

*Reply To: West Palm Beach*

August 29, 2024

Glen J. Torcivia, Esquire  
Torcivia, Donlon, Goddeau & Rubin, P.A.  
701 Northpoint Parkway, Suite 209  
West Palm Beach, FL 33407

Re: Potential Representation of the City of Lake Worth Beach in Water Supply Negotiations  
with the Town of Palm Beach

Dear Glen,

Thank you for considering Lewis, Longman & Walker, P.A. for representation of the City of Lake Worth Beach in negotiations with the Town of Palm Beach for the supply of potable water to the Town. We understand that the Town of Palm Beach is currently considering several options for potable water upon expiration of its current agreement in 2029. As we understand it our representation of the City of Lake Worth Beach will involve negotiation of a Wholesale Agreement, water supply quantity and quality issues, and the associated water use permitting with South Florida Water Management District. The City of West Palm Beach owns and maintains all the water infrastructure in the Town and therefore issues related to real property rights and purchase of that infrastructure may need to be considered. State lands approvals will likely need to be considered for intracoastal waterway crossing(s). The experience and knowledge of our team will allow us to provide exceptional legal counsel to assist Lake Worth Beach in its negotiations with the Town of Palm Beach.

If given the opportunity to assist Lake Worth Beach with this project, the attorneys that will be assigned to this matter are me, Frederick Aschauer, Robert Diffenderfer and Allan Charles. Biographies for these professionals are enclosed as Attachment 1. Fred Aschauer and I will be the shareholders in charge of this matter, and we will be responsible for providing and supervising the legal services required. Hourly rates for each of these professionals are included on Attachment 2. The hourly rate for attorneys ranges from \$275.00 to \$405.00 per hour. The hourly rate for paralegals/law clerks is \$240.00 per hour.

**JACKSONVILLE**

245 Riverside Ave.  
Suite 510  
Jacksonville, Florida 32202  
T: 904.353.6410  
F: 904.353.7619

**ST. PETERSBURG**

100 Second Ave. South  
Suite 501-S  
St. Petersburg, Florida 33701  
T: 727.245.0820  
F: 727.290.4057

**TALLAHASSEE**

106 East College Avenue  
Suite 1500  
Tallahassee, Florida 32301  
T: 850.222.5702  
F: 850.224.9242

**TAMPA**

301 West Platt St.  
Suite A364  
Tampa, Florida 33606  
T: 813.775.2331

**WEST PALM BEACH**

360 South Rosemary Ave.  
Suite 1100  
West Palm Beach, Florida 33401  
T: 561.640.0820  
F: 561.640.8202

Glen J. Torcivia, Esquire  
Torcivia, Donlon, Goddeau & Rubin, P.A.  
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Currently the only potential conflict we foresee is with the Town of Palm Beach due to our firm's representation of the Town on two unrelated matters. We believe this conflict is waivable by the Town and the City and would only prevent our firm from suing the Town of Palm Beach which does not seem likely.

We look forward to the in-person interview on September 5, 2024 at 1:30 p.m. at the Lake Worth Beach City Hall. In the meantime, please do not hesitate to contact me if you need any additional information.

Yours sincerely,



Michelle Diffenderfer, President/Shareholder  
Lewis, Longman & Walker, P.A.

- c. Jamie Brown, Interim City Manager
- Vaughn Hayduk, Interim Director of Water Utilities
- Frederick Aschauer, Esquire
- Robert Diffenderfer, Esquire
- Allan Charles, Esquire

ATTACHMENT 1  
RATE SHEET

# ATTACHMENT 1

<i>Shareholders</i>	<i>Rates</i>
Aschauer, Frederick L.	\$405.00
Behn, Seth C.	405.00
Baumann, Andrew J.	405.00
Capko, William G.	405.00
Diffenderfer, Michelle	405.00
Diffenderfer, Robert P.	405.00
Dodge, Kenneth W.	405.00
Duhy, Tara W.	405.00
Durden, Brenna M.	405.00
Hennessy, Kevin S.	405.00
Jennison, Julia L.	405.00
Killinger, Lori E.	405.00
Lyon, M. Christopher	405.00
Petrick, Amy T.	405.00
Rossmell, Kathryn B.	405.00
Rustin, Janice D.	405.00
Thomas, Glenn E.	405.00
Williams, Robert A.	405.00

<i>Of Counsel</i>	<i>Rates</i>
Lewis, R. Steven	\$405.00
Linn, James W.	405.00
Longman, Anne	405.00
Walker, Stephen A.	405.00

<i>Senior Attorneys</i>	<i>Rates</i>
Brooks, Lauren D.	\$325.00
Green, Richard P.	340.00
Modiano, Aaron R.	335.00
Morgan, Telsula C.	385.00

<i>Attorneys</i>	<i>Rates</i>
Bixler, Nicholas R.	\$305.00
Cavaliere, John J.	320.00
Charles, Allan J.	310.00
Hupp, Katherine L.	280.00
Johns, Christopher D.	315.00
Perrigan, Christopher A.	280.00
Poot, Nicole J.	315.00
Romano, Jeremiah M.	290.00
Spardy, Sarah L.	275.00

<i>Paralegals</i>	<i>Rates</i>
Bissette, Jennifer S.	\$240.00
Lozada, Marilyn A.	240.00
Wood, Lisa K.	240.00
Reichard, Sandra	240.00

<i>Clerks</i>	<i>Rates</i>
Law Clerk	\$ 240.00

ATTACHMENT 2

BIOGRAPHIES

# Michelle Diffenderfer

President/Shareholder

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## Biography

Michelle Diffenderfer is a distinguished environmental attorney with extensive expertise in water law, public water supply and environmental practices. With 30 years of experience, Michelle has successfully advised and represented numerous public and private sector clients in navigating complex environmental regulations, water rights, and resource management challenges.

As the President and Shareholder of Lewis, Longman & Walker, P.A., a prominent environmental law firm, Michelle leads a team of legal experts dedicated to delivering innovative solutions that balance environmental stewardship with the operational needs of public water utilities. Her practice focuses on providing strategic counsel on water supply planning, permitting, compliance, and environmental policy development, ensuring that the firm's clients achieve their water management objectives while adhering to the highest standards of environmental protection.

Michelle is recognized for her deep understanding of the regulatory landscape, her ability to negotiate and resolve complex disputes, and her commitment to sustainable water resource management. She frequently collaborates with government agencies, industry stakeholders, and community groups to develop policies and initiatives that promote the efficient and equitable use of water resources.

Michelle has worked on Everglades, Lower East Coast Water Supply and Lake Okeechobee issues since the start of her career, including participation in the Governor's Commission, the C&SF Restudy effort, the federal authorization of CERP, the Water Resources Advisory Commission, Lake Okeechobee Regulation Schedule (2008), and the most recent Lake Okeechobee System Operating Manual study. In addition, Michelle has represented the firm's clients in the adoption of and compliance with minimum flows and levels, water reservations, water use rulemaking, Lake Okeechobee and the Water Conservation Area 1 litigation, various modifications to water regulation schedules and the related SFWMD water supply planning and rule-making efforts. Michelle has written extensively on Florida water law and water use issues.

List of representative clients on water use and water supply permitting: Seminole Tribe of Florida, Lake Worth Drainage District, Seminole Improvement District, Miami-Dade County, Martin County, Bonita Bay Group, and Resource Conservation Systems (irrigation utility).

Michelle holds a Juris Doctor from University of Miami and a Bachelor's degree from Brown University. She is a member of the Florida Bar and actively participates in various professional organizations related to environmental and water law. Michelle's dedication to her field is further reflected in her involvement in community outreach and education efforts, where she advocates for responsible water use and conservation.

## Email

[mdiffenderfer@llw-law.com](mailto:mdiffenderfer@llw-law.com)

## Phone

561.640.0820

## Office

360 South Rosemary Avenue  
Suite 1100  
West Palm Beach, FL 33401

Michelle currently serves as an Executive Committee member of the American Bar Association's Section of Environment, Energy, & Resources and the Circle of Red Chair for the American Heart Association. She previously chaired the American Bar Association's Section of Environment, Energy, & Resources, the Environmental and Land Use Law Section of the Florida Bar, the Chamber of Commerce of the Palm Beaches, and served as Co-Chair of the City of West Palm Beach Mayor's Task Force for Racial and Ethnic Equality. Michelle also volunteers at the Episcopal Church of Bethesda by the Sea in the Town of Palm Beach.

Michelle has been recognized for her community work and legal achievements as follows: *2025 Lawyer of the Year in Environmental Law in West Palm Beach* by US News Group and *Best Lawyers*; *Florida Super Lawyers*, *Florida Trend's Florida Legal Elite*; *South Florida Legal Guide*; *The International Who's Who of Environmental Lawyers*; Chamber of Commerce of the Palm Beaches ATHENA® Award; the Bill Sadowski Memorial Outstanding Service Award from the Florida Bar Environmental and Land Use Law Section; Florida Achievement Award from the Commission on the Status of Women; Key to the City of West Palm Beach; Families First of Palm Beach County, Harriet Goldstein Award; University of Miami School of Law Alumni Association, Alumni Achievement Award; Caribbean-American Democratic Club of Palm Beach County Community Change Maker Award for Environmental Advocacy; Business Leader magazine's *Women Extraordinaire* Award; Palm Beach Illustrated magazine's *Top Lawyer*; and *The Palm Beacher* magazine's "Local Women in Power" issue.



**Email**

faschauer@llw-law.com

**Phone**

850.222.5702

**Office**

106 East College Avenue  
Suite 1500  
Tallahassee, FL 32301

**Biography**

Mr. Aschauer began his career in a Tallahassee firm that specialized in water and wastewater law, particularly negotiating and drafting agreements for bulk service, asset transfer agreements and purchase and sale agreements across the state. To this day, Mr. Aschauer still represents water and wastewater utilities and related associations on various matters.

Over the years, Mr. Aschauer has developed extensive experience representing clients on additional matters such as litigation and environmental regulation. His practice involves Federal matters governed by the Clean Water Act (CWA) and State matters involving environmental resource permits, coastal construction and coastal grant programs. Mr. Aschauer serves as Chair of LLW’s Transportation and Infrastructure Industry Group, Chair of LLW’s Utilities Industry Group and Vice Chair of the LLW’s Business Development Committee. Prior to joining LLW, he served as General Counsel for the Florida Department of Environmental Protection (FDEP), and prior to that as FDEP’s Director of the Division of Water Resource Management.

Fred is currently serving as President of the Tallahassee Area Association of Environmental Professionals. Fred is a Martindale Hubbell AV® Preeminent™ Peer Review Rated attorney, has been listed in Best Lawyers in America, Natural Resources Law, Administrative/Regulatory Law, Environmental Law and Environmental Litigation since 2020, as well as Florida Super Lawyers, Environmental Law; Administrative Law; Civil Litigation, 2022-present and Florida Trend Legal Elite, Environmental and Land Use Law, 2022 and 2019.

Fred has published articles and presented on topics such as the enforcement of environmental laws, water quality credit trading, litigation under the Federal Administrative Procedure Act, numeric nutrient criteria, and regulatory issues. Fred served in the United States Army from 1993-1997. He graduated *Cum Laude* from the Florida State University College of Law in 2003.



Robert P. Diffenderfer  
Shareholder



#### Email

rdiffenderfer@llw-law.com

#### Phone

561.640.0820

#### Office

360 South Rosemary Avenue  
Suite 1100  
West Palm Beach, FL 33401

#### Biography

Mr. Diffenderfer maintains a diverse governmental practice involving complex environmental and land use matters, including representation before local, state and federal legislative and regulatory bodies; growth management counseling; comprehensive plan adoption, implementation and defense; environmental resource and consumptive use permitting; State of Florida sovereign lands approval, and related litigation. His practice also includes projects relating to special district creation, operation and administration, as well as representation of general-purpose governments on a variety of specialized governmental, growth management and natural resource issues.

Bob has handled a variety of growth management, land use and regulatory issues for large public infrastructure projects including the Fort Lauderdale-Hollywood International Airport, the Palm Beach International Airport, the North Palm Beach County General Aviation Airport, various Florida Department of Transportation highway projects and Seminole Improvement District/City of Westlake public works development. He handled litigation and negotiations with Palm Beach County for water, wastewater and reuse service for Seminole Improvement District which serves the City of Westlake.

Bob is AV Preeminent Peer Review Rated by Martindale-Hubbell and has been listed in the Best Lawyers in America and in Palm Beach Illustrated Magazine as a Top Lawyer. He was named a 2023 Power Leader by the South Florida Business Journal. Bob serves as Chair of the firm's Business Development Committee and immediate past chair of the firm's Transportation and Infrastructure practice group. He is Chancellor for Bethesda by the Sea, Palm Beach and is a Trustee and Immediate Past Chair of the Chamber of Commerce of the Palm Beaches. Bob is past chair of the Pine Jog Environmental Education Center. He is a member of the Palm Beach and Collier County Bar Associations, the Florida Bar, and the American Bar Association.

Bob earned a Bachelor of Arts degree, *cum laude*, from Florida State University and his Juris Doctor from Georgetown University Law Center. He is admitted to practice in Florida and the District of Columbia.



## Biography

Allan's practice focuses on Administrative, Civil and Appellate Litigation, Agriculture, Environmental and Natural Resources, and Government.

Following law school, Allan began his legal career as a negotiator for TopBuild Corp., where he reviewed, drafted, and negotiated single service contracts, master supply agreements, national service agreements, and NDAs. In 2018, he left the private sector to accept a position with the Florida Department of Agriculture and Consumer Services, where he served as a senior attorney with the Office of General Counsel. His clients included the Division of Food Safety, the Division of Plant Industry, and the Division of Fruit and Vegetables. Allan was involved in a multimillion-dollar lawsuit concerning Florida Renewable Energy Technology Investment Tax Credits and the Florida Amendment 1 litigation. He participated in the 2019 Florida Energy Efficiency and Conservation Act (FEECA) goal-setting proceedings before the Florida Public Service Commission.

Allan currently serves as the President of the Florida Government Bar Association. He is an active member of the Florida Bar Young Lawyers Division Board of Governors, the Florida Bar Government Advocacy Committee and the Military and Veterans Affairs Committee. Allan is also a member of the Friends of the LeRoy Collins Leon County Public Library System Board of Directors. He previously served on the Florida Bar Journal/News Editorial Board.

Allan earned his Juris Doctor, along with his Business Law Certificate from the University of Mississippi School of Law. He obtained his Certificate in Negotiation Mastery from Harvard Business School. He received a Master of Laws Degree in Environmental Law & Policy, *magna cum laude*, from Florida State University College of Law, and a Bachelor of Science in Legal Studies from the University of Central Florida.

### Email

acharles@llw-law.com

### Phone

850.222.5702

### Office

106 East College Avenue  
Suite 1500  
Tallahassee, FL 32301