



The Real Estate Law Society presents

CLIMBING MT. LAUREL: AFFORDABLE HOUSING AND THE PROMISE OF INCLUSION

Tuesday, April 7, 2015

Biography

THOMAS DANIEL MCCLOSKEY

Partner, Fox Rothschild LLP



Thomas Daniel McCloskey, a Partner in the law firm of Fox Rothschild LLP, has been in the active private practice of law for 32 years.

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

Throughout his 32 years in private practice he has been primarily a commercial litigator and trial lawyer in the New Jersey State and Federal Court systems (and in other states via *pro hac vice* admissions), with extensive litigation and transactional experience in real estate development, design, building and construction projects. He has represented owners, banks, builder/developers, 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 and resort development; 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.

Areas of Focus

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

- Land development, building/construction and land finance
- Commercial, residential and resort development
- Disaster recovery and 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 and construction
- Revitalizing, re-purposing and adaptive re-use of stranded commercial assets
- Corporate, partnership and business disputes
- Land use, zoning/planning matters and related litigation
- Mt. Laurel exclusionary zoning and 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 (include, among other things)

- Included in a list of Top-Rated Lawyers in Land Use and Zoning by Martindale-Hubbell (2013)
- 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)
- Numerous published decisions to my 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" 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

- "Builder ALERT: NJ Supreme Court Lowers the BOOM on COAH," *In the Zone* (forthcoming Spring 2015 issue)
- "Affordable Housing and the Mount Laurel Doctrine in New Jersey: Solving the Geometry of Chaos," *In the Zone* (December 2014)
- "Time To Reassess Those Arbitration-Only Provisions," *Law360* (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," *Real Estate Alert* (November 24, 2014)
- "NJ Supreme Court Vacates COAH Order," *In the Zone* (March 2014)
- "NJ Supreme Court Vacates COAH Order," *Real Estate Alert* (March 21, 2014)
- "Rebuilding Post-Sandy Part 2: Quandary Addressed; Next Steps" *Disaster Recovery ALERT* (January 2013)
- "Rebuilding Post-Sandy: The Quandary Posed by FEMA's New "Advisory Base Flood Elevations," *Disaster Recovery ALERT* (December 2012)
- "Hurricane Sandy – Fox Rothschild Disaster Recovery Consultation Services," *Alert* (November 2012)
- "NJ Court Invalidates COAH's Third Round Regulations," *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," *In The Zone* (October 2009)
- "Animal House Re-Lived," *In The Zone* (February 2009)
- "Case of the Month – New Jersey (July 2008)," *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)
- "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

- “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
- 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
- [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 - : PlanSmart NJ Annual Regional Planning Summit
Presented by: PlanSmart NJ
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

Outside Interests

Current: Certified Spinning Instructor (Mad Dogg Athletics) and Fitness Instructor/Indoor Cycling at the Hunterdon County YMCA (Deer Path); Past President, and Executive Vice President of League Operations, Readington Township Junior Baseball League, Inc. (Whitehouse Station, NJ); Certified Youth Baseball Coach under the Babe Ruth League/Cal Ripken Youth Coaching Certification Program, and an active travel baseball and basketball manager/coach in hometown sports programs. Golf, running, men's basketball. Development/production/direction of sports and entertainment events.

Recent past: Co-Founder and former Executive Producer/Co-Race Director of the "New Jersey Shore Marathon" (n/k/a the New Jersey Marathon), a world-class USAT&F-sanctioned and certified marathon race which has served as a fund-raiser to benefit various local and national children's charities; avid runner/marathoner; member, participant, coordinator, trainer and coach of several marathon teams for the Leukemia & Lymphoma Society's "Team-in-Training" marathon program (Southern New Jersey Chapter). Former member, Board of Trustees, United Way of Hunterdon County (5-year tenure).