

Colorado Judicial Branch

Cases and Parties without Attorney Representation in Civil Cases

Fiscal Year 2021



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Cases and Parties without Attorney Representation in Civil Cases FY2021

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 2021 (July 2020 through June 2021). 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 2021. In fact, the cases included in this analysis (160,457) account for only 31% of the total number of cases filed in Fiscal Year 2021 (518,810). 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 FY2021

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	2,673	1,622	61%	5,468	3,783	69%
2	3,965	2,772	70%	8,239	6,484	79%
3	136	115	85%	289	260	90%
4	5,349	3,337	62%	10,866	7,768	71%
5	480	265	55%	975	632	65%
6	372	236	63%	755	540	72%
7	609	414	68%	1,262	945	75%
8	1,764	1,079	61%	3,649	2,580	71%
9	534	351	66%	1,082	806	74%
10	1,092	722	66%	2,313	1,762	76%
11	470	294	63%	970	689	71%
12	314	249	79%	666	571	86%
13	507	349	69%	1,066	844	79%
14	242	133	55%	494	317	64%
15	135	102	76%	294	248	84%
16	171	129	75%	386	331	86%
17	3,104	2,063	66%	6,392	4,830	76%
18	4,971	2,978	60%	10,106	6,939	69%
19	2,052	1,298	63%	4,355	3,239	74%
20	1,239	764	62%	2,529	1,775	70%
21	1,096	692	63%	2,398	1,785	74%
22	199	135	68%	416	328	79%
Total	31,474	20,099	64%	64,970	47,456	73%

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 2021 had no attorney on the case, meaning that every party involved was pro se. However, within that group of cases filed, there were 64,970 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 FY2021

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	1,642	158	10%	5,459	1,967	36%
2	4,687	496	11%	16,098	5,456	34%
3	111	13	12%	335	136	41%
4	2,238	184	8%	6,629	2,191	33%
5	480	38	8%	1,834	795	43%
6	250	34	14%	1,238	791	64%
7	291	29	10%	956	357	37%
8	937	86	9%	2,927	926	32%
9	310	21	7%	999	343	34%
10	462	36	8%	1,280	423	33%
11	529	86	16%	1,582	739	47%
12	158	20	13%	533	249	47%
13	226	56	25%	646	284	44%
14	175	14	8%	771	378	49%
15	40	6	15%	140	76	54%
16	107	17	16%	326	153	47%
17	2,089	85	4%	5,742	1,613	28%
18	3,648	298	8%	11,531	4,090	35%
19	797	28	4%	2,731	882	32%
20	1,046	91	9%	3,245	967	30%
21	339	36	11%	945	330	35%
22	65	8	12%	197	83	42%
Total	20,627	1,840	9%	66,144	23,229	35%

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 9% of cases no party has an attorney. More dramatically, the table shows that of the 66,144 parties involved in these cases, 35% were not represented when the data was extracted.

County Civil Cases Filed in FY2021

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	11,344	1,486	13%	24,497	14,250	58%
3	443	154	35%	975	658	67%
4	17,714	3,025	17%	37,796	22,509	60%
5	991	264	27%	2,182	1,362	62%
6	1,229	444	36%	2,665	1,823	68%
7	1,902	392	21%	4,111	2,525	61%
8	5,531	829	15%	11,994	7,060	59%
9	1,682	233	14%	3,679	2,139	58%
10	5,042	910	18%	11,193	6,754	60%
11	1,560	371	24%	3,374	2,095	62%
12	1,196	392	33%	2,522	1,678	67%
13	1,352	282	21%	2,908	1,786	61%
14	557	95	17%	1,235	725	59%
15	425	152	36%	937	655	70%
16	808	222	27%	1,741	1,133	65%
17	15,256	1,798	12%	33,611	19,703	59%
18	23,281	2,372	10%	49,791	28,154	57%
19	7,320	1,141	16%	15,841	9,450	60%
20	4,549	898	20%	9,484	5,629	59%
21	5,529	1,130	20%	11,821	7,263	61%
22	644	247	38%	1,402	985	70%
Total	108,355	16,837	16%	233,759	138,336	59%

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 16% of county civil cases had no attorney, 59% 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 FY2021

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	44,852	12,290	32,562	73%
District Civil	25,513	22,303	3,210	13%
County Civil	112,544	91,202	21,342	19%
Total	182,909	125,795	57,114	31%

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	20,883	5,869	15,014	72%
District Civil	40,671	20,620	20,051	49%
County Civil	121,272	4,225	117,047	97%
Total	182,826	30,714	152,112	83%

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 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.