

# Identifying and Managing Difficult, High Conflict Personality Clients

By Paul Fisher

**H**ow many times have you worked with a client who, at first, appears to be an appealing and charming individual; an unfortunate victim of someone else's wrongdoing? Later, you realize the client is chronically adversarial, manipulative, inflexible, unreasonable, impossible to please and takes no responsibility for problems he or she has helped create. As explained by forensic psychologist Sherrie Bourg Carter: "They believe that their distorted or exaggerated views of a situation are accurate, making it difficult for them to understand why others do not agree with

them. They tend to disagree with their attorney's assessment of the strengths and weaknesses of their case and legal strategies. When challenged they become defensive and entrenched." (*Representing Mentally and Emotionally Disturbed Clients in Family Law Practice*, 22 *American Journal of Family Law* 128 (Fall 2008)).

Think back to your first meeting. Had you known then what

you know now, you never would have accepted the case. Sometimes, however, you are stuck with the case and have to make the best of it. These are the 10 percent of clients who cause 90 percent of your grief. Attorneys have told me in mediation about the pain, agony and mental torture they go through with difficult clients.

This series of articles will help lawyers identify difficult, high conflict personalities and present approaches on how to better manage them by discussing the four most common high conflict personalities: borderline, histrionic, narcissistic and antisocial. For these clients, the drive for conflict arise from their personalities, rather than the issues or amount of money involved. There is a life-long pattern of blaming others and not taking responsibility for their actions. How these individuals are handled can either escalate or contain litigation. This installation will explore tools that work with each disorder, and because these clients may sue for malpractice if they are dissatisfied, how to protect yourself.

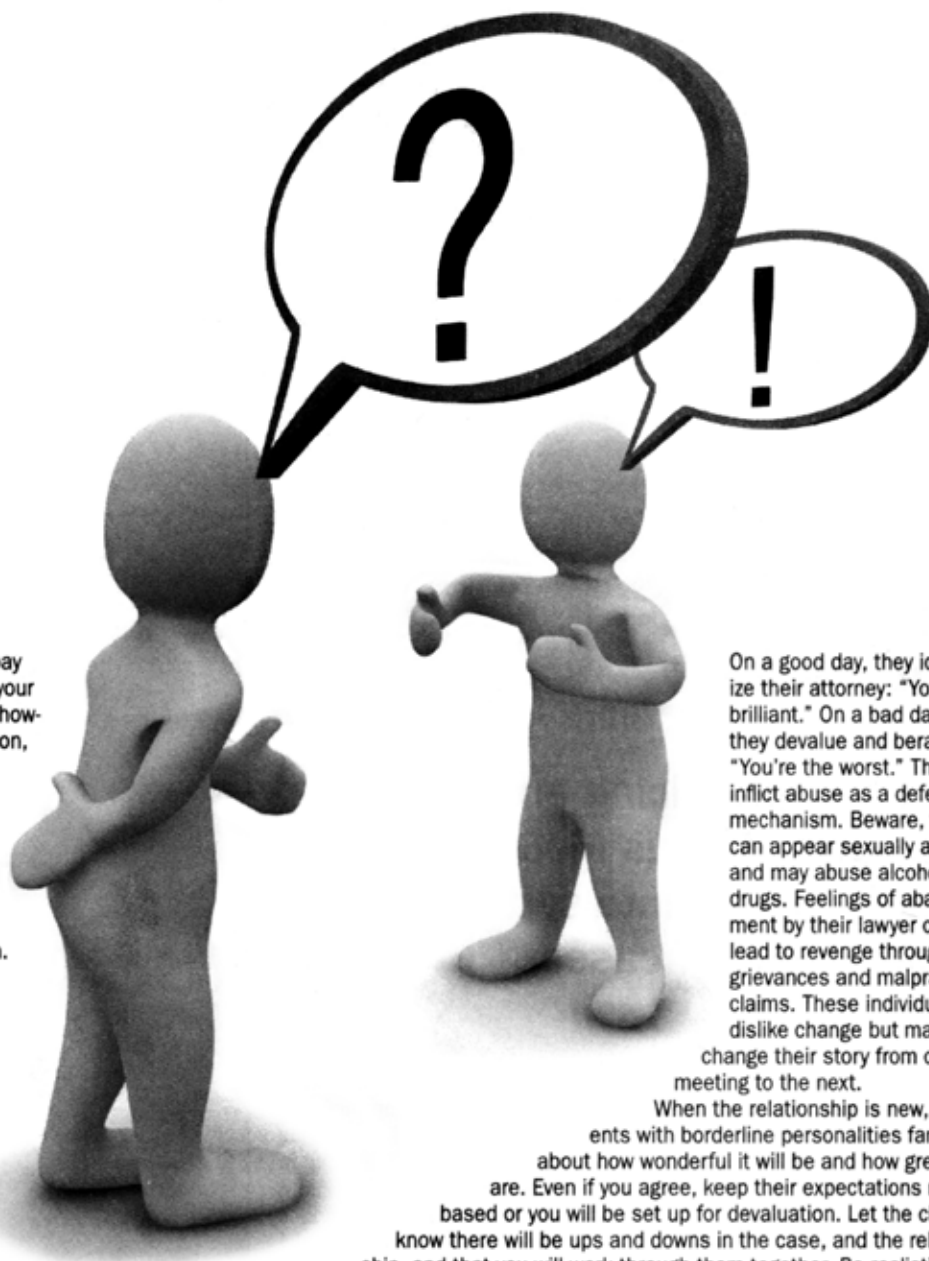
Albert Bernstein describes these personalities as emotional vampires: They look like everyday people, but they are dangerous in the dark.

High conflict personality disorders cause clients to see things differently. These disorders occur in 10 percent of the population. Another 10 to 15 percent of people have maladaptive traits that do not qualify as a disorder. (Kathie Nichols, *Breaking Impasses: Strategies for Working with High Conflict Personalities*, 20 *American Journal of Family Law* 226 (Winter 2007)). A personality disorder is "an enduring pattern of inner experience and behavior that deviates markedly from the expectations of the individual's culture." (*Diagnostic and Statistical Manual of Mental Disorders* (Fourth ed.)).

Albert Bernstein describes these personalities as emotional vampires: They look like everyday people, but they are dangerous in the dark (*Emotional Vampires: Dealing With People Who Drain You Dry* (2001)). He cautions, "They walk into your office and end up in the courtroom with you or against you." They believe their needs are more important than anyone else's, the problems are not their fault, and rules are for other people. They are an extraordinary drain on a lawyer's time, attention and emotional energy.

## FIRST IN A SERIES

This series will discuss the four most common high conflict personalities — borderline, histrionic, narcissistic and antisocial — in an effort to help lawyers identify and better manage such individuals.



Such individuals evoke strong feelings, so pay close attention to your gut feelings. Listen to your mind and body. The preferred choice is flight, however, other courses of action involve preparation, conferring with colleagues and setting limits.

Give these clients your full attention — maintaining eye contact is imperative. Make sure there are no distractions. Initially, do not interrupt with questions. Be empathic. Mimic body posture and then adopt more open posture. Be supportive of the person, but not immediately supportive of the position. Supporting unverified claims validates high conflict behavior.

It is also important to maintain consistent emotional support. Do not be excessively supportive or withdraw support. If the client feels you are pulling away, it can be seen as rejection and lead to blame or worse.

Expect and prepare for crises to happen. This is a test of how you manage the crisis and the relationship. Take the first crisis call as soon as possible to avoid enhancing the client's feelings of insecurity. If they feel you are avoiding them, they will escalate their demand for attention. On phone calls, stay calm and avoid being emotionally responsive. This will maintain your bond by acknowledging their emotions, and not add fuel to the fire (Bill Eddy, *High Conflict People in Legal Disputes*, HCI Press, 2005).

**S**et clear boundaries and maintain them. Do not drink your client's Kool-Aid or get pulled into his or her world. Set limits on when and how you communicate. Do not give out your cell number. Do not allow yourself to be seduced physically or emotionally, and do not believe everything he or she tells you. Verify what your client says before acting on it. Inform your staff of these limits and insist they follow them.

It will be tempting to bend boundaries to reduce emotional intensity. Avoid it. Insist that your retainer be kept current because once this client falls behind, you have lost control. Always be professional and do not allow the client to become abusive. Though tempting, do not ignore the client when you are frustrated or angry. This will escalate problems. Above all, take care of yourself first, confer with colleagues, and gain perspective.

The first category of difficult clients are those with borderline personality disorder. The hallmark of these individuals is "I hate you, don't leave me." Though they represent only 2 percent of the population, these individuals are the ones most often found in high conflict litigation. Females make up 75 percent of this group. Their greatest fear is abandonment, which is perceived in everyday events. Their coping mechanism is to control and manipulate. They have intense, angry outbursts and severe mood swings.

On a good day, they idealize their attorney: "You're brilliant." On a bad day, they devalue and berate: "You're the worst." They inflict abuse as a defense mechanism. Beware, they can appear sexually alluring and may abuse alcohol or drugs. Feelings of abandonment by their lawyer can lead to revenge through bar grievances and malpractice claims. These individuals dislike change but may change their story from one meeting to the next.

When the relationship is new, clients with borderline personalities fantasize about how wonderful it will be and how great you are. Even if you agree, keep their expectations reality-based or you will be set up for devaluation. Let the client know there will be ups and downs in the case, and the relationship, and that you will work through them together. Be realistic and reassuring. Do not reinforce extreme expectations. Eventually, bad events will occur, and the client will be dissatisfied. Listen respectfully, even to outbursts, without being defensive.

Focus on your next step. Do not react to intense emotions. Your responses should be modest and conversational. Work with the client on their misperceptions rather than criticizing them — something they hate. Though doubt may heighten their anxiety, you have to test their reality. You must balance supporting the person and being detached when you analyze and discuss their claims. Though necessary, addressing weaknesses of their case will create doubt, causing a strong reaction. Patiently stand your ground. If you become emotional, effective communication will be lost, and they will feel abandoned. Though this client wants positive feedback, if a positive analysis conflicts with the law, giving that desired information will lead to unreasonably heightened expectations. Do not ignore or be abrupt with this client. Misunderstandings and poor treatment may lead to revenge for being abandoned.



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