

# THE MILLENNIAL JUROR

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CHAPTER #

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The Millennial generation recently became the largest living generation in America and they are about to become the most influential generation in a number of areas in American society. Millennials are the largest generation currently in the workforce and in the electorate. Soon, they will be the most common members of juries.

### **Who are the Millennials?**

Definitions of generations vary but the generally accepted definition of the Millennial generation is individuals born between 1981 and 1998, and adults currently between 18 and 35 years of age.<sup>1</sup> For reference, the previous generations are defined as follows:

Generation X:	Born 1965 to 1980 Age 35 to 50
Baby Boomers:	Born 1946 to 1964 Age 51 to 69
Silent Generation:	Born 1928 to 1945 Age 70 to 87. <sup>2</sup>

The Greatest Generation is defined as individuals born before 1928 and between the ages of 88 and 100. However, due to dwindling numbers researchers are no longer surveying the Greatest Generation for most studies.

Millennials are now the largest living generation, numbering 75.4 million Americans,<sup>3</sup> In fact, since most immigrants to the United States are of the millennial generation, the millennial population is projected to continue to grow until it reaches a peak at 81.1 million in 2036.<sup>4</sup>

Millennials are now the greatest number of workers, consumers, and eligible voters.<sup>5</sup>

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<sup>1</sup> Fry, Richard. *Millennials Overtake Baby Boomers as America's Largest Generation*. Pew Research Center. April 25, 2016. Available at: <http://www.pewresearch.org/fact-tank/2016/04/25/millennials-overtake-baby-boomers/>

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*; Fry, Richard. *Millennials Match Baby Boomers as Largest Generation in U.S. Electorate, but Will They Vote?*. Pew Research Center. May 16, 2016. Available at: <http://www.pewresearch.org/fact-tank/2016/05/16/millennials-match-baby-boomers-as-largest-generation-in-u-s-electorate-but-will-they-vote/>; Fry, Richard. *Millennials Surpass Gen Xers as the Largest Generation in U.S. Labor Force*. Pew Research Center. May 11, 2015. Available at:

## **Characteristics of Millennials**

Before delving into the characteristics of Millennials, it is worth noting that, while many researchers view generational research as a useful cohort, there is no concrete consensus on the implications of the findings. Researchers do not agree on which differences are unique to a generation and which ones are merely product of age or circumstances. As the Pew Research Group notes, some differences are fundamental and enduring and “others are largely of function of age and life-stage.”<sup>6</sup>

### **General Differences**

Millennials are notable for their diversity. Millennials are the most diverse generation with only 57% of their population non-Hispanic whites. Millennials are also on pace to be the most educated generation in history. A third of older Millennials (ages 26 to 33) have at least a college degree.<sup>7</sup> Millennials are different from previous generations in their rate of marriage. Only 28% of Millennials were married when they were between the ages of 18-33, compared to 38% of Gen-Xers, 49% of Baby Boomers, and 64% of members of the Silent Generation.<sup>8</sup>

### **Formative Experiences and Impact**

Millennials came of age and attempted to enter the workforce at the height of the Great Recession and researchers believe this experience had both practical and intangible impacts on many Millennials. As a result, for the first time in modern history, Millennials have had higher levels of student loan debt, poverty, and unemployment and lower levels of wealth and personal

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<http://www.pewresearch.org/fact-tank/2015/05/11/millennials-surpass-gen-xers-as-the-largest-generation-in-u-s-labor-force/>

<sup>6</sup> *The Whys and Hows of Generations Research*. Pew Research Center. September 3, 2015. Available at: <http://www.people-press.org/2015/09/03/the-whys-and-hows-of-generations-research/>

<sup>7</sup> *Millennials in Adulthood*. Pew Research Center: Social and Demographic Trends. March 7, 2014. Available at: <http://www.pewsocialtrends.org/2014/03/07/millennials-in-adulthood/>

<sup>8</sup> *Id.*

income than the two preceding generations.<sup>9</sup> Millennials live with their parents more than earlier generations. In 2016, for the first time since 1880, more Americans are more likely to be living with their parents than in a household with a spouse or partner.<sup>10</sup> Fittingly, this appears to be a two way street for Millennials, as nearly two thirds of Millennials feel it is the responsibility of adult children to care of elderly parents and let them live in their home.<sup>11</sup>

### **Skepticism of Institutions**

Compared to previous generations, Millennials are less trusting of institutions. This skepticism permeates many facets of life. A survey conducted by Harvard University's Institute of Politics found that Millennials reported very low levels of trust in a number of venerable American institutions. Over 80% of Millennials said they "only sometimes" or "never" trust the press, the financial industry and Congress.<sup>12</sup> Similarly, the majority of Millennials reported low levels of trust in the Supreme Court and the federal government as a whole.<sup>13</sup> Fifty percent of Millennials reported that they trust the police only sometimes or never.<sup>14</sup> Only the military received high levels of trust from the Millennials surveyed.<sup>15</sup>

In the world of politics, Millennials resist partisan labeling more than any previous generation. Nearly half of all Millennials (48%) call themselves politically independent, though

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<sup>9</sup> *Id.*

<sup>10</sup> Fry, Richard. *For First Time in Modern Era, Living With Parents Edges Out Other Living Arrangements for 18- to 34-Year-Olds*. Pew Research Center. May 24, 2016. Available at:

<http://www.pewsocialtrends.org/2016/05/24/for-first-time-in-modern-era-living-with-parents-edges-out-other-living-arrangements-for-18-to-34-year-olds/>

<sup>11</sup> *Millennials: A Portrait of a Generation Next*. Pew Research Center. February 2010. p. 23. Available at:

<http://www.pewsocialtrends.org/files/2010/10/millennials-confident-connected-open-to-change.pdf>

<sup>12</sup> Cillizza, Chris. *Millennials Don't Trust Anyone. That's a Big Deal*. The Washington Post. April 30, 2015.

Available at: [https://www.washingtonpost.com/news/the-fix/wp/2015/04/30/millennials-dont-trust-anyone-what-else-is-new/?utm\\_term=.e2de75d23d24](https://www.washingtonpost.com/news/the-fix/wp/2015/04/30/millennials-dont-trust-anyone-what-else-is-new/?utm_term=.e2de75d23d24)

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

their voting patterns strongly lean Democratic.<sup>16</sup> Millennials also have lower levels of participation in organized religion than previous generations. However, Millennials are as likely to engage in many spiritual practices as their generational predecessors.<sup>17</sup>

### **Use of Technology and Consumers of Information**

Millennials are often referred to as the first generation of “digital natives”, meaning they are the first generation to grow up in a digital, media saturated world.<sup>18</sup> The characterization is a bit of an exaggeration, as many older Millennials who grew up in the eighties did not have the same technological access in their formative years that younger Millennials experienced. However, it is true that Millennials of all ages have experienced much of their life in a hyper-connected, digital world. Unsurprisingly, this experience has led Millennials to develop different attitudes about technology than their predecessors.

The vast majority of Millennials use cell phones. This is hardly unusual as 90 percent of Gen Xers, 89 percent of boomers, and even 82 percent of the Silent generation use cell phones. However, Millennials are different in their abandonment of the cell phone’s predecessor, the landline.<sup>19</sup> Millennials use their phones for a variety of reasons including the use of social media. Facebook remains the most dominant platform among Millennials, with 83 percent reporting having accounts.<sup>20</sup> Instagram and Pinterest are both popular with female Millennials but less so

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<sup>16</sup> *The Whys and Hows of Generations Research*. Pew Research Center. September 3, 2015. Available at: <http://www.people-press.org/2015/09/03/the-whys-and-hows-of-generations-research/>

<sup>17</sup> Alper, Becka A. *Millennials Are Less Religious Than Older Americans, but Just as Spiritual*. Pew Research Center. November 23, 2015. Available at: <http://www.pewresearch.org/fact-tank/2015/11/23/millennials-are-less-religious-than-older-americans-but-just-as-spiritual/>

<sup>18</sup> Meyer, Kate. *Millennials as Digital Natives: Myths and Realities*. Nielsen Norman Group. January 3, 2016. Available at: <https://www.nngroup.com/articles/millennials-digital-natives/>

<sup>19</sup> *Millennials, Media and Information*. Pew Research Center. March 11, 2010. Available at: <http://www.pewresearch.org/2010/03/11/millennials-media-and-information/>

<sup>20</sup> How Millennials Use Social Media. Harvard Institute of Politics. April 2015. Available at: <http://iop.harvard.edu/iop-now/how-millennials-use-social-media>

with male Millennials and Snapchat is very popular among younger Millennials.<sup>21</sup> Despite being more involved in social media, Millennials spend slightly less time using social media than Gen-Xers.<sup>22</sup>

Social media also serves as a platform for news for most Millennials. Sixty-one percent of Millennials get political news from Facebook.<sup>23</sup> In addition, Millennials are more likely to use news aggregation services such as Google News or Yahoo News for their news.<sup>24</sup>

Millennials are exposed to more diverse and simply larger quantities of information. As a result, Millennials are more likely to multitask than older Americans.<sup>25</sup> The Nielsen Normal Group conducted a field study of Millennial college student's computer activities and their description of one student's activities over a ten minute period is illustrative:

*In this 10-minute excerpt from a screen-recording session, the user spent the first 5 minutes alternating quickly between several unrelated activities (checking the news, checking her email, browsing Netflix, watching a video on Vimeo, and checking Facebook.) She then began to work on an academic paper for class... while watching Sons of Anarchy on Netflix simultaneously.<sup>26</sup>*

Multitasking is not just common in work or study, it is also a feature of how Millennials consume their entertainment. Even while watching TV or movies, most Millennials also use their phone or tablet as a "second screen". The phenomenon is so well recognized that some shows,

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<sup>21</sup> *Id.*

<sup>22</sup> Gajanan, Mahita. *Middle-Aged Americans Spend More Time on Social Media than Millennials*. Fortune. January 25, 2017. Available at: <http://fortune.com/2017/01/25/social-media-millennials-generation-x/>

<sup>23</sup> Rohampton, Jimmy. *3 Ways Social Media Is Changing How Millennials Consume News*. Forbes. December 10, 2016. Available at: <http://www.forbes.com/sites/jimmyrohampton/2016/12/10/3-ways-social-media-is-changing-how-millennials-consume-news-2/#ef252835a310>

<sup>24</sup> Amy Mitchell, Feffrey Gotfried, and Katerina Eva Matsa. *Facebook Top Source for Political News Among Millennials*. Pew Research Center Journalism and Medical. June 1, 2015. Available at: <http://www.journalism.org/2015/06/01/facebook-top-source-for-political-news-among-millennials/>

<sup>25</sup> Meyer, Kate. *Millennials as Digital Natives: Myths and Realities*. Nielsen Norman Group. January 3, 2016. Available at: <https://www.nngroup.com/articles/millennials-digital-natives/>

<sup>26</sup> Meyer, Kate. *Millennials as Digital Natives: Myths and Realities*. Nielsen Norman Group. January 3, 2016. Available at: <https://www.nngroup.com/articles/millennials-digital-natives/>

like HBO's Game of Thrones, create "second screen experiences" for viewers.<sup>27</sup> Because they are surrounded by technology, Millennials are accustomed to the experience of obtaining information from multiple sources contemporaneously.

### **Differences as Consumers of Health Care**

The general characteristics that make Millennials unique from other generations also inform the way Millennials approach their health care. Millennials began making their own health care decisions just as the primary care model began to shift and this has contributed to Millennials having a very different relationship with primary care than previous generations. Unlike previous generations who relied almost exclusively on the family doctor as their first-line interaction with the health care system, Millennials have far more options. A third of Millennials prefer retail clinics and a quarter of Millennials prefer acute care clinics over seeing a primary care provider.<sup>28</sup> As Millennials place a premium on their time, they unsurprisingly find long wait times among the most frustrating aspects of physician visits and they are more likely to prefer speed and convenience over a personal relationship with a provider.<sup>29</sup>

Due to the plethora of options and their youth and relative health, Millennials do not regularly interact with doctors. Most millennials (93%) do not schedule preventative physician

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<sup>27</sup> [Hachman, Mark. \*HBO Go iPad App Gets Interactive Game of Thrones Treatment\*. PC Magazine. March 29, 2012. Available at: <http://www.pcmag.com/article2/0,2817,2402343,00.asp>](http://www.pcmag.com/article2/0,2817,2402343,00.asp)

<sup>28</sup> <http://www.beckershospitalreview.com/hospital-management-administration/millennials-and-healthcare-25-things-to-know.html>

<sup>29</sup> Craver, Jack. *Millennials More Likely to Research, Judge Doctors*. BenefitsPro. January 5, 2017. Available at: <http://www.benefitspro.com/2017/01/05/millennials-more-likely-to-research-judge-doctors?slreturn=1487092109>; *Compared to Older Generations, Millennials Are More Likely to Prefer Speed and Convenience over Personal, Comprehensive Interactions with Healthcare Professionals*. PRN News Wire. September 21, 2016. Available at: <http://www.prnewswire.com/news-releases/compared-to-older-generations-millennials-are-more-likely-to-prefer-speed-and-convenience-over-personal-comprehensive-interactions-with-healthcare-professionals-300331519.html>

visits. Fifty-one percent of millennials visit a physician less than once per year and nearly half of all millennials said they have no personal relationship with their primary care physicians.<sup>30</sup>

Millennials are also more inclined to accept changes to health care brought on by technology and, even, for technology to replace certain aspects of health care. Millennials are more interested in telehealth compared to older generations and a vast majority of millennials would like to see their health care providers use mobile apps to book appointments, share health data, and manage preventative care.<sup>31</sup> According to one survey, 60 percent of millennials support the use of telehealth options to eliminate in person visits.<sup>32</sup>

Finally, Millennials do not have the same deference to physicians that older generations exhibited. According to a Forbes survey, only 58% of Millennials say they trust their physician and only 41% percent of Millennials view doctors as the single best source of information.<sup>33</sup> Millennials are also more likely to research their physicians and more likely to switch providers when not satisfied.<sup>34</sup>

### **How Millennials Might be Different as Jurors?**

On a basic level, Millennials may be different as jurors because they simply have different experiences with health care than older jurors and have different expectations. Basic relationships that practitioners may think of as ingrained such as going to the family doctor are not necessarily a common feature of health care for many Millennials. The notions of follow up appointments and yearly check-ups are not commonplace for Millennials who price shop and use

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<sup>30</sup> Barnet, Shannon. *Millennials and Healthcare: 25 Things to Know*. Becker's Hospital Review. August 4, 2015. Available at: <http://www.beckershospitalreview.com/hospital-management-administration/millennials-and-healthcare-25-things-to-know.html>

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> O'Connor Vos, Lynn. *What Healthcare Gets Wrong about Millennials*. Fortune. December 17, 2016. Available at: <http://fortune.com/2016/12/16/healthcare-millennials/>

<sup>34</sup> Craver, Jack. *Millennials More Likely to Research, Judge Doctors*. BenefitsPro. January 5, 2017. Available at: <http://www.benefitspro.com/2017/01/05/millennials-more-likely-to-research-judge-doctors?slreturn=1487092109>

retailers for their healthcare. Defense lawyers should not bank on goodwill from Millennials toward physicians based on their personal relationships. Unlike earlier generations, Millennials may view health care as a more transactional, results-oriented experience.

Millennials may have a different relationship with experts as well. As they are less likely to view their own doctors as the sole authority in their own health care, Millennials may be less likely to simply accept an opinion of an expert. Instead, Millennials may be more receptive to a theory of the case that appeals to them rationally and their own sense of fairness. In short, millennials may be more receptive to a case theory that empowers their own decision making.

Finally, Millennials are accustomed to processing information from a variety of sources and grasping the pertinent information. Lawyers should keep this mind in how they present complicated and, occasionally, dense material to jurors. Lawyers should consider recreating the two-screen experience in the courtroom.<sup>35</sup> While entertainment should never outpace coherence, lawyers can craft demonstrative aides and other presentations to supplement and enhance their arguments.

## **Conclusion**

In law, as in life, one should be cautious about making too many assumptions about individuals based on their age. However, while generational research is no substitute for voir dire, an awareness of some of the differences and trends can help lawyers better prepare and craft their arguments to the next generation of jurors.

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<sup>35</sup> Lee, Keith. *Millennial Jurors: Entertain Us*. Above the Law. December 4, 2016. Available at: <http://abovethelaw.com/2014/12/millennial-jurors-entertain-us/?rf=1>