

***High Conflict People in legal disputes* by Bill Eddy HCI Press 2005**

"...undiagnosed and untreated personality disorders are driving much of today's litigation ..."

"High-conflict personalities stand out. Their emotions are often exaggerated. Their behaviour is repeatedly inappropriate. Minor problems become major disputes. They persist long after others let go. There is an urgency and drama to their daily lives. And they always have someone to blame." (p. 17)

"Those with personality disorders have it backwards. When problems arise in their lives, they cannot see their own part in the problem and therefore cannot solve the problem." (p. 24)

"Not everyone with a personality disorder becomes a high-conflict personality (HCP). Only those who are also persuasive blamers seem to become HCP's." (p. 29)

"High-conflict personalities are in court because they are difficult not because they have legitimate disputes." (p. 40)

"I often advise family members and friends to also consider HCPs as clients, because they are often seeking this type of relationship with those who are close to them.... Similarly, targets of blame can also be advised to think of the HCP as a client. This may help them in managing the relationship." (p. 7)

"You do not need to diagnose a personality disorder or traits to see a pattern of dysfunctional behaviour and to use the approaches in this book. Instead, just recognize that the problem is a personality pattern that is enduring (not situational) and that is unconscious (not open to ordinary feedback). Thus, the behaviour of the person in question does not change, and the conflicts escalate." (p. 25)

Non-persuasive blamers from Cluster B do not last long in their disputes. No one believes them, or people just avoid them, or they get constructively re-directed and solve their problems. It's only the persuasive blamers of Cluster B who keep high-conflict disputes going. They are persuasive and, to keep the focus off their own behaviour (the major source of the problem), they get others to join in the blaming. Thus, those with persuasive blamer personalities tend to be high-conflict personalities. This is their life-long pattern – blaming others for their own problems. It is part of who they are and they are good at it – good enough to keep the conflict going and going." (p. 30)

"4. Personalization This distortion occurs when someone takes personally an event that has little or nothing to do with him. ... Personalization is especially common with Narcissistic personalities, because they feel so easily injured by other people's benign behaviour." (p. 217)

"5. Projection Projection is the term for a psychological concept that goes on unconsciously. People with this cognitive distortion experience an emotion, but for one psychological reason or another it is so disturbing that they cannot consciously acknowledge it. However, at one level they intensely feel the emotion, so they must do something with it. What they appear to do is to project the emotion (or characteristic) onto someone else, just as a movie projector throws an image onto a screen across the room." (p. 217)

"Since HCPs cannot see their own role in interpersonal problems, they must blame the other person for whatever problems exist. ... This tendency to blame others often leads HCPs to seek assistance in building a case against the other party. ... The victim of the abuse is accused of doing what the perpetrator is actually doing." (p. 218)

"Narcissists – Narcissists have a lifetime history of offending people, because they show so much disrespect and exhibit such demeaning behaviour." (p. 221)

High conflict personalities (enduring pattern of behaviour)

Chronic feelings of internal distress
 Thinks the cause is external
 Behaves inappropriately to relieve stress
 Distress continues unrelieved
 Receives negative feedback about behaviour, which escalates internal distress, but thinks the cause is external so behaves inappropriately, and on and on

This pattern of behaviour results in HCP

Repeatedly gets into interpersonal conflicts
 Constantly identifies self as a helpless victim
 Is unable to reflect on own behaviour
 Does not absorb behaviour-change feedback
 Vehemently denies any inappropriate behaviour
 Denies responsibility for any part in causing conflicts
 Denies responsibility for resolving conflicts
 Avoids mental health treatment
 Seeks others to confirm that behaviour is appropriate
 Focuses intense energy on analysing & blaming others

Types of HCP but need to be persuasive

Borderline personalities (love you, hate you)
 Narcissistic personalities (I'm very popular)
 Antisocial personalities (con artists)
 Histrionic personalities (always dramatic)
 Enablers/negative advocates (family, friends, professionals)

Potential indicators of HCP

Long history of relationship conflicts
 History of abuse in childhood or disrupted early-childhood relationships
 Views relationships as inherently adversarial
 Inability to accept & heal loss
 Lack of insight into own behaviour
 Denial of responsibility in contributing to conflicts
 Perpetual self-identification as a victim
 Projection of own problems onto others
 Preoccupation with analysing & blaming others
 Intense emotions overrule thinking
 All-or-nothing thinking
 High level of mistrust or paranoia
 Denial of responsibility for resolving conflicts
 Persistent drive to control others
 High level of aggressive energy
 Persistent drive to be centre of attention
 Difficulty connecting present actions to future consequences
 Avoidance of mental health treatment
 Defensive about any feedback
 Unconscious distortions & delusions
 Conscious lying & fabrication of events
 Expects legal process to provide revenge &/or vindication
 Inappropriately involves others in disputes (children, neighbours, co-workers)
 Views friends & family as either allies or enemies
 Triggers confusion & conflicts among professionals

Common issues of high conflict clients for lawyers & staff

Extreme of behaviour
 Difficult relationships
 Preoccupied with own issues
 Chronically adversarial and blaming
 Views everyone as an enemy or an ally
 Rigid, similar responses to wide range of events
 Lying and/or distorting events
 Can be extremely appealing & charming
 Life-long problems
 Takes little or no responsibility for their problems
 Family members often protect them from consequences
 Legal problems are common

Borderline personalities (love you, hate you)

Fear of abandonment is a driving force
 Frequent anger & mood swings
 Controlling, clinging, seductive & manipulative behaviour to avoid abandonment
 Impulsive & self-sabotaging behaviour due to inability to reflect and change
 Idealization, then devaluation of family, professionals & advocates is common
 May attack with words, violence or lawsuits
 Seek dispute resolvers for validation, control of others (to prevent feeling abandoned), or for revenge

Common signs

Dramatic mood swings
 Impulsive, risk taking & self-destructive behaviour
 Sudden & intense anger even at benign events
 Sometimes suicidal, delusional, chemically dependent & violent

Common relationship with lawyer/staff
 Preoccupation with fears of abandonment
 Unstable relationships with extremes of idealization & devaluation
 Manipulative, attractive & seductive
 Pushing the limits
 Splitting lawyer/staff against each other

Common coping methods

Consistent & reassuring contact with lawyer
 Provide structure & limits to relationship
 Allow brief venting
 Empathize with their frustrations
 Avoid criticism & anger
 Educate & include when appropriate

Dealing with BPD

Be modest & matter-of-fact
 Listen respectfully, even to anger & blame
 Provide moderate reassurance
 Provide realistic expectations & boundaries
 Avoid over-reacting to intense emotions
 Avoid using strong anger or intense criticism
 May need consequences, but handle carefully
 Don't ignore or abruptly terminate relationship

Narcissistic personalities (I'm very superior)

Fear of inferiority is a driving force
 Constantly demands attention & exaggerated respect
 Very self-centred & self-absorbed
 Expects special, superior treatment
 Extremely negative reaction to any criticism
 Frequent disrespect & disdain of others
 Oblivious to other's needs & feelings

Common signs

Preoccupied with himself or herself
 Arrogant, wants excessive admiration
 Manipulative, exploitive of others
 Lacks empathy
 Sometimes easily hurt & enraged, chemically dependent & violent

Common relationship with lawyer/staff
 Manipulative, attractive & seductive
 Expects special treatment, exceptions to the rules
 Devalues & criticizes lawyer
 Frequent suggestions & demands

Common coping methods

Reassuring their egos
 Provide structure & limits to relationship
 Allow brief venting
 Empathize with their frustrations
 Avoid direct criticism & anger
 Educate & include when appropriate
 Explain how it could be worse

Dealing with NPD

Avoid direct criticism
 Recognize real strengths & accomplishments
 Listen with empathy
 Share decision-making
 Explain benefits of following your advice
 Explain consequences of future misconduct
 May need consequences, but handle carefully
 Don't ignore or abruptly terminate relationship

Antisocial personalities (con artists)

Fear of being dominated is a driving force
 Repeatedly breaks society's rules & laws
 Aggressive charm & deceit
 Drive to dominate others
 Enjoys harming or taking from others
 Contemptuous of authorities
 Lack of remorse & empathy
 Believable lies & diversions
 Falsely persuasive about being a victim

Common signs

Repeatedly breaks major rules of society
 Repeatedly cons & deceives others
 Irritable & aggressive
 Cold, lack of empathy, lack of remorse, violent

Common relationship with lawyer/staff

Manipulative, attractive & seductive
 Reckless, continually creating new problems
 Tricks & challenges lawyers
 Impulsive & uncooperative with planning
 Projection of their own thinking or behaviour onto lawyer
 Irresponsible, fails to honour financial obligations

Common coping methods

Remain sceptical & cautious
 Get help from family members
 Provide structure & limits to relationship
 Allow brief venting
 Empathize with their frustrations
 Educate about consequences of their behaviours

Dealing with ASPD

Maintain healthy scepticism
 Avoid being swayed by charm
 Avoid doing favours
 Do not expect to change or save him from himself
 Obtain corroborating information
 Explain consequences of future misconduct
 Be prepared to impose & enforce consequences
 Pay attention to your fears & protect yourself

Histrionic personalities (always dramatic)

Fear of being ignored is a driving force
 Dramatic & exaggerated speech & stories
 Demands to be centre of attention
 Theatrical mannerisms & appearance
 Superficial emotions & relationships
 Presents self as helpless, in need of being rescued
 Lacks details & focus
 Will fabricate stories & lie for attention
 Falsely persuasive as victim of horrible abuses

Common signs

Repeatedly wants to be the centre of attention
 Highly emotional, jumping from topic to topic
 Highly dramatic & sometimes fabricates description of events
 Difficulty focusing on any task or decision

Common relationship with lawyer/staff

Can be very charming at first
 Wants lots of attention
 Difficulty getting to the point in a discussion
 Often forgetful, easily distracted
 Bad news triggers highly emotional & unfocused response
 Has a hard time accepting assignments & following through

Common coping methods

Avoid direct criticism & anger
 Empathize with the client's feelings, not the dramatic details
 Gently help client focus & stay on track in discussions
 Schedule an hour for every 5 minutes of work with the client
 Educate client and be very realistic about issues & expectations
 Avoid temptation to give in to client to relieve emotional intensity
 Draw out client's real skills & encourage their use
 Acknowledge & build on small successes

Dealing with HPD

Maintain healthy scepticism

Listen respectfully, then try to focus on tasks

Empathize with feelings, not with alleged abuses

Maintain balance of interest & limits on stories

Provide structure & focus

Avoid over-reacting to intense emotions

Avoid using stronger anger or intense criticism

Teach self-help skills, encourage self-sufficiency

The enablers or negative advocates (family, friends & professionals)

Wanting to help is a driving force

Misled by charm, hurt, fear or anger of HCP

Professionally/personally enjoys solving problems

May like taking charge & telling others what to do

May feel intimidated or was actually threatened by HCP

Inadvertently escalates a high-conflict dispute

Protects HCP from natural consequences of misconduct

May have HCP

Common signs

Compulsive efforts to protect difficult client

Anger & frustration with difficult client

Frequent threats to withdraw from helping client

May abandon client

May have own personality disorder

Common relationship with lawyer/staff

Desire to be close friends with attorney

Efforts to direct & control the legal case

Efforts to explain & justify client's behaviour

Obsessive need to talk to relieve guilt & anxiety about client

Common coping methods

Provide structure & limits to relationship

Allow brief venting

Empathize with their frustrations

Avoid criticism & anger

Educate & include when appropriate

Dealing with enablers & negative advocates

Avoid making assumptions; investigate first

Avoid taking responsibility for other's behaviour

Avoid doing more of the work than the HCP

Do not expect to change or "save" HCP from self

Obtain corroborating information

Explain consequences of future misconduct

Allow HCP to experience pain & consequences

Refer HCP to professionals who are positive advocates

Key skills for handling high conflict personalities (HCPs) by Bill Eddy *High Conflict People in legal disputes*

1. Bonding

Listening to fear & anger (without getting hooked)
Being consistent
Anticipating crises
Adopting an arm's length bond
Validating the person, not the complaint

Advocates

Develop a balanced relationship that is not too close nor too rejecting.

Dispute resolvers

Maintain equal respect & recognition of positive characteristics for both parties, even though your recommendations or decision may require one party to have more consequences or more tasks to do than the other.

Targets of blame

Avoid over-reacting with comments & actions that further escalate the dispute. Avoid making concessions just for the sake of bonding, as they may reinforce the HCP's cognitive distortions that the target is to blame.

2. Structure

Setting relationship boundaries, roles & expectations
Choosing your battles
Containing emotions
Focusing on tasks
Managing the enablers

Advocates

Acknowledge the emotions of the client (whether an HCP or a target), then focus on tasks they can do. This may require a lot of gentle repetition. Avoid escalating the dispute with emotional attacks or by raising unrealistic expectations.

Dispute resolvers

Be firm about containing emotions & focusing on solutions. Limit the expressions of anger & the allegations. Give the parties tasks that require them to contribute to the solution of the problem. Limit venting.

Targets of blame

Show that you are cooperative in being solution-focused. Be helpful in providing verifiable information. Do not hold back on providing your analysis of the real dispute & focus your energy on obtaining information & witnesses in support of the truth. Avoid preoccupation with irrelevant misbehaviours & unimportant details.

3. Reality testing

Maintaining a healthy scepticism (keeping an open mind)
Recognizing cognitive distortions
Suspecting lying
Learning the legal realities (and eliminating the fantasies)
Finding evidence by personality type

Advocates

Avoid agreeing with the content of the person's complaint before investigating. Jointly examine the facts & gather evidence with an open mind. Admit that we will never know everything & that we all sometimes make mistakes of perception.

Dispute resolvers

Be aware of emotional facts & peripheral persuasion. High-conflict personalities are often more convincing about false information than a target will be about the truth. When dramatic allegations are raised ask, "Is that really true?"

Targets of blame

Be assertive about searching for evidence and presenting it to dispute resolvers. Do not hold back on negative, but true, information about your accuser. Check for your own cognitive distortions.

4. Consequences

Mandating cognitive-behavioural counselling
Considering court action
Obtaining court sanctions
Crafting orders with future consequences
Terminating the relationship

Advocates

Family & professionals can require counselling as part of their ongoing relationship. If the HCP will not get counselling, then you will have to work much, much harder. This is true whether your client is an HCP or a target.

Dispute resolvers

You can recommend or order counselling, but be clear on whether individual or group programs are best for a specific party. Avoid lectures, unless you have a strong bond with the client. Threaten & use financial consequences to produce real change. Detailed orders & follow up are necessary with HCPs.

Targets of blame

Propose specific orders or agreements for behaviour change. Research alternative treatments, counselling professionals and outcomes. Explain to advocates & dispute resolvers the likelihood of behaviour change. Consequences should fit the HCP.

More quotations from the book *High Conflict People in legal disputes* by Bill Eddy HCI Press 2005.

“Mediators, for example, can say, “My role is to facilitate a resolution, not to evaluate who is right. My focus is on the future, not the past and who is to blame. It’s always possible that one of you is really at fault and the other isn’t. But as mediator I do not have the means to determine that. So let’s focus on finding a solution you can live with in the future, regardless of the truth about the past.” (p. 177)

“For example: “I understand that you both are feeling frustrated and angry. In particular, Mary seems to have felt ignored and Carl seems to have felt attacked. Recognising these feelings, I would like to move on to your proposals for how to resolve this dispute. Let me explain how we make proposals in this mediation process. It’s a method called brainstorming. Anyone can make a proposal and we don’t evaluate it until we have made a full list. Who wants to start with a proposal?” (p. 196)

“In some cases, the following explanation helps: “From over here where I’m sitting, I can see that you are both hurting and feeling misunderstood. Of course, each of you is feeling that you’re the one getting the short end of the stick. That’s very common, although you can’t see it from where you’re sitting. And I know that you each really want the other person to empathize with you right now – but I don’t think that’s possible in this stressful setting or at this stressful time in your lives. Maybe after this is all resolved you’ll be able to tell each other “Gee, I do understand how upset you were with me. I was being a jerk then and I’m sorry.” But this rarely happens and you shouldn’t expect it. Get your support and understanding from your friends and family right now. We all need all the support we can get.” Then quickly move on to problem-solving.” (p. 196)

“Most high-conflict disputes I have seen at the trial level include one or more parties with a personality disorder, or severe personality disorder traits. They seem to be the only people who believe that the courts have a clear-cut process, and that absolute victory is possible. In reality court is often unpredictable, frequently delayed, and does not go as anyone planned or expected.” (p. 220)

“I am ordering you to participate in six months of individual or group counselling with a qualified mental health professional. You are to address your own thinking and behaviour; learn to identify self-sabotaging thoughts and behaviour; learn skills for changing those thoughts and behaviours; and be able to describe how the other people in this dispute may feel and think.” (p. 233)

“Interestingly, many targets are not HCPs themselves and do not have practical experience in the adversarial approach to problem solving. They are not by nature highly persuasive. They generally are trusting (sometimes overly trusting) of others, believing that others will see the truth without the need for persuasion. The target may decide to involve a dispute resolver – mediator, ombudsman, arbitrator or court – or simply wait and see if the HCP calms down or goes away.” (p. 38)

“Targets are generally at a disadvantage in court. They trust the court as a fact-finding process and they know the facts are in their favour, so they are confident they will prevail. They start out trying not to escalate the dispute and generally take a problem-solving and settlement-orientated approach. They behave respectfully in court and defer to the all-knowing authorities.

Unfortunately, the authorities aren’t all-knowing. They can only base their decisions on the information provided by the parties. The court system – an adversarial system – has many procedures that control how information is presented. In many cases this works well. However, in the case of HCPs, the process may be easily manipulated if the professionals and decision-makers are not aware of cognitive distortions and emotional persuasion.” (p. 39)