

BY MICHAEL J. FORD

Tipping Points & Tugs of War

Last fall, early in my sojourn from July 1 to June 30 as your president, Chief Justice Magnuson described Minnesota's courts as being at a "tipping point." Recently, one of my better-read partners suggested that the chief justice may have been referring to Malcolm Gladwell's book, *The Tipping Point: How Little Things Can Make a Big Difference* (Little, Brown & Company 2000). My even better-read spouse, a librarian by training and a book seller by vocation, explained to me that I may be one of the few people who has not read, noted, and taken to heart *The Tipping Point* and its explanation of how dramatic change can occur in society.

Expecting that there may be a few more like me who missed the possible literary allusion in the chief justice's remarks last fall, I borrowed a copy of this remarkable book and have to admit that there may be something to the notion that "tipping points" herald dramatic changes in society.

While I will leave it to the few of you reading these words who have not gotten into the concept to read the book, suffice it to say for the purposes of this column that the seminal idea outlined by the author is that "the best way to understand ... any number of the ... mysterious changes that mark everyday life is to think of them as epidemics. Ideas and products and messages and behaviors spread just like viruses do."

Much at Stake

The "tipping point" to which the chief justice referred may, in keeping

with this concept, have applied not just to the justice system but to Minnesota society as a whole. In other words, if we don't figure out the correct solution to any number of problems facing the courts and those who work within the legal system, that failure may and most likely will spill over into and affect society as a whole.

Consider the issues that the MSBA has addressed just this year, such as:

- Should a sales tax on legal services and increased fees for use of the court system be instituted to adequately fund the legal system, including the courts, public defense, legal services and city and county prosecutors?
- Which will be more of a hindrance to those seeking equal access to the court system, a sales tax on legal services or the imposition of increased fees?
- Should attorneys be expected to fund the public defense function by paying an additional fee as part of the attorney registration fee?
- How should judges in Minnesota be selected, elected and retained?
- Should graduates of online law schools be allowed to sit and take the Minnesota bar exam?
- Should graduates of Minnesota law schools be exempted from the requirement of taking the Minnesota bar exam in order to practice law in Minnesota?
- Should deputy sheriffs be allowed to simultaneously practice law and serve in their official capacity?

How any one of these questions is answered has significant implications for us all and the ripple effects extend outward to all corners of society.

Keep on Tugging

As I write these words, the political class is not yet done with this year's budget. Any number of unfortunate events may yet play out as the legislature

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and the governor struggle with how to fund that which needs funding without wrecking society in the process.

In times like these I am reminded of something my mother once told me was the secret to a well-spent life. She described life as a tug-of-war in which each of us has a place on the rope of life. The secret, she said, is to simply keep tugging on your part of the rope.

I would like to thank the officers, the Council, the Assembly, and all the other members of the Association who this year kept on tugging. ▲



Michael J. Ford is president of the Minnesota State Bar Association. A shareholder in the law firm of Quinlivan & Hughes, PA, St. Cloud, Minnesota, he is a graduate of St. John's University and received his JD from the William Mitchell College of Law. He concentrates his practice in the areas of civil litigation, insurance coverage, employment and government liability, and land use and general casualty law.

