Unreasonable Complainants
And
Querulent Litigants

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- **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
  - QUERULENT (MORBID COMPLAINANTS)

- RESEARCH
- DANGER SIGNS
- MANAGEMENT
The Normal Complainant

- Aggrieved

- Seeking legitimate redress

- Able to negotiate and accept reasonable settlement.

- Proportionality and perspective maintained i.e. values other life domains.
The Difficult Complainant

- Aggrieved 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;
- OBSESSONAL 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 by victimization and loss
- Enormous sense of entitlement
- Seeking not just reparation but vindication
- Completely 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)
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’.

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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.
QUERULANT
(MORBID COMPLAINANT)

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- Recent ‘blow’ to individuals sense of self esteem or security.
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- Early responses to the claim may alter the querulous trajectory.
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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

- Male: 80%
- Female: 0%
# Months Between First Complaint and Last contact

<table>
<thead>
<tr>
<th></th>
<th>PERSISTENT</th>
<th>CONTROL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mean</td>
<td>35.5</td>
<td>8.39</td>
</tr>
<tr>
<td>Std. Error of Mean</td>
<td>4.26</td>
<td>1.47</td>
</tr>
<tr>
<td>Median</td>
<td>28.5</td>
<td>4.0</td>
</tr>
<tr>
<td>Std Deviation</td>
<td>30.69</td>
<td>9.73</td>
</tr>
<tr>
<td>Range</td>
<td>143</td>
<td>43</td>
</tr>
<tr>
<td>Percentile 25</td>
<td>12.5</td>
<td>2.0</td>
</tr>
<tr>
<td>50</td>
<td>28.5</td>
<td>4.0</td>
</tr>
<tr>
<td>75</td>
<td>45.75</td>
<td>11.5</td>
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# Months Between Injury and First Complaint

<table>
<thead>
<tr>
<th></th>
<th>PERSISTENT</th>
<th>CONTROL</th>
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</thead>
<tbody>
<tr>
<td><strong>Mean</strong></td>
<td><strong>11.46</strong></td>
<td><strong>6.61</strong></td>
</tr>
<tr>
<td><strong>Std. Error of Mean</strong></td>
<td>2.83</td>
<td>1.95</td>
</tr>
<tr>
<td><strong>Median</strong></td>
<td>3.00</td>
<td>2.00</td>
</tr>
<tr>
<td><strong>Std. Deviation</strong></td>
<td>20.37</td>
<td>12.93</td>
</tr>
<tr>
<td><strong>Range</strong></td>
<td>116</td>
<td>58</td>
</tr>
<tr>
<td><strong>Percentile 25</strong></td>
<td>1.00</td>
<td>1.00</td>
</tr>
<tr>
<td><strong>50</strong></td>
<td>3.00</td>
<td>2.00</td>
</tr>
<tr>
<td><strong>75</strong></td>
<td>12.00</td>
<td>5.00</td>
</tr>
</tbody>
</table>
# Description of communications

<table>
<thead>
<tr>
<th></th>
<th>Persistent (%)</th>
<th>Control (%)</th>
<th>p</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inappropriate length/impossible to understand</td>
<td>83</td>
<td>4.5</td>
<td>&lt;.01</td>
</tr>
<tr>
<td>Total Vol. of communication Inappropriate</td>
<td>98</td>
<td>2</td>
<td>&lt;.01</td>
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</table>
## Formulation of Complaints: Aims

<table>
<thead>
<tr>
<th>Aims</th>
<th>Cases (%)</th>
<th>Controls (%)</th>
<th>p-value</th>
</tr>
</thead>
<tbody>
<tr>
<td>“Public interest” acknowledged</td>
<td>39%</td>
<td>9%</td>
<td>&lt;0.001</td>
</tr>
<tr>
<td>“Justice” for themselves</td>
<td>65%</td>
<td>16%</td>
<td>&lt;0.000</td>
</tr>
<tr>
<td>“Day in Court”</td>
<td>23%</td>
<td>5%</td>
<td>&lt;0.01</td>
</tr>
<tr>
<td>Appropriate retribution</td>
<td>43%</td>
<td>11%</td>
<td>&lt;0.001</td>
</tr>
<tr>
<td>Inappropriate revenge</td>
<td>14%</td>
<td>0%</td>
<td>&lt;0.01</td>
</tr>
<tr>
<td>Stop others persecuting them</td>
<td>14%</td>
<td>7%</td>
<td>NS</td>
</tr>
<tr>
<td>Bizarre or incomprehensible</td>
<td>10%</td>
<td>2%</td>
<td>NS</td>
</tr>
</tbody>
</table>
## THREATS

<table>
<thead>
<tr>
<th></th>
<th>CASES</th>
<th>CONTROLS</th>
<th>(&lt;0.01)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>In written material</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Veiled</td>
<td>32%</td>
<td>0</td>
<td>(&lt;0.000)</td>
</tr>
<tr>
<td>Direct</td>
<td>17%</td>
<td>0</td>
<td>(&lt;0.01)</td>
</tr>
<tr>
<td>Suicide</td>
<td>5.8%</td>
<td>0</td>
<td>NS</td>
</tr>
<tr>
<td><strong>In person</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Veiled</td>
<td>52%</td>
<td>0</td>
<td>(&lt;0.000)</td>
</tr>
<tr>
<td>Suicide</td>
<td>16%</td>
<td>0</td>
<td>(&lt;0.05)</td>
</tr>
</tbody>
</table>
### Focus of complaint

<table>
<thead>
<tr>
<th>Service provider + 1 or more others</th>
<th>Persistent (%)</th>
<th>Control (%)</th>
<th>p</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 or more other Complaints org contacted</td>
<td>77</td>
<td>21</td>
<td>&lt;.01</td>
</tr>
</tbody>
</table>


## Legal Action - Complaints organisation

<table>
<thead>
<tr>
<th>Legal action against:</th>
<th>Persistent (%)</th>
<th>Control (%)</th>
<th>p</th>
</tr>
</thead>
<tbody>
<tr>
<td>-Provider of initial service</td>
<td>29</td>
<td>4</td>
<td>&lt;.01</td>
</tr>
<tr>
<td>-Others peripheral to loss</td>
<td>10</td>
<td>0</td>
<td>.06</td>
</tr>
<tr>
<td>-Complaints organisation</td>
<td>10</td>
<td>0</td>
<td>.06</td>
</tr>
<tr>
<td>Further legal action anticipated</td>
<td>27</td>
<td>2</td>
<td>&lt;.01</td>
</tr>
</tbody>
</table>
DANGER SIGNS

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

- Management requires examination of legislation, organisational culture, policy and procedures, individual skills.

- Identification is to:
  - Humanise not to demonise;
  - Maintain equity of service for all.

- Identification leads to application of clear and transparent procedures and a ‘team’ approach.

- Containment and Safety rather than completion and satisfaction is your goal. e.g. Harm minimisation.
PRINCIPLES

- B boundaries
- R responsibilities
- E expectations
- A authority
- S scripting
- S strategic supervision
Conclusions

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