

NEWS & INSIGHTS

JACK SHARMAN AND JORDAN PATTERSON AUTHOR LAW360 ARTICLE ON IMPLICATIONS OF SECOND CIRCUIT OPINION IN SILVER CASE

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Lightfoot, Franklin & White LLC partner **Jack Sharman** and associate Jordan Patterson authored **an article for Law360** about the implications of the Second Circuit's recent opinion in the honest services fraud prosecution of former Speaker of the New York State Assembly Sheldon Silver.

"[T]he Second Circuit followed the letter and spirit of the U.S. Supreme Court in *McDonnell v. U.S.* and restricted the government's ability to obtain a conviction for honest services fraud on an 'as opportunities arise' or retainer theory," write Sharman and Patterson. "In order to find a quid pro quo under such a theory, the jury must be instructed — and the government must prove — that, 'at the time the bribe was accepted, [the defendant] promised to take action on a specific and focused question or matter as the opportunities to take such action arose.'"

Read the full article **here**.

Sharman has practiced law for nearly 30 years and leads Lightfoot's **White Collar Criminal Defense and Corporate Investigations** practice. He defends businesses and individuals in civil and criminal white-collar cases, provides guidance during corporate internal investigations and advises clients on how to stay in compliance with the law. He served as special counsel to the House Financial Services Committee for the Whitewater investigation involving President Bill Clinton, and he was special counsel to the Judiciary Committee of the Alabama House of Representatives for the impeachment investigation of Gov. Robert Bentley.

Patterson defends companies and individuals facing civil and criminal litigation as well as government investigations. She has helped clients navigate probes by the U.S. Department of Justice and the Securities and Exchange Commission related to allegations of fraud and corruption, including potential violations of federal bribery laws and the Foreign Corrupt Practices Act (FCPA).