

DIMINISHED CAPACITY

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CAST

HERB KRAMER...a lawyer 40s

LOURDES LLUVERA...a defendant 20s

CINDY HAMMOND...a lawyer 30s

MIRANDA MORALES...a lawyer 30s

LARRY WEISKOPF...an assistant United States attorney 30s

JUDGE KENNETH RYAN...a federal court judge 60s

TED MASTRO...an English professor at City College 50s

SHARON ROGERS...a waitress 20

ROBERT NOVAK...a psychiatrist 30s

JENNIFER D'ONOFRIO...a court reporter 30s

Also: Lorraine and Professor Rivera, two offstage voices with a couple of lines.

Various settings: Offices, a courtroom, a coffee shop, a theater, a theater lobby, apartment interiors; all to be minimally represented by suggestive set pieces.

ACT I

1. GETTING TO KNOW YOU

(HERB and LOURDES are sitting on a couch)

HERB

I've never had sex. I've made love, of course, I mean I am 35 years old, but I never had sex. What I mean by that is while sex is like contact between body parts, making love is more a meeting of the minds. It's like the difference between basketball and chess. There's no real strategy to basketball, maybe a little technique, but basically you know why you're there, to get the ball in the hole. With chess you have to think about which piece to move, what piece your opponent is going to move, and what it all means. Basketball is Zen, you just do what you're doing in the moment. Chess is all about trying to figure how what just happened is going to affect what's going to happen. *(Beat)* I really want to have sex. I used to think that was basically a man thing, that women never really want to have sex, just make love. But I'm thinking maybe it's just that the women I've met never wanted to have sex with *me*. You see, the problem is I'm just not sexy enough -- or at all. Women don't see me as a particularly attractive combination of body parts. So what I learned was that I'm better off trying to get them interested in the intellectual, emotional, psychological, cultured, sophisticated, caring, sensitive me. But the way you do that is by talking and getting to know each other and feeling each other out about what you want, and that means getting involved in a relationship. And once you do that, you can never have sex with them. So I end up in relationship after relationship with women I never wanted to have relationships with, only to have sex with, but never did. Because I talked myself into it. *(Beat)* And you know what? I'm a lousy chess player. *(Beat)* I would one time in my life love just to have sex. I'm sorry, I must be boring the life out of you.

LOURDES

You had me for a second with the basketball part. After that I kind of zoned out. But listen, Honey, you paid for me, you want to talk, you can talk, you want to fuck, we'll fuck.

HERB

Right. Well, maybe we should do that then. The bedroom is in there.

LOURDES

(LOURDES takes out a condom) Don't forget this.

HERB

Oh, God, do we have to use that? They take all the spontaneity out of sex.

End of scene

2. BACK IN THE HIGH LIFE AGAIN

(Courtroom of JUDGE RYAN. CINDY and MIRANDA sit at counsel table looking through papers)

CINDY

Why can't they just use ounces and pounds? Do you have a conversion table?

MIRANDA

Which one are you representing?

CINDY

Hector Soto. Although I'm beginning to wonder if this is my case. Can you find his name anywhere in the indictment?

MIRANDA

Yeah, in the only place it counts. Right after United States versus. They certainly got my lady. Here she is carrying the drugs in a Bloomingdale's bag.

CINDY

Can we crunch some numbers? How much did they recover?

MIRANDA

Well, (b)(1)(B) weight. That's five minimum. And the weapon. That's another five.

(LARRY enters)

LARRY

Where is everybody?

CINDY

Hi, Larry.

LARRY

Hi, Cindy. Where is everybody?

MIRANDA

They adjourned it until four; didn't you get a call?

LARRY

I left my phone in my office.

MIRANDA

My office; God, when is the last time I saw my office?

CINDY

Do you two know each other?

LARRY

Only by reputation. Cleaned up Brooklyn and now you're moving on to us?

MIRANDA

Something like that. And don't be fooled by reputation. It all comes from being able to lose with panache.

LARRY

Well, now I'm really looking forward to this trial. Maybe I can learn something. I never studied panache at NYU.

MIRANDA

Smart move. Prosecutors don't need to study panache.

LARRY

What do we need to study?

MIRANDA

Contracts.

CINDY

Larry, let me informally introduce Miranda Morales.

LARRY

Hi. (*LARRY and MIRANDA exchange cards*)

CINDY

Larry and I went to NYU together.

MIRANDA

So, what's this case about, Larry?

LARRY

You have a copy of the indictment, read it yourself.

MIRANDA

(*With a stereotyped accent*) Let me 'splain something to you, Mr. Weiskopf. Everytime you speaking to me I have to translate what you say to Puerto Rican. If you make me read that indictment, I first have to translate from Legalese to English and then to Espanish. And that is all billable time, which, since I'm assigned counsel, the government has to pay for. You translate it for me you'll save the government that expense and you'll make me happy, Ms. Hammond happy and even Rand Paul happy.

LARRY

(Smiles; beat) Okay. We got Echevaria on tape making the deal with the undercover. We got surveillance videos of him at the apartment of Lydia Rodriguez --

CINDY

Is that your lady?

MIRANDA

No, I'm Lluvera.

LARRY

We got another tape of a second deal, and we got your lady carrying the drugs with Echevaria and the other guy. They met the undercover at a restaurant and your guy --

CINDY

Finally.

LARRY

-- was the lookout outside.

CINDY

That's it? All you got on my guy is he's standing outside a restaurant?

LARRY

So far.

CINDY

How did you ever get the grand jury to indict him on that?

MIRANDA

Maybe he looks like a ham sandwich.

LARRY

You'll have to wait for the discovery, Cindy.

CINDY

Great. I'm going to enjoy trying this one.

MIRANDA

Okay. Now the 64 dollar question.

(LARRY just stares at her)

MIRANDA

I can file some really annoying motions when I don't get my way.

LARRY

Indictment's just come down. No one's talked to me -- yet.

MIRANDA

Thank you. Now let me ask you this: This card says assistant chief of narcotics. Why would you be trying a Mickey Mouse case like this? (*Indicating CINDY*) Class reunion?

CINDY

Yeah. The last time I talked to you you said you were waiting to be transferred to Organized Crime.

LARRY

I'm still waiting. So far my supervisors have been surprisingly unappreciative of my unique talents. But maybe this case will open their eyes. (*Beat*) When the undercover was at the apartment, he thought he saw someone that the boys in OC have been wanting to nail for a long time.

MIRANDA

Jennifer Lopez?

LARRY

He thinks it was Nicky Norberto.

MIRANDA

Please. What would that greaser pig, Nicky Norberto, be doing with these losers?

LARRY

Getting laid is my guess. In the past he's shown a penchant for Hispanic women.

MIRANDA

As I said, a man of impeccable taste.

CINDY

Nicky the Neak?

LARRY

One and the same. Which is why I'm on a Mickey Mouse case like this. Nicky is my passport out of narcotics. So, get on your clients in a hurry. First come, first serve. Whoever agrees to cooperate first gets the best deal. Whoever gets to me last has nobody left to inform on.

MIRANDA

Larry, do you know what Nicky did to the last guy he thought was fingering him?

LARRY

Word eventually filtered down even to my office.

MIRANDA

You think my client is going to put her life on the line?

(JUDGE RYAN enters, a cigar in his mouth. Everybody stands up)

JUDGE RYAN

What's happening? Where is everybody?

MIRANDA

There was a problem at the MCC, Judge.

JUDGE RYAN

Typical. I have a very tight schedule, you know. Very tight. (Beat; looks around) This is my courtroom, right?

CINDY

Yes, Judge.

JUDGE RYAN

This new courthouse, like a maze, like a maze. Yesterday I wandered into Judge Morrison's courtroom. Was halfway through openings before I realized. What a dog of a case that was. *(Noticing LARRY)* Oh, Weiskopf. You're on this case?

LARRY

I have that pleasure, yes, Judge.

JUDGE RYAN

(Sarcastic) Pleasure, right. *(JUDGE grabs indictment from MIRANDA)* What is this about? Narcotics, obviously.

LARRY

Yes, Judge.

JUDGE RYAN

(Mumbling as he reads) What is this? This is shit, what is this? What am I looking at? *(Holding indictment out to MIRANDA)* What does this look like to you?

MIRANDA

Shit, it looks like shit.

JUDGE RYAN

What are you doing on this piece of shit, Weiskopf? Aren't you chief of the bureau or something?

LARRY

Assistant chief, Judge.

JUDGE RYAN

Assistant chief. Amazing. *(To CINDY)* You're too young to remember this, Ms. Hammond, but when I was a kid they would deliver the milk in glass bottles, leave it outside the door, and we kids would fight to get the cream. *(Pointedly at LARRY)* Now that everything is homogenized there's no telling what will rise to the top.

LARRY

My last two cases plead and I felt I was getting rusty so I took this case, you know, just to get back into the courtroom.

JUDGE RYAN

(Sharply) Well, this case better plead out too because I'm not wasting my time trying a bunch of punks off the street. You want to practice, argue with your wife. Do you hear what I'm saying, Weiskopf?

LARRY

We do our best, Judge.

JUDGE RYAN

Yeah, well that's a weak excuse.

LARRY

I know you've had some problems with our office, Judge. But I can reassure you --

JUDGE RYAN

Wrong, Weiskopf. I don't have any problem with your office. Most of the kids in your office are fine. But it's a shonda to worry so much about the law and so little about people. That's not your office, Weiskopf, that's you. *(To MIRANDA)* You're Morales, right?

MIRANDA

Yes, Judge.

JUDGE RYAN

You sure impressed the hell out of Judge Sweeney. She told me all about you.

MIRANDA

I got a little lucky.

JUDGE RYAN

(Looking at her) But she didn't tell me what you look like. Looks like I got a little lucky. You might almost make it worthwhile trying this case. *(To LARRY)* But not quite. Get rid of this, Weiskopf. I'm sick and tired of being a training ground for your office with these nickel and dime busts. You hear me?

LARRY

Loud and clear, Judge.

JUDGE RYAN

Call me when they show up. Where's my robing room? (*JUDGE RYAN leaves*)

MIRANDA

(*To LARRY*) What a break that you got wheeled out to him.

LARRY

Please, don't get me started. Let's stick to business, okay. I want Nicky Norberto and if you don't help me put him away I'll find someone who will. (*Looks at his watch*) I'm going back to my office. I'll see you at four.

CINDY

Bye, Larry.

(*LARRY leaves*)

MIRANDA

Whoa, Cindy, that's a friend of yours?

CINDY

No, just an old classmate.

MIRANDA

Can you tell him to lighten up a little?

CINDY

He's really not that bad. It's just that when he gets his mind set on something he tends to ignore the traditional social amenities. You have to forgive him.

MIRANDA

If it was so easy to forgive people for that, we'd be out of business. (*MIRANDA picks up a book*) Now for the sentencing guidelines. You wouldn't happen to have a calculator, would you?

End of scene

3. SOCIAL STUDIES

(SHARON's apartment. TED on couch in shirt and underwear reading a manuscript)

TED

Do you really believe this?

SHARON

(From off) Yes, every word. What are you talking about?

TED

This paper on Kazan.

SHARON

(Entering) Who told you you could read this?

TED

You did.

SHARON

I never said anything about --

TED

You left it lying on the couch. Your subconscious gave me permission, practically begged me to read it. It would have been insensitive to have ignored such an obvious, if unexpressed, desire.

SHARON

Your track record of being in touch with my unexpressed desires leaves a little wanting.

TED

Is that an allusion to what just transpired in the bedroom?

SHARON

(Leafing through paper) Do I believe what?

TED

Are you impugning my very 80's equal orgasm opportunity bedroom technique?

SHARON

Are you impugning my paper? I got an A on this.

TED

Yes, I see. And I'm sure Professor Korowski's imprimatur on your work represents the ultimate validation of your analytical sensibilities --

SHARON

(Sarcastic) God, you get me hot when you talk like this.

TED

-- but I did see *On The Waterfront*, several times actually.

SHARON

Oh, you mean where it says -- *I* say Kazan was attempting to justify giving names to HUAC.

TED

Exactly. Do you really believe that?

SHARON

Yes. I think it's obvious.

TED

Not exactly an original theory by the way.

SHARON

I know that. I just mention it in passing, it isn't -- *(TED is writing something on her paper. SHARON grabs his pen)* -- what are you doing?

TED

You misspelled desperate. Sorry, it's an uncontrollable compulsion.

SHARON

I just think when you have some ex-commie fingering his friends and then making a film in which a hood who fingers his fellow hoodlums is a hero, there's a connection there.

TED

So your paper says. I would just point out that he didn't write it, he just directed it. But, like I said, you don't have to convince me. Obviously Korowski bought it, he gave you an A.

SHARON

Damn straight.

TED

Unless, of course, you're sleeping with him too to get a grade.

SHARON

(Beat; SHARON stares at him)

TED

Uh-oh.

SHARON

You think I'm sleeping with you to get a grade?

TED

No. Not entirely --

SHARON

Is this some other conversation you had with my subconscious?

TED

Look, I know you're not the kind of person who would do something like that.

SHARON

Yes I am. If I needed something badly enough I would in a heartbeat.

TED

So what are you upset about?

SHARON

That you're questioning my intelligence.

TED

I never said anything like that.

SHARON

If I was smart, why would I need to sleep with anybody to get a grade?

TED

I don't know. It was a joke.

SHARON

Stick to teaching. As a comic you have terrible timing. (*Beat*) Of course, I can see that you might be.

TED

Might be what?

SHARON

Sleeping with me to get a grade, especially with the problems you've been having at home with your wife.

TED

What problems? I haven't said anything about any problems.

SHARON

I'm not the only one with a loquacious subconscious.

TED

Loquacious? Now I think you *are* fucking me for the grade. What secrets did you think you divined from my subconscious?

SHARON

Need. Every time there was a stroke or grope or kiss or bite that should have resonated lust, all I felt was need.

TED

(*A beat*) I'm sorry. That can't have been terribly erotic.

SHARON

On the contrary. Looking at it in a certain way, it was really pretty kinky. Just a little self-indulgent perhaps.

TED

I have been better. No offense.

SHARON

None taken.

TED

(*Beat*) I love cats. The one I have now, Astarte, after my wife leaves in the morning, climbs into bed and screams very loudly in my ear. I awake and jump up, realize it's her, lie back down in the bed, close my eyes, reach out my hand and start scratching the air. Astarte then moves her body under my scratching, first the head, then the neck, then the base of the tail and then the jaw and so on until she is satisfied. She knows where she wants to be scratched.

SHARON

(*Beat*) Understood. I accept your offer to make it up to me.

TED

I made no such offer.

SHARON

You forget my intimate association with your subconscious.

TED

(*Chuckles*) All right. What do I have to do?

SHARON

It's simple. You go back into the bedroom, lie back on the bed, close your eyes and stick out your tongue...meow.

End of scene

4. THE LEGAL SYSTEM

(Courtroom. JENNIFER sets up her machine. LARRY enters)

LARRY

Whoa, look who's here. What did I do to deserve this?

JENNIFER

My judge is skiing this week, I'm covering for Marnie. And what does that mean? Deserve as in punishment or deserve as in reward?

LARRY

Here we go again. Is this about last night?

JENNIFER

I get off the phone with you and I don't know what we just talked about. I ask you a simple question about where our relationship is going and I get these convoluted arguments about where it's been, with citations to past conversations, and I feel like a juror who's just been summed up to. I was talking to my cousin Theresa, and she points out to me that this is looking more and more like my old pattern. And you told me this was going to be different, Larry. I'm thirty-five, I want kids, I don't want to be wasting my time in a relationship that's going nowhere.

(MIRANDA enters)

MIRANDA

Mr. Weiskopf.

LARRY

Miranda. Where's your client?

MIRANDA

She's supposed to be here.

LARRY

Right. What's the area code for Santo Domingo?

MIRANDA

She's not going anywhere. She has a three year old, she's going to school --

LARRY

I heard all this at the bail hearing, Miranda. *(Beat)* So where are we?

MIRANDA

You tell me.

JENNIFER

You want me to leave?

LARRY

(LARRY does a brief double take) Uh, yes. Thanks. *(JENNIFER walks off to the side)*
Standing offer from our office. If she talks with us and is willing to testify, you get your letter.
Otherwise, we go to trial and she faces five, maybe ten.

MIRANDA

Duh! This isn't my first case, Larry. *(Beat)* I'm not going to be able to give you Nicky.

LARRY

Then give me somebody who will.

(LOURDES enters)

LOURDES

Sorry I'm late, Ms. Morales. My sister had some problem and I had to leave my son with a friend.

MIRANDA

That's alright. The judge isn't down yet. But I did want to talk to you about something. Excuse us please, Larry?

LARRY

(LARRY moves away to JENNIFER) Sure.

LOURDES

How you doing, Mr. Weiskopf?

(LARRY and JENNIFER are now in one part of the courtroom; MIRANDA and LOURDES in another)

MIRANDA

Have you thought about what we talked about?

LOURDES

Yeah. I think it stinks, Ms. Morales.

MIRANDA

Nobody is holding a gun to your head, Lourdes. We can go to trial if you want.

LOURDES

And I lose, right? And I go away for five years, right?

MIRANDA

If you get convicted, which you probably will, that's the mandatory minimum. We still have to deal with the gun and the Guidelines.

LOURDES:

Which is?

MIRANDA:

They take this history of you and you get points added for the bad things, like previous convictions or what role you played in the crime, and you get points taken off for the good things.

LOURDES

Like?

MIRANDA

Like admitting your guilt and cooperating.

LOURDES

(Sighs).

MIRANDA

When they add all the points up, that tells the judge how many years you're going to get.

LOURDES

I think I got more bad things than good things.

MIRANDA

That'll help if you want to run for office.

LOURDES

There's got to be something I can do.

MIRANDA

Yeah. You got to get a letter. Once you agree to cooperate, the judge can then give you a lesser sentence.

LOURDES

And to get this letter I have to --

MIRANDA

-- tell the government everything you know about this deal.

LOURDES

They know everything I know. They arrested the guys I was with and that lady whose house we used.

MIRANDA

That's how the government works. You agree to testify against somebody and then that person agrees to testify against somebody else and it keeps on going until eventually they can indict the Pope if they want to.

LOURDES

Where am I going to go if I do this? I can't face anybody back in the neighborhood, I can't face my friends.

MIRANDA

It's that or jail, Lourdes. I can't give you any better news than that.

(Crossfade to JENNIFER and LARRY)

JENNIFER

So?

LARRY

What are my choices?

JENNIFER

Don't play with me, Larry. I want to know if anything is going to happen here.

LARRY

Everything that's gone on so far, that's what's going to happen.

JENNIFER

Not with me, Larry.

LARRY

Do you know what would happen if I just walked in on my wife and said I'm out of here? She'd go nuts.

JENNIFER

You told me it was over.

LARRY

Look, we're going to separate. We've sort of talked about it. But there's a long list of things to consider in these situations.

JENNIFER

(JENNIFER looks at an imaginary list) Here we are, item 63: Jennifer's feelings.

LARRY

How am I going to be able to face my mother? She loves Rachel. How can I tell her I'm leaving her?

JENNIFER

No one is holding a gun to your head, Larry. You want to stay married, fine. Is this like some pang of guilt, some moral obligation? I just want to understand it.

LARRY

Of course it's not a morality thing, don't be juvenile. I'm just trying to be practical.

(Crossfade to MIRANDA and LOURDES)

MIRANDA

So, do I have anything to tell him?

LOURDES

Do I get a guarantee I'm not doing time?

MIRANDA

No guarantees. All we can get from the government is a letter. Usually that's enough. *(Beat)*

LOURDES

Nelson, he got a little baby just last year. How long will he be away?

MIRANDA

Ten. If he cooperates and gives them somebody big enough, maybe he can get it down to five, maybe even less.

LOURDES

What did he do? He drove the car.

MIRANDA

(Beat) Let me ask you, Lourdes, is there anybody else, doesn't even have to be involved in this deal, that you might be able to give them information on?

LOURDES

(Somewhat defiantly) Why are you doing this again, Ms. Morales? I already told you I don't know nobody named Neak.

MIRANDA

All right, forget Norberto. Jorge's lawyer, Mr. Testa, says that Jorge told him Hector was your boyfriend --

LOURDES

Jorge should keep his fucking mouth shut. *(Beat)* Maybe once. But Hector, he don't got time for women. He spends all his time at the track. I called him and told him for a few bucks would he stand outside the restaurant. He didn't even know what was going on.

MIRANDA

None of us do, Lourdes. And so we fuck up and get in trouble and start making deals. Under the law he's a co-conspirator and facing the same amount of time that you are.

LOURDES

But he's no drug dealer. Why would they even care about him?

MIRANDA

It's America, Lourdes. We care about all our citizens. (*Long beat*) Well?

LOURDES

I have to think about it. I don't know how I could live with myself if somebody went to jail because of me.

MIRANDA

Yeah, I know the feeling.

(*Crossfade to LARRY and JENNIFER*)

LARRY

I'll speak to her this weekend, I promise.

JENNIFER

What are you going to say?

LARRY

How the hell should I know? It depends on what she says, and what she does. All right?

JENNIFER

Yeah. Are you going to tell her about me?

LARRY

Of course not. This has nothing to do with you.

(*MIRANDA approaches*)

MIRANDA

Larry, can I speak with you a moment?

LARRY

Sure.

MIRANDA

I think we should tell the judge we need an adjournment for about a month. Ms. Lluvera has some things she needs to talk to you about.

LARRY

I'm all ears.

MIRANDA

Really? When I think of you I think of another part of the body entirely.

End of scene

5. ALL I WANT

(LARRY is sitting in his office. CINDY enters)

CINDY

Am I early?

LARRY

Yes, but I admire that in a man. *(CINDY doesn't laugh, beat)* What are we going to do with Hector, Cindy?

CINDY

I talked to him this morning, Larry, and told him what you're offering. I told him he's looking at ten to fourteen, is that about right?

LARRY

Something like that.

CINDY

And with a letter, maybe down to five?

LARRY

Can't tell with this judge. The way he feels about me, you might be better off without a letter. So where are we at?

CINDY

First of all, he said no way. He won't inform against anybody under any circumstances.

LARRY

Oh, please.

CINDY

Some people do have principles, Larry.

LARRY

Yeah, like selling drugs.

CINDY

That brings us to number two. Even if he would, I don't think he could tell you anything, Larry, because I don't think he knew what was going on.

LARRY

Cindy, give me a break.

CINDY

And third, I don't know how I can recommend he take a plea because I think I can win this case. You have nothing on him.

LARRY

I'll give you that. I got a very weak case on Hector. (Beat) Unless I can get one of his friends to testify against him.

CINDY

Can you? (*LARRY just looks at her and smiles*) All right, say I could convince him to cooperate, who would he have to inform on? I don't think he knows anything that will help you with Norberto.

LARRY

Probably not.

CINDY

Then who, Vargas, Echevaria?

LARRY

No. I don't think I'll need Hector for them.

CINDY

Then who's he gonna give you, Larry, the second gun in the Kennedy assassination?

LARRY

I want Lydia Rodriguez.

CINDY

(*Pause*) You want Hector to inform against Lydia Rodriguez?

LARRY

Yeah.

CINDY

That's his mother.

LARRY

She's also Nicky's puta. If he agrees to give us --

CINDY

Larry, you're asking me to get my client to inform on his own mother?

LARRY

I'll get to her one way or the other. Somebody will finger her. Because we're old classmates, I'm giving you first crack at her. She'll probably give Hector her blessing when she finds out he'll get a few years off his sentence.

CINDY

(Pause) What has happened to us since NYU, Larry. What kind of fucking business are we in? How can we sleep at night?

LARRY

I don't know about you, Cindy, but I sleep fine at night.

CINDY

I'm sure you do. Wait until you start sitting at the defense table.

LARRY

I could never do that. Nothing personal, but I could never represent criminals.

CINDY

Nothing personal. That's the problem, nothing is personal. *(Beat)* It's his mother, Larry.

LARRY

It's drugs, Cindy. It's a plague. It's gotta be stopped.

CINDY

Listen to you. Is this the same Larry Weiskopf who talked me out of going to Davis Polk. "You'll get lost in a big law firm, Cindy. Law should be public service." What a crock. What public service do you perform? You round up sectors of whatever ethnic tide is in, whose crime is that they sell drugs to themselves, get them to finger each other, and then you put them away at five or ten a pop. Where's the public service in that? Where is the law in that?

LARRY

You're questioning my life, Cindy? What about yours? It's no wonder you can't sleep at night. Every time somebody's grandfather gets mugged or a woman gets violated or a kid gets caught in the crossfire, you wonder: was it one of my guys, one of the lucky ones I was able to get off so he could fuck up somebody else. Is that really what you had in mind back in NYU?

CINDY

I don't remember anymore what I had in mind. *(Beat)* After twelve years of practice I finally have a winner and you're telling me I still have to make a deal?

LARRY

What's the harm? He gives me Lydia, he walks; she gives me Nicky and she walks.

CINDY

He's an innocent man, Larry.

LARRY

Cindy, please. Even you must know there is no such thing. Lydia Rodriguez or no deal.

End of scene

6. DRAMATIS PERSONAE

(Lights are low. HERB, CINDY and JENNIFER are seated in theater seats, watching a play. CINDY sits right, then HERB, then an empty seat with a coat on it and then JENNIFER. Note: JENNIFER does not know HERB or CINDY)

HERB

(In a hushed tone) That's the end of the act.

(HERB starts to applaud, and then, as the lights come up, so does the audience, CINDY and JENNIFER During the following dialogue, JENNIFER is listening to HERB and CINDY)

CINDY

How did you know that was the end of the act?

HERB

Well, after Frederick spilled the jar of Lorraine's birthday marbles they had to end the act to clean them up, otherwise they would have had to act the next scene stepping on marbles.

CINDY

Those were marbles? All I could see from here was they were round and brown.

HERB

I think they were; you know, as in she lost her marbles.

CINDY

Oh. It's a comedy then.

HERB

Possibly. But more than that, in so far as they represent the different years of her life, I think it's meant to symbolize his attempting to tear down her defenses. *(CINDY looks lost)* It's only one act. It will probably all come together for you in the second act.

CINDY

Do you understand it?

HERB

I think so.

CINDY

Why is it called *Infidelities*?

HERB

Well, I mean just off the top of my head I would guess that they're having an affair. But I think there's more than that. For example, if Frederick takes the position with the Prague Philharmonic, he'll have to conduct Wagner, since in '36 there was, ironically enough, a German Romantic

craze in Czechoslovakia. Wagner was an anti-Semite, and so to do so would be to cheat, so to speak, on his principles; having an affair with success at the expense of his ideals to which he is really wedded. To foreshadow that, the opera the playwright had Frederick and Lorraine meeting the professor at was Tristan und Isolde --

CINDY

Was that what that music was?

HERB

Sure. That was the Liebestodt, I think. And that might also explain why Lorraine is always quoting Nietzsche.

CINDY

That was Nietzsche?

HERB

Yes, in, I believe, the Thomas Common translation, popular at the time, but you'd have to go to Ebay to get a copy today. You have to admire this guy's research.

CINDY

You're amazing; you pick up on everything.

JENNIFER

(Who has been listening intently) Really. You should rent him out. I've been to several doozies lately where I could have used your help.

HERB

Look, I may be way off, I just --

JENNIFER

No, I think you really nailed it. *(JENNIFER looks at her empty seat, looks back and sighs)* Excuse me. I need to make a phone call. *(As she crosses in front of HERB)* Don't even think about explaining one more line until I come back.

(JENNIFER exits. HERB checks her out as she leaves)

CINDY

Pretty.

HERB

Sure is.

CINDY

Listen, Herb, I would hate to think that I'm standing in your way or anything.

HERB

What do you mean?

CINDY

If you want to get her phone number or something.

HERB

Phone number? She would never go out with me.

CINDY

Why not?

HERB

She's too pretty.

CINDY

Herb, we've been through this. You're very attractive, in a somebody-you-meet-at-the-theater kind of way. And women are attracted to lots of different qualities, particularly intelligence. She was hanging on your every word when you were talking about the play. Besides, from that empty seat I would guess she's been stood up. She's vulnerable. Give it a shot.

HERB

I do have some interesting insights about the last Jonathan Franzen novel.

CINDY

Save that for the second date.

HERB

But I'm here with you. I can't --

CINDY

That's my point. I don't want to get in your way. I'll go to the bathroom...line.

HERB

This is ridiculous, I don't --

CINDY

Here she comes. Be smart.

(CINDY leaves. JENNIFER returns and sits)

JENNIFER

Hi.

HERB

Hi. (*Nervous pause*) Nice of you to get a seat for your coat. I rarely take my clothes out. Occasionally I might rent them a movie, but beyond that --

JENNIFER

(*Laughing*) You're funny. (*Beat; she looks at him*) And sharp. I'll bet you don't miss a thing.

HERB

(*HERB indicates the empty seat*) I sure as hell wouldn't miss a theater date with a pretty woman. (*Beat*) Sorry.

JENNIFER

That's okay. (*Looking back to lobby*) That's sweet, actually.

HERB

Look, I don't know what your relationship is to that empty seat but I have tickets to the new Neil LaBute thing next Saturday and, well, would you like to come with me?

JENNIFER

(*A long smile at him*) Sure. I love LaBute.

HERB

Yeah? Really? Great. Uh, let's see, probably I should get your phone number.

JENNIFER

Good start. (*JENNIFER starts rummaging through her bag*) I'll give you my card. This bag, I can never find anything.

HERB

Take your time.

JENNIFER

Well, I think we should do this before your date gets back.

HERB

Who?

JENNIFER

Your girlfriend?

HERB

Oh, you mean Cindy. No, she's not my girlfriend.

JENNIFER

She's not?

HERB

Nah.

JENNIFER

(A big smile) Your wife?

HERB

Nope, she's not even a date, really. We work in the same office and her husband doesn't like theater so whenever I can't find a date for a show, I ask her. *(Beat)* We see a lot of shows together, actually.

JENNIFER

(Looking at him; no smile) She's not your girlfriend, not your wife; she's not even a date?

HERB

No.

JENNIFER

(JENNIFER closes her bag and sits down) Forget it.

(A pause as HERB doesn't say several things. CINDY returns and sits)

CINDY

(Under her breath) How did we do?

HERB

I may have a date with her coat.

CINDY

What happened?

(House lights go dim and we hear from the stage:)

LORRAINE

I'm so glad you could come over and help me with my paper on Hegel, Professor Rivera.

PROFESSOR RIVERA

My pleasure. And again, thanks so much for inviting me to the opera. It just so happens that Aida is my favorite.

LORRAINE

That was lucky then. We can work in the study. Just be careful not to step on my birthday beans.

End of scene

7. YOU ARE WHAT YOU EAT

(HERB and CINDY at the coffee shop. Herb is humming O, Celeste Aida)

HERB

(Mostly to himself) I'm sure that's the Liebestod

CINDY

Whatever, it was a very spooky play.

HERB

You want to hear what's really spooky? As I'm watching it I started to remember this dream I had last week.

CINDY

Yeah? What about?

HERB

I dreamed I was on trial, not as a lawyer, but as a defendant.

CINDY

Hmm.

HERB

And you were defending me.

CINDY

Wow, I wonder what that means. What was the charge?

HERB

I think you were representing me pro bono, Cindy. I mean you --

CINDY

Herb, what were you charged with?

HERB

Oh. That's the point, that's why seeing this play brings it all back. The charge was infidelity, if can you believe that. Me of all people. I mean, God knows I've tried --

CINDY

What was our defense?

HERB

That was the really weird part. You were arguing to the judge -- who was my psychiatrist, by the way -- that I was innocent by reason of diminished capacity.

CINDY

Diminished capacity?

HERB

I mean, that does describe me in a way.

CINDY

Herb, you're doing it again.

HERB

Sorry.

CINDY

So?

HERB

"So" what?

CINDY

What happened? Did we win, did we lose?

HERB

Oh. No, I was convicted.

CINDY

Typical. (*Somewhat to herself*) Diminished capacity.

HERB

And, as the jury returned the verdict, the judge, who was my psychiatrist --

CINDY

You said that already.

HERB

-- said: So much for your defenses, Kramer. And he threw our brief at me, pages flying all over. And that was it. I can't believe I woke up before the appeal.

CINDY

Look at it this way. You always tell me how guilty you feel; now your feeling is backed up by a judicial decision. (*Smiles*) Sorry. I couldn't resist. Are you gonna eat? They have great french fries here.

HERB

What? Oh. I don't know. Sure, why not. (*Hums again*)

SHARON

(SHARON, the waitress, approaches the table) You kids ready yet?

CINDY

Yes. All I want is a half a cup of coffee, and I mean half a cup. I like to fill the rest with milk.

SHARON

Milk? Wouldn't Half 'n Half be more appropriate? Just kiddin', Hon. Half a cup coming up. *(To Herb)* How about you, Pavarotti? How about half a glass of water? Then you guys could do the optimist/pessimist thing.

HERB

Actually, I was thinking of a plate of french fries.

SHARON

(SHARON holds her check pad like a psychiatrist's notepad) Do you have these thoughts often? *(Smiling)* Coffee for you, too, Hon? Maybe with a straw?

HERB

No, just a diet whatever.

SHARON

Yeah, we don't know what it is either.

CINDY

And make the french fries well done, please, like really dark.

SHARON

What shade are we talking about, now? Michael Jackson, Eddie Murphy --

CINDY

Clarence Thomas.

SHARON

Right, you want them dark on the outside and white in the middle, got it. *(SHARON leaves)*

HERB

She's terrific. What a character. *(HERB stares after her)*

CINDY

You have to admire someone who likes their job.

(Beat as HERB stares in waitress' direction)

HERB

Have you ever had sex?

CINDY

Is this a trick question?

HERB

No, I mean have you ever had sex as opposed to making love?

CINDY

I had something with Ted last week that I don't know what I'd call it. But what's the difference, really?

HERB

Sex is just doing it, no frills, no commitments. Making love is part of something else, you know.

CINDY

Right.

HERB

Men want to have sex. When a man sees a woman --

CINDY

(Singing) "When a man sees a woman..."

HERB

-- he sees her in terms of sex, what would it feel like to touch this or kiss that or suck on the other thing, you know.

CINDY

Like the way you looked at the waitress.

HERB

Well, yeah. She just looks so sexy, you know. Actually, I talked to her a little bit so that already changes things, but ideally, I guess I would just like to go over, and assuming she consented, no not consented, assuming that she wanted it, we would just go somewhere and do it.

CINDY

And she's not allowed to talk?

HERB

No, she can talk. I'd prefer it if she talked about sex, but she can talk. Anyway, my point is do you ever feel that way about a man, that you'd just like to do it with him, not that you want to enter his life or bring him in yours, but just that you wanted to do it.

CINDY

Sure. Frequently.

HERB

Really? And did you ever do it?

CINDY

Before I was married, when I was still a sophomore there was a bartender at the local hang-out spot. I went home with him one night and it was just for that night.

HERB

And you didn't want anything else?

CINDY

Anything else? No. I wouldn't have minded some more but nothing else. And then there was the guy in St. Thomas, also a bartender. That was several nights.

HERB

And it was sex?

CINDY

I think so. I remember the sound of grunting, some high-pitched squealing and a lot of sweating, so I'd have to guess it was either sex or aerobics.

SHARON

(SHARON returns with coffee) Here you go. Half a cup.

CINDY

Nope, that's not half.

SHARON

It's not? It's halfway up.

CINDY

That's more than half. Forget it. I'll just pour off some. Can you bring another cup?

SHARON

It'll just dribble off the side and you'll be even less happy than you are now. I'll fix it. *(to HERB with a wink)* French fries will be right out, dark eyes. I'm having Murray do them one at a time to make sure they're right. *(SHARON takes cup and leaves)*

HERB

I want to have sex.

CINDY

Should I leave?

HERB

I want to know what it feels like just to have sex. I have to say that from this vantage point, not ever having had it, it feels like it would be great. (*Beat*) Was it great?

CINDY

It was pretty good, actually. But it's like a Ben Stiller movie. Everything happens the way it's supposed to, you feel good while it's going on, but there's no point to it. You know, it defies analysis by its very nature. It's not a cerebral activity.

HERB

Right, exactly. That's what I want, something mindless, something just essentially physical with a subtle hint of danger to it.

CINDY

Ride the subways.

SHARON

(*SHARON returns with cup and french fries*) Half a cup, half a cup, half a cup onward. Here you go. How's that?

CINDY

Close. I can live with it.

SHARON

That's a relief. I'll sleep tonight. (*Another wink to HERB*) And your pommes frites through the gas darkly.

HERB

Great. Thanks.

SHARON

Ketchup?

HERB

Sure. You're only young once.

SHARON

I wish I had known that then.

CINDY

These are different from the ones I had last time.

SHARON

When were you here?

CINDY

Sometime last month.

SHARON

Day or night?

CINDY

During the day.

SHARON

Different chef.

CINDY

These are thicker.

SHARON

Right.

CINDY

I like thin ones.

SHARON

(SHARON looks at HERB) I could've guessed. Should I take them back and call up Carlos and ask him to come in and make the thin ones?

CINDY

That's okay.

SHARON

I could cut them up for you.

HERB

That's alright, really. They're fine. Nice and brown.

SHARON

I'm just teasing you folks. Anything else?

HERB

Well -- (Beat) No, nothing else.

(SHARON leaves)

CINDY

I just like to have things the way I like them.

HERB

Yeah, me too.

(HERB and CINDY eat in silence for a while)

HERB

Have you ever had an affair?

CINDY

That play really got to you, didn't it?

HERB

I'm sorry. You don't have to answer that. It's just that if you want sex, and you're married, and since you can't get sex from a marriage partner, you can only make love, then it's understandable that you -- I don't mean you -- but someone might have an affair under those circumstances. And it would just be sex. Like what she did with Professor Rivera. It had nothing to do with the marriage, or with her husband. It was just some pointless, mindless activity.

CINDY

I can see Ted being totally persuaded by that argument. What has any of this got to do with you? You're not married. If you want to boff that waitress, by all means, don't let me stand in your way -- although if you're banking on her not talking, you can forget it.

HERB

I'm just trying to make a point. It's probably the most socially defined and morally circumscribed activity in the history of civilization, and it's totally meaningless. Something that meaningless shouldn't have so many repercussions. *(Beat. HERB looks off at SHARON)* You should just be able to do it.

CINDY

You should. Go on, do it. Ask her. I'll wait for you outside. But don't you dare leave her a big tip. *(CINDY exits)*

(HERB gets money out of wallet and holds it and check aloft to get SHARON's attention)

SHARON

(SHARON approaches and takes money) I'll be right back with your change.

HERB

No, keep it.

SHARON

Really? Thanks. *(Beat)* Look, I hope I didn't offend your -- is that your wife?

HERB

No, just someone I work with.

SHARON

(Smiles) I hope I didn't offend her.

HERB

Oh, no. *(Beat)* Look, I just wondered what time you got off tonight.

SHARON

(Beat, as SHARON sizes up HERB) About a half hour.

HERB

Great. Well, maybe we could --

SHARON

Not tonight, Hon. I have a paper due tomorrow *(more to herself as she looks off towards door)* which is actually due tonight and is a little late -- but some other time, maybe. You know where to find me.

HERB

Right. What's your paper on?

SHARON

Contemporary American lit. I'm writing about *(checks her check pad)* Jonathan Franzen, ever heard of him?

HERB

(Deflated; as he's leaving) Yeah. We go to Knick games together.

End of scene

8. SEARCHING EVERY WHICH WAY

(CINDY and TED's apartment. CINDY enters. TED is off)

CINDY

I'm home.

TED

(From another room) So am I.

CINDY

(CINDY puts down bag, takes off coat and collapses on couch) How was your day?

TED

(From off) Lovely. Two, not one, but two of my students handed in papers on David Mamet.

CINDY

I like Mamet.

TED

(TED enters, looking for something) So do I, as long as he stays in his place, which is in a theater course, not American Lit. Get up for a second.

CINDY

(Getting up) What are you looking for?

TED

(Looking under cushions) My pen.

CINDY

(Going to bag) I have a pen.

TED

I'm looking for my pen.

CINDY

Your grandfather's pen?

TED

Yes.

CINDY

You lost your grandfather's pen?

TED

No. I know exactly where it is. But I have to look everywhere else first. This is what is known as Zen penance.

CINDY

Seriously, Ted, you lost it?

TED

Yes. It's got to be around here somewhere. (*TED exits*)

CINDY

(*Beat*) What are you writing at 12:30 at night?

TED

(*From off*) My letter of resignation.

CINDY

Ted.

TED

I'm not writing anything. I just want to know where it is. (*TED re-enters; beat; gives up and sits on couch*) Shit.

CINDY

Maybe you left it at school.

TED

Ah, yes, school. Speaking of high farce, how was the play?

CINDY

Interesting.

TED

What was it about?

CINDY

I'm not sure. Herb thought it was -- what did he think? I can't remember.

TED

Cindy, this is just a half hour ago.

CINDY

Ted, did you ever have sex?

TED

(*Defensively*) What do you mean?

CINDY

Sex, not making love, just the act of sex.

TED

Why are you asking me this?

CINDY

Herb and I were talking about having sex.

TED

I'm working late next Thursday, feel free to use the apartment.

CINDY

No, you know, not with me.

TED

With whom?

CINDY

No, you don't understand. That's part of the problem. It can't be with anybody or else it isn't sex anymore.

TED

(Baffled) Right.

CINDY

Look, in *Through the Looking Glass*, Alice is at this banquet and she's supposed to carve the roast. But when they put the tray before her, the White Queen, or maybe it was the Red Queen, introduces her to the roast which gets up and bows to her. And now she can't carve it. Now that she's become intimate with the food, she can't eat it anymore. Do you get what I'm saying? It's not food anymore, it's somebody she knows.

TED

So Herb wants to have sex with somebody who isn't anybody before he gets introduced to her. That would be a turn-on.

CINDY

Well, I think it is.

TED

It's adolescent nonsense. It's meaningless.

CINDY

Answer my question. Did you ever have sex?

TED

No. (*Beat*) Did you?

CINDY

I think so.

TED

Great impression it made.

CINDY

It did make a great impression. I liked it a lot. Now, I like making love to you very much, but it isn't sex. I mean, Herb is right. Once you get married you can never have sex anymore.
(*Beat*)

TED

I got to find that pen. (*TED exits*)

End of scene

9. TERM LIMITS

(ROBERT at his desk in his office; JENNIFER stands in front of him)

JENNIFER

All right. I don't want to talk about my parents. No talking about doing it. None of this going back to when I was a kid. No ink blots or word associations. Nobody molested me ever and if they did I don't want to talk about that either. No cigar, banana, Empire State Building symbolic stuff. If I'm angry or sad and I don't know it I don't want to know it. Don't tell me to read any self-help books unless they were written by Danielle Steel. If I can't make an appointment I won't pay but you can still get the 70% from insurance (my cousin told me to say that). I don't really understand what transference means but you should know from the beginning that you're not my type. I won't use anybody's real name and under no circumstances will I bring in photos. And I absolutely refuse to lie down on that couch.

ROBERT

(After a beat) Danielle Steel writes self-help books?

JENNIFER

I came here basically because I have a specific problem. There's a guy at work. He's a lawyer. His name is Larry. I've been seeing him for six months and he refuses to commit to me. And I want him to. That's my problem.

ROBERT

Aha. So you want me to write you a prescription for some kind of love potion.

JENNIFER

All right, I admit this has happened to me before. After high school I went out with some local guido for two years, and we were engaged one month, not engaged the next, until that ended. Then there was a guy I met in court reporter school. Same thing. And another guy Theresa, my cousin, set me up with. And she says that there's something wrong with me, I pick these guys to fall in love with who are emotionally unavailable, whatever that means, but she picked this guy so I don't know what she's talking about.

ROBERT

Maybe I should make an appointment with Theresa.

JENNIFER

But it hurts, you know. It's like I met Larry, we had a real romantic beginning, midnight phone calls, we fall in love. Then after awhile I keep expecting when I see him or talk to him on the phone that this is going to be the night. And all night long, we're watching CSI or whatever, I'm thinking maybe he's about to say something. And instead of having a good time with this guy I'm supposed to be in love with, I'm angry at him for not getting on with it.

ROBERT

I see. I should make an appointment with Larry.

JENNIFER

So why would I keep seeing him? It's mostly pain, there's nothing else going on except what I want and what he won't give me. And Theresa says maybe I'm afraid. So I say what am I afraid of. And she says it could be I'm afraid of commitment, or it could be I'm afraid of confrontation, or it could be I'm afraid of abandonment. But the best way to find out, she says, is in therapy, like it's made even one bit of difference in her miserable life. So I came.

ROBERT

And not a moment too soon.

JENNIFER

So what am I afraid of?

ROBERT

Not me, that's for sure.

JENNIFER

Is that good or bad?

ROBERT

Okay, Jennifer, let's go back. Let me explain how therapy works. First of all, we don't care about good or bad.

JENNIFER

That's good.

ROBERT

Second, in order for therapy to work you're going to have to trust me.

JENNIFER

That's bad.

ROBERT

Third, we talk about only what you want to talk about except when it comes to talking about why you don't want to talk about something. That you have to talk about. And fourth, if you don't give me 72 hours notice, you have to pay for the session.

JENNIFER

Theresa has a better deal.

ROBERT

But Theresa is still miserable. If she paid for her missed sessions, she'd be cured by now. Have you ever asked Larry about commitment?

JENNIFER

Sort of. I asked him where the relationship was going.

ROBERT

And what did he say?

JENNIFER

He said he takes things one day at a time.

ROBERT

And how did that make you feel?

JENNIFER

I knew we would get to that sooner or later. Like shit, how do you think it made me feel.

ROBERT

Is that the only time you ever asked him where the relationship was going?

JENNIFER

No. I've asked him several times.

ROBERT

So much for fear of confrontation. If he said he wanted to marry you, what would you say?

JENNIFER

Yes. I want to marry him.

ROBERT

Are you sure?

JENNIFER

Absolutely.

ROBERT

So much for fear of commitment. If he told you he couldn't stand your nagging him and he was breaking up with you, how would you feel?

JENNIFER

Terrible.

ROBERT

If he left you it would hurt you?

JENNIFER

Of course.

ROBERT

Aha! We got it. Fear of abandonment. From your lips straight into the case histories. Classic case. Nailed it in one session. You're cured, congratulations. Call up Theresa and maybe the two of you can celebrate together over a drink. Nice to have worked with you.

JENNIFER

That's it?

ROBERT

That's it. Another miracle of modern psychiatry.

(ROBERT goes back to work. JENNIFER is baffled and disappointed. After a long beat)

JENNIFER

(JENNIFER lies down on the couch) Ever since I was like six years old I knew my parents didn't really love each other. I don't think they've had sex in twenty years, at least not with each other. My mother always favored my brother and my father liked me until I had my first boyfriend, then things got ugly in a hurry...oh, by the way, Larry is married, did I mention that. Anyway...

End of scene

10. SOME ENCHANTED EVENING

(TED's living room. HERB is looking through the paper. TED is searching for his pen)

HERB

The new Russian comedy is at the Angelica.

TED

"Russian comedy" is either oxymoronic or redundant, depending on your sense of irony.

HERB

And the Festival has a French film whose title I won't attempt to pronounce about a French opera singer thriving under the Nazis who falls in love with --

TED

-- a young, unwashed Resistance fighter.

HERB

You've seen it?

TED

Every time they made it.

HERB

There's a Czech film about anti-Semitism in Hungary and a German film about anti-Semitism in Poland.

TED

After seeing Barry Levinson's film about anti-Semitism in Baltimore, any other approach to the subject seems gratuitous.

HERB

Would you rather not go to the movies tonight?

TED

Hopefully, Herb, your coming along will make a difference. When Cindy and I go out to a film, always of her selection, usually in a foreign language, I walk out angry, she walks out baffled, and over the obligatory cup of coffee at the diner which follows we engage in a heated debate which leaves her angry and me baffled. Ten months later we will rent the same film from NetFlix, neither of us remembering that we had already seen it, and we will noisily munch our microwaved popcorn with a vague sense of *deja vu*. As to where we go, whatever collective wisdom you and I arrive at is certain to be overturned by a higher court.

HERB

Right. I'll call Cindy. She's probably still at Miranda's office.

TED

Miranda?

HERB

Cindy's meeting with one of the co-counsel on the Soto case.

TED

Aha. Things are getting lucider and lucider. (*Starts singing:*) "Matchmaker, matchmaker, make me a match."

HERB

What? You think she's setting me up with Miranda? Never, if you knew --

TED

Herb, no offence -- although you're sure to take some -- but given Cindy's constant carping on how little time we spend together, there is no way she would third-wheel you in unless she had an ulterior motive.

(HERB considers it. Starts to dial. Crossfade to MIRANDA's office)

MIRANDA

Let me ask you something. This Weiskopf, was he a slimeball back in school or is this something he picked up at the US Attorney's Office?

CINDY

No, the only thing he picked up at the US Attorney's Office was a predilection for yellow ties. His slimeballicity was well established back in school. Probably genetic. But they're interchangeable over there. No matter how they present themselves, they eventually all cut you the same deal.

MIRANDA

If you talk you walk.

CINDY

If you talk you walk.

MIRANDA

Is Hector talking?

CINDY

Miranda, I never met anybody like this. When I talk to him about cooperating he gets insulted. "Don't say that to me no more, Ms. Hammond. I would never do that to nobody." (*Beat*) How about your lady?

MIRANDA

That's a somewhat unethical question, Cindy.

CINDY

You just asked me the same thing.

MIRANDA

I don't have any ethics.

CINDY

If you don't have any ethics, tell me.

MIRANDA

I could never feel comfortable knowing I contributed to your corruption.

CINDY

(Looks at her awhile) I can win this case easily, Miranda. They have nothing on him. He didn't know what was going on, I'm sure of it. But Larry's convinced he needs Hector to inform on his mother so he can pressure her to give up Norberto. And if he can get one of the others, just to save their own skin, to testify that he was a player -- let me know what I'm dealing with, Randy.

MIRANDA

Larry wouldn't like it, Cindy.

CINDY

All the more reason to tell me. Look, think about it. We'll go to some avant garde film and you can think about it during the picture.

(CINDY's cell rings. Crossfade to TED's living room; TED reading The Corrections. HERB hangs up phone)

HERB

They're going to meet us at the theater.

TED

(Without looking up) "They?"

HERB

Yeah. You were right. She asked Miranda. How did you know that?

TED

Behold the inevitability of cohabitation. Gone is the mystery; no more the wonderful little surprises; ended the journey of discovery. I know her like a book, which is my trade, actually, knowing books. The peril of intimacy. Having allowed myself to get so involved, so excited, so stimulated by her narrative, I irresponsibly turned to the final pages, and now, knowing the ending, I find reading the text somewhat superfluous.

HERB

You know, it's funny you mention that. When I read that book (indicating *The Corrections*) the final pages didn't help much. I still couldn't understand what I read. I found myself reading certain paragraphs over and over again. I spent an entire evening on one page.

TED

How delightful if you could find a companion to spend that evening with you, on the same page that is. Herb, you have put your finger on it. One must seek out some unfathomable woman, one whose being changes with understanding so one can never clearly know her. A woman written by Joyce, scored by Glass, directed by Bunuel, painted by Dali - not self-indulgently obscure, just a challenge. Yes, Herb, where is she? (*To himself*) And what terrible things would we do to her if she existed.

(Crossfade to MIRANDA and CINDY)

CINDY

What do you know about diminished capacity, Miranda?

MIRANDA

Other than it being a particularly appropriate way of describing the sexual performance of every man I ever slept with, not a lot.

CINDY

I mean as a grounds for a sentencing departure.

MIRANDA

I know it's tough to prove. The courts don't like it much. Psychiatry is still a lot of mumbo jumbo to most judges.

CINDY

The way I understand it, if my client is unable to control what he does he has diminished capacity.

MIRANDA

Something like that.

CINDY

So he sees something he wants, he has an urge for it, he disregards the consequences of what he does, whether it fits into some societal notion of right or wrong, and goes for it.

MIRANDA

Yeah. That's it.

CINDY

How is that any different from how we live our lives every day?

(Crossfade to HERB and TED)

HERB

(Long beat) Have you ever had sex, Ted?

TED

Is there something about my latest ruminations which suggests virginity?

HERB

No, I wasn't trying to make a connection. This is a new thought.

TED

Hardly. It may well be the oldest thought around. But I'm being disingenuous. Cindy told me about your current obsession. *(Mock scolding)* This is your punishment for reading Erika Jong when you should have been reading Henry Miller.

HERB

I guess I have been a little obsessed by it. I don't know why.

TED

You've been quite some time without female companionship. It seems natural enough to me.

HERB

But it's not female companionship. I do miss that, of course. But this is something purer, more basic. Something I seem to want very badly and am completely incapable of having.

TED

Are you sure? Look, let's take this woman we're meeting tonight.

HERB

Miranda? She would never look twice at me.

TED

Why do you say that?

HERB

She's beautiful, and one of the best lawyers around.

TED

I will skip over my traditional - albeit weak and ineffectual - efforts to bolster your self-image at this point --

HERB

Please do.

TED

-- and cut right to the chase. I believe, Herb, that what you are lusting after is not sex, but what all men lust after: Validation.

HERB

Validation?

TED

You meet a woman, a Miranda. You imbue her with godlike qualities, beauty, grace, intelligence, and you think she is too good for you. She's on the next level up, or, in your case, several levels up. If she would only look your way, hungrily, desirously, lecherously, and then reach down her arms to grab you and pull you up to her level, it would validate who you are. She would never want you unless you were the gorgeous, brilliant, talented, accomplished, sensitive, realized individual you long to be. It would validate your ego. You would believe you were very special because someone else, someone you believe is very special, believes in you. So you see, what you think, Herb, is simple, unadulterated sex, is something very complicated indeed.

HERB

Ted, I don't know. That doesn't seem like what I'm obsessing about. I have those feelings, sure, but --

TED

Herb, what is sex? For men it's the orgasm. Whatever trappings an orgasm has, it's still an orgasm. Whatever erotic scenario you envisage, if you should ever get to live it you would find it falls far short of what you imagine, you'd probably be self-conscious and in the end -- just another orgasm. You're better off masturbating, when you can have everything just the way you like it without somebody else's desires or notions intruding; or watching computer porn, where you can freeze frame and fast forward and replay to your heart's - or penis' - content.

HERB

Really? You really think there is no pure sex?

TED

Actually, Herb, there may be, and it's to be found just where you have said it can't be found. When I first met and courted Cindy she was a student of mine and I was living one of my favorite fantasies. What with the age difference and the student teacher dynamics, I was quite enthralled. Validation to be sure. And then, of course, I got to know her, I saw the blemishes, heard the neuroses, felt her limitations. Maybe most damaging of all, I questioned how godlike could she be and still find me interesting.

HERB

Your punishment for seeing Woody Allen films instead of Quentin Tarantino.

TED

Touché, Herb. But what happens next might be of special interest to you. We share a space. We lie in bed together. I get horny. I want an orgasm. I look at her, her body lying there, and all possibility of validation has vanished. She can no longer nurture me, can no longer lift me to the next level. Her love for me, her desire, her acceptance are axiomatic, beyond questioning. There is nothing to be gained from sexual intimacy, no questions to answer, no anxieties to be quelled, no infant crying for his mother's arms. There is only one reason for copulating at this moment: Sex.

HERB

(Long beat) So what you're saying is in order to have a purely sexual experience, I should get married.

TED

Everything has its price, Herb. Everything. Where are we going?

HERB

To the new Steven Soderbergh film at the Plaza.

TED

And how did we reach this difficult decision?

HERB

They have the best popcorn.

(Crossfade to MIRANDA and CINDY in the theater lobby. MIRANDA is eating popcorn)

MIRANDA

This movie better be good, the popcorn here sucks.

CINDY

I forget, do you know Herb?

MIRANDA

That's your partner?

CINDY

Yeah. He's the friend I said was coming with my husband.

MIRANDA

I'm not sure. I don't think we were ever on a case together, if that's what you mean.

CINDY

He's really a nice guy and a terrific lawyer. Kind of cute.

MIRANDA

Cindy, are you trying to fix him up with me?

CINDY

Bad idea?

MIRANDA

Well, anything is possible, I guess. I don't really do relationships.

CINDY

Oh. That may help, actually.

(TED and HERB enter)

TED

We're late but we're straight.

MIRANDA

That's two strikes against you.

CINDY

Ted, this is Miranda Morales. Miranda, my husband, Ted. And this is Herb Kramer. We can't decide whether you've ever met before.

HERB

Well, actually we tried a case together a few years back. *(MIRANDA looks baffled)* Bastiglia.

MIRANDA

You were on that case?

HERB

Well, yeah.

MIRANDA

I don't remember you at all.

HERB

Well, twelve defendants, I was sitting way back at the last table.

MIRANDA

That case went on for eight months.

HERB

We were keeping a low profile. They only had my guy on one tape and in two pictures, so I figured why bring attention to him.

MIRANDA

Who was your guy?

HERB

Manny Lopez.

MIRANDA

Manny Lopez. Short guy, moustache, and the world's largest collection of brown ties.

HERB

Yeah. I guess. I don't really remember his ties.

MIRANDA

How come I remember your guy but I don't remember you. Did you sum up?

HERB

Uh, yeah.

TED

This is better than the movie.

CINDY

Yeah, let's go in. You can catch up on old times inside. (*TED and CINDY exit. MIRANDA starts to follow and then stops*)

MIRANDA

Wait a minute. Didn't your guy get acquitted?

HERB

Uh, yeah.

MIRANDA

You did a great job, considering I don't remember you being there at all.

HERB

Yeah. I get that a lot.

MIRANDA

Which theater?

HERB

I think that one. (*As HERB says this he swings his arm up to point and hits MIRANDA's popcorn which spills all over the stage*) Oh, sorry.

MIRANDA

Forget it. It sucked anyway. Let's go. (*As MIRANDA exits*) Manny Lopez, incredible. He was so guilty.

(HERB looks down at popcorn all over stage, then up at audience. Blackout)

End of act

ACT II

11. DIMINISHED CAPACITY

(ROBERT's office. Knock on the door)

ROBERT

Come in.

(CINDY enters)

CINDY

Dr. Novak?

ROBERT

And you must be Cindy Hammond. *(They shake hands)* Have a seat. I'm afraid the only place is the couch.

CINDY

That's okay. Probably good for me. Maybe I'll lose a neurosis or two.

ROBERT

You want to be careful about that. Most neuroses perform as much good as they do bad.

CINDY

And what if you can't differentiate between good and bad? For instance, I can't figure out if it's good or bad that I came here.

ROBERT

Well, that sounds intriguing.

CINDY

(Beat) Have you ever testified in court?

ROBERT

No.

CINDY

Have you ever conducted a psychiatric investigation of an accused?

ROBERT

Like for the purposes of determining their competence to stand trial?

CINDY

Like that. That's why I came. As I told you on the phone, I'm an attorney and I represent a young man named Hector Soto who's been arrested for selling drugs. Now, is that good or bad?

ROBERT:

(Smiling) That's bad.

CINDY:

Even if he doesn't know it's bad? Have you ever heard of the term "diminished mental capacity?"

ROBERT

In psychiatry, sure. I don't know what its forensic meaning is.

CINDY

No one does, yet, that's where you come in. What we do know is that if a judge determines that a defendant before him or her has diminished mental capacity to differentiate right from wrong, the judge can give a lower sentence than the law would otherwise allow.

ROBERT

You feel your client has some --

CINDY

It's not important what I feel. What's important is what you determine after an examination of him. I came to you because of your work with compulsive gambling. You run an impulse control disorder clinic, right, that specializes in compulsive gambling?

ROBERT

I am chief psychiatrist there. I don't run it.

CINDY

But you get a piece of the action.

ROBERT

(Beat) Yes.

CINDY

Hector spends his days either at the track or with his local bookie, loves the ponies. He borrows money from friends to cover his losses and then pays them back by doing them "favors". Then it's back to the track. Compulsive gambler?

ROBERT

Probably.

CINDY

Alcoholism, drug addiction, gambling, these all are classified as impulse control disorders, am I correct?

ROBERT

Yes.

CINDY

Now, the law has specifically ruled out drug addiction as a grounds for proving diminished mental capacity, but there's nothing definitive on compulsive gambling. You examine Hector, you find him to be a compulsive gambler, you reason from that that he has an impulse control disorder and during times when he is in debt and cannot gamble, he has diminished mental capacity to differentiate right from wrong and so he does these "favors", which in this case got him arrested.

ROBERT

Ms. Hammond, really, speculative fiction is not my metier. Perhaps I can write you a referral to Dan Brown.

CINDY

Look, let's take things one step at a time. First examine him.

ROBERT

I'll tell you what my concerns are. Normally I like to approach my patients as objectively as possible. But this sounds so farfetched --

CINDY

(Picks up a copy of ROBERT's book from desk) I loved your book. I never knew how widespread gambling was. You even characterized stock trading as gambling.

ROBERT

It is gambling. A bit more high-toned but gambling pure and simple.

CINDY

And with all the hanky panky of recent years on Wall Street, the courts have seen an awful lot of those guys, brokers, bond traders, futures dealers, all gamblers, according to you, and all in trouble with the law. Now, a lot of judges hate to put those good old boys -- whom they probably play golf with -- behind bars. We get the right kind of opinion and they can start sending them to in-patient clinics like yours instead. A lot of money there.

ROBERT

Just because they're gamblers doesn't make them compulsive gamblers.

CINDY

Explain the difference to me.

ROBERT

A compulsive gambler is out of control. He has no ability to resist the urge to gamble.

CINDY

In other words, he cannot control the urge. That's important, that's the wording in the DSM that courts rely on.

ROBERT

Well, right, he can't control the urge.

CINDY

Good. We're well on our way. And if he has no money to gamble with, he likewise can't control the urge to commit a crime to get the money. And a mind that cannot control its urges is a mind of diminished mental capacity.

ROBERT

Maybe you should write this report.

CINDY

Maybe I just did. But we need your name on the letterhead and your face in court. What do you think?

ROBERT

You're serious? You think some judge is going to accept this preposterous nonsense?

CINDY

Getting judges and juries to accept preposterous nonsense is what I do all the time. Just like getting your patients to accept the preposterous nonsense of their lives is what you do all the time.

ROBERT

(Smiles) You know, Ms. Hammond, the natural extension of your "theory" is that there is no bright line between neurosis and criminal intent. Every criminal's behavior has a psychologically pathological basis.

CINDY

So does every lawyer's and every psychiatrist's, I'd be willing to guess. But we lawyers defined what "criminal" means and you shrinks defined what "pathological" means and we cleverly gerrymandered ourselves out of the mix. How about it?

ROBERT

(Beat) I'll need to think this over awhile. What kind of time frame are you operating under?

CINDY

Ten to fifteen. *(Rising to go)* How much for today?

ROBERT

Chalk it up to professional courtesy. Maybe you can return the favor someday if I ever get sued.

CINDY

I don't usually handle malpractice cases.

ROBERT
Funny. That's all I handle.

End of scene

12. PROFESSIONAL COURTESY

(The coffee shop; LARRY and ROBERT are seated. SHARON is taking their order)

LARRY

Just coffee.

SHARON

How about you, Hon?

ROBERT

Coffee would be great.

SHARON

(As SHARON leaves) You must know something I don't know. *(To kitchen)* Hey Carlos, you done something special to the coffee?

ROBERT

So, Larry, how is your life in court?

LARRY

Haven't lost a case yet. Of course, unlike the state courts, we pick and choose our cases. We usually only get winners.

ROBERT

It's just the opposite in the shrink game, particularly when you specialize in treating compulsive gamblers. I usually only get losers.

LARRY

Does that include Jennifer D'Onofrio?

ROBERT

(A moment's consideration) So you're the Larry she's going out with. I knew she was a court reporter but I didn't know she worked in your court.

LARRY

She does. And she's a patient of yours, I believe.

ROBERT

She told you that?

LARRY

Well...

ROBERT

You sent her to me, didn't you. I was wondering how she got to me. Did you tell her you knew me, that we grew up together?

LARRY

I didn't. (*Beat*) So, is she a loser?

ROBERT

What kind of question is that, Larry? You know I can't talk about my patients.

LARRY

Even as a professional courtesy?

ROBERT

Especially as a professional courtesy.

LARRY

Right. That would be unethical. As unethical as if I were to tell you the substance of a grand jury proceeding.

ROBERT

Right. So why would you ask?

LARRY

Well, it's information I need and so I asked.

(SHARON returns with the coffee)

SHARON

(To ROBERT) Your Lafitte Rothschild. *(Putting it under his nose)* Check that bouquet. It's coercive but not pushy. *(To LARRY)* And the naivete of this claret has to be tasted to be believed. One sip and you will see the same Bordeaux hills the grapes saw.

LARRY

But hopefully from a different angle.

SHARON

Anything else?

ROBERT

No thanks.

SHARON

Separate checks I suppose. *(As she leaves)* I can't wait to see my tip. *(Into kitchen)* Hey Carlos, we can finally afford Book of Mormon tickets.

LARRY

(After a beat) Let me tell you why I'm interested in whether or not she's a loser. You see, there's a lot of losers out there, selling drugs, robbing old ladies, trading insider information. Sooner or later they walk into my office. And because they're losers, they don't have the stomach to pay the piper. So they make deals, they become snitches. And then things start to get interesting, and a little bit dangerous.

ROBERT

You're afraid if you break off your affair with her she'll tell your wife?

LARRY

You're a credit to the old neighborhood, Bobby.

ROBERT

Larry, you're paranoid. She would never do anything like that.

LARRY

(Smiles) Thanks for the professional courtesy. Look, Bobby, things with Rachel didn't work out like I thought they would. She doesn't want kids, goes to every twelve step program known to man, New Age music, she's put on about twenty pounds. Then I meet Jennifer, sensible, family oriented, we have a lot in common --

ROBERT

She's a fox.

LARRY

-- she's a fox.

ROBERT

So if that's how you feel, leave Rachel. What's your problem?

LARRY

Well, for a while I had no problem. And then I learned that Jennifer has a cousin in the mob, something my bosses, should they find out about me and her, might hold against me. *(Beat)* Bobby, it was like being in therapy, things became clear so quickly. My wife just needs a little understanding, and certainly doesn't need any potentially upsetting news. So now I have to cover my ass. Imagine how much good you could do for my psyche -- and my career plans-- by reassuring me that when Jennifer brought her pain to you, you would let her see how self-destructive snitching can be, to my wife or to my bosses.

ROBERT

Larry, you have completely lost it. There is no way I would do something like that. I have my own career plans.

LARRY

So I hear. So the grand jury will soon be hearing as well.

ROBERT

(Beat) What does that mean?

LARRY

I couldn't possibly tell you that, Robert. Unless I was persuaded to extend you a professional courtesy.

ROBERT

What does it mean, asshole?

LARRY

Let me just suggest that there seems to be a lot of unexplained cash running through your "compulsive gambling" clinic.

ROBERT

Gamblers tend to have a lot of cash.

LARRY

Right.

ROBERT

Anyway, it's not my clinic. They just use my name on the brochure.

LARRY

Right. A distinction that typically doesn't pass the laugh test. *(Beat)* That was for free. Whether I wish to share anything else with you in the future will be very dependent on my mood.

SHARON

(Returning) Check?

(LARRY makes no move to take it)

ROBERT

Looks like I'm paying for this one.

End of scene

13. NAMING NAMES

(LOURDES in LARRY's Office. LARRY enters)

LARRY

Buenos dias, Ms. Lluvera.

LOURDES

I love your accent, Mr. Weiskopf. It's so comforting to hear my native tongue.

LARRY

Speaking of your tongue, I'm getting some rather distressing reports about your activities, Lourdes.

LOURDES

What I do with my life is my business.

LARRY

Not anymore. Prostitution is a crime. You signed an agreement with the government not to commit any more crimes. Do you want to see it?

LOURDES

I've seen it enough, thank you. What do you mean prostitution? I have a lot of boyfriends.

LARRY

Don't bullshit me, Lourdes. I'm telling you this for your own good. If we go to trial on this case, and you testify, and if the defense brings out that you're a whore --

LOURDES

I'm not a whore.

LARRY

-- and if the jury chooses not to believe your testimony because of that, I tell you right now this agreement goes out the window and we prosecute for the crack and you go away for five minimum.

LOURDES

How are the lawyers going to know about that?

LARRY

They find these things out. In fact, since I know, I'm supposed to tell them, that's the law. I am conveniently forgetting that I know this. But it's got to stop.

LOURDES

So what do I do for money? I got a kid, I got my tuition coming up.

LARRY

We can find a job for you. I know just the place.

LOURDES

So it's okay to be a whore for you, I just can't do it on my own. What ever happened to free enterprise?

LARRY

(Threatening) I'm warning you, Lourdes, stay clean. No whoring, no drugs.

LOURDES

Can I eat Mexican food?

LARRY

Where did the drugs come from, Lourdes?

LOURDES

CVA, Duane-Read, one of them -

LARRY

Lourdes, I have a lot to do today.

LOURDES

Me too.

LARRY

Think hard.

LOURDES

I got limits to how hard I can think. It's a cultural affliction, although in my case it's definitely nurture not nature.

LARRY

(Beat as he looks at her) Let's go over the 15th again. *(Referring to a document)* You met Jorge Echevaria at 2632 Audubon, apartment 2G at 11:30 a.m.

LOURDES

Right. I met Jorge at his place. He gave me a Bloomingdale's bag that had the crack in it with the two sweaters. What happened to those sweaters, by the way? Nelson said I could keep them.

LARRY

And what happened next?

LOURDES

You know what happened. We been over this a hundred times and you got it written down.

LARRY

Is that what you're going to say to the judge?

LOURDES

Jesus, Larry, lighten up.

LARRY

I don't think this is a very light subject, selling drugs. And neither do judges.

LOURDES

(Beat) We drove to Ft. Washington and 159th and we met up with Nelson Vargas. We all got in his car and we drove to the Bronx.

LARRY

What about the gun? It's very important that you mention the gun.

LOURDES

(Mostly by rote) When Jorge got in Nelson's car, Nelson said "You got it?" And Jorge didn't say nothing but he pulled a revolver out of his jacket and showed it to Nelson. We drove to the Bronx. At 143rd and the Concourse we parked and met the undercover. Nelson said he wanted to do the deal in the restaurant so we went inside. I left the drugs in the trunk. We sat at --

LARRY

Don't say "we." Name names.

LOURDES

Jorge, Nelson, the undercover, he said his name was Ralph and me sat at a table. Ralph says "Do you have it?" Nelson says --

LARRY

Was there somebody standing outside while this was happening?

LOURDES

Sure, lots of people. 143rd and the Concourse, it's a busy spot, you know.

LARRY

I'm talking about a man in a Giants T-shirt, blue sweats, Snoopy socks and Cons, five ten.

LOURDES

Could be almost anybody. I think you eliminated a bunch of Jets fans though.

LARRY

A man who was making sure nobody interrupted the deal, that no cops broke up the party.

LOURDES

Like I say, could be anybody.

LARRY

You agreed to tell us all you know.

LOURDES

I told you all I know. Because of me you got Nelson and Jorge. Without me you got nothing.

LARRY

Yeah, and with you and Nelson and Jorge I got three nothings. Now I want Hector.

LOURDES

He wasn't even part of this, Larry. Leave him alone. You asked for Nelson and Jorge and I gave them to you. We got an agreement.

LARRY.

You broke that agreement when you started turning tricks. (*Beat*) How old is your kid, Lourdes?

LOURDES

Three.

LARRY

Who's going to take care of him while you're inside?

LOURDES

I ain't going inside. We got an agreement. I lived up to my part of it, that's why Jorge and Nelson pled guilty.

LARRY

I need Nicky, Lourdes. If you're afraid to give me him, give me someone who can. I want Hector or our deal is off.

LOURDES

(*Long pause*) Okay. But I want those sweaters.

End of scene

14. NICE GUYS

(MIRANDA's apartment; HERB and MIRANDA have just entered)

HERB

Very nice. Condo?

MIRANDA

Isn't that the plural of condom? Why, Herb, how many do you think you'll need?

HERB

Excuse me --

MIRANDA

No, just a rental. *(HERB starts to say something)* One bedroom. *(HERB points out a window and starts to say something else)* The Chrysler Building *(HERB ahems and starts to say something else)* 1575 a month. Have a seat. *(HERB sits on couch)*

HERB

Thanks. I have to say I was kind of surprised you called me about going to this movie, after I spilled your popcorn the last time.

MIRANDA

That's okay. You noticed I stayed away from the popcorn this time.

HERB

Yeah. *(HERB starts to reach towards MIRANDA's chest)* Uh, I think there's still one of the Gummy Bears stuck to your --

MIRANDA

Thanks. Got it.

HERB

Sorry about that. But when they started pouring water over that cloth on his face --

MIRANDA

Yeah, who knew waterboarding involved water. Speaking of which, can I get you something to drink?

HERB

Like drink drink? No thanks. I don't drink.

MIRANDA

Nothing?

HERB

Sorry. Whenever I visit someone and get offered something to drink I feel like I'm frustrating some primal urge or violating some important tribal custom.

MIRANDA

(MIRANDA sits next to HERB) Well, don't worry. I still have all my customary primal urges and the idea of having them violated actually intrigues me.

HERB

(Beat) I don't think I --

MIRANDA

Have any trials coming up?

HERB

No. I'll probably help Cindy on the Soto case, if it goes.

MIRANDA

"If it goes?" Got something in the works? Sorry, I know better.

HERB

It's alright. I don't even know. I've just been researching some of the legal issues. Cindy is looking into some new theory.

MIRANDA

So you're the law man in the firm?

HERB

I guess. I don't have the greatest rapport with juries. And during jury selection, if there's a pretty woman on the panel, I always make sure she's selected and then spend the trial obsessing about her. I'm better with the books.

MIRANDA

No blood lust, huh? God, I love ripping some cop apart on the stand. One of those simple pleasures that gets my juices flowing.

HERB

It certainly doesn't work that way for me. I keep thinking: God, I don't want to embarrass this guy.

MIRANDA

Stick to the books, Herb.

HERB

No, Miranda, I --

MIRANDA

Randy. People I'm close to call me Randy.

HERB

Okay, Randy. Anyway, I understand, but really, don't you ever feel badly about --

MIRANDA

No. When he takes the stand I want a piece of him, granted. But when I'm through with him, I'm through with him. I never give him a second thought. (*A beat, MIRANDA smiles*) Do I sound a little cold?

HERB

Well, I don't know, why should we deny ourselves the simple pleasures.

MIRANDA

We shouldn't. (*Beat*) What simple pleasures do you take in life? Since you eliminated drinking, I'm wondering what's left.

HERB

Well, I don't know. Most pleasures in my life seem pretty complex, I mean the getting of them. The pleasures themselves, the experience of them, is usually pretty short and simple. For instance, I like to cook. And so I'll cook some dish that takes maybe three hours of preparation and then I'll eat it in five minutes.

MIRANDA

Or to put it another way, two weeks of dating for ten minutes of passion. Here's a tip for you. My father used to think of the 1955 Dodger line-up, player by player. He said that could keep him going a little longer.

HERB

(*Beat*) Uh, you talked about that with your father?

MIRANDA

How about seeing the film tonight; simple pleasure?

HERB

Paying for the ticket, buying the gummy bears, going inside and sitting down, that's simple. But as I'm watching it I keep thinking: What is this director trying to say? I feel like I have to understand every line, remember every image, catalog every allusion and somehow conform them all to some ultimate point. Who has time to enjoy the film?

MIRANDA

What would happen if you didn't get the point?

HERB

You'd think I'd know the answer to that since it happens all the time. I certainly don't take much pleasure in that, I'll tell you that much.

MIRANDA

Been there. Some pleasures *are* hard to experience. But I wonder if there aren't others, just there for the taking, that we just don't recognize as pleasures until we try them.

HERB

Hmm. Like what for example?

(MIRANDA kneels down before HERB and reaches for his zipper)

HERB

Whoa, wait, what are you doing?

MIRANDA

Um, Herb, we can either talk about what I'm doing or I could do what I'm doing. *(MIRANDA continues with his zipper)*

HERB

But, I –

MIRANDA

Calm down, lover boy. It's been a while, I'm horny, and I think you're cute. But don't worry, I'm not looking for anything else. So just think of this as your lucky night. Are we good?

HERB

(HERB takes a long, uncomfortable beat) Read any good books lately? *(MIRANDA laughs and continues with HERB's zipper)*

End of scene

14. LOST AND FOUND OUT

(The coffee shop. CINDY and TED walk in)

TED

What a mess.

CINDY

I liked it.

TED

Oh, Cindy, please. Apart from your affinity for mutts and mongrels, what was there to like?

CINDY

It was heartfelt.

TED

“Heartfelt.” Really, Cindy, is there any word in the language that says failure more irredeemably than “heartfelt?” At least they could have used a real tiger. What a mess.

(SHARON comes over)

SHARON

I believe the line is "What a dump." Hello, Professor Mastro.

TED

(Slightly flustered) Miss Rogers. Working your way through college?

SHARON

Day and night.

TED

Most commendable. Miss Rogers, this is my wife, Ms. Hammond. Cindy, one of my prize students, Sharon Rogers.

SHARON

"Prize" as in trophy?

CINDY

We've met but not formally. Hi.

SHARON

Oh, yeah. I still have the other half of your cup of coffee.

(TED looks perplexed, and concerned)

CINDY

I've eaten here before, Ted.

SHARON

I'll get you menus if you promise not to grade them.

TED

That won't be necessary. Fried eggs over with bacon, an English muffin and homefries.

(SHARON takes out check and pen and starts to write)

SHARON

Butter on the muffin?

TED

No. Must watch my cholesterol.

SHARON

And you, hon? *(CINDY is staring at SHARON's pen)*

TED

Cindy? Are you --

CINDY

What? Oh, I'm sorry. Just coffee.

SHARON

Half a --

CINDY

(Sharply) Whatever.

SHARON

O-kay. Coming right up. *(SHARON leaves)*

TED

Aren't you going to eat, Cindy? Are you feeling okay?

CINDY

Ted, she had your pen.

TED

What?

CINDY

She had your grandfather's pen, Ted.

TED

Don't be silly, Cindy. It may have looked like it but –

CINDY

The pen you couldn't find.

TED

Cindy, you're imagining –

CINDY

Don't start lying, Ted. If you were any good at making up stories you'd be writing them instead of teaching them.

TED

That was uniquely cruel. All right, Senator, I'll play ball with the committee. What do you want to know?

CINDY

How long has this been going on?

TED

With her?

CINDY

What do you mean with her? There were others?

TED

You, for one. There were a few others. All students. You were the only one who took me seriously.

CINDY

It must have been my affinity for mutts and mongrels.

TED

I daresay there's some truth to that.

CINDY

I can't believe this is happening.

TED

Cindy, I am sorry. It was just so easy, they were all so accommodating, so willing. You're not a man, you don't know what that feels like. But it's like walking past a looking glass. You find it impossible not to stop and look at yourself, particularly when the image is so idealized. If it's any consolation, I never once came on to any of them. They all were the aggressors. Except, of course, for you.

CINDY

What happened to "Just say no?" Jesus, Ted, you don't even sound guilty.

TED

This has been going on for years, Cindy. What harm did it do?

CINDY

Ted, you can't be serious. You're ripping me apart right now. Does that constitute harm? Every time you go to work I'll think of you looking at her the way you used to look at me. Does that constitute harm?

TED

Obviously finding out is painful.

CINDY

Explain this to me. You're in bed with one of your students, about to make love to her, and you don't think of me at all?

TED

No, of course not. Why would I be thinking about you when I'm making love to somebody else?

CINDY

I don't know, Ted. Stupid question. You don't even think about me when you're making love to *me*.

(CINDY leaves)

SHARON

(SHARON comes over with coffee) Uh-oh. There goes my grade.

End of scene

16. THE NEW GIRL

(ROBERT's clinic. LOURDES sits at a desk. ROBERT enters)

ROBERT

Maria, the accountant just called. Do you have last week's figures?

LOURDES

Yes, sir. *(LOURDES hands a sheet to ROBERT)* Dr. Novak, I've been here a couple of weeks now and I was just wondering –

ROBERT

Yes?

LOURDES

Do you think maybe I could get paid in cash? It would save you all those headaches with withholding for example.

ROBERT

You know I can't do that Maria.

LOURDES

No, you see I just thought, with all the cash coming in, it would be good for both of us.

ROBERT

(Looking up for first time) What cash?

LOURDES

Well, the fifth column over. "Philanthropic grants." All those philanthropers seem to be philanthropizing in cash. I checked with bookkeeping. And I figure, with all the cash coming in –

ROBERT

Ms. Irizarry, it's not your job to be "checking" with bookkeeping. Now –

LOURDES

See, that's another thing. What exactly is my job? Now Mr. Weiskopf told me I would be working as a clerk, but this woman I replaced, Roberta Stewart, she was an executive secretary. Now, if I'm doing the work of an executive secretary I should be getting her pay, don't you think...in cash?

ROBERT

How do you know who you replaced? Is that something else Mr. Weiskopf told you?

LOURDES

No. Enterprise. My career counselor says employers are always looking for workers with enterprise. Ms. Stewart's file is also in bookkeeping. Was she a patient here?

ROBERT

No.

LOURDES

I only say that because she seemed to need help. She was very nervous. Her desk was very disorganized and she left all these papers. What does that tell you about her?

ROBERT

That she was sloppy. That's why she was fired.

LOURDES

But you didn't fire her for sloppiness. You fired her for (*LOURDES refers to a paper*) "abuse of sick leave policy." And since she was only out three days all year, I took that to mean you thought she was taking off for reasons other than health. Which (*LOURDES takes another paper off the desk*) she obviously was, unless there's a hospital at the Federal Courthouse at Foley Square.

ROBERT

What's that?

LOURDES

A grand jury subpoena. So I'm thinking maybe I'm not the only one who noticed all the cash. Get my point?

ROBERT

Get out of here.

LOURDES

Well, now that –

ROBERT

NOW. Get out of here.

LOURDES

Do I get one phone call? Like to Mr. Weiskopf. I know he'd be disappointed to learn I lost my job.

ROBERT

You can tell Larry to go fuck himself.

LOURDES

I tried that. It has no effect on him, he hears it so often. Look, how does it hurt you? You pay me in cash. And maybe we can do some business. I know this guy and he always seems to have extra cash on hand. I'll bet he'd make a great philanthropist.

(ROBERT turns to leave)

LOURDES

If you're going to call Mr. Weiskopf, he's not in his office. I just called. *(ROBERT stops)* Look, Dr. Novak, I could be a good worker. I got a son, this job is easy, pay's good. I won't bother you ever again about this. I'm just asking for a few – what do you call them – perks.

ROBERT

(Beat) What else besides being paid in cash?

LOURDES

I want to be called an executive secretary.

ROBERT

What else?

LOURDES

(A long beat) I want sessions.

ROBERT

What do you mean, sessions?

LOURDES

Therapy sessions. But not with you, with Dr. Cooper. She's got a regular practice. I'll pay, you just charge me the indigent rate. Hey, soon you'll have as much on me as I have on you. It will make you feel better.

ROBERT

It's not going to make you feel better. We don't write out prescriptions for crack.

LOURDES

I don't do drugs no more. And it's got to make me feel better, 'cause I can't feel no worse than this. Something's got to change.

ROBERT

Something's going to change, all right, and it's going to be your employment status. *(ROBERT leaves)*

End of scene

17. GREENER PASTURES

(LARRY in his office. JENNIFER enters)

JENNIFER

Hi.

LARRY

Hi.

JENNIFER

(Deep breath) Okay. Larry, you have to make a choice. *(Almost more to herself)* No, I have to make a choice, I have to make a choice.

LARRY

The first choice you have to make is who has to make a choice here.

JENNIFER

I can't go on anymore like this. I want you to leave Rachel.

LARRY

I told you, when the time is right I will. Jennifer, you know I love you.

JENNIFER

That's what I don't know. And not knowing that is what's killing me, and making me do things that I don't want to do. *(Again, more to herself)* No, obviously I do want to do them but they're self-destructive. And it has to stop.

LARRY

Who are you talking to, me or your therapist?

JENNIFER

Anybody that will listen. I hate this, Larry. I'm sitting in my office, trying to imagine this very conversation we're having, trying to picture it and I swear to you, Larry, I couldn't remember what you looked like.

LARRY

What's that supposed to mean?

JENNIFER

I don't know, but it sounds bad. It sounds significant. It's like I don't know if it's you I want or your love. *(Again to herself)* No, not your love, your commitment.

LARRY

Look, Jen, if it was just a matter of who I would rather be with, of course it's you. I love being with you. But leaving a marriage, that's changing a whole life.

JENNIFER

Maybe you need a change, Larry. Did you ever think of that? A change of your whole life.

LARRY

Like what, I should become a sanitation worker?

JENNIFER

(Another big breath; then again to herself) Theresa, forgive me. *(To Larry)* There's a guy in Brooklyn. He's in trouble and he needs a lawyer.

LARRY

Another cousin?

JENNIFER

No. But he works for my cousin.

LARRY

Doesn't your cousin have his own lawyers for that shit?

JENNIFER

Yeah, but this guy that's in trouble, he knows all those lawyers. And my cousin thinks that if, for example, this guy felt like he wanted to get chatty with the DA's office, he might not feel comfortable telling any of those lawyers about it. But if a young, Legal Aid attorney, a former prosecutor with a spotless reputation, got assigned to him, he might feel more trusting. And that way my cousin would know what he was up to – and be able to help him.

LARRY

I'm supposed to go work for Legal Aid?

JENNIFER

My cousin says he knows of an opening. You just have make sure you take the job before this guy gets arraigned.

LARRY

How does your cousin come to know about me?

JENNIFER

He has a well-placed, reliable source.

LARRY

Jennifer, in your wildest imagination, what makes you think I would ever do something like that?

JENNIFER

My cousin says that anybody that could handle a job like this would probably make an excellent candidate for office or a judgeship somewhere down the line.

LARRY

(*After a long beat*) Who is this guy who your cousin wants me to “help?”

JENNIFER

Nicky Norberto.

(ROBERT bursts in the room. He doesn't see JENNIFER)

ROBERT

Where the fuck do you get off –

LARRY

Robert, allow me to introduce –

ROBERT

– sic'ing that Dominican cunt on me?

LARRY

– Jennifer D'Onofrio.

ROBERT

What?

JENNIFER

Dr. Novak. What are you doing here? Is this an intervention?

LARRY

Yes, Dr. Novak. What *are* you doing here?

ROBERT

Mr. Weiskopf and I have some business.

JENNIFER

You're in the "Dominican cunt" business?

ROBERT

Look, Jennifer, we can talk about it at your next session.

JENNIFER

I can hardly wait.

ROBERT

(*Covering*) Uh – what are *you* doing here?

JENNIFER

(*A look at LARRY*) It's my compulsive shopping disorder. I think I just bought something I don't even want.

ROBERT

Yeah, there's a lot of that going around.

JENNIFER

Theresa's going to kill me. (*JENNIFER leaves*)

LARRY

Well, that blows your cover. But it's all right, your usefulness to this investigation is at an end.

ROBERT

Never mind about Jennifer. Let's talk about Ms. Irizarry.

LARRY

Who?

ROBERT

Maria Irizarry, that woman you made me –

LARRY

Oh, right, Maria Irizarry.

ROBERT

She's blackmailing me.

LARRY

Now, for me that's a term of art.

ROBERT

You think I'm going to allow myself to be blackmailed by you *and* her? Forget it. I want her out of there.

LARRY

Bobby, Bobby, calm down.

ROBERT

I won't put up with this, Larry.

LARRY

Not my problem.

ROBERT

What do you mean not your problem? You told me to hire her.

LARRY

I'm leaving.

ROBERT

What?

LARRY

I've leaving the office. Got a new job.

ROBERT

Fine. Then the bitch is fired as of right now.

LARRY

She'd just find someone else in the office to rat on you to. I think you're stuck with her.

ROBERT

Find her another job. I'm warning you, Larry, two can play at this game. Your marriage is just a phone call away.

LARRY

Things have changed a little since we last talked, Bobby. If there's going to be any phone calls, I'll make them. And as for Jennifer, you'll find that her course of treatment is finally at an end. She can get all she needs from watching Dr. Phil. I don't think she needs your advice anymore.

ROBERT

Listen, you fucking...

LARRY

Bobby, for reasons only you would know, you made a choice to get your hands dirty. I warned you. And instead of stopping, you fired the grand jury's star witness. You still got problems. If you play ball with Maria, she'll play ball with you.

ROBERT

I don't like anybody blackmailing me.

LARRY

For us, from where we come from, it feels like blackmail, I know. On the street, this is just hondling. My daddy always told me: At certain times in your life, son, you find yourself adrift in the cold ocean. You have to learn how to swim to the warm spots.

ROBERT

Fuck you.

LARRY

Once you get to know Maria you'll really like her. But wear a rubber. She's been around a little.

ROBERT

Fuck you.

LARRY

It's just another warm spot, Bobby.

End of scene

18. The Other Side Of The Road

(CINDY and HERB's office; HERB at desk reading a report)

HERB

Oh good grief.

(CINDY comes in)

CINDY

Okay, Herb, you're not going to believe this.

HERB

Look, Cindy, this diminished capacity report –

CINDY

I know. Way out. Treat it like first impression stuff, Herb. Be creative.

HERB

Cindy, I could never hand in nonsense like this. It's just –

CINDY

It doesn't matter. We're not going to need it, Herb. Listen to this. I just had a sitdown with, you'll never guess...

HERB

Ted?

CINDY

Herb, give me a break on Ted, will you. I have no interest in Ted.

HERB

He really misses you, Cindy. I think this whole thing has really --

CINDY

The only problem Ted will have is when he tries to screw his students now he won't be able to get it up because he won't be cheating on me. Look, I just had a long, heart-to-heart conversation with one Lydia Rodriguez.

HERB

Who?

CINDY

Hector's mother. Larry told me if I got Hector to inform on her --

HERB

On his mother? Larry actually --

CINDY

Is that your surprised face? Anyway, you got to hear this. Now, as we know, the guy Larry is looking for is Nicky Norberto.

HERB

Right.

CINDY

Larry keeps hammering away at Lydia to give him up. He thinks she's been sleeping with him. And she was, but then he jilted her for the other one, Randy's client, Lluvera. So now Lydia is more than happy to give him up. But not to Larry, not to the feds. She's got a deal working with the DA's office that Larry, since he's in narcotics and not in organized crime, knows nothing about. But she's worried about Hector so she agrees to talk to me. And this is the deal I made with her. Hector cooperates and gives her up, she tells Larry about her gumbah, but doesn't tell Larry she's already given his name to the State. We get our cooperation agreement from Larry, he writes the judge a 5K letter and Hector walks. Meanwhile, we fuck Larry royally, which I would love like latkes, because he goes off smiling to arrest the Godfather and the DA's office says "I don't think so, Larry. He's ours." And Larry ends up with ugatz. What do you think?

HERB

I think you should call Ted.

CINDY

Herb, fuck Ted.

HERB

Whatever he did, I'm sure you can work it out.

CINDY

Work it out? Another negotiation? Another deal? Forget it. I want his ass.

HERB

(Beat) Cindy, what's happened to you?

CINDY

I don't know, Herb, but before I went to sleep last night I saw a huge pod in my living room.

HERB

Seriously, Cindy.

CINDY

Seriously, Herb. *(Beat)* You know why this case upsets me so much? Because all of a sudden I realized I do this job because I identify with my clients; like Hector, a gambler, a moralist, a loser. No more. I want to be a winner.

HERB

What? You are a winner.

CINDY

Really? Is this what being a winner feels like? How come Disneyland is the furthest thing from my mind? My husband's been cheating on me since before I knew him; I have a co-dependency problem with my clients; my classmates are zipping past me on the career track and I'm even losing cases in your dreams. You know who the real winners are? Anybody who doesn't care. I was crawling in traffic the other day on the Drive and I see a car riding on the shoulder at about forty miles an hour to the head of the line. And what do I do? I just sit there with my seatbelt on watching. Why? Why don't we follow that guy?

HERB

(Beat) I always worry if you do stuff like that, you'll get a ticket.

CINDY

Well, I don't. I worry about the woman in the car next to me, or the guy behind me. It's not fair to them, I think. And that's what makes me a loser, Herb. I can't objectify and dehumanize the people I deal with; I can't reduce them to cellblock statistics or centerfolds like all the Larrys and Teds out there do. And as a result, I become vulnerable to every shyster in every courtroom and every bedroom in the world. *(Beat)* We got to start riding the shoulder, Herb.

(There is a silence as CINDY starts leafing through the Diminished Capacity Report)

CINDY

Oh, how did your date with Randy go? What did you do?

HERB

Um, let's just say I came and went. *(Beat)* Did I ever tell you how I almost cancelled my bar mitzvah?

CINDY

(Without looking up) No. What happened? Were the Catholics offering you a better deal?

HERB

No. See, I didn't think it was right because I didn't have faith, I didn't believe in God. So I told my rabbi. And he said: God doesn't care so much whether you believe in him or not, just that you follow his laws.

CINDY

(A short laugh) Is that when you decided to become a lawyer?

HERB

No. That happened after another story he told me. There were these two rabbis that were arguing about a point of law. The first of them finally asked God for an interpretation, which God was willing to give them. But the second rabbi said to God: Wait a minute. You gave *us* the law, and now it's for us to interpret it. And God agreed. *(Beat)* I think that every time we obey the law it's an act of faith. Being a lawyer you're part of a process that keeps most of us from pulling out of line and riding the shoulder. But however slow it's going now, the process will grind to a halt if we lose too many Cindy Hammonds. *(Beat)* Does that help at all?

CINDY

(Beat) Sure. It helps me, Herb. It just doesn't do anything for Hector Soto.

End of scene

19. THE CHEESE EATER

(The coffee shop. SHARON is sitting at a table. TED enters)

SHARON

Professor, God, you look awful.

TED

Indeed? How ironic when I'm feeling so terribly happy.

SHARON

You look like a homeless person.

TED

How fitting.

SHARON

(Long beat) I suppose you heard.

TED

About your suspension? Yes, I did. Shame on you, submitting somebody else's paper as your own.

SHARON

It was the paper you read in my apartment, the one on On The Waterfront.

TED

Yes. I understand now your initial reticence at allowing me to look at it.

SHARON

I'm really fucked. Now I'm going to be in this shit hole for at least another year. *(Beat)* Not that it matters now, but do you know how Professor Kurowski found out?

TED

Oh, yes. I told him.

SHARON

What?

TED

Yeah. Ain't I a stinker?

SHARON

How did you know?

TED

Mr. Sbocco, the true author of the paper, confessed.

SHARON

Why?

TED

He was under some pressure –

SHARON

Why did you tell Kurowski?

TED

Yes, "why." A question I ask myself so many times a day. You see, Sharon, we do an act -- you in stealing or buying the paper, me in deciding to rat on you, "eat cheese" in the vernacular, Kazan himself, for that matter, in deciding to cooperate with the witch hunts -- we commit to this morally questionable course based on such a vastly complex set of factors that inevitably our understanding of ourselves and of "why" gets muddled by the true opiate of the masses: rationalization. Who can say precisely why we do anything.

SHARON

Were you pissed at me because of what happened with your wife?

TED

Sharon, please. You flatter yourself. Even a professor of literature knows better than to be angered by historical inevitability.

SHARON

So why then? Do you know how important school is to me?

TED

Then one must wonder why you, one of the smartest students I ever shtupped, would have to stoop to taking the third-rate work of others and passing it off as your own.

SHARON

I'm going for an MBA. Why should I waste my time writing fucking book reports.

TED

Why indeed. So you view college as some sort of trade school?

SHARON

Isn't that how you view it? How did you know it was stolen?

TED

Well, as I was reading your paper on Jonathan Franzen, I got a strong sense of déjà vu. Mr. Sbocco apparently misremembered that he had submitted the same paper to me.

SHARON

You knew I stole it?

TED

Oh, yes.

SHARON

I don't get it. How come you didn't just blow the whistle on me for that?

TED

Too dangerous; our relationship, my wife, sexual harassment. You get the picture.

SHARON

So you got me suspended because you're angry at me for not living up to my potential?

TED

No. I think that you, and I for that matter, have exploited our potential quite effectively.

SHARON

So come on, fucker. Why did you do it?

TED

Patience. (*Beat*) I caught a few moments of *America America* -- Kazan's autobiographical film - - on TCM the other night; a few moments is about as much as anyone can take of that film, and it reminded me of the delicious irony of your handing in that *On The Waterfront* paper. As you are doubtless unaware, Kazan, just like you, worked his way through college as a waiter. And so the hypocrisy of what you did --

SHARON

Don't you be talking about the hypocrisy of what I did. Who are you to judge what I did?

TED

Exactly, Miss Rogers. That is the point of this lesson. You get an A, although I would advise that you not wear it, given the circumstances.

SHARON

Unbelievable.

TED

It is unbelievable. You always seemed so interested in class.

SHARON

That shows how much you know. You thought I was interested in the bedroom. (*Beat*) Just tell me why.

TED

It's simple, Ms. Rogers. If I give you up, maybe I can make a deal with my wife.

(SHARON throws her drink at TED and leaves. TED starts to sing:)

TED (*sings*)

Falling in love again

Never wanted to

What am I to do

Can't help it...

End of scene

20. TAKE OUT

(ROBERT's private practice office; ROBERT sits at his desk, LOURDES stands nearby)

LOURDES

Well?

ROBERT

(Sarcastically) How are you enjoying your therapy?

LOURDES

Great. I don't hate my mother no more, now I only hate myself.

ROBERT

(Beat) I asked you here because the clinic is bugged.

LOURDES

(Sarcastically, hitting her forehead) Duh.

ROBERT

I can see why you hate yourself. You're easy to hate.

(There is a long silence as they stare at one another)

LOURDES

Isn't it frustrating when the patient has nothing to say?

ROBERT

(Picking up file) Yes, very. Of course, you don't seem to have that problem, do you?

LOURDES

What is that?

ROBERT

Your file, Maria.

LOURDES

That's supposed to be confidential.

ROBERT

Like so much else in life.

LOURDES

It don't matter. There's nothing in there.

ROBERT

True. These pages about your mother, I mean, please. Grow up. But what I found interesting is this section about how you treated, what was his name, Hector?

LOURDES

Maybe we should come in for couples therapy.

ROBERT

You fingered your own boyfriend.

LOURDES

So I fingered my boyfriend, so what? How does that help you? You going to go running to the US Attorney's Office? They're the ones that asked me to give him up in the first place.

ROBERT

True. I'm just trying to level the playing field.

LOURDES

Is that what you brought me here for?

ROBERT

No. I have a question about your offer. Why would your friend want to do business with me if he knows I'm under investigation?

LOURDES

See, that's the beauty of this deal. Once my friends gets involved, you'd be amazed how quickly that investigation will go away.

ROBERT

Really? And what's this guy's name that wants to make the "donation?"

LOURDES

We don't need names, do we?

ROBERT

No, we don't. What do I have to do?

LOURDES

You're for real? *(Beat)* Call this number. *(LOURDES writes it down)* It's a Chinese restaurant. Tell them you want to order takeout and order the lotus blossom delight. You'll talk to a guy and he'll tell you the rest.

ROBERT

I hope they at least throw in an egg roll.

LOURDES

See you round the office, Dr. Novak.

(LOURDES leaves. ROBERT dials the phone)

ROBERT

Nicky Norberto. *(Pause)* Cut the crap, I know he's there and I have something I think he'll be very interested in hearing.

(As ROBERT waits on the phone, he takes out a tape recorder from the desk . He rewinds a bit and starts to play it)

ROBERT'S VOICE

"You fingered your own boyfriend."

LOURDES' VOICE

"So I fingered my boyfriend, so what? How does that help you? You going to go running to the US Attorney's Office? They're the ones that asked me to give him up in the first place."

End of scene

21. ALL MY TRIALS WILL SOON BE OVER

(JUDGE RYAN's courtroom. CINDY at counsel table, LARRY enters)

CINDY

Larry.

LARRY

Hi, Cindy. Sorry I couldn't meet you at my office --

CINDY

No, this makes sense. We can talk here and then call the judge down when we have the deal finalized.

LARRY

Right. Except there is no deal.

CINDY

What?

LARRY

No deal.

CINDY

You told me if Hector would give you Lydia you would --

LARRY

He can't give me Lydia because Lydia is out of the case. We nolle'd her last week.

CINDY

What?

LARRY

We dismissed the complaint against her.

CINDY

I know what nolle means. Why?

LARRY

Our case against her was very thin and --

CINDY

You told me you wanted her so you could squeeze her to get Nicky Norberto.

LARRY

Right. But we have since come to very strongly believe that was not Nicky Norberto who the undercover saw in her apartment. In addition, we have come to learn that Ms. Rodriguez is untrustworthy as she has been running her mouth to various assorted people, like the D.A.'s office and, more importantly, to one of the attorneys in this very case. Nice try, Cindy, but you went up against the wrong boy.

(HERB enters)

HERB

Sorry I'm late, I got stuck in the elevator. Hi, Larry.

LARRY

Herb.

HERB

(There is a silence as HERB sees LARRY and CINDY staring at each other) Well, do we have a deal?

LARRY

I think what we have here, Herb, is a misdeal.

(JUDGE RYAN enters)

JUDGE RYAN

Did you see my deputy?

CINDY

Hi, Judge. She was here about ten minutes ago. I thought she said she was going to chambers.

JUDGE RYAN

That's who that was. Fuck it, I'm not going to go running after her. What are you doing here Kramer?

HERB

Ms. Hammond is my partner and --

JUDGE RYAN

That kind of stuff has no place in a courtroom. *(JUDGE RYAN gets up on the bench)*

(JENNIFER enters)

JENNIFER

Oh, sorry, Judge. I didn't think you were here.

JUDGE RYAN

Sure, why would you expect to find a judge in his own courtroom.

CINDY

(Recognizing JENNIFER, sotto voce) Herb, isn't that —

JENNIFER

I didn't mean that, I just --

JUDGE RYAN

Sit, sit, everybody -- except you, Weiskopf. So, what's happening here? Are we ready for the plea today?

LARRY

I think Ms. Hammond is the one to tell us that.

JUDGE RYAN

Well?

CINDY

No, Judge, we're not. In fact, I don't think Mr. Soto is prepared to take a plea in this case at all.

JUDGE RYAN

He's not?

CINDY

No.

JUDGE RYAN

Why not, pray tell?

CINDY

Because he's innocent, Judge.

LARRY

Shouldn't this be on the record?

JUDGE RYAN

(JUDGE RYAN pulls off his robes and throws it at LARRY) Here, you wanna run my court you should put on the robes.

LARRY

Judge, it's just that --

JUDGE RYAN

You're telling me I have to try some guy just because he's innocent? There's got to be something wrong with that.

JENNIFER

I didn't even bring my machine.

JUDGE RYAN

What were you planning on doing, remembering all of this? It's very unmemorable, I can assure you.

JENNIFER

This isn't my assignment. I'm just...(looks at LARRY)

JUDGE RYAN

(Beat) Well, good. At least somebody is just in this building. No plea, huh? Let's set a date.

HERB

Judge, may I?

JUDGE RYAN

(Looking around befuddled) Did we all of a sudden break into a game of Giant Step?

HERB

(**HERB takes out diminished capacity brief**) I wonder what your Honor's practice is concerning advisory opinions. If we thought your Honor would seriously consider our motion for a downward departure from the mandatory minimum sentence, we might be more willing to plead. (**HERB hands brief up to the judge**)

JUDGE RYAN

What is this?

HERB

Our brief, your Honor.

JUDGE RYAN

(**JUDGE RYAN leafs through it quickly**) It's 43 pages long.

HERB

It's a complicated issue, your Honor.

JUDGE RYAN

(**JUDGE RYAN removes the fastener and throws the loose papers at HERB and they fly all over**) Give me your best ten pages. If I'm going to read 43 pages of anything, it better be written by Robert Ludlum. Let's pick a date. Wait a minute, wait a minute. Isn't there somebody else in this case? (**JUDGE RYAN starts rummaging wildly through papers on the bench**)

LARRY

Lydia Rodriguez, your Honor.

JUDGE RYAN

Right. Rodriguez. We need her before we set a date.

LARRY

She's out of the case, Judge.

JUDGE RYAN

She's going to plead?

LARRY

Uh, no, Judge. We nolle'd her.

JUDGE RYAN

You nolle'd her?

LARRY

Yes.

JUDGE RYAN

Didn't the drugs come from her apartment?

LARRY

Yes, Judge.

JUDGE RYAN

You cut her loose and you're going to trial against some schlemiel for the crime of street corner standing?

LARRY

My office will be. I won't. You will be pleased to learn that I am leaving the office at the end of the week. You won't have me to kick around anymore.

JUDGE RYAN

Good, that will save on shoe-cleaning bills. Where are you going? Some matrimonial firm, I hope.

LARRY

I'm talking a couple of weeks off and then I report to Legal Aid in Brooklyn starting May 18th.

JENNIFER

May 4th.

LARRY

What?

JENNIFER

(JENNIFER tries to whisper) That's what I came to tell you, Larry. I just got a phone call. You have to be on staff by the 4th.

JUDGE RYAN

Legal Aid is phoning *you* about when he has to report?

LARRY

(Covering) I was going over some corrections in a transcript with Ms. D'Onofrio in my office when I realized it was time to come to court for this conference and so I left her in my office. *(Sharply to JENNIFER)* Thank you, Ms. D'Onofrio.

JENNIFER

It's very important, Larry.

LARRY

It shouldn't cause any delays, Judge. This is a very simple case. Anyone in our office can get up to speed by whatever trial date you set.

JUDGE RYAN

All right, let me find my calendar. *(Looking at papers on the bench)* Robert Novak, who does he represent?

HERB

No, Judge, you've picked up one of the pages of our brief. He's a psychiatrist, an expert in compulsive behavior, particularly gamblers. Our position basically is that compulsive gamblers, like our client, have diminished capacity to understand right from wrong when they commit a crime and...*(HERB's voice has trailed off as he withers from the judge's glare)*

JUDGE RYAN

Where did you go to law school, Kramer?

HERB

Harvard, your Honor.

JUDGE RYAN

Get your money back. *(Looking at his own calendar)* So any time is good for you, right Weiskopf?

LARRY

Any time.

JUDGE RYAN

Ms. Hammond?

CINDY

(Staring at LARRY) It's his mother, Judge.

JUDGE RYAN

Weiskopf? Weiskopf is a mother?

CINDY

Lydia Rodriguez is my client's mother, and the reason why we couldn't reach a cooperation agreement and a plea is because Mr. Weiskopf wanted my client to give up his mother.

JUDGE RYAN

Is that true?

LARRY

(Beat) Yes.

JUDGE RYAN

(Beat) You can't leave this court fast enough for me.

LARRY

Judge, Ms. Hammond's client and his mother are drug dealers --

CINDY

Then why did you nolle her?

LARRY

-- and we need to use every weapon we have. Some of these cases would be unwinnable if we couldn't get these people to cooperate.

JUDGE RYAN

"It may be less evil that some criminals should escape than that the government should play an ignoble part." You should have spent more time reading Oliver Wendell and less time reading Sherlock, Weiskopf. The great crime of drugs is not what it's done to the addicts and the dealers, who were victims long before they ever saw a bag of crack, but what it's done to the society that prosecutes them. Good riddance to you, although if there was any justice, you'd be forced to stay and clean up the mess you've made here.

HERB

That's where diminished capacity comes in, your Honor.

JUDGE RYAN

Don't start, Kramer. I worked long and hard to earn the right to be a pompous horse's ass and have a permanent soap box with a captive audience. But they don't pay me nearly enough to listen to somebody else pontificating.

HERB

I won't pontificate, Judge. It's just that I think Mr. Weiskopf probably should stay. I know it appears to be a simple case, but when you read our brief, as I know your Honor will, you will see it is a very complicated issue which should be handled by an experienced attorney from the government who has background knowledge of the case.

JUDGE RYAN

(Examining a page of the brief) Kramer may have a point, Scheisskopf --

LARRY

Weiskopf.

JUDGE RYAN

-- some very long words in this brief. I could use an old NYU grad to clarify it for me. I think you should stick around until we deal with this.

LARRY

Sorry, Judge. I start a new job May -- *(Looks at JENNIFER)*

JENNIFER

4th.

LARRY

-- 4th and with all due respect, I don't think even a federal court judge can order me to stay.

JUDGE RYAN

(Beat) Ellie Rochester is the head of Legal Aid in Brooklyn, isn't she? Used to clerk for me, you know. *(JUDGE RYAN picks up phone and punches in a number. Smiles as in "what will they think of next")* Look, they give me a phone on the bench. America goniff. *(Into phone)* Ronnie, look in my book and give me a number for Ellie Rochester. No, the office number. Thanks. *(JUDGE RYAN punches in another number)* Ms. Rochester, please. Judge Ryan from Southern District. *(Pause)* Ellie. Ken Ryan. Great. How's Paul? Oh well, join the club. He was an asshole anyway. Look, I have Larry Weiskopf in front of me, one of our finest assistants here. *(Sharply)* No, I am not putting you on, this is really Judge Ryan. Anyway, he's supposed to be starting with you folks May 4th but I find that a very important matter has come up in a case in front of me that Larry has been working on and I would like to keep him here for a couple of months --

JENNIFER

Larry --

LARRY

Shhhh.

JUDGE RYAN

-- until we can get it decided. I didn't think there would be. Great, I'll tell him. Are you coming to my dinner? See you there and thanks again. Bye. (*Hangs up*) Lovely woman. Are you single, Kramer?

HERB

Yes, Judge.

JUDGE RYAN

Forget it, she's much too good for you. (*To LARRY*) Ellie just changed your appointment date. I imagine I could get her to unchange it, Weiskopf, if you act like a mensch and do the right thing. If there's no case to try, there's no brief to argue. It's a quarter after. You have fifteen minutes to go back to your office and write up a nolle for this kid.

(LARRY stares at him for a while, then looks around, takes his papers and leaves)

JENNIFER

(After watching him) 4:15? Oh, God, I have a conference with Judge Cappellini.

JUDGE RYAN

Ask him where my fifty dollars is. (*JENNIFER exits*) I get twenty-five dollars for every time Boehner can't deliver his own party. V'chai bahem, Kramer. You know what that means?

HERB

(Chuckles) Yes, Judge.

JUDGE RYAN

Judge Schecter told me that. He gives me all my good Jewish stuff. Feeling better, Ms. Hammond?

CINDY

Much, Judge, thanks.

JUDGE RYAN

Thank the Harvard boy over there.

CINDY

I will. Judge, they got my cell downstairs. Would you mind terribly if I used your phone.

JUDGE RYAN

Sorry. (*JUDGE RYAN lifts up entire phone; there is no wire*) They haven't connected it yet. (*He smiles and winks and as he leaves*) See you in fifteen minutes.

CINDY

Herb, that was terrific. You'd have made your rabbi proud.

HERB

Maybe. He was big on finagling.

CINDY

And the way you stood up to the judge, even after he threw the brief -- wait, that dream you had...

HERB

Yeah, the pages raining down.

CINDY

Oooh, I just got a chill. Call Rod Serling.

HERB

I guess dreams can come true.

CINDY

(Jokingly remonstrating him) Except this case I did not lose.

HERB

Oh, yeah. You know, I was thinking about that and I'm really sorry --

CINDY

Herb, I'm just kidding. Nobody can be held responsible for their dreams.

HERB

More's the pity. *(Beat)* You know, I read somewhere that the Japanese sleep separately so that they won't get into each other's dreams.

CINDY

Really? That would account for a great deal. *(Beat)* What is v'chai bahem?

HERB

Oh, talk about finagling. It's from the Torah. See, the Torah has all these laws that are very, very strict and must be obeyed. But along the way in interpreting the Torah some rabbi latched on to that phrase, v'chai bahem. It sort of means laws you can live by. I think the whole section is something like: *You shall keep my laws by the pursuit of which people shall live.* So he decided that if the law isn't helping you live, you can fudge it a little. V'chai bahem.

CINDY

(Beat) Does that go for our friend riding the shoulder?

HERB

I think we can live with the traffic moving a little slowly. I think we can live with justice moving a little slowly. But we can't live without compassion.

CINDY

You're all right, Herb. Tell me, did your rabbi ever give you advice on getting laid?

HERB

Uh, no.

CINDY

Too bad. *(Picking up newspaper)* So, how about a movie tonight to celebrate?

HERB

Great. There's a Sri Lankan film about the Tamil Tigers that just opened at the Lincoln Plaza. And there's a Macedonian film --

CINDY

(Referring to paper) Adam's Rib is on TCM at eight. How about coming up to my place and watching that?

HERB

(Beat) Okay.

CINDY

Then later on maybe we can get into your dreams.

(HERB looks more confused than usual. He starts to say something. CINDY puts her fingers over his lips as the lights fade)

End of play