



# Erica Payne

## *Senior Counsel*

Erica Payne focuses her practice on complex civil litigation and appeals. She has significant experience in a variety of fields including insurance bad faith, breach of contract, business disputes, and property damage.

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### Practice Areas

*Insurance Bad Faith*  
*Insurance Coverage*  
*Personal Injury*  
*Product Liability*  
*Uninsured/Underinsured Motorists*

### Admissions

Colorado  
Oregon  
United States District Court,  
District of Colorado  
Tenth Circuit Court of Appeals

### Education

B.A., Boston University  
J.D., University of Colorado –  
Boulder School of Law

## About

Erica's work has led her to represent a wide array of clients including individuals, companies, homeowners, business owners, owners' associations, commercial building owners, and nonprofits. She relies on her background in the natural sciences and her experience with expert witnesses when it comes to complex matters. Erica has tried cases in federal and state courts. She has also briefed multiple issues for the Colorado Court of Appeals and Colorado Supreme Court and has argued before the Colorado Court of Tenth Circuit Court of Appeals.

## Results

- Successfully moved to strike opposing party's economic expert pursuant to Rule 702, resulting in opposing party's inability to call expert at trial and favorable defense verdict.

## Results continued

- Authored briefing resulting in Court of Appeals and Colorado Supreme Court upholding trial court's dismissal of case and holding that landowner was not liable in negligence for injuries sustained by two minor passersby who were frightened by landowner's fenced-in dogs.
- Authored appellate briefing resulting in Court of Appeals holding that Plaintiff's law firm's \$224,000 campaign contribution to unseat trial judge in election was legally insufficient to reasonably infer appearance of prejudice, and thus disqualification of judge was not warranted.
- Prevailed on motion to dismiss negligence claims against client, resulting in dismissal of all claims with prejudice.
- Prevailed on summary judgment on claims of insurance bad faith and statutory unreasonable delay/denial in underinsured motorist benefit cases.
- Provided oral argument before Tenth Circuit Court of Appeals resulting in clarification of unsettled law involving interplay of Workers Compensation Act and UM/UIM statute.
- Defeated claims against insurance clients for punitive damages.
- Obtained defense verdict for individual clients in breach of contract jury trial.
- Obtained defense verdict in favor of insurance company at trial on claims of breach of contract and unreasonable delay/denial of benefits under C.R.S. § 10-3-1115/1116.

## Affiliations

- Colorado Defense Lawyer's Association
- Defense Research Institute

## Honors/Distinctions

- Recognized in *The Best Lawyers in America*® for work in Litigation – Insurance 2025
- Colorado Super Lawyers® 2023
- 5280 Magazine – Top Lawyers Denver 2022

## Published Opinions

- *Rohrbough v. Harris*, 549 F.3d 1313 (10th Cir. 2008)
- *Lopez v. Trujillo*, 399 P.3d 750 (Colo. App. 2016) (aff'd M. by and through *Lopez v. Trujillo*, 397 P.3d 370 (Colo. 2017))
- *Bocian v. Owners Insurance Company*, 482 P.3d 502 (Colo. App. 2020)
- *Klabon v. Travelers Property Casualty Company of America*, 556 P.3d 793 (Colo. 2024) on behalf of Amicus Colorado Defense Lawyer's Association