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Still serving
when possible

Take Notice: Information supplied based on my opinion reading - The Constitution, Conventions, law, Case Law, Rules, Regulations and Standards in the Republic of Ireland only. This sheet is drafted by a lay litigant and might not be correct.

This is not legal advice, but the opinion of the author(s). Please consult your legal advisor

Legal Harassment

Original: “Legal Bullies”: December 2015

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Revision: “Legal Harassment”: February 2019

Total revision: November 2021

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Opening Remark

I have witnessed and experienced several bullying tactics in civil proceedings by legal representatives and opposing parties.

The outcome for the opposing party can be unfair and, in most cases, cause said party to suffer legal abuse syndrome¹ a form of post-traumatic stress disorder.

Legal abuse syndrome may cause the victim to suffer:

1. if he/she feels deeply disillusioned and oppressed as a result of his/her experience with the legal system;
2. if he/she has been frustrated in his/her effort to obtain justice;
3. if he/she feels your dreams and plans for his/her life was torn from him/her by a system that supposedly was there to protect his/her rights and property;

¹ Overcoming the Devastation of Legal Abuse Syndrome, Fulkort Press, 1995

4. if he/she fears that the system will defeat his/her at every turn and there is nothing he/she can do about it; and
5. if he/she feels he/she have been victimized several times over by the perpetrators, by lawyers, judges, bailiffs and other court personnel.

As a consequence, he/she may suffer from tension and anxiety and have recurring nightmares, and he/she may also feel emotionally and physically exhausted, numb, disconnected and vulnerable.

The outcomes vary by person. Unfortunately, some victims will develop stress-related medical conditions and on the most serious side, tress cardiomyopathy (broken heart syndrome) resulting in fatal Acute myocardial infarction (heart attack)². See also the information sheet “Broken Heart Syndrome”³

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Family Law

Legal harassment is evident in most family law proceedings specifically in cases of “Piranha Separation”, toxic separation, parental alienation, parental estrangement and unjustified child care proceedings.

When legal harassment is is present, several other offences are usually also identified⁴.

Legal harassment is confirmed as a form of domestic violence by proxy.

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What is harassment?

Definition in Irish Law:

Both the Employment Equality Act, 1998, as copied hereunder and the Non-Fatal Offences against the Person Act, 1997, as copied under the next heading, define harassment.

Employment Equality Act, 1998, (as revised)

Harassment and sexual harassment.⁵

14A.—	<p>(7) (a) In this section —</p> <p style="padding-left: 40px;">(i) references to harassment are to any form of unwanted conduct related to any of the discriminatory grounds, and</p> <p style="padding-left: 40px;">(ii) references to sexual harassment are to any form of unwanted verbal, non-verbal</p>
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² Hayley Gascoigne, 32, Hull Combined Court Centre. <https://www.dailymail.co.uk/news/article-5898137/mum-died-broken-heart-collapsed-family-court-hearing-cardiac-arrest.html>

³ http://oupajoe.ie/pa/Completed/Broken_heart_syndrome_20-09-19.pdf

⁴ <http://oupajoe.ie/pa/Completed/Alienation%20offences%20v10.pdf>

⁵ <https://revisedacts.lawreform.ie/eli/1998/act/21/revised/en/html#SEC14A>

	<p>or physical conduct of a sexual nature, being conduct which in either case has the purpose or effect of violating a person’s dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.</p> <p>(b) Without prejudice to the generality of paragraph (a), such unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material.</p>
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Case stated:

In the 2020 High Court case of *Sube v News Group*⁶ (England and Wales), Judge Warby stated that for harassment to be established from a legal point of view there must be -

‘a persistent and deliberate course of unreasonable and oppressive conduct, targeted at another person, which is calculated to and does cause that person alarm, fear or distress.’

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Is it an offence?

A simple answer: **YES!**

I believe that victims and professionals should take notice and document all the possible evidence.

The “Legal Harassment scale” assessment should be used and a result of 10% or more in any FACTOR should be highlighted and acted on. An overall result of 10% or more may justify criminal proceedings.

Non-Fatal Offences against the Person Act, 1997. (As revised)

Harassment.⁷

10.—	<p>(1) Any person who, without lawful authority or reasonable excuse, by any means including by use of the telephone, harasses another by persistently following, watching, pestering, besetting or communicating with or about him or her, shall be guilty of an offence.</p> <p>(2) For the purposes of this section a person harasses another where—</p> <p>(a) he or she, by his or her acts intentionally or recklessly, seriously interferes with the other's peace and privacy or causes alarm, distress or harm to the other, and</p> <p>(b) his or her acts are such that a reasonable person would realise that the acts would seriously interfere with the other's peace and privacy or cause alarm, distress or harm to the other.</p> <p>(3) Where a person is guilty of an offence under subsection (1), the court may, in addition to or as an alternative to any other penalty, order that the person shall not, for such period as the court may specify, communicate by any means with or about the other person or that the person shall not</p>
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⁶ <https://www.bailii.org/ew/cases/EWHC/QB/2020/1125.html>

⁷ <https://revisedacts.lawreform.ie/eli/1997/act/26/revised/en/html#SEC10>

approach within such distance as the court shall specify of the place of residence or employment of the other person.

- (4) A person who fails to comply with the terms of an order under subsection (3) shall be guilty of an offence.
- (5) If on the evidence the court is not satisfied that the person should be convicted of an offence under subsection (1), the court may nevertheless make an order under subsection (3) upon an application to it in that behalf if, having regard to the evidence, the court is satisfied that it is in the interests of justice so to do.
- (6) A person guilty of an offence under this section shall be liable—
 - (a) on summary conviction to a class A fine or to imprisonment for a term not exceeding 12 months, or both, or
 - (b) on conviction on indictment to a fine or a term of imprisonment not exceeding 10 years, or both.

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Using the Legal Harassment Scale:

I strongly suggest that the assessment be completed with the help of a counsellor, legal professional or another trained individual.

Step 1: The affected party should read all the questions and be certain that he/she understand them.

Step 2: Prepare to make notes while completing the questionnaire e.g. “ Q2- Asked when did I see the consultant regarding my prostate gland”

Step 3: Circle the answer to each question either as 0, 1, 2, 3 or 4. (One circle per question). Remember to note examples for each answer.

Step 4: TOTAL the value of the answers for each FACTOR, e.g.

$$FACTOR_I_TOTAL = 2 + 4 + 1 + 2 + 1 + 2 + 4 + 0$$

$$\therefore FACTOR_I_TOTAL = \underline{16}$$

Step 5: Calculate the percentage for each FACTOR using the formula:

$$FACTOR_I\% = FACTOR_I_TOTAL \div 32 \times 100 \text{ e.g.}:$$

$$\therefore FACTOR\ I\% = 16 \div 32 \times 100$$

$$\therefore \underline{FACTOR\ I\% = 50\%}$$

Step 6: Calculate the OVERALL_FACTOR using the formula:

$$OVERALL_FACTOR = (FACTOR_I_TOTAL + FACTOR_II_TOTAL + FACTOR_III_TOTAL + FACTOR_IV_TOTAL) \div 128 \times 100 \text{ e.g.}$$

$$\therefore OVERALL_FACTOR = (16 + 32 + 19 + 12) \div 128 \times 100$$

$$\therefore OVERALL_FACTOR = 79 \div 128 \times 100$$

$$\therefore \underline{OVERALL\ FACTOR = 61.72\%}$$

Alternative:

OVERALL_FACTOR = (FACTOR_I% + FACTOR_II% + FACTOR_III% + FACTOR_IV%) ÷ 4
∴ OVERALL_FACTOR = (50 + 100 + 59.38 + 37.5) ÷ 4
∴ OVERALL_FACTOR = 246.88 ÷ 4
∴ **OVERALL_FACTOR = 61.72%**

Step 7:

Document the results : e.g.:

Legal Harassment Scale Assessment Results:		
John and Sandy Soap v Big Shop		
I –	Direct Aggression:	50%
II-	Procedural Harassment:	100%
III-	Personal Contempt:	59.38%
IV-	Manipulation of reality:	37.5%
	Overall:	61.72%

Endnote:

I had to complete this document on short notice. A revised version may follow.

Any comments, criticism and/or suggestions will be appreciated.

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(Legal Harassment Scale Assessment questionnaire on next page)

Legal Harassment Scale Assessment form

You have been involved in legal proceedings for some time. Read each of the statements below, indicate if the statements are applicable to you in your legal proceedings using the following scale:

I strongly disagree - (0)	I agree a little - (1)
I agree moderately - (2)	I agree a lot - (3)
I strongly agree - (4)	

Thank you for cooperation.

	FACTOR	I strongly disagree	I agree a little	I agree moderately	I agree a lot	I strongly agree
1. I am forced to respond to absurd questions	III	0	1	2	3	4
2. I am forced to give very personal information	III	0	1	2	3	4
3. They try to hurt me physically to intimidate me	I	0	1	2	3	4
4. They provoke me so I react emotionally	IV	0	1	2	3	4
5. I get verbal threats or intimidating gestures	I	0	1	2	3	4
6. They do not give me the chance to speak	II	0	1	2	3	4
7. They disregard my skills and abilities	IV	0	1	2	3	4
8. They maliciously distort everything I say	IV	0	1	2	3	4
9. My actions are under strict supervision	IV	0	1	2	3	4
10. They make indecent and cruel jokes about me	I	0	1	2	3	4
11. They damage my home and/or my place of work	I	0	1	2	3	4
12. My decisions are always undermined or challenged	IV	0	1	2	3	4
13. I get ferocious and unjust criticism or am mocked about aspects of my private life	IV	0	1	2	3	4
14. They underplay or belittle my efforts, achievements, successes, and merits	IV	0	1	2	3	4
15. I get written threats or telephone calls to my house	I	0	1	2	3	4
16. I get legally attacked without any consideration	II	0	1	2	3	4
17. They force me into litigation so I incur legal fees and expenses to harm me	III	0	1	2	3	4
18. When I make any legal applications to the courts, they normally refuse my requests or hinder me with drawbacks	II	0	1	2	3	4
19. They try to alienate me from my family and friends	I	0	1	2	3	4
20. They try to put me under pressure by asking a barrage of questions	III	0	1	2	3	4

21. My accuser treats me as if I were mentally ill or implies that I am	I	0	1	2	3	4
22. Negative confidential reports are issued about me, without being notified or allowed to defend myself	II	0	1	2	3	4
23. I get verbally insulted	I	0	1	2	3	4
24. They exaggerate my faults and errors	IV	0	1	2	3	4
25. In general, I am legally ignored, and my version of the facts are ignored	II	0	1	2	3	4
26. They ask me very specific questions to make me nervous and frustrated so I contradict myself	III	0	1	2	3	4
27. The judge and/or lawyers no longer address me directly	II	0	1	2	3	4
28. They do not give me the chance to explain anything, when I begin to say anything, they cut me off by asking me questions	II	0	1	2	3	4
29. I'm forced to discuss things that make me nervous	III	0	1	2	3	4
30. The judge and/or the prosecution interrupt me when I am speaking and do not let me finish what I want to say	II	0	1	2	3	4
31. They put pressure on me by revealing intimate personal details	III	0	1	2	3	4
32. I feel defenceless against their arguments	III	0	1	2	3	4

Calculated results:

<i>FACTOR_I_TOTAL</i>		<i>FACTOR_II_TOTAL</i>		<i>FACTOR_III_TOTAL</i>		<i>FACTOR_IV_TOTAL</i>	
<i>FACTOR_I%</i>	%	<i>FACTOR_II%</i>	%	<i>FACTOR_III%</i>	%	<i>FACTOR_IV%</i>	%
<i>OVERALL_FACTOR</i>	%						

FACTOR_I Direct Aggression
FACTOR_III Personal Contempt

FACTOR_II Procedural Harassment
FACTOR_IV Manipulation of reality

FACTOR_X_TOTAL = Total of the 8 relevant questions

FACTOR_X% = FACTOR_X_TOTAL ÷ 32 × 100

OVERALL_FACTOR = (FACTOR_I_TOTAL + FACTOR_II_TOTAL + FACTOR_III_TOTAL + FACTOR_IV_TOTAL) ÷ 128 × 100 e.g.

Alternative:

OVERALL_FACTOR = (FACTOR_I% + FACTOR_II% + FACTOR_III% + FACTOR_IV%) ÷ 4

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