

**Task Force on Countering Disinformation
Content for Attorney Ethics Advisory Opinion comment by 1/4/2021 deadline**

Aaron Nash, Chair
Arizona Supreme Court Task Force on Countering Disinformation
1501 W. Washington St., Ste. 410
Phoenix, Arizona 85007
(602) 452-3656
anash@courts.az.gov

The Arizona Supreme Court Task Force on Countering Disinformation (Task Force) makes the following comments in response to proposed Attorney Ethics Advisory Opinion EO-19-0010.

The proposed opinion directs against attorneys using attorney/client confidences when responding to clients' or former clients' online reviews of the attorney. After a year of research and study into misinformation and disinformation, the Task Force understands that attacks on an individual's reputation can be unfounded or baseless and asserted for limitless reasons or no reason at all. Such allegations can harm not only an individual's reputation and livelihood but can cast the entire judicial system in an unfavorable or untrustworthy light. The Task Force found that there are options allowing individuals to counter allegations with objective, factual information without violating confidences or through the "proportionate and restrained" approach referenced in the opinion's dissent.

The Task Force encourages respecting the expression of individual opinions, both of attorneys and their clients. The Task Force recommends adoption of the Dissent's approach, for the reasons stated therein.