

# A Wave of Lawsuits Under Daniel's Law

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In 2020, Daniel Anderl, the son of Federal Judge Esther Salas, was shot and killed by a man targeting the judge. It is believed the man found the judge's home address online. In reaction to the murder, New Jersey enacted "Daniel's Law" which prohibits the disclosure of the home address and unpublished telephone number of certain government officials and their immediate family members. The law took effect on January 12, 2022, and was retroactive to December 10, 2021. However, compliance with certain provisions of the law and amendments was not required until January 2023.

Though the full law has been in effect for a little over a year, 2024 saw over 100 lawsuits filed against entities that publish addresses and related information online. The complaints commonly allege individuals such as judges or police officers suffered harm, including threats made to the individual plaintiffs, because a business did not timely remove protected information when requested.

Here is what businesses need to know about complying with Daniel's Law.

## Who is protected?

Daniel's Law provides protection to "Covered Persons" – defined as active and retired federal and state court judges, prosecutors, and law enforcement members and their immediate family members residing in the same household.

## What the law requires?

Covered Persons or someone authorized by a Covered Person may seek the redaction or nondisclosure of the home address or unpublished phone number of the Covered Person from certain records and Internet postings.

Companies that disclose on the Internet or "otherwise make available" such information are required to cease disclosures within 10 business days after receiving a request from a Covered Person or their authorized agent.

## What are the penalties?

Pursuant to 2023 amendments, courts may award “actual damages, but not less than liquidated damages computed at the rate of \$1,000 for each violation” of the law for failure to respond to requests to remove Covered Persons’ information. Courts may also award punitive damages and reasonable attorney’s fees.

### **What can businesses do?**

A business that maintains and publishes personal information on the Internet or otherwise makes it available should develop and implement an internal policy and processes to handle and respond to requests in a timely manner. This should include contacting vendors and service providers to whom information was disclosed to ensure it is also removed from vendor and service provider sites.

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