



## Okan Demirkan

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Okan Demirkan is a partner at Kolcuoğlu Demirkan Koçaklı Attorneys at Law where he leads the Firm's Dispute Resolution, Energy and Infrastructure as well as Ethics and Compliance practices. He has been strategically involved in all legal and regulatory matters of many pipelines, including the BTC and TANAP transit pipeline projects. He has advised on major natural gas sale and import projects as well as a number of electricity generation facility projects.

In an interview with Okan Demirkan, partner at Kolcuoğlu Demirkan Koçaklı Attorneys at Law, The Legal Industry Reviews explores his unique journey to becoming a lawyer, from early aspirations of becoming an ambassador to discovering a passion for dispute resolution and energy law.

### **Could you please tell us about your journey to becoming a lawyer? Was it something that you always wanted to do?**

Becoming a lawyer was not my aspiration until my late high school years. In my younger years I wished to study international relations and become an ambassador for Turkey. Spending my entire childhood abroad due to my father's job, I liked the idea of representing Turkey at a diplomatic level. This was in the mid-1990s, when Turkey was facing serious human rights related allegations and, spending my childhood abroad, I emotionally felt that the allegations were very unfair. I wanted to play a role in defeating those claims.

When my family moved to the Netherlands in 1995 and I attended the International Baccalaureate program in my last two years of high school, our career counsellor told me about opportunities in public international law (his name was Mr. Roeleveld, I should send him a copy of this interview and thank him). The idea fascinated me.

At the time, I had heard about the internet but had never used it. There was no “Google search” that would tell me what a public international lawyer did. I spent a few days in the school's library, reading about various international law concepts. I enjoyed doing that research, by myself in the library, and realized that studying law would enable me to represent various countries in disputes as well as negotiations, which seemed very exciting. Ironically, in my 23 years of practice I have still never represented a state, nor do I practice public international law, but I am very happy to have chosen this path in life. I do not see it simply as a career path; it is a life path and I am thoroughly enjoying the journey.

**When did you decide to go down the path of dispute resolution? What was the crossroad in your life?**

Dispute Resolution was exactly what I wanted to do, the moment I decided to study law. However, at Sussex University I enjoyed Commercial Law and Competition Law more than I enjoyed other subjects, which caused me to change my mind (apparently not for too long).

In 2000, I fell in love with the incredible vibe of Turkey and decided to move back to Istanbul, instead of pursuing a career in England or elsewhere. At the time, I was among a handful of law graduates in Turkey that were fluent in the English language. I did my traineeship at Hergüner, where we were extensively working on telecommunications projects, privatizations and energy projects. My English skills came in handy in those projects, and that was probably why the firm placed me in the Transactions team. I spent a few years gaining experience in M&A deals, project financings and projects.

Although I was part of the Transactions team, in 2001 one of the firm's seniors asked me to translate a claim notice. That was my first task in a dispute matter. After that translation, they kept me working on the file and I found myself spending more time on that arbitration than anything else. Funnily, that happened to be the first ever arbitration in the firm and we hardly knew what we were doing. I even recall my seniors asking me to call my friends in the UK and the US, to ask how we should perform a cross-examination, because we just did not have the experience. Despite the lack of experience, the team did not do bad at all and received a very favorable award. I was the lucky junior associate preparing all pleadings, working with the expert witnesses and fact witnesses, and organizing the questions for the cross examinations. I even spent two full days and two full nights at the photocopy shop, preparing precisely eight copies of every single exhibit; and there were more than 270 of them in our statement of claim. I simply loved

the pressure and challenge in that arbitration. The process of crafting arguments to convince a tribunal that our client was right, gave me great pleasure. That pleasure has never diminished, even by a little, throughout the last two decades. I am very lucky to have worked with the wonderful people I worked with, and to have had the opportunity to become involved in the projects and disputes I worked on, at such an early time of my life.

**Did you have any person in your life who inspired and motivated you to go into dispute resolution? Was there somebody who inspired you and told you, "Mr Demirkan, it is going to be interesting, it is going to be adventurous"?**

Nobody specifically motivated me to pursue Dispute Resolution. On the contrary, my seniors and partners thought I should make better use of my English skills, practicing M&A. Although I did deviate away from M&A, to this date I have remained active in the field of Energy.

To be honest, I think I motivated myself to be a Disputes Resolution lawyer. I was 26 when I flew back to Istanbul from a five-day hearing in Vienna, where I had probably less than a total of five hours of sleep throughout the five days, but I still felt very exhilarated, because the hearing had gone really well. That was life, telling me that this path was going to be adventurous.

Having said all this, I was very fortunate to work with some very inspiring lawyers. Naming all of them would be impossible and I would hate to inadvertently omit anyone. However, I certainly would not have enjoyed the last 23 years without the mentorship of Mr. Ümit Hergüner and Miss İtir Sevim Çiftçi. I learned a great deal from them, both professionally and personally.

There were actually two more people who motivated me to be "adventurous": One was Mr. Aydın Caginalp. I met this gentleman for two



hours. This was in 1999 and I was doing a summer internship in a New York law firm called Baer Marks & Upham. A friend of my father asked me to contact Mr. Caginalp, a Turkish man who had moved to the US in his younger years and became a partner at the law firm known as Walter, Conston, Alexander & Green, Conston, Alexander & Green. This was a man in his late 40s or early 50s at the time, and he was humble enough to meet with a 19-year old law school student for two hours, to advise him on his career path. He probably does not remember me now, but he was the one who told me that with my personality and career aspirations, Istanbul might be a better fit, compared to the likes of London and New York. He said, "You seem to enjoy being a bigger fish than others, and you want that fast. New York is already an ocean of very big fish, but if you start in Istanbul you might grow with Istanbul, as it becomes a very large sea." Until he said this, I had not thought much about starting a career in Istanbul.

One other name I cannot go without mentioning is the late Dr. Üzeyir Garih. He was kind enough to meet with my father to discuss his ideas for what I could do after graduation. While they were having that discussion, he apparently told my father that I was mature enough to talk about this directly, immediately picked up his phone and called me while I was sleeping in the morning, in my student apartment in Brighton. I was shocked to receive a direct call from one of the most successful businessmen in Turkey, and got off of my bed and stood up straight out of respect, as if he was standing there in front of me. He immediately said, "If you come to Turkey you will be one of the very few lawyers who can speak and draft in English, you will be unique, and this country is booming, so do consider coming back." To me, this was more than advice; with the respect I had for this man his words were the path I must follow.

**You have been the pivotal figure in many lawyers' careers, increasing the momentum of their career progression. What was the pivotal moment in your career in dispute resolution? How did that affect your career?**

I do not know which colleagues were kind enough to comment that I may have contributed to their careers in any way. This is very flattering and rewarding. I am grateful.



For me, every lawyer I worked with was a great part of the journey, each one of them have positively contributed to the pleasure I have had so far.

To be honest, I cannot think of any particularly pivotal moments. I see this as a journey and every moment of it was valuable.

**You have participated in many arbitration cases. Could you please tell us briefly about the most unforgettable case you have participated in?**

Well, I cannot forget any of these cases, they all have unforgettable moments. Perhaps for me personally, the most critical one was a case where we represented a municipality against a consortium of infrastructure companies. This was in 2006. The dispute arose from a PPP project. The infrastructure companies claimed more than USD 700 million. They were represented by one of world's leading law firms and had a very strong and well-known arbitration team. We, on the other hand, resembled a Rocky Balboa standing up against Apollo Creed (this is exactly how we described it at the time).

Two days before the hearing, one of my colleagues and I flew to Vienna, just to see the hearing room

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and organize any logistics that might be needed. When we arrived at the hearing room, our opposing counsel were already there, rehearsing their opening statement, with a team of more than ten lawyers, secretaries and even IT staff. Our team was formed of merely five lawyers, that was all. I called our partners and asked to "beef up the team", so we brought one more partner and one secretary to help us with the files. The secretary we brought was caught by surprise, we chose her because she was the only one that had a Schengen visa and we wanted to appear crowded against our American opposing counsel team.

On the first day of the hearing, our partner in charge started presenting our arguments on the first claim item, but he stopped after a few minutes and whispered to me that his blood pressure was down and could not continue, so asked me to take over for a while. I was only 26 at the time, had not done any oral presentation before a tribunal. I resumed our presentation, which ended up not being for a just a while but for the next four days. Now, while answering this question, I have a smile on my face because it made me recall how much I enjoyed that week!

I will not mention the name of the opposing counsel's leading lawyer, but I can tell you that even today I would feel very nervous in leading a case against her and her team. She was and still is among the best in the world. I feel privileged to have been her opposing counsel, at a time when I was just a senior associate. That case and the feelings I enjoyed at the time, I will never forget.

**Your expertise in energy law is also well-known. Can you tell us how you first got involved in energy law? Was this always a field you were interested in pursuing?**

The first energy project I was involved in was the Baku-Tbilisi-Ceyhan Crude Oil Pipeline project. This

was a ground-breaking project in the early 2000s, so much so that special laws were enacted specifically for what became Turkey's first transit oil pipeline. In those times, the project was mentioned in the newspapers everyday, and was even the pipeline which the villains wanted to blow up in the famous James Bond film: The World is Not Enough. I worked on this project (not the James Bond film) for ten years, starting with the Host Government Agreement's translation all the way to the project's financial closing. I learned a lot from this project, representing the project company before the authorities in Ankara and later on negotiating the financial closing in London. It was thanks to this project that I became confident in oil and gas import and transit matters.

Between 2000 and 2004 I was also involved in several electricity generation projects. These were among Turkey's first BO and BOT projects. I was a junior associate at the time and had the privilege of experiencing these projects firsthand, with the great team at Hergüner.

Yes, I really enjoy energy projects. If I were to name the three matters I most enjoyed in the past 23 years, the TANAP Project would certainly be one of them. We had recently established Kolcuoğlu Demirkan Koçaklı, in our early 30s and we were lucky enough to be retained in this exciting project. It was a wonderful experience.

**What is the best piece of advice you've ever received? In addition, is there any candid advice or insight that you can offer to assist those who are entering the field, deciding whether to enter the field or already are in the field of dispute resolution?**

The best advice I received was from my father: You can never experience everything on your own. Observe others and learn from their mistakes, without having to suffer the same consequences.

The extent to which I have succeeded in following that advice is questionable, but I think this was the best advice I received.

What would be my advice to younger lawyers? I think it would be to develop active listening skills. I have come to learn that in the practice of law, actively listening to the client and the counterparty provides a substantial advantage for thinking about the right argument or answer. We lawyers must certainly be great talkers, but to make the right speech we must first learn to listen properly.

**If we were to consider dispute resolution as a battlefield, what metaphorical weapons do you believe any lawyer needs to succeed in this field, and why?**

Please let me change the metaphor: I believe we lawyers should see Dispute Resolution like the game of tennis. We should know the fundamentals of the law (hold the racket right); actively listen to the counterparty (watch the opponent and receive their shot); answer with the relevant facts and rules (shoot back with the right power and direction); display confidence towards the client and the opposing counsel; work well with your team and the client (acknowledge that although you are holding the racket, there is a team of great people that put you on that court); do "all" for the client within the boundaries of written and unwritten rules of the procedure

(sweat till you drop, but respect the umpire, the game and the opponent) and finally shake hands with the opponent, before celebrating the win or learning from the loss.

**You are also known for clarity of your legal writing. Do you have any advice for young lawyers, willing to strengthen their written advocacy skills?**

I am surprised by this question. Who might have spoken about my legal writing? Yes, I do pay huge importance to clarity. Whether I am successful at it is another question. The feedback I like most from clients is, "That was clear advice, thank you."

My advice would be to stick to what is relevant, draft with short sentences, avoid fancy words and follow the IRAC rule. In the firm I have a two-hour training video on legal writing skills, I am happy to share it with anyone interested.

**You have enjoyed a very distinguished career so far. What would you like to achieve that you have not yet accomplished?**

This is certainly not something I can single-handedly accomplish, but I would really like to see Turkish law firms spread outside of the country. We Turkish lawyers should have more to offer in terms of law firm management and service provision, instead of limiting ourselves to the Istanbul, Ankara and Izmir markets. Personally, I would really like it if we become the first





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Turkish law firm with substantial presences in London, New York, Paris, Dubai and other cities.

### **How do you avoid stress, and how to get rid of it? Do you have any hobbies?**

I cannot say I manage to fully avoid stress. To tell you that I am successful in managing my stress would be a lie. After 23 years of practice, I still stress over work and client satisfaction. However, the fact I have come to accept is that I actually enjoy the pressure.

In terms of hobbies, I spend some time flying my drone once in a while, particularly during our travels. I like taking photos and videos with the drone. I work out three times a week and play tennis once or twice a week. On Sundays I spend a few hours in our study, reading my weekly non-legal journals and magazines. Each night before I go to sleep I read 25-30 pages of a book on my Kindle. Just recently I finished "Stolen Focus" by Johan Harri, I would strongly recommend it to all professionals, parents and what they nowadays call "Gen-Zs". For young professionals I would recommend, "How to Win Friends and Influence People" by Dale Carnegie. Another author I like is Marshall Goldsmith, I learn a lot from his books.

As all my friends know, I am a big fan of Galatasaray. I go to most games at our home stadium, with great friends and colleagues. Galatasaray has been a passion for me since my childhood. I even wear the team jersey during our travels sometimes (my wife hates that). We travel quite often, preferably to places we have not been before and we like to taste different kinds of food.

Generally speaking I have a monkey appetite. I was curious in martial arts for a while and practiced wing chun for a few years. Running was a major part of my life for some time, I also took photography classes and have a few certificates in wine-tasting. I like new experiences, so if you ask me again in a few years my answers might change a little.

Since my son's birth, he has been the joy of my life, along with my life partner and wife Neriman. Just last night the three of us went out for a walk by the Bosphorus shore and watched the full moon rise. Seeing my son smile is what I enjoy most. I forget about all the work-related stress when I build legos

with him, go out with him on Saturday mornings and watch him run at a park. Likewise, having a couple of glasses of wine with Neriman gives me great joy, I am a very lucky family man.

### **What are you most proud of?**

The answer to this question is simple. I am most proud of having built the team I am part of now. We have a very confident, ambitious but equally respectful and cohesive team at Kolcuoğlu Demirkan Koçaklı. I feel very privileged, knowing that they are going to be much more successful than I have been in this profession.

### **How would your team describe you?**

I am not sure, but they probably see me as an ambitious, determined, sometimes emotional and passionate human being. Some of them might think of me as a generally short-tempered, but those who have worked with me long enough know that I calm down quite swiftly after a few passionately expressed gestures.

I "hope" they think of me as a person with values. I am quite confident that they know that I genuinely respect them.

### **What is your motto?**

My immediate reflex to this question is "What's the motto with you?". Lion King fans could relate. Having said that, being the person I am, my motto is certainly not hakuna matata.

In fact, I never had a specific motto. I just wanted and still want to achieve the best I could. I never needed a motto to motivate myself at any time. My drive has always been my heartbeat.

