

# Complex Insurance Coverage and Dispute Resolution Issues

James Ferguson,  
Senior VP and Deputy General Counsel  
Halliburton





## Excess Liability Markets

Market	Estimated Market Share (Large Accounts, >\$300MM in Limits)
U.S.	10%
London	45%
Bermuda	45%

Market	Estimated Market Share (All account sizes, taking into account number of risks, size of risks, line size)
U.S.	25%
London	50%
Bermuda	25%

## U.S. & London Excess Policies

- No choice-of-law provision
- “Service of Suit” provision in London policies

## Brief History of the Bermuda Form

- Developed as a response to instability of the U.S. excess liability market in the mid-1980s
- Excess stand-alone coverage
- Serves as “catastrophic” high level excess liability coverage
- Desire to avoid U.S. court jurisdiction
- Requires arbitration in London under the English Arbitration Act of 1996

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

## Title search: Complex Insurance Coverage and Dispute Resolution Issues

First appeared as part of the conference materials for the  
26<sup>th</sup> Annual Admiralty and Maritime Law Conference session  
"Complex Insurance Coverage and Dispute Resolution Issues"