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JURORS FOR THE NEXT FIFTY  
YEARS:  
GENERATION X



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Generation X has been perhaps the most maligned generation of all time. While their Boomer parents have been seen as idealists, hippies, beatniks, flower children, yuppies, and a marketers' dream, Gen Xer's have been characterized as slackers, grungers, cynical, disdainful, disconnected, and apathetic twenty-somethings. As Gen-X has aged, descriptors have mellowed somewhat and marketers have begun acknowledging that their initial negative descriptors may have missed the mark—or the 'X'—and that there may be more to this generation than first described.

This paper will briefly review the literature on Gen Xer's, touching on the positive and negative characterizations in the popular and professional literatures, present more balanced narrative descriptions of Gen Xer's approach to various social, political, and familial issues, and identify possible strategies attorneys can use to engage these often inscrutable potential jurors.

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

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

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

Generation X and the lack of a 'defining moment'. A consistently acknowledged difference for Generation X, (as compared to earlier generations) is the very lack of a defining event shared by their generation. What Xer's recall from childhood are: long gas lines; sitting in their classrooms and watching the Challenger shuttle explode with a schoolteacher on board; Americans being held hostage; AIDS; the Persian

Gulf War; the Rodney King trial verdict and the riots which followed; corporate downsizing which affected their parents; and the erosion of our public educational system. In short, the constant for Generation X members was change, lack of predictability, and the decline and deterioration of many long-recognized social institutions (not the least of which was the impact of all these societal changes on the American family and the rise in divorce rates). Many writers suggest that the difficulty in describing this generation stems from the lack of a defining moment (no Great Depression, no Vietnam) (2-6).

Table 1: Cohort and Generation Names of Generations Alive Today (7)

<b>Generation Name(s)</b>	<b>Birth Years</b>	<b>Defining Moment(s)</b>	<b>Representatives</b>	<b>Perspective</b>
G.I. Generation The "Can-Do" Generation	1901-1924	Great Depression World War II	John F. Kennedy, Walter Cronkite, John Wayne, Katherine Hepburn, "Superman"	Civic personality Accent the positive Most literary generation Not "old"
Silent Generation	1925-1942	Korean Conflict	Martin Luther King, Jr. Bobby Kennedy Sandra Day O'Connor Rosalind Carter	Adaptive Helpmate/Mediators In "second middle-age"
Baby Boomers "The Me Generation"	1943-1960	Vietnam War	Oprah Winfrey Hillary Clinton Spike Lee	Idealistic Dreamers Entitled
Generation X "Street Savvy Generation" "Baby-Busters" "Slackers" "Lost Generation"	1961-1981	Social changes: Divorce Latchkey Increased violence	Eddie Murphy Brooke Shields Tiger Woods Leonardo DiCaprio "Teenage Mutant Ninja Turtles"	Multicultural Friends replace 'family' Stimulation & excitement Reactive "Emerging adulthood"
Generation Y "Millenials" "Boomlet"	1982-now	Not yet defined	Emerging	Civic personality "Can-do attitude" Fashion conscious "Cool" "Cutting edge"

September 11<sup>th</sup> as a defining moment? The September 11, 2001 terrorist attacks and their anticipated impact on Generation Xers are being discussed by a number of writers. There is a sense that September 11<sup>th</sup> has given Gen Xers their own “where were you” moment with the possibility of linking generations(8); that September 11<sup>th</sup> has “subdued this generation” (9); and that September 11<sup>th</sup> was both a tragic and heroic event for Generation X (10).

Generation X members had the most casualties and were also the major heroes on September 11<sup>th</sup>. They were the police and firefighters. They were the passengers who crashed the plane rather than having it go on to Washington, DC. They were the workers in the World Trade Center Towers. Gen X members have responded to the terrorist attacks with bursts of patriotism and national fervor that has surprised even them (11, 12).

Whether the events of September 11<sup>th</sup> will become a ‘defining moment’ that coalesces this generation remains to be seen. Until then, there is a substantive body of literature describing what we know at this point of Generation X.

### Who is Generation X?

Generation X is the name given to the ‘birth dearth’, those born in the 60’s and 70’s; the valley between the Boomers and Generation Y (the “boomlet”) (13). Generation X has grown up in the shadow of their Boomer parents and have defied all attempts to neatly describe and categorize them. They are typically defined as what they are not, since what they are is seen as ephemeral. The Generation is called ‘X’, as in “fill in the blank” or “solving for the X” (14). Various demographers have attempted to describe Gen X—some positively, but early descriptors were almost universally negatively slanted (see Table 2).

Over time, more distinctly descriptive images have evolved of Generation X. Some writers have called for a moratorium on attempting to describe generations as one homogenous group—and rather have insisted on the recognition of various groups within each generation. To this end, some psychologists and cultural anthropologists have characterized Generation X in 4 segments:

1. cynical disdainers (pessimistic and skeptical, they receive the most press attention)
2. traditional materialists (most like the boomers, positive, optimistic and striving)
3. hippies revisited (replaying the lifestyle and values of the Sixties)

4. fifties machos (young, Gingrich Republicans who believe in stereotyped gender roles and are the least accepting of multiculturalism) (32, 33)

Others have opted for narrative descriptions of various outlooks or lifestyle choices that characterize Generation X members. The following paragraphs briefly summarize the literature describing more recently emerging Generation X lifestyle choices and values.

Balancing work and life. The slogan on Eddie Bauer's shopping bags is seen as emblematic of Generation X's approach to balancing work and life: "Never confuse having a career with having a life" (25). Having witnessed their Boomer parents struggle to have both careers and families, Generation Xer's are planning in advance, just how they will arrange their work lives to have room for children (34). Gen Xer's are generally seen as committed to the idea of work/life balance: they want a job and a life (35, 36).

Politics/Community involvement. Patriotism and national pride have typically been seen as low on Gen Xer's lists of values. Rather they have been described as valuing things such as: making a difference to people they care about; appreciating diversity; and valuing individual freedom and responsibility (3, 37). Gen Xer's may be the first generation not drawn to charismatic national figures as political leaders: their focus seems to be more on the ability of small groups making a difference for their communities (38).

Yet, Gen Xer's are political. For this generation, the personal is political. Having grown up in the shadows of Watergate and an era wherein national religious and political figures have been repeatedly exposed as having feet of clay, Gen Xer's are wary of self-serving politicians who they see as enslaving themselves to the highest bidder rather than operating from a true internal sense of belief and conviction (21, 25, 39). While this may be something of a continuation of the Boomer don't-trust-anyone-over-30 ethic, the difference, according to one author, seems to be that the Xer's wouldn't trust anyone under 30 either (3).

Finally, there is ample evidence that Gen Xer's do care quite deeply about their communities. To date, however, there is little appearance that their civic-mindedness extends to the country as a whole. Gen Xer's pay attention to things local and small-scale: places they believe their investment of energy, time, and attentions will make a difference (3, 39, 40). Gen Xer's both think and act locally (not globally).

Table 2: Depictions of Generation X

<b>Negative descriptions</b>	<b>Positive descriptions</b>
Whiners and complainers (15)	Slackers are atypical; the real Gen Xer multitasks, works, is financially savvy and entrepreneurial (6)
Declining SAT scores (15)	Voracious learners, rapid-fire information consumption as opposed to 'short attention spans' (16)
Materialistic, pessimistic, cynical (17)	Flexible, adaptable, comfortable with technology, independent problem-solvers (18)
Slackers, disloyal, dumb, just plain bad, watch too much TV (19)	Determined individualists, fiercely independent (20)
Most politically disengaged generation (21)	Sophisticated media connoisseurs (22)
Less than 1% could name 3 Supreme Court Justices (23)	Frank, filled with tremendous variety, and copes well with change (24)
Lazy (25)	Tolerance for diversity (4, 6)
Losers and whiners in ratty clothes (26)	Secure in their abilities, seek rapid advancement and demand quality time with friends and family (27)
Backwards baseball caps, grungy clothes, body piercing, apathy and hostility, unknown and inscrutable (28)	Self-reliant, entrepreneurial, techno-focused, media-savvy, tolerant, with unique perspective on the importance of family life (29)
Cynical, apathetic, disrespectful losers (30)	Optimistic, savvy, confident, ambitious, determined, independent, materialistic (25)
Insecure and slow to transition to adulthood (31)	Uniquely suited to the workplace of the future (16)

Family. Gen Xer's grew up in a time of tremendous social change. Divorce rates sky-rocketed, dual career parents generally meant childcare outside the home rather than in the home, step-parents and step-siblings became normative for many, and Gen Xer's tended to see their parents primarily in the car while being transported from one activity to another (2, 14, 31, 36, 41). Rather than recreating their own childhood experiences,

Gen Xers are choosing to delay forming their own families. Gen X has been termed the “boomerang generation” since so many have returned home to live with their parents. In 1990, 53% of 18-24 year olds were still ‘at home’ (3, 42). Gen Xers are getting married later, buying homes later, and are more interested in a return to a traditional family lifestyle, which may mean sacrificing some level of career advancement in favor of relationships with family (29, 36, 41).

Learners and Workers. Gen X has been the subject of lively debate with some authors contending that Gen Xers are ‘slackers’ and unmotivated workers and with others contending just the opposite. Current understanding of Generation X workers is that they are highly practical and focused. They are seen as independent problem-solvers and self-starters who are technologically literate, responsive, focused, lifelong learners, ambitious and fearless.

They crave stimulation and personal contact, have a preference for concrete and specific information, wish to learn leading edge technology, and desire a balanced lifestyle (2, 43). They are self-reliant and cooperative and more team-minded than the Boomers. They also tend to be informal and direct with some potential weaknesses in analytical abilities and capacity for long-term perspectives (44-46). Finally, as one of their generational representatives says, they are smart, savvy people who just want to have some fun while they’re at work (47).

Religion and Spirituality. Gen Xers’ parents, the Boomers, tended to avoid going to church. Gen Xers were thus raised with what has been called ‘diminishing religious expectations’ (48). Gen Xers seem to have developed their own approach to religion and spirituality, much as they have adapted other values to their own experiences. More than 85% of Gen X participants in an August 2000 Gallup poll said religion was important to them personally. In conversations with Gen Xers about spiritual beliefs, what tends to emerge is a personal, non-traditional embracing of God, religious beliefs, and spirituality—which may not necessarily translate into church attendance or affiliation. Yet, Gen Xers are making an effort to teach their children a strong sense of morals, or right and wrong, and of how to examine information you are given to critically assess its relevance to your own life (41, 48, 49).

Multi-taskers. Gen Xers watch TV, surf the internet, send email, and have conversations simultaneously. Gen Xers may see this as an efficient use of time, co-workers and/or family members may see it as rude or dismissive. Remembering the Gen Xers’ early exposure to television and computing and the fast pace with which they process information can help in understanding their tendencies to carry on multiple activities simultaneously (43, 50).

Linguistic markers. Linguists have described Gen Xer's as having a unique approach to language. The main linguistic marker of an X'er appears to be the use of the word "like". They, like, use it all the time. Pronunciation has also changed so that words tend to be blurrier and softer with less crisp diction. Finally, X'ers do not read as much as Boomers did. They tend, therefore, to have much more difficulty with spelling and particularly, with words that sound alike but are spelled differently. This is not a sign of lack of intellectual function, but rather a reflection of the visually bound culture of the Gen Xer (15).

Past-times. Gen Xer's are less fond of exercise than their Boomer parents. They are described as liking movies, TV, and art but as being less likely to participate in sports and outdoor activities. They are almost twice as likely as older adults to have tried micro-brewed beer in the last year (important because these are local, specialized products with a distinctive flavor). They are expected to have strong influence on changes in children's television—with those programs having an edgier look, being more interactive, working on multiple levels, and stressing themes important to Xer parents such as: tolerance, diversity, self-reliance, an appreciation of irony and so on (29, 31).

Guarded optimism. Contrary to the early media conclusions that Gen Xer's are cynical slackers, more recent findings have been that Gen Xer's are actually fairly optimistic. While they may see their 'generation' as pessimistic, individually, Gen Xer's tend to see their own individual futures as bright and hopeful and, better than their parents experiences in terms of quality of life, personal satisfaction, and relationships. They are aware of the potential negatives, but continue to hope for the best (17, 25).

### Attitudes and Beliefs

Many Gen X values/wishes are not particularly different from the values and wishes their elders might express. In one study, the top five goals of both genders and all races were: to have a warm and caring relationship with another adult; to master the skills required for their occupation; to have a secure financial future; to have a comfortable relationship with their family of origin; and to be physically fit (28). A focus group discussion elicited several common themes from Gen X participants: complaints about misrepresentation and stereotyping of their generation; rejection of the homogeneity of generational identity; shared concerns about the economy and the job market; worry about divorce; promotion of monogamy and traditional family values; a liberal acceptance of diversity; and collective experience of the media and technology throughout their lives (14). The similarities and differences in Gen Xer's expectations and

experiences compared with that of previous generations is echoed by a survey published in 1997.

Table 3: Attitudes of Gen Xer's, Boomers and Matures

<b>Statement</b>	<b>Gen Xer's who agreed</b>	<b>Boomers who agreed</b>	<b>Matures who agreed</b>
"I am very sure that someday I will get to where I want to be in life."	96%	92%	85%
"I have to take whatever I can get in this world because no one is going to give me anything."	69%	52%	43%
"I like to compete. It makes me perform better, and whatever I get at the end is more satisfying."	82%	74%	77%
"I prefer working on my own to working for someone else."	87%	79%	81%
"The only meaningful measure of success is money."	33%	19%	16%
"If I had the chance to start over in life, I would do things differently."	59%	71%	59%
"If I just work hard enough, I will eventually achieve what I want."	91%	84%	82%

From a telephone poll of 700 adult Americans (300 boomers, 200 matures and 200 Gen Xer's) taken for TBWA Chiat/Day and Yankelovich Partners Inc. from May 15-30, 1996. Sampling error is [+/-]3.7% (25).

## The Gen X Juror

Some writers are making predictions about what will change when Gen Xer's are the generation in charge. And most of those predictions are positive ones—just different than the way things are now. Among the changes expected are: better race relations; stronger family systems; a shorter workweek; greater entrepreneurship; virtual businesses; a return to the church; and, potentially, a new political party which reflects a more conservative, problem-solving approach than the current Republican and Democratic parties (42).

In the interim, however, Gen Xer's are not in charge. But they are in the jury box in increasing numbers. This final section outlines strategies for the attorney to capture and hold the attention of Gen X jurors. These strategies are presented in tabular format to allow easy scanning of recommendations and for clarity in communicating the content.

As the following table illustrates, the prototypical Gen X juror is not the same as the Baby Boomer who may be sitting next to them. There is a readiness to question authority which is not considered radical, but routine. The authority of the court, the status of both lawyers and experts, and the art of persuasion are all less impressive to this generation than to their older peer in the jury box. This is a group that is not impressed with snappy argument or authoritative presence. They want the facts, they want them succinctly, and they don't want a great deal of extraneous detail. While not all members of any generation fit the predominant stereotype, those that fit the mold of Gen X are not going to tolerate an unnecessarily long case presentation, will bore quickly if video edits are not done crisply, and will disdain argument that feels more like spin than substance. Trial strategy axioms related to the need to earn the jury's empathy have never been truer. This is a group that requires justification for their emotional investment in a case, and will resent as pandering efforts to persuade without substance. Once convinced that they should care about an issue, Gen X jurors can produce strong loyalty and a verdict that reflects it.

Although part of the image of generation X is that they are not empathic, and consequently do not value the "Human Losses" related to non-economic damages, this does not need to be the case. What is required, though, is communicating the loss in a manner that they can relate to. The language of connection is going to be different, and the style of presentation will have to change, as well. This is a generation that values friendships, freedom, and expression more than any before. They do not relate to suffering, but they may respond better to the notion of lost

freedom, of being trapped and confined in disability or pain. They may not relate to the notion of "Pain", but of foreclosed opportunities to experience joy or personal expression. "Mental Anguish" connotes weakness, but being trapped in depression, sameness, or isolation is alarming.

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

Older attorneys need not fear age discrimination. What they need to be on notice about is to keep your audience in mind. Your status holds no sway; if you fall into patterns of legal jargon or boilerplate advocacy gibberish, you will be tuned out and considered unworthy of their trust. These are jurors who were raised to be skeptical, and who rely on their radar to determine authenticity and genuineness. If that test is passed, your characterization of your client's positions, needs, and view of justice may well be trusted.

Table 4: Strategies for Engaging Generation X Jurors

Strategy	Why	Additional information
Use visual aids (colored charts, graphs, photos, cartoons, computer simulations, CD-ROM slide shows, music, narration & videotaped demonstrations)	Gen Xers are visual learners. These aids will help you capture and keep their attention by accessing multiple sensory organs and allowing interactive learning (31, 43, 51, 52)	Keep the videos short and, if appropriate, with some entertainment value. Use real life examples, but try to make them relate to the pop culture of Xers (51)
Stay concrete and practical	Gen Xers may have more trouble conceptualizing abstract concepts than Boomers (51)	They also prefer to have their information presented factually without 'spin' (25)
Be "cool" but not "slick" (29)	Gen Xers may be more captivated by image than other generations but they are also very savvy. They want an honest, straight-forward approach not embellished by 'spin' (22, 25, 36, 52)	Gen Xers are masters at dissembling communication. If you are trying to deceive them, they will tend to know that and they won't like it (25) and they won't like your client.
Focus on issues of what is 'right' and what is 'wrong' (52)	What society defines as 'right' and 'wrong' has little import for many Gen X jurors—use a subjective rationale for defining 'right' and 'wrong' from your client's point of view (52)	If a Gen X juror is shown why a crime is 'wrong' and why it deserves punishment, s/he may be 'tough on crime' based on a recent nationwide survey (52)
Review jury charges and explain what they mean and how to complete them accurately	Gen Xers are hungry for mentors who will show them how to do what is expected of them (43)	Relationships are more important to Gen Xers than anything else. Serve as a mentor but do not baby them (4)
Demonstrate the 'meaning' in your case, and how it personally affects the GenX juror (3, 52). Focus on the outcome, what happens is very important to Gen Xers (43)	Gen Xers search for meaning and for being able to make a difference on an individual level. They want their participation to have practical benefits or it loses purpose (3)	Gen Xers will invest if they are personally effected by a problem. An issue that 'benefits me' or 'relates to me' is often a precursor to action (3)

Strategy	Why	Additional information
Treat GenX (and other) jurors with respect	Gen Xer's are sensitive to being not attended to and treated badly. A general sense of warmth and confidence in the jurors' ability to do their work will serve you well.	X'er focus group members often raise the Saturn auto dealer commercial where the young woman shopping for a car is treated badly until she comes to Saturn. Xer's like this commercial because they can identify with her story (32)
Be aware of the " <i>mean world syndrome</i> " and use it as you can to bolster your case (i.e., by reinforcing that the world is unsafe and juror decisions can 'right that wrong'.	A variety of studies show that people who watch relatively large amounts of television are more likely than others to see the world as dangerous, violent, and crime-ridden (17).	Television, according to the ' <i>mean world syndrome</i> ' theory, distorts the way people view the condition of the society around them. Gen Xer's have probably viewed more television than most of us, and are likely in possession of ' <i>mean world syndrome</i> ' beliefs.
Move around and vary your position and speech style	Gen Xer's are used to the changes inherent in multimedia presentations. Even standing and talking for 10 minutes is a very, very long time. Break up your presentation with visual aids and other activities (53)	Try and find ways to let jurors interact with the information (53)
Highlight digitized material or short bits of information that outline key points or concepts	Gen Xer's are multimedia connoisseurs who like scanning and surfing through information. Highlight what is important for them (43) to remember.	Keep the information highlighted relevant to your case narrative and be sure it is consistent with the facts you are presenting. Gen Xer's will notice inconsistencies and be suspicious.

## Summary

Gen Xer's have been effected by the pessimism of the 1970's, the cynicism of the 1980's and the skepticism of the 1990's (13). Attorneys should keep in mind the reality that phase of life (e.g., single, child-rearing, saving for retirement) is often more important than the age (and generational assignment) of the juror in the identification of attitudes and expectations (20). Generational differences are no different than racial or gender differences, and should be treated the same, as a diversity issue (16) which, while informative, is not truly predictive of attitudes, values and behavior.

Given this review of the literature, while Gen Xer's may not be intentionally biting the hand that forgot to feed them—they are certainly making their own way in the world. For the Boomer generation, long used to being the center of attention and focus, the Gen Xer's ongoing, in-your-face demonstrations of just how well they can fend for themselves may certainly feel like an uncomfortable nip.

The most obvious and valuable suggestion that can be offered to the anxious trial lawyer who is nervous about the role of this new sub-culture into the jury pool is to get to know it better. Spend time around them. Go to their movies, watch their television shows. Fox Television did not name the series "The X-Files" by accident. "Friends", "The Gilmore Girls", "24", "Law & Order", and "South Park" all have core values of deep caring, defiance of authority, commitment to friends, and an edginess that is the language and tone of a highly influential block of your jury pool. The same cultural style also has the potential to add a dynamic energy to anyone's presentation.

Generation X is not the enemy, but they are challenging those who want their trust to do some changing, and to make some room for them. Their requirements are not outrageous, but they are not going to be fooled easily by style; they are savvy and demand substance. They want to be trusted with the truth.

## **Afterword**

This paper was written in the interest of sharing a portion of what we at Keene Trial Consulting have learned about successful implementation of social science research and analysis, pre-trial research, application of research to trial, and jury issues (including jury selection and persuasion). We hope that our efforts have been successful; your comments are greatly appreciated. Numerous other papers that we have written are available to you at our website, [www.keenetrial.com](http://www.keenetrial.com). All rights are reserved as to content, and any republication, substantial referencing, or excerpting of this paper is prohibited without permission of the senior author. For more information, or to discuss how we can to assist you in your litigation practice, please contact us:

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