



# Marsha M. Piccone

Partner

[mpiccone@foxrothschild.com](mailto:mpiccone@foxrothschild.com)



Denver, CO

Tel: 303.945.7418

Fax: 303.292.1300

Marsha is a seasoned trial and appellate lawyer and Co-Chair of the firm's Appellate Practice Group. A former judge on the Colorado Court of Appeals, she has served as lead trial and appellate counsel in high-stakes litigation involving multimillion-dollar claims.

Businesses of all sizes rely on Marsha to navigate their most complex legal problems through trial and appeal in state and federal courts throughout the country. She is frequently asked to consult on trial strategy, appeals and complex legal briefing. She centers her practice on cases involving complex commercial disputes, product liability, and torts. Marsha has a particular depth of experience in defending consumer product companies in cases involving vaccines, medical devices, pharmaceuticals and manufacturing. She also serves as an arbitrator in commercial disputes.

As an appellate judge, Marsha authored more than 200 opinions and served on three-judge panels deciding hundreds of other civil and criminal cases involving complex and novel legal concepts. Her experience as a judge and her years of practice as a trial and appellate lawyer have made her a respected and trusted resource for professionals and businesses involved in complex litigation.

## Services

- Litigation
- Appellate Practice
- Class Actions
- Medical Technology
- Product Liability & Mass Torts
- Alternative Dispute Resolution

## Representative Matters

- Secured reinstatement of a \$100+ million arbitration award in the Colorado Court of Appeals on behalf of a co-founder of a cannabis company.
- Defended a hospital before the U.S. Court of Appeals for the Ninth Circuit, securing a precedential opinion in a case brought under the Americans with Disabilities Act, the Rehabilitation Act, Affordable Care Act and California's Unruh Act.
- Vacated a \$6.5 million attorneys' fees award stemming from a construction defect arbitration in a developer's appeal to the Colorado Court of Appeals. Successfully defended against a petition for certiorari review by the Colorado Supreme Court.

- Represented a federal research and development lab in the U.S. Court of Appeals for the Ninth Circuit, successfully defending a summary judgment dismissal of federal and state discrimination and retaliation claims.

## Beyond Fox Rothschild

For more than a decade, Marsha has served as Chair of the Colorado Supreme Court's Committee on Pattern Civil Jury Instructions. She was named to the committee in 2004 and was appointed by the Supreme Court to lead it in 2008. As chair, she heads a team of attorneys who research, draft, update and publish the pattern jury instructions used in all Colorado civil jury trials.

Marsha is a former editor of the *Defense Counsel Journal*, a publication of the International Association of Defense Counsel that serves as a forum for topical and scholarly writings on the law, its development and reform, and on the practice of law.

## Bar Admissions

- Colorado

## Court Admissions

- U.S. Court of Appeals, Tenth Circuit
- U.S. District Court, District of Colorado
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Southern District of Texas

## Education

- University of Colorado, School of Law (J.D., 1985)
  - Member, University of Colorado Law Review
- University of Colorado–Boulder (B.S., *with honors*, 1982)

## Memberships

- Colorado Supreme Court Committee on Pattern Civil Jury Instructions
  - Chair (2008-Present)
  - Member (2004-Present)
- American Arbitration Association
  - Panel Member
- American Bar Foundation
  - Fellow
- Colorado Bar Association
  - Board of Governors, Denver Bar Association Representative (former)
- Colorado Bar Foundation, Fellow
- American, Colorado, Denver, Arapahoe County and Colorado Women's Bar Associations
- Denver Bar Association
  - Board of Trustees (former member)
- International Association of Defense Counsel
  - Former Editor, *Defense Counsel Journal*
- Defense Research Institute

## Honors & Awards

- Selected to the list of "Denver's Top Lawyers" for Appellate by *5280 Magazine* (2018-2024)
- Selected to the "Best Lawyers in America" list for Appellate Practice (2011-2013, 2019-2026), Commercial Litigation (2020-2026) and Product Liability Litigation – Defendants (2013, 2021-2026) in Denver, CO by *Best Lawyers*
- Top Lawyers of Denver, *Denver Post* (2016)
- Selected to the "Super Lawyers" list for Appellate Law in Colorado by *Super Lawyers* (2007-2011, 2021-2023, 2025)

- Martindale-Hubbell® AV Preeminent™ Peer Review Rated

## Community Involvement

- Presidential Search Committee, Alumni Representative, University of Colorado (2005-2006)
- General Counsel Search Committee, Alumni Representative, University of Colorado (2007)
- Volunteer Mediator, Jefferson County Mediation Services (May 2018 - June 2019)
- Our Courts Colorado, High School Program 2019, Judicial Selection in Colorado, Volunteer (2019)
- American Brain Tumor Association 5K, Planning Committee (2019)
- Colorado Easter Seals Board of Directors (1999-2000)

## Publications

April 28, 2026

**The Presumption of Innocence Podcast Series**

## Significant Representations

- Lead trial counsel for one of the world's largest vaccine manufacturers in a region from the Pacific Northwest to Texas. Supervised teams of lawyers, paralegals and local counsel and managed multimillion-dollar legal budgets.
- Lead counsel in numerous product liability cases. Participated on a trial team coordinating hundreds of cases throughout the country, ultimately securing successful dismissals of these cases. Served as trial counsel obtaining summary judgment in product liability cases involving failure to warn and defective design.
- Member of the national trial counsel team for an international consumer product manufacturer based in Colorado.
- Represented clients in medical device and pharmaceutical litigation. Responsible for handling experts including depositions and trial testimony in complicated disciplines such as epidemiology, immunology, neuroimmunology, rheumatology, psychiatry, neurology, ophthalmology, pharmacology, oncology, orthopedics, toxicology and neurotoxicology.
- Lead counsel for a defendant in multimillion-dollar putative class actions. Succeeded in having cases dismissed early in the litigation.
- Member of trial team representing a uranium milling company in a five-week jury trial in a toxic tort case involving multiple plaintiffs alleging personal injury and property damage. Continued to represent the client through the 10th Circuit appeal wherein the jury verdict was successfully reversed in client's favor.

## News

October 14, 2024

**Fox Rothschild Litigation Team Secures Decertification of Class Action Against DirectSat**

April 18, 2024

**\$100M Arbitration Award Restored in Colo. Dispensary Fight**

January 1, 2024

**Denver's Top Lawyers 2024**

January 3, 2023

**Denver's Top Lawyers 2023**

August 20, 2020

**More Than 200 Fox Attorneys Selected to the List of "Best Lawyers in America"**

August 15, 2019

**176 Fox Attorneys Selected to the 2020 List of Best Lawyers in America**

April 1, 2019

**Fox Announces Leadership Transitions**

June 25, 2018

**Greenwood Village Law Firm Acquired**

June 21, 2018

**Fox Rothschild To Merge With Colorado Firm of Rollin Braswell Fisher**

June 21, 2018

**Fox Rothschild and Rollin Braswell Fisher to Merge**

June 21, 2018

**Denver Law Group Merging With Large National Firm**

June 21, 2018

**With Acquisition of Colorado Firm, Fox Rothschild Hits Sweet Spot in Denver**

June 21, 2018

**In Another Merger, Fox Rothschild Adds Six to Denver Office**

July 12, 2017

**Pro Bono Pros: Managing Partner Roundtable**

## Events

May 8, 2020

**Legal Issues for Homebuilders**

*Webinar*

February 1, 2018

**Inclusion Nudges: Structural Changes that Help Lawyers and Legal Professionals Interrupt Unconscious Bias**

January 22, 2018

**Post Sale Duties: Best Practices & Strategies to Prevent & Defend Product Liability Litigation**

*Webinar*

September 13, 2017

**Drafting Clauses for Alternative Dispute Resolution, Out-of-Court Procedures, and More**

January 2017

**Claiming Your Value, Part III: Preparing Transition Proposals**

April 20, 2016

**Making Your Record – Top Considerations for Preserving the Record at Trial**

*Spring Hill Suites*