

## Cases and Parties without Attorney Representation in Civil Cases FY 2013

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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. While it has long been known there are certain case types with a high volume of pro se parties, being able to identify just how many has not been possible. With recent advances in data extraction software, the Branch is now able to make some important findings concerning pro se parties in the courts.

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 2013 (July 2012 through June 2013). 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 2013.*

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 FY2013

### 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	3,580	2,325	65%	7,166	5,206	73%
2	4,349	3,283	75%	8,706	7,187	83%
3	180	121	67%	362	274	76%
4	5,887	3,987	68%	11,779	9,064	77%
5	477	305	64%	955	699	73%
6	391	265	68%	783	581	74%
7	722	483	67%	1,445	1,106	77%
8	1,799	1,056	59%	3,615	2,482	69%
9	559	344	62%	1,118	839	75%
10	1,255	739	59%	2,512	1,882	75%
11	549	350	64%	1,109	847	76%
12	393	328	83%	786	688	88%
13	519	372	72%	1,038	830	80%
14	346	204	59%	692	477	69%
15	152	106	70%	304	236	78%
16	216	165	76%	433	359	83%
17	3,187	2,190	69%	6,409	4,947	77%
18	5,272	3,331	63%	10,558	7,595	72%
19	1,775	1,098	62%	3,637	2,689	74%
20	1,478	925	63%	2,958	2,069	70%
21	1,314	852	65%	2,625	2,117	81%
22	219	154	70%	445	351	79%
<b>Total</b>	<b>34,619</b>	<b>22,983</b>	<b>66%</b>	<b>69,435</b>	<b>52,525</b>	<b>76%</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, 66% of the domestic relations cases filed in fiscal year 2013 had no attorney on the case, meaning that every party involved was pro se. However, within that group of cases filed, there were 69,435 parties and of those parties, 76% 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 FY2013

### 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	2,185	357	16%	5,755	2,280	40%
2	4,850	684	14%	14,519	5,147	35%
3	121	19	16%	469	221	47%
4	3,005	138	5%	8,692	3,357	39%
5	744	46	6%	2,346	1,052	45%
6	310	35	11%	863	390	45%
7	471	53	11%	1,505	643	43%
8	1,139	127	11%	3,119	1,181	38%
9	497	38	8%	1,519	577	38%
10	764	110	14%	2,124	893	42%
11	427	101	24%	1,287	658	51%
12	207	45	22%	632	324	51%
13	303	75	25%	920	470	51%
14	369	24	7%	1,230	591	48%
15	68	13	19%	257	106	41%
16	133	26	20%	397	201	51%
17	1,942	103	5%	5,807	2,348	40%
18	4,266	542	13%	11,694	4,724	40%
19	921	122	13%	2,676	1,050	39%
20	1,805	232	13%	4,427	1,527	34%
21	646	112	17%	1,604	752	47%
22	117	17	15%	295	135	46%
<b>Total</b>	<b>25,290</b>	<b>3,019</b>	<b>12%</b>	<b>72,137</b>	<b>28,627</b>	<b>40%</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.

This table demonstrates that in 12% of cases no party has an attorney. More dramatically, the table shows that of the 72,137 parties involved in these cases, 40% were not represented when the data was extracted.

### County Court Civil Cases Filed in FY2013

#### 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	21,642	2,638	12%	47,810	28,402	59%
2	n/a	n/a	n/a	n/a	n/a	n/a
3	669	151	23%	1,601	1,046	65%
4	30,714	3,994	13%	68,538	40,509	59%
5	1,915	418	22%	4,379	2,798	64%
6	1,474	343	23%	3,307	2,144	65%
7	2,629	431	16%	5,956	3,667	62%
8	9,192	814	9%	21,260	12,576	59%
9	2,344	399	17%	5,277	3,239	61%
10	8,096	560	7%	18,186	10,486	58%
11	2,215	396	18%	4,920	3,033	62%
12	1,267	312	25%	2,762	1,779	64%
13	2,139	405	19%	4,913	3,138	64%
14	1,200	178	15%	2,742	1,668	61%
15	509	98	19%	1,103	679	62%
16	1,177	224	19%	2,624	1,642	63%
17	26,531	2,342	9%	59,111	34,575	58%
18	35,003	2,837	8%	77,488	44,513	57%
19	9,007	1,323	15%	20,418	12,532	61%
20	6,398	706	11%	13,966	8,117	58%
21	6,999	2,080	30%	15,666	10,598	68%
22	854	192	22%	1,904	1,227	64%
<b>Total</b>	<b>171,974</b>	<b>20,841</b>	<b>12%</b>	<b>383,931</b>	<b>228,368</b>	<b>59%</b>

County Court civil cases are made up primarily of collection cases (“money”). (We have excluded “name change” cases and those typed as “other” for this measure.) 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 and defendants. While only 12% of county civil cases had no attorney, nearly 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	45,787	11,507	34,280	75%
District Civil	29,369	24,818	4,551	15%
County Civil	177,473	151,772	25,701	14%
<b>Total</b>	<b>252,631</b>	<b>188,099</b>	<b>64,532</b>	<b>26%</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	23,648	5,826	17,822	75%
District Civil	42,768	18,694	24,074	56%
County Civil	206,458	3,791	202,667	98%
<b>Total</b>	<b>272,876</b>	<b>28,313</b>	<b>244,563</b>	<b>90%</b>

What these two tables demonstrate is while the total number of parties in county civil without attorneys is 59%, 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](mailto:jessica.zender@judicial.state.co.us)