

## Points of Interest:

- There are approximately 58,000 pro se domestic relations cases in the State of Georgia
- There are nearly 170,000 domestic relations cases filed in Georgia Superior Courts
- Approximately 34% of all domestic relations cases are adjudicated without legal counsel
- Researchers reviewed nearly 40,000 cases from 45 demographically diverse courts.

## For More Information, contact:

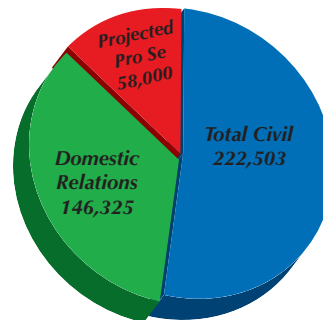
Dr. Greg Arnold  
Assistant Director  
for Research  
404-656-6413

or

Yolanda Lewis  
Senior Research  
Assoc.  
404-656-6412

## Pro Se Litigants in Domestic Relations Cases

In the past decade, courts around the country have experienced dramatic increases in the number of filings by self-represented litigants. Georgia appears to be no exception to this trend. While it is unclear how many cases in the state are adjudicated pro se, anecdotal information and the review of data collected from superior courts illustrate that pro se litigants are a significant part of the cases in Georgia courtrooms. As a result courts have shifted towards establishing programs and help centers to assist citizens who represent themselves. Pro se cases are particularly frequent in domestic relations filings. The consistent increase in the number of self-represented litigants consequently makes great demands on courts as they try to maintain public confidence in the judiciary and balance the speedy



resolution of cases with fairness and impartiality. While many courts provide help centers, and resource information, the “legalese”, complicated rules, and obscure procedures apparent in court proceedings adds to the frustration and discontent experienced by the litigant, court staff, attorneys, and judges. This frustration is often made worse when judges review the filings to make sure that the rights of each litigant are upheld. At the same time, the proceedings in the court room are often slowed due to the inexperience of the pro se litigant. As the frustration and tension associated with such cases will continue, frequent examination of pro se proceedings will aid policymakers and judicial administrators in uncovering related challenges, developing appropriate responses, and working to anticipate and meet the needs of this group of litigants.

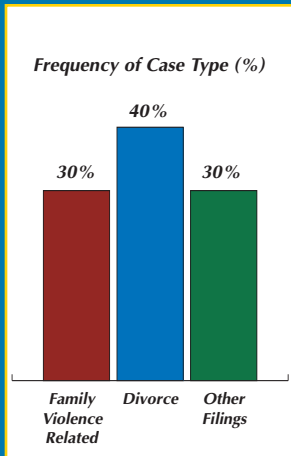
## Purpose of Analysis

This analysis examined and documented a statistical sample of pro se litigants in domestic relations filings in Georgia Superior Courts to project the number and classification of cases. This study is unique since it is the first analysis of pro se filings collected from actual

field research from files of the Clerk of Court Georgia's superior courts. This study will provide additional insight into understanding the likely number of cases filed and the proportion of the pro se domestic relations case types compared to all domestic cases.

*The information contained in this report applies specifically to the data collected to complete the pilot analysis. The results of this study should not be generalized to all jurisdictions, as it constitutes the results of specific observations for the courts selected. Every attempt has been made to ensure the information is presented objectively. Opinions presented are those of the Research Division and do not constitute the official position of the Administrative Office of the Courts, the Judicial Council or any specific court.*

# Findings



About 170,000 domestic relations cases were filed in calendar year 2004 as submitted to the Superior and State Court Information System (SSCIS). Of the total filings reported, there were about 23,000 divorce filings and about 17,600 protective orders. AOC Research staff reviewed about 40,000 cases from a statistical sample of 45

demographically diverse counties across the state. Of these filings, 13,754 cases were filed pro se. When the results of the sample are generalized to the state as a whole, it appears that approximately 34% or about 58,000 of all domestic relations cases are adjudicated without legal counsel. Nearly 5,500 of the cases sampled appear to be self-represent-

ed litigant cases involved in divorce proceedings and about 4,200 cases were family violence protective orders, representing about 40% and 30% of all cases respectively. This statewide projection shows a persistent and prevailing trend in which 3 out of every 5 domestic relations cases will be adjudicated pro se.

*“Co-occurrences of child abuse are present in 13% of all cases of domestic violence against a non-offending parent.”*

Case Type	Pro Se Filing	Percent of Total
Adoption	5	0.04%
Child Support	1,549	11.26%
Child Support Modification	44	0.32%
Contempt	376	2.73%
Custody	269	1.96%
Custody Modification	79	0.57%
Divorce	5,445	39.59%
Legitimizing	460	3.34%
Modification	47	0.34%
Name Change	90	0.65%
Petition to Modify Divorce	10	0.07%
Protective Orders/ FVA	4,182	30.41%
Unclassified/Other	1,187	8.63%
Visitation	24	0.17%

## Study Methodology

To ensure that the research findings in this study were as reliable as possible, researchers developed and implemented standard protocols for counting and classification to collect uniform data. This measure also provided increased confidence

and reliability of the data. A 30 percent sample of Georgia's superior courts was taken to ensure that the results obtained most accurately mirrored the diversity in the state. Logistically, the study was conducted over a 2-month

period using 2004 caseload data, extracted from the SSCIS database as of June 2005. Counties were randomly selected based on geographic diversity factors such as population and total case filings.

# Judicial Council Report

In 1998, the Judicial Council published a comprehensive report prepared by the Pro Se Litigation Committee. The Committee was developed to appraise the status of pro se litigation in courts across the state to ensure equal and fair access was made available to litigants representing themselves. Members of the committee focused on civil litigation including domestic cases, small claims, and landlord tenant. In addition, the Committee reviewed enforcement actions such as garnishments and contempt, liens, probate and other general civil actions. Some of the primary agenda items for the

Committee included:

- Case categories in which pro se representation occurs frequently
- Investigating difficulties in filing, delay in case processing and unequal justice; and
- Evaluating solutions to assist pro se litigants such as help centers, limited legal representation, and community education projects.

The results of the study determined that pro se litigation was a prevalent occurrence in most courts. Survey response from judges and court personnel provided the following estimated frequencies for four levels of court:

**Superior Court:** 2 - 20% (*pro se*)

*The most common action types were divorce and family violence cases.*

**State Court:** 1- 65% (*pro se*)

*The most common action types were dispossessory, contract and collection cases.*

**Magistrate Court:** 20-99% (*pro se*)

*The most common action types were contracts, other small claims, dispossessory and garnishments.*

**Probate Court:** 5- 98% (*pro se*)

*The most common actions were guardianships, administration, year's support and petitions to encroach.*

## Resources

In response to the number of pro se litigants in court proceedings, measures continue to be implemented to assist citizens in their efforts to navigate the legal system. Some initiatives include:

- The increased availability of court forms and instructions. Many courts provide standardized forms and more detailed instructions for self represented litigants. Forms can be accessed in the clerks offices, at court

kiosks, in public libraries, self-help centers, or online.

- Brochures, videos, and instructional pamphlets are widely available. Individual courts, in conjunction with local bar associations or other court related entities have composed printed materials to provide information to citizens about the legal system. Videos like "I Present My Case" are available for court personnel and for self represented litigants. Pamphlets

regarding child support, guardianship, and even court decorum have been developed to assist citizens.

- Self Service Centers have been established in some courts to house forms and instructional materials in one central location.
- Finally, legal clinics, pro bono legal services, legal hotlines, and language assistance are all available resources for self represented litigants.

***The most common pro se actions in superior courts are divorce and family violence cases.***

## Determining Pro Se Litigants

During the current study, some barriers became apparent during the process of retrieving pro se data. There were often no specific procedural guidelines to follow in locating

such cases. For example, pro se child support filings were problematic due to diverse docketing practices. In addition, the lack of accurately completed filing and disposition forms

presented the opportunity for cases to be categorized and classified as 'other' when appropriate case types were available for use.

## Summary Note:

Pro se litigation has transformed the court's response to customer service and the availability of information about the court process.

This continued phenomenon has become business as usual for most courts, as these litigants seek to navigate an often rigorous legal system. One certainty in

this process is that courts will have to respond to needs of self-represented litigants. That response must be planned and deliberate as it will ultimately impact the perception of access, impartiality, and public confidence the judiciary seeks to maintain in courts across the state.

## For More Information:

National Center for State Courts  
[www.ncsconline.org](http://www.ncsconline.org)

American Bar Association  
[www.abanet.org](http://www.abanet.org)

Center for Family Justice  
[www.family-justice.org/proseresources.htm](http://www.family-justice.org/proseresources.htm)

Georgia Judicial Branch Self-Help Resources  
[www.georgiacourts.org/aoc/selfhelp/index.html](http://www.georgiacourts.org/aoc/selfhelp/index.html)

*Reference Point was created as a resource to publish research findings affiliated with court programs, judicial projects and independent studies performed by the Research Division. Official caseload reports will continue to be published in "The Work of Georgia's Courts." All questions or official requests for information should be directed to the Administrative Office of the Court's Research Division by phone at 404.656.6412 or by email at [AOCResearchGroup@gaaoc.us](mailto:AOCResearchGroup@gaaoc.us)*

*for Research*  
Assistant Director  
**GREG ARNOLD**

Director  
**DAVID L. RATLEY**

Chief Justice  
**LEAH WARD SEARS**

**Reference Point**  
Administrative Office of the Courts  
244 Washington Street, S.W., Suite 300  
Atlanta, GA 30334-5900

