



Office of the Chairman

UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

January 30, 2026

Via Federal Express and Electronic Mail

[Name]
[Address]
[email]

Re: Your Participation in the Mansfield Certification Program

Dear [Name],

I write to express serious concerns regarding your law firm's participation in the DEI-based Mansfield Certification program, and to remind you of your legal obligations under the U.S. antitrust laws.

The Mansfield Certification program is a creation of the company Diversity Lab, a for-profit DEI-consultancy business that, according to its website, "writes the unwritten rules" establishing common race and gender-based employment practices across the legal industry.¹ In the program's most recent form, any legal organization—such as a law firm or in-house legal department—is eligible for Mansfield Certification, so long as it agrees to consider talent pools for promotions and leadership opportunities made up of "at least 30%" of members of "underrepresented" racial and other groups.² Diversity Lab also grants a separate Mansfield Certification Plus, which is available when law firms certify that they have taken concrete steps to meet the 30% benchmark.³

Participating law firms have explained that the path to achieving Mansfield Certification includes "[m]onthly knowledge-sharing calls with other Mansfield participants"—in other words, with their competitors in the market to hire and promote legal talent.⁴ During these competitor meetings, the firms were asked "to openly share their innovative ideas for overcoming our common

¹ *Mansfield Certification*, DIVERSITY LAB, <https://www.diversitylab.com/what-we-do/mansfield-certification/> (last accessed Jan. 28, 2026).

² *Id.*

³ See, e.g., Julia DiPrete, *What is Mansfield Certification and Why is it so Important for Law Firms*, VAULT (Dec. 9, 2022), <https://vault.com/blogs/vaults-law-blog-legal-careers-and-industry-news/what-is-mansfield-certification-and-why-is-it-so-important-for-law-firms> (explaining that the Mansfield Plus Certification "indicates that, in addition to meeting or exceeding the baseline requirements, the firm has met the goal of at least 30% diverse lawyer representation in a notable number of its current leadership roles").

⁴ *Diversity rules: A closer look at Mansfield Certification*, LEGAL 500 (last accessed Jan. 28, 2026), <https://www.legal500.com/fivehundred-magazine/diversity-and-inclusion/diversity-rules-a-closer-look-at-mansfield-certification/>.

challenges” in the labor market.⁵ The firms reported that, as a result of this process, they were able to apply the 30% benchmark across their pipelines for external hiring and internal promotion, even though “[w]e are all competing for a shrinking talent pool.”⁶

Millions of American citizens participate in our economy both as workers and as consumers. The antitrust laws protect them from anticompetitive employer agreements in labor markets just as much as they do from anticompetitive seller agreements in product markets.⁷ As recent Joint Guidance from the FTC and DOJ explains:

Just as vibrant competition for goods and services benefits consumers, competition among employers benefits workers through better wages, benefits, and other terms and conditions for working people. Business practices may violate the antitrust laws when they harm the competitive process, especially if they deprive labor markets of independent centers of decisionmaking or they create or abuse employers’ monopsony power. By interfering with free and fair competition for workers, such practices can lead to fewer job opportunities, lower wages, and worse working conditions.⁸

Diversity Lab’s most recent publicly-available reporting shows that “[o]ver 360 law firms” have achieved Mansfield Certification—including your own.⁹ More than half of those firms have also achieved Mansfield Certification Plus.¹⁰

I remind you that the FTC remains focused on protecting American workers from unfair and anticompetitive employer labor practices. This includes “[c]ollusion or unlawful coordination on DEI metrics.”¹¹ Potentially anticompetitive collusion between law firms on DEI metrics can include quotas by which they agree to compose panels of job candidates based on race, sex, or other personal characteristics other than the candidate’s merit, or by which law firms agree to make final decisions about hiring and promotions based on those personal characteristics. Such agreements can distort competition for labor in legal professions, including along dimensions like hiring decisions, pay, and promotions. The effects of such DEI coordination can infect all aspects of law firm hiring: for example, the goal of reaching agreed-upon DEI quotas can determine firms’ decisions not only about who makes partner, but also the makeup of incoming classes of associates (and even summer associates) and the assignments that junior attorneys are given.

⁵ *Id.*

⁶ *Id.*

⁷ See, e.g., *Nat’l Collegiate Athletic Ass’n v. Alston*, 594 U.S. 69 (2021).

⁸ U.S. Dept. of Justice & Fed. Trade Comm’n, *Antitrust Guidelines for Business Activities Affecting Workers* (Jan. 16, 2025), 1, available at

https://www.ftc.gov/system/files/ftc_gov/pdf/p251201antitrustguidelinesbusinessactivitiesaffectingworkers2025.pdf.

⁹ *More than 360 Law Firms Achieve Mansfield Certification for 2023-2024, Marking a Double-Digit Increase in the Push for Leadership Diversity*, DIVERSITY LAB (Oct. 2, 2024), <https://www.diversitylab.com/wp-content/uploads/2024/10/US-Canada-2023-24-Mansfield-Certified-Firms-Press-Release-October-2024.pdf>.

¹⁰ *Id.*

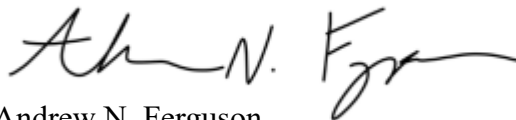
¹¹ Chairman Andrew N. Ferguson, *Directive Regarding Labor Market Task Force*, FED. TRADE COMM’N (Feb. 26, 2025), https://www.ftc.gov/system/files/ftc_gov/pdf/memorandum-chairman-ferguson-re-labor-task-force-2025-02-26.pdf.

The sharing of competitively sensitive information about pay and other benefits between employers can also be unlawful under the antitrust laws if it harms competition for labor. Employers should compete with one another to offer the most attractive compensation packages to their workers. Agreements between law firms to share competitively sensitive information—whether directly or through intermediaries that collect and disseminate competitively sensitive information—can serve to suppress competition for lawyers and other legal professionals, with the effect of reducing pay and other benefits below competitive levels.

Other federal agencies will need to determine whether participation in the Mansfield program creates separate liability under the U.S. civil rights laws. I write today only to alert you to potential for liability under laws that the FTC directly enforces. This letter is not intended to be a comprehensive statement of concerns that may exist in connection with the Mansfield program or other use of DEI metrics. Additionally, please note that I am distributing similar notifications to many other law firms who achieved Mansfield Certification based on public reporting; your receipt of this letter is not intended to suggest that you have engaged in illegal conduct. As always, it is your responsibility to comply with all requirements of federal law, including Section 1 of the Sherman Act and Section 5 of the FTC Act. I strongly recommend that you review your relationships with Diversity Lab and any similar organizations, as well as with all of your competitor law firms, in light of that responsibility.

Please direct any inquiries concerning this letter to Kelse Moen (kmoen@ftc.gov or (202) 326-3373), including any requests to meet with FTC staff regarding its subject matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Andrew N. Ferguson". The signature is fluid and cursive, with the first name "Andrew" and last name "Ferguson" clearly distinguishable.

Andrew N. Ferguson
Chairman
Federal Trade Commission

cc: Andrea Lucas, Chair, U.S. Equal Employment Opportunity Commission