

But there are downsides, and risks: The costs can be prohibitive unless a lawyer takes the case pro bono or on a contingency fee basis. If the victim loses, they're on the hook for the defendant's legal costs, too.

And if the plaintiff wins, there's no guarantee they can actually collect damages.

“I have lots of people who come to me and they have very strong civil sex assault claims but their chances of success in terms of collecting on a damages award are zero,” notes Birenbaum.

“Cases where you're suing individuals, unless they're someone wealthy like Weinstein, are risky.”

Then there are rules that the victim must disclose all sorts of personal details that otherwise wouldn't be required in a criminal case to prove the alleged damage, says Busby.

And while a settlement might offer more flexibility to negotiate what a victim needs, it often comes without an admission of liability and can include a gag order, says Birenbaum.

“Quite simply, it's a compromise,” she says. “The purchase price of settlement is women's silence.”

Lawyers for the Ontario woman will seek permission Monday to move ahead with the claim without using her name. An affidavit from one of her lawyers argues that using her name would cause irreparable harm to her mental health and well-being, and that she may not continue with the case if she must be identified.

Jellinek expects the court to agree: “It's rare the case where that doesn't happen.”

Other options to pursue can include filing a claim with a victim's provincial human rights tribunal or commission.

Jellinek says it's important for victims to know they have options.

“For so many years these people have believed that they can do nothing, that nobody's going to believe them, that there's nothing that can happen,” says Jellinek.

“When they do learn that yes, there is something that can happen and these are the possible things, that sometimes changes peoples lives.”

— With files from [AdvocateDaily.com](http://AdvocateDaily.com)