

**Task Force on Countering Disinformation  
State Courts Building, Phoenix  
Meeting Minutes: December 20, 2019**

**Members attending:** Aaron Nash (Chair), Hon. Bradley Astrowsky (proxy MaryJane Abril attended telephonically), Fredric Bellamy, Pete Dunn (telephonic), Jessica Fotinos, Dawn Gilpin, Eduard Goodman, Hon. David Fuller, Patience Huntwork, Hon. Todd Lang (telephonic), Krisanne LoGalbo, William Long (telephonic), Scott Ruston, Deborah Schaefer (telephonic), Hon. Donald Watts (telephonic)

**Absent:** David Bodney (notified chair), Joe Hengemuehler (notified chair), Sean Gibbs (withdrew from Task Force)

**Guests:** Elizabeth Parker (telephonic), Lori Ford, Justin Pazera, Linda Arters, Bill Loughing, Patricia Swanson, “Jean”

**AOC staff:** Alicia Moffatt

1. Call to order. The Chair called the meeting to order at 10:05 a.m.

The Chair welcomed members and introduced MaryJane Abril, who attended as Judge Astrowsky’s proxy. MaryJane was recommended to the Chief Justice to fill a vacancy created by Sean Gibbs’ need to withdraw from the Task Force. The Chair advised the Task Force that the final report and recommendations will likely include areas of consensus and areas of disagreement or minority viewpoints – this is typical of reports and recommendations.

2. Approval of minutes. The Chair called for corrections to the November 19, 2019 meeting minutes. David Bodney’s attendance was referenced twice on page 1 and a plural needed to be made singular on page 3.

Motion: A member moved to approve the minutes as amended. The motion was seconded and passed unanimously. CDTF: 03

3. Discussions. The Chair invited workgroups to report their progress to the Task Force.

Workgroup 1. Dawn Gilpin presented the members the email and survey language prepared by the workgroup. The workgroup proposed keeping the task force definition of disinformation but using an alternative definition in the survey without “misinformation” to get more robust survey responses. Task force members discussed which phrasing to use, based on the intent of the survey, and whether to add one or more questions or to add language to an existing question.

Motion: Ms. Huntwork moved to use the Task Force definition of disinformation in the survey, with the addition of “or public officials.” The motion was seconded and passed on a vote of 11 in favor, 1 opposed, and 2 abstaining. Approved language appears below. CDTF: 04

False, inaccurate or misleading information that is deliberately spread to the public with the intent to undermine the democratic process, sow discord, profit financially, or create distrust of government institutions or public officials. Disinformation should not be confused with misinformation, which is false information shared by those who do not recognize it as such, or with legitimate criticism, protest or censure of government actions, institutions or processes.

Motion. Ms. Huntwork made a motion to add a question to the survey to capture whether the respondents' experiences were with disinformation, misinformation, or if they were unsure. After discussion, the motion was tabled to allow the other workgroups to present their reports. After the lunch recess, the motion was withdrawn. CDTF: 05

Workgroup 2. Jessica Fotinos presented the workgroup's progress to the Task Force. An initial request was to create an information repository where workgroup and Task Force members can post resources and information, rather than using email and to minimize the number of emails. Some resources are large and cannot be transferred over email because of file size limitations. The Chair discussed court-hosted and external options and the advantages and disadvantages of each. Members agreed that the Administrative Office of the Courts (AOC) would create an option for the members to test and provide instructions in using the repository. Members should not place nonpublic or confidential work product in the information repository.

Workgroup 2 requested that the Task Force's final report and recommendation be drafted in both English and Spanish.

Workgroup 2 is breaking its charges into three concepts: assess and report on local and national responses and information sharing related to disinformation; ways to communicate accurate information; and identifying public and private individuals and organizations that could share information that would assist in identifying disinformation and being able to respond with accurate information. The workgroup's focus is on education and the ability to share legitimate resources – working with the public to engage in fact checking and pointing people in the right direction for trustworthy sources of accurate information. A member noted that some records and proceedings are nonpublic or confidential and to maintain trust and confidence it is important for the public to know the reasons for what is public and nonpublic.

The workgroup presented the following initial recommendations:

- That every court have a social media presence. This gives the court an online presence that can quickly respond to issues or events with accurate information.
- Each court should have a public information officer or a chain of command for the person or people who will be responsible for responding to questions and disinformation.
- Prepare an employee guide, giving suggestions for when to respond to disinformation and when responding might further spread inaccurate information and cause more harm or confusion than good.

- Prepare a toolkit, similar to a crisis communications plan or a continuity of operations plan, including how to interact with the media during a disinformation event. The toolkit could be part of judicial education classes or materials.
- Establish a rapid response team to counter disinformation. Suggestions included partnering with the State Bar, the Administrative Office of the Courts, the in-state law schools, nonprofits, the media, and the Cronkite School of Journalism for an entity that would host the team. To avoid potential conflicts or the appearance of being “defenders of the court”, the rapid response team should be composed of lawyers, nonlawyers, academics, and retired judges – experts who can speak to the law and processes and procedures and put things into the context of civics and roles in government. Accurate information is the best way to counter disinformation.
- To counter distrust of traditional media and the growth of online information, establish relationships with local journalists and non-media resources to stay connected to where people are getting their information.

The workgroup will reach out to Arizona State University’s News Co/Lab, a program focusing on disinformation, misinformation, and media literacy. There may be one or more people involved who can present information to help guide the Task Force and the workgroup will see if they can get a more hands-on view of the News Co/Lab’s work and processes.

A member suggested that a judge join Workgroup 2 and that the workgroup look into whether the Code of Judicial Conflict needs updates to match the current cultural climate and judicial officer’s ability to respond more directly to disinformation and misinformation.

Email and survey. On return from the lunch recess, the Task Force revisited Workgroup 1’s survey language and its accompanying email. A member withdrew an earlier motion to add a question to the survey.

Workgroup 3: Judge Fuller presented the workgroup’s progress to the Task Force. The workgroup discussed a rapid decline in civil discourse, where people are more willing to fight and name call, and often from behind an anonymous online presence. The trend appears to be away from debate and asking questions and more toward an “echo chamber” of like beliefs and opinions. The workgroup agrees the Task Force direction should be toward accuracy and education.

The workgroup discussed a federal policy from the 1990s and whether internet service providers should have some responsibility for the content of ads they host. The workgroup made the following initial recommendations:

- May 1 is Law Day. While the national topic is the 100<sup>th</sup> anniversary of the 19<sup>th</sup> Amendment giving women the power of the vote, courts should use Law Day as an opportunity to stress that courts protect rights are open to the public, regardless of the individual’s status.
- Using the AOC’s existing “Our Courts AZ” community education materials, update them with information about disinformation.
- Establish an ombudsman role to be a point of contact for judicial branch disinformation campaigns. The workgroup recommended the National Center for State Courts fill this

role. Ms. LoGalbo noted that she has reached out to Jesse Rutledge and Mark DiVincenzo at the National Center about this recommendation.

- Education should include the media literacy point of checking directly with sources and not relying on headlines that could be from internet bots.
- Add prominent language to standardized court forms and other court-produced documents directing people to verify information from official court records. For example, a header or footer with language like: “To verify the accuracy of this document, contact the court named above/below.”
- To the extent possible, use electronic certification to verify that copies accurately reflect the original on record with the custodian.

Task Force members agreed to pursue technology resources through the News Co/Lab and other sources and share their findings with the workgroups and Task Force.

Because of the crossover in content and each workgroup’s emphasis on education, Judge Fuller recommended disbanding Workgroup 3 and combining it into the other workgroups. There being no objection, Workgroup 3 members will join one or more of the remaining workgroups. Workgroup 2 will absorb “Suggest technology and resources to identify disinformation early enough to counter with accurate information” and Workgroup 4 will absorb “Centralized point of contact to identify disinformation and have it removed, while respecting individual opinions and First Amendment rights.”

Workgroup 4. Krisanne LoGalbo presented the workgroup’s progress to the Task Force. The workgroup reviewed a national survey of legislative efforts in this area. Judge Watts has a contact who may be able to do a survey of Arizona state and local laws in this area. One example of the research was a California senate bill (1424) from 2018 that would have allowed an advisory group to study disinformation and recommend solutions, however the bill was vetoed as unnecessary, given that stakeholders can form on their own without legislative dictates. The workgroup will meet with Jerry Landau, the AOC’s Government Relations Director, in February to discuss options, the Arizona political climate in this area, and for further direction on legislative options.

The workgroup discussed options for education and outreach. As part of the workgroup’s ongoing research, Ms. LoGalbo contacted members of the Conference of Court Public Information Officers for examples of disinformation and whether any courts have a rapid response plan for countering disinformation or responding to conflicts. The workgroup is looking at how K-12 schools use resources and social media to learn. Ms. Gilpin suggested there are three categories of education taking form with the Task Force: internal judicial branch education, external education with the public about disinformation, and external education with the public about civics. Task Force members were encouraged to adapt existing resources for use in Arizona, to maximize what has potential.

The workgroup made the following initial recommendations:

- The news literacy project (<https://newslit.org/>) may be a good resource for the public.
- One or more educational videos about disinformation. These could be shown to jurors when they are in waiting rooms, placed on court websites, distributed through social

media, and provided to schools. Ideally, the AOC's education services division would produce the video(s).

- A style guide for courts that can do this on their own or through their city or county. Otherwise known as branding, using a unique collection of fonts, colors, styles, and seals, this consistency helps fakes and doctored records stand out as inconsistent with the court's standards.
- Create language that courts can include on their hold messages, where available. Something that directs people to where they can find accurate, verifiable information about courts.
- Once education and outreach materials are prepared, provide a mini-guide online and in pamphlet form that could be available at law libraries, self-help centers, and through other partners in the community.
- Partner with Justice Sandra Day O'Connor's iCivics online platform and Camp O'Connor as outreach and education efforts.
- Adapt Pima County's 7-week "Courts R Us" program into education and outreach materials that can be used statewide.
- In designing materials, consider a broad range of skills, abilities, and understanding, to make the materials consistent and easy to understand.

Ms. LoGalbo requested clarification on the effect of Supreme Court Rule 123(e)(6). The Chair stated that the AOC's legal counsel reviewed the rule and interpreted it as making workgroup materials and resources nonpublic as long as they remain with the workgroup. Information, documents, and materials presented at a public Task Force meeting become public records at that point. Information, documents, and materials not presented at a public Task Force meeting remain nonpublic.

Email and survey. After the workgroups finished reporting, the Task Force returned to discussing the survey and its accompanying email.

Motion. A member moved to add "Arizona" to the email subject line to read "Arizona Supreme Court Task Force Survey." The motion was seconded and passed unanimously. CDTF: 06

Task Force members discussed survey questions 1 and 3, including alternative language suggestions, opting to leave question 1 ("Have you observed what you believe to be disinformation activities concerning the Arizona or U.S. justice systems?") unchanged.

Motion: Ms. Fotinos moved to include a change to survey question #3. She moved to accept the survey language with the following amendments: Use the Task Force definition of disinformation in the survey, with the addition of "or public officials" (moved and approved earlier in the meeting) and use question #3 with the addition of "or about which you are uncertain," at the end of the first sentence. The motion was seconded and passed unanimously. Approved language for question #3 appears below. CDTF: 07

“Please describe your experience with what you believe to be disinformation or about which you are uncertain, in the box below. Your response will be anonymous unless you indicate otherwise below.  
[Text Box]”

4. Roadmap. The Chair encouraged members to continue their workgroup meetings and to get future meeting dates on their calendars sooner than later to block them from other commitments. Workgroups can start drafting and compiling their recommendations as they progress, rather than trying to revisit or remember what they recommended earlier. Members were encouraged to schedule presenters for the Task Force while it is still in the research and review stages. With today’s approved changes, Workgroup 1 can proceed with the logistics of sending the survey and compiling the results.

5. Call to the public.  
Linda Arters submitted a form to speak but had to leave before the call to the public. Lori Ford, Malinda Sherwyn, and Patricia Swanson addressed the Task Force.

6. Adjournment. The meeting adjourned at 2:15 p.m.

Next meeting: Wednesday, January 15, 2020, beginning at 10:00 a.m.  
Arizona State Courts Building, Conference Room 230  
1501 W. Washington St., Phoenix, AZ 85007