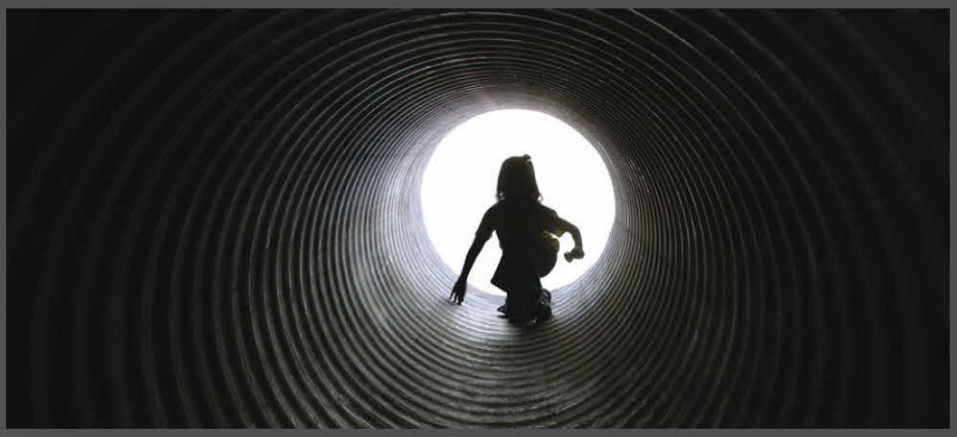
Author's note: Increasingly, mentally ill individuals are finding their way into the court system. What follows is a primer on personality disorders. This article is adapted with permission from the book High Conflict People *by Bill Eddy (www.unhookedbooks.com) but departs from the book where it discusses the cause of personality disorders and effective treatment.*



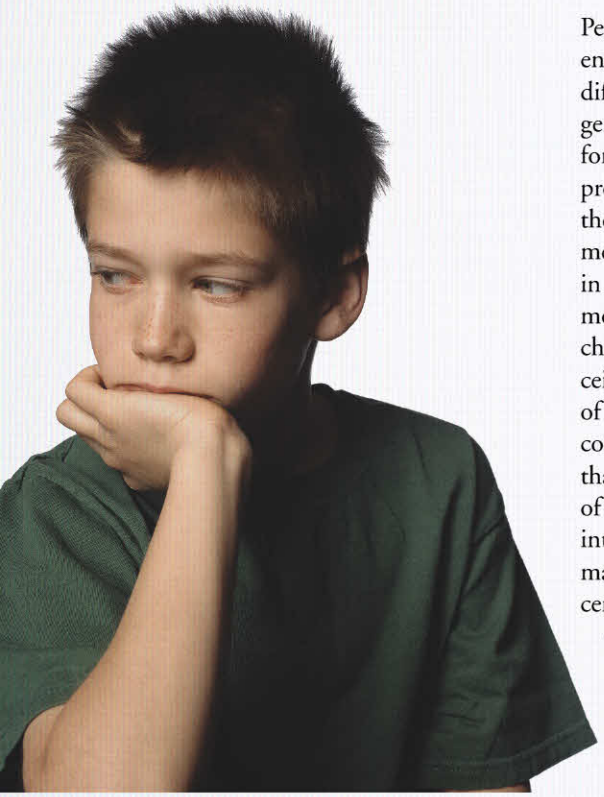
MENTAL ILLNESS AND THE LEGAL SYSTEM

By Hilary Vesell

Personality disorders are believed to be formed at an early age in abusive relationships, generally where children cannot get their emotional needs met. At best, their personalities may be slightly odd and rigid; at worst, these children may grow up to be totally unmanageable and largely dysfunctional. Children need loving guidance and positive feedback. They need to know that they are worthwhile and good. They need to have their feelings respected and to be free from overwhelming shame, guilt, criticism, scolding, belittling and contempt. Their ability to cope and their resilience will largely depend on how much positive feedback they receive, versus negative feedback (or lack of any at all), combined with any positive or protective factors.

To be fair, not all individuals come out of less-than-optimal backgrounds disadvantaged psychologically. Some will excel for various reasons, such as resilience or the help of alternate caregivers or role models. It is also possible for environmental stimuli — smoking, drinking and taking drugs by the mother while the child is in utero — to influence the wiring of the brain. Personality disorders can also be formed by undiagnosed medical problems in childhood that would prevent proper bonding with a caretaker. Criminals may also beget criminals, there possibly existing a genetic component to criminality.

Personality disorders are defined in the *Diagnostic and Statistical Manual of Mental Disorders* of the American Psychiatric Association and include borderline, narcissistic, anti-social and histrionic personality disorders. Everyone probably has traits of some of these disorders. The measuring stick is how much they interfere with one's daily life. At the far end of the spectrum is someone who is rigid, unmanageable and dysfunctional, versus being flexible and adaptive.



Personality-disordered individuals may end up in court more, as they may have difficulty settling their disputes, are generally unreasonable and are looking for someone to blame as the cause of their problems. They often want a judge to hear their entire story of perceived mistreatment. These individuals are stuck and rigid in their thinking, and this generally has more to do with the circumstances of their childhoods and the mistreatment they received during that time than with the facts of their current case. They may present in court with so much emotional intensity that people will want to believe their claims of mistreatment. Through their heightened intensity, personality-disordered individuals may actually succeed in making the innocent look guilty. Following are descriptions of borderline, narcissistic, anti-social and histrionic personality disorders and how perhaps they can best be dealt with in the legal system.

BORDERLINE PERSONALITY DISORDER

Borderlines are preoccupied with their fear of abandonment, generally because they never formed a secure bond with a caretaker. Due to the severe mental, physical and emotional abuse they were subjected to as children, they are filled with rage, and it doesn't take much for them to unleash this rage on an unsuspecting target. Alternating between love and hate, they have difficulty seeing shades of gray. In their eyes someone is either all good or all bad. But because we all have characteristics of both, the farther the pendulum swings one way toward admiration, the farther it will eventually swing the other way to hate.

To ward off potential abandonment, the borderline will initially present as overly friendly, charming and even seductive but will eventually use controlling, clinging and manipulative behavior to hold on to his or her target. The impulsive behavior of the borderline will usually be self-sabotaging. As a result, relationships with a borderline are often conflictual.

In a professional relationship, borderlines will need firm boundaries. Ups and downs in a lawyer/client relationship with them are often unavoidable and should be pre-

dicted. This is because their initial flattery of you will turn to hate, generally with the same intensity. It will be important not to end a relationship with a borderline abruptly but instead to remain objective and to give soothing feedback without getting angry with, being critical of or ignoring the borderline.

If borderlines feel criticized or insulted by the court, this may actually escalate the conflict, increasing the likelihood that they will return to court in an effort to prove themselves and their dispute valid. To reduce their opportunities to escalate the conflict, borderlines should be treated with respect and given some type of moderate reassurance.

NARCISSISTIC PERSONALITY DISORDER

Narcissists are preoccupied with their fear of inferiority. To compensate, they are endlessly promoting themselves as superior, criticizing others, most of whom they view as beneath them. Narcissists are preoccupied with winning and being respected without doing the necessary work, often lying, exaggerating or name-dropping to impress others. If narcissists are challenged in these beliefs, it will only serve to trigger their fears of inferiority and they will go on the offensive with verbal attacks.

Narcissists will have difficulty maintaining long-term relationships and see interactions with others generally as opportunities to boost themselves. Lacking empathy, when narcissists can no longer manipulate their target they will often simply move on, not bothering to say goodbye. However, when narcissists lash out, they may lash out at strangers, in contrast to borderlines, who are generally only violent within intimate relationships.

In order to create a stable relationship with a narcissist it will be important to give positive feedback. The narcissist wants to be respected and recognized as superior. Therefore, an apology will go a long way with a narcissist. The narcissist should be handled with respect and empathy, with an emphasis on his or her strengths and accomplishments while avoiding direct criticism, remembering that these individuals are probably survivors of childhood abuse. Relationships with narcissists should not be terminated abruptly.

Narcissists may view the court system as a place where they can feel superior and successful, where they will want to be admired and given special treatment. They may frequently become involved in legal disputes because they are risk-takers, disdainful of others and oblivious to the consequences of

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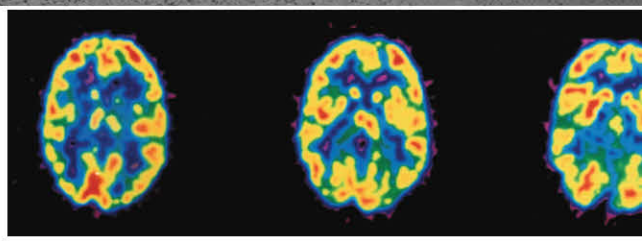


their own behavior. The outlook for compromise or settlement with these individuals will be bleak absent some type of leverage such as appropriate sanctions or the threat of airing their non-public images, which they will generally seek to hide.

ANTI-SOCIAL PERSONALITY DISORDER

Anti-social-personality-disordered (ASPD) individuals are preoccupied with the fear of being dominated. Because their childhoods were especially chaotic (where addictions may have been present) they will seek control over their lives at any cost. As a result, in order to feel secure they will try to dominate others by lying, stealing or using violence and manipulation. Dominating and humiliating another individual may be the only way that an ASPD can feel secure. While these individuals may appear superficially exciting, confident and charming, it is generally just a ruse to gain control in an effort to feel unthreatened. However, even after gaining control in a relationship, these individuals, never satisfied, will move on to achieve other conquests.

ASPDs are mistrustful and insincere and work hard to hide their true intentions, motivations and bad acts. They will do anything to convince others that they are good. Of all the personality disorders, this is probably the most dangerous, as there is a conscious drive to hurt other people. In contrast to the other personality disorders, a physical confrontation with an ASPD is usually not highly emotional. It is simply the ASPD's means to an end.

Being mistrustful, insincere and prone to lying, ASPDs assume that others are lying, too. In a short interaction it will be difficult to tell that they are compulsive liars. Generally, a complete and accurate history will be needed. Their stories should be verified and their pasts checked. ASPDs generally have a pervasive pattern of disregard for and violation of the rights of others and can usually be identified by repeated violation of minor laws. ASPDs often suffer from poor impulse control, which tends to get them in trouble with the law. They have difficulty understanding the long-term consequences of their behavior, which will generally keep them incarcerated.

With the ASPD it is important to pay attention to your fears and to take all measures to protect yourself. ASPDs don't care who they hurt. They will use whomever they can, which is why they are often called con artists. When caught, they are generally successful at hiding their lies through charm, quick thinking and ever-changing stories. Furthermore, they will fake remorse after they are caught but are not sorry. The ASPD is not afraid of hurting others, getting caught or lying, especially since lying in court is rarely if ever punished.

ASPDs will not form bonds with others. This is in contrast to the other personality-disordered individuals, who form bonds, although negative and conflictual, similar to the bonds formed in their own childhoods.

In court it is not uncommon for an ASPD to file a custody case after an increase in child support has been made. It's less about the money than the desire to control and prevent being controlled by another. Often, when the ASPD can no longer control the spouse he or she abused in the past, this type of person will seek control of the children through a custody challenge. Because ASPDs are charming, verbally persuasive and manipulative, it may not be hard for them to win in court.

Courts should be alert to litigants filing in multiple jurisdictions (often where the other party is improperly served), emergency therapy appointments without the knowledge of the other parent and then lack of follow-through with recommended therapy. Furthermore, if the ASPD interprets a court order not to be favorable, he or she may feel the need to violate it to maintain a sense of control. Because of this tendency, monetary consequences should be built into the order to deter frivolous litigation. Additionally, the ASPD may be more likely to follow a court order if he or she helped determine the consequences for not following the order or for making false statements.

HISTRIONIC PERSONALITY DISORDER

Histrionics are preoccupied with the fear of being ignored. In order to feel secure they are constantly seeking attention. Histrionics will usually alienate all but the most tolerant people, but those who stay with the histrionic will usually be co-dependent.

Histrionics are theatrical in mannerisms and appearance, exaggerating events that may not even have occurred. Their expressions of emotion are usually short-lived. They lack insight and are undependable and highly erratic. Although histrionics initially appear fascinating and exciting, a relationship with a histrionic will usually start intensely and end in disaster. Such relationships will be stormy, with temper tantrums, manipulations and angry outbursts being the norm.

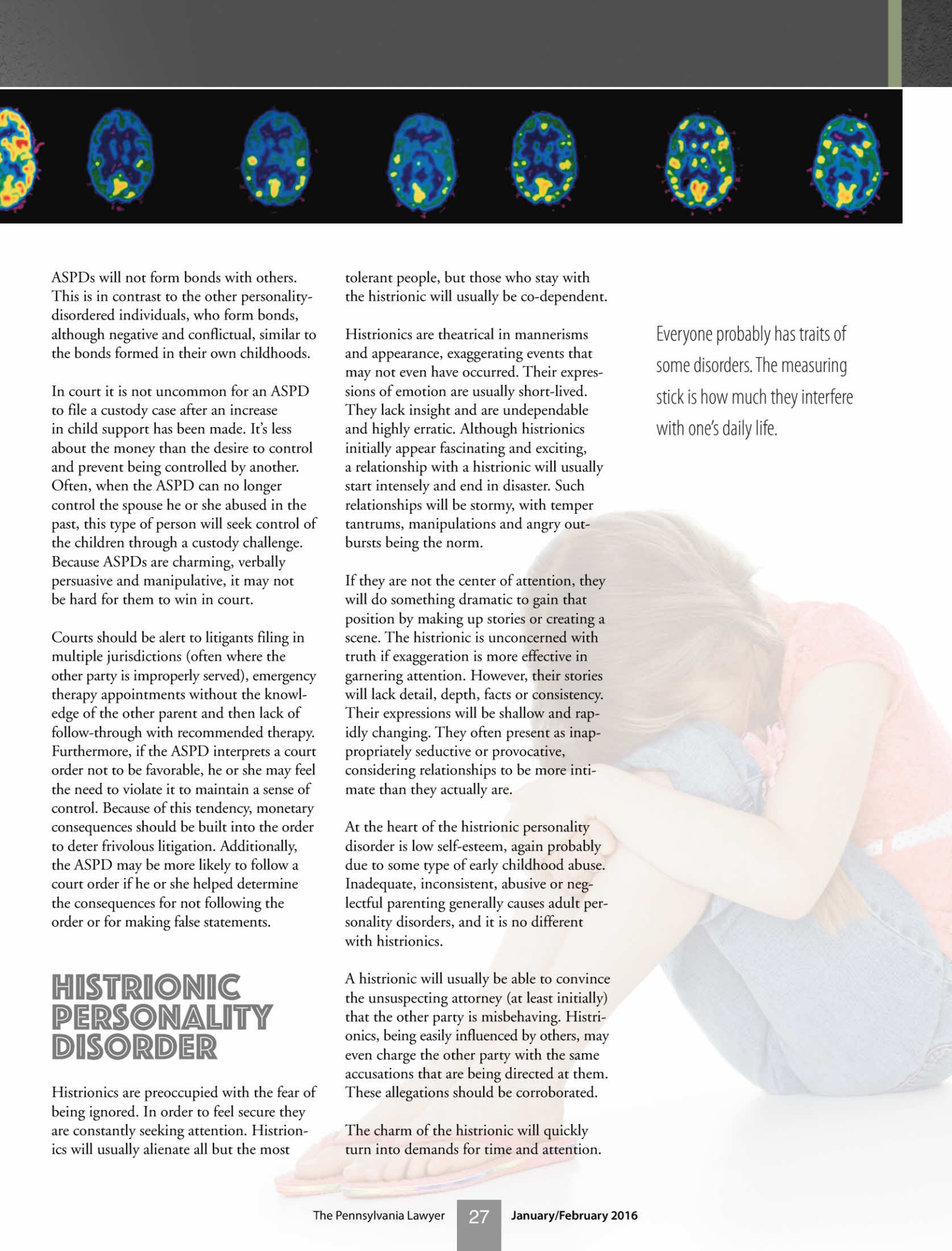
If they are not the center of attention, they will do something dramatic to gain that position by making up stories or creating a scene. The histrionic is unconcerned with truth if exaggeration is more effective in garnering attention. However, their stories will lack detail, depth, facts or consistency. Their expressions will be shallow and rapidly changing. They often present as inappropriately seductive or provocative, considering relationships to be more intimate than they actually are.

At the heart of the histrionic personality disorder is low self-esteem, again probably due to some type of early childhood abuse. Inadequate, inconsistent, abusive or neglectful parenting generally causes adult personality disorders, and it is no different with histrionics.

A histrionic will usually be able to convince the unsuspecting attorney (at least initially) that the other party is misbehaving. Histrionics, being easily influenced by others, may even charge the other party with the same accusations that are being directed at them. These allegations should be corroborated.

The charm of the histrionic will quickly turn into demands for time and attention.

Everyone probably has traits of some disorders. The measuring stick is how much they interfere with one's daily life.



Lawsuits almost never offer the total vindication that a personality-disordered individual is seeking.

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Histrionics should be given structure, focus and limits, understanding that they may frequently change lawyers to avoid the risk of closeness or rejection.

Legal disputes will provide histrionics with the attention they crave. In court they will usually be able to find a professional advocate to support their position. Histrionics may have an advantage in court due to their dramatic emotional appeals, while often glossing over the facts. Additionally, the adversarial court system may be responsive to the dramatic party over the less litigious, deferential, quiet party, especially where the court is concerned with helping the victim and punishing the perpetrator. While false allegations can be made quickly, it can take months or years for the facts to come out.

IN CONCLUSION

Lawsuits almost never offer the total vindication that a personality-disordered individual is seeking. Personality-disordered individuals are looking for someone to blame, and they will rarely get the decision they want. Additionally, any decision can be appealed or, in the case of custody, endlessly litigated, using large amounts of time, resources and mental energy perhaps best suited for other pursuits.

The negative thoughts of personality-disordered individuals, often fueling their court cases, are probably best dealt with in therapy. Even those who become involved with personality-disordered individuals may be able to benefit from therapy to uncover how they became involved with such unreasonable individuals and how to avoid similar situations in future.

The emotional issues driving the personality-disordered individual will probably never be sorted out without effective therapy. In the treatment of personality disorders, however, traditional talk therapy will generally be ineffective. Deeper unconscious therapies such as EMDR (Eye Movement Desensitization and Reprocessing) or hypnotherapy may be more helpful. While talk therapy can provide some intellectual insight that can be helpful, personality disorders are formed in early childhood, so these early emotional states must be accessed in order to heal them and stop the repetition of these destructive, negative (and often unconscious) patterns. For more information on effective traditional and nontraditional therapies that offer a deeper therapeutic paradigm, visit the websites of The Wellness Institute, www.wellness-institute.org, and the EMDR Institute, www.emdr.com. Both websites list local therapists. These issues, properly addressed in effective therapy, could help unclog court dockets, saving society invaluable time and money, not to mention providing psychological peace.

The aim of this article is not to point out individuals with personality disorders, making their lives perhaps more difficult than they already are. Rather, its purpose is to encourage society to come together to raise our children to be well-adjusted, happy, reasonable and caring individuals who are a boon to their communities, not a drain on their resources, and to reduce the cost to society of lengthy, taxpayer-funded litigation over minor, frivolous or non-existent issues prompted by recently triggered emotions rooted in a time long past. ⚖

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Vesell thanks Bill Eddy for permission to summarize his work, which in part is the basis for this article. For more information on Eddy's work, visit the website of the High Conflict Institute, www.highconflictinstitute.com. She also thanks Jennifer Morris for reviewing the article. Morris is a therapist in Annapolis, Md., specializing in psychoanalysis, hypnotherapy and EMDR. Her website is www.jennifermorristherapy.com.

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