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
2016 Primerus Global Conference
October 13 – 16, 2016

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

IV. Conclusion
Using Metaphor to Unmask the UNCONSCIOUS

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Set yourself free

Introducing Delta.
Because nothing should hold you captive, not even hearing loss.

Oticon • Delta

Your new life starts now

With Delta,
The life that hearing loss took away is yours to experience once again.

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

95% of what we think and feel is hidden in the unconscious
Volvo... for life
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
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. Balaenids 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...
Words are not the same as thought
METAPHOR

UNCONSCIOUS
Some common Deep Metaphors

- Balance
- Transformation
- Connection
- Control
- Journey
- Resource
- Container
Metaphors in Policy

- Tax Reductions → Tax relief
- War on Al-Qaeda → War on terror
- Estate Tax → Death Tax
- Anti-Abortion → Pro-life
There are too many negatives. Let's weigh the pros and cons...

My logic will wear you down. That was a low blow.

You are fighting dirty. You are talking in circles.

There are holes in your logic. There are too many negatives.

There is a low blow. I can't follow your argument.

I see your point. I can meet you halfway.

I hear you. I see your support. Case closed!

I hear you. Let me pick up where you left off.

Where is your support? I can't follow your argument.

I see your point. You've changed my mind.

Let me pick up where you left off. You can't put 2 & 2 together.

I can meet you halfway. What's the connection?

You can't put 2 & 2 together. What's the connection?

You are talking in circles. You can't put 2 & 2 together.

Your argument is full of hot air. Your argument is full of hot air.

What is an Argument?
<table>
<thead>
<tr>
<th>We fell in love</th>
<th>That guy was flipping out</th>
</tr>
</thead>
<tbody>
<tr>
<td>My heart was bursting with joy</td>
<td>Are you getting cold feet?</td>
</tr>
<tr>
<td>Dave’s blood was boiling</td>
<td>Chill out!</td>
</tr>
<tr>
<td>I’ve had it up to here!</td>
<td>I had butterflies in my stomach before my speech</td>
</tr>
<tr>
<td>He broke my heart</td>
<td>The ending of the movie left me puzzled</td>
</tr>
</tbody>
</table>
### Balance and equality viewed two different ways

<table>
<thead>
<tr>
<th>Democrats</th>
<th>Republicans</th>
</tr>
</thead>
<tbody>
<tr>
<td>Imbalance in levels of health is unjust.</td>
<td>• Imbalance in levels of health is natural.</td>
</tr>
</tbody>
</table>
| Equality should be our goal.  
- Equal distribution of resources  
- Equal treatment for all  
- Equal outcomes | Equality is unrealistic and unfair.  
- Tailor distribution of [limited] resources to particular needs, not same for all  
- Cannot guarantee equal outcomes. |
| We need to “level the playing field” | We need to “raise the bottom.” |
| Society bears primary responsibility for inequality, thus to fix it requires more change in society than in the individual. | Both society and individual choices create disparities, thus social aid must be balanced against individual responsibility. |
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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