

Supreme Courtships

"A Suggestion of Mootness"

(pilot)

by
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TEASER

INT. BASEMENT CORRIDOR - NIGHT

The hall is dark and empty. GIGGLES. We see A COUPLE in an alcove kissing. The kind of kissing you do on the second or third date: intense, exploring, exciting. The girl, raven-haired AMBER CHAVEZ, 27, is curvy and sexy; the boy, olive-skinned TONY CAPRESSI, 28, is muscular and mysterious.

AMBER

I should get back upstairs...

Tony kisses her on the lips, putting an end to that thought.

TONY

C'mon. We're not there yet.

He takes her hand and pulls her down the hall to a door:
"POOL HOURS 7 A.M. To 11 P.M. No Life Guard."

AMBER

It's almost midnight. What if
someone comes?

TONY

That sign's just there to make sure
no one disturbs us...

Tony's got a slight Brooklyn accent; Amber's got a slight Mexican accent; both work to hide them. Before Amber can say breaking and entering, Tony slides a credit card down the jam. CLICK -- the door opens.

AMBER

How'd you know it wasn't alarmed?

TONY

(a twinkle in his eye)
I didn't.

INT. INDOOR SWIMMING POOL - NIGHT

Steam rises from the water. The only light comes from the pool.

AMBER

It's so pretty.

TONY

I'm going to swim.

Amber's heart flutters with excitement.

AMBER

What? *Naked?*

Tony pulls his shirt off. His look: "I dare you." Amber smiles and -- pulls off her top. He pulls off his shoes and socks and jeans. He stands before her in boxer briefs -- she slips out of her skirt and they jump into the pool.

DISSOLVE TO:

Rippling light plays on the dark walls. SPLASH. GIGGLES.

TONY

I dare you...

Amber smiles slyly, then slips out of her bra. She spins it like a lasso, then lets it fly -- Tony tosses his underwear onto the side with a WET SLAP, then swims toward her. They slip under the water. SLAP, Amber's panties hit a column.

AMBER

I never knew working late could be so much fun.

TONY

That's because you haven't been working late with me...

She pulls him onto the stairs where they make love...

They get lost in the moment. Amber moans -- when Tony notices a flashlight beam move across the wall. The sound of JINGLING KEYS. Tony clamps his hand over Amber's mouth -- she bites it accidentally. Tony GRUNTS and bites his lip as --

NAJIB, 50's, makes his rounds. The lovers remain entangled, but hidden as Najib's flashlight beam moves over the wall: "Justice Frankfurter Memorial Pool." And we see the patch on the guard's shoulder: "Supreme Court Police." We're in the U.S. Supreme Court Building where Amber and Tony are law clerks. Najib looks at the bra, panties and boxers, he looks around then walks out -- Tony and Amber relax and LAUGH.

INT. CORRIDORS - LATER

Amber and Tony walk along, they don't hold hands.

AT AN INTERSECTION OF HALLWAYS

Tony takes Amber's hand -- she pulls away:

AMBER

Look, Tony -- let's keep this thing
between us --

TONY

Secret? Hell, we clerk for
different Justices -- what would
people say?

AMBER

The way everyone gossips in Court,
it's like living in a dorm.

TONY

What bench memo are you working on?

AMBER

Millard v. Millard. The embryonic
right-to-life case. The Chief
Justice gave this one to Lynch
because she was on the fence. I
need to make sure she's covered in
Orals.

TONY

I'll cover you in orals.

She punches him. He grabs her -- she pulls away.

AMBER

I've got to go.

TONY

You're going to be thinking about
me the rest of the night!

He can't see Amber's face, but we can -- he's right.

INT. AMBER'S OFFICE - NIGHT

A CURSOR BLINKS on an LCD screen under the heading, Millard
v. Millard: Argument Against Granting a Stay.

Amber stares at the blank screen, poised to type... she leans
back and smiles, thinking about Tony but sees --

AMBER

Allen? What are you doing here?

-- ALLEN MOORE, 28, sitting in a chair. He leans forward with
a bouquet of flowers. He seems a little drunk.

ALLEN

These made me think of you --
they're from the park where we had
our first kiss.

She takes them from him. There's still dirt on the bottom.

AMBER

You stole them?

ALLEN

Liberated them. I miss you, Ambs --
I miss waking up with you in the
morning. I miss your smile. I want
us to get back together.

(a beat)

Your hair is wet.

AMBER

(ignores him)

You're drunk.

ALLEN

(a smile)

Drunk with love --

AMBER

Oh, please. Look, Allen --

ALLEN

Clemente threw one of his
tirades... I was out taking a walk
and I remembered It's our
anniversary. Two years.

AMBER

We broke up last month.

ALLEN

I was stupid -- I thought a
separation would help me focus on
my work -- but the opposite
happened. All I think about is you.

He steps toward her -- she steps back.

AMBER

I can't deal with this now, Allen.
I have to write the Millard bench
memo.

Allen seems hurt, but nods and walks out. Amber sighs and
sits back down at her desk and stares at her laptop.

INT. HALLWAY - NIGHT

We follow Tony as he struts down the hall. All of the offices are dark, except for the last one -- Tony looks at his watch, then decides to investigate... THUMP, THUMP, THUMP of MUSIC comes from the last office.

Tony raps on the door it opens.

TONY
Hello? Justice Wagner?

INT. WAGNER CHAMBERS - CONTINUOUS

WOMAN'S VOICE (O.S.)
That's right, that's right, keep it up--

The MUSIC AND VOICE come from a 'Bikercise' video where A WOMAN in a leotard pedals energetically. Tony starts to back out when he sees CHIEF JUSTICE WAGNER, 83, sprawled over the handlebars of a STATIONARY BIKE. Holy shit -- Tony pulls him to the floor and starts CPR. He blows twice into his mouth, then starts pumping his chest.

TONY
1, 2, 3, 4, 5 --

WOMAN'S VOICE (O.S.)
That's right, keep it up--

AMBER (O.S.)
Oh my God -- is that the Chief Justice?

TONY
(looks up at Amber)
Call 911.

THUMPING MUSIC. OFF AMBER'S LOOK -- A SIREN WAILS over --

TV REPORTER (PRE-LAP)
Death visits the Supreme Court. A few hours ago --

EXT. SUPREME COURT BUILDING - NIGHT

Lights from emergency vehicles strobe on the ominous Greek Temple -- all 24 columns of Siena marble from Liguria, Italy - - yes, *Liguria*. There are REPORTERS.

TV REPORTER 2
-- the honorable H.B. Wagner, Chief Justice of the United States,
(MORE)

TV REPORTER 2 (cont'd)
suffered a cerebral hemorrhage
while --

TV REPORTER 3
-- during his daily exercise
regime. His death ends 25 years of
the Court's Liberal Majority...

INT. SECURITY OFFICE - NIGHT

Tony and Amber are sitting across from a Najib when an older
MAN IN A HAT enters. Tony, Amber and Najib stand.

TONY
Justice Greenberg --

GREENBERG
Sit. Please.

They all sit.

GREENBERG (cont'd)
I'm sure you did all you could for
the Chief Justice. This country has
lost a great man.
(sighs heavily)
The Court is about to swing to the
right... As acting Chief Justice.
I'm calling an emergency conference
for tomorrow to review all pending
business. I'm sorry, Tony. I'm sure
something will work out for you...
(leaving/to Guard)
Give my best to your wife, Najib.

Tony and Amber start to stand but --

GREENBERG (cont'd)
Don't. Sit down.

NAJIB
Good-night, Justice Greenberg.

Najib waits for him to leave, then grabs his things and
leaves. They sit for a moment, then Amber touches Tony's arm.

AMBER
What a shock.

TONY
Shock? I'm out of a job.

END OF TEASER

ACT ONE

OVER BLACK. The 24-hour News continues.

NEWS REPORTER (O.S.)
The President has said repeatedly
over the years --

A FIVE-BLADED RAZOR

as it shaves the stubble from a very toned, muscular calf --

NEWS REPORTER (O.S.) (cont'd)
-- that he favors the conservative
judicial philosophy --

INT. DUPONT CIRCLE FLAT/BATHROOM - MORNING

-- which belongs to MARCUS S. TRUMAN, 28, handsome, black,
straight; he's only wearing a towel. The TV's on in the b.g.

Saturday 8:43 A.M.:

NEWS REPORTER (ON TV)
Justices who will ignore social and
cultural trends -- who will not
legislate from the bench.

TONY (O.S.)
What the hell you doing?

Tony stands in the doorway pulling on a T-shirt.

MARCUS
What's it look like I'm doing?

TONY
It almost looks like you're shaving
your legs.

MARCUS
I am shaving my legs.

TONY
(re: shaving)
Is that a *Libertarian* thing?

MARCUS
It's a *Marcus* thing. Chicks dig it--

Tony shakes his head and walks DOWN THE HALL. He smells his
underarm -- not bad -- and smooths a wrinkle.

IN THE KITCHEN, third roommate, CLYDE DUPREE, 27, shy, sits at the kitchen table perusing a huge pile of files and eating Captain Crunch. Clyde has an air of dishevel about him.

CLYDE
Sorry about Wagner. Maybe they'll
let you Clerk for the new Justice.

Tony opens the fridge and drinks from a carton of milk.

CLYDE (cont'd)
That's my milk.

TONY
(ignores him)
Are those IFPs? Why are you wasting
time on the indigent petitions?

CLYDE
I enjoy it.

TONY
This here, Clyde, is exactly why
you never get laid.

Marcus comes into the kitchen getting dressed.

MARCUS
And what's your excuse, Tony?

TONY
I don't need an excuse... and I
don't need to shave my ass.

MARCUS
I wax my ass.

OFF TONY'S LOOK --

INT. STAIRWELL - MORNING

HOLLY STURGESS, 28, pretty, charges up the stairs. She's sweaty and flush, and looks hot in her tight workout clothes. When she gets to the top flight, she goes to apartment 9G --

INT. APARTMENT 9G - CONTINUOUS

Holly charges in. Amber, still in her sleeping clothes, looks up from the newspaper at her A-type alpha-girl roommate.

AMBER
Don't you ever take a day off?

HOLLY

(serious)

I just ran the stairs a few times.
(a beat)
Did you finish the bench memo for
Millard?

AMBER

No. I got a little sidetracked when
the Chief Justice died.

HOLLY

Seriously, I can write it.

AMBER

Justice Lynch assigned it to me.

HOLLY

C'mon. I'll have it done by lunch --
you can take all the credit.

AMBER

Holly -- I know we don't know each
other that well but -- back off.

HOLLY

You OK? You seem funny.

AMBER

Last night was weird in a lot of
ways... an old boyfriend called.

HOLLY

You're lucky. I've been too busy to
have an old or new boyfriend since
law school.

AMBER

This guy dumped me because I was a
distraction... guess he wants me to
distract him again... He wants to
get back together. I was just
getting over him... Starting to
look at boys again...

HOLLY

It's like they can sense when we're
going to drop them completely...
You want my opinion?

AMBER

Do I have a choice?

HOLLY
Do what's best for Amber.

Amber nods... then watches as Holly pops an Advil, then washes it down with a swig of vodka.

AMBER
Hitting it a little early, aren't you?

HOLLY
Aunt 'Redding' is visiting -- this was my Nana's cramp-remedy.

AMBER
What's going to happen to Wagner's clerks?

HOLLY
I don't know. This is the first time a Chief Justice has died during a term.
(a beat)
Most of Wagner's clerks were expendable, except for Tony Capressi -- I'd have already banged him if it wasn't such a bad idea to screw where you eat.

OFF AMBER'S LOOK --

CUT TO:

A VIDEO IMAGE:

A graphic: "Supreme Court Spokesperson, Susan Perrier." SUSAN PERRIER, 35, calmly addresses the press.

SUSAN PERRIER (ON TV)
Chief Justice Wagner's body will lie in repose beginning tomorrow.

EXT. SUPREME COURT BUILDING - DAY

A flag is lowered to half-staff. A BUZZER SOUNDS --

INT. CONFERENCE VIEWING THEATRE - CONTINUOUS

A smallish room that looks a bit like a dorm common area with worn sofas and two old TVs. Someone's microwaving popcorn.

There are two TVs each with a different static image of the same long table and chairs from opposite angles. Superbowl Sunday? Nope -- Emergency Conference Sunday. Then --

Tony, Holly, Marcus and Clyde flop onto couches on one side of the room -- these are the GDLs or Goddamn Liberals; Pikarski and OTHER CLERKS, the Cyborks, plop down on couches on the other side. Marcus and Holly sit next to each comparing their legs.

HOLLY
(touching Marcus' leg)
How do you get you get so smooth?

MARCUS
Shave against the grain with Balmex.

HOLLY
Balmex?

MARCUS
Diaper-rash cream.

Allen comes in with TWO OTHER CLERKS. Allen plops down on the Cybork couch. He sees Tony.

ALLEN
Hey Tony -- guess you hitched your star to the wrong wagon.

Tony glowers at Allen -- they hate each other.

TONY
Don't you mean, wrong 'Wagner?'

Pikarski LAUGHS at the joke which pisses Allen off. We sense and animosity between the liberal and conservative factions.

ALLEN
You're a real funny guy, Tony.
We're going to miss you.

Amber slips in -- both Tony and Allen look at her but -- she sits on a chair between the two factions...

HOLLY
Amber, come feel Marcus' leg --
it's smooth as a baby's ass.

AMBER
I'll take your word for it.

Tony and Allen both look at Amber -- but she sits by herself.

GREENBERG (O.S.)
Thank you for coming here under
such extraordinary circumstances.

ON THE MONITOR:

JUSTICE HENRY GREENBERG, 68, THE MAN IN THE HAT, addresses the Clerks as the other SEVEN JUSTICES enter --

INT. CONFERENCE ROOM - CONTINUOUS

-- the conference room. Though dressed in 'civvies' there's an air of magistry and mystery to these eight individuals. JUSTICE HUGO XAVIER CLEMENTE III, 51, dapper and debonair; JUSTICE SUZANNE MARY LYNCH, 48, striking looks, is the only woman. The other remaining FIVE JUSTICES are WOO, 62; DEAN, 59; MEDWICK, 66, the only African American; MARTIN, 44; and GRIMES, 56. Nine chairs surround a rectangular table -- three on one side, four on the other, one at either 'head.'

All the Justices shake hands in a time-honored ritual as they find their pre-determined seats. Greenberg sits at the head.

GREENBERG (ON MONITOR)

The passing of Chief Justice Wagner was a tragic shock and surprise.

(to Clerks in monitor)

I don't need to remind you all of your secrecy oath -- and the 90 second rule when talking to the press. Play it safe: no interviews. No comments. Refer everyone to Ms. Perrier, the Court Spokeswoman.

PIKARSKI

Who died and made Greenberg CJ?

INTERCUT BETWEEN THE VIEWING THEATRE AND THE CONFERENCE ROOM

The Clerks can hear and see the Justices, but the Justices can't hear or see them.

HOLLY

Didn't you read the manual, Pikarski? The senior AJ becomes acting Chief.

ALLEN

Just until the President nominates a new one.

TONY

That's the 'acting' part, Allen.

HOLLY

Actually, the Constitution doesn't give the President that right -- it's just tradition. The only mention of a
(MORE)

HOLLY (cont'd)

"Chief" Justice is in the context of an impeachment. Article One, Section Three: "The Senate shall have the sole power to try all impeachments. When the President of the United States is tried, the Chief Justice shall preside."

MARCUS

We need to get girlfriend a boyfriend.

HOLLY

How about Tony?

TONY

I'd ruin you for life --

HOLLY

That bad, huh?

TONY

That good.

Tony winks at Amber. Amber looks away.

CLEMENTE (ON MONITOR)

The Bible is often our only solace in times like these...

Greenberg smiles at Clemente -- they don't like each other. Clemente speaks in a specific over-enunciated cadence.

CLEMENTE (cont'd)

"I am wearied with sighing; all night long tears drench my bed; my couch is soaked with weeping. My eyes are dimmed with sorrow, worn out because of all my foes."

MARCUS

Thank you *Father* Clemente.

ALLEN

Have a little respect for the Bible.

MARCUS

Have a little respect for the constitution and separation of church and state?

GREENBERG

I would ask the Office of the Clerk to notify all parties that all oral arguments will be pushed back to allow for an appropriate mourning period.

CLEMENTE

Does that include Millard?

Greenberg looks at Clemente -- he was waiting for this.

GREENBERG

No. Because of the time sensitive nature of Millard v. Millard, it can't be postponed. The embryos are set to be destroyed on Tuesday.

Greenberg's Brooklyn accent sneaks out when he's worked up.

CLEMENTE

Unless we grant an emergency stay to block their demise. This would allow us to take up their ultimate fate next week, next month or later...

GREENBERG

No, Hugo. Wagner was adamantly against granting a stay. The Court will hear oral arguments first thing Monday morning.

CLEMENTE

Can we get an informal show of hands now, on how each Justice might be likely to vote.

GREENBERG

Fine. All in favor of granting the stay, raise your hands.

Clemente, Medwick, Martin and Grimes raise their hands. Lynch shifts in her seat --

INT. CONFERENCE VIEWING THEATRE - CONTINUOUS

PIKARSKI

Did you see that? Lynch had a notion. She wanted to raise her hand!

HOLLY

She did not -- she's against the stay. She had a cramp!

GREENBERG (ON MONITOR)

We would appear to be split 4-4.

PIKARSKI

Lynch is waffling -- she absolutely thought about raising her hand.

HOLLY
(flipping him off)
Like this?

Pikarski flips her off right back.

GREENBERG (ON MONITOR)
Well, if this split vote remains
unchanged after Monday's Oral
arguments, the stay will be denied.

ALLEN
Care to put a little action on the
outcome?

TONY
You want me to take some of your
trust-fund money off your hands?

ALLEN
The loser should have to do
something more personal, something
more humiliating -- like run naked
through the Chambers.

TONY
Make it the whole Supreme Court Building.
(puts out hand to shake)
When the time comes, you might want
to talk to Marcus about where you
can go to get your ass waxed.

GREENBERG (ON MONITOR)
To all the Clerks, to the extent
that your emotions permit, you can
continue to perform your regular
duties including case review,
research and bench memo writing.
Since Justice Lynch is lead on
Millard, her clerks will get
everyone up to speed.

INT. CORRIDOR - MOMENTS LATER

The Clerks and Justices exit their respective rooms into the
same corridor -- the Clerks are immediately more deferential.

They step aside to let the Justices pass them. Clemente moves
down the hall without saying a word to anyone. Greenberg nods
to his clerk Marcus; Lynch smiles at Holly.

INT. A DIFFERENT CORRIDOR - MOMENTS LATER

Amber, distracted, walks along. Allen catches up.

ALLEN
Sorry about last night.

AMBER
It was the booze talking, right?

ALLEN
No. I never really wanted to stop seeing you.

AMBER
There's no rule against Clerks dating.

ALLEN
Yes, but you know Justice Clemente, he demands --

AMBER
What, celibacy?

ALLEN
Dedication. Focus. Commitment.

AMBER
Sounds like a relationship.

ALLEN
A strong recommendation from Clemente will guarantee me a top job in the Department of Defense, which is all I thought I really wanted... but...
(a beat)
Have dinner with me tomorrow night.

AMBER
I don't know, Allen...

ALLEN
I've got it all planned -- the perfect place, the perfect food... Please. You won't be disappointed.

OFF AMBERS CONFLICTED LOOK --

HOLLY (PRE-LAP)
The Millard's met, fell in love and were married in 1999.

INT. CONFERENCE VIEWING THEATRE - DAY

Clerks from all the Justices listen as Lynch's clerks, Holly, Amber and Clyde present Millard v. Millard.

HOLLY

Everything according to plan, until they couldn't get pregnant.

AMBER

As a last ditch effort to save their marriage, they ended up at a fertility clinic.

HOLLY

Where Mr. Sperm finally hooked up with Mrs. Egg in a little club called: the petri dish -- presto. Eight embryos --

CLYDE

Three were reintroduced into Mrs. Millard -- but the invagination wasn't successful, the eggs didn't take.

MARCUS

How would you classify an unsuccessful invagination, Clyde?

CLYDE

In my book, any invagination is a success.

Clyde surprises and impresses with his quick comeback.

HOLLY

The Millard's were out 30 gs, but had no babies, and no marriage.

AMBER

The divorce left the remaining fertilized eggs in legal limbo.

HOLLY

The Millard's contract with the fertility doctor has a 5-year use-it-or-lose-it clause which expires Tuesday at 4 PM EST -- that's when the embryos will be allowed to thaw and perish.

AMBER

Mr. Millard doesn't care if the embryos die. He has two kids with his new wife.

HOLLY

Mrs. Millard is seeking a stay to protect her frozen embryos -- which represent her last and only chance to have children.

PIKARSKI

Stop calling them embryos -- they're unborn babies.

HOLLY

I know that this is one of Clemente's hot-button issues, Pikarski. But, they're pre-embryos until Mrs. Millard's pregnant --

PIKARSKI

In the eyes of the Lord, she already is.

OFF AMBER'S LOOK --

INT. AMBER/CLYDE'S OFFICE - DAY

Amber opens her datebook and flips back one month to a date marked with a RED X. She counts the weeks, then double checks... oh, shit. She looks up worried -- very worried.

CLEMENTE (PRE-LAP)

I need this one, Allen --

INT. CLEMENTE CHAMBERS - DAY

Allen and Pikarski stand before an angry Clemente.

CLEMENTE

Under Wagner's iron fist, Millard was a lost cause, but his timely departure has given us new life...

ALLEN

A stay will only delay a final decision on the embryos.

CLEMENTE

No. If we can get this stay, we won't have to revisit this case until AFTER the President can name
(MORE)

CLEMENTE (cont'd)
a replacement Justice -- a Justice
more in line with our philosophy.
This innocuous case -- will be
looked on as the first battle in
the new reproductive rights war.
Brian, I need to speak with Allen
alone.

Pikarski looks nonplussed, but leaves without hesitation.

CLEMENTE (cont'd)
Allen, you were the last Clerk
picked. Your father called in a
chit... I know you have aspirations
of joining the Department of
Justice. It's time to prove you're
more than a legacy clerk.

OFF ALLEN'S DETERMINED LOOK.

INT. CORRIDOR - DAY

Amber paces -- not sure what to do or who to turn to. Allen
comes down the hall -- lost in his own thoughts.

AMBER
Allen...

ALLEN
I can't talk right now.

He keeps moving.

INT. CLERK'S DINING AREA - DAY

Tony and Marcus discuss over coffee.

MARCUS
There's a bunch of White House
Staffers coming tomorrow night.

TONY
Isn't 'Libertarian Club' an
oxymoron?

MARCUS
It's a club with very few by-laws:
drink Guinness, talk politics, and
hopefully hook up with someone.

AMBER (O.S.)
Hey guys.

They look up. Amber's pretending everything is fine.

MARCUS

Amber Chavez -- the most popular
girl at the swing dance.

AMBER

Why do you say that?

MARCUS

You've got Lynch's ear.

AMBER

(forced casual)

You got a second, Tony? I was
hoping you'd read over my argument -
- see if it meshed with Wagner's.

INT. AMBER'S OFFICE - DAY

TONY

Wagner was adamant: the lower court got it
right: this is a property dispute --

As soon as they're in the door, Tony tries to kiss her --

AMBER

(blurts out)

I haven't gotten my period.

Her words hang in the air. Tony isn't sure how to respond --
they hardly know each other.

TONY

Maybe you're just a couple days --

AMBER

I'm never late.

(starts to cry)

I CAN'T be pregnant.

(off Tony's silence)

Aren't you going to say anything?

TONY

I've been head-hunted -- Brady-
McKenna is going to offer me a job.

AMBER

Tony -- my *life* is ruined.

OFF AMBER'S WORRIED LOOK --

END OF ACT ONE

ACT TWO

Saturday 3:26 P.M.:

INT. CLERK'S LIBRARY - DAY

Allen peruses old cases -- suddenly he stands and --

INT. CORRIDOR - DAY

Runs down a the corridor and --

INT. CLEMENTE CHAMBERS - DAY

-- walks in to find Clemente working at his desk.

ALLEN

Justice? I found an answer -- we don't need to get Lynch or anyone else to swing their vote --

CLEMENTE

But we need a fifth vote for the stay.

ALLEN

Yes. So why not ask Greenberg to give you a 'Courtesy fifth' vote?

CLEMENTE

A 'courtesy fifth' vote has only been offered to grant a stay of execution when a fifth vote was needed -- because the Court never wants to allow a questionable stay of execution to be denied by one vote.

ALLEN

Right -- you could argue that not granting Mrs. Millard a stay, which will ultimately result in the death of her embryos, is a form of execution. So, you could ask the liberals to grant a courtesy fifth vote for the stay.

CLEMENTE

(understands beauty of idea)
Liberals have asked for a 'courtesy fifth' to save delay the executions of serial killers, they'll have to grant us one to save the lives of innocent embryos. Brilliant. The Sword of Democracy cuts both ways!

(MORE)

CLEMENTE (cont'd)

Type it up, distribute it. Let them know that this time we expect a 'Courtesy Fifth.' Kudos, Allen. Kudos.

Allen beams --

INT. CLERK'S BULL PEN AREA - DAY

Tony, still weighing Amber's news, tries to focus.

TONY

The 'courtesy fifth' can't be used in this context!

The Clerks exchange looks as they read Allen's memo; all except Holly. Amber sits in the corner rubbing her temples.

HOLLY

Why not? The Court is split 4-4; the stay is controversial -- any one of the four Justices who are against granting the stay could give a 'courtesy fifth' vote to temporarily spare the embryos.

ALLEN

The 'courtesy fifth' is a safety-net that has been used to assure that all death-row prisoners get their due process.

The CyBorks ROAR their approval.

TONY

But this isn't a Capital Case!! It doesn't apply, does it?!

ALLEN

(smiles at Tony)

Looks like we've got ourselves a horse race. I hope you're prepared for your little jaunt...

INT. GDL WAR ROOM - DAY

Tony is all worked up. He paces. Holly remains calm, but focused. Marcus always seems to be slightly removed.

TONY

So with the 'courtesy fifth' we're screwed even if we hold a 4-4 tie.

HOLLY

No. There's nothing in writing that says a Justice HAS to change their vote and cast a 'courtesy fifth'. It's not a rule -- it's tradition.

TONY

Then you need to make sure Greenberg knows that.

MARCUS

Why don't you help us.

TONY

I'm not one of his Clerks.

MARCUS

No, but he likes you -- you're both from Brooklyn.

INT. SUPREME COURT BUILDING/GYM - DAY

Greenberg, knees taped, jogs on the indoor track. Tony and Marcus try to keep up -- they're more winded than Greenberg.

GREENBERG

It's a brilliant strategy. Liberal Justices on the Court relied on this 'courtesy' during the Seventies and Eighties when the death penalty was reinstated under a Conservative Court.

Greenberg stops jogging. Thank God, because Tony is fading.

TONY

The thing is, Justice, in this context a courtesy vote will drastically alter not just the outcome of this case BUT could potentially be the first step toward overturning Roe v. Wade...

GREENBERG

That's a stretch, son. Mrs. Millard just wants one more chance to have a baby.

TONY

Clemente and Conservative Justices don't care about Mrs. Millard.

MARCUS

They see this as a fight for the rights of 'unborn children.'

TONY

The Wagner Court wouldn't allow that, but what about the *Clemente* Court?

Greenberg considers his words.

LYNCH (PRE-LAP)

"Suddenly I saw the cold and rook-delighting heaven --

INT. LYNCH'S CHAMBERS - AFTERNOON

Holly, Amber and Clyde sit across the desk from Lynch, who, overwhelmed by grief, reads W.B. Yeat's *The Rose*.

LYNCH

-- that seemed as though ice burned and was but the more ice."

(a beat)

Why does it take the intangible nature of poetry to process the absolute finality of Death?

Holly looks disdainfully at Lynch.

HOLLY

The Chief Justice lived a long, healthy life.

LYNCH

And think of the irony of the Millard case -- five frozen lives struggling to be. Waiting in the cold and dark for a chance to shine -- or perhaps to never be.

HOLLY

There is no compelling constitutional reason to grant the stay. The Millard's signed an unambiguous contract.

LYNCH

That's law, Holly. I'm bothered by the absolute result of the "no" stay vote: I feel like I'm responsible for killing Mrs. Millard's babies.

Amber is quiet -- lost in thoughts of her own pregnancy.

HOLLY

They're frozen embryos, Justice.
Frozen pre-embryos... They AREN'T
babies. We don't know if they're even
viable -- the first two weren't.

Clyde's sits in the corner staring at his feet.

LYNCH

Perhaps, Holly, but if they're
allowed to thaw and perish, they
will ABSOLUTELY not be viable.

HOLLY

Amber, help me out here.

Amber looks up, but before she can speak --

LYNCH

I want to hear what Clyde thinks.
(turning to Clyde)
What does Clyde think about these
frozen embryos -- clinging to life?

Lynch leans forward and looks Clyde in the eye. What's this?
Suddenly there's a lot of sexual tension between the two.

CLYDE

(tongue tied)
I find it sad.

Holly almost chokes.

LYNCH

Sad -- yes -- sad for the Millards,
sad for the embryos... sad for the
Chief Justice.

Lynch picks her book back up and reads aloud:

LYNCH (cont'd)

"When you are old and grey and full
of sleep, And nodding by the fire...
dream of the soft look your eyes had
once, and of their shadows deep."

She meets Clyde's gaze -- he BLUSHES and looks away --

INT. CORRIDOR - MOMENTS LATER

Holly storms away followed by Amber and Clyde.

HOLLY

Sad, Clyde? You find it SAD? What's sad is that she BOUGHT it!! There are about five billion *POST*-embryonic humans suffering through ridiculous and pathetic lives -- and WE'RE wasting time on *five* pre-embryos?

(a beat)

This isn't some game, Clyde. The conservatives will use this against Roe. I BELIEVE in a woman's right to choose. I don't want the government or some church or my husband telling me what to do with my body.

CLYDE

This is different. Mrs. Millard is choosing to have her babies --

HOLLY

We know it's different. But THEY will twist this into a discussion about the sanctity of life -- that's why we can't get 'sad' about the frozen tissue -- we have to stay focused on the issue: the Millard's had a contract. That contract has expired. Sorry, not everyone gets to procreate. Life's a bitch and then you die.

(to Amber)

And thanks for your help, Ambs.

Clyde is quiet. Amber has stopped walking --

INT. GREENBERG'S OFFICE - NIGHT

Greenberg sits at his desk writing. There are photos of him with Martin Luther King, Presidents, Senators, etc. Tony KNOCKS on the door.

TONY

You wanted to see me, Justice?

GREENBERG

Yes. Tony, come in. Sit.

Tony sits in a chair across from Greenberg. Tony's demeanor is very respectful. Greenberg studies him for a minute, then:

GREENBERG (cont'd)
Your Clerkship hasn't gone exactly
as planned, has it Tony?

TONY
Not exactly, no.

GREENBERG
We're both a long way away from East
Flatbush.... Clerking on the Court is
the most prestigious thing you can do
after law school. It'll follow you
forever: Tony Capressi, former
Supreme Court Clerk. I got a call
from Brady-McKenna. They want you.

Tony lets the news sink in.

GREENBERG (cont'd)
They'll offer you a lot of money, but I
don't want you to leave, Tony. I'd make
room for you in my chambers.

TONY
You'd take a fifth clerk?

GREENBERG
I'd take *you*. I know it's tempting,
but there will be other fantastic
offers, trust me. You're in very
elite club now -- no matter what
you do in your life, you will
always be Anthony Capressi, former
Supreme Court Law Clerk...

Greenberg pats his leg and leaves. Tony weighs his words.

INT. AMBER/CLYDE'S OFFICE - NIGHT

Amber walks into her office. Holly is sitting on her desk.
Clyde is still reading through indigent petitions.

Saturday 7:39 P.M.:

HOLLY
Please, please tell me you'll have a
drink with me -- it's cocktail hour.
(a hand gesture)
Clyde's not drinking because--

CLYDE
I have to get through this stack of
IFPs.

HOLLY

Because?

CLYDE

Because a new stack arrives on Tuesday.

HOLLY

So, you see, it's up to us, Amber.
(holding up the vodka)
I'm pouring Russian Libres -- Vodka
and Coke or *Red* Russians -- Vodka
and Red Bull.

AMBER

I'm not drinking tonight either.

HOLLY

Doesn't matter what you write,
because Lynch has a higher source:
(mocks Lynch)
*"But what does Clyde think? I want
to hear what Clyde thinks."*

CLYDE

Screw you, Holly.

HOLLY

Absolutely -- If you'll have a
drink with me.

Clyde leaves with a stack of files. Holly looks at Amber who looks like she's going to cry.

HOLLY (cont'd)

What? It wasn't that rude. What's
wrong with you?

AMBER

I missed my period. I've never been
late before. If I'm pregnant...
I'll have to quit or --

HOLLY

It's the stress. By mid-terms half the
women at Harvard Law stopped
menstruating... think of it as a birth
control: you're using the 'clerkship
method'. But you should make sure.

Amber tries to smile, but --

AMBER (PRE-LAP)
How much longer?

INT. BASEMENT BATHROOM - NIGHT

A funky old bathroom. Tony and Amber crowd into a stall. There's a pregnancy test-stick on the back of the toilet. They'd pace if there was any room. Tony checks his watch.

 TONY
About a minute.
 (a beat)
I haven't done this since high
school -- just kidding.
 (re-reading directions)
One line means negative; two lines
positive.
 (looks at watch)
Twenty seconds.

Amber leans in to look at the stick.

 AMBER
I see one line.

 TONY
Ten seconds.

 AMBER
Tony -- I see one line!!

 TONY
Five seconds. Four, three --

 AMBER
Two.

 TONY
One.

 AMBER
Two lines. There are two lines.
 (looks at the stick)
Goddamn it... I'm pregnant...

OFF AMBER'S LOOK --

EXT. WALKING TRAIL/POTOMAC - NIGHT

Tony and Amber walk along holding hands.

AMBER

Mrs. Millard must have had so many hopes and dreams before they got married -- none of it worked out...
(lost in thought)
how did this happen to me?

TONY

We need to do a blood test, just to make sure.

AMBER

We?

TONY

Hey -- if you're pregnant, I'm pregnant...

AMBER

I'm the one who's going to have to quit -- the one who's going to sacrifice.

TONY

(gets down on one knee)
Marry me.

AMBER

Get up, Tony --

TONY

I'm serious. Let's get married.

AMBER

I'm not marrying you --

Tony jumps up and pulls a quarter out of my pocket.

TONY

'Heads' we get married; 'tails' we don't.

AMBER

You're not serious.

TONY

How do you think I got to Law School?

He flips the coin, then traps it against his arm. He smiles deviously at Amber whose heart races as he lifts his hand -- gulp -- 'heads.'

TONY (cont'd)

Amber Chavez-Capressi. Has a nice ring. Cosmopolitan.

AMBER
Stop it. I don't know if it's your baby.

TONY
(beat beat beat)
Whose baby could it be?

AMBER
My -- my boyfriend's.

TONY
You have a boyfriend?

AMBER
I did -- until a month ago. We put
the relationship on hold... till
after we finish our clerkships.

TONY
Your clerkships -- he's a clerk?

AMBER
Yeah... It's Allen.

TONY
No. No. It's not Allen.

AMBER
It is Allen.

TONY
It can't be Allen!

AMBER
It is Allen.

TONY
Does he know about us?

AMBER
We're not an 'us', Tony. There's
nothing to tell him.

Amber wants this to be true. Tony hopes it isn't.

END OF ACT TWO

ACT THREE

OVER BLACK.

SUSAN PERRIER (PRE-LAP)
Following a week of mourning, the
Chief Justice will be buried at
Arlington National Cemetery.

EXT. SUPREME COURT BUILDING - MORNING

Pallbearers carry WAGNER'S casket into the Great Hall.

Sunday 8:39 A.M.:

SUSAN PERRIER (V.O.)
The Court will remain dark for the
week.

Justices, Clerks and our Law Clerks are here. Justice
Greenberg notices that the law clerks are so polarized --
that they won't even stand near each other.

PIKARSKI (PRE-LAP)
Did you hear about Tony Capressi?

INT. CLERKS DINING AREA - EVENING

Allen looks up from his meal as Pikarski sits.

PIKARSKI
Brady-McKenna offered him a base
salary of a buck-sixty-five per, plus
a signing bonus of about \$200 gs.
(a beat)
Son-of-a-bitch! That's the only
reason I'm here. It's the Brass
Ring, baby.

ALLEN
You can leave any time you want,
Pikarski -- anyone of us can.

PIKARSKI
I'm not going anywhere.

Pikarski smiles at Allen, then watches Tony sit in the Staff
dining area with some of the PUERTO RICAN CLEANING STAFF.

PIKARSKI (cont'd)
Look at him over there -- he thinks
he's better than us because he eats
with the help.

Amber gets up.

ALLEN
Where are you going?

AMBER
To sit with the 'help.'

ALLEN
Nice move, Pikarski.

Amber walks over and sits with Tony. Tony gets up and walks away from her. Amber puts her head down on the table: How'd I get into this mess?

INT. CLYDE'S OFFICE - EVENING

Clyde relaxes at his desk with his shoes off, feet on his desk when -- Justice Lynch walks in. Clyde jumps up.

LYNCH
Clyde the conundrum.

CLYDE
(putting on shoes)
Excuse me?

LYNCH
You're like a Rubrik's cube -- I just have to twist you the right way to solve you...

Clyde can't look her in the eye. She wanders around the room, then notices the stack of IFP files.

LYNCH (cont'd)
Why do you have all of the IFPs?

CLYDE
I review all of them.

LYNCH
Why? You don't have to.

CLYDE
I know I don't have to -- but I feel like THESE are the one's we SHOULD be reviewing more closely --

LYNCH
What's the point?

CLYDE

The point -- the point is that these IFPs get left to the last minute -- they're very low priority -- they're not very sexy -- the poor, the incarcerated, the condemned -- but they're EXACTLY the people whose rights we're supposed to be protecting. If we can't guarantee that the powerless will be heard -- what good are we? The Supreme court is the last hope for the underrepresented. That's why I wanted to join the Court. I feel like I'm all alone though, maybe I don't belong here. Because I believe that these indigent attorney-less petitions are the true noble work of the Court.

LYNCH

Your naivete is refreshing.

CLYDE

You're mocking me.

LYNCH

No. It's just that even when we grant a hearing to review an indigent petition, we almost never reverse a lower court's decision.

CLYDE

That's not the point, Justice Lynch -- the point -- the point is that the Constitution guarantees that we'll at least take their petitions seriously. We don't have to grant any of them, as long as we treat them with the same weight we give the Cert. Petitions --

LYNCH

The 'paying customers'.

(a smile)

Clyde, those are more words than I've heard you say in the two months I've known you. You remind me of why I wanted to be a lawyer in the first place. You're special.

(a beat)

I'd love to hear more of your

(MORE)

LYNCH (cont'd)
thoughts on the IFPs... perhaps we
could get a drink sometime.

She smiles a seductive smile again.

INT. APARTMENT 9G - EVENING

Amber comes out of her bedroom in a puffy dress.

HOLLY
Is tonight the Prom?

Amber looks at her roommate. What's she going to tell her?

AMBER
I have a date -- with the old
boyfriend. I want to make him
jealous.

HOLLY
Not in that dress -- it's not short
enough, tight enough or LBD enough--

AMBER
LBD?

HOLLY
Little. Black. Dress --

TIME CUT TO:

INT. AMBER'S BEDROOM - EVENING

HOLLY
Ta-dah.

Amber looks fantastic in a traffic stopping, cue the
Construction Worker Whistles, tongue wagging way.

HOLLY (cont'd)
It's perfect -- talk about a
distraction, he won't be able to
take his eyes off your ass.

AMBER
Maybe it sends the wrong message.

HOLLY
Do you want him back, or not?

Amber looks at Holly. Good question.

AMBER

I don't know. Couple months ago, I wanted to be together forever -- I pictured the whole sappy future -- good job, big house, lot's of kids, dogs...

(a beat)

The thing is, in some ways, he made me "me" -- I hadn't looked beyond Stanford -- he encouraged me to go for the Clerkship on the DC Appeals Court -- and kept pushing me to apply to the Supreme Court... he believed I could get this Clerkship more than I did. We were going to be together forever... then out of the blue, he wanted a 'break.'

HOLLY

Plans change -- just ask Mrs. Millard.

AMBER

(really struggling)

I know. I've always been a planner.

HOLLY

So what's the problem? He made a mistake, he realizes what a great catch you are -- take him back. Be happy.

AMBER

(really torn)

I met another guy -- and -- I'm not sure I want to give him up. It just kind of happened -- he's fun.

HOLLY

(shrugs)

Fun is fun AND absence makes the heart go yonder...

AMBER

When do you have time to think those up?

Amber stares at Holly who shrugs.

AN ELLA FITZGERALD STANDARD carries over to --

INT. THE BORIS PASH PIANO BAR - NIGHT

A dark club. A place for spies and Washingtonians who don't want to be recognized. A TORCH SINGER croons in the corner. Clyde moves toward the bar.

The lighting is low, befitting the anonymous atmosphere. Clyde walks past a booth -- a hand grabs him. We hardly recognize Lynch. Her hair's down; she's wearing hip glasses.

LYNCH

You came.

CLYDE

I -- I wasn't sure --

LYNCH

Sit. What are you drinking? I'm having a Manhattan.

CLYDE

I'll have what you're having, Justice.

LYNCH

In here you may call me Suzanne.

CLYDE

Oh, OK.

AMBER'S GIGGLING carries over --

ALLEN (PRE-LAP)

"Ah, Allen --

EXT. LINCOLN MEMORIAL - NIGHT

Pillars silhouette against the spot-lit marble Lincoln. ON THE STEPS off to one side, Allen and Amber sit on a blanket.

ALLEN

(impersonating Clemente)
-- have you met Arturo, the Supreme Court Tailor? Once you've let an Arturo touch you... you'll never buy off the rack again. Kudos, Arturo -- kudos!"

Amber LAUGHS HARDER THAN we've seen her. She seems happy.

AMBER

So he's really like that in private, too?

ALLEN

Yeah... God, you look fantastic...

Allen has brought cheese, fruit, Champagne. It's very romantic. They seem nervous -- a first date, not a reconciliation... Allen touches her cheek, then kisses her gently on the lips -- she seems to relax into his arms.

AMBER

I miss this -- this comfort -- I feel comfortable with you... we fit together...

ALLEN

I know. Remember the first time we came here? The night we got into Washington?

AMBER

It was pouring. We sat with Lincoln until the storm passed... Seems like a life-time ago.

Allen starts fumbling with something.

ALLEN

Why aren't you drinking your champagne?

AMBER

Because, I can' -- because I'm --

ALLEN

I just want tonight to be special --

That's when she sees A RING BOX in Allen's hand.

AMBER

Oh, Allen, what have you done?

ALLEN

Will you --

AMBER

(pulling away)
Stop -- I think I'm pregnant.

WOOSH. The energy sucks away. Allen blinks --

CUT TO:

EXT. REFLECTING POOL - MOMENTS LATER

Allen and Amber walk along the dark pool. The Lincoln Monument glows ominously in the distance.

ALLEN

But, but -- we haven't had sex in--

AMBER

Four weeks -- the math works. Trust me, I figured it out.

ALLEN

This is really bad timing.

AMBER

What's that supposed to mean?

Allen stops walking. He looks at Amber.

ALLEN

Clemente's riding my ass -- and Pikarski's just waiting for me to screw up so he can become Clemente's favorite -- I can't even THINK about a baby -- I'm not ready to be a father. What's your plan?

Amber is stunned -- she shakes her head and barks:

AMBER

My plan? I don't have a plan, Allen -- it's an UN-planned pregnancy, asshole!

She turns and walks away from him --

INT. APARTMENT 9G - NIGHT

KEYS FUMBLING in the door -- then they CRASH on the floor.

AMBER (THROUGH DOOR)

Damn it.

Holly looks up as Amber enters. Amber's been crying.

HOLLY

How'd you make out?

Amber thinks about lying, but spills the beans.

AMBER

Fantastic -- just like before -- I mean I realized what I love about
(MORE)

AMBER (cont'd)
him -- then I told him I'm
pregnant.

HOLLY
(a beat)
You're pregnant?! Am I the only
Clerk who's not getting laid?

Amber spins, walks away and SLAMS her door.

INT. FADO IRISH PUB - NIGHT

Marcus holds court with GROUP OF YOUNG WASHINGTONIAN
LIBERTARIANS -- White House Staffers, Congressional Pages,
etc., with common interest in politics and in getting laid.
Marcus argues flirtatiously with A HOT STAFFER, 26.

MARCUS
-- you can't be a 'pro-life'
Libertarian. There's no
constitutional mention of abortion.

HOT STAFFER
There's no constitutional mention
of a woman's right to choose,
either.

MARCUS
Right, but we're pro-choice on
EVERYTHING -- therefore we're
defacto 'pro-choice' on abortion. I
don't get the Religious right's
opposition to abortion, but they
have no problem with state
sponsored executions? Though shalt
not kill seems absolute.

HOT STAFFER
My God is opposed to killing
innocent unborn lives -- convicted
killers are not 'innocent.'

MARCUS
Here's the problem -- if we're all
born *guilty* of original sin -- that
pre-supposes a lack of in utero
innocence -- by your argument, it
seems MORE legitimate to kill non-
baptized 'unborn' than 'born again'
murders?

Hot Staffer looks Marcus in the eye: pissed off? Turned on?

HOT STAFFER
You want to get out of here?

INT. AMBER'S BEDROOM - NIGHT

A disaster area. Clothes and books piled around. Amber sits at her desk. A KNOCK on the door.

AMBER
Go away.

HOLLY (THROUGH DOOR)
C'mon, I'm sorry... I don't have great people skills...

The door opens slowly. Holly peeks in.

HOLLY (cont'd)
We've been roommates for two months, how did I not know about him?

AMBER
We kept it secret. Only saw each other at night... we broke up a month ago...

HOLLY
And you're really pregnant?

AMBER
I did a home-pregnancy test.

HOLLY
Wow. So, how did you guys leave it?

AMBER
He's not 'ready to be a father.'

HOLLY
It's funny how that never comes up before their pants are down.

AMBER
But when I mentioned the possibility of getting an abortion he freaked out -- he's pro-life.

HOLLY
By his pro-life definition he's already a father. It's not like fatherhood is some event in the future that he can choose to
(MORE)

HOLLY (cont'd)
participate in. Did you tell him
that?

AMBER
No. I don't have your wit.

They share a smile. The wheels are turning in Holly's mind.

HOLLY
So this ex doesn't want to be a
father but he already is. He's not
that different from Mr. Millard.

AMBER
(still in her thoughts)
Yeah... when I got accepted to
Stanford Law my mother said she was
so happy for me because I'd be able
to find a great husband. My mom
raised me and my three brothers by
herself -- they were all expected
to become doctors, lawyers,
business men -- none of them went
to college. But EVEN when I got
into Stanford my mother only saw it
as an opportunity to get a husband.

(a beat)
I graduate top of my class at
Stanford and I land the most
prestigious Clerkship in the
Country -- and -- and all I've
really done is gotten knocked up,
just like my mother --

(a beat)
I can't keep this thing -- not now,
but I want to have a baby sometime -
- and is it going to be better when
I'm trying to make partner? Or get
tenured? I'm pathetic.

HOLLY
No you're not. Look, I'm sorry I
was a jerk...

Holly leaves. Amber looks at herself in the mirror--
imagining a baby bump.

DISSOLVE TO:

EXT. WASHINGTON - DAWN

Allen walks alone, contemplating his future as street
sweepers and washers scrub grime from our Capitol.

INT. APARTMENT 9G - MORNING

Monday 6:38 A.M.

Holly HUMS and stands at the sink squeezing Balmex onto her leg. She starts to shave when Amber stumbles in.

HOLLY
'morning Sunshine!

AMBER
Why are you always so happy?

Amber sits down to pee.

HOLLY
I just ran five miles. I was up all night writing a brilliant argument for *granting* the stay. I just finished it. Want to read it?

AMBER
You wrote an *opposing* argument? Why?

HOLLY
It was something you said about your boyfriend not wanting to be a father... it just made sense. Look, I never want to be caught with my skirt down around my ankles.
(hands it to her)
Unless I want to be caught with my skirt down around my ankles...

AMBER
(flushes the toilet)
What's it like being perfect?

HOLLY
(a shrug)
I'm used to it.
(a beat)
See you later. I'm gonna take a bath--
I've got a date with 'Hands' Solo.

Holly wiggles her fingers at Amber who rolls her eyes and --

INT. APARTMENT 9G - CONTINUOUS

-- closes the bathroom door. Amber walks over to the printer, picks up Holly's document -- is about to leave it, but something catches her eye. She sits down absently on the couch and reads Holly's argument for granting a stay.

INT. CORRIDORS/BULLPEN - DAY

A flurry of activity as the Clerks rush to get all of the documents and bench memos to the Justices so they can read over everything. The Justices start filing in. Some greet every clerk they see; others barrel down the halls expecting the sea to part.

AMBER waits impatiently at printer for her BENCH MEMO AGAINST THE STAY to print. When it's finished, she grabs it --

INT. SUPREME COURT BUILDING/BEAUTY PARLOR - DAY

-- and hands it to Lynch who sits in a hair-dresser's chair getting a trim. She reads the memo as Amber shifts nervously.

LYNCH
(looking up)
Very good, Amber. It's clear and concise. Now, just let me reflect on your points against the stay.

Amber nods and leaves --

INT. ALLEN'S OFFICE - DAY

-- and marches into Allen's office.

ALLEN
About last night --

AMBER
You're just like Mr. Millard -- you think fatherhood begins at birth, but if you believe life begins at conception, you're already a father.

ALLEN
Yes.

AMBER
Yes?

ALLEN
Yes. I was up all night. Walking -- I went back to the Lincoln Memorial I've been thinking about you -- us. We're in this together. We talked about having kids together --

AMBER
I know. I want kids. I really want to be a mom...

ALLEN
You'd be a great mom.

AMBER
You think?

ALLEN
I know. And I know together we'll
make great parents.

Amber looks at him -- her face is a twisted mask of confusion
-- she's maybe never loved Allen more, but --

AMBER
You might NOT be the father.

Allen stares at her, the words burrow into his psyche.

AMBER (cont'd)
Since we broke up, I've had sex a
couple of times with this guy.

ALLEN
A couple times?

AMBER
Three times.

ALLEN
But, we're always here -- I mean --
unless he's in the Court? Is he in
the Court? Is it a Clerk? *Clyde*?
You and *Clyde*?

AMBER
Of course not --

ALLEN
You hate *Pikarski*... *Marcus* shaves
his legs... Oh my God -- is it *Tony*
Capressi?

AMBER
Does it really matter who it is?

ALLEN
Please leave.

Amber walks out. Allen sits, stunned. He looks back at his
computer... and starts to type.

INT. HALLWAY - DAY

Amber keeps it together until she gets into the hall -- then the tears start to flow and she can't hold them back any longer... when did this get to be so hard...

INT. CLEMENTE CHAMBERS - DAY

Clemente steps out of his Armani pants. He's wearing old fashioned socks held up by garters. He's folding his suit when there's a KNOCK on his chamber door.

CLEMENTE

Enter.

Allen comes in -- a little surprised to see Clemente in boxers, knee-high stockings and T-shirt. Clemente slips into his robe. He notices Allen's nonplussed look.

CLEMENTE (cont'd)

The robe makes me sweat. What?

Clemente zips his robe and puts on a crimson collar.

ALLEN

(hands him a paper)

Use this argument in Orals today.
Life begins at conception. Mr.
Millard is already a father.

Clemente looks at the paper. He looks up at Allen and smiles.

EXT. SUPREME COURT BUILDING - DAY

Monday 10:01 A.M.

MARSHAL (PRE-LAP)

Oyez Oyez Oyez. All persons having
business before the Honorable, the
Supreme Court of the United States--

INT. THE COURTROOM - DAY

Here we go! The Supreme Court is in session.

MARSHAL

-- are admonished to draw near and
give their attention, for the Court
is now sitting.

The Justices step out from behind massive curtains in order of seniority: Lynch, wearing a lace ascot, Grimes and Martin from the far right; Clemente, in his crimson collar, Dean and

Woo from the far left; Greenberg and Medwick in the middle -- they each take a seat at the long, slightly curved bench. Wagner's seat in the middle is draped in black.

Before them sit Mr. and Mrs. Millard glowering at each other. The Clerks sit off to one side. Allen sits down heavily. Tony sees him, turns and leaves. Holly passes him and sits next to Marcus. She puts her exposed leg against Marcus.

HOLLY

Balmex -- *against* the grain. Feel.

Marcus puts his hand on Holly's bare calf. He smiles. The Marshall CALLS THE COURT TO ORDER.

MARSHAL

God save the United States and this honorable Court.

MARCUS

God Save the Constitution...

HOLLY

How was your *Librarian* Club meeting?

MARCUS

(lying)
Uneventful... you know, Networking.

GREENBERG

The Court will now hear Millard v. Millard. Mr. Tillinghast.

MR. TILLINGHAST, Mr. Millard's attorney, stands at the podium directly before the ominous bench.

MR. TILLINGHAST

Thank you Mr. Chief Justice and -- Mr. -- *Acting* Chief Justice -- and may it please the Court.

GREENBERG

Is the Justice satisfied?

CLEMENTE

I merely remind the Court that we're nothing without tradition.

MR. TILLINGHAST

The Alabama Supreme Court held that -- neither the Court, nor the US Government could compel Mr. Millard to become a father --

CLEMENTE

Mr. Tillinghast -- it seems to me --
it seems to me that --

TONY

Here we go -- another brilliant
Clement-itude.

CLEMENTE

-- Mr. Millard is ALREADY a father -
- if the definition of fatherhood
is impregnation and I believe it is
-- therefore there's a suggestion
of mootness about your argument.

Holly almost falls out of her chair:

HOLLY

(sotto voce)
That's my argument!

TONY

Your argument? Why the hell would
you write a conservative argument?

HOLLY

It was an exercise!

Holly looks at Amber who flushes and looks at Allen.

LYNCH

So, the Justice's point is that
Millard is actually a custody case
and not a property case?

CLEMENTE

If Mr. Millard is a father, then we
absolutely must regard this dispute
as a custody case.

This seems to play on Lynch.

GREENBERG

The Justice's point is tenuous --
Mr. Millard is as much a father as
these bits of tissue are children --

Holly's incensed --

INT. AMBER'S OFFICE - DAY

-- and confronts Amber who's on the phone.

HOLLY
You showed Allen my memo?!

AMBER
(into phone)
Can you hold for a second?

Amber holds her hand over the phone and looks up at Holly.

HOLLY
I can't believe you betrayed me.

AMBER
No -- no -- I used your argument
against Allen. He's the father...

HOLLY
Allen's your old boyfriend! You see
this is exactly why clerks from one
chamber should NEVER sleep with
clerks in another chamber --
(a beat)
Here's a little advice, room mate --
keep your mouth and legs shut.

Holly leaves. Amber exhales, then talks into the phone:

AMBER
Sorry... so, can I come in for the
blood test later today?

THE BUZZER SOUNDS--

INT. CONFERENCE VIEWING THEATRE - DAY

Clerks pile in. ON THE TVs Justices have their traditional
handshake. Tony and Allen nearly run into each other.

TONY
What?

ALLEN
What?

TONY
You gotta problem?

ALLEN
(mocking him)
No, I don't 'gotta' problem --

Tony LUNGES at Allen. They stumble across the room. Holly
enters as Clyde and Marcus pull them apart.

HOLLY

I hate the smell of testosterone...
Come sit with me, Tony.

Amber comes in as Holly pulls Tony away. Allen ignores her.
INTERCUT BETWEEN CONFERENCE ROOM/CONFERENCE VIEWING THEATRE.

GREENBERG

I'm still against granting the stay.

CLEMENTE

What about the 'courtesy fifth'?

GREENBERG

I have been persuaded by the passion of
my clerks AND will NOT grant the
'courtesy fifth' vote for the stay.

The GDLs celebrate. Allen kicks a chair. Pikarski gloats.

PIKARSKI

Clemente's going to be very
disappointed, Bro.

Allen glowers at him. Holly whispers to Tony.

HOLLY

I bet Allen's got a tiny wee-wee.

LYNCH

This decision is bigger than our
individual beliefs -- I'll switch
my vote to a 'courtesy fifth.'

TONY/HOLLY

What!?

ALLEN

Can she do that?

HOLLY

Yes. Any Justice can grant a courtesy.

Allen rockets out of his chair!

ALLEN

Yes!! Guess we'll be seeing you
later Tony -- ALL of you!!

OFF TONY'S LOOK.

END OF ACT THREE

ACT FOUR

INT. CLERK'S DINING AREA - DAY

Tony sits in the staff area. Across the room, Allen argues with Marcus over the contradiction in his 'pro-life' argument.

MARCUS

OK, say a guy fire-bombs the lab
and accidentally kills a thousand
pre-embryos --

PIKARSKI

Unborn children.

MARCUS

(rhetorically)

Do you charge the arsonist with
three-thousand counts of murder?

ALLEN

Same fire scenario: but the only
casualty is the 23-year-old receptionist
-- who is two months pregnant -- two
counts of murder or one?

MARCUS

Two. The difference is choice.

Amber stops when she sees Tony and Holly talking across the room. Tony looks up and sees her.

PIKARSKI

Choice? The unborn baby's didn't
have a choice!

MARCUS

Neither did Amber's plate of
scrambled unborn-chicken -- but no
one's crying over it.

Amber looks at her eggs -- then runs out --

INT. CORRIDOR - DAY

Tony is waiting for Amber when she comes out of the bathroom.

TONY

I got you these.

He holds out a pink box. Amber takes it.

AMBER
(reading)
'Bellybars?'

TONY
I called my Sis. She ate these when she was pregnant. They've got vitamins.

AMBER
What makes you think I'm going to keep this baby?

TONY
I've got this job offer. We can make this work.

AMBER
I don't know if I want to make this work, Tony -- I hardly know you.

INT. AMBER/CLYDE'S OFFICE - DAY

Clyde is working when Holly comes in.

HOLLY
Look, Clyde, for some reason Lynch seems to think your poop stinks better than everybody else's. Unless you want the Conservatives to hijack this Court, you need to get her back on track. You need to get her to change her mind.

CLYDE
What can I do?

INT. SUPREME COURT BUILDING/GYM - DAY

Amber watches a basketball game. Allen clowns around. There's something boyish about him. He looks up; Amber's gone.

INT. AMBER/CLYDE'S OFFICE - DAY

Amber listens to a RINGING PHONE. Then someone answers.

VOICE ON PHONE
Hola?

AMBER
Mamma -- it's me --

That's all Amber can say before she starts sobbing.

EXT/INT. LYNCH'S TOWNHOUSE - NIGHT

Lynch walks along the street. She looks youthful with her hair back. She's surprised to see Clyde sitting on her steps.

LYNCH

Clyde? What are you doing here?
You better come up.

INT. HOLLY/CLYDE'S OFFICE - NIGHT

Tony talks with Holly.

HOLLY

I don't get the dilemma, Tony. It's why we're all here -- to land some fantastic job or position. You're just getting out early. It's a dream job at a great firm -
- take the money and run.

TONY

I didn't take the Clerkship for the money. You never heard of 'Hanky G', but he was the biggest guy to come out of my block in East Flatbush -- he's the guy growing up you hear about all the time. Hanky G did this, Hanky G did that.

HOLLY

Who the hell is he?

TONY

Acting Chief Justice of the United States.

HOLLY

Greenberg is from your neighborhood?

TONY

Same block.

HOLLY

They former Attorney General of New York who broke Organized Crime in Brooklyn... marched with Martin Luther King -- defended the constitutional rights of immigrant workers... came from *your* block?

TONY

He's why I'm here. And now he's asked me to stay and clerk for him.

(MORE)

TONY (cont'd)
\$200,000 is more money than my old
man made in ten years...

HOLLY
Yeah. But you'll be worth that much
and more in a year.

Tony's looks at her and considers her words.

INT. LYNCH'S TOWNHOUSE - LATER

Clyde and Lynch drink wine.

LYNCH
What is it you want out of this
Clerkship, Clyde? I can't picture
you making partner in some huge
corporate law firm.

CLYDE
What do you see?

LYNCH
St. Jude.

CLYDE
Patron Saint of Lost Causes?

LYNCH
Not just lost, but desperate,
forgotten, and impossible causes...

CLYDE
I'd like to teach in a school with a
rich diversity program. The country
is run by people with law degrees.
What better way to get empowered.

LYNCH
I love your passion.

The air is thick with sexual tension.

CLYDE
Suzanne --

He used her first name. Lynch's heart beats faster.

CLYDE (cont'd)
You need to rethink your final
position on Millard -- I think -- A
stay could set women's reproductive
rights back 30 years.

Lynch looks deep into his eyes. Clyde feels her gaze.

LYNCH
That's a slight exaggeration.

CLYDE
If you grant this stay, you will
give Justice Clemente the
opportunity to argue that these
frozen pre-embryos deserve
constitutional protection --

LYNCH
That would wipe away Roe's
trimester frame work.

CLYDE
Yes. Currently, an embryo assumes
constitutional protection only
AFTER the first trimester, not from
inception.

Again she looks him in the eyes. Clyde tries to stay focused.

LYNCH
(touches his hand)
You make a persuasive argument.

CLYDE
(suddenly gets it)
You're trying to seduce me.
(panics)
Aren't you?

Lynch LAUGHS A DEEP SULTRY LAUGH.

LYNCH
I've never met anyone quite like you
before... And I've never done this before.

She leans in slowly and... kisses him. She pulls back.

CLYDE
But --

LYNCH
Beneath these robes, Clyde, I'm
flesh and blood.

Clyde hesitates -- then kisses her.

END OF ACT FOUR

ACT FIVE

Tuesday 8:48 A.M.:

INT. CORRIDOR - MORNING

Lynch marches down the corridor. She's on a mission.

INT. HOLLY/CLYDE'S OFFICE - MORNING

Lynch comes in. Holly and Amber are here.

LYNCH

Clyde seems to think I'm making a mistake on Millard. What do you think?

Amber and Holly look at each other.

HOLLY

All do respect, Justice, I agree with him.

LYNCH

Amber, what do you think?

Amber is ambivalent. Holly knows why.

AMBER

I feel for Mrs. Millard -- I really do -- she just wants her life to play out like she thought it would, but -- I would hate the Court to make any decisions that could eventually force women to bring into back-alleys for abortions or bring unloved babies into the world... Even though I feel sorry for Mrs. Millard that she will never become a mother.

HOLLY

If Mrs. Millard doesn't have a baby, it isn't the end of the world -- many woman, like you, Justice, choose not to have children --

This hits Lynch hard. She looks at her two clerks.

LYNCH

It all seems so easy when you're in your 20s. You've got your whole lives ahead of you.

(this is her story)

What's one abortion? Right? No

(MORE)

LYNCH (cont'd)

woman cries over the loss of an egg after every menstrual cycle... I 'chose' not to have a child because it was inconvenient and I was single -- I had too many goals. As my career started to take off, it became more difficult to take the time off to have a child... the years passed, then it was too late... I can help Mrs. Millard. It's a horrible position to put me in. Wagner was always so sure about everything: Don't agonize, he'd say. But I do agonize.

AMBER

Isn't it normal to agonize?

Holly's going to protest, but lets it go.

LYNCH

Normal? I don't know. It's human.

Lynch walks out. Holly collapses into a chair.

HOLLY

We are so screwed.

AMBER

I'm sorry I gave Allen your argument.

HOLLY

Forget it. At least I'll get to see Tony's Tom-Tom.

OFF AMBER'S LOOK.

GREENBERG (PRE-LAP)

Whenever the Constitution collides with emotion and values, there are no winners --

INT. CONFERENCE ROOM/CONFERENCE VIEWING THEATRE - DAY

Pikarski, Allen and Amber slip into the room where Tony, Holly and the others have already gathered.

GREENBERG

I find no Constitutional grounds to grant the stay. I vote to deny.

Amber's cell VIBRATES: she jumps. Tony looks at her -- her look tells him not to follow.

AMBER
(into phone)
Hello?

PIKARSKI
Cell phones off --

AMBER
Bite me, Pikarski.

Everyone looks -- this is not an Amber we've seen before.

HOLLY
You go, girlfriend.

CLEMENTE
In exactly forty-five minutes, the
process to allow these potential
children to perish will begin
unless we vote for a stay.

Greenberg makes a mark in one column on the white board.

GREENBERG
Thank you, Hugo. Buzz, how say you?

WOO
Grant the stay.

Greenberg makes a mark, then looks at Justice Woo. Amber
slips out of the room.

DEAN
Deny.

CLEMENTE
(blurts out)
Hugo Xavier Clemente III votes to
grant the stay.

MEDWICK
I vote with Clemente.

MARTIN
As do I.

GRIMES
(clears his throat)
Deny.

PIKARSKI
All we need is Lynch.

INT. CORRIDORS - DAY

Amber stands alone at the end of a long corridor.

 AMBER
 (quietly into phone)
 And, and is the test 100% accurate?
 (a beat)
 OK. Thank you.

Amber hangs up, exhales and leans back against the wall --

 ALLEN (O.S.)
 I need to tell you something.

Amber turns. She wipes tears from her eyes.

 ALLEN (cont'd)
 The only reason I'm here is because
 of my father -- there are a hundred
 guys smarter than me. I didn't want
 to split up. I was getting so
 overwhelmed. Clemente's ideas are
 so extreme -- so specific -- I
 don't even know what I believe in
 any more. You're all I ever hoped
 to find in partner -- you're
 beautiful, sexy, fun, smart -- you
 make me better. I want you back --
 no matter what.

 AMBER
 I'm not pregnant. Just a stress
 induced chemical pregnancy...

Allen can't find any words -- he grabs her and hugs her.

Tony looks out and sees Allen kissing her over and over on
the face, neck -- it stops him cold. He ducks away.

 AMBER (cont'd)
 Allen, I've spent the last few days
 trying to choose between you and --
 Tony -- and a baby --

 ALLEN
 So it's Tony... You're choosing him
 over me -- what about all of your
 goals?

 AMBER
 Life doesn't always work out the
 way we want it to.
 (MORE)

AMBER (cont'd)

(her ideas crystallizing)

My mother was born in Juarez -- she walked into this country when she was 15. My entire life she's cleaned houses during the day and at night she cleaned offices till after midnight...

(a beat)

Her daughter is a Law Clerk at the Supreme Court of the United States. That's good enough for her -- but -- it's not good enough for me. I need to stay focused on that -- not you -- I'm choosing me...

ALLEN

I wish I'd never broken up with you.

AMBER

But you did.

Allen's just about to say something when --

PIKARSKI

Hey, Allen. Lynch is voting.

Amber walks past the stunned Allen.

HOLLY (PRE-LAP)

C'mon, baby!

INT. CONFERENCE VIEWING THEATRE - DAY

First Allen and Pikarski, then Amber slip back into the room. Tony can't read her face.

CLEMENTE (ON MONITOR)

Well, Suzanne, it's up to you.

Holly, Pikarski and the others look as though they're waiting for a last second field goal to decide the Superbowl.

PIKARSKI

(leads a CyBork chant)

Stay, stay, stay, stay --

HOLLY/MARCUS

(leading a counter cheer)

Shut -- Up. Shut -- Up.

LYNCH

After much soul searching, I came to a decision.

TONY

I've got a bad feeling about this.

MARCUS

You ever feel like this place would run a lot smoother if we eliminated the middle men -- the Justices?

LYNCH

I find it incumbent upon us to sometimes walk the less popular road -- not the safest or easiest road. We're not pillars of justice nor are we automatons -- we're men and women. And so it is with a heavy heart that I vote to -- Deny the stay.

Lynch glances into the monitor. Clyde smiles.

CLEMENTE

What!

Clemente SLAMS his hand on the desk. The CLERKS erupt -- Holly pumps her fist in the air. Pikarski jumps up --

ALLEN

She can't do that!!

HOLLY

She just did.

ALLEN

What about precedent? Tradition?

Allen looks at Pikarski who seems almost happy.

TONY

You lost, Allen.

Allen turns to face Tony.

ALLEN

We both did.

OFF TONY'S QUIZZICAL LOOK --

SUSAN PERRIER (PRE-LAP)

Failing to garner the required five votes the stay in Millard v. Millard --

INT. SUPREME COURT BUILDING/PRESS RELEASE ROOM - DAY

SUSAN PERRIER

-- has been denied. Thus ends the official
work and Era of the Wagner Court.

A bitter sweet BALLAD comes up plays over --

INT. GREAT HALL - DAY

Amber sees Mrs. Millard YELLING SOMETHING at her HUSBAND,
then collapse into the arms of her attorney...

INT. HALLWAY - DAY

Amber tells Holly she's not pregnant. Holly hugs her.

INT. FERTILITY CLINIC - DAY

TECHNICIANS lift the pre-embryos out of the frozen cylinder
and place them in a biohazard-waste bin. THE MUSIC FADES as --

INT. ALLEN'S OFFIC - DAY

Clemente strides in, surprising Allen who jumps up.

ALLEN

Justice?

Clemente smiles as he calmly says:

CLEMENTE

You let me down, Allen.

ALLEN

But --

CLEMENTE

I don't care who your father is, a
bad recommendation from me and you
can forget about a top job with the
Department of Justice -- you'll be
lucky to get a job filing court brief
for the assistant DA in Akron.

(a beat)

I want Pikarski to bring me my
coffee and paper from now on.

What makes Clemente so scary is that remained so calm.
Clemente turns and leaves -- a devastated Allen could cry.

INT. THE COURTROOM - EVENING

Tony stands alone, in the empty room, before the long bench where the Justices sit. Amber comes in.

AMBER

Hey. I've been looking for you.

TONY

Someday I'm going to argue cases in this Court. I'm not about to give up this opportunity. I turned down the Brady-McKenna offer. I've decided to stay.

AMBER

Good. The blood test was negative. I'm not pregnant.

TONY

Good. We should stop seeing each other. It was a mistake.

AMBER

(what?!!)

Yeah. You're right.

TONY

(blunt/hiding his hurt)

I didn't come to the Court to get married. Good luck.

AMBER

You too.

Tony walks away, determined. Amber stays, disappointed...

INT. CORRIDOR - CONTINUOUS

Tony turns a corner -- Holly comes marching up to him.

HOLLY

My suspicions were wrong about Allen -- he's hung like a horse.

A DRIVING PARTY SONG ROARS UP and over --

INT. GREAT HALL - NIGHT

Allen, naked, sprints into the hall followed by the CHEERING GDLs. H.B. Wagner lies in repose in the corner. Allen SHAKES HIS NAKED ASS, then darts down a corridor and --

INT. INDOOR SWIMMING POOL - NIGHT

-- jumps into the pool. Pikarski is waiting with a swimsuit. Allen grabs the suit from him --

INT. ALCOVE - NIGHT

Lynch gently touches Clyde's face.

LYNCH

I can't believe this happened --

CLYDE

Maybe our shortcomings make us
better adjudicators...

He kisses her hand. Najib watches from the shadows --

INT. INDOOR SWIMMING POOL - LATER

The Clerks party. Pikarski seems the happiest. Marcus holds court in the shallow end. Tony, Amber and Allen all seem lost in their own heads. Tony sits on the edge of the pool, across from Amber and Allen. Holly plops down next to him.

HOLLY

(hands a beer to Tony)
I must admit I'm a little
disappointed I didn't get to see
your man-about-town swinging
through the halls of Justice.

TONY

(a smile)
We've got plenty of time.

Holly looks at Tony -- a spark of attraction?

HOLLY

You turned down the job offer.
(toasting)
Welcome back from the dead...

Amber looks conflicted, worried, at Holly sitting so close to Tony. Allen's also looking at Tony and realizes that he's not going anywhere fast. THE MUSIC FADES up as we --

CUT TO BLACK.

END OF PILOT