

Cases and Parties without Attorney Representation in Civil Cases FY 2017

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 2017 (July 2016 through June 2017). 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 January 2018.*

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 2017. In fact, the cases included in this analysis (198,150) account for only 31 percent of the total number of cases filed in Fiscal Year 2017 (625,724). 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 FY2017

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	3,335	2219	67%	6,695	4945	74%
2	4,477	3317	74%	8,964	7276	81%
3	166	130	78%	334	281	84%
4	6,001	4118	69%	12,013	9173	76%
5	505	315	62%	1,010	715	71%
6	404	276	68%	808	609	75%
7	702	483	69%	1,408	1092	78%
8	1,849	1156	63%	3,699	2616	71%
9	558	348	62%	1,123	819	73%
10	1,282	850	66%	2,568	1942	76%
11	558	395	71%	1,119	888	79%
12	410	340	83%	826	723	88%
13	547	391	71%	1,095	862	79%
14	316	176	56%	632	414	66%
15	143	108	76%	288	235	82%
16	234	184	79%	472	404	86%
17	3,384	2339	69%	6,799	5217	77%
18	5,224	3193	61%	10,474	7315	70%
19	2,034	1286	63%	4,175	3095	74%
20	1,456	913	63%	2,913	2038	70%
21	1,270	796	63%	2,613	1986	76%
22	211	159	75%	423	348	82%
Total	35,066	23,492	67%	70,451	52,993	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 2017 had no attorney on the case, meaning that every party involved was pro se. However, within that group of cases filed, there were 70,451 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 FY2017

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%	5,430	2,140	39%
2	4,731	627	13%	14,410	4,833	34%
3	122	24	20%	289	141	49%
4	2,684	118	4%	7,393	2,510	34%
5	574	37	6%	2,829	1,615	57%
6	392	54	14%	1,132	645	57%
7	364	41	11%	1,104	419	38%
8	1,061	162	15%	3,112	1,248	40%
9	405	37	9%	1,346	446	33%
10	586	65	11%	1,954	906	46%
11	316	52	16%	1,336	504	38%
12	195	74	38%	539	314	58%
13	296	55	19%	734	322	44%
14	226	8	4%	840	374	45%
15	63	11	17%	160	67	42%
16	104	31	30%	319	164	51%
17	1,674	74	4%	5,247	1,770	34%
18	3,844	505	13%	11,326	4,352	38%
19	928	69	7%	2,347	834	36%
20	1,546	225	15%	3,740	1,222	33%
21	545	61	11%	1,287	485	38%
22	80	17	21%	253	118	47%
Total	22,616	2,639	12%	67,127	25,429	38%

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 67,127 parties involved in these cases, 38% were not represented when the data was extracted.

County Court Civil Cases Filed in FY2017

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	16,566	2,074	13%	37,367	22,061	60%
2	n/a	n/a	n/a	n/a	n/a	n/a
3	545	200	37%	1,250	876	70%
4	23,267	3,814	16%	52,391	32,013	61%
5	1,196	336	28%	2,731	1,804	66%
6	1,445	427	30%	3,276	2,206	67%
7	2,304	557	24%	5,224	3,403	65%
8	7,407	926	13%	17,040	10,253	60%
9	1,691	367	22%	3,832	2,437	64%
10	6,449	1,231	19%	14,909	9,466	63%
11	1,706	519	30%	3,944	2,696	68%
12	1,053	313	30%	2,292	1,519	66%
13	1,915	362	19%	4,314	2,693	62%
14	769	213	28%	1,757	1,159	66%
15	418	115	28%	937	621	66%
16	836	278	33%	1,810	1,235	68%
17	22,348	2,230	10%	50,436	29,914	59%
18	29,946	2,848	10%	66,016	38,323	58%
19	8,897	1,358	15%	20,341	12,507	61%
20	5,533	933	17%	12,210	7,430	61%
21	5,480	1,636	30%	12,259	8,262	67%
22	697	225	32%	1,574	1,084	69%
Total	140,468	20,962	15%	315,910	192,424	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 15% 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	46,542	11,425	35,117	75%
District Civil	26,623	22,356	4,267	16%
County Civil	146,949	119,875	27,074	18%
Total	220,114	153,656	66,458	30%
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	23,904	6,033	17,871	75%
District Civil	40,504	19,342	21,162	52%
County Civil	166,701	3,232	163,469	98%
Total	231,109	28,607	202,502	88%

What these two tables demonstrate is while the total number of parties in county civil without attorneys is 61%, 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