



COLORADO  
**WATER CONGRESS**  
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Legal Ethics in a Changed World  
November 9, 2022  
8:45 a.m. to 1:00 p.m.

**Where:** Colorado Water Congress Conference Room  
1580 Logan Street, Suite 810  
Denver, CO 80203

**Remote Connection:** Zoom Link Available

**General Description:** *Water lawyers, join the Colorado Water Congress for our annual Legal Ethics Workshop! You will learn more about the latest changes to the Rules of Professional Conduct and ethical issues involved in mediating water disputes.*

**Speakers:**

- Rebecca Love Kourlis, AEGIS ADR and former Justice of the Colorado Supreme Court
- Cynthia Covell, Attorney, Alperstein and Covell, P.C.
- Stephen H. Leonhardt, Attorney, Burns, Figa & Will, P.C.
- April McMurrey, Attorney, Colorado Supreme Court Office of Attorney Regulation Counsel

## Workshop Outline

### 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. 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).*

### 9:30 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 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).*

### 10:30 a.m. Mediating Water Disputes: Some Tips and Traps

**Rebecca Love Kourlis, Aegis ADR**

*Mediation of water disputes can be productive and save clients considerable expense and uncertainty. Justice Kourlis will discuss the differences between mediation and litigation, and the ethical issues that must be addressed in the mediation process.*

### 11:00 a.m. Break

### 11:10 a.m. Engagement Agreements and OARC Update

**April McMurrey, Attorney, Colorado Supreme Court Office of Attorney Regulation Counsel**

*The Colorado Supreme Court recently amended Rule 1.5 of the Rules of Professional Conduct to require that in a new attorney-client relationship, the scope of the representation, in addition to the rate or basis of the fee, must be promptly communicated in writing to the client. Ms. McMurrey will discuss the required fee communications with a client, together with best practices for engagement agreements, and will also provide an update on recent Office of Attorney Regulation Counsel activities and concerns.*

### 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