

**Task Force on Countering Disinformation  
State Courts Building, Phoenix  
Meeting Minutes: May 19, 2021**

**Members attending** (remote unless otherwise noted): Aaron Nash (Chair) (in person), Hon. Bradley Astrowsky, Shelly Bacon, Kate Merolo (proxy for Fredric Bellamy), Jessica Fotinos, Victoria Stratton (proxy for Dawn Gilpin), Tiarra Earls-Haas (proxy for Eduard Goodman), Joe Hengemuehler, Nancy Rodriguez (proxy for Hon. Todd Lang), Krisanne LoGalbo, Logan Clark (proxy for Scott Ruston at start of meeting), Scott Ruston, Deborah Schaefer

**Absent:** Hon. David Fuller, Patience Huntwork

**Guests:** Public members: Lori Ford, Malinda Sherwyn, Steven Isham, Martin Lynch, Unidentified caller

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

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

The Chair welcomed members and proxies and made administrative comments. Member proxies introduced themselves to the Task Force.

The Chair updated the members on progress with implementing the Task Force recommendations and restated public comments from the prior meeting about matching messages to audiences and communicating in ways mindful of the digital gap to accessing information and in formats and materials appropriate for wide-ranging ages and abilities.

The Chair noted the Task Force filed a comment supporting the dissent to an Ethics Advisory Opinion and the Court referred the proposed opinion back to the Ethics Advisory Committee to further consider the opinion's dissent.

Members were reminded not to use the virtual chat feature for items that should be announced publicly, such as votes or other input on Task Force business.

The Chair suggested extending monthly meeting by one half hour to allow more time for Task Force business. Members and their proxies were requested to provide input on whether they prefer to start earlier or stay later.

2. Review and approve Reply to Task Force rule petition. Members reviewed the posted draft reply to the pending rule petition. The members agreed to change the phrase "counter attacks" with the phrase "address attacks." The change reflects a more neutral tone and better reflects scenarios where an allegation or attack does not warrant countering or opposition but could be addressed in another appropriate way.

Motion: A member moved to approve the Reply as amended during the meeting. The motion was seconded and approved unanimously, authorizing the Chair to make final, non-substantive edits to reflect the Task Force's discussion and to file the Reply with the Court before the filing deadline. CDTF: 2021-6

3. Conforming changes to the Arizona Code of Judicial Administration. Members reviewed the posted draft amendments to two sections of the Arizona Code of Judicial Administration (ACJA). The amendments are to conform the ACJA for elected clerks and judicial branch staff to the language submitted in the rule petition that applies to judicial officers, including the phrase change from "counter attacks" to "address attacks."

Members reviewed ACJA section 1-308, applicable to elected clerks, which closely resembles the language in the rule petition.

Motion: A member moved to approve the proposed amendments to ACJA 1-308 as modified during the meeting. The motion was seconded and approved unanimously. The Chair will finalize and submit the proposal through the AOC's process. CDTF: 2021-7

Members reviewed ACJA section 1-303, applicable to judicial branch employees. The Chair noted sections where AOC Legal recommended further edits. The edits were intended to clarify that judicial branch employees could respond to allegations or attacks where a connection could be made to their work in the judicial branch and after consultation with a supervisor. Discussion followed.

Motion: A member moved to approve the proposed amendments to ACJA 1-303 as modified during the meeting. The motion was seconded and approved unanimously. The Chair will finalize and submit the proposal through the AOC's process. CDTF: 2021-8

4. Review and approve drafts. Members reviewed the posted drafts of pending workgroup assignments that would fulfill Task Force recommendations.

Members reviewed language for a survey and its accompanying email. The survey will go to court leadership to obtain information about courts' website and social media presence and their ability to post messages online, either directly or through another entity. The survey is intended to be in place for a two-week period, after which the workgroup can assess the results and the Chair can reference the results at the upcoming Judicial Conference.

Motion: A member moved to approve the survey and email language as modified during the meeting. The motion was seconded and approved unanimously. The Chair will finalize the materials and administer the survey through the AOC. CDTF: 2021-9

Members reviewed verification language for court forms and selected a sentence to recommend to courts. Discussion noted that forms vary widely, and the custodian of forms varies widely and can change. The selected sentence was modified to account as much as possible for scenarios applicable to court-provided forms, whether the forms are maintained by a court, a

clerk's office, a probation department, the AOC, or otherwise. The members acknowledged the recommendation is a recommendation only, not binding on any court or department.

Motion: A member moved to approve the forms verification language as modified during the meeting. The motion was seconded and approved unanimously. The Chair will finalize the language and distribute it through the AOC as a recommendation from the Task Force to the judicial branch. CDTF: 2021-10

Members reviewed language for a recommended on-hold message for courts that have on-hold messaging and can get those messages recorded. The members acknowledged the recommendation is a recommendation only, not binding on any court or department, understanding the recommended language could be used verbatim, modified, or used as inspiration for other messaging.

Motion: A member moved to approve the on-hold message as modified during the meeting. The motion was seconded and approved unanimously. The Chair will finalize the language and distribute it through the AOC as a recommendation from the Task Force to the judicial branch. CDTF: 2021-11

5. Approval of minutes. The Chair called for corrections to the April 21, 2021 meeting minutes and noted corrections to be made, as posted in the meeting materials. No other corrections were offered.

Motion: A member moved to approve the April 21, 2021 minutes, as amended. The motion was seconded and approved unanimously. CDTF: 2021-12

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

Workgroup 1: Lead, Debi Schaefer. The workgroup completed the language for its survey for courts, including whether they have social media they can use, whether they can get a message posted timely, and asking who performs the public information officer role when needed at each court. The members approved the survey and accompanying email language earlier in the meeting. If compiled in time, results will be presented at the next Task Force meeting and will be discussed at the Judicial Conference.

The workgroup is preparing recommendations for social media “handles” courts can use and creating step-by-step instructions for courts to create a social media account on the most popular platforms to make it easier for courts to secure a presence online. If prepared in time, drafts can be presented at the Judicial Conference.

A member suggested the Task Force recommend courts create a social media policy. Examples are available from the National Association for Court Management and others, which the Task Force work product can link to as a resource.

Workgroup 2: Lead, Krisanne LoGalbo. The workgroup is developing a single-page information sheet for the public. The concept is a laminated page that can be posted at libraries,

law libraries and courthouses, covering disinformation and media literacy topics. An online version could have active links to resources mentioned in the sheet. The workgroup plans to present a draft to the Task Force during the June meeting.

The countering disinformation playbook discussed previously is still pending. The Chair and Krisanne are organizing other available playbook-type materials into an Arizona-centric product. The concept is among the more resource-intensive recommendations and is anticipated to take several more months of preparation.

The options for internal and external feedback to courts and training in lieu of an employee guide are still in development.

Workgroup 5: Lead, Jessica Fotinos. The Chair gave an update on the Rapid Response Team concept. He and Judge Astrowsky met with representatives from the California Judges Association (CJA) to discuss their Rapid Response Team equivalents. California's concept is the only known system of its kind.

The CJA group houses two subgroups that act as rapid response teams. Both make an initial determination if the identified content is protected First Amendment speech before taking additional steps.

The Response to Unfair Criticism Committee (RTUC) has been around for decades. Members are members of the CJA only. If a judge agrees, the RTUC will give guidance and recommendations for response options, but neither the RTUC nor its members respond on behalf of a judge. The judge or court has to choose to proceed directly.

The Judicial Fairness Coalition (JFC) was established in 2018. Members are active and retired judges, bar association leaders, law school deans and professors, and the JFC has ABOTA participation (Board of Trial Advocates). A response to a statement would likely be a letter to the editor or some other outreach by an individual, not from the JFC as such and not from the judge or court. Response time is around half a day based on an impromptu roundtable after a statement has been identified for review and response.

The workgroup is progressing on comprehensive information showing the steps for reporting or flagging content on individual platforms for review as misinformation or disinformation under the platforms' terms of use and standards.

Work is progressing on compiling a list of Arizona media outlets and tracking technology that could help identify disinformation messaging.

To accommodate the remaining meeting time, the Chair tabled reports from Workgroups 3 and 4 to the next Task Force meeting.

7. Liaison updates. To accommodate the remaining meeting time, the Chair tabled the liaison reports to the next Task Force meeting.

8. Call to the public. The Chair made a call to the public. Lori Ford and Malinda Sherwyn addressed the Task Force. Steven Isham did not make comments during the call to the public but submitted written comments to the Chair following the meeting, which the Chair forwarded to the Task Force members by email. Other public members did not offer comments.

9. Roadmap. The next Task Force meeting will be June 16, 2021. The meeting notice will indicate if members and the public can attend in-person. The meeting will also be available virtually. Depending on responses from the members, the meeting will start earlier or go later. Meeting times will be included in the meeting notice.

10. Good of the Order and adjournment. The Chair thanked the members, their proxies, and the public for their attendance and participation. The Chair reminded the members that the rule petition reply includes language similar to the original petition, emphasizing the Task Force's intent that the ability to respond to allegations or attacks extends beyond pending or impending matters.

The meeting adjourned at 12:04 p.m.

Next meeting: Wednesday, June 16, 2021, time TBD: 9:30 – Noon or 10 – 12:30.

Arizona State Courts Building and Virtual  
1501 W. Washington St., Phoenix, AZ 85007

Link for remote audio/video attendance to be provided