

# **Bond Case Briefs**

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## **IMMUNITY - GEORGIA**

### **Griffith v. Robinson**

**Court of Appeals of Georgia - February 22, 2023 - S.E.2d - 2023 WL 2153157**

Principal of public high school sued school's assistant principal, alleging that he made defamatory statements about principal in a complaint filed with the Professional Standards Commission, and asserting claims including libel and slander.

The Superior Court granted assistant principal's motion for summary judgment based on sovereign immunity and official immunity. Principal appealed.

The Court of Appeals held that:

- Georgia Tort Claims Act did not waive assistant principal's sovereign immunity from claims against him in his official capacity, and
- There was no evidence that assistant principal negligently performed a ministerial task or performed a discretionary act with malice.

Georgia Tort Claims Act did not waive assistant high school principal's sovereign immunity from libel and slander claims brought against him in his official capacity by school's principal, alleging that assistant principal made defamatory statements about principal in a complaint that he filed with the Professional Standards Commission; although the Act provided a limited waiver of the State's sovereign immunity for torts of state officers and employees, the term "state," as defined in the Act, specifically excluded school districts.

There was no evidence that assistant principal of public high school negligently performed a ministerial task or performed a discretionary act with malice, and thus school's principal could not overcome assistant principal's official immunity from principal's claims against assistant principal in his individual capacity for libel and slander, based on his allegedly defamatory statements in complaint filed with the Professional Standards Commission.