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Evaluating the Utilization, Impact and Accessibility of Advocate Welfare Fund in Tamilnadu & Puducherry: A Policy and Administrative Assessment by the Bar Council

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ABSTRACT

Advocate Welfare Fund (AWF) is the statutory scheme provided as financial support to the legal professionals facing health crisis, death or retirement etc., However, advocates often find obstacles in availing the AWF due to inconsistent fund disbursement, fund allocation, administrative gaps and misappropriation of funds. These instances show the systematic administration flaws which include lack of transparency, inconsistent implementation and mismanagement of funds. Notably in Kerala, Kerala Advocate Welfare Fund Trustee Committee (KAWFTC) faced significant scrutiny when a statutory audit revealed a loss of ₹7.61 crore due to unaccounted sales of stamps, inflated accounts, and unaccounted subscriptions. The Kerala High Court ordered a Central Bureau of Investigation (CBI) probe, criticizing the Trustee Committee for not maintaining records or conducting audits for over a decade, leading to widespread financial irregularities. Similarly, in Delhi, the High Court directed the state government to frame proper rules for the AWF, highlighting inconsistent fund disbursement and lack of transparency in the administration. In response to these issues, the Kerala government amended the Kerala Advocates Welfare Fund Act, 1980, to facilitate greater government control over the management of the fund. This included taking over the printing of stamps, ensuring annual audits by the state audit department, and appointing government officers to oversee the administration. These measures aim to enhance transparency and accountability in the management of AWFs. These instances highlight the critical need for comprehensive reforms in the administration of Advocate Welfare Funds to ensure that they effectively serve their intended purpose of supporting advocates in need. Also, those challenges persist the Madras High Court directed to settle the welfare benefits and to establish the stipends of the junior advocates. To enhance the depth and comprehensiveness of the topic this research approached the

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mixed-methods approach and collected various information from different resources like case laws, reports, notification, forums, studies and reputed articles.

Keywords: *Advocate welfare fund,utilization, impact, disparities, administration, implementation.*

I. INTRODUCTION

The legal profession holds a pivotal role in upholding justice and constitutional values in India, yet advocates face significant financial insecurity not by the job's nature, but by the result of legislative constraints caused by the lack of a vigilant and fair judicial system in India. TamilNadu & Pondicherry being one of the earliest adopters of a welfare mechanism with the help and involvement of the bar council of the state. Though the aim is to fund the advocates welfare, various questions have been raised by the forum, studies, reputed articles and the claimant of the fund too. "THE TIMES OF INDIA" a popular news media covered an article on July 18, 2019 on the title of "Advocates left in lurch as pndy fails to implement welfare fund Act" about the failure of the government to implement the Advocates Welfare Fund act (AWFA), which leaves the Pondicherry legal professional in a stake of essential benefits with continue of that "THE HINDU" - "The piling up of 441 applications over the years" on June 28, 2024 covered the another article which indicates the delays, inefficiencies in processing, request and disbursement of fund. As of approximately 441 applications had been pending for several years for financial assistance and the hon'ble court directed the state government to release Rupees seven crore to the Advocate Welfare fund trust within 10 days and to disburse the funds to the eligible beneficiaries within a week. These reports and studies make the legal fraternity raise the question on efficiency and effectiveness of the Advocates Welfare Fund. Hence this study aims to find the shortcomings of AWF problems and hardships faced by the target audience in utilising it in the targeted manner. This study also aims to postulate effective ways to utilise and increase the effectiveness of AWF.

II. HISTORICAL BACKGROUND

The parliament enacted AWF Act 2001 to ensure financial and social security for practicing advocates. It's primary objectives were to address and fix various issues such as

- i. Lack of social security:

Before this Act there was no legislation to support advocates during financial distress, illnesses, retirement and death.

ii. Need for Institutionalization and uniformity:

Even though states like Tamil Nadu and Kerala had their own welfare fund schemes there was no uniform framework across the country to enact this nor to systematically collect and manage welfare funds. The AWF Act helps in creating a centralised institution that not only overviewed the enforcement of the Act but also institutionalised it.

iii. To establish the legal profession as a viable career path.

iv. To address the long-standing demand from various state bar councils and advocate unions.

As a result of all this in the national context The parliament of India enacted AWF Act, 2001 to provide welfare measures for practicing advocates. The bar council of India and State bar councils were made as key implementing bodies. The collected fund is used to support advocates during their illness, disability, retirement, and to the families of deceased advocates. The funds are collected through welfare stamps affixed on vakalatnama, grants are from the central and state government, contributions are from bar councils and bar associations.

AWF During Pandemic

Tamil Nadu has been the pioneer in implementing welfare funds for advocates. Furthermore Tamil Nadu has pioneered various other things such as compulsory affixation of welfare fund stamps on all vakalatnamas, financial assistance to needy advocates during Covid 19 pandemic, digital initiatives like online application and fund tracking has been introduced by the bar council of Tamil Nadu. Considering all this, this study aims to assess the shortcomings of AWF and postulate effective ways to tackle them.

Review of Literature

The welfare of advocates and other legal professionals is very important for proper and effective functioning of the judicial system which is one of the three main pillars of the democracy hence it has gained the interest of the government, scholars and the judicial system itself. There has been a keen eye on socio-economic challenges faced by legal professionals particularly in their early retirement and post retirement stages. This review of literature extrapolates studies, legal analysis, policy evaluation, government reports, case laws and articles related to Advocate Welfare Fund with primary focus on utilisation, impact, and accessibility with special reference to Tamil Nadu & Puducherry.

Tamil Nadu Advocates welfare fund Act 1987 is the precursor to the national Advocate Welfare Fund Act 2001 and it is also considered to as pristine model for legal welfare

pioneering mandatory welfare stamps and structured trustee committee by Sharma (2005)& Menon (2008) following this research, research by Sundaram (2013) and gopalakrishnan (2016) examined the financial insecurity and career instability faced by upcoming advocates and emphasised the critical dependence on welfare schemes particularly in districts with limited judicial/legal infrastructure this study also gave valuable insights on how AWF has helped in bridging the gap at the same time it also stated that there is a long way to with respect to reach and adequacy of the support system. This question of reach and adequacy can be backed by report of Law commission India (Report No.266, 2017) as this report discussed about the inefficiencies in the management and distribution of welfare benefits across different states and respective bar councils, the primary issues identified by this report were delay in processing applications, lack of transparency and insufficient/ ineffective digitalization process the study by Rajasekaran (2018) found the consistencies in the above mentioned report and pointed the reasons as administrative backlogs, over centralisation, and lack of awareness among rural advocates. This was supplemented by the study conducted by Anand (2020) which stated that even though the bar council is the primary implementing authorities of AWF there is a steep need for institutional audits and third party evaluations as this study found that the efficiency of the Bar council is limited and there is a need for performance based assessment. The study conducted by Joshi(2019) and Rathore (2020) evaluated how well and robust online disbursement systems can be made by examining the systems implemented by Maharashtra, Kerala and Karnataka Bar council, this research also spoke about how the resistance to evolve and adopt could bring downfall to even pioneers like Tamil Nadu Bar council as the Tamil Nadu Bar council still deals with manual processes in many districts. The final nail in the coffin was revealed by the study conducted by kumaravel (2021) which pointed out that lack of awareness among advocates especially those from semi-urban and rural areas regarding registration and claim procedures have a major impact on the utilisation of the AWF further it added that some of the most vulnerable groups add first generation lawyers.

Methodology

This study utilizes a mixed-methods approach to evaluate the effectiveness and impact of AWF in India with special reference Tamil Nadu and puducherry. Use of both quantitative and qualitative research methods facilitates a more holistic understanding of how AWF works on providing a clear picture about its utilization, requirements, shortcomings and effective ways to tackle them. The methodology is specifically tailored not only to assess statistical outcomes of the AWF but also to find and analyse deeper operational issues that affect the implementation of AWF.

To begin, primary data for the research has been collected from various sources varying from government reports, academic studies/researches and relevant data sets provided by non-governmental governmental organizations. Further, case laws and judgements have been used to evaluate and understand the utilization and impact of AWF. Government and Bar Council reports, Annual reports of Advocate Welfare Fund, Policy documents and gazette notifications, audit reports and RTI responses were also used in this research.

In addition to primary data, secondary data, qualitative research is conducted through interviews with key stakeholders involved in the implementation of welfare programs at the national, state and local levels. These include government officials, bar council members, program administrators, trustees, beneficiaries and advocates. The study also draws on impact evaluation studies which plays a critical role in understanding the long term and short term effects of Advocate Welfare fund and this data provided helps in assessing outcomes and issues it faces.

Alongside this quantitative analysis, the research also incorporates a comparative approach, which involves examining the effectiveness of utilization of AWF by TNPYBC, Kerala, Karnataka and Maharashtra.

Results

The analysis on the Advocate welfare programs reveals a complex and multifaceted landscape where progress in upholding and uplifting the condition and status of advocates and promoting their economic stability/interest is mixed. The effectiveness of the programs and utilization of the funds and especially the Act itself varies across regions, socio-economic groups and hence the effectiveness is in question. The findings from both quantitative data and analysis and qualitative interviews provide a nuanced understanding of the program and fund have impacted the beneficiaries, advocates and the judicial fraternity as a whole.

III. IMPACT, ACCESSIBILITY AND UTILISATION OF AWF'S

A. Impact of Advocate Welfare Schemes

A key indicator of success for advocate welfare programs is their ability to reduce economic instability and security among the legal fraternity. The results show that overall programs and utilization of the Advocate welfare Act, Advocates insurance, Advocate fund etc., have contributed to significant reduction of financial insecurity and instability. The most marked impact is among the advocates, who are a part of larger Bar councils and advocate unions. This shows how the awareness about the AWF plays a crucial role in the utilization and effectiveness of the welfare programs.

1. Impact assessment

Financial security of senior advocates:

- The AWF has provided many benefits especially retirement benefits and death compensation to thousands of senior advocates in Tamil Nadu/
- The retirement benefits range from 3 to 5 lakhs and the death benefits range from 5 to 10 lakhs depending on the years of contribution.

But the problem here is that the impact of the same is questionable in Puducherry as the fund was not operational due to administrative inaction due to judicial intervention in 2024.

2. Support to deceased advocate families:

- Families of many advocates who have applied have benefited posthumously through the fund, easing their burden of income loss.
- However, delays in processing the claims reduce the effectiveness of the AWF.

3. Pandemic and Emergency relief:

- During the covid 19 pandemic, the Bar council of Tamil Nadu helped advocates in financial distress by providing financial assistance.
- Though it benefited professionals, some reports stated that many juniors and advocates from rural areas were being excluded from these benefits due to procedural and documentation issues and complexities.

B. Evaluation on Accessibility

Awareness and Enrollment

Enrollment in the AWF is automatic upon enrolment as an advocate with the bar council, but the awareness of entitlement is low, especially among junior advocates, women lawyers, and rural practitioners.

Geographic disparities

- Advocates in Chennai, Madurai and Coimbatore reported better access due to better proximity to bar councils but the advocates from interior regions of Tamil Nadu and puducherry faced difficulty in accessing the same.
- Puducherry advocates were denied AWF benefits until 2024 due to non-functional welfare committee which was revealed only after the case of Farida Begam v. Government of Puducherry which clearly spoke about systemic negligence.

Gender and Age barriers

- Women advocates often face informal barriers particularly career breaks making documentation and continuous subscription tracking difficult.
- There are different subscription plans for different age groups in some bar councils like APBC and advocates of age less than 35 and more than 60 are directly excluded from applying to the welfare scheme in certain bar council's welfare schemes making the accessibility of the schemes a question mark further most young advocates are unaware of AWF benefits as the awareness about AWF is through word of mouth and not by awareness programs.

C. Utilization of Funds**Stamp duty collection and fund accumulation:**

- The primary source of revenue for the welfare scheme is welfare stamps affixed on legal documents.
- But the problem is that there's no public accounting or transparency on how much is collected annually or how it is allocated.

Fund Disbursement

- Most of the distribution happens only upon retirement or death with minimal use for medical emergencies, Maternity/paternity support, mental health support etc.,
- A significant portion of the fund remains underutilized year after year due to restrictive eligibility criteria.

Administrative delays

- The of delay is very high ranging from 3 months to 1year for both verification and payment processes
- Manual processing increases dependency on bar officials, introducing bureaucratic bottlenecks.

D. Perception among advocates

Positive views: The advocates who have claimed and have been benefited by the AWF value the fund as a crucial financial buffer.

Critical views: Juniors, freshly enrolled advocates, mid career advocates, and advocates from remote areas feel disconnected from the scheme.

Recommendations by lawyers:

- Digitalization of AWF would ease up the claim process and track the applications.
- More interim welfare schemes like stipends, maternity support and accident insurance.
- Need for a grievance redressal mechanism for delays and denial of the claims would help to make the scheme more transparent and beneficial

IV. TRANSPARENCY AND ACCOUNTABILITY

Transparency and accountability are the two main key features of any successful democratic country as these two features ensure that there is no arbitrary power exercised ensuring the rights of each and every member of the nation on the same not the transparency and of AWF was also been examined and the key findings were :

A. Administrative structure of AWF**Governing authorities:**

- The bar council is the primary administrative authority for AWF. It is the state Bar council that is seen to be the administrative authority hence in Tamil Nadu it is BCTNP is the primary authority for AWF.
- It works under the overarching structure of the Advocates welfare Fund Act 1987(TN) and The Advocates welfare fund Act 2001(Central Act).

Welfare Committee/Trust:

- A welfare committee is supposed to be appointed and formed to supervise the usage of funds and claim processes.
- In Puducherry, the welfare committee became definitional in 2008 due to various reasons until the 2024 directive by the Madras High court showing complete administrative breakdown and failure in accountability.

B. Transparency mechanisms:**Financial reporting:**

- One of the major problems is that there is no regular disclosure or auditing of Annual income from welfare fund stamps, total fund corpus, beneficiaries or disbursed funds.
- No reports are published, even if audited nor the audited reports are accessible via the bar council website.
- RTI requests are often delayed or rejected citing administrative limitations.

Access to beneficiary data:

- There is no publicly available data or records on beneficiaries, disbursement records, or regional distribution data that is accessible.
- The lack of transparency makes it difficult to assess who are the ones actually benefiting out the fund and whether the marginalized sections are being adequately served.

Stamp revenue tracking:

- The primary source of revenue of the AWF is stamp duty on vakalatnama and other documents and the problem here arises is that these are not digitised yet.
- Absence of electronic tracking leads to leakage, misappropriation, and poor oversight risks.

C. Accountability mechanisms:**Lack of grievance redressal mechanism:**

- There is no structured grievance mechanisms or independent ombudsman for denied or delayed claims nor misconduct or negligent work by the bar council
- The only redressal available is by writ petitions or by approaching courts for redress, example being the Farida Begam case.

Suspension without fair hearings: In 2019, The BCTNP suspended nearly 6,000 lawyers for non-payment of subscription without adequate notification, transparency in process, or appeal channels. Due to which the due process and fairness was questioned in enforcement mechanics.

Inactivity welfare committee: Welfare committees are supposed to meet periodically to review applications however in many districts meetings are irregular or purely procedural; with long backlogs and poor file management

D. Judicial interventions:

Directions by The High Court: The Madras High Court has stepped in repeatedly to correct the lapses in accountability the directions include direction to implement AWF in PY, order of the formulation of guidelines for junior advocate stipends and the HC sought reports from the BC on delay in fund payments. At the same time several petitions filed by advocates reveal that there is a lack of timeliness for processing applications, inadequate monitoring of the use and collection of funds and absence of audit based reforms despite fund growth over the years.

E. Need for reforms:

Advocates demand various reforms like

Digitalization and E-governance: Advocates demand a centralised digital portal for AWF applications, status tracking, and fund analytics; this would not just ensure transparent display of eligibility criteria, fund status and appeal options but also pave path for the same.

Annual public reports: Request for publishing of annual reports on fund collection and disbursement followed by district wise beneficiary data and administrative costs are long overdue

Stakeholder oversight: Inclusion of elected advocate representative in welfare committees to ensure participation must be mandated for better and transparent functioning

Independent audit and monitoring body: An external statutory body or a sub committee of the bar council should conduct periodic audits, publish findings and recommend corrective actions.

F. Comparative insights: learning from other states

- Kerala and Maharashtra have introduced partial digitization and public reports on AWF usage
- Their online portals for tracking benefits and fund applications offer a model for Tamil Nadu and Puducherry to emulate.

V. COMPARATIVE ANALYSIS

A. Overview of the legal framework

Tamil Nadu and puducherry:

- Governed under the Advocates Act, 1987 (Tamil Nadu- specific) and was later aligned with the advocates welfare fund Act 2001 (central Act)
- A joint bar council represents both Tamil Nadu and puducherry, under the name of Bar Council of Tamil Nadu and puducherry (BCTNP)
- Welfare fund committee managed by BCTNP looks after the administration of AWF, disbursement, collection of revenue and processing of applications, claims and subscriptions

Other states:

- Kerala pioneered the welfare fund model and passed its legislation 7 years earlier to BCTNP in 1980, which not only inspired other states but also central legislation.

- Maharashtra and Karnataka follow the Act of Advocates welfare fund Act 2001 with state specific modifications and enforcement mechanisms.

B. Institutional setup and governance

State	Administrative Body	Welfare structure	Digitalization	District committee
1. Tamil Nadu and Puducherry	BCTNP	Joint welfare fund managed by central bar council	Limited (highly manual)	Sparse activity outside urban centres
2. Kerala	BCK + Welfare fund trustee committee	Separate trustee committee headed by advocate general	Advanced E-filing and benefit tracking	Active legal aid and welfare units
3. Maharashtra	BCMG	Welfare fund managed under state rules with regular audits	Moderate digitalization	District committees functional
Karnataka	KSBC	Legal aid and AWF are treated as separate verticals	Semi digitised website based	Present but limited effectiveness

C. Legal mechanism for fund administration

Tamil Nadu and Puducherry:

- Operates under the central Acts with state level operational autonomy
- A unified bar council setup covers both Tamil Nadu and Puducherry which led to administrative neglect of Puducherry due to lack of localised mechanisms
- Even though welfare stamps are mandatory, failure to comply results in suspension of subscription and this is very common due to poor awareness

Kerala:

- A specific trustee committee is formed to govern the welfare fund independently
- It utilizes the interest from the deposits, court fee levies and annual subscriptions providing multiple financial revenues

- Is considered as one of the best AW models

Maharashtra:

- The bar council works with a dedicated welfare committee and ensures periodic reporting and compliance
- Regional diversity and the size of legal community have led to varied accesses without affecting the integration of welfare schemes in urban regions of Mumbai and Pune

Benefits/ metric	Tamil Nadu and Puducherry	Kerala	Maharashtra	Karnataka
Retirement and death benefits	Yes, but delayed and non transparent	Yes, fast and transparent	Available and audited	Yes but urban centric
Stipend to junior lawyers	Introduced only in 2024 by court directive	Long standing support system by bar councils and associations	Pilot and promotional programs	Recently initiated
Women and rural advocates programs	Weak institutional mechanism and awareness	Legal aids to promote inclusive access to all	There exists a gap between urban and rural areas	Workshops and programs are actively conducted
Fund digitalization	Minimal mostly manual	Online tracking and full portal access	Partially digitalised	Developing portal systems

D. Institutional accountability and monitoring

Tamil Nadu and Puducherry:

- There is a lack of independent auditing board or grievance mechanism

- Transparency is one of the greatest issue faced as there is no publication of fund utilisation or collection nor any committee reports
- Joint administration dilutes accountability especially in Puducherry

Kerala:

- The reason for this success is robust auditing practices and court directed overseeing mechanisms
- Committee reports are tabled before the high court and sometimes published with and without request
- There is continuous efforts meticulously made to extend the reach of welfare programmes as far as possible

Maharashtra and Karnataka:

- Even though auditing and grievance redressal mechanism is not established effectively both states have specific provisions for legal audit and grievance resolution
- Maharashtra has come up with legal helpline numbers and online complaint redressal mechanism
- Karnataka's Bar associations are active in reporting misuse and negligence, ensuring administrative accountability

Recommendations:

- Separate bar committee or trustee committee for pondicherry for effective utilisation of AWF
- Decentralised monitoring units across districts for better implementation and grievance redressal
- Digitalization and transparency modelled on kerala
- Annual public audit and reporting

VI. DISCUSSION

The result and analysis of AWF across Tamil Nadu and Puducherry reveals a nuanced and layered picture; there are policy bottlenecks, administrative disparities, downfalls and constraints that have been dealt with. Even though welfare schemes have made noticeable contributions to the financial and social security of the senior advocates, their impact is inconsistent across regions, demographics, etc.

Impact assessment:

Financial stability and support: Even though the target of AWF being well defined the effectiveness is only on point when the mechanism and accountability is made clear. This is the primary reason why the scheme's reach hasn't attained 100 percent as the awareness and reach of the program has not reached the extent it targeted. This can be seen by closer look at Puducherry, for years the fund remained largely dormant due to administrative delays, and only received attention only after judicial directives, this regional imbalance in particular raises the question about uniformity in distribution of the benefits

Emergency support and pandemic response: AWF has played a crucial role in providing financial assistance to the advocates in distress but there where struggles faced by the program to reach many junior lawyers based in less accessible areas due to procedural complexities leading to exclusion rather than support

Barriers to access: There are various barriers including awareness and information gaps. Even though the AWF being in existence for long the awareness about it is very less and the effect of lack of awareness is clearly visible when the utilisation of AWF in Tamil Nadu is compared with Kerala hence this shows how knowledge gap significantly limits the schemes impact

Demographic disparities: Various factors such as gender, region career stage have a major impact on the utilisation as these are the factors that primarily deal with how a person can subscribe to the scheme and utilise it and it is very important that these demographic gaps are bridged for effective utilisation and higher accessibility of the AWF program

Fund utilisation and efficiency: The existing inflow of funds through affixed stamps is itself high but there are other ways too to increase the inflow if the already existing revenue is not enough to fulfill the requirements, the ways include subscription fee, interest on deposits etc these are some of the techniques used by kerala bar council to expand the revenue but the problem in Tamil Nadu is that the funds collected is said not to be used properly nor efficiently as only death and retirement disbursements are sought after and no other claims are addressed properly as a result large portion of fund remains un utilised every year this directly leads to the problem of transparency and accountability as there is a lack of oversight and grievance mechanism as just the existence of these two could have completely fixed and made the AWF of Tamil Nadu the best model of AWF in the nation hence changes like Separate bar committee or trustee committee for pondicherry for effective utilisation of AWF, Decentralised monitoring units across districts for better implementation and grievance redressal, Digitalization and transparency modelled on kerala, Annual public audit and reporting and few

more could have the greatest impact in completely transforming the AWF of Tamil Nadu and Puducherry.

VII. CONCLUSION

The Advocate Welfare Fund (AWF) serves as a crucial safeguard for legal professionals by offering financial support in times of need. However, its effectiveness is hindered by the accessibility and utilization vary significantly across states with disparities between Tamil Nadu, Puducherry, Kerala and Maharashtra. To bring the effectiveness of the AWF, implementation of centralized digital portals would help to track the process and to check the status updates. This implementation will automatically fall on the transparency of the process. To conduct the outreach programs targeting the underrepresented groups creates the easy accessibility and utilization among the legal professionals. To clear the queries on the fund disbursement and administration, there should be proper guidelines to be established about the eligibility criteria and documentation required for availing, to implement the digitised automated systems for claim verification and approval to reduce the manual errors which helps to expedite the process. Ensuring the district level committees to oversee fund utilization and addressing the local issues. Representation from diverse advocacy groups includes junior and rural advocates in decision making bodies. Mandating the annual reports detailing fund collections, disbursement and beneficiary data on the official Bar Council's website. Implementing these recommendations would enhance the effectiveness of the Advocate Welfare Fund, ensuring that it would serve its purpose of providing financial security to all legal professionals irrespective of any disparities.
