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ED MORRIS: Good afternoon, good morning, good evening. Hello everybody, and welcome to the third meeting of the reviewing the CEP work stream two subgroup of CCWG accountability.

The agenda is fairly brief, but important today. We have a small group. Hope we can get full participation and try to start moving this entire working group forward.

Attendance on the Adobe Connect. Is there anybody here audio only? Please speak up.

Okay, please note Tim [inaudible] wrote to me to send his regrets. He was unable to be on the call today. Any changes to statements of interest?

Okay. Could we move on the slide to the agenda, next slide? I don't seem to have control here. There we go. All right. What I basically would like to do is just review where we left this before the holiday break.

I was asked by the group to confer with David [McAuley?] who is, took over for Becky Burr on the implementation oversight team for the IRP to try to see what they were intending to do with the consolation phase, is the first phase of the IRP, to ensure that we are not going to duplicate.

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[Inaudible] we have to go to the plenary to get some of the items as to what we actually wanted to see CEP to be. We had spoken in the first two meetings about whether we wanted more of a structured deviation from the consolation process, or whether we wanted to keep the negotiation structure that we currently have.

We also wanted to talk to the plenary about examining past CEPs. Alan Greenberg came back with some ideas about [inaudible] we can talk about today. So, the agenda is, I just did the review. We're going to talk about what we want the CEP to be, and then we want to talk about whether we want to examine past CEPs and how we should do that.

So, again, we can move the slides forward, please.

Okay. As we, I spoke to the plenary, I told them of our difficulty. That we have some folks who believed, and Sam Eisner in the first meeting, certainly came up with this position, that the benefit of the CEP was its informal nature, [inaudible]. Were you just go into a room, either a physical room or a remote room on a call, and talk things out.

I also presented the view that has been given to me by others from the community who have been involved in CEP. And take my [inaudible] hat off, this was my experience, which is that you go into this room, it's okay. You don't know what you're doing. And in some ways, ICANN is using this as more of a discovery mechanism than as a real attempt to solve problems.

So, when we presented this to the plenary, what we came back was a suggestion that was proposed by three members of the plenary, for

more of a structured negotiation. And if you can go on to the next slide, please.

Okay, a structured negotiation would build upon the current CEP negotiation strategy, that adds a third party to facilitate negotiations. So, it would not be a very structured negotiation. It would not be a formal mediation because several members of the plenary thought, hey, the IRP itself is a mediation. You don't want a sub-mediation before the actual mediation.

So, the concept would be yes, you would have the negotiation. Folks would go into the room. But there would be a third party there to try to lead both parties to an agreement of some sort, to avoid an IRP if possible, or at least to structure the IRP on a few core issues.

And the question is, since that is what we were getting from the plenary, of those, again, of the what? 130, 140 members of the CCWG, this just came from three members who did speak up. And my question for this group, is this the way we want to go forward?

Is there a desire to do more of a mediation, which would require bylaws changes, as it was pointed out at the plenary? Or do we want to keep what we have now, which is just basically an unstructured meaning? So that's the question, the big question, I'm going to pose to our small group today, and hopefully get some feedback.

Would anybody like to talk to this, or speak to this?

Anna, could we hear from you please? Thank you.

ANNA LOUP:

Hi all, this is Anna Loup for the record. I think I'm really interested in this idea. I wasn't on the plenary call, but I think going forward, and we'll talk about this later in the meeting, but reviewing previous CEPs, if at all possible, because I think if we do decide to go in this direction, we're going to need no more than three folks speaking up at a session, to really back this proposal.

So, I would just like to talk more about reviewing the CEPs and seeing if those would allow us to go in this direction. Thanks.

ED MORRIS:

Okay, thanks Anna. We only have a few, actually it's Avri and Cheryl on the call. Do either of you have any views as to how we should be structuring the CEP? Does anybody want a formal mediation? Or are some folks satisfied with the system we have now?

In any decision we make in this small group, I'll put on the list, and hopefully try to stimulate some discussion. Would anybody like to speak to this?

Okay. Seeing no hands, we'll move on to the next slide, which I'll have to reduce a bit.

Sorry. There we go.

If I can get to this. All right. I guess, some of the questions, if we were willing to go to this structured negotiation, is who the third party would be? Who is going to pay for it for the [administration?] of the third party, of the facilitator? And whether parties should be allowed to opt

in and opt out of a formal facilitation, and be basically able to say, hey, I would rather just have the informal agreement?

Again, we have such a small group. We don't want to be making decisions with these few people. I will put this on list, and again, we'll try to stimulate some discussion. Moving on, is [inaudible] the examination of [inaudible]. Alan Greenberg, during the plenary, came up with a great idea, which is that we should examine past CEPs, take the good and reject the bad.

We had come up with something like this at our first meeting. And Kim Eisner had voluntary to generate a list of community participants in the CEP and past CEPs. We still don't have that list. I wrote the statement after the plenary, also asking to what extent can we get at some of the files of past CEPs?

Kind of make our own determination as to what worked and what didn't. Again, no response from ICANN Legal. So what I'm going to propose... I'm going to actually open this up for some discussion as to how we would want to go about reviewing past CEPs. But I do know we're going to need some cooperation from ICANN Legal.

So I'm going to speak with Leon Sanchez, who is the co-chair assigned to this group, and see if we can get some movement from legal on that. The value of examining past CEPs, the folks here believe that would be something that we should do. In which case, how do we do that? Let's say we get a list of community members that have been involved in the past CEPs.

How do we go about determining what worked, what didn't? I mean, we've seen, those of us in multiple WS 2 subgroups, have seen the problems of trying to create a survey. Should we try a focus group? Any ideas about how we go about examining the results of past CEPs, given the fact that the process is confidential, it is opaque, and my assumption is we're not going to be able to get into the actual records?

So, I'll open that to the floor, so to speak.

Okay. I don't have a good idea here. I think I prefer, I'll take my [inaudible] hat off, I would prefer to avoid the survey, only because in the RPM group in jurisdiction, I see a lot of time being spent, and I'm not sure we're going to actually get responses out of folks. Because that's been a problem with some of the other groups. Anna, I see your hand. Thank you.

ANNA LOUP:

This is Anna Loup for the record. I think, and I know surveys have had problems in previous groups, but possibly a survey focus group mix might be interesting, because then it would allow us to fill in gaps in the survey. But maybe getting that list first might be really helpful.

I'm also located in LA, so I don't know if that helps at all, sort of as a physical person who can move around. But I'm definitely able to, you know, if it needs to happen at ICANN offices, or anything, I can always help with that.

ED MORRIS: Okay. Under the old adage here of ICANN that he or she who makes the suggestion, winds up having ownership on it, would you like to take responsibility for this section moving forward and perhaps coming up with some ideas?

I will work with Leon to get a response out of ICANN Legal. Does that sound like a way forward here at least? Would that be okay?

ANNA LOUP: Yeah, I'm totally open to figuring out a good method to move forward on this. So, cool.

ED MORRIS: Fantastic. Okay, so this is, we may break the record for the shortest work stream two meeting of the year. I will take this to the list. Anybody else want to chip in? Avri, Cheryl, would you like to say anything? Give me advice as to how we can up participation.

Would anybody like to comment on anything at this point?

Okay. Seeing no hands, what I'm going to do is I'm going to take the discussion to the list. I'm going to bring up the structure negotiation proposed to see if we can get a reaction so folks here will chip in on the list. And I'll communicate with Anna and see if we can at least get some ideas going as to how we would do a survey or a focus group, and I will go forward and liaise with Leon and see how we can get a response out of ICANN Legal.

Does this sound okay? Any other suggestions or any other comments before we conclude?

Okay. I note in the chat, Anna said she'll look for alternative methods as well. It's too early for her to think of a unique message. Fine. All right. We had participation problems really from the start of this group, so I will make, on the plenary call tonight, I will make another plea to try to get some more members.

And again, if anybody has any thoughts as to how we can up the participation, I would love to know it. I have reached out to members of the community, I've been told, have participated in past CEPs. In the words of one member of the business constituency, it was such a horrid experience, the person didn't want to revisit.

Which is not exactly an endorsement of the current model. So, I will actually try to speak at the plenary tonight to recruit more members. We will go to the list, and I would ask folks, once you've thought about the things we've discussed briefly today, try to please participate on the list so we can try to get some discussion going.

So with that, unless there is an objection, I shall end the meeting. Thanks everybody. Good night, good day, good morning, and good afternoon.

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