
JULIA CHARVOLEN: Good morning, good afternoon, good evening. Welcome to the ROP Drafting Team Pen Holders on Thursday, 28th February at 20 UGC. On the call we have Cheryl Langdon-Orr, Olivier, Crepin-Leblond, Yaovi Atohoun, Alan Greenberg, Natalia Enciso, [inaudible 00:00:22] Holly Raiche and Maureen Hilyard.

We have apologies from Salanieta Tamanikaiwaimaro and from staff; we have Heidi Ullrich, Sylvia Vivanco and myself Julia Charvolen. May I remind all participants to please say their names before speaking for transcription purposes. Thank you very much. Now, with you.

ALAN GREENBERG: Thank you for very much.

CHERYL LANGDON-ORR: Thank you very much, Julia. If you can just give for all controls to the little frames that people can individually investing [inaudible 00:00:54] with documents; that would be okay. It is not Sylvia could do that. One of the two tables in your [inaudible 00:01:00] can do that anyway. I am in yellow yet I know that but I am operating off an Android tablet so none of those systems would be available to me.

So [inaudible 00:01:14] I am going to give the [inaudible 00:01:18] services call and then we are going to be [inaudible 00:01:21] right into it and we have hard and soft copies of the [inaudible 00:01:25] with another call coming in so we will stay right now, we do know [inaudible 00:01:31] that the whole of this document will be necessarily less than 60 minutes full.

So I believe that staff will be either had already looked at some of the options for early next week and [inaudible 00:01:50] will be coming out shortly. William may get through. Matthew may [inaudible 00:01:54] document as possible. The purpose of this call, let us be really clear.

[Inaudible 00:02:01] version and I am pretty sure it is 52 [inaudible 00:02:01]. Really I am not changing the content per se. We are looking for gross omissions and errors. We are not discussing on what should or should not be in it. The [inaudible 00:02:21] literally to integrate. I am going to for the record here, the heroic amount of work so many of you put into all of this including some of the non-penholders right now. It had been in the management experience and I think it is quality document that we had this very, very thing on [inaudible 00:02:43] in the penultimate mood of the points raised.

Alan Greenberg makes the specific call back for the record. [Inaudible 00:02:55] I think and I believe [inaudible 00:03:00] for all of you and others and lodging it into a single synthesized document. That is what we had in time at the moment and what we are now to go through. Highlighting the primary changes [inaudible 00:03:12] and that is what we are aiming to have at the end of this hour.

Another hour to come and on to the 4th or the 5th of March, simply a completed document with less to review. That is it. [Inaudible 00:03:32] other than to [inaudible 00:03:38]. Alan, we are on at least -- can I say another [inaudible 00:03:43] but very, very impressed with because I know the fantastic amount of work he can do and this has been a huge timescale [inaudible 00:03:55] and humble things and gratitude. Thank you, Allan.

ALAN GREENBERG:

Thank you very much, Cheryl, for the intro and for the kind words. Whoever on staff has control of Adobe, could we please have individuals have control over the PDF section of the screen so they can scroll and change the magnification?

CHERYL LANGDON-ORR:

[Inaudible 00:04:19] bottom right. I will then have one but I do not know where it is.

UNKNOWN SPEAKER: I do not see one.

ALAN GREENBERG: Someone on staff. Julia or Sylvia has it. They are moving the screen but we do not see the button control yet.

ALAN GREENBERG: Okay. Now, I will point out. I am working from a paper coffee and another version on my screen to help me make notes about what I have to change. So if someone has a hand up and I do not notice it, please someone yell out and tell me or that person yell out. One minor correction on what Cheryl said.

There are a very small number of items which still needs to be discussed via Substance. I will call to them when we get to them but there are a very small number like that.

CHERYL LANGDON-ORR: I encourage you to have short conversation.

ALAN GREENBERG: I hope so but I think we have closure no most of them.

ALAN GREENBERG: Thank you.

UNKNOWN SPEAKER: What page?

ALAN GREENBERG: Just the description first of all. The definitions and define terms has grown to be longer than I feel comfortable with. The intent was to only put things there which are used in multiple places separate from where it is defined. So in another words, if it is used in Section 12 and defined in Section 2, it should be in here.

If it defined in Section 13 and only used in Section 13, it would not be defined. There probably are some that have snuck in that do not have references like that so they will be disappearing. Other than that, I think it is reasonably complete. Of course, if anyone notes anything missing, so be it, let me know. I have tried to clean up the format as much as possible. I am sure there are still problems but hopefully, there are a lot less than we had before.

The first thing I want to talk about is in 3.5, roughly Page 6 and somebody has taken control of the screen back again so we cannot scroll along the screen.

UNKNOWN SPEAKER: Yes, there you go.

ALAN GREENBERG: Thank you very much.

UNKNOWN SPEAKER: This is virtually 53, so everyone knows. The previous [inaudible 00:07:05], sorry about that.

ALAN GREENBERG: 53 or 52. It does not really matter. There are only minor changes. Most of them in the table of definitions. In terms of formatting, there is no content difference.

UNKNOWN SPEAKER: [Inaudible 00:07:15] the thing that--

ALAN GREENBERG: Okay. Was what we started with actually. I do not know when 52 got on. Section 3.5; I have added the term on the ALAC Leadership Team that it is normally comprised of five members in that on occasion, we will have someone relining either from the ALT or from the ALAC and there may be gaps on occasion.

We do not want the group to be invalidated. Things are going to have absolute number of five so that was a simple change. I do not think anyone is going to object. Yaovi, please.

YAOVI ATOHOUN: Sorry. Do you want me to go back? You already mentioned that there are formal [inaudible 00:08:02] but I do not know if we have time to jump at all. Something I noticed on the [inaudible 00:08:10].

ALAN GREENBERG: We might as well since you already have the floor but in general, I would like to get formatting comments and complaints electronically but since you are talking, go ahead.

YAOVI ATOHOUN: Yes. So maybe the general comment, formatting issue we have on the first page. I am going back to my screen on the first page. We have --

YAOVI ATOHOUN: [Inaudible 00:00:26] 8:44] screen?

ALAN GREENBERG: You can scroll yourself on the screen.

CHERYL LANGDON-ORR [Inaudible 00:08:46].

YAOVI ATOHOUN: Yes. Okay. I do not have the [inaudible 00:08:58]. Okay. So this is the different version?

ALAN GREENBERG: What version are you looking at?

YAOVI ATOHOUN: Okay. Okay.

ALAN GREENBERG: 52 is the correct --

YAOVI ATOHOUN: Yes. It is correct. It is number eight, number eight. You can see number eight?

ALAN GREENBERG: Yes. Okay. I left that section in because if I remove that, every other section in the document gets renumbered.

YAOVI ATOHOUN: Okay.

ALAN GREENBERG: So for this graph, I have left it in so we do not have any confusion that Section 12 is Section 12 regardless of which version you are looking at.

YAOVI ATOHOUN: Okay. Okay. Thank you.

ALAN GREENBERG: Okay? Let us go back now to Section 3.5. We did 3.5 already I think.

CHERYL LANGDON-ORR: Hand up first.

ALAN GREENBERG: Yes? I do not see a hand up?

CHERYL LANGDON-ORR: No. My hand is up.

ALAN GREENBERG: Oh, your hand is up? Go ahead Cheryl. --Got it.

CHERYL LANGDON-ORR: Virtually. Virtually. My [inaudible 00:09:55] actually put my hand up. [Inaudible 00:10:00] to this but will make you recognize. I find it exactly this way. It is probably one of the few rules that we if and when the region number changes, we may to come back in and alter. Most rules that have anything to do with regions in this document has been included so that they have not been very [inaudible 00:10:25] but that does not matter.

I have no problem letting this run as is as long as those who have arrived in time. You say when we had six, seven or four regions. Remember, [inaudible 00:10:40].

ALAN GREENBERG: At which point, if nothing else, the number of ALAC members will almost surely change.

CHERYL LANGDON-ORR: Yes.

ALAN GREENBERG: --And the number per region and things so these rules will have to be revisited should --

CHERYL LANGDON-ORR: It is not an error.

ALAN GREENBERG: No. No.

CHERYL LANGDON-ORR: It is something we need to change now. [Inaudible 00:10:58] something to somebody [inaudible 00:11:00] ready to put the file somewhere. This is one of the rules that make up [inaudible 00:11:06] even if regional [inaudible 00:11:08] changes. Okay? That point normally works. Sorry, Alan but [inaudible 00:11:15].

ALAN GREENBERG: You are going to have to believe me there are a lot of changes that will have to come in, not just that one. Okay. I noticed -- Just to note on 5.9.8; there is a reference that needs to be fixed, it will be fixed.

CHERYL LANGDON-ORR: Keep [inaudible 00:11:38] on and get through.

ALAN GREENBERG: Okay. 5.12.1.

CHERYL LANGDON-ORR: Yes. They were not on me. The next is [inaudible 00:11:53] number.

ALAN GREENBERG: Thank you, Cheryl. This is one -- there has been substantive discussion on the mailing list, not the list but on the emails for this review group. The sentence that is highlighted is what happens if the chair must restrict someone's posting rights or delete a post or something like that because perhaps legal action because of improper action and there is no opportunity to consult with anyone ahead of time? Those who have in chairs have told me that when this happens, it happens quickly and there is no time to call for telephone calls and things like that.

We have suggested that after effect, the ALT, the leadership team, the current wording is the advice of what has happened. To Johnny [sp] felt that it really we need to say have to get the approval of the ALT my position is there is not really much difference because either case, if they are advised and they do not like or they do not give the approval, the decision is going to have for me that we get rid of the chair because it was such a bad thing to do or do we just live with it or whatever.

So there is not much difference but Nadya has suggested that instead of seek approval, is seek validation of the action. The question is do we

people here have strong feelings? Johnny [sp] is not on this call unfortunately. I believe he was the only one who was pushing for the approval. Can we have a consensus at this call about which way do we go? Anyone like to speak to it? Does anyone care?

CHERYL LANGDON-ORR: Can I put my hand up back, it is Cheryl please?

ALAN GREENBERG: Yes, Cheryl. Go ahead.

CHERYL LANGDON-ORR: Okay. Holly actually, I am not going to say what you are going to say and [inaudible 00:14:07] as I share with you [inaudible 00:14:10] and it is a current rule. It is not new, it is something that is written [inaudible 00:14:17] this is exactly [inaudible 00:14:18] all we did now. This is one I had strongly to go no further than validation on.

There are many times [inaudible 00:14:30], I can cancel on one hand so that is pretty bit handful where in the case of bring sanction on a list member also means that other actions that are going on means that the chair is unable to discuss the detail in a great amount of the details because it has already been removed and no one considered it otherwise.

So in terms of damage control on [inaudible 00:15:05] validation an ALT that is [inaudible 00:15:10] encouragement and not looking to hand results individually or should I say [inaudible 00:15:16] environment will clearly see that the action and along with it.

So validation is fine, approval? I totally object this because you would be asking your leadership team to do something, to approve of something that they literally have no ability to have the specific knowledge of. You

can validate something in principle and approval is something [inaudible 00:15:49]. Thank you.

ALAN GREENBURG: Alright. With that rather impassioned, I would suggest that we will meet as one of the options approval and we are talking about advice or seek validation. Holly, you wanted to speak?

HOLLY RAICHE: I am comfortable with either advice or validation. I do agree with what Cheryl said. I have not been in the position. I think she is in a better position. My two comments would be number one, the Chair has been selected. We ultimately trust the Chair and number two, we have to trust that the Chair is not going to act unless than the Chair has found real reason to. So seeking approval require this --

ALAN GREENBERG: Holly, let me interrupt. We have already taken approval off the table. We are now looking for whether we want validation or whether we want advice.

HOLLY RAICHE: I think pretty close I would be comfortable with either.

ALAN GREENBERG: Okay. You do not have any advice for us then? Yaovi?

HOLLY RAICHE: No.

YAOVI ATOHOUN: Thank you. I am sorry. I would not do deal very well with [inaudible 00:17:04] so excuse me if I am repeating something. My point is that with 5.2.3, this is the only one action for which I see the Chair consulting other people because for this first two, they [inaudible 00:17:25] very urgent and I will call the Chair.

So my point is that this validation or consultation is more important for me for 5.3 where there is a need to [inaudible 00:17:41] somebody. So this consultation is more important for me for this type of actions. [Inaudible 00:17:50] for the first two. Thank you.

ALAN GREENBERG: I will let Cheryl speak up if she wants to or Olivier. I will give mine to [inaudible 00:17:58] because I would be in a room where someone had to be escorted out now. There is no time to consult on that. You do it and then maybe people chastise you for it but I will let you know when Olivier speak up.

CHERYL LANGDON-ORR: [Inaudible 00:18:11]. We have actually had to exercise in a wonderful world of ICANN the requirement to have security escort; immediate sanction and escort. So trust that it is not the situation where you can sit down and [inaudible 00:00:26] 18:35.

ALAN GREENBERG: Mind you, there are other people watching so they will have plenty of time to criticize afterwards should you feel you did the wrong thing.

CHERYL LANGDON-ORR: I will change my mind in ICANN with that 5-6 knowing [inaudible 00:18:45] trying to be appropriate.

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- ALAN GREENBERG: Yaovi, I really do not think in 12.3, we can do anything but you are saying in 5.12.1, you are happy with either advice or seek validation? Anyone else want to speak? At this point, I am the only one giving a preference for advice over validation. I do not want to be the ruling one. Olivier, are you online? I see you are on Adobe.
- YAOVI ATOHOUN: I am sorry. [Inaudible 00:19:26] record. I have not been in the situation so I think I will go along with your preference because I certainly have not been in a situation where this was required at that time.
- ALAN GREENBERG: I am sorry. I thought you were. We are talking about point 1 now, not point 3.
- YAOVI ATOHOUN: Oh, so you are talking about point 3.
- ALAN GREENBERG: Three, we have discarded. Point 1. Advice or seek validation.
- YAOVI ATOHOUN: Yeah. I mean I would prefer advice but seek validation; in any case, both are going to result to the same thing. Either the ALT will say good job or they would say no we do not agree but the deed would have been done anyway. So that does not change on the basis of that.
- ALAN GREENBERG: I think in both cases, the Chair may be in a position where the Chair had to say to the rest of the ALT, I can't tell you the details but and I think either of them will work on that case.
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YAOVI ATOHOUN: That is correct.

ALAN GREENBERG: I think there is a tendency if we want to air towards the more conservative one. We will use the validation one.

CHERYL LANGDON-ORR: I am happy with that because I think that is the best of the fifth [sp] day we had talk about it who has never been in a situation nor even had association with such things as yet by lucky little [inaudible 00:20:59]. I feel comfortable enough without the validation but I do want to be on the record having -- They made [inaudible 00:21:08] and got the picture. My personal feel of this or view is actually just [inaudible 00:21:13] so that is probably because I have [inaudible 00:21:17] Machiavelli in life but validation I think will get through.

ALAN GREENBERG: Okay. The wording is awkward. We end up and/or seek validation from the ALT which I would be at pain to explain what that means.

CHERYL LANGDON-ORR: [Inaudible 00:21:35].

ALAN GREENBERG: Okay. Cheryl, how about you and I talk about this afterwards? No one else seems to have a strong feeling and will deal with this and decide what comes out of it, okay? Next thing we have is Section 6. The title in Section 6.1.

OLIVIER CREPIN-LEBLOND: Alan, my hand was up.

ALAN GREENBERG: Yes, sorry. Olivier, go ahead.

OLIVIER CREPIN-LEBLOND: Thank you, Alan. Just a little bit of transcript. I think that seek validation is one was to be applied on the wall would be something of the type. It is how I imagine it to be; something of the type. This is what I have done, do you agree? Rather than this is what I have done without that do you agree and in any case, knowing how forceful [sp] the ALT is, whether there is just advice which says this is what I have done or whether there is the question afterwards with do you agree?

I am absolutely convinced that the ALT would be saying whether they agree or not.

ALAN GREENBERG: Of course. That is why I said I did not think there is any difference.

OLIVIER CREPIN-LEBLOND: The only response would be the response of the Chair. If the ALT does not agree, then the Chair might just say well, [inaudible 00:22:55]. That is a different thing and that is something which would happen with the Chair.

ALAN GREENBERG: Again, regardless. Okay. Thank you, Olivier. Section 6.

ALAN GREENBERG: Oh, sorry. That was -- I am trying to think what --

UNKNOWN SPEAKER: Pause, Olivier was putting his hand up.

ALAN GREENBERG: Okay. Okay. Sorry, you are right. I did not realize that the comment was pointed to that one. That is the situation where the Chair has disappeared, has not assigned responsibilities to anyone. We have two Vice Chairs and they cannot come to agreement who is going to be the Chair.

The original version I had is in such a situation that will carry out a random selection.

UNKNOWN SPEAKER: Flip a coin?

ALAN GREENBERG: Flip a coin, whatever. Olivier said it should really be staff doing the selection. Olivier had some problems that staff should not be in a position of selecting leaders. There was a suggestion that either we keep it as random selection carried out by staff or selection by staff in consultation with the ALT and a random selection if they cannot come to any agreement.

I am happy to live the simple version. The reality is if wherever in this situation, people are going to talk to each other.

HOLLY RAICHE: Alan, it is Holly. Could I just maybe ask why the ALT would not be doing its job and staff should make a decision rather than the maybe [inaudible 00:24:55]?

ALAN GREENBERG:

Well, the ALT is scattered all around the world. You may not be able to convene an ALT meeting at any given time and we are trying to make sure that the ALT has a Chair, someone who at least on an interim basis can act as a Chair.

CHERYL LANGDON-ORR:

You are talking about a random selection. The room already says two Vice Chairs [inaudible 00:25:19] to know that if the two Vice Chairs cannot agree, who is going to be the [inaudible 00:25:23] from Chair since someone should [inaudible 00:25:26]. That is what we are [inaudible 00:25:27].

I actually think if they can do the other ALT members consultation [inaudible 00 25:38]. What we are talking about here is really [inaudible 00:25:44]. If the difference between [inaudible 00:25:46] with a coin and make an announcement, obviously having to [inaudible 00:25:55] Vice Chair as part of that process and the rest of the [inaudible 00:25:58] that there is this call which might be a good thing or are these things able to talk to the other non-Vice Chairs.

The Vice Chairs are neither in conflict bringing in the rest of the ALT and saying we need to flip a coin, I am going to do it this time. That is the difference and should say I will have an action flipping a coin or discuss with the full [inaudible 00:26:32] but not necessarily convening a meeting but the members of.

[Inaudible 00:26:39]. If you cannot get on to person who is in Africa on a field trip, it does not [inaudible 00:26:49] consulted member of the ALT, not all of the ALT.

ALAN GREENBERG:

Cheryl, if I may interrupt. I have just penned a change and maybe this will make everyone happy. I am suggesting change in 5.14.2 to start.

One of the Vice Chairs by mutual agreement of the Vice Chairs in consultation with other ALT and ALAC members. Thinking so they can bring other people into the discussions. They do not only have their private discussion.

CHERYL LANGDON-ORR: That is fine [inaudible 00:27:26].

ALAN GREENBERG: I do not think it all just what happened in reality but we are putting that into the rules, okay? I will do a similar thing in 5.14.3.

CHERYL LANGDON-ORR: At the end of the day though my point in principle and it is still has not been responded to is if equal all out of the 21 on [inaudible 00:27:48] and we can resolve something and we actually [inaudible 00:27:54], it looks a little [inaudible 00:27:59]. I just think [inaudible 00:28:03]. Why cannot a member of the ALT actually flip the coin? Why are not we responsible for ourselves?

HOLLY RAICHE: Exactly the same reason that we often use [inaudible 00:28:21].

CHERYL LANGDON-ORR: Absolutely different. Absolutely different.

ALAN GREENBERG: May I take control back as the Chair? What we are trying to do is draft rules which are bullet proof and ensure we have a Chair. If the people quibbling among themselves cannot come to an agreement, we want a

fast out. Period. Should it not be necessary, of course it should not be necessary?

HOLLY RAICHE: Okay. Discussion for later. This is a modification. You have heard my point of view.

ALAN GREENBERG: Okay. Look, this is going to go to ALAC. If you want to draft an alternative wording, we can put it to a vote or see if we believe it is workable, fine.

HOLLY RAICHE: Okay.

CHERYL LANGDON-ORR: Just found that this is going to go to the ALAC but if the ALAC put this under significant re-write, I am not only be disappointed, I will also be somewhat fearful because you have got half of the ALAC. [Inaudible 00:29:35] is already and on the same principle, Holly, you have just [inaudible 00:29:40]. We really want to be able to come to a [inaudible 00:29:42] beforehand.

[Inaudible 00:29:47] bullet-proof vest section, if you have Vice Chairs, you cannot agree. You may very well have a dysfunctional ALAC and one needs to take interim control. So a coin needs to be flipped. It will be flipped as quickly as possible. Yeah, I agree. This can be very sad as it [inaudible 00:30:08]. In fact, if we were up to things in using this rule Holly, the very next thing we will be probably doing is dissolving the ALAC and so the interim Chair would probably be appointed to wreck the whole thing up and then in front of ICANN [inaudible 00:30:24].

ALAN GREENBERG: I think our real problem can be finding someone who is willing to be Chair and not having people fight over it.

CHERYL LANGDON-ORR: Exactly.

CHERYL LANGDON-ORR: Who wants to commit political suicide? That is going to be the question.

ALAN GREENBERG: Moving right along. Section 2 --

UNKNOWN SPEAKER: Hands up.

ALAN GREENBERG: Yes, sir?

UNKNOWN SPEAKER: Alan, this is going to be the transcript. Can you see the hands or --

ALAN GREENBERG: I can if I look up on my screen.

UNKNOWN SPEAKER: You have two eyes and two ears so use them. Just kidding. Alan, I think it is re-discussing, re-open texts than the ALAC reached the [inaudible 00:31:13].

ALAN GREENBERG: I hope that is the case and I thought I sent that message.

UNKNOWN SPEAKER: I hope that if Holly can supply alternative texts on the list after this call or in the next 24 hours or so, we can discuss that on the list. For the record, I am happy with the random selection by force but if Holly has another idea that might be even better than that, then it would be great to be able to consider it. However, it needs to be something quick because discussing it at the ALAC [inaudible 00:31:46] will basically give [inaudible 00:31:49] to opening everything else up as well and this is going to --

ALAN GREENBERG: I agree. I take back my offer of what Holly should do and by the way, of course you have already been run over by a truck.

CHERYL LANGDON-ORR: This is literally. The Chair has a heart attack at the title. The EMTs have left and now, neither of the Vice Chairs sitting on the left or right hand side for whatever reason can agree as Chair. This is the situation we are looking at.

ALAN GREENBERG: Cheryl, if the Chair [inaudible 00:32:23] would have pointed a Vice as a replacement before the heart attack.

CHERYL LANGDON-ORR: Well, most change, we would manage that so we might need to go to the [inaudible 00:32:30].

ALAN GREENBERG: Alright. Can we go ahead?

UNKNOWN SPEAKER: Yes, please. You got 25 minutes to get through the rest of this stuff.

CHERYL LANGDON-ORR: It is not that much actually.

ALAN GREENBERG: I am not convinced we are going to get through the rest of the page at this point.

ALAN GREENBERG: 6.1 suggestion from Rinalia that using the word administration sounds bureaucratic and we want to kill all tones of bureaucracy. It was added because other people objected to the fact that the ALT manages. Where do we go on this one? I do not much care. Anyone? Cheryl? Olivier?

CHERYL LANGDON-ORR: My gut feeling. In fact, if you are managing, you are administering but [inaudible 00:33:38] bureaucratic. You cannot escape it. Can we just warred reality and put [inaudible 00:33:48]?

ALAN GREENBERG: I can. Anyone want to fight removing it? Rinalia is unfortunately not here but she has basically said she is not unhappy with the document as a sense.

ALAN GREENBERG: Okay. Leave alone. Next note I have of red, hold on. We are making really good progress and we are on 11.3.2.

ALAN GREENBERG: Page 14 on mine but maybe 13 for you. Okay. This was a simple discussion of why do we need to have the documents there. I think this one actually came from Holly. The reason for not having this is we do not want to have to change the rules of procedures if we add the subject [inaudible 00:34:43] of document but if we add the subject [inaudible 00:34:45] because we changed the rules of procedure. I think this is as good a place to put it if there is any.

HOLLY RAICHE: Okay. My only comment was if we put something in, are we going to have to go through another torturous process simply to add another [inaudible 00:35:06] the wordings allowed for the development of additional rules of this nature [inaudible 00:35:14], then I am comfortable.

ALAN GREENBERG: Holly, my belief is this document is in good enough shape that when we make changes from now on, we will change the rules of procedure. It will not be torturous because they are clean enough that we should be able to know how to make a thousand changes unlike the previous ones where we deferred adding the [inaudible 00:35:31] for four years because no one wanted to suffer the pain.

HOLLY RAICHE: Is that a warranty that this subject [inaudible 00:35:38]?

UNKNOWN SPEAKER: Seven years? Yes.

ALAN GREENBERG: I noticed there are two kinds of dashes in Section 11.3.2 [inaudible 00:35:52]. Next, 11.--

UNKNOWN SPEAKER: Hands up.

ALAN GREENBERG: Hand up?

UNKNOWN SPEAKER: It is Olivier.

OLIVIER CREPIN-LEBLOND: I am not used to shouting out like this. Alan, 11.3.2. So you have got these names. RoP [inaudible 00:36:09]. Matt and I had a call together to take a look actual file names and reference codes. I would be pretty happy to have the document reference codes to be put in there for the reason that if one is looking for these junk documents, these are structured in such a way that if you go on Google worldwide and do a search on that, it is highly likely that it will be the only document out there in the [inaudible 00:36:45] that will have that reference code. So they will be easily found.

If the only problem though is that if the reference code which does have revisions in there changes, you would need to be able to make a change in the reference code in the rule and I am not quite sure legally how that works. I am no lawyer. Does one need to have one clause which says that reference codes can be changed or not without needing to reopen the whole thing? I do not know about that.

ALAN GREENBERG: Olivier, that is exactly the reason I did not put in the long formal reference code. I have created a reference code which will be unique in all of Google. I can pretty well guarantee this and it does not change when we revise these documents. These documents will put into add junk documents and not in the rule of procedures.

So we could change them more easily. So we are expecting them to change on a regular basis. So I do not mind if there is a formal document number that is over and above these but I would prefer to keep something like this and since the title is probably unique throughout the Google, that maybe not I created this very unique document.

OLIVIER CREPIN-LEBLOND: Alan, it is Olivier for the transcript. Unfortunately, you have created that title but you have made that major mistake of sending that into our file onto the discussion list which if you check with Google right now, has already been indexed by Google. So you would not only end up with that document, that will end up with all of the discussions around that document and it would be very difficult for someone to find --

ALAN GREENBERG: Can we have this one offline please? If between me and Olivier. I think we can --

CHERYL LANGDON-ORR: One way out of this and it is the way for example, the Australian [inaudible 00:38:57] for all of these highlights [inaudible 00:39:05] emergency medicine manual. [Inaudible 00:39:07] everything else on separate page which has the most current version of whatever add junk document exists and it is incumbent on the [inaudible 00:39:28] rules to keep that up to date. [Inaudible 00:39:33] that is how very complicated it becomes [inaudible 00:39:40].

- ALAN GREENBERG: I note we are very, very bad at keeping things up to date which has to be kept up to date.
- CHERYL LANGDON-ORR: Well, that could be a self-responsibility of people who you pay to do things normally do what they are told or should do have [inaudible 00:39:55] job description and if they don't, they get fired or fined.
- ALAN GREENBERG: Cheryl, I stand by what I said, but let us handle this when offline. You can be part of the discussion too if you would like. I'm going to try. There's a discussion going on. I'm not sure what it's about, but -
- UNKNOWN SPEAKER: Cheryl, I was just saying [INAUDIBLE [00:40:23] page 14, the 11.6.1.
- ALAN GREENBERG: Okay. Yaovi asked in one of the revisions whether we would give [INAUDIBLE [00:40:38] to people who simply said, "I want to join the call." It was a good question. Even dial-ins, I believe, cost ICANN money. If suddenly there were 300 people on this call instead of twelve, I think the costs are different. Go ahead, Olivier.
- OLIVIER CREPIN-LEBLOND: Thank you, Alan. I think you missed 11.4.1. You didn't go through that. And that actually links into one of Sala's comments, with reduced abuse of [INAUDIBLE [00:41:12], et cetera, [INAUDIBLE [00:41:16].
-

ALAN GREENBERG: Can we come back to that [INAUDIBLE [00:41:17]. Sir? Thank you. What I'll put in here is, if I can find it now, sound recordings and transcripts will be available on a timely manner where technically possible and cost-effective. Live action, live access will be provided where practical. It's a judgement call to what extent we allow live access and what the exact mechanism is. Everyone happy with that?

CHERYL LANGDON-ORR: Happy with that, thank you.

UNKNOWN SPEAKER: Yes, that's [INAUDIBLE [00:41:53].

ALAN GREENBERG: Okay, back up a page now. Our meeting should have an agenda, preferably published. Okay, the question is, there's already the word should. Do we need or want the word preferably? Yes, go ahead.

OLIVIER CREPIN-LEBLOND: We have a nightmare today, I don't know why. I should check with my therapist. 11.6.1, I'm cringing about the sound recordings and transcripts will be available in a timely manner where technically possible and cost-effective. I'm worried about the cost-effective thing, because without any sound recordings, without transcripts, I'm really worried about the transparency of the process of a LAC meeting that takes place without those basic things. Maybe not transcripts, but certainly sound recordings.

ALAN GREENBERG: Okay.

OLIVIER CREPIN-LEBLOND: And one of the reasons for it being bad, the ALAC ex-com meetings on Friday morning, I do not want them to be suddenly cut off from sound recording and whatever, and having to conduct the meeting with just microphones and a pen and paper. That's just not enough.

ALAN GREENBERG: Okay, Olivier. You don't have to fight for it. All you're saying is you believe sound recordings should be mandatory?

OLIVIER CREPIN-LEBLOND: That's my feeling.

ALAN GREENBERG: Then fine. Fine. Anything else?

UNKNOWN SPEAKER: Alan? Could I just point out, [INAUDIBLE [00:43:36] transcript record.

CHERYL LANGDON-ORR: If you take [INAUDIBLE [00:43:41] available in a timely manner, I don't think that's been called in question, [INAUDIBLE [00:43:48] available. It is whether they will be available in a timely manner. If that's [INAUDIBLE [00:43:56] available, but the timely manner – in other words, it may take a bit more time than we would like, but they will be available. Nobody needs to reword it, because clearly, Olivier [INAUDIBLE [00:44:16].

ALAN GREENBERG: Okay, the way I am reading this now is sound recordings will generally, and again, maybe exceptions, be available in a timely manner.

CHERYL LANGDON-ORR: Yes.

ALAN GREENBERG: Transcripts may be available in a timely manner – I'm sorry, the sound recordings also have the word technically possible. Sound recordings, where technically possible, will generally be available in a timely whatever. The cost-effective will only be on the transcript part.

CHERYL LANGDON-ORR: Fine.

ALAN GREENBERG: Is everyone okay with this? No hands? Yes, thank you, Olivier. I've lost track of where we are now. I think we're back at 11.4.1, and the question is, do we leave the sentence as all meetings should have an agenda, preferably published ahead of time? If we leave – go ahead, Cheryl.

CHERYL LANGDON-ORR: I'd still like the preferably. We should have an agenda [INAUDIBLE [00:45:31], preferably published ahead of time, as opposed to published ahead of time. It just leaves a tiny bit of wriggle room, for when unpredictable things -

ALAN GREENBERG: That's what my feeling was, also. One is talking about the existence, the other is talking about the timing. I say, leave it as. Cheryl says it. No one else has their hand up? Olivier still has a tick mark, which we'll take to be for this. Hey, I'm learning some tricks in this chair.

OLIVIER CREPIN-LEBLOND: My second check mark.

ALAN GREENBERG: Alright, the next item that I see any comment on is 12.2.2.

UNKNOWN SPEAKER: I [INAUDIBLE [00:46:21] and LeBlond?

CHERYL LANGDON-ORR: That's fine.

ALAN GREENBERG: This allows different process to be – okay, there used to be a section saying somewhere – I don't remember exactly where it was, but it said if any of the rules here differ from the rules in the chair selection process, they have precedence, and [INAUDIBLE [00:46:49] felt that was a rather vague statement, and why can't we simply make sure there are no conflicts? I went through them with some detail, and the only places I found conflicts in, or other things, other than the chair selection, was in vote counting. That is, normally, we count abstentions – we don't count abstentions for a number of things, including selection of the chair, removal of an ALAC member, recall of an ALT member. We need a percentage of the sitting ALAC. That is, everyone can't cop out and say, “I abstain,” so they don't take part in the decision. If they want to abstain, then it doesn't pass. So, we needed an exemption from the all votes are counted this way, and that's why this clause was added. I've given examples. I think they're exhaustive, but I'm not 100 percent sure they're exhausted, which is why I called them examples. Everyone happy? No hands? No one yelling?

CHERYL LANGDON-ORR: Happy, happy, happy.

ALAN GREENBERG: Good, good, good. 14.2.3, there was some question about – in various places, we used to say you will do this on the public list, or something like that.

CHERYL LANGDON-ORR: [INAUDIBLE [00:48:30] That takes the existing rules into the bane of my existence.

ALAN GREENBERG: Oh, okay. There are several issues with it. Number one, we have multiple public lists. Number two, they actually called for some things on public lists, which our current principles say you would never, ever, ever do in a public list, that is, shame someone and say we're about to fire you. How this got written, we won't even talk about now, but they did. What they said is it takes out of the rules the details of how you distribute information. It will be in a document and the ALAC will be seeing something on that document very soon, and it's called distribution lists, because it's not necessarily mailing lists. Some things, it might say, "Go to this person," or "Go to these people," or something like that. I hope there's no one with any problem with this. I see no hands, I hear no voices.

CHERYL LANGDON-ORR: Only affirmation from me.

ALAN GREENBERG: Okay. What I've tried to do in a lot of these things is make it so that we don't have to say, "That's a rule, but we're not going to follow it this time," that we can actually make sure we follow our rules, by making

them flexible enough to apply. I know, it's a weird concept. We may actually finish this document today.

CHERYL LANGDON-ORR: Yes, I'm hoping.

ALAN GREENBERG: Okay. Well, we have to work quickly. 17.3.6, this is a catch-all paragraph that says we have to select ALAC members. Hopefully we'll be able to do it congenially. We may have to do it by ballot, if there is contention, and the question is, do we do this as a normal vote of the ALAC, where abstentions count, for instance? Do we do it where abstentions don't count? Does it need to be an action of the sitting ALAC, as the selection of the chair is? I think we should use our standard rules. Abstentions count, abstentions count as abstentions. We don't count them. Whoever's available for the vote is available for the vote, and of course, we can extend votes. Like any other vote, we can extend it to catch people who aren't in the room at the time. I would suspect we should add we'll optionally include – Cheryl, what's the expression? Sorry, the automatic runoff?

CHERYL LANGDON-ORR: Yes, instant runoff.

ALAN GREENBERG: Instant runoff, as an option, if necessary. In other words, give flexibility to the group at the time. We don't know what the exact details are going to be, but provide some guidance.

CHERYL LANGDON-ORR: Yes, and if you need to use instant runoff, that's a very specific thing. It's already established, and we actually have boringly detailed explanations on it, in the ALAC documented fashion.

ALAN GREENBERG: Okay. Everyone happy on that one? Okay. The next one I see is 18.3.

CHERYL LANGDON-ORR: I guess, just [INAUDIBLE [00:52:20]]. If we disagree, agreed, agreed.

ALAN GREENBERG: Yes. This one's basically formalizing what we did for the ATRT selection, and again, giving flexibility to the group to form the committee as necessary, but saying it's a sanctioned way to do it.

CHERYL LANGDON-ORR: From my perspective, it's just agree to agree to agree.

ALAN GREENBERG: 19.1, now you came up with much better wording that said it far clearer. I took the words out of the by-laws, and I think we can choose to leave the words as they're worded in the by-laws.

CHERYL LANGDON-ORR: I agree. They have to be what is in the by-laws, if we start bringing [INAUDIBLE [00:53:18]].

ALAN GREENBERG: The [INAUDIBLE [00:53:19]] amounts to exactly the same thing, just using different words, and somewhat more generically, but so be it. 19.11, this one is on selection of the board seats, so it is a critical one.

The current rules, which were molded but changed into these, called for the 15 ALAC members plus RALO chairs. Conceivably, some of those positions might be vacant. I would suggest that we have a paragraph akin to 19.7.1. 7.1 says that if one of the electors is a candidate, the region can select someone else, for the purposes of that vote. I suggest we do the same thing here, so that we maintain full representation, in terms of number of votes from each region.

CHERYL LANGDON-ORR: I think that language is wise to put in there.

ALAN GREENBERG: Okay. Why we didn't have it last time, I'm not sure, but that's history.

CHERYL LANGDON-ORR: Yes, it is. If we can just make sure that – where are the 15 ALAC members? Perhaps it should say the entire ALAC, and then use the wording of 19.7.1, where ALAC is not, blah blah blah?

ALAN GREENBERG: Okay.

CHERYL LANGDON-ORR: I'll leave that to you, but you know.

ALAN GREENBERG: Either way. They're equivalent until the number changes, and as I said at the beginning of the meeting, if the number ever changes, for a number of reasons or the number of ALAC members, there's going to be work to do. I mean, just look at the paragraph before, three of the five RALOS,

as an example. Not only would we have to change the five, we may want to revise the three.

CHERYL LANGDON-ORR: Understood.

ALAN GREENBERG: Okay. Next one is 19.11.2.

CHERYL LANGDON-ORR: It's just to change the words.

ALAN GREENBERG: Okay. Well, I changed the word, and we have formal action, and several people objected to that vague term. What I'm saying is it requires the fact that the vote is going to be directed and the nature of the vote. Which way the person is to vote must be done through formal votes of the RALO. That is, we don't want to be accused of having the three people on the executive committee of the RALO direct the vote, or something like that.

CHERYL LANGDON-ORR: [INAUDIBLE [00:56:11]].

ALAN GREENBERG: That's correct, yes.

CHERYL LANGDON-ORR: And that's important.

ALAN GREENBERG: I think everyone will be happy with that, but let me know if not. 19.11.3 is something that we had exhaustive discussions on, of should the ALAC members be subject to direction, and on the call of the ESADT that we had, there was one of the few times we've had virtual unanimity that the answer was no. These people are elected and they should be given the option to vote, but we didn't come up with words. I drafted something that says, "ALAC members are encouraged to consult with the RALO from their region, but have free will to vote as they feel best for At-Large, ALAC and ICANN," and the ICANN one is critical there, because we are selecting an ICANN board member. Cheryl suggested – I'm not sure if you were proposing that we keep the consultation sentence in, but said voting, however, will be undirected to be made at the best interests of...

CHERYL LANGDON-ORR: Yes. I've worked [INAUDIBLE [00:57:21] sentence in that same [INAUDIBLE [00:57:23], changing the end of the sentence.

ALAN GREENBERG: So, you prefer undirected as opposed to free-vote or free-will?

CHERYL LANGDON-ORR: Yes, undirected makes sense here, because the one before talks about directing.

ALAN GREENBERG: Okay. I'll try to reword that and you, of course, will take a careful look at it, when you see it. Anyone else have any comments on this? Okay, we're at the hour. Can people bear with me? We just have another one or two items to do, and we won't have to have a call next week. The last one I see here is 22.1.2. This is the recall. Okay, all I've done here is, from an earlier version, basically make it clear. It's going to a distribution list. In this case, I think the distribution list, at least my

recommendation is going to be to the chair and staff, which are not necessarily going to broadcast this to the person who we're trying to recall. They'll be notified, of course, but that shouldn't be the moment that it happens. I have removed this section, which originally had appointees, and I have put in section 20, which says an appointee can be withdrawn by a simple vote of the ALAC the same process was used to put them in. I don't know if anyone has any problems with this. These are all sections that I can't imagine we're likely to use, but we need to have there, just in case.

CHERYL LANGDON-ORR: I'm happy with that. That's fine.

ALAN GREENBERG: I think we're done. We need to have a couple of things offline. One thing I will ask you, the original version of the selection of the chair had rules there, which essentially amounted to if we have five people running and someone gets four votes and the other people get three, the one with four votes would become the chair. In other words, whoever had the most votes won. There was a general feeling that this was not acceptable, that we really wanted a chair – we're giving the chair a fair amount of power, and the chair should be, at the very least, put in by a majority of the full ALAC, hopefully more than that, but at least the majority of the full ALAC. Given that there was a significant amount of rewriting that had to be done to allow for all of the multiple cases of having multiple people competing and ties in the first position, ties in the last position and various things like that, so there was a significant amount of redrafting that went into there. I ask everyone in the group to read that section over and make sure that there aren't cases which I missed. In other words, situations which were not covered, which could put us in a bind where our roles do not allow us to select a chair. It's a critical area. I think I caught all of them. Perhaps not in the most elegant way, but I think I caught all of them, so I do ask you to look at that section carefully. Other than that, I'll get a new version out in a day or so, and at that point, unless we hear – I've got a couple

of things I said I would deal with privately, with a few people. None of them are substantive, but all of them have to be addressed. I'll do that, and the next version, I guess, goes to the ALAC and to the community.

CHERYL LANGDON-ORR:

On that, I just want to make it really clear to the penholders that, when this draft now goes to ALAC, for the ALAC comments / review, and then it will go to vote, they are going to be specifically asked to funnel any regional or ALAC or community comments through the ALAC members. We are not [INAUDIBLE [01:01:51] open to public review, but we are not taking rewrites or even formatting suggestions directly from the [INAUDIBLE [01:02:04] and the public, alright? There may be some people who think it's not a good idea. The answer to that is tough. This is ALAC, [INAUDIBLE [01:02:11]. This is ALAC deliberation and then vote. If there are issues that we have, for some reason, totally missed, and they are raised, someone in the ALAC has to raise them. Are we all clear and happy on that point? Because if we're not, we won't be able to stand unified in our [INAUDIBLE [01:02:36].

ALAN GREENBERG:

Yes, and there's a related issue, also. To approve these, I believe it's a two-thirds vote of the ALAC. I am hoping that – and as alluded to earlier in the discussion, we do not have many, many “It's fine, but I want to change the wording in the sentence.” This group and the groups behind us have hashed out these in enormous detail. We do not have the easy ability of putting the rationales between each of the several hundred individual paragraphs in this document, but virtually every paragraph has been discussed, and what is there is there because it reached a very significant consensus, if not unanimity of the group that was discussing it. We're going to have to make sure that that message gets passed. The people who did not participate in this all chose not to participate, but they can't rewrite the whole thing afterwards.

CHERYL LANGDON-ORR: No. I would be calling for all of you who are penholders all have been involved in the drafting team, because we have ALAC members who didn't hold a pen, but who are on the drafting team. It's going to be up to you all to stand in the ALAC meeting and say exactly that. You've all got to be strong. You've all got to be saying [INAUDIBLE [01:04:12] the ALAC wrote these rules. The rest of you had the opportunity to be involved. Just give us your views, and then we'll get on with it. [INAUDIBLE [01:04:26] We'll write appropriate text to go out and explain it to – unfortunately, there's [INAUDIBLE [01:04:30] some people on the list [INAUDIBLE [01:04:34] as well, but you guys have to stand firm. Don't use this as an opportunity to rehash over dotting an I or crossing a T. This had to be completed very, very quickly. Is there any other business, because I'd like to close the floor, if not.

ALAN GREENBERG: Just one comment, there are going to be things that people point out that we got wrong. I mean, there's no doubt someone's going to catch something which we didn't do consciously, and we do need to catch those, but those hopefully will be minimal and will not be onerous. There will not be issues of great substance. There will be just things that have to be fixed.

CHERYL LANGDON-ORR: [INAUDIBLE [01:05:11], and I think we've had the people [INAUDIBLE [01:05:15] going over those, most of them for it, anyway. Alright, fingers crossed. The next version is the one that goes live. Stand united as a team, is what I'm saying to all of you ALAC members, and let's get this through. It will be up to Olivier to decide how long it's going to be for the discussion on any particular point, if something specifically significant is brought up. It goes back to the chair at this time, [INAUDIBLE [01:05:46], "Oh, gee, that is important." [INAUDIBLE [01:05:51] time line to be published. Ladies and gentlemen, thank you very much, if there's any other business, and then we'll close our call?

ALAN GREENBERG: Yes, Yaovi asked me to repeat what you said. I don't know when that came. Yaovi, the recording will be out very, very soon. I'm going to suggest you pull the recording and listen there, because I don't even know which of Cheryl's pieces it was on. Cheryl, you were saying something?

CHERYL LANGDON-ORR: Yes, there's a rationale of standing united. [INAUDIBLE [01:06:25] talk to him and make sure he stands united with you all. Okay, thank you all very much. I'm ending the call. Bye.