

ICANN

**Moderator: Gisella Gruber-White
March 9, 2015
9:00 am CT**

Coordinator: Excuse me. This is the operator. I'd like to inform all parties that today's call is now being recorded. If you object, you may disconnect at this time. All lines are open and interactive. Please utilize your mute button or press Star 6 to mute and unmute your line when not speaking. Thank you, and you may begin.

Grace Abuhamad: Thank you, (Laura).

Greg Shatan: Thank you, and good morning, good afternoon. Welcome to the first post-client retention meeting of the Client Committee, which is a very exciting inflection point in the progress of this committee.

This is Greg Shatan for the record. Why don't we do actual introductions on the call, so we hear voices one more time, first from the Client Committee and then from Sidley, and then from ICANN.

Jonathan Robinson: I'll lead in first. It's Jonathan speaking. So I'm Jonathan Robinson, involved with the whole cross-community working group. And I don't think I

got to meet Sidley through the interview process or the - it's called the interview process, because I was traveling at the time.

So I'm involved by the GNSO, generic names group. I am chair of the GNSO Council, that's the GNSO's policy-making body. And as connected to that, I became co-chair of this cross-community working group, and so I co-chair the group with Lise and with the colleagues, Lise, Greg and Maarten on the Client Committee. Thanks, Greg.

Greg Shatan: Thanks. Maarten?

Maarten Simon: Yes, it's Maarten Simon. I work with SIDN. We are the manager for the dot NL domains. And dot NL is a ccTLD, a country code domain, top level domain, that stands for the Netherlands, so in Europe. I'm on the Client Committee, and also active in the CWG group.

Greg Shatan: (Unintelligible) over to Sidley.

Holly Gregory: Hi, all. Jonathan, nice to meet you. Maarten, nice to talk with you again, and Greg. I'm Holly Gregory. I'm a partner at Sidley, and co-head of the global corporate governance practice at Sidley. I also chair the ABA's corporate governance committee. I'm looking forward to working with you. Rick, do you want to introduce yourself and then pass it on to somebody else on our team?

Okay, this is Rick Boucher. I'm also a partner at Sidley Austin in our Washington office. I'm chair of our government strategies practice; served in Congress for 28 years prior to arriving at Sidley approximately four years ago. And I'm also very much looking forward to working with the team from

ICANN and the cross-community working group. Ed, are you on the call? Or Cam?

Ed McNicholas: Ed is on the call. This is Ed McNicholas at Sidley Austin in Washington, DC as well. I am one of the co-leaders of Sidley's global privacy data security and information law practice. I think Sharon's on as well.

Sharon Flanagan: Hi, this is Sharon Flanagan. I'm a corporate partner at Sidley, and I also manage our San Francisco office. Josh?

Josh Hofheimer: Yeah, this is Josh Hofheimer from Sidley. I'm also a corporate partner on the West Coast, and work with some frequency with non-profits.

Holly Gregory: I don't know. Is Cameron on the call? Cam Kerry? I believe he was traveling and wasn't going to be able to make it this morning. But Cam Kerry is another important member of our team. He's former general counsel and former acting secretary of Commerce Department, and will be a key person on the team.

We also, I believe, have on the team two associates -- Vivek Mohan and (Tennie Tam) -- and that's our team. I'm also sitting here with Janet Zagorin, who is our client services officer, who helped us get to this point. So with that, you've heard from our side, and we can turn it over to the ICANN folks.

Greg Shatan: Sam?

Sam Eisner: Hi, Sam Eisner here. I lost my voice over the weekend, so maybe one of you can introduce me for me, or I can type into the room.

Greg Shatan: Sam Eisner is an associate general counsel at ICANN. She has been working closely with the committee on the whole selection process, and she's been

with ICANN for several years before that with Jones Day. And having a combination of laryngitis and having to wake up for a relatively early call, I apologize. But unfortunately, you know, duty calls. Anything further you want to say? That's the basic.

So I think that introduces everybody, and we can turn to the first substantive agenda item, which is a discussion of the rules of engagement. I have apologies for only circulating those late last evening, but I think some of them are relatively self-evident. Some may require a little discussion.

This is a discussion draft, so should be treated as such. The basic principles, you know, above -- useful timely advice, obviously, but you never know; and transparency and accountability, a little bit more unusual for a practice or a process like this.

I would probably also add third, you know, creating an appropriate written record as well, which may be seen as part of transparency and accountability, but it worth mention in itself given, you know, the concern and emphasis on deliverable.

Basically 2 and 3 are, in a sense, very simple at the highest level, which is that we will be using the Client Committee email list for all business, even if it's just business between two people on this call, unless it's, you know, internal, you know, ICANN legal business or internal Sidley business.

I think all business of the Client Committee itself should be conducted on this call, and all business amongst the team should be here for maximum transparency and for to create a record and an archive of what's going on.

And I see a question mark. Yeah, Client Committee list is publicly archived unless, you know, there's a reason not to. Again, we're trying to work on maximum transparency and kind of with sunshine. If there's any need for anything in particular that should be kind of, you know, off the record or off the public record, we can - you know, we can discuss that. There may possible be such things, but the default position is the public record.

And that really kind of covers emails in a nutshell. Any questions on emails? For those of you who are new to Adobe Connect and you are in Adobe Connect, you can raise your hand by clicking on the little guy with the raised hand above the list of attendees. Seeing no hands and hearing no other interjection, I'll move on to conference calls.

Holly Gregory: I do have a question, Greg. This is Holly.

Greg Shatan: Yes, Holly.

Holly Gregory: We have agreed in the retention letter in the next four to six weeks with ICANN to track our hours on a weekly basis and provide that information to ICANN. Do we need to - and I don't mind sharing it with the Client Committee as well, but will that be public?

Greg Shatan: My instinct is that that does not need to be public. If there are any objections, to that - that, I think, is kind of a little bit of - is kind of business as opposed to substance. Jonathan, I see your hand is up.

Jonathan Robinson: Yeah, I think three things, Greg. Just to reiterate what you said, I mean this is a standard method of working for us using the Adobe Connect, and we find we've got used to the habit of working. It's not a conventional conference

call, but it does make it very easy to manage the sequence of speakers and the record of progress. So I think that's a useful point.

I have no objection to the fee reporting or the hourly reporting going back to ICANN. I guess the only issue there is - no, I don't think there's any problem. It's really about monitoring. If all of the hours spent are effectively transparent via use of the conference calls and so on, I guess there'll be work going on in the background. In principle I don't have an objection to it, and I think maybe what we should do is clarify anything that is off-list.

Holly Gregory: Well if I may, Jonathan - Holly. Greg, can I..

Jonathan Robinson: Holly, go ahead. Your sound is pretty soft and, you know, if I strain I can hear it, which is fine and I suspect others. But it's also for the volume on the recording. So I don't know if you can speak closer to the microphone or up the amplification, and that would be helpful. Thanks.

Holly Gregory: So I'll pick up the speaker. Is this better?

Greg Shatan: Better.

Holly Gregory: Okay. So I just wanted to make clear that the reporting of hours that I was talking about is just this initial reporting that we agreed to do for the first four to six weeks, so that we could then help construct a budget. And of course I would expect that there will be transparency around the hours that we spend on a monthly basis and the fees, is my guess, that you and ICANN would expect that to be public.

Greg Shatan: I think, as I said, the default is public, unless there's some reason we don't think it should be public. Even - I have to fight my own, you know, natural

instincts toward discretion in these types of relationships. So I would think as long as there's nothing that could be misconstrued or really is kind of confidential, this should all be public. Anything else on this point?

I think further - on conference calls, as Jonathan mentioned, Adobe Connect is the system that we use at ICANN. And for those of you from Sidley who made it into the Adobe Connect, congratulations. This is a rite of passage, and something that you should be getting used to as you work with us and with the CWG. And it really does provide, you know, a lot of modalities for communication and capture. So, you know, pretty good process all along.

For those of you who didn't get in this time, we'll see you on Adobe Connect the next time. Every once in a while there are times when people literally can't be in front of a computer. That's understood, and then we just keep track of that elsewhere. So makes perfect sense that it happens from time to time.

Basically we should try to use ad hoc - use the Adobe Connect even for ad hoc calls, if we can grab a call, grab an Adobe Connect. If not, you know, we shouldn't let process slow us down too much. And if we have a choice between losing a lot of time and using Adobe Connect, we shouldn't lose a lot of time. But where possible, we should use this system.

And if we don't use this system, then there should be somebody taking notes -- ideally a member of ICANN staff -- and distributing that and then archiving it onto the wiki for the CWG. And, you know, if there's one-on-one calls, I don't think there's a need for Adobe Connect. There should be some summary record of the call.

For those of us familiar with the joys of time-keeping, that shouldn't be too big a burden. On the other hand, I would love more than anything else than to

have to keep time, but I do -- not for these calls, thankfully, because nobody's paying.

In any case, the last item here is - I think that any call between Sidley Austin and ICANN legal should be a three-way call with at least one member of the client committee, again just for transparency and for the, you know, greatest perception, and given the posture of kind of who's taking - who is giving advice or giving instructions and taking advice. And with regard to - anything further? I see Jonathan's hand.

Jonathan Robinson: Thanks, Greg. Just checking what's your objective in using Adobe Connect. Is it for the purposes of having a recording? Is that the main purpose? Because I think it sounds to me like the purpose is transparency. I mean it's a little bit of a sledgehammer to crack a nut between - if there's a call between two people, which is relatively unlikely, I think.

And I suspect much of the business will be transacted by regular calls. So I just want to make sure I understand what the purpose is. Is it for the purpose of producing a recording of the call?

Greg Shatan: Well it's both to use the recording, and to have the other records that are here. For calls between any two people, as I said, calls between individual members of the Client Committee and Sidley Austin deemed need not use Adobe Connect. So maybe that should be phrased a little more strongly, that they aren't expected to use it.

So if Holly wants to call me up and says, Greg, I don't know - I want to ask you a question about this, she doesn't need to get in an Adobe Connect call.

But if somebody says I think we need to have, you know, a call right - you know, as soon as possible, you know, among the Sidley team and the Client Committee that's not regularly scheduled but we just need to grab some time, it would be at least, you know, worth a shot to see if we could do it through Adobe Connect.

Basically the idea is that calls like this, whether or not scheduled, should be on Adobe Connect. And smaller groups or, you know, dyads and triads, even quadrads, if there is such a thing, you know, shouldn't, you know, need to use Adobe Connect. I hope that's a little clearer.

Holly Gregory: I think it's clear on our side.

Greg Shatan: Thanks. And then I didn't get - this is as far as I got before I had to peel off from working on this, that memoranda should be deliverable, prepared by Sidley, should be prepared with the understanding that they'll be shared with the CWG either by putting them on this, our mailing list for our group, or by being sent to the full CWG mailing list; and that final versions of all documents must be sent to the full mailing list.

Again, you know, this is a discussion draft, and I'm not looking to be highly prescriptive or rigid. But these are kind of the general tendencies we should have, so that we have kind of maximum transparency and dissemination.
Jonathan, I see your hand is up. Jonathan's hand is not up.

Holly Gregory: Greg, my hand's up.

Greg Shatan: Okay, Holly.

Holly Gregory: And I promise I'll be on Adobe Connect for the next call. In terms of - you know, at Sidley we expect that internally as we're drafting documents, we will be circulating things internally before we've decided that they're ready to share with anybody in the Client Committee or the CWG. Can we have that expectation that until we've - as we're just working on things internally, those drafts are not what you're saying need to be public.

Greg Shatan: Absolutely. Let me make that clear. As under the conference call, any emails - that any internal communications within the Sidley team are not expected to be online or, you know, sent to anybody else. That's sausage-making.

Holly Gregory: Great.

Greg Shatan: So until we get to group sausage-making, then things will - you know, may start hitting the list. And as Sam clarifies in the chat, anything that is sent to the CWG is considered public. And while I don't know that thousands of people are reading our list, it's clear that from time to time there are a lot of people that do look at the list, including press and even members of Congress, or at least their staffs.

That's about it for the rules of engagement up to this point. If there are any rules that people think of or are thinking of right now, we can bring them up. If not, we can deal with them on the Client Committee list. I can also - I have this posted as a Google Doc, and I can share the doc with everyone on this team, or at least share the link on the client list so that we can work on it.

Holly Gregory: Greg, one more question. In the last day or two we've had many emails flying around for very simple administrative things like scheduling a call. And to some extent, you know, those can be disclosed, but it provides a whole lot of noise in the system. We on our side at Sidley are going to try to coordinate

among ourselves and not share with you individually each person's availability and respond to those emails.

I'm wondering if there's some capacity on your side to do the same, and to suggest a call to Sidley when you, you know, feel like you've got critical mass on your side.

Greg Shatan: I think that's a very wise suggestion. We do want a good signal to noise ratio on the list. And certainly we can just communicate amongst a few of us as to availability, and then come up with a, you know, proposed time or times that work for us, for instance, and not have all of that drip onto the list, although in many cases that stuff is on these lists, and it does frankly result in an avalanche of stuff. And less avalanche the better. That certainly makes sense. Jonathan?

Jonathan Robinson: Thanks, Greg. I'll just be very brief. The purpose of this Client Committee is to be efficient and impacted with an eye on cost. So I think Holly's suggestion is very sensible, and I think it's incumbent on all of us to, to the best of our ability, use the client list for substance and, in your words, retain a high signal to noise ratio. That sounds very attractive to me.

Related to that, I'm not sure that all emails should be copied to the main CWG list, as you ask in Point E, 2E. It strikes me that the purposes of having a separate list is precisely that -- to have a transparent archive, but not necessarily to publish it for the sake of publishing it. So that would be my two cents' worth on that final point. But mostly let's keep it lean and functional and substantial.

Greg Shatan: Thank you, Jonathan. And thank you for picking up on the bracketed language which I did skip over, and which did need comment. I agree with you. I put it on there because I didn't want to dismiss an idea out of hand.

But I agree that given that these lists are publicly archived, and anybody who wants to track our conversations, they can do so, we don't need to copy it onto the main list, which is already, you know, a very high stream of information, and definitely should segregate these, except when we have something that we need to say to the CWG as a whole, then of course we go to the list. Maarten Simon?

Maarten Simon: Yes, I have a question. It's a public list, and I know it's archived somewhere on the CWG side. How fast is the archive? Is it live? Or is it - how fast is that done?

Greg Shatan: It's a live archive.

Maarten Simon: It's a live archive, okay.

Greg Shatan: I believe we use Mailman, which is a very simple, low-tech email program, and it archives along. I see Sam has asked in the chat, you have way's you're expecting to get assignments? This is asked to Holly. Would this be something you'd expect to happen in a conversation or through email? (Unintelligible) thought about who is able to provide the official assignments to Sidley.

That's probably a good segue with the next subject discussion of substantive work plan. I would think that we would want to memorialize assignments, even if given orally, to memorialize them via email so there's both clarity about them and a record of them. What's your thought on that, Holly?

Holly Gregory: Well, Greg, I think when we're discussing assignments, because there often needs to be some iteration and give and take to help make sure that they're well-defined and well-understood, I would expect that most assignments are discussed by phone.

And once there's agreement around what the assignment is and the scope, and some sense of the expected deliverable and a time frame, that it's memorialized in an email. I am concerned about trying to negotiate and iterate on assignments and get that clarity by emails. So that would be our preference in most circumstances.

We did want to ask, and I think it's a related process point on your side, you know, we've got the Client Committee. Is the Client Committee working as a team the point for giving assignments? Or are there persons within the Client Committee who are authorized to be the point persons with us?

So for example, on our side we're expecting that myself and Ed, on a daily basis, are going to be the point people. And we will make sure that we coordinate with our team and get the right people involved at the right time in an effort to keep costs controlled, and to be efficient. I would think similarly on your side there needs to be one or two people who are sort of the really potential contacts. But I put that out there for discussion.

Greg Shatan: Thanks, Holly. That's an excellent question. It's not one that we've fully discussed on our side, or even discussed per se. I would expect that I would be one of those people, and I guess we'd need to figure out kind of among Jonathan, (Lisa) and Maarten who else should be in that group.

I expect it wouldn't be that you'd get assignments from four different angles, but that we would be coordinated on our side before you got any type of an assignment. And again, most assignments would come on a call, in terms of to discuss and refine the assignment before it's decided what it is, as opposed to, you know, just sending an email that says, you know, please do a 50-state survey of privacy laws or something like that. Jonathan, I see your hand is up.

Jonathan Robinson: Thanks, Greg. And I was sort of in position to speak to Holly's point, and she captured well, I think. There's a couple of thoughts I have here. One is that we should coordinate internally, and I think I feel comfortable with us coordinating internally, not necessarily on the client list, with the interest of keeping the noise levels down. And to the extent that that causes concerns, we should address those.

Second - so we should coordinate. And then second, I think that we need - we have discussed previously the concept of a quorum within the Client Committee. I think in practice you are right. You will likely be a significant point person.

But I would like it to be - I would like us to try working with a minimum of two being the quorum for meetings and the like. I think it'll give a greater degree of comfort in terms of both transparency and confidence in what's being communicated. And ideally one of those two is a co-chair.

And for me that's, in essence, a form of proposal or a thought, but it feels about right to me. So we don't insist on having three or four at every meeting. We try and work with a minimum of two, one of whom is the co-chair. I think in practice that will often turn out to be you and a co-chair. But to the extent that others are available and would like to join, and we coordinate internally, I think that will be both workable and not too unwieldy. Thanks.

Greg Shatan: Thanks, Jonathan. I think that makes good sense, and I think it also, you know, makes the best use of all four of us. And certainly I wouldn't want to insist that I, you know, be on every call or be part of every work assignment. That would be both megalomaniacal and not a good working method.

So I think, you know, if Maarten or I and one of the chairs or, you know, some combination of the four that makes sense are there, that should be good enough.

I see Sam in the chat saving her voice. We need to be clear if someone were to write in an email, quote, it would be great if they could tell us about X, whether that is an assignment; or if there should be more consideration before that is sent over as an assignment.

Yeah, I think there should be at least some confirmation and discussion of what that actually means in terms of time, deliverable, et cetera. And, you know, things that are seen - there may be some trial balloons floated on the list, but they shouldn't all be taken as assignments until there's some level of confirmation.

I think a lot of this will probably become more self-evident than it seems from this conversation, as we get into a groove of working together.

And, you know, obviously all of us have worked in client relationships for many years. And therefore this is not exactly a completely foreign process even if we are, you know, adding, you know, a couple of extra twists to it. Jonathan?

Jonathan Robinson: It's a yes or no, Greg. I understand and agree with you in many ways. But I do think this is extraordinary for both sides so we do need to tread a little carefully.

And it's an interesting problem we've got because we have the need for speed and the general impatience and at the same time the need to be structured and organized.

So I think for me an institution must be clearly an instruction or what you call an assignment. And it must be at instruction clearly signed off by at least two of the client committee.

And then that gives us the freedom to kind of discuss on the list. Although to some extent we may need to work off list as well for the avoidance of doubt. But it does give us the freedom to as you say float trial balloons and have discussions on list without those taken to be an instruction.

It's - I don't know quite how we're going to manage this. It's going to be a little challenging at first but I think we'll find out our pace and figure out how to do it.

But that feels like to answer (Sam)'s question we need to make it clear if we're asking for a piece of work to be done.

And there may be some general level of both monitoring and contribution to the list that's a necessary part of the engagement but any substantial piece of work should be clearly given as instruction.

Greg Shatan: Sounds good. I think that's just right Jonathan.

A couple of things I'm seeing in kind of back chatter. In terms of the CWG mailing list as a whole I don't think we'd expect all of you to sign on to that although you could be.

But, you know, we wouldn't want to be paying all of you to read that email list. I can barely - it's difficult to keep up. I think we would do well to send you the key emails.

It might be that you might want to have one of your associates monitor the list on a slightly more regular basis.

We'll just have to figure out how to account for that. But so because I think it's important for you to see what the list looks like and how it goes.

But to be bathing in that stream everyday would be both very time-consuming resource consuming and expensive so we need to find a balance between understanding how the CWG as a whole works and drowning in it.

Holly Gregory: Greg we'll take your advice and we'll have an associate who follows it and keeps us informed at a high level.

Greg Shatan: That sounds good. And then I think that's about - and then I think we'll put you on the calendar for our calls. I don't think that you would necessarily be on every call but we do want you on tomorrow's call to introduce you and as many of the team that can make the call.

But that's actually skipping agenda items. I think...

Holly Gregory: And that call is currently scheduled for 1 o'clock Eastern correct?

Greg Shatan: Let me just double check my calendar because I don't like to go off memory.
Yes it is 1:00 Eastern.

Holly Gregory: How long do you expect that call to go?

Greg Shatan: All of these calls are scheduled for two hours but that doesn't mean that you need to be on for two hours. Probably...

Holly Gregory: I will have a hard stop tomorrow at 2:00 because I'm on and ethics sphere panel.

Greg Shatan: Okay so it sounds like you'd be on the first hour. We'd introduce you and have you talk sometime during the first hour. Then you excuse yourself so you'll get some sense before the call comes to you of how the call works and what it looks like when one of these Adobe Connect rooms has 30 or 40 people in it and from all around the world. And then, you know, we'll take some calls after that from there.

So I think that's a good point in time and now we're at 10:38 so we don't have much time relatively speaking to talk about...

Holly Gregory: We have one other question...

Greg Shatan: Oh yes.

Holly Gregory: ...about the process that I wanted to raise around drafts. So will there be - I take it from the rules of engagement that there's not going to be much ability for us to share a draft with the client community and get feedback on that draft before it's public?

Greg Shatan: Well I think if we feel that the best practice is to have some things looked at a little more quietly we should explore that.

Because I think, you know, there's always a balance between transparency and showing people too much work in progress which sometimes can give people the wrong idea about where a project is going because all they see is a part of it. They don't have the discussions. They don't have the context so it can create more trouble than it's worth.

So I think that there is I think some - I think we should look at especially in, you know, the case of more rough or complex documents having, you know, a little bit of off the list work done until it's something that at least can kind of surface on the list so yes I would look at that as being a pragmatic consideration.

Holly Gregory: I would think especially in the early parts of the relationship as we're trying to get into sort of an understanding of sort of how you expect us to tee up information and respond to requests.

It would be very helpful if we could have some ability to share some of the initial drafts with...

Greg Shatan: I think that makes perfect sense. I mean this committee has been going for several months. Some people have spent probably hundreds of hours on it already.

Many of the people involved in the committee have been involved with ICANN for 5, 10, 15 or even, you know, close to 20 years. And you're coming in, you know, to a situation where there's a lot of very mature opinion and stuff.

So I think that it's best to kind of provide a certain level of discretion to early efforts because there's some people will wonder why you can't act as if you've been doing ICANN work 40 hours a week for 20 years.

So speaking of work I think we should move on and discuss you know what we think the kind of first actual work - (Martin) I see your hand is up.

(Martin): Yes this is about the idea of sharing (unintelligible) sorry, I got this. But the idea - I have a bit of difficulty with the discussion we just had between Holly and Greg just had.

Because I understand it - on the one side it's difficult to share everything even if it's just in the early stage of a final version. On the other hand I think transparency is key here.

So I'm - I wonder what the real problem would be to even share those documents that are from final?

Greg Shatan: So I think we're all feeling our way through this. And especially, you know, this is unique for all of us and for Sibley too getting used to the ICANN way of things and transparency.

And we have a number of people who are very who are almost like the transparency police, none of them were on this call but who will make themselves known. So maybe we should see about sharing everything.

And Holly if there was any particular issue of any particular document we can always just, you know, hop on the phone two of us or something and try to iron things out.

But I think we should try wherever possible even if we have to, you know, call something in early discussion draft.

So if it's anything other than just feeling like you may be way off base on something or just, you know, need to have a primer on something, you know, err on the side of having it on the list. Jonathan I see your hand is up.

Jonathan Robinson: Yes I was tempted to pass but I think I want to acknowledge (Martin)'s concern. But I think you've pretty much covered it. I think we have to feel our way all little here and see it's not immediately clear without a concrete example.

So I think we've given ourselves the opportunity via the notes to potentially take things off-line. And I think we should make it very clear to the CWG that that's in part as we establish a new way of working.

I'm sure some people will push against that and we will - we can clarify that it is our intent - intention to be as clear transparent as we possibly can and as open as we possibly can and we'll work with it as we go.

I think we need to try and establish some confidence that we're working in the best interests of all here and not in the interests of secrecy for its own sake.

But immediately something's not on this. You're right, we do risk rattling the cage of one or more participants.

Holly Gregory: Understood.

Greg Shatan: Thanks Jonathan. Now in terms of kind of what the first work should be I'll throw in an idea of something that's been discussed a little bit.

You know, we did have the legal scoping document that is full of questions. And while I've told the CWG more than once that the "legal advice" won't consist of answers to those questions that legal advice is really something more, you know, complex and developed than just a Q&A.

That at a kind of FAQ level it may make good sense and give a lot of comfort to members of the committee and as well try to, you know, to begin to sort out some of the issues by answering those questions on a kind of FAQ level, not a research level or a fully developed level but at a fairly high and relatively understandable level.

Holly Gregory: So Greg I think we're thinking along similar lines. But before we get to that kind of specific point there are two things I'd like to suggest or request.

One generally -- and then we can talk in more detail about how to do it -- is we do think on our side that we need to schedule some time with appropriate - the client committee or appropriate members of the client committee to have a diligence discussion where you folks take us through the proposals that are on the table as reflected in that scoping draft and give some indication of how they came to be, what were the driving considerations behind them, what were the, you know, what are they grounded in and based on? That would be very helpful from a diligence perspective for us.

The second thing that I think we need to focus on is what do you want us to try to accomplish before the Istanbul meeting?

We can certainly take that list of questions from the scoping document and take a fairly FAQ high level approach to them.

But I wanted to make sure that given the short time between now and Istanbul wherever you want us to focus we are, you know, we've got the right priorities in line with yours.

Greg Shatan: I think those are both excellent suggestions, requests will save us a lot of pain in the immediate future. Jonathan I see your hand.

Jonathan Robinson: Yes thanks Greg and thanks Holly. I agree those are good points. And I think we should jump on a call to have that first - those first items discussed that diligence call as you suggested would be called or Holly as soon as possible.

I'm not 100% clear what our objectives are for Istanbul and it may be that we need to have that diligence call to sort of see what percolates out.

I am conscious that we've got two weeks then the meeting in Istanbul, then a requirement to produce in pretty short order after that a draft for public comment.

So I think it'll be good to hatch out a plan with you and as I say possibly based on that diligence call that might help us do that in conjunction with the work we're doing.

Because talking with (Lisa) last night we will be under some pressure in Istanbul to dedicate some portion of that meeting to what we might call the legal issues or the issues in around separation which are in many ways synonymous or can be linked - closely linked together.

So I think we probably need to do that diligence call to do the scoping and then see what makes sense.

But certainly we will be under pressure to produce some - to allocate some portion of Istanbul to this. And frankly we need it because as we produce strong public comment ideally elements of that will be required.

And that's what bothered me when I sort of reread or read the engagement letter today. Because the engagement letter talks about a four to six week familiarization process and that's in one sense out of sync with...

Holly Gregory: Well no...

Jonathan Robinson: ...the project as it currently stands as we...

((Crosstalk))

Holly Gregory: I don't - I don't think - I don't - just I don't think that the four to six weeks that we indicate in the letter is about a familiarization process at all.

I think that that's really about understanding how much time we're spending so that we could give ICANN a better estimate about budget.

So that four to six weeks is just sort of let's look at the time we're spending so that we can then try to estimate out what the budget is. It's not four to six weeks of learning and diligence on our side. We think in the next four to six weeks we would be diving in and providing you with legal advice.

Greg Shatan: That's - Jonathan I read it the first - your way the first time then went back and read it Holly's way the second time. And when I went back a third time I read it the way Holly read it. So that's what I figured.

It's really more for - it's more of the budgeting exercise, kind of get a sense of the flow and time that this is taking. And it's not a sense that this is - that's kind of a ramp up for substance purposes.

So I think that we should schedule that kind of due diligence or diligence call undue or due on as soon as possible which I would suggest Wednesday since tomorrow we have this call and it's also kind of just close to other things happening.

So perhaps we can - I don't know if this time works for people or we can just each side kind of check it their own times as was suggested and then come to (unintelligible)?

((Crosstalk))

Holly Gregory: You're suggesting - I'm sorry are you suggesting tomorrow did I hear?

Greg Shatan: No not tomorrow, but Wednesday.

Holly Gregory: Wednesday. I am not available at Wednesday on - at 10:00 so - but I could do afternoon, after...

Greg Shatan: So why don't you see what...

Holly Gregory: Okay.

Greg Shatan: ...works for you and...

Holly Gregory: We'll figure out a time internally to suggest on Wednesday and Thursday.

Greg Shatan: Sounds good. And then Thursday we have our CWG call. I believe it's at 7:00 AM Eastern which is 1100 UTC not that that's going to interfere with scheduling on your side but I just mention it for the purposes of completeness.

Now in terms of - and I think...

Jonathan Robinson: May I suggest it's Jonathan - Greg? Greg? It's Jonathan.

Greg Shatan: Yes please?

Jonathan Robinson: I'd just suggest we consider when Holly comes back with the proposed times for Wednesday Thursday Tuesday we should also have some slots on Tuesday.

And if it is possible that we can work on Tuesday that maybe let's have a look Tuesday, Wednesday Thursday just any slots you can give us and...

Holly Gregory: Certainly, we'll do.

Jonathan Robinson: ...pass on the client. He can respond to those. Thanks.

Greg Shatan: Good idea Jonathan. No time to waste. I think we can put off further discussion on substantive work plan till the diligence calls take place. And in terms of prep for Sibley portion of Tuesday call is the next item.

I see (Sam)'s note in the chat should be made clear that Sibley will not be expected to give legal advice on the fly during tomorrow's call. That certainly makes sense to me and should be part of the introduction.

So it seems to me fairly straightforward that we'd want to introduce Holly and as many of the team as should be on the call.

I don't necessarily want to give the impression that eight people are going to be needed for every activity but we should certainly introduce people and I think perhaps, you know, give a sense if possible kind of who the core team is going to be which I think as you says is going to be you and Ed? and then what other people will bring to the party as we go along. Jonathan?

Jonathan Robinson: Yes so Greg maybe I misheard you there but I would be comfortable with a minimum of two people from Sibley on the call providing those people were prepared to speak to who was in the team as a whole and field general questions.

And to (Sam)'s point earlier I think it's not about providing legal advice. This is about an introduction. And I expect really and I'm happy to tee this up that the focus should be on how you're going to work? How can we trust that you don't have conflicts? How can we trust transparency?

It's those kinds of procedural and points rather than substantial legal points at this stage. So that's my two cents worth, at least a couple probably not the whole team, almost certainly not the whole team and an ability to answer those kinds of questions. Thanks.

Greg Shatan: Jonathan that makes perfect sense to me. And if I - it was probably what I was struggling to say but you actually said it. So it was very helpful.

That's probably all we really need I guess Holly or your team any questions about your prep or what you should be prepared on top of what Jonathan said which is an excellent summary.

Holly Gregory: I don't have any questions but I invite the team Ed and (Rick) and Sharon and (Josh) if you have any questions.

You know, one of the things that we're doing as a process internally is I want to make clear to all the members of the team that they're welcome to join in on any call in the interest of our internal transparency. But we will make sure that people are billing on an as needed basis.

Greg Shatan: Thank you Holly. Obviously it's always good when people, you know, educate themselves in their copious free time.

Anything Jonathan? Old hand?

Well we're up in five minutes before the hour which I think - oh yes one other question that we had kind of to Sub A which (Martin) has brought up in the chat is to whether we can publish the engagement letter and also suggested publishing the rules of engagement beforehand.

It may need a little bit more work but we can publish them as a draft. I might want to take into account some of what our discussion was today about those.

Jonathan I see a new hand.

Jonathan Robinson: Thanks Greg. I think if possible we do publish both. And one other thing we should do not necessarily on the call now is schedule a regular meeting.

I think we found that in practice it's better to have a regular meeting that you cancel should it not be needed than not have one there at all.

And I think certainly for the next couple of weeks I can see that we'll have a minimum of one meeting per week. So I suggest we get that in all of our diaries in short order.

So in addition to that diligence call we're proposing in the next two or three days that we schedule a weekly meeting.

And maybe Friday is the first time to kick off on that given everything else that's going on this week and then run it perhaps Fridays from now on.

Holly Gregory: I do suggest that if you publish the retention letter - and we're fine with you publishing that, that you also publish the summary of terms almost as a cover to it so that it draws out of all of the boiler plate what the key terms are. We think it adds clarity.

Greg Shatan: Absolutely. And I think for most of the members that will probably be the document they pay attention to. And then we have the full document for those who want to see such a thing.

So I think yes Holly I guess in addition to, you know, looking at the times Tuesday, Wednesday, Thursday for our diligence call we should, you know, look at a time on Friday that works for kind of a regular call.

Although I have a feeling we'll be talking more than that in the next couple of weeks up to Istanbul?

Holly Gregory: Okay.

Greg Shatan: I think that brings us to all other business. Jonathan? Jonathan, you may be on mute.

Jonathan Robinson: Sorry. I'm not being very diligent at dropping my hand. I apologize.

Greg Shatan: That's okay. Another thing to learn for our silly folks is that hand management is a skill and that requires diligence and persistence.

Holly Gregory: We - Greg on our side we do have one other request.

Greg Shatan: Yes please?

Holly Gregory: You - someone had mentioned I think it was you on a call with the - I think a call on the retention that there would be an effort to put together for a sort of a must-read list.

There is so much material out there and we are gathering it. But if somebody on your side could take the time to think about here are the 5, 10, 20 key things that this team must be sure to see that would be very helpful.

Greg Shatan: Absolutely. Thank you for renewing that request. And it was something that floated on the list I think from my end as well.

So I think there will be a subset of the bibliography that we've posted but the whole set would be daunting so I think we'll prioritize that for you.

Holly Gregory: Thank you.

Greg Shatan: We'll work on doing that as soon as possible. Maybe we can put a version of that up in the Google Docs and just have people weigh in as to something that everyone agrees make sense.

Anything else from anybody else?

Holly Gregory: Ed did we cover what we needed to cover? Do you have anything else?

Ed McNicholas: No, I think we have the items that we wanted to address covered well. We certainly have a good amount of work in front of us so...

Greg Shatan: I guess one last point to kind of at least float out there is whether the presence of at least one Sidley person should be in Istanbul.

Holly Gregory: Well and we can talk about that in the diligence...

Greg Shatan: Yes.

Holly Gregory: ...call as well. You know, and we can certainly do that. I'll be in London earlier that week and it's not a big deal to travel over.

But depending on what you might want to discuss it may be appropriate to have Ed or someone else. So let's talk about that when - on - in more detail when we get to the diligence discussion and some thought about what you want to accomplish in Istanbul?

Greg Shatan: Absolutely.

Holly Gregory: One of my favorite Sidley, so I'm - be thrilled to go.

Greg Shatan: I've never been so I'm looking forward to it.

Jonathan Robinson: Again Holly just so Holly just so you know I am in London. I'm based in London. And I will be in London on Monday of that week.

So it's possible we could meet on the Sunday or the Monday in any event so just bear that in mind. And we can decide that as we get closer to scheduling things that may be a sensible thing to do.

Holly Gregory: Terrific. I'll be there on Monday - on Sunday and Monday then was scheduled to come home but could stay over to go to Istanbul so...

Greg Shatan: Well you're halfway there already.

Holly Gregory: Yes.

Greg Shatan: So yes let's discuss that on the diligence call. Where are now one past the hour so I think we'd - it's a good time for us to wrap up.

We will - most of many of us will be on the call tomorrow at 1700 UTC 1 o'clock Eastern. I'll look forward to seeing you there and to seeing the work on the list and getting our diligence call scheduled.

Holly Gregory: And Greg one point about tomorrow's call. I may not be at a computer because I'm at a - I'll be out of the office but I'll try to figure out a way to do the Adobe Connect.

Greg Shatan: If you have a small smart phone or a tablet you can do Adobe Connect on that. It's not the smaller the screen the less ideal the experience but you at least...

Holly Gregory: Right.

Greg Shatan: ...have a chance to, you know, be part of the chat list and look, you know, be able to see what's going on. A little hard to read documents in the screen on an iPhone but the - it's just better to get the software loaded up in advance.

Holly Gregory: Terrific.

Greg Shatan: But whatever you have iPhone, Android their Adobe Connect in the appropriate place. I cannot vouch for a Windows phones.

Any case I think that brings us to the end of the call. Obviously any questions anytime my door is open. And I'm sure we'll all be in close touch. So thank you and I'll see - we'll all be together or many of us will be together tomorrow. Bye all.

Holly Gregory: Thank you.

Man: Thanks.

Man: Bye.

Greg Shatan: Bye.

END