Sovereign Immunity

Sovereign Immunity is the doctrine precluding the institution of a suit against the government without its consent. Although commonly believed to be rooted in English law and hence our own, it is actually rooted in the inherent nature of power and the ability of those who hold power to shield themselves from being sued for their actions.

Generally in Minnesota, the State and its various governmental entities were able to shield themselves from being sued under the doctrine of Sovereign Immunity. This concept was specifically upheld in the Minnesota Supreme Court ruling in Johnson v. Callistro, 287 Minn. 61, 176 N.W.2d 754 (1970). However, five years latter the Minnesota Supreme Court, in one of its few instances, specifically reversed itself.

In this case, Nieting v. Blondell, 306 Minn. 122 N.W.2d 597 (1975), the Court stated that the blanket claiming of sovereign immunity from tort action "no longer served a useful purpose," But this decision does not mean that "sovereign immunity" no longer exists.

The Supreme Court has further refined and defined where a government entity can claim "sovereign immunity" as a legal defense against being sued for its actions. In Steinke v. City of Andover, 525 N.W.2d 173, 175 (1994), it has made the distinction between "planning level" conduct, which is protected by immunity, and "operational Level" conduct, which is not.

What is "planning level" and what is "operational level"? In Fischer v. County of Rock, 596 N.W.2d 646, 652 (1999), the Court identified planning-level decisions as public policy questions that require the evaluation of various factors including the financial, political, economic and social effects of a proposed plan or project. In Holmquist v. State, 425 N.W.2d, 230, 234 (1988), operational-level decisions are those relating to the government's day-to-day operations.