



# Liability Insurance in International Arbitration: The Bermuda Form

*Richard Jacobs, Lorelie S Masters, Paul Stanley*

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The Bermuda Form catastrophe insurance policy covers liabilities for exposure to catastrophes such as serious explosions or mass tort litigation. It includes a clause requiring disputes to be arbitrated under English procedural rules in London but, very unusually, subject to New York substantive law. This calls for an unusual mix of knowledge and experience on the part of the lawyers involved, each of whom will also be required to confront the many differences between English and US legal culture. A related feature of the Form is that the awards of arbitrators are confidential and not subject to the scrutiny of the courts. Therefore, while many lawyers have been involved in litigating on the Bermuda Form their knowledge remains locked away. Thus, despite its considerable importance, the Bermuda Form is not well understood, a situation not helped by the lack of publications dealing with it. Accordingly, those required to deal with the Form professionally are confronted with a lengthy and complex document, but with very little to aid their understanding of it. This unique and comprehensive work offers a detailed commentary on how the Form is to be construed, its coverage, the substantive law to be applied, the limits of liability, exceptions, and, of course, the procedures to be followed during arbitration proceedings in London.

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