

A CIVIL ACTION

Screenplay by Steven Zaillian

Based on the Book by Jonathan Harr

|                       |                  |
|-----------------------|------------------|
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## A CIVIL ACTION

1 EXT. ABERJONA RIVER - DAY

1

Crystal clear water flows down-river.

In the distance, beyond a bridge, a small congregation can be seen huddled near a brick shed on the banks. Shrouded as they are in the early morning mist, and braced against the cold in dark overcoats, the effect is funereal.

JAN V.O.

A dead plaintiff is rarely worth  
as much as a living, severely maimed  
plaintiff ...

In fact the mayor is dedicating a newly-drilled city well, but his words are indistinct, obscured by the sounds of the river and the distance, like a memory.

JAN V.O.

However, if it's a long, agonizing  
death, as opposed to quick drowning  
or car wreck, the value can rise  
considerably ...

Some polite, glove-muffled applause before the perspective shifts, and the mayor accepts the honor of releasing millions of gallons of water, long-buried hundreds of feet below ... into the homes of his citizenry ...

Legend: Woburn, Massachusetts, 1964

2 OMITTED

2

3 OMITTED

3

3A INT. SUFFOLK COUNTY COURTHOUSE, BOSTON - DAY - 1983

3A

A corridor that appears to stretch off forever ... lined with litigants and lawyers.

JAN V.O.

A dead adult in his twenties is  
generally worth less than one who is  
middle-aged. A dead woman, less than  
a dead man. A single adult, less than  
one who's married. Black less than  
white. Poor less than rich ...

In the far distance, emerging from the mass of humanity, comes a victim in wheelchair, pushed by another man, in a dark suit, with white shirt that seems to glow ...

(CONTINUED)

3A CONTINUED:

3A

JAN V.O.

The perfect victim is a white male  
professional, forty years old, at the  
height of his earning power - struck  
down in his prime.

\*  
\*  
\*  
\*  
\*

The figure pushing the man in the wheelchair comes closer,  
almost close enough to see his face.

\*  
\*

JAN V.O.

And the most imperfect? Well, in  
the calculus of personal injury law -  
a dead child is worth the least of  
all.

\*  
\*  
\*  
\*  
\*

4 INT. COURTROOM - DAY

4 \*

The personal injury "community" has turned out to hear opening arguments, "Ambulance chasers," a couple of whom whisper to each other in the gallery - \*

P.I. LAWYER 1  
A million dollars he turns down.  
One million dollars - \*

P.I. LAWYER 2  
I don't believe that story for a  
(minute) - \*

P.I. LAWYER 1  
It's true. It's true, he looked them  
in the eye and - \*

Another man, in the next row, turns in his seat - \*

GORDON  
Eddie, do me a favor, shut up,  
that's our banker, for Christ's sake.  
(in a pin-stripe suit  
in the back) \*  
Keeping an eye on the "collateral."  
He doesn't know Jan turned down a mil -

P.I. LAWYER 1  
Sorry. Sorry. Shhh -

He puts a finger to his lips; the secret is safe with him. Glances off as the jury is escorted in and to their seats. Another man, next to Gordon, one of his partners, checks his watch. A whisper - \*

CONWAY  
Where is he? \*

The defense table is crowded with insurance lawyers and clerks, but the plaintiffs table is empty. The court stenographer readies her machine. Conway nervously checks his watch again as - \*

The courtroom doors open and every head in the room turns. As Jan wheels his victim in it's rather like the arrival of the bride, escorted by her father down the aisle. Only there's no wedding march; only silence. \*

The insurance company lawyers turn away first, hoping, no doubt, others will take their cue. But nobody does. They all follow the wheelchair's slow progress into the well of the courtroom, to the prosecution table. \*

(CONTINUED)

4 CONTINUED:

4

Jan pours a glass of water and carefully holds it to the quadriplegic's mouth. The jury members watch as some of it ends up on his shirt. Jan dabs at it with his handkerchief, notices the buttons are in the wrong holes and carefully corrects them ...

\*  
\*  
\*

The defense lawyers glance back and forth between Jan attending to the crippled plaintiff and the jury watching his every move. When one woman wipes at a tear, the insurance lawyers exchange horrified looks.

BAILIFF 1

All rise.

Everyone in the courtroom (except the plaintiff, of course) stands. The judge enters but few of the jury members seem to notice; they're watching as Jan's hand finds and holds his client's.

(CONTINUED)

4 CONTINUED: (2)

4

BAILIFF 1

This court is now in session.  
Carney vs. Massachusetts-General  
Hospital. Her Honorable Constance  
Mullen presiding.

\*

As the judge and the assembly sit, a folded note is passed from hand to hand along the defense table. It's eventually handed to Jan, who gives it a cursory glance before setting it down.

Out of the ensuing silence can be heard a small chorus of sniffles from the jury members. The judge glances over at them. Then to her notes. Back to the jury. Then over to Conway who is sniffing now, too. To Jan -

JUDGE 1

Mr. Schlichtmann.

Jan's thinking about the offer just handed him, the other side's "final offer." He gives them a little shake of the head then, and his partners look like they want to die ...

JUDGE 1

Mr. Schlichtmann, the court is ready  
for your opening statement.

JAN

Yes, Your Honor -

He pushes back from the table, reviews his notes a moment, glances over at the jury, back to his client, pulls out his handkerchief again and delicately dries the spittle around the corners of the man's mouth. As he's doing it, another note reaches him. A quick glance at it without picking it up before finally giving the insurance company lawyers a little nod. One of them stands.

LAWYER 1

Your Honor, if it please the court,  
the parties involved have agreed to  
settle.

Jan, finally, allows a smile.

5 INT. FOUR SEASONS RESTAURANT/BAR - NIGHT

5

As his partners, their wives, and his assistant, Kathy, raise their glasses to Jan, the opening notes of Sinatra's "I Got the World on a String" begin -

6 EXT. BOSTON PUBLIC GARDEN - LATER - NIGHT

6

A street performer dressed in a 40's suit and fedora sings the Sinatra song Karaoke-style.

A small crowd has gathered, but they seem to be entertained more by the gentleman in the Dmitri suit dancing alone to the music than by the singer with the begging bowl. Conway exchanges a grin with the others. To an onlooker -

CONWAY

He just won a big case.

(CONTINUED)

6 CONTINUED:

6

As Jan revels in victory,

A legend appears: The Lawyer.

THE MUSIC CONTINUES OVER:

7 INT. HABERDASHERY - DAY

7

A tailor measures Jan for a new suit as he considers his reflection in a 3-way mirror -

8 INT. HABERDASHERY - LATER

8

Jan signs a credit card bill for several thousand dollars -

9 INT. JAN'S PENTHOUSE - DAY

9

Jan hangs up new suits and lays out new shirts in his large walk-in closet already full of elegant clothes -

10 EXT. PUBLIC GARDEN - CONTINUED - NIGHT

10

Jan takes the hand of one of the prettiest onlookers, coaxes her from her friends, and dances with her -

11 INT. SHOE STORE - DAY

11

Jan tries on a pair of black crocodile shoes, walks around in them, and, later, at the counter, signs for them: \$1,744.

12 EXT/INT. ANTIQUE SHOP - CHARLES STREET - DAY

12

Jan considers a large, beautiful, antique, inlaid table in the window -

And - later - inside - signs for it: \$22,000 -

13 EXT. THE FIRM, CHARLES STREET - DAY

13

Delivery men carrying the table follow Jan across the street to a three-story brick building. A little dog on a leash held by a woman snaps at him as he comes past.

14 INT. THE FIRM, "SCHLICHTMANN, CONWAY & CROWLEY" - DAY

14

Jan personally supervises the exact placement of the table in the firm's conference room, tips the movers extravagantly, stands back to admire it, finds the best place at it, wipes at a smudge with his handkerchief.

\*  
\*  
\*

15 EXT. PUBLIC GARDEN - CONTINUED - NIGHT 15

The singer finishes to great applause - for Jan.

DISSOLVE TO:

16 OMITTED 16 \*

17 INT. RADIO STATION - DAY 17

Jan is tonight's guest on a Boston radio show - seated across from his host in a darkened studio, speaking into a microphone.

JAN

Personal injury law has a bad reputation. They call us ambulance chasers. Bottom feeders. Vultures who prey on the misfortunes of others.

(pause)

If that's true, why do I lie awake nights worrying about my clients? Why does their pain become my pain? Why does my heart break when the parents of a brain-damaged child tell me how they were told to treat the fever with Tylenol and call back in the morning?

(shrugs)

I wish I could find some way not to empathize with them, it'd be a lot easier. I can't do it.

HOST

We're talking with Jan Schlichtmann, personal-injury attorney and, according to Boston Magazine - did you see this - ?

A copy of the magazine, the article. Jan tries to smile modestly (there are a dozen copies in his apartment). \*

HOST

"One of Boston's Ten Most Eligible Bachelors." Let's go to the phones. From Woburn - you're on the air. \*

ANNE V.O. \*

Hello, Mr. Schlichtmann, it's Anne Anderson. \*

JAN \*

Hello, Anne. \*

(CONTINUED)

17 CONTINUED:

17

ANNE V.O.

How are you?

JAN

Very well, thank you. And you?

(mouths to host:)

Sounds pretty.

ANNE V.O.

How come you never call me?

JAN

I'm sure I would if I had your number.

ANNE

You do have it.

Jan glances to the host. Is this some old girlfriend he's forgotten about?

ANNE V.O.

You have no idea who I am.

JAN

(realizing it's a joke)

Is this Rikki?

ANNE V.O.

(pause)

No ... no, this is one of those people you lie awake at night worrying about.

Jan's eyes glance over to the red ON AIR sign.

ANNE V.O.

My son died of leukemia two years ago, Mr. Schlichtmann. You're handling the case.

Dead air for a moment ...

JAN

I am?

Jan's look to the host says he has no idea who this woman is.

ANNE V.O.

The reason I'm calling you here, Mr. Schlichtmann, is because my calls to your offices have gone unreturned for the last several weeks now.

(CONTINUED)

17 CONTINUED: (2)

17

JAN  
I'm sorry - Anne, is it? I'm  
afraid I don't know what you're  
talking (about) -

\*  
\*  
\*  
\*

ANNE V.O.  
Today I was told by Miss Boyer that  
Mr. Conway has unfortunately gone out  
of town.

JAN  
(more to himself)  
Mr. Conway ...

\*  
\*  
\*

ANNE V.O.  
Mr. Conway, your partner.

\*  
\*

JAN  
Yes ...

\*  
\*

ANNE V.O.  
Is he?

\*  
\*

JAN  
Is he - ?

\*  
\*

ANNE V.O.  
Out of town.

\*  
\*

The ON AIR sign stares at Jan ... He knows for a fact his  
partner, Kevin Conway is very much in town.

\*  
\*

JAN  
Yes.

\*  
\*

ANNE V.O.  
Uh-huh.

\*  
\*

JAN  
Of course he is.

\*  
\*

ANNE V.O.  
Uh-huh.

JAN  
Really.

ANNE V.O.  
(pause)  
The harder you try, Mr. Schlichtmann,  
the harder it is to believe you.

(CONTINUED)

17 CONTINUED: (3)

17

Jan mutters to himself -

JAN  
... fucking Conway ...

ANNE V.O.  
Excuse me?

JAN  
Please call me Jan.

ANNE V.O.  
All right. How would you like to  
come up to Woburn one of these days?  
To actually meet a few of the people  
whose pain is your pain ... Jan.

18 OMITTED

18

19 OMITTED

19

19A INT. JAN'S OFFICE - THE FIRM - DAY

19A

Kevin Conway. In a chair. In the center of Jan's office,  
which feels a like the principal's. Thin file on his lap.  
Around him, flanking him on either side, are Crowley,  
Gordon and Kathy. Silence. Then -

JAN  
Let me try to picture how this  
happened ... She called ... she cried  
... you felt sorry for her ... you  
cried ... and now she's mad at me.  
That makes sense.

Conway just sits there - contrite - as everyone looks at  
him. Finally -

CONWAY  
This is a good case -

JAN  
She wasn't crying now, I can tell  
you that -

(CONTINUED)

19A CONTINUED:

19A

CONWAY \*  
An orphan, but (a good one) - \*

JAN \*  
"I'm one of your clients, Mr. \*  
Schlichtmann" - \*

CONWAY \*  
Twelve deaths over fifteen years from \*  
leukemia, eight of them children - \*

JAN \*  
"You know, the kind you lie awake at \*  
night worrying about" - \*

CROWLEY \*  
(to Conway) \*  
Is that unusual? \*

CONWAY \*  
Apparently. Statistically. It's a \*  
very small town. \*

JAN \*  
This is a woman who lost a child? \*

CONWAY \*  
They think it has something to do \*  
with the city's drinking water - which \*  
they say has always tasted (funny) - \*

JAN \*  
What was she like before, I'd like to \*  
know? \*

CONWAY \*  
Do you want to hear what it's about \*  
or (not) - \*

JAN \*  
No! \*

Silence. Then ... carefully: \*

KATHY \*  
I'd like to hear what it's about. \*

Jan's look to her asks something like, Who do you work for? \*

CONWAY \*  
Thank you, Kathy. \*

Conway opens the thin file in his lap. \*

(CONTINUED)

19A CONTINUED: (2)

19A

CONWAY

There's a report here from State inspectors that says the water from two city wells is contaminated - or was, before they shut them down - with something called - I can't pronounce this - trichloro - ethylene - lene - which the EPA lists as a probable carcinogen -

GORDON

Let me stop you right there -

CONWAY

There's more -

GORDON

I don't need to hear it. From a financial standpoint - ? I can tell you right now this is not a sound investment. Probable is nothing more than a euphemism for unproven. To prove something like this means new medical research -

(pause)

Is that the business we're in? The medical research business? And - ask yourself: Why is this an orphan? Why has it been kicked from firm to firm before landing on your desk.

Kevin's. Pause ...

JAN

Thank you, Gordon.

Jan tosses Kathy a glance as he says it ... then regards Conway a moment as he closes the file ... perhaps he was too hard on him.

JAN

Kevin -

CONWAY

No, it's okay.

JAN

Gordon's right. I mean I can appreciate the theatrical value of several dead kids. I like that, obviously. That's good. But that's all this has going for it, and it's not enough.

(CONTINUED)

19A CONTINUED: (3)

19A

CONWAY

I'll get rid of it. I'll go up  
there and, uh -

He trails off ...

JAN

And she'll cry again. And then  
you'll cry again. And then she'll  
get mad at me again.

They've been together a long time; they both know it's true.

JAN

I'll get rid of it.

\*

Conway closes the file.

20 OMITTED

20

21 EXT. ABERJONA BRIDGE - DAY

21

A Woburn sheriff tears a speeding ticket from a pad and hands  
it to the driver of the shiny black Porsche.

JAN

(tight)

Thank you.

22 EXT. TRINITY CHURCH - DAY

22

Jan's Porsche, parked out front.

ANNE V.O.

When I stand on my front porch, I can  
see all the houses where children have  
died ...

23 INT. TRINITY CHURCH MEETING ROOM - DAY

23

Six (childless) couples have assembled to meet "their"  
lawyer. He sits among them, listening to Anne - or at least  
trying to appear as though he is.

ANNE

The Kanes ... the Toomeys ... the  
Zonas ... the Aufieros ... the Robbins  
...

Each raised a hand for Jan as Anne mentioned their name.

ANNE

We lie awake at night, Mr.  
Schlichtmann - every night - asking  
ourselves: "How is it possible so many  
children in such a small area could  
have died?"

Jan tries to look appropriately solemn, and fairly succeeds.

ANNE

Now, I want to be clear I'm not  
interested in money. None of us are -  
that's not why we're doing this. What  
we want - what we need - is to know  
what happened. Who's responsible.  
And we want an apology.

\*  
\*

JAN

From who?

ANNE

From whoever did this.

JAN

But who is that?

ANNE

Well, we don't know.

It's time for him to get rid of them. Enough already.

(CONTINUED)

23 CONTINUED:

23

JAN

Mrs. Anderson - our firm is very small. Three attorneys, that's it. Which means we can only take on so many cases at once. And we have to be very careful about which ones they are because, frankly, we can't afford to lose. Our clients pay nothing - we pay for everything - and are only paid back if we win or (settle) -

ANNE

I know that -

JAN

Now, you want an apology and I'd like nothing more than to get it for you. But from who? Who's going to apologize to you - and pay me? There has to be a defendant and it has to be one with very deep pockets because this is not an inexpensive case to try.

None of them knows who's responsible. If they did, they wouldn't need Jan so badly. One of the other women speaks up, although it's a bit tentative -

DONNA

John Riley's old tannery's out there.

JAN

(unimpressed)

A tannery ...

DONNA

And some other small factories.

Did they hear anything he said? He said "deep pockets." He looks them all in the face. It's not the first time he's had to do this, and certainly won't be the last -

JAN

I wish I could help you. I'm sorry.

24 INT. TRINITY CHURCH - LATER - DAY

24

Jan strides through the sanctuary. The sooner he gets out of here, and this town, the better - but he'll have to watch the speeding. \*

(CONTINUED)

24 CONTINUED:

24

ANNE O.S.  
Mr. Schlichtmann -

He groans to himself. Turns to see Anne hurrying up the aisle. She reaches him by the door, catches her breath.

\*  
\*

ANNE  
The first lawyers I talked to were so sure about this case, they said - they used a Latin term - res ipsa -

JAN  
- loquitur: "the thing speaks for itself." It doesn't; if it did they'd be here instead of me.

His look to her adds, Right? But she can't let go.

ANNE  
Maybe you could go out there for a few minutes. To the river. To the wells, and -

She trails off. She's not sure what she's asking him.

JAN  
And what? What would that accomplish?

Tears well in her eyes. His remain impassive. She turns away before she cries in front of him and walks away, back the way she came. Unmoved, he leaves.

\*  
\*

25 EXT. WOBURN - DAY

25

The Porsche speeds out of town -

\*

26 EXT. WOBURN - ABERJONA RIVER / BRIDGE - DAY

26

The same Woburn officer as before tears off Jan's second ticket of the day and hands it to him.

JAN  
Thank you.

Dropping way back reveals the bridge they're on, the river under it, and a brick pumping station in foreground. As the police officer climbs into his car and drives off, Jan returns to his own, muttering under his breath -

JAN  
Fucking Conway ...

(CONTINUED)

26 CONTINUED:

26

He hesitates. Notices where he is. The river, the brick pumping station, the church spire behind him in the distance. Is this the place Anne was talking about? Why of all places was he pulled over here? The sound of the river echoes under the bridge ...

27 EXT. ABERJONA RIVER BED - DAY

27

As he moves along the edge of the river, further and further from his car parked on the bridge, one thought obsesses him: his new shoes are ruined.

\*

Already he can see mud oozing above the soles. And it's only getting worse, the ground beneath him becoming softer and wetter with every step. Muttering, "fucking Conway" again, he crosses the ankle-deep water to -

\*

\*

28 EXT. BRICK PUMPING STATION - DAY

28

The locked iron gate of the brick pumping station that houses Well G. Jan rattles at it ineffectually, peers in at its dark interior ...

\*

\*

\*

Dropping back again reveals the geography: the pumping station and lone figure standing in stark relief against the bare winter trees and the Aberjona River.

\*

\*

\*

A plume of smoke - unnoticed by Jan - begins veiling it all, rising up in the foreground from some unseen source.

29 OMITTED

29

\*

30 EXT. FOREST / ABERJONA WRECKING YARD - DAY

30

\*

His shoes are wrecked and his pants now in danger of a similar fate. As he moves through a thicket, he comes past a tire half-buried in the ground. Then another. Then a few. Then a mountain of them as he emerges from the trees leading to a sprawling junkyard where a crusher mashes cars.

\*

\*

\*

\*

\*

31 EXT. RR TRACKS / GRACE FACTORY - DAY

31

\*

Jan walks along railroad tracks paralleling the river. Coming past a boxcar, a flat-car and a tanker at a siding, he can see beyond the trees: trucks and men working on the loading dock of a large factory.

\*

\*

\*

\*

He glances back over his shoulder at the train cars just behind him, to the tanker that has the name of the company painted on it: W.R. GRACE.

\*

\*

\*

(CONTINUED)

31 CONTINUED:

31

He's not sure from where exactly he knows the name, but he does. Glancing off the other way then, he sees in the distance the plumes of smoke (we) glimpsed earlier.

\*  
\*  
\*

31A EXT. FOREST / POND - DAY

31A

Signs of civilization in the wilderness: beer bottles and rotting timbers, rusting sheet metal and a discarded refrigerator, a corroded 55-gallon drum.

\*  
\*  
\*

It all leads to a second pumping station - Well H - surrounded by rusted chain-link fencing, its brick walls covered with graffiti - and an area which teenagers have probably used for decades to drink and hang out.

\*  
\*  
\*  
\*

Jan can see the rising smoke up ahead through the trees, and moves past a pond on his way toward it.

\*  
\*

32 EXT. J.J. RILEY TANNERY - DAY

32

The smoke rises from a tall brick smokestack.

Following the sound of a barking dog, Jan comes into a clearing from which he can see the large, brick, age-mottled building the tower juts out of.

\*

\*  
\*  
\*

32A EXT. RILEY TANNERY, FRONT SIDE - DAY

32A

Hundreds of cattle hides hanging in the sun. The building from the other side. Jan's glance finds a loading dock where workers carry off untreated carcass-like hides from trucks, then settles on the smokestack and the fading letters painted on it: J.J. RILEY TANNERY.

\*

\*  
\*  
\*  
\*  
\*

He comes a little closer, to the rusty fence around the place, and the No Trespassing sign on it: Private Property. John J. Riley Tannery - and in smaller letters:

\*  
\*  
\*

"A Subsidiary of Beatrice Foods"

\*

That name he recognizes. And, unlike "W.R. Grace," he knows from where. From everywhere. "Beatrice Foods" owns ... well, everything. One of their trucks rumbles by ...

\*  
\*  
\*

Every case, as he told the families, requires defendants with "deep pockets." He just found them.

\*  
\*

32B FROM UP HIGH

32B

- like an aerial map - the entire geography of the area is revealed: the river, the trees, the junkyard, the railroad tracks, Grace, the pond, the tannery, the smoke ... the steeple and the town ...

\*  
\*  
\*  
\*  
\*

33 INT. PATTON'S BAR & GRILL - DAY

33

A lawyer hangout. Conway, Crowley, Gordon and Kathy having lunch.

CONWAY O.S.

Where are we with the gravel pit  
drowning?

CROWLEY

The construction company lawyers deny  
the pit ever existed -

GORDON

- we have pictures -

CROWLEY

- but even if it had existed -  
which it "didn't" - the boy obviously  
would have been trespassing -

CONWAY

- no fence, no signs -

CROWLEY

Moreover - his parents assumed the  
risk, if there were any, which there  
wasn't, by choosing to live next door  
to a gravel pit - that never existed.

(shrugs)

Obviously, we're close to a  
settlement.

Conway glances off; he wants more coffee. But before he  
sees a waiter, he sees something else, by the bar ...

GORDON

Any walk-ins?

KATHY

(from notes)

A Slip 'n Fall in the poultry section  
of a grocery store -

CROWLEY

National chain - ?

KATHY

Mom and pop -

CROWLEY

"Jacoby & Myers" -

(CONTINUED)

33 CONTINUED:

33

As Kathy crosses off the Slip 'n Fall on her notes and  
continues with the other "walk-ins," Conway gets up to take  
a closer look at whatever it is he's seen over by the bar -

\*  
\*  
\*

KATHY

An accidental electrocution  
involving a hair dryer and a martini -

\*

GORDON

- you made that up -

KATHY

(she didn't)

A guy who wants to sue - he's not sure  
who exactly - somebody - for - "bodily  
injuries resulting from twenty-five  
years of drinking beer - "

\*  
\*

\*

(CONTINUED)

33 CONTINUED:

33

THE BAR AREA - where a television shows a shot of Jan, \*  
standing next to a gate, smoke stack and snarling dog behind \*  
him, talking with a reporter.

JAN ON T.V.

Obviously, we'll be seeking  
compensation for the families.  
And punitive damages for the willful  
negligence of these two companies.  
But is that what this is really about?  
Money? Is that what matters most to  
any of us?

(shows a snapshot of one of  
the Woburn children)

It's about this -

(a picture of another Woburn  
child)

And this -

(and another Woburn child)

And this -

34 INT. THE FIRM - LATER - DAY

34

They come in to find Jan alone in the place, already hard at work in his office writing up the complaint. He glances up, sees them all standing at his door, and smiles.

JAN

It was fate.

35 INT. THE FIRM - LIBRARY - LATER - DAY

35

\*

JAN

I was meant to get that ticket at that moment at that exact spot in the road.

They all look up from the files he's prepared for them. Gordon has the ticket in the file Jan has given him.

\*

JAN

Do you know who Beatrice is?  
Peter Pan peanut butter. Tropicana  
orange juice. Rosarita Mexican Food.  
Swiss Miss cocoa. Samsonite luggage.  
Playtex bras. Culligan Water - the  
list goes on and on -

\*

\*

CROWLEY

And the other (one) - ?

JAN

W.R. Grace - chemicals and  
manufacturing - with plants in two  
dozen states, South America, Europe  
and Japan -

GORDON

What's this?

\*

Gordon holds up what appears to be the speeding ticket.

\*

JAN

That's the ticket.

\*

\*

GORDON

(holding up the other  
ticket)

No, this is the ticket.

\*

\*

\*

\*

JAN

I got two tickets.

\*

\*

(CONTINUED)

35 CONTINUED:

35

KATHY

One of those two-ticket towns.  
Like that other place -

\*

JAN

Exactly.

(to Crowley)

You don't want to take your Caddy  
there.

CROWLEY

Wichendon.

\*

That was it.

JAN

This is a gold mine, Kevin, and you  
almost let it get away.

CONWAY

(to the others)

I almost let it get away.

Everyone's smiling except Gordon. To Kathy, to note on her  
calendar for Jan -

GORDON

(sotto)

Traffic school.

36 OMITTED 36 \*

37 EXT. HALE & DORR - DAY 37

A stately building in downtown Boston, ten floors of which belong to -

38 INT. HALE & DORR - DAY 38

A young law clerk with a legal-sized, messenger-delivered envelope strides through the expansive, bustling law offices of Hale & Dorr.

Over two hundred lawyers work for the venerable Boston firm, and the Oriental carpets, Chinese vases and dark-oiled woods seem to boast their legal triumphs.

The law clerk moves through it all with a certain destination in mind - past reception areas and conference rooms, past offices and partitioned cubicles, and a high-ceilinged book-lined room as big as some public libraries.

Gradually, though, as he circumnavigates the labyrinthine interior of the firm, the sounds of human and mechanical activity diminish. Indeed, turning into and continuing down a long drab windowless corridor, they eventually cease altogether.

All that remains is the click of the young man's heels on a floor constructed of scuffed linoleum squares, and even that stops when he reaches the furthestmost, closed, door.

In absolute silence, he takes a breath and turns the knob -

39 INT. FACHER'S HIDEAWAY - DAY 39

The door opens into a cavernous dimly-lit storage room. Light spills in, then recedes, and as the door closes ... a cheap pen in hand - elsewhere - stops writing ...

Grey metal filing cabinets line the walls, their overflow of legal papers stuffed into cardboard boxes, and their overflow stacked on the floor like ragged Gothic columns.

The young law clerk moves slowly through the maze of moribund files with the caution of someone half-expecting to get mugged. He can hear, very faintly, the transistorized sounds of a baseball game, and uses them as his compass and map.

(CONTINUED)

39 CONTINUED:

39

He reaches a "clearing" where two old desks have been shoved together, upon which lies a topography of paperwork: depositions, briefs, motions and affidavits. More piles of legal memoranda, if that's possible, have taken root on a sagging, threadbare couch.

A man in shirt-sleeves sits amidst it all like an aging clerk caught in the backwater of an immense bureaucracy. In a pool of light from a green-shaded banker's lamp, eyes cast down on an old magazine and taking an occasional bite of a sandwich from his brown-bag lunch, he appears unaware, or unconcerned, that someone has entered his lair.

The breast pocket of his white shirt wears a stain from a leaky pen. The sounds from Fenway park emanate from his cheap portable radio.

LAW CLERK  
(carefully)  
Mr. Facher?

Facher glances up at the intruder and considers him a moment in silence.

LAW CLERK  
Mr. (-----) asked me to bring this  
to you. \*

The envelope. Which the clerk carefully sets atop one of the mountains of paperwork on the desk. Facher's eyes never stray from the young man; and they immobilize him for several moments. Finally, just as the clerk turns to leave, Facher, very pleasantly, speaks -

FACHER  
When?

LAW CLERK  
When did he ask me? Just now.

FACHER  
On your lunch break? That hardly  
seems fair.

LAW CLERK  
Oh, I almost never go to lunch, sir.  
Too much to do.

FACHER  
Ah.

Facher nods. The young clerk nods. And relaxes a little. The old litigator isn't nearly as fierce, it seems, as he had been led to believe. He's even smiling.

(CONTINUED)

LAW CLERK  
I just grab something.

FACHER  
That's not good for you.

LAW CLERK  
It's all right, I'll survive.

Facher shrugs; he supposes so. The law clerk is young, he's healthy. Ambitious. The look on Facher's face as he considers him is almost fatherly.

FACHER  
You know, if I were you, I'd make a point of taking that hour or so away from all the noise and insanity of this place.

LAW CLERK  
I should, I know. It's just -

FACHER  
I'd find a place for myself where I could go that was relatively quiet and peaceful. Have a sandwich, read a magazine. Maybe listen to a game out at Fenway if one was on.

His look says, Right? Wouldn't that be the thing to do?  
The clerk nods.

FACHER  
And I'd make sure everyone knew I didn't want to be disturbed during that hour or so of solitude. Because that would be my time. My own private time. Which no one, if they had any sense of self preservation at all, would dare interrupt.

(pause)  
If I were you.

The young law clerk just stares - wondering perhaps if he should add Hale & Dorr, or not, to the resume he'll no doubt be sending out in the morning to other law firms.

LAW CLERK  
(a whisper)  
I'm sorry -

Facher holds up a hand to silence him. There's a play on the radio he wants to hear, a long drive to left with runners in scoring position.

(CONTINUED)

39 CONTINUED: (3)

39

The young man seizes the opportunity to slowly back away, disappearing then behind the hills and valleys of filing cabinets and boxes.

Facher sighs; the Indians have scored against his beloved Red Sox. He takes a bite of his sandwich, notices a mustard stain on his loosened tie, and wipes at it mechanically. It's probably been there for years.

He throws a cursory glance to the manila envelope the law clerk delivered. It's from some firm called "Schlichtmann, Conway & Crowley," whoever they are.

He doesn't bother opening it.

40 EXT. FOLEY, HOAG & ELIOT - DAY

40

A modern skyscraper in downtown Boston.

41 INT. FOLEY, HOAG & ELIOT - DAY

41

Another Boston firm - Foley, Hoag & Eliot according to the lettering on the glass doors of the reception area - through which a messenger passes carrying another (identical) manila envelope.

42 INT. CHEESEMAN'S OFFICE - DAY

42

Unlike Jerry Facher, William Cheeseman opened his envelope the minute he received it. And sitting now behind his desk reading the complaint against his firm's client - the W.R. Grace Corporation - he's taking the charges very seriously.

CHEESEMAN  
(a whisper)  
Jesus ...

43 INT. FOLEY, HOAG & ELIOT - COMMON AREA - DAY

43

Cheeseman and another lawyer with cups of coffee.

LAWYER  
Remember that hotel fire at the Copley Plaza? Big settlement. That's Jan Schlichtmann.  
(Cheeseman isn't sure he remembers)  
That was his claim to fame before that big malpractice case last year. That Mass-General (Hospital case) -

CHEESEMAN  
(he doesn't remember that either)  
What's he like?

(CONTINUED)

43 CONTINUED:

43

LAWYER  
What's he like ... Porsche 911 ...  
penthouse on the water ... closet full  
of Italian suits ... big ego ...  
(shrugs)  
He's the guy they make lawyer jokes  
about.

44 INT. CHEESEMANS OFFICE - DAY

44

Cheeseman on the phone, on hold, waiting. Then -

CHEESEMANS  
Mr. Facher? Bill Cheeseman.  
Foley, Hoag and Eliot. We represent  
W.R. Grace.

All he hears for a moment is rhythmic thumping. He can't  
imagine what it is.

CHEESEMANS  
Mr. Facher?

FACHER V.O.  
How you doing?

CHEESEMANS  
All right, I guess. Under the  
circumstances.

45 INT. FACHER'S OFFICE - DAY

45

Facher in his office, feet up on the desk, tossing a tennis  
ball against the wall.

FACHER  
What circumstances are those?

CHEESEMANS  
Woburn. These outrageous charges.  
This blood-sucking ambulance chaser,  
Schlichtmann.

FACHER  
Who?

Does Facher not know what he's talking about? Cheeseman  
listens to the constant thump, thump, thump -

CHEESEMANS  
We're co-defendants in a lawsuit, Mr.  
Facher. A very serious lawsuit.

(CONTINUED)

FACHER  
(pause)  
Right.

CHEESEMAN  
(pause)  
Do you know what I'm talking about?

FACHER  
What - ?

CHEESEMAN  
What is that thumping?

Facher catches the ball and holds it. Silence.

CHEESEMAN  
It's gone now. That was driving me  
crazy. Listen -

46 EXT. DOWNTOWN BOSTON - CONTINUOUS - DAY

46

Hale & Dorr's venerable old building sits in the shadow of  
Foley, Hoag & Eliot's much taller and newer skyscraper -

CHEESEMAN V.O.  
I was wondering if I could talk to you  
about - something. You think we could  
get together for a drink, or -

FACHER  
What's on your mind?

47 INT. FACHER'S/CHEESEMAN'S OFFICES - CONT'D - INTERCUT

47

CHEESEMAN  
Well, let me tell you what I'm  
thinking. Are you familiar with  
Rule 11?

FACHER  
With what?

Cheeseman hears the thumping again but tries to ignore it.

CHEESEMAN  
Rule 11. It's a civil provision  
meant to stop frivolous and irrespon-  
sible lawsuits - like this one -  
and to sanction quite severely those  
who file them.

(CONTINUED)

47 CONTINUED:

47

FACHER

Uh-huh ... and you think that would work in this case.

CHEESEMAN

Well, I don't know, I think it's worth a shot, don't you?

FACHER

No.

Cheeseman listens to the thumping ...

FACHER

No, I don't think I'd be interested in that. I think you're on your own with that one.

CHEESEMAN

Some very heavy fines could be levied against this - (vulture) -

FACHER

Mr. Cheeseman. Cheese-man, is it?

CHEESEMAN

Cheese-mun -

FACHER

What is a fine? When you get a fine, what do you do? You pay it and you go about your business.

\*

Thump, thump, thump ...

\*

FACHER

Never shoot to wound a king.

\*

\*

The call disconnects.

\*

48 EXT. JOHN W. MCCORMACK FEDERAL BUILDING - DAY

48

Legend: John W. McCormack Federal Building, Boston

49 INT. OFFICE OF THE CIVIL CLERK - DAY

49

The Office of the Civil Clerk, U.S. District Court, Boston, where an in-take clerk finishes logging in one case (of 4,811 that will eventually be filed this year) and begins working on another - the Woburn complaint.

(CONTINUED)

49 CONTINUED:

49

She gives it a number: 82-1672. Records it by hand in a ledger. Locates a small sealed envelope, tears it open and shakes out a thin slip of paper with a name typed on it: "Skinner, W. J."

(CONTINUED)

Another legend: The Court

COURT CLERK V.O.

All rise.

50 INT. FEDERAL COURTROOM #7 - DAY

50

- Eleven lawyers stand as a door to one side of the bench opens. Judge Skinner enters his courtroom.

COURT CLERK

This court is now in session. The Honorable Walter J. Skinner presiding. Civil Action 82-1672: Anderson, et.al. vs. W.R. Grace and Beatrice Foods.

Jan is among those standing before the court, taking a look at the defendants' attorneys - all nine of them - seven for Grace, two for Beatrice - lined up at two counsel tables to his and Conway's left.

This is the first time he's laid eyes on any of them, and they appear quite formidable - except for the eldest of them, the one wearing the cheap gray suit and scuffed shoes - Jerome Facher.

C Judge Skinner takes his place behind the bench and studies the gathering of lawyers with dry bemusement.

SKINNER

This is the only case? This is a lot of lawyers.

A Some of whom politely smile. Skinner notices Facher, and addresses him with a tone of familiarity -

SKINNER

Mr. Facher -

FACHER

Your Honor -

SKINNER

You're looking well. The Red Sox must be in first place.

FACHER

Roger Clemens is the answer to my prayers.

Jan and Conway exchange a quick, slight grimace. How far back do these two go?

(CONTINUED)

SKINNER

You have an interest in this case?

FACHER

I'm a co-defendant, so I guess I do have an interest. But it's not my motion. It's Foley/Hoag's.

As the judge confirms that in the material before him, Facher sends a jaundiced look over to Cheeseman.

SKINNER

And that motion is -

JAN

Your Honor, if I might, my name is Jan Schlichtmann -

SKINNER

I know.

Jan isn't sure how he knows; he's never stood in this particular judge's courtroom before, he knows that. And unless he's imagining things, he thinks he detects a trace of mockery in Skinner's tone.

JAN

Your (Honor) -

SKINNER

Now, the matter before us seems to be a simple one: Did you have enough when you drew up this complaint? If it turns out you had good basis to file - then Rule 11 doesn't apply. If not -

JAN

Your Honor, I'm sorry, but I don't think it is that simple.

SKINNER

No? ➤

JAN

No. The true intention of this motion is to place me under a cloud of impropriety in your courtroom right from the beginning.

SKINNER

Really.

(CONTINUED)

JAN

What they're saying with this motion is: they know the law and I don't. What they're saying is: they're real lawyers and I'm not. What they're trying to do is humiliate me.

SKINNER

Mr. Schlichtmann, you're a personal injury lawyer, are you not? I think you'll survive that.

JAN

See? It's started already.

SKINNER

No, you've started already.

Conway tugs at Jan's sleeve, hoping he'll sit down -

JAN

I'm on the defensive - already - and they're the defendants.

SKINNER

Mr. Schlichtmann, I can see you're under some distress, though I can't imagine why. Rule 11 was devised to inhibit frivolous litigation -

(more to Cheeseman)

- not to harass the serious litigant whose claim may depend on evidence not fully developed at the time the complaint was filed. The defendant's motion is denied.

He hits his gavel. The attorneys begin gathering their things. As the bailiff calls the next case, Jan allows a relieved smile, but it's taken quickly away by the judge with a look to him that says, Watch your step next time.

As Cheeseman and his dejected associates leave, Jan goes over to Facher who is trying to repair the handle of his battered leather satchel with Scotch tape and a coat hanger. Stickers of Looney Tunes characters decorate its ragged surface.

JAN

Listen, I want to thank you. It was very statesmanlike of you not to join in this ridiculous attack.

50 CONTINUED: (3)

50

Facher smiles in a soft, sleepy manner as he limply shakes Jan's hand.

FACHER  
You're welcome.

He shuffles off with his battered and broken briefcase. Jan watches after him. Was that a threat?

51 INT. CONWAY'S HOUSE - DAY

51

A suburban home. Jan and Conway chatting in the kitchen as Conway tends the stove.

JAN  
I thought he was some senile public defender who wandered into the wrong courtroom -

CONWAY  
He's chairman of the litigation department of one of the largest firms in Boston.

JAN  
Well, you know how that works, you hang in there long enough they have to do something with you.

CONWAY  
No, you win cases, that's how it works.

JAN  
I win cases - I win cases -  
(laughs)  
- only I don't walk around with stains on my tie and Bugs Bunny on my briefcase.

Conway glances off briefly to his wife and kids in the adjoining room, playing - then back to his cooking.

JAN  
What.

CONWAY  
(pause)  
We're three lawyers, they're three hundred.

JAN  
So?

(CONTINUED)

51 CONTINUED:

51

CONWAY

(shrugs)

So maybe we should think about that...  
for just a minute or two.

Jan waves away the implied risk. His whole life has been a risk. He's in the risk business, they both are. Conway glances away again to his family, his house ... perhaps imagining all of it disappearing down a deep dark hole. Jan smiles cheerfully.

52      OMITTED

52

53 OMITTED

53

54 OMITTED

54

55 OMITTED

55

56 OMITTED

56

57      OMITTED

57

58      OMITTED

58

58A INT. MAIN LOBBY - HALE & DORR - DAY

58A \*

Drifting across the three hundred names on Hale & Dorr's directory ...

\*  
\*

59 INT. HALE & DORR - DAY

59

A secretary escorts Jan and Anne Anderson through the law offices of Hale & Dorr. She looks a little nervous.

JAN

You'll be fine.

They reach a conference room and are led inside where eight lawyers in dark suits sit around a table. As the door closes

- another legend appears: Discovery

60 INT. HALE & DORR CONFERENCE ROOM - DAY

60

A court stenographer works the keys of her small machine mounted on a tripod.

FACHER

Do you eat peanut butter?

ANNE

No.

FACHER

You've never eaten peanut butter?

ANNE

I guess everybody living has probably tried it. But I'm not what you'd call a peanut butter fan.

FACHER

Do your kids eat peanut butter?

ANNE

Well, the same jar has been sitting there an awfully long time, so I guess we don't eat much.

FACHER

Is it plain or chunky?

JUMPCUT from Anne to Donna Robbins.

FACHER

Do you eat bacon?

(CONTINUED)

DONNA

Yes ...

FACHER

How often? How many slices?

JUMPCUT to another Woburn mother.

FACHER

Do you have Teflon pans in your kitchen?

JUMPCUT to another Woburn parent.

FACHER

Do you chew sugarless gum?

JUMPCUT to another.

FACHER

Do you pump your own gas?

JUMPCUT to another.

FACHER

Do you use hair spray?

JUMPCUT to another.

FACHER

Do you have plastic shower curtains?

JUMPCUT to another.

FACHER

Have you ever painted your house?

JUMPCUT to another.

FACHER

Have you ever owned a cat?

61 JUMPCUT TO A MAN IN HIS LATE THIRTIES

61

wearing an off-the-rack sports coat and quiet demeanor.

FACHER

- so you were aware when you moved to Woburn that its water didn't taste so good.

AUFIERO

Yeah.. But a lot of places the water doesn't taste so good.

(CONTINUED)

FACHER

I agree with that. Did you ever consider using bottled water?

AUFIERO

We used bottled water off and on. Split, half and half. Like we cooked with regular water - tap water - and did other things - like make orange juice. But to drink just straight water, we drank bottled water.

FACHER

Has any doctor ever told you that you've had any dysfunction of your immune system?

AUFIERO

No. But when my son died, they told us that was why he died. His immunity system was tore down to nothing.

Facher nods and looks over a file of medical records in front of him. Jan takes the opportunity to tell Aufiero with just a look that he's doing fine.

FACHER

Why did you have an autopsy?

AUFIERO

Because he was doing good. He only lived three months with leukemia and he looked fine. Then ...  
(trails off)

FACHER

Did you have a talk with the doctor about this?

AUFIERO

More like a violent talk with him. Because my son died like ... like nothing. All of a sudden.

FACHER

By violent you mean you were angry.

AUFIERO

Yelling at him.

(CONTINUED)

FACHER

Your son seemed to be doing all right. He was in remission. You were optimistic about his future. And suddenly he became ill and died.

AUFIERO

(nodding)

And they said that was expected. That anybody with a disease like leukemia could die any minute.

FACHER

But you were angry and upset -

AUFIERO

(level)

My son just died.

FACHER

I understand that. I'm just trying to recreate the event.

AUFIERO

C  
A  
You can tell when your child isn't feeling well. You try to explain it to them on the phone and they say, "Has he got a temperature?" You say, no. "He's all right, then," they say. "Don't worry. Bring him into the clinic Monday morning."

(pause)

He died Monday morning.

FACHER

He was in the clinic when he died?

AUFIERO

➤ No. He was in the car on the way.

Facher hesitates. Clearly he hadn't known this ...

FACHER

➤ He died in the car on the way to the clinic?

AUFIERO

He died on I-93, up by the Somerville exit. My wife was yelling that he had stopped breathing. I pulled over and tried to give him CPR ...

62 EXT. SOMERVILLE EXIT - FLASHCUT - DAY 62

Aufiero's car in the distance. Figures frantically moving around inside it. Cars and trucks blurring past in f.g.

63 HALE & DORR CONFERENCE ROOM - CONTINUED 63

AUFIERO

(he can see it)

I was holding him in my lap ... Lauren was screaming ... Cars and trucks were roaring by ... and Jarrod ...

He can't go on. Begins to cry. The image is so clear. And not only to him. Everyone in the room, including Facher, can see it. For a moment no one moves. The only sound, the muffled drone of cars passing outside.

AUFIERO

I'm sorry.

JAN

It's all right.

Jan hands him his handkerchief. Glances to the others in the room. He knows how powerful this testimony will be in a courtroom and knows that Facher knows it, too.

64 INT. HALE & DORR OFFICES - DAY 64

Jan escorts Aufiero through the offices and out. Facher and his associate, Neil Jacobs, watch after them. Eventually, then, as much to himself as to Jacobs -

FACHER

These people can never testify.

65 EXT. THE POND - DAY 65

Jan and another man, a geologist, walk the pond area separating Riley's property from the city's and Well H. Smoke billows into the sky above the tree line.

PINDER

What we have to do - is show how the toxic solvents these two factories dumped on their land there - (points) - migrated underground and was drawn into the city wells here - from where it was pumped into the homes of east Woburn.

JAN

Right.

(CONTINUED)

65 CONTINUED:

65

PINDER

To do that - it's quite simple really - I'll need to inspect the land, map the locations of debris, take soil samples, drill monitoring wells, conduct seismic tests, chart the groundwater flow ... and so on.

JAN

("simple?")

When you say you, you mean you, some assistants - or -

PINDER

(smiles)

I mean a team of geologists and engineers.

JAN

A team.

Pinder nods. Jan nods. Of course that's what Pinder would mean. He can't wait to tell Gordon. He glances across to the Grace property where some workers are looking over his way -

66 INT. THE FIRM - CONFERENCE ROOM - DAY

66

One of the workers seen from afar at Grace, sits next to Cheeseman at Jan's conference table. Ill-at-ease, he answers Jan's questions almost mono-syllabically -

JAN

Working in the Grace paint shop, Mr. Barbás, I imagine you use paint thinner and other solvents -

BARBAS

→ - uh-huh -

JAN

- to clean your brushes and -

→

BARBAS

- uh-huh -

Conway, too, is here. And Jacobs from Facher's firm (but not Facher himself) A court stenographer takes it all down.

JAN

I wonder, what would you do with this stuff, say back in the 1970's, early 80's - ?

(CONTINUED)

BARBAS  
Used solvent.

JAN  
Yeah.

BARBAS  
Put it in drums.

JAN  
55-gallon drums.

BARBAS  
Uh-huh.

JAN  
What would happen to them when they  
filled up?

BARBAS  
Don't know.

JAN  
They were just gone, and new ones  
in their place?

BARBAS  
Never noticed.

JAN  
Never dumped them out back.

BARBAS  
No.

JAN  
Never did anything like that.

7 BARBAS  
No.

JAN  
Never noticed anybody who did?

BARBAS  
No.

67 INT. THE FIRM - CONFERENCE ROOM - DAY

67

JUMPCUT to another Grace worker, who seems less intimidated  
than Barbas.

(CONTINUED)

JAN

What were your duties at Grace back then, Mr. Shalline?

SHALLINE

Oversee disposal and discharge to the drains. Be sure we weren't polluting the air. Things of that nature.

JAN

Kind of a pollution control officer - before we had a name for it.

Shalline shrugs; Jan smiles.

JAN

So you must know then that, over the years, certain chemicals were deposited on the ground in back of the plant.

SHALLINE

I don't know that.

JAN

You don't? In his reply to interrogatories, your own attorney said that quote: small amounts of chemical waste may have been poured from time to time on the ground behind the Grace buildings.

(no response)

Were waste materials disposed of by spilling them on the ground out there?

CHEESEMAN

(coaching Shalline)

If you know.

SHALLINE

I don't know.

JAN

Was material from the degreaser in the machine shop poured on the ground out there?

CHEESEMAN

If you know.

SHALLINE

I don't know.

(CONTINUED)

JAN

Six barrels of toxic waste, Mr. Shalline, buried behind the plant in a pit, were exhumed by city inspectors. You haven't heard about this?

SHALLINE

No.

68 INT. THE FIRM - CONFERENCE ROOM - DAY

68

JUMPCUT to another man, another Grace employee, with the quiet self-confidence of someone who can take care of himself.

LOVE

I started in the sheet metal department back in 1965. Then in 1979, transferred to Receiving.

JAN

I'm interested in the first job, in the metal shop.

LOVE

Okay.

JAN

Back then, in 1965 or thereafter, did you clean metal parts with any type of solvent?

LOVE

Yes.

JAN

What kind?

LOVE

I couldn't tell you.

JAN

Never noticed the name? Whether it had "Trichloroethylene" - or TCE - in it?

LOVE

I don't know.

JAN

But you'd put it in barrels when you were done with it? That seems to be the (process) -

(CONTINUED)

68 CONTINUED:

68

LOVE

Yes.

JAN

Did you ever see what happened to  
these barrels of waste solvent?

LOVE

Yes.

Time seems to stand still a moment. Jan and Conway exchange  
a glance. Then:

\*  
\*

JAN

And what was that?

LOVE

They'd get dumped.

JAN

Where?

LOVE

Out back. On the ground.

Cheeseman looks like he wants to die. Didn't his people  
brief this man before he came in here?

JAN

You saw this.

LOVE

Yes.

JAN

How? When?

LOVE

Coffee break. I used to go out there  
and hit nine-iron shots. Golf balls.

JAN

Did you see who was out there dumping  
this stuff? When you were out there  
hitting golf balls?

LOVE

The names.

\*

JAN

Yes, the names of the people.

Now Al Love hesitates. Is he trying to remember, or trying  
to decide if he should say the names?

69 INT. THE FIRM - COMMON AREA - DAY

69

Jan and Conway on a break from the Love deposition. They can see him from here, sitting in the conference room with Cheeseman.

JAN  
He wants to tell us.

CONWAY  
He's not going to tell us. He has to work there.

JAN  
He has to work there, but he lives across the street from Anne Anderson. He has to see her every day.

CONWAY  
He's not going to tell us.

Jan can't stand it. He knows he's close to toppling the edifice of lies, and that this man is the key, but he won't say the names.

70 INT. THE FIRM - CONFERENCE ROOM - DAY

70

Back with Al Love; the same group as before. Jan regards the witness like he might a friend.

JAN  
Mr. Love ... do you have children?

LOVE  
Yes, I do. Eight of them.

JAN  
Eight. That's quite a family.

LOVE  
Yes.

JAN  
What do you think of the water?

LOVE  
Now? It's all right.

JAN  
Then. Ten, fifteen years ago.

LOVE  
Had an odor then. Chlorine or something.

(CONTINUED)

70 CONTINUED:

70

JAN  
Did you drink it, or -

LOVE  
Yeah, I drank it.

JAN  
Your kids?

LOVE  
(pause)  
Yes.

JAN  
Were you concerned when you found  
out the wells were contaminated?

CHEESEMAM  
I'm going to object to that.  
(to Love)  
You don't have to answer that.

LOVE  
(pause)  
I was concerned, yes.

JAN  
You were concerned for the health of  
your family.

LOVE  
Yes, I was.

Cheeseman stares at him.

JAN  
Has any member of your family  
experienced illnesses that seem out of  
the ordinary?

CHEESEMAM  
You don't have to answer any of these  
type questions.

Love glances from Cheeseman to Jan and back to Cheeseman. He  
seems confused. Why is his attorney objecting to questions  
about his family? It almost seems like Jan is his ally.

LOVE  
Yes, they have.

JAN  
They have. What kind?

(CONTINUED)

70 CONTINUED: (2)

70

LOVE

One of my sons has a seizure disorder. My oldest daughter has had two miscarriages. My youngest boy was born with a -

\*  
\*  
\*  
\*

JACOBS

Are we going to sit here and go through his entire family's medical history?

JAN

If you don't want to hear it, you can leave. I don't even know why you're here. I'm deposing Grace employees, not (Beatrice's) -

JACOBS

If you're deposing anybody, I have a right to be here.

JAN

Then sit down and shut up.

Love glances from Jacobs to Cheeseman to Conway to Jan. Jan's tone reverts back to empathetic:

\*

JAN

Are you aware that some of your neighbors have had leukemia in their families?

LOVE

Yes, I am.

JAN

They think it's the water.

LOVE

(pause)

I know.

71 EXT. CHARLES STREET - DAY

71

Love and Cheeseman on the sidewalk outside Jan's offices.

CHEESEMAN

You did good.

Love's look to him says, Sure. He rubs at his forehead, at the migraine he feels coming on.

(CONTINUED)

CHEESEMAN

Maybe next time you don't have to offer quite so much. Yes and no answers are perfectly okay.

Love looks away to the sky. It's overcast, looks like rain.

CHEESEMAN

What's bothering you, Al?

LOVE

I don't know, I - I just - it seemed like, in there - that their attorney was more concerned about my family (than -)

CHEESEMAN

Than me? That's not true.

(Love shrugs)

Al, that water hasn't made anybody sick.

LOVE

How do you know?

CHEESEMAN

I just do.

LOVE

An awful lot of people in my neighborhood are dead or dying, Mr. Cheeseman - of something -

CHEESEMAN

If I took a hundred pennies and threw them into the air, about half of them would land heads and the other half tails. Right? If I looked around carefully, though, I'd probably find some heads grouped together in a cluster. What does that mean? Anything?

(nothing from Love)

No one knows what causes leukemia, Al, and no one knows what caused this cluster.

LOVE

I know what happened. And I know who did it.

(CONTINUED)

71 CONTINUED: (2)

71

Cheeseman considers him gravely for a long moment before -

CHEESEMAN

Al, this is very important. I want you to tell me who these people are.

LOVE

I'm not a rat.

CHEESEMAN

It's very important because if there is something wrong out there ... we need to disclose it to the proper authorities. We need to get them out there and have it cleaned up.

Love considers Cheeseman with a measure of suspicion. Then pulls his collar up, preparing to leave.

CHEESEMAN

You think about that and call me if you -

LOVE

- yeah.

He leaves. Cheeseman watches after him ...

71A EXT. ROAD TO RILEY TANNERY - DAY

71A

\*

Ignoring a "No Trespassing" sign - and trying to ignore Riley's barking dog - Jan uses bolt-cutters to cut through the chain around a gate leading to the tannery. Pinder's drilling rigs and trucks idle behind him on the road.

\*

\*

\*

\*

71B INT/EXT. RILEY TANNERY - DAY

71B

\*

The trucks and rigs rumble along the road outside the windows of the tannery and onto the adjacent 15 Acres.

\*

\*

72 EXT. THE 15 ACRES - MOMENTS LATER - DAY

72

\*

The geologists and engineers and drillers begin unloading their equipment as Riley strides across the field toward Jan and Pinder.

\*

\*

\*

RILEY

This is private property -

JAN

I know, this is your (property) -

(CONTINUED)

72 CONTINUED:

72

RILEY  
This is my property and you're  
trespassing.

Jan hands Riley a document.

RILEY  
What's this?

(CONTINUED)

72 CONTINUED: (2)

72

JAN

A court order, Mr. Riley, granting  
us access not only to these fifteen  
acres, but to every inch of your  
tannery as well.

Riley gives the document a cursory read, then offers it  
back to the lawyer. If he doesn't take it quick, he's going  
to drop it on the ground.

\*  
\*  
\*

JAN

Keep it. I have a copy.

Jan taps his jacket pocket. Riley strides away, crumpling  
his copy. His dog reappears, running along the road past the  
tannery and across the field, right for Jan.

\*  
\*

73 INT. THE FIRM - CONFERENCE ROOM - DAY

73

Riley has made no attempt to dress for the occasion. He  
wears what he always wears - jeans and an old flannel shirt -  
watches the stenographer set up her equipment.

JAN

Where's Facher?

Jacobs, at a side table pouring himself a glass of water,  
glances over.

JACOBS

At the ball park, I believe.

JAN

The ball park.

Jacobs nods, as if it's most normal thing in the world.  
Jan nods, "I see."

74 INT. THE FIRM - CONFERENCE ROOM - LATER - DAY

74

Riley regards Jan with open contempt. The stenographer  
records his testimony -

RILEY

I started working when I was seven  
years old.

("unlike you")

Sweeping the beamhouse floor for my  
father. Which he swept when he was  
seven years old for his father. My  
sons -

(CONTINUED)

74 CONTINUED:

74

JAN

I know, they swept it too. Please answer the question I asked, not one I didn't.

Riley doesn't. He just stares at Jan defiantly.

JAN

Silicone, Mr. Riley. And Trichloroethylene. These two chemicals mixed together are used to waterproof leather, are they not?

(no response)

I've asked you a question, Mr. Riley. Again.

(nothing)

Mr. Jacobs, please tell your client he's obligated to answer my -

\*  
\*

Riley takes the glass of water sitting on a coaster in front of him and calmly upends it. Jan stares at the water slowly pouring from the glass, pooling on his \$22,000 table and dripping from it onto the even-more expensive Persian rug on the floor. Silence. Then -

JAN

Let the record show that the witness has emptied a glass of water on my conference table.

The stenographer duly notes it. Jan holds Riley's insolent stare.

JAN

What exactly do you intend to say to me, Mr. Riley, by pouring water on my table?

RILEY

This is how silicone is put on leather to waterproof it ... I'm answering your question.

The tanner sets the glass into the pool of water, the better to make a nice ring-stain on the table.

JAN

Poured right on, like you poured this water on my table.

RILEY

That's right.

Riley smiles for the first time today. Jacobs hides one.

(CONTINUED)

74 CONTINUED: (2)

74

JAN

So some of it then, must spill off  
the leather - like the water spilling  
off my table and onto my rug.

Riley's smile begins to fade; Jan enjoys watching it.

JAN

That's the part I'm interested in.  
The spilled silicone and trichloroethy-  
lene, sir. How you disposed of that.

Now Conway and Crowley bury smiles.

RILEY

I've never once used TCE.

Jan approaches the tanner with a cloth napkin -

JAN

TCE? I didn't say TCE, did I? I  
said trichloroethylene. You said TCE.  
As it's commonly known ... to those  
who know it.

- and calmly mops up the spill.

JAN

Mr. Riley, you wouldn't mind if I  
checked your statements today against  
your office records, would you?

Jan refills Riley's glass with water from a pitcher.

JAN

Your invoices, purchase orders,  
formulas, and so on.

Silence as they consider one another. Riley lifts the glass  
and seems to be thinking about turning it over again ...

RILEY

Be my guest. They go back three  
years. Everything before that has  
been thrown out. I don't have the  
space.

He calmly takes a sip of water and ... sets the glass back  
down on a coaster.

DISSOLVE TO:

75 INT. THE FIRM - COMMON AREA - DAY

75

An aerial map of Woburn enlarged and stuck with pins like targets on a bombing mission. Pulling back reveals the offices of Schlichtmann, Conway & Crowley transformed:

Where there were seven full-time employees there are now seventeen. Where there was artwork on the walls, there are now charts and maps and topographical photographs.

More computers are being installed, and another large Xerox machine. The furniture has been reconfigured and added-to in order to accommodate the larger staff required by the maw of Woburn and its exponential growth of paperwork.

Everyone is working on it. And everyone is working on it now. The place is a tangle of activity accompanied by a cacophony of voices and ringing phones.

Jan moves through it all like a general - answering questions and giving orders. A private investigator he's put on the pay-roll, struggles to keep up with him as they move past stacks of boxes labeled "Tannery Records," "Grace Depo's," "Medical," "Geo," etc.

DETECTIVE

Riley is Woburn. He's been there forever. His employees are like loyal subjects. None of them will (talk) -

\*

JAN

Ex-employees. That's who you should be talking to. Disgruntled employees. Disloyal subjects. They talk.

The detective groans; he can't find any of those.

JAN

This is the case against Beatrice. This - liar. Go back out there and catch him in a lie.

He reaches one of the cluttered secretarial desks where Kathy collates documents hot off the Xerox machine -

JAN

You got all the medical records?

KATHY

Almost. I can't get complete records for Donna Robbins because the (doctor) -

\*

(CONTINUED)

JAN  
I don't care why, just get them.  
(starts to leave)

KATHY  
Jan -

JAN  
I don't care what the problem is -

KATHY  
Jan -

JAN  
- I have enough problems, just tell me  
when you have them -

KATHY  
Jan -

JAN  
- I don't want to hear it -

KATHY  
The doctor is dead.

He stops. Turns back.

C  
JAN  
(pause; softly)  
Dead?

A  
KATHY  
That's what I'm trying to tell -

JAN  
So go to his widow's house and get  
them out of his basement! Dig him out  
of his fucking grave! You think  
Facher cares why you can't get them?  
Dead is your excuse?

Kathy turns away, tears welling. Everyone in the office  
suspends what they're doing to steal looks at Jan. The phone  
on Kathy's desk rings. She reaches to pick it up, but Jan's  
hand gets there first and disconnects the call.

QAN  
Kathy -

KATHY  
I don't want to talk to you right now,  
I'm too upset.

75 CONTINUED: (2)

75

JAN

Kathy, I'm sorry. I know you been working really hard. And I appreciate it. Everything you're doing. I'm sorry I yelled.

She swivels in her chair to face him finally. Smiles as she wipes away a tear.

KATHY

Thank you.

JAN

You're welcome ... now get the fuckin records.

76 INT. UNIVERSITY HOSPITAL - DAY (SEQUENCE)

76

Every surviving member of every Woburn family in the case undergoes series of tests administered by a team of doctors:

They sniff at vials of dark liquid, listen to tuning forks, have lights shined in their eyes, look at inkblots, memorize long sequences of numbers.

They take the Milner Facial Recognition test, The Wisconsin Card Sorting test, the Santa Anna Form Board test, the Benton Visual Retention test.

In the electromyography lab, each reclines on a contoured chair with electrodes attached to their faces, legs, ankles and wrists. Mild electrical stimuli are given, measuring the amplitude, latency and speed of their reactions ...

As a light flashes into the eye of one subject, an electromyography machine measures the duration of time it takes for the pupil to react -

77 INT. UNIVERSITY MEETING ROOM - DAY

77

\*

Jan has brought together his medical experts - who number twelve now - for a conference. They've assembled here with various charts, other findings scribbled on the chalkboard, with buffet food courtesy of their employer.

\*

\*

\*

DR. FELDMAN

Most of them have problems with short-term memory and motor control. Many show particular difficulty performing tasks involving visual and spatial organization -

(CONTINUED)

77 CONTINUED:

77

The description is accompanied by the sounds of an adding machine, followed by a FLASHCUT:

78 INT. THE FIRM - GORDON'S OFFICE - NIGHT

78

FINGERS playing across the keys of an adding machine like a pianist -

79 THE UNIVERSITY MEETING ROOM - CONTINUED

79

\*

DR. COHEN

\*

Nine of the fourteen adults show signs of cardiac arrhythmia, irregular heartbeat -

Another FLASHCUT in Gordon's office: the hands shuffling through bills for services -

DR. CONIBEAR

Fatigue, rashes, dizziness, chronic abdominal pains, upper-respiratory tract infections -

Another FLASHCUT - the adding machine printing a figure - \$55,762 -

DR. PAIGEN

One assumes the primary route of exposure came from the drinking water. I wondered: Would TCE vaporize in hot water?

80 INT. UNIVERSITY HOSPITAL LAB - DAY

80

\*

FLASHCUT to complicated-looking measuring equipment set up in and beside a steaming shower-box-like thing.

\*

DR. PAIGEN V.O.

I ran a shower laced with TCE and it did indeed vaporize. Which means every ten-minute shower they took released into the air the amount of TCE contained in sixty gallons of water - which they inhaled.

Another FLASHCUT - another figure - \$88,729 -

DR. FELDMAN

Perhaps the most telling results came from blink-reflex tests, which measure the functioning of the trigeminal nerve - the nerve TCE seems to affect most directly -

(CONTINUED)

FLASHCUT - Gordon's eyes reacting to a medical bill figure -

DR. FELDMAN

The blink-reflex of every family member was significantly slower than normal. The odds of which, in a group this size, are a million to one.

81 INT. THE FIRM - GORDON'S OFFICE - NIGHT

81

Pulling back from Gordon, alone in his office, staring at the totalled amount of the doctors' bills for services ...

JAN V.O.

This figure here -

82 INT. THE FIRM - CONFERENCE ROOM - DAY

82

The firm's partners glance among each other as Jan reviews his copy of the financial statement Gordon has prepared.

JAN

- this hundred-dollars-an-hour from Dr. Cohen. That seems more than fair considering his preeminence.

GORDON

That's for his nights at the hotel, Jan. That's his discount "sleeping rate."

JAN

Oh.

Jan continues to leaf through the financial report.

GORDON

Your doctors have cost us over nine hundred thousand (dollars) -

JAN

They're worth it.

GORDON

Your geologists have cost more than five hundred thousand - so far.

JAN

They're worth it.

(CONTINUED)

GORDON

That's not the point. The point is, everyone in the firm is working on this case. Which means we have no money coming in, only going out -

JAN

So - what - we cut our losses now? Is that what we do, Gordon? We get out now and throw away nine hundred and - whatever it is - thousand -

GORDON

One-point-four million dollars.

Jan sets the report aside and meets the concerned faces staring at him.

JAN

Well, I don't know what to tell you. I have to prove certain things and I can't do that by not spending money.

GORDON

We have to go see Uncle Pete.

Jan groans. He hates going to see Uncle Pete. It's his least favorite thing to do in the world. Eventually, quietly, like if you say it softly maybe it won't sound as bad -

CONWAY

Maybe we should cut our losses now  
... maybe this is a black hole.

The others think so. All except Jan. He doesn't want to hear this. Doesn't want to admit the possibility. Eventually, to Gordon -

JAN

Uncle Pete.

83 EXT. BANK OF BOSTON - DAY

83

JAN V.O.

In the calculus of personal injury law, a dead child is rarely worth as much as a dead adult.

84 INT. BANK OF BOSTON - DAY

84

Behind his desk, Uncle Pete, the bank's cheerful vice president, follows Jan's treatise on personal injury awards with great interest -

(CONTINUED)

84 CONTINUED:

84

JAN

However, here we have long agonizing illnesses and death - as opposed to a quick drowning or car wreck. Plus we have so many of them. Add to that the adult family members who are sick and could die before this is over, and - we're talking about a lot of money.

\*  
\*  
\*

Uncle Pete appears very much impressed with Jan and the charts Gordon has brought along - which look like sales brochures for a shiny new product - only the product in this case is death. He's about to say something -

JAN

That's one aspect. The other is ... to my thinking ... this case should stand for something.

\*

It should? Says who? Gordon cocks his head slightly, confused by such a comment.

JAN

This is a "good" case.

\*

UNCLE PETE

Right ... right ... Gordon, where are we with the loan I gave you (last) -

GORDON

Spent it.

UNCLE PETE

Spent it. How much of (it) - ?

GORDON

All of it.

UNCLE PETE

(pause)

All of it. What about the Piper Cub settlement? How much of that is -

GORDON

Spent it.

UNCLE PETE

Spent it. On -

GORDON

Woburn. We spend everything on Woburn now.

(CONTINUED)

84 CONTINUED: (2)

84

Uncle Pete is taken aback. Glances off to his boss across the room, blissfully unaware of the meeting.

UNCLE PETE

So how much do you think you'll need to tide you over? Two - three -

GORDON

Six hundred thousand.

UNCLE PETE

(pause)

Six hun -

GORDON

Yeah.

Uncle Pete glances from Gordon to Jan to his boss again, and back to the scientific-looking charts ...

85 INT. BANK OF BOSTON - LATER

85

As Gordon shakes Uncle Pete's hand, Jan waits by the door.

UNCLE PETE

You'll keep me up to date on any developments. Anything I should know about.

GORDON

Of course. Everything.

UNCLE PETE

Because, you know: "Bankers don't like surprises."

He underscores it with a level stare. Gordon understands. Rejoins Jan. Heads for the door.

GORDON

You were just winging it back there about the - uh - about this case "standing for something." Right?

\*  
\*

Jan smiles on the way out; doesn't answer.

86 INT. W.R. GRACE PLANT - DAY

86

Al Love at work in the Receiving Department, stealing glances at co-workers - who seem to be stealing glances at him. Did Cheeseman talk to somebody about him?

87 INT. AL LOVE'S HOUSE - LATE AFTERNOON 87 \*

His is a big family. And they're all together at the dining room table, talking, eating, drinking water ... \*

Al can't hear a word of it, though. All he hears is the clinking of the ice cubes in the glasses ... as his glance settles on one of his younger boys, with strange eyes ... \*

88 EXT. AL LOVE'S HOUSE - DAY 88

Al's kids climb aboard a school bus as he crosses toward his car to go to work. As the bus pulls away, Anne Anderson is revealed across the street, getting her morning paper. She watches after the school bus a moment as Al watches her, then turns away to go back inside her house. \*

89 EXT. ANNE'S HOUSE - DAY 89

The front door opens revealing Anne. Out on her porch, looking very uncomfortable, stands Al Love.

90 EXT. ANNE'S BACKYARD - DAY 90

They sit together at a little table in the backyard. There's a rusty swing set behind them, and behind that, the river. Al is obviously troubled, and Anne's not making it any easier, just staring at him.

LOVE

I've thought about coming to see you for a long time.

(pause)

I guess I was afraid you might not want to talk to me though because of - you know, where I work -

(pause)

I'm concerned about what's been happening around here and uh, I'm sorry about your son.

(pause)

And I'm angry about the way the company is handling itself.

There, he said it all, most of it staring down at his hands. Anne studies him for a long time. Then reaches slowly over and places a hand on his hand ...

91 INT. AL LOVE'S HOUSE - DAY 91 \*

Aerial photographs and maps of the Grace plant and surrounding area, some dating back to the early 1960's.

(CONTINUED)

91 CONTINUED:

91

Jan has spread them across the coffee table in the living room, where Love now studies them with a magnifying glass, making X's on them with a grease pencil while his wife Evelyn - and Anne Anderson - pour over transcripts of the depositions.

LOVE

Tommy Barbas didn't tell you the truth. Neither did Paul Shalline. Tommy, Paul, Joey - they were out there all the time with their buckets and barrels.

\*

JAN

Joey -

LOVE

Joey Meola. Plant Maintenance.

Jan jots the name down.

LOVE

Rumor is there's fifty or more barrels the city inspectors didn't find. Buried under one of the newer buildings.

JAN

Fifty?

LOVE

Or more. Here.

He points out the building he means on one of the newer aerial photographs.

JAN

Is there anyone else at the plant you think might talk to me?

LOVE

No.

EVELYN LOVE

Bobby Pasqueriella?

LOVE

(thinks; shrugs)

Bobby, maybe. He used to work there. Now he's (with) -

JAN

Could you call him?

(CONTINUED)

91 CONTINUED: (2)

91

LOVE

Right now?

92 INT. AL LOVE'S HOUSE - LATE AFTERNOON

92

\*

Robert Pasqueriella, a man in his late forties who speaks in a rapid, staccato manner, often repeating a phrase -

PASQUERIELLA

I threw stuff back there all the time.  
Threw it there myself. Eddie Orazine  
told me - "Throw that stuff out there  
in the gully there." In the gully.

(Jan jots down "Eddie  
Orazine")

Wash down the belts with it, the  
gearboxes, swish it around, dump it in  
the gully. Like Joey.

JAN

What about Tom Barbas?

PASQUERIELLA

No.

JAN

He never did that?

PASQUERIELLA

No. Tommy would dump his in the  
ditch.

Jan almost laughs. This is great. His glance to Anne shares  
with her his mounting excitement. To Pasqueriella -

JAN

Is there any chance you could call  
him? I know it would be awkward, but  
maybe you could talk to him and -

PASQUERIELLA

(no problem)

Who, Tommy? Right now?

JUMPCUT to Pasqueriella on Al Love's phone -

PASQUERIELLA

Come on, Tommy, it was routine. You  
did it, I did it, everybody. I used  
to dump it in the gully, you used to  
dump it in the ditch.

(pause)

(MORE)

(CONTINUED)

92 CONTINUED:

92

PASQUERIELLA (cont'd)

Tommy, I stood there talking to you  
when you did it. Your hands were  
white from it, like mine.

(pause)

You know exactly what's going on.  
What, are you gonna take the rap for  
Vinnie Forte? Don't be stupid.

(Vinnie Forte? Jan jots  
it down)

No, you listen. I ain't lying for  
nobody. If they ask, I'm going to  
tell the truth, the whole truth and  
nothing but the truth so help me God.

Barbas, apparently, hangs up on him, which doesn't surprise  
Pasqueriella in the least. To Jan - deadpan -

PASQUERIELLA

He says he doesn't know nothing.

(which amuses him)

But I know Tommy ... He's scared.

93 INT. THE FIRM - CONFERENCE ROOM - DAY

93

Silence as Jerome Facher, at one end of the conference table,  
tightens at a temple screw of his reading glasses with a  
thumb nail, oblivious, it seems, to Jan and Conway who watch  
him from the other end of the table with some amusement.

JAN

To what do we owe the pleasure of your  
company, Mr. Facher?

FACHER

What? Oh. My associate, Mr. Jacobs,  
isn't feeling well today.

JAN

Nothing serious, I hope.

FACHER

Oh, no. No, no. But I'll be sure to  
pass on your concern.

JAN

Please do.

FACHER

Nice table

JAN

Thank you.

Jan smiles to himself as he turns to Cheeseman, seated  
alongside Tom Barbas.

(CONTINUED)

JAN

Good morning, Mr. Barbas. Nice to see you again. I understand you've had a chance to think about things since your first deposition.

JUMPCUT to Paul Shalline, seated where Barbas was.

JAN

He says you said he should just pour it into the pit. Is that how you remember it - now that your memory's refreshed?

JUMPCUT to another Grace worker, Frank Kelly -

KELLY

Vinnie said, "Go out there, dig a trench, oh, twenty, thirty feet long and -

JUMPCUT to another Grace worker, Eddie Orazine -

ORAZINE

" - load the barrels onto the truck, drive it out there -

JUMPCUT to another, Joey Meola -

MEOLA

" - and dump it in the swimming pool."

Facher glances up sleepily from a pad covered with doodles.

MEOLA

That's what we called it ... the swimming pool.

Meola shrugs and smiles. He can't help it. Hey, it was funny at the time. Facher glances back down at his note pad and puts the finishing touches to a drawing of Cheeseman hanging from a rope.

94 EXT. THE FIRM BUILDING - DAY

94

Cheeseman leans against the side of his car, keys in his hand, staring at the pavement, despondent. This may very well be the worst day of his life. Facher walks by, and with just a look, tells the younger man he's beneath contempt.

Jan is revealed at a window above -

95 INT. THE FIRM - CONFERENCE ROOM - DAY 95

- watching them with a self-satisfied little smile.

96 EXT. THE 15 ACRES - DAY 96

A hundred geologists, engineers, hydrologists, well-diggers and lawyers, bundled up in parkas, tramp across wooden planks, sipping at Styrofoam cups of coffee, their breath vaporizing in the frigid cold.

Facher pulls his unwashed sedan into a make-shift parking area jammed with cars and trucks and mobile labs. He slides in next to Jan's Porsche, climbs out and stares at all the activity. His associate, Jacobs, comes over.

FACHER

What is this, an Arctic expedition?

OVER BY THE WELLS, Jan watches Pinder and others working at an array of computers under a tent. A signal is given. A seismic explosion detonates. And the scientists study the screens.

CONWAY

Look who's here.

Jan follows Conway's sightline to Facher, and smiles.

JAN

Somebody get that man some coffee and a doughnut.

97 EXT. THE 15 ACRES - LATER - DAY 97

Jan and Facher taking a walk in the marshland, the older man with a jelly doughnut. Jan's wearing expensive cold-weather gear and boots; Facher his usual suit and shoes.

FACHER

What exactly are they doing?

JAN

Recreating the groundwater conditions from seven years ago to determine where the contamination came from.

FACHER

Really. They can do that?

JAN

They say they can pinpoint it.

(CONTINUED)

FACHER  
That's amazing.

JAN  
Isn't it?

Facher is "impressed ..."

FACHER  
How's business by the way?

JAN  
Business is good, thank you.

FACHER  
Is it? That's good. I was afraid  
- what with all these scientists and  
doctors and what not - small boutique  
firm like yours -

JAN  
I appreciate your concern, Jerry,  
we have more than enough to go the  
distance.

FACHER  
Are you sure? I mean, I'd hate it  
if one day you realized you miscalcu-  
lated the arithmetic and there you  
were digging quarters out of the seats  
of that shiny black sportscar over  
there.

JAN  
You don't need to worry about that.

FACHER  
That's a relief.

Another seismic explosion goes off in the distance.  
Facher flinches slightly. Jan doesn't.

FACHER  
You know what? You don't want me in  
this case. You've got Grace and one  
deep pocket is enough. I'm only going  
to hurt you. Get rid of me. Tell me  
what you've got in so far, I'll have a  
check cut and we can get on with our  
lives. What do you say?

JAN  
My expenses? You're offering to  
cover my expenses?

97 CONTINUED: (2)

97

FACHER

Your expenses and your pride.

Jan can't believe this guy. Who does he think he is? Facher gestures him closer, to share a "secret" -

FACHER

You think you're going to put those families on the stand. You think your mothers and your fathers are going to tell their stories and the jury's going to pull out their handkerchiefs and dab their eyes.

(pause)

Do you really think I'd let that happen?

The thought of that possibility has never occurred to Jan. Throws him off his rhythm a little ...

JAN

I don't see how you can prevent it.

FACHER

Of course you don't ... you never see the bullet that kills you.

\*  
\*

Facher smiles pleasantly, bites into his doughnut, wipes at the spot of jelly that drips onto his shirt.

FACHER

This is a good doughnut.

Another explosion.

98 INT/EXT. JAN'S PORSCHE - I/93 - DAY

98

A truck roars by. Jan's portable phone rings. He picks it up.

JAN

Yeah -

99 INT/EXT. CROWLEY'S CAR - I/93 - DAY

99

Crowley behind the wheel; Gordon in back; Conway, shotgun, on their portable phone, excited -

CONWAY

Guess what. Cheeseman called. He wants to talk. He wants a number. He wants out -

100 INT/EXT. JAN'S PORSCHE - I/93 - DAY 100

Another truck rumbles past, drowning Conway out.

CONWAY V.O.

Jan - ? You hear what I said - ?

101 INT/EXT. CROWLEY'S CAR - I/93 - DAY 101

Gordon is twisted around in his seat, peering back through the rear window.

GORDON

I don't see him.

CONWAY

(into phone)

Where are you? You were right behind us.

JAN V.O.

I'm still right behind you.

102 INT/EXT. JAN'S PORSCHE - I/93 - DAY 102

He isn't. His car's on the shoulder of the highway, idling.

CONWAY V.O.

We'll run the numbers back at the office. We'll meet you there.

(nothing from Jan)

Jan? This is it. We got them.

JAN

Great -

The call disconnects. Jan sets his phone down. Then just sits. As the trucks roar past. On I-93. The Somerville exit. Where Richard Aufiero's son, Jarrod, died ...

103 INT. FOUR SEASONS HOTEL - RESTAURANT - MORNING 103 \*

Waiters stand at the ready alongside silver serving trays on linen-draped breakfast buffet tables ... but the only people here are Jan and his partners - Cheeseman and his people - and Neil Jacobs. They're all waiting.

JACOBS

He said he'd be here.

JAN

Are the Red Sox in town?

(CONTINUED)

FACHER O.S.

Sorry I'm late, I got tied up.

(he comes in)

I was just given a chair at Harvard  
of all things.

Cheeseman stares. He never imagined that Facher was such a  
distinguished scholar - like himself.

CHEESEMEN

You're kidding. Which chair?

FACHER

What? Oh, it's, uh - black, with  
arms. With my name on a brass plate  
on the back. From my students.

Cheeseman laughs. Facher looks like he doesn't get the  
joke (but of course he does). Sets his briefcase next to  
the only unoccupied chair. Sits.

JAN

Jerry, you ever thought about getting  
yourself a new briefcase?

FACHER

("distracted")

You don't change your socks in the  
middle of the World Series.

He considers the items someone has placed in front of him.  
Croissant and jam, fresh fruit, orange juice, a pen and pad.

FACHER

Am I sitting in the right place?

He becomes particularly distracted by the pen. Picks it up.  
Examines it.

FACHER

This is a nice pen.

JAN

Courtesy of the hotel.

FACHER

Really. This is a good-quality pen.

They all watch as Facher tests the pen, signing his name a  
couple of times on the pad ...

CHEESEMEN

So.

(CONTINUED)

103 CONTINUED: (2)

103

JAN

So. Bill. Question. What did Grace make last year?

CHEESEMAN

I have no idea. But I have a feeling you do.

JAN

One hundred and ninety-eight million dollars. How about Beatrice? Jerry?

FACHER

What?

Facher seems not to be listening. Seems more interested in the chocolate-mint next to his plate.

JAN

Four hundred and thirty-six million. Together, six hundred and thirty-four million. That's one year. Net.

Facher carefully unwraps the mint, inspects it closely, sets it aside.

JAN

That's what they made. Now, what should they be made to pay? To compensate the families, to provide for their economic security in the future -

\*

CHEESEMAN

(interjects)

- don't forget to mention you - compensating you -

\*

\*

\*

\*

JAN (cont'd)

- and to make sure this kind of thing never happens again.

\*

\*

Silence ... a glance down to his notes ...

\*

JAN

Twenty-five million dollars cash.

If that's it, that's not bad. Not as bad as Cheeseman expected.

(CONTINUED)

103 CONTINUED: (3)

103

He's about to say as much when -

JAN

And another twenty-five million to  
establish a research foundation to  
study links between hazardous waste  
and illness.

Jan's partners exchange quick surprised looks. That's not  
what it says on their note pads. Theirs, like Jan's, as they  
discussed and agreed to prior to the meeting, say only the  
first "25." Cheeseman scratches out the "25" he just jotted  
down on his pad, writes "50," and is about to respond, most  
likely positively, when - \*

(CONTINUED)

103 CONTINUED: (4)

103

\*

JAN

And one-point-five million to each  
of the families, annually, for thirty  
years.

Now the partners really look at each other - and Jan - as  
everyone on the other side of the table - except Facher -  
works the figures on their pads. He wraps a croissant in a  
napkin and slips it into his coat pocket. Cheeseman looks  
up finally. The figure on his pad can't be right.

\*

\*

CHEESEMAN

Four hundred and ten million dollars?

Cheeseman and his people (and Jan's) are aghast. But not  
Facher. He's the picture of calm.

CHEESEMAN

You can't be serious.

Jan is. Facher raises his hand like a timid student.

FACHER

Can I ask something?

JAN

I'm sure you all have lots of  
questions. What's yours, Jerry?

\*

FACHER

Can I have this?

The pen. The hotel pen. Jan doesn't say 'no.'

FACHER

Thank you.

Facher gets up. Puts the pen in his shirt pocket. Leaves.  
Jacobs follows. Then Cheeseman and his people. None of them  
ate a thing. Long silence. Finally -

GORDON

Jan?

JAN

Yes, Gordon.

GORDON

What's the story?

(CONTINUED)

103 CONTINUED: (5)

103

JAN

I guess they're not interested in  
ending this thing.

GORDON

They're not ...

(Jan begins gathering his  
things)

You said this case would never go to  
trial. You just made certain it will.  
Without consulting with us, I might  
add. Care to tell (us why) -

\*

\*

JAN

They patronize us. They think we're  
blackmailers. They think they can buy  
us.

Everybody looks at him like, Yeah, that's right, and - ?  
And nothing. Jan gets up to leave.

GORDON

We can't afford a long, drawn-out  
(trial) -

JAN

I guess you're going to have to find  
some more money somewhere.

GORDON

Where do you suggest?

JAN

Am I the financial advisor here?

GORDON

No ... you're not.

Jan holds Gordon's level stare a moment, then takes out his  
wallet and tips the headwaiter a hundred dollars.

WAITER

Thank you, sir.

Jan leaves. This time the others don't follow ...

FADE OUT

|     |                                             |     |   |
|-----|---------------------------------------------|-----|---|
| 104 | OMITTED                                     | 104 | * |
| 105 | OMITTED                                     | 105 | * |
| 106 | INT. WOBURN ELEMENTARY SCHOOL LIBRARY - DAY | 106 | * |

Anne Anderson returns children's books to shelves as Jan, in a chair that's too small for him, tries to ignore a 6-year-old at another table who keeps looking over at him. To Anne:

JAN

Your presence in the courtroom is very important. The jury will get to know you by seeing you there. But not if you're there some days and not others; then they'll wonder why you're not there. Don't you care enough (to) -

(CONTINUED)

106 CONTINUED:

106

ANNE

I'll be there every day. In the back  
left-hand corner.

Jan regards her curiously a moment as she keeps working.

JAN

Okay ... wherever you feel  
(comfortable) -

ANNE

That was our plan. If we ever got  
separated. In a supermarket or depart-  
ment store ... that's where we knew we  
could find each other.

JAN

(pause)

Okay .. that's ... good ...

\*

ANNE

At the end when he was dying, he said  
he'd wait for me in the back left-hand  
corner of Heaven.

\*

In a courtroom, Jan loves this kind of thing; but in real  
life ... he's not sure how to respond. Anne turns back to  
her work. Jan, in his little chair, notices a couple more  
6-year-olds at another table looking at him.

BAILIFF 2 V.O.

All rise.

107 EXT. BOSTON - DAWN

107

The sounds of chairs scraping and people rustling accompany  
a view of the Boston skyline as seen from the window of -

108 INT. JAN'S PENTHOUSE - DAWN

108

Jan, dressed for court, studies his reflection in a  
full-length mirror. Behind him, a woman asleep in bed.  
He decides the silk handkerchief in the breast pocket is  
too much, and takes it out. Now he looks like someone  
the jury can relate to ...

\*  
\*  
\*  
\*  
\*

JAN

Ladies and gentlemen -

109 INT. COURTROOM - DAY

109

Six jurors and six alternates. Jan considers them in a  
silence broken only by the hissing of old steam radiators.

(CONTINUED)

109 CONTINUED:

109

JAN

There's a small town north of Boston called Woburn ... Woburn is like many small towns. It has homes, schools, churches, industry ...

Everyone has turned out to see this opening day of the trial. All the Woburn families, Uncle Pete (who Gordon is painfully aware of), the personal injury community, the press.

JAN

But Woburn has something else ...

BEGIN DISSOLVE TO:

110 WILLIAM CHEESEMAN

110

standing before the jury -

JAN V.O.

(fading)

It has more than its share of sickness and death ...

CHEESEMAN

It's true ... small amounts of solvents were left on the ground. Why? To evaporate. Did they? Yes. These chemicals never reached Wells G and H, almost half a mile away, and we will show that ...

BEGIN TO DISSOLVE TO:

111 JEROME FACHER

111

standing in the court well -

CHEESEMAN V.O.

(fading)

And they never made anyone sick, and we will show that, too ...

- patting the pockets of his suit coat as if he's just discovered he's lost his keys, glancing up at the vaulted ceiling. Then, very composed -

FACHER

The idea of criminal court is crime and punishment.

(MORE)

(CONTINUED)

111 CONTINUED:

111

FACHER (cont'd)

The idea of civil court - and of personal injury law by nature, though no one likes to say it out loud - least of all the personal injury lawyer himself -

(a glance to Jan)

- is money. Money - for suffering. Money - for death. As if that could somehow relieve suffering. As if that could somehow bring children back to life.

(begin dissolve)

Unlike my co-defendant, W.R. Grace, my client - Riley's tannery, owned by Beatrice, never used trichloroethylene -

112 INT. COURTROOM - DAY

112

Jan's first witness - his owlsh lead geologist, George Pinder - educates the jury with boyish enthusiasm on the subject he loves -

PINDER

The terrain of east Woburn was shaped twelve thousand years ago at the end of the last Ice Age ...

At one of the defense tables, Facher and Jacobs whisper -

HALE & DORR PARALEGAL

They say this guy's a home run hitter in any ballpark.

\*

JACOBS

I know, I tried to get him for us, but Schlichtmann got to him first.

\*

FACHER

He's in my ballpark now.

PINDER

- At that time, an immense glacier more than a mile thick covered the New England landscape ...

113 INT. PINDER'S HOTEL ROOM - LATE AFTERNOON

113

\*

As Jan chooses Pinder's wardrobe for the next day (it all looks the same), the geologist scribbles mathematical equations on a notepad. He hesitates -

PINDER

Jan? I think I made a mistake.

(CONTINUED)

113 CONTINUED:

113

Brushing lint from the jacket he has selected for Pinder, Jan looks over and sees a deeply troubled geologist.

PINDER

I said the aquifer drew the contaminated water from Beatrice along the permeable stratum of the sand and rock under the river bed - that the river didn't act as a barrier of any kind.

His look asks, Remember? Jan does - vaguely - and kind of nods and shrugs.

PINDER

But looking over my logs, I see that the level of the river declined. By almost six inches.

And that's what concerns him. Perhaps it would concern Jan too if he had any clue what Pinder is talking about.

JAN

So?

PINDER

So what happened to it?

JAN

To what?

PINDER

The water.

JAN

What water?

PINDER

The river. If it didn't go to the wells ... where did it go?

JAN

I have no idea what you're talking about, George. But if I can't follow it, neither can Facher or anyone else. I wouldn't worry about it.

But Pinder is worried about it (whatever it is). He hates things like this that don't make sense.

114 INT. COURTHOUSE CORRIDOR - MORNING

114 \*

Pinder arrives refreshed and excited and eager to tell Jan some great news. He catches him in the corridor.

(CONTINUED)

PINDER

I figured it out in a moment of brilliance this morning. It came to me as I was taking a shower. The river didn't lose water, it just didn't gain what it normally would from the aquifer because of the pumping of the wells.

His look to Jan says, See? Jan still has no idea what Pinder's talking about.

JAN

That's good, George.

PINDER

I want to clear it up on the stand today.

JAN

You don't have to. Nobody knows what any of that (means) -

PINDER

I need to, Jan. As a matter of professional dignity.

JAN

No. It won't look good. Now leave it alone. Forget about it.

115 INT. COURTROOM - LATE AFTERNOON

115

Pinder back on the stand, late in the day.

JAN

Dr. Pinder, remind me if you would: How many monitoring wells did you dig again?

PINDER

One hundred and fifty-seven.

JAN

And how many pages of data did you end up with?

PINDER

Twelve thousand pages.

JAN

Is that as extensive a study as it sounds?

(CONTINUED)

115 CONTINUED:

115

PINDER

I would say that the Aberjona is now  
the most thoroughly studied aquifer in  
history.

Jan lets that sink in a moment, throws a quick glance to the  
clock, and -

JAN

Your Honor, if I could have a minute.

Jan crosses to the plaintiffs' table and confers in whispers  
with his associates -

JAN

Ask me a question.

CONWAY

Ask you what question?

JAN

Anything. I want to end on this.  
Let them take it home for the weekend.  
I have to run out the clock.

CONWAY

(gets it)

Is that a new tie?

JAN

Yes, it is, as a matter of fact.  
You like it?

CONWAY

Yeah.

JAN

No, really.

CONWAY

How much did it cost?

JAN

That you don't want to know.

Everyone waits as Jan and Conway discuss "important judicial  
questions" in private. Pinder glances to the clock ... only  
a couple minutes left.

PINDER

Excuse me - Mr. Schlichtmann - ?  
Yesterday I misspoke concerning water  
levels in the river -

(MORE)

(CONTINUED)

115 CONTINUED: (2)

115

PINDER (cont'd)  
(Jan stares at Pinder  
in horror)  
I'd like to clear that up if I could.

\*

116 INT. PINDER'S HOTEL ROOM - LATE AFTERNOON

116 \*

Pinder, shaken, packs his bags as he talks on the phone to his wife - \*

PINDER

No, I thought I was staying into next week. I'm not. I'm leaving now. I should've left yesterday -

117 THE COURTROOM - CONTINUED FROM EARLIER

117

Tight on the clock. Few minutes to five.

SKINNER

You want to begin your cross now, Mr. Facher? There's only three minutes left.

FACHER

I'll only need two. Dr. Pinder -

Facher, loaded for bear, approaches the witness.

FACHER

What you're saying is - let me see if I understand this: the river didn't lose water - it just didn't gain any from the usual sources.

PINDER

Right.

FACHER

(more to Jan)

It's not that you're losing money, it's just that you haven't been paid this week.

Pinder smiles at the analogy; Jan doesn't.

PINDER

Yes, that, in essence, is what I'm trying to express.

FACHER

But that wasn't true yesterday.

PINDER

What wasn't?

FACHER

What is true today, yesterday was not, you seem to be saying - "in essence."

(CONTINUED)

PINDER

No, it was always true, I just -

He hesitates. Jan shakes his head in despair ...

FACHER

You just -

PINDER

I just -

FACHER

You just made a little mistake yesterday.

PINDER

Which I corrected today.

FACHER

So, what you're saying to this jury - is that you came in here yesterday - as a Ph.D., as chairman of your department at Princeton, having studied the soil and groundwater of the Aberjona river bed for over a year - having brought all your expertise to that study ... and then made a little mistake.

C Silence. Nothing from Pinder.

FACHER

"In essence."

Jan would put his head in his hands if no one would see him.

FACHER

Are you cold, Dr. Pinder?

Pinder is sitting on his hands to keep them from shaking.

PINDER

No, sir.

FACHER

Because we could probably turn up the heat.

118 INT. THE FIRM - DAY

118

CONWAY O.S.

Patti - ?

(CONTINUED)

118 CONTINUED:

118

One of the newer employees crosses the cluttered offices to the kitchenette, finds Conway there, searching drawers and cabinets. It's raining outside. \*

CONWAY

I can't find the coffee filters.

PATTI

There aren't any. There's no petty cash.

CONWAY

(stares)

That's ridiculous. Where's Gordon?

119 GORDON'S OFFICE - SAME TIME

119

Rain snakes down a window in Gordon's office. He's giving instructions to the firm's bookkeeper, Mary Zoza -

GORDON

Attach the wrong invoice to all checks. When they come back, mail in the right invoice, but with the wrong zip code. Xerox we can tie up for months with paperwork. Same with IBM - \*

120 JAN'S OFFICE - SAME TIME

120

Jan considers some new courtroom exhibits. To the young graphic artist who made them -

JAN

These are good, but they're too small. Make them bigger.

(off)

Kathy? Where's Bill?

KATHY

Settlement meeting; the Slip 'n Fall.

JAN

(brightens)

Great.

(to the artist)

I need them tomorrow.

ANDY

Can't do it; maybe by the end of the week.

(CONTINUED)

120 CONTINUED:

120

JAN

Andy, come on, what am I paying you for, for Christ's sake?

ANDY

Jan, I haven't been paid since November. I'm owed forty thousand dollars.

JAN

(stares)

That's ridiculous. Where's Gordon?

121 BACK TO GORDON'S OFFICE

121

GORDON

Every credit card application we send in we get two more in the mail. Here's one from a bank I never heard of in - North Dakota. Fill it out. Fill them all out. It's the last great pyramid scheme in America.

122 JAN EMERGES FROM HIS OFFICE

122

as Conway emerges from the kitchenette. Both head for Gordon's office.

KATHY

Jan, your mother's on line one.

JAN

I can't talk to her right now.

KATHY

I think you better; she just got an eviction notice from her landlord.

123 BACK TO GORDON'S OFFICE

123

GORDON

Cancel all magazine and newspaper subscriptions. Call the janitorial people and tell them their services are no longer required; we can empty our own fucking wastebaskets -

He notices Jan and Conway converging on his office, but before they can speak, he yells out:

GORDON

How much?

(CONTINUED)

123 CONTINUED:

123

It's to Crowley, coming into the offices behind them, shaking out his umbrella. He ignores Gordon. Indeed, he ignores everyone as they all suspend what they're doing to hear his report about the little Slip 'n Fall settlement meeting. Gordon wedges past Jan and Conway.

GORDON

Am I invisible? How much?

Crowley calmly hangs his raincoat on a coat rack. Phones ring unanswered. Suddenly, then, it's silent. The phones stop ringing. All of them at once. Water drips on the floor.

CROWLEY

Nothing, Gordon. They offered exactly nothing because they know how badly we need it. Everybody in Boston knows.

Kathy picks up a silent phone, hears nothing, no dial tone, carefully sets it down. Gordon reaches over to pick up a phone, also hears nothing, sets it back down. To Mary as he returns to his office and closes the door.

GORDON

Pay the phone company.

124 INT. COURTROOM - MONTAGE SEQUENCE

124

\*

Heat rising from hissing radiators ... overcoats, damp from morning rains, slung over the gallery railing ... a geology witness demonstrating something using an aquarium, kitchen sponges and drops of ink ...

\*

GORDON V.O.

I can't pay you the entire balance right now, but maybe we could work out some kind of deal ...

125 INT. THE FIRM - COMMON AREA - DAY

125

Gordon is vacuuming his own rug, phone to his ear, talking over the noise to one of the firm's many creditors -

GORDON

How much can I send you now?  
(thinks ...)  
Uh - nothing.

## 126 COURTROOM MONTAGE SEQUENCE - CONTINUED

126

Another expert witness in the brown corduroy "uniform" of geologists, chalking mathematical equations on a blackboard.

Another, later, using a pointer to indicate areas on an aerial map of the Aberjona marsh.

The jurors pass a rock from hand to hand and look about as thrilled as one might expect with such activity.

Facher repairing the handle of his briefcase with fresh pieces of Scotch tape.

## 127 EXT. THE FIRM - CHARLES STREET - DAY

127

Gordon intercepts the mailman outside the building -

## 128 INT. GORDON'S OFFICE - DAY

128

- shuffles through the mail, tears open those envelopes containing credit cards, and rubber-bands them together -

## 129 COURTROOM MONTAGE SEQUENCE - CONTINUED

129

Facher questioning one of Jan's witnesses, a well-dressed, well-educated 40-year-old man -

TURNER

They looked dangerous: rusting, corroding, leaking on the ground, red hazard labels on them. To a kid that's very cool.

FACHER

You remember seeing labels on these barrels?

TURNER

Clearly. Xylene, Toluene, Butanol, Trichloroethylene -

FACHER

As an 11-year-old kid playing by the river, you remember seeing labels with these long chemical names on them.

TURNER

I was always interested in chemistry.

FACHER

I'll say.

(CONTINUED)

129 CONTINUED:

129

Jan is enjoying this. Turner is a dream witness.

FACHER

Are you sure you're not taking names you know today Mr. Turner, and putting them on sights and sounds that happened thirty years ago?

TURNER

Mr. Facher - do you forget what your mother looks like?

FACHER

Certainly not. But my mother doesn't look like a chemical drum with a bung-hole on it.

Some laughs in the courtroom, including some jury members, but that's all right; Jan knows he has Facher on the run.

FACHER

Let me ask you about something else. Your ex-wife, Sharon Turner. Any idea where she's living now?

Turner's calm demeanor tightens a little.

TURNER

Actually, I don't.

FACHER

You don't.

TURNER

No.

FACHER

Well, that explains it. That's why she hasn't received any child-support checks for the last three years. You simply don't know where to send them.

Jan puts his head in his hands.

130 EXT. NEWS STAND - DAY

130

Gordon turns to the horoscope column in "Town & Country" magazine, reads it quickly, picks up a copy of "Cosmopolitan" and turns to its horoscope page -

131 COURTROOM MONTAGE SEQUENCE - CONTINUED

131

Tom Barbas sitting stiffly on the stand.

(CONTINUED)

131 CONTINUED:

131

JAN

At the end of the workday, Mr. Barbas, what would happen to this stuff?

JUMPCUT to Paul Shalline on the stand -

JAN

Once the barrels were full, Mr. Shalline, then what? What were you told to do with them?

JUMPCUT to Al Love on the stand -

JAN

Mr. Love, how often did you see Joseph Meola and the others out there pouring these solvents on the ground?

132 INT. CONVENIENCE MARKET - DAY

132

Gordon buys a hundred dollars' worth of lottery tickets. \*

BAILIFF 2 V.O.

Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

RILEY V.O.

Yes.

133 INT. COURTROOM - DAY

133

Jan slowly pours water into a glass. Turns with it.

JAN

Care for a glass of water, Mr. Riley?

Riley, on the stand, considers Jan so long, everyone begins to wonder, What is this about? Finally, calmly -

RILEY

No, thank you.

Jan takes a sip, sets the glass back down on the table and approaches the witness.

JAN

Mr. Riley, you own the property referred to often in this courtroom as "the 15 Acres," do you not?

(CONTINUED)

133 CONTINUED:

133

RILEY  
No, sir. That land is owned by the  
"Wildwood Conservancy," a non-profit  
corporation.

INTERCUT FACHER & JAN QUESTIONING RILEY:

FACHER  
You've dedicated that land for  
conservation purposes. As a sanctuary  
for indigenous wildlife -

RILEY  
Correct.

JAN  
I don't think the wildlife has heard  
about this, Mr. Riley -

FACHER  
You'd never dump anything out there,  
would you? This is hallowed ground as  
it were.

JAN  
I've been out there on several  
occasions and have yet to see a single  
bird or any other living thing -

134 INT. COURTHOUSE MEN'S ROOM - DAY

134

Jan's partners critique his performance in this porcelain  
and tile "conference room."

A

CROWLEY  
This is the guy who killed your kids.  
You should be hitting him with a base-  
ball bat, not dancing the minuet -

135 INT. COURTROOM - LATER

135

Jan pacing back and forth before Riley .

JAN  
You have no records before 1979.

RILEY  
No, sir, as I have already told you,  
in order to -

JAN  
You destroyed them, didn't you -

(CONTINUED)

135 CONTINUED:

135

RILEY

No, sir, in order to make room for -

JAN

You destroyed them -

SKINNER

You're just arguing with him now, Mr. Schlichtmann, and we're all getting a little bored with it. Move on.

Thrown off his rhythm, Jan glances through his notes -

JAN

Mr. Riley - ?

He hesitates; he can't find his place, leafs through the pages -

JAN

Mr. Riley - ?

It's like he's blanking out from the overload of information. He realizes he isn't even looking at the right notes.

RILEY

Yes ... ?

JAN

Your Honor, I'm sorry, I -

He can't find anything. It's a overwhelming mess.

SKINNER

Mr. Cheeseman, Mr. Facher? What do you say we take a short recess while Mr. Schlichtmann "reviews his notes."

FACHER

By all means.

136 INT. GORDON'S OFFICE - NIGHT

136

Gordon stares blankly at changing images on his TV set. He's channel surfing and quietly going insane. A pile of losing lottery tickets litter his desk.

He stops on a religious station. A choir. The music washes over him -

\*

AND OVER:

137 INT. BANK OF BOSTON - DAY

137

Uncle Pete standing by a computer watching a list of overdrafts as it's printed. Accounts with four or five can be ignored. Ten or twelve are frowned upon. Schlichtmann, Conway & Crowley's account has been overdrawn eighty-five times. The CHOIR MUSIC fades as Gordon, looking disheveled in a raincoat, enters the bank in the background ...

\*  
\*  
\*  
\*

138 INT. BANK OF BOSTON - LATER

138

Uncle Pete, stone-faced, behind his desk. Gordon fidgets.

GORDON

You'll never guess what I did last night. You'll like this. I pledged two hundred dollars to a televangelist. I'm not kidding. He said, "Give and you shall receive." I called him right up.

\*  
\*

(Gordon laughs; Pete doesn't)  
I know what you're thinking. Gordon is losing his mind, he's falling apart. He's probably buying lottery tickets.

(laughs again; he is losing his mind)  
I bought a few. I admit it. I know. But seriously, the jackpot's up to 45 million. That's this week. You should've seen the line.

UNCLE PETE

Is that a gun?

GORDON

What? Oh, this -  
(the bulge in his jacket pocket)  
This is for you -

He begins pulling out Krugerrands, stacks them on the desk.

GORDON

My Krugerrands. I've had these forever. I want you to have them. And this. This is the deed to my house.

(pulls out others)  
Here's Conway's. And Crowley's. And Jan's. See? I come bearing gifts.

(CONTINUED)

138 CONTINUED:

138

Pete doesn't even look at the pile of stuff Gordon has deposited on his desk. Long silence before -

GORDON

We really need the money.

Pete studies Gordon. He really does look like he's losing his mind. Or already has. Pete slowly shakes his head, no.

JAN V.O.

Now. Finally. The families -

139 INT. THE FIRM - COMMON AREA - DAY

139

\*

Gordon sitting alone in a corner, despondent. Across the room, Jan is explaining his plan for his next series of witnesses to Conway and Crowley:

JAN

We'll begin with Jimmy Anderson.  
His countless trips to the hospital.  
His futile chemotherapy treatments.  
Then the other kids - one by one -  
ending with Jarrod Aufiero dying in  
his father's arms on the highway -  
(calls off)  
- somebody want to get that?

The phone that's been ringing during all this. Jan looks around, sees Kathy at her desk on another line - and no one else - their presence replaced a gloom that fills the place along with all the boxes, files and overflowing ashtrays.

JAN

Where is everybody?

CROWLEY

You're just noticing now? Gordon laid everybody off two weeks ago.

JAN

He did? Hey, Gordon. Instead of just sitting there reading a magazine, why don't you go see Uncle Pete and get me a staff.

GORDON

(w/o looking up)

Oh, that's a good idea; why didn't I think of that?

He turns a page of his magazine. Jan answers the phone.

(CONTINUED)

139 CONTINUED:

139

JAN  
Hello?... yes, it is ...

Whoever it is, whatever they're telling him, begins to concern him ...

140 EXT. COURTHOUSE - LATE AFTERNOON

140

Jan climbs the courthouse steps -

141 INT. JUDGE SKINNER'S CHAMBERS - LATE AFTERNOON

141

- and comes in to find Facher and Cheeseman already there with the judge.

SKINNER  
Jan, come in, have a seat. You want something to drink? Some coffee, soda?

\*  
\*

Jan glances to the other lawyers ... and back to Skinner.

\*

JAN  
You've been talking without my being present?

\*

SKINNER  
No, we've been drinking coffee without your being present; don't be so paranoid. They were early.

\*  
\*

JAN  
I'm early.

Skinner sighs. Jan sits. Facher offers him a pleasant smile.

JAN  
All right .... What have you not been talking about without my being present?

\*  
\*  
\*

FACHER  
Last night I was at a ballgame. It was the seventh inning stretch and I was standing there and -  
(shrugs)  
I don't know why, but at that moment, it occurred to me: unless you've proven any, uh - what word should we use - chemicals -

\*  
\*

JAN  
Poisons -

(CONTINUED)

141 CONTINUED:

141

FACHER

All right, if you like the word, I'll use it. Unless you've proven that any poisons actually reached the wells - there's no case.

(shrugs again)

And therefore no need to make these families - who have already suffered so much - relive their suffering all over again by putting them on the stand.

Jan just stares at him, then at Skinner, who is obviously hearing this, too, for the first time.

\*  
\*

SKINNER

That's interesting ... I think I'd have to agree with that ...

\*  
\*

Now Jan really stares. At the two of them. He can't believe what he's hearing. Finally finding his voice -

\*

JAN

Your Honor -

SKINNER

Yes ... If the jury decides favorably on the geological evidence... then you could bring your families in. Otherwise -

\*  
\*  
\*

JAN

Your Honor, the jury came into this courtroom expecting to hear a human drama. Instead, for the last three months -

SKINNER

- I don't care what they were expecting -

JAN

- we've been giving them lessons in permeable strata. We had to do that, but now that's over - finally.  
(Now - )

SKINNER

Now we need to see where we are before we can go on. And before we subject the families to any more trauma than necessary.

(CONTINUED)

141 CONTINUED: (2)

141

JAN  
(pause)  
Your Honor -

SKINNER  
Because that would just be cruel -

JAN  
They want to (testify) -

SKINNER  
Mr. Schlichtmann -

JAN  
They need to (testify) -

SKINNER  
The decision has been made -

JAN  
This is the defendants' plan, Your  
Honor -

SKINNER  
No, it's my plan -

JAN  
No, this is Facher's plan, this has  
been his plan from the beginning. He  
told me he'd do this. He (threa -

SKINNER  
It's my plan! It's my plan!

The outburst startles Jan. All he can do for a moment is  
stare at the judge, whose neck seems to be bulging out of his  
shirt collar. Jan eventually glances over to Facher. The  
old litigator is the very picture of serenity. Skinner  
composes himself, and -

SKINNER  
Now, my plan is to present the jury  
with three questions -

142 INT. JAN'S OFFICE - LATER - LATE DAY

142 \*

Jan stands in the middle of his office staring at the walls.

SKINNER V.O.  
Before we can proceed, I need you to  
consider these questions -

143 INT. COURTROOM - DAY

143

The number of spectators has dwindled to almost nothing. Anne is still there, and some of the other families, but that's about it. The judge addresses the jury -

(CONTINUED)

143 CONTINUED:

143

SKINNER

Indeed, how you answer these three questions will determine whether or not this trial continues.

Anne glances to the others confused.

144 INT. SKINNER'S CHAMBERS - FLASHBACK - LATE AFTERNOON 144

Jan holds a copy of the judge's questions in his hand, as do Facher and Cheeseman. Only one of the attorneys has a problem with them -

JAN

It's not that I disagree with them,  
I don't understand them.

SKINNER

What don't you understand? They're simple questions.

145 BACK TO THE COURT:

145

SKINNER

Have the plaintiffs established by a preponderance of the evidence that chemicals containing TCE were disposed of on the W.R. Grace and Beatrice-owned lands after October 1, 1964 and August 27, 1968 respectively - and did these chemicals contribute to the well water contamination before May 22, 1979?

146 BACK TO JAN'S OFFICE - LATE DAY - FLASHCUT:

146

\*

Jan hurls a desk lamp against a wall -

147 BACK TO SKINNER'S CHAMBERS:

147

JAN

These dates for one thing. What are they? Where did they come from? Out of a hat?

SKINNER V.O.

If the answer should be "yes" to the first question - then this second question:

148 BACK TO THE COURT:

148

SKINNER

What, according to a preponderance of the evidence, was the earliest time - the month and year - at which these chemicals substantially contributed to the contamination of the wells.

149 BACK TO JAN'S OFFICE - LATE DAY - FLASHCUT:

149

\*

Jan sweeps everything on his desk to the floor -

JAN V.O.

How can they determine that?

150 BACK TO SKINNER'S CHAMBERS:

150

JAN CONT'D

Science can't determine when the chemicals arrived at the wells with the precision you're demanding of these jurors -

SKINNER V.O.

Finally -

151 BACK TO THE COURT:

151

SKINNER

What, according to a preponderance of the evidence, was the earliest time - again the month and year - at which the substantial contribution referred to in Question 2 - was caused - if it was - by the negligent conduct of the defendants?

152 JAN'S OFFICE AND COMMON AREA - CONTINUED - LATE DAY

152

\*

Kathy and the partners watch in silence as Jan completely wrecks his office -

JAN V.O.

What does that mean?

153 BACK TO CHAMBERS:

153

JAN CONT'D

It's like English translated into Japanese and back to English again.

(CONTINUED)

153 CONTINUED:

153

SKINNER

I've heard enough, Mr. Schlichtmann -

JAN

Your Honor, no one can answer these questions -

SKINNER

I worked very hard on these ques -

JAN

You're asking for answers that are unknowable -

SKINNER

I said I've heard (enough) -

JAN

You're asking these people to create a fiction that will stand for the truth but won't be the truth -

SKINNER

Enough!

154 BACK TO JAN'S OFFICE - LATE DAY:

154 \*

Jan notices the others watching him. Just stands there, panting -

155 BACK TO THE COURT:

155

Jan watches the jurors glancing at one another, wondering if they missed something. Clearly, none of them understood the questions any better than Jan did.

SKINNER

I remind you not to discuss your views with any outside party, and excuse you to your deliberations.

Jan gets up to leave before Skinner, an act of disrespect that is not lost on the judge. Jan further insults him by turning his back on him, and strides for the door.

Anne Anderson, greatly concerned about this turn of events, gets up to intercept Jan, but he's not stopping. Just before reaching the door, he quickly, perfunctorily tells her -

JAN

Don't worry, everything's under control. I have everything under control.

156 BACK TO JAN'S OFFICE - LATE DAY - CONTINUED

156

\*

Jan walks very slowly over broken glass to his door, considers everyone out in the common area considering him - and calmly closes it.

157 INT. DRY CLEANERS - DAY

157

Jan has been discussing something with the man behind the counter for some time, struggling valiantly to remain calm.

JAN

No, no, no, this is not my  
Courthouse-Vigil Suit -  
(the one he's wearing)  
That's my Courthouse-Vigil Suit -  
(the one hanging in plastic)  
I have to be in the courthouse, in the  
corridor - in that suit - for as long  
as the jury stays out.

DRY CLEANER

(realizing)  
Oh, like a -

JAN

DRY CLEANER

- tradition - - superstitious thing -

JAN

- a good luck thing.

The dry cleaner nods to himself. He understands. But then shakes his head, no.

DRY CLEANER

I'm sorry.

JAN

I'll bring the money tomorrow - the -  
whatever it is - two hundred and -

DRY CLEANER

- and ninety-four -

JAN

- ninety-four dollars. Cash. No  
credit cards, I swear.

DRY CLEANER

(pause)  
I'm sorry.

(CONTINUED)

He reaches for the suit, to return it, presumably, to the revolving rack, to hold it, as it were, for ransom. But Jan reaches for it too, grabs hold of its other shoulder.

JAN

You don't understand. I'm dealing with a deranged judge. I have a jury that has napped during most of the trial. I'm fighting a defense that has unlimited money with which to destroy anyone who tries to do anything - you know -

(what's the word?)

- you know -

(the dry cleaner doesn't know)

- decent.

He's close to a nervous breakdown; that much is clear to the dry cleaner (if not to Jan).

JAN

The only advantage I have at this point - is that suit.

They stare at each other, each with a hand on the suit. Jan begs the man with his eyes ...

158 INT. CORRIDOR - COURTROOM #7 - DAY

158

© Elevator doors open revealing Jan, alone in it, wearing the suit, cradling a small paper bag. He steps into the corridor, deserted at this early hour except for a federal marshal at a folding table, reading a newspaper. Jan takes up his "post" on the bench nearest the 4th floor jury room and removes a Styrofoam cup of coffee from the bag.

DISSOLVE TO:

159 INT. CORRIDOR - COURTROOM #7 - DAY

159

THE ELEVATOR opens again, this time revealing the jury and their escort, arriving for the day's deliberations. Jan is already standing - respectfully - as they approach and pass him, without so much as a look to him - and remains standing even after the jury door closes.

© DISSOLVE TO:

160 INT. CORRIDOR - COURTROOM #7 - DAY

160

THE ELEVATOR opens again. Kathy, among others, steps out. She passes Facher's second-in-command, Jacobs, on one bench, one of Cheeseman's guys on another, and sets down on Jan's some homemade peanut butter sandwiches.

He hardly notices. Pacing slowly, he watches a "changing of the guard" of the defenses' underlings, neither of whom cares to spend the entire day here like him.

Kathy knows better than to distract Jan from his vigil. She leaves the food for him. Like a zookeeper.

DISSOLVE TO:

161 INT. CORRIDOR - COURTROOM #7 - DAY

161

JACOBS AND FACHER outside the elevator, speaking quietly. From the other end of the nearly-deserted corridor, Jan can't hear them, but knows Jacobs is telling Facher that Jan never leaves. Which is a little unsettling.

DISSOLVE TO:

162 INT. CORRIDOR - COURTROOM #7 - DAY

162

JAN, head down, slowly pacing, counts to himself - again - the linoleum squares on the floor. It would be easier if all these federal employees would stay out of "his" corridor.

FACHER O.S.

No word, huh?

Jan glances up from the floor, almost upon the bench Facher has apparently chosen to set up residency, "unpacking" things from his battered briefcase.

JAN

They're as silent as the flow of poison from a tannery.

Facher smiles. Keeps unpacking his things. Sets his little transistor radio down on the bench.

DISSOLVE TO:

163 INT. CORRIDOR - COURTROOM #7 - DAY

163

A NEW RESIDENT has moved in. Cheeseman. Seated on another bench, thumbing through a magazine. Facher, across from him, catches up on some work while listening to a ball game. Jan, well apart from both of them, stands his vigil without any vices.

(CONTINUED)

163 CONTINUED:

163

They're like Cold War spies, the three of them, keeping an eye on one another while pretending not to.

DISSOLVE TO:

164 INT. CORRIDOR - COURTROOM #7 - DAY

164

THE JURY filing out for lunch. Passing by Jan, who is, as always, already standing; then Facher, who rises on automatic pilot as he keeps doing a crossword puzzle; then Cheeseman, who can no longer be bothered and stays seated.

DISSOLVE TO:

165 INT. CORRIDOR - COURTROOM #7 - DAY

165

CHEESEMEN packing up his things. He's had enough of this. They're going to stay out all week, maybe longer. The other lawyers want to sit here forever? Let them.

Facher glances over to Jan. Then gets up and wanders across the "border" into Jan's territory. Takes a seat on the bench next to his. And, after a moment -

FACHER

I've never done this. In 45 years of practicing law, I've never waited in a corridor for a jury.

JAN

I always do.

FACHER

I can tell. You're good at it. You seem so at peace doing it.

If Facher only knew ...

FACHER

So what do you think? Is it good they're staying out this long? Or is it bad?

JAN

For who?

FACHER

For me, of course.

(who else would he care about?)

You can never tell, can you? It could mean anything. It could mean jury duty is more fun than working at the post office.

(CONTINUED)

JAN.  
It's bad for both of you.

Facher and Cheeseman, Jan says with a gesture to Cheeseman.

FACHER  
You think? Here's my take on it -

He gestures toward Cheeseman, over by the elevator, nodding good night to the marshal.

FACHER  
Guilty.  
(gestures to himself)  
Not guilty. That's what they're gonna say. And it's not going to have anything to do with dates or ground-water measurements or any of that crap, which nobody can understand anyway. It's going to come down to people. Like it always does. You found someone who saw him dumping stuff; you didn't find anyone who saw me.

His shrug adds, Simple as that. But Jan knows better. This is a poker game, and that was an opening bet. Jan considers it with his best poker face.

C  
FACHER  
What's your take?

A  
JAN  
(right back)  
They'll see the truth.

FACHER  
("confused")  
The "truth?" I thought we were  
➤ talking about a court of law.

Facher smiles. Jan indulges the old lawyer's black commentary.

➤  
FACHER  
Come on, you been around long enough to know a courtroom isn't the place to look for the truth. You're lucky to find anything here that in any way resembles the truth.

Tiring of the older man's observations, Jan glances away.

165 CONTINUED: (2)

165

FACHER

You disagree. Since when?

JAN

Eight kids are dead, Jerry.

FACHER

Jan - that suit fits you better than the sentimentality. That's not how you made all that money all these years. Is it?

(nothing from Jan)

You want to know when this case stopped being about dead children? The minute you filed the complaint. The minute it entered the justice system.

\*  
\*

Jan checks his watch. He wishes Facher would just shut up and leave him in peace. Facher brightens.

FACHER

Hey, I know. You like to gamble, right? You're a high-stakes gambler, that's your profession. Why don't we test your born-again faith in the righteousness of our courts with a high-stakes gamble.

Facher moves over to Jan's bench, tugging a ragged-leather wallet from his back pocket. He extracts a \$20 bill from it and sets it down between them. Jan considers it a moment.

JAN

If that's a settlement offer, Jerry, it's not enough.

Facher compliments Jan's Facher-like esprit with a smile.

FACHER

That's not what I hear.

JAN

Well, I don't know who you've been talking to, but -

FACHER

The IRS. Telling us they have a lien on any eventual settlement in order to recover over two and a half million dollars in unpaid taxes.

Nothing from Jan. Facher gestures to the \$20 bill.

(CONTINUED)

FACHER

Now, what if I were to put six zeros on the end of that? That's right, twenty million dollars. That would put things in perspective for you, wouldn't it? As far as truth and justice and dead children go.

- They study one another. Eventually -

JAN

If you want to talk seriously about a settlement, let's call the decision-makers together and talk seriously.

FACHER

The decision-makers are here, aren't they? You're looking at Mr. Beatrice. I don't have to call anybody; do you?

Could he possibly be serious? Would he really do this, now? On the eve of a verdict? Here?

FACHER

It's just you and me. We're like kings. We are kings. Sitting in our castle -

(this courthouse)

- deciding important things. Deciding the fates of others. Counting money in our Counting Room.

Jan allows himself a glance to the money. He really could use twenty bucks, forget twenty million. Long silence ...

FACHER

I'll tell you what. I'll leave it here. I'll go back to my Throne Room down the hall and await your decision.

He gets up to leave Jan to ponder; leaves him with one last thing to ponder -

FACHER

If you really want to look for truth, Jan, look for it where it is.  
(a whisper)

At the bottom of a bottomless pit.

Jan watches Facher return to his bench down the hall, where he resumes some paperwork, glancing up from time to time to his fellow king. Jan finally picks up the twenty dollar bill ... and "calmly" tears it into pieces ...

(CONTINUED)

SKINNER V.O.

Have you reached a verdict, Mr. Vogel?

JURY FOREMAN V.O.

We have, Your Honor.

166 INT. FEDERAL COURTROOM #7 - DAY

166

The jury foreman hands a slip of paper to the clerk of the court, who carries it over to Judge Skinner, who unfolds and reads it to himself. Jan awaits the reading of the verdict in a silence that can't last more than a few moments, but seems like months. Finally -

SKINNER

With respect to W.R. Grace, the jury has answered yes as to trichloro-ethylene contamination and -

The rest of the sentence is buried under the groans of Cheeseman and his associates, the sighs of great relief from Jan's people, and the mixture of reactions from the small handful of gallery spectators. His words resurfacing -

SKINNER

- requiring us to proceed further with respect to Grace - to the second stage of this trial.

Jan glances over to Facher. He's next. And with this first decision of the jury - even though he predicted it would find Grace guilty - Facher cannot completely hide his unease.

SKINNER

With respect to Beatrice - the jury has answered no to all three questions pertaining to the contamination of -

Again his words are buried in the reactions, which include, in Jan's ears, at least, the sound of a stake piercing his heart. Facher begins packing up his old satchel.

SKINNER

- ending the case against Beatrice.  
Mr. Facher, you are excused.

FACHER

Thank you, Your Honor.

It was Facher Jan wanted. Glancing over to him, he gets from the old trial lawyer, underscoring Jan's pain, a little That's-Life shrug. Easy come, easy go. As he takes his leave -

(CONTINUED)

166 CONTINUED:

166

SKINNER O.S.  
We're going to take a little breather  
now till the end of the month. I  
remind you not to talk to anyone about  
your deliberations or -

\*

Jan watches after Facher as he walks away down the aisle  
long and out the courtroom doors.

167 INT. COURTHOUSE CORRIDOR - DAY

167

\*

Flanked by the families, who, not surprisingly, don't seem  
overjoyed, Jan speaks to a reporter -

JAN  
Disappointed? No. We're not  
disappointed at all. This is a clear  
victory. This sends a clear message  
they can't get away with this kind  
of thing anymore ...

REPORTER  
So what now?

JAN  
Right now?  
(to Anne)  
I think we should all go have some  
champagne, don't you?

168 INT. JAN'S OFFICE - LATE DAY

168

\*

Conway closes the doors even though there's no one left in  
the firm who isn't in the room - except for the repossessioners  
rolling up the Oriental rugs.

\*

CONWAY  
We have to get out of this case as  
fast as we fucking can - that's the  
only strategy left.

As he uprights a chair and sits, broken glass crunches under  
his shoes.

\*

\*

CONWAY  
Now, the good news is, Grace wants  
to talk. They want us to come down to  
New York and sit down with -  
(checks his notes)  
- Al Eustis - their Executive Vice  
President. Now before we do, we need  
to know what our squeal point is.

(CONTINUED)

168 CONTINUED:

168

GORDON

Eight million. Eight million will  
almost get us out of hock.

Conway jots the figure down on a legal pad, along with  
Gordon's initials.

CONWAY

Bill?

CROWLEY

Whatever Gordon says. He knows the  
numbers.

Conway scribbles Crowley's initials next to the eight  
million.

CONWAY

Jan?

Everyone waits for Jan's number. He's behind the desk in his \*  
wrecked office, "straightening" things - \*

JAN

They have to believe we're  
prepared to go forward. And for them  
to believe it, we have to believe it;  
I'm not going to do this.

GORDON

Jan. Every dollar we spend is a \*  
dollar we don't have. We are floating \*  
on credit. Without a net.

JAN

I don't need a net. Mortgage my  
house, I don't care.

GORDON

I have.

He has? This is news to Jan.

GORDON

And Kevin's. And Bill's. And mine.  
And I've cashed in our retirement  
plans. And our life insurance  
policies. And it's gone.

Silence as Jan considers all that and the others in the room.

(CONTINUED)

168 CONTINUED: (2)

168

JAN

Let me put it this way: If we can't make it appear we have money, that we can go the distance, they won't give us eight million. They won't give us eight cents. And you know it.

It's true. And they do all know it. Even Gordon. They have to spend money to make money. Money they don't have. As they shift around in their chairs, more glass shards grind into the hardwood floor.

\*  
\*

169 EXT. BOSTON PUBLIC GARDEN - NIGHT

169

\*

The "Frank Sinatra" street performer sings "New York, New York" to passersby. The song -

CONTINUES OVER:

170 EXT. 59TH STREET BRIDGE - DAY

170

Just across the west end of the 59th Street Bridge, a limousine has broken down. To the accompaniment of blaring horns (and "Sinatra"), the driver peers uncertainly under the hood, while Jan, Conway, Crowley and Gordon, knowing this is a bad omen, sit in silence inside.

\*

171 INT. RECEPTION AREA - PIERRE HOTEL - DAY

171

As the front desk clerk confirms their reservation on a computer, Gordon shuffles through his large collection of credit cards just below the counter and the clerk's view.

CLERK

It's the nicest suite in the hotel. Living room, dining room, two bedrooms, den, lovely view ... It's thirty-five hundred a night.

\*  
\*  
\*  
\*

Gordon hesitates a second at the mention of the price - glances to Jan. Quietly -

JAN

For our inner strength.

Gordon selects one of his cards and sets it on the counter.

CLERK

On the card, sir.

GORDON

Why not.

\*

(CONTINUED)

171 CONTINUED:

115.  
171

As the clerk turns to make an impression of the credit card, Gordon glances to Conway. Under his breath, shrugging -

GORDON  
Farmers Bank of Iowa.

172 INT. THE HARVARD CLUB - DAY

172

In the dark, quiet sanctum of the Harvard Club, men sit in high-back leather chairs reading the Wall Street Journal. A young man leads Jan through the venerable club, past a portrait of Teddy Roosevelt with the head of an elephant he shot, eventually reaching a table from which W.R. Grace's Vice President, Albert Eustis, rises.

JAN  
Sorry I'm late. I got lost. Jan  
Schlichtmann.

EUSTIS  
Al Eustis.

They shake hands. Eustis gestures for his guest to sit. He seems pleasant enough.

EUSTIS  
You got lost? How'd you manage that?

JAN  
I've never been here.

EUSTIS  
You've never been here? What kind of  
Harvard man are you?

JAN  
(long pause)  
The Cornell kind.

EUSTIS  
Cornell? I thought you went to  
Harvard. I'm sure somebody told me  
that.

Jan can feel the hair on the back of his neck go up ...

EUSTIS  
Cornell . @ Cornell's a good school.  
But it ain't Harvard, let there be no mistake.

EUSTIS  
So, what do you want?

(CONTINUED)

172 CONTINUED:

Jan is momentarily thrown by Eustis's apparent disregard for pleasantries. He reaches into his breast pocket and extracts some papers.

JAN

Well, I could take you through it step by step, or if you prefer, let you take it with you and study it. It's a little complicated -

Eustis is staring at him. Does Jan have a spot on his tie? Eustis leans closer to whisper -

EUSTIS

It's an unspoken rule of the Harvard Club Jan, that business is never transacted here ... I meant, what do you want to drink?

JAN V.O.

I wanted to reach across the table and strangle him with his tie.

173 INT. PIERRE SUITE - LATE AFTERNOON

173

Jan, back with his partners at the hotel, briefs them on his experiences with Mr. Eustis.

JAN

Instead I listened to him talk about sailing his yacht on Long Island Sound for two hours -

174 INT. HARVARD CLUB - LATER - DAY

174

EUSTIS

- alone out there on the water, no traffic, no telephones - no lawsuits.  
Well, you know what I'm talking about.  
You sail.

Jan "serenely" shakes his head, 'no.'

175 EXT. W.R. GRACE BUILDING - NEW YORK - DAY

175

Imposing marble columns draw the eye skyward, to a baronial facade meant to humble all visitors in a shadow of implacable power.

JAN V.O.

Finally -

(CONTINUED)

175 CONTINUED:

EUSTIS V.O.

Our lawyers tell us they can win  
this case. This after seven million  
dollars in legal bills and no end in  
sight -

176 INT. EUSTIS'S OFFICE - DAY

176

An intricate scale model of a clipper ship is but one of many  
indications in the room of its owner's maritime interests.

EUSTIS

Which makes you wonder: Do your  
generals really know how to end wars?  
Or only how to wage them? Is it in  
their best interest to end them?

(The look he gives Jan

says, Perhaps not)

Which is why I wanted to talk to you  
in private ... away from all the saber  
rattling. To see if there's some way,  
somehow, we can establish peace in  
Woburn.

The willowy antique chair Jan has been made to sit on  
squeaks as he shifts slightly. It's time, and they both  
know it, for one of them to lay down his cards.

JAN

Peace in Woburn? I can assure you  
peace in Woburn for twenty million  
dollars.

177 INT. PIERRE SUITE - LATE AFTERNOON

177

His partners stare at him with the same dazed look Eustis  
had upon hearing the figure.

CONWAY

Twenty million - ?

GORDON

~~That's~~ not what we agreed -

178 INT. EUSTIS'S OFFICE - DAY

178

Back to the same moment - Eustis staring. Eventually -

EUSTIS

Twenty million? You could've called  
and told me that. You didn't have to  
come down here.

(CONTINUED)

178 CONTINUED:

118.  
178

GORDON V.O.  
Are you in fantasy land - ?

179 INT. PIERRE SUITE - LATE AFTERNOON

179

GORDON  
Jan, the computers are getting  
repossessed Monday -

180 INT. EUSTIS'S OFFICE - DAY

180

JAN  
You don't see any opportunity here?

Eustis's look to Jan says "not really." But then he steps  
away from the window and -

JAN V.O.  
He comes around his desk. Sits down  
and puts his feet up - on this spindly  
French antique thing.

Eustis sits, puts his feet on the delicate French coffee  
table that rests between them.

JAN V.O.  
He tells me to put my feet on it.

EUSTIS  
Put your feet up, it's all right.

JAN V.O.  
I don't want to.

JAN  
That's okay.

EUSTIS  
No, go ahead.

181 INT. PIERRE SUITE - LATE AFTERNOON

181

JAN  
It ~~was~~ weird. There was a lot of talk  
about me putting my feet on the table.

EUSTIS V.O.  
Don't worry, it won't break.

182 INT. EUSTIS'S OFFICE - DAY

182

Jan - very reluctantly - puts his feet up on the desk.  
Between it and the slender-legged chair he's now precariously  
balanced on, it appears likely he might topple over.

(CONTINUED)

EUSTIS

There. Now. Let's be honest with each other. It's not the money. I can afford to give you almost anything you ask for. It's what a settlement that high says. It says we're guilty. And that says to every two-bit personal injury lawyer in Boston: "Run up to Woburn and sign up anybody with a head cold." It creates a shark effect. And that I can't afford. I need another number.

JAN

I'm not going to negotiate with myself, Al. I'm not going to throw out numbers just so you can say no to them. You're going to have to give me a number or -

EUSTIS

Eight million.

183 INT. PIERRE SUITE - LATE AFTERNOON

183

GORDON

Eight million?

CONWAY

He said eight million?

That's the number they were hoping for. Eight million almost bails them out of this mess -

184 INT. EUSTIS'S OFFICE - DAY

184

Jan slowly shakes his head no to the offer.

JAN

I can't go to my families with that. I can't go to them empty-handed and say "Thank you for the privilege of representing you."

CONWAY V.O.

What - ?

185 INT. PIERRE SUITE - LATE AFTERNOON

185

GORDON

The who? The families - ?

CROWLEY

What are you talking about?

(CONTINUED)

185 CONTINUED:

120.  
185

EUSTIS V.O.  
Since when is eight million  
dollars empty-handed?

186 INT. EUSTIS'S OFFICE - DAY

186

EUSTIS  
Eight million dollars is a lot of  
money.

JAN  
I owe them more than that.

187 INT. PIERRE SUITE - LATE AFTERNOON

187

GORDON  
Owe them? What do you owe them?

EUSTIS V.O.  
What do you owe them? Do you owe them  
your career?

CROWLEY  
We're talking about our careers here.

188 INT. EUSTIS'S OFFICE - DAY

188

EUSTIS  
Do you owe them that much?

CROWLEY V.O.  
We're talking about our families here.

EUSTIS  
Because that's what's at stake here.

189 INT. PIERRE SUITE - LATE AFTERNOON

189

The desperate looks Jan's partners are giving him say the  
same thing - that's what's at stake here.

CROWLEY  
Our families, Jan.

190 INT. EUSTIS'S OFFICE - DAY

190

Eustis studies Jan for a long moment before offering -

EUSTIS  
It's not worth going for broke.  
Believe me.

191 INT. PIERRE SUITE - LATE AFTERNOON

191

Jan's partners, still staring at him.

JAN

We're going to meet again tomorrow  
and I'll close it. But not at eight  
million. Eight million says we let  
them get away with murder.

A knock at the door. Gordon answers it. Finds the hotel  
manager and a security guard there. The manager has the  
hotel bill and credit card impression in his hand, and no  
humor in his face.

192 INT. PIERRE LOBBY - LATE AFTERNOON

192

Carrying their own bags, the partners wait by the door,  
under the watchful gaze of the security guard, while Jan  
makes a call on a pay phone -

SECRETARY V.O.

I have you down for 11 a.m., Mr.  
Schlichtmann. You're not going to be  
able to make that?

JAN

I have to get back to Boston. Tell Al  
he can reach me there, I'll be waiting  
for his call.

SECRETARY V.O.

What's the matter, don't you like New  
York?

Jan's not sure, but he thinks he detects a mocking tone in  
her voice.

193 INT. THE FIRM - COMMON AREA - DAY

193

Jan stands at a window, staring. The others are similarly  
idle: sipping at coffee, smoking, plunking out discordant  
notes on the piano - all waiting for the phone to ring.  
It's getting colder in here. \*

Finally it does, everyone turns to the sound. Kathy takes a  
deep breath and picks up the call, listens to whoever it is,  
then puts it on hold and glances to Jan. Quietly -

KATHY

It's Norma Nathan. Updating her  
"Most Eligible Bachelor" file. She  
wants to know how much money you made  
last year. \*

194 INT. THE FIRM - CONFERENCE ROOM - DAY

194

The partners sitting around the conference table.

CONWAY

You call him, you say, "Al, how's it going? What kind of progress are we making?" There's nothing wrong with that.

JAN

(mocking Conway)

There's nothing wrong with that.

CONWAY

He's not calling, Jan.

JAN

Because it's war. They say they want to end it, but they don't. Not until we're dead. Then it's over.

CONWAY

Then it is over. You're right.

Silence. Except for the piano, dangling over the patio, as it bumps against the railing. Gordon shakes his head in despair and mumbles -

\*  
\*

GORDON

It's Pork Chop Hill.

CROWLEY

(pause)

What happened at Pork Chop Hill?

GORDON

They got wiped out.

JAN

They held the hill.

195 INT. THE FIRM - COMMON AREA - DAY

195

Jan works on the case and listens to the phones not ringing as the computers are crated up and carried out. Kathy sets some Xeroxed medical records on his work table. Without looking up -

JAN

Thank you.

(CONTINUED)

195 CONTINUED:

195

The partners watch him from across the room. His resolve is reason for concern. The phone rings. Everyone watches as Kathy picks it up, listens a moment, puts it on hold.

(CONTINUED)

195 CONTINUED: (2)

195

KATHY  
(to Jan)  
It's for you.

196 EXT. THE FIRM, CHARLES STREET - DAY

196

QUICK CUTS as a Suffolk County sheriff gathers law books, transcripts and stray cassette tapes from the seats and glove compartment and floorboards of Jan's Porsche - dumps it all in a plastic trash bag - removes the license plates with a screw-driver - has Jan sign the repossession papers - climbs in behind the wheel.

SHERIFF  
Nice car.

Jan nods wistfully. The sheriff drives off, leaving its prior owner on the sidewalk with the trash bag.

197 INT. FOUR SEASONS RESTAURANT/BAR - NIGHT

197

\*

Jan and Conway nursing drinks.

CONWAY  
We have to take whatever's on the table. Whatever they're offering - if they're still offering - we have to take it.

JAN  
Why?

Conway can't believe Jan could ask such a question. Is he delusional?

CONWAY  
My wife and kids will be out on the street by the end of the month.

\*

JAN  
You said this was a good case. This was the kind of case we could be proud of for once. You said it was "noble" -

CONWAY  
I never expected you to agree -

JAN  
What you meant: was that it was good and just and moral just so long as you didn't suffer personally.

CONWAY  
Job suffered less.

(CONTINUED)

197 CONTINUED:

197

Jan glances away to the other patrons in the bar, all lawyers.

JAN

Look how they look at us.

Conway takes a look. Not one person is looking at them.

CONWAY

No one is looking at us.

JAN

That's what I mean. They can't.  
Because when they look at us they  
realize this could happen to them.  
They can have everything one day and  
nothing the next. They look at us  
and they see failure. So they  
don't. They look away.

CONWAY

(pause)

I can deal with that.

Maybe Conway can. But Conway isn't Jan.

198 INT. THE FIRM - COMMON AREA - NIGHT

198

A guy who looks like anything but an art lover takes down  
the beautiful painting from over the mantle. Crowley watches  
as he slowly paces and smokes. Conway, by a door across the  
room, absently turns the knob back and forth. Gordon lies  
flat on his back on the floor with his eyes closed ...

MOVER

Excuse me, sir.

Two burly men carrying Jan's conference table need to get  
around Gordon. He doesn't budge. He looks dead. They step  
around him, and Jan watches his prized table go out the door  
as Kathy watches him.

Everything's gone now but the file cabinets and boxes, all  
marked Woburn, the odd chair and the phones. It's raining  
outside and cold in here, the heat turned off by the gas  
company. Everyone's bundled up.

JAN

(guilless)

Nobody calls anymore? Not even  
creditors?

(CONTINUED)

198 CONTINUED:

198

No one even cracks a smile. And no one says it, but as far \*  
as they're concerned, Jan's responsible for this desolation. \*  
He could have settled this in New York and didn't.

JAN  
Are the phones still working?

(CONTINUED)

Kathy picks one up, hears a dial tone, sets it down, nods. Another silence broken only by the click of the mechanism of the door knob Conway plays with. A phone finally rings. Kathy picks it up, puts it on hold.

KATHY  
Somebody named Grendon.

GORDON  
Creditor.

KATHY  
Are you here?

GORDON  
(eyes closed)  
Do I look like I'm here?

As she gets rid of the caller, Gordon softly groans. At nothing in particular. At everything. At life.

JAN  
Do me a favor, Gordon, would you?  
Shut up.

Long silence.

GORDON  
What?

JAN  
I'm tired of listening to you moan about money all the time. This isn't about money anymore.

GORDON  
No?  
(pause)  
What's it about?  
(Jan doesn't answer)  
What's it about, Jan?

CONWAY  
Look, let's just all try (to)-

GORDON  
No, I want to know. I want to know what I gave up my house for. My credit. My life.

Nothing from Jan. The look he gives Gordon is, If you don't understand, there's nothing I can say to explain it.

(CONTINUED)

GORDON

Would you take ten million dollars  
right now?

JAN

Yes.

GORDON

But you won't take eight.

JAN

No.

GORDON

No. So at ten million dollars this  
is some kind of - of - of - mythical  
struggle - but at eight, it's just a  
lawsuit.

JAN

If they're willing to pay eight,  
Gordon, then it's not enough, is it?

GORDON

Oh, that makes sense.

JAN

It makes perfect sense.

GORDON

The only thing you'll accept is what  
they're not willing to give us; listen  
to yourself.

Jan doesn't want to listen to anyone; certainly not Gordon.

GORDON

Well, I for one, am tired of listen-  
ing to you. I've lost enough because  
of you -

JAN

You wouldn't have anything to lose if  
it wasn't for me. Everything you have  
I got for you -

GORDON

I don't have anything, Jan. What do  
I have - ?

(comes over emptying his  
pockets)

I have a couple of bucks and some bus  
transfers - take it. I have a savings  
account from when I was twelve -

(MORE)

(CONTINUED)

198 CONTINUED: (4)

198

GORDON (cont'd)  
(slaps down a passbook)  
- there's thirty-seven dollars in  
there. With interest - after twenty-  
five years - it's probably forty-seven  
dollars now. Take it -

CROWLEY

Gordon -

GORDON

Add it to the war chest. Use it to  
fight injustice. Stand up for princi-  
ple with that. Go down in flames with  
it for all I care - only next time -  
next time, that's a laugh - ask us  
if we want to go down with you.

Jan looks at them all. Gordon, clearly, speaks for them,  
too. Suddenly, the lights go out. The electricity has been  
unceremoniously shut off. Gordon groans. Lightning flashes.  
Then the thunder. Then silence. \*

199 INT. THE FIRM - JAN'S OFFICE - NIGHT

199

Jan tries to straighten his law degree (in its cracked-  
glass frame) on the wall. There's not much else in here.  
He sits alone in the dark then, in the only chair, a folding  
chair, listening to the rain, and after several moments,  
pulls the phone on the floor over by its cord. He dials a  
number. The call connects. \*

JAN

Al Eustis, please. It's Jan  
Schlichtmann.

200 INT. FEDERAL COURTROOM #7 - DAY

200

Judge Skinner addresses the jury -

SKINNER

I've been informed that a settlement  
agreement has been reached.

201 INT. THE FIRM - GORDON'S OFFICE - DAY

201

FLASHCUT TO Gordon stamping a check to Western Geological in  
the amount of \$681,379.

SKINNER V.O.

As a condition of this agreement, the  
exact terms shall remain private among  
the parties involved.

FLASHCUT - another check - to Trial Lawyers for Public  
Justice - \$300,000.

(CONTINUED)

201 CONTINUED:

201

SKINNER V.O.

I want to thank you for your service  
and sacrifices over these past many  
months. This has been an unusually  
long trial and -

FLASHCUT - another check - to the Bank of Boston -  
\$1,766,950.

202 INT. TRINITY CHURCH - WOBURN - LATE AFTERNOON

202

A congregation - the families and their lawyers - none of  
whom appear to be in high spirits.

JAN

Our contingency fee, as you know, as  
you agreed to and as is customary - is  
forty percent. But I've suggested -  
and the others have agreed -  
(after much debate, surely)  
- to reduce that to twenty-eight  
percent - or -

GORDON

- two-point-two million dollars.

JAN

Now our expenses - what we actually  
paid out trying the case - come to -

GORDON

- two-point-eight million dollars.

JAN

Subtracting that, and the twenty-  
eight percent in fees from the eight  
million we got from Grace - and  
dividing that equally among you -  
comes to -

GORDON

- three seventy-five -

JAN

Three hundred and seventy-five  
thousand dollars per family.

It's not nothing, but it's not what Jan had hoped to one day  
tell them. Silence. Then, to Jan -

ANNE

When you first came out here, when  
we first spoke, I told you I wasn't  
interested in money -

(CONTINUED)

202 CONTINUED:

202

GORDON  
(sotto, to himself)  
Here we go -

ANNE  
What I wanted - what I told you -  
was an apology from someone for what  
they did to my son -

JAN  
They'll never apologize (to you) -

(CONTINUED)

202 CONTINUED: (2)

202

ANNE

And you told me: "Money is the apology." That's how they apologize. With their checkbook.

(pause)

Do you call this an "apology?"

JAN

(pause)

No ... no, the only meaningful apology you're going to get is from me. I'm sorry.

ANNE

(right back)

I'm afraid that isn't meaningful.

The partners glance at each other and at Jan and Anne.

ANNE

Three hundred and seventy-five thousand dollars for us ... five-point-one million dollars for you ...

(pause)

Spent on what exactly? First-class travel, four star hotels, Italian suits ... that shiny black Porsche?

\*  
\*  
\*

The partners are stunned. Is she really accusing them of stealing from her?

GORDON

Mrs. Anderson, I have records of every expense in this case - which I would be more than happy to show you.

ANNE

You can show them to my lawyer.

Silence.

203 EXT. ABERJONA RIVER - NIGHT

203

Gordon and Crowley wait by the car while Conway and Jan, under the steel bridge, speak quietly -

\*  
\*

CONWAY

The minute you put money on the table, things turn ugly. It happens every time, forget (about it) -

JAN

She's right.

(CONTINUED)

203 CONTINUED:

203

CONWAY  
She's not right.

Jan glances off across the river ... \*

CONWAY  
Now it's late, it's cold and we're  
standing in a swamp, let's (go home) -

JAN  
Somewhere out here, somebody had to  
have seen what happened. You can't do  
what Riley did without somebody seeing  
it. \*

A car crosses the bridge like an apparition right over their  
heads, the headlights washing over them ... \*

CONWAY  
What are you talking about?  
(nothing from Jan)  
You're talking about the case ...  
the case is over. \*

Jan nods but Conway isn't fooled. It isn't over for Jan.  
He looks back out at ... nothing. At darkness. Eventually - \*

CONWAY  
Jan - ? We've been talking -

JAN  
Yeah, I know. They've had it -  
(their partners over  
by the car.)  
They want out. It's time they went  
their separate way ... You know what  
I have to say about that? Fine. Let  
them. I can imagine worse things.

CONWAY  
Like what?

Like what? Jan's look asks, What does that mean?

JAN  
What I'm saying is: So what if we  
have to start over? We did it once -  
just the two of us - we can do it  
again. Whiplash, slip 'n falls,  
divorces ... \*

(CONTINUED)

203 CONTINUED: (2)

203

Ever the optimist ... only Conway glances away, out at the  
darkness. As another car passes overhead, its lights raking  
across Jan's face ... it finally dawns on him: \*

JAN

Oh ... that's what you're saying.  
When you say "it's over," you mean ...  
"it's over." It's time for me to go  
my separate way. You're going with  
them.

(CONTINUED)

203 CONTINUED: (3)

203

That is what Conway means. That's how it is. That's how this ends between them. Like an execution-style killing out here. They consider one another ...

CONWAY

You always went your separate way, Jan.

Which is what he's always loved - and hated - about Jan. As Conway steps away, another car glides over Jan, its lights finding his face for a moment ...

204 THE RIVER / THE BRIDGE - CONTINUOUS - NIGHT

204

From way back, as the last car's lights disappear into the darkness, Conway can be seen crossing the bridge toward his other partners, leaving Jan alone underneath it ...

FADE OUT

205 EXT/INT. BOSTON STOREFRONT (MONTHS LATER) - DAY

205

A pile-driver pounds at the street outside a storefront office with simple lettering on the window: Jan Schlichtmann, Attorney-at-Law. From outside, through the glass, he can be seen behind a second-hand desk in the little room, half-listening to the woes of a man with a neck brace.

206 INT. NEIGHBORHOOD COFFEE SHOP - LATER - DAY

206

As Jan pays for a sandwich to-go, counting out the exact change, a "catastrophe" occurs at a table behind him involving a child and a knocked-over glass of water.

He glances over at the messy scene as it begins to play out, but soon turns back to the cashier, handing over five dollars and change.

207 INT/EXT. BUS/STREETS - LATE DAY

207

Jan climbs aboard with his brown paper bag, displays his bus card to the driver and takes a seat.

208 INT. SMALL APARTMENT - LATE DAY

208

Gone is the fashionable penthouse on the water. Gone, the artwork and the closetsful of clothes. A few sticks of used furniture, a pile of Woburn boxes and a portable radio are Jan's only real possessions now.

Alone in the place, in the quiet, he eats his sandwich. He takes a sip of water, sets it down ... and begins to hear the sounds of the coffee shop: the glass hitting the table and the exasperated cries of the child's family -

209 FLASHBACK - THE COFFEE SHOP 209

- as they scramble to get out of the way before the water ends up in their laps -

Jan, at the register, glances over (again), only this time he "sees" the event closer: The glass going over, the water running across the table, spilling off the edge, and - \*

210 FLASHBACK - THE FIRM - CONFERENCE ROOM 210 \*

- dripping onto his expensive Persian rug. Silence.

JAN

What exactly do you intend to say to me, Mr. Riley, by pouring water on my table?

RILEY

This is how silicone is put on leather to waterproof it ... I'm answering your question.

As Riley sets the glass in the pool of water on the table - \*

211 FLASHBACK - THE COFFEE SHOP 211

- a bus boy rights the spilled glass on the table here and begins mopping up the water with a cloth -

JAN V.O.

That's the part I'm interested in.

212 FLASHBACK - THE FIRM - CONFERENCE ROOM 212

Jan approaches the defiant tanner with a cloth napkin -

JAN

The spilled silicone and TCE, sir.

- and begins mopping up the water on the table and the rug -

213 JAN'S SMALL APARTMENT - CONTINUED 213

Tight on Jan as something slowly dawns on him -

HARD CUT TO:

214 EXT. EQUIPMENT RENTAL YARD - WOBURN - DAY 214

An equipment rental yard. Heavy equipment. Front-loaders, backhoes, dump trucks. Noise.

215 INT. EQUIPMENT RENTAL OFFICE - DAY

215

Having come with a court order and a sheriff, Jan goes through the rental yard's files, comparing the names on the rental agreements against Riley Tanning Company personnel lists.

He stops on one particular rental agreement. Sets it alongside a tannery list. The name James Granger, "Maintenance Engineer," appears on both.

216 EXT. GRANGER'S HOUSE - WOBURN - DAY

216

A sliver of a face between the door and jamb; a woman in her fifties peering out at Jan.

JAN

Mrs. Granger? I'd like to speak with your husband. My name is -

MRS. GRANGER

I know who you are.

She closes the door. Undaunted, Jan is about to knock again when he hears the chain lock slide. The door opens.

MRS. GRANGER

Please come in.

217 INT/EXT. GRANGER'S HOUSE - KITCHEN - DAY

217

\*

Two cups of coffee and the rental agreement on the kitchen table. Alone at it, Jan watches Granger and his wife arguing outside in the driveway. The man is cradling a couple of grocery bags, having just returned from the store.

Granger approaches the house then, comes into the kitchen, letting the screen door slam. Completely ignoring Jan, he begins putting the food away. Eventually -

JAN

You know how you can get so close to something you lose sight of it? The longer you stare at it ... the less you see.

(nothing from Granger)

I kept looking for someone who saw Riley dumping his barrels of poison out there ... when I should've been looking for whoever helped him clean it up.

(MORE)

(CONTINUED)

217 CONTINUED:

217

JAN (cont'd)  
(nothing from Granger)  
You want to tell me what personal  
reason you might have had to rent a  
backhoe and a couple of dump trucks  
in October of 1981, Mr. Granger?

\*  
\*

Without looking at Jan -

GRANGER  
I don't have to talk to you ... I  
could tell you to get off my property  
and I'd be within my rights.

JAN  
Yes, you would.

Granger keeps putting the groceries away, ignoring, or  
trying to, his wife who has appeared in the doorway. He  
puts milk in the refrigerator and stares into it for a long  
time, trying to decide what to do. He can feel her judging  
him.

Finally, having resolved something in his mind, he closes the  
refrigerator door - revealing, taped to it, several newspaper  
articles on the Woburn case, gathered by his wife, no doubt,  
including one with a picture of Jan.

CUT TO:

218 EXT. BOSTON - DAY

218

Fenway Park from a distance, surrounded by grey buildings  
and highway arteries, it's field, under lights, gleaming like  
a gem under overcast skies.

219 EXT. FENWAY PARK - DAY

219

A Red Sox program on an otherwise empty seat. Facher takes  
it, notes a play on its scorecard (with the Four Seasons pen) \*  
and sets it back down - on a document that wasn't there just  
a moment before.

Confused (did he put these papers here?) he takes a cursory  
look at them. He looks up then. Around. Sees Jan in the  
seat directly across the aisle, calmly cracking peanuts.

FACHER  
Jan ...  
(long pause)  
I was just thinking about you. The  
other night our accountants were toast-  
ing you. You made us a lot of money.

JAN  
It's nice to be remembered.

(CONTINUED)

219 CONTINUED:

219

FACHER

Yes ...

Facher nods as he tries, at once, to hide his curiosity and figure out why Jan is here.

FACHER

Are you all right? You don't look so good.

JAN

I'm fine.

Facher nods again. Notices the papers still in his hand.

FACHER

What's this?

JAN

Take a look.

FACHER

It looks long. I'd rather watch the game if you don't mind.

JAN

I think you should read it.

Facher lifts the reading glasses hanging from a thin cord around his neck, slips them on, and takes another look at the first page of the papers: A "Field Interview" by Jan, with someone named "James Granger," which means nothing to Facher. As he begins to read it to himself -

GRANGER V.O.

In the fall of 1981, Mr. Riley instructed me to rent a Michigan loader and two 10-wheel dump trucks.

\*

JAN V.O.

Did he tell you why?

220 INT. GRANGER'S HOUSE - LIVING ROOM - LATE DAY

220

\*

Red light on a small cassette recorder. Granger glances from it, to his wife, to Jan, and, finally -

GRANGER

Yes, he did.

221 EXT. 15 ACRES - DAY

221

The rented Michigan loader and dump trucks - idle - in foreground. Granger and Riley walking the 15 Acres together in the distance. The old tanner gestures at the debris that is everywhere around them - \*

RILEY

All of it. I don't want to see anything but top soil. All of it goes.

As they move past a pile of rusted barrels -

JAN V.O.

Did you think it was strange - after rotting out there for twenty or thirty years - he had to get rid of it now?

GRANGER V.O.

No, sir. He told me why. City inspectors were coming out in a couple days, he didn't want them seeing it.

222 EXT. FENWAY PARK - CONTINUED

222

Facher, thoroughly unimpressed with the interview, doesn't even finish reading it.

FACHER

One man's word against another's. Which means nothing. Except that I'm missing the game.

He sets the Granger papers aside, turns back to watch the game. Jan sets another document on the seat next to Facher, which he glances down at long-sufferingly a moment before condescending to pick up.

It's a report of some kind, with a cover sheet that reads, Hydrogeologic Investigation of Riley Tanning Company, by a firm called, Yankee Engineering.

223 EXT. NEW HAMPSHIRE DRILLING RIG - DAY

223

A drilling rig. Several men at work on the platform. Down below, by a pick-up truck with Yankee Engineering painted on its door, Jan speaks with one of the mud-splattered workers, or tries to over the noise of the rig -

JAN

James Granger -

(CONTINUED)

KNOX  
Never heard of (him) -

JAN  
Said you were out there drilling test wells. This would be October, 1981.

KNOX  
I may have, I don't know. I drill a lot of (wells) -

JAN  
You were.

Jan shows him a copy of the Yankee report.

JAN  
This is your report.  
(shows him his own signature)  
Which you filed with the State.  
Where it has sat for the last five years gathering dust.

Knox looks like a man witnessing a minor accident on his way to work who really doesn't want to stop.

C  
KNOX  
I don't like getting involved in these things. Far as I'm concerned, what someone does on their own property is their business. They want to turn it into a sewer? it's a free country.

A  
JAN  
Is that what it looked like to you?  
Like a sewer?

Knox can imagine this turning into a long ordeal. He can also tell this lawyer standing before him is unlikely to leave until he gets what he wants. He sighs.

KNOX V.O.  
Riley wanted some monitoring wells dug.

224 INT. TRAILER - VERMONT DRILLING SITE - LATER

224

Jan's little tape recorder. The red light on.

KNOX  
Of course he was hoping for good news, but if it was bad news, he wanted to know. And he wanted to know quick.

225 EXT. FENWAY PARK - CONTINUED

225

Facher reading, with a little more interest than before, the Knox transcript. He turns a page -

KNOX V.O.

So I put two crews on and worked nights.

226 EXT. THE 15 ACRES - NIGHT

226

A drilling rig under powerful arc lights.

KNOX V.O.

On the third night, late -

Working the rig with his night crew, Knox notices some other lights across the marsh and three or four figures moving in and out of them as a backhoe digs at earth and dumps it into the back of a truck. A voice cuts through the noise of the rig -

RILEY

Granger -

From his high perch in the Michigan loader, Granger can see Riley, some distance away, kneeling by some debris.

RILEY

Jesus Christ, get over here -

JAN V.O.

What was it?

227 INT. GRANGER'S LIVING ROOM - CONT'D - LATE DAY

227

\*

GRANGER

I don't know. It didn't look any different to me. But I guess it did to Mr. Riley.

228 EXT. THE 15 ACRES - CONTINUED - NIGHT

228

Granger, operating the Michigan loader, dumps sludge and hides and a barrel bearing a red warning label into the back of the truck. Riley yanks a canvas tarp over it all, slaps the fender and the driver pulls away.

Tight on Knox on the drilling platform, watching.

(CONTINUED)

228 CONTINUED:

228

KNOX V.O.

This went on for several nights.  
Fill the truck, truck drives off.  
Truck comes back empty. Fill it  
up again.

The dump truck, its cargo covered with the canvas tarp,  
drives past the drilling rig, past Knox.

JAN V.O.

Did you recognize any of them?

The truck passes under the drilling rig lights, briefly  
illuminating its two occupants.

KNOX V.O.

Guys from the tannery.

229 INT. BAR - WOBURN - DAY

229

The same two men, one wearing the same Elks jacket he wore  
that night, putting money down on the counter as he and his  
buddy try to shake Jan and his irksome questions -

JAN

You don't remember some kids out  
there that last night? Drinking beer  
and lighting firecrackers? I don't  
think you'd forget. Apparently it was  
quite a sight.

As the two men leave the bar, completely ignoring Jan,  
there's a sound like gunshots -

230 THE 15 ACRES - CONTINUED - NIGHT

230

Knox angles one of his powerful rig-lights to the sound, to  
a field beyond the backhoe and dump trucks, where it finds a \*  
trio of teenagers lighting firecrackers.

RILEY

This is private property.

Riley is coming through the brush yelling at the kids, who  
are laughing and stumbling back, throwing empty beer cans and  
firecrackers at the irate tanner.

RILEY

Get off my property before I set my  
dogs on you.

One of the kids lights the fuse of an M-80 firecracker and  
hurls it. It arcs across the sky, comes down, lands into a  
pond - which erupts in flames.

(CONTINUED)

230 CONTINUED:

230

No one can quite believe the sight. Riley stares. The kids stare. Then, scared finally, they run.

The burning pond from Granger's point of view in the Michigan loader. Then, from further back, from the drilling rig, where Knox watches, fascinated.

And from further back still, from a vantage point that shows the entire area: the factory, the rig, the trucks and men, and the eerie burning water ...

SLOW DISSOLVE TO:

231 INT. GRANGER'S LIVING ROOM - CONT'D - LATE DAY

231

\*

Tight on Granger, staring off, "watching" the memory.

GRANGER

The fire burned itself out around three in the morning. We finished up, spread leaves around to make it look like no one had been there. And went home.

Silence. Then -

JAN

Did Riley threaten you in any way?  
With what might happen to you if you  
ever came forward?

GRANGER

No, sir.

JAN

He didn't say anything at all to you  
in this regard.

Long pause as Granger looks over to his wife again. And, finally -

GRANGER

He gave me a couple of Celtics tickets  
and told me to keep my mouth shut.

232 EXT. FENWAY PARK - CONTINUED

232

Facher finishes Granger's statement, sets it down on the others which corroborate his story, glances off blankly at the game a moment, then to Jan.

(CONTINUED)

FACHER

Riley perjured himself? I can't believe it. He seemed like such an honest man.

The slightest trace of a smile from Facher, but then it's gone, replaced by something more genuine.

FACHER

My God, Jan, do you realize what you have here? Imagine if you'd had this before. Everything could have turned out differently.

How heartbreaking that is ... to Facher, more than Jan it seems.

FACHER

Maybe it's not too late. Maybe you could rewrite history with this. Yes. No. Rewriting history costs more than writing it; I could tie this up in appeals for five years, easy.

JAN

I know.

FACHER

I know you know. That's not what you want. Accountants toasting you again.

(pause)

No, you want something else.

Jan doesn't deny it. Facher studies him a moment, then takes out his wallet, takes from it a twenty dollar bill, passes it to Jan, lets him hold it in his hands ...

FACHER

Cracker Jacks.

(calls to a vender)

Over here!

Facher's glance to Jan asks, "That's it; that's what you want, right? A box of Cracker Jack."

JAN

No, thank you.

Facher holds up one finger. Catches the box of Cracker Jack tossed to him. Gestures to Jan to pass the money down the row if he would be so kind. Opens the box and nibbles.

(CONTINUED)

FACHER

You know what? What you have right now is what matters. You've proven something. To yourself. You got to the bottom of the bottomless pit.

Facher is handed back his change from the twenty.

FACHER

That's victory. A personal victory. And at the end of the day, the only kind that really matters.

He takes out his prize, opens it and inspects it.

FACHER

You should feel good about that. I would if I were you. You're not the guy they all say you are. You're better than that. Which I always knew by the way, even if you didn't. Congratulations. I mean it. I tip my hat to you.

He seems completely sincere, and literally does tip his Red Sox hat to Jan.

JAN

Thank you. That really means ... absolutely nothing to me.

Facher considers the remark and the impassive look on Jan's face a moment. Then plays with his Cracker Jack toy the way he plays with everything, only now he seems a little distracted, as if waiting for the other shoe to drop.

JAN

Which is why I've turned everything over to someone who has even more money than you to throw away.

(Facher glances up)

Every file box. Every transcript. Every scrap of paper on the case. Including those.

The papers Facher has set down on the seat beside him.

FACHER

(pause)

Really ... you've done that ...

(pause)

And what firm might that be, Jan?

(CONTINUED)

JAN  
The United States Government, Jerry.  
The E.P.A. They'll see you in court.  
Sorry I can't be there with you.

Jan gets up and begins climbing the steps just as the file clerk from Hale & Dorr comes down with a couple of beers in a box. A sudden roar from the crowd draws Jan's glance back to the field where someone has hit a home run. Only Facher's not watching it. He's watching after Jan. To him -

JAN  
You're missing the game.

He continues up the steps. The guy who hit the home run rounds third to thundering cheers.

TRUSTEE V.O.  
How long have you been a lawyer,  
Mr. Schlichtmann?

JAN V.O.  
Seventeen years.

TRUSTEE V.O.  
Seventeen years. And you don't own  
a house?

C JAN V.O.  
No, sir, I don't. The Bank of Boston  
owns it.

233 INT. BANKRUPTCY COURT - DAY

233

A small courtroom. Almost like a classroom. Or traffic school.

TRUSTEE V.O.  
How 'bout a car?

JAN V.O.  
No, sir.

EPA LAWYER V.O.  
This is a transcript of your  
testimony, under cross-examination  
by Jan Schlichtmann.

234 INT. COURTROOM (EPA) - DAY

234

A much larger courtroom, where an EPA lawyer approaches the witness with a copy of the transcript.

(CONTINUED)

TRUSTEE O.S.  
What about office furniture. Office  
equipment. Computers. A law library.

JAN V.O.  
No, sir.

Riley, on the stand, looking much older and with much less  
fight in him, accepts the transcript handed him.

EPA LAWYER  
Read it, please, if you would.  
Out loud.

TRUSTEE  
Household furniture ... appliances ...

RILEY  
"I was born and raised in Woburn -

235 INT. BANKRUPTCY COURT - CONTINUED

235

Jan is shaking his head 'no' to the trustee's questions.

TRUSTEE  
Carpets ... artwork ... jewelry ...

RILEY V.O.  
My children were born and raised  
there. My parents.

TRUSTEE  
Stereo equipment? Television?

JAN  
No, sir.

236 COURTROOM (EPA) - CONTINUED

236

Riley reading the transcript in a quiet voice:

RILEY  
Woburn is my home and that land my  
life's blood. I never dumped anything  
out there and never removed anything.  
Ever.

Facher glances up briefly from the coat hanger he's trying  
to twist on his briefcase, looking weary and wishing he were  
anywhere other than here. Cheeseman, too, is here, looking  
tired. There are no fewer than ten EPA prosecutors on the  
other side.

(CONTINUED)

EPA LAWYER

What do you think of that statement today?

TRUSTEE V.O.

Mr. Schlichtmann - ?

EPA LAWYER

Would you say that's a true statement?

RILEY

(long pause)

No. No, that was not a true statement.

TRUSTEE V.O.

Mr. Schlichtmann -

237 BANKRUPTCY COURT - CONTINUED

237

Jan glances up, his thoughts momentarily elsewhere.

JAN

I'm sorry. What?

TRUSTEE

Where did it all go?

JAN

(pause)

The money.

TRUSTEE

The money, the property, the personal belongings ... the things one acquires in one's life, Mr. Schlichtmann. The things by which one measures one's life.

Tight <sup>on</sup> Jan. And the slightest, most enigmatic, philosophical smile as it briefly crosses his face.

TRUSTEE

What happened?

DISSOLVE TO:

238 EXT. JAN'S STOREFRONT NEIGHBORHOOD - DAY

238

\*

As Jan walks down the sidewalk, braced against the cold in his overcoat, alone yet free of it all, on his way home, the beginning of "I Got the World on a String" can be heard. Not the street singer's version. Sinatra's.

Legends: Using testimony from Schlichtmann's civil suit, the EPA prevailed in its claims against W.R. Grace and Beatrice.

The two companies were ordered to pay 69.4 million dollars - the full amount required to clean up the Aberjona aquifer - without an admission of guilt.

His hand reaches into a back pocket of his slacks, comes up with his wallet, finds a business card in it, which, without slowing, he gives to one of two drivers involved in a minor car accident as he passes it - the action as routine to him as tying his shoes.

Legend: Jan's petition for bankruptcy was granted the same year. On it, he listed his total assets as: fourteen dollars in a checking account and a portable radio.

Nearing the corner and a friendly-looking dog tied to a post, Jan reaches out to pet it ... It lunges at him and he pulls his hand back as if this too is the most routine of occurrences, before continuing on his way ...

239 VIDEO IMAGE OF GAME 6 OF THE 1986 WORLD SERIES ...

239

\*

Legend: Roger Clemens' 24-4 record led the Boston Red Sox to the AL pennant. In Game 6 of the World Series, they got to within one pitch of winning their first World Crown in 68 years ... only to lose the game, and Game 7, and the Series.

240 THE ABERJONA RIVER, THE WATER ...

240

\*

Legend: In 1996, fifteen years after Jimmy Anderson's death, the Massachusetts Dept. of Public Health made an official finding that the contaminants in the water were indeed responsible for causing the leukemia in the children.

FADE OUT