

FACELAW

ONLINE LEGAL DIRECTORY

30 PAGES

NO.11

JUNE

2021

Why to incorporate your business

“Ali Ahmari Moghaddam”

Birth trauma and the timing of injury: brain imaging

“Charles E. Gluckstein”

Unjustified rules for arranged employment of international program workers

“Afshin Yazdani”

Canadian parliamentary building on parliament hill in Ottawa

Images courtesy of Freepik

FACELAW, The Right Choice
For All Your Legal Needs.



February 8, 2021

Letter of Appreciation

Dear Messrs. Ahmari-Moghadam & Anvari,

As the Member of Parliament for Willowdale, I would like to take this opportunity to salute you for your efforts in publishing the Facelaw Online Legal Directory.

By providing legal guidance in Farsi and identifying experienced legal professionals that may assist clients navigate the intricacies of the law, you are undoubtedly promoting the welfare of numerous individuals within the Iranian-Canadian community, a development that is bound to be welcome by all.

Thank you for your efforts in promoting greater legal literacy and for highlighting practical information that will enhance prudent decision-making for all of us, while also safeguarding the best interests of individuals confronted by legal challenges. By enhancing our access to legal resources, you are essentially availing all of us of the certainty of granite under our feet, thereby permitting us each to stand taller.

May you thrive in your latest worthy endeavour for many years to come. Your continued success will further the success of others.

Ali C. Ehsassi

Ottawa

Room 502, Wellington Building, Ottawa, Ontario K1A 0A6
Tel.: 613-992-4964 Fax.: 613-992-1158

Constituency Office

115 Sheppard Avenue West, Toronto, Ontario, M2N 1M7
Tel.: 416-223-2858 Fax: 416-223-9715

Ali.Ehsassi@parl.gc.ca
<http://aehsassi.liberal.ca>





Majid Jowhari
Member of Parliament
Richmond Hill

October 7, 2020

Letter of Recognition

As the Member of Parliament for Richmond Hill, I would like to thank Ali Ahmari-Moghaddam and Ashkan Anvari for their recent innovation, the Facelaw platform.

Facelaw.ca is a directory of Lawyers, Paralegals, and Immigration Consultants, striving to bring together the best professionals in the legal field in an easy-to-search database making finding the right legal professional simple and efficient. The Facelaw platform also provides access to articles, blogs, and useful information dealing with different areas of the law. There is also a Facelaw Magazine which is available in both English and Farsi and is available to download for free from the website.

I appreciate Ali Ahmari-Moghaddam and Ashkan Anvari's effort and aspiration to make their platform and access to legal professionals easily accessible to more people, and I commend their spirit of innovation and inclusiveness.

Sincerely,

Majid Jowhari, MP
Richmond Hill

Constituency Office
100 Mural St., Suite 101, Richmond Hill, ON L4B 1J3
Tel. 905-707-9701 | Fax. 905-707-9705 | E-mail Majid.Jowhari@parl.gc.ca



JUNE 2021

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Shareholder	FACELAW INC.
Facelaw INC(Founder)	Dr. Ashkan Anvari
Editor in Chief	Ali Ahmari Moghaddam
Executive Director	Shabnam Ghorbani
Design team	IRCAWEB Company

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WE are a directory of Lawyers, Paralegals and Immigration consultants, striving to bring together the best professionals in the legal field.

In today's fast paced world, where almost everyone now has the internet in the palm of their hand, finding the relevant information and assistance you require has never been easier.

Finding an experienced lawyer, paralegal or immigration consultant ("Legal Professional") to assist you with your legal matters should be no different.

Whether your legal matter is complicated or simple, Facelaw.ca is here to make the initial interaction between the client and Legal Professional just as simple.

Facelaw.ca is a website which connects those looking for a Legal Professional to assist them with a legal matter (or those just wanting to get some preliminary legal advice) with an experienced Legal Professional in the appropriate field of law.

The Legal Professional will help guide you through the complex legal landscape and will provide the appropriate and professional legal advice.

Looking for a Legal Professional that speaks a certain language? Looking for a Legal Professional in a certain city or town? Looking for a Legal Professional whose practice focuses in a specific area of law? Not a problem!

Facelaw.ca will connect you with the right Legal Professional to fit your legal needs quickly and effectively.

Facelaw.ca was created to eliminate the intimidating process of searching for a Legal Professional to provide legal services. Instead of having to call different offices and law firms searching for the right Legal Professional to retain, Facelaw.ca has compiled a searchable database of local Legal Professionals who are committed to serving their clients.

SO stop wasting time making useless calls and reviewing lawyer and law firm websites that provide no real guidance and try Facelaw.ca today!!!

ABOUT US



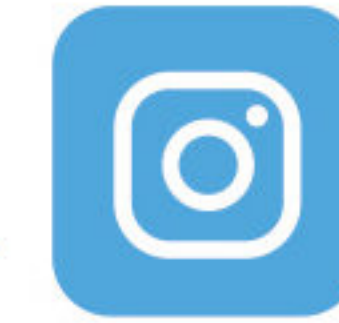


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Facelaw Is On YouTube



Since the commencement of the online legal directory platform of Facelaw, all attempts have been made to publish and share useful legal information, and the knowledge and experiences of Lawyers, Paralegals, and Immigration consultants who are members of the Facelaw directory, on various social platforms. Among these Platforms, YouTube is of most importance due to its popularity.



Dr. Ashkan Anvari

Doctor Of Business
Administration(DBA)

Founder Of The Facelaw Platform

I am happy to announce that the online legal directory of Facelaw has been very active on YouTube and just this month, its subscriptions have reached more than 900 while more than 2K have viewed our videos. We are very certain that with the hard work of our digital marketing team our monthly subscriptions and viewers will increase exponentially. As such, we shall present you with further updates in our next issue.

Through our YouTube Channel we intend to provide you with useful and up to date video content from Lawyers, Paralegals, and Immigration Consultants who are the members of the Facelaw directory.

We encourage you to follow our various social media platforms and do not forget to subscribe to our YouTube Channel.



Ahmari Law Firm

 416-800-0808
 289-597-6700
 289-314-7693
 ali@ahmarilawfirm.ca
 # 908 & 909, 7191 Yonge St, Thornhill, Canada
 L3T 0C4

► Ali Ahmari Moghaddam

We believe that clients should feel welcome and comfortable every time they walk into our office. Our law firm also works hard to make sure that clients are involved in all aspects of their case. We take the time to educate clients about their legal matter so that they are well informed about all aspects of their particular case.

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ARTICLE
FACELAW

In this section of Facelaw you can access useful legal information, and articles you may wish to read that have been published by our members, comprised of lawyers, paralegals and immigration consultants. The intent of Facelaw is to provide a platform to educate the public and to provide a medium for legal needs to be properly addressed pursuant to the laws of Ontario.

The blog is sectioned into different legal topics in which information is provided from different professionals. Facelaw strives to provide you with a wholesome perspective so that you can be guided by different professionals in order to make the best possible decisions involving your legal matters. In doing so, if you have questions you can directly contact the professionals with the information provided on Facelaw. The professionals can help answer your legal questions and guide you in the right direction with respect to your legal matter.

Facelaw has provided an easy access search function that with a simple keyword search you can locate useful information on the legal topic you require information about. We are grateful that we have connected with these professionals to compile valuable resources to share with the public to ensure that you are provided quick and accurate guidance and information.



Subscribe To Our YouTube Channel



In today's technologically advanced world, social media has become the new phenomenon to connect the world on all levels. The world has technologically moved forward in a way that people no longer just rely on radio or TV to access their favorite program.

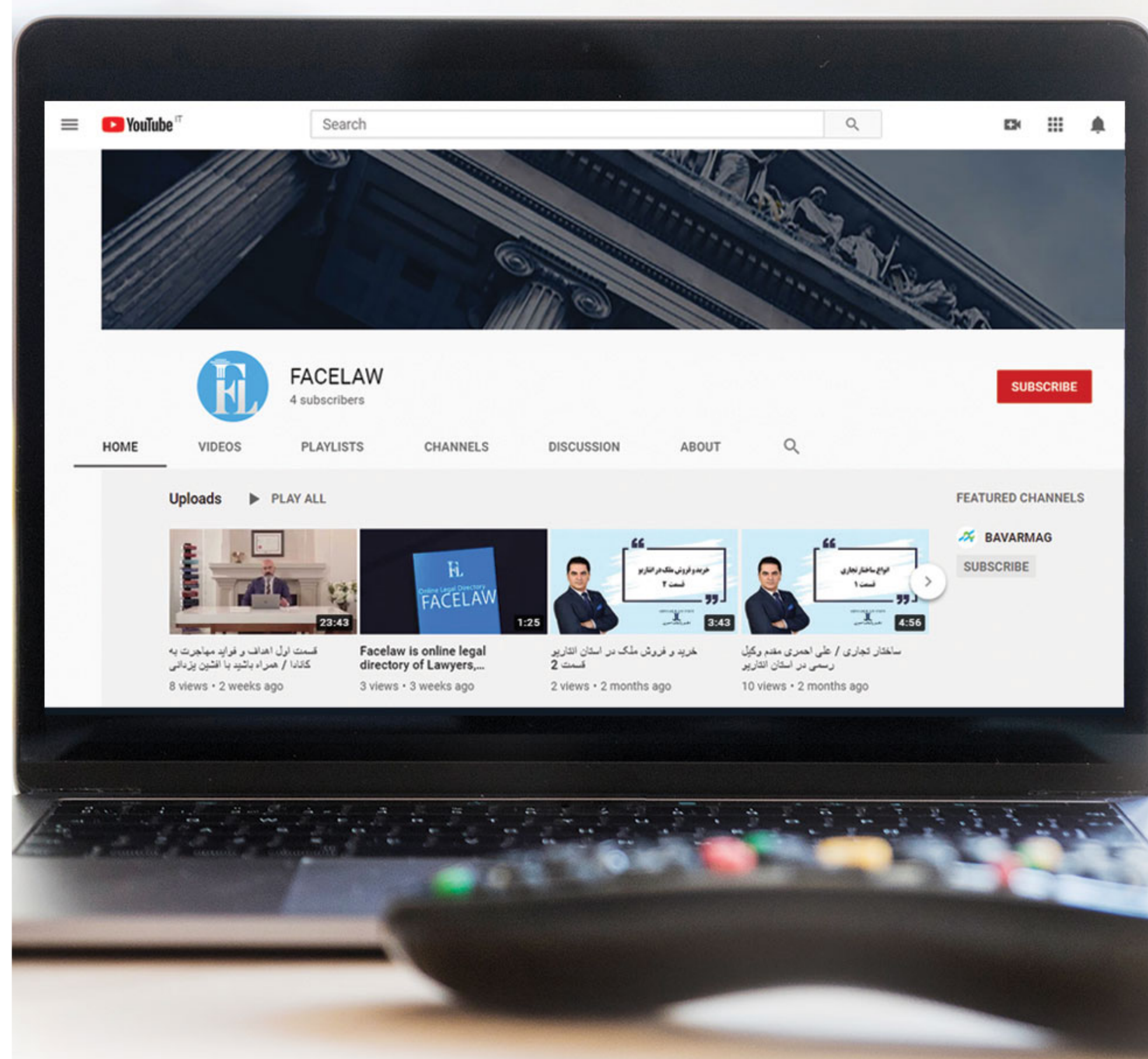
Now more than ever, smartphones, tablets, laptops, computers, and any device that connects to the internet have the ability to provide us with the latest information on a given topic within seconds. Likewise, social media platforms, such as internet, TV and radio, are now instrumental for businesses to advertise their services to the public. This process is not only much cheaper than conventional methods of advertising such as radio or TV, but also provides an opportunity for businesses to maintain direct relationship with their audience.

FACELAW INTERNET TV

Radio FACELAW



 **FACELAW**



In this regard, Facelaw has launched its online TV and radio, with the objective of providing reliable legal information, prepared by our members who are trained legal professionals. Information will be provided via video, audio and podcasts to the public on a timely basis.

If connecting with legal professionals in divergent fields and learning more about their services is of interest to you, you are encouraged to follow our social media, website, and YouTube channel to have access to our professional programs. Facelaw is excited to introduce this new medium for legal professionals to educate and connect with the public.





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☎ (647)878-9202





**ALI
AHMARI
MOGHADDAM**

✉ ali@ahmarilawfirm.ca

☎ 416 – 800 – 0808
289 – 597 – 6700
289 – 314 – 7693

📍 # 908 & 909, 7191 Yonge St,
Thornhill, Canada

🌐 www.ahmarilawfirm.ca



Why To Incorporate Your Business:

For the most part the question is not about how to incorporate but whether incorporating your business is the right step for you. The common options to start your business are sole proprietorship, partnerships and of course to incorporate your business. To choose the right option, you will need to educate yourself about the pros and cons of incorporating.

Here are the main advantages of incorporating:

Separate Legal Entity

By incorporating you will create a separate legal entity that exists separate and apart from you. In other words, any legal action has to be brought against the corporation and its assets and not those who carry on its operation. On the other hand, a proprietorship will assume all the liabilities of the company. Therefore, as a Sole Proprietorship or Partnership all your personal assets, such as house or car, can potentially be seized to pay any debt or judgements against your.



Limited Shareholder's Liability

Unlike Sole Proprietorship or Partnerships, an individual shareholder's liability is limited to the amount he or she has invested in the company. In other words, shareholders are not personally liable for the debt of the corporation. Of course, there are some exceptions, for example, when a shareholder gives a personal guarantee on behalf of the corporation.

Unlimited Life

Unlike Sole Proprietorship or Partnerships, the life of the corporation is not affected by the life of its founders or creators, but rather, it can continue in perpetuity even if all its owners and shareholders change.

Ability To Raise Capital

A corporation has a much easier ability to raise capital and attract new investors which ultimately can contribute towards the growth and development of the corporation. This ability is mainly due to the fact that while a corporation, like a Sole Proprietorship or Partnership, can borrow money and incur debt, it can also issue and sell shares to the public and raise equity capital. Furthermore, due to the limited liability of shareholders, the shares of a corporation can be easily transferred and new investors to be attracted.



Tax Advantages

Another advantage of a corporation is its tax deferral advantage. By incorporating you can defer taxes and you may be able to realize tax saving if you are in a lower tax bracket. In addition, a corporation's net operating loss (NOL), or non capital loss (i.e., a loss from carrying on business the excess of expenses over revenue from the business), can be fully deductible in the year it is incurred; and if unused, it may be carried back three (3) or forward twenty (20) years.

Income Splitting Advantages

A corporation has the ability to award its shareholders with dividends from the company's income. Shareholders of a corporation can include your spouse or your children. Therefore, your spouse or your children can potentially be the recipient of dividends from the income of the corporation. This setup presents you with an opportunity to redistribute income from higher tax bracket family members to lower income earners in your family.

Number Of Owners

Incorporated companies can potentially have an unlimited number of different owners.

Ability To Hold Title To Real Estate And Enter Into Contracts:

A corporation can own real estate and sign contracts under corporate name.

Of course, there are potential disadvantages to incorporating your business as well. Here are the some of the main disadvantages of incorporating:

- ✓ Corporations are required to make periodic filings on an annual basis;
- ✓ A corporation has its own identity; it also has to file its own tax returns;
- ✓ Setting up a corporation will be more expensive compared to establishing a Sole Proprietorship or Partnerships; and
- ✓ The owner(s) of a corporation and those who carry on its operation as directors of the corporation are obligated to observe certain formalities.

You can obtain more information about how to incorporate your business and discuss your personal situation with your lawyer before you make a decision. Your lawyer will be able to give you a much more complete picture of how incorporation can benefit your business, and help you see whether or not the trouble and expense of incorporation will be beneficial for you.



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ONLINE SEMINARS



Facelaw has the technological ability to conduct various seminars for the community in order to increase awareness in the legal field. As well, Facelaw conducts private seminars for businesses to educate them in the different areas of law. This has the power to inspire businesses to tackle new projects and to advance their level of knowledge within the law. For these seminars, the speakers will be the direct members of Facelaw who are licensed professionals like that of lawyers, paralegals and immigration consultants.

Depending on the nature of discussion, the seminar may be led by one or more professionals.

These seminars will take place in North America. Some will be provided for free and others will require the purchase of a ticket. Facelaw will have all the details including prices, dates, and topics of discussion available on our website for your ease of reference.



Facelaw provides the opportunity for the public to read about the member's legal experience, their desired field of law and their current contact information. This unique feature will allow people to learn more about the background and professional work of the members of Facelaw.

Within the seminars, you will have a direct connection with the speakers by having the ability to ask questions during the seminars. The speakers will also provide their contact information so that you can contact them for further legal information and clarification. In doing so, Facelaw will provide a special discount to those who attend the seminars. Please visit our website for further details regarding the discounts. The highlights of each seminar will be displayed on Facelaw's website so that the public can determine if the topics, location, professionals among other details are of interest to them.

Facelaw values education and community and maintains these values at the core of all of its efforts. As a result, Facelaw will have business networking events in which all Facelaw members who are experienced professionals in the legal field will have the opportunity to meet and learn from one another. This will allow them to advance their current expertise and to better serve the public as their legal knowledge will be up to date and expanded.





AFSHIN YAZDANI

Afshin Yazdani LL.M, BCL,
CCLL.M, RCIC, OBA, CBA.

✉ afshin@ylgpc.ca

☎ +1 (855) 954-7222

📍 508 & 509-7191 Yonge St.
Toronto Canada

🌐 www.ylgpc.ca

Unjustified Rules for Arranged Employment of International Program Workers

The Canadian Experience Class (CEC) Express Entry category has been the talk of the town in the world of immigration since the start of 2021. In a historic and game changing move, Immigration, Refugees and Citizenship Canada (IRCC) invited 27,332 candidates “i.e., every single person who was in the Express Entry pool under the CEC category” to apply for permanent residence, with a recordsmashing minimum Comprehensive Ranking System (CRS) cutoff score of 75 in a single draw in February.

While this proved to be great for those with at least one year qualifying Canadian work experience, the CEC permanent residency program appears to discriminate against those who are designated as NOC 00, due to the candidates’ work experience possibly being considered as self employment.

According to the latest National Occupations Classification, an NOC 00 “comprises of senior management occupations. It includes legislators and senior managers in the public and private sectors.”

Regardless of the Owner Operators or Intra Company Transferee (ICT) programs, even though NOC 00 workers are eligible to obtain 200 additional CRS points for their arranged Canadian employment, they seem not to be eligible for the CEC, based on the [R87.1(3)(b)] rule of, “any period of self employment shall not be included in calculating the period of qualifying work experience under the CEC.”

This, therefore, begs the question as to the rationale behind an Owner Operator or ICT worker needing at least one year of continuous Canadian work experience for the 200 additional CRS points. As an experienced immigration lawyer, I believe it defeats the purpose of the additional points if the candidate cannot meet the eligibility requirements for Express Entry under CEC and can only qualify as a Federal Skilled Worker (FSW). The policy appears to be restraining candidates from applying for permanent residency by delaying their eligibility by a year.

To further understand the reason for such discrepancy, we have to first take a closer look and analyze the following:

- 1 what constitutes as a valid job offer;
- 2 Express Entry for self employed candidates via Owner Operator and ICT programs and;
- 3 the requirements for 12 months of work experience in Canada.

Arranged employment or valid job offer

According to the IRCC, the offer of employment for foreign workers under the International Mobility Program (IMP), who are already in Canada under the Labour Market Impact Assessment (LMIA) Exempted Work Permit such as C11 or C12 or N24, can be rewarded 200 points if the candidate meets the following requirements:

[https://www.thelawyersdaily.ca/article/s/27331/print?section=immigration 1/3](https://www.thelawyersdaily.ca/article/s/27331/print?section=immigration%201/3)



6/7/2021 Unjustified rules for arranged employment of international program workers | Afshin Yazdani - The Lawyer's Daily

- 1 have a valid work permit for a NOC 0, A or B job;
- 2 are currently working for an employer specified on the work permit;
- 3 have one year of full time work experience (or an equal amount of part time work) for that employer;
- 4 have a valid job offer from that employer for at least one year after the IRCC issues the permanent residency. (See government of Canada, "Offer of employment Skilled immigrants (Express Entry)")



Furthermore, a job offer must also meet certain criteria to be valid under the Express Entry program. These include:

- 1** a written offer from a Canadian employer.
- 2** The job must be continuous (not seasonal), paid, full time and have a start date.
- 3** The offer must include the employer's name and address, and the NOC code related to the job.
- 4** It must be dated less than a year, therefore an applicant cannot use the same job offer letter that they used to get their work permit.
- 5** It is also important that the offer set out details of the job such as pay and deductions, job duties and conditions of employment like hours of work, etc.

Owner Operators pathway to permanent residency via Express Entry

In 2018, the IRCC confirmed that an Express Entry candidate will be eligible to receive 200 additional CRS points for those who hold a work permit for NOC 00 under the Owner Operator programs and has managed a business in Canada for a year.

However, even though they may have the required CRS points, the candidate will be ineligible to apply under CEC because he/she managed their own business which constitutes as self employment according to paragraph 15(7)(b) of the Express Entry Ministerial Instructions (MIS) and paragraphs 87.1(3)(b) of the Regulations. These paragraphs set out that self employment does not count towards the minimum requirements for the eligibility for permanent residence via CEC.

Only an FSW who has fulfilled at least one year of international continuous work experience would be granted the 200 additional CRS points as per paragraph 29 (2) (a) of the MIS.

There is no clear definition for self employment for Express Entry. The definition of a self employed person does not apply to Owner Operators or ICTs because they are not candidates for the self employed programs.

Furthermore, the definition from the Canada Revenue Agency (CRA) does not help because, according to the CRA, Owner Operators or ICT workers constitute as employees of their businesses. The main factor to be considered as a self employed individual is the degree of control or independence, where an individual must work independently, with no supervision (see government of Canada, "Employee or Self employed?").



Intra Company Transferees (ICT) pathway to permanent residency via Express Entry

Qualified intra company transferees are classified under two LMIA exemption codes: C11 and T24 pursuant to paragraph R205(a) and R204(a). The difference between 00 workers and ICT workers is that workers under the ICT, unlike 00 workers, are not necessarily owners of a Canadian business and are employees, therefore they should be eligible for the CEC after one year of Canadian work experience.

Therefore, a foreign worker in Canada under LMIA exemption codes C12 or N24 work permit who is [https://www.thelawyersdaily.ca/articles/27331/print?section=immigration 2/3](https://www.thelawyersdaily.ca/articles/27331/print?section=immigration%2F3)



Requirement of 12 months of work experience in Canada for validity of job offers

After analyzing the above, I revert to my original question. What is the rationale behind the requirement of having at least one year of continuous Canadian work experience for an Owner Operator to be able to claim 200 additional CRS points if the candidate cannot meet the eligibility of the CEC, and is still entering the Express Entry pool as an FSW?

The requirements for one year of Canadian work experience emanates from the CEC category but it is an unjustified rule for OO and ICT workers (who own a business), by holding back these candidates from applying for permanent residency through the Express Entry program.

The proper approach should be that neither make NOC 00 or ICT workers eligible under the CEC, or do not require them to work in Canada for one year to claim for their arranged employment additional CRS points.

6/7/2021 Unjustified rules for arranged employment of international program workers | Afshin Yazdani - The Lawyer's Daily

working in a NOC 00 position for at least one year and have a valid job offer from that employer for at least one year after the IRCC issues the permanent resident visa should be eligible to obtain 200 additional points under FSW and CEC.



**CHARLES
E. GLUCKSTEIN**

Gluckstein Lawyers

✉ info@gluckstein.com

☎ 416-788-4851
416-408-4252 Ext 269

📍 595 Bay Street,
Suite 301, Toronto

🌐 www.gluckstein.com



Birth Trauma And The Timing Of Injury: BRAIN IMAGING

This article will touch on establishing the timing of newborn neurologic injury with the help of imaging of the brain.

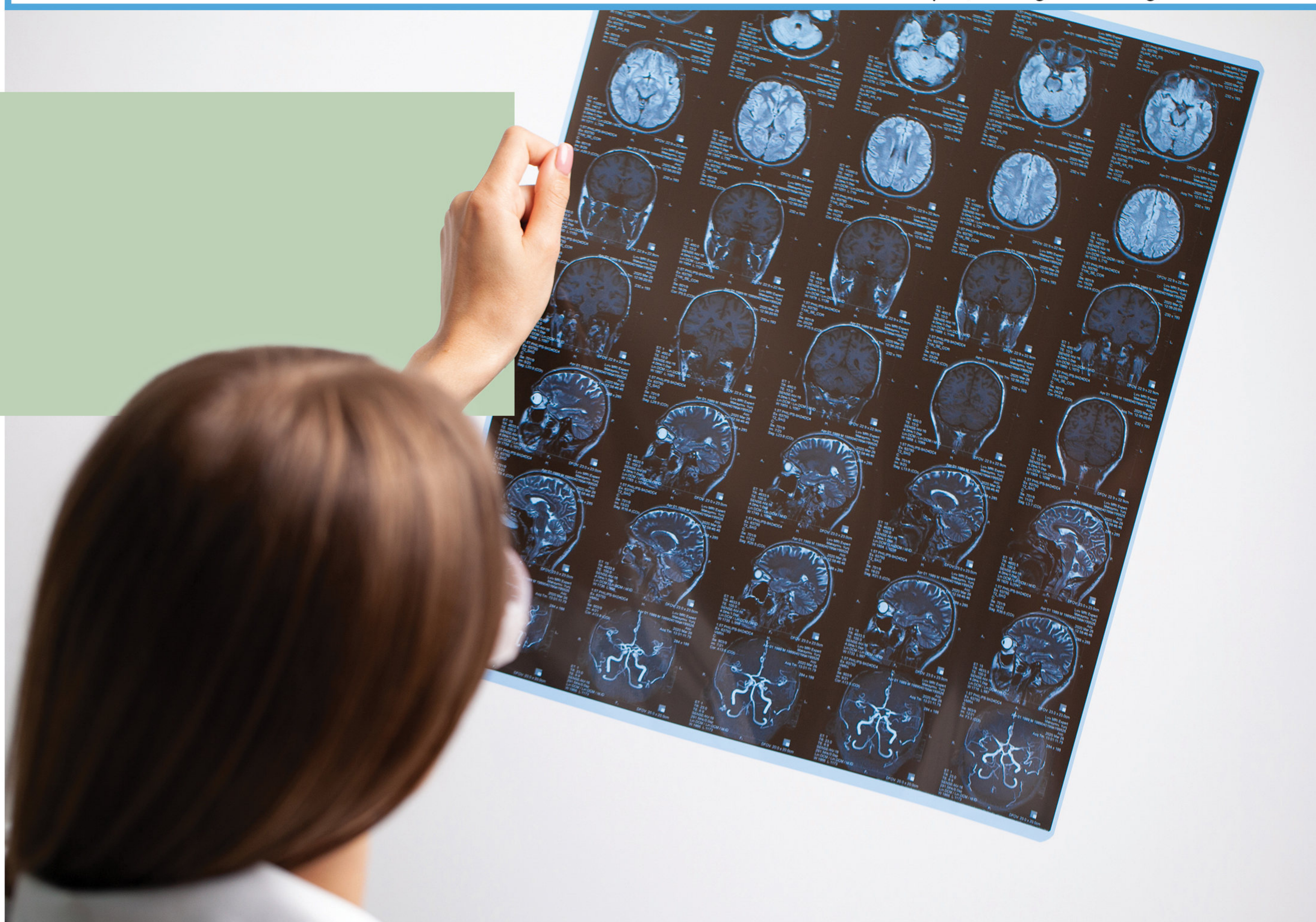
When a baby is diagnosed with cerebral palsy or other neurological injury, one of the questions you may have is whether the injury could have been prevented. The answer to this question will depend on when your baby was injured (timing) and how the baby was injured (mechanism). If it can be established that the brain injury occurred during labour and delivery, when mother and fetus were being cared for by doctors and nurses, you may have a claim against the care providers.

Newborn neurologic injury can occur any time during pregnancy, during labour and delivery and during the first days and weeks of life. To succeed in a claim for birth injury, the personal injury lawyer representing the injured child must prove how and when injury occurred and that something could have been done to prevent that injury.

Birth injury lawyers representing injured children must prove when injury occurred.

How can you tell when the brain is injured?

Very important clues about both how and when injury occurred will be found in images taken of the newborn brain in the first days of life. Usually, multiple images of the newborn brain need to be taken over the first couple of weeks, with early imaging, in the first 2 to 3 days, being very important..



There are essentially three imaging techniques that doctors use to see the newborn's brain. They can use:

- **An Ultrasound scan;**
- **A CT scan, or**
- **An MRI scan.**

These techniques are used by neuroradiologists to provide important information about the condition of the newborn brain and any abnormalities. Each of these methods provide different information about the newborn brain, with MRI being the most sensitive and revealing tool for accurately identifying potential problems.

Importantly, neuroimaging will allow the doctor to determine whether any injury seen on these films occurred close to the time of birth, when they may have been preventable, or more remotely from the time of birth, when they may not have been preventable. It is possible to use imaging of the newborn brain to define a “window of opportunity” when the injury probably occurred. Sometimes imaging can tell us that the injury occurred within a week or so of birth, but sometimes it can narrow the window of opportunity significantly – even to 24 hours or so.





Imaging will show the affected areas of the brain, the distribution of injury and, therefore, the mechanism or how the brain was injured.

Certain harmful events occurring during labour lead to very specific brain injury patterns. Where these patterns appear on imaging, it is a strong indicator that the injury occurred during labour.

Where an injury occurs at or around the time of birth, one expects the development of cerebral edema, or swelling, between 24 hours and 48 hours of life.

This swelling reaches a peak at about 3 to 5 days of age and then begins to disappear over the next few days, leaving evidence of permanent injury. The final pattern of injury can be seen by 7 to 10 days of age.

This evolution of injury allows experts to comment about the timing of injury. Where the evolution follows this pattern it proves, with a high degree of certainty, that the newborn's brain injury occurred at or near the time of birth.

Once neuroimaging is used to prove the window of opportunity for brain injury, it is necessary to look at other clinical data to refine or narrow the timing of injury.

Refining the timing of injury requires help from multiple medical experts, including obstetricians and neonatologists.

Data about events occurring during labour together with data about the condition of the newborn are crucial to narrowing the window of opportunity and to be more precise about when injury occurred.

Once the timing has been sufficiently refined, we then look to see whether something should have been done to avoid the injury.

No question is too small. Contact a Birth Injury Lawyer

Birth Injury cases are complex and require a significant amount of skill and experience when representing a client respectfully to secure the compensation they rightly deserve.

If you believe that your child may have suffered a brain injury from medical malpractice, it is advisable to contact a birth injury lawyer.

Initial consultations are always free of charge or obligation, and the expertise of a medical malpractice lawyer will be invaluable in providing advice as to whether there appears to be grounds to investigate a potential medical malpractice action.





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ROSS MIRIAN, ESQ

Ross Mirian, Esq is the managing lawyer at Mirian Law Firm. He is a member of the State Bar of California and the Law Society of Ontario.

Ross practices in the field of personal injury representing injured victims. He has handled and successfully resolved a number of serious personal injury cases involving catastrophic injuries, death, brain injury, fractures, orthopedic injuries, chronic pain syndrome, car accidents, long term disability, slip and fall, dog bite and psychological disability.

Furthermore, Ross also acts on behalf of clients with real estate transactions.

Mr. Mirian takes a personal interest in all of the firm's cases to ensure the highest standards of service and excellence are consistently met.

Prior to establishing Mirian Law Firm, Ross Mirian worked at a large personal injury law firm in Ontario.

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CANADA OFFICE

TORONTO: HEADQUARTERS

☎ 647-556-5888
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✉ info@mirianlaw.com
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Lawyers Directory

ALI Ahmari Moghaddam

 www.ahmarilawfirm.ca
 416-800-0808 / 289-597-6700
 ali@ahmarilawfirm.ca
 #908,909, 7191 Yonge Street,
 Thornhill, Toronto Canada

Charles E. Gluckstein

 www.gluckstein.com
 416-408-4252 Ext 269
 nematy@gluckstein.com
 595 Bay Street, Suite 301,
 Toronto

Ali Ani Irani

 www.ahmarilawfirm.ca
 416-800-0808 / 289-597-6700
 irani@ahmarilawfirm.ca
 #908,909, 7191 Yonge Street,
 Thornhill, ON L3T 0C4

Aryan Kamyab

 www.kamyablaw.com
 289-597-4902 / 289-597-4953
 aryan@kamyablaw.com
 7191 Yonge Street,
 Suite 611, Thornhill

Jenna (Yea Jin) Lee

 www.jennaleelaw.com
 9057093383
 6473611134
 jenna@jennaleelaw.com
 7191 Yonge St.
 Suite 513 Markham

Aila Makooli, B.A.,J.D.

 www.makoolilaw.com
 416-848-9815 / 416-628-5691
 amakooli@makoolilaw.com
 7191 Yonge Street,
 Suite 910, Thornhill, Canada

Ross Mirian, ESQ.

 www.injurydisabilitylawyer.ca
 +1(647)556-5888
 ross@mirianlaw.com
 7191 Yonge Street,
 Unit 709, Toronto

Subramanyam Narasimhan

 snlawoffice.ca
 416 948 4006
 subu@snlawoffice.ca
 200 Consumers Rd, Suite 309,
 North York, ON, M2J 4R4

Sarvi Safai

 www.safailaw.com
 +1(949)601-3355
 ssafai@safailaw.com
 California, USA 

Shirin Taghavi

 taghavalawpc.com
 +1(647)464-0332
 +1(647)474-7766
 taghavi@taghavalawpc.com
 7191 Yonge St Suite 611 / L3T 0C4

Afshin Yazdani

 www.snlawoffice.ca
 +1 (855) 954-7222
 afshin@ylgpc.ca
 508 & 509-7191 Yonge St.
 Toronto, Canada

ONLINE LEGAL DIRECTORY OF LAWYERS PARALEGALS & IMMIGRATION CONSULTANTS

www.facelaw.ca
info@Facelaw.co
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