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A Trial Lawyer's Guide to Jurors From Gen X and Gen Y

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A generational shift requires trial lawyers to change not only their messages but also the media with which they deliver those messages. For the next several decades, lawyers predominantly will try personal-injury cases to Generation-X and Generation-Y (aka Millennial) juries.

Understanding the broad traits of these demographic cohorts will be crucial to success in the courtroom. One of the biggest mistakes trial lawyers can make is to assume that Gen X and Gen Y are alike and warrant the same treatment. Members of Generation X (born from 1965 through 1979) and Generation Y/Millennials (born between 1980 and 2000) have distinctive characteristics. Though they may respond similarly to the medium, they have a much different response to the message. Let's examine each in turn.

Gen X

Defining moments: One of the first issues to keep in mind when presenting a case to Gen-X jurors is the defining moments they have experienced. These events changed their lives, and they will remember them forever. For Gen-X jurors, the defining events are the social changes, including broad trends of parental divorce, latchkey kids, increased violence in society and 9/11. Any reference to these events by the trial lawyer will resonate with this generation.

Visual learners: These jurors grew up in a visual world with visual input. The shrewd personal-injury attorney will make the trial visual. That means using

colored charts, graphs, photos, cartoons, computer simulations, CD-ROM slide shows, music, narration and videotaped demonstrations

A presentation consisting primarily of audio testimony will fail. The worst thing a lawyer could do? Read a deposition aloud to the jury.

Deception spotters: In addition to being visual learners, Gen-X jurors tend to be intuitive. They want an honest, straightforward approach. They are masters at seeing through deceptive communication. They likely will see through an attorney's attempts to deceive them, and the hapless lawyer's client could pay the price.



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Flexible values: Societal definitions of right and wrong are not important for many Gen-X jurors. They want to know why various actions are right or wrong in their worldviews. They need to know how the issue will affect them.

However, one misconception about Gen-X jurors is that they lack a sense of personal responsibility. In fact, the opposite is true. They grew up as latchkey kids, where they had to fend for themselves. As a result, many have developed a keen sense of personal responsibility.

Relationship orientation: When they were young, Gen-X jurors valued friendships and connection. They have continued those relationships into middle age. In a trial, legitimate themes of relationships and connection will resonate with them. If a breach of trust occurred, the lawyer should emphasize that.

Digital proficiency: Members of Gen X were early adopters of digital tools. Most have had computers since they were young and have been emailing and editing text on computer screens since they were in school. They understand how to use these tools, and they're aware of the tools' limitations.

One consequence of growing up in a digital age is that many Gen-X jurors can't process large quantities of information at a time. They are used to reading and absorbing information in summary form, as it is generally presented on the internet. A case presentation that is too long or too convoluted will lose these jurors.

Attorneys should keep this point in mind for all generations of jurors. The courtroom is a strange and often confusing environment for those unfamiliar with it. Trial counsel should explain the process to the jury panel and lay out the purpose of what is happening. This is especially true when it comes to arguing the jury charge. Counsel should explain it in detail and clarify questions facing the jurors.

Gen Y

Defining moments: Generation Y is an entirely different breed. The defining moments that changed the lives of Gen Y include terrorist attacks on U.S.

soil, 9/11, the Iraq War, the dot-com bust and corporate scandals such as those at Enron.

Self-focus: Some refer to Gen Y as the "me" generation — "It's all about me." But Gen-Y jurors are not necessarily narcissistic or uninterested in people. They care about making a difference and are concerned about social issues. To the extent that a trial lawyer can bring this element into the case, he will strike a chord.

Anti-authority: Gen Y are generally not supportive of authority and tend to feel disrespected by authority figures. A trial lawyer who can connect with a Gen-Y juror will have a vocal and determined advocate in the jury room.

"It's all good:" There is a prevailing thought among Gen Y that somehow, in some way, things all should work out in the end. Personal responsibility is not a big characteristic among them. Plaintiffs lawyers in personal-injury cases who can tap into the feeling that a case should work out in the end will do their clients a significant service.

Digital denizens: Even more so than for Gen X, technology is a part of life for most in Gen Y. A low-tech trial presentation will bore Gen-Y jurors and cause them to question the attorney's competence. They expect everyone to be familiar with and use the technology with which they have grown up. The presentation must be visual and engaging or it will lose them. Information presented to Gen Y must be in small segments so that they can process it.

Live and let live: Tolerance is also an important characteristic of Gen-Y jurors. If tolerance or lack thereof is an issue in the case, Gen-Y jurors will be an asset.

Like Gen X, Gen Y values interpersonal relationships with family, friends and coworkers. Integrating the importance of personal relationships into a case's themes will help it resonate with the Gen-Y juror.

These are the jurors of the future. Attorneys who currently don't understand them must work to overcome that knowledge gap. As a Baby Boomer (born between 1946 and 1964) and two members of Gen X who try cases, we can tell you that the future is now.