

100 Law Firms Clear Mansfield Bar With Diversity Efforts

By Michele Gorman

Law360 (September 15, 2020, 7:31 PM EDT) -- One hundred law firms have reached certain benchmarks for considering underrepresented lawyers for leadership roles and promotions through Diversity Lab's ongoing Mansfield Rule certification program, the organization said Tuesday, while also announcing plans for a new pilot focused on midsize firms.

After documenting and analyzing their talent pipelines and completing a yearlong program that started in July 2019, the 100 firms are now certified in the Mansfield Rule. This means the firms have shown that candidates they considered for key positions — such as governance roles and equity partner promotions — included at least 30% women, LGBTQ attorneys, racial and ethnic minorities, and lawyers with disabilities.

"Having been an early adopter of the Mansfield Rule three years ago, it is encouraging to witness industrywide improvements in talent practices as a result of its implementation," said Darren Nashelsky, chair of Morrison & Foerster LLP, which is among the 100 firms recently certified.

Among its findings, Diversity Lab, an organization dedicated to improving diversity and inclusion within the legal industry, said Tuesday that 63% of the participating firms have increased the number of underrepresented lawyers into equity partnership, and 65% have grown the number of underrepresented attorneys elected or appointed to the management or executive committee.

Since adopting the Mansfield Rule, 96% of firms said they have elevated the number of underrepresented attorneys participating in formal pitch meetings, according to Diversity Lab.

The project is one of several ongoing initiatives to boost diversity and inclusion in the legal industry. The American Bar Association said Tuesday it has joined more than 1,000 U.S. companies in signing the CEO Action for Diversity and Inclusion Pledge. In doing so, the ABA agreed to implement the four cornerstones of the pledge that seek to promote diversity, equity and inclusion in the workplace.

The organizations seek to have complex, and sometimes difficult, conversations about diversity and inclusion; establish and expand unconscious bias education; share best practices, as well as unsuccessful programs; and create diversity and inclusion plans with their boards of directors.

Still, some lawyers fear diversity and inclusion efforts could backslide as firms and in-house departments continue to weather the pandemic.

Lisa Kirby, chief intelligence and knowledge sharing officer at Diversity Lab, however, noted the 100 firms had succeeded in the wake of the pandemic hitting earlier this year.

The firms that worked toward certification over the past year "stuck with the rigorous requirements of the Mansfield Rule through the bumpy ride of the pandemic, and ended up with some excellent results as shown by the data," she said.

Since 2017, the Mansfield Rule — named after Arabella Mansfield, the first woman admitted to the practice of law in the United States, in 1869 — has challenged firms to increase their diversity and inclusion efforts. The project has grown from 44 participating firms in 2017 to 117 for its fourth and latest version, which started in July.

Last year, 64 firms reached Mansfield Rule certification.

Rekha Chiruvolu, director of diversity and inclusion at Nixon Peabody LLP, said certification is beneficial to the firm because it recognizes its continued effort to focus on increasing the diversity of its leadership ranks.

"It demonstrates that we are on the right track and making progress," Chiruvolu said. "While we have a long road ahead, this recognition demonstrates we are ready and willing to do what it takes to achieve our [diversity and inclusion] goals."

Of the 100 firms that have gained recognition for certification this year, Morrison & Foerster, Nixon Peabody and Akin Gump Strauss Hauer & Feld LLP and 63 others achieved "Plus" status because they have at least 30% "diverse lawyer representation in a notable number of their current leadership roles," according to Tuesday's announcement.

"This achievement validates our efforts to build a diverse and inclusive firm where all can succeed," said Akin Gump chairperson Kim Koopersmith. "While our work remains unfinished, this certification provides crucial momentum to continue our important efforts to cultivate and develop a pipeline and ensure representation of diverse talent at our firm."

Each year, Diversity Lab works with the firms to make the program more effective and inclusive. For example, in 2019, the organization for the first time asked firms to expand their population pools to affirmatively consider attorneys with disabilities. Diversity Lab also extended the Mansfield Rule to in-house lawyers when it launched its legal department edition last year. With that version, participating legal teams told Law360 that they're finding they deliberately consider more diverse attorneys and other staff for significant leadership roles internally and for outside counsel representation.

Until now, most participants in the law firm certification program have been U.S. firms with at least 100 lawyers. But building on the success of the program, Diversity Lab also announced Tuesday that 23 midsize firms will participate in a new iteration of the Mansfield Rule specifically for firms with fewer than 100 lawyers in the U.S.

The 18-month pilot of the Midsize Mansfield Rule "has been fine-tuned to boost diversity in leadership for firms with smaller lawyer populations, single office locations and leaner firm leadership structures," according to Diversity Lab.

McDowell Hetherington LLP is one of those firms.

"As a midsize firm, we have been eager for the opportunity to effectively engage with the Mansfield Rule in a format that works to support diversity and inclusion in our pipeline," managing partner David McDowell said.

--Additional reporting by Xiumei Dong. Editing by Bruce Goldman.

All Content © 2003-2020, Portfolio Media, Inc.