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29 Jun 2011 at 12:47 PM BREASTS, RIDICULOUSNESS, SEXISM

# Lawyer Withdraws His Motion Objecting To Breasts Of Opposing Counsel's Wife, But This Is Not Over

By ELIE MYSTAL

Thomas Gooch III strikes me as the kind of man who, upon finding himself in a hole, starts screaming for somebody to throw him down a shovel.

You'll remember Gooch as the guy who filed a [motion objecting to a woman](#) seated at opposing counsel's table. Well, more specifically, he objected to the breasts of a woman at opposing counsel's table.



It was a spurious claim from the start; Gooch didn't know anything about the woman, but because she had large boobs, Gooch felt like he could question her qualifications without any evidence whatsoever. But Gooch was really put in his place when opposing counsel, Dmitry Feofanov, revealed the the allegedly offensive breasts [belonged to his wife](#), Daniella Atencia.

Well, Gooch has dropped his motion. And the judge in the case (remember, there was a real trial going on here before the Gooch started mentally motorboating opposing counsel's wife) admonished him. And this could all be over with now.

If Gooch would just stop talking....

The Daily has [an update](#) on Gooch, Feofanov, Atencia, Atencia's breasts, and Atencia's dorky glasses that are almost big enough to function as a bra.

The judge in the case, Judge Anita Rivkin-Carothers, admonished both sides for these silly motions. (If you think Rivkin-Carothers is pissed now, wait until she figures out her Google Image footprint is permanently scarred with giant pictures of luscious cleavage.) Rivkin-Carothers's scolding reminds me of a parent who yells at both children because she can't be bothered to take two seconds to figure out who started it.

The Daily reports that Rivkin-Carothers was prepared to rule on the motion (likely against Gooch), but he withdrew it. End of story, right? Not quite. Here are the money lines from The Daily:

"Hell, I thought she was his daughter," said Gooch.

In a response filed last week, Gooch challenged Feofanov's contention that his motion to bar Atencia was sexist, saying

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## Streamline E-discovery with FTI

By ABOVE THE LAW

he was more concerned about the thinness of her legal qualifications than the sag of her neckline.

He told The Daily he would find a more effective way of making this case.

“First, I have to find out what legal training she has,” Gooch said, “and I think I know the answer: zero.” ■

Okay, there are three dumb things Gooch just said right there, and I bet he’s hoping we’re all too stupid to catch them.

Problem 1: “He was more concerned about the thinness of her legal qualifications than the sag of her neckline.” Well, that’s not what you said. No, in your original motion, you said: “Defendant’s counsel is anecdotally familiar with the tactics and theatrics of Plaintiff’s counsel, [redacted]. Such behavior includes having a large breasted woman sit next to him at counsel’s table during the course of the trial.”

You only became concerned about her legal qualifications *after* you — and so far there is no evidence that anybody other than Gooch even noticed this woman’s boobs — were distracted by her bosom. Arguably, Feofanov could have had a homeless person sitting next to him, and as long as she was flat chested Gooch would never have questioned her legal qualifications.

Problem 2: “First, I have to find out what legal training she has.” You should have done that before you filed your motion, pig. It’s supposed to go: evidence, argument, motion before the court. Not: boobies, ejaculation, OMG I should tell the judge about this.

Problem 3: “Hell, I thought she was his daughter.” You seem like a weak dude, Mr. Gooch. What kind of man writes a motion to the court complaining about the cleavage of another man’s daughter because she’s sitting next to him at trial. I surmise you were going for some kind of frat boy, “he’s old enough to be her father,” kind of joke. But this whole thing is making you look like a dirty old man much moreso than Feofanov.

Honestly Gooch, don’t file any more motions. Don’t do any more “research” into the vivacious Daniella Atencia. Leave this woman and her husband alone and just represent your client. Can you do that? Can you just represent your client and resist the urge to talk about opposing counsel’s martial relationship?

Because right now even the car dealership that Gooch is representing is looking way more classy than the lawyer they hired.

Jugs and Jury [The Daily]

**Earlier:** [Motion of the Day: No Law Against Having Big-Breasted Colleagues](#)  
[The Allegedly Distracting Breasts At Counsel Table: Guess Who They Belong To?](#)

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Tags: Boobs, Breasts, Cleavage, Daniella Atencia, Dmitry Feofanov, Judge Anita Rivkin-Carothers, Ridiculousness, Sexism, Thomas W. Gooch III, Trial, Trials



For many corporations and law firms, the legal review process is broken. Many organizations are stuck with a piecemeal approach. They use multiple vendors and service providers with grand hopes of reducing costs. But the strategy increases risk and induces skull-grinding project management headaches. Even worse, it reduces accountability, collaboration and cost predictability.

There is a smarter way, and it doesn’t even involve ibuprofen. Enter “Integrated Document Review,” a relatively new concept within the e discovery and document review industries. It is designed to align incentives correctly, to maximize the value of outside counsel’s work, and to create systemic efficiencies that overcome the limitations of piecemeal approaches, where costs are shifted but not reduced.

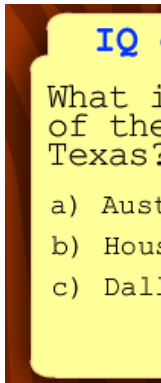
The essential element of a successful all-in-one review offering is the level of integration. Under the ideal approach, the integration of review services and technology should have three dimensions: First, integrate two or more vendors into one accountable provider. Second, integrate outside counsel’s role and guidance into your overall review process. And third, integrate review technology with your review processes and methodologies.

Acuity is the all-in-one legal review offering that streamlines e-discovery for both corporations and law firms. E-discovery experts Sophie Ross and Manfred Gabriel of **FTI Consulting** outlined the key components of **Acuity**, including a collaborative workflow and predictable pricing model, in this [webinar](#).

“Acuity has attracted corporations and law firms, many of them for repeat business, because of its value proposition: predictable pricing and defensible, integrated legal review from one reliable partner,” said Manfred Gabriel, managing director of FTI Technology.

In addition, Manfred Gabriel authored “[The End of Piecemealing – Improving Upon All-in-One Document Review Offerings](#),” a white paper to help counsel develop a better integrated document review plan.

FTI is a proud sponsor of the [2011 Legal Technology Leadership Summit](#). Thought leaders and decision makers will be attending the summit in September to



learn about and discuss the ever changing impact of technology on the legal world.

"We are pleased to participate in the 11th Annual Legal Technology Leadership Summit," said Gabriel. "This is an ideal forum for discussing the key methods helping Fortune 1000 and AMLAW 200 firms gain greater control and budget predictability over e-discovery."

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### The Asia Chronicles: Kinney's 42 (so far) 2011 Asia Placements of US associates in Law Firms

By KINNEY RECRUITING



[Ed. note: This post is authored by Evan Jowers and Robert Kinney of Kinney Recruiting, sponsor of the Asia Chronicles. Kinney has made more placements of U.S. associates and partners in Asia than any other firm in the past four years. You can reach them by email: asia at kinneyrecruiting dot com.]

Evan here. It has been a solid past few months for us in HK / China and Singapore. Here is a list of our very recent placements in 2011. We also are in the process now of making numerous additional Asia placements (outstanding offers with our candidate likely to accept). Further, please note that this list does not include the several in-house and partner level placements we have made in Asia this year. We also have represented numerous associates who had offers but transferred within their own firms to Asia. Even these situations are successes when they allow our candidates to make an informed decision.

\* - denotes 2 or more 2011 placements in the office

- Skadden – Hong Kong \*
- Milbank – Singapore\*
- Shearman – Beijing
- Morrison & Foerster – Hong Kong
- Davis Polk – Hong Kong\*
- Skadden – Shanghai
- Latham – Beijing
- Latham – Hong Kong\*

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