

Carl E. Forsberg

Founder, Shareholder

Carl has practiced law for 39 years and, along with Roy Umlauf, founded Forsberg & Umlauf 29 years ago. Carl's litigation practice emphasizes first and third-party coverage litigation defense, including environmental liability/ coverage and defense of bad faith, IFCA and CPA extra-contractual matters against insurers. He is licensed to practice law in Washington, Alaska and Oregon and represents clients throughout the Western states.

Carl has extensive trial experience, initially as an Assistant District Attorney in Anchorage, Alaska, and continues an active trial practice now. Over his career he has tried more than 100 criminal and civil cases. He frequently serves as a King County Superior Court Arbitrator, is a long time National Institute of Trial Advocacy (NITA) trial and deposition skills instructor, was an Adjunct Trial Practice instructor at the University of Washington School of Law and is now a frequent guest lecturer at Seattle University School of Law. He is an author and frequent lecturer on topics related to insurance coverage and bad faith litigation as well as pre-trial and trial best practices and strategy.

PRACTICE EMPHASIS AND EXPERIENCE

- General Liability Defense
- Insurance Coverage and Bad Faith Litigation and Analysis

RECOGNITION

- "Judicial AV Preeminent" Martindale-Hubbell rating, highest rating obtainable by a member of the legal community, since 1994
- Defense Trial Lawyer of the Year, Washington Defense Trial Lawyers, 2010
- Outstanding Lawyer of the Year, King County Bar Association, 2013
- President's Award, King County Bar Association, 2018
- Super Lawyer, 2001 – 2022
- Super Lawyer, Top 100 Lawyers, 2010 – 2011, 2013 – 2022



CONTACT

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EDUCATION

J.D., Pepperdine University School of Law, 1983

B.A., Gonzaga University, 1980, *magna cum laude*

BAR / COURT ADMISSIONS

State of Alaska

State of Washington

State of Oregon

U.S. District Court, District of Alaska

U. S. District Court, Eastern District of Washington

U. S. District Court, Western District of Washington

U.S. Court of Appeals, Ninth Circuit

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- Super Lawyer Business Edition, 2009 – 2021
- Seattle Met Magazine Washington Top Lawyers, 2010, 2012 – 2021
- Seattle Met Magazine Top 100 Lawyers in Washington, 2013 – 2021

REPRESENTATIVE CASES

- Favorably resolved \$100 million-plus exposure dispute at several polluted sites in two states.
- Partial defense verdict after seven-week jury trial in multi-state, multimillion dollar toxic tort contribution suit; jury found insurers' policies' pollution exclusions applied to preclude coverage.
- Favorably resolved \$100 million-plus Portland Harbor Superfund site pollution claim on behalf of several insurers.
- Partial defense verdict in bench trial regarding existence, terms of dozens of lost policies from 1940s.
- Prevailed on summary judgment that insured aircraft parts manufacturer's pretreatment system was an ordinary cost of doing business in compliance with regulatory licensing requirements, not a covered indemnity claim.
- Prevailed on summary judgment for insurer on a fatality auto accident based on insuring clause.

PROFESSIONAL & CIVIC INVOLVEMENT

- King County Bar Association
 - First Vice President 2020/21
 - Judicial Evaluation Committee, Member 1999 – present, Committee Chair 2013 – present
 - Judicial Screening Committee, Member 2000 – 2021, Co-Chair 2004 – 2005
 - Judicial Conferencing Committee, Member 2001 – 2003, 2011 – 2013
 - CLE Advisory Committee, Member 2008 – 2010
 - Membership Task Force Chair 2008
 - Trustee, 2006-2008
 - Bench Bar Conference, Co-Chair 2006
- Northwest Environmental Claims Association, 1997 – 2004, President, 1997 – 2000
- National Institute of Trial Advocacy, Instructor, 1997 – Present
- Washington Defense Trial Lawyers, 1999 – Present
- Northwest Insurance Coverage Association, 2000 – present, President, 2000 – 2001
- Council on Litigation Management, Member, 2010 – Present
- Washington State Bar Association
- Oregon Bar Association
- Alaska Bar Association

ARTICLES & PRESENTATIONS

- Presenter: "Washington and Oregon Long-Tail Claims Handling", October 6 – 7, 2021
- Presenter: "Zoom Jury Selection", King County Bar Association (KCBA) / King County Superior Court, July 23 & 30, 2020

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- Presenter: “Insurance Coverage Considerations for Coronavirus Claims in Washington and Oregon”, May 12, 2020
- Presenter: “Trial Preparation from Start to Finish”, National Business Institute (NBI), November 1, 2019
- Presenter: “The Effective Use of Demonstrative Evidence and Preparing Your Client for Deposition and Trial Testimony”, National Business Institute (NBI), November 1, 2019, Seattle, WA.
- Presenter: “Seminar with Insurance Law Update; Lost Policy Considerations; Bad Faith / Covenant Judgments; LDWW / PHSS Update”, October 3, 2019
- Presenter: “Use of Documents and Laying Foundations in Depositions”, National Institute for Trial Advocacy (NITA), July 24 – 25, 2019
- Presenter: “Taking and Defending Depositions in Personal Injury Litigation”, Seattle University School of Law, February 26, 2019
- Faculty: 2018 Northwest Deposition Program, “Use of Documents & Laying Foundations in Depositions,” National Institute of Trial Advocacy (NITA), August 1 – 2, 2018
- Presenter: “Taking Depositions and Defending your Client’s Deposition”, 2018 WAPA Summer Training Program, Washington Association of Prosecuting Attorneys, June 22, 2018
- Presenter: “History and Current Trends with Claim Bar Orders,” Washington Defense Trial Lawyers (WDTL), April 23, 2018
- Presenter: “Preparing and Defending your Client’s Deposition,” Washington Defense Trial Lawyers (WDTL), March 9, 2018
- Presenter: Cross Examination of a Plaintiff’s Medical Expert (American Board of Trial Advocates), November 9, 2017
- Presenter: “Update on Coverage and Bad Faith Cases in 2017”
- Presenter: Preparing Clients to be Deposed and the Deposition of a Client Witness, November 3, 2017
- Presenter: Model Toxics Control Act (MTCA) Environmental Insurance Law Update, September 28, 2017
- Faculty: NITA’s Building Trial Skills Program – Theme / Theory; Direct; Cross, Impeachment and Rehabilitation, July 17-18, 2017
- Presenter: “Defendant’s Deposition Preparation and Defending,” Washington Defense Trial Lawyers Association (WDTL), July 13, 2017
- Presenter: “Trial Preparation from Start to Finish,” IPE, June 28, 2017
- Attorney Retreat: “Identifying and Curbing Litigation Process and Discovery Abuse,” June 23, 2017
- Featured Speaker: “*Perez-Crisantos* Decision Analysis and Follow Up,” Claims & Litigation Management Alliance (CLM), June 21, 2017
- Presenter: “Resolution: The Only Good Claim is a Closed Claim,” 6th Annual PSAA Spring Symposium Claims College, March 24, 2017
- Faculty: “Taking and Defending Defendant’s Depositions,” Seattle U, February 23, 2017
- Faculty: “Defendant’s Depositions,” Seattle U, February 23, 2017
- Faculty: “Avoiding Weakness in your Closing Statement (Argument)” and “Presenting Technical Expert Testimony to the Jury,” National Business Institute (NBI), November 16 and 18, 2016
- Presenter: “Insurance Law Update,” Washington Defense Trial Lawyers (WDTL), February 29, 2016
- Featured Speaker: “Coverage Update and Trends Discussion,” Claims & Litigation Management Alliance (CLM), January 2015

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- Co-author: Chapter of the *LexisNexis Practice Guide: Washington Insurance Litigation* regarding the rescission of insurance policies based on misrepresentations made by the policyholder in obtaining a policy; “The Insurance Application and the Insurer’s Remedies for Misrepresentation,” November 2014
- Featured Speaker: “Video Conferencing Depositions – Use, Technology, Legal Requirements, Techniques and Other Considerations,” National Institute of Trial Advocacy (NITA), Deposition Training Seminar, August 13-14, 2014
- Presenter: “Annual Insurance Law Update,” Puget Sound Claims Managers Seminar, May 15, 2014
- Presenter: “Annual Insurance Law Update: Insurance Law 301,” Washington State Bar Association (WSBA) (recent case law updates and trial strategies for both plaintiff and defense counsel in insurance coverage litigation), December 17, 2012
- Panel Member: Discussion on deposition preparation, and defense (mock) of a claims professional’s deposition, Society of Chartered Property and Casualty Underwriters (CPCU) Pacific Northwest Chapter Seminar, Bellevue, WA, February 9, 2012
- Presenter: “Strategic Settlement Milestones—Don’t Let Them Go By Unnoticed: A Defense Perspective,” Washington State Association for Justice’s 34th Annual Insurance Law Seminar, January 26-27, 2012
- Co-Presenter: “How to Try an Insurance Case,” presentation and discussion with Ted Prosis of Tsongas Litigation Consulting on the trial of an alleged bad faith insurance coverage claim, Washington State Bar Association (WSBA), December 12, 2011
- Co-Instructor: “NITA Trial Skills Program,” Justice Africa Advocacy/Kenya School of Law, August 19-27, 2011
- Presenter: Deposition Training Seminar, National Institute of Trial Advocacy, August 16-17, 2011
- Presenter: “Defense Attorneys’ Ethical Obligations in a Reservation of Rights Scenario,” National Business Institute CLE, Insurance Law 2011: Current Case Law, Market Trends and Legal Updates, July 15, 2011
- Presenter: “Scope of Coverage for an Additional Insured and Standards for Determining Whether a Party Is an Insured,” NICA, May 27, 2011
- Presenter: Annual Insurance Law Seminar, Washington Defense Trial Lawyers (WDTL), April 1, 2011
- Presenter: “Insurance Law Primer: Understanding the Essential Components: Defense Attorney’s Ethical Obligations in the Tripartite Relationship,” and panel discussion on “Strategic Considerations in Litigation,” Washington State Bar Association (WSBA), December 2, 2010
- Chair: “2010 Washington Insurance Law Coverage Update,” Forsberg & Umlauf seminar, November 4, 2010
- Chair: “Life of a Construction Defect Claim,” November 1, 2010
- Presenter: “Bad Faith Case Law Review/Update,” Marine Insurance Association of Seattle (MIAS), September 7, 2010
- Faculty: “Exhibits” and “Closing Argument” Lectures, National Institute for Trial Advocacy (NITA), August 14-18, 2010
- Presenter: “Personal Injury Law Boot Camp from the Defendant’s Perspective,” Washington State Bar Association (WSBA), August 11, 2010
- Chair: “Environmental Coverage/Defense Lectures,” July 29-30, 2010
- Chair: “King County Judicial Forum,” Lorman Educational Services, June 11, 2010
- Presenter: “Evidence and Trial Objections Boot Camp,” Washington State Bar Association (WSBA), February 25, 2010

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- Presenter: “Effective Use of Exhibits in Trial,” University of Washington School of Law, February 2, 2010
- Presenter: “Effective Use of Exhibits in Trial,” Washington Defense Trial Lawyers (WDTL), December 11, 2009
- Chair: “Washington Insurance Bad Faith Claims,” Lorman Educational Services, December 10, 2009
- Presenter: “Bad Faith Insurance Claims in Washington,” National Business Institute (NBI), November 13, 2009
- Presenter: “Construction Defect/Coverage,” Training, June 23, 2009
- Presenter: “IFCA/Bad Faith Update/Unfair Claims Practices,” March 6, 2009
- Presenter: “Witness Deposition/Trial Testimony Preparation,” University of Washington School of Law, February 27, 2009
- Presenter: “The Business of the Practice of Law,” Seattle University School of Law, February 12, 2009
- Presenter: “Expert Witness Selection and Preparation,” University of Washington School of Law, February 9, 2009

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OLDER ARTICLES AND PRESENTATIONS

- Presenter: “Top 5 Insurance Coverage Issues in Washington,” Lorman Educational Services, September 26, 2008
- Presenter: “Trial Skills/Exhibits/Direct and Cross Examination,” National Institute for Trial Advocacy (NITA), September 7-10, 2008
- Presenter: “Deposition Skills/Defending Your Client’s Deposition,” National Institute for Trial Advocacy (NITA), July 30-31, 2008
- Presenter: “Insurance Bad Faith Claims,” Lorman Educational Services, July 22, 2008
- Chair: “Current Issues Impacting Insurance Defense Practice,” National Business Institute (NBI), June 11, 2008
- Chair: “Advanced Trial Practice,” Washington Defense Trial Lawyers (WDTL), April 23, 2008
- Presenter: “Insurance Broker Ethics Update,” March 13, 2008
- Presenter: “Insurance Law From A to Z,” National Business Institute (NBI), February 29, 2008
- Presenter: “Insurance Broker Ethics Review,” February 27, 2008
- Presenter: “Expert Witness Selection and Preparation,” University of Washington School of Law, February 14, 2008
- Presenter: “Insurance Bad Faith Claims in Washington,” Lorman Educational Services, July 19, 2007
- Presenter: “Current Issues Impacting Insurance Defense Practice,” National Business Institute (NBI), June 19, 2007
- Presenter: “Bad Faith Insurance Claims in Washington,” National Business Institute (NBI), November 3, 2006
- Presenter: “Insurance Bad Faith Claims in Washington,” Lorman Educational Services, July 19, 2006
- Chair: “Advanced Trial Tactics Seminar,” Washington Defense Trial Lawyers (WDTL), May 12, 2006
- Chair: “Trial Skills Workshop” (Four-Part Series), King County Bar Association (KCBA), October 5, 12, 19 and 26, 2005
- Presenter: “Insurance Coverage Law in Washington,” National Business Institute (NBI), June 10, 2005
- Presenter: “The Effect of Stipulated Judgments on Coverage and Bad Faith Claims,” Washington Defense Trial Lawyers (WDTL), April 8, 2005
- Presenter: “Good Times for Bad Faith Litigation,” Washington Defense Trial Lawyers (WDTL), March 10, 2005
- Presenter: “Third-Party Coverage in Washington,” National Business Institute (NBI), February 4, 2005
- Presenter: “Taking and Defending Effective Depositions,” Lorman Educational Services, January 21, 2005