NEW RECRUITS: THE MILLENNIAL JUROR

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The cases and materials presented here are in summary and outline form. To be certain of their applicability and use for specific claims, we recommend the entire opinions and statutes be read and counsel consulted.
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I. INTRODUCTION

Millennials, also knowns as Gen-Y, are currently the biggest generation in American History. They mainly consist of those born between the years of 1982 - 1995. John G. Browning & Wendy A. Humphrey, The Modern Jury: The Millennial Juror, 75 Tex B.J. 274 (2012). Not only do they represent one of the largest segments in population, but they are also the most diverse generational group in U.S. history. Id. at 276. They are often seen as an instant gratification generation, and tend to pursue their ambitions sooner rather than later. Although it may not have been immediately noticeable, as millennials continue to age, their impact on the legal system and claims industry is becoming evident. As many millennials are not traditional thinkers, it is important to learn how to cater to their mindsets during trial and incorporate them in the claims industry workforce.

II. THE MILLENNIAL JUROR

Millennials are an extremely digitized generation and technology is incorporated into their everyday lives. On average, they will check their phone approximately 43 times a day and text an estimated 20 times a day. See Meet the Millennial Juror: Effectively Communicating With “The Narcissistic Generation” at Trial, PROD. LIAB. ENEWSLETTER (Thompson Hine), Summer 2016, at 15. Additionally, almost all of them are associated with a social media platform. As such, they have little patience and expect to get information immediately, no matter the circumstances. Due to their reliance on technology, millennial jurors place an emphasis on visual communication that will provide the evidence they need to consider up-front. See Brandon Lowrey, 5 Tips For Winning Over Millennial Jurors, LAW360 (Mar. 29, 2016, 5:52 PM).

A. How Attorneys Must Now Accommodate for the Millennial Juror

Millennials will typically comprise one-third of a jury pool. PROD. LIAB., at 15. Millennials on a jury will usually take little to no notes, and will not tolerate attorneys who tend to extend a trial with prolonged arguments or theatrics. Browning, at 376. The public has a negative perception of jury service, particularly millennials, so attorneys are already fighting an uphill battle from the moment jury selection begins. Most millennials also have a short attention span and are visual learners. PROD. LIAB., at 16. However, the best remedy for these issues is the use of technology that provides for demonstrative exhibits and a narrow theme for the case. Id. A visual technique that has become more common to use in trials is a PowerPoint presentation. PowerPoints are excellent for breaking down pieces of evidence or presenting the chronology of a claim. Even if the claim being tried does not contain many exhibits or visuals that can be used in the PowerPoint, it can still be utilized to condense arguments into fragmented pieces that attorneys can expound on during closing arguments. Additionally, the use of technology in any case helps in setting a theme, such as a timeline of events for example.
Not only do attorneys need to make a trial more interactive for jurors, but they must also be cognizant of the type of claim they defending. Millennial jurors, for example, tend to be more socially liberal and a diverse generation. As such, they tend to have higher expectations in cases involving the government or corporations. See Browning, at 276; See also Laurie R. Kuslansky, *Millenials and Jury Psychology: Why Don’t They Follow the Rules?*, The LITIG. CONS. REP. (February 2, 2016, 8:49 AM). [www.a2lc.com/blog/millennials-and-jury-psychology-why-dont-they-follow-the-rules](http://www.a2lc.com/blog/millennials-and-jury-psychology-why-dont-they-follow-the-rules). However, some analysts have found that millennial jurors can actually be more defense oriented, and are prone to question the conduct of the plaintiff regarding the events leading up to the lawsuit. This is particularly true in cases involving medical malpractice and personal injury. Millennials are often quick to question the legitimacy of a plaintiff’s actions in these cases, particularly if they feel their actions were contributorily negligent or generally ill-advised. Browning, at 276.

In general, millennial jurors are going to be more receptive to attorneys that emphasize fairness and social justice, along with focusing on the big picture. See Leeann Jones, Amy Burton Loggins, Stephanie Ford Capezzuto, *Trials in the 21st Century: Communicating with Millennial Jurors*, INSIDE COUNS. (April 3, 2014). [www.insidecounsel.com/2014/04/03/trials-in-the-21st-century-communicating-with-mill](http://www.insidecounsel.com/2014/04/03/trials-in-the-21st-century-communicating-with-mill). They want to see attorneys’ acknowledge that their client is not just adhering to traditional ways, but also provide evidence that the client may have broken from normal procedure in order to best adjust to the nature of the claim. It is also important that an attorney is immediately able to grab the attention of a millennial during trial, as they will often dominate jury deliberation if they think their opinion is the correct one. See Lowrey. Their quick and sometimes impulsive thinking allows them to articulate a position at a rapid pace, giving other jurors little time to form their own opinion on a matter.

**B. How Adjustors Can Support Attorneys in Litigating a Case in Front of Potential Millennial Jurors**

The only way that an attorney is going to be able to effectively litigate in front of a millennial juror(s) is to have a good defense plan formulated with the adjustor involved in the claim. It is important the adjustor understand the potential jury that an attorney may be trying a case in front of, and be able to aid that attorney in providing the appropriate evidence needed to effectively litigate the claim. For example, the more visual evidence or demonstrative exhibits the adjustor can provide to the attorney, the better the attorney will be able to turn around and combine those visuals with the use of technology. Examples of effective use of technology that adjustors can help attorneys utilize include:

- Develop and provide visuals that help create a theme or emphasize the main points of the case.
- A checklist of all the actions taken by the defendant that demonstrate he/she is not liable in the action.
• Any photographs, videos, graphs, or maps that can be incorporated in the trial. Even if these pieces of evidence are not necessarily helpful, they demonstrate that all the proper steps were taken by the defendant.
• Providing demonstrative evidence that witnesses and experts can use to illustrate their testimony and opinions.

Millennials prefer to be taught throughout the trial process in order to utilize that information in a jury deliberation. Furthermore, the more linear the trial can be, the more likely that information will be absorbed easily by a millennial juror. An adjustor who is able help in chronologically piecing a claim together for the attorney will see a marked improvement in how the claim is litigated in court and argued to a young adult juror.

Those involved in the claims industry should also be cognizant that a millennial juror may not appreciate the way a claim was handled by the insured client, even if the defendant was following normal protocol. Additionally, claims that are normally tried may need to be reevaluated to ensure the case has been thoroughly vetted. In the past, cases would go to trial just to determine damages, as the defendant was clearly liable, but the parties could not agree on a settlement amount. Although results are varied in this area, millennials have shown a tendency to award exorbitant amounts when liability is clear. This is largely due to feelings of frustration regarding their own economic predicaments, as millennials have suffered greatly from recent economic recessions. See Miles Hutton, Ph.D., Meet the Millennials: The Not-So New Members of Your Jury (ABA, 2016 Section of Litigation Annual Conference, Chicago, IL), Apr. 15, 2016.

Millennial juries are not to be looked down upon, but are simply more representative of the progressive and digitized era the U.S. has entered. As such, it is necessary for attorneys and the insurance company to acknowledge this and ensure their methodologies of case management and litigation are on par with this progression.

III. MILLENNIALS IN THE CLAIMS INDUSTRY

The current insurance and risk-underwriting industry largely consists of baby boomers who are set to retire in the next decade. See Tammie Smith, Insurance industry at risk of not having enough workers in the future, RICHMOND-TIMES DISPATCH (March 7, 2017), http://www.richmond.com/business/blocal/insurance-industry-at-risk-of-not-having-enough-workers-in/article_4b9a1ad9-6471-5e50-a0bd-881f4b2cb1ae.html. The millennial generation will be the next to take over this area, but thus far the industry has failed to attract millennial job seekers. See Smith. The Hartford conducted a survey in 2015, which revealed only 4 percent of millennials are attracted to the insurance industry. See The Hartford's 2015 Millennial Leadership Survey, (Millennial Research at-a-Glance, The Hartford), https://www.thehartford.com/sites/the_hartford/files/2015-millennial-leadership.pdf. Millennials, who as previously indicated are technology reliant, often find the pace of the claims business to be slow and lackluster. See Smith. Research has shown
that young adults involved in this area of business last an average of two years before quitting. Instead of going to a competitor, they leave the insurance industry entirely. Id.

As the rate of technology use continues to increase, it is necessary to bring millennials into the claims industry workforce to help implement technology and stay ahead of other competitors. According to The Hartford’s survey, 46 percent of participants found that the best way to recruit millennials is to offer a variety of career opportunities in that industry. See The Hartford. More often than not, the entry level position typically offered to a young adult is claims handling from a call center. Although this may be necessary for the industry, it does not present millennials with an ideal career path. Insurance industries should focus on attracting the younger generation through the variety of areas that may be needed by an insurance company, such as marketing, data analytics, and claims investigations. By presenting millennials with multiple employment opportunities instead of a standard entry level position, there is a greater likelihood of integrating their generation into your workforce. Additional areas that millennials found attractive, according to the The Hartford’s survey, included flexible work schedules, benefits, career advancement, and leadership opportunities. Id.; See also Andrew Simpson, Insurance Industry Not Alone in Missing the Mark with Millennials, INSURANCE JOURNAL (November 19, 2015), http://www.insurancejournal.com/news/national/2015/11/19/389450.htm. A survey conducted by Vertafore, an insurance technology provider, also found that 78 percent of the young adults they polled indicated that having a proper work/life balance was the most important aspect regarding insurance employment. See Tim Davis, Why Millennials Are Perfect Insurance Employees, INDEPENDENT AGENT (November 1, 2016), http://www.iamagazine.com/magazine/read/2016/11/01/why-millennials-are-perfect-insurance-employees.

A common trait among millennials is that they are unaware of what is generally involved in the claims industry. See Simpson. As a result, the insurance industry should make an effort to adopt a broader, risk management perspective to inform young adults as to the societal benefits provided by the industry. Id. This may involve changing the overall procedures and processes in your company to take a more streamlined and collaborative approach in handling claims. Although the changes necessary to attract a millennial may appear complex, in the long-term they will benefit the company and ensure that it is able to attract a new workforce. The addition of millennials, specifically those who work as adjustors, will also aid in how claims are handled and prepared for possible future litigation.
Dana J. Hughes  
- Partner

Born and raised in Rockford, Dana joined the firm’s Rockford office as an associate in 2006. There, she defended the rights of employers in workers’ compensation claims before arbitrators and commissioners at the Illinois Workers’ Compensation Commission and protected their interests in state courts in third party claims. She was an active member in the Winnebago County Bar Association, serving on its Board of Directors and Diversity Committee, and as past Chair of the association’s Workers’ Compensation Section. Dana also served as an arbitrator for the Seventeenth Judicial Circuit’s Court-Annexed Arbitration System.

In April of 2015, Dana relocated to the firm’s Peoria office to join its workers’ compensation group, where she continues to concentrate her practice in the representation of employers throughout the central part of the state. She became a partner in 2016. Dana is a member of the Peoria County Bar Association, Illinois Association of Defense Trial Counsel and Defense Research Institute.

Dana is an annual contributor to the firm’s claims handling seminar and the firm’s monthly publication devoted to workers’ compensation issues, Below the Red Line. She has contributed to in-house newsletters for clients and has presented before the ISBA’s Insurance Law Section. She has been a guest speaker to local community college and high school students on topics such as leadership and the practice of law. In 2015, Dana co-authored an extensive survey of Illinois Workers’ Compensation Law published in the Southern Illinois University Law Journal.

While in law school, Dana was a student representative to the Illinois State Bar Association. She served as a judicial law clerk in the Fifteenth Judicial Circuit. She was member of the NIU Law Review, where her writing was published in the Northern Illinois University Law Review and Kane County Bar Journal. Dana was also recipient of the Women’s Bar Foundation’s scholarship, which is awarded to one female law student from each of Illinois' law schools.

**Publications**
- “Appellate Court Further Restricts Employer’s Ability to Terminate Temporary Total Disability Where Employee Was Discharged for Cause,” Illinois Defense Counsel Quarterly (2015)

**Public Speaking**
- “Defending Your Company Before and After a Lawsuit or Claim is Filed”  
  Mid-West Truck & Trailer Show (2017)
- “Stress in the Workplace”  
  Heyl Royster Employers’ Day Seminar (2016)
- “Temporary Transitional Employment”  
  Heyl Royster’s 31st Annual Claims Handling Seminar (2016)
- “Illinois Workers’ Compensation – Back to Basics”  
  Mid-West Truck & Trailer Show, Peoria (2016)
- “Undocumented Workers: Benefits Without Borders”  
  Heyl Royster’s 30th Annual Claims Handling Seminar (2015)
- “Social Media: A New Litigation Tool?”  
  Winnebago County Bar Association’s Trial Section (2012)
- “Uninsured & Underinsured Motorist Coverage”  
  ISBA Insurance Law Section (2011)

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**Professional Associations**
- Peoria County Bar Association
- Winnebago County Bar Association (Board of Directors, 2009-2012)
- Illinois State Bar Association
- Illinois Association of Defense Trial Counsel
- Defense Research Institute

**Court Admissions**
- State Courts of Illinois
- United States District Court, Northern District of Illinois

**Education**
- Juris Doctor (*cum laude*), Northern Illinois University College of Law, 2006
- Bachelor of Arts-Sociology, Northern Illinois University, 2003
Mohit Khare
- Associate

Mohit focuses his practice in the defense of civil litigation, including casualty matters and representing employers in Workers’ Compensation claims.

Prior to joining Heyl Royster, Mohit was an Assistant States’ Attorney with the Winnebago County State’s Attorney’s Office (2011-2016), where he handled various criminal matters, including misdemeanors and felonies, including as a 2nd chair handling major felonies. He has handled more than 25 jury trials and 75 bench trials/motions. His trial experience includes murders, violent crimes, property crimes, and traffic cases. Motions litigated have included motions to suppress statements, motions to quash arrest, sentencing hearings, and various other substantive legal motions. Mohit has also worked with all of the police departments in Winnebago County in authorizing charges, preparing arrests warrants, and approving search warrants. Mohit began his legal career clerking at a worker’s compensation/personal injury law firm during law school. After graduating from law school he worked at a personal injury firm prior to joining the Winnebago County State’s Attorney’s Office.

Mohit graduated from the University of Illinois-Chicago in three years with a Bachelor’s degree in Economics. He worked as an accountant for Aon for a year before attending law school at Northern Illinois University.

Publications

Public Speaking
- “The Local Government Travel Expense Control Act”
  Heyl Royster Governmental Seminar (2016)

Professional Associations
- Illinois State Bar Association
- Winnebago County Bar Association

Court Admissions
- State Courts of Illinois

Education
- Juris Doctor, Northern Illinois University, 2010
- Bachelor of Arts-Economics, University of Illinois at Chicago, 2006