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NEWS & INSIGHTS

TERRY MCCARTHY PUBLISHES ARTICLE IN NATION'S OLDEST TRIAL ADVOCACY LAW REVIEW

July 30, 2019

Lightfoot, Franklin & White LLC partner **Terry McCarthy** has published an article in the most recent edition of the *American Journal of Trial Advocacy*, the nation's oldest law review dedicated to the art of trial advocacy.

The article, titled "**The Racial Bias Exception to the General Rule that Precludes Jurors from Offering Testimony to Impeach Their Own Verdict**," is an update to a prior article McCarthy wrote about the Supreme Court decision of *Peña-Rodriguez v. Colorado*, 137 S.Ct. 855 (2017).

In its decision, the court created a new exception to the general rule that jurors may not provide testimony about statements during jury deliberations if offered to challenge the validity of a verdict or indictment.

"The *Peña-Rodriguez* decision is the latest illustration of a concept that is much broader than the limited holding of the case: a practitioner's evidentiary knowledge must go well beyond the rules listed in the Federal Rules of Evidence or the Alabama Rules of Evidence," writes McCarthy.

McCarthy (along with Charles Gamble and Robert Goodwin) serves as co-author of the two leading treatises on Alabama evidence law: *Gamble's Alabama Rules of Evidence* and *McElroy's Alabama Evidence*. He also serves on the advisory committee to the Alabama Rules of Evidence and teaches Evidence courses at the Cumberland School of Law.