

ICANN

Moderator: Nathalie Peregrine
April 15, 2014
2:00 pm CT

Nathalie Peregrine: Thank you very much, (Melissa). Good morning, good afternoon, good evening everybody and welcome to the BC call on the 15th of April, 2014. On the call today we have Angie Graves, Barbara Wanner, Elisa Cooper, Philip Corwin, Jim Baskin, Ron Andruff, John Berard and Marilyn Cade. From staff we have myself, Nathalie Peregrine.

I'd like to remind you all to please state your names before speaking for transcription purposes. Thank you very much and over to you, Elisa.

Elisa Cooper: Thank you, Nathalie. And thank you to everyone for joining today's call. The real purpose of the call today is to discuss the two candidates for the Board seat, Avri Doria and Bill Graham. And it's really an opportunity to discuss the merits of both candidates and to try to figure out where we want to place our votes.

And so Adobe Connect they but I will be keeping a queue so I guess I would like to start off the conversation discussing Avri Doria and thoughts about her and what she had to say. And so I will open the queue for us to begin a discussion about Avri Doria's merits and how we felt she answer the questions.

So I will take a queue. I'm happy to start but like to hear from others.

Marilyn Cade: Elisa, before we start, it's Marilyn. Can I just ask a question because I know this is being transcribed but it sounded like we had maybe 8-10 members on right now.

Elisa Cooper: It is. We only have 8-10 members so we won't be able to make any decisions.

Marilyn Cade: So I just wanted to pose that first before we had the conversation. There's been really great turnaround on the transcripts so maybe one thing we ought to think about is, you know, we'll have to include a way to take more input from the members. But maybe since John is on what's the deadline by which we need to get a decision back to the councilors? Isn't it on the - like the 18th for the vote? If we could just verify that.

Elisa Cooper: Yeah, let me - if you hold on one second I'll tell you.

John Berard: The 16th.

Elisa Cooper: It's tomorrow?

John Berard: It's the 16th.

Marilyn Cade: Sixteenth, that's...

John Berard: Tomorrow.

Marilyn Cade: Tomorrow. So I just wanted to be sure I understood that because we're not going to have a lot of time to - I don't want to hold up the discussion anymore

but I just think we'll have to press members very, very hard to get back to the list.

Elisa Cooper: Yeah, I agree. Hopefully we'll be able to - the transcripts have been coming back very quickly so maybe we'll see that today and we can get that out even for this call. So with that thoughts on Avri Doria.

Marilyn Cade: It's Marilyn. I'd like to be in the queue - I'd really rather hear from the members first before I speak.

Ron Andruff: This is Ron, also, Elisa. I'll get in the queue. But I feel the same way, I often occupy these calls a little too much so I'm happy to have others speak first but I'll get in the queue whenever you want to put me in. Thank you.

Marilyn Cade: Ron, yeah, go ahead. And then as others are thinking of that they'd like to say we'll give them...

John Berard: This is John put me in the queue.

Marilyn Cade: Okay. Ron, John, Marilyn.

((Crosstalk))

John Berard: ...I could get it started, Ron.

Ron Andruff: Go ahead, John. Please go ahead.

John Berard: Sure. Okay so I thought there was far too much attention on nuts and bolts in the call. I would much have preferred if we were able to talk strategically about wielding influence at the Board level. I would say that the - Bill saying

it's not one of commission as much as one of omission. And so I ask myself, how do we resolve that? Do we resolve it by telling Bill that he's been acting badly and we expect more? Or do we achieve it by voting for someone like Avri and sending her into the Board?

Avri, I believe, is well intentioned, smart about the business of ICANN. But as I look at the Board and I think about how one operates politically within what is an increasingly political environment I worry that Avri would be too much an outlier and easily ignored. I don't think that we've gotten, you know, the money for our investment in Bill but, you know, neither do I think that Bruce Tonkin has been able to exert the kind of control that I'd hoped he would be able to exert.

I worry about that growing power of the executive, that the longevity of the staff, I mean, goodness gracious, there's nobody at ICANN who knows more about ICANN as we might say outside ICANN, where the bodies are buried than John Jeffery. And, you know, he's offering - he and Fadi are plotting a course. And it becomes very difficult for a Board member looking at the bylaws to exert any kind of control - influence let alone control.

So I guess the question for me comes down to a strategic one, what do I which of the candidates do I think is in a better position to influence positively as we determine that to be defined, the outcomes of the actions of the Board. I would say that I still think Bill, although flawed, is a better candidate. I believe that Avri is - the default is too much into the mechanics of ICANN rather than the - guiding it strategically. Is that good enough for the transcript and to start this conversation?

Elisa Cooper: Yeah thank you, John. I have Ron and Marilyn. Does anyone else want to get in the queue? Okay, Ron.

Ron Andruff: Thanks, Elisa. And thanks, John, that was a really - actually a very good segue into kind of the things I wanted to talk about. When I look through the notes I made from the call with Avri it says that she comes from the registrant user perspective, strong academic perspective, agreed more often with Non Commercial than with others. And she notes that she's prejudiced but she tries to understand her prejudices.

She worked for community applicants. She has worked for community applicants for the most part but she says she would relinquish her roles in the various consulting activities she's doing with the applicants.

With regard to industry I'd asked about multimillion dollar projects and she said that she had never really led any of those but she's participated mostly on router technology. She says she's not an accountant and she does fill that role as an accountant.

Risk management she talked about that she was not risk averse but that she's always looking at what the alternative plans are. And on interpersonal skills she gave herself a four plus which was a little surprising to me because I've worked with Avri now for 10 years and she sits on a couple of committees that I work with. So that was the report card on Avri.

Bill, on the other hand, in his first term he's worked closely with Mikey and the Risk Management Working Groups, then he took that over and worked with the - oversaw the consultancy work on risk management as part of his being on the Risk Committee. And so he was very engaged with that.

He's also been working on the Audit Committee, the Structural Improvements Committee, the chair of Global Relations and the Board Governance

Committee where he's worked on conflicts and ethics, reviewed all Board members, New gTLD Committee, of course and he's the co chair of the Board and GAC Working Group and improved relationships there and I think that's evidence that there's a much better working relationship with them. So he's has a lot of experience in negotiation at government levels.

His personal style, he said, was not as vocal or visible in the public environment. And I see that because he comes from a background of government so they don't do things as much out front as much as they do in behind closed doors.

But he feels - and he feels he works and smaller groups. He's worked in complex multimillion dollar projects although not managing the funds. As he pointed out he was the head of the Canadian delegation to the WSIS and his strength is bringing people together to a common end.

When asked about his interpersonal skills he said I can't say a 5 as a Canadian but I'm a high 4, I'm a good listener, I understand positions and I'm good at integrating.

So I look at the two candidates, for me there's not too much to think about because in the case of Bill he's already on these committees; he's doing important work and he's completely unconflicted. He has no dog in the race in any way shape or form whereas Avri has been working for applicants and she will - even though she releases them there's still some carryover from that.

When I look at this from a NomComm perspective, and that's where the questions and so forth came from and my analysis is coming from a NomComm perspective, we look at what's the most holistic way to fulfill - to fill a Board seat and what fits the best for the organization not just for now but

actually as people rotate out in the coming period while these people we select are put into place.

So in my view, while I have a lot of respect for Avri I don't think that she could fill any of the roles that Bill was doing simply because she doesn't have the capabilities in terms of Audit Committee and global relations and these types of things.

And as Bill pointed out as the IANA function transitions out from underneath the aura of the United States and into a more global environment his experience in that level is going to be very, very valuable.

So I think it's very important that we've had this call to be able to draw a very clear distinction between the two candidates but it's quite clear in my view that Bill is the right selection that the CSG was walking down that road and that we should continue to follow that path. Thank you very much.

Elisa Cooper: Thanks Ron. Marilyn.

Marilyn Cade: Thanks. I really appreciate - I think we made the right decision to have this call and I think we probably actually did the call at the right time in the sense that this is a really important decision for us to make.

I work with her in a number of settings and I would not give her a 4 plus on interpersonal skills in the external environments that I work with her on. I thought it was an interesting perception on her part and just something for us to think about that if she were to be elected there would be a lot of need to build and establish relationships that do not exist today with her from all of our constituencies.

She also does not have relationships with the NPOC and that's important to understand I think in terms of what I'm going to say next. To me the continuity on these Board committees is really important because I think the Board has heard the extreme dissatisfaction and they are now in an effort to do management correction or governance correction.

The committees that Bill is on I think are very important to the three CSG constituencies and important to the NPOC. And because if we remember the NPOC is actually a creature of our making almost; we were heavily involved as the CSG and driving to get a meaningful noncommercial organizational constituency that we could work with.

And I think we're already seeing that there's more like mindedness within the NPOC on certain issues. So we may be able to work more effectively with them in the future.

And I think that Bill is likely to be able to build relationships and work with them much more effectively than Avri will be able to build relationships with the entirety of the CSG. And that's going to be important for how about Board member, the 14 Board member, number 14, is influential in Board committees and in the overall Board.

With Bill's continuity - I'm going to go back to continuity for me, the reason it's important is there would be limited risk of a lot of change in committee assignments if Bill was returned. There will be high risk of which committees that Board member will be appointed to is Avri disappointed because there is always a reluctance to put brand-new Board members into certain committees.

Even though she is not new to ICANN her expertise is largely in the ALAC where she stood for the Board previously and was not elected by the ALAC

and in the NCUC. So she's not going - she's not a newcomer to ICANN that she's not necessarily going to be viewed as really highly seasoned Board candidate having a lot of political expertise and other kinds of expertise.

Her background is largely academic and technical. And there's a huge number of technical people on that Board already. I did an analysis of that just for my own purposes and it's really a very, very technical group of Board members.

I think the other thing that I would say is I guess I would make one observation that is a lesson for us. I cast my mind back to the meetings when Bruce was not available or forgot about us on the CSG session, Bill always showed up, he always changed his schedule.

Maybe the lesson for us with Bill would be that we need to prioritize having a session with Bill only because I think he has a tendency to wait and let others speak and yet when he speaks there's a richness of understanding.

He also described something that I think it's unfortunate we didn't know about and that is that after each interaction whether it's observing the public forum or coming to meet with us he summarizes for the other Board members what the community that he comes from, that has sent him, what their concerns are.

It's too bad we didn't know that before and I think that's a style issue as much as anything. And maybe we can - if it is Bill, that we should prioritize our ensuring we have individual interactions with Bill. I would say the same thing about Avri if she ends up being the Board member.

Elisa Cooper: Thanks, Marilyn. I think one thing that we should mention is in this latest round of voting it was 7 for Avri and 6 for Bill. And my understanding of the way those votes break out is that, you know, one of those votes is coming

from the ISPs. Now if the ISPs decide to give both votes to Avri it won't matter what we vote, she'll win. So just something that everyone should be cognizant of.

So we've heard from Ron, John and Marilyn the clear preference for Bill. Are there any members who think that we should consider voting for Avri? I mean, Avri - she - I will say that Avri made a lot of statements that certainly I think we would be supportive of. She said a lot of things that were right, you know, couldn't argue with.

Are there any members that think we should consider voting for Avri also as a way possibly to build, you know, a bridge over to the Non Commercial Stakeholders?

Marilyn Cade: Elisa, it's Marilyn. Before people respond I think we just need to remind everyone that the votes on this first round - three stages are directed votes from the - that is the NPOC voters are required to vote for Avri. That will not be the case in the future they hope. And they will - they will put forward, at least at this point, they're still thinking that they would put forward a different candidates, not Avri.

So I don't know that we would be building bridges with the SG. I understand that some people think we might be offering something to the NCUC but I'm not sure from my conversations with a number of the NPOC folks that they would agree that we would be giving them anything because they don't have a positive relationship with them.

Elisa Cooper: Right but they also don't have a vote.

Marilyn Cade: They do have votes...

((Crosstalk))

Marilyn Cade: ...in the - they do have votes in the next round. They just have directed votes in this round.

Ron Andruff: Elisa, this is Ron. If I may? I just want to, you know, also comment on this building bridges to the NCUC. I think that's a - that's a red herring. I don't think that there's any such as building bridges to the NCUC by saying okay we're going to allow, you know, your representative to go on the Board.

There's a lot more work that needs to be done at various levels with the other side of our house. And from the time that we've been put into this house structure (unintelligible) day even though we have tried on occasion, and as I recall not too long ago, Yahoo sponsored a cocktail and we met with them and had, you know, some just, you know, shared some thoughts and ideas and an evening - short evening at one of these meetings we've been at.

Elisa Cooper: Yeah, actually they did it twice just for the record. They have done that twice.

Ron Andruff: Exactly. And so the point is we're - that's where the bridge building gets - is happening. And I don't know how much bridge building really happened there. Perhaps we should be trying to have a breakfast with them at our next ICANN meeting or something like that.

But I don't think it's realistic to think that we're going to offer a fig leaf by saying okay, you know, against our better judgment for what should drive the organization forward at this critical time as we are transferring the IANA function we're going to give you guys this one. I don't think that makes any sense at all. So I just wanted to make sure we don't conflate throwing a bone

to our colleagues on the other side of the house with what we're trying to do here.

We're trying to select the best Board member possible to fulfill the activities that are in front of the Board in the coming three years. And we all agree that we've got the rollout of the gTLD program going on where we need non-conflicted people and we need someone who really understands governments to be able to do that work. So I'll stop there. Thank you.

Elisa Cooper: Thanks Ron. So the question that I was trying to ask was if there were any members who felt that we should consider casting our votes for Avri.

Angie Graves: This is the Angie. I'd like to say something.

Elisa Cooper: Sure. Go ahead Angie.

Angie Graves: Yeah, and it's not in direct response to what you said but I'm conscious of the fact that I'm any lurker here on this very small call and I wanted to share some of my thought processes.

Elisa Cooper: That sounds great.

Angie Graves: Yeah, in terms of approachability and relationship kind of cultivation has been a topic here so I thought I'd address that. I personally have found Avri more approachable than Bill. I've never successfully been able to have a conversation with him. But that's just personal experience and I am only sharing my thought processes here. Avri I have been able to have a conversation with and that might just be because she can talk.

The other thought I had is that I've been concerned about the Board lately and some of the decisions made and feel like there is a need for some kind of disruption. I had a brief thought - let me see brief, underlined, thought earlier that Avri might be a good person for that representing the community and the bottom up process.

I have since dismissed that thought and want to say that the value of these conversations with the candidates and each other is very helpful. Thank you.

Elisa Cooper: Thanks Angie.

John Berard: Elisa, this is John.

Elisa Cooper: John, go ahead.

John Berard: So it really depends on what it is - what's our objective is. I mean, as you and others on this call know I'm not adverse to, you know, lighting a fuse. And if we think that the Board could use a little disruption in order to perhaps get it to think differently about itself Bill is not going to do that; Avri could do that, might do that before she gets overwhelmed by the burden of being a Board member which I think is probably more considerable than we can even conjure.

So if our strategic thinking is that the Board - that we would benefit from a Board that is less in lockstep and forced more often to confront the implications of its decision then, you know, then I could consider Avri as the candidate. But the question is, is this the time to light a fuse?

((Crosstalk))

Elisa Cooper: Excellent point. Oh.

Marilyn Cade: It's Marilyn. I'd like to respond to a couple of things. I'd like to park an idea for us, I think we need to disrupt the Board not through this Board member but by working with others to change the accountability mechanisms including lifting that huge control that John exercises by this, you know, you are the creature of protecting the corporate thing.

And I disagree with you about Bill not doing that. I think that what has not happened is that several Board members are not in lockstep but they are bound by this code of secrecy and that that is a barrier that is very hard for any Board member to overcome by themselves.

I think we ought to park the idea of disrupting that regardless of who we vote for the Board. I'll just say one other thing about I don't actually think Avri is going to be - what we usually see, and I'm just going back to the incorporation and induction of Board members - what we usually see with the Board members is that it takes them more than a year to be integrated, accepted and highly effective regardless of how much they know about ICANN.

And I don't think that Avri can be a change agent within the Board; and she is a change agent outside of the Board already.

Elisa Cooper: Okay.

Jim Baskin: This is Jim Baskin.

Elisa Cooper: Jim.

Jim Baskin: Get in?

Elisa Cooper: Surely.

Jim Baskin: Okay thanks. Just on what the last couple of comments have been I think it's - talking about whether or who would be more effective in helping us or helping the Board to move to methods of work that we would find more acceptable and think that are more proper than the ones that they're using today.

I think that the Bill does have the ability to do that and I think he, from what I heard today, you know, is gaining a much better understanding of what kind of work needs to be done - or what changes have to be made. And I think that if he does understand what changes have to be made he would be more effective at getting them made than Avri would.

So I'm not concerned that John is - I'm sorry, not John, that Bill is too much in lockstep with the current regime and wouldn't be able to help move it from where it is to where we want it. I think he can do it.

Elisa Cooper: Yeah, no he certainly wasn't defending everything and he certainly recognized that there were some issues with the way things have been handled. So, I mean, I think that was reassuring actually.

Thoughts from others? I mean, so, I mean...

((Crosstalk))

(Andrew): It's (Andrew) and I'm in a very serious rain storm in the car coming home so pardon me if it's a little hard to hear.

Elisa Cooper: No we can hear you fine.

(Andrew): Okay super. Look, I mean, I think I line up pretty well with what a lot of people have said on the call so far. I think Avri is, by her own definition, very much of an advocate. And I've worked with her a lot because we were on the JAS together and that's the way she approaches things and I have a lot of respect for her commitment and her passion.

And, you know, she puts a ton, a ton of time into this stuff so only high marks for all of those things. I think - I don't know Bill nearly as well so I sat in on the other call you for a just wasn't making any questions.

My sense of it is, is that, you know, in point of fact what we're looking for is two things; number one is someone who can work with the structure as it is and move it; and the second thing is we want somebody who aligns with our perspectives. And I think on both of those levels, though I have great respect for Avri, my sense is that Bill probably a lines better with us.

And it's partly just because of the way he works. I think we - what I heard him say is I will work harder for you. And I think we want to - and be more visible. And my sense is that that's partly on knives to be a little bit more may be pushing him to be more visible and asking for what we want. Does that make sense?

Elisa Cooper: Yeah.

(Andrew): Okay I'm going to get off because you may get some background noise from me you don't need so thanks very much.

Elisa Cooper: Thanks, (Andrew). Thoughts from other members? So we've heard from Ron, John, Marilyn, (Andrew), Jim, Angie.

Jimson Olufuye: And Jimson.

Elisa Cooper: Jimson, sure go ahead.

Jimson Olufuye: Yes. (Unintelligible) I think (unintelligible) of the idea of the secret meeting (unintelligible) for top down (unintelligible) bottom up. And Bill explained the circumstances and with that I think (unintelligible) but because it's a peculiar circumstance (unintelligible) point we are trying to make (unintelligible) and considers that (unintelligible) or this and that. But of course the confidentiality requirement was still there.

(Unintelligible) and I'm sure (unintelligible) properly and we need to have an ally (unintelligible) the right time to (unintelligible) that we are in. So on that basis I think we could still let Bill (unintelligible). That's my thinking.

Elisa Cooper: Thank you, Jimson. Thoughts from others on the call? I mean, it sounds like from those on the call there's a feeling that, one, Bill is more aligned with us, that although we have not had as much communication as we would have liked with him in this past couple of years that Keyes is certainly open to doing more of that and we should invite him to attend one of our regular bimonthly calls.

Also I think I've heard that we feel he is better suited to working within the current structure and that perhaps there are some concerns about Avri's ability to be effective at that level. Thoughts? And that's what I've heard from the members that we've heard from so far on this call.

Any other thoughts either to that effect or may be in opposition to those points?

Phil Corwin: Phil weighing in here. Unfortunately I missed the to calls what the candidates but I'm familiar with them. I take the views of others who were on those calls quite seriously. I have to say I'm - while there's been some issues with Bill I have to lean that way.

I think Avri is just a bit - I like her but she's a bit of a loose cannon and I'm not sure we can count on her to articulate issues that are key for the business constituencies or to be effective on the Board; I'm afraid she'll be more disruptive than effective.

Elisa Cooper: Thank you Phil. That's helpful.

Jim Baskin: Yeah, this is Jim. I have a question about the process more than about the two candidates if I could?

Elisa Cooper: Oh absolutely.

Jim Baskin: I know where this is the third vote that's coming up tomorrow or this week and at this point there's not one candidate that has the votes necessary at least up until the last vote. If things don't change on this vote how do we proceed?

Elisa Cooper: So...

Marilyn Cade: I can describe (unintelligible) that was agreed up to this. And remember we - well let me just say this differently. The process that was agreed took us through three rounds or three stages and a round, maybe I'll call it that, that three votes within - with these candidates.

But the requirement was that the candidates have to get eight votes. The none of the above was not built in as an elimination process into this. When we met with their negotiators which was Rafik and Maria and Rudi and I'm blanking on who the fourth one is, two from the NCUC and two from NPOC, I had asked if we should talk about what would happen. And there was no interest in doing that at that time.

The idea was that we would need to come back together and talk about the rules for the second round. And what I was told by the NPOC later, Jim, was that that was because they don't agree that they have a candidate and that they are hopeful - they have a candidate idea in mind and that they are hopeful within their own SG that they will prevail on an agreement that they can nominate that candidate in a second approach at the election.

So they didn't want to agree to anything because they were still negotiating with the NCUC. So if there is no candidate that gets eight votes we have to go back to devising an election procedure. Just a reminder that Rafik and I met with John Jeffery to reach an agreement that there could be a small extension if it was necessary that we are going to have to approach it very quickly if there is no eight-vote candidate.

Elisa Cooper: Thanks Marilyn. Questions or thoughts from anyone on the call? Okay so I think...

((Crosstalk))

Elisa Cooper: Yes, Marilyn.

Marilyn Cade: Elisa, I'm sorry. I'm kind of worried that we're not going to get a transcript in time and I wonder if we ought to try to summarize kind of the general consensus of this group, put it back out to whoever was on the call and then post it in case the transcript doesn't come in because there's a deadline for when the votes happen then Gabby and John have to submit their votes.

Elisa Cooper: Yeah, I will send out a brief synopsis of this call and encourage further discussion on the list with members who were not able to make it. And so I think, you know, we clearly have some tight timelines to work within but clearly the consensus on this call was that we should continue to move forward with Bill and although, yeah, there are many merits to Avri, you know, clearly we're more aligned with Bill and we feel he's the better candidate.

Is there anything else that anybody would like to add before we wrap this call a? I know we've already, you know, been on the call for an hour and 45 minutes and I know that's a lot to ask. Is there anything else that anyone would like to contribute or bring to the table or discuss or questions?

Okay hearing none...

((Crosstalk))

Angie Graves: ...I just want to say thanks for putting - sorry about that, there's a delay. I just wanted to say thanks for putting this call together and giving us the opportunity to talk about this now. Thanks.

Elisa Cooper: Oh well thank you. And I want to thank everyone for all of the participation over the last two days, I know it's a lot, but I do think it's very important that all members have an opportunity to hear from the candidates and also to

weigh in. I don't want these decisions to be made in a vacuum. I want to make sure that all of the members have an opportunity to discuss and again have their voices heard as we are really making some very important decisions for the Board.

So I appreciate everybody's participation today and I will send out a brief update as to what we discussed on this call and then we can take out any further discussion to the list. So thank you to everyone for joining today. And we actually do have our regularly scheduled BC member call this Thursday so hopefully I'll be talking to you then again as well.

So thank you so much and have a great day. Thanks guys.

Ron Andruff: Thanks, all.

Elisa Cooper: Bye-bye.

Nathalie Peregrine: Thank you ever so much, (Melissa), you may now stop the recordings and thank you for your help.

END