

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 defending employers in complex wage and hour class and collective action litigation and counseling employers on all aspects of wage and hour compliance. Nicole also defends employers in a variety of discrimination, harassment, retaliation, and whistleblower matters and advises on a broad range of employment law issues, from hiring through termination. She has experience representing clients at trial, on appeal, 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 serves as co-chair of Littler’s SOAR mentorship program, which pairs associates who are new to the firm with shareholder mentors to support associates’ long-term success at the firm. Nicole is also 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 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 Hon. Mark Lane, U.S. Magistrate Judge for the Western District of Texas.

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*®, 2021-2025
- 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, 6th 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
U.S. District Court, Eastern District of Michigan
U.S. District Court, Central District of Illinois

Publications & Press

Littler Appoints New Leadership to Its 'Ohana Affinity Group and SOAR Program

Littler Press Release

August 7, 2024

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

Everything Old is New Again: A Wage & Hour Retrospective with an Eye Towards AI and Beyond

Littler Executive Employer Conference, Phoenix, AZ

May 9, 2024

What the Swales?: Litigating FLSA Notice Issues in the Fifth Circuit

Central Texas Federal Bench Bar Conference

March 1, 2024

2024 DOL Update: Final Rules and Enforcement Priorities

Austin SHRM

February 21, 2024

Littler Austin's 2023 Holiday Season Lunch and Learn

Austin, TX

December 15, 2023

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