IP attorney Paul Vapnek ’64, who devoted more than 40 years to legal ethics, has an improbable reputation. “He could work with anyone, even the most disagreeable people,” said former State Bar lawyer Ellen Peck ’79, who worked with Vapnek in various capacities through the Bar, including the Standing Committee on Professional Responsibility and Conduct. More than being simply respected by his peers, Vapnek is liked by them, she said. “He’s one lawyer about whom no other lawyer or person ever said a bad word. He’s courteous and kind to every person, treating everyone with respect and civility.”

For years, she observed how Vapnek was able to make complex legal concepts understandable and, when working in groups, demonstrated a unique ability to gather consensus. Because of his tireless work advancing ethics in the law in this way, Peck believes that every California lawyer owes some part of their professionalism to him.

For leaving that legacy of more professionally responsible attorneys spanning generations, last year Vapnek was honored with the Harry B. Sondheim Professional Responsibility Award for outstanding long-term contribution to the advancement of attorney professional standards in California. Only the second lawyer to receive the award, which is given every three years by the State Bar, Vapnek is widely considered to have profoundly improved the conduct of California lawyers and enhanced public protection and confidence in the profession. All this and legal ethics wasn’t even his primary practice area.

When he graduated in 1964, Vapnek was nervous about finding a job since he was 10 years older than most other new graduates. USF referred him to U.S. District Judge William Sweigert ’23, who convinced Vapnek that although judicial clerk pay was lower than private practice salaries, he’d have “a better first-year experience clerking than at any law firm in the city.” It was a particularly good match because Sweigert happened to handle most of the court’s intellectual property cases, which was Vapnek’s professional interest.

While clerking, Vapnek met Charlie Townsend, a premiere IP lawyer who later hired him away from the court. Vapnek joined Townsend & Townsend (now Kilpatrick Townsend) as an intellectual property lawyer in 1965. For decades, he litigated patent, trademark, copyright, unfair competition, trade secret, and related antitrust matters. He also handled technology licensing and IP prosecution.

While a new associate at Townsend, Vapnek was asked by a partner to cover for him at a meeting of the Legal Ethics
Committee of the Bar Association of San Francisco. “I found it interesting,” Vapnek said. “I continued attending meetings and joined the committee. The more I went, the more interested I was.” Eventually, Vapnek was named chair of that committee.

Later, an adversary on a case recommended Vapnek to membership in the California State Bar’s prestigious Committee on Professional Responsibility. Before long, Vapnek was chairing that committee as well. In that role, he was instrumental in establishing the State Bar’s Ethics Hotline, and he became the first editor-in-chief of the Compendium on Professional Responsibility. Published long before the Internet, the comprehensive Compendium was a much-needed one-stop resource for attorneys researching California’s professional responsibility standards.

Harry Sondheim, the first recipient of the professional responsibility award and the lawyer for whom it is named, said last year when Vapnek received the honor that he “consistently provided both excellent work product and well thought out guidance” to many professional responsibility committees.

IP Excellence

In addition to his work in the professional responsibility arena, Vapnek excelled in his primary practice area: intellectual property. He served as president of the San Francisco Patent and Trademark Law Association and as a member of the Executive Committee of the State Bar’s Intellectual Property Section. He published several articles, including “The Lawyer and Unfair Competition,” “Infringement and Remedies Provisions of the New Copyright Law,” and “Invention Developers: Public and Private Litigation and Legislative Solutions.”

Somehow Vapnek also found time to serve as an adjunct law professor at USF, UC Hastings, and UC Berkeley, teaching both intellectual property law and professional responsibility. In addition, he co-authored the original version of the Rutter Group’s well-regarded practical guide to California professional responsibility. And throughout his career, he served on a number of non-profit boards, including the Legal Aid Society, and as an expert witness in ethics and standard of care cases.

USF Associate Dean for Academic Affairs Joshua Davis, who conducted an MCLE program with Vapnek, described him as “a generous, decent, and nice man.” Davis added, “He’s long been a role model for USF law alumni—and other lawyers—for how to be both effective and ethical as an attorney.”

In the ’70s and ’80s, when State Bar lawyer Peck and many of her female colleagues experienced discrimination in a still predominantly male profession, Vapnek served as “a model for interacting with professional women without any apparent or actual bias whatsoever and for truly providing equal opportunity based upon merit.” And as a teacher, he taught more by example rather than instruction, Peck added. “The best of my professional demeanor is a result of Paul’s mentorship.”

Vapnek retired last year from Kilpatrick Townsend, but continues to maintain what he describes as a modest advisory practice in the professional responsibility field. Colleagues call him a devoted family man. His son is a urologist and his daughter is a San Francisco lawyer for a consulting firm that works to improve justice systems in developing countries. As for hobbies, Vapnek reads, keeps up with the news, and gardens. “But, really,” he said, “my life has been the law.” [USF]