



# SETON HALL | LAW

The Real Estate Law Society presents

**CLIMBING MT. LAUREL: AFFORDABLE HOUSING AND THE PROMISE OF INCLUSION**  
**Wednesday, April 13, 2016**

**Biographies**

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**Paula Franzese**, *Peter W. Rodino Professor of Law, Seton Hall University School of Law*

Professor Paula Franzese, the Peter W. Rodino Professor of Law, is one of the country's leading experts in property law as well as government ethics. She has spearheaded ethics reform initiatives on behalf of three governors, serving as Special Ethics Counsel to Governor Richard Codey, Chair of the State Ethics Commission, Vice-Chair of the Election Law Enforcement Commission and as ethics advisor to state and local governments across the country, including Mayor Cory Booker's administration in Newark. In 2014, Professor Franzese was appointed Vice-Chair of the New Jersey Supreme Court Special Committee on Attorney Ethics and Admissions.

The author of numerous publications, her scholarship in the area of Property Law includes critical examination of common interest communities, homeowners associations and the dilemma of privatization, the law of servitudes, exclusionary zoning, affordable housing, adverse possession doctrine and takings law. She joined in the submission to the U.S. Supreme Court of an amicus brief in the *Kelo* Case, and has written and presented on takings law reform. She has been elected a Fellow of the American College of Real Estate Lawyers, a highly coveted honor, is a Fellow of the American Bar Foundation, and the recipient of numerous accolades, including the Sir Thomas More Medal of Honor, the YWCA Woman of Influence Award, the Women Lawyers Association's Trailblazer Award, and the State Bar Foundation's Medal of Honor. Most recently, in 2015 she received the Bishop Bernard J. McQuaid Medal, the University's highest honor. In 2011, she was presented with the National Council on Governmental Ethics Laws(COGEL)Award, the highest form of recognition conferred by the organization, in honor of her "significant, demonstrable and positive contributions to the fields of campaign finance, elections, ethics, freedom of information and lobbying over a significant period of time." Amongst her groundbreaking initiatives in those arenas, she and Justice Daniel J. O'Hern promulgated the Uniform Ethics Code, a pioneering statutory achievement and a model for national replication.

Professor Franzese is the creator of the acclaimed *Short and Happy Guide* book series (West Publishing) and is the author of *A Short and Happy Guide to Property* (2d ed.), *A Short and Happy Guide to Being a Law Student* and *A Short and Happy Guide to Being a College Student*. Excerpts from *A Short and Happy Guide to Being a College Student* and *A Short and Happy Guide to Being a Law Student* can be found at [ShortHappyGuide.com](http://ShortHappyGuide.com). She is the author of *Strategies and Techniques for Teaching Property* (Aspen), is a contributor to the books *America's Second Gilded Age? Perspectives on Law and Class Differences* (NYU Press), *The Affective Assistance of Counsel: Practicing Law as a Healing Profession* (Carolina Academic Press), and *Reaction and Reform in New Jersey* (Hall Institute). She co-authored *Property Law and the Public Interest* (with Callies, Mandelker & Hylton), which expansively explored the public interest dimensions of Property law. She serves on the editorial board of the *Land Use and*

*Environmental Law Review*, a prestigious peer-reviewed scholarly journal. She has published extensively on the anatomy of ethics reform of state and local government, and in the areas of law teaching and attorney professionalism.

Nationally renowned for her excellence in teaching, a new book names Professor Franzese one of only 26 "best law teachers in the United States." The book, *What the Best Law Teachers Do* (Harvard University Press 2013), profiles in detail the pedagogical approach that renders her a "dazzlingly effective model of rigor, hard work, creativity and humility." Professor Franzese is the unprecedented ten-time recipient of the Student Bar Association's Professor of the Year Award, has been named "Exemplary Teacher" by the American Association of Higher Education, was ranked the Top Law Professor in New Jersey by the New Jersey Law Journal and in 2015 was named Faculty Teacher of the Year. She has demonstrated and deconstructed her pedagogical expertise on teaching as both art and science at workshops and colloquia across the country. Most recently, she served as Distinguished Teaching and Learning Professor at the University of Denver Sturm College of Law. She is the Gilbert's "Legend of the Law" in Property (CD series, Lexis) and the national Property lecturer for the BAR/BRI bar review course. She is the past Chair of the Association of American Law Schools Section on Teaching Methods and serves as Vice-Chair of the Legal Education Section of the American Bar Association.

Deeply committed to education reform and the public interest, Prof. Franzese serves on the Boards of Trustees of Mount St. Dominic Academy, St. Catherine of Siena School and the Community Health Law Project. She has pioneered the cause of law-related education and informed mentoring initiatives throughout the country as Past President of the Justice Resource Center. Her presentations on the importance of teachers have been showcased at teacher conferences, leadership academies, bench-bar symposia and school district convocations. In 2015, Professor Franzese was named one of twenty Inspiring Women in Education by **sheknows** media.

Professor Franzese was a litigator with Cahill, Gordon, and Reindel in New York City, where she also served as a member of the New York Housing Court Reform Project and the Governor's Task Force on Life and Law. She clerked for Justice Alan B. Handler of the New Jersey Supreme Court. She received her B.A., *summa cum laude*, Phi Beta Kappa, from Barnard College, Columbia University, where she was awarded the Bryson Prize, Alpha Zeta Fellowship, Marion Churchill White Prize, Davidson-Foreman Foundation Award and Barnard Alumnae Fellowship, and her J.D. from Columbia University School of Law, where she was an International Fellow, Teaching Fellow and recipient of the prestigious Rosenman Prize for excellence in public law courses.

**THOMAS DANIEL MCCLOSKEY, ESQ.**, *Partner, FisherBroyles, LLP*

Tom has been in the active private practice of law for 32 years.

He was admitted to the Bar of the State of New Jersey and to the United States District Court for the District of New Jersey on December 15, 1983, and to the United States Court of Appeals for The Third Circuit on July 3, 1995. He obtained his undergraduate degree from Seton Hall University in South Orange, New Jersey in 1980 with a major in Political Science, and minors in Accounting and Legal History. He

obtained his Juris Doctorate degree from Seton Hall University School of Law in Newark, New Jersey in 1983.

Throughout his 32 years in private practice Tom has been an accomplished commercial litigator and trial lawyer in the New Jersey State and Federal Court systems (and in other states via pro hac vice admissions). He has extensive litigation and transactional experience in real estate development, design, building and construction projects (residential, commercial, industrial, resort, and redevelopment). He has represented owners, banks, builder/developers, redevelopers, Fortune 500 companies, utilities, utility contractors, design professionals (architects and engineers), physicians and physician groups, accountants, lawyers, entertainers and entertainment companies in business formations and corporate counseling; financing, lender liability litigation; individual and corporate contracting; commercial transactions and contract disputes; product liability claims and litigation; trade name, trademark, service mark and copyright infringement litigation; condemnation counseling and litigation; residential, commercial, industrial, redevelopment and resort development; construction contracting, development of design professional and consultant agreements, contract documents, project delivery documents, and construction phase contract administration and counseling in a variety of building and construction applications; construction defect litigation; insurance coverage litigation; land use, zoning/planning and redevelopment law and related litigation; general aviation and related land use issues; fidelity and surety bond claims; all types of related corporate, partnership and business litigation, trials (jury and non-jury), appeals and appellate advocacy, arbitrations, mediations and alternate dispute resolution.

His specialties: A broad range of complex commercial litigation as well as business and real estate matters, with concentrations in:

- land development, building/construction & land finance;
- commercial, residential and resort development;
- disaster recovery & rebuilding consultation services;
- general construction contracting and contract administration;
- public contracting, bidding and bid protest litigation;
- condemnation/eminent domain litigation;
- construction defect litigation;
- insurance coverage litigation;
- CHP/distributed energy engineering, procurement & construction;
- revitalizing, re-purposing & adaptive re-use of stranded commercial assets;
- corporate, partnership and business disputes;
- land use, zoning/planning matters & related litigation;
- Mt. Laurel exclusionary zoning & related affordable housing litigation;
- chancery/injunction litigation;
- regulatory compliance and related litigation.

#### Professional Memberships

- American Bar Association
- New Jersey State Bar Association
- Hunterdon County Bar Association
- Monmouth Bar Association
- American Bar Association, Forum on the Construction Industry
- American Bar Association, Section of Litigation
- American Bar Association Commercial and Business Litigation Committee
- American Bar Association, Construction Litigation Committee

- American Bar Association, Real Estate Litigation Committee
- New Jersey Builders Association
- PlanSmart NJ

#### Professional Accomplishments

- Included in a list of “Top Rated Lawyers in Land Use and Zoning” by Martindale-Hubbell (2013, 2014, 2015).
- Included in a list of “New Jersey’s Top Rated Lawyers” by Inside Jersey Magazine and the Newark Star-Ledger for his practices in Business and Commercial Law and Zoning, Planning and Land Use (August 2012).
- Included in a list of “New Jersey’s Top Rated Lawyers” by Inside Jersey Magazine and the Newark Star-Ledger for his practices in Business and Commercial Law and Zoning, Planning and Land Use (August 2012).
- Included in a list of “New Jersey’s Top Rated Lawyers” by Legal Leaders in Insider Jersey, Wall Street Journal and the New Jersey Law Journal (2015).
- Included in a list of New Jersey’s “Top Rated Lawyers in Land Use and Zoning” by ALM in Corporate Counsel and The American Lawyer (2015).
- Designated in Martindale-Hubbell as a “Top Rated Lawyer in Land Use and Zoning Law” (2015).
- Numerous published decisions to his credit from the appellate courts of New Jersey.
- Serving as lead counsel and special litigation counsel to major New Jersey and national builder/developers.
- Serving as consultant, lead counsel, and special litigation counsel to several out-of-state builder/developers in the prosecution, defense, and successful settlement of defective fire-retardant treated (FRT) plywood roof sheathing claims, both statewide and nationwide.
- Honors and Awards
- Martindale-Hubbell “AV – Preminent” rated.
- Recipient of the 2001 Walter T. Wittman Award for Legal Writing from the New Jersey Institute of Local Government Attorneys for article entitled, “Public Bidding Alert: Beware of the Trip-Wires in New Jersey’s New PWCR Act,” published in the New Jersey Municipal Law Review, Vol. 24, Number 2, June 2001.

#### Publications

- “A Welcomed Sequel to Cypress Point & CGL Policy Interpretations,” Dimensions Magazine (New Jersey Builders Association, Fall 2015).
- “NJ Court Opens Town to Affordable Housing Suits,” Law 360 (Real Estate, New Jersey), August 7, 2015.
- “NJ Appellate Division Enjoins State Seizure of Unspent/Uncommitted Municipal Affordable Housing Trust Funds,” Fox Rothschild Real Estate ALERT, April 10, 2015.
- “Builder ALERT: NJ Supreme Court Lowers the BOOM on COAH,” LinkedIn – March 13, 2015.
- “Affordable Housing and the Mount Laurel Doctrine in New Jersey: Solving the Geometry of Chaos,” Fox Rothschild’s In the Zone, December 2014; LinkedIn – December 22, 2014.
- “Time To Reassess Those Arbitration-Only Provisions,” Law 360 (Real Estate, Commercial Contracts, New Jersey), December 9, 2014.
- “NJ Court Rules Arbitration-Only Dispute Resolution Provisions in Real Estate Purchase-Sale Agreements Unenforceable Without Notice That Buyers Give Up Relief in Judicial Forum,” Fox Rothschild Real Estate ALERT, November 24, 2014.

- “New Jersey Supreme Court Vacates COAH Order,” Fox Rothschild’s In the Zone, March 2014.
- “NJ Supreme Court Vacates COAH Order,” LinkedIn – March 21, 2014.
- “Rebuilding Post-Sandy Part 2: Quandary Addressed; Next Steps” Fox Rothschild Disaster Recovery ALERT, January 2013.
- “Rebuilding Post-Sandy: The Quandary Posed by FEMA’s New “Advisory Base Flood Elevations,”” Fox Rothschild Disaster Recovery ALERT, December 2012.
- “Hurricane Sandy — Fox Rothschild Disaster Recovery Consultation Services” Fox Rothschild Disaster Recovery ALERT, November 2012.
- “NJ Court Invalidates COAH’s Third Round Regulations,” Fox Rothschild Zoning & Land Use Practice ALERT, October 2010.
- “A Clarion Call: Courts Rein in Municipal Abuse of Eminent Domain and Zoning,” New Jersey Law Journal, January 25, 2010.
- “Case of the Month – New Jersey: Homes of Hope, Inc. v. Easthampton Township Land Use Planning Board,” Fox Rothschild’s In The Zone, October 2009.
- “Animal House Re-Lived,” Fox Rothschild’s In The Zone, February 2009.
- “Case of the Month – New Jersey (July 2008),” Fox Rothschild’s In The Zone, July 2008.
- “Red Flags in Public Contracts: Trip-Wire Alerts for all Parties to a Local Public Contract,” Lorman Education Services, January 23, 2007.
- “Public Contracts and Procurement Regulations,” Lorman Education Services, January 23, 2007.
- “Down-zoning Paradox in New Jersey,” New Jersey Lawyer, September 04, 2006.
- “Residential Construction Liens in New Jersey: The Nuts & Bolts,” Lorman Education Services, July 13, 2005.
- “Navigating New Jersey’s New Home Warranty and Builders’ Registration Act,” Lorman Education Services, July 13, 2005.
- “Public Bidding Alert: Beware of the Trip-Wires in New Jersey’s New PWCR Act,” New Jersey Municipal Law Review, Vol. 24, Number 2, June 2001.

#### Speaking Engagements/Events

- Hunterdon County Chamber of Commerce: Hunterdon Chamber Internet Radio, <http://hunterdonchamberradio.com/>, Featured Guest: Weekly 1-Hour Long Radio Program: “What’s Going On in Real Estate?”, Hosted by Tony Page & Joe Eggert, Topic: Re-vitalizing, Re-Purposing & Adaptive Re-Use of Stranded Corporate Assets, Wednesday, April 22, 2015 (5-6 pm).
- Next Steps on the Path for Affordable Housing Provided by the NJ Supreme Court, Seminar Presented by: Fox Rothschild LLP (Real Estate Dept./Zoning & Land Use Practice Group), Princeton, NJ Office, Speaker/Panelist, April 15, 2015.
- Climbing Mt. Laurel: Affordable Housing and the Promise of Inclusion, Presented by: The Real Estate Society of Seton Hall University School of Law, Speaker/Panelist, Seton Hall University School of Law, Newark, New Jersey, April 7, 2015.
- 2015 Annual Atlantic Builders Convention, Panelist: Seminar “Rebuilding After Sandy.” Topics presented on included Eminent Domain & Shoreline Protection Initiatives & Issues, The Impact of Local Zoning on Rebuilding Effort, DEP Regulations, Sandy Buyout Program and Property Taxes/Tax Appeals/Municipal Budgets. Presented by: New Jersey Builders Association, Atlantic City, New Jersey, March 26, 2015.
- Embedding Sustainable Development & Land Use Into Public Policy, Presented by: New Jersey Appleseed Public Interest Law Center, Speaker/Special Presentation: Re-vitalizing, Re-Purposing & Adaptive Re-Use of Stranded Assets

- Panelist: Seminar Benchmarking Existing Efficient & Ethical Land Use Policies that Safeguard a Community: Rebuild; Redesign; Resiliency & Environmental Justice, Seton Hall University School of Law, Newark, New Jersey, March 23, 2015.
- [2014 Annual Atlantic Builders Convention](#), Panelist: Seminar “Rebuilding After Sandy.” Topics presented on included Automatic Variance Law, The Impact of Local Zoning on Rebuilding Effort, DEP Regulations, Sandy Buyout Program and Property Taxes/Tax Appeals/Municipal Budgets., Presented by: New Jersey Builders Association, Atlantic City, New Jersey, March 27, 2014.
- [Investing For the New Normal](#), Speaker, Presented by: PlanSmart NJ Annual Regional Planning Summit, Presentation: Sandy’s Clarion Call: The Case for a Comprehensive Charrette, Trenton, New Jersey, April 30, 2013.
- [Public Contracts and Procurement Regulations in New Jersey](#), Author & Presenter, Presented by: Lorman Education Services, January 23, 2007.
- [Government Contracting in New Jersey: Bids, Contracts and Bonds](#), Author & Presenter, Presented by: Lorman Education Services, May 24, 2006.
- [Residential Construction Issues in New Jersey](#), Author & Presenter, Presented by: Lorman Education Services, July 13, 2005.

**STEPHEN M. EISDORFER, ESQ.**, *Partner, Hill Wallack*

Stephen M. Eisdorfer is a partner in the Princeton, N.J. office of Hill Wallack LLP. He is a member of the Land Use Solutions, Environmental Issues, and Redevelopment practice groups.

Mr. Eisdorfer concentrates his practice on counseling private parties and public entities in land use, environmental, and housing matters, including residential, commercial, industrial, redevelopment, non-profit and health-care related projects. He represents clients in applications and proceedings before local, state, and federal agencies in land use and environmental matters; and in litigation in the federal and state courts in land use, housing, environmental, civil rights and class action cases.

Mr. Eisdorfer is admitted to practice before the state courts of New Jersey (1975), the U.S. District Court for the District of New Jersey (1975), the U.S. Court of Appeals for the Third Circuit (1998), and the U.S. Supreme Court (1998). Prior to joining Hill Wallack LLP, he served as an attorney with the New Jersey Public Advocate for fifteen years. Mr. Eisdorfer graduated with honors from Harvard Law School and Haverford College.

#### **Representative Matters:**

- Exclusionary zoning matters involving more than 75 municipalities.
- Represented municipalities and private entities before local boards and federal and state courts in matters involving assisted living facilities, continuing care retirement communities, and other health-related facilities.
- Counsel to property owners and developers in the development or redevelopment of corporate office facilities, extended stay hotels, and research laboratories.
- Special counsel to the New Jersey Builders Association.
- Co-counsel for victims of a \$35 million commodities fraud in successful proceedings in federal and state courts.
- Presented oral argument in eleven different matters before the New Jersey Supreme Court or the U.S. Court of Appeals.

#### **Leadership:**

- Selected for inclusion in New Jersey *Super Lawyers* since 2005
- Named to the New Jersey Best Lawyers list in the area of Real Estate Law, 2006-2014
- Honored by the New Jersey Builders Association and the Non-Profit Affordable Housing Network
- Member, Land and National Development Strategies Group of the National Association of Home Builders
- Member, Special Committee on Appellate Practice, New Jersey State Bar Association
- Served on Board of Directors, Land Use Law Section, New Jersey State Bar Association
- Member, Board of Trustees, Junta de Acción Puertorriqueña, Inc.

#### **Presentations and Publications:**

- *Building Where It Is Wet*, New Jersey Law Journal (November 2012)
- *Residential Sewer Service: Getting It and Keeping It*, New Jersey Law Journal (March 2011)
- *Not a Prayer: Local Disputes over Religious Buildings*, New Jersey Lawyer (December 2006)
- *Defending Against Governmental Misuse or Abuse of the Power of Eminent Domain*, CLE International (October 2006)
- *Land Use Litigation in the Federal Courts—New Developments in the Third Circuit*, National Conference, Legal and National Development Strategies, NAHB (April 1997)

#### **CREIGH RAHENCAMP, PP, AICP, *Creigh Rahenkamp & Associates, LLC***

Creigh is an expert planner, who has been a long-time member of NJBA's Land Use and Planning Committee and most recently with the Affordable Housing Task Force. He is the author of the report, "Toward Compliance Standards: 1990-2025," which was filed on behalf of the NJBA in the Ewing case in Mercer County. His firm, Creigh Rahenkamp & Associates, LLC, provides a full range of services to clients, ranging from local governments to property owners, in the areas of planning, economic development, feasibility and impact assessment. Creigh is also actively involved with the New Jersey Chapter of American Planners Association, as a member of the Executive Committee and Vice President of Conference Services.

#### **JASON CASTLE, *Councilman-at-Large, Township of Teaneck***

Jason Castle serves as a Councilman at large for the Township of Teaneck, NJ and also sits on the Bergen County Community Development Board which provides funding for municipalities to address community, housing and economic development needs. In 2012 Castle was nominated by State Senator and Senate Majority Leader, Loretta Weinberg to represent NJ as a Community Leader at the White House for the President's Common Purpose Project. Castle is a veteran of the United States Marine Corp having served in Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF). Castle holds a Bachelor of Science degree in Business Administration from the private military college Norwich University and is currently a 2018 Juris Doctor Candidate at Seton Hall Law School. Prior to entering public office, Castle was a Sales Executive for Apple Inc. managing the company's strategic financial relationships.