

When David Killed Goliath

By PHILIP BOESCH

“David Steals Goliath’s Music.” A New York Times editorial weighs online music piracy. “David Versus Goliath.” Business Week describes podcast wars. Under the heading “David and Goliath,” it’s Elizabeth Hasselbeck and Rosie on rightwingnews.com. Newsweek says Arabs on the street see America as Goliath. An ad agency just calls itself “David and Goliath,” because everyone must know what that means.

It’s the classic confrontation. David, small and quick, lines up against the hugely ugly and powerful Goliath. Goliath goes down with one stone from David’s sling, defeated, beheaded, and abused for eternity. David becomes the rich king of all he sees. No one since has doubted that the Philistine deserved to die.

Taking a closer look, the man had 3 brothers, a mother, father, and a hundred dependents. A breadwinner with a long work history and a bright future, the man would be sorely missed, the loss of his care and protection worth boatloads of gold. The calculation of damages, all those zeros, could excite the dull deposition of any expert economist.

Proving the death a wrongful one would be less heresy, more common sense. If the lawyer did his job to get a fair jury beyond all the hype of public attention, the facts could roll out easily. The theme, and all trials have themes, is that this death could have been avoided. Sure, this obnoxious man had stood in the valley for forty days, screaming challenges, but when jurors thought about it, taunts don’t justify murder. David’s lawyers could not justify the deadly strike. The young man’s move had been calculated, premeditated. It didn’t matter how much bigger Goliath was. It didn’t matter how afraid others might be. David had acted without fear, without doubt or remorse. It didn’t matter that Goliath killed when he felt like it. Even the most grotesque among us has the right to live.

The trial would not need especially clever cross-examination. Before two thousand witnesses, David had marched ahead toward Goliath with a single, openly stated purpose. He said he’d kill him. He intended to kill him. He felt no fear. He even took off his armor. He was that confident, even arrogant, in his righteousness.

The death scene wouldn’t help David’s defense. The 9-foot Goliath, as tall as he was, stood in a valley beneath two hilltops. When the experts measured the angles, everyone could tell that David struck from above, from a distance Goliath had no chance to reach. As powerful as

the man was, he could not have hurled his heavy sword the entire distance if he’d wanted to, and no one saw him try.

Faster, more agile, more clever, David’s advantages began to add up. Trained for years in the arts of his sling, teachers said David could nail a bullseye from a hundred paces, and Goliath stood much closer than that. Whatever Goliath could see coming toward his one good eye wouldn’t matter anyway. Everyone knew Goliath was too slow to move out of the way of anything, too slow-witted to think to duck.



When they tried to defend David with a self-defense theme, good counsel would have been ready. There was that trick move David pulled before he let go with his sling. Samuel wrote it in the Bible, and so it must be. David yelled that he was going to feed Goliath’s carcass to the birds. When David pointed overhead, and Goliath looked up toward birds that weren’t even there, when the big man didn’t see it coming, David unleashed his strike. Wrongful death. Murder. In the first degree.

David’s defense would be left to flay away with cute lies... ‘if the stone don’t fit you gotta acquit’ and that sort of thing. The dead man’s family had proven liability, and

significantly, a defendant with the means to pay. David would be King with a store of gold. Damages, punitive damages, the sky was the limit.

Of course, King Saul had on retainer lawyers who were too smart for all that. The day after, and for all time, David was an international celebrity, famous beyond all realms. With such a reputation to protect, a legacy greater than the fits and grief of the few, Saul’s lawyers had the situation surrounded with overwhelming efficiency, and privacy.

Philistines might complain that the celebrity got unfair favorable treatment, what with no prosecution, being made king and all. But Philistines never could know what was happening behind the scenes. That was the whole point of it. The competence of the lawyers guaranteed the privacy of the outcome. Real names were hidden by trusts, the agreements were tight, the consequences of breach severe. If anything hit the press, they were ready with pre-packaged releases on self-defense and good riddance.

It shouldn’t surprise anyone if money were paid privately to protect a world class celebrity. It wouldn’t cost too much, because after Goliath died, David’s men routed his army, looted his villages and left the victims very needy. They couldn’t wait for a long trial to feed their kids. Food and shelter before lawsuits, David’s lawyers said. And they were right. They also knew there would be a payment. There could be no trial, no tarnish, nothing to hold back the creation and wonder of the celebrity that was David. That’s celebrity justice.

Today it’s the hamburger stand against the Big Mac, the indie film hunting distribution in a crowded market, a sexually harassed employee with no witnesses, the boutique against the chain. Anytime it’s small against big, the few against the many, it’s David and Goliath all over again, and both of them need help.

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