



**LEGALINK**  
INTERNATIONAL BUT PERSONAL

THE INTERVIEWS  
SERIES

#19

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**Pelin Baysal**

GÜN + PARTNERS

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AVUKATLIK BÜROSU



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**What is new in your firm? Is there any recent news you would like to mention?**

This year our firm steadily continues to expand, unlike other firms in Turkey. We are one of the largest firms in Turkey with 12 partners, 5 managing associates and over 50 associates. As a full-service institutional law firm with a strategic international vision, striving to deliver high quality legal services, we are internationally recognised among the top tier legal service providers. With the expansion of our services throughout Turkey, last year we opened an office in Izmir where one of our partners and one of our managing associates working with their teams there. We are based in Istanbul with working offices in Ankara and Izmir now, as well as correspondent offices in all major cities in Turkey.

This year, one of our managing associates promoted as being a partner in our Corporate & M&A and TMT department.

**Are there any projects you are working on that you would like to share with our members?**

Apart from the services that we regularly provide, there two important initiatives that we are currently leading. One of them is the Better Justice Association and other is the Istanbul Arbitration Association.

The Better Justice Association was established to reform the legal and administrative structure of the Turkish Republic, strengthening the state of the rule of law, reinforcing Turkish Judiciary and making positive effects on the business and social environment.

The Better Justice Association publishes and follows up policies on “the Proposal for the Establishment of a Higher Judicial Council Structure to Ensure the Independence of the Judiciary” and “Full and Frank Disclosure in the Turkish Civil Procedure”. The second aim is particularly important for the litigators in Turkey. Because it is not possible to force counterparties to submit the documents in their possession which are relevant to the case at hand. As it is a big obstacle in terms of burden of proof, we have been working hard on making the system similar to the UK system.

We also established and are currently leading the Istanbul Arbitration Association, and the aim of this association is to promote not only the Istanbul Arbitration Centre but also arbitration in general in Turkey. We have a very recent arbitration centre here in Turkey as it was established only three years ago. Since the workload of the courts is quite heavy and the litigation process would normally take several years, we definitely need an independent and impartial arbitration centre, which will be much more effective than the Turkish courts.

**Is there any in particularly interesting case you are/ were working on that you would like to share? What practice areas would you mention as leading practice areas in your firm?**

TMT has been a very hot topic here in Turkey for over a year. Turkey has finally adopted a legislation on data protection similar to the EU regulation and the GDPR. As the outcome of the regulation has both civil and criminal aspects, the companies started to pay close attention to comply with the concerned regulations and our TMT practice group has been rather busy with providing advice to ensure that necessary measures are put in place for protection of data.

Also, our arbitration and anticorruption practice group has been significantly busy with new engagements and cases. I have been leading our arbitration practice group and in 2017 and 2018 we were instructed with three large international arbitration cases, all are ICC arbitration and the venues are based in Zurich and Istanbul.

We are also quite active in the anticorruption and white-collar crimes matters. This year we have been involved in several investigations. For example, we supported an American leading law firm in terms of an FCPA investigation and for their presentation to Department of Justice. We carried out internal investigations with the Turkish subsidiary, interviewed current and some former employees. Besides, we interviewed some business partners and key opinion leaders in the sector which was very challenging because they are not culturally used to this kind of investigation. Therefore, we managed such relationship so that the interviewees are not offended but helpful in our investigation. We also carried out internal investigation about OFAC claims and reviewed the regulations about Iran embargos.

Let me also mention our insurance and reinsurance engagements. We regularly receive instructions from the London reinsurance market regarding high volume complex claims. Right now, we assist a London reinsurer group regarding two separate cases arising from bankers' blanket bonds policies, where the bank employees embezzle millions of euros with other perpetrators. These issues are very complex and have criminal and civil law aspects.

We are also working for the London reinsurers on a big recourse action regarding a dam failure in Turkey.

Last but not the least, this year we were instructed by a technology giant with respect to a massive global legal dispute. Our client was blamed for planned obsolescence of its products and this became a huge issue in the United States and entire Europe as well as China and Japan. We advise our client in Turkey with regards to this issue, particularly on consumer class action matters, criminal law issues and administrative aspects of the planned obsolescence.

**In terms of the cross-border work, what are the most relevant jurisdictions for your firm?**

Turkey's geographical position presents a significant advantage for investors seeking to spread their activities across Europe, Middle East and CIS countries. I can say that EU jurisdictions are the most important ones that we are mostly engaged with. UK is still a centre of financial and insurance market and we have quite a number of engagements coming from the UK but also, for historical reasons, Germany and Turkey are export / import countries and we have close contacts with Germany in terms if these exports matters too. I would name the entire Europe but the most specifically the UK and Germany.

### **Can you share an example of cross-border work with another Legalink member?**

We previously worked with Rittershaus regarding two small size share transfers. Also, we worked with Mishcon de Reya last year on an IT matter and this year we worked with Weightmans for an enforcement of an arbitration award, but this issue was not brought to the attention of the court as we managed to settle the matter out of the court. Apart from these engagements, we recently approached members of Legalink in Netherlands, Germany, Cyprus, Italy and Vietnam for a potential cooperation in relation to provision of general legal service in terms of employment, corporate, consumer and compliance matters. We have been asked by a potential client that wishes to obtain legal services in global. I hope that our offer will be accepted as it will be a good opportunity for us and also for the other members to have a fruitful collaboration.

### **As regards Legalink, are you happy about your firm's membership? What can we do better?**

We have been indeed very pleased with being a part of this valuable membership of Legalink. The network certainly provides us great opportunities to get to know each other and refer other firms to our clients with great confidence. It was very comforting for me to refer all these firms as a whole to my client since I am well aware of how experienced each of these firms are and how seriously they take their work.

I take part in committees of other associations as well and I have been a member of IBA for more than seven years. The more these associations get bigger, the more they

start the loose the sincerity and it becomes difficult to reach people and finally you cannot develop the relationship. Unlike the other associations, I think Legalink succeeds to provide a better opportunity for members to learn about the other firms' experiences and their competences. The network became just like a family but it is also a community of people who take their job very seriously with great proficiency.

The recent development of setting up the Legalink Academy and a more active social media presence are also great success. These will ultimately help to increase the attorney communication and contact between the firms.

To see more people involved in the practice groups and more information shared through website about the firms as well as these kinds of interviews might be useful to know about the firms and their areas of expertise and it would help the firms to pick the right one and be in contact directly when there is a need.

### **What is your favourite thing to do in your spare time?**

I used to travel and cook a lot. But now I spend most of my spare time with my five years old son at home and parks. He is very interested in planes and trains and we mostly make plane visits to technical museums around Europe.

## **Thank you very much!**

### **Pelin Baysal**