



## Nicole S. LeFave

Shareholder

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## Focus Areas

Wage and Hour  
Class Action  
Litigation and Trials  
Arbitration  
Discrimination and Harassment  
Whistleblowing, Compliance and Investigations

## Overview

Nicole S. LeFave concentrates her practice on the Fair Labor Standards Act and wage and hour class and collective action defense. In addition, she counsels employers on all aspects of wage and hour compliance. Nicole also defends employers on a variety of wage and hour, discrimination, harassment, retaliation, and corporate whistleblower matters and advises on a broad range of employment matters, from hiring through termination. She has experience representing clients at the trial court level, on appeals, in arbitration and in administrative hearings both in Texas and nationwide.

### Representative experience:

- Obtained victory for employer in FLSA collective action bench trial involving the Motor Carrier Act exemption
- Served as one of the lead attorneys on mass arbitration of single-claimant gig-economy misclassification claims involving more than 15,000 claimants
- Defeated a motion for conditional certification in proposed nationwide FLSA collective action against a Fortune 500 company
- Obtained complete summary judgment in favor of employer on single-plaintiff Title VII and FLSA matter
- Successfully defended a jury trial verdict in favor of employer in multiple-plaintiff discrimination case, obtaining affirmance from the Fifth Circuit

Nicole also serves as the Austin office's pro bono liaison and enjoys finding opportunities to contribute to access to justice, including by advising local nonprofits on employment law matters.

Before joining Littler, Nicole practiced complex business litigation and employment law, representing corporations, nonprofit organizations and individuals on a wide range of matters on both the plaintiff and defense side.

Nicole also served as a law clerk for retired judge Hon. Gregg Costa, formerly a U.S. District Judge for the Southern District of Texas and Fifth Circuit Justice and the Hon. Mark Lane, U.S. Magistrate Judge for the Western District of Texas. These experiences informed her perspective on federal trial court practice.

## Professional and Community Affiliations

- Member, Austin Bar Association
- Member, Federal Bar Association
- Member, Lloyd Lochridge Inn of Court
- Founding Member, League of Lady Lawyers
- Board Member, Texas Freedom Network
- Former Board Member, Austin Diaper Bank
- Member, Austin Bar/AYLA Leadership Academy 2019 Class
- Member, Austin Young Lawyers Association
- Member, Texas Bar Foundation

## Recognition

- Named, Ones to Watch, *The Best Lawyers in America*®, 2021-2024
- Named, Austin's Top Attorneys, Labor and Employment, *Austin Monthly*, 2021-2022

## Education

J.D., University of Texas School of Law, 2012, *with honors*

B.A., University of Texas, Austin, 2006, *with honors*

## Bar Admissions

Texas

## Courts

U.S. Supreme Court  
U.S. Court of Appeals, 5th Circuit  
U.S. Court of Appeals, 10th Circuit  
U.S. District Court, Southern District of Texas  
U.S. District Court, Northern District of Texas  
U.S. District Court, Eastern District of Texas  
U.S. District Court, Western District of Texas  
U.S. District Court, Eastern District of Arkansas  
U.S. District Court, Western District of Arkansas

## Publications & Press

### **The Fifth Circuit Announces New Standard for Pleading a Title VII Claim**

*Littler ASAP*

August 22, 2023

### **Celebrating AAPI Heritage Month: Bringing About Change Through Servant Leadership**

*Littler Podcast*

May 31, 2023

### **Sixth Circuit Establishes Stricter Standard for Granting Notice of FLSA Collective Action**

*Littler ASAP*

May 22, 2023

### **Push For Shorter Workweek Reflects Shifting Attitudes**

*Law360 Employment Authority*

April 25, 2023

### **Supreme Court Holds Day Rate Pay Cannot Satisfy the Salary Basis Test**

*Littler ASAP*

February 23, 2023

### **Littler Rings in New Year with the Elevation of 28 Attorneys to Shareholder**

*Littler Press Release*

January 4, 2023

### **Pro Bono Week Podcast – Law Firm Antiracism Alliance: Police Brutality**

*Littler Podcast*

October 28, 2022

**Fifth Circuit Reverses Denial of Preliminary Injunction in Vaccine Mandate Case**

*Littler ASAP*

February 18, 2022

**Pro Bono Week Podcast – Eight Million Stories: Appellate Work in Criminal Law**

*Littler Podcast*

October 27, 2021

**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

**Fifth Circuit Announces More Rigorous Standard for Certification of Collective Actions**

*Littler ASAP*

January 13, 2021

**Best Lawyers in America® 2021 Edition Honors More Than 250 Littler Lawyers**

*Littler Press Release*

August 20, 2020

**Fifth Circuit Weighs in on Personal Jurisdiction and Certification Issues in Rule 23 Class Actions**

*Littler ASAP*

April 10, 2020

**Supreme Court Clarifies That But-For Causation Standard Applies to Section 1981 Claims Throughout Pendency of Litigation**

*Littler ASAP*

March 24, 2020

**Speaking Engagements**

**A Texas-Size Legislative, Regulatory and Judicial Round-Up**

September 26, 2023

**The Motor Carrier Act Exemption: The Basics (and a Bit More)**

July 18, 2023

**FLSA Exemption Basics**

CenTexSHRM, Belton, TX

June 14, 2023

**Littler Austin's 2022 Holiday Season Lunch and Learn**

Austin, TX

December 9, 2022

**Wage & Hour Through the LoD Lens – Compliant Solutions for the Questions You Have Today**

Client Webinar

July 28, 2022

**Paying Employees in Crypto**

Web3 Legal Conference, Austin, TX

April 7, 2022

**The New Normal: Navigating Return to Work**

Austin Bar, Civil Litigation Section

June 17, 2021

**Employment Law Hot Topics for a New Presidential Administration**

Austin Human Resources Management Association

November 18, 2020

**Conducting Remote Investigations in the COVID-19 Era**

October 27, 2020

**Employment Law Hot Topics for a New Decade**

Austin, TX

February 6, 2020

**Employment Law Red Flags: How to Spot Them and How to Fix Them**

Hispanic Bar Association of Austin CLE Presentation, Austin, TX

August 2018