

## Why does litigation take so long?

There are many reasons why the litigation process takes so long. In personal injury cases, for example, it often takes a while for the plaintiff to heal. Damages cannot be properly assessed until it is known whether the plaintiff is going to fully recover or if there are going to be permanent injuries.

On the other side of the file, most defendants are very reluctant to pay over any money until they are convinced that they have to. Insurance companies (they are the ones who usually have to issue the final cheque) also tend to be far more skeptical than philanthropic. They tend to insist that their lawyers make sure every "t" is crossed and every "i" is dotted before they can be convinced to part with their money.

Part of the reason the litigation process takes so long is simple logistics. It takes quite a long time to locate and interview witnesses and to gather police reports, doctor's clinical records, medical legal narrative reports, engineers reports, witness statements and the like.

Part of the reason the litigation process takes so long is that every opportunity must also be given to each side to allow full investigation and complete disclosure, a practice that is not always understood or appreciated by all parties.

Another part of the reason is because the courts are clogged and backed up and criminal matters (and most everything else) take priority over civil suits for judicial resources. Part of it is because the process is inherently rather slow. Some have even suggested that the court system is intentionally slow in order to encourage settlement without litigation. They might be right.

Often (though much more rare than you might think), a reason for the slowness can be because the lawyers are incompetent or are ignoring the file or are playing games such as the "long pockets" defense (that is, you will run out of money before we do). The usual cause, however, is because the defendant really doesn't want to pay and they instruct their counsel to do everything they can to avoid it. And, as everybody knows, those lawyers can think of an awful lot of questions.

However, it is beyond the scope of this article to try to figure out the precise reason or how to improve things. That will have to wait for another time and another place. Whatever the reason, it is a slow process, no doubt about it. All that can be offered by way of solace is this – sooner or later, all actions eventually end. Take a cue from Deseridata and accept the things you cannot change.