The Editor interviews Kenneth G. Standard, President, New York State Bar Association (NYSBA) and Member, Epstein Becker & Green P.C.

Editor: Please tell us about your background.

Standard: When I graduated from Harvard Law School in the early 1960s, the opportunities for minority lawyers like me, were limited. I, unlike many of my white friends at law school, did not have the opportunity to plunge immediately into a corporate practice with what was then known as a Wall Street “white shoe” firm. This may have been a good thing in terms of what I am doing now because my experiences as a lawyer not only with law firms, but also as a government and in-house corporate attorney, has provided me with valuable insights.

My first job was with the SEC. Subsequently, I worked for the New York State Moreland Act Commission which was engaged in a year-long review of New York State’s alcoholic beverage control laws. I then went to work for the New York Telephone Company as a litigator. After that, I joined the Bristol-Myers Company where I worked for 17 years, rising to become Senior Division Counsel and Vice President of its Products Division. After a reorganization there, I served for four years as Director of Legal Services of the New York City School System. I then spent 11 years at Con Edison where I served as Assistant General Counsel for labor relations, environmental and benefit plans. This introduced me to a new career in employment and labor law. I joined Morgan Lewis & Bockius towards what I expected was the end of my career. Coincidentally with what was going on in my professional life, I had been active with a number of organizations including the Harvard Club of New York City. In 1996, I became a Vice President of the Club and three years later I was elected President. I served in that role from 1999 until 2002.

I also have been active in the NYSBA. I served on the Executive Committee first as an at-large-member for two years and then for four years as a Vice President. I was off the Executive Committee for a year and then ran for and was elected Treasurer. I knew that the President-Elect position was an almost full-time responsibility and that the Presidency is, in fact, a full-time position. Therefore, I planned my run for President-Elect to occur as I was stepping down from an active role at Morgan Lewis. I took office as President-Elect on June 1, 2003 and as President on June 1, 2004. Last fall, Epstein Becker invited me to join them as a partner and I accepted.

Editor: You must have had a wide range of choices. Why did you choose Epstein Becker?

Standard: What attracted me was their flexibility, innovative and entrepreneurial spirit and their strong commitment to diversity in the profession. They are at a stage in the firm’s life where despite the fact that they have done well in the area of diversity, they are interested in doing better. When they learned of my availability and background and being aware of our efforts at the State Bar to further diversity, it seemed to them a natural fit for me to join them. In addition to other responsibilities, I became the chair of the firm’s national Diversity Committee. This is an entity they created last year but had not fully launched prior to my arrival.

Editor: I understand that you have been a moving force behind a new NYSBA initiative relating to diversity.

Standard: We need to know why our education system is unable to produce more minorities interested in and qualified for the practice of law. We need
find ways to convince young people of color that the legal profession is a worthy career goal. Therefore, I created and chair a new NYSBA committee to study this issue and make recommendations. It is called the Outreach to Youth Committee. The NYSBA is well suited to undertake such a study. It always has been open to minorities and women. Nonetheless, we still have a gross underrepresentation of minorities in our profession and in our Association. The tragedy is that there continue to be not enough minorities with an interest in pursuing legal careers to correct this underrepresentation.

Editor: Why do you feel that this issue is so important?

Standard: There is a growing demand for minority attorneys, including a major impetus coming from corporate America. Corporate clients recognize the desirability of hiring minority lawyers and of retaining law firms that live diversity. Large corporations, like our society, are increasingly diverse and recognize that it is important that their lawyers inside and outside reflect that diversity. Thanks to the leadership of companies like DuPont and Sara Lee, diversity has for many companies become an important criterion for selecting outside counsel.

Editor: Tell us more about the underrepresentation of minorities in the profession?

Standard: In the U.S., 30 percent or more of our overall population is made up of minorities, which represents a tremendous increase from 20 years ago. This is attributable, at least in part, to changes in immigration laws as well as to the higher birth rates among minorities. Projections show that within the next 30 years minorities will be at least 50% of the overall population. The legal profession and college and law school enrollments do not reflect those demographics. Nationally, the legal profession has no more than 10 percent minority representation and the immediate hope of significantly increasing that percentage is waning. We know that among African-American males, for example, law school enrollment has dropped – and it seems that fewer young people of color in our elementary schools, high schools and colleges are expressing an interest in becoming lawyers.

Editor: There must be some thinking on these issues available to help the Committee in its work?

Standard: There is no easy fix. It is clear that the answer is not at the law school level because there are just too few minority applicants. That is the reason that we need to identify what is causing the attrition that occurs in the educational pipeline. There is some research available and our committee will review it as part of our attempt to discover what is causing the attrition.

If we can identify the reasons for the attrition of minority students seeking legal careers, we will suggest ways to reverse the downward trend. We will review the efforts of companies like DuPont and its outside counsel to fill the pipeline by stimulating interest in legal careers starting before students reach college (See interview at page 35.) Corporate counsel organizations like the Association of Corporate Counsel, the Minority Corporate Counsel Association and The Corporate Counsel Women of Color may also provide us with useful insights. We also will look to the experience of other bar associations. For example, you mentioned that the Senior Lawyers Committee of the Association of the Bar of the City of New York operates the City Bar Mentoring Program at Manhattan’s Martin Luther King Jr. High School, which has a predominantly minority student body. Volunteer attorney mentors, of any age, are assigned a student entering freshman year. The mentors and the students meet regularly during the students’ four year enrollment. Social events with students and mentors are held at the City Bar at Christmas and at the end of the school year.

The lagging growth of the number of minority attorneys is a great challenge – and we have many potential partners. Finding a solution is vital to our country’s continued viability. We are wasting many young minds and it hurts not only the individuals who fall by the wayside, but the competitiveness of our society as our economy becomes more global and must compete effectively throughout the world.

Editor: It is interesting that you mention globalization. A number of general counsel of global companies that we have interviewed have emphasized the need for their companies to be good corporate citizens of their foreign host countries.

Standard: A good part of my professional career has been spent as corporate counsel in companies with diverse work forces and diverse customer bases. During my career, I have seen how important it is to have access to diverse viewpoints in any decision-making process. Problems are solved better when one has access to varied points of view. As companies become increasingly global it is even more necessary to have the insights of those with varied backgrounds in order to understand what is required to succeed abroad.

Editor: What is the current status of the Outreach to Youth Committee?

Standard: Lawyers from across the State are on the Committee, including prominent individuals from the private sector and from government. For example, we have former New York State Court of Appeals Judge Howard Levine; Second Department Appellate Division Judge Barry Cozier; Bronx County District Attorney Robert Johnson; Manuel Romero, President of the Brooklyn Bar Association; Susan Lindenauer, recently retired General Counsel of the New York Legal Aid Society, and Paul Hassett, a former President of the State Bar Association. People recognize the importance of this issue and whenever I speak about it, they approach me and ask how they can help.

It likely will take a year or more for us to have recommendations ready. We had our first meeting in February and the next one will take place on March 4. We already have established relationships with foundations, various educational institutions and community groups. We will expand our membership at some point, but we need first to get fully organized so that we can proceed in a focused way.