

**Boston Legal**  
**Guardians and Gatekeepers**  
**Season 5, Episode 2**  
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***This transcript is not official or taken from the actual script. It is transcribed from the broadcast.***  
***Transcribed by drsheri for Boston-Legal.org [version: October 3, 2008]***

**James Spader:** Previously on Boston Legal—  
**Denny Crane:** I have a 80% chance of getting Alzheimer's.  
**Denny Crane:** It's not like I'll remember it. Mad Cow!  
**Denny Crane:** I have Weak Stream Syndrome.  
**Denny Crane:** Irritable bowels. ***passes flatus***  
**Denny Crane:** Denny Crane.  
**Marlena Hoffman:** Grammy!  
**Shirley Schmidt:** Marlena . . .  
**Marlena Hoffman:** I am in big trouble, Grammy. I need your help.  
**Melvin Palmer:** Melvin Palmer. How are you?  
**Melvin Palmer:** Attaboy. You're still a hoot, that's what you are.  
**Melvin Palmer:** Hell, I get paid, win or lose.  
**Melvin Palmer:** No reason this can't be a "win/win."  
**Melvin Palmer:** I just made more money—that's what I did. ***clicks tongue***

Conference Room—Offices of Crane, Poole & Schmidt

**Katie Lloyd:** How is it she ended up at a Pennsylvania prison?  
**Mr. Addario:** Well, it's a private facility—one that we signed off on because it provided drug counseling.  
**Katie Lloyd:** Was she an addict?  
**Mr. Addario:** I don't think she's an addict, but cocaine possession at 15—it's not an encouraging sign. Anyway, the facility claimed that all of their guards had degrees in ***ticking off on his fingers*** juvenile justice, child psychology. The guard who raped her didn't even have a high school diploma!  
**Katie Lloyd:** Okay.  
**Mr. Addario:** I don't understand why they're not anxious to settle. I mean, what could their defense possibly be?  
**Katie Lloyd:** Well, prisons, private or otherwise, aren't held strictly liable. We'd have to show negligence.  
**Jerry Espenson:** Which basically means we'd have to prove they failed to exercise a reasonable standard of care, using industry standards.  
**Katie Lloyd:** My feeling is that they will settle, but only after the necessary amount of posturing.



**Melvin Palmer:** ***entering in his usual flamboyant way*** Sorry I'm late. I took Storrow instead of surface. Jerry, my man! How are you, my friend? ***administers to Jerry Espenson a*** Big hug. Ooohhh! I run on hugs—that's what I do. ***To Katie Lloyd, taking her hand to shake:*** Melvin Palmer. Wow! You are a fetching young lass, that's what you are. Am I right, Jerry? Two pops for yes.  
**Jerry Espenson actually vocalizes three pops.**  
**Melvin Palmer:** ***patting Jerry Espenson's arm*** Attaboy. So, what've we got? You must be the father of the girl. ***pumps his hand, too*** Tell ya what—let's

fast-forward past the point where you tell me this is a terrible thing. No need. See? Unlike the average GOP fundraiser, I don't think there's anything fun about a rape. Hey, how's my buddy, Al—that big hoot? What I'm gonna do is make you two offers. One's great; the other, better. Here's the number; it'll make your eyes pop.

**Melvin Palmer hands Mr. Addario a 3x5 card with a large number written on it.**

**Melvin Palmer:** Now, I've got another number here in my briefcase, either bigger or smaller than that one. You tell me what you wanna do. Ya like whatcha see here? Just say, "Deal." If you don't like it, I open the briefcase, and you get the other number. So, what's it gonna be, Big Daddy?

**Katie Lloyd:** My God! His daughter was *raped*! You've turned it into a game show!

**Melvin Palmer:** Life is nothing but a sweepstakes—that's what I say. I tell you. I'm gonna let you open the briefcase, 'cause you're fetching—that's what you are. You just hold it up like so. **Demonstrates how he wants Katie Lloyd to hold up his briefcase; then, to Jerry Espenson:** God, it's good to see you! One pop, for old time's sake.

**Jerry Espenson stomps his foot.**

**Melvin Palmer:** Hey, I'll take a stomp instead. So, what's it gonna be, Dad? Deal or no deal?



[smash cut to opening credits, complete with cast sound effects]

Reception Area—Offices of Crane, Poole & Schmidt

**Shirley Schmidt walks past the windows separating the elevator bank from the Reception Area, hears an elevator arrive, and:**

**Marlena Hoffman:** Hi, Grammy!

**Shirley Schmidt:** Oh, God. What have you done now?

**Marlena Hoffman:** Nice. That's how you greet your granddaughter?

**Shirley Schmidt:** **stepping forward to hug her** Sorry, sweetheart. How're you doing?

**Marlena Hoffman:** Oh, I got arrested.

**Shirley Schmidt:** Just tell me it's not a felony.

**Marlena Hoffman:** Oh, I committed the utmost act of patriotism.

**Shirley Schmidt:** So, it is a felony. **makes eye contact with The Deity**

**Marlena Hoffman:** It seems that, because I care about the future of our country, because I care that the National Debt is 9.4 trillion [*dollars*], because I care that 47 million Americans are without health insurance—

**Shirley Schmidt:** Just tell me what you did.

**Marlena Hoffman:** I voted in the primary.

**Shirley Schmidt:** You're 17.

**Marlena Hoffman:** Oh. Yes. I'm 17; I shouldn't get a voice. Meanwhile, Toothless-in-Podunk who can't even read a ballot gets to decide a swing state—that makes total sense. **deep breath** Oh, hey! It's the old guy!

**Old Guy—AKA Carl Sack—enters the fray.**

**Shirley Schmidt:** Oh, Carl. Do you think you could help me with my granddaughter, Marlena? It seems she voted in the primary.

**Alan Shore and Denny Crane have entered from the elevator bank, and Alan Shore walks nonchalantly to his office, while Denny Crane stops.**

**Denny Crane:** Well, well, well, well, weeelllll. Yum.

**Marlena Hoffman:** Okay. Serious ick.

**Shirley Schmidt:** Denny, you remember my *granddaughter*, Marlena.

**Denny Crane:** Ohhh. Clearly, you're as hot as granny—are you as nasty?

**Shirley Schmidt administers rather sharp pre-cordial thump to Denny Crane's chest.**

Denny Crane: Uh. **drops to the floor—hard.**

Shirley Schmidt: Very funny, Denny! **chuckles**

Okay, you can get up now. No, stay down.

Alan Shore: Denny.

**Alan Shore assesses the situation quickly, gets on his knees beside Denny Crane.**

Shirley Schmidt: **chuckling** Oh, he's faking.

**realizing he isn't** Denny?

Alan Shore: He's not breathing.

**Alan Shore begins to administer mouth-to-mouth resuscitation to Denny Crane.**

Alan Shore: Denny? **to Carl:** He's not breathing.

Carl Sack: Call 9-1-1!

Shirley Schmidt: Denny, if this is a joke—

Alan Shore: **between chest compressions** Denny. Denny!



Same; after paramedics have arrived

**The paramedics' radio chatter is barely audible in the background.**

Denny Crane: I'm fine!

Alan Shore: You're going to the hospital.

Denny Crane: I just fainted; that's all.

Alan Shore: Denny, you stopped breathing! We had to give you mouth-to-mouth.

Denny Crane: Who gave it to me? Shirley?

Alan Shore: Me.

Denny Crane: Oh, God! Take me to the hospital.

Paramedic: Let's go. **wheels Denny Crane on gurney toward the elevator bank**

Alan Shore: I'm coming with you.

Denny Crane: Just don't kiss me.



Conference Room—Offices of Crane, Poole & Schmidt

Mr. Addario: **sigh** Two twenty-five [*thousand dollars*] seems a little low for a rape.

Melvin Palmer: You know what? There is no amount of money that would be enough. A fifteen-year-old girl? A million seems low—am I right, Jerry?

Jerry/Wooden Cigarette Guy: Gee, I'm not sure, Mel. Why dontcha offer a mil? I'll letcha know.

Melvin Palmer: You're a chip off the old hoot block—that's what you are. You see, Mr. Addario, I have to evaluate cases using your more objective jury verdict research. Comes down to tables, statistics, numbers. [*If*

you] Ask me, it's offensive to quantify something like a rape with money values, but that's the way the law works.

**Katie Lloyd:** My computation values this case around 1.5 [million dollars].

**Melvin Palmer:** Hell, you must have one of those plaintiff's calculators—that's what you must have!

**Jerry Espenson:** Maybe we should just . . . spin the wheel.

**Melvin Palmer:** The thing is, when I factor in all the variables here—which I would be required to do, you see, as defendant's counsel—225 would be the number. All payable today, by the way.

**Katie Lloyd:** Exactly what variables do you mean?

**Melvin Palmer:** Well, do I really need to say it?

**Katie Lloyd:** Afraid you do.

**Melvin Palmer:** Okay. Obviously, Ms. Addario was quite traumatized by all this. Hell, I've never even met her, but my suspicion is settlement conferences and the like would bring back a trauma that she would just as soon forget—am I right? Nobody here wants to put her through the ordeal of a trial. You know the questions I would be obligated to ask. How she found her assailant attractive. How she flirted with him. How she perhaps stoked the passions that ultimately overtook his free will. There is no way in hell a loving father would ever subject her to all the ugliness that goes with a trial, and, see, without her testimony, you'd have a hard time getting any judgment—that's what I know. And, knowing that, the number is 225.

**Katie Lloyd:** You're disgusting.

**Melvin Palmer:** You know, Missy, I get that a lot. I'm actually okay with it, which is something you might consider. I mean, who wants to subject that poor girl to a disgusting lawyer who's willing to tear her up, and do—perhaps—irreparable psychological damage. I certainly don't want that. Do you?

#### Judge Clark Brown's Courtroom

**Judge Clark Brown:** What do you mean, she voted?

**ADA John Lennox:** She falsified her birth year, registered, and voted in the Democratic primary, and if we hadn't caught her, she would be voting in the general election.

**Marlena Hoffman:** Why don't we prosecute the lazy asses who don't vote? Maybe charge them with dereliction of civic duty? There's an idea.

**Judge Clark Brown:** Young lady! You will speak when spoken to.

**Carl Sack:** Your Honor, could we just plea this out? Give her a fine, slap her with some community service, and we can all go home.

**Marlena Hoffman:** What kind of lawyering is *that*?

**ADA John Lennox:** It's not just that she voted, Judge. She has a YouTube posting where she encourages other minors to vote, and offers instructions on how to falsify registration forms.

**Judge Clark Brown:** *bangs gavel* One year in jail!

**Marlena Hoffman:** What?

**Carl Sack:** Whoa! Now, I admittedly haven't read *all* of the—the Patriot Act, but I'm pretty sure that you can't find somebody guilty without a trial.

**Judge Clark Brown glares at Carl Sack.**

**Carl Sack:** I could be wrong.



### Hospital Room

**Denny Crane:** *in bed and always-fashionable hospital johnnie* Toxic shock?

**Dr. Paul Harris:** Your blood tests show a lot of drugs in your system. How many medications are you on?

**Denny Crane:** *grunts; then quietly* I dunno. Thirty, forty.

**Alan Shore:** What?

**Dr. Paul Harris:** *shocked* Thirty or forty?

**Shirley Schmidt:** My God!

**Denny Crane:** Is that a lot?

**Dr. Paul Harris:** Why are you taking them?

**Denny Crane:** I dunno. You name it, uh—acid reflux, weak stream, restless leg, hemorrhoids, irritable bowel, uh, memory, cholesterol, blood pressure.

**Dr. Paul Harris:** Hey, whoa, whoa, whoa. These drugs can interact.

**Denny Crane:** No; I keep them in separate bottles.

**Shirley Schmidt:** Do they make one for common sense?

**Dr. Paul Harris:** Where the hell are you getting your medical advice?

**Denny Crane:** Television.

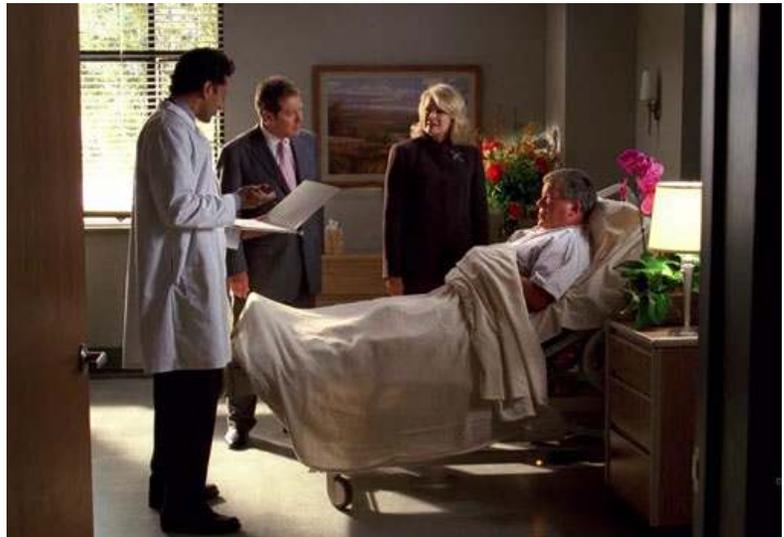
**Alan Shore:** *with his "That explains it" gesture and a nod* Television.

**Shirley Schmidt:** For God's sake, Denny!

**Denny Crane:** What? They wouldn't advertise it if it wasn't safe.

**Dr. Paul Harris:** Mr. Crane, you very nearly died. You're lucky you didn't die.

**Denny Crane:** Really? Whoops.



### Judge Jamie Atkinson's Courtroom

**Lauren Addario:** After my mother died, I started . . . using. I don't know if I was addicted, but—

**Katie Lloyd:** You were arrested and convicted for possession of cocaine?

**Lauren Addario:** *nodding* Yes. I was given two choices: Go to a juvenile detention facility or choose the private route which promised treatment—which we opted for.

**Katie Lloyd:** What happened at that facility?

**Lauren Addario:** I was raped by a guard.

**Katie Lloyd:** Lauren, I know this is difficult, and—

**Lauren Addario:** Have you ever been raped, Miss Lloyd?

**Katie Lloyd:** No.

**Lauren Addario:** Then, please don't tell me you know.

**Katie Lloyd:** Okay. Can you try to help me—I should say, the jury—understand what happened that day?

**Lauren Addario:** A guard—who was not a trained professional, but instead a "paid by the hour" employee—came into my cell, pinned me down by my neck, pulled my pants down . . .

**Katie Lloyd:** Was there anyone else around?

**Lauren Addario:** *quickly wipes away a tear with a finger* No. The others were at recreation outside somewhere. I was held in for disciplinary infraction.

**Melvin Palmer:** I won't pretend to know or even imagine the horror of . . . May I ask: Did you know this guard?

**Lauren Addario:** I knew him.

**Melvin Palmer:** In fact, you had a rather close friendship with him, didn't you?

**Lauren Addario:** Obviously I didn't see him as the monster that he was.

**Melvin Palmer:** I understand. Had you ever kissed him before this incident?

**Lauren Addario:** *not understanding where this line of questioning is going* Yes.

**Melvin Palmer:** In fact, the day he came into your cell, you two kissed . . . consensually. Am I right?  
**Lauren Addario:** I never consented to be raped.  
**Melvin Palmer:** Of course not. You said you were held inside for a disciplinary infraction. What was that disciplinary infraction?  
**Lauren Addario:** I went into an area where I was not supposed to be.  
**Melvin Palmer:** You snuck off to rendezvous with this part-time guard.  
**Lauren Addario looks away rather than answer his question.**  
**Melvin Palmer:** One last question: During this attack, did you scream?  
**Lauren Addario:** He said if I made a sound, he'd kill me.  
**Melvin Palmer:** So you never cried out for help.  
**Lauren Addario shakes her head, "No."**  
**Melvin Palmer:** *nods* Nothing further.

#### Alan Shore's Office

**Alan Shore:** Sue the drug company?  
**Denny Crane:** They almost killed me! You heard the doctor.  
**Alan Shore:** Even so.  
**Denny Crane:** How 'bout I sue the one that markets 16 of the 42 prescriptions I was taking?  
**Alan Shore:** Denny, the question would be: How could they predict you'd eat them like jelly beans?  
**Denny Crane:** Alan, have you seen the television ads?  
**Alan Shore:** Yes, I've seen them.  
**Denny Crane:** They list out the side effects like they're reading the telephone book, but the benefits get all the bells and whistles. They nearly killed me. I wanna sue. Let's get 'em.

#### Judge Clark Brown's Courtroom

**Carl Sack:** But you can't deny that you broke the law here.  
**Marlena Hoffman:** Civil disobedience. Pure and simple. It's what started this country and one might look at me as a hero.  
**Judge Clark Brown:** Or one might look at you as a person who committed a crime, punishable by up to 5 years in jail.  
**Marlena Hoffman:** Ohhh, so I can't vote, but for the purpose of locking me up, suddenly I'm an adult. Isn't that *conVENient*?  
**Judge Clark Brown bangs his gavel for order, while Marlena Hoffman goes into verbal attack mode and Carl Sack cringes dramatically.**



**Marlena Hoffman:** How fair is it for me to be excluded from the democratic process when we make no such exclusion for drug addicts, the mentally handicapped. or senior Floridians who "accidentally" voted for Buchanan?

**ADA John Lennox:** Do you think that you understand the complexities of, uh, immigration, the economic recession, the Middle East balance of power, that the—?

**Marlena Hoffman:** Oh, I think I understand it *some*. Do you think most American voters do? Aren't you sick of people not voting for a candidate because, hey, they don't think that they could have a beer with him, or he's a lousy bowler, or her pantsuits aren't flattering? I am a lot more informed than—

**ADA John Lennox:** Maybe you're an exception. Most 17-year-olds are—

**Marlena Hoffman:** Are what? How do you finish that sentence without some little nugget of ageism? I mean, I'm old enough to be a parent. I'm old enough to get an abortion—and that is a decision far more complicated and difficult than making a check on a ballot box based solely on whether there's a "D" or an "R" next to a

candidate's name, which is what most people do. I mean, you wanna give me a test? Make me take a class, make me earn my right to vote? Fine; I'll do it. But don't just say "No way" because I'm 17. Joan of Arc led an army at 17, and I'm cuter. Way.

#### Jerry and Katie's Office

**Katie Lloyd enters, angry, Jerry Espenson behind.**

**Katie Lloyd:** What's really nauseating is he's good. The jury seem to be with him.

**Jerry Espenson:** He's very good, but we'll get him. Wait 'til I get that defendant on the stand. He's muffin.

**Katie Lloyd looks quizzically at Jerry Espenson.**

**Jerry Espenson:** I mean, toast.

**Katie Lloyd:** You seem to be more confident lately. You—you merely twiddle the wooden cigarette instead of sucking it; and in court, your hands are in your pockets instead of on your thighs; and . . . and your clothes—you're dressing more . . . upscale.

**Jerry Espenson:** New therapist. New Jerry.

**Katie Lloyd:** You're not gonna leave the old Jerry completely behind, are you?

**Jerry Espenson:** No.

**Katie Lloyd:** You really think you can get the defendant?

**Jerry Espenson:** New Jerry in town. He's bagel. Toast. **pops four times**

#### Judge Jamie Atkinson's Courtroom

**CEO Michael Ryder:** We actually operate *many* private prisons, as well as our juvenile detention facilities. Our safety and crime record is typically superior to the state facilities.

**Melvin Palmer:** But just to be clear, you're in this for profit, right?

**CEO Michael Ryder:** Yes. We're for profit. We're a business. There's nothing wrong with capitalism. Just the opposite: public prisons are weighed down with bureaucracy. They have archaic civil service rules that they have to go by. We don't. We've streamlined the entire process, right from construction, all the way to human resources. We've even eliminated all the red tape. Simply put: We can build a better prison for less money, and we do.

**Melvin Palmer:** Okay, but sir, how is it that a 15-year-old inmate could get attacked by one of your guards?

**CEO Michael Ryder:** Well, this was a rogue guard. Sorry to say, but every prison—public or private—has them. But I *can* tell you that we *do* screen our employees. He had no history of violent or sex crime, and there was no way to predict this. I can also tell you that our screening process rivals or surpasses the ones used by the state operated facilities. As for rogue guards, they're just a reality of prison life.

**Jerry Espenson:** When we say, "for profit," how much profit are we talking about?

**Melvin Palmer:** Objection. Relevancy.

**Jerry Espenson:** I think we'd like to explore whether these savings afforded them a better opportunity to, say, prevent the 15-year-olds from getting raped—

**Melvin Palmer:** Objection! That's inflammatory.



**Jerry Espenson:** Rapes are an inflammatory thing, Mel, don't you agree? Two pops for yes.

**Judge Jamie Atkinson:** Mr. Espenson—

**Jerry Espenson:** Sorry, Judge; I'm a chip off the old hoot. Exactly how much moolah do you make?

**CEO Michael Ryder:** We made about three hundred and fifty million dollars this past year.

**Jerry Espenson:** That's kind of a lot. Don't you agree, Mel? One pop; three if you love

me. You throw any of it toward training your guards?

**CEO Michael Ryder:** Of course we do. Our guards are well-trained.

**Jerry Espenson:** *Well-trained?! As was this one—the one who attacked my client. Mr. Palmer likes to say, “Attacked.” Attack’s a nice word—our troops attack, for example. Troops are good; attack’s a good word. Much better than, say, rape, which is ugly. Which is what happened to my client. Did you train this guard not to rape, by the way?*

**CEO Michael Ryder:** All of our employees, including this one, are required to apply for correctional officer certification within 6 months of hire, and they have another 6 months to get certified.

**Jerry Espenson:** So any employee can work for your company for an entire year without certification.

**CEO Michael Ryder:** After receiving 40 hours of annual in-service training.

**Jerry Espenson:** Forty hours. That would cover your riots, beatings, shankings, escapes. Your employee turnover is two to three times that of public prisons. Am I right?

**CEO Michael Ryder:** Yes, but—

**Jerry Espenson:** And your staff, like the staff of most private prisons, is 49% more likely to be assaulted by the inmates in their charge.

**CEO Michael Ryder:** Well, it’s not Club Med. It *is* a prison.

**Jerry Espenson:** Oh, I see; we call it “prison” now, but for the purpose of getting parents to elect your “for profit alternative,” you’re a “detention treatment facility.” **To jury:** That’s another lovely word. “Treatment.” It’s almost as acceptable as “attack.” Doctors, for example, like to attack diseases with treatment. Treatment, attack; attack, treatment. Doesn’t matter which way. Still sounds better than “prison.” Rape. Prison, prison, prison; rape, rape, rape.

**Melvin Palmer:** Objection.

**Jerry Espenson:** Here we have *child rape*. Good that *you* made a profit. **To Judge Jamie Atkinson:** I’m done.

#### Shirley Schmidt’s Office

**Carl Sack:** **enters; sighs** Straight probation; six months. And you take your instruction video off YouTube.

**Marlena Hoffman:** No.

**Shirley Schmidt:** W—wait a minute. Did you just say, “No”? They’re willing to let you go, Marlena!

**Marlena Hoffman:** This is more than just me, Grammy. I—I am a movement. Millions of kids—

**Shirley Schmidt:** Oh, give me a break!

**Marlena Hoffman:** I would think you of all people would understand, being a former suffragette, that sometimes you have to stand up—

**Shirley Schmidt:** The law is black . . . did you just call me a former suffragette?

**Marlena Hoffman:** Aren’t you?

**Shirley Schmidt:** How old do you think I *am*?

**Marlena Hoffman:** I don’t know. Uh, eighty?

**Shirley Schmidt:** Please, leave now. And take the window—it’s faster. **To Carl Sack:** And you! Can’t you talk some sense into her?

**Carl Sack:** Actually, I think she’s right. Uh, uh—not about you being eighty, but I think she should get to vote.

**Shirley Schmidt:** Excuse me?

**Carl Sack:** We had 10 million people without high school diplomas vote in the last election. Why shouldn’t Marlena get to vote?

**Shirley Schmidt:** Carl . . .

**Carl Sack:** **To Marlena Hoffman:** That’s her “I’m not happy with you” tone.



Marlena Hoffman: Yes, I know it well.

Shirley Schmidt: Surely you think she should settle this case.

Carl Sack: Surely I don't . . . Shirley.

Conference Room—Offices of Crane, Poole & Schmidt

**Alan Shore and Denny Crane sit across the board table from four obviously well-heeled attorneys.**

Attorney Wade Mathis: Give me one reason why we shouldn't countersue for abuse of process, filing a frivolous lawsuit, and, possibly, extortion.

Alan Shore: **speechless—almost** W-well, my impression of the pharmaceutical industry is that it's always so nice.

Attorney Wade Mathis: He had a scare, but he's fine now. What are the damages?

Alan Shore: Well, emotional distress, for starters.

Drug Company Counsel #2: But how did we cause it? What is it exactly you're claiming we did?

Alan Shore: What you did? You brainwashed my client. The massive marketing strategy employed by your trade association caused him to gulp down **looks to Denny Crane for confirmation of the number 42** different drugs on a daily basis.

Drug Company Counsel #2: And it would be foreseeable in your mind that he'd do this just because , , , ?

Alan Shore: Certainly foreseeable to you. You market to senior citizens because your research shows they're easy targets, susceptible to deceptive advertising—

Attorney Wade Mathis: I'm sorry. You did go to law school, right?

Alan Shore: Actually, I bought my degree on the Internet. Uh, what's your point?

Attorney Wade Mathis: What happened to him was the product of his own stupidity.

Attorney Wade Mathis: That he's able to enlist his firm and perhaps an equally intellectually-challenged attorney to type a cause of action on a complaint does not give him one.

Alan Shore: I bet you didn't play well with others as a child, did you?

Attorney Wade Mathis: **rising** I'm leaving.

**The other three attorneys rise also.**

Alan Shore: Sit your arrogant ass down, Mr. Mathis. Better you hear what I have to say now. It'll be considerably cheaper than in court.

Attorney Wade Mathis: You actually think you're going to intimidate us? We're one of the biggest players in the pharmaceutical industry. Do you have the slightest sense of how powerful we are?

Alan Shore: I have a very acute sense. Last week, I took on the tobacco industry. Imagine my surprise to discover you two are so much alike. You both deny the damaging health effects of your products, you both promote so-called "independent research" which you actually finance, you both market to children, you both pour millions of dollars into lobbying efforts to buy Congress, you both suppress information that proves that your products kill people. The only difference I can see is that while the FDA is hostile toward cigarettes, you they roll over for.

Attorney Wade Mathis: **sitting down again** Look—

Alan Shore: I know *exactly* how big and powerful you are, Mr. Mathis. It might do you some good to check me out. I'm the guy who just nicked Big Tobacco for 200 million [*dollars*]. Now I just sit in my office all day, twiddling my thumbs, asking myself, "Who's next?" Well, guess what? It's you. It's you.

Judge Clark Brown's Courtroom

ADA John Lennox: The law is the law. She broke it. Now, since they've attempted to put the law itself on trial here, let me defend it. There is a reason for voting age minimums. Most kids aren't as fully informed as Miss Hoffman is. Most kids are . . . well . . . kids, and they simply lack the judgment and maturity. A recent poll found that 20% of students at NYU would trade their vote in the upcoming Presidential election for an iPod Touch. Sixty-six percent would trade it for free tuition. Kids are kids, which is why this state—indeed, most states—set boundaries. We don't let them drink until they're 21, we don't let them have sex, we don't allow them to enter into contracts. Is it fair that Marlena Hoffman not be allowed to vote, given how politically aware *she* is? Maybe not, but our system here has to be what's best for the masses; specifically, what's best for this country. Letting

children vote doesn't serve that goal. I salute Marlena Hoffman and her civic commitment. I really do. She just has to wait another year. Now I know that to her, that probably seems like a lifetime. After all, she's a kid.

**Carl Sack:** What's the fear? That they'll screw things up? *rises* We have a 9.4 trillion dollar debt, no national health care, unprecedented poverty, capped by a recession, a war that could last a hundred years depending on who wins this election, an earth that is dying. Oh, yes; please let's not dare let the young people mess with our masterpiece!

**Judge Clark Brown:** Oh, come on, Mr. Suck. Don't you think this is ridiculous?

**Carl Sack:** At first, I did. By the way? It's Sack. But, the more I listen to Ms. Hoffman . . . Children aren't just our future, Judge; they're our best hope. We need them involved, on board, with an appreciation of the stakes. This young lady is.

**Judge Clark Brown:** Come on! You're talking about electing our Commander-in-Chief!

**Carl Sack:** Yes, I am. You know what? Let's face it: These elections are typically decided by old coots like you and me. Why? Well, because not only do senior citizens historically swing elections with their votes, we have the most money to stuff the campaign coffers.

McCain and Obama certainly know that. How else are you to explain their deafening silence on what may be

our biggest fiscal nightmare—that more and more of the federal budget now goes to subsidizing old people?

Medicare, Medicaid, and Social Security now take up 40%, and spending on these programs is expected to

*double* over the next ten years?! As far as what the kids *gesturing toward Marlena Hoffman* get, well, let's see. Failing educational systems, a broken economy, don't forget the backdoor draft to get them to fight our wars. The kids are getting screwed. There are millions of them on high school and college campuses who are informed, passionate—

**Judge Clark Brown:** Oh, for God's sake!

**Carl Sack:** You might also consider, Judge, that teenagers spend over one hundred and seventy-six billion dollars a year of their own money—over one hundred and seventy-six billion! They earn it. They file tax returns. To tax them while not letting them vote?! *shakes his head* That amounts to taxation without representation! I think we started a Revolutionary War to right that wrong. Finally, Your Honor . . . *long pause; steps forward to address Judge Clark Brown more directly* . . . I hesitate to say this, but the resistance to letting young people vote may be more insidious and subtle than, "Gee, they lack the maturity." We have an ugly legacy in this country of excluding certain segments of society. There are women alive today who were once denied the right to vote. Even after African-Americans were given the right, many were subjected to literacy tests, like in Alabama, where blacks had to determine the number of bubbles in a bar of soap before they could cast their ballot. Today, states are passing voter ID laws, requiring proof of citizenship. Makes sense on one level, but the net effect is that many US-born citizens will lose out because they're too poor to afford the documentation. Millions of felons can't vote—also makes sense, except when you consider that 13% of the US black male population fall into that category—the poor, the black, the young. Now, a nutty Reverend may have been right when he said that this country is ruled by the old, the white, and the rich.

**Judge Clark Brown:** So, you don't favor any age requirements?

**Carl Sack:** Lower it to 17. Nineteen US states are considering legislation to lower the voting age. Why? Because it's *time*. Our kids are educated. They can be passionate, socially aware. I mean they have an idealism many of us have forgotten. They have a voice; it's time we let it be heard. Not just for their sakes, but for ours.

Denny Crane's Office

**Denny Crane:** We going into court?

**Alan Shore:** They filed a motion to dismiss.



**Denny Crane:** Can we beat it?

**Alan Shore:** Well, it's a pretty powerful industry, Denny.

**Denny Crane:** Do I have to give you my big pep talk again?

**Alan Shore:** No. They almost killed you. You can consider me sufficiently motivated.

**Denny Crane steps around his desk toward Alan Shore.**

**Alan Shore:** *mock protest* Oh, Denny, please don't . . . **Denny Crane enfolds him in a big hug . . . hug me. As they hug and pat each other's backs, Alan Shore smiles.**



#### Judge Jamie Atkinson's Courtroom

**Melvin Palmer:** *in the center of the courtroom, presenting closing arguments* All right. Look, I'm kind of a simple guy, I admit. When I get a case, I just plop down with the complaint, a cheeseburger and a pop, and I try to decipher what the thing is really about—that's what I do. And I must tell you, I'm a little bit stumped here. I mean, it can't be a straight negligence thing, can it? First, it wasn't foreseeable that this guard would commit a sexual assault. He sure as hell never did it before. Second, the prison's operating procedures were consistent with industry standards. Third, the plaintiff herself would be deemed contributorily negligent since she cultivated a sexual relationship with this man. She broke prison rules to be with him. Hell, she kissed him! That's probably why they decided to make this a referendum on private prisons. Better target 'cause "for profit" translates to "greed and avarice," and we *love* taking the deep pockets down a notch, don't we? But, folks, private prisons are a good thing. Not only do they save taxpayers money, they make us safer. Their recidivism rates are lower than the state-run facilities. They also create jobs and help the economy. I'm sorry, but you just can't make a goat of private prisons. If anything, we need more of 'em. Now . . . a horrible thing happened here. No question. And blame was assessed. The rogue guard was arrested and locked up. Justice was done. This is a civil trial, which is trying to find a correctional facility guilty when they did everything right, according to industry standards. That's . . . just . . . the truth. **nods to the jury and returns to the defense table**

**Katie Lloyd:** *rises, and walks to face the jury* Have we all gone completely mad? One in a hundred people in this country are in prison or jail. The United States has more people locked up than any other country in the world—that includes China. For a nation that bills itself as the Land of the Free, America quite fancies its slammer. And with alarming recidivism rates, do we really mean to turn this problem over to the for-profit corporations whose very economic survival depends on people going to prison? Are we really to believe that they'll rehabilitate their inmates when they have a profit motive not to do so? If people don't commit crimes, they're out of business.

**Melvin Palmer:** You have a cynical view of human nature—that's what you have, little lady.

**Katie Lloyd:** *turns to the defense table* Mr. Palmer, with all due respect to the fact that you are far simpler than any of us could aspire to be, I shall ask you to never—*ever*—call me "little lady" again.

**Melvin Palmer acknowledges the chastisement, and Katie Lloyd turns back to face the jury.**

**Katie Lloyd:** As for human nature, we saw it in Iraq with Blackwater. Private corporations hired to protect *our* troops chose not to use armored vehicles, even though the contract expressly provided for them. Soldiers died because some executive decided, "Better to save money than lives." That's what you get with for-profit

corporations. They never keep ledger sheets showing the human cost. Our prison system releases six hundred and fifty *thousand* ex-convicts a year into society. Two-thirds of those quickly commit crimes and return. That's good for the for-profit prison business. Very bad for the welfare of our citizenry, and if we go with this system that disincentivizes rehabilitation, then what? We've already got 2.2 million people in jail. In fact, many jails have to release criminals because there is simply no place to put them. Corners get cut, costs get shaved, officer training is short-changed, and suddenly we have children who are first-time offenders being physically attacked by corrections officers. Mr. Palmer claims his client observed industry standards, yet his client held himself up as being above those very standards. The reason Lauren Addario elected to go to this facility is because it promised a safer environment where she would get treatment. But whatever standard of care one seeks to hold a public or private prison up to, it should be one that safeguards against its 15-year-old girls being raped by guards.

***Nods to jury, and returns to the plaintiff's table, winking at Melvin Palmer as she does so.***

#### Judge Clark Brown's Courtroom

**Court Clerk:** All rise.

**Judge Clark Brown:** All right. I did a little research of my own last night. I learned that our brain size peaks at 14, and our reasoning abilities peak at 12. I also discovered that in pre-industrial society, which didn't even have a word for adolescence, that post-pubescent teens are considered adults. In fact, psychologists say that, by imposing all the restrictions that we do on teenagers, we are infantilizing them—part of our grand scheme to extend childhood. Many others say that the only solution to teenage angst and irresponsibility is to go in the opposite direction, and treat them as grown-ups.

**Marlena Hoffman:** Can't he just say that I won, and be done with it?

**Judge Clark Brown:** ***bangs his gavel*** I cannot give you the right to vote, but I am satisfied that your actions were—were noble, they were overt, they did not rise to the level of fraud, and therefore I am dismissing all criminal charges. We are adjourned.

**Marlena Hoffman:** Very good job, Mr. Old Guy. I mean, I can almost see what Grammy finds attractive about you.

**Carl Sack:** Marlena, you're not nearly as cute or obnoxious as you think you are. What I will say is: Pretty cool kid.

**Marlena Hoffman:** You won't tell Grammy? I kinda like getting on her nerves.

**Carl Sack:** ***whispers*** Secret's safe.

#### Judge Victoria Peyton's Courtroom

**Attorney Wade Mathis:** He's failed to state a claim even suggesting liability. How is it foreseeable to us that he would gobble multiple medications, buying them off the Internet, without even consulting a doctor in person?

**Alan Shore:** It's not just foreseeable, it's exactly what you *count* on! Seducing the more vulnerable members of society to fall for your snake oil potions.

**Attorney Wade Mathis:** Oh, that's just absurd!

**Alan Shore:** Your Honor, hundreds of thousands of people die every year from prescription drugs. Twenty-seven thousand people were killed by Vioxx. If you believe one FDA official, possibly 50,000.

**Judge Victoria Peyton:** Yes. But you can't sue *these* people for Vioxx. This isn't about Vioxx, which they don't even manufacture.

**Alan Shore:** I'm talking about an industry-wide pattern. We don't even know all the potential dangers of these drugs, because the pharmaceutical industry systematically conceals them. They've been caught buying clinical trials, bribing doctors, distorting science.



Many of these so-called “peer-reviewed” articles we see in medical journals are actually ghost-written by the drug companies themselves, and doctors take pay-offs and let their names appear as the authors.

**Attorney Wade Mathis:** You have no evidence that any of that has happened here.

**Alan Shore:** Because you hide it! *Your* company previously buried evidence which showed a link between antidepressants and suicidal thoughts in children. You did that.

**Attorney Wade Mathis:** Which we still deny. And this isn't that case. He doesn't have one single fact to support—

**Alan Shore:** The fact is: The US pharmaceutical industry spends almost twice as much on promotion as it does on research and development. That's obscene! American television viewers see as much as 16 hours of prescription advertising each year. Sixteen hours! That's more time than most people spend at the movies. The fact is: They invent diseases, like social phobia, generalized anxiety disorder to sell mind-altering drugs—

**Attorney Wade Mathis:** Anxiety is a clinical illness. To suggest otherwise is not only irresponsible, Your Honor—

**Alan Shore:** What's irresponsible is: We have scores of people being diagnosed with these vague mental disorders, millions of whom are children. What's irresponsible is: We have 3-year-olds on antidepressants. Why? Because the drug companies—just like Big Tobacco—know that if you get these kids when they're young enough, you have a customer for life.

**Attorney Wade Mathis:** I should sue you right now. You do not get a pass just because—

**Alan Shore:** You want to sue me? Please do. Because truth is a complete defense, and I'm not the only one saying this. This industry invents chronic diseases, be it restless leg, dry eye syndrome, or these unspecified sleep disorders that require nightly doses of habit-forming tranquilizers. They first concoct the disorder, then the drug, and then they blitz the public with commercials to convince 'em they're afflicted, and it's especially effective with senior citizens. My client was popping pills like candy. He almost died!

**Attorney Wade Mathis:** He's out of control.

**Alan Shore:** Your industry is out of control. You manufacture and sell disease at exorbitant cost. And the FDA refuses to regulate you. The pharmaceutical lobby has a death grip on Congress.



**Judge Victoria Peyton:** Mr. Shore, you need to settle down.

**Alan Shore:** *which he does—for exactly three seconds; then* Your Honor, the FDA refuses to go after these people, so let it be me. They very nearly killed a man I dearly love. Let it be me. But let me get started, because they stall. Of the 27,000 to 50,000 Vioxx deaths, only 18 cases have reached juries so far—18. Most of the plaintiffs will in fact be dead before they're compensated in any way. Well, my client is 75. So, please, let me get started on discovery, since clearly I'll need every second.

**Judge Victoria Peyton:** All right; all right. I will let this case stand.

**Attorney Wade Mathis:** What?! Are you crazy?

**Alan Shore:** Perhaps you could have a pill she could take.

**Attorney Wade Mathis:** You're allowing him to go forward with no proximate cause? That's preposterous.

**Judge Victoria Peyton:** What would be preposterous, sir, is if I would extend the benefit of the doubt to your industry. Do I look like an idiot?

**Alan Shore:** They've got a pill for that, too.

**Attorney Wade Mathis:** Will you shut up?

**Judge Victoria Peyton:** I have made my ruling. We are adjourned. *bangs gavel*

**Attorney Wade Mathis:** You've bitten off more than you can chew this time, my friend.

**Alan Shore:** Oh, I don't swallow. I just chew up and spit out.

**Attorney Wade Mathis:** We'll see.

**Alan Shore:** Zing. I can see you're good at this.

Judge Jamie Atkinson's Courtroom

**Murmur of all assembled, awaiting the jury's verdict.**

Melvin Palmer: Nervous, Jerry? Interesting cross of yours. Little piece of advice, my friend: Never, ever, get up in court and try to "out-me" me.

Judge Jamie Atkinson: All right, Mr. Foreman; the jury has reached its verdict?

Foreman: We have, Judge.

**All rise.**

Judge Jamie Atkinson: What say you?

Foreman: In the matter of *Lauren Addario vs Superior Correctional Centers*, we the jury find in favor of the plaintiff, and order the defendant to pay damages in the amount of \$1.7 million.

Melvin Palmer: Defense appeals.

Judge Jamie Atkinson: So noted. Members of the jury: Thank you for your service. The judgment is entered.

This matter is adjourned. **bangs gavel**

Mr. Addario: **hugging Lauren Addario** You did it.

Katie Lloyd: Congratulations, Lauren.

Lauren Addario: Thank you.

Mr. Addario: Thank you.

Jerry Espenson: Can't win 'em all, Mel. **switching to his "Mel" persona** Hey! Can you win any? Two pops for yes, bro.

**"Mel" is not amused.**

Katie Lloyd: Jerry, in England, we're taught to be gracious in victory.

Jerry Espenson: I couldn't help it. He's a big boob-head.

Katie Lloyd: **chuckles** Well, congratulations. It seems your cross carried the day.

Jerry Espenson: No; it was your closing. It was as persuasive as it was elegant.

Katie Lloyd: I guess we make quite a team, you and me . . . as—as colleagues.

Jerry Espenson: Of course. Absolutely. As colleagues. **two pops**

Denny Crane's Office Balcony

**Alan Shore and Denny Crane are sharing cigars and Scotch.**

Denny Crane: Last week, Big Tobacco. This week, Big Pharmaceuticals.

Alan Shore: Well, why not go out swinging, right?

Denny Crane: Who says we're going out?

Alan Shore: I read somewhere you should live every year as if it's your last.

Denny Crane: Really? I can't imagine this is our last year. Aren't there still some time slots we haven't tried?

Alan Shore: **sips and sighs** Do you ever think about the end, Denny?

Denny Crane: Death?

**Alan Shore shrugs.**

Denny Crane: I feel somehow I'll just keep going on even after it's over—like Hillary.

Alan Shore: **chuckles** Reincarnation. You believe in that?

Denny Crane: I do, actually. What's the alternative? Nothingness? I can't believe in that.

Alan Shore: No.

Denny Crane: You believe in reincarnation?

Alan Shore: I don't know. I suppose if I ever did get to Heaven, God would almost certainly return me.

Denny Crane: True.

Alan Shore: What do you think you'll be in your next life?

Denny Crane: I hope a beautiful woman. I could touch myself.

Alan Shore: I might want to touch you.

Denny Crane: You've already had your kiss. How was it for you?

Alan Shore: I've had better.

Denny Crane: You didn't tongue me, did you?

Alan Shore: Oh, God, no.

Denny Crane: I must say, I feel . . . great comfort, the way you're there for me. When the day does come, at least I won't be alone.

Alan Shore: You won't be alone.

**Meaningful pause as they exchange nods and hesitant smiles.**

Alan Shore: You know, if we are to think of it as our last year, we need to think of how best to go out.

Denny Crane: Fishing, for sure.

Alan Shore: For sure.

Denny Crane: Supreme Court—gotta go back.

Alan Shore: Scalia misses me.

Denny Crane: Shirley.

Alan Shore: **rolls eyes** Once with Shirley before I go.

Denny Crane: **saluting Alan Shore with his cigar** I can't believe you actually got to suck face with me.

Alan Shore: And I brought you back to life.

Denny Crane: Like Snow White.

Alan Shore: **laughing** Like Snow White.

Denny Crane: Of all the women I have loved, been loved by—whoever would have believed that Alan Shore would be my Prince Charming?

Alan Shore: Let no man tear asunder.

Denny Crane: 'Til death do us part.

Alan Shore: Amen.



William Shatner: Next, on Boston Legal.

Joanna Monroe: My ex-husband, uh, he's trying to take my daughter.

Emma Path: Her mother sells her body as a sex worker.

Alan Shore: She's not a sex worker.

Joanna Monroe: Your dialog with opposing counsel was sexually aggressive.

Alan Shore: Do you find me terribly sexist?

**Shirley Schmidt, laughing.**

African American Male: I commit the crime.

**Three gun shots.**

Alan Shore: You absolutely had to shoot him?!

Denny Crane: I shoot people all the time!

Alan Shore: You had to shoot him three times?

Carl Sack: Carl Sack for the defendant; we'll waive the reading.

Judge Clark Brown: What has he done now?

Carl Sack: He uses the Mad Cow as an excuse to do whatever the hell he wants.

Shirley Schmidt: Is he going to win here?

Carl Sack: That I don't know. We really have no defense.