

## Memorandum

**From:** CCWG Legal Sub-team

**To:** Sidley Austin and Adler & Colvin

**Ref:** CCWG/SA/002

The CCWG Legal Sub-team requests that you review the different templates on the mechanisms and powers that are so far being discussed by the CCWG.

In the process of designing the mechanisms that will enable enhancing ICANN's accountability, the CCWG has tasked WP1 with building templates that contain the different mechanisms and powers that the CCWG considers need to be put in place to accomplish the goal of enhancing ICANN's accountability with those provisions that need to be put in place before the transition takes place.

In these templates you will find the following structure:

- a) Name of the mechanism
- b) Description
- c) Category (whether it is thought as a check and balance, review or redress)
- d) Possible outcomes (approval, re-do, amendment of decision, etc.)
- e) Conditions of standing (whether it's a last resort, the type of decision being challenged, etc.)
- f) Who has standing
- g) Which standards is the decision examined against (process, principles, other standards)
- h) Which purpose(s) of accountability does the mechanism contribute to?
- i) Required skillset
- j) Composition requirements like diversity, number of persons, independence, election/appointment of members and by whom, whether it is a recal or other accountability mechanism.
- k) Is the decision mandated or based on personal assessment?
- l) Decision made by consensus or vote?
- m) Majority threshold (if applicable)
- n) Cost requirements
- o) Timeframe requirements
- p) Language requirements
- q) Potential means to implement

Within these elements some may or may not apply to the particular mechanism being proposed.

The purpose of this review is to have your advice on whether the mechanisms being discussed are legally viable under current conditions and if not, what would be needed to make them legally viable?