



**RMLUI 2020 HOME STUDY PROGRAM**

**ETHICS**

## WESTERN PLACES/WESTERN SPACES CONFERENCE

### HOT, DRY, AND CROWDED: PLANNING FOR THE FUTURE

The West of the future will be warmer and more populous, and as a result, will face significant challenges with respect to our water supplies, our ability to withstand unpredictable weather patterns and extreme storm events, and our capacity to preserve our economy and our quality of life while adapting to the coming changes. The climate is changing, but we *can* do something about it.

Land use planning, water planning, and disaster mitigation are just a few of the tools available to help prepare for an uncertain future. We can work now to prepare our communities and landscapes for the impacts we are sure to experience. We can use design to create places that are more sustainable and adaptable. We can use integrated water and land use planning to help stretch dwindling water supplies. We can use our natural systems to create more resilient communities that are cooler and more connected. And we can work to ensure that the communities of our future are more equitable, affordable, and inclusive.

For RMLUI's 29<sup>th</sup> Western Places/Western Spaces conference, we will be looking at the ways in which we can use design, planning tools, and creative approaches to better plan for a future that will be different from the known past. The Babbitt Center for Land and Water Policy is partnering with us to develop a track focused on integrating land use and water planning. In addition, we will consider how our built environments, using mixed use design, transportation infrastructure, and even building codes, can help reduce our impact on climate change and create a more comfortable and sustainable living environment. We will explore how our natural systems and outdoor spaces can be designed for greater resilience, cooler micro-climates, and more water-wise landscaping. We also will focus on rural resilience and how to adapt sustainability innovations and new technologies to small towns and rural communities. Finally, we will consider how climate change is likely to affect our natural resources—from our recreational playgrounds to our economic engines—and discuss ways in which our land use strategies can or should adapt in anticipation of changes across our Western landscapes.

### HOME STUDY PROGRAM: ETHICS

Sessions from the conference are recorded for use in RMLUI's Home Study Program. The Ethics for Lawyers course, *A Climate of Change for Lawyers: Confidentiality, Conflicts & Public Citizenship*, provides an overview of various scenarios related to land use law, climate change, the responsibility of disclosure, civil disobedience, and how they are resolved through the application of the Colorado Rules of Professional Conduct. *Can Gentrification Be Ethical in Planning?* is the Ethics for Planners course, and covers some of the ethical issues related to gentrification in development and urban planning.

## **A Climate of Change for Lawyers: Confidentiality, Conflicts & Public Citizenship**

The practice of land use and environmental law presents many ethical conundrums in the era of climate change. This session will explore ethical issues for lawyers, engaging a roundtable discussion among legal ethics experts and practitioners working on legal matters related to climate change. These experts will explore a number of common ethical problems, such as those arising in the context of increasing protests in support of—and against—clients, and how to deal with potential conflicts between agency experts and their political bosses in a regulatory context. They will also field and discuss questions from the audience.

### **Speakers:**

#### **Susan Daggett**

Executive Director, Rocky Mountain Land Use Institute; Associate Professor, University of Denver Sturm College of Law

Susan D. Daggett is a natural resources, environmental, and land use attorney who serves as the Executive Director of the Rocky Mountain Land Use Institute and as an Associate Professor of the Practice, teaching in the area of land use and sustainability. She previously served as Managing Attorney in the Rocky Mountain office of Earthjustice, a national non-profit public interest law firm (formerly the Sierra Club Legal Defense Fund) and also worked as an independent consultant to non-profit organizations engaged in energy-related advocacy. She is a founding member of the Metropolitan Denver Nature Alliance, and she also serves on the Boards of Smart Growth America, Transportation Solutions, Colorado History Day, and the Denver School of the Arts Friends Foundation. She previously served as Trustee for the Colorado Chapter of the Nature Conservancy, as Commissioner of Denver Water and as a founding Board member of Greenprint Denver. She graduated from Mount Holyoke College and received her law degree from Yale University.

#### **James Martin**

Partner, Beatty & Wozniak

Jim Martin joined Beatty & Wozniak, P.C. in June of 2013. He specializes in administrative and regulatory law, legislation and strategic planning for a wide range of companies in the oil and gas, renewable energy, and utilities fields. Previously, Jim was the Executive Director of the Colorado Department of Natural Resources under Governor Ritter, and has also been the Executive Director of the Colorado Department of Public Health and Environment. In both capacities, he served on the Oil and Gas Conservation Commission. Previously, he served on the Air Quality Control Commission, as well as other boards and commissions. Earlier in his career, Jim worked for Congressman and then Senator Tim Wirth for seven years, both in the nation's capital and in Colorado, and was involved in a number of high-profile resource and energy issues. He also has worked with non-governmental organizations (NGOs) and started his legal career advising four Columbia River treaty tribes on their fishing and water rights claims.

#### **Eli Wald**

Charles W. Delaney Professor of Law, University of Denver Sturm College of Law

Eli Wald is the Charles W. Delaney Jr. Professor of Law at the University of Denver Sturm College of Law. A legal ethics and legal profession scholar, Wald has written on topics such as increased lawyer mobility, conflict of interests and attorney disqualification, attorney-client communications, lawyers' fiduciary duties to clients, the nationalization and globalization of law practice, and, most recently, the challenges facing lawyers representing clients in the emerging marijuana industry. Professor Wald's ongoing research into the causes and manifestations of explicit prejudice and implicit bias at large law firms, as well as means of overcoming discrimination, has gained national attention. His articles have been cited in ABA ethics opinions and excerpted in legal ethics casebooks. His scholarship examines the structure

and organization of law firms as well as the professional and personal identities of their lawyers to better understand the hiring and promotion patterns of law firms, and the lingering underrepresentation of minorities in positions of power and influence. Wald is a member of the Colorado Supreme Court Standing Committee on the Colorado Rules of Professional Conduct, a member of the Colorado State Bar Association's Ethics Committee and a member of the Colorado Chief Justice's Commission on the Legal Profession. He serves as a member of the executive committee of the Association of American Law Schools' Professional Responsibility Section, and is an expert witness in legal ethics and malpractice matters, a legal ethics expert commentary author for LexisNexis, and a frequent legal ethics CLE instructor.

### **Learning Objectives**

- This session will provide various scenarios pertinent to land use and environmental/natural resources law.
- Understanding the rules related to civil disobedience and the responsibility of local governments.
- Understanding the responsibility of disclosure as it relates to climate change and greenhouse gas emissions.

### **Can Gentrification Be Ethical in Planning?**

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The word "gentrification" in the planning community can be viewed as a positive, negative, or often misused description. This session will explore the intersection of the planners' code of ethics and gentrification, offering educated solutions from experts with differing viewpoints in a roundtable format with audience participation. The session will deal with questions of equity in planning, and how ethics and gentrification interact within the scope of planning. The panelists each bring different insight into the topic of ethics and gentrification and allow for the conversation to be well-rounded while not silencing any views on the topic.

#### **Moderator:**

##### **Stewart Kane**

Third Year Law Student, University of Nebraska College of Law

Stewart Kane is a third-year law student at the University of Nebraska College of Law. Her areas of focus at school are land use and public interest law. She has a background in public interest and community development: serving in the United States Peace Corps (Cambodia 2011-2013), working as the Program Department Team Leader for AmeriCorps National Civilian Community Corps and working as the legal intern for Center for Legal Immigration Assistance (local firm in Lincoln, NE). Stewart is the Lead Auction Chair and Director of the Women's Law Caucus at Nebraska Law and is her class' representative for the Student Bar Association. She gained extensive public speaking skills while working as the Peace Corps' Regional Recruiter for Nebraska and Kansas.

#### **Speakers:**

##### **Yvette Freeman**

Senior Strategist, Progressive Urban Management Associates

Yvette Freeman has more than 15 years of experience managing business improvement districts (BIDs) and community development initiatives. She assists P.U.M.A with downtown and business improvement district (BID) strategic planning efforts and healthy community initiatives. Yvette brings unique expertise to her work in organizational management and community and economic development initiatives. Yvette is the founding member of All in Denver, a non-profit advocacy organization working toward social equity for all, as Denver experiences the impacts of gentrification. A frequent presenter at

International Downtown Association conferences, Yvette also facilitates workshops focused on social justice issues, health and well-being. She holds a bachelor's degree in human development and family studies and a certificate in women's interdisciplinary studies from Colorado State University.

### **Erica Heller**

Director of Strategic & Policy Planning, MIG

Erica Heller has nearly 20 years' experience in community and enterprise development strategies. She offers expertise in strategic planning, urban renewal and revitalization, neighborhood involvement, healthy food financing, sustainability, alternative energy, and tailored district development standards. Erica is a strategic thinker with experience in local government, economic development, land use planning, regulatory code drafting, and urban renewal districts and projects.

### **Jeremy Németh**

Associate Professor of Urban and Regional Planning; Director of PhD Program, University of Colorado Denver

Jeremy Németh is currently an Associate Professor of Urban and Regional Planning and the Director of the PhD program in Design and Planning at the University of Colorado Denver. He is currently a Chancellor's Urban Engaged Scholar, which recognizes "outstanding contributions to the Denver metro region through community-engaged scholarship." Jeremy's research looks at how planners, designers, and city dwellers can help create more socially and environmentally just places. He is particularly interested in the relationship between social equity and the built environment, and his recent work examines issues of disaster justice, transportation equity, and gentrification resistance. Jeremy is serving a three-year term as a Fulbright Specialist and in 2015-16 was a Fulbright Scholar at the Università degli Studi Roma Tre and a Visiting Professor at the Universitat Autònoma de Barcelona. I served as Chair of the Department of Planning and Design from 2012-15 and Director of the Master of Urban Design program from 2008-15. He received my PhD in Planning and Public Policy from Rutgers University, an MSc in Development and Planning from the Bartlett School's Development Planning Unit (DPU) at University College London, and an AB in Architecture from the University of California, Berkeley.

### **Tareq Wafaie**

Principal, Clarion Associates

Tareq Wafaie, AICP, is a Principal in Clarion Associates' Denver office. He focuses primarily on land use and zoning code revisions, and natural hazard mitigation planning and implementation. His recent code updates include Sedona, AZ; Aurora, Buena Vista, Carbondale, Glenwood Springs, Longmont, and Northglenn, CO; Indianapolis, IN; Albuquerque, NM; Syracuse, NY; and Denton, TX. Wafaie also served as the technical lead for developing the Planning for Hazards: Land Use Solutions for Colorado guidebook. Before joining Clarion, Wafaie worked in both private and public sectors working with communities large and small. He spent was a development review planner and spent two years in state government providing technical assistance and training on land use issues to communities Wafaie is a member of the American Institute of Certified Planners and is a frequent conference speaker on ethics, hazards, and other planning topics.

## **Learning Objectives**

- Learn about the ethical consideration dealing with gentrification
- Determine changes to be made in their field when considering impacts of gentrification
- Learn how to have equity as a project goal, not afterthought