

# Colorado Judicial Branch

## Cases and Parties without Attorney Representation in Civil Cases

Fiscal Year 2020



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## Table of Contents

|                                 |   |
|---------------------------------|---|
| Report Information .....        | 3 |
| Domestic Relations .....        | 4 |
| District Civil .....            | 5 |
| County Civil .....              | 6 |
| Pro Se Rate by Party Type ..... | 7 |

## Cases and Parties without Attorney Representation in Civil Cases FY2020

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 2020 (July 2019 through June 2020). 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 Dec 15, 2021.

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 2020. In fact, the cases included in this analysis (170,143) account for only 29% of the total number of cases filed in Fiscal Year 2020 (589,502). 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.

This report does not include Denver County Court filings.

## Domestic Relations Cases Filed in FY2020

| Judicial District | Total Cases   | Total Cases without Attorney | Case Level Pro Se Rate | Total Parties | Total Parties without Attorney | Party Level Pro Se Rate |
|-------------------|---------------|------------------------------|------------------------|---------------|--------------------------------|-------------------------|
| 1                 | 2,719         | 1,686                        | 62%                    | 5,549         | 3,915                          | 71%                     |
| 2                 | 4,029         | 2,954                        | 73%                    | 8,341         | 6,738                          | 81%                     |
| 3                 | 136           | 105                          | 77%                    | 292           | 250                            | 86%                     |
| 4                 | 5,293         | 3,388                        | 64%                    | 10,766        | 7,816                          | 73%                     |
| 5                 | 465           | 271                          | 58%                    | 938           | 653                            | 70%                     |
| 6                 | 369           | 243                          | 66%                    | 744           | 540                            | 73%                     |
| 7                 | 600           | 423                          | 70%                    | 1,248         | 995                            | 80%                     |
| 8                 | 1,662         | 1,020                        | 61%                    | 3,437         | 2,428                          | 71%                     |
| 9                 | 533           | 314                          | 59%                    | 1,096         | 774                            | 71%                     |
| 10                | 1,028         | 625                          | 61%                    | 2,200         | 1,630                          | 74%                     |
| 11                | 475           | 302                          | 64%                    | 978           | 706                            | 72%                     |
| 12                | 328           | 249                          | 76%                    | 691           | 577                            | 84%                     |
| 13                | 454           | 312                          | 69%                    | 953           | 734                            | 77%                     |
| 14                | 276           | 153                          | 55%                    | 573           | 376                            | 66%                     |
| 15                | 160           | 118                          | 74%                    | 347           | 288                            | 83%                     |
| 16                | 188           | 139                          | 74%                    | 422           | 351                            | 83%                     |
| 17                | 3,001         | 1,959                        | 65%                    | 6,140         | 4,555                          | 74%                     |
| 18                | 4,677         | 2,726                        | 58%                    | 9,533         | 6,413                          | 67%                     |
| 19                | 1,820         | 1,106                        | 61%                    | 3,829         | 2,739                          | 72%                     |
| 20                | 1,296         | 771                          | 59%                    | 2,627         | 1,798                          | 68%                     |
| 21                | 1,013         | 631                          | 62%                    | 2,207         | 1,645                          | 75%                     |
| 22                | 187           | 138                          | 74%                    | 382           | 309                            | 81%                     |
| <b>Total</b>      | <b>30,709</b> | <b>19,633</b>                | <b>64%</b>             | <b>63,293</b> | <b>46,230</b>                  | <b>73%</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, 64% of the domestic relations cases filed in fiscal year 2020 had no attorney on the case, meaning that every party involved was pro se. However, within that group of cases filed, there were 63,293 parties and of those parties, 73% 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 FY2020

| Judicial District | Total Cases   | Total Cases without Attorney | Case Level Pro Se Rate | Total Parties | Total Parties without Attorney | Party Level Pro Se Rate |
|-------------------|---------------|------------------------------|------------------------|---------------|--------------------------------|-------------------------|
| 1                 | 1,587         | 136                          | 9%                     | 4,907         | 1,563                          | 32%                     |
| 2                 | 4,730         | 462                          | 10%                    | 14,739        | 4,635                          | 31%                     |
| 3                 | 81            | 13                           | 16%                    | 250           | 108                            | 43%                     |
| 4                 | 2,424         | 228                          | 9%                     | 7,215         | 2,372                          | 33%                     |
| 5                 | 445           | 32                           | 7%                     | 2,479         | 1,349                          | 54%                     |
| 6                 | 249           | 27                           | 11%                    | 914           | 490                            | 54%                     |
| 7                 | 332           | 31                           | 9%                     | 1,165         | 427                            | 37%                     |
| 8                 | 924           | 79                           | 9%                     | 2,869         | 1,041                          | 36%                     |
| 9                 | 310           | 17                           | 5%                     | 1,057         | 333                            | 32%                     |
| 10                | 533           | 30                           | 6%                     | 1,522         | 465                            | 31%                     |
| 11                | 670           | 99                           | 15%                    | 1,957         | 858                            | 44%                     |
| 12                | 190           | 53                           | 28%                    | 550           | 276                            | 50%                     |
| 13                | 272           | 64                           | 24%                    | 785           | 415                            | 53%                     |
| 14                | 194           | 18                           | 9%                     | 790           | 361                            | 46%                     |
| 15                | 45            | 4                            | 9%                     | 125           | 38                             | 30%                     |
| 16                | 154           | 25                           | 16%                    | 483           | 251                            | 52%                     |
| 17                | 1,983         | 99                           | 5%                     | 5,769         | 1,779                          | 31%                     |
| 18                | 3,650         | 257                          | 7%                     | 11,157        | 3,764                          | 34%                     |
| 19                | 826           | 39                           | 5%                     | 2,854         | 938                            | 33%                     |
| 20                | 1,132         | 97                           | 9%                     | 3,707         | 1,296                          | 35%                     |
| 21                | 323           | 35                           | 11%                    | 954           | 375                            | 39%                     |
| 22                | 65            | 11                           | 17%                    | 182           | 75                             | 41%                     |
| <b>Total</b>      | <b>21,119</b> | <b>1,856</b>                 | <b>9%</b>              | <b>66,430</b> | <b>23,209</b>                  | <b>35%</b>              |

In this case class both tax liens (distrainment 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 9% of cases no party has an attorney. More dramatically, the table shows that of the 66,430 parties involved in these cases, 35% were not represented when the data was extracted.

## County Civil Cases Filed in FY2020

| Judicial District | Total Cases    | Total Cases without Attorney | Case Level Pro Se Rate | Total Parties  | Total Parties without Attorney | Party Level Pro Se Rate |
|-------------------|----------------|------------------------------|------------------------|----------------|--------------------------------|-------------------------|
| 1                 | 13,193         | 1,823                        | 14%                    | 29,028         | 17,324                         | 60%                     |
| 3                 | 528            | 224                          | 42%                    | 1,187          | 862                            | 73%                     |
| 4                 | 18,585         | 3,002                        | 16%                    | 40,749         | 24,421                         | 60%                     |
| 5                 | 922            | 260                          | 28%                    | 2,061          | 1,319                          | 64%                     |
| 6                 | 1,165          | 336                          | 29%                    | 2,544          | 1,655                          | 65%                     |
| 7                 | 1,798          | 483                          | 27%                    | 4,004          | 2,578                          | 64%                     |
| 8                 | 6,463          | 797                          | 12%                    | 14,714         | 8,788                          | 60%                     |
| 9                 | 1,661          | 299                          | 18%                    | 3,669          | 2,220                          | 61%                     |
| 10                | 5,621          | 1,040                        | 19%                    | 12,682         | 7,846                          | 62%                     |
| 11                | 1,501          | 411                          | 27%                    | 3,268          | 2,115                          | 65%                     |
| 12                | 1,076          | 371                          | 34%                    | 2,284          | 1,550                          | 68%                     |
| 13                | 1,472          | 378                          | 26%                    | 3,308          | 2,160                          | 65%                     |
| 14                | 623            | 155                          | 25%                    | 1,388          | 871                            | 63%                     |
| 15                | 401            | 130                          | 32%                    | 861            | 578                            | 67%                     |
| 16                | 805            | 236                          | 29%                    | 1,764          | 1,170                          | 66%                     |
| 17                | 18,374         | 1,890                        | 10%                    | 40,950         | 23,984                         | 59%                     |
| 18                | 26,410         | 2,400                        | 9%                     | 57,582         | 32,871                         | 57%                     |
| 19                | 7,910          | 1,202                        | 15%                    | 17,589         | 10,685                         | 61%                     |
| 20                | 4,867          | 981                          | 20%                    | 10,650         | 6,529                          | 61%                     |
| 21                | 4,378          | 1,251                        | 29%                    | 9,441          | 6,200                          | 66%                     |
| 22                | 562            | 189                          | 34%                    | 1,260          | 850                            | 67%                     |
| <b>Total</b>      | <b>118,315</b> | <b>17,858</b>                | <b>15%</b>             | <b>260,983</b> | <b>156,576</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 and name change cases. Parties included in this measure were plaintiffs, petitioners, defendants and respondents. While only 15% of county civil cases had no attorney, 60% of parties had no representation at the time the data was extracted. Denver County Court is not included in this report.

## Pro Se Rate by Party Type - Cases Filed in FY2020

### Filing Parties - Petitioner, Co-Petitioner, Plaintiff (including 3rd, 4th, 5th), Intervenors and Interpleaders

| Case Class         | Total Parties  | Total Parties with Attorney | Total Parties without Attorney | Party Level Pro Se Rate |
|--------------------|----------------|-----------------------------|--------------------------------|-------------------------|
| Domestic Relations | 43,662         | 12,317                      | 31,345                         | 72%                     |
| District Civil     | 25,378         | 21,914                      | 3,464                          | 14%                     |
| County Civil       | 123,018        | 100,247                     | 22,771                         | 19%                     |
| <b>Total</b>       | <b>192,058</b> | <b>134,478</b>              | <b>57,580</b>                  | <b>30%</b>              |

### Responding Parties - Defendant, Respondent (including 3rd, 4th, 5th)

| Case Class         | Total Parties  | Total Parties with Attorney | Total Parties without Attorney | Party Level Pro Se Rate |
|--------------------|----------------|-----------------------------|--------------------------------|-------------------------|
| Domestic Relations | 20,725         | 5,691                       | 15,034                         | 73%                     |
| District Civil     | 41,066         | 21,308                      | 19,758                         | 48%                     |
| County Civil       | 138,026        | 4,172                       | 133,854                        | 97%                     |
| <b>Total</b>       | <b>199,817</b> | <b>31,171</b>               | <b>168,646</b>                 | <b>84%</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 similar 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 [courtdatarequests@judicial.state.co.us](mailto:courtdatarequests@judicial.state.co.us).