## Civil and Criminal Procedure Flowcharts - Key

Name: Period: Date:



Civil Procedure Majority settled out of court

Criminal Procedure Majority plea bargained

1. Dispute

Litigation happens because at least two people disagree over something

1. Crime Committed

An offense has to be committed and an investigation has to be conducted

2. Complaint filed

The plaintiff files a legal complaint against a defendant in a civil case.

2. Prosecuted/Processed

Charges have to be brought, the accused must be processed (fingerprint, etc.)

3. Defendant can:

1. Ignore and receive default judgement, 2. Motion to dismiss, 3. File answer to complaint

3. Charged

After charges are brought, the accused becomes a defendant

4. Discovery Period

Both sides find out information from one another through depositions and interogatories

4. Indicted

Grand jury determines if enough evidence to indict. Only prosecutor presents evidence.

5. Ask for summary judgement/avoid trial

Summary judgments are before a trial when no disputes. Can also settle the case or go to arbitration (binding agreement out of court) 5. Plea

Can plead guilty or not guilty. Often prosecutors will offer lighter sentences through "plea bargaining" to get guilty pleas

6. Trial

Jury selection/opening statements by plaintiff, response by defense/rebuttals/closing arguments. Only need 51% of jury to agree.

6. Trial/Verdict

Same process, although higher burden of proof "beyond a reasonable doubt."

7. Appeals

You can file an appeal to a higher court, but they do not take new evidence.

7. Appeals

Can appeal cases, but no new evidence. Capital murder cases have many (lengthy) appeals processes.