

TOP FIVE MISTAKES MADE BY TURKISH ATTORNEYS WHEN DOING BUSINESS WITH AMERICANS

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As the legal marketplace becomes progressively more competitive, it is more important than ever to truly understand your clients' business culture and adapt accordingly. Being knowledgeable and hardworking is no longer sufficient to ensure success. Are you making any of these common mistakes?

1. Saying you practice in too many diverse areas of law — The most highly paid and well regarded attorneys in the U.S. are those who are experts in a very specific area of law. Generalists are not afforded much respect in the U.S. legal environment. If my grandmother wants to make a will she may go to the lawyer down the street who does estate planning, tort claims, commercial contracts, and minor criminal defense. However, large companies want to know that they are going to THE expert on a subject; and if one lawyer practices in too many areas they will assume that he is not truly an expert in any of them.

2. Making plans at the last minute — In Turkey it is common to schedule meetings only a day or two in advance. Whereas in the U.S. meetings are often planned two or three weeks ahead. Being busy is often seen as a sign of a person's importance. Thus, assuming that someone will be available to meet with you at the last minute may be seen as rude. If you are going to New York or London for meetings, it would be wise to start scheduling meetings a month in advance.

3. Writing unclear legal memos — I have edited memos for Turkish law firms and I have noticed that many memos do not give clear answers to the question presented. American attorneys will not expect a Turkish attorney's English to be perfect. However, the information conveyed in a memo should be clear. The standard memo format used universally in the U.S. is called IRAC, which stands for Issue, Rule, Application, Conclusion. A legal memo is not creative writing. It is supposed to be concise, clear, and easy to read. Following this format keeps the writing clear and focused.

Turkish law on a particular issue may not be well established or the statute may seem to be saying one thing while courts have actually

ruled in a way that seems contradictory. In the U.S. as well there are numerous aspects of the law which are inconsistent or unclear. The important thing is to state clearly the ways in which a law or policy may be ambiguous. An American company may not be happy to hear that the answer to their question is not black and white, but they are accustomed to such responses from their own attorneys. As long as you explain precisely what is known and what is not known and why the final answer is unclear, this will be considered a perfectly acceptable response. Knowing what you don't know is important. Without a clear understanding of what is known or not known, it is impossible to evaluate risk.

4. Insufficient use of “*please*” and “*thank you*” — A Turkish attorney commented to me that Americans say “*thank you*” even when you haven't done anything for them. “*Please*” and “*thank you*” are used less frequently in Turkish than in English. In Turkish you have different ways of communicating politeness, but when communicating in English I recommend using “*please*” and “*thank you*” far more than you would ordinarily. At the end of a meeting you can thank someone for his time. At the beginning of an email you can thank a person for responding so quickly. When in doubt just thank a person for their assistance.

5. Being unable to adequately respond to questions about conflict checks — Before hiring a new attorney or taking on a new client, American firms must check for conflicts of interest. I recently worked with a Turkish associate who represented one side of a dispute while working at one firm but then changed jobs and ended up working for the opposing side of the same case. In the U.S. this would be considered a very serious violation of professional ethics. Large international firms have sophisticated software systems to track potential conflicts, all of which must be resolved before accepting a new client or taking on a new matter. Due to the size of Turkish firms, this is less frequently an issue here. However, an American firm would be much more comfortable working with you if you can assure them that you have some sort of system in place for doing a conflicts check.