

Why Would I Sue the Government?

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Can you sue the government? Even if you can, why would you want to? In answer to the first question, you can sue (or file some kind of legal action) against “the government” in certain limited situations. Because the government must give you its permission to file a claim against it, there are many situations where you cannot file a lawsuit at all, or where the statutes of limitations are so short that it is very difficult. This depends on state or federal law, and the law is different everywhere. For instance, in Colorado, tort (that is, personal injury) claims against the state are limited by the Colorado Governmental Immunity Act.

But there are situations where you can file, because in our country the law is an important way to hold government accountable. One common type of claim against government is a special education due process claim. In due process, you file an administrative complaint against a school district for not giving you and your child special education rights. That leads to an administrative hearing, which is a lot like a trial. Another common type of claim is a Section 1983 claim against state or local government employees (and others) for civil rights violations, such as constitutional violations. Claims can be for money or to enforce rights.

Why would you want to sue the government? You could have many reasons, some better than others. You might want to enforce your rights, such as the right of your child to receive special education, or your Fourth Amendment rights as a defendant. You might want to make a difference in the system for other people. You might want to receive compensation for damages you have received—money for treatment, money for lost education, or money for lost wages, for instance. You might want revenge against people who have treated you unfairly.

Before you file a lawsuit, think carefully about the law can and cannot do for you. Sometimes you can change the system, either because the court orders the governmental body to change its ways or the lawsuit pressures it into changing. Sometimes you can enforce rights, such as the rights of your child. Sometimes you can get money. Money is the only thing the legal system can offer for your pain and suffering.

Legal actions are highly stressful. If you are trying to find something the legal system cannot offer you, you might be worse off at the end. Your attorney should help you think through what you stand to gain from legal action versus what you will experience during that process. You will not gain spiritual peace or emotional healing through a lawsuit. You could gain justice for a person or group (including yourself) or the satisfaction of seeking what is right. You could gain some compensation for a loss. If you fight for a goal that you can realistically achieve, you are much more likely to enjoy the fight, or at least feel that it was worth it.