

## Jay J. Athey

Associate

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## Focus Areas

Litigation and Trials  
Policies, Procedures and Handbooks  
Discrimination and Harassment  
Hiring, Performance Management and Termination  
Class Action

## Overview

Jay J. Athey's practice focuses on representing employers in workplace law matters, including discrimination, harassment, retaliation, and wage claims on the agency level and in litigation. He defends local, regional, and national employers in retaliatory discharge/wrongful termination litigation and more complex litigation, such as class action and collective action cases under the Fair Labor Standards Act and New Mexico Minimum Wage Act. He also represents public employers in litigation involving sovereign immunity under the Federal Torts Claims Act and New Mexico Torts Claims Act.

Jay provides preventive advice and counseling to clients with respect to personnel matters, including investigations, compliance, policy review/development, training, and separation. He also provides counsel to upper management and Boards of Directors on compliance and corporate governance issues related to best practices and management of employment law exposures.

Prior to joining Littler, Jay practiced in Florida, Colorado, and Montana, defending all types of civil litigation cases in state and federal court.

## Professional and Community Affiliations

- Member, New Mexico Bar Association
- Member, Montana Bar Association
- Member, Colorado Bar Association
- Member, Florida Bar Association

## Recognition

- Named, Ones to Watch, *Best Lawyers in America*, 2024-2025

## Education

J.D., Florida State University College of Law, 2011, *cum laude*

B.A., Flagler College, 2007, *cum laude*

## Bar Admissions

New Mexico

Montana

## Courts

U.S. District Court, District of New Mexico

U.S. District Court, District of Montana

U.S. District Court, District of Colorado

U.S. District Court, Northern District of Florida

## Publications & Press

**Guest column: Workforce management amid lingering economic uncertainty**

*Albuquerque Business First*

April 6, 2023

**Littler Adds Jay Athey in Albuquerque**

*Littler Press Release*

February 28, 2023

## Speaking Engagements

**How Employers Can Best Protect Themselves in Montana**

September 11, 2024

**Montana Employment Law: Hiring, Firing, and Disciplining Employees, Your Guide to Lawfully Hiring and Terminating Employees**

National Business Institute (NBI) Webinar

November 2023