



2016 Primerus Global Conference **October 13 – 16, 2016**

Making the Case for Metaphors – Leveraging the Unconscious Mind

Friday, October 14, 2016 (9:00 a.m. – 10:00 a.m.)

Presented by:
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I. The unconscious mind and its influence on all we do

- About 95% of human thoughts take place in the unconscious
- Our unconscious mental frames guide all the decisions we make, whether we know it or not.
- We are emotional and irrational beings
- The say-mean gap: What we say isn't always what we mean
- The seduction of differences: Humans naturally focus on differences rather than the more powerful universal similarities.
- Malleability of memory

II. Why metaphors help us access, understand and influence people's deepest thoughts:

- Metaphor is perhaps the most basic and fundamental way that we communicate with others and experience and frame our worlds.
- Three Levels of Metaphor
- Seven most common deep metaphors that exist in society – *Balance, Container, Connection, Control, Journey, Resource and Transformation*. Just about every concept or experience in life is framed by them, so they are important to understand.

III. Applications to the legal industry

- Leveraging the right frames and metaphors is crucial to a case's success.
- Swaying jurors, judges
- Examples for Legal Focus Groups and Mock Trials



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- Swaying Public Opinion/media coverage
- Closing arguments and filings

IV. Conclusion

Using Metaphor to Unmask the **UNCONSCIOUS**

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we are only conscious of 5% of what happens in our minds

95%

of what we think and feel is
hidden in the unconscious

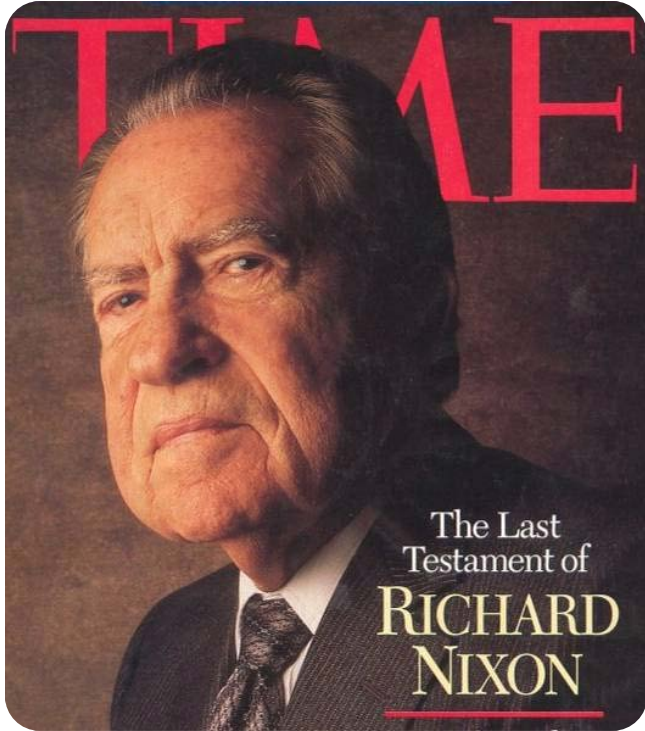




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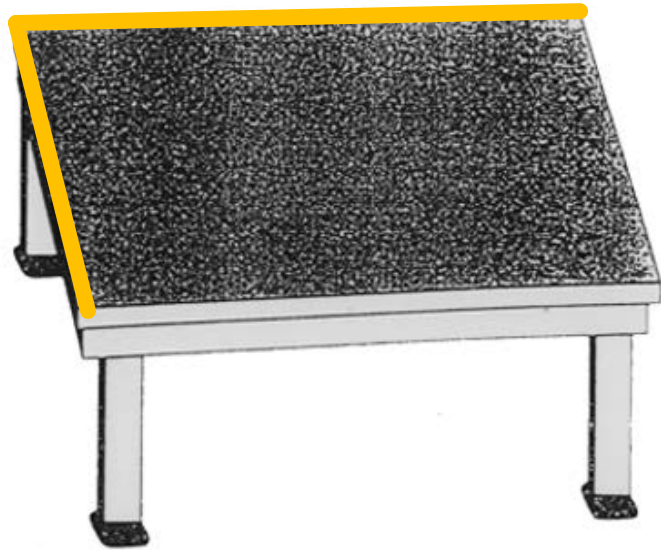
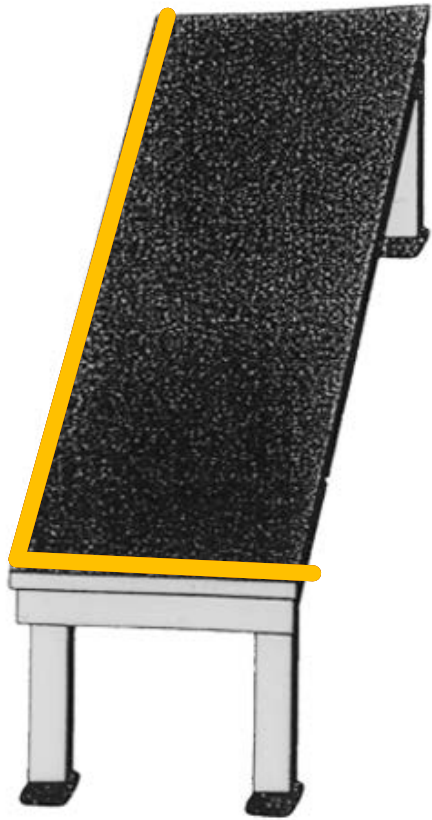
Frames can intentionally – or unintentionally – reinforce ideas



"I'm not a crook."



"I did not have sexual relations with that woman."





Say

Mean

The seduction of differences





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Whale

From Wikipedia, the free encyclopedia

This article is about a marine mammal. For other uses, see [Whale \(disambiguation\)](#).

For further information, see [Cetacea](#).

Whale is the **common name** for a widely distributed and diverse group of fully aquatic **placental marine mammals**. They are an informal grouping within the infraorder **Cetacea**, usually excluding **dolphins** and **porpoises**. Whales, dolphins and porpoises belong to the order **Cetartiodactyla** with **even-toed ungulates** and their closest living relatives are the **hippopotamuses**, having diverged about 40 million years ago. The two parvorders of whales, **baleen whales** (Mysticeti) and **toothed whales** (Odontoceti), are thought to have split apart around 34 million years ago. The whales comprise eight **extant families**: **Balaenopteridae** (the rorquals), **Balaenidae** (right whales), **Cetotheriidae** (the pygmy right whale), **Eschrichtiidae** (the gray whale), **Monodontidae** (belugas and narwhals), **Physeteridae** (the sperm whale), **Kogiidae** (the dwarf and pygmy sperm whale), and **Ziphiidae** (the beaked whales).

Whales are creatures of the open ocean; they feed, mate, give birth, suckle and raise their young at sea. So extreme is their adaptation to life underwater that they are unable to survive on land. Whales range in size from the 2.6 metres (8.5 ft) and 135 kilograms (298 lb) **dwarf sperm whale** to the 29.9 metres (98 ft) and 190 metric tons (210 short tons) **blue whale**, which is the largest creature that has ever lived. The **sperm whale** is the largest toothed predator on earth. Several species exhibit **sexual dimorphism**, in that the females are larger than males. Baleen whales have no teeth; instead they have plates of baleen, a fringe-like structure used to expel water while retaining the **krill** and **plankton** which they feed on. They use their throat pleats to expand the mouth to take in huge gulps of water. Baleenids have heads that can make up 40% of their body mass to take in water. Toothed whales, on the other hand, have conical teeth designed for catching fish or **squid**. Baleen whales have a well developed sense of "smell", whereas toothed whales have well-developed hearing – their hearing, that is adapted for both air and water, is so well developed that some can survive even if



METAPHOR



IS
HOW
WE
ACCESS
THE

UNCONSCIOUS

Some common Deep Metaphors



Metaphors in Policy

Tax Reductions



Tax relief

War on Al-Qaeda



War on terror

Estate Tax

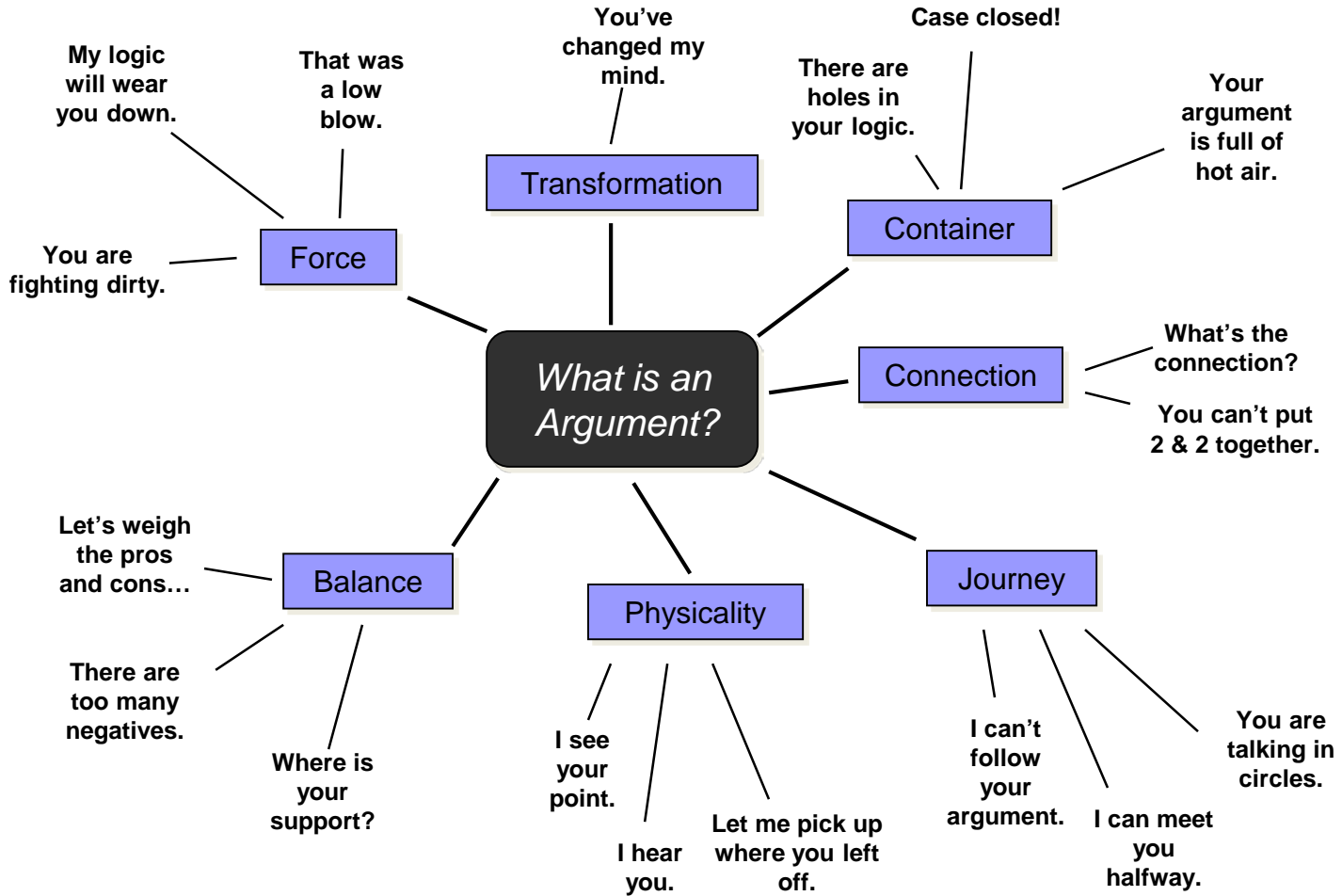


Death Tax

Anti-Abortion



Pro-life



We fell in love



My heart was
bursting with joy



Dave's blood was
boiling



I've had it up to
here!



He broke my
heart

That guy was
flipping out

Are you getting
cold feet?

Chill out!

I had butterflies in my
stomach before my
speech

The ending of the
movie left me
puzzled

Balance and equality viewed two different ways

Democrats

Imbalance in levels of health is unjust.

Equality should be our goal.

- Equal distribution of resources
- Equal treatment for all
- Equal outcomes

We need to “level the playing field”

Society bears primary responsibility for inequality, thus to fix it requires more change in society than in the individual.

Republicans

• Imbalance in levels of health is natural.

Equality is unrealistic and unfair.

- Tailor distribution of [limited] resources to particular needs, not same for all
- Cannot guarantee equal outcomes.

We need to “raise the bottom.”

Both society and individual choices create disparities, thus social aid must be balanced against individual responsibility.



Overcoming Obstacles to Health

Report From the Robert Wood Johnson Foundation to the
Commission to Build a Healthier America

Framing for both audiences

Journey imagery

Picking up the roads theme,
individual car at the end
(personal responsibility)

“Overcoming Obstacles” fits
with the Journey metaphor,
and does not suggest an
artificial leveling of rich and
poor, which is anathema to
Republicans.

Think of a pick-pocket...

“Dregs of society”

“People like him are a virus to society”

“He’s a lowlife”

“These criminals are chipping away at our moral fabric.”



Now think of Oliver Twist...

*“He was **shackled by** his situation.”*

*“He’s a **victim of society.**”*

*“He was just **looking for a way out** of poverty.”*

*“Society left him **high and dry.**”*

“As Simpson sits over there now, he is *cloaked in a presumption of innocence.*”

“We don’t have to prove anything. This is the *prosecution’s burden.* We can’t let them turn the *Constitution on its head.*”

“When you are seeking justice, *there are no shortcuts.*”

“You didn’t *leave your common sense out in that hallway* when you came in here.”



In conclusion...

Use metaphor as a way to build or inform your case

- Mock Juries or focus groups
- Reading popular press

Use metaphor as a way to plead your case

- With judges or jurors
- To the media and the public

Thank you!

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