

LETTERS

We're all guilty of causing court case backlog

I was called to the Bar in 2022. I remember the excitement, the pride and the belief that the courts were a place where problems would finally find closure. Not perfection — but closure. Then the first client asked me a simple question:

"Counsel, how long will my case take?"

I paused... because the truthful answer felt almost embarrassing.

Years. Sometimes the client laughs, thinking I am exaggerating. But later the laughter fades. Bank accounts remain frozen. Land stays in dispute. Businesses stall. Relationships break. A case in court is not just paperwork — it is someone's life waiting to move forward.

We talk about backlog as if it belongs to judges alone. From what I have seen, that is not true.

The delay lives in all of us: litigants, lawyers and the courts.

I once explained our procedures to colleagues in Canada, the United States and the United Kingdom. They genuinely thought I was joking.

In their systems, timelines are predictable, filings are structured and judgments come when expected. Here, dates often feel like suggestions rather than commitments. The difference is not intelligence or ability — it is discipline.

The clients. Many people run to court with urgency but slowly lose interest after filing. Calls stop being answered. Instructions become unclear. Fees are delayed. Yet every mention in court still requires preparation and attendance.

A lawyer cannot push a case forward alone. When a client disappears, the file quietly stalls. Eventually it returns to court as an application to reinstate or set aside dismissal. Another slot on an already crowded cause list.

Sometimes the backlog begins the moment commitment ends.

The lawyers. We must also be honest about our own house. Some advocates take instructions and money but do not move matters seriously. Non-appearance has become too common. Adjournments are requested casually — sometimes simply because preparation was not done, sometimes deliberately to buy time.

Each adjournment looks small that day, but multiplied across hundreds of files, it becomes years. When we treat court dates as flexible, the system becomes flexible with justice too.

The courts. Judicial officers carry heavy files, that is undeniable. But there are days when long cause lists are called and only a few matters are heard. Applications linger for months when they could be decided quickly. A short ruling sometimes takes longer than a full hearing should.

The law gives courts power to control proceedings firmly. When that power is used gently, delay grows confidently.

What should change

Litigants must remain present in their own cases — communicate, cooperate and honour obligations. A case cannot move faster than its owner.

Lawyers must return to discipline. If a matter is fixed for hearing, be ready. Endless excuses only recycle cases back through reinstatement applications and further congestion.

Courts must enforce timelines strictly and deliver rulings promptly. Justice includes time. And procedurally, we need reform. Evidence should be filed at the beginning — witness statements and trial bundles together with the plaintiff. Front-loading would remove many unnecessary steps that stretch hearings for years.

I write this as a practising Ugandan advocate working in land transactions, corporate litigation and investment matters.

Across all these areas, the pattern is identical: delay is rarely caused by one person.

Backlog is a shared habit we have slowly normalised. The public still believes in the Judiciary — and they should. But hope alone cannot clear files. Responsibility must be shared honestly.

The truth is uncomfortable, yet simple: Our justice system is waiting... because we taught it how to wait.

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