
BRENDA BREWER:

Good day, everyone. I'd like to welcome you to the ATRT3 Plenary Call #50 on the 4th of March, 2020 at 21:00 UTC. The members attending the call are Cheryl, Daniel, Demi, Jaap, Jacques, Pat, Sebastien, Vanda, and Wolfgang. We have observers Jim and I just saw Everton join.

From ICANN Org, we have Jennifer, Negar, and Brenda, and technical writer, Bernie, has also joined. We have apologies from Leon.

Today's meeting is being recorded. I'd like to remind you to please state your name before speaking for the record. And Cheryl and Pat, I will turn the call over to you. Actually, Cheryl. Pat's on mute.

CHERYL LANGDON-ORR:

Me to start with. Pat's muted for the first little while of the call. Thank you very much for that, Brenda. Pat is listening and he's in on the Zoom room, but he's tied up on another call for another little while so he's hoping he'll only be four or five minutes or so late. But we can battle through until he gets his voice into the call, especially considering how wonderful my voice is undoubtedly sounding to you all.

First up, of course, is we have our relatively light and I would suggest relatively predictable agenda for today. And we're going to be obviously spending the large share of it running through our text in the Google document. So those of you who wish to pull that document up, please do so from the agenda link. But also, I'm sure that Jennifer will be putting it, or Brenda will be putting it into our chat as well for your convenience. Of course, it will be being displayed in the Zoom room.

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But let's begin with our usual call for anyone who has any Statement of Interest updates. Not seeing anybody waving at us in the room, so we will assume that the status quo is the status quo from last time.

Welcome, Osvaldo, the grandfather, indeed. Congratulations formally on the safe arrival of your youngster and we hope you do enjoy being a grandpa. Thanks for that, Jennifer. And now I won't be asking you to multitask as we move on to the action items, which will be probably immediately followed by the face-to-face meeting planning updates and I suspect, Jennifer, you'll be taking us through both of those. So over to you, Jennifer.

JENNIFER BRYCE:

Thank you, Cheryl. So the action items review, just the two action items that we took from the plenary—or I'm sorry, from the leadership call on Monday, we're actually going to discuss under agenda items three and four. So you will have seen, hopefully, that Pat sent to the list two options that were discussed regarding the face-to-face meeting planning and then, of course, Brenda shared a Doodle poll with you all to determine if there shall be any further meetings scheduled for this week. So with that, those are the action items. That's the action items review. We have no other closed action items to report.

CHERYL LANGDON-ORR:

Thanks very much. And do we want to dive straight into the feedback we've got on our first Doodle regarding the face-to-face. Sorry, not the Doodle. I really shouldn't be able to be in charge of operating cars, machinery, or signing contracts today. My apologies, people. Let me try

that again. Do we want to move now straight to face-to-face meeting planning updates? And are you going to be doing that?

JENNIFER BRYCE:

So I certainly can if you'd like. I think all the Review Team members will have seen the announcement that went out from ICANN Org, I believe last Friday, to say that meetings through to the end of March will not be taking place. So of course, that includes the ATRT3 had requested to meet around the mid-March timeframe. So all meeting planning is on hold and will be re-assessed again after the virtual ICANN 67 meeting. So given that, Pat sent some options. We had a discussion on the leadership call. And Cheryl, did you want to summarize it?

CHERYL LANGDON-ORR:

Yeah, I just wanted the official word first, right?

JENNIFER BRYCE:

Yeah.

CHERYL LANGDON-ORR:

Thanks very much. So we're running under starter's orders here and it's a rapidly changing and continually evolving situation. So we wrote "Knowing what the likelihood is of when the travel restrictions will be lifted, but we certainly have no ability to predict in any way, shape, or form what that will be." I've certainly been involved in a number of meetings, including the regional IGF planning committee meeting only yesterday where we were postponing things to at least September and

looking towards running a virtual meeting even then. So many organizations are taking a very long view on these things.

So that is a set of understandings, or should I say lack of understandings, on when we would be able to have any face-to-face meeting. Pat did send to you all two options, one of which would be asking for an extension for us to finalize our documents and pass them on to ICANN. That is contingent with us having a face-to-face meeting. So that's the one with an unknown duration. That's option one on the screen now. Thanks very much for displaying that.

And then the second option is one that suggests that the extension So, we had believed that requesting an extension was the right thing for us to do. The two choices that we wanted to discuss today are which of these two options should we pursue, noting that the ICANN Board will be very interested in the rationale with both of them.

And the second option is that we tie our extension to a delivery date that is based on milestones, and that while we are going through those milestones of preparing and arriving at consensus on the final report, if the travel arrangements are opened up and we are able to meet face to face, we would indeed do so and then hand it in after that.

But the difference, of course, there is, one, is contingent upon having a face-to-face meeting and the opportunity to meet face-to-face. The other is not contingent upon it but does not leave out or preclude the opportunity of us using the effectiveness and efficiencies and more desirable outcomes from the face-to-face meeting if the global conditions change. So they are the two options that we have put out.

Please note it is perfectly possible of the Board to say, “No, we will not be able to have an extension at all,” or “We will not be able to have an extension under whichever set of circumstances or contingent upon whatever set of circumstances we request.” It’s simply a matter of deciding which rationale it is that we will be putting forward in our formal request for an extension of time.

To me, it looks like Bernie’s hand went up before Sebastien’s. Is that the case, Bernie?

BERNARD TURCOTTE: Very quickly. In the last e-mail Pat sent on the options, he noted that there was a third option which is simply “deliver on time”. Thank you.

CHERYL LANGDON-ORR: Yes. Deliver on time is, of course, another option. Yes. So with that, Sebastien, over to you.

SEBASTIEN BACHOLLET: Thank you, Cheryl. Just to say the same thing as Bernie. We just received a mail two or three hours ago [inaudible] with keep the timing of delivering as it is today. Thank you.

CHERYL LANGDON-ORR: Okay. All right then. Well, the floor is open on this. You’ve got the background. You’ve got, first of all, I guess the first decision point we need to look at is do we simply deliver on time, which I think we could

reasonably say handing in two ICANN on the 5th, which is I believe the drop-dead date. Jennifer can confirm that for me in chat. That is the last possible date under the current bylaw base rule of 12 months after our substantive meeting, our first substantive meeting. Now it would not then be published on that date. There's still general fiddle-faddling around that ICANN does with documents before they are published, etc. But we could, in fact, meet our obligations by giving it to ICANN on that date and so is that the—thank you, Jennifer—first of all, do we wish to, as the leadership team did discuss and did support only 24 hours ago actually, to seek an extension? Or do you wish to power on and have the delivery date the 5th of April? So I would like anyone who wishes to speak on that matter now to raise their hand please. Let's take a queue.

KC, go ahead, followed by Sebastien.

KC CLAFFY:

Hi. I guess it's hard for me to know. I am struggling. I don't want to just sit and say nothing, but it would be great to have another face-to-face meeting. Some of this depends on what the parameters end up being, like how long? We don't want to wait six months for a face-to-face meeting. Then I would say no, let's just forge ahead. And, of course, like you said already, we don't know any of that.

But then the other thing I have with the milestone being about what consensus is, I'm still waiting for Pat or somebody to answer my question about how is this all defined? At what point do we decide this is as consensus as we're going to get and we need anybody who doesn't agree with it to write their—just any opinion or minority or whatever.

And how long do they have for that. So if all of that has to be done, I would say April 5th is cutting it pretty close if there is no opportunity for a face-to-face before that. But I just need more information. That's all.

CHERYL LANGDON-ORR:

Thanks, KC. We all need more information and that's why all are in a very difficult circumstance of working under extremists. And under extremists, we're probably all going to remain to some extent or other, unsatisfied and so anybody who is believing that they may have a dissenting opinion or a minority report, that they will be seeking to put on to as an appendix to our final report based on how things are now and how they may be in the next probably only ten days anyway because even though we have a bit of time between now and April, there is an awful lot of finalization that needs to happen and so we should really look at our opportunity for documentation, for the want of a better word, final drafting for us to take consensus calls, etc. by something like 17th to 19th of March. So not the 33 days until April 5th, but let's call it mid-March between the 17th to the 19th of March. It was the reasons why those were the dates suggested when we thought we may be able to still hold a face-to-face meeting in March after the Cancun meeting was canceled.

So we should be looking at only having between now and mid-March, 17th and 19th, as our work group opportunities to even make the April 5th deadline.

So under those circumstances, I would strongly encourage anyone who believes they are likely to have a dissenting or minority opinion needing

to be drafted, that they get onto it and start drafting it. And of course, bonus if your views prevail upon the rest of the group, you are no longer of a minority. The majority agree with you and it ends up being the consensus, then I guess you can file it in that “well, I’m glad I didn’t have to use that document” pile. But I would strongly encourage anybody to start drafting a minority if they believe there is a likelihood that they are going to need one.

I’m going to assume that that’s a follow-on. Is this Kimberly?

KIMBERLY CARLSON:

Yeah. Is there any written documentation on how to go about that? I mean, I’ve been on other committees where people did that sort of thing and they had instructions.

CHERYL LANGDON-ORR:

Well, I don’t believe there’s terribly detailed instructions. All of the minority reports that I’ve been exposed to in other work groups and review teams have simply been a document headed up with that term. But I’ll ask staff to see whether or not previous review teams or current regulations and rules of procedure do have a template or a set of instructions. So they’ll get back to us on that and hopefully during this call. Sebastien?

SEBASTIEN BACHOLLET:

Thank you very much, Cheryl. Just to say what I said during the leadership call, that I really strongly support to have the time to have a face-to-face meeting, and therefore, to postpone the delivery of our

report to one month after a face-to-face meeting. It's the matter we are talking about, it's quite, quite heavy and we can make progress, but at the end to finalizing everything, we need a face-to-face. I know we can't know when it will be. It's why it's postponed with no date. But I really think that it's the best way for the quality of our work.

My other point is that you say that the Board can decide not to give us. It's where I differ because we are ATRT. Therefore, it's not the Board to decide what we have to do and I consider that we are like ATRT1 and ATRT2 and to decide what we can do and how we can do it. And the question, it's not to have an agreement of the Board. The Board decided to cancel any face-to-face meeting. I understand totally the reason and it's totally unforeseen circumstances that because we have [inaudible] our work, it's for outside reasons. That's why, really, it feels that we need to have this extension providing that we get a face-to-face meeting as soon as possible and as soon as feasible. Thank you.

CHERYL LANGDON-ORR:

Thank you, Sebastien. Just pointing out—and I absolutely agree with everything you said in terms of the unusualness of the circumstances, but ATRT1 and ATRT2 had absolutely no control over the due date of their final report. There was drop-dead dates and they were exactly 12 months after the first substantive meetings of the Review Team, so it is the one thing, and is course, is enshrined in the bylaws that any ATRT does not have control over and that is the duration of its work. Everything else, it most assuredly does so just to make sure that we're clear on the accuracy of the history there, I do realize that sometimes I'm a little pedantic but we really oughtn't to try and rewrite history and

I want everyone to realize that both other ATRTs have been strictly confined to that 12 month period as well. Osvaldo, over to you.

OSVALDO NOVOA:

Hello. Yes. I think that right now with the face-to-face meeting canceled, we will need more time. I don't think we will be able to finish by April. That said, as much, I think we would need less time if we can have a face-to-face where we can reach consensus or at least everybody can compromise in some common position. If we don't have a face-to-face meeting, then we will need a bit more time. So that's why I support option two. Thank you.

CHERYL LANGDON-ORR:

Thanks very much for that. So is there anyone else who wants to speak on this first decision node on working as we had originally been confined and that is to do the third option which is deliver on time that would require us having everything completed in our work mode by between the 17th and the 19th of March and then deliver on the 5th of April versus request an extension. Not specifying which option yet, just an extension to the ICANN Board.

And I would note for the record that, Leon, based on the text that Sebastien put to our list supported by Pat and I, had... Not the text, that Leon's testing was supported by Pat and I, hadn't reached out to his fellow Board members and got some temperature taking of the reaction of the Board as to what it might be if we did request an extension. The text they were given was what you all saw from Sebastien in the first place and there was immediate questions about ramification on budget,

ramification on actual duration and time, how much time is required. It was very clear that there would be a rationale required if not questions to be answered at that stage.

So that's not to say one or other of the options is preferential. We simply need to work out if we're going to ask, first of all, for an extension. And if we are, which of these two options is the one that comforts the majority of you best. So with that, back to you, KC, before we actually ask the group for some opinions. Go ahead.

KC CLAFFY:

I can share what SSR2 is trying to do because I'm on that Review Team as well and they're faced with the same issue. In fact, they had an in-person meeting the same exact days and times as ATRT next week and it got canceled. They are experimenting. They're basically going to try to do what you guys are calling option two, I guess. They've set up a three-hour call which I think was on the table for us too, to set up some chunk of time to try to do a virtual meeting over the next couple of days. And they're sort of going to see how it works.

Now SSR2 has already asked for God knows how many extensions—at least one extension—and they're in a different coddle of fish because they don't have the one-year thing. But I wonder if there's some opportunity to test Sebastien's hypothesis, although it's pretty well-grounded already, that we can't do this remotely. Or Osvaldo's hypothesis, for that matter, that we can. That's all.

CHERYL LANGDON-ORR: Thanks, KC. Yes, and I'm glad you recognized that any other review team is entirely different circumstances to us in terms of the total duration of our work, and of course, if you could have picked a worse time for this particular unpredictable event to have affected our work plan, this could be about the possible ... I can't imagine a worse time actually, right at the very end when there's no other juggling that we can do. So that's fine.

Just so everyone's edification, the Doodle poll that you were asked to and that we'll be moving on to shortly, looks at time for blocks, not singular but plural, of time that you would be able to make yourselves available over the Thursday and Friday of this week, is to progress the work regardless of whether we ask for an extension or not and regardless of whether or not you choose option one or option two. So ATRT is already planning on doing what SSR2 is doing as well. And that's the only smart way to do these things, I'm sure.

So with that, let me move to Sebastien, please. Go ahead.

SEBASTIEN BACHOLLET: Thank you, Cheryl. We can try, but if we look to the Doodle, there is— and the [inaudible] is no one single hour where all the group is available even if it was supposed to be our two days of work in face-to-face meeting. It's one of the reasons I really think that we have no other choice but to have a face-to-face meeting because when we have a face-to-face meeting, we know that we are concentrated on one thing and all the people who are there, are there for that. And here, when you answer the Doodle, "Oh no, I have something else," or, "I have

another appointment,” or, “I have something to do at home,” and so on and so forth. And it’s where it starts to be very difficult if we look to the Doodle result, it’s quite clear. Thank you.

CHERYL LANGDON-ORR:

Thank you, Sebastien. And yes, that’s why any remote activity, in fact, the whole idea of ICANN 67 being a virtual meeting now being in any way, shape, or form other than an interesting experiment on virtual participation of slightly larger groups than we run in many of our working groups is fraught with exactly the same set of circumstances and concerns that when you are not dedicated to a place and space, other things happen. In many cases, of course, people are required to stay in their workplace and that, quite reasonably, for volunteers must take priority. So that’s very understandable and quite clear.

A couple of things I just want to make sure—h, welcome, Herb. Thank you—make sure that we’re aware of. If option two is ... And I still would like to get the first question answered. If option two is, in fact, the view that prevails, there would be considerable commitment to an awful lot of virtual work required on all of us to still get the milestone work done in a, what would be considered, reasonable extension time. So let’s not assume that the cadence of our calls would be what it is now. It would be an [inaudible] and I hope that the ICANN Board and the ICANN community would recognize the additional commitment and appreciate the extra effort that you would all be making as we work towards any of these options, but particularly that one as well.

The other question I think that is important for us to recognize from the Board's perspective, having received a little bit of extra feedback from Leon, is that there would be considerable concern—quite considerable concern—about setting precedence for ATRTs in terms of extensions and not being timebound into 12 months. And that's another thing that should we be asking for such an extension, we would need to make a strong and compelling case in our rationalization so that they would, themselves, have that to go back onto and ensure that it is not a matter of precedence setting but a matter of genuinely extreme circumstance, one that is unlikely to be repeated.

A survey you ask, what would be a reasonable extension? I don't... Actually, I do have a crystal ball but it's very dusty and I honestly could not see clearly into it at the moment so that's a sort of \$20 million question. One way would be to ask for the extension and then go to negotiation to see what it could be. And don't forget that regardless, unless we are delivering on time, there will be the requirement for us to look at budget and have our budgets authored, and that is a separate, secondary but nevertheless, integral part of either of these two option way forward. So Jacques, over to you.

JACQUES BLANC:

Yes. Hearing all the arguments, I think the best way is to start with option two, and because since I don't have a crystal ball and panic is happening everywhere now, it seems that option one actually turns out to become option two is pretty high. I mean, I think we should try as much as possible, and if we are lucky, we can move over to into option

one. But just do nothing at the moment and just wandering around is probably not a good idea.

CHERYL LANGDON-ORR: Okay. Thank you. Pat, over to you.

PATRICK KANE: Thank you, Cheryl. So I mean, I think that there's a lot of good things that have been thrown out so far and I do believe that we need an extension. I don't see how we can make this happen in the timeframe knowing that we were going to have at least two full days together, whether it be Cancun or some other alternate and actually get through the final items, and then have a discussion around consensus. I think that that's something that is going to be very difficult, I believe, in a setting that we've got where we're on the phone for an hour on a suggestion or an hour on a recommendation and get through that. So I'm supportive of the extension request.

Now when it comes to budget, we've done a very good job of managing the budget to date and we have money left in the budget, so I think that—and it's right for the ICANN Board to ask and query about what the budget extension might look like. But I think we've been very frugal with how we've spent and that should be taken into account in terms of what our performance has been. So I think that we've got a good track record on anything that we do around the budget.

When it comes to how long do we need, I think we have to show an accelerated cadence or else it's just we'll get there when we get there. I

still think that we need to show that, along with an extension request, that we're going to work towards making something happen.

And to what Jaap just said in terms of we don't have a crystal ball that says when this fear—this global fear—will dissipate or even if on the other end of this, we come out with a new norm in terms of how companies engage around the globe. I don't think we can wait for a face-to-face to happen. If we can get one in, great. But I'm in favor of an extension request and I'm certainly supportive of option two with an accelerated cadence and get there when we have a general consensus that we've arrived at the final report. Thank you.

CHERYL LANGDON-ORR: Thanks very much. That's great. Bernie, over to you.

BERNARD TURCOTTE: Speaking of precedence in this case, let's remember Works Stream 2 where we weren't going to meet our deadline of one year and basically said to the Board we'd like to extend for the year but we're not asking for any new money. And so that went through. So I don't think we're asking for a year here but certainly if we ask for, from what I'm hearing from everyone, for an immediate one-month extension without any additional budget because our budget should cover it, I think we should get that very easily without a lot of discussion.

And then within ... Now that essentially gives us two months and within a month and a half, we can figure out if we're going to need something

else or not would seem probably reasonable to everyone and easily justifiable. Thank you.

CHERYL LANGDON-ORR: Thanks, Bernie. But would that still sit under an option two umbrella, though?

BERNARD TURCOTTE: I think it would. A slight variation is that we wouldn't have to review the budget probably. I did not look at the numbers recently, but certainly, it would remove this pressure that we're, as Sebastien noted, we're 33 days under the gun right now. So if we move it to 63 days, the world will evolve. We're not asking for anymore money because we know that asking for more money right now is tricky and there is a very solid rationale. So I think that sort of fits well under two. Thank you.

CHERYL LANGDON-ORR: Okay. Thanks for clarifying that, Bernie. And yes, Pat notes in the chat that, of course, Work Stream 2 wasn't actually timebound by bylaws, and of course, we are. And just on that before I go to you, Vanda, I suspect that what we would need to do then based on the concern about precedent of the Board approving something that's not in line with bylaws, etc. is whatever we do if we ask for an extension, and I'm currently not seeing anyone who thinks option three is the top preference. So it appears at this stage, at least in our deliberations, that we will be asking for an extension—is to request the extension but perhaps ...

Let me try this again. As we're operating under, basically force majeure circumstances, that we will be simply delaying the delivery of our final report. But that we will be working towards a set of milestones that, at this stage, we envisage that this will not require any additional request for budget and that we would be reviewing our circumstances at least 15 days or whatever—just pick a number basically—before that two month period or whatever.

So not so much ask for an extension to begin with, but almost do a modification of option two where we simply say that these are exceptional force majeure circumstances, we are unable to deliver on time, we will be going through hell or highwater to do so in the earliest possible, at the earliest possible time, give the milestones and note that at this stage, and there is no foreseen requirement if our delivery date is in the two months' time, that it would require any change in budget but have a review point. That's just one way I would go towards it anyway.

Pat, save me, if you wouldn't mind after we go to Vanda. If you could pick up the queue and managing of this issue, please. Thank you.

PATRICK KANE: Absolutely, Cheryl.

CHERYL LANGDON-ORR: Vanda, over to you.

VANDA SCARTEZINI: Okay. Well, I do believe that what we need to do to send any requests to the Board is a clear demand. There is a lot of noise around. But anyway, not here. It's clear. Hello?

PATRICK KANE: Yes, Vanda. We have you.

VANDA SCARTEZINI: Oh, okay, because the noise is huge. Well, I believe that we need to send any option together with some clear suggestion what we want from the Board. And for this, I do believe that considering that if you had [to come home], we will have [tomorrow] two days of our meetings and then we will deliver one month after. So, if we will have face-to-face meeting the beginning of April, for instance, as a suggestion, we can expect it to have one month. If you do not have that, I believe we will do like to have at least two months. So the most important thing in my opinion is to make a clear and logical demand. So we need to compare what we had with what we expected to ask. And for me, this is with face-to-face, one month. Not face-to-face, at least two months. Thank you.

PATRICK KANE: Thank you, Vanda. KC?

KC CLAFFY: Sorry, I'm muted challenged here. I guess I'm wondering why we wouldn't be trying to do both of these options. If it were my project at

work, I would say, “Okay, we have to pick up the pace because we don’t know when we’re going to be able to travel,” and then if we do get an opportunity to travel, all the better for us because we could finalize this report in much better spirit. But we just don’t know.

PATRICK KANE:

Thanks, KC. I think that’s right. I think no matter what, we’ve got to accelerate. I think the point is that with option one, we’re kind of waiting until we get to a point where we can actually meet to deliver. And option two, we’re saying we’re still going to try to deliver but we’re not going to preclude a face-to-face. But we’re still going to [inaudible].

So we could add, even to option one, that we will accelerate as well. But at some point in time, we’re going to run out of work and just be waiting at a meeting. I think that’s the difference at this point.

Vanda, is that a new hand? KC, are you—

KC CLAFFY:

I guess, well, I’m thinking now. I went to lower my hand and then I thought of something else I wanted to say, which is to the extent that I’ve been on these calls—and I know my attendance record isn’t the best, but I just hear on every call what a rush this is and how much we’re having to sacrifice because we’re in such a rush.

We don’t have time to do the full review of ATRT2, etc. and we don’t have time to really flesh out these questions that everybody has. So I find it astonishing to consider the possibility that we would run out of

work to do and just be waiting for a meeting. I mean, it would be a lovely circumstance to be in, but I find it fairly unlikely.

PATRICK KANE: Thanks, KC. And I think that I was coming from an extreme position to where on Monday, we actually talked about what if you were in a situation where the travel changes didn't [inaudible] the end of the year. So if you had nine months that we wouldn't be able to get into a face-to-face meeting, what would you do in those kinds of scenarios? That's kind of the extreme position that I think we were at with that.

KC CLAFFY: Sure. But we could even put that kind of contingency in the option. Like we'll wait six months. If we can't have a meeting in six months, we shut it off. We say we're done.

PATRICK KANE: We could certainly do that too. Sebastien, your hand is raised.

SEBASTIEN BACHOLLET: Yes, please. Thank you, Pat. I guess we are split in the [inaudible] decision. May I suggest ... I will not say compromise because I don't know if it's a compromise, but I would like to suggest the following is that we ask for three months. No, my rationale is that it is after the supposed next to be ICANN meeting. We organize if we don't have any meetings, but we hope that at least the ICANN meeting will be organized somewhere in this world end of June and that we will be able

to have a face-to-face meeting at that moment if we can't have it earlier. And we take into account that we will be able to have some, I would say, last [tuning] or some presentation of the report and the community during the ICANN 68. And it's not a too long-time addition, but at the same time, I hope enough time to organize our work and the participation of all us to the work to be done in the time we have. I hope that is clear what I am trying to convey to you. Thank you.

PATRICK KANE:

Yes. Thank you, Sebastien. What I heard you say is that we would go in and kind of modify an option two that says we're going to ask for three months, and if we can get a meeting in, we will. If not, we'll deliver around the time of ICANN 68. When and if we end up with ICANN virtual number two, it won't be the disaster that I believe next week is going to be with the, because we've got a limited amount of time to get ready for next week. So I think that's what you're trying to say.

Now, the way that option two is worded gives us the ability as a team to say that our timeframe is a general consensus on the final report that we've arrived at. And the one thing that I want to caution everyone on is that we are only going to ask for or we're only going to be able to ask for and be credible one extension. We can't take ... If the conditions exist today in three months, it would be inappropriate I believe for us to go back and ask for more time if we feel like we're in the same place. So, that's why, in option two, the wording that I chose around that was more milestone based, around general consensus on the final report, and not necessarily time bound on the backend in case something else

catastrophic occurs in the timeframe in terms of how we communicate.
KC, your hand is up.

KC CLAFFY: Well, I just should point out, like again SS2 has done two extensions now, so I don't know if I agree with that. I mean, we all want this to be over but I don't know if there are any hard-and-fast rules about what's going to look really bad, given what we're dealing with here.

PATRICK KANE: KC, thanks for that. I appreciate it, but I think that that's opened up a whole bunch of different issues with SSR2. Was it really an extension? Did the Board pause it? I think there's a whole bunch of things that went on weird about that whole process that I would hope we would not try to replicate.

KC CLAFFY: No, no, no. I just mean that, because of this—because of what's happening here—they're going to ask for another extension and they're going to ask for a face-to-face, da-da-da. So, I think we're all in an unprecedented—

CHERYL LANGDON-ORR: KC, they're not bound in the bylaws. No other review team is. So, comparing our specific circumstances to any other review team fails when we look at what is in the bylaws and what asking the Board to give us an extension may mean. And one of the things it may mean is asking

them to make a decision which is literally against something in the bylaws. That's another very, very interesting kettle of fish.

So, unlike any other review team, we've got this 12 months from our first substantial meeting written in almost so. But this is a very unusual circumstance, very unusual force majeure nature of it I think means that we should be able to do something.

PATRICK KANE:

Thank you, Cheryl, for that. I'll get to you in a second, Sebastien. But the one thing that I would add there, though, is that if we don't ask, the answer is no. And we ought to ask for what it is that we think we need and what it is that we think we should to give us the best opportunity for a successful delivery while doing it [inaudible] we can to the budget and the time, given this extraordinary circumstance. Sebastien?

SEBASTIEN BACHOLLET:

Yes, thank you. I will not repeat that I am for option one. But I want to be sure that I understand well what you think with option two because you say based on [inaudible] consider that when we will have done this milestone [inaudible], we will have request for X day, additional X days, or we will keep that as milestone with a flexible date? That's the way I am not sure what you tried to tell us a little bit earlier in the meeting. Thank you.

PATRICK KANE:

Thank you, Sebastien. I appreciate that question. The reason why milestone [inaudible] is important for me is because I don't know how

long it's going to take for us, largely because I've never gone through the process of trying to achieve consensus on the suggestions and the recommendations that we have and what all that is going to entail. So, part of this may be my inexperience in the process, but part of it is also a way to say tools were available, this didn't work out as well as we thought it was going to and maybe there is a time bind that we can put ourselves in the request as well, which I would be totally open to. But I just didn't want it to be a never-ending story and just say when we get [inaudible] what we think good looks like, we [inaudible] move forward. That's all. Thank you very much for that question. Cheryl?

CHERYL LANGDON-ORR:

Okay. Just with an eye on the time—and I know this is very important but we also need to progress. Is there anyone in this call now that firmly believes that what we should be doing is delivering on time on the 5th of April? If you do believe that, please make yourself known. Perfectly happy for you to then talk to it if you want to convince us. I'm not seeing anybody for that, so can we take option three off the table to begin with? Because that was confusing some people already.

Under those circumstances then, there's obviously some lines open. What we need to do is look at do we want to have the bound with a face-to-face meeting option or an unbound but not precluding a face-to-face meeting option explored? Once we settle that path, then there is the question of do we simply make a force majeure statement saying we are unable to deliver on time, exceptional circumstances. Here is a new date. No impact is expected on budget because of our exceptional management of the budget so far and we will review in a certain

number of days before that time? Or go with the currently prevented option. Can that get us forward? Because I'm seeing a lot of treading water now. Thanks, Pat.

PATRICK KANE:

Thank you, Cheryl. So, what I'm hearing you say is that option one or option two—or a modified option two—with [inaudible] checkpoint at some point in time.

CHERYL LANGDON-ORR:

Pat, I'm saying don't ask for an extension. That's not [in option two]. I'm saying state to the ICANN Board, and therefore don't ask them to make a decision now that is basically saying do something that is against your bylaws. State, "As the review team, these extenuating circumstances, we cannot deliver on time." Take it on the chin. I'm big enough to do it. Hopefully, the rest of you are. And say we will, however, attempt—aim to achieve [inaudible] this date without any impact on budget and we will review it at least 14 days before that date and keep you updated.

Then, if we do, heaven's forbid, still need an extension, we would go into extension mode. But I am becoming increasingly fearful that with a Board being what a Board must be from time to time, asking for an extension at all is already a risk. Whereas, if we can do it in two months, let's say we can do it in two months.

PATRICK KANE:

Thanks, Cheryl. Sebastien, I'll get to you in one second. I hear what you're saying and I want to make certain that we're asking the right

question that gets us the opportunity to do what we think needs to get done as opposed to having to ask a second question if we get an answer we don't like. But I hear you. Sebastien, go ahead, please.

SEBASTIEN BACHOLLET:

I am a little bit lost where we are, I'm sorry. I guess if we split what we need to do ... [inaudible] that we don't know what will be the direction of the Board. But at the same time, I hope that they will take into account the decision they have taken to council and face-to-face meeting, the ICANN 67 that also [inaudible] in March and they will review [inaudible] for GDD will happen and if Kuala Lumpur will happen for ICANN 68. Therefore, if I understand what Cheryl was suggesting is that [inaudible] the same type of mode. We say that we need more time and we will review it in the time we need in one month or in two months. I am not sure that they will accept that, but at least we are--- we can say mimicking the way there handling these difficult circumstances as [inaudible] ICANN organized meeting.

But if we do that, it's an [open] thing. They will maybe ask us what is the deadline for that and that's where it starts to be a bit difficult. I am not sure that I am right on what I say, but if it's not the case, please give me the right idea I need to understand. Thank you.

PATRICK KANE:

Yes, Vanda, please.

VANDA SCARTEZINI:

Okay. Well, I was thinking the way Cheryl is articulating, it's more a way as a group should go because we have a responsibility to deliver a good result. It's not for the Board to deliver this good result. What is our responsibility?

So, we need to state that we had some problems generated not by us or by the Board or ICANN, but by the world, and because of this unhappy circumstances, we need time, as they need to understand how we'll adjust our scheduling to deliver a really clear and good result. And that's it.

At this time, we are not asking for any budget. It's just a statement that it will take some time to see how far we can go, and after some time, we can justify more precisely what we need. That's my understanding in the way Cheryl was articulating and I believe that someone in the English language can do this better than I but, in my opinion, it's a good, good way to go. Thank you.

PATRICK KANE:

Thank you, Vanda. I appreciate that and that certainly helps clarify for me where we were going, and as you were saying that, it reminds me of when I tell my college-aged son to be home at a certain time and he goes, "Yeah, okay, dad," and he comes home when he wants to. I think I understand. Thank you. There's nothing else, Vanda? All right.

So, the suggestion as put to the group is basically send a note to the Board saying we will not be done on time and that we will give an update as to when we think we can be done at some time in the future and let them respond to that.

CHERYL LANGDON-ORR: We could be specific about when we'd be giving them the update. And I think we've heard information here, [inaudible] about when it would be reasonable, around that 45-60 day line. I think, as a Board, you can get your head around 45-60 days. It gives you something to hang into.

PATRICK KANE: All right. So, as it's been laid out, let's put it this way—that we would send the note to the Board indicating that we will not deliver on time and we will give them a better idea of when the delivery would be, 45 to 60 days from now. So that would be in the timeframe of April 15th to May 1st, roughly. If you are okay work with that—

CHERYL LANGDON-ORR: We'd know then what's happening with the disease, whether or not KL is on. It kind of fits into Sebastien's concerns, etc. But we will still need to knuckle down and do a hell of a lot of work, accelerated schedule with more commitment from all of us between now and then regardless.

PATRICK KANE: Great. Bernie, your hand is raised.

BERNARD TURCOTTE: Would that include a statement as to budget, as someone mentioned earlier?

CHERYL LANGDON-ORR: Can I suggest that we, as in Pat and I, have a go now at wording something up based on today's deliberation and then put it out to the list and get the feedback from you all and we will then have text rather than fluffy thoughts to react to?

And, yes, Vanda, force majeure is that coming from nature. Hoards of locust and plagues. Yes. Volcanos erupting and floods. All that sort of stuff. Yeah.

PATRICK KANE: All right. So, let's put this to the vote for the team, then. If we are supportive of that approach which is to send a note indicating to the Board that we will not deliver on time and we will have a better idea as to what date would look like, 45 to 60 days from now, and either explicitly say that we are not asking for any budget or not even saying anything about the budget and implying that we're not asking for anymore budget. If anybody is supportive of that ... Hold on, Sebastien, your hand is raised.

SEBASTIEN BACHOLLET: Yeah. I wanted to add one little caveat, that we send that to the Board and to the SO and AC leaders because they were the ones who composed the team and they have also the right to know about that. Thank you.

CHERYL LANGDON-ORR: Absolutely agree with copy out to the leaders. In fact, I think that's essential. I also suggest that we are, as we have tried to be with everything we do, utterly transparent and we publish and we push it to an announcement. I'm all for, as I said, taking it on the chin. Is this going to do some reputational harm to some of us in history if someone looks back and doesn't look at the actual [inaudible]? Yeah, there you go. It happens.

PATRICK KANE: Thank you, Cheryl. Thank you, Sebastien. So, Sebastien, is there something else you wanted to say? Is that a new hand? Thank you. All right. So, let's go back and take a look to see if there's support for that suggestion. Again, [sending it] to the ICANN Board, [inaudible] the SO and AC leaders. We're telling them that we will not make the delivery date. We will let them know within 45-60 days what that delivery date will be and accelerate our work plan. So, if we are supportive of that, please indicate in the participant window yes. If you are not supportive of that, indicate a no, please.

All right. I'm showing six for. I'm not showing any noes. I'm getting a plus-one from Tola. Sebastien, your hand is raised again.

SEBASTIEN BACHOLLET: Yeah. I'm sorry but I was thinking about we want to [inaudible]. I am sorry. We don't want to accelerate. We want to be able to do the work with the new way of doing it. It's not an acceleration. We will have in any case accelerate because we will have two days of face-to-face meeting that we will not have. That's why I am a little bit concerned

with the fact that we will say that we want to accelerate. We will do the best as we can as we have already tried to do.

For us, it is a new way of working. That means that it's not too [inaudible] one and a half hours. It's not an acceleration from my point of view. But for the rest, I am okay with that. Thank you.

PATRICK KANE:

Thank you, Sebastien. My choice of words was poor in terms of that specific sentiment. So, thank you for that. Cheryl?

CHERYL LANGDON-ORR:

Pat, I was just going to point out that the specifics, the wordsmithing, is yet to come. All we need to do now is get the principle right. That's all. Thank you.

PATRICK KANE:

Thank you very much for that, Cheryl. So, I'm seeing that we have several in support and nobody objecting to the sentiment or the direction. I will declare that we will work in the leadership team to put together what that communication will look like. Does that mean we're ready to move on to the next topic?

I'm trying to understand your last statement in group chat. "I think we are moving too fast with limited time." Another, "We have a challenge of time." Is that on this topic or is that overall in response to the work effort for the final delivery? Daniel? All right. So, Daniel, if you could

type into the group chat window a clarification for that, that would be very helpful. Thank you.

All right. Let's go ahead and move on to the next topic. Review of the Doodle poll results and determine [inaudible] meetings scheduled this week. Yes, Cheryl, your hand is raised.

CHERYL LANGDON-ORR:

Yes, it is. Thank you very much. I just want to make something painfully clear in my responses. This was not a maybe. It was a yes or no Doodle poll. I made very clear to Brenda and I want to make very clear to everyone else that I have said no to things that already have other ICANN meetings running in. However, if we are running our meetings at that time, I will obviously make our meetings the priority and give the other meetings probably my left brain at that stage. So, it's not that I will not be attending. I would put all green, but if I did, then you would not realize when there are other preexisting ICANN [inaudible]. Thank you.

PATRICK KANE:

Thank you very much for that, Cheryl. I would also note that I believe staff, before they put out the Doodle poll also excluded ours on the 5th and the 6th that already had something scheduled in those time slots as well.

So, in talking to Bernie on Monday, and after the call on Monday, it seems to me that we've got some topics that we can cover in terms of where we are in the final document. So there is work that can be done.

And as I look through this in my general view of it, it appears that the best time slot available is 12:00 to 1:00 on Friday where we would have a majority of the team. Then the second time slot that looks like it would be interesting if we wanted to do something would be between 3:00 PM and 4:00 PM—this is Eastern Standard Time—on Friday the 6th.

Ariel, I'm going to ask you a quick question. Are there opportunities to chunk the work that we can do into one-hour time slots? And to note that Cheryl's comment on UTC, that would be 1700 UTC on Friday the 6th and 2000 UTC on Friday the 6th. Bernie says, yes, there's work that we can do in taking a look at one-hour time slots. Sebastien, your hand is raised.

SEBASTIEN BACHOLLET:

Thank you, Pat. Just to be sure, I guess it's not 1700 but 1800 UTC, the 6th. And the other time, it's 2100 UTC. But just to be sure that we get right because I don't have in my list 1500 UTC as a possibility for the meeting.

PATRICK KANE:

Thank you, Sebastien. I do see a note from Jennifer that indicates that this Doodle poll is actually Central US time, which I never work in Central US time, so I apologize for that. So, it is Central US time, which Sebastien is right. It would be plus six from this time calendar. So it would be 1800 on Friday the 6th and 2100 on Friday the 6th. Sebastien, is that a new hand?

SEBASTIEN BACHOLLET: I understand that we may ... It's splitting the time. But I feel that one hour will be very small, therefore ... I don't know how we can do it, because of course you have people who say they can't [inaudible]. But in my dream, it would have been between 1800 UTC to 2200 UTC for our meetings. Thank you.

PATRICK KANE: Thank you, Sebastien. And in my dream, we'd be in Cancun right now. So, I get it and I'm just trying to figure out what works with the best with the most participants able to participate. And I do agree it's better not to have the start-stops and have the breaks in time. But I was just looking at what times we have available where we have the most people available. And there's only two slots and we've got nine or ten people available. So, I'm open to suggestions from the group. Cheryl?

CHERYL LANGDON-ORR: I would run the block of time of a two or three hour meeting and people who cannot stay the whole time, don't. We need a decent amount of ... Look how long it takes us to get deeply into things and start progressing. We've got chunks of work that can be appropriately addressed. Let's plan for, at the very least, a normal plenary amount of time, if not two or three hours. And take the most popular times out of this which you've identified, and if people can't stay, there you go. Note your comings and goings in the chat. So, if you say CLO left at whatever it was time, then you say CLO rejoined at whatever it is time. Perfectly normal meeting procedure. Thank you.

PATRICK KANE: Thank you, Cheryl. Then if that's the direction that we want to go, we have the best available three hours in a row is going to be from ... All right, the numbers have changed a little bit. On the screen says 8:00 PM to 11:00 PM Friday, the 6th. I'm assuming that's now UTC. Is that correct? Brenda says, "Yes, I switched to UTC." So that would be 2000 to 2300 UTC Friday the 6th. Do we have any objections to blocking off those there hours to go through items that Bernie has completed for review?

KC CLAFFY: I thought I had filled out this Doodle but it looks like I haven't. I think that's the middle of my night, right? 2000 UTC. Maybe.

PATRICK KANE: Where are you?

KC CLAFFY: San Diego, Pacific.

PATRICK KANE: That would be early afternoon for you.

KC CLAFFY: Oh, that's right. It's the other way. So, this Friday. I think I can do that. Eight hours less. That's noon. I can do most of that.

PATRICK KANE: Yeah. I think this would be noon your time, KC, noon to 3:00.

KC CLAFFY: Yep. I can do that.

PATRICK KANE: All right. Excellent. So, the numbers get even better. So, why don't we go ahead, if there are no objections, block off those three hours? Jennifer, if you will send that out as a meeting maker, that would be fantastic. And we'll pick up from [inaudible] eleven meetings from completion [inaudible].

All right. Can we go back to the agenda, then, please? So, I'm going to suggest that, Bernie, we probably don't have time to get into reviewing the recommendation text at this point in time and we probably ought to go directly to any other business. Since I wasn't on at the beginning, I don't know if anybody had a suggestion, if we had any other business topics to the end. So, if there are any ...

CHERYL LANGDON-ORR: There wasn't any raised. No, there wasn't any raised.

PATRICK KANE: All right. Very good.

KC CLAFFY: I did send out some questions about what was in the review section. Nobody answered. I wonder if they ... I agree we don't have time to discuss it now, but I wondered if Bernie had seen the email.

PATRICK KANE: When did you send that, KC?

KC CLAFFY: It was a few days ago.

CHERYL LANGDON-ORR: [inaudible] seen the emails, KC. You only send it four days ago. I doubt I was the only person who read it and I'm clearly not the only person who chose not to respond.

KC CLAFFY: Okay.

PATRICK KANE: All right. I'll take a look at it again. All right. Jennifer, if you'll take us through any action items that we walked away with today.

JENNIFER BRYCE: Thank you, Pat. Just a couple of action items. Pat and Cheryl are going to work with the leadership team to draft a communication to the Board based on the discussion today. That's regarding the review team

delivery date. We'll share that note to the list for feedback prior to distribution.

Then, scheduling the call, Brenda will send an invite for 2000 to 2300 UTC on Friday, the 6th of March.

As usual, let me know if I didn't capture anything or if I read it wrong. Thank you.

PATRICK KANE:

Well, I think that's good. Thank you very much, Jennifer. Cheryl, do you have any closing comments?

CHERYL LANGDON-ORR:

No. I just wanted to thank everybody for today's conversation. I think it is extraordinary circumstances we're working in and I know you'll join me, Pat, in appreciating how much effort and energy everyone has put into making these deliberations and considerations to date, and also how much effort and energy that they are going to then be putting in as the result of these extraordinary and extreme circumstances.

So, remember also, ladies and gentlemen, that those of you who have particularly unattractive time zones for the virtual meeting, just be warned that moods and tempers will fray as people are put under extra pressures and that most humans are not used to eight or ten hours of virtual meetings in a day, and especially those who are used to that going on with their normal workday as well, or in competition, will have a strain.

So, as you move into next week's virtual meeting, and indeed even our work on Friday, please be kind to each other and do remember that we will be strictly deploying the standards of behavior. That's it for me, Pat.

PATRICK KANE:

Thank you very much, Cheryl. I just wanted to emphasize that I know these are not the best conditions and we're missing an opportunity to spend a few days together to make progress but I know that we are all committed to delivering something that is meaningful and that we'll get there. So, thank you again, and I look forward to seeing you guys on Friday, virtually. Thank you.

JENNIFER BRYCE:

Thanks, everyone.

CHERYL LANGDON-ORR:

Let's do a wrap, then.

VANDA SCARTEZINI:

Okay. Thank you.

[END OF TRANSCRIPTION]