



Of Counsel
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Hackensack, NJ

Practice Areas

Appellate Practice
Civil Rights
Estate Planning
Land Use, Environmental Permitting & Compliance
Real Estate Tax Appeal

Admitted

New Jersey
United States Court of Appeals for the Third Circuit
United States Supreme Court

Education

Montclair State College (now University)
Bachelor of Arts, History, 1978
Rutgers Law School
Juris Doctor, 1982

Andrew T. Fede has more than 30 years of legal experience practicing in Hackensack, New Jersey. His practice areas including appellate litigation, commercial and governmental civil litigation, municipal law, zoning and planning, real estate tax appeal, labor and employment, employment and other forms of discrimination, wrongful termination, probate law, real estate law, and constitutional law. He has served as the attorney for the Boroughs of Bogota, Maywood, and Norwood, and for the Township of Mahwah. He has been the planning board attorney, zoning board attorney, library board attorney, and special counsel in six other New Jersey municipalities. Mr. Fede is a certified mediator in the New Jersey Superior Court mediation program for civil, general equity, and probate cases, is an arbitrator in the Bergen County Superior Court contract/commercial arbitration program, and has been appointed by several Superior Court judges to serve in cases as mediator, arbitrator, special master, and condemnation commissioner.

Since 1986 he has been an adjunct professor at Montclair State University, Upper Montclair, New Jersey. Most recently he has been teaching a legal writing course in the University's Department of Political Science and Law. He is the author of numerous articles on legal topics, which have appeared in the New Jersey Law Journal, the New Jersey Lawyer newspaper, the New Jersey Lawyer Magazine, the Labor & Employment Law Quarterly, the Municipal Law Review, the New Jersey Municipalities Magazine, and The Record newspaper. A legal historian, he is the author of Homicide Justified: The Legality of Killing Slaves in the United States and the Atlantic World (forthcoming, July 2017, University of Georgia Press); Roadblocks to Freedom: Slavery & Manumission in the United States South (2011), and People Without Rights: An Interpretation of the Fundamentals of the Law of Slavery in the U.S. South (1992), which was republished in 2011, as well as five scholarly articles that appeared in the Cardozo Law Review, the American Journal of Legal History, the Law and History Review, and FCH Annals: Journal of the Florida Conference of Historians. He also authored biographies of New Jersey judge Andrew Kirkpatrick and New Jersey judge and influential corporate lawyer James B. Dill in the American National Biography (1999) and of Dill in the Yale Biographical Dictionary of American Law (2009), an article on "Slave Codes" in the Macmillan Encyclopedia of World Slavery (1998), three book reviews that were published in the American Journal of Legal History, and one book review published in the American Historical Review.

Representative Experience

He has been involved in more than 17 officially reported cases, and has argued five times before the New Jersey Supreme Court. He has been involved in cases that include:

- Committee to Stop Mahwah Mall v. Township of Mahwah, 2015 N.J. Super. Unpub. LEXIS 1725 (App. Div. 2015)
- United Water New Jersey, Inc. v. Borough of Hillsdale, 438 N.J. Super. 309 (App. Div. 2014)
- Chai Lifeline, Inc. v. Township of Mahwah, 2014 WL 4288927 (App. Div. 2014)
- Arnot 40 Realty, LLC v. Borough of Lodi, 2014 WL 2807567 (App. Div. 2014)
- Mahwah Realty v. Tp. of Mahwah, 430 N.J. Super. 247 (App. Div. 2013)
- Borough of Lodi v. Passaic Valley Water Comm'n, 2013 WL 6122592 (App. Div. 2013)
- Shin v. Borough of Norwood, 2012 N.J. Super. Unpub. LEXIS 1622 (App. Div. 2012) certif. denied, 214 N.J. 175 (2013)
- Nuckel v. Bor. of Little Ferry Pl. Bd., 208 N.J. 95 (2011)
- Lance v. McGreevey, 180 N.J. 590 (2004)
- Lonegan v. State of New Jersey, 174 N.J. 435 (2002) and 176 N.J. 2 (2003)
- Vivani v. Borough of Bogota, 170 N.J. 452 (2002)
- Mogull v. CB Commercial, 162 N.J. 449 (2000)
- Bernard v. IMI Systems, Inc., 131 N.J. 91 (1993)
- Mahwah Realty v. Twp. of Mahwah, 420 N.J. Super. 341 (App. Div.), certif. denied, 214 N.J. (2011) and 430 N.J. Super. 247 (App. Div. 2013)
- Cabezas v. Tp. of Mahwah, 2011 WL 5119016 (App. Div. 2011)
- KLD Properties, LLC v. Abballe, 2006 WL 1715116 (App. Div. 2006)
- Nuckel v. N.J. Meadowlands, 2006 WL 2590355 (App. Div. 2006)
- RSB Lab. Services, Inc. v. BSI Corp., 368 N.J. Super. 540 (App. Div. 2004)
- United Property Owners v. Belmar, 343 N.J. Super. 1 (App. Div.), certif. denied, 170 N.J. 390 (2001)
- Lima & Sons, Inc. v. Borough of Ramsey, 269 N.J. Super. 469 (App. Div. 1994)
- Baghdikian v. Board of Adjustment, 247 N.J. Super. 45 (App. Div. 1991)
- Swatek, Inc. v. North Star Graphics, 246 N.J. Super. 281 (App. Div. 1991)
- Minetto v. Borough of Northvale, 210 N.J. Super. 312 (App. Div.), certif. denied, 105 N.J. 520 (1986)
- Jabin v. Northvale, 13 N.J. Tax 103 (Tax Ct. 1991)
- Kass v. Brown Bowen Corp., 199 N.J. Super. 42 (App. Div.), certif. denied, 102 N.J. 296 (1985).
- Has represented municipalities in all area of general representation and litigation.
- Has represented municipal governmental units including planning boards, zoning boards of adjustment, and library boards
- Defended Mahwah's affordable housing program.

- Appointed as condemnation commissioner in three major cases involving expansion of ramps to George Washington Bridge.

Professional and Community Involvement

- American Bar Association
- New Jersey Bar Association
- Bergen County (N.J.) Bar Association
- New Jersey Institute for Municipal Attorneys
- American Society for Legal History
- Bogota Republican Municipal Chair, 2001 to present
- Attorney, pro bono, for Bogota Student Loan Association, May 1996 to present

Awards and Recognition

- In 2007, earned Diplomate in New Jersey Local Governmental Law, which was awarded to him by Rutgers, The State University of New Jersey and The New Jersey Institute of Local Government Attorneys
- Since 2002 AV-rated by Martindale-Hubbell
- Named as "Super Lawyer" by New Jersey Monthly Magazine, 2014-2017
- Named "Bergen Top Lawyer" by (201) Magazine, 2012-2015
- Thomas M. Campbell Award for Best Article in 2013 Florida Conference of Historians Journal

Articles and Presentations

- Article, "Sign and Billboard Law: Hijacking the First Amendment or Balancing Freedom of Expression and Government Control?" 305 New Jersey Lawyer 78 (April 2017)
- Article, "Not the Most Insignificant Justice: Reconsidering Justice Gabriel Duvall's Slavery Law Opinions Favoring Liberty," 42 Journal of Supreme Court History 7 (March 2017)
- Article, "Supreme Court Addresses Summary Actions and Conflicts of Interest," 22 New Jersey Law Journal S-2 (October 5, 2015)
- Article, "An Update on the New Business Rule in N.J.: Reports of its repeal, so far, have been greatly exaggerated" 211 New Jersey Law Journal 93 (January 2013)
- Article, "Legislature Revises the Time of Decision Rule for Land Development Applications," 200 New Jersey Law Journal 877 (June 2010)
- Article, "Telephonic and Email Communications and the Open Public Meetings Act," 254 New Jersey Lawyer Magazine 68 (October 2008)
- Article, "Government Records Production and Retention Not a 'Gotcha-Game,'" 193 New Jersey Law Journal 759 (September 2008)
- Article, "The Clock is Ticking: Why the Courts or the Legislature Should Prohibit Adverse Possession and Easement by Prescription Claims in Municipal Land," 248 New Jersey Lawyer Magazine 61 (October 2007)

- Article, "N.J. Courts and Inverse/Reverse Spot Zoning," New Jersey Lawyer 8 (December 18, 2006 Supplement)
- Article, "*Viviani v. Borough of Bogota*: New Jersey Supreme Court Strikes the Right Balance Between the Tenure Rights of Exempt Firefighters and the Public Interest," 25 Municipal Law Review 7 (September 2002)
- Article, "Gender in the Law of Slavery in the Antebellum United States," 18 Cardozo Law Review 411 (1996)
- Article, "Beyond Sexual Harassment: The Second Generation of Anti-Harassment Policies," 78 New Jersey Municipalities 46 (October 2001)
- Article, "State Should Reject the Minority and Lack of Marketability Discounts," 142 New Jersey Law Journal 30 (October 2, 1995)
- Article, "Oral Employment Contracts Under New Jersey Law: Are Employees Still Second Class Citizens?," 15 New Jersey Labor & Employment Law Quarterly 17 (1994)
- Article, "The Forgotten Amendment to the Eviction Act," 129 New Jersey Law Journal 599 (October 24, 1991)
- Article, "Shaner Holding Demands Legislative Response," 124 New Jersey Law Journal 655 (September 14, 1989)
- Article, "Wider Use of Paralegals Raises Ethical Issues," 121 New Jersey Law Journal 1426 (June 30, 1988)
- Article, "Achieving Justice on the Merits: Toward A Uniform Analysis," 119 New Jersey Law Journal 265 (February 19, 1987)
- Article, "Consumer Protection and the Law of Slave Sales in the 19th Century U.S. South: A Caveat Concerning Caveat Emptor," 31 American Journal of Legal History 322 (1987)
- Article, "Legitimized Violent Slave Abuse in the American South, 1619-1865: A Case Study of Law and Social Change in Six Southern States," 29 American Journal of Legal History 93 (1985), reprinted in Articles on American Slavery: Law, the Constitution, and Slavery (Paul Finkelman, ed.)(1989)
- Article, "Toward a Solution of the Slave Law Dilemma: A Critique of Tushnet's 'The American Law of Slavery'," 2 Law and History Review 301 (1984)
- Book reviews of Lea VanderVelde, Redemption Songs: Suing for Freedom before Dred Scott, 120 American Historical Review 1889 (2015); Jenny Bourne Wahl, The Bondsman's Burden: An Economic Analysis of the Common Law of Southern Slavery, 42 American Journal of Legal History 433 (1998); Thomas D. Morris, Southern Slavery and the Law, 1619-1860, 41 American Journal of Legal History 406 (1997); and Christopher Grandy, New Jersey and the Fiscal Origins of Modern Corporation Law, 38 American Journal of Legal History 381 (1994)
- Also author of Homicide Justified: The Legality of Killing Slaves in the United States and the Atlantic World (2017); Roadblocks to Freedom: Slavery and Manumission in the United States South (2011); People Without Rights: An Interpretation of the Fundamentals of the Law of Slavery in the U.S. South (1992)(reprint edition published in 2011);

- biography of James B. Dill in The Yale Biographical Dictionary of American Law (2009); biographies of Andrew Kirkpatrick and James B. Dill in American National Biography (1999); and "Slave Codes," in Macmillan Encyclopedia of World Slavery (1998).
- "Sign and Billboard Zoning Law," Nationwide Live Audio Webinar, National Business Institute and West LegalEdcenter, January 26, 2017.
 - "Exemplary Practices of Highly Effective Practitioners: Appellate Practice," Bergen County Bar Association, Paramus, N.J., October 20, 2016.
 - "Government Attorney Ethics: Protect Your Client and Yourself," Local Issues Involving Local Governments, National Business Institute, Princeton, N.J., June 16, 2016.
 - "Sign Regulations: How Local Governments can Respond to New Challenges," Nationwide Live Teleconference, National Business Institute and West LegalEdcenter, April 27, 2016.
 - "Slavery in New Jersey," Bogota Public Library, Bogota, N.J., February 23, 2016.
 - "Government Attorney Ethics: Protect Your Client and Yourself" and "Sign and Billboard Law: Balancing Regulatory Concerns and Constitutional Freedoms," Local Government from Start to Finish, National Business Institute, Newark, N.J., December 10, 2015.
 - "Challenging or Appealing a Land Use Board Decision," Practical Guide to Zoning and Land Use, National Business Institute, Princeton, N.J., July 14, 2014.
 - "State Claims Against Public Entities, Title 59 and Examples of Subject Areas of Litigation, Damages, and Settlement," Litigating Government Liability Claims, National Business Institute, Newark, N.J., December 12, 2013.
 - "Judging Against the Grain? Reading Mississippi Supreme Court Judge Joshua G. Clarke's Views on Slavery Law in Context," Florida Conference of Historians, Lake City, Florida, February 24, 2012.
 - "Legal Protection for Slave Buyers in the U.S. South: A Caveat Concerning *Caveat Emptor*," American Society for Legal History, Toronto, Canada, October 24, 1986.