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**OPINION****Sex abuse survivors, finally heard**

By Jeanne Christensen

New York Daily News • Nov 16, 2022 at 5:00 am

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High-profile sexual assault cases are once again making headlines. Harvey Weinstein is facing nine more accusers in Los Angeles; Warren Beatty has been accused of coercing sex with an underage girl nearly 50 years ago; Donald Trump has been deposed for his alleged rape and defamation of E. Jean Carroll.

Get used to the drumbeat. A new slew of sexual assault claims are on the way. That's because the one-year lookback period for the New York's Adult Survivor's Act (ASA) begins on Nov. 24 (Thanksgiving Day, oddly enough).

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It's easy to focus on the names of famous and powerful men who are finally being held accountable for the sexual harm they have inflicted, and it is gratifying that they are getting their comeuppance. But the ASA goes even further in attacking and tearing down the culture of silence and outright enablement that too often allows sexual abusers to continue their crime sprees. Weinstein may have been deservedly brought low, but those who enabled him are still very much in business.

Like the Child Victims Act before it, the landmark ASA allows victims to sue their attacker in civil court for damages, no matter when the assault happened. Just as important, it allows them to potentially sue third parties, such as an employer, school or other organization that enabled or covered up the misconduct. This new law will finally create the accountability and closure that has often been out of reach for far too many who were 18 or older at the time of their assault.

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Separate from our criminal system, which can prosecute sex crimes that happened years ago, our civil laws have penalized victims who fail to commence lawsuits within one year of their trauma. It is not only individual wrongdoers who have benefited from the restrictive time limitations of our civil laws. Employers and institutions that enabled, covered up and remained silent in the face of sexual harm also escaped accountability. They do not deserve continued protection from our system.



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We've already seen that justice delayed need not be justice denied. The window that was opened by the Child Victims Act in 2019 allowed thousands of victims to hold their perpetrators and those complicit in the harm accountable. By the time it expired, estimates are that more than 10,000 cases had been filed under the Child Victims Act. The demand to file cases far exceeded estimates by lawmakers and advocates.

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Three years later, the public witnessed major institutions such as the Boy Scouts of America and Catholic Dioceses pay out millions of dollars in financial settlements — because predators do not operate in a vacuum. When it comes to adult victims, entertainment companies, sports institutions, media organizations and Wall Street firms have already found themselves in the line of fire for fostering and enabling sexual predation by their stars. Imagine what other institutions and entities are bracing for impact when the new law opens the floodgates for these claims.

Civil remedies have other advantages for survivors, some of whom understandably distrust the criminal justice system. Historically, the courtroom has not been a welcoming place for survivors. It wasn't in 2011, for Nafissatou Diallo, a housekeeper at a luxury hotel in New York City who said she was sexually assaulted by Dominique Strauss-Kahn, the frontrunner to unseat Nicolas Sarkozy in the 2012 French presidential election. Tragically, the Manhattan district attorney dismissed the criminal indictment and Strauss-Kahn walked.

The case showed how far our legal system was from believing survivors, especially when powerful men were on trial. Since then, while we successfully have represented many women in civil actions against predators, including numerous Weinstein victims, the reality is that far too many women remain on the sidelines, afraid to tell the truth, because of the fear of revictimization. We now know that survivors process the trauma of sexual assault in all different ways and on all different timelines, sometimes even normalizing it or denying that it happened. The ASA takes these factors into account.

Weinstein's first conviction felt like a turning point, and the case helped unleash the loud chorus of voices that fueled the #MeToo movement. But five years on, there is more work to be done, and the legal system is only now beginning to catch up with the culture shift. As our client Tarale Wulff, who testified about her assault at the Weinstein trial in New York, said recently when asked what her message to survivors would be at this

moment, “The ASA is an invitation to you to tell your story. There are people who are waiting to hear your story and hold your abuser accountable because it should have never happened to you.”

While survivors are invited to speak out, the message to enablers is also loud and clear. The cost of your silence and complicity just became prohibitive.

*Christensen is a partner at Wigdor LLP and has represented survivors of sexual harassment, assault, and rape in cases against Harvey Weinstein, Bill O'Reilly and Uber.*



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