



Andrew Feldstein interviewed by Steven Skurka, on “Closing Arguments,” NewsTalk1010

Family law lawyer Andrew Feldstein was interviewed on criminal lawyer Steven Skurka’s new radio show on NewsTalk1010, on Sunday, March 4, 2012. The show airs from 4pm to 5pm on Sundays and deals with topical legal issues.

Feldstein talked about the same-sex divorce fiasco which blew up as a result of an article in *The Globe and Mail* last January when a lesbian couple, comprised of one woman from Florida and another from the UK, wanted to apply for divorce and were told by the Canadian government that they could not, in fact, obtain a divorce because they were not legally married in their own jurisdictions, namely Florida and the UK. This caused a huge uproar. Since 2004, about 15,000 gay and lesbian marriages have been performed in Canada, about 5,000 of them from other countries.

“That was morally wrong of the government to deny the fact that these people were married. The government did grant marriage licences to same-sex couples,” said Feldstein.

By mid-February, the federal government moved to give same-sex couples an exemption to the 1-year residency requirement in any Canadian province, prior to getting a divorce in Canada.

The other family law case that’s been in the news was “Eric v Lola,” [the case involves a Quebec billionaire and a one-time Brazilian model, now mother of his three children] a case in the province of Quebec that may alter common-law spousal rights.

The province of Quebec has the highest rate of common-law relationships, at more than 30 per cent.

“For 30 years, Quebeckers have enjoyed far fewer spousal support rights than their counterparts in other Canadian provinces. In Quebec, a spouse is obliged only to pay child support if they live common-law,” says Feldstein.

Lola is seeking a \$50M lump sum payment, plus \$56,000 per month in alimony. A lower court decided that Eric didn’t have to pay. In November 2011, the Quebec Court of Appeal overturned that lower court decision.

Further, the Quebec Court of Appeal ruled Quebec’s civil code discriminates against common-law spouses by denying them the same recourse afforded to married couples. It declared part of the Quebec civil code’s family law section unconstitutional and gave the provincial government one year to review its legislation.

The Quebec government appealed the decision to the Supreme Court of Canada on January 18, 2012. A decision is pending.