

Porzio, Bromberg & Newman Successfully Represents New Jersey State Association of Chiefs of Police as Lead Amicus Against Constitutional Challenge to "Daniel's Law"

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State Court Upholds Law Protecting Personal Information of Public Officials

MORRISTOWN, NJ – September 22, 2023 – Porzio, Bromberg & Newman, P.C., representing an association of New Jersey police chiefs, helped secure a New Jersey court ruling that upheld a law restricting the disclosure of personal information of government officials against a constitutional challenge brought by the American Civil Liberties Union of New Jersey. In its ruling, a Middlesex County Superior Court denied a request by the plaintiff, the publisher of the New Brunswick Today website, to allow publication of the home address of the police director of New Brunswick. Porzio represented the New Jersey State Association of Chiefs of Police, which acted as an amicus curiae in the closely watched case.

The statute being challenged, known as Daniel's Law, is named for the son of U.S. District Court Judge Esther Salas, who was shot and killed in his home by a man who found the Salas family's address online. Representing plaintiff Charles Kratovil, the ACLU argued that the law violated the First Amendment, and absent preliminary relief, could cause immediate irreparable harm for the Plaintiff and other journalists.

In its ruling rejecting the challenge, the Middlesex County Superior Court Judge Joseph L. Rea agreed with the arguments presented on behalf of the defendants and the New Jersey State Association of Chiefs of Police that: (1) Daniel's Law is constitutional because it is narrowly tailored to protect a key government interest – namely the safety of New Jersey's judges, prosecutor's, and law enforcement; and (2) Plaintiff's first amendment rights were not violated because the article he sought to publish, which was to highlight the difficulties in the police director being able to fulfill his job responsibilities, was not impeded by not including the police director's home address.

“We are pleased with today's outcome which upheld the constitutionality of Daniel's Law,” said Porzio's Vito Gagliardi, Jr., who argued for the Chiefs. “Daniel's Law is concerned not only with personal privacy, but with the protection of the health and safety of current and retired judges and law enforcement officials and their families. We hope that today's ruling makes tragedies such as the one which still haunts the Salas family less likely.”

Along with Gagliardi, David Disler, Tom Reilly, and a team of retired judges led the Porzio team representing the State Association of Chiefs of Police. Joining in support of the constitutionality of the law included four other parties that intervened in the accelerated and intensely watched case. The initial complaint was filed on July 12, with the final order denied just over two months later, on September 21.

About Porzio, Bromberg & Newman, P.C.

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