

**Task Force on Countering Disinformation
State Courts Building, Phoenix
Meeting Minutes: November 18, 2020**

Members attending (telephonic unless otherwise noted): Aaron Nash (Chair) (in person), Fredric Bellamy, Hon. David Fuller, Eduard Goodman, Patience Huntwork (in person), Krisanne LoGalbo, Scott Ruston, Deborah Schaefer

Absent: MJ Abril, Hon. Bradley Astrowsky, David Bodney, Pete Dunn, Susan Dzubanko, Jessica Fotinos, Dawn Gilpin, Joe Hengemuehler, Hon. Todd Lang, Hon. Donald Watts

Guests: Lori Ford

AOC staff: Alicia Moffatt

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

The Chair welcomed members and made administrative comments.

2. Approval of minutes. The Chair called for corrections to the September 16, 2020 meeting minutes; none were offered.

Motion: A member moved to approve the minutes. The motion was seconded and voted on but on review after the meeting, failed for lack of a quorum. The September 16, 2020 minutes will be tabled until a quorum vote can be attained.

3. Discussions. The Chair and members discussed the Arizona Judicial Council (AJC) presentation and vote from October 2020. The AJC approved moving forward with all the Task Force's recommendations, which includes extending the Task Force through calendar year 2021. One member of AJC recommended that the Task Force's efforts could be bolder in their approach, to more appropriately respond to the level and intent of disinformation campaigns against the judicial branch. **The Chair requested that members email the Chair by November 30, 2020 if they would like to continue on the Task Force for the extended term.**

The members reviewed the recommendations document that was provided in the meeting materials. Recommendations were grouped by recommendation number from the Report and Recommendations into recommendation clusters. **The Chair requested that members email the Chair by November 30, 2020 with the recommendation cluster groups on which they would like to initially work.** A member noted that, much like the original efforts of the Task Force, members will continue to consolidate and join efforts until all recommendations are complete.

Recommendation cluster groups (5 initial groups for members to select from):

Task Force group 1: Online/social media projects (Recommendations 4, 5, and 6)

The AOC requests the Task Force to first recommend survey questions the AOC can send court administrators regarding the issues in recommendations 4-6. A short, one-time survey based on what the task force will later recommend (can you post to your court's website within x hours or do you need to request posting through another department or entity, does your court accept payments online, etc.). Before developing the survey or doing independent research, check with AZCourtHelp.org, where much of this research may have already been completed (Cathleen Cole is a contact). The AOC can make a statewide announcement encouraging courts to officially designate their court's designee for the PIO function. May need AOC maintenance as people and positions change. Task force members to document what exists currently and provide a report on each court's website URL. AOC will house the list for future reference. Task force members to document what exists currently, provide a report on each court's social media info, and recommend a convention for social media handles. Report can be provided to courts.

Task Force group 2: Communications projects (Recommendations 7, 10, 11, 12, and 13)

Task Force members to determine what the media thinks would be helpful (format, frequency, content) that the AOC will host or post periodically. Based on existing programs around the country. Once developed, AOC will maintain the program, scheduling, and participation.

Develop an employee guide as higher-level guidance for line staff that will often result in "contact your supervisor" rather than something that potentially sets up clerks and call center staff to try tackling disinformation on their own. Supervisors will refer to the playbook that's referenced in Recommendation 12. Task Force members to develop the employee guide content, format, images, etc. from existing resources and original content. AOC Education Services can maintain in education library.

Task Force workgroup to draft sample language, formats, and options (online web survey, comment cards, website popup, etc.) for internal and external feedback. Distribution to courts can be through AOC Court Services Division.

Playbook audience is court administrators, presiding judges, elected clerks. Task Force workgroup to draft a playbook in sections with original content and from resources already in place (NCSC, CCPIO, ABA, ABOTA). AOC requests section on handling high-profile cases – specifically for superior courts and what their options are if they don't maintain their own website (for example, can smaller courts send documents to the AOC and have the AOC host their high-profile page for the duration of the case?) Once developed, AOC to review periodically for updates. Education Services to consult on creating a related COJET session and maintaining in Education Services library.

Task Force workgroup to develop public-facing outreach materials in consultation with the AOC's Public Information and Messaging workgroup, law librarians, and self-help center directors. What information and formats make sense for the intended purposes? AOC/PIM can promote and distribute final products. AOC will maintain and update materials.

Task Force group 3: Branding and forms (Recommendations 14, 15)

The Task Force workgroup will draft or compile a guide for courts on how to approach a branding plan – overview and planning steps – not to the level of choosing colors and fonts. There may be an existing resource that is user-friendly, rather than creating anything new. The Ohio Supreme Court is one potential guide that is already available online or through the court PIO network.

The Task Force workgroup will develop recommended language that can go on all court orders or forms where space allows, encouraging the public to verify the accuracy of official court records. Member should consider that URLs can be spoofed, and websites can be made to look official or can be similar to official information, such as a “.org” or “.com” ending when the official website is “.gov”. The Task Force will not propose a court rule or other mandate on language because of the variety of forms, mandates, and available space on existing documents.

Task Force group 4: Our Courts Arizona-related recommendations and output (Recommendations 1, 3, 8, and 9):

The AOC suggests volunteers for educational outreach seek effective, statewide approaches and outcomes and that materials be available online in a format that schools and interest groups can access, view, download, etc. on their own schedules. Review NCSC school outreach materials.

Workgroup to identify courts and subject matter areas to include in a committee that can provide input on the program and review content. The AOC’s Education Services can house the work product, like they’ve done for legacy OCA.

The workgroup or OCA committee should develop a “contact-us” website process to connect groups with court presenters and track related numbers, impact, and results. The AOC can market the program.

For OCA content and other educational outreach content, workgroup efforts will include researching what exists currently, reviewing materials for updates/edits and recommending new language, products, updates, and formats. The AOC’s PIM workgroup can help with this, as the current content producers are in that workgroup (AZ Bar Foundation, law librarians, PIOs). The AOC’s Education Services Division can help produce content. Once content is created or updated, the Task Force workgroup, PIM, and AOC Court Services Division can help distribute/market. Education Services would maintain as part of OCA.

One-time project for on-hold messages: The workgroup can draft a short (15 second) message about media literacy and disinformation that can be used in local courts. AOC Education Services can help produce content by doing an audio recording file that courts can use on their systems or a transcript of the text for courts to record locally, depending on the type of system available. Once content is created or updated, Task Force workgroup and AOC’s PIM can help distribute/market. AOC Education Services would maintain as part of OCA.

Task Force group 5: Technology Monitoring and Rapid Response (Recommendations 18, 22, and 24)

The AOC will further review the Rapid Response Team concept and provide the Task Force with an approach, including the use of “influencers” in addition to or instead of Rapid Response Teams and other options. The Rapid Response Team recommendations will be brought back to the Task Force later in 2021. In the interim, this workgroup will consider the RRT concept and other options (including reviewing what other states do and consider an AZ version that could include an approach, team or influencer membership, guidelines, what entity it would operate from, etc.).

Like the Rapid Response Team concept, the workgroup can review countering disinformation with other groups like American Board of Trial Advocates. The AOC recommends that when collaborations are proposed (ABOTA), equivalent advocacy/interest groups be included as well, to ensure representation (plaintiffs’ bar and defense bar, etc.). When collaborations can be arranged, Task Force members will be recruited as volunteers. Collaboration concepts will be brought back to the Task Force later in 2021.

While this workgroup awaits review and input from the AOC regarding RRT and collaborations, the workgroup can look for relevant technology and report back to the Task Force monthly. Results can be shared on the AOC’s website, through the AOC’s PIM workgroup, or other distribution outlets as options become available.

Recommendations the AOC will begin or further review, and one-time efforts:

Rules (Recommendations 16, 17, 19)

The Chair will draft a rule petition and comment to file on behalf of the Task Force to cover Recommendations 16, 17, and 19. The Task Force will review and approve a final version at the December 2020 Task Force meeting. The deadline for filing the rule petition is January 10, 2021.

Education liaisons (Recommendation 2):

Two members are sought: One to attend meetings of the Arizona Council for the Social Studies, and one to attend meetings of the Arizona Department of Education’s Civic Education Community Engagement Program (CE2). **Interested members should notify the Chair by November 30, 2020.**

Admin Order extending the Task Force’s term (Recommendation 27):

The Chair will draft the Administrative Order extending the Task Force’s term. Members who want to stay on the Task Force should notify the Chair by November 30, 2020.

Other Pending/Dependent items (Recommendations 20, 21, 23, 25, and 26):

The AOC will draft a formal letter to the NCSC requesting that they establish a liaison between state courts and the social media platforms, that a study network be formed with AZ participation, and that task force members are available for NCSC workgroups and projects. After the AOC letter, the Chair will periodically follow-up with NCSC and be AZ's liaison for disinformation projects and collaborations.

The Chair will investigate options for how the AOC and courts can establish an opt-in system for the public to provide contact information such as email addresses or a phone number to receive text messages, thus allowing Arizona's courts to more easily and quickly share information and to correct inaccuracies or disinformation. The AOC will share the results/recommendations with the Task Force members and the Access to Justice Committee's Public Information and Messaging group (PIM) for implementation/distribution. Once established, the AOC-hosted solution can share lessons learned and disinformation responses with other courts' programs (Maricopa, Pima, etc.) to forward/share with a larger audience in the event of disinformation response.

Posting federal FARA information in Arizona: The Chair will ask Task Force member Susan Dzbanko if AZ Homeland Security will take this on. If not, the Chair will reach out to AZ Department of Public Safety and the Secretary of State's Office. In addition, the AOC will send a formal letter to the Conference of Chief Justices and the Conference of State Court Administrators requesting their legislative committee work with the executive branch for updates to FARA that would improve the publication of foreign agent notices.

4. Arizona Supreme Court Ethics Advisory Opinion EO-19-0010. The Chair explained to members that an attorney ethics advisory opinion was posted to the Court's website. The website was experiencing an outage, preventing the members from reviewing the information during the meeting.

The opinion addresses situations where an attorney's client or former client posts complaints against the attorney or the attorney's representation and recommends that attorneys not respond to those complaints, citing concerns about attorney/client confidences. By consensus, the members agreed to review the opinion and consider submitting a comment by the January 4, 2021 deadline. The Chair will draft a comment for the members' review at the December 2020 Task Force meeting.

The opinion is posted online at www.azcourts.gov/Portals/26/AEA%20Committee/EO%20Requests%20and%20EO%20Drafts/EO-19-0010%20Draft.pdf and current comments are posted at <http://www.azcourts.gov/cld/Attorney-Ethics-Advisory-Committee/Proposed-Ethics-Opinions/EO-19-0010-Comments>.

5. Call to the public. The Chair made a call to the public at 11:47 and 11:51. At the later call, Lori Ford reported that due to the AOC's website outage, she was unable to obtain the public meeting information on the day of the Task Force meeting until just before the call to the public, resulting in her not hearing the day's discussions. The Chair noted that public notice is

posted on the first floor of the State Courts Building in addition to the website ahead of all public meetings. The Chair advised Ms. Ford that the next Task Force meeting will be December 9, 2020, starting at 10:00 a.m.

6. Roadmap. The members selected Wednesday, December 9, 2020 at 10:00 a.m. as the next Task Force meeting, to review assignments and to review court rule and attorney ethics opinion drafts. Members will select 2021's monthly meeting days and times at the December meeting.

7. Adjournment. The meeting adjourned at 11:55 a.m.

Next meeting: Wednesday, December 9, 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