

Introduction of the Honourable Mr. Justice William Vancise

The Honourable Mr. Justice Fraser MARTIN*

À la fois témoins des problèmes et des questions et suggérant des solutions nouvelles et innovatives concernant la détermination de la peine, nos invités d'outre-mer montrent que nous ne sommes sûrement pas à l'avant-garde dans nos tentatives de réforme du sentencing canadien.

Some have suggested that the solutions must come from within. By that I mean: within the community directly connected with the administration of justice of which we here all form a part. Others are convinced that it must also come from without, through a thorough and fundamental re-shaping of public attitudes and perceptions. They may well be right. Some may say that we live in a vindictive and retributive society which calls ever louder for harsher treatment for offenders and longer terms of imprisonment. In the face of this, our elected representatives frequently send conflicting signals. Recent polls, at least here in Quebec, indicate that the emphasis on retribution is even stronger than we may have imagined, particularly among the younger or coming generation.

In spite of all that, is *Bill C-41* nevertheless the motor for change? Early returns, and they are very early indeed, are conflicting. The Ontario Court of Appeal, recently, in *Wismayer*,¹ holds hope for guarded opinion when one reads the comprehensive notes of Mr. Justice Rosenberg. On the other hand, the Quebec Court of Appeal in *Chisogne*,² to which Justice Grenier alluded on Thursday, pays but lipservice to the new rules while following the traditional approach. Where are we going? What are the possibilities for change? The solutions lie, at least in part, in the lessons which we can learn from the aboriginal communities and from the progressive experiments, such as Sparwood, which we heard discussed yesterday and from the various projects which we heard discussed this morning. In the end, how will these experiments work if practiced on a wider basis, in large urban centres where criminality is a culture unto itself? Are there real possibilities for change?

To address this question, it is my privilege to introduce to you a man who, in actual fact, needs no introduction at all. He is one of the principal moving forces behind this conference. The Honourable William Vancise was born in Regina, Saskatchewan in 1938. He completed his primary and secondary education in the city of his birth and graduated in 1958 from the University of Saskatchewan with a Bachelor of Arts degree. He received his Law Degree in 1960 and was called to the Bar in 1961. He joined the firm

* Québec Superior Court, Montréal, Québec.

1. *R. v. Wismayer* (8 April 1997), (Ont. C.A.) [as yet unreported].
2. *R. v. Chisogne*, [1997] R.J.Q. 1263 (C.A.).

of Balfour and Balfour and, in 1963, became a partner in Balfour and McLeod which later became Balfour, McLeod, McDonald, Leschuk, Kyle and Vancise. (With all these Scotsmen there, it must have been quite a firm). He specialized in resource, administrative and labour law. He was named Queen's Counsel or to use the expression from the old country "took silk" in 1979. He was appointed to the Court of Queen's Bench in 1982 and a year later, to the Court of Appeal. It was rumoured that members of the Court of Appeal were most happy to have him amongst them, not only because of his incisive mind but because he had been contributing largely to their workload during the previous 12 months. He has been very active in judicial education, taught in the bar admission course in Saskatchewan, has been active in the CIAJ, the NJI and was the moving force behind the establishment of the National Judicial Counselling Program of which he is president.