



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

DR GRANT LESTER

Consultant Forensic Psychiatrist

Victorian Institute of Forensic Mental Health

grant.lester@forensicare.vic.gov.au

COMPLAINANTS

- THE SPECTRUM OF COMPLAINT
 - NORMAL
 - UNREASONABLE
 - QUERULANT (MORBID COMPLAINANT)
 - SECONDARY TO MAJOR PSYCHIATRIC ILLNESS
- THE UNREASONABLE AND VEXATIOUS 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: 4th, 5th or 6th 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.
- Magna Carta, Constitution, Natural law, International Covenant on Civil and Political Rights, *Bill of Rights 1688* (UK).
- Websites, Support Groups, McKenzie Friend and Marriage.

The Querulant and the Law

- Lester G, Wilson B, Griffin L, Mullen P. Unusually persistent complainants. *The British Journal of Psychiatry*, 2004, 184: 352-356
- Lester G. The Vexatious Litigant. *Judicial Officer's Bulletin* 2005 April Vol 17, Nos 3, 17-19
- Lester G, Smith S. Inventor, Rascal, Crank or Querulent? Australia's Vexatious Litigant Sanction 75 years on. *Psychiatry Psychology Law* 2006 Vol 13 Nos 1, 1-27
- Mullen P, Lester G. Vexatious Litigants and Unusually Persistent Complainants and Petitioners: From Querulous Paranoia to Querulous Behaviour. *Behavioural Sciences and the Law*, 2006, Vol 24, 333-249
- Levy. B. From paranoia querulans to vexatious litigants: a short study on madness between psychiatry and the law. Part 1. *History of Psychiatry*. Vol. 25(3) 299–316, 2014
- Meads v. Meads, 2012 ABQB 571 (CanLII) Organized Pseudolegal Commercial Argument ["OPCA"] Litigants

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.



DISCUSSION