



The State Bar of California
2013 Harry B. Sondheim
Professional Responsibility Award Recipient

The State Bar Board of Trustees is proud to name San Francisco attorney, Paul W. Vapnek as the 2013 recipient of the Harry B. Sondheim California Professional Responsibility Award. Created in 2010, this award recognizes an attorney's outstanding long-term contribution to the advancement of attorney professional responsibility standards in California. In selecting Paul Vapnek, the Board of Trustees honors contributions to professional responsibility spanning nearly four decades. These contributions have profoundly impacted the conduct of California lawyers and have greatly enhanced public protection, as well as confidence in the legal profession.

Key among these initiatives were two proposals that today remain mainstays of the State Bar's competence function. There was the establishment of the now 30 year old publication known as the State Bar's *California Compendium on Professional Responsibility*. Paul was the first editor in chief and developed the comprehensive topical index featured in that publication. While at that time, there were publications addressing ABA model standards, it was the advent of the *Compendium* that filled the need for a one-stop resource for researching California's own standards of professional responsibility. The *Compendium* also became the home for the advisory ethics opinions published by the State Bar's committee as well other local bar ethics committees. Today, the annually updated *Compendium* index is found at the State Bar's website together with the growing library of COPRAC advisory opinions. The common sense notion that California's legal ethics authorities must be readily accessible to lawyers, if compliance is to be expected, can be credited to Paul's early vision for the *Compendium*. The legacy of that insight benefits young lawyers who might take for granted the fact that rules and ethics opinions are now just a click away at the Bar's website.

Equally important was Paul's instrumental role in promoting funding for the permanent establishment of the State Bar's Ethics Hotline program. Like the *Compendium*, a telephone legal ethics research service was a brave new idea that later would become one of the most valued State Bar member benefits. Literally, hundreds of thousands of California lawyers have been assisted by the Ethics Hotline.

On the heels of his COPRAC service, Paul focused his attention on revising the California Rules of Professional Conduct. Paul was appointed as one of the original members of the Bar's Commission for the Revision of the Rules of Professional Conduct. The good work of the original Commission led to the Supreme Court's adoption of new rules in 1989 and in 1992. Those rules included a groundbreaking rule on sale of a law practice and a complete overhaul of California's approach to conflicts of interest. When the State Bar reconvened the Commission in 2001 to again study comprehensive rule revisions, Paul was not just recalled as a member, he was appointed as a co-vice chair. One of Paul's colleagues on the Commission, recalls his many years of service on the Commission and describes Paul as a "dynamic leader of discussions," "a constant source of good ideas," and also notes that "when Paul spoke, which was not often, everyone listened."

Paul's extensive volunteer work on State Bar committees would alone merit commendation, but somehow Paul found time for local bar service, teaching professional responsibility, and practicing professional responsibility for numerous clients. Paul has served as a member of the Bar Association of San Francisco's Legal Ethics Committee for over thirty-five years, working on many ethics opinions, MCLE presentations, and dispensing guidance on the BASF ethics hotline. Paul served as an assistant professor of law at Hastings for fifteen years, teaching intellectual property law and professional responsibility to future lawyers. Paul has written and lectured widely on legal ethics and continues to do so today. Paul is one of the original co-authors of the Rutter Group's well-regarded treatise on California Professional Responsibility. Paul has been an expert witness in cases involving ethics and the standard of care and has represented lawyers in State Bar and Patent Office disciplinary and regulatory proceedings.

Paul even served as co-counsel in representing the State Bar, itself, when the scope of the Bar's Rule of Professional Conduct governing law firm non-competition clauses became a controversial issue before the California Supreme Court. Although a majority of the Supreme Court ruled against the Bar's position, a dissent from Justice Kennard supporting the arguments made by Paul and the State Bar is well-known for its passion for client protection. In her dissent, Justice Kennard concludes by stating:

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"If the practice of law is to remain a profession and retain public confidence and respect, it must be guided by something better than the objective of accumulating wealth. Here, in refusing to enforce a rule of ethics that prohibits attorneys from entering into agreements that restrict their right to practice law after leaving a firm, the majority diminishes the rights of clients in favor of the financial interest of law firms based on its one-sided view of the realities and equities of the practice of law."

(*Howard v. Babcock* (1993) 6 Cal.4th 409, at p. 433.)

Paul has been on the winning side of many disputes involving legal ethics, but if he had to lose one, fighting the good fight for professionalism and client protection is not a bad way to go.

While all of the forgoing represents a remarkable career-long contribution to advancing California professional responsibility, the enormity of what Paul has accomplished is only truly understood when one accounts for the fact that Paul did all of this while pursuing a successful career as an IP litigator. Paul's volunteer effort in that specialty and generally in the practice of law is equally commendable and bears mention.

Presently, Paul is Senior Counsel in the San Francisco office of Kilpatrick Townsend LLP. His practice includes patent, trademark and copyright litigation, and counseling. Paul was a founding member, and later president of the San Francisco Bay Area Intellectual Property American Inn of Court. He was a member of the Executive Committee of the Intellectual Property Section of the California State Bar, President of the San Francisco Patent and Trademark Law Association, and a member of the Board of Directors of the Bar Association of San Francisco. Paul also is currently the director of the Legal Aid Society of San Francisco. Paul has been named in the "International Who's Who" of "Business Lawyers" and of "Trademark Lawyers," for multiple years, as recently as 2012. Similarly, Paul has been selected for recognition in Thomson Reuters "SuperLawyers" for the years 2004, 2008, and 2009. It should come as no surprise that Paul's higher education began with a degree in mechanical engineering from Rensselaer Polytechnic Institute in 1951, as Paul has constructed an amazing career with pinnacles in two distinct fields, IP and professional responsibility.

It is impossible to fully capture the influence that Paul has had in promoting professional responsibility. In part, this is because for nearly 40 years, Paul has quietly counseled so many lawyers who have had the wisdom to call upon him for legal ethics guidance. However, the highlights mentioned here make it abundantly clear that there are few lawyers who are as deserving as Paul for receiving the State Bar's Harry B. Sondheim California Professional Responsibility Award. The State Bar congratulates and thanks Paul for his great and inspiring service to the legal profession.

"He has served as a mentor to many and a model to many more. I hope this nomination and the supporting letters succeed in conveying the respect and affection felt by all of us who have worked with Paul over the years, and particularly by those of us who have worked with him in the countless hours he selflessly has committed to fostering the highest standards of professional responsibility among the California Bar."

Robert L. Kehr

Member, Los Angeles County Bar Association Committee on Legal Ethics

Past Chair, State Bar Committee on Professional Responsibility and Conduct

"Since I regard Paul Vapnek as the "Father" of California ethics programs, I cannot think of a person more deserving of this second award.... Like the first recipient for whom this award is named, Paul Vapnek is a pioneer in the field of attorney professional responsibility and ethics, who continues to contribute to this vital field of law."

Ellen R. Peck

Former Judge, California State Bar Court Hearing Department

Co-Author, Rutter Group California Practice Guide, Professional Responsibility

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