

- A. CREATING AND ADAPTING THEMES
  - 1. Developing Case Specific Themes
  - 2. Adapting Standard Themes
  - 3. Thematic Anchoring
  
- B. STRUCTURING POWER THEMES
  - 1. Psychological Principle of Structuring
  - 2. Psychological Tools of Structure
    - a. Primacy
    - b. Thematic Anchoring
      - (1) Anchoring Through Repetition
      - (2) Anchoring Technique
      - (3) Collapsing an Anchor
      - (4) Anchor Recalls Entire Experience
    - c. Neurolinguistic Programming - Pacing
      - (1) Pacing to Create Similarities
      - (2) Matching and Mismatching
      - (3) Pacing at all Levels
      - (4) Pacing in the Primary Representational System
    - d. Embedded Commands
      - (1) Communicate a Command to the Unconscious Mind
      - (2) Preface, Pause, Voice Change and Command
    - e. The Zeigarnik Effect
    - f. Recency
  - 3. Rhetorical Tools of Structure
    - a. Triad
    - b. Parallel Structure
    - c. Antithesis
    - d. Repetition
      - (1) Repetition At The Beginning
      - (2) Refrain
      - (3) Echo Effect
      - (4) Augmentative Repetition
      - (5) Repetition of the Central Theme
    - e. Thematic Reversal
    - f. Rhetorical Question
    - g. Alliteration
    - h. Understatement
    - i. Grammatical Inversion
    - j. Rhythm
  - 4. Verbal Tools of Structure
    - a. Power Word Choices
      - (1) Abstract vs. Concrete
        - (a) Simulative Concrete Words
        - (b) Deliberative Abstract Terms
        - (c) Preloaded Word Selection and Avoidance
      - (2) Catch Phrases
      - (3) Emotive Words
      - (4) Logical vs. Emotional Words
      - (5) Short, Long, Old & New Words
      - (6) Bilingual: Technical & Lay
      - (7) Use of Jargon
      - (8) Slang
      - (9) Vernacular or Colloquialism
      - (10) Language of the Case
    - b. Analogies
    - c. Metaphors
    - d. Similes
    - e. Establish Sense of Humor

- f. Anecdotes
- g. Quotes
  - (1) Prose
  - (2) Poetry
  - (3) Biblical Quotes & Parables
  - (4) Song Lyrics
  - (5) Literature
  - (6) Witnesses/Parties
  - (7) Medical Quotations
- h. Adapting Standard Arguments
  - (1) Pain and Suffering
    - (a) Measuring Physical Pain and Suffering
    - (b) Constitutional right to be free from pain
    - (c) Pain is life's window into hell
    - (d) Job ad - catastrophic injury
    - (e) Minimum wage
  - (2) Value of Human Life
  - (3) Full Justice

C. PERSUASIVE COMMUNICATION OF POWER THEMES AND MESSAGES

- 1. Non Verbal Communication
  - a. The Importance of the Pause
  - b. Pacing the Jury
  - c. Movements and Gestures
  - d. Touching the Client
  - e. Dressing for Summation
- 2. Mood Transference
  - a. Transferring a Feeling
  - b. Transferring Factual Information
  - c. Transferring Visual Information

D. DR. AMY SINGER: CASE THEMES

- 1. Jury-Validated Trial Themes
- 2. Few Attorneys Think Thematically
- 3. Rhetoric Requires Themes
- 4. Themes Essential for Juries
- 5. What Makes a Good Trial Theme?
- 6. How *Not* to Determine Themes
- 7. Intuition
- 8. Finding the Ideal Trial Theme
- 9. Litigation Research
- 10. Surrogate Juries
- 11. Who "Owns" the Theme?
- 12. Using Themes Effectively in the Courtroom
- 13. The Best Jury Research Format to Test Trial Themes
- 14. Must Use the *Right* Theme
- 15. Developing the Right Trial Theme
- 16. Trial Theme Discovery
- 17. Enveloping the Theme
- 18. It Don't Mean a Thing If it Ain't Got That Theme
- 19. Identifying the Conversation
- 20. Complex Cases Require Strong Themes
- 21. Themes Can Spice up "Boring Cases"

E. CONCLUSION