

G. RICHARD SHELL

HOME:
237 Hemlock Road
Wynnewood, PA 19096
(215) 386-4729

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- present	Thomas Gerrity Professor, The Wharton School of the University of Pennsylvania
1995- present	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- Lecturer, Legal Studies Program, Brandeis University.
1986

PUBLICATIONS

ARTICLES

"The Role of Bargaining Style in Public Company Audits," Journal of Forensic Accounting (2003).

"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. Currall, 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 Hoeber 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

Make the Rules – Or Your Rivals Will (Crown Business 2004).

Bargaining for Advantage: Negotiation Strategies for Reasonable People (Penguin: New York, 1999). Winner of the 1999 CPR Institute for Dispute Resolution's Book Award for Excellence; published in ten foreign language editions: Japanese, Spanish, Hebrew, Finnish, Swedish, Portuguese, Italian, Romanian, Estonian, and Korean. A revised, second edition of this book is forthcoming in May 2006.

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 (Jossey-Bass: San Francisco, 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 (Wiley & Sons: New York, 2001).

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

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

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

SHORTER ARTICLES

"Negotiating Effectively in Academic Medicine," 101 The American Journal of Medicine 571-573 (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. Hoerber 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

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 Dispute Resolution. This course was the first general business negotiation course offered at the Wharton School. Co-founded with Colin 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.

The Literature of Success: Historical and Philosophical Foundations. This course is the first of its type in any business school in the United States. It seeks to engage students in thinking deeply about what it means to be “successful” in business and what great thinkers of the past have said about both what success is and how to achieve it.

TEACHING AWARDS

2005: Named one of Wharton's top 10 undergraduate professors.

2003: Named as one of Wharton's top 8 professors in BusinessWeek'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 BusinessWeek'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 standing faculty based on student evaluations over prior three semesters).

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 BusinessWeek'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-present.

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

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, Undergraduate Curriculum Committee, 2006.

Member, Wharton MBA Executive Committee, 2005.

Member, Wharton Executive Education Faculty Advisory Committee, 2005.

Member, Wharton School Personnel Committee, 2004.

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

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

Chair, Executive Education Policy Committee, 2000-2001.

Chair, Legal Studies Department, 1995-2000.

Member, Executive Education Policy Committee, 1995-97.

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.

Executive Education Policy Committee, 1987-1989.

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-present.

To the Legal Studies and Management Departments:

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- present.

To the University of Pennsylvania:

Ad hoc Advisory Committee on Penn Community Development Initiatives, 2005-06.

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 Community:

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: investment banking, health care, engineering, law firms, unions, high technology and manufacturing. Specific clients have included Merck & Co., Citibank, Fannie Mae, Johnson & Johnson, Hewlett-Packard, Citigroup, First Union Bank, Samsung Corp., and Prudential Insurance, Association of American Medical Colleges, Pew Charitable Trusts.

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-21.

"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 11, 1991, at 13-14.

"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 2.

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