

# **DOUGLAS K. WOLFSON**

## **Curriculum Vitae**

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### **PERSONAL INFORMATION:**

Date of Birth: August 3, 1953  
Marital Status: Married, wife - Hon. Freda L. Wolfson, U.S.D.J.  
Children: Brian S. Wolfson, DOB: 10/11/84  
Matthew B. Wolfson, DOB: 11/27/88

### **JUDICIAL EXPERIENCE:**

#### **Superior Court of New Jersey**

October 1991 to January 2002

February 2013 to present

- Assignments:
  - 1991 - Family Part
  - 1992 - Criminal Part
  - 1993 - Special Civil Part
  - 1994-2002- Civil Part
  - 2012-2013 - Criminal Part
  - 2013-present - Civil Part
- Special Assignments:
  - Land Use Litigation, (1991-2002)(2013-present) Middlesex County
  - Mount Laurel Litigation, Middlesex County
  - Hemophilia/AIDS Litigation, statewide case management by Order of the Supreme Court
- **Summary of Published Judicial Opinions - see APPENDIX I**
  - (1) Constitutional challenge to State Statute
  - (1) Employment litigation
  - (1) Environmental litigation
  - (1) Real Estate Brokers/N.J. Guaranty Fund
  - (1) Special Education
  - (2) U.C.C. Issues
  - (2) Tort Law
  - (2) Criminal Law (4<sup>th</sup> Amend.)
  - (2) Family Law
  - (3) Mount Laurel litigation
  - (9) Zoning & Planning

**LEGAL EXPERIENCE – PUBLIC SECTOR:**

**Assistant Attorney General of the State of New Jersey**

January 2002 to February 2003

*Director of the Division of Law in the Department of Law & Public Safety*

- **Summary of Reported Decisions - see APPENDIX II**  
(5) Supreme Court of New Jersey

**Law Secretary to The Honorable David D. Furman**

(J.A.D. Ret'd) (then - Presiding Judge of Ch. Div. and T/A Appellate  
Division)

September 1977 to August 1978

**LEGAL EXPERIENCE – PRIVATE SECTOR:**

**Edgewood Properties**

*General Counsel*

January 2017- present

**The Weingarten Law Firm, LLC**

*Of Counsel*

January 2017- present

- Areas of practice: mediation and arbitration; Appellate and Supreme Court Advocacy; special master and allocation master; guardianship.

**Greenbaum, Rowe, Smith & Davis, LLP**

*Partner*

February 2003 to August 2010

January 1984 to October 1991

*Associate*

September 1978 to December 1983

- Areas of practice: mediation and arbitration; appellate; chancery, employment and zoning litigation; and smart growth and environmental governmental policy.

**Schwartz Simon Edelstein & Celso, LLC**

*Partner*

August 2010 to 2013

- Areas of practice: mediation and arbitration; appellate; chancery, employment and zoning litigation; and smart growth and environmental governmental policy.

- **Summary of Reported Decisions as Counsel - see APPENDIX III**
  - (8) Supreme Court of New Jersey
  - (11) Superior Court of New Jersey - Appellate Division
  - (4) Superior Court of New Jersey - Law Division
  - (1) United States Court of Appeals – Third Circuit

**LEGAL TEACHING EXPERIENCE:**

**Rutgers Law School - Newark**

*Adjunct Professor*, Years of teaching: 1984-1995, 2002-2003, 2008-2011

- Courses: Land Use Controls (3 credits) – course concentrated on issues of legal foundations of planning & zoning in New Jersey; analysis of municipal land use law, and United States and New Jersey Constitutions.  
Land Development Law Seminar (2 credits) – practices and procedures regulating land development in New Jersey.

**EDUCATIONAL BACKGROUND:**

**Rutgers School of Law - Newark**

**Juris Doctor (1977)** August 1974 to May 1977

***Rutgers Law Review***

[see 30 Rutgers Law Rev. 1237 (1977)]

***Rutgers Journal of Computers & The Law* (Articles Editor)**

***Research Assistant:***

Professor Diana Stoppello Sclar  
Professor Jerome Rose  
Professor Steven Gifis

**Rutgers College** September 1970 to May 1974

**Bachelor of Arts (1974)**

**BAR ADMISSIONS:**

State of New Jersey, 1977;

United States District Court for the District of New Jersey, 1977

**PUBLICATIONS:**

"*Settling Land Use Litigation While Protecting the Public Interest: Whose Lawsuit Is This Anyway?*" 23 SETON HALL L. REV. 16 (1993) (Co-Authors: R.S. Cohen & K.M. DalCortivo)

"*The Politics of Producing Affordable Housing*" 121 N.J.L.J. 1078 (1988)

*"Exclusionary Zoning and Timed Growth: Resolving the Issue After Mount Laurel"* 30 RUTGERS L. REV. 1237 (1977)

*"You Can Bank on it: An Analysis of Judicial Branch Bank Characterization and an Alternate Proposal"* 5 RUTGERS COMPUTER & TECH L.J. 103 (1977) (Co-Author: S. Stevens)

*"From the Legislature: An Overview of the Report of the National Commission on Electronic Fund Transfer Systems"* 6 RUTGERS COMPUTER & TECH L.J. 103 (1977)

### **PROFESSIONAL SEMINARS:**

**Speaker:**

*"Current Developments in Affordable Housing Issues in New Jersey"*, New Jersey Judicial College, (November, 2016)

*"The Land Use Top 10 – The Cases All Practitioners Need Know"*, New Jersey State Bar Association, Annual Meeting (May, 2016)

*"Women in the Profession Track – Shoemaker's Children Syndrome – What Lawyers and Law Firms Need to Know About Law Firm Policies Addressing Gender Bias in the Workplace"*  
New Jersey State Bar Association, Annual Meeting (May, 2016)

*"Recent Developments Affecting Women in the Workplace – Trial Implication of Young v. UPS"*, New Jersey State Bar Association, Annual Meeting (May, 2015)

*"Navigating Different Kinds of 'Adverseness' in Land Use--the Workshop, the Board, and the Court"*, New Jersey State Bar Association, Annual Meeting (May, 2015)

*"Practical Aspects of Land Use and Re-Development Processes in New Jersey"*, New Jersey Judicial College, (November, 2015)

*"Here Come the Judges...Meet the Mediators"*  
New Jersey Association for Justice, 2009

*"Settlements, Mediations and Trials: The Mediator's Perspective on Mediation"* ATLA, 2007

*"Everything You Wanted to Know About Plaintiff's Employment Law, but Were Afraid to Ask"* National Employment Lawyer's Association of New Jersey, 2006

*“New Jersey Employment Law: Substantive and Procedural Issues for Trial Courts”* New Jersey Judicial College, 2001

*“New Jersey Employment Law: Fundamentals of the Law Against Discrimination”* Hispanic Bar Assoc., Puerto Rico, 2001

*“New Jersey Employment Law - Tips from the Trenches”*  
Institution of Continuing Legal Education, 2001

*“Land Use Update in the Year 1993”*  
Institution of Continuing Legal Education, 1993

*“Mount Laurel II: Implementation”*  
New Jersey State Bar Association, Land Use Section, 1983

*“Mount Laurel II: An Historical Perspective”*  
Institution of Continuing Legal Education, 1983

*“Section 1983 of the Federal Civil Rights Act: Remedies”*  
New Jersey State Bar Association, 1982

*“Substantive and Case Management Issues in Zoning Litigation”*  
New Jersey Judicial College, 2000

**Moderator:** *“Mount Laurel II: Current Developments”*  
New Jersey State Bar Association, Land Use Section, 1986

## **PROFESSIONAL AFFILIATIONS:**

**New Jersey State Bar Association** (Member, 1978 to Present)

- **Elected Board of Directors**, Land Use Section, 1984 – 1990
- **Appointed Secretary**, Board of Directors, Land Use Section, 1983

**Middlesex County Bar Association** (Member, 1978 to Present)

- **Elected Board of Trustees**
  - Second Term, 2011 - 2013
  - First Term, 1989 - October 1991
- **Chancery Practice Committee**, 1986 - October 1991
- **Chancery Settlement Panelist**, 1987 - October 1991

**District VIII, Ethics Committee** (Appointed, November 1988 - October 1991)

**PROFESSIONAL RECOGNITIONS:**

<b>Selected in the NJ BIZ Real Estate Power 50</b>	2016
<b>Selected in the NJ BIZ – Power 100 in New Jersey Business</b>	2016
<b>New Jersey Super Lawyers</b>	2005-2013
<b>Selected as Best Lawyers, “Lawyer of Year”, Land Use &amp; Zoning</b>	2011
<b>Selected as New York Area’s Best Lawyers “Lawyer of the Year”, Land Use &amp; Zoning</b>	2011
<b>Named by Chambers and Partners Magazine as a Notable Practitioner of Real Estate Law in New Jersey</b>	2007-2011
<b>Ad-House Award for <i>Pro Bono</i> service to the Governor's Task Force on Child Abuse</b>	1988/1989
<b>New Jersey Law Journal's Top 15 Lawyers Under 40 At New Jersey's Largest Law Firms</b>	1986

**COMMUNITY ACTIVITIES:**

**Mayor's Task Force on Traffic Management**

*Pro Bono Special Counsel, 1987*

- Appointed by Mayor, Twp. of North Brunswick
- Approx. 9 months of hearings, resulting in the drafting, recommendation and adoption of the first traffic management ordinance in the State of New Jersey.

**Citizens' Advisory Task Force on Traffic Management**

*Pro Bono Special Counsel, 1989 - 1990*

- Appointed by Mayor, City of New Brunswick
- Conducted studies and made recommendations to City Council.

**Zoning Board of Adjustment - Township of North Brunswick**

- *Appointed Member, 1988 - 1990*

## APPENDIX I

### PUBLISHED JUDICIAL OPINIONS:

#### In the Matter of South Brunswick for a Judgment of Compliance and Repose and Temporary Immunity

\_\_\_ N.J. Super. \_\_\_ (Law Div. 2017) (Methodology for calculating Municipality's prospective need obligation adjudicated; standards for the award and prioritization of multiple builders' remedies determined for Municipality "deemed to be non-compliant" under Mount Lauren IV).

#### Society Hill at Piscataway Condominium Association v. The Township of Piscataway et als.

445 N.J. Super. 435 (Law Div. 2016) (Whether and to what extent a municipality may unilaterally extend the 30 year deed restrictions regulating the resale and rental prices of those affected "Mount Laurel" units so that those units may continue to remain available and affordable to low and moderate income families in the Township.)

#### In the Matter of the Adoption of the Monroe Township Housing Element and Fair Share Plan and Implementing Ordinances, et al.

444 N.J. Super. 163 (Law Div. 2015) (Municipal affordable housing obligation includes the "gap period" between COAH's second round rules and the present, and the Applicability of the 1000 unit "cap" rule.)

#### In the Matter of the Adoption of the Monroe Township Housing Element and Fair Share Plan and Implementing Ordinances

442 N.J. Super. 565 (Law Div. 2015), *aff'd o.b.* 442 N.J. Super. 563 (App. Div. 2015) (DCA, motion to compel turnover of Affordable Housing Trust funds rejected.)

#### Logic Planet, Inc., v. Varuna Jyothi Uppala

442 N.J. Super. 488 (Law Div. 2015) (Whether the statutory requirements that regulate and "Employment Agency" prohibiting such businesses from recovering fees or commission or enforcing restrictive covenants of liquidated damage clauses unless "licensed" by the Dept of Consumer Affairs applies equally to a "Temporary Help Service Firm".)

#### NL Industries Inc., v. State of New Jersey

442 N.J. Super. 428 (Law Div. 2015), *aff'd o.b.* 442 N.J. Super. 403 (App Div. 2015) (State deemed to be a "Person" under the N.J. Spill Act from which contribution may be sought if the state is ultimately determined to be "in any way responsible" for environment contamination.)

#### State v. Young,

435 N.J. Super. 434 (Law Div. 2013) (written correspondence from incarcerated, self-proclaimed gang member to other inmates or non-incarcerated, but suspected gang members, properly seized by Institution's gang investigation unit.)

#### Walter Stochel v Planning Board of Edison Township and JSM at Dover,

348 N.J. Super. 636 (Law Div. 2000) (Drive-thru component of pharmacy deemed to be an accessory use, thereby obviating the need for a separate use variance.)

**Michael Notarmaso and Kathleen Notarmaso v. Richard Goodman and Kathleen Goodman,**

336 N.J. Super. 146 (Law Div. 2000) (New Jersey Guaranty Fund not available to compensate aggrieved party for theft of down payment by real estate broker where broker's status was "inactive" at time of transgression.)

**Chicalese v. Monroe Tp. Planning Bd.,**

334 N.J. Super. 413 (Law Div. 2000) (Planning Board's unchallenged acceptance of jurisdiction over requested subdivision of merged lots precludes applicant from challenging merger on appeal since to do so would divest Planning Board of its original jurisdiction.)

**Owen v. CNA Ins/Continental Cas.,**

330 N.J. Super. 608, 621 (2000) (Kestin, J.A.D., dissenting, o.b.) (Assignability of structured settlement payments when carrier objects.)

**TWC Realty Partnership v. Zoning Bd. of Adj. of Edison,**

315 N.J. Super. 205 (Law Div. 1998), *aff'd*, o.b. 321 N.J. Super 216 (App. Div. 1999) (Zoning Board compelled to grant or deny approval of complete development application despite claimed lack of jurisdiction due to project's size.)

**D.J.L. v. Armour Pharmaceutical Co.,**

307 N.J. Super. 61 (Law Div. 1997) (State statute establishing accrual date for hemophiliacs infected with HIV declared constitutional.)

**New Brunswick Cellular Telephone Co. v. Township of Edison Zoning Bd. of Adjustment,**

300 N.J. Super. 456 (Law Div. 1997) (Zoning Board required to apply balancing test to use variance application for cellular tower.)

**New Brunswick Cellular Telephone Co. v. Zoning Bd. of Adjustment of Borough of Metuchen,**

307 N.J. Super. 560 (Law Div. 1997) (Zoning Board required to apply balancing test to variance from a condition pertaining to a conditionally permitted public utility.)

**De Milio v. Schraaer,**

285 N.J. Super. 183, 666 A.2d 627 (Law Div. 1995) (Damages for emotional distress unavailable for fear of AIDS absent proof of actual exposure to HIV and scientifically accepted channel of transmission.)

**Kohn v. Schiappa,**

281 N.J. Super. 235 (Law Div. 1995) (Damages for emotional distress are recoverable in legal malpractice action against attorney retained for non-economic purposes.)

**Pullen v. So. Plainfield Plan. Bd.,**

291 N.J. Super. 303 (Law Div. 1995) (Tie vote on request for interpretation under N.J.S.A. 40:55D-70b does not result in a statutory denial; Zoning Board may

consider project as a whole in balancing benefits and detriment in flexible "c" variance context.)

**Citibank, South Dakota, N.A. v. Coffee,**

281 N.J. Super. 311, 26 UCC Rep.Serv.2d 880 (Law Div. 1994) (Garnishor's levy on bank account has priority over bank's administrative fee attributable to that same levy.)

**New Brunswick Cellular Telephone Co. v. Old Bridge Township Planning Board,**

270 N.J. Super. 122 (Law Div. 1993) (Cellular tower constitutes inherently beneficial use for variance purposes.)

**State v. Jackson,**

268 N.J. Super. 194 (Law Div. 1993) (Testing of defendant's keys in door leading to attic, where defendant denied presence at building, in light of police observation to the contrary did not constitute unreasonable search or seizure.)

**L.P. v. Edison Bd. of Educ.,**

265 N.J. Super., 266, 83 Ed. Law Rep. 1050, 2 A.D.D. 1164 (Law Div. 1993) (Neither Law Division nor Administrative Law Court had jurisdiction to conduct "due process" hearing to determine financial responsibility of State agency (DHS) for child's special education costs.)

**Smith v. Smith,**

261 N.J. Super. 198 (Ch. Div. 1992) (Parties cannot preclude Family Court's equitable responsibility to review and if warranted, modify support obligations by adoption of "anti-Lepis" clause.)

**Patel v. Planning Board of Woodbridge,**

258 N.J. Super. 437 (Law Div. 1992) (A single member cannot validly adopt Planning Board's memorializing resolution which requires a majority vote by those members who voted for the original action taken.)

**Pagano v. Zoning Board of Adj. of Edison,**

257 N.J. Super. 382 (Law Div. 1992) (Satisfaction of negative criteria by enhanced burden in use variance case can be established by reference to probative information beyond four corners of zoning ordinance or master plan.)

**Das v. Das,**

254 N.J. Super. 194 (Ch. Div. 1992) (Non-immigrant alien status does not deprive Family Court of jurisdiction to adjudicate divorce action.)

## APPENDIX II

### REPORTED DECISIONS:

*As Assistant Attorney General of New Jersey and Director of the Division of Law in the Department of Law & Public Safety*

### SUPREME COURT OF NEW JERSEY:

**Sacharow v. Sacharow,**

177 N.J. 62 (2003) (Viability of the Address Confidentiality Program as administered by the Division of Women (Dept. Of Community Affairs) for victims of Domestic Violence as against Trial Judge's order to divulge address to abuser for visitation purposes.)

**Boston University v. UMDNJ,**

176 N.J. 141 (2003) (Pro Hac Vice eligibility of out-of-State attorney who is Licensed in New Jersey, but is delinquent on payments to the New Jersey Client Security Fund.)

**Bi-County Development of Clinton, Inc. v. Bor. of High Bridge,**

174 N.J. 301 (2002) (Developer of a non-inclusionary housing project cannot compel adjacent municipality to allow sewer connection, despite project's financial contribution to affordable housing trust fund.)\*

**Fair Share Housing Center, Inc. v. Township of Cherry Hill,**

173 N.J. 393 (2002) (Township lacking COAH certification under FHA may not exclude large, vacant parcel from inclusionary development by requiring development fee in lieu thereof.)\*

**Vekshteyn v. Movado Group, Inc.,**

172 N.J. 173 (2002) (Certification regarding 1<sup>st</sup> Amendment challenge to N.J. Law Against Discrimination withdrawn as improvidently granted, following oral arguments advanced by the State.)

### APPENDIX III

#### REPORTED DECISIONS:

*As Counsel of Record*

#### SUPREME COURT OF NEW JERSEY:

State ex rel. J.S.,

202 N.J. 465 (2010) (Juvenile Court does not have authority to order Division of Youth and Family Services to render sex offender treatment if the defendant had no previous involvement with DYFS and is over the age of 18.)

Sica v. Bd. of Adj. of Tp. of Wall,

127 N.J. 152 (1992) (Proof of negative criteria in variance application for inherently beneficial use by enhanced quality of proof not required.)\*

Nigro v. Pl. Ed. of Bor. of Saddle River,

122 N.J. 270 (1991) (Official map not immutable; development applications not automatically denied due to non-conformity with official map.)

Prowitz v. Ridgefield Park Village,

122 N.J. 199 (1991) (Affordability controls restricting maximum resale price deemed controlling for real property tax assessment purposes.)

North Bergen Action Group, et al v. North Bergen Tp. Pl. Bd.,

122 N.J. 567 (1991) (Building height in excess of ordinance requirements deemed a bulk variance vesting exclusive jurisdiction in the Planning Board.)\*

Hovnanian v. TKR,

111 N.J. 21 (1988) (Constitutional challenge to BPU regulations regarding just compensation upon CATV access to private property.)

Hills Development Co. v. Bernards Tp.,

103 N.J. 1 (1986) (Constitutional challenge to the Fair Housing Act.)

Manalapan Holding Co. v. Hamilton Tp. Pl. Bd.,

92 N.J. 466 (1983) (Statutory construction and implementation of Municipal Land Use Law provisions relating to automatic approvals.)

Levin v. Parsippany-Troy Hills,

82 N.J. 174 (1980) (Statutory construction and implementation of Municipal Land Use Law provisions relating to protest of zoning changes.)\*

**SUPERIOR COURT OF NEW JERSEY - APPELLATE AND LAW DIVISIONS:**

**New Jersey Ass'n of School Adm'rs v. Schundler,**

414 N.J. Super. 530 (App. Div. 2010) (Constitutional challenges to regulations involving the Fiscal Accountability, Efficiency and Budgeting Procedures promulgated by the Commissioner of Education.)

**Tannenbaum v. Wall Tp. Bd. Of Adjustment,**

407 N.J. Super. 446 (Law Div. 2008), *Aff'd.*, 407 N.J. Super. 371 (App. Div. 2009) (Single lot subdivision not entitled to *Mt. Laurel* zoning.)\*

**Puleio v. North Brunswick Tp. Bd. of Adjustment,**

375 N.J. Super. 613 (App. Div. 2005) (Under the Municipal Land Use Law, an application for a subdivision of property that had previously been granted a variance requires only simple majority approval.)

**DeMaria v. JEB Brook, LLC,**

372 N.J. Super. 138 (Law Div. 2003) (A Planning Board's resolution may not be overturned when the application satisfied applicable zoning and site plan ordinances.)

**Hopkins v. Fox & Lazo Realtors,**

252 N.J. Super. 295 (App. Div. 1991) (Real estate brokers owe duty to invitee to make reasonable inspection and to warn of hazards.)\*

**In re Borough of Roseland,**

247 N.J. Super. 203 (App. Div. 1991) (Regional Contribution Agreements held to be constitutional.)\*

**Sherman v. Bor. of Harvey Cedars Zoning Board of Adj.,**

242 N.J. Super. 421 (App. Div. 1990) (Variance unnecessary for expansion of nonconforming structure where addition does not add to nonconformity.)

**B. & W. Associates v. Planning Bd. of the Town of Hackettstown,**

242 N.J. Super. 1 (App. Div. 1990) (Effect of amendment to zoning ordinance after subdivision approval.)

**Prowitz v. Ridgefield Park Village,**

237 N.J. Super. 435 (App. Div. 1989) (See 122 N.J. 199, above)

**North Bergen Action Group, et als v. North Bergen Tp. Pl. Bd.,**

125 N.J. Super. 597 (App. Div. 1989) (See 122 N.J. 567, above)\*

**Iacono v. Toll Bros.,**

225 N.J. Super. 87 (App. Div. 1988) (Effect of equitable estoppel on defense of Statute of Frauds.)

**Iacono v. Toll Bros.,**

217 N.J. Super. 475 (App. Div. 1987) (Validity of home office acceptance clauses as a matter of public policy in transactions involving residential real estate.)

**Wolosoff v. C.S.I. Liquidating Trust,**

205 N.J. Super. 349 (App. Div. 1985) (Standard for removal of trustees of a Sec. 337 liquidating trust in context of hostility or conflict with beneficiary.)\*

**Manalapan Holding Co. v. Hamilton Tp. Pl. Bd.,**

84 N.J. Super. 99 (App. Div. 1982) (See 92 N.J. 466, above)

**Morris County Fair Housing Council v. Boonton,**

209 N.J. Super. 393 (Law Div. 1985) (Constitutionality of Fair Housing Act and construction and implementation thereof in context of transfers of pending litigation to COAH.)

**J.W Field v. Franklin Tp.,**

206 N.J. Super. 165 (Law Div. 1985) (Constitutionality of zoning ordinance under Mt. Laurel II and calculation of municipal fair share.)

**J.W. Field v. Franklin Tp.,**

204 N.J. Super. 44 (Law Div. 1985) (Standards for determining priority for award of builder's remedies in multiple-plaintiff Mount Laurel II litigation.)

**State v. Woodlands Condominium Association,**

204 N.J. Super. 85 (Law Div. 1985) (Applicability of N.J. Swimming Pool Code to common pool owned by condominium residents.)

**UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT:**

**F.N.S.B. of N.J. v. Commonwealth Fed. S & L,**

610 F.2d 164 (3d Cir. 1979) (Specific enforceability of permanent mortgage commitment on take out of construction mortgage.)\*

**\*On the Brief**