

# Constitutional Law Litigation

---

Burke has extensive experience litigating claims that arise under both the United States and California Constitutions in state and federal courts throughout California. While Constitutional Law litigation arises in many contexts, Burke consistently defends local governments, agencies, and local government officials against a variety of constitutional claims from class action non-monetary relief, to emergency injunctive relief, to individual damages claims for alleged violation of individual constitutional rights.

## What Is Constitutional Law Litigation?

[Constitutional law](#) litigation involves claims brought under the Federal and California constitutions. While there are many analogous provisions in the United States and California constitutions, there are numerous types of governmental claims that are brought solely under the California Constitution, such as whether a levy amounts to an unconstitutional tax under California Constitution, Art. XIII C. Constitutional law claims under the United States Constitution can also be brought directly against California local governments and local government officials. Such suits are brought pursuant to 42 U.S.C. section 1983, a statute which derives from the Civil Rights Act of 1871, originally signed into law by President Ulysses S. Grant during the Reconstruction Era after the Civil War.

## Examples of Constitutional Law Litigation

Section 1983 cases can be brought against elected officials, law enforcement, and many other government officials and entities. Burke litigators are very experience in constitutional litigation covering a broad range of issues including *Monell*, employment relationships, education relationships, commerce clause, First Amendment challenges, Fifth Amendment protections, excessive force, unlawful search and seizure, wrongful detention, Due Process, Equal Protection, and conditions of confinement claims under the Eighth and Fourteenth Amendments.

## **Burke, Williams & Sorensen and Constitutional Law Litigation**

Constitutional law involves cutting edge legal issues that impact many very important social and governmental issues. The Federal and California Constitutions define the outer measure of the power of government in our daily lives, and simultaneously prescribe fundamental rights personally held by people in society. When constitutional obligations and rights are involved, it makes a tremendous amount of sense to have competent counsel involved, such as Burke Constitutional law litigators, for risk assessment, advice, and guidance.