



## Michelle F. Zaltsberg

Shareholder

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Michelle Zaltsberg primarily practices in the areas of emergency management and disaster recovery.

Michelle has significant experience with the laws, regulations and procedures relating to eligibility for federal disaster and mitigation assistance under the Federal Emergency Management Agency's (FEMA) Public Assistance program. She regularly assists state and local governments and non-profit entities navigate FEMA's administrative appeals process. Michelle's practice also focuses significantly on helping clients create FEMA-compliant procurement programs pursuant to the federal procurement standards at 2 C.F.R. Part 200.

In addition, Michelle represents clients in complex business disputes in both state and federal courts and in arbitrations.



### Representative Matters

- Provided procurement advice to municipality and U.S. territory clients severely impacted by the 2017 hurricane season. Services included review and revision of high-dollar procurement actions for compliance with FEMA requirements; advice regarding various issues of FEMA eligibility; and reformation and improvement of existing policies and procedures to mitigate future compliance issues.
- Prepared comprehensive "FEMA Procurement Toolkit" for municipal electric utility membership association, including template procurement policy, written standards of conduct, and various checklists to promote compliance with FEMA procurement requirements among member utilities.
- Regularly reviewed and revised draft Requests for Proposal, Invitations to Bid, and contracts for compliance with federal procurement standards at 2 C.F.R. § 200.317-326.
- Successfully appealed deobligation of Public Assistance funding recommended by the Office of Inspector General audit report for a Florida municipality. The second appeal resulted in reinstatement of \$2.8 million deobligated as ineligible or insufficiently supported. The second appeal required extensive analysis of the client's invoices, contracts and other documentation. Also advocated for the client at a meeting of FEMA headquarters in Washington, D.C.
- Assisted Florida county in negotiation of settlement of dispute over funding for beach re-nourishment project. The issues arose from the alleged duplication of benefits received by the County through FEMA Public Assistance and the Florida Department of Environmental Protection.
- Represented general aviation airport in arbitration before the Civilian Board of Contract Appeals in an appeal of FEMA's denial of request for funding of a flood mitigation proposal under FEMA's Section 406 Hazard Mitigation Program. The matter required extensive briefing and a three-day arbitration hearing during which more than a dozen witnesses were examined.
- Drafted successful motion to defeat a request by the IRS for federal court to issue preliminary injunction as remedial measure against medical clinic client.
- Obtained a permanent injunction in federal court against a competitor of the client that designed a sophisticated scheme to prey on client's market recognition and goodwill for an important dietary supplement brand. Our client, an over-the-counter brand manufacturer, recently acquired several established health care brands. During due diligence, we identified the scheme and filed an action in U.S. District Court for trademark and trade dress infringement, as well as false labeling. To settle the lawsuit, the defendants agreed to a permanent injunction against infringement, abandoned all

markets for the competing product, assigned any rights to their infringing marks to our client, and paid a confidential but substantial sum to cover our client's attorneys' fees.

- Represented a United States territory's power authority in an arbitration filed after the Federal Emergency Management Agency (FEMA) denied its request for \$58 million to fund power generators. Successfully negotiated an arbitration agreement for the full \$58 million.



## Professional Honors & Activities

- Member – National Emergency Management Association
- Member – Florida Municipal Attorneys Association
- Member – American Bar Association
  - Standing Committee on Disaster Response and Preparedness (2020 – 2023)
- Board Member – Jewish Federation of Greater Orlando (2017 – 2019)
- Member and Past Co-Chair, Jewish Federation of Greater Orlando, Jewish Community Relations Council (JCRC) (2016 – present)
- Jewish Federation of Greater Orlando, Jerome J. Bornstein Leadership Development Program Participant (2015 – 2016)
- Member – League of Women Voters of Orange County (2018)
- Georgia Association for Women Lawyers, Past Foundation Board Member and Committee of the Year Award Winner (2013)
- American Jewish Committee, Black/Jewish Coalition, Marvin C. Goldstein Project Understanding Participant (2013)



## Publications

- "Hurricane Season is Here – Are You Ready for FEMA Funding?," republished in the *Daily Business Review* (August 2023)
- "Spotlight: Baker Donelson Work-Life Warriors," *Women's Initiative Newsletter* (June 2023)
- "Baker's Dozen: What Are Your Best "Balance" Tips?," *Women's Initiative Newsletter* (June 2023)
- "Dos and Don'ts for Spending Federal Grant Funding," *Relay*, Florida's Energy & Electric Utility Magazine, Volume 55, Issue 3 (Spring 2023)
- "Hurricane Ian: Declaration Updates – Applying for FEMA Public Assistance" (October 2022)
- "Hurricane Ian: Preparing for Public Assistance," republished in the *Daily Business Review* (September 2022)
- "Tips for Obtaining Reimbursement from FEMA for Your Disaster-Damaged Roof" (September 2022)
- "Contracting Under Federal Procurement Requirements After Hurricane Ida" (September 2021)
- "State/Tribe/Territory Application Period for FEMA Flood Mitigation Assistance and BRIC Grants To Run September 30, 2021 - January 28, 2022" (August 2021)
- "FEMA Updates Policy on Stafford Act § 705" (August 2021)
- "OIG Reports Lessons Learned from the CARES Act and Advises on American Rescue Plan" (June 2021)
- "FEMA Applicants and American Rescue Plan Fiscal Recovery Fund Recipients Should Know About Updates to Procurement Requirements" (June 2021)
- "Baker's Dozen: Honoring Moms Everywhere," *Women's Initiative Newsletter* (May 2021)
- "OIG Again Pressures FEMA to Enforce Procurement Rules" (March 2021)
- "FEMA Seeks Comment on Revised Policy Implementing Stafford Act Section 705" (December 2020)
- "Diligence Tips For Potential Disaster Relief Fund Recipients," *Law360* (March 2020)
- "Your company's been hacked — now what?," *Orlando Business Journal* (July 2015)
- Co-author – "O.C.G.A. § 9-10-2: The Five-Day Notice Rule Explained," *Daily Report* (July 2014)
- Co-author – "Superstorm Sandy: Minimizing Extra-Contractual Risk in Late-Filed Claims," ABA Coverage (March/April 2013)

- Contributor – "Extracontractual Liability Arising from Professionals Retained by Insurers," ABA The Brief, Volume 41, Number 3 (Spring 2012)
- Co-author – "Catastrophic Tornado and Flood Claims: Steps to Avoid Bad Faith Exposure," LexisNexis Emerging Issues Analysis (May 2011)



## Speaking Engagements

- "Procurement Under Federal Grants" and "FEMA's Appeal and Arbitration Process," Kentucky Association of Counties, Applicant Agent Workshop (August 2024)
- "FEMA's Appeal and Arbitration Process," 2024 National Hurricane Conference (March 2024)
- "FEMA's Public Assistance Program: Disaster Assistance for Public Entities and Private Nonprofits," Disaster Resilience Symposium, Stetson University Law School (March 2023)
- "2022 FEMA Updates," Florida Municipal Electric Association (August 2022)
- "Procurement Under Federal Grants: How to Spend and Keep Your Federal Dollars," Florida Association of County Managers (June 2022)
- "How to Effectively Navigate the FEMA Appeals and Arbitrations Process," Florida Association of County Attorneys (June 2022)
- "Procurement Under Federal Grants," St. Lucie County, Florida (July 2021)
- "Responding to a Natural Disaster During a Public Health Emergency – A State and Local Government Perspective," American Bar Association (September 2020)
- "Public Emergencies and Lessons Learned from COVID-19: Federal Disaster Assistance," Florida Municipal Attorneys Association (June 2020)
- "FEMA Public Assistance Program Rules Utilities Need to Know," Florida Municipal Electric Association (June 2020)
- "Obtaining and Keeping Your FEMA Reimbursement: Procurement and Documentation Requirements," Florida Municipal Electric Association (May 2020)
- "Getting Ready for Hurricane Season: Mutual Aid and COVID-19 Considerations," Florida Municipal Electric Association (May 2020)
- "Getting Disaster Assistance from FEMA: the Basics, the Audits, and the Compliance Risks," Florida Municipal Electric Association Annual Conference (July 2017)
- "Understanding Procurement Rules Under the FEMA Public Assistance Program," Florida Municipal Electric Association's Hurricane and Emergency Preparedness Forum & Roundtable (June 2016)
- "E-mail Malpractice," Georgia Law of Torts ICLE Seminar, Atlanta, Georgia (March 2011)



## Webinars

- Smart City Transformation Through ARPA Funds (December 2021)
- Preparing for Hurricane Season: Updates to FEMA's Program and Procurement Rules (June 2021)



## Education

- University of Michigan Law School, J.D., 2008, cum laude
  - *Michigan Telecommunications and Technology Law Review*, 2007 – 2008
- University of Florida, B.A. Business Administration, Minor Mass Communication, 2006, cum laude



## Admissions

- Florida, 2009
- Georgia, 2009
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. District Court for the Northern and Middle Districts of Georgia
- U.S. District Court for the Middle, Southern, and Northern Districts of Florida