

Virginia Freedom of Information Advisory Council
Judicial Update
September 24, 2026

Court of Appeals

A. Published Opinion:

[*Walter Smith v. Carlos M. Brown, Rector, University of Virginia*](#)

06/30/2026

Smith filed a petition for a writ of mandamus for disclosure of certain documents from the University of Virginia (UVA) under the Virginia Freedom of Information Act (VFOIA). The disputed documents included (1) an email and attachments concerning the University Guide Service, (2) two documents created to prepare University President James Ryan for a trip he was to take in his official capacity, and (3) drafts of two joint statements, one pertaining to UVA admissions and the other involving a conflict in the Middle East. Smith argued that these contested documents were not working papers and therefore required disclosure. The rector maintained that they were President Ryan's working papers. After reviewing the documents and conducting a hearing, the circuit court denied the petition as to these documents on the basis that they met the working-papers exemption to disclosure under VFOIA.

The circuit court granted the petition in part and denied it in part, ordering disclosure of some of the requested documents. Court of Appeals (COA) found Smith's challenge to the application of the working-papers exemption to the email and attachments concerning the University Guide Service is procedurally defaulted under Rule 5A:18 ("No ruling of the trial court...will be considered as a basis for reversal unless an objection was stated with reasonable certainty at the time of the ruling, except for good cause shown or to enable this Court to attain the ends of justice. A mere statement that the judgment or award is contrary to the law and the evidence is not sufficient to preserve the issue for appellate review."). Court of Appeals found that the trial court did not err in application of working-papers exemption, under VFOIA, to travel documents and drafts of joint statements. COA affirmed the judgment of the circuit court.

B. Unpublished Opinions:

[*Tamara Quick v. Spotsylvania County School Board*](#)

08/04/2026

Quick filed a petition for writ of mandamus against the Spotsylvania County School Board (the School Board). In her petition, Quick alleged that the School Board had violated the Virginia Freedom of Information Act (VFOIA) by failing to fulfill sufficiently her seven requests for her children's school records. The Circuit Court of Spotsylvania County denied Quick's petition and she appealed to the Court of Appeals (COA).

COA held that sending a request to a public body's FOIA officer is sufficient, but not necessary, for it to be a valid VFOIA request. However, sending the request to the public body, not its private sector agent, is necessary to make it a valid VFOIA request. The COA acknowledged that a request for public records shall identify the requested records

with reasonable specificity but the request need not make specific reference to VFOIA in order to invoke the provisions of VFOIA. COA further opined that VFOIA applies to requests for public records but not requests for information or for answers to questions.

COA affirmed in part as trial court did not err denying writ of mandamus and finding no violations of VFOIA to fulfill several requests for school records. COA found that claim of violation for four of the requests were waived pursuant to Rule 5A:20 ("Requirements for Opening Brief of Appellant"). However, COA did find that the trial court did err in its finding no violation where one request made specific mention of VFOIA but the School Board did not respond as required by VFOIA. COA reversed trial court's judgment on the one request and remanded to circuit court for further review to determine whether the School Board failed to meet the statutory requirements under VFOIA for timely producing specific documents properly requested and whether mandamus should be issued against the School Board if it failed to timely produce certain documents it possessed that were properly requested under VFOIA.

[Lee BHM Corp. d/b/a Charlottesville Daily Prog., et al. v. Rector & Bd. of Visitors of UVA, et al.](#)

06/09/2026

Lee BHM Corp., publisher of The Daily Progress, and Jason Armesto, a reporter for The Daily Progress (collectively, BHM), appeal the circuit court's order denying its petition for writ of mandamus under the Virginia Freedom of Information Act (VFOIA). BHM sought disclosure of two investigative reports prepared at the request of the University of Virginia (UVA) following a November 2022 shooting that occurred on UVA's campus. UVA cross-appeals to what it characterizes as the circuit court's ruling that UVA failed to prove the work-product and scholastic-record exemptions.

After BHM and UVA completed their presentation of evidence at trial, the Commonwealth's Attorney for Albemarle County intervened and asserted, for the first time, that the reports were exempt as criminal investigative files under Code § 2.2-3706.1. That intervention changed the posture of the case: UVA had defended its denial of BHM's VFOIA request based on the attorney-client, work-product, and scholastic-record exemptions. However, the circuit court denied BHM's petition "for the reasons stated on the record" at the hearing where the court ruled that the Commonwealth's later-raised criminal-investigative-files exemption applied. The transcript suggests that the criminal-investigative-files exemption supplied the basis for that ruling, but it does not clearly establish whether the trial court also adjudicated UVA's asserted exemptions.

The Commonwealth eventually withdrew the criminal-investigative-files exemption as a ground for withholding the reports, and UVA released redacted versions of the reports. These developments raised a potential mootness question. However, whether BHM "substantially prevail[ed]" under Code § 2.2-3713(D), and whether any issue remains live, may depend on whether the circuit court adjudicated UVA's asserted exemptions and whether sufficient factual findings support those rulings. The trial record did not provide enough detail to establish whether or how the circuit court adjudicated UVA's asserted attorney-client, work-product, and scholastic-record exemptions. Because it could not resolve mootness, determine whether BHM substantially prevailed, assess the effect of the redacted production, or resolve UVA's cross appeal, the COA remanded the matter to circuit court for further proceedings consistent with the opinion.