ger any doubt that the First and Fourteenth Amendments protect certain forms of orderly group activity."[612] This decision was followed in three cases in which the Court held that labor unions enjoyed First Amendment protection in assisting their members in pursuing their legal remedies to recover for injuries and other actions. In the first case, the union advised members to seek legal advice before settling injury claims and recommended particular attorneys;[613] in the second the union retained attorneys on a salaried basis to represent members;[614] in the third, the union recommended certain attorneys whose fee would not exceed a specified percentage of the recovery.[615] Justice Black wrote: "[T]he First Amendment guarantees of free speech, petition, and assembly give railroad workers the rights to cooperate in helping and advising one another in asserting their rights. . . ."[616]

Thus, a right to associate to further political and social views is protected against unreasonable burdening,[617] but the evolution of this right in recent years has passed far beyond the relatively narrow contexts in which it was born.

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[612] 371 U.S. at 429–30. *Button* was applied in *In re* Primus, 436 U.S. 412 (1978), in which the Court found foreclosed by the First and Fourteenth Amendments the discipline visited upon a volunteer lawyer for the American Civil Liberties Union who had solicited someone to use the ACLU to bring suit to contest the sterilization of Medicaid recipients. Both the NAACP and the ACLU were organizations that engaged in extensive litigation as well as lobbying and educational activities, all of which were means of political expression. "[T]he efficacy of litigation as a means of advancing the cause of civil liberties often depends on the ability to make legal assistance available to suitable litigants." Id. at 431. "[C]ollective activity undertaken to obtain meaningful access to the courts is a fundamental right within the protection of the First Amendment." Id. at 426. However, ordinary law practice for commercial ends is not given special protection. "A lawyer's procurement of remunerative employment is a subject only marginally affected with First Amendment concerns." Ohralik v. Ohio State Bar Ass'n, 436 U.S. 447, 459 (1978). *See also* Bates v. State Bar of Arizona, 433 U.S. 350, 376 n.32 (1977), and see the comparison of *Ohralik* and *Bates* in Tennessee Secondary School Athletic Ass'n v. Brentwood Academy, 551 U.S. 291, 296–98 (2007) ("solicitation ban was more akin to a conduct regulation than a speech restriction").

[613] Brotherhood of Railroad Trainmen v. Virginia, 377 U.S. 1 (1964).

[614] United Mine Workers v. Illinois State Bar Ass'n, 389 U.S. 217 (1967).

[615] United Transportation Union v. State Bar of Michigan, 401 U.S. 576 (1971).

[616] 401 U.S. at 578–79. These cases do not, however, stand for the proposition that individuals are always entitled to representation of counsel in administrative proceedings. *See* Walters v. National Ass'n of Radiation Survivors, 473 U.S. 305 (1985) (upholding limitation to $10 of fee that may be paid attorney in representing veterans' death or disability claims before VA).

[617] *E.g.*, NAACP v. Claiborne Hardware Co., 458 U.S. 886, 907–15 (1982) (concerted activities of group protesting racial bias); Healy v. James, 408 U.S. 169 (1972) (denial of official recognition to student organization by public college without justification abridged right of association). The right does not, however, protect the decision of entities not truly private to exclude minorities. Runyon v. McCrary, 427 U.S. 160, 175–76 (1976); Norwood v. Harrison, 413 U.S. 455, 469–70 (1973); Railway Mail Ass'n v. Corsi, 326 U.S. 88 (1945); Roberts v. United States Jaycees, 468 U.S. 609 (1984).