

# WHY CAN GOVERNMENT ENTITIES SOMETIMES BE IMMUNE FROM LIABILITY EVEN IF THEY WERE NEGLIGENT?

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**MICHAEL D. WAKS**  
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Government agencies have many important responsibilities to protect the safety of citizens. The government is responsible for designing and maintaining roads, for maintaining public parks and sidewalks, and for operating public transportation and local school buses. These are just a few of the tasks local and municipal governments are entrusted with performing. Whenever a government agency is given a job to do for the public, it is expected to do it competently.

If someone gets hurt because the agency does not do its job, this can sometimes give rise to legal liability. However, unlike suing a private citizen or suing a private corporation, the government gets some special protections under the law. The protections afforded government workers and agencies are referred to as sovereign immunity.

Sovereign immunity rules date back to British law, which said that a subject could not sue the king. Although we do not have a king in America, government workers are generally immune from being sued for mistakes made in the course of official public duty. Government agencies receive some limited protection from lawsuits as well. Because of sovereign immunity rules, victims who believe a government agency played a role in causing them harm, will need to get legal assistance from a Long Beach lawyer with experience in cases against official government departments and agencies.

## SOVEREIGN IMMUNITY RULES IN CALIFORNIA

[Section 815 of the California Government Code](#) states that: “Except as otherwise provided by statute: a public entity is not liable for an injury, whether such injury arises out of an act or omission of the public entity or a public employee or any other person.”



The exception carved out at the beginning of this code section is very important because it makes clear that sovereign immunity is *not absolute*. While public entities are generally not going to be responsible for acts of negligence or omissions that constitute breaches of legal duty, there are times when negligence or

wrongdoing occurs that people *can* sue the government entity for.

There are a number of statutory exemptions carved out of sovereign immunity, establishing the circumstances under which people may sue. For example, Section 815.2 makes a public entity liable for injury “proximately caused” by acts or omissions of their employees within the scope of employment... if such an action would normally create liability if sovereign immunity did not exist. This essentially means that the same basic agency rules apply to public workers and agencies as to private companies. When a worker doing his job causes harm, the worker is acting as an agent of the employer and the employer is responsible. This holds true for government work, based on the rules established in Section 815.2. So, what does this mean for injured victims? In that situation, if an exception to statutory immunity exists, and a government worker caused the injury, the agency that employs that worker can be held liable.

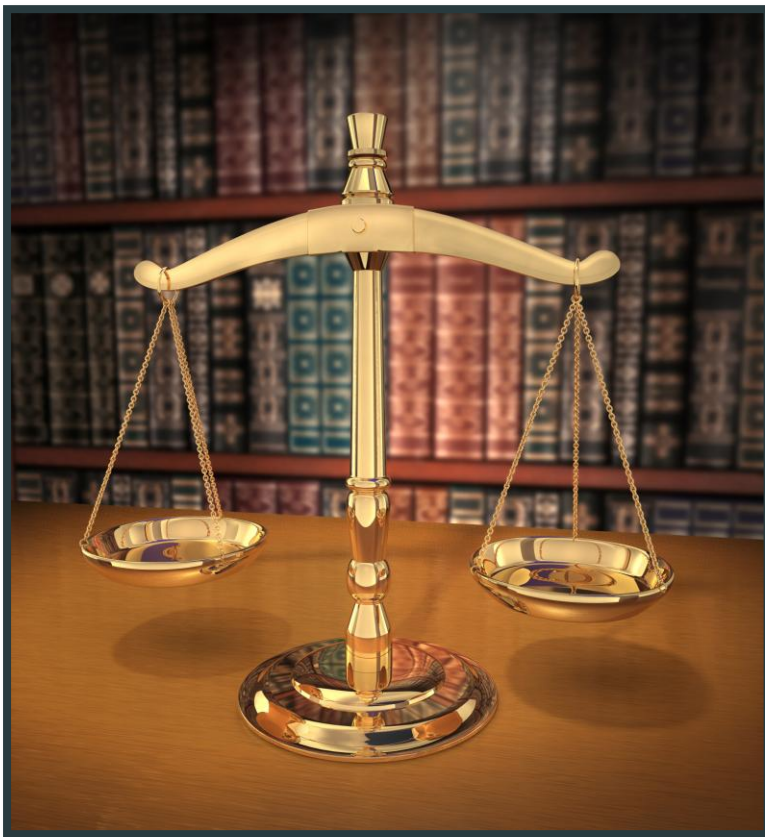


Government Code Section 815.3 goes on to make clear that unless the elected official and the public entity are named as codefendants, the public entity is not liable to plaintiffs if elected officials commit intentional torts (purposeful wrongdoings) like sexual harassment. If an elected official’s actions or inactions did not arise from his public works and was not related to his job performance, judgments should first be collected from the assets of the

elected official. In appropriate circumstances, the remainder of the funds can be obtained from the public entity.

## STATUTORY EXCEPTIONS TO SOVEREIGN IMMUNITY RULES

Many different statutory exceptions are carved out to make a government entity responsible and subject to suit. For example, a government entity can be sued for certain dangerous conditions on public property. Code Section 830-831.8 outlines when a condition is considered dangerous within the context of exceptions to sovereign immunity rules.



Lawsuits against government entities for negligence of their workers or for negligent property maintenance resulting in dangerous conditions can result in substantial verdicts for personal injury victims. The [Los Angeles Times](#) reported on one case, for example, in which a Southern California man was awarded more than \$7.6 million after a palm tree on government

property fell and left him paralyzed. Claims have also been filed against the government for things like police brutality, and when workers under the employ of the government operate vehicles in a dangerous way.

## GETTING HELP FROM A LONG BEACH PERSONAL INJURY LAWYER

### *“Your Injuries are Personal to Me”*

Making a claim against the government is complicated due to the sovereign immunity rules. The Law Office of Michael D. Waks can provide you with the legal representation you need to pursue your case for compensation even when a government official or agency is to blame. Call at [888-394-1174](tel:888-394-1174) to schedule a consultation and learn more.

## About the Author



### Michael D. Waks

Personal injury victims need someone who understands their pain, who is invested in them and will guide them through the complicated maze of their medical and legal worries. They need an attorney who cares about them and their families.

My name is Michael Waks and I am a personal injury attorney in the Los Angeles Area focused on the needs of people who have suffered because of someone else's actions.

While still attending Southwestern University School of Law, I clerked for a big defense law firm that represented manufacturers of asbestos. I read the files and met the people whose lives were ruined by asbestos and I knew, for the rest of my career, I wanted to help people like them: the victims, not the perpetrators.

I have been doing just that for over 30 years. As soon as I passed the Bar I opened the Law Office of Michael D. Waks in Long Beach and began exclusively representing seriously injured accident victims. I decided to be a sole practitioner so I could handle every case personally. I understand clients are different and that in the wake of an accident their suffering will be unique, ranging from physical and financial to emotional.

I tell my clients from the start, "I want you to only worry about one thing, and that is to do exactly what your doctor tells you in order to get better. Leave the rest to me."

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