

# Stories for the Non-Believer: Credibility, Psychology, and Persuasion

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Cornell Law School  
AALS Clinical Conference, May 2019

**CREDIBILITY**  
Believing the story

**PSYCHOLOGY**  
Understanding the reader

**PERSUASION**  
Changing the reader's mind

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## Flash Fiction

Use "schemas" to control how readers identify information.

Example 1:

JERMAINE'S POST-SCRIPT  
TO HIS SEVENTH-GRADE  
POEM ASSIGNMENT

"Ms. Tyler, the girl part was about  
Shantell. Please don't tell anyone."

—Christoffer Molnar

On October 22, Jermaine Smith, an African-American student in the seventh grade, submitted a poem in response to an assignment by his seventh-grade teacher, Ms. Elaine Tyler. After the poem he wrote a note asking Ms. Tyler to refrain from telling others that the portion of his poem referring to a girl was about a classmate named Shantell Jones.

## Journalism & Legal Story-Telling

Use a “lede” to engage the reader.

Example 2:

RICHMOND, Va. — Before the first hearings on the morning docket, the line starts to clog the lobby of the John Marshall Courthouse. No cellphones are allowed inside, but many of the people who’ve been summoned don’t learn that until they arrive. “Put it in your car,” the sheriff’s deputies suggest at the metal detector. That advice is no help to renters who have come by bus. To make it inside, some tuck their phones in the bushes nearby.

This courthouse handles every eviction in Richmond, a city with one of the highest eviction rates in the country, according to new data covering dozens of states and compiled by a team led by the Princeton sociologist Matthew Desmond.

–Emily Badger and Quoctrung Bui, *In 83 Million Eviction Records, a Sweeping and Intimate New Look at Housing in America*, N.Y. TIMES, Apr. 7, 2018,  
<https://www.nytimes.com/interactive/2018/04/07/upshot/millions-of-eviction-records-a-sweeping-new-look-at-housing-in-america.html>.

## Evil Textbooks

Use syntax and punctuation to persuade the reader.

Example 3:

Some slaves reported that their masters treated them kindly. To protect their investment, some slaveholders provided adequate food and clothing for their slaves. However, severe treatment was very common. Whippings, brandings, and even worse torture were all part of American slavery.

-Houghton Mifflin Harcourt, Texas United States History, Ch. 2 sec. 5

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## Cognitive Load

Help the reader learn quickly.

### INTRINSIC

The mental effort needed to understand the information

### GERMANE

Using working memory to activate schemas; connect new and old information

### EXTRANEOUS

Mental energy spent because of how the storyteller delivers information

Example 4:

**Quokka:** a stocky herbivorous marsupial (*Setonix brachyurus* of the family Macropodidae) of southwestern Australia that has a short tail.

Example 5:

First, the prosecution marked the name of each black prospective juror in green highlighter on four different copies of the jury list. H. 903-26.<sup>5</sup> Each of the four lists includes a key in the top-right corner of the first page indicating that “[Green highlighting] Represents Blacks.” H. 903, 909, 915, 921.

*Robert James Foster Case # 86-F-2218-2*      *State v. Foster 86-F-2218-2*  
 6/103

REPORT NO JUR100-01      FLOYD COUNTY SUPERIOR COURT      SD NO: 53      PAGE 1  
 REPORT DATE: 01/21/87      TRAVERSE JURY      APRIL 20, 1987  
 JUDGE: ROBERT G WALTHER      JURORS REQUESTED: 130      TIME: 9:30 A.M.

004. DEMPSEY NEAL BARRY 129 BARRON RD NE ROME GA 30161	015. WILSON LOUISE 1603 FLANNERY ST ROME GA 30161
002. HARPER BONNIE 3 PRIMULAS DR ROME GA 30161	016. BARBOGELLO MAUREEN B 207 AUSBURN RD ROME GA 30161
003. LANIER SARAH Elaine 711 LEE AVENUE ROME GA 30161	017. CARR ANNA W 31 MAPLEWOOD SQ ROME GA 30161
004. RATLIFF WILEY KELVIN 4915 CALHOUN RD NE ROME GA 30161	018. BING PATRICIA A 5452 FOSTER MILL RD SW CAVE SPRINGS GA 30124
005. HACKETT MARY 3 MITCHELL CIR ROME GA 30161	019. HINES LORRIE LEE 121 CHAMBERS ST ROME GA 30161
006. CECIL KIP ALAN WM 52 PINERIDGE DR SILVER CREEK GA 30173	020. EVANS MYRTLE FRANCES 186 TURK MT RD NE ARMUCHEE GA 30105
007. BEYSIEGEL MARY ELLEN 4 NORTHWOOD DR ROME GA 30161	021. BLACK DOROTHY M 5117 ALA RD SW ROME GA 30161
008. CAGLE RICKEY 3651 CAVE SPRING RD SW ROME GA 30161	022. HARDOE EVELYN 334 WEST ROSS ST ROME GA 30161
009. HOOD EDDIE 13 COPELAND ST ROME GA 30161	023. COULTAS ANNE B 482 OLD BELLS FERRY RD ROME GA 30161
010. NICHOLSON JOYCE M 5 CONWAY PL ROME GA 30161	024. HOESBOLD LOU ELLA 28 PINE VALLEY RD ROME GA 30161
011. MCGINNIS NONA ADLINE 7 MCGINNIS DR SE ROME GA 30161	025. DEDEURWAERDER VICTOR 28 WINGFIELD ST ROME GA 30161
012. CLEMENTS JERRY 201 TURNER CHAPEL RD ROME GA 30161	026. STANLEY RUBY BARNES 296 PAINTER RD NE ROME GA 30161
013. HOELZER MARGARET 907 EAST 2ND AVE ROME GA 30161	027. HOUSE CHARLOTTE 333 FREEMAN FERRY RD ROME GA 30161
014. STANSELL MARY H 1922 L TEXAS VLY RD NW ROME GA 30161	028. JOHNSON BOBBIE JEAN 5 ROONEY RD ROME GA 30161

H. 903.

<sup>5</sup> See H. 202 (the prosecution’s investigator explaining that the four lists are “four different versions of the same document [with] different handwritten notations on them”).