



LEGAL ADVICE  
FOR SURVIVORS  
OF SEXUAL  
ASSAULT

**MARTIN & HILLYER**  
BURLINGTON'S INJURY LAWYERS  
LOCAL | EXPERIENCED | KNOWLEDGEABLE | SUPPORTIVE

# EMPOWERING SURVIVORS THROUGH THE LEGAL SYSTEM

The legal system should be a tool for empowering survivors of sexual assault, abuse and harassment. Unfortunately, understanding your options, enforcing your rights and successfully navigating the legal system is rarely straightforward. You have a lot of options to consider: criminal charges, a lawsuit, a regulatory complaint, a victim's compensation claim, and others.

## **And that's where we come in.**

There is no 'one-size fits all' approach that will work for everyone. The key is to determine which options will help you effectively attain your unique goals & priorities.



## HOW A LOCAL LAWYER CAN HELP

Consulting with a local lawyer who specializes in sexual assault litigation can help you understand your options so you can make an informed decision about what you want to do next.

We understand the difficulties that come with recounting traumatic experiences. We are dedicated to providing an environment that is safe, supportive, and confidential to make the process as comfortable as it can be.

FIND OUT HOW WE CAN HELP  
[MHALAW.CA/HELP](https://mhalaw.ca/help) • (905) 637-5641

## ARE CRIMINAL CHARGES MY ONLY OPTION?

After a sexual assault, the initial focus often turns to criminal proceedings.

The criminal process is focused almost exclusively on the perpetrator: punishing behaviour, potentially rehabilitating a disturbed individual, and protecting individuals and the public from a dangerous offender.

Victims of crime are not the focus of the criminal system, and going into a criminal proceeding with unrealistic expectations about what it can do for you as a survivor can leave you feeling frustrated, disillusioned and even re-victimized.

But it's important to remember that the criminal system is not the only option available to you. You may want to consider other avenues to seek justice, recognition, support and compensation after your experiences.

## SUING FOR COMPENSATION

A civil lawsuit is one option you might want to consider after experiencing an assault, abuse or harassment. Instead of focusing on the actions of the perpetrator, the civil process focuses on the experiences of the survivor. You, as the survivor, are in the driver's seat, not the Crown or the perpetrator's lawyers.

Through the civil process, you can make a claim for compensation for your losses and for what you have endured, including your pain & suffering, funding for counselling & treatment, and lost income.

A civil lawsuit is not feasible in every case, and may or may not be the best option for you to help you attain your specific goals. You will need a full understanding of the process and of your options to decide if a lawsuit is right for you.

**And that's where we come in.**

## THE BEST OPTION FOR YOU

Are you likely to be able to succeed in a lawsuit? Can the perpetrator actually pay you? Is a third-party potentially also on the hook? Will the process help you achieve your goals? Are you prepared to undertake the time and stresses that litigation can involve? These are some of the questions we will help you to consider.

Sometimes, it might turn out that other options can get you closer to attaining your goals, such as:

- a victim's compensation claim
- a professional/regulatory complaint
- an intra-organization complaint
- a human rights complaint
- community supports & legal protections
- ...or none of the above?

The best choice will be different in every case so we'll help you understand all of your options.

Our job isn't to make the decision for you; it's to make sure you have all the information you need to make your own informed decision.

Give us a call or visit us online to arrange a free consultation and learn more about your legal options.

## Q&A

### Q: Is there a cost for the initial consultation?

A: No. Our initial consultations are always free and no-obligation.

### Q: How do you get paid?

A: In most cases, we work on a contingency fee basis: we wait until the end of your case before we are paid, when we get a percentage of whatever we recover for you. We go over our payment in detail during our initial consultation so you'll know exactly what to expect.

### Q: Is there a time limit to sue?

A: If your claim is based on a sexual assault, then probably not. In fact, it's common for survivors to take many years before deciding they are ready to explore & exercise their legal options. But legal time limits are tricky things. Always ask a lawyer to be sure!

### Q: Can I sue if there were no criminal charges, or the perpetrator was acquitted?

A: Yes. A civil lawsuit is not directly impacted by either an acquittal, or a lack of charges. Only a criminal conviction automatically carries over to the civil claim.

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# WHO ARE WE?

The lawyers at Martin & Hillyer Associates have been serving the legal needs of Burlington and surrounding areas for over 45 years.

**Claire Wilkinson** and **Kennedy Nolan**, two of our lawyers, devote much of their practices to advising and representing survivors of sexual assault, abuse & harassment in civil lawsuits.

Claire and Kennedy offer free, in-person consultations with individuals who are looking for information about their legal options. Their consultations take place in a supportive, no-pressure and entirely confidential environment.

If you have questions about your options and would like to speak with Claire or Kennedy, give us a call or visit us online for more information.

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