



## **Managing The Millennial Juror**

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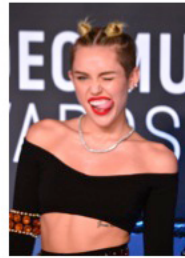


## **The Millennial Juror**

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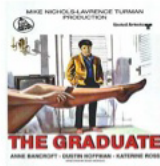
## Who Are the Millennials?

- Those born after 1980\*
- Also referred to as:
  - Generation Y
  - Nexters
  - iPod Generation
  - Internet Generation
  - Boomerang Generation

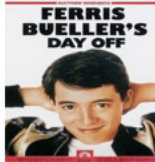


\*Pew Research Center definition

## Which Generation Do You Belong to?



**Baby  
Boomers**



**Generation X**



**Millennial  
Generation**

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## The Millennials: Coming to a Jury Near You

<b>Millennial Generation (ages 18 – 30)</b>	<b>76 million people</b>
<b>Generation X (ages 31 – 46)</b>	<b>47 million people</b>
<b>Baby Boomers (ages 47 – 65)</b>	<b>80 million people</b>

Sources: Pew Research Center, U.S. Census Bureau



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## Millennials by the Numbers

- 37% Democrats, 38% Independents, 22% Republicans
- 39% non-white minorities
- 25% not affiliated with any religion
- 37% unemployed/out of workforce
- \$39,700 median salary [PayScale Study]
- On track to become the most educated generation in American history

Source: Pew Research Center

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## Millennial Generation's Key Life Events



School Violence



Corporate / Personal Scandals



Financial Crisis



The Rise of the Internet



9/11

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## The “Digital Natives”

- 90% use the Internet
- 75% have created a social networking profile
- 24% say technology makes the generation unique
- 1 in 5 have posted a video of themselves online



Source: Pew Research Center

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## (Alleged) Characteristics and Values

- Narcissism
- Entitlement/Laziness
- Consider themselves the authority
  - “Hyper” educated
  - Youth more of an asset than age/experience (technology driven economy)
- Inventive/resourceful
- Collaborative



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## More (Alleged) Characteristics and Values

- Fairness
- Corporate transparency
- High expectations for government/embrace “the system”
- Pragmatic
- Optimistic
- Financially responsible
- “Are women the new men?”

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## Pro-Plaintiff?

- “Liberal”
- Focus on fairness = focus on feelings over facts?
- Relate to those out of work



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## Pro-Defense?

- Highly educated
- Considered pro-business
  - Not nearly as distrustful of corporations as prior generations
  - Resourceful and entrepreneurial themselves; like that businesses create things they like
- High narcissism = lack of empathy
  - Reserved, not passionate



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## Pro-Defense?

- Some jury consultants believe Millennials are more defense-oriented
  - “What we are seeing in a lot of med-mal and personal injury cases is [Millennial] jurors asking why [the plaintiff] didn’t get a second opinion.” [LaVerne Morris, Jury Consultant with TrialGrahpix]
  - Millennial jurors are generally more prone to question a plaintiff about what actions he or she took that might have ignited the complaint. [LaVerne Morris, Jury Consultant with TrialGrahpix]

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## Voir Dire Tips for Millennials

- Take advantage of online information
  - Ask whether they write or contribute to blogs
  - Internet research
- Start a conversation
  - Less talking, more listening
- Tone down argument
  - Think more highly of their own thoughts than of yours
- Avoid interrogating



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## Trial Tips for Appealing to Millennials

- Embrace technology and multimedia
  - Make your presentation interactive; entertain
- Speak in “sound bites”
- Streamline your case presentation/  
narrow themes
  - Short attention span
- Focus on collaboration and fairness



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## More Trial Tips for Appealing to Millennials

- Focus less on credentials
- Fulfill their interest in being educated
- Explain issues of reliability of evidence
  - Do not necessarily appreciate that the source of much of their information, the internet, is not always reliable
- Lead them to your conclusion, rather than telling them what to think

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## Times Are Changing

- *“If a generation is going to arrive in the jury box that is totally unused to sitting and listening but is using technology to gain the information it needs to form a judgment, that changes the whole orality tradition with which we are familiar.”*
  - Lord Chief Justice of Great Britain, Sir Igor Judge

## **About Jennifer Mountcastle**

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Jen is a partner in the Product Liability Litigation, and Business Litigation practice groups. She regularly defends product liability and personal injury claims involving commercial and consumer products, particularly automobiles, pharmaceuticals, and medical devices. Her practice includes considerable experience with class actions, mass torts, and other complex litigation. Jen has served as trial counsel in multimillion-dollar cases and handled a number of appeals in both state and federal courts.

As a member of the firm's Business Litigation practice group, Jen has both prosecuted and defended claims of breach of contract, defended trustees against claims of breach of fiduciary duty, and defended lenders against a variety of consumer claims.

### **Practice Areas**

- Product Liability Litigation
- Business Litigation
- Life Sciences

### **Distinctions**

- Selected as a Law360 Rising Star, 2012
- Selected for inclusion in 2006, 2007, 2012 and 2013 Ohio Super Lawyers® as a Rising Star
- Cleveland YWCA, Women of Professional Excellence Recipient, 2010
- Burton Award, 2008
- Shepard Broad Law Center Nova Southeastern University Round Robin Moot Court Competition, Best Speaker
- Shepard Broad Law Center Nova Southeastern University Round Robin Moot Court Competition, First Place Team
- Cleveland-Marshall College of Law Moot Court Night, Best Oral Advocate
- American College of Trial Lawyers National Moot Court Competition, Regional Rounds, Best Oral Advocate, Preliminary Rounds
- American College of Trial Lawyers National Moot Court Competition, Regional Rounds, Best Oral Advocate, Final Round
- American College of Trial Lawyers National Moot Court Competition, Regional Rounds, First Place Brief
- American College of Trial Lawyers National Moot Court Competition, Regional Rounds, First Place Team

### **Education**

- Cleveland-Marshall College of Law, J.D., 2000, summa cum laude, executive editor, Cleveland State Law Review, 1999 to 2000; Moot Court Board of Governors, vice chairperson, 1999 to 2000 and associate member, 1998 to 1999
- Bowling Green State University, B.A., 1997, cum laude