

I had sleepless nights over trifles. It just wasn't right that the law should not concern itself with trifles. It seemed so arbitrary and unfair that, of all the desserts available for consumption, some high-minded judge somewhere decided, for no obvious reason, to home in on one of my favourites. Why couldn't the law adopt the same attitude to lumpy custard or spotted dick (which has far more menacing connotations)?

And it means, for all time, that if anyone were to choke on a trifle, or assault or – worse – murder another man with a trifle, there would be no remedy because the court would undoubtedly strike out the case, as it would if an unpaid trifle manufacturer wanted to sue for the price that in good faith he had charged for a container load of trifles.

Each one of these unfortunates would be met with the same response. You know how judges are:

petulant squeak when you are down to the last ten. That squeak should also induce a little echo underneath the piles of detritus that fill the average office desk drawer – the squeak of staples in a box waiting to serve you. The corollary to a staple-less stapler is not being able to find a refill, or if you do – one that does the job. Hands up those



# Not to be trifled with

once they get a bee in their bonnet (or wig) you cannot budge them. They sit there with their elbows on the bench, their lips pursed and ready to say: "We cannot hear you because we do not concern ourselves with trifles."

Over the years several brave litigants have no doubt tried to circumvent the decisions. There must be stacks of unreported cases on doughnuts, fruit tarts and blancmanges.

## All the small things

It could be that judges in their wisdom were trying to say that the law did not concern itself with little things; but if they had meant that I am sure they would have said so rather than make our mouths water from thoughts of the more tasty desserts.

But the law (and lawyers) most definitely do concern themselves with little things – the ones that always intervene when you are in a hurry, under pressure and facing a deadline. Like:

■ The stapler. You would have thought that after many decades those who occupy stapler design centres would have devised a way of telling you when your stapler has nearly run out of staples. Microchip technology should be able to send a

of you who have found a strip of staples at the back of the drawer (making love to a paperclip that has to be prised away from its amorous activities) only to insert it (we have stopped discussing love making by the way) and have the stapler mash three staples together and seize up.

The resulting injury to your hand, caused by the pair of scissors you use to unjam the stapler, does not lighten your mood – especially when your blood drips onto the will you are about to send for probate. And you know that in a few weeks' time you will have to explain the bloodstains in an affidavit of plight and condition.

■ The hole punch. A helpful beep would also be useful just before the little plastic tray at the bottom is on the point of spraying the floor with dull confetti.

■ Lever arch files. It used to be said that cars had a built-in redundancy, developing big holes in their bodywork and self-destructing after two or three years. Now they don't. That is probably what is wrong with the British car industry. If only we made cars like we used to, then everyone would be compelled to buy new regularly to prevent worn-out shoe leather when feet go through the floor and drag along

the tarmac on the M25. A lever arch file is a far less sophisticated device than a Ford Popular; yet even with the gentlest handling I have seldom been able to make the prongs stay together for more than a few weeks. Is there any record of a lever arch file still functioning after a journey through the post?

## Gigabytes, printers and processors

Then there are the things that should behave because they are at the cutting-edge of technology, transforming and enhancing our lives in a way that was scarcely dreamed of a couple of decades ago.

■ Like printers. If they are so wonderful, why then does my printer decide randomly to print letters in a mirror image? It once produced a three-page rant to a difficult firm of solicitors. It took a lot of willpower to prevent myself signing backwards and sending it off.

■ And finally there is the bloody computer, sitting there full of gigabytes, rams, roms and processors that work with the speed of greased lightning which, when the moon is full or the day has a 'y' in it, suddenly sulks

and sniggers at me when I try to make it do anything, pretending instead that it is overloaded and trying to contemplate the meaning of a dream it had last night. The more urgent the task, the slower it gets.

It is the small things that count and the law should be concerned with them just as much as phone hacking and murders.

So where does that leave us with the trifle? Unless the law can be sufficiently flexible with the little things, like sullen staplers, horrendous hole punches and loathsome lever arch files, then it will never be respected when addressing the important issues of treacle sponges, banana fritters and knickerbocker glories. Until that time comes, nobody will get their just desserts.

PS I know the phrase technically is 'just deserts' but I plead the well-known latin maxim *de minimis non curat liber sollicitoris* (which loosely translated means that *Solicitors Journal* does not give a damn about trifle because it prefers pavlova).



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