

# Parallel Civil and Criminal Proceedings

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## Parallel Civil and Criminal Cases



1 in 37 Adults Has Done Prison Time



## Questions Posed

- 1. Civil case abated?
- 2. Consequences of Fifth Amendment?
- 3. Effects of different scopes of discovery?

## Which Case Goes First?



## Case Abatement Arguments





## Arguments for Abatement

- 1. Fifth Amendment will unfairly impede defense.
- 2. Critical evidence in criminal case unavailable to civil litigants.



## Arguments Against Abatement

- 1. Abatement = blanket assertion of 5<sup>th</sup>.
- 2. Parties entitled to full discovery within reasonable time.
- 3. “Memories will likely dim and evidence become unavailable.”

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