

Faculty profile of

ANDREA SCHNEIDER

# A journey to here

BY CHRISTINE WILCZYNSKI-VOGEL



hen Andrea Schneider (then Andrea Kupfer) left Pittsburgh to go to college, she had no idea that she would end up moving to the Midwest as a law professor (let alone that somehow in the Midwest she would be back in Big East ter-

ritory). Schneider went to school at Princeton University, graduating with honors in 1988. After a year working in Germany, she returned to go to law school at Harvard. With work experience in both Germany and France, she planned to become an international corporate lawyer.

That plan, however, came to a screeching halt after Schneider took Negotiation her first year of law school with Roger Fisher, the author of the international bestseller, *Getting to Yes*. By the time she was a teaching assistant her second year of law school and working with the Program on Negotiation at Harvard, her plans had changed dramatically. As Schneider put it: “When I was teaching negotiation—and even working 12 hours a day at it since it was taught every day for

three weeks during an intensive January session—it was still the most interesting thing I had ever done. I realized that I wanted to become a law professor.”

One of the traditional routes to teaching, Schneider was advised, was a clerkship with a prestigious judge. So Schneider accepted an offer to work for Judge Irving Kaufman on the Second Circuit. “I thought that he would be interesting to work for, as he had written a very famous international law opinion (*Filartiga v. Peña-Irala*) and also had helped establish the Second Circuit’s dispute resolution program.” Unfortunately, Kaufman died in March of Schneider’s third year of law school. It was too late to find another clerkship for that fall, and even the clerkships for the next year had already been filled. “I thought that all of my plans were going to be ruined.”

Instead, upon hearing that Schneider was now available, Professor Robert Mnookin offered her a teaching post as a lecturer at Stanford Law School. That year cemented Schneider’s interest in teaching and, even though she returned to the east coast to work at a Washington, D.C. law firm for two years, she knew she would be on the

teaching market soon. After a year visiting at the Elliot School of International Affairs at George Washington University, Schneider joined the Marquette faculty in 1996.

Schneider's specialty is negotiation and dispute resolution, a subfield that 20 years ago was struggling for acceptance in law and legal education but today is increasingly recognized

as central. In an era when nearly 900 courses in her field are offered in American law schools and when the trial rate in federal courts has fallen to 1.8 percent of cases filed, it could hardly be different. Schneider, along with Professors Janine Geske and Jay Grenig, has created a nationally ranked dispute resolution program at Marquette.

In addition to an array of courses and other opportunities, Marquette's program includes participation in ABA competitions, and in recent years the school has seen its mediation teams place first, second, third, fourth, and tenth in various national competitions. This past January a Marquette Law School team placed third in the first international mediation competition sponsored by the International Chamber of Commerce in Paris.

As the dispute resolution field has exploded, Schneider has been there to write about it at a furious pace. She is coauthor of two books with Harvard's Roger Fisher and three more with Georgetown's Carrie Menkel-Meadow.

Schneider maintains a broad view of what is important to law. In addition to negotiation and dispute resolution, Schneider teaches and writes on international relations, and her first book, which started as her senior thesis at Princeton, was an analysis of how the political/ artistic process that established the Musée d'Orsay re-

vealed the tensions at the heart of culture in France.

More recently, Schneider's curiosity about how different fields link together has been reflected in her primary field, in which she is about to publish (with her co-editor Christopher Honeyman, a private conflict-management consultant) a comprehensive book for the American Bar Association in the fields of conflict management and negotiation.

The *Negotiator's Fieldbook* in-

cludes, for example, Schneider's own second look at the negotiation behavior of lawyers, a subject on which she previously published a major study of Chicago and Milwaukee attorneys. The first study showed that even in Chicago, a setting notorious for its rough-and-tumble practice (think of the lawyers in the musical *Chicago!*), most lawyers were better off—and their clients did better—if the lawyers could establish a reputation as being exacting on the facts but cooperative in seeking ways of benefiting both sides in negotiations.



“I viewed my study on negotiation as a way of finding out whether the theory we are teaching in class actually works once our students start practicing,” said Schneider. “The good news is that, in fact, taking a problem-solving approach tends to work. This is empirical evidence for what I have been teaching in class.”

Schneider takes this research a step further in a new chapter for the *Fieldbook* by coauthoring with two people from contrasting professional experiences. Writing with Catherine Tinsley, a professor at Georgetown’s business school, and Jack Cambria, commanding officer of the Hostage Negotiation Team of the New York Police Department, Schneider has written the “Reputation” chapter in the new *Fieldbook*. This joint effort examines tightly controlled laboratory research and the life-and-death cases faced by hostage negotiators, alongside Schneider’s law-derived research. The authors suggest that it now appears that establishing a good reputation matters immediately even in the proverbial “one-shot” matters, such as insurance cases.

The *Fieldbook* also includes contributions from an array of other disciplines and fields not normally combined in a book published by the American Bar Association, including chapters by a former United States ambassador, an Australian Aboriginal mediator, and a team of social psychologists from Columbia University and

the Warsaw School for Social Psychology, doing groundbreaking work on intractable conflict. The *Fieldbook* includes a unique lineup of 80 scholars and practitioners.

Schneider and Honeyman recently conducted the first daylong advanced training based on the book, for a distinguished group: the 45 circuit mediators who work for the federal courts of appeals across the United States.

These mediators have shown interest in working with Schneider on further research: Because they conduct much of their mediation by telephone, the circuit mediators are interested in how that changes the dynamics of mediation, or what adjustments in style and methods might be most helpful to the parties when the mediator is constrained from meeting with them in a room. Schneider also has worked with and trained many others about negotiation and mediation, including groups for Wells Fargo, Worldcom, and Oracle, as well as law firms and bar groups around the country. Schneider is busy even independently of all this. She and her husband, Rodd, who is a lawyer for Northwestern Mutual, have three young sons, and they are active in the Milwaukee community. Although she declined to acknowledge that her professional work gives her an advantage, Schneider did allow, with a smile, that the family’s busy schedules leave much room for negotiation at home. •

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