This "Spotlight on Litigators" edition of Law Week Colorado affords the opportunity to explore the vitality of one of the hallmarks of the American system of justice — trial by jury. In 1787, Alexander Hamilton issued Federalist Paper No. 83, in which he developed arguments touching on the importance of trial by jury, particularly in civil cases. He characterized the prevailing viewpoint: 'The right to try a jury is an essential safeguard to liberty; if not the "very palladium of free government."'

The consequences of this trend seem to suggest at least two distinct risks. First, has our system so minimized the role of trial by jury in civil matters that we risk loss of trust among our citizens that this is an important vital role in deciding disputes in an open and just manner? Stated differently, are we moving farther away from the shared belief that the justice system serves the people because ultimate questions of disputed fact and...