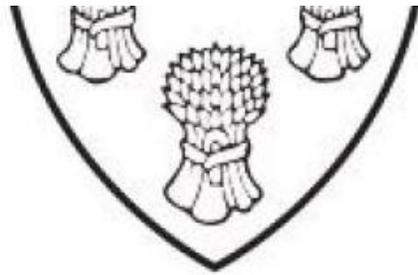


Article: Breaking Up Is Hard to Do, Especially When You Don't Have a Lawyer (Reed 2021)



HARVARD LAW SCHOOL

A study led by Harvard Law School Professor Jim Greiner showed that low-income Philadelphians have a hard time accessing a divorce without an attorney — a problem that is likely widespread

At the Access to Justice Lab, Greiner and his team tried to measure the ability of people, especially the poor and marginalized, to exercise their rights in both civil and criminal cases. Because divorce in Pennsylvania can be (and usually is) handled separately from alimony or custody matters, and because the Court has confirmed the importance of access to one, it proved a perfect subject to test.

The team wanted to answer two questions: First, **how did outcomes differ between those who had been offered an attorney and everyone else?** And

more broadly, **what could the results tell them about the courts' accessibility to low-income divorce seekers?**

It turned out that having a lawyer mattered. A lot. At the end of the study, 46% of those who had been assigned an attorney had succeeded in terminating their marriages, compared to 9% of those who had not. Tellingly, four in five of those who managed to divorce despite receiving minimal help from the organization had retained lawyers on their own, or had had the proceedings initiated by their spouse.

Greiner's paper concluded that "the United States faces an access-to-justice crisis. When the vast majority of individuals encounter the court system they do so without a lawyer, frequently because they cannot afford one. This study exposes that the crisis is more pervasive and extreme than previously understood."

Recommended Citation: Rachel Reed, *Breaking up is hard to do, especially when you don't have a lawyer*. Faculty Scholarship (2021), <https://today.law.harvard.edu/breaking-up-is-hard-to-do-especially-when...> (last visited Aug 13, 2021).

A previously published version of the study is available via [Professor Greiner's SSRN Page](#), and attached here.

Recommended Citation for original study: Degnan, Ellen and Ferriss, Thomas and Greiner, Daniel James and Sommers, Roseanna, Trapped in Marriage (October 23, 2018). Available at SSRN: <https://ssrn.com/abstract=3277900> or <http://dx.doi.org/10.2139/ssrn.3277900>

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