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**New Jurors on the Scene:
Millennial Jurors and Their Effect On
Product Liability And Other Litigation**

Thursday, October 27th @ 3:00pm ET

Presented By:



James Carlson – Christian & Small



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Solutions, LLC



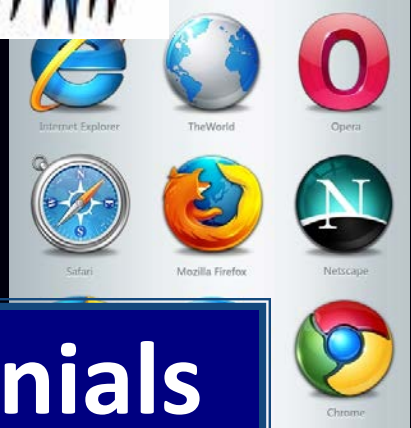
Dr. Jill Huntley Taylor – Dispute
Dynamics



Mike Vetter – Spicer Rudstrom

Generational Differences: An Overview

- A very general definition of a generation is a group of people born at approximately the same time and that therefore share some of the same life experiences and influences.
- The five generations currently alive in the United States are:
 - **Traditionalist or silent generation** (1945 and before)
 - **Baby Boomers** (1946-1964)
 - **Generation X** (1965-1976 or 80)
 - **Millennials or Gen Y** (1977 or 80 to 1994 or 95)
 - **iGen, Gen Z or Centennials** (1996 and later)
- All of these generations were and are influenced by their life experiences, technology, world events, cultural norms, economics, etc. and each generation and group of people has its own set of expectations, evaluation techniques, and influences.
- We are here today specifically to discuss Millennials as jurors and their influence and presence on product liability cases and juries.



What Has Shaped Millennials



Experiences

- School shootings; 9/11
- Technology
- Diversity
- Parental involvement
- Participation awards
- Emerging adulthood

Generation Y/Millennials

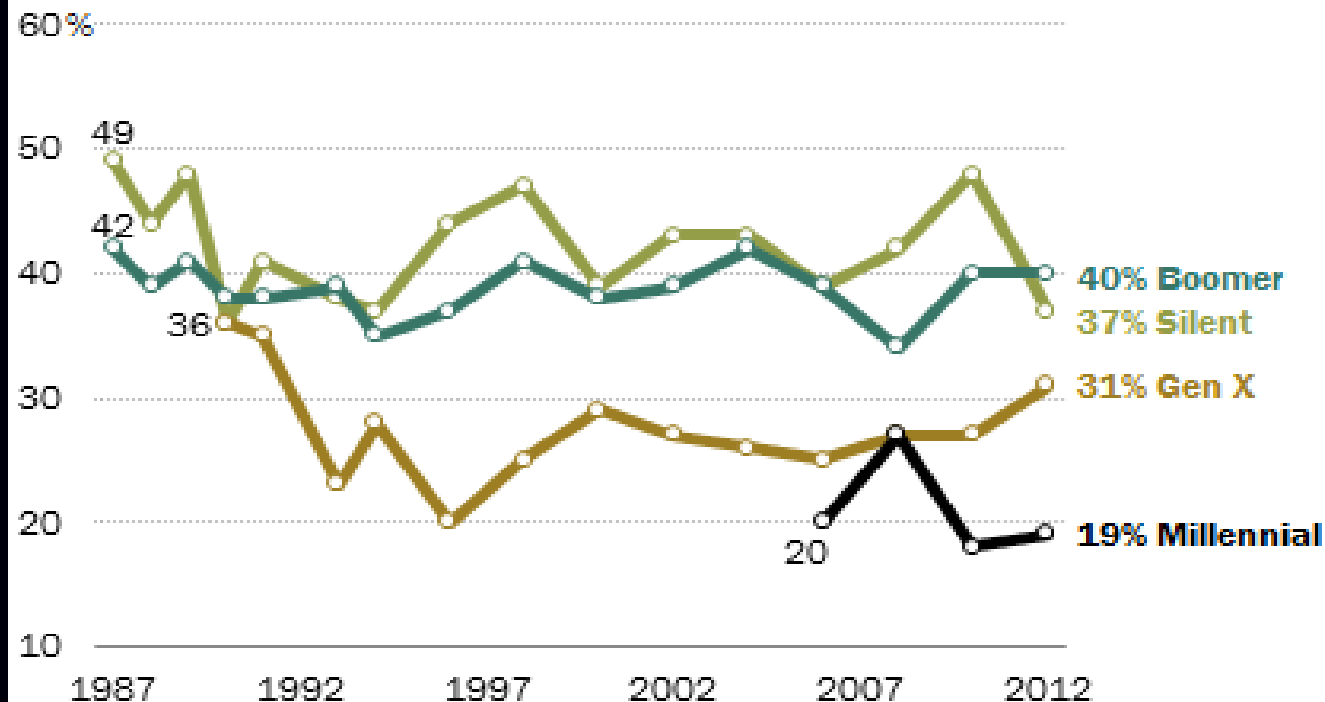
Cited Characteristics

- Personal safety
- Distrust/conspiracy theories
- Narcissism
- External Locus of Control
- Meaningful work
- Diversity valued/expected
- Comfortable with technology--visual
- Entitled/ Empowered

Generally speaking, would you say that most people can be trusted?

Millennials Less Trusting of Others

% saying that, generally speaking, most people can be trusted



Question wording: "Generally speaking, would you say that most people can be trusted or that you can't be too careful in dealing with people?"

Source: General Social Survey data, 1987-2012

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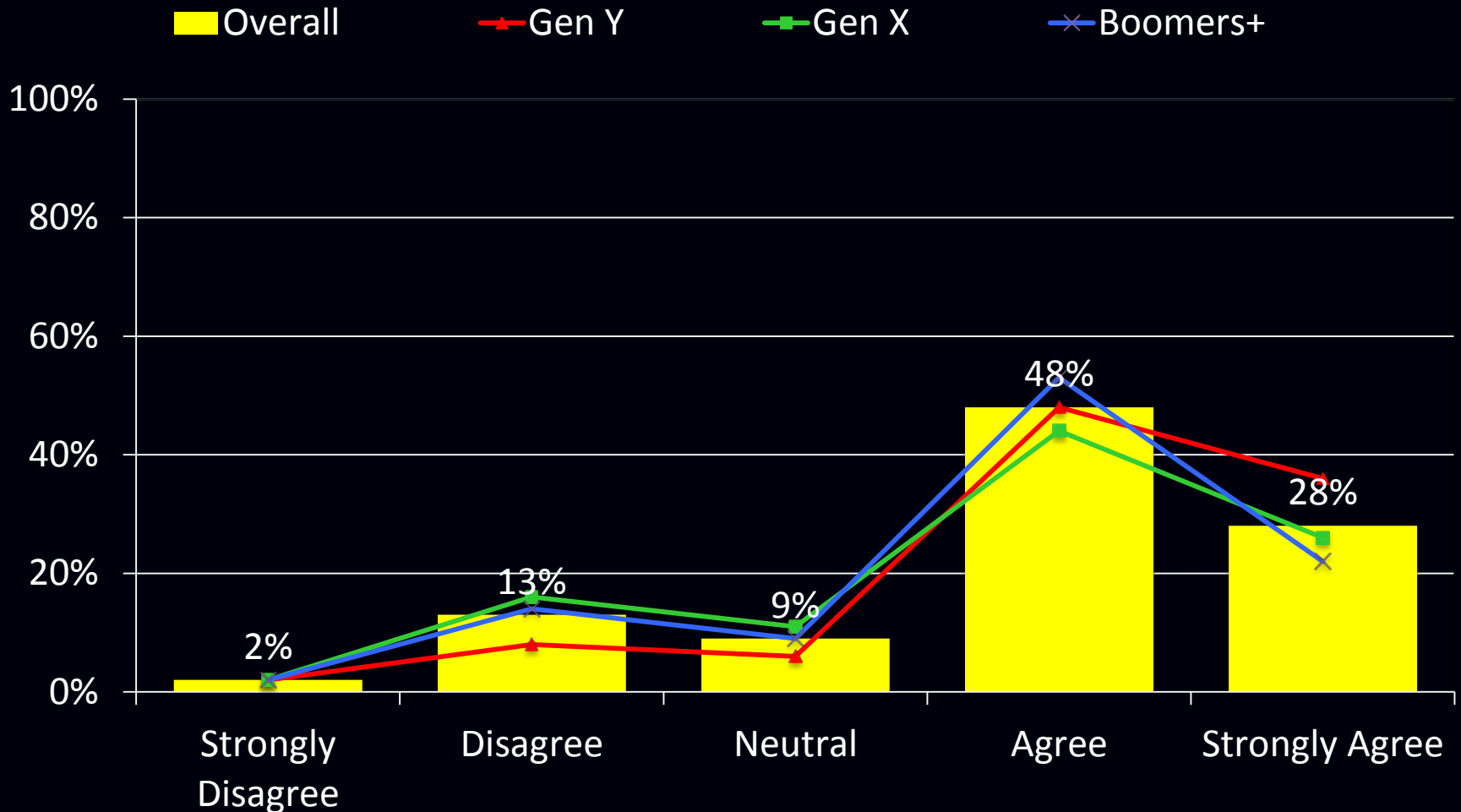
Litigation Implications: Millennials in the Box

- Reptile lawyers have a ripe audience—safety and conspiracy
- Past practices viewed through the lens of today's regulations
- High/unrealistic safety and disclosure expectations
- Jurors are “experts” with access to a wealth of information
- Youth and inexperience are not deterrents from leadership and opinion sharing
- Get to know your prospective jurors

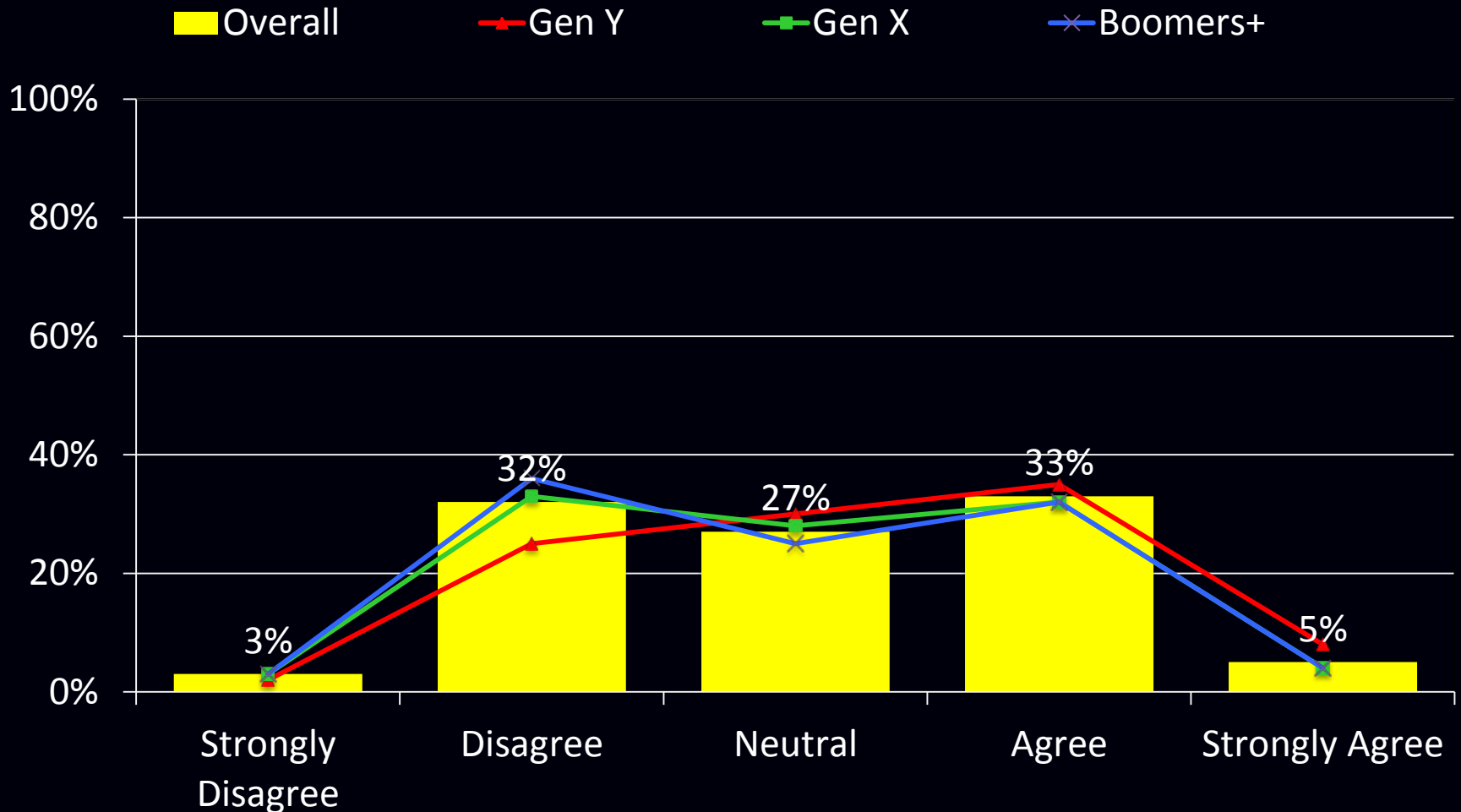
What To Know

- What have they done/proudest accomplishment?
- What are their goals?
- Where have they worked?
- Where are they willing to work/not work?
- How do they view corporations?
- What do they think makes them unique?

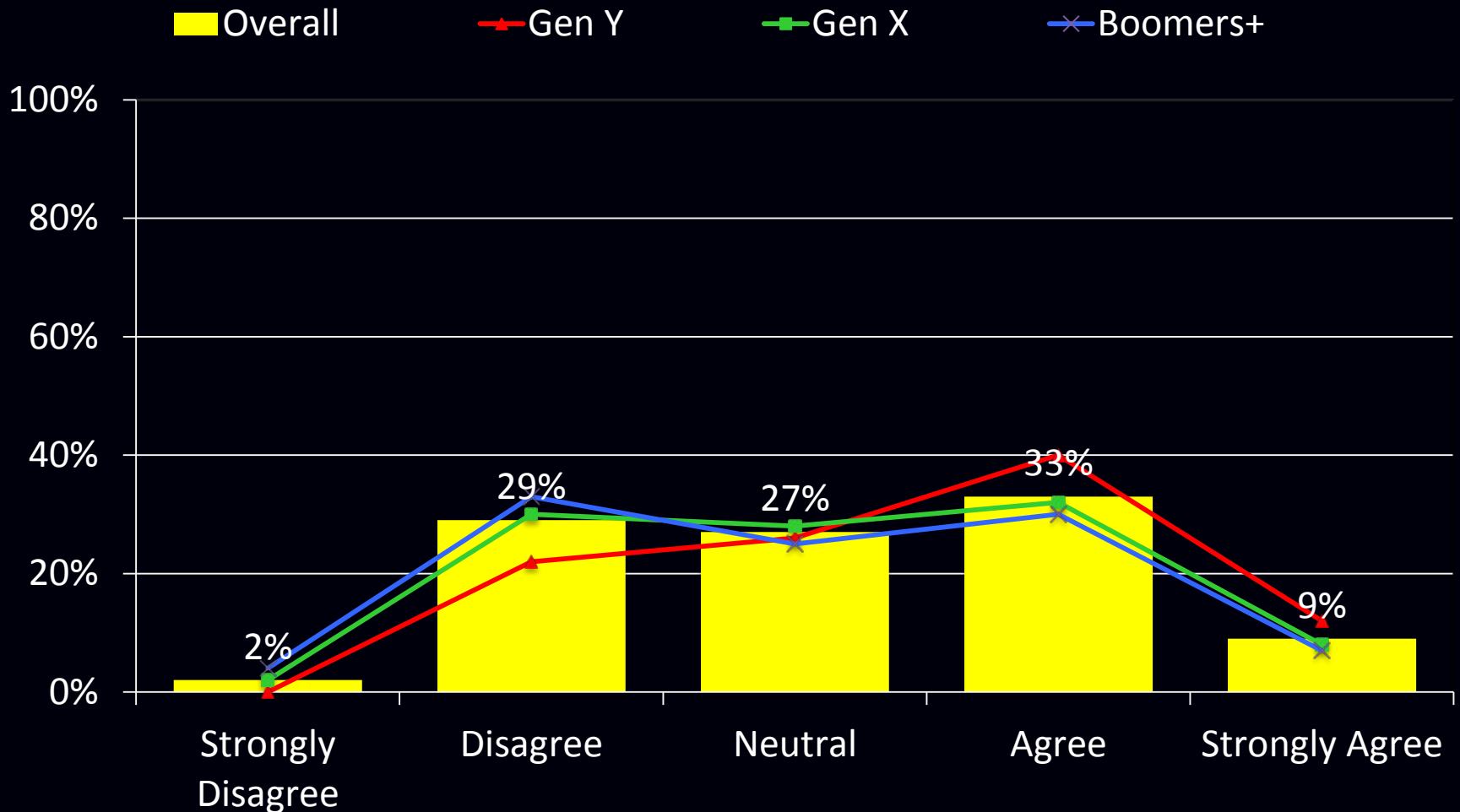
Manufacturers are responsible for determining every way their products might be unsafe.



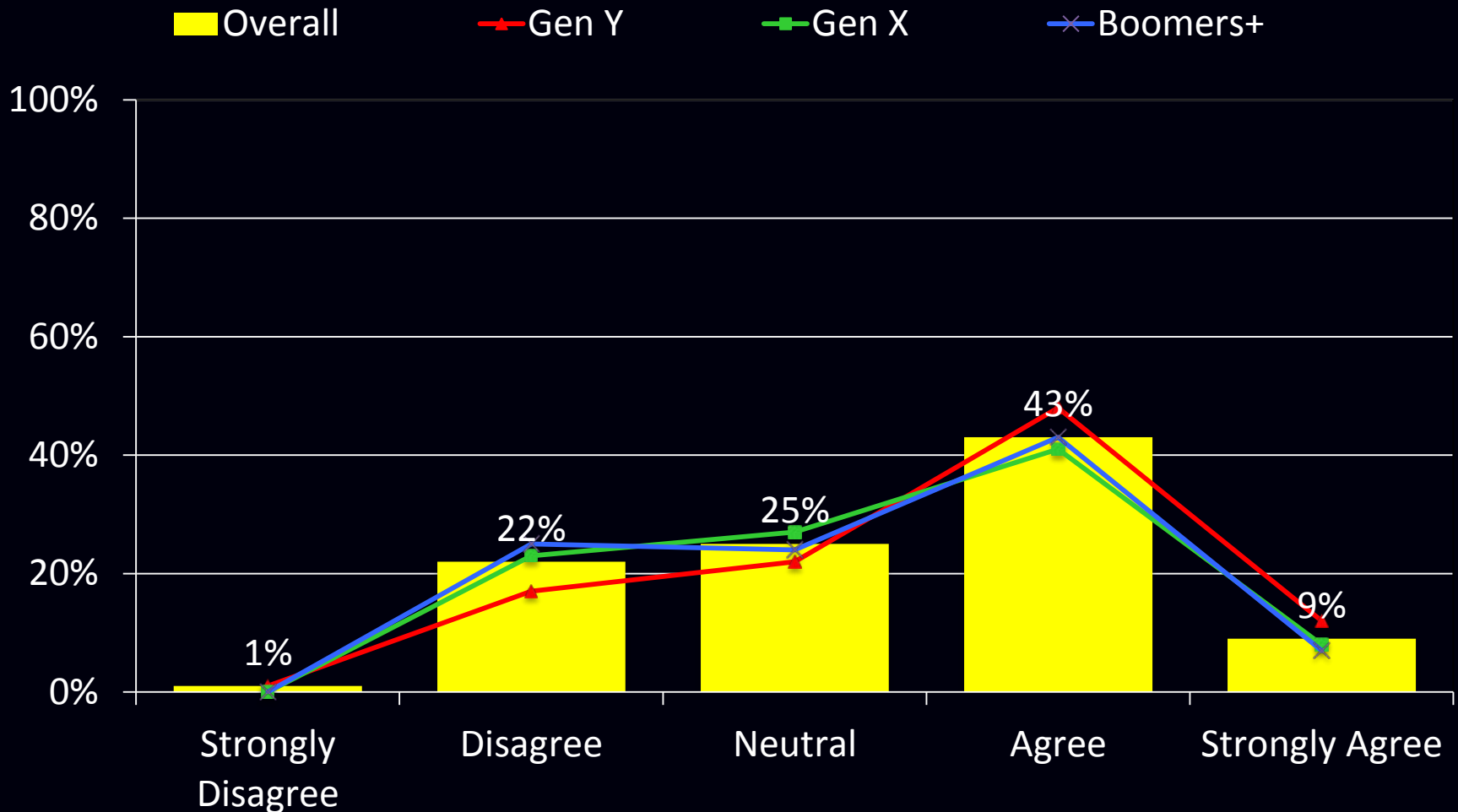
Most companies would put profits ahead of customer safety.



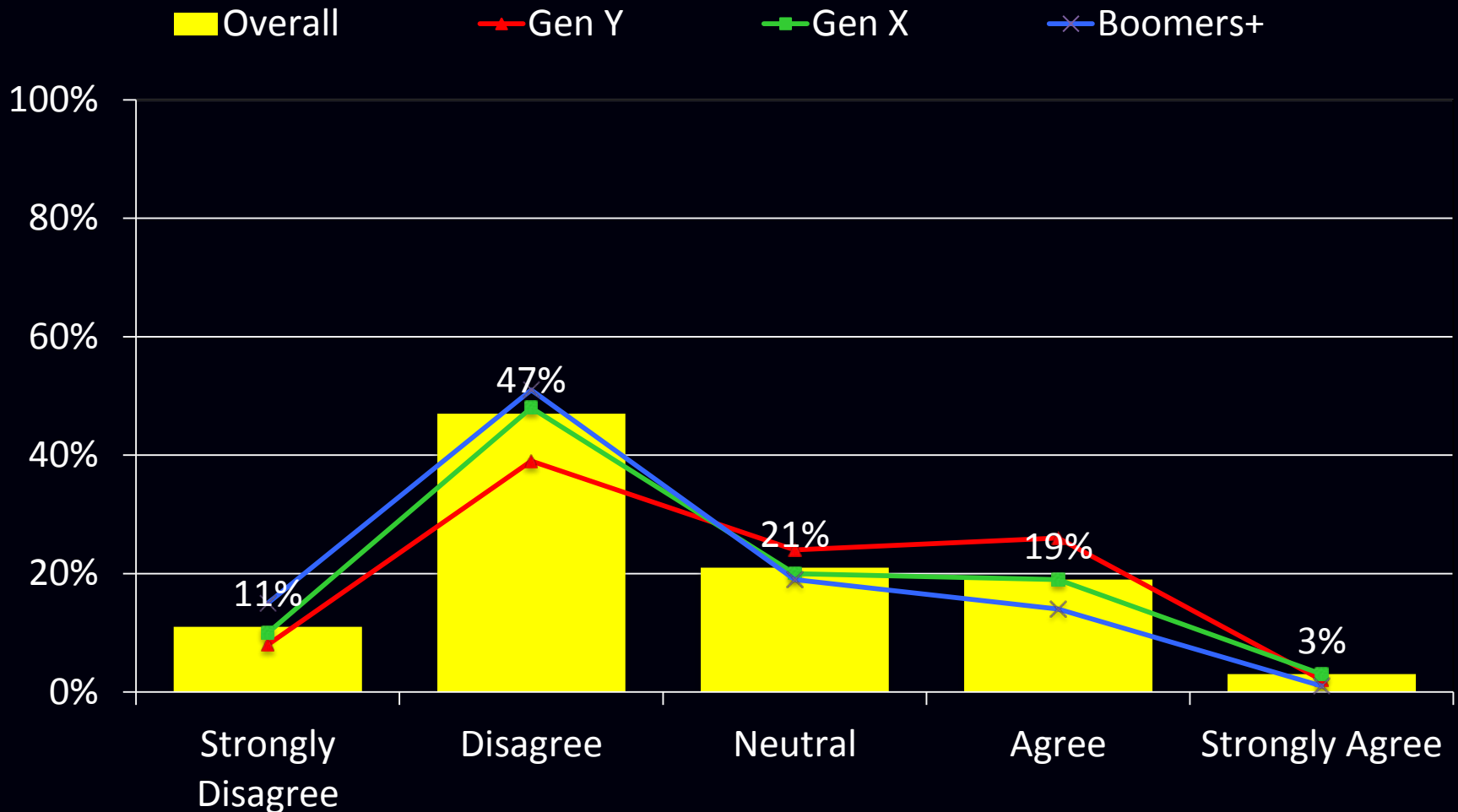
Most companies do not care who they hurt as long as they make money.



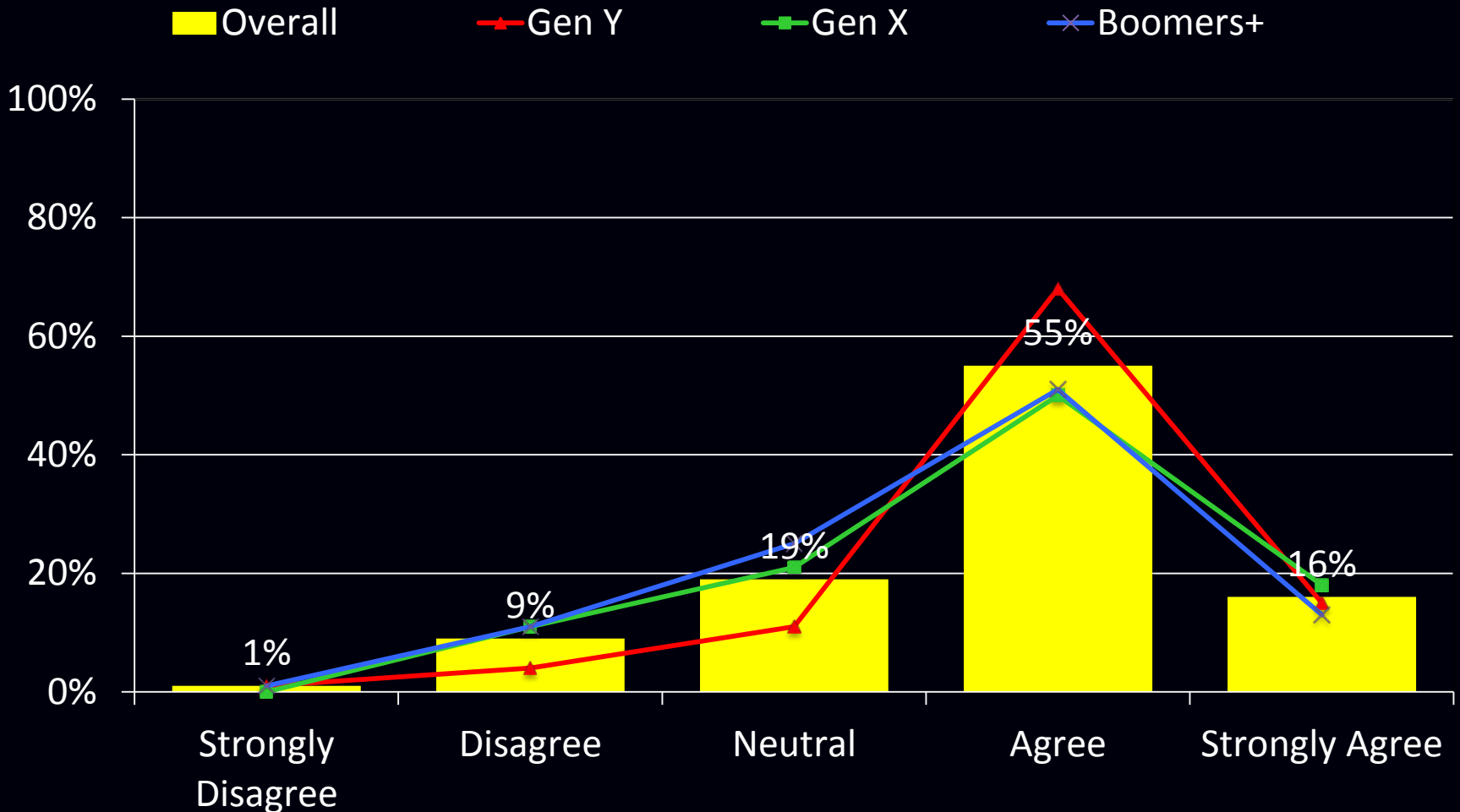
A representative of a company will say whatever it takes to keep the company out of trouble.



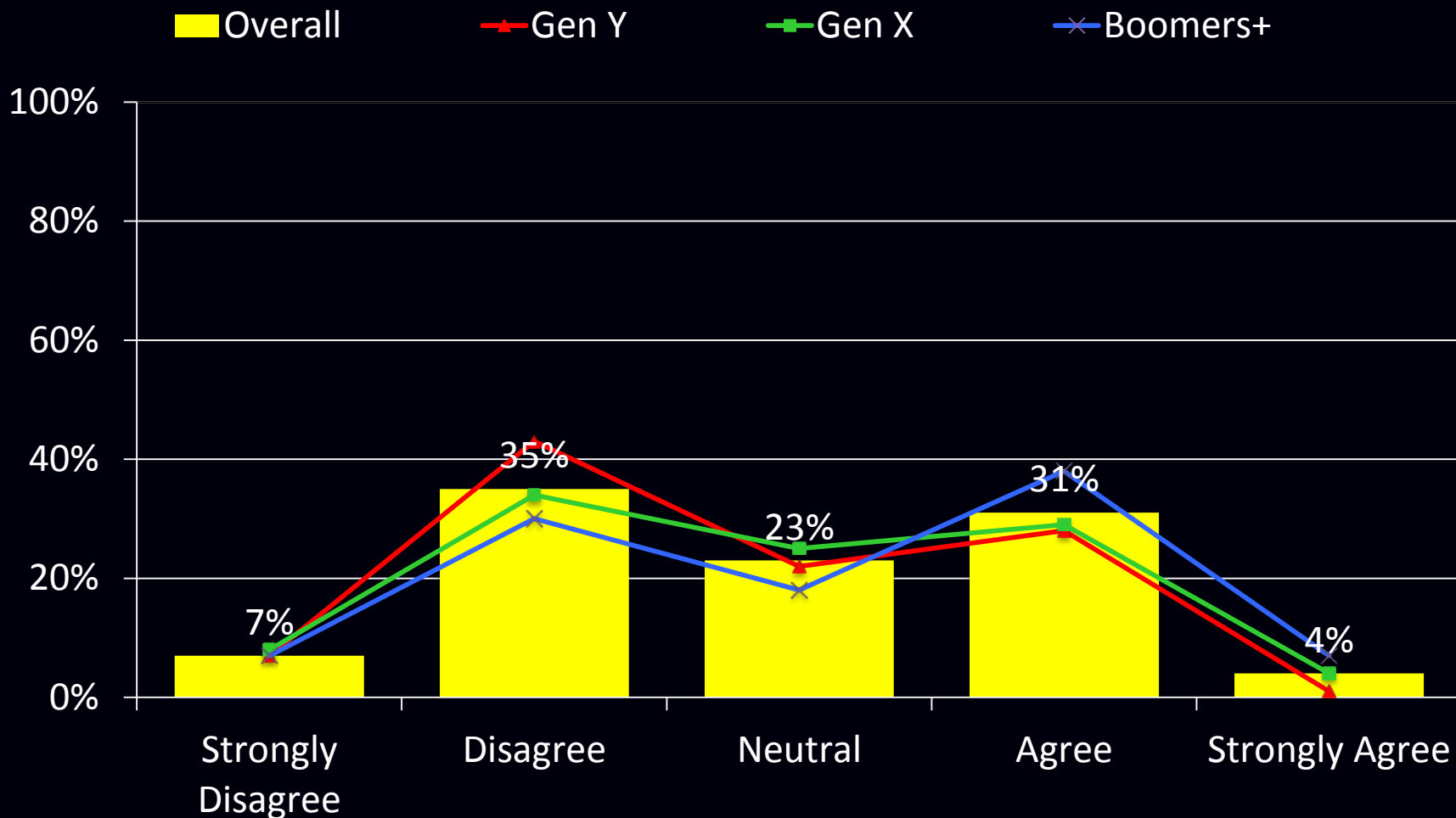
To be a successful competitor in today's business world, you have to be willing to play dirty.



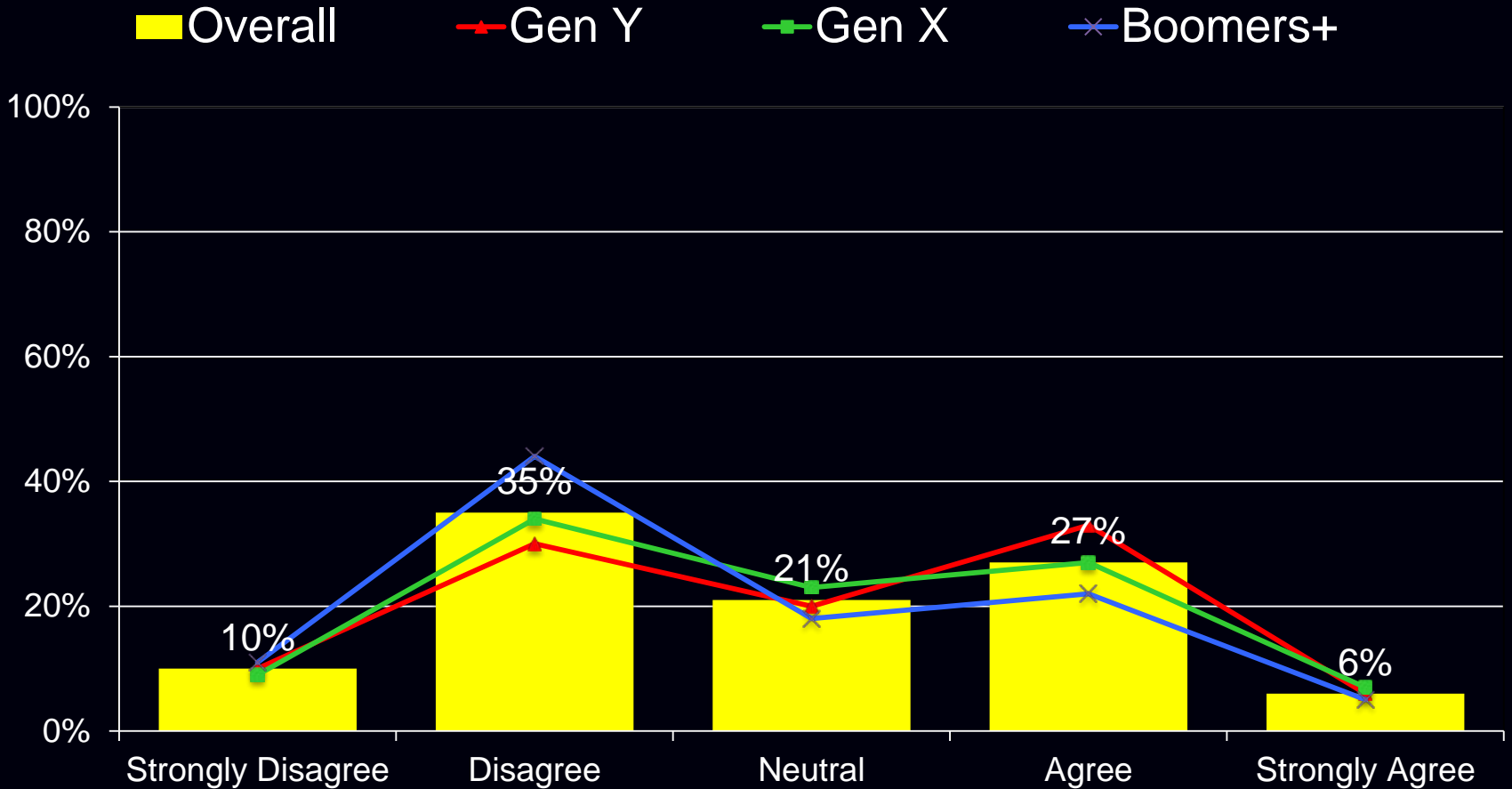
Many large companies will stop at nothing to maintain a top position in the marketplace.



The court should place limits on the amount of money companies can be forced to pay in punitive damages.



There are times when a company's actions are so offensive that it would make sense for a jury to award an amount of damages that would put that company out of business.



Conclusion: Strike Millennials?

Limitations of Broad Categorizations



Born 1947



Born 1954



Born 1961



Born 1951



Born 1946



Born 1946

Same generation and gender



Same generation and race



Same generation, race and gender



Communicating with Millennial Jurors in the Courtroom

Know the Backdrop

- Information revolution
- Era of empowerment

Know Your Audience

- The largest living generation comprising one-third of jurors
- Most educated generation
- Strong sense of entitlement
- Confident
- Impatient
- Effective multitaskers
- Ethnically and racially diverse

Know Your Audience

- More likely to be unmarried
- Always connected (83% sleep with phones; 75% have profiles on at least one site)
- Underemployed
- Politically and socially liberal
- Skeptical
- But also more likely to believe in conspiracies

Implications for Communicating with Millennials in Court

- 1) Embrace technology
 - No such thing as too slick
- 2) Recognize limited attention spans
 - Law and Order effect
 - Avoid using slow build
 - Develop an establishing shot for opening
- 3) Take advantage of jurors' motivations
 - Help jurors feel smart
 - Help jurors get "it" right
 - Avoid traditional private language of the courts

Recognize Importance of Visual Learning

- Use crisp and simple visuals
- Avoid overloading PowerPoint slides with text

Information Retention

	After 3 Hours	After 3 Days
Oral Presentation	70%	10%
Visual Presentation	72%	20%
Oral and Visual Presentation	85%	65%

Earn Their Trust and Respect

- Backup all arguments with quick facts
- Avoid theatrics (usually damaging to plaintiff lawyers)
- Show respect to the other side at trial

Millennial Juror Question to the Court

“Is it illegal to retroactively amend a lease? If it is not, then withdrawn. It appears that the act of retroactively amending the lease is not illegal, but the motive for doing such is what is in question. Is seeking counsel from an auditor for a legal procedure prohibited by GAAP or GAAS? Because the language in the AU standards is so subjective, is it fraudulent for the auditors to interpret subjective language as they desire? Within reasonable means of course.”

Questions?



Thank You!