

Joshua B. Kirkpatrick

Shareholder

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Focus Areas

Wage and Hour
Discrimination and Harassment
Unfair Competition and Trade Secrets
Class Action
Contractors, Staffing and Contingent Workers
AI and Technology

Overview

Josh Kirkpatrick provides 24/7 service and pragmatic advice to clients. He represents clients in a wide range of employment and labor law matters in federal and state court in Colorado and Montana, in arbitration and mediation, and before numerous government agencies. He has litigated hundreds of cases arising under dozens of laws regulating the employment relationship, including cases involving claims of discrimination, harassment, and retaliation.

Josh has extensive litigation experience relating to state and federal wage and hour issues, including many claims that have involved attempts by plaintiffs to obtain class action or collective action treatment. His practice also focuses on consulting with a wide range of employers on wage and hour compliance, ensuring best practices, and avoiding class litigation. He is a core member of Littler's Wage and Hour practice group.

Josh has particular knowledge of legal issues involving the contingent workforce impacting companies in the staffing, recruiting, PEO, and "gig economy" industries. He is legal counsel for the National Association of Personnel Services (NAPS).

Josh frequently partners with clients on the benefits and risks of introducing artificial intelligence systems in the workplace. He is a member of Littler's AI & Technology Practice Group and chairs the Firm's AI Governance Committee with respect to internal development and deployment of AI tools.

Josh has significant clients in the following industries:

- Financial services and "Fintech"
- Internet and technology
- Hospitality and restaurant
- Broadcasting
- Retail
- Construction

Josh frequently presents before attorneys, human resources professionals and employer organizations on:

- Wage and hour issues
- Workplace discrimination and harassment
- Contingent workforce issues
- Artificial Intelligence

Selected Matters

Romero v. Altitude Entertainment & Kroenke Sports: Secured complete defense verdict following a week-long federal jury trial alleging discrimination and retaliation.

Ensey v. Mini Mart, Inc.: Montana Supreme Court decision upholding constitutionality of arbitration and fee shifting provisions in Wrongful Discharge from Employment Act.

EEOC v. Beverage Distribs. Co., LLC: Reversing jury verdict on the basis of faulty jury instruction in ADA litigation versus EEOC.

Professional and Community Affiliations

- Member, Colorado Bar Association
- Member, Federal Bar Association

Recognition

- Named, The Best Lawyers in America®, 2016-2025
- Ranked, Labor & Employment, *Chambers USA*, 2017-2024
- Named, Top 10 Most Influential Labor & Employment Lawyers in Colorado, *Business Today*, 2023

Education

J.D., University of Michigan Law School, 1999

B.A., University of Memphis, 1995, *summa cum laude*

Bar Admissions

Colorado

Montana

Publications & Press

Littler Ranked in 2024 Chambers USA Guide

Littler Press Release

June 6, 2024

New Edgewater, Colorado Minimum Wage Ordinance Highlights Compliance Challenge

Littler ASAP

August 8, 2023

Littler Recognized in 2023 Chambers USA Guide

Littler Press Release

June 6, 2023

Littler Ranked in Chambers USA Guide 2022

Littler Press Release

June 1, 2022

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

Littler Press Release

August 19, 2021

Montana Releases FAQs on Vaccine Discrimination Law

Littler ASAP

August 4, 2021

Colorado Supreme Court Finds Policies Requiring Forfeiture of Earned Vacation Unlawful

Littler ASAP

June 17, 2021

Montana Makes Significant Changes to State Employment Laws

SHRM Online

June 1, 2021

Littler Ranked in Chambers USA Guide 2021

Littler Press Release

May 27, 2021

Montana Makes Significant Changes to State Employment Laws

Littler Insight

May 14, 2021

Colorado Issues Final Rules on Equal Pay for Equal Work Act with Significant Job Posting Requirements for All Employers with Colorado Workers

Littler Insight

November 13, 2020

Colorado Proposal Would Mandate Salary and Benefit Details in Job Ads

SHRM Online

October 5, 2020

Proposed Regulations Would Require All Employers with Colorado Presence to Post Salary Range and Benefits for Virtually All Job Openings

Littler Insight

October 1, 2020

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

Littler Press Release

August 20, 2020

Colorado Makes Minor Revisions to COMPS Order 36 and Provides One-Month Grace Period for Posting and Notice Requirements

Littler ASAP

March 19, 2020

Significant Changes to Colorado Regulations on Wages and Working Conditions for Private Employers Take Effect March 16

Littler Insight

March 11, 2020

Best Lawyers in America© 2020 Edition Honors More Than 200 Littler Lawyers; 14 Named Lawyer of the Year

Littler Press Release

August 15, 2019

Colorado Court of Appeals Finds Vacation Forfeiture Policy Lawful

Littler ASAP

July 11, 2019

Littler Ranked in 2019 Chambers USA Guide

Littler Press Release

April 25, 2019

Cristiano Ronaldo, NDAs and how the #MeToo movement is spurring legal changes

LegalWeek

November 12, 2018

Best Lawyers in America© 2019 Edition Honors More Than 200 Littler Lawyers

Littler Press Release

August 15, 2018

Littler Ranked in 2018 Chambers USA Guide

Littler Press Release

May 15, 2018

Colorado Supreme Court Clarifies the Statute of Limitations under the Colorado Wage Act, Closing the Door on Stale Claims

Littler ASAP

March 15, 2018

The Montana Supreme Court Issues a Favorable Opinion for Employers of Seasonal Employees in “For Good Cause” State

Littler Insight

December 1, 2017

Best Lawyers in America© 2018 Edition Honors More Than 200 Littler Lawyers

Littler Press Release

August 17, 2017

Littler and Its Attorneys Receive Top Rankings in 2017 Chambers USA Guide

Littler Press Release

May 26, 2017

The Minimum Wage in 2017: A Coast-to-Coast Compliance Challenge

Littler Insight

November 18, 2016

The Best Lawyers in America[®] Honors More Than 180 Littler Lawyers in Its 2017 Edition

Littler Press Release

August 16, 2016

Colorado Division of Labor Issues New Guidance on "Use-It-Or-Lose-It" Vacation Policies, But Questions Remain

Littler ASAP

October 20, 2015

Littler Attorneys Recognized in the Best Lawyers in America[®] 2016 Edition

Littler Press Release

August 18, 2015

Colorado Supreme Court Upholds Termination of Employee for Medical Marijuana Use

Littler Insight

June 15, 2015

Wage Protection Act Makes Significant Changes to Colorado Wage and Hour Law

Littler Insight

October 24, 2014

10th Cir. Rules Forced Quit Claim Untimely, But Revives Ex-Postmaster's Retaliation Claim

Bloomberg BNA Daily Labor Report

July 30, 2014

Colorado Latest to Join U.S. DOL to Reduce Worker Misclassification

Littler Insight

December 14, 2011

DOL Launches Smartphone "App" to Track Employee Time and Compute Wages

Littler ASAP

May 10, 2011

Colorado Passes Stricter Penalties for Employers that Misclassify Independent Contractors

Littler Insight

July 26, 2009

Tenth Circuit Endorses "Fluctuating Workweek" Method of Calculating Overtime for Misclassified Salaried Employees

Littler Insight

July 10, 2008

Colorado Enacts Law Guaranteeing Employees the Right to Discuss Their Wages

Littler Insight

July 7, 2008

Josh Kirkpatrick Notes that Storms Don't Give Days off to Workers

Denver Post

December 29, 2006

Josh Kirkpatrick Discusses Minimum Wage Hike

Denver Post

November 9, 2006

Speaking Engagements

2024 Rocky Mountain Regional Employer Conference

Denver, CO

October 18, 2024

2024 Littler AI Summit

Washington, DC

September 23, 2024

2023 Rocky Mountain Regional Employer Conference

Denver, CO

October 27, 2023

2021 Rocky Mountain Virtual Regional Employer Conference

Denver, CO

October 6, 2021

Navigating Montana's Laws Regarding Vaccination Status and Discrimination and WDEA Claims

October 5, 2021

Compliance Coffee Talk: Colorado's New Equal Pay Transparency Job Posting and Internal Promotion Notice Requirements

Denver, CO

March 3, 2021

2020 Rocky Mountain Virtual Employer

November 18, 2020

Hold on to Your Hat!: The 2019 Wage and Hour Litigation and Legislation Update

2019 Rocky Mountain Employer Conference, Denver, CO

October 4, 2019

Colorado Employment Law Update

2019 Rocky Mountain Employer Conference, Denver, CO

October 4, 2019

Conducting Legal Investigations in the Wake of #MeToo

Denver, CO

April 18, 2019

Ethical Issues - Can They Really Do That? Ethical Minefields and How to Dodge Them

Association of Corporate Counsel 12th Annual Ethics Day for In-House Counsel

December 6, 2018

Lessons in Risky Pay Practices in the Energy Industry

Breakfast Briefing, Houston, TX

October 16, 2018

Navigating Independent Contractor Compliance Under the Shifting Legal Landscape

Rocky Mountain Employer Conference

September 21, 2018

Employment Update- #MeToo Movement- Preventing and Responding to Sexual Harassment Claims

Spring 2018 NGO General Counsel Forum

June 1, 2018

Pay Equity: Public Pushes Gender Equity & Legal Battleground Moves to States

Mile High SHRM

May 31, 2018

Wage and Hour Class Action Avoidance: Lessons from Litigators

2017 Littler Rocky Mountain Employer Conference

October 3, 2017

2016 Rocky Mountain Employer Conference

Denver, CO

September 21, 2016

The Limits of Work Time: What is Compensable Time?

Rocky Mountain Employer Conference

September 21, 2016

The 2014 Rocky Mountain Employer Conference

Denver, CO

October 30, 2014

Romance in the Workplace and What to Do When the Valentine's Roses Die

Denver, CO

March 21, 2013

Converting Good Intentions into Compliance: Effective Pay Practices

Littler Mendelson, Scottsdale, AZ

May 11, 2012

Wage & Hour Trends

Denver, CO

August 26, 2010