

**Boston Legal**  
**Attack of the Xenophobes**  
**Season 4, Episode 7**  
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*At Crane, Poole and Schmidt, in Alan's office he is sitting behind his desk while Jerry is pacing with his hands on his thighs.*

**Alan Shore:** Jerry, come on. You need to keep reminding yourself that this is a good thing!

**Jerry Espenson:** *Pacing.* No, it's not.

**Alan Shore:** Jerry.

**Jerry Espenson:** *Still pacing.* Please don't use my name. When you say my name it reminds me who I am which is Jerry Espenson, which is not a good thing to be at all in this situation.

**Alan Shore:** Okay, first, stop pacing. It's driving me... *He puts his hands out.* Stay! *Jerry stops. A beat.* You've had two wonderful dates.

**Jerry Espenson:** And we all know what's supposed to happen on the third date after two wonderful dates! Don't we?

**Alan Shore:** You've really never kissed a woman?

**Jerry Espenson:** Not a real one.

**Alan Shore:** Well, it's actually quite simple, you just move your head towards her's until your lips touch.

**Jerry Espenson:** What about the tongue business? What am I supposed to do about that?

**Alan Shore:** *He grunts helplessly.* You just sort of... slip it in... and you know... move it around a little. *He looks at Jerry helplessly.*

**Jerry Espenson:** Oh well. Shouldn't you just write the book?

*He turns to leave and sees Lorraine Weller at the door.*

**Lorraine Weller:** Jerry. The thing about a first kiss: combination of the psychology and physical stimuli can be overwhelming. It's best to separate the two.

**Jerry Espenson:** That would be helpful if I had any idea what you said.

**Lorraine Weller:** Look. *She walks over to Alan.* You're standing at the door with your date. *She puts her hands on Alan's arms.*

**Alan Shore:** *Softly.* Lorraine... *He starts to turn away.*

**Lorraine Weller:** Alan, please. *She puts her hands on his arms to stop him, then removes her hands. They stand facing each other at arms length.* You look into her eyes. You hold each other's gaze. You're essentially kissing now. Not physically. But you're both saying with eye contact how much you long for the taste of each other's lips. You moisten your own lips gently with your tongue. *She demonstrates. Jerry follows suit.* A simple kiss now almost seems like nothing. And yet it's everything. *Alan moves his head closer.* Because there is nothing, nothing, so gentle as that first kiss. *They kiss. Jerry watches. The kiss continues with Jerry watching. Lorraine put her hand on Alan's butt. As the kiss gets more intense, a thump is heard. Lorraine turns.* Jerry? *She sees Jerry lying on the floor in a faint. She turns back to Alan.* Jerry left us. *She goes back to kissing Alan.*



**At Crane, Poole and Schmidt, in the lounge, Alan and Denny are there.**

**Denny Crane:** It's only a kiss, man.

**Alan Shore:** It's not just a kiss. That's the thing about Lorraine. It's never just a kiss! She... I swear she actually makes my tongue change color.

**Denny Crane:** Let me see. **They lean toward each other as Alan sticks his tongue out.** It's a normal color.

**Alan Shore:** Huh. **He looks down at his tongue.** What about the tip? **He sticks it out again.** It's bluish. **He sticks it out again.**

**Denny Crane:** It's a normal color. It, it's bit puffy though. Is it swollen? **He touches Alan's tongue.**

**Alan Shore:** Bleech! **He grimaces.**

**Attorney Emma Path:** **She is at the door.** How sweet. It's the fat bigot. And his friend Mr. Puffy Tongue.

**Alan Shore:** I don't believe we've officially met.

**Attorney Emma Path:** One million. Nothing structured.

**Alan Shore:** As I understand it your client was offered her job back within an hour.

**Attorney Emma Path:** Oh gee, you're right. You got me there. One million.

**Alan Shore:** I'm Alan Shore.

**Attorney Emma Path:** One million.

**Alan Shore:** How about instead I bite you on the inner thigh. Does that work for you? If only I'd really said that. But you, of course, misheard me just as your client misheard Denny.

**Attorney Emma Path:** Is that your defense? He didn't really fire her for being fat?

**Alan Shore:** Ms... I'm sure you have a name, but I'm not much interested. I've taken an immediate dislike to you, I'm sure you get that a lot. Where I was once prepared to be generous, now I'm not. You've made the strategic mistake of pissing me off.

**Attorney Emma Path:** You scare me. **She walks right up to Alan.** See me shudder?

**Alan Shore:** Take your clothes off. I'll make you shudder. That I did say. **He laughs.** Your hostility is just a barely concealed form of foreplay. I knew it. You're a horny, insatiable little slut. I could smell it the second you walked in. But I'm happy to oblige. **He leans in to her ear and whispers.** Let's you and I make like rabbits. **He pretends to breathe heavily.**



**At Crane, Poole and Schmidt, in the library Whitney Rome comes in followed by Katie Lloyd and Jeffrey Bass in.**

**Jeffrey Bass:** I realize this is unbelievably late notice.

**Katie Lloyd:** When does your trial start?

**Jeffrey Bass:** Today, actually. I just had a knock-down blow-out with my lawyer. Now he's out, I'm, I'm desperate.

**Whitney Rome:** Let's back up. What is your trial about?

**Jeffrey Bass:** I'm being charged with murder.

**Whitney Rome:** Hm. Something simple, then.

**Jeffrey Bass:** I'm a police officer. Uh, I was. They fired me. I shot an unarmed man, mistaking him for a suspect. I thought he had a gun. Turned out to be a soda can the light caught funny. Anyway, it was a mistake. But the DA's sayin' otherwise. The thing is... they took an MRI of my brain.

**Whitney Rome:** Why?

**Jeffrey Bass:** The man I shot was African-American and... the District Attorney is saying the shooting's racially motivated. Look, I had a couple of incidents at work where I had to get, you know, sensitivity training and so forth. But I'm not a racist.

**Whitney Rome:** Wait. So they took a scan of your brain to see if the shooting was racially motivated?

**Jeffrey Bass:** They call it a functional MRI.

**Katie Lloyd:** I've read that they can evidently detect a predisposition toward racial bias.

**Whitney Rome:** **To Jeffrey.** And did it? With you?

**Jeffrey Bass:** Yes. They plan to use it as evidence to convict me of second-degree murder.



**At Crane, Poole and Schmidt, in Denny's office he is there with Alan.**

**Denny Crane:** Ah, you were worst than me.

**Alan Shore:** I just... Between my agitation over Lorraine and this Emma's repugnance... I think she was prepared to have sex, so we could have been right on the money there.

**Denny Crane:** So now what happens?

**Alan Shore:** Well, she's noticed your deposition, after that I'll bring our motion to dismiss.

**Alan Shore:** I've been thinking a lot about what you said, Denny.

**Denny Crane:** I'm glad to hear that. What'd I say?

**Alan Shore:** You said that maybe Lorraine is the one for me. Maybe that's why I can't shake the neck or the kiss. Maybe I just can't shake her! Maybe Lorraine's it.

**Denny Crane:** I said that?

**At Crane, Poole and Schmidt, Clarence Bell and Jerry Espenson are on the move.**

**Clarence Bell:** What's the big deal, Jerry?

**Jerry Espenson:** Have you ever kissed a girl?

**Clarence Bell:** Yes.

**Jerry Espenson:** As you, or Clavont?

**Clarence Bell:** I kissed Claire as me.

**Jerry Espenson:** I don't believe you.

**Clarence Bell:** I did.

**They walk around a corner and meet up with Carl Sack.**

**Jerry Espenson:** Hello.

**Clarence Bell:** Hello.

**Carl Sack:** Hello. Clarence, I'm ashamed to admit. I've been googling myself again. It happens when Shirley's out of town. And I've been on You-Tube again. Do you know what's playing now?

**Clarence's face is blank. A video on a computer screen starts playing. It shows Clarence dressed in drag arguing with a minister in the parking lot of a Church.**



Clarence Bell: **Carl stops the video for an explanation.** He stole my parking place. I was getting ready to back in then he whisked in with his sports car, then he called me names and... I just lost it.

**Carl starts the video again. Clarence is heard screaming, "You know what else you can do? You can kiss my ass!" Then he turns around, lifts his skirt and sticks his butt toward the minister. "Take a look at this! Oh! Here it is Mr. Minister!" Clarence slaps his own butt as he's wiggling it for the minister. Clarence is mortified as he watches this. "Kiss that right there!" He continues slapping.**



**"Here, dammit!" Take a kiss of that, Mr. Minister! Huh!" Finally the video freezes.**

Carl Sack: Okay. Several issues. First, you were terrorizing Clergy! That's something we frown on. Second, you likened your buttocks to God's image. Very politically incorrect, even in a blue state. And you managed to do so on the World Wide Web as an employee of Crane, Poole and Schmidt which means that your exposed ass not only speaks to the Almighty's image, but ours!

**Clarence is walking down hall. As he comes around a corner he sees into Jerry's office. Jerry is sitting behind his desk chuckling as he's watching the video of Clarence on You-Tube. Clarence marches in.**

Jerry Espenson: **He quickly closes the lid of the laptop.** I wasn't watching anything. **He starts purring.**

Clarence Bell: I expected better from you.

Jerry Espenson: Me? Your conduct leaves a little to be desired.

Leigh Swift: **She comes in.** Hello!

Jerry Espenson: **He rises nervously.** Leigh? Oh! Leigh! Hello!

Leigh Swift: I was just in the neighborhood. I thought, "What the hey!"

Jerry Espenson: What a surprise. Hey! Hello. This is Clarence. You remember Leigh?

Leigh Swift: Hello.

Clarence Bell: Hello.

Jerry Espenson: Hello.

Leigh Swift: All set for tonight?

**Clarence starts to leave.**

Jerry Espenson: Tonight? Well, something's come up actually. **Clarence stops at the door and looks back. This is news to him!** It looks like I have to work late tonight.

Leigh Swift: Oh. **She is disappointed.** Okay. **She brightens up.** Tomorrow night?

Jerry Espenson: Yes. **Clarence is relieved to hear this and starts to leave again.** Well! This case could be consuming. It's one that just came up. Maybe we should postpone till the weekend.

Leigh Swift: Oh. Okay. Goodbye. **Jerry nods. She walks out, going past Clarence still standing at the door.** Goodbye. **She leaves.**

Clarence Bell: **He marches back to Jerry.** What came up? Nothing's come up!

Jerry Espenson: Did I ask you?

Clarence Bell: You're just afraid you'll have to kiss her.

Jerry Espenson: Don't be such a buttinski-head.

Clarence Bell: You hurt her feelings.

Jerry Espenson: I said I didn't ask you, you... you... you poop! **He flees.**

**In Judge Gloria Weldon's courtroom, she marches out of her chambers and up to her bench.**

Clerk: All rise. **DA Christopher Palmer and his client are at the prosecution table, Whitney, Katie and their client Jeffrey Bass are at the defense table, they all rise.** This court is now in session. The Honorable Judge Gloria Weldon presiding. **Judge Gloria sits.** Be seated. **So does everyone else.**

Whitney Rome: Good morning, Your Honor! Whitney Rome along with Katie Lloyd of Crane, Poole and Schmidt for the defense...

Judge Gloria Weldon: You motion is denied.

Whitney Rome: I haven't even told you what it is yet. You seek to suppress the MRI scan. Mr. Bass's previous counsel already brought such a motion to suppress, the issue was ruled on.

Whitney Rome: Your Honor, come on. A brain scan to read his thoughts? Assuming these things are even accurate...

Judge Gloria Weldon: No! It reads chemical responses, not thoughts. And we already make suspects give blood, DNA, handwriting analysis...

Whitney Rome: Those are objective tests!

Judge Gloria Weldon: So is the brain scan. I'm allowing it. What else.

Whitney Rome: We also have a motion for a continuance...

Judge Gloria Weldon: Denied!

Whitney Rome: Why? We just got this!

Judge Gloria Weldon: Too late! Denied. We start today.

Whitney Rome: **She walks up the Judge.** Your Honor, maybe in the interest of justice we should put our conflicts on the table.

Judge Gloria Weldon: Meaning?

Whitney Rome: Meaning there may be some bad blood between you and my firm, and they...

Judge Gloria Weldon: **She puts up her hand to stop Whitney.** Mr. Palmer? **Attorney Christopher Palmer rises.** I once had a relationship with a lawyer at Crane, Poole and Schmidt. Do you object?

DA Christopher Palmer: Not at all.

Whitney Rome: Well, my client objects!

Judge Gloria Weldon: Tell your client the affair wasn't very memorable. And if I had to recuse myself from every case where I'd slept with one of the lawyers or both, I'd have to take up golf. I'll give you one hour to get yourself ready, then I'm bringing in the jury. **She leaves.**

Whitney Rome: Okay! **She rolls her eyes as in 'whatever' and walks back to the table.**



**At Crane, Poole and Schmidt, in Alan's office he and Denny are there.**

Alan Shore: Listen to me, Denny. Answer only what you're asked, do not throw in little comments or asides, and above all do not do not do not offer your opinions.

Denny Crane: Will you relax, man. It's me you're talking to.

Alan Shore: **To himself.** Dear God.

Lorraine Weller: **She comes in.** Alan.

Alan Shore: Lorraine!

Denny Crane: I was just leaving.

**And as Denny leaves he motions to Lorraine. And he's gone.**

Alan Shore: Lorraine. I was just... thinking about you earlier.

Lorraine Weller: Really? Tell me.

Alan Shore: Well. You know how both of us seem to be so relationship-averse, I was thinking, maybe you are right for a longer term...thing.

Lorraine Weller: Funny. Who told you?

Alan Shore: Told me?

Lorraine Weller: That I'm in a relationship. I was planning to tell you.

Alan Shore: You're in a relationship?

Lorraine Weller: Yeah. A really wonderful man, I think you'd like him.

Alan Shore: Oh, su... not sure.

Lorraine Weller: Anyway, I, I thought you'd be relieved. We've decided to make it exclusive, so you won't have to worry about me stalking you any more.

Alan Shore: **He laughs bravely.** Terrific.

**In Judge Gloria Weldon's courtroom, Terrence Owens, is on the stand. DA Christopher Palmer questions.**

Terrence Owens: We had just come out the deli. BJ went back in because he forgot his soda on the counter. I kept walking to the car.

DA Christopher Palmer: BJ is your brother?

Terrence Owens: Yes. Then as I got to the car, this cop car comes screeching up and two cops jump out, screaming. And they had their guns pointed at BJ.

DA Christopher Palmer: Then what?

Terrence Owens: They just shot him. **He motions to Jeffrey.** He shot. He just kept shootin' and shootin'. It was like he unloaded the whole gun.

**Katie is now up.**

Katie Lloyd: **Softly.** I'm very sorry for your loss, Terrence. **Then.** When the police arrived and leaped from the car... what did you do, if I may ask?

Terrence Owens: I just hit the ground.

Katie Lloyd: And did you actually see your brother get shot, or did you first hear the shots and then look up?

Terrence Owens: Both. **Brokenly.** I first heard the shots. And then I looked up. And saw him getting shot.

Katie Lloyd: Thank you.



**At Crane, Poole and Schmidt, Alan and Denny are walking in the corridor.**

Alan Shore: Once again, tightly constructed answers, there's no room for opinions, especially yours.

Denny Crane: What's wrong?

Alan Shore: Nothing's wrong.

Denny Crane: You're being surly, I can hear it.

Alan Shore: I'm not surly.

Denny Crane: Yes you are. Whatever it is...

Alan Shore: **He stops and turns to Denny. Very firmly.** Nothings wrong!

Denny Crane: That hurt my feelings.

Alan Shore: **He sighs.** She's involved.

Denny Crane: Who?

Alan Shore: Lorraine. She has a boyfriend.

Denny Crane: I never liked her. **Alan turns away.** Did she say who?

Alan Shore: No. I don't care.

Leigh Swift: Jerry! **She walks by Alan and Denny and up to Jerry.**

Jerry Espenson: Leigh? Hello! Welcome.

Leigh Swift: I'm very unsettled. If you don't wanna date me anymore, please, just be honest with me. **Alan and Denny are listening to this.**

**So are several other people in the corridor.**

I'm 44 years old, I've heard every excuse there is. The last one said he got summoned for astronaut duty and had to rush off for the moon. **She gets loud.** I'm sick of dishonest and disingenuous men! And people wonder how I could end up with a utility box. You dishonest man!!

Jerry Espenson: Hey! Lady! **He sticks his wooden cigarette in his mouth.** I tried to let you down nicely and you punish me for it! What? I should have opted for cruelty? What do you want from me?



**Leigh turns and flees. With his hands on his thighs Jerry shuffles past Denny and Alan.**

Denny Crane: They even fight weird.

Alan Shore: Come on, Denny, let's go.

**In Judge Gloria Weldon's courtroom. DA Christopher Palmer questions Police Officer Aaron Payne, African-American.**

Officer Aaron Payne: We were responding to a call that a man matching the description of the suspect was seen going into the deli. When we arrived, we saw Mr. Owens and his brother emerging. We identified ourselves as police officers, drew our weapons, and asked them to get on the ground.

DA Christopher Palmer: Then what?

Officer Aaron Payne: Well, I looked at Terrance, the younger brother, over by the car, then I heard the shots. I looked back to see my partner firing at BJ.

DA Christopher Palmer: And yet, you didn't shoot?

Officer Aaron Payne: No.

DA Christopher Palmer: In fact, you said to the Field Investigation Division that you thought the shoot was reckless.

Officer Aaron Payne: I thought it was a quick shoot. I never said it was racially motivated.

DA Christopher Palmer: Officer Payne, how long have you and the defendant been partners?

Officer Aaron Payne: Three years.

DA Christopher Palmer: He's your friend?

Officer Aaron Payne: Yes.

DA Christopher Palmer: Ever have reason to think that he's a racist?

Officer Aaron Payne: No.

DA Christopher Palmer: Really? You never complained about him?

Officer Aaron Payne: When we were first deployed together I didn't know him, he made a few comments that upset me.

DA Christopher Palmer: Like, "he only believed in busing for away games."

Officer Aaron Payne: His sense of humor is sometimes misplaced. But he's not a racist.

**Whitney is now up.**

Whitney Rome: BJ, the brother who was mistake for the suspect... did he in fact look like that suspect?

Officer Aaron Payne: We only had a general description, But yes, he did match it.

Whitney Rome: And that suspect was reported as being armed and dangerous.

Officer Aaron Payne: Yes.

Whitney Rome: Thank you. **She goes to sit.**

**At Crane, Poole and Schmidt, in Carl's office he is sitting on a couch, Clarence enters. A beat.**

Clarence Bell: First of all, I apologize for embarrassing the law firm. It's not like me to lose my temper like that and... I am very sorry. Second. Um... I sued them.

Carl Sack: Sued who?

Clarence Bell: You-Tube. It was wrong for them to humiliate me like that. I'll represent myself.

Carl Sack: You don't really have a case.

Clarence Bell: What they did was wrong. I can't let it go.

Carl Sack: Clarence. Certainly you've heard the saying, "Any man who represents himself has a drag queen for a client." **Clarence turns to leave.** Wait, no, that's not the saying. Clarence! **Clarence turns. Carl rises. He sighs.** Let me represent



you. I agree, what they did was wrong. I'll help you.

Clarence Bell: You don't have to do that.

Carl Sack: I want to. And son? I'm very good.

**In Judge Clark Brown's courtroom. Carl and Clarence are there. Attorney Michael Eaves is at the defense table with his YouTube clients.**

Clerk: All rise. **They do.** This court is now in session, the Honorable Judge Brown presiding. Be seated.

**Everyone sits. So does the Judge. The lawyers stare at the Judge who is wearing a red helmet.**

Judge Clark Brown: Alright. Before we begin, some of you may or may not have noticed that I'm wearing protective headgear. I sustained a small wound while gardening. My doctor advised that I take conservative precautions until the stitches are removed. Please. Pay no attention.

Attorney Michael Eaves: Your Honor, I think we can make this quick. Mr. Bell is alleging defamation of character. The footage depicts what actually happened, and truth is a complete defense to defamation. This is silly.

Carl Sack: We're also suing under 'Right to publicity'.

Attorney Michael Eaves: The plaintiff is not a celebrity; we get no value trading on his name.

Carl Sack: You get value trading on footage depicting him. I direct you to Massachusetts Law, Chapter 214, Section 3A... **He stops and tries to suppress a smile.** I'm sorry, I'm finding it very difficult to get past the helmet.

Judge Clark Brown: **He pounds his gavel.** I'm a superior court jurist! And I expect to be treated with the respect that goes with this robe! I do not sit up here for your amusement!

Carl Sack: Even so. **The Judge pounds his gavel.** Judge, the video was aired without a context so it does not represent the truth.

Attorney Michael Eaves: I'd like to hear exactly how he's been defamed.

Carl Sack: You can read how in the complaint.

Judge Clark Brown: It's a fair request. Mr. Bell! **Clarence rises.** You will take the stand after lunch. **He leaves.**

Carl Sack: **A beat.** The helmet threw me.



**At Crane, Poole and Schmidt, in the conference room, Alan and Denny are sitting across the table from Attorney Emma Path and Nancy Wilding.**

Attorney Emma Path: And you just thought you had the right to fire her 'cause she was fat?

Denny Crane: And still is. I thought I had the right to fire people who jeopardize my health.

Attorney Emma Path: How does her weight jeopardize your health?

Denny Crane: According to studies at Harvard... you've heard of Harvard? Obesity can spread like a contagious disease. That's not my opinion, that's Harvard's.

Nancy Wilding: But I wasn't too fat for you to hit on?

Denny Crane: Oh no, 'cause I like chubby sex. But I never asked you to dinner.

Attorney Emma Path: **To Nancy.** Did you hear that?

Nancy Wilding: I only heard ca-ching, ca-ching.

Denny Crane: **To Alan.** I have nothing against the Chinese.

Alan Shore: **Softly.** Denny.

Attorney Emma Path: So are you firing all the heavy people at Crane, Poole and Schmidt?

Denny Crane: No, I had to start someplace. I started with her.

Nancy Wilding: Ca-ching.

Attorney Emma Path: And let's just suppose, say my client did agree to have sex with you...





Denny Crane: Too late, I've moved on.

Attorney Emma Path: Would you have fired her had she not rejected you?

Denny Crane: I fired her because according to the Harvard studies the social influence of fat people can be just as damaging as genetics. I tried to explain that to your client but her ears were too stuffed with Twinkies. On the way in or out I, I couldn't be sure.

Nancy Wilding: Ca-ching.

Denny Crane: **To Alan.** What?

**In Judge Gloria Weldon's courtroom, all parties are present. DA Christopher Palmer has Professor Matthew Tyler on the stand.**

Professor Matthew Tyler: It's called a functional magnetic resonance imaging.

DA Christopher Palmer: What does it do?

Professor Matthew Tyler: Well, in basic terms, it's a tool that allows us to visualize brain function by showing changes in blood flow and other metabolic processes.

DA Christopher Palmer: You can tell what someone is thinking?

Professor Matthew Tyler: We can tell how someone is feeling, and we can specifically identify responses associated with sociopathic tendencies. Here we determined that the defendant was racist.

DA Christopher Palmer: You can really measure this with accuracy?

Professor Matthew Tyler: Extreme accuracy. In this case, we showed Mr. Bass pictures of people from various races, and then we measured the response in the part of his brain that controls fear. It's called the amygdale.

DA Christopher Palmer: And what did it reveal?

Professor Matthew Tyler: Officer Bass perceives black men as threatening.

DA Christopher Palmer: Possible he would be more trigger-happy with a black man?

Professor Matthew Tyler: Absolutely.

**Whitney is now up.**

Whitney Rome: How long have these "tests" been used to read people's minds?

Professor Matthew Tyler: They read "responses" not minds, but the answer is a long time.

Whitney Rome: And here they told you Jeffrey Bass fears black men more than white?

Professor Matthew Tyler: Unquestionably.

Whitney Rome: Are you familiar with shooter bias tests, Professor?

Professor Matthew Tyler: They're video games with white characters and black characters. And the characters reach for either guns or cell-phones, and you're supposed to only shoot the ones with guns.

Whitney Rome: And do these tests reveal that white officers more readily fire on blacks than black police officers?

Professor Matthew Tyler: No Shooter bias tests have generally concluded that, in this country, everyone shoot's black people faster.

**Inside the FMRI lab Jeffrey is lying on a slab that is sliding into an MRI machine.**

Technician: **Into the mic.** Focus on the images. This should only take about a minute.

Jeffrey Bass: Okay.

**Whitney and Katie watch through the glass as Jeffrey – in the next room – slides into an MRI machine. In front of them, a technician sits before two monitors. Inside the FMRI machine simultaneous, Jeffrey looks up at a blank screen.**

Katie Lloyd: **Sotto to Whitney.** Why are we doing this?



Whitney Rome: If our scan gets different results, then we can impeach the validity of theirs.

Katie Lloyd: And he's seeing what we're seeing?

Technician: Yes.

**And it starts: a random array of expressionless men's faces flick by – white black, Asian.**

**Jeffrey watches. Inside the fMRI simultaneous, Behind the glass, we see the same pictures on one of the monitors. On the other monitor, in the middle of the image of Jeffrey's brain, a small spot fires RED, then fades. RED, fade. And we start to recognize the pattern. Every time a black face appears, the RED flares on the brain image. Black, RED flare, Black face, RED flare.**

Katie Lloyd: I don't think our scan is getting different results.



**In Judge Clark Brown's court room. Clarence is on the stand as the video of him on YouTube is playing. Attorney Michael Eaves clicks a remote to stop the video.**

Judge Clark Brown: Outrageous!

Attorney Michael Eaves: Mr. Bell, the footage fairly and accurately depicts what happened, doesn't it?

Clarence Bell: Yes. But it doesn't tell the whole story.

Attorney Michael Eaves: Have you gone out in public dressed as woman before?

Clarence Bell: Yes.

Attorney Michael Eaves: In fact you once joined an All Girls gym. Isn't that correct?

Clarence Bell: Yes.

Attorney Michael Eaves: You recently signed up for a singing contest in drag. You've gone to work in drag.

Clarence Bell: But that moment, without a context makes me look... like...

Attorney Michael Eaves: You're a lawyer.

Clarence Bell: I am.

Attorney Michael Eaves: Are you familiar with section 230 of the Communications Decency act?

Clarence Bell: Yes, but...

Attorney Michael Eaves: It expressly protects on-line services from defamation liability arising from material posted on their sites by individuals.

Carl Sack: Your Honor! This was an extremely embarrassing event aired world wide, on a website, absent the context that occasioned it.

Judge Clark Brown: The footage depicts what happened. So where's the damage?

Carl Sack: Your Honor. Think of it. We've all had a meltdown or two. A mortifying episode of some sort. Typically we're allowed to live those moments down. But now, thanks to the internet, we can't. Suppose...

**He lifts the small video camera in his hand as he walks toward the Judge.** I taped you as Justice Bubblehead?

Judge Clark Brown: Put that thing down!

Carl Sack: How would you like to be defined...

Judge Clark Brown: Put it down this instant!

Carl Sack: **He puts the camera down.** My point is life's little embarrassing moments are now having far-reaching and more devastating consequences. If the day has come that we are going to be publicly and globally shamed by our foolish missteps then the laws of defamation should keep pace. Certainly when these Tort Laws were drafted the legislators never contemplated You Tube.



**In Judge Gloria Weldon's courtroom Katie questions Jeffrey.**

Jeffrey Bass: I repeated my command to freeze, this time he did. But then he started to raise his hand. In it was a metal object. I thought it was a gun and I just reacted.

Katie Lloyd: You know now he was probably raising his hands in surrender.

Jeffrey Bass: **A beat.** Yes. But at the time... I thought it was a gun.

Katie Lloyd: Do you work in a pretty tough neighborhood, Mr. Bass?

Jeffrey Bass: Yes. It's a gang neighborhood.

Katie Lloyd: And have you ever been shot at before?

Jeffrey Bass: Three times.

**DA Christopher Palmer is now up.**

DA Christopher Palmer: Have you ever shot anybody? Besides BJ Owens?

Jeffrey Bass: Twice.

DA Christopher Palmer: What color were they?

Jeffrey Bass: I patrol a predominately black area.

DA Christopher Palmer: So the two you previously shot were black.

Jeffrey Bass: Yes.

DA Christopher Palmer: And according to Internal Affairs reports, one of the suspects was also unarmed.

Jeffrey Bass: I was cleared of any wrongdoing, it was an innocent mistake.

DA Christopher Palmer: Another mistake. Well, have you ever mistakenly shoot a white person?

Whitney Rome: Objection.

Judge Gloria Weldon: Sustained.

DA Christopher Palmer: According to the FMRI, you feel more threatened by black people. Why do you think that is?

Jeffrey Bass: If that test is accurate... it could be because statistically blacks commit more violent crimes. It could be because I've been shot at three times by black suspects.

DA Christopher Palmer: Or maybe you just dislike black people.

Jeffrey Bass: No, I do not! I'm not a racist.

**Suddenly—**

Mrs. Owens: **She stands up.** You shot at him eight times!

Judge Gloria Weldon: Mrs. Owens!

Mrs. Owens: You shot him till he was dead. You kept shooting and shooting. **A guard comes up.** You murdered my baby! You murderer!

Judge Gloria Weldon: **She pounds her gavel.** Mrs. Owens! **Mrs. Owens sits down and leans on her son. Terrence puts his arms around her.** Any more such outbursts and you will be removed from this courtroom.

**Mrs. Owens wails softly.**



**In Judge Marcia Fudge's courtroom Alan and Denny are huddled.**

Alan Shore: Just let me do all the talking, Denny. Every word. Do not even move your lips without checking with me first.

Clerk: All rise.

**Alan and Denny rise. The Judge comes in.**

Alan Shore: **He stares in shock. Softly.** You can't be serious.

Denny Crane: Judas Priest. **Softly.** She's the size of an elephant.

Alan Shore: Shhh.

**The Judge waddles up to her bench and sits.**

Clerk: Be seated.

Judge Marcia Fudge: Okay, I'll hear from the petitioner.

**Attorney Emma Path rises.**

Alan Shore: **He gets up.** Before we get to that, Your



Honor. Alan Shore representing Denny Crane. I have a motion.

**Judge Marcia Fudge:** Let's hear it.

**Alan Shore:** Your Honor. Perhaps you are not the right jurist to be objective on this one.

**Judge Marcia Fudge:** What do you mean?

**Alan struggles to find words.**

**Attorney Emma Path:** His tongue is tied for two reasons, Judge. First, it's puffy. And second, it's a challenge for him to spin this. Denny Crane fired Nancy Wilding because she was fat! It is bigotry in its purest, most evil form. Fat people in this country are subject to prejudice, emotional abuse and ridicule. It starts on the playground and it never stops. **Alan sits down.** This woman didn't get asked to her high school prom. Waiters and waitress ignore her. She's been denied housing. Insurance. Airlines wanna charge her double! But Nancy Wilding didn't sit in a corner and feel sorry for herself. She said, "Hey! I'm gonna use my brain! I'm gonna study! I'm gonna go to law school!" And she did. And she graduated near the top of her class. She passed the bar. She performed ably and successfully as a lawyer. And where did it all get her? Fired for being fat!! Somebody somewhere has finally got to say, "Enough." Nancy Wilding is hoping that person is you.

**Alan Shore:** I'll take it under advisement. **She turns to leave.**

**Alan Shore:** Wait, wait! You didn't hear from me!

**Judge Marcia Fudge:** I'll take it under advisement; I'll hear you before I read my ruling.

**Alan Shore:** Judge, I don't think that's how it's supposed to work.

**Judge Marcia Fudge:** **She doesn't break stride.**

Whatever. **She's out the door.**



**At Crane, Poole and Schmidt, Alan and Denny come around a corner into the corridor.**

**Denny Crane:** This is not going well, Alan.

**Alan Shore:** You think?

**Denny Crane:** She wouldn't even hear our side.

**Alan Shore:** Hopefully she will before she... **He stops walking and looks through the window of Jerry's office to see him standing with his head against the wall.** Excuse me, Denny. **Alan comes in to Jerry's office.**

Jerry?

**Jerry Espenson:** **He doesn't look up.** Alan.

**Alan Shore:** What are you doing?

**Jerry Espenson:** I'm standing with my head up against a wall.

**Alan Shore:** Yes. **He walks closer.** Why?

**Jerry Espenson:** I had a little row with Leigh.

**Alan Shore:** I saw that. Much of the office did.

**Jerry Espenson:** I think I was mean to her. Was I mean to her?

**Alan Shore:** Well from my vantage point you were very mean. She was feeling hurt, extremely vulnerable, she lashed out in pain, at which point you whipped the wooden cigarette and thrashed her with it.

**Jerry Espenson:** I just felt everyone staring at us.

**Alan Shore:** Have you called her to apologize?

**Jerry Espenson:** I tried but... **A beat.** She's dating my clock radio. Just to get back at me.

**Alan Shore:** I, I beg your pardon?

**Jerry Espenson:** She has a crush on my clock radio. I let her borrow it after the utility box was killed. When I called to apologize the two of them were headed out to a movie.

**Alan Shore:** **He lets that sink in for a moment.** I'm not quite sure how to respond to that other than to say you've had two wonderful dates with this woman, you're at the precipice of kissing, and it just seems wrong for her now to be dating your clock radio.

**Jerry is still standing with his head against the wall.**



**In Judge Gloria Weldon's courtroom DA Christopher Palmer is giving his closing.**

**DA Christopher Palmer:** Policeman do tough work. Dangerous work in cities across this country that seem to only grow more and more dangerous. That is a reality. But here's another reality. African-Americans have been targeted disproportionately in both arrests and excessive force. Blacks comprise 13 percent of our population, yet 44 percent of our prison population. And how many times do you have to turn on the news and see that yet another innocent, unarmed, black man has been shot dead by the police before we say enough. Eight!! Times!! He shot him! Even his partner, who is also his friend, called this shooting reckless. Was it an honest mistake? Yeah! Sure! Like the last time he mistakenly shot an unarmed black man. How many mistakes can we allow him? Do we keep tolerating these executions or not?



**Whitney is now up.**

**Whitney Rome:** The victim matched the description of the armed suspect. He raised his hand with something metallic in it. It looked like a gun. My client reacted. The District Attorney did not offer even one witness to dispute that. Instead... he gave you a brain scan. The police can now take our blood, our hair, our DNA, they can make us give hand writing samples, voice patterns, they can check our computers to see what interests us, our GPS's to see where we've been! And today they're introducing scans to show our feelings.



Where does it stop? And let's assume these MRI's really can show my client feared black people more than white. So what?! The law has to distinguish between thought and deed. The Supreme Court is doing away with warrants. Our administration eavesdrops on all of us. Are we really going to allow this government to unleash the thought-police? Are we that scared? We must be, because today the prosecution is trying to convict a man of murder with nothing more than an MRI. God help us.

**At Crane, Poole and Schmidt, in Jerry's office he is sitting behind his desk rhythmically clicking his tongue. Leigh comes in and places a radio clock on the desk.**

**Leigh Swift:** It can't even keep proper time. You even have a dishonest clock!

**Jerry Espenson:** Hey, I really love to chat, but I'm runnin' late for the moon! **A beat. Leigh turns to leave.** I'm sorry Leigh! **He quickly goes up to her.** I didn't mean what I said before. I'd love to keep seeing you.

**Leigh Swift:** Just not in this lifetime. I'm too odd, Jerry, I get it.

**Jerry Espenson:** You're not too odd. It's... The reason... It's just our two dates went so well I was afraid of the third date.

**Leigh Swift:** Why?

**Jerry Espenson:** Because I was worried I'd be expected to kiss you. Which I'd like to do, but it's all so terrifying, your being a real person and all.

**A beat. Leigh moves in and kisses Jerry.**

**Leigh Swift:** There! Can we move on?

**Jerry Espenson:** **He's smiling.** It went by so fast.

**Leigh Swift:** Jerry. I'm just as scared. Forget about kissing. Have you thought about how hard it will be for the two of us to hug?

**In Judge Clark Brown's courtroom, he comes in wearing a red helmet again. He motions for everybody to sit.**

**Judge Clark Brown:** Alright. First off, I will have no comment about my modified head gear. Truth is always a complete defense against defamation. That's the law. But I am mindful that 30-second video blogs without the proper context do not always capture the truth. I'm also mindful that we live in a video world now where every Tom, Dick and Harry with a cell phone is a defacto cameraman. And via the internet, a distributor. Maybe current Tort Laws do need adjusting. But right now, as they are written, they offer no remedy to those who may be humiliated by this. The case is therefore dismissed. As a footnote, if anybody in this room did take footage, movie or still, of me in my headgear, you are hereby enjoined from posting it anywhere. **He rises.** We are adjourned. **As he gets down from the bench he stumbles on the step down and falls flat on his face. The guard helps him up.** I'm okay.

**Carl Sack:** Sorry, Clarence. We tried.

**Clarence Bell:** Yes. Thank you.

**Carl Sack:** I think the best advice for all of us to remember is: if you're out in public assume the cameras are watching.

**In Judge Gloria Weldon's courtroom, all parties are present. The clerk takes the reading from her and takes it over to the foreperson.**

**Judge Gloria Weldon:** Okay then. I'm told we have a unanimous verdict. The defense will please rise. **Whitney, Katie and Jeffrey rise.** Madame Foreperson, what say you?

**Madame Foreperson:** In the matter of the Commonwealth versus Jeffrey Bass, on the charge of murder in the second degree, we find the defendant Jeffrey Bass, not guilty.

**Mrs. Owens gasps.**

**Judge Gloria Weldon:** Ladies and gentlemen of the jury thank you for your service. You're dismissed. We're adjourned.

**Jeffrey Bass:** **He shakes Katie's hand.** Thank you.

**Jeffrey Bass:** **He shakes Whitney's hand.** Thank you so much.

**Whitney Rome:** Get a job without a gun, Mr. Bass.



**In Judge Marcia Fudge's courtroom all parties are present.**

**Judge Marcia Fudge:** All right, I've made my ruling.

**Alan Shore:** What?! I... No, you said you'd hear from me!

**Judge Marcia Fudge:** Yeah, I can predict what you'd say.

**Alan Shore:** Well, I'd like to say it just the same, Your Honor.

**Judge Marcia Fudge:** Whatever.

**Alan Shore:** Your Honor, what Denny Crane did and said here was offensive. It was cruel. I'd go so far as to say indecent. But every plaintiff has a duty to mitigate damages. And this woman was offered her job back within an hour.

**Attorney Emma Path:** That couldn't make her whole from the pain.

**Alan Shore:** May I finish?

**Judge Marcia Fudge:** I hereby rule.

**Alan Shore:** No! Ah! Your Honor, I agree with many of the things Ms Path said. Fat people are discriminated against, unfairly and pervasively. It is unforgivable to judge somebody on physical appearance alone. Especially in the workplace. But what my client did here was not altogether wrong. In fact more employers should draw a harder line on obesity.

**Judge Marcia Fudge:** Oh, really?

**Alan Shore:** Yes. Because it doesn't just go to looks. This goes to a serious...

**Alan Shore and Judge Marcia Fudge:** ...health issue. **The Judge shakes her head.**

**Alan Shore:** And frankly it's inexcusable. 65 percent of American adults are obese. It's one of the leading causes of death in this country. The health care costs run about 117 billion dollars a year. And we just keep eating and eating and eating. **He indicates his own stomach.** Look at me. Look... **He starts to indicate the Judge, then stops and points to Denny.** Denny. The fast food companies keep proliferating. Portions sizes keep getting

bigger and bigger. Candy bars and soft drinks. And we keep getting fatter and fatter and fatter, as if it's not killing us! And it is! And given this new study at Harvard, maybe what Denny did wasn't altogether out of line. Simply having fat friends can triple your risk of becoming obese. If this is true, Judge. If obesity is contagious through social networking, then maybe all employers have a duty to their employees to weed out the heifers! And maybe it's about time to put aside our inflated sense of political correctness and practice a little tough love with our friends and families. Say to a loved one, "You're fat!" Tell a friend, "You look like a hippo. On the verge of a heart attack." Shock them into going on diets, not just to save themselves, but possibly their friends and coworkers. That's all Denny Crane was trying to say, and perhaps he should to be applauded for it. **He begins the applause, hoping the Gallery will join. Denny joins him but nobody else does. Alan stops clapping and puts his hand on Denny's to stop him too.**

Judge Marcia Fudge: You're done?

Alan Shore: **Defeated.** Yes, Your Honor. **He sits down dejected.** It appears I'm quite done.

Judge Marcia Fudge: Case dismissed. Adjourned. **She leaves.**

**Alan, stunned, looks to Denny, then over to the defense table. Stunned they look at each other as well. Alan looks back again to Denny.**

Denny Crane: We won? We won!

**Alan chuckles and pats Denny on the back.**



**Alan, Denny, cigars, scotch.**

Denny Crane: I still can't believe she ruled in our favor.

Alan Shore: Because you judged her by her appearance, that's why.

Alan Shore: So did you.

Alan Shore: **He chuckles.** Maybe a little. **A beat.** You know, Denny... since I've been your friend... I've gotten heavier.

Denny Crane: You're blaming me?

Alan Shore: Well, that study...

Denny Crane: Since I've met you, I've gotten bigger. You're the feedback.

Alan Shore: Me? You're the influence.

Denny Crane: Oh come on. I don't believe that study anyway.

Alan Shore: You don't?

Denny Crane: Uh huh. Think about it. Of course fat people have fat friends, thin people don't wanna hang around with them. They're too fat. Hm? **Alan just stares.** What? **Alan doesn't reply.** You doin' okay?

Alan Shore: I don't know what you're talkin' about.

Denny Crane: Of course you do. Here's my philosophy on woman, Alan.

Alan Shore: God.

Denny Crane: It's better to want something you don't have, than have something you don't want. Hm? Now, when it comes to you and Lorraine...!

Alan Shore: I can't have her.

Denny Crane: Exactly! **A beat.** Sleepover tonight?

Alan Shore: No popcorn.

Denny Crane: Oh come on.

Alan Shore: See? Bad Influence.

Denny Crane: How can you watch a movie without popcorn?

Alan Shore: Did you not listen to my closing, Denny?

Denny Crane: I never listen. Was it good?

Alan Shore: It was good.

Denny Crane: So. Stop sulking.

Alan Shore: I'm not sulking.

Denny Crane: Well. Don't even come over if you're gonna be like that.

Alan Shore: Maybe I won't then.

Denny Crane: Fine.

Alan Shore: Fine.

**A beat.**

Denny Crane: Nine o'clock?

Alan Shore: No Red Vines.

**Denny sighs in disappointment.**

