

Parallel Civil and Criminal Proceedings

Quentin Brogdon

Crain Lewis Brogdon, LLP
Dallas, Texas

214-598-1009 cell
qbrogdon@crainlewis.com

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 5th.
- 2. Parties entitled to full discovery within reasonable time.
- 3. “Memories will likely dim and evidence become unavailable.”

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