

GOVERNMENTAL NEGLIGENCE

With the government involved more and more in our lives, there is an increased chance that you could be injured because of the government's negligence. Since the Middle Ages, the law of England has followed the edict that the "king can do no wrong," and, thus, if you have been hurt by the king or his agents, that is your own bad luck.

Although the United States has no king, we do follow English law, including this idea of "sovereign immunity." In its modern form, sovereign immunity prevents people from suing the government unless the government gives them permission to do so.

Because sovereign immunity can unfairly result in injured persons not being compensated for their injuries, most states and the federal government have passed laws called Tort Claims Acts. Wyoming's statute is called the Wyoming Governmental Claims Act. These laws give citizens advance permission to sue for certain kinds of injuries caused by the negligence of the government. If a claim is subject to the Act, the government is liable in much the same way as a private person or a business entity can be liable. Just as a business can be liable for the negligent acts of its employees, the government can be liable for *some* of the negligent acts of its workers.

The kinds of claims permitted by the Act are fewer than the kinds of claims that can be brought against a private person or business. For example, a citizen may be able to sue for injuries caused by a police officer's negligent driving, but probably not for the police department's negligent failure to catch the thief who robbed the citizen.

Additionally, claims against the government differ from a normal lawsuit. The claim may be subject to special rules and time limits. For example, the normal deadline to file a lawsuit for a personal injury in Wyoming is typically four years from the date of injury. (This may vary depending upon the type of injury). However, in a governmental claim, notice of the pending claim must be given to the governmental entity in a very specific format within *two*

years following the injury. Also, with governmental claims there is frequently a ceiling or “cap” on the amount of money that can be awarded for the injuries.

When a government employee causes an injury to a citizen, an attorney’s assistance can be critical. The attorney can help determine whether the government can be held liable for that specific act or omission, evaluate the deadline or statute of limitations, navigate the minefield of special notice and filing requirements, and assess the cost/benefit of bringing a claim against the government.

We can be thankful that the American system of government has taken exception to the English “the king can do no wrong” philosophy, and allows citizens to make claims and receive compensation when they have been injured due to governmental negligence.

Nothing in this article should be construed as legal advice. You must consult with an attorney for the application of the law to your specific circumstances.

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