

## Cases and Parties without Attorney Representation in Civil Cases FY 2018

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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 2018 (July 2017 through June 2018). 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 February 2019.*

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 2018. In fact, the cases included in this analysis (200,869) account for only 31 percent of the total number of cases filed in Fiscal Year 2018 (646,697). 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 FY2018

### 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	3,189	2165	68%	6,416	4668	73%
2	4,583	3479	76%	9,179	7385	80%
3	161	140	87%	322	277	86%
4	5,913	4149	70%	11,842	8943	76%
5	460	298	65%	921	658	71%
6	388	263	68%	776	564	73%
7	638	472	74%	1,277	999	78%
8	1,831	1212	66%	3,666	2626	72%
9	557	370	66%	1,124	827	74%
10	1,337	915	68%	2,675	2008	75%
11	521	357	69%	1,045	774	74%
12	392	325	83%	784	674	86%
13	471	372	79%	944	786	83%
14	287	188	66%	575	419	73%
15	138	108	78%	278	232	83%
16	200	164	82%	402	344	86%
17	3,254	2335	72%	6,530	5013	77%
18	5,221	3266	63%	10,456	7173	69%
19	1,997	1356	68%	4,096	3069	75%
20	1,430	948	66%	2,864	2045	71%
21	1,201	775	65%	2,457	1847	75%
22	195	153	78%	392	315	80%
<b>Total</b>	<b>34,364</b>	<b>23810</b>	<b>69%</b>	<b>69,021</b>	<b>51646</b>	<b>75%</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, 69% of the domestic relations cases filed in fiscal year 2018 had no attorney on the case, meaning that every party involved was pro se. However, within that group of cases filed, there were 69,021 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 FY2018

### 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	1992	236	12%	5716	2,004	35%
2	4972	551	11%	15030	5,266	35%
3	94	13	14%	267	110	41%
4	2603	150	6%	7351	2,481	34%
5	535	31	6%	2703	1,598	59%
6	270	32	12%	1212	703	58%
7	345	45	13%	1098	388	35%
8	1091	110	10%	3250	1,188	37%
9	374	22	6%	1344	428	32%
10	647	51	8%	1715	653	38%
11	410	44	11%	1535	717	47%
12	176	36	20%	592	307	52%
13	240	60	25%	740	356	48%
14	222	20	9%	762	341	45%
15	66	12	18%	185	63	34%
16	145	31	21%	425	215	51%
17	2057	102	5%	5539	1,852	33%
18	3979	367	9%	11766	4,296	37%
19	904	44	5%	2861	1,007	35%
20	1227	112	9%	3503	1,005	29%
21	464	55	12%	1228	517	42%
22	98	16	16%	304	125	41%
<b>Total</b>	<b>22911</b>	<b>2140</b>	<b>9%</b>	<b>69126</b>	<b>25,620</b>	<b>37%</b>

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 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> party plaintiffs), respondent/defendant (including 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> 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 69,126 parties involved in these cases, 37% were not represented when the data was extracted.

### County Court Civil Cases Filed in FY2018

#### 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	16,060	1,980	12%	36,142	22,061	60%
2	n/a	n/a	n/a	n/a	n/a	n/a
3	561	246	44%	1,288	941	73%
4	24,829	3,472	14%	55,553	33,354	60%
5	1,096	252	23%	2,514	1,561	62%
6	1,431	453	32%	3,224	2,189	68%
7	2,117	564	27%	4,862	3,187	66%
8	7,787	853	11%	17,748	10,516	59%
9	1,659	332	20%	3,741	2,284	61%
10	6,524	1,220	19%	14,983	9,349	62%
11	1,877	468	25%	4,243	2,744	65%
12	1,185	399	34%	2,573	1,742	68%
13	2,075	379	18%	4,674	2,886	62%
14	798	197	25%	1,815	1,151	63%
15	436	135	31%	952	625	66%
16	893	243	27%	1,963	1,287	66%
17	22,918	2,144	9%	51,535	30,248	59%
18	29,711	2,771	9%	65,401	37,500	57%
19	9,845	1,340	14%	22,169	13,417	61%
20	5,786	1,016	18%	12,803	7,761	61%
21	5,301	1,492	28%	11,744	7,782	66%
22	705	213	30%	1,578	1,058	67%
<b>Total</b>	<b>143,594</b>	<b>20,169</b>	<b>14%</b>	<b>321,505</b>	<b>193,169</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 cases. Parties included in this measure were plaintiffs, petitioners, and defendants. While only 14% 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	45,802	11,439	34,363	75%
District Civil	27,158	23,605	3,553	13%
County Civil	149,609	123,255	26,354	18%
<b>Total</b>	<b>222,569</b>	<b>158,299</b>	<b>64,270</b>	<b>29%</b>
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	23,216	5,936	17,280	74%
District Civil	41,968	19,901	22,067	53%
County Civil	171,137	4,322	166,815	97%
<b>Total</b>	<b>236,321</b>	<b>30,159</b>	<b>206,162</b>	<b>87%</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 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](mailto:jessica.zender@judicial.state.co.us)