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The most important feature of the Bermuda policy form is that it is triggered by giving notice of an "occurrence" either during the policy period or before the end of an extended discovery period if the insured purchases a discovery option. In this regard, the Bermuda form is neither

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the bermuda form interpretation and dispute resolution of excess liability insurance Sep 06, 2020 Posted By EL James Media Publishing TEXT ID b8484dde Online PDF Ebook Epub Library increasingly turned to the bermuda insurance market to provide high level excess property and casualty coverage correspondingly there has been an increase in disputes

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The Bermuda Form: Interpretation and Dispute Resolution of Excess Liability Insurance (2nd Ed) 7 March, 2018 Now in it's Second Edition, this book published by Oxford University Press (OUP) provides analysis and interpretation on the construction of the Bermuda Form and addresses the dispute resolution process whilst covering the legal and practical issues.

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dispute resolution process and covers the legal and practical issues which arise in the international arbitration of large and complex disputes under it. The work has been thoroughly revised to take into account the major changes in the governing New York law since the first edition, as well as significant English case law such as AstraZeneca v ACE & XL. This case has had major implications for the interpretation of issues such as the recoverability of defence costs, assertion and proof of legal liability. The resulting trend towards brokers and insurers drafting endorsements intended to clarify intent, and the nature and efficacy of these endorsements, are also analysed in this edition. The implications for policyholders and insurers of the ACE Insurance Form 007 are also discussed at length. Providing valuable analysis of disputes involving the Bermuda Form, particularly concerning arbitrations, this work gives access to an otherwise closed arena and is an indispensable guide even for experienced practitioners in this field.

"Providing analysis and interpretation on the construction of the Bermuda Form, this second edition also addresses the dispute resolution process and covers the legal and practical issues which arise in the international arbitration of large and complex disputes under it. The work has been thoroughly revised to take into account the major changes in the governing New York law since the first edition, as well as significant English case law such as AstraZeneca v ACE & XL. This case has had major implications for the interpretation of issues such as the recoverability of defence costs, assertion and proof of legal liability. The resulting trend towards brokers and insurers drafting endorsements intended to clarify intent, and the nature and efficacy of these endorsements, are also analysed in this edition. The implications for policyholders and insurers of the ACE Insurance Form 007 are also discussed at length."--

JOINT WINNER OF THE BRITISH INSURANCE LAW ASSOCIATION BOOK PRIZE 2012 This is the second, revised edition, of what has become and was described by the English Court of Appeal in C v D as the standard work on Bermuda Form excess insurance policies. The Form, first used in the 1980s, covers liabilities for catastrophes such as serious explosions or mass tort litigation and is now widely used by insurance companies. It is unusual in that it includes a clause requiring disputes to be arbitrated under English procedural rules in London but, surprisingly, subject to New York substantive law. This calls for a rare 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. The Bermuda Form is thus 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. This is a book which will prove invaluable to lawyers, risk managers, and executives of companies which purchase insurance on the Bermuda Form, and clients, lawyers or arbitrators involved in disputes arising therefrom. '...deserves to be

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in the library of anyone who is, or is contemplating becoming, a party to a Bermuda Form arbitration...The authors, whom we have been associated with in some cases and opposed in others, have a wealth of experience with the Bermuda Form and the ability to share that experience with their readers in a clear and engaging style.' From the foreword by Thomas R Newman and Bernard Eder QC

This is the third revised edition of what was described by the English Court of Appeal in C v D as the "standard work" on Bermuda Form excess insurance policies. The Form, first used in the 1980s, covers liabilities for catastrophes such as serious explosions or mass tort litigation and is now widely used by insurance companies. It is unusual in that it includes a clause requiring disputes to be arbitrated under English procedural rules in London but subject to New York substantive law. This calls for a rare mix of knowledge and experience on the part of the lawyers involved, each of whom is required to confront the many differences between English and US law and legal culture. In addition, since the awards of arbitrators are confidential and are not subject to the scrutiny of the courts, the book helps professionals understand the Form's lengthy and complex provisions. The book, first published in 2004, was the first comprehensive analysis of the Bermuda Form. It is frequently cited in Bermuda Form arbitrations and was the joint winner in 2012 of British Insurance Law Association Book Prize for the most notable contribution to literature in the field of law as it affects insurance. It 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. The book will prove invaluable to lawyers, risk managers, and executives of companies which purchase insurance on the Bermuda Form, and to clients, lawyers or arbitrators involved in disputes arising therefrom.

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The Yearbook Commercial Arbitration continues its longstanding commitment to serving as a primary resource for the international arbitration community with reporting on arbitral awards and court decisions applying the leading arbitration conventions, as well as on arbitration legislation and rules. Volume XXXVII (2012) includes: excerpts of arbitral awards made under the auspices of the International Chamber of Commerce (ICC); notes on new and amended arbitration rules, including references to their online publication; notes on recent developments in arbitration law and practice in Colombia, Finland, Hungary, India, Lithuania, Montenegro, Portugal, Singapore, South Sudan, Tajikistan, Turkey and Venezuela; excerpts of 82 court decisions applying the 1958 New York Convention from 22 countries – including for the first time, cases from Bosnia and Herzegovina, Guatemala and Uruguay – all indexed by subject matter and linked to the General Editor's published commentaries on the New York Convention; an extensive Bibliography of recent books and journals on arbitration. The Yearbook is edited by the International Council for Commercial Arbitration (ICCA), the world's leading organization representing practitioners and academics in the field, with the assistance of the Permanent Court of Arbitration, The Hague. It is an essential tool for lawyers, business people and scholars involved in the practice and study of international arbitration.

The scope and importance of International Commercial Arbitration (ICA) has expanded exponentially in the last few decades and has become the natural and logical method to resolve international business and economic disputes. This collective work captures the development of ICA from different perspectives and uniquely brings together the ideas, suggestions and perspectives of in-house counsel as the most important users of ICA, along with outside counsel, arbitrators themselves, and major arbitration organizations who all help provide the service. Most, if not all, of the contributing authors have served as counsel or arbitrator in arbitrations and have further contributed, through their writings, teachings or activities in arbitral and other institutions, to the evolution of ICA covered by this collective work. Accordingly, International Commercial Arbitration Practice: 21st Century Perspectives is an indispensable tool for the reader–practitioner, arbitrator, academic, magistrate or student–not only to obtain useful general information on ICA practice today but to gain insightful views as to the influence of this institution in the settlement of international commercial disputes in specific economic areas, industries and commercial activities. International Commercial Arbitration Practice: 21st Century Perspectives brings the process alive and provides the reader with a useful practice guide whether he or she represents a client participating in an international commercial arbitration, is in-house counsel for a company considering arbitration as a possible method of dispute resolution, or is an arbitrator with cases at hand. The book is organized by Parts which contain thematically related chapters. Part I deals with an overview of key elements in ICA practice and includes chapters on how arbitration is conducted under different legal systems such as common law, civil law, and shari'a law, as well as a chapter on cultural issues in international arbitration. Part II contains geographical regional overviews covering most regions of the world (Western Europe, Russia/NIS countries, Asia (particularly China & Hong Kong and the Indian Subcontinent), Middle East & North Africa, Latin America, the U.S., Canada, and Australia & New Zealand. Part III includes individual industry sector views

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of how ICA is conducted in individual industry and business sectors such as oil & gas, LNG, mining, construction, telecommunications, satellite communications, intellectual property, sports, banking & finance, insurance & reinsurance, securities, shipping & maritime, corporate shareholder and bankruptcy settings. These chapters are highly instructive because many of them were written by current or former in-house counsel in these industries or, in some cases, by outside counsel who focus on these industries. Part IV of the book describes recent trends at several major global commercial arbitration institutions such as the ICC, ICDR, LCIA, CPR and WIPO. Part V deals with questions of how technology has been changing ICA practice in recent years, including chapters relating to the use of technology by some major arbitral institutions, videoconferencing in ICA, and online arbitration of internet domain name and e-commerce cases.

This book provides an authoritative and comprehensive review of all aspects of the law that relate to liability insurance contracts. Taking an international comparative perspective, *The Law of Liability Insurance* covers all the major types of liability insurance, not just professional indemnity insurance, presenting the issues according to the general principles of contract law. The book begins by concentrating on the fundamentals of the liability insurance contract before moving on to cover conditions, defence, exclusions, and finally claims against and non-payment by the insurer. This book will be an invaluable reference tool for practitioners and professionals working in the commercial liability insurance industry, including those who operate globally, as well as being a source for academics and post-graduate students.

Filling a gap in the understanding of private law, this book identifies the ways in which private law is deeply affected by insurance, and provides a structured exploration and interpretation of the ways in which insurance influences private law. It aims to change existing opinions about the limited theoretical importance of insurance, and to equip lawyers in general with the understanding of insurance contracts that they need in order to appreciate the public and private role of insurance more fully.

Each year, Stockholm is the arbitration seat of choice for numerous parties endeavouring to resolve international disputes. It is the second most used venue for investment disputes, and it is often the venue for disputes arising from the Energy Charter Treaty. This new annual publication, launched under the auspices of the Stockholm Centre for Commercial Law, is designed to meet the information needs of arbitration practitioners and parties from all over the world. This first issue provides authoritative articles, some of them with a Swedish angle, that address current matters of global concern in arbitration, including the following: multi-appointment bias; cross-examination and advocacy in arbitration; due process – paranoia or prudence?; robots as arbitrators; security for costs and third-party funding in investment arbitration; and the ‘Arbitration Station’ podcast. Recent developments in Swedish arbitration-related case law are summarized. The 2019 changes in the Swedish Arbitration Act are presented. The Yearbook provides both perspective and detailed analyses that will be welcomed by arbitration practitioners, counsel, and judges deciding arbitration cases. It will also prove valuable insights for arbitration academics, in-house counsel at multinational companies, and arbitral institutions worldwide.

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