

I'll see you in Court ... again ... and again ... and again!

March 2019

Jane Ekin-Smyth, Consultant

Beware of the Vexatious Litigant

A vexatious litigant is a person who brings frequent applications in Court with no merit. Anyone can find themselves in a situation of being irrationally pursued in the Courts by a vexatious litigant. If that is the case, you must obtain legal assistance to provide you with the best possible protection.

Invariably these people are unrepresented litigants (meaning they don't have legal representation). They are regrettably a feature of family law and there are more vexatious litigants in the Family Law Courts than other jurisdictions.

The Family Law Courts can make an order under Section 102Q of the Family Law Act declaring a person to be a vexatious litigant. If such an order is made then the vexatious litigant's ability to bring further proceedings is limited and controlled by the Court.

The standard is high. The general rule is every person should have access to the Courts. To deny or restrict this access is regarded very seriously. Accordingly, such orders are made in strictly limited circumstances.

Invariably a vexatious litigant has unrealistic expectations as to the merits of his/her case. Often these people have had legal advice but reject that advice, convinced they know better than qualified legal advisors. They are certain that they are right and everyone else is wrong.

Additionally, these people pursue litigation in order to harass another person, usually a former partner or family member. Invariably their behaviour is motivated by emotion rather than logic. Their behaviour can cause significant financial and emotional harm to their victims. Often these people make nuisance complaints about their former partners to their employers, the Police and other authorities. They make nuisance complaints about their former partner's legal advisors, or against their own legal advisors. Their goal is not to resolve disputes, but to escalate them and to extract revenge.

A vexatious litigant will pursue obsessive and irrational litigation. They embark on a moral crusade against the person who, in their mind, has been the cause of their grievance. The litigation and the pursuit of their victim, becomes their *raison d'être*. Not only the victim, but all manner of ancillary people can be dragged into the dispute.



Vexatious litigants relentlessly pursue their personal grievances through the Court in a manner damaging to their own interests and the interests of others.



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If you require any further information, please contact a member of O'Loughlins' Family Law Team:



Jane Ekin-Smyth
Consultant
jekin-smyth@oloughlins.com.au



Stephen White
Partner
swhite@oloughlins.com.au

www.oloughlins.com.au