By Elliott Wilcox

Your case theme can have a major impact on the jury. When you develop a powerful case theme, you give the jurors a lens through which they will view the evidence in your case. For example, in a rape case, one side might frame the case as the story of “a controlling man who refused to take ‘No’ for an answer and forcibly raped a young woman” while the other side says the case is about “a woman overcome by remorse and regret after a consensual one night stand.”

Depending on which case theme the jurors adopt, they will start looking for evidence that supports that viewpoint. That’s why it’s so important to invest time developing your themes. The better your theme “hooks” the jurors, the more likely you are to win.

Unfortunately, many trial lawyers never create strong themes for their cases. They know they’re supposed to use themes, but they have no idea how to develop them, or even where to start looking for ideas, and so they never use them. In this article, you’ll discover a great resource for developing case themes.

If you go to the movies on a regular basis, you probably see dozens of movie posters every year advertising the upcoming attractions. Using splashy graphics, powerful images, and the draw of seeing your favorite celebrity, Hollywood does its best to grab your attention, spark your interest, and arouse your desire to go see the movie. In addition to the imagery, however, they also use another powerful technique to promote the movie. That technique is the use of a tagline.

A tagline is simply a short phrase or two that helps explain the movie. A good tagline will resonate with the moviegoer, sticking in his head even after he walks away from the poster, and subtly push him to go see the movie. Every once in a while, however, someone writes a great tagline, and it jumps to the forefront of our collective conscience. Here are a few examples of great taglines:

- “In space, no one can hear you scream.” (Alien)
- “You’ll believe a man can fly.” (Superman)
- “We are not alone.” (Close Encounters of the Third Kind)

These types of taglines don’t write themselves. Every year, Hollywood spends millions and millions of dollars promoting their films, hiring some of the best copywriters available to develop great taglines. That’s great news for you, because you can develop some of these taglines into incredibly powerful case themes, without having to spend millions of dollars developing them.

In this article, you’ll find dozens of different taglines taken from movie posters and promotional pieces. Read through them (or, better yet, read them aloud) while thinking about your case. They’re not arranged in any particular order, and they’re not necessarily the best
“The first casualty of war is innocence.” (Platoon)
“With great power comes great responsibility.” (Spiderman)
“Revenge is a dish best served cold.” (Kill Bill)
“Get ready to root for the bad guy.” (Payback)
“If Nancy doesn’t wake up screaming, she won’t wake up at all.” (Nightmare on Elm St.)
“Being the adventures of a young man whose principal interests are rape, ultra-violence and Beethoven.” (A Clockwork Orange)
“If you can’t be famous… Be infamous.” (Chicago)
“His whole life was a million-to-one shot.” (Rocky)
“His triumph changed the world forever.” (Gandhi)
“This time he’s fighting for his life.” (First Blood)
“He’s having the worst day of his life… over, and over…” (Groundhog Day)
“It was the Deltas against the rules… the rules lost!” (Animal House)
“There’s everything you’ve ever known about adventure, and then there’s The Abyss.” (The Abyss)
“The snobs against the slobs.” (Caddyshack)
“Every man dies. Not every man really lives.” (Braveheart)
“If adventure has a name… It must be Indiana Jones.” (Indiana Jones and the Temple of Doom)
“Get in. Get out. Get even.” (The Italian Job)
“Just because they serve you doesn’t mean they like you.” (Clerks)
“Somewhere, somehow, someone’s going to pay.” (Commando) [Feel the alliteration? Can you use similar repetitive word sounds?]
“The truth is out there.” (The X-Files)
“There are degrees of truth.” (Basic)
“Four friends made a mistake that changed their lives forever.” (Sleepers)
“When friendship runs deeper than blood.” (Sleepers)
“Fifty million people watched, but no one saw a thing.” (Quiz Show)
“When he said ‘I do,’ he never said what he did.” (True Lies)
“If you can’t be famous… Be infamous.” (Chicago)
“His whole life was a million-to-one shot.” (Rocky)
“His triumph changed the world forever.” (Gandhi)
“This time he’s fighting for his life.” (First Blood)
“He’s having the worst day of his life… over, and over…” (Groundhog Day)

Here are some more taglines pulled from lawyer movies:
“The truth can be adjusted.” (A Civil Action)
“Justice has its price.” (The Postman Always Rings Twice)
“Every dream has a price.” (Wall St.)
“It’s not who he is underneath but what he does that defines him.” (El Mariachi)
“He’s out to prove he’s got nothing to prove.” (Napoleon Dynamite)

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✦ “No one would take on his case... until one man was willing to take on the system.” (Philadelphia)
✦ “In the heart of the nation’s capital, in a courthouse of the U.S. government, one man will stop at nothing to keep his honor, and one will stop at nothing to find the truth.” (A Few Good Men)
✦ “This man needs the best lawyer in town. But the problem is... he is the best lawyer in town.” (...And Justice for All)
✦ “Sometimes it’s dangerous to presume.” (Presumed Innocent)
✦ “Some people would kill for love.” (Presumed Innocent)
✦ “The story of what four men did to a girl... And what the town did to them!” (Town Without Pity)
✦ “Some people will do anything for money.” (The Fortune Cookie)
✦ “Some people will do anything for $249,000.92.” (The Fortune Cookie)
[The first phrase is a common theme that all of your jurors have heard before, but the second phrase is more specific. Does it feel more powerful hearing the actual number?]
✦ “Nothing matters more than winning. Not even what you believe in.” (The Candidate)
✦ “There are two sides of this mystery. Murder...And Passion.” (Jagged Edge)
✦ “An act of love, or an act of murder?” (Body of Evidence)
✦ “This is the murder weapon. Her name is Rebecca.” (Body of Evidence)
✦ “They locked him up. They crushed his spirit. But they couldn’t hide the truth.” (Murder in the First)
✦ “You may not like what he does, but are you prepared to give up his right to do it?” (People vs. Larry Flynt)
✦ “In a world of lies, nothing is more dangerous than the Truth.” (Shadow of Doubt)
✦ “The first scream was for help. The second is for justice.” (The Accused)
✦ “Suppose you picked up this morning’s newspaper and your life was a front page headline... And everything they said was accurate... But none of it was true.” (Absence of Malice) [This is obviously an improper Golden Rule argument, but you could re-write it to focus the attention on your client]
✦ “On the other side of drinks, dinner and a one night stand, lies a terrifying love story.” (Fatal Attraction)
✦ “Trials are too important to be decided by juries.” (The Runaway Jury) [PLEASE don’t use this one in court!!!]

Taglines, catch-phrases, and themes have a powerful persuasive effect in the courtroom. Invest some time developing your case theme, and then try it out in public. Don’t just tell your colleagues and assistants about the theme. Share the theme with your friends and family. Ask the checkout clerk at the grocery store what she thinks about it. Ask your mechanic if the theme makes sense to him. Tell it to your bartender or the person on the barstool next to you. The important point is to refine your theme until it captures the essence of your case, giving the jurors a compelling lens through which to view the trial. Continue refining your theme, and you’ll soon become the most persuasive trial lawyer in the courtroom! ■

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