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Ugly fights

FORCING YOUR NARCISSISTIC OPPOSING COUNSEL TO "SURRENDER"

Ever been engaged in an ugly fight with defense counsel, be it a rapid-fire exchange of hostile emails or an ugly deposition peppered with insults, condescending remarks and outright abuse? Or did you make a strong point to opposing counsel and then were punitively given the silent treatment? If so, this article is intended to help you pick the most effective strategy next time you are on the receiving end of opposing counsel's toxic behavior.

The epidemic of incivility in the legal profession has been given very little attention or analysis, and there are virtually no tools to provide a successful

framework to cope with being the object of ongoing and unnecessary abuse. Sure, we can file motions for protective orders, request sanctions for unprofessional behavior, or seek other – rather limited, the author observes – legal remedies from courts, who are almost always loath to interject themselves into such intra-counsel disputes.

At the end of the day, however, if we do not hone successful mental coping skills to deal with such toxicity, the abuse will invariably wear on us psychologically and add unnecessary and significant stress in our otherwise busy lives. As a survivor of narcissistic abuse myself,

I have become intimately – and unfortunately – familiar with common patterns of chronic emotional dysregulation, pathological dishonesty, gaslighting, destructiveness, and perpetual toxicity of such characters.

Every time you file a new case, you unavoidably enter into a new relationship, be it good or bad, with opposing counsel. Unfortunately, we have zero control over what manner of opposing counsel we will be dealing with. And while hoping for sunny skies, we must be prepared for dark and stormy weather.

Here, we will be taking a deep dive into the psychology and pathology of

toxic behaviors; lifting the metaphorical curtain that often obfuscates abusive and maladaptive behaviors. We provide tools to help you prepare for potentially ugly interactions with some invariably unpleasant defense attorneys.

Narcissism explained

Understating narcissism will help provide a context for the fundamentals of the potential mental states of toxic opposing counsel. In most circumstances, pathological insecurity is at the very core of narcissistic behavior. Self-centeredness, entitlement, and an insatiable need for admiration are other core characteristics of a narcissistic personality. While narcissists may project an image of success, charisma, and confidence, behind this façade, deep insecurity is at the core of their being, mixed with unresolved shame and guilt. As a result, narcissists pathologically seek validation from any and all sources.

In romantic relationships, narcissists tend to seek external validation from engaging in the compulsive seeking-out of new romantic partners. These individuals frequently cheat or engage in “micro-cheating behaviors,” such as using dating apps, regular flirting with the opposite sex, subscribing to OnlyFans-type services, and outright dating while not disclosing that they are in a relationship with another person.

In the legal profession, work accomplishments such as partnerships at prestigious firms, notable jury verdicts, important trials, deals, settlements or clients serve as a powerful drug that nourishes an otherwise fragile ego and the deeply wounded self-esteem. Unable to reconcile themselves with their insecurity, narcissists inevitably develop a strong compulsion to seek out external sources to provide them with much-needed self-validation. This is called a “narcissistic supply.” Narcissists spend their entire lives carefully constructing a false self-image, and will become a nightmare to deal with once their fragile ego is threatened, even inconsequentially.

Hurting others as a source of validation

One of the most dangerous aspects of narcissistic personalities is that they often go out of their way to appear superficially kind, caring, and charismatic. However, this charming and pleasant outward appearance masks more pathological traits such as vindictiveness, lack of empathy and abusive behaviors. This overly friendly persona will evaporate in an instant if the narcissist feels that they are not getting what they want. The reality is that a malignant narcissist will actually seek to hurt other people’s feelings in order to feel validated. Bringing someone else to tears or causing anxiety and distress is believed to give the narcissist a dopamine rush while reinforcing their own sadistic emotional validation. Relentlessly and gleefully badgering a plaintiff in deposition until they break down in tears is an example of malignant narcissism.

Taking obvious pleasure from punishing others is not within the realm of healthy or socially tolerable behavior. Unfortunately, there are many malignant narcissists in our profession, both as members of the bar and sitting as judicial officers. These individuals lack the capability to be aware of their own distress, insecurity, and damaged sense of self, instead adopting a multitude of externally destructive behaviors to facilitate their ongoing evasion of their own emotional dysregulation. These individuals are devoid of empathy, even though they are particularly adept at mimicking empathetic behaviors when it serves as a means to their desired end.

Amplified biographies and pathological dishonesty

Attorney-narcissists can be easy to spot on paper. They indicate in their biography they are *very special* on some level, such as “youngest attorney ever to receive an X-dollar verdict,” are the recipient of dubious lawyer awards, suspect claims of media appearances, or other overinflated claims that tend to be indicative of an affected sense of self-

worth. While there is nothing obviously wrong with laying out significant career accomplishments in one’s legal marketing, narcissistic self-biographers can’t help themselves, and their marketing copy tends to be more hyperbolic, less grounded in reality. This type of overcompensation is often concomitant with an attempt to hide one’s imposter syndrome.

Narcissists are compulsively and pathologically dishonest in nearly every situation. To them, truth is fluid and morals are relative in the larger scheme of manipulating others into giving them what they want. Feeling justified in believing that “anything goes” in the name of zealous advocacy, narcissists will not hesitate to manipulate or fabricate facts in order to provide a misrepresented and distorted version of events best tailored to get what they want from a judge or a jury.

Narcissists will commonly attempt to turn the tables and take the pseudo-moral high ground in order to accuse *you* of impropriety and attempt to exploit innocent missteps on your part for tactical advantage. Narcissists are perhaps the most adept at gaslighting, deception, and faking victimization, as these are the tools best suited to controlling others if one were so predisposed and utterly devoid of an internal moral compass. Taking a page from the kindergarten playbook, if you threaten them with sanctions for abusive litigation conduct, the narcissistic attorney may actually bring an identical motion for sanctions against *you*, claiming that *you* are the actual malefactor. Narcissists relish creating confusion in order to attempt to exert control over others (i.e., judicial officers) who are genuinely ignorant of the respective roles that the attorneys and parties are playing in the litigation of the case.

“Baiting”

Have you experienced long, counterproductive discovery arguments and snide comments with opposing counsel via email or on the phone, which go on and on without any resolution?

Early in my practice – like many of us – I would instinctively take the bait and engage in such futility, which resulted in zero progress, but instead exhausted me mentally and physically. I truly believed that fighting fire with fire was consistent with providing the best possible advocacy for my clients. It was not.

What I didn't know as a young attorney was the narcissistic tactic of "baiting." The primary dynamic in a narcissistic relationship (romantic or professional) is the exertion of power over another. One of the most common manipulative tactics is "baiting": provoking strong negative reaction from you to narcissist's insulting comments or actions. They might snipe at you regarding your skill – or lack thereof – at a deposition, your lost discovery motion, or drop a cruel comment about your client in passing. The narcissist might design knowingly false accusations about you in order to provoke a reaction. This might take the form of criticizing you or your client, baiting you into an intense argument.

Next comes the "gotcha" part. Narcissists will then use your strongly negative emotional reaction as a perfect opportunity to gaslight you, accusing you of being unstable and unprofessional. In the context of a romantic relationship, manipulative narcissists "ghost" and ignore their partner on purpose, baiting them into anxiety, confusion in order to effectuate an emotional crisis. Then they will mock and ridicule the partner's emotional response to friends and family or their new "supply" (new partner), omitting their role in the cruel "baiting."

Likewise, in a professional relationship, a narcissistic attorney will poke or insult you (some even going as far as filing frivolous motions against you or your client), or make passive-aggressive comments intended to cause a strong emotional outburst from you and demonstrate to the judge that *you* are an unprofessional or "crazy" plaintiff's lawyer. Don't take the bait!

Narcissists are master manipulators and will repeatedly attempt to bait you, as this mechanism is almost always effective.

They get a sadistic satisfaction from rattling your cage. Attempting to unhinge you emotionally is merely an attempt to exert power and control over you. The best defense against baiting is to be prepared for it and to react intelligently. If your opposing counsel is trying to evoke an emotional reaction from you, try to react in a calm and calculated manner, designed to deprive them of the satisfaction of controlling your feelings.

Poor communicators

What I also did not understand as a young attorney was that narcissists can be very poor communicators. Narcissists approach disagreement as a threat to their ego, which they will defend violently. These individuals are not interested in your point of view, or anyone else's, as they are incapable of tolerating any disagreement with them on any topic. A verbal disagreement with a narcissist will invariably result in them seeking to foist their point of view upon you, leaving you with little or no room for disagreement or discourse. You will be denied a meaningful opportunity to defend your position, as even if you attempt to do so, the narcissist will almost never *listen* to you when you speak – they will invariably only utilize this opportunity to develop counter-arguments.

Emotional dysregulation is a cornerstone trait of an attorney-narcissist. Remember that a narcissist must feel that they have "won" every argument in order to feel validated. This may manifest itself in opposing counsel exhibiting angry and erratic behavior via email, strongly overreacting to seeming trivialities.

While difficulties in setting a mutually agreeable deposition date is a common and unavoidable annoyance, an emotionally unstable narcissist is prone to react disproportionately, either sending you long and accusatory emails, engaging in an endless string of arguments, or passive-aggressively "ghosting" you entirely to create confusion and punish you for standing your ground and not instantly submitting to their demands.

Narcissists absolutely must have the last word; they can't help it. To facilitate this, they will suck you into a long war of verbal attrition, arguing every possible point, and exhausting you until you are ready to give up. This is a form of abusive aggression, as they are arguing for its own sake when in reality there is no meeting of the minds. Trying to reason with a narcissist is generally going to be a waste of time. Narcissists tolerate confrontation quite well, and rather than feeling anxiety, they receive a dopamine rush in causing distress and anguish by "defeating" the other person resisting their domination and control. To understand your opposing counsel's disproportionate anger or unjustified passive aggression, we need to explore the concept of narcissistic injury.

Narcissistic injury

When a narcissist feels wronged or their image of self is threatened, this will invariably trigger a chain reaction of maladaptive punishing behaviors running the gamut from rage to passive-aggressive ignoring. The slightest disagreement during discovery can be perceived as a personal attack. In personal relationships, narcissists will lash out if you point out any flaw in their perceived perfect sense of self, and any such criticism will be treated as an all-out attack on their ego and everything they believe in. They will psychologically snap and attack you with a vengeance, communicating a message of "I will make you pay for this." This term is called "narcissistic injury," and narcissists are keenly prone to *keeping score* of all those who they feel have wronged them or have engaged in perceived slights against them.

Why do they act this way? Narcissists are unable to cope with the disappointments, anxiety, and rejection that are part of everyday life in a healthy way. In healthy professional and romantic relationships, normal people generally engage in dialogue and learn to compromise with each other.

Sadly, narcissists are incapable of compromise. Narcissists always blame the

other side when challenged: “How dare you be so disrespectful to me!” This reactive defensiveness is a symptom of the complete absence of internal coping skills. Narcissists live their entire lives for external validation since they lack a strong internal sense of self-worth. Narcissists cannot objectively assess differences in opinion and react in a reasonable manner. When the narcissist blames you for their ego injury, take care not to take it personally. Remember that you are dealing with a damaged person who is suffering from an emotional TBI. You might have said or done something miniscule to make them feel slighted, but their emotional wounds ran deep well before they met you.

Behaviors by attorneys experiencing narcissistic injury might include: attack mode (blaming you for causing their emotional pain and frustration), personal insults, cursing, obscenities, or harsh and condescending statements. They will lash out, telling you what a horribly incompetent lawyer you are. If they experience the slightest resistance to their demands, they will accuse you of being obdurate, accuse you of refusing to take personal responsibility, and accuse you of causing the entirety of the discovery discord as a result of your refusal to totally bend to their will. Even this won't be enough. If you have triggered their narcissistic injury, they might engage in further punishing behaviors such as seeking to enlist the court in punishing you for your perceived slight, refusing to cooperate meaningfully in further discovery, or ignoring and “ghosting” you altogether.

“Ghosting” is a form of abuse

“Ghosting” is an abusive tactic by manipulative, passive-aggressive people. Instead of a healthy discussion about differences and possible solutions to a conflict, a narcissistic attorney will engage in a manipulative and calculated silent treatment in order to “punish” opposing counsel for causing them emotional dysregulation. This tactic is usually used by people who have poor coping skills

and desire to avoid an all-out confrontation. Injured narcissists can go into a pronounced social withdrawal and develop a feeling of contempt for the other party. In romantic relationships, narcissists simply ghost their partner after a conflict or some sort of discomfort or even use it as a “breakup method” to leave the other person wondering where they stand in a relationship (in a demonstration of a total lack of empathy).

In legal practice, a passive-aggressive attorney can utilize this tactic to create confusion and distress for the opposing lawyer, *especially* if there is a deadline and their cooperation is necessary to perform some time-limited act. They will refuse to respond, or delay in responding, to your messages, ignore your emails or text messages, or claim they are out of the office on a day that they know a particular joint filing is due with the court. The purpose of such immature behavior is to communicate, “You made me upset and I will make you pay for it.” “Ghosting” is a form of passive-aggressive control for narcissists. Let there be no doubt about it: Giving the silent treatment or “ghosting” is a form of abuse.

Unforgiving behavior

Does your opposing counsel obsess over an event that happened a long time ago and find themselves unable to let it go? Perhaps you took a deposition off calendar, did not give them an extension, or participated in some other discovery dispute that deeply wounded a narcissistic attorney. Narcissists are very unforgiving, which causes them to act out. This form of abuse (unforgiveness and “keeping score”) is especially prevalent among vulnerable narcissists, these people lacking the ability to move on, forget and forgive. In a romantic relationship, the narcissist will continue to remind and punish their partner for an event that happened months, or even years ago, believing that they never received a satisfactory apology, irrespective of how many times their partner has already tried to meaningfully apologize or to make amends.

This ongoing unforgiveness is considered a form of abuse as the narcissist is not interested in any reasonable solution, or an attempt to find one, and mentally wears out the target of the narcissistic abuse. Accordingly, in the legal profession, narcissists will remind you of some transgression that you committed in the past that triggered their intense emotional dysregulation. A classic pattern of narcissist abuse is to bring up a litany of old issues (sometimes in an emotionally charged email) and list all off the ways that you have purportedly slighted them in a prosecutorial fashion.

But be sure of one thing: They are *not* seeking to engage in a reasonable discussion about what went wrong and how to resolve past differences. When a narcissist slaps you with a list of relationship or litigation “felonies,” be warned that they already tried and convicted you in their minds. It is fruitless to attempt to engage in an exhausting battle of who is right and who is wrong, as you can never win this battle. They expect you to shut up, listen and apologize. Sometimes over and over again. Keep in mind that they will almost never forgive you – even if you apologize – as this is another mechanism to assert control over you. There is no meaningful way to make amends with an injured narcissist as they are too deeply entrenched into their victim mentality.

Projection

Narcissists carry a heavy load of unresolved issues, deep shame, and guilt within themselves. However, to protect their false self-image, they will engage in the act of “projection,” where they point out flaws in their victim while refusing to admit any fault in themselves. Healthy people are capable to self-introspection and acknowledging their shortcomings, owning their mistakes and reflecting upon poor decisions. Narcissists are incapable of this and will instead engage in projection and attack, e.g., “you are too difficult” (while they themselves are exceedingly difficult), “you are

dishonest” (while they are dishonest themselves), and so on and so forth.

The character flaws that they are quick to point out in you are those that they don’t want to acknowledge and recognize within themselves. In a professional context, narcissist attorneys will often lash out at you and accuse you of the sins that they themselves know that they are guilty of, e.g., non-responsiveness, a lack of integrity or honesty, non-cooperation, or even a breakdown in civility. The more guilt they attempt to project upon you, the less compulsion there is to look internally and identify those same flaws.

The victim mentality

Have you been drawn into an argument with opposing counsel where they portray themselves as a victim, in spite of the fact that there is no basis for this? Even if they have legitimately been wronged by you in the past, they continue to obsess over it in emails as a current issue? In a romantic relationship, a narcissist will portray themselves as victim to their own family, friends, and anyone else who will listen, in order to help buttress their own false narrative in their heads. In personal relationships, they will highlight the grave blunders that you committed, without taking stock of their own destructive and abusive behaviors.

In a professional relationship, a narcissist attorney will complain incessantly to the judge or discovery referee that you are being unreasonable, too demanding, too difficult to work with, uncooperative, or have rejected all their reasonable offers of compromise. However, the reality is that all you have done is be assertive in the relationship to stop them from using you transactionally to achieve their own ends.

Constantly playing the victim card is an aspect of the projection: reflectively blaming you for their own antisocial behavior by claiming that it is themselves who are being victimized by having to put up with your bad behavior, and that it is in fact *you* who has caused them to take a

difficult and uncompromising position. And we have all heard the similar refrain by defense counsel feigning offense in saying that, “in my X years of practice, I have never had plaintiff’s counsel behave in this manner!” Since narcissists are finely honed hypocrites who are incapable of coming to terms with their own deeply flawed character, they will project their own shortcomings upon you.

Gaslighting

“Gaslighting” is a manipulative tactic that undermines a person’s perception of reality by attempting to force them to call into doubt their own recollections. If you are being subjected to gaslighting, you may second-guess yourself, your memories, and your own perceptions of what actually happened at some point in the past. (See <https://www.verywellmind.com/is-someone-gaslighting-you-4147470#citation-3>.) The term gaslighting originates from a 1938 play by Patrick Hamilton, known in America as “Angel Street” and later adapted to film in “Gas Light” by Alfred Hitchcock in 1944. In the film, a manipulative husband tries to convince his wife that she is insane by manipulating the flame on her then-ubiquitous gas lamp. In the process, he is attempting to control her perceptions in order to render her insane and isolate her from friends and family supports.

Gaslighting behavior may not be as easy to detect as one might think. A gaslighting partner may pretend to care about you, but slander you to colleagues, family or friends. Gaslighting attorneys may also trivialize your emotions by treating them condescendingly with statements such as, “calm down,” “you’re overreacting,” or “why are you so sensitive?” Such devaluating statements are intended to minimize your feelings and cause you to question your internal beliefs and perspectives. Blame-shifting is not only a sign of projection, but is also a “gaslighting” technique aimed to undermine your sense of reality and cause you to doubt yourself. Gaslighting is a type of covert emotional abuse where the

narcissist attorney attempts to mislead you by creating a false narrative in order to make you question your otherwise sound judgment and foundation in reality.

Effective strategies to mitigate toxic behavior

Dealing with a narcissist attorney could have a huge emotional cost. Building an authentic relationship with a narcissist is utterly impossible, be it in a romantic or a professional context. In a romantic relationship, you have the option to walk away or to cease all contact with the abuser. However, in active litigation, there is no easy exit strategy when dealing with a narcissist attorney. But there is some hope – there are several effective and recognized techniques that help reduce the psychological toll of dealing with toxic opposing counsel.

Strategy 1: Calibrate your expectations

You will not be able to redeem a narcissist or convince them that they have a problem – to try and do so would be a fool’s errand. Experienced mental health professionals would agree that narcissistic personalities are not amenable to change. For example, have you ever heard an apology from a rude or condescending opposing counsel for treating you unfairly in litigation? Me neither.

Unfortunately, the polarizing nature of our profession views an apology or self-reflection as a sign of weakness. Conversely, it views bullying as a demonstration of strength. Our profession does not reward attorneys for acknowledging that they are causing needless pain to others. Because these people are incapable of meaningful self-reflection, they are unable to view themselves as wrongdoers, and thus compulsively play the “victim card.”

Narcissists are rarely capable of personal growth or transformation. Like parasites, they are only capable of seeking out another “host” (or to use the clinical term, a “supply”) to continue their abusive and destructive pattern. With each new victim, they recommence

the same cycle of maladaptive behaviors, manipulating their new “supply” into their deceitful and emotionally sadistic life, which is solely designed to prop up their fragile ego and twisted worldview.

Strategy No. 2: De-escalate

De-escalating conflict with a narcissist is easier said than done. When being attacked, after making a poignant point on the record, it may be wise to step back and head off the confrontation with a conciliatory and non-committal statement such as, “Let me think about your position and get back to you,” “You raise an interesting point, let me research our options,” or simply, “Thank you for letting me know how you feel. I will be happy to continue this discussion at some other time.” While this will merely delay an inevitable confrontation with the narcissistic attorney, it will also provide a graceful exit from a heated exchange with the narcissist who is “baiting” you into a pointless, exhausting fight.

Strategy No 3: “Gray rock”

“Gray rock” is an effective and clinically recommended strategy when dealing with narcissistic abuse when one cannot avoid interaction with a toxic narcissist. When a narcissistic attorney is being directly confrontational or baiting you to overreact, consider curtailing your verbal response to a minimum, such as, “yes,” “no,” “maybe,” or “okay.”

This strategy is called going “gray rock.” This approach will require intense discipline and a flat emotional affect. Being unengaging, and not justifying yourself can be very difficult given that we as lawyers will be tempted to advocate in support of our positions. When successfully utilizing this strategy and refusing to take the “bait,” you are no longer a source of *narcissistic supply*. Remember, getting into a protracted argument with a narcissistic attorney merely feeds their need for validation.

Explaining your position and defending your point of view is a normal



reaction, but remember that this is not a normal interaction. Narcissists are wired differently, and anything other than a minimal reaction to their provocative exchange will be met with escalating gaslighting, cruelty, and dissonance. Frankly, don’t waste your time by playing these narcissistic games. To do so merely feeds their need for drama, arguments, and validation... all at your personal expense.

Strategy 4: Setting boundaries

Setting boundaries with a narcissist is exceedingly difficult, but not impossible. One challenge to setting strong boundaries is fear and uncertainty. Narcissist attorneys have an innate ability to twist reality to suit their needs, and then run to the judge claiming that you are litigating *in bad faith*. For example, your having walked out of a deposition may have been fully justified due to toxic and obnoxious conduct, but a judge may not see it that way and even scold you for being uncooperative.

Sadly, many judges don’t want to get in the middle of attorney disputes, and this creates an environment conducive to narcissistic and antisocial behavior. You may have even been baited and lost your cool by reacting emotionally (but justifiably) during the deposition. However, the narcissist attorney will weaponize this as “Exhibit A” in their questionable discovery motion. Your instinctual pushback against the

narcissistic abuse may not be recognized as such by the court, and as the judges don’t want to get into the merits of most personality disputes between counsel, it may even backfire.

The second challenge is managing your pride. Early in my career, I avoided getting the court involved in toxic disputes with defense counsel because I truly believed that as a grown woman and member of the bar, I would be able to handle these bad actors on my own. This was a mistake. Get the judge (or arbitrator) involved early as to set the tone of what is acceptable in the unfolding litigation and what is not. Always be sure to make a clear record when confronted with toxic baiting behavior.

The third challenge is dealing with feelings of guilt, which can be compounded by a rather dismal record of holding toxic attorneys accountable by our judiciary. Judges loathe the extra work created by discovery fights, and feel that intervening is akin to “babysitting” dysfunctional attorney relationships. Filing a motion for a protective order may give you pangs of guilt for “bothering” the court with something that conceivably could have been handled without the need for judicial intervention.

Have you ever been on the receiving end of a judge’s disappointed remarks that counsel could not work this out among themselves? I have. Keep in mind that the narcissist attorney is fully aware of your reluctance to seek judicial intervention and is in fact betting on it. Over time, narcissist attorneys become emboldened by the fact that in the past, they rarely (if ever) have been held responsible for their uncivil and aggressive behavior. They do realize that they *may* get a “traffic ticket” from a judge for abusive litigation behavior, but we all know that the risk is extremely low. Does this mean that narcissistic attorneys will always get a free pass from the court? It does not. The mere act of filing a motion for a protective order sets the tone that you are taking affirmative steps to curtail abusive behavior, and the threat of

eventual accountability, however remote, may be enough to prod the narcissistic attorney to scale back their abusive tactics.

Final thoughts

Many ugly fights are ahead of you, whether you like it or not. Now that you

understand the DNA of a narcissist, you will be better prepared to handle these toxic confrontations. Stepping inside the litigation “octagon,” be mindful of the manipulative tactics and tricks by your opposing counsel. As one UFC champion put it: “Trust the process, embrace the struggle, and take care of your body.”

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