

Litigious History and Borderline Personality Symptomatology

To the Editor: Patients with borderline personality disorder are frequently overrepresented in civil, criminal, and child custody cases in a defensive posture because of their self-regulation and interpersonal difficulties.¹ However, victimization in adulthood has been described as a “basic theme” in borderline personality disorder,^{2(p46)} and we wondered about the inclination of such patients to initiate legal proceedings (ie, to be litigious).

Method. Participants were men and women, aged 18 years or older, being seen at an internal medicine outpatient clinic by resident providers for non-emergent medical care. The recruiter excluded individuals with compromising symptoms of a severity that would preclude the candidate's ability to successfully complete a survey (n = 62).

Of the 480 individuals approached, 369 agreed to participate (participation rate of 76.9%). Of these, 336 completed the relevant study measures; 228 (67.9%) were women, 106 (31.5%) were men, and 2 (0.6%) did not indicate sex. Participants ranged in age from 18 to 90 years (mean = 50.09, SD = 15.71). Most were white/Caucasian (86.2%), followed by African American (9.3%). All but 7.6% had at least graduated from high school, whereas 29.9% had earned a 4-year college degree or higher.

During clinic hours, one of the authors (J.S.L.) positioned in the clinic lobby, approached consecutive incoming patients, and informally assessed exclusion criteria. With candidates, the recruiter reviewed the project and then invited each to complete a 6-page survey that consisted of (1) a demographic query, (2) an author-developed litigation history (litigious queries as well as the need for legal defense), and (3) 2 self-report measures for borderline personality disorder symptomatology—the borderline personality scale of the Personality Diagnostic Questionnaire-4³ and the Self-Harm Inventory.⁴

This project was reviewed and exempted by the institutional review boards of the community hospital and university. Survey completion was assumed to function as implied consent (explicitly clarified on the cover page of the booklet). Data were collected in October 2011.

Results. Ninety-one respondents (27.1%) exceeded the clinical cutoff score on at least 1 of the 2 measures of borderline personality disorder symptomatology (42 of whom exceeded the cutoff score on both measures). Both subgroups were compared to those respondents who did not exceed the clinical cutoff score on either measure of borderline personality disorder (see Table 1).

Contrary to our hypothesis, patients with borderline personality disorder symptomatology were no more likely to initiate a lawsuit than those without borderline personality disorder symptomatology. However, the former subsample was more likely to contact a lawyer to defend themselves—a finding supported by the current literature.

This study has a number of potential limitations (eg, self-report nature of the litigation data; use of self-report measures for borderline personality disorder, which may be

overinclusive; risk of data bias due to the low socioeconomic status of participants, who may not be able to afford a lawyer except to defend themselves). However, to our knowledge, this is the first study to examine litigiousness in borderline personality disorder. In this study, we found no differences in litigiousness between patients with versus without borderline personality disorder symptomatology.

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Table 1. Comparisons as a Function of Whether Respondents Exceeded the Clinical Cutoff Score on at Least 1 Measure of Borderline Personality Disorder Symptomatology

Legal Variable ^a	Non-Borderline ^b (n = 245)	Borderline 1 ^c (n = 91)	Borderline 2 ^d (n = 42)
Ever consulted a lawyer with intent to sue	20.8 (51)	26.4 (24)	21.4 (9)
If so, how many different lawyers consulted? ^e	1.40 (1.51)	1.67 (1.24)	2.11 (1.27)
If you have sued, ever won a cash award	51.0 (26)	54.2 (13)	66.7 (6)
If you have sued, who did you sue?			
Family relative	8.0 ^f (4)	4.2 (1)	0.0 (0)
Neighbor	2.0 ^f (1)	4.2 (1)	11.1 (1)
Doctor	2.0 ^f (1)	8.3 (2)	11.1 (1)
Hospital	6.0 ^f (3)	4.2 (1)	11.1 (1)
Business	12.0 ^f (6)	20.8 (5)	11.1 (1)
Government	4.0 ^f (2)	0.0 (0)	0.0 (0)
Other professional	4.0 ^f (2)	4.2 (1)	11.1 (1)
Other	40.0 ^f (20)	54.2 (13)	66.7 (6)
Ever contacted a lawyer to defend you	21.1 (52)	33.0* (30)	40.5* (17)
If so, how many different lawyers consulted? ^e	1.53 (1.66)	1.52 (1.86)	1.62 (1.20)

^aValues shown as % (n) unless otherwise noted.

^bRespondents who did not exceed the clinical cutoff score on either measure of borderline personality disorder (ie, the Personality Diagnostic Questionnaire-4 or the Self-Harm Inventory).

^cRespondents who exceeded the clinical cutoff score on at least 1 of the measures of borderline personality disorder.

^dRespondents who exceeded the clinical cutoff score on both measures of borderline personality disorder.

^eValues shown as mean (SD).

^fTotal n = 50 due to missing data.

*P < .05 vs Non-Borderline per χ^2 analysis.