

# Knocking on closed doors: India's challenges in accessing legal services

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## Introduction

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## The problem of unmet legal needs

Access to legal advice in most countries is a right guaranteed by law. In India and other countries like the United States this right is guaranteed by the constitution. However, there is a large gap between assurance and access. This is the problem of unmet legal needs.

## Scope of the problem

The problem of unmet legal needs is global in scope. The World Justice Project conducted a global legal needs survey of more than 100,000 households in 101 countries (World Justice Project, 2019). It found that almost half of those surveyed had experienced at least one legal problem in the last two years. These included problems related to housing, land, family, employment, and other issues critical to people's economic and social well-being. The survey reported that among those who reported experiencing a legal problem, more than half were unable to meet their needs for legal representation. The scale of this gap amounts to 1.4 billion people with unmet civil and administrative justice needs globally. This also imposes a heavy cost on societies, as people experience physical or stress-related ill health, loss of income or employment, or the need to relocate.

Unmet legal needs also present serious macroeconomic challenges. It has been estimated that legal problems represent a cost of between approximately 0.5 and 3 percent of GDP annually for all countries (Organisation for Economic Co-operation and Development and the World Justice Project, 2015). These issues have only been complicated by the Covid-19 pandemic which has deepened the access to justice problem because of concentration of powers at the hands of the state with less accountability, limiting rights and freedoms, and decreased access to critical legal services (Pathfinders, 2020).

## Impact of the Covid-19 pandemic on the problem of unmet legal needs

The economic and social consequences of the Covid-19 pandemic have only aggravated the existing issue of unmet legal needs. In the United Kingdom, the Community Justice Fund that was set up at the beginning of the Covid-19 pandemic identified that those experiencing legal problems requiring free advice are 'acutely vulnerable' - mostly unemployed, differently abled, people living alone or with dependants, and often suffer multiple legal issues for interconnected, often complicated, problems (Pragmatix Advisory Ltd. and Centre for Economics and Business Research Ltd., 2021). On an average, the report estimated the cost to Her Majesty's Treasury of those with a legal problem who do not seek advice to be 2.5 times that of those who received free specialist legal advice. Counter to this, receiving legal help has a long term positive impact for clients — they reported better employment and healthcare outcomes, less dependence on public benefits, improvement in tax receipts and more people employable per household.

## The unmet legal needs problem in India

While the problem of unmet legal needs is commonly felt across the world, in India it has to be understood in the context of the twin problem of low judicial capacity and the difficulties of accessing a lawyer.

The judicial capacity problem in India has been discussed extensively not only in the academic space but also in the Economic Survey and even in popular culture (Ministry of Finance, Government of India, 2018), (Aithala et al., 2021). The difficulties of accessing a lawyer have also been analysed, but not to the extent of the former problem. Most of these studies have focused on India's state-run legal aid programs (Krishnaswamy & Swaminathan, 2019), (Sir Dorabjee Tata Trust, 2021). Technological solutions have been suggested to bridge the capacity gap between legal aid programs and stakeholders in the judicial system, specifically lawyers both inside and outside the legal aid program system. Aithala & De Souza (2018) have looked at how technological solutions could be used to buttress and popularize legal aid programs, however they also cautioned that if lawyers, judges and legal aid authorities also did not improve their delivery capacity, then mere technological solutions would remain non-starters.

## Issues with legal services in India

The legal profession in India has been well studied in the literature but continues to suffer from some fundamental and glaring gaps in terms of data. We point to some issues which lead us to conclude that there are wide gaps in the information available about the legal profession in India. We also note some fundamental regulatory governance problems in the Indian legal profession. We will later make the case for why these issues continue to play a role in hindering effective regulation of the profession. More importantly, these issues lead to compromises in the quality of services offered to clients.

## Regulator not having sufficient data on the regulated

To begin with, the official number of lawyers in India is not available. The professional regulator of advocates in India, the Bar Council of India ('BCI') undertook a nation-wide verification exercise of advocate registrations in 2012, 'to weed out fake lawyers' and to improve the quality of the Bar. Preliminary reporting of this exercise revealed that close to 45% of these registrations were 'fake' (Legally India, 2013).

However, ten years after the exercise had begun, the BCI has not been able to obtain the necessary information on the number of registered advocates practising in the country (Supreme Court of India, 2021a). Despite the direct oversight of the Supreme Court of India and repeated orders of the Court to speeden the process, many state bar councils had not taken action to submit the final verified list. The Supreme Court noted that the BCI "appears to have no effective administrative and disciplinary control over the state bar councils and local bar associations." The then Chairperson of the BCI told the New York Times that there are around 1.7 million registered advocates in India (The New York Times, 2013). This number was later confirmed by the Union Minister of Law and Justice in response to a

parliamentary question (Lok Sabha, 2014). The Minister also said that 30,000 new advocates join the profession each year. A media outlet however reported that the BCI responded to the same question posed by a Right to Information (RTI) application in the same year with the figure of 1.3 million advocates (Legally India, 2013). In 2015, when the BCI first began the verification exercise, only 6.5 lakh advocates submitted applications to renew their registration under the Certificate and Place of Practice (Verification) Rules, 2015 (Supreme Court of India, 2021a).

The BCI Verification Rules were aimed at “ensuring better and effective administrative and disciplinary control of advocates by the bar associations”, particularly over “fake advocates” (those practising with no law degree) and to “weed out advocates who have left practice” (Bar Council of India, 2015). This verification exercise revealed that there is practically no contact or communication between an advocate and the BCI and several of those registered with bar associations are not even engaged in the practice of law. According to the BCI, the reason for ‘... a dent in (the profession’s) sanctity and standards’ is the proliferation of ‘fake’ advocates (Bar Council of India, 2015). Also, the BCI does not have information on advocates’ details and the range of services they offer. Most state bar councils are operating with skeletal staff with no requisite experience to manage affairs.

### Lesser number of lawyers

Using the data given by the BCI, we calculated the lawyer-to-individual ratio in India to be close to one lawyer for every 752 Indians. Another report by the Commonwealth Human Rights Initiative arrived at an estimate of one lawyer for every 736 Indians (Commonwealth Human Rights Initiative, 2018). This ratio has doubled since 1989, when Galanter arrived at an estimate of one lawyer for every 336 Indians (Galanter, 1989). This ratio is at the lower end — for comparison, the United Kingdom has one solicitor for every 285 individuals (Solicitors’ Regulatory Authority, 2021). This observation could question the narrative that there are “too many law graduates” in India.

### Lack of clear signals of quality

In most jurisdictions the regulator for the legal profession performs the functions of quality control, monitoring entry and setting entry standards. This is done by one or a combination of methods such as holding bar entrance examinations, mandating an apprenticeship or training with a full and senior member of the profession or by requiring continuing education and evaluation of quality every few years. These methods are expected to ‘reflect and promote the values of attorney professionalism’ (Glen, 2002).

The BCI conducts the All India Bar Examination (AIBE) on an annual basis. Since 2010, a pass grade in the examination has been necessary to obtain a certificate to practice law. We submit that this examination, while it imposes a qualification and enrollment condition on a new advocate’s right to practice law, does not help regulate quality effectively. The BCI itself observed that the AIBE’s objective of improving the standard of the profession has failed — according to them many advocates simply do not take the examination and continue practicing without the BCI’s certificate of practice. The examination is also plagued with

administrative issues such as incorrect results being supplied, inaccurate or badly framed questions etc. (Bar and Bench, 2019).

## Issues with grievance redress

Section 35 and 36 of the Advocates Act, 1961 provide a method for grievance/complaints redress against a lawyer committing misconduct. The client is required to file a complaint with the state bar council and the state bar council is required to dispose of the complaint within one year. If the complaint is pending for more than a year, under section 36B of the Advocates Act, 1961 the complaint is transferred to be heard by the Bar Council of India. However in December 2021 the Supreme Court noted that there is a practice among the state bar councils to “deliberately delay the hearing of the complaint” so that it automatically needs to be transferred to the BCI (Supreme Court of India, 2021b). The BCI submitted that a total of 1273 complaints are pending before it which are waiting to be disposed. Data on complaints is not available for all the state bar councils.

## Inequality within the profession

Many academic studies have made the case for how inequality within the Indian legal profession has contributed to ‘prestige’ and, by extension, market power to concentrate at the hands of a few lawyers. We reproduce the arguments and findings as follows.

The gap in ‘prestige’ between leading lawyers and others has deep colonial roots (see *inter alia* Galanter (1974), Dezalay & Garth (2011), Ballakrishnen (2012), Talesh (2013), Wilkins et al. (2017)). Galanter & Robinson (2013) point to how the colonial hierarchies between British and British-trained barristers and Indian-trained ‘*Vakils*’ deepened professional hierarchies and created two separate classes of professionals.

Post-independence, a small but elite cadre of lawyer-politicians, government lawyers and judges belonging to prominent families reimagined the concept of an ‘Indian advocate’ to protect their own prestige and political power in independent India (Williams, 2020). Several of the elite lawyers resisted admission to the bar of those they perceived to be of a lower socio-economic status or education level in order to retain the highly stratified structure of the Indian legal profession. They are termed ‘Grand Advocates’ - ‘a stratum of legal superstars, advocates based at the Supreme Court and some High Courts’, very visible, renowned and in high demand (Williams, 2020). Grand Advocates enjoy several advantages over other lawyers: fluency in English, family connections, being from a specific social stratum etc. and junior lawyers find it easy to be referred to work with leading senior lawyers from the same stratum (wealth and connections). They use the extensive human capital they have developed within the court system, nuanced knowledge of the formal and informal procedures and their reputational capital before judges to get more ‘face time’ and favourable verdicts for their deep-pocketed clients (Galanter & Robinson, 2013).

This steep and pervasive professional hierarchy remains at the Indian bar. Williams (2020) explains that the Advocates Act, 1961 has retained the idea of the ‘Grand Advocate’ by formally recognising the ‘Senior Advocate’ designation. The Indian bar has therefore, always

remained largely stratified, with ‘grabbing of work by a few members of the bar, leaving many juniors under-employed’ (Williams, 2020).

In the lower courts, the most common sites of legal contestation for a majority of India’s population, ‘leading advocates’ form a handful of the total advocates, followed by advocates who are ‘below top’ (established lawyers with more than ten years of practice), ‘average’ (men with many years of practice and some important position in the community outside the bar but who lack the district-wide professional reputation of the top practitioners), and ‘below average’. At the bottom, are ‘briefless lawyers, struggling beginners or old, semi retired practitioners’ (Morrison, 1972).

Lawyers from small towns often operate within existing constraints of lack of institutional support and pressures of social norms, social exclusion and local political positions. It is only through innovative methods, familiarity with disputants and the disputant’s real interests, knowledge of specific laws that are pertinent to disputes, and network building with other small town lawyers, they manage to survive (Mamidi, 2013).

## Engaging a lawyer in India

In this section we look at the factors that Indians consider while engaging a lawyer. We engage with both the literature and the results of a questionnaire that we sent across to better understand how lawyers and clients interact with each other in India.

### Insights from the literature

Morrison (1972) discussed the stratified nature of the bar in terms of caste and kinship ties. Through his study of advocates who practiced in a district headquarters town in Haryana, he identifies caste as an important factor for engagement of lawyers and notes that most lawyers with the important cases and clients were of the Brahmin caste.

Galanter, in (1968) and later in (2013) noted that an Indian advocate can be characterized by four distinctive features: (i) individualism: lawyers practice by themselves, and law firms are only 2-3% of practising lawyers; (ii) oriented to courts and not other dispute resolution forum; (iii) mostly oral performance - involving advocacy, rather than advising, negotiating or planning; (iv) relatively unspecialised: lawyers do not usually limit themselves to one area of law. This means that the engagement with the lawyer is episodic and not enduring and the lawyer is expected to deliver on performative aspects. This also means that Indian clients typically approach lawyers at a relatively later stage of the dispute (Galanter, 1968). (Rhode, 1981) notes that most clients have little experience with lawyers and therefore have no baseline from which to measure lawyer conduct and quality.

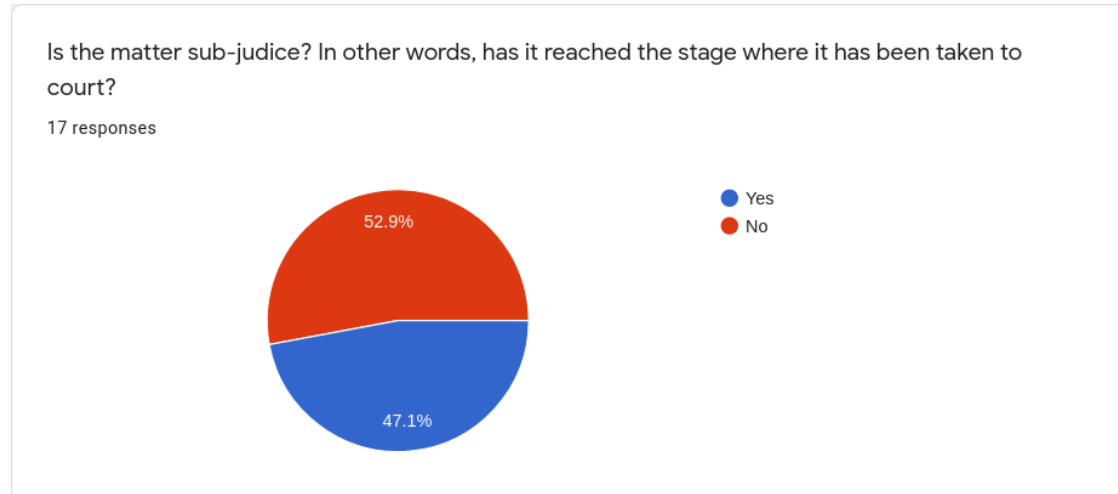
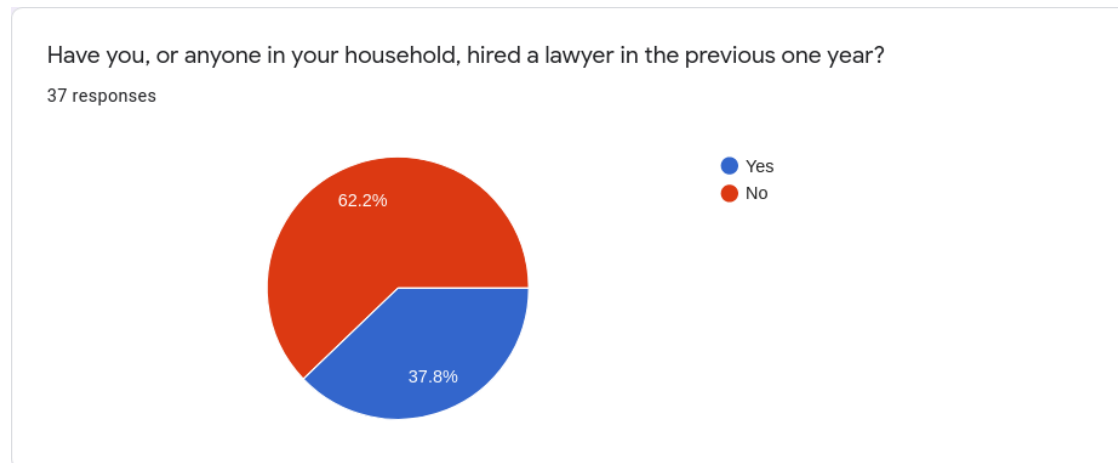
### Insights from the field

To observe if some of these aspects are prevalent in today’s legal market as well, we designed two questionnaires. One questionnaire was designed to be sent out to practicing lawyers in order to gain insights into how they navigate the existing systems of social and professional

networks to attract clients to their practice. The other questionnaire was directed to clients — since we are interested in *personal* cases of individuals, we distributed the questionnaire among personal networks. We received 37 responses from clients and 25 responses from litigators.

### Insights from Indian clients

Among the 37 responses, 14 individuals reported experiencing at least one legal dispute at a personal level in the previous year. 8 of these matters were still 'sub-judice' i.e. they were pending judgment.

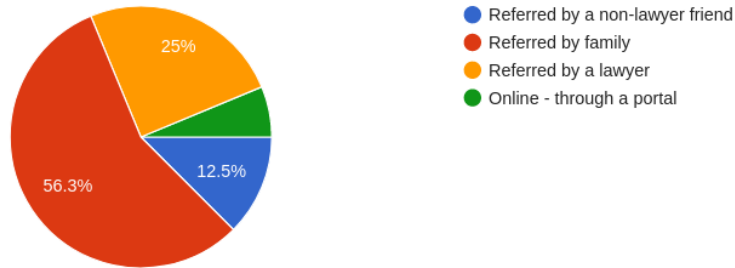


The majority of clients found their lawyer from a family member. Four clients found their lawyer after being referred one to by another lawyer. Two clients found their lawyer after being referred to them by a non-lawyer friend.



### How did you find your lawyer?

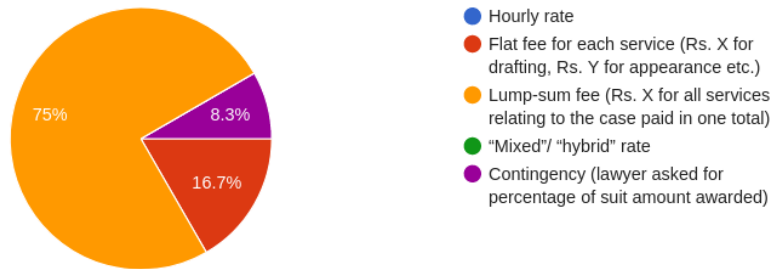
16 responses



The large majority of lawyers collected lump-sum fees. One respondent interestingly reported that they were charged on a contingency basis which is not permitted by the regulations. The majority of lawyers also divulged a significant portion (30% and above) of the total fees at the very start of the engagement.

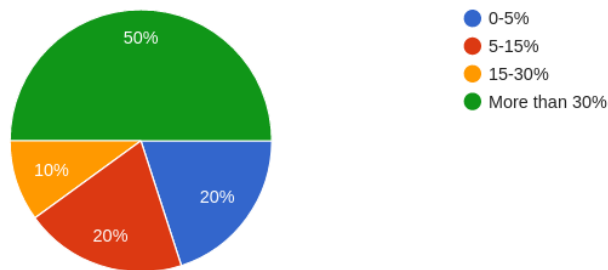
### How did the lawyer collect the fee

12 responses

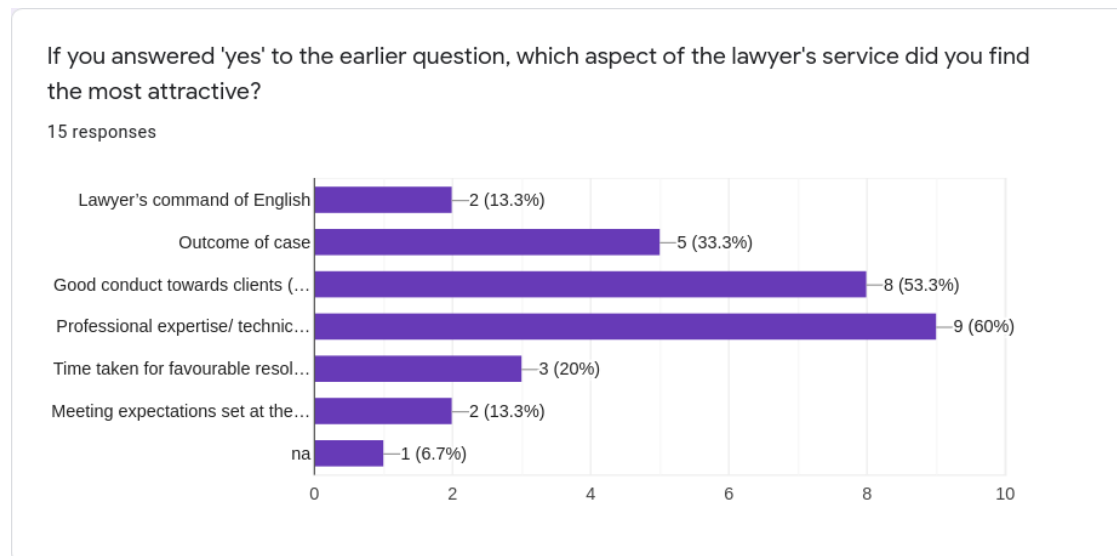


### How much percent of the above fees paid was discussed or divulged to you at the beginning of the matter?

10 responses

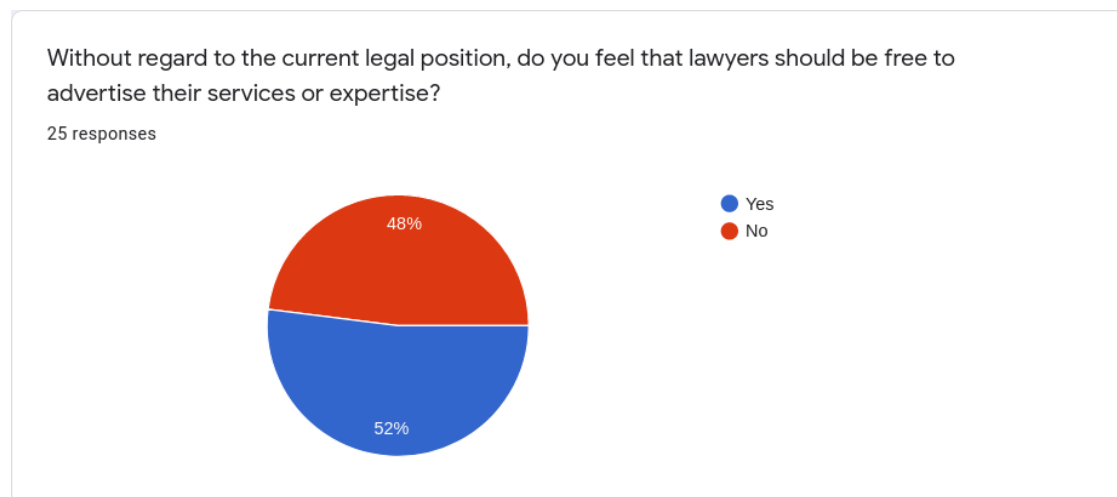


Most clients reported feeling satisfied with their lawyer because of their perceived professional expertise. But they also equally reported feeling satisfied with the lawyer's "bedside manner".

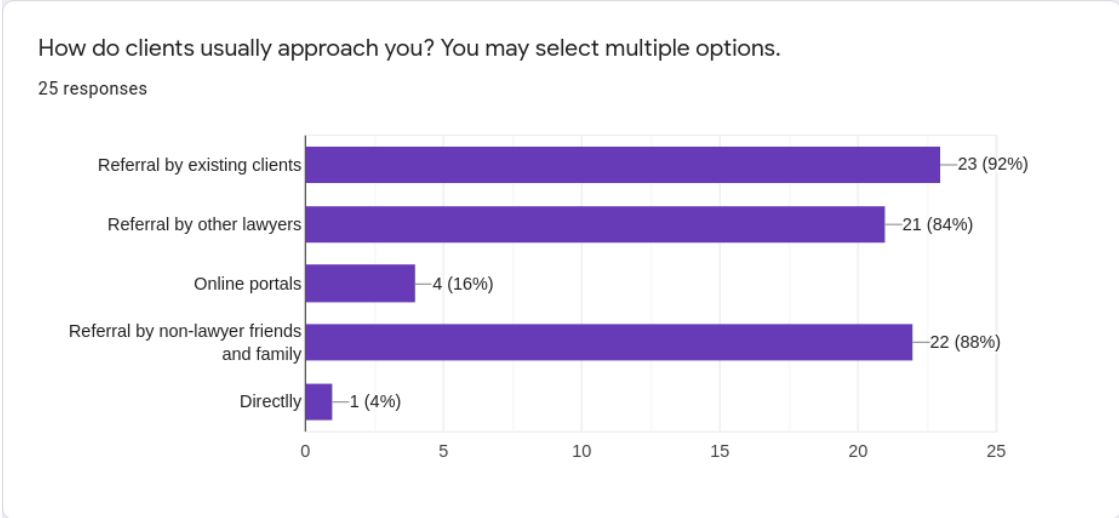


### Insights from Indian lawyers

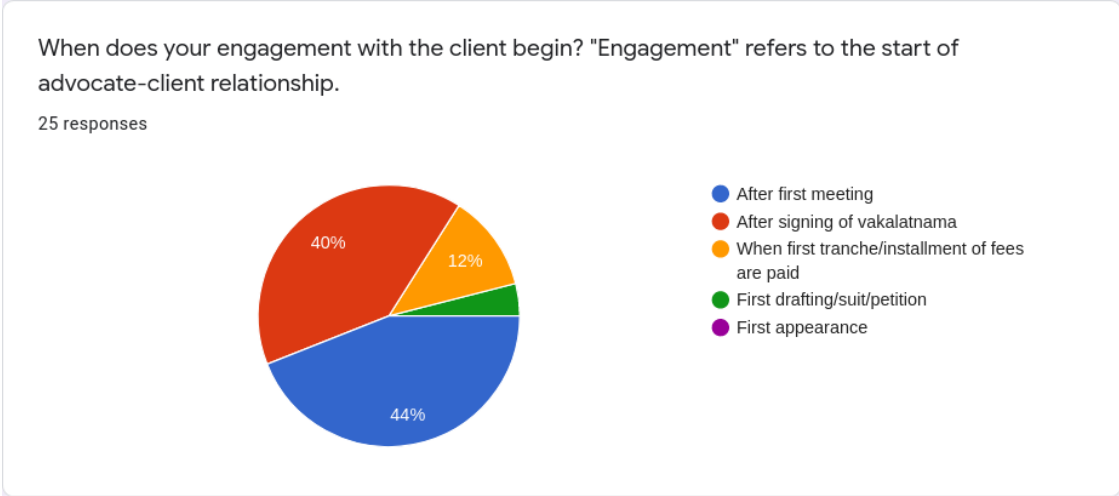
Among the 25 litigators who responded to our questions, there was a fairly even split among lawyers who felt that advertising should be allowed by the regulator. This gave us the impression that there is room for debate among lawyers as to whether the ban on advertising or soliciting is practical or desirable.



Very few lawyers reported clients approaching them directly. Most reported clients coming to them on being referred by other lawyers, other clients or the lawyer's own friends and family members. Online portals had a very small role here.



There is some room for debate among lawyers as to when they perceive “engagement” to begin. Some reported that the lawyer-client relationship began only after signing of vakalatnama, while some reported that such a relationship existed since the very first contact. A few lawyers reported that the relationship commences upon payment of fees.



Given that there is a ban on advertising, keeping a warm network of relationships is essential for a lawyer to attract clients. This can be seen in the fact that most lawyers stay in touch with their clients on a personal basis by phone or email.



## The information asymmetry problem

### Understanding the market for lemons

In his seminal paper, (Akerlof, 1970) talked about the used car market (colloquially known as 'lemons' in the United States) is an example of a market where sellers possess material information about the product that buyers do not have. In the absence of a reliable signal of quality in the product, the buyer chooses to use price as the only marker of quality of the product. This paper defined the problem of information asymmetry and showed the importance of needing an effective signal of quality to retain value and correct for depressed prices.

### The information asymmetry problem in the marketplace for legal services in India

Based on the literature available and our own observations of the legal market, we have realised that when it comes to personal matters, Indian clients are hiring lawyers with incomplete information. This causes fundamental demand and supply problems for legal services in India. This is because:

1. Clients do not have a good assurance, from the Bar, of the quality of their lawyer due to regulatory issues as described earlier.
2. Lawyers are not able to signal their quality effectively to the client. Many skilled lawyers in India, who are legally disallowed from advertising, need to rely on social and informal networks like those of caste, kinship and other networks to attract clients to their practice.
3. These networks only serve to consolidate the existing hierarchies of power in Indian society.

This is borne out from the literature on the Indian legal profession. Given that the level of engagement with the system determines the quality of legal advice that the client can engage with, (Wilkins, 1992) identified individual litigants as ‘one-shot’ participants in the legal marketplace.

A one-shot, individual litigant, even if located within town or urban settings in India, is not able to easily access information about the costs and quality of services offered by lawyers and details of their expertise. Even assuming that some clients have previous experience with lawyers, that is rarely useful. Hudec & Trebilcock (1982) show how the value of this experience-based information is asymmetrical since only positive past experience conveys some useful information. Negative experience only helps to the extent of deciding that the specific lawyer is unsuitable, but does not help in the choice of a replacement lawyer, from a large set of lawyers, whom the client has no experience with.

These one-shot participants — which covers the overwhelming majority of Indian clients — suffer from three forms of information asymmetry (Wilkins, 1992):

1. They do not know what services they need,
2. They do not have access to reliable information that would allow them to predict the quality of services that a particular lawyer is likely to render, and
3. They do not have a sufficient baseline from which to evaluate the quality of the services performed.

### “Prestige” and information asymmetry

The nearly equal split from our questionnaire responses between lawyers who feel that they should be allowed to advertise their services and those who do not, points to an open question on the value of advertising. The opposition to advertising services in the legal profession is mainly based on the idea that it would violate the nobility and respect for the legal profession — which goes back to the argument of how the Indian legal profession is “prestigious”. Many lawyers feel concerned that allowing advertisements would unfairly favour the bigger, more powerful lawyers who will continue to monopolise the market to the detriment of smaller lawyers without such reach. Those in favour of allowing advertisements believe that a strong regulatory framework to prevent false and misleading advertising, with strict penalties for violations, benefits the practice and improves the client’s choice for legal services. They suggest using online portals and reviews by existing clients to help new clients identify competent lawyers for their legal problems. These lawyers warn that unrestricted advertising, which includes marketing or persuasion to force clients to approach specific lawyers, is harmful to the profession.

The lack of opportunities to advertise certainly favours the lawyers with stronger social connections and networks.

Hudec & Trebilcock (1982) also warn that the one-shotter disadvantage means that certain social groups: young people, individuals in lower socio-economic groups, those ‘who do not speak one of the official languages’, and individuals who live in larger communities with less social cohesion have fewer opportunities to know lawyers socially, and so, may not be able

to rely on this means of information. Therefore, the lack of advertising tends to concentrate high-paying clients to the books of “prestigious” lawyers and clients with less capacity to pay would consequently need to engage “non-prestigious” lawyers.

## Information asymmetry in the market for legal services — the role of legal aid

For those litigants who wish to hire a lawyer but do not have adequate networks or social capital to hire a good lawyer, two effective answers are legal aid programs and bar referral schemes. In a legal aid program, a lawyer is assigned free of cost or with a very low fee to represent the litigant. In a bar referral scheme, the litigant can contact the bar association who will assign a lawyer based on an open call for taking the case.

In India, these programs are complicated by the fact that the costs of litigation are high. Lawyer’s fees constitute a major component of litigation costs. India does not have effective regulations on how much fees lawyers can charge. Some state bar councils have indicative rates but these are not enforceable against the lawyer. Therefore, Indian lawyers are free to require their clients to pay any fee that they determine for their services.

In and of itself this is not a problem. But in the context of this information gap, the client in India has no access to information about the fees that may be charged by the lawyer. For clients with unmet legal needs who are unable to afford lawyers, the Constitution guarantees the right to free legal aid under Article 39A. This right however, remains largely illusory. The presence of an advocate during a hearing increases the chance of a favourable outcome for a litigating party, particularly in criminal matters (Iossa & Jullien, 2012). Iossa & Jullien (2012) demonstrated that higher quality of lawyers generates better results for clients but disclosures over the quality of lawyers tend to skew judges’ bias towards “certified” lawyers. Similar results are borne out of Indian studies over the higher number of admissions of special leave petitions when a senior advocate is arguing for the petition to be admitted (Khaitan, 2020).

Historically, the justice system in India’s lower courts has been chronically underfunded and ‘very little legal aid is provided by either the bar or the state in India, especially in the lower courts’ (Krishnan et al., 2014). Public spending on legal aid in India has stayed stagnant and even reduced in some states (Sir Dorabjee Tata Trust, 2021). Commonwealth Human Rights Initiative (2018) estimated that the per capita budget on legal aid was not even one rupee (0.75 rupee). A review of the annual budgets of the Ministry of Law and Justice for 2020-21 shows a year-on-year reduction in allocation for the National Legal Services Authority from Rs 150 crores in 2018-19 to Rs 140 crores in 2019-20 to Rs 100 crores for 2020-21. Higgins (2014) pointed to how reducing public spending on legal aid means that ‘litigants would take much longer to litigate their cases taking up valuable judicial time and court resources’. This also imposes a huge cost on the economy and on people’s lives, in terms of loss of income, livelihood, financial strain, stress related illnesses, relationship breakdown and other impacts.

The lack of access to information about availability of effective legal services for a vast majority of India's population has deep historical roots. "The legal profession structurally is an important site to note the reproduction of inequality" (Muralidhar, 2004). Even post-independence, elite lawyers have largely remained entrenched in the colonial professional mindset. Several authors have pointed out that, while the bar has historically been very effective in organising themselves to protect their 'elite' interests, when working for the interests of non-lawyers and non-elites, such as in establishing an effective legal aid programme for the country, they remain highly ineffective (Williams, 2020).

Therefore, the Indian model of state-sponsored legal aid cannot be considered as an effective means to remove information asymmetry in the legal services market for India. In his suggestions for broad based structural reform to improve access to justice in India, Higgins (2014) recommends greater deregulation of the legal services profession as a means to increase the supply of affordable legal assistance. According to him, this could be achieved by permitting non-lawyer advocates to represent litigants in disputes.

## Regulations and information asymmetry

During the discussion of the "prestige" aspect of the profession, we traced the reasons for the dim view of advertising among the decision makers in the Indian legal profession. This is engendered by the Bar Council of India's Standards of Professional Conduct and Etiquette which prohibit an advocate from soliciting work or advertising in any manner. An advocate cannot "promote himself by circulars, advertisements, touts, personal communications, interviews *other than through personal relations*, furnishing or inspiring newspaper comments or producing his photographs to be published in connection with cases..." (emphasis supplied). The advocate's sign board cannot indicate her subject matter specialisation or expertise.

We submit that this regulation needs to be relooked in the light of its restrictive nature on the flow and signalling effect of information. There is a need for a well-regulated system of rules which govern advertising which could slowly lead to freer flows of signals and service information by Indian lawyers. One way this can be operationalised is set out by us in the subsequent section.

As discussed earlier, India follows a self regulation system with the requirement of a qualifying examination and enrollment to practice law. Trebilcock (2001) suggests that point of entry licensure controls on quality have many limitations since these cut off competence distribution. They, standing alone, fail to ensure post-entry competence of licensed practitioners in all areas. So more resources should be devoted to 'targeted and selective' output regulation, which in our case could include stronger standards to prevent 'malpractice' and strict disciplinary and enforcement processes against lawyer misconduct. Similarly, a licensing requirement is 'a weak guarantor of specialised professional competence'. Formal certification programmes are also not useful since they tend to generate 'an extreme form of segmentation of professional services market with a concomitant loss of mobility of human resources within those markets and, on the other

hand, to a major new demand on the scarce regulatory resources of governing bodies of the profession’.

Much of the resistance to advertising by lawyers ignores the basic nature of advertising. Hudec & Trebilcock (1982) suggest that advertising serves as a low-cost source of information which helps consumers of legal services reduce their search costs in locating low-priced sellers. Competition on price and service quality stimulates the market to innovate, setting up new practices, and enhances consumer welfare. With better information on prevailing market rates, clients will move towards lower priced alternative providers and this will result in lowering of the average fee levels in the market. On the argument that advertising unfairly helps the less capable, but richer and unscrupulous lawyers, Hudec & Trebilcock (1982) point out that this does not recognise the ‘extent and pervasiveness of corrective market forces’ which will ‘create pressures towards accuracy in advertising claims’. This is possible as, similar to the incentive of unethical lawyers to deceive, clients have incentive to avoid deception, and will only respond to lawyer advertising if they can accurately trust the information provided. They will ignore false or inflated claims. Further, consumer satisfaction with the advertised services will consequently generate further referrals and so, truthful advertising will be more profitable for lawyers.

Since a highly regulated system restricts the potential to exploit economies of scale, we suggest that the traditional ‘all encompassing’ ban on advertising of services should be relaxed in favour of a permissive system where Indian lawyers can provide basic information about their services. This could include details such as: name, address, contact details, professional experience including duration of practice, academic qualifications, memberships to professional bodies and broad areas of practice. Lawyers could also be allowed to specify a range of professional fees charged. There should be strong measures to protect the public against misleading advertising, deception and misrepresentation, including about fees charged.

(Wilkins, 1992) suggests that efforts should also be taken to strengthen the capacities of what he terms, ‘sophisticated intermediaries’ between the lawyer and client, like ‘public interest organisations and grass roots community groups to aid their constituents in obtaining quality, low cost legal services.

## Technological solutions

One proposal that we submit to bridge the information gap between lawyers and clients is to develop a mobile application or portal where clients can access basic information about the lawyer’s services and professional experience, similar to the “Practo” software application, which has been successful with the medical profession.

Of the options that are currently available in the marketplace, we noted two portals which are working to minimise the information asymmetry in this market. Vakilssearch is one of India’s biggest lawyer-client connecting platforms, now, more than a decade old. It offers clients ‘legal advice on a budget’ from independent advocates and in-house counsel. Their stated objective is to standardise the quality and price of legal services, particularly for small



businesses and individual clients, by clearly listing service delivery metrics and price on the site. They claim to have 'reduce[d] costs of company incorporations to roughly \$222.'

Another popular service is Lawyered. They describe themselves as a 'legal-tech platform that takes into account the practical challenges with old traditional ways of receiving and delivering services related to law' by 'creating an ecosystem where legal professionals (both individual practitioners and in-house counsel) make themselves discoverable & accessible to legal advice seekers'. They also help law students by sourcing opportunities with law firms and offices for internships, jobs, networking, mentoring, learning, etc. They work on a subscription model, by requiring the lawyers to subscribe to the platform. Their lawyer discovery service serves a critical need for legal services delivery in the country.

The immediate issue we noticed with these portals is that it is not clear if the BCI regulations on advertising apply to them or to the lawyers who list on these portals. Unlike other jurisdictions where the bar associations and the regulators operate their own reference and search portals, the private sector has stepped into this role in India. This could harness the efficiency of the private sector in terms of scale and reach but it would also mean that its adoption would be restricted to lawyers who have the necessary agency and awareness of such portals. For such portals to truly reach scale, a larger, and more flexible treatment of such practice by the professional regulator is needed to remove the cloud of regulatory uncertainty.

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