

DAVID HESS

Ross School of Business, University of Michigan
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FACULTY APPOINTMENTS

Ross School of Business, University of Michigan, Ann Arbor, MI

2019- Professor of Business Law & Business Ethics
2010- 2019 Associate Professor of Business Law & Business Ethics
2006-2007 Bank One Corporation Assistant Professor of Business Administration,
2003-2010 Assistant Professor of Business Law & Business Ethics

University of Michigan Law School

2019-20 Adjunct Professor

Rutgers Business School, Newark & New Brunswick, NJ

2001-2003 Lecturer, Department of International Business & Business Environment

EDUCATION

The Wharton School, University of Pennsylvania, Philadelphia, PA
Ph.D. in Management (Major Field: Corporate Strategy), 2003
M.A. in Applied Economics and Management Science, 2000

University of Iowa College of Law, Iowa City, IA
J.D. with *high distinction*, 1995

Grinnell College, Grinnell, IA
B.A. in Economics, 1992

AWARDS, OFFICES & PROFESSIONAL APPOINTMENTS

Reporter, American Bar Association, Criminal Justice Section, Task Force on Standards for
Monitors, 2013-2019

Board Member, Global Business & Human Rights Scholars Association, 2018-present.

Section Editor, Business Law, *Journal of Business Ethics*, 2012-2015

Virginia Maurer Outstanding Ethics Paper Award, Academy of Legal Studies in Business, 2013

Officer Rotation (Secretary, Vice-President & Program Chair, and President), Tri-State Academy
of Legal Studies in Business, 2007-2010

Rising Star of Corporate Governance, Millstein Center for Corporate Governance &
Performance, Yale University, 2009

Faculty Pioneer Award - Rising Star, The Aspen Institute, 2008
Outstanding Paper, Tri-State Academy of Legal Studies in Business Annual Meeting, 2008
Faculty Award of Excellence - Early Career Achievement, Academy of Legal Studies in Business, 2008
Outstanding Paper, Tri-State Academy of Legal Studies in Business Annual Meeting, 2007
Best Paper, Society for Business Ethics Annual Meeting, 2005

PUBLICATIONS

Book

Goldstock, R. (Chair) & Hess, D. (Reporter). 2020. AMERICAN BAR ASSOCIATION STANDARDS FOR CRIMINAL JUSTICE: MONITORS AND MONITORING. Chicago, IL: American Bar Association Publishing. ISBN: 978-64105-505-5.

Journal Articles & Book Chapters

Hess, D. (forthcoming). "Chipping Away at Compliance: How Compliance Programs Lose Legitimacy and its Impact on Unethical Behavior," *Brooklyn Journal of Corporate, Financial and Commercial Law*

Hess, D. (forthcoming) "Ethics and Compliance Training," in D. Daniel Sokol & Benjamin van Rooij (eds.), *Cambridge Handbook on Compliance*. Cambridge University Press.

Hess, D. 2019. "Corruption and the Multinational Corporation," in Denis G. Arnold, Tom L. Beauchamp & Norman E. Bowie (eds.), *Ethical Theory and Business*, pp. 459-467. Cambridge University Press.

Hess, D. & Bishara N. 2019. "Beyond Peace Doves: Respecting Human Rights and Combating Corruption in Mega-Sporting Events." *Boston University International Law Journal*, 37(2): 245-79.

Hess, D. 2019. "The Transparency Trap: Non-Financial Disclosure and the Responsibility of Business to Respect Human Rights." *American Business Law Journal*, 56(1): 5-53.

Hess, D. 2019. "Private Sector Corruption," in Cecily Rose, Michael Kubiciel & Oliver Landwehr (eds), *United Nations Convention Against Corruption: A Commentary*, pp. 126-135. Oxford University Press.

Hess, D. 2019. "Embezzlement of Property in the Private Sector," in Cecily Rose, Michael Kubiciel & Oliver Landwehr (eds), *United Nations Convention Against Corruption: A Commentary*, pp. 245-250. Oxford University Press.

Hess, D. 2017. "Business, Corruption, and Human Rights: Towards a New Responsibility for Corporations to Combat Corruption." *Wisconsin Law Review*, 2017(4): 641-693.

- Hess, D. 2016. "Ethical Infrastructures and Evidence-Based Corporate Compliance and Ethics Programs: Policy Implications from the Empirical Evidence." *New York University Journal of Law & Business*. 12(2): 317-368.
- Hess, D. 2016. "Transparency and Respect for Human Rights." *Rocky Mountain Mineral Law Foundation Journal*. 53(2): 279-304.
- Hess, D. 2015. "Combating Corruption in International Business: The Big Questions." *Ohio Northern Law Review*. 41(3): 679-696.
- Bishara, N. and Hess, D. 2014. "Human Rights and a Corporation's Duty to Combat Corruption," in R. Bird, D. Cahoy, and J. Prenkert, (eds), *Law, Business and Human Rights: Bridging the Gap*, pp. 71-93. Edward Elgar Publishing
- Hess, D. 2014. "The Future of Sustainability Reporting as a Regulatory Mechanism," in D. Cahoy & J. Colburn (eds), *Law and the Transition to Business Sustainability*, pp. 125-40. Springer Publishing.
- Hess, D. 2012. "Enhancing the Effectiveness of the Foreign Corrupt Practices Act through Corporate Social Responsibility." *Ohio State Law Journal*, 73(5): 1121-1144.
- Hess, D. 2012. "Combating Corruption through Corporate Transparency: Using Enforcement Discretion to Improve Disclosure." *Minnesota Journal of International Law*, vol. 21(1): 42-74.
- Ford, C. & Hess, D. 2011. "Corporate Monitorships and New Governance Regulation: In Theory, In Practice, and In Regulatory Context." *Law & Policy*, vol. 33(4): 509-541.
- Hess, D. 2011. "Partnering Against Corruption Initiative and the Business Principles for Countering Bribery," in T. Hale and D. Held (eds), *The Handbook of Transnational Governance: Institutions and Innovation*, pp. 322-327. Polity Press: Cambridge, UK.
- Hess, D. 2010. "Attorney Liability for Client Fraud: Lessons From the Conviction of Outside Counsel in the Refco Fraud," in *Corporate Governance 2010*, pp. 741-752. Practising Law Institute: New York, NY.
- Hess, D. 2010. "Client Confusion on Corporate Counsel's Role: New Developments in the Ethical and Legal Minefield of Conducting Internal Investigations," in *Corporate Governance 2010*, pp. 753-774. Practising Law Institute: New York, NY.
- Hess, D. 2010. "Ethics in Finance: Pension Funds," in John Boatright (ed.), *Finance Ethics: Critical Issues in Financial Theory and Practice*, pp. 359-372. Malden, MA: John Wiley & Sons.
- Hess, D. 2009. "Catalyzing Corporate Commitment to Combating Corruption: Understanding the Role of the Public Sector in Private Anti-Corruption Initiatives." *Journal of Business Ethics*, vol. 88(4): 781-790.

Ford, C. & Hess, D. 2009. "Can Corporate Monitorships Improve Corporate Compliance?" *Journal of Corporation Law*, vol. 34(3): 679-737.

Hess, D. 2009. "Corruption Issues in the Value Chain: Private-to-Private & Private-to-Public Corruption," in Transparency International, *Global Corruption Report 2009: Corruption and the Private Sector*, pp. 19-24. Cambridge University Press.

Hess, D. 2008. "The Three Pillars of Corporate Social Reporting as New Governance Regulation: Disclosure, Dialogue and Development." *Business Ethics Quarterly*, vol. 18(4): 447-482.

Hess, D. & Ford, C. 2008. "Corporate Corruption and Reform Undertakings: A New Approach to an Old Problem." *Cornell International Law Journal*, vol. 41(2): 307-346.

Hess, D. & Warren, D. E. 2008. "The Meaning and Meaningfulness of Corporate Social Initiatives." *Business & Society Review*, vol. 113(2): 163-197.

Hess, D. 2007. "Public Pensions and the Promise of Shareholder Activism for the Next Frontier of Corporate Governance: Sustainable Economic Development." *Virginia Law & Business Review*, 2(2): 221-263.

Hess, D. 2007. "A Business Ethics Perspective on Sarbanes-Oxley and the Organizational Sentencing Guidelines." *Michigan Law Review*, vol. 105(8): 1781-1816.

Hess, D. 2007. "Social Reporting and New Governance Regulation: The Prospects of Achieving Corporate Accountability through Transparency." *Business Ethics Quarterly*, 17(3): 455-478.

Hess, D. & Dunfee, T.W. 2007. "The Kasky-Nike Threat to Corporate Social Reporting: Implementing a Standard of Optimal Truthful Disclosure as a Solution." *Business Ethics Quarterly*, 17(1): 5-32.

Hess, D., McWhorter, R. & Fort, T. 2006. "The 2004 Amendments to the Federal Sentencing Guidelines and Their Implicit Call for a Symbiotic Integration of Business Ethics." *Fordham Journal of Corporate & Financial Law*, vol. 11(4): 725-764.

Hess, D. 2006. "Corporate Social Responsibility and the Law," in José Allouche (ed.), *Corporate Social Responsibility*, pp. 154-180. Hampshire, UK: Palgrave Macmillan.

Hess, D. 2005. "Protecting and Politicizing Public Pension Fund Assets: Empirical Evidence on the Effects of Governance Structures and Practices." *University of California-Davis Law Review*, vol. 39(1): 187-224.

Hess, D. & Impavido, G. 2004. "Governance of Public Pension Funds: Lessons from Corporate Governance and International Evidence," in A. R. Musalem & R. Palacios (eds.) *Public Pension Fund Management*, pp. 49-89. Washington D.C.: The World Bank.

Hess, D. & Dunfee, T.W. 2003. "Taking Responsibility for Bribery: The Multinational Corporation's Role in Combating Corruption," in Sullivan, R. (ed.) *Business and Human Rights: Dilemmas and Solutions*, pp. 260-271. Sheffield, UK: Greanleaf Publishing.

- Reprinted in Tom Beauchamp, Norman E. Bowie and Denis G. Arnold (eds.), *Ethical Theory and Business* (Prentice-Hall, 8th ed., 2008).

Hess, D., Rogovsky, N., & Dunfee, T.W. 2002. "The Next Wave of Corporate Community Involvement: Corporate Social Initiatives." *California Management Review*, vol. 44(2): 110-125.

- Reprinted in Jeremy Moon & Jean-Pascal Gond (eds.), *Corporate Social Responsibility* (Routledge: Taylor & Francis, 2011).
- Reprinted in Andrew Crane, Dirk Matten & Laura Spence (eds.), *Corporate Social Responsibility: Readings and Cases in a Global Context* (Routledge, 2007).

Dunfee, T.W. & Hess, D. 2001. "Getting From Salbu to the 'Tipping Point': The Role of Corporate Action Within a Portfolio of Anti-Corruption Strategies." *Northwestern Journal of International Law & Business*, vol. 21(2): 471-490.

Hess, D. 2001. "Regulating Corporate Social Performance: A New Look at Corporate Social Accounting, Auditing, and Reporting." *Business Ethics Quarterly*, vol. 11(2): 307-330.

Useem, M. & Hess, D. 2001. "Governance and Investments of Public Pensions," in Olivia S. Mitchell & Edwin C. Hustead (eds.), *Pensions in the Public Sector*: pp. 132-152. Philadelphia: University of Pennsylvania Press.

Hess, D. & Dunfee, T.W. 2000. "Fighting Corruption: A Principled Approach." *Cornell International Law Journal*, vol. 33(3): 593-626.

Dunfee, T. W. & Hess, D. 2000. "The Legitimacy of Direct Corporate Humanitarian Investment." *Business Ethics Quarterly*, vol. 10(1): 95-109.

Hess, D. 1999. "Social Reporting: A Reflexive Law Approach to Corporate Social Responsiveness." *Journal of Corporation Law*, vol. 25(1): 41-84.

Hess, D. 1995. "Note, The Iowa Franchise Act: Towards Protecting the Reasonable Expectations of Franchisees and Franchisors." *Iowa Law Review*, vol. 80(2): 333-62.

Book Reviews

Hess, D. 2019. "Research Handbook on Corporate Crime and Financial Misdealing." *Business Ethics Quarterly*, vol. 29(1): 151-54.

Hess, D. 2010. "Pension Fund Governance: A Global Perspective on Financial Regulation." *Journal of Pension Economics & Finance*, vol. 9 (1): 158-59.

Hess, D. 2006. "Business Ethics and the Natural Environment." *Business Ethics Quarterly*, vol. 16 (4): 631.

News Media, Encyclopedia Entries & Other

Hess, D. 2017. "Corporation's Duty to Promote Human Rights Includes Fighting Corruption." *Columbia Law School Blue Sky Blog*, Oct. 11, 2017.

Hess, D. 2015. "Business Ethics in the United States." *Encyclopedia of Management* (3rd edition). John Wiley & Sons.

Hess, D. 2008. "Responsible Investing Requires Full Disclosure." *Pensions and Investments*, June 9, 2008, at 12.

Hess, D. 2008. "If Kilpatrick were a CEO, he'd be fired: Ethical errors end corporate careers quicker than any other mistake." *Detroit News*, February 5, 2008, at 7A.

Hess, D. 2007 (revised for 2nd edition 2018). "Blue Sky Laws," "CAFE Regulations," "Chicago School of Economics," "Compensatory Damages," "Market for Lemons," "Negligence," and "Unfair Competition," in Robert W. Kolb (ed.), *Encyclopedia of Business Ethics and Society*. Thousand Oaks, CA: Sage Publications.

Hess, D., Fort, T., McWhorter, R. Krehmeyer, D. 2006. "Fostering a Culture of Trust: Implications of the Federal Sentencing Guidelines." *Business Roundtable Institute for Corporate Ethics Bridge Paper*.

Hess, D. & Dunfee, T.W. 2002. "The Private Sector Role in Alleviating Human Misery," in Daniele Giovannucci (ed.) *A Guide to Developing Agricultural Markets and Agro-enterprises*, World Bank (online book).

Hess, D. 2001. "Leadership" and "Leverage and Leveraged Buy-outs," in Jonathan Michie (ed.), *Reader's Guide to the Social Sciences*. London: Fitzroy Dearborn.

Dunfee, T. W. & Hess, D. 2000. "Bankruptcy," in *Grolier Multimedia Encyclopedia*. Bethel, CT: Grolier.

Hess, D., Dunfee, T. W. & Taka, I. 1998. *Nomura II: Japanese Business Ethics*. CaseNet, South-Western College Publishing.

SELECTED PRESENTATIONS FROM LAST FIVE YEARS

"Non-Financial Disclosure and the Responsibility of Business to Respect Human Rights," National Business Law Scholars, University of California Berkeley Law School, Berkeley, CA., June 2019.

"Next Steps in Behavioral Compliance," Emerging Trends in Corporate Enforcement and Corporate Compliance," Brooklyn Law School, New York, NY, Feb. 2019.

“Business, Sports and Peace: Respecting Human Rights and Combating Corruption in Mega-Sporting Events,” Great Lakes Academy of Legal Studies in Business, Frankenmuth, MI, Oct. 2018.

“Human Rights and Non-Financial Disclosure: The Way Forward,” Business and Human Rights Symposium: Find the Human Face of Finance, University of Connecticut, Storrs, CT, Sept. 2018.

Panelist and Discussant, Corporate Compliance and Organizational Change Conference, Notre Dame Law School, South Bend, IN, April 2018.

“Nonfinancial Disclosures: Should We Change Our Expectations?” Big Ten Business Law Research Seminar, Penn State University, State College, PA, Jan. 2018.

“Nonfinancial Disclosure & Human Rights: Why is it done, how is it done, who is it for, and what is the goal?” 24th Annual International Vincentian Business Ethics Conference. DePaul University, Chicago, IL. Oct. 2017.

“Nonfinancial Disclosure and Human Rights,” Business and Human Rights Scholars Conference. Santa Clara University, Santa Clara, CA. Sept. 2017.

“Business, Corruption, and Human Rights: Towards a New Responsibility to Combat Corruption,” International Association of Business & Society, Amsterdam, the Netherlands, June 2017.

“Business, Corruption, and Human Rights,” Business and Human Rights Scholars Conference. University of Washington Law School, Seattle, WA, Sept. 2016.

“Business, Corruption, and Human Rights.” Academy of Legal Studies in Business Annual Meeting, San Juan, Puerto Rico, August 2016.

“Respecting Human Rights,” Positive Business Conference. Ross School of Business, Ann Arbor, MI, May 2016.

“Transparency and Respect for Human Rights,” Conference: Public Regulation and Private Governance: Competitors or Collaborators? University of Connecticut, Storrs, CT, April 2016.

“Respect for Human Rights: An Overview of the Approaches and the Issues,” Rocky Mountain Mineral Law Institute Special Institute on Human Rights Law & the Extractive Industries, Panama City, Panama, Feb. 2016.

“Combating Corruption and Respecting Human Rights: Bridging the Gap,” 22nd Annual International Vincentian Business Ethics Conference, New York, NY, October 2015.

“Corporate Culture and Corporate Compliance Programs: Towards an Understanding of an Organization’s Ethical Infrastructure.” Academy of Legal Studies in Business Annual Meeting, Philadelphia, Pa, August 2015.

CONFERENCES AND COLLOQUIA ORGANIZED

Colloquium, "Corporate Compliance and Ethics: Current Issues in Law, Policy & Management." Ross School of Business, University of Michigan, May 2018.

Colloquium, Big Ten Business Law Research Seminar (co-organized with Cindy Schipani), Ross School of Business, University of Michigan, January 2015.

Annual Conference (program chair), Tri-State Academy of Legal Studies in Business, Ross School of Business, University of Michigan, October 2009.

TEACHING

The Ross School of Business, University of Michigan

- *Business and Human Rights* (MBA)
- *Business and the Public Policy Process* (undergraduate thesis course).
- *Business Ethics* (Executive MBA)
- *Business Ethics and Accountability* (undergraduate)
- *Business and Leaders: The Positive Difference* (undergraduate)
- *Business Law and Ethics* (MBA)
- *Corporate Social Responsibility and Business Ethics* (undergraduate and graduate)
- *Cultural Norms in Global Business* (MBA)
- *Ethics and Negotiations for Accountants* (MAcc)
- *Ethics of Corporate Management* (MBA)
- *Law of Enterprise Organization* (undergraduate)
- *Legal and Ethical Environment of Business* (graduate)
- *Legal Environment of Business* (undergraduate)

University of Michigan Law School

- *Human Rights, Mineral Extraction, and the Global Supply Chain* (graduate)

Lectures & Workshops in Law and Ethics, University of Michigan

- *Ross Leadership Initiative*, Ross School of Business (MBA)
- *Leadership in Plant Operations*, Ross School of Business (Executive Education)
- *Financial Engineering*, College of Engineering (MS)
- *Topics in Manufacturing*, Tauber Manufacturing Institute, Ross School of Business (MBA & MSE)
- *LEAD (Leadership Education and Development) Program*, Ross School of Business (high school)

Rutgers Business School, Rutgers, The State University of New Jersey

- *Business, Government & Society* (undergraduate)
- *Legal Environment of Business* (MBA)

The Wharton School, University of Pennsylvania

- *Corporate Social Responsibility and Ethics* (undergraduate)
- *Introduction to Management* (undergraduate)

EDITORIAL RELATED EXPERIENCE

Editor Positions:

- Section Editor, *Business Law, Journal of Business Ethics*, 2012-2015

Editorial Boards:

- *American Business Law Journal*, Staff Editor, 2009-
- *Business and Human Rights Journal*, Board Member, 2019-
- *Business Ethics Quarterly*, Board Member, 2011-

Ad hoc Reviewer:

- *Academy of Legal Studies in Business Annual Meeting Proceedings*
- *Academy of Management Annual Meeting*
- *Academy of Management Review*
- *Academy of Management Perspectives*
- *American Business Law Journal*
- *Business and Human Rights Journal*
- *Business Ethics European Review*
- *Business Ethics Quarterly*
- *California Management Review*
- *Crime, Law & Social Change*
- *Criminology & Public Policy*
- *Journal of Asian Business*
- *Journal of Business Ethics*
- *Journal of Management and Governance*
- *Journal of Management Inquiry*
- *Journal of Management Studies*
- *Journal of Policy Analysis and Management*
- *Osgoode Hall Law Journal*
- *Oxford University Press*
- *Regulation and Governance*
- *Routledge* (book publishers)
- *Society for Business Ethics Annual Meeting*
- *Socio-Economic Review*
- *Strategic Management Journal*
- *Thunderbird International Business Review*

SERVICE

The Ross School of Business & the University of Michigan

Faculty Director

- Faculty Director, Center for Social Impact, 2014-2015

- Faculty Director, Nonprofit and Public Management Center, 2011-2014

Committees & Other

- Chair, Business Law Hiring Committee, 2018-19.
- Diversity, Equity and Inclusion Committee, 2017-20.
- University of Michigan Committee on Course Evaluations Release Policy, 2015-16
- Community Values Committee, 2013-14, 2017-18
- Curriculum Committee, 2010-2017 (except 2011-12 academic year)
- Faculty judge for Dow Sustainability Fellows Program, 2012-17.
- Hiring Committee for Sports Management Faculty, School of Kinesiology, 2012-13.
- Social Impact Task Force Member, 2012.
- Faculty reviewer for William G. McGowan Fellows Program Scholarship Application 2010-2016.
- Walter V. Shipley Business Leadership Case Competition Judge for University of Michigan Entrants, 2008
- Steering Committee, President's Initiative on Ethics in Public Life, University of Michigan 2005-2008
- Business Law & Business Ethics Hiring Committee, 2005-2006
- Faculty Sponsor for Undergraduate Research Opportunity Program, 2004-2005

Academic Associations & Other

- Academy of Legal Studies in Business Annual Meeting Mauer Ethics Paper Award Judge, 2017-present
- Mentor, Society for Business Ethics Mentorship Program, 2016-17
- Academy of Legal Studies in Business Faculty Awards Committee, 2009-2013.
- Mentor, Academy of Legal Studies in Business Mentorship Program, 2009-11.
- Society for Business Ethics, Annual Meeting Best Paper Award Committee, 2009-2010
- Faculty Judge, Aspen Institute Dissertation Proposal Award, 2009

Dissertation Committees

- Joseph Warburton, Finance Department, Ross School of Business, University of Michigan (2009)
- Kate McGovern, Human & Organizational Systems, Fielding Graduate University (2009)