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123 Vexatious Litigation: Medicolegal Aspect of a Pathological Concept and Its Implication in Canada

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The goal of this presentation is to educate attendees regarding the concept of vexatious litigation and its origin. How this concept impacts the practice of psychiatry and forensic psychiatry will be described as will profiles of the patients who are deemed vexatious litigants.

This presentation will impact the forensic science community by presenting a concept that is not yet broadly used but is useful in managing some difficult patients.

Freedom of expression is a highly regarded social value in many countries; however, without any restriction, some individuals may use this right to create frequent and enduring conflicts. Litigation may become a way of expressing disagreement and contesting authority. The habit of frequently raising conflicts may result from individuals' personality traits, personality disorders or severe mental disorders. In such cases, these constant litigations may be viewed as psychiatric symptoms.

Paranoid personality disorder is the most common disorder in people raising conflicts on a regular basis, primarily because of the misinterpretation of facts. Such individuals often perceive insults and threats where none may exist. Other mental disorders, such as schizophrenia, are also associated with this type of behavior. Indeed, although paranoid ideas drive the need to raise conflict, because of their thought disorganization, the motives of such individuals can be quite vague. In both instances, personality disorder or severe mental disorder, because of the repetitive and baseless nature of the complaints, they may be easily dismissed; however, this may result in increasing the degree of suspiciousness and resentment and can result in individuals escalating their actions. It is therefore important, if possible, to listen to such claims carefully and to respond to them in a way that the complainant is satisfied they have been heard and will therefore not take their actions to a higher level.

As noted previously, complaining may be part of the symptom profile of individuals who suffer with mental disorders. This behavior becomes particularly challenging when it interferes with the therapeutic relationship, which can become a major barrier in rehabilitating the patient. The reasons for the development of such paranoid thinking remain unclear. Institutionalized patients who do not suffer from any major cognitive impairment seem to be more prone to engaging in litigious actions. This and other potential etiological factors will be explored.

As always, when a right is given, some way of controlling this right has to be implemented to ensure that it will not be abused. This is exactly what happens with what are described as vexatious litigations. An individual who is designated a vexatious litigant can see all his/her reporting to legal authorities being dismissed automatically. Designating someone in this manner is a powerful way to restrict his/her rights. This presentation proposes to describe the evolution of the concept of vexatious litigation. The intent is also to bring to attention the Canadian process of making an individual a vexatious litigant and its impact on clinical practice.

This presentation will be focused on the evolutionary concept of vexatious litigation and on describing the psychopathology of the people who are deemed vexatious litigants.

Forensic Psychiatry, Paranoid Traits, Litigation

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