

Insights, News & Events

MY LIFE'S A MESS AND IT'S ALL YOUR FAULT

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A plaintiff in a sexual harassment lawsuit claims her male supervisor sexually assaulted her repeatedly. Discovery reveals, however, a life history of multiple traumas and dysfunctions, including childhood sexual abuse, prior suicide attempts, bulimia, and substance abuse. Another plaintiff, in a national origin discrimination lawsuit, claims to have been harassed or slighted dozens of times over many years on account of his ethnicity. Interviews with his supervisors and co-workers, however, reveal that he has long been suspicious and hypersensitive to even petty slights from others.

These two vignettes present fact patterns that are increasingly common in employment litigation today. The first vignette involves a plaintiff with Borderline Personality Disorder; the second involves a plaintiff with Paranoid Personality Disorder. In cases involving these and similar personality disorders the plaintiffs often tend to exaggerate the facts underlying the cause of action. Additionally, it may seem that the plaintiff is hypersensitive or even that the plaintiff's own actions brought about the conduct of others which is now the subject of litigation. The emotional distress that the plaintiffs in these cases attribute to work-place events, moreover, is more commonly the result of the underlying personality disorder or the consequences of the dysfunctional behavior such disorders often produce.

The key to understanding these challenging cases lies in an understanding of the nature of personality disorders. A basic grasp of the nature of personality disorders will reveal that not all plaintiffs in employment lawsuits are merely the innocent victims of others' wrongdoing.

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