



Legal Ethics in a Changing World

October 21, 2020

1:00 p.m. to 4:30 p.m.

Where: Zoom Remote Connection

General Description: *Water lawyers, join the Colorado Water Congress for our annual Legal Ethics Workshop and learn more about how legal ethical practices have evolved in today's day and age! How do you manage courthouse operations and trials in a remote working environment? How do you handle remote witnesses? How do you handle confidentiality and working from home? What about impacts on government clients? We will hear from Judge Hartmann on what Division 1 has experienced, and from Referee Ryan on what Division 5 is doing about ethical issues in this changing new world.*

Speakers:

- Judge Hartmann, Chief Judge, 19th Judicial District, Water Judge, Division 1
- Referee Ryan, Water Referee, Division 5
- Kevin Kinnear, Porzak Browning & Bushong LLP
- Cynthia Covell, Attorney, Alperstein and Covell, P.C.
- Kevin Kinnear, Attorney, Porzak Browning & Bushong LLP
- Stephen H. Leonhardt, Attorney, Burns, Figa & Will, P.C.

Workshop Outline

1:00 p.m. Introductions and Overview

1:05 p.m. Ethical Issues in Remote and Hybrid Court Proceedings in Division 1 and Division 5

Judge Hartmann, Chief Judge, 19th Judicial District, Water Judge, Division 1

Referee Ryan, Water Referee, Division 5

Judge Hartmann and Referee Ryan will address ethical issues in water court practice and proceedings in the world of COVID-19. What is the status of water cases and jury trials? What is the update in-person proceedings? What are the rules of operation for using WebEx in court hearings/trials? How has witness preparation and use of exhibits changed?

2:35 p.m. Break

2:45 p.m. Virtual Trials – An Attorney's Perspective

Kevin Kinnear, Porzak Browning & Bushong LLP

Kevin will give a brief presentation providing insights resulting from his recent four-day trial by WebEx. This trial was held in the “virtual courtroom” of Judge Boyd, acting as District Court Judge for Garfield County rather than as Water Judge, presiding over a “Roaring Fork Club”-type ditch relocation dispute. Kevin’s presentation will include his thoughts regarding preparing for a trial by WebEx, document management, technology requirements and suggestions, witness management including access to technology, sequestration, and challenges associated with managing witness access to documents and communications while testifying. Ethical considerations include attorney competence (Rule 1.1), confidentiality (Rule 1.6), and candor to the Court (Rule 3.3).

3:30 p.m. A Panel on Hypothetical Issues

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

Kevin Kinnear, Attorney, Porzak Browning & Bushong LLP

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

This section will address some of the above issues as well as confidentiality, unauthorized access to client information, etc. with reference to applicable Rules of Professional Conduct and ethics opinions.

4:30 p.m. Adjourn