

L.A. LAW

"Guess Who's Going To Trial?"

Written by

Fred A. Bernstein

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CAST LIST

ARNOLD BECKER  
LELAND MCKENZIE  
ANN KELSEY  
DOUGLAS BRACKMAN, JR.  
ELI LEVINSON  
JANE HALLIDAY  
TOMMY MULLANEY  
DAVID MORALES  
STUART MARKOWITZ  
ROXANNE MELMAN  
JONATHAN ROLLINS  
BENNY STULWICZ

Steven Roth  
Jean Croteau  
Roth/Croteau children, ages 2, 3 and 4  
Anna Roth, age 74  
Helen St. Thomas  
Armistead St. Thomas  
James Hirschfeld (their lawyer)  
Rick Koshino  
Retired Judge  
Woman  
Juror #1  
Juror #2  
Juror #3  
Juror #4  
Juror #5  
Photographer #1  
Photographer #2  
Waiter (Kelsey/Hirschfeld lunch)  
Sandra Nunnerly  
Courtney (her secretary)  
Dr. Lindenbaum

SET LIST

INTERIORS

LAW FIRM:

BECKER'S OFFICE  
CONFERENCE ROOM  
OFFICE COMPLEX

SHOPPING MALL

"MOCK" COURTROOM

JURY ROOM OFF MOCK COURTROOM

CIVIL COURT - HALLWAY

RESTAURANT (KELSEY/HIRSCHFELD LUNCH)

DR. LINDENBAUM'S OFFICE

SECRETARY'S DESK (NEW YORK LAW FIRM)

HOTEL BATHROOM

ROTH/CROTEAU RESIDENCE

EXTERIORS

NEW YORK SKYSCRAPER

L.A. LAW

"Guess Who's Going To Trial?"

FADE IN:

1 INT. BECKER'S OFFICE - DAY

Becker is meeting with Steven Roth, a thirty year-old doctor.

BECKER

(looking at notepad)

Roxanne tells me I handled your sister's divorce.

ROTH

That's right. Karen Epstein. She and Art split up about four years ago.

BECKER

(his memory sparked)

Karen and Arthur Epstein! Boy, was that a messy break-up. Didn't they get into a tug-of-war over their son, and almost tear his arm off?

ROTH

Dislocated his shoulder. I don't know how my sister could have sunk so low. Maybe marriage isn't for everyone.

BECKER

Which brings us to the reason for your visit.

ROTH

Ah, yes. Wedded bliss.

BECKER

(again, from notepad)

Roxanne's note says this meeting is about you and Jean.

ROTH

Yes. Jean Croteau.

BECKER

(taking notes)

How long have the two of you been together?

ROTH

Nine years. We were medical school classmates. We met the first day of our first semester, and we were living together by midterms.

BECKER

And now you're wondering if that was just a wee bit hasty?

A nice looking man in his early thirties enters.

CROTEAU

Sorry, I got stuck in traffic. You know how bad the Four-O-Five can get this time of day.

He walks over and kisses Roth on the cheek.

ROTH

Mr. Becker, this is Jean. Jean Croteau.

BECKER

(confused)

This is Jean?

ROTH

This is the man I love.

BECKER

Did I miss something?

ROTH

Jean and I have decided to get married. The state of California won't give us permission, so we've come to you for help.

BECKER

I did miss something. What can I do?

ROTH

We want you to write us a marriage contract, and we want it to be just like the real thing. My sister says you know more about matrimonial law than anyone in California.

BECKER

And so you're willing to pay me \$400 an hour to concoct an imitation marriage?

CROTEAU

You can call it "imitation." We'd prefer to think of it as absolutely real. We've been talking about doing this for years, and now we're ready.

CROTEAU

We thought about suing California for a marriage license. But gay couples keep trying that -- and keep getting laughed out of court.

ROTH

Anyway, we don't want to spend our lives fighting -- the state or anyone. We're not trying to buck the system. We're just looking for a little peace and quiet. And we want the children to know we're committed.

BECKER

Children?

CROTEAU

(taking a picture out  
of his wallet)

Two boys and a girl.

SMASH CUT TO:

MAIN TITLES

2 INT. CONFERENCE ROOM - DAY

Staff meeting

BRACKMAN

All right. Getting started. Roth vs. Croteau.

BECKER

Versus is definitely the wrong word here. Steven Roth and Jean Croteau are two men who want to get married.

He hums a few notes of "Here Comes the Bride."

HALLIDAY

Married? Two men?

BRACKMAN

(sarcastically)

Welcome to L.A.

KELSEY

I think it's sweet.

BECKER

(incredulous)

Sweet? I have a reputation to uphold, Ann. And frankly, I'm not sure I want this sort of thing on my resume.

BRACKMAN

Homosexual marriages could become a very lucrative sideline for you, Arnie --

(glaring at Halliday)

-- any moral reservations aside.

KELSEY

Douglas, you're the last person who should be judging what other people do in their bedrooms. And, Arnie, the Bar Association has already recommended that gay couples be allowed to marry. So it's not like you'd be going out on a limb here.

MCKENZIE

Ann's right. I don't see anything wrong with drafting an agreement between two consenting adults, assuming that's what they are. Besides, the publicity we may get if we refuse could be disastrous.

MORALES

Right. We'll be known as the gay-bashing law firm.

MCKENZIE

My recommendation is that you take the case, but keep it under wraps. Any objections?

Silence all around; Halliday looks unhappy.

BRACKMAN

St. Thomas vs. Repro Labs Inc.?

KELSEY

Our client, Repro Labs, is a sperm bank. The St. Thomases are a couple who couldn't conceive -- apparently there was something wrong with his semen.

Markowitz shrinks under the table.

KELSEY

(continuing)

So they went to Repro Labs, and nine months later, Mrs. St. Thomas delivered a healthy baby girl .

BRACKMAN

Dare I ask what went wrong?

KELSEY

The St. Thomases are black. But the baby looks suspiciously light. Blond hair, coffee-colored skin. And now the St. Thomases are suing Repro for four million dollars.

BRACKMAN

(sarcastically)

Only four million?

LEVINSON

Does the sperm bank have a defense?

KELSEY

They've already admitted, in depositions, that the error was theirs. A clerk mixed up the vials.

Moans are heard all around.

LEVINSON

This sounds like another one to keep out of the papers.



KELSEY

If this story leaks, Repro will almost certainly lose its license. But the St. Thomases aren't dying for publicity, either. I don't think they want the world to know their daughter's skin color was a clerical error.

BRACKMAN

All we can say Ann is, good luck, and on a personal note, I'm glad I'm not handling this case. Canonero vs. Smith.

MULLANEY

Mine. Smith is the doctor who mistook a case of acute appendicitis for a stomach ache. Told the patient, Canonero, a former Mr. Long Beach, to take some Kaopectate. Seven hours later, Canonero's appendix burst. He's okay now, but he wants a million bucks for pain and suffering.

MARKOWITZ

(whistling)

A million here, a million there...

BRACKMAN

Let's just hope our clients' mind-numbing incompetence doesn't rub off on us.

MULLANEY

The trial starts Monday. The good doctor could come off looking like a quack -- which would make Canonero a very wealthy young man.

BRACKMAN

And what are you doing to make sure he stays poor?

MULLANEY

We're going to try the case in front of a test jury. Tomorrow afternoon.

MCKENZIE

Michael Kuzak used a test jury once. He got a lot of advice on how to part his hair, as I remember it, and not much else.

MULLANEY

There won't be any image consultants this time. It's a low-budget operation. They recruit jurors in a shopping mall -- people who have nothing else to do. We summarize the testimony, and then we watch the jurors deliberate on closed circuit TV. We'll be in and out in three hours, tops.

MARKOWITZ

And I'm going to play the plaintiff.  
(flexes his biceps)

MULLANEY

Typecasting.

KELSEY

Be glad you didn't get David's role.

MORALES

Sandra Nunnerly, hotshot New York attorney.

(in falsetto)

Do you think this blouse looks good with my pink skirt?

BRACKMAN

And exactly how much is this little theatrical adventure going to cost us?

MULLANEY

In addition to the pizza and beers for our rehearsal -- three thousand. Which Dr. Smith, or rather his insurance company, has already offered to pay. Because, if we lose this one, our client could be out a lot more than three G's.

LEVINSON

Why wasn't this one settled months ago?

MULLANEY

We've tried. We offered Canonero a quarter of a million bucks. But Nunnerly won't budge. Tough cookie. I've never met her -- and from what I've heard, I hope I never do. Does anyone here know her?

Silence all around.

MULLANEY

(continuing)

So we'll leave it to the test jury. If they go for less than two-fifty, we go to trial.

BRACKMAN

And if they go for more than two-fifty?

MORALES

Well, then, I guess we'll make Miss Nunnerly another offer.

CUT TO:

3 INT. CONFERENCE ROOM - DAY

Kelsey is meeting with Helen and Armistead St. Thomas, a well-dressed black couple. She's in her thirties; he's in his fifties. She is refined and soft-spoken; he is aggressive and loud. Their lawyer, James Hirschfeld, and the director of the sperm bank, Rick Koshino, who is Japanese, are also present.

KELSEY

At your first meeting with Mr. Koshino, did you tell him you wanted a black baby?

HELEN

He asked us if we would prefer a donor who matched Armistead's "physical type," and naturally, we said yes. We didn't want anyone to think the child wasn't ours.

KELSEY

So you never used the word black.

HELEN

No.

KELSEY

What do you think he meant by physical type?

ARMISTEAD

(brusquely)

Everyone here knows what physical type is.

KELSEY

Just in case, why don't you tell me.

HELEN

Height, weight, eye color, hair color --

KELSEY

And skin color?

HELEN

And skin color.

KELSEY

Did skin color ever come up?

HIRSCHFELD

Ms. Kelsey, your client has already admitted that one of his employees made a mistake, and that he never intended to impregnate Mrs. St. Thomas with the semen of a white man.

KELSEY

Well, as I understand it, he admitted that only after Mr. St. Thomas barged into his office, and screamed that he was going to -- quote -- beat my client's little yellow butt in.

HIRSCHFELD

Well, at that point, your client was still insisting he'd done nothing wrong. I believe his words were -- quote -- the sperm that impregnated Mrs. St. Thomas must have come from somewhere else. Unnnn-quote.

ARMISTEAD

(intimidatingly)

I'd still like to know what you meant by that, Koshino.

HIRSCHFELD

In fact, it wasn't until we threatened to haul in every one of his donors for genetic testing that he checked his records. That's when he discovered his employee's little boo-boo.

KELSEY

The bottom line is, without genetic testing, you don't know for sure whose sperm impregnated Mrs. St. Thomas. Do you?

ARMISTEAD

We know where the sperm came from, Ms. Kelsey, we know. And if you don't come across with the check, the world is going to know. And your client can take his mixed-up vials and go back to China where he came from.

KOSHINO

Japan.

KELSEY

Let's not make threats. Mrs. St. Thomas, how old is Diantha?

HELEN

(maternally)

Four months, eleven days.

KELSEY

And is she healthy?

HELEN

Very.

KELSEY

When she was born, was she healthy?

HELEN

Yes.

KELSEY

Did she have all the necessary parts?

HELEN

Parts?

KELSEY

Two eyes?

HELEN  
(sniffling)

Yes.

KELSEY

Two ears?

HELEN  
(now sobbing)

Yes.

KELSEY

So what exactly is your daughter missing, Mrs. St. Thomas? Four million dollars worth of pigment?

Helen wipes her tears and blows her nose.

ARMISTEAD

I don't know what you're trying to accomplish, Ms. Kelsey, but all you're doing is upsetting my wife. You know there isn't a white woman in America who wouldn't be revolted to give birth to a black baby. And we're just as capable of revulsion as you are.

KOSHINO

(under his breath)

And of racism.

HELEN

In answer to your question, Ms. Kelsey, we are bringing this suit because Diantha is going to be singled out for special treatment all her life. She will never be ordinary -- because of this man's incompetence. That's what she's missing. Not pigment -- opportunity. The opportunity to be like everybody else. Racism has nothing to do with it.

CUT TO:

4 INT. ROTH/CROTEAU HOUSE - DAY

A brightly colored living room. The walls are covered with children's drawings. The floor is littered with baby carriages, tricycles, toys. Becker has taken off his jacket, rolled up his sleeves, and is sitting on the floor with Roth and Croteau. With him are three children, ages 2, 3 and 4. Jackie is white. Frankie is black. And Sammy is somewhere in the middle. Roth's mother, who is in her seventies and speaks with a Yiddish accent, is holding Frankie in her lap.

ROTH

I'm glad you came out to the house. I think after you see the way we live, you'll understand why Jean and I want to get married.

CROTEAU

(introducing the kids)

This is Jackie. She's two. Frankie is three, and Sammy is four. Say "Hi," Sammy.

MRS.ROTH

(interrupting)

And I'm Steven's mother, Anna.

CROTEAU

(continuing)

All three kids were born with AIDS.

MRS. ROTH

AIDS, schmaids. Have you ever seen three healthier-looking children, Mr. Becker?

BECKER

(nervous)

They look fine. But aren't you scared they'll give you AIDS?

ROTH

The only thing anybody's giving anybody around here is love.

BECKER

And you gave up your career as a doctor to stay home with these children?

ROTH

This is precisely what we went to medical school to do. We're saving these kids' lives. No hospital can give them the kind of attention we're able to give them here.

CROTEAU

Steven's right. Until last year, we worked in pediatric AIDS wards. You never saw such sick children! We'd struggle day and night to make them better, so they could go home to their mothers.

MRS. ROTH

(disgustedly)

Those were no mothers.

ROTH

Their mothers were drug addicts or prostitutes, and most of them were dying. They couldn't handle their own problems, much less their children's. And so, a week, or a month, or two months after we sent them home, the very same kids would be back -- sicker than ever. Not from AIDS, but from neglect.



CROTEAU

I remember the first time I saw Frankie, he had eczema all over his body. His skin was like a snake's.

MRS. ROTH

And look at him now. Is this delicious skin, or what?

She takes Arnie's hand and puts it against Frankie's bottom. Arnie holds it there for a second, then pulls back.

CROTEAU

Jackie could hardly breathe. She spent the first nine months of her life on a respirator. Meanwhile, her mother was dying. She begged us to take Jackie home.

BECKER

And so you have.

CROTEAU

But it wasn't easy. It took us almost nine months to get through all the red tape. There are still a lot of people who don't think gay men should be allowed to raise children.

MRS. ROTH

Even if nobody else wants them. Can you imagine?

CROTEAU

We weren't able to adopt the kids together. Not two men. Not in this country. So, legally, Steven's their only parent.

ROTH

But to the kids, Jean's every bit as much of a father as I am. Even if the state won't recognize that, we can. And you can help us make it official!

BECKER

You brought these children back to life -- only to watch them die?

CROTEAU

Mr. Becker, we're all going to die. They may go sooner, but I wouldn't count on it.

ROTH

Children have been known to live ten years or more with AIDS -- and that's without the kind of care our kids are getting. No, Frankie, Jackie and Sammy aren't going anywhere for a while.

MRS. ROTH

Not until they leave for college.

ROTH

I can tell you this much: they're going to be here long enough to wonder who we are and why we wanted them. So it's important to let them know we're a real family.

BECKER

Most of my clients would tell you that marriage is the fastest way to destroy a relationship.

ROTH

Well, we're definitely not most people. Maybe if your clients had to jump through as many hoops as we've had to, just to get married, they wouldn't be so quick to get divorced.

MRS. ROTH

(to no one in particular)

You know, before my Herbie died, he said, "I have only one wish, Anna." And I said, "What is it, Herbie? What is it?" And he said, "That Steven marries and has children, and that he's as happy in his marriage as I was with you." Because we had forty seven beautiful years together, Herbie and me. Before his cancer came along, and wrecked our lives. Mostly his.

ROTH

(to silence her)

Ma!

MRS. ROTH

Of course, back then, we assumed Stevie liked women. Who knew? So naturally I said, "Don't worry, Herbie. I'll take care of everything. I'll make sure Stevie marries a nice girl and has children."

ROTH

Ma!

MRS. ROTH

Well, he's got the children, Herbie.  
(looking up at the ceiling)  
So I'm halfway home. All Stevie has to do is get married. And Mr. Becker here is gonna help him do that.

BECKER

(also looking at ceiling)

I'm still considering it, Herbie.  
I'm still considering it.

MRS. ROTH

(now staring at Arnie)

Maybe it's not the kind of marriage you approve of. Well, it wasn't my first choice, either, I've got to tell you. But if God hands you a fruit --

ROTH

You mean a lemon, Ma --

MRS. ROTH

You make lemonade.

ROTH

(louder)

Ma!

MRS. ROTH

(now stern)

Mr. Becker, when my daughter came to you and asked you to help end her marriage, you jumped at the opportunity. But when my son tells you he wants to get married, you're not sure you can do it. Is that correct?

BECKER

Well --

MRS. ROTH

Because that's just not right, is it, Frankie?

(bouncing Frankie  
on her knee)

It's not right, it's not right, it's not right. It's not right!

(Frankie joins in, and  
they're both making a racket)

BECKER

(to Jean and Steven)

I can tell when I'm licked. Listen, if the two of you stop by my office tomorrow, we can start to hammer out the details of this contract. Okay? But now I've got to get going. I have an appointment back in my office in half an hour.

CROTEAU

Probably just another straight couple  
disgracing the institution of  
marriage.

BECKER

(to Mrs. Roth)

It was a pleasure meeting you, Mrs.  
Roth. Will you be coming tomorrow,  
too? Or will you be sending Herbie?

MRS. ROTH

(still with Frankie  
on her lap)

Mr. Becker, I can't go running off to  
meetings. Who's gonna stay here with  
my grandchildren? Besides, I  
wouldn't dream of meddling in my son's  
business, now would I, Frankie?

FADE OUT.

END ACT ONE

ACT TWO

FADE IN:

5 INT. SHOPPING MALL - DAY

A young man, about eighteen, holding a clipboard, is recruiting shoppers for a test jury. He collars a shrill, annoying woman in her early thirties.

MAN

Can you spare three hours?

WOMAN

Hours? I don't have three minutes. Sorry fella. I've got to get back to my office.

(pointing to a run in her stocking)

Do you know the quickest place to buy a pair of hose?

MAN

Sorry. I'm just trying to put together a test jury. I'm having trouble finding enough people, and the judge is getting antsy.

WOMAN

Test jury?

MAN

Yeah. A couple of lawyers pretend to try a case. All you have to do is sit there and act like you're listening. It's not like you're really working or anything. And then you and the other jurors get to decide the outcome. It'll take about three hours, and it pays thirty dollars.

WOMAN

Thirty dollars, huh?

MAN

Yeah.

WOMAN

What's it about?

MAN

They don't tell me exactly. But I heard it has something to do with appendicitis. Nothing too complicated.

WOMAN

(softening up)

Appendicitis? Hmm! Where do I sign up?

CUT TO:

6 INT. MOCK COURTROOM - DAY

This is a conference room that has been set up to look like a courtroom. There's a small U.S. flag hanging on one wall. The judge -- a man of about 70, a retired jurist -- is sitting at a large oak desk. Six jurors -- including the Woman from the shopping mall -- are hurrying to take their coats off.

JUDGE

(not even waiting for them to sit down)

Now, ladies and gentlemen of the jury -- because that's what you are for the next couple of hours -- we are going to present a trial as it might unfold in a real courtroom. The actual trial could take several days; these gentlemen will summarize it in about two hours. And then we will ask you to reach a verdict. We will ask you to behave like an actual jury, and to consider the issues presented here as fairly and as objectively as you can. Any questions?

JUROR #2

If we're here more than three hours, how much money do we get?

JUDGE

Overtime is fifteen dollars an hour. But I'm sure that won't come up.

(to lawyers)

I know we'd all like to be out of here by five o'clock, wouldn't we?

JUDGE

(continuing, to jurors)

So let's begin. This case involves a twenty-three year-old man, Richard Canonero, and his physician, Dr., Stanley Smith. I call Richard Canonero to the stand.

Markowitz takes the stand

Mr. Morales is standing in for Sandra Nunnerly, Mr. Canonero's lawyer. Go ahead, Miss Nunnerly.

MORALES

Thank you, your honor. Mr. Canonero, what happened on the night of March 13, 1987?

MARKOWITZ

(assuming the manner of a macho bodybuilder)

After dinner, I started to have terrible pain in my stomach.

MORALES

How bad was the pain?

MARKOWITZ

It was so bad, I couldn't stand up.

MORALES

Stuart -- I mean Mr. Canonero -- what did you do about this pain?

MARKOWITZ

I tried taking aspirin. But it didn't help. So I tried Alka-Seltzer. And that didn't help either. So around eleven o'clock, I called my family doctor.

MORALES

Dr. Smith?

MARKOWITZ

Yes.

MORALES

And what did he say?



MARKOWITZ

He said to come over to his office.

MORALES

And what happened when you got to Dr. Smith's office.

MARKOWITZ

He took my temperature, and then he asked me to take my shirt off, and he felt my stomach.

MORALES

What condition were you in at the time, Mr. Canonero?

MARKOWITZ

My cousin, who was with me, said I looked like I was going to die.

MULLANEY

Objection. Hearsay.

JUDGE

(peevied)

Mr. Mullaney, in a real trial, I might sustain, and Mr. Morales -- I mean Miss Nunnerly -- would have the option of calling the cousin. But this isn't a real trial, and we don't have a cast of thousands. And we don't have a lot of time.

(looks at his watch.)

So give the witness a little leeway. Okay, counselor?

MORALES

And then what happened, Mr. Canonero?

MARKOWITZ

Dr. Smith said I had gastroenteritis.

MORALES

Did you know what gastroenteritis was?

MARKOWITZ

Yes.

MORALES

(correcting him)

Stuart --

MARKOWITZ

(back in  
character)

No. I'd never heard of it before. But  
it sure sounded important.

The jury laughs.

MORALES

And what did the doctor tell you to do?

MARKOWITZ

He told me to go to a pharmacy, and get  
some Maalox and some Kaopectate, and go  
home and take them, and if I didn't  
feel better in a day or two, to call  
him.

MORALES

And that's what you did?

MARKOWITZ

Yes.

MORALES

And then what happened?

MARKOWITZ

I went home. And the pain got worse. And I sat up all night. And by nine o'clock in the morning, I felt so bad that I couldn't stand it anymore. So my cousin rushed me to the hospital. And that's when I found out my appendix had busted.

MORALES

And they operated?

MARKOWITZ

Yes.

MORALES

And what was the result?

MARKOWITZ

Luckily, there was no permanent damage to my insides. But I could have died.

MULLANEY

Objection. Speculative.

MORALES

It's okay, your honor. Withdrawn. Mr. Canonero, you didn't die, did you?

MARKOWITZ

(as Stuart)

You really want me to answer that, David?

(now back in character)

No. I didn't die. But I used to go to the gym seven days a week, and now I just don't have the strength.

MORALES

And you have a scar, don't you?

MARKOWITZ

Yes. If they had caught my appendicitis in time, I would have a tiny little scar. But since it busted, they had to open me up to make sure everything inside was working okay. So the scar goes clear across my stomach. At bodybuilding competitions, people look at me like I'm some kind of freak.

MORALES

Can we see the scar?

Markowitz stands up and drops his pants. They fall to his knees. Taped to the front of his boxer shorts is a photograph of Canonero's scar. The jurors giggle.

MORALES

One more question. After your appendix burst, what did Dr. Smith say to you?

MARKOWITZ

Nothing. The man didn't even tell me he was sorry.

MORALES

Nothing further, your honor.

JUDGE

Mr. Mullaney, would you like to cross examine, quickly?

MULLANEY

Yes, your honor. Mr. Canonero, do you consider yourself to be in good physical shape?

MARKOWITZ

Well, before the accident I used to train --

JUDGE

(annoyed about the repetition)

-- Seven days a week.

MULLANEY

Was your stomach muscular?

MORALES

Objection. What relevance could this have?

MULLANEY

Your honor, in court, we will have an expert witness testify that, in the case of a young man with a muscular torso, it is extremely difficult to tell, through the normal manipulation of the abdomen, that the appendix is inflamed.

JUDGE

(to the jury)

Please try to imagine that an expert witness, not Mr. Mullaney, made that point.

(to Markowitz)

Answer the question.

MARKOWITZ

Of course it was muscular. How do you think I was crowned Mr. Long Beach an unprecedented three years in a row?

MULLANEY

Mr. Canonero, when you went to see Dr. Smith, were you able to walk into his office on your own?

MARKOWITZ

Yes.

MULLANEY

You weren't being carried? You weren't doubled over?

MARKOWITZ

No. But I was in a lot of pain.

MULLANEY

How did you describe your pain to the doctor?

MARKOWITZ

I told him I had the worst stomach ache I'd ever had.

MULLANEY

Did you tell him where it was?

MARKOWITZ

In my stomach.

MULLANEY

Your honor, please inform the jury that, in most cases of acute appendicitis, the patient can identify the location of the pain as in the lower right quadrant -- not just "in my stomach."

JUDGE

(quickly)

So informed.

MULLANEY

Mr. Canonero, you have asked the court to compensate you for the fact that, since your operation, you have not been able to appear at bodybuilding competitions. Is that correct?

MARKOWITZ

Bodybuilding was my life.

MULLANEY

But is there any medical reason why you can't continue to compete?

MORALES

Objection. The witness is not a doctor.

MULLANEY

Your honor, please apprise the jury that an expert witness will testify that there is no medical reason why Mr. Canonero can't resume all prior activities.

JUDGE.

(very impatiently)

And then the plaintiff's attorney will try to undermine the expert witness, by asking how much he's getting paid to testify. And he'll say -- what is it these days, fellas, about fifteen hundred dollars? And then the defendant's attorney will ask the expert witness if money is the only reason he came here. And he'll say, "No, I'm here today because I really believe in the defendant's case." And none of you will buy that, am I right?

(to lawyers)

Did I forget anything?

MULLANEY

(shaking his head)

Mr. Canonero, has this giant scar ever caused you any discomfort?

MARKOWITZ

No.

MULLANEY

Except when you take your clothes off, are you even aware it's there?

MARKOWITZ

No.

MULLANEY

Mr. Canonero, when you showed up at Dr. Smith's office, complaining of stomach pains, did he ask you what you'd had for dinner?

MARKOWITZ

Yes, and I told him I'd gone out for Mexican food.

MULLANEY

Spicy Mexican food?

MARKOWITZ

Yes.

MULLANEY

I have nothing further.

(to judge)

Except I'd like to explain to the jury that an apology from Dr. Smith might have been considered an admission of malpractice.

JUDGE

(impatiently)

Yes, yes.

CUT TO:

7 INT. RESTAURANT - DAY

HIRSCHFELD

It doesn't really matter what you say to them, Ms. Kelsey. We're going to go ahead with the suit. And it doesn't matter who's on that jury -- black, white or green. We're gonna win it.



KELSEY

Mr. Hirschfeld, my client offered to find a good home for the St. Thomases' baby. They refused to put Diantha up for adoption, which is to their credit. They love their daughter. So why do they want to put my client, who helped them have that daughter, through the wringer?

HIRSCHFELD

I'm not even hearing you, Ms. Kelsey. I'm just imagining how much you'd be suing for if you'd been the one who went to the sperm bank -- and your baby came out black.

KELSEY

(pensive)

Two million, and not a penny more.

HIRSCHFELD

I don't hear you yet.

CUT TO:

8 INT. OFFICE COMPLEX - DAY

ROLLINS

Ann, wasn't that Armistead St. Thomas I saw you with this morning?

KELSEY

Yeah, do you know him?

ROLLINS

Well, I don't know him. But I've been reading his columns in the Herald since I was a kid. And he spoke at my high school graduation. He used to be the conscience of the black community. A real leader.

KELSEY

And these days?

ROLLINS

Nasty, abrasive, divisive. More interested in inciting than inspiring.

KELSEY

He hasn't been too sweet in person,  
either.

ROLLINS

Why don't you call another settlement  
meeting, and let me speak to him. I  
may be able to remind him that he was  
once known for his sense of fair play.

KELSEY

Okay. But I've got to tell you, I  
don't think it will work. And Repro  
Labs' insurance company is about to  
buckle. They'd rather pay Mr. St.  
Thomas the four million than have this  
make the papers -- and risk getting  
sued by every sperm bank customer whose  
baby turned out to be less than  
perfect.

ROLLINS

I'm going to go do a little research.  
Let me know if the St. Thomases are  
available this afternoon.

TIME CUT TO:

9 INT. CONFERENCE ROOM - DAY

ROLLINS

Ms. Kelsey asked me to to assist her  
at this meeting.

ARMISTEAD

(to Kelsey)

You must be getting desperate.

(to Rollins).

Did she think because you're black,  
we'd be more accommodating?

ROLLINS

No. Frankly, she's not convinced I can  
make any more headway than she has.

ARMISTEAD

You can't. We're sticking to four  
million. Because, when the same thing  
happened to a white couple in New York,  
that's how much they got. Four big  
ones. And I want to send a message,  
loud and clear: I don't want your  
white baby anymore than you wanted my  
black one.

ROLLINS

Are you saying that bigotry works both  
ways?

ARMISTEAD

This has nothing to do with bigotry. This is about our right to expect our child to be a full-fledged member of our community. How's that gonna happen with Diantha? Will she reject us when she finds out she can pass for white? Already, strangers are making cracks. People we've never seen before look at us funny -- they think we did something wrong. Imagine how the kids will treat her when she's old enough to go to school.

ROLLINS

That may depend on whether you teach her to hold her head up high.

ARMISTEAD

Four million dollars will do wonders for her self-esteem. Don't you think so, Counselor?

ROLLINS

You know, I used to read you when I was a kid. You inspired me. You were a tireless crusader for social justice in this country

ARMISTEAD

That's when I thought social justice was possible in this country.

ROLLINS

You insisted that people not be judged by the color of their skin, that race shouldn't matter to anyone. Remember those days, Mr. St. Thomas?

ARMISTEAD

Times change. A lot of bad things have happened. Or haven't you heard, Rollins? Martin Luther King is dead.

ROLLINS

And you're the one who killed him. Last week, you wrote a column demanding the creation of an all-black high school in Watts. You said, and tell me if I'm quoting you correctly, that white teachers can't understand the needs of African-American students. Thirty six years after Brown vs. Board of Ed, and this is what it's come to. Why not just tell the white folks in the South who didn't want us niggers in the same schools as their children, "You were right all along." Because you've gone over to their side.

ARMISTEAD

This is all very interesting, Mr. Rollins, but I don't see the point.

ROLLINS

You ought to. I learned it from you.

ARMISTEAD

Well, unlearn it, Boy. 'Cause I was wrong. White people still hate us as much as they ever did. Maybe more.

ROLLINS

So you're going to hate back?

ARMISTEAD

No. I'm just going to stop trying to please the white man -- because nothing I do will ever be good enough. Not as long as I'm still black. And I'm going to get everything that's mine. And right now, that four million bucks has my name written all over it.

ROLLINS

When did Civil Rights stop being about brotherhood, and start being about greed?

KELSEY

Jonathan, we'd better end this.

ROLLINS

Okay, Ann. But I just want to tell Mr. St. Thomas something. Your daughter is a precious gift. Whether you accept her as your own is your business -- though I pray to God you will. My business is making sure my client doesn't have to shell out four million dollars because you're disenchanted with the state of race relations in America. So I guess we will be seeing you in court.

FADE OUT.

END ACT TWO

ACT THREE

FADE IN:

10 INT. BECKER'S OFFICE - DAY

BECKER

I should tell you guys that, technically, it's a conflict of interest for me to be representing both of you at once. You have a right to separate counsel.

CROTEAU

It's okay.

ROTH

Since we both want the same thing, there's no reason for us to have two lawyers. Besides, I don't think either of us would be willing to give you up, would we, Jean?

BECKER

(blushing)

So you do want to go ahead with this?

CROTEAU

We're not going to change our minds.

BECKER

And you're not afraid it will be confusing for your kids to grow up with two fathers?

ROTH

They don't seem confused. They call me "Daddy," and they call Jean "Fuffy."

BECKER

Fuffy?

CROTEAU

It's a name they made up.

BECKER

I'm referring to the fact that, when they go to school, and the other kids are drawing pictures of their mommy and their daddy, they'll be drawing pictures of two daddies. And I'm not sure that's fair to them.

CROTEAU

I think the most important thing is for us to be proud of who we are, which is why we're sitting in your office. I don't think you should raise kids if you're embarrassed about your life. I don't think that's fair to them.

ROTH

Those kids in school -- half of them won't be drawing their fathers, because they can't remember what their fathers look like. There aren't too many perfect families out there, Mr. Becker. I know a lot of kids who would be thrilled just to have parents who live together. I know my sister's kids would.

BECKER

Well, that may be. But no matter what magic I pull off with this contract, there are things you'll never be able to do, like file a joint income tax return. If one of you dies, the other won't collect a penny of his pension. And Steven, you'll never be covered by Jean's group health insurance.

ROTH

And on the bright side, we'll never be able to get divorced.

There's a commotion at the door involving Roxanne and Benny as we --

CUT TO:

11 INT. ROXANNE'S DESK - DAY

Roxanne is stopping Benny from entering Arnie's office with some packages.



ROXANNE

Benny, you can't go in there. Arnie's meeting with a couple of clients.

BENNY

Oh, I thought they were just friends. Arnie's clients are never two men.

ROXANNE

Well, these guys are a couple. They're gay.

BENNY

What's gay?

ROXANNE

You know, homosexual. It's when two people of the same sex love each other, and want to be together all the time. You know, when two men live together.

BENNY

Like with me and your father, when we were roommates.

ROXANNE

I don't think so, Benny.

TIME CUT TO:

12 INT. BECKER'S OFFICE - DAY

ROXANNE

(entering)

What happened to Steven and Jean?

BECKER

They're taking a lunch break. We have a lot more to talk about this afternoon. I never thought creating a marriage would be harder than ending one.

ROXANNE

You know, I've started wondering about something. Do you think Benny could be gay?

BECKER

Don't be silly. Benny's retarded.

ROXANNE

I'm not sure one thing has anything to do with the other. You don't need a high I.Q. to have a sex life.

BECKER

That's for sure. Just look at some of the bimbos I've dated. But why would Benny want to be gay? He has a hard enough time remembering how to be normal. Besides, he was in love with Alice, wasn't he?

ROXANNE

Alice was years ago. In fact, the last person I remember Benny expressing strong feelings for was my father.

BECKER

Your father. Now you're telling me your father was gay, too?

ROXANNE

Arnie, sometimes, you are so ignorant. Maybe Benny would be attracted to men, but, because he's retarded, no one ever told him that he had the option.

CUT TO:

JUDGE

You have heard, in somewhat abbreviated form, the outline of Mr. Canonero's case against Dr. Smith. You know that Dr. Smith mistook Mr. Canonero's condition for gastroenteritis -- which is what doctors call a stomach ache when they're trying to justify their fees. On the other hand, there may be some good reasons why he failed to make the proper diagnosis. And you understand the nature of Mr. Canonero's injuries. And now we are going to ask you to decide whether Dr. Smith should have to pay damages to Mr. Canonero. And if you decide he should, then we are going to ask you to decide how much. Keep in mind that Mr. Canonero's attorneys are asking for one million dollars. Is that clear?

(jurors nod their heads)

Then please file into the jury room, and begin your deliberations.

CUT TO:

14 INT. PSYCHOLOGIST'S OFFICE - DAY

Roxanne is meeting with a psychologist, Dr. Lindenbaum, a man of about fifty.

ROXANNE

Doctor, is it possible for a retarded person to be gay?

LINDENBAUM

Absolutely. It's not at all uncommon for a retarded man -- or woman -- to show homosexual tendencies. In fact, one Kinsey study showed a higher incidence of homosexuality among retarded men than among the male population at large.

ROXANNE

Why higher?

LINDENBAUM

Until recently, many retarded men spent their lives in institutions, where there was very little contact with women. That might have been a factor. Otherwise, nobody knows for sure.

ROXANNE

Do you think it's a problem if a retarded man is gay?

LINDENBAUM

Frankly, there was a time when parents were relieved if their retarded sons or daughters found partners of the same sex. After all, homosexuality avoids all the thorny issues of marriage, pregnancy, contraception. It's not easy to teach some retarded people to use birth control -- and repeated abortions are not a pretty sight.

ROXANNE

You said, "There was a time..."

LINDENBAUM

Well, for men at least, everything's different now. With AIDS, I mean. How can you allow a retarded man to have homosexual contacts that could lead to the transmission of the HIV virus? And with a lot of retarded men, explaining safe sex is impossible.

ROXANNE

I can imagine.

LINDENBAUM

I mean, the list of what you can and can't do is much too complicated. Let's face, it, a lot of people who aren't retarded have trouble getting it right.

CUT TO:

15 INT. BECKER'S OFFICE - DAY

BECKER

Okay, let's get back to work. Who owns the house?

ROTH

Right now, I do. But I'd like for us to own it jointly.

BECKER

Is Jean your sole means of support?

ROTH

Yes.

BECKER

And you have no plans to go back to work?

ROTH

Not until the kids are in school.

BECKER

So I'd like to put in that Jean agrees to support you, and in exchange, you will stay home with the kids --

ROTH

That doesn't sound very romantic.

BECKER

No, but it's the best way to create an enforceable agreement. Judges don't know -- and as far as I can tell, don't want to know -- about gay marriage contracts. But an employment agreement -- that they can deal with. So I'm giving you what you want, but in a form our legal system can handle.

ROTH

(sarcastically)

Are you putting sex on my list of responsibilities, too?

CROTEAU

If you are, make sure it says "unbelievably great sex."

BECKER

Not a chance. One word about sexual services, and the entire contract becomes invalid.

ROTH

What'll happen if one of us dies?

BECKER

Well, with a married couple in California, one third of the estate goes to the spouse, and two thirds to the children.

CROTEAU

If that's what straight couples do, it's good enough for us.

BECKER

Do you guys have any other questions?

CROTEAU

Well, just one.

(pointing to contract)

Where it says we "agree to cohabit jointly," could you also put in "to love and to cherish, to honor and to hold"?

BECKER

Well, I'm not sure a judge would understand that language.

ROTH

But would it do any harm?

BECKER

I guess not.

ROTH

And here, where it says, "Until such time as this contract is superseded," could you change it to, "Till death do us part." My mother asked for that one.

BECKER

Well, I'll do my best.

ROTH

We knew you'd see it our way.

BECKER

Okay, I'll need a few more days to finish this.

(he checks his calendar)

How about coming in next Tuesday at ten-thirty? I'll have the contract ready, and you can sign it then.

CROTEAU

Great.

Roth and Croteau begin to put their coats on.

ROTH

Arnie, is it all right if we bring the kids next Tuesday?

CROTEAU

And a couple of friends?

BECKER

(distracted)

Sure, bring anyone you want.

They start to leave.

BECKER

(calling to them)

Steven, Jean...

ROTH

Yes?

BECKER

Could I ask you something?

CROTEAU

Sure, Arnie.

BECKER

Do you know Benny, our messenger?

ROTH

Yes, we've seen him.

BECKER

Well, you don't think he's gay, do you?

ROTH

I have no idea. Do you, Jean?

Jean shakes his head.

BECKER

I thought you guys had some way of knowing who's gay -- you know, like a sixth sense.

ROTH

That's a myth. We have no idea.

CROTEAU

In fact, until you started talking about women all the time, we were pretty sure you were gay, weren't we, Steven?

Arnie looks devastated as we --

FADE OUT.

END ACT THREE



ACT FOUR

FADE IN:

16 INT. MOCK COURTROOM - EVENING

Mullaney, Morales, Markowitz and Judge are watching jurors on a closed circuit TV. . From time to time, we cut from the action in the jury room to the lawyers huddled in front of the TV. In the jury room, the Woman from the shopping mall is bossing everyone around.

WOMAN

Okay, we've all agreed the doctor was at fault. Now why don't we go around the room and see how much money everyone thinks Canonero should get. Let's start with you.

(Going around the table)

JUROR #1

I say we give him fifty thousand dollars. The doctor did make a mistake, but there was no permanent damage.

JUROR #2

I say one hundred thou.

JUROR #3

That sounds okay to me.

JUROR #4

You're all cheap. One hundred fifty.

JUROR #5

Fifty thousand is plenty. That guy is a whiner. There's nothing wrong with him. He ought to forget about what happened and get on with his life.

WOMAN.

I say we give him two and a half million. I know that's more than he's asking, but, remember, we have to think about punishing the doctor, too. I mean, the next time Smith makes a mistake, someone could die.

MULLANEY

Two and a half million. Is she crazy?

JUROR #1

It's true. Someone could have died. That doctor is a jerk. Maalox and Kaopectate!

WOMAN

Anyway, the doctor's insurance company is going to pay. It's not like it's even going to hurt him.

MORALES

They're not supposed to talk about who's paying.

MULLANEY

That's true. But jurors talk about all kinds of things. And there's nothing we can do to stop them.

CUT TO:

17 INT. BECKER'S OFFICE - EVENING

ROXANNE

(putting her coat  
on to go home)

Oh, Arnie, I forgot to tell you -- I talked to a doctor who works with the mentally disabled. And he said lots of retarded people are gay.

BECKER

Benny's not gay. Benny's a regular guy. He's just a little slow. And I don't want to hear another word about this, Roxanne! Okay?

ROXANNE

I guess I hope that, as ignorant and narrow minded as you are, you're right about Benny. Because the doctor said that if he is gay, it could kill him.

CUT TO:

18 INT. MOCK COURTROOM - EVENING

More than an hour has gone by. Mullaney, Rollins and Morales are sweating. The Judge is looking at his watch.

JUROR #3

So look. You've gotten us up to half a million dollars. All I want to do is go home. Aren't you satisfied yet?

WOMAN

I can't understand how you can be so cheap. It's not your money. The guy could have died. And now he's forced to live with that terrible scar. How can he stand up on a stage and show people his body?

JUROR #4

That scar was nothing.

WOMAN

Nothing? To me, he looked deformed. I don't know about you, but I sure wouldn't sleep with him now. He'll probably never have sex again.

MULLANEY

You were right. This woman is completely nuts-o.

JUDGE

(disgusted)

Now you know why I retired.

JUROR #4

Look, she is right about some things. It isn't our money. And it isn't even the doctor's money. And if we give him, say, two million dollars, he could certainly rebuild his life. Why not give him a chance to be somebody?

WOMAN

Two million dollars. Don't forget, it's not as much as you think.  
(with undisguised contempt)  
His lawyer will probably take a third.

JUROR #3

I'll agree to anything. I just want to go home.

JUROR #2

We were being kind of stingy. I wouldn't want to have that scar on my stomach for the rest of my life. Why don't we compromise on one-and-a-half?

WOMAN

(pushing)

Great idea. Is there anyone who won't live with one point five million dollars?

MULLANEY

That does it. Let's settle. I say we offer them their half a million -- and consider ourselves lucky if they take it.

CUT TO:

19 INT. HALLWAY OF CIVIL COURT - DAY

Rollins is waiting for the St. Thomases to arrive. He collars them as they walk down the hall with Hirschfeld.

ARMISTEAD

Ah, Mr. Rollins. I thought you were willing to take your licks in court. Why the eleventh hour ambush?

ROLLINS

Just one last shot at changing your mind.

(to Hirschfeld)

Okay with you, Counselor?

Hirschfeld shrugs.

ARMISTEAD

I'll give you thirty seconds. Then I'll see you in the ring.

ROLLINS

Wasn't your first wife white?

ARMISTEAD

Yes, Arlene was white. You've been doing your homework, Rollins.

ROLLINS

Yes, but I can't seem to find out if you and Arlene had children.

ARMISTEAD

No, although I don't mind telling you we tried. It's possible I've been infertile all along.

ROLLINS

Intermarrying was fashionable in the Sixties, wasn't it? Back then, you stood for integration. Peace, brotherhood and free love, right?. You were practically a poster child for miscegenation.

ARMISTEAD

Times change.

ROLLINS

You keep saying that. What you're forgetting is, times change because you change them. You don't just react. Every day, you tell millions of people what to think.

ARMISTEAD

Would that I had that power.

ROLLINS

You do. Because you had it over me. My father started reading me your columns when I wasn't much older than Diantha. Back then, you were inspirational. Now you're just a crank with your name in the paper.

ARMISTEAD

Excuse me, Mr. Rollins. I have a date in court.

ROLLINS

Just one more question, Sir. How are you going to explain this lawsuit to Diantha? Someday, she'll ask about it. What are you going to tell her? "Well, dear, we loved you, of course, but when realized you were half white, we figured we were owed a partial refund? Why don't you write her a column about it? That's one I'd love to read.

HELEN

Let's go.

ROLLINS

(continuing)

Which is it, Mrs. St. Thomas? Are you going to tell your daughter that skin color doesn't matter, or that it matters this much.

(pointing to courtroom)

ARMISTEAD

All I know, Rollins, is that you'll say or do anything to hold onto your client's money. You're only here because you want to save some lily-white insurance company from overdrawing its checking account.

ROLLINS

You're wrong again, Mr. St. Thomas.  
That lily-white insurance company  
decided to settle with you this  
morning. And they sent me as their  
messenger boy.

(he takes a check and a  
release out of his pocket and  
hands them to St. Thomas)

Sign the release.

(St. Thomas does)

Congratulations.

(with disgust)

You're four million dollars richer.  
And only one reader poorer.

(he storms off)

CUT TO:

20 INT. ROXANNE'S DESK - DAY

Arnie comes rushing toward his office, looking at his watch. He's late for his ten o'clock meeting. As he approaches his office, he sees Roxanne, sitting at her desk, sipping champagne. And he hears a lot of noise, including music and laughter, coming from his office.

BECKER

What's going on in there?

ROXANNE

(matter-of-fact)

You told Steven and Jean they could  
bring some friends to the contract  
signing.

Arnie walks into his office. The camera follows him.

21 INT. BECKER'S OFFICE - DAY

Inside are maybe fifty people, including Roth, Croteau, Roth's mother, the three children, assorted friends and relatives, three or four newspaper photographers, a band playing wedding music, bartenders pouring champagne into glasses, and waiters circulating with trays of canapes. There's also a giant wedding cake on the corner of Arnie's desk. People are dancing, congratulating each other, stuffing food into their mouths. It's a circus. Arnie can barely find his way through the crowd to his desk.

ROTH

Hi, Arnie. We're ready for you.

BECKER

(sarcastically)

I can see that.

(opening his briefcase and  
taking out contract)

Well, the papers are right here.  
Steven, you sign on this line.

ROTH

(signing the contract)

I do.

BECKER

And Jean, you sign on this one.

CROTEAU

(signing the contract)

I do.

Croteau and Roth are standing on opposite sides of Becker, beaming. The three children are climbing all over Becker, and Mrs. Roth is also crowding in. Roth whispers something into Arnie's ear.

BECKER

(sheepishly)

Okay, I guess, if it's really important  
to you, I can say that.

ROTH

It's important.



WOMAN (OS)

Half a million, huh? Courtney, call this Mullaney character back and tell him we'll take it -- but only if he gets the check to us by nine o'clock tomorrow morning. Nine o'clock New York time.

CUT TO:

25 INT. NEW YORK LAW FIRM - DAY

COURTNEY

Yes, Mrs. Nunnerly.

CUT TO:

26 INT. HOTEL BATHROOM - DAY

WOMAN (OS)

Oh, and one other thing, Courtney. Don't try to reach me again today.

The camera pulls back to reveal that the woman talking on the phone, Sandra Nunnerly, and the woman who manipulated the jury are the same person.

WOMAN

(continuing)

I'll be taking the afternoon off.

She is taking a sip of champagne as we

FADE OUT.

THE END