

Bar Unification - A Caveat

Edward A. Tomlinson

Follow this and additional works at: <http://digitalcommons.law.umaryland.edu/mlr>



Part of the [Legal Profession Commons](#)

Recommended Citation

Edward A. Tomlinson, *Bar Unification - A Caveat*, 26 Md. L. Rev. 240 (1966)

Available at: <http://digitalcommons.law.umaryland.edu/mlr/vol26/iss3/5>

This Article is brought to you for free and open access by the Academic Journals at DigitalCommons@UM Carey Law. It has been accepted for inclusion in Maryland Law Review by an authorized administrator of DigitalCommons@UM Carey Law. For more information, please contact smccarty@law.umaryland.edu.

BAR UNIFICATION — A CAVEAT

By EDWARD A. TOMLINSON*

On July 7, 1966, the Maryland State Bar Association at its 71st Annual Meeting in Atlantic City gave approval in principle to the unification of the bar in Maryland. The Association directed its Committee on Bar Unification to draft a concrete proposal to this effect. So far this Committee has given no serious consideration to the constitutional questions raised by bar unification.¹ After a preliminary survey of the unified bar, this paper attempts to analyze these questions.

Twenty-seven states have adopted various forms of a unified or integrated bar through statute,² court rule,³ or a combination of both.⁴ In all these states, however, the basic structure is similar: by statute or court rule, the state bar association acquires an official status with every lawyer admitted to practice in the state required to become a member.⁵ Lawyers must pay annual dues or membership fees directly into the state bar treasury and non-payment results in the suspension of a lawyer from membership and from the practice of law during the period of his arrearage.⁶ A Board of Governors or Commissioners elected by the membership manages the affairs of the state bar and controls the expenditure of state bar funds.⁷ In addition this Board normally determines the amount of annual dues within limits prescribed by the legislature or court.⁸

Proponents of bar integration often argue that unification does not require a lawyer to join anything but simply recognizes that he has already joined the legal profession and has already become an officer of the court. They expound further that unification merely establishes an organizational structure through which the lawyers of the state can collectively perform their obligations to the legal profession and to the public. All lawyers, so the argument goes, should contribute equally to the expense of this organization.⁹

This reasoning is simply not valid, because bar unification requires much more of the individual lawyer. The state compels him to join and

* A.B. 1961, Princeton University; M.A. 1962, University of Washington; LL.B. 1965, Harvard Law School; Assistant Professor of Law, University of Maryland School of Law; Member, Maryland State Bar Association.

1. See the Report of the Committee on Bar Unification, 71 *TRANSACTIONS OF THE MARYLAND STATE BAR ASSOCIATION* no. 2, p. 54 (1966) [hereinafter cited as *TRANSACTIONS*].

2. For a well-drafted statute which has served as a model for other states see California's State Bar Act, *CAL. BUS. & PROF. CODE* §§ 6000-51 (1962), as amended, §§ 6043, 6051-52 (Supp. 1965).

3. For a recent, well-drafted set of court rules see the Wisconsin State Bar Rules, *WIS. STAT. ANN.* § 256 (App.) (Supp. 1966).

4. See, e.g., *VA. CODE ANN.* §§ 49-52 (1950).

5. See, e.g., *CAL. BUS. & PROF. CODE* § 6002.

6. See, e.g., *CAL. BUS. & PROF. CODE* §§ 6125, 6143; *WIS. STAT. ANN.* § 256 (App.) (Supp. 1966) State Bar Rule 2, §§ 4-6.

7. See, e.g., *CAL. BUS. & PROF. CODE* § 6008.4; *WIS. STAT. ANN.* § 256 (App.) (Supp. 1966) State Bar Rule 4, § 4.

8. See, e.g., *CAL. BUS. & PROF. CODE* § 6140.

9. For the first statement of this oft-repeated argument see The Report of the Committee on State Bar Organization to the American Bar Association Conference of Delegates, *To Speed Bar Organization*, 4 *J. AM. JUD. SOC'Y* 83 (1920).

to support financially a state bar association which may well sponsor programs and take official positions contrary to his interests and beliefs. Upon his admission to practice law in Maryland, a lawyer becomes a member of the bar of the Court of Appeals¹⁰ and, as an officer of that court, accepts responsibility for his professional conduct.¹¹ He is a member of the bar of that court, but not of any private bar association, such as the Maryland State Bar Association.¹² Following unification, the State Bar Association will remain basically what it is today, a private association, except that all lawyers who belong to the bar of the Court of Appeals will be required, in addition, to become members of this Association. The official status given to a unified bar¹³ may subject it to increased legislative or judicial supervision, but this new status does not operate to change the Association into a state agency or appendage of the judiciary.¹⁴ Lawyers who favor bar unification may describe a unified bar as a quasi-governmental agency,¹⁵ but they do not really envision such a change because they want the members to maintain their private control of the state bar association.¹⁶ The primary goal of those seeking a unified bar has always been the self-regulation and self-improvement of the profession through a strengthened bar association.¹⁷ The operation and activities of a unified bar do not differ substantially from those of a voluntary bar association.¹⁸ There is the same network

10. MD. CODE ANN. art. 10, § 1 (Supp. 1965) and §§ 3, 7-8 (1957).

11. MD. CODE ANN. art. 10, § 10 (1957).

12. A private association is a group of individuals who have joined together in a more or less formalized structure for the effectuation of a common purpose. Business enterprises are not considered private associations. See *Developments in the Law — Judicial Control of Actions of Private Associations*, 76 HARV. L. REV. 983 (1963); Chafee, *Internal Affairs of Associations not for Profit*, 43 HARV. L. REV. 993 (1930).

Bar associations have traditionally been considered private associations. Until the 1920's, most state bar associations had a policy of selective membership and only invited the "better" members of the profession to join. Wickser, *Bar Associations*, 15 CORNELL L.Q. 390, 396, 403, 404 (1930). In addition, courts have held that bar associations are private associations which can exclude attorneys from membership. See, e.g., *United States ex rel. Robinson v. Bar Ass'n of the District of Columbia*, 197 F.2d 408 (D.C. Cir. 1952); *State ex rel. Contonio v. Louisiana Bar Ass'n*, 111 La. 967, 36 So. 50 (1904).

13. See, e.g., CAL. BUS. & PROF. CODE § 6001 (1962).

14. In *Ex Parte Griffith*, 278 Ala. 344, 178 So. 2d 169 (1965), the grievance committee of the unified Alabama Bar Association filed charges of unprofessional conduct with the Board of Commissioners of the State Bar against an attorney. The President of the Board appointed a commissioner to hold a hearing and to take evidence on the charges. The attorney argued that the proceedings were null and void because neither the commissioner nor the members of the grievance committee had taken the oath of office required by Alabama law of all state officers. The court held that they did not need to take the oath because they were not state officers but members of a private incorporated association.

15. TRANSACTIONS, *op. cit. supra* note 1, at 55.

16. Members of a unified state bar association normally elect their own Board of Governors. CAL. BUS. & PROF. CODE §§ 6011-19; WIS. STAT. ANN. § 256 (App.) (Supp. 1966) Wisconsin State Bar By-Laws art. III, § 1. The entire membership of the unified bar has the authority to make final decisions on policy matters. WIS. STAT. ANN. § 256 (App.) (Supp. 1966) State Bar Rule 7.

17. See generally, Winters, *Integration of the Bar — You Can't Lose*, 39 J. AM. JUD. SOC'Y 140 (1956); Harley, *A Lawyer's Trust*, 29 J. AM. JUD. SOC'Y 50 (1945) (Reprint of Herbert Harley's kick-off speech for the unified bar, delivered at Lincoln, Nebraska, in 1914); *Report, supra* note 9.

18. An exception to this generalization is the control which a unified bar exercises in admitting and disciplining attorneys. These functions are performed in most un-integrated states by court-appointed character committees. No doubt a unified bar

of committees and sections and the same concern with the unauthorized practice of law, professional ethics, public relations, judicial selection and legislation.

Perhaps the closest analogy to a unified bar is a union shop. Labor unions originated as private associations of employees. Today federal labor legislation recognizes that a union with majority support within an approved bargaining unit is the collective bargaining representative for every employee in the unit and permits a union to make an agreement with the employer, which requires every employee in the unit to join and financially support the union.¹⁹ Unions further resemble bar associations in that they may sponsor programs or take official positions opposed by individual members. Union expenditures for political candidates and lobbying for and against legislation are well-known features of contemporary life. In *International Ass'n of Machinists v. Street*,²⁰ the Supreme Court interpreted the union shop provisions of the Railway Labor Act and found a congressional purpose to deny unions, over an employee's objection, the power to use funds exacted from the employee to support political causes opposed by him.²¹ The Court's serious doubt about the Act's constitutionality, if it were read to permit such use of exacted funds, led to the adoption of this strained construction.²²

State bar associations, both voluntary and unified, do not normally engage in political activities to the extent that is customary with many unions. However, they often do engage in studying, promoting or opposing specific legislation. At present, the Maryland State Bar Association devotes a substantial portion of its effort to studying legislative proposals and often takes an official position on legislation of a controversial nature.²³ These activities on law reform are among the most

through numerous local committees can work very effectively to raise admission standards and police its own membership, but the courts have uniformly held that the admission and the disbarment or discipline of an attorney are judicial functions and any action taken by the unified bar or one of its committees on these matters is "merely recommendatory in character" and subject to full judicial re-examination. See, *e.g.*, *In re Shattuck*, 208 Cal. 6, 279 Pac. 998 (1929).

19. The Railway Labor Act, 64 Stat. 1238 (1950), 45 U.S.C. § 152 (1964) permits a labor organization subject to its provisions to make such agreements notwithstanding contrary state law, while the Labor Management Relations Act (Taft-Hartley Act) § 14(b), 61 Stat. 151 (1947), 29 U.S.C. § 164(b) (1964) permits such agreements only where not prohibited by state law. Under both acts the union cannot require anything of its members other than the payment of periodic dues, initiation fees and assessments uniformly required.

20. 367 U.S. 740 (1961).

21. *Id.* at 768-69.

22. *Id.* at 749.

23. The Board of Governors approved an Association stand on forty-eight items of legislation introduced in the 1966 session of the Maryland General Assembly and directly sponsored seventeen bills. Report of the Committee on Laws, 71 TRANSACTIONS no. 2, pp. 19-20 (1966). During the same session, the "legislative program" of the Association consisted of eighteen separate bills, which had been officially approved for passage by both the membership and the Board of Governors. Fourteen of these bills were enacted and four failed of passage. Report of the Committee on Legislation, *id.*, at 44-45. Included in this legislative program was the controversial Niles Plan providing for non-partisan judicial appointments. The Association "lobbied" unsuccessfully for its passage. Report of the Committee on Judicial Selection, *id.* at 93. The enactment by the 1966 General Assembly of a bill recognizing a broad psychiatrist-psychologist-patient privilege was actively opposed by the Association. Report of the Committee on Laws, *id.* at 20; Report of the Committee on Laws, 70 TRANSACTIONS 272-75 (1965). At the 1965 Annual Meeting, the Maryland State Bar Association

important functions of the State Bar Association. The lawyers of this state should use their bar organization to give the legislature and the public the benefit of their collective judgment on pending legislation. But this judgment is necessarily a majority one, and many individual members of the Association may disagree with its official position on specific legislation. Today, lawyers may express their dissent both within the Association and without and may resign from the Association if they are in strong disagreement with its position. The primary argument against a unified bar is that lawyers do not speak with one voice on public issues and that a unified bar may exact funds from an unwilling lawyer and use them to support or oppose legislation contrary to his personal beliefs. Programs sponsored by a unified bar in other areas, such as public relations, legal aid, the promotion of good citizenship, and the prevention of unauthorized practice, may also be opposed by individual lawyers who object to such uses of their exacted dues.²⁴ But it is the legislative program of a unified bar which has drawn the heaviest fire of the opponents of bar unification, since the bar association takes on overtones of a political or pressure group when it becomes involved in the legislative process.²⁵

The first amendment of the United States Constitution may require an integrated bar to curtail its legislative program in order to protect dissenting members' freedom of speech. When a challenge to the constitutionality of the unified bar reached the Supreme Court in 1961 in *Lathrop v. Donohue*,²⁶ the Court was sharply divided. That case arose in Wisconsin, where in 1956 the highest court of the state enacted a rule of court integrating the state's bar on a trial basis. In 1958, the court extended its integration rule indefinitely. A practicing Wisconsin attorney, Trayton Lathrop, then sued the treasurer of the State Bar for a refund of \$15.00 in annual dues paid by him under protest. Lathrop broadly asserted that the rules and by-laws approved by the Wisconsin court coerced him to support the Wisconsin State Bar Association in violation of the first and fourteenth amendments. In his protest and throughout the litigation, Lathrop contended that a major portion of State Bar activity was of a political and propaganda nature and that the State Bar used its employees, property, and funds in active opposition to legislation he favored.

The plurality opinion of Mr. Justice Brennan, joined by Mr. Chief Justice Warren and Justices Clark and Stewart, framed the issues in terms of whether the compelled support of group activities violated Lathrop's freedom of association and freedom of speech. The Supreme Court had previously held in *Railway Employees Dep't v. Hanson*²⁷ that the union shop provisions of the Railway Labor Act did not abridge

approved a resolution endorsing an amendment to the Constitution of the United States which would permit one house of a bicameral state legislature to be apportioned on other than a population basis if such a plan of apportionment were approved by a majority of the voters of the state. *Id.* at 204.

24. The Maryland State Bar Association is presently active in all of these areas. See the Committee Reports in 71 TRANSACTIONS no. 2 (1966).

25. See the argument of Trayton Lathrop in *Lathrop v. Donohue*, 367 U.S. 820, 822-23 (1961).

26. 367 U.S. 820 (1961).

27. 351 U.S. 225 (1956).

the employees' protected rights of association when it authorized agreements between interstate railroads and unions which conditioned an employee's continued employment on the payment of union dues, initiation fees and assessments. The employees who benefited from a collective bargaining agreement, the Court reasoned in *Hanson*, should share its cost by supporting the union financially. Brennan concluded in *Lathrop* that a state could likewise require all lawyers to share the cost of a unified bar association without abridging an individual lawyer's freedom of association.²⁸ Since the record contained no description of the specific legislation opposed or favored by Lathrop and no indication of the extent to which the State Bar utilized his dues for specific purposes to which he objected, Brennan did not resolve the concomitant issue of whether bar integration in Wisconsin violated Lathrop's freedom of speech by exacting from him annual dues used by the State Bar to support political causes which he opposed and which were contrary to his beliefs. The question of the state's power to unify its bar did not come before the Court "so shaped by the record and by the proceedings below as to bring those powers before this Court as leanly and as sharply as judicial judgment upon an exercise of . . . state power requires."²⁹

Only four Justices, Brennan, Warren, Clark and Stewart, reserved decision on Lathrop's free speech claim, but the Supreme Court nevertheless affirmed the Wisconsin court's dismissal of Lathrop's complaint with the support of concurring opinions by Mr. Justice Whittaker and by Mr. Justice Harlan (joined by Mr. Justice Frankfurter). These three justices found that the Wisconsin integrated bar was fully constitutional and did not violate Lathrop's freedom of speech by using his dues to support legislation or other controversial programs. Mr. Justice Black, on the other hand, believed that the Wisconsin State Bar provided many useful and lawful services, but he dissented because he believed that an integrated bar violated the first amendment when it took the money of protesting lawyers to support political and legislative causes which they opposed. Mr. Justice Douglas went much further in his dissent and denied to the state any power to compel lawyers to belong to a state-wide bar association.

Lathrop v. Donohue produced five separate opinions and left in substantial doubt the constitutionality of a unified bar's engaging in legislative activities. Seven justices did uphold Wisconsin's decision to integrate its bar, but only three of these³⁰ expressly decided that the integrated bar in Wisconsin could use an objecting member's dues for legislative purposes. Much of the jubilation in state bar journals³¹ and the *Journal of the American Judicature Society*³² following the decision was unwarranted to the extent that these articles interpret *Lathrop* as a complete victory for the unified bar. The basic constitutional issue of

28. 367 U.S. at 843 (1961).

29. *Id.* at 847 (1961) quoting from *United States v. CIO*, 335 U.S. 106, 126 (1948) (concurring opinion).

30. Justices Whittaker, Harlan and Frankfurter. Only Mr. Justice Harlan remains on the Court today.

31. See, e.g., Sinykin, *Lathrop v. Donohue: The Integrated Bar Upheld*, 34 WIS. B. BULL. 74 (1961).

32. See, e.g., 45 J. AM. JUD. SOC'Y 43 (1961); 47 J. AM. JUD. SOC'Y 243 (1964).

the restraints which the first amendment's guarantee of freedom of speech imposes on the activities of a unified bar remains undecided. Law review comments on the *Lathrop* decision did not go along with the victory pronouncements in the bar journals but acknowledged that the Court had not decided this basic constitutional issue.³³ Sometime in the near future, a dissenting lawyer may bring to the Court a case with a record which satisfies the scruples of the plurality and which forces a decision on the free speech issue. What the result will be is not known, but the Court is certainly moving today in the direction of increased protection for individual liberties.

Legislative activities of a unified bar may well interfere with the dissenter's freedom of speech by requiring a compelled affirmation of majority-held views. In *West Virginia State Board of Education v. Barnette*,³⁴ the Supreme Court held that a state could not compel a Jehovah's Witness enrolled in a public school to salute the flag. The Court viewed the flag salute, with the pledge of allegiance, as a symbolic but effective way of communicating ideas. When the state compelled the Jehovah's Witness to salute the flag, it required him to affirm a belief contrary to his own belief that the flag was a graven image. The forced ritualistic sign and the mouthing of the pledge stamped the unwilling child with a belief he detested, despite any mental reservations he might have and despite his full freedom outside of the classroom to express his beliefs. The majority of the Court, without considering whether the religious faith of the child exempted him from the duty to salute the flag, held that the state could not require such an involuntary affirmation in the absence of a clear and present danger to the public welfare.³⁵

This reasoning does not automatically extend to the unified bar since both the payment of annual dues and the formal enrollment on the membership list are acts which do not so intimately connect the beliefs of the individual lawyer with the declared views of the majority of the bar. The Wisconsin Supreme Court recognized this lack of identification in the public mind between the official position of the State Bar and the beliefs of the individual lawyer when the court formulated the reasonable proposition:

[W]hen the State Bar of Wisconsin through its Board of Governors, an elected representative policy-making body, duly declares a policy within its province on behalf of the State Bar, everyone understands or should understand the policy is that of the State Bar as an entity separate and distinct from each individual. Such pronouncement of the State Bar does not necessarily mean all of its members agree with that pronouncement. . . .³⁶

33. See, e.g., Comment, *The Integrated Bar after Lathrop v. Donohue: Integration or Disintegration*, 11 CATHOLIC U.L. REV. 85 (1962); Comment, *The Integrated Bar Association*, 30 FORDHAM L. REV. 477 (1962); Comment, *Freedom from Political Association: The Street and Lathrop Decisions*, 56 NW. U.L. REV. 777 (1962); Comment, *The Compelled Contribution in the Integrated Bar and the All Union Shop*, 1962 WIS. L. REV. 138; *Integrated Bar Associations*, 75 HARV. L. REV. 133 (1961).

34. 319 U.S. 624 (1943).

35. *Id.* at 633-34, 642.

36. *In re Integration of the Bar*, 5 Wis. 2d 618, 93 N.W.2d 601, 603 (1958).

Barnette still retains thrust in the area of the unified bar. The same question of state power to compel an individual to identify himself with group beliefs must be answered with regard to the unified bar — a private association engaged in private group activity. A lawyer does suffer an impairment of his freedom of speech when the state bar, which he is forced to join and support, sponsors legislation or programs which he opposes. The private nature of a state bar is very relevant, because a compelled money payment to support the program of a state or any state agency or subdivision does not result in any impermissible identification or attribution to the taxpayer of the policies and views of the state. In the words of Mr. Justice Holmes, the state is the one club to which we must all belong. For example, if a municipality uses tax revenues to fluoridate its water supply, to lobby for increased teachers' salaries or state aid for the local school system, or to pay the police overtime to suppress peaceful demonstrations, the first amendment offers no relief to the taxpayer who disapproves of these policy decisions and who is identified with beliefs he detests on account of his status as a resident and taxpayer in the local community. He does have a cause of action if state law does not authorize the expenditures of which he disapproves or if the expenditures are not for a public purpose;³⁷ otherwise, lacking a judicial remedy, the dissenter must work through the political process for the relief he seeks. While most would agree with Mr. Justice Holmes, one may question whether a private bar association is a club to which all lawyers must belong.

If the courts do adopt the position of Mr. Justice Black that a unified bar violates the first amendment when it exacts dues from a protesting lawyer to support legislation which he is against, what relief is available? Can the lawyer obtain an injunction against all expenditures by the unified bar association for the disputed purposes, or can he resign from the unified bar and then enjoin the enforcement against him of the statutes or court rules which limit the practice of law in the state to members of the unified bar association? In the union shop context, the Supreme Court has held that the dissenting employee must settle for lesser relief, such as restitution of that portion of his dues which the union expends for political purposes.³⁸ The Court pointed out in *International Ass'n of Machinists v. Street* that the majority in the union also had an interest in stating its views and that courts should select remedies which reconcile majority and dissenting interests.³⁹ Similar considerations may lead courts to grant equally limited relief to dissenting lawyers. There is a good argument, however, that courts should go further and permit them to escape the duties of membership in a unified bar. *Street* was not a first amendment decision and the

37. *Everson v. Board of Education*, 330 U.S. 1, 5-8 (1947); *Fallbrook Irrigation Dist. v. Bradley*, 164 U.S. 112 (1896).

38. *International Ass'n of Machinists v. Street*, 367 U.S. 740, 774-75 (1961). The dissenting union member need not allege and prove each distinct union political expenditure to which he objects; he need only manifest his opposition to any political expenditures by the union. However, the union must prove what proportion of the funds are spent for political causes. *Railway Clerks v. Allen*, 373 U.S. 113, 121-22 (1963).

39. *International Ass'n of Machinists v. Street*, 367 U.S. 740, 773 (1961).

Court did not determine whether a union shop agreement abridged an objecting employee's freedom of speech when the union used his dues to support political causes. The only grievance of the dissenting employee for which the Supreme Court fashioned a remedy in that case was his charge that the Railway Labor Act did not authorize the expenditures.⁴⁰ The dissenting lawyer, on the other hand, objects to his forced identification with a state bar association which engages in legislative activity of which he disapproves.⁴¹ If this forced identification violates his freedom of speech, is not the appropriate remedy to sever the identification by requiring the unified bar to cease its legislative activity or by permitting the dissenting lawyer to resign from membership? The scope of the judicial remedy still remains a major uncertainty in the wake of the *Lathrop* and *Street* decisions.

Lathrop v. Donohue should warn lawyers that a unified bar may face First Amendment restrictions on its activities. Many lawyers of this state may not take kindly to the activities of their new "union" and may hamper its operation by seeking judicial relief. Whether a lawyer can obtain judicial relief against unified bar activities other than its legislative program is a further uncertainty following the *Lathrop* decision. Trayton Lathrop found his forced identification with the Wisconsin State Bar's legislative program objectionable, but other lawyers may find objectionable the legal aid, public relations, or unauthorized practice programs of the state bar. There has certainly been sharp disagreement within the legal profession about bar association sponsorship of neighborhood law offices funded primarily by the Office of Economic Opportunity. A lawyer who disagrees with unified bar's position in these areas seems equally as deserving of relief under the first amendment as one who objects to its stand on legislation.

Apart from those imposed by the first amendment, there may be other restrictions on the operation of a unified bar. The Wisconsin Supreme Court has held that the State Bar Rules and By-laws authorized the State Bar to support or oppose legislation related to the administration of justice, court reform, and legal practice. That court has warned that it

will exercise its inherent power to take remedial action should the State Bar engage in activity not authorized by the rules and by-laws and not in keeping with the stated objectives for which it was created. If the lawyers of this state wish by group action to engage in legislative activities not so authorized they will have to do so within the framework of some voluntary association, and not the State Bar.⁴²

The Maryland State Bar Association, as a voluntary organization, faces no similar court restriction at this time, and has broad legislative programs in many substantive areas of the law.

40. *Id.* at 771.

41. A dissenting employee covered by a union shop agreement may also raise this point, but the majority opinion in *Street* did not find it necessary to pass upon it.

42. *Lathrop v. Donohue*, 10 Wis. 2d 230, 102 N.W.2d 404, 409-10 (1960), *aff'd*, 367 U.S. 820 (1961).

Since Wisconsin integrated its bar in 1956, only Georgia has added its name to the list of states with unified bars. The movement for bar unification thus seems to be slowing down. Until the constitutional issue is settled, bar unification seems an unwise course for Maryland. It may carry its price in the form of restrictions on bar activities and may not fulfill the hopes of its proponents of a more active and influential role for the State Bar Association.