



Kim Rives Miers

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Focus Areas

Class Action

Wage and Hour

Discrimination and Harassment

Home Health and Home Care

Overview

Kimberly R. Miers is the Office Managing Shareholder of the firm's Austin office. She has experience in a variety of state and federal labor and employment law matters, with an emphasis on:

- Complex class and collective action litigation
- Wage and hour advice
- Workplace Investigations
- Title VII single plaintiff and class litigation
- Equal Employment Opportunity Commission negotiations and litigation
- Department of Labor matters

She regularly advises clients in all areas of employment law practices and policies, including wage and hour compliance, employee discipline and counseling and internal investigations.

Prior to joining Littler Mendelson, Kimberly was a senior employment attorney for a leading retailer. After law school, Kimberly served as law clerk to the Honorable Dixon W. Holman of the Texas Second Court of Appeals.

Selected Matters

Among her notable successes, Kimberly has:

- Obtained multiple arbitration awards in favor of client accused of misclassifying independent contractors in mass arbitration matter
- Obtained a complete defense verdict in a FMLA retaliation lawsuit
- Obtained summary judgment in favor of an employer in an FLSA off-the-clock lawsuit and prevailed on Plaintiff's appeal to the Fifth Circuit
- Obtained a jury verdict in favor of an employer in a federal whistleblower lawsuit
- Defended a large multi-family housing corporation against allegations of misclassification and "off the clock" work by obtaining decertification of a nationwide collective action and then obtaining a jury verdict in favor of the employer
- Defended a Fortune 100 retailer against allegations of harassment and obtained a favorable settlement mid-trial
- Obtained a jury verdict in favor of an employer in a federal race discrimination lawsuit
- Defeated a plaintiff's motion for conditional certification in a nationwide wage and hour collective action lawsuit
- Defended a wage and hour collective action lawsuit brought by truck drivers in which she also defeated conditional certification, obtained summary judgment based on the Federal Motor Carrier Act exemption and prevailed on appeal
- Defended a large national retailer, waste services company, home lender, national country club services corporation and a hospital against charges that they forced nonexempt employees to work "off the clock"
- Defended an apartment locator company, national delivery services company, staffing company, homebuilder, fuel distributor, national mortgage loan provider, national home health provider, healthcare enterprise, manufacturing company, technology services company, automobile repair company, national retail services company and oil field services company against allegations of misclassification
- Obtained summary judgment in a FLSA lawsuit alleging off-the-clock work based on failure to demonstrate employer knew or should have known of alleged off-the-clock work and failure to allege the amount of alleged off-the-clock work as a matter of just and reasonable inference
- Obtained decertification in a nationwide wage and hour collective action lawsuit against a homebuilder

Professional and Community Affiliations

- Member, American Bar Association
- Member, State Bar of Texas
- Member, Dallas Bar Association
- Member, Leadership Dallas, 2014
- Member, Dallas Regional Chamber
- Board Member, Suicide and Crisis Center of North Texas
- Board Member, Dallas Fine Arts Chamber Players
- Board Member, Dallas Kids First

Recognition

- SMU Dedman School of Law Barristers Service Organization

- National Order of Barristers
- Recipient, Outstanding Second-Year Advocate Award, *SMU Board of Advocates*
- Named, The Best Lawyers in America®, 2022-2024

Education

J.D., Southern Methodist University, 2003

B.S., University of Texas, Austin, 1990

Bar Admissions

Texas

Courts

U.S. Court of Appeals, 5th Circuit

U.S. Court of Appeals, 9th Circuit

U.S. Court of Appeals, 11th Circuit

U.S. District Court, Northern District of Texas

U.S. District Court, Eastern District of Texas

U.S. District Court, Southern District of Texas

U.S. District Court, Western District of Texas

U.S. District Court, Western District of Arkansas

U.S. District Court, Eastern District of Arkansas

Publications & Press

Fifth Circuit Reverses Denial of Preliminary Injunction in Vaccine Mandate Case

Littler ASAP

February 18, 2022

Circuit Courts Endorse Limiting Jurisdiction in FLSA Collective Actions

Littler ASAP

August 23, 2021

Best Lawyers in America® 2022 Edition Honors More Than 240 Littler Lawyers

Littler Press Release

August 19, 2021

More Opinion Letters Issued in Final Days of Trump Administration

SHRM Online

January 25, 2021

DOL Issues Opinion Letter Regarding Independent Contractor Status of Food Product Manufacturers' Distributors

Littler ASAP

January 21, 2021

Fifth Circuit Announces More Rigorous Standard for Certification of Collective Actions

Littler ASAP

January 13, 2021

Navigating Natural Disasters During a Pandemic – Key Considerations for Your Workforce

Littler Insight

August 28, 2020

Does Anything Good Happen After Midnight? Austin, Texas Adopts Paid Sick Leave

Littler ASAP

February 16, 2018

Labor of Law: Wage and Hour Woes. Diversity Scrutinized. Sexual Harassment Dos and Don'ts

Law.com

November 30, 2017

Which State's Wage Laws Apply When Workers Temporarily Relocate?

SHRM Online

November 28, 2017

Harvey's Destruction Will Test Employers' Pay, Leave Policies

The National Law Journal

August 31, 2017

After Hurricane Harvey, Here's What Employers Must Do

TLNT

August 30, 2017

Reparando los Daños: Las Responsabilidades del Empleador como Consecuencia del Huracán Harvey

Littler Insight

August 30, 2017

Picking Up the Pieces: Employer Responsibilities in the Aftermath of Hurricane Harvey

Littler Insight

August 29, 2017

Inclement Weather FAQs: Who Gets Pay for a Snow Day?

Littler Insight

January 19, 2017

Top Five Employment Litigation Trends

Texas Center for the Judiciary Civil Justice Conference

March 2016

Littler Obtains Complete Defense Verdict on Behalf of Lindsey Management Co., Inc. In FLSA Misclassification Suit

Littler Press Release

October 2, 2014

Federal Jury Rules in Favor of Lindsey Management in Overtime Lawsuit

Arkansas Business

October 1, 2014

Federal Jury Clears Lindsey Management Co. of Alleged FLSA Violations

Northwest Arkansas Business Journal

October 1, 2014

The New Face of Discrimination: Increasing Government Regulations and Three Practical Suggestions For How to Deal with Them

Inside Counsel

May 21, 2012

Littler Mendelson Announces the Promotion of 14 Associates to Shareholders

Littler Press Release

January 3, 2011

Why Ethics Training Is the Cheapest Insurance Policy

Dallas Bar Association

September 1, 2010

Texas Supreme Court Provides New Focus for Noncompete Contract Enforcement

Littler Insight

October 24, 2006

11th Circuit Reins in Class Action Certification Under Federal Rule of Civil Procedure 23(b)(2)

Littler Insight

December 1, 2004

Speaking Engagements

2023 Texas Webinar Series - Session 1

January 19, 2023

Littler Austin's 2022 Holiday Season Lunch and Learn

Austin, TX

December 9, 2022

2022 Houston Regional Employer Conference

Houston, TX

October 6, 2022

Who Wants to Be a Lawionaire?

Littler Executive Employer Conference

May 5, 2022

Emerging COVID-19 Vaccine Mandate Issues in Texas

November 11, 2021

2021 Houston Employer Conference

Houston, TX

October 26, 2021

Compensation Risks in an Evolving Work From Home World

HR Houston's Gulf Coast Symposium on HR Issues

August 4, 2021

The New Normal: Navigating Return to Work

Austin Bar, Civil Litigation Section

June 17, 2021

Virtual Human Resources – Managing the Remote Workforce

May 26, 2021

Navigating Employment Laws and Management Challenges

2019 St. Louis Employer Conference

September 25, 2019

Timely Talk About Wage and Hour Law: Applying Tests and Avoiding Pitfalls When Using a Contingent Workforce

August 29, 2019

2019 Wage and Hour Update: Flagging the Key Hot Spots for 2019-2020

2019 Houston Employer Conference

August 8, 2019

Settlement Techniques and Strategies for Employment Matters

Littler Executive Employer, Phoenix, AZ

May 10, 2019

The Federal Government is Knocking on Your Door...Now What?

Austin, TX

April 16, 2019

Benchmarking Settlement Techniques and Strategies

ACC Annual Meeting

October 23, 2018

Wage and Hour Mistakes Employers Still Make (and Some New Challenges)

2018 Houston Employer Conference

August 8, 2018

Wage and Hour Mistakes Companies Still Make and What to Do About Them

TAB Symposium

July 24, 2018

It's the Story, Stupid: Preparing Your Case for the Win – Even Before You Hire a Lawyer

2018 Dallas Employer Conference

July 19, 2018

It's the Story, Stupid: Preparing Your Case for the Win – Even Before You Hire a Lawyer

Littler Executive Employer, Phoenix, AZ

May 4, 2018

Transportation Roundtable

Littler Executive Employer, Phoenix, AZ

May 2, 2018

Preventing Workplace Discrimination and Harassment

Client Presentation

February 8, 2018

Employment Law Update

Client Presentation

January 17, 2018

Preventing Workplace Discrimination and Harassment

Client Presentation

December 21, 2017

The Trump Administration and Employers, Year One

Client Presentation

December 6, 2017

Timely Talk About Wage and Hour Law: Wage and Hour Mistakes Companies Still Make and What to Do About Them

November 29, 2017

Employment Law Update: Recent Developments and What's Coming Next

Austin, TX

November 9, 2017

Ethical Issues For In House Counsel

San Francisco, CA

July 19, 2017

Employment Law Update

Dallas Bar Association's Corporate Counsel Section, Dallas, TX

June 8, 2017

Shatter the Glass Ceiling, but Beware the Shards

Austin, TX

May 4, 2017

Best Practices for Addressing the Evolving Nature of Discrimination, Retaliation and Harassment

Littler webinar

December 7, 2016

2016 Employment Law Update

Dallas, TX

June 30, 2016

2016 Employment Law Update

Dallas, TX

June 8, 2016

The Limits of Work Time: What is Compensable Time?

May 5, 2016

Faculty Member

Civil Justice Conference

March 2016

Employment Law Update

Austin, TX

September 15, 2015

2015 Employment Law Update

Dallas, TX

June 11, 2015

Anti-Discrimination, Retaliation and Harassment Training

Client Presentation, Dallas, TX

December 2013

Avoiding Wage and Hour Liability: How to Minimize Your Legal Risk

Dallas, TX

October 17, 2013

Best Practices for Handling Employee Complaints

Client Presentation, Dallas, TX

October 16, 2013

The New Face of Discrimination

Labor & Employment Section - Dallas Bar Association

September 17, 2012

2012 Employment Law Update

Dallas, TX

June 27, 2012