

Bob King Recognized for Litigation Work in Reuters Legal



Brooks Pierce partner Bob King was quoted in a *Reuters Legal* article about *Penley v. McDowell County Board of Education*, a recent case reviewed by the 4th U.S. Circuit Court of Appeals. King represented the board of education in the case.

Stanley Penley has worked as a high school teacher in McDowell County since 2006. Between 2004 and 2008, he also worked on political campaigns for candidates running against Republican Mitch Gillespie, then a member of North Carolina's House of Representatives. In his suit, Penley said Gillespie had told school officials that he despised Penley due to his political work and would not enter his classroom on a tour of the school.

In 2013, Penley was accused of making inappropriate comments during class, upsetting a female student. The student's mother reported the incident to the school, which investigated the action. During the investigation, school officials uncovered an inappropriate exchange Penley had with a student on Facebook. The school suspended Penley and recommended his dismissal. An administration hearing officer disagreed with the school's position. Penley was subsequently transferred to another school within the district.

In 2014, Penley filed a lawsuit against the McDowell County Board of Education, three school officials, and Gillespie in the U.S. District Court for the Western District of North Carolina, claiming that the disciplinary proceeding violated his free speech rights and was actually motivated by Penley's political activities.

The case was dismissed in 2016 when the District Court ruled that Penley lacked any evidence of the supposed conspiracy and that the six years that passed between Penley's political involvement and the disciplinary proceeding has been too long for a connection to be implied. Penley appealed and the Fourth U.S. Circuit Court of Appeals unanimously affirmed.

King told *Reuters Legal* it was unfortunate Penley filed the lawsuit, which "has been a waste of the school's and courts' resources."

A summary of the article is available [here](#). A PDF of the full article can be downloaded below. The full opinion can be read [here](#).

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