

## *Generation X members are “active, balanced and happy”. Seriously?*

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Generation X used to be inscrutable. So-named, according to some, because of the challenge in identifying the ‘X’ factor in this generation. There was a struggle to describe this generation coming on the heels of the Baby Boomers and after the wide use of birth control that prompted the sexual revolution of the 1960s. Generation X (born 1965-1980) is a smaller population than either the Boomers before them (1945-1965) or the Millennials that followed. They have sometimes been called the “sandwich generation” and often they feel squeezed between these two larger and flashier generations.

As Gen X came of age, media depictions of them were very negative: grungy, slackers, cynical, unwashed and challenging of authority. In 1990, Time Magazine described Gen Xers as “cautious” in this [oft-cited article](#):

*“They have trouble making decisions. They would rather hike in the Himalayas than climb a corporate ladder. They have few heroes, no anthems, no style to call their own. They crave entertainment, but their attention span is as short as one zap of a TV dial. They hate yuppies, hippies and druggies. They postpone marriage because they dread divorce. They sneer at Range Rovers, Rolexes and red suspenders. What they hold dear are family life, local activism, national parks, penny loafers and mountain bikes.” (Time, 1990)*



In 1993, Mike Royko, at the Chicago Tribune did a [\*piece quoting a Generation X member\*](#):

*"Sometimes I wonder why we haven't all committed mass suicide, because we don't have a hell of a lot to look forward to."*

The speaker was a healthy, 23 year old female sitting naked in a hot tub with her boyfriend and eight other naked friends – which is likely irrelevant, but nonetheless intriguing. Royko's article chides the self-centered nature of the young speaker – who, after all, doesn't have much to whine about from Royko's point of view.

Then, seven years after their initial article (June 9, 1997), Time Magazine published an [\*'oops' article\*](#) (on the cover) and retracted much of what they had initially published about Generation X. It was not until members of Generation X began to write about their own generation (rather than Boomers doing all the writing about this new upstart generation) that the negative slant of articles began to shift.

In late 2001, we wrote our [\*original article on Generation X\*](#) – in large part to evaluate the merits of the negative press they had gotten over a period of almost ten years. Even though the tide had begun to turn with new writers and new data, the original stereotypes regarding Generation X were sticking.

Now, it's time to update that article with new information resulting from a longitudinal study just released as well as additional data. In order to efficiently present the old with the new, we are going to include generational descriptions from our 2001 article with 2011 updates for ease of comparing and contrasting what we knew then with what we know now. Generation X may have been negative, frustrated (perhaps frustrating for older generations), and often unwashed slackers when they were young – but they've grown up.

Before the negative media blitz on the Millennials/Gen Y, Generation X was the most maligned generation of all time. While their Boomer parents were seen as idealists, hippies, beatniks, flower children, yuppies, and a marketers' dream, Gen Xers were characterized as slackers, grungers, cynical, disdainful, disconnected, and apathetic twenty-something losers. As Gen-X has aged, descriptors have mellowed and marketers acknowledged their initial negative descriptors missed the mark – or the 'X' – and that there was more to this generation than first described.

This paper will briefly review the earlier literature as well as the more recent research and writing on Gen Xers. We will touch on the positive and negative characterizations in the popular and professional literatures, present more balanced narrative descriptions of Gen Xers approach to various social, political, and familial issues, and identify possible strategies attorneys can use to engage these now 30 to 45 year old potential jurors. But first, a brief review of some of the terms in generational writing – the cohort and the generation.

### *What is a cohort? What is a generation?*

A 'cohort' is basically a band of years (usually 10 to 20) used to define the birth years of a generation. Social scientists believe that these 'cohorts' (eventually given generational names) have shared experiences in their formative years that forever shape their subsequent behavior, attitudes and values.

A 'generation' is said to form when a 'defining moment' occurs: a moment so momentous that all members of that generation can tell you where they were when the event took place. These defining moments are so entrenched and significant, many of us can remember with breathtaking clarity, the weather, the scene, even what we were eating or wearing<sup>1</sup>. Social scientists tell us that one sign of a 'generation' emerging in our collective perception, is when the generation begins to be given a 'name' (such as the Baby Boomers, or in this case, Generation X). The assignment of a name indicates that the generation has coalesced in the eyes of the public and has taken on a generational identity (see Table 1).

Generation X and the lack of a ‘defining moment’. A consistently acknowledged difference for Generation X, (as compared to earlier generations) is the very lack of a defining event shared by their generation. What Xers recall from childhood are: long gas lines; sitting in their classrooms and watching the Challenger shuttle explode with a schoolteacher on board; Americans being held hostage; AIDS; the Persian Gulf War; the Rodney King trial verdict and the riots which followed; corporate downsizing which affected their parents; and the erosion of our public educational system. In short, the constant for Generation X was change, lack of predictability, and the decline and deterioration of many long-recognized social institutions (not the least of which was the impact of all these societal changes on the American family and the rise in divorce rates). Multiple writers suggest the early difficulty in describing this generation stems from the lack of a defining moment (no Great Depression, no Vietnam)<sup>2-6</sup>.

**Table 1:**  
**Generations Summoned for Jury Duty in 2011**

Generation Name(s)	Birth Years	Defining Moment(s)	Well-Known Representatives	Perspective
<b>Silent Generation</b> Came of age during Truman and Eisenhower presidencies	Born 1928-1945 Turned 18 from 1946 to 1963 (now 66 to 83 y/o) 80% of those aged 65+ in the US – - now roughly 34 million in size	Korean Conflict	Martin Luther King, Jr. Bobby Kennedy Sandra Day O’Connor Rosalind Carter	Helpmate Mediators Conservative Recently political activists
<b>Baby Boomers</b> Came of age during LBJ, Nixon, Ford & Carter	Born 1946-1964. Turned 18 from 1964 to 1982 (now 47 to 65 y/o) Roughly 79 million in this generation	Vietnam War	Oprah Winfrey Hillary Clinton Spike Lee George Clooney	In Youth: Idealistic Dreamers Entitled Now: Worry about \$
<b>Generation X</b> Came of age during Reagan, George H.W. Bush & Clinton	Born 1965-1980 Turned 18 from 1983 to 1998 (now 31 to 46 y/o) Roughly 51 million in this generation	Social changes: Divorce Latchkey Increased violence (9/11/2001??)	Julia Roberts Tiger Woods Leonardo Di-Caprio Angelina Jolie	Multicultural Friends replace ‘family’ Work/life balance “Emerging adulthood” introduced due to this generation
<b>Millennials</b> (a.k.a Gen Y) Came of age in G.W. Bush presidency	Born 1981-1993 Turned 18 from 1999 to 2011 (now 18 to 30 y/o)  Roughly 75 million in this generation	Candidates: Terrorist attacks on US soil 1st Gulf War Iraq war Columbine shootings	LeBron James Olsen twins Paris Hilton Britney Spears	Civic personality “Can-do attitude” Entitled Disorganized Digital natives

September 11th as a defining moment? The September 11, 2001 terrorist attacks and their anticipated impact on Generation Xers were discussed by a number of writers in the early and middle 2000s. There was a sense that September 11th gave Gen Xers their own “where were you” moment with the possibility of linking generations<sup>7</sup>; that September 11th has “subdued this generation”<sup>8</sup>; and that September 11th was both a tragic and heroic event for Generation X<sup>9</sup>.

Why? Generation X members had the most casualties and were also the major heroes on September 11th. They were the police and firefighters. They were the passengers who crashed the plane rather than having it go on to Washington, DC. They were the workers in the World Trade Center Towers. Gen X members responded to the terrorist attacks with bursts of patriotism and national fervor that surprised even themselves<sup>10, 11</sup>.



Family as the defining ‘moment’? There seems to be little consensus on whether the terrorist attacks of 2001 were indeed a defining moment or, alternately, a doorway to societally acknowledged adulthood for members of Generation X. A recent Wall Street Journal article posits what may be the true defining moment for Generation Xers:

“For much of my generation – Generation X, born between 1965 and 1980 – there is only one question: “When did your parents get divorced?” Our lives have been framed by the answer. Ask us. We remember everything.” <http://online.wsj.com/article/SB10001424052702303544604576430341393583056.html>

So who is Generation X? Generation X is the name given to the ‘birth dearth’, those born in the 60’s and 70’s; the valley between the Boomers and Generation Y (the “boomlet”)<sup>12</sup>. Generation X grew up in the shadow of their Boomer parents and initially defied tidy descriptions and categories. They were typically defined as what they were not, since what they were was harder to discern. The Generation was called ‘X’, as in “fill in the blank” or “solving for the X”<sup>13</sup>. More recent labels proposed include Generation Xtraordinary and Generation Xcellence but these have not caught on. Various demographers attempted to describe Gen X in the late 1990s and early 2000s – some positively, but, for the most part, early descriptors were almost universally negatively slanted (see Table 2). From our 2011 perspective, it is amazing how many of these negative (and positive) descriptors are now applied to the Millennial Generation.

**Table 2:**  
**Earlier Depictions of Generation X**

Negative descriptions	Positive descriptions
Whiners and complainers <sup>14</sup>	Slackers are atypical; the real Gen Xer multitasks, works, is financially savvy and entrepreneurial <sup>16</sup>
Declining SAT scores <sup>14</sup>	Voracious learners, rapid-fire information consumption as opposed to 'short attention spans' <sup>15</sup>
Materialistic, pessimistic, cynical <sup>16</sup>	Flexible, adaptable, comfortable with technology, independent problem-solvers <sup>17</sup>
Slackers, disloyal, dumb, just plain bad, watch too much TV <sup>18</sup>	Determined individualists, fiercely independent <sup>19</sup>
Most politically disengaged generation <sup>20</sup>	Sophisticated media connoisseurs <sup>21</sup>
Less than 1% could name 3 Supreme Court Justices in 1999 <sup>22</sup>	Frank, filled with tremendous variety, and copes well with change <sup>23</sup>
Lazy <sup>24</sup>	Tolerance for diversity <sup>4,6</sup>
Losers and whiners in ratty clothes <sup>25</sup>	Secure in their abilities, seek rapid advancement and demand quality time with friends and family <sup>26</sup>
Backwards baseball caps, grungy clothes, body piercing, apathy and hostility, unknown and inscrutable <sup>27</sup>	Self-reliant, entrepreneurial, techno-focused, media-savvy, tolerant, with unique perspective on the importance of family life <sup>28</sup>
Cynical, apathetic, disrespectful losers <sup>29</sup>	Optimistic, savvy, confident, ambitious, determined, independent, materialistic <sup>24</sup>
Insecure and slow to transition to adulthood <sup>30</sup>	Uniquely suited to the workplace of the future <sup>15</sup>

Over time, more distinctly descriptive images evolved of Generation X. Some writers called for a moratorium on attempting to describe generations as one homogenous group and opted for narrative descriptions of various outlooks or lifestyle choices that characterized Generation X members. We will take that approach as we describe the Generation X seen up to the turn of the century and the Generation X we now see.

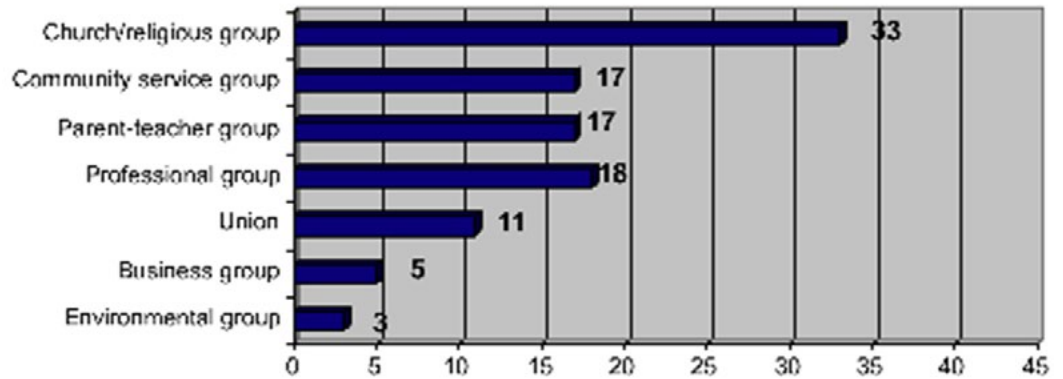
2000: Balancing work and life. The slogan on Eddie Bauer's shopping bags was seen as emblematic of Generation X's approach to balancing work and life: "Never confuse having a career with having a life"<sup>24</sup>. Having witnessed their Boomer parents struggle to have both careers and families, Generation Xers were planning in advance just how they would arrange their work lives to have room for children<sup>31</sup>. Gen Xers, even in their earlier lives, were generally seen as committed to the idea of work/life balance: they wanted a job and they wanted a life<sup>32</sup>.

2011: Balancing work and life. And they have done it! Almost all Gen Xers (86%) are employed either part-time or full time <http://www.lsay.org/GenX-1Report.pdf>. They were the most likely of all adults to be employed in 2008. They are also active members of their communities and maintain extensive friendship ties. They participate in organizations supporting their children, in book clubs, professional associations and other groups.

*We are grateful to the staff working on the Longitudinal Study of American Youth (LSAY) for two decades. The LSAY project gathered data via a yearly questionnaire study done from 1987 through 2010 – first in schools and then via questionnaires either on-line or through the US Mail. Learn more about this important data collection effort at <http://www.lsay.org/>*

2000: Politics/Community involvement. Patriotism and national pride were typically seen as low on Gen Xers lists of values. Rather they were described as valuing things such as: making a difference to people they care about; appreciating diversity; and valuing individual freedom and responsibility<sup>3, 33</sup>. Gen Xers were thought to be the first generation not drawn to charismatic national figures as political leaders: their focus seemed to be more on the ability of small groups to make a difference for their communities<sup>34</sup>.

Percent of Generation X (LSAY participants) active in selected organizations and groups



Yet, Gen Xers were political. For this generation, the personal was (and is) political. Having grown up in the shadows of Watergate and while national religious and political figures were repeatedly exposed as having feet of clay, Gen Xers were (and are) wary of self-serving politicians whom Gen Xers see as enslaving themselves to the highest bidder rather than operating from a true internal sense of belief and conviction<sup>20, 24, 35</sup>. While this may be something of a continuation of the Boomer ‘don’t-trust-anyone-over-30’ ethic, the difference, according to at least one author, seems to be that the 2000 era Xers wouldn’t trust anyone *under* 30, either<sup>3</sup>.

Finally, there is ample evidence that Gen Xers in the pre-2000 literature cared quite deeply about their communities. Up to 2000, however, there was little appearance that their civic-mindedness extended to the country as a whole. Gen Xers paid attention to things local and small-scale: places wherein they believed their investment of energy, time, and attentions would make a difference<sup>3, 35, 36</sup>. Gen Xers both thought and acted locally (not globally).

2011: Politics/Community involvement. The picture here is still mixed. Gen Xers remain actively involved in their communities (as demonstrated in the previous section on work/life balance).



They do volunteer work, as well, and the LSAY data indicates they are active outside of groups that would support their immediate family (such as PTAs and sports groups for their kids). The question remains as to their political outlook. Is it local or national or global? We can’t tell for sure.

In the past decade, Gen Xers have grown more critical of government in general and since 2009, they report a sharp drop in financial satisfaction. Gen Xers are more conservative (36%) than liberal (19%) and yet are more tolerant and accepting of diversity than their Boomer predecessors. Gen Xers say that jobs (65%), the deficit (49%), and health care (42%) top their 2012 election concerns. Unlike the Boomers and the Silent Generation, Gen Xers still see life in America as having changed for the better (45%) and not for the worse (31%).

(The 2011 data reported in the above section comes from multiple Pew Research Center reports.) <http://www.pewresearch.com/>

2000: Family. Gen Xers grew up in a time of tremendous social change. Divorce rates sky-rocketed, dual career parents generally meant childcare outside the home rather than in the home, step-parents and step-siblings became normative for many, and Gen Xers tended to see their parents primarily in the car while being transported from one activity to another<sup>2, 13, 30, 37</sup>. Rather than recreating their own childhood experiences, Gen Xers chose consciously to delay forming their own families. Gen Xers were termed the “boomerang generation” since so many had returned home to live with their parents – over and over again.

In 1990, 53% of 18-24 year olds were still ‘at home’<sup>3, 38</sup>. Gen Xers married later, bought homes later, and were more interested in a return to a traditional family lifestyle, which they seemed to understand would mean sacrificing some level of career advancement in favor of relationships with family<sup>28, 37</sup>.

2011: Family. Here again, Gen Xers have not abandoned their youthful ideals. The divorce rate is now the lowest it’s been in 40 years and many credit this change to Generation X. <http://www.cbsnews.com/video/watch/?id=7373173n> Since young Gen Xers struggled with the divorces of their parents, many of them vowed they would not divorce when they were adults. While not all succeeded, Gen Xers have maintained a family focus as they have moved into middle adulthood.

Most Gen X adults (roughly 2/3) are married and 71% in the LSAY sample <http://www.lsay.org/GenX-1Report.pdf> had minor children at home. They have high educational aspirations for their children with 80% expecting a college degree and 39% expecting a graduate or professional degree! To that end, they commit to supporting (and are actively supporting) their children’s education through volunteer activities and hands-on homework assistance whether their child is entering preschool or enrolled in high school.

Gen Xers have grown into actively involved parents who value education and encourage and support their children in attaining educational goals. Contrast this with the ‘home alone’, latchkey kid experience of many Gen Xers and we can see why this is an important area of focus for them.

2000: Learners and Workers. Gen X was the subject of lively debate as they entered the workforce with some authors contending that Gen Xers were ‘slackers’ and unmotivated workers and with others contending just the opposite. By 2000, the understanding of Generation X workers was that they were highly practical and focused. They began to be seen as independent problem-solvers and self-starters who were technologically literate, responsive, focused, lifelong learners, ambitious and fearless.

They seemed to crave stimulation and personal contact, have a preference for concrete and specific information, a strong wish to learn leading edge technology, and to hold a strong desire for a balanced lifestyle<sup>2, 39</sup>. They were self-reliant and cooperative and more team-minded than the Boomers. They also tended to be informal and direct with some potential weaknesses in analytical abilities and capacity for long-term perspectives<sup>40-42</sup>. Finally, as one of their generational representatives said, they are smart, savvy people who just want to have some fun while they’re at work<sup>43</sup>. (Again, from the vantage point of 2011, young Gen Xers sound very much like young Millennials.)

2011: Learners and Workers. <http://www.lsay.org/> Generation X is the best-educated generation in US history. <http://www.epmcom.com/products/item83.cfm> Ten percent have a graduate degree and 43% have earned a 4 year college degree (46% of women and 40% of men).

As mentioned earlier, Gen Xers have the highest employment proportion (86%) of any generation today. Male Gen Xers are more likely to be in the workforce (likely a reflection of the desire for

a more traditional family unit) but 79% of female Gen Xers were also in the workforce and 57% of these women worked 40 hours or more each week. Of those who were employed, 2/3 were satisfied with their current job in 2010.

When surveyed about their work, the primary complaint is a lack of career advancement. Gen Xers are frustrated by their expectation that Boomers are never going to retire. There is no place for them to advance in today's workplaces. A recent article in the Harvard Business Review<sup>44</sup> describes attitudes Gen Xers have toward Boomers and corporations. It isn't pretty. This is a generation that felt forgotten as children and that feeling is being repeated again in the workplace. There are some who believe Gen Xers (never ones to assume security) will end up leaving corporations and striking out on their own to finally be recognized as adults with much to offer. Supporting this notion is the idea that Gen Xers have a higher need for authenticity and balance in their lives than do the Boomers.<sup>45</sup> They may simply feel it is time to move on and be more authentic and balanced rather than simmering with resentment.

2000: Religion and Spirituality. Gen Xers parents, the Boomers, tended to avoid going to church. Gen Xers were thus raised with what has been called 'diminishing religious expectations'<sup>46</sup>. Gen Xers developed their own approach to religion and spirituality, much as they adapted other values to their own experiences.

More than 85% of Gen X participants in an August 2000 Gallup poll said religion was important to them personally. In follow-up conversations with Gen Xers about spiritual beliefs to clarify poll results, what emerged was a personal, non-traditional embracing of God, religious beliefs, and spirituality - which may not necessarily translate into church attendance or affiliation. Yet, Gen Xers made an effort to teach their children a strong sense of morals, of right and wrong, as well as working to teach their children how to examine information you are given to critically assess its relevance to your own life<sup>37, 46, 47</sup>.

2011: Religion and Spirituality. <http://www.religionnewsblog.com/25722/mainline-church-membership-decline-continues-but-more-slowly> There is no real argument that religious affiliation and attendance has been declining. However, Gen Xers appear more likely than their Boomer parents to maintain their religious adherence - if they had it in the first place. <http://www.sciencedaily.com/releases/2010/08/100826083620.htm> The researchers believe this is likely due to the more flexible choices Gen Xers have for religious affiliation than the Boomers had. If they don't like one church, they simply move to another.

2000: Past-times. Gen Xers were less fond of exercise than their Boomer parents. They were described as liking movies, TV, and art but as being less likely to participate in sports and outdoor activities. They were almost twice as likely as older adults to have tried micro-brewed beer in the last year (important because these are local, specialized products). They were expected to have strong influences on changes in children's television - with those programs growing an edgier look, being more

***How Xers View Boomers and Corporations<sup>44</sup>***

*The Boomers will never retire.*

*The Boomers made it plain our whole lives that no generation could ever compare with theirs.*

*Boomers had security...and as we (Xers) have aged, become parents, and earned our stripes...we have seen very, very little loyalty.*

*The upper-level managers refuse to retire--and then hire their children. I honestly feel as though I'm being asked to train the Boomers' replacements.*

*Boomer executives expect us to act and think like they do...it's only now that we've been molded appropriately that we can be permitted to take up the reins.*

*Being the servant of a company is an empty and meaningless life.*

*Xers are the sandwich generation and we're getting totally mashed.*



interactive, working on multiple levels, and stressing themes important to Xer parents such as: tolerance, diversity, self-reliance, an appreciation of irony and so on<sup>28,30</sup>.

2011: Past-times. <http://www.lsay.org/> Gen Xers continue to enjoy spending time with friends and family. They talk on the phone, visit, text, email and have people over for dinner. While in 2000, Gen Xers saw the movie but didn't read the book, they are now reading and active in book clubs.

And they also go outside! Gen Xers in the LSAY sample describe hiking, water sports, hunting or fishing, bird watching, skiing or snowboarding and mountain climbing. Only 13% did not engage in any of these outdoor activities. When they are not doing physical activity themselves, they enjoy professional and amateur sports as well as frequenting the arts (e.g., the ballet, the symphony, plays, or the opera).

2000: Guarded optimism. Contrary to the early media conclusions that Gen Xers were cynical slackers, more recent findings (circa 2000) were that Gen Xers were actually fairly optimistic. While they may have seen their 'generation' as pessimistic, individually, Gen Xers tended to see their own individual futures as bright and hopeful and better than their parents experiences in terms of quality of life, personal satisfaction, and relationships.

2011: Guarded optimism. As 30 to 45 year olds, they are happy. When asked to 'rate' their happiness in 2009 and 2010 on a scale of 1 to 10 with 10 being high, the average score was 7.5! (For those of you attuned to statistical nuances, the median score was 8.) Only 4% rated their happiness at a score of 3 or lower. Actually, according to the LSAY study, <http://www.lsay.org/> the majority of Generation X are "active, balanced, and happy". This is a long ways from their early depiction in the media and may be due to having actually maintained their youthful ideals of valuing family, being involved and present parents, and having a life and a job rather than only a job (with no life).

A caveat mentioned earlier is in the area of financial satisfaction. Since 2009, Gen Xers have had a significant drop in financial satisfaction, as have the other generations. Gen Xers are concerned they have too little retirement money (much like the Boomers). There is some speculation that since Gen Xers were raised in financially flush times, they have saved less and have little cushion against the economic recession. As their financial satisfaction has dropped, so has their trust in government to resolve problems. Gen Xers are now in favor of smaller government - much like their older Boomer and Silent peers.

### *The Gen X Juror*

This final section outlines strategies for the attorney to capture and hold the attention of Gen X jurors. The prototypical Gen X juror is not the same as the Baby Boomer or Millennial sitting on either side of them. For both the Gen Xer and the Millennial, there is a readiness to question authority which is considered sensible, not radical. The authority of the court, the social status of both lawyers and experts, and the art of persuasion are all less impressive to these generations than to their older peer in the jury box.

Gen Xers are not as impressed with snappy argument or authoritative presence. They want the facts, they want them succinctly, and they don't want a great deal of extraneous detail. While not all members of any generation fit the predominant stereotype, those that fit the mold of Gen X are not going to tolerate an unnecessarily long case presentation, will bore quickly if video edits are not done

crisply, and will disdain argument that feels more like spin than substance. Trial strategy axioms related to the need to earn the jury's trust have never been truer. This is a group that requires justification for their emotional investment in a case, and will resent as pandering efforts to persuade without substance. Woe to those who tell these self-directed jurors what to think. Give them the facts, and they will tell you what to think. Once convinced that they should care about an issue, Gen X jurors can produce strong commitment to that belief and a verdict that reflects it.

Although part of the image of generation X is that they are not empathic, and consequently do not value the "human losses" related to non-economic damages, this does not need to be the case. What is required, though, is communicating the loss in a manner to which they can relate. This is a generation that values friendships, freedom, and expression more than any before. They do not generally connect with suffering, but they may respond better to the notion of lost freedom, or of being trapped and confined in disability or pain.

They may not be able to identify with the concept of "chronic pain" the way those older jurors who have had glimpses of it might, but they readily relate to foreclosed opportunities to experience joy or personal expression. For many, the term "mental anguish" communicates weakness, but being trapped in depression, sameness, or isolation is alarming. Gen Xers relate to the feeling of being 'stuck' professionally (there is no room for advancement for them in corporate America). The sense of also being 'stuck' in one's body or trapped with no hope of escape due to a catastrophic injury could resonate with Gen X jurors.

Like the Millennials after them, this is a visual generation, not the verbal generation of previous epochs. Case presentations need to be graphical, and argument needs to evoke strong imagery. Fact patterns do not need to be presented chronologically, but they do need to have a structure that resembles that of a well-constructed dramatic presentation.

Finally, remember phase of life. These are young adults in the prime of their lives with mortgages, children, family commitments, community commitments and important relationships with friends and neighbors. They have chosen a more traditional family structure and the safety and security of their children is of paramount importance to them. If there are children involved in your case narrative, do not make them an afterthought. Gen Xers want to know the kids are all right. They will not forget if you neglect what is most important to them.

### *Strategies for Generation X Jurors*

Many of the strategies we recommended ten years ago are now common practice. We have included some of the still relevant turn of the millennium strategies and added new ones to incorporate the new data on Gen Xers.

**Make the trial visual** (colored charts, graphs, photos, cartoons, computer simulations, CD-ROM slide shows, music, narration and videotaped demonstrations).

Gen Xers are visual learners. <http://keenetrial.com/blog/2009/12/16/a-picture-is-worth-a-thousand-words/> These aids will help you capture and keep their attention by accessing multiple sensory organs and allowing interactive learning.<sup>30, 39, 49, 50</sup> Keep the videos short and, if ap-

appropriate, with some entertainment value. Use real life examples, but try to make them relate to the pop culture of Xers<sup>49</sup> and other jurors.

### **Stay concrete and practical. Be “cool” but not “slick”<sup>28</sup>**

Gen Xers may be more captivated by image and style than generations before them, but they are also very savvy. They want an honest, straight-forward approach not embellished by ‘spin’.<sup>21, 24, 50</sup> Gen Xers are masters at seeing through deceptive communication. If you are trying to deceive them, they will tend to know that and they won’t like it<sup>24</sup> and they won’t like your client.

### **Focus on issues of what is ‘right’ and what is ‘wrong’<sup>50</sup>**

What society defines as ‘right’ and ‘wrong’ has little import for many Gen X jurors – use a subjective rationale for defining ‘right’ and ‘wrong’ from your client’s point of view. If a Gen X juror is shown why a crime is ‘wrong’ and why it deserves punishment, s/he may be ‘tough on crime’.<sup>50</sup>

### **Consider case narratives focusing on relationships, family and friends**

Gen Xers valued friendships and connection when they were young and have maintained that focus into middle age. When there are legitimate themes of relationships and connection, use them. But don’t stretch the evidence to make them fit. Gen Xers cynicism and wariness will kick in and they will see you as attempting to manipulate.

### **Understand the impact of growing up digital**

Gen Xers were the early adopters of digital tools, and many (if not most) have been emailing and text editing since they were in school. They understand it. And they understand the limits of the tools. ‘Smoking gun’ emails and text messages from one young manager to another are less likely to gain traction with these people, because they understand the sorts of impulsive wisecracks and unfounded theories they themselves (along with their peers) have shared from time to time.

### **Build Connections: Make witnesses and parties ‘like’ the jurors**

If you don’t have themes that resonate with connection and friendship, you can still make your client and any important witnesses ‘like’ the jurors. Whether jurors are Gen Xers or not, we all respond to core values and beliefs. The connection may simply be stronger with Gen Xers. Emphasize your clients connections, relationships, community involvement, volunteer work and so on. The goal is to humanize your client and help jurors see how s/he is ‘like’ them. We’ve written about how to do this on our blog. <http://keenetrial.com/blog/category/witness-preparation/>

## Review jury instructions and questions, and explain what they mean and how to complete them accurately

This is important for Gen Xers but also for any other generation. The courtroom is a strange and often confusing environment. Explaining the jury charge and how to complete them accurately gives jurors focus and clarity on the questions before them. While you're at it, you may also want to teach them how to deliberate. <http://keenetrial.com/blog/2010/04/26/educating-jurors-how-not-to-start-deliberations/> The more they understand, the more predictable the process of deliberations.

## Consider how to use 'balance'

Balance is something Gen Xers have worked for since they were young adults. They watched their Boomer parents having jobs but no life and vowed they would somehow have both – and make room for children too by planning for them in their lives. There are times when one's personal life can negatively affect the professional life. If your client has done 'bad things' but part of the reason was a desire for work/life balance – you might propose that while still taking responsibility for the bad acts. The goal is to make the bad acts due to situations rather than bad character.

## Demonstrate the 'meaning' in your case, and how it personally effects the GenX juror<sup>3,50</sup>

Focus on the outcome, what happens is very important to Gen Xers.<sup>39</sup> Gen Xers search for meaning and for being able to make a difference on an individual level. They want their participation to have practical benefits or it loses purpose.<sup>3</sup> Gen Xers will invest if they are personally effected by a problem. An issue that 'benefits me' or 'relates to me' is often a precursor to action.<sup>3</sup> Remember, Gen Xers act locally. You want them to see their actions will make a difference.

## Be aware of the "mean world syndrome" [http://en.wikipedia.org/wiki/Mean\\_world\\_syndrome](http://en.wikipedia.org/wiki/Mean_world_syndrome)

Use this phenomenon to bolster your case (i.e., by reinforcing that the world is unsafe and juror decisions can 'right that wrong'). A variety of studies show that people who watch relatively large amounts of television are more likely than others to see the world as dangerous, violent and crime-ridden<sup>16</sup>. Television, according to the 'mean world syndrome' theory, distorts the way people view the condition of the society around them. Gen Xers have probably viewed more television than most of us, and are likely in possession of 'mean world syndrome' beliefs.

## Move around and vary your position and speech style

Gen Xers are used to the changes inherent in multimedia presentations. Even standing and talking for 10 minutes is a very long time. Break up your presentation with visual aids and other activities. If the court permits, unshackle yourself from the podium. If the court

doesn't permit that, move from one side of the podium to the other, use postural changes and gestures, and avoid appearing wooden. Find ways to let jurors interact with the information.<sup>51</sup>

### **Highlight digitized material or short bits of information that outline key points or concepts**

Gen Xers are multimedia connoisseurs who like scanning and surfing through information. Highlight what is important for them<sup>39</sup> to remember. Keep the information highlighted relevant to your case narrative and be sure it is consistent with the facts you are presenting. Gen Xers will notice inconsistencies and be suspicious.

It is very common in mock trials for jurors to focus on non-highlighted materials around the place we want them looking. They discuss what they read in the deliberation room! And often, if they believe the information that was not highlighted casts a different light on what was highlighted -- you lose credibility. Be careful. Be honest. Or, to borrow a phrase, "don't be evil". [http://www.siliconvalleywatcher.com/mt/archives/2009/04/google\\_quietly.php](http://www.siliconvalleywatcher.com/mt/archives/2009/04/google_quietly.php)

### *Summary*

Gen Xers have been affected by the pessimism of the 1970's, the cynicism of the 1980's and the skepticism of the 1990's<sup>12</sup>. They responded to the negativity in part by going local – focusing on family, friends and community. Attorneys should keep in mind the reality that phase of life (e.g., single, child-rearing, saving for retirement) is often more important than the age (and generational assignment) of the juror in the identification of attitudes and expectations<sup>19</sup>. Generational differences are no different than racial or gender differences, and should be treated the same, as a diversity issue<sup>15</sup> which, while informative, is not truly predictive of attitudes, values and behavior.

Gen Xers are 'grown ups', in the best sense of the expression. They are sensitive to being treated disrespectfully and discourteously. They want to be valued. They want to be trusted with the truth. And they want us to make room for them.

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