



News

Hinshaw's Ed Lenci Co-Authors a Briefing Note on ARIAS-U.S.'s New Model International Arbitration Form

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New York-based partner Ed Lenci and co-author Jonathan Sacher, of Bryan Cave in London, introduced the new ARIAS-U.S. Model International Arbitration Form (IAF) in *ARIAS U.S. Quarterly* (3rd Quarter 2019).

The co-authors are the Co-Chairs of ARIAS-U.S.'s International Committee. Under their leadership, the International Committee produced the IAF, which ARIAS-U.S.'s Board of Directors approved. ARIAS-U.S. is dedicated to improving the insurance and reinsurance arbitration process for the international and domestic markets. ARIAS stands for AIDA Reinsurance and Insurance Arbitration Society and AIDA is the acronym of *Association Internationale de Droit des Assurances*, an international association that collaboratively proposes measures which may allow the insurance and reinsurance industry to conduct and supervise business and resolve disputes.

A copy of the IAF follows the article. According to the authors, "[t]he IAF is along the lines of 'Bermuda Form' arbitration clauses[.]" They elaborate that,

"Bermuda Form" insurance contracts are typically between U.S. insureds (or the offshore captives of U.S.-based insureds) and Bermuda-based insurers/reinsurers, where the insurers/reinsurers are not keen to be exposed to courts and tribunals in the United States but recognize that the insureds prefer a substantive law with which they are familiar or are prepared to accept New York substantive law, which is considered more balanced in protecting the interests of insureds and insurers. The parties often opt for London arbitration, where the tribunals are neutral and the process is considered to be more efficient and less expensive.

They explain that a considerable benefit of the IAF is that it is "flexible." It allows parties in "the situation where the cedent and reinsurer are in different jurisdictions and may need a neutral forum to resolve their dispute" to select the applicable law and the appropriate forum, even if that law and that forum are not those of their own respective jurisdictions. "The IAF ideally provides for New York law, ... and a jurisdiction that is likely to be seen to be more efficient in the handling of disputes, such as London."

[Read the full article \(PDF\)](#)

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