

CARFREE PROFILE

Bob Anderton is a bike lawyer in Seattle, Washington, USA. He represents bicyclists and is a bicyclist himself.

CB: What brought you to this field?

BA: Well, I'm a life-long bicyclist. When I rode my bike to law school, my plan was to be a poor public interest lawyer fighting for justice.

And then you got greedy?

Not really. Ralph Nader came to my law school (before he lost all credibility running for president in 2004) and suggested that the next best thing to being a pure public interest attorney is to be a personal injury attorney. So, while I applied for lots of public interest jobs, I also applied to a few plaintiff's personal injury firms and started out in the private sector.

Would you have preferred a pure public interest job?

I thought so then; I'm not so sure now. Don't forget, the United States is among the few developed nations to not have universal health care. When people are injured here, the medical bills alone can wreck their lives, even if they recover from their injuries. I get to choose the people I represent. I choose people I like. And bike people are very likeable.

Can poor cyclists afford representation?

Yes. Unlike many countries, in the US, lawyers who represent injured people are generally paid a percentage of any settlement or award, rather than billing hourly. This is called a contingency fee – because it's contingent on the outcome of the case. If there is no recovery, there is no fee. This means that people are not priced out of having legal representation.

Who is your typical bike client?

I tend to see bike messengers frequently, but I also represent commuters, leisure riders, racers and kids. People on bikes get broadsided, turned into, backed over and doored. I've also represented bicyclists who have crashed in unsafe areas without the "assistance" of another vehicle.

Is it harder not having a car to blame?

Generally yes. For instance, I represented a number of bicyclists who crashed on what was called the "missing link" of the Burke-Gillman Bike Trail here in Seattle.

This trail is really nice, but it vanishes for several blocks in an industrial area. I was first contacted by a biker who crashed on some

railroad tracks that crossed the road diagonally on a curve under a bridge.

My initial reaction was that, if you crash your bike on a railroad track, it's your own fault. But I did some investigation and learned that hundreds of bicyclists, many of them experienced riders, were crashing at the very same spot. The city knew about it, but said there was nothing it could do. The railroad knew about it, but the city wouldn't let it paint warning stripes on the pavement and the railroad didn't want to pay for rubberised crossings or reconfigure the tracks.



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So people kept crashing. I tried to broker a creative settlement, but the city said it was the railroad's problem and the railroad refused to negotiate. In the end I sued them both. Ultimately, the city was found to be at fault and (after obtaining this verdict) we agreed to reasonable settlements for the bicyclists.

Did the city repair the dangerous condition?

Interestingly enough, yes, just after we filed suit.

Do you have any other no-car bike cases?

A few. Right now I have one where a bicyclist crashed face-first on a sewer grate from the early 1900s that has wide openings parallel to the street. My client was willing to settle his case for no money (and no fee for me) if only the city would agree to replace these bike traps.

Do you think it will happen?

It's not real likely. Lawyers have a duty to

communicate any offers of settlement to their clients, but the city attorney told me they didn't even have a procedure to communicate our settlement offer.

So it looks like our only remedy is the court. After we have a verdict, governments and corporations are often suddenly willing to negotiate. It's unfortunate that we can't negotiate before suing, but hey, suing is not as bad as it's cracked up to be.

What is the alternative to a lawsuit? Vigilantism? Terrorism? War? Lawsuits can be a creative method for non-violent change. Maybe we should all learn to love lawsuits...

Recently in Seattle, two cyclists were roughed up and arrested on a Critical Mass ride. Is Critical Mass inherently a form of civil disobedience such that participants should expect arrest?

I've ridden a few Critical Mass rides and have enjoyed them. I doubt that many drivers stuck behind the rides achieve a carfree epiphany, however. Personally, I find passing cars stuck in traffic more fun than causing cars to be stuck in traffic.

Riding more than two abreast is illegal in Seattle, so the rides are a form of civil disobedience. While riders should expect the possibility of a traffic ticket, they shouldn't have to fear violence in the process. Unfortunately, violence is pervasive in our world. If police are violent, getting badge numbers and taking pictures makes later accountability easier.

If you were omnipotent, what change in law would you make to best serve the carfree movement?

Well, we've seen that the recent doubling or more of gas prices hasn't reduced the dominance of cars in the US. But if this money were going towards functional public transport, rather than record corporate profits and apparently unending warfare, things could change for the better.

So, as arbitrary philosopher king, I might tax gas and diesel at 50%, ethanol at 30% and pure biodiesel at 5%. Taxation at these levels would allow the market to reduce and modify demand and might even control maximum prices.

And, if the money went towards urban off-street transport and a functional nationwide train system, we might make some real strides towards being carfree. 🐾

See <www.washingtonbikelaw.com> for more on bicycling law and <www.andertonlaw.com> for general information.