

**SAFETYISM AND CHANGING JUROR ATTITUDES
TOWARD CORPORATIONS**

BY

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Safetyism and Changing Juror Attitudes Toward Corporations

While emotions are critical for our daily life and social interactions in helping people quickly and less effortfully navigate the world and people around them, the legal system is based on evidence, reasoned law, and critical analysis. Additionally, jury instructions simultaneously restrict jurors from basing decisions on emotions. It is not easy for jurors to reconcile reason versus emotion, and it is not uncommon to hear from jurors in post-trial interviews such statements as, “I wanted to vote for the plaintiff right away, but the law doesn’t allow us to consider our emotions or sympathy, so I couldn’t.”

Attitudes Toward Corporations

While corporations have never enjoyed widespread positivity from jurors, since the pandemic, juror attitudes toward corporations have declined further. They feel the effects of wealth disparity more in today’s economy because of inflation for every day necessities such as food, fuel, and household supplies. Yet, corporations report profits of new heights – including airlines during a time when fuel prices are skyrocketing. When consumers feel pain, they look to whether corporations are feeling it too.

Many jurors also tie their negative corporate views to government agencies. They hold a more paternalistic attitude about safety – many jurors expect corporations and their products to be 100% safe, 100% of the time. So when they hear about an alleged product defect or a product that allegedly caused someone harm, many jurors look to the company’s safety testing and standards – but lean more on their feelings about that safety testing and the standards, rather than science presented. The distrust in science presented by a company ties into many jurors’ similar distrust in government agencies that are in place for safety standards. Many jurors view government agencies as underfunded, behind the times, and, at times, too heavily influenced by corporations. Ultimately, these strong, negative feelings about corporations feed the sizable verdicts that have been occurring since the start of the pandemic.

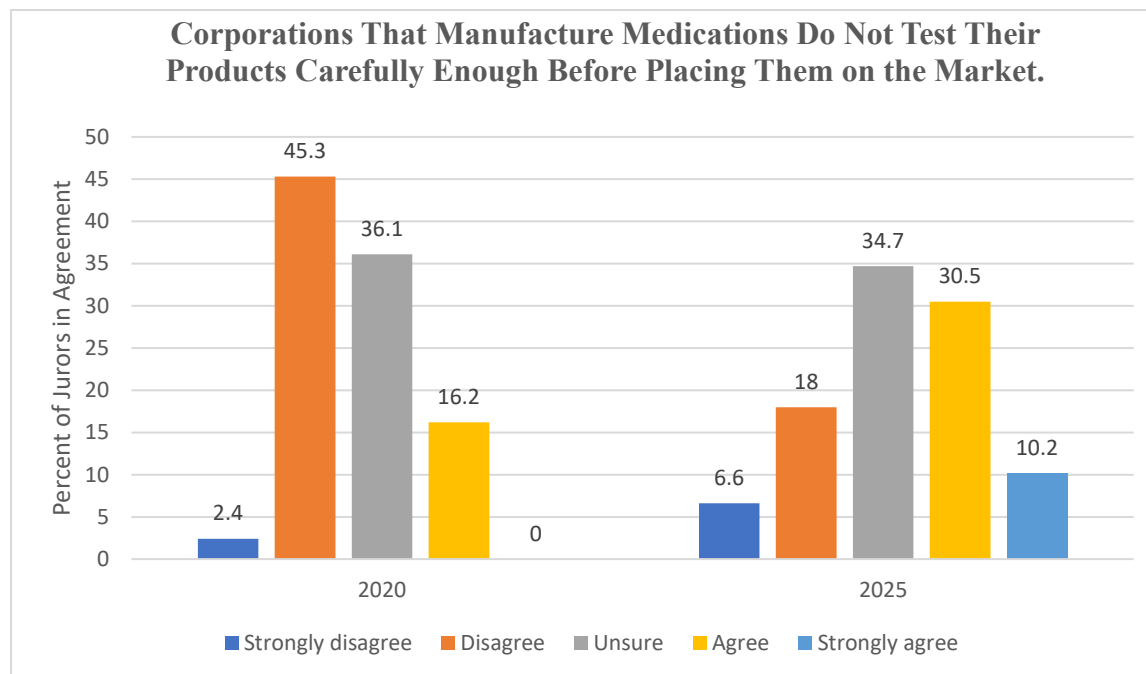
Example – Attitudes Towards Pharmaceutical Companies

As one example, jurors’ attitudes about the FDA and the pharmaceutical industry have seen shifts from the start of the pandemic in 2020 to today. Dr. Jill Leibold of IMS Legal Strategies conducted a national survey of jury eligibles in 2020 and again in 2025 to assess these changes. Many jurors these days are using social media and influencers as their source of news and even health recommendations. In 2020, 18% of respondents said they used the internet to learn about medical issues daily to a few times per week and that number increased in 2025 to 28%. Trust in pharmaceutical companies declined as well. As shown in the table below, when asked, “based on what you have heard/read, what kind of job do you think pharmaceutical companies do testing the safety of their medications?” Respondents were significantly more likely to report the testing is “poor” and the number of “unsures” nearly doubled. The conflicting information coming out in the past six years created significant uncertainty and less trust in reporting.

	2020	2025
Good	22.8%	19.2%
Adequate	61%	40%

Poor	4.4%	18.6%
Unsure	11.8%	22.2%

As the graph below shows, jurors’ trust in safety testing of medications decreased as well. In 2020, 16% of jurors did not believe pharmaceutical companies conducted enough safety testing, but, by 2025, 31% felt it fell short – plus another 10% in 2025 held *strongly* to that belief.

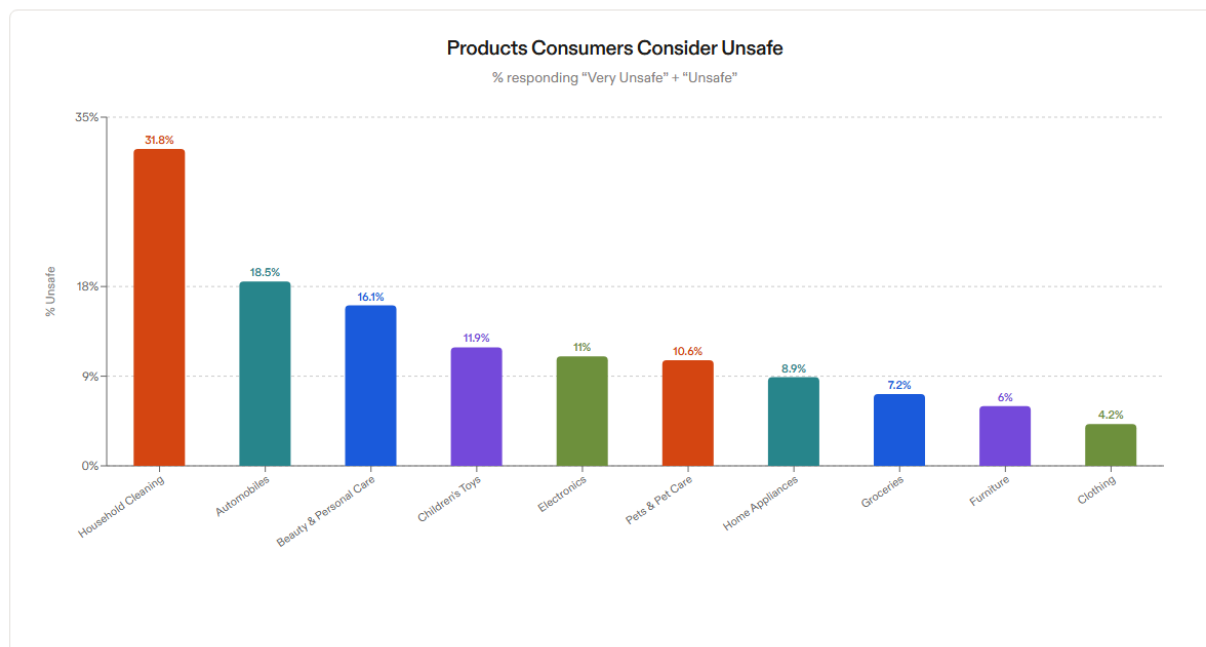


One additional significant change was jurors’ trust in the FDA, which declined over the five years. In 2020, 55% of jurors believed the FDA’s regulation of prescription drugs was “about right,” which decreased to 41% in 2025. In 2020, 35% believed the FDA was “too lenient,” but by 2025 that number increased to 56%. In 2020, 41% of jurors reported their confidence in the FDA in 2020 had decreased, but, by 2025, 54% had lost confidence in the FDA.

Jurors’ Attitudes Regarding Consumer Products

Jurors also consider safety when it comes to consumer products. In a recent study, researchers found that, although consumers are “extremely concerned” with product safety across all product types, this concern was highest for automobiles, cleaning products, and groceries, which consumers generally viewed as least safe.¹

¹ Noreen Y. Whysel and Lisa LeVasseur, *Consumer Attitudes Towards Product Safety: Physical Consumer Goods vs. Internet Connected Products*, CUNY ACADEMIC WORKS (March 5, 2024), https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=2168&context=ny_pubs.



Id. The study also found that consumers were significantly more concerned with perceived safety risks involving physical injury or death of themselves or their family members than of other risks, like data security and privacy concerns. *Id.* Notably, the study found that, in the consumer products context, some consumers were willing to assign some self-responsibility for ensuring safe use of products, although others looked to hold corporations accountable. *Id.*

The Safetyism Problem

As seen from jurors' corporate and pharmaceutical company attitudes, these days everything is about safety – 100% safety, 100% of the time. How did the nation get here? In their 2018 book², authors Greg Lukianoff and Jonathan Haidt describe three fallacious decision-making patterns that culminate in what they coined as “safety-ism.” First is a full risk avoidance, leaving no room for reasonable or acceptable risks, not limited to products but also including verbal or written, educational, and social encounters. People view themselves as fragile and avoid any discomfort or harm. The second thought fallacy is ranking one's feelings and gut or instinctual reactions above reasoned thought, science, and diligent research. And third, safety-ism has exacerbated the trend toward tribalism – everything is now a battle between good and evil, and it is the plaintiffs in the good camp of justice against the bad tribe of corporations.

These faults in decision-making translate in the litigation world as convictions that corporations should protect people, alongside the rise of corporate distrust to do so and increased expectations for stringent safety testing and standards. People feel less in control of their own fates and futures, believing that bad things that happen are caused externally to themselves – social psychologists call this an “external locus of control.” Damages become justice and a means of exerting personal control over corporations. And, once jurors align themselves with a plaintiff's or defendant's camp,

² The Coddling of the American Mind: How Good Intentions and Bad Ideas Are Setting Up a Generation for Failure. Penguin Books, 2018.

there is less bridge-building to understand each other's perspectives, instead believing that their beliefs and feelings are the only right ones.

The Research Study – Safetyism and an Herbicide-Induced Cancer Claim

To better understand the relationship between verdict outcome and safetyism, an online survey of 200 jury-qualified respondents collected reactions to a lawsuit scenario. Specifically, several psychological measures – Safetyism Beliefs, Intuitive Thinking, Cognitive Reflection, attitudes toward government agencies and corporations – assessed the potential relationships to verdict outcomes. The scenario described a fictitious chemical manufacturer's (Chemegent) herbicide product, Canophyde, which is approved by the EPA (but banned in the EU) for use by approved applicators on commercial farms. The scenario described the plaintiff as having lived near commercial farms for the past 35 years, where Canophyde had been applied. After a cancer diagnosis, the plaintiff claimed it was caused by exposure to Canophyde from a spray drift and that scientific evidence suggested it was carcinogenic. Participants also read that Chemegent denied the claim that the plaintiff's cancer was caused by Canophyde because years of studies prove that it is not a carcinogen and the product was properly labeled, but that other herbicidal agents produced by other manufacturers have been found to cause cancer and there was no documentation that nearby farms never used those known carcinogenic agents. Participants responded with a verdict, as well as how strongly they desired to award damages and how angry they felt toward Chemegent.

Respondents' verdicts, desire to award damages, and anger ratings were submitted to linear regression analyses, using measures of Safetyism, Intuitive Thinking, Risk Aversion, attitudes toward government agencies, attitudes toward corporations, political leaning, and several demographics as predictor variables. First, higher Safetyism, greater Intuitive Thinking, lower trust in government agencies, and greater liberalism on financial issues significantly predicted a pro-plaintiff verdict. Pro-defense jurors, in contrast, were low on Safetyism, utilized greater fact-based thinking, trusted government agencies more, and were more conservative on financial issues.

Ultimately, 45% of respondents voted for the plaintiff, 44% favored Chemegent, and 10% remained neutral. Results of the regression model revealed that higher safetyism, greater reliance on intuition, greater risk aversion, and younger age significantly predicted a pro-plaintiff verdict. Pro-defense jurors, in contrast, were low on safetyism, utilized greater fact-based thinking, accepted more risk, and were older than their pro-plaintiff counterparts.

Additional significant findings offered insight into the emotional side of jurors' decision-making:

- Plaintiff support significantly correlated with less trust in government agencies.
- The greater the desire to award punitive damages against Chemegent, the younger the respondent and the lower the respondent's trust in government agencies.
- Pro-plaintiff respondents believed jury damage awards for diseases such as cancer deserve more money than other cases.

Conclusion

Defense counsel and corporations have a tough path ahead to combat jurors' safetyism, risk aversion, lack of trust in government agencies, and emotional verdict decisions. Even though Gen Z jurors are the most risk-averse generation yet, culturally, all generations have embraced greater safetyism and risk aversion, just to different degrees. Thus, the safetyism problem is not going

away soon. The sooner defense counsel and corporations can come together on strategies, the sooner they can fight back.