

NEWS & INSIGHTS

JACK SHARMAN AND RACHEL BRAGG ANALYZE DIAZ DECISION'S IMPACT ON EXPERT TESTIMONY RULES IN LAW360 ARTICLE

August 22, 2024

In a recent [Law360 article](#) (subscription required), Lightfoot, Franklin & White partner **Jack R. Sharman** and summer clerk Rachel Bragg explore the potential white-collar implications of a U.S. Supreme Court ruling expanding federal prosecutors' ability to inquire into a defendant's mental state.

Sharman and Bragg analyze the long-term impacts on business-crime trials of *Diaz v. U.S.*, which adjusted Rule 704(b) of the Federal Rules of Evidence to allow experts to testify about the mental state of criminal defendants.

The article, titled "Justices' Intent Witness Ruling May Be Useful For Defense Bar," explains how the decision has changed Rule 704(b) practice, and provides strategic insights for white-collar criminal defense attorneys. It also explores takeaways from Justice Kentanji Brown Jackson's concurrence, including that testimony related to a defendant's good acts could be permissible.

"'Good acts' are important for the defense in business-crime cases, where the defendant's professional or business practices — including practices adjacent to the allegedly wrongful acts — have been 'good,' if not exemplary," Sharman and Bragg write. "A critical part of the theory of defense is that the jury needs to hear the context of the allegedly awful conduct that the government presents. This impulse is not a mere trial tactic, but rather is grounded in the U.S. Constitution."

Download a PDF of the article [here](#).

Sharman leads Lightfoot's **White-Collar Criminal Defense and Corporate Investigations practice group**. He guides corporations and individuals through business crises, civil and criminal white-collar prosecutions, and corporate internal investigations. In an environment of increased uncertainty, regulatory scrutiny and a skeptical public, clients rely on him to respond to and navigate the most difficult circumstances they will ever face.

Bragg is a 2L student at Samford University Cumberland School of Law, and a 2024 summer clerk at Lightfoot.