

VIRGINIA SELF-REPRESENTED LITIGANT STUDY:

Outcomes of Civil Cases in General District Court, Juvenile &
Domestic Relations Court, and Circuit Court



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Executive Summary

The National Center for State Courts (NCSC), contracted by Blue Ridge Legal Services (BRLS), has undertaken a study to analyze data from the Virginia courts' existing case management systems to measure the legal representation status of litigants in civil cases. This report describes case outcomes and representation status for select case categories in each court as well as discusses possible relationships between demographic characteristics and representation profiles. The report also evaluates the various datasets for completeness and reliability and provides recommendations for addressing data limitations.

Listed below are select findings regarding the representation profiles of Virginia's civil cases, relationships between outcomes and representation status, and relationships between demographic characteristics and representation.

- Most civil cases include at least one unrepresented party. The traditional adversarial model of the court, in which both parties have legal representation, occurs in only 1 percent of General District Court cases, 6 percent of Adult Juvenile & Domestic Relations Court cases, and 38 percent of Circuit Court cases.
- Default judgments tend to be higher when the plaintiff has representation than when the plaintiff is not represented.
- Plaintiffs/Payees prevail in the overwhelming majority of cases, no matter the court, the case category, or the representation profile.
- Defendants have higher win rates when represented.
- Poverty is associated with not being represented in court by a lawyer. The greater the extent of poverty in a locality, the less likely it is that plaintiffs or defendants will have an attorney.
- Localities with larger shares of employed residents have a larger share of cases in which both parties are represented while localities with lower education rates have more cases in which neither party has legal representation.

As part of the analysis, the NCSC evaluated the data for completeness and reliability, two areas of vital concern if data from case management systems are to be useful for characterizing activities in the courts and drawing conclusions about relationships between case and party qualities and outcomes. While that evaluation found no cause to consider the data unusable for assessing legal representation, the NCSC made these recommendations:

- The OES should, at a minimum, collect ZIP Code information for litigants.
- The CMS should have a means for the data entry clerk to clearly denote that a party is self-represented.
- The OES should introduce additional data codes for the "Final Disposition" and "Judgment For" fields to capture more information about dismissed cases.
- The OES should conduct case audits to help ensure the validity of case data as well as to ensure that case data is being entered consistently across localities.

Introduction

The National Center for State Courts (NCSC), contracted by Blue Ridge Legal Services (BRLS), has undertaken a study to analyze data from the Virginia courts' existing case management systems to measure the legal representation status of litigants in civil cases. Funded by a Legal Services Corporation (LSC) Technology Initiative Grant, the Virginia Self-Represented Litigant Study will devise protocols, queries, and reports that can improve the justice system's understanding of the nature of legal representation in the state's civil cases, identify potential unmet needs, and characterize the relationship between legal representation and case outcomes.

The Virginia Self-Represented Litigant Study (hereafter, the Study) has four objectives. The first is to identify, collect, and evaluate the completeness, reliability, and consistency of civil case type data elements that are relevant to a study of legal representation status. The second objective is to use the collected data to characterize the state of legal representation in Virginia's civil cases by providing descriptive statistical summaries of the data that are as accurate and informative as can be produced based on the evaluation conducted in the first objective. The third objective is to design management reports to display various aspects of legal representation in civil cases in a way that meets the needs and goals of the courts and legal service providers. The fourth and final objective of the Study is to analyze the underlying data for relationships that may suggest ways in which representation status is related to outcomes in civil justice. Each of these objectives will be met using civil case data from the state's case management systems for the General District Court, Juvenile & Domestic Relations Court, and Circuit Court.

The remainder of this report addresses the fourth objective of the Study for the data collected from the General District Court (GDC), Juvenile & Domestic Relations (JDR) Court, and Circuit Court. Section II introduces the data being used in this report by highlighting some of the findings from the descriptive analysis conducted for each court. Section III describes case outcomes, by representation status, for select civil cases from each of the courts. Section IV discusses select socioeconomic variables that may contribute to the representation profiles seen in each of the courts. Section V evaluates the data for completeness and reliability, and Section VI provides recommendations for how to address any data limitations found in that evaluation. Appendices are also included that detail the methodology used in the analysis of the data.

Civil Data in the Virginia Courts

As mentioned above, the first objective of this Study was to identify, collect, and evaluate the completeness, reliability, and consistency of collected civil data, and the second objective was to use the collected data to characterize the state of legal representation in Virginia's civil cases. What follows is a brief description of the data collected for each court as well as selected findings from the descriptive analyses that were conducted.¹

General District Courts

The Virginia General District Court is a limited jurisdiction court that has exclusive jurisdiction to hear civil cases in controversy up to \$4,500 and shares jurisdiction with the Circuit Court for hearing civil cases in controversy between \$4,500 and \$25,000. There are 125 General Jurisdiction Courts, divided into 31 single- and multi-jurisdiction districts.

Statewide case-level data was provided for GDC Civil cases disposed between April 1, 2015 and March 31, 2016. In all, there were 555,487 Civil cases disposed during that time frame, and the NCSC divided the cases into four

¹ For a more detailed description and analysis of the data provided for this Study see Virginia Self-Represented Litigant Study: Descriptive Analysis of Civil Data in General District Court; Virginia Self-Represented Litigant Study: Descriptive Analysis of Civil Data in Juvenile & Domestic Relations Court; and Virginia Self-Represented Litigant Study: Descriptive Analysis of Civil Data in Circuit Court.

case categories: Debt, Housing, Protective Orders, and Other Civil. Listed below are select findings from the descriptive statistical analysis of the data.

- The Civil caseload comprises Debt cases (53%), Housing cases (31%), Other Civil cases (10%), and Protective Order cases (6%).
- On average, General District Courts disposed of 60 Civil cases per 1,000 population during the period of the Study.
- The plaintiff was the only party represented in the majority (54%) of disposed Civil cases. Plaintiff-only representation was highest in Housing cases (63%) and lowest in Protective Order cases (less than 1%). Forty-five percent of disposed Civil cases had neither party represented.

Juvenile & Domestic Relations Courts

The Virginia Juvenile & Domestic Relations Court is a limited jurisdiction court that has civil jurisdiction over matters involving families and juveniles. Such matters include custody, visitation, support, and protective orders as well as dependency, child in need of services, and status offenses. There are 125 Juvenile & Domestic Relations Courts, divided into 31 single- and multi-jurisdiction districts.

In all, there were 75,668 Adult cases disposed during the time frame of the Study, and the NCSC divided the cases into three case categories: Support, Enforcement, and Administrative. There were also 157,749 Juvenile cases disposed during the Study. These cases were divided into six case categories: Custody and Visitation, Child Dependency, Juvenile Miscellaneous, Protective Order, Child in Need of Services, and Juvenile Support. Listed below are select findings from the descriptive statistical analysis of the data.

- The Adult caseload comprises Support cases (66%), Enforcement cases (29%), and Administrative cases (5%).
- On average, Juvenile & Domestic Relations Courts disposed of 11 Adult cases per 1,000 during the period of the Study.
- Neither party was represented in the majority (87%) of disposed Adult cases. For cases with representation, enforcement cases were more likely to have payer representation, with 11 percent of cases having both parties represented, and 12 percent of cases having only the payer represented.

Circuit Court

The Virginia Circuit Court is a general jurisdiction court that has exclusive jurisdiction to hear almost all civil cases in controversy over \$25,000 and shares jurisdiction with the General District Court for civil cases in controversy between \$4,500 and \$25,000. The court also has jurisdiction over divorce and other domestic relations cases and hears all appeals from the General District Court, the Juvenile & Domestic Relations Court, and various administrative agencies. There are 120 Circuit Courts, divided into 31 single- and multi-jurisdiction districts.

Thirty-three Circuit Courts provided case-level data for Civil cases disposed between April 1, 2015 and March 31, 2016. The participating courts represent 41 percent of Virginia's population and 38 percent of the total statewide Circuit Court Civil caseload. In all, there were 37,643 Civil cases disposed during the time frame of the Study, and the NCSC divided the cases into seven case categories: Domestic Relations, Tort, General Civil, Debt/Contract, Probate/Will & Trust, Real Property, and Other Civil. Listed below are select findings from the descriptive statistical analysis of the data.

- The Civil caseload comprises Domestic Relations cases (38%), Other Civil cases (29%), Tort cases (12%), General Civil cases (11%), Debt/Contract cases (5%), Probate/Will & Trust cases (3%), and Real Property cases (1%).

- On average, Circuit Courts disposed of 14 Civil cases per 1,000 population during the period of the Study.
- The plaintiff was the only party represented in 42 percent of disposed Civil cases. Plaintiff-only representation was highest in Debt/Contract cases (65%) and lowest in Tort cases (16%). Thirty-eight percent of disposed Civil cases had both parties represented while 14 percent had neither party represented.

Case Outcomes

One of the concerns associated with cases involving self-represented litigants (SRLs) centers on the ability of SRLs to advocate on their own behalf, especially when money, housing, or domestic relations are in dispute. Case outcome analysis can help to shed light on this concern by comparing the outcomes of cases by the representation status of the parties.

For analytical purposes, every case should conclude in a clear outcome: judgment for plaintiff, judgment for defendant, or non-dispositive outcome (for those dispositions that do not resolve the dispute at hand; e.g., “non-found” cases in which the opposing party was never located and served or transfers/changes of venue). Unfortunately, none of Virginia’s court case management systems are configured to consistently capture outcomes in this way. Instead, they have data elements that capture the manner of disposition (e.g., granted, denied, dismissed, settled) and/or the manner by which the case was concluded (e.g., order, trial, purge, withdrawal). For the purposes of this analysis, the data available in the case management systems of the courts were combined and recoded into the outcomes of Default Judgment, Plaintiff/Payee Win, Defendant/Payer Win, Other Non-Default, or Non-Dispositive.^{2 3}

Before analyzing the relationship between representation status and case outcome, it is important to understand that only 8 to 40 percent of the cases in this Study (depending on case category) could be coded as a Plaintiff/Payee Win or Defendant/Payer Win. This is due to several factors. First, cases that resulted in a default judgment were excluded from the party win analysis. So, while default judgments are most likely to be considered plaintiff wins, it is not appropriate to compare party wins for cases with known representation profiles to cases in which the defendant has not appeared and cannot be categorized as either having or not having representation. The best analysis to be conducted regarding default judgments is to compare default versus non-default rates based on the plaintiff’s representation status (see Default versus Non-Default Outcomes section below).

Second, as noted above, not all non-default outcomes could be identified as party wins. This was because disposition variables either did not have the type of information needed to determine the prevailing party (Other Non-Default outcomes) or the outcomes were non-dispositive. Both of these outcome categories were also excluded from the party win analysis, but the Non-Default Outcomes section (below) does provide a comparison of the percentage of cases that fall into the Party Win, Other Non-Default, and Non-Dispositive categories.

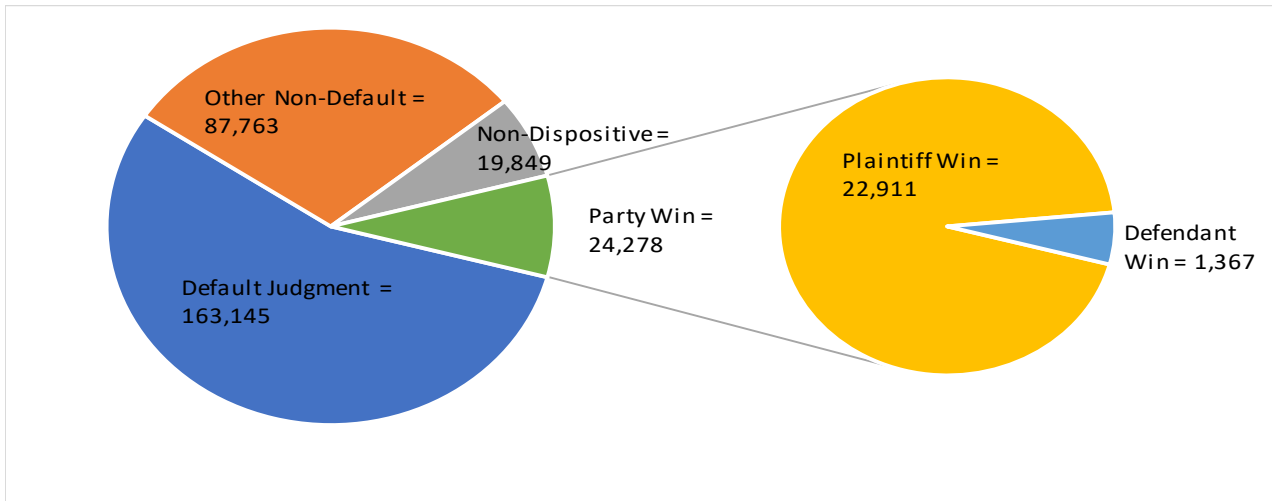
Third, some cases within the Study were missing the data needed to determine the outcome of the case, the representation status of the parties, or both. These cases were excluded from all analysis (see the A Note About Legal Representation Status section, below, for addition detail).

² Payee and Payer parties in JDR court are labeled as such as these parties are involved in child support cases.

³ Cases were categorized as Other Non-Default if a party win could not be determined. While this category includes different dispositions depending upon the court, common dispositions are dismissals, non-suits, settlements, trials, and withdrawals.

Figure 1 provides an example of this funnel-like decrease in the number of cases available for an analysis of party win by representation status.

Figure 1: Case Outcomes in GDC Debt Cases



The General District Court dataset included a total of 295,035 Debt cases. Of that total, over 163,000 cases resulted in a Default Judgment. Of the remaining 131,890 cases, a little more than 107,500 fell into the Other Non-Default and Non-Dispositive outcome categories, leaving only 24,278 cases (8% of the total) that could be coded as Plaintiff Win or Defendant Win.

This pattern is similar across the case categories examined as part of the case outcome analysis. The only exception is in Circuit Court Domestic Relations cases, where there were more cases that could be coded as a Party Win than there were cases categorized as Other Non-Default. Table 1 shows the percentage of each case outcome group by case category. (See Appendix A: Tables A1 thru A7 for case outcome details for each case category.)

Table 1: Case Outcomes in Select Civil Cases

Case Category	Total	Default	Non-Default			Unknown
			Party Win	Other Non-Default	Not Dispositive	
<i>General District Court</i>						
Debt	295,035	55%	8%	30%	7%	N/A
Housing	174,007	42%	15%	43%	1%	N/A
Protection Order	31,179	0%	40%	60%	0%	N/A
<i>Juvenile & Domestic Relations Court</i>						
Support	49,712	N/A	35%	50%	3%	12%
<i>Circuit Court</i>						
Domestic Relations	14,191	0%	37%	25%	*	38%
Tort	4,638	1%	10%	84%	*	5%
Debt/Contract	1,915	26%	11%	52%	*	10%

Notes: "N/A" indicates that no cases in the relevant outcome category fall into the case category.

*Circuit Court Other Non-Default data include Non-Dispositive outcomes because Non-Dispositive data could not be easily identified.

The Juvenile & Domestic Relations Court as well as the Circuit Court datasets contained some cases for which the combination of disposition variables did not yield a clear outcome. This was due, primarily, to missing data. These cases were classified as having Unknown outcomes and, with the exception of Circuit Court Domestic Relations (at 38%), are less than 15 percent of the outcomes for each case category. As previously stated,

Unknown outcomes have been omitted from the remainder of the case outcome analysis. (See Data Limitations section below for more detail.)

A Note About Legal Representation

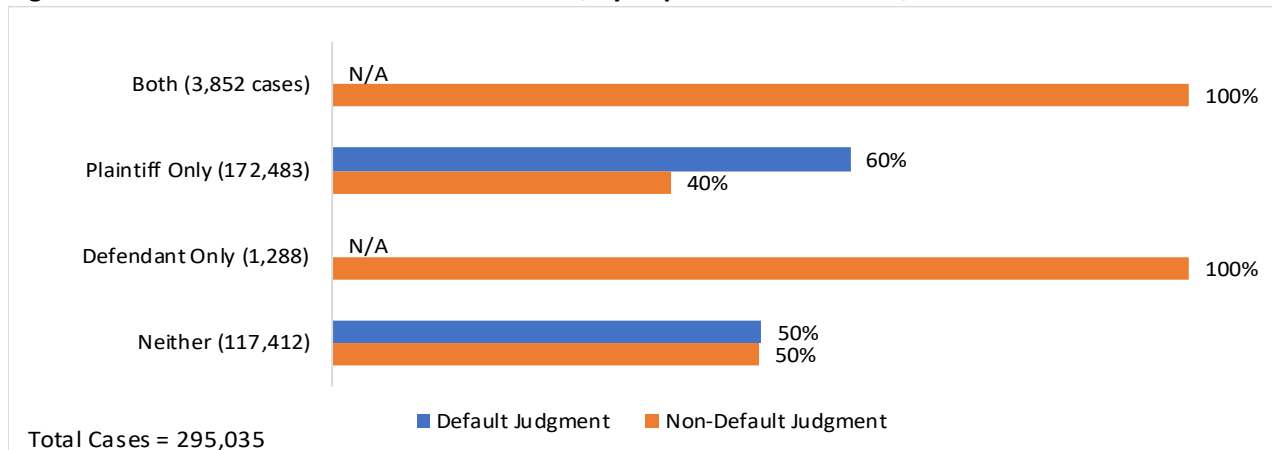
For the purposes of this analysis, legal representation was divided into four representation types: 1) cases with both parties represented, 2) cases in which only the plaintiff was represented, 3) cases in which only the defendant was represented, or 4) cases in which neither party was represented. However, due to the manner in which representation status is presented in the JDR Court and Circuit Court case management systems, there were cases in those courts for which legal representation status could not be determined. In the JDR court, this occurred primarily in cases where only one party had representation, but which party that was could not be distinguished while, in the Circuit Court, this occurred because of missing data. The percentage of unknown representation status is small, though, occurring in 6 percent of JDR Support cases, 1 percent of Circuit Domestic Relations cases, 2 percent of Circuit Tort cases, and 2 percent of Circuit Debt/Contract cases. Those cases for which representation status was unknown have been omitted from the remainder of the case outcome analysis. (See Data Limitations section below for more detail.)

Default versus Non-Default Outcomes

- *Default judgments tend to be higher when the plaintiff has representation than when the plaintiff is not represented.*
- *Cases in General District Court are more likely to result in a default judgment than are cases in Juvenile & Domestic Relations Court or Circuit Court.*

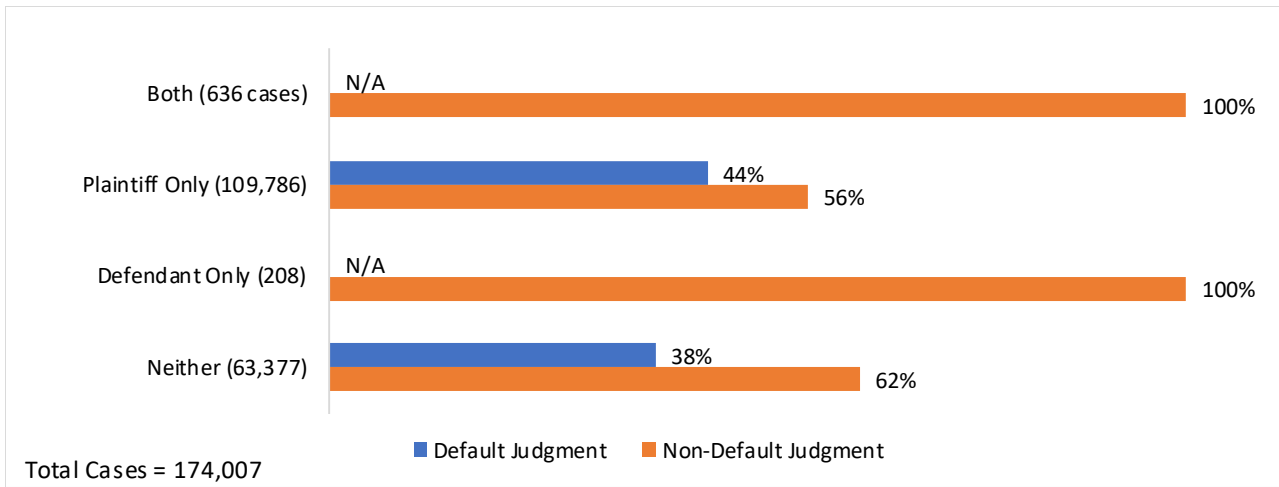
Default judgments occur when the defendant does not respond when put on notice that another party is making a claim or accusation against them. Since the defendant does not respond, it is not possible to infer anything about the reasons for that non-response or the characteristics of those defendants. Of all case categories analyzed, GDC Debt cases had the highest percentage of default judgment cases (55%, shown in Table 1 above), followed by GDC Housing cases (42%).

Figure 2: Default versus Non-Default Outcomes, by Representation Status, in GDC Debt Cases



"N/A" indicates that no cases in the relevant representation status fall into the outcome category.

Figure 3: Default versus Non-Default Outcomes, by Representation Status, in GDC Housing Cases



"N/A" indicates that no cases in the relevant representation status fall into the outcome category.

Figure 4: Default versus Non-Default Outcomes, by Representation Status, in Circuit Tort Cases

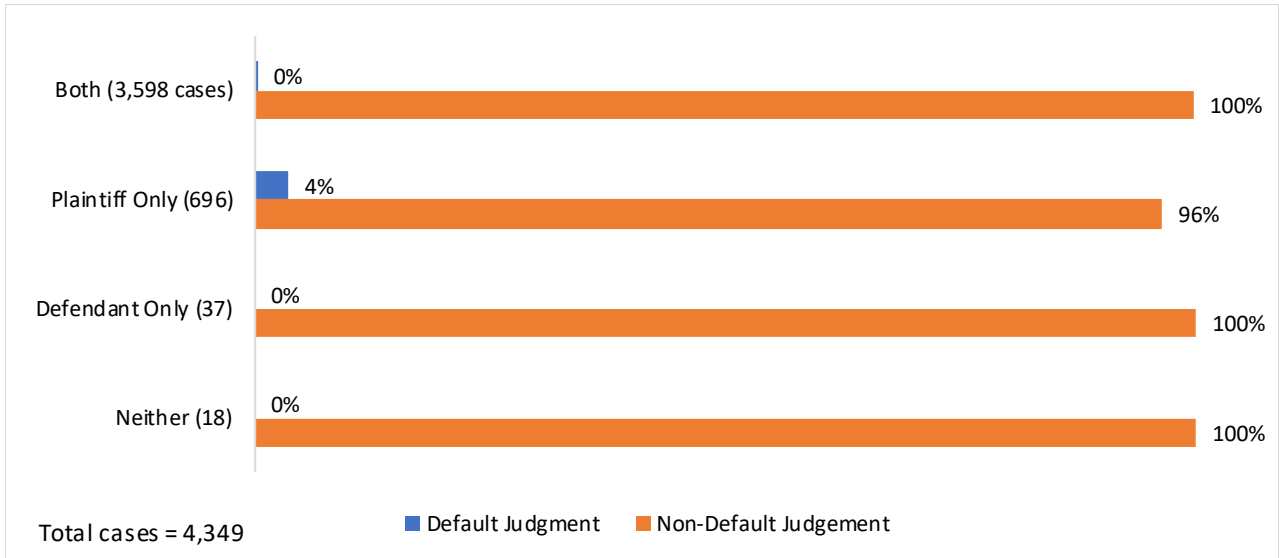
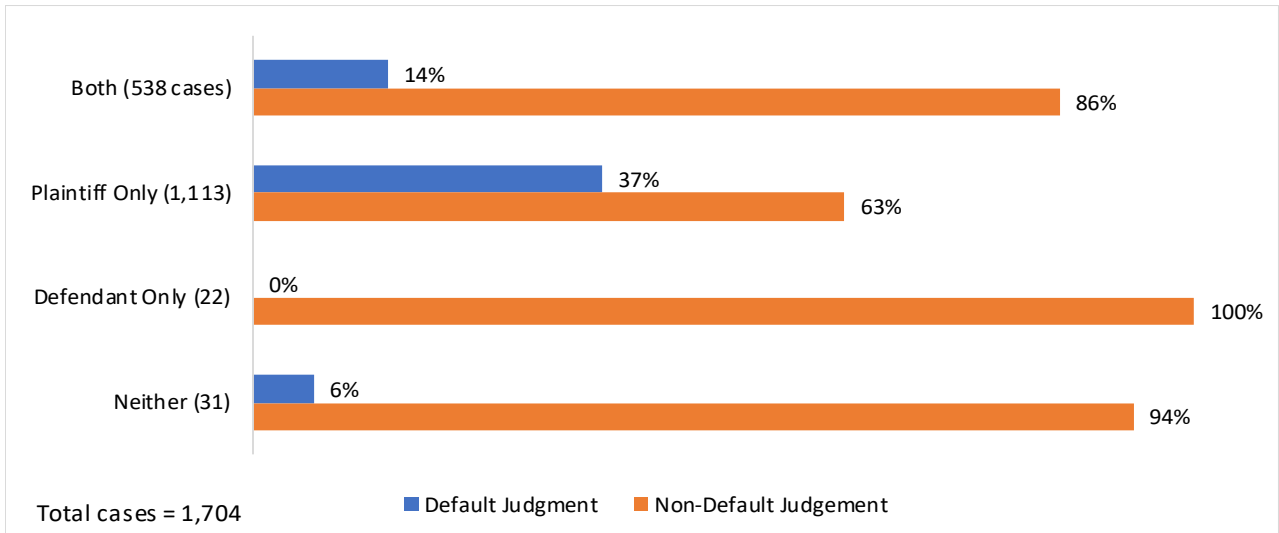


Figure 5: Default versus Non-Default Outcomes, by Representation Status, in Circuit Debt/Contract Cases



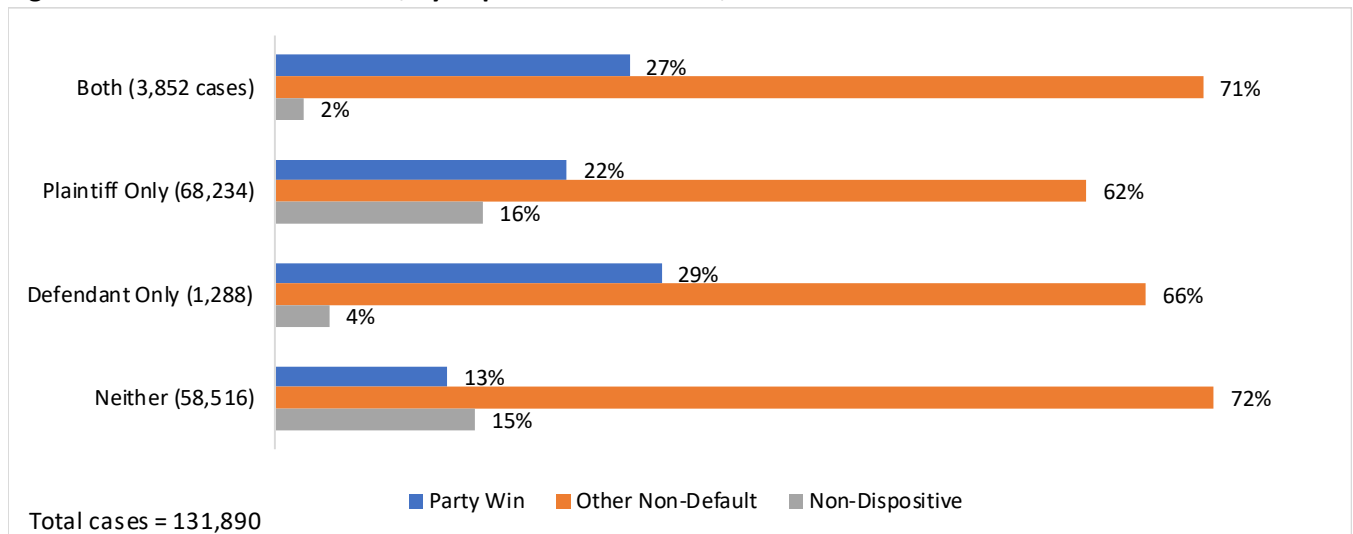
In all case categories, the default rate was higher when only the plaintiff was represented than when neither party was represented (60% versus 50% in GDC Debt cases, 44% versus 38% in GDC Housing cases, 4% versus 0% in Circuit Tort cases, and 37% versus 6% in Circuit Debt/Contract cases). While the reason for this pattern is not known, it could be hypothesized that defendants may believe themselves more capable of appearing as an SRL when they know that the plaintiff in the case is also self-represented. GDC Protective Order, JDR Support, and Circuit Domestic Relations cases had either no default cases or a default judgment rate of less than 1 percent and, thus, were not included in this analysis.⁴

Non-Default Outcomes

- *Debt cases, whether in General District Court or Circuit Court, were more likely to be dismissed if defendants were represented.*
- *Domestic relations cases no matter the case type, the court of origin, or the representation status of the parties, have high rates of Party Win outcomes.*

Non-Default case outcomes include Party Win, where there was a clear prevailing party, Other Non-Default, where the prevailing party could not be determined based on available data, and Non-Dispositive, where there is not a prevailing party because the outcome does not resolve the issue at hand. Circuit Tort cases have the highest percentage of Other Non-Default outcomes (84%, shown in Table 1 above) followed by GDC Protective Order cases (60%). Circuit Domestic Relations cases had the lowest percentage of Other Non-Default outcomes, but even so, they accounted for 25 percent of the caseload.

Figure 6: Non-Default Outcomes, by Representation Status, in GDC Debt Cases



⁴ While it is possible for a case with a represented defendant to ultimately end in a default judgment, it is a rare occurrence, seen in this analysis only in Circuit Debt/Contract cases and only when both parties were represented (14%). The most likely explanation for such default judgments is that the defendant, through an attorney, initially responded to the complaint, but, at some point before case resolution, decided to abandon their defense.

Figure 7: Non-Default Outcomes, by Representation Status, in GDC Housing Cases

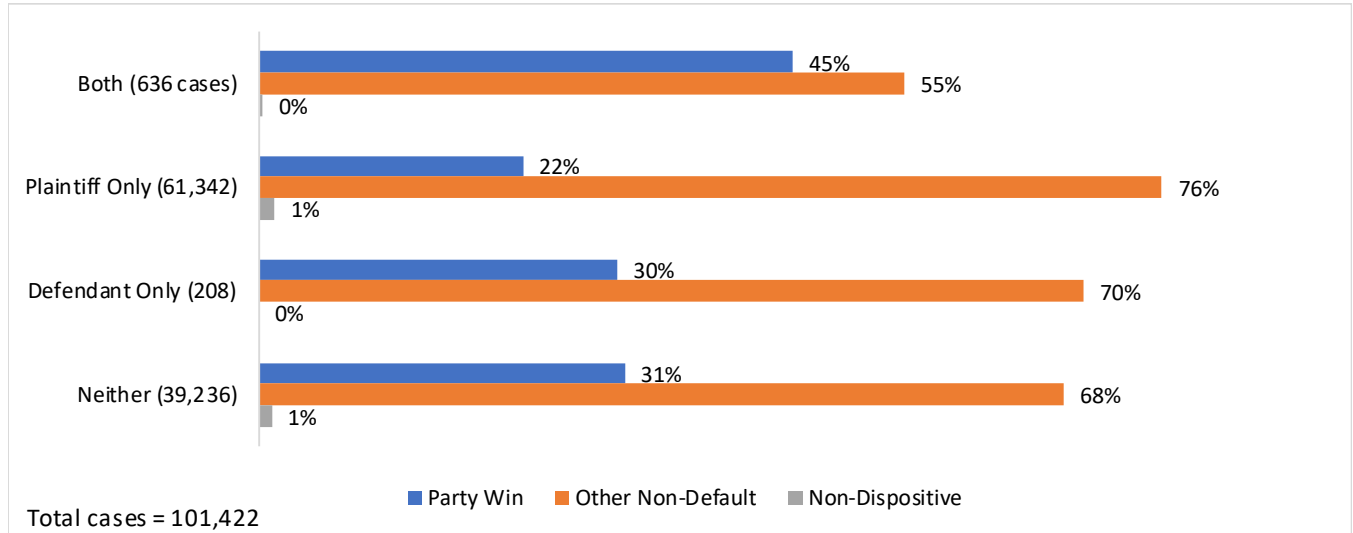


Figure 8: Non-Default Outcomes, by Representation Status, in GDC Protective Order Cases

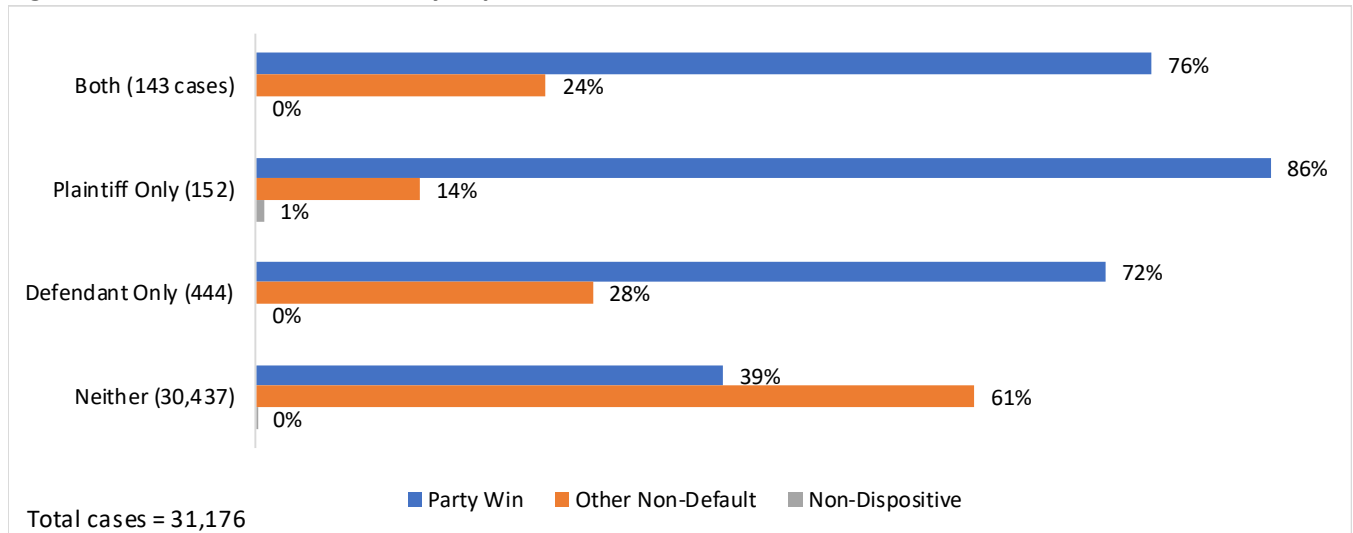


Figure 9: Non-Default Outcomes, by Representation Status, in JDR Support Cases

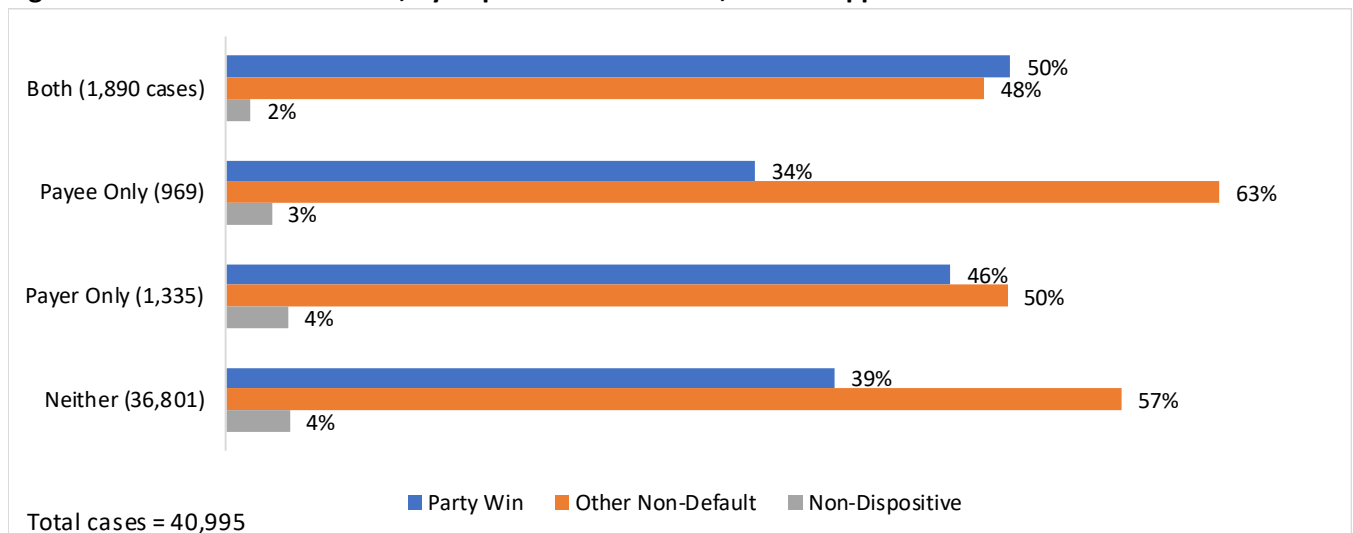
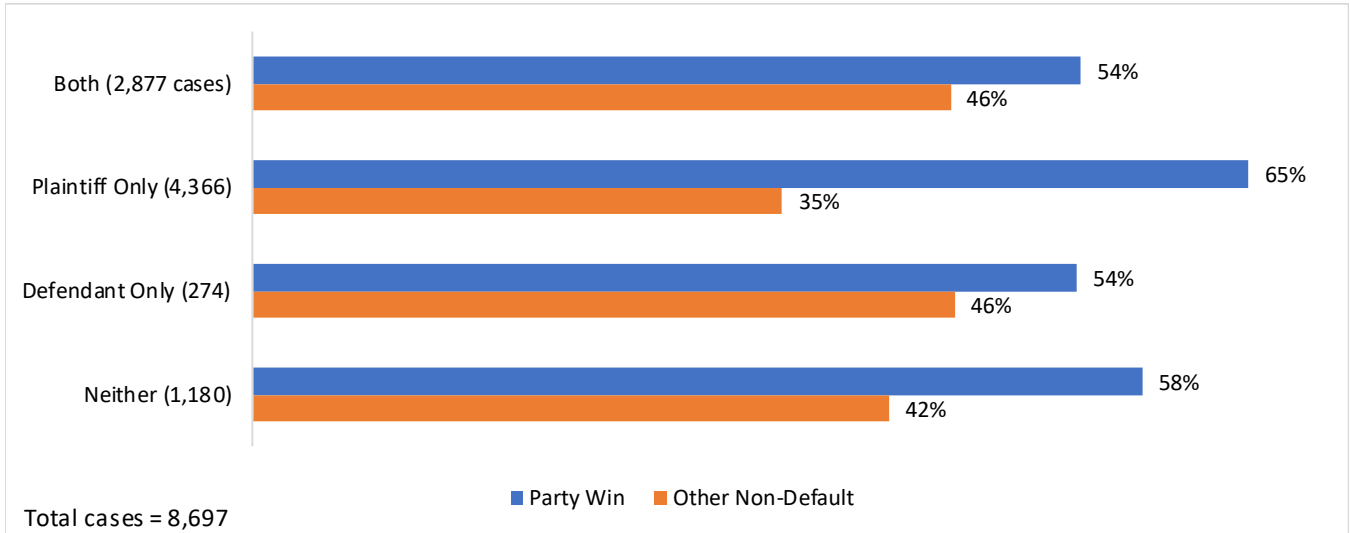
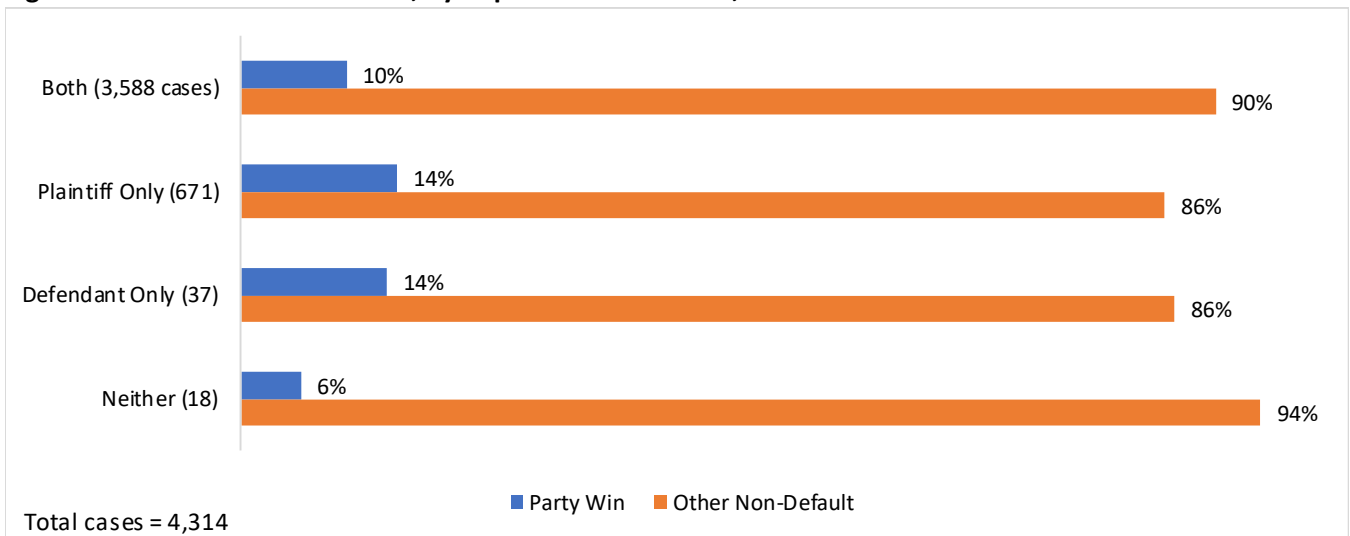


Figure 10: Non-Default Outcomes, by Representation Status, in Circuit Domestic Relations Cases



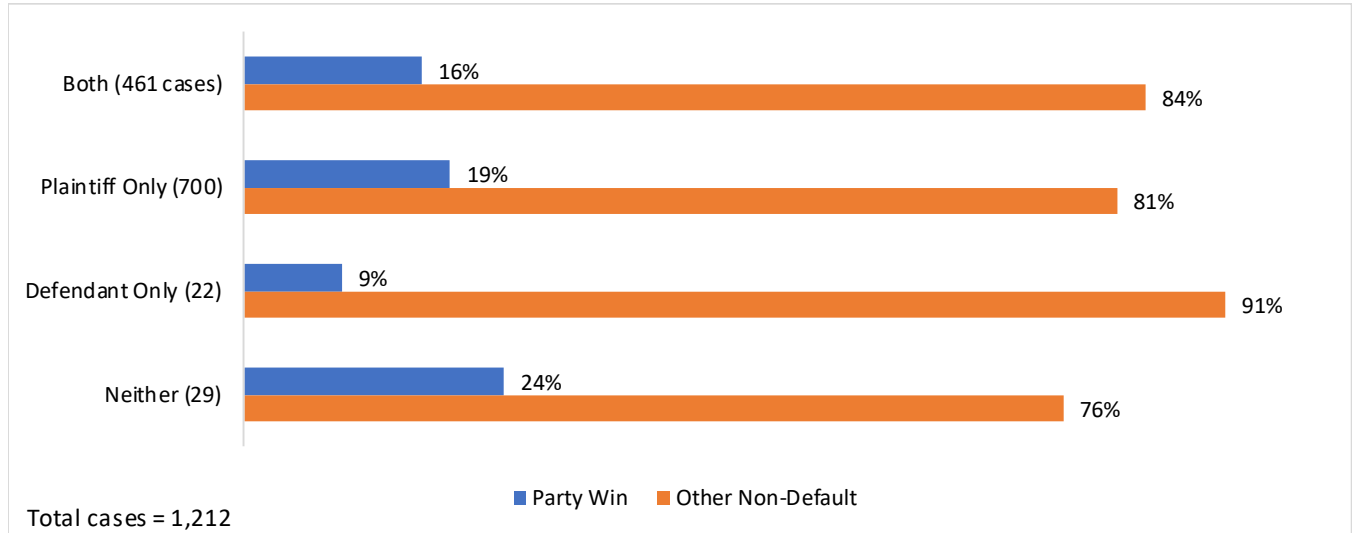
Note: Other Non-Default data include Non-Dispositive outcomes because Non-Dispositive data could not be easily identified.

Figure 11: Non-Default Outcomes, by Representation Status, in Circuit Tort Cases



Note: Other Non-Default data include Non-Dispositive outcomes because Non-Dispositive data could not be easily identified.

Figure 12: Non-Default Outcomes, by Representation Status, in Circuit Debt/Contract Cases



Note: Other Non-Default data include Non-Dispositive outcomes because Non-Dispositive data could not be easily identified.

Domestic relations cases in GDC and Circuit Court tended to have high rates of Party Win outcomes. An exception to this observation is GDC Protective Order cases in which neither party was represented as there was a significantly high number of Other Non-Default outcomes (18,433) in this case category. GDC Debt cases had both the highest percentage of and the most variability in Non-Dispositive outcomes. Like cases that end in default judgment, the representation status of defendants in these cases cannot be known since most Non-Dispositive outcomes (97%) represent defendants that were not found and served (see Appendix table A1 for details).

Debt cases, whether GDC Debt or Circuit Debt/Contract, had overall high rates of Other Non-Default outcomes (driven by dismissals), but cases were more likely to be dismissed if defendants were represented, and defendants had the best chance of a dismissal in GDC Housing cases when only the plaintiff was represented. Circuit Tort cases had the lowest percentage of Party Win outcomes, with the majority of cases in all representation profiles resulting in Other Non-Default outcomes (the majority of which, again, are case dismissals).⁵

Since it is impossible to know if outcomes such as Dismissals benefit the plaintiff or defendant, it is difficult to determine if represented litigants fare better than self-represented litigants when looking at Other Non-Default outcomes. The above discussion assumed that a dismissed case was a better outcome for the defendant than the plaintiff, but that will not always be true. The best way to determine if representation status impacts case outcome is to confine the case outcome analysis to Party Wins only.

⁵ See Appendix A tables A1 (GDC Debt), A2 (GDC Housing), A6 (Circuit Tort), and A7 (Circuit Debt/Contract) for detailed information on dismissals, a type of Other Non-Default outcome.

Party Win Outcomes

- *Plaintiffs/Payees prevail in the overwhelming majority of cases, no matter the court, the case category, or the representation profile.*
- *Defendants have higher win rates when represented.*

As previously noted, very few cases in the analyzed datasets could be coded as plaintiff/payee or defendant/payer wins. The highest percentage of these cases was in GDC Protection Order (40%, shown in Table 1 above) while the lowest was in GDC Debt (8%).

Figure 13: Party Win Outcomes, by Representation Status, in GDC Debt Cases

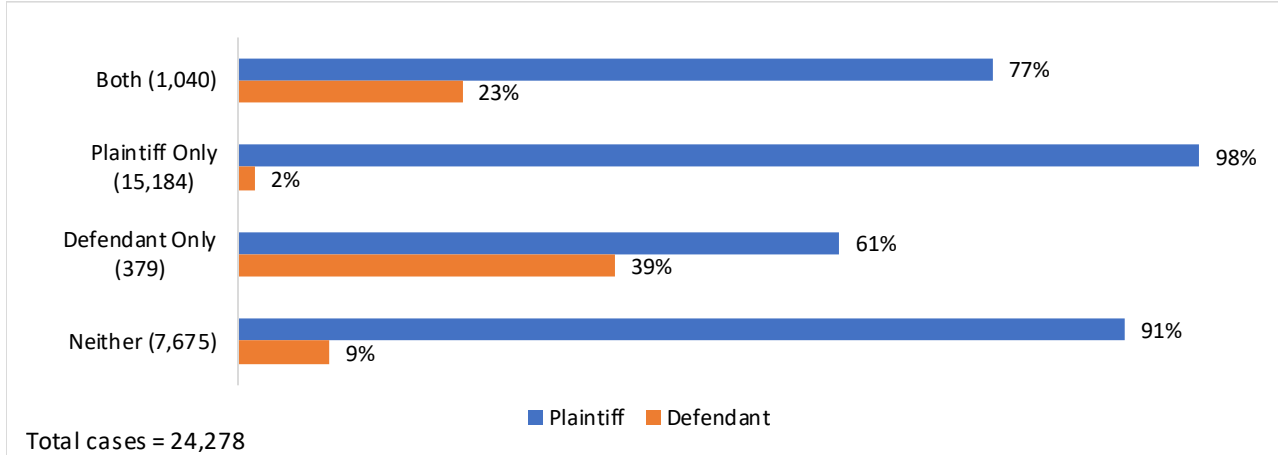


Figure 14: Party Win Outcomes, by Representation Status, in GDC Housing Cases

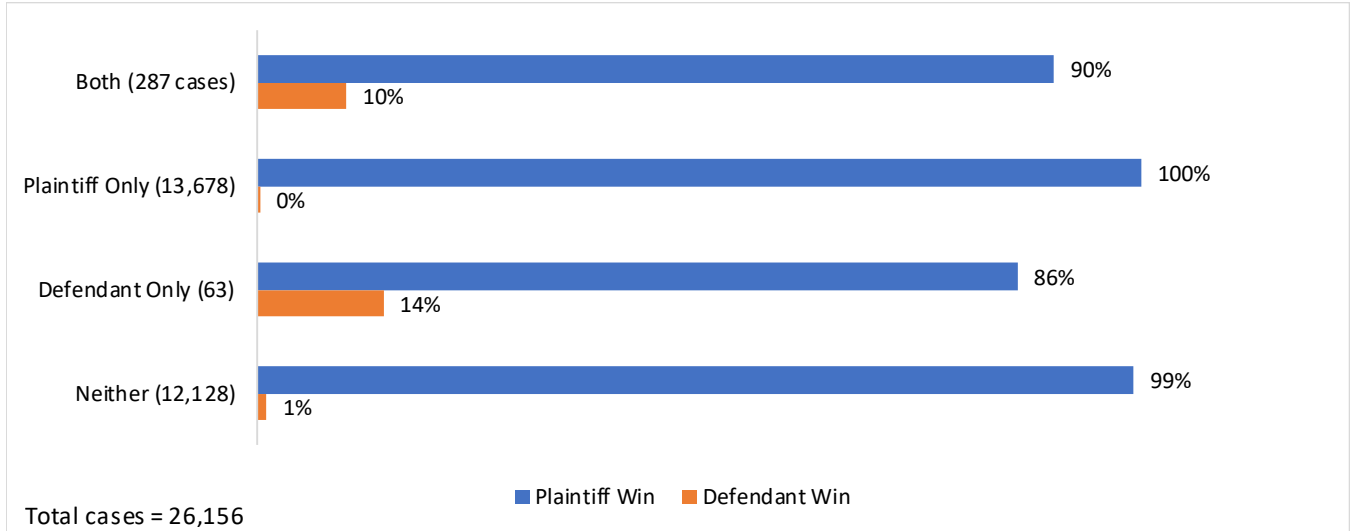


Figure 15: Party Win Outcomes, by Representation Status, in GDC Protective Order Cases

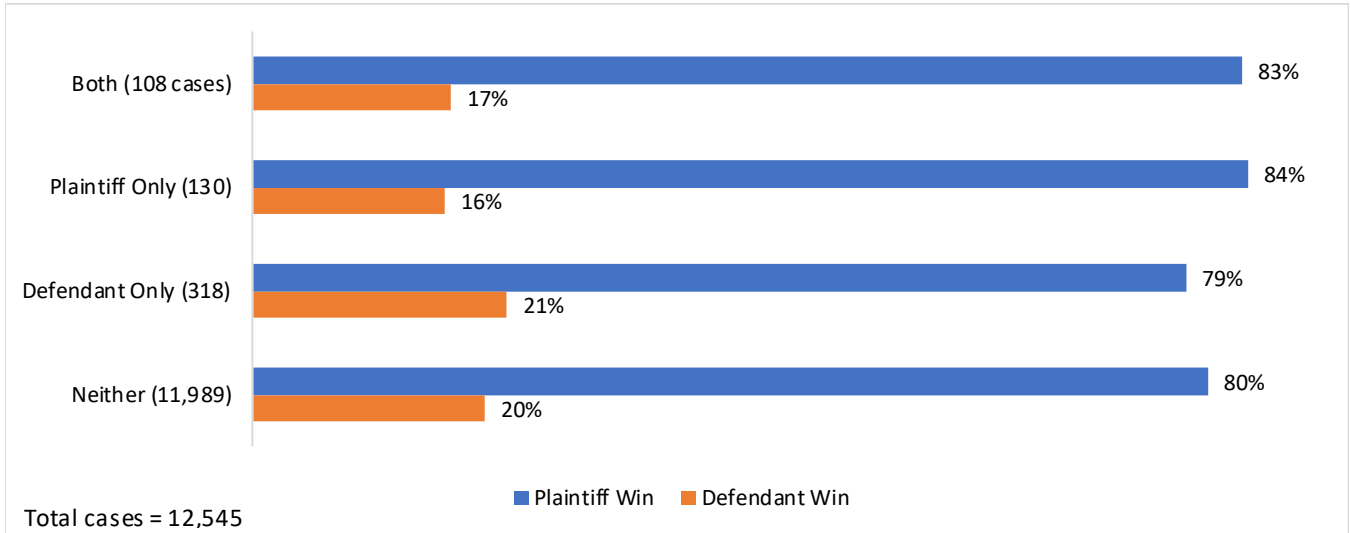


Figure 16: Party Win Outcomes, by Representation Status, in JDR Support Cases

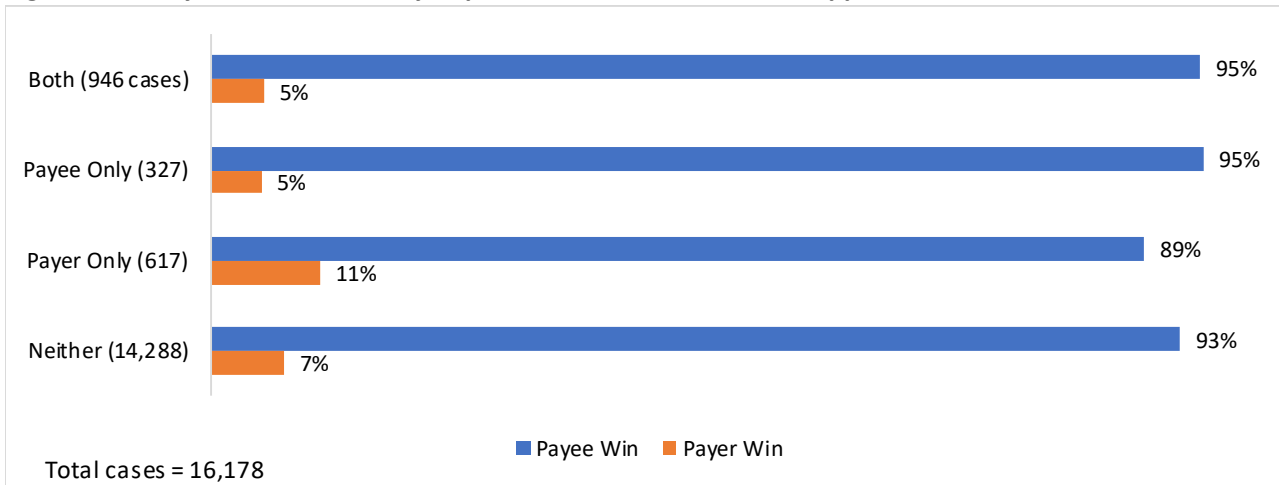


Figure 17: Party Win Outcomes, by Representation Status, in Circuit Domestic Relations Cases

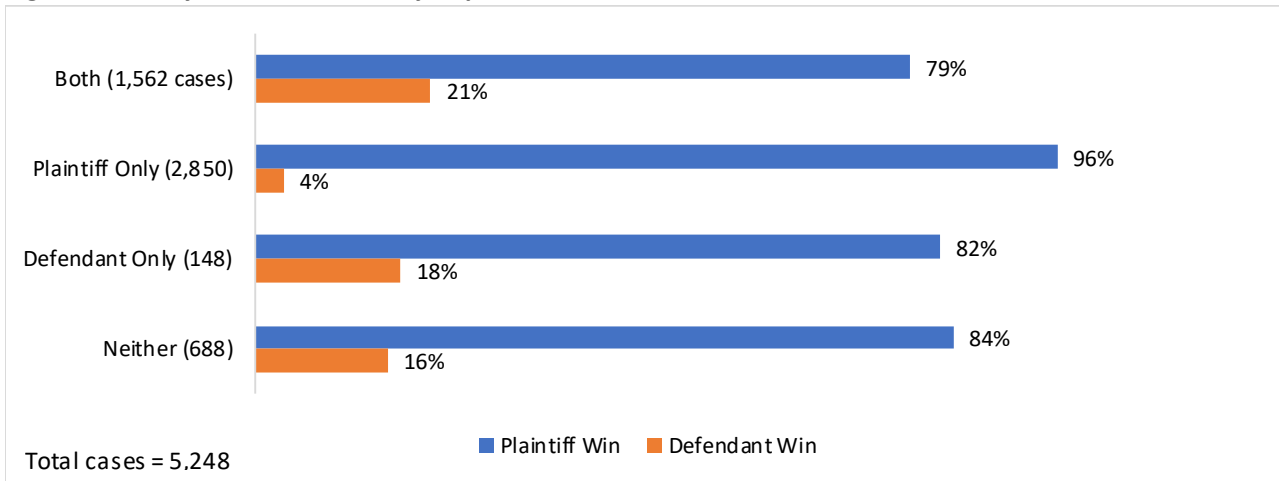


Figure 18: Party Win Outcomes, by Representation Status, in Circuit Tort Cases

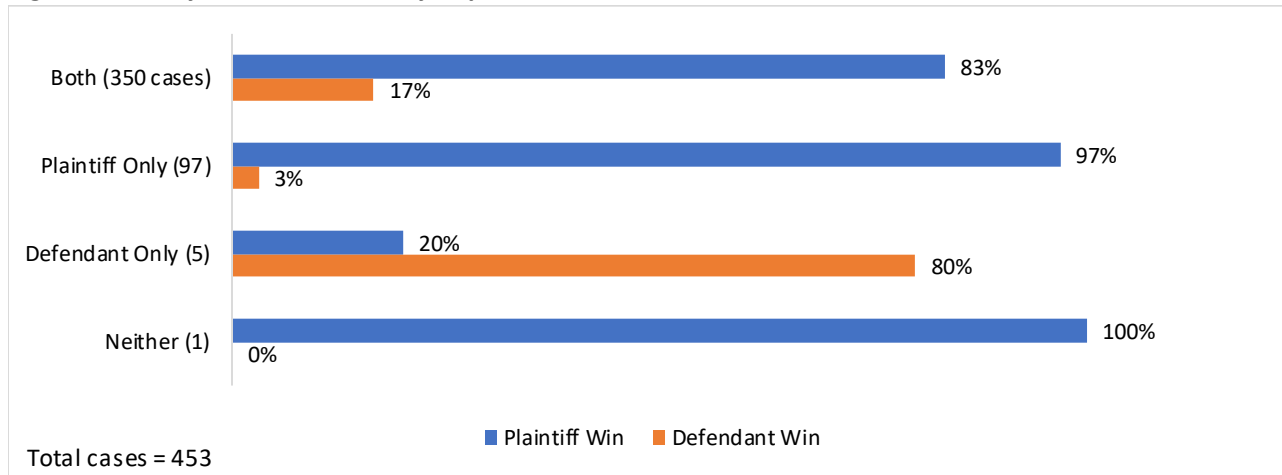
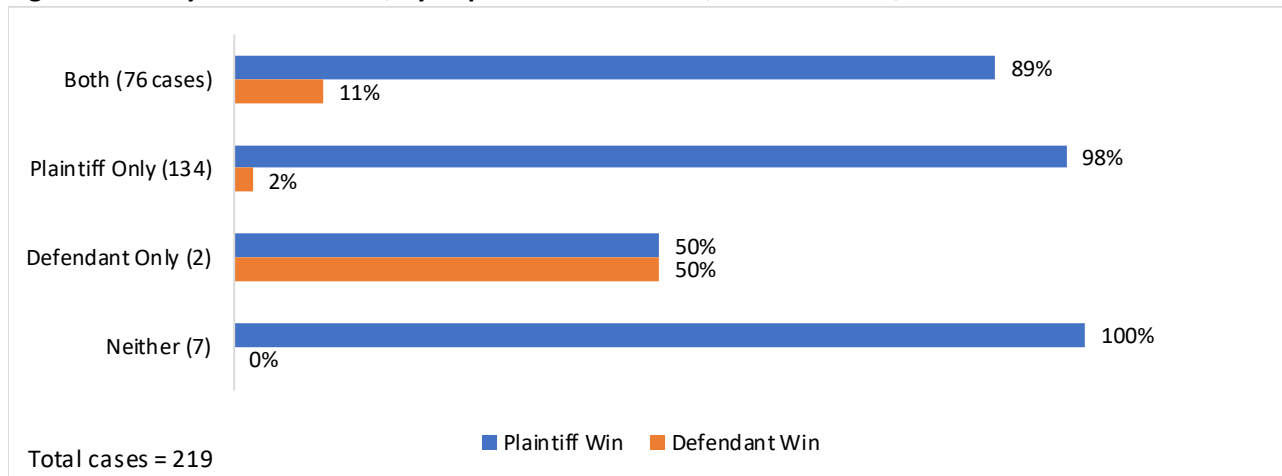


Figure 19: Party Win Outcomes, by Representation Status, in Circuit Debt/Contract Cases



Plaintiffs/Payees are the prevailing party in the overwhelming majority of cases, no matter the court of origin or the representation status of the parties. There were only two scenarios in which defendants had an equal or higher case win rate; the first was when they were the only party represented in a Circuit Tort case (Defendant Win rate was 80%), and the second was when they were the only party represented in a Circuit Debt/Contract cases (Defendant Win rate was 50%). Of course, the total number of such cases in the current analysis was extremely low (5 Circuit Tort cases, and 2 Circuit Debt/Contract cases) so future defendants should not rely on those percentages to predict case outcomes.

Despite the prevalence of Plaintiff/Payee Win outcomes, defendants did tend to have higher win rates when represented. For almost all case categories, the percentage of Defendant/Payer Win outcomes was higher when both parties were represented or when the defendant was the only represented party. If a defendant is self-represented, the next best chance for achieving a Defendant/Payer Win is if the plaintiff/payee is also self-represented.

Conclusion

This case outcome analysis looked only at the absolute outcome of the case. In other words, it only answers the questions: Did the defendant contest the case? Was there a clear “winner” in the case and, if so, did the plaintiff or defendant win? It does not address procedural fairness issues such as whether the parties believe that the outcome was just or whether the parties felt that they were treated fairly by the court. It does not measure the

degree of success of a win (e.g., there is no examination of the claimed versus awarded monetary amount). It also does not provide insight into why defendants do not contest claims against them or why parties proceed in a case as self-represented litigants. These additional issues should be examined in order to gain a more complete understanding of the impact of representation status on case outcomes.

The Demographic Characteristics of Self-Represented Litigants

Unfortunately, the case-level data included in the above analysis do not contain information about the demographics of the specific litigants involved in these cases. However, aggregate demographic variables can be collected for the jurisdictions in which these cases appear, which may shed additional light on the variation in representation statuses across parties and case categories in the Virginia's courts.

To explore these relationships, we utilized demographic data from the American Community Survey (ACS), a product of U.S. Census Bureau for the localities in Virginia, and analyzed the relationships between these data and the proportions of cases with each of the observed representation profiles in each court. The demographic data collected captured measures of poverty, employment, educational attainment, age, active military status, renter population, and Limited English Proficiency (LEP).⁶

These demographic data are contextual factors that may yield useful insights about self-representation to the extent that they covary with patterns in legal representation. For example, if a jurisdiction has a low level of education in its population and a high level of self-representation in its caseload, it is not unreasonable to infer that there may be a relationship between educational attainment and self-representation. This relationship between two factors is called a correlation. However, our demographic data are aggregate figures about the *population* and do not describe the characteristics of specific *individuals* in particular cases. Thus, in our example above, it cannot be claimed that a low level of education *causes* litigants to represent themselves. Nevertheless, information about the contexts that vary in some systematic way with representation status can provide insight into the factors that might be taken into account in order to close gaps in access to legal resources within different jurisdictions and for litigants in specific types of cases.

Because the demographic data available are aggregated, we confine ourselves to comparisons between these characteristics and aggregate statistics for representation status. Instead of looking at the impact that various locality-level demographic summaries have on the likelihood that individual cases will feature a self-represented plaintiff, defendant, both, or neither party, we examine the correlation between the proportion of cases with given representation profiles (plaintiff and defendant have attorneys, plaintiff is represented while defendant is not, etc.) and the demographic characteristics of the localities in which the cases were filed. The interpretation that can be given to our results is that localities with specific characteristics (e.g., a comparatively high or low proportion of residents below the poverty level, unemployed, or having a high school education) also tend to have a high or low proportion of cases with a given representation profile. A lack of correlation between some demographic feature and case representation types does not mean that the circumstance contributing to that demographic feature does not affect representation access or choice at an individual level, just that this impact is not systematic and consistent enough to register at the jurisdictional level.

The table below reports the maximum, minimum, median, and mean values for the demographic characteristics collected for the localities of Virginia. (See Appendix A: Tables A8 thru A14 for the demographic characteristics of all localities.)

⁶ The Limited English Proficiency population of a geographic area is defined as the number or proportion of residents who speak a language other than English in their homes and who report speaking English "less than very well." It is not an all-encompassing measure of illiteracy or educational status.

Table 2: Range and Central Tendencies of Locality Demographic Characteristics

Demographic Characteristic	High	Low	Median	Mean
Below Poverty Level ²	39%	3%	13%	15%
Population Employed ³	99%	81%	93%	93%
< High School Education	30%	2%	15%	15%
High School Education	49%	8%	34%	33%
> High School Education	89%	29%	49%	52%
Age under 25	59%	20%	29%	30%
Age 25 to 64	66%	33%	53%	52%
Age over 64	34%	8%	18%	17%
Active Military	17%	0%	0%	1%
Living in Rental Property	61%	12%	25%	29%
Limited English Proficient (LEP)	15%	0%	1%	2%

The ranges of these characteristics (the difference between the high point and the low point across the state) vary widely. In some characteristics, like the percentage of residents who are limited in their English proficiency (LEP), the range is narrow, from 0 percent to 15 percent. For others, such as the proportion of residents with more than a high school education, the range is wide, from a low of 29 percent to a high of 89 percent. Stated differently, only 15 percentage points separate the locality with the highest proportion of residents who moved from out of state from the locality with the lowest proportion, while the locality with the largest proportion of high school graduates is 60 percentage points higher than the locality with the lowest proportion.

The range does not perfectly reflect the amount of variation among communities in the state, but it does provide a sense of the magnitude of differences across localities in these demographic features. Since all localities in the state have a proportion of LEP residents within a 15-point range, for instance, that characteristic may not distinguish communities as powerfully as the percentage of people living in rental properties, which has a range of nearly 50 percent. Turning to the measures of central tendency, the median and mean figures suggest that there is little or no skewness in the distributions, since the averages (means) are in most instances quite close to the middle of the ranked values (medians). This means that the average is not being distorted by a small number of extreme high or low values that differ substantially from the rest of the state.⁷

⁷ A variable can be skewed if most values are within a given range, but a small number are very different. If most localities had, for instance, a poverty rate between 3 percent and 25 percent, but two or three localities had poverty rates above 70 percent, those values would cause the mean and median value of the poverty rate to diverge and adversely impact correlation analysis.

Self-Representation and Poverty

- *Poverty is associated with not being represented in court by a lawyer. The greater the extent of poverty in a locality, the less likely it is that plaintiffs or defendants will have an attorney.*
- *This pattern is clear for General District Court cases and for most Juvenile & Domestic Relations Court case types.*
- *Circuit Court cases exhibit more complicated patterns of representation by case category, but Debt/Contract cases show the same pattern as GDC and JDR cases: the greater the extent of poverty in a jurisdiction, the fewer cases in which litigants have legal representation.*

The percentage of residents living below the poverty level, as estimated from ACS data, ranges from around 3 percent in the City of Falls Church to as high as 35 percent in the City of Emporia. Radford, a city in the Blacksburg metropolitan area, has a higher percentage at 39 percent, but this is distorted by a large proportion of students attending Radford University, making traditional poverty statistics somewhat misleading, since the income of college students is less accurate a representation of their living conditions and available resources than other residents.

The following table reports the correlation coefficients between the estimated percentage of residents living below the poverty level and each of the representation profiles for cases in the General District Courts by case category.

Table 3: Correlations, Population Below Poverty Level and Representation, by GDC Case Category

Case Category	Both Parties	Plaintiff Only	Defendant Only	Neither Party
All Cases	-0.13*	-0.12*	-0.12*	0.14
Debt	-0.31*	-0.19*	-0.23*	0.21*
Protective Orders	-0.21*	-0.08	-0.21*	0.24*
Housing	-0.07	-0.37*	-0.05	0.38*
Other Civil	-0.08	0.01	-0.08	0.01

* Pairwise correlation is statistically significant at $p < .05$

The most striking pattern observed in these correlations is the uniformly negative association between poverty and legal representation in general. Nearly all coefficients are negative except for those between poverty rates and “neither represented,” which are all positive. Moreover, many of these correlations are statistically significant, meaning that the coefficients are large relative to their standard errors. This indicates that poverty appears to be associated with not being represented in court by a lawyer, because the proportions of cases in the first three representation categories in which at least one party has a lawyer fall as the poverty rate rises, and the share of cases in the rightmost column, the set of cases in which no one is represented, increases.⁸ This relationship, where more poverty is associated with fewer cases in the “represented” categories and more cases in the “unrepresented” category, suggests that plaintiffs and defendants are less likely to have attorneys when the jurisdiction has more poverty.

Correlation analysis for cases on the adult JDR docket appears in the next table.

⁸ Because the data used for these analyses is cross-sectional, rather than time series, references to quantities “increasing” (or “decreasing”) should not be interpreted as a literal change from a lower to higher value (or vice versa) within a given locality. Rather, a comparison is being made between one locality where the quantity is low (high) and another where it is high (low).

Table 4: Correlations, Population Below Poverty Level and Representation, by JDR Case Category

Case Category	Both Parties	Payer Only	Payee Only	Neither Party
All Cases	-0.08	0.01	-0.12	0.04
Administrative	-0.16	-0.18*	-0.06	0.12
Enforcement	0.02	0.03	-0.12	-0.13
Support	-0.28*	-0.02	-0.17	0.28*

* Pairwise correlation is statistically significant at $p < .05$

In contrast to cases in the GDC, in JDR cases the correlations do not paint a picture of a virtually uniform swing from legal representation to lack of representation as poverty. Nevertheless, the non-negative correlations in the three columns of the first row containing represented parties are all nearly zero and insignificant, revealing very weak relationships between the variables. In Administrative cases, a significant decline in payer-only representation when poverty is higher is accompanied by an increase in cases without attorneys. Among the Support cases, which constitute 65 percent of the docket, the pattern is similar to what is observed in the GDC cases. Rising poverty rates are related to declines in cases where both parties are represented or the payee is represented, while the proportion of cases where the payer alone has an attorney is unrelated.

Enforcement cases have no significant correlation coefficients, but the results are noteworthy because of the contrast with other results. The associations indicate that in higher poverty jurisdictions, the percentage of cases without any representation or with only the payee represented is lower than elsewhere, while the other two representation profiles have slightly positive relationships. Although the associations are weak, the pattern could be related to the activity of the state Department of Child Support Enforcement (DCSE), since 98 percent of the cases in the JDR courts where the DCSE represents one of the parties are Enforcement cases.

Correlations for the Circuit Courts included in the study are presented in the following table.

Table 5: Correlations, Population Below Poverty Level and Representation, by Circuit Case Category

Case Category	Both Parties	Plaintiff Only	Defendant Only	Neither Party
All Cases	-0.02	0.02	-0.01	0.06
Debt/Contract	0.08	-0.38*	-0.19	0.49*
Domestic Relations	-0.40*	0.40*	-0.28	-0.01
General Civil	-0.16	0.22	-0.04	0.00
Real Property	-0.11	0.21	-0.09	-0.10
Tort	0.20	-0.28	0.24	0.04
Probate/Will & Trust	0.26	-0.11	-0.22	0.04
Other Civil	-0.02	0.24	0.16	-0.21

* Pairwise correlation is statistically significant at $p < .05$

The Circuit Court analysis reveals a more complex picture than the GDC cases, despite containing many similar case types. The correlations for all cases are all quite modest, none are statistically significant, but the relationships by case type reveal that the lack of relationships among all cases is caused by cross-cutting correlations among the case categories. Among the most striking relationships is the decline in plaintiff-only and defendant-only representation and increase in cases without any representation when poverty is higher in Debt/Contract cases. Put differently, in jurisdictions with a higher poverty rate, fewer cases are pursued in which only the plaintiff or only the defendant has an attorney, while the share of cases in which no party has a lawyer goes up.

For Domestic Relations cases, higher poverty is related to more cases with only a represented plaintiff, while the proportion of cases with attorneys on both sides and only the defendant's side decline. The interpretation is that in the context of higher poverty, fewer defendants are unrepresented, but plaintiffs' representation appears unaffected. Unlike most others in this table, these correlations are statistically significant. The availability of resources to retain counsel also manifests itself in the relationship between employment and representation below.

In General Civil cases, it appears that the proportion of cases with plaintiff-only representation rises at the expense of cases in which both parties have legal representation. Similarly, plaintiff representation rises with poverty in Real Property cases, while other representation profiles are lower. Representation of plaintiffs alone falls in Tort cases where poverty is higher, while the percentage with counsel for both sides and defendants only rises. In Probate/Will & Trust cases, jurisdictions with more poverty have more cases with both parties represented and fewer with only one side represented. Other Civil cases see more cases without attorneys and fewer with a lawyer on one side or the other.

These findings suggest that in circuit cases, the potentially high stakes and more complex legal procedures lead to more complicated patterns of representation than in the GDC, where the limited amounts in controversy lead to parties in higher poverty areas to go without counsel. Debt/Contract cases evince a similar relationship to what is seen in GDC cases. The increases in plaintiff representation in Domestic Relations, General Civil, and Real Property cases with poverty are accompanied by declines in mutual representation, although with different change patterns in defendant-only and fully unrepresented cases. In Tort and Probate/Will & Trust cases, it appears that more poverty is associated with higher proportions of fully represented cases, as parties that go unrepresented in places with less poverty expend resources to protect their interests. The Other Civil category has positive associations between poverty and single-sided representation and negative with fully unrepresented cases.

Explanations for these patterns, if they are more than coincidence,⁹ probably involve choices about whether or not to proceed with a case in conditions of higher poverty as well as the impact of available resources on retaining counsel. For instance, in Debt/Contract, higher poverty is associated with a smaller proportion of one-sided representation for plaintiffs and defendants as well as a strong increase in cases where no party is unrepresented, or "unrepresented cases." It could be that where poverty is more prevalent, more plaintiffs proceed without counsel, and defendants are also less likely to be able to retain counsel, whether the plaintiff is represented or not. The different pattern for Domestic Relations, where higher poverty and higher plaintiff-only representation coincide, but defendant representation falls regardless of whether the plaintiff has an attorney or not, is more consistent with plaintiffs in higher poverty areas obtaining counsel at similar or even higher rates, while defendants are unable to respond with an attorney.

⁹ Test statistics and resulting significance levels offer a suggestion of whether a particular relationship is more or less likely to be observed by chance, given expected sampling error, but due to the fact that these correlations are at the jurisdiction-level, and not based on comparing litigant characteristics with the representation status of those litigants, we cannot conclude that the relationships observed are causal.

Self-Representation and Employment

- *In General District Court cases, where employment is higher, the percentage of cases in which both parties are represented rises while the percentage in which neither party is represented declines.*
- *In Juvenile & Domestic Relations Court, jurisdictions with larger shares of employed residents have a larger share of cases in which both parties are represented; this is especially true in Support cases.*
- *In Circuit Court, the relationship between representation and employment is less clear and does not appear to vary in a consistent and systematic way.*

A more direct way of addressing relationships between representation and income is to examine the correlations between case representation and employment status. Toward that end, the following tables present the correlations of representation profile proportions with the official employment rate for the localities.

Some overlap between employment and other demographics are evident. A high proportion of residents of working age (25 to 64) can be expected to be associated with a higher rate of employment. Similarly, the lowest employment rate is found in the city of Emporia, which is among the localities with the highest poverty rates. The city of Petersburg also ranks among the top localities in poverty and lowest in employment.

The table below presents employment correlated with the representation profiles.

Table 6: Correlations, Employment and Representation, by GDC Case Category

Case Category	Both Parties	Plaintiff Only	Defendant Only	Neither Party
All Cases	0.12	0.02	0.10	-0.04
Debt	0.32*	0.05	0.20*	-0.08
Protective Orders	0.13	0.05	0.22*	-0.21*
Housing	0.15	0.17	-0.03	-0.18*
Other Civil	0.03	-0.19*	0.10	0.17

* Pairwise correlation is statistically significant at $p < .05$

A persistent pattern observed in all GDC cases as well as three of the four case categories is a substantial gain in legal representation and decline in neither party represented cases in localities where employment is higher. The natural interpretation of this is that as working age residents employed are relatively more numerous, fewer litigants proceed without lawyers. This pattern is strongest in Debt cases. More employment, it seems, leads to greater ability to retain counsel when contesting a Debt claim. In Protective Order cases, higher employment rates correlate with fewer cases in which both parties represent themselves unrepresented cases and more cases with represented defendants. For Housing cases, the decline in no-attorney cases is logically offset with increases in cases in which both parties or plaintiffs are represented.

Turning to JDR cases, employment correlations for those cases are shown in the following table.

Table 7: Correlations, Employment and Representation, by JDR Case Category

Case Category	Both Parties	Payer Only	Payee Only	Neither Party
All Cases	0.13	-0.03	0.07	-0.08
Administrative	0.18	0.04	0.05	-0.15
Enforcement	0.06	-0.05	0.06	0.02
Support	0.38*	-0.04	0.11	-0.31*

* Pairwise correlation is statistically significant at $p < .05$

Many of the correlations in this table are minor relationships. The Support docket, the largest share of cases in the JDR courts, also has the most notable coefficients. Jurisdictions with larger shares of residents employed have a larger proportion of Support cases with both parties represented. In both instances, portions decline in cases with payer-only represented and neither party unrepresented.

The gains in cases with both parties represented as employment increases are easy to interpret, but it is less clear why the portion of cases with the payee-only represented rises when employment increases. One possibility, present where two representation profiles have positive and two have negative correlations with a demographic figure as is seen here, is that the gains and losses are paired and result from consistent movement from less to more use of counsel. For instance, the rising proportions among cases with both parties represented may be mostly from payer-only, meaning that litigants in those cases are gaining representation on one side, compared to locations with less employment. Meanwhile, the increases in payee-only representation may come largely from cases that would be unrepresented entirely in a locality with lower employment.¹⁰

The circuit court correlations for employment are found in the following table.

Table 8: Correlations, Employment and Representation, by Circuit Case Category

Case Category	Both Parties	Plaintiff Only	Defendant Only	Neither Party
All Cases	-0.01	0.00	-0.01	-0.03
Debt/Contract	-0.20	0.33	0.16	-0.20
Domestic Relations	0.34*	-0.17	-0.01	-0.21
General Civil	-0.02	-0.04	0.01	0.09
Real Property	0.18	-0.29	0.16	0.03
Tort	-0.18	0.22	-0.24	0.04
Probate/Will & Trust	-0.16	0.07	0.28	-0.16
Other Civil	0.08	-0.14	-0.29	0.15

* Pairwise correlation is statistically significant at $p < .05$

Substantial patterns only appear once the Circuit cases are disaggregated into categories. In the Debt/Contract type, more employment correlates negatively with cases in which neither party is represented, as one would expect, but employment rate also correlated negatively with the portion of cases with both parties represented. In the Domestic Relations cases, increases in employment are correlated with increases in cases in which both parties are represented and decreases in cases in which neither party are represented. This pattern is similar to

¹⁰ The point here is that we do not have the data necessary to know in which direction cases are moving among representation profiles. In a circumstance like the one described for Support cases and employment, we could hypothesize that the observed patterns result primarily from more litigants getting lawyers, thereby moving from one-sided to both-sided representation, or from neither party having an attorney to one party having one. Unfortunately, the data do not allow us to test whether this pattern results more from one type of change or another.

other patterns where it appears that access to resources increases the ability of litigants to retain counsel, particularly in the Circuit Courts.

Turning to Real Property cases, employment is correlated with both parties having representation. Tort cases present different patterns. More cases feature plaintiffs with counsel, and all other representation profiles decline or have near-zero correlation. Interestingly, employment correlates negatively with Probate/Will & Trust cases in which both parties are represented, but positively with all other representation profiles.

Self-Representation and Education

- *In General District Court Debt and Housing cases, the greater the portion of residents with a high school education or lower, the more litigants on both sides represent themselves.*
- *Similarly, in Juvenile & Domestic Relations Court cases, localities with lower education rates have more cases in which neither party has legal representation.*
- *The representation patterns in Circuit Court are more complex and vary by case type.*

Educational attainment, as a component of socioeconomic status, will itself correlate with other components such as poverty and employment, but may also capture something more: a resident’s capacity to understand and respond to potential causes of action or legal complaints.

The correlations between education and other demographics are evident in several of the localities that occupy the minimum or maximum in these categories. For example, the lowest rates of residents with a high school education or below are both found in the city of Falls Church, which also has the lowest poverty rate in the state and the maximum value for the proportion of residents having more than a high school degree.

Table 9: Correlations, Education Group and Representation, by GDC Case Category

Case Category	Education Group	Both Parties	Plaintiff Only	Defendant Only	Neither Party
All Cases	< High School	-0.11	-0.16	-0.07	0.17
	High School Graduate	-0.06	-0.18	0.01	0.18
	> High School	0.09	0.19	0.03	-0.20
Debt	< High School	-0.23*	-0.17	-0.24*	0.19*
	High School Graduate	-0.17	-0.19*	-0.12	0.20*
	> High School	0.22*	0.20*	0.19*	-0.22*
Protective Orders	< High School	-0.21*	-0.10	-0.18*	0.23*
	High School Graduate	-0.23*	-0.04	-0.18*	0.21*
	> High School	0.25*	0.07	0.20*	-0.24*
Housing	< High School	0.00	-0.49*	0.03	0.48*
	High School Graduate	0.02	-0.62*	0.14	0.60*
	> High School	-0.02	0.63*	-0.10	-0.62*
Other Civil	< High School	-0.10	-0.06	0.00	0.08
	High School Graduate	0.00	0.00	0.14	-0.02
	> High School	0.05	0.03	-0.09	-0.03

* Pairwise correlation is statistically significant at $p < .05$

The relationships between education and representation in Debt cases display a simple pattern. When the portion of residents with a high school education or lower is higher, cases shift away from representation and toward parties with no representation on both sides. The opposite is true when the population of residents with more than a high school education is greater. A similar pattern emerges in Protective Order cases as well. While

previous associations suggest that the availability of resources to litigants in certain circumstances leads to more litigants seeking counsel, these findings indicate that when more residents have formal schooling beyond high school they are more likely to use counsel. Due to the association between education and income, income could easily be the explanation. The relationships in Housing cases are similar with respect to cases in which both parties are without representation.

The next table presents the same correlations for the JDR courts.

Table 10: Correlations, Education Group and Representation, by JDR Case Category

Case Category	Education Group	Both Parties	Payer Only	Payee Only	Neither Party
All Cases	< High School	-0.10	-0.05	-0.17	0.04
	High School Graduate	0.08	-0.02	-0.12	-0.07
	> High School	0.00	0.04	0.16	0.02
Administrative	< High School	-0.13	-0.17	-0.12	0.09
	High School Graduate	-0.03	-0.09	-0.09	0.03
	> High School	0.08	0.14	0.12	-0.06
Enforcement	< High School	-0.07	-0.07	-0.13	-0.05
	High School Graduate	0.18*	-0.02	-0.12	-0.21*
	> High School	-0.08	0.05	0.14	0.16
Support	< High School	-0.26*	-0.15	-0.26*	0.30*
	High School Graduate	0.05	-0.11	-0.17	0.02
	> High School	0.10	0.14	0.23	-0.16

* Pairwise correlation is statistically significant at $p < .05$

In contrast to the GDC courts, few correlations are noteworthy for the JDR docket. In Enforcement cases, the portion of residents with a high school degree is positively correlated with the share of cases in which both parties have attorneys and negatively with the share of cases in which neither party is represented. Litigants who have attained high school graduation, it appears, are more likely to seek counsel when pursuing or resisting an Enforcement action. Those with more than a high school education, on the other hand, appear more likely to represent themselves in these actions.

In Support cases, the pattern is somewhat different. When the percentage of residents who have not graduated high school is larger, the share of Support cases with both parties represented is lower and cases in which neither part is represented are more numerous. These relationships are a virtual mirror of employment in Support cases and could have common causes. The correlation between education and employment suggests that families in areas with lower education rates may lack resources that would allow them to litigate Support cases with the assistance of counsel. In these cases, those with more education are more likely to both be represented by counsel and less likely to both be appearing without counsel.

Correlations between education groups and representation profiles in Circuit Court cases by type are found in the following table.

Table 11: Correlations, Education Group and Representation, by Circuit Case Category

Case Category	Education Group	Both Parties	Plaintiff Only	Defendant Only	Neither Party
All Cases	< High School	-0.03	0.03	0.03	0.06
	High School Graduate	0.07	-0.07	0.09	0.12
	> High School	-0.03	0.04	-0.07	-0.11
Debt/Contract	< High School	-0.04	-0.08	-0.04	0.20
	High School Graduate	-0.08	-0.10	-0.04	0.31
	> High School	0.07	0.10	0.04	-0.29
Domestic Relations	< High School	-0.38*	0.24	-0.17	0.20
	High School Graduate	0.00	-0.05	-0.20	0.14
	> High School	0.16	-0.07	0.20	-0.18
General Civil	< High School	-0.06	0.08	0.09	-0.08
	High School Graduate	0.07	-0.07	0.19	0.04
	> High School	-0.02	0.01	-0.17	0.01
Real Property	< High School	-0.29	0.33	-0.01	0.07
	High School Graduate	-0.15	0.14	0.15	0.13
	> High School	0.22	-0.23	-0.09	-0.12
Tort	< High School	0.18	-0.28	0.24	0.09
	High School Graduate	0.27	-0.31	0.06	0.19
	> High School	-0.26	0.32	-0.14	-0.17
Probate/Will & Trust	< High School	0.27	-0.08	-0.34*	-0.26
	High School Graduate	0.49*	-0.17	-0.42*	-0.13
	> High School	-0.43*	0.15	0.42*	0.19
Other Civil	< High School	0.03	-0.06	0.15	0.04
	High School Graduate	0.22	-0.28	0.24	0.17
	> High School	-0.16	0.21	-0.23	-0.13

* Pairwise correlation is statistically significant at $p < .05$

Debt/Contract cases in the Circuit Courts exhibit similar relationships between education and representation as in the General District Court Debt cases: less education is associated with more self-representation, and more education is associated with greater use of legal representation. Likewise, Domestic Relations cases in the Circuit Courts are similar to Support cases in the Juvenile & Domestic Relations Courts. Less education is associated with greater self-representation by both parties, while more education is related to using legal representation.

No significant relationships are found among the General Civil cases. However, in Real Property, more residents with an education level below high school is associated with fewer fully represented cases and more with only the plaintiff represented, while the opposite relationships are observed with residents having more than a high school education. Defendants, it seems, are less likely to seek counsel with less education and more likely with more.

In the Probate/Will & Trust category, larger proportions of the population with high school education or below are associated with more cases in which both parties are represented, while education beyond high school is correlated with self-representation. Again, this may be a circumstance in which better-educated individuals choose to proceed without counsel, while litigants with a high school education or less feel more comfortable turning to attorneys to deal with these issues.

Self-Representation and Age Distribution

- For General District Court, cases in localities with a higher percentage of litigants over 64 years of age also have higher percentages of cases in which neither party is represented.
- In Juvenile & Domestic Relations Court, the relationship between age and representation status does not follow a clear pattern.
- In Circuit Court, self-representation in Domestic Relations cases is strongly associated with having a greater share of the population between the ages of 25 and 64. The more persons over 64, the greater the share of Probate/Will & Trust cases in which both parties are represented.

The distribution of age by jurisdiction is presented as the estimated percentage of residents within groups defined by ages Under 25, between 25 and 64, and Over 64. The first group captures a rough sense of how many residents have not yet or recently entered the work force, the second represents the majority of working-age residents, and the third is intended to reflect the proportion of residents who have reached retirement age. To some extent, the age of the population is associated with the types of cases (e.g., older people with Probate/Will & Trust cases, those 25 to 64 with Support and Enforcement cases). Absent actual age data on the individuals involved in these cases, it remains difficult to infer much from the age demographics of a jurisdiction.

Table 12 displays the correlations between the percentage of residents in each of these age groups and of cases in the GDC with each of the representation profiles.

Table 12: Correlations, Age Group and Representation, by GDC Case Category

Case Category	Age Group	Both Parties	Plaintiff Only	Defendant Only	Neither Party
All Cases	Under 25	-0.09	0.06	-0.07	-0.04
	25 to 64	0.05	0.14	0.06	-0.15
	Over 64	0.06	-0.18	0.02	0.17
Debt	Under 25	-0.14	-0.04	-0.07	0.05
	25 to 64	0.10	0.27*	0.12	-0.27*
	Over 64	0.06	-0.18	-0.02	0.17
Protective Orders	Under 25	0.09	0.02	0.02	-0.05
	25 to 64	0.02	0.09	0.06	-0.08
	Over 64	-0.11	-0.09	-0.07	0.12
Housing	Under 25	-0.19*	0.21*	-0.13	-0.18*
	25 to 64	-0.02	0.33*	0.07	-0.33*
	Over 64	0.23	-0.50*	0.09	0.48*
Other Civil	Under 25	-0.09	0.09	-0.14	-0.06
	25 to 64	0.10	0.07	0.06	-0.09
	Over 64	0.02	-0.16	0.10	0.14

* Pairwise correlation is statistically significant at $p < .05$

Many of the relationships among these data are insignificant, however there are a few that merit discussion. Where the proportion of residents within the 25 to 64 age range is higher, cases without representation of either party decline. A similar pattern is observed among Housing cases for the Under-25 cohort as well as the working-age cohort. Larger Under-25 cohorts also correlate with fewer cases with both or neither party represented. A higher percentage of residents Over 64 often coincides with fewer represented plaintiffs and more unrepresented cases. The relationship in Debt cases could be a result of a higher proportion of residents in the workforce (ages 25 to 64) being more able afford counsel.

The following table has the correlations for the JDR courts.

Table 13: Correlations, Age Group and Representation, by JDR Case Category

Case Category	Age Group	Both Parties	Payer Only	Payee Only	Neither Party
All Cases	Under 25	-0.04	0.05	0.17	0.00
	25 to 64	-0.04	-0.18	-0.07	0.08
	Over 64	0.08	0.10	-0.13	-0.06
Administrative	Under 25	-0.06	0.11	0.22*	-0.02
	25 to 64	0.15	0.06	-0.07	-0.04
	Over 64	-0.07	-0.18	-0.19*	0.05
Enforcement	Under 25	-0.06	0.08	0.13	-0.02
	25 to 64	-0.19*	-0.31*	0.00	0.25*
	Over 64	0.22*	0.17	-0.14	-0.19*
Support	Under 25	0.07	0.09	0.17	-0.05
	25 to 64	-0.07	-0.27*	-0.13	0.08
	Over 64	-0.02	0.12	-0.08	-0.02

* Pairwise correlation is statistically significant at $p < .05$

A consideration for the relationships between population age and cases on the JDR docket is that the number of such cases overall is likely responsive to the proportion of residents in the Under-25 category. Getting to specific case types, most of the cases on the JDR docket are Support cases, which also vary somewhat in representation as the proportion of residents of working age changes. However, representation appears to shift from the other categories to Neither Party Represented as that age group (residents 25 to 64 years in age) increases in size.

The following table reports correlations for age groups and representation in Circuit cases.

Table 14: Correlations, Age Group and Representation, by Circuit Case Category

Case Category	Age Group	Both Parties	Plaintiff Only	Defendant Only	Neither Party
All Cases	Under 25	-0.02	0.04	-0.06	0.04
	25 to 64	-0.08	-0.01	0.03	-0.01
	Over 64	0.10	-0.03	0.04	-0.04
Debt/Contract	Under 25	0.12	-0.23	-0.16	0.21
	25 to 64	-0.05	0.15	0.12	-0.22
	Over 64	-0.09	0.12	0.06	-0.02
Domestic Relations	Under 25	-0.02	0.03	0.15	-0.04
	25 to 64	-0.11	-0.18	0.15	0.40*
	Over 64	0.13	0.14	-0.32	-0.35*
General Civil	Under 25	-0.17	0.26	-0.18	0.20
	25 to 64	0.10	-0.24	0.05	-0.16
	Over 64	0.10	-0.07	0.15	-0.07
Real Property	Under 25	0.01	0.06	-0.08	0.00
	25 to 64	-0.07	-0.09	0.06	0.12
	Over 64	0.06	0.01	0.03	-0.12
Tort	Under 25	0.10	-0.01	-0.07	-0.08
	25 to 64	-0.25	0.14	0.04	0.02
	Over 64	0.13	-0.13	0.04	0.07
Probate/Will & Trust	Under 25	-0.06	0.00	0.16	0.35*
	25 to 64	-0.30	0.18	-0.06	-0.14
	Over 64	0.37*	-0.18	-0.12	-0.27
Other Civil	Under 25	-0.16	0.35*	-0.05	-0.13
	25 to 64	-0.15	-0.07	-0.02	0.01
	Over 64	0.33	-0.34	0.08	0.14

* Pairwise correlation is statistically significant at $p < .05$

No strong associations emerge from the pooled cases, but once they are disaggregated by type, several relationships can be observed. Among Debt/Contract cases, an increase in the share of residents Under 25 is associated with an increase in cases in which neither party is represented. In contrast, localities with a larger proportion of working-age residents (25 to 64) observe a decline in cases in which neither party is represented, with gains in the proportion of cases with one party (plaintiff or defendant) represented.

In the Domestic Relations caseload, the proportion of residents between 25 and 64 is positively and strongly correlated with the share of cases with no attorneys on either side. Compared to working-age residents, divorces when the population is Over 64 are less likely to proceed without lawyers, and plaintiffs are more likely than defendants to be the only represented party.

With respect to Probate/Will & Trust cases, localities with a larger share of residents over 64 years old tend to have a larger share of probate, will, and trust cases in which both plaintiffs and defendants have representation, and lower proportions of self-representation on both sides.

Self-Representation and Active Duty Military Population

- *Active duty military persons are concentrated in Northern Virginia and in the Tidewater region of the state (Newport News, Norfolk, Virginia Beach and the surrounding communities). Virginia has the third highest proportion of active military residents (1.4% of the state’s population).*
- *In GDC Housing cases, lessors are more likely to retain counsel to navigate the procedural necessities for pursuing actions against service members and their families. The same is not true, however, for Debt cases.*
- *In JDR cases, it also appears that the additional procedural complexity of pursuing actions against those subject to the Servicemembers Civil Relief Act (SCRA) leads to greater payee-only representation patterns.*
- *In the Circuit Courts the impact of an active military population does not have a simple pattern.*

Active military personnel enjoy several protections regarding civil actions that make their presence in a court action of interest. As a result of the Servicemembers Civil Relief Act (SCRA), initially enacted in 2003, those covered by the act are eligible to enjoy a cap on the amount of certain types of interest charged for financial obligations incurred prior to service, appointment of counsel in civil actions in which a service member fails to make an appearance before default judgment can occur, procedural obligations for creditors before repossession of the property of service members can occur, and limitations on termination of leases for service members.

The distribution of active military populations in Virginia differs somewhat from other demographic characteristics studied in this report. Unlike other quantities, 26 localities in Virginia have an estimated active military population of 0. The state median is about 0.23 percent, and the maximum proportion of active military, just below 17 percent, is found in the city of Norfolk.¹¹ Thus, the range is not very large and there is a cluster of observations at the lower extreme. Nevertheless, the state average is approximately 1 percent, not far from the median, so there is little evidence of skewness, despite the presence of a few outliers.

The following table holds the correlations for active military percentages with representation profiles.

Table 15: Correlations, Active Military Population and Representation, by GDC Case Category

Case Category	Both Parties	Plaintiff Only	Defendant Only	Neither Party
All Cases	-0.03	0.13	-0.07	-0.12
Debt	0.00	0.04	-0.03	-0.04
Protective Orders	0.02	0.01	-0.05	0.02
Housing	-0.11	0.35*	-0.07	-0.33*
Other Civil	0.00	0.23*	-0.11	-0.21*

* Pairwise correlation is statistically significant at $p < .05$

Despite the protections that military personnel have with regard to interest charged, there is no evident relationship between the proportion of active military population and representation in Debt cases. In Housing, however, there is a clear association between more active military residents and representation, with a decline in the share of cases having no attorneys and increase in plaintiff-only representation. This is likely a result of the need for lessors in housing cases to retain counsel to navigate the procedural necessities of pursuing actions against service members and their families.

¹¹ The second largest percentage of military personnel is found in Virginia Beach—9 percent. Only 9 localities have a percentage above 5 percent.

Associations for active service members and representation in JDR are below.

Table 16: Correlations, Active Military Population and Representation, by JDR Case Category

Case Category	Both Parties	Payer Only	Payee Only	Neither Party
All Cases	-0.03	0.05	0.17	0.02
Administrative	-0.04	0.09	0.17	0.01
Enforcement	-0.02	0.08	0.17	0.04
Support	-0.01	0.06	0.18*	-0.02

* Pairwise correlation is statistically significant at $p < .05$

All case types in the JDR have virtually the same pattern, which is a shift away from fully represented cases and toward one-sided representation, particularly payee-only, as military personnel rises, while the correlations with no-attorney cases is about 0. Again, as with Housing cases in the GDC, this may be because of the additional procedural complexity of pursuing actions against those subject to the SCRA. The consistency across case types within the JDR lends credence to this interpretation.

Military residents and representation associations for the Circuit Courts are presented in the next table.

Table 17: Correlations, Active Military Population and Representation, by Circuit Case Category

Case Category	Both Parties	Plaintiff Only	Defendant Only	Neither Party
All Cases	0.00	-0.04	0.03	-0.02
Debt/Contract	0.08	-0.03	-0.18	-0.11
Domestic Relations	-0.06	-0.11	0.43*	0.16
General Civil	0.10	-0.13	-0.06	0.01
Real Property	0.08	-0.10	-0.01	-0.01
Tort	-0.19	0.21	0.03	-0.11
Probate/Will & Trust	-0.07	-0.01	0.07	-0.01
Other Civil	-0.04	-0.16	0.26	-0.01

* Pairwise correlation is statistically significant at $p < .05$

Only a few coefficients in these case categories merit attention. Defendant-only representation rises substantially when military personnel are comparatively more numerous, with declines in the share of both party and especially plaintiff-only representation. Although the SCRA imposes additional requirements on actions against active military in various civil actions, it also requires that courts appoint counsel to protect the interests of service members when they are not present, which may partially explain the increase in defendant-only representation. This does not explain, though, why the representation profiles that decline are both represented and plaintiff-only, rather than neither party represented. The pattern in Tort cases—an increase in plaintiff-only representation accompanied by a decline in both parties represented—could signify a lack of response from active service members as defendants, while plaintiffs in torts against those in the military retain counsel to deal with the SCRA issues.

Self-Representation and Renter Population

- *In the General District Court, in localities with a high proportion of renters, the data show a distinct shift toward plaintiff-only representation and away from cases in which neither party is represented, which is suggestive of plaintiffs who are large-scale professional property management firms.*
- *In the Juvenile & Domestic Relations Court, the presence of more renters in a jurisdiction correlates with a decrease in cases in which both parties are represented and an increase in cases without representation on either side in Support disputes, consistent with other findings about poverty and employment.*
- *Among Circuit Court cases, a greater proportion of renters in a locality is associated with an increase in Probate/Will & Trust cases in which neither party is represented, although this result is hard to interpret in light of the data about age, which show that as the share of the >64 population increases, the number of cases without representation on either side decreases.*

The proportion of residents living in rental property, or the renter population, correlates to some extent with poverty, age, and education. However, it also captures an element of urbanization as well. The communities with the highest proportion of residents living in rental properties includes the cities of Charlottesville, Alexandria, and Richmond, as well as Emporia, Petersburg, and Fredericksburg, which has the highest share of renters. Cities with a substantial population of college students (e.g. Radford), are also among the top localities by renter population.

While a larger renter population suggests that courts may hear more cases in the Housing category, it is less clear whether it will affect the representation status of parties to such cases. We examine this with the following table, which shows correlations between renters and representation profiles for case types in the GDC.

Table 18: Correlations, Renters in Population and Representation, by GDC Case Category

Case Category	Both Parties	Plaintiff Only	Defendant Only	Neither Party
All Cases	-0.08	0.07	-0.13*	-0.06
Debt	-0.19*	-0.04	-0.12	0.06
Protective Orders	0.00	-0.09	-0.11	0.11
Housing	-0.17	0.23*	-0.15	-0.20*
Other Civil	-0.01	0.17	-0.17	-0.15

* Pairwise correlation is statistically significant at $p < .05$

Debt cases in the GDC evince a significant decrease in share of cases with representation on both sides and a slight positive correlation with the share of cases in which neither party has a lawyer. To the extent that the population of renters correlates with the economic instability also manifested in poverty and unemployment, this relationship is akin to what was discovered with those demographic characteristics. Among Housing cases, there is a distinct shift toward plaintiff-only representation and away from the other representation profiles, particularly cases with neither party represented. This could be due to the presence of larger renting populations leading to more large-scale commercial providers of rental units, who retain counsel as a matter of course to pursue evictions and unpaid rent.

Associations between renter populations and representation in JDR courts are presented below.

Table 19: Correlations, Renters in Population and Representation, by JDR Case Category

Case Category	Both Parties	Payer Only	Payee Only	Neither Party
All Cases	-0.11*	0.01	-0.05	0.08
Administrative	-0.13	-0.07	-0.03	0.06
Enforcement	-0.05	0.04	-0.05	0.06
Support	-0.28*	0.03	-0.06	0.21*

* Pairwise correlation is statistically significant at $p < .05$

The only significant relationships here are in the Support cases. A jurisdiction with more renters is likely to have fewer cases with both parties represented and more cases without representation on either side of the dispute. Again, this is consistent with the relationships between representation in Support cases and poverty and employment. Indicators of economic instability are associated with more cases pursued without the benefit of counsel.

Representation in Circuit Court case categories is correlated with renter population in the following table.

Table 20: Correlations, Renters in Population and Representation, by Circuit Case Category

Case Category	Both Parties	Plaintiff Only	Defendant Only	Neither Party
All Cases	-0.05	0.03	-0.04	-0.03
Debt/Contract	0.18	-0.26	-0.16	0.09
Domestic Relations	-0.35*	0.26	0.01	0.07
General Civil	-0.14	0.10	-0.13	-0.02
Real Property	0.06	-0.03	-0.11	-0.14
Tort	0.01	-0.08	0.06	-0.07
Probate/Will & Trust	-0.21	0.10	0.02	0.44*
Other Civil	-0.16	0.39*	0.08	-0.41*

* Pairwise correlation is statistically significant at $p < .05$

In the Circuit Courts, the proportion of residents living in rental properties has a different correlation with representation than in the General District Courts. Rather than declining when renters rise, cases with both plaintiff and defendant represented are a larger share of Debt/Contract cases in Circuit Courts, and plaintiff-only cases are comparatively less frequent. Of course, such cases in Circuit Courts could have substantially greater amounts at stake, raising the incentives of defendants to retain counsel when faced with a lawsuit from a represented plaintiff, but it is unclear why the portion of renters in a jurisdiction should covary with it. It is possible that amounts in controversy and the incentives for defendants to hire a lawyer, as well as the availability of counsel, are greater in urban areas that also have more residents and more commercial tenants in rental properties, even though there is no direct connection between the two. In other words, more defendant representation in Circuit Court Debt/Contract cases and larger renter populations may both be characteristics of urbanized areas.

Self-Representation and Limited English Proficiency Population (LEP)

- *Among General District Court cases, Debt cases in the GDC have no notable correlations with representation, further illustrating that LEP does not closely mirror education, poverty, or mobility.*
- *Protective Order cases in GDC indicate that a greater proportion of LEP residents is associated with cases in which both parties are represented and with defendant-represented cases, suggesting that legal services/public defenders and interpreters are used given the seriousness of these matters.*
- *In Juvenile & Domestic Relations Court, the pattern across all case types shows an increase in the proportion of cases with neither party represented in jurisdictions where the LEP population is large. This is most pronounced in Enforcement cases.*
- *In Circuit Court, as the LEP population in a jurisdiction rises, the proportion of cases in which both parties are represented declines, across all case types. However, the proportion of cases in which neither party is represented is not driven up, suggesting that the LEP population is not heavily involved in the kinds of cases brought to the Circuit Courts.*

The LEP population share captures a different demographic characteristic than educational attainment, analyzed above. The LEP population is composed of individuals who report that they speak English “less than very well” and speak a language other than English at home, so the concept is focused specifically on the population whose lack of facility with English as a second language may be an impediment to use of the legal system or to securing legal counsel. Also, while the LEP population is likely to correlate with immigration, not all individuals within the LEP population are recent migrants.

The largest share of LEP residents is found in Fairfax County, with the city of Fairfax ranking second. Other cities, Manassas and Alexandria, along with DC-area Loudoun county, round out the top five.

The following table summarizes correlations between the LEP share of residents and representation profiles in GDC cases.

Table 21: Correlations, LEP Population and Representation, by GDC Case Category

Case Category	Both Parties	Plaintiff Only	Defendant Only	Neither Party
All Cases	0.04	0.16	0.00	-0.16
Debt	0.08	0.08	0.00	-0.09
Protective Orders	0.24*	0.12	0.18*	-0.25*
Housing	-0.07	0.56*	-0.10	-0.55*
Other Civil	0.03	0.08	-0.11	-0.07

* Pairwise correlation is statistically significant at $p < .05$

Debt cases in the GDC have no notable correlations with representation, further illustrating that LEP does not closely mirror education, poverty, or mobility. In the Protective Order category, a higher proportion of LEP residents is strongly related to a decline in cases with both parties appearing without representation, with gains in cases with both parties represented as well as in use of counsel by one or the other party. Given the case type, it is possible that this pattern is the result of low or no-cost legal resources made available to litigants with limited English proficiency. The pattern in Housing cases is an interesting contrast, because while there is a large swing away from cases in which neither party is represented in that category as well, cases clearly shift from having no attorneys to an attorney for the plaintiff alone. This is similar, with even stronger coefficients, to what we observe with renter populations, and it is possible that this is also a result of larger LEP populations residing in urban areas.

Associations for cases in the JDR courts are found in the following table.

Table 22: Correlations, LEP Population and Representation, by JDR Case Category

Case Category	Both Parties	Payer Only	Payee Only	Neither Party
All Cases	-0.10	-0.03	0.02	0.10
Administrative	-0.04	0.09	0.04	0.01
Enforcement	-0.17	-0.06	0.02	0.26*
Support	-0.11	-0.01	0.01	0.09

* Pairwise correlation is statistically significant at $p < .05$

The only correlation that draws attention is the increase in the proportion of cases with neither party represented in jurisdictions where the LEP population is large. The rise in this representation profile appears to come at the expense of cases where both parties are represented, which suggests that in areas with a greater share of LEP residents these cases are more likely to involve parties on both sides who do not retain counsel. The pattern in Support cases is similar, even if the correlations are not as strong.

The table below displays correlations between the representation profiles in Circuit Court.

Table 23: Correlations, LEP Population and Representation, by Circuit Case Category

Case Category	Both Parties	Plaintiff Only	Defendant Only	Neither Party
All Cases	-0.17	0.08	-0.01	-0.02
Debt/Contract	-0.12	0.17	-0.04	-0.13
Domestic Relations	-0.07	-0.08	0.22	0.20
General Civil	-0.17	0.07	-0.02	-0.06
Real Property	-0.10	-0.07	0.07	0.14
Tort	-0.39*	0.35*	0.03	-0.06
Probate/Will & Trust	-0.51*	0.06	0.30	0.14
Other Civil	-0.34	0.28	-0.26	-0.13

* Pairwise correlation is statistically significant at $p < .05$

In Debt/Contract cases, the clear implication of these data is that in places where more individuals are LEP, more defendants face a represented debt collector without the benefit of counsel. A similar pattern is found in General Civil cases, but again, the correlations are not significant. In Domestic Relations cases, the presence of a greater LEP population in the jurisdiction is associated with a greater proportion of cases in which both parties are self-represented. Correlations in Real Property cases are not noteworthy.

Self-Representation and Race/Ethnicity Categories

Categories of race and ethnicity,¹² although not characteristics that should be considered to be a cause of litigation behavior or other social patterns, tend to correlate with other factors in complex ways. Correlations between the percentage of residents within frequently observed race and ethnicity categories and representation may reveal how different communities relate to civil litigation and the resources necessary to make use of legal counsel.

Over 60% of Virginia residents are estimated to be White non-Hispanic. Concentration of White residents tends to be highest in Appalachian border jurisdictions in the west of the state, such as Dickenson, Craig, and Highland

¹² Following the Virginia Department of Health (see “Virginia Socio-Demographic Characteristics” http://www.vdh.virginia.gov/content/uploads/sites/10/2017/02/DEMOGRAPHICS_FINAL.pdf, published in 2016) we use the ACS 2015 5-year estimates to classify Virginia residents into four categories: White, Black, Asian, and Hispanic. The “Hispanic” category is composed of all residents identifying as “Hispanic” regardless of racial category, while the remaining categories are composed of “non-Hispanic” respondents.

counties. The lowest proportion of White residents is found in the city of Petersburg, which also has the highest share of Black residents. Surrounding areas (Suffolk and Greensville counties as well as the city of Emporia) also have substantial Black populations. The largest share of Asian residents is found in Fairfax county, and other jurisdictions ranking high also tend to be urban and suburban localities such as Loudoun, Arlington, and Prince William counties, as well as the city of Falls Church. Meanwhile, largely White areas like Dickenson, Buchanan, and Craig tend to have the lowest proportions of Asian and Hispanic residents. Proportion of Hispanic residents also appears to be highest in urban and suburban localities such as Prince William, Fairfax, and Arlington counties and cities like Winchester and Alexandria.

Correlations between these racial and ethnic categories and representation profiles in the GDC courts is found in the following table.

Table 24: Correlations, Race/Ethnicity and Representation, by GDC Case Category

Case Category	Race/Ethnicity	Both Parties	Plaintiff Only	Defendant Only	Neither Party
All Cases	White	0.07	-0.12*	0.14*	0.11*
	Black	-0.09*	0.06	-0.15*	-0.04
	Asian	0.07	0.19*	0.02	-0.20*
	Hispanic	0.01	0.17*	-0.02	-0.16*
Debt	White	0.11	-0.02	0.12	0.01
	Black	-0.16	-0.03	-0.16	0.05
	Asian	0.16	0.18*	0.12	-0.19*
	Hispanic	0.04	0.06	0.00	-0.06
Protective Orders	White	-0.06	0.03	0.13	-0.07
	Black	-0.05	-0.08	-0.21*	0.18*
	Asian	0.29*	0.17	0.18*	-0.29*
	Hispanic	0.24*	0.04	0.15	-0.20*
Housing	White	0.19*	-0.30*	0.15	0.27*
	Black	-0.17	0.06	-0.11	-0.03
	Asian	-0.08	0.65*	-0.09	-0.64*
	Hispanic	-0.09	0.57*	-0.13	-0.55*
Other Civil	White	0.02	-0.32*	0.21	0.29*
	Black	-0.03	0.30*	-0.19*	-0.27*
	Asian	0.04	0.04	-0.07	-0.04
	Hispanic	-0.01	0.14	-0.12	-0.13

Several significant correlations appear in the results for all cases, but they are primarily driven by relationships found in one or two case types. For instance, a larger Asian population is associated with fewer cases in which neither party is represented and significantly more cases where the plaintiff is the only party with an attorney. The same relationship is found in Housing cases, and among that case type similar associations, in direction and magnitude, appear between Hispanic residents and representation. These patterns could very well be a result of the observed tendency for Asian and Hispanic residents to be a comparatively larger share of populations in urban and suburban jurisdictions. Similar correlations can be found for this case type with variations in LEP residents and renter populations, which are also concentrated in urban and surrounding localities.

In Protective Order disputes, the proportion of Black residents is negatively associated with defendant-only representation, a relationship borne out in all cases, and the portion of cases with no lawyers involved tends to rise. The opposite correlations appear with Asian residents, although the share of cases with attorneys on both sides increases with Asian residents along with the proportion of defendant-only cases. Fully represented cases,

where attorneys appear for plaintiffs and defendants, also tend to increase at the expense of cases with no representation with the Hispanic share of population. It may be the case that litigants in these communities are more likely to seek assistance navigating the procedures governing orders of protection.

In Housing cases, the negative relationship between the proportion of White residents and plaintiff-only representation appears, which can also be seen for all cases. Fully represented and entirely unrepresented cases both rise with the portion of White residents. This suggests multiple factors are likely at work within the covariations between White residents and representation, with some jurisdictions observing defendants who retain attorneys to meet a represented plaintiff, while in other communities, plaintiffs are less likely to have counsel in Housing disputes.

The following table presents the estimated correlations between racial and ethnicity categories and representation in the Juvenile and Domestic Relations courts.

Table 25: Correlations, Race/Ethnicity and Representation, by JDR Case Category

Case Category	Race/Ethnicity	Both Parties	Payer Only	Payee Only	Neither Party
All Cases	White	0.11*	-0.04	-0.04	-0.06
	Black	-0.08	0.06	0.00	0.03
	Asian	-0.09	-0.04	0.11*	0.08
	Hispanic	-0.08	-0.04	0.07	0.09
Administrative	White	0.09	-0.03	0.00	-0.01
	Black	-0.10	-0.03	-0.04	0.03
	Asian	-0.01	0.17	0.06	-0.01
	Hispanic	-0.02	0.11	0.12	-0.05
Enforcement	White	0.07	-0.08	-0.11	0.01
	Black	0.00	0.11	0.08	-0.12
	Asian	-0.18*	-0.07	0.13	0.23*
	Hispanic	-0.17	-0.07	0.06	0.27*
Support	White	0.32	-0.03	-0.01	-0.28
	Black	-0.34*	0.04	-0.03	0.30*
	Asian	-0.03	-0.01	0.14	0.00
	Hispanic	-0.02	-0.01	0.04	0.05

Only two coefficients achieve statistical significance for the set of all cases. As the proportion of White residents rises in a jurisdiction, the share of cases with both parties represented by attorneys tends to rise. More cases with only the payee represented are observed in localities with a larger portion of Asian residents. Interestingly, neither of these relationships are statistically significant in any of the individual case categories, although similar correlations are observed for these categories among Support cases, which constitute the majority of the JDR docket.

In the disaggregated case analysis, no significant relationships emerge among Administrative cases. In Enforcement cases, however, Asian populations are negatively related to full representation and positively correlated with the portion of cases with no attorneys involved. The latter relationship is found with the Hispanic population as well. A similar pattern is discovered with the proportion of Black residents in Support cases. Each of these populations may, due to lack of resources or familiarity, tend to navigate cases in the JDR courts without the assistance of counsel.

Estimated relationships between representation types and racial and ethnic populations in Circuit Court cases are found in the following table.

Table 26: Correlations, Race/Ethnicity and Representation, by Circuit Case Category

Case Category	Race/Ethnicity	Both Parties	Plaintiff Only	Defendant Only	Neither Party
All Cases	White	0.10	-0.04	-0.03	-0.01
	Black	-0.04	0.01	0.04	0.02
	Asian	-0.15*	0.07	-0.04	-0.04
	Hispanic	-0.13	0.06	-0.03	0.00
Debt/Contract	White	0.12	-0.11	0.25	0.03
	Black	-0.09	0.05	-0.25	0.02
	Asian	-0.07	0.13	-0.04	-0.12
	Hispanic	-0.08	0.13	-0.05	-0.12
Domestic Relations	White	0.28	-0.02	-0.13	-0.35*
	Black	-0.31	0.08	0.00	0.31
	Asian	-0.01	-0.07	0.22	0.10
	Hispanic	-0.04	-0.11	0.29	0.18
General Civil	White	0.14	-0.04	0.03	-0.17
	Black	-0.09	0.01	-0.01	0.21
	Asian	-0.12	0.10	-0.08	-0.03
	Hispanic	-0.13	0.07	-0.07	-0.02
Real Property	White	0.16	-0.08	-0.09	0.09
	Black	-0.15	0.13	0.08	-0.19
	Asian	-0.07	-0.04	-0.01	0.09
	Hispanic	-0.06	-0.07	0.02	0.20
Tort	White	-0.07	0.02	-0.08	0.26
	Black	0.27	-0.21	0.09	-0.26
	Asian	-0.34	0.34	0.02	-0.07
	Hispanic	-0.34	0.34	-0.01	-0.08
Probate/Will & Trust	White	0.09	0.10	-0.07	-0.12
	Black	0.13	-0.11	-0.09	0.04
	Asian	-0.53*	-0.04	0.28	0.08
	Hispanic	-0.36*	0.03	0.33	0.26
Other Civil	White	0.33	-0.20	-0.09	0.08
	Black	-0.22	0.09	0.24	-0.04
	Asian	-0.32	0.30	-0.29	-0.17
	Hispanic	-0.28	0.21	-0.26	-0.03

Almost no statistically significant associations are observed between racial and ethnic populations and representation among Circuit case types. The only notable relationships are the substantial declines in representation in Probate/Will & Trust cases in localities where the Asian and Hispanic populations are larger. It is less than clear why a correlation should exist between these populations and declines in representation in this particular case type. Although it could be the case that cultural factors discourage Asian and Hispanic communities from engaging with legal counsel in Probate/Will & Trust cases, there is no such relationship in Domestic Relations cases, which involve a similar legal intervention into private familial affairs.

Conclusion

While relationships between demographic characteristics and representation profiles have been presented for this analysis, care should be taken in drawing conclusions from these associations. Using demographic summaries, particularly estimates, at an aggregate level only allows representation status to be contextualized,

rather than described or explained. The most that can be said about the results of such an analysis is that communities estimated to have certain demographic characteristics tend to produce a certain pattern of plaintiff-defendant representation in certain courts and case categories. In other words, certain representation patterns may tend to arise in communities that have given demographic characteristics.

Data Limitations

The value of legal representation reports based on statewide CMS data is dependent on the completeness and reliability of the underlying data. A wholly satisfactory assessment of these qualities requires the comparison of CMS data entries with case records, but confidence in the inferences from analyzing CMS data can also be assessed by examining those data for internal consistency and the observation of reasonable relationships between CMS data elements themselves and with information from other sources.

Completeness of Court Data

Data could be incomplete in two ways. If the dataset does not include all Civil cases disposed within the period of examination, the data are “truncated.” This is of particular concern if the data are systematically truncated, for instance, if cases of a certain category, disposition, or with certain values of relevant variables are more likely to be excluded than others. The same consequence could result if the data were geographically truncated, if case types or dispositions are related to location. Alternatively, even if the data are not truncated, specific data elements could be systematically missing, resulting in “censored” data. Either of these circumstances could lead to incorrect inferences about the state’s civil caseload, degree of legal representation, outcomes, and the relationships between these factors due to over- or under-representation of certain cases.

General District Court Data

The data provided for the General District Courts by OES contains 68,596 8-digit base numbers from 130 jurisdictions for a combination of 550,681 individual case identifiers. Each case identifier also has between one and seven actions, although the vast majority (98%) have only one action. In total, the data contain information for 555,487 actions. For the purposes of this report, each individual action is considered to be a separate case, so the total number of cases contained in the GDC data is 555,487.

Within the complete set of GDC data, attention is focused primarily on three categories of cases: Debt, Housing, and Protective Orders. These three case categories together constitute over 90 percent of the total Civil caseload in the GDC extract. Debt cases (primarily Warrant in Debt) are about 53 percent of the total caseload, Housing (almost entirely Unlawful Detainer, but also including Tenants’ Assertions) comprise another 31 percent, and Protective Orders are about 6 percent of total cases. Of the remainder, grouped together as Other Civil matters, most are administrative matters (license suspension, impoundment) or enforcement proceedings (show cause, bond forfeiture). The collected sum of Debt, Housing, and Protective Order cases in the GDC data is 502,142 of the 555,487 total volume.

By way of comparison, based on data provided by OES, the Court Statistics Project (CSP) reports the 2015 statewide Incoming Civil Caseload for the Virginia limited jurisdiction court¹³ as 444,591, although the time period covered is different (the GDC data are from 13 months overlapping imperfectly with calendar year 2015). Also, the NCSC’s civil case types used in the CSP are not entirely compatible with the data contained in the GDC extract as Protective Order cases are not included and the GDC counts are disposed, rather than newly filed

¹³ The Virginia limited jurisdiction court is referred to as the General District Court when hearing civil, criminal, and traffic cases and as the Juvenile & Domestic Relations Court when hearing juvenile and domestic relations cases.

cases. Once the Protective Order caseload is added, the counts do not diverge by an order of magnitude that would suggest significant incompleteness.

Another way to explore the possibility of missing cases is to examine the geographic distribution of cases relative to population. Statewide, the GDC dataset has 66 civil cases per 1,000 population.¹⁴ Calculating the same rate for each county and city reported in the GDC dataset, the median value for Virginia is 40 cases per 1,000 population. The maximum value is 462 cases per 1,000 population, found in Fredericksburg. The high value is primarily due to a preponderance of Debt cases, 389 cases per 1,000 population, which is also the highest case rate for Debt cases. Table 27 below presents the statewide case rate overall and for each case category as well as a set of percentiles of the localities.

Table 27: Number of Cases per 1,000 Population in General District Courts

Percentile	Debt	Housing	Protective Orders	Other Civil	Total Civil
Minimum	0.0	0.0	0.0	0.6	2.9
10%	10.3	2.6	1.7	2.5	21.8
25%	13.9	4.0	2.7	3.5	28.5
Median	22.1	7.4	4.0	4.8	40.3
75%	38.5	13.8	6.6	6.9	69.8
90%	72.4	33.6	8.4	11.2	122.0
Maximum	389.5	119.1	14.8	45.7	462.2
Statewide	35.5	20.8	3.7	6.4	66.4

Certain localities are consistently high or low in the distribution of case rates. For instance, the City of Franklin, which has the highest rate of Protective Orders (14.8) is also above the 90th percentile for every other case category. The City of Fairfax has the lowest rate for Total Civil cases and every other case category, primarily because the GDC data contain no Debt, Protective Order, or Housing cases for Fairfax. Fairfax County, the other locality in the 19th District, is near or below the median for each case category, making it unlikely that cases from the city are being reported in the county. Many of the localities in the bottom of the range for all case categories are also among the lowest in population and many of the highest are high population urban areas, suggesting that the variation rates generally reflect differences in the production of Civil cases, rather than reporting differences. Also, although the median value for Debt and Housing cases are somewhat lower than the statewide rates, Protective Orders and Other Civil are quite similar. Difficult as it is to draw conclusions about systematic missing values in Civil cases, there is no obvious evidence of substantial missing cases among the GDC data.

Juvenile & Domestic Relations Court Data

The data provided for the Adult docket of the JDR Courts by OES contains 75,668 unique case numbers containing a three-digit jurisdiction code (equivalent to the FIPS code for the locality of origin) and a ten-digit case identifier. All cases were decided between March, 2015 and April, 2016. Case numbers have multiple entries to denote multiple parties and multiple hearings, but no subsidiary causes of action. Therefore, for the purposes of this report, the total number of cases contained in the dataset is 75,668.

Each Adult case in the JDR dataset falls into one of seven case types: Capias, Civil Support, Criminal Support, Non-Case, Remand Support, Restricted License, and Show Cause. To simplify the analysis in the current report, these seven case types were grouped into three case categories: Administrative, Enforcement, and Support. The Non-Case type is used, according to the JDR Court manual, to file an Administrative Support Order from the

¹⁴ Using the census 2015 population estimates.

Division of Child Support Enforcement (DCSE) or an Order Determining Parentage in the CMS. These cases are classified as Administrative, as are Remand Support cases, which are used to index support orders remanded from the Circuit Court. Capias, Show Cause, and Restricted License cases are classified in the Enforcement category, as they are instruments for the enforcement of support orders. Finally, Civil and Criminal Support cases are grouped together in the Support category. Support cases, so defined, constitute two-thirds of the cases in the dataset, while Enforcement actions are 29 percent, and the remaining 5 percent are Administrative cases.

The data provided for the Juvenile docket of the JDR Courts by the OES contains 157,749 unique case numbers comprised of a similar three-digit jurisdiction code and a ten-digit case identifier. All cases were decided between March, 2015 and April, 2016. Like the Adult cases, the Juvenile data use multiple rows to identify more than one party or hearing and contain no subsidiary causes of action. Thus, the total number of cases in the Juvenile data is 157,749.

The JDR dataset contains 31 Juvenile case types. To simplify the analysis in the current report, these case types were grouped into six case categories: Child Dependency, which includes cases such as abuse and neglect, permanency planning, and termination of parental rights; Child in Need of Services; Custody and Visitation; Juvenile Miscellaneous, which contains cases such as status offense, truancy/runaway, and emancipation; Juvenile Support; and Protective Order. Most of the Juvenile caseload is Custody and Visitation cases (81%); the remaining cases are 12 percent Child Dependency, 5 percent Juvenile Miscellaneous, 1 percent Protective Order, 1 percent Child in Need of Services, and less than 1 percent Juvenile Support.

A comparison can be made with the data provided by OES to the Court Statistics Project (CSP). The CSP reports that the 2015 statewide Incoming Caseload of combined Domestic Relations and Juvenile cases for the limited jurisdiction court¹⁵ in Virginia was 382,171. This count includes Domestic Relations Criminal cases as well as Juvenile Delinquency cases, neither of which are a part of this Study. Subtracting those cases from the caseload reported to CSP, and combining the Adult and Juvenile caseloads provided in the OES dataset, result in a comparison of 266,903 cases to 233,417. The overlap between the CSP count and the OES datasets is imperfect. The latter is composed of 13 months of dispositions, while the former is a calendar year of incoming cases. Nevertheless, the counts do not diverge by an order of magnitude that would suggest significant incompleteness.

Another way to explore the possibility of missing cases is to examine the geographic distribution of cases relative to population. Statewide, the JDR Adult dataset has 9 civil cases per 1,000 population on average.¹⁶ Calculating the same rate for each county and city reported in the dataset, the median value for Virginia is 10 cases per 1,000 population. The maximum value is 38 cases per 1,000 population, which is the rate for the City of Martinsville. Although Martinsville has a comparatively small caseload and population, the independent city has the highest rate of Support and Enforcement cases in the state per population, with 20 Support cases and 18 Enforcement cases per 1,000 population. Table 28 below presents the statewide case rate overall and for each case category as well as a set of percentiles of the localities.

¹⁵ The Virginia limited jurisdiction court is referred to as the General District Court when hearing civil, criminal, and traffic cases and as the Juvenile & Domestic Relations Court when hearing juvenile and domestic relations cases.

¹⁶ Using the census 2015 population estimates.

Table 28: Range and Percentiles of the Number of Adult Cases per 1,000 Population JDR Courts

Percentile	Administrative	Enforcement	Support	Total Adult
Minimum	0.0	0.0	0.0	0.0
10%	0.0	1.2	4.1	5.9
25%	0.1	1.9	4.9	8.0
Median	0.4	2.8	6.9	10.0
75%	0.9	4.3	8.6	13.3
90%	1.3	5.8	10.4	16.3
Maximum	3.4	17.8	19.8	38.0
Statewide	0.5	2.6	5.9	9.0

The adjudication process for Adult cases may tend to increase heterogeneity in the rate of court cases by locality, as some actions can be resolved through the administrative process. Nevertheless, given the related nature of the different case groups in the docket, one would expect that localities with more Support cases would also have more Administrative and Enforcement cases, and this turns out to be the case.

Table 29: Correlation Coefficients of Administrative, Enforcement, and Support Locality Caseloads

Case Category	Administrative	Enforcement	Support
Administrative	1.00		
Enforcement	0.54	1.00	
Support	0.60	0.89	1.00

Most notably, localities with more disposed Support cases tend to have more Enforcement cases as well, with a correlation coefficient of nearly .9, meaning that the relationship between changes in one type of case category and the other is nearly one-to-one. The relationships between Administrative cases and the other two case categories are not as strong, but are similarly positive (the caseloads tend to move in the same direction) and substantial (closer to 1 than to 0). If these relationships had not been found (for instance, if Support caseloads were negatively related to Enforcement caseloads), suspicions would arise that cases of one type or the other were systematically underreported. However, the correlations among case categories does not discount the possibility that cases are unsystematically missing from the data extract.

Circuit Court Data

Data for the Virginia Circuit Courts were acquired individually, from Court Clerks, rather than from the OES directly, and were provided only upon permission of the Clerk. Most Circuit Court Clerks declined to participate in the Study, leading to a known limitation in data completeness. Of the 120 Circuit Courts in Virginia, data were collected from 33, including 31 courts whose data were extracted by OES from a centralized case management system and 2 courts with independent systems who agreed to provide their data individually. In all, the 33 Circuit Courts included in the collected data represent about 41 percent of the population of the state, using 2015 population estimates from the U.S. Census, and 38 percent of the total statewide Civil caseload.

Due to the absence of data from 87 Circuit Courts, we know that the data are “truncated,” because there are cases entirely missing from the dataset. These cases are systematically truncated, meaning that we know why they are missing and can limit inferences accordingly. It would be a mistake to suggest that patterns discovered in the 33 courts providing data are also accurate for the missing courts, absent some substantive comparison to support that conclusion.

The data could also be truncated in other, more subtle ways, if the datasets provided by the courts do not include all civil cases disposed within the period of examination. This is of particular concern if the data are systematically truncated in an unknown manner, for instance, if cases of a certain category, disposition, or with certain values of relevant variables are more likely to be excluded than others. The same consequence could result if the data were geographically truncated, if case types or dispositions are related to location. Alternatively, even if the data are not truncated, specific data elements could be systematically missing, resulting in “censored” data. Either of these circumstances could lead to incorrect inferences about the state’s civil caseload, degree of legal representation, outcomes, and the relationships between these factors due to over- or under-representation of certain cases.

The datasets extracted for the Circuit Courts by OES and provided by the Clerks contain 15,545 case numbers from 31 jurisdictions, with some repetition across jurisdictions, for a combination of 27,021 individual case identifiers. The Fairfax County dataset contains an additional 7,183 cases, and Alexandria provided 3,439 cases. In total, the data contain information for 37,643 actions.

The 31 central CMS datasets alone contain cases with 135 different case types. Alexandria data are described by 53 case types, and the Fairfax County dataset have 73 case types. There is some overlap or near overlap in the names and descriptions given to the case types in the three datasets, but for the sake of the present analysis, case types were categorized into 15 case groups then further classified into 7 case categories, including an “Other” category containing miscellaneous case types. Primary interest rests with the six coherent case categories: Debt/Contract, Domestic Relations, General Civil, Real Property, Tort, and Probate/Will and Trust. These six categories constitute about 70 percent of all cases provided by the Circuit Courts.

Additional truncation would have occurred if the data provided were not a complete set of disposed cases from the 33 jurisdictions in question from the time period of the Study. Comparison could be made with the data provided by the OES to the CSP for cases initiated in the Circuit Court for 2015, but such a comparison would require extrapolating the statewide total from the 33 courts in the sample, in addition to the imprecisions introduced by the non-overlapping time periods and the distinction between filed and disposed cases.

Another way to explore the possibility of missing cases is to examine the geographic distribution of cases relative to population. In the 33 datasets received, there are about 11 Civil cases per 1,000 people.¹⁷ Calculating the same rate for each county and city reported in the Circuit Court datasets, the median value for the participating courts is very close to the average at 11.5. The maximum value is 37.1 cases per 1,000 people, found in the City of Portsmouth, while the lowest rate is found in Fairfax County. Table 30 below presents the statewide case rate overall and for each case category as well as a set of percentiles of the localities.

Table 30: Range and Percentiles of the Number of Cases per 1,000 Population in 33 Circuit Courts

Percentile	Debt/ Contract	Domestic Relations	General Civil	Real Property	Tort	Probate/ Will & Trust	Total Civil
Minimum	0.1	2.3	0.2	0.1	0.0	0.0	6.3
10%	0.2	2.5	0.6	0.1	0.2	0.1	8.1
25%	0.3	3.2	1.0	0.2	0.4	0.2	9.9
Median	0.4	4.6	1.5	0.2	0.8	0.3	11.5
75%	0.5	5.0	2.2	0.4	1.1	0.5	15.2
90%	0.8	6.7	3.6	0.6	2.0	0.7	21.3
Maximum	2.1	16.6	7.3	1.2	14.9	0.9	37.1
Statewide	0.6	4.1	1.1	0.2	1.3	0.3	10.9

¹⁷ Using the census 2015 population estimates.

There are few obvious outliers. Alexandria has the highest rate of Domestic Relations cases, and the lowest rate of General Civil cases; Fairfax County has the second lowest rate of General Civil cases. This raises a limitation based on the fact that data were collected and extracted from separate databases for these two courts. It is possible, even likely, that cases are categorized differently in the independent CMSs than in the OES system, especially since there are many more case type categories in the OES database than in either Alexandria or Fairfax. The General Civil category collects cases without a clear cause of action (Complaint, Petition, etc.) which may not be used as frequently in the latter two places, either as a legal instrument or as a classification code. It is unclear whether this is an issue of missing data, different practices from one jurisdiction to another, or different coding choices for similar cases. The City of Portsmouth has the highest rate of General Civil and Tort cases, which may indicate that these two case categories are related.

Another aspect of data completeness is whether there are missing values in cases where a value should be coded. The variables containing representation information are those most likely to be affected by missing values of this kind, and each of the three datasets has some degree of missing information for representation. None of the datasets are rendered unusable by missing values, but care should be taken to ensure that all cases are coded appropriately.

The OES data extracts have cases with missing values for plaintiff and defendant representation. As noted in the Methodology section, cases have observations for each party in the case and a variable that contains a code indicating either the presence of legal counsel (ATTORNEY) or absence (PRO SE). In 239 cases, however, at least one party had no entry for representation. This constitutes about 0.9 percent of cases in all. Plaintiff information was missing in 0.3 percent of OES cases and defendant representation was absent in 0.8 percent, with both missing about a quarter of the 239 cases. These missing data were not concentrated in any locality, and the rates of missing data were not especially high in any case group or category.

The following table summarizes the proportion of missing representation information for plaintiffs and defendants in the OES data across case groups.

Table 31: Percentage of Cases with Missing Representation Data in OES Extracts, by Case Group

Case Group	Percentage of Representation Missing	
	Plaintiff	Defendant
Administrative	1%	1%
Appeal	12%	4%
Appointment	0%	0%
Contract	0%	4%
Criminal-related	12%	6%
Debt	1%	1%
Domestic Relations	36%	24%
Uncontested Domestic	0%	0%
Enforcement	1%	1%
General Civil	14%	32%
Landlord/Tenant	0%	0%
Other	19%	8%
Real Property	0%	1%
Tort	4%	16%
Trust	0%	2%
Total Cases	78	225

Domestic Relations cases had the highest portion of cases with missing plaintiff information, followed by Other and General Civil. For defendants, the General Civil group had the highest portion, followed by Domestic Relations. These case groups were also among the largest groups, which may provide the best explanation for why they seem to have the most missing data.

In the Fairfax County data, court personnel indicated that a missing value for representation status should be interpreted as a “Pro Se” entry, but missing data took a different form. Rather than a party record with no representation information, some cases in the Fairfax extract lacked a record for a plaintiff or defendant. Without a plaintiff record, for example, no representation could be inferred for the plaintiff in a case. The following table summarizes missing party information, and representation information, across case groups for the Fairfax County data extract.

Table 32: Percentage of Cases with Missing Representation Data in the Fairfax County Extract, by Case Group

Case Group	Percentage of Representation Missing	
	Plaintiff	Defendant
Administrative	67%	39%
Appeal	0%	3%
Appointment	0%	3%
Contract	0%	0%
Criminal-related	0%	0%
Debt	0%	0%
Domestic Relations	0%	0%
Uncontested Domestic	0%	0%
Enforcement	0%	< 1%
General Civil	0%	< 1%
Landlord/Tenant	n.a.	n.a.
Other	0%	10%
Real Property	33%	1%
Tort	0%	0%
Trust	0%	43%
Total Cases	3	1,009

The primary case groups with missing data in representation are Administrative and Trust, setting aside the three cases with plaintiff representation missing. Within these groups, the most common case types reported by Fairfax County with missing defendant data are name changes and guardian/conservator appointments. In these instances, a reasonable conclusion is that such cases do not have defendants in a traditional sense, and in at least some cases no defendant record was created, leading to missing data.

In the Alexandria data, representation information was missing due to case data that lacked matching records, resulting in cases that either had representation data for both plaintiffs and defendants or did not have it for both. The following table has the distribution of missing representation across case groups for the Alexandria data extract.

Table 33: Percentage of Cases with Missing Representation Data in the Alexandria Extract, by Case Group

Case Group	Percentage of Representation Missing	
	Plaintiff	Defendant
Administrative	2%	2%
Appeal	1%	1%
Appointment	n.a.	n.a.
Contract	12%	12%
Criminal-related	2%	2%
Debt	0%	0%
Domestic Relations	9%	9%
Uncontested Domestic	15%	15%
Enforcement	19%	19%
Gen Civ	4%	4%
Landlord/Tenant	0%	0%
Other	6%	6%
Real Property	3%	3%
Tort	28%	28%
Trust	1%	1%
Total Cases	194	194

The highest percentage of cases with missing representation data is in Tort and the second largest case group is Enforcement. These are neither cases with a clear explanation of why party or representation might be recorded differently, nor the most common case groups in the dataset. Due to the nature of the missing data (i.e., the unavailability of matching records in a relational database), random error may be at fault for these missing data.

Reliability of Court Data

General District Court Data

The General District Court data can be considered reliable if the data are sufficiently free of errors to support its use for the purposes intended. Of course, data completeness is an important component of data reliability, but in addition to being complete, the data entries should be accurate enough to create confidence that descriptions and inferences made with the data are likely to be accurate. A reasonable method of assessing the reliability of individual data entries is to examine the data for internal consistency. If entries in separately entered fields are logically consistent with each other, confidence in the data is improved.

The representation fields in the GDC data are of particular interest in terms of reliability. These fields were made mandatory in March, 2015.¹⁸ Although there is virtually no missing data in these fields,¹⁹ the value of the data in the fields depends on whether the entries accurately capture the representation status of plaintiffs and defendants in the cases reported.

Plaintiff and defendant representation is expressed in the GDC data in two text fields, entitled “PLT_ATT_Y_NAME” and “DEF_ATT_Y_NAME”. Where an attorney is reported, the field contains the name of a person, firm, or clinic. There are three other types of entries, apart from names of these types. Thus, the entries

¹⁸ See the “Release Note” for CCMS, Version 5.2.0.6, operational date: March 18, 2015.

¹⁹ The fields “DEF_ATT_Y_NAME” and “PLT_ATT_Y_NAME” are populated in 99.9 percent of cases in the GDC data, but about 60 percent of the empty entries are in the City of Chesapeake, again suggesting that the locality in question follows different data entry protocols than others.

in these fields can be categorized into four types of values. The most common value overall is “None”. There are a small group of entries in which “NONE” is followed by the name of a firm, clinic, or person,²⁰ and a still-smaller group of cases in which the entry is “PRO SE”.²¹ The remainder have the name of a person, firm, or clinic. These entries can be characterized into four categories: None, None + Representative, Pro Se, and Representative.

The distribution of values for the two fields are reported in Table 34 below.

Table 34: Percentage of Values Entered in Attorney Fields, by Party Type

Field Value	Plaintiff Attorney	Defendant Attorney
None	45%	99%
None + Representative	< 1%	0%
Pro Se	0%	0%
Representative	55%	1%

The most common value in the Plaintiff Attorney field is the name of a person, firm, or clinic, while the Defendant Attorney field is overwhelmingly populated by “None.” Because of the number of cases in which the field values are “None + Representative” or “Pro Se,” those two groups are collapsed into “Representative” and “None,” respectively. The reported values indicate that a slight majority of plaintiffs are represented in Civil cases, while almost all defendants are not.

Entries for defendant representation in the GDC data, taken at face value, suggest that the vast majority of cases in the General District Courts involve defendants without legal counsel. Before concluding that representation of defendants is so lacking, however, the possibility that defense counsel are underreported should be investigated. Another variable accessible through the GDC data extract is whether or not the case ended in a default. Defaults are reported in the GDC data as hearing results, rather than disposition types, and in the processed GDC dataset, cases are identified as ending in default if the result of the final hearing in the case is a default judgment.

Table 35 reports the representation status of the defendant in all cases by the result of the final hearing in the case.

Table 35: Defendant Representation Status by Hearing Results

Defendant Representation Status	Default Judgment	Judgment	Other
Defendant Not Represented	100%	97%	98%
Defendant Represented	< 1%	3%	2%

Less than 1 percent (about one-tenth of a percent) of cases with a default judgment report legal representation for the defendant, compared with over 3 percent of cases with a judgment of some kind and 2 percent of cases with some other final hearing result. Of course, since very few cases report legal representation for defendants, the proportions are bound to be small. The following table, Table 36, presents the proportion of final hearing results for cases in which representation for the defendant is indicated.

²⁰ All of these entries come from Fairfax County.

²¹ Almost all of these entries come from Fairfax County.

Table 36: Final Hearing Result for Cases with Defendant Representation

Final Hearing Result	Defendant Represented
Default Judgment	5%
Judgment	21%
Other	74%

Five percent of cases in which a legal representative is entered for the defendant have a final hearing result of default judgment. While this is non-zero, it is by far the least common outcome for final hearings as it should be expected that a few defendants may initially pursue a defense only to abandon the case before conclusion. However, one would not expect many to do so.

A final approach to assessing whether defense representation is reported reliably is by comparing the representation status of the defense with the number of defense filings reported for the cases. The GDC data extract included a set of case filings associated with the cases, and after matching those filings by type with the cases, the number of filings made by the defense²² can be counted for each case. While it is certainly possible for a self-represented litigant to file documents with the court in pursuit of a case, the expectation is that cases with legal representation should see substantially more filings than those without a lawyer. Table 37 presents the distribution of the number of defense filings for cases both without and with defense representation reported.

Table 37: Representation Status of Defendant by Number of Defense Filings

Number of Defense Filings	Defendant Not Represented	Defendant Represented
0	99%	1%
1	70%	31%
2	52%	48%
3	32%	68%
4	22%	78%

Only 1 percent of cases with defense counsel reported had no associated defense filings, while over 75 percent of cases with the maximum number of filings with the court recorded legal representation for the defense. The proportions clearly shift from less representation to more as the number of associated answers, grounds of defense, and counterclaims filed in the case increase. The substantial increases in the share of represented cases with each increase in the number of defense filings supports the reliability of the reported defense representation status, although this is also an imperfect check on the value of the data entries.

Juvenile & Domestic Relations Court Data

Censored data are easier to assess, because the existing data can be examined to identify elements with missing values. Some ambiguity remains, however, if the absence of a value is an interpretable entry, and that ambiguity directly relates to the reliability of the data. Many important variables in the JDR Adult data, such as case type and disposition type, have values for all entries. It is not clear at first, however, whether the representation of parties is fully reported. Representation is captured in the Adult data by two variables. One variable (ATTY_REP) identifies the party for which representation is being captured, meaning that a single case can have two values, one for each party. This variable has no missing values, but it does not have two values for all cases. Also, this

²² Defense filings include answers, grounds of defense, and counterclaim documents. The total number of filings ranges from 0 to 4.

variable has four possible values, one of which indicates (per the coding information provided) that neither party to the case has representation.

Table 38 provides the percentage of cases, by case category, in which the four representation values are reported. Note that percentages do not sum to 100 percent, because the same case can have more than one entry for DCSE, petitioner, and respondent representation (although if “Neither Represented” is indicated, that is the only value for that case.)

Table 38: Reported Representation Entries in Adult JDR Cases, by Case Category

Representation Status of Party	Administrative	Enforcement	Support	Total Adult
DCSE for Petitioner	0%	7%	< 1%	2%
Petitioner Attorney	5%	4%	10%	8%
Respondent Attorney	4%	34%	10%	17%
Neither Represented	93%	64%	84%	79%

The other variable (NAME_FIXED_WIDTH) holds the identity of the legal counsel for the party identified in the first variable.²³ However, this variable, unlike the similar variable in the General District Court dataset, has no values indicating that the party identified in the first representation variable has no legal counsel. In other words, there are no “None” or “Pro Se” values in the NAME_FIXED_WIDTH field. There are cases, though, which have only one entry, indicating representation of the petitioner (either by DCSE or by other counsel, identified in the second variable), the respondent, or that neither party is represented. Since the counsel identity variable lacks any “no counsel” value, the likely interpretation is that when one party is identified as represented and the other is not identified, the unidentified party did not have legal counsel. So, in a case where the only value of ATTY_REP is “petitioner,” the petitioner is represented while the respondent is not, and vice versa.

Interpreting the absence of reported representation as no legal counsel, the following table presents the combinations of representation status inferred from the data.

Table 39: Reported Representation Combinations in Adult JDR Cases, by Case Category

Parties Reported as Represented	Administrative	Enforcement	Support	All Cases	Total Cases*
DCSE for Petitioner and Respondent	0%	99%	1%	2%	1,605
Petitioner and Respondent	3%	20%	78%	4%	2,699
Petitioner Only	3%	14%	83%	4%	3,288
Respondent Only	1%	63%	36%	11%	8,518
Neither Represented	6%	24%	70%	79%	59,557

* One case excluded from count, because representation was indicated for DCSE, Petitioner, and Respondent

Assuming the absence of a representation entry can reasonably be interpreted as the absence of legal counsel, representation status is fully reported. That assumption seems reasonable, since the variables otherwise do not present a way to identify a party that is not represented, except for the code for “neither party represented” in the counsel type variable, which is only useful when no legal counsel are involved in the case.

Representation is depicted in terms of the petitioner and respondent. The variable for Petitioner holds, for each case, a value indicating that the case was initiated either by the DCSE, the Payee, the Payer, an “Other” party, or a dash (-) indicating no value is entered. Since the case must have been initiated by some party, and there is no intuitive value to infer for a “no value” (-) entry, the Petitioner variable is missing in these cases, which constitute 56 percent of the cases in the JDR Adult dataset.

²³ This variable is blank when the first variable indicates that the DCSE is representing the petitioner.

The absence of a Petitioner value for over half of the cases eliminates a potentially valuable contextual data element from the analysis of these cases, but it also inhibits the interpretation of the representation variables. Because representation is captured in terms of the petitioner and respondent, representation cannot be translated into substantive terms when the petitioner is not identified (as either the DCSE, the payee, the payer, or another party.) The table below recounts the percentage of petitioner values entered by case category.

Table 40: Petitioner Type Values Entered in Adult JDR Cases, by Case Category

Case Category	Petitioner Code				
	No Entry (-)	DCSE	Other	Payee	Payer
Administrative	77%	2%	1%	13%	7%
Enforcement	55%	33%	< 1%	10%	2%
Support	59%	15%	1%	16%	9%
All Cases	58%	20%	1%	14%	7%

Petitioner is not coded in over three-quarters of Administrative cases, more than in Enforcement and Support cases, but the proportion of values not coded is greater than half in all three categories. Fortunately, the representation coding values mitigate the missing values in the petitioner field somewhat. Table 41 summarizes the proportion of representation entries for each Petitioner value.

Table 41: Case Representations Coded in Adult JDR Cases, by Petitioner Value

Petitioner Code	Parties Coded as Represented					Total Cases
	DCSE for Petitioner	Petitioner and Respondent	Petitioner Only	Respondent Only	Neither Represented	
No Entry (-)	0%	3%	4%	11%	82%	44,235
DCSE	10%	1%	3%	14%	72%	14,997
Other	< 1%	4%	6%	9%	80%	470
Payee	1%	8%	10%	9%	72%	10,540
Payer	< 1%	5%	4%	11%	79%	5,426

In some instances, the representation coded for a case suggests an inference of which party to the dispute is the petitioner and which the respondent. When the DCSE is identified as appearing on behalf of the petitioner, it is safe to assume that the payee is the petitioner.²⁴ Also, when the coding indicates that neither petitioner nor respondent is represented, then both the payer and payee do not have legal counsel and knowing which is which becomes unnecessary for this purpose. This is also true if both the petitioner and the respondent are indicated as being represented. However, when one party, the petitioner or the respondent, is coded as having representation and the other is not, then not knowing the petitioning party leaves the representation of the payee and the payer unclear. The same is true of the petitioner code “other,” which could be a party moving on behalf of either the payee or the payer.

The lack of data for petitioner also has consequences for the interpretation of the outcome of cases. Many of the disposition codes indicate the outcome in terms of the conclusion for support or actions taken to secure support. In those cases, the disposition can be coded to reflect the outcome for the payer or payee without difficulty. Other disposition codes, however, characterize the outcome in terms of the petitioner’s request, such as “denied” or “granted.” When the identity of the petitioner is not clear, the outcomes of such cases are also

²⁴ This is, in fact, true in all instances except one where the DCSE is identified as appearing on behalf of the petitioner and the petitioner is identified as someone other than the DCSE itself.

not clear. The following table (Table 42) presents the cross-tabulation of disposition types and petitioner values as a percentage of all cases.

Table 42: Percentage of Petitioner/Disposition Type Combinations in Adult JDR Cases

Disposition Code	Petitioner Code					All	Total Cases	Outcome Inferred
	No Entry (-)	DCSE	Other	Payee	Payer			
Arrearage established	< 1%	< 1%	< 1%	< 1%	< 1%	< 1%	222	Pro-Payee
Complied with law	< 1%	0%	0%	< 1%	0%	< 1%	2	Pro-Payee
Dismissed/Denied	19%	6%	< 1%	5%	2%	32%	24,424	Dismissed/Pro-Respondent/Unknown
Dismissed/Lack of notice	< 1%	< 1%	< 1%	< 1%	< 1%	< 1%	156	Dismissed/Pro-Respondent/Unknown
Defer imposition of sentence	< 1%	0%	0%	0%	0%	< 1%	3	Other
Fugitive file	3%	1%	< 1%	< 1%	< 1%	4%	3,166	Pro-Payee
Guilty	2%	3%	< 1%	1%	< 1%	6%	4,618	Pro-Payee
Granted	6%	1%	< 1%	1%	2%	10%	7,255	Pro-Petitioner/Unknown
Judgment on arrearage	< 1%	0%	0%	< 1%	0%	< 1%	26	Pro-Payee
Not found	< 1%	< 1%	0%	< 1%	0%	< 1%	44	Other
Not guilty	< 1%	< 1%	< 1%	< 1%	< 1%	1%	452	Pro-Payer
Nolle prosequi	< 1%	< 1%	0%	< 1%	< 1%	< 1%	45	Pro-Payer
Other	8%	1%	< 1%	1%	< 1%	11%	8,002	Other
Order vacated	< 1%	< 1%	< 1%	< 1%	< 1%	< 1%	160	Pro-Payer
Resolved	2%	< 1%	< 1%	< 1%	< 1%	3%	1,975	Other
Recall service	< 1%	< 1%	0%	0%	0%	< 1%	29	Pro-Payer
Support ordered	12%	4%	< 1%	4%	2%	21%	16,166	Pro-Payee
Transferred	1%	1%	< 1%	< 1%	< 1%	3%	1,935	Other
Terminate support	1%	< 1%	< 1%	< 1%	< 1%	1%	1,039	Pro-Payer
Withdrawn	4%	1%	< 1%	2%	< 1%	8%	5,949	Other
All Cases	58%	20%	1%	14%	7%		75,668	

The combinations that leave outcomes ambiguous include dismissals and grants with no entry or “Other” for petitioner. Although dismissal is itself an ambiguous outcome, the more common “dismissal” code is also identified as “Dismissed/Denied” for certain case types. Like “Granted,” this disposition depends on the identities of the petitioner to translate into a Pro-Payee or Pro-Payer resolution. When the petitioner is not known, the outcomes for these cases are coded as “Unknown” as well.

Circuit Court Data

Although data completeness is an important component of data reliability, for the Circuit Court data to be considered reliable, the data entries should be accurate enough to create confidence that descriptions and inferences made with the data are likely to be accurate. Another issue that arises from these data is that merging information from multiple sources requires that different coding schemes be harmonized so that they capture the same things. This is particularly apparent in the observed distribution of case types and case groups.

Table 43 presents the proportion of cases falling into each of the 15 Case Groups used to organize the cases into the 7 case categories.

Table 43: Percentage of Cases in Each Case Group by Data Source

Case Group	Percentage of Database			Assigned Case Category
	OES	Alexandria	Fairfax County	
Administrative	9%	0%	6%	Other Civil
Appeal	4%	2%	12%	Other Civil
Appointment	1%	0%	1%	Other Civil
Contract	3%	6%	7%	Debt/Contract
Criminal-related	4%	1%	< 1%	Other Civil
Debt	1%	1%	3%	Debt/Contract
Domestic Relations	31%	5%	13%	Domestic Relations
Uncontested Domestic	< 1%	69%	32%	Domestic Relations
Enforcement	8%	1%	3%	Other Civil
Gen Civ	14%	1%	5%	General Civil
Landlord/Tenant	< 1%	< 1%	0%	Other Civil
Other	8%	2%	5%	Other Civil
Real Property	2%	1%	1%	Real Property
Tort	14%	11%	6%	Tort
Trust	2%	< 1%	7%	Probate/Will & Trust

Several case groups appear with similar relative frequency across all three datasets. Contract cases, for instance, are nearly the same in two datasets, and although the proportion in the OES dataset is about half what the other two contain, the absolute difference is not that substantial. Likewise, Criminal-related cases, Landlord/Tenant, and Real Property cases have similar shares in all three datasets.

Significant differences appear in several others, however. Often, two datasets will have similar proportions of cases in one group, while the other has substantially more or less. Alexandria, for instance, has no Administrative cases. This is primarily due to a lack of name change cases. It is possible that name changes are handled in a different fashion in Alexandria that does not result in what they consider a case filing. Likewise, the Alexandria has no Appointment cases or Appointments of Guardians, which is a large share of Probate/Will and Trust cases.

The Domestic Relations group is noteworthy. The Domestic Relations group is sizeable in the OES data, but not as large in the other two, while the Uncontested Group is almost 0 percent in the OES data, but large in the other two, although the Fairfax County share is less than half what Alexandria reports. A primary cause of this difference, and the reason for combining contested and uncontested domestic relations into the same case category, is that the OES system does not distinguish between contested and uncontested divorce, while both the independent data sources do. It is less clear what causes the distinction between the Fairfax and Alexandria figures, but the gap between the OES proportion and the other localities could be a function of the OES data pooling 31 localities, some of which may have substantially more or fewer domestic relations cases, into one dataset.

As noted above, the General Civil category is composed of generic placeholders, such as “Complaint” and “Civil Cause of Action,” and both Fairfax County and Alexandria have comparatively few of these. The OES dataset also has far more case types that fall into a general “Other” case group, such as garnishments, forfeitures, and interpleaders. Some of these placeholder or other cases could be used in some jurisdictions where Fairfax County and Alexandria use more specific codes. None of the three data sources has many Landlord/Tenant disputes, a case type that is probably dealt with primarily in the General District Courts, and Fairfax has none.

A crucial difference between the data extracted by the OES and the data provided by Alexandria and Fairfax County is in the codes provided for case disposition. The OES and Alexandria datasets have multiple fields to indicate the result of a case, while Fairfax County has only one. However, one of the fields used to denote the case result in Alexandria is mostly unpopulated. In the two independent datasets, disposition of the case is primarily reported in terms of the manner the case was concluded (via trial, dismissal, etc.) and the instrument of disposition (final decree, judgment, etc.) leading to many cases in Alexandria and Fairfax County having ambiguous outcomes. There were also cases in the OES data extracts that did not have clear results, apart from the manner of disposition, based on the set of variables provided. The Alexandria data were also provided in a set of spreadsheets linked by shared case number, and a set of cases did not match with the file containing disposition information, leading these cases to have missing data for that variable.

Table 44 reports the set of all outcomes coded from the disposition variables provided by all three data sources as a proportion of all cases from that source as well as the final disposition or outcome code given to those cases for analytical purposes.

Table 44: Percentage of Cases in Each Disposition/Outcome Category by Data Source

Disposition Code	Data Source			Total	Outcome
	OES	Alexandria	Fairfax County		
Defendant	4%	0%	0%	3%	Pro-Defendant
Plaintiff	35%	0%	0%	25%	Pro-Plaintiff
Dismissed/Settled	27%	18%	27%	26%	Dismissed
Other	24%	1%	24%	22%	Other
Default	2%	3%	1%	2%	Default
Decree	0%	7%	25%	6%	Unknown/Unclear
Trial	8%	51%	21%	14%	Unknown/Unclear
Unknown	0%	20%	0%	2%	Unknown/Unclear
Total Cases	27,021	3,439	7,183	37,643	

The lack of information about judgments in the Alexandria and Fairfax datasets significantly hampers their ability to characterize results in Civil cases. Alexandria in particular has about three-quarters of its cases either unknown due to missing data or unclear because the only disposition provided is the manner of disposition.

Coding practices can be improved by examining the joint distribution of “Concluded By” and “Judgment” variables in the OES data extracts. These variables cover all cases, but for some of them, even the combination of conclusion and judgment data does not isolate an outcome in terms of the defendant, plaintiff, or dismissal.

Table 45 presents the cross-tabulation of these two fields for the OES extract data.

Table 45: Concluded By and Judgment Coding Combinations in the OES Data Extracts

Concluded By Code	Judgment Code								Total Cases
	Defendant	Granted	Other (Code O)	Other (Code OT)	Plaintiff	Respondent	Settlement Order	Withdrawn	
Affidavit for Divorce	Defendant	--	Other	--	Plaintiff	--	--	--	1,435
Deposition	Defendant	Plaintiff	Other	Other	Plaintiff	Defendant	--	--	3,308
Settlement/Non-Suit/Vol. Dismissal	Defendant	Settle/Dismiss	Settle/Dismiss	Settle/Dismiss	Plaintiff	Defendant	Settle/Dismiss	Settle/Dismiss	8,681
Default Judgment	Default	--	Default	--	Default	--	--	--	608
Other	Defendant	Plaintiff	Other	Other	Plaintiff	Defendant	Other	Other	6,324
Purged After 1 Year	--	--	Other	--	--	--	--	--	10
Purged After 2 Years	--	--	Other	Other	Plaintiff	--	--	--	120
Purged After 3 Years	Defendant	--	Other	Other	Plaintiff	--	--	--	986
Report By Commissioner	--	--	Other	--	Plaintiff	--	--	--	60
Trial – Jury	Defendant	--	Trial	--	Plaintiff	--	--	--	87
Trial - Judge w/ Witnesses	Defendant	Plaintiff	Trial	Other	Plaintiff	Defendant	Settle/Dismiss	Trial	4,669
Transferred	Other	Other	Other	Other	Other	Other	Other	Other	485
Withdrawn prior to Trial	Other	Other	Other	Other	Other	Other	Other	Other	248
Total	826	361	15,145	312	9,688	398	33	258	27,021

Note: "--" means that there was no instance of the specific Concluded by and Judgment code pairing.

Judgment codes often contained the more useful data point in determining what the outcome was, but in instances where the Concluded By value called into question the clarity of the Judgment Code, cases were coded “Other Disposition.” For instance, cases identified as “Transferred” may nevertheless have a Judgment Code for Defendant, but it is unclear whether that is the case outcome or merely the party who moved for the transfer, leaving the final disposition in question. Nevertheless, many cases can be successfully coded from the combination of these variables.

Conclusion

Data completeness and reliability are vital concerns if data from case management systems are to be useful for characterizing activities in the courts and drawing conclusions about relationships between case qualities and outcomes. The current report is focused particularly on the relationships between representation profiles and case outcomes for Civil cases in the General District Court, Juvenile & Domestic Relations Court, and Circuit Court data extracted from the central CMS by OES and data extracted and reported by other systems maintained by the Circuit Courts in Fairfax County and Alexandria.

A primary issue of incompleteness in JDR Adult data relates to the lack of entries for unrepresented parties. Representation data appear to be complete for all parties who are identified as having legal counsel, but in many cases, only one party is listed in the case—the party who is represented. The analysis in this report proceeded under the assumption that parties (petitioner or respondent) who are not listed in a case are not represented, but this assumption should not be necessary, and fails to build confidence in the completeness and reliability of the data extract.

Another consequential issue of JDR data incompleteness and unreliability is the absence of entries for “Petitioner” in most cases. The “Petitioner” field is voluntary, but since the representation entries are coded in terms of counsel for the petitioner and respondent, the “Petitioner” variable provides a necessary link between

the information on counsel and the disposition codes and outcomes, most of which indicate whether the interests of the payee or the payer prevail.

Although representation status is mostly well-presented in each of the Circuit Court data extracts, case types are reported with striking differences, obscuring the distinction among different legal cultures and practices across courts and distinct coding schemes that make it difficult to match case types.

Another consequential issue of data completeness and reliability in the Circuit Court data is the absence of entries for “Judgment” in most cases in the data from Alexandria and Fairfax County. Neither court regularly reported information that would allow reports to be composed by examining the relationships between representation status and outcomes, although there are codes that identify the manner of disposition for cases.

Demographic Data

One of the goals of the present report is to assess the relationships between the patterns of representation observed in the data provided for the GDC, JDR, and Circuit courts and various demographic characteristics that might influence whether litigants seek out or acquire the assistance of counsel. A significant impediment to this goal is the lack of information available from case management systems in the state about the characteristics of the litigants in the case-level data provided. Without information about the social and economic circumstances of plaintiffs and defendants involved in the cases, it is impossible to directly examine even the correlations between such characteristics and the presence or absence of legal representation. Making well-supported inferences about the causes of self-represented and unrepresented litigants is even further out of reach.

In the interest of informing potential policy changes regarding representation in civil cases, however, this report includes an attempt to give context to the representation patterns in cases sorted by court type and case category. Although the case-level data lack information about the demographic characteristics of the litigants, the cases are geographically located by jurisdiction.²⁵ Using demographic data made available through the American Community Survey (ACS), a product of the U.S. Department of the Census, demographic characteristics of each locality in Virginia can be summarized and compared to summaries of the representation patterns within the jurisdictions.²⁶

The following table, Table 46, summarizes the demographic variables collected from ACS for Virginia localities.

²⁵ For the GDC court, the OES provided address data for the plaintiff and defendant, from which zip codes could be extracted for most litigants. Although not all litigants are located within the jurisdiction in which the case is processed, we estimate that between 75 percent and 80 percent of litigants report an address within the locality of jurisdiction in the GDC cases.

²⁶ To provide population estimates for every county and city in Virginia, the ACS 5-year estimates for 2015 were used. These estimates summarize ACS surveys from 5 years, from 2011 to 2015 in order to accumulate sufficient sample size to produce a sufficiently reliable estimate for every locality in the United States. Thus, some of the data contributing to the 5-year estimates precede 2015. Also, the ACS estimates are not population-based statistics, but sample-based estimates and are subject to sampling error. For additional information on the variance and margins of error for ACS data, see: <https://www.census.gov/programs-surveys/acs/technical-documentation/variance-tables.html>.

Table 46: Demographic Variables Collected for Virginia Localities

Demographic Variable	Variable Description
FIPS	County Code
% Below Poverty Level	Percentage of resident population for whom poverty assessed below federal poverty level
% of Population Employed	Percentage of resident population in the labor force who are currently employed (civilian and military)
% < High School Education	Percentage of resident population 25 or older with less than a high school degree
% High School Education	Percentage of resident population 25 or older whose highest education attainment is high school graduate or GED
% > High School Education	Percentage of resident population 25 or older whose highest educational attainment is some college, an associates or bachelors degree, or higher
% Age Under 25	Percentage of resident population under 25 years of age
% Age 25 to 64	Percentage of resident population aged 25 to 64
% Age Over 64	Percentage of resident population aged 65 or older
% Active Military	Percentage of employed resident population who are active military
% Living in Rental Property	Percentage of resident population for whom housing is assessed currently living in rental property
% Limited English Proficient (LEP)	Percentage of resident population 5 years or older who speak a language other than English at home and speak English less than very well

The ACS demographic summaries are estimated values, subject to sampling error. Also, many of the data elements are approximations of a different quantity of interest that would more directly assess the relationship with representation status. For instance, the percentage of resident population below the federal poverty level summarizes the proportion of people in a given jurisdiction whose income falls below a discrete value, rather than the resources available to the average resident that might be used to retain the assistance of counsel. If measured at the individual level, income level expressed in a figure would be preferable to an indicator of whether or not a litigant falls above or below the poverty level. However, the percent below poverty better represents the size of the population for whom a lack of resources might limit their ability to seek legal representation than the average or median income level in a jurisdiction. A central tendency, even the median, does not summarize the overall distribution of income for a population well.

Conclusion

In order to truly describe what kinds of litigants are more or less likely to have counsel, demographic characteristics must be collected alongside representation status at the case level. Data at the individual (party) and case level is also a necessary step toward making inference about the causes of self-representation. Moreover, efforts to assess the relationship between representation status and case outcomes should be informed by individual-level information about the circumstances of the litigants. For instance, income, education, language facility, employment, and other demographic characteristics may impact the outcomes that litigants tend to achieve, as well as their likelihood of retaining counsel, and disentangling those effects requires that they be measured at the case and individual level.

Recommendations

In order to understand the impact of legal representation, more and better data is needed. Recognizing that changes to information systems are significant investments in resources and training, the recommendations below aim to identify the highest minimum additional data needed to provide the most significant benefit; in other words, to define the highest value changes that the OES should consider undertaking.

Litigant Demographics

While the best demographic data to use would be that of individual litigants, OES could consider collecting ZIP Code information for litigants. While not as precise as knowing the demographic data on individual litigants (for example, age, income, race/ethnicity, employment status, etc.) knowing the Zip + 4 digits for litigants would allow the kind of demographic data used in this report (jurisdiction/city/county level) to be more specific, and give more confidence to the inferences being made regarding the relationship between case information (filings, outcomes, representation status) and those demographic data while at the same time not raising concerns about privacy or inappropriate use of personal information. Zip + 4 is used on Virginia driver's licenses and other records and written documents from state agencies and thus should be readily available to litigants.

Representation Status

To ensure confidence in the presence or absence of legal representation, the case management systems (CMS) for all courts should have a means for the data entry clerk to clearly denote that a party is self-represented. This could be done by adding a "Pro-Se" check box to the CMS or by requiring that "Pro Se" be entered in the attorney field to affirmatively indicate that the petitioner or respondent is not represented by legal counsel. This code should not be designated automatically or entered when no other value is provided, but should be selected during the process of data entry to prevent ambiguity about whether the value was a result of incomplete data.

The attorney field also should not be left blank during data entry, as this makes it impossible to interpret the meaning of this lack of data. A default or entered value of "None" could mean at least two different things: 1) the party was self-represented; 2) there is missing information and representation status is unknown.

Disposition Data

The OES should consider modifying the disposition data captured by the state case management systems to ensure that all case outcomes can be classified as plaintiff win, defendant win, or non-dispositive. Specifically, the OES should introduce additional data codes for the "Final Disposition" and "Judgment For" fields to capture additional information about dismissed cases in the two case management systems for General District Court and Juvenile & Domestic Relations Court. Cases disposed by dismissal constitute more than 25 percent of those analyzed for these two courts, and while non-suits and unserved outcomes are recorded separately, the dismissal category does not provide any data about whether dismissals are voluntary or not, due to defect or inactivity on the part of the plaintiff or defendant, or upon advisement of a settlement.

In the Circuit Court, the OES should attempt to introduce data elements and codes that provide more information about the outcome of cases for descriptive and analytical purposes. Fields capturing the conclusion or judgment of cases tend to use "Other" generously and combine various outcomes such as settlements, non-suits, and voluntary dismissals in a way that obscures information about the possible reasons why a case is concluded prior to judgment, or what the fate of the underlying claim(s) might be.

If the OES has a current process allowing judges and/or court clerks to propose and discuss data definitions and rules for their use, that process should be used to consider these issues. If not, OES should consider convening focus groups of judges and clerks from each court (General District Court, Juvenile & Domestic Relations Court, Circuit Court) to discuss and determine how to improve the disposition data categories and codes.

Case Audits

The NCSC recommends that the OES conduct case audits to help ensure the validity of case data as well as to ensure that case data is being entered consistently across all courts. Such an audit would compare how data for the same case type is being entered over time within a single jurisdiction and across different courts of the same type (GDC, JDR, Circuit). Periodic checks for consistency in data entry can reveal the need for additional training on certain issues or in certain courts and can help to ensure that data in all cases are being coded similarly.

Appendix A: Data Tables

Table A1: Case Outcomes, by Representation, in GDC Debt Cases

Case Outcomes	Both Parties	Plaintiff Only	Defendant Only	Neither Party	Total
Default Judgment	N/A	104,249	N/A	58,896	163,145
Non-Default Judgment	3,852	68,234	1,288	58,516	131,890
Party Win	1,040	15,184	379	7,675	24,278
Plaintiff Win	802	14,921	233	6,955	22,911
Defendant Win	238	263	146	720	1,367
Other Non-Default	2,728	42,247	856	41,932	87,763
Dismissed	2,116	32,196	696	29,456	64,464
Non-Suit	533	9,458	116	12,059	22,166
Other	79	593	44	417	1,133
Non-Dispositive	84	10,803	53	8,909	19,849
Not Found/Unserved	9	10,557	5	8,725	19,296
Transfer/Change of Venue	75	246	48	184	553
Total	3,852	172,483	1,288	117,412	295,035

Note: "N/A" indicates that no cases in the relevant representation status fall into the case category.

Table A2: Case Outcomes, by Representation, in GDC Housing Cases

Case Outcomes	Both Parties	Plaintiff Only	Defendant Only	Neither Party	Total
Default Judgment	N/A	48,444	N/A	24,141	72,585
Non-Default Judgment	636	61,342	208	39,236	101,422
Party Win	287	13,678	63	12,128	26,156
Plaintiff Win	258	13,630	54	11,991	25,933
Defendant Win	29	48	9	137	223
Other Non-Default	347	46,840	145	26,691	74,023
Dismissed	180	34,107	112	21,223	55,622
Non-Suit	129	11,399	24	4,973	16,525
Other	38	1,334	9	495	1,876
Non-Dispositive	2	824	0	417	1,243
Not Found/Unserved	0	809	0	403	1,212
Transfer/Change of Venue	2	15	0	14	31
Total	636	109,786	208	63,377	174,007

Note: "0" indicates that no cases in the case category fall into the relevant representation status; "N/A" indicates that no cases in the relevant representation status fall into the case category.

Table A3: Case Outcomes, by Representation, in GDC Protective Order Cases

Case Outcomes	Both Parties	Plaintiff Only	Defendant Only	Neither Party	Total
Default Judgment	N/A	N/A	N/A	3	3
Non-Default Judgment	143	152	444	30,437	31,176
Party Win	108	130	318	11,989	12,545
Plaintiff Win	90	109	250	9,646	10,095
Defendant Win	18	21	68	2,343	2,450
Other Non-Default	35	21	126	18,433	18,615
Dismissed	35	19	124	4,151	4,329
Non-Suit	0	0	0	0	0
Other	0	2	2	14,282	14,286
Non-Dispositive	0	1	0	15	16
Not Found/Unerved	0	0	0	0	0
Transfer/Change of Venue	0	1	0	15	16
Total	143	152	444	30,440	31,179

Note: "0" indicates that no cases in the case category fall into the relevant representation status; "N/A" indicates that no cases in the relevant representation status fall into the case category.

Table A4: Case Outcomes, by Representation, in JDR Support Cases

Case Outcomes	Both Parties	Payee Only	Payer Only	Neither Party	Subtotal	Unknown	Total
Default Judgment	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Non-Default Judgment	1,890	969	1,335	36,801	40,995	2,709	43,704
Party Win	946	327	617	14,288	16,178	1,177	17,355
Payee Win	897	311	552	13,272	15,032	1,100	16,132
Payer Win	49	16	65	1,016	1,146	77	1,223
Other Non-Default	914	614	665	21,019	23,212	1,455	24,667
Defer Imposition of Sentence	N/A	N/A	N/A	2	2	0	2
Dismissed/Denied	546	405	319	11,517	12,787	804	13,591
Dismissed/Lack of Notice	0	2	1	86	89	2	91
Other	70	54	76	4,402	4,602	189	4,791
Resolved	86	33	58	1,378	1,555	155	1,710
Withdrawn	212	120	211	3,634	4,177	305	4,482
Non-Dispositive	30	28	53	1,494	1,605	77	1,682
Not Found	1	0	N/A	3	4	0	4
Transferred	29	28	53	1,491	1,601	77	1,678
Subtotal	1,890	969	1,335	36,801	40,995	2,709	43,704
Unknown	226	85	292	5,019	5,622	386	6,008
Total	2,116	1,054	1,627	41,820	46,617	3,095	49,712

Note: "0" indicates that no cases in the case category fall into the relevant representation status; "N/A" indicates that no cases in the relevant representation status fall into the case category.

Table A5: Case Outcomes, by Representation, in Circuit Domestic Relations Cases

Case Outcomes	Both Parties	Plaintiff Only	Defendant Only	Neither Party	Subtotal	Unknown	Total
Default Judgment	2	2	0	1	5	N/A	5
Non-Default Judgment	2,877	4,366	274	1,180	8,697	59	8,756
Party Win	1,562	2,850	148	688	5,248	16	5,264
Plaintiff Win	1,231	2,750	122	578	4,681	15	4,696
Defendant Win	331	100	26	110	567	1	568
Other Non-Default	1,315	1,516	126	492	3,449	43	3,492
Dismissed	576	518	55	168	1,317	3	1,320
Other	739	998	71	324	2,132	40	2,172
Non-Dispositive	*	*	*	*	*	*	*
Subtotal	2,879	4,368	274	1,181	8,702	59	8,761
Unknown	1,014	3,266	93	1,011	5,384	46	5,430
Total	3,893	7,634	367	2,192	14,086	105	14,191

Note: "0" indicates that no cases in the case category fall into the relevant representation status; "N/A" indicates that no cases in the relevant representation status fall into the case category. *Other Non-Default data include Non-Dispositive outcomes because Non-Dispositive data could not be easily identified.

Table A6: Case Outcomes, by Representation, in Circuit Tort Cases

Case Outcomes	Both Parties	Plaintiff Only	Defendant Only	Neither Party	Subtotal	Unknown	Total
Default Judgment	10	25	0	0	35	N/A	35
Non-Default Judgment	3,588	671	37	18	4,314	39	4,353
Party Win	350	97	5	1	453	1	454
Plaintiff Win	292	94	1	1	388	1	389
Defendant Win	58	3	4	0	65	0	65
Other Non-Default	3,238	574	32	17	3,861	38	3,899
Dismissed	2,917	506	22	12	3,457	3	3,460
Other	321	68	10	5	404	35	439
Non-Dispositive	*	*	*	*	*	*	*
Subtotal	3,598	696	37	18	4,349	39	4,388
Unknown	156	29	9	1	195	55	250
Total	3,754	725	46	19	4,544	94	4,638

Note: "0" indicates that no cases in the case category fall into the relevant representation status; "N/A" indicates that no cases in the relevant representation status fall into the case category. *Other Non-Default data include Non-Dispositive outcomes because Non-Dispositive data could not be easily identified.

Table A7: Case Outcomes, by Representation, in Circuit Debt/Contract Cases

Case Outcomes	Both Parties	Plaintiff Only	Defendant Only	Neither Party	Subtotal	Unknown	Total
Default Judgment	77	413	0	2	492	N/A	492
Non-Default Judgment	461	700	22	29	1,212	10	1,222
Party Win	76	134	2	7	219	0	219
Plaintiff Win	68	131	1	7	207	0	207
Defendant Win	8	3	1	0	12	0	12
Other Non-Default	385	566	20	22	993	10	1,003
Dismissed	316	294	16	3	629	1	630
Other	69	272	4	19	364	9	373
Non-Dispositive	*	*	*	*	*	*	*
Subtotal	538	1,113	22	31	1,704	10	1,714
Unknown	59	115	1	1	176	25	201
Total	597	1,228	23	32	1,880	35	1,915

Note: "0" indicates that no cases in the case category fall into the relevant representation status; "N/A" indicates that no cases in the relevant representation status fall into the case category. *Other Non-Default data include Non-Dispositive outcomes because Non-Dispositive data could not be easily identified.

Table A8: ACS Below Poverty Level Data, by Virginia FIPS Code

FIPS Code	District	# Below Poverty Level	% Below Poverty Level
1	2	6,384	20%
3	16	9,714	10%
5	25	4,119	19%
7	11	1,471	12%
9	24	4,086	13%
11	10	2,668	18%
13	17	19,996	9%
15	25	6,694	10%
17	25	347	8%
19	24	7,372	10%
21	27	621	11%
23	25	2,701	8%
25	6	3,298	22%
27	29	5,841	26%
29	10	2,867	19%
31	24	7,309	13%
33	15	3,601	13%
35	27	5,017	17%
36	9	933	13%
37	10	2,589	21%
41	12	24,002	7%
43	26	1,556	11%
45	25	611	12%
47	16	4,320	9%
49	10	1,996	20%
51	29	3,225	21%
53	11	4,061	15%
57	15	1,533	14%
59	19	66,762	6%
61	20	3,762	6%
63	27	1,551	10%
65	16	1,618	7%
67	22	8,123	15%
69	26	5,247	7%
71	27	1,891	11%
73	9	2,735	7%
75	16	1,163	6%
77	27	3,244	21%
79	16	1,853	10%
81	6	1,490	20%

FIPS Code	District	# Below Poverty Level	% Below Poverty Level
83	10	6,675	19%
85	15	5,976	6%
87	14	33,914	11%
89	21	9,520	18%
91	25	282	13%
93	5	4,137	12%
97	9	949	13%
99	15	1,366	6%
101	9	1,897	12%
103	15	1,246	11%
105	30	6,027	25%
107	20	14,047	4%
109	16	3,385	10%
111	10	2,279	20%
113	16	1,613	12%
115	9	613	7%
117	10	5,975	20%
119	9	982	9%
121	27	21,707	25%
125	24	2,159	15%
127	9	1,327	7%
131	2	2,730	23%
133	15	1,352	11%
135	11	3,444	24%
137	16	4,105	12%
139	26	3,880	16%
141	21	3,818	21%
143	22	9,944	16%
145	11	1,252	5%
147	10	3,883	21%
149	6	3,370	10%
153	31	33,916	7%
155	27	4,506	13%
157	20	733	10%
159	15	748	11%
161	23	7,607	8%
163	25	3,763	15%
165	26	22,797	19%
167	29	5,777	21%
169	30	4,406	20%
171	26	5,138	12%
173	28	5,815	19%
175	5	2,649	16%
177	15	10,396	8%

FIPS Code	District	# Below Poverty Level	% Below Poverty Level
179	15	6,948	5%
181	6	881	13%
183	6	1,362	21%
185	29	7,518	18%
187	26	3,696	10%
191	28	6,845	13%
193	15	2,323	13%
195	30	8,414	22%
197	27	4,356	15%
199	9	4,198	6%
510	18	12,359	8%
520	28	3,496	20%
530	25	1,755	28%
540	16	10,995	26%
550	1	21,734	10%
570	12	1,974	11%
590	22	9,629	24%
595	6	1,907	35%
600	19	1,593	7%
610	17	361	3%
620	5	1,762	21%
630	15	4,108	17%
640	27	1,766	27%
650	8	20,187	15%
670	6	4,165	19%
680	24	16,775	25%
690	21	3,105	24%
700	7	26,984	16%
710	4	46,288	21%
720	30	949	24%
730	11	8,795	28%
735	9	502	4%
740	3	17,000	18%
750	27	5,497	39%
760	13	51,828	26%
770	23	20,514	21%
775	23	2,578	11%
790	25	4,052	18%
800	5	9,835	12%
810	2	36,267	8%
820	25	3,796	18%
830	9	8,049	10%
840	26	4,200	16%

Table A9: ACS Employed Data, by Virginia FIPS Code

FIPS Code	District	% Employed
1	2	93%
3	16	96%
5	25	94%
7	11	95%
9	24	93%
11	10	93%
13	17	96%
15	25	95%
17	25	94%
19	24	94%
21	27	91%
23	25	95%
25	6	90%
27	29	89%
29	10	89%
31	24	94%
33	15	92%
35	27	93%
36	9	92%
37	10	95%
41	12	93%
43	26	94%
45	25	96%
47	16	93%
49	10	90%
51	29	92%
53	11	90%
57	15	92%
59	19	95%
61	20	95%
63	27	94%
65	16	95%
67	22	94%
69	26	95%
71	27	95%
73	9	95%
75	16	95%
77	27	91%
79	16	93%
81	6	94%
83	10	92%
85	15	96%
87	14	93%

FIPS Code	District	% Employed
89	21	90%
91	25	99%
93	5	92%
97	9	95%
99	15	93%
101	9	95%
103	15	92%
105	30	88%
107	20	96%
109	16	92%
111	10	93%
113	16	93%
115	9	97%
117	10	93%
119	9	94%
121	27	94%
125	24	94%
127	9	94%
131	2	91%
133	15	91%
135	11	89%
137	16	92%
139	26	91%
141	21	92%
143	22	92%
145	11	95%
147	10	93%
149	6	90%
153	31	95%
155	27	93%
157	20	97%
159	15	91%
161	23	95%
163	25	96%
165	26	94%
167	29	92%
169	30	91%
171	26	94%
173	28	94%
175	5	93%
177	15	94%
179	15	95%
181	6	89%
183	6	93%

FIPS Code	District	% Employed
185	29	92%
187	26	93%
191	28	93%
193	15	90%
195	30	89%
197	27	90%
199	9	95%
510	18	96%
520	28	89%
530	25	93%
540	16	96%
550	1	93%
570	12	92%
590	22	87%
595	6	81%
600	19	95%
610	17	96%
620	5	86%
630	15	91%
640	27	94%
650	8	91%
670	6	87%
680	24	92%
690	21	88%
700	7	92%
710	4	91%
720	30	89%
730	11	87%
735	9	96%
740	3	89%
750	27	91%
760	13	90%
770	23	92%
775	23	95%
790	25	94%
800	5	92%
810	2	94%
820	25	95%
830	9	94%
840	26	93%

Table A10: ACS Education Data, by Virginia FIPS Code

FIPS Code	District	% < High School Education	% High School Education	% > High School Education
1	2	20%	40%	40%

FIPS Code	District	% < High School Education	% High School Education	% > High School Education
3	16	8%	20%	72%
5	25	17%	38%	45%
7	11	19%	36%	44%
9	24	16%	36%	48%
11	10	16%	37%	48%
13	17	7%	9%	84%
15	25	14%	41%	45%
17	25	12%	39%	49%
19	24	12%	32%	56%
21	27	15%	41%	44%
23	25	10%	35%	56%
25	6	24%	35%	41%
27	29	29%	35%	37%
29	10	22%	44%	34%
31	24	15%	36%	49%
33	15	16%	37%	46%
35	27	19%	35%	46%
36	9	23%	39%	37%
37	10	20%	40%	40%
41	12	9%	25%	66%
43	26	12%	29%	59%
45	25	10%	49%	41%
47	16	16%	36%	48%
49	10	21%	37%	42%
51	29	24%	36%	41%
53	11	17%	41%	43%
57	15	18%	39%	44%
59	19	9%	14%	77%
61	20	9%	30%	62%
63	27	17%	37%	46%
65	16	13%	29%	59%
67	22	15%	32%	52%
69	26	13%	31%	56%
71	27	16%	39%	45%
73	9	10%	35%	55%
75	16	11%	26%	63%
77	27	21%	41%	38%
79	16	14%	37%	49%
81	6	23%	42%	35%
83	10	20%	36%	44%
85	15	8%	28%	64%
87	14	10%	24%	66%
89	21	21%	35%	44%
91	25	16%	38%	45%

FIPS Code	District	% < High School Education	% High School Education	% > High School Education
93	5	14%	28%	58%
97	9	16%	41%	43%
99	15	8%	32%	60%
101	9	12%	39%	49%
103	15	10%	34%	56%
105	30	25%	33%	42%
107	20	7%	15%	78%
109	16	17%	38%	45%
111	10	25%	35%	40%
113	16	17%	36%	47%
115	9	8%	35%	57%
117	10	21%	33%	46%
119	9	12%	32%	56%
121	27	7%	18%	75%
125	24	16%	35%	49%
127	9	10%	34%	56%
131	2	20%	35%	45%
133	15	12%	32%	56%
135	11	23%	37%	40%
137	16	12%	36%	52%
139	26	22%	43%	35%
141	21	20%	36%	44%
143	22	19%	36%	45%
145	11	12%	30%	57%
147	10	14%	30%	56%
149	6	12%	34%	54%
153	31	12%	24%	65%
155	27	15%	34%	50%
157	20	13%	27%	59%
159	15	21%	39%	40%
161	23	8%	27%	64%
163	25	13%	34%	53%
165	26	15%	30%	55%
167	29	22%	37%	41%
169	30	22%	36%	42%
171	26	15%	40%	45%
173	28	18%	39%	43%
175	5	20%	34%	46%
177	15	11%	33%	57%
179	15	7%	25%	67%
181	6	19%	31%	50%
183	6	30%	41%	29%
185	29	20%	36%	44%
187	26	14%	37%	49%

FIPS Code	District	% < High School Education	% High School Education	% > High School Education
191	28	15%	33%	52%
193	15	18%	37%	46%
195	30	24%	33%	43%
197	27	18%	37%	45%
199	9	6%	22%	72%
510	18	9%	13%	78%
520	28	17%	34%	49%
530	25	14%	42%	44%
540	16	8%	22%	69%
550	1	9%	28%	63%
570	12	12%	36%	51%
590	22	20%	29%	51%
595	6	25%	32%	43%
600	19	7%	15%	77%
610	17	2%	8%	89%
620	5	21%	25%	54%
630	15	7%	26%	66%
640	27	27%	33%	40%
650	8	10%	27%	63%
670	6	20%	38%	41%
680	24	10%	24%	66%
690	21	21%	31%	49%
700	7	11%	29%	61%
710	4	12%	28%	60%
720	30	19%	20%	61%
730	11	21%	35%	44%
735	9	7%	27%	65%
740	3	16%	30%	54%
750	27	6%	20%	74%
760	13	16%	23%	61%
770	23	15%	32%	53%
775	23	9%	29%	62%
790	25	12%	31%	57%
800	5	13%	29%	58%
810	2	7%	24%	69%
820	25	16%	40%	45%
830	9	7%	20%	73%
840	26	15%	30%	55%

Table A11: ACS Age Data, by Virginia FIPS Code

FIPS Code	District	% Age Under 25	% Age 25 to 64	% Age Over 64
1	2	29%	51%	20%

FIPS Code	District	% Age Under 25	% Age 25 to 64	% Age Over 64
3	16	33%	51%	16%
5	25	28%	50%	22%
7	11	29%	53%	17%
9	24	30%	52%	18%
11	10	29%	52%	19%
13	17	25%	66%	9%
15	25	28%	54%	18%
17	25	25%	52%	23%
19	24	29%	53%	19%
21	27	24%	57%	20%
23	25	28%	53%	19%
25	6	29%	53%	18%
27	29	25%	56%	19%
29	10	28%	56%	16%
31	24	30%	53%	18%
33	15	32%	53%	14%
35	27	27%	52%	21%
36	9	24%	56%	20%
37	10	31%	50%	20%
41	12	34%	54%	12%
43	26	29%	52%	19%
45	25	26%	53%	21%
47	16	33%	53%	14%
49	10	31%	50%	19%
51	29	28%	54%	18%
53	11	30%	54%	16%
57	15	30%	50%	20%
59	19	32%	57%	11%
61	20	32%	53%	15%
63	27	27%	53%	20%
65	16	29%	53%	17%
67	22	28%	52%	20%
69	26	32%	54%	15%
71	27	29%	51%	20%
73	9	29%	55%	17%
75	16	26%	56%	19%
77	27	25%	53%	22%
79	16	31%	54%	15%
81	6	25%	60%	15%
83	10	29%	50%	21%
85	15	32%	53%	15%
87	14	32%	55%	13%
89	21	27%	51%	21%
91	25	20%	46%	34%

FIPS Code	District	% Age Under 25	% Age 25 to 64	% Age Over 64
93	5	29%	55%	17%
97	9	27%	54%	20%
99	15	35%	53%	11%
101	9	31%	56%	14%
103	15	21%	45%	34%
105	30	27%	55%	18%
107	20	36%	56%	8%
109	16	28%	55%	17%
111	10	27%	54%	19%
113	16	29%	50%	20%
115	9	23%	48%	29%
117	10	27%	50%	23%
119	9	23%	49%	28%
121	27	45%	44%	11%
125	24	27%	51%	22%
127	9	29%	57%	14%
131	2	27%	49%	24%
133	15	21%	46%	33%
135	11	29%	53%	18%
137	16	30%	51%	19%
139	26	28%	53%	19%
141	21	25%	52%	24%
143	22	27%	53%	19%
145	11	28%	57%	15%
147	10	44%	41%	15%
149	6	32%	56%	12%
153	31	37%	55%	8%
155	27	26%	54%	20%
157	20	24%	53%	23%
159	15	23%	58%	19%
161	23	29%	52%	19%
163	25	35%	44%	21%
165	26	40%	46%	14%
167	29	28%	55%	18%
169	30	26%	53%	21%
171	26	28%	52%	20%
173	28	28%	52%	20%
175	5	27%	56%	17%
177	15	35%	54%	11%
179	15	37%	54%	9%
181	6	28%	54%	18%
183	6	24%	63%	14%
185	29	28%	54%	18%
187	26	31%	54%	14%

FIPS Code	District	% Age Under 25	% Age 25 to 64	% Age Over 64
191	28	27%	53%	20%
193	15	28%	50%	22%
195	30	31%	54%	15%
197	27	27%	54%	19%
199	9	34%	52%	14%
510	18	24%	66%	10%
520	28	29%	51%	19%
530	25	38%	46%	16%
540	16	38%	52%	9%
550	1	34%	54%	11%
570	12	31%	49%	20%
590	22	31%	50%	19%
595	6	31%	51%	19%
600	19	30%	56%	15%
610	17	32%	57%	11%
620	5	33%	50%	17%
630	15	41%	48%	10%
640	27	27%	51%	22%
650	8	34%	52%	13%
670	6	33%	51%	16%
680	24	44%	42%	14%
690	21	30%	49%	20%
700	7	37%	52%	11%
710	4	39%	51%	10%
720	30	33%	53%	14%
730	11	31%	53%	15%
735	9	30%	52%	17%
740	3	34%	52%	14%
750	27	59%	33%	8%
760	13	33%	56%	11%
770	23	30%	55%	15%
775	23	33%	50%	17%
790	25	29%	51%	20%
800	5	34%	54%	13%
810	2	33%	55%	12%
820	25	31%	51%	18%
830	9	32%	47%	21%
840	26	34%	52%	14%

Table A12: ACS Active Military Data, by Virginia FIPS Code

FIPS Code	District	% Active Military
1	2	1%
3	16	1%
5	25	1%

FIPS Code	District	% Active Military
7	11	0%
9	24	0%
11	10	0%
13	17	2%
15	25	0%
17	25	0%
19	24	0%
21	27	0%
23	25	0%
25	6	0%
27	29	0%
29	10	0%
31	24	0%
33	15	7%
35	27	0%
36	9	1%
37	10	0%
41	12	1%
43	26	0%
45	25	0%
47	16	0%
49	10	0%
51	29	0%
53	11	1%
57	15	0%
59	19	2%
61	20	0%
63	27	0%
65	16	0%
67	22	0%
69	26	0%
71	27	0%
73	9	3%
75	16	0%
77	27	0%
79	16	0%
81	6	0%
83	10	0%
85	15	0%
87	14	0%
89	21	0%
91	25	0%
93	5	1%
97	9	0%

FIPS Code	District	% Active Military
99	15	2%
101	9	0%
103	15	0%
105	30	0%
107	20	1%
109	16	0%
111	10	0%
113	16	0%
115	9	1%
117	10	0%
119	9	0%
121	27	0%
125	24	0%
127	9	0%
131	2	1%
133	15	0%
135	11	1%
137	16	0%
139	26	0%
141	21	0%
143	22	0%
145	11	0%
147	10	0%
149	6	8%
153	31	2%
155	27	0%
157	20	0%
159	15	0%
161	23	0%
163	25	1%
165	26	0%
167	29	0%
169	30	0%
171	26	0%
173	28	0%
175	5	0%
177	15	1%
179	15	6%
181	6	0%
183	6	0%
185	29	0%
187	26	0%
191	28	0%
193	15	1%

FIPS Code	District	% Active Military
195	30	0%
197	27	0%
199	9	8%
510	18	2%
520	28	0%
530	25	0%
540	16	0%
550	1	5%
570	12	2%
590	22	0%
595	6	0%
600	19	0%
610	17	1%
620	5	0%
630	15	1%
640	27	0%
650	8	6%
670	6	1%
680	24	0%
690	21	0%
700	7	8%
710	4	17%
720	30	0%
730	11	2%
735	9	1%
740	3	5%
750	27	1%
760	13	0%
770	23	0%
775	23	0%
790	25	0%
800	5	4%
810	2	9%
820	25	0%
830	9	2%
840	26	1%

Table A13: ACS Living in Rental Property Data, by Virginia FIPS Code

FIPS Code	District	% Living in Rental Property
1	2	31%
3	16	31%
5	25	24%
7	11	20%
9	24	23%

FIPS Code	District	% Living in Rental Property
11	10	20%
13	17	53%
15	25	18%
17	25	22%
19	24	17%
21	27	15%
23	25	13%
25	6	28%
27	29	18%
29	10	24%
31	24	24%
33	15	19%
35	27	22%
36	9	16%
37	10	26%
41	12	22%
43	26	22%
45	25	18%
47	16	28%
49	10	26%
51	29	18%
53	11	24%
57	15	28%
59	19	30%
61	20	21%
63	27	19%
65	16	16%
67	22	21%
69	26	21%
71	27	23%
73	9	19%
75	16	12%
77	27	21%
79	16	19%
81	6	30%
83	10	26%
85	15	16%
87	14	33%
89	21	25%
91	25	16%
93	5	19%
97	9	21%
99	15	21%
101	9	17%

FIPS Code	District	% Living in Rental Property
103	15	22%
105	30	27%
107	20	20%
109	16	19%
111	10	28%
113	16	23%
115	9	17%
117	10	29%
119	9	20%
121	27	45%
125	24	21%
127	9	12%
131	2	34%
133	15	18%
135	11	34%
137	16	23%
139	26	27%
141	21	21%
143	22	22%
145	11	12%
147	10	39%
149	6	27%
153	31	28%
155	27	26%
157	20	25%
159	15	25%
161	23	20%
163	25	28%
165	26	38%
167	29	20%
169	30	22%
171	26	29%
173	28	28%
175	5	25%
177	15	20%
179	15	22%
181	6	22%
183	6	32%
185	29	24%
187	26	24%
191	28	23%
193	15	26%
195	30	27%
197	27	24%

FIPS Code	District	% Living in Rental Property
199	9	26%
510	18	57%
520	28	40%
530	25	34%
540	16	59%
550	1	25%
570	12	35%
590	22	47%
595	6	60%
600	19	29%
610	17	37%
620	5	50%
630	15	61%
640	27	37%
650	8	41%
670	6	48%
680	24	45%
690	21	42%
700	7	48%
710	4	53%
720	30	44%
730	11	55%
735	9	17%
740	3	41%
750	27	57%
760	13	56%
770	23	45%
775	23	32%
790	25	38%
800	5	26%
810	2	33%
820	25	38%
830	9	27%
840	26	53%

Table A14: ACS Limited English Proficient (LEP) Data, by Virginia FIPS Code

FIPS Code	District	% Limited English Proficient (LEP)
1	2	6%
3	16	4%
5	25	1%
7	11	1%
9	24	2%
11	10	0%
13	17	8%

FIPS Code	District	% Limited English Proficient (LEP)
15	25	1%
17	25	1%
19	24	1%
21	27	0%
23	25	1%
25	6	1%
27	29	0%
29	10	1%
31	24	1%
33	15	2%
35	27	1%
36	9	0%
37	10	0%
41	12	4%
43	26	1%
45	25	0%
47	16	3%
49	10	0%
51	29	0%
53	11	1%
57	15	1%
59	19	15%
61	20	2%
63	27	1%
65	16	2%
67	22	2%
69	26	3%
71	27	1%
73	9	1%
75	16	2%
77	27	1%
79	16	3%
81	6	1%
83	10	1%
85	15	1%
87	14	6%
89	21	3%
91	25	0%
93	5	1%
97	9	3%
99	15	1%
101	9	1%
103	15	1%
105	30	1%

FIPS Code	District	% Limited English Proficient (LEP)
107	20	10%
109	16	1%
111	10	2%
113	16	1%
115	9	0%
117	10	1%
119	9	0%
121	27	3%
125	24	1%
127	9	1%
131	2	4%
133	15	0%
135	11	2%
137	16	3%
139	26	0%
141	21	2%
143	22	1%
145	11	1%
147	10	2%
149	6	2%
153	31	12%
155	27	1%
157	20	3%
159	15	7%
161	23	2%
163	25	1%
165	26	7%
167	29	1%
169	30	0%
171	26	4%
173	28	1%
175	5	0%
177	15	3%
179	15	4%
181	6	0%
183	6	1%
185	29	1%
187	26	1%
191	28	1%
193	15	2%
195	30	1%
197	27	1%
199	9	4%
510	18	12%

FIPS Code	District	% Limited English Proficient (LEP)
520	28	1%
530	25	1%
540	16	6%
550	1	2%
570	12	4%
590	22	2%
595	6	4%
600	19	14%
610	17	6%
620	5	0%
630	15	5%
640	27	8%
650	8	2%
670	6	4%
680	24	2%
690	21	1%
700	7	4%
710	4	3%
720	30	1%
730	11	3%
735	9	1%
740	3	1%
750	27	2%
760	13	4%
770	23	4%
775	23	2%
790	25	1%
800	5	1%
810	2	4%
820	25	3%
830	9	3%
840	26	9%

Appendix B: Methodology

General District Court

Data from the General District Court (GDC) used in this study were provided to the National Center for State Courts (NCSC) by the Office of the Executive Secretary (OES) of the Supreme Court of Virginia. The data set was composed of approximately 13 months of case dispositions from the GDC court management system (CMS) and was delivered in three text files, each of which contained the output from two data queries. The first query in each data file captured basic data elements of the case, including information about case type, disposition, and judgment, as well as the number and type of parties, claim and award amounts, the dates, types, and result of hearings conducted in the case, and the reported attorney names for plaintiff and defendant. The second query contained the type and date of filings (or reports) in the cases, along with identifying information allowing the filing data to be matched with the case information in the base dataset.

The format of both data extract types held multiple observations, or rows, per case. Variables, or data elements, can be divided into those that are constant within case, such that the value of the field is the same for all observations belonging to the case, or that vary within case. The primary set of data elements that vary within case is the set of variables relating to hearings. Because a single case can have multiple hearings, more than one row is used to represent the information from more than one hearing. Also, because the result of a hearing can differ between parties, a single hearing is represented in the data by more than one row to reflect the outcome or result for different parties. A typical case with two parties, a plaintiff and defendant, and one hearing would be represented in the dataset by two rows, one for each party. If the case contained data for two hearings, the case would be represented by four rows, two rows each for the two hearings in the case.

The filings extracts, included in the same files as the main data extracts, but set apart at the end of the files, contain unique observations for each document filed in the case. The extracts also contain the case number information (court type, division, jurisdiction, base number, and sub action number) matching the filings to the cases in the main extract. The data for each filing is contained in a single observation, or spreadsheet row, allowing them to be counted and collapsed to case-level totals easily, once they are categorized.

The full set of data elements in the two data extract types for the GDC dataset are listed in Table B1 below, along with a description of the variable they define and the pattern of variation observed.

Transforming the data extracts into a form that could be used for descriptive and analytic purposes requires that the separate extracts be appended together, collapsed to a set of unique observations per case, re-coded appropriately, and the filings data merged with the main case information. Collapsing the data from multiple observations per case to a unique observation follows the variation pattern in the table below. Data elements that vary by case can be collapsed easily to the unique value in the case. Those that vary by hearing can be reformatted so that the hearing-level information is contained in unique columns indexed by case identifiers, rather than in rows. A similar reshaping is appropriate for data that varies by hearing and party. Filing data, contained in a separate extract as described above, can be coded, characterized as needed, and summed by case at the case-level before being merged with the base data at the case-level.

Table B1: Elements in the GDC Data Extracts by Patterns of Variation

Data Element	Variable	Content Variation
JUR_CD	Geographic location	by Case
BASE8_NBR	Case Number	by Case
SUB_ACTION_NBR	Case Number	by Case
CRT_TYPE_CD	Case Number	No variation
DIVISION_CD	Case Number	No variation
CASE_TYPE_CD	Case Type	by Case
FILE_DT	Filing Date	by Case
NUMBER_OF_DEFENDANTS	Number of Defendants	by Case
NUMBER_OF_PLAINTIFFS	Number of Plaintiffs	by Case
PLT_DEF_CD	Plaintiff/Defendant indicator	by Party/Hearing
DEF_ATT_Y_NAME	Defendant representation	by Case
PLT_ATT_Y_NAME	Plaintiff representation	by Case
ATTY_FEES_CLM_AMT	Claim for attorneys fees	by Case
PRINCIPAL_CLM_AMT	Principal claim amount	by Case
COSTS_CLM_AMT	Costs claim amount	by Case
OTHER_CLM_AMT	Other claim amount	by Case
INTEREST_PRCNT_CLM	Interest claim rate	by Case
OTHER_CLAIM	Other claim type	by Case
HEAR_SQN	Hearing sequence	by Hearing
HEAR_DT	Hearing date	by Hearing
HEAR_TIME	Hearing time	by Hearing
HEAR_TYPE_CD	Hearing type	by Hearing
HEAR_RSLT_CD	Hearing result	by Party/Hearing
FINAL_DISP_CD	Final disposition type	by Case
JUDGMENT_FOR	Judgment type	by Party
PRINCIPAL_AWD_AMT	Principal claim amount	by Case
OTHER_AWD_AMT	Other award amount	by Case
COSTS_AWD_AMT	Costs claim amount	by Case
JDGMT_AWD_AMT	Judgment award amount	No variation
REPORT_TYPE	Filing (document) type	by Filing
AGENCY	Party filing document	by Filing
REPORT_ORDERED_DT	Date filing ordered	by Filing
DUE_DT	Date filing due	by Filing
RECEIPT_DT	Date filing received	by Filing

Case Type Codes and Case Categories

The GDC data extract contained 27 case types in all, although several of them appeared in trivial numbers. Warrant in Debt and Unlawful Detainer cases alone constituted more than 80 percent of the total caseload, and no other case type had more than 4 percent of the full caseload. With a large number of case types, but few consequential ones, NCSC decided to collapse the case types into a smaller number of categories, based on notes provided by a lawyer and legal researcher employed by NCSC as part of the Research staff.

Table B2 identifies the set of case type codes, their corresponding type, and the category to which they were assigned.

Table B2: Case Types and assigned Case Categories in the GDC Data Extract Ordered Alphabetically

Code	Case Type	Case Category	# of Cases
AJ	Abstract of judgment	Administrative Matters	4,040
AL	Admin. license suspension	Administrative Matters	16,790
AT	Attachment	Debt	6
BF	Bond forfeiture (show cause)	Enforcement Proceedings	2,461
CA	Capias	Enforcement Proceedings	625
CC	Counterclaim	Counterclaims and Other Sub-Matters	694
CR	Cross-warrant	Counterclaims and Other Sub-Matters	25
DS	Distress seizure	Expedited Relief	3
DT	Detinue	Debt	22,414
DZ	Detinue seizure	Expedited Relief	4
IM	Impoundment	Administrative Matters	4,711
MC	Mental commitment order	Expedited Relief	42
MJ	Motion for judgment	Motion for Judgment	5,385
ML	Mechanic's lien	Administrative Matters	6
OC	Overweight citation	Enforcement Proceedings	829
OT	Other	Enforcement Proceedings	7,664
PE	EPO issued	Protective Order	16,271
PO	Protection Order	Protective Order	6,108
PP	Preliminary Protection Order	Protective Order	8,700
PR	Petition to restore right to bear arms	Petition	133
RL	Restricted operators license for f/c only	Administrative Matters	21
SC	Show Cause	Enforcement Proceedings	9,850
TA	Tenant's assertion	Housing	411
TH	Third-Party claim	Counterclaims and Other Sub-Matters	62
UD	Unlawful detainer	Housing	173,596
WD	Warrant in debt	Debt	272,615
ZO	Zoning violation	Debt	2,021

The nine resulting categories are presented below, ranked by their share of the total GDC data.

Table B3: Case Categories in Descending Order by Volume

Case Categories	Number of Cases	Percentage of Total
Debt	297,056	53.5%
Housing	174,007	31.3%
Protective Orders	31,079	5.6%
Administrative Matters	25,568	4.6%
Enforcement Proceedings	21,429	3.9%
Motions for Judgment	5,385	1.0%
Counterclaims and Other Sub-Matters	781	0.1%
Petitions	133	0.0%
Expedited Relief	49	0.0%

The top three categories, Debt, Housing, and Protective Orders, were selected as the primary focus of descriptive and analytic attention due to interest in the substance of their litigation and outcomes and due to the fact that those three categories constitute slightly over 90 percent of the cases in the GDC data. The remaining categories were grouped together in an “Other Civil” category.

Disposition Type

The type of disposition in a case can be identified by recoding the Final Disposition Type field. For the purposes of the current study, the final dispositions are coded into four categories: Pro-Plaintiff, Pro-Defendant, Dismissed, and Other. Dismissals, absent further information, cannot be interpreted as favorable to either the plaintiff or the defendant. They may be settlements, which would be Pro-Plaintiff outcomes if some recovery is made (even if the recovery is less than claimed, this is no different than a judgment in favor of the plaintiff in which less than the full amount claimed was awarded) or dismissed without settlement or action, which would be similar to a Pro-Defendant outcome. Other disposition types include Non-suits, Other, Unserved, and Changes of Venue, which leave the ultimate outcome of the litigation in doubt.

The table below lists the codes given in the Final Disposition Type field, their description, and the disposition type assigned for descriptive and analytic purposes.

Table B4: Disposition Types coded from Disposition Code

Final Disposition Type Code	Disposition Code Description [Code for Petitions and Protection Orders]	Disposition Type
D	Defendant [Denied]	Pro-Defendant
G	Granted	Pro-Plaintiff
I	Dismissed	Dismissed
N	Non-suit	Other
O	Other	Other
P	Plaintiff	Pro-Plaintiff
U	Not Found/Unserved	Other
V	Transfer/Change of Venue	Other

Default Cases

The definition of default cases was of particular importance for the description and study of self-represented litigants. Although a party may not have legal representation reflected in the CMS data, the question of whether a party is self-represented depends on whether representation of any kind is made to the court. If a case ends in a default judgment, due to failure on the part of the defendant to make any showing, then the party cannot truly have been said to be represented.

Default judgments do not appear as disposition types in the GDC data, but as hearing results. The set of hearing result codes appearing in the GDC data extract are listed in the table below.

Table B5: Hearing Results in the GDC Data Extract

Hearing Result Code	Hearing Result Description
DJ	Default judgment
J	Judgment
C	Continued
O	Other (concluded)

There are only four hearing results reported in the data. Although most cases (over 80%) have only one hearing, some cases have more than one. In order to identify default cases, the hearing result from the last hearing occurring in the case was collected. If that hearing result was “default judgment,” then the case was initially coded as a Default. However, a hearing could result in a default judgment if the defendant abandoned defense of the case after pursuing it initially. To avoid including those cases with truly unrepresented defaults, a Default case was further defined as a case in which no attorney is listed for the defendant and no filing activity from the

defendant is reported in the case. This modification did not have a substantial impact on the number of Default cases. Only 1,442 cases were recoded from Default Case to Non-Default Case with this modification.

Number of Filings by Party

One method of capturing litigation activity in a case is to count the number of filings made by the parties in the case. The data request submitted to OES included a request for all filings made in the case, and the second query from the CMS yielded a set of filings data that could easily be matched with the primary case information by the set of case identifiers. To do so, individual filings must be categorized by whether they are submitted by a plaintiff in the case or by a defendant, if possible, and summed within the case. This sum captures an element of the degree of contest in the case, which can serve as an indication that parties are able and willing to pursue their positions in court.

The table below presents the set of filing types and count of each, as well as the party category assigned to each type.

Table B6: Filings Types and Categories in Descending Order of Frequency

Report (Filing) Type	Number	Percent of Total	Category
Bill of Particulars	7,136	46.5%	Plaintiff
Grounds of Defense	5,401	35.2%	Defense
Answer & Grounds	2,137	13.9%	Defense
Subpoena duces tecum	167	1.1%	Discovery
Witness Subpoena	143	0.9%	Discovery
Writ Fi Fa	94	0.6%	Post-Judgment
Counterclaim	62	0.4%	Defense
Unknown	56	0.4%	Other
Answer to Counterclaim	55	0.4%	Plaintiff
Other	51	0.3%	Other
Answer	22	0.1%	Defense
Counterclaim Bill of Particulars	19	0.1%	Defense
Counterclaim Grounds of Defense	5	0.0%	Plaintiff
Writ of Possession	3	0.0%	Post-Judgment
Counterclaim Answer	2	0.0%	Plaintiff
Demurrer	2	0.0%	Defense
Trial	2	0.0%	Other
Demurrer to Counterclaim	1	0.0%	Plaintiff

A total of 18 different types of reports or filings appear in the data. However, the three most frequent categories, one offered by plaintiffs and two submitted by defendants, constitute more than 95 percent of all filing records. With the filing types recoded according to category, plaintiff and defense filings per case can be calculated easily by summing the type of each within case indicators.

Juvenile & Domestic Relations Court

Data from the Juvenile & Domestic Relations (JDR) Court used in this study were provided to the National Center for State Courts (NCSC) by the Office of the Executive Secretary (OES) of the Supreme Court of Virginia. Cases from the JDR courts were delivered in two discrete formats, each of which were composed of approximately 13 months of case dispositions from the JDR Court case management system (CMS) and delivered in three text files. The first format, described as “civil data,” contained disputes centered around the establishment, enforcement,

and administration of domestic support. The second format, described as “protective data,” contained cases dealing with custody and visitation, dependency, protective orders, detention, truancy, and similar disputes.

The format of both data extract types held multiple observations, or rows, per case. Variables, or data elements, can be divided into those that are constant within case, such that the value of the field is the same for all observations belonging to the case, or that vary within case. The primary set of data elements that vary within case is the set of variables relating to hearings. Because a single case can have multiple hearings, more than one row is used to represent the information from more than one hearing. Also, because the result of a hearing can differ between parties, a single hearing is represented in the data by more than one row to reflect the outcome or result for different parties. A case with two parties and one hearing would be represented in the dataset by two rows, one for each party. If the case contained data for two hearings, the case would be represented by four rows, two rows each for the two hearings in the case.

The full set of data elements in the JDR extract are listed in Table B7 below, along with a description of the variable they define and the pattern of variation observed. The data elements are the same for both the Adult (OES described “civil data”) extract and the Juvenile (OES described “protective data”) extract.

Table B7: Elements in the JDR Data Extracts by Patterns of Variation

Data Element	Variable	Content Variation
CASE_NUMBER	Geographic location/Case Number	by Case
CASE_TYPE_CD	Case Type	by Case
ENTERED_DT	Filing Date	by Case
FILE_DT	Filing Date	by Case
PETITIONER_CD	Initiating Party	by Case
ADDL_PETITION_DESC	Initiating Party Description	by Case
HEAR_DT	Hearing date	by Hearing
HEAR_TYPE_CD	Hearing type	by Hearing
MEDIATION_DT	Mediation Date	by Case
FINAL_DISP_CD	Final Disposition Type	by Case
ATTY_REP_CD	Party Identifier	by Party
NAME_FIXED_LENGTH	Representation	by Party

Transforming the data extracts into a form that could be used for descriptive and analytic purposes requires that the separate extracts be appended together, collapsed to a set of unique observations per case, re-coded appropriately, and the filings data merged with the main case information. Collapsing the data from multiple observations per case to a unique observation follows the variation pattern in the table above. Data elements that vary by case can be collapsed easily to the unique value in the case. Those that vary by hearing can be reformatted so that the hearing-level information is contained in unique columns indexed by case identifiers, rather than in rows. A similar reshaping is appropriate for data that varies by hearing and party.

Variables relating to party representation, the only factors that vary at the party level, are complicated by the fact that only represented parties are reported in the data extracts, unless the case has no represented parties, in which case a dash (“-”) appears. Thus, information about other parties to the case is lacking. This proves to be a significant problem for the Juvenile data, as described in the Data Limitations section of this report. For the Adult data, representation status, or lack thereof, can be inferred for the party that is not identified. So, if a case has a record indicating a petitioner with counsel, but no record for the respondent, the respondent can be assumed to have no legal representation.

Case Type Codes and Case Categories

The Adult JDR data extract contained 7 case types in all, although two case types predominate. Civil Support cases alone constituted 66 percent of the total caseload, and Show Cause cases were the only other case type to account for more than 5 percent. With several case types appearing in trivial numbers, NCSC staff decided to collapse the case types into a smaller number of categories for analytical purposes. Table B8 identifies the set of Adult case type codes, their corresponding type, and the category to which they were assigned.

Table B8: Case Types and Assigned Case Categories in the Adult JDR Data Extract Ordered Alphabetically

Code	Case Type	Case Category	# of Cases
CA	Capias	Enforcement Proceedings	1,982
CS	Criminal Support	Support	36
NC	Non case	Administrative Matters	25
RS	Remand Support	Administrative Matters	3,550
SC	Show Cause	Enforcement Proceedings	18,884
SL	Restricted License	Enforcement Proceedings	1,258
VS	Civil Support	Support	49,676

The resulting NCSC categorization of the case types into case categories are presented below.

Table B9: Adult JDR Case Categories in Descending Order by Volume

Case Categories	Number of Cases	Percentage of Total
Support	49,712	66%
Enforcement Proceedings	22,124	29%
Administrative Matters	3,832	5%

Disposition Type

The type of disposition in a case can be identified by recoding the Final Disposition Type field.

For the Adult data, final dispositions were coded into four substantive categories and an “unknown” category for cases that could not be categorized due to missing information (see the Data Limitations section in this report). For certain disposition codes, the Petitioner field was used to map outcomes from Pro-Petitioner or Pro-Respondent onto Pro-Payer or Pro-Payee, which was complicated by missing data in the Petitioner field. This data element was entirely absent for the Juvenile data, making the interpretation of outcomes even more difficult for these data. Thus, data analysis for the Juvenile cases was deferred.

Dismissals, absent further information, cannot be interpreted as favorable to either the petitioner or the respondent. Other disposition types include Not Found, Other, Resolved, Transferred, and Withdrawn, which leave the ultimate outcome of the litigation in doubt.

The table below lists the codes given in the Final Disposition Type field, their description, the accompanying Petitioner value, and the disposition type assigned for descriptive and analytic purposes.

Table B10: Disposition Types coded from Disposition Code

Disposition Code	Petitioner Code						Total Cases	Outcome Code
	No Entry (-)	DCSE	Other	Payee	Payer	All		
Arrearage established	< 1%	< 1%	< 1%	< 1%	< 1%	< 1%	222	For Payee
Complied with law	< 1%	0%	0%	< 1%	0%	< 1%	2	For Payee
Dismissed/Denied	19%	6%	< 1%	5%	2%	32%	24,424	Dismissed/For Respondent*
Dismissed/Lack of notice	< 1%	< 1%	< 1%	< 1%	< 1%	< 1%	156	Dismissed
Defer imposition of sentence	< 1%	0%	0%	0%	0%	< 1%	3	Other
Fugitive file	3%	1%	< 1%	< 1%	< 1%	4%	3,166	For Payee
Guilty	2%	3%	< 1%	1%	< 1%	6%	4,618	For Payee
Granted	6%	1%	< 1%	1%	2%	10%	7,255	For Petitioner/Unknown**
Judgment on arrearage	< 1%	0%	0%	< 1%	0%	< 1%	26	For Payee
Not found	< 1%	< 1%	0%	< 1%	0%	< 1%	44	Other
Not guilty	< 1%	< 1%	< 1%	< 1%	< 1%	1%	452	For Payer
Nolle prosequi	< 1%	< 1%	0%	< 1%	< 1%	< 1%	45	For Payer
Other	8%	1%	< 1%	1%	< 1%	11%	8,002	Other
Order vacated	< 1%	< 1%	< 1%	< 1%	< 1%	< 1%	160	For Payer
Resolved	2%	< 1%	< 1%	< 1%	< 1%	3%	1,975	Other
Recall service	< 1%	< 1%	0%	0%	0%	< 1%	29	For Payer
Support ordered	12%	4%	< 1%	4%	2%	21%	16,166	For Payee
Transferred	1%	1%	< 1%	< 1%	< 1%	3%	1,935	Other
Terminate support	1%	< 1%	< 1%	< 1%	< 1%	1%	1,039	For Payer
Withdrawn	4%	1%	< 1%	2%	< 1%	8%	5,949	Other
*Depending on whether Case Type indicates disposition is "Dismissed" or "Denied;" "Unknown" if "Denied" and Petitioner is "(-)" or "Other."								
** "Unknown" if Petitioner is "(-)" or "Other."								

Circuit Court

Data from the Virginia Circuit Courts used in this study were provided to the National Center for State Courts (NCSC) by the Clerks of the individual courts at their discretion. A total of 33 individual Circuit Courts chose to share data for the project, and the analysis conducted in this report describes only the cases from those participating courts, with no inferences made to statewide trends or totals. Of the 33 participating courts, the datasets from 31 of those courts were extracted from a centralized database by the Office of the Executive Secretary (OES) of the Supreme Court of Virginia. The other two participating courts, the Circuit Courts of Fairfax County and Alexandria, maintain their own case databases and extracted data for the project themselves. The set of variables, formats, and structures of the data extracts differed, and separate processes were necessary to produce datasets appropriate for aggregation and analysis.

The data extracts were composed of approximately 13 months of case dispositions, and each individual Circuit Court was sent as a separate file. All data extracts held multiple observations, or rows, per case. Variables, or data elements, can be divided into those that are constant within case, such that the value of the field is the same for all observations belonging to the case, or that vary within case. Data elements that vary within case do so either by hearing, for fields that relate to hearings, or by party, for fields that relate to party. Because a single case can have multiple hearings, more than one row in a single case is used to represent the information from more than one hearing. Also, parties can differ in type (business or individual) and representation (represented or not represented) leading to different values within case. A typical case with two parties, a plaintiff and defendant, and one hearing would be represented in the dataset by two rows, one for each party. If the case records contained data for two hearings, the case would be represented by four rows, two rows each for the two hearings in the case.

Transforming the data extracts into a form that could be used for descriptive and analytic purposes requires that the separate extracts be collapsed to a set of unique observations per case, re-coded appropriately, and then merged together once a harmonious set of codes were devised. Collapsing the data from multiple observations per case to a unique observation follows the variation pattern in the tables below. Data elements that vary by case can be collapsed easily to the unique value in the case. Those that vary by hearing can be reformatted so that the hearing-level information is contained in unique columns indexed by case identifiers, rather than in rows, then counted or aggregated in whatever fashion desired. A similar reshaping is appropriate for data that varies by party.

The tables below list the variables provided in the extracts from OES, Fairfax County, and Alexandria, along with the data elements produced from those variables, and their patterns of variation in the data.

Table B11a: Elements in the OES Data Extracts by Patterns of Variation

Data Element	Variable	Content Variation
JUR_CD	Geographic Location	by Case
Case ID	Case Number	by Case
Commenced by	Method of initiation	by Case
Filing Type	Case Type	by Case
File Date	Filing Date	by Case
Individual/Business	Party Type	by Party
PLT/DEF	Party Type	by Party
Trading As	Party Type	by Party
P/O Type	Answer Type	by Filing
P/O File Date	Answer Date	by Filing
Hear Type	Hearing Type	by Hearing
Hear Date	Hearing Date	by Hearing
Hear Result	Hearing Outcome	by Hearing
Mediation Date	Mediation Date	by Case
Final Order Date	Disposition Date	by Case
Concluded by	Disposition Type	by Case
Judgement	Disposition Outcome	by Case
Attorney	Representation Indicator	by Party

Table B11b: Elements in the Fairfax County Data Extracts by Patterns of Variation

Data Element	Variable	Content Variation
CASENUMBER	Case Number	by Case
FILING_TYPE	Case Type	by Case
COMMENCED_BY	Method of initiation	by Case
FILED_DATE	Filing Date	by Case
Individual/Business	Party Type	by Party
PARTY_NAME	Party Type	by Party
PartyType	Party Type	by Party
FINAL_ORDER_DATE	Disposition Date	by Case
CONCLUDED_BY	Disposition Type	by Case
ANSWER_FILED	Answer Date	by Case
ATTORNEY_NAME/Pro Se Indicator	Representation Indicator	by Party
HEARING_DATE/TRIAL_DATE	Hearing Date	by Hearing
HEARING_TYPE	Hearing Type	by Hearing

Table B11c: Elements in the City of Alexandria Data Extracts by Patterns of Variation

Data Element	Variable	Content Variation
frf_docket	Case Number	by Case
filed_date	Filing Date	by Case
frf_case_subtype	Case Type	by Case
cde_subsub	Case Type	by Case
frf_motion	Filing Type	by Filing
number_motions	Filing Count	by Filing
party_id	Party Type	by Party
party_type	Party Type	by Party
answer_date	Answer Date	by Filing
discovery_date	Filing Date	by Case
frf_hearing	Hearing Type	by Hearing
num_hearing	Hearing Count	by Hearing
hearing_date	Hearing Date	by Hearing
frf_trial	Trial Type	by Case
frf_trial_rslt	Trial Result	by Case
Trial Date	Trial Date	by Case
DateFinalOrder	Disposition Date	by Case
frf_order	Disposition Type	by Case
frf_concluded	Disposition Type	by Case
JudgmentDate	Disposition Date	by Case
frf_judgment	Disposition Type	by Case

The data from Alexandria were provided in a set of files linked by shared case number. In all, ten files were received. One file held basic case information, such as the filing date and case type, while others contained hearing types or dates, attorney information, the number and type of parties, answers, discovery events, or outcome data. Every file did not have records for each case, which is to be expected for events such as answers or discovery when every case does not experience the event in question, but some data elements expected to be relevant to each case did not have matching records.

Table B12, below, lists the percentage of total cases in the Alexandria data that were matched for each file in the data extract.

Table B12: Percentage of Total Cases in City of Alexandria Merged with Basic Case Records

Data File	Cases Matched
Plaintiff-Defendants	100%
Attorneys	94%
Hearings Dates	86%
Hearing Types	86%
Disposition Dates	80%
Trial Dates	50%
Answers	12%
Judgments	2%
Discovery	1%
Total Cases	3,439

Case Type Codes and Case Categories

The OES circuit data extract contained 135 case types in all, many of them in trivial numbers. Only 6 case types constituted more than 5 percent of the total cases, and the only case type holding more than 10 percent of cases was Divorce. Given a large number of case types, but few consequential ones, NCSC decided to collapse the case types into a smaller number of groups, which were then further collapsed into categories, based on classifications used in state caseload reports and workload studies by Research staff. Case types from Alexandria and Fairfax County were classified in the same fashion.

The series of B13 tables identifies the set of case type codes, their corresponding type, the case group into which they were classified, and the case category to which they were ultimately assigned.

Table B13a: Case Types and Assigned Case Categories in the OES Circuit Data Extracts

Code	Case Type	Case Group	Case Category	# of Cases
AAPL	Petition – Administrative Appeal	Appeal	Other Civil	23
ABC	Appeal – ABC Board	Appeal	Other Civil	3
ACCT	Accounting	Other	Other Civil	5
AID	Aid And Guidance	Trusts	Probate/Trust & Will	26
AL	Asbestos Litigation	Tort	Tort	118
AN	Annexation	Real Property	Real Property	117
ANUL	Annulment	Domestic-uncontested	Domestic Relations	11
AOCT	Appointment of Church Trustee	Appointment	Other Civil	236
AOE	Unknown	Appointment	Other Civil	1
APPT	Appointment of Guardian and/or Conservator	Trust	Probate/Trust & Will	506
ATT	Attachment	Administrative	Other Civil	2
AVOT	Appeal – Voter Registration	Appeal	Other Civil	9
BC	Bill of Complaint	General Civil	General Civil	3
BF	Bond Forfeiture	Criminal-related	Other Civil	168
BFA	Bond Forfeiture Appeal	Appeal	Other Civil	5
CAN	Child Abuse & Neglect – Unfounded	Administrative	Other Civil	1

Code	Case Type	Case Group	Case Category	# of Cases
CC	Counterclaim	Other	Other Civil	72
CCON	Civil Contempt	Enforcement	Other Civil	197
CJ	Confessed Judgment	Debt	Debt/Contract	107
CNST	Construe Will	Trust	Probate/Trust & Will	8
CNTR	Contract Action	Contract	Debt/Contract	835
COM	Complaint – Catch-All	General Civil	General Civil	1,323
COMP	Compromise Settlement (Injury/Wrongful Death)	Tort	Tort	1,465
COND	Condemnation	Real Property	Real Property	93
COP	Conservator of the Peace	Appointment	Other Civil	79
CR	Relief of Custody	Domestic-uncontested	Domestic Relations	4
CROS	Cross Claim	Other	Other Civil	19
CS	Criminal Support	Domestic	Domestic Relations	3
CSVP	Civil Commnt. Sexually Violent Predator	Other	Other Civil	4
CTAX	Correct/Erron. State/Local Taxes	Administrative	Other Civil	17
CTP	Claim Impleading Third Party Def.	Other	Other Civil	7
CV	Custody/Visitation	Domestic	Domestic Relations	903
CVS	Custody/Visitation/Support Equitable Distribution	Domestic	Domestic Relations	17
CWP	Concealed Weapon Permit	Other	Other Civil	5
DCRP	Divorce Counterclaim Responsive Pleading	Domestic	Domestic Relations	68
DECL	Declaratory Judgment	General Civil	General Civil	173
DET	Detinue	Debt	Debt/Contract	32
DIV	Divorce	Domestic	Domestic Relations	6,802
DRIV	Reinstatement Of Driving Privileges	Other	Other Civil	298
DTAX	Delinquent Taxes	General Civil	General Civil	387
EJCT	Ejectment	Real Property	Real Property	4
ELEC	Referendum Elections	Administrative	Other Civil	4
EMP	Appeal – Employment Commission	Appeal	Other Civil	5
ESTB	Establish Boundaries	Real Property	Real Property	15
FOI	Freedom Of Information	Other	Other Civil	2
FORF	Forfeiture Of Us Currency	Criminal-related	Other Civil	444
GABC	Guardian Appointment by Clerk	Trust	Probate/Trust & Will	5
GABF	GAPL – Bond forfeiture (show cause)	Appeal	Other Civil	1
GACC	GAPL – Counterclaim	Appeal	Other Civil	1
GADT	GAPL – Detinue	Appeal	Other Civil	10
GAEC	GAPL – Emergency custody order	Appeal	Other Civil	1
GAIM	GAPL – Impoundment	Appeal	Other Civil	1
GAMC	GAPL – Mental Commitment order	Appeal	Other Civil	81
GAMJ	GAPL - Motion for judgment	Appeal	Other Civil	18
GAOT	GAPL – Other	Appeal	Other Civil	18
GAPL	GAPL	Appeal	Other Civil	101
GAPO	GAPL – Protection order	Appeal	Other Civil	66
GAPP	GAPL – Preliminary protection order	Appeal	Other Civil	7

Code	Case Type	Case Group	Case Category	# of Cases
GAPR	GAPL – Petition to restore right to bear arms	Appeal	Other Civil	1
GAPT	GAPL - Petition	Appeal	Other Civil	2
GARN	Garnishment	Enforcement	Other Civil	1,985
GATA	GAPL – Tenant’s assertion	Appeal	Other Civil	6
GATD	GAPL – Temporary detention order	Appeal	Other Civil	3
GAUD	GAPL – Unlawful detainer	Appeal	Other Civil	80
GAWD	GAPL – Warrant in debt	Appeal	Other Civil	228
GAZO	GAPL – Zoning violation	Appeal	Other Civil	1
GMCL	Guardian for Minor by Clerk	Trust	Probate/Trust & Will	4
GMCT	Guardian for Minor by Court	Trust	Probate/Trust & Will	3
GOVT	Appeal – Local Government	Appeal	Other Civil	1
GRMV	General District Court Removal (Retired 12/5/13)	Other	Other Civil	1
GRV	Grievance Procedures	Other	Other Civil	3
GTOR	General Tort Liability	Tort	Tort	260
IC	Involuntary Mental Commitment	Other	Other Civil	112
INJ	Injunction	General Civil	General Civil	75
INTD	Interdiction	Other	Other Civil	14
INTP	Interpleader	Other	Other Civil	37
ITOR	Intentional Tort	Tort	Tort	69
JAAP	JAPL – Non-family abuse protective order	Appeal	Other Civil	7
JACS	JAPL – Criminal support	Appeal	Other Civil	3
JAEC	JAPL – Emergency custody order	Appeal	Other Civil	1
JAFP	JAPL – Family abuse protective order	Appeal	Other Civil	93
JAMP	JAPL – Motion to modify protective order	Appeal	Other Civil	4
JAOT	JAPL – Other	Appeal	Other Civil	89
JAPE	JAPL – Emergency protective order issued	Appeal	Other Civil	8
JAPL	JAPL	Appeal	Other Civil	47
JARS	JAPL – Remand support	Appeal	Other Civil	2
JASC	JAPL – Show cause	Appeal	Other Civil	10
JAVS	JAPL – Civil support	Appeal	Other Civil	128
JR	Judicial Review	Other	Other Civil	4
JS	Unknown	Other	Other Civil	7
LEP	Law Enforcement Petition	Criminal-related	Other Civil	9
LIEN	Judgment Lien-Bill to enforce	Debt	Debt/Contract	15
LT	Landlord/Tenant	Landlord/Tenant	Other Civil	5
MECH	Mechanic’s Lien	Debt	Debt/Contract	17
MED	Medical Malpractice	Tort	Tort	147
MJ	Motion for Judgment	General Civil	General Civil	19
MJAL	Motion for Judgment	General Civil	General Civil	53
MV	Motor Vehicle	Tort	Tort	1,728
NC	Name Change	Administrative	Other Civil	2,282
OT	Other	Other	Other Civil	112

Code	Case Type	Case Group	Case Category	# of Cases
PART	Partition	Real Property	Real Property	69
PC	Protective Order issued-Stalking/Acts of violence	Domestic	Domestic Relations	64
PE	Emergency Protective Order	Domestic	Domestic Relations	26
PERF	Specific Performance	Contract	Debt/Contract	19
PET	Petition	General Civil	General Civil	1,699
PH	Permanency Hearing	Domestic	Domestic Relations	96
PROD	Product Liability	Tort	Tort	35
PROT	Adult Protection	Domestic	Domestic Relations	12
PT	Paternity	Domestic	Domestic Relations	10
QT	Quiet Title	Real Property	Real Property	71
RE	Encumber/Sell Real Estate	Real Property	Real Property	80
REFT	Reformation Of Trust	Trust	Probate/Trust & Will	23
REIN	Reinstatement (General)	Other	Other Civil	515
REM	Removal	Other	Other Civil	4
REST	Restore Driving Privilege	Other	Other Civil	228
RFRF	Restore Firearms Rights Felony	Other	Other Civil	152
RFRR	Restore Firearms Rights Review	Other	Other Civil	6
ROMC	Rites of Marriage Celebrant	Other	Other Civil	429
SC	Show Cause	Domestic	Domestic Relations	19
SEP	Separate Maintenance	Domestic	Domestic Relations	5
TP	Termination of Parental Rights	Domestic	Domestic Relations	173
TRAN	Transferred – Divorce case from another jurisdiction after FDD entered for further action	Domestic	Domestic Relations	30
UD	Unlawful Detainer	Landlord/tenant	Other Civil	7
UTMA	Uniform Transfer to Minors Act	Other	Other Civil	1
VEH	Vehicle Confiscation	Other	Other Civil	13
VOTE	Approval Of Right To Be Eligible To Vote	Other	Other Civil	1
VS	Civil Support	Domestic	Domestic Relations	183
WC	Writ Of Certiorari	Administrative	Other Civil	3
WD	Wrongful Death	Tort	Tort	40
WHC	Writ Of Habeas Corpus	Criminal-related	Other Civil	89
WILL	Will Construction	Trust	Probate/Trust & Will	12
WM	Writ Of Mandamus	Administrative	Other Civil	31
WP	Writ Of Prohibition	Administrative	Other Civil	1
XPUN	Expunge	Criminal-related	Other Civil	262
ZONE	Appeal – Board Of Zoning	Appeal	Other Civil	2

Table B13b: Case Types and Assigned Case Categories in the Fairfax County Circuit Data Extracts

Case Type	Case Group	Category	# of Cases
Administrative Appeal	Appeal	Other Civil	21
Affirmation of Marriage	Domestic-uncontested	Domestic Relations	2
Aid & Direction/Guidance	Trust	Probate/Trust & Will	13
Annulment - Civil	Domestic-uncontested	Domestic Relations	8

Case Type	Case Group	Category	# of Cases
Appeal of Commitment	Appeal	Other Civil	32
Arbitration Confirm Award	Administrative	Other Civil	6
Board of Zoning Appeal	Appeal	Other Civil	1
Church/Organization Trustee Appt	Appointment	Other Civil	35
Complaint-Equity	General Civil	General Civil	28
Complaint-Legal Cause of Action	General Civil	General Civil	159
Condemnation	Real Prop	Real Property	6
Confession of Judgment	Debt	Debt/Contract	207
Conservator of the Peace	Appointment	Other Civil	7
Construction	Tort	Tort	6
Contract	Contract	Debt/Contract	500
Conversion	Tort	Tort	7
Court Settlement	Administrative	Other Civil	40
Declaratory Judgment - Civil	General Civil	General Civil	115
Defamation	Tort	Tort	18
Delinquent Taxes	General Civil	General Civil	5
Divorce Contested	Domestic	Domestic Relations	799
Divorce Uncontested	Domestic-uncontested	Domestic Relations	2,275
Domestic Reopen	Domestic	Domestic Relations	111
Eminent Domain Other	Real Prop	Real Property	9
False Arrest/Imprisonment	Tort	Tort	4
Fiduciary/Estate Complaint	Trust	Probate/Trust & Will	159
Garnishment	Enforcement	Other Civil	184
GDC/Small Claims Appeal	Appeal	Other Civil	782
Guardian/Conservator - Appt	Trust	Probate/Trust & Will	296
Guardian/Conservator - Restore, Modify,	Trust	Probate/Trust & Will	7
Guardianship Minor Appt	Trust	Probate/Trust & Will	3
INACTIVE-Divorce - Civil	Domestic-uncontested	Domestic Relations	1
Information/Seizures	Administrative	Other Civil	6
Injunction	General Civil	General Civil	32
Insurance	Administrative	Other Civil	4
Interplead Funds	Other	Other Civil	17
Judgment Extension	Enforcement	Other Civil	4
Malicious Prosecution	Tort	Tort	2
Malpractice-Legal	Tort	Tort	1
Malpractice-Medical	Tort	Tort	17
Mechanics Lien - Civil	Debt	Debt/Contract	41
Name Change	Administrative	Other Civil	370
Non-Monetary Foreign Judgments	Other	Other Civil	1
Other Law	Other	Other Civil	44
Other Law-Subject Only	Other	Other Civil	30
Out of State Witness	Other	Other Civil	34

Case Type	Case Group	Category	# of Cases
Partition	Real Prop	Real Property	8
Personal Injury-Assault	Tort	Tort	10
Personal Injury-Auto	Tort	Tort	280
Personal Injury-Emotional	Tort	Tort	3
Personal Injury-Negligence	Tort	Tort	10
Personal Injury-Premises Liability	Tort	Tort	19
Post Judgment Collection	Enforcement	Other Civil	25
Products Liability	Tort	Tort	2
Property Damage	Tort	Tort	2
Quiet Title	Real Prop	Real Property	28
Real Estate	Real Prop	Real Property	18
Real Estate-Encumber/Sell	Real Prop	Real Property	19
Restoration of OL 3rd	Other	Other Civil	97
Restoration of OL HO	Other	Other Civil	65
Restricted OL Petition	Other	Other Civil	2
Sex Offender Civil Commitment Violent P	Other	Other Civil	2
Special Elections	Other	Other Civil	3
Support/Separate Maintenance	Domestic	Domestic Relations	21
Transfer From Another State (Guardianship)	Trust	Probate/Trust & Will	4
Unclaimed Body	Other	Other Civil	13
Vital Records	Other	Other Civil	58
Voting Rights	Other	Other Civil	1
Writs of Certiorari	Other	Other Civil	2
Writs of Habeas Corpus	Criminal-related	Other Civil	21
Writs of Mandamus	Administrative	Other Civil	2
Wrongful Death	Tort	Tort	15

Table B13c: Case Types and Assigned Case Categories in the Alexandria Circuit Data Extracts

Case Type	Case Group	Case Category	# of Cases
Aid and Guidance-Probate	Trust	Probate/Trust & Will	4
Annulment	Domestic-uncontested	Domestic Relations	6
Appeal - Local Government	Appeal	Other Civil	2
Civil Action-Petition	General Civil	General Civil	16
Civil Commitment/Sexually Violent Predator	Other	Other Civil	3
Claim Impleading 3rd Party Def - Monetary	Tort	Tort	2
Complaint - catch all - Appeal	Appeal	Other Civil	12
Compromise Settlement (Injury/Wrongful Death)	Tort	Tort	73
Confessed Judgment	Debt	Debt/Contract	14
Contest Custody/Visitation/Support Equitable Dist	Domestic	Domestic Relations	24
Contested Divorce	Domestic	Domestic Relations	129
Contract Action	Contract	Debt/Contract	192
Correct/Erron State/Local Taxes	Other	Other Civil	1

Case Type	Case Group	Case Category	# of Cases
Declaratory Judgment	General Civil	General Civil	9
Delinquent Taxes	General Civil	General Civil	6
Detinue	Debt	Debt/Contract	2
Divorce	Domestic	Domestic Relations	30
Encumber/Sell Real Estate	Real Prop	Real Property	20
Expunge	Other	Other Civil	18
Forfeiture of US Currency	Criminal-related	Other Civil	47
Garnishment	Enforcement	Other Civil	35
General District Court Appeal	Appeal	Other Civil	37
General Tort Liability	Tort	Tort	130
Grievance Procedures	Enforcement	Other Civil	1
Habeas Corpus	Criminal-related	Other Civil	1
Injunction	General Civil	General Civil	3
Intentional Tort	Tort	Tort	13
Interdicted	Other	Other Civil	3
Interpleader	Other	Other Civil	2
Interpleader	Other	Other Civil	1
Interpleader/Injunction	Other	Other Civil	4
Involuntary Mental Commitment	Other	Other Civil	3
Judgment Lien (Complaint to Enforce)	Debt	Debt/Contract	1
Landlord/Tenant	Landlord/Tenant	Other Civil	1
Mechanics Lien	Debt	Debt/Contract	3
Medical Malpractice	Tort	Tort	27
Motor Vehicle	Tort	Tort	128
Other Law	Other	Other Civil	1
Partition	Real Prop	Real Property	1
Petition-Admin Appl (incl local gov,brd,agcy,comm)	Appeal	Other Civil	3
Product Liability	Tort	Tort	1
Quiet Title	Real Prop	Real Property	5
Reformation of Trust	Trust	Probate/Trust & Will	2
Reinstatement of Driving Privileges	Other	Other Civil	3
Restore Driving Privilege	Other	Other Civil	36
Specific Performance	Contract	Debt/Contract	4
Uncontested Custody/Visitation/Support	Domestic-uncontested	Domestic Relations	1
Uncontested Divorce	Domestic-uncontested	Domestic Relations	2,360
Unlawful Detainer	Landlord/Tenant	Other Civil	12
Vehicle Confiscation	Enforcement	Other Civil	1
Writ of Habeas Corpus	Criminal-related	Other Civil	1
Writ of Quo Warranto	Other	Other Civil	1
Wrongful Death	Tort	Tort	4

The 15 resulting groups and their assigned analytic categories are presented below, ranked by their share of the total Circuit data.

Table B14: Case Groups and Resulting Categories in Descending Order by Volume

Case Group	Number of Cases	Percentage of Total	Case Category
Administrative	2,769	7.4%	Other Civil
Appeals	1,956	5.2%	Other Civil
Appointments	358	1.0%	Other Civil
Contract	1,550	4.1%	Debt/Contract
Criminal-related	1,042	2.8%	Other Civil
Debt	439	1.2%	Debt/Contract
Domestic	9,525	25.3%	Domestic Relations
Domestic-uncontested	4,668	12.4%	Domestic Relations
Enforcement	2,432	6.5%	Other Civil
General Civil	4,105	10.9%	General Civil
Landlord/Tenant	25	0.1%	Other Civil
Other	2,498	6.6%	Other Civil
Real Property	563	1.5%	Real Property
Tort	4,638	12.3%	Tort
Trusts	1,075	2.9%	Probate/Will & Trust
Total	37,643		

Excluding the Other Civil case category, primary descriptive and analytic focus rests with the remaining six categories: Debt/Contract, Domestic Relations, General Civil, Real Property, Tort, and Probate/Will and Trust. The decision to collect Domestic and Uncontested Domestic cases together in the Domestic Relations category was necessitated by the fact that the OES data extracts did not distinguish between contested and uncontested divorces, while Fairfax County and Alexandria did. Thus, the Domestic Relations case category contains a substantial number of cases that are likely unrepresented and without significant adjudication, along with a set of cases that likely were litigated. While beyond the scope of this report, separate analysis of the Fairfax County and Alexandria data may yield interesting observations about the differences between contested and uncontested domestic relations disputes.

Disposition Type

Much like case type, the type of disposition in the Circuit Court cases is coded from different variables in each of the three extract sets. In two datasets, the OES and Alexandria extracts, disposition information is contained in more than one variable, while the Fairfax data has just one variable indicating disposition.

For the purposes of the current Study, the final dispositions are coded into five substantive categories: Pro-Plaintiff, Pro-Defendant, Dismissed, Defaults, Other, and Unknown. The Unknown category contains outcomes that are either unknown due to missing data or unclear from the available information. Dismissals, absent further information, cannot be interpreted as favorable to either the plaintiff or the defendant. They may be settlements, which would be Pro-Plaintiff results if some recovery is made (even if the recovery is less than claimed, this is no different than a judgment in favor of the plaintiff in which less than the full amount claimed was awarded) or dismissed without settlement or action, which would be similar to a Pro-Defendant outcome. Other disposition types include Purged, Other, Report by Commissioner, Trial, and Change of Venue, which leave the ultimate outcome of the litigation in doubt.

The table below lists the OES CMS codes given in the Final Disposition Type field, their description, and the disposition type assigned for descriptive and analytic purposes.

Table B15a: Disposition Types Coded from Concluded By and Judgment Codes in the OES Extracts

		Judgment Code/Description								
Concluded By		D	G	O	OT	P	R	SO	W	
Code	Description	Defendant	Granted	Other	Other	Plaintiff	Respondent	Settlement Order	Withdrawn	Total Cases
AFD	Affidavit for Divorce	Defendant	--	Other	--	Plaintiff	--	--	--	1,435
DEP	Deposition	Defendant	Plaintiff	Other	Other	Plaintiff	Defendant	--	--	3,308
DIS	Settlement/Non-Suit/Vol. Dismissal	Defendant	Settle/Dismiss	Settle/Dismiss	Settle/Dismiss	Plaintiff	Defendant	Settle/Dismiss	Settle/Dismiss	8,681
DJ	Default Judgment	Default	--	default	--	Default	--	--	--	608
OTH	Other	Defendant	Plaintiff	Other	Other	Plaintiff	Defendant	Other	Other	6,324
P1Y	Purged After 1 Year	--	--	Other	--	--	--	--	--	10
P2Y	Purged After 2 Years	--	--	Other	Other	Plaintiff	--	--	--	120
P3Y	Purged After 3 Years	Defendant	--	Other	Other	Plaintiff	--	--	--	986
RC	Report By Commissioner	--	--	Other	--	Plaintiff	--	--	--	60
TJ	Trial – Jury	Defendant	--	Other	--	Plaintiff	--	--	--	87
TJW	Trial - Judge w/ Witnesses	Defendant	Plaintiff	Other	Other	Plaintiff	Defendant	Settle/Dismiss	Other	4,669
TRN	Transferred	Other	Other	Other	Other	Other	Other	Other	Other	485
WPT	Withdrawn prior to Trial	Other	--	Other	Other	Other	Other	--	Other	248
Total Cases		826	361	15,145	312	9,688	398	33	258	27,021

Note: "--" means that there was no instance of the specific Concluded by and Judgment code pairing.

Conflicts between the outcomes apparent in the “Concluded By” and “Judgment” codes were resolved in favor of the less ambiguous coding. For instance, cases concluded by “Settlement/Non-Suit/Voluntary Dismissal” but identified as having a judgment in favor of the Defendant were coded as Pro-Defendant outcomes, because the former code collects several different means of disposition together. The judgment code distinguishes among them in a manner that carries additional information. However, cases Transferred or Withdrawn also carried various judgment codes, but the “Concluded By” code clearly leaves the actual outcome in doubt, even if the moving party in the transfer or withdrawal is known. To preserve that doubt, these cases were coded as “Other” dispositions.

The following table lists the Concluded By codes for the Fairfax County cases and the disposition type assigned.

Table B15b: Disposition Types coded from Concluded Codes in the Fairfax Extract

Concluded By	Disposition Type
Decree on Deposition	Unclear
Default Judgment	Default
NONE	Unclear
Other	Other
Purged after 3 years	Other

Concluded By	Disposition Type
Settlement /Non-Suit	Settlement/dismissal
Trial - Judge (with witnesses)	Unclear
Trial - Jury	Unclear

None of the Fairfax codes identifies whether the disposition favored the plaintiff or the defendant, which the court indicated they do not capture. This was also true for cases in Alexandria, although the data extracts from Alexandria featured several outcome fields. As illustrated above, in Table B12, a portion of Alexandria cases did not have matching outcome data.

Table B15c: Disposition Types Coded from Concluded By and Judgment Codes in the Alexandria Extract

Order	Concluded By						Total Cases
	Decree on Deposition	Default Judgment	Other	Settlement/Nonsuit/Voluntary Dismissal/Discontinued	Trial/Judge	Trial/ Jury	
Agreed Order	--	--	--	Settle/Dismiss	--	--	1
Appeal Dismissed Order	--	--	Other	Settle/Dismiss	Unknown	--	4
Appeal Withdrawn Order	--	--	Other	Settle/Dismiss	--	--	2
Approved Order	--	--	Other	Settle/Dismiss	--	--	5
Certificate of Filing	--	--	Other	--	--	--	1
Confessed Judgment Order	--	Default	--	--	--	--	11
Correction Order	--	--	--	Settle/Dismiss	--	--	1
Court Order	--	--	--	--	--	Unknown	1
Custody Order	--	--	--	--	Unknown	--	1
Decree of Annulment Order	--	--	--	--	Unknown	--	3
Default Judgment	--	Default	--	--	--	--	27
Denied Order	--	--	Other	--	--	--	3
Denied/Granted in Part Order	--	--	Other	--	--	--	1
Dismissed Order	--	--	--	Settle/Dismiss	Unknown	Unknown	31
Dismissed Without Prejudice	--	--	--	Settle/Dismiss	--	--	229
Dismissed with Prejudice	--	--	--	Settle/Dismiss	Unknown	Unknown	135
Expungement Denied Order	--	--	Other	--	Unknown	--	5
Expungement Granted Order	--	--	Other	--	Unknown	--	5
Final Decree	Unknown	Default	--	--	Unknown	--	1,954
Final Order	--	Default	Other	Settle/Dismiss	Unknown	Unknown	81
Final Order TFO	--	--	--	Settle/Dismiss	--	--	6
Forfeiture Order	--	Default	Other	Settle/Dismiss	--	--	11
Funds to General Receiver	--	--	--	Settle/Dismiss	--	--	1
Interplead Funds Order	--	--	--	Settle/Dismiss	--	--	1
Judgment Order	--	--	--	--	Unknown	Unknown	2
Judgment for the Defendant	--	--	--	--	--	Unknown	4
Judgment for the Plaintiff	--	Default	--	--	Unknown	--	11
Leave to Encumber Order	--	--	--	--	Unknown	--	1
Letter	--	--	Other	--	--	--	2
Mechanics Lien Release Order	--	--	--	Settle/Dismiss	--	--	2
Modification Order	--	--	--	Settle/Dismiss	--	--	1
Motion Denied Order	--	--	--	--	Unknown	--	1
Motion Granted Order	--	Default	Other	Settle/Dismiss	--	--	6
Motion Withdrawn Order	--	--	--	Settle/Dismiss	--	--	1

Order	Concluded By						Total Cases
	Decree on Deposition	Default Judgment	Other	Settlement/Nonsuit/Voluntary Dismissal/Discontinued	Trial/Judge	Trial/ Jury	
Non-Suit Order	--	--	--	Settle/Dismiss	--	--	124
Note	--	--	--	--	Unknown	--	1
Notice	--	--	Other	--	--	--	1
Payment Order	--	--	--	Settle/Dismiss	Unknown	--	2
Re: Demurrer Order	--	--	Other	--	--	--	3
Remove to US District Court	--	--	Other	--	--	--	1
Removed from Docket Order	--	--	Other	--	--	--	3
Restore Privilege/Motor Veh.	--	--	--	--	Unknown	--	13
Restricted Driver's License	--	--	--	--	Unknown	--	6
Sale of Real Estate Order	--	--	Other	Settle/Dismiss	--	--	2
Settlement Order	--	--	--	Settle/Dismiss	--	--	36
Stay Order	--	--	Other	Settle/Dismiss	--	--	5
Suggestion in Bankruptcy	--	--	Other	--	--	--	1
Transferred to Circuit Court	--	--	Other	--	--	--	6
Vacate Order	--	--	--	--	Unknown	--	1
Withdrawal of Appeal Order	--	--	Other	Settle/Dismiss	--	--	3
Writ of Possession	--	Default	Other	Settle/Dismiss	--	--	5
Total	247	88	45	613	1,758	13	2,764

Note: "--" means that there was no instance of the specific Concluded by and Judgment code pairing.

Generally, codes did not indicate whether the outcome favored the plaintiff or defendant, except for about 15 cases with values of either “Judgment for Defendant Order” or “Judgment for Plaintiff Order.” These values were grouped with the “Unknown” dispositions to exclude them from analysis, since 15 cases is not a sufficient basis for analyzing outcomes from the entire jurisdiction of Alexandria, and it is doubtful that these are the only cases in which either a defendant or plaintiff prevailed. It is not known why this small number of cases did carry a code indicating the prevailing party and no other cases did. Another field in the Alexandria extracts, “Judgment,” also holds disposition-type information, but had a very limited number of matching values, illustrated in Table B12, and the matched values duplicated values in the Concluded By field. Table B12 also reveals that about 20 percent of the cases in the Alexandria dataset did not match with any disposition information. Those cases were grouped together with the “Unknown” dispositions.

Demographic Data

The representation variables provided for each dataset were used to code a representation profile for each case. The representation profile of each case summarizes representation status information for each side of a dispute, categorizing each case as having legal counsel appearing on both sides, neither side, the plaintiff, or the defendant.²⁷ Thus, every case for which complete data were available can be characterized by one of four values in this taxonomy.

Demographic information was not available for the litigants in the case-level data. However, as addressed in the Data Limitations section, demographic data at the jurisdiction level could be obtained from the American Community Survey (ACS). The demographic variables secured were summarized above. To summarize representation patterns at the jurisdiction level, the proportion of cases within each court falling into each of the four representation profiles (both parties represented by counsel, plaintiff only has counsel, defendant only

²⁷ In JDR cases, “payee” and “payer” were used in place of “plaintiff” and “defendant” when those roles could be identified.

has counsel, neither party has counsel) was calculated at the jurisdiction level as well. Thus, representation is summarized by four variables, each between 0 and 1, summing to 1, or 100 percent.

Correlation analysis was used to relate the demographic summaries to the representation profile proportions at the jurisdictional level. A pairwise correlation coefficient estimates the relationship between two continuous variables in terms of the strength and direction of their shared variation. Correlation coefficients range from a minimum of -1 to a maximum value of 1, with 0 at the center. If the correlation coefficient for two variables has a value of zero, the two variables do not change with one another. In other words, there is no relationship between the two; observations with a high value in one of the variables are neither more nor less likely to have a high value in the other. Coefficients greater than 0 indicate a positive, or direct, relationship between the two variables. Thus, when one of the variables is high relative to its central tendency, the other variable tends to be high relative to its central tendency. When the coefficient is less than 0, the relationship is negative, or indirect. This means that high values of one of the variables tend to coincide with relatively low values of the other, and vice versa.

Another option would be to use analysis of covariance (ANCOVA) or regression analysis to assess whether the proportion of cases within each profile varied across the state in accordance with the values of one or more demographic variables. However, pairwise correlation analysis was preferred to analysis of covariance, because correlation coefficients can be assessed for statistical significance individually for each proportion, while ANCOVA only tests whether the set of representation proportions vary from central tendencies with the value of a demographic characteristic. Regression analysis has an advantage over pairwise correlation due to its ability to test for whether case proportions in a given representation profile vary across jurisdictions with multiple demographic characteristics simultaneously, as well as assessing whether variations with one demographic characteristic are still significant when other characteristics are controlled for. Such advantages are gained, however, at the cost of making a number of assumptions about the data that are not warranted, due to the fact that the dependent variable and covariates are all aggregates.

To be sure, correlation analysis also requires assumptions that are not fully met by the nature of the aggregate data available. Attributing a causal mechanism to correlations at the aggregate level in this way is an example of the ecological inference fallacy, because the individuals that lead a locality to appear high or low in a given demographic characteristic may not be the same individuals whose representation statuses lead that locality to be high or low in a given profile.²⁸ For this reason, care must be exercised in drawing conclusions from the analyses in this report. Linear regression models compound this problem by imposing multiple ecological inferences within the same calculations. Disentangling the possible problems due to ecological inference from a multiple regression model imposes too great a cost on the analysis, leading to a preference for pairwise correlation. Nevertheless, the analysis of representation and demographics contained in this report makes note of several instances in which an apparent relationship may very likely be a result of an unobserved, intervening variable that influences the values of the demographic characteristic and the representation pattern.

²⁸ To be clear, there may be some common factor that leads to both circumstances, so the correlation is not pure coincidence, but the causal mechanism linking the demographic characteristic and the representation pattern is not as simple as the former “causing” the latter.