

Tying up traffic may tie up activists in court



Photo by: Mark Garfinkel

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ROAD RAGE: Protesters block traffic on Interstate 93 North at East Milton Square by attaching themselves to concrete-filled barrels in the middle of the highway. Lawyers warn that protesters could face lawsuits if their actions cause harm.

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By: Erin Smith

Protesters preparing for a "week of resistance" would be wise to avoid tying up traffic on major highways or endangering public safety, according to lawyers — who say the social justice warriors could be hauled into court by people claiming [PERSONAL INJURY](#).

"In civil law, when behavior is considered unreasonable and it causes harm, then they could be liable," said Boston-based attorney Doug Sheff. "These folks are fully on notice that some of their actions could be negligent. I don't just mean slowing traffic. I'm talking about preventing someone from getting to the hospital with life-threatening injuries perhaps."

Last week, police arrested 29 demonstrators for bringing rush-hour traffic to a standstill on Interstate 93 in Medford and Milton after they attached themselves to 1,200-pound concrete-filled barrels in the middle of the highway. The protest caused two ambulances to be diverted — including one carrying an 83-year-old car crash victim. The family of Richard McGrath could not be reached yesterday.

"If there's further activity like that, they could find themselves on the other side of a lawsuit," Sheff said. "I'm not saying I'm not sympathetic to the message and I'm not saying I'm not a supporter of free speech. There are many ways to express themselves, but that right has to be tempered with the balance of threat to others."

Boston-based attorney John H. Cunha Jr. also warned that last week's protesters as well as future demonstrators could face potential legal repercussions if their actions caused harm to others.

"Certainly if someone was damaged by what they did, they could potentially be liable," Cunha said. "If they impeded something, it could potentially be a serious thing."

Boston protesters have planned a 4-mile Martin Luther King Jr. Day march today beginning at the Old State House and a massive die-in in Cambridge on Wednesday aimed at calling attention to racial injustice in the wake of police killings of unarmed black men in New York and Ferguson, Mo., according to organizers.

Cunha said there's no way for protesters to insure themselves against deliberate negligent conduct — which could open themselves up to a lawsuit.

"On a practical matter, would the individuals have sufficient resources so that someone might sue them?" said Cunha.

"That would be the question."

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