

Attendance: 8 members

Diane Plaut	Margie Milam
Emily Taylor	Rafik Dammak
Kurt Pritz	Tatiana Tropina
Leon Sanchez	Thomas Rickert (ISPCP)

On audio only: none

Apologies:

Kristina Rosette

Staff:

Marika Konings	Berry Cobb
Caitlin Tubergen	Daniel Halloran
	Terri Agnew

Samantha Eisner

Terri Agnew: Welcome to the EPDP Small meeting on Legal Committee Framework on Wednesday, 02 January 2019 at 14:00 UTC for 60 minutes.

Terri Agnew: agneda wiki page: <https://community.icann.org/x/XYUWBg>

Rafik Dammak: hello

Caitlin Tubergen: Happy New Year! :)

Diane Plaut: Happy New Year to all!

Margie Milam: Happy New Year!

Leon Sanchez: hello everyone! happy new year!

Margie Milam: Yes-- Sorry -- holiday's caught up with me-- Ill send today

Berry Cobb: https://urldefense.proofpoint.com/v2/url?u=https-3A__www.icann.org_resources_pages_general-2D2014-2D01-2D06-2Den&d=DwICaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpCIgmKXhFzL7ar9Qfqa0AIGN-H4xR2EBk&m=PkyPouwGoumKL0nr3EUEKIPRFpIHsaNms3TFRhB_XS0&s=wwOeBcOdSx16tKdBbiX4KtkfclFFob2pfYlKQjtDo-o&e=

Thomas Rickert (ISPCP): Hi all, sorry for being late!

Kurt Pritz: The EPDP Team has discussed ways to ensure that the legal compliance work is conducted in a cost-efficient manner. An approach that we think is worthwhile considering is to use the same independent outside counsel for both the EPDP Team and ICANN Org.

Thomas Rickert (ISPCP): Hi Kurt, I have sent it to the whole team

Kurt Pritz: We trust that both ICANN Org and our team will need answers to the same questions. Therefore, reaching out to one firm helps avoid duplicate cost and also potentially conflicting advice.

Berry Cobb: Yes, final approval does occur with the PCST. As noted on the last call, budget has been committed within the EPDP for possible external counsel. The focus now is refining the questions needing legal counsel, requirements + scope, and possible qualifications.

Kurt Pritz: Since we are working on a solution that is fair to all parties facing compliance challenges, we do think that using an independent firm can help to find a balanced solution in which burdens and risks as well as benefits are appropriately shared.

Thomas Rickert (ISPCP) 2: I guess I would like to see what firms are being proposed

Tatiana Tropina:+1 to Thomas

Berry Cobb:Note, Kristina just sent to the list a possible modification to Question #2 that we'll get to later in our agenda.

Leon Sanchez:Where would the proposals come from Thomas?

Thomas Rickert (ISPCP) 2:BTW - I think that what Hamilton wrote was legally solid, although it may not have been results that everyone agreed to.

Thomas Rickert (ISPCP) 2:Hi Leon, I think everyone is free to suggest firms...

Leon Sanchez:Good. Thanks

Marika Konings:In addition to Hamilton, WSGR was engaged for the RDS PDP WG, while Bird & Bird addressed a number of questions in relation to Thick Whois and transfer of data.

Marika Konings:If helpful, staff can pull this information together onto one wiki page so everyone has it handy?

Diane Plaut:Agreed, Margie - it would be essential that the firms would have to identify engagement by any of the parties involved

Diane Plaut:I am trying to get Ropes & Gray to consider being part of the procurement process as a potential hire

Emily Taylor:Sounds sensible, Kurt

Thomas Rickert (ISPCP) 2:You are right, Kurt. We should use plain language as much as we can. The questions (and answers) might not only be read by us, but also by supervisory authorities at some point in proceedings.

Emily Taylor:I am a bit worried, though, that we are going to get very little concrete guidance from external lawyers on these questions.

Thomas Rickert (ISPCP) 2:@Emily - you might be right.

Emily Taylor:It's all going to be 'it depends'. How useful can this be for the group or the community?

Thomas Rickert (ISPCP) 2:Lawyers are often evasive :-) - excluding colleagues on this team :-)

Tatiana Tropina:Maybe we can have small teams emails exchanges/calls?

Diane Plaut:Yes, sure

Leon Sanchez:I would be happy to go down that path

Emily Taylor:Sure

Thomas Rickert (ISPCP) 2:I am happy to work that way, too. But note I am still on PTO, so there will be delays.

Berry Cobb:Next LC call is this same time next week. It will be helpful to have the next iterations ready by Tuesday to allow the LC to review prior to the call.

Tatiana Tropina:no it is appropriate and great. we see how we need to work now :)

Tatiana Tropina:Thomas -- I am also on PTO :)

Tatiana Tropina:and travelling!!!!

Tatiana Tropina:but we can try. Just try.

Diane Plaut:I think we are fine to handle

Tatiana Tropina: anyway, I think in hour hour during next call we won't discuss all the questions anyway :)

Berry Cobb:In your subteam email communications, please CC, just for tracking purposes please. gns0-epdp-lead@icann.org

Diane Plaut:That is what I was indicating before, that we show the actual application and a registration description as context.

Margie Milam:will we circulate today's notes?

Emily Taylor:The bundle for external counsel should also include EPDP key documents, plus background docs such as previous legal advice obtained

Caitlin Tubergen:Yes

Diane Plaut:Tatiana and Thomas - please email me a time that works for you both to discuss if you wish - since you are both on PTO.

Berry Cobb:There are one or two diagrams on the Registration Lifecycle, but I do not recall any getting to the detail of registration data being passed from one step to the next. They were more to do with phases Registration, RGP, Deletion, etc.

Tatiana Tropina:Diana, thank you - I will.

Leon Sanchez:thanks everyone

Tatiana Tropina:sorry, Diane... :) OMG what is PTO doing to me

Diane Plaut:All good!

Diane Plaut:Agree, Emily

Thomas Rickert (ISPCP) 2:Thanks, Kurt! Bye all!

Tatiana Tropina:thanks and bye