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Communicating to Gen X and Net Gen Jurors, Part II

Considering the Effects of 9-11, Religion and Leadership Roles

by Tara Trask, *SLI Consulting*

Editor's Note: This article is the second of an ongoing series on generational issues by Ms. Trask. The topic is one that has garnered much interest by readers and those attending our seminars. If you have a particular question within this context, please drop a line and we'll pass it on to the author for future evaluation.

An understanding of the different generations in the jury pool can be an important weapon in your trial arsenal. I addressed this issue in the March 2004 issue of *The Jury Expert*. I argued that Generation X (born from 1965 to 1980) and the Net Gen (born from 1981 to 2000) process, evaluate, and retain information in a different manner than Boomers (born 1946 to 1964) and Traditionalists (born 1901-1945). Since that time, I have contin-

ued to write and lecture on the different generations in the jury pool, most importantly the younger generations.

Attorneys have posed many questions regarding younger jurors and trends related to their lifestyle choices, belief systems and interests. In this second installment on generational issues, I will address three questions I get quite often: (1) How

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were these generations affected by 9/11? (2) How do these generations deal with religion? (3) Why do there seem to be no “leaders” among the youngest adult Americans.

Generational Overview

Generational differences are nothing new; even Aristotle noted a generation gap in ancient Greece. But life expectancy in 1900 was 47; now it is nearly 80, and with Traditionalists and Boomers redefining what retirement means, there are often four generations in the venire instead of two. Understanding something about the issues and events that shaped each generation can help you better understand jurors, and, in turn, help you communicate with them more effectively.

Generation X has taken its seat at the table. The oldest are almost 40, so many have moved into positions of power. This generation has largely broken free of some of its initial characteriza-

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tions. The thirty-somethings of today no longer fit the “slacker” title that was assigned in 1991 when the term “Generation X” was first coined in Douglas Coupland’s novel.

Many in this cohort have found new ways to define family, work, religion, and community. As this generation entered its childbearing years, some interesting trends were apparent. Gen Xers have waited longer to marry, but are lowering the divorce rate, they are saving money at a rate that far exceeds the Boomers at the same age, and they have a decidedly pragmatic political streak. While Gen Xers appeared to get a slow start, they may yet prove themselves to be a force.

Coming down the pike are The Net Gen, also known as Echo Boomers, Millennials, or Gen Y

(ages 4-23.) There are many reasons this generation is particularly interesting. One point touched on in my first article is the impact of the Internet

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on their thinking. Another focuses on their relationships with their parents.

The Net Gen are children of the overachieving Boomers. As the Boomers began having chil-

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dren, they redefined parenthood and took as much interest in child rearing as they had in their careers. Most Boomer fathers spent significantly more time at home than their Traditionalist fathers did, and the Net Gen children have been a central focus in most families.

The requisite “generation gap” that should be present between Boomers and their Net Gen kids seems non-existent. Marketers have to consider parental input when marketing to the Net Gen, and data supports a close relationship between Net Gens and their parents. In fact, more than 85% of teenagers report being close to their parents, compared with 40% in the early seventies. Over 80% trust the police, while only 35% trust celebrities and 30% trust professional athletes (Markiewicz, 2003.)

“Net Gen jurors may be more likely to be consensus builders, whether they assume the role of foreperson or not.”

Members of the Net Gen experienced extremely structured childhoods. After finishing “Mommy and Me” and “Gymboree,” children went on to exclusive pre-schools and “play dates.” Soccer practice, music lessons, and other structured activities filled the week. The Net Gen is also highly protected: most have never ridden a bike without a helmet, ridden in a car without a seat-belt, or eaten in a cafeteria that serves peanut butter (*60 Minutes*, 2004).

Most experts agree that all this structure, protection and coddling has produced conformists, and the available data supports this assertion (Hebert, 2004). Teens seem to be conforming to traditional values and standards. Typical indicators of teen dysfunction are lower. Violent crime committed by 12-17 year olds is down 50% from its peak in 1992. Smoking, drinking, and drug use among 8th, 10th and 12th graders fell in 2002 for the first time. Teenage pregnancy rates, abortion

rates and sexual activity have declined and self reported virginity rates are up (Markiewicz, 2003.)

Following the rules has replaced rebellion, and values are very traditional for the Net Gen. Community involvement and volunteerism have increased. Approximately 85% of college freshmen in 2001 engaged in volunteer work, up from 66% in 1989. In a survey of 2001 college graduates, 96% plan to marry and 91% hope to have

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children, with an average of three children desired (Demko, 2001).

Effects of 9-11

I am often asked what effect 9-11 has had on the younger generations. For Gen X, 9-11 resulted in significant time reflection. Prior to that time, this generation voted in low numbers and had been described as self-reliant, cynical, and independent.

It is no wonder Gen X was defined, and largely defined itself that way. Gen X grew up during the 1970’s and 1980’s and are the children of the youngest Traditionalists and the oldest Boomers. Four in ten come from single parent or divorced households. This generation is thought to be the first generation in American history that may not surpass their parents economically.

There was not much room for patriotism in their world view, and how September 11 will ultimately affect their lives is yet to be seen. Polls show that Gen X was the most deeply affected of all the generations by September 11th in their habits, finances and career choices. On a per-

sonal level, Gen X suffered most of the casualties, and provided most of the fire, police, and “let’s roll” heroes (Strauss and Howe, 2002). This generation had not been characterized by any upheaval in the way the Boomers had by Vietnam or the Traditionalists had by WWII, and 9-11 may be their watershed event.

As Generation X has entered adulthood, they have become family oriented and their politics could largely be described as one person in an online chat termed it: “pragmatic libertarianism.” While Gen X was once characterized as a group of whiners, the group may end up putting a whole new focus on personal responsibility.

On a personal level, The Net Gen was not as profoundly affected by the events of September 11th as Gen X. The Net Gen has long been living with

“Only a small fraction of Net Gens are old enough to serve on juries, but their impact on the civil court system will certainly be felt...”

safety concerns, tight security, and “zero tolerance.” Columbine changed the way schools deal with security and most Net Gens have been waiting in line for metal detectors for their entire academic careers. This generation has a high level of trust for authority and generally doesn’t see privacy as a big issue (Strauss and Howe, 2002). With car seats and Amber Alerts, this may be the most over-protected generation in American history.

Personal injury and product liability attorneys may be wondering: where does this put the jury of the future in terms of liability? The answer to that question and others about how this generation will see the legal system, and the issues decided there, remains elusive. Only a small fraction of Net Gens are old enough to serve on

juries, but their impact on the civil court system will certainly be felt as their numbers in the venire increase.

Religion

In keeping with their rebellious and independent nature, Generation X has turned away from organized religion in large numbers; institutions are suspect. However, it would be unfair to charac-

“While Gen X was once characterized as a group of whiners, the group may end up putting a whole new focus on personal responsibility.”

terize Gen X as a generation without spiritual identity. Although many are not aligned with a particular religion, most consider themselves spiritual. Many were raised without organized religion, but have made finding or creating a spiritual home a personal quest.

The Net Gen is a different story altogether. Enrollment in religious studies at University of Miami has doubled this year to 921 students (Gehrke-White, 2003). While curiosity and a need to understand current events may be contributing to the increase in theology students, there is also a trend of returning to more traditional values among the Net Gen. Participation in church groups among teens rose from 17% to 28% between 1995 and 2001. A group of college graduates in 2001 was recently polled on these issues. Eighty-nine percent believe in God, 70% attend regular services (Demko, 2001).

With politics and religion intersecting both nationally and on the world stage, it will be interesting to see how the younger generation deals with these issues. While there seems to be a return to traditional values, this must be contrasted with the reality of diversity in this gener-

ation. One in three is not Caucasian, one in four lives in a single parent household and three in four have working mothers. The Net Gen is set to redefine religion and religious tolerance.

Leadership

Generation X is full of leaders. The terms “latchkey” and “downsize” were coined while they were growing up and self-reliance is a common trait. A downturn in birth rates also means there are fewer entering management. They have taken charge of their own lives; redefining everything from family to religion to work.

On the other end of the spectrum, the Net Gen has been immersed in “teamwork” since they hit pre-school. Net Gens are the products of “team-building,” “team teaching” and rewards for participation. Net Gens have always received a ribbon, just for showing up. In polls, most define fitting in and teamwork as more important than leadership (Howe, 2004).

Conclusion

When making decisions about strikes in jury selection it may become important to consider generational affiliation. A strong Gen X juror may be more likely to take a leadership role than jurors of other generations. Net Gen jurors may be more likely to be consensus builders, whether they assume the role of foreperson or not.

With a dynamic trial landscape and an increasingly diverse jury pool, using all the knowledge at your disposal to understand the venire will continue to become more important. Generational insight is crucial.

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PATTERN VOIR DIRE QUESTIONS

by Karen Fleming-Ginn, Ph.D.

De-Selecting Jurors in a Plaintiff's Medical Malpractice Suit

Several years ago, an attorney who hired me for a plaintiff's medical malpractice case said, “In this county, if a client can walk into the office, he does not have a case.” Though this was meant to be tongue in cheek, medical malpractice claims from the plaintiff's perspective are increasingly difficult. When the economy is depressed, jurors are less willing to entertain damages unless the

“I will include questions for culling out the ‘stuff happens’ jurors, as well as those who feel they have been victimized.”

injury is particularly severe and the jurors can identify with the plaintiff. Even then, there are a number of important factors that need to be taken into consideration and analyzed.

Of particular concern in these cases are what I call the “Stuff happens” jurors. These people have no inclination to award damages in most cases, and would never consider compensating for pain and suffering or punitive damages. This mindset is often a result of having survived trauma, hardship or substantial victimization with no recourse or compensation. The classic story of “This happened to me and I didn't get a dime” can be the plaintiff's attorney's nightmare in a medical malpractice case. The content of the perceived unfairness does not need to have anything to do with a medical claim. It can be both far-reaching and pervasive. This type of juror is often missed in the standard series of questions that defense attorneys ask.