

# Colorado Judicial Branch

## Cases and Parties without Attorney Representation in Civil Cases

Fiscal Year 2019



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## Cases and Parties without Attorney Representation in Civil Cases FY2019

Providing appropriate resources for pro se parties in the courts is important both as an access to justice issue for citizens and for the efficient operation of courts across the state.

The following tables identify the volume of parties and cases that come before the court without attorney representation. All of these measures have been limited on the time period the case was initially filed; in this sample, the time period is fiscal year 2019 (July 2018 through June 2019). There are several similar, but distinct ways to measure this activity.

**Case Level Pro Se Rate:** The first measure calculates the number of cases in which no attorney has entered an appearance on the case- meaning neither side has representation. This measure is significant because it illustrates the number of cases in which it is possible no one involved in the case has had experience with the courts or the legal system.

**Party Level Pro Se Rate:** The second measure calculates the number of parties without representation involved in court cases. This measure allows us to more fully illustrate the number of litigants who come into the court without representation. This measure can also provide further direction for court policy and resources as it can demonstrate which side of a case has representation in various case types.

**Caveats and limitations:** These measures are based on the moment in time the data was extracted from the court's database. The attorney representation numbers will change over time. A party that did not have an attorney on the day the data was extracted may get an attorney in the future. At the same time, a person who had an attorney at the beginning of their case may choose to proceed without an attorney in the future. Due to the way the data must be extracted, once an attorney has entered an appearance for a party, that party and case will still be measured as having an attorney. This data was extracted in Dec 15, 2021.

We have calculated these measures in three civil case classes: domestic relations, county civil and district civil. These three case classes are highlighted due to the higher volume of pro se litigant participation historically. However, it is important to note that these three case classes represent only a fraction of the cases filed in Colorado in Fiscal Year 2019. In fact, the cases included in this analysis (199,368) account for only 32% of the total number of cases filed in Fiscal Year 2019 (622,056). Therefore this report does not represent all pro se litigant activity in the State of Colorado, but rather offers a glimpse into pro se activity in a few key areas. More detailed analysis follows.

This report does not include Denver County Court filings.

## Domestic Relations Cases Filed in FY2019

Judicial District	Total Cases	Total Cases without Attorney	Case Level Pro Se Rate	Total Parties	Total Parties without Attorney	Party Level Pro Se Rate
1	3,005	1,915	64%	6,155	4,423	72%
2	4,539	3,384	75%	9,396	7,672	82%
3	165	121	73%	353	293	83%
4	5,678	3,706	65%	11,607	8,539	74%
5	472	283	60%	953	662	69%
6	361	234	65%	734	533	73%
7	664	452	68%	1,413	1,073	76%
8	1,827	1,146	63%	3,768	2,676	71%
9	514	325	63%	1,047	753	72%
10	1,230	791	64%	2,641	2,027	77%
11	538	355	66%	1,111	825	74%
12	369	277	75%	779	653	84%
13	508	367	72%	1,077	866	80%
14	290	172	59%	584	401	69%
15	151	104	69%	310	239	77%
16	196	157	80%	426	377	88%
17	3,334	2,287	69%	6,866	5,262	77%
18	5,023	3,041	61%	10,210	7,054	69%
19	1,914	1,181	62%	4,040	2,913	72%
20	1,433	898	63%	2,925	2,044	70%
21	1,211	752	62%	2,692	1,960	73%
22	183	134	73%	375	307	82%
<b>Total</b>	<b>33,605</b>	<b>22,082</b>	<b>66%</b>	<b>69,462</b>	<b>51,552</b>	<b>74%</b>

Domestic Relations cases include dissolutions of marriage and civil unions, allocation of parental responsibility, administrative support orders, marriage invalidity, as well as legal separation. The parties included in this measure were petitioner, co-petitioner, and respondent. As this table demonstrates, 66% of the domestic relations cases filed in fiscal year 2019 had no attorney on the case, meaning that every party involved was pro se. However, within that group of cases filed, there were 69,462 parties and of those parties, 74% did not have representation when the data was extracted. When this data was broken out by specific case types, the party pro se rate was fairly consistent with the overall rate.

## District Civil Cases Filed in FY2019

Judicial District	Total Cases	Total Cases without Attorney	Case Level Pro Se Rate	Total Parties	Total Parties without Attorney	Party Level Pro Se Rate
1	1,841	173	9%	5,588	2,050	37%
2	4,934	513	10%	15,495	5,075	33%
3	144	26	18%	440	189	43%
4	2,600	209	8%	7,359	2,492	34%
5	463	23	5%	2,278	1,351	59%
6	287	36	13%	1,274	636	50%
7	356	47	13%	1,271	478	38%
8	1,045	106	10%	2,965	1,014	34%
9	323	29	9%	1,103	385	35%
10	610	63	10%	1,636	561	34%
11	612	108	18%	1,959	926	47%
12	188	41	22%	615	308	50%
13	289	77	27%	882	448	51%
14	231	14	6%	853	354	42%
15	67	6	9%	216	105	49%
16	160	27	17%	557	306	55%
17	2,183	90	4%	6,020	1,816	30%
18	3,897	350	9%	12,139	4,655	38%
19	877	24	3%	2,665	796	30%
20	1,212	133	11%	3,706	1,245	34%
21	484	64	13%	1,288	477	37%
22	82	9	11%	279	102	37%
<b>Total</b>	<b>22,885</b>	<b>2,168</b>	<b>9%</b>	<b>70,588</b>	<b>25,769</b>	<b>37%</b>

In this case class both tax liens (distrainment warrants) and residential foreclosures (Rule 120s) have been excluded from the measure. Tax lien cases are filed administratively with no attorney, and have experienced volatile filing volumes in the past several years, skewing the pro se numbers in this category. Similarly, foreclosure cases almost always have an attorney representing the filing party, which is generally a bank, while the responding party (the homeowner) rarely does. The parties included in these cases were plaintiff/petitioner (including 3rd, 4th, 5th party plaintiffs), respondent/defendant (including 3rd, 4th, 5th party defendants) and intervenors and interpleaders (included as filing parties).

This table demonstrates that in 9% of cases no party has an attorney. More dramatically, the table shows that of the 70,588 parties involved in these cases, 37% were not represented when the data was extracted.

## County Civil Cases Filed in FY2019

Judicial District	Total Cases	Total Cases without Attorney	Case Level Pro Se Rate	Total Parties	Total Parties without Attorney	Party Level Pro Se Rate
1	16,401	2,152	13%	36,454	21,792	60%
3	558	219	39%	1,242	877	71%
4	23,796	3,291	14%	52,715	31,406	60%
5	1,098	326	30%	2,474	1,583	64%
6	1,249	437	35%	2,783	1,913	69%
7	1,901	527	28%	4,274	2,809	66%
8	7,215	827	11%	16,756	10,089	60%
9	1,502	287	19%	3,341	2,045	61%
10	6,141	1,166	19%	13,920	8,681	62%
11	1,600	454	28%	3,552	2,314	65%
12	1,289	381	30%	2,733	1,775	65%
13	1,749	389	22%	3,917	2,499	64%
14	697	212	30%	1,572	1,039	66%
15	433	161	37%	940	660	70%
16	833	257	31%	1,796	1,206	67%
17	23,924	2,238	9%	54,068	31,713	59%
18	31,901	2,916	9%	69,556	39,774	57%
19	8,841	1,250	14%	19,775	11,939	60%
20	5,982	1,061	18%	13,010	7,867	60%
21	5,101	1,512	30%	11,112	7,362	66%
22	667	205	31%	1,501	1,012	67%
<b>Total</b>	<b>142,878</b>	<b>20,268</b>	<b>14%</b>	<b>317,491</b>	<b>190,355</b>	<b>60%</b>

County Court civil cases are made up primarily of collection cases (“money”). In addition, county court civil cases include eviction cases (“forcible entry and detainer”), as well as restraining order and name change cases. Parties included in this measure were plaintiffs, petitioners, defendants and respondents. While only 14% of county civil cases had no attorney, 60% of parties had no representation at the time the data was extracted. Denver County Court is not included in this report.

## Pro Se Rate by Party Type - Cases Filed in FY2019

### Filing Parties - Petitioner, Co-Petitioner, Plaintiff (including 3rd, 4th, 5th), Intervenors and Interpleaders

Case Class	Total Parties	Total Parties with Attorney	Total Parties without Attorney	Party Level Pro Se Rate
Domestic Relations	48,044	13,359	34,685	72%
District Civil	27,509	23,750	3,759	14%
County Civil	148,822	122,518	26,304	18%
<b>Total</b>	<b>224,375</b>	<b>159,627</b>	<b>64,748</b>	<b>29%</b>

### Responding Parties - Defendant, Respondent (including 3rd, 4th, 5th)

Case Class	Total Parties	Total Parties with Attorney	Total Parties without Attorney	Party Level Pro Se Rate
Domestic Relations	23,154	6,077	17,077	74%
District Civil	43,093	21,069	22,024	51%
County Civil	168,718	4,628	164,090	97%
<b>Total</b>	<b>234,965</b>	<b>31,774</b>	<b>203,191</b>	<b>86%</b>

What these two tables demonstrate is while the total number of parties in county civil without attorneys is 60%, the total number of responding parties in the case without representation is 97%. This gives us a more accurate picture of the number of cases in which one party is represented, most often the filing party, while the other is not. At the same time, it is interesting to note in domestic relations cases, the pro se party rate is similar for both filing and responding parties.

As stated previously, the value of this analysis is in helping the courts to better anticipate and serve the needs of those seeking the services of the courts, regardless of whether they are represented by an attorney or not. For further information or questions about this data, please contact [courtdatarequests@judicial.state.co.us](mailto:courtdatarequests@judicial.state.co.us).