#26

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, August 31, 2018 11:06:23 AM
Last Modified: Friday, August 31, 2018 11:10:07 AM
Time Spent: 00:03:43

Page 1

Q1 Proponent's Full Name* If this proposal is jointly developed by more than one Working Group member, please write the full names of all proponents involved.

Zak Muscovitch

Q2 What type of URS recommendation are you proposing? **Policy**

Q3 What URS recommendation are you proposing?* Please be succinct as well as substantially specific and not general in nature.* One proposal for one recommendation only.

Revise Paragraph 7 of the URS Policy to reflect the following additional provisions:

7.4 Each Provider shall publish their roster of Examiners who are retained to preside over URS cases specifically and identify how often each one has been appointed with a link to their respective decisions.

Q4 What is your rationale for the proposal? (250 words max)

The Policy does not adequately provide for rotation of panelists, as it only vaguely “to the extent feasible to avoid forum or examiner shopping”, pursuant to Paragraph 7.3. The issue is that the parties and the public are unable to determine to what extent such examiner appointments are truly random and well distributed, thereby depriving stakeholders and the public of effective oversight of this fundamental aspect of the procedure.

Q5 What evidence do you have in support of your proposal? Please detail the source of your evidence. (250 words max)

Rebecca Tushnet’s data shows that some particular examiners were appointed to as many as 29 cases, whereas others were appointed to only a single case. This has apparent discrepancy has not been adequately explained nor have any steps been proposed to address it. Moreover, without Ms. Tushnet’s data being available in the future on an ongoing basis (which is of course unlikely), it will be difficult to compile such data without the Provider’s themselves publishing it.

Q6 Where and how has this issue been addressed (or not) by the Working Group or the Sub Teams to date? (250 words max)

The issue of examiner appointment methods came up in surveys provided to the Providers, however the issue of satisfactory distribution and safeguards for same has not been addressed.

Q7 Does the data collected and reviewed by the Sub Teams show a need to address this issue and develop recommendations accordingly? (250 words max)

Ms. Tushnet's Data does address this issue.

Q8 If not already addressed above, on the basis of what information, gathered from what source or Sub Team, is this proposal based, if any? Please provide details. (250 words max)

n/a
