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# **Jurors tend to be younger in summer**

## Lawyers look beyond person's age toward maturity when seating panel

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Oh, the sights of summer – parades, festivals, picnics, younger people among the pool of potential jurors.

What? Younger jurors? Yep.

Each summer, for the past few years, the pool of potential jurors in Allen County – and likely elsewhere in the state – gets a bit younger, like just old-enough-to-vote younger.

The fresh(er)-faced jurors are likely a product of the changes to Indiana's jury rules a few years ago, which barred exemptions for certain professions automatically, like veterinarians and ferry boat operators.

In Indiana, potential jurors include those older than 18, who possess the right to vote, who do not suffer from any mental or physical disability that would prevent them from rendering satisfactory jury service, and are able to read, write and understand English. The pool of potential jurors is culled from Bureau of Motor Vehicle records, voting records and the state Department of Revenue.

With the loss of the exemptions, potential jurors can defer their service one time during the year.

College students would be one group likely to defer a jury request received during the regular academic year, leaving a large group to be called back for service during the summer months. Some professions may also spur a request for a deferral – such as teachers or school administrators who want to serve in the summertime.

"The whole idea is to make it as easy as possible," Allen Superior Judge Fran Gull said. "We see no accountants during the first quarter of the year."

During a recent child molesting trial in Allen Superior Court, three younger women stood out from a relatively mature-looking group of jurors.

Then a week later, 18-year-old Adam Klingenberger's youthful appearance made him stand out in an older-looking 65-member jury pool for the trial of two parents accused in their infant daughter's death.

Klingenberger was called to be among the potential jurors questioned by the attorneys but was finally excluded.

"I thought it would be interesting," he said outside the courtroom. "But now I won't miss work."

During questioning by attorneys about whether he would be bothered by gruesome autopsy photos, Klingenberg assured them he would not, having seen an autopsy during anatomy class.

Had he been selected for the jury, Klingenberg said he may have been a bit nervous if he had been the only person in his age bracket on the jury, but he believes he would have been all right.

## **Reflect community**

Having young people on the jury, college students or recent high school grads, can change the dynamics of the group, and in different ways depending on whether it is a civil or a criminal jury.

Presiding over thousands of cases in her years on the bench, Gull said she is uncertain whether younger juries are a benefit or a detriment. But young people are part of the community, and juries are to reflect, as much as possible, that community.

"You bring your life experience to the table," Gull said. "But it is presumptuous to think they don't have that kind of life experience."

Los Angeles-based jury consultant Kathy Kellermann has seen jurors of all ages, in many communities around the country.

"Those under 30 tend not to be the leaders on the jury," she said. "When you're looking for leaders, they tend not to step up."

If picked for a jury, younger people tend not serve as foremen or forewomen. Kellermann attributes that to a kind of a shared norm by those in the community – an almost intrinsic belief that leadership goes to the person who is thought most likely to be the best leader. If a younger person is chosen as a foreman, it is almost a sure sign of some kind of special expertise or prior jury service, Kellermann said.

However, she recently saw a 30-year-old chemist get picked for that role in a civil case involving asbestos.

"Even though he was young, his knowledge made up for it," Kellermann said. "Sometimes that qualifies them for leadership."

Over the years, Allen County Prosecutor Karen Richards has tried many cases and questioned many potential jurors – sorting through potential jurors person by person, looking at maturity level, intelligence, common sense and whether they seem interested in the process.

"We judge (younger jurors) the same way we judge anybody else," Richards said. "You can find some really mature 20-year-olds and some really immature 45-year-olds. ... I don't think age necessarily excludes a person."

Depending on the type of case, young jurors can be a benefit to one side or the other.

In civil cases, such as a wrongful death case or a personal injury claim, young jurors have a slight tendency to be more sympathetic to the injured party, unless the person who died is much older, Kellermann said.

"You'll hear younger people, not all ... expressing that the (deceased) lived a long life and they're not valuing that life in the way, say, a 60-year-old would," she said.

But younger jurors tend to be, by and large, more emotional and seem willing to give larger damage awards in personal injury cases, she said.

"Part (of that) is the idealism," she said.

Criminal cases are a totally different animal.

According to Kellermann, young jurors on cases involving alcohol or drugs, such as drunken-driving cases, may be more sympathetic toward the defendant because they tend to have less-negative views about alcohol in general.

"I would go with a college student in particular," she said, referring to the defense.

College students may also have had negative experiences with police officers, which could affect their views, Kellermann said.

As a prosecutor, Richards tends to agree and said she would never try a marijuana case with a jury box full of college students.

Attorneys try to match the jurors to the case that they are trying, she said.

"You're kind of trying to match up the skill set of your jurors with the case that you have," she said. "You're kind of looking for people that understand the situation ... it depends on what that is."

## **Ideological poles**

Longtime defense attorney Don Swanson said he would still be cautious and would rely on a thorough questioning of a potential juror to root out any bias.

Young people are more likely to have had a friend in trouble for drugs or alcohol, to have had a friend killed or injured as the result of drugs or alcohol and that could actually make them less sympathetic to a defendant in a drug or alcohol case, he said.

"The major thing in picking juries is that you can't afford to make an across-the-board assumption, either on age, body language, demographics," Swanson said. "You really need to talk to the people because they'll let you know."

Young people's views tend to be ideologically at the poles – either further to the right or further to the left, said Swanson, who himself has six children with views splitting right down the middle, half on the conservative side, the other half liberal.

"When trying a case with young people, you have to be careful and figure out if they have a life experience that will make them accept the defense that you're bringing or not be totally prejudiced," he said.

Whether a potential juror is 20 or 60, most seem to agree age is not the factor that matters in the long run on a jury, meaning characteristics such as age, race, social class and education matter less than an individual's views.

"Attitudes matter much more to your verdict than your demographic," Kellermann said.