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[Kingston Law Group](#) wins complex Family Law matter on appeal.

The Kingston Law Group has won a major victory for free expression rights in the context of the NJ Prevention of Domestic Violence Act.

Hanan M. Isaacs, Esq., Senior Attorney at Kingston Law Group, filed the briefs and argued the matter for K.H., the Defendant-Husband. The issue in the case was the trial judge's decision to impose a Final Restraining Order against K.H. for publishing to five (5) people not parties to the underlying divorce case the details of E.H.'s alleged adultery, which she did not contest in her divorce pleadings or at the domestic violence trial.



E.H. claimed that K.H.'s mere publication of his divorce counterclaim was so unreasonable, it amounted to harassment under the law. K.H. defended his actions on the grounds of first amendment free expression.

Said Isaacs, "Our client used his divorce pleadings, public record, and sent them to his wife's place of employment, the wife of her paramour, and his in-laws. He wanted all of them to know of E.H.'s lies. In particular, E.H. had abused her company's time and expense practices during the marriage, and K.H. felt compelled to share this information.

K.H.'s argument leaned heavily on State v. Burkert, 231 N.J. 257 (2017), and State v. Hoffman, 149 N.J. 564 (1997), both Supreme Court of New Jersey opinions that defined the criminal law of harassment. Those two cases discussed the tension between invasion of privacy and intent (harassment) versus free expression (first amendment protected).

"New Jersey's harassment statute restricts free speech, when the speech has no useful purpose and is used to unreasonably upset or intimidate the victim, yet the scope must be limited to protect free speech," said Isaacs. "The alleged victim's reaction alone is not grounds to suppress such speech, because some of those listeners or readers actually may want to hear or see what has been expressed."

This landmark ruling is the first in New Jersey in which the appellate court applied the Supreme Court's criminal harassment analysis to the Prevention of Domestic Violence Act. There are tens of thousands of such cases heard and decided every year in our State, many of which involve claims of harassment. It is important news for the judges and lawyers who practice in the Family Court arena.

Isaacs added, "The Appellate Division's decision in E.H. v. K.H is a roadmap for the trial judge, who may decide on remand to re-impose a Final Restraining Order 'for better reasons.' Yet, it is also an opportunity for KLG to argue a citizen's right to distribute the contents of a divorce pleading to people outside the divorce -- without running afoul of the DV statute. I am seeking to have the judiciary publish it as a precedential case, which it truly is."

Learn more about the firm at www.kingstonlawgroup.com. ###

About Kingston Law Group

Attorney [Hanan M. Isaacs](#), our Founding Partner, started the firm in 1981, principally serving Central Jersey clients in family law and general civil and criminal law matters. Today, we provide experienced representation in federal, state, local, for-profit, non-profit employment law matters for workers and companies; **family law** cases of most types; and general **civil** and **criminal defense litigation**.

In addition to his litigation work, Hanan has 40 years of experience in **Alternative Dispute Resolution** (ADR). He represents family law, employment law, and general civil law clients in mediation and arbitration. He also serves as a neutral mediator and arbitrator (but not in the same cases in which he is an advocate).

In 2012, [Misty A.V. Avallone](#) joined the firm as an attorney and is licensed in both Pennsylvania and New Jersey. Misty became a partner of the firm in 2019. Her areas of practice include family law, employment law for workers, mediation, and general civil litigation.

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