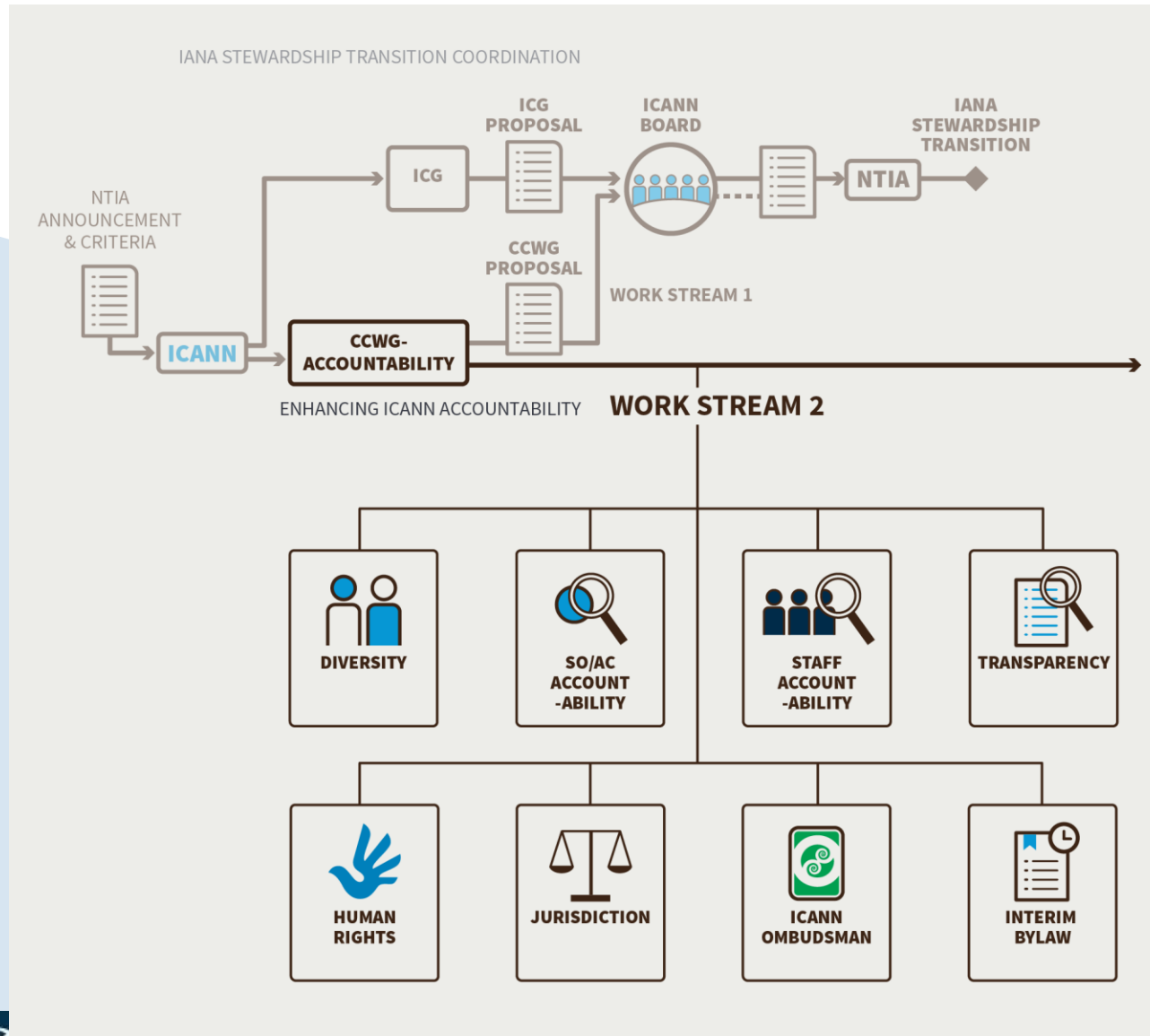




**CCWG-Accountability**  
**Legal cost control mechanisms**  
**July 13 2016**

# Work stream 2



## Additional topics :

- Review of CEP
- Community guidelines for conduct during Board removal process

# Cost estimate for FY17 – WS2 (reminder)

- Includes WS2 accountability
- Does not include IRP Phase 2 (0,8 million \$), Transition Implementation (3,7 million \$) or General Project activities (1,2 million \$)
- Continuation of ongoing effort to support WG, including staff, AC rooms, transcription
- One day F2F meetings before Icann meetings (maximum of 20 travel support seats)
- Continuation of independant legal advice, with lower intensity and refined cost control mechanisms

	\$ (thousand's)
Staff	808
Travel & meeting	354
Telecom & Language services	201
Legal services	1,400
Other (education, engagement, communication)	344
<b>Total</b>	<b>3,107</b>

# Legal Committee

- Role :
  - Filter, analyze, refine (ensure clarity), and approve requests for legal advice
  - Determine which firm is best suited to respond
- Process :
  - Monthly meetings
  - Based on subgroup requests documented and share before the meeting,
  - Rapporteurs may attend relevant part of the call to discuss their requests
  - LC ensures that request is a legal issue (not a policy one)
  - With support from PCST, LC tracks legal expenses
  - Counsel may be invited to attend parts of the LC meeting to ensure clarity of expectations and context (*reminder : Counsel participation to CCWG and subgroup calls is exceptional only*)
- Composition based on WS1 Legal subteam executive team, ie :
  - León Sanchez (co-chair, lead)
  - Samantha Eisner (support)
  - Athina Fragkouli
  - Robin Gross
  - David McAuley
  - Sabine Meyer
  - Edward Morris
  - Greg Shatan

# Budget ownership

- Co-chairs would act as budget owners for WS2
- Budget ownership scope excludes staff, as well as telecom & language services
- Ownership implies :
  - Regular updates and progress assessment against the planned budget
  - Potential trade-off decisions
  - Requesting additional budget if necessary (subject to Chartering Orgs and BFC approval)

	\$ (thousand's)
Staff	808
Travel & meeting	354
Telecom & Language services	201
Legal services	1,400
Other (education, engagement, communication)	344
<b>Total</b>	<b>3,107 / 2,098</b>

# Legal Committee – allocation of requests

- **Proposed guidelines for the Legal Committee:**
  - If Icann Legal already has an answer available to the question, it can be shared immediately to avoid extra costs.
  - the Committee may direct the request at ICANN Legal or external firms, based on a case by case assessment.
    - Decisions would have to take into account costs, delays, respective skills, as well as potential requirement for “independent” advice.
    - The Committee is encouraged to use ICANN Legal as much as possible in order to manage costs effectively.
    - Sidley & Adler will coordinate to decide which firm is best suited to address requests certified to CCWG Independent Counsel
    - Requests may be directed to Icann’s external Counsel, if the Committee finds it appropriate. In such case, before certifying the request, the Legal Committee will discuss with ICANN Legal how best to address attorney-client privilege issues.
    - Hiring of other firms for specific expertise would be subject to CCWG-ACCT and Icann Legal prior approval (similar process as during WS1)