Head coach Mike Tomlin has led the Pittsburgh Steelers to a Super Bowl championship, two AFC conference championships, and five AFC North Division championships. He has also won NFL Coach of the Year during his distinguished tenure as the head coach of one of the NFLs most legendary franchises. He is also African American and considered an example of a success story arising out of the now well-known “Rooney Rule” championed by the former chairman of the Pittsburgh Steelers and one-time head of the NFLs diversity committee, Dan Rooney. The Rooney Rule requires NFL franchises to interview at least one racially diverse candidate for all head coaching jobs, general manager jobs and other equivalent front-office positions.
Almost twenty years after the NFL first instituted a variation of the Rooney Rule, the law firm of Buchanan Ingersoll & Rooney—yes that same Rooney family—has agreed to take part in a similar pilot program called the Mansfield Rule, which is named after the first woman admitted to practice law in the United States—Arabella Mansfield—and is designed to promote more women and monitors into leadership positions within their firms or companies.

Art Rooney II, named partner of Buchanan Ingersoll & Rooney and President of the Pittsburgh Steelers, has reportedly stated, “My father would be proud to know that we are working together as a community to transition the Rooney Rule into the legal profession.” His firm and 43 other law firms have adopted the Mansfield Rule as part of a pilot project aimed at increasing the promotion of diverse lawyers across all areas of US law firms. The program, hosted by Diversity Lab in collaboration with Bloomberg Law and Stanford Law School, measures whether law firms affirmatively consider women lawyers and lawyers of color for promotions, senior-level hiring, and significant leadership roles in the firm.

Under the Mansfield Rule, participating firms must consider 30 percent women and racially diverse attorneys for 70 percent or more of the firms’ openings in their various leadership committees and roles during a yearlong review period. Diversity Lab will conduct a review of the participating firms’ progress over the course of the year, determine
whether the firms have met these goals, and qualify as “Mansfield-certified.”

“We are trying something new because some of the previous efforts, though well-intentioned, have not had as much impact as we would like,” said Lisa Kirby, director of research and knowledge sharing at Diversity Lab. She believes this effort will gain traction. As Kirby stated, “This approach has been tested in the NFL, as the Rooney Rule, and it has seen a lot of success in the NFL.”

Firms that become Mansfield-certified will receive a substantial award, namely an outstanding networking opportunity in late 2017. These firms will have the chance to send their recently promoted diverse partners to a two-day client forum to meet with more than 55 legal departments that have agreed to participate in the program. These potential clients range from Toyota to Google to Walmart and other large corporations. Tony West, then-executive vice president, general counsel, and corporate secretary of PepsiCo Inc., reportedly stated “We support the Mansfield Rule Client Forum because it reinforces our efforts to work with our outside counsel to advance diversity in the profession.”

Kirby confirmed that some firms are still working to establish the Mansfield Rule within their various management frameworks. “Firms have such individualized operations and they all function slightly differently,” explained Kirby. “At some firms, one
challenge has been to coordinate effectively on lateral and partner hiring, because people at various offices and practice groups are used to having autonomy in their hiring."

She explained that at those same firms, however, many of the lawyers—not just management—have expressed enthusiasm for the Mansfield Rule and its desired outcome of increasing diversity. She also said that many of the participating firms have noticed a push from their clients on this effort and an expectation to make diversity a priority.

“Some firms have signed on partly because of client encouragement,” said Kirby. “In-house legal department seem pretty enthusiastic.”

Patricia O’Prey, executive counsel with General Electric, certainly shares that enthusiasm. She believes the legal community has many qualified diverse attorneys to fill the roles targeted by the Mansfield Rule and that the Mansfield Rule could change the dynamic within law firms with respect to promoting diverse attorneys to leadership.

“There are qualified and talented diverse lawyers out there in every specialty and every area of the practice,” said O’Prey. “Lawyers have a tendency to just call the friend they know in the field and I think the benefit of the Mansfield Rule is that this will not be enough anymore.”
O’Prey described the Mansfield Rule as a discipline that requires everyone from in-house counsel to law firms to consider people outside their normal circle of friends and attorneys upon whom they typically rely. O’Prey also recognized that the success of efforts like this will, in the long run, necessarily depend not only on in-house counsel recognizing law firms that institute practices like the Mansfield Rule but also on in-house counsel instituting the Mansfield Rule in their corporations’ hiring of outside counsel.

Diversity Lab has already checked in with firms at the three-month mark and plans to check-in with the forty-four firms participating at the six-month mark and to conduct a formal certification process at the one-year mark. Diversity Lab stated that it could not yet gauge the success of the program as law firms have only begun implementing the Mansfield Rule during this last summer. This has not tempered the enthusiasm of Diversity Lab.

“I think there is a lot of momentum and excitement in this program,” said Kirby. “Firms have told us that they are already making changes to their policies to implement the rules.”

The clients who will hire these law firms also expect the legal services they receive will benefit as a result of these efforts.

“It’s been proven that having a diverse group gets you
better results and we all want quality representation,” explained O’Prey. “We want the best representation and you get that through diversity.”

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