

Why Count Cases?

The purpose of establishing a consistent approach to reporting cases with self-represented litigants (SRLs) is to allow comparative data to be produced within and among jurisdictions, facilitating the understanding of the nature and extent of self-representation in the state courts.

The value of identifying cases with self-represented litigants goes beyond merely documenting the volume of such cases and understanding whether that number has increased or decreased over time. This information, when organized at the level of discrete events throughout the life of a case, can provide a profile of these cases that allows courts to focus resources where they are most needed.

Finally, an accurate count of cases with self-represented litigants is more than a matter of statistical reporting or resource allocation. The inability to identify and manage cases with self-represented litigants raises the risk of delay, lack of compliance with court orders, and unequal access to justice.

Definitions

The following definitions should be used when counting and reporting cases with self-represented litigants.

Self-Represented Litigant

A person (party) who advocates on his or her own behalf before a court, rather than being represented by an attorney. These litigants are also known as *pro se* or *pro per* litigants.

Cases with Self-Represented Litigants

Legal cases in which one or more parties is self-represented.

Counting Rules

These counting rules provide the most efficient manner in which to report cases with self-represented litigants.

Unit of Count

The unit of count for cases with self-represented litigants is the legal case. A case with self-represented litigants should be counted as a single case, whether the case has one, two, or more self-represented litigants.

Point of Count

A case should be counted at the point of disposition of the case (i.e., entry of judgment or reopened disposition). State courts should count on a regular basis all disposed cases in which one or more parties was self-represented at any time during the life of the case. For plaintiffs/petitioners, the life of the case runs from filing to disposition; for defendants/respondents, the life of the case runs from arraignment/answer to disposition.

Reporting Guidelines

Reporting guidelines exist for both national- and event-level reporting. There are also two reporting options at the national-level: minimum and optimal.

Minimum National-Level Reporting Guideline (Snapshot at Disposition)

On a regular basis, but at least annually, state courts should count, by case type, the number of cases with self-represented litigants disposed during the reporting period. The report is a count of all cases disposed in which the legal representation status of one or more parties, however designated in a case management system, was indicated as self-represented at the end of the reporting period.

Optimal National-Level Reporting Guideline (Look Back at Disposition)

On a regular basis, but at least annually, state courts should count, by case type, the number of cases with self-represented litigants disposed during the reporting period. The report is a count of all cases disposed in which the legal representation status of one or more parties, however designated in a case management system, was indicated as self-represented at any time during the life of the case.

Event-Level Reporting Guideline

On a regular basis, but at least annually, state courts should count, by case type, the number of events, by event type, in which one or more parties is self-represented. The report is a count of events, by case type and by event type, in which the legal representation status of one or more parties, however designated in a case management system, was indicated as self-represented. Some systems may be able to supply additional detail for this report by distinguishing whether plaintiff/petitioner, defendant/respondent, or both are self-represented at the event.

Court Statistics Project

For technical assistance implementing the definitions, counting rules, and reporting recommended here, please contact the Court Statistics Project at www.courtstatistics.org

Since 1975, the Court Statistics Project (CSP) has provided a comprehensive analysis of the work of state courts by gathering caseload data and creating meaningful comparisons for identifying trends, comparing caseloads, and highlighting policy issues. The CSP is a joint project of the National Center for State Courts and the Conference of State Court Administrators.

Is there an explosion of cases with self-represented litigants?

Do litigants represent themselves in criminal cases?

Do cases with self-represented litigants take longer?



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Counting Cases with Self-Represented Litigants

“Court systems should begin to assess self-represented litigation in their state through the collection and analysis of data. Only with this information can appropriate responses be devised that best meet the needs of the litigants and the courts.”

COSCA Policy Paper on
Self-Represented Litigants