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HR Administration

Lawyers as HR Leaders? The Jury's Still Out

An employer likely wouldn't want an HR professional representing it in court. But what about an attorney heading the HR department?

"I think in a perfect world, it's an outstanding idea," Emily P. Harbison, a partner in the Houston office of management-side law firm Baker McKenzie, told Bloomberg BNA June 28.

A top HR professional who is also an employment lawyer "is way out front from a compliance standpoint," she said, adding that she has never worked with such a dual-credentialed person.

Someone who did wear both those hats, Harbison said, would be "better able to flag issues," would often be able to handle legal matters herself, would be able to formulate HR policies through knowledge of what is common practice, and would know when to escalate a problem to other internal or external counsel.

Depending on how big the employer is, how widespread it is geographically, and how many HR professionals it employs, "the HR executive could be well-served to have a JD degree," especially if the degree is accompanied by relevant HR experience, Pat Lundvall, a partner with McDonald Carano and chair of the firm's Litigation Practice Group and Employment & Labor Law Practice Group, told Bloomberg BNA in a June 28 email.

"We have not seen this type of experience in practice," she added. "But I predict we will given the number of law school grads having difficulty finding employment."

Some working HR professionals agree that a law degree could be helpful in their jobs. "I do believe that in some cases it's a good idea to have the HR person be an attorney," said Esther Gutierrez, HR manager at Hokto

Kinoko Co., a specialty organic mushroom company based in San Marcos, Calif.

She said she thinks that a law degree could help in HR because of how litigious society now is, the fact that HR professionals can be personally liable in some cases, and her own previous experience working for other employers who violated state regulations,

"It would largely depend on the company's culture, and their willingness to find and hire such a person," Gutierrez told Bloomberg BNA in a June 27 email. "I can't say I believe there are many persons who would fit the description."

Is There a Down Side? A dissenting note came from Amy Dufrane, CEO of the HR Certification Institute, who pointed out that HR is responsible for much more than legal compliance.

"Whether HR leaders are lawyers or not, keep in mind that HR's top goal is to drive business results through people," she told Bloomberg BNA in a June 29 email. An HR official who is an employment lawyer would be good at managing "employment law risks," she said, but HR executives must also be agile in the face of change and good at managing "workforce productivity, establishing high standards, and creating engaging cultures."

For these reasons, she said, "most HR departments are run by strong talent management leaders, who then rely on legal advice for employment law challenges."

Even lawyers are willing to admit that the law degree isn't always everything. Harbison said a possible drawback of having a lawyer as a top HR official is that a sexual harassment complainant might be too intimidated to talk to him or her but the risk of that would be "minuscule."

By MARTIN BERMAN-GORVINE

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