

NEWS & INSIGHTS

TERRY MCCARTHY AND TYLER YARBROUGH ADDRESS RECENT AMENDMENTS TO THE ALABAMA RULES OF EVIDENCE IN ALABAMA LAWYER MAGAZINE ARTICLE

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Lightfoot, Franklin and White LLC partner **Terrence W. McCarthy** and associate **Tyler E. Yarbrough** recently co-authored an article for **Alabama Lawyer Magazine**, providing a breakdown of recent amendments to the Alabama Rules of Evidence.

Titled “An Overview of the 2023 Amendments to the Alabama Rules of Evidence,” the article examines amendments to Rule 404(b) and 803(10), which took effect this past May. These amendments align with modifications to the corresponding federal rules and are applicable exclusively to criminal cases.

They write, “First, an amendment to Rule 404(b) significantly changed (and increased) the prosecution’s burden to provide notice of “other acts” evidence offered against the criminally accused. Second, an amendment to Rule 803(10), the hearsay exception for the absence of public records, provides a “notice-and-demand” procedure in criminal cases when the prosecution offers a Rule 803(10) certification against a criminal defendant.”

McCarthy is a member of the firm’s appellate and insurance law practices and is widely recognized as a leading authority on Alabama state evidence law. He has co-authored Gamble’s Alabama Rules of Evidence and the Seventh Edition of McElroy’s Alabama Evidence. Thousands of judicial opinions, motions, briefs and articles have cited McCarthy’s contributions to both of these treatises. McCarthy also serves on the Alabama Supreme Court Advisory Committee to the Rules of Evidence and lectures on state evidence issues through various CLE courses.

Yarbrough joined Lightfoot in 2023 and is a former Lightfoot summer associate from the 2021 and 2022 classes, where she gained valuable experience regarding products, commercial and environmental projects. She earned her law degree from Cumberland School of Law, where she distinguished herself as President of the Samford University Student Bar Association and made significant contributions to the Law Review.