry Espenson: **straightens up and looks directly at Leigh, taken aback, places hands back on his thighs.** I don't know... I, I don't think I can compete with an Iphone. I don't know that any man could.

Leigh Swift: My therapist thinks I'm gravitating to things because they can't dump me. **Jerry looks at her sympathetically.** I got scared with you, Jerry... I suppose I want safety in a relationship, but I realize, nobody gets that!

Jerry Espenson: I don't know what to say. **smiles shyly**

Leigh Swift: How 'bout 'yes'? How 'bout we just hug, and see how it feels? **She smiles encouragingly.**

**Jerry contemplates that for a moment then smiles back at her, steps awkwardly toward her, and they both lean onto one another, each smiling as they rest their head on the other's shoulder, their hands still pressed firmly to thighs. Jerry suddenly wraps his arms around Leigh, and she releases her hands from her thighs and returns the hug, gently rubbing her hand on his back. Her eyes close as she relishes the embrace. Jerry beams happily.**

**Judge Victoria Peyton is sitting at her bench.**

Judge Peyton: If you ask me, we've seen a great evolution in fatherhood over the last 20, 30 years. We now have stay-at-home dads-- fathers who are the primary caregivers – pretty damned good progress from my perspective. When it comes to a father's legal rights, however, the law has stayed stagnant. Miss Tiggs... **she stares directly at Missy who sits timidly** your behavior here is disgusting. You knew this man did not want to father a child with you. You performed a sex act on him to come into possession of his sperm. You used that sperm to impregnate yourself. **She speaks pointedly and emphatically.** If the law permitted, I would have you thrown in jail.

**She turns her gaze to Terrence and Alan, and shakes her head.** But I end exactly where I began. **Alan looks away resignedly.** No court, including this one, is going to order an abortion. **Alan sits back in his seat accepting his loss.** Mr. Maxwell, your damages here would be legal, not equitable. Motion denied... we're adjourned.

**Alan stands and turns to his client.**

Alan Shore: Well, we tried.

Terrence Maxwell: Yeah. **sighs** Thanks, Mr. Shore. **shakes Alan's hand**

**Shirley, Missy and Katie stand up and gather themselves to leave, Katie oddly with her hands pressed to her thighs.**

Missy Tiggs: Thank you, Shirley, Katie... Wow! I'm going to be a mom.

Shirley Schmidt: And I'll bet a wonderful one at that... **tongue firmly planted in cheek.** Well, best of luck Missy... **turns to Katie muttering** Let's get out of here.

Terrence Maxwell: **steps over to Missy** I gotta be involved. If I'm gonna be a father, then I'm gonna be a father.

Missy Tiggs: **smiles** I'd like that.

Terrence Maxwell: It's not about you. **Missy's smile fades and he turns to leave.**

Missy Tiggs: Terrence, maybe you and I could give it a go. **smiles hopefully** I really, really like you. It's not every day I meet a truly noble person who makes my genitalia flutter.

Terrence Maxwell: **amused, he shakes his head** I can't be with you, Missy. **She looks crushed** I'll work out this parenting thing, but I can't be with you.

Missy Tiggs: Oh... ok... **looks into Terrence's eyes and starts to sing... Shirley, Katie and Alan are in the doorway and turn back as they hear:** "A place where nobody dared to go, the love that we came to know..."



Terrence Maxwell: Bye, Missy. **He leaves the courtroom with Alan and the others.**

Missy Tiggs: **standing alone now, singing** “they call it Xanadu...and now, open your eyes and see... what we have made is real, we call it Xanadu...”

**Night has fallen over Boston, and Alan and Denny bring the day to a close on the balcony.**

Denny Crane: Sooo, Katie kicked your ass...?

Alan Shore: **chuckles** Lemme tell you something about this Katie Lloyd, she’s going to be some lawyer. For her to be this good already, just out of law school, it’s scary.

Denny Crane: **puffing on his cigar** How far women have come! They used to be objects we just wanted to have sex with. **now gesturing with cigar in hand** They’re intelligent, autonomous, powerful things we just wanna have sex with.

Alan Shore: We may even as President, Denny.

Denny Crane: **excitedly** I had a dream about her as President... Hillary, you know.

Alan Shore: **amused and curious** Tell me.

Denny Crane: **smirking** She invited me into the Oval Office, we had tea, discussed politics, **clucks**, we got right down to it. **Alan shakes his head with a silent chuckle** She was FANTastic!

Alan Shore: You had a Hillary sex dream ...

Denny Crane: Oh, she is so HOT, Alan... in that dominatrix, praying mantis sort of way. Ooo, I’d love to have one night alone with that tramp...**puffs on his cigar, notices Alan is still looking at him** What?

**Alan’s smile is gone as he looks away and out over Boston.**

Denny Crane: **turning toward his friend abruptly** You have been CRANKY this week; is everything ok?

Alan Shore: Fine. **dismissively**

Denny Crane: Something wrong?

Alan Shore: **shaking his head but not looking directly at Denny** Nothing’s wrong.

Denny Crane: Fine. **Turns back toward the Boston skyline as Alan gives him a side glance... Denny silently counts to three on his fingers then points at Alan, adding a cluck.**

Alan Shore: My sophomore year in college, **Denny wearing an ‘I knew it’ look** I got my girlfriend pregnant. She came to me, told me, and then proceeded to say, **looking amazed** uhh, ‘Don’t worry, I’ve already taken care of it’. It was done, it had already been ... done. And... I realized, that she had probably been scared, confused, but I felt completely invisible, as if I had no ability to express love... care...support... for me to have NO voice, as if I had no opinion... **looking down, his tone hushed and sober** Well, it would have been my child ... too.

Denny Crane: **sputtering indignantly** Such prejudice against men. The issue was always about forcing us to take responsibility, never about our rights!

**Alan Shore:** *laughs* Now, there's a conversation that men could have with women before having sex. Perhaps an understanding should be reached before--

**Denny Crane:** No.... **Alan laughs.** It's hard enough to get the condom on, now you wanna add conversation to the mix, uh uh.

**Alan Shore:** How many times have you had that... problem taken care of with women?

**Denny Crane:** *shrugs, waves his cigar.* I don't know. *attempting to switch gears, conversationally* On the one hand, I wanna perpetuate the species. I am, after all, Denny Crane. **Alan looks on, amused** On the other hand, imagine the world, kids running around with Mad Calves disease.

**Alan Shore:** I shudder.

**Denny Crane:** *studying his friend* Don't you wanna be a father someday, Alan?

**Alan Shore:** *heavily* I don't know.

**Denny Crane:** It'll happen. Can I be godfather? He'll need to have somebody to tell him about women... can't have that discussion with dad.

**Alan Shore:** You still want that son, don't you? **a slight expectant smile on his face which disappears as Denny replies**

**Denny Crane:** *tosses his head* Take him fishing, teach him how to drive a stick, when he gets older he can introduce me to some of this girlfriends... its all good.

**Alan Shore:** *taking a deep, alanshore breath* People say having a family... it's everything. Are we missing out, Denny?

**Denny Crane:** Well... I feel I have a family of sorts here...?

**Alan Shore:** *mired in melancholy* I don't think it's the same.

**Denny Crane:** I've got you?

**Alan Shore:** *nods* You've got me.

**Denny Crane:** And I feel blessed. *Turns toward Alan raising his glass, Alan joins him raising his* How many people have that?

**Alan Shore:** *staring down into his scotch.* Not enough...