

barkergilmore

2020



General Counsel
SUCCESSION REPORT

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Introduction

Succession to a General Counsel role is a critical accomplishment for many legal professionals. However, little research exists to understand the path to position attainment from those that have achieved the role of General Counsel. This research report aims to contribute to this conversation by delving into the path sitting General Counsel have taken and the professional development they have received.

We hope that legal professionals will be able to use the insights from this report to evaluate where they stand in their own career goals and personal development.

Succession Services

Clients engage BarkerGilmore to assist with their succession needs, including the following.

Executive Search

Corporate leaders may need to recruit talent outside the organization or benchmark internal talent against what is available in the marketplace. BarkerGilmore's search consultants are recognized as industry experts for recruiting General Counsel and succession candidates.

Leadership Development

Senior in-house counsel may aspire to succeed the General Counsel but lack the gravitas or skills necessary to be viewed as a strategic advisor by the C-suite and board. In other situations, new or experienced General Counsel may want to improve their leadership, effectiveness, or relationships in some way. BarkerGilmore's distinguished former General Counsel are highly sought after due to their unique ability to provide executive coaching, mentoring, and advising simultaneously, which has proven to accelerate success.

Succession Consulting

Organizations may want to increase the probability of having an internal successor by grooming multiple in-house counsel leaders for the General Counsel role. BarkerGilmore provides a suite of services, including assessing, coaching, and creating development plans for these high caliber succession candidates.

To learn more about these services, contact us at (877) 571-5047 or via our website BarkerGilmore.com.

Key Succession Insights

These highlights include General Counsel who were promoted from within and those recruited from outside the organization.

Coaching

- Fifty-six percent of promoted General Counsel report having hired an executive coach. Promoted General Counsel that previously hired an executive coach were more likely to be promoted from within (50%) than those that had not hired an executive coach (26%). Seventy-one percent found the coaching to be extremely valuable (37%) or valuable (34%).
- Twenty-two percent of recruited General Counsel reported having hired an executive coach in the past. Eighty-three percent of recruited General Counsel rated the value of the coaching as extremely valuable (37%) or valuable (46%).

Development

- Promoted General Counsel were developed by their organization in a mix of experiences prior to the promotion. Sixty-three percent had an expanded scope of responsibility. Increased C-suite and board exposure (53%), leadership training (39%), and stretch assignments (37%) were also experienced by many promoted General Counsel.
- Recruited General Counsel received very similar development opportunities as promoted General Counsel at their previous employer. Expanded scope of responsibilities (51%), increased C-suite and board exposure (44%), leadership training (35%), and stretch assignments (29%) were the top reported development opportunities.

Promoted General Counsel Previous Experience

- Sixty-six percent of promoted General Counsel were made aware of their potential successor status by management within a year or less of the promotion. Twenty-two percent served as an interim General Counsel.
- Nineteen percent of outgoing General Counsel stayed within the organization in some capacity after their successor was promoted. Of those General Counsel who stayed on, 67% of them stayed on for over a year. The majority of promoted General Counsel whose predecessor stayed on in some capacity, post-promotion, felt that the outgoing General Counsel's impact made their job easier (53%). The outgoing General Counsel was less likely to stay when an external replacement was hired (9%). If they did stay on, again, it was likely (53%) they stayed on for a year or more. Recruited General Counsel were less likely to feel the outgoing General Counsel staying on in some capacity made their job easier (33%).

Recruited General Counsel Previous Experience

- Twenty-seven percent of recruited General Counsel learned about their role from an executive recruiter, followed closely by 25% that were contacted by a friend or colleague, and 21% who were recruited directly by the company.
- Sixty-five percent of recruited General Counsel had previous experience in the same industry as their new role. Of those that did not have experience in their current role's industry, most work in the Industrial & Manufacturing (38%), Technology (23%), or Consumer (17%) sectors. Those with prior industry experience were most likely to work in the Healthcare and Life Sciences (30%) sector.
- The majority of recruited General Counsel that were previously at a privately held company stayed at a privately held company (64%), but 27% did move to a publicly traded company. Those previously at a publicly traded company were slightly more likely to stay at a publicly traded company (53%), yet 43% moved to a privately held company.

Survey Methodology & Data Analysis

BarkerGilmore conducted an online survey in July 2020 to investigate the path legal counsel take to become senior legal leaders at the General Counsel level. The questionnaire had several logic paths based on the respondent's previous answers. It was sent to a random sample of in-house counsel at various levels of seniority within different sized public and private organizations across the United States. Two reminder e-mails were sent after the initial request to participate. A total of 532 surveys were fully completed: 241 by General Counsel and Chief Legal Officers and 291 by Aspiring General Counsel.

Only surveys that were completed from start to finish were included in this analysis. Data was analyzed in Microsoft Excel using pivot tables. Responses that indicated they were not currently General Counsel, but aspire to do so, will be included in a separate report: Aspiring General Counsel.

Confidentiality

BarkerGilmore takes protecting the privacy of those who participated in our succession survey seriously, since confidentiality is the cornerstone of our business. The information provided by survey respondents remains anonymous and will not be shared with anyone.

Survey Respondent Demographics

Seventy percent of survey respondents were General Counsel and 30% were Chief Legal Officers [Figure 1.1]. For the remainder of the survey, General Counsel and Chief Legal Officers will be referred to as General Counsel, unless otherwise noted.

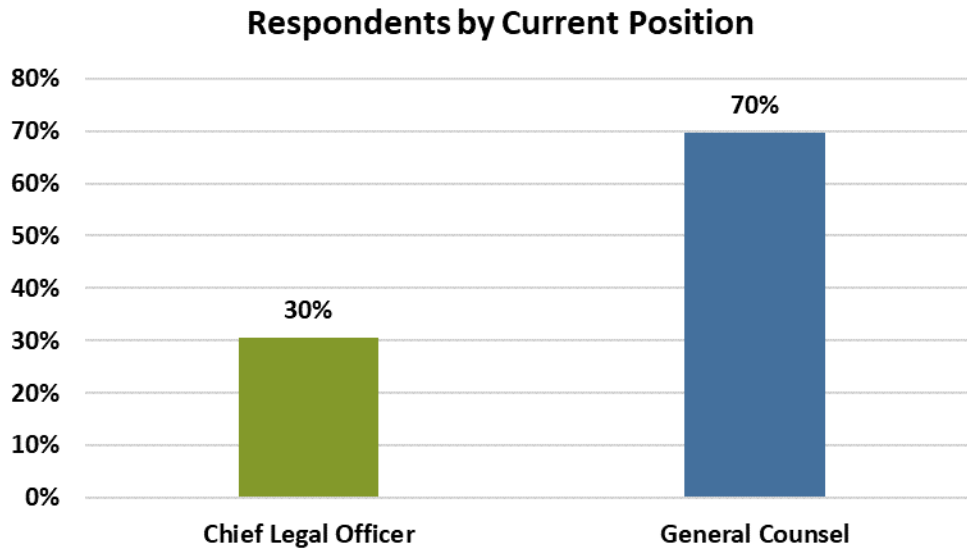


Figure 1.1 Respondent Distribution by Current Position, %

General Counsel respondents were most likely to have completed their JD between 1990-1999 (48%) and 2000-2005 (25%) [Figure 1.2].

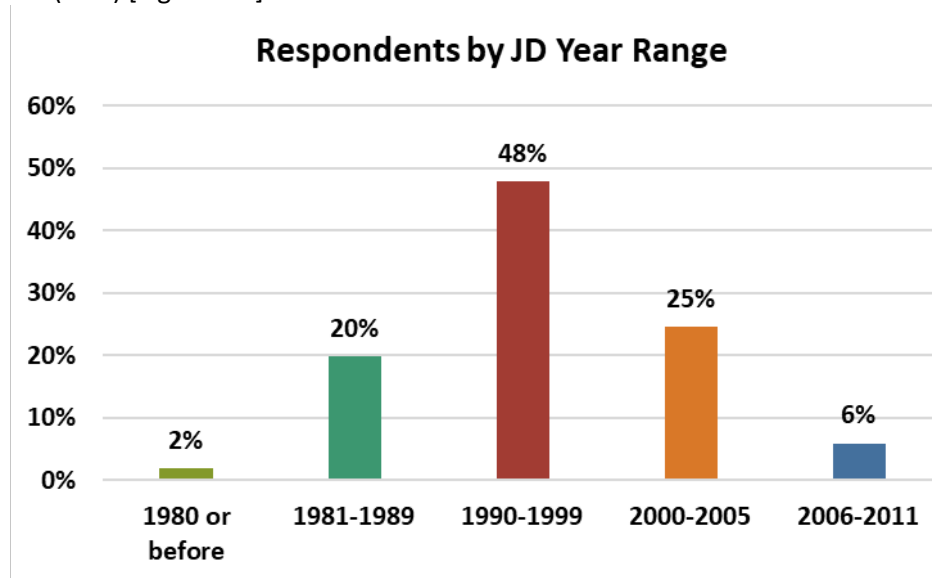


Figure 1.2 Respondent Distribution by JD Year Range, %

Most General Counsel (51%) have between 1 and 5 total reports or between 6 and 10 (30%) [Figure 1.3]. Eleven percent of General Counsel do not have any total reports. It is not common for General Counsel to have more than 11 total reports.

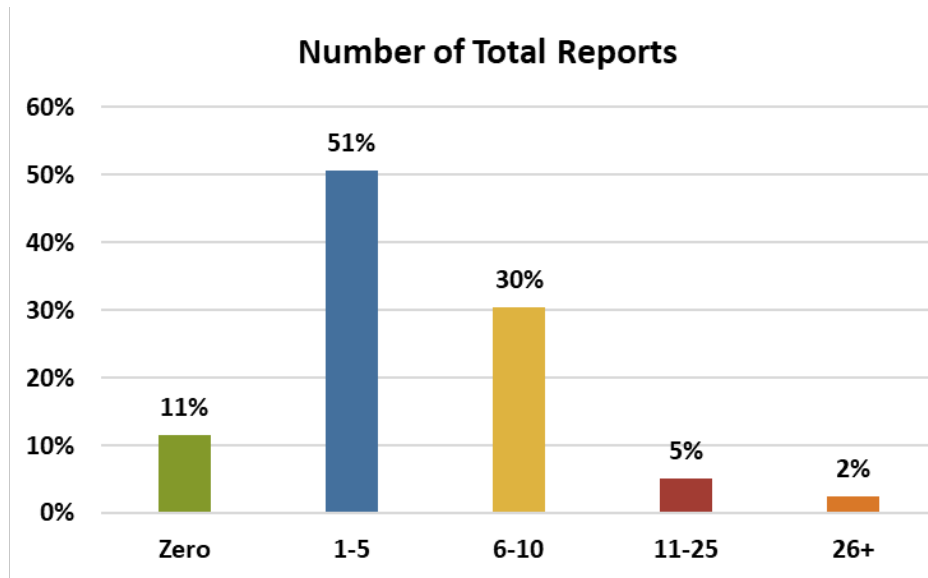


Figure 1.3 Respondent Distribution by Total Reports, %

Forty-seven percent of General Counsel were from privately held companies, followed by 41% at publicly traded companies.

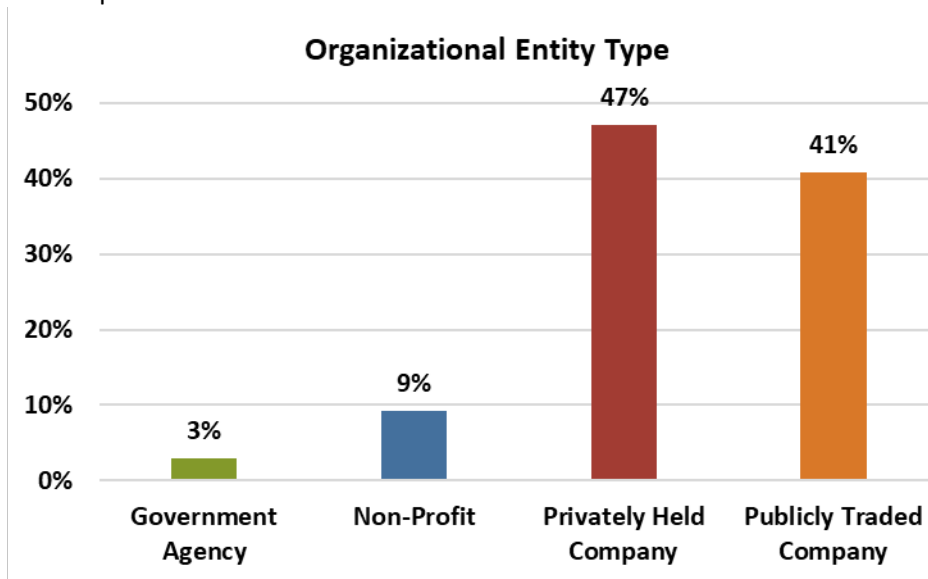


Figure 1.4 Respondent Distribution by Organizational Entity Type, %

Most respondents represent the Healthcare or Life Sciences sector (22%), followed closely by Industrial and Manufacturing (20%) and Technology (17%).

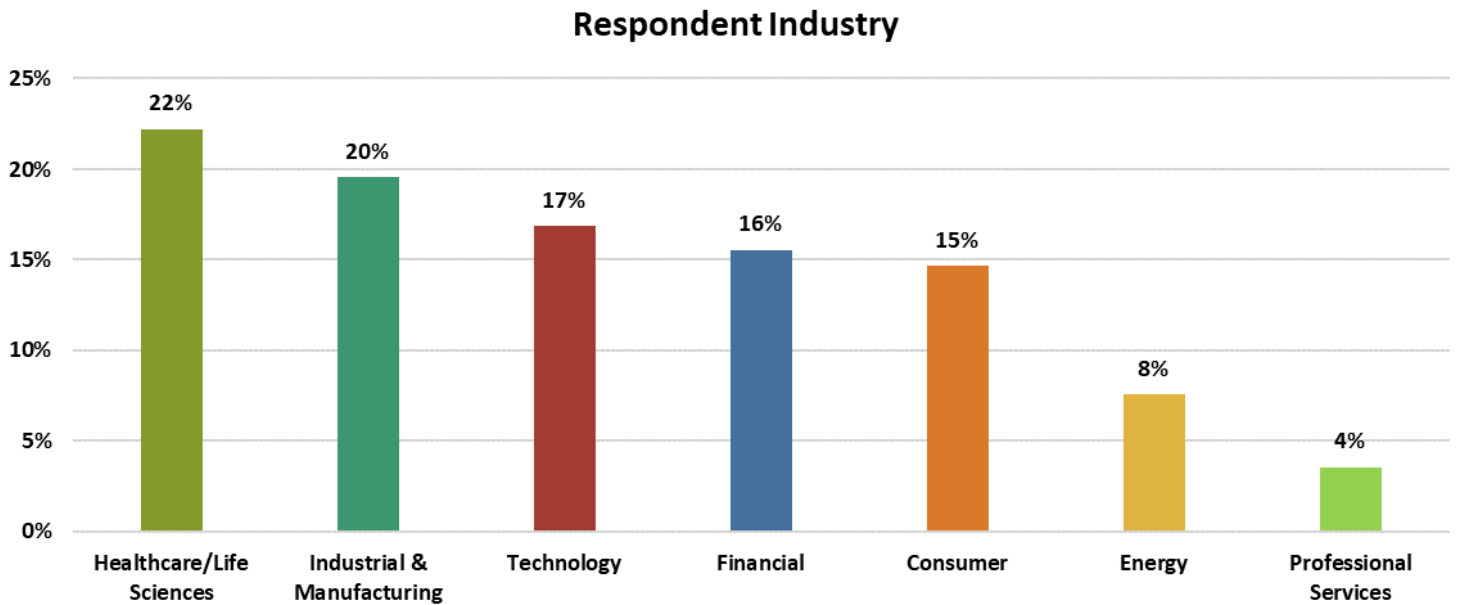


Figure 1.5 Respondent Distribution by Industry, %

The General Counsel is most likely to report to the Chief Executive Officer (89%). Those with no reports account for most respondents that do not report to the CEO. While 62% of General Counsel with no reports do report to the CEO, 17% report to the Chief Administrative Officer/Chief Operating Officer and 15% report to the Chief Financial Officer.

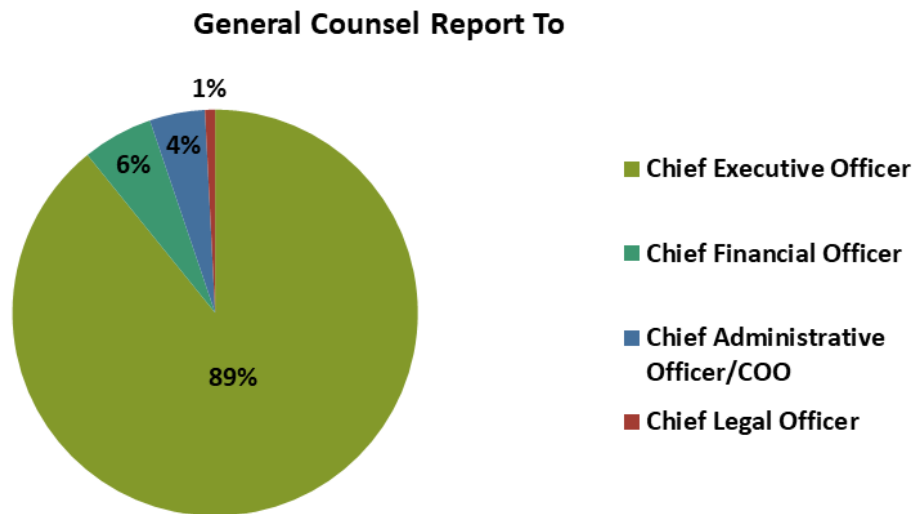


Figure 1.6 Respondent Distribution by Report To, %

Sixty-four percent of General Counsel respondents identified as male and 36% as female.

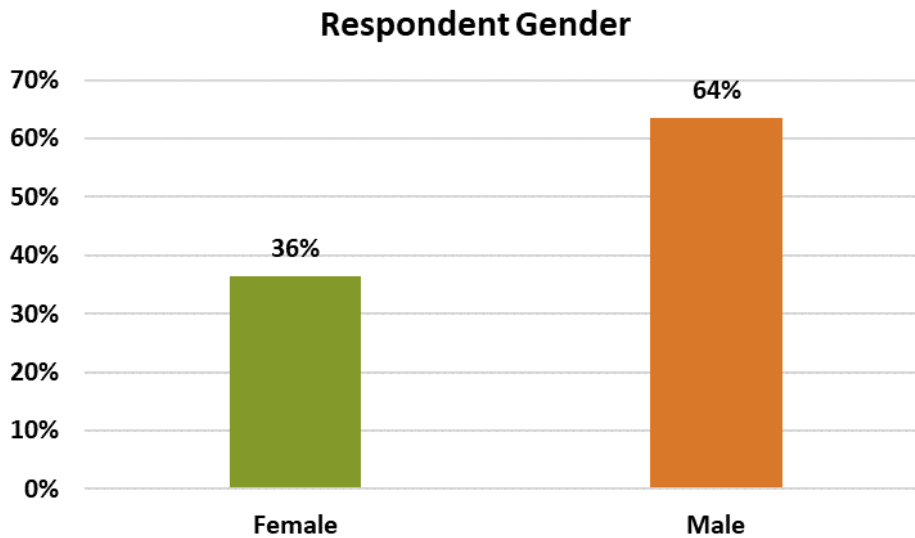


Figure 1.7 Respondent Distribution by Gender, %

Eighty-two percent of General Counsel respondents identified as White or Caucasian, 8% as Asian or Asian American, 4% as Black or African American, 4% as Hispanic or Latino, and 2% as another race.

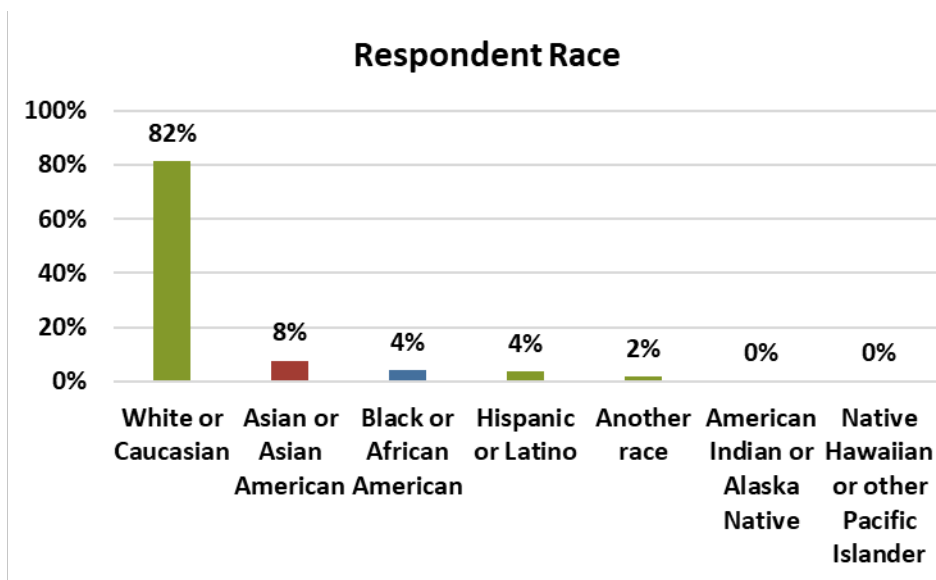


Figure 1.8 Respondent Distribution by Race, %

Promoted vs. Recruited Insights

Sixty-seven percent of General Counsel were recruited externally for their current role. Women were slightly less likely to be promoted from within than their male counterparts, 29% versus 34%. Additionally, General Counsel that received their JD most recently, between 2006-2011, were the most likely to be promoted from within (47%). General Counsel with a JD Year range of 1980 or before were more likely to be recruited externally (80%). JD Year ranges between 1981 and 2005 remained consistent in their likelihood of promotion and recruitment to the overall response.

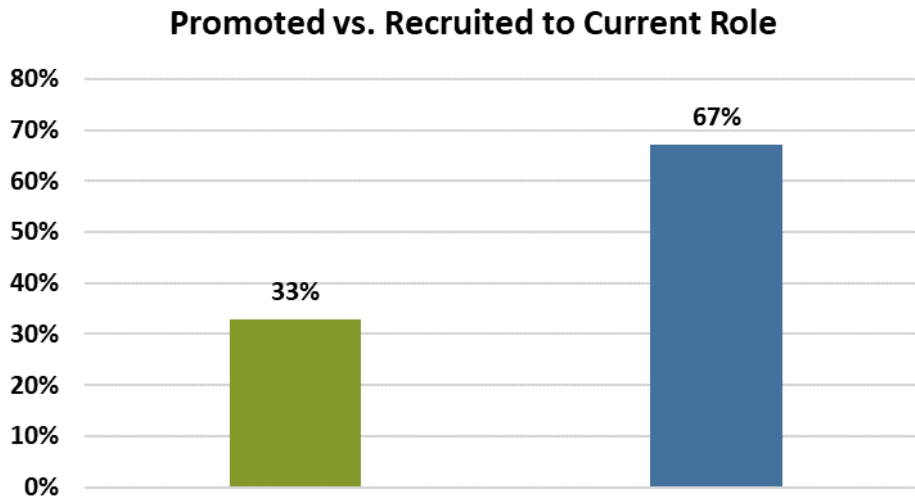


Figure 2.1 Respondent Distribution by Promoted vs. Recruited to Current Role, %

Prior to their current position, most recruited General Counsel were previously in a General Counsel role (55%). Of those appointed from within their organization, most were Deputy General Counsel (30%) or Associate General Counsel (22%) before succession.

| Figure 2.2 Previous Position by Succession Method | Promoted from Within | Recruited Externally | Overall General Counsel |
|--|-----------------------------|-----------------------------|--------------------------------|
| General Counsel/Chief Legal Officer | 11% | 55% | 41% |
| Deputy General Counsel | 30% | 6% | 14% |
| Associate General Counsel | 22% | 9% | 13% |
| Senior Counsel | 14% | 13% | 13% |
| Assistant General Counsel | 10% | 5% | 7% |
| Division General Counsel | 4% | 6% | 5% |
| Partner | 0% | 5% | 3% |
| Regional General Counsel | 3% | 2% | 2% |
| Vice-President Legal | 4% | 0% | 1% |
| Chief Compliance Officer | 1% | 1% | 1% |

Promoted Insights

Prior to Promotion

Promoted General Counsel held their prior position for disparate lengths of time. Most held their prior position for 3-5 years (35%), followed closely by 6-10 years (33%) and 2 years or less (29%).

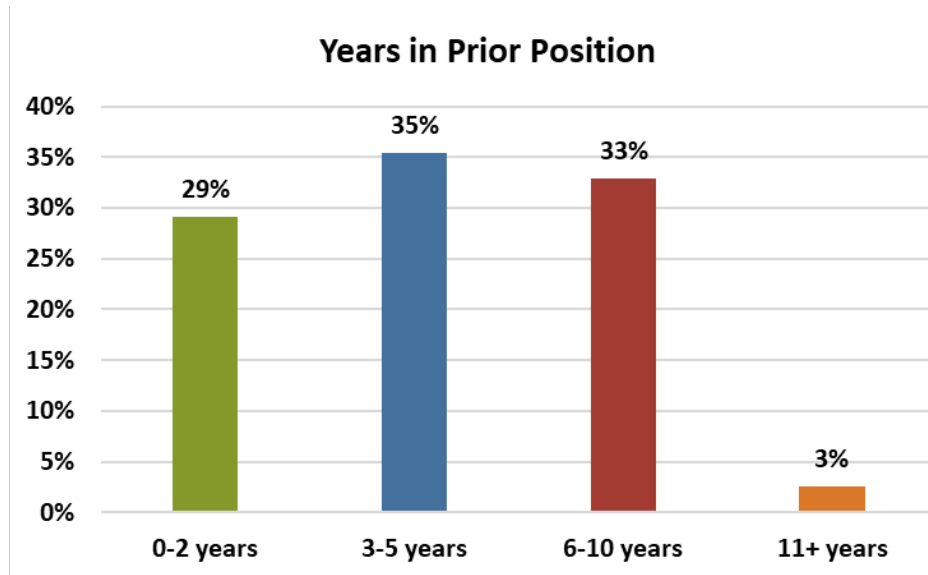


Figure 3.1 Promoted Respondent Distribution of Years in Prior Position, %

Sixty-six percent were made aware of their potential successor status by management.

Management Made Aware of Successor Status

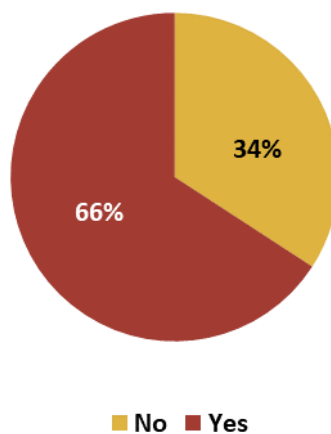


Figure 3.2 Promoted Respondent Distribution of Successor Status by Management, %

Most promoted General Counsel were made aware of their successor status within a year or less of the promotion.

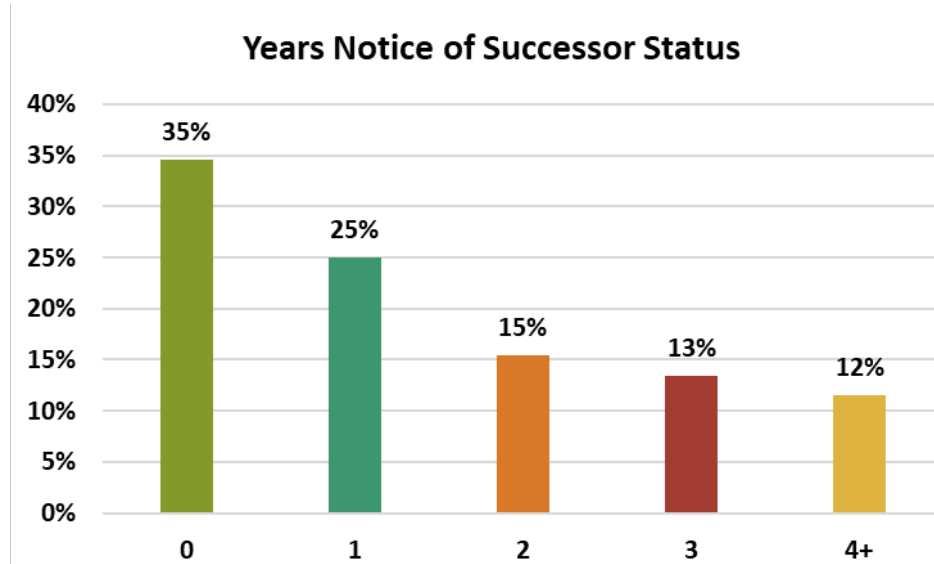


Figure 3.3 Promoted Respondent Distribution Years Notice of Successor Status, %

Only 22% of promoted General Counsel served as Interim General Counsel prior to their promotion.

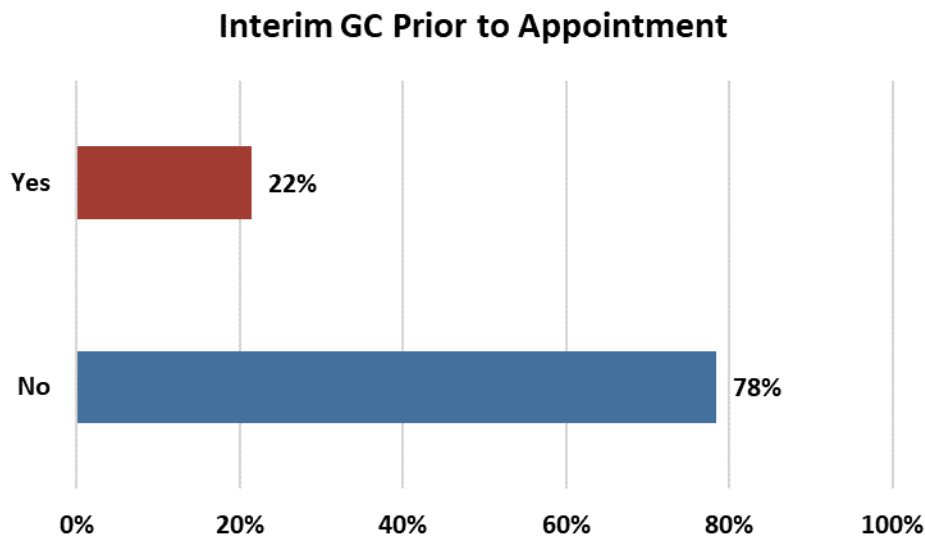


Figure 3.4 Promoted Respondent Distribution of Interim GC Status Prior to Appointment, %

Sixty-one percent of promoted General Counsel were not up against any competition for their role. A total 25% of organizations also interviewed some combination of internal and external candidates.

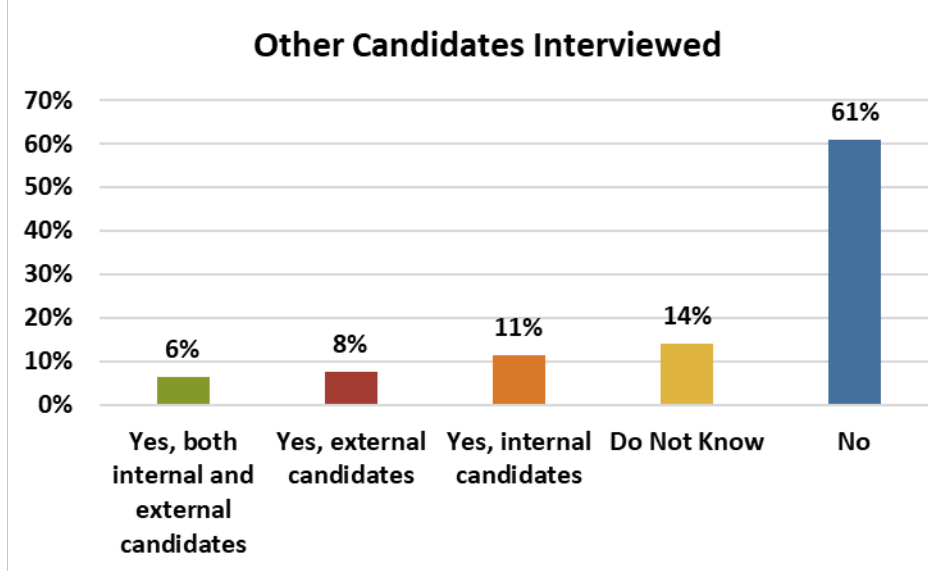


Figure 3.5 Promoted Respondent Distribution of Other Candidates Interviewed, %

Of the internal candidates that also interviewed for the General Counsel role, 71% of them remained in the organization after their peer's promotion.

Internal Candidates Stay/Depart

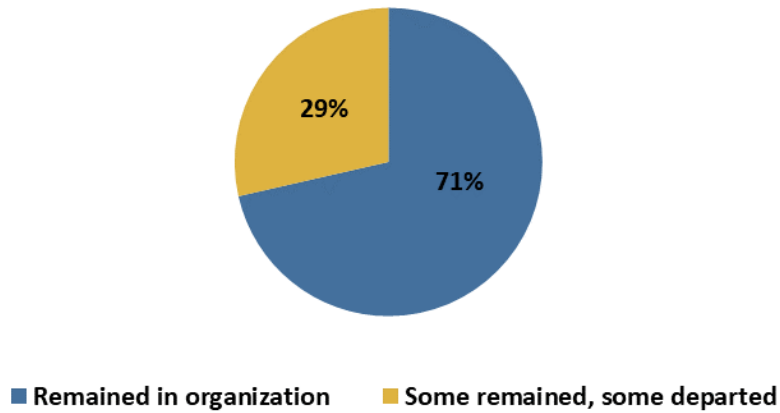


Figure 3.6 Promoted Respondent Distribution of Internal Candidates Stay/Depart, %

Post Promotion

Nineteen percent of outgoing General Counsel stayed within the organization in some capacity after their successor was promoted.

Outgoing GC/CLO Stay

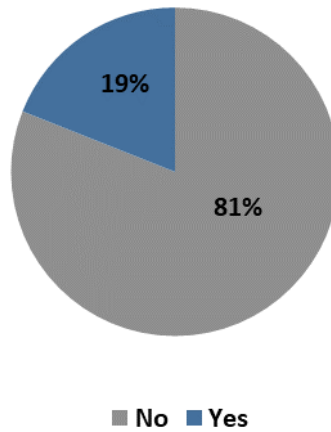


Figure 3.7 Promoted Respondent Distribution of Outgoing GC/CLO Stay or Leave Organization, %

Of those General Counsel who stayed on, 67% of them stayed on for over a year.

Outgoing CLO/GC Stay Length

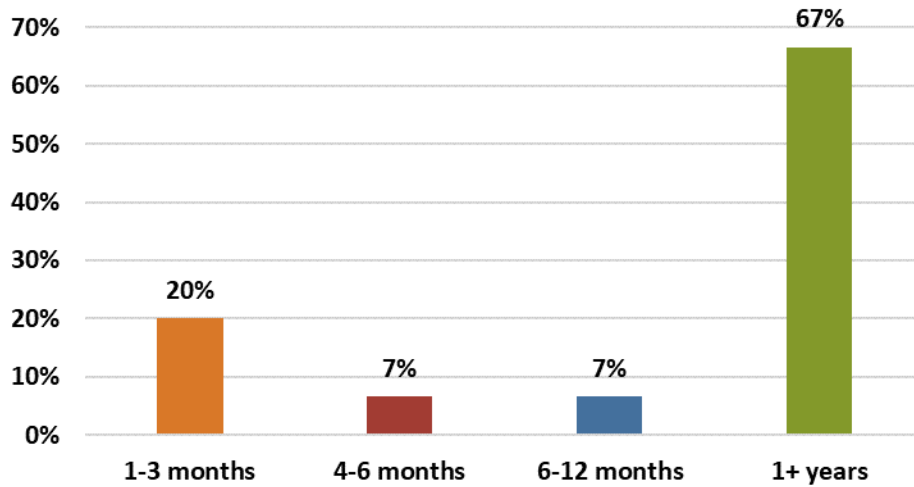


Figure 3.8 Promoted Respondent Distribution of Outgoing GC/CLO Stay Length, %

The majority of promoted General Counsel whose predecessor stayed on in some capacity felt that the outgoing General Counsel’s impact made their job easier (53%).

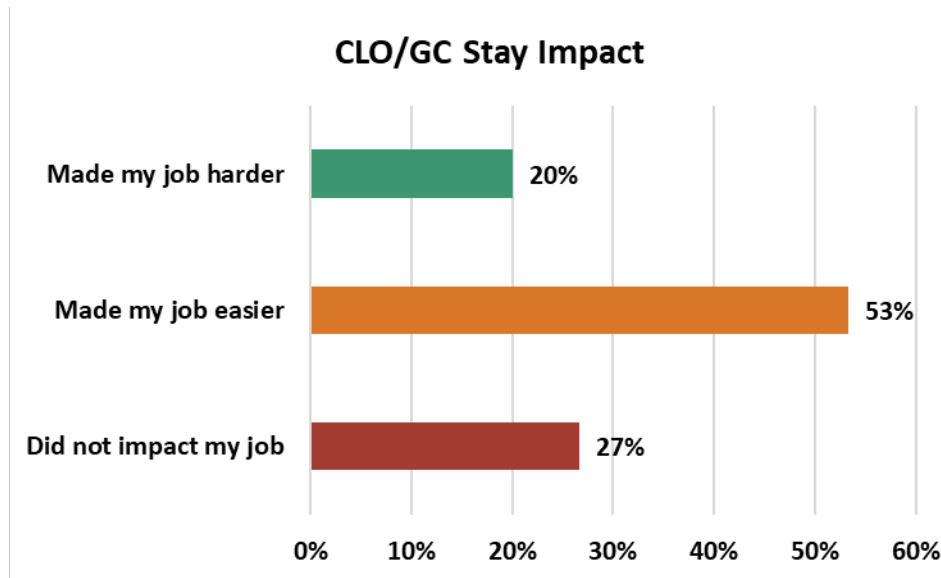


Figure 3.9 Promoted Respondent Distribution of Outgoing GC/CLO Stay Impact, %

Professional Development

Promoted General Counsel were developed by their organization in a mix of experiences prior to the promotion. Sixty-three percent had an expanded scope of responsibilities. Increased C-suite and board exposure (53%), leadership training (39%), and stretch assignments (37%) were experienced by many promoted General Counsel.

Company Provided Development Prior to Promotion

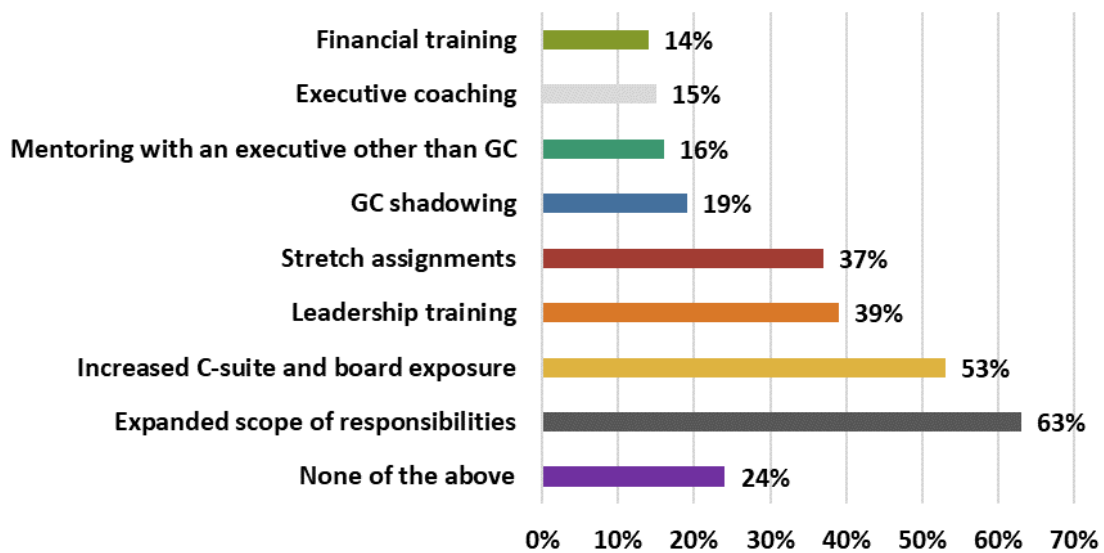


Figure 3.10 Promoted Respondent Distribution Company Provided Development Prior to Promotion, %

Fifty-six percent of promoted General Counsel report having hired an executive coach. Note, this number is different from the 15% reported on pg. 17 because that question asked specifically of company provided development in their previous role. This question asked if the promoted General Counsel had previously hired an executive coach. Seventy-one percent of promoted General Counsel found the coaching they received to be extremely valuable (37%) or valuable (34%).

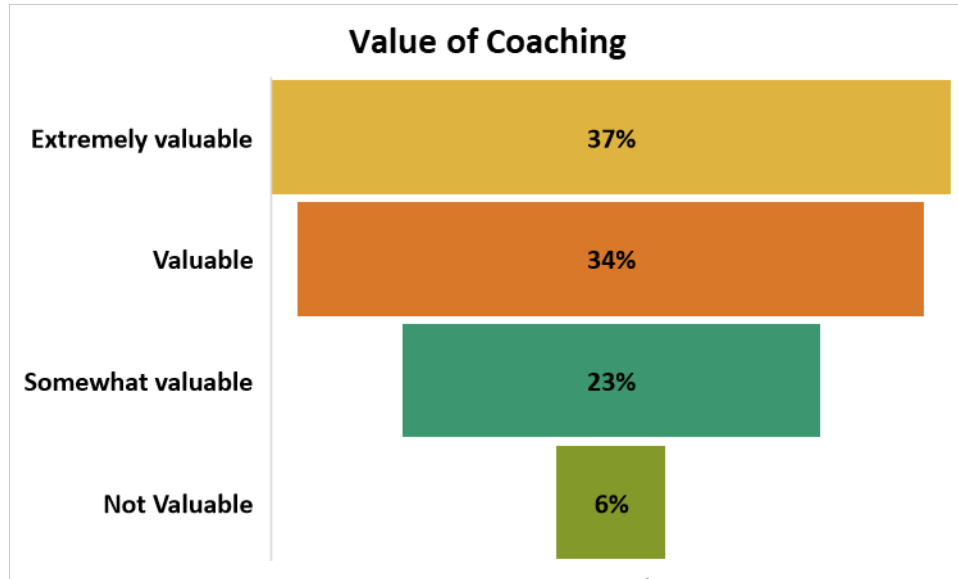


Figure 3.11 Promoted Respondent Distribution of Coaching Value, %

Those that had previously hired an executive coach were more likely to be promoted from within (50%) than those that had not hired an executive coach (26%).

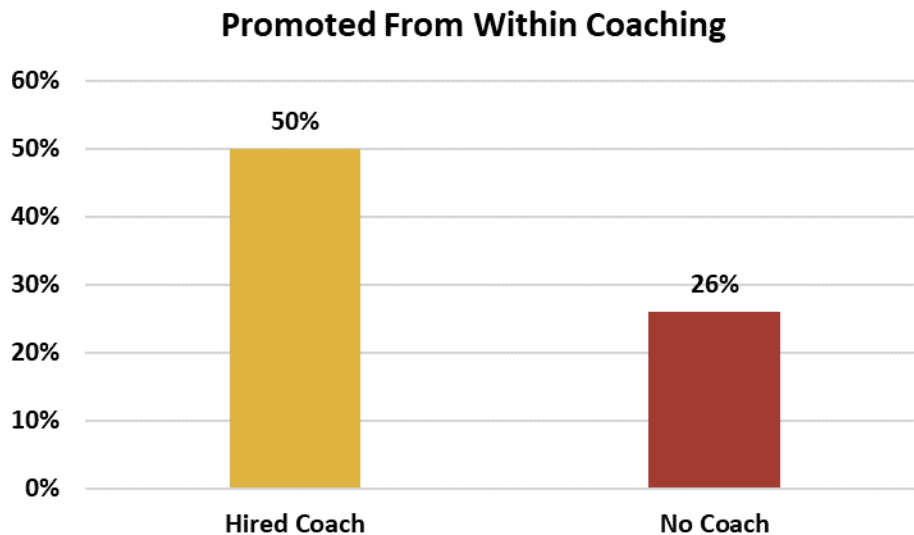


Figure 3.12 Respondent Distribution of Promoted from Within Coaching, %

Recruited General Counsel Insights

Twenty-seven percent of recruited General Counsel learned about their role from an executive recruiter, followed closely by 25% that were contacted by a friend or colleague, and 21% who were recruited directly by the company.



Figure 4.1 Recruited Respondent Distribution of Learned About Current Role, %

Previous Experience

Prior to being recruited for their current General Counsel role, most recruited General Counsel were in their prior position for 3-5 years (36%).

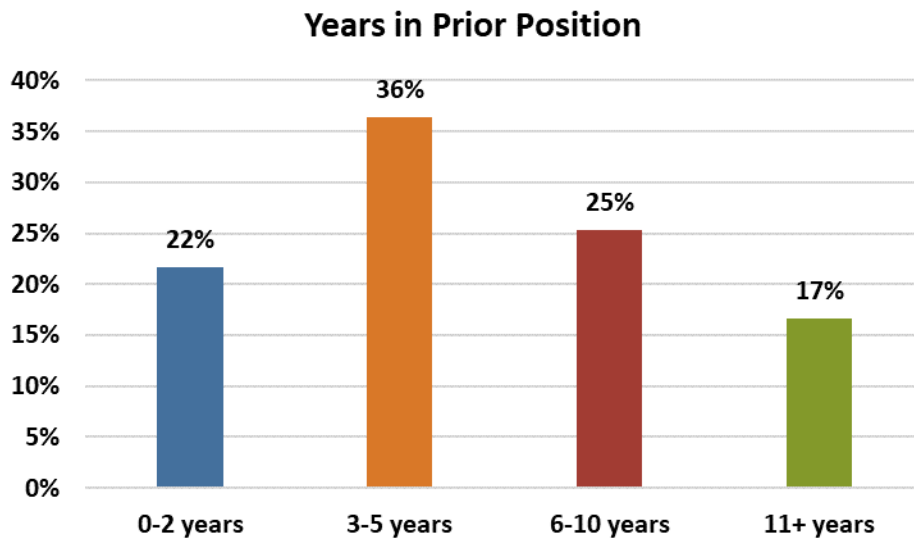


Figure 4.2 Recruited Respondent Distribution of Years in Prior Position, %

Recruited General Counsel report a mix of internal and external candidates were considered for their role.

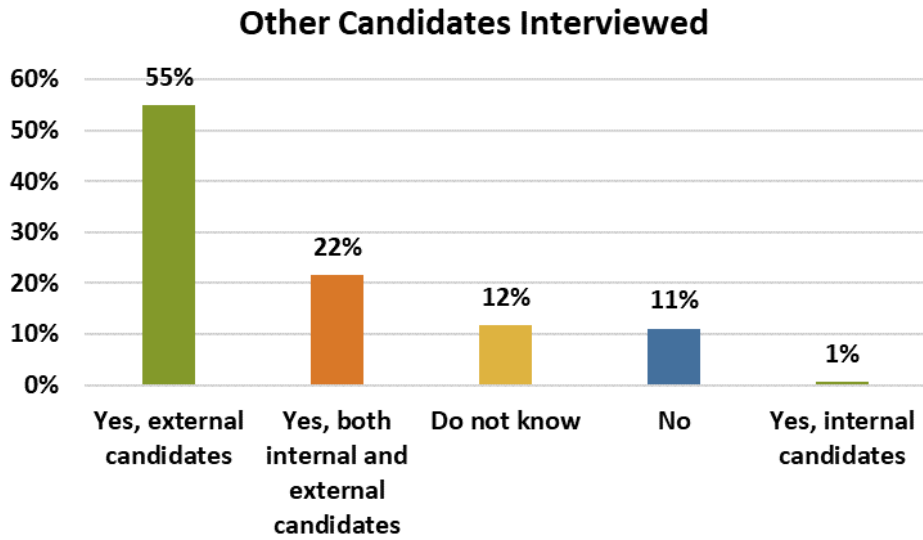


Figure 4.3 Recruited Respondent Distribution of Other Candidates Interviewed, %

Sixty-five percent of recruited General Counsel had previous experience in the same industry as their new role.

Same Industry Experience

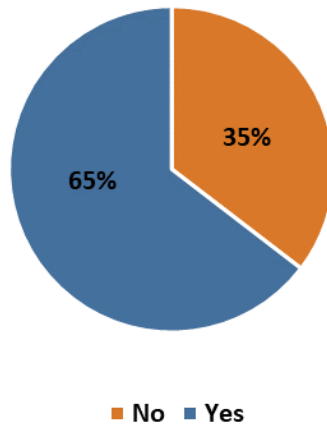


Figure 4.4 Recruited Respondent Distribution of Same Industry Experience, %

Previous Industry Experience

Recruited General Counsel in the Industrial and Manufacturing industry (63%) were the least likely to have previous industry experience, followed by those in Professional Services (50%) and Technology (46%). The Energy industry is the most likely field to have General Counsel with prior industry experience (92%).

| Figure 4.5 Recruited Respondent Distribution of Current Industry by Previous Experience, % | | Previous Industry Experience | |
|--|----------------------------|------------------------------|-----|
| | | No | Yes |
| Current Industry | Consumer | 41% | 59% |
| | Energy | 8% | 92% |
| | Financial | 15% | 85% |
| | Healthcare/Life Sciences | 17% | 83% |
| | Industrial & Manufacturing | 63% | 38% |
| | Technology | 46% | 50% |
| | Professional Services | 50% | 14% |

Previous Organization Type

The majority of recruited General Counsel that were previously at a privately held company stayed at a privately held company (64%), but 27% did move to a publicly traded company. Those previously at a publicly traded company were slightly more likely to stay at a publicly traded company (53%), yet 43% moved to a privately held company. Law firm attorneys were nearly as likely to become a recruited General Counsel at a privately held company (50%) as a publicly traded company (45%).

| Figure 4.6 Recruited Respondent Distribution of Previous Organization Type by Current Organization Type, % | | Previous Organization Type | | | | |
|--|-------------------------|----------------------------|----------|------------|----------------|-----------------|
| | | Government | Law Firm | Non-Profit | Privately Held | Publicly Traded |
| Current Organization Type | (n) | 7 | 22 | 5 | 45 | 82 |
| | Government Agency | 43% | 0% | 0% | 2% | 1% |
| | Non-Profit | 29% | 5% | 100% | 7% | 2% |
| | Privately Held Company | 29% | 50% | 0% | 64% | 43% |
| | Publicly Traded Company | 0% | 45% | 0% | 27% | 53% |

Of the internal candidates that interviewed for the General Counsel role, but the ultimate hire was recruited from outside, 58% remained in the organization, 28% departed the organization, and some remained, some departed (14%).

Internal Candidates Stay/Depart

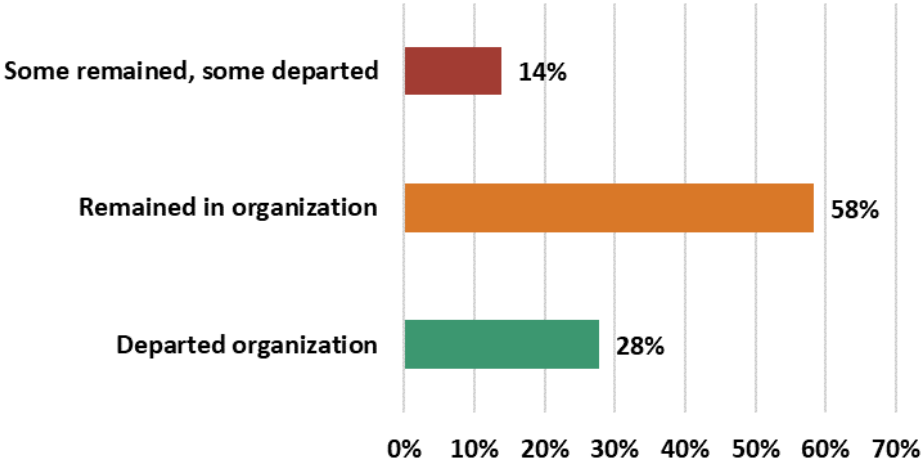


Figure 4.7 Recruited Respondent Distribution of Internal Candidates Stay/Depart, %

Nine percent of recruited General Counsel reported the outgoing General Counsel staying in the organization in some capacity. Similar to promoted General Counsel, 53% of recruited General Counsel whose outgoing General Counsel stayed said that it was a year or more before the outgoing General Counsel left.

Outgoing CLO/GC Stay Length

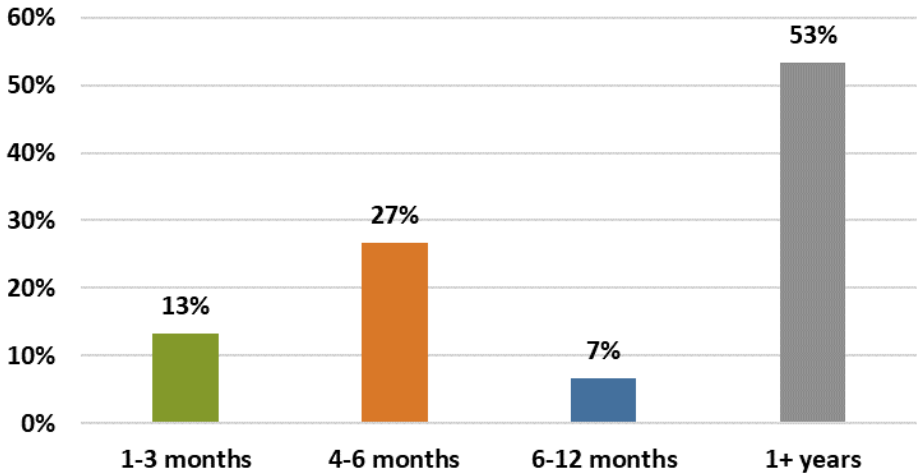


Figure 4.8 Recruited Respondent Distribution of Outgoing CLO/GC Stay Length, %

The outgoing General Counsel’s impact on the new, recruited General Counsel was split equally between making their job easier, harder, or not impacting at all.

CLO/GC Stay Impact

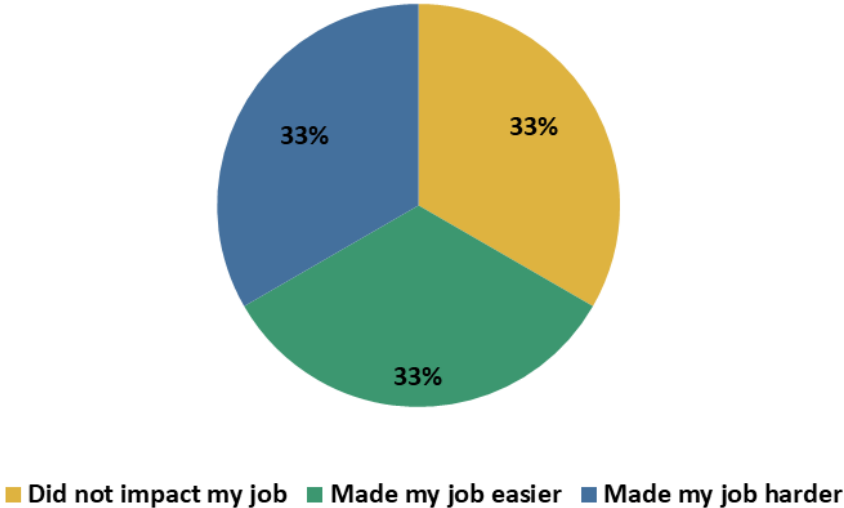


Figure 4.9 Recruited Respondent Distribution of CLO/GC Stay Impact, %

Professional Development

Recruited General Counsel received very similar development opportunities as promoted General Counsel at their previous employer. Expanded scope of responsibilities (51%), increased C-suite and board exposure (44%), leadership training (35%) and stretch assignments (29%) were the top reported development opportunities.

Previous Company Provided Development

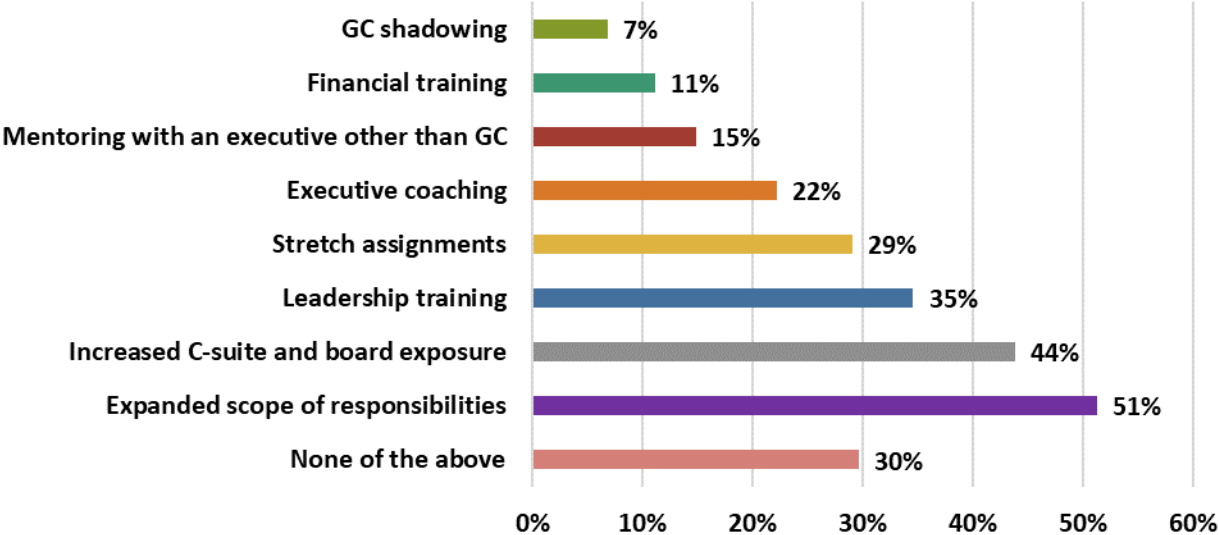


Figure 4.10 Recruited Respondent Distribution of Previous Company Provided Development, %

Twenty-two percent of recruited General Counsel reported having hired an executive coach in the past. Eighty-three percent of recruited General Counsel rated the value of the coaching as extremely valuable (37%) or valuable (46%).

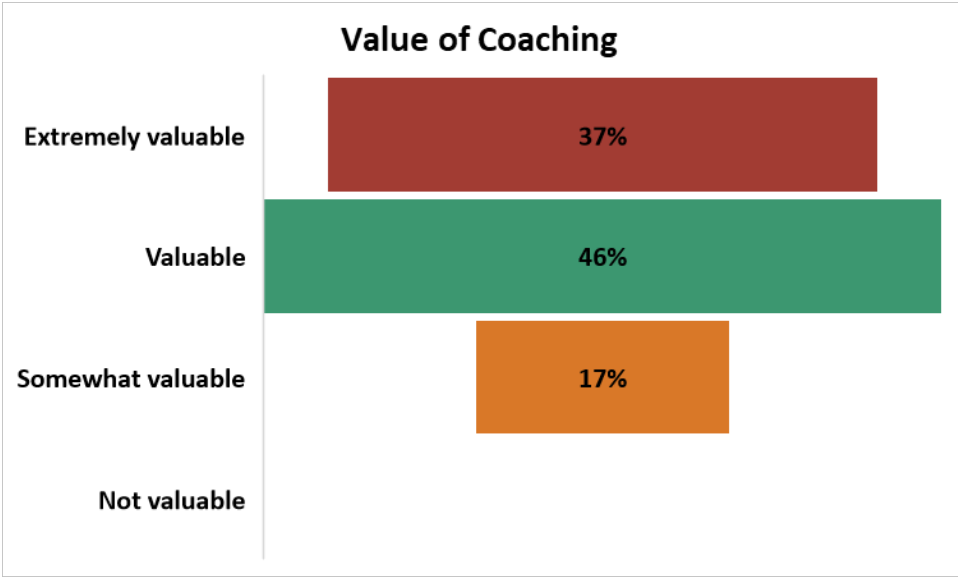


Figure 4.11 Recruited Respondent Distribution of Coaching Value, %

About BarkerGilmore

BarkerGilmore is a boutique firm recognized by CEOs, boards, and executives as best-in-class legal and compliance executive search consultants, GC/CCO advisors, and leadership coaches. With a network of advisors and recruiters spanning the United States, BarkerGilmore's client roster includes leading consumer, energy, financial, healthcare, industrial, technology, and non-profit organizations.

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