The Unreasonable, Vexatious and Querulant as Client, Employee or Spouse

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COMPLAINANTS

- THE SPECTRUM OF COMPLAINT
  - NORMAL
  - UNREASONABLE
  - QUERULANT (MORBID COMPLAINANT)
  - SECONDARY TO MAJOR PSYCHIATRIC ILLNESS

- THE UNREASONABLE AND VEXATIONAL LITIGANTS IN COURT

- MANAGEMENT PRINCIPLES IN THE OFFICE
Querulant (morbid complainant)—Relentlessly driven by a ‘pursuit of justice’, their complaints cascade in type and target over years and secondarily devastate their own lives.

Vexatious Litigant – 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.

- Language of ‘being victimised’ with or without loss of specificity i.e. pursuing ‘for the public good’.

- Over-optimistic 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 will ultimately settle albeit still complaining of injustice (maintains some proportionality).
The Unreasonable Complainant

- OBSESSIONAL PERSONALITY.
- NARCISISTIC PERSONALITY.
- PARANOID AND CHRONIC GRUMBLERS.
- BORDERLINE PERSONALITY
- AVARICIOUS AND MENDACIOUS.
CLAIMS ARISING FROM PRE-EXISTING SCHIZOPHRENIA

- Aggrieved by persecution and loss.
- Claims arise totally or in part from the delusions and hallucinations associated with a pre-existing schizophrenic illness.
- Claims often bizarre.
- Nature of claim usually in constant flux.
- Often impossible to define let alone resolve the claim.
THE QUERULANT
(MORBID COMPLAINANT)

- Aggrieved by victimization, persecution not just loss.
- Emotionally charged beliefs of victimised, injustice and referentiality.
- Loss of focus and proportionality.
- Relentless and prolonged ‘Pursuit of Justice’.
- Inflexibly focussed on grievance but if offered ‘total’ reparation will extend or create complaints.
- Overtly seeking reparation and retribution, covertly seeking vindication.
STUDIES ON THE QUERULANT

Age: 4<sup>th</sup>, 5<sup>th</sup> or 6<sup>th</sup> decade
Males : Females 4:1
Premorbidly: - reasonably high functioning and educated.

Under 50% had a longterm relationship, and those relationships were difficult or often ending.
Uncommon to have criminal, psychiatric or substance abuse history.

Communications; multi-vectored, voluminous, over emphasised, pseudolegalistic and often contain threats.

Querulants aren’t born-they develop!
STUDIES ON THE DEVELOPMENT OF THE QUERULANT

Personality mix; Obsessional, Narcissistic and Paranoid.

Ageing; Can’t 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.
- Websites, Support Groups, McKenzie Friend and Marriage.
The Querulant and the Law


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

- Depends on context
  - Complaining about you or your organisation.
    - Management of Unreasonable Complaint behaviour.
      (a combination of administrative techniques and threat assessment i.e. Containment and Safety)
  - As the Litigant In Person (L.I.P.)
In the Office

- **First:** You will struggle.
- **Second:** Recognise the 5 V’s (victimised, voluminous and vague communications, variable demands, seeks vindication).
- **Third:** Maintain focus for yourself and them.
- **Fourth:** Don’t escalate.
- **Fifth:** Don’t over service.
- **Sixth:** Contain i.e. record, discuss, respond.
- **Seventh:** Record fact not opinion.
- **Eighth:** Maintain your and others safety.
- **Ninth:** Don’t personalise encounter.
- **Tenth:** Don’t review just because they are unhappy.
- **Eleventh:** Manage ALL threats and aggression.
- **Twelfth:** You will struggle. Be not dismayed.