AXIOM’S 2023 DEPUTY GENERAL COUNSEL SURVEY REPORT

SPOTLIGHT ON Banking DGCs
The Importance of the DGC Role:

The role of the DGC is a universally important one. At many enterprises, DGCs operate with considerable latitude in consulting, advising, and representing the company on a variety of highly complex legal, transactional, regulatory, and corporate governance-related matters. In addition to providing strategic advice to management and the board, the DGC will also help set the strategy for the legal function in general while leading a team of legal professionals and overseeing a vast network of outside providers. In some companies, DGCs also liaise with the CFO and assume budgetary autonomy. And, in almost all environments, the DGC will be closer to the resourcing nuances of the legal department and its day-to-day operational challenges than the GC. Finally, the role is made even more important by the fact that its current occupants represent the next generation of in-house legal leadership.

Spotlight on Banking DGCS:

Of course, the specific function of the role and its pain points vary by industry. This companion spotlight to our broader report on DGCS (Axiom’s 2023 Deputy General Counsel Survey) highlights benchmarking data on banking DGCS specifically. Our spotlight examines the banking DGC perspective on legal department resourcing, budgetary constraints, anticipated headcount cuts, and how best to leverage external support networks. It also examines the career satisfaction of banking DGCS currently in-seat and reveals the obstacles that prevent them from climbing the last rung of the in-house legal ladder.

The Three Headline Banking Takeaways:

1. Much like their peer DGCS from other sectors, banking DGCS are struggling to navigate budget cuts and hiring freezes which they believe will ultimately affect the efficacy of their already under-resourced department. According to a survey conducted by Arzient and American Banker, one of the top five trends for banking this year could be that “economic recovery will remain uncertain” and the “effects of rising interest rates, and subsequent inflation, can be wide-ranging,” which can lead to consumers being too “crunched” to utilize banks’ services.

2. So how does this uncertainty affect legal resourcing? Banking DGCS, more so than DGCS in other sectors, do not believe that law firms or internal hires can effectively address their resourcing challenges:
   - With respect to law firms, cost is a paramount concern. (As well it should be, with Corporate Counsel recently reporting 2023 law firm rate increases of between 5% to 15%, with some “hikes topping 30%.”) Perhaps more surprising but of equal concern to banking DGCS is the administrative burden of managing a vast network of providers, something banking DGCS feel more acutely than their non-sector peers.
   - As for hiring new lawyers internally, few banking DGCS feel this is an effective resourcing solution due to headcount reductions and budgetary concerns. But there’s a broader talent problem with hiring lawyers: banking DGCS have trouble finding the right type of lawyer to meet their needs.

3. In terms of career satisfaction and development, banking DGCS are more likely to see themselves on an accelerated path to a GC role: three to six years on average, as compared to seven-plus years for their non-industry peers. And while all DGCS share similar pain points regarding their ability to access the skillsets required to advance to a GC position, banking DGCS are far more likely to perform at higher levels than their peers outside the sector.
Overview

Key Findings

Economic Pressures:

99% of banking DGCs have seen budget cuts as the result of economic uncertainty.

96% predict a potential hiring freeze is likely due to economic circumstances.

49% say some or a great deal was cut.

37% report it’s very likely or already happening.

Resourcing Issues:

100% report seeing an increase in volume and complexity of legal matters.

99% say they have seen an increase in attrition within their own legal departments in the last year (suggesting DGCs will need to be careful with their resourcing).

87% note their teams are lacking the expertise, bandwidth, or structure to effectively tackle their workload.

For banking DGCs, the most notable deficiencies are lawyers well-versed in banking/finance, data privacy/cyber security, labor/employment, litigation, and new or emerging areas.

94% share that their legal department doesn’t have the necessary staffing resources in-house to meet the needs of those increasing legal demands.

100% of banking DGCs say it is difficult to hire the right attorneys to meet their needs.

44% report it very difficult.
SOLUTIONS TO RESOURCING CHALLENGES:

- **Internal Hires**
  - 99% of banking DGCs don’t believe that investing in full-time permanent hires is a very effective solution to address resourcing challenges

- **Why Internal Hires Don’t Work:**
  - 38% cite difficulty finding the right talent to meet their needs
  - 48% say they only require part-time help
  - 47% note the potential for turnover
  - 44% are concerned about hiring freezes on the horizon

- **Law Firms**
  - Compared to their non-industry peers, a little more than half of banking DGCs (52%) are more willing to increase support from traditional external legal providers (like law firms.) But at what cost?
  - 94% of banking DGCs feel there are limitations to how effective law firms can be in addressing departmental resourcing needs

- **Why Law Firms Don’t Work:**
  - 60% note the burden of managing law firms (requiring too lengthy an onboarding process forcing DGCs to spend too much time on administrative tasks)
  - 45% believe that law firms provide more conceptual legal advice than practical and lack institutional knowledge
  - 40% cite that they lack commercial/business acumen
  - 41% begrudgingly share that law firms don’t prioritize their business

- **Flexible Legal Talent Providers**
  - 70% of banking DGCs believe that flexible talent providers would be a more effective resource, providing more value for their money

- **Why Flexible Talent Does Work:**
  - 40% share that flexible talent provides more practical advice than conceptual
  - 50% cite that this solution is easier to manage and takes less time to onboard than law firms
  - 44% note that this solution offers more specialized industry/practice knowledge to address their departmental needs
  - 46% recognize flexible talent providers actually prioritize their business
  - 64% believe this leads to better value and greater efficiency when considering the stringency of today’s budgeting concerns
CAREER PROGRESSION:

While more than half (69%) of the banking DGCs reported they were completely satisfied with their current position, 64% noted that they were not happy with the opportunities for professional development or career advancement in their current roles.

- **100%** report experiencing stress and/or burnout
- **45%** are open to new positions outside of their current employer
- **54%** say that they feel very or extremely stressed and/or burned out
- **28%** are actively searching
- **57%** are likely to look for a new position within the next year
- **71%** say they will need to change employers to advance their career
- **45%** would look for another DGC position
- **37%** are ready to apply for an in-house GC position
- **69%** believe it is their proactiveness and ability to perform at the highest level that has gained them the necessary skillset to take their career to the next level
- **49%** are interested in flexible talent providers to provide them with more opportunities for growth and experience
WHAT'S A BANKING DGC TO DO?

One answer is to turn to flexible talent. It’s an idea embraced by the current crop of sector DGCs, who represent the next generation of in-house legal leaders. Almost three-quarters of banking DGCs see these flexible talent providers as a very effective solution to their departments’ resourcing challenges. Most progressive banking DGCs know these challenges are about far more than “overflow work.” Leverage flexible lawyers can empower them to navigate economic volatility by employing a leaner in-house team supported by an always-on bench of flexible talent.

This model improves risk mitigation by matching legal matters to the right legal talent on an as-needed basis. It also specifically addresses the two major banking DGC pain points as it relates to the use of law firms:

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<th>Cost:</th>
<th>Management Burden:</th>
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<td>It decreases cost by minimizing law firm spend, providing better value for every budgeted dollar.</td>
<td>It reduces the burden on in-house counsel who manage multiple law firms.</td>
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When will banking DGCs be empowered to employ such a model? Those with budget autonomy are already engaging flexible talent in advance of expected hiring freezes. Others can demonstrate fiscal leadership by proposing flexible lawyer piloting projects to their GCs.

CONCLUSION

The Bottom Line:

Being a banking DGC is hard. The work is relentless and complex. The work-life balance is unideal. Almost every sub-sector of the industry is fast-paced, requiring in-house lawyers to accelerate the pace of work in order to get products or services to market quicker. Not only must banking DGCs address novel and emerging areas of legal work frequently, but their budget to do so has significantly shrunk. In fact, the banking industry was among the first sectors to meet the recession with belt-tightening moves, including hiring freezes. According to a legal recruiter, DGCs “know the bloodbath has begun.”

As a result, the internal resourcing required to achieve best-in-class legal outcomes is insufficient. Hiring to gain additional support is hard, and now almost impossible due to headcount reductions. Budgets are not only impacting the ability to hire, but spend cuts are also upending the use of law firms (given their hefty price tags, which are only getting heftier).

If your legal department is facing staffing challenges, bandwidth issues, or headcount freezes, now is the time to engage an experienced Axiom lawyer. Thanks to our Access Legal Talent platform, you can receive and review instant talent matches and view Axiom lawyer bios filtered by technology industry experience, practice area, location and more. Browse our legal talent to get started.