

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

**Members attending:** Aaron Nash (Chair); MJ Abril (telephonic); Hon. Bradley Astrowsky (telephonic), Fredric Bellamy (telephonic); Susan Dzbanko (telephonic, joined 11:11); Jessica Fotinos (telephonic, joined 11:10); Hon. David Fuller (telephonic); Dawn Gilpin (telephonic); Eduard Goodman (telephonic); Joe Hengemuehler (telephonic); Patience Huntwork (telephonic); Hon. Todd Lang (telephonic, arrived later); Krisanne LoGalbo (telephonic); Scott Ruston (telephonic); Deborah Schaefer (telephonic)

**Absent:** David Bodney, Pete Dunn, Hon. Donald Watts

**Guests:** Elizabeth Parker (telephonic); Lori Ford (telephonic)

**AOC staff:** Alicia Moffatt

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

The Chair welcomed guests and members and made administrative comments.

2. Approval of minutes. The Chair called for corrections to the May 20, 2020 meeting minutes and pointed out a change that was made to the draft for clarity. Members discussed the content of the paragraph that followed the motion about the Rapid Response Team. Changing the Rapid Response Team “model” to “recommendation” and leaving the following paragraph unedited met the concerns.

Motion: A member moved to approve the minutes as modified. The motion was seconded and passed unanimously. CDTF: 15.

3. Discussions. The Chair welcomed workgroups 1 and 2 to update the members on their progress.

Workgroup 1. Judge Astrowsky updated the members on Workgroup 1’s efforts. More survey information was received, and a consistent data point remains that it is difficult to tell misinformation from disinformation, even given a definition of disinformation. A challenge is determining intent, which often is the deciding factor on whether information is inaccurate or meant to deceive and disrupt. Workgroup 1 will invite other members for input on how to format the developing results. The direction of the workgroup’s recommendations has not changed from responding to misinformation and disinformation with accurate information and education.

Patience Huntwork presented information about comparative data, which arose during her survey response discussion with Justice Montgomery. Stakeholders, such as criminal justice reform groups, have in the past reported criminal justice data that did not match data from other sources. When those groups do not consider or coordinate data, or report erroneous data, the results can be at least confusing, and can be deceptive or divisive as well. When basing policy

and funding decisions on data, as well as when seeking trust and confidence in courts, it is important that information be vetted, accurate, and reliable.

In the comparative data discussed at the Task Force meeting, a report cited data related to the Arizona Department of Corrections, seeking criminal justice reform based on that data. However, it is believed that the Department of Corrections lacks a person dedicated to compiling, maintaining, and providing data, such as that contained in the report. Court data is inextricably intertwined with corrections data, as is law enforcement, probation, and other agency data. The larger category of “criminal justice data” is valuable in tracking and monitoring government statistics and for making informed decisions, and the accuracy of that data is key to making effective decisions. The members discussed ways to accomplish these goals, including agencies that could be involved and funding for those efforts. The Chair agreed to prepare a draft recommendation for the members, based on the discussion.

Workgroup 2. Krisanne LoGalbo presented a recommendation that the Task Force reach out to the National Center for State Courts and the American Board of Trial Advocates, a national association of lawyers and judges, as a potential network for identifying, responding to, and removing disinformation about courts.

Motion: A member moved to include the recommendation in the Task Force report. The motion was seconded and passed unanimously. CDTF: 16.

Judge Fuller mentioned that Workgroup 2 will hear from Jennifer Castro, a local resource with the Arizona Foundation for Legal Services and Education who has connections to local and national civics education and speakers. The materials she has access to are already developed for presentations to high school and middle school-age groups. Judge Fuller wants to broaden the scope of the OurCourtsAZ program without reinventing the wheel if there are opportunities to share resources. OurCourtsAZ may be able to develop into a kind of clearinghouse for presenters on civics and courts. Members discussed the value of incorporating more virtual learning opportunities, like many courts have done throughout the COVID-19 pandemic. Schools could also be looking for remote content and presentations on these topics as well.

Patience Huntwork presented a recommendation for a long-term study of disinformation to be performed by a national/local network. Based on discussion from the May Task Force meeting, this national/local group could perform ongoing monitoring of disinformation, likely through the Public Information and Messaging workgroup of the Arizona Supreme Court’s Commission on Access to Justice. The monitoring group and rapid response team would likely have members in common and could work together to identify and respond to disinformation campaigns, identifying areas of potential vulnerability and maintaining on-going measures of transparency and messaging, including routinely reporting to the American Bar Association, or Congress, or the National Conference of Chief Justices, so there would be constant messaging back to those responsible.

After discussion, the members agreed to table the recommendation until the next meeting. The Chair will contact the National Center for State Courts regarding what options may be available, including a way to partner with national and local groups. The Chair will update the

recommendation language based on a follow-up discussion with the National Center and report back to the Task Force in July.

Patience Huntwork presented a recommendation to use the Judicial Performance Review (JPR) website as a platform for merit-selected judges to post a personal statement or to respond to allegations during a campaign. Responses are allowed under the Code of Judicial Conduct and the JPR website would be one place for posting responses. The members discussed how this recommendation might operate in practice, the extent to which it might be used, and that the JPR website is only available to judges who stand for retention elections, not those elected by popular vote. Complementary links were encouraged. For example, a link from a judge's biographical information on the local court's website, if any, to the JPR website and from the JPR website to the judge's biographical information on the local court website. The Chair agreed to research whether the JPR website address or supplemental language about JPR can be included directly on voters' ballots. [See "JPR note" following these minutes]

The members agreed that if the JPR website can be used for personal statements and responses, the decision to participate would be left to individual judges. No Rapid Response Team or other groups or individuals would post on behalf of a judge who opted for no response.

A member made a motion related to the original form of the recommendation as presented to the Task Force. After discussion about separating the original recommendation into two distinct recommendations, the member withdrew the motion.

Motion: A member moved to include a recommendation in the Task Force report that the Judicial Performance Review website be available for merit-selected judges to post a personal statement or to respond to misinformation and disinformation attacks. This was paragraphs one and two of the recommendation included in the June 2020 meeting materials. The motion was seconded and passed unanimously. CDTF: 17.

Motion: A member moved to include a recommendation in the Task Force report that the Arizona Code of Judicial Conduct be amended to affirmatively state a judge's ability to respond to attacks on the judge's reputation. This was paragraph three of the recommendation included in the June 2020 meeting materials, with language modifications approved by the members during the meeting. The motion was seconded and passed unanimously. CDTF: 18.

Additional comments. The members commented on recent and ongoing protests related to the May 2020 death of George Floyd in Minnesota. Discussions included the need for courts to communicate about and uphold equal justice and what individual courts have done and can do to maintain public confidence in the judiciary. Highly emotional and potentially divisive events like this are fertile ground for disinformation campaigns and attacks against the government structure in the U.S. Anything judges, court staff, and courts as entities can do to promote communication and outreach and to join with the public should help to remind all about the value of courts and where we can improve.

A member suggested including a section in the final report and recommendations discussing how misinformation and disinformation evolved around COVID-19, the racial

equality protests, and the presidential election in the time since the Task Force was established and how those events informed the Task Force's work.

4. Call to the public. The Chair made a call to the public. Lori Ford addressed the Task Force.

5. Roadmap. The Chair encouraged members to complete recommendations to allow the Task Force to use July and August to finalize recommendations, narrow language, and prepare a draft that can be circulated for input, allowing the Task Force to complete a final report before the October 1 deadline.

The Task Force discussed members who can work on outstanding items from the Administrative Order establishing the Task Force.

A comparative list of the Administrative Order's direction and their status with the Task Force follows these minutes. [See "Task Force status" following these minutes]

6. Adjournment. The meeting adjourned at 12:37 p.m.

Next meeting: Wednesday, July 22, 2020, beginning at 10:00 a.m.  
Arizona State Courts Building, Conference Room 230  
1501 W. Washington St., Phoenix, AZ 85007

#### **JPR note**

The words "For More Information Visit: [www.azjudges.info](http://www.azjudges.info)" is on every page of the JPR Section of the Secretary of State's (AZSOS) publicity pamphlet, in English and Spanish. A link to the Publicity Pamphlet (English and Spanish) is on the AZSOS website. The AZSOS agreed to move the Judicial Performance Review section to the front of the 2020 Publicity Pamphlet, and the findings of the JPR Commission will be located at the beginning of the pamphlet, right after the general information section, rather than in the back of the pamphlet where it has been in past years.

Each of the County Recorder's offices prints and mails out ballots for their respective counties. For consistency, adding information directly to the ballot would require agreement from the four counties that participate in merit selection and retention elections, as well as each county that gets added to the merit selection and retention system in the future.

In Maricopa County, the Elections Department includes an insert that is sent to registered voters along with the actual ballot, where voters are directed to visit the "Candidates and Committees" section of the materials for more information about candidates, propositions, judges, etc. A link to the JPR home page ([www.azjudges.info](http://www.azjudges.info)) will be located on that page, allowing Maricopa County voters to find more information about the judges on their ballot.

**Task Force status**

<b>Arizona Supreme Court Administrative Order 2019-114</b>		
<b>AO Directive</b>	<b>Status</b>	<b>Recommendation</b>
<p><b>a.</b> Review examples of disinformation and misleading campaigns targeting the U.S. and Arizona justice systems</p>	<p><b>Recommendation pending:</b> WG1 based on survey. <b>Ongoing.</b> Needs documentation.</p>	<p>WG1 recommendation will address survey, background, follow-up calls. May include graphs, other in recommendation or as appendix material.</p> <p>Needed: Anonymized survey results; section on COVID-19, racial justice protests, and elections disinformation and lessons learned; appendix items needed.</p>
<p><b>b.</b> Consider the need for local and national responses and information sharing related to disinformation and ways to communicate accurate information</p>	<p><b>Recommendation approved:</b> Rapid Response Team. <b>Recommendation pending:</b> Multiyear National/Local study. Huntwork/Nash <b>Recommendation approved:</b> JPR website for responses and communication. <b>Recommendation approved:</b> Modify ACJC.</p>	<p>RRT approved 5/20/2020</p> <p>National/Local study recommendation pending for 7/22/2020</p> <p>JPR website recommendation approved 6/17/2020</p> <p>ACJC modification recommendation approved 6/17/2020</p>
<p><b>c.</b> Consider a centralized point of contact to assist in identifying disinformation and having it removed while respecting individual opinions and First Amendment rights</p>	<p><b>Recommendation approved:</b> NCSC and ABOTA as centralized point of contact.</p>	<p>NCSC/ABOTA approved 6/17/2020.</p>

<p><b>d.</b> Consider state or local legislation that would require foreign agents to identify their content to the public</p>	<p><b>Recommendations approved (two)</b></p>	<p>1. No additional legislation recommended. 2. Approach a state agency to draw-down AZ info from federal FARA list.</p>
<p><b>e.</b> Propose approaches to public education and communication that accurately reflect the roles and processes of courts</p>	<p><b>Pending.</b> Fuller, Fotinos, LoGalbo, Bellamy, All</p>	<p>Recommendations needed re: OurCourtsAZ, network of education and outreach, civics, K-12 programs, use of PIOs and internet, more</p>
<p><b>f.</b> Suggest technology and resources that can identify disinformation campaigns early enough to counter them with accurate information</p>	<p><b>Pending.</b> Fotinos, Goodman.</p>	
<p><b>g.</b> Identify public and private individuals and organizations that could share information to identify disinformation and respond with accurate information</p>	<p><b>Appendix items needed.</b> Recommendations in this category will appear in recommendations under Directive sections (c) and (e).</p>	<p>Need appendix items, such as Yonder, the service demonstrated at the Task Force meeting on 2/19/2020</p>