



Nicole S. LeFave

Shareholder

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Focus Areas

Wage and Hour
Class Actions
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

Little ASAP

August 22, 2023

Celebrating AAPI Heritage Month: Bringing About Change Through Servant Leadership

Little Podcast

May 31, 2023

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

Little 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

Little ASAP

February 23, 2023

Little Rings in New Year with the Elevation of 28 Attorneys to Shareholder

Little Press Release

January 4, 2023

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

Little Podcast

October 28, 2022

Fifth Circuit Reverses Denial of Preliminary Injunction in Vaccine Mandate Case

Little ASAP

February 18, 2022

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

Little Podcast

October 27, 2021

Circuit Courts Endorse Limiting Jurisdiction in FLSA Collective Actions

Little ASAP

August 23, 2021

Best Lawyers in America© 2022 Edition Honors More Than 240 Little Lawyers

Little Press Release

August 19, 2021

Fifth Circuit Announces More Rigorous Standard for Certification of Collective Actions

Little ASAP

January 13, 2021

Best Lawyers in America© 2021 Edition Honors More Than 250 Little Lawyers

Little Press Release

August 20, 2020

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

Little ASAP

April 10, 2020

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

Little 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

Little 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