

Cases and Parties without Attorney Representation in Civil Cases FY 2016

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 2016 (July 2015 through June 2016). 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 December of 2016.*

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 types represent only a fraction of the cases filed in Colorado in Fiscal Year 2016. In fact, the cases included in this analysis (196,231) account for only 25 percent of the total number of cases filed in Fiscal Year 2016 (767,314). 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.

Domestic Relations Cases Filed in FY2016

Domestic Relations

Judicial District	Number of Cases	Cases with No Attorney	Case Level Pro Se Rate	Number of Parties	Parties with No Attorney	Party Level Pro Se Rate
1	3,330	2,223	67%	6,677	4,951	74%
2	4,617	3,499	76%	9,242	7,611	82%
3	202	160	79%	406	341	84%
4	5,819	3,994	69%	11,648	8,870	76%
5	453	259	57%	906	604	67%
6	386	240	62%	772	544	70%
7	748	529	71%	1,498	1,195	80%
8	1,875	1,222	65%	3,755	2,743	73%
9	551	350	64%	1,120	827	74%
10	1,219	733	60%	2,452	1,760	72%
11	572	384	67%	1,152	874	76%
12	421	343	81%	846	741	88%
13	516	371	72%	1,041	825	79%
14	310	182	59%	621	417	67%
15	117	87	74%	234	185	79%
16	238	177	74%	478	392	82%
17	3,355	2,314	69%	6,732	5,189	77%
18	5,246	3,141	60%	10,503	7,222	69%
19	1,992	1,224	61%	4,089	2,951	72%
20	1,460	923	63%	2,923	2,073	71%
21	1,306	806	62%	2,653	1,979	75%
22	242	176	73%	491	400	81%
Total	34,975	23,337	67%	70,239	52,694	75%

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, 67% of the domestic relations cases filed in fiscal year 2016 had no attorney on the case, meaning that every party involved was pro se. However, within that group of cases filed, there were 70,239 parties and of those parties, 75% 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 FY2016

District Court Civil (Excludes "Tax Lien" and "Foreclosure" Cases)

Judicial District	Number of Cases	Cases with No Attorney	Case Level Pro Se Rate	Number of Parties	Parties with No Attorney	Party Level Pro Se Rate
1	1,880	292	16%	5,090	1,948	38%
2	4,731	627	13%	13,886	4,415	32%
3	122	24	20%	379	164	43%
4	2,684	118	4%	7,388	2,389	32%
5	574	37	6%	2,969	1,859	63%
6	392	54	14%	2,467	1,894	77%
7	364	41	11%	1,104	451	41%
8	1,061	162	15%	2,936	1,199	41%
9	405	37	9%	1,191	436	37%
10	586	65	11%	1,659	655	39%
11	316	52	16%	994	482	48%
12	195	74	38%	639	420	66%
13	296	55	19%	1,006	545	54%
14	226	8	4%	810	371	46%
15	63	11	17%	175	69	39%
16	104	31	30%	305	137	45%
17	1,674	74	4%	4,879	1,675	34%
18	3,844	505	13%	10,602	3,825	36%
19	928	69	7%	2,798	1,043	37%
20	1,546	225	15%	3,756	1,198	32%
21	545	61	11%	1,389	544	39%
22	80	17	21%	196	84	43%
Total	22,616	2,639	12%	66,618	25,803	39%

In this case class both tax liens (distrain 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 12% of cases no party has an attorney. More dramatically, the table shows that of the 66,618 parties involved in these cases, 39% were not represented when the data was extracted.

County Court Civil Cases Filed in FY2016

County Court Civil

Judicial District	Number of Cases	Cases with No Attorney	Case Level Pro Se Rate	Number of Parties	Parties with No Attorney	Party Level Pro Se Rate
1	16,453	2,255	14%	36,620	22,061	60%
2	n/a	n/a	n/a	n/a	n/a	n/a
3	543	177	33%	1,219	821	67%
4	23,799	4,179	18%	53,638	32,955	61%
5	1,375	347	25%	3,167	2,042	64%
6	1,282	398	31%	2,903	1,972	68%
7	2,143	555	26%	4,759	3,096	65%
8	7,347	931	13%	17,145	10,263	60%
9	1,571	344	22%	3,606	2,290	64%
10	6,405	1,371	21%	14,482	9,217	64%
11	1,689	497	29%	3,845	2,604	68%
12	1,169	387	33%	2,531	1,723	68%
13	1,735	362	21%	3,918	2,517	64%
14	659	163	25%	1,501	966	64%
15	362	130	36%	803	553	69%
16	881	274	31%	1,955	1,333	68%
17	21,927	2,284	10%	48,723	28,729	59%
18	29,488	2,839	10%	64,616	37,341	58%
19	8,327	1,420	17%	19,182	11,879	62%
20	5,541	883	16%	12,030	7,202	60%
21	5,403	1,837	34%	12,037	8,351	69%
22	541	220	41%	1,181	849	72%
Total	138,640	21,853	16%	309,861	188,764	61%

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 cases. Parties included in this measure were plaintiffs, petitioners, and defendants. While only 16% of county civil cases had no attorney, 61% of parties had no representation at the time the data was extracted.

While these two measures give an overview of pro se activity in the state courts in Colorado, further analysis of these data may be more revealing. Below is a table that demonstrates pro se party rates by party type.

Pro Se Rate By Party Type

Filing Party				
Case Class	Number of Filing Parties (Plaintiffs/Petitioner/Co-Petitioner)	Number of Filing Parties (Plaintiffs/Petitioner/Co-Petitioner) With Attorneys	Number of Filing Parties (Plaintiffs/Petitioner/Co-Petitioner) Without Attorneys	Filing Party Pro Se Rate
Domestic Relations	46,392	11,499	34,893	75%
District Civil	26,331	22,205	4,126	16%
County Civil	150,671	117,865	32,806	22%
Total	223,394	151,569	71,825	32%
Responding Party				
Case Class	Number of Responding Parties	Number of Responding Parties with Attorneys	Number of Responding Parties Without Attorneys	Responding Party Pro Se Rate
Domestic Relations	23,847	6,046	17,801	75%
District Civil	40,287	18,610	21,677	54%
County Civil	172,167	3,232	168,935	98%
Total	236,301	27,888	208,413	88%

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 98%. 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 the same 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 Jessica Zender at 720.625.5947 or jessica.zender@judicial.state.co.us