

**Task Force on Countering Disinformation
State Courts Building, Phoenix
Meeting Minutes: July 22, 2020**

Members attending: Aaron Nash (Chair); Fredric Bellamy (telephonic); Jessica Fotinos (telephonic); Hon. David Fuller (telephonic); Dawn Gilpin (telephonic); Joe Hengemuehler (telephonic); Patience Huntwork (telephonic); Hon. Todd Lang (telephonic); Krisanne LoGalbo (telephonic); Scott Ruston (telephonic); Shelly Bacon, proxy for Deborah Schaefer (telephonic)

Absent: MJ Abril; Hon. Bradley Astrowsky, David Bodney, Pete Dunn, Susan Dzbanko, Eduard Goodman, Hon. Donald Watts

Guests: Elizabeth Parker (telephonic)

AOC staff: Alicia Moffatt

1. Call to order. The Chair called the meeting to order at 10:03 a.m.

The Chair welcomed guests and members and made administrative comments. The FBI's presentation previously scheduled for today had to be postponed due to in-person protocols. The Chair will advise the FBI contact that the Task Force can schedule an in-person presentation with social distancing and other safety precautions to enable a presentation before the October 1, 2020 final report and recommendation deadline if that would meet the FBI's timeframe and protocols. In the alternative, the FBI offered to present in-person when protocols do allow, even if that would take place after the Task Force's October 2020 term expires.

2. Approval of minutes. The Chair called for corrections to the June 17, 2020 meeting minutes and none were offered.

Motion: A member moved to approve the minutes. The motion was seconded and passed unanimously. CDTF: 20.

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

Workgroup 1. The Chair introduced Workgroup 1's draft report and recommendation, which is the workgroup's analysis of the judicial branch survey. Consensus was that the report should reflect that the survey was not a survey of the public, litigants, traditional media or others, but was designed for and administered to judicial officers and courts to develop a baseline understanding of disinformation awareness and the impact of it on judicial officers and courts. The narrative portion of the draft explains what the survey was and was not, and adding the agreed statement will further clarify the survey's intent.

Dawn Gilpin suggested, and the task force agreed, that the table in the draft will be moved to the report's appendix section, so as not to detract from the narrative content.

Patience Huntwork asked to revisit a portion of the draft that concluded the task force did not see any disinformation hotspots. Patience has done research that might affect the language

used in that section and her research might form an additional appendix item or be useful in other sections of the report and recommendations. Her research includes websites that encourage voting against all judges and that the intent could be to intimidate judges.

A member suggested, and the task force agreed, to include an explanation in the report and recommendations that some court proceedings, portions of those proceedings, and related court records may be nonpublic by rule, statute, or order and that those directives vary state-to-state and sometimes case-by-case. The task force wants to acknowledge that some groups and individuals do not agree with which case types, proceedings, and records are closed to the public and to acknowledge that others do not know that there are limits, restrictions, and other directives that allow or require cases or records to be closed in whole or in part.

A member suggested referencing the Arizona constitution's directive that court proceedings are presumptively open and that closed proceedings are the exception. Likewise, Arizona's supreme court rules state that court records are presumptively open, with statutes and rules providing most of the exceptions. It was also noted that this structure of public and nonpublic access gets modified with changes in rule, law, and procedure over time and as required in individual cases. Judicial officers applying the requirements in individual cases should not be characterized by the public as rogue or indifferent actions, but as following the law. Another member suggested referencing Arizona's Supreme Court Rules 122, 122.1, and 123 as Arizona examples of how access to records can be requested, even when presumed to be nonpublic. The Chair will draft a section synthesizing this input for the task force's consideration.

Members suggested language changes and those edits were made in redline during the meeting. The Chair will make the edits and distribute to a small group of members for further review before sending to task force members. Task force members are asked to work with their workgroups to develop a redline of workgroup 1's draft for further review and approval at the August task force meeting.

With the apparent gun violence targeting of a federal judge in New Jersey and the death of her son and wounding of her husband during the attack earlier in the week, a member suggested expressing the task force's deep concern with the possibility of future violence against judges that could result from widespread mistrust of courts and judicial officers, particularly because there are in-person and online subcultures that promote the vilification of judges. The concern is the potential for violence when individuals cross the line beyond protest and complaint into illegal action. Dawn Gilpin and Patience Huntwork will coordinate language for the report and recommendation.

Based on this being the first time the task force reviewed Workgroup 1's recommendation, the input will be incorporated into the draft and returned to Workgroup 1 for further review before bringing it back as a recommendation.

Workgroup 2. Judge Fuller explained the history and background leading to a redrafted recommendation related to the Our Courts AZ (OCA) educational program. Judge Fuller's initial approach to the OCA curriculum was to update what the Administrative Office of the Courts had already created. In reviewing, he found that many others were doing civics education that the courts could partner with and share materials, approaches, and presenters. These findings change the approach to this recommendation from earlier discussions.

Research revealed that school teachers need marketing and outreach to expand their civics education and they would welcome judicial branch representatives into their civics and

government classes. Likewise, courts want to stay connected to students and educators at all levels and with non-scholastic organizations, which had been the usual population for OCA presentations in the past.

Presentations about courts through OCA envisions more use of virtual platforms and the timing is good for that because schools are doing more online as a result of the pandemic. The redesign team proposed in the recommendation would look at all aspects of the OCA program, including the multimedia platforms that could be used. The concept involves presentation materials (slide decks, videos, talking points, etc.) kept internally for judicial branch members who will be presenting, and informational and educational materials made available to the public over the internet. The current OCA program was originally presented to the presiding judges and court administrators to use and promote, but that model has not produced the hoped-for results. The redesign is anticipated to review and improve the use and distribution of updated information and materials.

Guest Elizabeth Parker presented the task force with background on civics instruction in the U.S. Over decades, funding for civics education in schools has greatly diminished while funding for Science, Technology, Engineering, and Math (STEM) has greatly increased. One effect of this reduction of focus on civics has been that today's teachers might have received limited civics education during their own schooling and professional development. A national, cross-partisan coalition called CivXNow (<https://www.civxnow.org/>) has made great strides in making civics material available, and she suggested leveraging the work they have already done. Parker also noted that having judicial branch members in the classroom can boost a teacher's confidence and interest in the material, too. Another member noted that the lack of civics education nationally means that parents and families would benefit from civics information, too, and the redesigned OCA program should find ways to reach them.

Krisanne LoGalbo stated that the courts' liaison to the public is often the traditional media and new reporters or journalists newly reporting on courts may have reporting needs that vary from basic to advanced. Her court in Pima County was planning a workshop for the media before the pandemic that would include overviews of terminology, court rules, and procedures and that would answer the most frequently asked questions or most commonly misunderstood aspects of courts. Given recent business modifications, this media workshop can be redesigned as a virtual event, allowing it to take place more often and to be open to more people at once, including a statewide audience. LoGalbo will send the Chair language for how to specifically include this recommendation in one of the already-approved recommendations for the report.

Motion: A member moved to include the recommendation in the Task Force report. The motion was seconded and passed unanimously. CDTF: 21.

4. Call to the public. The Chair made a call to the public. No comments were received.

5. Roadmap. The Chair recognized and congratulated member Dawn Gilpin who was recently promoted to a Directorship at Arizona State University. Gilpin updated the task force on her new responsibilities.

The Chair will distribute a draft of the report and recommendations to a subgroup of the task force for review before the August meeting. That workgroup will suggest edits so that an updated draft can be considered and redlined by the task force workgroups at their next meetings.

The full task force can review the latest draft during the August Task Force meeting. The draft coming out of the August meeting will be circulated to stakeholder groups for further review and suggestions, which will be incorporated into an updated draft.

The post-stakeholder draft will be further reviewed and edited at the task force's last regular meeting in September, at which time the Chair will make final edits for a final draft to be submitted to the Arizona Judicial Council by the October 1, 2020 deadline.

A member asked if the task force might be extended beyond October 2020. The Chair advised that the extension of a task force is at the Chief Justice's discretion. More often, subgroups of a task force are created for following up on task force recommendations. For example, to redesign the Our Courts Arizona program, to track disinformation campaigns, or to take part in long-term, national studies.

The Chair updated the members on a recent seminar on cybersecurity and disinformation, presented by the National Center for State Courts. Several task force members attended the virtual seminar. It provided real-world scenarios to work through and provided a planning playbook for courts. The Chair will ask if any of the seminar materials can be included in the final report and recommendations. If not, for propriety or other reasons, a summary of the seminar and overview of the materials can be included.

6. Adjournment. The meeting adjourned at 12:21 p.m.

Next meeting: Wednesday, August 19, 2020, beginning at 10:00 a.m.
Arizona State Courts Building, Conference Room 230
1501 W. Washington St., Phoenix, AZ 85007
Link for remote audio/video attendance to be provided