

Dan Kayne O Shaped

The former Network Rail GC Dan Kayne talks about the existential problems with the legal sector that led him to become the founder of O Shaped

Some people go into law with dreams of changing the world, but for Dan Kayne that came much later.

In fact, he admits he fell into the profession almost by accident. 'I honestly went to university to do a law degree not really knowing why,

He started with a focus on disputes – of which there were plenty. His daily dealings covered issues ranging from commercial and supply chain disputes to health and safety and property concerns. Over time, he became more integrated with the business

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except that it was clearly a very good degree to have. Then I started applying for training contracts, like many of my peers did, towards the end of my time at law school and I got a series of interviews down in London.'

Liverpool born and bred, Kayne had not spent much time in London before starting his training contract at Titmuss Sainer as it was then (now Dechert). 'I'd love to tell you that it was much more sophisticated and part of a grand five-year plan, but I got lucky! I didn't have a plan and I certainly didn't have a particular passion for the law through university, but I fell into it.'

He qualified into the disputes practice where he spent five years post-qualification, but as is the case with many who end up in-house, he found himself more invested in the client's long-term goals than the technical advice. 'It was obvious that I was a bit of a square peg in a round hole. I was never technically the most gifted of lawyers. I was perfectly capable, but certainly not to the extent of the people around me, who were so much more passionate about the black-letter law and were really driven when it came to the research and the technical side, whereas I was much more interested in the relationship with the client.'

Even then, he saw issues in the way private practice lawyers interacted with their clients. 'I felt very strongly at the time that there was too much of a focus on what the firm and the lawyers were trying to do without really a full appreciation of what it meant for the client.'

He made the leap in-house in 2007 when he joined Network Rail as senior legal counsel.

and his role expanded to include a variety of work, including transactions.

In 2012, as Kayne was starting to get jittery about his progression opportunities in-house, the arrival of group general counsel (GC) Suzanne Wise at Network Rail refreshed his enthusiasm for the role. 'It really started to shift how I viewed my role in-house. With her came much more of the modern-day general counsel approach, which was business partnering and that really aligned with my thinking. I went from just doing the day-to-day stuff to thinking that the business partnering was something I could really get my teeth into.'

In 2015, he was seconded for a year into the central operations of the business as a programme manager tasked with implementing a programme looking at structural change across the organisation. 'That was a game changer for me because it took me out of my comfort zone. It introduced me to a completely new way of working with very clear targets and very clear milestones. I learned so much – not only personally but also by recognising just how distant the legal team was from where the business was going.'

When he returned to the legal function as GC for the regions, he brought this new perspective with him. Now with 25 lawyers under his command and a national remit, he was determined to drive the change he wanted to see. 'As much as I loved working with them while I was on secondment, as I knew they were great lawyers and great people, they were completely divorced from the reality of what was going on in the business. I came back

in with a very different mindset, and this is where my people-first approach came from, supported both by Suzanne Wise and her deputy, Stuart Kelly.'

He credits Kelly, who became group GC in 2017, with making this possible. 'That relationship was critical because he gave me the time and the space and the support to go and do what I could do best. He was a huge part of my success at Network Rail – having that support from leadership is critical.'

One of the challenges that he faced was finding law firm partners that shared his collaborative and people-first approach. And with his first law firm panel review came his first 'light bulb moment' towards establishing O Shaped. 'What firms were doing in focusing on the law and technical aspects wasn't really ingratiating them to our business or to us as a legal team. I thought we'd be in a better place if we moved away from the traditional mentality of in-house legal trying to drive down the fee levels as much as possible, while expecting the same quality of service, and law firms seeing how they can maximise profits.'

'I wanted to take a much more transparent approach to how we worked, starting with understanding what each other wanted from the relationship. The priority for us as a client is a great service, and the priority for the firm is hitting profitability targets. I recognised that while they might create a tension, those two things are not mutually exclusive, but we would need to work much more closely together to enable that.'

The second epiphany for O Shaped came while he was recruiting for his team in 2019. 'The human-centric approach had been focused on how we had gained success and real traction within the business, so I needed to bring in people that I felt would add to that and enhance that, but I just wasn't seeing it through the interview process. Candidates seemed so focused on what they could do from a technical perspective whereas I wanted to learn much more about them as people and what they

At a glance

Dan Kayne

Career

1999-2006	Trainee, then associate and senior associate, Dechert
2007-15	Senior legal counsel, Network Rail
2015-16	Programme manager, Network Rail
2016-22	General counsel (Routes), Network Rail
2019-present	Founder, O Shaped

could do to take our business forward. I always adopted the mentality of “hire for attitude and train for skill”. In fact while discussing this dilemma with Kelly, he first coined the phrase “O-shaped lawyer”.

‘From then it started snowballing. In the next few years, I started to engage with my peers and GCs and it was obvious from the interviews and the growing interest from the in-house community that clients felt really strongly about O Shaped and its people-first principles. We started looking at how we train and develop our people to enable them to have the right skillsets so that they can thrive.’

Through these interviews, he expanded on the five ‘O-shaped principles’ (being open minded, optimistic, making and taking on opportunities, taking ownership and being original) into 12 actionable attributes.

Now O Shaped is working towards the unenviable task of ‘making the legal profession better for those who use it, those who are in it and those who are entering it’. It aims to do this by partnering with educators, in-house and private practice legal teams to teach and demand these attributes. Since its launch as O Shaped Lawyer in 2019, the initiative has been used by in-house legal teams at large corporates – such as Santander and easyJet – both to drive internal training and in law firm panel reviews. On the education side, it has partnered with BPP, BARBRI, the College of Legal Practice as well as Damar Training, which provides a legal apprenticeship programme.

LB100 firm Brown Jacobson became the first law firm to partner with the initiative in May this year, but Kayne admits that he has a long way to go when it comes to penetrating the enduring culture cultivated by billable hours and financial goals in private practice. ‘I don’t think that firms have recognised the need to do things differently when it comes to their people. When you look at the profitability levels of the law firms over the last couple of years, it’s easy to understand why they see no need to pivot at all. If your incentives and measures of success are purely financial, then law firms are incredibly successful. But what we’re trying to do with O Shaped is much more of a long-term sustainable approach putting people front and centre to create a profession that is measured on all-round health, not just financial success. If you look after your people, they will look after your clients and the revenue will follow. That is surely a win-win!’

However, as the choice of law firms broadens, he also warns that there will come a time when firms cannot just rest on tradition. ‘The in-house world has many more options for external legal advice now than it did a decade ago. If we assume that many of the big firms can do the legal work and the technical work as a given, what are the differentiators that in-house are going to be starting to look for? Much of it comes down to the relationships that



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they can create, the people that they’re going to be working with and how well those firms are investing in understanding their business and creating value for their business.’

For Kayne and O Shaped, the long-term goal is to narrow the gap between legal education, private practice and in-house teams, a bugbear that has followed him throughout his career. ‘We’re operating as a series of islands, whereas we should be operating as an ecosystem, and that is to the detriment of all parts of that system. O Shaped has really started to bring together those different parts to create a much more cohesive ecosystem. That’s critical if we’re going to have success in overcoming some of the significant challenges we have, such as: wellbeing, talent attraction and retention, DEI, ESG and purpose more broadly.’

Kayne left Network Rail in August this year to focus full-time on O Shaped. Now with the

intention to grow the team, he has bullish goals of changing the legal market. He also makes it clear that this ambition does not stop with the UK: ‘I have some fabulous messages from people all around the world about what we’re doing, and it’s heart-warming but it also says to me that we’ve got to look bigger than simply the UK, where we’ve started the light burning. There’s a real appetite and need for this in other major jurisdictions as well. So really, long term, we want to ask: what impact can we have more broadly on a global basis?’



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