

# Threshy

(May 2023)

In 1957 there was in the excellent movie [Desk Set](#) (*Ctrl+Click to open in another tab*) a fictional machine called **EMERAC** ("Electromagnetic **M**emory and **R**earch **A**rithmetical **C**alculator"), nicknamed "**Emmy**", a powerful early generation computer (referred to then as an "*electronic brain*").

In 2022 there was a virtual machine aptly named (by me) **AISERT** ("**A**utomatic Internet **S**earch **E**ngine **R**esults **T**hresher"), nicknamed "**Threshy**", also called by some quite misleadingly, although also quite pedantically, "**AI**", for "*Artificial Intelligence*", or "*Non-Natural Silliness*" (**NS**) by another commentator (me).

*Note: as per the dictionary of the English language, a thresher is a farm machine for separating seeds or grain from the husks and straw.*

One example of such a device is allegedly infamous, abominable [ChatGPT](#) (*Ctrl+Click to open in another tab*) which some critics accuse of being some evil design to throw billions of hard-working laborers out onto the pavement (as were perhaps scribes in 1450 upon the invention of the printing press, or washerwomen upon the appearance of the washing machine).

Others scream to high heaven that the contraption does not always return the absolute truth, and as such **must** be banned or at least severely regulated by no other than themselves, as if we were not well aware that no information in the world can be trusted blindfolded, and that there is no such thing as absolute truth. Don't we aspire instead to the thorough study of conflicting opinions, provided they be supported by facts and reason? However, can we trust the intellectual honesty of the outright suppression of one opinion only because its detractors happen to control the levers of government?

Or are they reasoning by comparison with professionals such as politicians, attorneys, judges, engineers, journalists, scientists, philosophers, strategists, physicians, and other innumerable specialists and members of the elite professions who, like His Holiness the Pontiff of the Roman Catholic Church and Vicar of Christ, are indubitably infallible and therefore cannot ever err, let alone utter a fabricated falsehood?

Thinking of it, one shouldn't be too surprised by the uproar, though, since **Threshy** is likely to make a number of such professionals quite rapidly rather redundant.

Big-Endians and Small-Endians alike, heed this: by Decree of the Emperor of Lilliput all boiled eggs must be broken on the smaller end, and by Decree of the Emperor of Blefuscu all boiled eggs must be broken on the larger end.

The next pages address the differences between topics such as "*work product*" and "*privileged material*", with closing remarks at the bottom.

### **PREAMBLE:**

My legal opponents have consistently denied in their pleadings my countless demands for any evidence in support of their mendacious and absurd accusations, their objection being on each occasion: "*Work product*". My own comments in opposition to such a futile pretext were unheeded.

### **EXAMINATION OF THE MATTER**

Upon asking **Threshy** a few legal questions regarding the concepts of "*work product*" and "*privileged material*" one receives from her within only a second or two the following enlightening answers:

#### **1. Question: difference between WORK PRODUCT and PRIVILEGED MATERIAL**

##### **Threshy's answer:**

"Work product" and "privileged material" are two distinct legal concepts used in the context of litigation and legal proceedings. Here's a brief explanation of each term:

##### **Work Product:**

Work product refers to materials or documents created by an attorney or their team in preparation for litigation. It includes the attorney's notes, research, strategy, and any other materials generated during the course of their work on a case. Work product is generally protected from disclosure to the opposing party, as it is considered essential for attorneys to be able to prepare their cases effectively without fear of revealing their strategies or thought processes.

Work product is classified into two categories:

- a. Ordinary Work Product: This category includes materials that are created in the ordinary course of an attorney's work, such as notes, memoranda, drafts, and summaries. While it is generally protected from disclosure, there are certain circumstances where the

opposing party can obtain access to it by showing a substantial need and inability to obtain the information elsewhere.

b. Opinion Work Product: This category includes an attorney's mental impressions, opinions, conclusions, and legal theories. Opinion work product is afforded greater protection and is generally not discoverable by the opposing party unless there are exceptional circumstances.

#### Privileged Material:

Privileged material refers to confidential communications between certain individuals and their attorneys, which are protected from disclosure. The purpose of the privilege is to encourage open and honest communication between clients and their attorneys, allowing clients to seek legal advice without fear of their discussions being used against them in court.

Common types of privileges include attorney-client privilege and the attorney work-product privilege. These privileges vary in scope and application depending on the jurisdiction, but generally, they protect communications made in confidence between a client and their attorney for the purpose of seeking legal advice or representation.

Privileged material typically covers oral and written communications, including emails, letters, and conversations between the client and their attorney. However, it's important to note that not all communications between a client and an attorney are privileged, as there are exceptions to the privilege, such as when the communication is made in the presence of third parties or is made with the intention of furthering a crime or fraud.

In summary, work product refers to materials created by attorneys during litigation preparation, while privileged material encompasses confidential communications between a client and their attorney. Both concepts serve to protect information from being disclosed in legal proceedings, but they cover different types of materials and have different scopes of protection.

## **2. Question: how is work product called in Australia**

### **Threshy's answer:**

In Australia, the concept similar to work product in the United States is often referred to as "legal professional privilege" (LPP) or "client legal privilege." Legal professional privilege is a fundamental principle of law

that protects confidential communications between a lawyer and their client from being disclosed without the client's consent.

Under Australian law, legal professional privilege applies to both written and oral communications between a lawyer and their client that are made in confidence for the purpose of seeking or providing legal advice, or in relation to actual or contemplated legal proceedings. This includes documents prepared by lawyers or their legal teams in anticipation of litigation or for the purpose of providing legal advice.

It's important to note that legal professional privilege in Australia is a common law principle, and its scope and application may vary depending on the specific circumstances and jurisdiction. It is advisable to consult with a legal professional in Australia for specific advice regarding legal professional privilege in a particular case or context.

**3. Question: can an attorney retain evidence in Australia because of client legal privilege**

**Threshy's answer:**

In Australia, the principle of client legal privilege does not typically allow an attorney to retain or withhold evidence solely on the basis of privilege. Client legal privilege protects the confidentiality of communications between a lawyer and their client, but it does not give the attorney the right to withhold or retain evidence that is relevant to legal proceedings.

If evidence is relevant to a case and is in the possession or control of an attorney, it is generally expected that the attorney will disclose that evidence in accordance with their legal and ethical obligations. The duty to disclose relevant evidence overrides the protection of client legal privilege.

However, there may be situations where an attorney can assert privilege over specific documents or information if they satisfy the requirements for client legal privilege. This would typically involve demonstrating that the document or communication falls within the scope of privileged communications and that the privilege has not been waived or otherwise overridden.

It's important to note that the specific rules and application of client legal privilege can vary depending on the jurisdiction in Australia and the nature of the legal proceedings. Therefore, it is advisable to seek advice from a

qualified legal professional in Australia for specific guidance on client legal privilege in a particular case.

**4. Question: can an attorney retain evidence in the United States because of work product privilege**

**Threshy's answer:**

In the United States, the work product privilege generally does not give attorneys the right to retain evidence solely based on work product protection. The work product doctrine is designed to protect the thought processes, strategies, and materials created by an attorney in anticipation of litigation.

Under the Federal Rules of Civil Procedure and corresponding state rules, there are two categories of work product:

Ordinary Work Product: This category includes materials prepared by an attorney or their team that are created in the ordinary course of litigation preparation, such as notes, summaries, and factual investigations. While these materials are protected from disclosure, the opposing party may be able to obtain them by demonstrating a substantial need and an inability to obtain the information elsewhere.

Opinion Work Product: This category encompasses an attorney's mental impressions, opinions, conclusions, and legal theories. Opinion work product is generally given greater protection and is not discoverable by the opposing party unless there are exceptional circumstances.

However, it's important to note that the work product privilege is not an absolute bar to discovery. Courts may still order disclosure of work product materials in certain situations, particularly if the requesting party can show a substantial need for the information and that it cannot be obtained through other means.

While attorneys may have control over the evidence during the course of litigation, they are generally obligated to comply with their ethical duties and legal obligations, which may include the duty to produce relevant and non-privileged evidence when required by the court or applicable rules.

It's important to consult with a qualified attorney in the United States for specific legal advice regarding work product privilege and the obligations surrounding the retention and disclosure of evidence in a particular case.

## CLOSING REMARKS

It is quite plausible that had my legal cases been examined by **Threshy** rather than by lazy professional dunces, I would have been vindicated in a jiffy and at very little cost to me and to the courts.

Also, it is quite reasonable to expect that had my deceitful legal opponents faced the certainty of having their frivolous attacks vetted by **Threshy**, rather than by lazy professional dunces, they would have thought twice before initiating their deluge of absurd and unmeritorious assaults.

Furthermore, **Threshy** would have immediately exposed that my opponents falsified and fabricated records which resulted in their escaping their legal and contractual obligation to pay me the one million dollars they unequivocally owe me, as per the clear acknowledgement of the U.S. District judge.