



Understanding Generation X

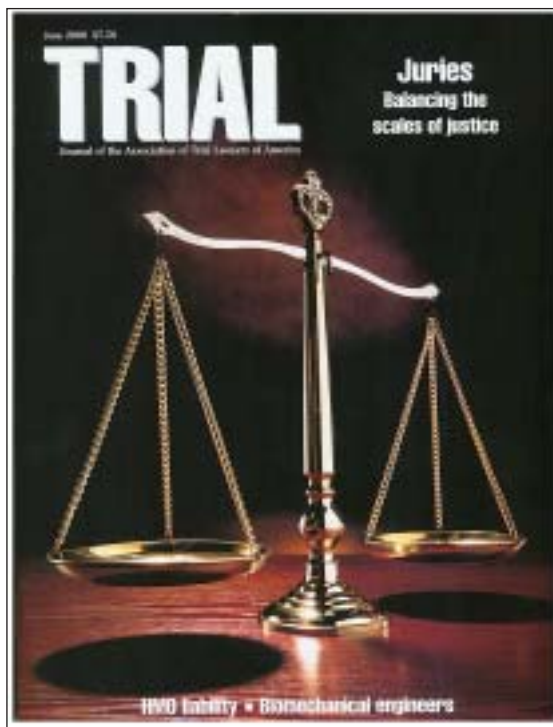
Elizabeth Foley and Adrienne LeFevre

As time goes by, more and more Generation Xers will be called to jury duty. Trial lawyers may need to change their trial tactics to better suit the changing face of juries.

The 78.2 million Americans who were born between 1966 and 1976 are now moving into mainstream American culture. They are Generation X. This year, 30 percent of all jury panels will be made up of members of this generation. The generation is called "X" because the symbol connotes an unknown, a mystery.

Who are the members of Generation X? What do they value? What has influenced their lives? What persuades them? Courtroom strategies, themes, and arguments must be tailored to meet their communication needs.

Studying a generational group involves a look at the political, economic, and social events that have shaped the feelings and views of its individuals. Sociologists acknowledge that separating generational effects from other significant life influences is complex. But it is also an effective starting point for understanding a group's basic perspectives and core values.



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In 1951, sociologist Norman Ryder published a thesis that has been invaluable to sociologists and marketers trying to understand what motivates different segments of the population.¹ Trial lawyers trying to understand Generation Xers can benefit from Ryder's concept as well.

Generational cohorts are people born over a relatively short and contiguous time period who are deeply influenced and bound together by the events of their formative years. Ryder said that age and generation do not necessarily place people into any meaningful category. Instead, it is the events that occur at various critical points in the group's lifetime that create cohorts and define core values.

For example, sociological events that happen when one reaches economic adulthood create lifelong attitudes toward jobs, money, and savings. Similarly, sociological events that happen when one is becoming a sexual adult influence core values about permissiveness, tolerance, gender roles, and sexual behavior. Most psychologists agree that many of these core values are carried through life largely unchanged. What this means is there is a generational predisposition that must be overcome, eliminated, or taken advantage of.

Sweeping generalizations about any generation will not describe each individual member of the generation. Generation X is particularly difficult to characterize because it is one of the most diverse and multiethnic groups of individuals to encompass a generation. Nevertheless, members of any generation are also different or unique compared to others. Generation Xers have experienced events that make their perspective particular to their generation. Understanding the generational values of any cohort helps lawyers appeal to its values, likes, and dislikes.

For this cohort, it is important to understand the three defining experiences that have undoubtedly influenced all aspects of their personalities and behaviors: the divorce rate (which has tripled since 1960); the number of children born out of wedlock (which has increased 28 percent since 1960); and the number of absent fathers (which has also increased.)² According to this theory, these three circumstances have led to a host of other social phenomena.

In particular, Generation Xers' parents have experienced the highest divorce rate in history, making Generation Xers cautious romantics who seem to desire more stable marriages for themselves. Since 1983, 72 percent to 79 percent of teenagers have felt that divorce laws are too lenient versus 55 percent in 1977.³ Xers are deferring marriage and children longer than Baby Boomers did. And they may be more economically stable than Boomers because they focus on education and career first. The members of this generation may also beat the high divorce rate by marrying later in life.

Generation X has been left in a state of instability due to social problems such as high crime rates, divorce, children born out of wedlock, and lack of a father figure in many

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1. NORMAN B. RYDER, *THE COHORT APPROACH: ESSAYS IN THE MEASUREMENT OF TEMPORAL VARIATIONS IN DEMOGRAPHIC BEHAVIOR* (1951) (thesis) (on file with University Microfilms, Ann Arbor, Mich. (republished under the same title by Arno Press, N.Y. 1981)) (adapted from a 1951 study, Norman B. Ryder, *The Cohort as a Concept in the Study of Social Change*, 30 AM. SOC. REV. 843 (1965).

2. Steve Watters, *Generation X: Unplugged*, NEOPOLITIQUE, Apr. 1997 (visited Apr. 19, 2000) <http://www.neopolitique.org/articles/unplugged.html>.

3. *Ibid.*



families. Some researchers suggest that Generation X accepts these problems as facts of life, which, in turn, has inspired them to seek stability in all aspects of their lives. They feel ultimately responsible for creating and maintaining a more stable environment.

Common Characteristics

Seeking stability

Generation Xers look for balance and perspective. They expect continued emphasis on leisure activities and family entertainment, the acceptance of economical and functional clothing in the workplace, quality day care, and the option of working at home.

Xers may be closer to their parents than any other recent generation because the members of this group live at home longer. For this reason they are also called the Long Good-bye generation.

They postpone independent living into their mid to late 20s. Whereas other cohorts were eager to move away from their parents and start their own nuclear families, Xers stay at home longer, redefining their relationships with their parents to include friendship and mentorship.

A 1993 survey found that many Generation Xers receive financial support from their parents. This is another reason Xers have closer relationships with their parents. The survey found that 51 percent of them admire their parents more than anyone else. Sociologists predict that Xers will reciprocate by taking full responsibility for their aging parents.

Embracing the “look out for yourself” attitude

The majority of Generation Xers’ parents worked outside of the home, leaving them to fend for themselves. This independence, learned at an early age, is sometimes perceived as being selfish and coldhearted. However, this is not Generation X’s intention. This mentality is a survival tactic. Rather than labeling this generation as unfeeling, it is more accurate to say it is extremely independent.

Also, Xers came of age during the Reagan and Bush administrations when many social programs were cut. This reinforced the “look out for yourself because no one else will” mentality. As a result, members of this generation have low expectations of government programs.

For example, 59 percent of them would rather not pay into Medicare, opting instead to save for their own future health care. This is an extension of their independence and growing cynicism. Generation Xers have always lived with high health care costs.

Since they do not feel that the government “owes them,” they would rather take responsibility for their own health care. This gives them more control and, thus, more stability.

Generation Xers show little deference to authority figures. This may be a direct result of the unstructured homes they lived in as children.

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Working, with one-foot-out-the-door attitude

Generation X is more insecure – or, at least, less confident – than earlier generations about job stability and earnings. Yet, Generation Xers do not necessarily think anyone owes them a job or job security. They accept job instability as a natural characteristic of employment. This observation has created a "look out for yourself" and "move on" attitude toward jobs and careers.

Why? Many Xers grew up watching their parents work long hours for one company only to be downsized into unemployment. As a result, they have a much different take on job security: they don't believe in it. To a Generation Xer, job security means having the kind of skills that make you attractive to the next company or enable you to start your own business. It has nothing to do with earning a gold watch.⁴

Generation Xers are experiencing declining wages, and they know it. The median income in 1971 was \$27,057. In 1981, it was \$24,057. In 1991, it was \$21,595.

This is not good news for Xers with only eighth-grade reading and math skills. But those who can operate computers and complex machinery and easily adapt to rapidly changing work – skills sought after by corporations – will earn higher salaries.

Generation Xers are most attracted to working for small businesses that operate with a minimum of bureaucracy.

Displaying political ambivalence

Of any generation, Generation X has the weakest attachment to political parties. It has not experienced a period when the country has not been cynical toward its leaders. The generation's earliest political memories date back to the post-Nixon years when the national sentiment regarding politics was largely negative. And this negative sentiment has lingered, especially in light of the eight years of Clinton administration scandals.

To Generation Xers, activism does not mean sit-ins or protests. Rather, political action involves e-mail sent to representatives and donations of time to help a cause.

Xers have not had a clear, common enemy, and they have not lived during a time of war (excluding Operation Desert Storm). Some sociologists speculate that the absence of war has left them with no clear ideas about who and what they stand for, or even what they stand against.

Their political skepticism stems from the changing value system of the political world. Most believe that politicians will say anything just to get a vote. In fact, Xers make up the lowest percentage of Americans who vote.⁵

Accepting diversity

Generation Xers accept racial and sexual diversity as facts of life. They have not lived in a world with overt racism or sexism, and they do not readily accept the idea of covert racism or sexism. The generation seems to be more tolerant of homosexuality and diverse

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⁴ Susan Caminiti, *Young and the Restless*, YOUR COMPANY, Feb./Mar. 1998.

⁵ GREGG BEHR ET AL., THE CONTENT OF OUR CHARACTER: VOICES OF GENERATION X (1999).



ethnic groups than any other group. This diversity is reflected in the wide range of music its members listen to. One person may enjoy grunge, hip-hop, country, and rap music.

Standing firm on an unwillingness to compromise home and family life

Although Generation X women have a clear shot at the boardroom, they seem to place greater importance on the home and family they missed as children. Many are unwilling to compromise family and quality of life for a career.

And Generation X women think feminist battles are over. Women of the Baby Boomer generation, some of whom spent a lifetime opening new opportunities for women, are understandably puzzled when Generation X women preface a statement with "I'm not a feminist, but . . ."

The media have portrayed feminists as "femi-nazis," suggesting that it is not "fashionable" to be a feminist. Boomers are concerned when Generation X women claim the benefits of feminism and disavow any association with it.

Expressing conservatism

The generation is more conservative than the Baby Boomer generation was. It has a healthy skepticism toward blind liberalism and anticorporate mentality. And it is especially intolerant of Baby Boomers' rhetoric about the "underdog," "evil corporate America," and "equality for all." This rhetoric is too idealistic and impractical for Generation X.

Economically, Xers search for the value of products. Even though they are entertained by creative advertising, they recognize it for what it is – flash and appeal.

And although Generation Xers learn best through imagery, they are informed consumers who remain unimpressed by visual appeals. This helps them be cautious with money.

Projecting cynicism

Fifty-three percent of Generation Xers feel that the soap opera *General Hospital* will be around longer than Medicare. The majority of twenty-somethings are more likely to believe that UFOs exist than that Social Security will exist when they retire. And about 25 percent of Xers describe themselves as religious.

Holding on to tradition

Members of Generation X have had to say good-bye to Johnny Carson, Larry Bird, J.R. on *Dallas*, Daisy Duke, and Scooby Doo. They grew up with Pac Man, Atari, and cable television. Generation Xers are media- and technology-savvy, and, at the same time, Generation Xers are nostalgic for yesteryear. This generation is motivated to learn, work at a fast pace, and hold on to traditions.

Expecting sophisticated visuals

Generation X is the first generation to grow up computer literate. It is also the first generation that has always had television as a part of its daily life, so it is more moved by

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visual images than the written word. Generation Xers learn best through multimedia, such as television, graphics, and computers. The generation can easily manage more than one stimulus at a time, and the spoken word alone seems dated and boring.

Courtroom applications

How can trial attorneys incorporate the characteristics of Generation X into case themes, presentations, and communication styles? First ask, "What am I using besides words to present my case?" Graphics have become essential to both learning and persuasion in court. Generation Xers have been bombarded with visual entertainment. Television was their babysitter while their parents were at work. So, your courtroom presentations need to be punchy and entertaining.

What about your courtroom rhetoric? Does it sound the same as it did 10, 15, or even 20 years ago?

Make sure that your rhetoric is in sync with jurors. Consider the following.

Generation Xers can and do lead juries. Their willingness to lead can clash with older, more opinionated Boomers.

Generation X has a high regard for long-established tradition and will uphold important traditions as a basis for a more secure adulthood. Members of the generation will relate to cases where traditions were broken, and these jurors will seek to restore them.

Themes dealing with ethics, rules, and morality tend to be persuasive for some members of Generation X. Craft trial themes that capture these jurors' sense of pragmatism, such as "hope for the best; plan for the worst." You can also appeal to Generation X's values with themes that deal with the loss of independence and self-reliance.

For plaintiff lawyers, "victim" is a negative term. Use the plaintiff's name and positive terms like "strong" and "responsible" instead. For plaintiff lawyers and defense lawyers, "accountability" and "personal responsibility" are golden. Replace terms like "pain and suffering" and "noneconomic damages" with ones like "human losses."

An attitude that prevails among Generation Xers is "look out for yourself." The concept of entitlement (in the workplace and the marketplace) has been replaced with a more cautious, conservative, and some argue, cynical mentality. The rhetoric of entitlement is dead.

Instead of persuading Generation X jurors to award money to "compensate the victim," describe how the money will make a difference in your client's life. Show that the injured person will endure pain for a long time.

Generation X relates more to fighters, not criers. Tell the jury how it can help accomplish your client's future goals. Generation Xers are impressed with those who are motivated, not those who think they are entitled.

This generation is cautious and practical. These values are not compatible with hyperbole and drama. Xers are on the lookout for overstatement and flash. They resist emotional appeals.

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Rather than editorializing about what happened to your client, tell descriptive stories in the active voice from your client's perspective.

Be careful with your time. Xers think in terms of the bottom line. Whether it is voir dire, opening statement, or cross-examination, they do not want to wait an hour for you to get to the point.

We are living in an information world. Do not assume the next generation of jurors cannot handle complex information. It can, and it does every day. Show Generation X jurors early that you have the facts and data to back up your words.

The key is to package information in the way they are accustomed to receiving it. It is not necessary to go into detail in opening statement, but show that you have proof to support your story. Observe how information is presented in newspapers, on television, and on websites: There is always a headline (the point) followed by supporting data.

Since Xers value the home and family and are not willing to compromise family and quality of life for a career, you should use this value to your advantage. For example, appeal to the generation's loyalty to tradition and show that the plaintiff has similar values. Show that he or she values family and has not let a career lessen its value.

The case of the future may look and sound much different than the one you are preparing today. Keeping up with the times is vital to tailoring your case presentation to your audience. Know your jurors, connect with your jurors, persuade your jurors. Xers are ready to hear your case, interpret your message and decide the fate of your client. Are you ready?

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