

Coming Attractions: What Movie Trailers Can Teach Us About Persuasion
Steve Johansen
Working Summary: DRAFT

I got the idea for this project while sitting in a dark room full of strangers.

In two and half minutes, a trailer has to convey to the audience enough information about a movie so that the audience will be convinced that it wants to see the up-coming attraction. From a typical trailer, we can learn the movie's genre, the central characters, the location both in time and space, and the essence of the plot. More importantly, we can get a "feel" for the movie—and know if it is likely to be a movie we want to see. A good movie trailer is itself a mini-story, designed to sell the much bigger story of the movie.

In this project, I look to see what legal writers might learn about persuasion from movie trailers. First impressions play a significant role in legal persuasion. The question this project explores is whether the strategies for creating first impressions in movie trailers can be useful for court documents, specifically appellate briefs. Specifically, I explore the strategies trailers use to create a positive first impression about an upcoming movie. Even more specifically, I assess whether Preliminary Statements can create a first impression that begins to persuade an audience to accept the arguments that are more fully developed throughout an appellate brief.

Movie trailers generally fall into three overlapping categories that tend to paint with ever more refined brushes. Moving from broadest to narrowest, these are Genre Trailers, Story Trailers, and Star Trailers. While each take different approaches, they have common threads. Most obviously, they have limited time to persuade the audience—at most two and a half minutes. In that two and a half minutes, they attempt to create a desire within the audience to see the entire movie. They do this by creating a feel, an emotional connection to the promoted movie. In essence, the first step in getting the audience to come back to see the movie, is to make the audience *care* about it.

A. Genre Trailers.

1. Overview

These tend to emphasize the familiar types of movies—action, romantic comedy, psychological dramas—at the expense of developing the story or the characters. Genre trailers build their appeal by giving the audience something immediately familiar. From the opening music, voice over, and even title font, we can recognize the genre of a film. If it is a genre we like, we are usually favorably disposed toward the advertised movie very quickly. However, a good trailer must promise something more than a familiar context. It must also show how

this movie is different from others of the genre. That is, genre trailers show, in very general terms, that a movie is both familiar and unique.

Example of genre trailer: *Inception*.

2. Connection to Preliminary Statements.

The law, like films, has many genres. Indeed, all of law school is dividing the seamless web into categories. Likewise, appellate briefs usually identify the genre into which a particular legal issue falls. Defendants in particular will often characterize a legal dispute as a “typical contracts problem” or a run of the mill “Clean Water Act dispute.” This creates a context for the case that is familiar to the audience. Just as movie-goers know what to expect from action movies, courts know what to expect from a personal injury claim.

A defendant's approach may differ from the trailer producer in that the defendant may not want to add the unique twist—the unusual angle of a case that makes it more interesting. From the defense point of view, the routine nature of the problem may be the strongest characteristic of the dispute. Of course, the opposing party may very well want to show how this seemingly run of the mill case raises new and interesting issues. From either perspective, however, one may want to get the court's attention by focusing on the legal context—the applicable (and familiar) law, rather than on the more specific story of the particular dispute.

Example of genre Preliminary Statement: *Mohamed v. Palestinian Authority*

B. Story Trailers.

1. Overview

Story trailers take the audience beyond the genre of the movie to reveal more about the specific characters, their goals and conflicts. The trailers suggest that the characters are more developed than the two-dimensional portrayals usually found in genre movies. Indeed, these trailers generally begin by introducing the characters—putting the audience in their shoes. Once the characters are identified, the trailers develop the other elements of the story—conflict, character goals, plot, and so forth. The goal of these trailers is to have the audience develop empathy with the characters—to see the movie experience from the characters' point of view. The idea is not so much to create a feeling of “I want to be this character,” but more “I want to experience these people and events *at the movies*.”

One of the challenges of story trailers is determining how much of the story to reveal. No one wants to need a spoiler alert in a trailer. In early trailers, it was common to reveal very little of the movie's story and instead to pose questions

to pique the audience's interest. Contemporary trailers tend to reveal a good deal more of the story—up to about 2/3 of the story arc. This appears to be successful in drawing the audience into the story without revealing too much. The trailer fails if the audience sense it has seen the whole story.

Example of story trailer: *Being Flynn*.

2. Connection to Preliminary Statements

One of the shortcomings of legal education is that it removes the study of law from the real world of living, breathing human beings. Even though court opinions are stories about people and their disputes, too often, the people of those stories are reduced to cardboard caricatures as our focus is on the legal issues (the genre of these stories). In the real world, especially at the trial level, people matter. Thus, far more often than happens in law school, practicing lawyers need to tell their clients' stories. They need to develop characters, explain their goals, and identify the conflicts that the characters must overcome.

As a case moves up the appellate chain, the actual stories of the parties often seem to fade into the background. However, where those stories are compelling, they should form the core of a persuasive strategy. In such a case, the Preliminary Statement may set the stage by developing the lead character—the client at the center of the story. Just as a story trailer will necessarily suggest a genre, so too will this Preliminary Statement put the client in a legal context. But the focus will not be on the legal setting, but on the client herself.

Example of Story Preliminary Statement: *Forest Grove v. TA*, 557 US. 230 (2009); *Turner v. Rogers*, 131 S. Ct. 2507 (2011).

C. Star Trailers.

1. Overview

Star trailers take the narrowest view in promoting a film. These trailers highlight neither the type of movie, nor the particular story, but the actor starring in the film. In this sense, the star trailers goes outside the film's story to base its appeal on the actor's reputation. That reputation, of course, is developed by work done in other films, not the one the trailer promotes. In essence, the trailer sends the message. "if you liked this actor in other movies, you will like her in this one, even if you don't know much about the type of movie or the story itself." The *ethos* of the actor is the selling point.

Example of star trailer: *The Descendants*.

2. Application to Preliminary Statements.

At this point, I am not sure the star trailer has a parallel in legal writing. The logical extra-textual "star" would be the lawyer and I usually do not see an

appropriate context for making the lawyer's reputation the central theme of a brief. Of course, a lawyer's *ethos* is an important aspect of persuasion. But a brief that is premised on "don't worry about the law or the facts, you just have to trust me, as you have in other cases" seems unlikely to appeal to a legal audience.

The star trailer still may be instructive. Any trailer runs the risk of misleading an audience. We have all had the experience of a movie being very different than what was promised in the trailer. This can be particularly damaging for star trailers. Too many misleading trailers will create distrust among the movie-going audience and eventually undermine an actor's "star power." The same can be said for Preliminary Statements. A preliminary statement that oversells a client's case can quickly undermine the persuasive power of the brief. If our audience feels misled, the author's *ethos* is undermined. This damage may extend to future efforts as well.