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The Client with a Personality Disorder *Identifying and Understanding Behaviors*

By Robert E. Erard

Family law attorneys are among those most likely to encounter clients with personality disorders, because having a personality disorder increases the probability of a failed marriage and decreases the probability of informally reaching an amicable divorce settlement or living within the terms of an existing judgment. For the most part, these are not people who play nicely with others, and frequently they need legal services to get out of jams of their own devising. When lawyers find themselves starting to feel frustrated with clients who resist appeals to reason, who persistently ignore sound advice, who require inordinate amounts of professional time, and who cannot seem to avoid acting against their own best interests, most likely they are working with someone with a personality disorder.

According to the Diagnostic and Statistical Manual of Mental Disorders (American Psychiatric Association, 2000) (DSM-IV-TR), a personality disorder is “an enduring pattern of inner experience and behavior that deviates markedly from the expectations of the culture of the individual who exhibits it.” Specifically, people with personality disorders have ingrained ways of thinking, feeling, and behaving that are poorly adapted to ordinary expectations in situations in which they find themselves. Rather than adapt their attitudes and behavior to the situation, they rigidly try to force the people around them to adapt to their own preferred ways of doing things. Most people with personality disorders have, at best, limited insight into the impact of their personalities on their problems and how others perceive them.

What psychologists have long known about clients with personality disorders is that many of them seem to have a special gift for eliciting strong, unaccustomed feelings and provoking deviations from one’s usual professional attitudes and practices. Indeed, often the first sign that one is dealing with a personality disorder is not so much the client’s overt behavior as one’s own subtle sense of being drawn into something that doesn’t quite feel right, a phenomenon sometimes known as “countertransference” (see Erard & Pickar, 2007; Pickar, 2007; Pickar & Erard, 2007). Thus, one of the best reasons for learning about personality disorders is to be forewarned about the subtle and deleterious impact on professional judgment that working with such clients sometimes entails.

Personality disorders come in many shapes and flavors. Formal descriptions of the main, generally accepted varieties are available in the DSM-IV-TR, but it is important to recognize that individual human beings tend to resist being pigeonholed in any single classification or typology. The different labels (e.g., dependent, histrionic, paranoid, narcissistic, borderline) can be helpful in capturing particular patterns and styles of personality problems and offering some clues as to what to expect from people whose behavior is somewhat similar to the patterns described. Still, what is usually most important for the legal professional is not the diagnosis per se so much as the opportunity to recognize what will and will not work in dealing with such clients. Rather than offering a formal description of each personality disorder, following are some behavioral cues to actual office encounters with clients so that you can develop a feel for how personality disorders create complications and risks to your client relationships.

Paranoid

- Posture may be rigid; penetrating or searching stare; the eyes do not exhibit warmth or openness. Manner is tense, vigilant, guarded, lacking in spontaneity;
- Presents as a naively trusting victim who is shocked to have been so outrageously mistreated;
- Thinking and judgment are strikingly rigid—nothing is new under the sun. Anything discovered only confirms what has been known all along. Disconfirming evidence is blithely discounted;
- Always seems to be on the lookout for clues to schemes, traps, distortions, and hidden motives;
- Becomes very touchy, even hostile, when criticized, challenged, or made to feel vulnerable;
- Relates to others in a demanding and chronically resentful and hypersensitive fashion—feeling mistreated and misunderstood, collecting injustices, taking everything personally;
- Views the law and the legal system as a set of weapons for self-defense against malevolent and unprincipled violators of his or her rights.
- Payment issues: “You probably took a bribe from my ex to screw up the case. Have her pay your bill!”;
- Risks: “You’re just like all those other *bloodsuckers*!—Taking advantage of me, selling me out, never really being on my side. I have to *defend myself*!” (“Don’t worry, you’ll be hearing from the attorney grievance commission, the state attorney general, the state bar, and my congressman’s office soon enough.”)

Antisocial/Narcissistic

- Posture may be somewhat more relaxed and informal and manner more light-hearted than seems warranted by the circumstances. Quality of relating to others is friendly, but insincere.
- Conversation is glib and superficial. Has little patience for conventions, formalities, or abstractions. Much of what is talked about takes the form of entertaining, if often irrelevant, stories, often with a focus on winners and losers and a somewhat callous sense of humor.
- Focus in any interaction is on “what’s in it for me,” with the assumption that everybody is in it for himself.

- Mood can precipitously turn sour, and angry outbursts can suddenly erupt in response to frustrations, challenges, or perceived slights.
- Relates to others in an often charming but fundamentally uncaring and sometimes callously sadistic manner. Frank deception and fraud may come into play whenever they might be useful.
- Views laws and legal authority cynically and resents any imposition of authority or demand for formality. Shows a striking lack of concern for the impact of his or her behavior on others who are not of immediate use to him.
- Payment issues: “Every-body’s out to grab whatever they can in this world. You want my money? You figure out how to get it; I’m not going to make it easy for you.” (“By the way, how much will you discount my bill if I pay you in cash?”)
- Risks: “I demand your undivided attention and expect you to do whatever it takes to win, fair or foul. If you don’t give me what I want, you’ll find you get what you deserve —and I know where you live.” (“When I no longer need you, taking care of yourself and your own needs is your problem, not mine.”)

Obsessive-compulsive

- Stiff posture, humorless expression, neutral or droning tone. Pompous or stilted social manner.
- Likes big words and technical terms.
- Presents as one expert consulting with another. May try to impress you with knowledge of the law or some other technical field. Conversation is opinionated and dogmatic. This person never really agrees or disagrees with you, and soon you lose track of what you are talking about. Whatever you say, it is never quite right. There is always some further detail, some necessary tweaking or correction. You get the sense that this individual is not especially interested in what you have to say and is only politely waiting for you to finish so that she or he can tell you what’s really important.
- Wastes large amounts of time on irrelevant detail. The promise that it will all come together and make sense if you just bear with him or her a bit longer is never fulfilled. Gets lost in perfectionistic concerns while missing the main point. Tries to maintain control of the interaction by doing all of the talking and deciding what you need to know.
- Tends to be emotionally tone deaf about what matters to other people. Expects to have the attorney’s and the court’s full attention without regard to how much patience and attention to detail his or her recitation of concerns might require. Ignoring the nuances and complexities of the situation, this person maintains a steady insistence on following his or her plan whether or not there are very good reasons to think it won’t work.
- Views the legal system as a puzzle to be solved. If she can intellectually master all of its intricate details and establish every element of her case like a geometric proof, she is entitled to win.
- Payment issues: “The itemization on your bill leaves much to be desired. It mentions phone calls on certain dates for certain lengths of time, but there’s nothing to tell me the start and stop time, why the call was necessary, what was accomplished by the call. There is no cross-referencing, explaining what files were being managed in your file management and which motions and pleadings went with what legal research. I’m also questioning why this case seems to be taking so much time when I have already

organized the important information for you into 11 annotated, oversized binders. Get back to me when you're prepared and ready to be accountable."

- Risks: "I've reviewed the trial transcript and all the exhibits and I've identified 37 factual errors in representations you have made to the court (see color-coded itemization). I've also identified what appear to be 17 instances in which you should have made objections and failed to do so. It appears that I'm going to have to file my own appeal." ("Meanwhile, I hope you are talking with your malpractice carrier about what kind of cash settlement you're going to offer me.")

Dependent/Histrionic/Borderline

- May look fragile and hungry, wistful, or even on the edge of despair. Manner may be anxious and ingratiating or imperious and demanding. Dress and grooming may be provocative or a little odd for the circumstances.
- Presents as overwhelmed and in search of rescue. Has a knack for making anxiety contagious. You find yourself reacting with an unaccustomed sense of urgency and nearly forget that you are a lawyer in an office and not an emergency medical technician in an ambulance.
- Alternately idealizes/flatters/seduces you ("You're the only person who really knows how to help me!") and devalues/ rejects/humiliates you ("You took advantage of my trust in you. You never really cared about helping me at all!").
- Tells dramatic and disturbing stories with little empathy for their impact on the listener. Will exaggerate past injustices and express morbid fears about future disasters and disappointments. Leaves you feeling oddly uncomfortable and increasingly guilty that you haven't done something magical to help her.
- Tends to ignore role boundaries. She recognizes no distinction between the professional and the personal. This is not just about her case—it is about her life and yours! You are not just her lawyer—you are her savior, her protector, her best friend, her closest confidant—and, at other moments, her tormentor, the one who abandons her in need, her exploiter.
- Has no particular interest in or understanding of the law and the legal system. She, and now her lawyer, are enmeshed in a dreadful story full of operatic themes and perhaps volatile emotions. The legal formalities are for someone else to worry about.
- Payment issues: "With everything I've been going through, I already feel beaten down and depleted enough! Why are you persecuting me with these relentless demands to take the last little bit I have left?"
- Risks: "I'm drowning and you're my life raft!" ("I hope you can still breathe while I stand on your shoulders in deep water.") "I think I'm in love with you; won't you leave your wife for me?" ("Maybe she and I should have a little conversation of our own?")

Conclusion

To have a successful practice, family law attorneys must become adept at working with clients with personality disorders. As already noted, such clients tend to be overrepresented in complex, high-conflict divorces. Further, the emotional stress and, particularly, the narcissistic injuries associated with a divorce and various post-judgment disputes tend to accentuate the dysfunctional aspects of one's personality—in even those who had seemed to be doing pretty well for years before their lives started falling apart.

The challenge for attorneys in working with clients whose personality problems are getting in the way of effective representation is to provide firm, steady, and reliable professional support without emotionally disengaging from the client when the going gets tough. Clients with personality disorders do not fully recognize how difficult they are to deal with and are usually very sensitive to the slights and subtle rejections they elicit from those around them. These clients need to know that those they rely on for help during a life crisis care about them and will be reliably available to them and, indeed, they have every right to expect this.

At the same time, these clients will almost inevitably overreach and place excessive demands on the professionals they depend on, often to the point of mounting strong offensives against the appropriate boundaries of a professional relationship. When facing such onslaughts, the prudent attorney will repeatedly demonstrate that although he or she is immune to threats, seduction, bribes, and emotional blackmail, the client still matters and the client's case is in good hands. Over time, even clients with severe personality disorders find their attorney's incorruptibility and humane, but steadfast, professionalism a source of reassurance and security and begin to develop a more peaceful, collaborative relationship.

Attorneys who have a strong professional identity are comfortable managing expectations in a firm but sensitive way and tactfully setting limits. They consult regularly with colleagues and mental-health professionals when they sense themselves getting stuck in repetitive, unproductive client interactions and are least likely to be stiffed, grieved, sued, or otherwise made miserable by clients with personality disorders. Indeed, as attorneys become more skilled in working with such clients, they may even enjoy the challenge of having a "difficult" client once in a while.

Sidebar:

Do's and Don'ts for Working with These Clients

DO Keep the relationship entirely professional and set firm boundaries so as not to get involved with any of the client's personal problems not directly material to the case.

DO Clearly define the attorney-client relationship in detailed contracts and educational materials that specify your role and the client's responsibilities. Include such detail in your billing policy and go over these in person with the client, getting informed consent to your policies.

DO Manage client expectations at the beginning, in the middle, and toward the end of the relationship, balancing risks and benefits in a realistic manner and getting the client's consent for all major strategic decisions.

DO Use your ethical compass and professional values to navigate the case, even when you feel a strong emotional pull to stray off course to satisfy your client's needs and expectations.

DO Consult with a trusted attorney colleague or mental health professional as soon as you start seeing red flags.

DO Consider referring the client for counseling to "deal with the stress and anxiety that naturally accompanies family law litigation."

DON'T Play along with your client's efforts to convert the professional relationship into a friendship, a personal counseling relationship, or (heaven forbid!) a romantic relationship.

DON'T Make the client into a "special case" because you have been manipulated through flattery, guilt, fear, attraction, or rescue fantasies.

DON'T Expect that your lectures and advice will persuade the client to change life-long maladaptive behaviors about which he or she has little or no insight.

DON'T Offer false reassurances or empty promises to reduce the contagious anxiety you are feeling or to keep clients happy and quiet.

DON'T Fail to return a client's phone calls because you are too busy with more rewarding cases or too tired of dealing with his or her demands.

DON'T Deviate from your usual billing or risk management practices for fear of "upsetting" the client.

—R.E.E.

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