Barry S. Goodman

Partner

Iselin

T: 732.476.2560

F: 732.476.2561

bgoodman@greenbaumlaw.com

- Commercial litigator with concentration in real estate brokerage issues and municipal law
- Serves as Special Counsel to New Jersey REALTORS®
- Approved by the Department of Banking and Insurance Real Estate Commission as a New Jersey Real Estate Continuing Education Instructor

Barry focuses his practice in commercial litigation, with a particular concentration in real estate and real estate brokerage issues and municipal law. His experience also encompasses antitrust suits and corporate shareholder and partnership disputes. Throughout his career, a number of Barry's cases have resulted in published opinions that set precedents in New Jersey.

Barry is approved by the New Jersey Department of Banking and Insurance Real Estate Commission as a New Jersey Real Estate Continuing Education Instructor. He lectures frequently to the real estate brokerage community and other industry organizations throughout the state, and has written extensively on topics related to real estate brokerage law.

Areas of Focus

Practice Areas

- Real Estate
- Real Estate Brokerage
- Real Estate Litigation
- Commercial Litigation
- Consumer Fraud
- Litigation

Industries

- Real Estate

Credentials

Bar Admissions

- New Jersey, 1978
- U.S. District Court, District of New Jersey, 1978
- U.S. Supreme Court, 1984
- U.S. Court of Appeals, Third Circuit, 1986

Education

- Rutgers University School of Law-Newark, J.D., 1977
- Rutgers University, B.A., *cum laude*, 1973

Recognition

- Listed in *The Best Lawyers in America* (a trademark of Woodward/White, Inc.) in the Appellate Practice (2012 – 2025), Litigation - Real Estate and Commercial Litigation (2012 – present) practice areas
- Selected by *Best Lawyers* (a trademark of Woodward/White, Inc.) as Woodbridge "Lawyer of the Year" in Litigation - Real Estate (2024 and 2016)
- Listed in *New Jersey Super Lawyers* (a Thomson Reuters business) in the Real Estate, Appellate and Business Litigation practice areas (2011 – 2020)
- Listed in *Benchmark Litigation* (published by Euromoney Institutional Investor PLC) as a Local Litigation Star - New Jersey in the Antitrust, General Commercial and Securities practice areas (2013 – present)
- Martindale-Hubbell Peer Review Rated AV®Preeminent (a trademark of Internet Brands, Inc.)
- Recipient of the Middlesex County Bar Association Lawyer Achievement Award (2010)
- Recipient of the Rutgers University Alumni Meritorious Service Award (2006)
- Honored by Rutgers Law School–Newark with the Eli Jarmel Memorial Prize for public interest litigation

Other Experience

- Special Counsel to New Jersey REALTORS®
- Former General Counsel (and past President), United Way of Hunterdon County

Clerkships

- Former law clerk to The Honorable Eugene L. Lora, Presiding Judge, New Jersey Appellate Division (1977-1978)

Experience

Published Cases

- In *Kennedy v. Weichert Co.* (2024), argued and briefed on behalf of amicus curiae New Jersey REALTORS® before the New Jersey Supreme Court in a landmark worker-classification case in which the court held that the independent contractor agreements between Weichert and its salespersons were dispositive under the New Jersey Real Estate Brokers and Salespersons Act when determining if they are employees or independent contractors. This precedential ruling preserved long-standing industry practices statewide, eliminated significant misclassification exposure for brokers, and provided definitive guidance after five years of litigation.
- In *New Jersey REALTORS® v. Township of Berkeley* (2024), obtained a precedential New Jersey Appellate Division decision that a requirement in an age-restricted community that an owner be 55 or older violates the federal Fair Housing Act and NJLAD, both of which include an exception to familial status discrimination to allow 55 or older communities to require that eighty percent of the units be occupied by a person 55 or older, but do not include any such exception concerning ownership.
- In *Conley v. Guerrero* (2017), the New Jersey Supreme Court held that an attorney who sends a notice of disapproval of a residential sales contract prepared by a real estate licensee to the broker(s) during the three-day attorney-review period must send it by email, fax, overnight mail or personal delivery.
- In *Timber Glen Phase III, LLC v. Township of Hamilton* (2015), the Appellate Division held that a municipality does not have the authority under the Licensing Act to impose licenses and licensing fees for residential apartment units that provide tenancies for 175 days or more.
- In *Zaman v. Felton* (2014), the New Jersey Supreme Court held that when a real estate licensee purchases a house that is in foreclosure with the seller having the right to buy back the property and continue to live there through a lease, the transaction may create an equitable mortgage but is not subject to *In re: Opinion 26* or the Consumer Fraud Act.
- In *Reyes v. Egner* (2010), the New Jersey Supreme Court held that a broker for a short-term summer rental was not liable to a tenant who fell where a step was higher than the construction code permitted with no required handrail on the steps, finding the broker not subject to the same duty to warn visitors as a broker in an open house situation.
- In *Exit A Plus Realty v. Zuniga* (2007), the New Jersey Appellate Division held that real estate listing agreements are not automatically void but are only voidable based upon the equities of the case if a real estate licensee violates the Real Estate Licensing Act.

- In *CBTR v. Twin Rivers Homeowners' Association* (2007), argued on behalf of appellants Twin Rivers Homeowners' Association and Twin Rivers Community Trust before the New Jersey Supreme Court, which held that homeowners' associations' policies regarding expressional activities will be upheld if they are reasonable but may be subject to constitutional scrutiny if they are unreasonable.
- In *Danvers Motor Co. v. Ford Motor Co.* (2005), a nationwide class action antitrust suit, the U.S. Court of Appeals for the Third Circuit held that dealers challenging Ford's nationwide incentive and satisfaction program stated particularized harm by alleging payments against their will and relinquishing control of dealership operations to satisfy constitutional standing requirements.
- In *New Jersey Association of REALTORS® v. New Jersey Department of Environmental Protection* (2004), the Appellate Division held that a regulation requiring deed notices concerning environmentally contaminated sites sent to the Association for distribution by its members to the public was void because it violated the New Residential Off-Site Conditions Disclosure Act.
- In *Gordon Development Group v. Bradley* (2003) the Appellate Division held that there only is one attorney-review period for both the buyer and the seller in a residential real estate transaction in New Jersey, which begins when the fully executed contract has been delivered to both the buyer and the seller.
- In *Danvers Motor Co. v. Ford Motor Co.* (2002), the U.S. District Court held that class action antitrust plaintiffs must have particularized injuries to have Article III standing under the United States Constitution.
- In *RE/MAX v. Wassau* (2000), the New Jersey Supreme Court clarified worker classification standards for real estate salespersons, holding that salespeople are employees for purposes of workers' compensation.
- In *In re: Opinion 26* (1995), the New Jersey Supreme Court held that buyers and sellers of residential real estate can receive assistance from real estate and title agents during the closing process (as had been the practice in South Jersey) and do not have to retain a lawyer as has typically been done in North Jersey.
- In *Mortgage Bankers Association of NJ v. NJ Real Estate Commission* (1995), served as lead counsel in a 12-year legal challenge, ultimately securing an Appellate Division ruling confirming that real estate licensees can receive a fee for providing mortgage-related services.
- In *G&W v. Borough of East Rutherford* (1995), prevailed before the Appellate Court in an antitrust action precluding the firm's client from competing for business in a certain municipality.
- In *Liberty Lincoln Mercury, Inc. v. Ford Marketing Corp.* (1993), the U.S. District Court held that an automobile dealers association can participate in a case as *amicus curiae* if the individual dealership that was a party in the lawsuit was not adequately represented by counsel, and the association will not be an advocate for one of the parties.
- In *State v. Arace Brothers* (1989), represented a trade association and certain individual defendants against allegations by the Attorney General that over the course of 25 years, the defendants had allocated public contracts among themselves in violation of the Antitrust Act.
- In *Inter-City Tire and Auto Center v. Uniroyal* (1988), successfully defended a distributor in an antitrust suit who allegedly had conspired to monopolize a certain market and fix prices.

- In *New Jersey v. T.L.O.* (1985), filed a brief of *amicus curiae* urging affirmance on behalf of the American Civil Liberties Union, with the U.S. Supreme Court rendering a landmark decision circumscribing the scope of searches and seizures in public schools.
- In *The Hospital Center at Orange v. Cook* (1981), the Appellate Division held that a hospital is barred from suing an indigent patient for fees where the hospital failed to advise the patient of the eligibility to apply for free medical care under a federal program for which the hospital had already received funding.

Affiliations

Memberships

- American Bar Association: Litigation Section Real Estate, Condemnation and Trust Litigation Commitee; Real Property, Trust and Estate Law Section
- New Jersey State Bar Association: Real Property Trust and Estate Law Section; Civil Trial Bar Section; Antitrust Law Special Committee
- Middlesex County Bar Association
- New Jersey Institute of Local Government Attorneys

Committees

- New Jersey Supreme Court Professional Responsibility Rules Committee (former member)

Personal

- Hunterdon Healthcare System: former Trustee; Executive Committee, former member; Committee on Trustees, former member; Strategic Planning Committee, past Chair; Quality Committee, past Chair
- Hunterdon Medical Center: former Trustee
- Interest on Lawyers' Trust Accounts (IOLTA) Fund of the Bar of New Jersey: Past Chair
- Rutgers Law School Newark-Alumni Association: Past President

Insights & More

Announcements

2027 Edition of Best Lawyers Recognizes 50 Attorneys in 38 Practice Areas
8.20.26

2026 Edition of Best Lawyers Recognizes 54 Attorneys in 41 Practice Areas: Eight Greenbaum Lawyers Recognized on "Ones to Watch" List
8.21.25

2025 Edition of Best Lawyers Recognizes 56 Attorneys in 39 Practice Areas: Ten Greenbaum Lawyers Recognized on "Ones to Watch" List; Three Selected for "Lawyer of the Year" Recognition

8.14.24

2024 Edition of Best Lawyers Recognizes 59 Attorneys in 38 Practice Areas: Twelve Greenbaum Lawyers Recognized on "Ones to Watch" List; Five Selected for "Lawyer of the Year" Recognition
8.16.23

2023 Edition of Best Lawyers Recognizes 51 Attorneys in 36 Practice Areas: Nine Greenbaum Lawyers Recognized on "Ones to Watch" List; Seven Selected for "Lawyer of the Year" Recognition
8.17.22

Client Alerts

NJ Appellate Division Rules that Municipal Ordinance Restricting Ownership to Individuals Over 55 Violates Fair Housing Act and NJ Law Against Discrimination
8.07.24

NJ Supreme Court Holds That NJ Wage Payment Law is Inapplicable to Real Estate Salesperson Who Has Independent Contractor Agreement with Broker
5.21.24

Publications

New Jersey Real Estate Brokerage Law
2011-2026

Towns can't restrict who buys houses in 55+ neighborhoods, N.J. court rules
8.12.24

Age Limits On Owning Senior Units Unlawful, NJ Panel Says
7.30.24

NJ Court Sides With Real Estate Broker in Dispute Over Employee Classification Under Wage Payment Law
5.12.24

Protect Your Right to an Equitable Lien
September/October 2021

Don't Fall in Love with Love Letters
June 2021

Buyers' Agents May Have Liability For Responses To OPRA Requests
February 2021

Discrimination Under Fair Housing Laws
November/December 2020

Seminars & Events

The Ten Hottest Issues You Have to Understand to Avoid Lawsuits
9.25.26

NJ Legal Update
12.10.25

Part II: Advanced Ethics for Commercial Real Estate Professionals
3.05.23

Part I: Real World Ethics for Commercial Real Estate Professionals
2.26.23

New Jersey Legal and Regulatory Update
12.07.21

Legal Issues You Have to Understand to Stay Out of Brokerage Jail!
12.08.20

Latest Legal Resources and Forms
10.25.20

Hot Topics in Residential Real Estate Law 2020 - Strategies to Get Through the COVID-19 Pandemic and Beyond
10.06.20