ICANN

Transcription

Independent Review Process Webinar

Wednesday, 17 January 2018

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Coordinator: And the recordings have started.

Nathalie Peregrine: Thank you very much Kay. So welcome everybody. Welcome to the Independent Review Process Webinar on the Wednesday 17th of January 2018. This is not the fun stuff. We'd just like to remind you that there's audio streaming in the Adobe Connect room. You may post your comments and questions in the Adobe chat as we go along. If you wish to ask questions at the end of the presentation over the audio please follow instructions in the housekeeping rules on the pod on the bottom right-hand side of the Adobe Connect room. Please remember to mute your phones and microphones when not speaking to avoid any background noise. Thank you ever so much everybody and I'd like to have the call over to Samantha Eisner. Thank you Sam over to you.

Samantha Eisner: Thanks Nathalie and hello everyone. Thank you for joining us. It looks like we have a nice cross representation of (smalls) from across the SOs and ACs.

And we're really looking forward to working with you and your respective groups to try to figure out how we can get a standing panel in place. So the purpose of today's Webinar here's our agenda first.

So you're going to hear from me. You'll hear from David McAuley who's been working as the chair – or the rapporteur for the Independent Review Process Implementation Oversight Team. You'll hear from Liz Le who is Associate General Counsel for ICANN and who's working closely on this project. We'll have some time for conversation and questions and then a wrap up maybe try to imply some next steps.

So the purpose of today's Webinar is to really jumpstart the process. We need to focus on getting a standing panel in place for the independent review process. We - as you may know during the transition we had some modifications made to the Independent Review Process which is one of the key accountability mechanisms for how we hold the ICANN organization and board accountable to the broader ICANN community. One of the provisions in there is that there has to be a standing panel in place but we do have provisions in the bylaws for how we can have independent reviews go forward without a standing panel. The standing panel so you know and Liz will talk a little bit more about this is envisioned to be a group of seven to nine people who are essentially under contract to hear independent review cases as they come up. And the hope is that we build familiarity with ICANN and the ICANN system so that we spend less time in independent reviews in trying to discuss what ICANN is and explaining what ICANN is as well as some of the nuances that come up in issues relating to the ICANN bylaws and then also to build some predictability in the precedent that is sets in the independent review process proceedings.

So the standing panel here is fairly unique because it requires cross community efforts that are a little bit different than what you might be familiar with or what you might have done in the past. The closest example of this would be the recent efforts and the ongoing efforts to select review team members for the specific reviews. But this gets even more different because this isn't a situation where each SO and AC is offered the opportunity to nominate a certain number of people. There actually is a requirement for the standing panel across the SOs and ACs that there be agreement on a single slate of seven people. And then there's also a requirement within the bylaws that the panel is diverse and has sufficient knowledge and expertise that it can handle the wide variety of cases that might come before the IRP.

So working with the Independent Oversight or the Implementation Oversight Team that David has been spearheading we've identified that not only do we need to jumpstart the community conversation to identify the next steps but it's also really important for us to gain an understanding of the full timeline of what the selection process is prior to sending out the call for expressions of interest for people to serve as panelists. We need to know and we need to be able to explain to them if it's going to be a six-month process or a one year process for example. We also need to understand and be able to explain to the applicant the level of community involvement and the community access to information such as their identities just for the fact of applying, et cetera.

So today's goal is not to reach conclusion on any of the questions that are laid out in the presentation. They're really – we're here today to have a conversation with you to see how we can start moving this forward, if you have ideas of how we can assist your SOs and ACs individually and how we might be able to assist in facilitating the cross community discussions that will need to happen in order to come to agreement on timeframe, process, et cetera. And so the overarching concern that we have from the ICANN side --

and we would hope that the community shares in this -- is that we need to build a process that gives the ICANN community sufficient information to nominate a standing panel while balancing concerns with independence, conflicts of interest and efficiency. So the – when we went through earlier and drafted the proposed process and some of the considerations that we flagged this is really the ideas that were in our head as we were developing proposals for the community consideration. So we'd really like to hear from you and your groups if you have additional concerns or additional things that you think we should be taking into account as this process is being built out.

So some questions to keep in mind through this Webinar as well as throughout the whole process as we're getting this put together are things like what does your SO or AC need to do and who does it need to empower to help answer the questions that we're raising? How will you're SO or AC work with others across ICANN to reach agreement on a process and to reach agreement on on a panel and what can we do from the ICANN org side to help your SO or AC with this work as well as to help the collective grouping of SOs and ACs to move forward? So with that I'd like to turn this over to David McAuley to talk a little bit about the role of Independent Review Process Implementation Oversight Team in this work. David?

David McAuley: Thank you Sam. Good morning everybody. It's David McAuley speaking. Could we go to my first slide please? And what I'm going to talk about is the IRP Implementation Oversight Team which is a team that I'm currently the lead of. It – the – our first leader was Becky Burr who helped – led the team through the creation of rules of procedure and then Becky stepped onto the board and is still a member of the team but I took over the leadership position at that time.

The IOT, the Implementation Oversight Team was actually created by the CCWG for accountability in Workstream 1. But then it – when the new bylaws were adopted it took on a new life as a specifically recognized body under the new bylaws. The members of the IRP IOT come from all parts of the ICANN community. And so they will come from your groups as well. And as soon as I finish speaking I will put in the chat a link to the Web – to our wiki page bringing you to the Member's page. And you can see who are the members of the IOT and including those from your organizations. Next slide please.

The IRP standing panel which is the subject of today's call is something you can see the nuts and bolts of the standing panel if you look at Bylaw 4.3 J. Bylaw 4.3 itself is very interesting, it's not short but it's not all that long. Previous – the previous slide please. But that's the specific bylaw that you would go to, to get all of your information regarding the IOT.

The next slide will get to the purpose of the IRP IOT. The IOT's purpose is to – is basically twofold, one specific, one general purpose. The specific purpose is to come up with rules of procedure under Bylaw 4.3N. And we are in the process of doing that. We're very close to ending. We've issued rules for public comment that Becky led our team in developing. We got a lot of public comments and we spent a lot of time now and a lot of effort discussing them and we are about to come back with the results of those discussions.

The other more general statement of our purpose is Bylaw 4.3 assigns to my - to this team other duties with respect to the IOT. For instance we have to work on additional panelist independence requirements. Another example would be we have to come up with a process for how a panelist might be terminated. There are specific reasons for terminating a panelist who was supposed to have a fixed term and if something goes wrong the specific reasons or the

nature of corruption, abuse of position -- those kinds of things. We have to come up with a process for that.

Next slide please and my final slide. The IRP standing panel comes under Bylaw 4.3 J. That'll tell you everything you need to know. In 4.3 J there are formal rules for ICANN, SOs and ACs as Sam was just describing and also for the IOT with respect to termination of a panelist. But I wanted to mention here that members of the IRT, IOT have indicated a willingness to assist the SOs and the ACs in their work on this. This is an extraordinarily important job to nominate panelists to the standing panel.

Keep in mind that under the new bylaw the decisions that the IRP comes to are going to be biting decisions and thus the establishment of the standing panel and especially the first standing panel is going to have some outsized importance. And so it's going to be extremely important that the SOs in the ACs who have the sole responsibility to nominate members to the standing panel work on this well and comprehensively.

In that respect the IOT has been developed under – when we developed in the CCWG we had SO, AC input, control under that process. But we are a separate entity in a sense and so you can't really assume that the IOT is acting as SOs, ACs. That's why I'm asking you to stay in touch with your members and to ask us for help. We're willing to help along the way. And I'll leave it at that for now and probably ask questions or make comments along the way. Thank you very much Sam.

Samantha Eisner: And now we'll go to Liz Le who will talk more specifically about the documents that were circulated to you and start highlighting some of the areas for consideration decide for you how to start the conversations within your groups. Liz?

Elizabeth Le: Thanks Sam. So before I go over the specific process of establishing and selecting the panelists I thought we could take a step back and just do a quick overview of what the IRP is. I'm sure many people on the call are familiar with this but just in terms of revisiting it the Independent Review Process is an accountability mechanism that was established by the ICANN bylaws for an independent third-party review of ICANN board or staff actions or inactions that the claimant bringing the IRP alleges to be inconsistent with ICANN Articles of Incorporation or its bylaws. And in this the bylaws set out the scope of what the IRP is. Just in a nutshell the claimant can be any person or entity or group and that includes the empowered community, any SO or AC that has been materially affected by a dispute. And to be materially affected the claimant must have suffered an injury or harm's directly or causally connected to the alleged violation. And in this case the IRP as I mentioned is – concerns only alleged violations of ICANN articles or its bylaws.

Under the bylaws the IRP proceedings are presided over by a three-member panel which had is selected from the standing panel which is the reason we're here to talk about how we go about establishing the standing panel. And in that sense also the IRP is intended to be a final and binding arbitration process. So under the bylaws there – as we have noted in the two documents that we pushed out with the invitation which is one I'll refer to as the process roadmap document and then we also have – we pushed out a document that was issues for our consultation. And under the bylaws there are a number of different steps that there is really a four step process to establish the standing panel as we've identified it.

The first step isn't really applicable here because that step relates to a tender process for an organization to provide administrative support for the IRP provider. In this case ICANN has been working with an IRP provider, the

ICDR. And they have their own admin support set up. So that is not applicable to our conversation at the moment.

So that moves us on to Step 2 which is the call for expressions of interest and initial evaluations. With respect to the development of the call for expression of interest as we noted in the process document ICANN developed this in line with the bylaws and it's nearly complete. In terms of SO and AC input we – the IRP IOT was consulted and provided feedback into the draft call and that feedback has been incorporated into the draft call. But at this point I think as Sam identified at the beginning of this Webinar before we can push out the call we need to have a better idea of the timing and what this process looks like so that we can give the applicants an idea of what to expect.

The next issue in the step two is the initial review and vetting of applications. Again the process document that – and sets forth what we have identified to be ICANN org's role and what the SO and AC's role and what the board's role is in the step, you know, in terms of you have that in front of you. And in the interest of time we want to identify on this call the bigger issues for consideration. Our consultation document sets forth a number of different issues and questions in this process that we would like the SO and ACs to consider.

But I think for the overarching issues for consideration in this step and to frame the consultation document and the conversation that will – that should start today and along the processes for the first issue is how do you think the – a candidate should be evaluated? So for example if we – once we receive the calls for expression of interest what – how do we determine what is a well-qualified candidate versus what is not a qualified candidate? And what can we – what criteria should be established to evaluate the candidates and assess their qualifications in an objective way? I think there are multiple ways for us

to do this. One way could be for ICANN org to prepare an initial proposal most likely like some kind of a form template for consideration by the SOs and ACs and then receive input as - from SOs and ACs as to what other benchmarking ways that you could see to be added to the template but it doesn't have to be done this way. Another way is there are other ways than we are – we welcome your input in terms of different ways that you can see the initial evaluation of the candidates to be handled.

And the other step that we want to consider is how to vet the applicant? What does this process look like? How will the SOs and ACs participate in the process? Again as I indicated we've teased out some of the issues in the consideration document but in terms of overarching issues that we would like you to think about as you're going through your discussions on this is how do we go about achieving this process? There are multiple ways that we can do this. I think one possible way is the ICANN org can conduct interviews of the candidate. And again and things to think about is what is the interview format - what look like? How would you like to see this interview process be conducted? Should it be a structured interview process where the questions are set in advance? Should it be a semi structured where there's – there are lists of common questions from which to choose?

Should there be standardized scoring system or a grading scale? Should ICANN or develop a proposal set of standard questions for the candidate which can be agreed upon by the SOs and ACs? I think we are – we want to hear from you in terms of how the SOs and ACs void participate in this interview process? Do you foresee yourselves having a few representative to attend the interviews? Would you open it up to your entire group to attend the interviews? And part of this I think would be keeping in mind that the larger number of participants, interviewers will impact the vetting – the efficiency of the vetting process the - and the coordination efforts and logistics of that in

terms of coordinating across all people who would – who want to attend and participate in the interview process and finding a time and moving this along efficiently.

I think another concern that we want to flag as part for the discussion is in terms of the universe of participants impacts for example how – the – how large the group the dissemination of the candidate information will be sent to. There are obviously privacy concerns that relates to this and there's – there are confidentiality concerns. Also conflict of interest concerns and how do we go about making sure that we've done the conflict checks and the prior to the interview starting. And also I think maybe the bigger concern is all these dial – these concerns I've highlighted dial to the fact that also the bigger – the group is there is a potential impact on the field of interested the applicants. These are the things that we want you to kind of think about as you have the discussions or perhaps – oh and another thing is whether or not the SO and ACs prefer to do a secondary interview once the – there is a more finite group of candidates that have been identified from the first round of interviews. Sorry Sam you have a question?

Samantha Eisner: I think before we move on we can flag that there's – so Donna has raised a question in the chat. So she asked has the selection criteria already been developed? So I put in the chat that we haven't yet. We – from the org side we think it's important to reach some agreement with the community about what well-qualified means. Are there – I think that there are a lot of other places around this process that - but that's the exact reason why we're trying to jumpstart this right? That's the exact reason that we're trying to make sure that we have this conversation sent out. And Donna I see that your hand is up. Did you want to speak in the room?

Donna Austin: Yes Sam if that's okay.

Samantha Eisner: Of course.

Donna Austin: Thank you. And apologies because this is while I know this work has been happening this is pretty new to me in terms of what the implementation means. And just to note that Rafik and I are on this call in place of Heather because this isn't a tremendous hour for her to be awake. So I guess – I'm just trying to establish so the IOT has obviously done a lot of work but what they haven't done is be specific about the process for selection. But did the IOT give any consideration to the selection potential selection criteria for the candidates themselves?

It seems that if, you know, given this effort's been going on for a long time I would've thought that there would have been some consideration of that. I'm just – it seems that we're starting from scratch and I don't necessarily understand that given that there's been a considerable amount of work done on this. Thanks Sam.

Samantha Eisner: Sure. So I'll speak to part of it and then if David wants to come in he can. So the – there actually are some qualifications laid out in the bylaws. If you would look at Section 4.3 of the bylaws there are desired qualifications for the standing panel members. I think the work that we have to do now is reach agreement with the community about some specifics around it such as does well-qualified mean that – this is just an example. It doesn't have to be one of the things that goes in there. But can a candidate be well-qualified for example if they're an attorney but they've only been in practice for two years and they've never had any other dispute resolution experience? Would that be something that would objectively put someone on the scale of well-qualified or not -- other things like that, some specifics around the types of experience they have. And of course the IRP itself and as it's written in the bylaws

doesn't require that all the standing panel members are attorneys or are judges or dispute resolution practitioners. We think that there probably is value in the bylaws are written to allow for experience in other areas like – and it might make a lot of sense for there to be some technical expertise available on the IRP as well because of the technical nature of ICANN.

So in 4.3 J of the bylaws it says experience includes experience in international law, corporate governance, judicial systems, alternative dispute resolution and arbitration. And then there are also some other specifics and we'll drop these into the chat so you can see but also take a look at 4.3 J.

So we're not starting from scratch on it. I know because we're trying not to overload with information in the presentation or on the other document. We – and you're talking to people who are very familiar with the bylaws so we have a different baseline of understanding. So we didn't put in those. But we're trying to build off of what's already put in there. And I see Alan your hand's up.

Alan Greenberg: Yes thank you Sam. It's Alan Greenberg speaking. I guess I'm one of the few people who's been involved in this group who's been involved in this from the beginning although very peripherally. And my overall concern is I understand why the ACs and SOs were given the responsibility because you clearly don't want the ICANN organization picking the people who will then be passing judgment on whether it's doing its job properly. On the other hand although there may be selected people within our ACs and SOs who have some knowledge and understanding of how to judge whether someone is experienced in international law, corporate governance, judicial systems, dispute resolution many of us, you know, might have absolutely no knowledge of how to recognize good people versus bad people.

So it sounds like we're either stuck with accepting the ICANN first triage evaluations or winging it. And that doesn't sound like a way we want to fill this panel with people who are going to be making, you know, crucial decisions that are binding and if I remember correctly precedent-setting. So I'm wondering to what extent are – is there going to be resources available so we could actually employ outside experts to help us make the selection? Otherwise we're really in a difficult situation especially because the people in our groups who may be able to recognize quality might also have a conflict – conflict of interest is not an issue for the panelists. It's an issue for those who are selecting the panelists and are potentially the ones who will be filing IRPs. So I'm not sure I see the structure by how we can exercise this independent right to select panelists but do it judiciously and with real knowledge. Thank you.

Samantha Eisner: Thanks Alan. I think, you know, you've captured a lot of the concerns that we've had too right? How you – how do you make decisions based on a really broad set of experiences and knowledge? And, you know, there – Donna put into the chat what about a professional selection firm? I think, you know, there are some different opportunities for how we could consider going about this. And, you know, does it make sense for example in the call for expressions of interest to use a recruiting firm of sorts to try to identify pools of applicants that are actually more likely to be well-qualified than not right? Would we give preferences to people who come from that system versus just send in their resume?

In the end we still – I think we still need to have the conversation between ICANN org and the community to make sure that some of the objective things that we're agreeing upon that say this is something that could make someone well-qualified or not are kind of agreed upon between us because the way the process goes so ICANN – so we put out a call and we get a pool of applicants

and then there's a vetting process through which there's an identification of the well-qualified from amongst those applicants. And that is the pool of people that the SOs and ACs are going to be asked to select from in making their panel selection. And so there is a cut before the SOs and ACs touch it.

And so we think it's really important to make sure that there is legitimacy on the process from both sides that the community sees that the process that ICANN used to make a cut of well-qualified is seen as legitimate and that process is the community is using to identify the full nomination set is also seen as legitimate and without or really presenting a way that reduces the level of potential for conflict because we agree there is conflict on both sides.

So we're going I think Liz unless you have anything to add we can move to David and then to Julie Hammer. David?

David McAuley: Thank you Sam, David McAuley speaking again and trying to answer the points raised by Donna and Alan. It is a problem in the IOT has not addressed this process Donna. It has discussed it and it's also discussed it with ICANN but we're – we've also feel that we have to honor the sort of the bright lines that the bylaws have created. And so I think what needs to happen and by the way I agree with Sam bylaw 4.3 J does have – it lists the over, the general qualifications that you need in a panelist, legal experience -- doesn't assail have to be a lawyer but some legal experience, arbitration knowledge, also some knowledge of ICANN and the DNS although there will be training for the candidates or for panelists over time as well.

But I think what needs to come out of this is a recognition that this is an extremely important subject and an extremely important effort for SO AC leadership. I think we need to create – this is my – me speaking personally I think there needs to be created a mailing list for this project that includes SO,

AC leadership, members of the IOT or at least the IOT leadership and ICANN. And I think we need face to face meeting at ICANN 61 if that can be arranged and we need to come to grips. I really like the idea that you put in the chat of maybe using – and we've gone beyond it but a professional firm or something like that as long as it's a group that is knowledgeable about arbitration. The idea of having a group suggest an entire panel or panelists makes great sense to me.

But there needs to be some sort of effort to organize and to start to lead. And in that respect I don't see anything that would inhibit SOs and ACs from deputizing or asking the IOT to help them. I mean many of our members come from these organizations. We're certainly willing to do it but under the bylaws the IOT is not the – is not empowered to do this right now. So I think there's food for thought there but I do think it's important to get organized, get a mailing list, give face to face meeting scheduled and perhaps virtual meetings between here and ICANN 61. Thanks very much.

Samantha Eisner: Thanks David. Julie.

Julie Hammer: Thanks very much Sam and certainly not disagreeing with anything that anyone has said to date. But I think the point that I would like to make is that one of the most crucial ways in which the SO, ACs can contribute to this process in my view mind get some greater granularity right up front in the criteria for selection and evaluation of these candidates and I think that needs to be looked at in greater detail with including maybe both primary skills and characteristics and secondary skills and characteristics.

And it might be that not every candidate needs to tick all of the boxes of those primary skills but that collectively the panel might need to do so. And what when I'm thinking of in relation to secondary skills and characteristics is some

of those issues related to time to achieve the diversity in the panel that the bylaws are seeking and that certainly the SOs and ACs would also be seeking. Unless we ask for some of that information right up front as part of this call for expressions of interest it may be quite difficult to elicit it.

So in my view one of the early things that the SOs and ACs can contribute to is if ICANN or come up with a template to begin with we can then review that and provide input to that so that the selection process of that is used to drive it should be able to be implemented either by ICANN staff or by a specialist recruitment firm to come up with if you like a skills matrix where each of the candidates is evaluated against the primary and secondary skills. And that would then assist the SOs and ACs to come to some recommendation about what the final panel should be. Thank you.

Elizabeth Le: Thank you Julie. We think those all sound like good ideas. For us I think it would be a good way to level set and could move the conversation forward. And if that's the decision that the SOs and ACs agree upon ICANN org can definitely create a template for in terms of evaluating the candidates for the SO and AC's input and that also come up with a proposed scoring matrix against that template once the template has been baked. It – moving on unless there are any other questions at this moment about this step we can move on to what the next steps look like. And then we can open up to the larger group discussion.

So the next step is really where the bulk of the work from the SO and ACs will come through and that's in terms of the nomination of the standing panel slate. I think as Sam mentioned during – at the beginning this the nomination of the slate has – is something that the SOs and ACs have to work on and come together and propose a one unified – one slate as a unified body decision-making body that they recommend to the board for approval.

And we've highlighted some of this in the process roadmap and the questions for consideration and what this looks like. But I think the main thing that we want to flag to your attention is how will you come to a decision? I think as you've identified there are skills and experience level that the – that the candidates need to have that in the vetting process.

And I think this whole process I think is the vetting process can be a discussion amongst the SO and ACs starting now. I don't think any of these process have to happen sequentially in the order that we've identified then I think as part in terms of a conversation that can be developed for this process. But really what ICANN or wants to know is also how can we support you in this work? How do you see yourself coordinating across SOs and ACs in order to reach this determination and in some - a lot of ways this is something that's new in terms of coordination amongst SOs and ACs. Certain issues I think can also consider is are there certain select representatives that will be the nominating committee or how do you go about selecting this? And is anybody going to any group will be given veto power over what the nominations are? Are there different multi step process within this step itself?

And as we in terms of how long it will take we've forecasted 30 days but is this long enough for you to reach a nomination? If not how long do you think you will need in order to reach this decision? Okay I'll stop there. Alan I see that you have your hand up.

Alan Greenberg: Yes first a question and then I'll try to answer the question. The vetting process the initial triage that I think the words we used his ICANN organization will do that. How do you envision that? Is that really ICANN staff members who will be doing the initial triage? And if so what kind of auditing will be available to make sure that, you know, if – to put out, you

know, to start a good conspiracy theory that you aren't eliminating the people who are likely, you know, be the ones decide who to vote against ICANN in some future thing because of past history or whatever or picking people you know can be – are controllable as the only candidate? So I think that triage process you've got to be a lot clearer on both how it will be done, who will be doing it and what kind of auditing the SOs and ACs will have over it.

In terms of the actual selection I'll note the bylaws see the supporting organizations and advisory committees. Well advisory committees are relatively well defined. In the case of the GAC is rather large but it's well defined. Supporting organizations on the other hand are large groups, very large groups several which with very different and competing interests and positions.

And I'm not quite sure how one gets closure on that. I would think at the very least we are going to need to be able to select representatives to participate in the process as opposed to the whole organization. Each organization – each of the seven groups is going to have to do that independently of course. And I would envision at the very least a face to face meeting or possibly multiple face to face meetings to do it. So 30 days sounds exceedingly limited. I just don't see how one could get organized and do this kind of thing in that timeframe. Thank you.

Samantha Eisner: Thanks David. This is Sam. You know, we've been considering and if you turn to the process documents, the more full document that were circulated earlier, you know, we've in terms of vetting we even have a footnote in thereof, you know, we agree there has to be some sort of auditing process. We have a footnote that says ICANN will maintain records that can be shared with SOs and ACs board and applicants that don't achieve well-qualified

status respecting – and confidentiality is appropriate. You know, so examples like that. I think we're in agreement right?

There - part of building this process correctly means that we have to establish enough checks and balances in it to create trust. And so that's something that we are approaching it with too. In terms of the SO and AC coordination to reach the final stage, you know, that that's one of the reasons we're here and talking. We know that each group has their own selection processes for different things that they select to. And so it's really up to those groups to identify for example in the GNSO are you going to be using your standing selection committee or are you going to use a different process? Are you going to be empowering individuals or is going to be a collective action?

Each group I think across the ICANN community has to talk about that. And then the community itself has to come together across the SOs and ACs and say, "Okay now that we have – now that we've identified how we're individually going to empower people to participate here's how were going to make a collective." And so the 30 days that we put out is really just we're throwing out a number so that the community can actually talk about what that number means and how that number impacts them and the feasibility of that number. And because we want to try to – we didn't want to leave think questions unasked about how long do you think it's going to take.

One of the things that we've said a couple times in the presentation is we know it's really important to that applicant side to have some sort of expectation of timeframe from start to end of the process. That can impact people's availability. It can impact their continued availability through the process. And so if they know it's going to take nine months for example, that's a lot different from them thinking it might take three months and then we don't announce anything till nine months and they've already moved on to

other opportunities because they didn't understand they need to keep their time open. Those are things that we're worried about. Donna I see your hand up.

Donna Austin: Yes thanks Sam and I agree with everything you said. And setting expectations for potential candidates I think is really important. I think I'm a little bit more concerned at this point about us as a community getting organized to understand how we manage through this process. So where – while you've brought to us a problem we need to work together to solve it.

From, you know, a GNSO perspective we will have to go back and as Alan rightly mentioned we – the GNSO is not a homogenous group. So we're going to have to work out what kind of representation or how we manage through this process. Registries are kind of lucky because we've got David and Becky that have been involved in this going forward. So maybe, you know, they can help us through that process. But I think there's some urgency associated with having those conversations so that we can kind of start getting into the nuts and bolts of this because I – it's not clear from his presentation what deadline we're working to. But I would assume that we – that this IRP needs to established to enable any requests that are coming forward that it's this IRP that we're talking about now setting up the panel that would have to deal with that. So I expect that there's some urgency in, you know, the longer term timeline of when we need to get this setup. So we – Rafik and I will have to go back to the, you know, the council as a first conversation. But I think separately within the GNSO we're going to have to have individual conversations as well.

So this may get a little bit tricky in working out the how, you know, initially how we're going to solve the problem. And but I think it's important as David said to have a face to face meeting in San Juan. And to the extent that we as,

you know, representatives of our respective groups can work to have somebody or some bodies appointed to that meeting I think it would be helpful.

So I think, you know, the heads up on this has been great. It's given me a sense of the gravity of the issue that we're – that we have to deal with and that there is some urgency with the timeline. So I thank you for that.

Elizabeth Le: Thanks Donna. I think you hit the nail on the head in terms of the issue and the work and the reason for us to start this conversation. I do want to just note that we do have a process in which the – an IRP once filed can go forward without the – a standing panel being selected. That is currently how IRPs are conducted now. But there is a sense of urgency in terms of the sooner we are able to establish a standing panel then we – the sooner we are able to go to a selection of the three member panel from the standing panel slate. David I see your hand up.

David McAuley: Thanks. This is David McAuley. I was just mangling getting off mute. I just wanted to intervene and say I thought Donna made some very good points. I fully second them. It – to answer the specific question under the bylaws there's no timeline or debt line but this urgent and urgent in the sense that the new bylaws in October of 2016 established a new IRP with new and very important aspects and elements including binding decisions and a permanent – not permanent but a standing panel with fixed terms and the panel issuing decisions of precedence so this is quite important.

It's interesting in the IOT that the new Chairman, Cherine Chalaby has taken an interest in our meetings. And I think it's fair to say that he and the board are now interested. It's important time-wise and urgent to get this third leg. The rules are a leg of this new IRP. The bylaws themselves are a leg of the

IRP. And the third important leg is the standing panel to get it in place. And so I just would second that. I would say that's one reason I put the link to the IOT membership in there so you can look at it and see those members from your community.

I personally am engaged in the GNSO and the ccNSO and I'm certainly personally willing to help both organizations. And I think you'll find that across the board in the IOT. And so I urge you to get familiar with those members. I think we should create a list and IOT will help as best we can (unintelligible). So thank you very much.

Samantha Eisner: Thanks David. Rod I see that you have your hand up.

Rod Rasmussen: Yes thanks, Rod Rasmussen here. I was having – I didn't know what I was having connectivity problems. I had the screen up and it wasn't letting me raise my hand for quite a while and then it died – love Adobe. Anyways so I'm coming at this rather fresh. I guess I'm 17 days into being SSAC Chair and I – while we were – we've had people participating along the way I'm coming – I'm looking at this from a pretty fresh perspective.

And what strikes me here is that we're in essence creating a new NomCom in that we have – and we have to – we have this – these various people that we are supposed to meet certain law qualifications. We're going to create this panel which sounds an awful lot like any – well like a board like anything else that the NomCom – that we currently have does. And we have to have participation. We nominate the SOs and ACs, basically provide people to do that.

So and I'm sure that has probably been discussed in other forums but I'm – I've got some concerns here in that we have a process that we're creating is

going to be fairly impactful. I know for our particular AC and one like RSAC we don't have people to do this stuff all the time. So we – we're looking for how do we do this and minimize impact upon our own what we're trying to do? And since we already have a process for doing nominations and vetting and recommendations for filling out important positions has any consideration been given outwards expanding NomCom's role or providing this sort of process via the same kind of process we do for NomCom today? And that – this may have been well discussed a long time ago in different form but as I said I'm coming at this fresh. So I'm just – maybe a fresh perspective on this would be helpful. But I'm concerned about the impact this will have at least on some of the SOs and ACs where there is – we're already pretty stretched pretty thin. That – so I'll leave it at that for now. I'm still raising that concern and those questions. Thanks.

Samantha Eisner: Thanks Rod. This is Sam. You know, I think that that's a really interesting way to look at this. One of the things that we really haven't discussed here is we have the initial issue of trying to get a standing panel in place but this will be a recurring process. We're going to once we have a panel put in place there's going to be a staggered term so that we don't face all panelists coming off every five years so that we'd have maybe two points in time that we'd select maybe after – I can't remember what number we put in if it was two or three years for half of them and then five years for the rest. But this will be a recurring process. This isn't just a one-off exercise.

And so we really haven't – we haven't discussed that concept of, you know, is this worthy of a different kind of NomCom like treatment or something? And, you know, I really appreciate the new voice you're bringing to the table on this. That might be something that is really worthwhile for the community to discuss. I think it's a really interesting way to look at it.

So it's not necessarily aligned with what the NomCom itself does. It's we're looking for different skill sets, et cetera. But that general idea of, you know, how do you empower individuals to speak on behalf of the community in order to do something? It's a very interesting idea. So I know that we have 3 minutes left in the presentation. And Liz I know that you still have a Step 4 to go over but I think it's pretty much information that's already in the document. I think we've already started talking a lot about ideas for discussion.

I would like to set out a couple of next steps. So some things that I heard that, you know, so first thing is it sounds like it's very important for us to get a face to face meeting put together. We've been in contact with the Meetings Team to try to get some time on the schedule during ICANN 61. Some other things that we can offer from the ICANN legal standpoint is we are happy to come and speak to whatever groupings be they individual SOs and ACs or smaller community groupings or whatever. If there's anyone that we can come talk to help move things along or do anything let us know.

We also heard an idea from Julie on putting together a template regarding some of the initial qualifications including primary and secondary skills and starting to get that out to the SOs and ACs to look at and start – starting to get some sort of objecting score – objective scoring matrix. So that would be a first thing that we could actually start working on while the – while conversations are happening about that broader coordination point because I think there are a few really distinct things that we need to tackle across this. So if we can start putting some things to bed and getting moving on some parts it'll leave more space for some of the other difficult conversations that we have. Alan I see your hand up,

Alan Greenberg: Yes sorry, I didn't mean to interrupt you. Why don't you finish and then go to me?

Samantha Eisner: Those re some – those were the things that I had identified as takeaways from today. So if you're – if you have something to add please go ahead.

Alan Greenberg: Yes just two points. On a meeting with the chairs I believe there's already something scheduled with Goran and maybe the board I don't know on Friday afternoon prior to ICANN and, you know, just before or just after it may – might be an opportune time. Getting us all together in the middle of the week when we all have our own agendas is – tends to be rather difficult so you may want to look at that. I think there is something already scheduled for that afternoon.

The other thing is I don't see how we're going to do this without the ACs and SOs having access to some experts and clearly not the same experts that ICANN is using for its initial cut and triage. And I think going into that meeting we – certainly I would like confirmation that we will have access to resources to be able to get outside council essentially to advise us. Thank you.

Samantha Eisner: So I think that the role of experts and how experts can work in a process is definitely something that we could work together on. I have not – this is really the first time that idea has come up so I can't commit the organization on that. But I think that it actually is a – it's a really good idea of how to start trying to work through it. I don't think that we're opposed to that at all. But I think we need to get a clearer idea of what expertise would mean, what type of expertise is needed and who could help. But I think that that's a really – that's part of our conversation.

And one question I wanted to pose back is is this a conversation that we should be keeping at the chairs or their delegate level or is this a broader conversation? So, you know, would we only tack on to the end of that meeting with Goran and the SO and AC leadership or are we ready to go to a broader group? And so I'm looking for some of your guidance on that. And Donna I see your hand up.

Donna Austin: Thanks Sam. To your question about whether to open this up to a broader group I think from a – I'll take this from a GNSO perspective rather than GNSO council, I suspect that this is a GNSO issue. So it might be that representation is required from the different SCs and Cs that make up the GNSO. I don't want to speak for anybody else in terms of their representation. But my concern is that the IOT is already a pretty, you know big group. The – if you expand this group too early you will get into conversations that are going to be more difficult to manage. And I use that word loosely. I – we don't want to manage the conversation but we do want to make progress on this. And if you open it up too broadly it's going to be hard to manage and focus the effort.

I think I'd like to come back to Julie made some really good points at the beginning of this so particularly as it relates to the selection criteria. And I think if we can try to break this work down to some extent into manageable chunks it might be that we can do a number of things in parallel to try to, you know, if we've got a small team that's working on the selection criteria there's another team working on how the SO, ACs can work together on getting this stuff done. How would we use a professional firm? Maybe that might be a way to do it but I think we'd have to do those things in parallel rather than sequentially so if we could break it down into smaller groups that might be helpful.

And I appreciate that this might go ahead some of the way that, you know, that the community likes to do things but I think to Rod's point about the fact that we're a little bit light on resources we need to be very conscious of the effort that this is going to take in – for people's times for starters because I think this is a significant effort that we have to do in short order. So, you know, we – I guess we need to think about how we can do that as well. Thanks Sam.

Samantha Eisner: I see – I know we're passed the time for the meeting. I see Alan's hand up and then we'll to a couple closing points and then we'll sign off and keep the conversation going possibly online for the next couple of weeks. Alan?

Alan Greenberg: Thank you very much. I don't think it's time to open it up to a larger discussion group but I would like to be able to share this with the ALAC either the Leadership Team or the ALAC. Is there any reason I cannot distribute the documents and the – this Adobe Connect session so people can at least start getting up to speed on what will be coming their way sometime?

Samantha Eisner: Not at all Alan. We're actually going to be standing up a page to track the work on the Standing Panel. And Liz if it's already been created if you can drop a link to it. I'm not sure what content is on there yet but we'll be housing the documents on there. When the Adobe Connect recording is ready it'll be on there. The slides are on there. From our standpoint there's nothing that we're discussing here that can't be shared more broadly. And it's really up to you guys and we'll take the lead from you as the community leaders as to when you want to bring in your community. But please share as you see appropriate.

So I think one of the things that we need to do from this particular since time is running short is we will – we'll send out a list of some of the identified next

steps that we have. We'll keep this group up to date as – on the scheduling of a meeting in Puerto Rico. I know that David had also mentioned there was some time that could possibly be available at the end of the Friday I think. So we'll see what we can do around that. We'll keep you up to date on scheduling. We'll send out some of the identified next steps and try to get as Donna said a couple of these items starting to work on it in tandem.

We agree they don't have to be sequential. There are a couple different lines of work that can be tackled separately. So we'll be following up within a couple of days with the takeaways from this, the next steps and then – and, you know, again reach out to Liz or to me to – if you have any questions or if you have anything that you need from us, any places you need us to be, any people you need to talk to. And, you know, we really thank you for your time, for your interest and for understanding the importance of this work. And, you know, I'm looking forward to working with all of you.

So with that I think we'll all go on with our days. I appreciate you're taking the extra time as well. Have a good day.

Alan Greenberg: Thank you all, good meeting.

Man: Thanks.

                         END