

ICANN

**Moderator: Alice Jansen
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Operator: At this time the call is being recorded. If anybody has any objections you would disconnect at this time. Thank you. You may continue.

Alice Jansen: Thank you.

Brian Cute: Thank you very much. This is Brian Cute opening the conference call of the Accountability and Transparency Review Team of July 13, a specially scheduled call due to the work in front of us and the fact that we only got half way through our agenda last week, so this is an additional call to our schedule. And I thank you all for your willingness to participate.

Has anyone not received a copy of the proposed agenda for tonight's call - or today's call? Okay.

First item let's move to approve the agenda. Do we have any additions or proposed changes from review team members?

Peter Dengate Thrush: Brian, Peter here. You've proposed one yourself, which is the conflict of interest discussion which you want to have here.

Brian Cate: Yes, I did. As I just sent by email, I think we'll move into the first item discussion on conflicts of interest with a statement from Becky Burr. Do we have any other proposed changes to the agenda? Okay with that...

Becky Burr: How does - Brian? Brian?

Brian Cate: Yes.

Becky Burr: This is Becky. Could I - I'm about five minutes away from my house, but it is like torrentially raining and so if we could switch that - this issue onto the second agenda item, so I'm not driving and talking at the same time that would be very helpful.

Brian Cate: Not a problem. Not a problem. We will kick off then, unless there are any other changes, and I have heard none, we will kick off with an update on the proposed budget for the ATRT.

And we'll just move through the items Becky until you're safe at home and we can turn to your issue.

Okay then, with that, the agenda is deemed to be approved. Let's open our discussion with an update on the budget.

I'll just update that we put together a proposed budget that had perhaps a few very small loose ends, but I think a fair approximation of what the proposed cost for the team would be including the cost of an independent expert, the cost of travels, the cost of administrative support and calls.

And Peter, thank you very much for your help and guidance in pulling that together.

It has been sent up through Peter to the board sub committee that's dealing with it and Peter would you like to give an update on that?

Peter Dengate Thrush: Yes, Peter here. Thank you, Brian. Yes, I sent that to the board working group over the weekend - over my weekend. The working group is Dennis Jennings and Rita Rodin, Katim Touray, Ray Plzak and (Xander) with Rob Beckstrom and Doug Brent supporting.

The initial reaction from them is to express some surprise at the size of the budget, particularly the Berkman proposal and they are questioning - so far they are questioning the scope of that and even the need for that and that discussion is really only just got started on that working group.

What I think I need to do in my role as conduit is to sort of collect up both questions I think once they've distilled them a little bit and I will be trying to get that done this week and get any sort of questions that can be sensibly answered by the Review Team, back to the Review Team by about Friday so that there can be some Q&A.

There hasn't been any questions raised so far about any other item of the budget, so as you perhaps expect, the lump of them wanting to work out whether they can swallow the size of the Berkman cost.

So that's it Brian.

Brian Cute: Thanks Peter.

Fabio Colasanti: Fabio here.

Brian Cute: Yes, Fabio, please.

Fabio Colasanti: I'm a bit surprised about the fact that we're having this discussion now because when we were in Brussels, when we were interviewing the various people who were putting forward proposals, I understood that there was some kind of broad agreement that with the board of ICANN about a certain amount being available.

So the amount that is now being considered for Berkman is not a surprise compared with what we knew a month ago when we met in Brussels. So that now we are going back to basics and I'm really, really surprised.

Also, where are we? That means if we are still questioning whether the amount is appropriate that that means that no contract has been signed with Berkman, so we are now on the 15th - 13th of July. That is very, very surprising.

Brian Cute: If I may, too, on that point Fabio with regard to the Berkman contract, um, I sent a proposed contract to Berkman this morning to (Erss) and asked him to begin reviewing it noting that time had already been ticking and still noting - and I did indicate to him that there was an approval process that needed to take place that wasn't complete yet, so he recognized that.

I told him it might be a few days but that he should at least look at the contract and, you know, we can vet any issues he has there so that assuming approval comes down relatively quickly, which I hope is the case, we can sign off on a contract and get to work.

But as you know, we're already past our intended agenda for the commencement of work for the independent experts.

Becky Burr: Brian, this is Becky. I think it's just worth noting that we use the contract forms provided by ICANN - the ICANN standard contract forms to create the contract for Berkman.

Brian Cate: Yes, I had spoken to John Jeffrey in Brussels and (Efrem) brought that and actually Dan Halloran had forwarded their standard contract form which we then put the work methodology and a few other changes and Becky had done a lot of good front-end work on that. Thank you for that Becky.

But I guess I would echo concern, Peter, if there's a chance that we don't get approval for the proposed budget, we are in a very, very difficult position indeed.

Is it your sense that there's really a chance that we won't get approval of this amount or that there are questions being raised and that, you know, going forward this will be an item that the board looks at in terms of future, you know, review teams and how things are managed? Do you have a sense?

Peter Dengate Thrush: Well, yes. It's Peter here. There is always a chance that something won't get approved. My sense is that once the questions have been collated and sorted and passed to the review team and answers are given, the thing will move forward. Whether it moves forward in exactly the same way, I'm not sure.

Lawrence Strickling: This is Larry Strickling. We don't have time for this. And frankly I think the inquiry from the board is out of line.

Cheryl Langdon-Orr: Here, here.

Lawrence Strickling: We determine the scope of this study. I think the board inquiry is they're entitled to understand that there's - that the price we are paying for the scope of the work that we set is reasonable. I think that information is available now based on the various bids we received from everybody else and the scope of the work that they were proposing.

I would suggest that Brian get on the phone with whoever is involved in this and have this discussion tomorrow and then let's get this thing signed off and let's move forward.

We cannot take another two weeks of delay exchanging questions back and forth on this. And frankly I think it directly impinges our ability to conduct the kind of inquiry we need to conduct if we have to get approval on scope of work from the board. That's just unacceptable.

Cheryl Langdon-Orr: Here, here, Larry. Cheryl here. If you could see me, I'm standing up and clapping.

Brian Cate: Peter, could we have that call tomorrow? I know that as you said Rita is the chairman of this. Is it possible to have that call tomorrow and accelerate this?

Peter Dengate Thrush: I'm certainly happy to see if I can - if we can set up a call as soon as possible.

Brian Cate: Thank you.

Peter Dengate Thrush: I'll start doing that now while we go on with other things.

Brian Cute: Very good. And are there any other issues on the budget?

Just so you know, we had - and these are the smaller portions, but since we still have moving targets on some of the - on the destinations for our face-to-face meetings, we put in estimates for Beijing, we put in estimates for Washington, although we still haven't made a definitive decision if it was going to be Washington, Boston or Cairo.

So just so there's a note, there are some smaller variables that make it not a hard budget figure, but with regard to the approval for Berkman, that is a priority and we'll have a call tomorrow assuming it is available and move it forward.

Anything else on this item?

Okay, moving on. Becky, are you at home? Becky, are you there?

Becky Burr: Hi, I'm sorry. I got dropped off, but I'm back.

Brian Cute: Okay. Are you in a comfortable place to speak now?

Becky Burr: Yes, I am now in a comfortable place to speak.

Brian Cute: Okay, then let's move to the conflicts issue.

Becky Burr: Okay. Following our conversation last week, I went back to review the issue in terms of the scope of work and I also spoke with John Jeffrey about the scope of work that was relevant to fulfilling from ICM's perspective, the directive of the board to provide due diligence materials for ICANN staff and to enter into contract negotiations with them.

After reviewing the board's direction, the - my conversation with John and looking at the other things I concluded that - I concluded two things. One, and probably most importantly, in order for the work that was required for ICM to take place, (Stuart) was going to have to hire a new lawyer who was unfamiliar with the process, bring them up to speed with ICANN and all of the history of the contract negotiation.

And in my mind and - I don't think that the due diligence work contract issues are adversarial. I had problems justifying that and in fact, found myself feeling like it was an accountability issue in and of itself.

I then reached out to John Jeffrey, and I want to be very clear, John has been - has helped from the beginning that my participation in the ATRT was a conflict, so I mean, you know, his view from the beginning was that I should not be participating in this by virtue of my past relationship with ICM.

We had a conversation about what work needed to be done and what the role - what ICM's counsel's role was with respect to providing this information and I think we would have to speak to him to get his exact views on this, but I think that - to the extent that there is a potentially contentious issue, it is to a determination as to whether the contract that is finally negotiated, reflects the advice of the GAC and that is something with respect to which ICM has no input. It is a decision of the staff and then of the Board of Directors.

So, based on that, I spoke to Brian and indicated that I thought that my ethical obligations made it very difficult for me not to provide the service with respect to due diligence which is basically document delivery and review of a contract that I have negotiated already two times with ICANN.

And I am as Peter and I had originally agreed, you know, not participating in discussions about ICM registry, in particular in this group, pending Peter's receipt of advice from counsel - with respect to whether a conflict exists.

My view is I am certainly and, you know, whether or not - no matter what the results of Peter's input, I have no intention of, you know, participating, being involved in the ICM specific issues.

But if that is inadequate or insufficient in any way, I think based on my obligations and my view of the situation, I will have to withdraw from the Accountability and Review Team - Accountability and Transparency Review Team unless the group is comfortable with my recusal from issues related to ICANN.

Brian Cute: Okay. I see Cheryl's hand up. Cheryl?

Cheryl Langdon-Orr: Thank you Brian. Cheryl here, Becky. I had a question into the chat room but realized you haven't had time to both get home and log into the Abode Room.

My question was just so I'm really clear, you're proposing that you go back to simply recusing yourself from messes that we, the team are dealing with in terms of ICM, yes?

Becky Burr: Yes, or - and the alternative is that inadequate, withdrawing from the Review Team.

Cheryl Langdon-Orr: And if the Review Team feels that it is inadequate, you're offering to withdraw from the Review Team. That's part two.

Becky Burr: Yes. Yes, I believe that both because I don't think that this is a contested matter, my original disclosure indicated that I continue to provide advice with respect to non-contested matters for ICM and because I believe that were if - to the extent I would disqualify from contributing - you know, providing the kind of (sample) that honestly I've provided over and over again and that would involve an enormous amount of expense and time delay for ICM. That both ethically and from a, frankly, accountability perspective, it would be wrong for me not to provide the service to ICM.

Cheryl Langdon-Orr: Understood. Brian, if I can just have a follow-up, please.

Brian Cate: Yes, of course.

Cheryl Langdon-Orr: Thank you Brian. Becky, I understand fully your position. I want to reiterate to the rest of the team because I have no idea what their reaction is on this, but I know what my reaction is on this.

I think the fact that you have continually declared this interest from the very beginning and we went to extreme lengths I thought to make sure that we had all of our interests in an ongoing system which allowed for continuous disclosure to work in this process is a vital part of how the system is supposed to work.

I have said before and I'm happy to say again in this meeting and for the record again that I think a recusal from working directly with anything in terms of ICM that we may explore and obviously as we were looking at the ICM issue as a possible test case for the Berkman study to look at, that would take it at arms length even further from you and - with the team.

I sincerely hope that Option 2 is not the will of the team but I want on the record it is certainly not my will that you pull away from the ongoing work of the team and in recognition of the huge amount and vital amount of foundation work you've done.

I think it would be a tragedy on many levels. And that's it for me, thank you.

Brian Cute: Thank you Cheryl. Let me open this up to...

Manal Ismail: Brian?

Brian Cute: Yes, Manal?

Manal Ismail: Yes, this is Manal. Just very quickly I would like to add my agreement to what Cheryl has just said. I really feel that Becky is a great addition to the group and did a huge amount of work and I would not like to see her leaving the group and would be satisfied if she recused herself from issues that is related to the ICM work. Thank you.

Brian Cute: Thank you Manal. I'd like to keep the conversation - we talked a lot about this last week. I'd like everyone to have an opportunity to weigh in and express their view.

Just so we're clear, as opposed to where we were last week where Becky had offered to recuse herself from the - not take the ICM work and continue the Review Team, Becky would be taking the new engagement, continue work in the Review Team and is offering to recuse herself from items related to .XXX.

There are three points...

Becky Burr: Brian?

Brian Cate: Yes, Becky?

Becky Burr: I just am confirming my continue the recusal from ICM.

Brian Cate: Your continued - okay. So there are, I think, three issues that we should address. The scope of recusal is certainly one question because it could be a recusal is appropriate for just the .XXX potential case study but certainly representing ICM, there are other issues that are potential case studies which could be implicated.

I think scope of recusal is a question that we all need to address. Secondly there is the issue of conflicts themselves and we have a policy and we have a statement. And there is also the issue of appearance of conflicts which we discussed last week, as well.

So with that as a frame, I'd open the floor to comment. And Fabio, I think I heard you coming in?

Fabio Colasanti: Yeah. I'm of the view that Becky should certainly remain on the team. I accept her position to recuse herself from discussion that would involve the XXX, the ICM application.

I would like to stress once again what I think I said last time. I'm a bit surprised by all this discussion about conflict of interest because what is the conflict of interest of Becky? Is that on an issue where ICANN was and is taking a decision, she was working with one side or she was - she had a very strong view or even an interest on one outcome.

But to a different extent and it's the different is only a degree, many of us have been associated with issues on which ICANN has taken decisions and where we're not particularly happy.

I think the members who represent the GAC, they are all associated to a certain extent, if you want, to decisions where the GAC was not very happy about the response or lack of response of ICANN.

So should we also have a conflict of interest? I don't think so. So I think that the offer of Becky to recuse herself from discussion concerning the XXX is more than adequate.

Brian Cute: Thank you Fabio. Others please.

((Crosstalk))

Olivier Muron: She should remain on the team and (withdraw) from this particular case.

Brian Cute: Thank you Olivier. Others?

Peter Dengate Thrush: Sorry, Brian. I didn't hear what Olivier said. Could you just summarize that for me?

Brian Cute: I thought I heard Olivier say that she should remain on the team and recuse herself from the .XXX issue. Is that correct Olivier?

Olivier Muron: Yes, it's quite right.

Brian Cute: Thank you. Peter?

Peter Dengate Thrush: Yes. I've got a different view and I think I probably ought to begin by saying what this is not about. This is not about the cost to ICM of appointing another lawyer and nor is it about Becky personally. I count her as a friend and nor is it about her (unintelligible) or the quality of the work that she's been doing.

None of that is really to my mind relevant to the issue which is making sure that the output of the review team is credible and successful and there'll be a lot of people who will try and damage and discount and - that work because they won't like its report. In the usual is to say our process was flawed.

And so we ought to be very careful about making sure that the processes that we go through are as sound as possible.

I agree with Fabio that there are a number of inherent conflicts and, you know, there are people who already had - you know, might be negotiating contracts or other matters with ICANN, but to my mind, this position goes beyond that.

I think we've got at least two very clear issues where we've got a problem and one of them is the ICM case study. And the other one is the decision about the discussion about review of board actions which Becky's already referred to our previous undertakings on.

I think the trouble with recusal on those is that it doesn't - and it won't go far enough. And for example, the issue of the GAC advice. Well the GAC has given advice about XXX, so does Becky recuse herself from discussions about GAC and so on.

Where I come from what you do is you avoid the appearance of the conflict of interest. You don't go through what a narrow - what a lawyer will do and say well it's actually about this or that.

The test that I'm familiar with is whether a reasonable person standing aside would say that that person was conflicted; has the appearance of conflict. And I think we're so clearly into that kind of territory and where Becky having said that she wants to carry on doing the work, we say well that's a perfectly valid decision, you should go from the - you know, you count that incompatible in my view with carrying on with the review team.

The other real worry I have, and I have to be careful how I put this, because I don't want to suggest that this is in any way likely, but there is a non-zero risk that there will be further problems with the ICM contract with the Board to suggest that if they're only going to be because of GAC advice and if that is something that ICM can deal with, just ignores the fact that there could be any number of things that go very wrong between now and putting XXX into the route.

If XXX was in the route and if this matter was resolved and it was - the fact that it's actually a live fight with a potential for a very - you know, it's a (unintelligible), seems to me that the whole issue goes well over the kind of standard, if you like, conflict of interest where ordinary recusal wouldn't matter.

So I would say we should take the offer to take the suggestion that the team isn't happy and that we should accept Becky's withdrawal. Thank you.

Brian Cote: Thank you Peter. Others?

Erick Iriarte Ahon: Hey Brian, Erick.

Brian Cute: Erick, please.

Erick Iriarte Ahon: Yes, first at some level all of us - all of the member of the Review Team have some interest in different of the issues, so in any case all need to be recused in some moment.

With that, I am agreed with - I like - feel like a consensus that if Becky take off the part when we discuss certain aspect that she very clear comment from the beginning of the working group is fine for me. We need to continue.

Second, is very important to say to the community, to us, that Becky took on and work on all the part of the review team until this moment are very useful. So we need to be clear.

And finally if Becky decides to step down is she's decision.

Brian Cute: I'm not sure we've heard from everyone on the team. Do we have other inputs?

Warren Adelman: Brian, this is Warren.

Brian Cute: Warren.

Warren Adelman: You know, I - with all due respect, I think I'm going to take a contrary position to many of the voices here. You know, when we did meet in Marina del Rey, we all sort of discussed this issue and we set up, you know, our conflict of interest policy and signed our letters, and I think what changed here is, you know, a decision that Becky made to take on new work.

And I agree with Peter here. You know, I think the process is very important and it's going to be very difficult to decide, you know, when should she recuse herself and shouldn't she as these are very interrelated discussions.

I think that, you know - I think at one point Becky had suggested perhaps she wouldn't do it or she would, you know, maybe not be part of this. And I have to, you know, side on the position that I think Becky should step down if she's decided to make a decision to continue to work with ICM.

That's a decision.

Brian Cote: Thank you Warren. Others?

Lawrence Strickling: This is Larry. I'll - I'm still formulating my own thoughts here. I'm not sure this is a conflict situation and I think for the reasons everybody else has mentioned probably most everybody on the team has some sort of conflict or some sort of interest and indeed, you know, right from the top.

I mean, Peter as Chairman of the Board, I think has some of those issues, as well. But I think we have accepted that with everybody being involved, everybody being open with the transparency that we had, that we should be able to work our way through that. In other words, our interests on our view for everybody to see.

I have to say I'm uncomfortable with this and I'm not sure I can articulate why. If there's really no interest then why should she have to recuse herself on any piece of this? And the fact that we are kind of grasping at recusal here suggests to me that we do see a problem here that's different in kind from the

fact that everybody else has an interest in various aspects of what we're looking at.

And I think, I have a hard time reconciling the fact that there needs to be a recusal but she should stay on the team. I think, I guess I'm with Peter and Warren, which is under these facts I think the appropriate thing is for her to withdraw.

And I'm really sorry to say that because I think she's been an incredibly valuable member of the team and we are going to be I think somewhat disadvantaged by her departure, but I just think the integrity of the process requires it.

Brian Cute: Thank you Larry. Anybody else? (Louie)?

(Louie): Yeah. And I'm still kind of formulating my thoughts like Larry was, can you hear me okay?

Brian Cute: Yes we do.

Woman: Yes, go ahead.

(Louie): Okay. On one hand yeah, it would be very sad in fact if Becky ended up having to leave the review team because of this but we've felt, we've given our conflicts of interest and we've shown what was in the past but in that this is a new decision that was taken on by Becky I'm, I am having a feeling myself leaning towards on the side of Larry and Peter and Warren on this.

Brian Cute: Thank you (Louie). I think that's everybody. Have I missed anybody?

Cheryl Langdon-Orr: I've put my hand back up.

Brian Cute: Okay Cheryl.

Cheryl Langdon-Orr: Thank you Brian. It was simply in response to (Larry's) points. I see, and to some extent some of what Peter raised. I see the recusal as a way of dealing with the perception issues and the matter of making it very clear to the public looking at us that not only is justice being done we're making sure it appears to be done.

Brian Cute: Thank you Cheryl. I'll add my thoughts. I'm coming down with Larry and Warren and (Louie) and Peter on this one. You know Becky and I had a conversation about the nature of her representation and that it is, it's non-contentious and one could look at it and consider it to be non-contentious but I have two thoughts there.

I think an ongoing negotiation of any contract, not to mention one that has the litigation background of the triple X proceeding, the possibility for contention and even as Peter said, a conflict in terms of the outcome is something we can't discount.

And when that happens or if that happens Becky even as we discussed, if you were not to be involved in that matter, if there was another lawyer at the ready to take on the contentious aspects of the issue I look at the appearance standard that Peter referenced and think that you know, in terms of the ball that I have to keep my eye on it's the overall integrity of the review team's recommendations at the end of this process.

It's there embraced by the community and while I think we have addressed the conflict of issues, interest issues in a sound and responsible way it's that

feeling that Larry alluded to that there's just something about this that I believe strongly is going to continue or could potential hamper the quality of the outputs, not in terms of the quality of the work of course but in terms of their embrace with regard to the community, and this is really our job at the end of the day is to deliver recommendations that serve that end.

So I personally without, I hope it goes without saying, I would hate to see Becky step down on a personal level for the great resource and phenomenal inputs that she's given, but that's where I come out on this question as well.

So I think I count that as we have six members who believe Becky stepping down would be the appropriate move here and I think five having her stay.

Becky Burr: Well I will reluctantly but as I said, I do believe on the other hand this is also an accountability issue and I really feel that I have any other responsible choice. But I will certainly respect the views of the team and wish you all the best of luck.

Brian Cute: Becky thank you and you know, I think I speak for the entire team and of course anyone can weigh in there. Understand this is not a question of a personal matter at all and there's deep, deep regret that this is where we are.

Becky Burr: Well I do not need to hear the you know, statements of the, I do hope that you will contemplate as you proceed the accountability issues that I find myself facing in this context and I totally respect and have no desire to undermine in any way the work of this team.

But I hope you'll appreciate that this was not, that this is not a business decision fundamentally on my part, it is a decision about what ICANN needs to be doing and the position in which people who use accountability

mechanisms provided by ICANN as a matter of course what their position in the community ends up being.

So I'm going to drop off and as I said I you know, wish you all the best of luck and stand ready to assist in whatever way makes sense.

Brian Cute: Thank you Becky you can count on that.

Man: Thank you.

Man: Thank you Becky.

Man: Thank you Becky.

Brian Cute: With that I think the next order of business is a question of the fact that Becky was put forward, if I'm not mistaken, by the CCNSO and to the extent that we are involved in a process, a review process, we will have to address the matter of the fact that the CCNSO has a member that now has stepped down and I'm not sure that we have a mechanistic cure for that but it's something we need to address.

Cheryl Langdon-Orr: (Unintelligible) raised that in the chat as well.

Peter Dengate Thrush: Brian, Peter here, can I suggest that we do need to formalize this a little bit. I think what we probably want to do is get a letter of resignation or something from Becky or a letter concerning her resignation and we need to make sure that the team, the minutes of this group record what's being covered I suppose, just making sure that the formalities and covered.

And then I suggest that the new chair take her resignation letter and the minutes and put those in front of the council of the CCNSO and ask them in no circumstances would they like to nominate someone else. And then...

Brian Cute: Absolutely.

Peter Dengate Thrush: ...I'll check with John Jeffrey but I would assume that the original appointing powers as it were, which would be Heather Dryden now is Acting Chair of the GAC and myself as Chairman of the Board need to go through an appointment (places) in relation to the nomination from the CCNSO. I think those are the formality steps.

Brian Cute: Absolutely. I'll speak with Becky and make sure that that letter is developed and we go through that process.

Okay. Moving on...

Lawrence Strickling: Is, could I just ask...

Brian Cute: Sure.

Lawrence Strickling: ...isn't this group also still have representations, this is Larry speaking.

Brian Cute: Yes Larry.

Lawrence Strickling: Is there representation on our committee from this group from the supporting organization even with her departure?

Peter Dengate Thrush: Yes.

Brian Cute: Yes. Erick Iriarte is from the CCNSO as well.

Lawrence Strickling: I mean from my perspective I'm, you know I question the value of at this point in time adding somebody else to the team given how far we've come. You know if this, I don't know whether Becky consulted with the supporting organization about any of this or not but I, you know, I just question adding somebody at this point and wonder whether we should just plow ahead with the membership we have.

Cheryl Langdon-Orr: Cheryl here.

Brian Cute: Cheryl.

Cheryl Langdon-Orr: Yes. I think Larry I hear and understand what you're saying but the nature of AC's and SO's and the debates and arguments and matters raised in the past from Nairobi and even before that as to how many seats each of us would get at this table is one that also needs to be considered and I would suggest interacting with the CCNSO on this is extremely important.

Lawrence Strickling: Well I guess I'd like to know if Becky talked to them ahead of time because she's in effect put them into this situation by her choice to stay involved in this representation and you know who all did she have duties to, if she had a duty to CCNSO then...

Erick Iriarte Ahon: Brian, Erick.

Brian Cute: Yes Erick please.

Erick Iriarte Ahon: Yes. I think it's a special decision because when Becky was selected is a unique name was selected for you know, (unintelligible) in the CCNSO calls

then she was (unintelligible) by name and so we don't have (unintelligible) so I really request and suggest to go again to the CCNSO and say basically (unintelligible) another name or something but after talking to Becky correctly.

Fabio Colasanti: Fabio here. I again stress the point that Larry made, by the time we would get that reply we might be already in August. We will be just about to meet for the first drafting session. How could you imagine that somebody could jump in and make a contribution at this stage?

Peter Dengate Thrush: Peter here Brian I'd like to support Cheryl and Erick. I know there are problems, as Fabio points out, but the short answer I think is we're going to miss the work output and we need to make up that.

Man: Hell yes.

Peter Dengate Thrush: There's a lot of talent in the CCNSO let me say, and I'm pretty sure they'll be able to find, I suggest that you go and discuss these issues with them Brian and just lay it out and if they don't think they've got somebody who can get up to speed I think that should be their choice, but if they've got someone who's prepared to come into this knowing what a lot of work it is I think it's their, you know, I think we have an obligation to offer it to them.

Brian Cute: When I speak with Becky tomorrow I'll raise the question of what arrangements or representations she'd made with the CCNSO, cover that base and contact the CCNSO as you suggested. I also think it would be incumbent on Becky to do the same since she's withdrawn her name as Larry said by result of her own action. So we'll approach it that way and come back (unintelligible) CCNSO.

Manal Ismail: Brian this is Manal.

Brian Cute: Yes Manal.

Manal Ismail: I think also one quick option might be looking into other candidates who have already submitted for the on behalf, to the present the CCNSO on this team unless, I'm not sure if we already have other applicants who are not qualified because of the numbers, but this could be one quick option.

Woman: Can I respond to that?

Brian Cute: That may be, yeah that may be the case. I would defer to the CCNSO in terms of their mechanism...

Manal Ismail: Definitely yeah.

Brian Cute: ...for selecting someone but if that's the case then perhaps we solve our problem quicker. Cheryl.

Cheryl Langdon-Orr: Can I respond to that please Brian? Manal and I did give (type) that back to (James) we, the ATIT, need to have the knowledge that Becky was the only name put formally forward by the CCNSO as their representative on this team and the CCNSO council was very particular that they had absolute trust in her and wished her name to be put forward therefore we have to go back to the CCNSO.

Manal Ismail: Yeah. I'm not saying that this, this would...

Cheryl Langdon-Orr: But there are (unintelligible).

Manal Ismail: ...it please going back to the CCNSO it's their call at the end I mean...

Cheryl Langdon-Orr: Yeah, but there are no other names put forward, we don't have another third or fourth name to go to.

Brian Cute: This is something of an academic conversation. I'll contact the CCNSO. I'll speak to Becky and we'll see what the CCNSO's reaction is and I'll report that back to the group.

Peter Dengate Thrush: Thank you Brian.

Brian Cute: Certainly. Okay. Let's move on to the work groups and I think the proposed working group structure is up on the board, is that correct?

Man: Yep.

Brian Cute: Okay. First let me confirm because I know we had a sub-team that had put together the proposed work teams and maps 9.1 and did some cross seating. Does this document reflect the work of the sub-committee as to how we organize the work streams, is that, is this accurate?

Warren I think you had a hand in that if I'm not mistaken or you were drafted into that sub-committee.

Warren Adelman: Well we set up four sub-committees, right.

Brian Cute: Okay.

Warren Adelman: And I think that that's what's adequate, that's what's reflected in the document that's out there and then there were volunteers for each of those subcommittees.

Brian Cute: Okay. So I guess the first order of business is we have volunteer names, (Becky's) obviously will be removed from teams one, two and three. What I'm going to encourage everybody on the review team to do is if you haven't already and you're inclined, put your name up there and we need to start the work of these teams if it hasn't already begun.

For myself I would put myself into the three teams that Becky formally populated, teams one, two and four I would be more than happy to support and participate in. So again either now or right after this call if you're inclined please offer your name to participate in one of the teams.

I had also forwarded just before the call an excerpt from an e-mail from Manal that she had circulated to the work team that had to do with the GAC. Manal can you report on any, on the organization of the work on that GAC work team? Have you made any progress and do you have any recommendations for the other teams in terms of organizing the work?

Manal Ismail: In fact we haven't talked yet. I was just trying to kick off the conversation but we have not finalized anything yet, it was more of brainstorming.

Brian Cute: Okay. Have any of the work teams started the work together, had offline contact or online contact and begun to start your work?

Warren Adelman: Brian this is Warren. I think one of the outstanding questions that I had was you know, how do these work groups themselves interact with the work that we have proposed (Berkman) would do?

Woman: Yes.

Warren Adelman: I mean that, you know, I think that I mean I'm not, I think that could be one of the issues that's sort of holding back the convening of these working groups into actual work process. I mean how does it dovetail with the work that we sort of said to (Berkman) this is what we'd like you to do, assuming that that is able to go forward.

Brian Cute: Well that's right, yeah assuming that that's assuming to go forward, so let's take that up then. What we have in the proposed contract and what we've agreed to as a team is we've identified specific case studies for (Berkman) to look at.

Once the contact is formalized and their work is underway they're going to be looking at specific case studies collecting data, doing interviews and providing us with a summary of what they've found in terms of the processes and decision-making supporting and decision-making that supported those respective case studies.

When that data and those reports are provided back to us, the mid-term report for example, I guess what we have if you look at the teams one, two and three is teams one, two and three and four pardon me, are what would you call this, the I guess the structural issues if you will or mapping the specific back to the, I'm struggling here to find the right words but it looks like you would take the work from (Berkman) and kind of overlay it to a certain degree on these respective teams areas of review.

Is that the right approach here or does somebody have a different suggestion?

Cheryl Langdon-Orr: Cheryl here Brian.

Brian Cute: Yes Cheryl.

Cheryl Langdon-Orr: It's not so much a different suggestion but something I thought was important to raise. I'm involved in team three and four, but what I'm saying in terms of team three is, as you just pointed out, probably fairly applicable certainly to teams one and two as well, the material information and source data that we gathered in our meetings with the community at Brussels is work begun by each of these teams as far as I'm concerned.

We do need to know specifically what I would have thought but now it's if various matters are going to come under independent review by (Berkman) and clearly there's a great deal of dovetailing needs to be done.

But what we also need to look at is are these teams, let me speak on team three for example, exactly how are we to proceed in terms of what resources do we have access to, what materials, what calling, what data analysis facilities do we have to do any of the work as identified under each of these teams.

This is a conversation that probably needs to be born out of each of the team members getting together, the ones I'm involved in we possibly might use the way because I notice, you know, Warren and (Louie) and Erick and I are all in that, so we may find a mechanism is more suitable than another mechanism to interact.

But whatever we do has to also be copied out to the publicly accessible list and we probably each need a Wiki page and space for us to both interact

together but interact in the most transparent way possible and to gain community input and community belief in the processes we're going through.

From team three's point of view of course one of the reasons I put myself into team three was that the at large community from the very beginning of the ATIT process has put up a community space and has been correcting information and materials which they believe should be brought to their attention, so we are already accumulating some data sets.

The survey, test survey that was recently distributed to you all is another one of those efforts and is built upon by the work that (Willy) and Fabio and I did back at the Marina del Rey meeting where we were looking at the types of questions that needed to be raised in the public comment period and where we discovered at least in our sub-group that there would be value in some measurable metrics or so being sought as an adjunct in that process. Thank you.

Brian Cute: Thank you Cheryl and those are good organizational thoughts. Let me ask it this way, I'm just focusing on team number one, board performance including governance selection, composition, decision-making, etc., we could have three, effectively three sources of data upon which we can build our recommendations.

One would be (Berkman) and their work, and again that is case study specific. I don't think in the contract or in the scope of work we've asked (Berkman) to go pull data on this articulation in team number one.

So (Berkman) is going to be its own source of mostly case study specific data. We're going to have secondly data provided by the community, which we

asked for and is going to be coming in. And then thirdly, any data or work that the individual team members themselves could pull together.

And I guess that's the question is should these team members be pulling together specific documentation, specific data about board performance including governance and selection and composition separate and apart from the work that (Berkman's) going to do and the data that the community's going to be provided to us.

I believe the answer is yes but I'd like to hear people's opinions.

Fabio Colasanti: Fabio here.

Brian Cute: Yes Fabio.

Fabio Colasanti: Concretely what you just described as pulling data together, it seems to me it consists in identifying documents contribution and just pointing them out to the rest of the team, making sure that all the members of the team are aware of what is relevant as the contributions come in now with the deadline for the public consultation being just two days away.

For the rest, the (Berkman) input will come in October, so I think at the moment the team, the teams should just interact in a rather informal way among themselves but essentially making sure that everybody is aware of what is to be read.

And then if somebody has ideas about the possible already draft recommendations he or she would be well advised to share that with the team then with the whole group in Beijing, but that is as far as it goes at this stage

because in any case the final input and probably the most important one will be that of (Berkman) and that will not be available until October.

Brian Cute: So I hear you suggest Fabio that the primary activity of the working teams should be the identification and effectively inventory, making an inventory of the documentation that relates to the questions in their sub-team as organizational matters.

Fabio Colasanti: Yeah.

Brian Cute: Okay. Any other thoughts?

Fabio Colasanti: Yeah.

Brian Cute: Sounds like a reasonable approach. My only concern is that if there's a mismatch, if there's something in the scope of a sub-team that is not going to be covered by the (Berkman) work that we should clearly identify that element and be sure that there is going to be sufficient documentation in order to develop recommendations at the end of the process.

Fabio Colasanti: Brian, Fabio again.

Brian Cute: Yes.

Fabio Colasanti: I think that the teams should be examining the material that is available and we should all be preparing ourselves for Beijing with some already some draft recommendations.

We have to work as if the (Berkman) work did not exist, then hopefully when the (Berkman) work will arrive it will contain a lot of interesting material that

will make us review our initial ideas, our initial drafts, it will supplement our initial ideas, but we should really start working already now as if we had, we did not, we could not count on the (Berkman) input.

Therefore we should just be try and see what should our recommendations cover and look for material in all the areas that we think are relevant.

Brian Cute: Makes sense. Any discussion, any objection, could we have the working teams move forward with that as their guidelines? Okay...

Olivier Muron: Olivier...

Brian Cute: Olivier, please.

Olivier Muron: ...I think that we have quite some a lot of information from the board submitting to the supporting (unintelligible) and all the community and so we have just to order it and I think all, this is (unintelligible) important input I think we have on the table.

Brian Cute: Okay. So then can I encourage once again anyone who hasn't volunteered for working team please do so and the working teams themselves I would ask you to organize, whether it's by e-mail or by call, whatever is convenient, but please come into the next conference call with at least the first rough outline of the approach to your specific subject matter and work as a deliverable.

And I suppose that would entail identifying a spokesperson or a leader for the respective sub-teams. Any other discussion on this point?

Lawrence Strickling: I know you, this is Larry, I know you wanted the groups to self organize but it might be helpful to get a volunteer on each of these tonight to bring the

first meeting together, much the way Manal tried on team two without any success.

Brian Cute: So a very good suggestion. So looking at team one, which includes Fabio, Olivier, (Jang), (Willy) and myself as of right now do we have a volunteer? Don't everyone speak at once. I can start at the beginning or the end of the alphabet.

Peter Dengate Thrush: Brian, Peter here. My suggestion is that you the chair you have to put somebody in charge of each of those for the first call and then let them sort themselves out at the next one, but a little bit of top down occasionally of the...

Brian Cute: Sure.

Peter Dengate Thrush: ...will get things done.

Brian Cute: Sure. Olivier congratulations. You are the team one leader. Team two, which consists of Fabio, (Jang), Manal, Larry, (Willy), Erick and Brian. As always, the man who's not here gets nominated, so Willie's in charge of Team 2 and I will notify him of that.

Warren Adelman: I'll volunteer for Team 3, Brian. This is Warren.

Brian Cute: Thank you, Warren. And...

Cheryl Langdon-Orr: Hey, Warren. I already volunteered for 3. Back off.

Warren Adelman: Oh really Cheryl? Sorry. I'll defer to Cheryl then. I just wanted to save you the...

Cheryl Langdon-Orr: Damn good idea Warren.

Brian Cute: Warren, why don't you take Number 4, since you're eager?

Warren Adelman: Eager. Yes. I'll take 4.

Cheryl Langdon-Orr: Sounds like a good plan.

Brian Cute: Okay. All right, we have our respective leaders. Please organize yourselves. Come into the next conference call with your first iteration of the work for your team. Thank you very much.

Let's see. Moving right along. Community Outreach. Let's do both of these together. Community Outreach and Analysis of Community Input, Items 6 and 7. Yes Olivier, I agree with you and Cheryl that we have some inputs coming in from Brussels outreach and we'll have more that each of the respective work teams can use to begin to focus their work.

But let me ask an overarching question. Should we have somebody who is uniquely responsible to have a view of all of the inputs that were received from the community, just to ensure that it's all been identified, we all know where it resides, that there isn't the risk of community input that comes into the HRG that doesn't receive any treatment from us at all? And, that's my question. Do we need an owner of the community input, or organizer at large?

I fear there's a risk that if we just go into the centralized working team approach that there could be some input that comes in somewhere that does not get reviewed, that does not get factored in that could be a very useful

nugget that we'd not otherwise consider in our work. That is, is something that Alice is responsible for? Is this something that you know, we have in our proposed budget a small sum, and we talked about hiring a law student or someone who had those types of skills to do some you know analysis and research. Is that the solution? Any suggestions?

Peter Dengate: Brian, Peter here. I think that's a very good point, and it's something that we've struggled over the years to improve as a corporate - you know, as a body. I think we're now doing a better job, but it takes a lot of effort. Why don't I talk to staff about whether there's some staff resource available on there. I think we have staff in there. I mean, being trained up in the whole process of receiving and summarizing and synthesizing public comment. If you'd like to leave that with me as an action item, I can come back to you.

Brian Cute: That'd be great, Peter. I know that I'd sleep much better know that there was a single set of eyes on this entire body of inputs.

Okay, any items on Community Outreach or Analysis of Community Input beyond what we've discussed in the working group structure?

Cheryl Langdon-Orr: Cheryl here, Brian.

Brian Cute: Yes, Cheryl.

Cheryl Langdon-Orr: I think it needs to be closely linked, and any eyes we have on the process of putting together the community input from our public comments and any other tool that we may yet deploy needs to work very closely with Team 3. Because, we do need to remember that one of the things - we've had a great deal of question, concern, and criticism of is the accuracy of the way public comments are integrated, synthesized, and reported on.

So, we need to be extremely careful how we use our opportunity and our processes to ensure that those same criticisms are not going to be leveled a lot; particularly, since we're clearly in a avoid criticism mode.

Brian Cute: Thank you, Cheryl. That's understood, and I think it's a shared sentiment across the team. Any other items on 6 and 7?

Okay...

Cheryl Langdon-Orr: Oh, I do have a question.

Brian Cute: Yes.

Cheryl Langdon-Orr: Perhaps it's less of a question and more of a comment/offer. Is Mr. Zhang on the call yet or not? If he is, I've been unable then perhaps Xinsheng can actual - he picks up on this. In terms of 7, in a face-to-face meeting in Beijing, I wondered is there any assistance that our existing at large structures - in a way that they are clearly representative of individual Internet users within the region and within country can assist us, giving regional feedback and interaction with community while we're at the Beijing meeting?

If that is something that is desired both by the ATRT and of course Mr. Zhang as the organizer of the meeting, then I'm happy to reach out to the several at large structures that we have operating in the Asia and specifically in China and Hong Kong surround areas.

Brian Cute: Well, I think at least in theory, our regional meetings were intended to have an interaction with the community or be open to the community, and if that's something that the at large is interested in delivering to our open meetings in

Beijing, I would certainly want to touch base with Mr. Zhang in terms of coordination. But otherwise, that sounds like a good idea to me.

Cheryl Langdon-Orr: Well, as long as the note's there that you know, I came ready to reach out to the leaders we have on the ground in the area to see what assistance they can give local organizers.

Brian Cute: Okay. Very good. Anything else?

Let's move on to the next item of the agenda, which is face-to-face meetings. Let's start with Beijing. Mr. Zhang is not on the call, or is he?

Xinsheng Zhang: Yes, I am here. Yes.

Brian Cute: Yes. Mr. Zhang. First of all, thank you. Let me personally thank you for the work you did in confirming the Beijing meeting, and understand that was a difficult process for you, and we very much appreciate you getting the confirmation. I'd like to check with any of the team members to see if there are any paperwork issues or if there's anything that you require from us at this moment, Mr. Zhang, specifically.

(Beng): Maybe I'll explain the paper issues for Mr. Zhang. (Unintelligible).

Xinsheng Zhang: Just give you technical detail. Asking Mr. (Gwo) to (unintelligible), okay. Mr. (Gwo), can you hear me?

(Beng): Okay. And, this is (unintelligible), and up to now, we have received the forms from Fabio, Manal, Cheryl, and Olivier and his wife, and Erick. We have received those forms for Review Team members. And, we have sent out visa notification for Fabio at the first chance, and other forms we haven't received

them. Are still in process of producing, and we are waiting for the forms from other Review Team members.

Brian Cute: Okay. Thank you very much, (Beng). And myself included, the rest of the team members, let's please get our forms to Mr. Zhang as quickly as possible so there's no delays or hiccups in terms of getting visas processed. Mr. Zhang, are there any other issues or things that you require of us at this point in time to organize the meeting?

Xinsheng Zhang: So far no, but also I asked for them to please contact with some people who are charge of (service meeting). So if I have any problem or any issues, I ask Mr. (Gwo) to (unintelligible). Okay.

Brian Cute: Thank you very much.

(Beng): (Unintelligible)...

Brian Cute: Yes, (Beng)?

(Beng): We have exchanged some emails between us and Alice, and also I think I copy Brian and Manal about logistic issues, and we will deal with this issue maybe later after this call.

Brian Cute: Okay. Very good. We'll take your lead on this.

Okay, moving on to the next meeting. We still have an outstanding question about where the meeting after Beijing is going to take place. We had worked into the budget as a placeholder a meeting in Washington. We had had some discussions about the utility of a meeting at that point in time with Burkeman.

A suggestion had been made that either Washington or Boston would be logical locations for that.

We had planned on a meeting in Cairo, and I had spoken with Manal before this meeting. You know as with Mr. Zhang, I didn't want Manal to be in a position where plans were being made in her capital that had to you know, abruptly be changed and put her in an embarrassing situation. We spoke about that, and Manal if you will - Manal expressed that she didn't have any complications if we didn't go to Cairo.

I think just to be fair on this point - and the reason we got into a discussion about where we should meet was driven in large degree by the budget questions and a desire to keep the budget down. We did ask Kevin Wilson to give us rough costs on Washington, Boston, and Cairo. It looks as though that they effectively would be fairly close to each other in costs, not including you know, certain aspects. And, the Burkeman participation - Burkeman built in a travel budget of \$20,000 for themselves, so that wouldn't necessarily be an additional cost on the respective city.

So as we stand right now, we have in the budget, and we have a discussion that has us having a meeting in Washington, D.C., but I wanted to one last time close this off, make a definitive decision, lock it into the budget and move forward with our plans. Any discussion? Any strong preferences on the location of the meeting in October?

Larry Strickling: This is Larry. Does Burkeman cut down the number of people who meet with us depending on where we meet? In obviously Boston, we'd have everybody from their site who was involved in the study, which is a benefit. If we're not going to have that in D.C., and almost certainly wouldn't have it in Egypt, then heck; I would say go to Boston.

Brian Cute: Thanks, Larry. Any other comments?

Peter Dengate: Peter here. Yes. Peter here. I agree with Larry. That sounds like that's the best way to maximize the return.

Brian Cute: Anybody else? Strong opinions on location for October.

Warren Adelman: Yes. You know, I'll agree with Larry and Peter there. This is Warren. It absolutely makes the most sense if they could do Boston. And, there's really no difference between Boston and Washington to Travel to, for those that coming either east or west.

Brian Cute: Okay. I would be of the same view. Is there anybody or any strong contingent that feels we should be meeting in another location?

Man: Boston is fine. Yes.

Brian Cute: Boston is fine.

Man: Yes.

Brian Cute: Okay. I think - Manal, is Boston okay on your end?

Manal Ismail: Yes. Yes. I'm fine with both. And again just to put it on the record, there is no sensitivity whatsoever, and I fully understand how the discussion went and the merits behind changing the venue of the meeting, so.

Brian Cute: Okay. Then, if I don't...

Cheryl Langdon-Orr: Are we using the same dates, Brian?

Brian Cute: Yes.

Cheryl Langdon-Orr: Thank you.

(Tony): Just remind me. What are they again?

Brian Cute: (Tony), you would ask that question.

Man: I think it was 11, 12, and 13.

Olivier Muron: Yes. Monday, Tuesday, and Wednesday.

Brian Cute: And, we were talking about a three day meeting as opposed to a two day meeting if I recall, but - to really get into the work.

Okay. All right. It seems to be a consensus that we'll go with Boston, and make that official. And assuming again we get approval on the budget and our contract with Burkeman, I'll notify Burkeman that we'll be coming to see them and sit down with their entire team for three days.

Any other points on this before we move on in the agenda?

Olivier Muron: Just before we close it off, I agree with everything that has been said. Absolutely, traveling to Boston and Washington is the same. Would it look strange that we go to Boston that we are almost hosted by Burkeman? We were discussing appearances, sensitivities before. Just - I just want to hear a no, and then we move on.

Man: Either we're paying them - we'll be paying them \$250,000 to \$300,000, I think the answer is no.

Olivier Muron: Okay. Fine.

Brian Cute: Okay.

Cheryl Langdon-Orr: Did you notice the offer from Becky in the chat room in terms of hosting in Boston?

Brian Cute: Didn't see that.

Cheryl Langdon-Orr: The company would like (unintelligible)...

((Crosstalk))

Brian Cute: Ah. WilmerHale will be happy to host. Very good. Very good. That's quite welcome. Okay.

Okay. So noted. Anything else on this item before we move on?

Oh, 60 State Street is getting even more attractive.

Okay, moving on to the next item. Document Management and Administrative Support. I'm going to suggest that Peter has an action item on that, and we can wait to see what he comes back with and revisit that issue if we need to.

Other business before we close? And, I think we're going to have an early close this evening. Any other business? Any other items?

Warren Adelman: Brian, this is Warren. What's the status of that letter? I mean, is that something that - you're not sending that until we all have an opportunity to weigh in on it, correct?

Brian Cate: Thank you Warren, very, very much. That is an outstanding idea. I wanted everyone on the team to see that's just a draft, but I think it was a suggestion by Fabio, and he's quite right.

Once we have the contract signed and we've asked Burkeman to begin the work, or even a couple days prior if you will, I think it would be appropriate for us to send a letter like this to (Rod), which A, puts him on notice that Burkeman's work phase is about to begin, and describing the nature of the work, and letting him know that you know, ICANN staffers are going to be contacted. We're going to need interviews and access, but also an opportunity to identify the scope of their work.

And, an implicit opportunity yet again to hopefully establish a comfort and trust level, and let (Rod) know up front that we're looking to work forward with him constructively. That's the purpose of the letter.

I'm happy to take edits you know, off line - off call if you will, as well. Does anybody have any points they want to make on that right now?

Cheryl Langdon-Orr: I was just supportive of the approach, Brian. That's what I was going to raise. And, to point out that you do need to do a spell check.

Brian Cate: Oh, yes. It was a rough draft, drafted about 10 minutes before the call. It will be scrubbed. But please, anybody provide your edits on email and I'll accept them and get to a final draft.

Any other items?

Cheryl Langdon-Orr: Brian, just to ensure that you do look back to the chat. There were certainly points in action items coming out of this meeting that I responded to in the chat. For example, the formalization of Becky's resignation. I also want it formalized in the record my vote against the option that was then the majority rule, and I would obviously want that attended to as a specific action item.

Brian Cate: Thank you, Cheryl. We'll get the...

Cheryl Langdon-Orr: But, because it's in the chat, it might be easy to miss unless someone captures the chat to make it part of our record. And in fact, a number of ICANN work groups do exactly that. Vertical Integration distributes after each of its meetings the chat from each of its Adobe rooms so it does become part of their record. But, we haven't established that particular practice. I just wanted to make sure that things weren't lost.

Brian Cate: Absolutely. Thank you for that. And, the Review Team members' positions on the question will be documented and noted.

Anything else?

Okay. If I could just add one thing. I think we've had more than healthy discussion on a number of these issues, and I do personally regret where we came out tonight with Becky. But, I just want to underscore that I have a very, very strong interest in getting on with our work. I think we have addressed these issues in a responsible way. Unless something comes up with another Review Team member, I'd like the next call and the following calls to

be really into the substantive meat of our work. It's - we already have a tight schedule, and that's all I have to say on that point.

Anything else?

Warren Adelman: Yes. Brian, this is Warren. I think the biggest single issue now is this log jam on the issue of Burkeman and external research. And, we need to get an update tomorrow I think, to echo Larry's comment.

Cheryl Langdon-Orr: Yes. I - and Brian just on that, I would take it to the list, but we've had feedback from a number of us on the test of the survey tool. If we were to decide to go ahead with that, we would need to do that relatively soon. And surprisingly enough, there would be a cost to that.

Now, I know you know what that cost is, because I've copied you and Manal on all of that. But, that would need to be looked at. You know if we're going to be hamstrung, we need to know that we're going to be hamstrung and do our (unintelligible) with the limitations that we have.

((Crosstalk))

Brian Cote: Well, the - yes, Cheryl. Thank you for that. And, I did - as you probably saw, I did a test run through the survey tool.

Cheryl Langdon-Orr: Yes. A number of people have, and any time someone has made a comment that is a simple edit, I've copied that across to (unintelligible) and to my knowledge, all of those edits - so if anyone suggested a change in the name of a button or whatever that's all happened. But we - if I could ask for that to be on the agenda for the next meeting for a decision, that would be nice. (Unintelligible) Number 3.

Brian Cute: We can do that, but let me add though that actually agreed with Peter's observations. I found the questions to be quite simplistic. Surveys, as we all know...

Cheryl Langdon-Orr: We can make the questions whatever you want. It's the - simply it's (unintelligible) methodology.

Brian Cute: No, but there is a genuine art to surveys. I know you know that. I've had some experience. And other of you team members are - so if we are to use a survey tool, we have to carefully devise and calibrate the questions that are going to go into the survey tool. That is a task that's going to take some time. That I think has to be addressed before we can - yes, before we can get to a go no go, we need to understand what the questions would be in all (agreement).

Cheryl Langdon-Orr: Well to begin with, do we even wish to do it? That's a yes or no (node). If we do, then obviously the questions need to be particularly specific. The questions that they put together for the test however, were drawn from the matters we asked in the public comments.

Brian Cute: Understood. Understood. Okay. Well, we'll put that on the agenda for the call next week.

Cheryl Langdon-Orr: Thank you.

Brian Cute: Any other...

Peter Dengate: Peter here. This is Peter. Just, I don't understand what we're surveying for - what we're surveying? We've had a - we've gone straight into a discussion

about the applicability and efficacy of the tool. Can we have on the agenda for next time what we're trying to achieve?

Brian Cute: Yes.

Peter Dengate: Thanks.

Brian Cute: No problem. Anything else? Any other items?

Cheryl Langdon-Orr: It's a one word answer - measurables.

Brian Cute: Anything else? All right. Thank you all...

Peter Dengate: Assuming - sorry Brian. That's assuming that that discussion that Cheryl wants to have, which I didn't want to have now, does that have any consequence on the draft budget that's been presented, or is there a suggestion that it needs to be amended to include whatever this topic is?

Brian Cute: Since you and I will be talking about the budget within the next 24 hours, why don't we take that offline, Peter?

Peter Dengate: Well, I'm just conscious that if we go back and start changing the budget, it will have to be done reasonably carefully with some authentication and detail.

Brian Cute: Yes. Understood. I mean, my first thought on that point is if we find an internal ICANN resource who's capable of helping us with the community input and document management, we then have \$20,000 sitting there in the on the post-budget that could be reallocated potentially to this type of data gathering exercise. But, that's just one off the cuff thought.

Cheryl Langdon-Orr: Which Brian, just so everyone knows, we're talking approximately \$3000, because (Big Pulse) already do work for ICANN, so we're not setting up new templates or anything else.

Brian Cote: Well, I...

Warren Adelman: Well you know - this is Warren. You know, I think the problem is not in the cost of the survey tool. And you know, there's a variety of fairly robust free ones out there you know, and certainly other ones we could access. I think that probably the question is more around the quality and methodology, and formation of the questions, and then analysis of the output. And, that's a much bigger undertaking I think than selecting of anger.

Cheryl Langdon-Orr: Warren, just to be clear. That's assuming at least three languages - English, French, and Spanish. Because, that's (unintelligible)...

((Crosstalk))

Warren Adelman: Well, I think what we need to do then is - I think what we really need...

Cheryl Langdon-Orr: That was picking up on things that Erick had raised.

Warren Adelman: Yes.

Cheryl Langdon-Orr: But again, this is on the agenda for next week.

Warren Adelman: Yes. I was going to say what I think we really need to discuss, whether it's next week or if Brian wants to set up an earlier call is - and I think Peter suggested this, is what are we trying to accomplish? What are the pros and

cons of surveying versus some of the other things we've already done. But, that's all I have to say.

Brian Cute: Cheryl, can I take the \$3000 as a fairly firm estimate of cost in three different languages?

Cheryl Langdon-Orr: You can go back to the emails I copied you and Manal on back before - well before Brussels, and just double check, because I can't imagine why it should've changed. But, I'm not...

Brian Cute: Okay. Well, I'm not asking for change. I'm asking for this from - I mean, was it a rough estimate when you put it forward, or was it a very firm estimate?

Cheryl Langdon-Orr: (Unintelligible)...

((Crosstalk))

Brian Cute: Peter and I are going to jump into the budget tomorrow.

Cheryl Langdon-Orr: I will - if you want me to, I will ask.

Brian Cute: It'll be helpful. If Peter and I were to jump on the budget tomorrow and find a line item or create a line item for this item, then you know knowing that it's not going to change (unintelligible)...

((Crosstalk))

Cheryl Langdon-Orr: (Unintelligible) need us to go down that path like if we choose not to yet.

Brian Cute: Yes. You know, we could get budgetary approval with this included and not spending the money, and I'm fine with that. I just want to make sure the estimate's firm. That's all.

Cheryl Langdon-Orr: Okay. Well, I shall go back to the original emails, copy that to (Ralph) and to you and the rest of the group now, and ask for confirmation of whether or not its firm or not.

Brian Cute: Very good. Thank you.

Any other items?

Thank you all for your additional time having the call this week. Much appreciated, and we'll see you on our next regular call.

Man: Thank you Brian. Thank you all.

Cheryl Langdon-Orr: And that'll be...

Olivier Muron: Thank you all.

((Crosstalk))

Brian Cute: Cheryl, I'm staying here.

Cheryl Langdon-Orr: Sorry?

Brian Cute: I'm staying here, because you were about to say something.

Cheryl Langdon-Orr: I'm sorry. Well, am I?

Brian Cute: It sounded like you were trying to interject something. Did you want my attention?

Cheryl Langdon-Orr: Oh, thanks. Brian, the question on to survey or not to survey, it goes back to the original work we did.

Brian Cute: Yes.

Cheryl Langdon-Orr: And, it goes to the follow-up discussion and work that Willie, and Fabio, and I did putting the basic set of questions together. And, I'm not planning to single handedly defend the concept. It can flushed in a microsecond. This is not something I need, want, or desire to try and put forward or champion.

Brian Cute: It's - no Cheryl, its fine. I'm just - I don't have a single problem with it happening, but I just need at this point...

((Crosstalk))

Cheryl Langdon-Orr: But, just (unintelligible)...

Brian Cute: ...it almost - yes.

Cheryl Langdon-Orr: ...it keeps getting questioned to me.

Brian Cute: Yes.

Cheryl Langdon-Orr: I have no vested interest or desire, other than to get some measurable, which we discussed in Marina Del Ray by some of the work you and I did...

((Crosstalk))

Brian Cute: Yes. (Unintelligible).

Cheryl Langdon-Orr: ...and we had approval for.

Brian Cute: Yes. (Unintelligible) for metric. Yes.

Cheryl Langdon-Orr: Let's be clear on all of that, shall we?

Brian Cute: Yes. No. No. But in the context of the call, you were asking the question and promoting it. I'm just under the gun to get this budget approved. And, if I came across (unintelligible)...

((Crosstalk))

Cheryl Langdon-Orr: And, I'll get you tight figures now.

Brian Cute: Yes. I'm just - and this project is under so much pressure that...

Cheryl Langdon-Orr: But, I also want to be really clear that the - you know, half a dozen -- if we're lucky pieces -- of input will get in from the public comment ain't going to wash statistically, and we need to something else.

Brian Cute: That's fine. That's fine. I just - just understand that the overarching pressure to get this budget approved and get Burkeman under contract is large.

Cheryl Langdon-Orr: Couldn't agree with you more.

Brian Cute: This is large.

Cheryl Langdon-Orr: We are no longer working in an unfettered environment.

Brian Cute: Yes.

Cheryl Langdon-Orr: This is extremely problematic, and I will get you the figures.

Brian Cute: Yes. And like I said...

((Crosstalk))

Cheryl Langdon-Orr: (Unintelligible)...

Brian Cute: ...there may already be...

Cheryl Langdon-Orr: ...if we do nothing, I don't want to appear that this is some form of pet project. It is not, nor is it coming out of left of field. It comes out of our original work plan.

Brian Cute: I'm not perceiving it that way, and...

Cheryl Langdon-Orr: I know you're not.

Brian Cute: ...and it would probably - no, but it would probably behoove everyone for you to make that point on the next call.

Cheryl Langdon-Orr: Oh, goodie. I get to (unintelligible) again. Okay. I will do that.

Brian Cute: No. No. To clarify that you're not the champion. That this coming out of the work out of Marina Del Ray. It's a natural extension of what we're doing. It's just one more tool, because we're...

Cheryl Langdon-Orr: Brian, were they all in Marina Del Ray, and were they awake?

Brian Cute: Cheryl, do you remember what happened three days ago?

Cheryl Langdon-Orr: You know what I mean.

Brian Cute: Do you remember what happened three days ago? I don't.

Cheryl Langdon-Orr: Yes, I do. No, maybe I do. Maybe - all right, I see my problem.

Brian Cute: Maybe you - you maybe are the exception to the rule.

Cheryl Langdon-Orr: I will (unintelligible) in advance of next week's meeting what the rationale was, et cetera, et cetera. But you know, I didn't just wake up one morning and think this was a good idea. It was part of the task I had.

Brian Cute: Listen. I'm going to - okay, as my people don't know well enough to do, I'm going to drop the shovel now, okay.

Cheryl Langdon-Orr: Woops. What does that mean?

Brian Cute: I'm going to drop the shove. When you're digging a hole, drop the shovel. It's an old Irish saying.

Cheryl Langdon-Orr: Oh, I get it.

Brian Cute: When you're digging a hole, drop the shovel. So, get me whatever you can get me, and when I talk to Peter about the budget, I will do my level best to make sure there's room within it to cover this item.

Cheryl Langdon-Orr: Should we desire to go that way. Okay.

Brian Cute: Should we.

Cheryl Langdon-Orr: And because (Big Pulse) would be operating now, you should get a response fairly quickly when I copy the email through.

Brian Cute: Oh, okay. Okay.

Cheryl Langdon-Orr: Okay?

Brian Cute: Very good. Very good.

Cheryl Langdon-Orr: Okay. Bye.

Brian Cute: Talk to you soon.

Cheryl Langdon-Orr: Bye.

Brian Cute: Bye-bye.

END