

SCOTT R. PEPPET

Professor of Law
University of Colorado School of Law
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EDUCATION

M.S. Finance , University of Colorado Business School (2016)
J.D., Harvard Law School (1996)
magna cum laude
Harvard Law Review Editor
Harvard Negotiation Law Review Co-Editor-in-Chief
B.A., Cornell University, College of Arts and Sciences (1991)
magna cum laude

**COURSES
TAUGHT**

Current: Contracts, Legal Negotiation, Advanced Legal
Negotiation, Seminar: Counseling Families in Business
Past: Nonprofit Law, Deals, Legal Ethics, Seminar: ADR Ethics

**PUBLICATIONS:
BOOKS**

PROCESSES OF DISPUTE RESOLUTION: THE ROLE OF LAWYERS
(4th edition) (Foundation Press 2006) (with Alan Rau and
Edward F. Sherman).

ARBITRATION (3d. edition) (Foundation Press 2006) (with
Alan Rau and Edward F. Sherman) (paperback).

MEDIATION AND OTHER NON-BINDING ADR PROCESSES (3d.
edition) (Foundation Press 2006) (with Alan Rau and
Edward F. Sherman) (paperback).

NEGOTIATION (3d. edition) (Foundation Press 2006) (with
Alan Rau and Edward F. Sherman) (paperback).

ROBERT MNOOKIN, SCOTT PEPPET & ANDREW TULUMELLO, BEYOND
WINNING: NEGOTIATING TO CREATE VALUE IN DEALS AND DISPUTES
(Harvard University Press 2000).

also available in Spanish: RESOLVER CONFLICTOS Y
ALCANZAR ACUERDOS: CÓMO PLANTEAR LA NEGOCIACIÓN PARA
GENERAR BENEFICIOS (Gedisa 2000).

**PUBLICATIONS:
ARTICLES**

*Regulating the Internet of Things: First Steps Towards
Managing Discrimination, Privacy, Security & Consent*,
93 Texas L. Rev. 85 (2014).

Prostitution 3.0?, 98 IOWA L. REV. 1989 (2013).

*Freedom of Contract in an Augmented Reality: The Case of
Consumer Contracts*, 49 UCLA L. REV. 676 (2012).

Privacy and the Personal Prospectus: Should We Introduce Privacy Agents or Regulate Privacy Intermediaries?, 97 IOWA L. REV. BULL. 77 (2012).

Unraveling Privacy: The Personal Prospectus and the Threat of a Full Disclosure Future, 105 NORTHWESTERN UNIV. L. REV. 1153 (2011).

Smart Mortgages, Privacy and The Regulatory Possibility of Infomediators Trustees (work in progress).

The Ethics of Collaborative Law, 2008 J. DISP. RESOL. 131 (2008).

Updating Our Understanding of the Role of Lawyers: Lessons from MasterCard, 12 HARV. NEGOT. L. REV. 175 (2007).

Lawyers' Bargaining Ethics, Contract, and Collaboration: The End of the Legal Profession and the Beginning of Professional Pluralism, 90 IOWA LAW REVIEW (2005).

ADR Ethics: Enlarging the Canon, 54 JOURNAL OF LEGAL EDUCATION 72 (March 2004).

Action Science and Negotiation, 87 MARQUETTE LAW REVIEW 638 (2004) (with Michael Moffitt).

Contract Formation In Imperfect Markets: Should We Use Mediators in Deals?, 19 OHIO STATE JOURNAL ON DISPUTE RESOLUTION 283 (February 2004) (awarded the CPR Institute's 2004 Professional Articles Award for best published article on dispute resolution).

Contractarian Economics and Mediation Ethics: The Case for Customizing Neutrality Through Contingent Fee Mediation, 82 TEXAS LAW REVIEW 227 (December 2003).

Can Saints Negotiate? A Brief Introduction to the Problems of Perfect Ethics in Bargaining, 7 HARVARD NEGOTIATION LAW REVIEW 83 (Summer 2002) (excerpted in Menkel-Meadow and Wheeler, WHAT'S FAIR: ETHICS FOR NEGOTIATORS (2004)).

Teaching Negotiation Using Web-Based Streaming Video, NEGOTIATION JOURNAL 271 (July, 2002).

The Tension Between Empathy and Assertiveness, 12 NEGOTIATION JOURNAL 217 (1996) (with Robert Mnookin and Andrew Tulumello).

Note, *In-Kind Class Action Settlements*, 109 HARVARD LAW REVIEW 810 (1996).

**PUBLICATIONS:
BOOK CHAPTERS**

Transferring the Family Business, in *Mediation for Estate Planners: Managing Family Conflict* (Gary, ed., 2016).

What If Everything Reveals Everything?, in *BIG DATA IS NOT A MONOLITH* (MIT Press, 2016) (with Paul Ohm).

Learning How To Learn to Negotiate: An Action Science Perspective, in *THE NEGOTIATION HANDBOOK* (2d ed.) (2016) (revised from the first edition version, 2006).

Negotiating Agency, in *THE HANDBOOK OF DISPUTE RESOLUTION* (Moffitt and Bordone, eds., 2005).

Building Consensus for Change within a Major Corporation: The Case of Levi Strauss & Co. in *THE CONSENSUS BUILDING HANDBOOK* (Susskind et al., eds. 1999) (with Judy Mares-Dixon and Julie A. McKay).

**PUBLICATIONS:
OTHER**

The (New) Ethics of Collaborative Law, 14 *DISP. RESOL. MAG.* 23 (Winter 2008).

Colorado Ethics Opinion 115: Next Steps for Colorado's Collaborative Lawyers, *COLORADO LAWYER* 37 (September 2007).

Transactional Mediation: Why Don't We Use Mediators in Deals? *COLORADO LAWYER* (September 2003).

Hard-Bargaining and Over-Lawyering: Common Pitfalls in Constructing a Deal, 18 *ALTERNATIVES* 173 (2000) (with Robert Mnookin and Andrew Tulumello).

**AWARDS &
HONORS**

2013 Jules Milstein Faculty Scholarship Award for article titled *Unraveling Privacy: The Personal Prospectus and the Threat of a Full Disclosure Future*.

2010 Invited to present the annual Scott Lecture.

2004 CPR Institute for Dispute Resolution Award for best Professional Article on Dispute Resolution, for article titled *Contract Formation in Imperfect Markets*.

Selection for participation in the Stanford/Yale Junior Faculty Forum, for article titled *Contract Formation in Imperfect Markets*, June, 2003.

The University of Colorado School of Law's 2002 Excellence in Teaching Award, Spring 2002.

2000 CPR Institute for Dispute Resolution Book Award for *Beyond Winning: Negotiating to Create Value in Deals and Disputes*.

**RELEVANT
SERVICE**

Law School Committee Service:

2016 Admissions Committee

2015 Sabbatical

2014 Appointments Committee (Chair); Policy, Budget and Management Committee

2013 Appointments Committee (Chair); Policy, Budget and Management Committee

2012 Appointments Committee

2011 Appointments Committee

2010 Policy, Budget and Management Committee

2009 Appointments Committee (Chair); Policy, Budget and Management Committee

2008 Sabbatical

2007 Technology Committee; Appointments Committee

2006 Technology Committee (Chair)

2005 Policy, Budget and Management Committee; Appointments Committee; Technology Committee (Chair); Student Fee Committee; Building Committee

2004 Policy, Budget and Management Committee; Technology Committee (Chair); Student Fee Committee; Law Review Advisor

2003 Ways and Means Committee; Building Committee; Law Review Advisor; Faculty Campaign Committee; DATC Search Committee; Web Development Committee; Student Fee Committee; Technology Committee (Chair); Academic Affairs Committee

2002 Ways and Means Committee; Building Committee; Law Review Advisor; Secretary

2001 Building Committee; Academic and Student Affairs Committee; Law Review Advisor; Secretary

Polycystic Kidney Foundation, member of the Board of Directors (2004 thru 2012). Chairman of the Board 2008-2011.

Boulder Jewish Community Center, Cornerstone Capital Campaign co-chair (2009-present).

Childhood Obsessive Compulsive Disorder (OCD) Project, co-founder (2002 thru present).

Member, Boulder Campus "FACE-IT" faculty technology committee (2004-2006).

Director, First Annual Jaffa Symposium on Business and Professional Ethics, University of Colorado (2003).

CU Leeds School of Business, Search Committee for Associate Dean for Business and Society Initiative (2003).

Colorado Bar Association, Professional Reform Initiative, Curriculum Committee (2002-2003).

Colorado Bar Association, Legal Education and Admissions Committee (2002-2003).

**PREVIOUS
ACADEMIC
POSITIONS**

Lecturer on Law, Harvard Law School (1996-1997, 1998-2000).

Senior Fellow on Negotiation, Harvard Negotiation Research Project (1996-1997, 1998-2000).

Visiting Professor, Ohio State University College of Law (Short Fall Term, 2000).

Law Clerk, Associate Justice Charles Fried, Massachusetts Supreme Judicial Court (1997-1998).

Research Associate, Harvard Negotiation Project (1994-1995).