

Talkin' 'bout our Generations: Are we who we wanted to be?

BY DOUGLAS L. KEENE AND RITA R. HANDRICH

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This article is the fourth we have written for The Jury Expert on intergenerational differences. The research is evolving, and our understanding of both the differences and how they inform a smart litigation practice is equally dynamic. This article is written differently than the previous three, with less of a focus on data and more on how the trends and contrasts of young and old can be productively considered as jury selection and case presentation decisions need to be made. The authors encourage you to [read the prior papers](#) for an examination of comprehensive studies that are not re-presented here.

One of the conclusions that emerged over the course of the previous articles remains true in the current update: Whenever the research is done (even 500 years ago) the generation that is then in their teens and 20's is ruthlessly criticized by their elders. "Sallow Youth" becomes Hippies/Punks/Slackers and who knows what will be next. But overall, the evidence suggests that every generation is driven by what they view as pro-social and worthwhile values. The form of expression changes, and each generation is 'progressing' from a benchmark established by those who went before them. And there is always a tension with that change.

As always, it's important to remember that papers referring to generations, by necessity, are full of stereotypes. We do not mean to say (and we do not believe) that all members of a generation are identical and that they all believe, do, or say the same sorts of things. If they did, voir dire would be a truly simple matter.

This paper is meant to help all of us reconfigure our understanding of the jurors in the American venire. We all have stereotypes about Boomers, Generation X and the Millennials (aka Gen Y). But those stereotypes are often dated and not useful to us as we attempt to make trial-related decisions. We need to know how the generations are shaping up in 2012- and that requires modifying/changing our stereotypes. Stereotypes are, by definition, largely automatic and often unconscious. In order to modify stereotypical beliefs, you have to *make yourself consciously aware* of them.



In this paper, we examine attitudes, beliefs and values as held by current venire members about topics such as: multiculturalism, liberal versus conservative outlooks, attitudes about the government, gender roles, the environment, confidence in scientific findings, religious beliefs, thoughts about same sex marriage, the death penalty, gun control and marijuana legalization, as well as how much trust the various generations have in others.

For each of these areas, we provide a 'Practice Implications' section suggesting applications of the findings to voir dire and jury selection as well as case themes/case narrative development.

A cross-generational review

But first, a brief overview of who makes up each of the four generations we'll be discussing, their generational label, age and dates of births, current age, and the sense in the data and in their own behavioral histories of their perspective or world view.

Generational Label Coming of Age and Current Age

<i>Generational Label</i>	<i>Coming of Age and Current Age</i>	<i>Current Perspective</i> <i>[from the November, 2011 Pew Report on Generations and the 2012 Elections]</i>
Silent Generation "Matures"	Born 1928-1945 Turned 18 from 1946 to 1963 [now 66 to 83 y/o] 80% of those 65 or older in the US	Conservative. More uncomfortable than younger generations with social changes (including racial diversity & homosexuality). Social Security as top voting issue. 79% non-Hispanic whites. Very frustrated with government.
Baby Boomers "Me Generation"	Born 1946-1964 Turned 18 from 1964 to 1982 [now 47 to 65 y/o]	Nearly half say life in US has gotten worse since the 1960s. Concerned about finances & may not retire. Express as much frustration with government as the Silent Generation- Boomers have grown more critical of government in the last decade. Jobs most important voting issue.
Generation X "Baby-Busters" "Slackers"	Born 1965-1980 Turned 18 from 1983 to 1998 [now 31 to 46 y/o]	Similar to Millennials on social issues. Since 2009, financial worries. Backed Obama in 2008 but went Republican in 2010. Jobs most important voting issue.
Millennials "Generation Y" "Boomlet"	Born 1981-1993 Turned 18 from 1999 to 2011 [now 18 to 30 y/o]	Socially liberal. High rates of unemployment but still upbeat. Most diverse generation: only 59% are non-Hispanic whites. Welcome the new face of America. Jobs most important voting issue.

Practice Implications:

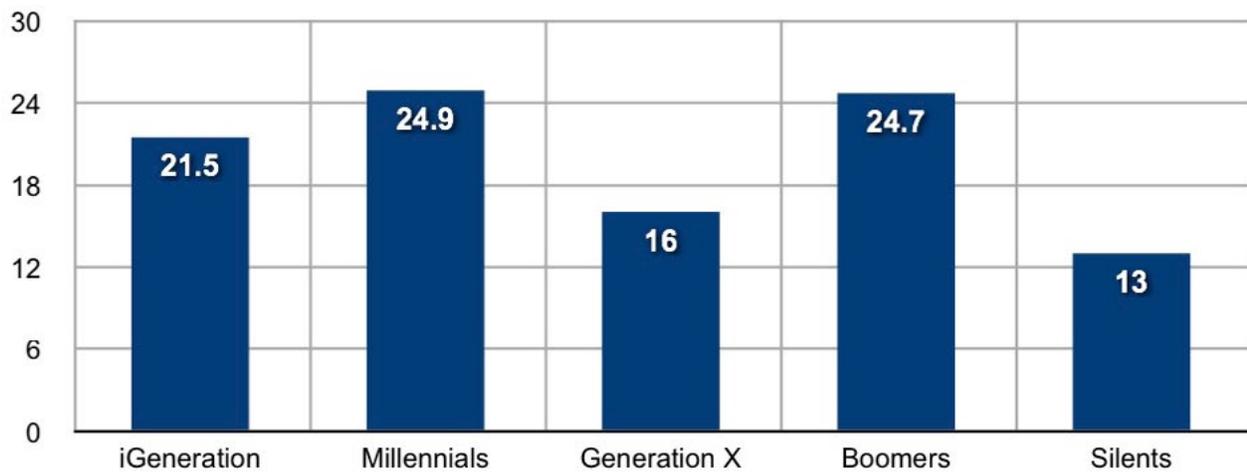
We are going to see fewer Silent Generation members in our jury panels over the next decade. As the remaining generations age up, maintaining awareness of how their needs and concerns change will be essential to continued success in all aspects of case planning and presentation.

Know your venire! America's population of old and young is shifting unevenly, with some communities being disproportionately younger or older. Pay attention to the research and census results and check the characteristics of unfamiliar venires. Remember to explore who actually shows up for a jury summons in the venue--that profile may be different than would be expected by a demographic profile of the venire.

Population:

Boomers were the largest generation for most of their lives but the Millennial Generation surpassed them in size in 2010. Comparatively, the Silent Generation and Generation X are dwarfed by the Millennial and Boomer generational groups. The table below displays the varying generational percentages of the total population (currently about 310 million) in the United States. ('iGeneration' is the working label for those now aged zero to fifteen.)⁵

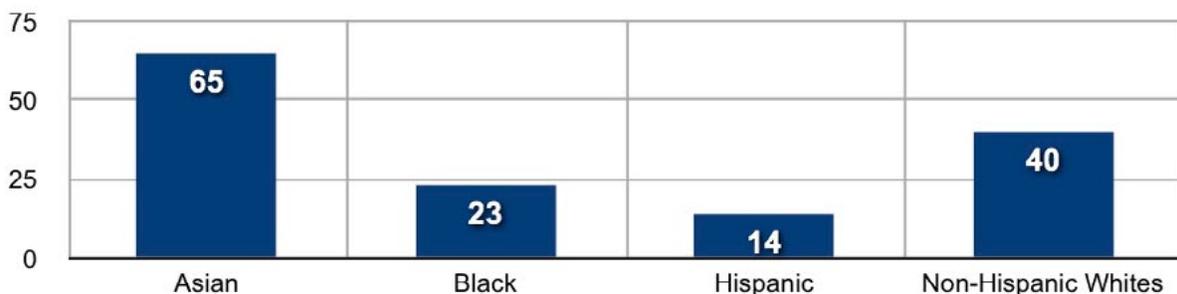
Generational Size: Percentage of Total Population in 2011



Education:

Middle-aged and younger generations are better educated than older generations and among the younger generations--women are better educated than are men.⁶ The stereotype of the educated Asian American is actually true--Asians are the most educated of any ethnic group in the country while Hispanics in America are among the least well-educated. (As with other groups, younger Hispanics are better educated than their elders.)

Educational attainment of 30-to-34 year olds (percent with bachelor's degrees in 2009)



Practice Implications:

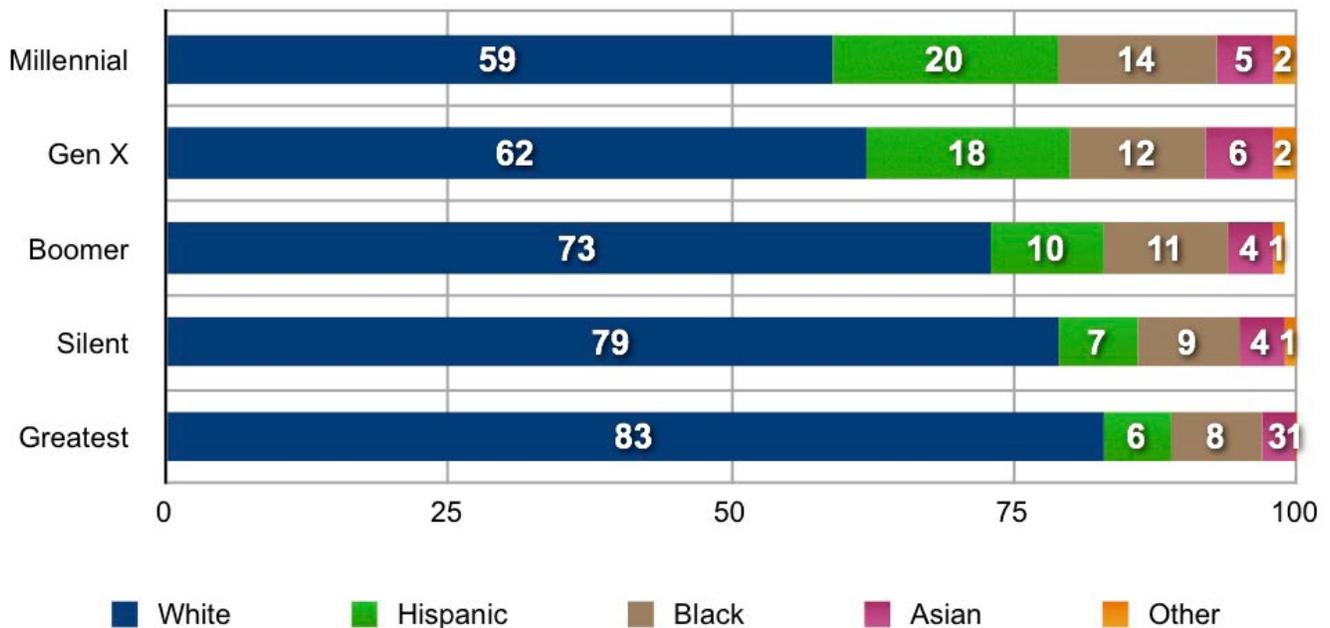
Education is often thought to be critically important in juror's ability to understand case facts. Often, however, formal education is not as important as the trial attorney and witnesses speaking a language that jurors can understand. We see mock jurors who work with their hands and often have little formal education grasping very difficult and highly abstract concepts in high tech cases when the language helps them to understand the case facts.

Ethnicity:

Most of us know (because it's been repeated a lot!) that the Millennial generation is the most ethnically diverse generation yet in America. Another fact (often repeated) is that minorities will soon become the majority. While estimates vary as to when this will happen, it is expected that by 2020 (eight years from now) only 50% of children under age 5 will be non-Hispanic White.⁷ As you will see when we move to the discussion of attitudes across the generations--some of us are more comfortable with this eventuality than are others.

Regardless of our comfort or readiness for change, this change is coming. The Pew Research Center offers a snapshot of America's race and ethnicity by generation in 2011. It is easy to see how the proportion of non-Hispanic whites has shrunk over the past five generations.

Nation's Race and Ethnicity in 2011 (% by generation)



Practice Implications:

Litigators will need to tell the trial stories that appeal to an increasingly diverse audience, without pandering. This will mean heightened awareness of our own individual biases and prejudice and understanding when to talk about racial biases and when to say quiet. It will also mean paying increased attention to language, being respectful to jurors of varied ethnicities. Most of us try to pay attention to these things now. In the future, it will be increasingly important.

Work Roles:

Much has been written about the central role of work in the lives of Boomers and the desire for a work/life balance in the lives of Generation X. The various opinions of what work is supposed to 'mean' isn't usually considered when picking juries or constructing trial themes. This is a risky omission. Millennials appear to be following in the Gen X path--attempting to weave a life encompassing both work and non-work life. Theoretically, at least. Millennials, launched into the workforce during a very difficult economy, are the most likely among the generations to be unemployed. In an Alice-in-Wonderland, upside down sort of world, the older you get, the less likely you are to be unemployed.⁸



Hispanic men have the highest level of employment⁹ (likely because they are younger than white males and less likely to be in school than young Asian males) while young black men have the highest percentage of unemployment.¹⁰ Hispanic women are the least likely group to be employed.

Finally, it is fairly unusual for younger workers to be self-employed. Only 7% overall are self-employed but that rate rises with age. Ten per cent of those aged 55 to 64 years of age are self-employed while 18% of those over age 65 are self-employed. It is anticipated that the self-employment rate among older Americans will increase as Boomers postpone retirement after turning 65 years of age.¹¹

Practice Implications:

The difficult job market has seen an [increase in 'hardship' complaints](#) related to jury duty. You will likely see this in court until the economy improves substantially. When you consider that Hispanic males are less likely to be educated and therefore, less likely to be in employment that would continue to pay them while they are in jury duty--it is likely many of them may make hardship pleas or simply not show up for jury duty.

Most civil litigation is about jobs. The trial story usually involves someone doing something in the course of their employment (driving a truck, negotiating a contract, inventing a widget). What jurors think about personal responsibility, what they believe about corporate culture, what they think of the world of work, and whether they can identify with the life of the worker in the case is worthy of careful thought. The challenge of connecting your trial story to the values and experiences of jurors-- even when the context is alien-- is the art of being a trial lawyer.

Finances:

Not surprisingly, the economic downturn has seriously changed the financial future for most Americans. In general (and adjusted for inflation), men's incomes are actually lower today than they were in 1980. The rapid growth in women's incomes since 1980 may be coming to an end as well.¹² Generations still working have been hit much harder than those who have already retired--with Gen Xers and Boomers hit the hardest.

While Boomers have long been concerned with retirement finances (and the economic downturn has only intensified those concerns), [Gen Xers are increasingly concerned](#) about their own retirement finances. Two-thirds of Boomers in their 50s say they might [have to delay retirement](#). While there is much talk about simplifying and downsizing, Gen Xers (who bought during the housing bubble) cannot afford to make this choice without losing significant sums of money and Boomers do not seem to be downsizing at all.^{13, 14}

Practice Implications:

Courts continue to struggle with requests for financial hardship exemptions in a financially struggling jury pool. It's a difficult balance to strike. This past year we assisted in a jury selection on a complex case in which there were almost 40 financial hardship requests. As we watched our minority and lower-income jurors be excused time and time again, we were struck by the improbability of having a truly representative jury.

Yet, if we insisted on keeping those jurors, we would have angry faces (and hearts) in the jury box and that would likely not result in a fair trial either. White collar workers are often paid their regular wages for jury duty. For the rest of the jury pool, their 'wages' for jury duty don't cover the costs of lunch and parking.

Technology Use:

We all know that Millennials are tech-wizards. Often referred to as digital natives, they are always connected. Gen Xers are much the same. What may surprise you is that Boomers and even the Silent Generation are also remarkably 'connected'. Certainly not to the same degree as the Millennials, but [*Grandma is also wired \(mostly\)*](#).

Millennials: 91% use the internet (up from 89% in 2008) and 86% use social networks. Despite their constant connectivity, texting is more popular among this group than either email or social networks.¹⁵

Generation X: 88% of Gen Xers were internet users in 2011 (up from 80% in 2008) and of those online, 73% used social media. Gen Xers are "fully comfortable using both traditional and digital media channels".¹⁶

Boomers: 75% use the internet (up from 70% in 2010) and 93% use email. Of those online, 47% used social networks in 2010 with 20% doing so daily. Intriguingly, Boomers spend more money on technology (monthly telecom fees, gadget/device purchases) than any other demographic!¹⁷

Silents: 47% used the internet in 2011 (up from 36% in 2008) and of those online, 94% use email and 26% use social networks!^{18, 19}

Practice Implications:

*Don't assume that only the young use technology. When you are in a tech-heavy case though, make sure to use simple [even anthropomorphized] explanations for the complex layers of technology as exemplified in [*Barnes \(2009\)*](#).*

Old and young alike can understand concepts, metaphors and analogies when presented in a familiar format. We've seen the esoteric technology underlying complex patents simplified using [for example] comparisons to drive through orders, vending machines, and pizza delivery. Use examples that are universal and jurors will 'get' enough of the concept to talk about it in their own words.

Differences in Generational Attitudes, Beliefs and Values

Attitudes and beliefs are the lens through which facts are viewed. There is little more important for a trial lawyer to understand than the the value of a potential juror as they might impact the issues in your specific case. Obviously, not every value will resonate with every case. The following section includes litigation-relevant variables we have found to be useful tip-offs on how individual jurors will respond to a trial story.

On the following pages you will find generational perspectives on the following variables: comfort with multicultural diversity (including a look back to the terrorist attacks of 9/11/2001); liberal versus conservative outlook; anger/frustration with the government; beliefs about gender roles; attitudes toward the environment, scientific findings, religious beliefs, gun control, legalization of marijuana, same sex marriage, and how much members of the various generations trust others.

Attitudes, Beliefs and Values: Clues to Juror's Case Reactions

Multicultural/Diversity comfort:

As demonstrated earlier, America is increasing multiculturally composed. The Silent Generation is the least comfortable with these changes. Then Boomers. Gen X and the Millennials are more at ease. When we examine data on generational attitudes toward interracial dating (blacks and whites dating each other), the pattern is the same. The younger you are, the more comfort with interracial dating and marriage. For example, when asked if it is "*all right for blacks and whites to date each other*", 91% of Millennials agree it is while other generations tend to agree--Gen X (92%), Boomers (87%) and Silents (76%).

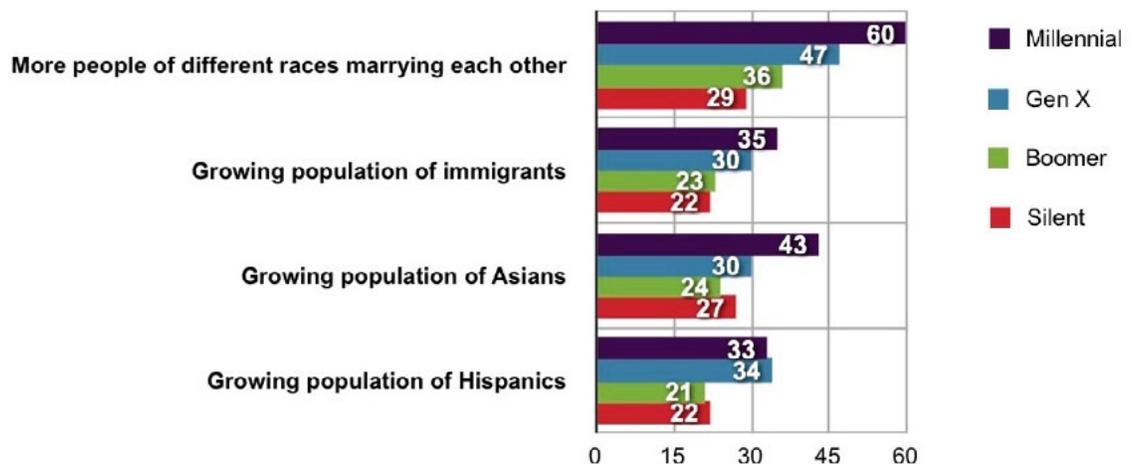
It is perhaps unsurprising that our *attitudes toward immigration and immigrants* follow the same trend. Only 27% of Millennials believe that "newcomers [i.e., immigrants] threaten our customs and values" while 37% of Gen Xers endorse the belief, as do 46% of Boomers and 45% of the Silent Generation.

Our youth lead the way with tolerance--as they have across all younger generations. On multiple issues related to America's growing cultural diversity, the younger you are, the more likely you are to see these changes as positive. We can see this clearly if we compare visually the generational perspectives on the changing face of America.

Generational Perspectives on the New Face of America

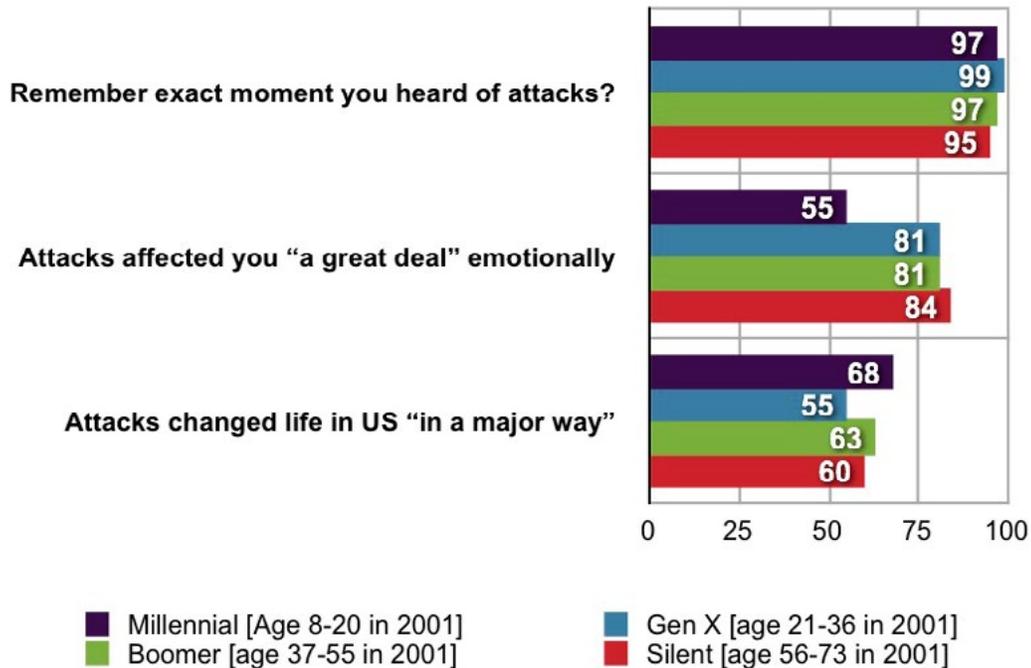
[data depicts % saying each is a "change for the better"]

From the 2011 Pew Report on the Generation Gap and the 2012 elections



Recollections of 9/11/2001: Another way to look at our comfort with multicultural America is to look a decade later at recollections of the terrorist attacks of 2001. Ages of the generations are included as a critical contextual anchor when looking at the emotional response of the Millennials.

How Generations Look Back at 9/11



We might be tempted to judge the Millennials as unfeeling when examining their emotional response unless we look at their age range in 2011. They were children. They know things have changed but overall they were not old enough to emotionally understand just how much our lives were irrevocably changed.

Practice Implications:

The first lesson is that context is critical. We can make assumptions that are completely wrong based on evidence not placed in context. It is important that you supply jurors with contextual information about surprising evidence or 'bad facts' (if any). The [fundamental attribution error](#) ensures that without context, jurors will assume [bad] character reasons for behavior rather than situational reasons. [See Sam Sommers' article in this issue for more on how context matters for attorneys.]

The second lesson is that when we have strong emotional reactions, we look for someone to blame. There is ample evidence in the literature that [prejudice against Arab Americans and Muslims is rampant since 9/11](#).

What the polls [and the research] tell us is that our [suspiciousness extends to everyone who is "different" than us](#)--whether that difference is skin color, religious beliefs, sexual orientation, or some other variable that makes 'them' different. It is counteracted by addressing it directly, beginning in voir dire and judiciously (and usually subtly) throughout the trial.

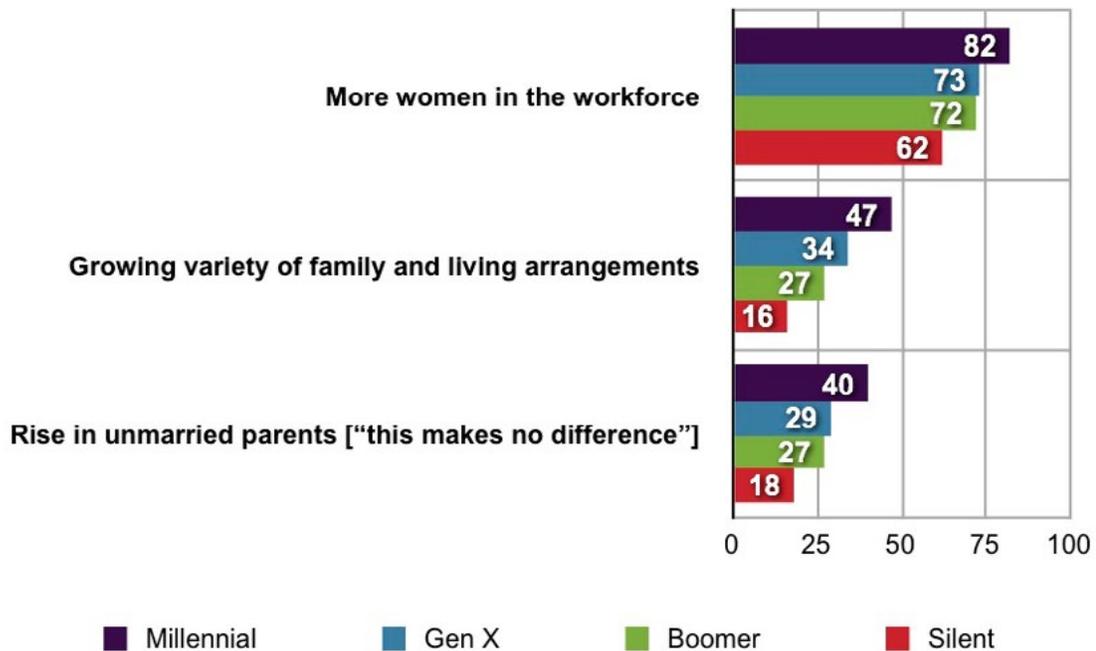
Gender roles and family structure:

Changes in gender roles and family structure have been continuous since WW II. But we still have strong feelings about whether these changes are good or bad. The debate over [how we define families](#) and even how we define marriage have been at the epicenter of public discourse continuously.

The generational perspective on these issues mirrors those of other social issues--the younger you are, generally the more tolerant you are. For example, no generational group really supports the unmarried parent as a "good thing" but Millennials see it as mattering much less than do older generations.

Intriguingly, despite the tepid support for unmarried parents, [more Americans support same-sex marriage](#) than ever before--although there are strong generational differences in this support. The pattern follows the same one we've seen before. Millennials are most supportive (59%), then Gen X (50%), then Boomers (42%) and then the Silent Generation (33%).

Generational Perspectives on the Changing Gender Roles and Family Structure
 [data depicts % saying each is a "change for the better" except for the unmarried parent question which depicts those saying it is a "change that makes no difference"]
 --From the 2011 Pew Report on the Generation Gap and the 2012 elections



Practice Implications:

When your client is not traditional, you want to emphasize to the jurors the ways in which your client is much the same as the jurors. Identify universal values by highlighting family connections, community involvement, parenting activities, et cetera.

Despite younger jurors being more positively disposed to changing family structure, more than half of them are not supportive. It remains just as important that you connect jurors to your client (via similarities) regardless of whether your jurors are older or younger.

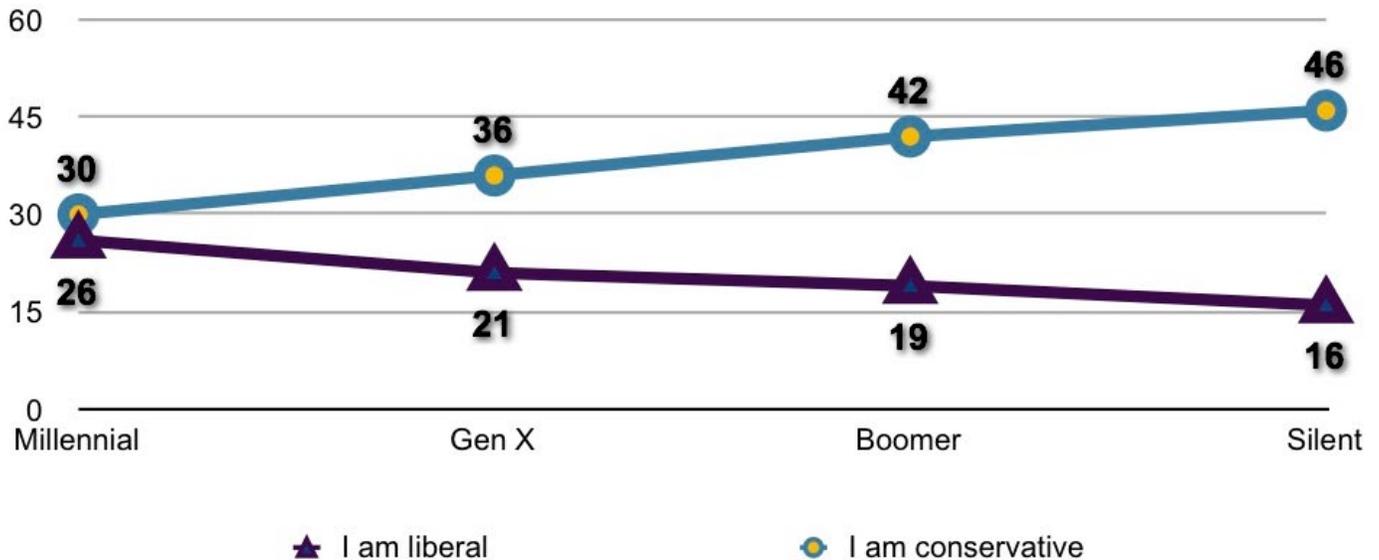
Liberal or conservative?

Akin to views on social issues, the older you are, the more likely you are to be conservative. Among all generational groups except the Millennials, the proportion of those who identify as conservative has increased since 2000. Below is the snapshot from the Pew Report of 2011.

Generational self-descriptions as liberal or conservative

[data represent percentages of people describing themselves as either liberal or conservative]

<http://pewresearch.org/pubs/2122/generation-gap-barack-obama-mitt-romney-republicans-democrats-silent-generation-millennials-genxers-baby-boomer>



Practice Implications:

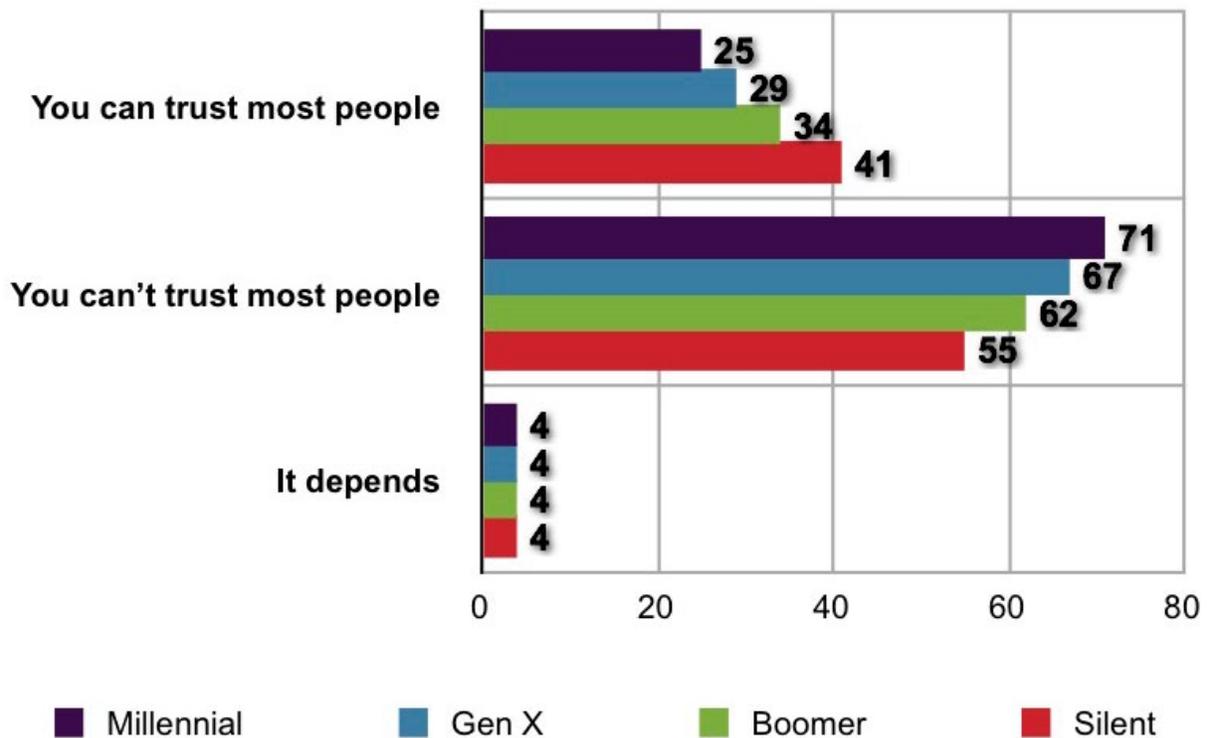
If your case has political overtones or government or authority figure involvement, you want to pay special attention to the Silent Generation members. Silents are the most politically engaged generation at the moment--and are much more engaged than they were in the 2008 elections. They are 3x more likely than Millennials to say they have given a lot of thought to the 2012 elections (and there was no difference between the two generations on this issue at this phase of the election process in 2007).

In our 2011 pretrial research, we've seen "liberal" and "conservative" labels thrown around by mock jurors in ways that mean very different things when we are in New York City than they mean when we are in North Carolina or Utah. Make sure you determine what those buzzwords mean in the specific venire. There are specific values and beliefs underlying those labels. It's in your best interest (not to mention the best interest of your client) to find out how values, beliefs and labels converge to define your case and your venire.

Trust in Others:

Poll findings regarding how readily people trust others have a counter-intuitive feel. It would make sense that tolerant people are more trusting. But, oddly, Millennials are the least trusting of the generations. In some ways, this open-minded, all-embracing generation can be closed and defensive. And the pattern holds across the generations: older people are more trusting and younger people are less trusting. The reasons can't be fully explained, but if you consider the level of cynicism and mistrust that pervaded the public conversation during the years that the Silents were young, as opposed to the progression of our society since them, it is tempting to give those formative experiences a lot of credit.

“Generally speaking, would you say that most people can be trusted or that you can't be too careful in life?”



Practice Implications:

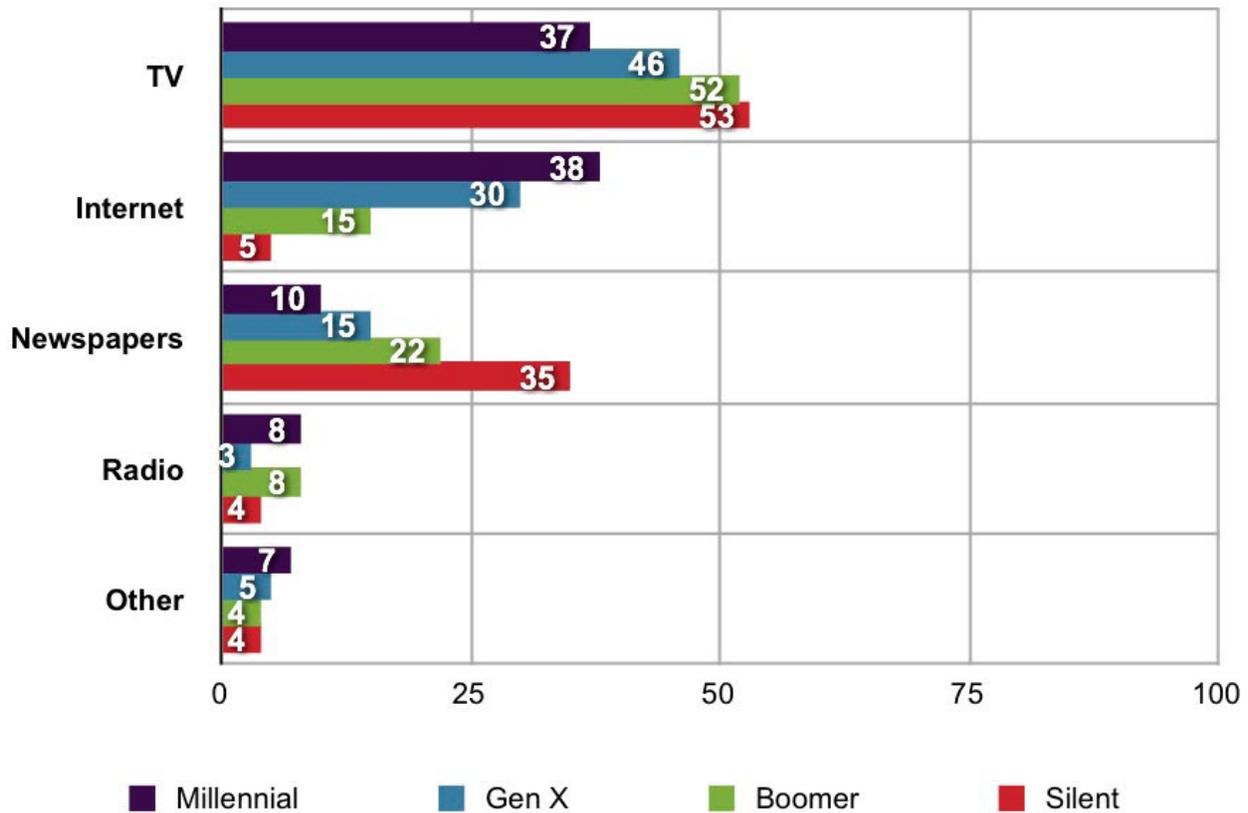
We often talk to focus groups and mock juries about how their willingness to believe someone plummets if they find out the person is a lawyer. There is generally laughter and then quick agreement that lawyers can generally not be trusted to tell the truth.

What this means is you have a challenging audience already, and younger jurors are going to be more cynical and prone to see 'spin' in how you tell your case story. Your best bet is to be clear, factual, and precise in the way you present your evidence. For the cynical and mistrusting, the worst thing you can do is to overtly attempt persuasion. It will backfire. Allow the jury to come to their own conclusions--and let them know that you are trusting them to apply their judgment and see the truth.

Preferred source of information:

There is also a strong generational difference in where we turn for information.²⁰ Younger generations tend to go to the internet or television while older generations make much more use of newspapers and television. This generational difference will result in different information coming to your jurors pretrial. “Google mistrials” related to internet searches have been triggered by impulsive behavior by both the oldest and youngest jurors.

Where Generations Get News Information [Numbers are rounded]



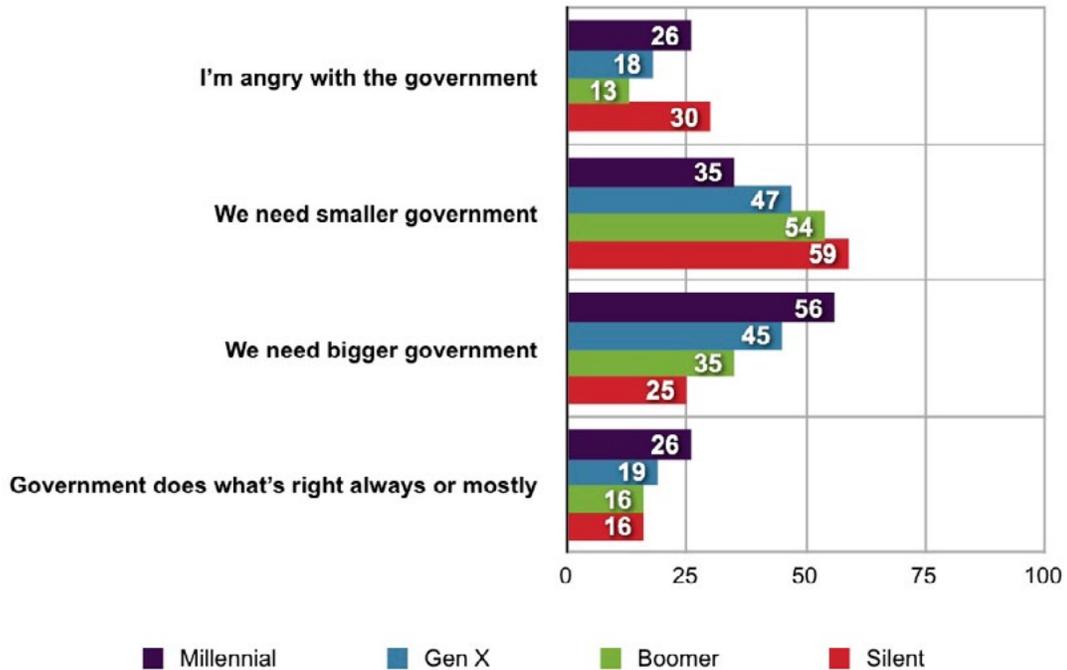
Practice Implications:

Keep track of where your potential jurors are going to seek information, and know what they are likely to find when they look there. That means the universe of what you have to cover is exponentially larger than 20 years ago. While television, newspaper and radio reporters have some guidelines on what they can and cannot say and do, the internet has highly credible looking sources that operate with no rules at all. Social media sites ensure that information travels at the speed of light. And unfortunately, most of us seek information not to inform ourselves, but to affirm ourselves. What that means is that we don't investigate to see if our information is accurate--it is read and embraced to validate pre-existing beliefs.

Anger with government:

Americans are dissatisfied with government--and for many, the feeling is anger. While most social issues variables follow a predictable generational pattern, this one is different. The Silent Generation is very angry with the government and their anger is mobilizing them politically.

Generational Anger with and Attitudes Toward the Government
 --From the 2011 Pew Report on the Generation Gap and the 2012 elections



The Silent Generation is simultaneously the happiest generation and the most negative when it comes to government. And the carefree, former flower children Boomers are the most unhappy. One aspect of this equation could be related to the Silent Generation having grown up without many of the big government programs, and not wanting to see expenditures expanded to a broader scope.

Older Americans are the most satisfied with their financial situations²¹ despite economic changes and the most likely to say their financial situation has stayed the same during the last few years.²² This is likely the case since many Silents are retired and had already downsized their living expenses prior to the economic downturn. And overall, they have lived more modestly than the subsequent generational groups. The financial portfolios of Boomers were hardest hit in terms of time remaining to plan for retirement.

Practice Implications:

Anger has been a huge theme in our 2011 pretrial research work, but it doesn't always bounce predictably. Jurors are angry at Wall Street but wary of giving verdicts that could harm large companies that "might" create jobs again. They are angry at finger-pointing rather than taking responsibility for one's actions. Yet, they often support corporations when least expected if case themes are crafted carefully.

We've seen an increasing number of "[a pox on both your houses](#)" reactions across cases ranging from divorces to contracts to patents. Jury research across the country shows that jurors are fed up with what they see as [manipulative efforts to avoid responsibility](#)--whether "you" are an individual, a corporation, a sports franchise, or the government.

Views on Environment/Energy Sources:

Historically, Americans have placed concerns for environment above economic concerns. Recently, Gallup has demonstrated *the economy is edging out environmental concerns* although short-term reversals occur when disasters hit. For example, the environment was more important after the BP Deepwater Horizon spill, and again after the tsunami-caused Japanese nuclear factory disaster. But during an ongoing economic crisis, these rushes to support the environment were short-lived (measured in weeks not months) and economic concerns again prevailed. Research is mixed over the nature and extent of a generational shift regarding matters of the environment.



Practice Implications:

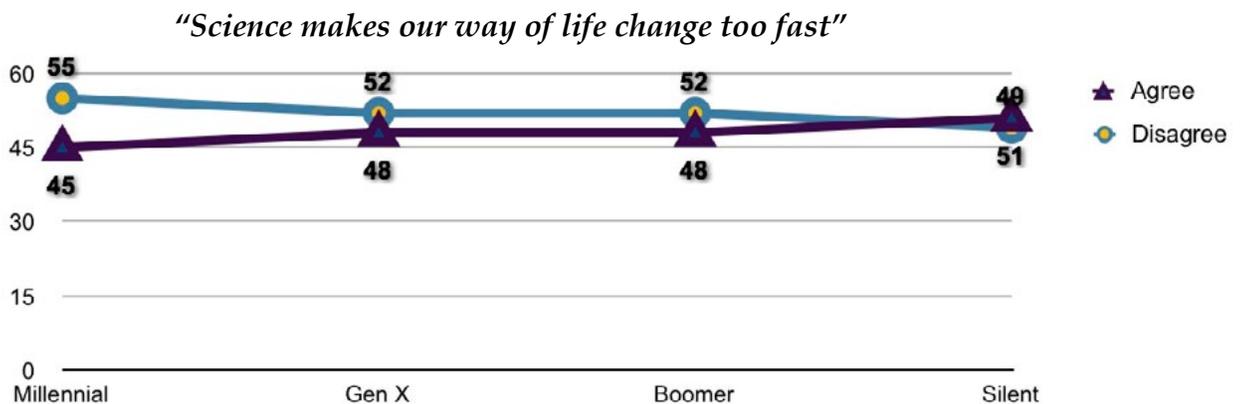
The main lesson here is, again, to avoid assumptions. The economy and the environment are tightly linked and current attitudes are fluid. The best approach is to educate yourself about existing attitudes in the venire as close to trial as possible and proceed accordingly.

Reaction to scientific findings:

The media would have us believe that the issue of climate change is a scientific debate. Yet, those of us who prepare expert witnesses to present scientific data know that jurors often *dispute "science" simply because they disagree* with it. According to the 2011 Pew Report, there is a *decline in the past five years* in the number of Americans who believe the climate is warming. Scientists haven't wavered, but the confusing and mixed messages on television and the internet (e.g., "*Climategate*") has created uncertainty.

Political affiliation seems to be predictive of whether climate change is accepted. Twice as many Democrats (and Democrat-leaning Independents) say there is solid evidence of climate warming than do Republicans (and Republican-leaning Independents). Among the Democrats there are no generational divides on this issue. But among Republicans, about half of the Millennial Republicans and Republican leaners say global warming is occurring.

When we ask generally about scientific progress²³, we see little in the way of generational differences--it seems we have to have a specific issue in mind (like global warming) to see differences that make a difference.



Practice Implications:

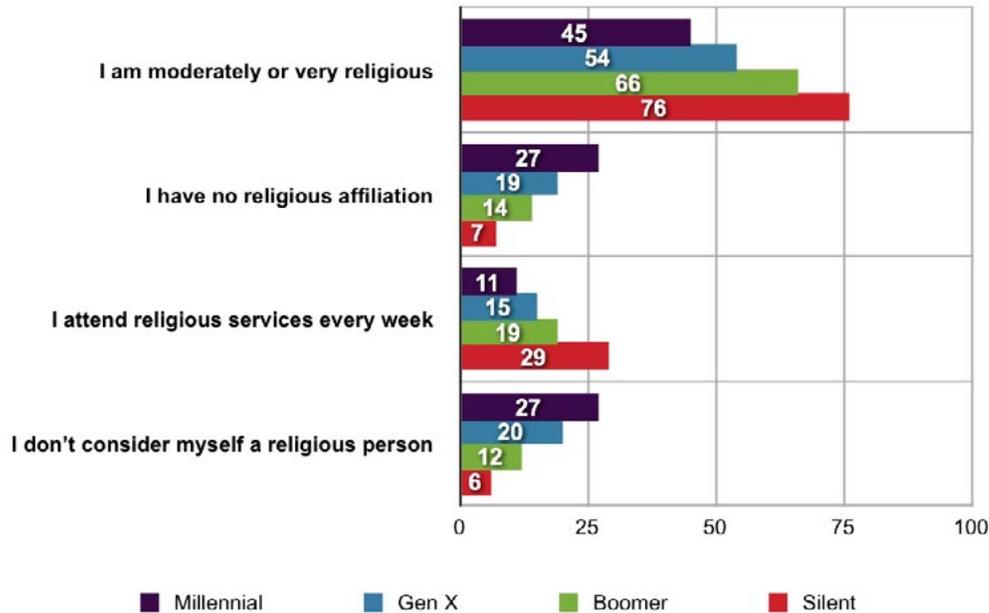
There is a significant portion of society that fears change, and mistrusts what they can't see or touch. Scientific findings set off internal alarms if the listener disagrees with the findings. There are ways to decrease the intensity of those alarms and increase the chances of your message being heard.

Religion:

Religious affiliation (especially among young adults) has been on a downward trend since the 1970s when 13% of Boomers were not religiously affiliated. According to the [Pew Report](#), in 2010, 26% of Millennials were not religiously affiliated. Nor were 21% of Generation X and 15% of the Baby Boomers. 2011 data in the following chart (from a different source) largely mirror the Pew Report.

Generational Religious Affiliations and Perspectives

--From *American Generations* (2011). New Strategist Publications, Inc.

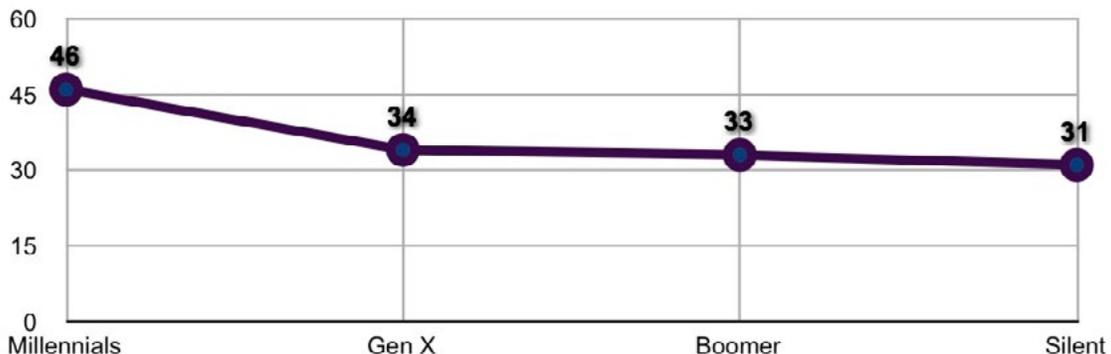


Older Americans continue to be more religious than younger Americans in terms of both self-description and behavioral indicators (e.g., attending religious services).

Death penalty:

Opposition to the death penalty has been growing over the last fifteen years. Millennials are the *most opposed to the death penalty*. In other generational groups, "support outweighs opposition by nearly two-to-one with little difference between Silents, Boomers and Generation X."

More Millennials Opposed to Death Penalty for Murderers
 [data reflects percentages opposing death penalty in each generation]



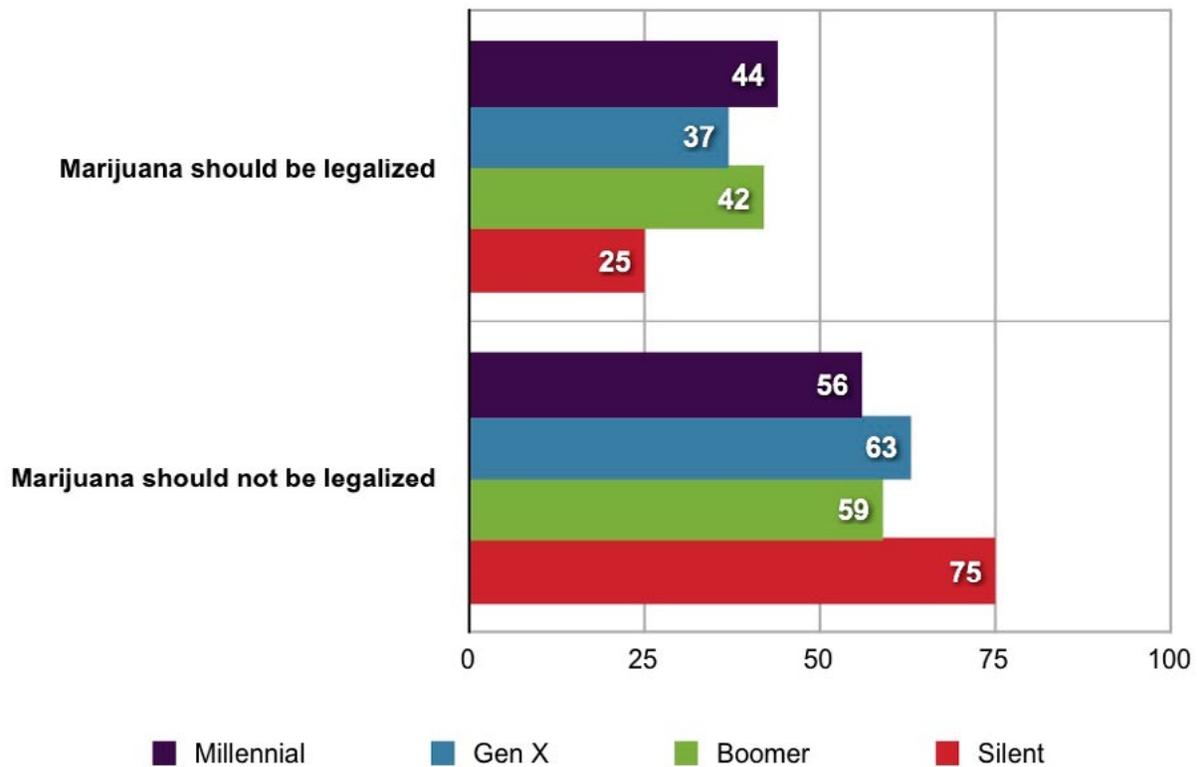
Guns and Gun Control:

There are few issues as polarizing as debates over gun control. Despite Millennial’s lack of trust in others, they are least likely to have a gun in their home and this pattern of results is typical of our overall experience in this review--the younger you are, the less likely you are to own a gun; the older you are, the more likely you are to own a gun.²⁴

Legalizing Marijuana:

Legalization of marijuana is another issue with strong debates on either side²⁵. The recent trend toward medical marijuana may indicate opinions against this issue are weakening. A recent survey shows the typical pattern with an exception--Boomers “remember when” and are more in favor of legalization than their Gen X children. When the argument becomes one of economics--citing the cost of prosecutions and jailing for minor drug offenses- the public is notably more weary of these laws.

“Do you think the use of marijuana should be made legal or not?”



Conclusion:

As you review the data we've presented here, you may be surprised there are not "more" differences between the generations.

1. There is a more liberal/tolerant focus on social issues among the Millennials and Generation X.
2. There is a concern about financial issues shared by Gen X and the Boomers.
3. The Millennials have an unprecedented rate of unemployment.
4. The Silent Generation is happiest and yet, the most angry with government.
5. There is a divide between the youngest generation (the Millennials) and the oldest generation (the Silents) that appears unbridgeable based on the Pew Report. Some of this is due to the age gap and the ever-increasing liberal perspectives of the younger generations.

So with all the press on the "slackers" and the "punks" and the "flower children" of yore--why do we not see more differences between the generations? They grew up differently. They had different formative experiences. Why is there not a bright line of difference? It could be that there is--in some instances.

As it turns out, the stereotype of the Boomer rebel/hippie/flower child actually applied to only a small, iconic segment of the Boomer population. But it's the image we retain of the 1960s generation. It's part of what we do. We put people in boxes. It makes things simpler. And often, it makes us flat out wrong.

We all use stereotypes as shortcuts to decision-making. Readers of our blog (The Jury Room) know that we rely heavily on the newly published (not the sadly dated) research literature to understand the evidence rather than to merely parrot the opinions found in the popular media. Here's a terrific (and pretty succinct) explanation of why stereotypes persist in spite of evidence to the contrary:

So, why might stereotypes persist in the face of evidence to the contrary? In fact, the stereotype and the data can both be correct simultaneously. If one considers a normal distribution of people, it would only take a small increase in numbers at either tail of the distribution to cause people to believe that one generation was different from another due to the disproportionate impact outliers have on influencing perceptions. This might occur even while the average within the generation stays the same as the other generations.²⁶

As always, knowing general information about your jurors (in this case their generation) allows you to assess attitudes and beliefs that are relevant to your case and alerts you to the importance of not relying on stereotypes alone to make decisions you then have to live with throughout trial.

References

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