

Tattoos, Tolerance, Technology, and TMI: Welcome to the land of the Millennials

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For Baby Boomers, the don't-trust-anyone-over-30 lyrics to "My Generation" by [Pete Townshend](#) of [The Who](#) (1965) bespoke the generation gap. Pete wrote these lyrics at the age of twenty.

*"People try to put us d-down
Just because we get around
Things they do look awful c-c-cold
I hope I die before I get old"* ([Pete Townshend & The Who](#))

But "My Generation" lives on. [Green Day](#) covered it in 1991. [Hillary Duff](#) covered it in 2004. While some of us think no one does it like *The Who*, the lyrics continue to speak to subsequent generations—from punk rockers to a Disney 'tween' star turned crooner.

While it seems impossible it was that long ago when we were inundated with media complaints about Generation X, it has been 20 years since Time Magazine ([1990](#)) published a lengthy descriptive article on the then "new generation". Reading that piece now is a bit of a shock—what we said *then* about Generation X sounds very much like what we say *now* about the Millennials.

Believe it or not, the eldest Millennials are now approaching 30. The literature on this generation (like the nascent literature on Generation X before them) is filled with sweeping generalizations (predominantly negative) rather than a reliance on the data. For Generation X, that negativity in media depictions did not begin to change until Gen X members began to write about themselves and the lens through which we viewed them changed. Thus far, that has not happened for the Millennials. And when it does, the writing may be found in graphic novels, comic books, and websites that are Millennials' primary tools of communication.

We review the generational stereotypes and assumptions (very briefly) and then cover the actual data/evidence that describes the Millennial generation. Then, we examine what the actual data means for Millennials in the jury box.

Who are the Millennials?

Birth years:

While there is some disagreement, the [Pew Research Organization](#) (2010) defines the Millennial Generation as those born since 1980. (Others mark the start of this generation in the late 1970's and end it with those born in 1993 or 1994.) Regardless of quibbles over the beginning and the end of the generational markers—all agree the Millennial generation is similar in size to the Baby Boomer Generation (currently at more than 77 million).

Generational monikers:

As with generations before them—the Millennials have had multiple nicknames as they passed through various life phases/stages. They have been referred to as:



- Generation Y (as they came after X);
- Nexters (they were the 'next' generation);
- Echo Boomers (they are largely the children of the Boomers and will rival if not surpass the size of the Baby Boomer generation);
- iPod Generation (we assume you get this one);
- Generation Why (because they ask so many questions about 'why' things are the way they are);
- Internet Generation (they were the first generation for whom the internet has always existed);

- Generation Me (some see them as narcissistic and entitled, but then again, every generation seems to see teens and 20's that way);
- Boomerang Generation (they keep returning to their parent's homes);
- and 'thumbers' (in reference to their texting skills on handheld devices).

Finally, the Millennial label (in reference to their being the first generation to come of age in the new millennium) stuck (although Generation Y/Gen Y remains a persistent second label).

"They are such narcissists..."

Much emphasis has been placed on the sense of entitlement and increased narcissism some see in the Millennials. [Jean Twenge](#) and [Kali Trzesniewski](#) along with [Brent Donnellan](#) are the most cited dueling researchers in this area. (See [their joint publication](#) in a previous issue of *The Jury Expert*.) Twenge cites evidence that the Millennials (whom she refers to as 'Generation Me') are more narcissistic than previous generations while Trzesniewski and Donnellan beg to differ. Media coverage of Millennials is exceptionally focused on this argument and thus, it is widely believed that Millennial means narcissist.

The statistical arguments of these academics is beyond most of our comprehension. Perhaps the simplest explanation has recently been put forth by a third group of academic researchers:

there have simply not been enough studies done that are truly representative of the US population (Deal, Altman and Rogelberg, 2010).

As you might expect, the studies all have been done on college students. So we simply can neither assume nor conclude that members of the Millennial generation are any more narcissistic than preceding generations. Further, these researchers say there is no real evidence that Millennials are lacking in respect for others nor that they are unwilling to “pay their dues”. (Deal, Altman and Rogelberg, 2010).

Free-wheeling stereotypes and assumptions:

As with most younger generations, much of what we read in both professional publications and in the popular media is based on opinion, anecdotal data and assumptions. In the legal arena, some of us call that bias. Yet, lawyers are as guilty of anyone of perpetuating these stereotypes via presentations, blog posts, and even articles ([The Jury Room, 2010a](#)). Few seem willing to take the time to review the actual data and thus anecdotal observations translate into stereotypes which are freely shared and so biases are perpetuated.

What’s in a Name?

Generational names are the handiwork of popular culture. Some are drawn from a historic event; others from rapid social or demographic change; others from a big turn in the calendar.

The Millennial Generation falls into the third category. The label refers those born after 1980 – the first generation to come of age in the new millennium.

Generation X covers people born from 1965 through 1980. The label long ago overtook the first name affixed to this generation: the Baby Bust. Xers are often depicted as savvy, entrepreneurial loners.

The Baby Boomer label is drawn from the great spike in fertility that began in 1946, right after the end of World War II, and ended almost as abruptly in 1964, around the time the birth control pill went on the market. It’s a classic example of a demography-driven name.

The Silent Generation describes adults born from 1928 through 1945. Children of the Great Depression and World War II, their “Silent” label refers to their conformist and civic instincts. It also makes for a nice contrast with the noisy ways of the anti-establishment Boomers.

The Greatest Generation (those born before 1928) “saved the world” when it was young, in the memorable phrase of Ronald Reagan. It’s the generation that fought and won World War II.

Generational names are works in progress. The zeitgeist changes, and labels that once seemed spot-on fall out of fashion. It’s not clear if the Millennial tag will endure, although a calendar change that comes along only once in a thousand years seems like a pretty secure anchor.

([Pew Research, 2010](#), p. 4)

Here is a brief run-down of what we hear routinely but what is unsupported by the consensus of the data. Millennials are “disloyal, anxious and disrespectful” (Kovarik, 2008). They are self-centered, not motivated, disrespectful and disloyal (Myers and Sadaghiani, 2010). They are a generation of “whiners” (Hershatter and Epstein, 2010). They are illogical, likely to be unwashed and not professional ([Greenfield, 2009](#)). They are narcissistic, self-important and entitled ([Jones, 2010](#)). They are ‘whiny’ losers, ungrateful, insubordinate, and unwilling to ‘pay their dues’ ([Greenfield, 2008](#)).

It goes on and on. In online forums, those who step in to disagree or to defend often are squelched and demeaned. We have all seen this in focus group deliberations, in the media and heard about it happening in the jury deliberation room. Opinion and stereotype bandied about as fact and data.

It seems odd that we allow the perpetuation of such negative stereotypes about generational

affiliation but decry those based on sex, race and religion. It is a long-held truism that there are more differences *within* generations than *between* them. As Deal, Altman and Rogelberg (2010) observe:

Tension between generations is more a result of the combination of lack of data and over-reliance on opinion rather than empirical results. If we shine a light on data rather than relying on ill-informed opinion, the generational conflict and misunderstanding that exist in the workplace would diminish.

(Deal, Altman and Rogelberg, 2010)

Shining a light on the data

Despite the wealth of opinion shared in various media about Millennials, there is only limited information based on actual data. We will share the empirical data in the following pages—organized for clarity into the following categories: early family life; political affiliation; religion; education; employment; diversity/tolerance/values; technology; internet; texting; social networking; and of course, tattoos and piercings.

You will note that our sources are almost entirely from 2008 to 2010. Context is critically important as we review the data. The economic recession has changed things dramatically for all of us, and the Millennials (as the most recent graduates) have been hard hit economically. Data from prior to the economic collapse is no longer accurate or relevant to our understanding of the Millennials, their values and behavior, life experiences, and perspective on their futures.



Early family life:

Millennials had very different childhoods than either the Boomers or Gen X. Only 62% were raised by both parents—compared to 71% for Gen X; 85% for Boomers; and 87% for Silents ([Pew Research, 2010](#)). They also had highly structured and supervised lives (with group sports, camps, lessons) compared to the Gen X experience of being “latchkey kids” (Fernandez, 2009).

They rank parenthood and marriage far above career and financial success but are not racing to the altar—only 21% are married now. This is less than half the rate of their parents’ generation at the same stage in life. Interestingly, they get along well with their parents and they are more likely to be living with family members now (47%) than were either Gen X (43%) or Boomers (39%) at this life stage ([Pew Research, 2010](#)).

Political affiliation:

Millennials are characterized by being both politically and socially liberal. They are more likely than other generations to self-identify as both liberal and Democrat. They are credited with putting Barack Obama in the Oval Office as they chose Obama over McCain 66% to 32% while voters over age 30 divided their votes 50/50 ([Pew Research, 2010](#)).

Religion:

Millennials are the least overtly religious generation in modern American times. Fully one-quarter of them are not affiliated with any religion (a much higher proportion than we saw in older adults at the same age). These religiously unaffiliated Millennials variously describe themselves as atheist, agnostic, or ‘nothing in particular’. They attend fewer religious services but tend to pray about as often as elders did in their youth

([Pew Research, 2010](#)). In short, not being affiliated is exactly that, and may not be anything more than a disinclination to join a religious group. And it doesn't reflect nearly as much about faith, belief, or attitudes about spirituality as it would have in prior generations.

Education:

It was predicted early on that Millennials would likely be the most educated generation in history (Howe and Strauss, 2000). This has not entirely come to pass. While Millennials are entering college in record numbers (more than 50%), they are doing so with a lower level of the general knowledge previous generations possessed (Deal, Altman and Rogelberg, 2010). There are questions as to what educational levels they will ultimately achieve as well as a sense that, even with college degrees, Millennials enter the workforce with 'holes' in their knowledge base.

Currently, female Millennials are achieving more educationally than males—perpetuating a trend that first began with Generation X ([Pew Research, 2010](#)). Millennials also seem to have a 'looser' definition of what constitutes 'cheating' than previous generations. They see standards for what constitutes cheating on tests as

Millennials in the Legal Workplace

Many of you are aware of the firestorm that has been playing out in the legal 'blogosphere' about the work ethic, attitude, narcissism and general childishness of the Millennial attorney.

In the September 2010 issue of *The Jury Expert*, we'll present what the literature actually says about the Millennial work ethic, workplace tensions, management strategies, and the reality of the evolution required each time a new generation enters the workforce.

more stringent than those for homework or written papers ([Science Daily, 2010](#)). As one of our children (who shall remain nameless) explained: "We don't cheat on tests—we just cheat on extra credit!"

Employment:

Full-time employment among Millennials has dropped significantly in the past four years while remaining largely unchanged for older working age adults ([Pew Research, 2010](#)). The unemployment rate for Millennials is close to 20%. They are also the least likely generation to be covered by health insurance. Given their higher rates of obesity, there are concerns about declining health status as they age ([Pew Research, 2010](#)).

While career consultants initially recommended Millennials consider teaching until the economy turned around—now school districts are being decimated by budget cuts. Oddly, despite the economy and their generational employment rate, Millennials

are turning down job offers at the same rate their peers did in 2007 in a much better economy ([Warner, 2010](#)). Millennials want 'fulfilling work' and that seems to mean holding out for a job they feel good about doing (Meister and Willyerd, 2010).

Millennials tended to job-hop prior to the recession but are now staying put for financial security. It is expected they will revert to changing jobs frequently once the recession has passed and they feel financially more secure (Haserot, 2009). However, one-third of them report they do not expect to job-hop when the economy improves ([Pew Research, 2010](#)). This is supported by financial sources reporting Millennials are becoming more fiscally conservative—focused on saving for retirement and employment stability (Fund Action, 2009).

Millennials in the legal profession are particularly hard hit with the expectation that at least 1/3 of graduating law students will not find employment in law firms ([The Jury Room, 2010](#)). According to the Pew Research report on Millennials ([2010](#)), 37% of Millennials are unemployed or out of the workforce. This is the highest share among this age group in more than three decades. Despite the poor economy and job market, Millennials remain upbeat about their own economic futures ([Pew Research, 2010](#)).

Diversity/tolerance/values:

Millennials tend to act on values that Boomers and Gen X only espouse. For instance, it is expected that ‘green’ products will become more important (Gottlieb, 2010). They are more likely to roll up their sleeves and do volunteer work than donate money and they are less brand-loyal than previous generations (Reisenwitz and Iyer, 2009). However, their views of businesses are not substantially different from their elders and unlike older generations, and they think the government should “do more” (Pew Research, 2010). They have grown up with recycling and do it naturally (McKay, 2010). According to the Pew Research report (2010), Millennial males have a lower rate of military service (2%) compared to Gen X (6%), Boomers (13%) and Silents (24%).

They are also the most racially tolerant (by their own report and with the agreement of other generations). They are more accepting of immigration than older generations. More accepting of single moms, gay parents, cohabiting and interracial marriage (Pew Research, 2010). It is important to note that Millennials do not endorse the preceding by a plurality—they are simply more tolerant of them than older generations.

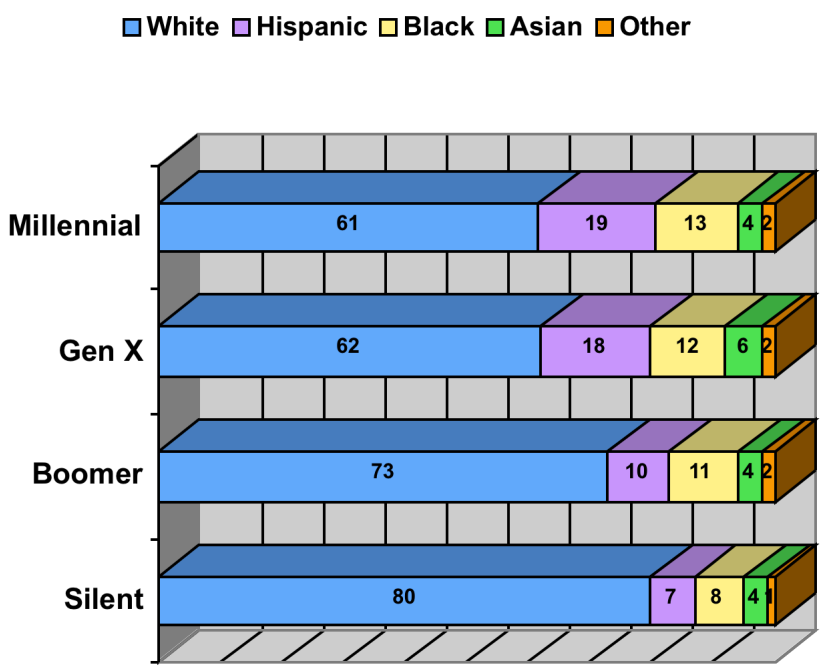
Finally, Millennials have a wary eye on those around them. Two-thirds of them believe “you can’t be too careful” when dealing with people. This tendency, however, has been true of younger generations for at least three decades and is not new with the Millennials. More recently, the trust those 30 and older have in others has dropped and there is a less significant gap between the old and the young when it comes to trust in others (Pew Research, 2010).

Technology:

Technology represents the new “generation gap”. In 1969, when Pew Research asked if there was a major difference in the point of view of younger people and older people today, 74% said there was. This likely doesn’t surprise any of us!

However, in the 2009 survey, 79% endorsed the idea of a ‘generation gap’. This time, the ‘gap’ is defined as comfort with technology rather than a disparity in values. Despite the ‘gap’ being bigger now than it was at the height of the Boomer’s entry into adulthood—there is not the same tension surrounding the differences. Technology has simply been ever-present for the Millennials. They are the first ‘always connected’ generation and their multi-tasking handheld gadgets are almost like an extra body part (Pew Research, 2010). The cell phone/smart phone is a watch, alarm clock, radio, and often television, too. Almost all of them (83%) sleep with their phones at hand, and they are more likely (41%) to rely on a cell phone as their only phone (Pew Research, 2010).

Race/Ethnicity in 2009
(% by generation) Pew Research, 2010



They are “digital natives” while the rest of us are mere “digital immigrants” (Hershatter and Epstein, 2010). Millennials are unique in their use of technology ([Pew Research, 2010](#)) but then so is every generation (Deal, Altman and Rogelberg, 2010). Millennials are early adopters of technology with technology embedded in almost everything they do. They assume technology can be adapted for their needs—because it always has been (Simons, 2010). Their technical sophistication results in a sense that the world is smaller, more diverse and highly networked (Patterson, 2007).

As many positive facets as there are to the Millennials’ facile use of technology, there are some who believe the constant presence of technology has resulted in a change in ‘hard-wiring’ for the Millennials. While they seem more effective in multi-tasking, in their response to visual stimulation and in their filtering of information— some say that they appear less adept in face-to-face interaction and in deciphering non-verbal cues (Hershatter and Epstein, 2010). Some go to the extreme and assert that all this use of technology is “dumbing down” our youngsters and damaging their brains ([Bumiller, 2010](#); [Richtel, 2010](#)). Brain scientists disagree ([Pinker, 2010](#)).

Internet use:

The Millennial’s comfort with technology goes hand in hand with their use of the internet. While Boomers and Silents remain most likely to rely on television news and newspapers—both the Millennials and Generation X tend to use the internet just as much (if not more) for news ([Pew Research, 2010](#)). Millennials are more likely (62%) to connect to the internet wirelessly when not at home or work than are Gen X (48%) or Boomers (35%) or Silents (11%).

There are racial and educational differences in how Millennials use the internet. While 95% of white Millennials are online, only 91% of black Millennials and 73% of Hispanic Millennials are online. This gap narrowed between 2006 and 2008 but Hispanics continue to lag behind. The more education you have, the more likely you are to be both on the internet and on social networking sites—74% of college attendees versus 47% of those not attending college ([Pew Research, 2010](#)). Finally, 1/3 of all entering college freshman have blogs. Millennials live on-line ([Pryor, Hurtado, DeAngelo, Sharkness, Romero, Korn, and Tran, 2008](#)).

Millennial’s internet use results in an almost native ability to quickly gather and research multiple pieces of information. They are able to digest and understand data quickly and thoroughly. However, they seem quite unaware that some sources of information are more valid than others. Thus they are prone to miss nuances in information, miss the problems of response bias, and not evaluate information contextually (Hershatter and Epstein, 2010).

Texting:

According to the Pew Research study ([2010](#)), 88% of Millennials send text messages (compared to 77% of Gen X; 51% of Boomers and 9% of Silents). Younger kids send more texts than older ones. African American kids text even more—among those who texted in the previous day, African American kids sent or got 50 text messages as compared to 20 texts among Caucasian kids.

Texting amongst Millennials is ubiquitous. They do it constantly. They are much more likely to text when driving ([Pew Research, 2010](#)). And Millennials don’t just sleep with their phones (83%)—10% of them think it’s okay to interrupt sex to return a text message ([Rothschild, 2010](#)). Wow! Although to be fair—the same study shows that 6% of those over 25 agree so it isn’t just the Millennials. Focus, people, focus!



Social Networking use:

Social network sites (such as Facebook, Twitter, MySpace) have been present for years and Millennials access them more than other generations. The Pew report ([2010](#)) shows roughly 8% of all adults use Twitter (14% of Millennials; 10% of Gen X; 6% of Boomers; and 1% of Silents).

Three-quarters of the Millennials have profiles on social networking sites but, contrary to common wisdom about Millennial's poor judgment in what they share online, most of them report they have placed privacy boundaries on their profiles ([Pew Research, 2010](#)). They report a deep-seated mistrust of the intentions of social networking sites and an increase in privacy concerns as they attempt to control their on-line reputations. They are more diligent than older adults in controlling access to their profiles, in deleting unwanted posts on their pages and limiting online information about themselves ([Holson, 2010](#)). This may be due in part to the fact that (surprisingly) the Millennials are the generation most hard hit by identity theft. On average, it takes them 132 days to detect fraudulent activity compared to 49 days for older victims ([Tompkins, 2010](#)).

Tattoos and piercings:

No discussion of the Millennial generation would be complete without addressing the topic of tattoos and piercings. We are fascinated by the popularity of tattoos among the Millennials. Almost 4 in 10 (38%) Millennials have tattoos (as compared to 32% of Generation X; 15% of Boomers; and 6% of Silents). Further, about half of those with tattoos have between 2 and 5 tattoos and 18% have 6 or more tattoos ([Pew Research, 2010](#)). There are musings about whether we can assess juror morality by counting tattoos ([The Jury Room, 2010b](#)), whether tattoo location means anything ([The Jury Room, 2009](#)), or if the presence of a tattoo can tell us which way a potential juror is likely to see our case ([The Jury Room, 2010c](#)). [Keene and Handrich confess that having kids in this age group has prompted a wish to understand that goes well beyond intellectual curiosity.]

Oddly enough, there may be some reason to believe there is utility in tattoo observation! While there is no evidence that tattoos are a form of political expression for the Millennials—both political party affiliation and ideology are correlated with having a tattoo!

Among those under age 30, 44% of Democrats (and Independents who lean Democrat) have at least one tattoo. Among those who are Republican (or Independents leaning Republican)—31%.

43% of Millennials self-identifying as liberals have tattoos. Only 12% of self-identified conservative Millennials have tattoos ([Pew Research, 2010](#)).

Alas, 72% of the Millennials say their tattoos are hidden beneath their clothes ([Pew Research, 2010](#)). We doubt most jurisdictions would allow you to ask Millennial age jurors to disrobe. A second intriguing tidbit of information is that Millennials have body piercings at almost 6x the rate of other generations. We have no idea what this means although 1/4 (23%) of the Millennials have a piercing somewhere other than the earlobe ([Pew Research, 2010](#)).

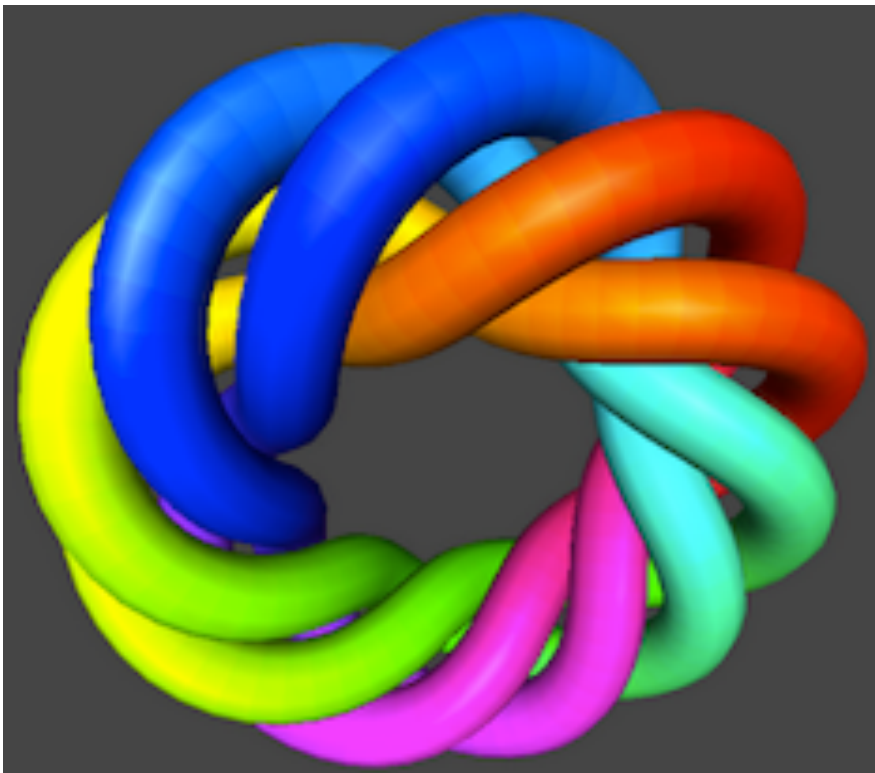


Summary

The Millennials as a group are both the same and different than we have assumed. They are bright and educated, but missing important and basic information. They are racially diverse and tolerant but not all-accepting and inclusive—simply more tolerant than prior generations. They decorate their bodies with piercings and tattoos more than anyone other than their closest friends might realize.

We cannot say if they are more narcissistic or not—there simply hasn't been research we can generalize as of yet. We can safely say that every older generation has said that about every younger generation. We can also say that Millennials are used to speaking their minds (they were not raised to be 'seen but not heard') and their communication style can certainly be less than tactful and diplomatic. They do not have much regard for hierarchy and will "overstep bounds" in the eyes of those who do. They have taken the Boomer admonition to "Question Authority" to new levels. Yet they are used to having activities supervised and clearly defined. They want to be sure they are doing things 'right'. They are sensitive to criticism—perhaps overly so. It is easy to imagine a greater fear of failure (due to a sense of being constantly scrutinized, living in a more fragile world, and being hatched into a difficult economic world) than prior generations.

They value connection (to family, friends, and coworkers). They are much more social than Generation X. They are politically and socially liberal and less traditionally religious than preceding generations. They value education and success but there are questions regarding their general fund of knowledge. They are more obese than prior generations and their health status (as they age) is cause for concern. They are pragmatic and more frugal than we have given them credit for with lower brand loyalty than previous generations (which, understandably is a concern for marketers). They are not very trusting of others (but most of us are not these days). They are "digital natives" and this carries with it both significant skills and deficits in work proficiency. They live and breathe technology and gadgets. They blog, and text and network online. They are young.



Finally, they are also individuals. There is not really a description of "the Millennial" that will help you to 'profile' them as jurors. It is far more reasonable and informed to say that there is a Millennial world view and lifestyle, but the diversity of values, interests, and personalities is as diverse among them as any other group. These are broad brush strokes that describe an aggregation, not individuals. Individual Millennials would fairly disagree with many of the descriptors above as being "not me"! Prior generations did the same thing as descriptions of their generations came out in the aggregate. The attitudes, values and life experiences of individual jurors are more important for you to assess than simply their generational assignment. The generational profile can help you understand how to most effectively communicate with them, but to understand them requires listening, not presuming.

TMI! TMI! Talk about information overload! How do I use this?

Feeling like this is too much information? There are numerous ways litigators can put it to use.

1. Challenge your assumptions and beliefs.

- a. Millennials are not necessarily narcissistic or uninterested in people. They care about making a difference. Don't write them off as jurors when your case is about how others have been harmed (whether through injury, contract breach, patent infringement, or corporate malfeasance).
- b. If you connect with a Millennial juror—who typically feels disrespected by authority—you have a vocal and determined advocate in the jury room.
- c. Not all Millennials are internet wizards. And while Hispanic Millennials lag behind on internet use—they aren't the only ones! Do not assume competence with all things technology.
- d. Tattoos and hair colors not found in nature are signs neither of loose morality nor intellectual failings. Think of them as the bell-bottoms and long hair of the 2000's. They are simply a form of self-expression.

2. Case themes

- a. Millennials led very structured and protected early lives. Themes of how investors/plaintiffs/trainees were not protected, trained or supported may resonate with them. Betrayal of trust is a serious violation. The trial theme trifecta of T-L-C (training, leadership and communication) can be especially powerful.
- b. Connection is important to the Millennials. They value family, friends and coworkers. Case themes that speak to the value of relational connection will likely resonate with them as well.
- c. Tolerance is a strong suit of many of the Millennials. When your case benefits from tolerance of differences—Millennials may be a good bet.
- d. Millennials want 'fulfilling work', not merely a job. They want to 'make a difference'. Themes of 'meaning', 'righting wrongs' and 'fairness' will resonate with them. They are idealists.
- e. Millennials are much more concerned about privacy than we think. Case themes that emphasize privacy violations will resonate with many of them.

3. Considerations for pretrial research and voir dire

- a. **Liberality:** Millennials are politically and socially more liberal than previous generations. This is true even among personally conservative people. Consider how this may (or may not) mesh with your story.
 - i. Consider the odd correlation between tattoos and liberalty and political affiliation. If you know what orientation is better for your case and have limited voir dire—tattoos may be a good “Millennial demographic” for you to consider.
- b. **Religiosity:** Millennials are less religiously affiliated than previous generations were at the same age with one-quarter variously describing themselves as atheist, agnostic, or 'nothing in

particular'. This may have implications for your case as well although it is important to bear in mind that Millennials religious affiliation may modify with age.

- i. For more information on atheism at trial, review our article on atheism in the courtroom. ([Keene and Handrich, 2010](#)).
- c. Connecting the dots: Millennials are good at connecting the dots in testimony but not so good at identifying source validity. Help them learn how to determine which source is likely more trustworthy through effective presentation of expert witnesses ([The Jury Room blog, 2010d](#)).
- d. Corporate defendants: Millennials are not much different than prior generations in their attitudes toward business but they have a different (more nuanced, less black and white) attitude toward cheating. They may require a higher standard of proof to find a corporate defendant guilty of wrongful behavior.
- e. Tolerance: Millennials are more racially diverse and more tolerant than previous generations. When “differentness” (religious, racial, ethnic origin, immigrant status, or language spoken) plays a role in your case, the Millennials may serve as the voice of tolerance in deliberations.
- f. 1/3 of all incoming college freshman have blogs. While this is a useful tool for juror research (in terms of identifying attitudes and life experiences), it is also a potential threat to trial confidentiality. Find out who has a blog and monitor them before, during, and perhaps even after trial.

4. Case presentation:

- a. Multimedia: Millennials are used to multi-tasking and want a variety of sensory input. Do not lecture. Use graphic evidence. Be succinct. Be amusing. Incorporate video, graphics, and physical evidence. Keep them engaged.
- b. Remind them about the rules (and explain why the rules are important): Millennials want to do the right thing but their smart-phones are virtual appendages. They are so used to checking facts and learning more via the internet that they will do it without a second thought. They text as they breathe: automatically. Educate, repeat. Educate, repeat. And then, do it again.
 - i. For a thorough review of Jurors and the Internet (including recommendations on jury instructions) see our earlier paper here in *The Jury Expert* ([Keene and Handrich, 2009](#)).

There are certainly additional ways for you to use the research findings we've outlined throughout this article. Our hope is that this summary of the knowledge we have now can replace some of the stereotypes/biases many of us have been unknowingly reinforcing. As we mentioned earlier, we'll look at Millennials in the law firm in the next issue of *The Jury Expert*.

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Editor's Note

It's the dog days of summer here in the heart of Texas but this issue is sure to keep you glued to your computer screen! Once again, we have a variety of pieces that are thought-provoking and provocative but also carefully researched and written. To start us off, Sam Sommers reviews the research he's done over the past ten years and sets the record straight on what we know (and what we don't know) about race and jurors. All of our stock portfolios have taken hits and been on something of a stomach-wrenching course for the past while but Eric Rudich has been watching something odd: how Wall Street reacts to the litigation verdicts of publicly traded litigants. Read and learn. Daniel Denis has an eye toward numbers as well but his focus is on how to talk to jurors about probability so they "get it".

Doug Keene and I review the literature (the real literature) on the Millennials (also known as Generation Y) and discuss how you can use this knowledge to inform your litigation advocacy (and learn a bit about tattoos along the way). Alexis Robinson looks at the phenomenon of white guilt and how it plays into jury deliberations. Thaddeus Hoffmeister examines the impact of the Skilling verdict and what we need to consider as we move forward in a changed litigation arena. And finally, Desiree Griffin and Emily Patty take a look at the need for affect (aka emotion) in jury decision-making. Why even go outside? Make some coffee (or maybe a cool drink) and sit down to read the July issue of *The Jury Expert*! And, as always, please comment on our website so we know what you're thinking and what you're especially interested in and intrigued by.

[Rita R. Handrich, Ph.D., Editor](#)

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