

Loretta P. Merritt

CIVIL SEXUAL ASSAULT GROUP



Practice focus:

Civil sexual, physical and emotional abuse and assault cases
Traumatic injury claims
Motor vehicle accident claims
Employment law
Sexual harassment

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Loretta Merritt is one of the few lawyers in Ontario who has substantial experience in dealing with abuse and harassment in civil lawsuits and employment cases.

She has represented hundreds of clients in a variety of historical and recent sexual, physical, and emotional abuse cases, including abuse by members of clergy, doctors, police officers, teachers, relatives and neighbors. Many of Loretta's cases involve institutions such as school boards (both public and private), children's clubs, children's aid societies, boy scouts, big brothers, group homes, and training schools. She represents adults and children, men and women, plaintiffs and defendants.

Loretta's civil litigation practice also includes traumatic injury litigation (motor vehicle cases, medical malpractice, products liability), and employment litigation.

Loretta is a Fellow of the Litigation Counsel of America. The Litigation Counsel of America is an invitation-only trial lawyer honorary society. Fellows are selected after being evaluated on effectiveness and accomplishment in litigation and trial work, along with ethical reputation. She has also received Martindale Hubbell's highest possible Peer Review Rating: General Ethical Standards Rating V (very high), and Legal Abilities Rating A (very high to pre-eminent).

Publications

Contributed the article, "**Civil Sexual Assault**" to the 10th edition of the "Annual Review of Civil Litigation," a national publication by The Honourable Mr. Justice Todd L. Archibald and Mr. Justice Randall Scott Echlin.

Loretta writes frequently for many publications in her field. Her more recent publications include: Contributions to Lawyers Weekly:

"Insurance Coverage for Sexual Assault Cases," 2007

"Parole Officer Has Duty to Warn About Sex Offender," 2006

"Sexual Abuse Case Holds Promise For Abuse Survivors," 2003

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“Trilogy Of Abuse Cases Examined 6 Issues I and II,” 2003

Contributions to The Litigator, Ontario Trial Lawyers Association:

“Vicarious Liability,” 2006

“Helping Plaintiffs in Civil Sexual Abuse Claims Access the Deep Pockets of Insurers,” 2006

“The Application of the Limitations Act on Assault and Sexual Assault Litigation,” 2005

Speaking Engagements

On October 21, 2011 CBC TV’s The Fifth Estate focused on sexual abuse of Boy Scouts. Some of Loretta’s former clients were interviewed for the segment, specifically about confidentiality clauses in settlements. As an authority in this field, Loretta was interviewed by CBC National Radio on October 22, 2011 and by CBC Radio affiliates across the country on October 24, 2011.

Loretta is a frequent speaker at seminars and conferences in her field. Her more recent presentations include:

“Pursuing Compensation for Victims of Crime – Civil Lawsuits,” Elpizo Counseling Services: Sexual Assault Awareness Conference: The “Holy Hush” Conference – Breaking the Silence, September 2011

“Vicarious Liability,” Canadian Institute’s 9th National Summit on Institutional Liability for Sexual Assault and Abuse, April 2010

“Pursuing Compensation for Victims of Crime: Civil Lawsuits,” Tackling Sexual Violence, Toronto Police Service, Sex Crimes Unit, 14th Sex Crimes Conference, October 2009

“Survivors of Sexual Abuse: Who Represents Them?” The Chief Justice of Ontario’s Advisory Committee on Professionalism, 11th Colloquium on the Legal Profession, October 2008

Co-chair, Summit on Institutional Liability for Sexual Assault and Abuse, The Canadian Institute, March/April 2008

“Personal Injury Cases,” Leading Edge Seminars Inc., May 2007

“Representing Minor Plaintiffs,” Summit on Institutional Liability for Sexual Assault and Abuse, The Canadian Institute, February 2007

“An Update on Crown Liability for Institution Abuse,” Litigation Against the Crown Conference, The Canadian Institute, June 2006

Co-chair, Institutional Liability for Sexual Assault & Abuse,” The Canadian Institute, February 2006

Opening Statement: **“Pushing the Limits and Avoiding a Mistrial,”** Be In The Know: Empowered For Trial, Ontario Trial Lawyers Association, Spring Conference 2005, May 2005

Co-chair, **“Institutional Liability For Sexual Assault & Abuse,”** The Canadian Institute, February 2004

“The Role of the Therapist in Sexual Assault Cases,” Leading Edge Seminars Inc., December 2003

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Chair, “**Tort Law: New Trends and Causes of Action**,” The Law Society of Upper Canada, February 2003

“**Emerging Trends Across Canada in Proof of Sexual Abuse: Mastering the Connection Between Credibility and Causation**,” Institutional Liability for Sexual Assault & Abuse, The Canadian Institute, February 2003

“**The Role of Therapists in Civil Sexual Assault Cases**,” Leading Edge Seminars Inc., November 2002

“**Requests for Opinions**,” The Myth of Minor Brain Injury, Ontario Trial Lawyers Association Fall Conference, October 2002

“**Sexual Assault and Civil Litigation**,” Sexual Assault Investigators’ Seminar, Toronto Police Services Sex Crimes Unit, September 2002

“**Understanding the Effects and Assessing the Victim**,” Institutional Liability for Sexual Assault and Sexual Abuse, Canadian Institute, February 2002

Co-chair, “**Conduct Of The Wrongful Dismissal File**,” The Law Society of Upper Canada, February 2002

“**New Developments in Employment Law**,” Ontario Long-Term Care Association Management Symposium, November 2001

“**Understanding and Dealing with Workplace Harassment**,” 2nd Annual Employment Law Forum, The Law Society of Upper Canada, December 2001

“**Sexual Assault Update**,” 2001 Spring Conference, Ontario Trial Lawyers Association, June 2001

“**Do Suspension and Progressive Discipline Trigger Dismissal?**” Torkin Manes In-house Seminar, June 2001

“**Simpson and Sexual Harassment as Cause**,” 4th Annual Six-Minute Employment Lawyer, The Law Society of Upper Canada May 2001

“**Diversity in the Workplace**,” George Brown College, April 2001

“**Employment Issues for Non-Profit and Charitable Organizations: Dealing with Employees and Volunteers**,” Volunteer Lawyers Service, Ontario Bar Association, March 2001

“**Bad Faith Discharge (Wallace Case)**,” Society of Design Administration Canada, March 2001

“**The Survivor and the Law**,” Canadian Centre for Abuse Awareness, July 2000

“**Quality and Risk Management Issues in Sexual Abuse Assessments**,” Millennium Honouring the Past, Embracing the Future: Psychotherapy into the 21st Century, June 2000

“**Discrimination and Harassment under the Ontario Human Rights Code**,” Sexual Orientation Linked to the Business, Procter & Gamble, June 2000

“**An Employer’s Right to Know Versus the Employee’s Right to Privacy**,” Society of Design Administrators, April 2000

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“Recent Supreme Court Decisions Involving Sexual Abuse/Sexual Assault: Implications for Mental Health Professionals Involved in Damages Assessments and Clients Considering Civil Action,” 53rd Annual Convention, Making a Difference in the New Millennium: Psychology for Everyday Life,” Ontario Psychological Association, February 2000

Teaching Engagements

Torkin Manes, Associate and Student Mentor, 1987-2006

Queen's University, Trial Advocacy, 1997-2004

Bar Admission Course, Public Law and Professional Responsibility, 1996-2004

Torkin Manes Trainer, Rainmaking Program, 1996

Part-time Professor, Legal Environment of Business, University of Toronto, Scarborough Campus, 1987-1990

Professional Affiliations

- Advocates' Society
- Ontario Trial Lawyers Association
- American Trial Lawyers Association
- Ontario Bar Association
- Mensa Canada Society

Community Involvement

- Co-Chair Torkin Manes United Way Campaign
- Mentor for the Practice Advisory Service, The Law Society of Upper Canada
- Mentor for the Ontario Trial Lawyers Association
- Mentor for first year students at Osgoode Hall Law School
- Mentor for young lawyers - CBAO Lawyer to Lawyer Network
- Member of the Osgoode Hall Alumni Association Board of Directors and Chair of the Nominations Committee
- Member and VP of the York University Alumni Association, Board of Directors and Member of the Nomination Committee
- Child Abuse Survivor Monument Project – Steering Committee member
- Toronto Child Abuse Centre – member and volunteer for the Court Observation Project regarding child witnesses
- Counsel to the Canadian Centre for Abuse Awareness
- Occasional “Judge” for the Osgoode Hall Law School and University of the Toronto Law School Mooting Assignment

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- Student Advisor for first-year law students and assistant to the Co-Chairman of the Orientation Committee, Osgoode Hall Law School
- Duty Counsellor and Caseworker at the Community and Legal Aid Services Program and the Latin American Community Centre
- Big Brothers Big Sisters of Canada—Big Sister

Education

- Called to the Ontario Bar, 1987
- LLM, Osgoode Hall Law School, York University, 1990
- LLB, Osgoode Hall Law School, York University, 1985