



Unreasonable Complainants And Querulent Litigants

DR GRANT LESTER

Consultant Psychiatrist

Victorian Institute of Forensic Mental Health

- 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 Behaviours- unreasonable or vexatious complaint, demanding, persistent, uncooperative or aggressive (anger, intimidation, threats and violence).

COMPLAINANTS

- THE SPECTRUM
 - NORMAL
 - DIFFICULT
 - SECONDARY TO MAJOR PSYCHIATRIC ILLNESS
 - QUERULANT (MORBID COMPLAINANT)
- RESEARCH
- DANGER SIGNS
- MANAGEMENT

The Normal Complainant

- Aggrieved.
- Seeking legitimate redress.
- Maintains specificity (focus).
- Proportionality and perspective maintained i.e. values other life domains.
- Able to negotiate and accept reasonable settlement.

The Difficult Complainant

- Aggrieved and indignant (with sense of being victimised) and or loss of specificity.
- 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 as maintains proportionality.

The Difficult Complainant

-A heterogeneous group:

- BADLY MANAGED;
- SOCIAL ACTIVIST;
- 'WHISTLEBLOWER';
- COMPLICATED GRIEF;
- OBSESSIONAL PERSONALITY;
- NARCISISTIC PERSONALITY;
- PARANOID AND CHRONIC GRUMBLERS;
- AVARICIOUS AND MENDACIOUS.

CLAIMS ARISING FROM PRE-EXISTING MENTAL ILLNESS

- Aggrieved by loss and (often) persecution
- Claims arise totally or in part from the delusions associated with a pre-existing psychotic 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 and indignant at victimization and loss.
- Enormous sense of entitlement.
- Seeking not just reparation but vindication.
- Rigidly focussed on grievance.
- Will not accept resolution and even if total settlement of monetary claim offered they will often then demand some other unrealisable retribution.

STUDIES ON THE QUERULANT

Age: 4th, 5TH or 6TH decade

Males:Females 4:1

Premorbidly: - reasonably high functioning
well educated.

Majority had had partners

Criminal history - uncommon

Psychiatric history - uncommon

Substance abuse - not prominent

Course-waxes and wanes over years.

THE QUERULANT (MORBID COMPLAINANT)

- A vulnerable personality, primed by past experience.
- Recent 'blow' to individuals sense of self esteem or security.
- Usually a genuine grievance at the root to the claim, this 'key experience' may be the 'blow'.
- Early responses to the claim may alter the querulous trajectory.
- The claimants investment in their quest (financial and emotional) rapidly escalates to the point where withdrawal becomes unthinkable.

STUDIES ON THE QUERULANT - PERSONALITY

“A rough, irritable, **egotistic person**, defective in his notions of justice”

Krafft-Ebing (1897)

“Restless, excitable, irritable, **inflated self esteem**, assertive, combative, defiant, fanatical”.

Kolle (1931)

“Inflexible, **difficulties with intimacy**, assertive, hypersensitive to criticism, **distrustful**.

Ungvari (1997)

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KEY EXPERIENCES

- Age Related Re-evaluation of goals:
 - The need to accept non accomplishment.
 - To face mortality and loss of power.
 - *“To start to hate for ever, the chances for love must appear to be disappearing”.*
- Environmental stressor in majority:
 - Threats to ‘male status symbols’ such as prestige, position, power, property and rights.
 - Majority had a preceding stressful court case.
 - Dismissal or lack of promotion, marital break up/custody issues.

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STUDYING THE PERSISTENT COMPLAINANT

GRANT LESTER

BETH WILSON

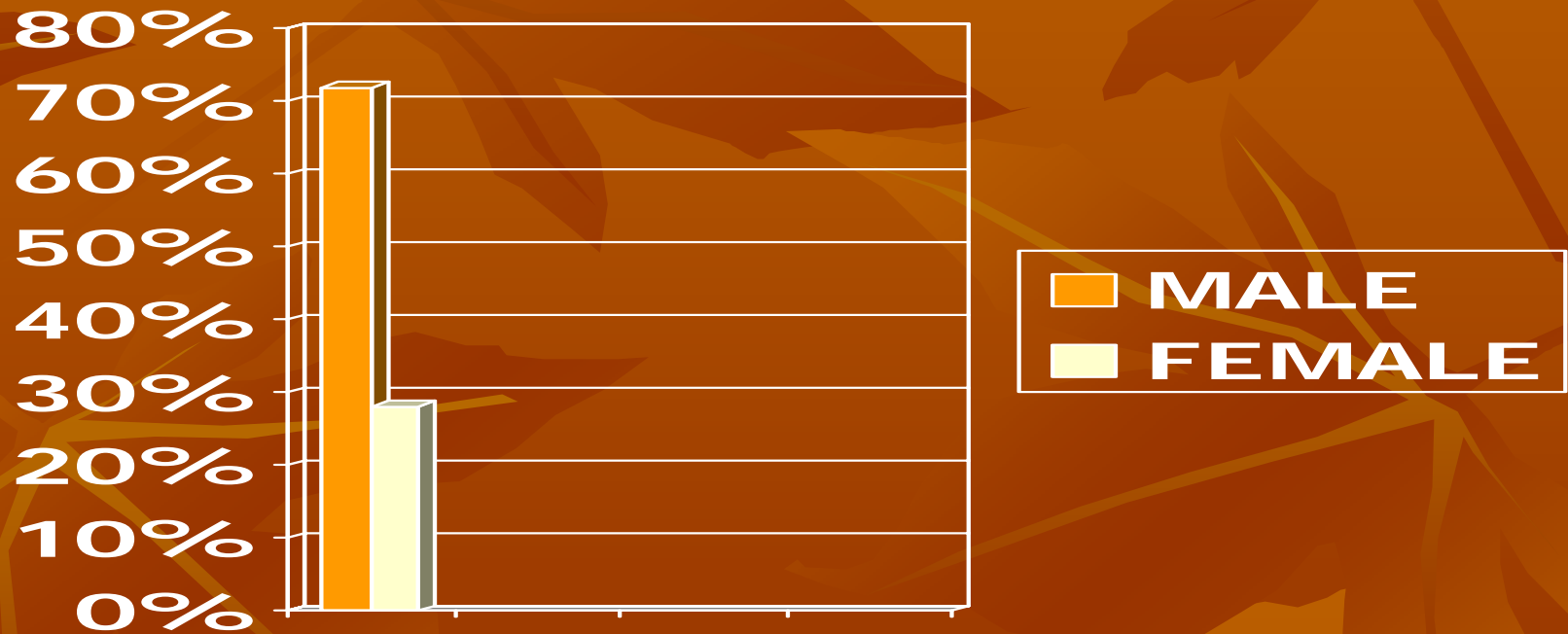
LYNN GRIFFIN

PAUL E MULLEN

QUESTIONNAIRE TO OFFICERS OF:

- HEALTH SERVICES COMMISSION
- VICTORIAN OMBUDSMAN
- LEGAL OMBUDSMAN
- BANKING OMBUDSMAN
- TELECOMMUNICATIONS OMBUDSMAN

GENDER OF COMPLAINANTS



Months Between First Complaint and Last contact

	PERSISTENT	CONTROL
Mean	35.5	8.39
Std. Error of Mean	4.26	1.47
Median	28.5	4.0
Std Deviation	30.69	9.73
Range	143	43
Percentile 25	12.5	2.0
50	28.5	4.0
75	45.75	11.5

Months Between Injury and First Complaint

	PERSISTENT	CONTROL
Mean	11.46	6.61
Std. Error of Mean	2.83	1.95
Median	3.00	2.00
Std. Deviation	20.37	12.93
Range	116	58
Percentile 25	1.00	1.00
50	3.00	2.00
75	12.00	5.00

Description of communications

	Persistent (%)	Control (%)	p
Inappropriate length/ impossible to understand	83	4.5	<.01
Total Vol. of communication Inappropriate	98	2	<.01

FORMULATION OF COMPLAINTS

AIMS

	CASES	CONTROLS	
“Public interest” acknowledged	39%	9%	<0.001
“Justice” for themselves	65%	16%	<0.001
“Day in Court”	23%	5%	<0.01
Appropriate retribution	43%	11%	<0.001
Inappropriate revenge	14%	0%	<0.01
Stop others persecuting them	14%	7%	NS
Bizarre or incomprehensible	10%	2%	NS

THREATS

In written material

CASES

CONTROLS

Veiled

32%

0

<000

Direct

17%

0

<0.01

Suicide

5.8%

0

NS

In person

Veiled

52%

0

<000

Suicide

16%

0

<0.05

Focus of complaint

	Persistent (%)	Control (%)	p
Service provider + 1 or more others	75	23	<.01
1 or more other Complaints org contacted	77	21	<.01

Legal Action-Complaints organisation

Legal action against:	Persistent (%)	Control (%)	p
-Provider of initial service	29	4	<.01
-Others peripheral to loss	10	0	.06
-Complaints organisation	10	0	.06
Further legal action anticipated	27	2	<.01

DANGER SIGNS

- Large volumes of communications and reference to self in the third person in written communication.
- An increasing proportion of their working capacity is devoted to either thinking about or performing activities related to their grievance.
- Increasing egocentricity and entitlement.
- When the individual begin to see their life's meaning in terms of their grievance and the quest for reparation.

DANGER SIGNS

- Increasingly disproportionate animation, anger and emotional lability in discussion.
- Increasingly frenetic and energised communication styles.
- Focus now on the “principle”, on “the injustice”, on “protecting the public”, than on actual nature of injury.
- Themes of being victimised, being ignored, being lied to, being fobbed off, being humiliated
- Inflexible and rigid at one level, yet constantly adding to and reframing grievances at another level.

DANGER SIGNS

- When they begin to neglect other life areas and in particular when this is recognised and complained of by family or friends.
- When focus on the grievance is lost and there is evidence of contamination i.e. There is a multiplication of grievances with an associated increase in the number of involved parties.
- There is an increasing disorganisation of the querulant's efforts to further his cause.

THE QUERULANT IN COURT

- Self-represented.
- Emotionally Labile.
- Hypercompetent.
- Magna Carta, International Covenant on Civil and Political Rights, Constitution, Natural law, and the *Bill of Rights 1688* (UK).
- “A wearisome diffuseness of conversation and argument ” leading to Bower Birding.
- Adjournments and Disorganisation .

Management of Unreasonable Complainants

- Counter Staff e.g. Registry Offices, Reception Staff.
- Complaints Officers.
- Court Officers.
- Police.
- Psychiatrists and Hospital Staff.

Managing Unreasonable Complainants

- Principles.
- Their psychological makeup.
- Recognition of signs.
- Defusing.
- Containment.
- History of events (incl. collateral).
- Interviewing
- Refocus.
- Reframe.
- Family and Friends
- Termination.

WORKSHOP

- **Management Protocols-** for unreasonable behaviours eg persistent, demanding, uncooperative, aggressive (anger, intimidation and threats i.e. to staff member, to third party or self harm and suicide).
- **Specific Techniques** (Interviews- phone and in person; minimising Anger, managing Escalating Anger, Threats, 'Avoiding Becoming a Covert Hostage').

Conclusions

- No one is born a querulant.
- They desire vindication and retribution; society offers justice through reparation and compensation.
- A majority of the querulant commence litigation.
- A half make threats of violence, an unknown proportion carry them out.
- The querulant and vexatious litigant now 'rest and recuperate' in complaints departments and ombudsman offices.