

DAVID HESS

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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. 1995

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

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). "The Challenge of Modern Slavery in Global Supply Chains," *Georgetown Journal of International Affairs*.

Dacin, T., Harrison, J. S., Hess, D., & Roloff, J. (forthcoming) "Business Versus Ethics?" *Journal of Business Ethics*

Hess, D. (Forthcoming). "Capitalism and Respecting Human Rights," in Inara Scott (ed.), *Sustainable Capitalism*.

Hess, D. 2021. "Modern Slavery in Global Supply Chains: Towards a Legislative Solution," *Cornell International Law Journal*, 54 (2): 245-289.

Hess, D. 2021. "The Management and Oversight of Human Rights Due Diligence," *American Business Law Journal*, 58 (4): 751-798.

Hess, D. 2021. "Ethics and Compliance Training," in D. Daniel Sokol & Benjamin van Rooij (eds.), *Cambridge Handbook on Compliance*. Cambridge University Press.

Hess, D. 2019. "Chipping Away at Compliance: How Compliance Programs Lose Legitimacy and its Impact on Unethical Behavior," *Brooklyn Journal of Corporate, Financial and Commercial Law*, 14(1): 5-21

Hess, D. 2019. "Corruption and the Multinational Corporation," in Denis G. Arnold, Tom L. Beauchamp & Norman E. Bowie (eds.), *Ethical Theory and Business*, 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.
▪ Reprinted in Constance Cook Glen and Timothy L. Fort (eds), *Music, Business and Peacebuilding* (Routledge 2021).

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*, 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*, 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. & 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*. 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*. 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. 2022. "The Management and Oversight of Human Rights Due Diligence." *Columbia Law School Blue Sky Blog*, Jan. 4, 2022.

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.

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 Governance* (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)
- *Foundations of Business Law* (MBA)
- *Law of Enterprise Organization* (undergraduate)
- *Legal and Ethical Environment of Business* (MBA)
- *Legal Aspects of Management and Finance* (undergraduate)
- *Legal Environment of Business* (undergraduate)

University of Michigan Law School

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

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, Law, Public Policy & Business Ethics, *Journal of Business Ethics*, 2021-
- 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 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*
- *Harvard Law Review*
- *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*
- *McGill Law Journal*
- *Nordic Journal of Human Rights*
- *Osgoode Hall Law Journal*
- *Oxford University Press*
- *Regulation and Governance*
- *Routledge (book publishers)*
- *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

- Faculty Council for MBA Programs, 2021-
- Faculty Council for Undergraduate Programs, 2020-2021
- 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, 2012-18; 2020-
- 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

- *Board Member*, Global Business & Human Rights Scholars Association, 2018-present.
- Academy of Legal Studies in Business Annual Meeting Mauer Ethics Paper Award Judge, 2017-
- *Reporter*, American Bar Association, Criminal Justice Section, Task Force on Standards for Monitors, 2013-2019
- 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
- *Officer Rotation (Secretary, Vice-President & Program Chair, and President)*, Tri-State Academy of Legal Studies in Business, 2007-2010

AWARDS

- *Annual Reviewer Prize*, Business & Human Rights Journal, 2022.
- *Virginia Maurer Outstanding Ethics Paper Award*, Academy of Legal Studies in Business, 2013
- *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