

*Why the Haves
Come Out Ahead*

The Classic Essay and New Observations

Marc Galanter

with commentary by Shauhin A. Talesh and Robert W. Gordon



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FOREWORD

Why Marc Galanter's "Haves" Article is One of the Most Influential Pieces of Legal Scholarship Ever Written

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A few of the adjectives that I use when describing Marc Galanter's article published in 1974, entitled *Why the "Haves" Come Out Ahead: Speculations on the Limits of Legal Change*, include seminal, blockbuster, canonical, game-changing, extraordinary, pivotal, and noteworthy. But do not take my word for it. Consider for a moment the article's place in the history of legal scholarship. In 1996, an empirical study of the most-cited law review articles of all time revealed that Galanter's article placed thirteenth (Shapiro 1996).¹ The Social Science Citation Index has named the article "a citation classic." Galanter's article was included in the 2006 volume entitled "The Canon of American Legal Thought" (Kennedy & Fisher 2006). Notably, the introduction to that volume considered the article's place in the development of American legal thought in the 20th century. For the article's 25th anniversary, the *Law & Society Review* published a symposium volume of articles dedicated to highlighting extensions and elaborations of the original article. In addition to being cited by numerous courts in the United States, Galanter's article has been translated into Italian, Dutch, Spanish, Chinese, French, and Portuguese, among other languages.

Aside from the article's impact on scholarly and policy discourse, the article impacts the training and education of students interested in studying law. Galanter's article is assigned in virtually every law and society or sociology of law undergraduate and graduate course in the United States. The article is cited in dozens of Civil Procedure casebooks that law professors use to teach first year law students. As we reach the forty year anniversary of this article's publication, I reach one uncontroverted conclusion: this article is one of the most influential pieces of legal scholarship ever written.

In *Why the "Haves" Come Out Ahead*, Marc Galanter explained how "repeat players," i.e., those persons and organizations that anticipate having repeat litigation and have resources to pursue long-term interests, shape the development of law and engage in a litigation game quite differently than do "one-shotters," i.e., those persons and organizations that deal with the legal system infrequently. Moving beyond legal formalism, Galanter's article provides a typology that highlights the various litigation configurations among one-shotters and repeat players: one-

¹ An updated version of this study revealed it is currently the 37th most-cited law review article (Shapiro & Pearce 2012). Over the years, it has often been regarded as one of the most-cited law review articles not involving constitutional law.

shooters versus repeat players, repeat players versus one-shooters, one-shooters versus one-shooters, and repeat players versus repeat players.

Galanter noted that repeat players (often large bureaucratic organizations) have long-term strategic interests beyond the immediate monetary stakes of an individual dispute. Specifically, repeat players play the odds in their repetitive interactions and engagements by settling cases that are likely to produce adverse precedent and litigating cases that are likely to produce rules that promote their interests. Factors that influence party decisions whether to litigate or settle include assessments of the likelihood of success, the resources available, and the costs of continuing litigation. By filtering cases in which courts develop law, repeat players secure legal interpretations that favor their interests and impede the ability for one-shooters to achieve significant social reforms through the legal system. Galanter's framework is significant because it highlights how unequal resources and incentives of parties may allow repeat players to control and determine the content of law. As a result, repeat players are able to influence the content and meaning of law.

By analyzing situations in which repeat players gain advantages in the legal system, Galanter set out an important agenda for legal scholars, sociologists, political scientists, and economists interested in examining (1) the law's capacity to produce social change, (2) the limits of the legal system to achieve redistributive outcomes, (3) the advantages and disadvantages of alternative and conventional legal procedures, (4) law and inequality, and (5) the gap between the law on the books and the law in action. Scholars have been exploring these and other questions for the past forty years in a variety of areas (Glenn 2003; Kritzer & Silbey 2003; Talesh 2013). Let me briefly highlight the multifaceted directions several generations of scholars and legal actors have taken the article.

Scholars empirically study and analyze the one-shotter v. repeat player framework in relation to courts. In particular, the various structural advantages repeat players enjoy in the legal system that Galanter emphasizes—namely, greater access to resources, information, specialists, reduced start-up costs, long-run strategic interests, and development of informal facilitative relationships with institutional incumbents—provide a valuable set of variables to explore. Empirical studies demonstrate that repeat player litigants with substantial organizational resources and strength are much more likely to win in the federal courts of appeals than one-shot litigants that have fewer resources (Songer et al. 1999). Another empirical study demonstrates that litigation resources are much more strongly related to success in the courts of appeals than in either the United State Supreme Court or state supreme courts (Songer & Sheehan 1992). With regard to state supreme courts, stronger parties, especially larger governmental units, achieve an advantage over weaker parties, though the advantage generally is rather small (Wheeler et al. 1987).

Research generated from Galanter's article is not limited to the United States, but shapes how scholars examine courts in other countries. For example, Szmer and colleagues examined the impact of lawyer capability on the decision making of the Supreme Court of Canada and found that litigation experience and litigation team size influenced Canadian court decision making (Szmer et al. 2007). A comparative analysis of 14,000 civil cases in the United States and United

Kingdom across a variety of disputing forums reveals that one important effect of lawyer representation is increased formality, which sometimes works to disadvantage people who attempt to represent themselves (Sandefur 2005). Studies of the Philippine Supreme Court (Haynie 1994, 1995; Haynie et al. 2001), the High Court of Australia (Willis & Sheehan 1999; Smyth 2000), the Court of Appeal of England and Wales (Atkins 1991), the Indian Supreme Court (Haynie et al. 2001), the South African Supreme Court (Haynie et al. 2001), and the Tanzanian Court of Appeals (Haynie et al. 2001) all examine outcomes under the “party capability theory” that Galanter set forth years ago. These studies provide general support for the proposition that in the context of appellate litigation, the “Haves” come out ahead against weaker parties because they have tangible and intangible resource advantages.

Party resource advantages, however, need not lie only with private actors. Other research demonstrates how that advantage lies even more with governments than business parties (Kritzer 2003). Kritzer’s study highlights how the government does not merely have greater resources and experience, but has a fundamental advantage since it sets the rules by which cases are brought and decisions are made. Moreover, it is government officials such as judges who make the decisions. Other empirical studies focus on the pivotal role that lawyers play among Haves and Have-nots. A randomized experimental evaluation of a legal assistance program for low-income tenants shows that the provision of legal counsel produces large differences in outcomes for low-income tenants in housing court, independent of the merits of the case (Seron et al. 2001). Quite apart from examining the state of and resource capacity of different litigants, one study demonstrates that lawyers can be viewed as repeat players who affect judicial outcomes (McGuire 1995). While Galanter’s article and its progeny mapped the dilemmas of judicially created common law rules, others have expanded the analysis to social reform legislation designed to address a specific social problem or protect disadvantaged interests (Albiston 1999). Thus, aside from traditional theories of lobbying, campaign contributions and agency capture, ongoing research using Galanter’s typology over the past forty years reveals how repeat players are able to influence judicial decisions and social reform legislation.

Scholars also adopt Galanter’s framework, however, when studying “court-appended systems,” Galanter’s term for referring to state and federal court-connected alternative dispute resolution (ADR) programs and private voluntary or mandatory ADR programs (see Talesh 2013 for summary). Amidst the challenges of using the formal court system to resolve conflicts, internal grievance and alternative dispute resolution are increasingly the forums for resolving potential legal disputes (Galanter & Lande 1992; Sutton et al. 1994; Edelman & Suchman 1999; Menkel-Meadow 1999). The increasing privatization of dispute resolution by organizations is supported and approved by legislatures (Talesh 2009, 2013, 2015) and courts across the United States (Edelman & Talesh 2011). Empirical studies in these forums that specifically use Galanter’s framework focus on variation in complainants’ success rates (Hanningan 1977; Bingham 1998; Bingham and Sarraf 2000; Eisenberg & Hill 2003; Hirsh 2008; Colvin 2011), the influence of occupational prestige and experience (Kinsey & Stalans 1999; Hirsh 2008), lawyer representation (Bingham 1997), legal resources (Steele 1974; Burstein 1989;

Bingham 1997; Hirsh 2008) and complaint handlers' decision making (Edelman, Erlanger & Lande 1993; Gilad 2010).

In addition to analyzing these mechanisms, scholars debate whether outcomes are better for one-shotters or repeat players in alternative forums. Moreover, policy debates concerning reforming alternative dispute resolution structures are often framed using Galanter's framework (Stone 1996; Menkel-Meadow 1999; Cole 2001; Talesh 2012, 2013). In sum, in addition to using Galanter's framework when evaluating party interaction with public legal institutions, scholars use his framework when examining private disputing forums.

But what about in the 21st century? How has the relationship between one-shotters and repeat players changed, if at all, amidst the move toward public-private partnerships and the contracting out of rights to private and quasi-private adjudicatory regimes? Surprisingly, although it is well-established that consumers and other aggrieved parties such as employees and shareholders are adjudicating public legal rights through internal grievance and alternative dispute resolution forums operated by private actors with the blessing of courts and legislatures, little empirical research addresses *how* these disputing forums are created, how do they operate, and in particular, what is the process through which the meaning of law is constructed through different organizational dispute resolution structures. Galanter on occasion has urged for more research on these very issues (Galanter & Lande 1992).

My own work attempts to synthesize these two strands of research that spawned from Galanter's seminal article concerning repeat player influence among public and private legal institutions. Rather than examining repeat player influence over public legal institutions and private dispute resolution structures separately, my research for the past decade tries to articulate a framework for understanding how the Haves come out ahead in the 21st century. As the boundaries between public and private become increasingly blurred, my empirical research suggests that the Haves create a private legal order, then influence the public legal order, in order to utilize and maintain a private legal order (Talesh 2009, 2012, 2013).

In response to powerful consumer protection laws aimed at manufacturers standing behind their warranties issued to consumers, my research shows how automobile manufacturers first created internal dispute resolution structures to adjudicate public legal rights outside the judicial process and then ceded control of these structures to third-party dispute resolution organizations for legitimacy purposes (Talesh 2009, 2013). The legislature ultimately codified these privatized adjudicatory systems into law and afforded considerable deference to these quasi-private and quasi-public regimes. Thus, I demonstrate a connection between the Haves creating a private disputing regime and influencing public legal institutions such as courts and legislatures. By analyzing how the quintessential repeat player—organizations—legalize their disputes themselves while also interacting with legislatures and courts, I offer a unique view into the processes and mechanisms through which law codified in public legal institutions is flowing from law that is created among and within organizations. Understanding how organizational repeat player influence converges in both spaces simultaneously is particularly important given the turn toward public-private partnerships in society.

Through participant observation and interviews, I continued my analysis by comparing how two different alternative dispute resolution forums (one created and administered by private organizations in California, and the other administered and run by the state of Vermont) operating outside the court system resolve consumer disputes. Unlike the single-arbitrator system in the private dispute resolution programs, Vermont uses an arbitration board consisting of a five-person panel of arbitrators (three citizens, an automotive dealer representative, and a technical expert). I find that the institutional design of dispute resolution, and how business and consumer values and perspectives are translated by field actors in different dispute resolution systems, leads to two different meanings of law operating in California and Vermont. Managerial and business values of rationality, efficiency, and discretion flow into law operating in California's private dispute resolution structures primarily through an arbitration training and socialization process conducted by third-party administrators hired by automobile manufacturers to run their lemon law arbitration program (Talesh 2012). The institutional context socializes arbitrators to ignore consumer emotion and narrows the fact-finding role of arbitrators to a passive arbiter reliant on parties to present facts. As a result, arbitrators are taught to adjudicate cases not in the shadow of the formal lemon law on the books, but in the shadow of a managerialized lemon law replete with its *own* rules, procedures, and construction of law that changes the meaning of consumer protection. Moreover, as business values flow through the disputing structure, organizational repeat players gain subtle opportunities for advantages through the operation of California dispute resolution structures.

Vermont's vastly different dispute resolution system has far less tendency than the process in California to introduce business values into the meaning and operation of lemon laws. To the extent business values are introduced into the process by the presence of dealer and technical expert board members, they are balanced with competing consumer logics by the presence of citizen panel members and a state administrator. Rather than emphasizing professional training and socialization, Vermont's structure illustrates how participatory representation, an inquisitorial fact-finding approach, and balancing consumer and business perspectives in the decision-making process can help curb repeat player advantages. In terms of consumer outcomes in these hearings, consumers do far worse in private than state-run disputing structures (Talesh 2012).

Thus, my own work builds upon and elaborates Galanter's work and offers an updated account of the relationship between repeat players and one-shotters in the 21st century. In a world where private actors are increasingly involved in handling functions traditionally run by the government, the Haves no longer simply play for favorable rules in the public arena, but rather play for removing the entire disputing game from the public arena into the private arena, actively create the terms of legal compliance, and reshape the meaning of consumer rights and remedies. This is a critical and as yet unrecognized way in which the Haves come out ahead. However, contrary to most studies that demonstrate how repeat players gain advantages in disputing structures, my comparative research design also allows me to explore how dispute resolution structures can also inhibit repeat player advantages. Simply stated, the institutional design can facilitate and inhibit repeat player advantages.

Galanter's article did not just provide us with a typology and vocabulary that has become part of the lexicon of law, it set forth a wide-reaching research agenda that has shaped the thinking of scholars and policymakers. More research is needed to explore how different dispute resolution systems with varying degrees of business and state involvement operate on the ground and interpret and implement law. If studies building upon Galanter's work have shown us anything, it is that there is great variation in when, whether, and how the Haves come out ahead. While much work has been done, scholars should continue to learn more about what is happening on the ground when Haves and Have-nots interact in legal settings.

In addition to spurring several decades of exciting and important research, *Why the "Haves" Come Out Ahead* has achieved canonical stature within college and university courses. I had the pleasure of being assigned the article as part of my undergraduate coursework, in law school, and during my doctoral studies. Having moved into academia, I now assign the article to my first-year law students every year when I teach Procedural Analysis.² Why? In most procedure courses, students learn the language, structure, and interpretation of the complex rules governing the operation of the American federal civil justice system. Students analyze cases and problems concerning when, where, and whether to bring a lawsuit, against whom to bring the action, and what procedural options are available to respond strategically to the changing circumstances as the lawsuit proceeds. At its core, the course is concerned with the lawyer's vast array of procedural options and maneuvers in bringing or defending a lawsuit. Certain themes generally prevail throughout a procedure course, including how should procedural systems balance justice and efficiency, what does procedural fairness mean in different contexts, and how does procedural fairness impact substantive fairness.

I assign Galanter's article because it succinctly conveys what procedure professors have emphasized to students for decades: procedure is not merely about "the rules," but rather how the rules are used and mobilized by the players in the litigation game. To the extent procedure affects and at times even trumps substantive fairness, Galanter's article provides a wonderful lens into *how* this occurs. Galanter does this by explaining how the actors who use the litigation system vary in resources and power. While procedure professors take a semester to unpack the distinction between procedure and substance, Galanter unpacks this issue in a few pages by highlighting the advantages that repeat players maintain in the civil litigation system. These repeat player advantages include but are not limited to (1) advanced intelligence and the ability to preplan transactions, (2) ongoing access to specialists and lawyers, reduced start-up costs and economies of scale, (3) informal facilitative relationships with institutional actors, (4) long-run strategic interests and the ability to play for favorable rules, and (5) experience in discerning which rule-changes are likely to "penetrate" into the law in action.

While Galanter's focus is on the configuration of power and the systematic structural advantages and disadvantages in litigation, the article does not offer a class or power elite analysis. He does not conclude that members of the dominant class or large wealthy organizations always win in litigation. Rather, he focuses

² UC Irvine's version of Civil Procedure is called Procedural Analysis.

on the way that the litigation system—and the procedural rules within it—create structural advantages for repeat players. In sum, I believe every law and legal studies student should be required to read his article because it contextualizes the procedural system as something more than a set of rules that should be memorized and mechanically applied. Galanter's gift is that his article reflects a sophisticated set of ideas, yet he still manages to convey the ideas in simple ways. Consequently, students benefit from reading this article because it illuminates how efficiency, justice, equality, and procedural and substantive fairness impact litigants in real and tangible ways. The article captures the real and lived experience of those who encounter law in society, and provides context for talking about rules that are too often thought of as "given" to society by formal legal institutions.

As we celebrate the 40th anniversary of this article, I do not think anyone—scholars, students, policymakers, judges, or individual citizens—can credibly dispute that this article continues to impact those who interact with the law. I hope that those interested in understanding the social and political dynamics of the law and law's capacity to produce social change will continue to draw from one of the most influential pieces of legal scholarship ever written. I certainly will.

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REFERENCES

- ALBISTON, Catherine (1999) "The Rule of Law and the Litigation Process: The Paradox of Losing by Winning," 33 *Law & Society Rev.* 869-910.
- ATKINS, Burton M. (1991) "Party Capability Theory as an Explanation for Intervention Behavior in the English Court of Appeal," 35 *American Journal of Political Science* 881-903.
- BINGHAM, Lisa (1997) "Employment Arbitration: The Repeat Player Effect," 1 *Emp. Rts. & Emp. Pol'y J.* 189-99.
- — — (1998) "On Repeat Players, Adhesive Contracts, and the Use of Statistics in Judicial Review of Employment Arbitration Awards," 29 *McGeorge L. Rev.* 223-59.
- BINGHAM, Lisa B., and Simon SARRAF (2000) "Employment Arbitration Before and After the Due Process Protocol for Mediation and Arbitration of Statutory Disputes Arising Out of Employment: Preliminary Evidence that Self-Regulation Makes a Difference," presented at the Proceedings of the N.Y.U. 50th Annual Conference on Labor. New York.
- BURSTEIN, Paul (1989) "Attacking Sex Discrimination in the Labor Market: A Study in Law & Politics," 67 *Social Forces* 641-65.

- COLE, Sarah R. (2001) "Uniform Arbitration: 'One Size Fits All' Does Not Fit," *16 Ohio St. J. on Disp. Resol.* 759.
- COLVIN, Alexander J. S. (2011) "An Empirical Study of Employment Arbitration: Case Outcomes and Processes," *8 J. of Empirical Legal Studies* 1-23.
- EDELMAN, Lauren B., and Mark C. SUCHMAN (1999) "When the 'Haves' Hold Court: Speculations on the Organizational Internalization of Law," *33 Law & Society Rev.* 941-92.
- EDELMAN, Lauren B., Howard S. ERLANGER and John LANDE (1993) "Employers' Handling of Discrimination Complaints: The Transformation of Rights in the Workplace," *27 Law & Society Rev.* 497-534.
- EDELMAN, Lauren B. and Shauhin A. TALES (2011) "To comply or not to comply—that isn't the question: how organizations construct the meaning of compliance," in C. PARKER and V. NIELSEN, eds., *Explaining Compliance*. Edward Elgar, Cheltenham, UK.
- EISENBERG, Theodore, and Elizabeth HILL (2003) "Arbitration and Litigation of Employment Claims: An Empirical Comparison," *58 Dispute Resolution J.* 44-55.
- GALANTER, Marc, and John LANDE (1992) "Private Courts and Public Authority," *12 Studies in Law, Politics, & Society* 393-415.
- GILAD, Sharon (2010) "Why the 'Haves' Do Not Necessarily Come out Ahead in Informal Dispute Resolution," *32 Law & Policy* 283-312.
- GLENN, Brian J. (2003) "The Varied and Abundant Progeny," in H. KRITZER and S. SILBEY eds., *In Litigation: Do the "Haves" Still Come Out Ahead?* 371-81.
- HANNINGAN, John A. (1977) "The Newspapers Ombudsman and Consumer Complaints: An Empirical Assessment," *11 Law & Society Rev.* 679-99.
- HAYNIE, Stacia L. (1994) "Resource Inequalities and Litigation Outcomes in the Philippine Supreme Court," *56 Journal of Politics* 752-72.
- — — (1995) "Resource Inequalities and Regional Variation in Litigation Outcomes in the Philippine Supreme Court, 1961-1986," *48 Political Research Quarterly* 371-80.
- HAYNIE, Stacia L., C. Neal TATE, Reginald S. SHEEHAN, and Donald R. SONGER (2001) "Winners and Losers: A Comparative Analysis of Appellate Courts and Litigation Outcomes." Paper presented at the annual meeting of the American Political Science Association San Francisco, August 30-September 2.
- HIRSH, Elizabeth (2008) "Settling for Less? Organizational Determinants of Discrimination Charge Outcomes," *42 Law & Society Rev.* 239-74.
- KENNEDY, David, and William W. FISHER, eds. (2006) *The Canon of American Legal Thought* Princeton: Princeton University Press.
- KINSEY, Karyl, and Loretta J. STALANS (1999) "Which 'Haves' Come Out Ahead and Why? Cultural Capital and Legal Mobilization in Frontline Law Enforcement," *33 Law & Society Rev.* 993-1023.
- KRITZER, Herbert M. (2003) "The Government Gorilla: Why Does Government Come Out Ahead in Appellate Courts?," in H. KRITZER and S. SILBEY, eds., *In Litigation: Do the "Haves" Still Come Out Ahead?* 342-70.

- KRITZER, Herbert, and Susan S. SILBEY, eds. (2003) *In Litigation*. Stanford: Stanford University Press.
- McGUIRE, Kevin T. (1995) "Repeat Players in the Supreme Court: The Role of Experienced Lawyers in Litigation Success," *57 Journal of Politics* 187-96.
- MENKEL-MEADOW, Carrie (1999) "Do the 'Haves' Come out Ahead in Alternative Judicial Systems?: Repeat Players in ADR," *15 Ohio State J. on Dispute Resolution* 19-61, 19, 22, 43, 46-48.
- SANDEFUR, Rebecca L. (2005) "Effects of representation on Trial and Hearing Outcomes in Two Common Law Countries," <http://www.reds.msh-paris.fr/communication/docs/sandefur.pdf> (accessed April 3, 2014).
- SERON, Carroll, et al. (2001) "The Impact of Legal Counsel on Outcomes for Poor Tenants in New York City's Housing Court: Results of Randomized Experiment," *35 Law & Society Rev.* 419-34.
- SHAPIRO, Fred (1996) "The Most-Cited Law Review Articles Revisited," *71 Chicago-Kent L. Rev.* 751-79.
- SHAPIRO, Fred, and Michelle PEARSE (2012) "The Most-Cited Law Review Articles of All Time," *110 Michigan L. Rev.* 1483-1520.
- SMYTH, Russell (2000) "The 'Haves' and the 'Have Nots': An Empirical Study of the Rational Actor and Party Capability Hypothesis in the High Court 1948-99," *35 Australian Journal of Pol. Sci.* 255-74.
- SONGER, Donald R., and Reginald S. SHEEHAN (1992) "Who Wins on Appeal? Upperdogs and Underdogs in the United States Courts of Appeals," *36 Am. J. Pol. Sci.* 235-58.
- SONGER, Donald R., Reginald S. SHEEHAN, and Susan B. HAIR (1999) "Do the 'Haves' Come out Ahead over Time? Applying Galanter's Framework to Decisions of the U.S. Courts of Appeals, 1925-1988," *33 Law & Society Rev.* 811-32.
- STEELE, Eric H. (1974) "Fraud, Dispute, and the Consumer: Responding to Consumer Complaints," *123 Univ. of Penn. L. Rev.* 1107-86.
- STONE, Katherine V. W. (1996) "Mandatory Arbitration of Individual Employment Rights: The Yellow Dog Contract of the 1900s," *73 Denver U. L. Rev.* 1017.
- SUTTON, John, et al. (1994) "The Legalization of the Workplace," *99 American J. of Sociology* 944-71.
- SZMER, John, Susan W. JOHNSON, and Tammy A. SARVER (2007) "Does the Lawyer Matter? Influencing Outcomes on the Supreme Court of Canada," *41 Law & Society Rev.* 279-303.
- TALESH, Shauhin A. (2009) "The Privatization of Public Legal Rights: How Manufacturers Construct the Meaning of Consumer Law," *43 Law & Society Rev.* 527-62.
- — — (2012) "How Dispute Resolution System Design Matters: An Organizational Analysis of Dispute Resolution Structures and Consumer Lemon Laws," *46 Law & Society Rev.* 463-92.
- — — (2013) "How the 'Haves' Come Out Ahead in the Twenty-First Century," *62 DePaul Law Rev.* 529-54.
- — — (2015) "Institutional and Political Sources of Institutional Change: Explaining How Private Organizations Influence the Form and Content of Consumer Protection Legislation," *40 Law & Social Inquiry* (forthcoming 2015).

WHEELER, Stanton et al. (1987) "Do the 'Haves' Come out Ahead? Winning and Losing in State Supreme Courts, 1870-1970," 21 *Law & Society Rev.* 403-45.

WILLIS, Joy, and Reginald S. SHEEHAN (1999) "Success in the Australian High Court: Resource Inequality and Outcome." Paper presented at the annual meeting of the Southern Political Science Association, Savannah, Georgia, November 6-9.