

Justice Alnashir Visram LL.B. '78

By Milton Kiang

Working the highest courts of Kenya

Justice Alnashir Visram (LL.B. '78) was born and raised in Kenya, and in the mid-70s, he wanted to start a new life in Canada. Already a practicing Kenyan lawyer, Visram decided to repeat law school so he could start a new legal career in Canada. But nine years after graduating from UBC law school, Visram found himself back in Kenya. Visram is now a judge in the Kenyan Court of Appeal, the highest court in Kenya. Here he talks about his journey from Kenya to Canada, and back again.

What were the main differences between law school in Kenya and Canada?

The teaching methodology was different. In Kenya, it was straight lectures, and we learned principles of law mainly from prescribed texts (e.g. Salmon on Torts). In Canada, it was interactive learning through discussion on decided cases. It was much more fun, although the notion of an open book exam at UBC was totally alien to me.

You practiced law for several years in Canada, and then you decided to work for the Aga Khan University, which took you to Pakistan. What made you leave Canada?

I belong to the Ismaili Muslim community and our spiritual leader, His Highness the Aga Khan, was, in the early 1980s, setting up a new, modern university in Pakistan, and he had implored upon the young Ismaili professionals to take up the challenge of providing a few years of their skills to such new projects in the developing world. I took up that challenge despite the young family that I was then raising; my daughter was only three and my son was one and a half years old.

In 1987, why did you return to Kenya?

At the end of my three year contract at the Aga Khan University in Pakistan, I was offered the position of CEO at the Aga Khan Foundation (AKF) in Kenya. This was a complete U-turn, representing the very dream I had when I left Kenya, just as if it had been planned by God.

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After leaving the AKF in 1992 I returned to practicing law, with the same law firm that I had left in the early 1970s. In 1999, I was appointed a Commissioner of Assize by the judiciary, essentially to help clean up a huge back log of cases.

In 2001, I was sworn in as a judge of the High Court of Kenya by the president of Kenya, and eight years later, in April of 2009, I was elevated to the Court of Appeal which is the highest court in the land.

What would you say are the main differences between the judiciary in Kenya and Canada?

Our greatest challenge in Kenya is the huge backlog of cases. As you read this, there are one million cases pending in the High Court alone, taking an average time of seven to ten years to conclude a case. There simply are not enough judges and not enough money set aside to employ more judges.

For example, in Canada, there are more than two thousand judges serving a population of thirty-four million people. Kenya's population is about the same as Canada's, but we have only 45 High Court judges, and 11 Court of Appeal judges, so the level of efficiency is different. Canadian judges have research assistants and we have no such luxury.

Do you come across many Canadian lawyers in Kenya?

Yes, indeed, all the time! We have a Canadian lawyer presently helping Kenya, as part of a team of lawyers, writing our new proposed constitution. There have been several visiting teams helping us to train our own lawyers, in areas of environmental and administrative law and alternate dispute resolution mechanisms.

What were some of the memorable aspects of your legal education at UBC Law School?

The sticky cinnamon buns! [laughing] They were yummy and irreplaceable. I haven't found them anywhere else in the world! Coffee time in between classes was the most memorable thing at UBC, where I got to know fellow students in a different way. ●