

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
ESTABLISHMENT OF THE TASK)	Administrative Order
FORCE ON COUNTERING)	No. 2019 - <u>114</u>
DISINFORMATION)	
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)	

The Arizona Judiciary’s Strategic Agenda, *Justice for the Future, Planning for Excellence*, includes several initiatives on promoting public trust and confidence and promoting public awareness of courts and the role courts serve in our society. The First Amendment rights of freedom of speech and government transparency and accountability are foundational to public trust and confidence in our government institutions. Having accurate information is also foundational to this exercise of the right to criticize and seek redress of grievances.

Arizona’s courts recognize that there are people, organizations, and foreign interests that intentionally instigate or seed misinformation using social media platforms, bots, and artificial intelligence tools with the goal of undermining public confidence in government institutions, including courts. A task force will benefit Arizona’s citizens and litigants by examining ways in which public trust and confidence in Arizona’s judiciary could be undermined using these misinformation tools and strategies and by recommending steps the Arizona Judicial Council can take to prepare for and respond to these affronts.

Information from the National Center for State Courts and intelligence professionals agree that there are ongoing strategic disinformation campaigns aimed at undermining the American justice system. Whether foreign or domestic, Arizona’s courts must be prepared to address attempts to discredit the justice system through the use of disinformation. The American public benefits when individuals discuss and debate legitimate issues, and they suffer when outside influences manufacture or stimulate controversy for the purpose of weakening the U.S. system of justice.

The authenticity of court records, video, and digital communication are fundamental to the justice system. Counter to that interest is the rapidly advancing abilities of social media and technology as tools to alter or forge records and communication by those who would spread false or misleading information. To ensure the public maintains the high degree of trust they now have in Arizona’s courts, officials must be prepared to respond to engineered attacks.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that:

1. **ESTABLISHMENT:** The Task Force on Countering Disinformation is established.
2. **PURPOSE:** The Task Force shall submit a report of recommendations to the Arizona Judicial Council by October 1, 2020 that offers methods to help ensure accurate, verifiable facts and information remain available to the public. In fulfilling its purpose, the Task Force may:
 - a. Review examples of disinformation and misleading campaigns targeting the U.S. and Arizona justice systems;
 - b. Consider the need for local and national responses and information sharing related to disinformation and ways to communicate accurate information;
 - c. Consider a centralized point of contact to assist in identifying disinformation and having it removed while respecting individual opinions and First Amendment rights;
 - d. Consider state or local legislation that would require foreign agents to identify their content to the public;
 - e. Propose approaches to public education and communication that accurately reflect the roles and processes of courts;
 - f. Suggest technology and resources that can identify disinformation campaigns early enough to counter them with accurate information;
 - g. Identify public and private individuals and organizations that could share information to identify disinformation and respond with accurate information.
3. **MEMBERSHIP:** The individuals listed in Appendix A are appointed as members of the Task Force for a term beginning immediately and ending December 31, 2020. The Chief Justice may appoint additional members as may be necessary.
4. **MEETINGS:** Task Force meetings shall be scheduled at the discretion of the Chair. All meetings shall comply with the Arizona Code of Judicial Administration § 1-202: Public Meetings.
5. **STAFF:** The Administrative Office of the Courts shall provide staff for the Task Force and shall assist the Task Force in developing recommendations and preparing any necessary reports and petitions.

Dated this 18th day of September, 2019.

ROBERT BRUTINEL
Chief Justice

Membership List

Task Force on Countering Disinformation

Chair

Aaron Nash
Arizona Supreme Court
Communications Director

Members

Fredric Bellamy
Cagle Carpenter Hazelwood
Data privacy and cybersecurity law

David Bodney
Ballard Spahr
Media, public policy, privacy law

Pete Dunn
Justice at Stake

Jessica Fotinos
Maricopa County Clerk of Superior Court
General Counsel and Public Information
Officer

Dr. Dawn Gilpin
Arizona State University
Associate Professor, Public Relations

Eduard Goodman
CyberScout
Global Privacy Officer

Joe Hengemuehler
State Bar of Arizona
Chief Communications Officer

Patience Huntwork
Arizona Supreme Court
Sr. Staff Attorney

Hon. Todd Lang
Judge, Superior Court in Maricopa County

Krisanne LoGalbo
Superior Court in Pima County
Community Relations Coordinator

William Long
Arizona Department of Homeland Security
Deputy Director

Dr. Scott Ruston
Arizona State University
Research Scientist, Global Security
Initiative

Deborah Schaefer
General and Limited Jurisdiction Court
Administrator

Hon. Donald Watts
Justice of the Peace, Manistee Justice Court