

The Unreasonable, Querulant and Vexatious as Self Represented Litigants

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LITIGANTS

- THE SPECTRUM OF COMPLAINT
 - NORMAL
 - UNREASONABLE COMPLAINANT
 - QUERULANT (MORBID COMPLAINANT)
- THE UNREASONABLE AND VEXATIOUS LITIGANTS IN COURT
- MANAGEMENT

- Querulant (morbid complainant) ó Relentlessly driven by a pursuit of justice, their complaints cascade in type and target over years and secondarily devastate their own lives.
- Vexatious Litigant ó institute legal proceedings, habitually, persistently and without reasonable grounds.
- Unreasonable Complaint Behaviours- vexatious complaint, demanding, persistent, uncooperative or aggressive (anger, intimidation, threats and violence) behaviour.

The Normal Complainant

- Aggrieved and seeking legitimate redress
- Proportionality and perspective maintained
i.e. values other life domains.
- Focus and specificity maintained.
- Able to negotiate and accept reasonable settlement.

The Unreasonable Complainant

- Aggrieved and seeking redress.
- Hear; victimisation either personalised, or generalised, then pursuing ~~for the public good~~ or the ~~principle~~
- Over-optimistic and entitled expectations of compensation or major changes to institutional structures.
- Difficult to negotiate with and rejecting of all but their estimation of a just settlement.
- Though persistent, demanding and occasionally threatening majority will ultimately settle albeit still complaining of injustice (maintains proportionality).

The Personality Disorders

- OBSESSIONAL PERSONALITY.
- NARCISISTIC PERSONALITY.
- PARANOID AND CHRONIC GRUMBLERS.
- AVARICIOUS AND MENDACIOUS.

THE QUERULANT (MORBID COMPLAINANT)

- Querulants develop, losing focus and proportionality.
- Peak ages 40ø to 60ø, M:F 4:1, no crime, drugs or psychiatric illness.
- Hear victimization, persecution and finally loss.
- Communications; multi-vectored, voluminous, over emphasised, pseudolegalistic and often contain threats.
- Relentless and prolonged -Pursuit of Justiceø
- Inflexibly focussed on grievance but if offered -totalø reparation will extend complaints.
- Overtly seeking reparation and retribution, covertly seeking vindication.

STUDIES ON THE DEVELOPMENT OF THE QUERULANT

Personality mix; Obsessional, Narcissistic and Paranoid. (the Could-a-been a Champion)

Ageing; Cannot accept mortality, loss of power and non accomplishment.

“To start to hate for ever, the chances for love must appear to be disappearing”.

Life Events; Marital break up/custody issues,
Educational or career setback e.g. failure, negative evaluation, dismissal or lack of promotion,
Physical or psychological injury or illness.

THE QUERULANT IN COURT

- ‘Voluntarily’ self-represented’.
- It is ‘a moral issue’ hence emotionally labile, self righteous and indignant.
- Legally ‘Hyper-competent’ yet disorganised and seeking adjournments.
- “A wearisome diffuseness of conversation and argument ” leading to Bower Birding.
- Magna Carta, Constitution, Natural law, International Covenant on Civil and Political Rights, *Bill of Rights 1688* (UK).
- Communication overload, Websites, Support Groups, McKenzie Friends and Marriage.

The Querulant and the Law

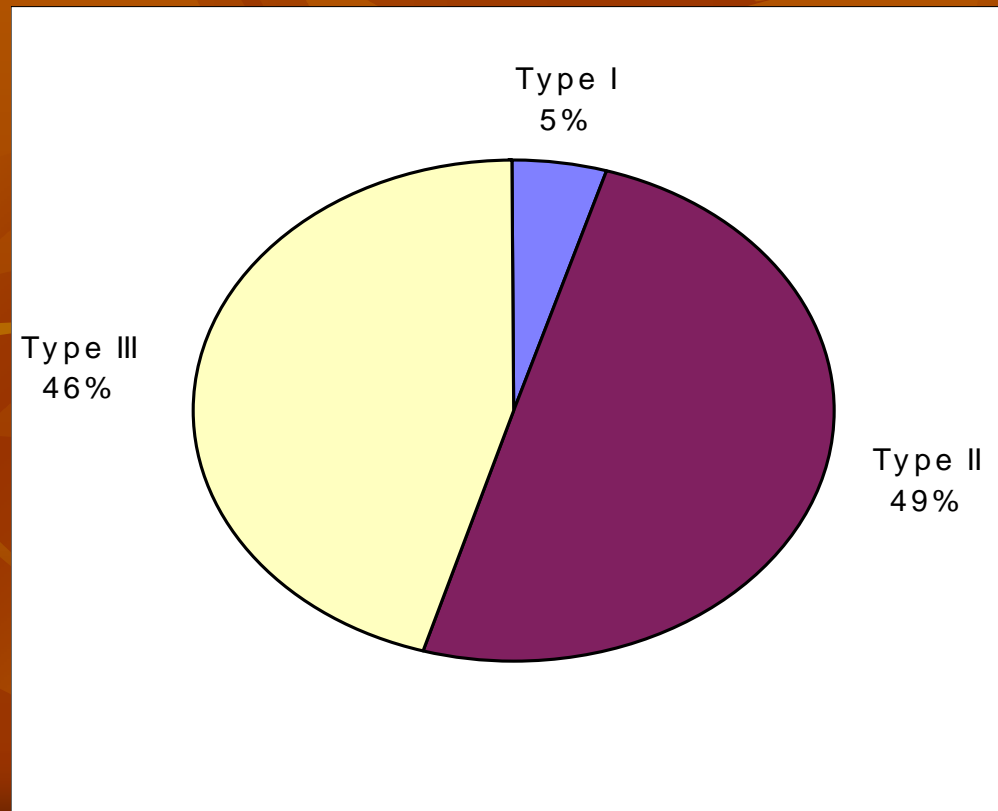
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J.D.Rooke, Associate Chief Justice, Court of Queens Bench, Alberta, Canada (736 paragraph Judgement on a matrimonial case)

Vexatious litigants in England and Wales 1990-2006

Steve Hedley, Faculty of Law, University College Cork

- Male to female; 4:1 . Cluster into the age range 50-70.
- Actions are “domestic”, the litigant was initially defendant.
I; Rubber Ball, II; Querulant, III; Litigation as lifestyle.



WORLDS WITHIN WORLDS

Unreasonable Complainants

Personality Disorders

Querulants

Vexatious Litigants

First: you will struggle

TRIBUNAL MEMBERS

Do No Harm. Success can be
-containment and safetyø not just
-completion and satisfactionø

Recognise the 5 Vøs (victimised,
voluminous and vague
communications, variable
demands, seeks vindication).

Control through limits:

- Maintain formality, donø personalise encounter.
- Limit issues to be argued.
- Time limits are essential.
- Keep firm boundaries and normal practice.
- Maintain focus for yourself and them.

Silence is Golden.

Thick Skin is Platinum.

Share the load.

You will struggle, they will
appeal, be not dismayed.

REGISTRY OFFICERS

Recognise 5 vøs.

Donø personalise the encounter.

Donø advise.

Donø divulge.

Firm limits and normal practice

Respond to all aggression,
threats or intimidation.

You will struggle, they will
complain, be not dismayed.



Discussion