



From: Healy, Paul
Sent: Friday, August 25, 2017 9:16 AM EDT
To: Cunningham, Jean
CC: Edmondson, Amy; Mucclarone, Rae; Porciello, Valerie
Subject: Re: Supplementary Material And Comment On Benjamin Edelman Case

Jean and Amy:

Let me follow up with [REDACTED]

Paul

On Aug 24, 2017, at 4:17 PM, Cunningham, Jean <jcunningham@hbs.edu> wrote:

Paul,

In reading [REDACTED] email, it seems related to but also in a sense outside the purview of the current FRB mandate... that is, it's clearly an example of the way some colleagues question whether Ben is operating in ways that enhance the reputation of the School and its faculty, and the FRB can take it into consideration as evidence of the ways it is an ongoing issue (both of conflict and the perception of conflict).

But then there's also the question of a response to [REDACTED] (it's in effect an allegation of wrongdoing). The example cited -- to be fair to Ben -- is one that could be raised about (using someone whose affiliations are public) David Yoffie, who sits on the board of a number of tech companies and writes about lots of them as well. And others on the faculty too. We haven't, under the HU or HBS COI policy, declared that inherently bad, as the WSJ article wants to do; rather, the potential for conflict is meant to be addressed through work product disclosure, so that a reasonable reader can be alerted to and determine the extent of potential influence on a faculty member's work. But [REDACTED] is making that leap, and I'm wondering if someone needs to hear him out to discover if there is more there, or whether there's some discussion of the COI policy and the ways potentially Ben is operating within boundaries.

In talking with Amy, we're not clear this really falls within the scope of the current FRB work (e.g., to be in a sense considering new allegations). Or maybe it is. But we're not sure who should necessarily follow up with [REDACTED] Do you have thoughts here?

Thanks.

Jean

From: Amy Edmondson <aedmondson@hbs.edu>
Date: Thursday, August 17, 2017 at 11:27 AM
To: Paul Healy <phealy@hbs.edu>, Jean Cunningham <jcunningham@hbs.edu>

Cc: Rae Mucciarone <rmucciarone@hbs.edu>, Valerie Porciello <vporciello@hbs.edu>
Subject: Re: Supplementary Material And Comment On Benjamin Edelman Case

Paul

We are always happy to have relevant input, and always happy to hear from you (happy being perhaps the wrong word – grateful is more like it)... but thank you.

Amy

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Teaming: How organizations learn, innovate and compete in the knowledge economy (Jossey-
Bass, 2012)

From: "Healy, Paul" <phealy@hbs.edu>
Date: Thursday, August 17, 2017 at 10:39 AM
To: "Cunningham, Jean" <jcunningham@hbs.edu>, "Edmondson, Amy" <aedmondson@hbs.edu>
Cc: "Mucciarone, Rae" <rmucciarone@hbs.edu>, "Porciello, Valerie" <vporciello@hbs.edu>
Subject: Fw: Supplementary Material And Comment On Benjamin Edelman Case

Jean and Amy:

I don't want to put more work on the FRB, but I just received this email from [REDACTED] and thought it relevant to your work.

Paul

From: [REDACTED]
Sent: Thursday, August 17, 2017 9:27 AM
To: Healy, Paul
Subject: Supplementary Material And Comment On Benjamin Edelman Case

Paul –

I hope your Summer is going well. I wanted to send along a disconcerting recent update regarding Ben Edelman, and potentially pertinent to his upcoming case (certainly in my mind it is).

In particular, through my work on [REDACTED] I've become more acquainted with legal scholarship, and many scholars at various top law schools. Recently, there was an exposé in the *Wall Street Journal* regarding funding of legal scholars from private organizations, relationships, and conflicts of interest. This has impacted many departments, scholars, and has caused a bit of a shockwave through fields in that profession.

While the piece was on legal scholars, it did make a point to mention one faculty member at HBS – Ben Edelman:

Several of the companies also are active in funding academic research. Microsoft has paid Harvard business professor Ben Edelman, the author of papers saying Google abuses its market dominance.

I had been passed on a number of other instances of potential conflicts of interest (regarding payments from funds, and Ben's writing on their portfolio companies), but gave Ben the benefit the doubt. As more evidence is amassed, I'm not quite sure what to think, but I feel the need to be somewhat Bayesian in my updating.

Importantly, I've been contacted by a number of legal scholars asking about Ben, this issue, what HBS has done about, "thinks" about it, etc. I'm not sure we have a centralized take, but my take is not a positive one. I do believe this is an important feature of any faculty member – especially one that we are considering making a long-term partner at HBS, who will represent the HBS name (for better or worse) in practice and academia.

I would like to submit this as supplementary material to the appropriate sub- and standing-committee. If I were serving on either committee considering a candidate, it is material I would like to have, and so I hope to provide my colleagues charged with the important decision with that same information.

Let me know if you'd like any other information.

Best,



