

Cases and Parties without Attorney Representation in Civil Cases FY 2015

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 2015 (July 2014 through June 2015). 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 2015.*

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 2015. In fact, the cases included in this analysis (202,528) account for only 25 percent of the total number of cases filed in Fiscal Year 2015 (804,195). 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 FY2015

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	3,428	2,290	67%	6,867	5,100	74%
2	4,502	3,358	75%	9,012	7,359	82%
3	169	124	73%	338	271	80%
4	6,055	4,176	69%	12,114	9,321	77%
5	518	322	62%	1,037	737	71%
6	363	243	67%	727	549	76%
7	649	457	70%	1,299	1,025	79%
8	1,788	1,101	62%	3,577	2,513	70%
9	575	364	63%	1,152	848	74%
10	1,252	748	60%	2,511	1,777	71%
11	530	345	65%	1,063	810	76%
12	360	293	81%	722	623	86%
13	498	359	72%	996	793	80%
14	339	204	60%	678	464	68%
15	125	89	71%	251	195	78%
16	225	169	75%	456	375	82%
17	3,284	2,291	70%	6,619	5,116	77%
18	5,374	3,283	61%	10,766	7,491	70%
19	1,853	1,129	61%	3,830	2,785	73%
20	1,358	833	61%	2,719	1,900	70%
21	1,376	909	66%	2,752	2,106	77%
22	225	152	68%	465	366	79%
Total	34,846	23,239	67%	69,951	52,524	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 2015 had no attorney on the case, meaning that every party involved was pro se. However, within that group of cases filed, there were 69,951 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 FY2015

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	1,960	345	18%	5,342	2,074	39%
2	4,555	575	13%	13,381	4,265	32%
3	119	17	14%	420	180	43%
4	2,802	172	6%	7,803	2,714	35%
5	602	29	5%	2,062	936	45%
6	312	52	17%	1,100	634	58%
7	410	39	10%	1,255	498	40%
8	1,073	161	15%	3,047	1,162	38%
9	406	30	7%	1,344	413	31%
10	575	50	9%	1,536	596	39%
11	450	74	16%	1,498	671	45%
12	173	33	19%	559	286	51%
13	294	77	26%	829	439	53%
14	295	11	4%	1,303	697	53%
15	55	7	13%	192	81	42%
16	105	28	27%	333	172	52%
17	1,714	82	5%	4,951	1,785	36%
18	3,832	522	14%	10,657	4,011	38%
19	853	60	7%	2,712	950	35%
20	1,608	214	13%	4,353	1,334	31%
21	517	69	13%	1,329	545	41%
22	88	9	10%	270	110	41%
Total	22,798	2,656	12%	66,276	24,553	37%

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 66,276 parties involved in these cases, 37% were not represented when the data was extracted.

County Court Civil Cases Filed in FY2015

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	17,893	2,086	12%	39,763	23,572	59%
2	n/a	n/a	n/a	n/a	n/a	n/a
3	522	183	35%	1,273	910	71%
4	25,510	4,130	16%	57,024	34,624	61%
5	1,407	360	26%	3,147	2,050	65%
6	1,361	423	31%	3,042	2,045	67%
7	2,022	474	23%	4,500	2,883	64%
8	8,271	820	10%	18,890	11,122	59%
9	1,702	334	20%	3,834	2,386	62%
10	6,780	1,261	19%	15,231	9,507	62%
11	1,642	418	25%	3,637	2,368	65%
12	976	324	33%	2,109	1,438	68%
13	1,884	340	18%	4,306	2,723	63%
14	864	229	27%	1,963	1,269	65%
15	437	131	30%	970	646	67%
16	818	244	30%	1,806	1,218	67%
17	22,744	2,254	10%	50,608	29,798	59%
18	29,832	2,708	9%	65,667	37,862	58%
19	8,499	1,344	16%	19,252	11,901	62%
20	5,872	802	14%	12,725	7,486	59%
21	5,208	1,740	33%	11,671	8,107	69%
22	640	173	27%	1,420	931	66%
Total	144,884	20,778	14%	322,838	194,846	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 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	46,545	11,404	35,141	75%
District Civil	26,925	22,726	4,199	16%
County Civil	150,671	124,528	26,143	17%
Total	224,141	158,658	65,483	29%
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	23,406	5,888	17,518	75%
District Civil	39,351	18,997	20,354	52%
County Civil	172,167	3,464	168,703	98%
Total	234,924	28,349	206,575	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