

Legal Abuse Syndrome: How the Legal System Can Become a Weapon, and How to Recognise It

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Abstract:

The legal system exists to deliver justice and resolve disputes, yet it can also be deliberately misused as an instrument of control, exhaustion, and exploitation. This article examines this pattern, known in clinical psychology as Legal Abuse Syndrome (LAS) and in legal scholarship as lawfare, through four interconnected areas: the psychological toll of LAS and its overlap with post-traumatic stress disorder; specific litigation tactics, including repeated filings, false alienation allegations, and financial exhaustion, that make this abuse difficult to recognise and challenge; practical protective steps available to families navigating suspected legal abuse; and a related but distinct context, trust administration, where settlors and beneficiaries can be targeted through undue influence and trustee self-dealing. Drawing on clinical research, recent legal scholarship, and case law, the article argues that Legal Abuse Syndrome does not require any law to be broken, only the legitimate tools of the legal system, its procedures, costs, and presumption of good faith, to be turned against the people those tools were designed to protect. Recognising this pattern, documenting it, and engaging trauma-informed legal and mental health support are identified as the clearest paths toward protection and reform.

Keywords: Legal Abuse Syndrome, Lawfare, Coercive Control, Litigation Abuse, Trust Beneficiaries, Family Court, Undue Influence.

Introduction

The sections that follow document a single underlying pattern: a legal system, built to deliver justice and resolve disputes, being deliberately used instead to control, exhaust, or exploit another person. This pattern has a name in psychology, Legal Abuse Syndrome, and a related name in legal and political scholarship, lawfare.

Lawfare describes the use of legal systems and proceedings as a weapon, to damage, delegitimise, or exhaust an opponent, rather than to seek a genuine remedy. The term was popularised by Major General Charles Dunlap in a 2001 essay for Harvard's Kennedy School of Government, and it has since been used to describe a wide range of situations: strategic lawsuits filed against critics purely to bury them in legal costs, repeated and escalating litigation between private parties designed to drain the other side's resources, and investigatory or regulatory pressure applied without any underlying complaint to justify it. What unites all of these examples, and what unites every section of this article, is the same core mechanism. The harm does not come from anyone breaking the law. It comes from someone using the

law's own legitimate procedures, its costs, its timelines, its presumption of good faith, against the very people those procedures were designed to protect.

The article is organised as follows. The next section introduces Legal Abuse Syndrome itself and its overlap with post-traumatic stress. The section that follows catalogues the specific tactics that make this form of abuse so difficult to recognise and challenge. The article then turns to practical protection: what families can do once they suspect this pattern is at work. It closes by examining a different but related setting, the administration of trusts, where the same dynamic of legitimate authority turned against the people it is meant to protect can target beneficiaries rather than litigants.

Legal Abuse Syndrome: When the Law Becomes a Weapon

The legal system exists to protect people, deliver justice, and resolve disputes fairly. For many individuals, however, the legal process has become a source of profound and lasting psychological harm. Rather than offering resolution, it has been deliberately weaponised as a tool of control, manipulation, and ongoing abuse. This experience has a name: Legal Abuse Syndrome (Huffer, 1995) [6]. It is a pattern that is only beginning to receive the recognition it deserves, both in clinical settings and within the legal profession itself, yet for those living through it, the harm is immediate, cumulative, and often invisible to outsiders.

What Is Legal Abuse Syndrome?

Dr Karin Huffer, a licensed marriage and family therapist, terms this phenomenon Legal Abuse Syndrome (LAS), which results from the complicated and damaging psychological and emotional effects over a prolonged period of time that occur when the legal system is used in a manipulative and coercive manner (Huffer, 1995) [6]. Dr Huffer noticed that clients in long-standing and abusive litigation were showing signs of trauma not only as a result of their own pasts but also because of the legal process itself.

LAS does not develop from a single court appearance. It emerges gradually through sustained exposure to litigation that has been deliberately prolonged and used as a mechanism of domination. To be considered Legal Abuse Syndrome, the abuse must be a systematic abuse of legal processes and not be a normal stress of the legal process (Huffer, 1995; Wilde, et al., 2023) [6, 13]. The delays, the papers and the manoeuvring of procedure are not just the problems with the case, they are the whole point of LAS. The act itself is the weapon, and the victim takes the brunt of the blow.

Legal Abuse Syndrome and Post-Traumatic Stress Disorder

One of the critical aspects of Legal Abuse Syndrome is that it has been identified in multiple jurisdictions as a form of Post-Traumatic Stress Disorder (PTSD). PTSD is defined as a disorder that can develop after experiencing a traumatic event, such as when a person experiences long-term psychological trauma due to ongoing coercive and controlling behaviour, according to the American Psychiatric Association, 2022 [1]. If LAS is officially recognised, those affected may have legal rights to accommodations and clinical care.

Legal Abuse Syndrome symptoms are very similar to those used to diagnose PTSD. Presentations have been repeatedly found to consist of chronic anxiety, depression, hypervigilance, intrusive thoughts, sleep disturbances and an overwhelming sense of helplessness (van der Kolk, 2014) [12]. Critically, the process of trauma continues because it is not a single traumatic event but rather a process of litigation that deteriorates over time. The earlier the trauma is recognised and intervention offered, the more successful the healing process will be. Many of the people with this condition report that it is a constant, nagging fear

that comes back when they get an email from the opposing party or when a hearing is scheduled, a response similar to what van der Kolk (2014) [12] refers to as hypervigilance, which occurs with chronic unresolved trauma. This increased vigilance can remain long after the lawsuit has been settled.

Control Through the Courts

Legal Abuse Syndrome is a deliberate pattern of behaviour that uses the law to ensure that an individual continues to control another individual without the intention of justice. The phenomenon is most commonly reported in family law cases, such as divorce and child custody, but can occur in any area of law (Harman, et al., 2019; Meier, 2020) [4, 9].

The party in control usually will not agree to settle conflicts when fair and reasonable answers are available. Rather, they argue procedural details over and over again, make needless requests for redactions, seek out frivolous appeals, and otherwise find ways to use the process to keep the lawsuit alive for months or years. The objective is not to get things “sorted out.” It involves the systematic draining of the other person’s emotional, psychological, and financial resources, and the ability to control the situation by threatening them with additional legal action at their fingertips (Wilde, et al., 2023) [13].

This type of abuse is particularly harmful because it takes place in a system that is considered legitimate and trustworthy. It is often hard for victims to be believed, as the abuser seems to have legitimate legal rights. It is not uncommon for legal professionals, even those with years of experience, not to understand the pattern for what it is: intentional and ongoing control and harm. It can often make victims feel a double burden: being abused, and then having to prove that something they have done is properly legal, yet in fact, unlawful.

The Human Cost

The effects of Legal Abuse Syndrome are not limited to the court. Legal costs are mounting, making it very difficult for victims to afford legal representation. Careers are negatively affected or ruined. Child and family ties are broken or disrupted. Prolonged legal proceedings have a significant impact on mental and physical health and on the lives of many, who report that the process has taken up all aspects of their life (van der Kolk, 2014) [12].

The World Health Organisation (2022) [14] has also noted that psychological distress, when left unaddressed, tends to compound rather than resolve on its own, a pattern consistent with what many Legal Abuse Syndrome survivors describe long after their case has concluded. Legal Abuse Syndrome victims are not spared the harm once the case is over. A courtroom environment can leave an indelible impression on how safe they feel in the world, and it can take years to rebuild trust in institutions, gain a financial footing, and restore relationships.

The syndrome of legal abuse is a serious and distinct type of abuse that needs to be recognised. If you do not understand its nature and impact, you cannot get it out of the way, and you cannot hold accountable those who intend to use the legal system as a weapon.

Tactics Used in Abusive Litigation

Legal Abuse Syndrome does not arise from a single unfair ruling or a single difficult hearing. It develops through repeated exposure to specific, recognisable tactics: strategies that use the legal system’s own procedures, timelines, and costs as instruments of control. Recent research has begun to catalogue these tactics in detail, moving Legal Abuse Syndrome from an informal observation into a measurable,

documented pattern (Huffer, 1995; Gutowski, et al., 2023a) [6, 2]. This section looks at four of the most common tactics and what the evidence says about how they function, and why they so often succeed even when the legal professionals involved are acting in good faith.

The Weapon of Delay

A common practice that is often reported is the intentional delay of litigation. Instead of moving towards resolution, the controlling party sues again and again and requests adjournments when they are unwarranted, and reopens settled matters, creating a situation in which the case languishes for months or years longer than the underlying dispute demands. In a study of post-separation family court cases in the UK, Ireland, Australia, and the United States, repeated litigation was found to be a tool employed specifically to weaken pre-existing court orders, to interfere with the other parent's right to see the children, and to delay conflict beyond the point of the initial separation (McCormack, 2025) [8].

This strategy is effective exactly due to the fact that it is a hard one to dispute. The pattern of persistent pressure can be justified on a case-by-case basis, such as a request for clarification, a scheduling issue, a procedural objection, and so forth. In Gutowski, et al.'s (2023a) research, which involved 222 survivor-mothers of legal abuse participating in family law proceedings, repeated and excessive filings emerged as one of the most obvious and reported indicators of legal abuse [2]. The scale was constructed to specifically address the issue of no single filing being a reliable indicator of abuse. It is the frequency, timing, and overall burden of the filings that set apart normal litigation from a deliberate method of control.

False Allegations and Alienation Claims

The second approach is to use accusations, particularly those of parental alienation, to deflect attention from the dispute and sow doubt about the truthfulness of the other party's claims. McCormack's (2025) [8] analysis revealed that false allegations of parental alienation are often made to maintain dominance, and these allegations are presented as a form of concern, enabling the controlling parent to recalibrate their actions as acts of hostility or manipulation on the part of the other parent.

This strategy is particularly harmful as it puts the burden of proof on those who are being harmed. Rather than the court looking at the history of the litigation itself, it becomes a case of defending the new allegation, wasting time, energy, and credibility that could be better applied to the resolution of the underlying issue. These claims are based on the well-being of children, making them hard to refute entirely. Courts are, of course, not going to dismiss any claim that comes close to a child's well-being, and so an unfounded claim can result in months more of additional evaluation, assessment, and hearings before it is resolved.

Financial Exhaustion Through the Courts

Litigation is costly, and the cost can be a weapon. Legal fees, expert witness costs, and the sheer time required to respond to ongoing filings can drain a person's finances long before a case resolves. Financial depletion is one of five key measured dimensions of legal abuse that is identified on the Legal Abuse Scale, along with emotional and procedural tactics (Gutowski, et al., 2023a) [2].

A scoping review of mothers after domestic violence in family court also identified that many felt overwhelmed and disconnected even before reaching a final decision, with many specifically noting that they wanted to have some financial impact on the other party and that they did not want the other party to have contact with their children (Wilde et al., 2023) [13]. The financial strain is rarely incidental. It is

frequently part of the strategy itself. For the party that has more money to burn, the fight might be worth it; for the other party, it may be the difference between the high cost of legal battles and the necessities of life, leading to compromise or concessions that are based on less than justice.

Why These Tactics Go Unrecognised

One of the most dismal conclusions from this research is that these tactics are so effective because they are not known for what they are. Wilde, et al. (2023) [13] noted that family court workers often did not recognise manipulation of the legal system as a pattern of ongoing abuse but rather as a separate legal issue for each filing and hearing.

This lack of recognition puts an exceptional strain on the victim. In the absence of a system of naming what is going on, survivors are often required to prove both their case and that there is a case to prove; and, in the process, the legal system, by design, treats each filing as an individual case (van der Kolk, 2014) [12]. Tools such as the Legal Abuse Scale are designed to fill this void and provide a framework for detecting it, in addition to relying on practitioner judgment (Gutowski, et al., 2023a) [2]. The use of such tools, and the increased awareness of their existence by judges, mediators, and attorneys, is often suggested as one of the most direct methods of decreasing the likelihood of their success.

Recognising these tactics is the first step toward challenging them. The next section discusses steps that individuals and families can take to safeguard themselves when they believe the legal process is being abused.

Protecting Your Family from Legal Abuse Syndrome

Understanding Legal Abuse Syndrome and the tactics behind it is only useful if it leads to action. While no family can fully control how the other party chooses to litigate, there are concrete steps that can reduce harm, protect children, and preserve wellbeing throughout a prolonged legal process. This section sets out five practical areas of protection, each grounded in current research, not as a guarantee against every tactic covered earlier in this article, but as a realistic foundation families can build on.

Recognising the Pattern Early

The earlier a pattern of legal abuse is recognised, the more options a family has to respond. Gutowski, et al.'s (2023a) [2] Legal Abuse Scale was developed specifically to help identify this pattern, based on interviews with survivor-mothers navigating family court. Their research found that legal abuse rarely looks like a single dramatic event. It looks like a steady accumulation of excessive filings, unnecessary hearings, and procedural demands that individually seem manageable but collectively consume a person's time, money, and mental health.

Families in the early stages of a contentious legal matter can benefit from asking a simple question after each filing or hearing: is this actually about resolving the dispute, or is it about prolonging it? Answering that question honestly, even when it is uncomfortable, is often the first step toward naming what is happening. It can also help to note whether the pattern intensifies around specific triggers, such as a new relationship, a job change, or an approaching holiday, since abusive litigation often escalates around moments when the controlling party senses a loss of leverage.

Documentation as a Form of Protection

When a pattern is suspected, documentation can be one of the most useful tools at your disposal. A straight-

forward, chronological log of filing, correspondence, missed commitments, costs, and other items establishes the type of evidence that the courts, attorneys, and mental health providers can use to determine the pattern. The approach is congruent with the philosophy of the Legal Abuse Scale itself, which views abuse as being committed over a period of time and in response to multiple behaviours that add up over time (Gutowski, et al., 2023a) [2].

Useful practice is to make a brief log after each interaction with the case: date, what occurred, and cost, if any. This record can be shared directly with the legal counsel or with a therapist, and can show a pattern that might not be described in the moment, and can be used to support the case for legally recognising abuse. There is an ancillary advantage to this type of record. If all a person remembers about a long feud are the events, those individual details may merge or become exaggerated in their memory. If there is a dated log, the experience is grounded in reality, which may be comforting in and of itself.

Choosing Trauma-Informed Legal and Mental Health Support

Not all attorneys or therapists are able to recognise litigation abuse for what it is. Recent studies on the trauma-informed practice of family courts make the point that when each hearing in a case is considered in isolation, it is seen as a legal process rather than a psychological experience, which can only be harmful (Spivack, et al., 2026) [11]. What this translates to in practice is that extended, high-conflict litigation often favors families who have attorneys with experience in these cases. That often, they will also prefer a therapist who is familiar with trauma reactions that are directly related to the process of extended litigation, rather than to some single event in the past.

Spivack, et al. (2026) [11] suggest that legal and mental health practitioners working with families in this context need to consider how to ensure safety and transparency, and how to foster interprofessional collaboration instead of working independently. When a family decides to hire a lawyer or therapist for support, it is reasonable to ask the potential provider if they have experience with complex and lengthy litigation, as well as the psychological impact of such litigation, because they may be better prepared to support.

Protecting Children from Being Drawn into the Conflict

Children are often the most fragile parties in long-term litigation, especially when allegations of parental alienation are made maliciously, not in good faith (McCormack, 2025) [8]. This does not mean withholding all information because you do not want your child to experience adult conflict. It means intentionally sharing information, not putting children in the middle of communication between parents, and not discussing current legal issues in front of children, even when frustration makes that difficult.

Having a child-focused professional, someone with experience in high-conflict separations, engage in the process can assist children in processing their experience without becoming further entangled in the legal process itself. Age-appropriate honesty tends to serve children better than silence. An acknowledgment that the adults are working through a disagreement, paired with reassurance that it is not the child's responsibility to fix or referee it, can reduce the anxiety that comes from sensing tension without understanding it.

Rebuilding Support and Reducing Isolation

Long court battles can separate litigants from the people around them. Wilde, et al. (2023) [13] conducted a scoping review and reported that mothers in family court often expressed a sense of being overwhelmed

and feeling disconnected from community, family, and friends long before the process was over, in part because of the time and emotional energy consumed by the process itself.

Deliberately maintaining relationships outside the litigation, even in small ways, such as a regular phone call with a friend or a weekly commitment unrelated to the case, helps counteract this isolation. Support groups for those experiencing high-conflict litigation can also provide a sense that the experience, however isolating it feels, is neither unique nor unnamed.

While none of these steps will guarantee protection against every tactic covered in this article, together they build a foundation of documentation, informed support, and connection that can make a meaningful difference. The final section turns to a related setting in which the same pattern appears: the administration of trusts.

Are Trust Beneficiaries Being Targeted for Legal Abuse Schemes?

Throughout this article, Legal Abuse Syndrome has been examined mainly through the lens of family court litigation. But the same underlying pattern, using a legitimate legal structure to control, exhaust, or exploit another person, shows up in a very different setting: the administration of trusts. Trust beneficiaries occupy a uniquely vulnerable position. They rarely have day to day visibility into how a trust is being managed, they often depend on the goodwill of a trustee or the mental clarity of an aging relative, and by the time abuse becomes visible, real financial harm has usually already occurred. This section looks at two distinct ways beneficiaries are targeted, and what recent research says about recognising and responding to each.

Undue Influence: When a Settlor Becomes the Target

One route into legal abuse of trust beneficiaries does not start with the beneficiary at all. It starts with pressure applied to the settlor, the person who created the trust, often while they are elderly, isolated, or experiencing cognitive decline. A caregiver, new acquaintance, or opportunistic family member gradually restricts the settlor's contact with others and then pressures them into amending the trust, frequently disinheriting the people the trust was originally meant to protect.

Recent legal scholarship shows this is not a fringe concern. Horton, et al.'s (2024) [5] analysis in the Utah Law Review found that, in direct response to rising rates of elder financial abuse, several jurisdictions have begun strengthening undue influence doctrine specifically to make it easier to challenge suspicious late-in-life changes to a trust or will. Their research treats this as a meaningful shift: for decades, courts struggled to apply undue influence consistently, and the doctrine's vagueness sometimes worked against genuine victims. The recent legislative trend they document suggests growing recognition that this is a real and serious form of legal abuse, not just an unfortunate family dispute.

The clinical side of this problem is just as important as the legal side. Nguyen, et al.'s (2024) [10] editorial on testamentary capacity in older adults emphasises that assessing whether a settlor genuinely understood and freely chose to change their estate plan requires careful neuropsychological evaluation, not just a lawyer's impression during a single meeting. As the population of older adults continues to grow, they argue, courts and legal professionals will need to rely more heavily on this kind of clinical expertise to distinguish a genuine change of heart from the product of manipulation. For families, this points to a practical takeaway: a late-in-life trust change that coincides with new isolation or declining health is often better addressed with a proper capacity evaluation than with a signed document alone.

Trustee Self-Dealing: When the Protector Becomes the Threat

A second, distinct pattern involves the trustee, the very person appointed to safeguard trust assets on a beneficiary's behalf. A trustee holds legal title to trust property but is bound by a duty of loyalty that requires managing those assets solely for the beneficiaries' benefit, not their own. When a trustee breaches that duty through self-dealing, using trust funds or property to benefit themselves, their family, or a related business, the harm can go undetected for years, since beneficiaries often have limited ability to independently monitor how a trust is being administered.

Courts have recently reinforced how seriously this is treated. In *In re Will of Cameron* (Pa. Super. 2025) [7], a Pennsylvania appellate court held that when a trustee engages in self-dealing, the financial penalty imposed on the trustee can equal the full benefit received by the trustee and their family members, even if the trust itself technically suffered no direct monetary loss. The ruling makes clear that self-dealing is treated as a breach in its own right, not something that only matters if the trust's bottom line was harmed. This aligns with the basic duties every trustee owes beneficiaries: to act impartially, to avoid conflicts of interest, to account fully for how assets are managed, and to act personally rather than delegate away their core responsibilities. When a trustee ignores these duties, the beneficiary is left in much the same position as a litigant facing an abusive opposing party: dependent on a system that assumes good faith, and often without the resources or standing to intervene until significant damage has already been done. Warning signs tend to look mundane on their own: repeated delays in providing an accounting, vague explanations for major transactions, or a trustee who resists answering direct questions about how funds have been used. Individually, each can be brushed aside. Together, they often describe exactly the kind of pattern courts have started taking more seriously.

When Courts Fail to Intervene

A theme that runs through this entire article resurfaces here. Even when a pattern of abuse is real, harm often deepens when the legal system itself fails to recognise or act on it. Gutowski, et al.'s (2023b) [3] research on what they term judicial betrayal found that survivors' mental health outcomes worsen specifically when they believe a judge saw evidence of abuse and failed to act on it, a distinct injury from the abuse itself. The same dynamic applies to trust beneficiaries: a court that repeatedly defers to a trustee's version of events, or that treats obvious warning signs, sudden trust amendments, secrecy about accountings, isolation of the settlor, as routine family disagreements, can compound the original harm. Judicial betrayal, in this sense, is not limited to family court; it can arise anywhere a court defers reflexively to the party holding more apparent authority.

Conclusion

Across this article, a consistent pattern has emerged. Legal Abuse Syndrome does not require anyone to break the law. It requires only that someone use the legal system's legitimate tools, its procedures, its costs, its presumption of good faith, against the very people those tools were designed to protect. Whether the setting is a custody dispute or a family trust, recognising the pattern, documenting it carefully, and seeking support from professionals who understand it remain the clearest paths toward protection and, eventually, reform.

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