April 23, 2020

RE: Invitation for Amicus Briefing for Initial Off-Campus Housing Arbitrations

To Whom It May Concern:

The Center for Peace and Conflict Resolution (CPCR) has retained Hon. Anthony W. Schofield as an arbitrator in initial cases involving disputes over the BYU Student-Landlord Rental Agreement (the “Agreement”), arising out of the situation with the COVID-19 pandemic. These initial cases will result in decisions on legal issues that may be the same as or similar to those decided in subsequent cases. In fairness to those who may not be parties to these initial cases, the CPCR and Arbitrator Schofield now invite amicus briefing from nonparties to these initial cases only on the following two questions:

1. Does Paragraph 23(b) of the Agreement apply to the COVID-19 pandemic, and if so, how does it apply?

2. Are there any other legal doctrines (e.g., impracticability, frustration of purpose) that apply to possible termination or nontermination of the Agreement in light of the COVID-19 pandemic, and, if so, how do they apply?

An amicus brief must be no longer than four (4) pages and must submitted to the CPCR by no later than 5 p.m. on Tuesday, April 28, 2020. Late briefs will not be accepted, and only the first four pages of overlong briefs will be considered. Parties interested in submitting an amicus brief may email their brief, by the deadline indicated, to the following address: ccr@law.byu.edu.

Parties desiring to submit amicus briefs are encouraged (a) to work with other parties with common interests and submit consolidated briefing; and (b) to focus only on legal issues relevant to the above two questions and not on the facts of their particular case.

Sincerely,

Benjamin Cook
Director, CPCR

Anthony W. Schofield
Arbitrator