

G. RICHARD SHELL

HOME:

237 Hemlock Road
Wynnewood, PA 19096
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BUSINESS:

The Wharton School
University of Pennsylvania
Philadelphia, PA 19104-6340
(215) 898-9525
Email:Shellric@wharton.upenn.edu

EDUCATION

J.D., 1981, University of Virginia School of Law;
Research & Projects Editor, Virginia Law Review
Order of the Coif (Top 5% of Class).

B.A., 1971, cum laude, Princeton University; Major
in English.

EMPLOYMENT

ACADEMIC APPOINTMENTS

2001 – Thomas Gerrity Professor, Wharton School, University of Pennsylvania present
Professor of Legal Studies and Business Ethics and Management

1995-
2001 Professor of Legal Studies and Management,
The Wharton School, University of Pennsylvania; Chair,
Department of Legal Studies, 1995-2000.

1993-
1994 Visiting Scholar, Harvard Law School, Program
on Negotiation -- special research projects included chairing major symposium
on computer-assisted negotiation and researching article on the World Trade
Organization dispute resolution system

1992-
1995 Associate Professor of Legal Studies and
Management, The Wharton School, University of Pennsylvania.

1987-
1988 Adjunct Assistant Professor of Law,
University of Pennsylvania School of Law
(taught Corporations course)

1986-
1992 Assistant Professor of Legal Studies,
The Wharton School, University of Pennsylvania.

1985-
1986 Lecturer. Legal Studies Program, Brandeis University.

PUBLICATIONS

ARTICLES

“Transactional Man: Teaching Negotiation in the Age of Trump,” Negotiation Journal, Vol. 35, pp. 31-45 (2019).

“The Morality of Bargaining: Identity versus Interests in Negotiations with Evil,” Negotiation Journal, Vol. 26, No. 4, pp.453-481 (October 2010).

“The Role of Bargaining Style in Public Company Audits,” Journal of Forensic Accounting, Vol. 4, No. 2, pp. 233-248 (December 2003) (with Heather M. Hermanson and Kurt S. Schultzke).

“Bargaining Styles and Negotiation: The Thomas-Kilmann Conflict Mode Instrument in Negotiation Training,” Negotiation Journal, Volume 17, No. 2, pp. 155-74 (April 2001).

“When is it Legal to Trade on Inside Information?” Sloan Management Review (Fall 2001).

“Using Computers to Realize Joint Gains in Negotiations: Toward an Electronic Bargaining Table,” 43 Management Science No. 8, 1147-1163 (August 1997) (with Arvind Rangaswamy).

“Fair Play, Consent and Securities Arbitration: A Comment on Speidel,” 62 Brooklyn Law Review 1365-1380 (1996).

“Federal Versus State Law in the Interpretation of Contracts Containing Arbitration Clauses: Reflections on Mastrobuono,” 65 University of Cincinnati Law Review 43-73 (1996).

“The Trade Stakeholders Model and Participation by Nonstate Parties in the World Trade Organization,” 17 University of Pennsylvania Journal of International Economic Law 359-381 (1996).

“Trade Legalism and International Relations Theory: An Analysis of the World Trade Organization,” 44 Duke Law Journal 829-927 (1995).

“Computer-Assisted Negotiation and Mediation: Where We Are and Where We Are Going,” 11 Negotiation Journal 117-121(1995).

“Contracts in the Modern Supreme Court,” 81 California Law Review 431-529 (1993).

“Opportunism and Trust in the Negotiation of Commercial Contracts: Toward a New Cause of Action,” 44 Vanderbilt Law Review 221-282 (1991).

“When Is It Legal to Lie in Commercial Negotiations?” 32 Sloan Management Review 93-101 (Spring 1991) (reprinted in Steven C. Cunall, Deanna Geddes, Stuart M. Schmidt & Arthur Hochner.

Power and Negotiation in Organizations (1993); Roy J. Lewicki, Joseph A. Litterer, David M. Saunders, & John W. Minton, Negotiation: Readings, Exercises, and Cases (2d ed. 1994).

“ERISA and Other Federal Employment Statutes: When is Commercial Arbitration an ‘Adequate Substitute For the Courts?’” 68 Texas Law Review 509-573 (1990) (cited by the U. S. Supreme Court in Gilmer v. Interstate/ Johnson Lane Corporation, 111 S. Ct. 1647, 1660 (1991) (Stevens, J., dissenting)).

“Arbitration and Corporate Governance,” 67 North Carolina Law Review 517-575 (1989) (reprinted in part in Robert W. Hamilton, Corporations, Including Partnerships and Limited Partnerships (4th ed. West 1990)).

“Substituting Ethical Standards for Legal Rules in Commercial Cases: An Emerging Statutory Trend,” 82 Northwestern University Law Review 1198-1254(1988).

“The Role of Public Law in Private Dispute Resolution: Reflections on Shearson/American Express, Inc. v. McMahon”, 26 American Business Law Journal 397-433 (1988) (awarded Hoerber prize for “Outstanding Major Article” of Volume 26).

“The Res Judicata and Collateral Estoppel Effects of Commercial Arbitration,” 35 UCLA Law Review 623-675 (1988).

“Arbitration of Customer-Broker Disputes Arising Under the Federal Securities Laws and RICO,” 15 Securities Regulation Law Journal 3-36 (1987) (with William C. Tyson and Neal M. Brown) (cited by the U.S. Supreme Court in Shearson/American Express. Inc. v. McMahon, 482 U.S. 220 (1987) (Blackmun, J., concurring and dissenting)).

BOOKS

The Conscience Code: Lead with Your Values. Advance Your Career (HarperCollins Leadership, 2021).

Bargaining for Advantage: Negotiation Strategies for Reasonable People (3rd Edition, New York, Penguin, 2019)

Success, Your Way: Do What You’re Meant to Do (Penguin U.K. 2014) (Shortlisted for Management Book of the Year, British Library/Henley Business School/Chartered Management Associates

Springboard: Launching Your Personal Search for Success (Revised and Updated Edition, 2014)

Springboard: Launching Your Personal Search for Success (Penguin Portfolio 2013) (Named Personal Development Book of the Year and Business Book of the Year by Business Bookseller 800CEOREAD)

The Art of Woo: Using Strategic Persuasion to Sell Your Ideas (New York: Penguin, 2009) (with Mario Moussa) (paperback edition of Portfolio book published in 2007). Finalist for Best Business Book of 2008, CEOREAD. Translated into Korean, Turkish, Portuguese, Polish, Hebrew, Russian, Romanian, Chinese (2 versions), and Vietnamese.

Bargaining for Advantage: Negotiation Strategies for Reasonable People, Second Edition (New York: Penguin, 2006).

Make the Rules or Your Rivals Will (New York: Crown Business, 2004).

Bargaining for Advantage: Negotiation Strategies for Reasonable People (New York: Viking, 1999). Winner of the 1999 CPR Institute for Dispute Resolutions Book Award for Excellence; published in twelve foreign language editions: Japanese, Spanish, Hebrew, Finnish, Swedish, Portuguese, Italian, Romanian, Estonian, Korean, Chinese (2 versions), Vietnamese.

CHAPTERS IN BOOKS

“Bargaining With the Devil Without Losing Your Soul: Ethics in Negotiation,” Chapter 6 in Carrie Menkel-Meadow and Michael Wheeler, What’s Fair: Ethics for Negotiators (San Francisco: Jossey-Bass, 2004).

“Electronic Bargaining: The Perils of E-mail and the Promise of Computer-Assisted Negotiations,” Chapter 12 in Howard Kunreuther and Stephen Hoch, Wharton on Making Decisions (New York: Wiley, 2001).

“The Federal Arbitration Act and the Securities Industry” (Chapter 13) in Ian R. Macneil, Richard E. Speidel, & Thomas J. Stipanowich, Federal Arbitration Law (Boston: Little Brown & Co., 1994).

“Confirmed and Unconfirmed Awards: Claim and Issue Preclusion” (Chapter 39), in Ian R. Macneil, Richard E. Speidel, & Thomas J. Stipanowich, Federal Arbitration Law (Boston: Little Brown & Co., 1994).

“Res Judicata and Collateral Estoppel Effects of Commercial Arbitration,” in Illinois Institute for Continuing Legal Education, Arbitration Practice (Chicago: IICLE, 1989).

SHORTER ARTICLES

“Suing Your Customers: A Winning Business Strategy?” in Knowledge@Wharton, October 22, 2003 (most downloaded article of the year).

“Negotiating Effectively in Academic Medicine,” 101 The American Journal of Medicine 571573 (1996).

“Biases Physicians Bring to the Table,” 22 The Physician Executive 4-7 (1996) (with Dr. Stephen K. Klasko).

“The Power to Punish: Authority of Arbitrators to Award Multiple Damages and Attorneys’ Fees,” 72 Massachusetts Law Review 26-37 (1987).

“Consumer Protection Law--Requirements that Both Parties Have a Place of Business in Massachusetts--Chapter 278 of Acts of 1985,” 71 Massachusetts Law Review 50-54(1986).

“NEPA After Andrus v. Sierra Club: The Doctrine of Substantial Deference to the Regulations of the Council on Environmental Quality,” 66 Virginia Law Review 843-877 (1980).

AWARDS FOR SCHOLARSHIP

Center for Public Resources, Institute for Dispute Resolution’s 1999 Book Award for Excellence for Bargaining for Advantage: Negotiation Strategies for Reasonable People (Penguin 1999).

Academy of Legal Studies in Business Junior Faculty Award for Excellence, 1991 (achievement award given every two years to the most outstanding junior faculty member teaching law in a business school based on publications, teaching and service).

Ralph C. Hoehner Award for the outstanding major article published in the American Business Law Journal Volume 26(1988-89) (selected by Journal’s Advisory Editors and Editorial Board).

Law School Alumni Award for the best student-written article published in Volume 66 (1980) of the Virginia Law Review: “NEPA After Andrus v. Sierra Club: The Doctrine of Substantial Deference to the Regulations of the Council on Environmental Quality.”

TEACHING

COURSES CREATED

Responsibility in Business. This core MBA course integrates law and ethics. My section of the course combines an original mix of cases, problems, and readings from several of my own books as well as tradition business law and business ethics topics. It conceived “responsibility” to be about doing things right, doing the right thing, and being the “right” kind of person.

The Literature of Success: Historical and Ethical Perspectives. This elective undergraduate course in the first of its kind in business education. It surveys readings from ancient to modern times on two timehonored questions: What does it mean to be successful? How does one achieve success? Works include those by Plato, Aristotle, Epectitus, Marcus Aurelius, Benjamin Franklin, Andrew Carnegie, William James, Sam Walton, Arthur Miller, and Marcus Buckingham.

Wharton Strategic Persuasion Workshop. Wharton’s four-day executive education course on strategic persuasion and organizational politics. Launched in 2008 and offered three times each year.

Wharton Executive Negotiation Workshop. Wharton’s top-rated, week-long negotiation course for executives features a unique design in which participants work in teams to solve their actual business negotiation problems while they are learning negotiation theory. The course is offered three times per year.

Governmental and Legal Environment of Business. This core MBA mini-course, which I developed in partnership with Professor Dennis Yao of Wharton’s Public Policy and Management Department,

introduces MBA students to the legal foundations of capitalist markets and the basic mechanisms for bringing about change in the law.

Negotiation and Conflict Resolution. This course was the first general business negotiation course offered at the Wharton School. Co-founded with Cohn Camerer of OPIM, the course is now taught in three departments: Legal Studies, Operations and Information Management, and Management to over 700 MBA and undergraduate students each year.

Legal Aspects of Entrepreneurship. This course is one of the first MBA courses in the United States to focus in a transactional format on the legal problems of start-up businesses. It is cross-listed between Legal Studies and Management.

TEACHING AWARDS

2018-2020: Wharton School Excellence in Teaching Award

2017: MBA Teaching Award: “Goes Above and Beyond.”

2017: MBA Teaching Award: Excellence in Teaching.

2016: Undergraduate Teaching Award: named one of Wharton’s “top 10” professors.

2015: MBA Teaching Award: “Goes Above and Beyond”

2015: Named one of Wharton’s “top 10” undergraduate professors.

2014: Named one of Wharton’s “top 10” undergraduate professors.

2013: Named one of Wharton’s “top 10” undergraduate professors.

2012: Named one of Wharton’s “top 10” undergraduate professors.

2010: Senior Class teaching award – Huntsman Program in International Studies in Business

2009: Won both the David A. Hauck Award for best tenured teacher in the Wharton Undergraduate Division and the Class of 1984 Award for earning the top student evaluations of all professors teaching in the Wharton MBA Division.

2007: Named one of Wharton’s “top 10” undergraduate professors.

2006: Named one of Wharton’s “top 10” undergraduate professors.

2005: Named one of Wharton’s “top 10” undergraduate professors.

2003: Named as one of Wharton’s top 8 professors in Business Week’s 2003 Guide to the Best Business Schools (9th edition) based on poll of Wharton MBA alumni.

1999: Named as one of Wharton's top 8 professors in Business Week's 1999 Guide to the Best Business Schools (6th edition) based on poll of Wharton MBA alumni.

1999: Wharton Graduate Association Core Curriculum Cluster Award for Quarter Three teaching excellence.

1998: Wharton Graduate Association Core Curriculum Cluster Award for Quarter Three teaching excellence,

1997: Miller-Sherrerd MBA Core Teaching Award for Outstanding Teaching in the MBA Core.

1997: Wharton Graduate Association Core Curriculum Cluster Award for Quarter Three teaching excellence.

1996: Outstanding Teaching Award, Wharton Executive MBA Program (given to top two professors based on student evaluations over two-year period).

1996: Wharton Graduate Association Core Curriculum Cluster Award for Quarter Three teaching excellence.

1995: Outstanding Teaching Award, Wharton MBA Division (given to top eight professors on over prior three semesters) standing faculty based on student evaluations

1994: Outstanding Teaching Award, Wharton MBA Division (see above).

1993: Outstanding Teaching Award, Wharton MBA Division (see above).

1993: Named as one of Wharton's top 8 professors in Business Week's 1993 Guide to the Best Business Schools (1st edition) based on poll of Wharton MBA alumni.

1989, 1990, 1992, 1993: Top ten finalist for Anvil Award, outstanding teaching award in Wharton's Graduate Division based on vote of student body.

1990 and 1991: Wharton Advisory Council Award for Outstanding Teaching in the Undergraduate Division (one of top ten professors on standing faculty in overall rankings based on student evaluations).

PRESENTATIONS

LEGISLATIVE TESTIMONY

Witness, Hearings on Securities Arbitration Reform Act of 1988, House Subcommittee on Telecommunications and Finance, June 9, 1988.

PAPERS, PANELS AND WORKSHOPS

Presenter, "Make the Rules or Your Rivals Will," Legal Studies Seminar Series, April 2004.

Presenter, "The Power of Expectations in Business and Everyday Life," Legal Studies Department Seminar Series, April 2003.

Presenter, "New Materials for Teaching Negotiation," International Association of Conflict Management, August 2000, St. Louis, MO.

Panelist, "Innovations in Negotiation, Academy of Management, August 2000, Toronto, Canada.

Presenter. "Negotiating on the Internet," Wharton on Decision Making Book Conference. May 14, 1999.

Presenter, "Leadership and Negotiation," Wharton Center for Leadership and Change Annual Workshop, April 29, 1999

Presenter, "Consent and Securities Arbitration," Securities Arbitration Symposium. Brooklyn Law School, Brooklyn, New York, November 1996.

Presenter, "Punitive Damages in Arbitration," Securities Fraud Symposium, University of Cincinnati College of Law, Cincinnati, Ohio, March 1996.

Presenter, "The Political Economy of International Trade Dispute Resolution, Academy of Legal Studies in Business, Annual Meeting, Dallas, Texas, August 1994.

Chair, Working Group on Computers and principle coordinator, Harvard Program on Negotiation Symposium entitled: "Computer-Assisted Negotiation and Mediation, Prospects and Limits," May 26-27, 1994; presenter on May 27, 1994: "The Negotiation Assistant' Computer Software Model,"

"The Political Economy of International Trade Adjudication," University of Connecticut School of Law, Hartford, Connecticut, Law Faculty Seminar, April 26, 1994.

"Negotiation Assistant: A Negotiation Support System," Harvard Program on Negotiation Faculty Seminar, Harvard Law School, September 1992.

"The Supreme Court, Contracts, and Public Policy," Business Law Seminar Series, University of Michigan School of Business, Ann Arbor. Michigan, March 1992.

"The Supreme Court and the Primacy of Private Ordering: The Case of Contract Law," Legal Studies Department Seminar Series, October 9, 1991 and American Business Law Association, Portland, Maine, August 1991.

"A Computer-Based Interactive Mediation Process for Multi-Issue Negotiations," The Institute of Management Science/Operations Research Society of American (TIMS/ORSA) College on Group Decision and Negotiation, Nashville, Tennessee, May 1991 (with Professor Arvind Rangaswamy, Wharton Department of Marketing).

“Opportunism and Trust in the Negotiation of Commercial Agreements,” Legal Studies Department Seminar Series, October 1990.

“The Legal Regulation of Commercial Negotiation,” Faculty Workshop, George Mason University School of Law, Fairfax, Virginia, September 1989.

“Arbitration and Corporate Governance,” American Business Law Association, New Orleans, August 1988.

“Panelist, Three Theoretical Models of Corporate Governance,” American Business Law Association, New Orleans, August 1988.

“Arbitration of Securities Disputes,” Decision Sciences Brown Bag Seminar Series, the Wharton School, Fall 1987.

Panelist, “The Future of Securities Arbitration,” American Bar Association Section of Litigation Annual Meeting, Chicago, November 1987.

Panelist. “Alternative Dispute Resolution,” American Business Law Association Annual Meeting, Minneapolis, August 1986.

SERVICE

To the Profession:

Committee on Dispute Resolution, Business Law Section of the American Bar Association, 1990-2001.

Member, Securities Disputes Committee. Center for Public Resources, 1989-2002.

Wharton representative, American Arbitration Association’s Task Force on Law and Business Schools, 1986-1991.

Member, Committee on the Role of Law in Business Education, Academy of Legal Studies in Business, 1990-91.

Journal reviewer for: The American Business Law Journal, the Business Ethics Quarterly, the Academy of Management Review, the Journal of Marketing Research, the Strategic Management Journal, the Journal of Policy Analysis and Management.

To the Wharton School:

Chair, Legal Studies and Business Ethics Department, 2012 – present and 1995-2000.

Member, Wharton Executive Education Faculty Advisory Committee, 2018 – present, 1995-97.

Co-Founder and Faculty Advisor, Purpose, Passion, and Principles (P3) Initiative, Wharton Leadership Program.

Chair, MBA Review Committee, 2009-2010 (successfully led redesign initiative for the entire MBA program at Wharton for the first time since 1992; introducing new structure for the required curriculum and “Lifelong Learning” as a transformative educational strategy for Wharton and its alumni going forward; gained an 87% positive vote of the faculty for new plan).

Member, Wharton Personnel Committee, 2008-2009 and 2004.

Member, Dean’s Faculty Advisory Committee, 2008-2009.

Chair, Undergraduate Curriculum Committee, 2005-2006.

Member, Wharton MBA Executive Committee, 2005.

Chair, Wharton School Committee on Academic Freedom and Responsibility, 2004

Chair, Review Committee on the Center for Leadership and Change Management, 2004

Chair, MBA Curriculum Committee, 1994-95.

Chair, MBA Executive Committee, 1992-93.

Member, MBA Curriculum Committee, 1990-1992 (participated in a complete overhaul of the MBA core curriculum).

WEMBA Advisory Committee, 1990-91.

Computing and Instructional Technology Committee, 1988-89.

MBA Admissions Committee, 1987-88.

Faculty Council, SEI Center for Advanced Studies in Management, the Wharton School, 1990-2017.

To the Legal Studies and Management Departments:

Chair, Legal Studies and Business Ethics Department, 2012 – present and 1995-2000.

Member, Chair’s Advisory Committee, 2008-2009.

Chair, Faculty Search Committee (Law search), 2008-2009.

Chair, Faculty Search Committee, 2006-2007.

Chair, Reading Committee for Professor Dan Hunter’s promotion to tenure, 2005-2006.

Chair, Reading Committee for Professor Stuart Diamond’s reappointment to Practice Professor, 2005-2006.

Chair, Search Committee for Legal Studies Faculty Hiring, 2003-2004.

Member, Reading Committee, Promotion of Professor Alan Strudler.

Chair, Faculty Search Committee, Legal Studies Department, 1993-94.

Member, Faculty Search Committee, Legal Studies Department, 1990-91; 1991-92.

Chair, Legal Studies Seminar Committee, Legal Studies Department, the Wharton School, 1988-89; 1991-92,

Executive Education Committee, Legal Studies Department, 1988-89.

Ph.D. Dissertation Committee (candidate: Ms. Jennifer Starr), Management Department, the Wharton School, 1990-1995.

To the University of Pennsylvania:

Member (elected): Search Committee for new Wharton School Dean, 2007.

Steering Committee of the President's Task Force on Community Relations, 1996-97.

Community' Relations Committee, University Council, 1995-96.

University Task Force on Copyrights, 1995-96, established by the Provost to recommend new policies for the University of Pennsylvania regarding faculty and staff ownership of copyrighted works created in connection with employment activities.

University Task Force on Public Safety Practices, 1993-94, established by Provost to review University police practices and procedures to assure compliance with the rights and safety of members of the University community.

Shils Lecture Series Committee in Arbitration and Alternative Dispute Resolution, University of Pennsylvania Law School, 1993-present.

To the Business, Government, and Nonprofit Communities:

Consulting engagements to give advice on negotiation strategy and training have included major clients both in the United States and abroad in the following industries and areas: military services, law enforcement, investment banking, health care, engineering, hospitality, law firms, unions, high technology and manufacturing. Specific clients have included Four Seasons Hotels and Resorts, Merck & Co., Citibank, Johnson & Johnson, Hewlett-Packard, Bank of America, Google, Prudential Insurance, MetLife, Association of American Medical Colleges, Georgetown University, Pew Charitable Trusts, the American Federal of Teachers, the United Food and Commercial Workers, the Federal Bureau of Investigation, the U.S. Army Special Forces Command, and the U.S. Army War College,

MAGAZINE AND NEWSPAPER OPINION PIECES

“Getting to Yes,” Interview with Chief United Nations Arms Inspector for Iraq, Richard Butler, New York Times Magazine, March 28, 1999, at 22.

“Protesters Have a Point on WTO: Interest Groups Need to be heard,” Philadelphia Inquirer, Op-Ed Page, December 3, 1999.

“Vera Trumps The Donald in the Fine Art of the Deal,” Philadelphia Inquirer, Op-Ed Page, July 29, 1998, at A14.

“Build a War Chest to Fight a Real Trade War in Defense of U.S. Industry,” Philadelphia Inquirer Op-Ed Page, June 22, 1996, at A-2 1.

“Kantor’s ‘Sue Me’ Diplomacy,” New York Times Op-Ed Page, June 16, 1995, at A-23.

“Clinton and the Art of the Deal”,; Boston Globe, February 20, 1994, “Focus” Section, at 2.

“Is Arbitration a Just Route?,” National Law Journal, February II, 1991, at 1314,

“Broker Arbitration Claims Should Be Voluntary,” Boston Globe, May 30, 1989, at 26, col. 3.

“Coping With Legal Uncertainty in Business Decisions,” Chief Executive, March/April 1989, at 74-77.

“Arbitration After the Crash,” National Law Journal, March 21, 1988, at 13-14.

“A Better Approach to Contract Disputes,” New York Times, September 13, 1987, section 3, at 2 (Sunday Business Forum), column 3.

“Keep Broker-Client Disputes Out of Court,” Wall Street Journal, March 3, 1987, at 32, column 1

PROFESSIONAL ASSOCIATIONS: Academy of Management, American Bar Association, Academy of Legal Studies in Business