

NOTE FROM THE ISSUE EDITOR

BY RICHARD D. WILLIAMSON, ESQ.

Once the primary vehicle for the resolution of legal disputes, trials have now become the exception. Indeed, these days some people view the title of “trial lawyer” as a scornful epithet. One of the many unfortunate results of this movement away from trials is that lawyers have fewer opportunities to hone their trial skills. I hope that this issue of *Nevada Lawyer* pushes back against these trends and helps you prepare for your next trial.

One reason for a decline in trial practice is the cost of litigation. In response, Jason Bacigalupi offers guidance on how to recover attorneys’ fees as special damages, and explores the grounds for awarding attorneys’ fees for filing frivolous claims and pursuing baseless legal actions. With fewer and fewer jury trials, many lawyers may feel unprepared for jury selection. In “Online Research in Preparation for Voir Dire,” Michael Burke explains how new technology can help lawyers vet their venire, and also highlights the ethical pitfalls of using technology to get too close to a potential juror. Properly qualifying an expert and introducing his or her testimony into the record is another area where many lawyers could use some help. Justin Jones provides just that with “Admissibility of Expert Testimony at Trial: Guidance for the Trial Practitioner.” As I mentioned above, one reason for the decline in trial practice is the soaring cost of litigation. Short trials can provide a way for parties to have their day in court without spending hundreds of thousands of dollars. Commissioner Chris Beecroft explains the history of the short trial program in Nevada and how it has evolved over the years. Finally, in “Effectively Using Jury Instructions in a Civil Trial,” Judge Mark Denton reminds us of the importance of carefully preparing jury instructions to provide a framework for the entire case.

Criminal attorney and author Lloyd Paul Stryker said, “A trial is still an ordeal by battle. For the broadsword there is the weight of evidence; for the battle-ax the force of logic; for the sharp spear, the blazing gleam of truth; for the rapier, the quick and flashing knife of wit.” I hope that this issue serves as one more weapon in your trial armory! ■



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Questions? Comments?

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