

**Task Force on Countering Disinformation
State Courts Building, Phoenix
Meeting Minutes: March 17, 2020**

Members attending: Aaron Nash (Chair), MJ Abril (telephonic), Fredric Bellamy (telephonic), David Bodney (telephonic, arrived 10:23), Jessica Fotinos, Dawn Gilpin (telephonic), Eduard Goodman (telephonic, arrived 10:55), Joe Hengemuehler (telephonic), Patience Huntwork (until 11:11), Hon. Todd Lang (telephonic), Krisanne LoGalbo (telephonic), William Long (telephonic), Scott Ruston (telephonic), Deborah Schaefer (telephonic), Hon. Donald Watts (telephonic)

Absent: Hon. Bradley Astrowsky, Hon. David Fuller, Pete Dunn

Guests: Jesse Rutledge (telephonic), Amy Love (telephonic), Dave Byers

AOC staff: Alicia Moffatt

1. Call to order. The Chair called the meeting to order at 10:07 a.m.

The Chair welcomed guests and members and made administrative comments. Members have had difficulty coordinating workgroup meetings and making progress toward written recommendations, exacerbated by the recent COVID-19 developments. The Chair acknowledged recent challenges and concerns with meeting the October 1 deadline. Even in usual efforts, this stage of committee work is the most challenging – after the initial settling in and before the work of polishing and finalizing. Members are encouraged to keep meeting when possible and making steady, incremental steps toward completion.

Workgroup 2 and workgroup 3 leaders are converging on the same goals of research and recommendations and suggested combining into one workgroup going forward.

Motion: A member moved to combine the workgroups, with Jessica Fotinos and Krisanne LoGalbo sharing leader duties. After discussion, the motion was amended to add Judge Fuller to shared workgroup leader duties, matching the current status. The amended motion to combine workgroups 2 and 3 into workgroup 2 with Jessica, Krisanne, and Judge Fuller as leaders, was seconded and passed unanimously. The Task Force will move forward with a Workgroup 1 and a Workgroup 2. CDTF: 10.

2. Approval of minutes. The Chair called for corrections to the February 19, 2020 meeting minutes. None were offered.

Motion: A member moved to approve the minutes. The motion was seconded and passed unanimously. CDTF: 11.

3. Guest presenter. Jesse Rutledge, Vice President for External Affairs, National Center for State Courts

The Chair introduced Jesse Rutledge from the National Center for State Courts (NCSC). Jesse presented background and research information on trust and confidence in courts as well as information on disinformation. The NCSC started the nationwide effort to address disinformation campaigns against the judiciary and Arizona was on the front end of courts responding. The NCSC's efforts have been coordinated with the Center for Strategic and International Studies (CSIS).

Polling shows those under 40 years of age are much more likely to go to social media for information about courts and "under 40" is a large population and should be taken seriously in terms of judicial outreach. Social media examples were shown of verified Russian accounts, promoting disinformation as strategic messaging. However, foreign strategic messaging often reinforces or amplifies messages from actual U.S. citizens. Today's disinformation and strategic campaigns are not the poorly-spelled, incoherent messages of the past. They look and seem like what is being posted by Americans. Most viewers are still not fact-checking what they see online and take these biased messages at face value.

The NCSC's research recognized that free speech is a highly-regarded principle of the United States. However, many citizens agree with removing inauthentic social media accounts, such as Russian-based accounts posing as Americans. More than half of those polled agreed that foreign governments and "internet trolls" who post with intent to do harm do not have the same free speech rights as U.S. citizens. A member pointed out that the Constitution applies to the borders of the United States. It is less clear how it applies to messages that appear in the U.S. but that do not originate from here.

"Hamilton 68" is a free website that identifies key words and messages that have been connected to disinformation. Identifying the nature and source of disinformation is valuable when and where it can be done. The NCSC's work so far leads to the opinion voiced before that if disinformation is free speech, the solution is more speech – fighting disinformation with accurate information. Courts should focus on shared values. Messages that were effective included "more unites us than divides us" (74%) and "civics education reminds us of our shared values" (73%). To a lesser extent, but still a significant majority, the public responded to "the U.S. justice system is the envy of the world" (64%). More education about courts does not result in love for courts, but people do support big-picture American values like courts and the justice system after they have studied them.

The NCSC's studies have shown that people in the U.S. do not agree that disinformation is an issue, or they don't agree as to the extent of the problem. This disagreement in itself is a win for those sowing distrust and promoting a lack of confidence in the judiciary.

A member recommended that the Administrative Office of the Courts develop its own education on court procedures and the role of the courts for civics education. Another recommendation was, when judges are communicating with litigants directly, and in their written opinions, orders, and communications, to speak in terms of widely-held beliefs and opinions in U.S. principles. Most court users and members of the public are not familiar with either the big picture or the details of what courts do or why the courts' orders are important in our society.

The NCSC is working to establish relationships with the big social media platforms to establish open communication where the social media platforms can reach out to the NCSC and vice versa to share information about disinformation campaigns. Individual courts would remain the first responders, identifying issues and sharing information with the NCSC, which would act as a coordinator or ombudsman with the big social media platforms and back out to the states and courts with information.

For closing thoughts, Jesse emphasized that courts need to meet the public where they are, and that is online. Sharing positive messages on social media is an important part of the courts interacting with the public. Courts that are not communicating regularly online have already delayed for too long and they need effective strategies to meet people where they are. A social media presence requires resources to use it effectively – sharing messages that people agree with and not just limiting its use to posting irregular messages about closures or service outages.

4. Discussions. The Chair displayed the Codes of Conduct for judicial branch employees and for judicial officers, highlighted for those sections most relevant to the Task Force’s work. The Chair recommended the members review the highlighted sections when developing their recommendations. Where available, recommendations should point to specific citations in the Codes that complement the recommendations. If needed, members can suggest modifications to the Codes or propose new sections to accommodate recommendations. Additionally, members should review the Codes and provide the Chair with specific scenarios or questions for Judge Downie when she addresses the Task Force in May. The Chair then invited the workgroups to report their progress to the Task Force.

Workgroup 1. Dawn Gilpin advised the Task Force that Workgroup 1 is still analyzing responses from the survey and follow-up calls that the members made with survey respondents.

Workgroup 2. Jessica Fotinos updated the Task Force on the workgroup’s efforts. Jessica met with Kristy Roschke and toured the Cronkite school’s resources. The Task Force will hear from Kristy about the News Co/Lab and other information and resources at the April meeting. Whether the workgroup will further tour the school’s resources depends largely on the duration of the current social distancing recommendations.

Workgroup 3. Krisanne LoGalbo presented the workgroup’s progress to the Task Force. After hearing from subject matter experts, the workgroup is not recommending the pursuit of state or local legislation. The workgroup continues to pursue education opportunities, and this will be the focus of the combined workgroups going forward, including assessing the ages, grades, and populations of those for whom the programming will be developed.

Guest. Administrative Office of the Courts Director, Dave Byers addressed the Task Force. Mr. Byers thanked the Task Force for its work, provided background on Arizona’s participation in the effort, and encouraged the Task Force in continuing its first-in-the-nation efforts, recognizing the challenge in creating something new and pointing out that these first efforts will help guide and instruct others around the nation. Mr. Byers pointed out educational resources that are already in place and that could be leveraged or supplemented in the Task Force’s efforts. Those include LawforKids.org, which reaches more than 100,000 children, teachers, and parents each year; and LawforSeniors.org, and LawforVeterans.org.

5. Roadmap. The Chair encouraged members to draft recommendations to present to the Task Force, using the minutes, Codes of Conduct, and other materials presented to date. Upcoming presentations include representatives from Arizona State University and the Federal Bureau of Investigation.

6. Call to the public. The Chair made a call to the public. None responded.
7. Adjournment. The meeting adjourned at 12:01 p.m.

Next meeting: Wednesday, April 15, 2020, beginning at 10:00 a.m.
Arizona State Courts Building, Conference Room 345 A/B
1501 W. Washington St., Phoenix, AZ 85007