

Bond Case Briefs

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Brooks-Buck v. Wahlstrom

Supreme Court of Virginia - October 16, 2025 - S.E.2d - 2025 WL 2934033

Former school administrator brought action against school board chairperson and school board member, asserting claims for defamation and defamation per se, based on allegedly defamatory statements in narrative attached to notice addressing disciplinary violations by another school board member.

Chairperson and board member filed demurrers, alleging that they were entitled to legislative, sovereign, and statutory immunity. The Suffolk Circuit Court overruled chairperson's and member's demurrers in part, finding no immunity. Chairperson and board member petitioned for interlocutory review, which was granted.

The Supreme Court held that:

- As matter of first impression, a local legislative body engages in a legislative act when it disciplines one of its members;
- School board chairperson and member were not entitled to common law legislative immunity;
- School board chairperson and member were not entitled to sovereign immunity; and
- School board chairperson and member were not entitled to statutory immunity.