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6 Things You Need To Know About Millennial Jurors

By Lee Hollis and Zachary Martin

The millennial generation is affecting all aspects of society. Juries are no different. Every year, millennials make up a larger portion of jury pools throughout the country. Currently, millennials are the largest living generation and comprise one-third of jurors. While it is impossible to generalize a group so large and diverse, millennials' upbringing, access to technology and worldview all have implications for trials when they serve as jurors. When conducting a jury trial of any kind, you should be aware of this reality in all of the trial's stages and keep in mind the particular biases, attention spans and learning processes of this generation.



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Millennials are the best-educated generation (in terms of percentage with four-year college degrees) in American history. According to a 2014 Pew Research Center report, millennials are also less connected with traditional institutions, and have more progressive and inclusive social views when compared to prior generations.[1] The Pew Study also found that millennials typically possess a seemingly peculiar combination of optimism for the future and extreme distrust for others. For example, just 19 percent of millennials agreed with the statement that "most people can be trusted," compared to much higher percentages of members of Generation X (born between 1965 and 1980) and baby boomers (born between 1946 and 1964). Interestingly, this distrust seems to be reserved for individuals, as millennials were actually more likely than prior generations to have a favorable view of government, and about as likely as those in other generations to have a favorable view of big business.



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The most significant differences between millennials and older generations, however, arise from them being brought up surrounded by technology. They are the first generation of "digital natives" — the first generation for which the internet, mobile technology and social media are not something to be adapted to. This has several significant impacts on millennials' roles as jurors. Notably, they have shorter attention spans. Millennials are also accustomed to visual presentations of information that are flashy and bright, as opposed to long oral accounts. However, millennials have also been multitasking since their childhoods, and are capable (or at least believe that they are capable) of devoting attention to many matters at once — largely due to their familiarity dealing with several digital platforms competing for their attention at all times.

1) Millennials Are Safety-Conscious

While millennials are generally more liberal than older generations both politically and socially, their ideological influence as jurors is not always so straightforward. Possibly due to being raised by "helicopter parents," millennials are significantly more safety-conscious than prior generations. As a result, 80 percent of millennials expect corporations to take every possible precaution to ensure safety without regard to practicality or cost.[2] Furthermore, millennials do not view government standards as the applicable measure for safety, but rather believe that companies should make products as safe as possible with no regard for government regulations, costs or the eventual price point of the product in question. These views make millennials, in general, good jurors for plaintiffs in product liability cases and less favorable for defendants in such cases. These views also make

millennial jurors problematic for defendants in environmental cases.

2) Millennials Value Personal Responsibility

Millennials' worldviews are not always so easily categorized, however. They tend to have higher standards for personal responsibility than prior generations. This actually can lead to pro-defendant outlooks in certain cases, as millennials will be less likely to give individual plaintiffs a "free pass" for certain behaviors. For example, millennials may be harsher on plaintiffs who failed to obtain a second opinion from a doctor. Similarly, as millennials generally believe that written standards should be followed exactly, they will typically be less forgiving of plaintiffs whose injuries were caused in part by their own failure to read instructions or follow directions precisely.

3) Millennials Are Accustomed to Job-Hopping

Furthermore, millennials are often less sympathetic to plaintiffs in the employment context, as their worldview has been shaped by job-hopping, in contrast to prior generations where decades of company loyalty was the norm. This makes them less likely to understand the plight of a plaintiff who has been terminated after decades of service to a company. Instead, millennials are likely to view a period of unemployment more optimistically than prior generations — as a time to find a better career. This reflects the Pew Study findings that millennials are more likely to be unemployed than prior generations, yet are more optimistic regarding the future.

4) Millennials Have a Short Attention Span

Not all millennial attributes necessarily favor one side or the other in a trial, however. Based on data collected from jury exercises, millennial jurors generally have shorter attention spans than those from previous generations.[3] It is likely that this shorter attention span is due, at least in part, to the instant gratification that millennials are accustomed to when they typically search for answers. In contrast to prior generations, they have grown up with the ability to discover answers to nearly any question from small computers in their pockets. This makes the drawn-out, lengthy and back-and-forth nature of a jury trial alien to members of this generation.

The lack of attention span observed in millennial jurors could also be credited to the "Law and Order effect." [4] Millennials have been raised watching dramatic, exciting jury trials begin, develop and end in under an hour. This experience can create misplaced expectations when millennials are first called to serve on a real-world jury. This shortened attention span could have more adverse effects on defendants, who are more commonly asked to present complicated defenses with several strands of information. To counter this difficulty in reaching millennial jurors, trial lawyers should get to the point and "connect the dots" of their case immediately and in as compact a manner as possible.

5) Millennials Are Comfortable with Technology

As digital natives, millennials have grown up surrounded by the internet and other technologies. They also have grown accustomed to education that has been accompanied by technological aids. Lawyers therefore should no longer be wary of technological displays at trial seeming too flashy or fancy. Instead, incorporating technology into a presentation is actually the most effective means of reaching millennials, as they are used to learning this way. Furthermore, trial lawyers should not simply rely on PowerPoint slides overloaded with text. While this may seem "high-tech" to members of the GI or silent generation, millennials will not be impressed. Instead, lawyers should use crisp and simple visuals that combine a visual presentation with an oral accounting. This multifaceted method of trial presentation also appeals to the multitasking to which most millennials have grown accustomed.

6) Millennials Don't Respect Experts

Millennials are both more skeptical than prior generations and more likely to believe in conspiracies. Further, they don't value expertise or experience as much as baby boomers or members of Generation X. These effects likely result from constant access to technology and the instant answers that technology provides. Further, in this era of the internet, millennials can find websites that support nearly any position, no matter how fringe or simply incorrect that theory may be. In jury exercises and trials, it often appears that millennials consider themselves to be experts on any topic that can be googled and undervalue the years of experience and education possessed by actual

expert witnesses, or even judges and lawyers.

While this lack of respect for expertise can no doubt be frustrating for lawyers conducting trials with millennial jurors, there are ways to mitigate the damage. First, because millennials will view themselves as intellectual equals (or superiors) to the attorneys and experts, attorneys should be careful to fashion their case so that millennial jurors feel that they are ultimately reaching the conclusion, as opposed to being presented with a conclusion from an expert. Second, because millennial jurors are more likely to impermissibly use the internet in jury deliberations or between days at trial in order to glean their own information on the case, judges should give prophylactic instructions to counter this tendency. Third, because trial lawyers should be aware of this tendency to impermissibly research, lawyers should carefully inspect everything a juror could discover from an internet search on their client, their case and even themselves.

Conclusion

Millennials, like members of other generations, view jury service as an admirable civic duty and, in general, genuinely try to reach the correct result that comports with their notions of justice. This desire, however, can be hampered by their lack of attention span, expectations of instant gratification, lack of respect for expertise, and, in some types of trials, their lack of experience in a corporate or business culture. To counter these tendencies, trial lawyers should be mindful of these generational differences when crafting a case that will be presented to millennial jurors.

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[1] 2014 Pew Research Center Study, "Millennials in Adulthood."

[2] "Millennial Jurors Will Affect Product Liability Trials," Bloomberg Law, found at <https://www.bna.com/millennial-jurors-affect-n57982070385/>.

[3] Brandon Valentine and Brittany Cross, The Focal Point.

[4] Rick Fuentes, R&D Strategic Solutions.

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