Vol. 1 April 2026 No. 2

JOURNAL OF PARALEGAL EDUCATION AND PRACTICE

AMERICAN ASSOCIATION FOR PARALEGAL EDUCATION

WHEN LAW BECOMES A WEAPON

Dovie King[1]

This article examines how the court system can be misused as a tool of coercive control after an abusive relationship ends. In family court, repeated motions, excessive discovery requests, and ongoing hearings can allow one partner to maintain power and ongoing contact with the other party under the appearance of lawful procedure. Drawing on research, custody outcome data, and real-life accounts from students and early-career legal workers, the article explains how litigation abuse operates, why it is difficult to recognize, and how it can derail education, employment, and stability. It also highlights growing recognition of this problem and discusses emerging responses to reduce procedural harassment. Written for paralegal students and educators, the article emphasizes that legal processes can either protect or be weaponized, depending on how they are used.

Dovie King, J.D., is a full-time author who has worked as a public interest law attorney, paralegal educator, and chairperson of a human rights commission. She collaborates with the American Bar Association Commission on Domestic & Sexual Violence to advance survivor justice, institutional accountability, and access to justice. She holds a B.A. from Brown University and a J.D. from Northeastern University School of Law and is admitted to practice in California and Massachusetts. Dovie is a survivor of domestic violence and the author of the memoir, Survivor at Law (SOAR for Justice Publishing 2025). Contact her at survivoratlaw@gmail.com or visit www.dovieking.com.

I. INTRODUCTION

Domestic abuse is often imagined as something that happens later in life—within long marriages, shared mortgages, and established families.[2] In reality, it frequently begins much earlier. According to the Centers for Disease Control and Prevention, more than one in three women and more than one in six men in the United States have experienced contact sexual violence, physical violence, and/or stalking by an intimate partner during their lifetimes, with young adults ages 18 to 24 among the group at highest risk.[3] Thus, abuse often begins when many individuals are in college or law school and at the same time moving in together, sharing finances, beginning to parent, or entering the workforce.[4]

When abusive relationships end, the harm does not necessarily end along with them—instead, the tactics of control shift in some cases. For many survivors, especially those navigating custody, housing, financial aid, or protective orders, the legal system becomes the next terrain of abuse.[5] Court filings, discovery requests, repeated hearings, and procedural delays can replace direct contact, allowing control to continue through official legal channels. This misuse of legal processes is commonly referred to as "legal abuse" or "abusive litigation."[6]

Legal abuse can be particularly difficult for students and young adults to identify. For people encountering courts for the first time—often under stress and without counsel—abusive litigation can appear to be how the adversarial system is meant to work. Financial dependence, housing insecurity, immigration status, and lack of familiarity with legal systems can further make it harder to recognize legal abuse. Because each filing may be technically lawful, the broader pattern of harm can be easy to miss.

This article explains how abusive litigation operates, why it so often follows domestic abuse after separation, and how the legal system itself can be weaponized against those it is meant to protect. It is written for paralegal students, professors, college administrators, and anyone trying to understand what to look for when legal processes begin to feel less like a path to resolution and more like a tool of control. Its purpose is not to provide legal advice or assign blame, but to make visible a form of harm that thrives when it remains unnamed.

II. WHAT LEGAL ABUSE IS AND WHY IT'S HARD TO SPOT

Abusive litigation occurs when legal processes are used primarily to intimidate, control, exhaust, or punish another person rather than to resolve a legitimate dispute.[7] Instead of physical force or overt threats, the tools of harm become paperwork, procedures, deadlines, and court appearances. Motions replace messages. Hearings replace conversations. Discovery replaces surveillance. The legal system itself becomes the mechanism through which control is maintained.

What makes this type of abuse especially difficult to recognize is that it often looks lawful. Each individual action—a filing, a request for information, a scheduled hearing—may be technically permitted under court rules. Judges, clerks, and even attorneys may view these actions in isolation rather than as part of a larger pattern. As a result, the harm is frequently minimized or misunderstood.

Legal abuse is not defined by a single aggressive filing or a contentious hearing. It is characterized by pattern and purpose. The key question is not whether the legal action is allowed,

but whether it is being used to advance resolution—or to prolong conflict, force contact, drain resources, or destabilize the targeted person.[8]

Abusive litigation most commonly arises after separation from an abusive partner. Research on domestic abuse consistently shows that coercive control often escalates when a survivor attempts to leave.[9] In many cases, that escalation shifts into the courtroom. A national study reviewing more than 4,000 custody decisions found that courts credited abuse allegations less than half the time overall, and that when alienation was raised as a counterclaim, abuse claims were credited even less frequently and custody was more likely to shift to the father.[10] Thus, when direct access in the home ends, legal access may take its place. Family law cases involving custody, support, housing, or protective orders are especially vulnerable to this shift because they create ongoing points of contact and repeated opportunities for procedural engagement.

While the mechanics of litigation may be complex, the underlying dynamics—escalation, fixation, retaliation, and forced engagement—are often recognizable to those paying attention.

III. How the Legal System is Weaponized

To understand legal abuse, it helps to see how ordinary legal tools can be repurposed to cause harm. They become abusive when used repeatedly, strategically, and without a legitimate problem-solving purpose.

A person engaging in abusive litigation may file frequent motions that raise the same issues again and again, even after those issues have been addressed. Each filing requires time, attention, and often money to respond. The goal is not to win, but to keep the other person engaged and off balance.

Discovery is intended to exchange relevant information. In abusive litigation, it may be used to demand large volumes of personal documents—texts, emails, medical records, school records, or financial information—that go far beyond what is necessary. This can feel intrusive and overwhelming.

Legal abuse often involves creating constant urgency. Hearings may be scheduled at the last minute. Deadlines may be manipulated. “Emergency” filings may appear repeatedly, even when no true emergency exists. This keeps the targeted person in a state of anxiety and prevents stability or closure.

In cases involving children, custody litigation can become a powerful tool of control. Requests for modifications, evaluations, or enforcement actions may be used to prolong litigation rather than to address a child’s needs. For young parents—many of whom are students or early-career workers—this can be financially and emotionally devastating.

Prolonged litigation maintains contact, drains resources, and reinforces power. What unites these tactics is not aggressiveness alone, but misalignment between action and outcome. When legal activity escalates without advancing resolution, it may be serving a control function rather than advocacy.

IV. Legal Abuse is Gradually Being Recognized

In recent years, intimate partner violence experts, courts, and legal institutions—including the American Bar Association (ABA)—have increasingly acknowledged that the legal system itself can be misused as a tool of coercive control.[11] This growing recognition reflects a broader

shift in how domestic abuse is understood: not as a series of isolated incidents, but as a pattern of behavior that can extend into institutional spaces, including courts.

The ABA has formally recognized coercive control as a central feature of domestic abuse and has acknowledged that litigation can be used to continue abuse after separation.[12] Through resolutions, task forces, and guidance developed by its Commission on Domestic and Sexual Violence, the ABA has emphasized that repeated, retaliatory, or unnecessary legal actions can function as a form of ongoing harm rather than legitimate advocacy.[13] While the ABA does not control courts, its guidance reflects a growing consensus within the legal community that procedure alone is not a neutral safeguard against abuse.

At the same time, several states and jurisdictions have begun to address legal abuse more directly. Some family courts now recognize concepts such as litigation abuse, abusive civil actions, or vexatious litigation in domestic violence contexts.[14] These frameworks allow judges to look beyond individual filings and consider patterns of behavior as evidence of coercive control. In certain jurisdictions, courts have the authority to limit filings, consolidate hearings, impose sanctions, or tailor protective orders to reduce procedural harassment.

These institutional shifts remain uneven and incomplete. Many courts still lack clear tools to identify or stop abusive litigation, and survivors often bear the burden of proving harm within systems not designed to see it. Although recognition is growing, statutory codification remains limited. Few jurisdictions explicitly address coercive control or abusive or harassing filings in the family law context. For example, California law permits courts to consider a pattern of abusive litigation conduct when evaluating custody and visitation matters. However, there is no uniform statutory framework to define or track litigation abuse nationwide. This remains an emerging area of law and policy, and the absence of consistent statutory language or data-collection mechanisms makes it difficult to measure prevalence and to craft comprehensive reform.

Several advocacy organizations are working to address litigation abuse at both the appellate and policy levels. The Family Violence Appellate Project focuses exclusively on appealing domestic violence–related cases to establish binding precedent that strengthens statutory protections for survivors. The National Family Violence Law Center at George Washington University also conducts empirical research and policy advocacy examining how courts respond to abuse allegations in family court. Finally, grassroots initiatives, such as the Battered Mothers Custody Conference, provide education, support, and networking for mothers navigating high-conflict custody litigation involving abuse. Together, these efforts reflect a growing recognition that appellate advocacy, empirical research, and professional education are essential to shifting how family courts evaluate coercive control and post-separation abuse.

V. WHY LEGAL ABUSE CAUSES REAL HARM

Because legal abuse operates through official systems, its harm is often minimized or dismissed. Yet the impact can be profound. Prolonged litigation can drain financial resources, interfere with education or employment, and destabilize housing. For students and young adults, even minor legal disputes can derail academic progress, eligibility for financial assistance, or career trajectories.

The psychological toll can be equally severe. Constant legal conflict creates uncertainty and fear. Survivors may feel trapped in an endless process they cannot control or escape. The

unpredictability of court schedules, outcomes, and costs can make it impossible to plan for the future. Over time, this stress can affect concentration, health, and decision-making.

Importantly, the harm is not limited to those directly targeted. Children, extended family members, and support networks can absorb the fallout, too.

VI. Survivor Stories: What Legal Abuse Looks Like in Real Life

I write this section as a former paralegal educator and attorney-survivor of intimate partner violence. After coming forward publicly with my memoir, *Survivor at Law*, colleagues, former students, and early-career legal workers began reaching out to me privately to share their own experiences. Many had never disclosed before.

Over time, these conversations revealed a pattern. Students and early-career professionals were encountering domestic violence and post-separation abuse at the very moment they were being taught to trust the law as neutral and empowering. Coursework, exams, internships, and professional identity development unfolded alongside restraining orders, custody disputes, discovery requests, and legal threats. For these students, legal abuse did not occur on the margins of life. It unfolded in real time, alongside deadlines, grading curves, financial precarity, and career-shaping evaluations.

The vignettes that follow are drawn from those disclosures. I met some of these individuals while teaching or advising students. Others sought me out after public talks, conferences, or publications. Still others contacted me quietly through professional networks, unsure where else to turn. In each case, the relationship was defined by trust and shared professional space—not by advocacy or investigation.

Content Advisory: Please note that some details may be distressing. Identifying information has been changed to protect privacy and safety. Reader discretion is advised.

Myriah

Myriah was the first in her immigrant family to complete college and enter the legal field. After completing her paralegal education, she secured a competitive position at a law firm—an achievement that represented stability, independence, and a sense of professional identity. She was still early in her career, learning the rhythms of legal work while balancing new parenthood.

As she attempted to assert independence within her marriage, her spouse threatened to divorce her and use the legal system against her. He warned that he would seek custody and accuse her of parental alienation if she resisted his control.[15] In a legal system where young parents and women of color are often scrutinized and disbelieved, the threat felt credible and terrifying.

No lawsuit needed to be filed. The anticipation of legal retaliation was enough to destabilize her. Fear, stress, and sleep deprivation affected her ability to function at work. Eventually, she lost her paralegal job, eliminating the financial independence she had worked so hard to build. Myriah's experience shows how abusive litigation can derail a student's professional trajectory before it has time to take root. Legal knowledge and training did not protect her; instead, the law itself became the threat.

KATY

I met Katy while volunteering at a restraining order clinic. At the time, she was a law student navigating the demands of her first year while attempting to leave an abusive marriage. She was studying for exams, attending classes, and managing internships while simultaneously filing court paperwork and attending hearings.

After separation, legal processes replaced direct contact with her spouse. Court appearances, procedural deadlines, and required documentation consumed time and emotional energy she could not afford to lose. Nothing about her case appeared unusual on paper. The filings were proper. The hearings were routine. Yet the cumulative effect of the coercive control was overwhelming.

Katy's experience illustrates how legal abuse can hide inside ordinary procedure. For students, there is often no margin for error—no excess time, money, or emotional capacity. Abusive litigation exploits that fragility, forcing students to choose between academic survival and personal safety.

ANGIE

Angie was an undergraduate student when she quietly disclosed that she had obtained a restraining order against a former partner. Her primary concern was not the court process itself, but how disclosure might affect her future legal career. She worried that faculty, employers, or peers would view her as unstable or unprofessional, especially because of racial stereotypes about Asian women being "obedient."

Her fear reflected a powerful lesson embedded early in legal education: students are expected to perform emotional neutrality, composure, and resilience at all times. Trauma is treated as a liability rather than a reality. For students of color, that pressure is intensified by stereotypes around credibility and control. Angie's experience demonstrates how legal abuse is compounded by educational culture. When students believe that acknowledging harm will cost them their careers, silence becomes another form of containment.

WHAT THESE EXPERIENCES REVEAL

Taken together, these vignettes reveal recurring patterns. Abusive litigation often targets people at moments of transition—while they are studying, building careers, or establishing independence. It thrives where legal systems prioritize procedure over impact and where educational cultures reward silence over disclosure. For students, recognizing this dynamic is not about mastering legal doctrine. It is about learning to see when legal processes stop serving resolution and start serving control. Naming these patterns early can be the difference between self-blame and clarity, between isolation and understanding.

Yet recognition alone is insufficient if the systems in which these patterns unfold remain unchanged. When courts treat each filing in isolation rather than as part of a broader course of conduct, coercive control can be repackaged as ordinary litigation. Structural responses are therefore necessary. Courts may benefit from clearer mechanisms to identify repetitive or retaliatory filings, including authority to consolidate substantially similar motions and to restrict serial emergency petitions that function primarily to maintain contact. Statutory definitions of abusive litigation should be clarified and consistently applied so that patterns of procedural harassment are evaluated as patterns, not as disconnected events.

Effective reform also requires transparency and accountability. States should collect and publish data on custody outcomes in cases involving abuse allegations and alienation defenses, allowing for meaningful oversight rather than reliance on anecdote. Judicial education should incorporate coercive control frameworks so that procedural compliance is not mistaken for substantive fairness. Without these institutional guardrails, the burden remains on individual survivors to prove patterns that courts are not structured to see.

VII. WHY THIS KNOWLEDGE MATTERS FOR PARALEGAL STUDENTS

Students and young adults often navigate the legal system for the first time while managing education, work, and relationships. They may lack legal representation, financial flexibility, or familiarity with court processes. This makes them particularly vulnerable to legal abuse—and particularly likely to blame themselves when something feels wrong.

Many students are also survivors of domestic violence. For them, abusive litigation may intersect with coursework, internships, or professional aspirations. Without education that names these dynamics, students may internalize harm as personal failure or weakness rather than recognizing it as a systemic problem.

Teaching about litigation abuse as part of broader legal literacy helps students see that the law itself is not inherently protective or harmful—its impact depends on how it is applied and enforced. For that reason, reform cannot rest solely with courts. Paralegal programs play a critical role in shaping how future professionals understand procedure, discretion, and power within the justice system. Incorporating discussion of litigation abuse into family law and ethics courses helps students recognize that procedural compliance does not automatically equal fairness. Training paralegals to identify patterns of coercive control within litigation strengthens professional judgment and underscores the responsibility to distinguish legitimate advocacy from conduct that perpetuates harm.

VIII. CONCLUSION

Legal abuse thrives when misuse of legal process is treated as ordinary conflict or unavoidable procedure, allowing harm to continue unchecked. Education disrupts that cycle. Learning how the law can be weaponized—and how abusive litigation operates through pattern rather than overt rule-breaking—helps people see what is happening more clearly. It affirms that discomfort, confusion, and exhaustion are not signs of weakness, but reasonable responses to systems being used in harmful ways.

The legal system holds immense power. When that power is used to resolve disputes fairly, it can protect and stabilize lives. When it is used to control, exhaust, or punish, it becomes another site of harm. That distinction is not about assigning blame. It is about restoring clarity, dignity, and agency in spaces where harm too often goes unnamed.[16]

---

[1] The narrative and analytical framing in this article reflect the author's lived experience as an attorney-survivor of domestic violence. Portions of the narrative context draw from the author's memoir, *Survivor at Law* (SOAR for Justice Publ'g 2025). *See also* https://dovieking.com.

[2] This article uses the terms "domestic abuse," "intimate partner violence," and "coercive control," collectively to capture a continuum of conduct ranging from physical violence to non-physical tactics of control, manipulation, legal intimidation, and degradation, including the strategic misuse of legal knowledge or authority. This framing draws from Evan Stark's coercive control theory. *See* EVAN STARK, COERCIVE CONTROL: HOW MEN ENTRAP WOMEN IN PERSONAL LIFE (2007).

[3] Ctrs. for Disease Control & Prevention, *Intimate Partner Violence: Fast Facts* (last updated Feb. 11, 2025), https://www.cdc.gov/intimate-partner-violence/about/index.html; Ruth W. Leemis, et al., *The National Intimate Partner and Sexual Violence Survey: 2016/2017 Report on Intimate Partner Violence* (Ctrs. for Disease Control & Prevention, Oct. 2022) https://www.cdc.gov/nisvs/documentation/nisvsreportonipv_2022.pdf.

[4] Survivors of intimate partner violence are disproportionately represented in non-traditional and caregiving student populations. *See* AMY BONOMI & DAVID MARTIN, RECANTATION AND DOMESTIC VIOLENCE: THE UNTOLD STORY (2023); Deborah Epstein & Lisa A. Goodman, *Discounting Women: Doubting Domestic Violence Survivor's Credibility and Dismissing Their Experiences*, GEORGETOWN LAW FACULTY PUBS. & OTHER WORKS (2019), https://scholarship.law.georgetown.edu/facpub/2037/.

[5] On post-separation escalation and the migration of coercive control into court processes, *see* Martha R. Mahoney, *Legal Images of Battered Women: Redefining the Issue of Separation*, 90 MICH. L. REV. 1, 53–58 (1991); Joan S. Meier & Vivek Sankaran, *Breaking Down the Silos that Harm Children: A Call to Child Welfare, Domestic Violence and Family Court Professionals*, 28:3 VA. J. SOC. POL'Y & L. 275 (2022); Emmaline Campbell, How Domestic Violence Batterers; Emmaline Campbell, *How Domestic Violence Batterers Use Custody Proceedings in Family Courts to Abuse Victims, and How Courts Can Put a Stop to It*, 24 UCLA WOMEN'S L.J. 1, 8–12 (2017).

[6] For scholarship describing "legal abuse," "systems abuse," and litigation as coercive control, *see, e.g.*, Heather Douglas, *Legal Systems Abuse and Coercive Control*, 18 CRIMINOLOGY & CRIM. JUST. 84 (2018); Rachael Burgin, *Coercive Control and the Legal System: A Legislative and Empirical Review*, 43 MELB. U. L. REV. 473 (2020); Lisa A. Tucker et al., *Coercive Control in Family Court: Litigation Abuse and the Legal Abuse Scale*, 13 J. FAM. TRAUMATIC STRESS 211 (2021).

[7] For discussion of coercive control, survivor credibility discounting, and epistemic injustice in legal systems, see JUDITH LEWIS HERMAN, TRAUMA AND RECOVERY 57–59 (1997); Deborah Epstein & Lisa A. Goodman, *Discounting Women: Doubting Domestic Violence Survivors' Credibility and Dismissing Their Experiences*, 167 U. PA. L. REV. 399 (2019); MIRANDA FRICKER, EPISTEMIC INJUSTICE: POWER AND THE ETHICS OF KNOWING (2007).

[8] Paralegals are not directly subject to attorney discipline under the ABA Model Rules of Professional Conduct; these rules govern the conduct of supervising attorneys and the legal work carried out by nonlawyer staff under their direction.

[9] Joyanna Silberg & Stephanie Dallam, *Abusers Gaining Custody in Family Courts: A Case Series of Overturned Decisions*, 16 J. CHILD CUSTODY 140 (2019).

[10] Joan S. Meier & Sean Dickson, *Mapping Gender: Shedding Empirical Light on Family Courts' Treatment of Cases Involving Abuse and Alienation*, 35 L. & INEQUAL. 311 (2017).

[11] Scholars have long observed that professional discipline systems prioritize misconduct harming institutions over misconduct harming people. *See* Leslie C. Levin & Susan Saab Fortney, *They Don't Know What They Don't Know: A Study of Diversion in Lieu of Lawyer Discipline*, 36 GEO. J. LEGAL ETHICS 309 (2023); Bruce A. Green, Selectively Disciplining Advocates, 54 CONN. L. REV. 151 (2022).

[12] ABA COMM'N ON DOMESTIC & SEXUAL VIOLENCE, RECOMMENDED REFORMS FOR THE EFFECTIVE PROTECTION OF CHILDREN IN DOMESTIC VIOLENCE CASES 3–6 (2019).

[13] *Id.*

[14] *See, e.g.*, WASH. REV. CODE § 26.51.020(1) (2025) (defining "abusive litigation" as actions used "to harass, intimidate, or maintain contact with the other party"); CAL. FAM. CODE § 3025.5 (West 2020); N.C. GEN. STAT. § 50-20.1(b)(3) (2023); FED. R. CIV. P. 11(b)(1) (prohibiting filings made to harass or cause unnecessary delay); MODEL RULES OF PRO. CONDUCT r. 3.1, 4.4(a) (AM. BAR ASS'N 2024).

[15] Threats to accuse a protective parent of "parental alienation" are a common feature of post-separation abuse. Although frequently invoked in custody disputes, parental alienation theory has been widely criticized by legal scholars and mental-health professionals as lacking a reliable scientific foundation. Research and practitioner literature document how abusive partners often deploy allegations of parental alienation to shift focus away from coercive control, undermine survivor credibility, and gain strategic advantage in custody and parenting-time litigation—particularly against mothers and survivors raising safety concerns. *See* Rebecca M. Thomas & James T. Richardson, *Parental Alienation Syndrome: 30 Years On and Still Junk Science*, 54:3 JUDGES' J. 22 (Summer 2015), CHALLENGING PARENTAL ALIENATION: NEW DIRECTIONS FOR PARENTS AND CHILDREN (Jennifer J. Mercer & Monica Drew, eds. 2022).

[16] I owe profound gratitude to the advocates, clinicians, educators, and survivors who informed this work, including the San Diego Family Justice Center; Jewish Family and Children's Services; the Trauma Institute and Child Trauma Institute; McLean Hospital; and the survivor-lawyers and paralegals whose courage continues to expose institutional silence.