

**Task Force on Countering Disinformation  
State Courts Building, Phoenix  
Meeting Minutes: March 17, 2021**

**Members attending** (remote unless otherwise noted): Aaron Nash (Chair) (in person), Shelly Bacon, Fredric Bellamy, Jessica Fotinos, Eduard Goodman, Joe Hengemuehler, Patience Huntwork (in person), Krisanne LoGalbo, Scott Ruston, Deborah Schaefer

**Absent:** Hon. Bradley Astrowsky, Hon. David Fuller, Dawn Gilpin, Hon. Todd Lang

**Guests:** Elizabeth Parker. Public members: Lori Ford, Malinda Sherwyn.

**Administrative Office of the Courts (AOC) staff:** Alicia Moffatt

1. Call to order. The Chair called the meeting to order at 10:01 a.m.

The Chair welcomed members and made administrative comments. Due to a scheduling conflict, the members agreed to change the date of the October 20, 2021 task force meeting to Wednesday, October 13, 2021.

2. Approval of minutes. The Chair called for corrections to the February 17, 2021 meeting minutes. None were offered.

Motion: A member moved to approve the February 17, 2021 minutes. The motion was seconded and approved unanimously. CDTF: 2021-3

3. Liaison updates.  
Arizona Council for the Social Studies (ACSS)

<http://acssaz.org/>:

The Chair, as task force liaison, updated the task force on the latest meeting:

- The March meeting fell during spring break and was a planning meeting for the ACSS annual conference. The Chair will attend the April meeting and report following that meeting.

Task force input for the liaison's follow-up:

- Krisanne LoGalbo offered to make Pima County Superior Court's Law Day virtual event available to ACSS and CE2. The Chair will extend the offer and share contact information for other teachers and schools to participate.

Civic Education Community Engagement Program (CE2)

<https://www.azed.gov/civicengagement>:

Tabled. Task force liaison Judge Fuller was unavailable to attend the task force meeting and report.

4. Workgroup Reports. The members provided updates on workgroup progress.

Workgroup 1: Lead, Debi Schaefer. Cathleen Cole provided a tracking sheet for Arizona court information that workgroup members are filling in with court web and social media presence information. Based on initial research the workgroup will develop a survey of related court needs and ability. Some courts share web and social media resources with their city or county and rely on others for making changes and updates.

After noting websites where the public posts disinformation or hate speech about judges, the workgroup considered adding a task of promoting official sites where the public can comment on judicial officers. For example, the Judicial Performance Review committee specifically takes public comment as part of the process of evaluating judges. Acknowledging the public's right to post opinions as they see fit, the workgroup seeks to inform the public that there is an official source for submitting comments about judges' performance.

The workgroup suggested informing the bench about problems associated with individuals using social media to pose as the official account of a judge or court, as it can be difficult to report and recover unofficial, or look-alike accounts. The Chair will add this topic to information covered during the judicial conference. Members are encouraged to send the Chair other suggestions and examples. The Chair's judicial outreach will include examples of how social media was effective in sharing positive messages and sharing timely information like unexpected court closures and power or website outages.

Workgroup 2: Lead, Krisanne LoGalbo. The workgroup met with the president of the Arizona Broadcasters Association to discuss organizing periodic, informal discussions with media representatives, judges, and court public information officers. Topic examples included updates on the progress of high-profile cases, questions and answers, and explaining terms and procedures. A member noted the importance of explaining the "why" behind court events and procedures to promote understanding and to encourage questions and further discussion.

The workgroup discussed the employee guide recommendation. Discussions with judicial branch trainers, staff, and judicial officers indicate that most front-line staff do not encounter disinformation campaigns as such and would not likely engage with customers on the subject. Rather than an employee guide, the workgroup suggests that judicial branch trainers and courts address disinformation in their new employee orientations and customer service courses as a way of raising awareness and elevating disinformation issues to management. The group suggested that the AOC could record a COJET class on the topic that could be shared with the judicial branch for this purpose.

As part of the more comprehensive disinformation playbook from the recommendations, the workgroup suggests including the Media Guide prepared in collaboration between the National Center for State Courts (NCSC) and the Conference of Court Public Information Officers (CCPIO). The Media Guide covers social media, media relations, and other relevant topics and is periodically updated by the NCSC and CCPIO. Several other resources and materials were mentioned for including in the playbook, such as media literacy materials. The Chair noted that some of those publicly available resources can be included now on the "Resources" section of the task force's webpage.

Workgroup 3: Lead, Chair Aaron Nash. The workgroup reviewed branding guides from various entities and discussed web design for Arizona's effort. The workgroup is reviewing verification language that courts can use on their forms and orders and will have language to

present to the task force at the next meeting. Members are encouraged to share suggestions or examples for that project.

Workgroup 4: The Chair provided the update. The workgroup is considering ways to track outreach and participation. There may be a statewide database model to follow and the workgroups developed a manual tracking sheet as an alternative. The Chair is working with the Arizona Bar Foundation for the option of using their online outreach and education matching website for K-12 presentations while building an equivalent on the AOC website for all other presentations. Technical design and other questions still need to be discovered and resolved.

Judge Fuller drafted a recruitment email to generate interest in the revitalized outreach program among judges. Further edits and an approach for how and when to send the information is pending.

The workgroup discussed creating a “Community Outreach Award” to recognize judicial branch individuals who make substantial efforts toward community outreach and as a way to bring attention to the courts’ outreach programs.

Judge Fuller and Alicia Moffatt reviewed the current Our Courts Arizona webpage and discussed improvements to make the page more contemporary and effective for its purposes.

Workgroup 5: Lead, Jessica Fotinos. The workgroup is aware of an independent Rapid Response Team (RRT) forming a 501(c)(3) to potentially address misinformation and disinformation about judges and the judicial branch. That RRT will likely be a bipartisan or nonpartisan collaboration that will address misstatements of law and procedure. That group’s makeup, efforts, and actions will be independent of the RRT concept the task force pursues. The Chair will obtain further input from the AOC about the task force’s recommendations for a RRT.

The workgroup is compiling a list of local and statewide media outlets for education and outreach. The workgroup is also documenting major social media providers’ steps for reporting disinformation to their websites. That document will be dynamic to accommodate changes to which outlets are popular over time and as they change ownership or focus.

The workgroup is reviewing online monitoring services that can flag potential disinformation or hate speech. These services usually involve some cost to purchase, subscribe, or maintain and may not be practical for those reasons. A member noted that the task force’s role is not to police content but to identify campaigns and trends. Promoting facts is more effective than engaging with those promoting disinformation. A member suggested including any practical monitoring and reporting information into the playbook that is being developed.

The Chair is following up on the recommendations that call for reaching out to the American Board of Trial Advocates and the American College of Trial Lawyers.

5. Conforming changes to the Arizona Code of Judicial Administration (ACJA) regarding disinformation. The Chair updated the members on the progress of the rule petition and the conforming ACJA changes.

The Commission on Judicial Conduct (CJC) filed a comment to the task force petition. The CJC supports the petition, with the exception of the task force's use of the phrase "unsubstantiated allegations." The CJC prefers using the current language in Canon 4, Rules 4.1 and 4.3: "unfair allegations." The task force's petition referred to Rules 4.1 and 4.3 where "unfair" appears, but did not address changing the word in those rules.

The task force debated whether to keep or change the phrase in its petition. Members recalled earlier task force meetings where "unsubstantiated" was purposefully chosen as a higher burden and clearer than "unfair." A member stated that "unfair" makes sense in that it gives judicial officers more discretion in responding to unique situations and asked if "unfair" appears in other code sections or model codes where keeping the word would favor consistency.

If the task force recommends maintaining "unsubstantiated" in its petition, the task force's reply should include a request that the Court, on its own, change "unfair" to "unsubstantiated" in Canon 4, Rule 4.1 and 4.3 to conform. Whether the task force uses "unsubstantiated" or "unfair," the ACJA proposals will need to reflect the final decision for consistency.

A motion was made and seconded to change "unsubstantiated" to "unfair" in the reply to the petition, but after discussion the motion was withdrawn to allow the members to further debate at the next task force meeting with more members present.

6. Call to the public. The Chair made a call to the public. Lori Ford and Malinda Sherwyn addressed the task force.

7. Roadmap and comments for the good of the order. The next Task Force meeting will be April 21, 2021 (virtual).

8. Adjournment. The meeting adjourned at 12:20 p.m.

Next meeting: Wednesday, April 21, 2021, 10:00 - Noon.

Arizona State Courts Building, Conference Room 230  
1501 W. Washington St., Phoenix, AZ 85007

Link for remote audio/video attendance to be provided