

Cases and Parties without Attorney Representation in Civil Cases FY 2014

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 2014 (July 2013 through June 2014). 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 2014.*

We have calculated these measures in three civil case classes: domestic relations, county civil and district civil. More detailed analysis follows.

Domestic Relations Cases Filed in FY2014

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	3,443	2,289	66%	6,918	5,117	74%
2	4,600	3,431	75%	9,214	7,495	81%
3	178	130	73%	357	285	80%
4	5,789	3,895	67%	11,583	8,802	76%
5	469	310	66%	938	691	74%
6	397	277	70%	798	613	77%
7	702	458	65%	1,406	1,057	75%
8	1,839	1,134	62%	3,695	2,605	71%
9	539	338	63%	1,080	782	72%
10	1,247	701	56%	2,500	1,756	70%
11	582	363	62%	1,173	869	74%
12	402	321	80%	807	690	86%
13	495	354	72%	992	781	79%
14	303	179	59%	606	413	68%
15	141	89	63%	282	202	72%
16	239	166	69%	479	362	76%
17	3,309	2,237	68%	6,674	5,078	76%
18	5,471	3,423	63%	10,961	7,766	71%
19	1,782	1,075	60%	3,642	2,634	72%
20	1,465	933	64%	2,931	2,097	72%
21	1,345	869	65%	2,693	2,103	78%
22	194	144	74%	399	329	82%
Total	34,931	23,116	66%	70,128	52,527	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, 66% of the domestic relations cases filed in fiscal year 2014 had no attorney on the case, meaning that every party involved was pro se. However, within that group of cases filed, there were 70,128 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 FY2014

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	2,156	362	17%	5,851	2,384	41%
2	4,765	608	13%	13,868	4,760	34%
3	123	12	10%	448	165	37%
4	2,933	152	5%	7,989	2,750	34%
5	767	32	4%	2,991	1,556	52%
6	307	37	12%	972	420	43%
7	424	60	14%	1,279	526	41%
8	1,024	127	12%	2,795	1,071	38%
9	472	47	10%	1,471	563	38%
10	662	93	14%	1,694	680	40%
11	451	93	21%	1,475	733	50%
12	249	102	41%	768	478	62%
13	289	72	25%	945	523	55%
14	321	14	4%	1,152	530	46%
15	69	14	20%	171	80	47%
16	117	39	33%	354	209	59%
17	1,637	82	5%	5,608	2,036	36%
18	3,932	515	13%	11,047	4,231	38%
19	809	77	10%	2,558	976	38%
20	1,572	210	13%	3,816	1,206	32%
21	562	43	8%	1,424	614	43%
22	106	14	13%	289	147	51%
Total	23,747	2,805	12%	68,965	26,638	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.

This table demonstrates that in 12% of cases no party has an attorney. More dramatically, the table shows that of the 68,965 parties involved in these cases, 39% were not represented when the data was extracted.

County Court Civil Cases Filed in FY2014

County Court Civil (Excludes "Name Change" and "Other" 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	19,718	2,142	11%	43,664	25,649	59%
2	n/a	n/a	n/a	n/a	n/a	n/a
3	627	194	31%	1,536	1,068	70%
4	27,825	4,198	15%	62,080	37,306	60%
5	1,689	369	22%	3,724	2,325	62%
6	1,567	428	27%	3,420	2,235	65%
7	2,421	474	20%	5,416	3,364	62%
8	8,996	968	11%	20,634	12,298	60%
9	2,041	367	18%	4,553	2,798	61%
10	7,322	737	10%	16,340	9,535	58%
11	1,925	443	23%	4,295	2,760	64%
12	1,227	388	32%	2,656	1,788	67%
13	1,993	311	16%	4,479	2,749	61%
14	1,233	218	18%	2,767	1,723	62%
15	527	156	30%	1,132	749	66%
16	1,040	258	25%	2,287	1,473	64%
17	23,683	2,301	10%	52,484	30,724	59%
18	32,809	3,055	9%	71,802	41,286	57%
19	8,709	1,380	16%	19,538	12,027	62%
20	6,582	929	14%	14,218	8,387	59%
21	5,843	1,842	32%	13,026	8,916	68%
22	755	202	27%	1,675	1,111	66%
Total	158,532	21,360	13%	351,726	210,271	60%

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 13% of county civil cases had no attorney, 60% 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	46,360	11,557	34,803	75%
District Civil	27,451	23,056	4,395	16%
County Civil	164,687	137,764	26,923	16%
Total	238,498	172,377	66,121	28%
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	23,768	6,044	17,724	75%
District Civil	41,514	19,271	22,243	54%
County Civil	187,039	3,691	183,348	98%
Total	252,321	29,006	223,315	89%

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