

Why We Pursued Mansfield Certification

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Readers have likely heard about Diversity Lab's ["Mansfield Rule" Certification process](#), which aims to "boost and sustain diversity" in legal leadership. As a firm that has always sought diverse candidates for open positions and already tracked those efforts, we had been considering the Mansfield process for some time. In the fall of 2021, we decided it was time to act and signed up to join the second cohort of the Midsize Mansfield program.

From our business perspective, it has been well worth the investment to make the modifications that the certification process requires. We've seen the results already in our hiring. We saw a positive difference very quickly once we began intentionally tracking our efforts and how we can make our resources work. Now we can see what additional changes will happen with our next cohort.

What is Mansfield Certification?

According to Diversity Lab, Mansfield Certification aims to increase the representation of historically underrepresented lawyers – including women lawyers, underrepresented racial and ethnic lawyers, lawyers with disabilities, and LGBTQ+, lawyers – in attorney hires, equity partnership, and firm leadership.

To become Mansfield Certified, firms agree to participate in a 12-month (recently reduced from 18-months, which was the format when we participated) collaboration with Diversity Lab and other law firms in the cohort. The program is based around three core components:

- First, *considering* at least 30% historically underrepresented lawyers in hiring and leadership decisions.
- Secondly, *accountability* in tracking the numbers of those considered, sharing them with Diversity Lab, and participating in knowledge sharing activities with other participants.
- Third, *transparency* through publishing the job descriptions and selection criteria for leadership roles.

To achieve certification, firms must consider at least 30% underrepresented individuals and fulfill the transparency requirements for 60% of eight categories:

- attorney recruitment
- equity partner promotions
- election/ appointment of Managing Partner
- election/ appointment to other governance positions (which for us includes office managing attorneys, practice group leadership, Nomination/Partner Promotion Committee, Compensation Committee, and executive Policy Committee)

- formal pitches and client/ business development meetings
- hiring or promotion to C-Level staff roles
- leadership job descriptions
- leadership elections/appointment guidelines or processes

Our cohort's tracking period for certification ran September 15, 2021- March 14, 2023. We completed certification in May and our implementation period (as dictated by Diversity Labs) began July 15.

Michelle McCliman is a partner in Irvine who joined with **Kere Tickner** last May, partly attracted by our commitment to diversity through the Mansfield Certification. In her words:

"The Mansfield Certification means that the firm takes its diversity, equity, and inclusion seriously and is not simply giving 'lip service' to that concept. Obtaining the certification is an intense process and it shows that McGlinchey is committed to creating a workplace for everyone. It certainly was one of the factors we considered when deciding whether to join McGlinchey."

Why did we decide to pursue certification?

The last four years have been transformational for McGlinchey, as they have been for many organizations. At the height of the Covid-19 pandemic, we completed a two-year succession planning process that resulted in a transition of leadership from our Managing Member of 18 years, **Rudy Aguilar**, to our current Managing Member, **Michael Ferachi**, in January, 2021.

The "hard reset" of the Covid disruption plus a change in leadership gave us an opportunity to reassess and reformulate a number of processes within the firm. We were guided in a lot of that work by the #McGlincheyForward initiative Michael established. Advancing diversity and workplace culture were primary focus areas within that initiative. As Michael explains,

"We know that every group is stronger because of the sum of its respective parts. Improving the representation and sense of belonging for underrepresented colleagues will make us a stronger firm, and more welcoming workplace, and more successful advocates. Mansfield gives us tools to make those advancements."

Around the same time, we saw increased interest particularly in *transparency*, both within the firm and externally – from clients, candidates, and partners. We had already been tracking statistics on our hires and had successfully increased diversity among the lawyers of the firm, but the renewed focus on Diversity, Equity, Inclusion, and Belonging further solidified our decision to "jump in with both feet" to the Mansfield process. We're proud to be among the first 100 midsize firms who made that commitment.

We were drawn to the Mansfield Certification program in particular for a few reasons. First, Diversity Lab runs a reputable, defined, data-driven program with a track record of demonstrated success in firms of varying sizes and focus areas. Second, we were very excited about the prospect of taking the informal tracking we had been doing previously and using the resources provided by Diversity Lab and other participants over 18 months to strategically develop a customized system that would be meaningful and sustainable for us. The program

equipped us with the right guides and processes to formalize our process to truly say “we’ve moved the needle.” This program’s structure also allowed us to clearly communicate the process and values of certification to all our stakeholders. Third, the Mansfield program helped us advance in three core areas we had already begun improving: consideration, accountability, and transparency.

What did the process entail?

We considered “who, how, and why” in our approach to make the program as successful and effective as possible. The heads of relevant teams came together and made a plan. Our Director of Human Resources and Chief Diversity Officer **Eliska Plunkett**, Managing Member **Michael Ferachi**, and I met regularly and invited input from firm leadership – both attorneys and senior administrative leadership – as appropriate throughout the 18-month process.

It has certainly required an investment of resources, both in time and staffing. We relied on Diversity Lab and the other firms in our cohort to help us in answering some tough questions that we had not previously contemplated. We were given solid suggestions from Diversity Lab but we still had to customize the process to track not only candidates considered, but tallying the attorneys proposed in each formal RFP. That presented more questions. A few examples: What qualifies as a “business development opportunity,” exactly? How do we know when a candidate is being “considered? At which stage do we “count” them? How do we count someone who chooses not to self-identify? Answering these questions – and formalizing the mechanism to continue answering them consistently – represented countless emails, meetings, and input from across the firm.

Eliska Plunkett, Director of Human Resources and Chief Diversity Officer, described the challenge of adjusting our thinking to contemplate different characteristics:

“Especially for those of us who have been involved in HR for a long time, this was outside our comfort zone. Historically, we collected data to be used for EEO-1 reporting only. We were not supposed to discuss these kinds of things outside of that context. Getting comfortable with these requirements and gathering that information (by inviting lateral hire and leadership candidates to self-identify) has represented a major shift. Diversity Labs provides plenty of resources and data to support that transition.”

Ultimately we’ve hired a coordinator who is charged with collecting and compiling the self-identification forms and other Mansfield data. This role involves creating and updating documentation and tracking materials on a weekly basis. Monthly, the recruiting department in particular examines the numbers to determine if we’re on track, or how we might shift our plan to fill a given position.

What were the reactions?

I’ve been pleasantly surprised at how many applicants were very interested in the process. When we explain that they will receive an invitation to self-identify, they usually want to know more and ask questions. We’ve found that it does matter to them, even if they weren’t “historically underrepresented” themselves. That has been a nice affirmation that this was the right choice.

I've also been pleased to see many within the firm very invested and interested in the progress. People have been checking in, "how are we doing on Mansfield?" I've enjoyed seeing the firm come together in support of this undertaking.

How has it moved the needle?

On the recruiting side, we've seen a marked impact since we began the program in September, 2021. During our tracking period, 54% of attorneys considered for all positions were historically underrepresented. Hiring of diverse attorneys has increased as well. In the "baseline" period from March 15, 2020 – September 14, 2021, we hired 38% historically underrepresented attorneys. During the 18-month Mansfield tracking period, we were already up to 60%. Within the firm, 65% of employees and 43% of our attorneys consider themselves diverse, and 50% of our office managing attorneys and 40% of our executive Policy Committee consider themselves diverse.

I can't say for certain if these increases are due to our focus on consideration, accountability, and transparency, but it's certainly positive, no matter the reason. I can say that almost every candidate I talk to wants to know if we really do practice what we preach on our website when it comes to our firm culture. Can they be their "authentic self" at work? Does McGlinchey really mean it when we refer to ourselves as a work family? They really enjoy hearing that we as a firm care about and invest in the "whole employee." McGlinchey achieving Mansfield Certification this year, and our continued participation in the 2024 cohort, demonstrates of how seriously we take these firm values.

*This article by **Margeaux Roush**, Director of Talent Acquisition, originally appeared in the Orange County Bar Association's [November 2023 issue of Orange County Lawyer](#) (Volume 65, Number 11), pages 42-45. It is reprinted with permission.*

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Margeaux Roush

Rudy Aguilar

Michael D. Ferachi

Michelle M. McCliman

Eliska Plunkett

Kere K. Tickner