

**Task Force on Countering Disinformation
State Courts Building, Phoenix
Meeting Minutes: December 9, 2020**

Members attending (telephonic unless otherwise noted): Aaron Nash (Chair) (in person), MJ Abril, Hon. Bradley Astrowsky, Jessica Fotinos, Eduard Goodman, Joe Hengemuehler, Patience Huntwork (in person), Krisanne LoGalbo, Scott Ruston, Deborah Schaefer

Absent: Fredric Bellamy, David Bodney, Pete Dunn, Susan Dzbanko, Hon. David Fuller, Dawn Gilpin, 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 10:03 a.m.

The Chair welcomed members and made administrative comments. Members were thanked for their service on the original Task Force, the term of which ends with this meeting. Members who volunteered to continue will be submitted to the Chief Justice for a new Administrative Order extending the Task Force for another year for implementing the recommendations in the Task Force's October 1, 2020 report.

2. Approval of minutes. The Chair called for corrections to the November 18, 2020 meeting minutes and noted that the September 16, 2020 meeting minutes were unable to be approved in November for lack of a quorum. No corrections were offered to the November minutes.

Motion: A member moved to approve the September 16 and November 18 minutes. The motion was seconded and approved unanimously. CDTF: 25

3. Meeting schedule for 2021. The members discussed and agreed by consensus to continuing the Task Force meetings on the third Wednesday of each month from 10:00 until Noon, subject to adjustments as needed.

4. Formal action on rule petition and ethics opinion comment. The members reviewed a draft Rule petition to implement the Task Force's recommendation for a change to Code of Judicial Conduct Rule 2.10 and the comment following the rule. A member suggested a revision to the order of the language as drafted, while maintaining the substance.

Another member suggested clarifying that the Task Force's intent is that responding to misinformation and disinformation has broader application than pending and impending matters, as Rule 2.10 might suggest. The members agreed that the petition should clarify this point, leaving it to the Court to modify the proposed language or to create a new rule section that would incorporate the intended scope.

Motion: A member moved to approve filing the rule petition, as modified during the meeting, and with clarifying language about the scope and intent of the recommendation. The motion was seconded and approved unanimously. The Chair will make the edits and file the petition by the January 2021 filing deadline. CDTF: 26

The members reviewed a draft comment to the Attorney Ethics Advisory Committee Opinion EO-19-0010, related to attorneys' ability to respond to a client's online review of the attorney or the attorney's services. Multiple members suggested that the Task Force comment include stronger language encouraging that the Advisory Committee adopt the position of the Committee's dissent. The Chair made the recommended changes during the meeting.

Motion: A member moved to approve submitting the comment to the Attorney Ethics Advisory Committee, as modified during the meeting. The motion was seconded and approved unanimously. The Chair will make the edits and submit the comment by the January 2021 deadline. CDTF: 27

5. Workgroups and assignments. The Chair reviewed the five workgroups that incorporate the Task Force's October 2020 recommendations and added members to each. The Chair will distribute the workgroup information to the members and coordinate workgroup leaders, who will schedule regular meetings and determine approaches that will result in updates and work product the Task Force members can review each month.

A member asked if workgroups can receive input from others who are not members of the Task Force. The Chair confirmed that, like the original Task Force, workgroups can seek participation and input as needed from others who have subject matter expertise in the topic on which they are working. The October 2020 Report and Recommendations will provide the workgroups with guidance on what to deliver to be considered successful implementation. However, members are encouraged to adapt their approaches based on new information or better alternatives that arise and meet the spirit of the original recommendations.

6. Call to the public. The Chair made a call to the public. Lori Ford reported that she had some difficulty joining the meeting at the beginning but was eventually able to join the meeting, then offered comments.

7. Roadmap. The next Task Force meeting will be in January 2021. Members will receive the meeting details by email.

Member Jessica Fotinos informed the committee that the Conference of Court Public Information Officers (CCPIO) is hosting several webinars as an alternative to their annual conference, which had to be cancelled in 2020. Jessica is a member of CCPIO's education development group and CCPIO intend to offer a session on disinformation. Arizona's Task Force will be a topic of discussion and possibly panel members. A date and time have not been scheduled, but CCPIO anticipates the webinar will take place in February 2021, with more details to follow.

8. Adjournment. The meeting adjourned at 10:57 a.m.

Next meeting: Wednesday, January 20, 2021, time TBD.

Arizona State Courts Building, Conference Room 230
1501 W. Washington St., Phoenix, AZ 85007
Link for remote audio/video attendance to be provided