

The Perilous Querulous:

A user's guide to difficult litigants

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WARNING

THE THOUGHTS, IDEAS, STATS,
AND OPINIONS EXPRESSED IN
THIS PRESENTATION ARE THOSE
OF OTHER PEOPLE WHO ARE
SMARTER AND MORE QUALIFIED
THAN THE PRESENTER

WARNING

GENERALIZATIONS AHEAD

The Querulant and the Vexatious

The Querulant and the Vexatious



A “normal” complainant

- Believes they experience a loss
- Attempts to recover that loss through reparation or compensation.
- Complainant maintains perspective – balances potential result from effort with costs of effort.

A “difficult” complainant

- Often attributes perceived loss due to external causes - cognitively egocentric world view.
- Perception leads them to be aggrieved and indignant.
- Often distinct themes of victimization: feel angry, innocent of any wrongdoing or responsibility, and also a victim of an unjust act.

A “morbid complainer”: querulant

- Egocentric personalities that are incapable of viewing any perspective other than their own.
- “Fearful and suspicious of others and a grandiose sense of entitlement has them constantly overvaluing their own worth. These chronic grumblers simply lurch from irritation to irritation ensuring that their whole life is a series of complaints.”

Disproportionate and Unreasonable Response

- Indignant and aggrieved.
- Use the language of the victim – loss is personalized and directed at them specifically.
- Over-optimistic expectations of compensation and importance of the loss to them.
- Difficult to negotiate with because only entertain their own estimation of a just settlement.
- Persistent, demanding, rude and frequently threatening.

And the survey says...

- pursued their complaints for longer, including after their cases were closed
- produced far greater volumes of documentation in support of their cases
- telephoned more frequently and for longer and attended the complaint handler's premises more frequently without an appointment
- engaged in behaviour that was typically more difficult and intimidating
- often wanted what a complaint-handling system is not designed to deliver — vindication, retribution and revenge.

He who doth protest too much

- Male (4:1 ratio)
- Between 40 and 60 years old
- Well-educated
- Reasonably high functioning
- No criminal, psychiatric, or substance abuse history
- Response to major life event that challenges a person's perceived self worth, position, prestige, power or status.

- Strong narcissistic and obsessive-compulsive tendencies
- See the problem as externally driven
- In its extreme, the person may display the same acute symptoms as a person suffering from paranoia (conspiracy theories are common)
- Skewed worldview (simultaneously hero and victim)

Recognizing the Six 'Vs' of the Apocalypse*

1. Display **volatile** emotions
2. Feel **victimized**
3. Seek **vindication** above everything
4. Produce **voluminous** everything
5. Communicate in **vague** terms
6. Present **variable** demands

From Querulent Person to Vexatious Litigant

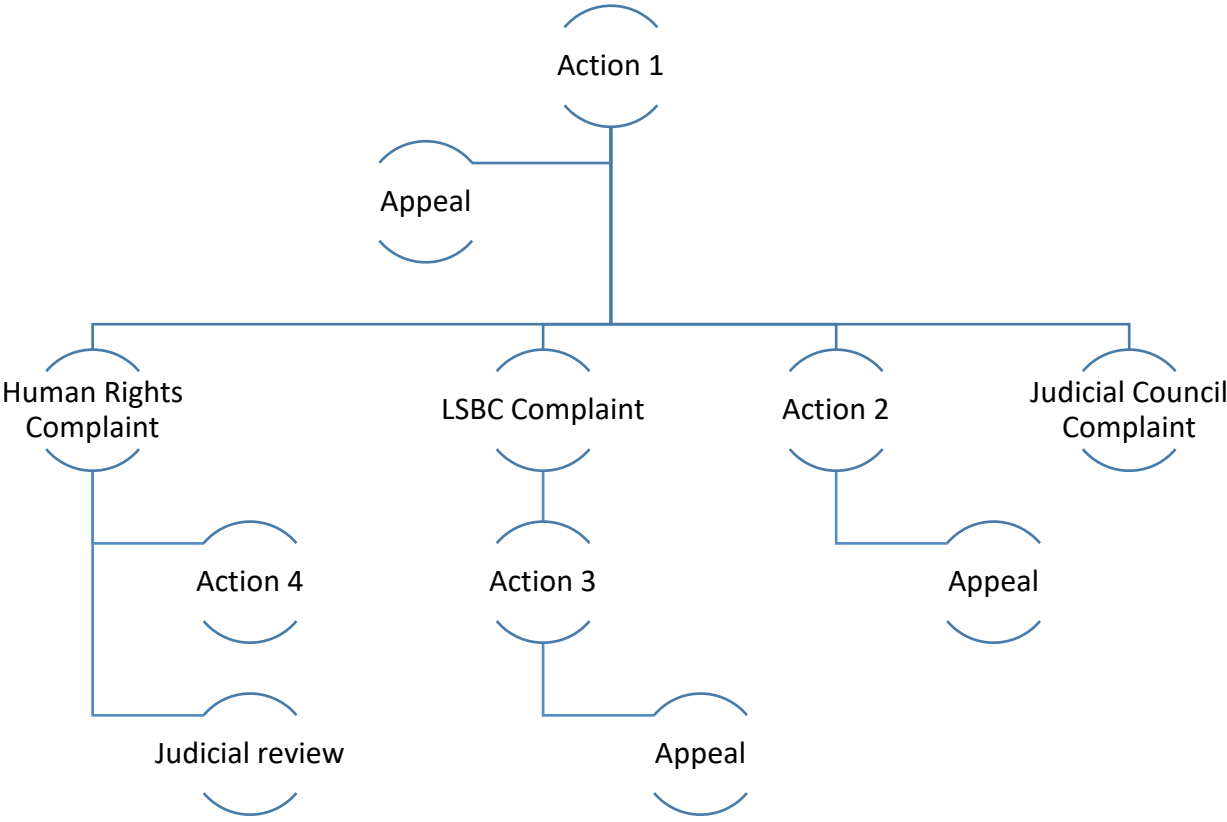
Why are querulants attracted to justice system?

- An acceptable forum for conflict.
- Primary avenue of public redress for wrongs.
- Required participation in conflict.
- Control.
- Impliedly increases the importance of the conflict.

The Ultimate Problem

- Legal system cannot deliver total moral vindication.
- Pursuit is both fruitless and endless
- Legal system provides a venue to fight against an ever- growing list of perceived adversaries.
-and this time, it's personal....like last time.

Snapshot of Vexatious Litigation



Bleak Outcomes

- No insight
- Will not seek treatment and resistant to treatment
- Unable and unwilling to stop themselves
- Tragically, often results in complete ruination

Harms

- Physical, emotional, and financial costs to their perceived adversaries.
- Very small number of litigants take up a grossly disproportionate number of resources (staff, adjudicators, etc.).
- These complainants spread their discontent to many other venues, replicating and compounding the toll on resources.
- The toll on themselves.

Indicia of a Vexatious Litigant

- Voluntarily self-represented and/or representing others
- Appear legally hyper-competent, yet disorganized, overwhelmed, and do not understand the cases or legal concepts to which they refer.
- Seek absurd or unattainable relief
- Settlement is impossible

Pens of the vexatious never run dry...

- Very familiar with Microsoft Word features
- Opaque and excessively lengthy
- Faulty terminology and syntax with emphasis on inappropriate “legalese”
- Expressions of a keen desire for moral vindication
- Use of conspiratorial language
- Extremely frequent and lengthy correspondence with many attachments and cc’s

Dealings with counsel

- Tone of self-righteousness and indignation
- Very aggressive, dramatic and provoking
- Threaten dire consequences for failure to abide with unreasonable requests
- Excessive correspondence

In-person presentation.

- Highly energized
- Overflowing suitcase or box full of materials
- Have a pressure of speech which makes it difficult to interrupt them
- Will speak to you as if you already know of all the details of their case.
- Speak vaguely and full of unnecessary and confusingly irrelevant detail.
- At first will seem to recruit you or flatter you until you offer faintest resistance – then you're lumped in with their other perceived adversaries.

In- and near- hearing behaviour

- The pre-court “press”
- Adjournment, adjournment, adjournment
- Application, application, application
- When things go south, not afraid to play dirty
- Convincingly play the part, but script is flawed

Things to Look Forward To

- Opportunity to be the best you
- Your conduct (real and imagined) will be subject to intense scrutiny
- Conflict expanded beyond the litigation
- The Rules will be your master (but not theirs)
- There will be an appeal.
- And, oh yes, you will be sued



Humble Tips

Tip #1: Maintain rigorous boundaries

- Querulants rapidly attach themselves to those they feel are favouring them.
 - In the same vein, feel catastrophically betrayed once the perceived favourable treatment ends.
- The complainant must know that the tribunal is in charge of this process and will use all tools available to it to maintain this control.
- Responsive to hierarchy.
 - Maintaining formalities of the proceeding are important.

Tip #2: Maintain focus

- Focus the litigant on what outcomes you and the tribunal can and cannot offer them.
- Think hard before granting extensions or adjournments.
- Dismiss matters and issues that are clearly unsustainable at earliest opportunity.
- Clarify evidentiary requirements without challenging, at first, the litigant's underlying assumptions or beliefs.

Tip #3: Remember they are Self Represented Litigants

- They may act like they are legally competent, but they need help like other self represented litigants.
- Show them the way with some extra emphasis on:
 - Establishing and maintaining timelines
 - Keeping page limits and correspondence reasonable
 - Maintaining the appropriate decorum, specifically regarding the treatment of the tribunal, the parties, and staff.
 - Simple, clear, repetitive communication.

Tip #4: Manage Expectations

- Make the following clear from the outset:
 - Who does and does not control the tribunal's processes.
 - The jurisdiction and powers of the tribunal, including the limitations.
 - The tribunal cannot likely meet all the litigant's goals for compensation and punishment (ie. Limits of jurisdiction on quantum or subject matter)
- Rigorously enforce rules and directions
- Costs

Tip # 5: Safety First

- Take all threats seriously.
- While the litigant's access to justice is important, it does not trump the emotional, physical, or psychological safety of those who work in or access the justice system.

Tip #6: Use the Tools Available

Administrative Tribunals Act

- Section 31 – can summarily dismiss frivolous, vexatious or trivial applications or those giving rise to an abuse of process
- Sections 47, 47.1 – power to award costs & security for costs
- Section 48 – Maintenance of order at hearings
 - Order and direct parties to act in a certain way failing which can call on a peace officer for assistance.
 - Can restrict or exclude party's further participation.
- Section 49 – tribunal may apply for contempt of court against person who breaches section 48 order or direction. In theory, treated the same as if breaching a court order.

Vexatious Litigant Order?

- Requires litigant to seek permission in advance of bringing new proceedings.
- Seemingly available to tribunals (*Gichuru v. Purewal*, 2023 BCCA 345) as “masters of their own houses” as part of ancillary jurisdiction to control their own processes.
- Look at home statute: does it allow you to make rules to control your own process and/or rules and orders to facilitate a just and timely resolution to complaints?
- Is an order required to protect the integrity of the tribunal and its process?

Section 18 of the *Supreme Court Act*

If, on the application of any person, the court is satisfied that a person has habitually, persistently and without reasonable grounds, instituted vexatious legal proceedings in the Supreme Court or in the Provincial Court against the same or different persons, the court may, after hearing that person or giving him or her an opportunity to be heard, order that a legal proceeding must not, without leave of the court, be instituted by that person in any court.

See also: *Court of Appeal Act*, s. 29; *Family Law Act*, s. 221; and *Federal Court Act*, s. 40

Test

Must show a person has habitually and persistently instituted vexatious complaints (proceedings) before the tribunal and that the order is necessary to protect against future abuse.

- 1) Did the complainant have an opportunity to be heard?

- 2) Can the proceedings that the complainant initiated, if any, be considered to **relitigating** proceedings, **meritless** proceedings, **improperly motivated** proceedings, proceedings **targeting opposing counsel** or some combination thereof?

3) Was the conduct habitual

No special meaning. “Not isolated” behaviour.

4) Was it persistent?

Has the person continued litigation in the face of warnings or costs awards.

Is the person likely to continue unfazed without intervention?

If the answers are all yes, then:

- 5) Is an order preventing the person from initiating future proceedings necessary to protect against future abuse?

NOTE:

Such orders are very rare because they restrict access to access to the justice system.

Any order must be specifically tailored to only minimally impair access. (i.e. time, issue, parties, etc). The least impairment necessary to avoid the harm.

Detailed reasons for the order should fully canvass the exceptionality of the litigant's behavior that requires such an exceptional order.

Additional tips for front line staff:

Gut-check time for your and your office

Stay out of the mud

Beware the vexatious' creative and selective memory

Everything in writing and witnessed

Keep things as short as possible

Find or lose your fax machine

Ask for help

Remember

- You are the professional:
 - Protect your client
 - Protect the administration of justice
 - Protect yourself
- (But) Golden Rule always applies

Thank you!



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References

Yves-Marie Morissette, “Querulous or Vexatious Litigants, a Disorder of a Modern Legal System?” 2013 Presentation Paper, CACE 10th Annual Conference, Banff, Alberta

Mullen and Lester, “Vexatious Litigants and Unusually Persistent Complainants and Petitioners: From Querulous Paranoia to Querulous Behaviour” (2006), 24 *Behavioral Sciences and the Law* 333.

Lester, Wilson, Griffen et Mullen, “Unusually persistent complainants” (2004), 184 *British Journal of Psychiatry* 352

Coffey, Brodsky and Sams, “I’ll See You in Court... Again: Psychopathology and Hyperlitigious Litigants” (2017) *Journal of the American Academy of Psychiatry and the Law Online* March 2017, 45 (1) 62 -71