

PROMOTION RECOMMENDATION
The University of Michigan
Stephen M. Ross School of Business

Norman D. Bishara, assistant professor of business law, Stephen M. Ross School of Business, is recommended for promotion to associate professor of business law, with tenure, Stephen M. Ross School of Business.

Academic Degrees

MPP	2004	University of Michigan, Gerald R. Ford School of Public Policy, Ann Arbor, MI
JD	1999	Cornell University Law School, Ithaca NY
BA	1996	Colgate University, Hamilton, NY

Professional Record:

2007-Present	Assistant Professor of Business Law, University of Michigan, Stephen M. Ross School of Business, Ann Arbor, MI
2007	Visiting Assistant Professor of Law, Michigan State University College of Law, East Lansing, MI
2007	Visiting Assistant Professor of Business Law, University of Michigan, Stephen M. Ross School of Business, Ann Arbor, MI
2006 - 2010	Social Enterprise Research Fellow, William Davidson Institute, Ann Arbor, MI
2004 - 2006	Visiting Assistant Professor of Business Law, University of Michigan, Stephen M. Ross School of Business, Ann Arbor, MI

Summary of Evaluation:

Teaching: Professor Bishara has successfully taught business law and business ethics courses at both the BBA and the MBA levels. He is committed to teaching innovations that benefit the Business Law Area and his students. In addition to developing a new course, LHC 309 Business Ethics and Accountability, Professor Bishara introduces creative components to, and continually revises and refines the context of, existing courses. His innovations, such as a mock Enron trial and, more recently, a complex products liability scenario, require students to analyze conflicting and extensive information in order to provide recommendations that take into account legal and ethical principles. Through this analysis, students gain a deeper understanding of the legal consequences of management decisions.

Professor Bishara's evaluations for overall quality (Q8) over the last three years in the BBA elective that he developed, LHC 309, Business Ethics and Accountability, average 4.54. He has performed equally well in our BBA core course, LHC 305, Legal Environment of Business, where his BBA evaluations over the past three years average 4.55 on Q8.

Professor Bishara he has been very flexible and generous in responding to the teaching and curricular needs of his academic area. Taking into account these multiple factors of teaching quality, we believe that Professor Bishara's teaching contributions have been and will continue to be excellent.

Research: Professor Bishara has achieved excellence in research. In particular, he is extraordinarily adept at extending his work beyond doctrinal research to building frameworks that support the development and implementation of public policy that are useful to other scholars, and have an impact on business.

The international implications of human capital management are of growing importance in the global economy and yet these implications remain largely unexplored in the literature. Professor Bishara has developed a national reputation as an expert in U.S. aspects of this highly relevant area of the law. We believe that he is well-positioned to take a further step into exploring the international ramifications of this topic as well, and we will encourage him to do so during the next stage of his research career.

The outside reviewers were uniformly positive about the quality, impact, and quantity of Professor Bishara's research, and we concur with their assessment. We also concur with the outside reviewers that Professor Bishara has amassed a strong record of scholarship, in both quantity and quality, as compared to his peers. Professor Bishara's exemplary ranking within this cohort is highlighted by the awards which he has received. Among this cohort, only he and one other colleague have received the Academy of Legal Studies in Business (ALSB) Award for Early Career Achievement. We further note that Professor Bishara has a substantial pipeline of work in progress and so demonstrates an active and productive research agenda.

Recent and Significant Publications:

Norman D. Bishara & David Orozco, "Using the Resource-Based Theory to Determine Covenant not to Compete Legitimacy," 87 *Indiana Law Journal* 979 (2012). Reprinted in the *Intellectual Property Law Review* (2013).

Norman D. Bishara & Michelle Westermann-Behaylo, "The Law and Ethics of Restrictions on an Employee's Post-Employment Mobility," 49:1 *American Business Law Journal* 1 (2012).

Norman D. Bishara, "Governance and Corruption Constraints in the Middle East: Overcoming the Business Ethics Glass Ceiling," 48:2 *American Business Law Journal* 227 (2011).

Norman D. Bishara, "Fifty Ways to Leave Your Employer: Relative Enforcement of Noncompete Agreements, Trends, and Implications for Employee Mobility Policy," 13 *University of Pennsylvania Journal of Business Law* 751 (2011).

Norman D. Bishara, "Balancing Innovation from Employee Mobility with Legal Protection for Human Capital Investment: 50 States, Public Policy, and Covenants Not to Compete in an Information Economy," 27 *Berkeley Journal of Employment and Labor Law* 287 (2006).

Service: Professor Bishara has been an active and engaged member of the university, school, and academic discipline communities. His service to the discipline, in particular, was noted by several of the outside reviewers.

At the discipline level, Professor Bishara serves as a staff editor for the *American Business Law Journal*, a high honor for a junior faculty member, and as an ad hoc reviewer for several other academic journals. He has served as a delegate to the ALSB for the past four years, and is the President of the Academy's Employment Law Section.

At the university, school, and area levels, Professor Bishara has been a helpful and cooperative colleague. He has chaired the Business Law Seminar Series since 2008, has been active with the Ross Nonprofit Case Competition Team for the Georgetown Business Strategy Case Competition since 2011, and serves as the advisor to the Ross M-NETS undergraduate-run peer mentoring organization.

External Reviewers:

Reviewer A: "...Prof. Bishara has become a true expert in the law, policy, and strategy of noncompetition agreements in employment contracts, a subject of vital importance to all business sectors. Prof. Bishara's service as a section head for his national academic association, as well as work as a reviewer and staff editor for that association's top journal, the American Business Law Journal, show an unusual amount of professional involvement for an untenured assistant professor. ...he has served as a reviewer for a premier business ethics journal, the Journal of Business Ethics, and other participation in academic association governance at the regional level add to his already excellent contributions to his discipline. Overall, Professor Bishara has a commendable record in research and professional service."

Reviewer B: "In short, my opinion is that Professor Bishara is an extraordinary scholar with a very substantial body of work that has significantly influenced legal scholarship in his field. In comparison to others in his cohort, his work stands out for its quality, broad impact and clear applicability to the business community. I would not hesitate to recommend his promotion and tenure at...and I sincerely hope that the Ross School of Business and the University of Michigan arrive at the same conclusion. I believe he is a major asset to your faculty and he will contribute much to the school in the future. ...I am certain that Professor Bishara would be welcomed at any top research institution."

Reviewer C: "I am pleased to recommend Professor Bishara for promotion to Associate Professor with tenure. ...I feel confident in reporting that Professor Bishara has shown sufficient promise and accomplishment in his scholarship, teaching and service, that he deserves promotion and tenure at a world class research institution such as the University of Michigan."

Reviewer D: "Professor Bishara is an outstanding scholar and one of the leading junior members of the ALSB. His publications span the fields of business law and ethics and are uniformly outstanding in the quality of research and outlets. Professor Bishara's national service activities reflect most positively upon his recognition as a scholar. ...it is my conclusion that Professor Bishara has demonstrated a level of accomplishment in research and service as to merit promotion to the rank of associate professor with tenure at the Ross School of Business. The business law faculty group at the Ross School of Business is widely recognized as one of the premier business law departments in the United States. Professor Bishara has already contributed to this tradition of excellence, and I am confident his contributions will continue well into the future."

Reviewer E: "I can assume he is a very good teacher given his warm personality and by witnessing him present his research. ...Mr. Bishara has done more than a sufficient amount of service relating to his department, university, and discipline. ...Professor Bishara possesses a strong intellect, clarity of mind, and the ability to frame complex legal and business issues in new and more understandable ways. Professor Bishara's focus on the nature of modern employment and its ever changing nature enabled him to develop new theoretical frameworks for understanding this very important area of law and business. ...I believe that Mr. Bishara has established a solid foundation for future research productivity. I recommend Professor Bishara without reservation. Undoubtedly, he would receive tenure and promotion at the..."

Reviewer F: "Professor Bishara has been prolific and substantive in his writings. Not only has he regularly and consistently placed articles in top tier journals, the trajectory of his publications suggest increasing impact and excellence. This combination of award-winning scholarly writing with impact on the daily life of business and public policy internationally strikes me as the Holy Grail of what we are tasked to do as scholars in top-tier business schools. This is terrific work! ...I conclude that Professor Bishara has had a tremendous impact on the field and beyond the field and his future portends excellence. His service work is first rate and I know he will continue to be a leader in the field and, in so doing, bring

great leadership and credit to Michigan. ...you have a gem in Norm Bishara. Without any reservation whatsoever, I enthusiastically recommend him for promotion to Associate Professor with tenure."

Reviewer G: "Professor Bishara's research is careful, thorough, and analytically impeccable. What I particularly like is that he pushes the boundaries by making normative and interdisciplinary connections that have the potential for significant impact in both a theoretical and practical way, which is no small achievement. His record of two articles appearing in the ABLJ within two years is indeed a stellar achievement. Furthermore, the numerous awards earned by his scholarship are a testament to its outstanding quality. I am impressed with the sophistication and trajectory of Professor Bishara's scholarly work, and the contributions he has made to the ALSB. I predict that his scholarship will continue to flourish and impact our discipline, and I hope that he will accept increasingly significant roles in the academy. It is my opinion that he would clearly meet the requirements for promotion at...; his scholarship is outstanding and appears in top journals in our field, and his future contributions are sure to build upon this excellent foundation. I would be delighted to have him as a colleague at our university."

Reviewer H: "...it is clear that Norm continues to find very creative ways of bringing home business-relevant prescriptions by deeply grounding his scholarship in novel applications of theory. Norm is wrestling with some of the most important and interesting questions for faculty in business law and ethics. He brings rigor to his analyses, and asks and answers difficult questions. ...Norm does not shy away from taking intellectual territory, an unfortunate tendency of many very smart and well-trained academics. Please let this letter serve as strong support for Prof. Bishara's promotion."

Reviewer I: "Although I do not know Professor Bishara well on a personal level, I am quite aware of the high esteem in which he is held in our discipline. He is viewed as one of the top [junior] scholars in business law and ethics. Professor Bishara is building a significant and well-focused research program... ...Professor Bishara's contributions to that literature have added depth, creativity, and insight. Professor Bishara's record clearly indicates scholarly independence. He has demonstrated that he can produce fine work on his own as well as collaborate with others. Professor Bishara has contributed valuable service to our discipline. In summary, I believe that Professor Bishara's record strongly merits promotion and tenure. I would certainly be very proud to have a colleague with his accomplishments on my faculty."

Reviewer J: "Professor Bishara has published regularly in high-quality outlets, establishing a strong research agenda. His research is very timely and important, focusing on both the legal aspects of human capital law and policy, as well as the interaction of corporate governance and corruption. These complementary streams of research have resulted in an outstanding publication record. As evidenced by being honored with the ALSB Early Career Achievement Award – Junior Faculty Award for Excellence (2012), Professor Bishara definitely holds his own in a very accomplished peer group. ...I believe that, without question, Professor Bishara's record would be well positioned for promotion and tenure at the... Professor Bishara's research record and his current working papers are evidence that he has the potential for sustained contributions, as well as the development of an even more prominent national reputation. In addition to being a first-rate scholar, Professor Bishara is a valuable reviewer for the ABLJ... I enthusiastically support Professor Bishara for promotion to Associate professor with tenure, as he has demonstrated excellence in research with a high degree of productivity, and he is also a valued member of the ALSB. He is a role model for junior faculty in the ALSB and also highly regarded as a colleague."

Reviewer K: "...Mr. Bashara is one of the strongest candidates I have reviewed. ...I find him an excellent, no, outstanding case for promotion. I find the topics he addresses in his research intellectually stimulating and invaluable to corporate heads. His portfolio of articles is strong in number, rich and relevant in topics, very well researched and full of cogent analysis and conclusions. He has worked with highly respected senior faculty as well as with his peers; has worked across disciplines and with varied segments of the business world including corporations, NGOs and governments to great effect. Further,

he has impacted the business world with his analysis... He has a very well balanced portfolio of publications, presentations both invited and at ALSB conferences, and his contributions to the field of legal studies in business is outstanding... Furthermore, his research and his service to constituents outside academia have put his research in the mainstream. I would without question place Professor Bashara at the top of his group of peers – at any university identified. I believe without question that his record would meet and exceed the promotion and tenure standards here at... I am...confident that he will continue to contribute to the field of legal studies in outstanding fashion. I highly recommend him for promotion to associate professor with tenure.”

Reviewer L: “I...have always found his presentations interesting and insightful. The quality, quantity, and focus of Norman’s work are very high. I can say that his reputation is very strong in our organization and among our peers, and Norman Bishara is held in high regard. Norman Bishara’s service contributions to the field are high for an Assistant Professor. If Norman Bishara were coming up for tenure in our group here at..., I would strongly support his case. I have also been on the faculty at the..., and I would have supported his case there as well. He very clearly passes the hurdle for tenure at a top research group in the field of Business Law.”

Summary of Recommendation:

Professor Bishara has been productive and rigorous in his research and effective in his service, and we believe that the outside review letters support these conclusions. We also find his teaching to be excellent. Consequently, the Executive Committee and I recommend Norman D. Bishara for promotion to associate professor of business law, with tenure, Stephen M. Ross School of Business.



Alison Davis-Blake

Edward J. Frey Dean of Business

Stephen M. Ross School of Business

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