

Boston Legal
The Bad Seed
Season 5, Episode 5
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At Crane, Poole and Schmidt, in the lobby Denny Crane is surrounded by Alan Shore, Shirley Schmidt and Carl Sack. Shirley is looking for something in Denny's eye.

Denny Crane: Is it not red?

Shirley Schmidt: They're always red in the morning.

Alan Shore: See?

Denny Crane: You stay out of this. I know Samonella. I've got it.

Jason Canfield: **He walks in.** Excuse me? My name is Jason Canfield, I'm looking for Mr Poole.

Carl Sack: Ah. Well, Mr Poole is not here at the moment. Or there, for that matter. May I help you?

Jason Canfield: Well, I was just passing by your building and saw the sign and I need a lawyer. So, how about... Crane?

Carl Sack: Ah, Mr Crane is fun, you can always talk about when he's in the room, which is nice, but I don't think he's your man either.

Jason Canfield: So that leaves Schmidt.

Shirley Schmidt: **She gets up.** I'm Schmidt. Let's go to my office. **She and Jason leave.**

Alan Shore: Why wouldn't he ask for me? Am I not the star of this show?

Denny Crane: **He points to the Crane, Poole and Schmidt sign above his head.** Do you see your name up there? This is not about how good you are.

Alan Shore: It's not?

Denny Crane: It's all about credit. That's what important in life.

Alan Shore: Credit?

Denny Crane: And money.

Alan Shore: **To Carl.** I thought it was all about getting the girl. Tell me its values.

Carl. It's about getting the girl, right.

Denny Crane: Money!

Alan Shore: Sex!

Denny Crane: Money!

Alan Shore: Sex!

Denny Crane: **To Carl.** You call it.

Alan Shore: Maybe it's money and sex.

Denny Crane: They go together.

Alan Shore: One begets the other.

Denny Crane: See? We're not fighting.

We're in sync! **He and Alan walk around the coffee table and share a back-slapping hug.**

Alan Shore: **He looks to Carl.** I can't be sure but I think Carl wants to be in sync too. **He reaches over and brings a startled Carl into a group hug.**



In Shirley's office, she is there with Jason.

Shirley Schmidt: Was he killed in Iraq?

Jason Canfield: No, no. They patched him up okay there, brought him back, he died in a hospital here. The doctor killed him. But I know for a fact that there was malpractice. Because he admitted it!

Shirley Schmidt: Mr Canfield, I've tried a number of medical malpractice cases in my time. I've yet to run across a doctor who admitted his or her wrongdoing.

Jason Canfield: Yeah, but this one did! But I can't sue because it happened in a military hospital. Something called the Ferris Doctrine. You heard of that?

Shirley Schmidt: Yes. It basically insulates military hospitals and their staff from lawsuits when the victims are on active duty.

Jason Canfield: My brother is not on active duty anymore, Ms Schmidt. He's dead.

Shirley Schmidt: I'm afraid the doctrine would still apply.

Jason Canfield: So there's, there's nothing I can do? Nothing?

Shirley Schmidt: Well...!



In Alan's office, he is there with Shirley.

Alan Shore: But the law is clear. Soldiers are...

Shirley Schmidt: Alan, I, I know. It's completely unwinnable, it doesn't even make sense to try, which is why I've come to you. I've so missed watching the brave knight fight the windmill.

Alan Shore: Shirley, this lawsuit is barred. There's a Supreme Court case directly on point, it's not like you to want to waste the firm's money. What's going on?

Shirley Schmidt: What's going on is when a man comes in off the street whose only brother has been wrongfully killed and asks you for your help, you help. It's that simple. You help.

A beat.

Alan Shore: Would it be the Pentagon then?

Shirley Schmidt: Well it... it might.



In Jerry Espenson and Katie Lloyd's office, they are both there. Katie sitting at her desk, Jerry standing on his.

Katie Lloyd: Are you close, you and your sister?

Jerry Espenson: Well... mainly she'd throw rocks at me.

Katie Lloyd: Got it.

Jerry Espenson: She was a bit overbearing and... **He looks at his wrist watch.** And extremely punctual. She should be here any...

Joy Espenson: **She marches in.** Hi! **Jerry quickly places his hands on his thighs.** She looks to Katie. Hi! **Without giving Katie a chance to respond Joy looks to Jerry.** What are you doing on the desk? **Jerry shakes his head.** **To Katie.** Joy Espenson. **To Jerry.** Get down! **To Katie.** Are you his girlfriend? **A**

scream and sounds of Jerry falling of the desk.

Katie Lloyd: No, I'm just...

Joy Espenson: Just what? It's purely sexual?

Jerry Espenson: **He gets up.** Joy! This is Katie Lloyd, my colleague! A lawyer! You apologize this instant!

Joy Espenson: Okay. **She looks to Katie and raises her eyebrows and shrugs in apology. She goes to sit down.** I'm here about your nephew, Henry. I have concerns, I need your help.

Jerry Espenson: What concerns?

Joy Espenson: Well, he's fifteen, he's going through puberty, he's starting to get an acute interest in sex!

Jerry Espenson: Isn't that natural?

Joy Espenson: And he may be dating his sister!

A beat.

Jerry Espenson: What?

Joy Espenson: You heard me!

Jerry Espenson: But, he's an only child.

Joy Espenson: Well, he is or he isn't. We don't know! **To Katie.** He was conceived by an anonymous sperm donor. I have an excellent sex life so long as men don't actually have to get in the bedroom with me! Anyway, Fiona, that's the girlfriend, Fiona, she was conceived by an anonymous sperm donor. It also turns out she's the spitting image of Henry! I'm thinkin' what are the odds! **To Katie.** Are you with me?

Katie Lloyd: To be honest I'm still recovering from the gripping apology.

Joy Espenson: I met Fiona's mother, we both used the same agency. **She drops her head in her hands.** My God, what if? I mean, what if they fall in love, and get married and start reproducing?

Jerry Espenson: Well, let's simply take DNA swabs and...

Joy Espenson: DNA is not conclusive with half-siblings!

Joy Espenson: Could you speak to him?

Jerry Espenson: Me?

Joy Espenson: He loves you! **She motions to Katie.** Does she ever speak?

In the conference room, Alan and Shirley are there sitting across the table from Attorney Wade Mathis.

Attorney Wade Mathis: I must say, when I first read the complaint I couldn't decide whether it was just laughable or nonsensical. Now that I see who the attorney is it makes sense that it's laughable.

Alan Shore: **To Shirley.** Wade and I go back. He represents the pharmaceutical company that almost killed Denny. How's that discovery going, by the way?

Attorney Wade Mathis: It might be proceeding more quickly if I wasn't sidetracked by baseless, groundless, frivolous claims.

Alan Shore: He's a big fan of adjectives.

Shirley Schmidt: Yes, I go back a little bit with Wade as well.

Alan Shore: Really?

Shirley Schmidt: The hospital has admitted committing gross misconduct which caused the victim's death.

Attorney Wade Mathis: But it's a military hospital. They're immune.

Shirley Schmidt: Fine! We have the merits, you have the legal technicalities, let's meet somewhere in the middle.

Attorney Wade Mathis: The technicality here is the trump card. The Supreme Court clearly held you can't touch military hospitals. Game over.



Alan Shore: That ruling was fifty years ago. Things change.

Attorney Wade Mathis: Things change. Will that be your legal argument, "Things Change."?

Alan Shore: I'll have you know Tony Scalia is a personal friend of mine and trust me, he has no interest whatsoever in what any Supreme Court before him has said.

Attorney Wade Mathis: **He gets and starts putting his papers together.** I don't know why I even bothered to come over here.

Alan Shore: Because you missed me, Wade.

Wade closes his briefcase. Hug? He opens both his arms. We're a nation of huggers, you know.

Shirley Schmidt: We will take this to court.

Attorney Wade Mathis: Fine. Do that. Have a lovely

day. **He leaves.**

Alan Shore: **Shirley gives him a look.** What? You don't really want it to end quickly, do you? He's fun!

At the Sperm Bank, Ryan Chism is there with Jerry and Joy.

Ryan Chism: I certainly understand your concerns.

But we have contractual agreements assuring absolute confidentiality with all of our anonymous donors.

Joy Espenson: He could be dating his sister.

Jerry Espenson: Joy. I appreciate your legal obligations but contracts can be vitiated on grounds of public policy.

Ryan Chism: And your public policy argument would be what?

Joy Espenson: He's dating his sister!!

Jerry Espenson: Joy! **He smiles bravely and looks toward the computer screen showing a picture of a woman and two young girls.** Are these your children?

Ryan Chism: Yes, they are.

Jerry Espenson: You have a beautiful family. I can see they even look like you. **A beat.** Henry Espenson wonders whom he looks like. Do you really think it's fair Mr Chism that Henry's right to know his genetic lineage was simply contracted away from him?

Ryan Chism: Mr Espenson, without assurance of anonymity many sperm donors wouldn't donate. It's possible Henry might not even exist.

Jerry Espenson: And if we were to look at the equation as best interests of the sperm donor I'd side with you. But since courts typically opt for best interests of the child...

Ryan Chism: And Henry would be better of unborn? Believe me, Mr Espenson, I've heard all the arguments. And as I said I do sympathize but there is no wiggle-room on this one. We will not tell you who the sperm donor is.

Joy and Jerry look at each other in despair.

Jerry Espenson: **He takes a puff from his wooden cigarette.** All right. **He sighs. He is confident and arrogant now.** Listen Buddy, I tried to play nice here but if we have to go to court I'll do it. I'll

close your doors, and then you can liquidate all your little test tubes and turkey basters, your porn videos. See this here? **He shows his wooden cigarette.** It's a cigarette, Bub. And you can put it out like this... **He motions putting it out in cup.** ...just snuff it out in an ashtray... **He throws the cigarette on the floor and lifts his foot above the table...** or I can stomp it with my size thirteen boots. Either way it's extinguished, Pal! Whether you want to be snuffed, stomped or sucked dry! We can do it nice, do it rough! How's it gonna be?

Ryan Chism: Just a sec. **He reaches for the phone.** **Jerry smiles.** Yes, security please.

Jerry stops smiling and contritely puts his hands on his thighs.



In Denny's office, he is there with Alan having drinks.

Alan Shore: I am not being a traitor, I'm supporting our troops! Why aren't you?

Denny Crane: Isn't this war costing us enough without the lawyers coming in?

Alan Shore: I don't wanna get into this.

Denny Crane: Alan, I'm gonna tell you something and you need to hear this: America is sick of Bush-bashing! Enough already!

Alan Shore: I'm not bashing Bush.

Denny Crane: You're suing the military, which is the Pentagon, which is the Government, which is Bush! It all comes out of Bush!

Alan Shore: Denny, this isn't about Bush, this is about the troops risking their lives...

Denny Crane: Oh please!

Alan Shore: After the debacle with Walter Reed? You must be kidding? These kids are returning with catastrophic wounds, who the hell is looking out for them really. Not Congress.

Denny Crane: This is one you can't win, Alan.

Alan Shore: Says who?

Denny Crane: Says law, says the United States Supreme Court. **Alan gets up and turns away.** Says fifty thousand dollars.

Alan Shore: You know what? **He turns back and stops midway. A beat.** You wanna bet?

Denny Crane: Now look, if you insist on being an idiot, at least let me profit from it.

Alan Shore: Have you no shame whatsoever?

Denny Crane: None.

Alan Shore: All proceeds go to the troops?

Denny Crane: Fine.

Alan Shore: Fine.

Denny Crane: Fine.

In Judge Byron Fudd's courtroom, he is at the bench, Shirley, Alan and Jason Canfield are at the plaintiff table, Attorney Wade Mathis is at the defense table.

Judge Byron Fudd: There are reasons for this doctrine, Ms Schmidt.

Shirley Schmidt: Yes, Your Honor, bad ones. These kids fight our wars. It's an undue burden to compensate them when they're victims of medical malpractice? The soldier in question lost his life because of an avoidable, negligent hospital screw up...

Attorney Wade Mathis: It's not just the money. Subjecting the military hospitals to discovery...

Shirley Schmidt: Oh, come on!

Attorney Wade Mathis: May I finish?

Shirley Schmidt: You didn't let me finish. Your Honor, this goes beyond bad faith. We send these kids to war, they come back in need of medical care, our doctors commit malpractice and we tell them, "Oops! You can't sue because of a, a doctrine that's selectively singles out and punishes soldiers."?

Attorney Wade Mathis: I thought he was the speech-maker?

Shirley Schmidt: No. Today you got me. At least let me call a witness or two. My client lost his only brother. If he can't have his day in court, at least give him an hour.

Judge Byron Fudd: All right. I'll allow you to call witnesses as to the legality of the doctrine.

Attorney Wade Mathis: Your Honor, if she doesn't like the law her recourse is the legislator, not a Judge.

Judge Byron Fudd: **Sarcastically.** Well, thank you Mr Matis. I know what my role is. Two o'clock! **He pounds his gavel and leaves.**



In the kitchen, Jerry and Katie's are both pressed up against a mirror, Jerry has his mouth open.

Katie Lloyd: You started sucking on a cigarette?

Jerry Espenson: I think I got some wood fibers lodged in my lungs. **He puts the mirror away.**

Katie Lloyd: Wha, what happened?

Jerry Espenson: Well, I just saw my sister looking at me like I was this big loser. The way she did growing up.

Katie Lloyd: Did she really throw rocks at you?

Jerry Espenson: Yes, she thought if a hard object came hurdling at my head I'd have to lift my hands off my thighs to block it. She does love me in her way. But, her way sucks. **He takes a puff from the wooden cigarette. Carl comes in and stops abruptly.** It's a prop. **Carl nods and turns to get some coffee.**

Katie Lloyd: So what happens now with the case?

Jerry Espenson: Well, we go to court. But first we have to tell Henry.

Katie Lloyd: How can I help?

Jerry Espenson: You can't really. I need to do this.

Katie Lloyd: Can you?

Jerry Espenson: **He takes another puff and notices Carl watching him again. Firmly.** It's a prop!

In a Chinese restaurant, Attorney Wade Mathis and Shirley are sitting at an intimate table for two.

Attorney Wade Mathis: Sometimes I think about retiring, but what'd I do? I hate golf, I don't much like to travel. Do you ever think about retiring?

Shirley Schmidt: Not really. As long as I can practice law on my own terms.

Attorney Wade Mathis: And you're doing that?

Shirley Schmidt: Still able to put your judgments in question form, I see.

Attorney Wade Mathis: You know Shirley, I'm still on the board of bar overseers. There's a lot of talk about your firm lately.

Shirley Schmidt: Is there?

Attorney Wade Mathis: Yes, regarding it's... ah... slide.

Shirley Schmidt: I wasn't aware of any slide.

Attorney Wade Mathis: Two of your named partners have lost their minds. And you.

Shirley Schmidt: What about me?



Attorney Wade Mathis: I've known you a long time, may I be brutally honest?

Shirley Schmidt: Oh, please.

Attorney Wade Mathis: This Alan Shore is dragging you into the sewer. It's now his thumbprints all over Crane, Poole and Schmidt, not yours. He's unscrupulous. He's disrespectful toward judiciary. He's a bad seed. And his reputation is running to your firm, as a whole, to you. I see his influence in play in this very case. You've brought a baseless, frivolous cause of action barred by law. Why?

Shirley Schmidt: Are you done?

Attorney Wade Mathis: Go ahead, let me have it, I'm a big boy.

Shirley Schmidt: I've practiced a long time, worked with some of the highest members of our profession, I include you among them, but I have yet to be associated with a more skilled, more principled, more noble attorney than Alan Shore. If his is the reputation I'm to be saddled with, I will take it. And lunch is over. **She put her napkin down and rises.**

Attorney Wade Mathis: **He rises as well.** If you wanna reject my opinion that's your prerogative, but here's a fact, he is putting your firm in peril. Believe me when I tell you that.

A beat. Shirley leaves. Attorney Wade Mathis watches her for a moment then throws down his napkin.

In Jerry and Katie's office, he is there with Joy Espenson.

Joy Espenson: Jerry, thank you so much for helping me tell him. I'm just so afraid if he hears it from me he'll hate my guts forever.

Henry Espenson: Hey mom! **He comes in.** Hi, Uncle Jerry. **His girlfriend Fiona is with him.**

Jerry Espenson: Henry! Hello! Welcome! **With his hands on his thighs, he walks up to Henry and leans in.**

Henry Espenson: **To Fiona.** This could take a while.

Jerry Espenson: **He haltingly brings his hands up to hug Henry and pats his back.** It's so good to see you.

Henry Espenson: You too! This is my girlfriend, Fiona. I brought her along, if that's okay.

Fiona: We're kind of inseparable. **They look at each other and both laugh. Identical laughs.**

Henry Espenson: So? What's the big mystery? Did I inherit money or something? Did my birth-father keel?

Fiona: **She punches him.** Henry!

Henry Espenson: So really? What's the deal?

Joy tries to speak but can't find the words.

Jerry Espenson: Let's go into the conference room where we all can sit. **He leaves and the others follow.**

In Judge Byron Fudd's courtroom Shirley has Owen Patterson on direct.

Shirley Schmidt: Are you currently serving in the military, Sir?

Owen Patterson: No, I'm a retired Captain for the US Army. I served until last year.

Shirley Schmidt: And what were your primary responsibilities?

Owen Patterson: For the last nine years I was mainly in recruiting. Getting young men to enlist.

Shirley Schmidt: Did you retire on good terms?

Owen Patterson: Not so much.

Shirley Schmidt: Could you tell us why?

Owen Patterson: Well. Ahem. It was suggested I retire after I was a little too outspoken on what I perceived as a backdoor draft.

Shirley Schmidt: Ah, when you say backdoor draft...?

Owen Patterson: I mean that we target the poor. No one likes to say it publicly, but that's what we do.

Shirley Schmidt: And you target low-income youth because...?

Owen Patterson: They needed the money. Most kids don't wanna go off and fight wars if they can avoid it so we hone in on the kids without options.

Shirley Schmidt: The poor.

Owen Patterson: The poor. We set up our recruitment stations in the poor neighborhood malls. And the poor highschoools.

Attorney Wade Mathis: **He gets up.** I'm sorry, can you at least tell me the connection to this case?

Shirley Schmidt: It goes to fairness, Mr Matis. **To the Judge.** We go after the lowest economic demographic in our society to fight our wars. These kids are risking their lives out of financial duress. They have...

Judge Byron Fudd: I'm sorry Ms Schmidt. This is an entirely different issue. This witness is disallowed.

Shirley Schmidt: Your Honor, I would like you to understand the context of this...

Judge Byron Fudd: No! We're gonna stay on issue! Now if you've got a witness who can talk about this case or the doctrine itself, well I'll listen. Otherwise this witness is disallowed! **Owen Patterson steps down.** Now who else do you have?

Shirley Schmidt: Yes, I would like to hear from the doctor who treated my client's brother.

Attorney Wade Mathis: The defense stipulated that he committed an avoidable error rising to the level of malpractice.

Shirley Schmidt: I'd like to hear from him all the same since...

Judge Byron Fudd: There's no point in hearing from the doctor! Unless you're trying to manipulate me with either horror or emotion, neither of which informs of us of the legitimacy or the lawfulness of the Ferris Doctrine.

Shirley Schmidt: Your Honor, certainly you're allowed to be horrified by the facts in this case!

Judge Byron Fudd: The doctor is disallowed!

Shirley Schmidt: In order to fully appreciate this doctrine and its capricious application Your Honor needs to hear testament...

Judge Byron Fudd: Now wait a minute, you've wasted enough of my time already. I'd like to hear summations from Counsel in this court tomorrow at ten AM. And then I'll rule. In the meantime I'd like to see Counsel in my chambers. **He pounds his gavel.**

In the conference room Jerry hold Joys chair as she sits down then he sits next to her across from Henry and Fiona.

Joy Espenson: Well, ah, ah, it might be best if this conversation were private.

Henry Espenson: Mom, whatever it is, I'm gonna tell Fiona. She's my soulmate. **Fiona looks at him and takes his hand.**

Joy Espenson: Okay. Well... the thing is, Henry... **A beat as she struggles for words. To Jerry.** Tell him.

Jerry Espenson: Well! Henry! Hello. Welcome. This is a little bit about your birth-father actually.

Henry Espenson: What? Did he croak?

Jerry Espenson: No, no, no. Well, we have no way of knowing one way or another since we have no idea who he even is.

Henry Espenson: Fiona's a sperm-donor baby too.

Fiona: It's one of the first things we bonded over.

Jerry Espenson: Yes! In fact you're not just sperm-donor babies but you both come from the same Sperm Bank actually.

Henry Espenson: Really?

Fiona: Cooooo! **To Henry.** You see, we're so much alike!

Jerry Espenson: More alike than you might imagine. It's possible you came from the same sperm donor.

Henry Espenson: **He laughs nervously.** What do you mean?

Jerry Espenson: Well, you may have um... the same birth-father. The odds are against it of course, but there's a wee chance... **He sighs.** ...that... Fiona... is... your... half-sister.

Fiona lets go of Henry's hand.



Henry Espenson: It can't be.

Jerry Espenson: I'm sure it isn't! But it might be.

Fiona: How can we know? For sure?

Joy Espenson: Well! That's the thing! Uh, we can't. We're trying. But so far... we can't.

In Judge Byron Fudd chambers, he comes and takes off his robe as Wade Mathis, Shirley and Alan follow him.

Judge Byron Fudd: I have been informed that Counsel has been wagering on this case. Is that true?!

Shirley Schmidt: **She looks at Wade Mathis.** That is absolutely false!

Behind Shirley, Alan seems to be looking for a hole in the wall to crawl into.

Judge Byron Fudd: Mr Shore?! What about you?

Alan Shore: **Innocently.** Me?

Judge Byron Fudd: I've been informed that you and Denny Crane have a side-bet for fifty thousand dollars!! Is that true?!

Shirley looks at Alan in horror.

Alan Shore: Well...

A beat>.

Shirley Schmidt: Alan?

Alan Shore: **A beat.** Proceeds go to the troops. I never bet on baseball! And I bet we'd win here! So it's not as if I'm throwing anything!

Judge Byron Fudd: Or the senior partner in your firm.

Alan Shore: Denny and I have these little side-bets all the time, it's not like... **He stops. To himself.** That answer won't remotely help me. **To the others.** I lied about that actually. Denny and I don't bet all the time. I never bet! I just... lie. My therapist recommends that I lie to get past... gambling problem.

Judge Byron Fudd: Well, I'm recommending you for disbarment as soon as this case is through. Alright!

Summation! Ten AM tomorrow.

Alan, Shirley and Wade Mathis leave, the Judge plunks down in his chair and leans his head on his hand.

In Denny's office, he is there sitting behind his desk looking at reading a Playboy magazine.

Alan Shore: **He barges in.** You told the Judge!

Denny Crane: What?

Alan Shore: About our bet! You told the Judge?!

Denny Crane: I did no such thing!

Alan Shore: Well, he knows, Denny! How would he know?

Denny Crane: Don't ask me!

Alan Shore: You never said anything to anybody?

Denny Crane: Well, I, I might have mentioned it to the clerk. In passing!

Alan Shore: I don't believe it!

Denny Crane: Calm down.

Alan Shore: You sabotaged a case of this firm, so you could win a bet! You sabotaged me!

Denny Crane: Keep your voice down.

Alan Shore: I will not keep my voice down! You sold me out! I'm up for disbarment now! You might be too!

Denny Crane: **He waves his hand.** I'll make a few calls.

Alan Shore: Denny! We wagered on a case! Do you have any idea how unethical that is?!

Denny Crane: Well, it's not like we bet on baseball!

Alan Shore: You did this to me! To your best friend! Winning a bet is...? My God!

Shirley marches in, slams the door shut and glares at Alan and Denny speechlessly.

Denny Crane: She looks mad.

Shirley Schmidt: Of all the things you have done. Never mind the illegality of it! The sensitivity! A soldier lost his life!

Alan Shore: Shirley...



Shirley Schmidt: There is no excuse, Alan!

Alan Shore: I wasn't about to offer any. It was stupid; we never should have done it. If I thought it would have any bearing on the case I never...

Shirley Schmidt: Of course it has bearing! The Judge now takes our case much less seriously because...

Alan Shore: Which was obviously Denny's plan. Which is why he told the clerk.

Denny Crane: Don't you sell me out!

Alan Shore: You sold me out! You betrayed me!

Shirley Schmidt: You both betrayed me! And this firm and the client. You sicken me. Both of you. **She leaves.**

Denny Crane: Maybe I shouldn't have told.

Alan Shore: Maybe?! You risked everything! Our friendship! Our trust! Our nights on the balcony! You put a stupid bet before it all. I mean... You know what? I don't care! I'm done! We're done! **He turns to leave.**

Denny Crane: Alan?

Alan Shore: **Without turning back.** I can't even look at you. **He slams the door after himself.**

In Judge Victoria Peyton's courtroom, she is at the bench; Jerry Espenson and Attorney Cynthia Rhodes are up before her.

Judge Victoria Peyton: So this isn't any kind of in vitro facility?

Attorney Cynthia Rhodes: No, Your Honor, it's simply a bank. People buy and sell sperm.

Judge Victoria Peyton: Do you buy and sell a lot of it? Or has the weakened American dollar taken its toll there as well?

Jerry Espenson: Your Honor, I certainly hope you're not finding humor in this. The consequences here are potentially dire!

Attorney Cynthia Rhodes: Look, the odds of two people from the same donor meeting are...

Jerry Espenson: Not preposterous! Many donors donate buckets of sperm over time. In fact, with designer-babies and genetic-engineering being the new must-have for wealthy families many prospective parents go looking for that athletic, good-looking man with the Ivy League degree. There are some donors who have sired more offspring than Secretariat. It's only a matter of time before two people from the same seed hook up!

Attorney Cynthia Rhodes: Crown Cyro Bank follows the guidelines recommended by the American Society for Reproductive Medicine. To specifically guard against the possibility of co-sanguinity! (sp???)

Judge Victoria Peyton: But it can happen. Looking at these two kids you can see the possibility!

Ryan Chism: Your Honor, if I may? We limit the number of live births per donor to twenty-five per population of eight hundred thousand.

Jerry Espenson: But you have no means of actually tracking that number. There's no obligation for the women to tell you the results of the purchases sperm once it's leave the depot.

Ryan Chism: We have binding contracts with our donors!

Jerry Espenson: But if you talk to adopted children they will tell you there is a need, even the ones raised by loving adoptive families. There is a fundamental, perhaps even primal need to know who and where they came from. And these contracts say, "No! Sorry! Sperm donors privacy counts more!" That's wrong! Parents have always treated children like chattel, like acquisitions, but this...!



Attorney Cynthia Rhodes: The UK passed a law ending the practice of donating sperm anonymously. Fertility clinics started to dry up! Some have no sperm at all. Desperate parents lose out.

Judge Victoria Peyton: Alright, I think I know the arguments. **Henry Espenson raises his hand.** Yes? Son? I just wanna say Judge, nobody ever consulted me! Now if I wanna know who I came from, who my birth father is? Does cancer run in the family? Are there any other diseases I might be more likely to get? Do I have any brothers or sisters? Is there anybody else out there who looks like me? I don't get to know any of that because before I was born some people entered into a contract.

In Alan's office, he is there sitting at his desk writing.

Denny Crane: He comes in smiling. I'm sorry.

Alan Shore: Go tell someone who's interested. I'm working on my summation.

Denny Crane: Alan... I...

Alan Shore: Get out! You don't do something like... Sorry isn't good enough.

Denny Crane: A beat as he turns to go back out, he stops and turns back again. Alan... I'm slipping! **Alan is listening.** What would ever possess me to... I mean I do crazy things but I, I always know what I'm doing and... My judgment on this was... I know I'm slipping. I'm so, so sorry. For me to have done this to the person I love most is... What's happening to me?

Alan Shore: Nothing's happening to you.

Denny Crane: Yes, it is. I'm not sure, maybe I shouldn't practice anymore.

Alan Shore: Look, don't over react.

Denny Crane: I told the clerk of a sitting Judge we had a bet on the case! If I'm going down, I'm not taking you down with me. It's time I quit. **He turns to leave.**

Alan Shore: He gets up and comes around the desk. If you quit work, Denny, your brain will shrivel up to the size of a small raisin and you surely will die. **A beat. He places his hand on Denny's arm.** Have you been feeling other symptoms lately?

Denny Crane: Sometimes I feel a little foggy. I don't seem to always get things.

Alan Shore: For example?

Denny Crane: Obama!

Alan Shore: Another example?

Denny Crane: The Patriots losing to the Giants!

Alan Shore: You're covering.

Denny Crane: A beat. The idea of not having you...

Alan Shore: You will never not have me.

Denny Crane: You said we were done.

Alan Shore: I was angry, Denny! I'll get by it. Our friendship will survive an act of poor judgment.

Denny Crane: Really?

Alan Shore: Really.

A beat. They share a hug.

Denny Crane: With his arms still around Alan. If you wanna call off the bet...

Alan Shore: I have no interest in doing that. I plan on winning.

Denny Crane: Double it?

Alan Shore: Done! Don't tell.

Denny Crane: I won't. Thank you, Alan. You forgive, I forget. We make a good team.

Alan Shore: Yes! We're a very... good team.



In Judge Victoria Peyton's courtroom, everybody rises as she comes in, both parties are present.

Judge Victoria Peyton: Alright! **Everybody sits.** Look, when I grew up it was relatively rare to meet a person who was adopted. Today, adoption is commonplace! As are multicultural families. Geology is almost considered irrelevant. But it is relevant. People do want to know their genetic history. Whether it is for medical reasons or just, well, to feel complete as one adopted friend recently told me. I agree with Mr Espenson. We cannot allow a contract to usurp the autonomy of a child. The current laws are anything but current, and they need to be reexamined. In the meantime I am not ordering the defendant to tell the plaintiff the identity of his biological

father, but I am ordering you to tell him if he and his girlfriend come from the same sperm donor. You have my ruling. We are adjourned.

Henry Espenson: So what happens now?

Jerry Espenson: Well, we at least find out if you two are related.

Fiona: How long will that take?

Jerry Espenson: I would think we'd know today.

Joy Espenson: Good work, Jerry. I'm very impressed.

Jerry nods and gives a half a dozen pops.

In Judge Byron Fudd's courtroom, the Judge and all parties are present as Wade Mathis gives his summation.

Attorney Wade Mathis: It isn't just the undue economic burden on the Government, Your Honor, though that alone would be crippling, but to subject the military hospitals to discovery? That could result in the free trade of military secrets! It could compromise military discipline. Representative Duncan Hunter, a member of the House Armed Services Committee and a former fighter pilot, consider what he said, "The Ferris Doctrine represents a reasonable approach to ensuring the litigation does not interfere with the objectives and readiness of our nation's military". Now think of it! Do we really want our military bogged down in depositions and motions when we're trying to fight a war? And finally, Your Honor, consider this, military hospitals tend to deal with high volume, and as Mr Shore noted, many catastrophic wounds. We want these kids getting treatment. The last thing we need is for doctors to be baulking out of fear of getting sued. If you take away this immunity, the reality is you'll lose doctors and our kids won't get the medical treatment they've earned. And deserve. Lawyer love to sue, it's what we do. It's how we heat our pools. But sometimes we have to put our country first. And failing that... **To Alan.** ...how about you put our troops first?

He sits down. Alan is now up.

Alan Shore: It's surprising to have to explain the rudiments of our legal system to opposing counsel, but I am not suing anyone. My client is suing because his brother, a soldier, was killed by a military hospital. By the way, there are no pools being heated here. I don't have one. And as for my client, he should be so lucky to have a house! Let alone a pool. Although I'm sure he'd prefer to have his brother. Private Richard Canfield was in the Fort Wayne Military Hospital getting basic follow-up treatment for wounds sustained in Iraq. Wounds he was healing from nicely. He began to have trouble breathing due to an adverse reaction to medicine he was mistakenly given, the doctor then inserted a breathing tube incorrectly and proceeded to pump air into his stomach! By the time they figured out their mistake fifteen minutes later, Private Canfield had severe brain damage. Three days later he died! None of this is in dispute! Had this same malpractice happened to me, or you, our estates would receive million dollar settlements! But because Private Canfield was a GI! Not a nickel! Apparently we can all live with that! This Ferris Doctrine is as unfair as it is patently ludicrous! There is no danger of revealing military secrets! Discovery would only go to medical records. And frankly I am mystified as to how this could possibly affect military discipline! Would the troops suddenly stop saluting? Or begin marching in crooked lines? And as for the supposed burden on the Government? You've gotta be kidding me! What about Private Canfield's horrific ordeal? Not to mention the obvious fact that while our Government will undoubtedly survive, Private Canfield did not! I would say to you, Your Honor, these are our kids who are dying. But it's not really our kids, it is? Not for the most part. It's the poor people's kids. And the dirty little secrets, I might say windfall of our record poverty and disparity of wealthy is that we've got plenty of poor people with kids to fight our wars.

Attorney Wade Mathis: I'm sorry, but I'm offended by that.

Alan Shore: Are you? Really? How about a Republican Presidential Candidate who opposes educational benefits for GIs so as not to encourage troops to leave the military? Keep their options limited. Does that offend you? How about all the war profiteering by the rich? How about the fact that while an Army Sergeant gets an annual salary of seventy thousand dollars, private security guards hired by Blackwater and Dyne Corp get four to five hundred thousand? Does that offend you? All kinds of wonderful lucrative deals can happen in war. But for the GIs? We've got the Ferris Doctrine! Which means, when a GI is killed by hospital negligence, or even deliberately by a doctor? Not a nickel! How can this not shock our national conscience? The media gives it little, if any, shrift. Mr Matis clearly doesn't care! And me? Hell, I even placed a bet on the case! **A beat. He sighs.** How can it be that we don't much care? Maybe because it's not our kids who are dying. It's the poor people's.

In Jerry's office, he is on the phone while Joy, Henry, and Fiona wait.

Jerry Espenson: ***Into the phone.*** Yes, yes that's fine I'll wait. ***In a whisper.*** I'm on hold.

Henry Espenson: They have the answer?

Jerry Espenson: It seems so.

Fiona: It's going to be fine. I read a study; people are attracted to other people who look like them. It's not unusual for us to resemble each other.

Jerry Espenson: *Into the phone.* Yes, thank you.

He puts down the phone and comes over to the others.

Henry Espenson: Well?

Jerry Espenson: *He sits down next to Joy. A beat.*

You have the same sperm donor. *Fiona gasps softly. Henry and Joy are devastated.* I'm sorry.

Fiona: This isn't fair.

Jerry Espenson: I'm so sorry.

Fiona's face is tear-stained. Henry gets up and leaves. So does Fiona.



In Judge Byron Fudd's courtroom, all parties are present as the Judge come out of his chambers.

Clerk: All rise.

Everybody does so.

Judge Byron Fudd: *He sits.* Be seated.

Everybody does so.

Judge Byron Fudd: *A beat.* I am allowing the plaintiff's case to stand.

Attorney Wade Mathis: Your Honor! The president set by the Ferris Doctrine...

Judge Byron Fudd: The Ferris Doctrine is no longer applicable in today's world.

Attorney Wade Mathis: Well then in that case the remedy is the legislator!

Judge Byron Fudd: I disagree, Counselor. This doctrine unfairly victimizes the poor. There are far more rich people registered to vote than poor people. This will never get fixed by an electable legislator. Never.

Attorney Wade Mathis: Your Honor...

Judge Byron Fudd: I'm allowing the case to stand! We are adjourned. *He pounds his gavel and leaves*

Alan Shore: Well.

Jason Canfield: What does this mean?

Alan Shore: It means for now you still get to sue. Hopefully we can settle it quickly.

Jason Canfield: Thank you.

Shirley Schmidt: I'll schedule a meeting with opposing Counsel and we'll see where it goes. I'll let you know.

Jason leaves.

Alan Shore: Shirley, I apologize again for any embarrassment that... *Shirley takes her bag and leaves. Alan watches her.* Okay.

On the balcony, Alan and Denny are there having cigars and Scotch.

Denny Crane: She'll forgive us. It sounds like she's already halfway there.

Alan Shore: What makes you say that?

Denny Crane: Shirley has no trouble expressing her displeasure. But, when she says nothing, or walks away in silence it's like she's saying, "I'm still angry, but I'll forgive you." *A beat.* Will you really forgive me?

Alan Shore: I did already.

Denny Crane: *He sighs deeply.* I can't believe I actually said that to the clerk. Promise me something, when I do something crazy you'll tell me.

Alan Shore: Okay, let's start with doubling the bet.

Denny Crane: Oh. *He reaches into his inside jacket pocket, pulls out a check and gives it to Alan.* At least tell me it's going to a good cause like a hooker.

Alan Shore: It's going to the troops, remember?

Denny Crane: Or right, yes, I feel better now.

Alan Shore: *He looks at Denny for a moment.* You okay, Denny.

Denny Crane: Oh yeah. *A beat.* You really yelled at me.

Alan Shore: I just lost my temper. I'm over it. *He takes a sip.* You know what's long overdue? You and me on a road trip.

Denny Crane: A road trip?

Alan Shore: Maybe we should go to Rome. Or the balcony on the other side of the building!

Denny Crane: Yeah! I got it! A Dude Ranch!

Alan Shore: A Dude Ranch?

Denny Crane: It's horses and sheep and fresh air and... sheep! Let's go West! To the Wild West!

Alan Shore: I don't really like horses.

Denny Crane: How can you not like horses?

Alan Shore: A Dude Ranch.

Denny Crane: You just leave it to me. I'll make all the arrangements! We'll have campfires and marshmallows and tents and sheep. Me and you.

Alan Shore: Fresh air will do us both good. That is what we need.

Denny Crane: **He sighs.** Thank you. For being... Thank you.

Alan Shore: I don't think you're slipping. I really don't.

Denny Crane: Okay.

