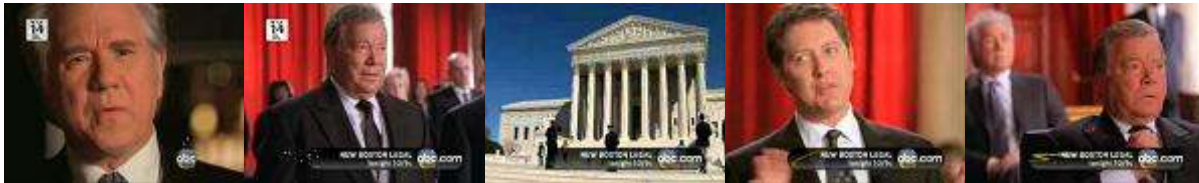


**Boston Legal**  
**The Court Supreme**  
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**Written By: David E. Kelley & Jonathan Shapiro**  
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**At Crane, Poole and Schmidt, people are filing out of the elevator, the last one to leave is a smiling, glowing Jerry Espenson. He passes Katie Lloyd.**

Katie Lloyd: Jerry?

Jerry Espenson: Katie! Hello. Welcome. Hello.

Katie Lloyd: Everything alright?

Jerry Espenson: Yes. Hello. Welcome.

Katie Lloyd: Jerry, your face is beet red. Are you sure you're okay?

Jerry Espenson: I'm fine.

Katie Lloyd: **She touches Jerry's forehead.** I'm not sure you are. **She looks to Alan Shore who is passing by.** Look at his face. He's completely scarlet.

Jerry Espenson: I'm fine!!

Alan Shore: Jerry, look at me.

Katie Lloyd: Has he been drinking?

Alan Shore: **He comes close.** What's going on, Jerry?

Jerry Espenson: Nothing!

Alan Shore: Jerry?

Jerry Espenson: **He looks around.** I lost my cherry. **He starts popping.** **Alan and Katie are all smiles. They all go into Jerry and Katie's office.**

Alan Shore: **He closes the door.** Okay, but first, I'm assuming the sex was safe.

Jerry Espenson: Of course! Why are you looking at me like I've done something bad? I thought sex was supposed to be something wonderful.

Alan Shore: Why yes it is! **He looks to Katie, then to Jerry,** Was it?

Jerry Espenson: Yes! It was tender! It was lovely. It was everything I ever imagined.

Katie Lloyd: And it was with Dana?

Jerry Espenson: **He clicks his tongue and stamps his foot.** Of course it was with Dana! She's my girlfriend! **A knock on the door.**

Carl Sack: Alan?. **He comes in.** Could I steal you for a second? It's important.

Jerry Espenson: I lost my cherry! **He pops.**

Carl Sack: **A beat.** Alan! **He and Alan leave.**

**Alan turns back, Jerry makes a shooting motion with both hands, Alan chuckles, and makes the same motion before he turns to leave.**

Alan Shore: **He and Carl turn the corner.** What's going on?

Carl Sack: We have a new client. He raped an eight-year-old girl, he's been convicted, his lawyer's come to us to handle his appeal. Specifically, she asked for you.

Alan Shore: **He turns back.** I'll pass.

Carl Sack: The man has been sentenced to death, Alan. **Alan reluctantly stops to listen.** The appeal is before the United States Supreme Court. *The United States Supreme Court!*

**In Alan's office, Alan and Carl are there with Attorney Audrey Patterson.**

Attorney Audrey Patterson: The argument is scheduled for Wednesday. I brought all the files up with me so...

Alan Shore: This Wednesday? Isn't this a little last-minute?

Attorney Audrey Patterson: Well, the truth is I planned to argue it myself, but I've tried three cases in my life and I'm not ready for the Supreme Court.

Carl Sack: And you think he is?

Attorney Audrey Patterson: I've read the transcript from his death case in Texas. **To Alan.** You're what I'm looking for. **Alan sits back and sighs, shaking his head.** I have a flight waiting for Louisiana. That's where the client is. I'd like for you to meet him

Alan Shore: **He looks helpless at Carl. A beat. To Audrey.** Did he do it?

Attorney Audrey Patterson: He says he didn't. He has an IQ of seventy, so...

Alan Shore: Well! Executions of the mentally disabled are unconstitutional.

Attorney Audrey Patterson: He was never officially pronounced disabled. A seventy IQ only puts him in range, but in Louisiana...

Alan Shore: **Under his breath.** He could be governor.

Attorney Audrey Patterson: I'm from Louisiana.

Alan Shore: I'm sorry. It's just that when it comes to jokes or women, I can never resist the cheap ones. Are you cheap?

Attorney Audrey Patterson: I'd like for you to meet the client. I've arranged for the Mooters to be here tonight.

Alan Shore: The Mooters?

Attorney Audrey Patterson: A law firm that preps lawyers to argue before the Supreme Court. Most have argued there themselves, clerked for the Justices--they'll tell you how they think, how each one will likely vote. They'll put you through a mini-boot camp to make sure you're ready.

Alan Shore: **A laugh.** In just two days?

Attorney Audrey Patterson: In just two days.

**Alan smiles mockingly, then turns serious as he looks to Carl.**

Carl Sack: Fired up? Ready to go?

**Alan doesn't answer. He doesn't look too well.**

**In Angola State Prison in LA, Alan and Audrey sit across from Leonard Serra.**

Attorney Audrey Patterson: The fact that the Supreme Court is even willing to listen to your case is a very good thing.

Leonard Serra: Will I get to go home?

Attorney Audrey Patterson: No, Lenny. You'll probably never get to go home. I explained this. This is... well... to stop them from executing you.

Leonard Serra: I never was arrested for a crime before. You can check. I never ever been arrested or convicted or anything. Will you tell them that?

Alan Shore: I will.

Leonard Serra: And I didn't do what they said I did. I promise. Make sure you tell them that. This is really important. That's really... important.

**In Jerry and Katie's office, they are both there, Jerry is pacing with his hands on his thighs.**

Jerry Espenson: Call her?

Katie Lloyd: Well, it wouldn't be the worst idea.

Jerry Espenson: What should I say?

Katie Lloyd: Well, perhaps what you shared with Alan and me. That you found it tender, loving, magical.

Jerry Espenson: Okay. **He picks up the telephone and starts dialing. There is a knock on the door. Jerry looks up. Dana is in the doorway. He gasps.**

Dana Strickland: Hi, Jerry.

Jerry Espenson: Dana! Hello! Welcome! I was just about to call you to tell you the sex was tender, loving and magical. **A beat as no one speaks.** Oh. **He pops.** I'm sorry.

Dana Strickland: That's okay. **She looks at Katie.**

Katie Lloyd: **She gets up.** I'll give you some privacy. **She leaves.**

Dana Strickland: I just came by to say the same thing, Jerry. Last night was really special for me.

Jerry Espenson: It was?

Dana Strickland: It was everything that making love should be. You were caring, respectful. You're a wonderful man.

Jerry Espenson: **He beams.** You're a wonderful woman. **They look at each other for a moment, then chuckle as they share a hug.**

**In Denny Crane's office, he is there when Alan comes in.**

Alan Shore: Wow. **He goes to sit on a couch.** What a day. It isn't even over yet. **He sighs deeply, then notices Denny sitting stone-faced. A beat.** What?

Denny Crane: Little field trip, Alan? You think you're going to the Supreme Court without me?

Alan Shore: Denny, this isn't your kind of case.

Denny Crane: If it's before the Supreme Court it's my kind of case.

Alan Shore: The client raped a child!

Denny Crane: It's not about the client! It's about me!

Alan Shore: Denny...

Denny Crane: The only thing missing from my legacy is an appearance before the highest court in the land. My best friend has the power to make that happen, and he didn't tell me.

Alan Shore: Denny, the Supreme Court isn't the place for *my* nonsense much less *yours*.

Denny Crane: I can behave. **Alan chuckles helplessly.** I can suck it up one more time. Like I did for my murder trial in January when I rose up and proved to the world... I won that, right?

Alan Shore: You did!

Denny Crane: Alan, please. I have actually dreamed about this more than anything.

Alan Shore: You've never told me that.

Denny Crane: Well, I never thought I'd have the chance. And, well, I guess I never wanted to admit to myself that there was anything I hadn't accomplished. But, to have the chance, my God, you and I to do this together! That would be everything.

**In Carl's office, he is there with Alan.**

Carl Sack: Are you out of your mind?

Alan Shore: Look, if I do all the talking...

Carl Sack: Denny Crane? Before the Supreme Court?

Alan Shore: We could sell tickets.

Carl Sack: Alan, this is not the time. And certainly, definitely not the place.

Alan Shore: How much harm can he really do? **Carl gives him a look.** Carl, I'll be doing all the arguing.

Carl Sack: Yes, and as your back is turned to Denny while you argue, who's gonna make sure he keeps his pants up?

Alan Shore: **A beat, as he leans back, then sighs.** You got plans?

**In the corridor, Jerry and Dana are walking up to the elevator just as Lorraine gets off.**

Jerry Espenson: Lorraine! Hello. Welcome. Lips!

Lorraine Weller: **She looks from Dana to Jerry.** Dana?

Dana Strickland: Lorraine! Hello.

Jerry Espenson: You two know each other?

Dana Strickland: We do. We work out at the same gym.

Lorraine Weller: How are you two acquainted?

Jerry Espenson: Dana's my girlfriend.

Lorraine Weller: Is she? Well congratulations to both of you.

Dana Strickland: Well, our reservation's at six-thirty. We'd better go, Jerry! It was nice to you again, Lorraine.

Lorraine Weller: You too, Dana.

**In the conference room, Alan, Carl, Denny and Attorney Audrey Patterson are there, as well as Attorney William Connolly.**

Attorney William Connolly: **He passes around a thick pad of paper to the others sitting around the table.**

The moot court will consist of nine justices. Treat them as you would the actual justices, which is to say with the utmost respect. You may think you have some idea what it's like to argue before the Supreme Court. Trust me, you do not. This will be the most difficult, the most high-pressure you'll ever encounter. **Denny farts. Everybody looks at Denny. Alan shakes his head.** The Justices are intimidating, they're often abrupt, sometimes rude, all formidable. You make a single misstep, you're likely to lose. You have the added pressure of knowing that if you lose, your client dies. Okay, first off, know that a criminal defendant has a better chance of a presidential pardon than a reversal from the Supreme Court. You need five votes. You're not gonna get Roberts, Scalia, Thomas or Alito, so don't even bother. You should get Ginsburg, Breyer, Souter and Stevens. Kennedy is the swing. You need to focus on Kennedy. Keep your arguments focused on constitutional issues, do not, do not, *do not* be talking about your client!

Alan Shore: Well, if...

Attorney William Connolly: He raped a child. If this turns on whether they care about him you lose.

**In Jerry and Katie's office, she and Lorraine have just come in.**

Katie Lloyd: What's up?

Lorraine Weller: This needs to be kept confidential. **She closes the door.** May I have your word it shall be?

Katie Lloyd: Okay.

Lorraine Weller: Jerry's girlfriend, Dana Strickland.

Katie Lloyd: What about her?

Lorraine Weller: She works for me.

Katie Lloyd: **A beat.** I beg your pardon?

Lorraine Weller: I didn't entirely give up the brothel business. Only my London office.

Katie Lloyd: You're still a Madame?

Lorraine Weller: I am.

Katie Lloyd: And Dana is one of your... girls?

Lorraine Weller: She is a rather high-priced call-girl.

**In a mock courtroom, Alan is standing at a podium in front of nine mock Supreme Court Justices. Denny, Carl and Audrey Patterson are the only audience.**

Alan Shore: May it please the court, my name is Alan Shore...

Attorney William Connolly: Don't waste time introducing yourself; they'll know who you are. **He is a stand-in for Justice Roberts.**

Alan Shore: Fine, I'd first like to direct the court's attention to the fact my client has an IQ of seventy, which means...

Mock Justice Scalia: That's not on the table.

Alan Shore: Well, don't you think you should put it on the table before killing Mr Serra?

Attorney William Connolly: You speak with a tone like that you're done.

Mock Justice Scalia: The only issue here is, is it constitutional to execute for a non-homicide rape?

Alan Shore: This court already held, in Coker v. Georgia that the death penalty was not authorized in non-homicide rapes.

Mock Justice Scalia: That case did not speak to the rape of a child and, also, the court looked to a national consensus at the time which was against capital punishment in non-homicide cases. Today, the consensus is different.

Alan Shore: Wait a second! So, it's to hell with precedent you're going to gauge popular opinion?

Attorney William Connolly: Okay. He's a disaster.

**Alan chuckles.**

Denny Crane: **He rises.** My turn.

**Alan turns to Carl with a questioning look as he's pointing to Denny. Carl raises his hand, palm out.**

**Alan nods his head and mouths, "Okay."**

**In Angola State prison, Denny, Audrey, Carl and Alan sit across from Leonard Serra.**

Alan Shore: So, Lenny, we argue before the court tomorrow. They probably won't make a decision right away, so we all have to be patient.

Leonard Serra: What about, you know, that I'm slow? Does that count?

Denny Crane: It does. They'll put you in charge of FEMA.

**A beat as the joke falls flat.**

Leonard Serra: You'll tell them I didn't do it, right?

Attorney Audrey Patterson: Lenny, for the purpose of this appeal, they have to assume you did.

Leonard Serra: I want you to tell them I didn't. And I want you to ask them not to kill me. I know some guys want to die. I don't. I need you to tell them that.

**In Jerry and Katie's office, he is there at his desk typing furiously on his laptop.**

Lorraine Weller: **She and Katie come in.** Hey, Jerry.

Katie Lloyd: How did your dinner go with, Dana?

Jerry Espenson: Splendid! Thank you. Splendid. **He makes gun motions with his hands and pretends to shoot. He chuckles. A long beat as no one speaks. He notices Katie looking to Lorraine.** What's going on?

Lorraine Weller: Jerry, you're aware I once ran a brothel in London, before coming to America?

Jerry Espenson: Yes. Why?

Lorraine Weller: I run one in Boston. And New York, and several other large cities.

Jerry Espenson: You do?

Lorraine Weller: It's mostly internet based. I rarely meet my employees, unless they're extremely high earners.

Jerry Espenson: Why are you telling me all this?

Lorraine Weller: I've met Dana. And it wasn't at a gym. **A beat.** Many of my employees are in committed relationships, and I don't mean to indict the legitimacy of yours with Dana. I tell you this simply because... well... Katie and I both feel you should know, if you don't already.

**A long beat.**

Jerry Espenson: Can you please go away now?

Lorraine Weller: **She rises.** For what it's worth, I know Dana to be an honest and honorable person. If she tells you she loves you, I suspect she loves you.

Jerry Espenson: Please go away. Both of you.

**Lorraine and Katie leave.**

**In a bar, half a dozen scantily-clad girls are forming a line on stage, as they move away they reveal Denny waving both hands in the air, he's holding a microphone in one hand. The crowd cheers wildly.**

**Alan is there.**

Alan Shore: **He sees Denny.** Oh my, God!

Denny Crane: **Singing.** How lucky can one guy be?

Scantily-clad back-up singers: **Singing.** I kissed him and he kissed me.

Denny Crane: Like the fellow once said'

Denny & the girls: **Singing.** Ain't that a kick in the head?

**The horn players play. Denny and the scantily-clad singers continue as Alan can only gape. Then, as a scantily-clad cigarette girl approaches him.**

**Cigarette girl:** Cigar. Scotch.

Alan Shore: **He weakens, smiles. He places money on her tray and helps himself to a mini-bottle and a glass.** Thank you.

**In their hotel room, Alan and Denny come into the room.**

Denny Crane: We could have gone back to their place for one drink!

Alan Shore: **He slams the door.** It's the night before the Supreme Court and I'm tired.

Denny Crane: It's always the night before something.

Alan Shore: Yes, well the something tomorrow is the highest court, and a man's life is at stake.

Denny Crane: Ah, you used to be fun.

Alan Shore: Can you begin to appreciate the gravity of tomorrow's...?

Denny Crane: Please!

Alan Shore: A man is facing death!

Denny Crane: Well, we all gotta die at one point.

Alan Shore: Shut up!! **Denny is startled.** You said you wanted to be part of this case. Well, be part of it, dammit!! It's the Supreme Court! It's not enough for you that we're out singing and drinking with the Go-Go-Girls, and now you gotta go back to their...! **He sees how dejected Denny is. A beat. He sighs.** Sorry. **Denny is preparing drinks.** Sorry. I don't mean to snap at you.. **Denny is stone-faced. Alan sits down then sighs.** I'm nervous, Denny. **He chuckles.** I really didn't think I would be but I'm a little scared to death. I'm sorry.

Denny Crane: **He nods, hands Alan a drink then sits down.** I've been thinking, this kid's best chance... you should do all the arguing. It's enough that I'm in the room, my legacy will be complete.

Alan Shore: Denny...

Denny Crane: I, I, I'm not ready to go toe-to-toe with Rehnquist.

Alan Shore: Denny, Rehnquist is dead.

Denny Crane: Even so, you argue, I'll flirt with Ginsberg from the table.

Alan Shore: Right. You're sure?

Denny Crane: I am. But you gotta do me two favors though. First, I bet fifty grand that we'd get Clarence Thomas to speak.

Alan Shore: The man hasn't spoken a single word in 154 cases over two years.

Denny Crane: Mention Anita Hill. The porn collection? Bait him a little.

Alan Shore: I'm not gonna bait a Supreme Court Justice. **A beat.** What's the other favor?

Denny Crane: Kiss ass! It's our time, in The Great Hall, in front of the highest court in the country. Maybe the world. Be respectful, but kick ass. Be Alan Shore for all you're worth. And you know how they start these sessions? This clerk, this really pretty woman, she says, "Oh yes. Oh yes! Oh yes!" It's like sex, Alan!

Alan Shore: It's not, "Oh yes." It's, "Oyez."

Denny Crane: What?

Alan Shore: Oyez.

**US Supreme Court, in the Great Hall, Alan and Denny stand at the appellant's table; D.A.G. Ronald Lazarus at the respondent's table. Carl and Audrey are seated in the room.**

**The Marshall of the Court:** Oyez! Oyez! Oyez! All persons having business before the Honorable, the Supreme Court of the United States, are admonished to draw near and give their attention, for the Court is now sitting. God save the United States and this Honorable Court!

**As she goes through the traditional call to order, the nine Justices of the US Supreme Court appear on cue from the curtains directly behind the chairs on the bench.**

**Denny Crane: Sotto to Alan.** I had no idea they sat so close. We're here, Alan, we're here. Look at us. In the Supreme Court of the United States.

**Alan Shore:** Right.

**Denny Crane: He reaches over to give Alan a one-armed hug.** I love you, man.

**Alan Shore: He puts his arm around Denny.** I love you too, Denny. **Carl coughs delicately behind them. They sit as Alan pats Denny on the back.**

**Chief Justice Roberts:** This morning we will hear arguments in Serra versus the State of Louisiana. Mr Lazarus. **Lazarus steps up to the lectern.**

**D.A.G. Ronald Lazarus:** Mr Chief Justice.

**Chief Justice Roberts:** How do you distinguish this case from Croker where we barred the death penalty for non-homicide rape?

**D.A.G. Ronald Lazarus:** Well, first Mr. Chief Justice, Coker was linked to the rape of adult women.

**Denny Crane: Sotto.** Dull. Where's the remote?

**Alan Shore:** Ssshhh.

**D.A.G. Ronald Lazarus:** And second, that ruling relied on evidence of a national trend against execution for non-homicide cases. Today, five States make child rape a capital offense. We also have the death penalty for air piracy and treason, also non-homicide offenses. **Denny is making eyes at Justice Ginsberg.** When a child is raped the impact is beyond horrible. Beyond repair. And the fact that the raped child doesn't die doesn't make it any less heinous, any less unconscionable and less unspeakable...

**Denny farts. Everybody looks at him as he sits acting innocent.**

**In Jerry's office, he is there alone.**

**Dana Strickland: She knocks and comes in.** Hey, Jerry! Ready for lunch? **He doesn't answer.** What's wrong?

**Jerry Espenson: A beat.** Lorraine informs me you work as an escort at her service. Is that true, Dana? **Dana doesn't answer.** Is that true, Dana?

**Dana Strickland:** Yes.

**Jerry Espenson: He sighs. A beat.** Please leave.

**Dana Strickland:** Could I have an opportunity to explain?

**Jerry Espenson:** I don't think there is an explanation you could offer I would find satisfactory. Dana, please leave.

**Dana Strickland:** Jerry... **Jerry shakes his head.** I kept part of my life a lie. When I tell you I love you, that isn't a lie. What we had the other night that was not a lie.

**Jerry doesn't answer. He shakes his head and points to the door. Dana leaves.**

**US Supreme Court, in the Great Hall, D.A.G. Ronald Lazarus is still at the lectern.**

**D.A.G. Ronald Lazarus:** The punishment is not disproportionate. It reflects the current national consensus. This court has been criticized recently for not standing up for the little guy. Well, I'm standing here today asking you to stick up for an eight-year old girl who was raped by the defendant.

**Chief Justice Roberts:** Okay, Mr Lazarus, the red light indicates your time is up.

**D.A.G. Ronald Lazarus:** Thank you, Mr Chief Justice.

**Denny Crane: He reaches over to clasp Alan's hand.** This is it.

**Alan Shore:** I think I'd rather be fishing.

**Denny Crane:** Go get 'em.

**Alan Shore: He goes to the lectern.** May it please the court, Mr Chief Justice, currently there are 3,300 on death row in this country. My client is one of only two who didn't commit murder.

**Justice Antonin Scalia:** Are you here to give us a box score?

**Alan Shore:** I'd like to provide a context, Your Honor. In Louisiana 180 men have been prosecuted for child rape since this law went into effect in 1985. Leonard Serra is the only one facing death.

**Justice Antonin Scalia:** Look, Counsel, Louisiana law permits death for child rape.

**Alan Shore:** And I would respectfully submit that law is unconstitutional.

**Justice Antonin Scalia:** Based on what?

**Alan Shore:** Based on this court's find in Coker that the death penalty...

**Justice Antonin Scalia:** Spoke to the rape of an adult, not a child. Maybe you need to read it again. And even if I were to concede your point, which I don't, there's a national consensus now in favor of authorizing the death penalty for non-homicide rape.

**Alan Shore:** Why? Because Louisiana passed a barbaric law, joining the ranks of Saudi Arabia, Uganda, China...

**Justice Antonin Scalia:** And other States in this country!

**Alan Shore:** Five! Five States. That's hardly a consensus. And none of those other States authorize death for first-time offenders as Louisiana does. And it should also be noted in your reliance on a national consensus you look to transcend legislation. Laws passed by politicians mostly around election time when they're desperate to appear tough on crime. The people who care the most about the welfare of children, doctors and social workers, the people who actually treat abused kids, have filed amicus briefs asking you to strike down this law. Because they know the death penalty in fact does not protect kids at all, but rather it makes it less likely that children, even if they have been abused, will report the crime, especially if a family member is involved. No kid wants to be responsible for a relative being executed! And children often get it wrong! They are uniquely prone to suggestibility and coercion, not that the police would ever be guilty of that, of course. But we already have an epidemic of wrongful convictions in this country. As many as 15,000 a year! Too many of them ending up on death row. And child rape prosecutions are especially unreliable. And now we wanna add the death penalty to make these mistakes irrevocable? Whatever one's feelings are on capital punishment, and I realize with this court one seems to be for it, you simply cannot ignore the fact that we often screw it up! We convict the innocent. We botch executions. Which is why many States have declared a moratorium on capital punishment. That's your true national consensus! And yet, here comes Louisiana seeking to expand the death penalty to non-homicide cases. And this is my favorite part, to kill the mentally disabled! Are we serious?

**Chief Justice Beyer:** This defendant was never officially pronounced disabled.

**Alan Shore:** But he is just the same, Your Honor. He has an IQ of 70. They're gonna kill him because there was no official pronouncement?

**Chief Justice Alito:** The way this goes, Counsel, is we work off a record which you are not free to amend.

**Alan Shore:** But, by record you simply mean the conviction. Reading of the entire record shows that he denies his guilt, and always has, he has no prior arrests, that the victim never even made the accusation until a full twenty months after the alleged crime, there was no DNA...

**Chief Justice Alito:** Factual innocence is not something you get to argue.

**Alan Shore:** Well, how silly is that? You're deciding whether or not to kill someone and his possible innocence is irrelevant?

**Chief Justice Roberts:** Mr. Shore! I don't like your demeanor, your tone, and I would remind you of where you are.

**Alan Shore:** I know exactly where I am, Mr. Chief Justice. I'm in the Supreme Court of the United States, and let me tell you, you folks aren't as hot as all get out.

**Carl Sack:** *Under his breath.* Dear God.

**Alan Shore:** Let's consider your respective Senate confirmations. You all testified under oath that you never actually considered how you would rule on abortion. You must be kidding me! Never gave it a thought? No perjury there? Justice Scalia? You went duck hunting with Vice President Cheney while he was a named defendant in a case before this court. Congratulations on not getting shot, by the way, but you didn't exactly avoid the appearance of impropriety there? Justice Alito? You were caught hearing a case involving a company you'd invested hundreds of thousands of dollars in. Ha! No conflict of interest there? You also don't recuse yourself in terrorism cases even though your best friend is Michael Chernov, head of Homeland Security? Seems to me the Supreme Court of the United States should be made of sterner stuff. Am I right? Justice Thomas? At least put down the magazine!

**Chief Justice Thomas:** Hey!

**Denny gasps. Alan turns to smile delightedly. Denny makes a fist in triumph.**

**Chief Justice Roberts:** I really don't think you mean to come after us, Counsel.

**Alan Shore:** Oh, but I do! In your short term as Chief Justice this court with your narrow majority has turned back the clock on civil rights, school segregation, equal protection, free speech, abortion, campaign finance. You've been overtly and shamelessly pro-business, making it impossible for some plaintiffs to so much as sue corporations, especially big oil and big tobacco! Somebody's gotta go after you! Exxon Mobil made over forty billion dollars in 2007. Forty billion! And yet nineteen years after the Valdez oil spill plaintiffs are still waiting to be fully compensated. Justice Scalia? You wanna overturn the verdict altogether because it's not the company's

fault that the ship's captain got drunk? But he was a drunk! And they knew it! Perhaps not the best choice to pilot fifty million gallons of crude oil through an environmentally sensitive area!

**Justice Antonin Scalia:** You are getting so far off point.

**Alan Shore:** My point is, who are you people? You've transformed this court from being a governmental branch devoted to civil rights and liberties into a protector of discrimination! A guardian of government! **Carl is sitting with his hand hiding his face.** A slave to monied interest and big business, and today, hallelujah! You seek to kill a mentally disabled man! I'm curious, as a group, how many executions have you all actually witnessed? **A beat.** I'm sorry that's... that's unfair. **He collects himself.** I've seen five. And it is the most inhumane, cruel and unusual hypocrisy of a system that promises to be just.

**Justice Antonin Scalia:** I'll ask you to leave your personal politics out of this.

**Alan Shore:** And I'd ask you to do exactly the same! The Supreme Court was intended to be free and unadulterated by politics. It is now dominated by it. You're hand-picked by Presidents with ideological agendas, and of the two dozen five-four decisions of your 2006-2007 term, nineteen broke straight across ideological lines. That's politics! And while you claim to be against judicial activism you rewrote--check that--*invented* new law to decide a presidential election for God's sake! If that's how it's going to be then at least have the decency to put your names on ballots like the rest of the politicians so that we the people get a voice!

**Chief Justice Roberts:** Mr. Shore! You have said quite enough. Now you might consider using what little time you have remaining to represent your client instead of your own left wind agenda.

**Alan Shore:** **Contrite.** Yes. **A long beat.** I absolutely cannot stand up here and ask anybody to excuse the rape of a child. If it were my child I'd want to shoot the son of a bitch in front of the courthouse. But the more evolved response would be to take into account all the circumstances, and to deliberate and decide whether Leonard Serra truly represents the worst of the worst of humanity for whom we reserve the death penalty. I've been advised by my advisors not to talk about Leonard, but I am going to talk about him because Leonard Serra is not in any way the worst. Leonard is not a son of a bitch. Emotionally, intellectually, he is a child! Is this really a person to make an example of? Of all the men Louisiana has prosecuted for child rape since the passage of this law only Leonard has been sentenced to death. Does it strike you as fair that the one guy singled out is the one with an IQ of seventy? Really? **He takes a moment to compose himself.** Leonard Serra is black. In Louisiana historically it's been blacks that have been executed for rape in non-homicide cases. In the last hundred years Louisiana has executed twenty-nine men for rape. All were black. On the face of this building it reads, "Equal justice under law." I would beg you to honor that. Finally, I'd like to say, despite my tone, I have always been and still am in enormous awe of this institution. Elected officials represent the will of the American people, but the Supreme Court has always reflected our soul and our conscience. My conscience and I hope yours simply cannot reconcile executing a mentally disabled man, whether he was officially pronounced as such or not. We have to be better than that! Even if Louisiana isn't. You know, on the back of this building is that magnificent sculpture, part of which symbolizes the concept of justice tempered by mercy. If mercy truly lives within these walls, within your hearts as Justices, as people, you cannot cause this man to be injected with chemicals for the purpose of killing him for a crime it's very possible he did not commit. He asked me to tell you that. That he did not commit it. He felt it was important that you know that. **A moment.** He also asked me to tell you he doesn't want to die.

**In an underground parking lot, Alan, Denny, Audrey and Carl are walking.**

**Carl Sack:** How long before they rule? Do we have any idea?

**Attorney Audrey Patterson:** It could be weeks. Even months.

**Denny Crane:** Do I have any chance?

**Attorney Audrey Patterson:** Well...

**Denny Crane:** I mean with you?

**Attorney Audrey Patterson:** Let's just say Leonard Serra's chances would be better than yours.

**Denny Crane:** Tease.

**Alan Shore:** Well, this is goodbye then?

**Attorney Audrey Patterson:** Yes. Thank you. **Alan nods.** Listen, I'm not a very sentimental person...

**Denny Crane:** If you're gonna say anything mushy, direct it at me.

**Attorney Audrey Patterson:** I'll direct it at him. **To Alan.** My father tried to discourage me from the practice of law, suggesting that the profession was anything but noble. Listening to you today... **She can't go on.** Well, goodbye, Alan. **They share a one-armed hug.** And thank you. **To Carl.** Carl?

**Carl Sack:** Audrey. **They shake hands.**

**Denny is next. He has his arms out, she reluctantly moves in for a hug, and Denny places one arm around her shoulder and the other? Where else?**



**At Crane, Poole and Schmidt, in the corridor, Alan, Denny and Carl have just gotten off the elevator.**

Denny Crane: Just to clarify, since you did all the arguing, should we lose this does not count on my record.

Alan Shore: Of course not, Denny.

Denny Crane: I don't plan to end up eighteen and one, if you get my drift.

Carl Sack: Alan? **Alan and Denny stop and turn back.** Uh, one second? **Alan comes back.** For the record, though some lawyers would have found your little performance heroic today and say, "Wow. You really are something," be aware it's not the policy of Crane, Poole and Schmidt to attack, dismiss, or disrespect the Supreme Court of the United States. And should you ever have opportunity to revisit The Great Hall you will conduct yourself in a manner more commensurate with the values and policies of this firm. Notwithstanding, there are those who might think... You. Really. Are. Something. **Alan is speechless.** Got it?

Alan Shore: Got it.

**In Jerry's office, he is there.**

Katie Lloyd: **She comes in.** Hey, Jerry.

Jerry Espenson: Hey!

Katie Lloyd: Talk to Dana?

Jerry Espenson: I did. We're done. Fini. Terminada. Kaputtsky.

Katie Lloyd: I'm sorry to hear that, even though I'm sure it has to... **Her eyes fall on a life-sized doll propped in the corner.** What is that?

Jerry Espenson: That's Patty. We've reconnected.

Katie Lloyd: You've reconnected with a doll?

Jerry Espenson: Yes.

Katie Lloyd: Jerry, your having a relationship with an inanimate friend suggests a certain willingness on your part to forsake conventional expectations. Might such an open mindedness occasion you to consider a relationship with Dana, if you two really love each other?

Jerry Espenson: Go out with a call girl? Do I look that desperate?

Katie Lloyd: You don't seem at all desperate enough to date a doll! I'm not saying it wasn't right to end things with Dana, but I am saying love is difficult to find. It's very difficult. Perhaps you might take a day or two before declaring it "Fini!". "Terminada!" Especially, "Kaputtsky!" There's a certain finality to ending things in Polish.

Jerry Espenson: I'm not gonna date a call girl. Okay?

Katie Lloyd: **A beat.** Okay. Well. Good night then.

Jerry Espenson: Good night.

**Out on the balcony, Alan and Denny are having Scotch and cigars.**

Denny Crane: I thought Scalia would rupture a blood vessel. Did you see Alito? He hasn't been so offended since they let blacks and girls into Princeton.

Alan Shore: I didn't really mean to go on the attack. I just... Did I at least make sense?

Denny Crane: Not to me. But I'll tell you this, I admire you. To march into the Supreme Court and fight for a principle you believe in. Wow! How many people have such a chance and actually seize it? **A beat.** You made me proud. My favorite part was when you got Clarence Thomas to talk! Wow! **They both chuckle fondly.** We got to see the White House.

Alan Shore: Up close. As close as Gingsberg's mole.

Denny Crane: Did you see her making eyes at me? She's hot for me.

Alan Shore: What woman isn't?

Denny Crane: It's my curse. You know I was thinking about what you said about mercy. I sometimes wonder whether that'll be part of my legacy. I mean, will someone will stand up at my funeral and say, "That man had mercy in his heart."

Alan Shore: I will.

**A beat.**

Denny Crane: I hope they don't kill that kid. I'm for capital punishment. But I hope they don't kill him.

Alan Shore: Yeah.

Denny Crane: I read, somewhere, make time to travel with a loved one to a special place. You and I? First, Nimmo Bay. And now the Supreme Court!

Alan Shore: Where to next?

Denny Crane: I'll think of some place. Cause we're not done, Alan.

Alan Shore: No we're not. Not even close. Maybe we could go to Wednesdays.

Denny Crane: Next week.

Alan Shore: Why not?

Denny Crane: Wednesdays. I like it!