



COLORADO
WATER CONGRESS
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Legal Ethics in a Changed World
December 6, 2023
8:45 a.m. to 1:00 p.m.

Where: Virtual Event

Remote Connection: Zoom Link will be Provided to Registered Attendees

General Description: *Water lawyers, join the Colorado Water Congress for our annual Legal Ethics Workshop! You will learn about the Rules of Professional Conduct and recent CBA Ethics Opinions affecting water court practice, recent changes to the rules governing lawyer discipline and disability, and ethical considerations regarding equity, diversity and inclusion.*

Speakers:

- Cynthia Covell, Attorney, Alperstein and Covell, P.C.
- Stephen H. Leonhardt, Attorney, Burns, Figa & Will, P.C.
- Dr. Tom I. Romero II, Associate Professor of Law & Affiliated Faculty with the Department of History at DU
- Judge Todd Taylor, District Judge, 19th Judicial District, Water Judge, Division 1

Workshop Agenda

8:45 a.m. Introductions and Overview

Our first two speakers will kick off the workshop with an overview in new rules and developments to the Rules of Professional Conduct.

8:50 a.m. Conflicts of Interest in a Water Law Practice (CRPC 1.7 and related rules)

Cynthia Covell, Attorney, Alperstein and Covell, P.C.

Topics include concurrent client conflicts (Rule 1.7), conflicts with former clients (Rule 1.9), conflicts when changing law firms or entering or leaving government service (Rules 1.10 and 1.11) and other conflicts (Rule 1.8).

9:30 a.m. Colorado Rules of Professional Conduct: Some Key Ethical Principles and Obligations for Water Lawyers

Stephen H. Leonhardt, Attorney, Burns, Figa & Will, P.C.

Topics include the Client-Attorney Relationship (CRPC 1.2, 1.16), Advising the Client (CRPC 2.1, 1.4), Confidentiality vs. Disclosure Obligations (CRPC 1.6, 3.3, 4.1), and Working with Expert Witnesses and Consultants (confidentiality/disclosure obligations in relation to Water Court Rules).

10:30 a.m. Ethical Issues in Water Court Proceedings

Judge Todd Taylor, District Judge, 19th Judicial District, Water Judge, Division 1

Judge Taylor will speak about the ethics of using experts in water cases and the intersection between ethics and persuasion.

11:00 a.m. Break

11:10 a.m. Equity Diversity and Inclusion in Colorado Water Law

Dr. Tom I. Romero II, Associate Professor of Law & Affiliated Faculty with the Department of History at DU

This presentation will provide context and a conceptual framework towards understanding and assessing equity, diversity, and inclusion in Colorado Water law. It explores first water law's exclusionary and inequitable past, its reverberations into the present day, and identifies the core language, key concepts, and best practices in charting a different and more inclusive future.

12:00 p.m. Break

12:10 p.m. A Panel on Hypothetical Problems Raising Ethical Issues

Cynthia Covell, Attorney, Alperstein and Covell, P.C.

Stephen H. Leonhardt, Attorney, Burns, Figa & Will, P.C.

This panel will present hypothetical fact patterns as a format for discussing ethical problems and dilemmas faced by water practitioners.

1:00 p.m. Adjourn